VOLUME I OF II

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Aiken County

Honorable G. Thomas Cooper, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICHAEL ANTWON FULLER,

APPELLANT

APPELLATE CASE NO. 2016-000672

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA — CIRCUIT COURT

COUNTY OF AIKEN — 2014-GS-02-01308, -09, -10, -11, -12, & -13

STATE OF SOUTH CAROLINA,

-vs- — TRANSCRIPT OF RECORD

MICHAEL ANTWON FULLER,
Defendant.

HEARD ON: TUESDAY, FEBRUARY 16, WEDNESDAY, FEBRUARY 17

THURSDAY, FEBRUARY 18 & FRIDAY, FEBRUARY 19, 2016

AIKEN, SOUTH CAROLINA

BEFORE:

THE HONORABLE G. THOMAS COOPER, JR.

AND A JURY

APPEARANCES:

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ON TUESDAY, FEBRUARY 16, 2016 AT 10:47 A.M.:

THE COURT: Ready to proceed with the Fuller case?

MS. BODMAN: We are, Your Honor.

THE COURT: Defense ready?

MS. ALVES: Yes, sir

THE COURT: All right. We need Michael Fuller out.

(Defendant enters courtroom.)

THE COURT: We're ready to start a trial of the State versus Michael Fuller. There will probably be no other, I hate to say, activities in this court this morning, at least for the next hour or two. So I don't know why everybody in the audience is here. You're certainly welcome to stay. It's a public courtroom and we're going to proceed.

Solicitor, call your case.

MS. BODMAN: The State calls the State versus Michael Antwon Fuller, 2014-GS-02-1308, -09, -10, -11, -12, and -13. This is for kidnapping, cSC in the first degree, possession of a stolen pistol, possession of a weapon during the commission of a violent crime, unlawful carrying of a pistol, and assault and battery in

the first degree.

THE COURT: All right. Can I get copies?

(Documents handed to the Court.)

THE COURT: Thank you.

Any matters pretrial in nature that need to come before the Court?

MS. BODMAN: Yes, sir, Your Honor.

Initially we have a Jackson v. Denno. We have statements that were made right upon his getting out of the vehicle on -- to the officers. Then we have a Mirandized interview, a dash-cam. And then we have an interview that was taken place at the Aiken Department of Public Safety.

So we would begin by calling Chris Medlin.

THE COURT: Ms. Alves, are you ready to proceed?

MS. ALVES: Yes, sir.

THE COURT: All right. Chris Medlin.

JOHN CHRISTOPHER MEDLIN, having been duly sworn, was examined and testified as follows:

THE CLERK: Have a seat in the witness box, stating your full name, spelling your last.

THE WITNESS: I'm Master Corporal John Christopher Medlin, M-E-D-L-I-N.

JOHN CHRISTOPHER MEDLIN - DIRECT BY BODMAN

DIRECT EXAMINATION

BY MS. BODMAN:

Q. And with whom are you employed?

A. With the Aiken Department of Public Safety.

Q. In what capacity?

A. I'm a master corporal on, in the patrol division.

Q. And how long have you been there?

A. For over 20 years.

Q. And essentially what are your duties and responsibilities?

A. Normally uniform patrol. Respond to calls for service whether they be traffic collisions, disturbances, various crimes that any regular uniform officer would respond to.

Q. Okay. I want to draw your attention back to December 20th of 2013. Around four o'clock in the morning, did you have occasion to go to Medical Park Drive and around Aurora Streets?

A. Yes, ma'am.

Q. And is that located in Aiken County?

A. Yes, ma'am.

Q. Okay. And tell us how that happened, how you were dispatched out there.

A. I was dispatched to a traffic collision on Medical Park Drive in the area of the Aiken Regional Medical

Center. And the call went out as there's a wreck here and possible man with a gun.

Q. Okay. So what happened when you arrived?

A. When I arrived I saw an SUV sitting sideways in Medical Park Drive blocking the road. It obviously had very severe rear-end damage.

Q. Were you the first person there or were other officers there?

A. I was the first officer on the scene.

Q. And was any of this captured on your dash-cam?

A. Yes, it was.

Q. Okay. So what do you do then when you first see this vehicle?

A. When I first saw the vehicle, I noticed that fluids were coming out. I asked for a fire truck to respond for safety of anybody that may be in there, safety of the scene. And I approached the vehicle to see if I could see anyone inside there and I did see a person inside in the back seat.

Q. You said you did or didn't?

A. I did. I approached enough that I could see someone inside there.

Q. Okay. So what do you do then?

A. I waited for back-up officers to arrive because of the report of a man with a gun in the back seat or in the

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car.
Q. So you essentially have a vehicle crashed and a report of a man with a gun?
A. Yes, ma'am.
Q. Any other additional information at this point?
A. That's all I had at that point.
Q. Okay. So it was, I guess, for safety's sake that you're not going to approach?
A. Correct.
Q. So you're waiting for back-up?
A. Yes, ma'am.
Q. So then what happens?
A. When other officers arrived on the scene we approached the vehicle to where we can see better inside and I saw a -- I saw a black male in the back seat of the vehicle who appeared to be unconscious.
Q. So what happens next?
A. We shine lights in the vehicle so we could see what was going on and ordered the -- ordered that person out of the vehicle.
Q. What happened?
A. He was able to come out of the vehicle through the driver's door and --
Q. So, the front seat?
A. Yes, ma'am.

Q. Okay.
A. Through the front seat, climbing over the front seat from the back and out the driver's door.
Q. Okay. And then what happens?
A. We, we took the -- took that person out and handcuffed him, secured him for everyone's safety. And we're investigating this traffic collision trying to figure out what happened.
Q. Okay. And so what, if any, exchange happened right there investigating this traffic collision?
A. We're asking him who he is, whose vehicle it is and such and he responded, it's my grandma's vehicle. It's my grandma's car.
Q. Any other exchanges that you remember at that point?
A. That's all I remember at that point.
Q. Okay. Who, if anybody, then takes custody of him or talks to him? Where does he go?
A. Myself and Officer Drumming we took the -- took that person, Mr. Fuller, took him to Officer Drumming's car and secured him in the back seat of his car.
Q. The dash-cam that you said captured this, what you just described, was there any sound on that dash-cam?
A. No, the microphone on my in-car camera did not work at the time.

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Q. Okay. Anything else that you recall he said to you?
A. No. Just, again, we asked him whose car it was, and he said, It's my grandma's car.
MS. BODMAN: No further questions at this time.
THE COURT: Cross-examination.
CROSS-EXAMINATION
BY MS. ALVES:
Q. Officer Medlin, at the time that you approached, did you know how long it had been since the actual crash?
A. Just assuming, you know, from our call, you know, that it had just been a few minutes and apparently hadn't been very long because of the amount of fluid coming out the vehicle. It was just coming down the road from it, so it hadn't been long at all.
Q. So I want to clarify. You could tell that it hadn't been long because of the fluids coming down from the vehicle?
A. That's an assumption because I've been in law enforcement for -- and emergency services for over 27 years. And it wasn't like the fluids had run a hundred yards or more down the street or anything. So the track -- the collision was pretty fresh.
Q. Okay. And you said that the black male that you

found in the vehicle, he was unconscious?
A. Yes, ma'am.
Q. And how long was it -- how long were you there, do you recall, before the other officers came?
A. It was just a matter of minutes.
Q. Okay. So during the minutes that you were there at scene waiting for the other officers to come, was the black male in the car still unconscious?
A. He appeared to be. Yes, ma'am.
Q. The black male I'm referring to is Mr. Fuller, right?
A. Yes, ma'am.
Q. Okay. And when the other officers arrived, was Mr. Fuller still unconscious?
A. He appeared to be. Yes, ma'am.
Q. And how was he able to be woken up?
A. By yelling and ordering, giving commands, shining flashlights at him, you know, our bright flashlights, and he responded.
Q. Okay. So how long did it take, do you remember? It was a few minutes of shining flashlights and yelling into the vehicle?
A. A short time a minute or two. We'd have to look at the video to see an exact time.
Q. Okay. And he was able -- do you know what injuries

that Mr. Fuller may have suffered in the crash?
A. No, ma'am. I don't know what injuries he may have suffered but he was able to climb out of the vehicle unassisted.
Q. Okay. And, but you don't know if he hit his head or anything?
A. I don't know. No, ma'am.
Q. And at that time you didn't know anything about anything that had happened?
A. No, ma'am. We were just investigating a collision.
Q. Okay. And the only thing he said was -- at that time to you was that he asked -- he said he was in his grandmother's car?
A. Yes, ma'am.
Q. Are you familiar with -- are you familiar with more the details of this case?
A. Ultimately through the investigation. Yes, ma'am.
Q. And in fact at some point that evening Mr. Fuller had been in his grandmother's car; is that correct?
MS. BODMAN: Objection to speculation.
MS. ALVES: I'm not, Judge --
THE COURT: Overruled. Go ahead. Go ahead.
BY MS. ALVES:
Q. Are you aware of whether or not Mr. Fuller had been

in his grandmother's car at some point that evening prior to being in the car that ultimately wrecked?
A. No, ma'am.
Q. You don't know?
A. No, ma'am.
Q. Okay. And when you were asking him questions, had he been seen by -- had he been treated by any kind of EMT at that time?
A. No, ma'am.
Q. Was he offered treatment at that time?
A. No, ma'am.
MS. ALVES: No further questions.
THE COURT: Any redirect?

REDIRECT EXAMINATION

BY MS. BODMAN:
Q. Did he ever ask any questions like, where am I?
A. Not that I recall.
Q. Who am I?
A. Not that I recall. No, ma'am.
(States Exhibit Nos. 1 through 3, CDs, marked for identification.)
BY MS. BODMAN:
Q. Did he seem at all to you dazed or confused?
A. Not that I remember.
Q. Did he seem to be under the influence of alcohol to

THE JURY (COLLECTIVELY): Good morning.

THE COURT: Ready to begin the trial. First I want to thank you, Mr. 29, for -- calling you Mr. 29, for agreeing to serve as foreperson of the jury.

All right. Madam clerk, swear the jury, please.

THE CLERK: Stand and raise your right hand.

(Jury sworn.)

THE CLERK: You may be seated.

THE COURT: All right. Ladies and gentlemen, before we begin the trial, I want to just take a moment and have some brief remarks to you.

I want to tell you that this trial might be different from what you might expect. Many people do not have the chance to attend actual trial sessions as you're now doing and maybe think from watching television or reading books or seeing movies that trials are always full of a lot of drama and action, things like that.

Well, these things may be true at times. This trial is not for entertainment. It's a fundamental part of our democracy, a search for

the truth in an effort to make sure that justice is done between the parties before the Court. And searching for the truth, making sure that justice is done, is often a slow, deliberate and repetitive process. The opposite of what you might see in television or movies.

This courtroom is a place of honor, dedicated to the protection and preservation of citizens' rights through what many have called the greatest justice system ever devised. The attorneys are advocates for the party they represent, but, first and foremost, they are officers of this Court, sworn to uphold the integrity and fairness of our judicial system and to help you in the search for the truth.

You should expect them to be professional, competent, and ethical in the representation of their client's interests. And, remember that each of you has taken an oath to try this case and reach a fair and just verdict. So you are also expected to be professional, reasonable, and ethical.

Now, as I told you yesterday, the Defendant is charged in several indictments. I'll explain the elements of these indictments later. But,

just for your -- to remind you what they are, and you may want to make a note. I think I've already passed out pencils and papers to you. There's six charges here. And during the course of this trial you're going to be asked, there's going to be evidence that's going to be presented as to each one of these.

But the testimony and evidence may be sort of a continuum. In other words, there may not be separate testimony as to each of the indictments. So it's going to be up to you to -- as you listen to the evidence in this case, to keep in mind what the State is trying to prove, what the Defendant is, the position they're taking on each of these elements, on each of these indictments.

Just to remind what you they are, the first indictment is for criminal sexual conduct. The easy way to write that is just CSC in the first degree. And that's, I think I read the indictment to you yesterday. What the sexual conduct was. It's stated in this indictment.

The second indictment charges the Defendant with kidnapping.

The third indictment charges the Defendant

and again, Mr. Michael Fuller, with assault and battery in the first degree.

The fourth indictment charges Mr. Fuller with unlawful carrying of a pistol.

The fifth indictment charges him with possession of a stolen pistol. I would assume but I don't know from the facts yet that it would be the same, same pistol but I don't know that.

And the sixth indictment is for possession of a weapon during the commission of a violent crime.

Those are the six charges that the State has brought against Michael Antwon Fuller. Now I remind you again that the indictments are simply the charges by which the case is brought into Court. It's not in any sense evidence of any of the allegations of these indictments.

And the Defendant has pled not guilty to all of these indictments. The State therefore has the burden of proof, of proving each of the elements of each of these indictments beyond a reasonable doubt. And it will be your duty, ladies and gentlemen, to decide whether the State has met that burden.

It's especially important during the course

of this trial that you perform your duty of determining the facts diligently and conscientiously because ordinarily there's no way to correct an erroneous determination of the facts by a jury. When you comply with your oath to impartially determine the facts of this case, you will have fulfilled your duty as jurors and no one will have a right to criticize your verdict.

And on the other hand and with equal emphasis, the same law that makes you the judges of the facts makes me the judge of the law. You must accept and follow the law, even though you may disagree with it. I cannot tell you what the facts are. You should not disagree with me about what the law is or what the law should be. Your job is to take the law as I explain it to you and apply it to the facts as you find them from the evidence and the testimony of the witnesses. And after doing that you will render your verdict, a true and just verdict, that you agreed to render under the solemn oath that you just took as jurors.

Now the procedure we'll follow is that the State will present its evidence first in the form

of witnesses, testimony or exhibits that will be made a part of the record. The Defendant will then have the opportunity to present his defense. Bearing in mind, however, there's absolutely no burden on the Defendant to present any evidence at all.

Following that the attorneys will be allowed to sum up their case and I will instruct you on the law of the State of South Carolina as it applies to this case. And after that the case will be turned over to you for determination.

Now let me remind you of two legal principles you need to keep in mind during the course of this trial. First is the legal yardstick you will use in judging or measuring the evidence in this case. That legal yardstick is known as the burden of proof or the responsibility of proving each of the elements of the indictment.

In criminal cases the burden of proof is on the State to prove guilt beyond a reasonable doubt. Should the State fail to meet that burden of proof it would be your duty to find the Defendant not guilty. There's absolutely no burden whatsoever on the Defendant to prove or

disprove anything. There's no burden on the Defendant to testify or to present any evidence in this case because the burden is and remains on the State of South Carolina to prove guilt beyond a reasonable doubt.

And secondly I ask you to recall my earlier comment to the entire jury panel concerning the presumption of innocence. This is the cardinal and fundamental rule of law; that the Defendant will always be presumed innocent of the crime or crimes for which he is indicted. The presumption of innocence is not just a simple legal theory. It's -- or a legal phrase. It is a substantial right to which any accused, including this Defendant, is entitled.

Now in just a moment the attorney for the State will make what's called an opening statement. The attorney will explain to you what the issues in the case are, at least what the attorney thinks the issues are and what the evidence will prove. The attorney for Defendant will also make an opening statement.

I tell you that what the attorneys tell you during their opening statements is not evidence in this case. It's only their contention as to

what the issues are. The evidence in the case will be presented to you by testimony of sworn witnesses from this witness stand and any exhibits that may be introduced during the course of the trial.

Now as I said yesterday when we left, until I advise you to begin your deliberations in this case, I'm going to ask you to please not discuss this case with anyone including your fellow jurors, friends or family members or anyone else involved in the case. After the case is submitted to you, you must discuss it only in the jury room with your fellow jurors.

Now in determining what the true facts are you must decide whether or not the testimony of the witnesses is believable. In deciding whether to believe a witness you have a right to consider whether a witness has any interest in the outcome of the case, whether the witnesses is prejudiced towards either the State or the Defendant, and the opportunity for that witness to have seen the matters and things about which the witness may testify, and the way the witness acts on the witness stand.

Now, ladies and gentlemen, you and I do not

ask questions. We do not offer exhibits. This is not CSI. Your duty is to listen openly and honestly to the evidence. Keep an open mind. Do not form any conclusions or judgments until you've received and considered all of the evidence in this case, the arguments of counsel, and my final instructions to you on the law.

Now as I said yesterday, if you cannot hear a particular witness or myself or one of the attorneys, please let us know. And we'll make sure they speak up more clearly. And if your view of some exhibit is obstructed for any reason, let me know. We'll correct that.

If you need to bring something to my attention during the course of the trial, please notify one of the bailiffs. If you do need to contact me it may be necessary that you put your inquiry in writing so that we may have a record of it. And I'll respond to you as soon as I -- as quickly as I can to the extent the law permits me to do so.

All right. Ladies and gentlemen, I want to thank you for your kind attention. I trust you'll give the same kind, undivided attention to the attorneys, the parties in this case.

We'll now begin with the opening statements. Solicitor.

MR. POTTS: May it please the Court.

Good morning, ladies and gentlemen.

This case today, the State versus Michael Fuller, is about fight or flight.

Now you all know what I'm talking about when I use that term. It's something that every person has. It's something that many animals have. When confronted with adversity, there is that initial gut reaction, do I stand up or do I flee. Do I back down or do I fight.

And that is what this case is about. In particular, it the fight or flight instinct of Katie Schlinger.

Now, ladies and gentlemen, her day didn't start off with adversity. In fact, back in December of 2013 she was here in Aiken, she's not from here, visiting her brother who was in the hospital who was having open-heart surgery. So Katie came up from Tallahassee with her family her ex -- her boyfriend, stepfather. And they were here and, you know, they were seeing him all hours of the day, staying with him as he was in the hospital.

He had his surgery and it went well. So that evening they all went out to dinner, had a few drinks to celebrate. They got back to the hotel at the Quality Inn after midnight. And you would think her day would end there. But it didn't.

She got into a fight with her boyfriend and he ended up leaving her, going back to Tallahassee by himself. So Katie, wired, strung up at this point, been up for a long time, decided she needed to go get some cigarettes and some alcohol and went out to the Kangaroo.

She went down there, purchases these two items and came back to the Quality Inn in the parking lot and just sat in her car, smoking her cigarettes and talking to a good friend back in Tallahassee.

Now, she couldn't go back to her room. Unfortunately these days all hotel rooms are no smoking. So while she's sitting there talking to her friend a man walks up. That man, the Defendant, Michael Fuller. Taps on her window and asks if he can borrow a cigarette. She says sure and they start chatting.

And before you know it he tells her he has

a relative in the hospital, too. And he would love to go see them. You know, this is three, 3:30 in the morning and Katie's not thinking anything of it. She was there all night long with her brother. She says, yeah, I'll give you a ride. You're here by yourself.

So they get in her car. They drive down Richland Avenue and turned down University Parkway. And there on the right is the hospital. As she's getting ready to turn the man goes no, no, no, not this entrance, we're going to use the second entrance for the emergency room. And so that's where Medical Parkway is. So Katie turns down there, gets not too far along when they get to the second kind of entrance to the hospital. And he goes, no, don't turn here and she continues a little bit. And the street the ahead is dark. The hospital's well lit. All she sees in front of her is darkness.

And she turns to tell him that they're going to turn around. He pulls out a gun on her and points it at her. Hits her in the back of the head and says, drive. Now, she starts to drive but, ladies and gentlemen, this is when flight or fight happens. This is when that

instinct kicks in.

And Katie chose flight. She got out of the car, ran across the street and she was tackled by the Defendant. He has her pinned to the ground in this grass and on top of her. And as she's struggling he then pulls down his pants and his boxers, and sticks his penis into her mouth.

Now, as she's struggling she managed to get out, if you take me to an ATM I have $1,000 I can give you. And that's enough to stop him. So he gets her up, grabs her by the hair and pulls her back to the car and says, drive. He gets in the passenger seat, has the gun on her. And they continue down this dark road, only getting darker with the lights from the hospital dimming in the distance.

Once again Katie reaches that point where she has to choose fight or flight. And this time she chooses fight. She puts the car into reverse and a struggle ensues. The Defendant continues to use the pistol to beat her in the back of the head and she hits the gas. She's trying to go back towards the lights of the hospital, trying to get back to where it's lit. And as they go back the car hops the curb and smashes into a

tree.

Katie then crawls out the window of the car because the Defendant was unconscious next to her. And goes and hides in some bushes.

Now, for his actions that day the Defendant's charged with six crimes. The first of them is kidnapping.

Now, kidnapping is not when you take a small child, you know, from his parents and take them somewhere else. Kidnapping's when you take anyone, you abduct them, inveigle them, carry them away, you seize them and go from one point to another. Basically I have some sort of force on you and I make you either move or not move. That is what in this state is kidnapping.

Then he's also charged with criminal sexual conduct in the first degree. Now, that is a sexual battery with aggravated force or a sexual battery that happens during a kidnapping.

So, what is aggravated force. Aggravated force is a gun, use a gun to accomplish sexual battery. That's aggravated force. That's CSC first degree. Now, sexual batteries also a leaded term but it also includes things like fellatio or oral sex. Okay.

He's also charged with assault and battery first degree. Assault and battery first degree is where you injure someone while committing a kidnapping in this case.

Also possession of a stolen pistol, unlawfully carrying a pistol, and possession of a weapon during the commission of a violent crime. And those are all pretty self-explanatory.

Now, on this dark Medical Park Drive soon a woman named Betty Corley drives up. And she sees this wrecked car sitting in the middle of the road. Now she's about to get out and go see what's going on. A woman rushes up to her and says, he's got a gun, he's got a gun, don't get out. And they start talking and Betty Corley then takes Katie and takes her back to the hospital.

Now, you're going to hear from people at the hospital. Dr. James Dillon and Mallory Harmon who are going to tell you about her injuries and how she had two broken vertebrae in her neck.

At the same time when all of this is happening once Katie is at the hospital a 9-1-1 call gets made. And then officers from the Aiken

Department of Public Safety respond to the collision scene. Corporal Medlin, Sergeant Spann, Demetrick Drumming and Kenyetta Corley.

You're going to see, it's on video, them approach the car and get the Defendant out. And once they get him out what do they find underneath him but a Titan .25 caliber pistol.

At this point the investigation begins into what happened. William Royster, investigator from Aiken Department of Public Safety, Jeremy Hembree, another investigator, they start putting pieces together. They start collecting items. They collect the gun. They collect clothes. They collect things, you know, to try to get more evidence, to start talking to people. Send off the clothes and other items to DNA for SLED.

Now ultimately that came back from unfruitful and you're going to hear from the DNA analyst at SLED who's going to explain all of that. But also we're able to trace some of Katie's movement that's night. Able to get some footage from the Kangaroo Gas Station where she bought her cigarettes and some wine. And you're going to see some footage from the Quality Inn where she was that night.

And they were also able to trace the stolen gun. It turned out it belonged to a couple named Mike and Tiffany Goodwin. And they're going to tell you it was stolen from that very hospital where Tiffany is a nurse.

They were also able to find a man named Dominique Paige. Now, Dominique Paige was with the Defendant earlier that evening. They were hanging out. And Dominique and the Defendant were both at that Kangaroo Gas Station when Katie was there. And Dominique's going to tell you that when this Defendant saw Katie he said, I'm going to get that white woman.

Ended up following her to the hotel, and that's where Dominique dropped him off.

Now, you're also going to hear the various statements the Defendant made. You're going to hear the statement he gave at the roadside where he says the crashed car was Dominique's. Where he says it was Dominique's gun. He has a female -- eventually when they confronted him about the female at the hospital he says, well, he asked a female to ride to the Gap. Then he changed his mind, he asked her for a ride to the hospital. And then he's going to say, in fact,

Dominique was driving his car.

You're also going to see a statement he gave to Billy Royster, Aiken Department of Public Safety. In there he's going to tell you that he was at that hotel to met a girlfriend, and that he ended up seeing the victim to drive him home. And he just passed out on the way there. The drive was so leisurely and the next thing he knows he was surrounded by law enforcement.

But you're also going to hear his jail calls where he's talking about -- first, he keeps it up with a passed-out story. Then he goes on. He explains that she was just mad for no reason and threw it into reverse and hit the tree. Then you're going to hear him talk about how there actually was a struggle, and how they were trying to get back and forth with that car.

You're going to hear all those different stories. But you're also going to hear from Katie Schlinger. And she's going to tell you about her decisions, both of flight and fight.

Now, ladies and gentlemen, in this trial we're going to come back to you once all the evidence is done and we're going ask you to render a guilty verdict on all these counts:

Guilty of kidnapping; guilty of CSC in the first degree; guilty of assault and battery first degree; guilty of possession of a stolen pistol; guilty of unlawful carrying of a pistol; and possession of a weapon during a violent crime.

Thank you, ladies and gentlemen.

THE COURT: Ms. Alves?

MS. ALVES: May it please the Court, counsel. Good morning.

I can think of a few things worse than being a victim of a kidnapping and a rape such that, such as the one that the solicitor just described here today. But there's one thing I can think of worse than that. And that would be being accused of kidnapping and rape when that's something you did not do. I can think of nothing worse than sitting there in my client's position being falsely accused of having done these horrible acts to this young lady.

Now, the Judge told you, Mr. Fuller sits there an innocent man. He is innocent until proven guilty. And the only way that that shield of innocence around him would be pierced is if you, the members of the jury, at the end of this trial, at the end of hearing all the information,

at the end of hearing what the Judge tells you about the law, decide that he's guilty.

And that's why you're here today. That's what our system is. Police just can't grab up somebody and say, hey, you're guilty of a crime and you're going to jail for whatever, just because somebody has said this.

The State has to prove to you beyond a reasonable doubt that Mr. Fuller did in fact commit all six of the offenses that he's charged with.

Now the solicitor talked about fight or flight. And he talked about how the flight was to run away. The flight here was, from his description was to slam her car into the tree. But there's other ways, there's other ways of flight. And that's what I'm going to ask you to consider. There's also flight. When you're in a bad situation, you're in a troublesome situation, to not necessarily to run away but to try to get yourself out of it.

And one of the ways to get yourself out of a bad situation is to tell a lie, to exaggerate something, to make something up. Maybe in your mind you've made it up in your mind and you

really believe it now.

But the question that we have here is why would this young lady tell this story about this man if it wasn't so. What was going on with her and what is her reasons to lie. And that's what we're here for today, to determine the truth because this is going to boil down to do you believe what she says or not. Do you believe whether or not she had a reason to tell a lie.

And I'm telling that I think that the evidence is going to show that she did.

Now it's not going to be, it's not going to come out -- this is not Matlock where somebody sits on the stand and tell you the whole case at one time. That's TV and I wish it was us because then we could all be home in an hour. But you're going to have to listen to all of the evidence, not just the State's side. You're going to have to listen to every witness. You're going to have to wait until the end of this case.

When the Judge tells you the law and you've heard from every witness presented, you've had all the evidence that we have to give you, and then you can make your decision about what actually happened out there.

And I ask you to listen to each witness carefully and listen to Ms. Schlinger's story carefully. Because the story that the solicitor told you here today is not exactly what she told the police on December the 20th of 2013.

Now the question is well, why, what's going on here. And that's for you to decide. I'm not going to sit here and tell you what the evidence is going to show because I could tell you what I'm expecting, then 10 different things will happen.

So I'm just asking you to wait until the end of the trial. Follow the Judge's instructions. Don't just rush to judgment just because somebody is charged with a crime. Anybody can get a piece and say you're charged with a crime. That piece of paper doesn't find anybody guilty of anything. Doesn't find anybody innocent of anything. It doesn't make the decisions. You're the jury who will make the decision about what happened on that day.

And all I'm asking you to do is wait until the end of the trial. Don't just hear what solicitor has said, see these charges and say, oh my goodness gracious, he must be guilty. Because

that's not what your role is as jurors. Your role is to, as the Judge said, keep an open mind and consider that that man is innocent unless he's proven guilty.

Wait until the end of the trial and give us a verdict that speaks the truth. Whatever that truth is that's what I'm asking you for because I know what the truth is. I know what the evidence is going to show. And I know what her reasons to lie are. And you're going to find them out, too.

And all I'm asking you to do is when you get -- you give us a verdict that speaks the truth because I am confident that that truth will be that Michael Fuller is not guilty of these charges.

THE COURT: Solicitor, call your first witness.

MS. BODMAN: The State calls Betty Corley.

BETTY CORLEY, having been duly sworn, was examined and testified as follows:

THE CLERK: Have a seat in the witness box up here, stating your full name and spelling your last.

THE WITNESS: Hi. My name is Betty Corley, C-O-R-L-E-Y.

DIRECT EXAMINATION

BY MS. BODMAN:

Q. And I can tell already, Ms. Corley, that you have a kind of a soft voice. I need you to make sure that you speak up so that they can hear you all the way to the end of this jury box. Okay?

A. Okay.

Q. Ms. Corley, do you live in Aiken?

A. No, ma'am.

Q. Where do you live?

A. I live in Salley.

Q. Okay. And how long have you lived there?

A. Twenty-seven years.

Q. Okay. And do you have a family there?

A. Yes.

Q. Okay. Children?

A. Yes.

Q. How many?

A. Two.

Q. Okay. And how old are they?

A. Twenty and 18.

Q. I want to talk to you -- I guess -- where are you working right now? What are you doing for a living?

A. I work with my husband.

Q. Okay. Doing what?

A. Ceramic tile.
Q. And how long have you been doing that?
A. Really since we've been married by then I had went off and got a job.
Q. So you're back working with him?
A. Yes.
Q. It's a family business?
A. Yes.
Q. Okay. Back in December of 2013, where were you working?
A. I was working at the Aiken Council on Aging.
Q. The Council on Aging?
A. Uh-huh.
Q. And what was your job?
A. It was a transportation driver.
Q. And what is a transportation driver?
A. Carrying people to appointments and to dialysis.
Q. Dialysis?
A. Uh-huh.
Q. So what hours were you working?
A. I was working from three to one.
Q. Three?
A. In the morning.
Q. A.m. until one p.m.?
A. Uh-huh.

Q. And essentially, I guess, you would pick people up at their home and take them --
A. Yes.
Q. -- to dialysis?
A. Yes.
Q. And where would you be taking them physically in the city?
A. I would take some of them to 775 Medical Park. I would take some to, on the south side of Aiken to the Dialysis Center on that side.
Q. So on December 20th of 2013, were you working that early morning taking people, picking people up?
A. Yes, ma'am.
Q. Can you tell us what happened, what did you see as you approached and drive up Medical Park Drive?
A. When I was coming up Medical Park Drive close to Aurora, I noticed a vehicle in the road because that's where I have to take to get to 775 Medical Park.
Q. Okay. So were you coming from the hospital down Medical Park?
A. Coming from the hospital, yes.
Q. Okay. And so the hospital -- at the point that you see this car, is the hospital behind you then?
A. Yes.
Q. Okay. And do you remember anything about what that

car looked like?
A. I'm thinking it was maybe a navy blue or black.
Q. Okay. Small car?
A. It was an SUV.
Q. Okay. And what do you remember about where it was in the road, off the road?
A. It was in the road because, because I couldn't get my vehicle through.
Q. Okay. And, were you by yourself or did you have any patients with you?
A. I was by myself.
Q. So, what if anything did you notice about this blue SUV that was in the roadway?
A. I noticed that the driver's side door was opened and I could see a figure in the car on the passenger side.
Q. Okay. Do you remember anything about if the windows were tinted or you could see clear through?
A. I could see clear through because I guess my light was shining on the vehicle.
Q. Okay. Could you tell what this person looked like?
A. No.
Q. Okay. But you could see the form of a person?
A. Uh-huh.
Q. Was this person moving?

A. No.
Q. Could you tell, I guess, what position the person was in?
A. I can't remember. I think his head might have been leaning back or either leaning down, but I can't remember.
Q. Okay. And so what do you do at this point?
A. As I was getting out the car because I had just got a different cell phone, I couldn't pull up the dial pad on it because I didn't know how to work it.
Q. On your cell phone?
A. Yes.
Q. Okay.
A. I was about to call 9-1-1. As soon as I was doing that someone came up, the young lady came up to the passenger side of the vehicle and was beating on the window. And she said, don't go to the car. He has a gun. He's going to kill us.

So, I got back in and I shut my door because I didn't know what was, what to think. So she said, please, let me in. And I think she told me her name but I can't remember what she said. Now, she said --
Q. Slow down. You're talking a little fast.

So let's just take this step by step. And so are you -- did you pull over to the curb or did you just

literally stop in the lane?
A. I was stopped in the middle of the road.
Q. Okay. And so you're going down Medical Park and you see this car. Is it to your left or to your right?
A. It's, like, directly in front of me.
Q. Okay. And you said that the female comes pounding on your passenger, do you mean front or back passenger?
A. The right side, front.
Q. Front. Okay, the front?
A. Uh-huh.
Q. Okay. So to your right?
A. Uh-huh.
Q. And how is she talking? When she's saying, he's going to kill us, how was she talking?
A. She's talking really fast like she's scared.
Q. Okay. So you get back in, you close the door?
A. Uh-huh.
Q. And then what did you do next?
A. I let the window down a little bit because I didn't know what was going on. She was telling me about, she told me her name and that the guy had a gun and he was going to kill us and that she was, I can't remember what she said she was from, but she said that she was down here visiting her brother that was in ICU.
Q. Okay. And she's just spilling all of this out?

A. Uh-huh.
Q. Is she talking slow or fast?
A. Fast.
Q. Do you remember anything about her physically? Is she calm? Is she shaking? Is she crying? What's she doing?
A. She's shaking. So that's when I opened the door and let her in.
Q. Into your car?
A. Uh-huh.
Q. Then what do you do next?
A. She got in and I backed around on Aurora and came back down Medical Park and then turned into the hospital.
Q. Okay. So, and was that a short drive or a long drive?
A. Pretty short.
Q. In that drive from the time that you let her into the car to when you get to the hospital, what, if anything, is being said or done there?
A. Yeah. She was, she was shaken up pretty bad. She kept looking back saying he's going to come, he got a gun. So when I got in to the hospital I told her to stay in the car so I could go in and get some help.
Q. Okay. And so what happened?
A. By the time I got inside she had gotten out of the

BETTY CORLEY - DIRECT BY BODMAN

car and came inside the hospital also.
Q. So she did not listen to you about staying in the car?
A. No, because she was scared.
Q. She just followed you right in there?
A. Uh-huh.
Q. And so how was she acting at this point?
A. She was shaken up and telling the nurses at the hospital that a guy had her and he got a gun and he was going to come kill her.
Q. And is she still talking fast or has she calmed down? What's her demeanor there?
A. She calmed down a little bit because that's when she collapsed on the floor.
Q. She physically collapsed on the floor?
A. And said that she couldn't move her legs.
Q. And did that happen pretty much right away after you walked in the door?
A. Uh-huh.
Q. And she was saying she couldn't feel her legs?
A. Uh-huh.
Q. So what, if anything, did you see happen next?
A. One of the nurse came and -- two of the nurses came and picked her up and put her in a wheelchair.
Q. Okay. Do you remember what happened next?

A. The nurse was telling her to calm down because she was trying to tell them what happened. And, that's about all. I do remember her saying once they got her calmed down she told me thank you.
Q. Okay. Do you see the lady in the courtroom today that you helped and put in your car?
A. Yes.
Q. Do you recognize her?
A. (Nods head.)
Q. Okay. Can you point to her and tell us, I guess, maybe what she's wearing so we know who you're talking about? Where she's sitting or what she's wearing?
A. She's sitting right there (pointing).
Q. And what's she wearing?
A. I think a white shirt and a black coat.
Q. Did you stay much longer at the hospital?
A. I stayed to give the nurses my information because I had some clients waiting to be taken home from dialysis.
Q. Okay. In your, I guess -- have you ever come across intoxicated people in your life?
A. Yes.
Q. Seen people that have been intoxicated? And what kinds of signs do you see when a person has had too much to drink?

A. Like, slurred.
Q. Okay. In your observations of this woman that you just pointed out, did she seem to you to be intoxicated to the point that she --
MS. ALVES: Objection, Your Honor. This witness is not an expert in determining whether or not somebody is intoxicated.
THE COURT: Overruled.
BY MS. BODMAN:
Q. Did she appear to you to be intoxicated to the point that she didn't know what was going on or --
A. No.
Q. Okay. Did you notice any injuries?
A. Yes. She had some blood in her head and I think maybe some was on her arm because when she got in the vehicle I noticed that it was blood on my passenger side.
Q. Okay. On her hand you said?
A. Uh-huh.
Q. And you said her head. Do you remember where you saw?
A. Maybe I seen some right up, up in here (indicating) or something.
Q. Okay. Towards the back?
A. Uh-huh.
Q. It wasn't in her face?

A. Towards the back.
Q. Towards the back. Okay.
MS. BODMAN: No further questions at this time. If you'll just answer any questions that the defense attorney may have.
THE WITNESS: Okay.
THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MS. ALVES:
Q. I just want to -- when you came up, you said that the driver's door was open?
A. Uh-huh.
Q. Did you go and shut it?
A. No.
Q. Do you know who shut the door, the driver's side door?
A. I don't know.
Q. You don't know?
A. (Shakes head.)
Q. So when you drove away the door was open?
A. Yes.
Q. And you couldn't get past the vehicle?
A. No.
Q. It was blocking the entire road?
A. Yes.

Q. Could you have driven around it on the far side of the road?
A. It wasn't enough space for me to drive around it.
Q. Okay. And how long were you sitting there -- how long had you stopped when the lady came up to you?
A. I probably was there about two minutes, two or three minutes.
Q. Two or three minutes. So you were sitting there for two or three minutes and you didn't start to dial 9-1-1?
A. No. I was picking up my phone. That's why I said it was probably about two or three minutes. I'm not sure.
Q. Okay. So you hesitated a while before you picked up your phone?
A. Yes.
Q. Okay. Now I want to ask you about, going back, you were there because you were taking someone to dialysis over on Medical Park Drive?
A. I was picking them up from dialysis on Medical Park Drive.
Q. Oh. You were picking them up?
A. Uh-huh.
Q. So the dialysis center is open that early in the morning?

A. Yes.
Q. Is it open all night?
A. It's open all night.
Q. Okay. and people go to dialysis all night, all hours?
A. The ones that have bad hearts, they will come in, like seven that evening and run until, like, three the next morning.
Q. Okay. Do you know other times that other people go in there?
A. Some. They go different times. Some people go in at six that morning and get off, like, 9:30 that morning.
Q. Okay. Do you know all the times when someone starts dialysis?
A. Yes. If they're my clients I do, that I normally pick up on those days.
Q. Do they have other people taking people to dialysis over there as well?
A. Uh-huh.
Q. So you're not the only person that take people to the dialysis center?
A. No.
Q. And there are people in there taking dialysis all night?
A. Uh-huh. Some nights.

BETTY CORLEY - CROSS BY ALVES

Q. Okay. And this area where you saw this car in the road, that was right past, it was past the hospital and in front of Aurora?
A. Yes.
Q. And can you describe to us where Aurora is in relation to the hospital?
A. It's the Wound Care Center at Aurora, not the mental Aurora.
Q. Okay. Tell us where the wound, where the building you're describing is.
A. Okay. It's past, it's on Aurora Park Place and that's on -- it will be on my right if I'm coming up Medical Park.
Q. If you're coming up Medical Park from University?
A. Uh-huh.
Q. You're going to drive past the hospital?
A. Uh-huh.
Q. Where the duck pond is in front of the hospital?
A. Uh-huh.
Q. And then what do you get to after you get past the hospital.
A. You're going to get to -- it will be Hitchcock on your left-hand side and then the Wound Care Center on your right-hand side.
Q. So this is right past the hospital?

A. Yes.
Q. So it would be -- so is the emergency room in between these two buildings?
A. No.
Q. Where is the emergency room in relation to that?
A. It's back towards the hospital, because it's going to be, like, two, two build in between where we're trying to get to.
Q. So how many buildings in between? You said two buildings in between what?
A. Where the accident happened.
Q. And, and what?
A. Ma'am?
Q. You said there's two buildings in between where we're trying to get to. I'm just trying to see --
A. Okay. It's the regular Aurora and then the Wound Care Center at Aurora. And that's where the vehicle was at.
Q. How many buildings is between that and the hospital?
A. Two.
Q. So it's not too far from the hospital?
A. No, not too far.
Q. Okay. And, about how long would you say it took you to get from where the accident was to the emergency

room?
A. Maybe a minute or two.
Q. Okay. And the lady that, the lady that you saw that night walked up to the car, walked up to your vehicle?
A. Uh-huh.
Q. And, and then you allowed her into the vehicle eventually when she was telling you her story?
A. Yes.
Q. And when did she tell you about her brother being in the hospital?
A. She was saying that when she was to the window.
Q. In the window. How long was she at the window?
A. Maybe 45 seconds. She was talking really fast.
Q. Okay. So she told you about her brother being in the hospital with a man having a gun and the man's going to kill them. Did she tell you anything else?
A. No.
Q. Did she tell that you that this man had forced her to the ground and forced her to perform oral sex?
A. No.
Q. So you never heard anything about the oral sex?
A. I read about it later in the newspaper.
Q. But before, that day, that time when you were involved in all of this, nobody mentioned anything about

being forced to perform oral sex?
A. No.
Q. And when you took her to the hospital she was able to walk into the hospital?
A. Uh-huh.
Q. But then she collapsed?
A. Yes.
Q. All right. And you said she didn't seem intoxicated. Do you know whether or not in fact she was?
A. No, I don't.
Q. Okay. And you don't know what her blood-alcohol was?
A. No, I don't.
Q. So you can't say whether or not she was intoxicated or not, can you?
A. I can say that she didn't seem like she was.
Q. Do you know what every drunk driver, the characteristics of every single drunk driver are?
A. No.
Q. So is it possible that somebody could be intoxicated or under the influence or over the legal limits and you wouldn't know about it? Is that possible?
A. Yes.
MS. ALVES: Thank you. No further

questions.

THE COURT: Redirect?

REDIRECT EXAMINATION

BY MS. BODMAN:

Q. What type of vehicle were you driving?

A. A Dodge Caravan.

Q. And how many passengers can you fit in that?

MS. ALVES: Objection. Beyond the scope.

THE COURT: Overruled.

BY MS. BODMAN:

Q. How many passengers can you fit in that? Like, I'm trying to get an idea of how big it is.

A. Seven.

Q. So it's a van?

A. Uh-huh.

MS. BODMAN: No further questions.

THE COURT: Recross?

MS. ALVES: No, sir.

THE COURT: All right. You may come down. Can this witness be excused?

MS. BODMAN: Yes.

THE COURT: Without objection?

MS. ALVES: No objection.

THE COURT: Next witness.

MS. BODMAN: The State calls Chris Medlin.

JOHN CHRISTOPHER MEDLIN, having been duly sworn, was examined and testified as follows:

THE CLERK: Have a seat in the witness box, stating your full name, spelling your last.

THE WITNESS: I'm Master Corporal John Christopher Medlin. M-E-D-L-I-N.

DIRECT EXAMINATION

BY MS. BODMAN:

Q. And with whom are you employed?

A. Aiken Department of Public Safety.

Q. And in what capacity?

A. Patrol officer, uniform patrol in the patrol division.

Q. How long have you been with the Department of Public Safety?

A. For over 20 years.

Q. Can you tell the jury a little bit about your background, I guess your education and your training, that leads you to your position today?

A. It's extensive. I've served over 10 years in uniform patrol. I served three years in community services where I was an officer assigned to Crosland Park neighborhood. I spent four years as a narcotics investigator and back to patrol. And I'm also a paramedic and instructor in a number of topics with the

department.
Q. And are you a paramedic with the Department of Public Safety?
A. Well, I'm employed part-time with Aiken County EMS.
Q. Okay. So I want to take you back to December 20th of 2013 around 4:30 in morning. Were you called out to a vehicle crash?
A. Yes, I was.
Q. And, do you remember how you got that call?
A. While I was out on patrol dispatch came over the radio and told us to respond to a vehicle collision on Medical Park Drive, and that there's possibility of a man in the car with a gun.
Q. And at this point do you know anything else?
A. Don't know anything else at the time.
Q. Okay. So what happens? What do you do?
A. So I respond to the scene and I pulled up to the scene and noticed the dark SUV sitting sideways across Medical Park Drive and some fluids leaking out of it.
Q. How much fluid could you tell at this point had been leaking or did leak out?
A. Not a lot. It didn't appear that the vehicle had been there very long, you know. That would make sense because it was, the fluids were just leaking just a short ways down the road. And I went ahead and called for a

fire engine to respond for safety's sake.
Q. Is anybody else on this scene other than you?
A. At the time it was just me.
Q. Okay. So what observations do you make about this vehicle?
A. The vehicle, again, was sideways across the road. There's obvious severe damage to the rear end of the vehicle and, again, fluids leaking from it.
Q. Okay. So, what do you do at this point? You've got a vehicle collision and possibly a man with a gun. What do do you?
A. Obviously I was going to wait for other officers to get there before going and dealing with anybody that may be in the vehicle. But I did move up to try to survey what was going on, if the person was still inside the vehicle or not, and gather as much information as I could before other officers arrived so we could develop a plan as to what we were going to do.
Q. Okay. When you moved up, could you see if anybody was in the vehicle?
A. When I moved up, I had my light bar going on the car and a spotlight shining on the vehicle and my flashlight and, shining in there. And I could see a -- I could see a black male in the back seat, appeared to be unresponsive or unconscious.

Q. Okay. And so what do you do then?
A. So I backed up to my car, taking a safe position, not knowing what his intentions or actions may be and waited for my backup officers to get there.
Q. Okay. So you said that it appeared this person was unresponsive or unconscious?
A. Yes, ma'am.
Q. Okay. So at this point you're by yourself. Are you communicating with him at all about getting out of the vehicle?
A. Absolutely not.
Q. Okay. You're just going to stay quiet and wait for backup?
A. Absolutely. Yes, ma'am.
Q. Okay. And so, what happens next then?
A. As other officers arrived on the scene we decide we were going to move up to the car and order the man out of the car. And we moved up in front of the vehicle and, where we could see him and see what was going on. And then we challenged, you know, verbally. We shined lights in there and yelled, you know, show us your hands, you know, things of that nature, and ordered him out of the car.
Q. Okay. Did he get out of car?
A. He did.

Q. And did he get out of car with assistance or all on his own?
A. All on his own because we were back a ways, not knowing what he may be capable of at the time.
Q. And what other officers are with you at this point?
A. I remember Officer Demetrick Drumming, Officer Kenyetta Corley and, I believe, Sergeant Spann and Officer Ryan Sparling were on the scene.
Q. Okay. Did you or were you videotaping this at all?
A. Yes, ma'am. Our patrol cars are equipped with in-car video cameras. And when the emergency lights are activated the camera automatically comes on. So it -- the camera was on video recording my response as I pulled up on the scene and during the event.
Q. Was there any sound recorded?
A. No at the time I had just gotten that car and the microphone wasn't working and I hadn't had it fixed yet.
Q. Okay. But the entirety of, I guess, these events are recorded visually?
A. Yes, ma'am.
Q. Okay. So, he gets out of the car unassisted. Do you see the person that got out of that car? Do you see him in the courtroom today?
A. Yes, ma'am.

Q. Okay. Could you point to him and describe, I guess, where he's sitting or what he's wearing so we know who you're talking about?
A. The person that we saw in the vehicle and we ordered out is the Defendant, Mr. Fuller, wearing -- sitting at the defense table with a blue shirt with a tie.
MS. BODMAN: May the record reflect the witness has identified the Defendant.
THE COURT: The record will so reflect.
BY MS. BODMAN:
Q. So he steps out of the car. Describe, I guess, him physically. Is he able to stand on his own?
A. Yes. He, he climbs from the back seat over the front seat which when the door was, you know, the door was open there, we could see that the seat was broken.
Q. Which seat?
A. The driver's seat. It was torn and ripped and leaning backwards. He climbed out over it and out the driver's door and we ordered him to the ground.
Q. Okay. And at this point -- I mean, you are still operating on the report that a man has a gun, correct?
A. Yes, ma'am.
Q. Okay. So then what, if anything -- do you handle the Defendant or do you have other job responsibilities

at this point?
A. We initially have to handle the suspect on the scene and secure him to make sure that he's not going to hurt himself or anyone else on the scene to make it safe for the officers that were there and anybody else that's around and prevent any escape or anything like that. And so we handcuff him and get him up and go and place him in the back of the patrol car.
Q. Okay. And was that you or somebody else that placed him in the back of the patrol car, if you remember?
A. I don't remember if I was directly involved but he was taken over and placed in back of Officer Drumming's patrol car.
Q. Okay. What if anything then do you do with regards to the car?
A. With the car we go and look in the car and we can see a pistol laying in there in the back seat area on the seat or on the floor but right there where the Defendant was found.
Q. Okay. And who retrieves that pistol out of car?
A. To the best of my recollection I was the one that took it out. I'm a firearms instructor and comfortable with firearms.
Q. Okay. I'm going to show you what is marked as

State's Exhibit Number One.

A. Yes, ma'am.

Q. And just ask you: Do you recognize that?

A. I do.

Q. And, what is that?

A. This is a DVD of the dash-cam video from my patrol car that night.

Q. Okay. And have you had a chance to view that before testifying today?

A. I have.

Q. Is this an accurate and complete depiction of the events of, surrounding this vehicle and getting the Defendant out of that vehicle?

A. Yes, ma'am.

MS. BODMAN: Would offer into evidence State's Exhibit Number One.

MS. ALVES: No objection.

THE COURT: Without objection.

(State's Exhibit No. 1, CD, dash-cam video, received into evidence.)

MS. BODMAN: At this time, Your Honor, we'd like to publish it to the jury.

(Video played.)

BY MS. BODMAN:

Q. Can you see it from your vantage point?

A. Yes, ma'am.
Q. So as we play this, can you just kind of walk us through what we are watching?
A. You're seeing the view looking out the front windshield of my patrol car and where it was shaking there is most likely where I was getting out of the car and it was moving. And the light shining around was getting my spotlight aimed at the vehicle so we could see in there.

And, and then from a distance, I don't recall if it's on camera or not, where I was moving around to try to assess what was going on inside that vehicle.
Q. Okay. So are we looking at the, clearly at the driver's door here, correct?
A. Yes, ma'am.
Q. Did you at any point go approach -- prior to this video starting, did you go and approach that vehicle?
A. No, ma'am.
Q. So did you close that door?
A. No, ma'am.
Q. Is this how you found this vehicle?
A. That's how I found that vehicle.

(Video resumed.)

BY MS BODMAN:
Q. Okay. We can kind of see some lights that just

shone on the side of the car. Is that backup showing up or?

A. Those are flashlights. We're shining flashlights, whether it's a spotlight from the vehicle or hand-held flashlights, trying to see inside the car and make an assessment to see if we can see any movement of, you know, of the suspect inside there or anything like that.

Q. And it looks like the driver's window is down; is that correct?

A. It's down. Yes, ma'am.

Q. Okay.

(Video resumed.)

BY MS. BODMAN:

Q. So at this point we're still waiting for backup?

A. Yes, ma'am. When I got the call I wasn't very far away. I was down on Richland Avenue West, not very far from the incident.

