

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Fairfield County

Honorable DeAndrea G. Benjamin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LATROY D. SAMPSON,

APPELLANT

APPELLATE CASE NO 2016-001676

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
COUNTY OF FAIRFIELD) 2015-GS-20-00291

State of South Carolina,)
)
 Plaintiff,)
)
 vs.) TRANSCRIPT OF RECORD
)
 Latroy Sampson,)
)
 Defendant.)

August 8-10, 2016
Winnsboro, South Carolina

B E F O R E:

THE HONORABLE DEANDREA G. BENJAMIN, JUDGE; and a jury.

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Official Court Reporter

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AUGUST 8, 2016

THE COURT: Good morning, you may be seated.

All right. Good morning, ladies and gentlemen of the jury. My name is DeAndrea Benjamin, and I am a resident judge, circuit court judge, in Richland County just right next-door. And I have been assigned to a week of General Sessions Court here in Fairfield County. It is always a pleasure to come to Fairfield County. And I will be here with you all this week.

Just a couple of introductions. And I think your clerk probably already made the intro --

Did she make the introductions?

THE CLERK: I did not.

THE COURT: All right. And to my right is my law clerk, Ms. Jasmine Wyman, who is my right hand I think for only another five days. She will be going out into the big, bad world of practicing law and leaving at the end of the week.

Right here is the court reporter -- this is a court of record -- my court reporter, Debbie McCurdy, and she is taking down everything that we say. So I will ask you to speak loud and clear so that she is able to have an accurate record of what you say and what your responses may be as we

1 continue on this morning.

2 All right. And of course you have met your
3 Clerk of Court.

4 I guess you are officially --

5 THE CLERK: Not until January.

6 THE COURT: Not until January, but your Clerk
7 of Court-elect.

8 And then I will do introductions as to the
9 attorneys after we do jury qualifications.

10 We have -- of course, Ms. Betty Jo Beckham is
11 your Clerk of Court, but your Clerk of Court-elect
12 is Ms. Judy Bonds, who you have already met.

13 The deputy sheriffs, Mr. Gadsden,
14 Mr. Swearingen -- oh, they have got you in the back
15 today. Are you doing all right today?

16 THE DEPUTY: Doing fine.

17 THE COURT: And Mr. Douglas. Oh, he's in the
18 back.

19 All right. And our bailiffs, Ms. Durham --
20 there she is -- and Mr. Lathan. There he is.

21 All right. We have -- from the Solicitor's
22 Office, we have your Solicitor for this circuit,
23 Mr. Randy Newman. I'll have him stand up.

24 (Stands.)

25 THE COURT: He is all over the place. I see

1 him in Lancaster and Chester, and now here today in
2 Winnsboro. He is your Solicitor here in this
3 circuit.

4 Next, we have Mr. Maxwell, Mr. Riley Maxwell.
5 (Stands.)

6 THE COURT: And I don't think Sandra is in
7 here. Ms. Sandra Sutton.

8 THE COURT: Oh, there she is.
9 (Ms. Sutton stands.)

10 THE COURT: And Mr. Hunter.
11 (Mr. Hunter stands.)

12 THE COURT: I think he works in Lancaster
13 County primarily? Are you here, too?

14 MR. HUNTER: Lancaster and Fairfield.

15 THE COURT: Lancaster and Fairfield County.
16 All right.

17 (All are seated.)

18 THE COURT: And from the Sheriff's Office,
19 anyone else here from the Sheriff's Office? The
20 sheriff is not here.

21 And then you have Keith Lewis, who is the
22 investigator for the Solicitor's Office here today.

23 From the Public Defender's Office, we have
24 Mr. Mike Lifsey, who is the Circuit Public
25 Defender. And also we have Mr. William Frick, who

1 is here in Fairfield County. And Ms. Kay Boulware.
2 And Mr. Fitzsimmons is in the back. I actually had
3 his brother on a jury in Richland County a couple
4 of months back.

5 I think I covered everyone else. If not,
6 we'll make further introductions a little bit
7 later, but that is who we have here today. We
8 are -- the bailiffs are here to assist you. The
9 clerk's staff will be here to assist you. If there
10 is anything that you need, they will be more than
11 happy to help you with anything it is that you
12 have, I guess, a reasonable request.

13 Right now there is a series of questions that
14 I need to ask of you to determine if you qualify to
15 serve on a jury panel here this week.

16 If you answer any of the questions in the
17 affirmative or if you say yes, then I'll ask you to
18 stand up, state your name, and your juror number if
19 you know it. If you do not know it, just give us
20 your name and we'll find the number for you.

21 Also, there is a couple of questions in here
22 that you may not want to answer in front of the
23 entire panel. I will give you an opportunity at
24 the end to come up and speak with me privately if
25 there is something you just do not feel comfortable

1 answering in front of the entire panel.

2 I will go ahead and tell you, I know that this
3 is a sacrifice for you all to be here. We
4 appreciate you being here. We will try to
5 accommodate your schedule as best as possible.
6 Knowing that it is a sacrifice, we will try to work
7 around your schedules as best as possible. When we
8 do not need you here in the courthouse, we will
9 allow you to go home. There is a call-in system
10 where you can call in to see if you are to return.
11 So we will do our best to make it as convenient as
12 possible, your service here this week.

13 All right. So the first question is, is there
14 any member of the jury panel -- they have been
15 sworn; right? Is there any member of the jury
16 panel not a resident and citizen of Fairfield
17 County, South Carolina? If so, please stand.

18 (WHEREUPON, there was no response.)

19 THE COURT: Is there any member of the panel
20 who is not a citizen of the United States? If so,
21 please stand.

22 (WHEREUPON, there was no response.)

23 THE COURT: Is there any member of the jury
24 panel unable to read, write, speak, or understand
25 the English language? If so, please stand. They

1 give us these questions from Court Administration
2 and when I read this one all the time, I say, Well,
3 if you can't understand the English language, they
4 probably can't understand what I'm saying. So if
5 you can look to your right and your left and see if
6 there is anyone who appears not to understand what
7 is going on and tap them on the shoulder, I would
8 appreciate that.

9 (WHEREUPON, there was no response.)

10 THE COURT: All right. Does any member of the
11 jury panel have less than a sixth grade education
12 or its equivalent? If so, please stand.

13 (WHEREUPON, there was no response.)

14 THE COURT: Is any member of the jury panel
15 unable, because of mental or physical infirmities,
16 unable to render efficient jury service? For
17 example, does any member of the jury panel have any
18 medical condition that would prevent you from
19 serving on the jury this week?

20 And I'll go ahead and tell you that court
21 normally runs -- we'll probably run court from
22 maybe 9:00, 9:30 until maybe 6:00 o'clock or so.
23 If it's going to be a late night, I will let you
24 know earlier so you can make arrangements. We take
25 breaks every hour to hour and a half. We will take

1 a lunch break. The bailiffs have snacks if anyone
2 has any issues where they have to have something to
3 eat. So we will, as I said, accommodate you as
4 best as possible.

5 But if there is anyone who does not believe
6 that they can serve on jury duty because of mental
7 or physical infirmities, I will ask you to stand up
8 at this time, or this is one of those questions
9 where you might want to speak with me privately and
10 I will give you an opportunity to do that at the
11 end.

12 Yes, ma'am?

13 POTENTIAL JUROR: My name is Melanie Pearson.
14 And I am Number 115. I was diagnosed with multiple
15 sclerosis, and sitting causes a lot of stress on my
16 back, stiffness. And also judgment and focus are
17 issues.

18 THE COURT: All right. Do you have a note
19 from your doctor?

20 POTENTIAL JUROR: I do not.

21 THE COURT: Can you get a note from your
22 doctor saying that you can't serve?

23 POTENTIAL JUROR: Yes, I sure can.

24 THE COURT: Okay. Usually I require people to
25 get me a note from the doctor saying that they

1 cannot serve on jury duty. Do you think you can
2 get that today or --

3 POTENTIAL JUROR: I can try.

4 THE COURT: Okay. When we take a break, see
5 if you can get that note. And then if you can,
6 I'll excuse you, okay?

7 POTENTIAL JUROR: Thank you.

8 THE COURT: All right, thank you.

9 Anyone else?

10 (WHEREUPON, there was no response.)

11 THE COURT: All right. The next question, is
12 there any member of the jury panel who has been
13 convicted by guilty plea or trial in a state or
14 federal court of record of a crime punishable by
15 imprisonment for more than one year and your civil
16 rights have not been restored by pardon or amnesty?

17 Punishable by more than one year means that
18 you could have received a sentence of more than one
19 year, regardless of what sentence you actually may
20 have received.

21 So, for example, if you were convicted of a
22 crime and it carried five years but you ended up
23 getting -- you didn't go to jail for five years,
24 you ended up getting probation, that would still
25 disqualify you because the actual crime carries

1 more than one year.

2 Is there anyone who has been convicted by
3 guilty plea or trial in a state or federal court of
4 record of a crime punishable by imprisonment for
5 more than one year? If so, please stand. This is
6 another one of those questions that if you do not
7 wish to answer it in front of the entire panel, I
8 will see you at the end.

9 (WHEREUPON, there was no response.)

10 THE COURT: All right. The next question, is
11 there any member of the jury panel a clerk or
12 deputy clerk of court, constable, sheriff or other
13 commissioned law enforcement officer, probate
14 judge, county commissioner, magistrate, or other
15 county officer, or employed within the walls of any
16 courthouse? If so, please stand.

17 (WHEREUPON, there was no response.)

18 THE COURT: Is there any member of the jury
19 panel who has previously served on jury duty in
20 circuit court? Not magistrate's court, city court,
21 or federal court, but in circuit court? Is there
22 any member of the jury panel who has previously
23 served on jury duty in circuit court? If so,
24 please stand.

25 POTENTIAL JUROR: Would that be here? Serving

1 here?

2 THE COURT: In this courtroom, yes, ma'am.

3 POTENTIAL JUROR: Yes.

4 THE COURT: Do you remember when you served?

5 POTENTIAL JUROR: It was a long time ago.

6 THE COURT: Okay. So that -- you'll be fine.

7 If you served within -- and I should have said if
8 you served in the last year, last calendar year.

9 Is there any member of the jury panel who has
10 served on the Fairfield County Grand Jury during
11 the last several years? If so, please stand.
12 That's the Grand Jury.

13 (WHEREUPON, there was no response.)

14 THE COURT: All right, ladies and gentlemen of
15 the jury, that is our list of qualifications. The
16 next set of questions are exemptions. It means
17 that you are qualified to serve. It simply means
18 that you have the right to say, I choose not to
19 serve if I do not wish to serve. For those of
20 you -- and some of the exemptions allow for being
21 transferred to another term.

22 So the first exemption is for those of you who
23 are 65 years of age or older, you may be exempt
24 from jury service. Those of you who are 65 years
25 of age or older represent a pool of tremendous

1 talent for jury service and we urge you to serve
2 this week if you're inclined to do so. But once
3 you are 65 years of age or older, you have the
4 right to say, I choose not to serve on a jury.

5 Is there any member of the jury panel who is
6 65 years of age or older who does not wish to
7 serve?

8 (WHEREUPON, there was no response.)

9 THE COURT: All right. The next exemption
10 concerns prior jury service. No person is required
11 to serve as a juror more often than once every
12 three calendar years. Therefore, if any member of
13 the jury panel has served on jury duty during the
14 last two-calendar years, you may be exempt from
15 jury service this week if you choose to be exempt.
16 Please note this exemption does not apply to
17 magistrate's court, city court or federal court.
18 It only applies to this court.

19 Is there any member of the jury panel who has
20 served on a jury -- or served jury duty in this
21 courtroom within the last three years? So that
22 would cover, what is this '16, '15 and '14 -- 2016,
23 '15 and '14.

24 (WHEREUPON, there was no response.)

25 THE COURT: All right. Is there any member of

1 the jury panel who has served as a Grand Juror in
2 the last five calendar years and you wish to be
3 exempt? If so, please stand.

4 (WHEREUPON, there was no response.)

5 THE COURT: All right, the next exemption
6 deals with those of you who have small children.
7 Please listen very carefully to this exemption. It
8 has several parts, all of which must apply for you
9 to be exempted on this basis.

10 You may be exempted from jury service if you
11 have a small child or small children under the age
12 of seven, you have legal custody of your child or
13 children, you have the principal care, custody and
14 control of your child or children, and you are
15 unable to make arrangements for the adequate care
16 of your child or children while performing jury
17 duty.

18 In other words, if you have a child under the
19 age of seven and you stay at home and the child
20 stays home with you, you do not work, and you do
21 not have -- and that child is your child -- it
22 cannot be a grandchild or a niece, it has to be
23 someone you have custody of -- this exemption would
24 apply to you. If you have a child under the age of
25 seven and you go to work, the child goes to school,

1 daycare, this exemption does not apply to you. Is
2 there anyone who wishes to exercise this exemption?

3 (WHEREUPON, there was no response.)

4 THE COURT: All right. The next exemption
5 involves those of you who may be attending school
6 at this time or working in some capacity with the
7 school. If this exemption applies to you and you
8 wish to be exempt, we will transfer you to another
9 term of court at which time will not conflict with
10 your school responsibilities.

11 Is there any member of the jury panel who is a
12 full-time student, a school teacher, school
13 crossing guard, school bus driver, who serves in
14 any other school-related function who is unable to
15 serve on jury duty this week as a result of that
16 school involvement, please stand and we will
17 transfer you to another term of court.

18 (WHEREUPON, there was no response.)

19 THE COURT: All right. Is there any member of
20 the jury panel who is employed with the Department
21 of Corrections at a penitentiary? Meaning, you
22 would have to work inside the walls of a jail.
23 That could be the Fairfield County Detention Center
24 or one of the facilities through the Department of
25 Corrections.

1 POTENTIAL JUROR: John Belton, Number 8.

2 THE COURT: All right. And where do you work,
3 sir?

4 POTENTIAL JUROR: Department of Juvenile
5 Justice.

6 THE COURT: All right. And, sir, you work --
7 are you a corrections officer?

8 POTENTIAL JUROR: Yes, ma'am.

9 THE COURT: Okay. So you work behind the
10 wall? All right. I believe that will exempt you
11 from serving this week if you wish to be exempt.
12 If not, you can stay.

13 POTENTIAL JUROR: I don't want to stay.

14 THE COURT: You are out? What is your number,
15 sir?

16 POTENTIAL JUROR: Number 8.

17 THE COURT: All right, thank you.

18 (Juror Number 8 exempt from jury service.)

19 THE COURT: All right. Is there any member of
20 the jury panel who performs services for a
21 business, commercial, or agricultural enterprise,
22 which is so essential to the operation of the
23 enterprise that if you were required to perform
24 jury duty, the enterprise would have to stop --
25 close or stop functioning? If so, please stand.

1 (WHEREUPON, there was no response.)

2 THE COURT: All right. Is there any member of
3 the jury panel who is a primary caretaker of a
4 severely disabled person or the primary caretaker
5 of a person over the age of 65 who cannot take care
6 of themselves and cannot be left unattended? If so,
7 please stand. And this is the same type exemption
8 when we talked about the child care exemption. It
9 would have to be someone you take care of daily,
10 you don't work, and you cannot make other
11 arrangements. If so, please stand.

12 (WHEREUPON, there was no response.)

13 THE COURT: All right. Ladies and gentlemen
14 of the jury, that concludes the statutory list of
15 qualifications and exemptions for jury service. It
16 may be that you are qualified and no exemptions
17 apply to you, but jury service this week would
18 constitute an extreme hardship for you for a
19 particular reason.

20 I cannot permanently excuse a qualified juror
21 from jury service, but under extreme and compelling
22 circumstances, I may excuse a juror from a term of
23 court and transfer you to another term of court,
24 particularly jurors who have not been transferred
25 before. If you have been transferred before, I am

1 not inclined to transfer you again.

2 Please understand, as I stated earlier, we all
3 understand that this is inconvenient for everyone
4 here. That general inconvenience is not a
5 sufficient reason to transfer you to another term
6 of court. To justify a transfer to another term of
7 court, service this week must constitute an extreme
8 hardship to you. Is there any member of the jury
9 panel who would like to be transferred to another
10 term of court? If so, I'll ask you to form a line.

11 Where do you want them to stand?

12 And for those of you who have -- would like to
13 speak with me privately, I'll be glad to do that at
14 this time.

15 All right, Mr. Lathan, where do you want them
16 to stand? All right.

17 If you would, come down by the court reporter.
18 (Juror approaches.)

19 THE COURT: Yes, sir, Juror Number 53.

20 (WHEREUPON, the following takes place
21 outside the hearing of the jury panel.)

22 THE COURT: Yes, sir?

23 POTENTIAL JUROR: I just got out of the
24 military not too long ago. And after 23 years, I
25 have a little bit of PTSD, and I don't like being

1 surrounded by people.

2 THE COURT: Do you have a doctor's excuse?

3 POTENTIAL JUROR: I don't really have a
4 doctor's excuse. I've got Ativan, prescription for
5 Ativan, and stuff like that. But, like, if I've
6 got people to my rear, or something like that, I
7 start getting nervous. My anxiety starts kicking
8 in.

9 THE COURT: Well, I'll excuse you. What's
10 your number?

11 POTENTIAL JUROR: Fifty-three.

12 THE COURT: Okay. All right. Juror Number 53
13 will be excused.

14 All right, thank you.

15 (Juror Number 53 excused by the Court.)

16 THE BAILIFF: 147.

17 (WHEREUPON, the following takes place
18 outside the hearing of the jury panel.)

19 THE COURT: 147. Yes, ma'am?

20 POTENTIAL JUROR: My son is on deployment.
21 And I have his -- I have my grandkids this week.
22 So if I could be transferred to another week, that
23 would be great.

24 THE COURT: Is there anyone else that can keep
25 them?

1 POTENTIAL JUROR: They are three and five. I
2 have a three-year-old and a five-year-old.

3 THE COURT: So no one else can keep them?

4 POTENTIAL JUROR: No. They are from -- they
5 are out of town really. And I didn't know they
6 were going to be here this week, but they are here.

7 THE COURT: Okay. All right. I can transfer
8 you. I'll have the clerk let you pick -- she is
9 going to let you pick a week.

10 POTENTIAL JUROR: That's fine.

11 THE COURT: What is your number?

12 POTENTIAL JUROR: 147.

13 THE COURT: 147. All right.

14 (Juror Number 147 transferred.)

15 THE COURT: Juror Number 147 will be
16 transferred.

17 THE BAILIFF: 131.

18 (WHEREUPON, the following takes place
19 outside the hearing of the jury panel.)

20 THE COURT: Yes, ma'am?

21 POTENTIAL JUROR: I'm self-employed, and I'm a
22 single parent.

23 THE COURT: All right. What do you do?

24 POTENTIAL JUROR: Hairstylist. And my son
25 goes off to school on Wednesday, college.

1 THE COURT: He's going to college on
2 Wednesday?

3 POTENTIAL JUROR: Uh-huh.

4 THE COURT: Okay. All I can do is transfer
5 you to another week, so that's not going to help
6 you with the self-employment, but that's the best I
7 can do is transfer you to another week.

8 POTENTIAL JUROR: You don't know?

9 THE COURT: No, she'll let you pick the week.
10 It is between now and December, though. So you can
11 either stay this week or I can transfer you to
12 another one.

13 POTENTIAL JUROR: I'll just stay.

14 THE COURT: You're going to stay? Do you have
15 to take him to school?

16 POTENTIAL JUROR: I'll have to work around it.

17 THE COURT: Where is he going to school?

18 POTENTIAL JUROR: Newberry. Newberry College.

19 THE COURT: All right. Well, stick around.

20 You might get chosen, you might not.

21 (Juror Number 131 will stay.)

22 THE BAILIFF: 115.

23 (WHEREUPON, the following takes place
24 outside the hearing of the jury panel.)

25 POTENTIAL JUROR: In addition to me talking to

1 you earlier, I have a doctor's appointment
2 Wednesday with the orthopedics. I've been falling
3 a lot, so. And it's with a specialist doctor, it
4 takes a long time to get another appointment.

5 THE COURT: Well, you're going to get me a
6 doctor's excuse, right?

7 POTENTIAL JUROR: I'll try real hard.

8 THE COURT: I'll go ahead and release you, but
9 you just need to get her a doctor's excuse back.
10 If not, you're going to show back up on a docket in
11 another couple of -- you're going to get another
12 notice.

13 POTENTIAL JUROR: So if I can't get it today,
14 I will try to get it soon as I can.

15 THE COURT: Just get it to Ms. Bonds by the
16 end of the week.

17 POTENTIAL JUROR: Okay. I sure will. Thank
18 you so much.

19 THE COURT: What's your number?

20 POTENTIAL JUROR: 115.

21 (Juror Number 115 excused.)

22 THE COURT: Juror Number 115 is excused.

23 THE BAILIFF: 20.

24 (WHEREUPON, the following takes place
25 outside the hearing of the jury panel.)

1 THE COURT: Hey. How are you?

2 POTENTIAL JUROR: All right. I didn't finish
3 high school, so I can't read too well.

4 THE COURT REPORTER: I'm sorry, I couldn't
5 hear you.

6 POTENTIAL JUROR: I didn't finish high school,
7 so I can't read too well.

8 THE COURT: All right. But you understood
9 everything that was going on in here today?

10 POTENTIAL JUROR: Yes, ma'am.

11 THE COURT: Do you work?

12 POTENTIAL JUROR: Yes, ma'am.

13 THE COURT: Where do you work?

14 POTENTIAL JUROR: PruittHealth, Blythewood.

15 THE COURT: Okay. I think you'll be fine.
16 You'll be fine.

17 POTENTIAL JUROR: But I got something this
18 week. I got school, little kids.

19 THE COURT: I know, me too. We are just going
20 to have to work around it. But hopefully it won't
21 be a super long week. But I'm going to get you to
22 stay, okay?

23 POTENTIAL JUROR: Okay.

24 THE COURT: I know. I know it is a bad week.
25 Y'all start school, what, Friday?

1 POTENTIAL JUROR: No, my kids.

2 THE COURT: Monday? Next Monday?

3 POTENTIAL JUROR: Monday coming.

4 THE COURT: Yeah, I know. I've got the same
5 issue.

6 THE COURT REPORTER: What was your number?
7 I'm sorry?

8 POTENTIAL JUROR: Twenty.

9 THE COURT: You won't really have to read
10 anything. They may have some pictures or
11 something, that's about it.

12 POTENTIAL JUROR: Okay.

13 THE COURT: All right. Thank you. I'm going
14 to get you to stay.

15 (Juror Number 20 will stay.)

16 THE BAILIFF: 107.

17 (WHEREUPON, the following takes place
18 outside the hearing of the jury panel.)

19 THE COURT: Hey.

20 POTENTIAL JUROR: How you doing? I'm power of
21 attorney for my mother. She's 92.

22 THE COURT: You are what now?

23 POTENTIAL JUROR: I'm power of attorney for my
24 mother. She's 92. And I got an appointment for
25 Wednesday at 10:00 to take care of some legal

1 matters.

2 THE COURT: Okay. Is there any way you can
3 move that appointment?

4 POTENTIAL JUROR: I'd rather not, because it's
5 something that they got a statute of limitations
6 on, I'm not sure what it is. I really don't want
7 to put it off.

8 THE COURT: Well, I'm going to let you stay,
9 and if for some reason you get picked, we'll try --
10 who are you meeting with?

11 POTENTIAL JUROR: A lawyer.

12 THE COURT: Okay. See if they can -- just
13 tell them you're on -- they understand jury duty,
14 so just tell them you're on jury duty and see if
15 you can come in in the afternoon, or something like
16 that, okay?

17 POTENTIAL JUROR: Okay.

18 THE COURT: Okay, thank you.

19 (Juror Number 107 will stay.)

20 THE BAILIFF: 79.

21 (WHEREUPON, the following takes place
22 outside the hearing of the jury panel.)

23 THE COURT: 79. Hey.

24 POTENTIAL JUROR: I didn't say anything
25 because I can't get any documentation, but I am a

1 full-time student at USC.

2 THE COURT: When do you start school?

3 POTENTIAL JUROR: Next week.

4 THE COURT: All right. Well, then we're going
5 to keep you here this week. Y'all don't start
6 until, what, the 18th?

7 POTENTIAL JUROR: I'm moving in, like, Sunday.

8 THE COURT: Sunday. I know.

9 POTENTIAL JUROR: Okay.

10 THE COURT: I've got that going on too, my
11 nephew.

12 (Juror Number 79 will stay.)

13 THE BAILIFF: 46.

14 (WHEREUPON, the following takes place
15 outside the hearing of the jury panel.)

16 THE COURT: Yes, sir?

17 POTENTIAL JUROR: Yes, Your Honor. I have a
18 hernia, which I have a consult for some surgery
19 scheduled this Friday. I can do whatever the Court
20 decides, but I did want to make you aware of it.

21 THE COURT: You have surgery on Friday?

22 POTENTIAL JUROR: I have a consult with a
23 surgeon scheduled for Friday, my first consult. I
24 can do whatever the Court decides, but I wanted to
25 make you aware of that.

1 THE COURT: Well, hopefully, we'll be done.
2 What time is your appointment Friday?

3 POTENTIAL JUROR: My appointment is, I think,
4 at 9:30.

5 THE COURT: Okay. Okay. Well, I'm glad you
6 told me, but we'll have you hang around.

7 POTENTIAL JUROR: I just wanted to make the
8 Court aware of that.

9 THE COURT: Yeah, that's great.
10 All right, thank you.

11 (Juror 46 will stay.)

12 THE COURT: All right. I will ask the
13 Solicitor to call his first case.

14 MR. MAXWELL: Your Honor, the State calls
15 State v. Latroy Sampson, indictment for murder,
16 2015-GS-20-291.

17 THE COURT: All right. Thank you.

18 Ladies and gentlemen of the jury, the State
19 has called their first case on the docket this
20 week, and we are about to begin the trial in the
21 case of the State of South Carolina against Latroy
22 D. Sampson.

23 Before we select the jury, there are several
24 questions which I will ask of you. Remember that
25 you are under the oath that the clerk gave you

1 earlier this morning. And if you are unsure of any
2 of the questions or if you are unsure -- there's a
3 lists of witnesses. If you know the witnesses, I'm
4 going to ask you to stand up. If you're unsure of
5 anything, stand up anyway. Always remember that if
6 there is some question that I ask that you do not
7 wish to answer in front of the entire panel, I will
8 give you an opportunity at the end to speak with me
9 privately if you do not wish to answer a question
10 in front of the entire panel.

11 All right. Ladies and gentlemen of the jury,
12 I have in my hand an indictment, 2015-GS-20-291.
13 And this is an indictment, as the Solicitor stated,
14 the State of South Carolina v. Latroy D. Sampson.
15 This is an indictment for the criminal charge of
16 murder.

17 The indictment reads that: Latroy D. Sampson
18 did, in Fairfield County, on or about July 4th,
19 2014, feloniously, willfully, and of his malice
20 aforethought kill and murder Jennifer Stone by
21 strangulation, and the victim did die as a
22 proximate cause then and thereof July 4th, 2014, in
23 violation of the common law of South Carolina,
24 Section 16-3-10, Code of Laws of South Carolina.

25 Ladies and gentlemen of the jury, I'll go

1 ahead and tell you that what I've just read you are
2 allegations in the indictment. The indictment that
3 I hold in my hand is merely a charge that brings
4 the Defendant before the court. The Defendant in
5 this case is innocent until proven guilty by a jury
6 of 12. And so I do not want you all to take that
7 the allegations are -- or the allegations in the
8 indictments are any -- that they are -- the Court
9 acknowledging any guilt on the part of Latroy D.
10 Sampson. Whether or not the Defendant is found
11 guilty or not guilty is for you all to determine.
12 And the State has to prove that beyond a reasonable
13 doubt here this week.

14 Once again, as I stated, there is a series of
15 questions that you all will need to answer -- that
16 I will need to ask of you. If you answer any of
17 these questions, again, in the affirmative, if your
18 answer is yes, I'll ask that you please stand,
19 state your juror number, as you did earlier.

20 All right. I will have at this time the
21 Defendant, Mr. Latroy D. Sampson, stand, sir.

22 (WHEREUPON, the Defendant stands.)

23 THE COURT: Thank you. You may be seated.

24 (WHEREUPON, the Defendant is seated.)

25 THE COURT: Is there any member of the jury

1 panel who is related by blood or marriage to the
2 Defendant, Latroy D. Sampson, or the victim in this
3 case, whose name is Jennifer Stone? If so, please
4 stand.

5 (WHEREUPON, there was no response.)

6 THE COURT: Does any member of the jury panel
7 have a close personal, social, or business
8 relationship with any -- with the Defendant in this
9 case, Mr. Sampson, or the victim in this case,
10 Jennifer Stone? If so, please stand.

11 (WHEREUPON, there was no response.)

12 THE COURT: All right. Ladies and gentlemen
13 of the jury, the following is a list of possible
14 witnesses in this case. Listen closely. If you
15 have any questions regarding any of the names, I'll
16 ask that you stand up, and if you need to ask me a
17 question to familiarize yourself as to whether or
18 not this is the person you know or may know or may
19 not know, I'll ask that you stand.

20 If any of the witnesses are in the courtroom,
21 I'll ask that they stand so that you will be able
22 to take a look at them and see if you know any of
23 the witnesses.

24 All right. So, from the Winnsboro Department
25 of Public Safety: Mike Carrell.

1 (Mr. Carrell stands.)

2 THE COURT: Thank you.

3 (Mr. Carrell seated.)

4 THE COURT: John Seibles.

5 (Mr. Seibles stands.)

6 THE COURT: Thank you.

7 (Mr. Seibles seated.)

8 THE COURT: John Durham, Adam Evans, Pete
9 Jackson, Mike Peach, William Gonzalez, David
10 Ferguson, Melinda Martin, Angie Ingram, Freddie
11 Lorick.

12 Fairfield County EMS would be Brian Drawdy,
13 Ahmed Lake.

14 From the Fairfield County Sheriff's Office:
15 Darrell Young, Eric White, Larry Watkins, Oren
16 Gadson.

17 From the Fairfield County Coroner's Office:
18 Barkley Ramsey, Crystal Baughman.

19 Dr. Janice Ross.

20 From the South Carolina Law Enforcement
21 Division: Patrick Oliphant, Carmen Tucker, Donna
22 Money, Courtney Thompson, Theresa Hines.

23 Pamela Peay, Quinten Adams, Joseph Sampson,
24 Matthew Stone.

25 (Mr. Stone stands.)

1 THE COURT: Thank you. You may be seated.

2 (Mr. Stone seated.)

3 THE COURT: Alonzo Gaston, or "Bo Dilly" is a
4 nickname, David Lee Davis, Sheon Simmons -- it is
5 spelled S-H-E-O-N Simmons -- Janice "Missy"
6 Sampson, Monique Trapp, Mamie Trapp, Sharon Trapp,
7 Albert Simmons, also known as "Tone," Marcus
8 Douglas, Angela McDaniel.

9 And Shamieka Sims.

10 Is there any member of the jury panel who is
11 related by blood or marriage to any of the people I
12 just listed, or if you have a close personal,
13 social, or business relationship with these people,
14 any of these people, please stand.

15 All right, give me one second. What is your
16 number?

17 POTENTIAL JUROR: 50.

18 THE COURT: All right. Yes, ma'am?

19 POTENTIAL JUROR: Angie Ingram is my
20 daughter-in-law's sister. I don't know if that
21 counts or not.

22 THE COURT: And she works for -- where was
23 she -- for the DPS?

24 THE CLERK: Yes, ma'am.

25 THE COURT: Ma'am, she may be a potential

1 witness in this case. Would that affect your
2 ability to be fair and impartial in this trial?

3 POTENTIAL JUROR: Well, we're really close, so
4 I don't know.

5 THE COURT: Okay. And the answer is yes or
6 no. So there is no right answer or wrong answer, I
7 just need a yes or no.

8 POTENTIAL JUROR: Yes, because I already
9 talked to her last week.

10 THE COURT: Okay. All right. Thank you.

11 No, you can have a seat. Yes, you don't get
12 to leave. Just have a seat for me.

13 Yes, ma'am?

14 POTENTIAL JUROR: Bo Dilly is my husband's
15 uncle.

16 THE COURT: What's your number?

17 POTENTIAL JUROR: 20.

18 THE COURT: And who is that?

19 THE COURT REPORTER: I didn't hear what she
20 said.

21 POTENTIAL JUROR: Bo Dilly is my husband's
22 uncle.

23 THE COURT: Bo Dilly, okay, is your husband's
24 uncle?

25 POTENTIAL JUROR: Uh-huh.

1 THE COURT: All right. There is a chance that
2 he may be called as a witness in this case. Would
3 that affect your ability to be fair and impartial
4 in this trial?

5 POTENTIAL JUROR: No.

6 THE COURT: You said no? Okay. Thank you.

7 All right. Yes, ma'am, in the back?

8 POTENTIAL JUROR: Pete Jackson is my father.

9 THE COURT: What's your number?

10 POTENTIAL JUROR: Number 71.

11 THE COURT: And who is your father?

12 POTENTIAL JUROR: Pete Jackson.

13 THE COURT: All right, with the Winnsboro --

14 POTENTIAL JUROR: Public Safety.

15 THE COURT: And the fact that your dad may be
16 a witness in this case, would that affect your
17 ability to be fair and impartial in this trial?

18 POTENTIAL JUROR: No.

19 THE COURT: All right, thank you.

20 Anyone else?

21 (WHEREUPON, there was no response.)

22 THE COURT: All right. Ladies and gentlemen
23 of the jury, I introduced you to the Solicitors and
24 the Public Defenders earlier, but I will introduce
25 you again.

1 Once again, we have Solicitor Randy Newman. I
2 think he had to step out and go to another
3 courtroom. Handling this case today is
4 Mr. Riley -- Assistant Solicitor or Deputy
5 Solicitor Riley Maxwell and Assistant Solicitor
6 Hunter. Also at the table is Keith Lewis, an
7 investigator with the Solicitor's Office. And in
8 the courtroom, I introduced earlier, Ms. Sandra
9 Sutton, who was in here earlier, who also is a
10 Solicitor. I don't believe she's working on this
11 case, but she is a Solicitor in this circuit.

12 Is there any member of the jury panel who has
13 ever been represented by any of the attorneys
14 involved in this case or anyone -- or have you had
15 any dealings with any of the Solicitors that I just
16 named or anyone in their office?

17 Yes, ma'am?

18 POTENTIAL JUROR: Juror 15.

19 THE COURT: What's your number, ma'am?

20 THE COURT REPORTER: I can't hear her.

21 POTENTIAL JUROR: 15. I know Keith Lewis.

22 THE COURT: 15. You know Keith Lewis?

23 POTENTIAL JUROR: Yes, ma'am.

24 THE COURT: Ma'am, would that affect your
25 ability to be fair and impartial in this trial?

1 POTENTIAL JUROR: No.

2 THE COURT: You said no?

3 POTENTIAL JUROR: No.

4 THE COURT: All right, thank you.

5 All right. And as I told you earlier, the
6 Public Defender's Office is --

7 THE CLERK: There is another hand raised.

8 THE COURT: Oh, I'm sorry. Yes, ma'am?

9 POTENTIAL JUROR: Sharon Kennedy.

10 THE COURT: We can't hear you.

11 POTENTIAL JUROR: I'm Sharon Kennedy. And I
12 also know Keith Lewis and a lot of the other police
13 officers here. My husband, he is a former county
14 cop here, police officer here, and municipal court
15 judge. And I probably wouldn't be fair.

16 THE COURT: All right. You said you don't
17 think -- you don't think you could be fair and
18 impartial?

19 POTENTIAL JUROR: I mean, I'll be fair, but,
20 you know --

21 THE COURT: You don't know if you could be
22 impartial?

23 POTENTIAL JUROR: Right.

24 THE COURT: All right. What is your juror
25 number?

1 POTENTIAL JUROR: 82.

2 THE COURT: All right, thank you.

3 All right. Representing Mr. Sampson is
4 Mr. William Frick. I introduced you to Mr. Lifsey
5 earlier from his office. He is right there. And
6 there is Mr. Fitzsimmons. And also Ms. Boulware.

7 All right. Is there any member of the jury
8 panel who has ever been represented by any of the
9 attorneys representing Mr. Sampson? If so, please
10 stand.

11 (WHEREUPON, there was no response.)

12 THE COURT: Is there anyone who has a close
13 personal or social relationship or related by blood
14 or marriage to any of the attorneys involved in
15 these -- any of the attorneys that I've named today
16 or anyone in their law firms? If so, please stand.
17 If you are related by blood or marriage, or if you
18 have a close personal, business, or social
19 relationship with any of the attorneys or anyone in
20 their office, please stand.

21 (WHEREUPON, there was no response.)

22 THE COURT: Has any member of the jury panel
23 formed or expressed an opinion about any issue or
24 matter involved in this case? If so, please stand.

25 (WHEREUPON, there was no response.)

1 THE COURT: Is any member of the jury panel
2 aware of any bias or prejudice towards either the
3 State or the Defendant in this case? If so, please
4 stand.

5 (WHEREUPON, there was no response.)

6 THE COURT: Was any member of the jury panel a
7 member of the Grand Jury which issued the
8 indictment in this case? If so, please stand.

9 (WHEREUPON, there was no response.)

10 THE COURT: Is there any member of the jury
11 panel who is a member of or contributor to any
12 group which its primary concern with the promotion
13 of law enforcement or victim's rights? This would
14 include, but are certainly not limited to: MADD,
15 SADD, CAVE -- Citizens Against Violent Crime. And
16 MADD is, if you don't know, it is Mothers Against
17 Drunk Driving. Students Against Drunk Driving is
18 SADD. Any victim's rights groups? If anyone is
19 involved with any of those groups, please stand, or
20 contributes to them.

21 And, likewise, is there any member of the jury
22 panel who is a member of or contributor to any
23 prisoner's rights groups, such as The Innocence
24 Project? If so, please stand.

25 (WHEREUPON, there was no response.)

1 THE COURT: Has any member of the jury panel
2 ever received services from a victim's advocate
3 program, such as the Palmetto Citizens Against
4 Sexual Assault, Sister Care, or the State Office of
5 Victim Assistance? If so, please stand.

6 (WHEREUPON, there was no response.)

7 THE COURT: Has any member of the jury panel
8 or your family been the victim of a crime? If so,
9 please stand. If you or your family members have
10 been the victim of a crime? If so, please stand.

11 All right. Let's start with you. Yes, ma'am?

12 POTENTIAL JUROR: Are you talking about like a
13 break-in?

14 THE COURT: Yeah, of a crime.

15 POTENTIAL JUROR: Yes, I have.

16 THE COURT: What's your number?

17 POTENTIAL JUROR: 15.

18 THE COURT: Yes, ma'am? You are a victim of a

19 --

20 POTENTIAL JUROR: A break-in, yes.

21 THE COURT: All right. Would that affect your
22 ability to be fair and impartial in this trial?

23 POTENTIAL JUROR: It might.

24 THE COURT: All right. Thank you.

25 Yes, ma'am?

1 POTENTIAL JUROR: 132. A burglary.

2 THE COURT: Hold on one second.

3 All right. We'll go through this. She should
4 be -- and I'll wait for the next question.

5 Juror 132, you said a burglary?

6 POTENTIAL JUROR: Burglary.

7 THE COURT: Ma'am, would that affect your
8 ability to be fair and impartial in this trial?

9 POTENTIAL JUROR: No, ma'am.

10 THE COURT: All right. Thank you.

11 Yes, ma'am?

12 POTENTIAL JUROR: 50. A burglary.

13 THE COURT: And would that affect your ability
14 to be fair and impartial in this trial?

15 POTENTIAL JUROR: No.

16 THE COURT: Thank you.

17 Yes?

18 POTENTIAL JUROR: 46. Burglary. And, no, it
19 wouldn't affect.

20 THE COURT: You say it would not?

21 POTENTIAL JUROR: It would not.

22 THE COURT: All right, thank you.

23 Yes, sir?

24 POTENTIAL JUROR: Number 10. I have a family
25 member who was the victim of a crime about 35 years

1 ago.

2 THE COURT: All right. And what crime was
3 that?

4 POTENTIAL JUROR: Assault and murder.

5 THE COURT: And would that affect your ability
6 to be fair and impartial in this trial?

7 POTENTIAL JUROR: No.

8 THE COURT: All right, thank you.

9 Yes, ma'am?

10 POTENTIAL JUROR: Juror Number 108. My
11 brother was killed by a drunk driver.

12 THE COURT: All right, ma'am, would that
13 affect your ability to be fair and impartial in
14 this trial?

15 POTENTIAL JUROR: No.

16 THE COURT: All right, thank you.

17 Yes, ma'am?

18 POTENTIAL JUROR: 99. Victim of a burglary.

19 THE COURT: And, ma'am, would that affect your
20 ability to be fair and impartial in this trial?

21 POTENTIAL JUROR: No.

22 THE COURT: All right, thank you.

23 We're going to wait on the other juror to get
24 back from the restroom before we ask the next
25 question.

1 (Pause.)

2 (WHEREUPON, juror returns to courtroom.)

3 THE COURT: All right. The next question, is
4 there any member of the jury panel or member of
5 your family been accused of committing a crime? If
6 so, please stand.

7 (WHEREUPON, there was no response.)

8 THE COURT: If any member of the jury panel or
9 a member of your family has been accused of
10 committing a crime, please stand.

11 Yes, ma'am?

12 POTENTIAL JUROR: My other brother was accused
13 of drunk and disorderly.

14 THE COURT: Yes, ma'am. Would that affect
15 your ability to be fair and impartial in this
16 trial?

17 POTENTIAL JUROR: No.

18 THE COURT: Thank you.

19 All right, the next question is, any member of
20 the jury panel had a family member or friend
21 murdered or killed by another person? If so,
22 please stand.

23 All right. Yes, sir?

24 POTENTIAL JUROR: Number 10.

25 THE COURT: Is that what you told us about

1 earlier?

2 POTENTIAL JUROR: Yes.

3 THE COURT: What family member was that?

4 POTENTIAL JUROR: Mother and grandmother.

5 THE COURT: Your mother and your grandmother?

6 And, sir, would that affect your ability to be fair
7 and impartial in this trial?

8 POTENTIAL JUROR: No.

9 THE COURT: All right. Thank you.

10 Yes, ma'am, was it --

11 POTENTIAL JUROR: My brother.

12 THE COURT: Your brother?

13 POTENTIAL JUROR: Yes.

14 THE COURT: What's your juror number?

15 POTENTIAL JUROR: 108.

16 THE COURT: 108. And would that affect your
17 ability to be fair and impartial in this trial?

18 POTENTIAL JUROR: No.

19 THE COURT: All right, thank you.

20 Has any member of the jury panel ever served
21 as a Guardian ad Litem in a case?

22 Yes, sir, Number 10?

23 POTENTIAL JUROR: I've served as a Guardian in
24 a number of family court cases.

25 THE COURT: And would that affect your ability

1 to be fair and impartial in this trial?

2 POTENTIAL JUROR: No.

3 THE COURT: All right, thank you.

4 Did any member of the jury panel attend the
5 funeral or wake of Jennifer Stone? If so, please
6 stand.

7 (WHEREUPON, there was no response.)

8 THE COURT: Has any member of the jury panel
9 worked for, served as a volunteer, or served on the
10 board of directors or in any other capacity been
11 associated with any organizations advocating for
12 defendants' or prisoners' rights? If so, please
13 stand.

14 (WHEREUPON, there was no response.)

15 THE COURT: Has any member of the jury panel
16 served on the board of directors of, served as a
17 volunteer, or worked for any organization
18 advocating victims' rights, or strengthening
19 criminal penalties, or supports law enforcement,
20 such as South Carolina Victim's Assistance Network,
21 I said Mothers Against Drunk Driving earlier, South
22 Carolina Law Enforcement Association, and the
23 Fraternal Order of the Police?

24 (WHEREUPON, there was no response.)

25 THE COURT: Has any member of the jury panel

1 previously served on a jury in either magistrate,
2 state, or federal court? If so, what type of case
3 and what was the verdict? If so, please stand.

4 All right. Yes, ma'am?

5 POTENTIAL JUROR: 132. In Mobile, Alabama.
6 The verdict was guilty. A drunk driving case.

7 THE COURT: A drunk driving case?

8 POTENTIAL JUROR: Yes.

9 THE COURT: All right. Thank you. Ma'am,
10 would that affect your ability to be fair and
11 impartial in this trial?

12 POTENTIAL JUROR: No, ma'am.

13 THE COURT: Thank you.

14 Yes, sir?

15 THE JUROR: Number 56.

16 THE COURT: Yes, sir?

17 POTENTIAL JUROR: I served on magistrate's
18 court. Disorderly conduct. Found guilty.

19 THE COURT: All right. And would that affect
20 your ability to be fair and impartial in this
21 trial?

22 POTENTIAL JUROR: No.

23 THE COURT: All right, thank you.

24 Yes, sir, Juror Number 10?

25 POTENTIAL JUROR: I served as a juror in a

1 magistrate's court case. It was a transportation
2 truck licensing or equipment type case.

3 THE COURT: All right. And would that affect
4 your ability to be fair and impartial in this
5 trial?

6 POTENTIAL JUROR: No.

7 THE COURT: What was the verdict?

8 POTENTIAL JUROR: Guilty.

9 THE COURT: Yes, sir?

10 POTENTIAL JUROR: Number 33. Magistrate's
11 court. Guilty. Traffic offense.

12 THE COURT: Traffic offense? All right, thank
13 you. Would that affect your ability to be fair and
14 impartial in this trial?

15 POTENTIAL JUROR: No.

16 THE COURT: Thank you.

17 Yes, ma'am?

18 POTENTIAL JUROR: 41. In the early 80s I was
19 on a magistrate's court DUI. Guilty.

20 THE COURT: All right. And would that affect
21 your ability to be fair and impartial in this
22 trial?

23 POTENTIAL JUROR: No.

24 THE COURT: Thank you.

25 All right. The next question is, has any

1 member of the jury panel ever been called as a
2 witness in a trial or participated in a court
3 proceeding in any way? If so, please stand.

4 Juror Number 10?

5 POTENTIAL JUROR: Witness, and I'm an attorney
6 so I've tried a number of cases, criminal and civil
7 and family.

8 THE COURT: All right. And, sir, would that
9 affect your ability to be fair and impartial in
10 this trial?

11 POTENTIAL JUROR: No.

12 THE COURT: All right, thank you.

13 Yes, ma'am?

14 POTENTIAL JUROR: 132. Witness in a family
15 dispute.

16 THE COURT: Would that affect your ability to
17 be fair and impartial in this trial?

18 POTENTIAL JUROR: No, ma'am.

19 THE COURT: Yes, ma'am?

20 POTENTIAL JUROR: 124. Witness in a federal
21 suit in Charleston.

22 THE COURT: A civil suit?

23 POTENTIAL JUROR: Yes.

24 THE COURT: Would that affect your ability to
25 be fair and impartial in this trial?

1 POTENTIAL JUROR: No.

2 THE COURT: Thank you.

3 Yes, sir?

4 POTENTIAL JUROR: 118. I was a witness in a
5 traffic accident.

6 THE COURT: In a civil suit, an accident case?

7 POTENTIAL JUROR: Yes, ma'am.

8 THE COURT: And would that affect your --

9 POTENTIAL JUROR: No, ma'am.

10 THE COURT: -- ability to be fair and
11 impartial in this trial?

12 POTENTIAL JUROR: No, ma'am.

13 THE COURT: Thank you.

14 And, yes, ma'am?

15 POTENTIAL JUROR: Number 99. I represented
16 myself in an eviction case.

17 THE COURT: All right. And would that affect
18 your ability to be fair and impartial in this
19 trial?

20 POTENTIAL JUROR: No.

21 THE COURT: Thank you.

22 Has any member of the jury panel ever been a
23 witness in a criminal case, regardless of whether
24 or not it went to trial? Other than what I think
25 you've already told me. In a criminal case, even

1 if the case did not go to trial, you were listed as
2 a potential witness?

3 Yes, ma'am?

4 POTENTIAL JUROR: Number 6. It was a federal
5 drug charge, but I did not have to appear.

6 THE COURT: All right. And, ma'am, would that
7 affect your ability to be fair and impartial in
8 this trial?

9 POTENTIAL JUROR: No.

10 THE COURT: All right, thank you.

11 Yes, sir?

12 POTENTIAL JUROR: I was a witness in a
13 criminal case. It was not during the trial, it was
14 post-trial motions.

15 THE COURT: Okay. Would that affect your
16 ability to be fair and impartial in this trial?

17 POTENTIAL JUROR: No.

18 THE COURT: Thank you.

19 Has any member of the jury panel or member of
20 your family ever served or sought employment in law
21 enforcement in any capacity? That could be a
22 sheriff's deputy, trooper, constable, military
23 police, border patrol, or probation office. If you
24 have worked -- you or your family members have
25 worked or sought employment in the law enforcement

1 field, please stand.

2 All right. Yes, sir?

3 POTENTIAL JUROR: 46. My sister was a deputy
4 with Mecklenburg.

5 THE COURT: Mecklenburg?

6 POTENTIAL JUROR: Yes.

7 THE COURT: Would that affect your ability to
8 be fair and impartial in this trial?

9 POTENTIAL JUROR: No.

10 THE COURT: All right, thank you.

11 Yes, ma'am, in the black and white?

12 POTENTIAL JUROR: 132. I worked for the
13 Richland County Sheriff's Department and the
14 Columbia Police Department.

15 THE COURT: And would that affect your ability
16 to be fair and impartial in this trial?

17 POTENTIAL JUROR: No.

18 THE COURT: Thank you.

19 Yes, ma'am?

20 POTENTIAL JUROR: 82. My husband, he's
21 currently a lieutenant with the Winnsboro Police
22 Department and former city and county police
23 officer and state trooper and municipal court
24 judge.

25 THE COURT: And, ma'am, would that affect your

1 ability to be fair and impartial in this trial?

2 POTENTIAL JUROR: I think so, probably.

3 THE COURT: All right. Thank you.

4 Yes, sir, Number 10?

5 POTENTIAL JUROR: My son interned with the
6 Fairfield County Sheriff's Department.

7 THE COURT: And would that affect your ability
8 to be fair and impartial in this trial?

9 POTENTIAL JUROR: No, ma'am.

10 THE COURT: Thank you.

11 Yes, ma'am?

12 POTENTIAL JUROR: Number 6. My son is an
13 officer in Tega Cay.

14 THE COURT: In Tega Cay?

15 POTENTIAL JUROR: (Nods affirmatively.)

16 THE COURT: And would that affect your ability
17 to be fair and impartial in this trial?

18 POTENTIAL JUROR: No.

19 THE COURT: Thank you.

20 Yes, ma'am?

21 POTENTIAL JUROR: 71. My dad is a lieutenant,
22 employed by the state.

23 THE COURT REPORTER: I'm sorry, I couldn't
24 hear.

25 THE COURT: One more time.

1 POTENTIAL JUROR: 71. My dad is a lieutenant,
2 employed by the state.

3 THE COURT: Would that affect your ability to
4 be fair and impartial in this trial?

5 POTENTIAL JUROR: No.

6 THE COURT: Thank you.

7 Has any member of the jury panel ever worked
8 for or sought employment with a prosecutor's
9 office? If so, please stand.

10 (WHEREUPON, there was no response.)

11 THE COURT: Has any member of the jury panel
12 worked or sought employment as a security guard or
13 in the field of security? If so, please stand.

14 All right, yes, sir, Juror Number 10?

15 POTENTIAL JUROR: I was in security for a
16 number of years prior to going to law school.

17 THE COURT: All right. And would that affect
18 your ability to be fair and impartial in this
19 trial?

20 POTENTIAL JUROR: No, ma'am.

21 THE COURT: All right, thank you.

22 Yes, ma'am?

23 POTENTIAL JUROR: Number 37. And I'm a
24 security officer.

25 THE COURT: Ma'am, would that affect your

1 ability to be fair impartial in this trial?

2 POTENTIAL JUROR: No, ma'am.

3 THE COURT: All right, thank you.

4 Has any member of the jury panel ever received
5 any law enforcement or legal training?

6 Juror Number 10, yes, sir?

7 POTENTIAL JUROR: Law school.

8 THE COURT: Would that affect your ability to
9 be fair and impartial in this trial?

10 POTENTIAL JUROR: No, ma'am.

11 THE COURT: All right, thank you.

12 Yes, ma'am?

13 POTENTIAL JUROR: 132. Law enforcement
14 training.

15 THE COURT: And would that affect your ability
16 to be fair and impartial in this trial?

17 POTENTIAL JUROR: No, ma'am.

18 THE COURT: All right. Does any member of the
19 jury panel or your immediate family work for an
20 attorney?

21 Let me have you stand again. Juror Number 10,
22 you work for yourself?

23 POTENTIAL JUROR: I work for myself. My wife
24 works for me sometimes, and my children sometimes.

25 THE COURT: All right. And would that affect

1 your ability to be fair and impartial in this
2 trial?