Q. Okay. And what is that on the ground underneath?

A. That appears to be fluids leaking from the rear end of the vehicle.

Q. Is that what you were talking about in terms of observing system fluids?

A. Yes, ma'am. I didn't know if it was gasoline or what. So that's why I called for a fire truck in case it caught on fire or anything.

(Video resumed.)
BY MS. BODMAN:
Q. And is this still no movement inside of this vehicle?
A. No movement at all, no, ma'am.
Q. That looks like maybe it's reflections of headlights?
A. Those are reflections of our hand-held flashlights.
Q. Okay.
A. They are extremely bright lights.
Q. Who is this?
A. That's myself and Officer Drumming. And it appears that I'm yelling commands ordering, you know, challenging the Defendant who was inside the car.
Q. And you say challenging. What does that mean?
A. That means we're giving him commands, you know, basically, hey, we're the police, show us your hands, you know, we're making it safe, show us your hands, move out of the car; things of that nature.
Q. Okay. And who is that that's now appeared on the other side of the vehicle? Is that Griswold?
A. It does look like Officer Griswold.
Q. So what's Drumming trying to do there?
A. He's trying to open the door and as I'm watching the video I'm remembering, he's telling the guy to get

out and I remember him yelling, you know, the door won't open, the door won't open. So we ordered him to come out the front door then. Come out the front door. And we were all, you know, they three of us there have, you know, tactical experience and so we were, you know, comfortable with dealing with that.

Q. Okay. And, again, you don't really know what you have on your hands at this point, just a vehicle accident and a person with a gun?

A. Yes, ma'am, because, you know, in 20 years of policing we don't, you know, I've never had a call about a wreck that also put out there's a man in there with a gun. So there's something else to this but, you know -- so we didn't know if somebody was waving a gun around or whatever. So we were trying to secure him so that everybody went home safe that night.

Q. Right. Including him?

A. Absolutely.

Q. Is that you standing at the front door or?

A. That's me leaning in the car right there.

Q. Okay.

A. And --

Q. What are you going to do there?

A. Going in there to retrieve the pistol.

Q. He's pulling his pants up there?

A. Yes, ma'am.
Q. Okay.
A. Ma'am, may I clarify?
Q. Yes, please.
A. When I climbed in the car before evidently I was not going to get the gun at that time. I'm putting on gloves there to prevent my, you know, me getting any of my DNA or fingerprints on the gun or anything else. Putting evidence or anything on gun or taking something away from it.
Q. All right.
A. So I was mistaken there. I apologize.
Q. All right. And who is that walking with Drumming?
A. That's Officer Kenyetta Corley.
Q. The Defendant appears to be standing there on his own okay.
A. He's standing there, steady on his feet, you know, without, without any assistance.
Q. Have you had occasion to come in contact with intoxicated individuals?
A. Many times over.
Q. And what are the signs that you observe in intoxicated people?
A. Intoxicated people tend to be unsteady on their feet, slurred speech, asking the same question over and

over again, making the same statement over and over again, confusion. Things of that nature.

Q. Okay. In your observations of the Defendant, did he appear to be under the influence of alcohol to the point that he didn't know or understand what was going on?

A. No, ma'am.

Q. He was able to stand and walk on his own?

A. He was.

Q. Did you observe any injuries on the Defendant?

A. No, ma'am.

Q. Any reason to believe or observations that you made that he needed any kind of medical attention?

A. No, ma'am. He seemed to be fine, not, you know, not showing any signs of, you know, a person who had any injuries or anything. He climbed out on his own, stood steady on his feet. There were no visible injuries to his person while we're handcuffing him or dealing with him standing around him, so no indication he was injured.

Q. And you said that you are a paramedic?

A. Yes, ma'am.

Q. How many vehicle collisions have you gone out to?

A. Too many to count.

Q. Okay. So essentially this video goes on for about an hour and 20 minutes?

A. Yes, ma'am.
Q. And once the Defendant has walked off this screen that we've seen, does he come back on screen, this dash-cam?
A. Not I remember, no. He was put in the back of a patrol car.
Q. Okay. And so now essentially from this point on to the end of the video, we're just going to be watching essentially what?
A. Basically us moving around the car, looking in the car for any evidence that we may find. You know, identifying papers, you know, registration, insurance cards, things of that nature, any other evidence in the vehicle, taking pictures of the scene, of the vehicle, interior, exterior. That's about it, just documenting the scene, basically.
Q. Okay. I'm going to show you some exhibits here and just ask you if you recognize these. I'll turn them back here. So I'm going to show you Exhibit 17 that has A, B, C, D, E and F photographs on it.
A. Yes, ma'am.
Q. Do you recognize those?
A. Yes, ma'am.
Q. Okay. I'm going to show you 18 that has A, B, C, D and E photographs on it.

A. Yes, ma'am.
Q. Do you recognize what's in those?
A. I do.
Q. Okay. And Exhibit 19 which has A, B, C. Do you recognize those photographs?
A. Yes, ma'am.
Q. Okay. And essentially just generally speaking, what do these photographs depict?
A. The photographs on the boards there depict the vehicle that you see on the video, the vehicle we got the Defendant out of. And the extensive damage to the rear end of the vehicle and also the driver's seat, and damage to the tree where the vehicle ran off the road, the tracks leading up to the tree that it hit, and the damage to that tree.
Q. Okay. And those photos accurately depict what you saw that night of the vehicle, the position, the damage, and the location?
A. Yes, ma'am.
Q. Okay.
MS. BODMAN: At this point, Your Honor, we offer into evidence then Exhibit 19, 18, and 17 into evidence.
MS. ALVES: No objection.
THE COURT: Without objection.

(State's Exhibit No. 17, poster containing photos A-F; No. 18, poster containing photos A-E; and 19, posters containing photographs A-C, received into evidence.)

MS. BODMAN: May I ask to have the witness step down in front of the jury?

THE COURT: Yes, ma'am.

BY MS. BODMAN:

Q. Let's just start here with State's Exhibit 17. And actually let's switch places so that your voice can go to the court reporter. I want to make friends with the court reporter.

So what are we looking at here? Talk us through A.

A. Picture A is a picture of the front end of the vehicle where the tires were up against the curb.

B is a picture of the rear end of the vehicle with damage like I've rarely seen to the rear end of a vehicle and some clothing laying there on the ground.

C is another picture, slightly different angle of the rear end damage where apparently it struck the tree.

And D and E are more of the driver's side of the vehicle.

And then, and F is the passenger side of the vehicle.

Q. So when you initially get on scene from what we see on this video is that the front door is not open?
A. Yes, ma'am.
Q. It's opened when he --
A. When he's ordered to --
Q. For him to exit?
A. Yes, ma'am.
Q. And so then at that point you leave that door open to take these photographs?
A. Uh-huh.
Q. Or whoever took these photographs?
A. Yes, ma'am.
Q. Okay. Then Exhibit 19, we have A, B and C?
A. Picture A shows is a shot of in through the driver's door. As you can see the driver's seat is leaned back. You can actually see were there's damage to the framework where the seat mounts to the floor. And, again, that -- I've seen that maybe once or twice in over 27 years of emergency services work. And the seat is leaned back and this is standing in the driver's door looking back towards the rear seat. And here's a picture of the door frame area looking in the driver's seat. And you see a small bottle of wine there and the seat where it's damaged.
Q. And the bottle of wine, does that appear to have

been opened or is still unopened, not consumed bottle of wine?

A. It appears to be a mini bottle that's not been opened.

Q. Okay. And so where did the Defendant come from? Where was he laying in the back, laying in the car? Excuse me.

A. When I got to where I could see the Defendant laying in the car, he was back here in the middle of the back seat just laid back on the seat. And his feet were either in the floorboard or up on the console but he was -- a real awkward position, and at the time, you know, we were thinking he was the driver. He was only person around and I didn't know anything about the lady, the victim.

Q. Okay. And I'm -- and this seat, is it upright? I mean, it looks in a different position of the passenger seat. Just kind of describe that a little bit.

A. The driver's seat it was not reclined. This was leaned back because most, most seats in a car are attached with, like, four bolts, four or six bolts. And the front bolts there and connections were ripped, were torn in this, apparently torn in this collision. And, you know, showing quite an impact. And all of that allowed the seat to appear to be reclined but it was

not. The whole seat was leaned back, the base of the seat and everything, from the impact.

Q. Okay. And then State's Exhibit 18, what are we watching there?

A. Here in picture A you can see the tire tracks where the vehicle apparently came off the road, and across the yard, the grass here in front of Aurora, and struck the tree, what you see in B, C and D. And here's a better picture of the tree, the damage to the tree in C and D. And debris, parts of the car that were left after it hit. That's, you can see the huge gashes in picture D there, and more debris in picture E that was left behind apparently as the vehicle moved away from the tree after the collision.

Q. Okay. So in looking at this, and this item in the background, that appears to be that bag there?

A. Likely so. Yes, ma'am.

Q. These are just different angles?

A. Yes, ma'am.

Q. There looks like to be a blue mark right there?

A. Yes, ma'am.

Q. And the blue?

A. Yes, ma'am. This is all just where the vehicle appeared to have come at an angle from up the hill, basically east or northeast from the tree, came back and

hit the tree and bounced off and went back into the roadway at a different angle.

Q. And then when you're looking at the back of this car, I mean, describe that damage. And we're talking about State's Exhibit 17 and photograph B and C that's showing the back, I guess it's, like, a hatchback lift-up door?

A. Yes, ma'am. In, I believe it's a Durango was the type of vehicle, and they have the whole back is a hatchback that lifts up. And that's, that's approximately three feet of intrusion into this vehicle. That means, you know, the exterior of the vehicle was pushed in approximately three feet. That's no joke.

Q. Thank you.

A. Yes, ma'am. (Returns to witness stand.)

Q. So what did you do with that after you retrieved that off the back seat?

A. I took it and immediately cleared it, took the round out of the chamber, took the magazine out so it's safe to handle and there won't be any accident discharges. Took it and placed in my patrol car to secure it for evidence purposes and then later went and placed into evidence.

Q. Okay. And you say placed in evidence. What does that mean?

A. We take the gun, we put it in a box in our, in a box that's intended for pistols. It's, you know, it's taped up and such. The gun is secured. It has a, typically we take a plastic zip tie or wire tie and put through, either through the barrel or through the magazine well and out the injection port and secure it so it's obvious the gun's safe and it can't hurt anybody in evidence or anybody else that handles a gun.

Q. And do you have a place at the Department of Public Safety that you put evidence that's secured?

A. Yes, ma'am. Our normal procedure is once evidence is packaged in, according to policy and such, we take it and put it in our evidence lockers which are kind of like bus lockers, small compartments of various sizes, where it's placed in there with the appropriate paperwork and locked. And once it's locked we can't open from the outside. Only someone, one of the evidence technicians, evidence custodians can open it from the inside and take it out. There's no way for us to open it on the outside.

Q. Okay. I'm going to show you what is marked as State's Exhibit 16.

A. Uh-huh.

Q. And ask if you recognize that?

A. I do.

Q. And is that a Titan .25 automatic pistol?

A. I'm sorry. Let me get my glasses out so I can see. And, yes, it is.
Q. And --
A. The serial number, if you're looking for the serial number, it's right here on left side of the frame.
Q. Okay. And that serial number is?
A. It appears to be D818836 and that matches what I wrote on the evidence form.
Q. And when you submitted into the evidence room?
A. Yes, ma'am.
Q. And so is that the weapon that you retrieved off of the back seat of the vehicle?
A. Absolutely.
MS. BODMAN: Your Honor, at this time offer into evidence State's Exhibit 16.
MS. ALVES: No objection.
THE COURT: Without objection.
(State's Exhibit No. 16, firearm, received into evidence.)
THE COURT: Does it have a guard in it?
THE WITNESS: It has, like, a zip tie through --
THE COURT: All right.
THE WITNESS: -- the barrel so it's safe. It it cannot be fired at the moment.

BY MS. BODMAN:

Q. Also in State's Exhibit 16, this is -- what is that?

A. It's a magazine with what appears, with two cartridges in it.

Q. And that was with the gun that you took off of the back seat of that car?

A. Yes, ma'am. It was inside the gun when I took it, when I recovered it from the vehicle.

Q. Okay. And you secured the gun by removing that?

A. Yes, ma'am.

Q. Was there anything else that you recall doing or having any involvement in this case?

A. Only just transporting Mr. Fuller to headquarters.

Q. The location where this vehicle collision crash occurs, is that in Aiken County?

A. Yes, ma'am, on Medical Park Drive in the City of Aiken.

MS. BODMAN: I have no further questions at this time.

If you'll just answer any questions that she may have.

THE WITNESS: Yes, ma'am.

THE COURT: Cross-examination?

CROSS-EXAMINATION

BY MS. ALVES:

Q. Officer Medlin, when you approached the car -- well, first let me ask you this. You were, you were dispatched at, was it 4:32?

A. To the best of my recollection, yes, ma'am.

Q. Okay. Or rather you were dispatched actually at 4:35. I can show you your report.

A. That will be fine.

Q. You agree it's 4:35?

A. I'll take your word at it. Yes, ma'am. I know it's somewhere in that time.

Q. Okay. Are you aware of what time the call went into 9-1-1?

A. No, ma'am.

Q. Okay.

A. Yes, ma'am. I've got on here dispatch time 4:35, time arrived 4:35. So it was just a moment. I was right around the corner.

Q. Okay. So when you got there, were you aware of how long the vehicle had been there?

A. No, only the time that we got the call and I went immediately there.

Q. Okay. So you don't know how long Mr. Fuller had been in the vehicle?

A. No, I couldn't put a -- I couldn't put a time on it.
Q. Okay. But you know that the vehicle had not been there very long?
A. Correct.
Q. Because of the small amount of fluids that you saw when you first got there?
A. Yes, ma'am.
Q. Okay. Now, and you said Mr. Fuller was unconscious when you got there?
A. Yeah, yes, ma'am. He was unconscious, unresponsive. He was in the back seat, not moving.
Q. And even when the other officer -- now we saw in the video the other officers. You said you called for backup, and the other officers came?
A. Yes, ma'am.
Q. And Mr. Fuller was still unconscious?
A. Yes, ma'am.
Q. And he was able to regain consciousness, you said when you were yelling commands at him and shining the lights in his face?
A. Yes, ma'am.
Q. And was the video all -- does it show all of the contact you and every other officer had with him up to that point before he got out of car?

A. Yes, ma'am. There was no other contact. I never approached the vehicle until we finally went up and challenged him.
Q. Okay. And you didn't approach the vehicle because you had heard there might be a man with a gun in the car?
A. Yes, ma'am.
Q. And that was for your own safety?
A. Absolutely.
Q. And none of you went up to help you because you were ordering him out of the car and you wanted to make sure that y'all were safe?
A. We were safe, he was safe. We didn't want anybody to got hurt.
Q. And you didn't know what was going on at this point?
A. Correct.
Q. Did anybody offer to help him out of car?
A. No. We, we challenged and told him to come out of the car on his own.
Q. Okay. So, you're saying you challenged him. You mean you ordered him?
A. Yes, ma'am.
Q. Okay. So you were ordering him to come out of the car on his own, nobody offered to help and you weren't going to help him?

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A. Correct.
Q. Okay. And did you ever ask him was he okay, did he have any head injuries, how he was feeling?
A. Not that I recall. No, ma'am.
Q. Did you check him out? Did you do any kind of medical exam, look in his eyes?
A. No, ma'am. I didn't look in his eyes but while we were securing, taking him out of the vehicle -- while he came out of the vehicle and while we were handcuffing him and getting him to his feet and moving about him, I did look him over. I didn't see any external sign of any injuries or anything of that sort.
Q. Okay. Now you said that you -- you told us your work experience, over 20 years of public safety both in uniform patrol, community patrol, as a narcotics investigator and now back on, now back in the patrol division?
A. Yes, ma'am.
Q. What is your rank? Sergeant?
A. Master corporal.
Q. Master corporal. I'm sorry.
A. That's fine.
Q. And, you also work, you said, part-time as a paramedic?
A. Yes, ma'am.

Q. So you've had opportunity to see a lot of people in car accidents?
A. Too many to count.
Q. Yes. And in both of those jobs you've seen a lot of car accidents that were caused by people under the influence?
A. Yes, ma'am.
Q. So you've had a lot of contact with people who have come, who have driven cars while they're under the influence?
A. Yes, ma'am.
Q. And is it always readily -- is it always readily apparent that these people were under the influence?
A. Not immediately. Sometimes -- most of the time on first contact, within a minute of talking to somebody, we have a pretty good assessment are they likely under the influence or not. Once in a great while it takes a little longer but once you've been policing for a short, you know, for a couple years, we can assess somebody and have an idea if they're intoxicated within 30 seconds or a minute and, pretty quickly, to see if we need to go further with that.
Q. Okay. But sometimes it's not always readily apparent, isn't it?
A. That's correct.

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Q. And sometimes you actually have to get -- do further testing, have some kind of medical test done?
A. Yes, ma'am.
Q. And in cases where it's not always readily apparent whether or not the person is under the influence and who's actually caused an accident you ask -- I mean, you take -- you can take them to the hospital and ask that blood be drawn, can't you?
A. Yes, ma'am. We can ask that blood be drawn if the result of the breath test registered zero showing no alcohol present in the blood, or -- and that also we have some indication of some other substance was involved such as pills, illegal drugs or whatever, or also if the person has, is unable to provide a breath sample due to facial injuries or anything along those lines where they're not able to provide a breath sample.
Q. And you can also require a blood sample if somebody's charged with felony DUI, can't you?
A. Yes, ma'am.
Q. And a felony DUI would be a DUI where you have someone, where the driver of the accident causes, who causes an accident that causes the death or great bodily injury to another person; isn't that right?
A. Yes, ma'am.
Q. And in that case you don't have to get their

consent to get a blood sample, do you?
A. That's correct.
Q. Now, when someone's in an accident or when someone causes an accident and you suspect that alcohol might be involved and they're injured, do you arrest them first or do you take them to the hospital?
A. It depends on the extent of the injury. If it's bumps and bruises or they got no complaint, then we'll take them to headquarters and provide, you know, ask them for the breath sample. If they have injuries that require immediate attention, then we'll call EMS and have them transported, assessed and transport them to the hospital or we would sometimes take them ourselves.
Q. Okay. And now once they get to the hospital, and is that when you can ask for a blood sample to be drawn?
A. Yes, ma'am. The blood example has to be drawn by a qualified person, whether it be a nurse or phlebotomist.
Q. And then what would the nurse or phlebotomist do with that blood sample that they've drawn?
A. If we've asked them for a blood sample to be taken from a suspect, then they would sign a chain of custody form and give us that blood sample and then we would take it and secure it in evidence according to our evidence procedures.
Q. Now let me ask you this. If you have evidence that

someone has been drinking before an accident, what do you do?

A. If we have evidence that someone's been drinking before an accident, if we feel that it's any level that may be where they were intoxicated or under the influence, then we would take them to headquarters -- well, we would ask them to perform field sobriety tests there on the side of the road on camera, and then we would take them to our headquarters or to another breath test site and perform the breath test for alcohol.

Q. And what if they're injured in the accident and they have to go to the hospital?

A. If they have to go to the hospital then we can ask them, read the implied accident form and where it explains that they're supposed to submit to breath testing for alcohol or a blood sample if it's not possible for whatever reason, and then if they refuse then the procedures were there your license's suspend and so on.

But the blood would be drawn at the hospital and then we would take custody of it and then submit it to SLED for testing.

Q. What tests were done for alcohol on Ms. Schlinger that night?

A. I have no idea what tests were performed on her for

testing. I did not see her the night of the incident or actually for some months later after the incident.

Q. So you never talked to her that night?

A. I did not talk to her at all.

Q. Okay. So, but when did you write your report?

A. That morning before, you know, after the incident and before I went home.

Q. Okay. I'm going to show you your report again.

A. Yes, ma'am.

Q. And you wrote your report on December 20th of 2013, you said?

A. Yes, ma'am.

Q. And, on the report where it lists out Ms. Schlinger's name it has a place on page one, I believe.

A. Uh-huh.

Q. It has a place to indicate whether or not she was using alcohol and whether or not she was using drugs, doesn't it?

A. Yes, ma'am.

Q. And you've checked no?

A. Yes, ma'am.

Q. Aren't you now aware that she did have alcohol?

MS. BODMAN: Objection. Hearsay. He said he doesn't know anything about the test results.

THE COURT: Overruled.
BY MS. ALVES:
Q. Aren't you now -- are you aware now whether or not Ms. Schlinger had drugs and alcohol in her system?
MS. BODMAN: Objection. It's irrelevant.
THE COURT: Overruled.
THE WITNESS: The night of the incident I had no idea if she had been using any drugs or alcohol. And I didn't know anything about it until hearing statements from the prosecution and defense.
BY MS. ALVES:
Q. So you are now aware that Ms. Schlinger had drugs and alcohol in her system on the night of this accident?
A. From, from the attorneys' statements.
Q. Okay. Now, let me ask you this. In going back to general police work, when you are investigating a case and you send off for a blood or alcohol, and you get a blood sample or a urine sample showing drugs or alcohol, can't you later go back and arrest that person if they're over, if the amount that's found in their system would be over the limit allowed by law?
A. We could. Yes, ma'am.
Q. Was she ever arrested in this case?
A. Not to my knowledge.

Q. And you never requested any tests?
A. No, ma'am.
Q. And you put down no to drugs and alcohol without knowing whether or not she had drugs and alcohol in her system?
A. Yes, ma'am. At the time I wrote the report I had no indication that she was. No other officer that had participated in the investigation told me about anything of the sort.
Q. Okay. But you're now aware that's something that you should have investigated?
A. I see that it's something that could have been. Yes, ma'am.
Q. Okay. And that is something that Ms. Schlinger could have been arrested for?
A. If the, her blood tests was resulted -- you know, showed results that would meet that legal requirement, that's possible. Yes, ma'am.
Q. And the legal requirement is that you have to be over a .08 in South Carolina?
A. For alcohol concentration.
Q. Excuse me. For the inference that you're over the legal limit?
A. For alcohol, yes, ma'am.
Q. For alcohol.

A. Yes, ma'am.
Q. But you can actually arrest somebody for over .05?
A. We can if we have other evidence to go along with it. Yes, ma'am.
Q. Okay. Now, the solicitor showed you -- this is State's Exhibit 19?
A. Uh-huh.
Q. And in picture C?
A. Uh-huh.
Q. There is a bottle of wine that, it's unopened?
A. Yes, ma'am.
Q. Did you cheek to see whether there were any open bottles?
A. I don't remember any open bottles. There may or may not have been; I don't remember.
Q. Okay. And I want to also -- in South Carolina you can arrest someone who is under the influence of a combination of drugs and alcohol at the time that they cause an accident if there's a finding that they were impaired, that their ability to drive was impaired?
A. Yes, it's possible.
Q. It's possible and in South Carolina the law is that if someone, if someone causes an accident while under the influence of drugs and/or alcohol, and they cause injury to another person, they can be charged with felony DUI?

A. If they cause severe injury. Not merely injury, but severe injury or death.
Q. Great bodily harm?
A. Great bodily harm.
Q. Or death.
A. Yes, ma'am.
Q. That's what the standard is?
A. To the best of my knowledge. Yes, ma'am.
Q. Okay. And those are -- causing great bodily harm to someone and being charged with a felony DUI is more serious than just a regular DUI?
A. Yes, ma'am.
Q. And if you have more than one DUI in South Carolina, you can be charged with the greater with -- the penalties are greater --
A. Yes, ma'am.
Q. -- than if you just have one DUI?
A. Yes, ma'am.
Q. And, in fact, the higher, the more DUIs they have, they carry mandatory time?
A. Yes, ma'am.
Q. Officer Medlin, in your duties as a patrol -- in the patrol division and your duties as paramedic, would you agree that you are familiar with the streets of the City of Aiken?

A. Very much so.
Q. And in particular you're familiar with the area around the Quality Inn and Richland Avenue?
A. Yes, ma'am.
Q. And you're familiar with the intersection of Richland Avenue and University Parkway?
A. Yes, ma'am.
Q. And you're familiar with the streets surrounding the hospital?
A. Yes, ma'am.
Q. Would you say a little familiar or very familiar?
A. Very familiar.
Q. And across from the hospital, when you're driving up University Parkway and you get to the second -- the first entrance to the hospital is the main entrance to the hospital; is that right?
A. Yes, ma'am.
Q. And that would be on the right going up University Parkway from Richland Avenue?
A. Yes, ma'am.
Q. And then the second entrance to the hospital, going in the same direction, is the emergency room exit -- entrance? I'm sorry.
A. Yes, ma'am. That's the entrance that most people will take going to the emergency room. It's a little

more straight shot.
Q. And actually they're marked that, main entrance and emergency entrance?
A. Yes, ma'am.
Q. And the emergency entrance, that's at the intersection with the light, with the red light?
A. Yes, ma'am.
Q. And then directly across the street from that is USC-Aiken?
A. Yes, ma'am.
Q. Investigator Medlin, I'm going to show you what's been marked as Defense Number One, Two and Three.
I'm going to show you what's been marked, well, first we'll go with number -- I show you what's been marked as Defense Number Two. First, do you recognize that?
A. Yes, ma'am. I do.
Q. Tell me what this scene is.
A. This scene is the --
Q. Before you show it.
A. Yes, ma'am. This scene is the main entrance to the hospital.
Q. Okay.
I move to introduce Defense Exhibit Number Two into evidence.

MS. BODMAN: No objection.

THE COURT: Without objection.

(Defendant's Exhibit No. 2, chart-size photograph, received into evidence.)

BY MS. ALVES:

Q. I want to turn it around and ask you about it. Defense Number Two. Can you step down?

A. Yes, ma'am.

Q. Defense Number Two shows the first entrance into the hospital?

A. Yes, ma'am.

Q. And that's if you're coming down University Parkway from Richland Avenue, and this would be the entrance on the right?

A. Yes, ma'am.

Q. And this is the one that's marked main entrance?

A. Yes, ma'am.

Q. Thank you. And I'm going to show you what's marked as Defense Exhibit Number Three.

MS. BODMAN: For the interest of time, I have no objections to One or Three, either. If you want to go ahead and admit them.

MS. ALVES: I move to admit numbers One through Three.

THE COURT: Without objection.

MS. BODMAN: That will be fine.

(Defendant's Exhibit Nos. 1, 2 and 3, chart-size photographs, received into evidence.)

BY MS. ALVES:

Q. Number Three, tell us what Number Three shows.

A. This is a picture of the intersection with Medical Park Drive and University Parkway and the traffic light there.

Q. Now coming from Richland Avenue going up University Parkway, this would be the second entrance to the hospital?

A. Yes, ma'am.

Q. The one that's marked emergency room?

A. Yes, ma'am.

Q. And this entrance would come beyond the entrance shown in Number Two?

A. Yes, ma'am.

Q. And now we can see the traffic light here in Defense Number Three?

A. Uh-huh.

Q. And we can see grass on the other side of the street. Can you tell us what's on that opposite side of street where that grass is?

A. On the left side of the street off the picture here is University of South Carolina, Aiken campus.

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Q. That stretches down all the way to, I think that's the John Doe Bypass I think that's called?
A. Well, to Trolley Line Road and then across there is Robert M. Bell Parkway.
Q. Okay. Thank you.
A. Uh-huh.
Q. So the university stretches all the way down to --
A. Pretty much. Yes, ma'am.
Q. I want to clarify. There's no other building or other facility on that side of the road past the university?
A. No, ma'am. That's a big open field.
Q. Okay. And I'm going to show you what's been marked as Defense Number One. Can you tell us what this shows?
A. This is looking at the, or from the intersection there, Medical Park Drive and University Parkway, looking back towards Richland Avenue with USC-A campus.
Q. Now USC is here and now down here, we can see on the opposite side and it would be on this -- now this picture is taken from the direction of going towards Richland Avenue down University Parkway?
A. Yes, ma'am.
Q. So the University is now on our right in this picture?
A. Yes, ma'am.

Q. And on our left, what is shown?
A. That's the sign showing the main entrance to the hospital.
Q. And that would be at the light, excuse me, that's the main entrance. So that would be at, the one past the light?
A. Yes, ma'am.
Q. Thank you.
A. Uh-huh.
Q. Now I'm going to show you what's marked as, this is Defense Exhibit Number Four. Do you recognize this?
A. I do.
Q. Actually it goes this way. I'm sorry.
A. Yes, ma'am.
Q. Tell us what this is.
A. That's an aerial photo of the area surrounding Richland Avenue -- the intersection of Richland Avenue and University Parkway and the hospital and such.
Q. Okay. I move to introduce -- and does this picture accurately reflect how these streets looked back on December 20th, 2013?
A. Yes, ma'am.
Q. You haven't had any new streets to the major ones added or taken away that shows what was there?
A. No, only driveways and other business have been

added since then to my knowledge.
Q. Okay. So this shows the hospital, the location of the university and the location of the Quality Inn?
A. Yes, ma'am.
Q. And what about the BP on the corner of Richland and University?
A. Yes, ma'am.
Q. Does this show where that is?
A. It does.
Q. Okay. I'm just going to hold this up here. Can you point out where the hospital -- well, actually. Let's start at the Quality Inn. Point out the Quality Inn.
A. The Quality Inn is a hotel down here on Richland Avenue.
Q. Show us where Richland Avenue is.
A. Richland Avenue is the main east-west highway.
Q. And where would University Parkway be?
A. University Parkway is this road going north-south.
Q. Okay. And where is the BP?
A. The BP is the gas station here at the corner of Richland Avenue and University.
Q. Now I think it's also referred to as Kangaroo Express. I think that was the name of the store?
A. Yes, ma'am.

Q. But it's now Circle K?
A. Yes, ma'am.
Q. So going from -- coming down Richland Avenue and going up University Parkway from the Quality Inn you come which way?
A. You would travel east on Richland Avenue and then come to this intersection there with University Parkway.
Q. Okay. And then how would you get to the hospital from that direction?
A. You would turn left onto University Parkway and travel north on University Parkway and turn in either of the entrances to go to the hospital.
Q. And -- okay. Where is the second entrance?
A. The second entrance to the hospital is right here.
Q. And where is USC-Aiken?
A. USC-A, this is their campus here.
Q. Okay. And where is -- can you show us where the emergency room is?
A. The emergency department is right here.
Q. Can everybody see?
A. It is right here.
Q. That little building, where the little building juts out?
A. Yes, ma'am.
Q. And where is Aurora Pavilion?

A. Aurora Pavilion is up here and that's Aurora Pavilion. It's the next building up on top of the hill above the hospital.
Q. Above the hospital?
A. Yes, ma'am.
Q. And where is where the car was located?
A. The car was located right in this area right, right past the entrance to Aurora to the best of my knowledge. It was right here on Medical Park Drive right in front of Aurora basically.
Q. So I want to be clear. This is the hospital?
A. Yes, ma'am.
Q. This big building here?
A. Uh-huh.
Q. And I'm sorry. I'm in the way. Aurora is the building right there?
A. Yes, ma'am.
Q. There's a parking lot in front of Aurora?
A. Uh-huh.
Q. And then the car was -- and then there's another little building right in front of the parking lot, or?
A. No. These are the parking lots up in front.
Q. Okay.
A. The next building up here is Aurora Place, up in here.

Q. And so where was the crash?
A. Without going out to the scene and looking at the -- seeing that tree, it was somewhere along Medical Park Drive near Aurora Place, near that intersection. It was right in there.
Q. Okay. so it was near Aurora?
A. Near Aurora Place. Yes, ma'am. Near that intersection.
Q. And to get to that intersection from University Parkway you would have to turn right down Medical Park Drive?
A. Yes, ma'am.
Q. Okay. Thank you.
I don't have any further questions about this.
MS. BODMAN: I don't know that Number Four was moved into evidence.
MS. ALVES: Excuse me?
MS. BODMAN: I don't know if Number Four was admitted into evidence. I have any objection.
MS. ALVES: I thought it was. I'm sorry.
THE COURT: You said One and Three.
MS. ALVES: I'm sorry. I move Number Four into evidence.
THE COURT: Without objection.

(Defendant's Exhibit No. 4, chart-size map, received into evidence.)

THE COURT: Redirect.

MS. ALVES: Judge, I'm not -- sorry.

THE COURT: Oh. you said were you finished. I'm sorry.

MS. ALVES: No. I'm sorry. I'm almost done.

Beg the Court's indulgence one moment.

(Pause.)

BY MS. ALVES:

Q. Investigator Medlin, I'm going to show you what's been marked as Defense Number Five through 12. Do you recognize them?

A. I do.

MS. BODMAN: And I have no objection to their admission.

MS. ALVES: I'd ask they be moved into evidence

THE COURT: Without objection, Five through 12, all, in evidence.

(Defendant's Exhibit Nos. 5, 6, 7, 8, 9, 10, 11 and 12, photographs, received into evidence.)

BY MS. ALVES:

Q. And Numbers Five, Six, Seven -- excuse me. Five, Six and Seven are pictures of the outside of the vehicle?
A. Yes, ma'am.
Q. And that's the blue SUV that was located on December the 20th, 2013?
A. Yes, ma'am.
Q. Now, do you know -- did you take the pictures?
A. No. I believe Detective Royster took the pictures. I was there when he took them but he took the pictures.
Q. Okay. And that was substantially after you had gotten to this location?
A. Yes, ma'am.
Q. So that was -- would you agree to say it could have been hours after you initially got there?
A. It was somewhere in the next hour or, yeah, hour or two. I don't recall the time but it was, you know, within the next hour or two after the incident.
Q. Okay. And those pictures are, if not the same pictures, similar to the ones shown to you in State's Exhibit Number 17; is that correct?
A. Yes, ma'am.
Q. Now in these pictures and I'm still talking about Defense Five, Six, and Seven.

A. Uh-huh.
Q. There's a lot more fluid on the ground than when you initially got there; is that right?
A. Yes, ma'am.
Q. Because it continued to drip?
A. Yes, ma'am.
Q. Thank you.
A. Uh-huh.
Q. And in Numbers Eight, Nine, and 10, it shows what was just -- shows just general pictures of how you found the inside of the vehicle?
A. Yes, ma'am.
Q. And that shows what was there that night and how it was there?
A. Yes, ma'am.
Q. Okay. Thank you.
And 11 and 12, if they're not the same they might be very similar to what you saw in State's Numbers 18. Those just show some items that were located outside the vehicle; is that right?
A. Yes, ma'am.
Q. Okay. Thank you.
I don't have any further questions for you, Investigator Medlin. Thank you.
THE WITNESS: Yes, ma'am. Thank you?

THE COURT: Redirect?

REDIRECT EXAMINATION

BY MS. BODMAN:

Q. Is it illegal in the State of South Carolina to drink alcohol and drive?

A. No, ma'am.

Q. Okay.

A. Well --

Q. And just to a certain degree?

A. To a certain degree. Yes, ma'am.

Q. Right. But you can have a glass of wine, you can have alcohol and drink, that is not -- or drive and that is not per se illegal?

A. Correct. Drinking alcohol before driving, not while but, yes, ma'am.

Q. Well, I'm sorry. Let me clarify.

A. Yes, ma'am.

Q. And when she was talking about the felony DUI, that is causing great bodily injury to another person?

A. Yes, ma'am.

MS. BODMAN: I don't have anything else.

MS. ALVES: Nothing further, Judge.

THE COURT: All right. You may come down.

THE WITNESS: Thank you.

THE COURT: Witness be excused?

MS. BODMAN: Yes, sir.

THE COURT: Without objection.

MS. ALVES: Judge, I have Officer Medlin under subpoena also. I would just ask that he still remain on standby just in case.

THE COURT: All right. Remain on standby.

Next witness.

KENYETTA CORLEY, having been duly sworn, was examined and testified as follows:

THE WITNESS: Kenyetta Miosha Corley. C-O-R-L-E-Y.

DIRECT EXAMINATION

BY MR. POTTS:

Q. Officer Corley, where are you currently employed?

A. At Aiken Department of Public Safety.

Q. How long have you been there?

A. Approximately two years and nine months.

Q. And what do you do at the department of public safety?

A. I'm a member of the patrol division, routine investigation of crimes, traffic collisions, member of the -- we provide services to the community.

Q. Now were you working there back in December of 2013?

A. I was.

Q. How long had you been working there at that time?
A. Approximately two weeks.
Q. So back on December 20th, 2013, what was your current status at public safety?
A. I was in the field training program.
Q. What is the field training program?
A. It's basically new officers are put in with more experienced and trained officers just to learn, learn the job.
Q. Okay. And who were you paired with?
A. I was paired with Officer Demetrick Drumming.
Q. Okay. And so when you're getting trained by your field training officer, what kind of things are you doing?
A. Learning, watching, observing, and in the greater scheme of things, just doing what I'm told.
Q. And isn't that what you still do today?
A. To an extent.
Q. Now, when you're in field training status are y'all -- what kind of things do they try and have you do as far as going to, you know, different kind of scenes?
A. Learning what to look for, learning how to approach certain situations, learning positioning tactics, and things of that nature.
Q. Now were you dispatched to this incident location

on December 20th, 2013?
A. I was.
Q. And can you just kind of give the jury a reason why, kind of why you were so new to be dispatched out there?
A. As a member of training, what they try to do is to expose us to as much as we can be exposed to while we have another more experienced officer in the vehicle with us so that we know how to respond to certain calls for service.
Q. Okay. What were you going to be expected to do when you got there?
A. I'm not sure. I'd never been to a call like this before.
Q. So when you got there, what was already happening?
A. Officer Medlin was already on scene, and I believe Sergeant Spann may have been there.
Q. Now, were you able to see the video that was played earlier?
A. I was.
Q. Okay. And you were there and you saw all of that, correct?
A. Yes.
Q. And so, were you one of the ones approaching the car at that time?

A. No.
Q. Where were you during all of that?
A. I was standing in what were refer to as the apex, at the A post of, I believe Officer Medlin or Sergeant Spann's car, I'm not sure which one. I was standing back from the scene.
Q. And why were you there?
A. I'm not -- to be honest, I didn't have the training.
Q. Right.
A. And I was told to kind of hang back and watch what's going on but still be vigilant.
Q. Okay. Did you see the individual who got out of the car?
A. I did.
Q. Okay. And who was that individual?
A. Michael Fuller.
Q. Now, was that the first time you'd seen him that night?
A. No.
Q. When else have you been able to see Michael Fuller?
A. I've seen him several times throughout my life. Most --
Q. Did y'all go to school together?
A. Yeah. Went to Aiken High together.

Q. Yeah. So he was a classmate of yours at Aiken High?
A. Yeah. He was either, I think, one or two years behind me in the graduating classes.
Q. And, in fact, that night, did you recognize him that night?
A. Immediately.
Q. Okay. And do you think he recognized you?
A. I have no idea.
Q. Okay. Now, you saw that video. Mr. Fuller was moved from in front of that car to somewhere else. Where was he moved to?
A. To the back seat of the patrol car that I was in, in the back seat of Officer Drumming's car.
Q. Were you in that car?
A. I was.
Q. Okay. Did you do anything during that time?
A. I initiated the camera and moved it to where it was showing the interior of the vehicle.
Q. Okay.
A. I also retrieved the microphone and took it around to where Officer Drumming was along with Mr. Fuller where he was seated in the back passenger seat on -- yeah, in the back passenger seat of the car.
Q. Of your car, of y'all's car?

A. Uh-huh, yes.
Q. So was your car equipped with a camera?
A. It was.
Q. And did it have a microphone?
A. It did.
Q. Because you were holding that microphone, right?
A. Yes.
Q. And it was in working order that night and everything?
A. Yes.
Q. I'm going to show you what has been marked as State's Exhibit Number Two. Would you take a look at that?
A. Uh-huh.
Q. Do you recognize what that is?
A. Yes.
Q. What is that?
A. It's a dash-cam video from our vehicle on that night.
Q. And how were you able to recognize it?
A. I viewed it and it has my signature on it.
Q. Okay.

At this time, Your Honor, I'd like to offer Exhibit Number Two, the dash-cam video into evidence

THE COURT: Any objection?

MS. ALVES: I just renew my previous objection.

THE COURT: Overruled.

(State's Exhibit No. 2, CD of dash-cam video, received into evidence.)

BY MR. POTTS:

Q. Did you talk to -- did you do the interview with Mr. Fuller?

A. No, I did not.

Q. Okay. what was your role during that entire process?

A. I was observing, learning.

Q. Okay. After that was over, what happened?

A. After the interview?

Q. Yeah. After the interview was over.

A. He was taken from our vehicle to I believe Mr. or Officer Medlin's vehicle and transported to Aiken Public Safety.

Q. Okay. And what did you do at that point? Did y'all stay on the scene?

A. No.

Q. What did you do?

A. We were advised of the location of -- at that time we know the victim's family. I think Ms. Katie Schlinger's family at the Quality Inn. We went and retrieved the family.

Q. Did you have any problems doing that?
A. No.
Q. And where did you take them to?
A. We took them from the Quality Inn to the Aiken Regional Medical Center.
Q. After you -- were you able to fit them all in your car?
A. At first it was -- there were four of them and we only had room for three and I believe there was a small child and she had to sit in a lap.
Q. So after you delivered them to the hospital, did you have any more involvement?
A. No.
Q. That would be it?
A. That was it.
MR. POTTS: Beg the Court's indulgence.
(Pause.)
BY MR. POTTS:
Q. Let me ask you this. Did the Defendant have a nickname in high school?
A. Yes.
Q. What was it?
A. Squirt.
MR. POTTS: Thank you. No further questions. Please answer any questions Ms. Alves

for you.

THE COURT: Cross-examination?

CROSS-EXAMINATION

BY MS. ALVES:

Q. Now you testified that, you just testified that after you left the scene you went to the Quality Inn?

A. Yes, ma'am.

Q. And why did you go there?

A. That's where the family was located.

Q. Okay. And do you remember what room you went to?

A. No, ma'am. But I do recall that if you're looking at the Quality Inn, the room that they were in was on the left side if you're looking from Richland Avenue.

Q. All right. So if you're standing on Richland Avenue facing the Quality Inn, it would be on the left, that would be the side away from the McDonald's or the side next to the McDonald's?

A. Away from.

Q. Away from the McDonald's?

A. Yes, ma'am. That's my recollection.

Q. Was it a room in a corner or was it in the center of the road?

A. I'm not sure. It was -- as far as I can remember it was toward the back, but I'm not sure if it was in the corner or not.

Q. Okay. Now, do you recall that you were told to go to Room 129?
A. I don't remember the room number exactly, no, ma'am.
Q. Okay. Did you find her family in the first room that you went to?
A. Yes, ma'am.
Q. Okay. And that was the room -- that would be the room that you were told to go to?
A. Yes, ma'am.
Q. Okay. And who all was in that room?
A. There was three adults and a child or at least there was -- I remember a male, a female, a female child and there was either a young adult or another, you know, full adult.
Q. Okay. And after you went to that room you were with Officer Drumming?
A. Yes, ma'am.
Q. He was training you at that time?
A. Yes, ma'am.
Q. And, in fact, didn't he go to another room looking for someone else?
A. I don't recall.
Q. You don't recall if he went to another room?
A. No, ma'am. I don't remember him going to another

room.
Q. Are you saying he did or did not?
A. I don't --
MR. POTTS: Objection, Your Honor. Asked and answered.
MS. ALVES: Well, I'm just trying to clarify if he did or she doesn't remember.
THE WITNESS: I don't remember.
MS. ALVES: No further questions.
THE COURT: Anything further?
MR. POTTS: No, Your Honor.
THE COURT: Thank you, ma'am. You may come down.
MS. BODMAN: State calls Demetrick Drumming.
DEMETRICK DRUMMING, having been duly sworn, was examined and testified as follows:
THE WITNESS: My name's Demetrick Rubin Drumming, D-R-U-M-M-I-N-G.

DIRECT EXAMINATION

BY MS. BODMAN:
Q. Is it Mr. Drumming now or what is your title?
A. Well, I'm actually an officer at Centerra SRS.
Q. And so is your title officer?
A. Yes, ma'am.

Q. They call you officer at work?
A. Yes, ma'am.
Q. And how long have you been working there?
A. I started there in January 2015.
Q. Okay. And prior to your current job, where did you work?
A. Aiken Public Safety.
Q. And what was your job with Aiken Public Safety?
A. I was a community service officer which I was assigned patrol as a field training officer which I was on shift at the time of the incident.
Q. How long did you work for Aiken Public Safety?
A. I worked there for nine years.
Q. And essentially describe your, I guess, beginnings at public safety, what jobs you've held through your progression of your last position.
A. Well, at Aiken Public Safety I was a field training officer. I was also a member of the SRT team as well as the Aiken bloodhound team and part of the public safety recruitment team.
Q. Did you -- were you one of the officers that reported to the Medical Park Drive on December 20th, 2013?
A. Yes.
Q. Around 4:30-ish a.m. --

A. Yes.
Q. -- that morning? Okay. So tell us essentially when you get to the scene, who do you remember was already there and what was happening?
A. When I arrived on the scene Officer Medlin was on the scene, and he basically described to us what was going on. There was a black male in the back seat of the vehicle. And he wanted to approach the vehicle. And at that time myself and Officer Medlin approached the vehicle. We gave commands for Mr. Fuller to exit the vehicle.
Q. Did you see Mr. Fuller get out of the vehicle?
A. Yes.
Q. The person that you saw get out of that vehicle, do you see him in the courtroom today?
A. Yes.
Q. Can you describe what he's wearing, where he's sitting so we know who you're talking about?
A. Yes. He's sitting next to Attorney Hayes with a blue shirt on, with a tie, black male.
MS. BODMAN: May the record reflect the witness has identified the Defendant.
THE COURT: The record so reflects.
BY MS. BODMAN:
Q. When he gets out of that vehicle, describe how he's

acting or behaving.
A. Well, he exited the vehicle and just kind of, trying to determine what's going on.
Q. Was he standing on his own?
A. Yes, he was.
Q. Falling down?
A. No, ma'am.
Q. Was he -- did he complain to you of any injuries?
A. He did not.
Q. Did he request any medical assistance or attention?
A. No, ma'am.
Q. Describe essentially his clothes when he first gets out of the vehicle. What did you observe?
A. Well at the time when he exited the vehicle his pants were lowered. It was below his waistline.
Q. Okay. could you see his boxers?
A. Yes, exposed his boxers.
Q. Okay. So after he gets out of the vehicle what contact or what did you do with the Defendant?
A. Well, once he exited vehicle I assisted in handcuffing Mr. Fuller. And at that time through time Mr. Fuller was escorted back to my vehicle, patrol vehicle.
Q. Did you interview the Defendant?

A. Yes.
Q. Okay. And tell us how that interview began. What did you start with?
A. Well, first I Mirandized Mr. Fuller.
Q. And what does that mean?
A. Basically advised him of his rights.
Q. Which are essentially what?
A. Miranda, Miranda warning.
Q. But what are they specifically? What are those rights that you're telling him about?
A. That he basically has a right to an attorney and he doesn't have to speak to us, you know, without his attorney present.
Q. Essentially those types of rights?
A. Yes.
Q. Okay. Was your interview recorded?
A. Yes, it was.
Q. Okay. I'm going to show you what's marked as State's Exhibit Number Two. It's admitted already. Do you recognize that?
A. Yes, ma'am.
Q. Okay. And is that the interview that you had with the Defendant?
A. Yes, it is.
Q. And everything from -- I guess, is Miranda included

on there?
A. Yes, it is.
Q. All the way to the end?
A. That's correct.
Q. Okay. Have you had occasion to come in contact with intoxicated persons?
A. I have.
Q. And what are the signs of intoxication that you know to be?
A. Slurred speech, bloodshot eyes, unsteady on their feet.
Q. At any point did the Defendant appear to be under the influence of alcohol to the point that he didn't understand what was going on?
A. No, ma'am, he did not.
Q. He was steady on his feet?
A. Yes.
Q. Prior to reading the Miranda that's on this video, did you at any point threaten Mr. Fuller to give you a statement?
A. No, ma'am. I didn't.
Q. Did you make any promises to him in exchange for talking to you?
A. Not at all.
Q. Did you coerce him in any way to talk to you, give

a statement?
A. No.
MS. BODMAN: At this time, Your Honor, I'd like to publish State's Exhibit Two.
THE COURT: Are you going to offer it?
MS. BODMAN: It's already admitted.
MS. ALVES: You already admitted it, Judge, over my objection.
THE COURT: Okay. I'm sorry.
MS. BODMAN: Just publishing.
(Video played.)
BY MS. BODMAN:
Q. Okay. So if you can kind of walk us through at this stage, I guess. We don't have any sound?
A. No, ma'am.
Q. And the cameras's facing what direction?
A. It's facing out.
Q. Okay. But this is from your vehicle?
A. Yes, ma'am.
Q. Okay. Do you remember whose vehicle that is in front of yours that's captured on this camera?
A. I don't recall.
Q. But that's a patrol vehicle?
A. It's a patrol vehicle. Yes, ma'am.
Q. That's not the vehicle that was crashed?

A. No, ma'am.
Q. Okay. So now what's happening?
A. Officer Corley entered our patrol vehicle and switched the camera to the rear view where we can actually see Mr. Fuller in the back seat of my patrol vehicle.
Q. Okay. So you just said, I'm going to read you your Miranda warning?
A. Yes. That's correct.
Q. So is that what we're about to listen to?
A. Yes. Yes, ma'am.
Q. Okay.
(Video resumed.)
BY MS. BODMAN:
Q. Okay. Does he -- at this point, does it seem that he is understanding all of your questions?
A. Yes. He --
Q. Okay.
A. -- advised me that he was well and answered questions.
Q. And he's not, he doesn't seem confused with your questions?
A. No, ma'am.
Q. Keep going.
(Video resumed.)

BY MS. BODMAN:
Q. Okay. So at this point who has he said is in the car with him?
A. He said it was his self and Dominique.
Q. And are you clearly talking about the car that is involved in this collision?
A. Yes, ma'am. And I actually stated to him this car --
Q. Okay.
A. -- in this conversation.
Q. And you specifically just asked him was there a white girl, I guess, in the car?
A. Yes.
Q. And his response was what?
A. No.
Q. And you -- I'm actually going to show you what is marked as State's Exhibit Number Four and ask if you recognize what that is.
A. Yes, ma'am. It's a transcript of the interview between myself and Mr. Fuller.
Q. Okay. Would that help you to be able to kind of refer to that as we listen to this?
A. Yes, ma'am.
Q. As we go along?
A. Yes, ma'am.

Q. Okay.

(Video resumed.)

BY MS. BODMAN:

Q. Okay. So now he said where was he asking for a ride to?

A. He was asking for a ride to his grandmother's house on Hampton and -- Hampton Avenue and Sumter Street.

Q. Okay. So give us essentially what would be the reference or the directions from where you are on Medical Park and Aurora, which direction is Hampton and Sumter?

A. Hampton and Sumter is -- if you're at the hospital, you would basically bypass the hospital and continue down University Parkway and make a right on Trolley Line Road.

Q. Okay.

(Video resumed.)