3 POTENTIAL JUROR: No, ma'am.

4 THE COURT: All right. Thank you.

5 POTENTIAL JUROR: 66.

6 THE COURT: Yes, sir?

7 POTENTIAL JUROR: My wife works for the Best
8 Law Firm downtown.

9 THE COURT: All right. And would that affect
10 your ability to be fair and impartial in this
11 trial?

12 POTENTIAL JUROR: No, ma'am.

13 THE COURT: Thank you.

14 Has any member of the jury panel read or
15 posted anything about this case on social media,
16 such as Facebook? Please stand. If you've read
17 anything about this case or posted anything, saw
18 anything on Facebook, newspaper, heard anything on
19 the radio or TV about the case, please stand.

20 (WHEREUPON, there was no response.)

21 THE COURT: Is there any member of the jury
22 panel who has any reservations or problems
23 whatsoever, no matter how small they seem, with
24 sitting as a juror in this case? If so, please
25 stand.

1 (WHEREUPON, there was no response.)

2 THE COURT: Is there anyone who suffers from
3 any condition or situation that would make it
4 difficult to give the parties your full attention
5 and fair consideration if you were selected as a
6 juror?

7 (WHEREUPON, there was no response.)

8 THE COURT: Does anyone have any
9 philosophical, religious, moral, or other beliefs
10 that would prevent you from sitting and passing
11 judgment on another person?

12 (WHEREUPON, there was no response.)

13 THE COURT: Is there anyone who believes there
14 is something about the case that I described to you
15 in the indictment that would prevent you from being
16 fair and impartial to all parties in this case?

17 (WHEREUPON, there was no response.)

18 THE COURT: Would any of you give greater or
19 lesser weight to the testimony of a police officer
20 merely because of his or her status as a police
21 officer?

22 (WHEREUPON, there was no response.)

23 THE COURT: Is there anyone who would have a
24 problem following the principle that the Defendant
25 on trial is presumed to be innocent and must be

1 found not guilty of that charge unless each and
2 every essential element of an offense charged is
3 proven by the State beyond a reasonable doubt? If
4 so, please stand.

5 (WHEREUPON, there was no response.)

6 THE COURT: All right. Anything else from the
7 State?

8 MR. MAXWELL: None from the State, Your Honor.

9 THE COURT: Anything from the Defense?

10 MR. FRICK: No, ma'am.

11 THE COURT: All right. Ladies and gentlemen
12 of the jury, at this time we will select a jury in
13 this case. If you give me a second, we will get a
14 strike sheet.

15 MR. FRICK: Judge, can we approach?

16 THE COURT: Yes.

17 (WHEREUPON, a bench conference was held
18 on the record, in the presence of the
19 jury but out of the hearing of the
20 jury.)

21 MR. FRICK: I was asking about Number 71 to
22 ask to strike for cause because her father is a
23 city police officer and it is a city case. She did
24 respond she could be fair and impartial.

25 THE COURT: And the strikes for cause?

1 THE CLERK: 15, 50, and 82.

2 THE COURT: So the strikes are 10 and 5. Do
3 y'all need a second?

4 (Pause.)

5 THE COURT: All right, ladies and gentlemen of
6 the jury, at this time we will select a jury in the
7 case. When your number is called, I'll ask you to
8 stand. At that time, the State will say either,
9 Please seat the juror or please strike the juror.
10 If they say, Please strike the juror, you can have
11 a seat. If they say, Please seat the juror, you
12 will remain standing, and then we will hear from
13 the Defense. The Defense will say, Please strike
14 the juror. If they say, Strike, then you'll be
15 able to sit down. If they say, Please seat the
16 juror, you will bring your belongings and have a
17 seat in the jury box over here.

18 All right. I am going to turn it over to
19 Madam Clerk.

20 THE CLERK: Number 114, Sharon Peak.

21 What says the State?

22 MR. MAXWELL: Please present this juror.

23 THE CLERK: What says the Defense?

24 MR. FRICK: Please seat the juror.

25 THE CLERK: You will be one of our jurors,

1 Ms. Peak.

2 (Juror 114, a white female, was seated
3 on the jury.)

4 THE CLERK: Number 32, Beatrice Sullivan.
5 What says the State?

6 MR. MAXWELL: Please present Ms. Sullivan.

7 THE CLERK: What says the Defense?

8 MR. FRICK: Please excuse the juror from the
9 trial of this case.

10 THE CLERK: You are excused from this case,
11 Ms. Sullivan.

12 (Juror 32, a white female, was excused
13 by the Defense.)

14 THE CLERK: Number 107, Morris Moore.
15 What says the State?

16 MR. MAXWELL: Please present Mr. Moore.

17 THE COURT: What says the Defense?

18 MR. FRICK: Please seat the juror.

19 THE CLERK: You will be one of our jurors, Mr.
20 Moore.

21 (Juror 107, a black male, was seated on
22 the jury.)

23 THE CLERK: Number 79, Aisha Kennedy.
24 What says the State?

25 MR. MAXWELL: Please present Ms. Kennedy.

1 THE CLERK: What says the Defense?

2 MR. FRICK: Please seat the juror.

3 THE CLERK: You will be one of our jurors, Ms.

4 Kennedy.

5 (Juror 79, a black female, was seated on
6 the jury.)

7 THE CLERK: Number 46, Darrell Ewing.

8 What says the State?

9 MR. MAXWELL: Please present Mr. Ewing.

10 THE CLERK: What says the Defense?

11 MR. FRICK: Please excuse the juror from the
12 trial of this case.

13 THE CLERK: You are excused, Mr. Ewing.

14 (Juror 46, a white male, was excused by
15 the Defense.)

16 THE CLERK: Number 94, Sandra Martin.

17 What says the State?

18 MR. MAXWELL: Please present Ms. Martin.

19 THE CLERK: What says the Defense?

20 MR. FRICK: Please seat the juror.

21 THE CLERK: You will be one of our jurors,
22 Ms. Martin.

23 (Juror 94, a black female, was seated on
24 the jury.)

25 THE CLERK: Number 102, Mickey Mincey.

1 What says the State?

2 MR. MAXWELL: Please present Mr. Mincey.

3 THE CLERK: What says the Defense?

4 MR. FRICK: Please excuse the juror from the
5 trial of this case.

6 THE CLERK: You are excused, Mr. Mincey.

7 (Juror 102, a white male, was excused by
8 the Defense.)

9 THE CLERK: Number 29, Catherine Coleman.
10 What says the State?

11 MR. MAXWELL: Please present Ms. Coleman.

12 THE CLERK: What says the Defense?

13 MR. FRICK: Please excuse the juror from the
14 trial of this case.

15 THE CLERK: You are excused from the trial of
16 this case, Ms. Coleman.

17 (Juror 29, a black female, was excused
18 by the Defense.)

19 THE CLERK: Number 86, Melody Lawhorne.
20 What says the State?

21 MR. MAXWELL: Please present Ms. Lawhorne.

22 THE COURT: What says the Defense?

23 MR. FRICK: Please seat the juror.

24 THE CLERK: You will be one of our jurors,
25 Ms. Lawhorne.

1 (Juror 86, a black female, was seated on
2 the jury.)

3 THE CLERK: Number 21, Sandra Camack.

4 What says the State?

5 MR. MAXWELL: Please present Ms. Camack.

6 THE CLERK: What says the Defense?

7 MR. FRICK: Please seat the juror.

8 THE CLERK: You will be one of our jurors, Ms.
9 Camack.

10 (Juror 21, a black female, was seated on
11 the jury.)

12 THE CLERK: Number 118, Joseph Qualls.

13 What says the State?

14 MR. MAXWELL: Please excuse the juror.

15 THE CLERK: You are excused, Mr. Qualls.

16 (Juror 118, a black male, was excused by
17 the State.)

18 THE CLERK: Number 66, Norman Howard.

19 What says the State?

20 MR. MAXWELL: Please present Mr. Howard.

21 THE CLERK: What says the Defense?

22 MR. FRICK: Please excuse the juror from the
23 trial of this case.

24 THE CLERK: You are excused, Mr. Howard.

25 (Juror 66, a white male, was excused by

1 the Defense.)

2 THE CLERK: Number 56, Tommie Grier.

3 What says the State?

4 MR. MAXWELL: Please present Mr. Grier.

5 THE CLERK: What says the Defense?

6 MR. FRICK: Please seat the juror.

7 THE CLERK: You will be one of our jurors,

8 Mr. Grier.

9 (Juror 56, a black male, was seated on
10 the jury.)

11 THE CLERK: Number 73, Ceria Johnson.

12 What says the State?

13 MR. MAXWELL: Please present Ms. Johnson.

14 THE CLERK: What says the Defense?

15 MR. FRICK: Please seat the juror.

16 THE CLERK: You will be one of our jurors,

17 Ms. Johnson.

18 (Juror 73, a black female, was seated on
19 the jury.)

20 THE CLERK: Number 124, Donna Royson.

21 What says the State?

22 MR. MAXWELL: Please present Ms. Royson.

23 THE CLERK: What says the Defense?

24 MR. FRICK: Please excuse the juror from the
25 trial of this case.

1 THE CLERK: You are excused, Ms. Royson.
2 (Juror 124, a white female, was excused
3 by the Defense.)

4 THE CLERK: Number 75, Demaris Kelley.
5 What says the State?

6 MR. MAXWELL: Please excuse this juror.

7 THE CLERK: You are excused, Mr. Kelley.
8 (Juror 75, a black male, was excused by
9 the State.)

10 THE CLERK: Number 106, Cherr Moore.
11 What says the State?

12 MR. MAXWELL: Please excuse this juror.

13 THE CLERK: You are excused, Ms. Moore.
14 (Juror 106, a black female, was excused
15 by the State.)

16 THE CLERK: Number 91, Brenda Lyles.
17 What says the State?

18 MR. MAXWELL: Please present Ms. Lyles.

19 THE CLERK: What says the Defense?

20 MR. FRICK: Please seat the juror.

21 THE CLERK: You will be one of our jurors,
22 Ms. Lyles.

23 (Juror 91, a black female, was seated on
24 the jury.)

25 THE CLERK: Number 41, Cora Ellis.

1 What says the State?

2 MR. MAXWELL: Please present Ms. Ellis.

3 THE CLERK: What says the Defense?

4 MR. FRICK: Please seat the juror.

5 THE CLERK: You will be one of our jurors,

6 Ms. Ellis.

7 (Juror 41, a white female, was seated on
8 the jury.)

9 THE CLERK: Number 108, Elizabeth Myers.

10 What says the State?

11 MR. MAXWELL: Please present Ms. Myers.

12 THE CLERK: What says the Defense?

13 MR. FRICK: Please excuse the juror from the
14 trial of this case.

15 THE CLERK: You are excused, Ms. Myers.

16 (Juror 108, a white female, was excused
17 by the Defense.)

18 THE CLERK: Number 121, Betty Sue Robinson.

19 What says the State?

20 MR. MAXWELL: Please presence Ms. Robinson.

21 THE COURT: What says the Defense?

22 MR. FRICK: Please seat the juror.

23 THE CLERK: You will be one of our jurors,

24 Ms. Robinson.

25 (Juror 121, a black female, was seated

1 on the jury.)

2 THE CLERK: Number 45, Cathy Estes.

3 What says the State?

4 MR. MAXWELL: Please present Ms. Estes.

5 THE CLERK: What says the Defense?

6 MR. FRICK: Please excuse the juror from the
7 trial of this case.

8 THE CLERK: You are excused, Ms. Estes.

9 (Juror 45, a white female, was excused
10 by the Defense.)

11 THE CLERK: Number 49, Sandra Free.

12 What says the State?

13 MR. MAXWELL: Please present Ms. Free.

14 THE CLERK: What says the Defense?

15 MR. FRICK: Please seat the juror.

16 THE CLERK: You will be one of our jurors,
17 Ms. Free.

18 (Juror 49, a black female, was seated on
19 the jury.)

20 THE CLERK: This will be for the first
21 alternate.

22 Number 93, Deshawn Martin.

23 What says the State?

24 MR. MAXWELL: Please excuse this juror.

25 THE CLERK: You are excused, Mr. Martin.

1 (Juror 93, a white male, was excused by
2 the State.)

3 THE CLERK: Number 44, Lekisha Erving.
4 What says the State?

5 MR. MAXWELL: No cause.

6 THE CLERK: What says the Defense?

7 MR. FRICK: Please seat the juror.

8 THE CLERK: You will be our first alternate,
9 Ms. Erving.

10 (Juror 44, a black female, was seated as
11 the first alternate.)

12 THE CLERK: This will be for our second
13 alternate.

14 Number 65, Wardell Hopkins.

15 What says the State?

16 MR. MAXWELL: Please present Mr. Hopkins.

17 THE CLERK: What says the Defense?

18 MR. FRICK: Please seat the juror.

19 THE CLERK: You will be our second alternate,
20 Mr. Hopkins.

21 (Juror 65, a black male, was seated as
22 the second alternate.)

23 THE COURT: One of the jurors wanted to speak
24 to me.

25 You can come on up.

1 (Juror approaches.)

2 (WHEREUPON, a bench conference with the
3 juror was held on the record in the
4 presence of the jury but out of the
5 hearing of the jury.)

6 THE JUROR: My aunt just recently died on
7 Friday. I don't mind serving, but I don't know
8 what day the funeral is. We're in the process of
9 planning the funeral.

10 THE COURT: Do you think it's going to be
11 before Thursday or Friday?

12 THE JUROR: Probably Tuesday or Wednesday.

13 THE COURT: All right. It is your mom's
14 sister?

15 THE JUROR: Uh-huh.

16 THE COURT: All right, let me -- why don't you
17 have a seat -- just have a seat right there next to
18 the bailiff and let me talk to the attorneys.

19 THE JUROR: Okay.

20 (WHEREUPON, a bench conference with the
21 attorneys was held in the presence of
22 the jury but out of the hearing of the
23 jury.)

24 THE COURT: Her aunt died Friday. Do you want
25 me to move an alternate up?

1 MR. MAXWELL: No objection.

2 MR. FRICK: That will be fine.

3 THE COURT: Okay. Okay.

4 MR. MAXWELL: We can deal with an alternate
5 drawing out of the hat on that.

6 THE COURT: I know that normally applies, but
7 we haven't even sworn them yet. I have not had
8 this happen before. Whatever y'all want to do.

9 Yes, sir?

10 (WHEREUPON, alternate approaches.)

11 ALTERNATE JUROR: My mother, she has a trach
12 in her throat. I'm not the primary caregiver, but
13 I'm secondary. I cannot not have my phone on. I
14 have to be readily available if my father calls me.

15 THE COURT: You can't have a phone on in the
16 jury box. Let me talk to the lawyers. Have a
17 seat. Thank you.

18 (WHEREUPON, a bench conference with the
19 attorneys was held in the presence of
20 the jury but out of the hearing of the
21 jury.)

22 MR. MAXWELL: He could leave the phone number
23 with the clerk's office.

24 THE COURT: Okay, I'll take care of that. All
25 right. And so y'all want to pull a name or you

1 want me to move the first one?

2 MR. FRICK: I don't care. Just move, it
3 doesn't matter.

4 MR. MAXWELL: That's fine.

5 THE COURT: Is everybody clear on that? I
6 know normally if they've been sworn -- I don't know
7 if that -- I've never had it this early. So what
8 we'll do is let this young lady go to the funeral,
9 release her. I don't know her number. And then
10 move the other alternate up, and then pick another
11 alternate, okay?

12 MR. FRICK: That's fine.

13 THE COURT: Everyone is in agreement with
14 that?

15 MR. MAXWELL: What number was that?

16 THE COURT: Ma'am, can you come back down?
17 (Juror complies.)

18 THE COURT: What is your number, ma'am?

19 THE JUROR: 73.

20 THE COURT: 73. All right. I'm going to have
21 you sit back in the audience, all right?

22 THE JUROR: Okay. Thank you.

23 (Juror 73, a black female, was excused
24 by the Court.)

25 THE COURT: Then we'll pick another alternate.

1 (WHEREUPON, all bench conferences were
2 concluded.)

3 THE CLERK: We are going to draw for a second
4 alternate.

5 Number 76, Sally Kelley.

6 THE COURT: And if all of you can slide down
7 on the second row. And then, sir, you will take
8 that seat right there.

9 THE CLERK: What says the State?

10 MR. MAXWELL: Please excuse the juror.

11 THE COURT: You are excused, Ms. Kelley.
12 (Juror 76, a black female, was excused
13 by the State.)

14 THE CLERK: Number 20, Nancy Burrell.
15 Any challenge for cause by the State?

16 MR. MAXWELL: None from the State.

17 THE CLERK: What says the Defense?

18 MR. FRICK: Please excuse the juror from the
19 trial of this case.

20 THE CLERK: You are excused, Ms. Burrell.
21 (Juror 20, a black female, was excused
22 by the Defense.)

23 THE CLERK: Number 80, Anthony Kennedy.
24 Any challenge for cause by the State?

25 MR. MAXWELL: None from the State.

1 THE CLERK: What says the Defense?

2 MR. FRICK: Please seat the juror.

3 THE CLERK: You will be our second alternate,
4 Mr. Kennedy.

5 (Juror 80, a black male, was seated as
6 the second alternate.)

7 THE COURT: Anything else from the State?

8 MR. MAXWELL: Nothing from the State.

9 THE COURT: Anything else from the Defense?

10 MR. FRICK: Nothing from the Defense.

11 THE COURT: Let me see you all one second.

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

15 THE COURT: Ladies and gentlemen of the jury,
16 for those of you who were not selected, I am going
17 to have you call in -- have they been given the
18 call-in number information?

19 THE CLERK: Yes, ma'am.

20 THE COURT: Call in in the morning at 9:30 and
21 you will receive further instructions at that time
22 as to whether or not you need to report or not.
23 All right, thank you. Thank you for your patience
24 today and your cooperation.

25 (WHEREUPON, the remaining jury panel was

1 excused at 12:21 p.m.)

2 THE COURT: All right. For those of you who
3 were selected, just a couple of things before we
4 get started. I am going to -- we, of course, are
5 going to take a lunch break, and then there are
6 some matters that I need to take up with the
7 attorneys.

8 Let me see you one more time.

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

12 THE COURT: All right. Ladies and gentlemen
13 of the jury, we are going to take a lunch break.
14 Your break will be a lot longer than ours because
15 there is some pretrial stuff that I need to handle
16 and instead of having you -- that's what we were
17 conferring about up here. Instead of having you
18 all sit here or in the jury room, I will just give
19 you an extended lunch break. So we will start --
20 we'll start back -- the lawyers will start back
21 closer to 2:00 o'clock, and we'll have you all back
22 at 3:00 o'clock.

23 The bailiffs will have some instructions as to
24 where you are to return. They will take you to the
25 jury room and they will have some instructions as

1 to where you are to return.

2 Just a couple of things. I know that you all
3 don't know anything about the case at this point.
4 You are not to discuss this case with anyone. You
5 are not to discuss it with each other. It would
6 also be improper for you to form an opinion in your
7 minds as to the innocence or guilt of Mr. Sampson
8 at this point until you have received all of the
9 evidence, the arguments of the parties, and the
10 charge on the law from the Court.

11 You are not to do any independent research
12 regarding this case. That means no going on the
13 internet doing any research regarding anything in
14 the case, any issue that may come up in the case.
15 You are also not to go on any social networking
16 sites and post anything about anything that is
17 going on here in the courthouse. You can go on
18 Facebook and you can go on LinkedIn or whatever
19 other sites you choose to go on, Instagram, but you
20 cannot discuss anything that is going on here in
21 the courtroom. You can discuss the weather,
22 anything else, but not anything about this trial or
23 anything that is occurring here at the courthouse.

24 After the trial is over, you are more than
25 welcome to speak to anyone you wish to speak to

1 regarding the case and do any -- talk to anyone or
2 get on the internet and talk about whatever you
3 want to talk about. But during the trial, you
4 cannot do any independent research regarding the
5 case.

6 Also, once again, no deliberating or
7 discussing the case before you have received all of
8 the evidence and all of the law. It would be
9 improper to make a decision until you have heard
10 all of the evidence and until you know the law.
11 And I will not give you that until the end of the
12 trial.

13 So I am going to send you all back in the jury
14 room. We will see you back at 3:00 o'clock. We'll
15 start the trial, then we'll start back tomorrow
16 morning, it will probably be about 9:00 or 9:30.
17 Tomorrow night we may work a little bit longer just
18 to try to get -- when I say longer, maybe 6:00,
19 6:30. So if you need to make arrangements, I'm
20 going to go ahead and give you a heads-up on that.
21 Just to try to get through the case as soon as
22 possible. I believe that's all.

23 Anything else from the State? Any exceptions
24 or objections from the State?

25 MR. MAXWELL: None from the State.

1 THE COURT: Any exceptions or objections from
2 the Defense?

3 MR. FRICK: None from the Defense, no, ma'am.

4 THE COURT: All right. I will have you all go
5 back into the jury room.

6 And if I can see Mr. Hopkins.

7 I'm sorry, and I also meant to say our
8 forelady is going to be Juror Number 94, Ms. Sandra
9 Martin.

10 You're Ms. Martin?

11 THE JUROR: Uh-huh.

12 THE COURT: All right. And she will show you
13 where you will need to sit. She will be our
14 forelady.

15 Our alternates are Mr. Hopkins and
16 Mr. Kennedy. And you all are in your seats.

17 Those are the only assigned seats. When you
18 come back at 3:00 o'clock, the rest of you can sit
19 where you like to sit. The only assigned seats
20 will be our forelady and our two alternates.

21 All right. And I'll give you further
22 instructions later on.

23 Thank you.

24 (WHEREUPON, the jury is excused for
25 lunch at 12:29 p.m.)

1 (WHEREUPON, Juror 65 remains in the
2 courtroom.)

3 THE COURT: Sir, what we'll do is give you the
4 number here and if they need to call regarding your
5 mom, they can call, and then we'll just have to
6 stop and take a break so you can call back.

7 All right, Madam Clerk, do you have a number
8 for him, or you'll take it back there to him?

9 THE CLERK: He needs a number?

10 THE COURT: To call in -- for his family --
11 for his father regarding his mom. He needs a
12 number. Not the recording, but --

13 THE CLERK: Let me write the number on the
14 back of your card, sir.

15 THE COURT: And just give that to him and tell
16 him if it's an emergency he needs to call.

17 (WHEREUPON, Juror 65 exits the
18 courtroom.)

19 (WHEREUPON, the forelady steps back into
20 the courtroom.)

21 THE COURT: All right. Once he closes the
22 door -- yes -- let's make sure she closes the door.
23 All right. And since no one is in here -- just
24 close the door.

25 Yes, ma'am?

1 THE FORELADY: What does the forelady consist
2 of?

3 THE COURT: The forelady?

4 THE FORELADY: Uh-huh.

5 THE COURT: You will be in charge in the jury
6 room. I will give you instructions, but,
7 basically, if there is any notes, you will write
8 the notes down and if there is --

9 THE FORELADY: Ma'am, I'm ashamed. I'm not a
10 good writer. Is there any way that you can select
11 somebody else to be the forelady?

12 THE COURT: All right, let me think about it.
13 I'm sure you can do it, but --

14 THE FORELADY: I'm ashamed.

15 THE COURT: Okay.

16 THE FORELADY: I'd rather someone else do it.

17 THE COURT: Okay. All right. Let me see.
18 All right. Thank you.

19 (WHEREUPON, the forelady exits the
20 courtroom.)

21 THE COURT: Do y'all have a problem with me
22 selecting another forelady?

23 MR. MAXWELL: No, ma'am.

24 MR. FRICK: No, ma'am.

25 THE COURT: Well, I'll try to figure out

1 something over lunch.

2 All right, so I'll see you all back at 2:00
3 o'clock.

4 (WHEREUPON, a lunch break was taken at
5 12:32 p.m.)

6 (WHEREUPON, the proceedings resumed at
7 2:10 p.m.)

8 THE COURT: Good afternoon. You may be
9 seated.

10 All right, pretrial motions. Before we do
11 that, I do usually, in most cases, I'll put the --
12 have the Solicitor put the offer -- I'm not sure if
13 it has expired now, but put the offer on the table.
14 And then we will -- I will ask the Defendant if
15 that is his understanding, have that on the record,
16 and give him an opportunity to -- is the offer
17 still on the table?

18 MR. MAXWELL: No, ma'am.

19 THE COURT: It's off? All right, what was the
20 offer?

21 MR. MAXWELL: It was a plea to manslaughter.
22 We had discussed somewhere in the neighborhood of
23 20 years, but there was never any -- I don't know
24 if we got far enough into any type of firm offer,
25 but that was the discussion. The discussions did

1 not get very far.

2 THE COURT: All right.

3 MR. FRICK: And, Your Honor, I discussed a cap
4 of 20 years with my client. We conferred. And, of
5 course, we are aware that he has been served with a
6 life without parole notice, and we discussed that,
7 and we are prepared to go forward to trial.

8 THE COURT: All right. Sir, let me have you
9 stand up and raise your right hand.

10 (Defendant complied.)

11 THE COURT: Do you swear or affirm to tell the
12 truth, the whole truth so help you God?

13 THE DEFENDANT: I swear.

14 THE COURT: And you heard the Solicitor and
15 your attorney. Is that your -- that was your
16 understanding of the offer; is that correct?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: And you declined that; is that
19 correct?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: All right. And you understand
22 that you are looking at -- based on the notice that
23 has been served upon you from the Solicitor's
24 Office, you understand that you -- if you are
25 convicted this week, you will be looking at life

1 without parole? Do you understand that?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: And your attorney has explained to
4 you that I do not have any discretion in sentencing
5 because of the statute. Do you understand that?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: The life without parole statute.
8 And is it still your desire to go forward with a
9 jury trial?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: All right. Thank you.

12 All right. I will be glad to hear from you.

13 MR. MAXWELL: They are all Defense motions,
14 Your Honor.

15 MR. FRICK: Your Honor, just for housekeeping
16 purposes, I had two motions that I had filed. One
17 is a motion to quash an indictment that the State
18 sought at the last meeting of the Fairfield County
19 Grand Jury for assault with intent to commit
20 criminal sexual conduct first degree. And if the
21 State were to go forward, a motion to sever this
22 charge, the murder charge, and the assault with
23 intent to commit CSC. My understanding is the
24 State is not intending on calling those cases at
25 this time, so I think that will take care of these

1 two motions.

2 THE COURT: All right.

3 MR. FRICK: Your Honor, I do have -- I have
4 three other written motions that I had filed. If
5 you have got the clerk's file, you have a copy of
6 it in front of you, but I can pass forward my
7 copies if you would like.

8 THE COURT: I don't actually have any of the
9 clerk's file. You can pass it forward.

10 MR. FRICK: I'll pass it up.

11 (Complies.)

12 THE COURT: All right. Yes, sir.

13 MR. FRICK: Your Honor, the first motion that
14 I've got there is, subsequent to law enforcement
15 procuring a warrant for murder for Mr. Sampson, he
16 had left Fairfield County, goes to New York State.
17 He is found in Rochester, New York, and was, in
18 fact, charged with a weapons charge up there. And,
19 in fact, has been prosecuted on that case and is
20 serving a sentence on that.

21 I am moving to exclude any reference to what I
22 believe the State would call flight to New York. I
23 don't think it is probative for anything in the
24 case. I do believe it is highly prejudicial and
25 unfairly prejudicial and should be excluded.

1 I have also put a cite in there, State v.
2 Martin, which is 403 S.C. 19.

3 Essentially, what my argument is, the State
4 has got to show that there is a nexus between the
5 flight and the offense charged. I think that they
6 have to show that my client had some knowledge that
7 there was a warrant outstanding for him on this
8 matter.

9 Now, I'll talk briefly in a few moments about
10 an assault and battery third degree charge that my
11 client has entered a plea to subsequent to all of
12 this. I believe he may have been aware of that
13 because that warrant was procured on July 4th, the
14 day of the incident. The murder warrant was not
15 procured until the next day.

16 So my client's leaving may coincide with that,
17 but I don't know that the State can show that he
18 was aware of the outstanding murder charge and,
19 therefore, they cannot show the appropriate nexus
20 that Martin requires. And it's not -- it is
21 something that should not be discussed.

22 And even if you feel that it satisfies the
23 nexus requirement of Martin, I think when you do a
24 403 analysis, it is highly prejudicial and unfairly
25 prejudicial and more prejudicial than probative and

1 should not be admitted on that ground.

2 THE COURT: Yes, sir?

3 MR. MAXWELL: Your Honor, the State's position
4 is that there is a nexus between his flight and the
5 crime that he's charged with.

6 This -- the murder took place about
7 4:00 o'clock in the morning. I think the police
8 arrived on scene at 4:07. It was a
9 freshly-committed act, one within the half hour, if
10 not closer to when the police got to the location,
11 which was the victim's residence on Garden Street
12 here in Fairfield County.

13 Almost immediately witnesses were giving law
14 enforcement the name of Latroy Sampson. Within a
15 couple of hours, there was an active search for
16 Mr. Sampson. He is known throughout this
17 neighborhood. We don't have a permanent address.
18 I'm not sure he had a permanent address at the
19 time. He was basically staying with different
20 people in the neighborhood and people in the
21 county -- people in this county.

22 There was a search for him that day that
23 lasted into the 5th and continued until he was
24 arrested in Rochester, which was on July the 25th,
25 2014. So 21 days later is when he was actually

1 apprehended. And that wasn't because Rochester was
2 looking for him, they happened to stumble upon him
3 as a suspicious person, I believe, and took him
4 into custody. He had a gun, was basically charged
5 and arrested for having a gun walking around New
6 York. When they checked him out, they found out he
7 had this warrant down here from Fairfield. So
8 prior to him being found in Rochester, Fairfield
9 law enforcement, SLED, nobody had any idea where he
10 was or any ties he had to Rochester, New York.

11 We do have -- at the very earliest we know
12 that there was a -- there was news media that
13 covered this. And the earliest stories, I believe,
14 went out on July 5th on WIS, WLTX saying that
15 Latroy Sampson was wanted for murder and had his
16 picture up.

17 And it is our contention that he flees -- when
18 he flees the scene, he is fleeing. We don't have
19 evidence of when he ended up getting on a bus or
20 when he got on a bus or anybody taking him up
21 there, but we do intend to present evidence of an
22 active search for him beginning on the 4th when the
23 incident occurred, through the 5th, and so on and
24 so on, until he was actually apprehended almost as
25 far as away as can be and still remain in the

1 United States as far as going north.

2 So the State does contend there is a nexus.
3 Several witnesses put Mr. Sampson in this
4 neighborhood at this location when it occurred.
5 Almost the entire neighborhood was out there when
6 the police came, responded, EMS responded. The
7 entire neighborhood was drawn out of their houses,
8 knew what was going on. His name was a suspect --
9 his name came up as a suspect very early on in the
10 process. And, again, there was an active search
11 for him. It does lend itself that he knew that the
12 police were looking for him very early on. And the
13 State would contend he knew the police were looking
14 for him because he committed the act and wanted to
15 hightail it out of there.

16 THE COURT: Any response?

17 MR. FRICK: Nothing further on that, Your
18 Honor.

19 MR. MAXWELL: Very briefly, Your Honor, in the
20 case law Mr. Frick cites, State v. Martin, it does
21 note, Unexplained flight is admissible indicating
22 consciousness of guilt. That would basically be
23 the State's position.

24 THE COURT: What about your position that the
25 prejudicial effect outweighs the probative value?

1 MR. MAXWELL: I think it is highly probative.
2 I think the probative value that he is in Fairfield
3 County basically for an extended period of time.
4 He is in this neighborhood, almost seen every
5 single day. And then once this happens, he is
6 found 21 days later in Rochester, New York.

7 And I can't -- we don't have any evidence
8 either negative or positive saying what his ties to
9 Rochester, New York are. As far as I know, he has
10 no ties to Rochester, New York. It would be just
11 an unexplained flight. I think that is probative,
12 he is accused of this crime and he's 800 miles away
13 very quickly.

14 THE COURT: All right. Anything else in
15 response?

16 MR. FRICK: Just briefly, Your Honor. I don't
17 think it is necessary for them to present this in a
18 full presentation in their case. Their evidence is
19 not hinging on whether or not my client is found in
20 Winnsboro or found in Rochester, New York.
21 Therefore, that makes the unfair prejudice outweigh
22 the probative value that they are seeking to
23 elicit.

24 THE COURT: All right. Well, in looking at
25 State v. Martin and I think it is State v. McDow, I

1 think the case law is pretty clear that it is --
2 regarding the nexus, but it also says that, It is
3 sufficient that circumstances justify an inference
4 that the accused's actions were motivated as a
5 result of his belief that police officers were
6 aware of his wrongdoing and were seeking him for
7 that purpose.

8 I am going to rule that, based on the case
9 law, it appears that the State has established the
10 nexus between the flight immediately afterwards,
11 that he -- immediately after the incident or after
12 the murder that he, I don't want to say
13 disappeared, but disappeared from the area, and,
14 also, 21 days later was located in Rochester, New
15 York.

16 However, I am not going to allow you all to
17 get into any testimony regarding how he was located
18 in Rochester, New York, regarding any gun being
19 found or him serving any sentence on it. So I do
20 think that part of it would be prejudicial.

21 But in terms of him leaving Winnsboro and
22 being found in Rochester, New York, I will allow
23 that in, but any other discussion regarding how
24 they found him in Rochester would be inadmissible.

25 MR. FRICK: Thank you, Your Honor.

1 Your Honor, next I've got a motion regarding
2 my client's convictions for assault and battery
3 third degree. As I mentioned just previously,
4 there is a companion charge in this case my client
5 is charged with, one we used to call simple assault
6 and battery, on the victim's son when he is brought
7 back from New York. He is at the detention center
8 for some time, not an extended period of time, but
9 he is brought before the municipal court judge and
10 enters a plea of guilty to that charge.

11 I note that that occurred on June 1st of 2015.
12 I see in my file that our office doesn't receive an
13 application for our services from him until July of
14 2015.

15 So I have two issues. One, again, I say that
16 it is not necessary for a presentation of their
17 case. It should not come in under 404(b) and it is
18 more prejudicial than probative in their
19 presentation of their case in chief. But my third
20 concern is he enters this plea and he is
21 unrepresented.

22 Now, there is not any case law in that area in
23 regards to using a prior conviction against him in
24 an ungraduated offense. I know our case law is
25 pretty clear when you have a graduated offense, if

1 someone makes an unknowing waiver of their rights,
2 it doesn't count against them and it shouldn't be
3 used for enhancement purposes. I'm asking for sort
4 of that same standard to apply here, that he enters
5 the plea, he is unrepresented, and it shouldn't be
6 used against him.

7 But chiefly my issue is that it should not
8 come in under 404(b) as it is not -- it is not
9 necessary for a presentation of their case. I
10 don't know which exception you're looking for. I
11 don't think it would qualify as res gestae. They
12 can certainly go forward with their case without
13 talking about an A&B third degree.

14 THE COURT: Help me understand the facts
15 again. So the assault and battery occurs the same
16 day of the incident, or is the assault and battery
17 against --

18 MR. FRICK: I think it occurs within minutes
19 of the murder.

20 THE COURT: Okay.

21 MR. MAXWELL: Here's the basis of that, Your
22 Honor. The victim's son is named Matthew Stone.
23 He was 18 years old at the time. He resided at --
24 he resided with her at her house here in Winnsboro
25 where this all occurred.

1 Matthew will testify that he is in his bedroom
2 late, early morning -- late at night, early morning
3 hours. He hears a sound outside his door -- I
4 mean, excuse me, outside his window, which is the
5 side of the house where she is later found.

6 What he does is when he hears the sounds, he
7 goes outside on the porch. It is black out, it is
8 dark outside, pitch black in this little alley.

9 He walks over there and he -- someone says
10 something to him like, Hey. According to him, he
11 identified that person as Latroy Sampson.

12 He then goes back inside his house thinking he
13 just interrupted somebody doing whatever beside his
14 house. He doesn't know that his mother is even
15 there at this time.

16 Before he can get back to his bedroom, there's
17 a knock at the door. He opens the door. A person
18 he identifies as Latroy Sampson is standing there,
19 says, Come here, I want to show you something. He
20 kind of, I think, according to him, is a little
21 hesitant and a little suspicious about what's going
22 on, but he follows Mr. Sampson a few steps towards
23 that same side of the house.

24 At that point in time, he says, I'm not going
25 over there. He doesn't say it outloud, but changes

1 his mind about following Mr. Sampson.

2 When he turns and runs -- or turns to go in
3 the other direction, Mr. Sampson, according to
4 Matthew, hits him and also pulls on his hair. And
5 there is dreadlocks. Mr. Stone is here.
6 Dreadlocks come out of his head. They are later
7 found on the porch. Mr. Stone then runs away from
8 that -- from the immediate area right there by the
9 porch. He finds some other people. Again, at this
10 point in time, he has no idea about his mother.

11 Within just minutes, he returns with some
12 other people back to the house. Latroy Sampson
13 isn't there. He's gone. He is not seen again by
14 anybody else. They began looking around the house.
15 They end up going on the side of the house. Again,
16 it is still 4:00 o'clock in the morning, or shortly
17 before 4:00 clock, pitch black dark in this alley.
18 And they find his mother, Jen, laying on the ground
19 right in the same place he heard this sound, which
20 is right outside his bedroom window.

21 Based off the grabbing of the hair and hitting
22 that Matthew described -- again, his dreadlocks
23 were found right there by the front door on the
24 porch -- there was an assault and battery charge as
25 well as a murder charge brought.

1 Now, when Mr. Sampson was brought back from
2 New York, the municipal court brought him back --
3 this is a Winnsboro city case. The municipal court
4 brought him back. There is probably a 2-minute
5 hearing they had where the municipal judge calls
6 out the warrant, calls out the charge, and
7 Mr. Sampson says -- when asked whether he wants to
8 plead guilty, he says, Plead guilty. We believe
9 that is a statement against interest, that it is an
10 admission and is therefore admissible under the
11 rules, what he says at the hearing.

12 Now, I think what Matthew testifies to
13 certainly -- I don't think Mr. Frick is asking for
14 a motion to say Mr. Stone can't say what happened
15 to him that morning. He is just talking about the
16 actual conviction itself, which we allege is an
17 admission and statement against interest.

18 But he has basically admitted or pled guilty
19 to the assault against Matthew, my best guess,
20 within minutes of the murder of his mother.

21 THE COURT: All right. Yes, sir, any
22 response?

23 And you said he was not -- what is your
24 position regarding him not being represented at the
25 municipal court? And do we know if he was advised

1 of his right to have an attorney?

2 MR. FRICK: Your Honor, I think we've got the
3 recording. I will candidly admit I cannot recall
4 because I didn't listen to that this morning as I
5 filed that motion as to whether he was advised of
6 his rights or not.

7 MR. MAXWELL: It's on a disk. I can hand it
8 up. It's only a minute and 40 seconds. It's very
9 short. I don't think they really talked about the
10 facts of the case. The judge just asked him, How
11 do you plead, or, Do you plead guilty? And he
12 says, Guilty, without much conversation about how
13 --

14 MR. FRICK: And according to my file, the
15 application we received -- and this is one that --
16 typically what happens is you fill out the
17 application at the jail, it takes a little while,
18 it shows up in my office, and we do the
19 appointment. This is one where Mr. Sampson had
20 filed the interstate detainer agreement and we had
21 actually brought him in front of the circuit court
22 judge during that term of court and he was not
23 appointed to our office until July 20th of 2015.
24 And I believe this plea took place on June 1st.

25 THE COURT: All right. So the audio -- I will

1 be glad to listen to the audio. I was just trying
2 to figure out if it said anything about --

3 MR. MAXWELL: I don't think --

4 THE COURT: I mean, actually, I was a
5 municipal judge, so I know lots of times there is a
6 video advising of your rights to have an attorney.
7 So that is just my --

8 MR. FRICK: Well, Your Honor, just along those
9 lines, the City of Columbia, candidly, does a
10 little better job of that than we do here in
11 Winnsboro. There's no video showing all the
12 Defendants or any advisement of their rights before
13 they enter the courtroom. You kind of show up on
14 your appointed day and you say whether you are
15 going to plead or go to trial.

16 MR. MAXWELL: Well, I'll hand up the exact
17 verbiage. Again, it is the very first -- it is the
18 very beginning of the disk. I think the hearing
19 starts about 30, 40 seconds and only last about a
20 minute and a half. We can also hook it up to the
21 TV if need be or listen to it very quickly in
22 chambers or right here.

23 THE COURT: We are going to mark this as Court
24 Exhibit Number 1.

25 Any objection?

1 MR. FRICK: No, ma'am, no objection.

2 (WHEREUPON, Court's Exhibit No. 1 was
3 marked for identification only.)

4 (WHEREUPON, Court's Exhibit 1 was played
5 in open court.)

6 MR. MAXWELL: That's the end of it. It
7 starts -- it gets into his New York conviction
8 there.

9 THE COURT: Are you trying to get that --
10 you're not trying to get the tape in?

11 MR. MAXWELL: Well, I think that is what Mr.
12 Frick is -- what we would intend to introduce, we
13 do have the clerk from the municipal court ready to
14 testify that there was a plea hearing on June 1st,
15 2015, that he did plead guilty. And we would also
16 offer that short statement with him pleading guilty
17 to the warrant number of assault and battery third
18 degree.

19 THE COURT: All right. Let me -- when do you
20 intend on doing that?

21 MR. MAXWELL: Probably about the very last
22 witness, Your Honor, on Wednesday.

23 THE COURT: I'm assuming you don't need to
24 reference it in your opening statement?

25 MR. MAXWELL: No, ma'am.

1 THE COURT: All right. Let me do some
2 research and get back to you all on that. And I'll
3 be glad to -- do you have any case law? My
4 concern, I do think that the son can testify as to
5 the events of that evening.

6 I don't think that's your objection, right?
7 Your objection is just as to --

8 MR. FRICK: I mean, I would have issues under
9 404(b), but I certainly understand where Your Honor
10 would be ruling on that.

11 THE COURT: I think -- I think the son
12 testifying to the events of that afternoon --
13 evening or early morning -- would be admissible,
14 and it arises out of -- allegedly arises out of the
15 incident. The question is whether or not we get
16 into the actual conviction. And my concern
17 regarding the conviction is whether or not, I
18 guess, Part 2 of what you brought up, Part B,
19 regarding him not being advised of his rights by
20 counsel, that gives me a little bit of concern.

21 So if there is some case law that you all
22 have, I will be glad to take a look at that. You
23 can e-mail it to my law clerk. But that's where --
24 just so you know where I am going. I think he
25 can -- I'm going to allow the son to testify as to

1 what he saw, what happened. All of that is a part
2 of the incident that occurred. It is just a
3 question of whether or not -- whether the
4 conviction comes in.

5 MR. FRICK: And just -- because it was kind of
6 a two-part, if you weren't going to allow him to
7 talk about it at all, then I didn't need to talk
8 about what the son was going to say, so I didn't
9 really include it in my motion, but just to clarify
10 for the record, I do object to that. I understand
11 you have ruled on that.

12 THE COURT: Yes.

13 MR. FRICK: I would probably make my
14 contemporaneous objection in the trial under 404(b)
15 and not being res gestae, but I understand the
16 Court --

17 THE COURT: Is the son testifying today?

18 MR. MAXWELL: No, ma'am, probably towards the
19 end.

20 THE COURT: Okay. So, yes, I'll have -- we'll
21 get you a ruling on that tomorrow --

22 MR. MAXWELL: Okay.

23 THE COURT: -- morning after we have a chance
24 to read the cases.

25 MR. FRICK: Your Honor --

1 THE COURT: Because I know there are some
2 cases out there where the Court has said,
3 particularly when someone does not have an attorney
4 and have not -- like in drug cases or CDV cases and
5 have not been told --

6 MR. FRICK: Yes.

7 THE COURT: -- the penalties and the fines.
8 So I just want to take a look at it. I'll get
9 something back to you.

10 MR. FRICK: All right.

11 MR. MAXWELL: Again, just the State's position
12 is that when he pleads guilty, he is giving a
13 statement against his interest and what we would
14 classify as an admission.

15 THE COURT: All right, an admission against
16 interest.

17 MR. FRICK: Your Honor, my third motion that I
18 passed up is not something that I think you can
19 really handle today, but I want to make the Court
20 aware. I've given the Solicitor a copy of it.

21 In this case, there is DNA evidence. And what
22 they've done is they've gone one step further with
23 a fairly new process that is used called YSTR DNA.

24 YSTR is -- my understanding is that we look at
25 the Y chromosome, which passes unchanged from the

1 paternal side. And it can show that someone is
2 related to someone on the paternal side, but it
3 cannot show a match. Like we say when you have a
4 DNA match and they go, Okay, this is Mr. Sampson's
5 DNA, and the likelihood of finding somebody else is
6 one in 15 quintillion, or whatever number they come
7 up with.

8 It is not a match per se, as I call it. It
9 can say that it is someone from that paternal line.
10 But the way the report is phrased, I'm concerned
11 that we are confusing the jury and the jury is
12 going to read it as a DNA match.

13 One, I have issues with the YSTR DNA. There
14 is no case law in the State of South Carolina that
15 I am aware of where it has gone any further than
16 probably just the circuit court level. I'm sure
17 there are cases going up as I speak, but there is
18 no reported cases at this time. There are very few
19 reported cases out there on YSTR DNA. So I'm
20 concerned about the science. I think it needs to
21 be looked at under 702 and 703.

22 I'm asking you to consider the Daubert
23 factors, understanding we have not adopted Daubert,
24 but I think we're inching towards that direction.
25 In case law that I have seen on 702, they kind of

1 apply the Daubert factors, so I think we need to
2 find out about the peer review, the acceptability,
3 stuff like this, regarding the YSTR DNA.

4 THE COURT: They have an expert to do that?

5 MR. FRICK: Right. And I'm just apprising the
6 Court of where I'm going with that. I think this
7 is something I've got to argue when the DNA person
8 is actually here. But I am moving to, one, exclude
9 it; and, two, if it does come in, to phrase it
10 differently, if nothing else, than the way the
11 report is written right now, which I think is
12 confusing.

13 THE COURT: All right. And I'm assuming we
14 will not be -- is your DNA expert here today?

15 MR. MAXWELL: Will not be here until tomorrow
16 afternoon.

17 THE COURT: Okay. So we will probably need to
18 stay away from that in opening statements also.

19 Okay. I'll can't -- I'll have to hear what
20 the SLED -- is it a SLED agent?

21 MR. MAXWELL: Yes, ma'am.

22 THE COURT: See what they say, and then we'll
23 go from there.

24 MR. FRICK: Those are all my motions. I think
25 the only other matter we need to clarify is the

1 Solicitor and I have agreed on many pictures of the
2 scene. He has some pictures of the victim as she
3 is at the scene. He has shown them to me. They
4 are not the most objectionable pictures I've ever
5 seen in a murder case, but I do have issue with the
6 number of pictures. I don't think it's necessary
7 for him to show all that. I think he can do it
8 with the presentation of one picture. And I just
9 ask the Court to make a ruling on that.

10 MR. MAXWELL: And what we do have is eight
11 pictures, and I can kind of go through them -- I'll
12 pass them up. It may be hard for me to talk about
13 them without seeing them.

14 THE COURT: Okay. All right, let's do this.
15 Let's mark them as a State ID, and then that way I
16 can know -- the record will reflect what they are.

17 (WHEREUPON, State's Exhibit Nos. 28 - 35
18 were marked for identification only.)

19 MR. MAXWELL: I'll start with what has been
20 marked as State's Exhibit Number 28. I believe
21 this is one that Mr. Frick does not have any
22 objection to.

23 MR. FRICK: And, Judge, I would obviously much
24 prefer that no pictures of the victim come in, but
25 I do believe he is entitled to have a picture of

1 the scene. I think that one portrays the scene and
2 it has everything that he needs in it. And I would
3 agree to that one, but not the other ones.

4 MR. MAXWELL: Your Honor, I pass up State's --
5 what has been marked for identification purposes
6 State's 29. This is a close-up of the -- how her
7 clothing was when she is found, which certainly
8 witnesses will corroborate how they found her.

9 I think that goes to what -- how they examined
10 the body after she is found. I mean, she is
11 touched by several people prior to getting to the
12 autopsy, so I think there is -- the State's
13 contention is that picture shows how her clothing
14 was when she was found by these witnesses, and
15 basically the same when law enforcement arrived and
16 took those pictures.

17 And State's 30 shows a shirt over her
18 midsection that is -- was placed there by one of
19 the witnesses who will testify to covering that
20 area.

21 Now, in conjunction with that, I will pass up
22 State's 31, which actually does show how her lower
23 body was when she was found by witnesses.

24 Again, part of the State's -- while we don't
25 have to prove motive, we may allege there is

1 several different motives in this case, one of
2 which could be that Mr. Sampson was assaulting her
3 with intent to commit rape.

4 MR. FRICK: And my issue with that is, that
5 was the indictment that we said we're not going to
6 go forward with, so if we're going to talk about
7 that, we need to address that issue. Because I
8 certainly have a 404 issue with that.

9 MR. MAXWELL: I say I think we can draw
10 inferences from the case. You have a woman found
11 next to her house who had nothing on but a shirt
12 and bra and those had been torn and basically
13 removed and no pants or underwear on. I think we
14 can infer a motive from that.

15 THE COURT: And when you infer it, what
16 testimony are you using other than what you just
17 said?

18 MR. MAXWELL: Right, the --

19 THE COURT: That's it?

20 MR. MAXWELL: The pictures and -- well,
21 there's one witness who we -- while I don't think
22 he can go as far as saying that she was being
23 sexually assaulted, but there is a neighbor looking
24 out of the window that can say they were on the
25 side of the house and he had her around the neck.

1 THE COURT: Okay.

2 MR. MAXWELL: Your Honor, State's 32 is a
3 close-up of her face that does show an injury to
4 her eye. The State's position is that we want to
5 show her injuries and that is the best view of her
6 injuries.

7 And the same on State's 33. Mr. Frick may not
8 have an objection to that. It shows a cut to her
9 finger.

10 MR. FRICK: That's correct, on 33 I don't have
11 objection to that picture.

12 MR. MAXWELL: Your Honor, there was two more,
13 and I'll pull these out. I won't attempt to
14 introduce these other two.

15 THE COURT REPORTER: What numbers?

16 MR. MAXWELL: I'm sorry. These will be 34 and
17 35, I won't seek to introduce them.

18 (WHEREUPON, State's Exhibits 34 and 35
19 are withdrawn.)

20 THE COURT: 29, 30, and 31 -- he is not
21 objecting to 28 is my understanding?

22 MR. FRICK: Is that the first one?

23 THE COURT: Yes, the first one.

24 MR. FRICK: That's correct. And I think 33,
25 it is a finger.

1 THE COURT: It is a finger.

2 I am going to allow 32 because that one is a
3 up-close view of the face with the injuries, her
4 face with the injuries.

5 29, 30, and 31, you said all -- I think you
6 probably can show one of these. I don't know which
7 one. But they are all showing, I guess, the fact
8 that she was unclothed, naked. One of them is just
9 somebody covering her up and then one of them is
10 the complete body not covered.

11 MR. MAXWELL: Right.

12 THE COURT: So I will allow -- I will -- I
13 think showing all three of these would be
14 repetitive, so maybe I'll allow the State to choose
15 one.

16 MR. MAXWELL: Sure.

17 THE COURT: I'm thinking 31, which is the full
18 body.

19 MR. MAXWELL: Okay, that's fine.

20 THE COURT: I can't remember the name of the
21 case, but -- and then I'll exclude the others.

22 MR. MAXWELL: The State will intend to use 31
23 out of those three, Your Honor.

24 THE COURT: All right, so that -- so Number 31
25 will be entered over the objection of the Defense?

1 MR. FRICK: That's correct.

2 THE COURT: 28, no objection?

3 MR. FRICK: That's -- I just can't remember
4 the number.

5 THE COURT: That's the first one.

6 MR. FRICK: Yes, ma'am. That's correct.

7 THE COURT: 29 will be excluded. So 29 and 30
8 will be excluded.

9 31 will be entered over the objection of the
10 Defense. Number 32 is entered. And Number 31 is
11 the full body view of the victim. Number 32 is a
12 close-up picture and shows the injuries to the eye.
13 That one will be entered over the objection of the
14 Defense.

15 And I believe the cut on the finger, there's
16 no objection, which is Number 33?

17 MR. FRICK: That's correct, no objection.

18 THE COURT: So there should be one, two,
19 three, four photos, and the other two will be
20 excluded.

21 Can I hand them back to you?

22 MR. MAXWELL: Yes, some of them. I think
23 that's all we've got.

24 THE COURT: Anything else?

25 MR. FRICK: That's all I have at this time.

1 THE COURT: I'll go ahead and say as far as
2 the photos are concerned, the testimony -- I think
3 as far as motive, the State has the right to infer,
4 but I'm going to warn you all to be really careful
5 about getting into whether or not there was a
6 sexual assault or attempted sexual assault. I
7 think what you said earlier was sufficient.