BY MS. BODMAN:

Q. Okay. So, he just said, I asked if she could give me a ride over there by what?

A. It's -- he's referring to Governor Aiken Park but it's, people commonly call it the GAP.

Q. So he said now I asked her if she would give me a ride over to the GAP?

A. Yes, yes, ma'am.

Q. Governor Aiken Park. So where is Governor Aiken Park in relation to Medical Park and Aurora?

A. Well, you would continue straight down instead of turning on University Parkway going toward the hospital you would continue straight up Richland Avenue and it's several miles from the location we're at in a different direction.
Q. Totally different direction as Hampton and Sumter?
A. Yes.
Q. The GAP is a totally different location?
A. Yes.
Q. Okay
(Video resumed.)
BY MS. BODMAN:
Q. So is he understanding your questions?
MS. ALVES: Objection, Your Honor. That's speculative.
THE COURT: I'll sustain that.
BY MS. BODMAN:
Q. Is he responding to questions that you're asking?
A. That's -- correct, he is.
Q. Okay.
(Video resumed.)
BY MS. BODMAN:
Q. I'm sorry. And also just there where we stopped it is, then he just said, I just need you to drive me where?
A. To the hospital.

Q. To the hospital?
A. Yes.
Q. So, not Hampton and Sumter, not the GAP. Now he said that he asked the girl for a ride to the hospital?
A. That's correct. He changed locations.
Q. Okay.
(Video resumed.)
BY MS. BODMAN:
Q. So what basically are you doing right now while he's sitting in that car and you've left him, what are you doing?
A. I'm talking to the sergeant, trying to get further information exactly what's going on.
Q. Okay. And I guess sharing the information --
A. Yes.
Q. -- that he just gave you?
A. Yes, ma'am.
Q. Okay. And making a decision about what happens next?
A. That's correct.
Q. Okay.
(Video resumed.)
BY MS. BODMAN:
Q. So who is that that's talking to him right now?
A. That's Officer Corley.

(Video resumed.)
BY MS. BODMAN:
Q. And then essentially what's happening at this point?
A. We're pulling him out of my patrol vehicle and placing him at that time in Officer Medlin's vehicle.
Q. Okay.
(Video resumed.)
BY MS. BODMAN:
Q. Now where are you and Officer Corley headed to?
A. At that point we're going to the Quality Inn to retrieve the family.
Q. This transcript, did you review this transcript along with watching that video?
A. Yes, I did.
Q. And this is an accurate transcript of your communications, conversation and interview of the Defendant?
A. Yes, it is.
MS. BODMAN: Offer into evidence State's Exhibit Four.
MS. ALVES: Judge, I would have an objection to the transcript. We already have the video in evidence. The video is the best evidence of what was said on that day.

THE COURT: Do you question the authenticity?

MS. ALVES: I don't question the accuracy of the transcript, no. I'm just objecting to it because the best evidence is the video which is already in evidence.

THE COURT: They've seen it. I think the transcript will assist the jury in understanding some of the context of the video. And I overrule your objection.

MS. ALVES: Yes, sir.

(State's Exhibit No. 4, transcript of video, received into evidence.)

MS. BODMAN: No further questions at this time. If you'd just answer any questions that she may have.

THE WITNESS: Yes, ma'am.

CROSS-EXAMINATION

BY MS. ALVES:

Q. You said you were a patrol officer for nine years?

A. Yes, ma'am.

Q. With Aiken Public Safety?

A. That's correct.

Q. And during that time you said you testified that you came into contact with numerous intoxicated people?

A. Yes, ma'am.
Q. And you, were you actually the officer who investigated driving under the influences?
A. I have, yes.
Q. You've been to a DUI scene?
A. Yes, yes.
Q. You've arrested people for DUI?
A. Yes, ma'am.
Q. And, in fact -- so you're familiar with the DUI laws in the State of South Carolina?
A. Yes, ma'am.
Q. And, in fact, a lot of times when you come up to a scene, it's not always readily apparent that the person is intoxicated, isn't it?
A. That's correct.
Q. Sometimes you have to do more investigation?
A. Yes, ma'am.
Q. Have to talk to them for a little longer?
A. Yes, ma'am.
Q. Sometimes you have to do the field sobriety tests?
A. Yes.
Q. So even then you might still have some concerns that they're under the influence even if they passed the test, correct?
A. That's correct.

Q. And sometimes in investigating a DUI you actually have to take them to the police station to do a breathalyzer test?
A. Correct.
Q. Or to the hospital to have blood drawn?
A. Yes, ma'am.
Q. And sometimes you don't even know if somebody's intoxicated or you don't have any evidence that they were intoxicated until you actually get the results of that breathalyzer test; is that right?
A. Well, we're going to have to have enough evidence to place them under arrest to transport them to offer them a breath test.
Q. Okay. You have to have enough evidence. But you don't have enough evidence that they're actually under the influence or over the legal limit in South Carolina until you get that blood test or that BA; isn't that right?
A. Well, we conduct field sobriety tests.
Q. Uh-huh.
A. And run them through a series of tests. If we have enough probable cause to believe that they're impaired, we go ahead and arrest them and then we will place them on a breathalyzer.
Q. I just want to be clear now. I don't want to put

words in anybody's mouth.
A. Yes.
Q. So you have a suspicion that they might be but even though the words might not be slurred, they might not be unsteady on their feet, but you still have a suspicion so then you would have them do more tests?
A. Correct. Which would be the breath -- well, it would be a breathalyzer test after we place them under arrest for suspicion of DUI.
Q. Okay. Do you know if anybody did any investigation or did you do any investigation of whether or not Ms. Schlinger was under the influence that night?
A. No, ma'am. I did not. I didn't come in contact with Ms. Schlinger.
Q. Okay. So you didn't do any testing on her?
A. No, ma'am.
Q. And you don't know if anybody else did?
A. Not that I'm aware of.
Q. Let's talk about what morbid characteristics of someone who's under the influence. Sometimes you just have an odor of alcohol; isn't that right?
A. That's correct.
Q. And it might not be unsteady but they have the odor of alcohol?
A. If they're under the influence of alcohol there's

the odor of alcohol on their person.
Q. Uh-huh.
A. As well as they could be unsteady. It's just different.
Q. And there might not be an odor of alcohol but they could be unsteady?
A. That's correct.
Q. And wouldn't -- something else would be, another characteristic would be confusion? They might be confused?
A. That's correct.
Q. Sometimes they might be overly emotional?
A. Correct.
Q. Maybe even hysterical if they've been in an accident?
A. It's possible.
Q. Yes, you've seen that?
A. I've seen -- yes, I've seen it.
Q. So you've seen people who are under the influence and having caused accidents in all forms of, they run the whole gamut of emotions and range of how they would appear?
A. Yes, ma'am.
Q. There's no set, set of -- there's no set rules on how a person who is intoxicated would appear?

A. No, ma'am. People react differently to alcohol and to amounts of alcohol.
Q. And sometimes the officer -- any officer in determining whether somebody is under the influence, has to investigate further?
A. That's correct. That's when we conduct field sobriety which basically gives us that guideline to detect if someone is under the influence.
Q. And if you can't determine, if you can't conduct field sobriety, what do you do?
A. At that point we can transport them to a hospital and they would take a blood sample.
Q. Okay. And you didn't do that in this case?
A. No, ma'am.
Q. Okay. And, you said that, you testified that Mr. Fuller's pants were below his waistline?
A. That's correct.
Q. And his boxers were exposed?
A. Correct.
Q. His pants weren't all the way down, were they?
A. No, ma'am. They were just slightly below his waistline exposing his boxers.
Q. So the top part of his boxers wasn't exposed?
A. It was the top part. I don't remember exactly how much of the boxers but it wasn't his complete boxers, no,

ma'am.

Q. Did you see State's Exhibit Number One, the video from investigator, or excuse me, from Officer Medlin's vehicle?

A. I was not able to view that video.

Q. Okay. So you have never seen it?

A. Not while we were viewing it just now but in the past I have seen it.

Q. And does that video accurately reflect how Mr. Fuller's pants were when he was taken out of the vehicle?

A. That's correct.

Q. Okay. And what medical tests or examination did you give to Mr. Fuller before you started questioning him?

A. Basically just, I didn't observe any physical injuries and that's about the extent of the tests.

Q. Are all injuries from anybody -- do you know whether or not all injuries that someone might suffer in a car accident would be visible?

A. No, ma'am.

Q. You don't know or they wouldn't be?

A. Well, yes, I mean his -- he could -- it's possible to have a head injury and not be able to realize it. That's correct.

DEMETRICK DRUMMING - CROSS BY ALVES

Q. Okay. Did you do any examination to determine whether he had any type of injury to his head?
A. No, ma'am.
Q. Did you question him as to whether or not he was confused and really understood what you were asking?
A. I did not but he answered questions and didn't appear to be under any kind of distress at all.
Q. Well, when he was answering the questions and was clearly mixing up being in a car with, his grandmother's car with Dominique and --
MS. BODMAN: Objection. That's for the jury to decide.
THE COURT: Well --
MS. ALVES: I'd ask --
THE COURT: -- if he heard it. She can ask that question.
BY MS. ALVES:
Q. When Mr. Fuller was answering your questions and was clearly mixing up being in a car, in his grandmother's car with Dominique, with being in a car with, in another car with a lady, you didn't ask anything further to clarify what he was talking about, did you?
A. When I questioned Mr. Fuller I was referring to the vehicle on scene which I believe at the two-minute mark I specified this vehicle and he answered that was

Dominique's vehicle.
Q. Okay. Now, at the time that you were questioning Mr. Fuller were you already aware of what was being said at the hospital?
A. Not at the time.
Q. So you didn't know any of the details about who owned the vehicle or what was alleged to have happened prior to the car hitting the tree?
A. Well, at the time we was getting the information as we were going and I believe at that point I knew the vehicle belonged to a female that was at the hospital at the, you know, at the ER.
Q. So you were aware when you were questioning Mr. Fuller that the vehicle belonged to a lady at the ER?
A. That's correct.
Q. But you were not aware of what this lady said happened?
A. I didn't know the full extent of what was going on.
Q. You said the full extent. So, what did you know?
A. At the time I knew the vehicle did not belong to him, and he had a gun in his possession. And basically that he was with a female, and a female apparently was in the vehicle.
Q. So the only thing that you knew at the time you were questioning him, to be clear, is that he was in the

car with a gun and there was a female at the hospital who owned the car?

A. Yes, ma'am. That's based on what I can recall as far as what was going on at the time.

Q. Okay. You were not aware that this female said he had kidnapped her or assaulted her?

A. I was not completely aware of exactly what had took place.

Q. Okay. Now, you went -- so after you -- you said you transferred Mr. Fuller from your vehicle into Officer Medlin's vehicle?

A. That's correct.

Q. And then you drove to the hotel?

A. Myself and Officer Corley rode to the hotel and retrieved the family.

Q. You rode there together?

A. To the best of my recollection we did ride to the hotel together.

Q. Okay. Officer Corley wasn't in her own vehicle, was she?

A. We were assigned the same vehicle because I was training Ms. Corley. I was a field training officer.

Q. Okay. So you and Officer Corley rode there together in the same vehicle?

A. Correct.

Q. And you were told to go to Room 129?
A. I don't recall exactly what room but I knew it was the Quality Inn Hotel.
Q. And you went there to inform Ms. Schlinger's family that she was at the hospital?
A. Correct.
Q. And to bring them to the hospital?
A. Yes, ma'am.
Q. All right. And at some point after you went to Room 129 you went to another room?
A. I believe there was -- the family was in two, two separate rooms.
Q. Okay. And when you went to the, you went to the -- how many rooms did you go to all together?
A. I believe there was possibly two, two rooms.
Q. And someone escorted you. Do you remember who escorted you to the second room?
A. I don't exactly remember. It was a female in a pea coat.
Q. Okay. But it was, do you know -- it wasn't another police officer, was it?
A. No, ma'am.
Q. And you don't think it was somebody who worked for the hotel?
A. I don't recall.

DEMETRICK DRUMMING - CROSS BY ALVES

Q. Okay. And so you went to two rooms. The first --
A. I remember going to two separate rooms trying to locate all the family members.
Q. And when you went to the second room, there was no answer there?
A. I don't recall.
Q. Okay. Have you reviewed any video of that, of the hotel's from that?
A. I have reviewed video. There was a female in the video.
Q. Yes.
A. And it showed us going to two separate rooms.
Q. Have you reviewed the video showing you?
A. Showing me?
Q. Yes.
A. Yes, ma'am.
Q. And it shows you knocking on the door of a room?
A. There was two different rooms, yes, ma'am.
Q. The video only shows you knocking on the door of one room.
A. And it shows us walking into the light it and it kind of just shows the bottom of our feet.
Q. Yes. But you don't recall whether or not there was an answer at the second door?
A. I do not recall. No, ma'am.

Q. Okay. Do you recall the number of that room?
A. I do not.
MS. ALVES: Beg the Court's indulgence one moment.
(Pause.)
MS. ALVES: No further questions.
THE COURT: Redirect?
REDIRECT EXAMINATION
BY MS. BODMAN:
Q. Based upon your questions to the Defendant and his responses and your observations, was the Defendant clearly confused or did he change his story?
MS. ALVES: Objection, Your Honor, speculative about whether or not the Defendant was confused or --
THE COURT: Well, he can tell what his observation was. Overruled.
THE WITNESS: Through my investigation it was apparent to me that Mr. Fuller changed his story once I advised him of a female that was alleged in the vehicle.
MS. BODMAN: Thank you. No further questions.
MS. ALVES: Nothing further.
THE COURT: All right. You may come down,

sir. May this witness be excused? Do you still have him under subpoena?

MS. ALVES: I don't have him under subpoena, no.

THE COURT: Any objection?

MS. BODMAN: No.

THE COURT: All right.

MS. ALVES: No, sir.

THE COURT: Witness is excused.

All right. Ladies and gentlemen, that will conclude the testimony for this morning. We're going to take a lunch break now at this time.

I'm going to ask you to be back in the jury room at a quarter to two. That will give you about an hour and 10 minutes for lunch at which time we will continue with the trial.

Again, don't discuss the case among yourselves when you return to the jury room, with anyone else over the lunch hour. We'll see you in one hour and eight minutes.

(Jury exits courtroom at 12:40. Lunch break taken. At 1:55 p.m., the trial resumed:)

THE COURT: State ready to proceed?

MS. BODMAN: We would like to address a hopefully brief issue so that we don't have to

stop going. We showed all of our charts to defense counsel beforehand and I don't think there's any objections to any of them except for State's Exhibit 28. There are six photographs on this and these are photographs of essentially her, the victim's injuries, the hand abrasions, neck, the back of her neck, essentially the weight that had to be put on her head because of the fractures and her rehabilitation.

THE COURT: Okay. What's the objection?

MS. ALVES: Judge, I would object to those photos being placed in. Judge, none of those photos tend to establish the proof that, whether or not Mr. Fuller committed the crimes that he's charged with.

THE COURT: All right.

MS. ALVES: None of them, all -- Judge, I think all of those pictures are actually irrelevant to establishing proof. All of them show Ms. Schlinger in the hospital after the incident and in particular Exhibit 28-F shows her in a substantial period after the incident happened when she is walking in rehabilitation.

THE COURT: Uh-huh.

MS. ALVES: Judge, I think those pictures

are inflammatory, and can be used primarily to inflame the jury. As I said, I don't believe they're relevant to establishing the proof of these charges and the prejudice of those pictures would outweigh the probative value.

THE COURT: Well, he's charged with assault and battery in the first degree. I think the State should be allowed to show the results of what they allege are the assaults committed by your client. And I assume they'll tie that up at one time or another.

I mean, are you planning to offer them now or through her?

MS. BODMAN: Through a witness, yeah. I mean, not just blanketly. We will establish the foundation through a witness, yes, both her and her sister who observed these injuries.

THE COURT: Well --

MS. ALVES: Judge, in light --

THE COURT: Just wait a minute. Let me understand her.

MS. ALVES: Yes, sir.

THE COURT: Do you plan to put them in through Ms. Schlinger?

MS. BODMAN: We are going to establish the

elements of --

THE COURT: Yes or no.

MS. BODMAN: Yes.

THE COURT: Okay.

MS. BODMAN: We'll put it through her.

THE COURT: That's fine. Because she will testify, I assume, that she was assaulted by the Defendant.

MS. BODMAN: Yes.

THE COURT: And these are the results.

MS. BODMAN: Yes.

THE COURT: All right.

MS. ALVES: Judge, my concern -- if you are allowing the State to put in pictures of the injuries, I would have a separate objection to picture, to 28-F which does not show any actual injuries. It just shows her walking with a cane with a medical person next to her.

THE COURT: Overruled. I'll allow it.

MS. BODMAN: We are ready, Your Honor.

THE COURT: As long as you can put them in some relationship to the indictments in this case.

MS. BODMAN: We are, Judge.

THE COURT: Bring the jury, please. I'm

sorry.

MS. ALVES: Judge, one other issue.

The solicitor has shown me pictures that they, a chart that they intend to use when the doctor testifies. Judge, my only objection would be subject to my previous objection where I objected to the testimony regarding the injuries which, the testimony regarding the injuries because they were subsequent to the allegations against Mr. Fuller. I made that objection yesterday.

THE COURT: And?

MS. ALVES: And you overruled it.

THE COURT: Okay.

MS. ALVES: So my objection to the pictures is not necessarily -- I mean, the chart, is not necessarily to the chart itself but it's an ongoing objection to the testimony.

THE COURT: All right. I understand. You're on the record.

Bring the jury, please.

(Jury enters courtroom at 1:58 p.m.)

THE COURT: All right. Solicitor, you may proceed.

MR. POTTS: The State calls Dr. James

Dillon.

JAMES DANIEL DILLON, JR., having been duly sworn, was examined and testified as follows:

THE CLERK: Have a seat in the witness box, stating your full name, spelling your last.

THE WITNESS: My name is James Daniel Dillon, Jr., D-I-L-L-O-N.

DIRECT EXAMINATION

BY MR. POTTS:

Q. Dr. Dillon, where are you currently employed?

A. I'm employed at Aiken Regional Medical Centers.

Q. And what is it you do there?

A. I'm a staff neurosurgeon at the hospital.

Q. Okay. So, you are a licensed medical physician in the state?

A. Yes, I am.

Q. What's your educational background?

A. I went to undergraduate school at Vanderbilt University, graduating with a Bachelor of Arts degree in 1968. I went to Vanderbilt University Medical School, graduating in 1972. I had a straight surgical internship from '72 to '73, and from '73 to '77 I was a neurosurgical resident.

Q. And then after medical school, after your residency did you go into any specialty?

A. No, sir. I had a general neurosurgical residency. I did not do a fellowship or anything like that.
Q. I'm sorry. What is neurosurgery?
A. Neurosurgery is a branch of medicine and a subspecialty of surgery that deals with diseases and injuries and conditions afflicting the nervous system. The specialty handles operative procedures on the spine, the brain, the blood vessels going to both the spine and the brain and the peripheral nerves. The specialty involves the evaluation, diagnosis, management, operative management and post-operative care.
Q. Okay. Have you been involved in this field since the end of your residency --
A. Yes, I have.
Q. -- in 1978? So that would be almost 40 years?
A. Yes, sir.
MR. POTTS: Your Honor, at this time I'd like to offer him as an expert, Dr. James Dillon, in neurosurgery.
THE COURT: Voir dire or objection?
MS. ALVES: No objection.
THE COURT: Go ahead. You may proceed.
BY MR. POTTS:
Q. Did you have -- were you still working at Aiken Regional Medical Center on December 20th, 2013?

A. Yes, I was.
Q. Did you have an opportunity to come into contact with Ms. Katie Schlinger?
A. Yes, I did.
Q. Did you have an opportunity to examine her?
A. Yes, I did.
Q. What was the results of your examination?
A. My examination showed that the patient was laying on the stretcher in the emergency room. Her neck was immobilized in a hard cervical collar. She complained of pain in her hands, predominantly the right hand. Her motor examination revealed generalized weakness of all of her extremities. Sensory testing revealed vague sensory loss with a level at about C-6. And I noted that she was breathing with her intercostal muscles. She had superficial abrasions, particularly on her left arm and hand. She had a scalp laceration which had been debrided and closed.
Q. Now you're talking about these various things you observed, like, the general weakness and, you know, breathing with certain types of muscles. What do those things indicate to you?
A. The generalized weakness made me concerned that she might have had a spinal cord injury. In trying to value the level of the injury it was important to see how she

was breathing because a very high cervical spinal cord injury paralyzes the intercostal muscles between our ribs and so the patient would breathe with their diaphragm.

Q. Is that what she was doing?

A. No, she was breathing with the muscles between her ribs.

Q. So she was -- okay. Now, why were you even observing her in the first place?

A. The -- when she was brought to emergency room it appeared that she had had injuries to her neck. And the emergency room physician called me and asked me to come and consult.

Q. Okay. Now, did you perform any tests on her to see what her injuries were?

A. They did a CT scan of her neck. And evaluating the CT scan showed that she had a fracture at C-3, the third cervical vertebrae, on the left-hand side. And she had what we call a burst fracture at the level of C-6 with bones from the vertebral body being pushed into the spinal canal compressing the spinal cord.

Q. So she had two different fractures in her spine?

A. Yes, sir.

Q. Now, if you mind stepping down for one second, sir?

A. (Complying.)

Q. I have here on this fancy machine a little diagram.

Does this diagram help you in pointing it and letting the jury know where these different injuries are?
A. That will be fine.
Q. Okay.
A. The cervical spine consists of seven cervical vertebrae. C-3 is here. And effectively that would be right about through here would be maybe a little above that. C-6 where the worse fracture was is about where the shoulder joins the neck.
Q. Okay. So are these, how are these two spots different besides just their position?
A. I'm not sure what you're asking.
Q. I guess, how were these fractures different?
A. Well, the fracture at C-3 involved one joint on the left-hand side in that C-3/C-4 and C-2. The fracture at C-6, this front part that I'm point to now, the vertebral body basically exploded. And the bone was pushed backwards into the spinal canal.
Q. And you said that was -- what were the implications of both those injuries?
A. The C-3 injuries in my opinion did not produce any neurological injury. The c-6 injury was responsible for generalized weakness.
Q. What would happen if the C-6 was untreated?
A. She would have been a quadriplegic.

Q. You can have a seat, sir. Thank you.
A. (Complying.)
Q. Now would either fracture necessarily lead to bleeding in that area?
A. The C-3 fracture probably not. The C-6 fracture would be associated with a hematoma around the area of the fracture.
Q. Would that be above or below the skin necessarily?
A. Below the skin.
Q. Below the skin. Okay. Now if there was external bleeding on her head and neck area, would that be consistent to a reasonable degree of medical certainty to being hit with a pistol?
A. To a reasonable degree of medical certainty, yes, sir.
Q. Okay. Now, we have these two different injuries, the one at C-3, and the one at C-6. Which one of those two injuries, once again, to a reasonable degree of medical certainty, would be more consistent with being in a car collision?
A. The C-6 injury.
Q. The C-6 injury. Would the injury at C-3 be consistent with being hit in the back of the head with a pistol?
A. I think it's probably better to say that the C-3

injury is consistent with blunt trauma.
Q. Okay. Blunt trauma. Would that scenario be an example of what could -- of blunt trauma?
A. That's correct.
Q. How likely would it be to get a blunt force trauma injury to cause the C-6 damage?
A. It's possible, but very, very, very unlikely --
Q. Okay.
A. -- because of the force required to burst that portion of the spinal column.
MR. POTTS: Beg the Court's indulgence one second.
(Pause.)
BY MR. POTTS:
Q. Now let's take this C-6 injury. You mentioned that if left untreated it could eventually lead to paralysis?
A. That's correct. Yes, sir.
Q. Would someone immediately become paralyzed with this C-6 fracture?
A. You can but oftentimes you see a progression from normal strength down to total paralysis.
Q. So it could be walking at first and then they'd have the generalized weakness and then they would have the paralysis?
A. That's -- yes, sir.

JAMES DANIEL DILLON, JR. - CROSS BY ALVES

Q. And why is that?
A. Because the nature of the impact from the bone fragments to the spinal cord was not sufficient initially to basically cut the spinal cord in two. Basically it caused a severe bruising of the spinal cord that then progressively got worse.
Q. Okay. And, I guess, how does it progressively get worse? Does it -- swelling or is it just bleeding?
A. It's bleeding within the spinal cord and swelling within the spinal cord.
Q. So if someone was walking around at first and then collapsed at some later time, that would be consistent with this sort of injury?
A. That's correct. Yes, sir.
Q. Okay.
MR. POTTS: Okay. Thank you. No further questions. Please answer any questions they have for you.
THE COURT: Cross-examination?
MS. ALVES: Yes, sir.

CROSS-EXAMINATION

BY MS. ALVES:
Q. Now, Doctor, you testified that your, the C-6 injury, you said that would be an injury consistent with someone being in a car accident where they were snapped

forward and back?
A. Yes, ma'am.
Q. And the C-3 injury you said that was more consistent with blunt trauma?
A. Yes, ma'am.
Q. Well, is it possible that a C-3 injury could result from someone in a car accident?
A. It is possible but not very likely.
Q. So is it possible that if someone was hit by some debris in the car or an item in the car, could that have resulted in that?
A. That -- certainly it's possible, yes, ma'am.
Q. Okay. So, in a car where someone has, like, a lot of items, junk, whatever you want to call items that people have in their vehicle, if one of those items hit someone in the head during a car accident, is it possible that could have caused the C-3 injury?
A. Yes, ma'am, that's possible.
Q. And you don't have any facts specifically to say this was caused by someone being hit in the head with a gun, do you?
A. No, ma'am, I do not.
Q. And let me ask you this. If someone was beaten so severely that they got a fracture of their neck, wouldn't you expect to see additional injuries?

A. It would depend on both the number of blows, the nature of the blows, the extent of the blows. I have seen cervical spine fractures where all of the external marks were on the head and neck.

Q. Okay. But in this case -- but in this case you don't have any evidence that this was from somebody being hit with a gun or beaten about the head with a gun?

A. No, ma'am. I had evidence that I thought was consistent with blunt force trauma. I don't have any indication of what the blunt force was.

Q. And I just want to clarify. It is possible it could have still resulted from being hit with an item moving about in a car during the accident?

A. Yes, ma'am.

MS. ALVES: Thank you. No further questions.

THE COURT: Anything further?

MR. POTTS: No, Your Honor.

THE COURT: May this witness be excused? You can come down.

MR. POTTS: Yes, Your Honor.

THE COURT: You can come down, Doctor. You're free to go. Thank you very much.

THE WITNESS: Thank you, sir.

THE COURT: Next witness.

MALLORY SMITH - DIRECT BY BODMAN

MS. BODMAN: State calls Mallory Smith.

MALLORY ELISE (HARMON) SMITH, having been duly sworn, was examined and testified as follows:

THE CLERK: Have a seat in the witness box, stating your full name, spelling your last.

THE WITNESS: My name is Mallory Elise Smith, and S-M-I-T-H.

DIRECT EXAMINATION

BY MS. BODMAN:

Q. Ms. Smith is your married name?

A. Yes, ma'am.

Q. What is your maiden name?

A. Harmon. H-A-R-M-O-N.

Q. And back in December of 2013, were you a nurse here at Aiken Regional Medical Centers?

A. Yes, ma'am.

Q. Where are you working now?

A. I work at Samaritan Medical Center in New York.

Q. You've moved to New York?

A. Yes, ma'am.

Q. Can you tell the jury a little bit about your education and your training that brought you to be a nurse?

A. Yes, ma'am. I graduated from Aiken Technical

College nursing with an ADM, Associate's Degree in Nursing in 2013 in May. I was working at Aiken in the ER as a tech a year prior to that and I began my training as an ER nurse, I believe, around that late summer, that early fall. Prior to that I was in EMS. I worked for Palmetto Ambulance as an EMT basic.

Q. I guess during school you worked as an EMT?

A. No, not during school. This was prior to when I was 21 is when I began my training for my EMT basic but I was only a basic for a few years.

Q. So prior to even going nursing school?

A. Uh-huh.

Q. Okay. And what kind of, I guess, patients do you see in the emergency room?

A. We see all kinds. Anything from infants to elderly patients. We see all age ranges. We see all types of injuries. Anything from the medical problems such as heart attacks, anything traumatic such as car accidents. I've seen people kicked in the jaw by a horse. I've seen all kinds of things.

Q. Okay. And what are your duties and responsibilities as a nurse?

A. In the emergency department we bring the patients in, we assess them to see the extent of their injuries. And then we go from there and work with the doctors as

far as ordering what needs to be ordered to figure out what the emergency is for that patient and try to fix what's wrong or get started or start the process of fixing what's wrong.

Q. Okay. Back on December 20th of 2013 in the early-morning hours, I guess, late 4:30, almost five o'clock, did you have occasion to treat a patient by the name of Katie Schlinger?

A. Yes, ma'am.

Q. And did you make records in connection with that treatment?

A. Yes, ma'am.

Q. Do you have those records in front of you?

A. Yes, ma'am, I do.

Q. And have you had a chance to review them before coming to court today?

A. Yes, ma'am.

Q. If at any time you need to refer to those records to refresh your memory, just let us know.

A. Okay.

Q. Okay. So what do you remember your shift being that day?

A. I don't remember a whole lot going on. It was kind of quiet in the ER. And then at the time mentioned is when we had the patient, Ms. Katie Schlinger, when she

came in. That's when things got a little busy in the ER, I guess could you say. So it was kind of quiet before that.

Q. What was your first contact with Katie?

A. I was in the emergency department and she was wheeled in in a wheelchair. She was brought into Room 27. That was part of my assignment that day. So I came in, moved her from the wheelchair to the stretcher and she was very frantic.

Q. Back up a little bit.

A. Uh-huh.

Q. So when she comes to you she is in a wheelchair. So are you at the front door of the emergency room when people are coming in and out of their cars or from the parking lot?

A. No, ma'am.

Q. So did other people come in contact with her then initially at that front door?

A. Yes, ma'am.

Q. And then she's brought back to you in a wheelchair?

A. Yes, ma'am.

Q. Okay. So describe her demeanor when you first made contact with her.

A. She was very frantic. She was very visibly upset, very shaken. She was going -- her speech, she was about

90 miles an hour. You could tell she was very upset. And we were trying to figure out what happened, what was going on.

Q. So did you ask her to tell you what happened?

A. Yes, I did.

Q. And is that important for you then to begin deciding how you need to treat her?

A. Yes, it is.

Q. And when she responds to your question about what happened, is she still in this frantic state?

A. Yes.

Q. Still speaking 90 miles an hour?

A. Yes, ma'am.

Q. Is she still shaking?

A. She was very shaken. Yes, ma'am.

Q. Okay. What did she tell you happened to her?

MS. ALVES: Objection. Hearsay.

THE COURT: Overruled

THE WITNESS: From my understanding asking her how -- what happened, she said that she had met, somehow or another had met a young man who had a family member, an uncle in the hospital. She said she had a brother who was in ICU who I believe had open-heart surgery and somehow or another she gave him a ride to the hospital to go

visit family. And in the process of going to the hospital in the car ride she said that he pulled out a gun on her. And she tried -- she was trying to get away from him, somehow or another she wrecked her car to get away.

And it was from my understanding at that point that he was knocked unconscious, she crawled away, somebody came and picked her up and brought her to the ER. And that's what she told me happened.

Q. Did you observe any injuries on Katie?

A. I did.

Q. And what injuries did you observe?

A. She had a laceration to the back of her head. She had abrasions on her hands and her forearm area.

Q. The abrasions on her hands, were they still, were they actively bleeding?

A. No, ma'am.

Q. Okay.

MS. ALVES: I didn't understand what she just said.

THE WITNESS: Oh.

MS. ALVES: You said yes?

THE WITNESS: I'm sorry. I said no, ma'am. They weren't bleeding on her hands.

BY MS. BODMAN:

Q. The laceration that you observed to the back of her head, was that still bleeding?

A. The bleeding was controlled but it was open and you could see fresh blood back there.

Q. As part of your duties and responsibilities, do you also do a pain assessment on your patients?

A. Yes, ma'am.

Q. And did you do that with Katie?

A. Yes, ma'am, I did. I did it twice.

Q. And I don't know if you need to refresh your memory with the records or not.

A. Uh-huh.

Q. But how do you assess it? Do you just say, does it hurt, does it not hurt, or do you give it a scale of one to 10?

A. We do a scale of one to 10 for patients who can be verbally respond to that and understand; 10 being the worst pain imaginable, one being hardly any pain at all. Can you tell me what your pain is.

Q. And what did Katie assess her pain level to be?

A. Ten.

Q. At any point did you administer any drugs to her?

A. I did. We gave her, I gave her 50 milligrams of Vistaril. It's a PO medication so we gave it to her by

mouth.
Q. And what does PO medication mean?
A. By mouth. We just give it orally.
Q. And what is this medication, what does it do?
A. Because she was so frantic. It's, it's kind of similar to Benadryl in a way. It would not sedate her but maybe calm her down just a little bit kind of so we could still talk to her and find out what was going on.
Q. Okay. Did she at all express any fear?
A. Yes, she was very scared.
MS. ALVES: Objection, Your Honor. This goes -- this is hearsay and it goes beyond what would have been necessary for medical treatment.
THE COURT: Did she express it? What did she say?
BY MS. BODMAN:
Q. What did she say to you?
A. She was fearful that --
MS. ALVES: Judge, I'm going to object again because it's hearsay. And it's going beyond what would have been necessary for her medical treatment.
THE COURT: Overruled.
THE WITNESS: While she was telling me what had happened to her, she stated that she was scared that he would go back to her hotel room

and hurt her family. She was very scared for her mother. And she was afraid that this person would harm her mother.

MS. ALVES: Objection, Your Honor. This is -- it's going beyond -- this is still hearsay and now it's going into a speculation made by somebody else.

THE COURT: Overruled.

MS. ALVES: Yes, sir.

THE COURT: 803. Proceed.

BY MS. BODMAN:

Q. Okay. And anything else other than fear for her family?

A. She, she had stated to me that the person who was in the car with her had tried to force himself on her in a sex -- in an oral, sexual manner. She just stated it when she first got to the ER. She didn't really go into any further detail. I didn't press any questions in that area. She didn't specify anything else that happened other than that. I was more concerned about her injuries, her other injuries. So.

Q. I'm going to go back. You said that she had said that he had forced himself on her orally. What do you mean by that or what words did she use?

A. I can't remember her exact words, quoted from her.

But from my understanding he tried to force himself onto her orally. So.

Q. And I'm sorry but you say himself?

A. His penis into her mouth.

Q. Sorry about that.

A. That's okay.

Q. Okay. But she didn't give any other details of the extent of that sexual assault?

A. Correct.

Q. Okay. And then about what time did you go off shift that day?

A. Usually we report at 6:45 in the morning to the oncoming shift nurse.

Q. Okay. And then whose care did you pass Katie onto?

A. Jeremy Dixon.

Q. And, by the time I guess you had passed care on, had you learned anything about the, her fractures?

A. I did. As I was giving a report to Jeremy, Dr. Charles Eaves came and told us both that she had a cervical spine fracture. So we knew at that point she would probably be transferred to Georgia, that we wouldn't resume her care at Aiken.

MS. BODMAN: No further questions at this time. If you'll just answer any questions that

she may have.

THE WITNESS: Yes, ma'am.

MS. BODMAN: Thank you.

THE COURT: Cross-examination?

CROSS-EXAMINATION

BY MS. ALVES:

Q. Do you have her medical records from that evening?

A. Yes, ma'am. I do.

Q. And the medical record shows that Ms. Schlinger was admitted to the hospital 4:45?

A. I believe so, yes, ma'am.

Q. Excuse me. Wait a minute. I'm sorry. Let me make sure I've got it right. What do you show? Do you show that?

A. 4:45.

Q. 4:45?

A. Yes, ma'am.

Q. So you show that she was admitted to the hospital at 4:45?

A. Yes, ma'am.

Q. But she actually arrived at the hospital, does it show what time she arrived?

A. Let's see what it says on her discharge. Arrival time is 12/20/2013, 4:45.

Q. 4:45?

MALLORY SMITH - CROSS BY ALVES

A. Uh-huh.
Q. That would have been when she actually got into a room?
A. When she was entered into the computer system, yes, ma'am.
Q. Okay. So that would be when she was entered into the computer system?
A. We do that -- we can't do any care without having them in the computer. We can't do orders or anything like that. So we put them in the system as soon as they arrive.
Q. At 4:45. And you were the nurse on duty in the emergency room at that time?
A. Yes, ma'am. Assigned to that room.
Q. And the doctor on duty at that time was?
A. Dr. Aaron Garrett.
Q. Dr. Aaron Garrett. And your first contact with Ms. Schlinger was when she was wheeled actually into the actual emergency room?
A. Into Room 27.
Q. Into Room 27?
A. In Room 27 in the emergency department. Yes, ma'am.
Q. Okay. And what did you do first?
A. We got her onto the stretcher and she was very

hysterical and frantic. We were just trying to assess what had happened to her, how she got there, what her injuries were.

Q. Okay. you said we were trying to assess. Who was trying to do this assessment?

A. The medical, the medical team, myself, I believe my charge nurse was in the room, Dr. Garrett was in the room. We -- when somebody comes in and she said she was in a car accident, we have to change them into a gown, assess their body for any other injuries. We have to get their vital signs, have them hooked up to a blood pressure monitor and pulse-ox we usually do it as a team.

Q. Okay. And so the team at that point in Room 27 was you, your charge nurse and Dr. Garrett?

A. I believe so, yes, ma'am.

Q. And so at that point do you try to get information from the person in general when that happens?

A. Yes, ma'am.

Q. And in this situation you tried to get information from her?

A. Yes, ma'am.

Q. And who took the history of the present illness, who took that history?

A. Ma'am?

Q. And so when you get the information from the

hospital you label it as -- do you classify that as their history?

A. Not necessarily their history but their presenting complaint.

THE COURT: Hold on a minute.

MS. ALVES: Yes, sir.

THE COURT: Go ahead, ma'am. She needs some water or something. Help her out.

(Alternate juror leaves courtroom.)

MS. ALVES: I'm sorry.

THE COURT: Just hold on.

MS. ALVES: Yes, sir. Yes, sir.

THE COURT: We have a juror out of the room.

The bailiffs are going ask her if she feels like she can continue.

(Pause.)

THE COURT: The bailiff reports that the juror feels like she is not going to be able to continue. Any objection to releasing the alternate juror?

MS. BODMAN: Nothing from the State.

MS. ALVES: Your Honor -- no, Your Honor.

THE COURT: All right. Tell her she can go home.

THE BAILIFF: Thank you.

THE COURT: You may continue.

BY MS. ALVES:

Q. Ms. Smith?

A. Yes, ma'am.

Q. Okay. When someone comes into the emergency room, is it standard to have a treatment team working on them?

A. Yes, ma'am. We work together as a team.

Q. Okay. And when you're working and someone comes in the room, do you try to get information from them?

A. Yes, ma'am.

Q. Try to get their social history?

A. Try to get their chief complaint and what's going on at the time or what happened.

Q. Do you ask them about their medical history?

A. Yes, ma'am, we do.

Q. About their surgical history?

A. Yes, ma'am.

Q. Any significant family history?

A. Yes, ma'am.

Q. Do you ask them about their alcohol use and drug use?

A. Yes, ma'am.

Q. And you do a physical examination?

A. Yes, ma'am.

Q. And that's what you described when you hooked her up to a blood pressure monitor and to various other machines that you have available to determine what their physical condition is?

A. Yes, ma'am.

Q. And that's in general something you do for everybody?

A. In general, yes, ma'am.

Q. Okay. And you get a history of their present illness, like, what's going on, how long has the problem been going on?

A. Yes, ma'am.

Q. And are those -- when you get that history of their present illness, is that information that you review when you start your nursing care of a person?

A. Yes, ma'am.

Q. So the information, even if you're not the one who got it, the information that the other doctor and nurse got, you look at that in determining what your care of that person should be?

A. Yes, ma'am.

Q. Okay. And then in this case, you and your team started assessing Ms. Schlinger at 4:48?

A. Yes, ma'am.

Q. You can look at your records.

A. Let's see.

MS. BODMAN: Is there a different page?

BY MS. ALVES:

Q. I'm sorry. Are you in the records that's 105 pages long?

A. Yes, ma'am.

Q. Page 10.

A. Page 10.

Q. Yes.

A. Those are the doctors notes.

Q. Do you normally review the doctor's notes when you're nursing a particular patient?

A. It depends on the situation. If it's -- in this particular case I did not review the notes. I put in my own notes.

Q. You put in your own notes?

A. Uh-huh. Yes, ma'am.

Q. So your notes would be in the nurse's notes?

A. Yes, ma'am. And looks like I started at 4:50.

Q. Okay. So you never reviewed what the doctor, either -- what Dr. Garrett wrote?

A. I don't believe I reviewed it at the hospital. I can't remember whether I looked at it or not, in all honesty.

Q. Well, were you aware of the information that

Dr. Garrett would have gotten from her? Did he discuss it with you while you all were part of Ms. Schlinger's treatment team?

A. Yes, ma'am.

Q. And did Dr. Garrett discuss with you the fact that Ms. Schlinger had a risk factor consisting of alcohol intoxication?

A. Yes, ma'am. We knew. She said, she admitted to me she had been drinking that night. I think she said she drank wine but that was when she first came in she told us that, told us both that.

Q. Did she also smell of alcohol?

A. I don't remember her smelling of alcohol. No, ma'am.

Q. Okay. And she, and she told you about the assault and about picking up somebody to drive them and being assaulted?

A. Yes, ma'am.

Q. But there's nothing in Dr. Garrett's notes about her being forced to perform oral sex, is there?

A. No, ma'am.

Q. And there's nothing in your nurse's notes about that, is there?

A. No, ma'am.

Q. You didn't write that down?

A. No, ma'am. I didn't.
Q. Wouldn't you have considered it important to note that your patient is telling you that they have been sexually assaulted?
A. Yes, ma'am.
Q. But it wasn't important enough for you to write down?
A. She, when she initially told me she said he tried to. I didn't get any further information than that. So I don't know if had finished. I don't know what happened. And I knew that she was going to speak with the police about that. And --
Q. Were the police -- I'm sorry. Go ahead.
A. -- normally if there's a sexual assault and if there's a rape kit or anything that needs to be done the police tell us whether or not we need to perform one or not, from my understanding.
Q. Okay. So you were not asked to perform any type of sexual assault?
A. No, ma'am.
Q. I mean, sexual assault kit rather?
A. No, ma'am.
Q. All right. Now if somebody comes into the hospital -- well, let me ask you this. Do you remember when, exactly when she told you that she was sexually

assaulted?
A. I don't remember exactly when. She was very frantic and, like I said, she was talking 90 miles an hour and she was telling her story in pieces. She was, like I said, verbally upset.
Q. Did she tell you that -- when you did your assessment of her did she tell you that she used drugs?
A. No, ma'am.
Q. In fact, didn't she deny drug use?
A. If it's in the notes then she denied it.
Q. Well, you don't have to take my word. Page 10.
A. Page 10?
Q. Yes, ma'am.
A. Alcohol use regularly, drug use denies.
Q. But she admitted regular use of alcohol but she denied drug use?
A. Yes, ma'am.
Q. All right. And in your notes you weren't with Ms. Schlinger for very long, were you?
A. No, ma'am.
Q. I believe you said you got off at six?
A. 6:45.
Q. 6:45. So you were her nurse for the two hours that she was there?
A. Yes, ma'am.

Q. And then you turned her care over to Jeremy Dixon?
A. Yes, ma'am.
Q. So when you turned her care over to Mr. Dixon -- well, let me ask you what you do. I don't know what he does. When you receive a patient from another nurse, when they go off duty and you come on, do you review their nurse's notes?
A. Usually. You can look over their notes or nine times out of 10 we get a verbal report. You go by that verbal report and if there's a need to refer back to the notes you can.
Q. But the nurse notes are important because if you don't have an opportunity to do a verbal report or an in depth verbal report, that tells the nurse who's coming on duty-
A. Uh-huh.
Q. -- what's been going on?
A. Yes, ma'am.
Q. And what the problem is?
A. Uh-huh. Yes, ma'am.
Q. And your nurse's notes even refer to the fact that there's adequate lighting in the room?
A. That's part of our safety check. Yes, ma'am.
Q. And it's talks about what position the bed is in?
A. As far as what? I don't understand. What

position?
Q. Page 78.
A. In low position. Yes, ma'am. That's just fall risk.
Q. Okay. And you refer to call device within reach?
A. Yes, ma'am.
Q. And whether somebody's bleeding or not or whether bleeding is controlled. Then you specifically talked about that?
A. Yes, ma'am. That's part of the assessment.
Q. And your assessment also lists various things about the person's health, their neurological orientation, gastrointestinal problems?
A. Uh-huh.
Q. Abdomen palpation?
A. Yes, ma'am.
Q. Just everything in general about this person's health; is that right?
A. That's correct. We usually have a checklist that you go down. You have to check off the assessment as you go.
Q. Okay. Nothing that you wrote says that this lady told you that she was sexually assaulted?
A. No, ma'am.
Q. Now do you recall what time the police came?

A. No, ma'am. I do not.
Q. Were they there when you left?
A. Yes, ma'am, or they had been there prior to. I do not know if they were there when I left, but they were there prior to myself going home.
Q. Okay. And, you gave her -- it was one prescription medication prescribed for her at the time that you left?
A. Yes, ma'am.
Q. And that was Vistaril?
A. Yes, ma'am.
Q. And that was prescribed by Dr. Garrett?
A. Yes, ma'am.
Q. And you gave her the Vistaril at, do you have the medical administration record there? Page 75.
A. Yes, ma'am. It was given at 5:03.
Q. And that medication that you gave her at 5:03, that's noted on what's called the medication administration record?
A. Yes, ma'am.
Q. Y'all refer to it as the MAR?
A. Yes, ma'am.
Q. And it shows all of the prescribed medication she would have taken in the hospital while she was a patient at Aiken Regional Medical Center?
A. Yes, ma'am.

Q. But there's several different medications listed; is that correct?
A. Yes, ma'am. There are.
Q. But you didn't give all -- you didn't administer all of those?
A. No, ma'am. Just the Vistaril.
Q. And so the other medications would have been administered to Ms. Schlinger after Mr. Dixon, after nurse Dixon took over?
A. Yes.
MS. ALVES: Beg the Court's indulgence one moment.
(Pause.)
BY MS. ALVES:
Q. Nurse Harmon -- I'm sorry, you're Nurse Smith now.
A. Yes, ma'am.
Q. When a patient comes into the hospital and they make a claim that they've been sexually assaulted, what is the standard protocol?
A. Usually that's their chief complaint, and they are put into, put into a room and the nurse that's assigned to them or if there's a SANE nurse on duty, they are, they take care of them. If it's a rape case then if they're still wearing the clothes that they wore and the police want to do a rape kit, then that nurse stays with

them and they have to perform the rape kit and they have to undress on an evidence sheet and everything gets bagged up and bagged for evidence.

Q. Okay. You said that would be a SANE nurse?

A. A sexual assault nurse.

Q. Yes, ma'am. Okay.

A. Yes, ma'am.

Q. And what if a sexual assault nurse is not available, who would tend to that person?

A. Any nurse in the ER could attend to that patient.

Q. But you only do the sexual assault protocol if the police ask for them?

A. To my understanding, yes, ma'am.

Q. Okay. And when someone comes into the hospital and they are, and they've made a claim of sexual assault, are there prescribed medications that are standardly given to them to prevent STDs?

A. Yes, ma'am. If there's a sexual assault case. I've only dealt with a few of them myself and they were vaginal penetration cases. And you would give medications to that person, antibiotics, the plan B pill if the patient chooses that they want it. There are certain medications that we would give.

Q. Okay. Did you offer any of those medications to Ms. Schlinger that day?

A. We don't offer medications. If the doctor prescribes medications then we give them.
Q. Were they prescribed while you were present?
A. No.
MS. ALVES: Thank you. No further questions.

REDIRECT EXAMINATION

BY MS. BODMAN:
Q. Did Katie report to you that she was vaginally sexually assaulted?
A. No, ma'am. She did not.
MS. BODMAN: No further questions.
THE COURT: Nothing further?
MS. ALVES: No, sir.
THE COURT: All right. Ma'am, you may come down. May this witness be excused?
MS. BODMAN: Yes, Your Honor.
MS. ALVES: Yes, sir.
THE COURT: You're free to go. Thank you very much.
THE WITNESS: Thank you.
MR. POTTS: The State calls Jim Rucker.
JAMES F. RUCKER, having been duly sworn, was examined and testified as follows:
THE CLERK: Have a seat in the witness box,

stating your full name, spelling your last.

THE WITNESS: James F. Rucker, R-U-C-K-E-R.

DIRECT EXAMINATION

BY MR. POTTS:

Q. Good morning, Mr. Rucker.

A. Hey.

Q. How are you doing?

A. I'm going good.

Q. Tell me, where are you currently employed?

A. Well, I'm currently retired.

Q. Were are you retired from?

A. I'm retired from the Pantry, Incorporated, doing business as Kangaroo Express in Aiken.

Q. Okay. Are you familiar with the Kangaroo Express at the corner of Richland and University Avenue?

A. University Parkway.

Q. University Parkway. Are you familiar with that?

A. I am, yes.

Q. Was that one of the ones you oversaw?

A. It sure is, yeah.

Q. Does it have any cameras?

A. Yes.

Q. Where are the cameras?

A. Well, it's -- I believe there's four cameras. They're all inside the store. I can tell you that. And

they're trained, one's trained at the front door, at the check out, I believe there's a couple in the back near the walk-in cooler.

Q. So there are no cameras outside?

A. No.

Q. Okay. Now, are these cameras, do they take video footage all day long?

A. They do, they're 24-7.

Q. How this is video footage maintained?

A. Well, it's on a VCR in the manager's office.

Q. Okay. Is it just kept in the regular course of business?

A. That's correct, yeah.

Q. Now, let's talk about December 20th of 2013. Okay? So that's a couple years ago.

A. Uh-huh.

Q. Did this Kangaroo Express have video footage back then?

A. Yes, it did.

Q. Were you asked by law enforcement to pull some of that video -- or sorry. Have you had a chance to -- let me show you what has been marked as State's Exhibit Number 30. Do you recognize that?

A. I do.

Q. What is that?

A. That's a VCR, a CD of the, of that event from that night.
Q. And that is footage from inside that Kangaroo Gas Station?
A. That is correct.
Q. Okay.
Your Honor, at this time I'd like to offer into evidence State's Exhibit Number 30.
MS. ALVES: No objection.
THE COURT: Without objection
(State's Exhibit No. 30, CD from Kangaroo Express, received into evidence.)
BY MR. POTTS:
Q. And how do you know that is what it is? I should have done this before. Did you sign it? Did you write your name on it?
A. Yeah. I wrote my name on it. I've seen it and I actually burned it for you, I believe.
MR. POTTS: I think you did. No further questions.
MS. ALVES: No questions.
THE COURT: All right. You may come down, sir. Thank you very much.
THE WITNESS: All right. Thank you.
THE COURT: Free to go?

THE WITNESS: Okay.

THE COURT: Without objection?

MR. POTTS: Without objection, your Honor.

MS. ALVES: Without.

MR. POTTS: State calls Dawn Blackmer.

MELISSA DAWN BLACKMER, having been duly sworn, was examined and testified as follows:

THE CLERK: Have a seat, stating your name and spelling your last.

THE WITNESS: Melissa Dawn Blackmer, B-L-A-C-K-M-E-R.

DIRECT EXAMINATION

BY MR. POTTS:

Q. Good afternoon, Ms. Blackmer.

A. Good afternoon.

Q. Where are you currently employed?

A. Quality Inn Suites on Richland Avenue.

Q. Okay. Do y'all have a video camera system?

A. We do.

Q. What kind of things -- where are your video cameras?

A. All over the property, inside and out.

Q. Now are these video cameras always taking videos or do you have to specially select video for it to take?

A. They're on a motion video recording. They're on

all the time but it doesn't start recording until something picks up on it, when there's movement.

Q. So when something moves in front of the cameras it starts recording?

A. Uh-huh, yes.

Q. Is this a system y'all have had for a while?

A. Yes.

Q. Now where this is video stored?

A. It is in my manager's office.

Q. Is this something that y'all just keep all the time for every day?

A. What do you mean?

Q. I guess what I mean is, y'all don't specifically decide to record certain video. You just keep doing it all the time, no matter what?

A. Right. It stays on all the time and then whenever something motions it it I will start recording.

Q. And this is just something y'all do in the record portion of y'all's business?

A. Correct.

Q. I'm going to show you what's been marked as State's Exhibit 31.

A. Okay.

Q. Do you know what that is?

A. That is a video -- yeah. It's my initials. Okay.

Yeah. That's the video from our hotel.
Q. Now are there two videos on there?
A. Yes.
Q. What do those two videos show?
A. It was showing from the side of the hotel that they were staying on, Ms. Katie, I believe her name is. It shows the back of the building on that side. And then the other side of the building where traffic is going through.
Q. And those are videos that came from y'all's system?
A. Yes.
MR. POTTS: At this time, Your Honor, the State would like to offer into evidence State's Exhibit Number 31.
MS. ALVES: No objection.
THE COURT: Without objection
(State's Exhibit No. 31, CD of Quality Inn video, received into evidence.)
BY MR. POTTS:
Q. Now I'm also going to show you what is marked State's Number 22. Okay. Do you recognize this?
A. Yes, that's the interior plans of our hotel.
MR. POTTS: At this time, Your Honor, I'd like to offer into evidence State's Exhibit Number 22.

MS. ALVES: No objection.

THE COURT: Without objection.

(State's Exhibit No. 22, chart of Quality Inn interior plans, received into evidence.)

BY MR. POTTS:

Q. Do you mind stepping down for a second?

A. Okay.

Q. Indicate real briefly. So we have a first floor and a second floor. Would these two things be stacked on top of each other?

A. Yes.

Q. So this is not -- you don't have -- it's not a huge motel. It's just two floors?

A. Right. Uh-huh.

Q. Now can you show me approximately where the cameras would be on this?

A. All of them or just the ones --

Q. Just the ones on the video.

A. The one is right in this area facing this way.

Q. Okay.

A. And then the other one is about the same area on the other side facing the back.

Q. Okay.

MR. POTTS: Beg the Court's indulgence.

(Pause.)

MR. POTTS: Thank you, Ms. Blackmer. I have no further questions for you.

THE WITNESS: Okay.

THE COURT: Cross-examination.

MS. ALVES: Yes, sir. One moment.

CROSS-EXAMINATION

BY MS. ALVES:

Q. I just want to clarify what you said about the two cameras.

A. Yes, ma'am.

Q. The first camera is -- would you step down, please?

A. Uh-huh.

Q. Where is the first camera?

A. It was right in this area. It's facing towards the back of the building.

Q. Wait a minute. So it's in area around Room 115, 117?

A. Uh-huh. It's in -- I know it's, like, right in there, in that section.

Q. And it faces --

A. The back.

Q. -- toward the back?

A. Uh-huh.

Q. Now are you aware of what room Ms. Schlinger was in?

A. I have no idea.
Q. You don't know?
A. Huh-uh.
Q. Okay. And this is on the first floor?
A. Yes.
Q. On the side of the building opposite from the McDonald's?
A. Uh-huh.
Q. I think you call that the odd side?
A. Uh-huh.
Q. And then the other side of the building that faces McDonald's you call it the even side?
A. Right.
Q. And for common sense all the rooms on the first floor are even?
A. Well --
Q. On this side of the building?
A. Yes.
Q. Okay. And where was the second camera?
A. I believe it was the one that they gave on the second floor. And it was facing towards the back.
Q. So it was on the second floor facing toward the back?
A. Uh-huh.
Q. And when you say facing towards the back, it's

facing towards where the dumpster is.
A. Right. I believe it's Gregg Avenue or Gregg Highway, whichever
Q. Gregg Highway?
A. Uh-huh.
Q. All right. Thank you.
A. Uh-huh.
Q. And you didn't provide all of the videos from the hotel?
A. No. They actually got it from my manager. And it was just those two cameras that they took copies of.
Q. Who's they?
A. I believe the first time it was from the public safety, and then the solicitor's office came and got them.
Q. Okay. So they asked for the videos for the first floor facing in that direction and the one facing toward the dumpster?
A. To my knowledge.
Q. Okay. And those are the only two videos that were provided?
A. Yes, ma'am.
MS. ALVES: Okay. Thank you. No further questions.
THE COURT: Anything further?

MR. POTTS: No, Your Honor.

THE COURT: All right. You may come down, ma'am. Thank you very much.

THE WITNESS: Thank you.

THE COURT: May this witness be excused?

MS. ALVES: Yes, sir.

MR. POTTS: Yes, Your Honor.

THE COURT: Without objection.

MS. BODMAN: State calls Sherry Scott.

SHERRY SCOTT, having been duly sworn, was examined and testified as follows:

THE CLERK: Have a seat in the witness box, stating your full name, spelling your last.

THE WITNESS: Sherry Scott, S-C-O-T-T.

DIRECT EXAMINATION

BY MS. BODMAN:

Q. Ms. Scott, where do you work?

A. Aiken Public Safety.

Q. In what capacity?

A. Communications supervisor.

Q. And what does that mean?

A. I keep people in line at dispatch. I do a lot of duties.

Q. What's dispatch?

A. Where the calls come in for service, any kind of

police calls or fire calls.
Q. So that would include 9-1-1?
A. Yes.
Q. And then also, I guess, just if somebody calls, doesn't dial 9-1-1 but still calls in for help or assistance?
A. Yes.
Q. And are all those calls recorded?
A. Yes, they are.
Q. So is it a normal practice of your business to keep those calls?
A. Yes.
Q. And are they kept in the regular course of your business?
A. Yes.
Q. I'm going to show you what is marked as State's Exhibit 32 and ask you if you recognize that.
A. I do.
Q. Did you listen to that prior to coming on the witness stand today?
A. Yes, ma'am.
Q. And what is that?
A. It's a taped call of around December the 20th, 2013, of the hospital calling about a victim that was hysterical.

Q. And that was a call made to dispatch.
A. Right.
Q. And that call was kept, kept by dispatch?
A. Yes.
Q. And who -- do you recognize the voice of the person that works for Aiken DPS that took the call?
A. She was our dispatcher at the time, Erin Dolphin.
Q. Is that the entirety of that call made from the hospital to dispatch?
A. Yes.

MS. BODMAN: Offer into evidence State's Exhibit 32.

MS. ALVES: No objection.

THE COURT: Without objection.

(State's Exhibit No. 32, CD of 9-1-1 call, received into evidence.)

MS. BODMAN: No further questions of this witness at this time.

CROSS-EXAMINATION

BY MS. ALVES:

Q. Ms. Scott, do you know what time that call came in?
A. I don't remember. No, ma'am.
Q. Okay.
A. I was --

SHERRY SCOTT - CROSS BY ALVES

Q. I'm sorry. Go ahead.
A. I didn't look at the time, I didn't think.
Q. Okay. You are the communications supervisor?
A. Yes.
Q. And as such do you, you keep all the records regarding all of the calls that come in and out and all of the radio traffic?
A. Yes.
Q. Are you familiar with what's called the CAD report?
A. Yes.
Q. What does the CAD report stand for?
A. It just shows the initial call that came in, when it came in, and units that were dispatched on the call, the location of the call.
Q. And are the CAD records normally kept in the course of your business?
A. Yes.
Q. Did you bring those with you here today?
A. I did not.
Q. If I show you a CAD report, can you tell whether it's from this date and this time?
A. I can. Yes, ma'am.
Q. (Document handed to witness.)
A. This is the call that was taped that came into 9-1-1 -- well, Aiken Public Safety. And this is the CAD

report where we initiated the call with the case number and everything on it and the time.
Q. Okay. So that is a standard CAD report that's kept in the course of your business?
A. Yes, ma'am.
Q. And all that is is showing the times when a call came in and when the units were dispatched and when different officers were sent to different locations?
A. Yes, ma'am.
Q. And what time did this call come in, this 9-1-1 call?
A. 4:35:53 in the morning.
Q. 4:35?
A. Yes.
Q. Okay. Now on this report it says 4:32.
A. Well, our times doesn't match sometimes with the recordings of the dispatch because this is on a separate system. So.
Q. So which is the official time?
A. It would be when the call came in to dispatch.
Q. At 4:35?
A. Yes, ma'am.
Q. And then the first officer was dispatched at?
A. 4:35:56.
Q. And can you tell who that is?

A. Looks like Chris Medlin.
Q. At 4:35:56?
A. Yes.
Q. Hold onto that for a minute.
And I just want to clarify. The time you said, the 4:25:56 or 4:35:56, that's when Officer Medlin was dispatched?
A. Yes.
Q. When does your official time show that he arrived on the scene?
A. Arrival was 4:35:58.
Q. Okay. And all that CAD report shows is the, basically the times every officer was in movement on this case?
A. Yes.
Q. For example, it shows when -- does it show when Officer Drumming went to the hotel room?
A. En route with mother.
Q. Well, let me ask you this. Does it show -- I'll ask the question. I have to see it. I'm sorry.
A. En route to Quality Inn.
Q. Yes. What time was Officer Drumming en route to the Quality Inn?
A. 4:12:10. Excuse me. 5:12:10.
Q. What room was he told to go to?

A. 129.
Q. And you're getting that information based on information that was just put out over the radio?
A. Well, this is notes that were put in the system and then they were, I guess one of the other officers on scene advised him to go pick up the mother.
Q. And then he said he was, I believe it's 5:22 or I'm sorry, 5:12?
A. Yes.
Q. He was en route to Quality Inn?
A. Yes.
Q. And then he arrived at the Quality Inn at Room 129?
A. Yes.
Q. And that was at 5:13?
A. According to this. Yes, ma'am.
Q. And then later on he was, at 5:32 he was en route to the hospital with the mother?
A. Yes, ma'am.
Q. Thank you.
I don't have any further questions. Thank you.
MS. BODMAN: No other questions.
THE COURT: All right. You may come down. Thank you very much.
THE WITNESS: Thank you.
THE COURT: May this witness be excused?

MS. BODMAN: Yes, sir.

MS. ALVES: Yes, sir.

THE COURT: Without objection.

THE WITNESS: Thank you.

THE COURT: Next witness.

MR. POTTS: State calls Sergeant Spann.

DAYMON LEWIS SPANN, having been duly sworn, was examined and testified as follows:

THE CLERK: Have a seat in the witness box, stating your full name, spelling your last.

THE WITNESS: Daymon Lewis Spann, S-P-A-N-N.

DIRECT EXAMINATION

BY MR. POTTS:

Q. Sergeant Spann, where are you currently employed?

A. Aiken Department of Public Safety.

Q. And what are your obligations and duties there?

A. I'm a patrol supervisor over B shift. So normal routine patrol, police and fire calls.

Q. How long have you been there?

A. Nine and a half years.

Q. Is that the entirety of your experience in law enforcement?

A. Not exactly. No, sir. I've been in public safety, police and law enforcement for 24 years and counting.

Q. Okay. Were you working with Aiken Public Safety back on December 20th, 2013?
A. Yes, sir, yes.
Q. What were your duties back then?
A. At the time I was in the same capacity I am now. I was patrol supervisor on B shift.
Q. What's it mean, patrol supervisor?
A. Each shift works 12 hours at a time. And they consist of anywhere from 10 to 12 officers depend on which shift it is, we're in shift swings right now. Because of that you have to have somebody in charge of the daily operations of everything that happens on that shift and that's where the supervisor comes in.

Our shifts that layout, we have a lieutenant and two sergeants per shift. I'm one of the sergeants for B shift.

Q. Now, did you have an opportunity to come to the collision scene on this occasion?
A. I did. Yes, sir.
Q. When did you get there?
A. To the best of my memory, I got there after Corporal Medlin and after Officer Drumming and Corley got there.
Q. Okay.
A. And I think I also had Sparling with me at the

DAYMON LEWIS SPANN - DIRECT BY POTTS

time.
Q. What did you do when you were there?
A. The first thing when I got there was just assessing what they had going on. I saw them surrounding the vehicle and challenging the subject in the vehicle to come out. I took up a post securing the scene as well with them until that subject was removed from the vehicle and taken into detention.
Q. Did you talk to them at all?
A. Just briefly I asked him his name.
Q. Okay. Did you -- and he told you Michael Fuller?
A. He did.
Q. Did you -- did that end your involvement in this case?
A. No.
Q. What did you do next?
A. From that point I talked to the other officers on the scene about what was going on. From what I recall, being dispatched to the scene, it was a vehicle collision of some sort, vehicle in the roadway with a subject in the vehicle with a weapon.
I don't recall anything else from the dispatch about the victim or the complainant or anything else at that time. While we were on the scene trying to determine, we were made aware again that there was a

victim of some sort in the ER.

And so I took Officer Sparling with me and we went to go make contact with that person.

Q. Now where did you make contact with that person?

A. Inside the emergency room of the hospital.

Q. Okay. Can you describe what you saw when you got there?

A. Yes, sir. We entered the emergency room area. Again, not knowing what we were looking for, what was going on, we started asking staff members in the hallway if anybody knew anything about who called about this accident or what was going on in here that they needed us.

And they pointed us to a room. We went to that room. When we entered the room we found the victim lying in a hospital bed on her back with a cervical collar on. Very highly emotional, writhing about in the bed, talking extremely fast to the point she was losing her breath. She was talking so fast and would kind of pause briefly and almost to the point of hyperventilation trying to regain her breath before she would start talking very quickly again. Very excited.

Q. What was she talking about?

A. Trying to tell us --

MS. ALVES: Objection, Judge. Hearsay.

THE COURT: Rephrase your question.

BY MR. POTTS:

Q. Okay. Was she asking you questions or was she trying to tell you what happened?

A. She was constantly asking us did we get him, did we get him, asking if he's going to get --

MS. ALVES: Objection, Your Honor. Hearsay.

THE COURT: All right. That's sustained.

BY MR. POTTS:

Q. Okay. Now, not going into exactly what she said --

A. Yes, sir.

Q. -- was she able to give you -- was she able to tell you kind of what happened?

A. After quite sometime. I think we were probably in the room with her for, myself and Officer Sparling, for the better part of an hour trying to constantly calm her down enough that she could talk and get the words out so that we could understand them. She was just so excited and her speech was so fast. Again, she kept losing her breath so as she began to slowly get out more and more of the details, we were able to start putting together what her version of the events were in that it appeared to be --

Q. Not, not --

A. Okay.
Q. You can't go into what she said, not the specifics.
A. Yes, sir.
Q. Did she tell you about a sexual assault?
A. She did indicate --
MS. ALVES: Objection, Your Honor. Hearsay.
MR. POTTS: Time and place is an exception to the hearsay rule.
THE COURT: All right. Go ahead.
BY MR. POTTS:
Q. Did she tell you about a sexual assault?
A. She did indicate something of that nature had occurred, yes.
Q. Now once again --
A. Without details.
Q. -- did she tell you where and when it happened?
A. She gave, she told us enough that it happened while -- after they had left the hotel but before the accident, somewhere in the movement in that general area we were in between the Quality Inn and Aiken Regional Medical Center, to the point that we weren't able to determine, myself and Officer Sparling were not able to determine exactly the location of where it happened, but we kind of had a timeline of when it had occurred in there.

Q. So it occurred, I guess, shortly before the collision?
A. Yes, sir. That's what we took from it. Yes, sir.
Q. And it happened somewhere around Medical Park Drive?
A. Yes, sir. We had observed grass stains and dirt --
MS. ALVES: Objection, Your Honor. I think that's going beyond specifying where the location was.
MR. POTTS: I think observing grass stains is --
THE COURT: He said he observed something. I'm not sure where. Go ahead. Overruled.
THE WITNESS: We observed grass stains and dirt on her clothing and that she was missing a shoe and it appeared that at some point of when she had been driving the vehicle that she --
MS. ALVES: Objection. Speculation.
BY MR. POTTS:
Q. Once again, just what you observed.
A. Yes, sir.
Q. Not what she was telling you. Okay?
A. Yes, sir.
Q. Now when you were talking to her, did you have an opportunity to observe her demeanor?
A. Yes, sir.

Q. How close did you get to her?
A. We were mere feet away. Maybe two to three feet at the most because we were in the room with her.
Q. Now have you had any experience with DUI detection and training?
A. Yes, sir.
Q. What kind of experience have you had?
A. Many, many DUIs in my career at Aiken Public Safety. I've been through standardized field sobriety test training, and certified to administer those tests.
Q. Okay. Did you smell alcohol about her breath and person?
A. I do not recall smelling the odor of alcoholic beverage on her or coming from her.
Q. After talking to her for this hour-long conversation you had, do you have an opinion as to whether she was under the influence of alcohol?
MS. ALVES: Objection, Your Honor.
THE COURT: Foundation.
MR. POTTS: Your Honor, talking about all his training and his experience with DUIs --
THE COURT: Let him tell it.
BY MR. POTTS:
Q. Tell me about how many DUI arrests you've made.
A. In nine years I'm probably somewhere over 40 at

this point.
Q. Okay. And you've been through the DUI detection class?
A. Yes, sir.
Q. You've been through all sorts of various DUI classes that the academy offers?
A. Yes, sir.
Q. Have you had any additional training as far as that stuff goes?
A. DataMaster, certified to operate a DataMaster, what's commonly referred to as a breathalyzer, yes, sir.
Q. Okay. So, based on your training and experience, do you have an opinion as to whether she was under the influence of alcohol?
A. I do. And I do not believe she was under the influence at that point.
Q. Okay.
MR. POTTS: Beg the Court's indulgence.
(Pause.)
MR. POTTS: Thank you. No further questions.
THE WITNESS: Yes, sir.
THE COURT: Cross-examination?

CROSS-EXAMINATION

BY MS. ALVES:

Q. Do you have any knowledge about whether or not her blood-alcohol was over the legal limit for South Carolina on that night?

A. No, ma'am. I do not. We did not administer any blood test ourselves. No, ma'am.

Q. But do you have information now that she had used drugs and alcohol on that night?

A. No, ma'am. I don't.

Q. You don't have any?

A. No, ma'am. I don't.

Q. Okay. Did you do any more work on this case besides what you just said?

A. After we left the hospital that night, I had nothing else to do with this case. No, ma'am.

Q. Okay. And so let me ask you this. In your years of experience, did you -- you said you had several years of experience and numerous times that you've come into contact with somebody who's under the influence?

A. Yes, ma'am.

Q. And someone who's under the influence of drugs and alcohol -- let me rephrase.

Having a drink is not illegal, is it?

A. No, ma'am. It's not.

Q. And having a drink and driving is not illegal?
A. No, ma'am. It's not.
Q. But it is illegal in the State of South Carolina to drive while your ability to drive is impaired by the use of drugs and/or alcohol?
A. If it's materially and appreciably impaired. Yes, ma'am.
Q. Okay. And in the State of South Carolina you are presumed to be under the influence of drugs and/or alcohol materially and appreciably impairing your ability to drive if you're over a .08?
A. For the DUAC law. Yes, ma'am.
Q. That's a yes?
A. That's driving with unlawful alcohol concentration. Yes, ma'am.
Q. Okay. That's against the law?
A. Yes, ma'am.
Q. Okay. And for a driving under the influence which is a different law --
A. Yes, ma'am.
Q. -- there is a presumption that you are presumed to be under the influence and you can be -- actually you can arrest somebody for DUI if they are -- because you can presume them to be under the influence if they're over .08, can't you?

A. Yes, ma'am.
Q. Okay. And you don't always know what somebody's blood-alcohol is, do you?
A. No, ma'am.
Q. And often you do tests out on the highway if you stop a driver and you have a suspicion you do tests?
A. Field sobriety.
Q. Excuse me?
A. Field sobriety. Yes, ma'am.
Q. Yes. And even then you can still take them back to the police station and do a breathalyzer analysis test, can't you?
A. A DataMaster.
Q. DataMaster. Sorry. And you can also, if necessary, take them to the hospital and request that blood be drawn, can't you?
A. If it meets certain parameters. Yes, ma'am.
Q. Such as if you believe that they have drugs in their system instead of alcohol, you can for ask for a blood test?
A. No, ma'am. We'd ask for a urine test.
Q. I'm sorry. Urine. You'd ask for a urine drug test?
A. Yes, ma'am.
Q. And they can do a urine drug screen on them?

A. Yes, ma'am.
Q. And if somebody is under the influence and they've caused an accident where another person has been killed or has suffered great bodily injury, you can ask for them to go to the hospital and have a blood test to determine their blood-alcohol level?
A. Yes, ma'am.
Q. And you can even do that without their consent?
A. If it's felony DUI. Yes, ma'am.
Q. And, in fact, even if the person has been taken to the hospital by an ambulance from the scene of a suspected, of a collision where alcohol is suspected, you can still go to the hospital after the ambulance takes them there and still request that they have blood drawn so that you can have it analyzed for their blood-alcohol, can't you?
A. Are you talking about felony DUI or regular?
Q. Felony. For felony DUI.
A. For felony DUI, yes, ma'am.
Q. And they don't even have to be conscious and consent to it, do they?
A. No, ma'am. Not for felony DUI charges.
Q. And if you have information that somebody has been drinking prior to a collision, wouldn't you investigate this further as a possibility of DUI?

A. If we felt there was probable cause to push forward with a case there, yes, ma'am.
Q. So you wouldn't -- so only if you felt there was probable cause to push forward. But you wouldn't investigate further to see, well, let me check into this further?
A. I'm not sure if you're talking about in this particular case or in general.
Q. In general.
A. In general if we felt there was a case to work on concerning that we would, yes, ma'am.
Q. Okay. In this case did you ever ask Ms. Schlinger how much she had to drink that night?
A. No, ma'am. I don't think I did.
Q. You didn't ask her about anything how much she had to drink?
A. No, ma'am. She indicated to me that she had purchased the wine at the store and cigarettes but I didn't ask how much she had consumed that I recall.
Q. Okay. And did you ask her whether or not she had any drug use?
A. No, ma'am. I don't recall that.
Q. Okay. So when you went to the hospital and you talked to Ms. Schlinger, you were concerned with this hysterical woman who was telling you about a sexual

assault?
A. She was telling us about a whole lot, series of events. Yes, ma'am.
Q. She was telling about the events of that night?
A. Yes, ma'am.
Q. And based on your conversation with her you were, you started to investigate and take down information regarding the events she had told you of the evening?
A. Yes, ma'am.
Q. And the fact that she told you she was sexually assaulted?
A. That was later into it, yes, ma'am, she mentioned that in the events.
Q. And you said talked to her for about an hour?
A. At least. Yes, ma'am.
Q. And you never questioned her about how much she had to drink that night?
A. I don't believe I did. No, ma'am.
Q. Okay. And you didn't ask her about drugs?
A. No, ma'am.
Q. And you didn't check with the medical staff to see whether or not she had admitted using drugs or alcohol to them?
A. No, ma'am. That's not standard procedure for --
Q. Well, you didn't do it this night?

A. That's what I'm saying. It's not standard procedure for something I would do.
Q. Okay. Well, did you do it?
A. No, ma'am. Not that I recall. No, ma'am.
Q. Okay. And do you remember what time you got to the hospital?
A. No, ma'am. It was after -- I know it was after the Defendant was already in detention outside. It was sometime after that, once we had kind of got everything outside under control.
Q. Do you remember when you left the hospital?
A. It was after daylight, I know that.
Q. Okay. And how long did you spend there; do you recall?
A. Again, I know it was greater than an hour, possibly two. I didn't leave there until after, I think, Detective Royster and Detective Hembree were in the area or on the scene taking over.
Q. Okay. So you left the hospital at that point when Detective Royster would have gotten there?
A. One of the other of them was there at that time. Yes, ma'am.
Q. Okay. Now you said you were there for about an hour or two. Now you testified that she told you that there was a sexual assault. At what point did she tell

you about the sexual assault?
A. At some point within that first hour when we were trying to get her to calm down enough to get the entire, her entire version of the events out. She began explaining details that led to evidence that something of that nature had taken place.
Q. And was she in the room for entire time? She was in that Room 27 the entire time that you were talking to her?
A. I'm not sure what room number it was but if you're talking about the victim, yes, ma'am, she was in the hospital bed the entire time -- or actually, no, ma'am, I take that back. They did take her away for an X-ray or a CAT scan or something and brought her back. We stayed while she was gone.
Q. Do you remember how long that was?
A. A matter of minutes.
Q. Minutes?
A. Yes, ma'am. I don't think it was too long.
Q. And when you heard about this sexual assault, did you request any -- did you request any kind of sexual assault kit be done on her by the people at the hospital?
A. No, ma'am. It was really somewhere in that time frame that we requested the on-duty investigator to take over in this investigation. And that's where Detective

Royster and Detective Hembree came in.
Q. Okay. So you didn't, you didn't yourself request anything further be done?
A. No, ma'am.
Q. And you didn't ask for any evidence to be preserved, if any?
A. No, ma'am.
MS. ALVES: No further questions. Thank you.
THE COURT: Redirect?
MR. POTTS: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. POTTS:
Q. Now we're talking about the CAT scan.
A. Yes, sir.
Q. I want to ask you some questions about the victim's C-collar you mentioned.
A. Okay.
Q. Can you tell me what happened with that?
MS. ALVES: Objection. That's just beyond the scope. I asked no questions concerning any C-collar.
THE COURT: Overruled.
BY MR. POTTS:
Q. Please tell me what happened with that.
A. The victim had a C-collar on by the time we entered

the room from what I recall. Again, she was writhing around in the bed and moving her feet and arms constantly on the bed and complaining that she couldn't move her head. She couldn't lift her head. There was, at some point, like I said, she went out for an X-ray or CAT scan or something and came back. One of the doctors entered. There was an exchange between the two of them about her pain and all and the doctor removed her C-collar.

Q. How did he remove her C-collar?

A. Very aggressively.

Q. When you say very aggressively.

A. He unhooked one side and snatched it off and again it was kind of a rigid C-collar where it was two complete halves that hooked together on each side with what appeared to be Velcro. So it didn't have much flex to it. He snatched the C-collar off quite aggressively and turned and exited the room and just said you don't need that anymore, you're fine. And she hollered again to him that, I can't raise my head. And he said I didn't ask you to and stormed out of the room.

MS. ALVES: Objection, Your Honor. This is completely beyond the scope and totally irrelevant.

THE COURT: Sustained.

MS. ALVES: Thank you.

MR. POTTS: Thank you, Your Honor.

THE COURT, any questions regarding that?

RECROSS-EXAMINATION

BY MS. ALVES:

Q. Do you know which doctor did that?

A. I know the face. I don't know the name, no, ma'am.

MS. ALVES: No further questions.

THE COURT: You may come down. May this witness be excused?

MS. ALVES: Yes, sir.

MR. POTTS: Yes, Your Honor.

THE COURT: Without objection.

MS. BODMAN: State calls Michelle Halpin.

MICHELLE LORRAINE HALPIN, having been duly sworn, was examined and testified as follows:

THE CLERK: Have a seat in the witness box, stating your name, spelling your last.

THE WITNESS: Michelle Lorraine Halpin, H-A-L-P-I-N.

DIRECT EXAMINATION

BY MS. BODMAN:

Q. How are you related to Katie?

A. Katie is my sister.

Q. Younger sister?

A. Yes.

Q. And where do you currently live?
A. New Hampshire.
Q. What do you do for a living?
A. I'm a pharmacy intervention district manager, registered nurse with a bachelor's degree.
Q. Do you have children?
A. I do.
Q. How many?
A. I have two sons of my own and four stepchildren.
Q. Were you here in Aiken with the family on December 20th of 2013 when all these events occurred?
A. I wasn't here that day but I came in on the first flight I could into, I believe, Charleston, and then drove over. It was within 24 hours.
Q. So were you coming in relation to the brother who had heart surgery or in response to hearing what happened to Katie?
A. I came in response to Katie. I would have come for my brother, but my other family was able to come for him.
Q. So where did you first make contact with Katie then, was it here or another hospital?
A. Another hospital.
Q. And where did you make contact with her?
A. In the Augusta hospital, in the ICU.
Q. Tell us about what you observed on Katie, if you

observed any injuries.
A. I observed a wrist brace on her left arm. She was in cervical traction with the head of the bed elevated so she had the -- she had the pins going into her temporal bones, and the traction going over the top of the bed. So the bed was inclined to keep the traction, to keep the weight of off her cervical spine.
Q. What did any -- did you note any bruising or any abrasions, lacerations, anything like that on Katie?
A. She had multiple abrasions to her left arm and she had matted blood in her hair that was, I tried to wash it out and I couldn't. Because of the nature of her injuries there's -- you can't lift the head so you have to do the best you can with her staying stable. But it was, the amount of blood was enough that to even try to comb it hurt. So I ended up just cutting all of her hair to get that out of there.
Q. So you felt that matted blood yourself?
A. I did. I'm the one who removed that hair.
Q. How long did you stay with Katie?
A. Several days.
Q. And did you have contact with her again throughout her, I guess, since then, throughout her recovery process?
A. Constantly.

Q. Did you take some pictures that documented that, some of the injuries that you saw on her?
A. I did.
Q. I'm going to show you what is marked as State's Exhibit 28. You'll come back here first just keep your voice up. There are six photos marked A, B, C, D, E, F. Do you recognize these photographs?
A. I do, I took A, D and E.
Q. Yourself?
A. I did.
Q. And A, D and E, I guess -- talking about A, what does that document?
A. That documents her abrasions, the swelling, the bruising and her name band that shows that it's her.
Q. Okay. And did you observe these injuries on her hand?
A. I did observe them, yes, and I helped bathe her throughout this time.
Q. Okay. And you said D and E. What does that show us?
A. D shows the facial bruising, the traction itself and the, she had kind of a head roll that we kept under the back of her head to keep pressure off of the back of her skull because it hurt too bad for her to have -- the head touching the bed.

Q. And these, A, D and E, do they accurately reflect what you saw?
A. Yes. And I would like to correct that the brace was on her right hand.
Q. Okay.
MS. BODMAN: No further questions at this time.
THE COURT: Cross-examination?
MS. ALVES: Yes, sir.

CROSS-EXAMINATION

BY MS. ALVES:
Q. Ms. Halpin, you sound like you're very close with your sister Katie; is that correct?
A. I am, yes.
Q. Very close?
A. Very close with all my family, yes.
Q. Okay. And you said that, you talked about seeing bruising on your sister's arm?
A. Yes.
Q. Did she talk to you about -- did she talk to you about what's going on in her life?
A. She did, yes.
Q. Did she talk to you about the problems that she was having with her boyfriend?
A. Yes.

MICHELLE LORRAINE HALPIN - CROSS BY ALVES

Q. Did she talk to you about the fact that her maybe her boyfriend put those bruises on her arm and not Mr. Fuller?
A. No.
Q. Did she talk to you about the fact that maybe her boyfriend was physically abusive?
A. Not at that time at all.
Q. Okay. And did she tell you that that very night her boyfriend and grabbed her and pulled her around forcibly, yanked her into a hotel room? Did she tell you that?
A. Actually I was aware of that. She didn't personally tell me that, but I was aware that that had happened.
Q. Okay. And you're aware that he grabbed her by the same arms that you're showing pictures that you're talking about bruises on?
A. Yes, but those aren't consistent with that.
Q. I'm, I'm asking you were you aware --
A. Okay, I am aware.
Q. -- that her boyfriend grabbed her and pulled her into a hotel room by the same arm that you're talking about having bruises on?
A. Yes.
Q. She told you that?

A. Not, maybe not that night but at some time.
Q. You're aware of that now?
A. Yes.
MS. ALVES: No further questions. Thank you.
THE COURT: Anything further?
MS. BODMAN: No, sir.
THE COURT: All right. You may come down.
All right. Let's take a short break. I want -- I know we're moving right along but if recall, I read a list of a lot of witnesses.
And I want to keep this case moving. So, we may run a little past five o'clock tonight. If that's going to cause anybody any concern with family or children or anything like that, you might want to make -- the bailiff will allow you to make phone calls if you need to do so. I don't expect we'll run past six. It depends on the length of time of the witnesses and things like that.
But, I thought I'd better advise you of it now so if you need to call somebody, please do. We're not going to spend the night here, obviously, but we're going to try to move this thing along. So we want to make sure we get all the evidence in front of you,, and complete this

trial by the end of the week.

So, all right. Thank you very much. Let's take a Short break and don't discuss the case among yourselves while you're in the jury room. Thank you very much.

(Jury exits courtroom at 3:27 p.m.)

(Recess taken. At 3:43 p.m., the trial resumed:)

THE COURT: State ready for the jury?

MS. BODMAN: We are.

THE COURT: Defense ready?

MS. ALVES: Yes, sir.

THE COURT: All right. Bring the jury.

(Jury enters courtroom at 3:43 p.m.)

THE COURT: All right. Solicitor, call your next witness.

MS. BODMAN: Your Honor, at this time the State calls Katie Schlinger.

KATIE SCHLINGER, having been duly sworn, was examined and testified as follows:

THE CLERK: Have a seat in the witness box, stating your name, spelling your last.

THE WITNESS: Katie Schlinger, S-C-H-L-I-N-G-E-R.

DIRECT EXAMINATION

BY MS. BODMAN:

Q. Katie, how old are you?

A. I'm 28 years old.

Q. And where do you live?

A. I live in Tallahassee, Florida.

Q. Where did you grow up?

A. In Tallahassee.

Q. So you've lived there all your life?

A. With the exception of a little over two years.

Q. Okay. Here's some water in case you need it.

A. Thank you.

Q. Tell us a little bit about, where did you go to school then. What's your schooling?

A. I went to elementary and middle school in Hilar High School there and then I went to Tallahassee Community College.

Q. What were you studying there?

A. Education.

Q. And how many hours or semesters, how much have you gotten done?

A. I have one semester left.

Q. And you said that for a short time you've lived somewhere else. Where did you live?

A. In Aleppo, Syria.

Q. In Syria?
A. Uh-huh.
Q. And tell us about what took you to Syria.
A. I had an opportunity to teach English over there.
Q. How old were you?
A. Twenty-one. I'm not sure exactly.
Q. And so who did you teach English to, children, adults, both?
A. Kindergarten.
Q. And how long did you do that?
A. A little over two years.
Q. Did you stay there the whole two years or did you come back a couple times to visit?
A. I would come back during the -- sometimes Christmas and sometimes summer, depending.
Q. How was that, living in Syria?
A. It was amazing. I loved it.
Q. Great experience?
A. Absolutely.
Q. Did you get to do some other traveling while you were living there?
A. Yes, I've been to over 10 countries.
Q. So then what brought you back here to the United States?
A. Actually my, one of my childhood best friends

passed away so I came back to go to her funeral.
Q. And then just ended up staying?
A. Well the war started and it wasn't really safe for me to go back so I stayed.
Q. So then when you came back, I guess, did you start going to school again? Working? What were you doing?
A. I started working. Yeah, I Worked full-time.
Q. What you kind of jobs did you do?
A. I was a manager and bartender at a place called Cabo's. And I worked there off and on for 10 years. And I also worked at a storage unit facility renting out mini warehouses and I went to school in the meantime, too.
Q. So off and on doing some, I guess, part-time school?
A. Yeah, classroom.
Q. What are you doing with yourself now?
A. Currently right now I am working at Macy's. And I plan on going back to school as soon as this trial is over.
Q. And what do you want to study?
A. Education.
Q. So you're going to continue studying education?
A. Yes.
Q. What do you want to do?
A. I want to continue to teach.

Q. Do you have a specific grade level you want to focus on?
A. I really like elementary, uh-huh.
Q. I see. So let's go to December 20th, 2013, or, I guess, 19th maybe, 2013. What brought you to Aiken?
A. I received a phone call from my mother that my brother was in the hospital, was going to have open-heart surgery and that, you know, the family needed to be there. And so I left work and went and I got my oil changed, went to my house, packed a bag, went and picked my family up and drove us to South Carolina.
Q. So was your brother living here in Aiken or why was he here?
A. Yes. He works for the union. He's a pipe fitter. And he was up here on a job.
Q. So just temporarily working, living here because he was working --
A. Yes.
Q. -- because his job brought him here?
A. Yes.
Q. Do you remember, was it morning that you got the phone call that you needed to come, evening?
A. It was, like, four or five at night or the evening.
Q. In the evening. And, you said after that you then start making preparations to get the car ready?

A. Pack.
Q. So who all came with you in the car?
A. My mother, my sister Suzie, and my niece.
Q. About how long of a drive is that?
A. I don't know. Like, I think it was, like, eight hours or something maybe. I'm not sure.
Q. And so what time did you, do you know what time it was that you got here?
A. It was in the early morning.
Q. So talking like six a.m., three a.m.
A. No.
Q. One a.m.?
A. I would say we went to the hospital at, like, 2:30 in the morning. So it was sometime right before then. And, I mean, I think we checked in and went right to the hospital or maybe we just went right to the hospital. I'm not sure. I don't remember exactly.
Q. Okay. So then you go to the hospital, you think, around 2:30 in the morning, something like that?
A. I believe so.
Q. And how long do you stay at the hospital?
A. Not long. Just to visit with him, say we love him and that we'd be back in the morning to be with him or to wait for surgery.
Q. Okay. So his surgery had not happened yet, it was

going to happen?
A. Correct.
Q. So, then what do you do?
A. We go back to the hotel and try to sleep for a couple hours because we went back at six o'clock, I think, in the morning.
Q. And it's, at this point it's still your mother and your sister and you?
A. Uh-huh.
Q. And did you say is there -- are there children with you or just three of you?
A. My niece, A. , yes.
Q. So around six the next morning you go back to the hospital. And what happens all that day?
A. It was just a long day of playing the waiting game. Just trying to, you know, praying and hoping that everything would go smooth with Tommy and, you know, checking in with the family on the phone. Stuff like that.
Q. Do you remember if it was a short surgery or long surgery? Like, were you there all day waiting for this surgery to be finished?
A. Yeah. Pretty much. And, and I -- around, like, five o'clock, I went to go pick up my stepfather.
Q. Five p.m.?

A. Uh-huh. Five or six.
Q. And to pick him up from where?
A. From Augusta, Georgia, because that was the closest flight he could get in.
Q. So you go pick him up, and then what happens next?
A. I take him to the hospital to visit with Tommy.
Q. And so this is Tommy's father?
A. Yes.
Q. Your stepfather's, Tommy's biological dad?
A. Yes.
Q. What do you remember happening next? Like, how long did you stay there?
A. Tommy was really tired so not very long. Then we went back to the hotel.
Q. And so was your stepfather also going to stay there at the hotel, the same hotel?
A. Yes, a few rooms down from us.
Q. What hotel do you remember that you were staying at?
A. The Quality Inn.
Q. And was it very far from the hospital?
A. No, it was about a four-minute drive.
Q. So then what happens? Y'all leave the hospital, Tommy's going to go to sleep?
A. I'm not sure if we went back up there or not. I

can't remember if we did or not. But, my boyfriend, Greg, ended up coming in. Because at the time I wasn't sure, we weren't sure if Tommy or if my stepfather was going to be able to make it. And so -- and we needed to move all of Tommy's stuff back to Florida. So we, I asked him to come to help, you know, move everything.

Q. And how long had you all dated?

A. Six months maybe.

Q. You said his name was Greg?

A. Yes.

Q. And, I guess, kind of describe your relationship with him at that time. Good? Bad? Indifferent?

A. Not great, to be honest.

Q. Okay.

A. Yeah. It was a relationship I shouldn't have been in.

Q. So, do you remember about when it was that Greg showed up? I'm sorry.

A. I think it was eight or nine.

Q. So then what do y'all do next?

A. Maybe that's when we went back to the hospital. I'm not sure. I know there was another trip to the hospital again.

Q. Okay.

A. But then we came back. Tommy's surgery went fine.

So we went and got Chinese food, my sister, my stepfather, and my brother.
Q. Okay.
A. I mean, not my brother. I'm sorry. Greg.
Q. Okay. And then what do you do after that?
A. We came back to the hotel and brought my mom and my niece back food. And then we decided to go to the hotel bar to have some drinks to celebrate.
Q. So what time do you think this is now, just an estimation?
A. Maybe ten o'clock. I don't know. 11. I'm not sure.
Q. All right. Okay. Been clearly a long day?
A. Right.
Q. And so the day that you left Florida you said that you got the call about five p.m. And then you do the preparations, get in the car, go. Do you remember at the time you get the phone call, five p.m. about your brother, how long you had been awake already that day?
A. I believe I hadn't had much sleep the night before, yeah.
Q. Okay. And so at this point now by 10, 11 o'clock at night when you go to the hotel bar, how much sleep do you think that you had had?
A. A couple hours.

KATIE SCHLINGER - DIRECT BY BODMAN

Q. Okay. And describe, I guess, kind of your, everybody's emotional state in dealing with this.
A. We were pretty, yeah, emotionally drained but really happy that Tommy was okay.
Q. Had you taken any medication or drugs while you were dealing with all of this, these events at the hospital?
A. Yes, I had.
Q. Okay.
A. I had taken some Adderall to help me stay awake.
Q. Yeah. So why was that -- I mean, what were you taking Adderall for?
A. To help me stay awake because I needed to function and I knew the effects of it.
Q. Do you remember how much you had taken?
A. No, because I broke it into pieces and I just randomly took pieces of it.
Q. So you didn't take some all at once, you just kind of --
A. Yeah, spurts.
Q. -- throughout the day?
A. Uh-huh.
Q. Do you remember when you started taking it?
A. No, I don't.
Q. So it was, I guess, when you were leaving Florida

or not until you got to Aiken?
A. I don't think until I got to Aiken, yeah.
MS. ALVES: Judge, I just ask that she speak a little louder or take the mic and pull it closer.
THE WITNESS: I'm sorry.
MS. ALVES: I'm just missing some of what she says.
BY MS. BODMAN:
Q. So y'all decide to go to the hotel bar. And who was with you?
A. My sister, my stepfather and Greg.
Q. Do you remember how long you all stay there?
A. We -- a few hours. We closed it down.
Q. And do you remember how much you had to drink?
A. I don't remember exactly. I do remember two glasses of wine and a fireball shot.
Q. And this is over, you said, a few hours because you think it was maybe 10 or 11 and you closed the bar down?
A. Uh-huh.
Q. So then what happens when y'all leave the hotel bar?
A. We -- Suzie had already gone back. My stepfather had already walked Suzie back to the hotel room and Greg and I were still in hotel bar. And then he came back and

we sat and talked for a while. And then we went back to the hotel and said good night.

Q. And you said back to the hotel.

A. Room.

Q. Room?

A. Room.

Q. Because you were at the hotel bar?

A. Right. And, Greg and I ended up getting into a fight.

Q. What was that fight about?

A. He was jealous of my stepfather and I's interaction. I don't get to see my stepfather very often and he was singing songs on the juke box that he used to sing to me when I was little, and was holding my hand. And Greg didn't like it. And I thought it was ridiculous. And I was so exhausted at this point I didn't even want to be around Greg. And I just, you know, wanted to sleep in the car or anything, you know. And then I left the hotel room because I, you know, was, like, do I wake my mom up and go into her room and I don't really want to wake them up in the middle of the night or do I just go back to my room. It was stressful.

Q. And is was your -- who was staying in the room with your mom?

A. My sister, Suzie, and my niece.

Q. How old is your niece?
A. She's nine now or 10 now. I'm sorry. She was eight then.
Q. And then who's staying in your room?
A. Greg and I.
Q. Okay. And then your stepfather, I guess, has his own room?
A. Yes.
Q. Do you remember about how long your fight with Greg lasted?
A. Not that long.
Q. Okay. And so you left or he left?
A. I left. I took my stuff and went to my car and, because I never even had unpacked, you know. And I went to my car and I sat in my car and I called one of my friends back home and was just asking her what I should do and was venting to her, how upset I was.

And Greg came out and, you know, yelled at me to get back in the room or he was going to leave and I told him to go. I was so over it and I was, like, if you're going to go, you know, go. And so he packed up his stuff and he left in the middle of the night.

Q. And you saw him leave?
A. Uh-huh.
Q. So you're not back in the room, you're still

outside in your car or near your car?
A. I'm in my car.
Q. In your car. And you see him pack up his stuff?
A. And he put it in his truck and he left.
Q. So how are you feeling at this moment because you're sitting in that car and watching him drive away after this fight?
A. Well, I was aggravated that we couldn't just go to bed and let it be and let, like, you know, I needed his help, you know, to help move everything and that, just that the whole fight was happening was aggravating. And I was just over everything over the day.
Q. So what did you do next?
A. At the time I had quit smoking cigarettes. And I decided I was going to go to the store and buy some cigarettes and some wine and just cheer in my beer, just drink a couple of glasses of wine and smoke some cigarettes and go to bed.
Q. Do you have any idea what time it is now?
A. No, I don't know. I don't.
Q. Okay. So what do you do?
A. I drive to the BP and I buy a pack of cigarettes and some wine. And I go back to the hotel room and smoke some cigarettes in the car because you can't smoke in the hotel room.

Q. Where is this BP in relation to your hotel?
A. It was up on the left, off Richland or Richview. I'm not sure what the road name is called.
Q. Very far away from your hotel?
A. No. A couple minutes.
Q. You just zip up there?
A. Uh-huh. It's on the corner.
Q. To get cigarettes and some wine?
A. Yes.
Q. And then go back, and now you're sitting in the car?
A. Uh-huh.
Q. So what do you do now?
A. I'm smoking.
Q. Had you opened the wine yet?
A. No.
Q. What happens next?
A. Michael Fuller approached me. He came up to my window and asked me for a cigarette. And I told him, sure, if you can stomach a menthol.

And he asked me what I was doing up there. And nothing about him alarmed me at all. He didn't seem scary. And anyways, he asked me where I was going. I guess he noticed my plates. And I told him about my brother being in the hospital. And then he told me this

whole sob story about his uncle who was in the hospital having heart problems.

And asked me if there was any way that I could give him a ride to the hospital for visitation or to see him, you know. And I didn't think anything of it because I was thinking, you know, I didn't think about visiting hours because I had just been there the night before at that time. So it didn't cross my mind.

And I told him, you know, I mean, he seemed genuine. And I thought that I was helping him out and I said, as long as you promise not to hurt me. And he laughed and said, who could hurt that precious face. And then got into my car and we drove towards the hospital.

Q. So back up. So you're sitting in your car and you said that he approaches you?

A. Uh-huh.

Q. Do you remember what direction to your car that he came from?

A. No. I was on the phone with my friend. It kind of startled me.

Q. Does he come up to your window --

A. Yes.

Q. -- or the passenger side?

A. My window driver's window.

Q. And is your driver's window down?

A. Yes.
Q. The person that you said, Michael Fuller, the person that approached your window and talked to you and asked for a ride, do you see him in the courtroom today?
A. Yes.
Q. Can you point to him and tell us what he's wearing and where he is sitting so that we know who you're talking about?
A. In the blue shirt.
Q. And where is he sitting? Out in the audience or --
A. No. In the front table behind the pitcher.
MS. BODMAN: May the record reflect the witness has identified the Defendant.
THE COURT: The record will so reflect.
BY MS. BODMAN:
Q. So does he get into your car?
A. Yes.
Q. Okay. And you said that you then start driving over towards the hospital?
A. Yes.
Q. And I'm guessing that you had made this trip a couple of times --
A. Yes.
Q. -- in the previous few hours? So you leave the hotel and where do you go?

A. I go up the road towards the hospital and take the left at the gas station and --
Q. And the gas station, is that the same one that you went to to buy cigarettes and the wine?
A. Yes.
Q. So still at this point, have you had any of that wine that you purchased?
A. No.
Q. So you take a left at the gas station and then what happens?
A. I drive up the road and, towards the hospital. And I go to turn in the first entrance to the hospital and he said, no, keep going. So I kept going. And I go to turn in the second entrance of the hospital. And he said, no, no, no, keep going. And I keep going for a little bit and I looked down and I realized, I don't think there's another entrance. And so I turn over to tell him I don't think there's another entrance and when I turn over there's a pistol in my cheek.
Q. What, if anything, happens next?
A. I actually started laughing. I thought it was, like, what would you do TV show things. I thought it was a joke. I honestly couldn't believe it. And, he was, like, start driving, and hit me in the back of the head with the gun. And at that point I realized it was real.

And I froze and I started crying and I told him to please take my car, take my money, let me go, I wouldn't tell anyone I saw him, just to let me go.

And we had gone and he hit me again in the head and then he told me to shut up and keep driving and do you want me to kill you, keep driving.

So, I started driving and slowly reached down for the door handle and I pushed on the gas as hard as I could and I flung myself out of the car. And when I stopped rolling I took off running and I don't know how but somehow he got the car into park and he tackled me.

Q. Okay. You're doing great. Take your time. Catch your breath. Okay. We don't want to miss anything. You're trying to tell us. Okay?

And so at some point when he put that pistol in your face, had you stopped the car and said --

A. Yes.

Q. -- hey, I don't think there's another entrance?

A. Yes.

Q. Okay. So the car was stopped?

A. Uh-huh.

Q. Then he tells you, just keep driving. So do you then start driving?

A. Yes.

Q. The car is moving then when you open the door and

jump, flee out of the car?
A. Yes, the car is moving.
Q. What, if anything, do you know that he does at this point?
A. I don't know. I was just go. And I don't even know where I was running. I was just running.
Q. And you said that you rolled?
A. Yeah. I rolled for a minute when I got out of the car.
Q. And that -- where are you rolling? In the middle of the street, or did you --
A. Uh-huh.
Q. Okay. What direction, if you're sitting in the driver's seat driving the car, you get out, do you keep running that direction or do you run around the car?
A. I ran backwards towards where we came from.
Q. Okay. And towards where you came from, is that the hospital area?
A. Yes.
Q. Is that now behind you?
A. Yes.
Q. Okay.
A. It's somewhere in that area.
Q. And so you start running and what happens next?
A. He tackles me. And we struggle. We fight for a

minute and he sits on top of me and hits me in the head with the gun again. And we fought for a minute and then he pulls down his pants and commands me to give him oral sex. And I kept spitting out because I didn't want to do it. And -- I'm sorry -- I started crying and he started unbuttoning my pants and I begged him to stop, told him that I had thousands of dollars in an ATM and if we go to the bank I'd give it to him, please just not to rape me.