8 MR. MAXWELL: Well, just for the Court's
9 knowledge, one of the SLED witnesses is -- there
10 were swabs taken off the body I think at the
11 autopsy, perhaps at the scene as well, that were
12 sent to SLED. There is a serologist who did a CSC
13 kit and determined there was no -- no sperm on the
14 body. The State's intention was to call her as a
15 witness since she did that testing.

16 THE COURT: Are you objecting to that?

17 MR. FRICK: The lack of evidence? No, I don't
18 object to the lack of evidence.

19 THE COURT: Okay. I didn't think you would.

20 MR. FRICK: It's just the inference that there
21 was an event that I have a problem with.

22 THE COURT: Okay. Okay. All right. Anything
23 else?

24 MR. FRICK: Just give me two minutes.

25 THE COURT: Two minutes?

1 MR. FRICK: Before we start up.

2 THE COURT: Yes, yes, yes, we'll take a break.

3 MR. FRICK: I figured you were going to bring
4 the jury in.

5 THE COURT: We've got to wait on them to come
6 in. They're not coming for another five minutes.

7 MR. FRICK: Okay.

8 THE COURT: And then I'll get you all a ruling
9 on the assault and battery third and also the DNA.
10 And I believe that's it.

11 And I need to figure out who the forelady is
12 going to be since no one wants to serve -- or
13 foreperson.

14 (WHEREUPON, a break was taken at 2:56
15 p.m.)

16 (WHEREUPON, the proceedings resumed at
17 3:11 p.m.)

18 THE COURT: All right. You may be seated.
19 All right. Are y'all ready to get started?

20 MR. MAXWELL: The State's ready.

21 THE COURT: We'll bring the jurors in, swear
22 them, do opening statements -- I'll do the
23 introductions and then opening statements.

24 You have one witness to call?

25 MR. MAXWELL: Yes, ma'am.

1 THE COURT: All right. You can bring them on
2 in.

3 (WHEREUPON, the jury came into open
4 court at 3:12 p.m.)

5 THE COURT: All right. I'm going to ask that
6 Juror Number 107, Mr. Moore, serve as our foreman.
7 If you can switch seats with this young lady right
8 here. Thank you. I'll give you further
9 instructions at the end of the trial.

10 All right. Ladies and gentlemen of the jury,
11 I hope that you had a good lunch. At this time, I
12 am going to ask the clerk to swear you in again for
13 purposes of the trial.

14 THE CLERK: If you will stand, please, and
15 raise your right hand.

16 (Jurors comply..)

17 THE CLERK: Will you well and truly try and
18 true deliverance make between the State of South
19 Carolina and the prisoner at the bar and a true
20 verdict give, according to the law and the
21 evidence, so help you God?

22 ALL: I do.

23 THE CLERK: Be seated.

24 THE COURT: All right, ladies and gentlemen of
25 the jury, I hope you had a good lunch. What I will

1 say now is intended to serve as an introduction to
2 the trial of this case. These remarks are not a
3 charge on the law in this case. I will instruct
4 you on the law applicable to this case at the end
5 of the trial before you retire to consider your
6 verdict. This is merely an explanation of the
7 procedure that we will follow in the trial of this
8 case so that you may better understand what may be
9 happening. You are not to take any notes during
10 this trial.

11 As I told you earlier, the Defendant in this
12 case is charged by an indictment filed in this
13 court with the crime of murder, the elements which
14 will be explained to you later. The indictment is
15 simply the charge by which the case is brought into
16 court. And it is not in any sense evidence of any
17 of the allegations it contains.

18 The Defendant in this case has pled not guilty
19 to this indictment. The State therefore has the
20 burden of proving each of the elements of the
21 indictment beyond a reasonable doubt. And it will
22 be your duty, ladies and gentlemen, to decide
23 whether the State has met that burden.

24 Your purpose as jurors is to find and
25 determine the facts. You are the sole judges of

1 the facts in this case. If at any time I make any
2 comments regarding the facts, you must disregard
3 it. You are to determine the facts from the
4 testimony you hear and the other evidence
5 introduced in court. It is up to you to determine
6 the emphasis which you feel may properly be drawn
7 from the evidence. It is especially important that
8 you perform your duty of determining the facts
9 diligently and conscientiously. Ordinarily, there
10 is no way to correct an erroneous determination of
11 the facts by a jury.

12 On the other hand, and with equal emphasis,
13 the same law that makes you the judges of the facts
14 makes me the judge of the law. The law as given by
15 the Court is the only law you may consider. You
16 must accept and follow it even though you may
17 disagree with it. I cannot tell you what the facts
18 are in this case and you cannot disagree with me
19 about the law -- about what the law is or what the
20 law should be. Your job is to take the law as I
21 give it to you and apply it to the facts as you
22 find them from the testimony of the witnesses and
23 any other evidence that is introduced. After doing
24 that, you will render your verdict, a verdict under
25 the solemn oath that you just took as jurors.

1 Until I tell you that you may begin to
2 deliberate, you must not discuss this case with
3 anyone, including your fellow jurors, friends,
4 family members, and anyone else involved in the
5 case.

6 The attorneys and the parties in this case
7 have been advised that they are not to talk to you
8 at all. So if you see one of the attorneys around
9 the courthouse and they do not even say hello,
10 please do not hold this against the attorneys.
11 They are not being unfriendly or rude, they are
12 just following my instructions.

13 You must decide the case based on the evidence
14 presented here in the courtroom. This means that
15 during the trial you must not conduct any
16 independent research about this case, the facts of
17 the case, the evidence presented in the case, or
18 the people or organizations involved in any way in
19 this case.

20 Please do not try to find out information from
21 any other source outside this courtroom. In other
22 words, you must not look at dictionaries or other
23 reference materials, search the internet, websites,
24 or blogs, or use any other electronic tools to get
25 information about this case or to help you decide

1 the case. You may not use computers, telephones,
2 cell phones, smart phones, tablets, the internet,
3 or other tools of technology with communication
4 capabilities at any time while you are in the
5 courtroom or during your deliberations.

6 During your breaks for meals or overnight, if
7 necessary, you may use these devices. However, you
8 must not use these devices to communicate with
9 anyone about the case until the case is over. This
10 means you must not use phone calls, e-mails, text
11 messages, instant messages, Twitter, or any blog,
12 chat room, or website, including Facebook, Google
13 Plus, MySpace, LinkedIn, You Tube, or any other
14 social media websites -- they add one everyday, it
15 seems like -- Snapchat, and all that other stuff,
16 to send or receive information about this case.
17 This includes information about a party, a witness,
18 an attorney, or a court officer, news accounts
19 about the case, research on any topics raised, any
20 topics you may think would be helpful in deciding
21 the case, or any testimony presented by any
22 witness.

23 During the trial do not read, listen to, or
24 watch any news reports about this case. This
25 includes anything that may be in the newspaper, on

1 the internet, the radio, or the television. You
2 must not consider anything you may have read or
3 heard about this case outside the courtroom,
4 whether before or during the trial. Information on
5 television and the radio and the internet or from
6 other sources might be wrong or incomplete.

7 In our judicial system it is important that
8 you are not influenced by anything or anyone
9 outside of this courtroom. If you become aware of
10 another juror's violation of these instructions,
11 please inform me immediately by letting the
12 bailiffs know.

13 It is important that you keep an open mind and
14 not decide any issue in the case until all of the
15 evidence has been presented, the parties have made
16 their closing arguments, and I have instructed you
17 on the law in this case.

18 It is your solemn responsibility to determine
19 the guilt or innocence of the Defendant. And your
20 verdict must be based solely on the evidence as it
21 is presented to you in this trial and on the law as
22 I instruct you during and at the close of the
23 trial.

24 In just a moment the Solicitor will make what
25 is called an opening statement, in which the

1 Solicitor will explain to you the issues in the
2 case, or at least what the Solicitor thinks the
3 issues are in the case. The attorney for the
4 Defendant may also make an opening statement,
5 although he is not required to do so.

6 What the attorneys tell you during their
7 opening statements is not evidence in this case, it
8 is only their contention as to what the issues are.
9 The evidence in the case will be presented to you
10 by testimony of sworn witnesses from this witness
11 stand and/or by exhibits that may be introduced
12 into evidence.

13 From time to time during a trial, you may hear
14 one of the lawyers say something like, Your Honor,
15 I believe we have an outstanding question of law or
16 a matter of law to discuss with you, or, Your
17 Honor, may we approach the bench? Or sometimes I,
18 myself, might find it necessary to excuse you from
19 the courtroom for a short while so the attorneys
20 and I can discuss a matter of law.

21 The reason for this is because you are the
22 judges of the facts in this case, as I told you
23 earlier. And sometimes when I am discussing
24 matters of law with the attorneys, it may be
25 necessary for me to make some comment as to the

1 facts. Remember, I cannot tell you what the facts
2 are in this case, and so I will dismiss you from
3 the courtroom while I am making a ruling as to
4 whether or not a particular law applies. I am not
5 supposed to tell you what I think the facts are, so
6 I will excuse you from the courtroom while these
7 discussions take place so that in no way you will
8 be influenced by anything that I may say or do in
9 connection with the facts.

10 In determining what the true facts are in this
11 case, you must decide whether or not the testimony
12 of the witnesses is believable. It will be my
13 responsibility to rule as a matter of law as to
14 whether certain testimony is admissible or not, but
15 once the testimony is admitted, whether or not you
16 believe it is solely for you to determine.

17 In deciding whether to believe a witness, you
18 have the right to consider the interest of any
19 witness, the bias of any witness, the prejudice of
20 any witness, the opportunity for the witness to
21 have seen the matters and things about which the
22 witness may testify, and the way the witness acts
23 on the witness stand.

24 You have a right to consider anything that is
25 in the record that will help you evaluate the

1 testimony of the witnesses. That means that it is
2 your duty to pay close attention to these
3 witnesses, to observe the witnesses, to listen to
4 the witnesses, and to pay close attention to the
5 attorneys and the Court.

6 Do not let your thoughts wander, but give
7 strict attention to the testimony in this case so
8 that at the end of the trial -- at the end of all
9 of the testimony, after the arguments of counsel,
10 and the charge on the law by the Court, you will
11 then be in a position to determine what the true
12 facts are and to apply the law to those facts and
13 thus render a verdict.

14 Mr. Foreman, it is your added duty to preside
15 in the jury room and be the jury's spokesperson
16 here in the courtroom. It will also be your duty
17 to write the verdict, but I will give you further
18 instructions about that at the conclusion of the
19 case.

20 Mr. Foreman, if there is questions, you'll
21 have a notebook, if the jury has any issues, you
22 are to send those out, put your juror number, and
23 just sign your name.

24 If the jury has any concerns, you all let the
25 foreman know, and then he will communicate with the

1 Court.

2 In order to preserve everyone's rights, I will
3 give the parties an opportunity to object to
4 anything that I have said.

5 Any objections or exceptions from the State?

6 MR. MAXWELL: None from the State.

7 THE COURT: Anything from the Defense?

8 MR. FRICK: None from the Defense.

9 THE COURT: All right. At this time we will
10 begin this trial. First you will hear from
11 Mr. Riley Maxwell, on behalf of the State, and
12 Mr. William Frick, on behalf of the Defense.

13 All right, thank you.

14 MR. MAXWELL: May it please the Court?

15 OPENING STATEMENT

16 MR. MAXWELL: Good afternoon, ladies and
17 gentlemen. Again, my name is Riley Maxwell. Croom
18 Hunter and I work for the Sixth Circuit Solicitor's
19 Office. We represent the State of South Carolina
20 in this matter.

21 On July 4th, 2014, Jennifer Stone's life
22 ended. She was 34 years old. She was the mother
23 of five sons, three of which were just within feet,
24 yards of where she died.

25 On that night, her son, her oldest son,

1 Matthew Stone, who you will meet this week, and
2 some other people in the community, about
3 4:00 o'clock in the morning find her on the side of
4 her house in a little alleyway between her house
5 and the trailer next-door, basically clinging to
6 life, if not already dead. Law enforcement and
7 First Responders, EMS respond where she was
8 declared dead right there in that alley. Her other
9 sons were sleeping inside.

10 What the State will prove to you in the next
11 couple days is that Latroy Sampson is the person
12 who caused her death.

13 Now, as far as murder cases go, I think this
14 is going to be a relatively short case. I'm going
15 to try to keep it brief right now, but in the next
16 couple of days you are going to hear a lot of
17 information, both down here, from up there, and
18 from this witness stand.

19 And what you are to consider when you start
20 deliberating in this case is what is said from this
21 witness stand by the witnesses and what evidence is
22 entered into evidence that you'll have back in the
23 jury room, pictures and some maps and some other
24 things that you'll be able to examine in the jury
25 room once you start your deliberations at the end

1 of this trial.

2 Now, as the deliberators in this case, as
3 Judge Benjamin just said, you get to be the fact
4 finders in this case. You'll hear from several
5 witnesses, people from this community. Ms. Stone
6 lived on what was called -- a lot of people refer
7 to as Walk One or Ward One, the Crawford
8 Street/Garden Street area of Fairfield County, City
9 of Winnsboro.

10 Several people from that community are going
11 to testify this week. What they are going to tell
12 you is they saw Mr. Sampson and Ms. Stone, Jen
13 Stone -- a lot of people called her Jen -- leave
14 Crawford Street together to go back to her house
15 well after midnight, early morning hours of July
16 4th, 2014.

17 You will hear from Matthew Stone, who was
18 inside that house, hears some things and will tell
19 you a very specific detailed story about what he
20 observed that night and what led up to him finding
21 his mother deceased or dying just outside his
22 bedroom window.

23 And from these witnesses, as the fact finders
24 in this case, you get to -- have to piece this
25 together. There's going to be some inconsistencies

1 in this case. These witnesses are testifying based
2 on memories from two years ago. Very delayed. Lot
3 of stuff going on in the community in the hours
4 this all occurred. Some people were under the
5 influence celebrating the July 4th holiday. But it
6 is going to be up to you to put that all together
7 and make a decision in this case. And it is going
8 to be clear to you that Mr. Sampson is the person
9 responsible.

10 He has been charged with murder. Murder is
11 the unlawful killing of another person -- in this
12 case, Jen Stone -- with malice aforethought and
13 that person, Jen Stone, died as a proximate cause
14 of the actions of the Defendant, Mr. Sampson.

15 Jen Stone was strangled to death next to her
16 house. Malice aforethought, which is an element of
17 murder, means ill-will or hatred or an intent to do
18 this person bad or do them wrong in accomplishing
19 that death. That Mr. Sampson strangled her to
20 death without justifiable reason.

21 You'll hear from Mr. Frick in just a second
22 about presumption of innocence, which, under the
23 constitution, Mr. Sampson has. It is our job, the
24 State's job, to change that presumption by the end
25 of this trial. When you start deliberating in your

1 jury room, you get to make the decision of whether
2 the State has overcome the burden, which is, again,
3 of a reasonable doubt. Has the State proven their
4 case beyond a reasonable doubt? And I submit to
5 you, the State will accomplish that over the next
6 couple of days.

7 I appreciate your willingness to serve this
8 week. This is a very important case to the State
9 of South Carolina. It is an important case to
10 Fairfield County and City of Winnsboro. And a
11 very, very important case to Jennifer Stone's
12 family, who want justice in this case, a verdict --
13 the State is asking for a verdict of guilty and
14 justice for Jennifer Stone.

15 Thank you for your time and your verdict in
16 this case.

17 THE COURT: Yes, sir.

18 MR. FRICK: Thank you, Your Honor.

19 OPENING STATEMENT

20 MR. FRICK: Mr. Maxwell, Mr. Foreman, ladies
21 and gentlemen of the jury, good afternoon.

22 ALL: Good afternoon.

23 MR. FRICK: As you have heard, my name is
24 William Frick, and I represent Latroy Sampson, who
25 sits before you charged with murder, the strangling

1 of Ms. Stone on July 4th, 2014.

2 Now, whatever happened that night was clearly
3 a tragedy. It is always a tragedy when someone
4 loses their life. And this was a violent way for
5 that to occur. But understand why we're here
6 today. What we are here about is to determine
7 whether or not Mr. Sampson is the one who did that,
8 Latroy Sampson.

9 And you've heard from the judge, you've heard
10 from the prosecution, and I'm going to tell you
11 again, the way it works is y'all get to determine
12 the facts in the case. That's your job. Can't
13 nobody take that away from you. It is entirely
14 your province. And the way you do that is you see
15 the witnesses sit up on the stand and you listen to
16 them. You get to observe them, see their
17 mannerisms, how they act, how they answer
18 questions. You are going to see the pictures and
19 then some other forensic evidence that comes in
20 through the stand.

21 But just because somebody stands there and
22 puts their hand on the Bible and swears to tell the
23 truth doesn't mean you've got to believe them. You
24 get to use your common sense and make a
25 determination whether somebody is telling you the

1 truth or not.

2 And you can believe all of it, part of it, or
3 not a blame thing they tell you. And that is your
4 sole province, and no one can take that away from
5 you.

6 And I too want to thank you for you service.
7 It almost feels like you didn't have a whole lot of
8 choice in that, that's probably more true than you
9 will ever understand, but it is a great service
10 that you are providing. And it is something we
11 don't take lightly. We understand the
12 inconvenience placed upon you.

13 And it is always interesting to me as I sit
14 over here at counsel table and the indictment is
15 read, and no matter what the case, particularly in
16 a case like this, the look on people's faces when
17 they finally find out what they are really here
18 for.

19 And I will tell you that it's going to take a
20 little time, it's going to take a couple days, but
21 we're not like some other places where it takes
22 weeks and months to get a case tried. We get it to
23 you, put stuff out there, and you make your
24 decision.

25 So it will move rather expeditiously. It is

1 not always going to be exciting just like you see
2 on TV, but as you've already learned, it is not at
3 all like you've seen on some of the TV shows.

4 The State carries the entire burden of proof,
5 okay? Let me make sure you understand clearly, and
6 I know you do, but I will say this time and time
7 again today and when I come to you in closing, the
8 State has to prove their case beyond a reasonable
9 doubt, okay?

10 Mr. Latroy Sampson doesn't have to prove a
11 thing. He doesn't have to prove he's innocent. He
12 doesn't have to prove that he didn't do anything.
13 The State has to prove that he did. And they do
14 that by providing whatever evidence they provide.
15 You weigh it, and if you believe that they've met
16 their burden of proof, then you vote accordingly.

17 If you just look at it and go, Well, I don't
18 believe that they have met that high burden of
19 proof of beyond a reasonable doubt -- I'll tell you
20 my thoughts on what that is in just a second --
21 they haven't met that.

22 Well, if you have any question in your mind as
23 to whether they have met their burden of proof,
24 then your vote is simple: Not guilty.

25 They have got to prove beyond a reasonable

1 doubt that Latroy Sampson did what they say he did.
2 That he is, in fact, the one who caused this
3 terrible incident.

4 Now, what is beyond a reasonable doubt? Well,
5 the judge may give you the law on that at the end
6 of the case. I'm going to give you my idea of what
7 that is. My idea of that is that there is no other
8 reasonable explanation, that it had to have been
9 Latroy Sampson because there is no other
10 explanation. No other reasonable explanation.

11 Now, what it is not is, I've listened to it, I
12 looked over there at Mr. Sampson, I think he did
13 it. It is not, probably he did it. It is not,
14 maybe he did it. It is, is there any other
15 reasonable explanation but that he did it? And I
16 submit to you once you start hearing the State's
17 evidence, you're going to say, yes, there was.

18 Now, Mr. Sampson was there that night. I'm
19 not hiding it. He was there that night. He had
20 been with Ms. Stone that night. They had hung out.
21 May have even been over as her house later in that
22 evening. Being there doesn't make you guilty.
23 That's a principle called mere presence. Just
24 because you're where something happened doesn't
25 mean that -- that doesn't make you guilty of doing

1 something.

2 Let me give you a quick story. A few weeks
3 ago -- this is back before they decided to open
4 recycling centers on Wednesdays. The trash can was
5 full. The wife takes the trash bag out and puts it
6 on the front porch. Well, that's my signal that
7 I've got to take it from the front porch, take the
8 trash bag and put it in the trash can.

9 When I got home, I was lazy and I left it
10 there sitting on the front porch leaning against
11 the rocking chair. I live out in the country just
12 a little bit, not too far, but enough where there
13 is a vast array of wildlife who go across my yard
14 in the evening. So raccoons, possums, whatever
15 there may be.

16 Well, we've also got this little cat. Cutest
17 little cat you've ever seen, Button. Now, Button,
18 as all cats, does what she's going to do. We try
19 to make her be an outside cat, but when she wants
20 to come in, she comes in. Likes to sleep in the
21 house sometimes.

22 Well, that night I put the cat out, went on to
23 bed. I knew that the cat was outside.
24 Occasionally my wishes get overridden, perhaps my
25 wife or daughter will let the cat back into the

1 house. Well, I have no idea where the cat is.

2 I get up the next morning, I look outside, and
3 the cat is sitting beside the trash can and the
4 trash bag has been tore open and I've got trash
5 strewn all over my front porch.

6 Now, I know I let the cat out, but somebody
7 could have let the cat back in and the cat gone
8 back out, I have no idea. I have a belief that the
9 cat caused this, but I don't have proof beyond a
10 reasonable doubt that the cat did this.

11 That is what we've got here, ladies and
12 gentlemen. Just because Mr. Sampson may be at a
13 location where a tragic event occurred does not
14 mean that he's the one who did it. And I submit to
15 you, the State's evidence will not mount up to that
16 high burden of beyond a reasonable doubt.

17 Some of you may have been in other courts
18 before, I think some folks have been involved with
19 some civil cases. The burden of proof there is a
20 little bit different. It is, is it more likely
21 than not that something occurred. Here in criminal
22 court when we're dealing with serious matters such
23 as murder, we have the highest burden possible:
24 Beyond a reasonable doubt. Is there any other
25 reasonable explanation? And I tell you, yes, there

1 is. Yes, there is. And you'll see as we go along.
2 You'll see as the case develops.

3 I say to you again, remember, Mr. Sampson sits
4 over here accused, but accused doesn't mean
5 convicted. Accused is simply charged, an
6 allegation. And he sits there before you right now
7 an innocent man. And he remains that way until the
8 State, if they can, and I submit to you they
9 cannot, provides enough evidence. And the evidence
10 does not add up. It is not the only reasonable
11 explanation. There's plenty of other explanations,
12 you will see.

13 And I know at the end of this case, you will
14 find the State has not met its burden and
15 Mr. Latroy Sampson is not guilty of murder.

16 Thank you for your time and your attention in
17 this case.

18 THE COURT: All right. Thank you.

19 All right, I will allow the State to call its
20 first witness:

21 MR. HUNTER: The State will call Quinten
22 Adams.

23 (Witness approaches.)

24 THE CLERK: Mr. Adams, if you'll raise your
25 right hand and put your left hand on the Bible.

1 (Witness complies.)

2 THE CLERK: Do you solemnly swear or affirm
3 the testimony you give this Court and jury will be
4 the truth, the whole truth, and nothing but the
5 truth, so help you God?

6 THE WITNESS: Yes, ma'am.

7 (Witness seated.)

8 THE COURT: All right. Yes, sir. Please
9 speak into the microphone.

10 Yes, sir.

11 MR. HUNTER: May it please the Court?

12 QUINTEN ADAMS,

13 after being duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. HUNTER:

16 Q. Good afternoon, Mr. Adams.

17 A. (Nods affirmatively.)

18 Q. Where do you live?

19 THE COURT REPORTER: You are going to have to
20 speak up. I'm sorry, I can't hear you.

21 A. ■ South Garden Street.

22 Q. And how long have you lived there?

23 A. Probably about five, six years, something like
24 that.

25 Q. Okay. Were you living there on the night of July

1 4th, 2014?

2 A. Yes, sir.

3 Q. Okay. Could you kind of describe the area where
4 you live?

5 A. I live in the fourth apartment down.

6 Q. Okay. I'm going to show you what has been marked
7 as State's Exhibit Number 6. Do you see your
8 apartment in 6?

9 A. Fourth one down. It sits by itself.

10 Q. Okay. And you were home -- you testified you were
11 home on the night of July 4th, 2014?

12 A. I wasn't at home. I was -- I think it was Dunn
13 Street, I went around Crawford Street.

14 Q. Okay.

15 A. I ain't been at home for some reason.

16 Q. Okay. But at some point did you return to your
17 house that night?

18 A. Yeah, later that night, yeah.

19 Q. Okay. Could you describe to the jury what happened
20 or if anything happened once you returned home that
21 night?

22 A. When I got home, I was drunk, basically. I
23 walked -- me and my old lady walked from Crawford
24 Street to the house and then --

25 THE COURT REPORTER: I'm sorry, you're going

1 to have to speak up.

2 A. Me and my old lady were walking from Crawford
3 Street to the house, to our house on [REDACTED] South
4 Garden Street.

5 And on the way home, at the 4-way, like
6 Frazier, I think Sheon seen his old lady, I think
7 they call her Buckwheat, something like that, and
8 she was intoxicated too. So we were walking her to
9 my house so she could lay down. And I lay down and
10 call it a night. We got in the house, layed there
11 for a few minutes. I got real sick, like, you know
12 what I'm saying, so I started throwing up and I ran
13 outside.

14 Q. Let me stop you right there. Do you recall about
15 what time it was when you got home?

16 A. Late, about 2:30, 3:00 o'clock, something like
17 that. It was late.

18 Q. Okay. So what happened when you started throwing
19 up?

20 A. I went outside throwing up on the side of the
21 house. My old lady pat me on my back and asked me
22 was I all right. I was like, Yeah, I'm good. That
23 when I heard somebody scream. I ain't think about
24 it at first when I heard screaming, then somebody
25 scream again and I was like, What the hell, know

1 what I'm saying? So when I ran up to the front,
2 that's when I seen --

3 Q. Let me stop you right there. You say ran up to the
4 front.

5 A. I was at the back of the house on the side right
6 here throwing up at the back of this apartment. At
7 the back of this apartment back that way throwing
8 up. My old lady pat me on my back. That's when my
9 friend was like, What's wrong with him? My girl is
10 like, He's just drunk. And I heard somebody scream
11 for the second time. I ran up right here, and
12 that's when I seen Jen's son. I asked him -- I
13 asked him, What's wrong with you?

14 Q. Let me stop you right there. Now, what is Jen's
15 son's name?

16 A. I know him as Matt.

17 Q. Okay. And you say you ran up to him?

18 A. Yes, sir.

19 Q. And then what happened?

20 A. I was like, What's wrong with you?

21 He was like, My momma, my momma.

22 MR. FRICK: Objection. Hearsay.

23 THE COURT: Sustained.

24 BY MR. HUNTER:

25 Q. You can't say what anybody said, but after you

1 spoke -- after you ran into Matthew, without saying
2 what he said, what did you do then?

3 A. I don't understand.

4 Q. You testified that you came around the house and
5 ran into Matthew?

6 A. Yeah.

7 Q. Okay. What did you do then?

8 A. I asked him, What is wrong?

9 Q. Okay. Well, without saying what he said, what
10 did -- after y'all spoke, then what did you do?

11 A. Oh, went on the side of the house.

12 Q. Okay. And what did you see there?

13 A. I seen his momma laying there and Map holding her.

14 Q. And who is Map?

15 A. Joseph something.

16 Q. And he was holding her?

17 A. Yes, sir.

18 Q. Could you describe how he was holding her?

19 A. He was holding her -- he was like on his knees and
20 stuff holding her by her head, or whatever.

21 Q. Okay. And did you say anything?

22 A. No, I was just looking, know what I'm saying, what
23 the hell? And I ran into the house and I'm like,
24 Call 9-1-1, Call 9-1-1.

25 Q. Okay. And did you get anything from your house

1 when you ran back?

2 A. Yeah, I did get a machete.

3 Q. Okay. And then what did you do?

4 A. I came back and stood out in the front. By the
5 time the police came, he told me to drop the
6 machete, and I threw the machete down.

7 Q. Okay.

8 MR. HUNTER: Beg the Court's indulgence.

9 (Pause.)

10 BY MR. HUNTER:

11 Q. What was the lighting like that night? Was it
12 dark?

13 A. It was nighttime. It was dark. But, you know,
14 street lights, you know what I'm saying.

15 Q. But could you see Jennifer laying on the ground?

16 A. Yeah, I was probably from a distance from me to
17 you. I seen her.

18 Q. Could you tell what, if anything, she was wearing?

19 A. It was ripped. The clothes was ripped. I don't
20 remember the color of the clothing, I just remember
21 it was ripped and half pulled down and she was
22 halfway naked, basically.

23 MR. HUNTER: Court's indulgence.

24 (Pause.)

25 MR. HUNTER: No further questions. Thank you.

CROSS-EXAMINATION

1
2 BY MR. FRICK:

3 Q. Mr. Adams, you said when you went around the corner
4 you saw Map holding her?

5 A. Yes, sir.

6 Q. Who's Map?

7 A. Joseph.

8 Q. Okay. Joseph?

9 A. I don't know.

10 Q. You don't know Joseph's last name?

11 A. Probably Sampson, or something like that.

12 Q. Joseph Sampson, you think? Okay. You know that
13 man sitting over there?

14 A. I know him. I seen him before.

15 Q. Okay. Did you see him that night?

16 A. No, sir.

17 Q. Okay.

18 MR. FRICK: Thank you. That's all the
19 questions I have.

20 THE COURT: Anything else from the State?

21 MR. HUNTER: Briefly.

REDIRECT EXAMINATION

22
23 BY MR. HUNTER:

24 Q. Mr. Adams, could you describe how Joseph was acting
25 when you saw him?

1 A. He was like -- I don't know. He was just holding
2 her. And I can't really describe how he was
3 acting. My main focus was, like, damn, who did Jen
4 like this, you know what I'm saying.

5 MR. HUNTER: Nothing further. Thank you.

6 THE COURT: All right, sir. You may step
7 down.

8 (Witness steps down.)

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

11 MR. MAXWELL: No, ma'am.

12 THE COURT: All right, sir, you're free to
13 leave.

14 (Witness excused.)

15 MR. MAXWELL: Those are all the witnesses we
16 have prepared for today, Your Honor.

17 THE COURT: All right, ladies and gentlemen of
18 the jury, we are moving probably a little bit
19 faster than I think they expected, so we will go
20 ahead and take our evening break. We'll leave
21 early today. We may have to work a little bit
22 longer tomorrow afternoon. So if you can make
23 arrangements, that will be great.

24 We will start back at 9:30 in the morning. If
25 you all can be in the jury room at 9:30, we will

1 get started at that time.

2 Remember, you are not to discuss anything that
3 you have heard thus far. You have only heard from
4 one witness and you heard opening statements of the
5 lawyers and some comments from me. Do not form an
6 opinion as to the innocence or the guilt of the
7 Defendant at this point. That would not be fair to
8 either side.

9 So I'm going to ask that you clear your mind
10 of everything that happened here today. Go home,
11 have a good dinner, and watch whatever it is that
12 you want to watch on TV.

13 Remember, you cannot do any independent
14 research regarding anything that -- issues in this
15 case.

16 All right. I believe that is everything. We
17 will see you all in the morning. Thank you.

18 (WHEREUPON, the jury is excused at 3:51
19 p.m.)

20 THE COURT: All right. Anything before we
21 break for the evening?

22 MR. MAXWELL: No, Your Honor.

23 THE COURT: All right. And we'll try to start
24 about -- we'll get here about 9:15 so I can give
25 you a ruling as to Mr. Frick's motion to exclude

1 the assault and battery third conviction.

2 Do you have a copy of that audio that we can

3 --

4 MR. MAXWELL: I think we can make one very
5 quickly.

6 THE COURT: All right. Thank you.

7 MR. MAXWELL: We'll get that done right now.

8 THE COURT: All right. 9:15. See y'all in
9 the morning.

10 (WHEREUPON, the proceedings adjourned
11 for the day at 3:52 p.m.)

12 AUGUST 9, 2016

13 (WHEREUPON, the proceedings resumed at
14 9:41 a.m.)

15 THE COURT: All right. I have -- where is
16 that motion? And I gave you all an opportunity --
17 did anyone else -- did you all have anything to add
18 regarding Mr. Frick's motion to exclude the
19 conviction for assault and battery third?

20 MR. MAXWELL: Just to clarify briefly. Your
21 Honor, the case law against it goes both ways in
22 regards to talking about uncounseled pleas in
23 magistrate's and municipal court.

24 What the State wants to introduce is him
25 saying, I'm guilty to the allegations of this

1 warrant, which I think draws a distinction between
2 the uncounseled plea -- the cases where they use
3 uncounseled pleas to try to enhance a drug offense.

4 This is similar to someone being charged with
5 petit larceny and burglary in the same case and
6 pleading to the petit larceny prior to the burglary
7 case coming to trial and then using the plea of
8 guilty saying, Yes, I'm guilty of petit larceny in
9 the burglary case.

10 The State would say that is an admission and
11 statement against interest. That is what the State
12 is tendering to introduce, not the conviction, I
13 guess, itself, just him saying, I'm guilty of these
14 allegations in the warrant. I'm not worried about
15 the implications or the consequences of his guilty
16 plea, but what he says during the guilty plea
17 saying, I'm guilty.

18 MR. FRICK: Your Honor, just briefly in
19 response to that. I think I said -- I don't
20 understand how that is different from saying, We're
21 admitting his guilty plea. But as you heard -- and
22 I don't have the case with me and I apologize, but
23 I think it is U.S. vs. Faretta that says you have
24 got to give the warning that says it is inherently
25 dangerous to represent yourself and counsel them

1 along those lines to make a knowing waiver of
2 representation. And that clearly did not occur in
3 this case. That is my concern. My client was
4 given no idea that this would be used against him
5 in a murder trial. So I think that in and of
6 itself is enough to err on the side of caution.

7 I do agree that the vast number of cases that
8 deal with this situation deal with graduated
9 offenses. You've got a shoplifting and you're now
10 finding yourself in General Sessions, the question
11 is, is it appropriate for you to be there because
12 you had uncounseled pleas before. I do admit this
13 is a slightly different situation, but the State
14 is, in fact, using this to place my client at the
15 scene of a murder case. And I think it is just as
16 appropriate to use those in this case. And that's
17 why I asked you to grant my motion.

18 THE COURT: All right. And we have gone
19 through it. I would agree with both of you that
20 most of the cases do involve the enhancement.

21 My concern is not only was he not represented
22 by counsel, he was not -- unless -- of course,
23 based on the audio that we had, he was not advised
24 of his rights. He was not -- by the Court. So
25 even with him not having counsel, he wasn't advised

1 of his rights, his right to remain silent. He
2 wasn't advised of any of that. So that is my
3 concern regarding letting in the conviction.

4 I think ordinarily that it would be an
5 admission. I would agree with the State that it
6 would come in as an admission against interest,
7 clearly, but I think under -- looking at 404 and
8 404(b), and also considering the fact that he was
9 unrepresented during the plea, and also the
10 municipal court failed to advise him of any rights,
11 I am not going to allow the conviction in.

12 I will -- now, the son can testify all day
13 long about what happened. Any other witnesses can
14 testify about the assault to the son. But as far
15 as just getting that little portion in that he pled
16 guilty to it, I'm going to leave that out. I'm
17 going to exclude that portion. But he -- but the
18 son is more than welcome to testify as to what
19 happened to the events that night. I'll probably
20 let him go as far as saying I think he was charged
21 that night with assault and battery? Was he
22 charged that night with assault and battery?

23 MR. MAXWELL: I think that was the first
24 warrant they got on the 4th. The warrant for
25 murder wasn't procured until the 5th.

1 THE COURT: And I think all of that is
2 admissible regarding what happened and him being
3 charged, but actually getting into the
4 conviction -- of course, unless you all open the
5 door.

6 MR. FRICK: I understand. And just to
7 clarify, I do object to the son testifying to the
8 incident. I understand you've ruled on that. I
9 just want to make sure I'm clear on the record that
10 I do object to that testimony under 404(b), and its
11 not being res gestae. I know that's what the State
12 intends to introduce it as, but I'll make my
13 contemporaneous objection as that comes out. I
14 just wanted the Court to be aware.

15 THE COURT: I just think -- you know,
16 yesterday we talked about the nexus. It is all
17 arising out of the same event. And the proximity
18 of time of the assault, the incident, it all
19 arises -- appears to arise allegedly out of the
20 same event, so I will allow him to testify to that,
21 what he saw, what happened. Or any -- I mean, are
22 there other witnesses that -- did anyone else
23 witness the assault?

24 MR. MAXWELL: Nobody else witnessed the
25 assault itself. There may be some witnesses

1 talking about when the son turns the corner running
2 away and he's holding his head indicating he had
3 been hit or his hair pulled, or something like
4 that.

5 THE COURT: All right. Anything else? And
6 then we'll deal with the YSTR DNA. When are you
7 calling that witness?

8 MR. MAXWELL: She should be here about 2:00 or
9 2:30 this afternoon. And I've given her a
10 heads-up, so she may show up a little earlier.

11 THE COURT: Yes, let's just see how that goes
12 because we may be able to call her in-camera.
13 Instead of having the jurors wait in the back, do
14 the in-camera maybe like right there around
15 lunchtime and then have them come a little bit
16 later for lunch. Yes, let's just see how it goes.
17 So if she can get here earlier, that's good.

18 All right. Are we ready? And you have
19 witnesses lined up through the end of the day?

20 MR. MAXWELL: Yes, ma'am. We've got three
21 designated for tomorrow we moved into this
22 afternoon.

23 THE COURT: Okay, great.

24 All right. Let's bring them in.
25

1 (WHEREUPON, the jury came into open
2 court at 9:50 a.m.)

3 THE COURT: All right, good morning, ladies
4 and gentlemen of the jury. I hope you had a
5 restful evening.

6 At this time we will continue with the State's
7 case. I will ask Mr. Maxwell to call his next
8 witness.

9 MR. MAXWELL: Your Honor, the State calls
10 Darrell Young.

11 (Witness approaches.)

12 THE CLERK: If you will place your left hand
13 on the Bible and raise your right hand.

14 (Witness complies.)

15 THE CLERK: Do you solemnly swear or affirm
16 the testimony you give this Court will be the
17 truth, the whole truth, and nothing but the truth,
18 so help you God?

19 THE WITNESS: Yes, ma'am.

20 DARRELL YOUNG,
21 after being duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. MAXWELL:

24 Q. Can you state your name for the record?

25 A. Darrell Young.

1 Q. And, Officer Young, can you also spell your first
2 name so we have the correct spelling?

3 A. D-A-R-R-E-L-L.

4 Q. Thank you. And, Officer Young, where are you
5 employed?

6 A. Currently at the Fairfield County Sheriff's
7 Department.

8 Q. Back in July of 2014, where were you employed?

9 A. The Town of Winnsboro, Winnsboro Department of
10 Public Safety officer.

11 Q. How long have you been a law enforcement officer?

12 A. Since 2010.

13 Q. And how long did you -- or what period did you work
14 for the City Police here in Winnsboro?

15 A. October of 2010 till May of 2016.

16 Q. Back in July of 2014, what were your duties with
17 the City Police Department?

18 A. I was a patrol sergeant.

19 Q. Were you working on the early morning hours of July
20 the 4th of 2014?

21 A. Yes.

22 Q. Were you dispatched to a residence on Garden Street
23 in the early morning hours?

24 A. Yes.

25 Q. And if you need to refer to your report, please do.

- 1 A. Yes, sir.
- 2 Q. What time were you dispatched to Garden Street?
- 3 A. 4:05 a.m.
- 4 Q. What time did you arrive?
- 5 A. 4:07 a.m.
- 6 Q. And where were you -- do you recall where you were
- 7 at when you got the call?
- 8 A. I was at Cuz's Corner when the call came out.
- 9 Q. So is that close by to Garden Street?
- 10 A. Yes, Congress and Calhoun Street.
- 11 Q. And what address specifically did you respond to?
- 12 A. [REDACTED].
- 13 Q. What street name?
- 14 A. Oh, excuse me, [REDACTED] South Garden.
- 15 Q. And is that in Fairfield County?
- 16 A. Yes.
- 17 Q. Is that a residence?
- 18 A. Yes.
- 19 Q. Did you -- well, before I ask that question. Was
- 20 there a 9-1-1 call out that caused you to be
- 21 dispatched to that residence?
- 22 A. Yes.
- 23 Q. Do you know if there were more than one 9-1-1
- 24 calls?
- 25 A. Yes, several 9-1-1 calls.

1 Q. Did you know what you were responding to while you
2 were on the way to the location?

3 A. No, sir, just a disturbance, possible disturbance.

4 Q. I'm going to show you what has been marked for
5 identification purposes State's Exhibit 3. Take a
6 second to look at that. Is that a picture of the
7 house you responded to on [REDACTED] South Garden Street?

8 A. Yes, sir.

9 Q. Does it look basically similar to what it looked
10 like back on July 4th of 2014?

11 A. Yes, sir.

12 MR. MAXWELL: Your Honor, the State would
13 offer State's Exhibit 3 into evidence at this time.

14 MR. FRICK: No objection.

15 MR. MAXWELL: Your Honor, also we would ask to
16 publish it to the jury as well.

17 THE COURT: State's 3 is entered without
18 objection. And you may publish it to the jury.

19 (WHEREUPON, State's Exhibit No. 3 was
20 marked for identification and received
21 into evidence.)

22 (WHEREUPON, State's Exhibit Number 3 was
23 published to the jury.)

24 BY MR. MAXWELL:

25 Q. Just for the record, is that, State's Exhibit 3, a

1 picture of the house you just identified on the TV
2 screen?

3 A. Yes.

4 Q. When you arrived, what did you observe going on?

5 A. When I first arrived on the scene, I was met in the
6 roadway by Mr. Stone, the victim's son, and Quinten
7 Adams.

8 Q. Are you referring to Matthew Stone?

9 A. Matthew Stone.

10 Q. Where were they standing at? If you need to use
11 the picture as a reference, that's fine.

12 A. It's not pictured. It's more -- it was in the
13 roadway in front of the residence.

14 Q. Okay. Did you see anybody else around other than
15 those two?

16 A. Not at that time.

17 Q. Did they direct you anywhere?

18 A. Yes, sir.

19 Q. And where did you go when they directed you?

20 A. They directed me to the corner of the residence, to
21 the left-hand side of where the black screen is.
22 The screen was obviously not there at the time when
23 I arrived.

24 Q. Did you go back down between -- is there a fence
25 there on the left side?

1 A. Yes, sir.

2 Q. You can go back down between the fence and the
3 house?

4 A. Yes, sir.

5 Q. Was it dark back there? Can you describe the
6 lighting?

7 A. There was one glow of a boom light way back behind
8 there, but the rest of it was dark.

9 Q. Do you know if there were street lights on?

10 A. Yes, sir, there's a street light on this side that
11 you can see.

12 Q. Do you recall if there were lights on either the
13 porch area or the trailer across the fence?

14 A. I remember the light being on inside of the
15 residence, but I don't remember the porch light
16 itself being on.

17 Q. When you went back between the houses, between the
18 fence and the white house --

19 A. Yes, sir.

20 Q. -- did you have to use a flashlight? Or did you
21 have a flashlight?

22 A. I had a flashlight. And I wound up using it
23 because of the light.

24 Q. Did you -- what did you find when you went back
25 into that alley?

1 A. The victim was pretty much laying there lifeless.
2 And Joseph Sampson was like cradling her and just
3 telling her to, Wake up, Wake up, Wake up.

4 Q. And you said victim. You are referring to Jennifer
5 Stone?

6 A. Yes, sir, Jennifer Stone.

7 Q. What did you do when you saw her on the ground and
8 Joseph Sampson cradling her?

9 A. Immediately notified dispatch to send EMS for a
10 possible unconscious victim. I then reached over
11 there and checked her pulse, and she did not have
12 one.

13 Q. At any point in time did you see or hear her try to
14 say anything with her mouth?

15 A. No, sir.

16 Q. Did you also call for other officers to respond to
17 the scene?

18 A. Yes, sir.

19 Q. Did EMS come to the scene?

20 A. Yes, sir.

21 Q. Did other officers come to the scene?

22 A. Yes.

23 Q. Who were the next set of officers to come? Do you
24 recall who?

25 A. I remember county deputies, Lieutenant White and

1 Sergeant Watkins, arrived because I requested crowd
2 control by that time. The people started coming
3 out. And Officer Evans, he arrived.

4 Q. And what duties did they perform? Do you recall?

5 A. The county deputies performed perimeter, crowd
6 control. They helped put tape, or whatever.
7 Honestly, I can't tell you what Evans done, I can't
8 remember.

9 Q. When you first arrived, again, who were the only
10 people that you saw there?

11 A. Mr. Stone and Adams. And then when I went around
12 the corner of the house, the victim and Joseph
13 Sampson.

14 Q. Anybody else that you saw initially?

15 A. No, sir.

16 Q. Did other people start coming out --

17 A. Yes, sir.

18 Q. -- after you arrived?

19 A. Yes sir.

20 Q. Out of the neighboring houses and apartments?

21 A. Yes, eventually people started coming out.

22 Q. I want to show you what has been marked State's
23 Exhibit 28 for identification purposes. Does that
24 look familiar to you?

25 A. Yes, sir.

1 Q. What is that a picture of?

2 A. That's the victim.

3 Q. Is that her laying in the same spot where you first
4 encountered her with Joseph Sampson holding her?

5 A. Yes.

6 MR. MAXWELL: Your Honor, the State would move
7 State's 28 into evidence..

8 THE COURT: Any objection?

9 MR. FRICK: No objection to this one.

10 (WHEREUPON, State's Exhibit No. 28 was
11 admitted into evidence.)

12 MR. MAXWELL: Your Honor, I also ask to
13 publish this to the jury at this time.

14 THE COURT: Yes, sir.

15 (WHEREUPON, State's Exhibit Number 28
16 was published to the jury.)

17 BY MR. MAXWELL:

18 Q. Again, is that the picture I just showed you on the
19 TV screen?

20 A. Yes.

21 Q. And is that roughly the same condition that you
22 first saw Jennifer Stone in when you went into that
23 side of the house alley?

24 A. Yes, sir, minus the leads, the EMS stickies.

25 Q. Did you see Joseph Sampson -- other than maybe

1 touching her body and cradling her upper body, did
2 you or him or anybody else try to move the body?

3 A. No.

4 Q. Do you recall if anybody put anything on her while
5 she was laying there?

6 A. Joseph placed a shirt over her to try to cover her,
7 I think.

8 Q. What part of her body? Was it her midsection?

9 A. Yes, sir.

10 Q. Are you referring to kind of the brown piece of
11 clothing on her midsection in that picture?

12 A. Yes, sir.

13 Q. Can you describe how her clothing was on her upper
14 body when you first saw her?

15 A. It was pretty much like it is there: Disheveled,
16 ripped, dirty.

17 Q. When EMS arrived, did you communicate with them?

18 A. For a moment to show them where the victim was and
19 the victim -- paramedic confirmed that she was
20 deceased.

21 Q. Did you touch her other than to check her pulse?

22 A. No, sir.

23 Q. Did you have gloves on when you did so?

24 A. I can't really recall.

25 Q. Did you see anybody else touch her other than

1 Joseph Sampson when you first arrived, you touching
2 her and then EMS trying to treat her when they
3 arrived?

4 A. No. No, sir.

5 Q. Did Major John Seibles come to the scene at some
6 point?

7 A. Yes.

8 Q. And did he take control of the scene at that point
9 in time?

10 A. Yes. Yes.

11 Q. Did y'all put a scene log together of who arrived
12 and roughly what times they arrived?

13 A. Yes, sir.

14 Q. And did you turn that over to him or another
15 supervising officer?

16 A. Yes, sir.

17 MR. MAXWELL: Beg the Court's indulgence.

18 (Pause.)

19 MR. MAXWELL: No further questions.

20 CROSS-EXAMINATION

21 BY MR. FRICK:

22 Q. You were what we refer to as the initial responding
23 officer?

24 A. Yes, sir.

25 Q. And no one was working with -- no one was riding

1 with you in your car that night?

2 A. No, sir.

3 Q. So you get -- through dispatch, you hear that there
4 are these 9-1-1 calls?

5 A. Yes, sir.

6 Q. Did you get any information from the 9-1-1 calls?

7 A. No, sir, just possible disturbance.

8 Q. Okay. On Garden Street?

9 A. Yes, sir.

10 Q. Had you been given an address?

11 A. [REDACTED] South Garden Street, yes, sir.

12 Q. But as far as what the disturbance was, any
13 information?

14 A. No.

15 Q. So you get there, you have no idea what you're
16 walking into?

17 A. No, sir.

18 Q. No suspect had been given, no ID?

19 A. No.

20 Q. Now, the picture in State's Number 3, it's a little
21 lighter in this picture than what you saw when you
22 got there, isn't it?

23 A. Yes, sir.

24 Q. This was clearly taken in --

25 A. At daylight.

1 Q. Okay. And around the side here, that's where you
2 found the victim?

3 A. Yes, sir.

4 Q. Okay.

5 A. Closer to this corner.

6 Q. It's around the corner of the house; is that right?

7 A. No.

8 Q. It's not?

9 A. About right where you see that bush.

10 Q. Yes, sir. Okay. All right. And I can't recall,
11 did you say that there was any lighting coming from
12 this mobile home?

13 A. I'm not sure. There is a boom light here that
14 illuminates to like here, illuminates the whole
15 front.

16 Q. Did that give you a good clear view of what you
17 were walking up on?

18 A. Yes and no. It was kind of -- you can obviously
19 see where it is, but you can't --

20 Q. Right.

21 A. Can't make out fine details because of the
22 lighting.

23 Q. Okay. It wasn't bright enough that you didn't need
24 to use your flashlight?

25 A. Yes, sir.

1 Q. You did pull out your flashlight and look around
2 the area?

3 A. Possibly.

4 Q. Okay.

5 A. Yes, sir.

6 Q. Well, you did or you didn't. I mean, didn't you
7 tell the Solicitor you did?

8 A. Yes, sir, I told him I couldn't remember if I used
9 my light or not, but more than likely, I probably
10 did use my light.

11 Q. I'm not trying to put words in your mouth. I
12 apologize.

13 All right. The first people you see are
14 actually in the roadway further up; right?

15 A. Yes, sir.

16 Q. Okay.

17 A. Adjacent to the front door, but in the street.

18 Q. Looking at State's Number 3, you're talking about
19 over here?

20 A. This is the roadway. You can't see it in this
21 picture. It was like here. Like this little mark
22 right here in the roadway.

23 Q. Is there kind of a little driveway that goes down
24 this side over here?

25 A. Yes.

1 Q. And some other apartments and whatnot back here?

2 A. Yes, sir.

3 Q. And in the roadway you meet Mr. Adams and
4 Mr. Stone?

5 A. Yes, sir.

6 Q. And they directed you to the side of the house?

7 A. Yes.

8 Q. And when you get there, the victim, you said, being
9 cradled by Joseph Sampson?

10 A. Yes.

11 Q. When you say that, can you give me some idea of
12 what you mean by cradling?

13 A. Pretty much like you would hold a child. Like if
14 this was her, I mean, it was like this, saying,
15 Wake up.

16 Q. And that's what he was saying to her?

17 A. Yes, sir.

18 Q. Did he say anything else?

19 A. No, sir. He was upset. It was hard to understand.

20 Q. Okay. Visibly upset?

21 A. Yes, sir.

22 Q. Okay. You said the brown shirt that's in State's
23 Number 28, that was placed by Mr. Sampson?

24 A. Yes.

25 Q. Had he already placed it when you see him there or

1 did he place it after you got there?

2 A. He placed it when we was there.

3 Q. Okay.

4 A. I seen him take it off and put it on her.

5 Q. I got you. Okay. All right. Was it his shirt?

6 A. Yes, sir.

7 Q. I mean, did he have any other shirt on or?

8 A. I want to say yes. He wasn't shirtless, but I
9 can't tell you if it was a T-shirt or a wifebeater,
10 but it was --

11 Q. I understand. Okay. Give me one second, Officer.

12 (Pause.)

13 MR. FRICK: Thank you, Deputy.

14 Your Honor, that's all the questions I have.

15 MR. MAXWELL: No redirect, Your Honor.

16 THE COURT: All right, sir. You may step
17 down.

18 Thank you.

19 (Witness steps down.)

20 MR. HUNTER: The State would call Brian
21 Drowdy.

22 (Witness approaches.)

23 THE CLERK: If you will raise your right hand.

24 (Witness complies.)