And for some reason he kept looking around. I do remember that and just screaming at me. And then he said, okay, we'll go to the ATM. And he pulled me by my hair for whatever reason and told me to drive. Drug me back to the car, he told me to drive.

And I got back in the car and started driving for a minute and I -- he said that he wanted to go to his friend's house first. And, I knew that if I went to his friend's house, like, at this point, you know, I had already been assaulted, you know, I knew that nothing good is going to happen. And --

Q. What, if anything, can you tell us around you?

A. There was buildings.

Q. Is it dark?

A. It was grass. It was super dark. It was pitch black dark road. And I knew if I kept going down that road, like, nothing good was going to happen.

Q. Could you see any people or any traffic at this point?
A. No, no. There was no one.
So I put the car in reverse and decided screw it. I would just drive into the hospital. I figured a security guard or a patient, somebody would see me, you know, and I laid on the horn and I just kept going backwards and he kept hitting me in the back of the neck, in the head, telling me to stop and drive forward and saying that he was going to kill me and just kept hitting me repeatedly. And he crawled onto the top of my lap to try to take control of the vehicle. And at this point we struggled with the steering wheel for a minute and I knew if he got got the car into drive that I was screwed. And -- I'm sorry, but --
Q. That's okay.
A. So, I pressed the gas as hard as I could and --
Q. So are both of your hands on the steering wheel at this point?
A. Yes.
Q. And you are fighting to control the steering wheel?
A. Yes.
Q. And you said that he had climbed on top of you. Did he climb on top of you so that you are still -- you're both facing the same direction looking ahead --

A. Yes.
Q. -- trying to get the steering wheel or is he trying to straddle you?
A. He's, like, coming over, like this, partially on me, you know.
Q. So he's facing the same direction as you are?
A. Yes. And I hit the gas as hard as I could. And I was hoping that somebody would hear, you know, somebody would see it and we crashed. And I didn't know what we hit at that time. When I sat up he was draped across me in the center console of my car. And I could still hear him breathing so I knew that he was alive. And I tried to look for the gun but I couldn't find it.

So the next thing I thought was just to got out of the car and get away from him.
Q. And so you said he was draped across you. Is his whole body on top of you or --
A. Yeah, his, like, legs and stuff are on me between me and the center console.
Q. But his torso --
A. Was in the back seat part, like.
Q. And are you -- where are you? After you crash and the car comes to a stop, where are you physically in the car? Are you still in the front or are you in the back?
A. I'm still in the driver's seat but it's backwards.

Q. So you decide you're going to get out of the car. So what do you do?

A. I knew something was wrong with me. I didn't know what was wrong with me because I was, like, getting to where I was, like, losing feeling and stuff. And I could feel blood. And I was rolled down my window because I thought that if I opened the door that the dome light would wake him up. And I was so scared he was going to wake up. So I rolled down the window.

And I don't know how long it took me but it felt like forever because he was dead weight. And I didn't want to wake him. And I would scoot a little bit and scoot a little bit and I finally pulled myself up onto the window seal and crawled back out of the window and I crawled under the car. And I laid there for a minute thinking, you know, I'd just hide there for a minute.

And then I thought how stupid. He's going to wake up and he's going to find me. So I got out from underneath the car and I tried to walk towards the hospital and --

Q. Okay. So you literally were hiding underneath the vehicle?

A. Yes, I had gotten --

Q. Crawled underneath the car?

A. Yes. And then so I tried to go to the hospital.

And every time I tried to walk my legs kept giving out on me. I -- like, something was severely wrong with me. I had never broken a bone or anything before this so I didn't know what was going on. I just knew that something wasn't right. And so I ended up crawling on this side of my body towards the hospital.

And, finally I couldn't go anymore. I just -- I had -- all my energy was gone and I found some bushes and I laid in those bushes, hid in those bushes, just prayed for somebody to come find me. And I laid in those bushes, I don't know how long.

And then I saw headlights. And I thought, oh my God. And took everything in my power, mustered up the energy and I flagged this woman down. I got over to her car and I told her to please help me, that there was a man with a gun in the car, please help, you know. And she looked really frightened. Like, I'm sure I looked like a zombie.

But she started to roll her window, like, back up and I thought she was going to drive away and I was, like, telling her, you know, like, anything about me because, you know, just saying, you know, any information.

Q. Like what?

A. Like my name and my social security number. Like,

I was just saying anything, spitting out my address. I was, like, please, just believe me. And she let me into her car. And I was like, even if you don't let me in your car at least -- I pointed to my car and I said, that's my car, call the police. Tell them there's a man with a gun in it, you know.

And she said okay, then let me into her car. And she pulled up to the hospital. And, I got out and went and, to go into the hospital and --

Q. Why didn't you say in the car and wait for somebody to come get you?

A. I was terrified he was going to come. And I, it -- was absolutely terrified. I got out and at that point I lost it. When I got into the hospital, I couldn't feel my legs anymore. And I fell to the floor. I started crying hysterically. And I was just screaming for them to believe me. I tried to hide behind the nurse's desk. They kept yelling at me that, you know, that there's no one out there, and, you know, that they could smell alcohol on me. And one this one guard, and to calm down.

Q. You say a guard, like a hospital security guard?

A. Yeah. And to calm down and that I couldn't go behind the desk and there was nobody out there. And, I just kept screaming, crying and telling them there was, and please go out there and check.

And, then they admitted me into the hospital. And, at that point I told them there was something wrong with my neck. And was crying and told them where to find my family. And told them, you know, what was going on.

And, the doctor that was there was awful. He kept telling me there was nothing wrong with me and that I just needed to calm down. And I remember him jerking my arm up and telling me to sit up. And I told him I couldn't. And he, like, jerked my arm up.

My mother was there at some point and I kept telling her, mom, there's something wrong with my neck. And she begged them to please X-ray me from here up. And they did. And that's when they found out that my neck was broken.

Q. Katie, I want to go back to when you said that he was straddling after you escaped the car and he's straddling you and he pulled down his pants and you said he tried to make me perform oral sex or something like that. Where did he put his penis?

A. In my mouth.

Q. Do you remember in the hospital talking to the law enforcement officers that came?

A. I remember them being in the room. I don't remember what I said to them.

Q. Okay.

A. I was hysterical. I mean --
Q. How long do you think you were still, you know, crying and shaking and trying to tell them what happened and --
A. I mean, it felt like weeks, to be honest. I don't know.
Q. All right. Do you remember how long you stayed at the hospital, at that hospital, at Aiken hospital?
A. Hours. Then they transferred me in an ambulance to the trauma center in Augusta, Georgia. I guess they weren't equipped to deal with my injuries.
Q. And when you went to Augusta to, I guess, Georgia Regions {sic} Hospital? Georgia Medical Center?
A. GRU. Yeah. MCG.
Q. What happened to you when you were there? What did they do for you?
A. They screwed two steel rods into my head and they had shaved my head here and here and back here, too, but that's later. But they put two steel rods in my head and a half halo and a 15-pound weight that hung off the back of the bed to stretch out my spine.

And, my arm in, like, a cast thing. I don't know what it's called.

Q. Did you have surgery while you were there?
A. Yeah. I had two spinal surgeries.

Q. Okay. And what did that spinal surgery, what did they explain to you or what do you know they did in that surgery?
A. They fused C-2 through C-7 together. They put steel rods and a metal plate and a whole bunch of screws in my neck. I can't look down now and I have limited range.
Q. Uh.
A. They also told me before the surgery --
MS. ALVES: Objection, Your Honor. Hearsay.
THE COURT: I don't know. What's the question?
THE WITNESS: Oh, I just was talking. Go ahead.
THE COURT: Just ask a question.
MS. BODMAN: That's okay.
Q. Do you remember how long you stayed in that hospital before you went back to Florida?
A. Not long. Not long because this all happened, like, I had surgery the day before Christmas and then a day after Christmas, I think. And then --
Q. When you say not long, are we talking a couple of days or are we talking a couple of weeks or a couple months?

A. A week or two. I'm not sure.
Q. And then how did you get back to Florida?
A. Well, from there they transferred me to a rehab to get physical therapy at Health South Walton Rehab in Augusta. And I had a 10-day stay there for free. And, they worked on my motor skills and, because I couldn't write, I couldn't brush my hair, I couldn't -- well, I didn't have hair anymore at that point, you know.
Q. Let's back up. So what types of things did they have to work on with you at rehab? You said writing?
A. Right.
Q. Brushing your hair?
A. No. Brushing my teeth is what I meant to say.
Q. Brushing your teeth, okay.
A. Yeah. I didn't have hair. Walking. Moving my arms. Moving everything. My speech. Memory. It was a lot of memory stuff. Just my fine motor skills in general.
Q. And how long did that rehab take?
A. I stayed there for 10 days.
Q. Okay.
A. And then I believe it was January 13th I got transferred to Tallahassee Memorial Rehab where I stayed for at least a month.
Q. And then after that did you do physical therapy,

occupational therapy, anything like that?
A. Yes. I did physical therapy.
Q. And how long did that last?
A. I did, like, three times a week for over six months or so. Maybe more than that, I think.
Q. And today, do you still have some limitations or pain as a result of this?
A. I am in constant pain with my neck and shoulders. I --
Q. What about range of motion?
A. Yeah. I have limited range of motion. I can go to here. I can go a little further on this side. I can't look down at all. But this side of my neck, there's a sharp shooting pain. It feels like electric bolts and, like, a burning feeling that I get.

I have, the right side of my body feels like pins and needles like when your foot's asleep. And the left side of my body is cold like ice water.
Q. And is that all the time?
A. That's always.
Q. What about any numbness or loss of feeling?

MS. ALVES: Judge, I'm going to object to this continued line. This is beyond what would be relevant to establish the elements of whether or not Mr. Fuller --

THE COURT: I'll sustain that.

MS. ALVES: Thank you.

BY MS. BODMAN:

Q. Katie, did you have a chance to, I guess, first listen to the call that was made from the hospital to Aiken DPS dispatch?

A. Yes.

Q. And after you listened to it, did we have you put your signature on it, your initials on it?

A. Yes.

Q. Okay. In the background of that phone call, can you hear yourself?

A. Yes.

Q. And what do you hear yourself saying, doing?

A. I'm screaming that he's out there, he's going to kill us all. And the guy yelling at me that I couldn't go behind the nurse's desk. And just crying, trying to tell them what happened.

Q. And did you have the chance to look at the two videos, the one from the Kangaroo Express?

A. Yes.

Q. And the Quality Inn?

A. Yes.

Q. And the Kangaroo Express, does that show you in there purchasing your wine and cigarettes?

A. Uh-huh.
Q. That's you on that camera?
A. Yes.
Q. Okay. And the Quality Inn, do we see on there essentially when you go back to your room and kind of, not really the fight because the fight happens inside your room, but you leaving and him leaving --
A. Uh-huh.
Q. -- the room?
At this time I'm going to publish, start with State's Exhibit 32, the dispatch call.
(Audio played.)
BY MS. BODMAN:
Q. In the background there's somebody yelling stop, stop, stop. Who is that?
A. That's the guy that was telling me I couldn't go behind the desk.
Q. The security officer --
A. Uh-huh.
Q. -- at the hospital yelling at you?
A. Yes.
(Audio resumed.)
BY MS. BODMAN:
Q. Is that him still yelling stop at you?
A. Yes.

(Audio resumed.)
BY MS. BODMAN:
Q. Now we'll publish State's Exhibit 30, the Kangaroo Express video. Can you see this okay, Katie?
A. Yes.
Q. Is that you coming in the door?
A. Yes.
Q. And what are you doing?
A. I'm going to buy cigarettes.
Q. Are you on the phone?
A. Yes.
Q. And do you remember who you're talking to at that point?
A. My friend, Dillon.
Q. Is that the same friend that you're saying you're talking about?
A. Yeah, she's my best friend.
Q. Okay. Now you've had -- you've already said you had some to drink this evening?
A. Uh-huh.
Q. Are you impaired in any way?
A. No.
Q. I mean, you're walking okay on your own?
A. Yes.
Q. You're not stumbling, falling, needing assistance?

A. No.
Q. The camera down to the bottom left, is that the one that we're going to see you on?
A. I go up to the counter first.
Q. Okay.
A. Yeah. And I ask her about buying alcohol because I didn't know what the hour was here.
Q. Okay.
A. Because in Florida you can't buy it past two o'clock.
Q. And so that's you now?
A. Yeah. I'm trying to figure out what I want.
Q. Okay. You're walking okay?
A. Uh-huh.
Q. You don't need any assistance?
A. No.
Q. Not stumbling into the shelves?
A. No.
Q. You're able to get your money or your credit card out of your wallet okay?
A. Yes.
Q. Pay for your items?
A. Yes.
(Video resumed.)
BY MS. BODMAN:

KATIE SCHLINGER - DIRECT BY BODMAN

Q. So then at this point you get back into your car and you go where?
A. Back to the hotel.
Q. Back to the hotel. Okay.
Publishing now State's Exhibit 31. Okay. So who is that?
A. That's my stepfather.
Q. And?
A. I'm hugging him. I'm telling him I loved him and how great it was to see him.
Q. Whose room were you standing outside?
A. Greg and I's. We're having a heart to heart.
Q. And this in relation to the Kangaroo video that we just saw, this is happening first?
A. Yes.
Q. Right? This happens, then the argument, then you go over to the gas station?
A. Yes. I see him, like, once every three years or something.
Q. And is that the father of your brother who's just had his heart surgery?
A. Yes.
Q. So essentially what's happening here y'all are saying good night?
A. Uh-huh.

KATIE SCHLINGER - DIRECT BY BODMAN

Q. Okay. And is that the direction his room is in?
A. It's one or two down from ours, towards my mother's.
Q. Do you know who that person is?
A. No. I have no idea.
Q. Okay. In this can we see any of your vehicles, either Greg's or your vehicle in this?
A. No.
Q. Okay. So you're parked outside of this video range?
A. Parked further down.
Q. Okay.
A. I'm not sure where Greg was parked, actually. No, he was on the other side of me.
Q. Okay. Now what's happened here?
A. I was over it. I was, like, I'm done fighting. I can't take it. I'm going. And I'm just debating on whether or not to wake up my mom to go stay in her room. Like, it wasn't very long. I just didn't even want to hear it.
Q. And y'all are still having some type of fight or exchange there outside of the room?
A. Uh-huh, yes.
Q. And what's on your arm?
A. My bags.

Q. So what are you doing right now?
A. Debating on whether or not to just go back in and try to go to sleep or what to do. I mean, it's the middle of the night.
Q. And you're saying you didn't really want to go down to your mom's room?
A. Yeah. Because I didn't want to wake her up. It was nonsense, especially because we didn't have much sleep and everything that had been going on, but I didn't want to go back and deal with Greg. So it was kind of ...
(Video resumed.)
BY MS. BODMAN:
Q. Do you remember what you are doing there?
A. Figuring out if we could just let it lie for the night, let it go for the night.
Q. Are y'all talking or are you waiting for him to open the door?
A. No, we're talking.
Q. Okay. What are you doing there?
A. Angry. I don't know.
Q. And what have you done with your bags?
A. I put them in my car.
Q. Is that your phone that you have with you?
A. Yeah. Yes, yes.

Q. Y'all are still arguing?
A. Yes.
Q. Okay. What happened there?
A. I was fighting. I was, like, pushing because he wanted me to come back in the room and I was pushing him off me. And, like, my shoe had came off because he had stepped on it in the process. And I hit him with it.
Q. Did you get any injuries from that altercation?
A. No.
(Video resumed.)
BY MS. BODMAN:
Q. Are you talking again here or waiting for him to open the door?
A. No. I'm waiting for him to open the door. He was trying to get me to come back inside, and I'm pushing him off of me.
Q. Do you remember how loud y'all were being?
A. No.
Q. Now do you remember if this whole time is he, is that door open and you're having one continuous argument, or at times is he closing the door and you're to having to knock again because you can't see him the whole time.
A. Right. It was opening and closing.
Q. Just now when he walked down there, did you all have any kind of altercation at this point?

A. Yes. He knocked on the window and told me to come back in the room, talk to him. And I told him no. And I was on the phone with Dillon and he said that he was going to leave so I told him to go.
Q. And so that was him just leaving with his bags?
A. Yes.
Q. So then what happens now, where does he go?
A. He goes and gives me the hotel key and then leaves.
Q. And that's when he got in the car and then left?
A. Uh-huh.
Q. And you said you saw him get into his car and leave the hotel?
A. Yes.
Q. Drive out of the parking lot?
A. Yes.
Q. I'm going to show you what is marked as State's Exhibit 21, I think. Do you recognize what's here, the four photographs here?
A. Yes, it's the Quality Inn Hotel.
Q. Okay. And does this show the parking lot you were in and I guess the locations of your room?
A. We are on this side.
Q. Okay.
A. And my mother's room is back over here and we were in this one here.

MS. BODMAN: Offer into evidence State's Exhibit 21.

MS. ALVES: No objection.

THE COURT: Without objection.

(State's Exhibit No. 21, photographs A-D on poster board, received into evidence.)

BY MS. BODMAN:

Q. Actually, can you come down here?

A. Uh-huh.

Q. A little closer. So, this side of the Quality Inn is next to the McDonald's?

A. Yes. Opposite side.

Q. And so your room was on the other side?

A. Right over here. You can't see it because of the column. And then my mother's was over here.

Q. And about where were you parked; do you remember?

A. In front, in front of my mother's room.

Q. So down here?

A. Uh-huh.

Q. But still off camera, the camera didn't reach that far down?

A. Right. The camera that we're watching is up by my room and you can only see the shadow.

Q. So you said you were sitting in your car before going to the gas station. You were talking to your

friend and then you decided to go get some cigarettes and wine. Did you come back about the same parking space or a different one?

A. The same one.

Q. The same one. And so that's where you were sitting when the Defendant approached your car?

A. Yes.

Q. I'm going to show you what's marked as State's Exhibit 20. Do you recognize what's here?

A. That was my car.

Q. I'm sorry. Let's switch spaces.

A. That was my car.

Q. Okay. Do you remember seeing -- taking a look at your car and seeing all the damage?

A. I was so trying to get away from it. I knew it was wrecked but, no.

Q. Is this your vehicle?

A. Yes, it was.

MS. BODMAN: Offer into evidence State's Exhibit 20.

MS. ALVES: No objection.

(State's Exhibit No. 20, poster board containing photographs A-B, received into evidence.)

BY MS. BODMAN:

Q. And State's Exhibit 25, do you recognize what's there?
A. That's my clothes, yes.
Q. Okay. Photos of the clothes that you were wearing that night?
A. Yes.
Q. A and B are what?
A. My jacket.
Q. Okay. And C and D are what?
A. My jeans.
Q. And E, F and G are what?
A. My mom's shirt I was wearing.
MS. BODMAN: Offer into evidence State's Exhibit Number 25.
MS. ALVES: No objection.
THE COURT: Without objection.
(State's Exhibit No. 25, poster board containing photographs A-G , received into evidence.)
BY MS. BODMAN:
Q. So this on E, F and G, the shirt, what are these?
A. It's blood.
Q. And where were you bleeding from?
A. My head.
Q. The back of your head?

A. Yeah. I'm not sure if it was from my neck, too. I just know it was the back of my head.
Q. Did you ever get a look at the gun that the Defendant put in your face and hit you in the back of the head with?
A. I mean, I saw it. I didn't examine it.
Q. Big gun? Smaller gun?
A. It was small.
Q. Small. I'm going to ask you to look at State's Exhibit 28. Do you recognize what's in these photographs?
A. Yes.
Q. Okay. And do these photographs accurately show some of the injuries and your recovery from the injuries that you sustained from the Defendant?
A. Yes.
Q. And, I guess these are various stages of -- because F, is this from a different time frame than D and E?
A. This is before the surgeries. And then this is after the surgeries. And that was in Tallahassee Memorial Rehab.
Q. When you were learning --
MS. ALVES: Judge, I'm sorry. I would ask them if they're going to be referring to different pictures on one exhibit to refer to them by the letter.

THE COURT: Please do.

THE WITNESS: D and E are before the surgeries. And B and C are after the surgeries. I'm not sure when A was taken. It could have been before or after. And F is when I came to Florida.

BY MS. BODMAN:

Q. And A, does that -- did you have injuries to your hand?

A. Uh-huh. My wrist.

Q. Okay. On your wrist?

A. Like, my hand, I still have scars on it but my hand and my wrist, yes.

Q. And how did you get those injuries on your hand?

A. I thought it was from road rash, but it was blocking the gun and whenever -- during the sexual assault, that was when I kept my hand up.

Q. To block being hit?

A. Yeah, I was blocking my face. So.

MS. BODMAN: Offer into evidence State's Exhibit 28.

MS. ALVES: Renew my previous objection.

THE COURT: Subject to the Defendant's objection, it's admitted.

(State's Exhibit No. 28, poster board

containing photographs A-F, received into evidence.)

BY MS. BODMAN:

Q. And so in A here, what is that that we are looking at?

A. That's my wrist.

Q. And -- because this is up close next your knuckles?

A. Yeah, it's holes. I got hit.

Q. And B and C, what is that?

A. The front surgery and this one (displaying).

Q. From the back of your neck?

A. Uh-huh.

Q. What is the weight that we see in F, what is that about?

A. It was a 15-pound weight that was connected to the rods that are screwed into my head that hung off the back of the bed.

Q. And, F you said was back in Tallahassee?

A. Trying to learn to walk again.

Q. You can sit back down.

A. (Complying.)

Q. The moment that he placed that gun in to your cheek, did you at all feel that you could freely get out of that car and walk away?

A. The moment he did it, I thought it was a joke. I

didn't think it was real.
Q. And when did you start feeling it was real?
A. The second he hit me with it.
Q. At that point did you feel that you could walk away?
A. That I could walk away? No.
Q. From him.
A. He had a gun on me.
MS. BODMAN: No further questions at this time. Just answer any questions that she may have of you. Okay?
THE COURT: Cross-examination?

CROSS-EXAMINATION

BY MS. ALVES:
Q. Ms. Schlinger, I want to go through what was going on with you that night. Now, I want to clarify. In your testimony you were talking about having left and driven all night from Florida to get to the hospital to be here with your brother.
What day did you actually get here?
A. I believe this was on a, we left on a Thursday night. And I believe this happened on a Friday morning -- no, that was when -- I don't know the days of the week it was.
Q. Well, how many days had you been here before the

car crash?
A. One.
Q. One?
A. Yeah. One, one day.
Q. So the car crash happened on the morning of the 20th and you had been out eating Chinese food and hanging out in the hotel bar, that was on the night of 19th, right?
A. Right. I actually didn't eat at the restaurant, but yes.
Q. Okay. Did you go to the restaurant?
A. Yes.
Q. Did you drink at the restaurant?
A. No. It wasn't alcohol at that restaurant.
Q. Okay. All right. So, that was the night of 19th. Was that the day you had come, the day of the Chinese restaurant?
A. The 19th.
Q. The 19th. And that's why you were so tired that you took Adderall?
A. Yes. I took it earlier that day to stay awake.
Q. You took Adderall to stay awake. Let me ask you this. Do you have a prescription for Adderall?
A. No.
Q. So, buy off the street?

A. No, my sister does.
Q. Your sister buys Adderall off the street?
A. No. My sister has a prescription and I asked her.
Q. Does she have a pharmacy license to give you any of her Adderall?
A. No, ma'am. She doesn't.
Q. So you illegally obtained Adderall?
A. Yes, I did.
Q. And you took it? How often do you use amphetamines?
A. I don't --
Q. You don't?
A. -- besides that.
Q. How often do you take Adderall?
A. I had taken it once before in high school.
Q. And this time you just decided to take it again?
A. Yes.
Q. Okay. So, and so going back to what I was asking you originally. You got to the -- you arrived in Aiken very early in the morning on the 19th; is that correct?
A. Yes.
Q. And you rented one room?
A. Yes.
Q. And so it was you, your mother, you said your sister and your niece in the first room?

A. Yes, ma'am.
Q. And then when your boyfriend came he rented a separate room?
A. Yes.
Q. Do you remember what room he rented?
A. The room number?
Q. Yes.
A. No.
Q. Okay.
A. I don't remember any of the room numbers.
Q. Okay. But your room where you were in, that was at the far end of the hotel looking at the end of the walkway?
A. The room I had with my mother?
Q. Yes.
A. Was at the very back of the hotel. And the room that I had with Greg was more towards the front entrance and on the other side of that breezeway.
Q. So your mother was on the side facing -- I'm confused now.
A. I can draw it or.
Q. Well, let me show you this. I'm showing you what's in, I'm showing you State's Exhibit Number Two. Can you orient yourself? And tell me if you can or not.
A. Uh.

Q. This is the side. This is the side. This top portion will be the side facing McDonald's, and this would be the side, and this would be the side, the other side facing away from the McDonald's.
A. Wait. This side is the McDonald's?
Q. This side is McDonald's. And this side here is where Room 129 is.
A. Well, where is the road?
Q. The road would be, and Richland Avenue would be on this side.
A. Okay. Then so my mom's room was, like, here or here and then my room was over here.
Q. And when you're talking about your mom's room, it's saying somewhere in the area of 129, 130, toward the end?
A. Yes.
Q. Would you agree that you were in Room 129?
A. Probably. I don't remember the exact number.
Q. Okay. If I showed you a bill, would that jog your memory about what room you were in?
A. I'm sure, yeah.
Q. Sure. Okay. I'm showing you, you paid for the room with your credit card; is that correct?
A. I don't remember.
Q. Take a look at that.
A. Yep. Looks like it.

Q. So looking at that you can jog your memory that you paid with the room with your credit card and you were in Room 129?
A. Well, this says American Express here. I don't have an American Express card.
Q. Did you register for the room?
A. No.
Q. You didn't register?
A. Greg rented the room while we were driving.
Q. Okay. So you did not register for a room in your name?
A. I think he put it in my name, but.
Q. Okay. That's fine. And that was Room 129?
A. Yes.
Q. Okay. I just want to clarify where you were on here. I'm not trying to trick you or anything, just asking a question.
A. No. I don't have an American Express so I imagine he paid for it. I don't know. I was in the hospital.
Q. And looking back at this, Room 129 --
A. Right here.
Q. -- is that going toward the end of that walkway in the hotel?
A. Yes.
Q. And the room that you had with Greg is somewhere in

the center of the walkway?
A. Yeah. It's one of these.
Q. Okay. And you pointed to 115 or 117?
A. 117 through 119, 115 through 117.
Q. One of those rooms?
A. Okay.
Q. And, in the video you could not see where your car was?
A. Correct.
Q. Was your car in front of Room 129, the room that you had rented with your mom?
A. Yeah. It was somewhere down there.
Q. Okay. Now you said that evening you went, you said after you came back from eating Chinese food you went, you and your sister and your boyfriend and your stepfather went to the hotel bar?
A. Yes.
Q. And that was around 10?
A. I'm not sure exactly but, yes, I think so.
Q. Okay. And you said you had three drinks?
A. I can remember having two glasses of wine and a fireball shot.
Q. So you think you might have drunk some more that you forgot about?
A. I don't recall drinking any more than that.

Q. Well, Ms. Schlinger, isn't it true that when you drink you sometimes black out?
A. Yes.
Q. So is it possible you could have had more to drink that night than you're telling us about right now?
A. Is it -- I did not black out that night. Is that what you're asking me?
Q. I'm just asking you if maybe you forgot some stuff that you drank.
A. All I remember drinking was two glasses of wine and a fireball shot.
Q. Okay. And then you said y'all closed the bar down. Do you remember what time the bar closed?
A. Midnight, I think.
Q. Okay.
A. I'm not sure.
Q. And then you walked back to your room?
A. Yes.
Q. That's where we saw you come in on the video with your stepfather and your boyfriend and you?
A. Yes.
Q. And then you were hugging your stepfather goodbye?
A. Yes.
Q. Is that the same stepfather that you told the doctor in Georgia that was hitting on you that night?

A. I said the reason why my boyfriend and I got into a fight was because he thought that he was hitting on me.
Q. Okay.
A. My stepfather never hit on me.
Q. Okay. So you did not tell the doctor that your stepfather hit on you?
A. No, I did not.
Q. Okay. I just want to be clear. You're denying saying that?
A. Yes, I am.
Q. Okay. And then and that's when we saw you walking back and forth down the walkway, and then having the altercation with your boyfriend?
A. Yes.
Q. Let me ask you this. When you were telling, when you were showing your bruises to the police and to the police at the hospital and to everybody at the hospital, did you ever tell them your boyfriend had grabbed you and dragged you into a hotel room?
A. He didn't pull me that, hard enough to bruise me. But, no, I did not tell them. I told them we got into a fight, but.
Q. Okay. But you didn't tell them that he grabbed you and pulled you into a hotel room to the point where your shoe came off when you tried to pull away?

A. He stepped on my shoe so it came off.
Q. Okay. And your boyfriend was very controlling, wasn't he?
A. Yes, I would say so.
Q. Yes?
A. Yes.
Q. Okay. And, in fact, you had problems with him and your family didn't approve of him?
A. Some family members but, yes, some didn't.
Q. He was substantially older than you?
A. Yes. He was the same age as my brother.
Q. I mean, I don't know how old your brother is. Your boyfriend's a lot older than you?
A. Yes. Same age. 53.
Q. And you said you went to the store to buy some cigarettes?
A. Yes.
Q. And you told the doctor at the hospital in Georgia that you went to the store to buy some cigarettes?
A. I don't know if I told the doctor that or not. I told them everything I could think of to tell them.
Q. Okay.
A. And I was saying it to anyone who would listen.
Q. Do you know why you didn't mention that you went to the store to buy alcohol, too?

A. No, I don't know why. Maybe because it wasn't my original purpose for going.
Q. Okay. And when you talked to Investigator Royster, and do you remember talking with Investigator Royster when he came to see you in the hospital?
A. I do.
Q. Okay. And you told him you went out to buy cigarettes?
A. Yes.
Q. And you didn't tell him you went out to buy wine, too, did you?
A. I don't know if I did or not. I'd have to listen to the tape again.
Q. Okay.
A. I was on a lot of heavy pain killers then. I don't remember exactly what I said.
Q. Okay. And you said that Mr. Fuller came up and approached you and asked you for a cigarette. You didn't lean out and start talking to him?
A. First, can we listen to the conversation I had with Deputy Royster to see if I said I had wine or not because I don't know if I said that or not. I mean, if you're saying I did, I'm assuming you're correct, right?
Q. I am.
A. Okay.

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Q. But now I'm asking you about Mr. Fuller.
A. Okay. What -- I'm sorry. Can you repeat the question?
Q. You just testified that you came -- you approached -- he approached you and asked for a cigarette?
A. Yes.
Q. You didn't lean out and ask him what he was doing in front of your room?
A. No.
Q. And, this is after you got back from the BP station, right?
A. Correct.
Q. And do you know what time you got, around what time you got back from the BP?
A. No. Two-something in the morning. I don't know.
Q. Well, would you agree that it was actually closer to 3:46 when you left the store?
A. I don't know what time it was.
Q. You didn't look at the time in the video?
A. I'm not sure if the time on the video was right, too. Did we ask the people?
Q. Do you know if it's wrong?
A. No, I don't know if it's wrong. I don't know the time.

Q. Okay. So it was somewhere after, it was after you got back when he came up to you; is that what you're saying?
A. Yes.
Q. Okay. And how long did you and Mr. Fuller talk?
A. Not long. If that happened at 3:45 and the dispatch call happened at, the police got there at 4:30. I can't imagine not long.
Q. Okay. And I want to go through what you just told us happened. Wait a minute. Before I get to that.
You bought -- at the BP store you bought a little four-pack of wine?
A. Yes.
Q. And what happened to that wine?
A. I don't know. They said that there was objects lodged everywhere thrown out of my car, debris everywhere. I don't know what happened to it. My car was crushed and --
Q. Uh-huh.
A. -- I'm not sure.
Q. All right. Now, when did you smoke the marijuana?
A. The weekend before at a festival.
Q. The weekend before?
A. Uh-huh.
Q. Not that day to calm your nerves after your fight

with your boyfriend?
A. No.
Q. But we have to take your word for that?
A. Yes. I'm telling you the truth.
Q. Okay. Now you said that you got in the car and you started driving toward the hospital? You started --
A. You're talking about with Mr. Fuller or when I went to buy wine?
Q. No. You went to buy cigarettes and just happened to buy wine.
A. Same thing. The same thing.
Q. Okay. So, Mr. Fuller got into your car you and he left the parking lot. Do you remember how you came out? Did you turn around toward the McDonald's side or did you come out on side opposite from McDonald's?
A. I don't remember exactly which way I went out.
Q. Okay. And then you turned which direction? And you turned left onto Richland Avenue?
A. Yes.
Q. And then you turned left onto University Parkway?
A. Yes.
Q. And then tell us again what happened.
A. I drove past the hospital. And I went to go in the first entrance and he said, no, keep driving. And I went to go into the second entrance and he told me to keep

driving.
Q. And so -- and then after you said -- and then what happened after he said to go in the second entrance?
A. I kept driving for a minute and I realized that there was no more entrance and it was a pitch black dark road and I turned over to him to tell him that I didn't think there was another entrance. And that was when he put the pistol on my cheek.
Q. Okay. I'm just trying to focus on exactly where we are now. So you had driven past the second entrance, just a little bit, and then you realized there's no other entrance in front of you; is that right?
A. Yes. I'm not exactly sure how far down we were.
Q. That's fine. I'm just trying to clarify. I'm going to show you what's marked as Defense Exhibit Number Two. Do you recognize that?
A. One of the entrances. I think that's the first entrance.
Q. The first entrance marked main. Take a closer look.
A. No, it says emergency -- or no, emergency, up -- no, that's the first entrance.
Q. This is it first entrance?
A. Yeah.
Q. So you drove past this entrance?

A. Yes.
Q. Okay. Now I'm showing you what's marked as Defense Exhibit Number Three. Do you recognize this entrance?
A. Uh-huh.
Q. And this is the second entrance, isn't it?
A. Yes.
Q. This, and this is the entrance with the light, at the light?
A. Yes.
Q. The second with the stop light. There it is right there.
A. Uh-huh.
Q. Yes? So you drove past this first entrance and then you drove to the second entrance and he said, keep going. So you drove a little bit past this entrance to the hospital; is that right?
A. Yes.
Q. And then you said I don't think there's any other entrance in front of me?
A. Correct.
Q. And you stopped your car?
A. Yes.
Q. Right past this second entrance to the hospital?
A. I'm not sure exactly how far down it was.
Q. It doesn't matter. Just right past it. It was

past this entrance where you stopped your car?
A. Yes.
Q. On this same road?
A. Yes.
Q. And, that's when you're saying he pulled a gun on you?
A. Yeah. When I stopped, yes.
Q. When you stopped. And he told you to keep going?
A. Yes.
Q. Yes? I'm just asking. I'm trying to get your story, making sure I got it right. And then after he pulled the gun on you, you say you drove for a little bit further straight down that road?
A. Yes. I think it's that road.
Q. Okay. Well, is this the road?
A. What's that road name?
Q. This is University Parkway.
A. I believe it's that road, yeah.
Q. Okay. The road -- I just want to be clear we're talking about the same road now. The road where the entrance to the hospital is, this is where we are?
A. Yes. I think it's that road. I'm not familiar with it.
Q. All right. Well, I'm just going through what your story was. And you don't have to be familiar with the

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streets but you say you know the locations of the two entrances to the hospital?
A. I remember there's two entrances and I went past the entrances.
Q. You went past the entrances and driving straight down that road and you looked down and you said, I don't see another entrance?
A. Yes.
Q. And just as you said that he pointed a gun at you?
A. Yes.
Q. And told you, keep driving?
A. Yes.
Q. And you kept driving down that same road?
A. Yes.
Q. And then you, your testimony just was, you slammed on the gas and then jumped out of the car?
A. Yes.
Q. Well, tell us what happened when you jumped out of the car.
A. When I jumped out of the car?
Q. Did you roll?
A. Yeah, I rolled.
Q. Did you lie for a while in the road? what happened?
A. It wasn't very fast but, yeah, I rolled.

Q. And left Mr. Fuller alone in your vehicle?
A. Yes.
Q. Because you were wearing this pea coat shown in State's 25-A and B?
A. Yes.
Q. And these jeans shown in 25-C and D?
A. Yes.
Q. And then after you jumped out of the vehicle you started running?
A. Yes.
Q. Do you remember where you ran to?
A. Oh, I just started running back towards the hospital.
Q. Toward the hospital?
A. Yeah, the road that we were on, it was, like, grassy on one side with buildings, and the emergency room was on this side, the left side.
Q. Well, do you recall talking to Investigator Royster about this incident?
A. Yes.
Q. Didn't you, in fact, tell him that you ran toward USC-Aiken?
A. I told him that I ran towards buildings. And that I later found out that it had to be a university or something, someone told me it was a university or

something. I don't know what those buildings were exactly. Somebody at some point in time told me that it was a university.

Q. Okay. You didn't see the University?

A. I saw buildings around. I don't know if it was a school or not.

Q. Is that where you ran, toward USC-Aiken?

A. I don't know.

Q. You don't know. Okay. Would you admit or deny that you told the investigator that you ran toward the university?

A. I told him, which we should play the tape, I told him that I ran towards buildings which I later found out were the university or something,

Q. So --

A. -- which I hadn't gone back and seen it or not. People are assuming it was the university.

Q. Okay. So, but you say you ran towards the buildings that you now are assuming is the university?

A. I assume they were, yeah. I still don't know where the school is located to be honest, but I know there's buildings over there.

Q. Okay. Well, when you talked to Investigator Royster you were in the hospital?

A. Yes.

Q. So who had you talked to to tell you that there were buildings, that there was a university on that side of the road and that's what you could have run toward?
A. I don't know.
Q. You don't know who would have told you that?
A. No. I talked to so many people, doctors and nurses and my family members, and all types of different officers.
Q. But you don't know who told you about the university?
A. No. I do not know who told me about the university.
Q. Okay. Now would hearing your statement that you gave to Investigator Royster about that clarify what you said about running toward the university?
A. I'm sorry. What? Can you say that again?
Q. Would hearing -- your statement wasn't written to Investigator Royster, was it?
A. No, it was recorded.
Q. Recorded? And I've never talked to you and had an opportunity to have you listen to the statement that we have for you, have I?
A. No. I've never spoken with you before today.
Q. Okay. But if you heard your voice, would you recognize it?

A. Yes.

MS. BODMAN: Your Honor, I think the proper procedure is just to go to that specific statement that she --

MS. ALVES: That's where I am, Judge.

MS. BODMAN: Okay.

(Audio played.)

BY MS. ALVES:

Q. Is that your voice?

A. Yes.

Q. Okay. So you told Investigator Royster when you talked to him back when you were in the hospital that you ran toward the buildings that you believed to be the university?

A. Yeah. That apparently was a university or something. I, I still don't know if it was a university. I'm not sure what you're asking me.

Q. I'm just asking you if that's what you told Royster.

A. Yeah, apparently it was some university.

Q. And that is your voice on that tape?

A. Yeah.

Q. And that's the statement that you gave to Investigator Royster when you were in the hospital?

A. Yes.

Q. Okay. Now, you said that you also -- I believe you told Investigator Royster that you rolled several times when you stopped and got out and ran. Did you hear yourself say that?
A. Yes.
Q. Okay. And that was still while you were wearing that same pea coat that I just showed you in the pictures?
A. Yes.
Q. And you said that while you were running away from the hospital toward these buildings Mr. Fuller tackled you?
A. Yes.
Q. And you were struggling and fighting with him?
A. Yes.
Q. And then he was able to unbutton and pull down, or excuse me, pull down his pants. He had -- I think, from whatever he had on, he was able to pull down his pants and straddle you while you were fighting him?
A. Yes. I don't know if he had buttons on his pants or not. It all happened very quickly.
Q. I understand. And he was able to straddle you --
A. Yes.
Q. -- while you were fighting?
A. Yes.

KATIE SCHLINGER - CROSS BY ALVES

Q. And I believe you said something, and force his penis into your mouth?
A. Yes.
Q. And what were you -- I'm assuming you were turning your head?
A. Yes.
Q. Did you bite down?
A. No. I didn't want to die. He had a gun to my head. Would you have bitten down?
Q. He had his gun to your head at this point?
A. Yes.
Q. While he's hitting you and struggling with you?
A. Yes, he had a gun.
Q. Okay. And then he was also able while holding a gun to your head, pulling his penis out, putting his penis in your mouth, fighting with you, hitting you in the head with this gun, able to unbutton your pants?
A. Yes.
Q. And. That's when you started telling him that you had $1,000 in the ATM and you wanted to go to the ATM?
A. Yes.
Q. And then you said you put the car in reverse or later on you said you started driving and he got in and was putting the gun to you; is that correct?
A. Yes.

Q. Now, and then -- wait a minute. Before we get to that. You didn't testify to this here but you told Investigator Royster that he dragged you back to the car by your hair?
A. Yes. And I did say that earlier.
Q. Well, he dragged you back to the car by your hair. Was your body on the ground or were you upright?
A. I was kicking, trying to stand up.
Q. So you were --
A. Like I, I was half kicking, trying to stand up and he had my hair pulling me.
Q. Okay. And then it's your story here that he forced you into the car and made you drive?
A. Yes.
Q. And then you said he hit you in the neck with this pistol?
A. Yes. And in the head.
Q. Okay. And now you were here for the doctor's testimony earlier?
A. Yes, I was.
Q. And it talked about your neck being broken in two places?
A. Yes.
Q. But when you talked to Investigator Royster you exaggerated and said six, didn't you?

A. I still thought it was six. Six broken, I thought that, the bottom part of it --
Q. Uh-huh.
A. -- that shattered was in six different places. They said it's two fractures, six places.
Q. Okay. So that was just a misunderstanding from what was told to you?
A. Yes.
Q. Okay. And you said that as you were driving you decided to put your car into reverse and honk on the horn?
A. Yes.
Q. That's when he fought you over the steering wheel and you hit the tree?
A. Yes.
Q. Okay. Now -- and then you said that after y'all hit the tree you were conscious. Were you conscious the whole time as far as you recall?
A. As far as I recall.
Q. Okay. And but he was unconscious in the car?
A. Yes.
Q. But he was breathing?
A. Yes.
Q. So you knew he was alive?
A. Yes.

Q. But you didn't know what his condition was?
A. No.
Q. You didn't know if he was seriously hurt or not?
A. No, no, he looked just fine.
Q. He looked fine but you didn't know that --
A. I -- sure.
Q. -- because he was unconscious, right?
A. Right.
Q. Okay. And, you inched yourself out from under him; is that right?
A. Yes.
Q. And how long did this take?
A. I don't know. It felt like it took years.
Q. I'm sorry? How long did it take?
A. I don't know.
Q. Okay. Do you recall telling Investigator Royster that it took about 30 minutes?
A. It felt like 30, 45 minutes, yeah. It felt like a long time.
Q. But you don't know. It could have really been just a minute or two?
A. It could have been. It felt like a lifetime though.
Q. I'm sorry?
A. It felt like a lifetime.

Q. Okay. And then you said you climbed out of the window?
A. Yes.
Q. And you said, you didn't testify to it here, but didn't you, in fact, tell Investigator Royster that you sat on the edge of the window and let your body fall back?
A. Yes.
Q. So you fell out of the car?
A. Yeah. I fell backwards out of it. I didn't climb feet first.
Q. And then you told Investigator Royster, you didn't testify to this -- I think you did testify here, that you hid under the car?
A. Yes.
Q. And that you rolled under the SUV to hide?
A. Yes.
Q. I'm going to show you what's marked as State's Exhibit 17. You crawled under this vehicle under here, where the gas was leaking out?
A. Yes.
Q. Okay. And how long did you hide under this vehicle?
A. Not long at all.
Q. Excuse me?

KATIE SCHLINGER - CROSS BY ALVES

A. Seconds.
Q. Seconds?
A. Not long.
Q. All right. So you rolled into where the gas was and you came out seconds later?
A. I don't know if there was gas or not yet. I don't remember there being gas there.
Q. And then you testified here today that you started to walk toward the hospital?
A. Yeah. Crawled and walked. I couldn't really stand up and walk. I basically crawled there.
Q. And then you went to lay in the bushes?
A. Yes.
Q. Do you remember how long you laid in the bushes?
A. No. Once again, it felt like a lifetime.
Q. Okay. And that's when Ms. Corley came by?
A. Yes.
Q. And then she took you to the hospital?
A. Yes.
Q. And then once you got to the hospital I believe you heard that -- you went in and you talked to the nurses and that you collapsed in the doorway?
A. Yes.
Q. And then we heard the 9-1-1 call with you screaming in the back?

A. Yes.
Q. And then I think -- and we also heard the testimony that you got in to see the doctor at around 4:45, you were admitted into your room and that's when saw the doctors and the nurses?
A. I don't know. Can I have a copy of the medical thing to look at?
Q. Well, the nurse testified to that earlier.
A. I don't remember the exact time she said. If that's what she testified to, then, yes, that's what it was.
Q. All right. And at that time you didn't tell the doctors and nurses that you had been sexually assaulted, did you?
A. No. I was more concerned with not being able to feel my body.
Q. Okay. But you told them about your -- you told them about your medical problem, your medical problems. You told them what problems you were facing, your medical problems?
A. My neck and head and everything, yes.
Q. Okay.
A. That was the immediate problem right then and there.
Q. But you didn't tell them about the oral sex right

then?
A. No, I did not.
Q. Okay. And you told the doctor you'd been drinking some that evening?
A. Yes.
Q. Did you tell him that you were also taking illegal Adderall?
A. No, I did not tell them that.
Q. In fact, you told the doctor that you were taking no drugs at all, didn't you?
A. Correct.
Q. So you lied to the doctor?
A. I just told them I had been drinking.
Q. I'm sorry?
A. Yes, I just told them I had been drinking.
Q. Now you were also on prescription medication at that time, weren't you?
A. Yes.
Q. You were prescribed Fluoxetine?
A. Yes. Prozac.
Q. Prozac?
A. Yeah.
Q. And Lorazepam?
A. Generic for Xanax.
Q. I'm sorry?

A. Xanax.
Q. But you hadn't taken those like you were supposed to?
A. I'm sure I had taken the Prozac. I don't know if I took the Xanax or not. I don't take it everyday. I don't take it any more now at all but then I don't know.
Q. I'm talking about back then.
A. I'm not sure.
Q. Okay. Would you admit or deny that you told the doctor that you were not taking the medication like you were supposed to, and that you had taken your last dose of Lorazepam three days before?
A. I don't know if I told him that or not.
Q. Would you admit or deny that you said that?
A. I don't know --
Q. Okay.
A. -- if I told them that or not.
Q. If it's in your medical records would you agree --
MS. BODMAN: Asked and answered, Your Honor. She doesn't know.
THE WITNESS: I don't know if I said that or not.
MS. ALVES: Well, if I showed you --
THE COURT: Overruled. Go ahead. Cross-examination.

MS. ALVES: Yes, sir.
Q. If I showed you a copy of the medical report, would that refresh your memory about what you --
A. If that's what the doctor said I said, then that's what the doctor said I said. I don't remember saying whether or not I took --
Q. Well if I showed you a copy of the medical report?
A. I know the toxicology report had marijuana and Adderall on it.
Q. We'll talk about the marijuana. I haven't gotten to that yet.
I'm showing you here the reports from Dr. Shaw who you saw at Georgia Regional {sic}. Take a moment to read over that.
A. (Complying.) Yeah. This is very wrong. My boyfriend's not named Dillon. That's my friend. My stepfather wasn't hitting on me. I don't believe it was three wines. A lot of this is all wrong.
Q. Okay. So the information that the doctor wrote down is not correct?
A. Yes.
Q. Okay.
A. It's not correct.
Q. About what happened that night?
A. Yes, it's not correct.

Q. Okay. But you did have -- I want to be clear now. You didn't have three wines but you had three drinks in the bar at --

A. I remember having three drinks.

Q. Okay. And you do have -- and you did have an alcohol problem back then?

A. I have -- yeah, I have always had an issue with alcohol.

Q. And, in fact, you have two DUIs on your record, don't you?

MS. BODMAN: Objection.

THE WITNESS: I do not.

MS. ALVES: Judge, it goes to bias and a motive to lie.

THE WITNESS: I do not. I have one DUI from 2010.

MS. BODMAN: Your Honor.

THE COURT: What's the objection?

MS. BODMAN: Inadmissible. Irrelevant. Improper.

MS. ALVES: Judge, this goes to, towards -- directly toward bias and her motive to tell a lie on this evening.

THE COURT: I'll sustain the objection. Strike it from the record.

BY MS. ALVES:
Q. Ms. Schlinger, you are aware that it is illegal to drive under the influence, are you not?
A. Yes.
Q. And, in fact, if you were under the influence of alcohol on this evening, it is possible you could -- and was driving under the influence and you were charged with causing this accident while under the influence, you could have been arrested; is that correct?
A. I was not intoxicated.
Q. Well, I'm just asking you.
A. And the reason I got into the accident was trying to escape from him.
Q. If you were determined to be under the -- over the legal limit for alcohol and charged with causing this accident, you could have been arrested for DUI; is that correct?
MS. BODMAN: Objection.
THE COURT: Sustained.
MS. BODMAN: I object to speculation and there's nothing in the record.
THE COURT: It calls for a legal conclusion. I'll sustain it.
MS. ALVES: And, Judge, we have another matter that needs to be taken up outside the

jury.

THE COURT: All right. Ladies and gentlemen, just go to your jury room for a minute. The attorneys tell me they want to take up something. I guess, a legal matter, outside of the presence of the jury. And that's because we have to make a record of it and, I'll have to make a ruling on it. And I'll call you in just a few minutes. Thank you very much.

(Jury exits courtroom at 5:44 p.m.)

THE COURT: Just take a short break. All right. Ms. Alves?

MS. ALVES: Your Honor, it's my intention to attempt to elicit testimony from Ms. Schlinger regarding her mental state at the time of the incident. Specifically she was suffering from depression and PTSD which she had suffered from for a period of time since the second grade.

MS. BODMAN: I object. I'm going to object.

MS. ALVES: I'd like to finish my --

THE COURT: Put it on record.

MS. BODMAN: Your Honor, I'd like to ask for an in-camera hearing because it's related to our rape shield what she's about to say is

related to rape shield. So I just want that to be in camera.

THE COURT: All right. Clear the courtroom.

MS. ALVES: Judge does that also require my investigator and my -- no?

THE COURT: Law enforcement stays.

THE BAILIFF: Bailiffs out?

THE COURT: No.

(Courtroom cleared.)

THE COURT: Proceed.

MS. ALVES: Yes, sir.

Judge, it's my intention to elicit testimony regarding her mental health state at the time of the incident, specifically the fact that she was suffering from depression and PTSD as well as anxiety.

Judge, the depression -- she has suffered from depression and PTSD since the second grade when she, when she suffered from the -- I'm trying not to say it out -- well, she suffered from -- she was -- her father was a pedophile and she was physically, emotionally and sexually assaulted. I was not planning to bring any of that up.

KATIE SCHLINGER - CROSS BY ALVES

THE WITNESS: They already know that I was on Xanax and Prozac. That's anxiety depression. Why do they need to know --

MS. BODMAN: Katie.

MR. POTTS: Katie.

MS. ALVES: Was not planning to bring up anything regarding any prior attack. The furthest I was going to go with this was the fact that she was suffering from depression and PTSD.

THE COURT: What do you mean was?

MS. ALVES: On December 20th, 2013, according to what she told the doctors. She also told the doctors, Judge, that she had been in counseling off and on but it had not helped. She told the doctor that she had a prior, immediately prior to her -- well, it says prior to recent trauma she had a history of a racing heart, intrusive thoughts, hyper vigilance, and paranoia.

THE COURT: What's the relevance?

MS. ALVES: Judge, I think that is relevant to show --

THE COURT: I'm just asking you, what's the relevance?

MS. ALVES: Yes, sir. I think it is

relevant to show what her state of mind would have been at the time of this incident. The fact that she was suffering from mental health as well as taking illegal substances, Adderall and, Judge, it's my position that she was under the influence -- she was over the legal limit and under the influence of alcohol. Her medical records will show that --

THE COURT: Do you have any proof of that?

MS. ALVES: I haven't gotten to that yet.

THE COURT: I'm asking.

MS. ALVES: Yes, sir. Judge, she tested positive at the hospital for marijuana, amphetamines, opiates and alcohol. The opiates can be attributed to the Vistaril that she was given by Nurse Harmon who testified earlier but there's nothing in her medical records from that night that show she was given any of the other substances at the hospital.

So, the Adderall -- the amphetamines can be attributed to the Adderall, but she still tested positive for alcohol. And I would, I will be attempting to present testimony during the defense's case about exactly what those results mean.

MR. POTTS: And, Your Honor, as far as toxicology goes, I do want to point out a very big difference of what she's talking about here. There's a urine test that test positive for marijuana. As Your Honor knows, marijuana can stay in the system for urine forever. And using that, it's not the blood test, using that as a slight against this woman, I was going to object to the marijuana, period, because it has no relevance. You can't -- a toxicologist can't testify based on urine that any marijuana is in anyone's bloodstream as any toxicologist will tell you because the way marijuana works.

And so when it came up the first time I didn't ask Ms. Bodman to object because the fact of the matter is she answered it and whatever.

But when we go into toxicology that marijuana result, I'm going to ask it be suppressed. And I think that the blood results she has is .06 milligrams per deciliter.

THE COURT: How can she ask this witness about it?

MR. POTTS: She can't.

MS. ALVES: Judge, I disagree that I can. I mean, under Rule 608 I can present evidence of

bias, prejudice, or any motive to misrepresent, to impeach the witness either by examination of the witness or by evidence otherwise adduced. This witness is aware of what was in her bloodstream. She's aware of her medical records. She's knows that in her urine blood screen she tested positive for opiates, amphetamines, and marijuana. She's apparently also --

THE COURT: She's knows it now?

MS. ALVES: On December the 20th, 2013.

THE WITNESS: No, I didn't know it on December the 20th.

MS. BODMAN: You cannot talk.

THE WITNESS: Okay.

MS. ALVES: Also, Judge, also, they did two separate tests on her, a urine drug screen and a blood-alcohol test. The blood-alcohol was 65 milligrams per deciliter at the time she was tested which was approximately four hours -- the blood was drawn almost four hours after she got to the hospital.

We'll be presenting a witness to discuss the retrograde extrapolation to go back to show what her blood-alcohol would have been at the

time she entered into the hospital. We can't go back to the time of accident because we don't know exactly when that was, but we do know that the 9-1-1 call was made at 4:35. So we can go back to -- I'm sorry.

MR. HAYES: 4:35.

MS. ALVES: 4:35 is when the testimony was when the 9-1-1 call came in. So we can go back to that point and my expert will explain what those results mean. And that will put her blood over the legal limit, Judge.

MR. POTTS: That's why we need a toxicology, Your Honor, and obviously --

THE COURT: That's why, what?

MR. POTTS: We insist that they bring a toxicologist. We're going to waive chain on defense. However, the marijuana has no value, zero value.

MS. ALVES: Judge, she told the doctors at the hospital that she did not use any drugs yet she's testing positive -- she says -- what she told the doctors at Aiken Regional Medical Center is that in -- and Nurse Harmon testified, that she had no drug use and she admitted using alcohol but she said no drug use.

This witness herself admitted that she lied to the doctor. She didn't tell them about the Adderall. She definitely didn't tell them that she was using marijuana. And --

THE COURT: Using marijuana. That's a pretty broad term.

MR. POTTS: Are you telling me your toxicologist will testify that she was understand the influence of marijuana that evening?

MS. ALVES: He'll testify that she was under the influence of alcohol.

MR. POTTS: He'll testify that she was under the influence of marijuana?

MS. ALVES: Judge, but -- I'd ask that the solicitor direct his comments to the Court and not to me personally. But I would say that my expert can testify about the effects of marijuana and alcohol would have been. There is case law that does supports -- I know that there's no quantification of the marijuana, the amphetamines, or the opiates in her system. And I would agree that the opiates were a prescribed drug that were given to her. I mean, we can't say it wasn't.

But there is case law and I'm sorry I

wasn't prepared to argue that today right now, but there is case law that does allow us to bring in the fact that she had marijuana in her system even though it's not quantified. And she testified herself that she told the doctors she didn't have any drugs, yet she has marijuana in her system. She's been using marijuana at some point.

THE COURT: You've been going on. I'm still -- I'm not sure what you want to ask her.

MS. ALVES: Oh.

THE COURT: At this point

MS. ALVES: Going back to the original reason that we have to the, that we're having this in-camera hearing is because I was going to ask her about her mental health status. The solicitor's concerns, my understanding, is that she does not agree. She's objecting to me bringing in the depression and the PTSD since Ms. Schlinger has suffered from those since the second grade when she was --

THE COURT: Is she currently diagnosed with that?

MS. ALVES: I don't know if if she's currently diagnosed today but she was --

THE COURT: Or as of the date of the incident.

MS. ALVES: Yes, sir.

THE COURT: And you have proof of that?

MS. ALVES: It's in her medical records.

MS. BODMAN: That diagnosis is related to the sexual abuse as a child that she suffered.

THE COURT: She's not going there.

MS. BODMAN: Okay.

THE COURT: She's not going there.

MS. BODMAN: But to be able to put out that on this particular day she was diagnosed with PTSD opens up -- then we can't say, tell the jury why --

THE COURT: You don't have to.

MS. BODMAN: -- that's rape shield.

Well, then we have this PTSD diagnosis hanging out there and the jury's going to be wondering why.

THE COURT: Well, is it in the medical records?

MS. BODMAN: Your Honor, two things. A, yes, it's in medical records. That doesn't make it relevant for a criminal trial. Relevancy is, does it make it more or less likely that this

Defendant committed the crime.

The fact that she had a diagnosis of PTSD on the day that she was sexually assaulted by this Defendant does not make it any more or less likely that this Defendant committed the crime.

THE COURT: Credibility is an issue in any trial.

MS. BODMAN: I'm sorry?

THE COURT: Credibility is an issue in any trial.

MS. BODMAN: Credibility is different than using 404(b) character slander evidence to attack her credibility. You cannot do.

MS. ALVES: And, Judge, I'm referring to 608 which says I can use any information that's necessary to show that she had a motive to tell a lie.

MS. BODMAN: And what's -- I mean, I don't understand the nexus between just saying that she has PTSD therefore she has a motive to make up that somebody sexually assaulted her is completely illogical.

THE COURT: There's no connection.

MS. BODMAN: There's no connection.

MS. ALVES: Judge, there is a connection

when you hear the rest of her record. She not only was suffering from a history of depression with PTSD, she wasn't taking her medications. She was using un-prescribed medications. She was using alcohol. She had in the past when she was 14 been hospitalized for acting out for attention, and she endorsed thoughts of suicide in the past in a traumatic situation.

And now here we have a woman who my expert will testify was over the -- was under the influence of alcohol at the time that this car crashed, or excuse me, at the time that she walked into the hospital. She also had other substances in her system including an illegal one.

I think it is relevant what her mental state was at the time that the accident occurred as well as what her toxicology showed.

MS. BODMAN: Because somebody has a diagnosis of PTSD doesn't mean that in that moment she is suffering some kind of delusional, you know, mental breakdown that would make her make this up. There's just no nexus or connection between the two things.

It is -- she is trying to introduce it to

slander her character and to make her look like an ugly person in front of this jury. And it's contrary to our rules of evidence.

MS. ALVES: Judge, I would disagree. And I think that when we look at the whole circumstances that happened that night including the fight with boyfriend --

THE COURT: All right. I'm going to let you go into what she had consumed. She's already testified that she had smoked marijuana at least a week before this. I don't see this -- when was the diagnosis of PTSD made?

MS. BODMAN: When she was a child, I understand.

MR. POTTS: Second grade.

THE COURT: I'm asking.

MS. ALVES: Judge, it says second grade.

THE COURT: Well, I think that's a little remote.

MS. ALVES: But, Judge, she suffered continuously and she was taking medication for it at the time of this incident.

THE COURT: She was taking medication for PTSD?

MS. ALVES: Judge, she was supposed to be

taking medication. To clarify, she was supposed to be taking Fluoxetine and Lorazepam and that's what she just testified to.

THE COURT: You can ask her what she was supposed to be taking.

MS. BODMAN: May I proffer with her and ask her?

THE COURT: I might let Ms. Alves proffer. She's the one that's making, presently -- I mean, she's the one that asked for the -- go ahead with the proffer.

MS. ALVES: Yes, sir.

BY MS. ALVES:

Q. Isn't it true that you -- in December of 2013 you were suffering from depression and PTSD?

A. I have been told my whole life that I have suffered from PTSD and depression. I asked my mom who diagnosed me with that and she said she didn't know. I don't know what doctor even diagnosed me with that. I don't know if that's just something that's been told to me or not. I was on medication for anxiety and depression. I didn't take any more of my Xanax because I don't take it everyday. I take it when I need it.

THE COURT: Second question.

BY MS. ALVES:

Q. You said you were supposed to be taking Lorazepam?
A. No.
Q. I'm sorry. What drug were you supposed to be taking?
A. That's Xanax. The last was Xanax, and I take it as needed. I don't take it everyday.
Q. Okay.
A. So if that's what you're referring to with me not taking my medication correctly, I don't take it everyday.
THE COURT: Go ahead. Just answer the questions. Don't volunteer anything.
THE WITNESS: Okay.
THE COURT: Third question.
MS. ALVES: Yes, sir.
Q. And, you're -- how often were you were supposed to take the Xanax?
A. As needed.
Q. As needed. Okay. But you hadn't taken it for three days before this incident?
A. Apparently. If that's what I told the doctor. I don't remember exactly.
Q. Okay. And you also have been hospitalized in the past for acting out for attention?
A. Yes. When I was, like, 14 or 16, I was going through a really angry time and being mean to my mom and

she then drafted me.

THE COURT: That's too remote.

MS. ALVES: Yes, sir.

Q. And you have in the past endorsed thoughts of suicide for when you were in traumatic situations?

A. No. I felt like committing suicide when I was in the hospital when they told me I was going to be a quadriplegic or at best never walk again. And that's what I told them, that I wanted to die.

THE COURT: Just answer the question.

BY MS. ALVES:

Q. Do you admit or deny that you told Dr. Shaw that you endorsed thoughts of suicide in the past when you were in a traumatic situation?

THE COURT: She admitted it.

MS. ALVES: She admitted, Judge?

THE COURT: I think she just did.

THE WITNESS: Yes, from this situation.

MS. ALVES: Thank you.

Q. But not for other traumatic situations?

A. No. And I've never attempted suicide.

Q. Or have you thought about it is what I'm asking. Have you told him that you thought about it?

A. Yes, from this exact incident.

Q. Okay. And you had been anxious in the weeks prior

to this incident because you were trying to figure out how to get out of your relationship with your boyfriend?
A. Yes.
Q. And did you, do you admit or deny that you told the doctor that you had been having -- prior to this recent -- prior to the recent trauma that you had a racing heart, intrusive thoughts, hyper vigilant and paranoia?
A. I didn't find out what the word hyper vigilant was until after I was diagnosed with it from this. And no, I don't think paranoia at all. I don't know if that's something that -- well, from whatever I was saying that they wrote down. I didn't use those words. Is that what you're asking me, if I used those exact words?
Q. Do you admit or deny that you told the doctor you were exhibiting symptoms that could be considered paranoia?
A. No.
Q. Do you deny that?
A. Yeah. I deny that. I'm not paranoid. I don't suffer from paranoia.
THE COURT: All right. You asked seven questions and the one that I excluded was the incident when she was 14 years old.
MS. ALVES: Yes, sir.

THE COURT: Everything else was acceptable.

MS. ALVES: While we don't have the jury, I would like to readdress asking her about her DUIs.

Judge, under Rule 608 I think that that rule gives me the right to -- even though this would not be subject to cross-examination if she were on the witness stand because it does not carry more than a year and, but this is within the past 10 years, I think it is relevant to this case because asking her about those prior DUIs and she says one, but, Judge, her driving record and her rap sheet say two convictions for DUI. And, in fact she had only just gotten -- according to her driving record from the Florida DMV, she had only just gotten her license back on, about two weeks prior to this.

THE WITNESS: That's --

THE COURT: Just wait a minute.

MS. ALVES: So, Judge, I just would argue that it is relevant that I get out the information that she does have two prior DUIs. That's a strong motive to tell a lie about somebody raping you instead of having to potentially --

THE COURT: I don't see that. I don't see that.

MS. ALVES: I'm sorry?

THE COURT: I don't see any connection between having two DUIs and a motive for lying about being raped. I just don't.

MS. ALVES: Judge --

THE COURT: I don't see it.

MS. ALVES: Yes, sir.

THE COURT: I'll sustain the State's objection on that. Are you ready for the jury?

MS. BODMAN: Yes, sir.

MS. ALVES: Yes, sir.

MS. BODMAN: I'm sorry. I do need clarification on that. So she is not allowed to ask her about the PTSD? Okay. Thank you.

THE COURT: Wait a minute. No. She said: Have you ever before been diagnosed with PTSD or depression and she said yes. I said, that's acceptable. I'll allow that.

MS. BODMAN: Even though the basis of it is her sexual abuse?

THE COURT: Even though the basis of it is whatever you say it is. I'm going to allow her to ask that question and not follow up. She

could have been in the war in Iraq for all this jury knows, but we're not going into it.

Bring the jury.

(Jury enters courtroom at 6:05 p.m.)

THE COURT: Ms. Alves, please try to limit your questions to those which I have denied the State's objection to.

MS. ALVES: Yes, sir.

THE COURT: Ms. Alves, you may continue.

MS. ALVES: Yes, sir.

BY MS. ALVES:

Q. Now, Ms. Schlinger, back in December of 2013, you suffered from depression and PTSD; is that correct?

A. Yes.

Q. And, in fact, you were prescribed medications, specifically you said you take Xanax?

A. Xanax and Prozac.

Q. Prozac?

A. I don't anymore but I did then.

Q. I'm just talking about December 13.

A. Yes.

Q. But you weren't -- you were taking them only as needed?

A. The Prozac I took everyday. The Xanax I took as needed.

Q. Okay. And had you had Prozac on the night of December 20th, 2013?
A. I'm sure I had taken it that morning.
Q. Okay. So I want to be clear. You were taking Prozac, Adderall and drinking alcohol?
A. Yes.
Q. And you had been very anxious for the past couple weeks before December 20, 2013, trying to figure out how to get out of your current relationship, right; is that correct?
A. Yep.
Q. And I believe you testified earlier that you do have -- you did have an alcohol problem back at that time?
A. Oh, no. I still do. I am a recovering alcoholic. I'm in a 12-step recovery program.
Q. Okay. And prior to December of 2013, your longest period of sobriety had been when you were age 21 to 23?
A. Uh-huh, yes.
Q. Yes? So you were not sober during the time of this incident?
A. No, I had drinks at dinner.
Q. Okay.
A. I had been drinking.
MS. ALVES: Beg the Court's indulgence one

moment.

(Pause.)

Q. Ms. Schlinger, when -- after you -- when you said that at the time that you're saying that Mr. Fuller hit you in the head with a gun and that you jumped out of the car and ran leaving the car running, where did the car stop in the road; do you know?

A. I have no idea. I was running.

MS. ALVES: One moment.

(Pause.)

I don't have any further questions. Thank you.

THE COURT: Any redirect?

REDIRECT EXAMINATION

BY MS. BODMAN:

Q. Katie, are you from Aiken?

A. No.

Q. When is the only time that you've spent time here in Aiken?

A. That night, that trip was my first time ever being in Aiken and now I've been up here for trial prep since, and the trial.

Q. So are you familiar with the names of the streets and the names of the roads?

A. No, I'm not.

Q. Okay. When we looked at a map together to see if you could show us exactly which streets you could turn on, did you think you would be able to do that from a map of knowing Aiken and where things are?
A. I think so.
Q. Okay. These photographs here, did you believe these photographs to be the main entrance to the hospital?
A. Yes, but I feel like the one that was the emergency room one, I don't remember it being -- it looks different to me. Maybe because it's daylight in that picture, but it looks different to me than the road that I traveled down.
Q. Okay. Can you step down over here?
A. (Complying.)
Q. Okay. You're staying at the Quality Inn. Do you see the swimming pool right there at the Quality Inn?
A. Yes.
Q. Okay. And you said that you went to the gas station. So you go out the Quality Inn, out to the main road and where it -- which direction did you go?
A. I don't know. North. I don't know. This way.
Q. Up. Okay. Up to here to this intersection right here?
A. Yes.

Q. Okay. And was this the gas station that you had stopped?
A. Yes.
Q. You had gone to get the cigarettes and the wine?
A. Yes.
Q. Okay. And then you go down this road, so this would be University Parkway?
A. Yes.
Q. Okay. And then you said -- where was the first place that you tried to turn, you were going to turn into?
A. I think right here.
Q. Okay. The main entrance to the hospital?
A. Yes.
Q. Okay. And then you go down and he tells you where to go?
A. I went -- where is the ER? Is this the ER?
Q. Okay.
A. Then I went up here.
Q. Okay. Up Medical Park Drive?
A. Yes. All this, all this area.
Q. Okay. And so, you said that you passed the hospital?
A. Yes, because the emergency room, yes, I drove past here.

Q. Okay. So where do you think the second entrance was that you said you tried to turn into and he said, no, no? So you go down this street. You said you passed the main entrance, you keep going down, you turn down this street. Do you have an idea of where that second entrance was that you tried to turn?

A. I'm assuming right here.

Q. Okay. So did you actually turn into anywhere or are you still staying on Medical Park Drive?

A. No. I still stayed on this road. I didn't turn into the hospital.

Q. Did you make any more turns anywhere?

A. No.

Q. So you stayed on that road?

A. Yes.

Q. Okay. And then at some point is the first time that you tried to escape and jump out of the car?

A. Yes.

Q. And then you get back in. And do you go much further or how much further down the road do you think you go?

A. I don't know. Like, somewhere up here. I don't know. I never saw another intersection road up there. I didn't see a road on my right.

Q. Okay. You never got to another intersection down

here?
A. No, I know that these are the bushes I hid in right there because I remember the side road.
Q. Okay. So around Aurora Place?
A. Yes.
Q. Is that what's there?
A. Yes.
Q. Okay. And so that's the path that you --
A. We never made it this far up to here.
Q. Okay. Thank you. That's it.
No further questions.
MS. ALVES: Judge, I just have few brief questions.

RECROSS-EXAMINATION

BY MS. ALVES:
Q. I just want to clarify. After you turned at the gas station did you make another turn, or no?
A. Yes, I did.
Q. So you're saying you turned onto Medical Park Drive?
A. Yes.
Q. Now you are familiar with the two entrances to the hospital?
A. Yes.
Q. And your testimony --

A. I can't picture them in my head exactly but I know that there's two entrances.
Q. And you drove -- you had driven that at least, at least a few times during those two days --
A. Uh-huh.
Q. -- going back and forth to see your brother?
A. Yes.
Q. And your testimony here today before just now and your statement to Investigator Royster both said that you passed the second entrance going into the hospital. And he told you to drive straight. Is that what your testimony is here today and what you told Investigator Royster?
A. I didn't turn into that emergency room to park. No. I kept going.
Q. You kept going straight?
A. Kept going up medical-whatever-road-it-is.
Q. Well, I'm just asking you what you testified to and what you told Investigator Royster.
A. I never made it into the loop or the parking lot of the emergency room. I sure didn't.
Q. And you told Investigator Royster and you testified earlier that Mr. Fuller told you to pass the first entrance to the hospital, the main entrance, told you to pass the second entrance, the emergency room entrance at

the light, and told you to drive straight. And then you jumped out of the car and went to the buildings, ran toward the buildings that you said you believed were USC-Aiken?

A. Yes.

MS. ALVES: No further questions.

THE COURT: All right. You may come down, ma'am. Thank you very much.

All right, ladies and gentlemen of the jury. That will conclude the testimony for today. I'm going to ask you to be back in the jury room tomorrow at nine o'clock not 9:30.

Does that pose a problem for anybody?

MS. ALVES: No, sir. I'm sorry. That's them.

THE COURT: I didn't ask you.

MS. ALVES: I see that. Sorry.

THE COURT: All right. Let's reconvene at nine o'clock and we'll get another half an hour in tomorrow.

Tomorrow I'm going to order lunch for you. And I'm not sure -- this guy right here is in charge of lunch. So I'm not sure what he's going to have for you but he'll tell you in the morning when you reconvene. And we'll probably do that

again Friday if we need to, but it will save us a little bit of time by bringing something in for you.

So I didn't know if you had, if you have to make some kind of arrangements out, I mean at the lunch hour, then tell the bailiff about it and I'll understand.

Otherwise somebody -- does nine o'clock present a problem?

THE JUROR: My son can't be to school before 8:15.

THE COURT: I can't hear you.

MS. ALVES: My son -- I teach at Tobacco Road Elementary and my son attends that school with me. I'll have to take him to Augusta in the morning and he can't go before eight. I'll have to leave Tobacco Road and get to Aiken in 45 minutes.

THE COURT: What kind of car do you drive?

(Laughter.)

THE JUROR: A Suburban.

THE COURT: Do the best you can. We'll wait for you. All right.

Anything else? Any other question? Okay.

Again, don't discuss the case when you

return to the jury room in the morning. And please don't talk about it. You've had a long, hard day.

THE JUROR: I guess I got another question. Are we going to be late again tomorrow?

THE COURT: We could be, yes. Again, I can't really tell you because I don't know --

THE JUROR: Okay.

THE COURT: -- which witnesses are going to be called or how long they're going to be up here. I'm going to do my best. As I say, we've got a ways to go. So, and Friday is the day after tomorrow. So, I don't want to be -- I don't want to even talk about next week. I know you don't either. All right. Thank you very much, ladies and gentlemen.

THE BAILIFF: The notes, can I get them to write their names on the pads and leave them in their chair and I'll pick them up?

THE COURT: They can put them in the jury room. How about that? Just take them and put them in the jury room.

(Jury exits courtroom at 6:20 p.m.)

THE COURT: Stand at ease until nine

o'clock.

END OF DAY: 6:20 p.m.

ON THURSDAY, FEBRUARY 18, 2016 AT 9:08 A.M.:

THE COURT: Where's Ms. Alves?

MR. HAYES: I just sent her a message to find out.

THE COURT: Pardon?

MR. HAYES: I just sent her a message to find out.

THE COURT: Where is your office?

MR. HAYES: On Barnwell Street, sir.

THE COURT: Not in the building?

MR. HAYES: No, sir.

THE COURT: Is she over there?

MR. HAYES: When I was walking in was told she was there. I came straight here.

THE COURT: Do you think she's at Barnwell Street?

MR. HAYES: Yes, sir. My paralegal told me she was.

THE COURT: Are you ready to proceed?

MR. HAYES: I would prefer to have her here to be honest, Judge.

THE COURT: I thought I was pretty clear about nine o'clock.

MR. HAYES: Yes, sir.

THE COURT: Where is Barnwell Street? I don't even know where that is.

MR. HAYES: About four blocks to the north.

THE COURT: Not the best use of our time. What's the schedule for today, Ms. Bodman?

MS. BODMAN: Yes, sir. We have one law enforcement officer, a Dominique Paige, the gentlemen that was with the Defendant.

THE COURT: All right. Who is the one?

MS. BODMAN: I'm sorry?

THE COURT: Law enforcement officer.

MS. BODMAN: Jeremy Hembree.

THE COURT: Okay.

MS. BODMAN: Then we have an individual that works at the jail that will just lay some of the foundation for the jail calls. The couple, Mr. and Mrs. Goodwin that own the gun that was stolen.

THE COURT: Anyway to stipulate to that?

MS. BODMAN: Well, I don't -- regarding the gun?

THE COURT: Yeah.

MS. BODMAN: I don't think so because my understanding is that Dominique Paige says that

the gun was stolen about a week prior to this night. And, the couple says, no, the gun was absolutely stolen that night. So I think potentially for defense purposes --

THE COURT: It's a stolen gun. Does it matter when it was stolen?

MR. HAYES: I think it would go toward credibility, Judge, of Mr. Paige.

MS. BODMAN: I think for the defense, yeah, they would challenge. It can go to whether or not the Defendant knew it was stolen.

THE COURT: I'm trying to find out if there is any way to stipulate that the gun was stolen. Do they contest that?

MR. HAYES: I don't think we're contesting that it was stolen. Just, we would like to cross him as to when.

THE COURT: You can cross him. I'm trying to see if you can eliminate the owners of the gun from coming here.

MR. HAYES: They would be the ones that would be able to say for definite when the gun was stolen.

THE COURT: Unless you stipulate.

MR. HAYES: Yes, sir.

THE COURT: I'm just trying to --

MS. BODMAN: I don't think for that particular fact it would probably be something that the defense could stipulate to because the issue of when. And so it goes to the Defendant's knowledge.

We have the DNA analyst.

THE COURT: Is she present?

MS. BODMAN: She will be here at 10:45.

THE COURT: All right.

MS. BODMAN: And then Detective Billy Royster.

We did go through the jail phone calls last night and we eliminated another call that we won't be introducing. And we really just went and focused on some portions of the phone calls. So we think we chiseled what will be played in front of the jury down significantly.

THE COURT: All right.

MR. HAYES: It's my understanding Ms. Alves is coming in the building.

We also had some witnesses that we told them to be ready around three o'clock depending on the scheduling, we weren't quite sure when they would actually finish up. And we've got the

expert scheduled for tomorrow morning.

THE COURT: All right.

MR. HAYES: One of the doctors was told to be here at four o'clock.

THE COURT: Today?

MR. HAYES: Yes, sir.

THE COURT: Okay. We may -- since I'm -- the jury's not going out for lunch, we're going to have a very short lunch. You way want to -- if you have some witnesses who are lay witnesses that you can bring before then, before three o'clock, I don't want to have them finish at 12 and us sit around for three hours.

MR. HAYES: Yes, sir.

THE COURT: So just I'll give her until 9:15, and then I'm going to seat the jury.

THE OFFICER: She just walked in the door.

(Pause. Ms. Alves enters courtroom at 9:15 a.m.)

MS. ALVES: Judge, I apologize. I thought we were starting at 9:30.

THE COURT: I thought I was clear at nine o'clock.

MS. ALVES: I am sorry.

THE COURT: Everybody else is here.

MS. ALVES: Yes, sir. I was in my office. I would have been here. I am so sorry.

THE COURT: The jury has been sitting for 15 minutes.

MS. ALVES: I apologize, but I am ready to start right now. I don't need any time.

THE COURT: Bring the jury, please.

(Jury enters courtroom at 9:17 a.m.)

THE COURT: Good morning, ladies and gentlemen.

THE JURY (COLLECTIVELY): Good morning.

THE COURT: Good morning. I'm ready to continue with the trial. State, call your next witness.

MS. BODMAN: State calls Jeremy Hembree.

JEREMY HEMBREE, having been duly sworn, was examined and testified as follows:

THE CLERK: Have a seat in the witness box, stating your full name, spelling your last.

THE WITNESS: Detective Jeremy Hembree, H-E-M-B-R-E-E.

DIRECT EXAMINATION

BY MS. BODMAN:

Q. Where do you work?

A. The Aiken Department of Public Safety.

Q. In what capacity?
A. I'm an investigator.
Q. Okay. Can you tell the jury a little bit about your background, your education and your training that brings you to be a detective?
A. I graduated from Aiken High School here locally, born and raised in Aiken, attended Aiken Technical College where I received my two-year degree in criminal justice. At the same time I was employed by the Aiken Department of Public Safety in the fire department.

In 2001 I was hired as a public safety officer and I worked in the patrol division for approximately seven to eight years before being promoted to our community services division for community based policing, assigned to neighborhood's, fugitive investigations.

And then in June of 2013 I was promoted to the rank of detective or investigator to investigate large crimes, complex crimes and violent crimes.
Q. And what does being an detective in investigating large crimes, violent crimes, what does that entail?
A. We respond to the location usually after the patrol division has gotten there and then we do the follow up to look at what happened, what we see, what we are encountered by when we get to the scene and do the follow up with the victim or suspects, and just lay the

groundwork for the investigation.
Q. Okay. Were you involved in the investigation involving -- back in December 20th of 2013 involving Katie Schlinger?
A. I was.
Q. And how did you become involved in that case?
A. I was the on-call investigator which means that anytime outside of normal business hours if a crime occurs that they feel an investigator needs to be made aware of or come and follow up on, they contact us and we get up if it's in the middle of the night we usually get out of bed and then respond to wherever that location is.
Q. And so in this particular case, where did you respond? What did you do?
A. I was actually getting ready to come to work and was notified to respond to the Aiken Regional for a victim of a sexual assault and kidnapping.
Q. And so, what does your role in this case compared to day Daymon Spann who went out and talked to the victim earlier?
A. I just come back in and I -- once it's a large crime like this I usually collect the evidence to minimize the amount of officers that are involved in the follow up of it. We usually collect the evidence. We'll speak with the victim if they're able to be spoken with.

And then whatever follow up, we'll ask for help either from the patrol division or other investigators to help investigate the crime.

Q. Okay. And so when you got to the hospital did you meet with Katie?

A. I did.

Q. And what do you remember about that, I guess, about where she was, and what was happening with her?

A. She was in one of the main rooms of the emergency room. She was on a gurney. From her, basically her chin down she was covered in a blanket. And what I could see of her face I could tell that her, her head was being -- and neck area was being held together or held stable by a C-spine.

Q. Okay. And, what, if anything, can you tell us about her demeanor at that point?

A. She was, I wouldn't call it excited but she was hysterical as far as worried about what was going on, complaining about her injuries and being in pain, and not really being able to move or feel things at the time because they were still unsure what all was her injuries.

Q. Do you recall approximately what time it was that you reported to the hospital?

A. Seven, 7:30 in the morning.

Q. So did you -- were you able to get, like, an actual

written statement from Katie?
A. No.
Q. Okay. And why was that?
A. She was strapped down to the hospital bed as well as held in a C-spine and just based on her demeanor of really being hysterical and what was going on, she was in no capacity to write a statement at the time.
Q. Okay. Did you talk to her about what happened to her?
A. I did.
Q. Okay. And did she tell you what happened to her?
A. I did {sic}.
Q. Okay. Did she report to you that she had been sexually assaulted?
A. She did.
Q. And did she tell you, give you a time and a place of that sexual assault?
A. She described it as just being outside of the hospital.
MR. HAYES: Objection. This information is all cumulative. Ms. Schlinger has testified as to it prior.
THE COURT: Overruled.
BY MS. BODMAN:
Q. Did she -- I guess, when you were starting to talk about place.

A. Yeah. She described the area there by the hospital. She did tell me at the time that she's not familiar with the road names or the area and that it was somewhere near the hospital, and then she was brought in by somebody else.

Q. Okay. And did she give you a time frame of when this sexual assault had occurred?

A. Within the last couple, couple to three hours.

Q. How long do you think you stayed there with Katie talking to her?

A. Approximately 30 to 35 minutes so we would be out of the way of the emergency room staff. And by that point our victim's advocate had arrived on scene so we left her with Ms. Katie.

Q. Okay. So what other things, if anything, did you do there while you were there with Katie?

A. I spoke with her and gave the other investigators that were helping at the time the area -- we were, we were attempting to locate a shoe. We felt like there may have been a shoe missing where she described that she had run off and then also during that time frame she told us that the individual who committed this assault had sexually assaulted her by placing his penis inside of her mouth. And so, I took a DNA swab of the outside of her lips in an attempt to gather any DNA evidence.

Q. Okay. I'm going to show you what is marked as State's Exhibit Number 34 and ask if you recognize that.
A. I do.
Q. And what is that?
A. That's the evidence bag that has, labeled two DNA swabs from the victim's lips that I secured on December 20th, 2013, at eight clock a.m.
Q. And so you took that from Katie's mouth?
A. I did.
Q. And you said the lips. Explain just where that was.
A. Just on the outside of it. Because in my training I'm aware that if you go inside the mouth it's going to be a known sample for the victim. So in an attempt to get any unknown persons I actually went outside of her lip area.
Q. And you packaged it in this packaging here?
A. I did. And sealed it with evidence tape and initialed it on the back that I was the one that sealed it as well.
Q. Okay. And then where did that go?
A. That goes to our evidence locker at the public safety headquarters.
Q. I'm going to show you what's marked as Exhibit Number 33 and ask if you recognize that.

A. I do.
Q. And what is that?
A. That is also an evidence bag that is labeled with two DNA swabs from inside of the mouth of the victim that I secured on December 20th of 2013 at eight o'clock a.m.
Q. And so did you get that from Katie's mouth?
A. I did.
Q. And so what is the purpose then of the swab from inside of Katie's mouth?
A. Any time that we submit a DNA sample for testing at the State Law Enforcement Division, if we know someone who maybe we gathered DNA evidence from, they ask us to provide a known example for that person as well to compare it to.
Q. So I guess they can delineate between any foreign DNA and Katie's own DNA in her body?
A. That's correct.
Q. Okay. And then you put this also in the evidence room, your property room?
A. Yes. It was also sealed and initialed by me on that date and then placed in the evidence locker at the Aiken DPS headquarters.
MS. BODMAN: Your Honor, I offer into evidence State's Exhibit 33 and 34 at this time.
MR. HAYES: No objection.

THE COURT: Without objection.

(State's Exhibit Nos. 33, swab, and 34, swabs, received into evidence.)

BY MS. BODMAN:

Q. Did you collect anything else while you were there at the hospital?

A. I did.

Q. Okay. And what else did you collect?

A. I collected the victim's jacket and her other clothing.

Q. I'm sorry. I was moving the bags.

A. The clothing she was wearing that morning.

Q. Okay. So, start -- I hand you State's Exhibit 36. See if you recognize that.

A. I do.

Q. And what is that?

A. It is also an evidence bag that is labeled jeans, secured by me on December 20th, 2013, at eight o'clock a.m. And then prior to it being opened I -- once I secured it I secure it with evidence tape and put my initials on it and the date that I sealed it.

Q. And you got those jeans from whom?

A. Ms. Katie.

Q. Okay. State's Exhibit 37. See if you recognize that.

A. It is an evidence bag containing a black jacket that is labeled, me taking it on December 20th, 2013, at eight a.m., from the victim, Ms. Katie.
Q. And the same thing, it was submitted to the property room?
A. It was.
Q. And State's Exhibit 35. See if you can look in there. Do you want some gloves?
A. Yes, if you don't mind. It is -- the bag is an evidence bag sealed by me on December 20th, 2013, at eight a.m., that shows a blue shirt. And this is also a blue shirt that I placed into that evidence bag at the Aiken Hospital.
Q. So her jeans, her jacket and her shirt?
A. Yes, ma'am.
Q. Okay. And did you also collect, I guess you collected her bra?
A. I did.
Q. That's okay. At this time I offer into evidence 37, 36, and 35.
MR. HAYES: No objection.
THE COURT: Without objection.
(State's Exhibit Nos. 35, shirt; 36, jeans; and 37, jacket, were received into evidence.)
BY MS. BODMAN:

Q. If you can take out the shirt.
A. (Complying). Okay.
Q. Okay. So when you got to the hospital and you were talking to Katie you said that she was covered with a blanket from about her neck down?
A. Yes, ma'am.
Q. And so was she still wearing these clothes or had they already been removed?
A. At that time initially they had not been removed.
Q. Okay. So she's still wearing them and then you decided, I need to collect these?
A. Right. I informed the emergency room staff that I would need her clothing for evidence. And so at which point they were able to remove the blanket and do any further testing. At that point is when they took the clothes off the victim.
Q. And so, it's cut down the middle. Is that, I guess, how they removed it from her?
A. Yes.
Q. Having to cut it themselves?
A. That's correct.
Q. Okay. And, I'm assuming that was the nursing staff or the hospital staff that helped her remove all these clothes?
A. That's correct.

Q. So they had to take off the blanket and then somehow manipulate around to get these clothes off of her?
A. Correct. That's why they cut it instead of coming over the head. They were able to pull it away from her body.
Q. Okay. And, let's, I guess, go ahead and pull that out. I'll get you a hanger for that.
A. (Complying.)
Q. And do you have any memory of, was this just in the hospital room with her?
A. No, ma'am. It was on her at the time.
Q. It was still on her?
A. That's correct.
Q. Okay. And then the jeans. Let's clip it, see what happens.
(Putting clothes on hangers.)
After this, I guess, either later that day or some other time, were you contacted by an individual by the name of Mike Goodwin?
A. I was.
Q. Okay. And who is Mike Goodwin?
A. He's employed by the Aiken County Sheriff's Office.
Q. Okay.
A. As a deputy sheriff.

Q. Okay. And what information did he share with you or possibly --

MR. HAYES: Objection.

MS. BODMAN: -- have regarding this case?

MR. HAYES: This would be hearsay, Judge.

THE COURT: I don't know.

MS. BODMAN: At this point it's a call that he got in order to gear his investigation. It's not for the truth of the matter asserted. It's what he learns and then advises Mr. Goodwin to do.

THE COURT: All right. Go ahead. Overruled.

BY MS. BODMAN:

Q. So what information did Mr. Goodwin essentially share with you at this point?

A. It was later in the evening on the same day, and Sergeant Goodwin had seen the news stating that there had been the incident that occurred by the hospital and that the individual had a handgun on him. And Mr. Goodwin's wife works at the hospital. So he called to ask what type of gun that was because when they realized that the incident occurred, they checked their vehicle and their gun was missing.

Q. And so what did you advise Mike Goodwin to do?

A. I told him I was unaware of what type of gun was used. However, if the gun was missing that he needed to contact Detective Royster. He would be able to tell him what type of gun it was specifically. And also to contact our patrol division for them to come and complete an incident report for the gun.

Q. Okay. So at least make the first step of reporting that their weapon was stolen?

A. That's correct.

Q. So even if it isn't related to this it's put into the system to be on the look out for?

A. That's correct.

Q. Okay.

MS. BODMAN: No further questions at this time. If you'll just answer any questions that they may have.

THE COURT: Cross-examination.

MR. HAYES: Yes, sir.

CROSS-EXAMINATION

BY MR. HAYES:

Q. Detective Hembree, when you were talking with Mr. Goodwin or Sergeant Goodwin, was he able to tell you when he last saw the gun?

A. He didn't give me the exact date. He stated it stays in his wife's vehicle.

Q. At that point in time all you know that he contacted you, and that he noticed that the gun was missing at that time?

A. That's correct.

MR. HAYES: Beg the Court's indulgence.

(Pause.)

I have nothing further.

THE COURT: Anything further of this witness?

MS. BODMAN: No, sir.

THE COURT: You may come down, sir. Thank you very much. May this witness be excused without objection?

MS. BODMAN: Yes, sir.

MR. HAYES: Yes, sir.

MR. POTTS: Call Detective Michael Rasar.

MICHAEL RASAR, having been duly sworn was examined and testified as follows:

THE CLERK: Have a seat in the witness box, stating your full name, spelling your last.

THE WITNESS: Lieutenant Michael Rasar, R-A-S-A-R.

THE COURT: Just a moment. You may proceed.

MR. POTTS: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. POTTS:

Q. Detective Rasar, where are you currently employed?

A. Aiken County Sheriff's Office in the detention division.

Q. Now you indicated the detention division, what does that mean?

A. The jail.

Q. The jail.. what are your duties there?

A. Currently I'm serving as the training lieutenant. I'm responsible for training staff and maintaining certifications is my primary job function.

Q. Do you have any other functions?

A. Multiple. Just like everybody else in the business, we wear multiple hats. Training certification, I'm involved in the hiring process, I review all the use of forces; just pretty much anything that arises.

Q. What about phone calls?

A. I do play a hand in that. I primarily dealt with that in my last position but I do now when the need arises.

Q. All right. So, what happens when an inmate makes a phone call at the jail?

A. Well, when they first pick up the phone they have to put in a PIN which is a unique pin which is generated

off of their date of birth and inmate ID. Once they dial the number they're given a recording that tells them this call may be recorded and/or monitored. The party that they call has to accept the charges, they're all collect calls, or they have to have a pre-paid account set up which is also done by somebody on the outside.

Q. So are all the calls recorded?

A. Except for a select few. For legal counsel, those numbers are on a do-not-record list.

Q. Okay. So if they call somebody who's not on the do-not-record list it is automatically recorded?

A. Correct.

Q. And all those recordings are kept by a company y'all use, correct?

A. Correct.

Q. You all don't choose which ones to record, it's just automatically done?

A. Correct.

Q. Now -- and these recording are done timely, right, you guys don't wait hours to do the recording. You do it as it's happening?

A. Correct.

Q. Now tell me more about this PIN number system. How did we -- how does that work?

A. Essentially when they're booked in and their

Securus account is opened the two systems are integrated. So it takes their date of birth and their inmate ID which is generated by our jail management system and it combination them to make a PIN number.

Q. So what happens if the inmate uses another's PIN number?.

A. We investigate it. Obviously we don't catch everything but they are disciplined. It is in the rules they can't do that.

Q. Now, did you have an opportunity to look at some jail phone calls in this case?

A. I did.

Q. Did they come from your system?

A. They did.

Q. Okay. I'm going to show you State's Exhibit Number Seven, Eight, Nine, 10, 11, 12, 14 and 15. These -- is this what you're talking about?

A. Correct.

Q. Okay. Now, these phone calls have kind of weird titles, like 12-12, 12-12s and numbers like that. What does that mean?

A. It's a date and time format.

Q. So let's just take this first one right here. State's Exhibit Number Seven. Explain to me what that means.

A. This is going to be December the 21st, 2013 at 1727.
Q. And how do you know that?
A. The format of the title.
Q. Okay. So, I guess tell me how each number corresponds.
A. Month, day, year and military time, four-digit time.
Q. Okay. So that would be 12-21 --
A. 2013.
Q. -- 13. And then what was the time?
A. 1727 which is five p.m., 5:27 p.m.
Q. 5:27. Okay. And all the phone calls you reviewed, were they for a particular inmate?
A. They are all were for Michael Fuller.
MR. POTTS: Beg the Court's indulgence.
(Pause.)
That's all I have for you. Please answer any questions that they have for you.
MS. ALVES: No questions.
THE COURT: All right. Thank you very much. You may come down.
MS. BODMAN: State calls Dominique Paige. He's in the hallway, Your Honor.
DOMINIQUE PAIGE, having been duly sworn,

was examined and testified as follows:

THE CLERK: Have a seat in the witness box, stating your full name and spelling your last.

THE WITNESS: My name's Dominique Paige.

DIRECT EXAMINATION

BY MS. BODMAN:

Q. Okay. Dominique, I'm going to need you to speak up. Okay?

A. Okay.

Q. We need everybody over here to hear everything you have to say all the way to the furtherest part of the box. Okay?

A. Yes, ma'am.

Q. Spell your last name for the court reporter.

A. P-A-I-G-E.

Q. Dominique, how old are you?

A. Twenty-one.

Q. And tell us a little bit about yourself. Where were you born? Where did you grow up?

A. Well, I was born and raised in Aiken.

Q. Okay. Where did you go to school?

A. Aiken High.

Q. How far in school did you go?

A. My senior year.

Q. Did you graduate?

A. Yes, ma'am.
Q. You did? Okay. What are you doing right now? Are you working anywhere or going to school?
A. Yeah. I work at my family business.
Q. Okay. And what do they do?
A. Wash cars.
Q. Do you know the Defendant in this case, Michael Fuller?
A. Yes, ma'am.
Q. And what do you know him by? What do you call him?
A. Squirt.
Q. Do you see him in the courtroom today?
A. Yes, ma'am.
Q. Can you point to him and describe what he's wearing and where he's sitting so that we know who you're talking about when you say Squirt?
A. Over there.
Q. When you say over there, what's he wearing?
A. White, pink.
Q. Pink what?
A. A pink collared shirt, long-sleeve shirt.
Q. And is he sitting out in the audience or at the desk?
A. At the desk.
MS. BODMAN: May the record reflect the

witness has identified the Defendant.

THE COURT: The record will so reflect.

BY MS. BODMAN:

Q. How long have you known Squirt?

A. For about six months at most.

Q. And, I guess, how long had you known him -- let me give you a time frame. Were you with him the night before he got arrested for this?

A. With him?

Q. Yes. With Michael Fuller.

A. Uh-huh.

Q. Yes. So how long -- from that night, prior to that night, how long had you known him?

A. The whole night.

Q. No, no, no. For how many weeks? Months? Years? Is that -- when you said you'd known him for six months, that's what you meant?

A. Uh-huh. Yes, ma'am.

Q. Okay. So prior to him getting arrested that night you'd known him for six months?

A. Yes, ma'am.

Q. Okay. You have given, I guess, several statements or you've been interviewed several times about this, correct?

A. Yes, ma'am.

Q. The first time that you were interviewed by Detective Royster, did you tell the truth about what you knew, saw and heard?
A. No, ma'am. I wasn't honest.
Q. Why were you not honest with Detective Royster?
A. Because I was scared.
Q. Scared of what?
A. Scared because I didn't know what was going to go on.
Q. And you were interviewed, I guess, again by Detective Royster?
A. Yes.
Q. And then interviewed by me and other attorneys in this case, right?
A. Yes.
Q. You are now currently charged as an accessory before the fact to a felony regarding this case, right?
A. Yes.
Q. Am I handling that prosecution? Am I handling your case?
A. No, ma'am.
Q. Do you have any idea what is going to happen with your case and your charges?
A. No, ma'am.
Q. Let's start out and tell everybody what happened

DOMINIQUE PAIGE - DIRECT BY BODMAN

that day. Do you remember when you first started hanging out with Squirt that day?
A. Not the exact time but I know --
Q. Okay.
A. -- it was, it was, it was going into nighttime.
Q. Okay. And where were you? What were you doing?
A. I was home getting dressed.
Q. Okay. And then what happened?
A. He came to pick me up.
Q. Was he driving a car or somebody else?
A. He was driving a car.
Q. Okay. What car was he driving?
A. A silver Dodge Neon.
Q. Do you know whose car it was?
A. I think it was his grandmother's.
Q. And so what were your plans? Were were y'all going go?
A. Augusta.
Q. Why?
A. See some girls or get on some girls.
Q. Okay. And you say you know it was nighttime. Is it around dinnertime, or are you talking, you know, 10, 11 o'clock at night?
A. It weren't that late. It was about nine, 10.
Q. Okay. And so then where did you go? What did do

you?
A. From there we goes to my cousin house.
Q. Who's your cousin?
A. Tybibbian Simmons.
Q. Say that a little slower.
A. Tybibbian Simmons.
Q. And what did you do at your cousin's house?
A. We stayed there for 10 or 15 minutes. We was talking.
Q. And then where did you y'all go? What did you do?
A. From there we went to the BP gas station on Richland.
Q. Okay. And how far away is your cousin's house from the BP gas station on Richland?
A. About three minutes.
Q. And so what happened then at the BP gas station?
A. We stopped. He asked did I have any gas money. I told him no. He said, well, I'm good. And I was, like, okay. And we pulled over to the gas station. He started -- he went in the store.
Q. You said we went into the store?
A. No, he went into the store.
Q. Okay.
A. He went into the store and came back out. When he came back out he seen a girl in a Dodge, a Dodge, blue

Dodge truck.
Q. Did you see the girl also?
A. Couldn't see her from a distance.
Q. Okay.
A. I knew she was white.
Q. Okay. And you could see the blue Dodge truck?
A. Yes, ma'am.
Q. Okay. And what happens?
A. After -- from there he gets back in the car. He put -- before that he puts the gas pump in the car and gets back in the car and sit there and then he seen --
Q. I'm sorry. And did he say anything about the white girl?
A. He said he was going to get her.
Q. And what did you know that to mean or think that to mean?
A. He going to holler at her.
Q. He was going to holler at her?
A. Talk to her.
Q. Okay. So then what do y'all do?
A. Well, we sit there and wait. And we pulled off and went back up to the hill. And we switched seats, waited until she --
Q. Okay. So at this point who's driving?
A. I'm driving.

Q. Before you switched seats?
A. I'm driving.
Q. Before you switched seats?
A. He was driving.
Q. Okay. And then you switched seats so now you're driving?
A. Yes, ma'am.
Q. Okay. And where were? You said you went up to the hill. Where do you mean?
A. Top of the hill. I think it was -- I can't thing of the bank. I think it was SRP.
Q. And, is that where you then switched seats?
A. Yes, ma'am.
Q. Why did you switch seats and you start driving?
A. Because he told me to switch seats to follow her.
Q. Okay. So then what happens?
A. When he told me to follow her, I was following her. We went through the Econo Lodge.
Q. Okay.
A. I was, like, what, follow her. He was, like, follow her. I was, like, okay, I'll follow her. Came back out. Then I went on down, went to McDonald's, turned into McDonald's. He's, like, where she went. I said, she over there at the hotel.
Q. There's a hotel next to the McDonald's?

A. Yes, ma'am.
Q. Okay. And you saw that blue truck?
A. Yes, ma'am.
Q. At the hotel?
A. Yes.
Q. That's next to the McDonald's?
A. Yes, ma'am.
Q. So then what happens?
A. I pulled -- I goes over there to the hotel and stops on the side right between McDonald's and the hotel over there in the hotel parking lot. And I stops. He gets out.
Q. And the side of the hotel parking lot that you stop at, is it the side where the McDonald's is or the far side of the hotel?
A. The side where the McDonald's is.
Q. The side where the McDonald's is?
A. Yes, ma'am.
Q. And he gets out?
A. Yes, ma'am.
Q. And then where does he walk to?
A. He walks through the little outlet thing under the hotel.
Q. Like, a little breezeway?
A. Yes, ma'am.