25 THE CLERK: Do you solemnly swear or affirm

1 that the testimony you give this Court will be the
2 truth, the whole truth, and nothing but the truth,
3 so help you God?

4 THE WITNESS: Yes, ma'am.

5 BRIAN DRAWDY,
6 after being duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. HUNTER:

9 Q. Good morning, Mr. Drawdy. Is it Drawdy or Drowdy?

10 A. Drawdy.

11 Q. Drawdy. Where do you work, Mr. Drawdy?

12 A. Currently?

13 Q. Yes, sir.

14 A. Fairfield County EMS.

15 Q. Okay. And how long have you worked there?

16 A. Since November 2010.

17 Q. So you were working in that capacity -- were you
18 working in that capacity on July 4th of 2014?

19 A. As a paramedic, yes, sir.

20 Q. Okay. And that night did you respond to an
21 incident at [REDACTED] South Garden Street?

22 A. We did, received a call to an unresponsive patient.

23 Q. Okay. And how were -- were you dispatched through
24 a 9-1-1 call?

25 A. I don't know if it came through 9-1-1 or, like

1 Mr. Young said, he requested EMS due to a patient
2 being unresponsive.

3 Q. Do you recall what time you were dispatched to that
4 location?

5 A. We received the call at 4:09 a.m.

6 Q. Do you have noted what time you arrived?

7 A. 4:15.

8 Q. Okay. Could you describe it -- well, I'm going to
9 show you what has been marked as State's Number 3.
10 Is this the house that you were dispatched to?

11 A. Yes, sir.

12 Q. Okay. Could you describe the scene when you got
13 there? What did you encounter when you pulled up?

14 A. When we first pulled up, we saw officers on the
15 scene, and they directed us towards the patient.

16 As far as --

17 Q. Where was the patient?

18 A. The patient was on the left corner between the
19 fence and the residence.

20 Q. So was the patient over here?

21 A. Yeah, between the fence and corner of the home
22 there.

23 Q. Okay.

24 A. It was very dark, I remember that. And I saw the
25 officers using their flashlights to direct us

1 towards the patient. As we got out of the truck,
2 we got out our equipment and approached the scene.
3 Was told it was safe. A few -- I remember a few
4 people intermingling around, but they gave us room
5 to work. There was a young man there just telling
6 her to breathe, telling her to breathe.

7 Q. So by the time you got there, was there a crowd of
8 people sort of gathered?

9 A. When we first arrived, no. As we were leaving, it
10 was building.

11 Q. Okay. And so when you arrived, did you go to the
12 victim?

13 A. Yeah, we went straight to where the victim was.

14 Q. Okay. And I'm going to show you what has been
15 marked as State's 28. Is that what the victim
16 looked like when you arrived?

17 A. With the exception of the electrodes we applied,
18 yes, that's the way she appeared.

19 Q. Okay. And could you describe -- did you attempt to
20 resuscitate the victim?

21 A. After our initial assessment, the patient had no
22 respiratory effort, no cardiac rhythm according to
23 our cardiac monitor, and she was cool to the touch.
24 So that pretty much rules out any resuscitation
25 efforts by our protocol.

1 Q. Okay. And does this picture represent how she was
2 clothed when you arrived?

3 A. It appears so, yes.

4 Q. Did you move the body?

5 A. We did not move -- the only touching we did was
6 checking for a pulse on the carotid artery and
7 apply those electrodes to conduct the cardiac
8 assessment.

9 Q. Okay. Once you determined that she was deceased or
10 that she didn't have a pulse, what did you do after
11 that?

12 A. After we confirmed the death, we notified dispatch
13 to call for the coroner. And I think we told the
14 officers on the scene we would not be transporting
15 or attempting resuscitation. At that point, we
16 covered her with a sheet.

17 Q. Was that the end of your interaction on the scene?

18 A. Yes. At that point, we leave the victim or the
19 body with the on-scene officers until the coroner
20 arrives. We did not stay for the coroner that
21 evening because we were busy, so we were not
22 around.

23 MR. HUNTER: Beg the Court's indulgence.

24 (Pause.)

25 MR. HUNTER: No further questions. Thank you,

1 Mr. Drawdy.

2 MR. FRICK: No questions for Mr. Drawdy.

3 THE COURT: Thank you, sir. You can step
4 down.

5 (Witness steps down.)

6 MR. MAXWELL: Can Mr. Drawdy be released?

7 MR. FRICK: No objection.

8 THE COURT: You are free to leave.

9 (Witness excused.)

10 MR. MAXWELL: The State calls John Seibles.

11 (Witness approaches.)

12 THE CLERK: Do you solemnly swear or affirm
13 that the testimony you give this Court will be the
14 truth, the whole truth and nothing but the truth so
15 help you God?

16 THE WITNESS: I do.

17 JOHN SEIBLES,
18 after being duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. MAXWELL:

21 Q. State your name for the record.

22 A. John Seibles.

23 Q. And, Major Seibles, where are you employed?

24 A. Winnsboro Department of Public Safety.

25 Q. And what is your position there?

1 A. I'm a major.

2 Q. And how long have you been with Winnsboro
3 Department of Public Safety?

4 A. Off and on.

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

6 A. Thirty-nine years all together.

7 Q. And what are your duties as a major at the
8 Winnsboro Department of Public Safety?

9 A. My duties, I operate more as a deputy chief. I'm
10 responsible for various duties. I'm also over
11 investigations and narcotics.

12 Q. And were you major back in July of 2014?

13 A. Yes, sir.

14 Q. And were you made aware that Winnsboro Department
15 of Public Safety had been dispatched to a residence
16 on Garden Street?

17 A. Yes, sir, I received a call that morning.

18 Q. And what time did you go to that location?

19 A. It probably was about, maybe 30 to 45 minutes after
20 I received the call. I had to get up and get
21 dressed.

22 Q. Was it daylight or still dark out when you got
23 there?

24 A. When I got there, it was kind of like breaking
25 dawn. It was starting to get light.

1 Q. And were you familiar with this area?

2 A. Yes, sir.

3 Q. I'll show you what has been marked State's Exhibit

4 3. Is that the residence you responded to?

5 A. Yes, sir, it is.

6 Q. And is that location in the County of Fairfield?

7 A. Yes, sir.

8 Q. This was [REDACTED] South Garden?

9 A. Yes, sir.

10 Q. Can you describe what else is on that property?

11 A. The house is kind of a duplex, it's split. The
12 front side is one set of apartments, the back side
13 is another set of apartments. To the left was an
14 old mobile home, I would say abandoned because
15 there was no power to it. It was still being used,
16 I think, but it was no power to the house. On the
17 right side --

18 Q. Referring to this trailer here?

19 A. Yes, sir.

20 Q. On this side of the picture?

21 A. Yes, sir. On the right side of the house is a set
22 of apartments. And at the end of those apartments
23 there is a mobile home that sits at the back of the
24 apartments.

25 Q. Let me show you what has been marked for

1 identification purposes as State's Exhibit 6. Is
2 that another view of that address, that property?

3 A. Yes, sir, it is.

4 Q. Does that, I guess, better show the apartments here
5 to the right end of the driveway?

6 A. Yes, sir, it shows the apartments and it also shows
7 the mobile home in the rear.

8 Q. Is that an accurate depiction as the scene was back
9 on July 4th of 2014?

10 A. Yes, sir.

11 MR. MAXWELL: The State would move State's
12 Exhibit 6 into evidence.

13 MR. FRICK: No objection, Your Honor.

14 THE COURT: All right, 6 is entered.

15 (WHEREUPON, State's Exhibit No. 6 was
16 marked for identification and received
17 into evidence.)

18 BY MR. MAXWELL:

19 Q. Is that just a different view of that picture I
20 just showed you?

21 A. Yes.

22 Q. And this is the driveway to get to the rear?

23 A. It is.

24 Q. And are these the apartments you're referring to
25 here?

1 A. Yes, sir.

2 Q. I want to show you what has been marked as State's
3 Exhibit 2. I ask you take a look at that. Is that
4 an overhead satellite picture of that piece of
5 property at 417 South Garden?

6 A. Yes, sir.

7 MR. MAXWELL: The State would move State's
8 Exhibit 2 into evidence, satellite map.

9 THE COURT: Any objection?

10 MR. FRICK: No objection, Your Honor.

11 (WHEREUPON, State's Exhibit No. 2 was
12 marked for identification and received
13 into evidence.)

14 MR. MAXWELL: I also ask to publish that to
15 the jury, Your Honor. I didn't say that on 6, but
16 that is also being published.

17 THE COURT: Yes.

18 (State's Exhibit Numbers 2 and 6 were
19 published to the jury.)

20 BY MR. MAXWELL:

21 Q. Is that -- on the TV screen, is that State's 2,
22 that satellite map I just showed you?

23 A. Yes, sir.

24 Q. Is this the residence?

25 A. Yes, sir.

1 Q. [REDACTED]. Does the driveway go in this area?

2 A. Yes, sir, that's correct.

3 Q. And are these the apartments you referred to?

4 A. Yes, sir.

5 Q. Do you know who lives in some of these apartments?

6 A. I do.

7 Q. Any idea, roughly, of how many there are?

8 A. I'm not exactly sure, but there is probably about
9 six or eight apartments there.

10 Q. And do the doors of the apartments face the
11 driveway and face the house?

12 A. Yes, sir.

13 Q. Can you name some of the people who reside in those
14 apartments?

15 A. Pam Peay lives in about the second or third one
16 down on the right.

17 Quinten Adams live just past her.

18 Marcus Douglas' father, and he live with his
19 father, would be the next one.

20 Q. That's just going down the line?

21 A. Yes, sir.

22 Q. You said Pam Peay somewhere -- you said second or
23 third?

24 A. Yes, sir.

25 Q. And Quinten somewhere down --

1 A. Just past her.

2 Q. Marcus Douglas and his father?

3 A. Yes, and I think there's one on the end. I'm not
4 sure who's in that one.

5 Q. Okay.

6 A. There's probably two or three mixed in there, but
7 I'm not sure who.

8 Q. When you arrived at the location, what was going
9 on?

10 A. When I arrived at the scene, EMS had already did
11 what they do, checked the situation. I talked to
12 the officers on the scene. We -- after making an
13 evaluation, we decided we would notify SLED to come
14 in and process the scene for us. I talked to the
15 officers on the scene, advised them to try to
16 identify all the witnesses they could. And also
17 advised a couple of officers to get statements if
18 they could.

19 I was sick on this morning and stayed as long
20 as I could, so I was asking the other officers to
21 fill in and do what needed to be done.

22 Q. Did SLED Crime Scene ultimately come to the
23 location?

24 A. They did.

25 Q. And did they process the scene?

1 A. They processed the scene.

2 Q. Did several of the witnesses that came forward and
3 officers spoke with, were they from this
4 neighborhood -- a lot of them from this
5 neighborhood?

6 A. Yes, sir.

7 Q. I'm going to show you what has been marked State's
8 Exhibit 1 for identification purposes. Is that a
9 satellite map of kind of the neighborhood?

10 A. Yes, sir.

11 MR. MAXWELL: Your Honor, the State would
12 offer State's Exhibit 1 into evidence.

13 MR. FRICK: No objection, Your Honor.
14 (WHEREUPON, State's Exhibit No. 1 was
15 marked for identification and received
16 into evidence.)

17 MR. MAXWELL: And I would ask to publish it to
18 the jury, Your Honor.

19 THE COURT: Yes, sir.

20 (WHEREUPON, State's Exhibit Number 1 was
21 published to the jury.)

22 MR. MAXWELL: Your Honor, permission for the
23 witness to leave the stand so he can use the --
24 point some things out on the map.

25 (Witness steps down.)

1 BY MR. MAXWELL:

2 Q. Major Seibles, can you point out on that map Jen
3 Stone's house at ■ South Garden?

4 A. It would be right here(indicating).

5 Q. And is that Garden Street, I guess, running in
6 front of her house?

7 A. Yes, sir.

8 Q. What is this neighborhood known as? What do people
9 generally call it?

10 A. Well, it's actually Ward One. Most folks say Walk
11 One, but it is a town divided in wards, so it is
12 Ward One.

13 Q. And a lot of people do call it Walk One?

14 A. Walk One.

15 Q. What does Walk One encompass? What other streets?

16 A. This is Garden Street and this is Palmer Street,
17 Crawford Street, Frazier Street, Vanderhorst Street
18 also.

19 Q. And were there several people -- witnesses that
20 came forward that lived on Crawford Street?

21 A. Yes, sir.

22 Q. Again, point out on Crawford Street and tell me the
23 area where some of them are from.

24 A. If you go up Garden Street and turn left, if you go
25 down one block, go to the second block, you'll come

1 to Crawford Street.

2 Q. This is the street furthest left on the map?

3 A. Yes, sir.

4 Q. Crawford Street?

5 A. Crawford Street. The last street in that area you
6 can go back out to Liberty.

7 Q. Thank you. You can have a seat.

8 (Witness returns to witness stand.)

9 Q. Did Latroy Sampson become a suspect in this case
10 very early on?

11 A. Yes, sir. When I arrived, that was the information
12 I got, he was a possible suspect.

13 Q. Can you describe the effort to -- or was there an
14 effort to locate him on the morning of July the 4th
15 of 2014?

16 A. Yes, sir. Immediately we gave information to all
17 our officers, also the sheriff's office. We gave a
18 BOLD, be on the look out for. Also, he was placed
19 in NCIC as wanted.

20 Q. And what is NCIC?

21 A. It is a network that is through SLED, and it is a
22 national -- it goes national. And once we put
23 somebody in as wanted, you know, all the law
24 enforcement agencies have access to it. And if
25 they encounter the person and run the information,

1 then it will come back to us in Winnsboro.

2 Q. Any idea what time Latroy Sampson was put into the
3 NCIC database?

4 A. According to the information, it was 11:43 that
5 morning.

6 Q. On July the 4th?

7 A. On July the 4th.

8 Q. Was that put in by an officer with Winnsboro
9 Department of Public Safety?

10 A. Yes, sir.

11 Q. Did you know if Latroy Sampson was associated with
12 this neighborhood, Walk One, Crawford Street,
13 Garden Street?

14 A. From having worked for the town in the past, yes,
15 sir, I know he had frequented this area.

16 Q. Do you recall any effort to find out where he was
17 on this morning?

18 A. Yes, sir. The officer was sent to other locations
19 and I think one of them was maybe a previous
20 girlfriend's residence. And as we received
21 information, we was checking different locations
22 trying to locate Mr. Sampson.

23 Q. Was he located on the 4th of July?

24 A. No, sir.

25 Q. Did the news media pick up the story and show that

1 he was wanted by Winnsboro Department of Public
2 Safety?

3 A. Yes, sir, they did.

4 Q. Do you know what kinds of news media?

5 A. I'm not exactly sure which one, but most of the
6 time when we have an incident like that, the
7 television stations normally come up and pick it
8 up. I'm not sure which one on this particular day.

9 Q. Would these generally be Columbia stations?

10 A. Yes, sir.

11 Q. Did that happen? Was it broadcast over the
12 Columbia TV stations that Latroy Sampson was wanted
13 by --

14 A. As I remember, it did go out on TV.

15 Q. Was he located on July 5th?

16 A. No, sir.

17 MR. MAXWELL: Beg the Court's indulgence.

18 (Pause.)

19 MR. MAXWELL: No further questions.

20 THE COURT: Yes, sir?

21 MR. FRICK: Thank you, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. FRICK:

24 Q. Major Seibles, you get to respond to all the
25 scenes, basically, in your capacity?

1 A. Yes, sir.

2 Q. Okay. So you weren't the on-call investigator, so
3 to speak, it's just when an incident like this
4 comes up, you're going to get a phone call?

5 A. Any time there is a major event, I respond.

6 Q. Okay. What is your role when you get there?

7 A. Well, I'm the primary lead investigator on the
8 scene. I direct officers to accomplish the tasks
9 that need to be accomplished. We call whichever
10 resources we need, whether it's SLED to do the --
11 processing the scene, also, you know, even in an
12 effort to help us apprehend a suspect if we are
13 looking for one. And even the officers in our
14 department, give them a specific area to cover and
15 make sure that everything on the scene is accounted
16 for.

17 Q. Okay. So you're kind of a supervisory role, at
18 least in this situation?

19 A. Well, I also interview witnesses, you know. Yes,
20 sir.

21 Q. Okay. All right. On this particular night when
22 you get there -- well, I call it morning, I guess.
23 It was 4:00 o'clock in the morning when you got
24 there or thereabout; right?

25 A. Or a little later.

1 Q. A little bit later. I believe you said it was
2 almost daybreak. It's July. So, what, we are
3 close in at about 6:00 in the morning when you get
4 there?

5 A. Thereabout, yes, sir.

6 Q. Okay.

7 A. Could have been a little earlier or a little bit
8 later.

9 Q. All right. Okay. And the scene had already been
10 secured when you got there?

11 A. Yes, sir, the scene was secured.

12 Q. EMS had already left?

13 A. They was either still there or in the process of
14 leaving or left, I'm not exactly sure. I know EMS
15 had been called and was -- I think was still there.

16 Q. Okay. Was there one particular investigator for
17 Winnsboro Public Safety that was assigned to this
18 case?

19 A. Well, any time there's any death investigation,
20 it's either going to be myself or Mike Carrell.

21 Q. Okay.

22 A. And as I stated earlier, I was sick that morning.
23 And I stayed as long as I could, but I needed to
24 head to the doctor's office.

25 Q. Okay. So in this case, did it end up being more of

1 a cooperative effort, you worked for a while and
2 then Mike Carrell came in when you were unable to
3 be there?

4 A. All the information is supposed to come back
5 through one central point. And so he's an
6 investigator also, so he picked it up.

7 Q. Okay. Who called SLED?

8 A. If I'm not mistaken, I think Officer Gadson was
9 assigned to do that, to notify them.

10 Q. Okay. All right. Did you collect any evidence on
11 the scene that night?

12 A. I did not collect any evidence. The evidence
13 collection was left to SLED because they processed
14 the entire scene.

15 Q. So, to your knowledge, did anybody from Winnsboro
16 Public Safety collect any evidence that night?

17 A. As far as I know, SLED did because once they
18 collect evidence, they are responsible for
19 preserving it and keeping it secure and in control
20 of it and transporting it back to SLED.

21 Q. And, of course, you become aware of it as basically
22 the lead investigator on the case?

23 A. Yes, sir. And there will be a lab number and we
24 can access it through the lab number.

25 Q. Okay. All right. Did you interview any witnesses

1 that night?

2 A. That morning I did interview one witness.

3 Q. Who did you talk to?

4 A. I interviewed the victim's son, Matthew.

5 Q. Okay. I believe you said that Latroy Sampson had
6 been developed as a suspect fairly early. Where
7 did you get that information?

8 A. It was given to me by some of the officers that
9 were on the scene.

10 Q. Okay.

11 A. I'm not sure exactly where they got it from at that
12 point.

13 Q. Okay. Had you heard that Joseph Sampson was out
14 there?

15 A. I didn't hear Joseph Sampson. I didn't do that
16 much as far as talking to witnesses. I interviewed
17 one witness that morning.

18 Q. Okay. All right. Give me one second, Major
19 Seibles. I may be done.

20 A. Yes, sir.

21 (Pause.)

22 MR. FRICK: Thank you, sir. That's all the
23 questions I have.

24 MR. MAXWELL: Just a few brief questions, Your
25 Honor.

REDIRECT EXAMINATION

BY MR. MAXWELL:

Q. Major Seibles, I show you this document. Is that the statement you took from Matthew Stone?

A. Yes, sir.

Q. Is there a date and time on that?

A. It's 5:45 a.m. on the 4th day of July.

Q. Thank you.

A. 2016.

Q. 2014 or '16?

A. Let me look again. I don't have my glasses on. '14.

Q. That's the day of the incident?

A. Yes, sir.

Q. When you got to the scene, was the scene already secured?

A. Yes, sir, it was.

Q. And SLED came sometime that morning to process the scene?

A. Yes, SLED arrived after I -- after I got on the scene, SLED came.

Q. Do you know if after EMS found that Ms. Stone was unresponsive and deceased, did anybody else deal with her body until SLED Crime Scene was able to process any evidence they needed to collect and

1 process?

2 A. To my knowledge, no, because we wanted to keep the
3 scene pure until SLED came and did process.

4 Q. Did anybody else other than SLED or till -- up
5 until SLED got there collect any evidence that
6 you're aware of?

7 A. Not to my knowledge, no. There wouldn't have
8 been -- no.

9 Q. Were there any -- do you recall if officers were
10 wearing gloves if they were checking out the crime
11 scene or anything or would have been a practice to?

12 A. I don't remember whether they had -- I don't know
13 who -- other than the responding officer, none of
14 the other officers really had any reason to be
15 on -- in that particular area.

16 Q. And you say around the body, is that what you're
17 referring to?

18 A. Yes, sir.

19 Q. So other officers did talk to witnesses who were
20 kind of gathering around, and so forth?

21 A. Yes, there was a large crowd that started gathering
22 and people were upset. And we had officers coming
23 in for crowd control, but that was on the perimeter
24 more than --

25 Q. Was there yellow tape up around --

1 A. Yes, sir.

2 Q. -- the property?

3 A. They did put yellow tape up.

4 Q. And I show you State's 3. The black things,
5 covered things on the left side, do you know who
6 put those up?

7 A. That had to be done sometime later.

8 Q. Okay.

9 A. That wasn't there on this particular night. I'm
10 not sure when that got up.

11 Q. Okay. I want to show you State's Exhibit 6, the
12 yellow tape on the left side of that picture, was
13 that on -- was that there when you arrived, to kind
14 of secure the scene?

15 A. On the right side?

16 Q. Yes. The tape here?

17 A. Yes, sir.

18 MR. MAXWELL: No further questions, Your
19 Honor.

20 THE COURT: Mr. Frick?

21 MR. FRICK: Real quick.

22 RECROSS-EXAMINATION

23 BY MR. FRICK:

24 Q. On State's Number 3, the Solicitor asked you about
25 that on this one. This -- this -- what is that?

1 A. I have no idea, sir.

2 Q. Okay. Do you have any idea how it got there?

3 A. No. Once this incident happened, after -- somebody
4 else moved into this apartment. And I'm not
5 sure -- that mobile home burned, so some changes
6 happened since that incident.

7 Q. Okay. All right. You don't -- whatever this
8 screen is right here, you don't know what it is and
9 how it got there?

10 A. I'm not sure exactly what it is from that picture
11 and I don't know who put it there.

12 Q. All right. Thank you, sir.

13 MR. FRICK: That's all the questions I have.

14 MR. MAXWELL: Nothing further, Your Honor.

15 THE COURT: All right, sir. You may step
16 down.

17 (Witness steps down.)

18 MR. MAXWELL: Your Honor, the next witness may
19 be a little lengthy. I think they are in the back.
20 It might be a good time for a quick break.

21 THE COURT: Anyone need a break? Any jurors
22 need a break? If not keep, we will keep going.

23 MR. MAXWELL: The State calls Patrick
24 Oliphant.

25 (Witness approaches.)

1 THE CLERK: Raise your right hand, place your
2 left hand on the Bible.

3 (Witness complies.)

4 THE CLERK: Do you solemnly swear or affirm
5 that the testimony you give this Court will be the
6 truth, the whole truth, and nothing but the truth,
7 so help you God?

8 THE WITNESS: I do.

9 PATRICK OLIPHANT,
10 after being duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. MAXWELL:

13 Q. State your name for the record.

14 A. Patrick Oliphant.

15 Q. And can you spell your last name?

16 A. O-L-I-P-H-A-N-T.

17 Q. And where are you employed?

18 A. With SLED, South Carolina Law Enforcement Division.

19 Q. And what's your position with SLED?

20 A. I'm a special agent and a criminal investigator.

21 Q. How long have you been with SLED?

22 A. Approximately three years.

23 Q. Are you a certified law enforcement officer?

24 A. Yes, sir.

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

1 A. Four years.

2 Q. Back in -- what are your current duties with SLED?

3 A. I'm currently in the arson and bomb investigation
4 unit. At the time of the incident in question, I
5 was in the crime scene unit within the forensic
6 laboratory.

7 Q. And were you working out of Columbia then?

8 A. Yes, sir.

9 Q. As far as a crime scene investigator, can you
10 describe what you do and how you get called out to
11 scenes?

12 A. Basically work on a call-out rotation, have office
13 hours Monday through Friday. And nights and
14 weekends we're on call-out to assist other local
15 agencies, other state agencies, and doing pretty
16 much only the on-scene investigation side as far as
17 evidence photography, documenting the scene,
18 handling all the physical evidence on the scene,
19 any crime scene processing that may be needed,
20 handle that so that the local agency can work the
21 investigative side. We assist them in handling all
22 the evidence and documentation.

23 Q. Do most local law enforcement agencies and police
24 departments and sheriff departments have their own
25 crime scene people, or do y'all assist them in that

1 most of the time?

2 A. For the most part, the bigger agencies, bigger
3 sheriff's offices and police departments in a big
4 city will have crime scene units with multiple
5 people. Small agencies may have one or two crime
6 scene investigators, may have people who handle
7 multiple duties, and one of those might be crime
8 scene investigation.

9 Q. Were you called out to conduct a crime scene
10 investigation on July 4th, 2014, here in Fairfield
11 County?

12 A. Yes, sir.

13 Q. Do you know what location you were dispatched to?

14 A. [REDACTED] South Garden Street in Winnsboro.

15 Q. And were you alone or did you have somebody with
16 you?

17 A. I was with another agent from my unit, not my
18 full-time partner, but Agent Jamie Johnson was
19 assisting me on that day.

20 Q. Were you the lead crime scene investigator?

21 A. Yes, sir.

22 Q. Can you talk about your experience and education in
23 doing crime scene investigation?

24 A. I have a bachelor's degree in biological sciences
25 from USC in Columbia.

1 After I started at SLED, went through a
2 rigorous in-house training process to include
3 latent fingerprint documentation and analysis,
4 blood stain pattern analysis. Had a week-long
5 class certification on blood stain pattern
6 analysis, footwear evidence documentation and
7 examination, forensic photography. Go to a
8 week-long class in a county medical examiner's
9 office in forensic photography.

10 Q. When you came up to -- before I ask that question,
11 how many crime scenes do you think you've processed
12 or assisted in processing in your career?

13 A. So far, at last count it was over -- right over a
14 hundred. At the time of this incident, it was
15 right around 35 to 40.

16 Q. When you got to -- or what time did you get to [REDACTED]
17 South Garden Street?

18 A. I believe it was approximately 6:30 a.m.

19 Q. Was that on July 4th?

20 A. Yes, sir.

21 Q. Were you along with Agent Johnson?

22 A. I think she arrived on scene 5 or 10 minutes before
23 I did, and she kind of got her equipment ready and
24 waited on me to get there before we started
25 anything.

1 Q. What was going on when you arrived at the scene?

2 A. Basically, the Winnsboro Department of Public
3 Safety had the scene secured, sectioned off and
4 taped up with crime scene tape.

5 The Fairfield County coroner's office had
6 erected kind of a little barrier, site barrier so
7 that the place where the victim was, the view was
8 obstructed from the street.

9 Q. I'm going to show you what has been marked State's
10 Exhibit 3. Is that the same picture that's on the
11 screen?

12 A. Yes, it is.

13 Q. The barrier you're referring to is the black
14 barrier on the left side of the house?

15 A. That's correct.

16 Q. And that was put up by the coroner's office?

17 A. I believe so.

18 Q. Were there people -- what were people doing at the
19 scene when you arrived?

20 A. Just off the top of my head, there were a few
21 people on the sidewalks and across the street just
22 kind of hanging around observing. I don't remember
23 anything else going on.

24 Q. At that point in time, had any local law
25 enforcement, any officers with the Winnsboro

1 Department of Public Safety collected any evidence
2 or show you anything that you're aware of?

3 A. Not that I'm aware of.

4 Q. Can you explain your process, how you begin
5 processing the crime scene once you get there?

6 A. So, basically when I get notified by dispatch, our
7 dispatch unit, I'll go ahead and make contact with
8 somebody from the local department to make sure the
9 scene is locked down, the scene is secured, nothing
10 has been moved, nothing has been touched. Ask that
11 they get a search warrant ready so that by the time
12 I get there we can go ahead and start with whatever
13 needs to be done.

14 So at the time we got there, you know, the
15 first step would be to look over the search warrant
16 and make sure it's good for everything we need on
17 scene, everything we need to look for on the scene.

18 After that search warrant is good, we'll start
19 with general photo documentation and take kind of
20 overall pictures of the house, the street and
21 everything so that -- especially for cases like
22 this, so that you have a lot of context.

23 Q. And I've already shown you State's Exhibit, I
24 believe it's 3. Is that a picture that was taken
25 by either you or Agent Johnson as part of the crime

1 scene investigation process?

2 A. Yes, sir.

3 Q. I also show you what has been marked State's
4 Exhibit 6. Is that a picture taken by either you
5 or Agent Johnson when y'all responded on the
6 morning of July 4th?

7 A. Yes, sir.

8 Q. I show you photos marked State's Exhibits 4 through
9 13, which have not been entered into evidence, for
10 identification purposes. If you would, just take a
11 look at those and then I'll ask you some questions.

12 A. (Witness complies.)

13 Q. Are those all pictures taken by you or Agent
14 Johnson as part of documenting and photographing
15 the scene?

16 A. Yes.

17 Q. They were all taken on the morning of July 4th when
18 you responded to the scene?

19 A. Yes, sir.

20 Q. Are all those an accurate depiction of the scene as
21 you saw it that morning?

22 A. Yes.

23 MR. MAXWELL: Your Honor, the State would
24 offer State's 4, 5, and 7 through 13 into evidence
25 at this time. Six is already in.

1 THE COURT: Any objection?

2 MR. FRICK: Your Honor, I reviewed those
3 pictures pretrial. No objection.

4 THE COURT: All right. They will be entered
5 without objection.

6 (WHEREUPON, State's Exhibit Nos. 4 - 5
7 were marked for identification and
8 received into evidence.)

9 (WHEREUPON, State's Exhibit Nos. 7 - 13
10 were marked for identification and
11 received into evidence.)

12 MR. MAXWELL: Your Honor, permission to
13 publish those to the jury?

14 THE COURT: Yes.

15 (WHEREUPON, State's Exhibit Numbers 4,
16 5, and 7 - 13 were published to the
17 jury.)

18 BY MR. MAXWELL:

19 Q. I will hand these back up to you and go through
20 them. Starting with, I think it's State's Exhibit
21 3, is that the picture, State's Exhibit 3, showing
22 the front of the house?

23 A. Yes.

24 Q. Moving to State's 4, is that showing the left side
25 of the house, the trailer to the left of it?

1 A. Yes.

2 Q. It also shows a fence going between the house and
3 the trailer?

4 A. Correct.

5 Q. And what is State's 5 a picture of?

6 A. It appears to be the, I guess marking on the left,
7 the front left corner of the residence, and then
8 the lower part of the images, the top of the kind
9 of make-shift barrier.

10 Q. And what is -- what is the white sheet?

11 A. That is the -- a white sheet is placed over the
12 victim's body.

13 Q. Is that where the body was when you first
14 encountered it when you responded?

15 A. Yes.

16 Q. What is that a picture of there?

17 A. In the lower part of the frame is the front
18 sidewalk, and then in the grass, grassy patch above
19 that is a blue in color shirt.

20 Q. Was that the shirt collected as evidence?

21 A. Yes.

22 Q. By you or Agent Johnson?

23 A. Yes, sir.

24 Q. What is that a picture of?

25 A. That is a mailbox in front of the same

1 white-colored house at South Garden Street and
2 mailbox marking is [REDACTED].

3 Q. And that -- the yellow tape put up there, was that
4 already there when you arrived at the scene?

5 A. Yes, sir.

6 Q. Is that another view of the house from the right
7 side?

8 A. Yes, sir, view of the front right corner of the
9 house.

10 Q. And it shows the driveway leading back to the
11 apartments down the right side and back?

12 A. Yes, sir.

13 Q. Is that just a picture of another angle of the
14 house?

15 A. Yes, sir, the right side of the house.

16 Q. Does that show the porch on the front side, I
17 guess, from that angle?

18 A. Yes.

19 Q. What is that a picture of there?

20 A. I believe that was taken from the back of the
21 house. I think it was another unit, it was 417B.
22 And this was a picture taken from -- of the little
23 alleyway that would have been on the left side of
24 the house from the front, but you're on the back.

25 Q. The fence shown on the right side of this picture,

1 is that the same fence that if you were looking
2 from the front of the house, it would be on the
3 left of the house and divides up the house property
4 to the trailer property?

5 A. Yes, sir.

6 Q. And is that a closer-up view looking down the back
7 side of that same alley?

8 A. Yes.

9 Q. Is that -- can you describe what's in that picture?

10 A. So this is another picture, I believe, after the
11 barrier was moved back close to the street where
12 you can see the little alleyway where the victim's
13 body is there covered by the white sheet in between
14 the fence and the left side of the house. You can
15 also see the concrete front porch on the -- in the
16 right side of the image there.

17 Q. Is that a closer-up picture showing roughly the
18 same angle there?

19 A. Yes, sir. Another picture just moving a little
20 further down the dirt alleyway there.

21 Q. The pictures we saw from the back side just a
22 minute ago, they were, basically, coming down the
23 alley from the back side of the house?

24 A. Yes, sir.

25 Q. Just to be clear on that.

1 A. Yes, sir.

2 Q. I show you another set of pictures. These are
3 marked 14 through 24. If you'd take a second to
4 look at those.

5 A. (Witness complies.)

6 Q. All those pictures taken by you or either Agent
7 Johnson, I suppose, are pictures of more specific
8 things from the crime scene?

9 A. Yes, sir.

10 Q. Are they accurate depictions of things as they were
11 on July 4th, 2014, when you were processing the
12 scene?

13 A. Yes, sir.

14 MR. MAXWELL: Your Honor, the State would move
15 14 through 24 into evidence at this time.

16 MR. FRICK: Your Honor, the Defense reviewed
17 these pretrial, and we have no objection.

18 THE COURT: Are all of those 14?

19 MR. MAXWELL: 14 through 24.

20 THE COURT: 14 through 24 without objection.

21 (WHEREUPON, State's Exhibit Nos. 14 - 24
22 were marked for identification and
23 received into evidence.)

24 MR. MAXWELL: Permission to publish those to
25 the jury, Your Honor.

1 THE COURT: Yes, sir.

2 (WHEREUPON, State's Exhibit Numbers 14 -
3 24 were published to the jury.)

4 BY MR. MAXWELL:

5 Q. Agent Oliphant, can you describe what's in that
6 picture, starting with State's 14?

7 A. It's a picture of the front door of the residence
8 and the, what do you call it, storm door, glass
9 door off of the frame to the right of the main
10 front door.

11 Q. Is there anything notable to the left of the front
12 door of that map?

13 A. Appears to be three, three or four dreadlock-type
14 hair.

15 Q. 15, is that a close-up picture of those dreadlocks
16 you just referred to?

17 A. Yes, sir.

18 Q. Number 16, can you describe what's in that picture?

19 A. This is a view of the left side of the front porch.
20 There's a wood construction table leg or chair leg
21 on the left side of the frame there and a light
22 colored piece of vinyl siding that was laying on
23 the front porch next to the exterior wall.

24 Q. Towards the right side of this picture, again look
25 at the other pictures to help identify, can you

1 describe what this mark is here on the siding?

2 A. It's a screw head or a nail head sticking out from
3 the exterior wall. And there's a few strands of
4 appear to be hair on that screw head or nail head.

5 Q. That close-up picture of that there, is that the
6 same area of the house?

7 A. Yes, sir.

8 Q. Another close-up picture of the nail head?

9 A. Yes.

10 Q. Can you -- if you need to find that in your stack,
11 please do. Can you see in this picture better the
12 hair on the -- that's hanging from that nail or
13 screw, whatever it may be?

14 A. Yes, sir.

15 Q. Was that hair collected?

16 A. No.

17 Q. Did you examine it at all?

18 A. I took a look at that hair and there's a few little
19 strands of other hair also in the alleyway. They
20 appeared to me to be very similar to the victim's
21 head hair.

22 Q. You did also look at Jen Stone's body and examine
23 the body?

24 A. Yes, sir.

25 Q. Is that again, that picture, another close-up

1 picture showing the hair on the screw head?

2 A. Yes, sir.

3 Q. Describe what's in that picture.

4 A. The picture is again the left side of the front
5 porch. That leaf on the ground had -- has what
6 appears to me to be a blood drop.

7 Q. You recall -- you can see it well in this picture,
8 I guess. If you need another picture. Is there a
9 brick or kind of a broken part of a cinder block in
10 that area?

11 A. Yes, sir.

12 Q. Around the corner of the house, the front side on
13 the paved portion of the porch?

14 A. Yes, sir.

15 Q. Is that the leaf you just described in the previous
16 picture?

17 A. Yes.

18 Q. A close-up picture of it?

19 A. Yes, it is.

20 Q. And you said -- you mentioned blood a second ago.
21 Were you referring to the red spot on the right
22 side of the leaf?

23 A. Yes, sir.

24 Q. Is that just another angle -- I think we've already
25 looked at this one -- more towards this area, is

1 this, again, the broken part of the cinder block on
2 the corner of the house?

3 A. Yes.

4 Q. And this picture -- again, you can look at yours,
5 the one you have up there. Can you describe what's
6 in this picture? Is this the cinder block that you
7 just referred to on the corner of the house?

8 A. Yes, sir.

9 Q. What else of note is in that picture?

10 A. In the middle of the image there is a picture of
11 what looks to me like an acrylic fingernail.

12 Q. Are you referring to -- it's kind of hard to see --
13 right here in the center of the screen?

14 A. Yes.

15 Q. Do you know if that was collected into evidence?

16 A. Yes, I believe it was.

17 Q. When you examined the body, did you find anything
18 matching that or consistent with that acrylic
19 fingernail?

20 A. Yes, sir, I believe the victim had -- off the top
21 of my head, I can't remember how many fingernails,
22 but did appear to have, you know, acrylic
23 fingernails on a few of the fingers.

24 Q. This picture -- again, if you need to refer to it
25 up close, what you have. What is -- I believe just

1 below the screw head or nail head we've already
2 discussed, what is on the siding, the vinyl siding?

3 A. Appears to be very, very small red liquid in a
4 spatter pattern.

5 Q. What did it appear to you or Agent Johnson to be
6 when you first saw it?

7 A. It could be blood.

8 Q. And was there a swab taken of that blood?

9 A. Yes, sir.

10 Q. Do you recall who did it, if it was either you
11 or -- was it either you or Agent Johnson?

12 A. I took the swabs.

13 Q. I'm going to show you a bag and get you to describe
14 what it is. What is that?

15 A. This is the bag, heat-sealed pouch, containing two
16 small manila envelopes and also -- I can't see what
17 this --

18 Q. Are there multiple things in that -- multiple items
19 of evidence in that heat-sealed bag?

20 A. Yes, sir.

21 Q. Is that a bag that's developed and kept by SLED?

22 A. Yes, sir. If I have a number of items that are
23 going to one location for analysis and I -- and
24 they're all to the same case, I'll package them
25 together just, you know, to increase our

1 sufficiency.

2 Q. What is the purpose of a heat-sealed bag? Can you
3 describe that?

4 A. It's basically so you can package something and you
5 can verify what's in it and whoever is on the
6 receiving end can also verify what's in it without
7 having to open it and reseal. Basically, it cuts
8 down on time you have to handle evidence.

9 Q. And would it also help prevent tampering with
10 evidence?

11 A. Yes, sir.

12 Q. Did you place the swabs once you collected them
13 into anything in that bag?

14 A. Yes, sir. This pouch at the bottom has my
15 handwriting as being two swabs taken from vinyl
16 siding. Let me read this other swab.

17 Q. The envelope you were just referring to in the bag,
18 is it assigned an item number?

19 A. Yes, sir.

20 Q. What item number is that?

21 A. Item 11.

22 Q. Again, is that swab from the prospective blood
23 splatter on the vinyl siding on the front of the
24 house?

25 A. Yes, sir.

1 Q. I'll give you another bag, I believe marked
2 Item 12, SLED Item 12. What is in that bag?

3 A. My handwriting labeled as: One fingernail from
4 front left corner of house, dash, porch.

5 Q. And is that the fingernail -- the acrylic
6 fingernail we just saw in the picture that you did
7 collect?

8 A. Yes.

9 Q. And when you -- how do you -- when you collect
10 them, what do you do? Either the swab -- first,
11 let me ask you this, what is a swab? How do you
12 conduct taking of a swab?

13 A. A swab is a sterilized form, but it's basically a
14 long -- it looks like what you use to clean your
15 ears out.

16 Q. Q-tip?

17 A. Q-tip. A sterilized version we get from a
18 bio-medical supply company. And so if you're going
19 to take a sample of something, especially a liquid,
20 anything for DNA, the best way to do that is to,
21 you know, use a clean set of gloves, use ends of
22 the swab and, depending on how wet it is, you let
23 it air dry before put it into the little manila
24 pouch there so that it doesn't spoil, or anything
25 like that. And then seal the pouch with lab tape,

1 chemical tape.

2 Q. And how do you then secure it while you're on the
3 scene?

4 A. If it's on the scene, it's my evidence, it stays
5 within my eyesight at all times or it's locked up
6 in the back of my vehicle.

7 Q. And were you the one who transported these items
8 that you collected away from the scene?

9 A. Yes.

10 Q. And did you log them into SLED?

11 A. Yes.

12 Q. We'll get to that process in just a bit. Did you
13 also examine -- go back into the corner closer to
14 where the body was found and further process that
15 area?

16 A. Yes.

17 Q. I'm going to show you what has been marked for
18 State's -- for identification purposes State's 25,
19 26, and 27. What is in those pictures?

20 A. 25 is basically a mid-range view where -- evidence
21 establishing view of a window air conditioning
22 unit.

23 Q. Are all those pictures of basically the same thing,
24 maybe different angles or closer angles?

25 A. Yes, sir.

1 Q. And were those angles taken -- I mean, were those
2 pictures taken by either you or Agent Johnson?

3 A. Yes.

4 Q. On the morning of July 4th?

5 A. Yes.

6 Q. Are those pictures an accurate depiction of the
7 scene as it was on the morning of July 4th, 2014?

8 A. Yes, sir.

9 MR. MAXWELL: Your Honor, the State would
10 offer State's 25, 26, and 27 into evidence.

11 THE COURT: Any objection?

12 MR. FRICK: Your Honor, I don't have any
13 objection. I just can't remember which ones they
14 were. No objection.

15 THE COURT: All right. They will be in with
16 no objection.

17 (WHEREUPON, State's Exhibit Nos. 25 - 27
18 were marked for identification and
19 received into evidence.)

20 MR. MAXWELL: Permission to publish those to
21 the jury?

22 THE COURT: Yes, sir.

23 (WHEREUPON, State's Exhibit Numbers 25 -
24 27 were published to the jury.)

25 BY MR. MAXWELL:

1 Q. Again, is that a backup view of the air
2 conditioning?

3 A. Yes.

4 Q. In this picture, can you see something, I guess,
5 somewhat odd on top of the air conditioning in that
6 view? Is that a closer-up view of what's on top of
7 that air conditioner?

8 A. Yes.

9 Q. Again, is that a closer -- even closer view of
10 what's on the air conditioner?

11 A. Yes.

12 Q. What is -- or how did you describe -- or how would
13 you describe this item on the air conditioning
14 unit?

15 A. It appeared to me -- it looked like a piece of
16 tissue or a piece of meat, for lack of a better
17 term, and --

18 Q. Do you recall how any -- I'll withdraw that
19 question. Go ahead finish your thought if you
20 would.

21 A. And when we ended up collecting that item and I
22 labeled it as suspected tissue.

23 Q. I show you what's shown on the bag as Item 8, SLED
24 Item 8. Can you check to see if that's what you
25 collected from the top of the air conditioner?

1 A. Yes, sir, it's in the same packaging that myself
2 and Agent Johnson used on the scene, but now it
3 looks different than it did -- it does in that
4 picture than it did on the scene.

5 Q. Did you do anything specific or special with that
6 item once you logged it into SLED?

7 A. Just because I thought it was a piece of tissue, we
8 packaged it in a separate file because an envelope
9 would leak through and be a possible biohazard. So
10 on the day of the incident, July 4th, when I got
11 back to the SLED laboratory, I took this item to
12 our DNA lab and placed it in their freezer.

13 Q. So it was going to be frozen and ultimately
14 analyzed?

15 A. Yes.

16 Q. Is it common for them to do analysis maybe well in
17 the future of when you're collecting evidence and
18 logging it in?

19 A. Yes, sir.

20 Q. And did you also secure this at the scene --
21 referring to Item 8 -- and take it away from the
22 scene with you and log it into SLED?

23 A. Yes.

24 Q. And did you also examine the body of Jennifer
25 Stone?

1 A. Yes, sir.

2 Q. Pictures also taken of that? Did you take pictures
3 of that?

4 A. Yes.

5 Q. Or Agent Johnson?

6 A. Yes.

7 Q. I show you what has been marked for identification
8 purposes State's 31, 32, and 33, and also what has
9 already been entered into evidence State's 28.

10 Take a second to look at those.

11 A. (Witness complies.)

12 Q. Are all those pictures taken by either you or Agent
13 Johnson of the body of Jennifer Stone?

14 A. Yes, sir.

15 Q. And are they an accurate depiction of the body as
16 you encountered it on that morning of July 4th,
17 2014?

18 A. Yes, sir.

19 MR. MAXWELL: The State would offer State's, I
20 believe it's 31, 32, and 33 into evidence at this
21 time.

22 MR. FRICK: Your Honor, the Defense does not
23 object to 33, but objects to 31 and 32 on grounds
24 previously ruled upon.

25 THE COURT: All right, Exhibits 31 and 32 will

1 be entered over the objection of the Defense, and
2 Exhibit 33 will be entered without objection.

3 (WHEREUPON, State's Exhibit Nos. 31 - 33
4 were marked for identification and
5 received into evidence.)

6 MR. MAXWELL: And just for the record, he also
7 talked about State's 28, which has already been
8 entered into evidence, and the State would offer --
9 or ask permission to publish the other ones to the
10 jury at this time.

11 THE COURT: Yes, sir.

12 (WHEREUPON, State's Exhibit Numbers 31 -
13 33 were published to the jury.)

14 BY MR. MAXWELL:

15 Q. Was Ms. Stone's body covered by anything when you
16 first encountered it?

17 A. Yes, sir, the -- there was a white sheet placed
18 across her. And I don't recall whether it was the
19 police department or the coroner's office that
20 placed that. And actually when we pulled the white
21 sheet off of her, there was also a brown-colored
22 shirt on the pelvis area or upper leg area of the
23 victim's body.

24 Q. And was the sheet removed so you could examine the
25 body?

1 A. Yes.

2 Q. Is this one of the pictures you took or Agent
3 Johnson took?

4 A. Yes, sir.

5 Q. Was that the position of her body when y'all
6 removed the sheet and first started examining that
7 area?

8 A. Yes, sir.

9 Q. Is that a close-up of her face?

10 A. Yes.

11 Q. Again, if you need to refer to your other pictures.
12 Do you notice any wounds or injuries to her facial
13 area?

14 A. Yes, sir, it appears to be a laceration above the
15 victim's right eye.

16 Q. It appears that the skin had been punctured and it
17 was bleeding?

18 A. Yes.

19 Q. Referring to this wound here?

20 A. Correct.

21 Q. What is that a picture of?

22 A. It is a close-up picture of the victim's left hand
23 and what appears to be blood on the victim's ring
24 finger.

25 Q. And at this point in time were you able to look at

1 her hands to see if she had any acrylic fingernails
2 on her hand?

3 A. Yes, sir.

4 Q. Again, are those consistent with the item you found
5 on the porch, which I believe is SLED Item 11 --
6 excuse me, - Item 12?

7 A. Yes.

8 Q. Was -- the cut on her finger here, was it also
9 bleeding? Do you recall blood?

10 A. I don't recall whether or not it was an actual cut
11 or if it was just blood in that area. Generally,
12 we try not to wipe away blood or disturb the state
13 of the victim. We try to do as little as possible
14 because victims get autopsied. The medical
15 examiner will be doing the autopsy. We try to
16 preserve everything as is so we're not tampering
17 with anything before autopsy.

18 Q. Is that another picture of her body from a
19 different angle?

20 A. Yes, sir, this is a picture after we moved away the
21 brown shirt that was over the victim.

22 Q. Referring to this brown shirt?

23 A. Correct. And also after we placed brown bags on
24 the victim's hands and sealed the bags at the
25 wrists.

1 Q. These are the bags you yourself placed on her
2 hands?

3 A. Yes.

4 Q. What was the purpose for doing that?

5 A. The purpose of that is to preserve any evidence
6 that might be on the victim's hands or under the
7 victim's fingernails in case there was a struggle.
8 Oftentimes -- I don't know what the probability is;
9 but it is basically to preserve any evidence in
10 case the victim scratched at or held onto an
11 attacker, any evidence that might be there, so that
12 when the victim goes to autopsy, the pathologist or
13 medical staff could either scrape under the
14 victim's fingernails or remove the fingernails
15 completely.

16 Q. Did anything you saw indicate there may have been
17 something in her fingernail, or is that just the
18 standard procedure to do in cases like this?

19 A. It's just an extra step to take just in case there
20 may be any kind of scraping or foreign DNA under
21 the victim's fingernails.

22 Q. Thank you. Did you notice anything about
23 Ms. Stone's neck?

24 A. Off the top of my head, I don't really --

25 Q. If you need to refer to your -- did you put

1 together a report of your processing of the scene?

2 A. Yes.

3 Q. If you need to refer to your report, please do, if
4 you noticed anything about her neck.

5 A. In my report I wrote down in observation that the
6 victim appeared to have a slight discoloration on
7 the left side.

8 Q. At this time, had there been any explanation given
9 to you about what may have caused her death?

10 A. Basically, when I first got in contact with a
11 representative from Winnsboro DPS, I believe it was
12 Major Seibles, for whatever reason the Department
13 of Public Safety thought that she may have been
14 strangled.

15 Q. That would be later -- an autopsy would later
16 determine what the cause of death was; correct?

17 A. Yes, sir.

18 Q. But based off that information, did you take any
19 swabs from her neck?

20 A. Yes, sir. Using the same procedure as I talked
21 about before, I just took two swabs from the area
22 of the victim's neck.

23 Q. I'm going to give you these two bags. I give you
24 what's noted on the bag as SLED Item 9. Can you
25 say what's in that bag?

1 A. Inside this bag is a small manila envelope with my
2 handwriting with two swabs from the left side of
3 the victim's neck.

4 Q. Were those swabs taken by yourself?

5 A. Yes, sir.

6 Q. And did you secure them once you took the swabs?

7 A. Yes.

8 Q. Did you leave the scene with them?

9 A. Yes.

10 Q. Did you log them into SLED?

11 A. Yes.

12 Q. I'm going to give you back a bag noted on it as Bag
13 C or Container C. I think it also had an item in
14 it, which is Item 11. Does it have another item in
15 there besides the 11, which is the blood swab from
16 the vinyl siding?

17 A. It has got another item labeled as Item 10.

18 Q. What is Item 10?

19 A. My laboratory submission paperwork, I have it Item
20 10 labeled as two swabs from victim's left middle
21 finger and left ring finger.

22 Q. And those were put in the same bag with the swabs
23 from the fingers?

24 A. Yes.

25 Q. Were those taken by you, the swabs taken by you?

1 A. Yes, sir.

2 Q. Were they taken from the scene by you?

3 A. Yes.

4 Q. And logged into SLED?

5 A. Yes, they were.

6 Q. Did you go to the autopsy of Jennifer Stone?

7 A. Yes, sir, I attended the victim's autopsy on, I
8 believe it was July the 5th.

9 Q. Where was it at?

10 A. Newberry Memorial Hospital in their autopsy suite.

11 Q. After the autopsy was done, did you take any items
12 from Newberry Pathology back to SLED with you?

13 A. Yes, sir, I took a rape kit that was conducted
14 by -- collected by Newberry Pathology staff, as
15 well as, I believe, a toxicology packet.

16 Q. What did the toxicology packet include?

17 A. My submitted paperwork has blood toxicology, --

18 Q. Blood from Jennifer Stone?

19 A. Yes, sir.

20 Q. Thank you.

21 A. -- ocular fluid of Jennifer Stone, gastric of
22 Jennifer Stone, blood stain of Jennifer Stone. And
23 that's it for the toxicology.

24 Q. Okay. Did you take any clothing?

25 A. The clothing I believe was collected -- yes, sir,

1 the clothing I collected from autopsy to include a
2 gray top and a red-colored bra.

3 Q. Again, referring back to this case, sir. Are you
4 referring to the same bra shown here and gray shirt
5 shown on the body of Jennifer Stone?