Q. And once he walks through the breezeway, what do you do?
A. I drive around the building.
Q. One time or multiple times?
A. Multiple times.
Q. And why are you driving around the building?
A. Seeing what he's going to do. He was talking to her. They was having a good conversation. So I figured they knew each other. So I was waiting on him to see what he say. He just got out of the car and told me to wait.
Q. Okay. and so you go multiple times and then what happens?
A. They, the last time I came back around they was in the car leaving.
Q. And, where did they look like they were headed? They were leaving the parking lot?
A. They was leaving the hotel.
Q. The hotel parking lot?
A. Yes, ma'am.
Q. So what did you do then?
A. I sat in the hotel parking lot.
Q. Okay. For how long?
A. For about 35 minutes, about 35 minutes, 45 minutes.
Q. Thirty, 45 minutes?

A. Yes, ma'am.
Q. What, what are you doing? What are you waiting for?
A. Waiting on him to respond or call me back to let me know what's going on.
Q. Okay. So what happens? Does he ever call you back?
A. No, ma'am.
Q. Why?
A. I have no clue.
Q. Did he have his phone with him?
A. His phone was on the back seat. When I tried to call him and ask him where he was, his phone was on the back seat.
Q. Of the car that you're in?
A. (Nods head.)
Q. Okay. So do you have any way to get ahold of him?
A. No, ma'am.
Q. He doesn't have a way to get ahold of you?
A. No, ma'am. I have no clue.
Q. Okay. So then what happens? You're sitting there waiting. Where do you go?
A. I goes to McDonald's first.
Q. Okay.
A. And from McDonald's I sat in the parking lot. No,

I goes in the building, use the restroom, comes back out and sit in the car.
Q. Okay. And so what are you doing? Are you still waiting for him to come back?
A. Waiting on him to call or come back.
Q. And then how long do you wait?
A. I waited -- talking about the whole time, all together?
Q. Uh-huh.
A. It had to be, like, three or four hours.
Q. Where were you waiting? Were you waiting there at the hotel parking lot the whole time?
A. I went to McDonald's first.
Q. Okay.
A. Like I say, I walked in to use the restroom, came back out, went to sleep in the parking lot for about an hour. And I left there. I went to Wal-Mart. I sat in the parking lot was listening to music. After that I went back to the hotel. I didn't see him. Went back to Wal-Mart. Sat in the parking lot and daylights was coming up.
Q. Okay. So daylight's coming up and you still haven't seen him or heard from him?
A. No, ma'am.
Q. So then what do you do?

A. I leaves.
Q. Okay. And go where?
A. My grandmother house.
Q. Your grandmother's house. Do you still have his grandmother's car?
A. Yes, ma'am.
Q. So what do you do with that car?
A. I goes to his grandmother -- I went to his grandmother's house.
Q. And did what?
A. Before that I went and vacuumed it out first. I vacuumed it out and put gas in it.
Q. Why did you vacuum it out and put gas in it?
A. Because every time when we use his grandma car he say he got to put gas in it and vacuum it out.
Q. So you did that for him?
A. Yes, ma'am.
Q. For his grandmother.
A. Yes, ma'am.
Q. So took it back there. And when did you find out that Squirt had been arrested?
A. When I went to his grandmother house.
Q. And, how did you find out?
A. I had asked her did she see him.
Q. Okay. And then she says?

A. She says Squirt's on lock down. And I was, like, what.
Q. Okay. Dominique, did you see Squirt with a gun that night?
A. Yes, ma'am.
Q. Do you know what kind of gun that was?
A. .22 or something.
Q. Big gun or smaller gun?
A. It was small.
Q. And where did Squirt get that gun?
A. Out the glove compartment.
Q. Of what car?
A. The Dodge Neon.
Q. Prior to it being in the glove compartment of the Dodge Neon, where did y'all get that gun?
A. It was in the parking lot at the hospital.
Q. Okay. And so tell us how that happened.
A. It was another guy with us. We was in the car. And he was driving, I was in the back seat. And his cousin was in the passenger seat. And one night -- it wasn't the same night but one night we was on, riding around in the car, and he was, like, let's go to the hospital.
Q. And you said he, there's multiple people in the car. So who are you talking about?

A. Squirt.
Q. Squirt said, let's go to the hospital?
A. Yes, ma'am.
Q. Okay. So what do you do?
A. So he goes to the hospital and he gets out of the car. When he gets out the car, it was a truck he went in. I can't remember what color it is, what kind of truck it was.
Q. But it was a truck?
A. It was a truck.
Q. Okay.
A. And when he went in the truck we were sitting in the car when he went in the truck, and he came back with a gun and an amp.
Q. An amplifier? And he comes back to the car and he shows you these things?
A. Yes, ma'am.
Q. He showed you the gun and he showed the amp?
A. Yes, ma'am.
Q. What car were y'all driving that night?
A. Same car.
Q. His grandmother's silver Dodge Neon?
A. Yes, ma'am.
Q. So when Squirt gets out of the car at the hotel you said that he got that gun out of the glove box?

A. Yes, ma'am.
Q. And did you see where he put that gun on his person?
A. No, ma'am.
Q. At some point during the night did the Defendant say something to you about trying to make some money or get some money for, to have a good Christmas for his kids?
A. I think so. Yes, ma'am.
Q. Now you -- as I've said you've talked to law enforcement and other people before, correct?
A. Yes, ma'am.
Q. Now, just now I asked you what, if anything, the Defendant said about the girl that he saw at the gas station. And you said that he, he said he was going to holler at her.
A. Yes, ma'am.
Q. Have you said something different in the past?
A. I think so. I can't remember, but I think so.
Q. Do you remember saying that he told you he was going to get --
MS. ALVES: Objection. Leading.
THE COURT: Overruled.
MS. ALVES: Objection. Leading, Judge.
BY MS. BODMAN:

Q. Do you remember saying that he said he was going to get that white girl?

THE COURT: Overruled.

MS. ALVES: Judge. I'm sorry.

THE COURT: I overruled.

MS. ALVES: Yes, sir.

BY MS. BODMAN:

Q. Did you previously say that Squirt said he was going to get that white girl?

A. Yes, ma'am.

MS. BODMAN: No further questions.

THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MS. ALVES:

Q. Now, you testified earlier that when Michael told you that he was going to get that white girl, you said that -- you testified that you said you thought that that meant he was going to holler at her or try to talk to her?

A. Yes, ma'am.

Q. And, you saw Michael walk over to the girl?

A. Yes, ma'am.

Q. Or rather you saw him walk to where she was, toward where she was?

A. No. When I was coming to the store -- coming out

the store.
Q. No, I'm talking about at the hotel.
A. I didn't see him walk over to her but he was -- when I came around, he was talking.
Q. You saw him talking to her?
A. Yes, ma'am.
Q. And they were talking friendly?
A. Yes, ma'am.
Q. And you thought they were talking like they knew each other?
A. Yes, ma'am.
Q. And I believe you just said in your testimony, they were talking like they had good conversation?
A. Yeah, they talking.
Q. You said the words good conversation?
A. They talking. Yeah, if you look at somebody and you see them talking they, they leaning against the car, they having a good conversation.
Q. They both -- you said leaning against the car. Who was leaning against the car?
A. Squirt.
Q. Okay. And where was the girl?
A. On the other side, leaning on another car.
Q. So she was outside the car, too?
A. Yes.

Q. So they were talking friendly with both of them outside the car?
A. Yes.
Q. And you circled around?
A. Yes.
Q. And why were you circling around?
A. Waiting. Waiting on him. See what he was going to do.
Q. Okay. Y'all still had a plan to go to Augusta to talk to some girls?
A. Yes, sir. I mean, yes, ma'am.
Q. And then you saw him leave the hotel parking lot with her?
A. Yes, ma'am.
Q. And where were you when they were driving away?
A. Sitting in the parking lot.
Q. Waiting on him to finish talking to this girl?
A. Yes.
Q. But you didn't know why they were driving away?
A. No, ma'am.
Q. And, so you said you sat in the parking lot and waited for a little bit?
A. Yes, ma'am.
Q. And, then you went to McDonald's and used the bathroom?

A. Yes, ma'am.
Q. And then you, I believe you said you went to Wal-Mart?
A. Yes, ma'am.
Q. And then you came back and circled the parking lot again one more time?
A. Yes, ma'am.
Q. So after they left you circled the parking lot just one more time?
A. Yeah.
Q. Okay. Now, let's talk about this gun. When exactly -- okay. Now you said it was stolen from a truck. What was it, a truck?
A. Yes, ma'am.
Q. And do you know what kind of truck it was?
A. No, ma'am.
Q. Well, when you were testifying to the solicitor you just testified, you said it was stolen from the glove compartment of a Dodge Neon. Is that what you said?
A. No.
Q. I'm sorry. What did you say?
A. I said it was a truck.
Q. Did you give the type of car, the type of truck it was?
A. I don't remember what kind of truck it was.

Q. But you were present?
A. Yes, ma'am.
Q. Okay. You and who else?
A. His cousin.
Q. You and his cousin. And what day was this taken?
A. Couldn't, couldn't really tell you the date but I know it wasn't taken on the same date.
Q. It wasn't the same day?
A. No, ma'am.
Q. Was it the day before?
A. It was sometime that week.
Q. Sometime that week. Okay. You've talked to the police about this -- you've been to the police station to talk about this on two occasions, right?
A. Yes, ma'am.
Q. And you've actually been to the solicitor's office to talk to them about this, too?
A. Yes, ma'am.
Q. Okay. So you've talked to the prosecutors about this case and the police?
A. Yes, ma'am.
Q. And in several of the conversations where you talked about this gun, didn't you in fact say somebody else told you about it, that you didn't actually see Michael steal it but that somebody told you he stole it?

Did you tell the police that?
A. No.
Q. No. You never told them that some guy named Mike told him that he told you about this gun?
A. No.
Q. No. And, you were -- and when you talked to the police, the police told you -- excuse me, Investigator Royster. Specifically you talked to Investigator Royster, didn't you?
A. Yes, ma'am.
Q. And Investigator Royster told you that Michael said that the gun was in the jacket that he borrowed from you. Didn't he tell you that?
A. Yes. Yes, ma'am.
Q. And you were real upset that somebody had said that you had a gun, right?
A. Yes, ma'am.
Q. And you didn't want to be put into it, with anybody saying that it was your gun, that it was your gun and that you had the gun. Isn't that true?
A. No. That's not my gun.
Q. It's not true that weren't upset that somebody was putting you into having this gun?
A. Oh. Yes, ma'am.
Q. Okay. And, you don't recall telling Investigator

Royster about how you knew about the gun. Is this the only story you told about this gun?

A. No.

Q. Tell us what else you've told about the gun.

A. That's all.

Q. That's all. And in fact that's all -- so the only thing you knew about this gun was that he -- you're saying he stole it from this car at the hospital while you were there?

A. Yes, ma'am.

Q. And had you seen the gun or known anything else about the gun beyond that?

A. I seen it.

Q. When?

A. The night he took it.

Q. The night he took it. That's it?

A. And the day, the night he got out the car.

Q. Okay.

A. And went to go talk to that girl.

Q. To go holler at her?

A. Yeah.

Q. And, in fact, didn't you tell Investigator Royster that -- you don't recall telling Investigator Royster that Michael told you about the gun, that you didn't see him steal it, but that he told you about it?

A. No.
Q. You didn't tell Investigator Royster that?
A. No.
Q. Do you admit or deny that you told Investigator Royster that Michael told you about the gun?
A. No.
Q. You're saying you did not tell him that?
A. No.
Q. Okay. And you did not tell him that someone else told you, that Michael's cousin Mike told you that the gun was stolen from the hospital?
A. No, because we all was together in the car.
Q. So you are denying that you told Investigator Royster that Michael -- that somebody else told you about the gun?
A. No.
Q. I just want to be clear. You're saying you didn't say that?
A. No, ma'am.
Q. Okay.
Beg the Court's indulgence one moment. (Pause.)
And you do recall sitting down and talking to Investigator Royster --
A. Yes.
Q. -- at the police station? And you're aware that

the interview you had was taped?
A. Yes.
Q. All right. Now, you are also, you are in trouble for -- you are in trouble with this incident as well, aren't you?
A. Yes.
Q. And you have a charge for accessory before the fact?
A. Yes, ma'am.
Q. And those charges are pending here in Aiken County?
A. Yes, ma'am.
Q. And you're worried about what's going to happen with that situation?
A. Yes, ma'am.
Q. And so you want to cooperate with the State to make sure that hopefully you can get yourself out of a jam, right?
A. Yes, ma'am.
Q. And you're also in a jam for other charges pending here in Aiken County, aren't you?
A. Yes, ma'am.
Q. You have three counts of breaking and entering into a motor vehicle pending against you here in Aiken County, don't you?
A. Yes, ma'am.

Q. And you're worried about being in a jam for breaking into those cars, too, aren't you?
A. Yes, ma'am.
Q. So you're hoping that you can work out a deal for these charges, aren't you?
A. No.
Q. No?
A. Nó.
Q. You're not trying to get a deal?
A. No.
Q. Are you prepared to go to jail?
A. No.
Q. Well, let me ask you. Those breaking and entering into motor vehicles, those have been pending since July of last year -- excuse me. I'm sorry. They've been pending since 2014; is that right? Breaking into those cars?
A. Yes.
Q. And you haven't gone to court yet on those, have you?
A. No, ma'am.
Q. Well, what are you waiting for?
A. What am I waiting for?
Q. Yes.
A. My court date hasn't came up yet.

Q. Okay. But, you did have a court date when you pled guilty to two counts of petty larceny, did you not?
A. I had a court date. I had five charges I pleaded guilty to and went to jail.
Q. Well, I'm just asking if you plead guilty. I'm sorry. You pled guilty to two counts of petty larceny?
A. Yes.
Q. And one count of receiving stolen goods?
A. Yes.
Q. And that was in July of last year?
A. Yes.
Q. And now you're hoping to get a deal on these charges?
A. No.
Q. No. Are you going to plead guilty?
A. Plead guilty to what?
Q. Accessory before the fact.
A. No.
Q. Okay. Because you were not an accessory before the fact to any crime, were you?
A. Say that again.
Q. You're not an accessory before the fact to any crime, are you?
A. Nope.
Q. You don't know of any crime that you're an

accessory to?
A. Repeat it.
Q. You're not guilty -- I'm just going to be clear. You're not guilty of accessory before the fact to any crime?
A. No.
MS. ALVES: Beg the Court's indulgence one moment.
(Pause.)
Q. I want to clarify what you just said. You said that -- what you testified to. You testified that you and Michael met up around nine o'clock; is that right?
A. Between nine, yeah, nine, 9:30, yeah.
Q. At your house?
A. Yes, ma'am.
Q. And then you went to your cousin's house?
A. Yes, ma'am.
Q. Your cousin Tybibbian?
A. Yes, ma'am.
Q. And he lives where?
A. He was staying on Iroquois Street, right off of Trolley Line.
Q. He was on Iroquois Street right off of Trolley Line?
A. Yes, ma'am.

Q. Is that one of those streets that's over behind the hospital?
A. Yeah. Bears off before you get to the hospital.
Q. Coming down Trolley Line?
A. Yes.
Q. Okay. And so that was around nine. And then around what time did you get to Tybibbian's house?
A. About, I can't remember the exact times but I know that's where we went. It was kind of late.
Q. Kind of late?
A. Yes.
Q. All right. So, you were at -- you were at your house. Did y'all spend a long time at your house?
A. No, I got dressed.
Q. I'm sorry?
A. I had to get dressed.
Q. Okay. So --
A. He waited -- no. He waited on me to get dressed. Right?
Q. Yeah.
A. Yes.
Q. So how long did you spend at your house?
A. Thirty-five, 40 minutes.
Q. Okay. And then where did you go after you left your house?

A. My cousin Tybibbian's house.
Q. And how long did you stay at Tybibbian's house?
A. I have no clue. It was a little minute. It was a little minute. We was over there talking. A little minute.
Q. When you say a little minute, about how long was that?
A. About 15, 20 minutes.
Q. Okay. So you went straight from your house to Tybibbian's house?
A. Yes. Yes, ma'am.
Q. And then you went from Tybibbian's house to where?
A. BP on Richland Avenue.
Q. Okay. So, you said you got to your house around nine or so?
A. It was a little later than that actually. Actually it was a little later than that. It was around 10-something.
Q. Okay. so it was around 10-something you got to your house?
A. Yes.
Q. And then you had to get dressed?
A. Yes.
Q. How long did it take you to get dressed?
A. About 30, 30 minutes at the most.

Q. Okay. So you left your house around 10:30; is that right?
A. Yes.
Q. You went the Tybibbian's house?
A. Yeah, we sat over there for a minute.
Q. How long did it take for you to get from your house to Tybibbian's house?
A. About five, five to seven minutes.
Q. Okay. So that means if you left your house around 10:30 and it took you about five to seven minutes, you're at Tybibbian's house at around 10:37?
A. 10:37.
Q. Well, if you left your house at 10:30, something in there, something around the 10:30 range, so between 10:30 and 10:40 you're at Tybibbian's house?
A. Yes, you could say that.
Q. Okay. And then the little minute that you spent at Tybibbian's house that was about 15, 20 minutes?
A. Yes, ma'am.
Q. And so then y'all left and went to the gas station?
A. Yes, ma'am.
Q. And how long is Tybibbian's house from the gas station?
A. About four, four to five minutes.
Q. Four to five minutes. Okay. So that puts you at

the gas station at around eleven o'clock?
A. I guess.
Q. Well, I'm just going with your time.
A. Yeah, because I can't really, I really don't remember the time. I wasn't looking at no clock. It was late. I know it was late. It was kind of late.
Q. Okay. Well, we won't go exactly about Tybibbian's house and all because you said you weren't there that long, but you're saying that Michael picked you up around 10, 10:30, or you said ten o'clock?
A. It had to be later than that. About 10:30. It was late. It was late. It was late.
Q. Okay. So then when you got to the gas station you're saying that's where you saw the girl?
A. Yes.
Q. And, did either you or Michael go into the gas station?
A. He did.
Q. While the girl was there?
A. The girl had just pulled up when he was going in.
Q. So Michael was in the store when the girl pulled up?
A. Uh-huh.
Q. Is that a yes?
A. Yes, ma'am.

Q. So then he was in the store while the girl was there?
A. Yes, ma'am. She was in the store. She went in the store, too.
Q. So they were both in the store together; is that you're saying?
A. Yes, ma'am.
Q. And then who came out of the store first?
A. Michael.
Q. Michael left the store while she was still inside?
A. Yes.
Q. And that's when he came back and said he wanted to holler at her?
A. No. Well he put the gas pump, the gas pump inside the gas thing, then got inside the car said he wanted to holler at her.
Q. Okay. So he had gone inside to pay for the gas?
A. Yes.
Q. Now you admit that you lied to the police before when you were giving your statements; is that right?
A. Yes, when I was talking to Deputy Royster.
Q. So you're saying today is the truth?
A. Yes.
Q. And today is your shot to try to get yourself free of the accessory charge?

A. No.
Q. No? Because you're not worried about the accessory charge?
A. Yeah. I'm worried about it.
Q. But you, you didn't commit that crime?
A. No.
MS. ALVES: No further questions.
THE COURT: Redirect?

REDIRECT EXAMINATION

BY MS. BODMAN:
Q. Did the Defendant try to talk to you or did he talk to you right after he was arrested? Call you on the phone?
A. Yes.
Q. From the jail?
A. Yes.
Q. I'm going to show you what's marked as Exhibit Seven, Eight, Nine, 10, 11, 12, 13, 14 and 15. Did we have you listen to those calls?
A. Yes, ma'am.
Q. Okay. Do you see your initials on those exhibits?
A. Yes, ma'am.
Q. You listened to each of the calls?
A. Yes, ma'am.
Q. And whose voice is on there? Who's the caller, the

person making the phone call?
A. Squirt.
Q. And one of these calls is a phone call to you, right?
A. Yes.
Q. And in that phone does he ever say, you know, man what you saying about me?
MS. ALVES: Judge, I'm going to object to this as being beyond the scope of cross-examination.
THE COURT: All right.
MS. ALVES: Yes, sir. And I'm also going to object to any testimony regarding the jail calls based on my previous objection.
THE COURT: Overruled. Go ahead.
MS. BODMAN: At this time, Your Honor, I offer into evidence 11, 10, Nine, Eight, Seven, 12, 13, 14 and 15.
THE COURT: Over the Defendant's objection.
(State's Exhibit Nos. 7, 8, 9, 10, 11, 12, 13, 14, and 15, CDs, were received into evidence.)
BY MS. BODMAN:
Q. Did he ever say anything to you about, you know,

man, they're charging me with this gun that was yours?
A. Can't remember really.
Q. Is he mad at you?
A. No, he wasn't mad at me. He called me one day through my, my phone. And his sister three-wayed and he was like, man, I'm locked up put my amp and my game system or something.
Q. So you told him you had the amp?
A. Yeah. It was an amp and the game system in the trunk. He said put it in his house.
Q. An amp was stolen from the same truck as the gun?
A. Yes.
Q. And you told him that you had the amp?
A. Yeah, the amp was in the trunk. He told me to leave it at his grandmother's house.
Q. And you left that amp at his house?
A. Yes, ma'am.
Q. And he thanked you for that, right?
A. Yes, ma'am.
Q. And he thanked you for taking the car back to his grandma's house?
A. Yes, ma'am.
Q. He really appreciated that?
A. Yes, ma'am.
Q. And I guess you had taken his -- when you dropped

off the car, you took his X-Box?
A. Yes, ma'am.
Q. And he was, like, hey, no problem, enjoy the X-Box, have a good time?
A. Yes, ma'am.
Q. And I'm going to need that later, right?
A. Yes, ma'am.
Q. And I'm going to need that amp later to make some money?
A. Yes, ma'am.
Q. And basically he told you, hey, what happened that stuff that happened between us, let's keep this amongst ourselves, right?
A. Yes, ma'am.
MS. BODMAN: No further questions.
THE COURT: Anything further?
MS. ALVES: Beg the Court's indulgence one moment.
(Pause.)

RECROSS-EXAMINATION

BY MS. ALVES:
Q. Michael was trying -- in the phone call that you said that you talked to Michael on, he, you and he discussed the fact that he was trying to sell this amp and some other stuff?

A. Repeat that again.
Q. When you were talking to Michael when he was in jail and you were talking to him on the phone when you just -- the call you just talked to the solicitor about?
A. Yes.
Q. You and he discussed the fact that you knew somebody who wanted to buy his amps and stuff?
A. Yes, he did.
Q. Okay.
A. He said he did. He ask me though.
Q. Well you told him, I got somebody that wants to buy your amps and stuff, too, when you get out; is that right?
A. Yes.
Q. Okay. So he was trying to sell his amps and some other stuff?
A. Yes.
Q. And in fact he was also trying to sell his X-Box, too?
A. Yes.
Q. But then when you came over to the house and turned his car back to his grandmother, you took the X-Box?
A. Yes.
Q. And so when you and he were talking on the phone he told you that it was okay for you to hang onto his X-Box?

A. Yeah, to play it.
Q. To play it. But he didn't want you to sell the X-Box at that time?
A. Yes.
Q. Is that right? That he didn't want you to sell the X-Box?
A. Yes, because it was his.
Q. It was his X-Box?
A. Yes.
Q. But he was going to try to sell it?
A. Yes.
Q. But then he changed his mind about that?
A. Yeah, because he was in jail.
Q. Okay. But you and him had talked about, before about trying to sell his amp and his X-Box?
A. Yes.
Q. Okay. And some other stuff?
A. I don't know about no other stuff now.
Q. Okay. Well, you just said amps and stuff?
A. No, I said the amp and X-Box.
Q. Amp and X-Box. Okay. But it was Michael's X-Box?
A. Yes.
Q. Now the solicitor was talking to you about an amp that was stolen from the car. Do you know what happened to that amp?

A. No clue. Have no clue.
Q. No clue. Okay. Was that the same amp; do you know?
A. I don't think so. I think so. I don't know.
Q. Okay. the amp that you got, that you took out of Michael's car and put in the house when you took the car back to the grandmother, that was not the same amp that you're saying was stolen out of the car at the hospital?
A. I think it is. Yes, I think it's the same. Yeah. I don't know. I have no clue though.
Q. You have no clue whether or not that's the same amp?
A. Huh-uh.
Q. So you're not sitting here saying that it is because you don't know?
A. Yeah.
Q. You agree. You're not saying that that's the same amp out at the hospital?
A. I think it is the same amp.
Q. Well, you said a couple things. You said you're not sure, you don't know.
A. It's the same amp, I think. It's the same one out of the truck, I think. Yeah, same amp.
Q. The one that was in Michael's trunk you're saying is the one from the hospital?

A. Yeah. Same amp.
Q. Did you have a good look at the one from the hospital?
A. Uh, yeah.
Q. You did? So are you telling us --
A. I think --
Q. -- you were going to help Michael sell a stolen amp?
A. No, I wasn't going to help him sell no stolen amp.
Q. Okay. But you're the one saying that you had somebody that was going to buy Michael's amp?
A. I said the X-Box.
Q. No, sir. You said the amp.
Do you admit or deny that you said that you had somebody that wanted to buy Michael's amp?
A. I admit.
Q. And but you weren't trying to sell any amp that was stolen from a car at the hospital?
A. Huh-uh.
Q. So the amp that you were going to try to help Michael sell is not one that was stolen from the car at the hospital?
A. No. I think it was a different amp. It was a different amp, a black amp. The one he got out from the car was black and red.

Q. The one -- okay. So it's not the one that was in the car at the hospital?
A. Huh-uh.
MS. ALVES: Okay. No further questions.
THE COURT: All right, sir. You may come down. You're free, free to go. You're free. Witness be excused?
MS. BODMAN: Yes, sir.
MS. ALVES: Yes, sir.
THE COURT: Let's take a short break, ladies and gentlemen. We'll take a short morning break.
I've got to make some phone calls.
Don't discuss the case among yourselves while you're in the jury room. While you're in the jury room just relax for a few minutes. We'll call you when we're ready.
(Jury exits courtroom at 10:30 a.m.)
THE COURT: Stand at ease for about 10 minutes.
(Brief recess taken. The trial resumed at 10:50 a.m.:)
THE COURT: State ready for the jury?
MS. BODMAN: Yes, sir.
THE COURT: Defense ready for the jury?

MS. ALVES: We're getting the Defendant. I'm sorry.

(Defendant enters courtroom.)

THE COURT: Defense ready to proceed?

MS. ALVES: Yes, sir.

THE COURT: Bring the jury, please.

THE BAILIFF: Okay.

(Jury enters courtroom at 10:51 a.m.)

THE COURT: All right. Solicitor, call your next witness.

MR. POTTS: Thank you. State calls Mike Goodwin.

MICHAEL GOODWIN, having been duly sworn, was examined and testified as follows:

THE CLERK: Have a seat in the witness box, stating your full name, spelling your last.

THE WITNESS: Michael Goodwin, G-O-O-D-W-I-N.

DIRECT EXAMINATION

BY MR. POTTS:

Q. Mr. Goodwin, were are you currently employed?

A. Aiken County Sheriff's Office.

Q. Now, does your office have any involvement in the investigation of this case?

A. No.

Q. Okay. How did you come about to be involved in this case?
A. My vehicle was broken into at my wife's work.
Q. Okay. now where does your work work?
A. Aiken Regional Medical Centers.
Q. Okay. Now, when did you find out -- or how did you find out that your wife's car had been broken into?
A. It was actually my truck.
Q. Your truck. Okay.
A. Yes. I went to use the truck to, I believe, take the trash off. And I noticed items inside the vehicle were out of place where they normally are.
Q. Now, when did you notice this? Was this December 20th, 2013 -- or may I approach, Your Honor?
Are you sure what day it was?
A. I'm not sure what day it was.
Q. Let me approach. Would looking at the incident report that was filed help refresh your recollection?
A. Sure.
(State's Exhibit No. 47, incident report, marked for identification.)
BY MR. POTTS:
Q. Does that refresh your recollection at all? Take your time and read it.
A. Yes.

Q. Do you remember when you noticed it was gone?
A. The very next day.
Q. Okay. So that would be December 20th?
A. December 20th.
Q. 2013?
A. Correct.
Q. Okay. Now what did you think about when you noticed that car had been gone for -- I guess, the truck --
A. Honestly I thought that my wife had gone plundering and failed to put anything back where she plundered through looking for whatever she had lost.
Q. Who normally drives that car?
A. It's usually me. It's usually not driven. It's only driven in extreme situations. We share a family vehicle and I have a police vehicle, but that vehicle is usually driven just to take trash off, pick up split firewood or in the rare occasion taking the kids to school or picking the kids up.
Q. So how often do you drive it?
A. Once or twice a month.
Q. Where do you keep it when it's not being driven?
A. It's locked inside our house at the garage.
Q. And in fact your wife had used the night before, hadn't she?

A. Yes.
Q. Why did she use it the night before?
A. Because I needed the vehicle, her vehicle to carry the kids to whatever event. We have three children. So.

She had driven the vehicle because she needed to -- she was only working a partial shift. So she would usually carpool if I kept her car just because she didn't like the truck. She didn't like to drive it. But she had driven the truck because she wasn't staying all night.

Q. Okay. Now, you said you didn't think anything of it at first. Was there anything that caused you to reassess that position?
A. As far as the disarray inside?
Q. Yes.
A. Well, as soon as I saw the dismay I went back in and asked her if she was looking through my truck and she said no. Then I went back out to assess because I knew that somebody had, to assess what was gone or what was out of place.
Q. And what was gone?
A. There items; a pair of sunglasses, an amp that was behind the seat and a .25 caliber gun.
Q. Now let's talk about the amp for a second. Can you

describe the amp to me?
A. It was a Jenson 400 watt, a little Wal-Mart amp.
Q. Okay. And what about the pistol?
A. The pistol was a black-in-color semiautomatic .25 caliber.
Q. Where did you normally keep the pistol?
A. It stays in the truck.
Q. In any particular part of the truck?
A. It stays in the center console.
Q. Okay. do you remember the serial number of the pistol you reported stolen that day?
A. No, I don't.
Q. Would looking at the report, once again, refresh your recollection?
A. Yes.
Q. What was the serial number of the firearm?
A. D delta 818836.
Q. Okay. Now, I'm going to show you what's been marked as State's Exhibit Number 16. I want you to take a look at that. Can you tell me what that is?
A. That's my Titan .25 caliber.
Q. It certainly looks like your Titan, doesn't it?
A. Yes.
Q. Now, is there a serial number on it? Right there. Is that the serial number?

A. Yes.
Q. Read that serial number, please?
A. D as in delta, 818836.
Q. That's your gun?
A. Yes.
Q. Okay. That was the gun that was stolen from your truck?
A. Yes.
Q. Okay. Do you remember calling Detective Hembree about that gun?
A. The very next day we started connecting the dots. Because it's a .25 caliber gun it's pretty worthless. That's why it stayed in that vehicle.
Q. .25 caliber is kind of a weird caliber, isn't it?
A. Yes.
Q. So you gave him a call. And what did you do after that point? Is that when you started this ball rolling as far as reporting it missing?
A. I'm not sure if that happened before or after.
Q. Okay. And when you said you started connecting the dots, what do you mean by that?
A. There was a news story about it. And my wife --
Q. About it, about your gun being stolen?
A. About an incident and a .25 caliber gun was mentioned in the news story.

Q. And so that kind of put the idea in your head?
A. Yeah.
Q. And you gave a call to Detective Hembree?
A. Right.
MR. POTTS: Thank you. No further questions.
THE COURT: Cross-examination?

CROSS-EXAMINATION

BY MR. HAYES:
Q. Is it Sergeant Goodwin?
A. It is.
Q. Sergeant, when was the last time you actually laid eyes on that Titan before today?
A. Probably summertime in '13.
Q. So six months, roughly, before this incident?
A. Probably closer to August or September.
Q. Okay. Four months?
A. Maybe.
Q. Your vehicle, you said that the firearm was kept in the center console?
A. Right.
Q. Between --
A. The driver's seat.
Q. -- the passenger and driver's seat?
A. Uh-huh.

Q. Does your vehicle also have a glove box?
A. It did.
Q. And that would be in front of the passenger seat?
A. Correct.
Q. According to the report or from the best of your recollection, do you remember when you realized it was actually missing? Which day was it actually? There's three different dates on the report and I'm not sure exactly. What is it that you actually connected that it was missing?
A. The next day after she drove it because we back it into the garage and she hasn't always been the best at that. And I try to move it over as close as I can to one side so we can still access all our car doors. So I had a reason to move it to drive to, it take the trash off. So two birds, one stone.
Q. Doesn't it on the report indicate that the call was made on the 23rd?
A. No, it doesn't.
Q. 12-23-2013 9:33. It's where it says narrative?
A. I can't testify to that, but I know what dispatch date means and that's 12-20.
Q. Okay.
Beg the Court's indulgence. (Pause.)
Sergeant Goodwin, I just want to be clear on

something. The last time you saw the firearm was several months, up to four months prior to 12-20?
A. Correct.
Q. 12-20 is when you realized it was not in the vehicle?
A. Correct.
Q. And you're not -- you can't say for sure what day that gun actually was removed from your console?
A. I could testify that the gun was -- I know the gun was removed. I can't testify to that. I can testify that that's the only day that I noticed the truck being in a different order that I usually kept it.
Q. Sergeant Goodwin, with that being said, you wouldn't be able to also say definitively that the gun was taken from the hospital from the vehicle?
A. I mean, I didn't witness it taken from the hospital, no.
MR. HAYES: Thank you.
THE COURT: Anything further?
MR. POTTS: No, Your Honor.
THE COURT: All right. You may come down. Thank you very much.
THE WITNESS: Thank you.
THE COURT: May this witness be excused?
MR. POTTS: As far as the State's

concerned, yes, sir.

MR. HAYES: Yes, sir.

THE COURT: Without objection. Next witness.

MR. POTTS: Your Honor, the State calls Tiffany Goodwin.

TIFFANY GOODWIN, having been duly sworn, was examined and testified as follows:

THE CLERK: Have a seat in the witness box, stating your full name, spelling your last.

THE WITNESS: My name is Tiffany Goodwin, G-O-O-D-W-I-N.

DIRECT EXAMINATION

BY MR. POTTS:

Q. How are you doing, Ms. Goodwin?

A. I'm doing very well.

Q. Okay. Now I'm just going to bring your attention back to the night of December 19th, 2013. What were you doing back then? What was your job?

A. I am a registered nurse in the emergency department at Aiken Regional Medical Center.

Q. Now, you know, what kind of hours do you work there?

A. Typically I work the night shift. I work -- go in -- I do the seven p.m. to seven a.m. shift. I work at

night.

Q. That's a hard shift?

A. It is.

Q. Now, you know, you heard your husband testify. You have some kids?

A. We have three.

Q. You have three kids. How old are they?

A. Fifteen, 13, and three.

Q. Fifteen, 13, three. That's quite a spread.

A. It is.

Q. Now, you know, when you're doing these seven p.m. to seven a.m. shifts at the hospital --

A. Uh-huh.

Q. -- how do you normally get there?

A. If our children are involved in one of their sports activities which they do often, normally I would drive my vehicle which is our family vehicle. But should our kids have to have -- it's kind of complicated. So my mom keeps our kids. My husband works shift work as well, okay.

So when my mom has my kids I drive my vehicle which which is our family vehicle because she has a vehicle with all of their stuff they need to get them to and from. If Michael is working then, my husband, then if he's off work and he is taking the kids, then I'll

carpool with, there's -- I live right on the way to the hospital there's two or three people that I usually will carpool with if we work the same shift that night.

Q. You also have to -- he normally uses his duty vehicle?

A. Yeah, for work.

Q. And you normally use the family vehicle?

A. Correct.

Q. And you all have another third vehicle?

A. We do.

Q. Tell me about this third vehicle.

A. Okay. So the third vehicle is the truck. And it's not the newest truck. It's actually pretty old. We've had it since before we got married and we've been married for a lot, a lot of years. So it's pretty old. And I don't really care for it aesthetically or mechanically.

Q. Do you like driving the truck?

A. No.

Q. Do you like riding in the truck?

A. I do not.

Q. Do you like being seen with the truck?

A. No, not much, no.

Q. Where does this truck normally stay?

A. In the garage hidden from the neighbors and the neighborhood.

Q. Now why if you dislike this truck so much were you driving it on December 19th?
A. This particular night at work, one of our physicians was leaving and we had a party for them. So I picked up partial shift that night starting at seven, ending at, I honestly don't remember. Sometimes I'll do seven to 11, sometimes I'll do seven to 12. This particular night I stayed until the party was kind of done and wrapped up and then went home. So I had to drive the truck because my friends would be staying all night and I didn't want to work all night.
Q. Now can you describe to me -- I guess, you don't know what time it was you left?
A. I don't, huh-uh.
Q. But what was it like outside when you left?
A. It was dark.
Q. Dark?
A. Yeah.
Q. And was it -- you think it was before 11 or after 11?
A. I'm pretty sure it was after 11 because I had gone back out to the truck to get food items I had left in there for the party.
Q. Okay. And then -- so you go home. I guess you get back in the truck to leave?

A. Yes.
Q. Did you notice anything?
A. No, because I don't -- I don't even -- I just got in and went home. Didn't notice anything.
Q. Right. You weren't concerned about the truck?
A. Nope.
Q. And so then what did you do?
A. I attempted to back it into the garage.
Q. And we've heard about that. We're sure you did a fine job.
A. I didn't hit anything so I guess so.
Q. So, other than unloading what you took out for the party --
A. Yeah.
Q. -- did you touch anything else in the truck?
A. No, huh-uh.
Q. Did you go through the glove box of truck?
A. No.
Q. Did you mess around the back of the truck?
A. I did not.
Q. Did you take out the amp in the truck?
A. No.
Q. Did you take out the sunglasses?
A. Nope.
Q. As far as you know, that was all there when you

were driving to work that evening?
A. I mean, I don't even really know -- yeah, I guess. It's all in there. Like I said, I don't drive it so I don't really know what's in it to begin with.
Q. Thank you. Do you lock the truck?
A. I can't say with 100 percent certainty whether I did or didn't.
MR. POTTS: Okay. Thank you. No further questions.
THE WITNESS: Okay.
THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. HAYES:
Q. How are you doing?
A. Very well. Thank you.
Q. I just want to clarify. What time exactly you were working? You said you picked up a partial shift?
A. Uh-huh. That's correct.
Q. And you go in usually at seven p.m.?
A. I go --
Q. And work all night?
A. I do normally work seven p.m. to seven a.m., yes.
Q. But this night you didn't?
A. Correct.
Q. What time do you think it was that you left?

A. Couldn't, honestly couldn't -- I wouldn't feel comfortable trying to answer that.
Q. Okay. I think previously you had stated it was after 11?
A. Correct.
Q. OkaY. But you don't know for sure --
A. No.
Q. -- how far after 11?
A. No, huh-uh.
Q. Do you -- have you driven the truck at any other time?
A. In the 16 years that we've had it? Yes.
Q. Had you driven it at any other time you know of from December to August?
A. December when?
Q. December 20th -- 19th?
A. Are you asking me from -- I don't understand your question.
Q. Had you driven the truck previously that night? You drove it on December 19th to work?
A. Correct.
Q. Had you driven the truck previously in the last four months?
A. Prior to?
Q. This incident.

A. You're asking me from August to December?
Q. Yes, ma'am.
A. No.
Q. When you got in the vehicle, you did not see the firearm?
A. I didn't look for the firearm.
Q. Okay. You didn't look for it when you got out?
A. No.
MR. HAYES: Beg the Court's indulgence.
Q. Ms. Goodwin, so you can't definitively tell me if the gun was in the car when you got in it to go to work?
A. Correct.
Q. And you couldn't tell me if it was gone that night or not?
A. That's correct.
MR. HAYES: Thank you.
THE COURT: Anything further?
MR. POTTS: No, Your Honor.
THE COURT: You may come down, ma'am. Thank you.
THE WITNESS: Thank you.
THE COURT: You're free to go.
THE WITNESS: Thank you.
THE COURT: Next witness.
MS. BODMAN: State calls Amanda Webb.

AMANDA WEBB, having been duly sworn, was examined and testified as follows:

THE CLERK: Have a seat in the witness box, stating your full name, spelling your last.

THE WITNESS: My name is Amanda Webb, W-E-B-B.

DIRECT EXAMINATION

BY MS. BODMAN:

Q. And can you tell the jury where do you -- currently are working?

A. I currently work at the South Carolina Department of Health and Environmental Control.

Q. And what do you do for DHEC?

A. I am an inspector of infectious waste. Basically inspect medical facilities for how they handle their medical waste.

Q. And how long have you been at DHEC?

A. One year.

Q. Prior to working for DHEC, where did you work?

A. I worked at the South Carolina Law Enforcement Division in forensic services, DNA casework department.

Q. And, were you a DNA analyst?

A. Yes. DNA analyst. Correct.

Q. Can you tell the jury a little bit about your educational background and your training that led you to

be a DNA analyst?

A. Certainly.

I received a bachelor's of science in forensic chemistry from Marshall University. That's in West Virginia. And I went on to get my master's in forensic science from Marshall University. And upon completing my master's degree in forensics, I got a job at the South Carolina Law Enforcement Division, SLED.

And started as a DNA analyst. This was in 2008. And I worked at SLED as a DNA analyst for seven years. And then I decided I needed a change and went to DHEC.

But I was always DNA analyst. And I would, I could test for serology which is, it's the testing for body fluids which is blood, saliva, semen. And also I did DNA testing to develop DNA profiles on criminal cases to compare any DNA profiles developed from evidence to DNA that's taken from a known individual to see if I could include or exclude a person from being at a crime scene.

Q. Have you previously testified in courts of law as a DNA analyst?

A. Yes, I have.

Q. In the area of forensic DNA?

A. Yes, forensic DNA analysis. I have, in South Carolina criminal court, a little over 30 times.

Q. And you were declared as an expert in the area of

forensic DNA analysis?

A. Yes, I was.

MS. BODMAN: Your Honor, at this time I offer Amanda Webb as an expert in the area of forensic DNA analysis.

MS. ALVES: No objection.

THE COURT: Without objection.

BY MS. BODMAN:

Q. If you could just briefly tell us, I guess, as simply as possible, what is DNA?

A. Sure. DNA is a chemical found in your body. It's found in your cells, some of your body fluids, blood, saliva, semen. It can be really found on the roots of your hair.

And essentially DNA is passed down from your parents. So you get half of your DNA from your mother and half of your DNA from your father. And there's 16 different sites that is tested in forensics, 16 different locations where the DNA is found in the body. And that's used in forensics and those 16 locations taken as a whole is a DNA profile.

And those profiles are unique to each individual except for identical twins. And when you develop DNA profiles from evidence items then you can compare it to an individual and see if their DNA could match or not.

Q. So every human being has their own DNA profile?
A. Yes, correct.
Q. And other than identical twins you will not see the same profile?
A. That's correct.
Q. Were you asked to do some analysis on a case involving a Michael Fuller and Katie Schlinger, lab number L-1400177?
A. Yes, I was.
Q. Okay. And, essentially, I guess, start out by telling us what items of evidence were submitted for you to analyze.
A. There was a shirt from Katie Schlinger.

Swabs from Katie Schlinger's lips. That was because there was an allegation of, forced to perform oral sex. And so therefore you can swab victim's lips to try to get any potential DNA from the perpetrator.

There was also buccal swabs from Katie Schlinger. A buccal swab is just a way for us to get DNA from a known individual. So, it's what's used to compare to the evidence items. It's a standard, if you will. The buccal swab is just a cotton swab and it's rubbed on the inside of the cheek and it gets skin cells and so we know whose DNA that belongs to so we can use it in our comparisons.

There was boxer shorts from Michael Fuller.

A pair of pants from Michael Fuller.

A buccal swab from Michael Fuller.

And there were, there was swabs from a Titan .25 caliber pistol.

Q. Now, is your job -- and I guess the results that you oftentimes get, can you compare that in any way to what we see on TV with CSI?

A. With CSI they get a little exaggerated sometimes but for the most part the theory behind it is correct that you can, you can compare -- you can see who's touched an item. You can see who might have handled something.

Now the exaggeration in CSI comes from, for example, if you're touching an item, if I were just to touch this podium here, I wouldn't expect me to deposit too much DNA just by a simple touch, you know. And then CSI will exaggerate that and say, we can find everybody everywhere. And that's just not always the case.

You have to be handling an item for a long time or deposit a large amount of body fluids or something to get a detectable amount of DNA from an item.

So, I mean, the theory behind it is, CSI is good but they do tend to exaggerate some.

Q. Okay. So let's walk through essentially your

analysis of these items. You said that you got a shirt from Katie Schlinger?

A. Uh-huh.

Q. And how was that item, I guess, processed through SLED as it gets to you?

A. The shirt was submitted to the lab and then an evidence processing technician. In this case it was Verona Gibson. She got the shirt from the secured locker area and took the shirt and swabbed the shirt for DNA.

The request was to swab the shirt in the shoulder and front neck area. I think there was an allegation that the Defendant may have grabbed the shirt and so they were trying to get touch DNA from the suspect onto the victim's clothing. And so Verona Gibson swabbed that area.

So you take a cotton swab and you wet it with some sterile water and you just swab over the area. And the idea is to collect any skin cells that might be on the shirt.

Now, you know, skin cells could also be on there from the person who the shirt belongs to because they're wearing the shirt. So you expect to get your own skin cells and your own DNA on your own clothing but the idea is possibly if there's enough DNA from someone else on the shirt that you might be able to pick that up as well.

Q. Okay.
A. And then the swab from the shirt was sent from Verona Gibson to me and I performed the DNA analysis.
Q. I'm going to show you what is admitted into evidence as State's Exhibit Number 35. And there's some -- are you familiar with your markings in SLED? Do y'all put the lab number on everything?
A. Yes. Correct.
Q. And then Verona Gibson would initial?
A. Yes.
Q. She analyzed it and she took cuttings from it?
A. Yes, I see item number one and her initials VTG.
Q. Okay. So this shirt looks like it has stains that could possibly be blood?
A. Uh-huh.
Q. Why did we not process this with regard to the blood?
A. Well, it's my understanding that the victim was bleeding and so we know that she was bleeding on her own shirt. And so you would expect to find her DNA in her own blood.

You can't really get touch DNA from someone else from a blood spot. The reason being is blood has a high concentration of DNA. So, if someone had touched the shirt in that area, the blood from her would cover it

up. It would mask it, because there's so much of the DNA from the blood that the touch DNA from anyone else would be covered up. It wouldn't be able to be detected with our testing.

Q. So we're only looking for, with this item, foreign DNA?

A. Correct.

Q. DNA that is not Katie's?

A. Yes.

Q. Okay. And what essentially was the result of that analysis?

A. The DNA profile was developed from the shirt. And it's a mixture of at least two individuals. Let me explain a mixture. So, sometimes with DNA you can get really essentially two main results being there's single-source DNA. And that is DNA that comes from just one person. One single person is single-source DNA.

Then on the other hand you can also get a mixture of DNA, meaning that there was more than one person's DNA found on that item. And that was the case here. It was a mixture of at least two people. There was no indication really that it was more than two people but, you know, we just always be conservative and say at least two people.

The DNA profile from the major contributor matched

Katie Schlinger. So what a major contributor in a mixture is, sometimes with mixtures if someone deposits or donates more DNA to the item in that particular spot where it's swabbed than someone else, then if they have a lot more they are called a major contributor.

And you can -- I can tell from my analysis that they have more DNA in that certain spot. And I can say they're the major person present in that area. So they're the major contributor.

And in this case it matched Katie Schlinger.

Q. So Katie's the major contributor to her own shirt?

A. To her own shirt, yes.

Q. Okay. And, you also got a buccal swab that belonged to the Defendant?

A. Yes. Correct. Michael.

Q. So a swab from his mouth so that you know what his profile is?

A. Yes.

Q. You were able to develop his profile?

A. Yes.

Q. Okay. And could you see anything with regard to whether or not he was a contributor?

A. He was not. He was excluded from the item. So his DNA was not found on the shirt.

Q. So, what type of factors come into play when we're

talking about touch DNA on another person's shirt?
A. Sure. You know, as I was saying before with the touch DNA, if you just grab something briefly or you touch it briefly, I don't expect much transfer of a person's DNA onto an item. You kind of have to handle an item for a while, you know. You can -- if you rub it hard, if I sit here and rub this hard for a couple minutes, you know, I would expect maybe that I would deposit an amount of DNA.

But, it really needs to be more, you know, a good, good bit of contact for the touch DNA to show up in the testing.

Q. Would wearing a winter jacket over the shirt affect whether or not touch DNA is transferred to that shirt?
A. Sure. It certainly could. If a person is, is grabbing someone or near someone, you know, the DNA could have been deposited more so on the outer jacket. I would expect the outer clothing to be the first thing someone comes into contact with if, if they're near them or reaching toward them.

So it's possible that an outer garment, I would expect could decrease the amount of space that's touched on the inner garment. And so it would decrease a yield of DNA.

Q. Does the fact that you do not find someone's DNA,

touch DNA on an item, does that mean that the two people did not have contact?
A. No, it doesn't. It could indicate it but it doesn't necessarily mean that. You can have, you know, brief instances if two people hug or if you just pat someone on the shoulder, I wouldn't really expect much transfer unless you're just around each other all day and really rubbing on someone. I wouldn't expect a lot of transfer. That's unusual for that to happen.
Q. Okay. What other item? You said that you analyzed some boxers from Michael Fuller?
A. Yes.
Q. Item four?
A. Yes.
Q. And did Verona Gibson also process those and do some cuttings for you?
A. Yes, that's correct. She did.
Q. And so essentially what is her job when she's taking the boxers and making some cuttings?
A. Sure. She's looking for, in this case looking for saliva because the alleged sexual, oral sexual assault would be -- the victim in this case would be performing oral sex on the subject. And, we were trying to test to see if any saliva could have came from the victim's mouth and was placed on the suspect's clothes.

MS. ALVES: Judge, I'm going to object if there's any, any testimony regarding somebody else's testing.

BY MS. BODMAN:

Q. Did anybody else do any testing?

A. No, no testing. The only thing is that we were informed that there -- we process and screen clothing items and determine where to make cuttings or swabs based on what the crime tells us, based on information that we get from the crime.

In this case the information we got was that there could be possible victim saliva on the boxer shorts in the crotch area. So Verona would have used that information to have made a cutting in the crotch area of the boxer shorts.

Q. Okay. And so how many cuttings did you analyze?

A. Two.

Q. And, you then labeled it. The boxers are item four?

A. Yes.

Q. And so you do the cuttings Item 4.1 and 4.2?

A. Yes, correct.

Q. So the first cutting, 4.1, what was the result of your analysis?

A. Well, I tested the cuttings for 4.1. I tested it for saliva first since there was an indication that

saliva might be present. And I got a positive result for that test.

Now, this is a presumption test. It's just an indication that saliva is present. It's not confirmatory. It's not a hundred percent positive, but the test is used nationally. It's used all over the world. And it was a positive result for saliva.

And so therefore I went ahead and took the item for DNA analysis to try to develop a DNA profile. And I was able to do so.

Q. Okay. And, who's -- did you get a match?

A. Yes, I did.

Q. And, what was that match?

A. It was -- the DNA was a mixture from that item, again, of at least two people. And the major contributor matched the DNA profile of Michael Fuller.

Q. So, Michael Fuller's DNA was in Michael Fuller's boxers?

A. Yes, that's correct.

Q. Okay. And a mixture, you said, of at least two people. Were you able to develop a profile of anybody else?

A. No. There was a little, there was a small amount of DNA present from someone else. But it was, it was such a small amount that I couldn't make any conclusion

about it compared to anyone else. If, you get partial amounts of DNA, it's just when there's a small amount of DNA on an item I may not be able to detect enough in my testing to say anything about it.

And that's the way it was here. There just wasn't enough.

Q. And so essentially you were saying that two different -- everybody has their own profile?

A. Uh-huh.

Q. We have our own DNA profiles, but could we have some similarities within our profile?

A. Yes, correct. Yes. There are some similarities at the locations. And essentially you need a complete profile for someone at the 16 different locations. You need, or an almost-complete profile to be able to say, yes, that's that person because someone could share five spots of DNA. I'm just throwing a number out there. They could share seven or eight spots.

So if you have a partial profile where you've only got a couple of spots where the DNA is showing up, I can't say it belongs to a certain person because there's not enough information because someone else could share that DNA. Anyone in the population could share that DNA. And so I can't make a strong conclusion to say that it's only one person when in fact a partial DNA could come

from multiple people.
Q. Okay. So that minor contributor you cannot tell us who it is?
A. Correct.
Q. The second cutting from the boxer shorts, Item 4.2, what was your, the result of your analysis there?
A. I performed saliva testing on that item as well and it was positive. And I took it to DNA analysis. And I got a mixture. And Michael Fuller could not be excluded from the mixture which means his DNA was found so he couldn't be excluded from the mixture of his own boxer shorts.
Q. And we know he's on the other cutting of these same boxer shorts, right?
A. Correct. Correct.
Q. Okay.
A. And I was able to exclude Katie Schlinger as a contributor to this mixture. So I got Michael Fuller. There was a second person that I know of, but I can tell there was more information on this second person and I could say that it wasn't Katie Schlinger.
Q. And, the same thing is how the incident occurs, how you the contact is made, do we know for sure even that the victim had contact with the boxer shorts?
A. Yeah, I'm not certain. There was nothing indicated

to me through -- I get an incident report from the sheriff's office. It's just -- I basically get a brief synopsis. So, you know, sometimes in incidents they could have brushed against the boxer shorts. It could have been outside, again, another outside layer of clothing, or may not have even been in contact with the clothing if the clothing was pulled down far enough.

Q. Or there's a struggle?

A. Or, yeah, or there's a struggle. And, you know, you just don't get your head down close enough to the items of clothing.

Q. Then, what other item did you -- his pants, the Defendant's pants, correct?

A. Yes, correct.

Q. And that was Item 5?

A. Yes.

Q. And the same thing is, were you given cuttings from the pants?

A. Yes. Verona Gibson did the cuttings from the pants. I got four cuttings. And I tested all of those for saliva and they were all positive for saliva.

Q. So Item 5.2 -- so, the pants are Item 5 and we have four cuttings. We have 5.1, 5.2, and 5.3, and 5.4, correct?

A. Correct.

Q. Okay. So 5.2 and 5.4, what was your result?
A. I got a partial DNA profile but it was so partial meaning there was such a small amount there that it was insufficient for interpretation meaning I couldn't make any conclusion about it because there was just a limited amount of DNA there.
Q. And Item 5.1, and 5.3, from the Defendant's pants?
A. No DNA whatsoever was recovered. So none was found, not even partial.
Q. So even though a human being is wearing their pants, their own pants on their body, you are not able to find any DNA whatsoever?
A. That's correct. Wasn't able to recover any DNA.
Q. Item 7, some swabs from a .25 caliber pistol?
A. Yes.
Q. And were those -- those were submitted to you for analysis. What was the result of that?
A. It was a partial DNA profile. So we're dealing with a limited amount. And it was also a mixture of at least two people.

And there wasn't enough information for me to make a conclusion about either Katie Schlinger or Michael Fuller's DNA being present on the gun. So it was just too partial, too limited information. I couldn't say anything about it.

Q. But you do see at least two people there?
A. Are at least two people there, mixture.
Q. Okay. And did you have discussions with Detective Royster about possibly submitting or should we submit the owners of the gun, if we should submit their DNA profile to you for analysis?
A. Yes, I did.
Q. And what was, is your expert opinion about any other known profiles being submitted to you?
A. I told Detective Royster that it really wouldn't be extremely helpful in this case to submit the owner of the gun, their DNA, because with such a limited amount I wouldn't be able to say that the owner's DNA was present on the gun. It would probably still be an inconclusive result. If anything I might be able to say someone's excluded but I would never with this limited amount of information be able to say that a person's DNA is on this item.
Q. And is that opinion the same with regard to whoever we wanted to submit? If we wanted to submit 10 possible people that may have touched this gun, is your opinion the same that there's not sufficient DNA profile for you to compare to anybody?
A. Yes, that's correct.
Q. Okay. And Item 2, a swab from Katie's lips. Did

you analyze that?
A. I did.
Q. And what was the result of that?
A. No DNA profile foreign to Katie Schlinger was developed from the swab from her lips. So I got her, her own DNA on her own lips.
Q. And talk to us about that. Is, what type of factors can affect whether or not you're able to pick up foreign DNA on somebody's mouth even three hours, you know, somewhere around the ballpark of three hours after the contact was made?
A. In this case with an oral assault or -- in an oral assault you can get more DNA information if ejaculation has occurred. Everything indicated to me from the incident report was that there was no ejaculation at this time -- at the incident. And it's because semen has DNA in it and you can get a lot more DNA from semen than you can just touch cells, just skill cells from rubbing up against someone's penis.

So in this case I don't think there was ejaculation. So we're looking really for touch DNA, skill cells from the penis on the lips.

And the best result would be collecting a swab directly after the incident happened. Sometimes you're not able to do that. And a person will, you know, you

naturally just swallow throughout the process of just living, you know. So you're constantly swallowing and can swallow any touch DNA that might have been in or around the mouth. We often lick our lips. Oftentimes we touch our face. We don't even realize how often we touch our face but touching your face can remove any DNA that might have been placed there. And so just, you know, if you take a drink or wipe your mouth that can get rid of any DNA, touch DNA that could have been deposited.

Q. So wiping your face or your mouth after you've been crying?

A. Yeah.

Q. Being draped with blankets?

A. Yeah, yeah.

Q. Just, I guess, talking, operating, walking around, having a jacket on that maybe is rubbing up against your face, are all those factors that could potentially affect it?

A. Yeah, certainly.

Q. And that's kind of assuming that we even had the touch DNA to begin with is what would make the touch DNA disappear, the foreign DNA disappear. But then we're also dealing with the factor of whether or not there was even any foreign DNA to begin with?

A. Correct. There may not have been a detectable

amount deposited, it could be no contact was made or it could just be that what was deposited could have been wiped off or removed.

Q. And, or there was never any contact between the area that was swabbed and the penis?

A. Correct.

Q. I'm just going to show you State's Exhibits 33 and 34 that I believe are already in evidence, admitted.

A. Yes. State's Exhibit 34 is my SLED Item No. 2. That's the swab from Katie Schlinger's lips. I can see where I handled the item. I got the heat-sealed pouch, the date that I handled the item, and my initials.

And State's Exhibit 33 is the SLED Item No. 3, the buccal swabs from Katie Schlinger.

MS. BODMAN: No further questions at this time. Just answer any questions she may have.

CROSS-EXAMINATION

BY MS. ALVES:

Q. Ms. Webb, I want to go through each item individually. Now for Item 2, that is a swab from Katie's lips?

A. Yes. Correct.

Q. Your report states that there is, the only person whose DNA was found on this swab is Ms. Katie Schlinger's?

A. Yes, that's correct.
Q. And you just told us about a matter that -- ways that that could be, DNA could be affected, swallowing, living life, touching your face?
A. Yes, that's correct.
Q. And would you agree that if somebody does not have food or drink, that that would increase the possibility that you might get DNA from?
A. Yeah. If someone is eating or drinking, that would increase the chances of removing DNA, correct.
Q. So if somebody didn't have anything to eat or drink, that would increase your chance but not necessarily?
A. Correct.
Q. But Michael Fuller's DNA was not found on Katie Schlinger's lips?
A. That is correct.
Q. And one possibility for that, I think you told the solicitor, is that Michael Fuller's penis never touched Katie Schlinger's lips?
A. It could be a possibility. No DNA was found.
Q. Okay. And the other item that you tested was Katie Schlinger's shirt?
A. Yes.
Q. And that's Item 1?

A. Yes. That's correct.
Q. And you found two people's DNA, two major -- two contributors, at least two people's DNA on the shirt, on the swab you did of the shirt?
A. Yes, that's correct.
Q. And Katie Schlinger was the main person?
A. Yes.
Q. And that is to be expected because it's her shirt?
A. Yes, correct.
Q. And she was wearing it. And Michael Fuller is excluded as a possible contributor to the mixture on Katie Schlinger's shirt?
A. Yes. Michael Fuller's DNA was not found on the shirt.
Q. And you tested one area of the shirt?
A. Yes, that's correct. One area was swabbed from the shirt being the neck and shoulder areas. And that was the only location that was tested.
Q. And the mark that you put on the shirt shows where it was tested?
A. There wouldn't be any marks where it was tested. The marks has the lab number for this particular case, the item number and the initials of the evidence possessing technician. But --
Q. I'm show you what's marked as -- I'm showing the

shirt that's in evidence. I don't recall what number it is. I apologize.

A. Yes, it's Number 1.

Q. Well --

A. Or State's Exhibit -- yeah.

Q. Does it show where the shirt was tested?

A. There are some markings. There are some -- I see some general markings and lines drawn on the shirt around the shoulder area. And that is the area of concentration of concern for the testing. So it's likely those areas that was where it was swabbed.

Q. So this area here on the shirt where it's circled is likely the area where it was swabbed?

A. Yes, correct.

Q. Do you know where in the circle?

A. It would have been all over the area, the whole area. When you're trying to recover touch DNA, it's best to get a large area. You rub hard to try to recover any cells that are in the fabric. And you try to cover a large area so you're not missing any area. And so it would have been the whole area --

Q. Okay.

A. -- that was swabbed.

Q. And were you told about a specific area to swab when you were given this item?

A. Yes, yes, I was.
Q. Who told you what area to swab?
A. Well, in this case -- oftentimes when we get clothing in from victims, it's just swab it for touch DNA. Well, we need an idea because if I swab that whole item you're more likely to get just the victim's DNA.

But if you concentrate on the area of focus where you think that a suspect could have touched the victim's clothing, then you have a better chance of recovering the suspect's DNA.

So in this case Verona Gibson, I believe, she called -- yeah, she called Detective Royster from Aiken to ask where the shirt needed to be processed. And he said process on the shoulders and the upper front area. So there must have been an indication to him that that's where the shirt was touched or grabbed.
Q. I just want to be clear. Detective Royster from Aiken Public Safety told y'all where to swab this shirt?
A. Yes correct.
Q. And you swabbed it where he told him?
A. Yes.
Q. I'm sorry. Where he told y'all to swab?
A. Yes.
Q. And you found Katie Schlinger's DNA?
A. Correct.

Q. And none from Michael Fuller?
A. Correct.
Q. Now I want to ask about another item that we didn't hear testimony about. This coat which is -- this coat which is presently in evidence. Did you -- which is Katie Schlinger's coat. Did you do any testing for DNA on this coat?
A. No. The coat was not submitted to SLED for testing.
Q. Who submits items for testing?
A. That would be the agency that collects the items from a crime scene. In this case it was Aiken Department of Public Safety.
Q. Okay. So, Detective Royster was the person who was your contact person about this case?
A. Yes.
Q. And he did not give you the coat for testing?
A. Correct.
Q. Now, I'm also showing you, again, another item of clothing that's been marked into evidence, these jeans that belong to Katie Schlinger. What DNA testing did you do on the jeans?
A. None. Those were not submitted to SLED.
Q. And, again, who would have submitted the jeans?
A. That would have been Aiken DPS.

Q. So all of the items that you test, do you go out to the crime scene and start picking out items that are to be tested?
A. I do not. They keep the analysts in the lab. And we, we do not out to crime scenes. They just bring in evidence for us to test at the lab in Columbia.
Q. And who brings that evidence in for you to test?
A. That would be the local agency. So whoever responds to the crime scene and collects the crime scene evidence, that could be local agencies like Aiken Department of Public Safety, sometimes SLED responds to crime scenes and we get items from SLED. Just multiple agencies can submit.
Q. So it's the agent, the person, the investigator in charge of the crime or the investigation that is the one who submits the items to you?
A. Yes.
Q. And in this case that would have been Investigator Royster?
A. He was, he was the contact -- the detective I was contacting. He may have been the one in charge making those decisions. I can't be certain.
Q. Okay. Well, going down to Item 4 on your report. Those are the cuttings from Michael Fuller's boxers?
A. Yes, correct. Item 4 was the whole pair of

boxers. And then there were cuttings taken, I have 4.1 and 4.2 as two cuttings taken from the boxer shorts.

Q. And you said that those were presumptive testing for -- the presumptive testing for the saliva was positive?

A. Correct. It was indicated that saliva might be present on these items.

Q. Okay. Well, that was just an indication that it might be present?

A. Correct.

Q. And that doesn't say definitively that that was actually saliva?

A. Correct. Saliva can also be found in a few other body fluids so we can't say for certain that it's someone's saliva. It can also be found in breast milk. And it can be found in fecal matter or --

Q. To be clear. Fecal matter, you mean poop, right?

A. Yes, ma'am. Feces yes, sir. Yes. Number two. It's because when we swallow when -- we're constantly swallowing all day. When we swallow our saliva gets down down in our digestive tract and so it's got to come out one way and so that's the way it comes out.

Also the saliva helps aid in breaking down food. It's just part of the eating process so we're constantly swallowing saliva.

Q. Just because it's presumptive for saliva, it might not actually be saliva, it's just the enzyme that's present in saliva?
A. Yes, ma'am. Correct.
Q. Which can be present in other items that you just said?
A. Yes. Correct.
Q. But on those cuttings that were found on Mr. Fuller's boxers, you found Mr. Fuller?
A. Yes. Yes, I did.
Q. And you did not find Katie Schlinger?
A. That is correct. Katie Schlinger's DNA was not found.
Q. Do you know where on the boxers you cut, or the cuttings were taken?
A. The only information I have is from the crotch area.
Q. Okay. Who told you where to take the cuttings from?
A. Again, Verona Gibson spoke with Detective Royster from Aiken and said that the boxer shorts needed to be processed in the front crotch area.
Q. So when you processed the front crotch area and you did your DNA swabs on that area, that's where you found Michael Fuller's DNA?

A. Correct.
Q. And not Katie Schlinger?
A. Yes, correct.
Q. And that would be the front area of the boxers where the penis would normally be?
A. Yes.
Q. And that was on both 4.1 and 4.2?
A. That is correct.
Q. Wait a minute. That was 4.1. Now, on 4.2 -- that was 4.1. 4.2 you didn't exclude Michael Fuller, you said you couldn't exclude Michael Fuller as a possible contributor?
A. Correct. So, his DNA was there. It was just a lower amount than what was found on 4.1. That's why 4.1 says it matches and 4.2 it was a lower amount so he couldn't be excluded. It's a lower, a lower statistical match.
Q. So he might have had less of whatever that item was in that area than he did in the other area?
A. Yeah, correct. It was less of the DNA found on 4.2 than on 4.1.
Q. But it's clearly showing Michael Fuller as a possible contributor to the DNA on his boxer shorts?
A. Yes, correct.
Q. But it's clearly not showing Katie Schlinger as a

possible contributor for that DNA?
A. Yes, that's correct.
Q. And on the cuttings from Michael Fuller's pants, once again, you found those to be presumptive for saliva; is that right?
A. Yes, all four cuttings.
Q. But, once again, that does not necessarily mean that was saliva?
A. Correct.
Q. That just means it was a potential bodily fluid that contained an enzyme similar to that found in saliva?
A. Yes, that's right.
Q. And you checked the DNA. Do you know where on those pants those DNA cuttings were taken?
A. I'm not certain.
Q. And, were you given any instructions from anyone or was anyone in the lab given instructions from anyone on where to take those cuttings from?
A. I believe when Verona spoke with Detective Royster it says, it just says the subject's clothing needs processing in the front crotch area. So, I think that applied to both boxer shorts and pants.
Q. Okay. So the cuttings were taken from the front crotch area, all four of them?
A. That would be my assumption.

Q. But you don't know for certain?
A. I don't know for certain.
Q. Okay. And the cuttings -- on 5.1 and 5.3 it says no DNA profile was developed?
A. That's correct. There was no DNA whatsoever recovered or detected from those items.
Q. Okay. And 5.2 and 5.4?
A. It was just a very limited amount of DNA recovered on those cuttings. And it was such a limited amount that I couldn't even compare it to an individual. It was, it was -- there was no conclusion that could be made.
Q. Okay. So you couldn't tell anybody's DNA?
A. Correct.
Q. All right. Now, let me ask you. If you send a report back to the requesting agency, is it possible that after they review the report they can send an item back for more testing or ask you to take additional cuttings?
A. Yes, they can. SLED does limit the amount of items that can be submitted at one time. So an initial submission, you're only allowed to submit so many items.

And the reason being's that, you know, you could take a million swabs from one pair of jeans and if you were to do that then it just wouldn't be quite so efficient for all the cases in the state to be processed. So essentially that's why we communicate with

detectives is to try to find a location of where to test. It's to get the best evidence.

So our policy, SLED's policy is to submit your best evidence first and then if a connection can't be made through DNA then of course if there's a reason to submit other items or do additional testing, it will be considered and can be performed at a later time.

Q. Okay. That was a long answer but the long and the short of it is that an agency can request that you take additional cuttings, and ask that you perform other tests?

A. Correct.

Q. And they can only submit so many items at a time?

A. Yes.

Q. But once those items that have been submitted are taken back to the agency, they can submit additional items?

A. Yes. Absolutely.

Q. And, you finished your testing -- now this incident happened, it's in your report, on December 20th of 2013?

A. Correct.

Q. And you finished your analysis and mailed the report back on December 18th of 2014?

A. Correct.

Q. So, do you know once you have finished your

analysis and done your testing and submitted your report that the agency normally come back and collect the items?
A. Yes, they do.
Q. So, other items could have been sent in after you did your report on these?
A. Sure. If there were other items they wanted tested.
Q. Or maybe other swabs on the boxer shorts, those could have been submitted?
A. If there were other, if they wanted other areas tested.
Q. Okay. Now, also talk about Item 7.1, the gun. You were given swabs of the gun, of the Titan .25 caliber auto pistol?
A. Yes correct.
Q. And who asked you to swab the gun?
A. That would have been upon the request of Aiken Department of Public Safety.
Q. Now, do you know where the gun was swabbed?
A. Yes. That would have been swabbed at SLED. I see SLED's evidence tape on here.
Q. So we wouldn't swab it at public safety?
A. The gun was submitted to SLED. Let me check my chain of custody and I can tell you who had it before.
Yes. That was also -- the gun was submitted to

SLED and it was also swabbed by Verona Gibson, evidence processing technician, who also swabbed the clothing items.

Q. Okay. So what type of testing was the gun submitted for?

A. The gun was submitted for, I got it for DNA analysis.

Q. Okay. Now --

A. There was also a request for blood testing on that item. I don't, I don't have a copy of Verona's report but I believe if I can recall correctly there was a positive indication that blood was present on the gun.

Q. Did you test it for blood?

A. No, I did not.

Q. All right. Were you given any swabs of any blood on this gun?

A. I received two swabs from the gun and I didn't test it for any blood.

Q. Okay.

A. From my notes, I just said that there were light brown stains on both the swabs and the --

Q. But did you test this gun for any blood?

A. I did not.

Q. Okay. Now, you tested it for DNA?

A. Correct.

Q. And were you given any hairs to test?
A. No, no hairs were submitted.
Q. And the swab that was taken from the gun was, do you know exactly where on the gun it was from?
A. Standard procedure for swabbing the gun at SLED is would be to swab the whole area of the gun. That would be the handle, the trigger, the trigger guard that covers where the trigger goes, the slide, the top of the gun, the sides of the gun. Pretty much any area that could be touched at all gets swabbed.
Q. But are all those swabs then contained into one, into one item?
A. I got two swabs. Yes. Yes, you would take -- the way it's done is you take one swab, you wet it with sterile water and you swab the whole item, all those places I just mentioned on the gun, the whole gun. The reason you use water is because there's been scientific research performed that shows that a wet swab followed by a dry swab, so there would be one wet swab taken and then a dry swab taken afterwards, and research has shown that the wet-to-dry method is what it's called recovers more DNA more efficiently.

And so that's what would have been here. There's two swabs, one wet one over the whole gun, a second dry one over the whole gun area again. And both of those

swabs, I get those and I combine both of those swabs into one DNA test to get one DNA result. Because I want to try to recovery as much DNA as I can so if I were to test both swabs separately I wouldn't be getting as much DNA as I could if I put the swabs together and get the most amount of DNA.

Q. So, just so -- your Item 7.1 on your report where it says it's the swab from the pistol are basically your two, the wet and the dry swabs that were taken over the entire pistol?

A. Yes, correct.

Q. And on your swab of the entire pistol you found a mixture of two individuals, at least two individuals?

A. Correct.

Q. But you can't tell us anything about who those individuals are?

A. That is correct. It was a low amount of DNA and the mixture combined with the low amount just made it to where I can't say anything with any certainty about anyone. So it was no conclusions made about the DNA recovered from that.

Q. Okay. Now, would DNA -- you told us earlier in your testimony about where DNA could come from. DNA could be found in a hair?

A. Yes, it can. The testing at SLED, DNA is found in

the roots of the hair, like, when you pull a hair out you see that little skin tag that is on the ends of your hair. That's the root and we can get DNA from the testing of that at SLED.

There's also a more sensitive DNA test from the hair shaft itself, the long part, the colored part of your hair. You can get DNA from that, but it has to be sent to a different laboratory. The testing is so sensitive that you basically have to have a separate lab area just for that testing alone. And so, it can be tested, though, and SLED has sent some items to outside laboratories for that type testing.

Q. So a hair can be tested?

A. Correct.

Q. So if someone was hit in the head with a gun and they had a hair on the gun, that could be tested?

A. Yes, that's right.

Q. If someone was hit in the head with a gun and it was blood on it, could the blood be tested for DNA?

A. Yes, correct.

Q. And blood would actually give you -- I mean, you could actually get a DNA profile from someone's blood, couldn't you?

A. Yes, you can. If there's enough there.

Q. If there was enough blood and DNA, enough DNA

material --
A. Yes.
Q. -- in the blood --
A. Uh-huh.
Q. -- you could get a profile? But in this case on this gun, you did not, you were not able to develop a DNA profile from anyone?
A. Not that I could compare to anyone.
Q. Well, you had Katie Schlinger's DNA swabs or she had buccal swabs?
A. Correct.
Q. And you compared the gun to those?
A. Yes.
Q. And you had Michael Fuller's buccal swabs?
A. Yes.
Q. And you compared the gun to those?
A. Yes.
Q. And you were not able to link Katie Fuller -- I'm sorry -- Katie Schlinger or Michael Fuller to that gun?
A. Correct. I could not make that conclusion.
MS. ALVES: Thank you. No further questions.
THE COURT: All right.

REDIRECT EXAMINATION

BY MS. BODMAN:

Q. No conclusion is different than -- you're not saying that their DNA profile is not on that gun.
A. That's correct. I can't say either way. I can't say if it's there or if it's not there. It's just the mixture and the small amount of DNA, it kind of ends up being a jumbled mess, if you will. And so I can't make, I can't make a conclusion. I can't make heads nor tails of the jumbled mess.
Q. There's at least two people?
A. Uh-huh.
Q. You do not have enough profile to say who it is?
A. Correct.
Q. Okay. The results of the analysis of the swabs from the gun was that blood was indicated on the processing?
A. Yes.
Q. So blood was indicated on that gun?
A. Yes.
Q. I want to correct what I was asking previously about, you know, if someone swabbed her mouth. There would have to be contact with that swab. I meant that particular area. So if somebody swabbed an area that the contact wasn't made that could affect it, correct?
A. Yes.
Q. Okay.

A. That's correct.
Q. And you were talking about how A, I guess, if a person ejaculates in the mouth you have higher chance of getting a profile, correct?
A. Yes.
Q. Than if there is just, I guess, touch or physical contact but no ejaculation, correct?
A. That's right.
Q. And that the risk factors are swallowing, talking, licking your lips, correct?
A. Yes.
Q. So if the contact is made closer to the lips, not around the outside but the actual lips, I mean, somebody talking fast non-stop, crying, swallowing, that's getting rid of the touch DNA, correct?
A. Yes. It definitely could.
Q. Okay. You did not develop a DNA profile off the Defendants own pants, correct?
A. Correct.
Q. Does that mean he was not wearing his pants?
A. That does not mean that at all.
Q. Okay. You were not able to develop a foreign profile off the mouth swab from Katie Schlinger's mouth, correct?
A. Correct.

Q. Does that mean that the Defendant did not orally sexually assault her?
A. It doesn't mean that.
MS. BODMAN: No further questions.

RECROSS-EXAMINATION

BY MS. ALVES:
Q. You stated that there was blood indicated on the gun?
A. With the processing of the item, yes.
Q. But you didn't do any testing on that?
A. Correct.
Q. So you can't say definite what was found regarding blood?
A. I know from reading the report.
Q. That blood was indicated?
A. Yes.
Q. Do you know what -- that doesn't mean there was actually blood on the gun, does it?
A. No. It just means there's an indication of blood. The blood result, the blood test can have a false result, a false positive. It can have a positive result from other things as well. Horseradish, certain vegetables, rust can also give a positive result for that particular test that we test for blood, and blood.
Q. Do you know whether there are any procedures that

can be done on a gun that would also indicate rust?
A. No. There's no test that I'm aware of, not on the DNA side anyway.
Q. I'm not talking about testing. I'm talking about procedures such as bluing. Do you know whether those -- if that would be something that would indicate rust?
A. I'm sorry. I couldn't hear. Procedures such as what?
Q. Bluing?
A. Gluing?
Q. Yes. The coloring of the -- on the gun. Do you know any procedures that would indicate rust on a gun or would show up as rust on a gun?
A. I am unaware of those. Only visible identification, what you observe.
Q. Okay. So you don't know what I'm talking about when I'm talking about other procedures that might put rust on a gun?
A. No, I do not.
Q. Okay. Or show indication for rust on a gun?
A. I don't know of any.
Q. Okay. But rust is something that could show up as a false positive for blood?
A. Yeah, it would give a positive result for that test for blood.

Q. Okay. And you don't have any evidence here that there was actually blood on the gun?
A. Other, other than the indication from the test.
Q. You said that those tests could result in a false positive. Do you have any indication about whether there was actually blood on the gun?
A. Not, not anything confirmed, no.
Q. Okay. And there are tests that could have been done to confirm whether or not there was blood on the gun?
A. Yes. That's correct.
Q. Those tests were not done?
A. No, they were not.
Q. And so you don't have any evidence of any hair or blood on this gun?
A. Correct.
Q. And, in fact, the gun doesn't show any DNA profile for, once again, doesn't show -- you can't say that this gun is linked to either Katie Schlinger or Michael Fuller?
A. No, I can't say whether it's their DNA on the gun or not.
Q. And on Katie Schlinger's lips, if she had not eaten or drank, would that have increased the chance of finding DNA?

A. I don't know if that would increase the chance of finding it. It would definitely not -- let me see how to word this properly. It would not increase the chance of not finding it. It would -- it wouldn't decrease the chance of finding it, but if a person had eaten or drinken {sic} it would definitely remove more of the DNA but just because we don't eat doesn't mean that -- it's semantics, I guess.

Q. Right. And if somebody -- so you're saying -- but you say can find DNA if the item is, if somebody's touched it hard or rubbed it hard? If it's been pressed up against them that increases the chances of DNA?

A. Yes, it definitely does.

Q. So if a gun barrel is pressed up against somebody's cheek that, it's possible you could get DNA from that because it had been pressed up hard against their cheek?

A. It's possible.

Q. But you still didn't find any of Katie Schlinger's DNA on the gun?

A. I found DNA. I just couldn't say who it belonged to.

MS. ALVES: Thank you. No further questions.

THE COURT: All right. You may come down. Thank you very much.

THE WITNESS: Thank you, Your Honor.

THE COURT: Next witness.

MS. BODMAN: State calls Detective Billy Royster.

WILLIAM R. ROYSTER, III, having been duly sworn, was examined and testified as follows:

THE CLERK: Have a seat in the witness box, state your full name, spelling your last.

THE WITNESS: William R. Royster the Third R-O-Y-S-T-E-R.

DIRECT EXAMINATION

BY MS. BODMAN:

Q. Where do you work?

A. Aiken Department of Public Safety.

Q. In what capacity?

A. I'm a detective.

Q. Tell us a little bit about your, I guess, education and training that brings you to be a detective with the Aiken Department of Public Safety.

A. I'm graduated from the University of South Carolina with a bachelor of arts in inter-disciplinary studies. I completed the South Carolina Criminal Justice Academy. I've taken various specialized courses there in detective work, DUI detection, several other courses.

Q. So how many years did you say that you've been with

the department of public safety?
A. Twenty-four years with this department.
Q. Okay. You're getting close to retirement?
A. Yes, ma'am.
Q. Are you counting the --
A. Months.
Q. Months. Okay. We're not at weeks or days yet?
A. No, not yet.
Q. Counting months. How did you come to be involved in this case regarding the assault on Katie Schlinger?
A. On the day it happened I was called to come out that morning and assist Detective Hembree, he requested another detective. He was the one on call.
Q. And do you remember about what time it was that you got the call?
A. It woke me up. It was early morning, before daylight. It wasn't too terribly early though.
Q. And what was the first thing that you did?
A. I went to the area where the vehicle was found on Medical Park Drive.
Q. Okay. And what was happening there when you arrived?
A. They were basically at that time waiting on me to get there to photograph that area which was the first thing I did.

Q. So that was you that took the photographs of the scene?
A. Yes.
Q. Do you recall if the Defendant was still on the scene or if he had already been transported?
A. I believe he had already been transported by that time.
Q. If I can ask you to come down and let's take a look at Defense Exhibit Four. And if you can show us essentially with this map is -- give us a overview of the places that we've been talking about, is the location, I guess, of the Quality Inn, the location of the Kangaroo, and then the location of where the vehicle is ultimately found crashed in the street.
A. If I can do it in chronological order, down in here is the Quality Inn. This is the hospital. This being Medical Park Drive. And right in this area near this office is where the vehicle was found.
Q. Okay. And you say this office. There's a building right next to Aurora?
A. Aurora Place. That goes back to another medical office. I believe at the time this happened that was called the Wound Center but another doctor's moved in there now.
Q. Dr. Dillon who testified?

A. Yes, yes, that's the one.
Q. He testified here.
A. Yes.
Q. Right here, that's his office now?
A. Yeah, that's his office now.
Q. Okay. And so down here you said the Quality Inn?
A. Here.
Q. I guess we can kind of see a little swimming pool, maybe, so that's our location?
A. Yes, that's the McDonald's there.
Q. There was a discussion of a bank that sits up kind of up on a hill?
A. That's right here. This entrance going into the Wal-Mart, there's a bank that sits up here. And it's probably somewhere between 10 to 15 feet above Richland Avenue.
Q. And you said this is the drive going into the --
A. Wal-Mart.
Q. Is that the Wal-Mart coming in?
A. There's one drive coming in and here's the other drive coming in to the Wal-Mart that's here.
Q. Okay. And Kangaroo BP in relation to that bank, where is that?
A. It's right catty-corner, right across.
Q. Right across. Okay. Stay up here. We're going to

look at some more photographs so we can get kind of an overview.

I'm going to show you what's marked as State's Exhibit Number 23. There's ABCDE.

A. Yes.

Q. Do you recognize what is in, depicted in these photographs?

A. Yeah. It shows a view of the BP from the -- A shows a view of the BP from the SRP. Shows a view from the SRP looking to the west down Richland Avenue back towards the Quality Inn.

This shows the -- C shows the bank sitting where it sits, up a little bit. D is a view looks like from McDonald's looking east down Richland Avenue. And E is the picture of the McDonald's with the Quality Inn in the background.

Q. Okay. Would these photographs assist us in being able to show the jury the relationship from these buildings that have been testified to?

A. Yes, it could.

MS. BODMAN: Offer into evidence State's Exhibit Number 23.

MS. ALVES: No objection.

(State's Exhibit No. 23, photographs A through E, received into evidence.)

BY MS. BODMAN:

Q. You know what we're going to do. You and I are going to switch places to we make sure everything gets recorded.

So now that we have the photographs in front of the jury if you can kind of re-explain what it was that we're looking at.

A. A, this is the SRP sign that's on the road. This is between the buildings and Richland Avenue looking back east towards the BP station that's on the corner of University Parkway and Richland Avenue.

Q. And B?

A. B is moving to the other side of this sign looking back towards the west. You have Burger King towards that, the McDonald's and the Quality Inn. C is a view of what the bank looks like, how it kind of sits up. D would be looking from the front part of McDonald's back towards the area of the bank. And E is looking, coming up on McDonald's looking in towards the Quality Inn.

Q. Okay. State's Exhibit 21, if you can kind of help us there with the --

A. These are different photographs taken from the area of the Quality Inn.

Q. Okay. And I guess this is the side where the McDonald's is?

A. That's what it looks like. Looking, basically standing in McDonald's parking lot looking towards the hotel. This is one of the -- B is one of the breezeways. It's showing how it goes from the east side to the west side or west to east.

Q. Okay. Looking at the placement of the trash can to there, and then there's a trash can in this one to the breezeway there.

A. Yeah, this would look like -- this area is this breezeway.

Q. Okay.

A. The area here on A is the breezeway for B. Same here. You got the same for C and D.

Q. Okay. And so this is the opposite side of the Quality Inn?

A. This would be the west side of it.

Q. Of the Quality Inn. Okay.

And when you went out there to the scene said that you took photographs of everything. So was -- the car had not been moved? The vehicle had not been moved?

A. No, no, it had not.

Q. And you took these photographs of exactly where the car had landed?

A. Yes.

Q. Okay. And hold that one right there.

This photograph's showing the damage to the tree?
A. Yes, that's the point of impact. And you could see on A the tire marks as they hop the curb and came towards the tree.
You could see on B the damage to the tree from a distance. C, the damage closer. Car debris around it. Same on D, you could see the bark's been knocked off the tree low and up high. And then E is some of the debris that flew out of car upon impact.
Q. And essentially is the observations -- you actually saw these tire marks, correct?
A. Yes, yes, you could see them.
Q. The observations that you saw of these tire marks, were they consistent with the description that Katie gave in terms of the direction that she drove backwards?
A. Yes.
Q. Okay. From wherever she had stopped and started driving back?
A. Yes.
Q. Okay. And State's Exhibit 19?
A. Yes. These photographs were taken later. This -- the vehicle was towed to the sheriff's department's garage. They have a special garage at their headquarters for the processing of cars. It was taken there so that we could get a better look at it. That's when these were

taken.
Q. These look like they're at night?
A. Yeah, it does. That might have been the ones at the scene.
Q. Would you have towed the car with the door open?
A. No. Would have opened it when we got there but there were some others taken.
Q. Here?
A. Yes.
Q. Pull that up here. State's Exhibit 20. You took further photographs?
A. These were taken when we went through the car and checked it to get a better look at it in the light.
Q. Okay. You can go ahead and sit down.
A. (Complying.)
Q. After taking the photographs at the scene what did you do next?
A. Interviewed Mr. Fuller.
Q. Okay. So from the time that you took the photographs to when you go interview the Defendant, did you have occasion to talk to Katie at all?
A. No. No.
Q. So you did not speak with her and get from her words what had happened to her?
A. No. No.

Q. And so essentially what information are you operating under at this point when you talked to the Defendant?
A. I'm getting, talking to different officers on the scene, different things that they were telling me as to what had happened.
Q. Okay. And you say different officers. So some of these people, I guess, had not talked to Katie themselves?
A. True.
Q. Okay. So approximately what time was it that you start talking to the Defendant?
A. It was approximately 6:30 in the morning.
Q. Okay. And we say the Defendant, but who is the person that you interviewed? Do you see him in the courtroom today?
A. Yes. Michael Fuller.
Q. And where is he sitting? What is he wearing?
A. Sitting at defense table, wearing a pink shirt.
MS. BODMAN: May the record reflect the witness identified the Defendant?
THE COURT: The record will so reflect.
BY MS. BODMAN:
Q. Did you transport him to the scene to the headquarters or somebody else did?

A. No, somebody else did.
Q. Okay. And what happens when you get to headquarters?
A. We have a special room for interviews that has two cameras in it. So it's video and audio recorded.

He was already in the room when I arrived there. I turned on the recorder. Went in there and introduced myself and then advised him of his Miranda warnings, reading it off the standard form that we use. Had him initial certain parts of it.

Then we go through the waiver that he does not want an attorney, is willing to talk with us. He initials that and signs and prints his name to it and I witnessed it.

Q. I'm going to show you what's marked as State's Exhibit Number Six and ask if you recognize that.
A. Yes. It is the Miranda form that I used to advise Mr. Fuller of his rights that morning.
Q. What rights did you advise Mr. Fuller of?
A. It states: You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to talk to a lawyer for advice before we ask you any questions and have him with you during questioning. If you cannot afford to a lawyer, the Court will appoint one to represent you

without cost if you wish.

If you decide to answer questions now without a lawyer present you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

I asked them if they understand that, if they have any questions about it. If -- he indicated that he understood and he had no questions. And I asked him to initial those particular lines stating that he understood what his rights were.

Q. Okay. And after he initialed those lines, what happened next?

A. I explained to him at the bottom part of this form is a waiver. It states: I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure of any kind has been used against me. I ask him if he understands that. And ask him to initial that line and if he's willing to talk to me at this time, taking in mind he can stop when he wants to. I asked him to write his name and sign his name.

Q. And did he write and sign his name saying that he wanted to waive his rights and talk to you?

A. Yes, he did.

Q. At any point did you make any threats to him to get him to give you a statement?
A. No.
Q. Did you coerce him in any way to get him to give you a statement?
A. No.
Q. Did you make him any promises in exchange for giving his statement?
A. No.
Q. Did he appear to be under the influence of alcohol to the point that he did not understand what was happening?
A. No.
Q. Did he admit to any alcohol consumption?
A. I asked him if he had been drinking. He said no.
Q. Did he appear to be impaired in any way that he did not understand what was going on?
A. No, he just appeared to be sleepy.
Q. Sleepy. Okay. And this is what time in the morning?
A. 6:30.
Q. Were you sleepy?
A. Yes, ma'am.
Q. Okay. I'm going to show you what is marked as State's Exhibit 29.

A. Yes, ma'am.
Q. Did you videotape your interview with Michael Fuller?
A. Yes, ma'am.
Q. And is that interview on State's Exhibit 29?
A. Yes, ma'am.
MS. BODMAN: Your Honor, at this time I would offer into evidence State's Exhibit Six and 29.
MS. ALVES: I just renew my previous objection, Judge.
THE COURT: All right. Overruled.
(State's Exhibit Nos. 6, DPS Miranda, and No. 29, CD, received into evidence.)
MS. BODMAN: If -- your Honor, at this time we ask to publish State's Exhibit 29 to the jury.
THE COURT: Proceed.
(Video played.)
BY MS. BODMAN:
Q. I'm going to stop for just one second. I'm going to show you what is marked as State's Exhibit Number 47. And do you recognize that?
A. Yes, ma'am.
Q. And essentially is that a transcript of the interview that you conducted with the Defendant?

A. Yes, ma'am.
Q. Okay. Would it help you to kind of follow along?
A. Yes, ma'am.
Q. So we can stop and talk about stuff. You can have that to look at.
A. Sure.
Q. And did you previously review this?
A. Yes, ma'am.
Q. And is it accurate?
A. Yes, ma'am.
Q. Okay.
(Video resumed.)
BY MS. BODMAN:
Q. Detective Royster, had you spoken with victim at this point?
A. I had not.
Q. Okay. Now, looking at, I guess, all the information that you gathered as a detective, was there any point that Katie had told anyone that the Defendant approached her at the store?
A. Not that I'm aware of, not now.
Q. So did you get that mistaken --
A. Yes.
Q. -- what you told him?
A. Yes.

Q. Okay.

(Video resumed.)

BY MS. BODMAN:

Q. After that interview, was the Defendant arrested?

A. Yes.

Q. Taken into custody?

A. Yes.

Q. What, if anything, did you do with regard to his clothing?

A. Later I obtained a search warrant to search his, the bag they put the inmate's clothing in. Each inmate comes in, they put their clothing into an individual bag for that inmate. I got a search warrant to open that bag and seized the clothing out of it.

Q. I'm going to show you what's marked as State's Exhibit 44 and ask if you recognize that.

A. Yes.

Q. And what is that?

A. This is the known swab of Michael Fuller. I wrote that on it, and dated it and putted our case number on it.

Q. And is that the swab we saw you take in the --

A. Yes.

Q. -- video?

A. Yes.

MS. BODMAN: Offer into evidence state's Exhibit 44, Defendant's swab.

MS. ALVES: No objection.

THE COURT: Without objection.

(State's Exhibit No. 44, Defendant's swab, received into evidence.)

BY MS. BODMAN:

Q. I'm going to show you what is marked as State's Exhibit 43 and ask if you recognize that.

A. That's the brown coat Mr. Fuller was wearing at the time.

Q. That's his?

A. Yes.

Q. And this is what you got as a result of the search warrant?

A. Yes.

Q. And you collected it and put it in this brown paper bag?

A. Yes.

Q. Submitted it to property?

A. Yes, ma'am.

Q. State's Exhibit 40. If you'll just look inside the bag. Don't take it out yet. Do you recognize that?

A. Yes, ma'am.

Q. What is that?

A. A pair of red shoes.
Q. That's from who?
A. Taken from the property bag of Michael Fuller at the jail.
Q. Defendant's shoes?
A. Yes.
Q. State's Exhibit 41?
A. Yes.
Q. Don't take it out. Not in evidence yet. Do you recognize it?
A. Yes.
Q. And what is that?
A. It's a red T-shirt.
Q. Taken from?
A. The evidence bag of Michael Fuller at the county jail.
Q. And was that the shirt he was wearing? These are the clothes had was wearing in this video?
A. Yes.
Q. Okay. State's Exhibit 38, do you recognize that?
A. Yes. It's the pants he was wearing.
Q. The pants that went to SLED?
A. Yes.
Q. For?
A. Analysis.

Q. For analysis?
A. Yes.
Q. There's some other evidence.
A. Okay. I knew they were together.
Q. State's Exhibit 39. Do you recognize that?
A. Yes, I do.
Q. And what is that?
A. It's the blue boxers that were taken out of his property bag at the county jail.
Q. From his body?
A. Yes.
Q. And submitted to SLED?
A. Yes.
Q. Is that the one I just took from you, 38?
A. Yeah.
Q. The blue pants?
A. Uh-huh.
Q. And State's Exhibit 42, what's that?
A. The socks that he was wearing that was taken from his property bag at the jail.
Q. And you put them in this bag?
A. Yes, I did.
MS. BODMAN: Offer into evidence State's 42, the gray socks.
MS. ALVES: No objection.

MS. BODMAN: 38, the blue pants; 41, his red shirt; 39, his blue boxers; 40, his shoes; and 43, his coat.

MS. ALVES: No objection.

THE COURT: Without objection.

(State's Exhibit Nos. 38, pants, 39, boxers, 40, shoes, 41, shirt, 42, socks, and 43, coat, received into evidence.)

BY MS. BODMAN:

Q. Other than -- after collecting, I guess, this evidence, what, if anything, did you do with the gun that's been admitted into evidence?

A. The gun was submitted to the SLED for analysis. After it came back I was asked to try and fingerprint it. Usually an automatic pistol like that, the best place to get a fingerprint's off the magazines that holds the shells that go into it.

I attempted to find fingerprints on it. I couldn't find anything useful.

Q. Okay. Prior to it going to SLED, did you do anything with that gun?

A. It was examined and swabbed.

Q. Did you swab it?

A. No. I believe it's SLED that swabbed this gun. I have swabbed guns in the past but this one they -- it was

so small.
Q. So, they just returned --
A. Yeah, they returned those swabs.
Q. -- the swabs that were done? Okay.
What, if anything, did you do in terms of getting videotapes to corroborate what happened at the Quality Inn and the Kangaroo Express?
A. We requested video from both establishments, the Quality Inn and the Kangaroo Express.
Q. And the videos that we've watched, are those the videos that you went and retrieved from those businesses?
A. Yes, they are.
Q. And you have watched those videos?
A. Yes.
Q. Okay. And in the Quality Inn video, do you see the silver Neon circling the hotel as Dominique described?
A. Yes, you do.
Q. Multiple times?
A. Yes, you do.
MS. BODMAN: At this time, Your Honor, I'd like to publish 31.
(Video played.)
BY MS. BODMAN:
Q. Then there's two views on this, correct?
A. Yes.

Q. There was the one view that we saw with Katie, with her stepfather and the altercation with her boyfriend, correct?
A. Yes.
Q. This view that we're watching here, which view is this?
A. It's the opposite side of the hotel.
Q. The side that's next to the McDonald's?
A. Yes, I believe it is.
Q. Okay.
(Video resumed.)
BY MS. BODMAN:
Q. And so there's a good deal of footage on here, correct?
A. Yes.
Q. If we go to approximately 3:56 -- and, again, this is, it's only recording when there's movement, correct?
A. Yes. That's my understanding. It's motion activated.
Q. So the time kind of jumps for the next time that someone comes into view. Right there. Is that consistent with a silver Dodge Neon?
A. Yes.
Q. And that car had just paused right there?
A. Yes.

Q. What is -- kind of getting used to this -- you can't see. Can you step down here?
A. (Complying.)
Q. Working with the double sides of the screen. What is this right here?
A. Shadow.
Q. Of what?
A. A person.
Q. A human being?
A. Yes.
Q. As that car, after that car stopped and then pulls off?
A. Yes.
Q. Shadow of a human being?
A. Yes.
Q. Okay. Keep playing.
(Video resumed.)
BY MS. BODMAN:
Q. Now we don't see that person cross over, right?
A. No.
Q. And so presumably they went in another direction but they didn't come this way?
A. Yes.
Q. And the breezeway is?
A. Just down in this way.

Q. Further down this way?
A. Yes.
Q. Okay.
A. Here where the handicapped spots are.
Q. Just keep --
MR. POTTS: Just keep going.
(Video resumed.)
BY MS. BODMAN:
Q. Is that a silver Dodge Neon?
A. Yes.
Q. And this is 3:58?
A. That's it again.
Q. Passing again?
A. That's it again.
Q. One more time. 4:14, passing again?
A. Again.
Q. 4:25, passing again?
A. Again.
Q. Kind of pauses. Passing again. So we've seen it initially stop and the shadowy figure one, two, three, four, five, six, seven times, correct?
A. Uh-huh.
Q. Did you also, I guess, as part of your duties and responsibilities to collect things, like, the -- ask for the dash-cam videos where we saw --

A. Yes.
Q. -- of the Defendant being removed from the vehicle?
A. Yes. I requested those from the shift supervisor.
Q. And the interview that Officer Drumming and Kenyetta Corey conducted --
A. Yes.
Q. -- at the scene?
A. Yes, ma'am. Yes.
Q. Did you also -- were the person that asked SLED, submitted the items to SLED and asked them to process these items for potential --
A. Yes, ma'am. There's a request form I filled out to submit the items.
Q. Did you consequently get a statement from Katie?
A. Yes. It was in January when I talked with her at the Walton Rehab.
Q. In?
A. Augusta.
Q. Augusta?
A. Yes.
Q. And so you traveled to go see her?
A. Oh, yes.
Q. And you took a statement from her?
A. Yes.

Q. And that was a recorded statement?
A. Audio recorded, yes.
Q. She told you essentially what had happened to her, correct?
A. Correct.
Q. Did you also have occasion to listen to some of the Defendant's jail phone calls?
A. Yes, I have.
Q. The ones made within a few days of his arrest?
A. Yes, I have.
Q. Okay. Let's start with December 21st, 2013, at 17:27.
(Audio played.)
BY MS. BODMAN:
Q. I passed out last night giving Dominique the damn car. Is that what he told you in his interview at headquarters?
A. No.
(Audio resumed.)
BY MS. BODMAN:
Q. If we can listen to 12-22-13, 9:51?
MS. ALVES: Which call was that on your list?
MS. BODMAN: Call one, it says.
MS. ALVES: One. Can you clarify are these

disks in evidence?

MS. BODMAN: Yes.

(Audio played.)

MS. BODMAN: If you can play 12-22-13, 9:55 and some of these calls obviously have, you know, other discussions inside of them.

(Audio played.)

BY MS. BODMAN:

Q. Was that what he told you in his interview?

A. No.

Q. Anything about her getting mad and flipping out?

A. No.

Q. And the girl throwing the car in reverse?

A. No.

(Audio played.)

BY MS. BODMAN:

Q. And so she asked, do you want me to try to call Dominique and he's, like, oh, no, thanks. Right?

MS. ALVES: Objection, Your Honor. Mischaracterization of the evidence. I think the best evidence --

THE COURT: That's correct. Just don't comment about the evidence, Ms. Bodman. It says what it says.

(Audio played.)

BY MS. BODMAN:
Q. 12-22-13, 15:01.
(Audio played.)
Q. Call 12-22-13, at 15:17, call six.
MS. ALVES: Thanks.
(Audio played.)
MS. BODMAN: Skipping to 10 minutes 35 seconds.
12-22-13, 21:28 starting at two minutes and 50 seconds.
(Audio played.)
MS. BODMAN: Call 12-24-13, at 17:47, it's call three, starting at one minute 29 seconds.
(Audio played.)
MS. BODMAN: And call 12-24-13 at 6:57 starting at one minute 35 seconds.
(Audio played.)
MS. BODMAN: And then going ahead to 12 minutes eight seconds.
(Audio played.)
BY MS. BODMAN:
Q. I'm going to show you what's marked as Exhibit Number 24 and ask if you recognize that.
A. Yes. It's photographs I took.
Q. Of the Defendant's clothes?

A. Yes.

MS. BODMAN: Offer into evidence State's Exhibit 24.

MS. ALVES: No objection.

(State's Exhibit No. 24, photographs, A-F, received into evidence.)

BY MS. BODMAN:

Q. And these were the clothes that he was wearing when he got out of that car and when you interviewed him that night?

A. Yes.

Q. Detective Royster, kidnapping and criminal sexual conduct in the first degree, those are both violent crimes?

A. Yes.

MS. BODMAN: No further questions at this time.

THE COURT: All right. All right.

Ladies and gentlemen, we'll take our lunch break at this time. Let's see.

I'm going to ask you to be back in the jury box at 2:30. That will give you about 45 minutes. Let's make it 2:15. Okay. If anybody wants to take a walk, I don't know if we have any smokers. If you'll just let the bailiff know.