6 A. Yes.

7 Q. I hand these bags up to you. Can you say what's in
8 those bags?

9 A. This is my partner Agent Johnson's handwriting.
10 One gray partially torn T-shirt collected from
11 Jennifer Stone at autopsy. The other bag is
12 labeled -- again, in Agent Johnson's handwriting --
13 one red partially torn bra collected from Jennifer
14 Stone at autopsy.

15 Q. Were those taken from Newberry Pathology to SLED by
16 either you or Agent Johnson?

17 A. Yes, sir.

18 MR. MAXWELL: Your Honor, the State would
19 offer the clothing, the bra and the shirt, into
20 evidence State's --

21 MR. FRICK: No objection, Your Honor.

22 THE COURT: What's your number?

23 MR. MAXWELL: State's 34 and 35. State's 34
24 will be the T-shirt, State's 35 will be the bra.

25

1 (WHEREUPON, State's Exhibit No. 34 was
2 marked for identification and received
3 into evidence.)

4 (WHEREUPON, State's Exhibit No. 35 was
5 marked for identification and received
6 into evidence.)

7 BY MR. MAXWELL:

8 Q. Will you open those?

9 A. I don't have a knife on me.

10 THE COURT: Madam Clerk?

11 (Scissors provided.)

12 BY MR. MAXWELL:

13 Q. We're going to remove the items from this bag.

14 A. I don't have gloves.

15 (Gloves provided.)

16 BY MR. MAXWELL:

17 Q. Is that the gray shirt taken off Ms. Stone's body?

18 A. Yes, sir.

19 Q. Does it appear to be the same shirt she is wearing
20 in this picture?

21 A. Yes.

22 Q. All right. Place that back in there.

23 A. (Witness complies.)

24 Q. Is that the bra taken off Ms. Stone's body at
25 autopsy?

1 A. Yes.

2 Q. Does it appear to be the same bra in the picture --

3 A. Yes.

4 Q. -- of the scene? Place that back in the bag.

5 Thank you.

6 A. (Witness complies.)

7 Q. All these items, they were either (a), collected at
8 the scene, or collected at autopsy. Again, did you
9 log them all into SLED?

10 A. Yes.

11 Q. And once they're logged into SLED, is there any lab
12 number assigned to all these items or assigned to
13 the whole case?

14 A. That's correct.

15 Q. In this case, what lab number was assigned to this
16 case itself?

17 A. It was L, as in Lima, 14-08305.

18 Q. And does the 14 refer to the year?

19 A. Yes.

20 Q. 2014. And the other one is just, I guess, a
21 chronological number? This may have been --

22 A. It's for --

23 Q. -- the 8,305 -- 8,304 other cases prior to this
24 one, is that a rough --

25 A. Yes, sir.

1 Q. -- explanation?

2 A. Laboratory system.

3 Q. Can you describe how things are logged into SLED?

4 A. So whatever agency collects items of evidence that
5 they want to submit to SLED, whoever is going to be
6 submitting those items basically writes the
7 pertinent information for the case: Where, when,
8 when it occurred, victim, suspect. Then puts an
9 item description for each item they are planning on
10 submitting to the laboratory, and upon submission
11 that case they submit gets a SLED case number.

12 Q. And is there, again, an item number assigned to
13 each particular item?

14 A. Yes, sir.

15 Q. Are there sometimes subitems?

16 A. Yes, sir.

17 Q. Can you describe what a subitem might be?

18 A. So if I submitted -- for example, if I submitted
19 Item Number 1, when it was submitted, it is titled
20 Item Number 1. If it goes to SLED's DNA department
21 or SLED's trace evidence department and they take a
22 sample from that Item 1, that sample might be --
23 would be 1.1. And it is basically called a parent
24 item and a child item.

25 Q. And are these item numbers assigned along with the

1 lab numbers assigned when the first item, I guess,
2 is being logged into evidence, and then so forth
3 for any other items that are logged into the same
4 case?

5 A. Yes, sir.

6 Q. Is the log-in system computerized?

7 A. Yes, sir.

8 Q. Can you describe how the computer system keeps up
9 with the items as they are logged in, and so forth?

10 A. So when I went to submit all these items, I used
11 the program called Eye Lab First. And then since I
12 worked in the laboratory system, I used a scanner
13 bar code reader to directly scan all the items that
14 I collected into SLED's system, known as the Beast.

15 So once those items were shown as being
16 entered into the Beast, they can be moved from
17 department to department just by scanning that box
18 or that heat-sealed pouch with the bar code reader.

19 Q. This is an example. I hand back to you SLED
20 Item 8. Does that have a bar code and the item
21 number, and so forth, on it?

22 A. Yes.

23 Q. Can you show -- just show that label to the -- are
24 you referring to the yellow label?

25 A. Yes, sir.

1 Q. And what is the purpose of the bar code? What
2 benefit do you gain from that?

3 A. So this item is -- this item is packaged inside
4 this heat-sealed pouch with the bar code on it, so
5 you don't have to go put a bar code onto an actual
6 item of evidence and tamper with it or alter it in
7 any way before it gets to wherever the destination
8 is for the laboratory analysis.

9 Q. Does the bar code help keep up with an item's
10 movement through SLED?

11 A. Yes.

12 Q. Different items may go to several different
13 departments within SLED; correct?

14 A. Correct.

15 Q. And numerous people may analyze or move or
16 transport different items?

17 A. Yes, sir.

18 Q. I'll show you this document and see if you
19 recognize it. Explain what that is.

20 A. This is the SLED-issued form, a digital chain of
21 custody that shows when this item was moved from
22 one location, who it was received by, which
23 evidence shelf or evidence location it was placed
24 in, all the way from when it entered the lab and
25 each step where the item was moved to.

1 Q. And is that chain of evidence or chain of custody
2 specific to this case?

3 A. Yes, sir, the heading is the same lab number I read
4 off, that 14-08305.

5 Q. Again, that document shows each and every item that
6 was entered into -- logged in at SLED and shows its
7 movement through different departments of SLED, if
8 there was any movement, and shows who logged it in
9 and then who may have logged it out at some later
10 date?

11 A. Correct.

12 Q. And it shows dates, and so forth, and names of
13 people that may have touched an item or handled an
14 item?

15 A. Yes, sir.

16 MR. MAXWELL: The State would offer the chain
17 of custody for this case into evidence.

18 THE COURT: Any objection?

19 MR. FRICK: No objection.

20 MR. MAXWELL: State's 36.

21 (WHEREUPON, State's Exhibit No. 36 was
22 marked for identification and received
23 into evidence.)

24 BY MR. MAXWELL:

25 Q. You logged several items into SLED that you

1 collected from the scene and from the autopsy on
2 the morning of July 4th -- or July 5th, 2014;
3 correct?

4 A. Yes.

5 Q. If another either agent or local law enforcement
6 collected a piece of evidence and took it -- are
7 they allowed to take it to SLED, no matter when the
8 date is, and log it in and try to get some analysis
9 done on it?

10 A. Yes, sir.

11 Q. Would that also be shown on the chain of custody,
12 who logs an item in? If it was somebody not from
13 SLED, it would still show that person's name and
14 maybe their signature?

15 A. Correct.

16 Q. Of logging in a piece of evidence?

17 MR. MAXWELL: No further questions.

18 THE COURT: All right. Yes, sir?

19 CROSS-EXAMINATION

20 BY MR. FRICK:

21 Q. SLED is what we call an assisting agency; is that
22 correct?

23 A. Yes, sir.

24 Q. Y'all don't automatically come up to Winnsboro and
25 start an investigation, you had to be called?

1 A. Yes, sir.

2 Q. In this case, the Department of Public Safety
3 called you?

4 A. Yes, sir. Correct.

5 Q. Do you recall about what time you got the call to
6 come to Winnsboro?

7 A. Approximately 5:15 a.m.

8 Q. When you get that initial call, are you given any
9 information about what you're coming to?

10 A. Basically I ask, you know, what kind of scene they
11 have, is there anything out of the ordinary,
12 anything that may merit me bringing extra people or
13 extra equipment, or anything like that. So I just
14 try to get a brief rundown of what they have on the
15 scene.

16 Q. Okay. Do you recall a summation of what you were
17 told you were coming up to?

18 A. That basically they had just a deceased female and
19 it was possibly a strangulation.

20 Q. Okay. Did they have -- did anybody mention any
21 kind of suspect or anything at the time that you
22 got that initial call?

23 A. No, not that I recall.

24 Q. Okay. What time did you get to Winnsboro?

25 A. Approximately 6:30 a.m.

1 Q. Okay. It was daylight by the time you got here?

2 A. Yes, sir.

3 Q. Okay.

4 A. Right about dawn.

5 Q. Okay. July, so getting -- the sun was coming up a
6 little earlier; right?

7 A. Yes, sir.

8 Q. I think the Solicitor asked about it, I think you
9 have looked at it. You prepared a report of your
10 work in this case; right?

11 A. Yes, sir.

12 Q. Okay. That's basically just a summation of what
13 you did, what you collected, and stuff like that?
14 Is that a fair assessment?

15 A. Yes.

16 Q. Do you have a list in there -- and I'm -- you tell
17 me if this is the right list or not, but I'm
18 specifically looking at Page Number 14.

19 A. I've got it.

20 Q. Is that an accurate list of what you collected at
21 the scene?

22 A. Yes.

23 Q. Can you tell us what you collected at the scene?

24 A. On scene and in the order I recorded it, one blue
25 in color shirt from front yard, two swabs from

1 vinyl siding on the front porch, two swabs from the
2 left side of the victim's neck, two swabs from the
3 victim's left middle finger and left ring finger,
4 palm side mid joints, one acrylic fingernail from
5 front porch, and suspected tissue from top of air
6 conditioning unit.

7 Q. Okay. There has been some mention of a brown shirt
8 that was on the victim. Do you recall that?

9 A. Yes, sir.

10 Q. Was it there when you got there?

11 A. Yes.

12 Q. Okay. You didn't collect that?

13 A. No.

14 Q. Okay. Do you know how it got there on the victim?

15 A. I believe we were provided information that when
16 several people from the neighborhood found the
17 victim in the state that is in the image, that
18 somebody there covered her private regions with a
19 shirt.

20 Q. Okay. All right. And I believe when you got on
21 the scene, she had been covered with a white sheet;
22 right?

23 A. Yes, sir.

24 Q. And do you recall who had done that?

25 A. I don't remember if it was the coroner's office or

1 law enforcement.

2 Q. Okay. Essentially, the scene had been secured well
3 before you get there; right?

4 A. Yes, sir.

5 Q. Okay. And you basically get the scene as you find
6 it; right?

7 A. Yes.

8 Q. Okay. And then to start doing your analysis of
9 where you need to look and whatnot, you get
10 information from law enforcement on the scene?

11 A. Yes.

12 Q. Okay. Do you interview any witnesses?

13 A. No.

14 Q. Okay. So basically it's just -- your information
15 is provided from whoever is on the scene and then
16 you begin looking around; right?

17 A. Yes.

18 Q. Okay. Was there a search warrant done in this
19 case?

20 A. Yes.

21 Q. Okay. Do you have a copy of it?

22 A. I don't have a copy of my printout.

23 Q. I'm going to show you this and see if you recognize
24 that. Does that --

25 A. Yes.

1 Q. Is that a search warrant of, what?

2 A. Premises to be searched as described as [REDACTED] Garden
3 Street, Winnsboro.

4 Q. Now, you didn't go to the judge and get that search
5 warrant; right?

6 A. No.

7 Q. That was done by public safety?

8 A. Yes, sir.

9 Q. They do that so you can come onto the scene and go
10 ahead and start without having to delay too much?

11 A. Yes.

12 Q. Okay. Did y'all go into the house?

13 A. After documentation and handling of everything
14 outside, the victim's body was removed, we did go
15 into the house and ran a visual search and took
16 pictures to document the state of the house.

17 Q. Okay. All right. The search warrant covered going
18 into the house; is that correct?

19 A. Yes, sir.

20 Q. Okay. All right. What did y'all collect with that
21 search warrant?

22 A. Collected the items I previously described from the
23 outside of the house.

24 Q. Okay. Well, isn't there a piece of paper that
25 comes with a search warrant that says everything

1 you collected? I mean --

2 A. The return, yes.

3 Q. The return that's included with the search warrant
4 says whatever was collected by whomever collected
5 it; right?

6 A. Yes, sir.

7 Q. All right. Is there one with this search warrant?

8 A. Yes, I have a copy provided.

9 Q. Okay. What does that return say was collected?

10 A. The return says: One -- I can't read the next
11 word -- talk phone, one LG phone, one marijuana
12 blunt, one digital scale, one baggie. And then my
13 handwriting: Two swabs from victim's neck, two
14 swabs from victim's left middle and ring finger,
15 one acrylic fingernail from front porch, one blue
16 shirt, two swabs from vinyl siding on front porch.

17 Q. Okay. So that essentially covered the stuff that
18 you collected personally and items that apparently
19 someone else collected?

20 A. Yes, sir.

21 Q. Okay. And it sounds like there were two cell
22 phones; is that fair?

23 A. Yes.

24 Q. Do you know what happened with the cell phones?

25 A. I'm not sure. I recall Winnsboro Public Safety

1 being in the house with us, so as to what they
2 collected, I don't really recall what all they may
3 have taken from inside the house.

4 Q. Okay. But you don't have it in your report, it is
5 what you dealt with; right?

6 A. I just have what I dealt with and what I ended up
7 collecting.

8 Q. Okay. All right. So cell phones were collected,
9 you don't have them, you don't know what happened
10 to them?

11 A. Correct.

12 Q. Okay. I want to ask you about these three
13 pictures, 24, 25 -- excuse me, if I could read --
14 25, 26 and 27. I think you've already identified
15 them as some tissue?

16 A. It appeared to me to be tissue.

17 Q. And we're not talking about Kleenex tissues, we're
18 talking about, I think you said, for lack of a
19 better term, meat?

20 A. It appeared like muscle tissue.

21 Q. All right. And it was interesting enough for you
22 to collect it; right?

23 A. Yes, sir.

24 Q. Okay. And when you go out on the scene, there's a
25 Sprite bottle over here and a couple of cans over

1 here, but those didn't seem to have anything to do
2 with the case; right?

3 A. Yes, sir.

4 Q. Okay. This was kind of interesting, so it's
5 collected; right?

6 A. Correct.

7 Q. And what do you do with it?

8 A. With that item, once I got back to the SLED
9 laboratory, that's the item I took to SLED's DNA
10 department and placed in their freezer for storage.

11 Q. Okay. Do you know if it was ever analyzed by
12 anybody?

13 A. No, sir.

14 Q. Okay. That's fine. But you did put it in the DNA
15 refrigerator?

16 A. Their storage, yes, sir.

17 Q. Okay. All right. And, of course, you don't do any
18 of the analysis at SLED; right?

19 A. Right. I do crime scene investigations and
20 forensic photography.

21 Q. Okay. All right.

22 A. Nothing for DNA or any other discipline.

23 Q. Got you. All right. The next morning you go
24 attend the autopsy, or I guess later in the day or
25 the next day?

1 A. I believe it was the next day, July 5th.

2 Q. Okay. Going back to Page 14, does it have a
3 summation of what was collected at the autopsy?

4 A. Yes, sir.

5 Q. Can you tell us what was collected at the autopsy?

6 A. The following items were turned over to myself by
7 Newberry County Memorial Hospital personnel:
8 Including one gray in color top from victim, one
9 red in color bra, one rape kit taken from victim,
10 two tubes of blood from victim's iliac vein, one
11 set of scrapings from victim's left hand, one set
12 of scrapings from victim's right hand, two rings
13 from the victim's left hand.

14 Q. Okay. I'll show you State's Number 36. I have a
15 question on this. Item Number 17, what is that?

16 A. Item 17 reads as: One ring with small clear stone
17 collected from Jennifer Stone at autopsy.

18 Q. Okay. But it's not in the bag, is it?

19 A. Which bag?

20 Q. Well, did you ever get the ring?

21 A. I have in my report that I have two rings from
22 victim's left hand.

23 Q. Right. Take a look at Page Number 6 in your
24 report. What is that on Page Number 6?

25 A. Page 6 is a scanned version of a handwritten chain

1 of custody, I believe between myself and Melody
2 Reid of Newberry Pathology Systems.

3 Q. Okay. And of course it's got the bra, the rape
4 kit? Basically the stuff that you listed on
5 Page 14 is collected; right?

6 A. Yes.

7 Q. What is that last item that you wrote down?

8 A. It's crossed out, but it says lip ring, and then
9 it's my handwriting saying: Not in bag from
10 autopsy, and my initials and crossed out.

11 Q. What does that mean?

12 A. Basically, when I did the inventory of the evidence
13 I got from autopsy a few days later, I looked
14 through everything and I couldn't find this lip
15 ring that Newberry said they gave as part of the
16 package.

17 Q. Okay. So you had the bag, but there was no ring in
18 it, no lip ring in it?

19 A. No lip ring.

20 Q. Okay. All right. But you noted it -- how did you
21 know it was a lip ring?

22 A. In one of -- in Newberry chain of custody, they put
23 that they gave me a lip ring.

24 Q. Okay.

25 A. And after I inventoried, it wasn't there.

1 Q. But you don't know where it went? Have no idea?

2 A. I believe after I got back in contact with them, it
3 was just that transposition that they had put it
4 from another case and there never was a lip ring
5 involved.

6 Q. Okay. But there was a bag about a lip ring?
7 Wasn't there a little pouch that said it contained
8 that item, but it didn't contain that item?

9 A. I don't recall a pouch that said it had a lip ring.

10 Q. Okay. Agent, give me one second. I may be close
11 to wrapping up.

12 (Pause.)

13 Q. Were there any other search warrants that you're
14 aware of procured in this case?

15 A. Not that I'm aware of.

16 Q. Okay. And everything that is listed in your report
17 is the evidence that you collected and submitted to
18 whomever they needed to go to in SLED; right?

19 A. Yes.

20 Q. Okay.

21 MR. FRICK: Thank you, sir. That's all the
22 questions I have.

23 MR. MAXWELL: Briefly, Your Honor.

24 THE COURT: Yes, sir.

25 REDIRECT EXAMINATION

1 BY MR. MAXWELL:

2 Q. Agent Oliphant, you didn't interview witnesses or
3 look for a suspect in this case, did you?

4 A. That's right.

5 Q. Because your case is limited to documenting the
6 crime scene and collecting evidence from the crime
7 scene and also from the autopsy?

8 A. Yes, sir.

9 Q. You stated you did go inside the residence?

10 A. Yes.

11 Q. Was there anything material collected inside the
12 residence or anything notable observed inside the
13 residence?

14 A. I remember an individual with Winnsboro DPS, who I
15 think said something about drug paraphernalia.

16 Q. That wasn't collected by you?

17 A. Not by me.

18 Q. You didn't collect anything inside the residence?

19 A. Correct.

20 Q. I'm going to show you this bag that shows on it as
21 Container E, SLED Container E, it contains I
22 believe two items inside of it. Can you say what's
23 in that bag?

24 A. Yes, sir, it's labeled Container E. It said it
25 contained Items 16 through 18, and it has a

1 yellow-colored ring with a -- it looks like a
2 purple stone, and a kind of gray-colored ring.

3 Q. Would you look at the rings and see if they're
4 similar to the rings or consistent with the rings
5 on her left hand, Ms. Stone's left hand?

6 A. Yes, sir.

7 Q. And as far as Item 16 is described as a lip ring or
8 lip stud, or something, from the autopsy?

9 A. Yes, sir. On the submission paperwork, I have
10 Item 16 as a -- Item 16 as a yellow metal ring,
11 Item 17 as a ring with small clear stones, and
12 Item 18 as a lip ring.

13 Q. As far as -- was that a paperwork error between
14 Newberry Pathology and SLED?

15 A. Yes, sir.

16 Q. There is no lip ring or lip stud involved in this
17 case?

18 A. Yes.

19 Q. As far as you're aware?

20 A. Correct.

21 MR. MAXWELL: No further questions, Your
22 Honor.

23 THE COURT: Anything else?

24 MR. FRICK: Nothing further.

25 THE COURT: All right. Sir, you may step

1 down.

2 Any objection to this witness being excused?

3 MR. MAXWELL: None from the State.

4 MR. FRICK: None from the Defense.

5 THE COURT: All right. Thank you.

6 (Witness steps down and is excused.)

7 THE COURT: All right, ladies and gentlemen of
8 the jury, we are going to take about a 10-minute
9 break, and then we will come back and hear some
10 more witnesses, and then we will stop for lunch
11 around 1:00.

12 All right. Thank you.

13 MR. MAXWELL: Thank you, Your Honor.

14 (WHEREUPON, the jury retires to the jury
15 room at 11:56 a.m.)

16 THE COURT: All right, what I'm thinking real
17 quick from a scheduling -- just from a
18 scheduling -- trying to look at the schedule. I
19 think we'll stop around 1:00. So if you have some
20 short witnesses that will take us to 1:00 or one
21 witness.

22 MR. MAXWELL: We have one witness who is
23 certainly shorter than the last witness. We could
24 probably stop a little before 1:00.

25 THE COURT: Okay.

1 MR. MAXWELL: The other people won't be here
2 until closer to 2:00 o'clock, the pathologist and
3 the DNA.

4 THE COURT: All right. So I'm thinking we'll
5 do -- stop around 1:00, take lunch from 1:00 to
6 2:00, have -- we'll take lunch from 1:00 to 2:00
7 and then do the expert. That shouldn't take longer
8 than 30 minutes, you think?

9 MR. MAXWELL: In-camera? I wouldn't think it
10 would take that long, 15 to 20.

11 THE COURT: What do you think?

12 MR. FRICK: I don't know how detailed we get
13 into the minutia of DNA in the in-camera, but I
14 think that's probably fair.

15 THE COURT: Okay. So I'll just tell them to
16 come back at 2:30 and then we'll start.

17 All right. We'll take about 5 or 10 minutes.

18 (WHEREUPON, a break was taken at 11:58
19 a.m.)

20 THE COURT: Are you ready to bring them in?
21 Bring them in.

22 (WHEREUPON, the jury came into open
23 court at 12:13 p.m.)

24 THE COURT: All right, ladies and gentlemen of
25 the jury, I'll ask the State to call their next

1 witness.

2 MR. HUNTER: The State calls Mike Carrell.

3 (Witness approaches.)

4 THE CLERK: If you would raise your right
5 hand, place your left hand on the Bible.

6 (Witness complies.)

7 THE CLERK: Do you solemnly swear or affirm
8 that the testimony you will give this Court will be
9 the truth, the whole truth, and nothing but the
10 truth, so help you God?

11 THE WITNESS: Yes, ma'am.

12 MIKE CARRELL,
13 after being duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. HUNTER:

16 Q. Good afternoon, Mr. Carrell.

17 A. How are you, sir?

18 Q. Could you state your full name for the record?

19 A. It's Mike Carrell, Lieutenant Mike Carrell.

20 Q. And where are you currently employed?

21 A. With the Winnsboro Public Safety Department.

22 Q. Okay. How long have you been employed there?

23 A. I've been here six years.

24 Q. And what are your duties with Winnsboro Public
25 Safety?

1 A. I investigate narcotics crimes, as well as criminal
2 crimes with Major Seibles.

3 Q. And you say you're a lieutenant?

4 A. Yes.

5 Q. What duties do you have as a lieutenant?

6 A. I oversee most all of the narcotics investigations
7 throughout the city, and then I work with
8 Mr. Seibles on criminal investigations when we do
9 have criminal cases come through the town.

10 Q. Okay. And were you working -- I believe I've
11 already asked you this, but were you working with
12 Winnsboro Department of Public Safety on July 4th,
13 2014?

14 A. Yes.

15 Q. Did you become involved in the murder investigation
16 of Jennifer Stone?

17 A. Yes.

18 Q. Could you explain to the jury how you became
19 involved in that case?

20 A. Yes, sir. I was at home when I received a phone
21 call from the department stating that we had a
22 homicide to respond to. I responded to the
23 location of the incident.

24 When I arrived on the scene, there were
25 several other officers on the scene, and Major

1 Seibles was there, along with our chief. They were
2 handling things on the scene. And they gave me the
3 name of Mr. Sampson and asked me to pursue him, to
4 go look for him. And that's what I did, I left the
5 scene and went to pursue looking for Mr. Sampson.

6 Q. Okay. What did you do that day in your pursuit of
7 Mr. Sampson?

8 A. I spoke with some of the other officers to find
9 out -- I wasn't very familiar with Mr. Sampson, so
10 they gave me some ideas as to where he might be.
11 He had a, I believe, a girlfriend that lived local
12 in the area or an ex-girlfriend that lived local in
13 the area. We attempted to locate her residence.

14 I went to some areas that I knew Mr. Sampson
15 frequented that I had seen him, you know. I asked
16 some people if they had seen him. And a couple of
17 people had said they had seen him earlier, but they
18 hadn't seen him right then.

19 I then went and tried to get a picture of
20 Mr. Sampson from the jail. And I came back to the
21 station from where we all met later on that day for
22 a briefing as to what we had so far.

23 Q. Okay. Were you able to find Mr. Sampson that day?

24 A. No, sir.

25 Q. Okay. Do you know whether or not the effort to

1 find Mr. Sampson was publicized in any way?

2 A. Yes, sir. Our chief -- I'm not exactly sure when,
3 but it was pretty soon after the incident --
4 notified the news media with a photograph. And the
5 sheriff's department -- I began working with the
6 sheriff's office contacting Major Douglas at the
7 sheriff's office. We got a group together, along
8 with SLED, and began to search for Mr. Sampson.

9 Q. Okay. Again, you didn't find him that day. Did
10 you find him within the next few days?

11 A. No, sir.

12 Q. Okay. At some point did you find out that Mr.
13 Sampson had been apprehended?

14 A. Yes, sir, I received --

15 MR. FRICK: Your Honor, objection on grounds
16 previously stated.

17 THE COURT: Sustained.

18 Please rephrase the question.

19 BY MR. HUNTER:

20 Q. At some point did you become aware of Mr. Sampson's
21 location?

22 A. Yes, sir, I did.

23 Q. Could you explain where Mr. Sampson was found?

24 A. Yes, sir. I was notified by Sergeant Thomas
25 through our dispatch that he had received a call

1 from Rochester, New York, that Mr. Sampson had been
2 arrested in Rochester, New York.

3 Q. And do you know what date y'all --

4 THE COURT: Sustained.

5 MR. FRICK: Your Honor, if I may, I object
6 based on our pretrial motion regarding this matter.

7 THE COURT: Objection sustained.

8 Ladies and gentlemen of the jury, please
9 disregard the last answer. Please strike the last
10 answer and do not consider it in your
11 deliberations.

12 MR. MAXWELL: Can we approach, Your Honor?

13 THE COURT: Yes.

14 (WHEREUPON, a bench conference was held
15 in the presence of the jury but out of
16 the hearing of the jury.)

17 MR. FRICK: Judge, just to clarify my position
18 for the record. I know where the Solicitor is
19 going with the next part of the testimony. My
20 objection is to my pretrial motion regarding where
21 my client was found.

22 THE COURT: Okay. Thank you.

23 BY MR. HUNTER:

24 Q. Lieutenant Carrell, I'm not sure if we got into --
25 or you answered my question fully, but on what date

1 were you informed that Mr. Sampson was in New York?

2 A. July 25th, 2014.

3 Q. Okay. And at some point after that was Mr. Sampson
4 -- let me rephrase this question. The fact that
5 Mr. Sampson was wanted for this crime was entered
6 into the NCIC; correct?

7 A. Yes, sir.

8 Q. Okay.

9 A. Entered in NCIC.

10 Q. Okay. And so at what point was Mr. Sampson then
11 brought back to South Carolina?

12 A. We sent a motion up to have him brought back.

13 MR. FRICK: Your Honor, objection. Relevance
14 to this.

15 MR. HUNTER: I can move on.

16 THE COURT: Hold on one second. Let's
17 rephrase the question.

18 MR. HUNTER: Okay.

19 BY MR. HUNTER:

20 Q. At some point was Mr. Sampson brought back, or did
21 Mr. Sampson return to South Carolina?

22 A. Yes, sir, he was brought back to South Carolina.

23 Q. Okay. And as part of your investigation of this
24 crime, after Mr. Sampson had returned to South
25 Carolina, did you obtain a DNA sample from

1 Mr. Sampson?

2 A. Yes, sir, I did.

3 Q. Okay. Do you know the date that you did that?

4 A. I believe the date would be October 27th is when we
5 did that -- or excuse me, July 30th, 2015, is when
6 we did that.

7 Q. Okay. And did Mr. Sampson -- let me rephrase. I'm
8 going to show you what has been -- well, I'm just
9 going to show you this and see if you can identify
10 this.

11 A. Yes, sir, it's a standard buccal swab kit that
12 contains like a Q-tip on a longer stick and a box
13 that we use to seal it up where we don't touch it
14 after we put it in the bag.

15 Q. And will you explain to the jury what a buccal swab
16 is?

17 A. Again, it's a long stick with a cotton swab on the
18 end, and you take it and you put it inside the
19 suspect's mouth and collect saliva. Once you
20 collect the saliva, you place it in a cardboard box
21 and you seal it up, then you bag it and take it
22 down there to SLED on Broad River Road.

23 Q. And is this the buccal swab you took from
24 Mr. Sampson?

25 A. Yes, sir, it looks like it.

1 Q. And after you took the buccal swab from
2 Mr. Sampson, did you take it to SLED?

3 A. That day.

4 Q. That day?

5 A. I left immediately from the courthouse and took it
6 to SLED.

7 Q. Okay. And you've not seen it since then?

8 A. No, sir.

9 Q. Okay. As part of your investigation, did you take
10 a buccal swab from Matthew Stone?

11 A. Yes, sir, I did.

12 Q. And could you describe -- well, was that process
13 essentially the same as for Mr. Sampson's buccal
14 swab?

15 A. Yes, sir. I made contact with Mr. Stone. He met
16 with me. I collected the swab, boxed it, bagged it
17 and took it to SLED that same day.

18 Q. Do you remember the date that you did that?

19 A. I believe that's going to be October 27th.

20 Q. Okay. Of which year?

21 A. 2015.

22 Q. Okay. On the day -- on July 4th of 2014, did you
23 take any evidence -- did you collect any evidence
24 from the home of Jennifer Stone?

25 A. Yes, sir, I did.

1 Q. Okay. And what did you collect?

2 A. I got two cell phones, one LG, one Straight Talk, a
3 silver digital scale, a marijuana blunt, a pack of
4 blunt wrappers, and \$20 in U.S. currency.

5 Q. Okay.

6 MR. HUNTER: Beg the Court's indulgence.

7 (Pause.)

8 BY MR. HUNTER:

9 Q. Were you able to collect any information from those
10 cell phones?

11 A. No, sir. They were not working cell phones. We
12 tried, but they were not working cell phones.

13 Q. Okay. And going back to the initial search for
14 Mr. Sampson in the days after the incident, did you
15 call any other agencies to help you find
16 Mr. Sampson?

17 A. Immediately the day after, we spent a great deal of
18 time looking for Mr. Sampson, I called Agent
19 Patino, with the South Carolina Law Enforcement
20 Division, and I also spoke with Major Douglas with
21 the sheriff's department. And we all worked
22 together all over the county, even into Richland
23 County looking for Mr. Sampson.

24 Q. Okay. So teams from SLED as well as the sheriff's
25 department were helping Winnsboro Department of

1 Public Safety search?

2 A. Yes, sir, we were together every day for quite a
3 while.

4 Q. Do you recall how far from Winnsboro Rochester, New
5 York is?

6 A. I think it's approximately 800 miles.

7 Q. Okay.

8 MR. HUNTER: No further questions. Thank you.

9 CROSS-EXAMINATION

10 BY MR. FRICK:

11 Q. Investigator Carrell, what was your role in this
12 case?

13 A. To find Mr. Sampson.

14 Q. Okay. I mean, you're an investigator with the
15 Winnsboro Department of Public Safety; right?

16 A. Yes, sir.

17 Q. So how many investigators y'all got?

18 A. Myself and Major Seibles.

19 Q. Okay. Would you say this would be a major case?

20 A. Yes, sir.

21 Q. So you're involved with the investigation as well
22 as your other duties in this case; right?

23 A. Major Seibles and the other officers, they handled
24 most all of that. We have officers that assist
25 us -- that show interest in investigation that

1 assist us with cases.

2 Q. You did other stuff, didn't you?

3 A. Some, yes, sir. I collected evidence.

4 Q. Okay. You got a search warrant for Garden Street,
5 didn't you?

6 A. I don't recall. It's possible.

7 Q. Hold on. Take a look.

8 A. Yes, sir.

9 Q. What is that?

10 A. A search warrant for Garden Street.

11 Q. Okay. Who got it?

12 A. I did.

13 Q. Okay. Did you do any other search warrants?

14 A. I'm not sure. I was sent to the department to get
15 this for Major Seibles, so I'm not sure. It's
16 possible.

17 Q. Okay. And this is the one that -- well, here.
18 That's the return, is that not? Does that document
19 what was found?

20 A. Yes, sir, it appears to have the same things -- my
21 handwriting is at the top with the same things
22 logged on my evidence sheet.

23 Q. Which is cell phones, some marijuana?

24 A. And digital scale and a blunt.

25 Q. You don't have the \$20 on there. Do you know where

1 that came from?

2 A. It's on the evidence sheet. I don't -- I don't
3 know. It may have not been -- I don't know. It's
4 not on there.

5 Q. It wasn't in the house? This is what came out of
6 house; right?

7 A. Appears to be, yes, sir.

8 Q. All right. I ask you if you recognize this? Do
9 you recognize it?

10 A. Yes, sir, it's a cell phone search warrant.

11 Q. Who got that?

12 A. It says I did.

13 Q. Okay. And what cell phone were you searching?

14 A. It had to be one of these two that we submitted.

15 Q. Okay.

16 A. I don't think we got anything off of them.

17 Q. Does that search warrant have a return as well?

18 A. Yes, sir.

19 Q. What does the return say that you got?

20 A. SIM card data.

21 Q. SIM card data? What would that be?

22 A. We don't -- I don't have anything with any data.

23 Q. So you collected a SIM card, but you didn't get
24 anything off of it?

25 A. Yes, sir. That's very common.

1 Q. Investigator Carrell, give me one second.

2 (Pause.)

3 Q. Did y'all send the cell phone off anywhere? Do
4 y'all have anybody at the department that looks at
5 them? What did y'all do with it?

6 A. Me and John actually drove down to SLED with the
7 cell phone, if I'm not mistaken, and the guy tried
8 to get into the cell phone while we were there, but
9 wasn't able to because it had a pattern lock on it,
10 or some type of thing. Wasn't able to open the
11 cell phone.

12 Q. Okay. So, but --

13 A. I don't even know whose cell phone it was.

14 Q. Okay. All right. But as far as the SIM card that
15 is collected on this one search warrant, do you
16 know where the SIM card went?

17 A. It doesn't say a SIM card was collected, it says
18 data from SIM card was collected. The SIM card is
19 probably still in the phone.

20 Q. Okay. Well, what would be in SIM card data then?

21 A. It may give you the model, make, and serial number
22 of phone, those type of things, but it wouldn't
23 give you anything aside what you can find out by
24 looking at it if you could open the screen and get
25 the "about" information. I believe it's one of

1 those prepaid-type phones and didn't have any
2 information stored on it.

3 Q. And your testimony is the SIM card didn't give you
4 any information?

5 A. That I recall. I don't recall any information.

6 Q. Do we have a report that says this?

7 A. I'm not sure. It may well be. I'm not sure.

8 Q. Okay. Do you have one?

9 A. Not that I know of, no.

10 Q. Okay. Are you aware of anybody that has a report?

11 A. About a SIM card? No, sir.

12 MR. FRICK: Thank you. That's all the
13 questions I have.

14 MR. HUNTER: Briefly, Your Honor.

15 REDIRECT EXAMINATION

16 BY MR. HUNTER:

17 Q. Lieutenant Carrell, to your knowledge, was any
18 usable information retrieved from the cell phones
19 or the SIM card?

20 A. No. No, sir.

21 Q. I'm going to approach and ask you if you can
22 identify what is in that photograph?

23 A. It looks like a beer can, a Sprite bottle, and a
24 \$20 bill.

25 MR. HUNTER: Your Honor, at this point I would

1 move -- Your Honor, this hasn't been premarked. It
2 is now being marked as State's 37. I move it into
3 evidence.

4 MR. FRICK: No objection.

5 MR. HUNTER: Permission to publish it to the
6 jury?

7 THE COURT: All right, Number 37 is entered
8 without objection.

9 Yes, sir.

10 (WHEREUPON, State's Exhibit No. 37 was
11 marked for identification and received
12 into evidence.)

13 (WHEREUPON, State's Exhibit 37 was
14 published to the jury.)

15 BY MR. HUNTER:

16 Q. Does this picture depict a \$20 bill on the ground?

17 A. Yes, sir.

18 MR. HUNTER: Thank you, Lieutenant Carrell.

19 No further questions.

20 RECROSS-EXAMINATION

21 BY MR. FRICK:

22 Q. Just so I'm clear, that's where you found the \$20
23 bill, to your recollection?

24 A. That's the only \$20 bill I know of, so that's got
25 to be where it came from if it's on my evidence

1 sheet.

2 Q. And the hand that's in that picture?

3 A. That would be Ms. Stone's.

4 MR. FRICK: Thank you.

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

6 (Witness steps down.)

7 MR. MAXWELL: That's all we have before lunch,
8 Your Honor.

9 THE COURT: All right. Let me see you all a
10 second, please.

11 (WHEREUPON, a bench conference was held
12 in the presence of the jury but out of
13 the hearing of the jury.)

14 THE COURT: All right, ladies and gentlemen of
15 the jury, we're up here conferring regarding lunch.
16 And what I am going to have you do, there is a one
17 matter that I need to take up outside of your
18 presence. So once again I will allow you to have a
19 longer lunch break. So we will have you back here
20 at 2:15. I think it's 12:35 now, so about 2:15.
21 The lawyers and I are going to start a little bit
22 earlier. But instead of you sitting in the jury
23 room, you can be out enjoying the sunshine.

24 Remember, you cannot discuss this case with
25 anyone. If you see someone over lunch and they are

1 discussing the case, just let them know you are on
2 the jury. We will also be on the lookout for you
3 all when we are at lunch.

4 It is also improper for you to form any
5 opinion in your minds at this point because you
6 have not received all the evidence.

7 I hope that you have a good lunch. We will
8 see you at 2:15.

9 All right. Thank you.

10 (WHEREUPON, the jury is excused for
11 lunch at 12:35 p.m.)

12 THE COURT: Okay. I'll see you all at 1:45.

13 (WHEREUPON, a lunch break was taken at
14 12:36 p.m.)

15 (WHEREUPON, the proceedings resumed at
16 1:57 p.m.)

17 THE COURT: All right. Yes, sir?

18 MR. MAXWELL: Your Honor, our next witness is
19 going to be Donna Money, who is the DNA analyst
20 from SLED who performed a DNA analysis. Pursuant
21 to Mr. Frick's motion, we intend to call her now
22 for an in-camera hearing in regards to the YSTR
23 DNA.

24 The State calls Donna Money.

25 (Witness approaches.)

1 THE CLERK: If you will raise your right hand
2 and place your left hand on the Bible.

3 (Witness complies.)

4 THE CLERK: Do you solemnly swear or affirm
5 the testimony you give this Court will be the
6 truth, the whole truth, and nothing but the truth,
7 so help you God?

8 THE WITNESS: Yes.

9 DONNA MONEY,
10 after being duly sworn, testified as follows:

11 DIRECT EXAMINATION (IN-CAMERA)

12 BY MR. MAXWELL:

13 Q. Ms. Money, where are you employed?

14 A. I'm employed at the South Carolina Law Enforcement
15 Division.

16 Q. How long have you been with SLED?

17 A. Approximately four years.

18 Q. Can you talk about your education?

19 A. I received a bachelor's degree in forensic science
20 from the Pennsylvania State University in 2011.

21 Q. Do you have any -- can you talk about your work
22 experience since you received your degree from
23 college?

24 A. I have worked at SLED since 2012.

25 Q. Can you talk about the types of further training

1 you've received other than your education?

2 A. While employed at SLED, I underwent a year and a
3 half training program under a court-qualified
4 analyst.

5 Once I was signed off, I have attended various
6 professional organizational conferences. I have
7 also participated in advanced training workshops
8 and other advanced training workshops pertaining to
9 DNA analysis.

10 Q. And specifically while you were at Penn State, what
11 types of classes did you take?

12 A. I took biochemistry, molecular biology. I took
13 genetics, molecular biology of gene and forensic
14 microbiology.

15 Q. Have you testified in court before?

16 A. Yes.

17 Q. How many cases have you performed analysis on?

18 A. Over 400.

19 Q. And is that all exclusive to DNA, or what other
20 types of things might it include?

21 A. I'm qualified to perform serological testing, DNA,
22 STR DNA analysis and YSTR DNA analysis.

23 Q. How many times have you testified in court?

24 A. Approximately eight times.

25 Q. Eight?

1 A. Eight.

2 Q. And on those occasions, were you qualified as an
3 expert --

4 A. Yes.

5 Q. -- in DNA analysis?

6 MR. MAXWELL: Your Honor, I'd offer her as an
7 expert in DNA analysis as far as purposes of this
8 hearing.

9 MR. FRICK: No objection to that, Your Honor.

10 THE COURT: All right. She will be qualified
11 as an expert in DNA analysis.

12 BY MR. MAXWELL:

13 Q. Did you perform an analysis in this case?

14 A. Yes.

15 Q. What lab number was assigned to this case?

16 A. The SLED lab number is L14-08305.

17 Q. And what items were presented to you for analysis?

18 A. I received SLED Item 4.1, which was a dry blood
19 standard from Jennifer Stone.

20 I received SLED Item 6, which were right hand
21 fingernail clippings from Jennifer Stone.

22 Item 7, which was left hand fingernail
23 scrapings from Jennifer Stone.

24 Item 8, a piece of suspected tissue from top
25 of air conditioning unit.

1 Item 9, swabs from the neck of Jennifer Stone.

2 SLED Item 10, swabs from left middle finger
3 and the left ring finger of Jennifer Stone.

4 Item 11, swabs from the vinyl siding on the
5 front porch.

6 Item 12, an acrylic fingernail located from
7 the front porch.

8 SLED Item 13.1, a small maroon in color shirt
9 from front yard.

10 And I received known buccal standard, Item 23,
11 from Latroy Dante Sampson.

12 And SLED Item 24, buccal swabs from Matthew
13 Stone.

14 Q. And specifically talking about the analysis you
15 performed on Item 9 and comparing it to -- well,
16 can you first talk about your general DNA analysis
17 as far as Item 9, which is the swabs from
18 Ms. Stone's neck?

19 A. That item first underwent what is called STR DNA
20 analysis. It is a testing that can be used on all
21 human DNA, male and female.

22 From there, the process is we track the DNA
23 from the swab to get the DNA off of it. We will
24 then quantify it to determine how much DNA is
25 present.

1 After that, we will amplify or essentially
2 make copies of the DNA to have more to work with.
3 And then finally we run it through a machine that
4 will separate the DNA out by size. And based on
5 the size of the DNA, it gets visualized as peaks on
6 a profile.

7 Q. Is that just for the YSTR analysis or for the
8 general analysis?

9 A. That's general analysis.

10 Q. And what were your results as far as Item 9
11 comparing it to the other items you received?

12 A. Could you repeat the question?

13 Q. What was your resulting findings for Item 9 in the
14 general analysis?

15 A. The profile developed from Item 9 was a mixture of
16 at least two individuals.

17 Q. Do you know who those individuals are?

18 A. The mixture based on the amount of DNA that was
19 determined could be separated between a major
20 contributor, which is a person contributing more
21 DNA to the sample, and then a minor contributor,
22 which is an individual contributing less DNA to
23 that sample.

24 The major to this mixture was consistent with
25 the DNA profile of Jennifer Stone. The minor

1 contributor was contributing to a level of DNA that
2 we could not give a definitive identification to
3 who it belonged to. And in this case, we were
4 unable to determine whether or not Latroy Dante
5 Sampson was included or excluded.

6 Q. Thank you. And Matthew Stone was excluded?

7 A. Yes.

8 Q. Now, is that the finality of the general analysis
9 on Item 9?

10 A. Yes.

11 Q. All right. What other -- is the YSTR analysis an
12 entirely separate process?

13 A. Yes.

14 Q. Can you describe that process?

15 A. YSTR analysis is typically used in situations where
16 there may be an overabundance of female DNA and you
17 would like to hone down on the male DNA that may be
18 present.

19 In this instance, since this was a swab from
20 the neck of the female victim, we would go ahead
21 and do Y testing to see if this minor contributor
22 seen on this STR profile was indeed from a male
23 individual.

24 And it goes through the same process as STR
25 testing through the extraction quantification,

1 amplification, and then visualization, but it will
2 only focus on male DNA.

3 Q. And how does it -- as far as finding a result, how
4 does it defer from the general analysis when you
5 did the specific analysis? What other things are
6 performed or what allows you to dig deeper into
7 where it may have come from?

8 I may not have asked that very well. What
9 allows you to -- when you can't exclude or include
10 somebody from the general analysis, what then
11 allows you to dig further into finding some kind of
12 match or some consistency using the YSTR?

13 A. Y testing is a more sensitive type of testing. The
14 kits that are available are more sensitive and that
15 allows for us to potentially get a stronger profile
16 from the male contributor, which may be essentially
17 masked by a female contributor in an STR profile.

18 Q. And was Item 9, the swabs from Jennifer Stone's
19 neck, put through this YSTR testing?

20 A. Yes.

21 Q. What were your findings?

22 A. The partial YSTR DNA profile developed from Item 9
23 is a mixture of at least two male individuals. The
24 partial profile of the major contributor to this
25 mixture matches the YSTR DNA profile of Latroy

1 Dante Sampson.

2 Q. What is the probability?

3 A. The probability of randomly selecting an unrelated
4 male individual having a YSTR DNA profile matching
5 the major contributor to this mixture is
6 approximately one in 8,600.

7 Q. Now, to jump back a second, the Y gene is what?

8 A. The Y chromosome is passed from male to male in a
9 paternal male lineage. So a grandfather to the
10 father to the son. Those individuals will all have
11 the same Y profiles since the chromosome is being
12 passed directly from one to the other.

13 Q. And can you talk further in regards to -- I guess,
14 is there any other way to phrase the probability
15 one in 8,600, or can you talk further or explain
16 further what one in 8,600 means or where that comes
17 from?

18 A. The database that we use to calculate our Y
19 statistics is one that's completely separate from
20 the database used to calculate the general STR
21 calculations. Y profile at this time based on
22 database odds will never get into the billions and
23 trillions. One in 8,600 right now is the highest
24 that we can go because the database size is so much
25 smaller.

1 The other thing to keep in mind is since a
2 father and a son are biologically related, to have
3 the same profile, you will have profiles happening
4 again and again, unlike in the general population
5 where you only have twins that would be sharing the
6 same profile.

7 Q. Okay. And can you talk about -- have you ever
8 testified before about YSTR analysis?

9 A. No.

10 Q. How long has it been in -- how long has SLED been
11 using this process?

12 A. SLED came on line with Y testing back in 2011. The
13 actual Y testing was thrown into the scientific
14 world in the late '90s. And the first commercial
15 case was brought -- made available in 2001.

16 Q. And are you aware of its being used in court or in
17 cases around the country or around the state?

18 A. About 10 cases that I've been told have been
19 testified to from SLED. Richland County Sheriff's
20 Department's lab, they also performed Y testing.
21 And Y testing is used at a large amount of
22 laboratories in the United States, including the
23 FBI and internationally.

24 Q. And have articles, and so forth -- have studies
25 been done in regards to YSTR testing?

1 A. Yes.

2 Q. Are you aware of any criticisms or doubts in
3 regards to YSTR analysis?

4 A. At this time, no.

5 Q. Would you characterize it as generally accepted in
6 the scientific community?

7 A. Yes.

8 Q. And again, go back -- I think you mentioned you
9 took some classes specifically in YSTR analysis?

10 A. Last -- pardon me -- a private laboratory provided
11 an advanced YSTR workshop to SLED in-house two
12 years ago.

13 Q. And one other question, so I understand the
14 probability factors. Say there was a father and a
15 son living in the same household.

16 A. Uh-huh.

17 Q. And there was a swab that came from that household.
18 And just using the YSTR analysis, could you find a
19 distinction between the father and the son, or
20 would it be exactly the same?

21 A. It would be exactly the same.

22 Q. That would be true for any paternal-related male?

23 A. Yes.

24 Q. So father, grandfather, brothers with the same
25 father?

1 A. Uh-huh.

2 Q. Uncles with the same grandfather and their sons,
3 all the same male lineage?

4 A. Yes.

5 Q. So it doesn't -- the probability doesn't narrow it
6 down to Latroy Sampson, it narrows it down to
7 someone who has the Y chromosome as part of his
8 paternal lineage?

9 A. Yes.

10 MR. MAXWELL: Beg the Court's indulgence one
11 moment, Your Honor.

12 (Pause.)

13 BY MR. MAXWELL:

14 Q. And just to be clear, the Y strand in this case you
15 analyzed and came to these findings in regards
16 to -- this is the Y chromosome from Latroy
17 Sampson's paternal line?

18 A. Yes.

19 Q. It would almost be guaranteed it is someone in his
20 paternal line?

21 A. Yes.

22 MR. MAXWELL: No further questions, Your
23 Honor.

24 CROSS-EXAMINATION(IN-CAMERA)

25

1 BY MR. FRICK:

2 Q. Okay. So what I'm used to seeing when I get a DNA
3 report is we look at the chromosomes, there is a
4 certain number of loci that match up, y'all make a
5 conclusion whether it's that person or not. Is
6 that a fairly jumbled, but simplified explanation
7 of what I normally see on a DNA report?

8 A. Yes.

9 Q. But YSTR says this is someone's paternal
10 contribution, is that -- it's whatever they
11 received on the Y chromosome; right?

12 A. Yes.

13 Q. Okay. Which doesn't -- at least through what we've
14 recorded so far -- does not mutate, or you don't
15 expect it to change?

16 A. Mutations are possible. They are very rare. But
17 in most cases, from grandfather to father to son.
18 Prior to mutation, they will all have the same YSTR
19 profile.

20 Q. And, I mean, to what level of generations can you
21 say that this is that YSTR chromosome?

22 A. It goes back centuries. It just keeps being passed
23 along.

24 Q. Okay. And so when you get a YSTR result, it could
25 be the person that you're looking at, the suspect

1 in whatever case you're examining, a brother --

2 A. As long as they have the same father, yes.

3 Q. Okay. Of course, the father?

4 A. Yes.

5 Q. His grandfather, all the way -- I mean, there's
6 really no limit as to who it could be on that YSTR
7 chain; right?

8 A. It's whoever is in that paternal line. So if
9 there's another person elsewhere not related to
10 that family, their profile would be different.

11 Q. Okay. But say dad had a couple of outside kids,
12 they would have his YSTR; correct?

13 A. Yes.

14 Q. Okay. And, I guess, as part of the issue I've got
15 is the phraseology that's used in the report, it
16 appears you're calling it a match, but it's not a
17 match with an individual; correct?

18 A. Correct. Match is the terminology we use in our
19 report. Essentially what it is is that person
20 cannot be excluded as being a contributor.

21 Q. Okay. Why do we use the term match?

22 A. In order to apply a statistic, we use the
23 terminology of matches since we can put the profile
24 into the database and generate a statistic.

25 At this time, SLED does not conduct mixture

1 statistics on Ys, so the only use for that database
2 is we put this profile in, we see what's the
3 probability that, yes, it lines up with this
4 person. And that's why the stat only goes up to
5 one in 8,600.

6 Q. Okay. And is YFiler the database y'all are
7 currently using?

8 A. YFiler is the kit that we use. The database that
9 we use is USYSTR database.

10 Q. Okay. Are there more than one database?

11 A. Yes. The one that we use is run by the National
12 Forensic Science Center. Some companies have their
13 own databases that they use, but we -- the one that
14 we use is more widely used amongst laboratories in
15 the country.

16 Q. Do you have any idea how many samples they've got
17 in their database?

18 A. I actually printed --

19 Q. Refer to whatever you need to, please.

20 A. As of their last update in 2014, there were 25,644.

21 Q. 25,000?

22 A. Uh-huh.

23 Q. Okay. And that's the entire database?

24 A. That's the entire database. It's all anonymous
25 samples that were inputted.

1 Q. And do you know where they get their stuff that
2 they enter in the database?

3 A. There are a list of laboratories and -- there's a
4 list of laboratories and companies that provide the
5 samples and then it gets added in. Richland County
6 has actually provided samples, SLED does not.

7 Q. When y'all -- and I'm going to call it standard
8 DNA. I know that's not the right term, but please
9 bear with me. When I'm looking at standard DNA
10 analysis and y'all come up with a statistic, what
11 database are y'all comparing that to?

12 A. That is the database that is part of CODIS the FBI
13 has put together. And the breakdown of the
14 database is actually in a published paper. And
15 that is based on the frequency of when those DNA
16 types occur in the human population.

17 Q. All right. Any idea how many are in that database?

18 A. I can't recall at this moment.

19 Q. Significantly more than 25,000, would you say?

20 A. Yes.

21 Q. Okay. So your statistic of saying that the YSTR
22 DNA in this case matches the profile likelihood of
23 finding -- when you say it like that, is it the
24 same way y'all mean it in the standard DNA of
25 randomly going out on the streets and finding

1 somebody else, that's the probability of finding
2 that same strain, is that -- I'm trying to
3 understand what it actually means.

4 A. It is along those lines. Our statistical
5 statements are meant to provide a weight to the
6 "match" or "cannot be excluded" statement.

7 Q. Right.

8 A. Since it is a 1 in 8,600, the weight is not as
9 great as say in 1 in 14 quadrillion because there
10 are individuals that would have that same Y profile
11 from that paternal line. And since there are other
12 individuals out there, that's why the weight is not
13 that great.

14 Q. Okay. But is it also dependent on the number of
15 samples that are in the database?

16 A. Yes. And also the number of DNA types that are out
17 there. Because the thing with Y testing is when
18 you look at a person's Y profile, it's typically
19 one type at every location versus with STR, people
20 may have one, they may have two. And because the
21 number of types increases, that decreases the
22 chance of some other random person matching that
23 profile.

24 With Y, since there's sharing going on and not
25 as much diversity as with STR typing, that's why

1 its stat is much lower.

2 Q. Okay. Some other cases that I've looked at, they
3 break down the probability into different ethnic or
4 racial groups. Am I seeing something correctly, or
5 am I completely off base for that?

6 A. That is correct.

7 Q. Okay. Y'all didn't do that?

8 A. Per our protocol, we go with the most conservative
9 number. And with Y testing, since the method used
10 to calculate the stat is different than the method
11 used for STR testing because of the size of the
12 database, we go with the total probability instead
13 of the breakdown per ethnic group.

14 Q. Okay. Does that give you anything different? I'm
15 just trying to figure out why some folks do it that
16 way, SLED's doing it this way?

17 A. Well, the way we calculate a statistic, that is a
18 universally-accepted method.

19 Q. Okay.

20 A. Because the Y chromosome is specific to males only,
21 it is one thing being passed along from male to
22 male to male. It's not like you're getting some
23 from your mom, some from your dad. You're getting
24 it from your dad. There's a different statistic
25 method applied to calculating a Y profile versus an

1 STR profile.

2 Q. Okay. All right. And it looked like in this case,
3 this was kind of a back-up analysis. Y'all look at
4 it, there's a mixture, trying to get to the male
5 part of it. This is the test that will do that.
6 So just trying to drill down a little bit further.
7 Is that a fair assessment of how y'all used it in
8 this case or not?

9 A. We use it to make sure that we get as much
10 information as we can from a profile. Y testing is
11 not required. It is analyst's discretion. When we
12 look at a profile, if you can see that there is a
13 potential minor that's very low and you want to be
14 able to see if you can get a fuller profile, you
15 then go to YFiler to do that testing.

16 Q. Okay. Okay. So you looked at this one and decided
17 that there could be the potential of finding some
18 evidence through YSTR?

19 A. Yes.

20 Q. Okay. Is there a protocol that y'all use to do
21 that? I know you said discretion, but, I mean,
22 it's SLED, surely something is written up
23 somewhere?

24 A. We have a protocol on how to conduct Y testing.

25 Q. But, I mean, as far as when to do it?

1 A. Yes. I mean, there are instances where don't do Y
2 testing if you have a male on male profile. It's
3 not going to get you any information because it's
4 just going to be a mixture and we can't interpret
5 mixtures of Ys.

6 It is mostly used in sexual assaults or
7 samples that are considered intimate, which means
8 off of a person's body, and essentially usually a
9 female victim's body. And since it was a swab off
10 of a female victim's neck.

11 Q. Got you. Okay. But as far as anyone requesting
12 it, do other agencies say, Hey, can you do YSTR on
13 this one, would y'all do that or --

14 A. If an agency asked us and we looked at the evidence
15 in question, we are open to discussion, and 9 times
16 out of 10, we agree, yes, Y testing would be
17 useful. But there is always those instances that
18 the agency may not fully understand the purpose of
19 Y.

20 Q. Got you. Okay. And you said -- how long has SLED
21 been doing YSTR?

22 A. Since 2011.

23 Q. 2011. And I believe you said you, yourself, this
24 is the first time you have testified about YSTR in
25 General Sessions; is that correct?

1 A. Yes.

2 Q. Have other folks testified that you're aware of? I
3 know you said a couple.

4 A. A couple of people within my department have. I
5 want to say I was able to find 10 cases where
6 people have testified as to Y.

7 Q. Okay. Do you recall any of the places where that
8 would have been? If you don't, that's fine. I
9 understand.

10 A. I know it is within the State of South Carolina.

11 Q. Okay. It is relatively -- it is still very new in
12 South Carolina; correct? I mean, this is the first
13 case that I've dealt with YSTR, and I'm going on 15
14 years doing this.

15 A. I believe so. I do not know when Richland County
16 brought it on line, but I believe that's the only
17 other lab in the state that currently does it.

18 Q. Okay.

19 A. It's possible that the other labs within South
20 Carolina may be working on getting it.

21 Q. Okay. And it has been used nationwide since about
22 '99 or right at --

23 A. Kits were first made available in 2001, but the
24 actual science from YSTR analysis was defined and
25 researched and made known in the late '90s.

1 Q. Late '90s. And then start using in court after we
2 get the -- after 2001, it sounds like?

3 A. Uh-huh. Yes.

4 Q. Are you aware of any peer review articles that call
5 into question YSTR DNA?

6 A. I do not recall any at this time.

7 Q. I'm going -- and it's going to sound a whole lot
8 more insulting than I mean it. Have you actually
9 read these YSTR peer review articles?

10 A. I've read articles about YSTR and the ones from
11 when it was first put out on line. We covered it
12 when I was in college. There is a lot of research
13 into going -- into how YSTR can help determine an
14 individual's ancestry going back to even into BC.
15 Because YSTRs are good for forensic case work and
16 are also good for paternities in determining
17 exactly who is in a family.

18 Q. As long as they're on the same paternal line,
19 obviously?

20 A. Yes.

21 Q. Is it fair to say that YSTR is really more of a
22 tool of exclusion rather than inclusion? I mean,
23 you would use it as a whole lot better at saying,
24 This person can't be the contributor, rather than
25 saying, This person may be the contributor?

1 A. Y testing is good for inclusions and exclusions.
2 The reason why I say that is there are instances
3 where there is just so much female DNA present, you
4 don't see any minor contributor in the profile.

5 Q. Right.

6 A. But then when you run it through Y testing, all of
7 a sudden you have this one single source clean male
8 profile that you would have never seen with STR
9 testing.

10 Q. Right.

11 A. Then you can say, yes, if you have standard, it
12 belongs to somebody or it does not belong to
13 somebody.

14 Q. As far as being their YSTR; right?

15 A. Yes.

16 Q. I mean, you can't say that's that person?

17 A. Not a hundred percent, it's just that person, yes.
18 But, also, one has to keep in mind, it could be a
19 brother, it could be a father, it could be an
20 uncle.

21 Q. Okay. So, I mean, but it then would be better for
22 saying, this person is not a contributor, would it
23 not?

24 A. It's helpful in that sense as well.

25 Q. Okay. And as far as an inclusionary tool, all it

1 can do is tell you, you know, that person is
2 paternal line is present; right?

3 A. Yes.

4 Q. Okay. Give me one second, I may be done.

5 (Pause.)

6 MR. FRICK: Thank you, ma'am. That's all the
7 questions I have.

8 MR. MAXWELL: Just one additional question,
9 Your Honor.

10 REDIRECT EXAMINATION

11 BY MR. MAXWELL:

12 Q. Just so I'm clear, in your report it states this
13 mixture matches the YSTR DNA profile of Latroy
14 Dante Sampson.

15 The YSTR DNA profile for Latroy Dante Sampson
16 is the same for every male relative with the same Y
17 DNA, they'd have the same profile, would that be
18 accurate?

19 A. Yes, everybody that is in that paternal lineage for
20 that profile would match, barring the mutation to
21 that profile.

22 MR. MAXWELL: Thank you. No further
23 questions, Your Honor:

24 THE COURT: Anything further?

25 MR. FRICK: Nothing further, Your Honor.

1 THE COURT: All right, you can step down.

2 (Witness steps down.)

3 THE COURT: Ready?

4 MR. FRICK: Judge, I of course made a little
5 bit of my motion the other day. I do have trouble
6 with what YSTR can really tell us in the phrasing
7 in the report of it being a match, when it is, in
8 fact, not a match to a person as we've all become
9 used to in standard DNA, but a match to a paternal
10 line. As the testimony you heard, it can be any
11 number of people along that line.

12 I do have a case I would pass up. It's a
13 short case, it's only four pages, out of the
14 district court of Arizona where the district court
15 there ruled that the YSTR DNA was more prejudicial
16 than probative, and they excluded it in that trial.
17 It was dealing with testing matching ethnic groups,
18 which we don't have here, but they were testing it
19 towards Native American groups. The Defendant in
20 this case was actually a Hopi Indian, and it didn't
21 have any differentiation. I will pass that forward
22 for your consideration. I've shared it with the
23 Solicitor, although I don't think he's really had
24 time to review the case.

25 But I also have problems with the statistic

1 itself. As you heard, the database is only 25,000
2 people, and it's going to change as we go along, so
3 it's still developing. To state a statistic off of
4 a population that is that small, I think is unfair
5 and I don't think it's appropriate. And I would
6 ask you to exclude any reference to a match on YSTR
7 DNA.

8 THE COURT: Yes, sir?

9 MR. MAXWELL: Your Honor, I think it's kind of
10 a tier process.

11 First is, is she qualified to testify to it?
12 I think her training and her experience and her
13 knowledge of the subject of YSTR analysis is
14 sufficient for her to be qualified as an expert to
15 testify about it.

16 THE COURT: Let me ask, you're not objecting
17 to that?

18 MR. FRICK: She's certainly qualified to
19 testify as far as the DNA analysis. And I believe
20 she can testify because she has stated taking
21 classes in YSTR, so I'm not challenging her
22 credentials.

23 THE COURT: You're challenging the reliability
24 of the testing?

25 MR. FRICK: Yes, ma'am.

1 THE COURT: All right. So tell me -- State
2 vs. White, the court says the things that the trial
3 court should consider: Publication of peer review,
4 prior application of the method to the type of
5 evidence involved in the case, quality control
6 procedures used to ensure reliability, and
7 consistency of the method with recognized
8 scientific laws and procedures.

9 MR. MAXWELL: I think her testimony and her
10 knowledge of the subject and the way the system
11 works, the way she testified to it works satisfies
12 all those factors. I think we're still under
13 evidence Rule 702 or 3, if I'm not mistaken.

14 THE COURT: Yes, sir.

15 MR. MAXWELL: I think those factors are
16 sufficiently there. It's been around for a while.
17 She's taken several different classes on it. More
18 labs are picking it up and doing it. SLED's been
19 doing it for several years now. While it's not
20 necessarily widespread yet, it's still only used in
21 a limited number of cases. You heard her say it's
22 not used in every DNA analysis, it's used when
23 you've got a female victim and you're trying to
24 decipher some foreign DNA, namely a male DNA on her
25 person. It's matters of sexual assault and other

1 assaults of male and female violence. So you're
2 not talking about every case where there's DNA
3 analysis they perform this. But I think the
4 process that SLED has, it's been in place for
5 several years and it is reliable testing.

6 In addition to its reliability, what we have
7 here, it's not a cold case where we found Ms. Stone
8 dead by her house and have no idea who the suspect
9 is and then you run it through CODIS trying to find
10 a hit and some drifter traveling up and down the
11 country -- traveling across the country hits here.
12 Latroy Sampson was someone associated with
13 Ms. Stone. And not just that, there are several
14 witnesses putting them together that night. And,
15 additionally, putting them together in that alley
16 on the side of that house that night. It is
17 somewhat circular, but that indicates its
18 reliability that based off this DNA, it came
19 back -- the YSTR profile came back to somebody who
20 witnesses can put in that alley. That indicates
21 this analysis. And that makes it very probative in
22 outweighing any prejudicial effect. It's not just
23 a random case where they found him through the
24 CODIS system, he was a suspect, they got his DNA,
25 and then she analyzed it and came up with this

1 profile that matches him.

2 Now, if you're talking about someone in his
3 house -- if this incident had happened where he
4 lived with his father or with his brothers, with
5 his uncles and grandfather, and you come back with
6 this profile, then you may have more of a
7 prejudicial effect to it. Even though I still
8 would argue under those circumstances it is still
9 maybe just a weight issue and not an admissibility
10 issue. But I believe this is clearly reliable
11 based on Ms. Money's testimony. When you put it
12 together with the other facts of the case, it makes
13 it highly probative.

14 THE COURT: Yes, sir?

15 MR. FRICK: Just briefly, Your Honor. I just
16 go back to what this really, really tells you and
17 what the report says. It says it matches his DNA
18 profile. It says YSTR DNA profile. But my concern
19 is in this day and age of all the television shows
20 that have told us about DNA, as soon as the jury
21 sees DNA and match, they're going to think that
22 this is an actual match. And the testimony you
23 heard is it's not. It can say it possibly could be
24 Latroy Sampson, but there are any number of people
25 who were out there that evening, and a lot of folks

1 in that area are related.

2 THE COURT: But if I'm understanding
3 correctly -- I may not be, you correct me if I'm
4 not -- there's a difference between a DNA match and
5 a YSTR match. I believe she testified that
6 basically when they said they have a match for
7 YSTR, it is a match -- it would be within his
8 family lineage, meaning somebody in his family
9 was -- DNA was on --

10 MR. FRICK: Correct.

11 THE COURT: Not a match specifically to him,
12 but somebody in his family.

13 MR. FRICK: Yes, that is absolutely correct.
14 This is not like what I'm calling standard DNA
15 where they look and it's definitely his DNA
16 profile, chromosome to chromosome. It matches his
17 Y chromosome, which is, of course, passed down from
18 father and son, and on and on and on, but there's
19 no limit as to who that could be. And that is, I
20 think, confusing and what causes the unfair
21 prejudice by simply attaching his name and saying
22 this is Latroy Sampson's DNA. And the possibility
23 of finding somebody in this very limited database
24 that we have to compare it is one in 8,600. I
25 mean, even according to their own database, it

1 could be one of three people.

2 THE COURT: Wouldn't it go to the weight?

3 MR. FRICK: I think it goes to the --

4 THE COURT: All the questions that you asked
5 her, wouldn't all that go to the weight of it as
6 opposed to the reliability of it?

7 MR. FRICK: I think it certainly will go to
8 the weight, but I think there's questions to the
9 reliability. But overriding is my concern that it
10 is unfairly prejudicial in pointing to my client
11 and saying this is his DNA, when, in fact -- and,
12 of course, I know you're going to say I can do this
13 all on cross-examination, the State is certainly
14 going to bring it out on direct, that they're two
15 different things. My concern is a jury hearing
16 DNA, Latroy Sampson, match, yeah, that must be his
17 DNA. And that's not the case.

18 THE COURT: Okay.

19 MR. MAXWELL: Again, he can cross-examine her
20 on what match -- a match to YSTR, profile him, what
21 that means. He can argue that before the jury.
22 Again, I think all that goes to the weight. And I
23 think it's admissible and reliable.

24 THE COURT: All right. The Court makes the
25 following findings.

1 I find that the witness has testified that the
2 YSTR is generally accepted in the scientific
3 community.

4 That it is universally accepted -- it is a
5 universally-accepted method.

6 That the witness has testified that there is a
7 protocol in place with SLED as to when to use the Y
8 testing.

9 The witness further testified that there has
10 been 10 other agents who have testified in South
11 Carolina regarding the use of YSTR.

12 I further find that the testing is done
13 internationally, and the witness has testified that
14 the FBI also uses the technique.

15 The witness further testified that there has
16 been peer review of the technique, that she has
17 read articles regarding YSTR, and that she has
18 studied it in school, she took classes in college
19 regarding the YSTR. And when specifically asked by
20 the Defendant if she was aware of any negative peer
21 reviews regarding YSTR, she testified that she was
22 not aware.

23 The witness further testified that Y testing
24 began in the late '90s, that the commercial kits
25 were available in 2001. And I believe that SLED

1 began using it in 2011, although it had been used
2 by other agencies prior to 2011.

3 For those reasons, I do find that the
4 underlying science is reliable -- the testimony as
5 to YSTR is reliable.

6 Now, as to your 403 objection, in looking --
7 and I've skimmed over the article from Arizona. It
8 appears that this was a much broader -- in this
9 case a much broader, I shouldn't say pool, but that
10 there is -- that there was -- the testing was on a
11 genetic -- was on Indian people versus a specific
12 person. Whereas here, we have witnesses who put
13 the -- that will put the Defendant in the location
14 at the time. And the witnesses -- and I believe
15 her testimony, she should be able to -- her
16 testimony regarding if it was him would go to the
17 weight. I believe the match -- what she testified
18 as to the match is that the match says that it is a
19 Y chromosome that is in his family, males in his
20 family.

21 You will be able to cross-examine her
22 regarding that.

23 For that reason, I think under 403, that the
24 probative value is outweighed by any prejudicial
25 effect.

1 The Defense will be given an opportunity to
2 question the witness regarding the language that is
3 written in the report regarding the match regarding
4 the YSTR.

5 And I believe that those issues are more
6 weight issues as opposed to admissibility issues.

7 All right.

8 MR. MAXWELL: Thank you, Your Honor. We're
9 ready. If I can have one minute.

10 MR. FRICK: Your Honor, if I can just put my
11 case in the record there since I didn't --

12 THE COURT: Sure. Do you want to mark this as
13 a Court Exhibit?

14 MR. FRICK: If you do it as a Court Exhibit so
15 I don't have to say the name of that case, because
16 I can't pronounce it.

17 (WHEREUPON, Court's Exhibit No. 2 was
18 marked for identification only.)

19 THE COURT: All right. Are you ready to bring
20 them in?

21 MR. MAXWELL: Yes, ma'am.

22 THE COURT: Bring them on in.

23 (WHEREUPON, the jury came into open
24 court at 2:44 p.m.)

25 THE COURT: All right, ladies and gentlemen of

1 the jury, I hope you had a good lunch.

2 At this time, we will continue with the
3 State's case. That took a little bit longer than I
4 expected, but we are ready to go forward.

5 Thank you.

6 MR. MAXWELL: The State calls Dr. Janice Ross.

7 (Witness approaches.)

8 THE CLERK: If you will raise your right hand
9 and place your left hand on the Bible.

10 (Witness complies.)

11 THE CLERK: Do you solemnly swear or affirm
12 the testimony that you give this Court to be the
13 truth, the whole truth, and nothing but the truth,
14 so help you God?

15 THE WITNESS: I do.

16 JANICE ROSS,
17 after being duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MR. MAXWELL:

20 Q. Good afternoon, Dr. Ross.

21 A. Good afternoon.

22 Q. Where do you work at?

23 A. In Newberry, South Carolina, with Newberry
24 Pathology Associates.

25 Q. And what do you do at Newberry Pathology

1 Associates?

2 A. We do autopsies, forensic autopsies for coroners of
3 the State of South Carolina.

4 Q. Can you talk about your education?

5 A. Yes. I received a bachelor's degree from the
6 University of South Carolina and I got my MD from
7 Upstate Medical Center in Syracuse, New York. I
8 pursued the field of pathology as opposed to
9 surgery or pediatrics.

10 Pathology is a discipline in medicine where we
11 learn how to diagnose diseases by using a
12 microscope, by using blood work, and we are also
13 trained in how to do an autopsy in order to find a
14 cause of death.

15 I am further trained in the field of forensic
16 pathology. The word forensic means legal, so we
17 use a pathology knowledge on legal matters, such as
18 homicides, suicides, accidents, and even natural
19 deaths.

20 So we do a forensic autopsy in order to
21 document patterns of injury, to collect specimens
22 for toxicology, and to document injuries for a
23 court of law.

24 Q. How long have you been performing autopsies?

25 A. Since 1976.

1 Q. Any idea how many you've performed?

2 A. Over 10,000.

3 Q. And have you ever testified in court before?

4 A. Yes.

5 Q. Any idea how many times?

6 A. In South Carolina, over 200 times.

7 Q. And on those occasions, have you been qualified as
8 an expert?

9 A. Yes.

10 MR. MAXWELL: Your Honor, I offer Dr. Ross as
11 an expert in forensic pathology.

12 THE COURT: Any objection?

13 MR. FRICK: No, ma'am.

14 THE COURT: All right, ladies and gentlemen of
15 the jury, normally a person cannot give opinion
16 testimony. Normally when a person testifies, they
17 must testify as to what they either saw, heard, or
18 sensed by smell, or something of that nature.
19 However, there is an exception when someone is
20 qualified because of education or experience. They
21 are permitted to give their opinion in certain
22 areas if the Court qualifies them that way.

23 This witness has been qualified in the area of
24 forensic pathology to give opinion testimony in
25 that area. That does not mean you must accept that

1 opinion, but it is evidence for you to use in any
2 way you see fit and give it the weight and
3 credibility you believe is appropriate.

4 Thank you.

5 Yes, sir, you may continue.

6 MR. MAXWELL: Thank you, Your Honor.

7 BY MR. MAXWELL:

8 Q. Dr. Ross, did you perform an autopsy on Jennifer
9 Stone?

10 A. Yes.

11 Q. On what date did you perform the autopsy?

12 A. On July 5th, 2014.

13 Q. And where was it done at?

14 A. In Newberry County Memorial Hospital morgue.

15 Q. And do you know how Jennifer Stone's body arrived
16 there?

17 A. Yes. We receive the patients in a body bag. We
18 open the body bag and do an external examination,
19 including clothing, take photographs. And we do an
20 external examination without clothing before we do
21 the internal examination.

22 Q. As far as the external examination, what kinds of
23 things did you notice or observe with her?

24 A. We saw evidence of blunt force injury. We saw an
25 abrasion across the right cheek towards the lips.

1 We saw bruising of the upper lip. This abrasion
2 across the right cheek continued on to the right
3 neck. There was bruising of the -- underneath the
4 chin. There was an abrasion going down across the
5 right collarbone. And underneath the skin you
6 could see around the neck a lot of bruising around
7 the thyroid gland on the right and in the muscles
8 on the left outside of the neck.

9 Q. Did you notice any injury to her eye?

10 A. There was contusion of the right eye and there was
11 what we call petechia, little red dots in the eye.
12 That's caused by pressure inside the blood system
13 where little blood vessels pop and release red
14 blood cells and causes the little red dots.

15 Q. To go back to the bruising on the neck, can you
16 talk about that further and any conclusions you
17 drew from that?

18 A. Yes. Well, the petechia and the bruising of the
19 neck is consistent with pressure on the neck. What
20 happens is the pressure closes blood vessels, so
21 arteries -- blood going up to the brain can still
22 deliver a little bit of blood to the brain, but the
23 veins are very -- more easily collapsed with the
24 pressure, so blood cannot come back down from the
25 brain towards the heart. And that's why you get

1 petechia and you also get pressure around the
2 brain.

3 The brain is an enclosed spot, an enclosed
4 skull, and any kind of extra pressure, which would
5 mean the blood that couldn't get down from the
6 brain, that kind of pressure will cause a person to
7 go unconscious and eventually die after a few
8 minutes.

9 Q. And the causation of that would be someone putting
10 pressure on that area?

11 A. Yes.

12 Q. How long before someone could go -- how long would
13 it take for someone to go unconscious if they were
14 being strangled?

15 A. It usually only takes a few seconds, 8 seconds, 10
16 seconds.

17 Q. And how long would the strangulation have to last
18 to cause death?

19 A. Up to four or five minutes.

20 Q. And could they still be alive even after someone
21 strangled a person for four minutes, but then pass
22 away a short time thereafter?

23 A. That would be close. They might -- they would be
24 pretty much brain dead, I think. They may have
25 some last gasps. They would be unconscious.

1 Q. Were you able to determine the cause of Jennifer
2 Stone's death?

3 A. Yes.

4 Q. And what was that?

5 A. Asphyxia, which means the brain didn't get blood
6 supply due to strangulation.

7 Q. Is that result to a reasonable degree of medical
8 certainty?

9 A. Yes.

10 Q. And would it be -- would those injuries to Jennifer
11 Stone be consistent with either (a), someone on top
12 of her while she's on the ground with her back on
13 the ground with someone around -- with their hands
14 around their neck, or if someone had her against
15 the side of a house? Would either of these be
16 consistent with your findings in this case?

17 A. Yes.

18 Q. And did you produce a report based on those
19 findings?

20 A. Yes, I did.

21 Q. I hand that up to you.

22 A. This is my autopsy report on Jennifer Stone.

23 MR. MAXWELL: Your Honor, the State would
24 offer the autopsy report into evidence?

25 MR. FRICK: No objection.

1 MR. MAXWELL: State's 38.

2 THE COURT: 38 is entered without objection.

3 (WHEREUPON, State's Exhibit No. 38 was
4 marked for identification and received
5 into evidence.)

6 BY MR. MAXWELL:

7 Q. Any other injuries she had other than to her neck,
8 could any of those injuries cause death?

9 A. I'm not sure what you're asking.

10 Q. Did she have any other injuries that would have
11 contributed to her death, other than to the neck
12 area?

13 A. No. She had some other injuries, but they weren't
14 fatal.

15 Q. Thank you. As part of the autopsy, did you take
16 samples from her body?

17 A. Yes, we took blood and we did a rape kit. We took
18 blood and other fluids from the body to send to
19 SLED.

20 Q. And were there SLED agents at the autopsy?

21 A. Yes. Investigator Oliphant.

22 Q. And were those items handed over to him to take to
23 SLED for further analysis?

24 A. Yes.

25 Q. Was there a -- while at SLED, was there a

1 toxicology report done?

2 A. Yes.

3 Q. And this would have been trying to determine her
4 blood alcohol level -- or did the toxicology report
5 indicate what her blood alcohol level was?

6 A. Yes.

7 Q. And what was that?

8 A. Point 12 percent.

9 Q. Were there any signs of any trauma to her vaginal
10 area, anything like that?

11 A. No, there was not.

12 Q. Any signs of sexual assault at all that you could
13 determine from the examination?

14 A. No, not that I could determine. The question
15 was -- I mean, when she presented, she only had a
16 shirt and a bra on, which was partially taken off,
17 so that's why we wanted to pursue a rape kit.

18 Q. Did you, yourself, I guess, or someone from your
19 office swab certain areas of her body for a CSC --
20 or rape analysis?

21 A. Yes, I did so myself. And we took fingernail
22 clippings also.

23 Q. Again, all that stuff was turned over to SLED?

24 A. Correct.

25 MR. MAXWELL: Beg the Court's indulgence.

1 (Pause.)

2 MR. MAXWELL: No further questions.

3 THE COURT: Yes, sir?

4 CROSS-EXAMINATION

5 BY MR. FRICK:

6 Q. Dr. Ross, on your pathology report, Number 38,
7 there's a very brief case history?

8 A. Yes.

9 Q. The information that's in that case history, is
10 that what's told to you, or are these your
11 observations, or how do you get that?

12 A. That's what the coroner or deputy coroner who calls
13 in to schedule the autopsy, that's the information
14 they give us.

15 Q. Okay. And, of course, you need some case history
16 so you kind of know where to examine and kind of
17 what to look for; is that correct?

18 A. Yes.

19 Q. Okay. But that is just something that's relayed to
20 you, the report there is just simply what someone
21 else has told you; correct?

22 A. Correct.

23 Q. Okay. Now, of course, the findings are your
24 findings, though; right?

25 A. Correct.

1 Q. Okay. And clearly Ms. Stone was strangled?

2 A. Yes.

3 Q. And died as a result of that strangulation?

4 A. That's correct.

5 Q. And I believe the Solicitor asked you about
6 somebody, I don't know, potentially still being
7 alive after a strangulation, you said it would be
8 kind of close. Is that a fair assessment of what
9 you said?

10 A. Well, the pressure on the neck has to be continuous
11 and for several minutes to complete the -- to cause
12 brain death. You go unconscious within seconds.

13 Q. Okay. And of course if you were unconscious you
14 are likely not speaking?

15 A. Correct.

16 Q. Okay. Did the analysis of her -- absolutely no
17 injuries to her private parts; correct?

18 A. That's correct.

19 Q. Okay. As far as the swabs that you took of her
20 private parts, you don't do any analysis of that;
21 right?

22 A. No, I don't. We do the swabs. Let them dry
23 properly, put them in envelopes and seal them and
24 turn them over to the SLED agent.

25 Q. Okay. And fingernail clippings, it's probably

1 quite an obvious answer, but what are the
2 fingernail clippings? How do you get fingernail
3 clippings?

4 A. We clean off a pair of scissors to release -- get
5 rid of any previous DNA that might be on the
6 scissors, actually cut the fingernails and put them
7 in envelopes, right hand and left hand.

8 Q. And you did both hands in this case?

9 A. Correct.

10 Q. And, again, you don't do any analysis of that?

11 A. No.

12 Q. Send it to SLED?

13 A. That's correct.

14 Q. Okay. What is the hyoid bone?

15 A. The hyoid bone sits right up above the larynx, the
16 voice box. And in strangulations, a lot of times
17 you'll see that broken. We did not find that in
18 this case, but that doesn't -- you don't always see
19 it in strangulations.

20 Q. Okay. But it was not broken in this case?

21 A. Correct.

22 Q. That's not necessarily meaning that nothing
23 happened, but in this case that bone is not
24 fractured?

25 A. Correct.

1 Q. Does it take a great deal of pressure to break that
2 bone, or can you testify to that? I bet you can.

3 A. Well, in a young person -- in an old person like
4 me, it is more easily fractured. But in a young
5 person, it is more bendable, so to speak. And it
6 also depends on where the pressure is put. If it
7 is put right on the hyoid bone, I would expect it
8 to be broken, or at least bruised.

9 Q. Okay. There was no bruising of the bone in this
10 case?

11 A. No.

12 Q. Okay. Now, the Solicitor asked you about whether
13 this was consistent with Ms. Stone being on the
14 ground or being up against a building. Those
15 injuries are consistent with that; correct?

16 A. Yes.

17 Q. But they could be consistent with her being in any
18 manner of position; correct?

19 A. As long as there's pressure on that -- again,
20 that's where the scene work is important to see
21 where she might have gotten these linear marks on
22 her.

23 Q. Okay. But you don't out go to the scene, you're
24 not there that night. You're basically trying to
25 piece this together from your lab in Newberry;

1 right?

2 A. Correct.

3 Q. Okay. So, in fact, it's not your job really to
4 determine -- or at least in this case -- to
5 determine a direction or where somebody was
6 standing or laying; is that correct?

7 A. All I can say is there was pressure on the neck.

8 Q. Right.

9 A. And on the right side of the head -- or right side
10 of the cheek. And again, that's --

11 Q. But as far as whether she was standing up, laying
12 down, leaning to the side, you really -- based on
13 what you've got here, you can't make a
14 determination, can you?

15 A. That's correct.

16 Q. Okay. The Solicitor asked you about the toxicology
17 report. Now, you didn't run the tox report, but
18 you were able to interpret the results; correct?

19 A. We get a copy of the report, yes.

20 Q. Okay. And I don't know if you've got a copy up
21 here, but I'll ask you, does that look like the
22 toxicology report?

23 A. Yes.

24 Q. Okay. Now, you testified as to the blood alcohol a
25 point 12?

1 A. Correct.

2 Q. Is that significant, insignificant? What does that
3 mean to you when you see that?

4 A. Well, legal is point 08, so point 12 is above the
5 legal limit.

6 Q. Okay. As far as any other illicit substances, do
7 you see where Ms. Stone had any cocaine or
8 marijuana or anything like that in her system?

9 A. No, all she had was Benadryl, which is -- could be
10 taken for congestion.

11 Q. Even a trace level of marijuana?

12 A. No.

13 Q. Okay. No other substances, just Benadryl and
14 alcohol?

15 A. That's correct.

16 Q. Thank you, ma'am. Dr. Ross, give me one second and
17 I may be done.

18 (Pause.)

19 MR. FRICK: Thank you, Dr. Ross. That's all I
20 have.

21 MR. MAXWELL: Brief redirect.

22 REDIRECT EXAMINATION

23 BY MR. MAXWELL:

24 Q. Dr. Ross, can you make any comment about whether
25 the person who strangled Jennifer Stone was

1 face-to-face with her or whether he was behind her
2 -- whether the person was behind her based on your
3 findings?

4 A. I can't determine that.

5 Q. Can you say anything about whether she was
6 definitely against -- her back was against
7 something? Are there any indications that she had
8 to be against something?

9 A. I --

10 Q. Could it have been done in mid-air, I guess, or
11 without any object, inanimate object supporting
12 her?

13 A. All I can say is evidence of pressure on the front
14 of her neck, the right side of her head.

15 Q. Okay.

16 MR. MAXWELL: Thank you. Nothing further,
17 Your Honor.

18 THE COURT: Anything else?

19 MR. FRICK: Nothing further.

20 THE COURT: All right. You may step down,
21 Doctor.

22 Any objection to Dr. Ross being excused?

23 MR. MAXWELL: No, ma'am.

24 MR. FRICK: No, ma'am.

25 THE COURT: You're free to leave.

1 (Witness steps down and is excused.)

2 MR. HUNTER: The State calls Courtney
3 Thompson.

4 (Witness approaches.)

5 THE CLERK: If you will raise your right hand
6 and place your left hand on the Bible.

7 (Witness complies.)

8 THE CLERK: Do you solemnly swear or affirm
9 the testimony you give the Court will be the truth,
10 the whole truth, and nothing but the truth, so help
11 you God?

12 THE WITNESS: I swear.

13 COURTNEY THOMPSON,
14 after being duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. HUNTER:

17 Q. Good afternoon, Ms. Thompson.

18 A. Good afternoon.

19 Q. Would you state your name for the record, please?

20 A. Courtney Thompson.

21 Q. And where do you work, Ms. Thompson?

22 A. I work for the South Carolina Law Enforcement
23 Division, also referred to as SLED.

24 Q. And how long have you worked there?

25 A. I've worked there approximately three and a half

1 years.

2 Q. Could you describe for the jury your educational
3 background?

4 A. Sure. I have a bachelor's in science degree from
5 Southern Wesleyan University. My bachelor is in
6 forensic science as well as biology.

7 Q. Okay. What are your duties at SLED?

8 A. My duties as a forensic serologist at SLED is to
9 examine items of evidence for potential body fluids
10 and testing items of evidence for potential body
11 fluids, write reports based on my findings, and
12 testify in court as necessary.

13 Q. Do you -- as part of your duties at SLED, do you go
14 through any type of continuing education or
15 anything like that, any additional classes that you
16 take?

17 A. I completed graduate level work through the
18 University of Florida in biological evidence
19 screening, as well as participated in in-house
20 training through SLED on a regular basis.

21 Q. Have you ever testified in court before?

22 A. I have.

23 Q. Approximately how many times?

24 A. I have testified approximately seven times.

25 Q. Have you ever been qualified as an expert?

1 A. Yes, I have.

2 MR. HUNTER: Your Honor, at this time, the
3 State would offer Ms. Thompson as an expert in
4 forensic serology.

5 MR. FRICK: No objection, Your Honor.

6 THE COURT: All right, ladies and gentlemen of
7 the jury, Ms. Thompson will be qualified as an
8 expert in the area of forensic serology to give her
9 expert opinion in that area.

10 Thank you.

11 BY MR. HUNTER:

12 Q. Ms. Thompson, could you kind of explain to the jury
13 what exactly serology is?

14 A. Forensic serology is basically a subdivision of the
15 DNA department. And so what I do is I take items
16 of evidence that are of interest to agencies across
17 the state and examine them for potential body
18 fluids that could be a good source of DNA. And I
19 have a variety of different tests that I can use
20 for screening. And if I find any areas that are
21 positive, I forward them up to the DNA section for
22 a DNA analyst to continue testing on them.

23 Q. Did you receive any items to test in this case?

24 A. Yes, I did.

25 Q. Okay. And did you prepare a report?

1 A. I did.

2 Q. Okay. Does this case have a specific lab number?

3 A. Yes. The case assigned to -- or the lab number
4 assigned to this case is L14-8305.

5 Q. And could you just tell the jury what items you
6 received in this case for testing?

7 A. Sure. I'm going to go through my report.

8 Item 4.1 is a dried blood standard from
9 Jennifer Stone.

10 Item 5 is a sexual assault evidence collection
11 kit from Jennifer Stone.

12 Q. Well, actually, let me just stop you right there.
13 Let me go ahead and maybe expedite this a little
14 bit.

15 A. Sure.

16 Q. Go through the items and then what you did with
17 them.

18 A. Okay. Would you like me to read the results after
19 each item?

20 Q. That would be great.

21 A. Great. Item 4.1, which is the dried blood
22 standard, was forwarded to the DNA section for
23 further analysis.

24 Item 5, which is the sexual assault kit, it's
25 the main kit from which I then broke down and

1 sectioned off each different type of item into what
2 we call a subitem. So I did not perform any
3 analysis on Item 5 itself, but within each --
4 within the kit itself, I did individual testing of
5 each item.

6 Item 5.1 are smears. They're vaginal, oral
7 and rectal smears. And no spermatozoa was
8 identified.

9 Item 5.2, Vaginal Swab Number 1, examinations
10 for components of semen, P30 and spermatozoa were
11 negative. No semen was identified.

12 Item 5.3, Vaginal Swab Number 2, examinations
13 for components of semen, P30 and spermatozoa were
14 negative. No semen identified.

15 Vaginal swabs, dash, DNA, examinations for
16 components of semen, P30 and spermatozoa were
17 negative. No semen identified.

18 Oral Swab Number 1 -- I'm sorry, Item 5.5,
19 Oral Swab Number 1, examinations for components of
20 semen, P30 and spermatozoa were negative. No semen
21 identified.

22 Item 5.6, Oral Swab Number 2, examinations for
23 components of semen, P30 and spermatozoa were
24 negative. No semen identified.

25 Item 5.7, oral swab, dash, DNA, examinations

1 for components of semen, P30 and spermatozoa were
2 negative. No semen identified.

3 Item 5.8, Rectal Swab Number 1, examinations
4 for components of semen, P30 and spermatozoa were
5 negative. No semen identified.

6 Item 5.9, Rectal Swab Number 2, examinations
7 for components of semen were negative. No semen
8 identified.

9 Item 5.10, rectal swab, dash, DNA,
10 examinations for components of semen, P30 and
11 spermatozoa were negative. No semen identified.

12 Item 6 are right hand fingernail scrapings.
13 The item was forwarded to the DNA section.

14 Item 7, which is the left hand fingernail
15 scrapings, were also forwarded to the DNA section.

16 Item 12, which is an acrylic fingernail was
17 forwarded to the DNA section.

18 Item 13, a T-shirt, no hair was found suitable
19 for STR/PCR DNA analysis.

20 And Item 13.1, which is a swab from scraping
21 the underarm and neck areas of the T-shirt was
22 forwarded to the DNA section.

23 Q. Now, how did you determine which items you forward
24 to the DNA section?

25 A. My serology examinations for Items 5.2 through 5.10

1 were all negative for semen screening, so I did not
2 forward any of those items for further testing.
3 However, based off of the scenario that I read in
4 the case, I deemed that the fingernail scrapings
5 and the acrylic fingernail would need to be
6 forwarded for DNA analysis.

7 And as for Item 13, it was submitted with a
8 particular request on it for me to look for who was
9 the wearer of the T-shirt. And so I processed that
10 shirt in a manner that is protocol here at SLED to
11 do, and I forwarded that swab up for further
12 analysis.

13 Q. Thank you. Just a minute, Ms. Thompson.

14 (Pause.)

15 MR. HUNTER: Thank you, Ms. Thompson. That's
16 all I have.

17 CROSS-EXAMINATION

18 BY MR. FRICK:

19 Q. All the swabs that you received, you didn't find
20 any semen, spermatozoa, any fluid?

21 A. On Items 5.2 through 5.10, yes, I have no semen
22 identified as my finding.

23 Q. Okay. All right. And as far as the fingernail
24 clippings, what did you do with those?

25 A. So with those, what they actually were, were

1 clippings from the victim. And so I actually
2 placed the clippings themselves into a small tube
3 and forwarded those up for analysis.

4 And with the -- I believe it's the left-handed
5 fingernail scrapings, there was a piece of an
6 acrylic nail that was present. And what I did with
7 that was I took a sterile scalpel and scraped away
8 some of the debris underneath that nail, and I
9 swabbed it and I forwarded that up for analysis as
10 well.

11 Q. Is that the same thing you did with the right one
12 too?

13 A. It was basically the same thing except for the
14 right one there was no acrylic fingernail present.
15 It was just your actual fingernails that you would
16 clip off. So I just forwarded the whole clipping.

17 Q. Okay. So you received the clippings that are
18 presumably received from the autopsy?

19 A. Yes.

20 Q. Scrape whatever's there off and send it on for
21 whatever further analysis to be done?

22 A. I scraped the acrylic fingernail because it's a
23 fake nail.

24 Q. Okay.

25 A. And what we are looking for with fingernail

1 scrapings is going to be DNA that is foreign to the
2 victim. And so with the acrylic fingernail, I
3 couldn't forward the whole thing, it wouldn't fit
4 in the tube.

5 Q. Okay.

6 A. And so I just scraped the part of the nail that
7 would kind of stick up off of your nail bed, I
8 scraped that area and then dry swabbed it and then
9 forwarded that up because that would actually fit
10 into a tube.

11 Q. Item Number 13, the T-shirt. Do you know what kind
12 of T-shirt that was? Do you have any notation of
13 that?

14 A. Yes, sir. I'm referring to my evidence worksheet,
15 which states it is a navy blue shirt, and it says
16 Polo Ralph Lauren on the front. The brand is Polo
17 by Ralph Lauren, size large.

18 Q. Okay. All right. And I'm going -- does that look
19 familiar, State's Number 36?

20 A. Is it all right if I look at it?

21 Q. Absolutely, yes.

22 A. I'm just going to refer back to it. But it appears
23 to be the official chain of custody prepared by
24 SLED.

25 Q. Okay. Can you look at Item 13 and tell us what it

1 says in that report? Just what the item is.

2 Please don't go through the whole list.

3 A. Uh-huh, yeah. Item 13 is one blue in color shirt
4 from front yard.

5 Q. Okay.

6 MR. FRICK: Thank you, ma'am. That's all the
7 questions I have.

8 MR. HUNTER: No redirect.

9 THE COURT: All right, you may step down.
10 Any objection to this witness being excused?

11 MR. HUNTER: No, Your Honor.

12 MR. FRICK: None from us.

13 THE COURT: Ma'am, you're free to leave.

14 (Witness steps down and is excused.)

15 MR. MAXWELL: The State calls Donna Money.

16 MR. FRICK: Judge, just so we can expedite
17 this process. I suspect the State will elicit
18 testimony regarding the YSTR, which we had a
19 hearing about earlier. I renew my objection at
20 this time to that testimony that you've already
21 ruled upon.

22 THE COURT: All right, the objection is noted.

23 (Witness approaches.)

24 THE CLERK: If you will raise your right hand
25 and place your left hand on the Bible.

1 (Witness complies.)

2 THE CLERK: Do you solemnly swear or affirm
3 that the testimony you give this Court and jury is
4 the truth, the whole truth and nothing but the
5 truth, so help you God?

6 THE WITNESS: Yes.

7 DONNA MONEY,
8 after being duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. MAXWELL:

11 Q. Ms. Money, can you state where you're employed at?

12 A. I'm currently employed at the South Carolina Law
13 Enforcement Division, also known as SLED.

14 Q. How long have you been with SLED?

15 A. Approximately four years.

16 Q. And can you tell us about your education?

17 A. I received a bachelor's degree in forensic science
18 from the Pennsylvania State University in 2011.

19 Q. And did you receive any further training at SLED?

20 A. While employed at SLED, I received a year and half
21 training under a court-qualified analyst, which
22 included handling training samples, practice
23 samples, competency samples. I underwent a mock
24 court class. I underwent report writing, an oral
25 exam, and a written exam.

1 Q. What are your duties at SLED?

2 A. I am a DNA analyst in the case work department and
3 I perform DNA analysis on submitted evidence of
4 known standards.

5 Q. Can you talk about specific classes you took in
6 college that lend to your career?

7 A. I took biochemistry, molecular biology, genetics,
8 forensic microbiology, and molecular biology and
9 gene.

10 Q. Have you ever testified in court before?

11 A. Yes.

12 Q. How many times?

13 A. Approximately eight.

14 Q. And on those occasions, were you qualified as an
15 expert?

16 A. Yes.

17 MR. MAXWELL: Your Honor, I would offer Ms.
18 Money as an expert in DNA analysis.

19 THE COURT: All right. Any objection -- the
20 objection is as stated earlier?

21 MR. FRICK: As stated earlier, yes, ma'am.

22 THE COURT: All right. Ladies and gentlemen
23 of the jury, Ms. Money will be -- Agent Money will
24 be qualified in the area of DNA analysis.

25 Is that what you said?

1 MR. MAXWELL: Yes, Your Honor.

2 THE COURT: And that is over the objection of
3 the Defense.

4 Yes, sir?

5 BY MR. MAXWELL:

6 Q. When you receive items in a case, what are you
7 trying to determine? Find out?

8 A. When we receive items, we perform DNA analysis to
9 determine (1), if DNA is present on an item, and
10 (2), to determine if there are standards submitted
11 to conduct comparisons to see if the profiles on
12 the evidence item match or does not match the DNA
13 profile of a known person.

14 Q. And do you get standards from victims or people
15 that may have been involved in a case or suspects
16 in a case?

17 A. We get standards from the individual a submitting
18 agency deems involved with a case, or a victim, a
19 subject, elimination of a witness.

20 Q. And did you perform a DNA analysis on the case
21 we're here on today?

22 A. Yes.

23 Q. And what lab number is assigned to that?

24 A. The SLED lab number is L14-08305.

25 Q. And as far as DNA standards that you received from

1 individuals, whose DNA did you get in this case?

2 A. I received known standards from Jennifer Stone, who
3 is listed as the victim; Latroy Sampson, who is
4 listed as a subject; and Matthew Stone, who is
5 listed as elimination.

6 Q. That's a big bag with a lot of stuff. I'm going to
7 hand this bag up to you. If you need to open it,
8 please feel free. Is the standard of Jennifer
9 Stone in that bag?

10 A. It is not listed on the evidence pouch.

11 Q. What item number is given to Jennifer Stone's DNA?

12 A. Her item number was Item 4.1.

13 Q. And you don't know if 4.1 is in there? Again, if
14 you need to open it.

15 A. May I check my chain of custody?

16 Q. Sure. Please.

17 A. Yes, Item 4.1 is in this pouch.

18 Q. Again, that's Ms. Stone's DNA?

19 A. Yes.

20 Q. I have also handed up two packages, one identified
21 as SLED Item 23 and SLED Item 24 on it. Can you
22 say what those are?

23 A. SLED Item 23 is buccal swabs from Latroy Dante
24 Sampson, and then SLED Item 24 is buccal swabs from
25 Matthew Stone.

1 Q. And were those the only three standards you
2 received from individuals in this case?

3 A. Yes.

4 Q. What other items did you receive or perform
5 analysis on in this case?

6 A. I received Item 6 and 7, which are right hand and
7 left hand fingernail clippings and scrapings from
8 Jennifer Stone.

9 I received SLED Item 8, which is a suspected
10 piece of tissue from top of air conditioning unit.

11 SLED Item 9, which were swabs from the neck of
12 Jennifer Stone.

13 Item 10, which were swabs from the left middle
14 finger and left ring finger of Jennifer Stone.

15 Item 11 was swabs from the vinyl siding.

16 SLED Item 12 was an acrylic fingernail located
17 on the front porch.

18 SLED Item 13.1 was a swab from a blue in color
19 shirt found in the front yard.

20 Q. Thank you. And can you talk about how you
21 performed the analysis? Do you compare the items
22 you receive versus the standards you receive?

23 A. When we conduct DNA analysis, we first conduct it
24 on items of evidence. And then after that, we will
25 conduct analysis on known standards. And the

1 process of DNA analysis is multi-step.

2 We start off by extracting DNA from the item
3 submitted, say a swab or a cutting from a piece of
4 clothing. After that, we will quantify or
5 determine how much DNA we have present. After
6 that, we will amplify or make copies of the DNA so
7 there is more to work with. And then the final
8 step is running the sample extract through a
9 machine that will separate your DNA based on size,
10 and that determines a person's profile.

11 Q. Thank you. And beginning with Item 6, which are
12 right hand fingernail clippings from Jennifer
13 Stone, what are your testing results?

14 A. The DNA profile developed from Item 6 was a mixture
15 of at least two individuals.

16 Q. Do you have any idea who those individuals were or
17 are?

18 A. The mixture based on the amount of DNA present, we
19 could determine that there was a major contributor
20 or a person who was contributing a majority of the
21 DNA, and then there was a minor contributor.

22 The major contributor's profile was consistent
23 with that of Jennifer Stone.

24 The minor contributor was so little that no
25 comparison could be made.

1 Q. Thank you. And Item 7, which is the scrapings from
2 the left hand fingernail, what were your results in
3 that case?

4 A. This profile as well was a mixture of at least two
5 individuals. Again, there were major and minor
6 components.

7 The major was consistent with that of Jennifer
8 Stone.

9 And Latroy Dante Sampson and Matthew Stone
10 were excluded as minor contributors to that
11 mixture.

12 Q. As far as the differences in your findings between
13 Item 6 and Item 7 as far as someone being the minor
14 contributor, what is the distinction there? Item 7
15 says Latroy and Matthew were excluded, while 6 says
16 there is insufficient, I guess, material for
17 comparison. Could you just explain the
18 distinction?

19 A. When we conduct comparisons and ultimately
20 interpret profiles, SLED has a protocol set in
21 place in order to make sure that we are
22 conservative with what we're saying. We don't want
23 to end up reporting a false inclusion or exclusion.

24 When we say that a profile is insufficient,
25 there are not enough locations where a minor

1 contributor is seen for us to make a comparison.

2 Essentially, it would include everybody.

3 When we are able to make inclusions or
4 exclusions on a minor contributor, there's enough
5 DNA there to make a distinction, yes, it could have
6 been this person versus, no, it was not this
7 person.

8 Q. Thank you. The next item is Item 8, suspected
9 tissue from the top of an air conditioning unit.
10 Can you go through testing on that?

11 A. The profile developed from this item was from an
12 unidentified male individual. All three standards
13 submitted in this case were excluded as this
14 contributor.

15 Q. So based on your DNA analysis as far as Item 8 is
16 concerned, you couldn't determine whether Matthew
17 Stone nor Latroy Sampson nor Jennifer Stone were
18 contributors to that DNA?

19 A. Correct. Their profiles do not match this profile.

20 Q. I want to show you what is labeled SLED Item 8. Is
21 that SLED Item 8?

22 A. Yes.

23 Q. Do you recall doing testing on that item?

24 A. Yes.

25 Q. What did it look like when you got it?

1 A. When I took this out of our preserve and let this
2 thaw, to be very honest, to me it reminded me of a
3 piece of chicken.

4 Q. I'm going to show you -- I've got on the TV State's
5 Exhibit 27, a picture taken from the crime scene.
6 Did it look somewhat like that, what's depicted on
7 the screen?

8 A. It was not as pink, but there had been some time
9 that had passed between when it was submitted to
10 SLED to when I took it out to test it.

11 Q. Was it frozen when you got it?

12 A. Yes.

13 Q. And as far as what it is now, it doesn't look the
14 same now, would that be accurate?

15 A. No, it does not.

16 Q. Any idea on what that is, other then you said it
17 looked like chicken to you?

18 A. The fact that I got a DNA profile from it means
19 that it is from a human being, but I can't say from
20 what -- I can't say if it's skin or muscle or brain
21 matter. It's a piece of a human.

22 Q. Thank you. Moving on to Item 10 for the time
23 being, the swabs from the fingers of Jennifer
24 Stone, what were your results on that item?

25 A. The profile developed from this item was consistent

1 with the profile of Jennifer Stone.

2 Q. Thank you. And as far as Item 11, swabs from the
3 vinyl siding on the front porch, what are your
4 findings there?

5 A. That profile as well matched the profile of
6 Jennifer Stone.

7 Q. You put odds on that matching her?

8 A. Yes.

9 Q. And what are those odds?

10 A. The probability of randomly selecting an unrelated
11 individual having a profile matching this item is
12 approximately one in 130 quintillion.

13 Q. Quintillion?

14 A. Yes.

15 Q. How many people are on the planet right now?

16 A. Approximately 7 billion.

17 Q. Is 130 quintillion much bigger 7 billion?

18 A. Yes.

19 Q. How do billions and trillions add up to get to
20 quintillion?

21 A. It goes billion, trillion, quadrillion, then
22 quintillion.

23 Q. Can you reasonably conclude that that's her DNA --
24 her blood or her DNA on that swab from the blood?

25 A. Yes.

1 Q. Thank you. Item 12 is an acrylic fingernail on the
2 front porch. Can you talk about your findings
3 there?

4 A. The DNA profile developed from Item 12 is a mixture
5 of at least two individuals. Again, this was
6 another instance of major contributor and minor
7 contributor.

8 The major contributor profile matched the
9 profile of Jennifer Stone.

10 Q. Thank you. What are the odds there?

11 A. It was also 1 in 130 quintillion.

12 Q. The conclusion to be drawn there is Jennifer Stone
13 -- her DNA is on that acrylic fingernail?

14 A. Yes.

15 Q. Thank you. The next item is 13.1, swab from the
16 blue shirt that was found in the yard. What were
17 your findings there?

18 A. The DNA profile developed from Item 13.1 is a
19 mixture of at least two individuals. Again,
20 another instance of major contributor and minor.

21 The major contributor to this mixture matched
22 the profile of Matthew Stone.

23 Q. And can you -- 13.1 was a swab from the T-shirt,
24 but Item 13 is the T-shirt itself; is that correct?

25 A. Yes.

1 Q. Who would have swabbed the T-shirt? Would that may
2 have been Ms. Thompson?

3 A. Yes, Courtney Thompson swabbed that shirt.

4 Q. Thank you. And what are the odds that that shirt
5 has Matthew Stone's DNA on it as a major
6 contributor?

7 A. The probability of randomly selecting an unrelated
8 individual having a profile matching the major
9 contributor to this mixture is approximately 1 in
10 320 quadrillion.

11 Q. Another big number. Can you reasonably conclude
12 that that's Matthew Stone's DNA on that shirt?

13 A. Yes.

14 Q. Thank you. All right, let's talk about Item 9,
15 which are the swabs from the neck of Jennifer
16 Stone. In your initial analysis, what are your
17 findings?

18 A. The profile developed from Item 9 is a mixture of
19 at least two individuals. The partial profile of
20 the major contributor was consistent with the DNA
21 profile of Jennifer Stone. The minor contributor
22 was presenting itself at low levels and, because of
23 that, in order to present a conservative
24 interpretation, I could not draw a conclusive
25 statement as to whether or not it belonged to

1 Latroy Dante Sampson. Matthew Stone was excluded
2 as a contributor to this mixture.

3 Q. Thank you. So you can't say -- as far as that
4 analysis there, as far as Item 9, the swabs from
5 her neck, you can't say anything about Latroy
6 Sampson, whether he contributed or didn't
7 contribute, but you can say Matthew Stone did not
8 contribute?

9 A. That's correct. Because I'm unable to provide a
10 statistic calculation for that conclusion.

11 Q. Thank you. Was there further testing done on
12 Item 9?

13 A. Yes.

14 Q. What kind of testing?

15 A. I performed a type of analysis called a YSTR
16 analysis, which is male-specific DNA testing.

17 Q. What is YSTR, what does the STR stand for?

18 A. Short tandem repeats.

19 Q. What does the Y refer to?

20 A. The Y chromosome.

21 Q. And let's -- brief biology lesson, what is the Y
22 chromosome?

23 A. The Y chromosome is passed from paternal male
24 relatives, so from a grandfather to a father to a
25 son. And that DNA is specific to males only, no

1 female individual would have it. And that is the
2 purpose of Y testing is to hone in on male DNA that
3 may be masked by an overabundance of female DNA.

4 Q. And just so we go back to kind of the basics of
5 biology, all males have what chromosomes?

6 A. X and Y.

7 Q. X and Y?

8 A. Yes.

9 Q. All females have what kind of chromosome?

10 A. XX.

11 Q. So if a female has XX chromosomes and a male has XY
12 chromosomes and they have a child, what is that
13 child going to have? Well, if it's a daughter, how
14 does that daughter get those chromosomes?

15 A. She will get one X from the mother and then one X
16 from her father.

17 Q. If it's a son, what does the son get?

18 A. He will get an X from his mother and then a Y from
19 the father.

20 Q. So, just so we're clear on what the Y chromosome
21 is, again, can you summarize the Y chromosome, how
22 you get it on and on back into history of
23 ancestors, and so forth?

24 A. The chromosome itself is being passed along. Since
25 the female is not contributing any Y DNA, there's

1 no sharing. It's one entity, the Y. And it just
2 keeps moving from one person to another to another.

3 Q. As far as father and son, father and son, and so on
4 and so on?

5 A. Because with daughters, since she is getting DNA
6 from her mother and DNA from her father, she is
7 getting half from each. While with a son, he's
8 getting all from the Y.

9 Q. So a male has the same Y chromosomes as his father?

10 A. Yes.

11 Q. He has the same Y chromosome as his father's
12 father?

13 A. Yes.

14 Q. He has the same Y chromosome as his father's
15 father's father, his great-grandfather on the
16 father's side?

17 A. Yes.

18 Q. And brothers who have the same father also have the
19 same Y chromosome?

20 A. Yes, barring any mutations.

21 Q. And can you talk about -- we may have already kind
22 of touched on it -- what is the distinction between
23 the initial DNA analysis that you've already done
24 you and couldn't exclude or include Latroy Sampson,
25 but you could exclude Matthew Stone, what is the

1 YSTR analysis?

2 A. The initial testing that I did is for all humans,
3 female and male. And you'll get mixtures of female
4 and male DNA.

5 With Y testing, it focuses solely on male DNA.
6 You'll never pick up any female DNA. So it's a
7 good way of teasing out what could be hidden by an
8 overabundance of female DNA on a sample.

9 Q. When do you generally perform a Y strand analysis?

10 A. Typically it's done in sexual assault cases or
11 instances where there's an intimate sample, which
12 means a swab taken off of a person's -- a female
13 person's body. For instance, it's like a swabbing
14 off of my arm. That would be an intimate sample
15 because it directly touched me. And in those
16 instances, you would have an abundance of female
17 DNA. So to see if there's male DNA present, you
18 would run Y testing.

19 Q. If two men got into a fist-fight and you were
20 provided some evidence from one of the males and
21 trying to determine who maybe the assailant was,
22 would you perform the Y strand normally in that
23 circumstance?

24 A. Not in that circumstance.

25 Q. If two brothers happened to be fighting and you

1 performed some kind of analysis trying to figure
2 out if one brother -- again, had the same father --
3 one brother had DNA on him and trying to maybe
4 prove whether his brother had touched him or had
5 got his DNA on him or assaulted him, what would
6 your findings be under those -- under that scenario
7 of two brothers?

8 A. If the two brothers have the same father and there
9 were no mutations, the profile would come back to
10 both brothers.

11 Q. So you couldn't find a distinction there?

12 A. No.

13 Q. But if you're dealing with male and female DNA on
14 a -- in this case, Jennifer Stone and Latroy
15 Sampson -- you can make a distinction there?

16 A. Yes, since the victim is female.

17 Q. Thank you. Y strand DNA, can you talk about types
18 of education and training you have in regards to
19 that?

20 A. I participated in an advanced YSTR workshop that
21 was conducted by a private lab at SLED.

22 Q. And how long have you been -- how long has SLED
23 been performing YSTR analysis?

24 A. SLED has been performing this type of analysis
25 since 2011.

1 Q. And is it done nationwide for the most part?

2 A. Yes.

3 Q. And what were -- did you perform that YSTR analysis
4 on Item 9, the swabs from Jennifer Stone's neck?

5 A. Yes.

6 Q. What were your findings?

7 A. The partial profile developed from Item 9 is a
8 mixture of at least two male individuals. The --
9 again, another instance of major and minor
10 contributors. The partial profile of the major
11 contributor to this mixture matches the YSTR
12 profile of Latroy Dante Sampson.

13 Q. Thank you. Can you further explain what the YSTR
14 DNA profile of Latroy Sampson includes?

15 A. To keep in mind since, as I've explained, that
16 paternal male relatives will have the same profile,
17 even though the result is saying matches, it is
18 essentially a "cannot be excluded." So this male
19 profile is linked to the paternal lineage of Latroy
20 Dante Sampson. So if he has other male relatives
21 still alive, then they cannot be excluded as
22 potential contributors to this profile.

23 Q. And just male relatives from the same paternal
24 lineage, meaning his father or brothers from his
25 father, grandfather, father's father, his

1 grandfather, his sons and their sons?

2 A. Yes.

3 Q. And so on up the chain?

4 A. Yes.

5 Q. Correct? And what are the -- what is the
6 probability in regards to this?

7 A. The probability for a randomly selected unrelated
8 male individual having a YSTR profile matching this
9 major contributor is approximately one in 8,600.

10 Q. Can you talk about that number and explain it
11 further, what that means?

12 A. The statistics that we apply to evidence profiles
13 in general is a weight to the profile on that
14 evidence. Since there are potentially other
15 individuals out there, because it is a shared
16 paternal profile, the statistic won't be in the
17 billions and trillions because it is not honing in
18 to one specific person. Since someone could have a
19 brother or a father that is from the same lineage,
20 they too would have the same profile, they too
21 would have the same set.

22 Q. To what certainty can you say that the Y strand,
23 YSTR DNA found on Jennifer Stone's neck came from
24 either Latroy Sampson or a male relative through
25 the paternal line? To what certainty can you say

1 that is the profile that is on her neck?

2 A. It would be essentially a 99.99 percent that
3 someone from that paternal lineage contributed DNA
4 to that profile, and other individuals not
5 biologically related to that line would be
6 excluded.

7 Q. Thank you. As far as Item 12, which is the acrylic
8 fingernail, was the same analysis performed on
9 that?

10 A. Yes.

11 Q. And what was your findings there?

12 A. The partial profile developed from Item 12 was a
13 mixture of three individuals. And because it was a
14 mixture of this magnitude, I was unable to draw a
15 conclusive statement.

16 Q. Thank you. And what about Item 7, which is the
17 left hand fingernail scrapings of Jennifer Stone?

18 A. The YSTR from Item 7 was a mixture of at least two
19 male individuals. Latroy Dante Sampson and Matthew
20 Stone were excluded as contributors.

21 Q. Thank you. And did you produce a report based on
22 your findings?

23 A. Yes.

24 Q. I show you what has been marked for identification
25 purposes as State's 39. Is that your report?

1 A. Yes.

2 MR. MAXWELL: Your Honor, the State offers
3 Agent Money's report into evidence as State's 39.

4 THE COURT: 39?

5 MR. FRICK: Your Honor, I would object on the
6 grounds previously stated.

7 THE COURT: All right. It will be entered
8 over the objection of the Defense.

9 (WHEREUPON, State's Exhibit No. 39 was
10 marked for identification and received
11 into evidence.)

12 BY MR. MAXWELL:

13 Q. To go back to Item 8, which is the tissue on top of
14 the air conditioner, was there any other further
15 analysis done on that?

16 A. There wasn't further analysis; however, since this
17 was an item located at the scene of a crime and the
18 circumstances of what had happened during this
19 crime were uncertain, I had entered the profile
20 developed from this item into the Combined DNA
21 Index System, or CODIS.

22 Q. What is CODIS?

23 A. CODIS is a database that was created and managed by
24 the FBI that contains profiles from evidence items
25 that were submitted by agencies across the nation.

1 It also includes profiles of offenders and
2 arrestees. It is a 3-tier database. It has a
3 national level, it has a state level, and it has a
4 local level.

5 Q. And was there what is called a CODIS hit on Item 8?

6 A. Yes.

7 Q. And what was the hit?

8 A. The hit that was issued last September, it was
9 during a search of the state database. The profile
10 developed from Item 8 had hit against the DNA
11 database offender of Marcus Douglas.

12 Q. Thank you. Were any other items run through the
13 CODIS database?

14 A. No.

15 Q. I am going to hand these bags up to you. I believe
16 the bag labeled Container B has Items 4.1 through 7
17 in it. Would that be accurate?

18 A. Yes.

19 MR. MAXWELL: Your Honor, the State would
20 offer Container B, which includes those Items 4.1
21 through 7 into evidence.

22 THE COURT: What number is that?

23 MR. MAXWELL: That would be 40, State's 40.

24 THE COURT: All right. Any objection?

25 MR. FRICK: No objection on that.

1 (WHEREUPON, State's Exhibit No. 40 was
2 marked for identification and received
3 into evidence.)

4 BY MR. MAXWELL:

5 Q. And these next two bags. One has been marked
6 State's 41 and labeled SLED Item 23. Again, is
7 that the DNA standard from Latroy Sampson?

8 A. Yes.

9 MR. MAXWELL: I would offer Item -- Exhibit 23
10 [sic] into evidence.

11 MR. FRICK: No objection.

12 (WHEREUPON, State's Exhibit No. 41 was
13 marked for identification and received
14 into evidence.)

15 BY MR. MAXWELL:

16 Q. Additionally, I'll show you State's Exhibit 42,
17 labeled SLED Item 24. Is that the standard of
18 Matthew Stone?

19 A. Yes.

20 MR. MAXWELL: The State would offer 24 -- 42
21 into evidence, Your Honor.

22 THE COURT: Any objection?

23 MR. FRICK: No objection.

24 (WHEREUPON, State's Exhibit No. 42 was
25 marked for identification and received

1 into evidence.)

2 MR. MAXWELL: No further questions.

3 THE COURT: Yes, sir?

4 CROSS-EXAMINATION

5 BY MR. FRICK:

6 Q. Ms. Money, I'm confused. Looking at Item Number 9,
7 you run one test on it and you say you can't tell
8 whether or not it's Latroy Sampson's, and then you
9 run another test on it and say it is Latroy
10 Sampson. Is that what you're telling me?

11 A. When there's a mixture of DNA, there are -- let me
12 back up. So --

13 Q. Well, answer my question first. Is that what
14 you're telling me? Are you telling me at one point
15 you can't say that it is him, and then the next
16 time you are saying, Oh, that is Latroy? Is that
17 what your report is saying?

18 A. Between the two different statements, yes, one is
19 stating I can't draw a conclusive statement, while
20 the other is providing identification.

21 Q. Okay. But you're not saying that it is Latroy
22 Sampson, are you? That's not what YSTR does, does
23 it?

24 A. I'm saying he essentially cannot be excluded.

25 Q. Cannot be excluded. But can you say with the YSTR

1 DNA that it is, in fact, Latroy's DNA?

2 A. No.

3 Q. Okay. So it's two different tests?

4 A. Yes.

5 Q. I think we've all kind of become fairly familiar
6 with the DNA analysis, because you've got -- on
7 that one you say on some other items, you know, a
8 likelihood of it being a randomly selected person,
9 one in quintillions or quadrillions, or whatever.
10 What analysis are you doing to make that -- how are
11 you coming up with that number?

12 A. The way the statistic is calculated is there is a
13 database that contains the frequency of how often
14 DNA types that have been made known occur in the
15 human population.

16 And essentially what happens is when you look
17 at a person's profile, each of the types has a
18 frequency. And you multiply the frequencies for
19 each of those types, when you multiply them all
20 together you get the one in 300 quadrillion.
21 Because there is such a large human population and
22 there are a lot of different types out there,
23 you're able to get a statistic that essentially
24 says, yes, it is that person.

25 The case with Ys is it's a much smaller

1 database because --

2 Q. Let me stop you there real quick. So it's two
3 different databases that you do this comparison
4 with to come up with that number?

5 A. There's two different databases used to conduct our
6 statistic calculations.

7 Q. Okay. Okay. And the one on the DNA where you say
8 this is or is not a match with this huge number
9 with a lot of zeros behind it, what database are
10 you using?

11 A. It's a database that, first off, was published in a
12 peer review journal article and it was -- it is
13 maintained by the FBI.

14 Q. Okay. Have you got any guesstimation of how many
15 samples are in that database?

16 A. Not at this time.

17 Q. A lot?

18 A. A fairly large number.

19 Q. Okay. How many are in the other databases that you
20 compare the Ys to?

21 A. Approximately 25,000.

22 Q. Okay. Are there more in the FBI database than the
23 Y database?

24 A. Yes.

25 Q. Significantly more?

1 A. I would go with yes.

2 Q. Okay. All right. So your comparison on the Y is a
3 much smaller pool that you're looking at; right?

4 A. Yes.

5 Q. Okay. Now, I know you're going to correct me if
6 I'm wrong on this, but just so we're clear, I get
7 my YSTR from my dad; right?

8 A. Yes.

9 Q. And he gets it from his dad?

10 A. Yes.

11 Q. And he gets it from his dad?

12 A. Yes.

13 Q. And if I had a brother, we'd have the same YSTR
14 DNA?

15 A. As long as he --

16 Q. Same dad?

17 A. -- is coming from the same dad.

18 Q. I forgot to put that assumption in there, yes.
19 Assuming we have got the same dad, if I've got four
20 brothers and you looked at my YSTR DNA and compared
21 all theirs, assuming the same dad, are you
22 expecting to see the same chain?

23 A. Yes.

24 Q. Same YSTR?

25 A. Yes.

1 Q. Does it change over time?

2 A. If a mutation happens, there could be a change, but
3 mutations are very rare.

4 Q. Is that why, in fact, YSTR is looked at?

5 A. Yes.

6 Q. Okay. I've seen some TV shows and commercials, you
7 know, I remember one guy says, I always thought I
8 was German and I did this little cheek swab, sent
9 it off, and found out I was Italian, or something
10 like that. Are they using the YSTR?

11 A. It could be one of the tests. It is published that
12 Y testing is a way of determining a person's
13 lineage and therefore can see where their ancestry
14 came from geographically.

15 Q. Okay. But it makes a historical reference you can
16 see where your genes came from; correct?

17 A. Yes.

18 Q. But it doesn't specifically identify the
19 individual, does it?

20 A. It doesn't. It just essentially states that they
21 cannot be excluded.

22 Q. Okay. So it's a marker, but if you see it, it
23 doesn't mean that it's them; right?

24 A. I'm unclear about the use of the word "marker."

25 Q. If you see the YSTR, okay, as we have in this case,

1 you do a DNA analysis where you look at every
2 chromosome; right? And y'all have a certain number
3 that you've got to match before you can say that's
4 a match with that DNA; correct?

5 A. We look at locations on one chromosome.

6 Q. Okay. But y'all look at a certain number of loci
7 on that chromosome; right?

8 A. Yes.

9 Q. Okay. And if you don't see a certain number, which
10 is a fairly high number, isn't it?

11 A. Yes.

12 Q. How many loci do you have to connect before you can
13 say a match?

14 A. Normal protocol, more than seven.

15 Q. More than seven. Okay. And how many loci are
16 there?

17 A. There are 15 plus a gender.

18 Q. Okay. So you've got to find about half of the loci
19 before you can say that's a DNA match; right?

20 Around half. I know my math's not good.

21 A. Before we can say whether or not a person matches
22 or cannot be excluded.

23 Q. Okay. So that gets in the very specific DNA of a
24 individual; right?

25 A. Yes.

1 Q. Okay. But the YSTR is specific to a paternal line?

2 A. Yes.

3 Q. Not necessarily an individual?

4 A. It is specific to a line, but if a person is from
5 that line, they can't be excluded as being from
6 some other line.

7 Q. Okay. And if you had Latroy Sampson's brother's
8 DNA and looked at the YSTR of it, would it be the
9 same as Latroy Sampson's, would you expect it to be
10 assuming they had the same father?

11 A. It would be expected, but if there's a mutation,
12 there could be a difference.

13 Q. Which is rare, as you said?

14 A. Uh-huh, that's correct.

15 Q. Okay. So the answer is you would expect it to be
16 the same?

17 A. Yes.

18 Q. Okay. Do you have any idea how many brothers
19 Mr. Sampson has?

20 A. I do not.

21 Q. Okay. So, more specifically, what you can say
22 about the YSTR is it doesn't necessarily say it is
23 Latroy, you just can't exclude him as the
24 contributor?

25 A. Essentially, yes.

1 Q. Okay. But your DNA analysis, which looks at his
2 individual DNA, cannot say it's him?

3 A. I can't draw an inclusion or an exclusion, so no
4 conclusion at all can be drawn.

5 Q. Okay. But the YSTR that you looked at could have
6 been from him or anybody along his paternal line;
7 correct?

8 A. Yes.

9 Q. Okay. Now, let's talk about some stuff that you
10 did find some conclusions on. Specifically, I'm
11 looking at Item Number 7. I believe that is left
12 hand fingernail scrapings of Ms. Stone? Am I
13 correct on that?

14 A. Yes.

15 Q. Okay. And in that, you do have a mixture, but
16 Mr. Sampson and Mr. Stone are excluded as
17 contributors; right?

18 A. Yes.

19 Q. Meaning it can't be them; is that correct?

20 A. Based on the DNA profile developed, they're
21 excluded from that profile. That does not
22 necessarily mean that they never came in contact
23 with an item.

24 Q. The DNA you looked at is not their DNA; right?

25 A. The profile there, yes.

1 Q. Okay. On Number 6, you couldn't draw any
2 conclusions; right? That's the right hand
3 fingernail?

4 A. Yes.

5 Q. Okay. And then the tissue, I think you said it
6 looked like -- kind of looked like chicken? It
7 clearly was not chicken?

8 A. No.

9 Q. It was, I believe you said, a piece of human?

10 A. Yes.

11 Q. Okay. But that piece of human was not Mr. Sampson?

12 A. That's correct.

13 Q. Okay. And I'm going to look at quickly Number 11.
14 I think that was a swab from the front porch. Am I
15 right on that? Is that right? Was that a swab
16 from the front porch?

17 A. Yes, this is a swab from vinyl siding.

18 Q. Okay, I'm sorry, vinyl siding. And your conclusion
19 on that was that it could not be Mr. Sampson?

20 A. That is correct.

21 Q. I'm going to go briefly back to Number 9, but I'm
22 not going to take you through all that YSTR stuff
23 again. It is a mixture; correct?

24 A. Yes.

25 Q. Okay. Were you able to determine how many males

1 contributed to that?

2 A. Based on the YSTR profile --

3 Q. I am taking you back to YSTR.

4 A. -- you can't draw that conclusion.

5 Q. Okay. Well, but you did, didn't you?

6 A. In the Y profile, I was able to say at least two.

7 Q. Okay. So two males have contributed to that YSTR
8 profile that you examined?

9 A. Yes, at least two.

10 Q. Okay. Ms. Money, give me one second, I may be
11 done.

12 (Pause.)

13 MR. FRICK: Thank you, ma'am. That's all the
14 questions I have.

15 MR. MAXWELL: Briefly, Your Honor.

16 REDIRECT EXAMINATION

17 BY MR. MAXWELL:

18 Q. You stated, I believe, that Latroy Sampson can't be
19 excluded based on the YSTR profile?

20 A. That's correct.

21 Q. Can you exclude everybody who does not -- who is
22 not related to him through that paternal line?

23 A. If I was given their standards and ran their
24 profiles and it was documented that, yes, they were
25 not biologically related to him via paternal line,

1 it would be expected that they would be excluded.

2 Q. And just to be clear, say his father has a sister
3 and that sister has a son, he is going to have a
4 different YSTR presumably; correct?

5 A. Yes, because that son would be getting an X from
6 his mother.

7 Q. And the Ys would come from his father who is not in
8 that line?

9 A. Correct.

10 Q. So you can exclude that cousin under that scenario?

11 A. Yes, as long as something far back didn't link the
12 two families.

13 Q. Thank you. And I skipped over this earlier. How
14 does someone leave DNA on another person or an
15 object?

16 A. DNA can be left behind from touch. It can be left
17 behind from body fluids. It can be left behind
18 from a hair.

19 Q. Could someone sweat, like on a shirt, and their DNA
20 is on the shirt?

21 A. If the sweat is containing skin cells, yes, that's
22 possible.

23 Q. And when somebody touches something, do skin cells
24 transport, transmit from the hand or whatever body
25 part is touching another object onto that object?

1 Can it happen that way?

2 A. It's possible that can happen.

3 Q. Those skin cells can have that person's DNA on it?

4 A. Yes.

5 MR. MAXWELL: No further questions, Your
6 Honor.

7 THE COURT: Anything else?

8 RECROSS-EXAMINATION

9 BY MR. FRICK:

10 Q. So how easy is it to transfer DNA? I mean, can I
11 shake your hand and then touch somebody and
12 potentially DNA be on there?

13 A. There is numerous factors that can affect whether
14 or not skin cells are left behind: The duration of
15 the contact, whether or not a person sheds a lot of
16 skin cells, if the surface that is being touched is
17 abrasive or smooth.

18 Q. So the answer is yes, then; right? It can be
19 transferred in that way; right?

20 A. It's possible, yes.

21 Q. Okay. All right. You said something -- the
22 Solicitor was asking you a question and you said
23 something about the families being interlinked. If
24 back in a generation or so ago, a paternal part of
25 Mr. Sampson's family was with another part of

1 another family, that YSTR DNA could follow that
2 line as well? So just because they're not
3 necessarily closely related, they could be
4 distantly related?

5 A. It's possible, yes.

6 Q. And still see the same YSTR DNA?

7 A. Yes.

8 Q. Okay.

9 MR. FRICK: Thank you, ma'am.

10 MR. MAXWELL: Nothing further, Your Honor.

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

12 Any objection to this witness being excused?

13 MR. MAXWELL: No, ma'am.

14 MR. FRICK: No objection.

15 (Witness steps down and is excused.)

16 MR. MAXWELL: Can we approach? Are we going
17 to take a break?

18 THE COURT: Yes, sir.

19 All right, ladies and gentlemen of the jury,
20 at this time this would be a great time to take our
21 afternoon break. We'll take about 10 minutes.
22 Remember, do not discuss the case during your
23 break. All right.

24 (WHEREUPON, the jury retires to the jury
25 room at 4:00 p.m.)

1 THE COURT: Yes, sir?

2 MR. MAXWELL: Your Honor, I was making sure my
3 witnesses are here. They were here and then they
4 walked to get something to eat, and I was making
5 sure they were back before I was ready to call.

6 THE COURT: We're going to take about 10
7 minutes. And you have how many more witnesses
8 today?

9 MR. MAXWELL: Today, three.

10 THE COURT: And are they long? Short?

11 MR. MAXWELL: I figure 20 minutes each. They
12 are just lay witnesses.

13 THE COURT: Okay. We will get to them today.
14 All right. Ten minutes.

15 (WHEREUPON, break was taken at 4:01
16 p.m.)

17 THE COURT: All right. Bring them in.
18 (WHEREUPON, the jury came into open
19 court at 4:28 p.m.)

20 THE COURT: All right. Call your next
21 witness.

22 MR. HUNTER: The State calls Marcus Douglas.
23 (Witness approaches.)

24 THE CLERK: If you will raise your right hand
25 and place your left hand on the Bible.

1 (Witness complies.)

2 THE CLERK: Do you solemnly swear or affirm
3 the testimony you give the Court will be the truth,
4 the whole truth, and nothing but the truth, so help
5 you God?

6 THE WITNESS: Yes, ma'am.

7 MARCUS DOUGLAS,
8 after being duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. HUNTER:

11 Q. Afternoon, Marcus.

12 A. How you doing?

13 Q. Will you state your name for the record, please?

14 A. Say what?

15 Q. Just state your name, please.

16 A. My name is Marcus Douglas.

17 Q. And how old are you, Marcus?

18 A. Nineteen.

19 Q. Nineteen. Where do you live?

20 A. Garden Street.

21 Q. Where on Garden Street?

22 A. ■ Garden Street.

23 THE COURT REPORTER: I'm sorry, you need to
24 speak in the microphone.

25 A. ■ Garden Street.

- 1 Q. Marcus, I'm going to show you what has been
2 previously marked as -- I show you what has been
3 marked as State's Number 6. Marcus, do you
4 recognize this area?
- 5 A. Yes, sir.
- 6 Q. Okay. Do you know who lives here, or who lived
7 here --
- 8 A. Yes, sir.
- 9 Q. -- in July of 2014?
- 10 A. Yes, sir.
- 11 Q. Who lived there?
- 12 A. Jennifer Stone.
- 13 Q. Okay. And who else lived there?
- 14 A. Matthew and LaTee.
- 15 Q. Okay. Is this building right here where you live?
- 16 A. Yes, I stay on down in the apartments.
- 17 Q. Okay. And you still live there?
- 18 A. Yes, sir.
- 19 Q. Okay. How long have you known Matthew?
- 20 A. I have known him for a little while. Known him a
21 long time.
- 22 Q. What's a long time?
- 23 A. Ever since I was younger.
- 24 Q. Since you were young? Okay. I show you, here's
25 another aerial view. Do you recognize this area?

1 Do you recognize this house right here as being
2 Matthew's house?

3 A. No, sir, not really.

4 Q. You've never seen --

5 A. I can tell that's the street, though.

6 Q. Okay. You can tell this is Garden Street right
7 here?

8 A. Yes, sir.

9 Q. If this is Matthew's house, where is your house?
10 Where do you live?

11 MR. FRICK: Objection, Your Honor. I think he
12 testified he couldn't tell that was Matthew's
13 house.

14 MR. HUNTER: He said he recognized the street.

15 THE CLERK: I thought he said he recognized
16 the street.

17 MR. FRICK: He said he recognized the street.

18 THE COURT: Ask him the question again.

19 BY MR. HUNTER:

20 Q. Do you recognize this street, Marcus?

21 A. Yes, I recognize the street.

22 Q. Okay. Do you recognize this building right here?

23 A. Yes, sir.

24 Q. Okay. What's that building?

25 A. That's them apartments I stay in.

1 Q. That's where you live?

2 A. Yes.

3 Q. Okay. So you live here. Who lives right here --
4 or who lived right here?

5 A. Jennifer.

6 Q. Okay. So you and Matthew were neighbors?

7 A. Yes, sir.

8 Q. Okay. Where did you go to high school?

9 A. Fairfield.

10 Q. Okay. Did Matthew go there with you?

11 A. Yes, sir.

12 Q. Okay. Did you and Matthew hang out a lot?

13 A. Yes, sir.

14 Q. Okay. Did you ever hang out over on this area, on
15 the side of Matthew's house?

16 A. Yes, sir.

17 Q. How often did y'all hang out there?

18 A. We hung out a couple of times there.

19 Q. What's a couple of times?

20 A. Quite a few.

21 Q. Okay. And I'm going to zoom back out here. Do you
22 recognize that?

23 A. Yes, sir.

24 Q. Okay. What is this area right here?

25 A. That's the side of the house by Matthew's room.

1 Q. I'm going to back up a minute. Do you remember the
2 day that Jennifer Stone died?

3 A. July 3rd, ain't it?

4 Q. Well --

5 A. July 4th night.

6 Q. Okay, July 4th, that's right, day of the 3rd, going
7 into the 4th. Do you remember what you were doing
8 that day?

9 A. I was drinking.

10 Q. Tell me what you did that day before -- say, the
11 day of the 3rd, going into the night of the 4th,
12 what were you doing that day?

13 A. Staying around the corner.

14 Q. Okay. You say around the corner. Where are you
15 at?

16 A. Crawford Street.

17 Q. Crawford Street?

18 A. (Nods affirmatively.)

19 Q. Okay. And who were you with?

20 A. Myself.

21 Q. Who?

22 A. Myself.

23 Q. Were you with anybody else? Were you with Matthew?

24 A. I probably ran into him that day. He probably been
25 around that day, but I was probably by myself at

1 that time.

2 Q. Okay. Do you remember what time -- or how late did
3 you stay out that night?

4 A. Probably about -- I'd say about 10:00, 11:00,
5 something like that.

6 Q. And what did you do -- did you go home then?

7 A. Yes, sir.

8 Q. What did you do when you got home?

9 A. Went to sleep.

10 Q. Okay. Who lives at home with you?

11 A. My dad.

12 Q. Okay. Was he there?

13 A. He was there.

14 Q. Okay. So you got home and went to bed?

15 A. Yes.

16 Q. Okay. What happened next?

17 A. That's when -- I came outside. That's when I seen
18 all the ambulance, and all that, and Matthew told
19 me --

20 Q. Wait, don't tell me what anybody told you. But you
21 got woke up by a bunch of ambulances?

22 A. Yes, sir.

23 Q. Okay. Now, I want to go back about a day before
24 that. Do you remember hanging out with Matthew a
25 day or two before?

1 A. Yes, sir.

2 Q. Okay. What were y'all doing that day?

3 A. Probably drinking a little bit.

4 Q. Okay. Where were y'all drinking?

5 A. At his house.

6 Q. At his house?

7 A. (Nods affirmatively.)

8 Q. Okay. Where were y'all drinking at his house?

9 A. We was in the room.

10 Q. In the room? Okay, let me stop you right there.

11 Can you --

12 MR. HUNTER: Permission for him to step down?

13 THE COURT: Yes.

14 BY MR. HUNTER:

15 Q. Marcus, will you come point out on this picture
16 where Matthew's room is?

17 (Witness steps down.)

18 Q. Is that his room?

19 THE COURT REPORTER: I can't hear him.

20 A. That's his room where the air conditioner at back
21 there.

22 Q. Okay. You can sit back down. Thank you.

23 (Witness returns to witness stand.)

24 Q. So y'all were hanging out in his room?

25 A. Yes, sir.

1 Q. Drinking?

2 A. (Nods affirmatively.)

3 Q. What happened after you were drinking for a while?

4 A. I got a little intoxicated, started feeling sick,
5 and threw up.

6 Q. You threw up? Okay. Where did you throw up?

7 A. On the air conditioner.

8 Q. On the air conditioner?

9 A. On the side by the air conditioner.

10 Q. Do you recognize that?

11 A. Yes, sir.

12 Q. Okay. Now -- so when you threw up, were you inside
13 the house or outside the house?

14 A. I was inside the house, but I was sticking out --
15 they had a little window, sticking my head outside
16 throwing up on the side.

17 Q. So you stuck your head out somewhere right here?

18 A. Yes, sir.

19 Q. Okay. And that was a couple of days before
20 Matthew's mom died?

21 A. Probably like the day before.

22 Q. Okay. Now, is that all that you threw up, or was
23 there more?

24 A. There was more, but I cleaned -- I cleaned the
25 rest -- most of it up.

1 Q. Okay. Is that your throw-up on that window right
2 there, on that window unit?

3 A. Yes, sir.

4 Q. Okay. Just a minute, please.

5 (Pause.)

6 BY MR. HUNTER:

7 Q. What time of day -- the day you threw up, what time
8 of day was that? Was it afternoon? Morning?
9 What?

10 A. Probably in the afternoon.

11 Q. Afternoon?

12 A. (Nods affirmatively.)

13 Q. Okay. And now you said that was a day or two
14 before --

15 A. Yes, sir.

16 Q. -- everything happened?

17 A. (Nods affirmatively.)

18 MR. HUNTER: All right. I think that's all I
19 have. Thank you, Marcus.

20 CROSS-EXAMINATION

21 BY MR. FRICK:

22 Q. Just quickly, Mr. Douglas. That air conditioner,
23 is that a window unit?

24 A. Is it an air conditioner you put in the window?

25 Q. Yeah?

1 A. Yes, sir.

2 Q. So it's one that the top window comes down, kind of
3 holds it in?

4 A. Yeah.

5 Q. Right?

6 A. Yes, sir.

7 Q. Did it have anything up under it holding it?

8 A. Huh-uh, the window holding it.

9 Q. Okay. And what you're saying is you stuck your
10 head out the window and threw up and some of it got
11 on the air conditioner?

12 A. How it is, the window, there's like a little sheet,
13 you pull it back, and a little open space right
14 there.

15 Q. Okay. All right. Did you go to the doctor the
16 next day or anything?

17 A. No, I didn't go to no doctor.

18 Q. I mean, are you aware that the stuff shown here --
19 I'm going to show you particularly State's Number
20 27 -- that came back with your DNA? Are you aware
21 of that?

22 A. Yes, sir.

23 Q. Okay. I mean, you were all right the next day?

24 A. Yes, sir, I was all right.

25 Q. That's your flesh?

1 A. I had to sober up a little bit.

2 Q. Okay. And you said all that took place a couple of
3 days before?

4 A. Right.

5 Q. When you got sick and threw up?

6 A. Two days before then.

7 Q. Okay. Do you remember when?

8 A. I can't remember exactly when.

9 Q. Okay. You don't know what day it was?

10 A. July the 2nd, probably July 2nd.

11 Q. Somewhere around there?

12 A. The 1st or the 2nd. It was the day before or the
13 day after that, close to it.

14 Q. Okay. That's fine. And then on the 4th -- or the
15 3rd into the 4th, did you go back over to that
16 house or not?

17 A. I had went home.

18 Q. Okay.

19 A. That night, I had went home. That's when I went to
20 sleep. When I woke up, the ambulance and all them
21 was all outside.

22 Q. Okay. You stayed on Crawford Street, is what
23 you're saying?

24 A. No, I stayed on Garden Street.

25 Q. No, no, no, I didn't mean it that way. I meant, on

1 the night of the 3rd when you was drinking by
2 yourself, you was drinking over on Crawford Street,
3 is that what you said?

4 A. No, I was drinking with Matt. When we was drinking
5 on the 2nd, around the 2nd, I was at his house.

6 Q. I got that. But then the Solicitor asked you what
7 you was doing the day of the 3rd?

8 A. Okay.

9 Q. And correct me if I'm wrong, but I thought you said
10 you was hanging out over on Crawford Street with
11 yourself and you was drinking?

12 A. No, I said I was on Crawford Street. I was hanging
13 around Crawford Street. I ain't never said I was
14 drinking.

15 Q. You said you wasn't drinking?

16 A. No, I ain't said that.

17 Q. Okay.

18 MR. FRICK: That's all I've got, Mr. Douglas.

19 MR. HUNTER: Nothing further.

20 THE COURT: All right, sir, you may step down.

21 Any objection to this witness being excused?

22 MR. MAXWELL: The State calls Sharon Trapp
23 next.

24 THE COURT: All right, sir, you're free to
25 leave.

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1 A. Yes.

2 Q. How long have you been in Winnsboro?

3 A. Two years.

4 Q. Do you know what time of year -- exactly when you
5 moved down?

6 A. I came here January the 1st.

7 Q. Of 2014?

8 A. Yes.

9 Q. And July -- you kind of just said this, but in July
10 of 2014, two years ago, again, where were you
11 living?

12 A. On [REDACTED] Crawford Street.

13 Q. And who did you live there with?

14 A. My sister.

15 Q. Anybody else?

16 A. My daughter.

17 Q. Anybody else?

18 A. And my two grandkids.

19 Q. Thank you. And the Crawford Street area, do people
20 call it by a name, kind of a nickname?

21 A. They call it Walk One.

22 Q. Thank you. And I'm going to show you this picture
23 here. And if you can't, that's fine, but if I told
24 you this was Crawford Street and this is Garden
25 Street here, would that look familiar to you?

1 A. The only reason is because I know where Crawford
2 face.

3 Q. Just in your own words, describe the distance
4 between -- or how you would get from your house on
5 Crawford Street to Garden Street?

6 A. Well, I would cut through Ham yard and I go all the
7 way around Palmer Street. That's Palmer Street. I
8 go all the way around, and then I cut through a
9 field and I go to Jen house.

10 Q. Would it be a fairly short walk?

11 A. Yes.

12 Q. It would take you just a couple of minutes?

13 A. About 5 or 10 minutes.

14 Q. Thank you. Did you know Jennifer Stone?

15 A. Yes.

16 Q. What did you call her by?

17 A. I called her Jen.

18 Q. And what was your relationship with her?

19 A. That was my home girl, my best friend.

20 Q. How often did you see Jen?

21 A. I used to meet up every day with Jen.

22 Q. Where did y'all usually hang out when y'all would
23 meet up?

24 A. On Crawford Street and sit on the steps.

25 Q. Now, where you lived at, were there other people --

1 a lot of people live on Crawford Street in kind of
2 the same area you live in?

3 A. Yes, a lot of people.

4 Q. Is that kind of a -- is it a gathering spot, would
5 that be fair to say?

6 A. Yes. Yes, it's a gathering spot.

7 Q. Do you know Latroy Sampson?

8 A. Yes.

9 Q. And do you know him by another name?

10 A. Yes. Tow Dow.

11 Q. Tow Dow?

12 A. Tow Dow.

13 Q. Do you know how you would spell that?

14 A. No. I just gave him -- he was introduced to me by
15 Tow Dow.

16 Q. Do you see Tow Dow in the room? Do you see him
17 today, Tow Dow?

18 A. Yes, sir.

19 Q. Is that him sitting in the middle --

20 A. Yes, sir.

21 Q. -- at this table over here?

22 A. Yes, sir.

23 Q. Thank you. Prior to July 4th, 2014, did you
24 ever -- did you know about any kind of relationship
25 or association between Jen and Tow Dow?

1 A. Yes. When she came and told me that, you know, her
2 and Tow Dow was trying, you know, to hook up, and I
3 was like Jen --

4 THE COURT REPORTER: I'm sorry, can you speak
5 up a little bit?

6 BY MR. MAXWELL:

7 Q. Talk a little slower, okay?

8 A. She had came and told me that she was messing with
9 Tow Dow.

10 And I told Jen, That ain't what you want.

11 Q. Did you ever see them together?

12 A. I seen them together one time, the day they came to
13 my house.

14 Q. Okay. Let's talk about what occurred on July 3rd
15 and July the 4th, okay, 2014.

16 A. Okay. Well --

17 Q. Let me just ask you questions, okay? Do you recall
18 when Jen was found and she was found out to be
19 dead?

20 A. Yes, they came knocking on my window telling me my
21 girlfriend dead. And I got up and I went around
22 the corner, and she was laying there.

23 Q. And let's jump back to the night before. Do you
24 remember what you were doing?

25 A. The night before, I was sitting on my steps. And

1 anybody that was going anywhere --

2 THE COURT REPORTER: I'm sorry, I can't hear.

3 BY MR. MAXWELL:

4 Q. Okay. Slow it down just a little bit. All right.

5 You were sitting on your steps?

6 A. Yeah. And people trying to get me to go --

7 Q. Again, this is on Crawford Street; right?

8 A. Right.

9 Q. Again, are there a bunch of people gathering around
10 Crawford Street?

11 A. Everybody was gathering up to go to Heyward's --

12 Q. You said Heyward's?

13 A. Yes.

14 Q. What is that?

15 A. That's a club.

16 Q. Is it kind of walking distance from Crawford
17 Street?

18 A. Right across the street from the job -- I mean,
19 from the courthouse.

20 Q. People call that the pool hall?

21 A. Yes.

22 Q. Okay. And did you see Jen before -- did she go to
23 the pool hall, as far as you know? Did she leave
24 your house?

25 A. She left my house, but I told her I wasn't going.

1 Q. Okay.

2 A. But when she left the club, she came back, and me
3 and her was sitting on the steps together.

4 Q. Was that way after midnight?

5 A. Huh?

6 Q. Now, when she came back, was that after midnight?

7 A. Yes, it was after midnight she came back.

8 Q. And so we're talking about now on July 4th?

9 A. Right.

10 Q. Just a couple of hours before you found out she had
11 died; right?

12 A. Yes.

13 Q. Again, back in this early morning hours, well after
14 midnight on the 4th, were there a bunch of people
15 again gathered back over at Crawford Street?

16 A. Yes, everybody was gathered in front of Sheon door.
17 My door -- I live a door away from Sheon.

18 Q. Do you know how Jen got there? Did you see her
19 come?

20 A. Jen walked down here. Jen came walking by herself.

21 Q. Do you know if she was with anybody at that point
22 in time?

23 A. She was with me, Nicole, Angie.

24 Q. When she came walking, was she with anybody?

25 A. No, she was by herself when she came walking.

1 Q. And then she joined up with you?

2 A. Yes.

3 Q. And others?

4 A. Yes.

5 Q. Did y'all have a conversation involving her
6 relationship with Tow Dow?

7 A. Yes.

8 Q. What did y'all talk about?

9 A. I was telling her that ain't what she want, that's
10 not a good thing for her.

11 Q. Did you see Tow Dow, Latroy Sampson, over on
12 Crawford Street around that same time?

13 A. Yes, I did, sir.

14 Q. Did you see how he arrived there?

15 A. No, I did not. I didn't know which way he came
16 from. The only thing I know, when I popped up, he
17 was there.

18 Q. Any estimation of how many people were hanging out
19 around that area?

20 A. It was a bunch of people out there.

21 Q. Did you see what Latroy did once he was there?

22 A. No, I didn't see what he did once he was there.
23 But Jen kept saying she wasn't going to go because
24 she know he was going to try something.

25 So I told her, Jen, just wait, and I'll walk

1 her halfway home.

2 Then she say, You ain't got to, I'm good, I'm
3 going home. Once she found out her son was in the
4 house, she said she was going home.

5 Q. Do you remember if Latroy came up to Jen?

6 A. Last time he walked up to Jen and asked Jen, What
7 is you going to do?

8 Jen said, Sharon, I'll be back. I'm going to
9 get his clothes out my house.

10 And that was it, that's the last time I seen
11 her.

12 Q. When Jen left, how did she leave, by car or by
13 foot?

14 A. She walked. She walked and Tow Dow went behind
15 her.

16 Q. And where were they walking towards?

17 A. Towards Garden Street, but they cut through Ham's
18 yard.

19 Q. And how do you know they did that?

20 A. Because I was sitting on my steps and I can look
21 right there and see.

22 Q. Did you ever leave your steps to get her attention
23 for anything?

24 A. I did, but I was calling because she had left her
25 beer and stuff in the bag on the steps and I was

1 calling, like, You left your stuff.

2 And she said, I'll get it when I come back.

3 And she ain't never come back.

4 Q. Did you ever walk down the road at any point in
5 time?

6 A. I walked halfway, because them streets are dark,
7 sir, and I walked her halfway. I didn't go all the
8 way.

9 Q. Were you walking with her or following behind her?

10 A. I was following behind her because my old man was
11 following behind me.

12 Q. And when you were following behind her, could you
13 see where Latroy was, Tow Dow?

14 A. He was behind -- he was still behind her.

15 Q. And then at some point, did you lose sight of them?

16 A. Yes, I did, sir, because somebody was calling me,
17 and when I turned around, they was gone.

18 Q. How long before you found out that Jen had died did
19 you see her leaving Crawford Street with Tow Dow,
20 Latroy?

21 A. I'd say about two to three hours. Because when
22 they left in front of the door, it was about 2:00
23 something.

24 Q. And when you went back to Crawford Street, where
25 did you -- what did you do from there?

1 A. I went in my house and I woke my daughter up, and I
2 told my daughter, Jen dead.

3 Q. Well, I'm talking about -- let's go back a little
4 bit. When you saw her and Tow Dow leaving Crawford
5 Street?

6 A. Uh-huh.

7 Q. Walking together, or him walking near her or behind
8 her, when you walked -- when you -- you called out
9 to her; correct?

10 A. Right.

11 Q. About her leaving something?

12 A. Uh-huh.

13 Q. And what did she say then?

14 A. She was like, I'll be back. I'll get it when I
15 come back.

16 Q. Okay. And you didn't see her after that?

17 A. (Nods negatively.)

18 Q. So at that point in time, where did you go when you
19 went back to Crawford Street?

20 A. In my house.

21 Q. Did you go to bed at that point?

22 A. I was trying to.

23 Q. And what was the next thing that you remember
24 happening?

25 A. Cat Douglas banging on my door telling me my

1 girlfriend dead.

2 Q. Did you get up then?

3 A. Yes, I did, sir.

4 Q. Did you walk down to Garden Street?

5 A. Yes, sir, I did.

6 Q. When you walked back down, do you remember if it
7 was daylight or still dark out?

8 A. It was just start -- it was getting light.

9 Q. And again let's go back to when you saw -- when Jen
10 and Latroy were both at Crawford Street.

11 A. Uh-huh.

12 Q. Again, did you hear him say anything to her?

13 A. First time, he said, I should have --

14 MR. FRICK: Objection. I believe this would
15 be hearsay.

16 MR. MAXWELL: It's just a statement against
17 interest, Your Honor.

18 MR. FRICK: Well, I don't know what the
19 statement is.

20 THE COURT: Ladies and gentlemen of the jury,
21 let me send you all out for a short time. Then
22 I'll have you back.

23 (WHEREUPON, the jury retires to the jury
24 room at 4:47 p.m.)

25 THE COURT: All right.

1 MR. MAXWELL: I was going to ask my question.

2 THE COURT: Okay, let's just do it in-camera.

3 MR. MAXWELL: Thank you, Your Honor.

4 IN-CAMERA

5 BY MR. MAXWELL:

6 Q. When y'all were at Crawford Street, did Latroy
7 approach Jen?

8 A. He approached Jen, like, I should F you up while
9 you sitting there playing with my stuff. He wanted
10 his clothes, but Jen was --

11 THE COURT REPORTER: I'm sorry, you need to
12 speak up.

13 Q. Just say it a little bit clearer.

14 A. He wanted his clothes and Jen was -- he say Jen was
15 playing with his clothes and stuff. He wanted his
16 clothes out of there.

17 Q. And what specifically did he say to her about that?

18 A. I feel like fucking you up.

19 Q. And do you recall giving a statement to law
20 enforcement that morning --

21 A. Uh-huh.

22 Q. -- on the 4th? Do you recall telling them that
23 Latroy said, I should hit you in the fucking face?

24 A. (Nods affirmatively.)

25 Q. Do you recall if he said that or not?

1 A. Yes.

2 Q. Did he?

3 A. Yes, he did. Because he wanted his clothes and he
4 thought Jen was playing with them, with his
5 clothes, because Jen had told him he had to leave.

6 MR. MAXWELL: Okay. And I think that's all I
7 would ask in regards to that.

8 THE COURT: All right. Yes, sir?

9 MR. FRICK: I mean, it's hearsay. I certainly
10 understand that the State is going to say it's an
11 exception, either an excited utterance or a
12 statement against interest, but I maintain it is
13 inappropriate hearsay.

14 THE COURT: All right. The objection will be
15 overruled.

16 Bring them back in.

17 MR. MAXWELL: Thank you, Your Honor.

18 (WHEREUPON, the jury came into open
19 court at 4:50 p.m.)

20 BY MR. MAXWELL:

21 Q. Ms. Trapp, let's go back, again back to Crawford
22 Street, before Jen and Tow Dow, Latroy, leave. Did
23 he approach her and talk to her at Crawford Street?

24 A. No, not when he first came back.

25 Q. Well, at any point in time did he talk to her?

1 A. Besides the first time, what he said the first
2 time.

3 Q. What did he say to her?

4 A. He said, F her up.

5 Q. Say it as best you can as you remember what he
6 said.

7 A. Well, he should fuck her up because she playing.

8 Q. Was he talking -- do you know what he was referring
9 to?

10 A. (Nods negatively.)

11 Q. What about his clothes?

12 A. I don't know. I didn't even know the man had moved
13 in there.

14 Q. Okay.

15 A. I didn't know he had moved in. She said they was
16 friends.

17 Q. Do you recall giving a statement to law enforcement
18 that morning of the 4th?

19 A. Uh-huh.

20 Q. Do you recall telling anybody, any officers with
21 the Winnsboro Department of Public Safety, that
22 Latroy said, I should hit you in the fucking
23 face --

24 A. Yes.

25 Q. -- referring to Jen?

1 A. Yes, he did. I remember that. That was the first
2 time.

3 MR. MAXWELL: No further questions, Your
4 Honor.

5 THE COURT: Yes, sir?

6 CROSS-EXAMINATION

7 BY MR. FRICK:

8 Q. Ms. Trapp, you said you moved to Winnsboro January
9 1st of 2014?

10 A. Uh-huh.

11 Q. Okay. And when did you meet Ms. Stone?

12 A. I been knowing her. I been knowing her for years.
13 My family here. I go back to Philadelphia and then
14 I come back. I move back and forth.

15 Q. Well, that was actually going to be my next
16 question. I mean, you're not unfamiliar with
17 Winnsboro; right?

18 A. Yeah, I know.

19 Q. Had you stayed here before?

20 A. Yeah, I stayed here before.

21 Q. Okay. I mean, you were born in Philadelphia,
22 but --

23 A. Yes.

24 Q. -- family is in Winnsboro?

25 A. I have family in Winnsboro and I have family in

1 Philadelphia too.

2 Q. Okay. So you've spent time in Winnsboro, go up to
3 Philly?

4 A. Always.

5 Q. Come back?

6 A. Always. Always do this.

7 Q. All right. So more than just a couple of months,
8 you were familiar --

9 A. Well, see, Banjo and my grandkids and my only
10 daughter here.

11 Q. Yes, ma'am.

12 A. We stay there. You know, because I didn't want
13 them in that same environment that was going on up
14 the road.

15 Q. I got you. I got you. Okay. So you had known
16 Ms. Stone for quite a while?

17 A. I used to babysit her kids.

18 Q. Okay.

19 A. I used to live with her at one time.

20 Q. So y'all were pretty close; right?

21 A. Yes, we were.

22 Q. Okay. In fact, I believe you told the Solicitor
23 y'all hung out everyday?

24 A. We sure did.

25 Q. Y'all was tight?

1 A. We met up every morning.

2 Q. Okay. And sometimes hung out in the evenings too?

3 A. Yep.

4 Q. Okay.

5 A. Until I got my grandkids. I can't hang no more.

6 Q. I got you. I got you. Okay. But on this
7 particular night, she -- was she hanging out with
8 you or stopped by or --

9 A. She was -- we was supposed to hang out together,
10 but everybody was saying -- she kept saying, Shay,
11 you want to go to Heyward's?

12 And I kept saying, That's not my cup of tea.
13 I can't get in trouble no more. Because I know if
14 I get in trouble I'm going down the road.

15 Q. Let me stop you for a quick second. You're talking
16 about this -- let's make sure we're clear. You're
17 talking Heyward Banks? You're talking about the
18 pool hall --

19 A. Yeah --

20 Q. -- that is right over there?

21 A. Yeah. You know what I'm talking about.

22 Q. Okay. All right.

23 A. You know what I'm talking about.

24 Q. I know what you're talking about. You didn't want
25 to go there and she wanted to go there?

1 A. I didn't go because I wasn't going.

2 Q. I got you. She left and went?

3 A. Yeah, she left and went.

4 Q. Did she go with anybody?

5 A. She left with my nieces and them. They all came
6 back happy, you know I mean, they all came back in
7 a good mood.

8 Q. Do you have any idea what time they left you to go
9 to Heyward's?

10 A. They left me at 9:30, sir, because I babysit
11 everybody kids.

12 Q. Okay. All right. Do you have any idea what time
13 they came back?

14 A. About 12:30, 1:00 o'clock.

15 Q. Okay. And --

16 A. Because Heyward only stay open till -- only stay
17 open till 1:00 o'clock.

18 Q. Got you. And she came back by herself?

19 A. She walked down the hill by herself.

20 Q. Okay.

21 A. Yep.

22 Q. And just so I'm clear, where were you staying at
23 the time?

24 A. Crawford Street.

25 Q. Crawford Street.

1 A. At the bottom of the hill.

2 Q. Got you. So she walked from over here, down Walk
3 One, down to Crawford Street?

4 A. Yeah.

5 Q. Okay. Is there anything -- I mean, when you saw
6 her, was there anything different about her
7 demeanor?

8 A. She was just -- she was just real quiet. I'm like,
9 What's wrong, Jen? And she wouldn't say nothing
10 after I said what's wrong.

11 And then when she seen Tow Dow, it seemed like
12 her whole reaction just changed. She was like, I'm
13 going home. I'm going home.

14 I was like, Well, why you going home?

15 Because first she went in my house, but he
16 kept walking back and forth.

17 Q. Uh-huh.

18 A. That's when she said, I'm going home and get his
19 stuff. That's when Jen left.

20 Q. Okay. Now, you said you didn't even know that he
21 had moved in?

22 A. I didn't.

23 Q. Okay.

24 A. I didn't.

25 Q. She never mentioned it?

1 A. No, she never mentioned it to me, sir. I put
2 that --

3 Q. Close as y'all are --

4 A. -- on my dead daughter and my mother. She never
5 mentioned that to me, because she know I wouldn't
6 even approve of that.

7 Q. Okay. Did you know her to hang out with anybody
8 else besides Tow Dow?

9 A. Joseph.

10 Q. Okay. Joseph who?

11 A. Map.

12 Q. Map?

13 A. Uh-huh.

14 Q. What's his last name? Do you know?

15 A. Sampson.

16 Q. Okay. Anybody else?

17 A. No.

18 Q. Okay.

19 A. She didn't hang with too many people.

20 Q. Okay. All right. Okay. Y'all hanging out after
21 she comes back. It's about 12:30, 1:00 in the
22 morning?

23 A. Yeah, sitting on the steps just chilling, just
24 reminiscing.

25 Q. And then you say Latroy comes by?

1 A. And the whole thing -- whole scene gets messed up.

2 Q. Okay. But, I mean, was there just fussing? Was he
3 just fussing at her?

4 A. Look, sir, I came outside with the last thing,
5 because I just said, Jen, why you leaving? You
6 know, I wasn't trying to get in nobody's business.
7 I don't want nobody interfering with me and my man.

8 Q. Uh-huh.

9 A. If she said that was her man, I can't say nothing.

10 Q. Okay. All right.

11 A. But I tried to warn her.

12 Q. And then she leaves?

13 A. Yes.

14 Q. And you begin to follow her?

15 A. Yep. Then I turned back because my grandkids was
16 in the house and I was not going to leave them
17 unattended.

18 Q. Okay. But you were following her because she left
19 her beer on the step?

20 A. No, she left her pocketbook.

21 Q. Pocketbook. I'm sorry.

22 A. She left everything. She left everything.

23 Q. Okay. All right. And she gets about halfway there
24 and --

25 A. I'm steady calling her.

1 Q. And you turn around and go back?

2 A. Yeah. My old man was on my back.

3 Q. I got you. So you didn't go over to Garden Street?

4 A. No.

5 Q. Got no idea what happened over at Garden Street?

6 A. Only time I went to Garden Street is when they told
7 me she was laying out there dead. I surely did
8 went out there then.

9 Q. Okay. And that was, you said, somewhere near
10 daylight, or starting to get daylight?

11 A. Uh-huh.

12 Q. Okay. Ms. Trapp, give me one second. I may be
13 done.

14 (Pause.)

15 Q. And I don't mean no harm by this question, I'm just
16 trying to figure out what was going on out on the
17 porch. I'm guessing you're sitting on the porch,
18 okay?

19 A. No, I don't have no porch.

20 Q. A stoop?

21 A. No --

22 Q. Front yard?

23 A. -- got two little steps, and we were sitting on
24 them.

25 Q. All right. All right. Were folks drinking and

2 | A. Yes, they was.

3 Q. Okay.

4 MR. FRICK: Thank you, ma'am. That's all the
5 questions I have.

6 MR. MAXWELL: No redirect, Your Honor.

7 THE COURT: All right. You may step down,
8 ma'am.

9 Any objection to this witness being excused?

10 MR. MAXWELL: None from the State.

11 MR. FRICK: No objection.

12 THE COURT: Thank you.

13 You're free to leave, ma'am.

14 (Witness steps down and is excused.)

15 MR. HUNTER: The State calls Angela McDaniel.

16 (Witness approaches.)

17 THE CLERK: If you would raise your right hand
18 and place your left hand on the Bible.

19 (Witness complies.)

20 THE CLERK: Do you solemnly swear or affirm
21 the testimony you give this Court and jury will be
22 the truth, the whole truth, and nothing but the
23 truth, so help you God?

24 THE WITNESS: Yes, ma'am.

ANGELA MCDANIEL,

1 after being duly sworn, testified as follows:

2 DIRECT EXAMINATION

3 BY MR. HUNTER:

4 Q. Good afternoon, Ms. McDaniel.

5 A. Good afternoon.

6 Q. Will you speak your name into the microphone?

7 A. Angela McDaniel.

8 Q. Okay. And, Ms. McDaniel, back in July 2014, where
9 were you living?

10 A. Vanderhorst Street.

11 Q. Is that near Crawford Street and Garden Street?

12 A. It's like walking distance, about 10 minutes.

13 Q. Is that part of Walk One?

14 A. No.

15 Q. Okay. Did you know Jennifer Stone?

16 A. Yes. She was my friend.

17 Q. Okay. How long had you known her?

18 A. Probably about maybe eight years.

19 Q. Did y'all know each other pretty well?

20 A. Yes, sir.

21 Q. Did y'all see each other a lot?

22 A. Yes, sir.

23 Q. How often did y'all see each other?

24 A. A lot. We hung out a couple of times and we went
25 out together.

1 Q. Okay. Did you know who Latroy Sampson was?

2 A. Yes, sir.

3 Q. Did you know him by any other names?

4 A. Yes, sir.

5 Q. What was that?

6 A. Tow Dow.

7 Q. Do you know if he's in this courtroom today?

8 A. Yes, sir.

9 Q. Okay. Could you tell me where he's sitting?

10 A. Right there(indicating).

11 MR. HUNTER: Please let the record reflect
12 that Ms. McDaniel pointed at the Defendant.

13 BY MR. HUNTER:

14 Q. Now, I want to talk about the night of July 3rd,
15 going into July 4th.

16 A. Okay.

17 Q. Do you remember what you were doing that night?

18 A. We was at Sheon Simmons' house.

19 Q. Okay. Where --

20 A. I left on Vanderhorst Street to go to Walk One.
21 And we was all sitting outside chilling.

22 Q. Let me stop you there. Where is -- well,
23 nevermind. Where is Sheon's house? Not on the
24 map, but just --

25 A. Okay. I don't know the address, but it's off of

1 Crawford Street.

2 Q. Off Crawford Street? Okay. Were there a lot of
3 people hanging out?

4 A. Yes, sir.

5 Q. Okay. What did you do that night? What happened
6 when you got there?

7 A. Well, we sat outside for a little while. And then
8 Tish had asked us to take her to Heyward's. It's a
9 little hole in the wall. So --

10 Q. And where is Heyward's?

11 A. Right behind where Kings Jewelers place at -- used
12 to be.

13 Q. People call it the pool hall?

14 A. Yes.

15 Q. So what happened, y'all went to the pool hall?

16 A. First, we stayed at Sheon's house for a little
17 while. And then Tish asked to drop them off at
18 Heyward's, so we did. So she asked us to come back
19 and get her.

20 Q. Okay. Well, let me stop you there. Who all -- did
21 you -- so you -- how did y'all go to Heyward's?

22 A. My sister's car.

23 Q. Okay. Did you get out?

24 A. No.

25 Q. So you didn't go in Heyward's?

1 A. No.

2 Q. So you don't know who was inside the pool hall?

3 A. No, sir.

4 Q. Okay. Then what did y'all do after you dropped
5 them off at the pool hall?

6 A. They told us to come back and get them. So we --
7 they called my phone back and they told us to come
8 back and get them, so we came back and got them.

9 Q. Okay. How long were you home before you went back
10 to the pool hall to get them?

11 A. I'm not really sure.

12 Q. And who all did y'all take to the pool hall?

13 A. Me -- I mean, it was Tish and I -- I can't remember
14 the other person. I don't know if it was TayTay or
15 somebody else. I can't remember right off.

16 Q. Okay. But it wasn't Jennifer?

17 A. No.

18 Q. Now, when y'all went back to the pool hall, what
19 happened?

20 A. We went and we called for them to come outside. So
21 it took a little minute to come outside, so Tow Dow
22 came and talked to me for a little while.

23 Q. And when you say Tow Dow, are you talking about
24 Latroy Sampson?

25 A. Latroy Sampson. And he asked us to give him a ride

1 back to Sheon house. So we all went back there.

2 Q. Back to Crawford Street?

3 A. Yes.

4 Q. Where y'all -- is that where y'all had already been
5 that night?

6 A. Yes.

7 Q. Okay.

8 A. So me, him, Tish -- and somebody else was in the
9 car -- my sister, Nicole. And we got out at
10 Sheon's house, everybody got out. So everybody's
11 co-mingling, you know what I'm saying, everybody
12 was sitting out talking, or whatever, whatever.
13 And then finally I think Jen came up, if I'm not
14 mistaken, and she was sitting down. Her and Tow
15 Dow was sitting together.

16 And after that, you know, Tow Dow was talking
17 to her and I hear -- and Sheon asked me --

18 Q. Well, don't say what Sheon said.

19 A. Okay.

20 Q. How did Jen -- how was she acting that night?

21 A. She had her head down, that's all I can say.

22 Q. Okay. Was she acting normal?

23 A. Not like she usually did.

24 Q. What -- did you talk to Jen at all that night?

25 A. No.

1 Q. Okay. Did you see her leave?

2 A. Yes.

3 Q. Okay. Do you know about what time she left?

4 A. I'm going to say around 1:00 or 2:00.

5 Q. Okay. And did you see if she left with anyone?

6 A. Yes, sir.

7 Q. Who did she leave with?

8 A. She left with Latroy.

9 Q. That's Tow Dow?

10 A. Yes.

11 Q. Okay. Did anybody else leave with them?

12 A. No, not that I remember. No. Just them two.

13 Q. Okay. And which way did they go?

14 A. They went through Ham yard, Abraham Russell yard.

15 Q. Okay. Now, where -- I'm going to ask you, do you
16 recognize this as Crawford Street right here?

17 A. I can't really see. But I know that they went
18 behind Abraham house walking. That's what --

19 Q. Where is Abraham's house in relation to Sheon's
20 house?

21 A. It's -- okay, Abraham house is in the front. The
22 apartments are in the back where Sheon stays at.

23 Q. Okay.

24 A. So when you leaving from Sheon house, you can go
25 through Abraham Russell yard to -- from the back

1 and go up through the front of his yard.

2 Q. So if you were going to walk from Crawford Street
3 to Garden Street, would you go that way?

4 A. Yes, uh-huh.

5 Q. Okay. Just a minute, please.

6 (Pause.)

7 Q. Do you know Sharon Trapp?

8 A. Yes, sir.

9 Q. Okay. Do you know where she lives?

10 A. She used to stay in the third apartment.

11 Q. Is that close to Sheon's house?

12 A. Yes, sir.

13 Q. About how far?

14 A. Just three doors down.

15 Q. Okay. So just right there?

16 A. Uh-huh.

17 Q. Okay.

18 MR. HUNTER: I think that's all I have. Thank
19 you.

20 THE WITNESS: All right. Thank you.

21 MR. HUNTER: Please answer any questions
22 Mr. Frick might have.

23 CROSS-EXAMINATION

24 BY MR. FRICK:

25 Q. You got to be the driver that night?

1 A. No, I was not the driver.

2 Q. Okay. But you got to drop people off and then pick
3 them back up?

4 A. No, I didn't drop nobody off. I said my sister.

5 Q. Okay. Okay. You rode along?

6 A. Yeah.

7 Q. Okay.

8 A. I was on the passenger side.

9 Q. And apparently you're the one who they would call?

10 A. Yeah, they used -- they called my phone because I
11 was the only one had my phone.

12 Q. Got you. All right. So do you know when they
13 wanted to go over to Heyward's?

14 A. Not -- not -- not no time, exact time, but they
15 came up and asked us and they had -- I guess they
16 had to go back in the house and get their stuff
17 together, or whatever. And then when they got
18 ready, they came on out.

19 Q. Okay. And then you drove them over here to
20 Heyward's?

21 A. Uh-huh.

22 Q. And you leave back with your sister?

23 A. Yes, me and her.

24 Q. Back over to -- where did y'all go back over to?

25 A. Sheon house.

1 Q. Okay. All right. And then they call you up
2 sometime later?

3 A. Yes, to come pick them up.

4 Q. Any idea how long that was?

5 A. Not -- I'd probably give you around about an hour
6 or two.

7 Q. Okay. Was Jen over there at first?

8 A. Not that I can remember.

9 Q. Okay.

10 A. When I first got there, she wasn't there.

11 Q. Okay. When did she get over there?

12 A. I can't give you no real time because I was back
13 and forth in the house with Sheon. And I came out
14 and we started -- really, everybody had their own
15 little thing they was doing at the time, so you
16 couldn't see what everybody was doing.

17 Q. Okay. Okay. But she just kind of showed up at
18 some point?

19 A. Yeah, at some point she showed up.

20 Q. Okay. Had you -- did you have any idea where she
21 had come from?

22 A. No, sir.

23 Q. Okay. Didn't see her over at Heyward's?

24 A. No, sir.

25 Q. Okay. Don't see Latroy the first time you go over

1 to Heyward's?

2 A. No. Okay. No. When we first went, we didn't see
3 him.

4 Q. Okay.

5 A. Like I said, when we went back to go pick them
6 up --

7 Q. Right.

8 A. -- that's when we see Latroy.

9 Q. Okay. And he wanted a ride?

10 A. He wanted a ride back.

11 Q. Back to wherever y'all were going?

12 A. Yes.

13 Q. Okay. All right. And y'all gave him a ride back?

14 A. Yes, sir.

15 Q. Okay. And then basically just kind of hung out at
16 the apartments there?

17 A. Yes.

18 Q. Okay. And where were y'all hanging out?

19 A. Right in front of Sheon house on the steps.

20 Q. Okay. Are the apartments pretty close together?

21 A. Yes, sir.

22 Q. Okay. And so those are the steps that you usually
23 hang out on?

24 A. Yes, sir.

25 Q. Okay. All right. Did you see any altercation take

1 place at that point?

2 A. No, sir.

3 Q. Okay. And then at some point Jen leaves and leaves
4 with Latroy?

5 A. Yes, sir.

6 Q. Okay. And you didn't follow them, you stayed where
7 you were?

8 A. No, sir, I stayed where I was at.

9 Q. To your knowledge, did anybody else follow them?

10 A. No, sir, not that I know of.

11 Q. Okay. Did anybody -- did she say, Hey, I'm
12 leaving, going down the road, or just leave?

13 A. No, she just left.

14 Q. Okay. Did Latroy say anything?

15 A. No.

16 Q. Did you hear any conversation?

17 A. No, sir.

18 Q. Okay. And at no point did you go over to Garden
19 Street that night into the morning?

20 A. No, sir.

21 Q. Okay. Give me one second, Ms. McDaniel.

22 A. Okay.

23 (Pause.)

24 MR. FRICK: Thank you, Ms. McDaniel. That's
25 all I've got.

1 MR. HUNTER: Just a couple brief questions.

2 REDIRECT EXAMINATION

3 BY MR. HUNTER:

4 Q. Ms. McDaniel, you said there was a lot of people
5 there that night?

6 A. Yes, sir.

7 Q. Okay. So could you see what all everybody was
8 doing?

9 A. No, sir.

10 MR. HUNTER: All right. Thank you. That's
11 all I have.

12 THE COURT: All right, you may step down.
13 Any objection to this witness being excused?

14 MR. HUNTER: No, Your Honor.

15 MR. FRICK: No, Your Honor.

16 (Witness steps down and is excused.)

17 THE COURT: All right. Ladies and gentlemen
18 of the jury, I think we have finished with the
19 witnesses for today. We will start back up in the
20 morning at 9:30.

21 Remember, do not discuss this case with
22 anyone. Do not do any independent research, no
23 driving by the scene regarding -- anything
24 regarding this case. Of course, if you have to
25 drive home -- if you have to drive home -- I'm not

1 telling you not to drive home that way, but no
2 driving by the scene doing any investigative work
3 or any research regarding any of the issues that
4 arose here today.

5 We will see you in the morning at 9:30. Thank
6 you. Have a good evening.

7 (WHEREUPON, the jury is excused for the
8 day at 5:11 p.m.)

9 THE COURT: All right, 9:30 in the morning.
10 Okay, so just for purposes of planning, you
11 have about five or six more witnesses?

12 MR. MAXWELL: Six, possibly seven.

13 THE COURT: Okay. And you think that is going
14 to take us through tomorrow? I know one or two of
15 them are probably going to be longer than the
16 other.

17 MR. MAXWELL: We'll certainly finish tomorrow.
18 It's just what time we finish. It may be hard to
19 estimate. I think they'll all testify tomorrow,
20 I'm fairly confident.

21 THE COURT: I just didn't know about -- it
22 might be ambitious thinking, we might end up
23 having -- it might be ambitious thinking we might
24 argue and charge tomorrow. That might be a bit
25 ambitious, though.

1 MR. MAXWELL: Would you have a certain time
2 when you would say yes or no if we would rest, just
3 so we have some idea as we are proceeding?

4 THE COURT: Of course, we have to wait and see
5 what the Defense is going to do. So, like I said,
6 that might be a little ambitious.

7 MR. FRICK: And, Your Honor, just for planning
8 purposes on that, I'm going to talk to my client
9 about whether we are putting up anything in
10 anticipation of the State wrapping up tomorrow, so
11 we'll have that conversation right now.

12 If we were to call anybody, it would
13 potentially be one witness, but I don't know that
14 we are going to do that.

15 THE COURT: I mean, no pressure, I am just
16 trying to figure it out.

17 MR. FRICK: I just wanted to give you for
18 scheduling purposes.

19 THE COURT: Okay. She's working on the jury
20 charge, so we should have that tomorrow afternoon.
21 Okay.

22 MR. MAXWELL: Thank you, Your Honor.

23 THE COURT: All right. And I will see you all
24 at 9:30.

25 (WHEREUPON, the proceedings adjourned

1 for the day at 5:13 p.m.)

2 AUGUST 10, 2016

3 (WHEREUPON, the proceedings resumed at
4 9:40 a.m.)

5 THE COURT: All right. Are we ready to roll?

6 MR. MAXWELL: Yes, ma'am.

7 THE COURT: All right. Bring them on in.

8 (WHEREUPON, the jury came into open
9 court at 9:40 a.m.)

10 THE COURT: All right. Good morning, ladies
11 and gentlemen of the jury.

12 THE JURY: Good morning.

13 THE COURT: I hope that you had a restful
14 evening. At this time we will continue with the
15 State's case.

16 I will ask the State to call its next witness.

17 MR. MAXWELL: The State calls Sheon Simmons.

18 (Witness approaches.)

19 THE CLERK: If you'll raise your right hand,
20 Mr. Simmons, and put your left hand on the Bible.

21 (Witness complies.)

22 THE CLERK: Do you solemnly swear or affirm
23 that the testimony you give this Court and the jury
24 will be the truth, the whole truth, and nothing but
25 the truth, so help you God?

1 THE WITNESS: Yes.

2 THE COURT: All right. Yes, sir?

3 SHEON SIMMONS,
4 after being duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. MAXWELL:

7 Q. Good morning, Sheon.

8 A. Good morning.

9 Q. State your name for the record.

10 A. Sheon Simmons.

11 Q. And can you spell your first name just so we get
12 the correct spelling of it?

13 A. S-H-E-O-N.

14 Q. Thank you. Now, Sheon, are you from Winnsboro?

15 A. Yes, sir.

16 Q. Where do you live now?

17 A. Same spot, [REDACTED] Crawford Street.

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

19 A. Almost -- almost four years.

20 Q. Okay. I'm going to show you what has been marked
21 State's Exhibit 1, which is kind of an overhead
22 map. I'll give you just a second to look at that.
23 Does that neighborhood look familiar to you?

24 A. Yes.

25 Q. This is the same thing on this screen; is that

1 correct, that you're looking at?

2 A. Right.

3 Q. All right. If I told you this was Crawford
4 Street -- can you see that -- does that look
5 familiar?

6 A. I see it.

7 Q. Do you live in this area here?

8 A. Right.

9 Q. I'm pointing out on the TV screen?

10 A. Right.

11 Q. This area, would that be accurate?

12 A. That's right.

13 Q. And what is that neighborhood called?

14 A. Walk One.

15 Q. All right, thank you. Does Sharon Trapp live near
16 you?

17 A. She used to.

18 Q. Or used to, I'm sorry.

19 A. Yes, sir, she used to.

20 Q. Was that back in July of 2014?

21 A. Right.

22 Q. And do people a lot of times gather and hang out
23 over near your house or at your house?

24 A. Right. They used to, yes.

25 Q. Okay. Do you know Jennifer Stone?

1 A. Yes, sir.

2 Q. How do you know Jennifer?

3 A. She was a classmate and a friend.

4 Q. Did you see her a lot?

5 A. Every day.

6 Q. Do you know where she lived back on July 4th, 2014?

7 A. Garden Street.

8 Q. And to go back to the map, if this is Garden
9 Street, did she live in this area in the bottom
10 right?

11 A. Right. I can hardly see it, but I --

12 Q. I'll show you, that's State's 1. It's the same
13 thing that's on the screen, kind of toward the
14 bottom right there, does that look familiar to
15 where she lived?

16 A. Right.

17 Q. So would that be about two and a half blocks?

18 A. Right.

19 Q. Okay. Thank you. Do you know Latroy Sampson?

20 A. Yes, sir, I know him.

21 Q. Was he around that neighborhood a lot?

22 A. Right. Yes, he was there, around.

23 Q. And do you know him by anything other than Latroy?

24 A. Troy, that's it.

25 Q. Okay. You are aware that -- are you aware that

1 Jennifer Stone died on July 4th, 2014?

2 A. I was -- somebody came out and woke me up and told
3 me she was dead.

4 Q. Do you recall the night before, kind of midnight --

5 A. I do.

6 Q. -- going from the 3rd to the 4th of July?

7 A. I kind of remember a little bit, yes.

8 Q. Were people at Crawford Street hanging out?

9 A. Yes, it was quite a few people hanging out.

10 Q. Do you recall seeing Jennifer there?

11 A. Yes, she was there.

12 Q. Do you recall seeing Latroy there?

13 A. Yes, they was there.

14 Q. Did you see them -- can you describe how you saw
15 them? Were they together? Separate?

16 A. No, they was together, as a matter of fact.

17 Q. At some point they leave from Crawford Street?

18 A. They did.

19 Q. Do you know how they left?

20 A. I mean, they left as if it was just any old usual
21 day.

22 Q. Did they leave together?

23 A. Right.

24 Q. Did they leave on foot?

25 A. Walking.

1 Q. Did you see which direction they walked towards?

2 A. I seen it, but I don't know if I can describe it.

3 Q. Would it have been towards where Jennifer lives on
4 Garden Street?

5 A. Okay, yeah, I probably would say that, but I can't
6 say did they make it there.

7 Q. I understand. I understand. Any idea about what
8 time it was when you saw them leave?

9 A. When they left -- when they left me, it was
10 probably about 2:00 or 3:00 o'clock.

11 Q. Are you referring to a statement you previously
12 gave law enforcement?

13 A. Right. Right.

14 Q. That statement you gave back on July 4th, 2014?

15 A. Right. Right.

16 Q. And you said 2:00 or 3:00 o'clock is the last
17 time -- or when you saw them leave?

18 A. Right.

19 Q. And just to be clear, when people were gathered out
20 there, a lot of people were drinking, and so forth;
21 correct?

22 A. Right. Right.

23 Q. And it was also late at night, people may have been
24 partying for a little bit?

25 A. Right. Late night.

1 MR. MAXWELL: No further questions, Your
2 Honor.

3 CROSS-EXAMINATION

4 BY MR. FRICK:

5 Q. Mr. Simmons, you've got a copy of your statement up
6 there; right?

7 A. Right.

8 Q. And you recall giving this statement to law
9 enforcement?

10 A. Right.

11 Q. Is that in your handwriting?

12 A. Is this in my handwriting?

13 Q. Yes, sir.

14 A. No, sir, it's not in my handwriting.

15 Q. Okay. But you reviewed the statement?

16 A. I reviewed it. It sound basically like what I
17 said.

18 Q. Okay. It's accurate, you would say?

19 A. Right.

20 Q. Okay. All right. Does it say in that statement
21 when Latroy and Ms. Stone got to your house?

22 A. Yeah.

23 Q. What time did they get there?

24 A. It says between 11:30 and 12:00.

25 Q. Okay. Do you recall, is that about right?

1 A. It is almost round about right. Round about right.

2 Q. Did they stay there the whole time till they left?

3 A. Yeah. Yeah, they did. They did. They was
4 together.

5 Q. Did you see any interaction between them?

6 A. Like -- what you mean like interaction, like
7 physical interaction?

8 Q. I mean, did --

9 A. No. No. It seemed like it was just a typical
10 night. We all was together sitting around
11 drinking, conversating, having a good time like
12 usual.

13 Q. Nothing unusual?

14 A. Right, nothing unusual.

15 Q. Nothing that drew your attention?

16 A. Nothing.

17 Q. In fact, it doesn't really sound like you were
18 paying a whole lot of attention. You knew they was
19 there, but you weren't --

20 A. Because I knew the both of them and the way it was
21 going on, it just seemed like it was, like I say, a
22 regular night.

23 Q. Okay.

24 A. No arguments, no fussing. No dispute come about.

25 Q. Even when they left?

1 A. They left shoulder to shoulder.

2 Q. Okay.

3 A. No problem. That's why I didn't think, you know,
4 it was any problem.

5 Q. In fact, I believe in your statement you said they
6 didn't have any aggression?

7 A. I didn't -- no. Right. Right.

8 Q. Okay. You don't really know where they went when
9 they left where you were; right?

10 A. No, sir, I can't tell you where they went.

11 Q. They went off in the general direction of --

12 A. Right.

13 Q. -- towards her house?

14 A. Right.

15 Q. But you don't know if that's where they were going?

16 A. I don't know where they was going. Could have went
17 to the store.

18 Q. Okay. And you didn't go over to Garden Street that
19 night?

20 A. No, sir, I went in the house and went to bed.

21 Q. Okay. Did you go over there the next morning or
22 anything?

23 A. No, sir, I was woken up. Somebody knocked on the
24 door and woke me up around about 6:30, 7:00 o'clock
25 in the morning and told me she was gone.

1 Q. Okay. And you said you've known Jennifer for a
2 long time?

3 A. Right.

4 Q. You were classmates?

5 A. Right.

6 Q. Y'all go to Fairfield together?

7 A. Right.

8 Q. What year did y'all graduate?

9 A. '99.

10 Q. Okay. Had y'all gone to school the whole time
11 together?

12 A. You can say that, yes.

13 Q. Okay.

14 A. Yeah, right. She moved back and forth, but
15 basically yes.

16 Q. So years and years you have known her?

17 A. Right.

18 Q. Were y'all fairly close?

19 A. Close. Real close.

20 Q. Did you know whether she had a relationship with
21 Latroy?

22 A. If you asking me, I could say I don't know.

23 Q. Okay.

24 A. But you can also go out, the streets say a whole
25 lot of things --

- 1 Q. I understand.
- 2 A. -- so I don't know if you want to believe the
3 streets or not.
- 4 Q. I want to know what you know.
- 5 A. Me, I don't know personally, no. I can't say.
- 6 Q. Do you know who she was hanging around with at that
7 time?
- 8 A. No.
- 9 Q. Did you ever see Joseph Sampson around there?
- 10 A. Yeah. Yeah.
- 11 Q. Did he hang out with y'all some too?
- 12 A. Yes, sir.
- 13 Q. Did he hang out with her?
- 14 A. Yeah. Yeah.
- 15 Q. To your knowledge, were they close?
- 16 A. They were close.
- 17 Q. Okay. Was he there that night, Joseph?
- 18 A. With us?
- 19 Q. Yes.
- 20 A. Yes, sir.
- 21 Q. Did you see him that night? He was hanging out
22 drinking with y'all?
- 23 A. Yes, sir, he was.
- 24 Q. I don't mean nothing bad --
- 25 A. Right. Right.

1 Q. -- I mean, he was just hanging out having a good
2 time?

3 A. Right, he was with us.

4 Q. Okay. Did you ever go over to the pool hall or
5 over there to Heyward's that night?

6 A. That night, no, sir, I didn't go.

7 Q. Okay.

8 A. I stayed home.

9 Q. Do you know if any of the people that was there had
10 gone there, come back, or any idea?

11 A. I don't have no idea.

12 Q. Okay. You spent the whole night where you were?

13 A. At my house, yes, sir.

14 Q. Okay. Didn't go anywhere else?

15 A. Didn't leave, didn't go nowhere.

16 Q. All right. Give me one second, Mr. Simmons.

17 (Pause.)

18 MR. FRICK: Thank you, Mr. Simmons, that's all
19 the questions I have.

20 MR. MAXWELL: Briefly.

21 REDIRECT EXAMINATION

22 BY MR. MAXWELL:

23 Q. Sheon, as far as Joseph, do you know specifically
24 his comings and goings, what time he got there,
25 what time he left, and so forth?

1 A. You talking about?

2 Q. Joseph.

3 A. As a matter of fact, he came the same night with
4 Ms. Stone and Troy.

5 Q. Do you have any idea what time he left or who he
6 left with?

7 A. He left round about the same time they left, but
8 only thing about it, he left -- he went in a
9 different direction, though.

10 Q. Okay.

11 A. But I don't know whether he ended up around there
12 or where did he go.

13 MR. MAXWELL: No further questions, Your
14 Honor. Thank you.

15 RECROSS-EXAMINATION

16 BY MR. FRICK:

17 Q. Just real quickly, when you say different
18 direction, what -- can you clarify that for me just
19 a little bit? I know you don't know where he went.

20 A. Right, I don't know where he went.

21 Q. Which direction did he appear to be going?

22 A. Okay, he seemed like he would be going uptown
23 because he left and went straight like he was going
24 uptown, like towards Heyward's.

25 Q. Okay.

1 A. But I'm not saying that he went there or he made it
2 there, I'm just saying that is like the direction
3 he was going.

4 Q. I got you. And you didn't get up and follow him?

5 A. I didn't get up and go follow him. I was cleaning
6 up bottles, whatever the case may be.

7 Q. But he did leave at the same time as Latroy and
8 Jennifer?

9 A. Right.

10 Q. Okay.

11 MR. FRICK: Thank you, sir.

12 MR. MAXWELL: Nothing further.

13 THE COURT: Thank you, sir. All right, sir,
14 you may step down.

15 Any objection to this witness being excused?

16 MR. MAXWELL: No, ma'am.

17 MR. FRICK: No, ma'am.

18 (Witness steps down and is excused.)

19 MR. HUNTER: The State calls Janice Sampson.

20 (Witness approaches.)

21 THE CLERK: Raise your right hand and place
22 your left hand on the Bible.

23 (Witness complies.)

24 THE CLERK: Do you solemnly swear or affirm
25 that the testimony you give this Court and the jury

1 will be the truth, the whole truth, and nothing but
2 the truth, so help you God?

3 THE WITNESS: Yes, ma'am, I do.

4 JANICE SAMPSON,
5 after being duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. HUNTER:

8 Q. Good morning, Ms. Sampson.

9 A. Good morning.

10 Q. Will you say your name into the microphone?

11 A. Janice Elaine Sampson.

12 Q. Ms. Sampson, do you go by any other names? Do
13 people call you anything else?

14 A. Just Missy.

15 Q. Okay. Where do you live?

16 A. ■ Smart Street.

17 Q. How long have you lived there?

18 A. Going on four years.

19 Q. So were you living there in July of 2014?

20 A. Yes, sir.

21 Q. Okay. Is that part of Walk One?

22 A. Yes, as far as I know.

23 Q. Okay. Did you know Jennifer Stone?

24 A. Just by her being in the neighborhood and moving,
25 you know, down in our neighborhood.

1 Q. Did y'all talk much or anything?

2 A. We didn't talk at all.

3 Q. So you just knew her by sight, basically?

4 A. Right.

5 Q. Did you know where she lived?

6 A. Uh-huh.

7 Q. Okay. Do you know Latroy Sampson?

8 A. Yes, sir.

9 Q. Okay. How do you know him?

10 A. That's my second cousin.

11 Q. Okay. And how are y'all related?

12 A. Well, my mother and his mother's father are sisters
13 and brothers.

14 Q. Okay. Do you know if he has any brothers or
15 uncles, or anything like that?

16 A. No.

17 Q. Okay. Do you know Joseph Sampson?

18 A. Yes, sir.

19 Q. Okay. Are y'all related?

20 A. Well, yes.

21 Q. Okay. How are y'all related?

22 A. Well, my cousin is his stepfather.

23 Q. Okay. And what is your cousin's name?

24 A. Clarence Sampson.

25 Q. And so that Joseph's stepfather?

1 A. Right.

2 Q. Okay. So are you and Joseph blood related?

3 A. No.

4 Q. Okay. I'm going to show you what has been marked
5 as -- actually, hold on just a second. I'm going
6 to show you what has been marked as State's Exhibit
7 Number 6. Do you recognize this area?

8 A. Yes, sir.

9 Q. Okay. And is that the same picture that is up here
10 on the TV?

11 A. Yes, sir.

12 Q. Okay. Now, is this Jennifer's house?

13 A. Yes, sir.

14 Q. Okay. And do you know who lives right here?

15 A. In the first one?

16 Q. In the second one. You can't really see.

17 A. Yes, sir, the second one, my sister, Pamela Peay.

18 Q. Your sister lives there?

19 A. Uh-huh.

20 Q. Okay. Do you remember the night of July 4th, 2014?

21 A. Just when I was walking down the street.

22 Q. Okay. Well, can you kind of tell us -- tell the
23 jury what you observed that night?

24 A. Well, she was walking leaving out her house.

25 Q. Well, who's she?

1 A. Jennifer.

2 Q. Okay.

3 A. Jennifer was leaving out her house. She just
4 walked a little piece right there in the yard and
5 she turned around and went back in the house, but I
6 could hear all the way down there. And she shut
7 the door. And all I heard her saying is, Get out
8 my house. Get out of my house. But I don't know
9 who she was talking to.

10 Q. Okay. So you couldn't see who was in the house?

11 A. No, sir, I couldn't.

12 Q. Did you hear the other person say anything?

13 A. I could hear that person's voice, but I couldn't
14 tell who -- I couldn't make it out.

15 Q. Okay. And where were you walking to?

16 A. Right straight across there to go to my sister's
17 house.

18 Q. Okay. So you were kind of -- say this is the
19 street right here, you were walking past here to go
20 to your sister's house?

21 A. Right.

22 Q. And she came out?

23 A. She came out that door, right there.

24 Q. Right there?

25 A. Yes.

1 Q. Okay. Do you know about what time that was?

2 A. About 2:00 or 2:30.

3 Q. Okay. How long did you stay at your sister's
4 house?

5 A. I wasn't at my sister's house 20 minutes.

6 Q. Okay. Did you ever see Jen come outside again?

7 A. No, I didn't even go -- I caught a ride back from
8 my sister's door, but I can't remember who I caught
9 the ride back to my house with. So I didn't even
10 walk back away from down there.

11 Q. Okay. When did you find out that Jennifer had been
12 killed?

13 A. My daughter came and woke me up around about, maybe
14 about 7:30, 8:00 o'clock that morning.

15 Q. Okay. Thank you. I might be done.

16 (Pause.)

17 Q. Do you know if Joseph has any brothers? I may have
18 already asked you this, do you know if Latroy has
19 any brothers?

20 A. He has a deceased brother.

21 Q. Okay. But he's no longer living?

22 A. No.

23 Q. Okay. Thank you.

24 A. You're welcome.

25 MR. HUNTER: Please answer any questions

1 Mr. Frick might have.

2 THE COURT: One second, ma'am. He might have
3 some questions for you.

4 MR. FRICK: I won't take too long, Ms.
5 Sampson.

6 CROSS-EXAMINATION

7 BY MR. FRICK:

8 Q. Ms. Sampson, do you know Latroy over here? I
9 believe you said you did.

10 A. Yes, sir.

11 Q. Y'all pretty close?

12 A. Yeah.

13 Q. Okay. Now, you said you knew Jennifer Stone from
14 the neighborhood. Did you -- were you close with
15 her at all?

16 A. No, sir.

17 Q. Did y'all ever --

18 A. Conversate? No, no, sir.

19 Q. Just see her in the neighborhood?

20 A. That's it.

21 Q. But it isn't a huge neighborhood; right? I mean,
22 you were aware that she was there?

23 A. Not in that area, you know, where I stay, not
24 really.

25 Q. Did you ever hang out with the folks over there on

1 Garden Street where that little apartment place?

2 A. Down in there?

3 Q. Yes, ma'am.

4 A. Not over at Jennifer's house, no.

5 Q. Okay. How about over on Crawford Street where it
6 seems like some people would hang out fairly
7 frequently, did you ever go hang out over there?

8 A. Well, yeah, I hung out over there, but not around
9 her, Jennifer, Ms. Stone, no.

10 Q. Okay. How about on that night, the 3rd into the
11 4th, did you --

12 A. No.

13 Q. And this particular -- 2:00 o'clock in the morning,
14 you were heading home?

15 A. No, I was leaving from my house to go to my
16 sister's house.

17 Q. Okay. Where did your sister stay at?

18 A. Right there in that area right there behind on the
19 side of Jennifer Stone where she used to stay.

20 Q. One of those apartments over there?

21 A. Yes.

22 Q. Did you go over there fairly frequently?

23 A. No, not much.

24 Q. Okay.

25 A. Not down in that area, but up on that road.

1 Q. Okay. All right. And this particular night, you
2 happened to hear Jennifer --

3 A. Yes, sir.

4 Q. -- say she wanted somebody out of her house?

5 A. Uh-huh, but I don't know who it was.

6 Q. Okay. Did you see her or did you recognize her by
7 voice?

8 A. I saw her walk out the door.

9 Q. Okay. And when she spoke --

10 A. See, I didn't get that far. When she saw me coming
11 down the road, she just turned around and went back
12 into her house.

13 Q. Okay. You got no idea who she was talking to?

14 A. At all.

15 Q. Okay. You got no idea who was hanging out at her
16 house?

17 A. No, I do not.

18 Q. Did you ever see her hang out with any people in
19 the neighborhood?

20 A. Well, she was around quite a few people, you know.

21 Q. Okay. You ever see her hanging out with Latroy?

22 A. Well, not really. Walking.

23 Q. You ever see her hanging out with Joseph?

24 A. Yes.

25 Q. Okay. How often did you see that?

1 A. Every day.

2 Q. Okay. Are you aware whether she had a relationship
3 with him?

4 A. I don't know.

5 Q. Okay. How about with Latroy?

6 A. I don't know.

7 Q. Anybody else?

8 A. I don't know.

9 Q. Y'all weren't that close, just kind of --

10 A. Just saw her by she lived in the neighborhood.

11 Q. Got you. Got you. Did you ever go in her house?

12 A. No.

13 Q. Okay. Ms. Sampson, give me one second. I may be
14 done with you.

15 (Pause.)

16 Q. I think the Solicitor asked you about your
17 connection with Mr. Joseph Sampson. Do you know
18 who his biological father is?

19 A. No, sir, I don't.

20 Q. Okay.

21 MR. FRICK: Thank you, ma'am.

22 MR. HUNTER: Nothing further. Thank you.

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

24 Any objection to this witness being excused?

25 MR. FRICK: No, Your Honor.

1 MR. MAXWELL: None from the State.

2 THE COURT: You may be excused.

3 (Witness steps down and is excused.)

4 MR. MAXWELL: The State calls Pam Peay.

5 (Witness approaches.)

6 THE CLERK: Ms. Peay, if you will raise your
7 right hand and place your left hand on the Bible.

8 (Witness approaches.)

9 THE CLERK: Do you solemnly swear or affirm
10 that the testimony you give this Court and jury
11 will be the truth, the whole truth, and nothing but
12 the truth, so help you God?

13 THE WITNESS: I do.

14 PAMELA PEAY,
15 after being duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. MAXWELL:

18 Q. Good morning.

19 A. Good morning.

20 Q. Would you state your name for the record?

21 A. Pamela Peay.

22 Q. And, Ms. Peay, can you spell your last name?

23 A. P-E-A-Y.

24 Q. Thank you. And, Ms. Peay, where are you from?

25 A. Garden Street.

- 1 Q. You're from Winnsboro?
- 2 A. Uh-huh.
- 3 Q. How long have you lived on Garden Street?
- 4 A. For about five years.
- 5 Q. I'm going to show you what has been marked State's
- 6 Exhibit 6.
- 7 A. Uh-huh.
- 8 Q. Does that look like where you live?
- 9 A. Yes.
- 10 Q. All right. You see the TV there? Is that the same
- 11 picture basically on the TV?
- 12 A. Yes.
- 13 Q. Okay. Which side of this picture do you live on?
- 14 A. I live on the side -- on the right-hand side in the
- 15 second apartment.
- 16 Q. All right. And am I pointing to these steps
- 17 here --
- 18 A. Yes.
- 19 Q. Is that your apartment?
- 20 A. Where the black mailbox is, yes.
- 21 Q. And your door would be right up in here?
- 22 A. Yes, sir.
- 23 Q. Do you know who lives in the first part?
- 24 A. Bo Dilly was staying in there during the time.
- 25 Q. Is that Alonzo Gaskins?

1 A. Yes.

2 Q. Okay. You live --

3 A. Next-door to him.

4 Q. The next house?

5 A. Uh-huh.

6 Q. And did you live there back in July of 2014?

7 A. Yes, sir.

8 Q. Now, let me ask you this. If you're standing on
9 your porch here, can you see the front side of this
10 house?

11 A. Couldn't see the front porch, no.

12 Q. And who lived here back in July of 2014?

13 A. Jennifer Stone.

14 Q. Who else lived with her?

15 A. Well, her kids.

16 Q. Do you know her oldest son's name?

17 A. Matthew.

18 Q. Did he live there?

19 A. He lived there, yes.

20 Q. And who is your sister?

21 A. Janice.

22 Q. Janice Sampson?

23 A. Yes.

24 Q. Do you know Latroy Sampson?

25 A. Yes, I know him.

1 Q. Is he your cousin -- are you related to him?

2 A. Yes, I am.

3 Q. How are you related to him?

4 A. Well, his mom and me -- it is my first cousin.

5 Q. Do you know if Latroy has any brothers or had any
6 brothers?

7 A. Well, he's deceased.

8 Q. He has a deceased brother and that's the only one
9 you know about?

10 A. Yeah.

11 Q. Do you know who his biological father is?

12 A. Belton Johnson.

13 THE COURT REPORTER: I'm sorry?

14 A. Belton Johnson.

15 Q. Belton Johnson?

16 A. Yeah. That's all I know.

17 Q. Do you know if he's deceased or not?

18 A. Yeah, he's deceased.

19 Q. Did you know Jennifer?

20 A. Yeah, I know -- I didn't know her, but I know she
21 was staying in that apartment. I knew her from
22 there.

23 Q. Thank you.

24 A. In the apartment.

25 Q. Do you recall her dying on July 4th, 2014?

1 A. Uh-huh.

2 Q. Do you recall prior to her being found dead being
3 at your apartment?

4 A. (Nods affirmatively.)

5 Q. Do you recall what you were -- if you went anywhere
6 else that night?

7 A. Excuse me?

8 Q. Do you know if you went anywhere else that night?

9 A. Did I go anywhere else?

10 Q. Yes, ma'am.

11 A. No, I didn't go anywhere else.

12 Q. Were you at home?

13 A. Yeah, I was home sitting on my steps, me and
14 Joseph.

15 Q. Joseph who?

16 A. Sampson.

17 Q. Does Joseph go by any other names?

18 A. I don't know.

19 Q. What about the name Map?

20 A. Well, that too, but, I mean, me and him call each
21 other Homie.

22 Q. Okay. Were you and Joseph friends?

23 A. Well, we -- well, we hung around a little bit
24 together sometime, but it wasn't no everyday thing.

25 Q. Do you know if Joseph and Jennifer Stone were

1 friends?

2 A. They was best friends.

3 Q. Okay. Do you know if Joseph stayed there
4 sometimes?

5 A. Well, when he got a little intoxicated, he probably
6 would, you know.

7 Q. What about Latroy, did you ever see him at Jen's
8 house, other than the night of July 4th or the
9 morning of July 4th?

10 A. I have. I have, yes.

11 Q. Okay. What time do you think -- or roughly about
12 what time were you and Joseph sitting on the steps?

13 A. I couldn't really -- I really don't know what time
14 it was.

15 Q. Was it late at night or early --

16 A. It was at night.

17 Q. After midnight?

18 A. Yes, it was. I know it was after midnight.

19 Q. Were y'all drinking?

20 A. Yeah, we was drinking.

21 Q. When you and Joseph were sitting -- just to be
22 clear, were y'all sitting on your steps right here?

23 A. Yes. Yes.

24 Q. The second set of steps?

25 A. Yes. Me and Joseph.

1 Q. What did you see that drew your attention?

2 A. I see -- well, really, when me and Joseph was
3 sitting on my steps, we see something go past us
4 real fast. It was Matthew ran past us real fast.

5 Q. Where was he running from?

6 A. Jumped down off the steps right there, off the side
7 right there, yeah.

8 Q. Over --

9 A. Jumped down off there and ran past us real fast.

10 Q. Was he running towards that back trailer back here?

11 A. Yeah, right back there to that back trailer.

12 Q. What did you see him doing?

13 A. And when he stopped, he was doing this number here,
14 hollering. He was doing this right here,
15 hollering. So I walked down there --

16 Q. He was holding the back of his head?

17 A. He was -- yeah, rubbing the back of his head.

18 Q. And he was doing what?

19 A. Hollering.

20 Q. Hollering?

21 A. Yeah.

22 Q. Okay.

23 A. And I walked down there where he was to see what
24 was wrong with him.

25 Q. Did you walk back towards the back of --

1 A. To the trailer where he was. He was standing back
2 there. So I walked down there to see what -- I
3 said, Matthew, you want me to call the rescue
4 squad? He never said nothing, he was steady
5 hollering. And so I said, Let me see the back of
6 your head. So he hold his head down and he let me
7 see the back of his head. So I didn't see nothing
8 wrong with him, so I walked back up to my steps
9 where Joseph was.

10 Q. Where did you see Matthew go?

11 A. He must have had went behind the trailer to a
12 pathway or something behind the trailer because he
13 never walked back up.

14 Q. He continued that way back?

15 A. Back behind here.

16 Q. Okay.

17 A. Because he never walked back up where we was. So
18 me and Joseph was still sitting on my steps. So
19 Troy come -- dropped by --

20 Q. And you say Latroy, talking about Latroy Sampson?

21 A. Yeah. Latroy jumped down off the rock, come down
22 there where me and Joseph was.

23 Q. Where did you see him coming from?

24 A. From off of Jen steps, right off of Jen porch right
25 there.

1 Q. Off the steps here?

2 A. Yeah.

3 Q. You can't see around this corner?

4 A. No.

5 Q. He's coming this way?

6 A. He jumped down off the rock and walked down to
7 where me and Joseph was, Joseph Sampson, where we
8 was.

9 And I asked him, I said, What wrong with that
10 boy?

11 He said, Oh, he just crazy. He just took
12 somebody's stash.

13 So we left that alone. Joseph gave Troy a
14 drink of what we was drinking. And so Troy left me
15 and Joseph.

16 Q. When he left, where was he heading towards?

17 A. I guess he got back up on that porch. Me and
18 Joseph never paid him no more attention.

19 Q. He walked back from your steps here --

20 A. Back up, yeah.

21 Q. Back this way going to the road?

22 A. Yes, sir.

23 Q. Was it towards this porch?

24 A. Yes, sir.

25 Q. You didn't see -- couldn't see after that?

1 A. Couldn't see nothing else. That's all. That was
2 it.

3 Q. And then what's the next thing you remember?

4 A. Next thing I remember, Joseph went in the house
5 looking for Jennifer.

6 Q. All right. Before that, had Matthew come back at
7 that point?

8 A. Matthew come back down Garden Street. He never
9 come back up the dirt road.

10 Q. Come back this way?

11 A. Yeah. Yeah.

12 Q. Now, when you said Joseph went in looking for
13 Jennifer, was that before or after Matthew came
14 back?

15 A. That was -- Matthew was there then because Matthew
16 was hollering where his momma at, he was looking
17 for his momma. So that what made Joseph go looking
18 for her in the house.

19 Q. And the house you're referring to is Jen's house?

20 A. Yeah, that's Jen house.

21 Q. And there's no -- as far as you know, there's no
22 way to get inside this house except for, I guess,
23 this door and maybe -- there's nothing on this side
24 --

25 A. No, it's --

1 Q. -- to allow --

2 A. It's on the opposite side by the trailer.

3 Q. Did Joseph and Matthew go there together that you
4 saw? What did you see?

5 A. Yeah. Joseph went in and Matthew was hollering
6 where his momma at, where his momma at. And that's
7 when Joseph went in looking for Jennifer.

8 And when Joseph come back out, he said, Here
9 she go. Here she go.

10 So me and Quin Adams went walking down --

11 Q. You're referring to Quinten Adams?

12 A. Quinten Adams walked -- me and Quinten Adams walked
13 down the side of that house. That's when Joseph --

14 Q. You're referring -- what side of the house?

15 A. That side right there.

16 Q. This side?

17 A. Yeah. Yeah. That's where she was laying at, on
18 that side. And we -- Joseph took his shirt off and
19 cover her up and went in her house and got one of
20 her jackets.

21 And next thing I know Matthew was saying, Pam,
22 call the police, call the police. I was on the
23 phone with the police. And I don't know nothing
24 else.

25 Q. Okay. Okay.

1 A. That's all I knew from that. I don't know nothing
2 else.

3 Q. You didn't see Latroy again after he left --

4 A. No, I --

5 Q. -- and went back this way?

6 A. No, no, huh-uh, I didn't see him anymore.

7 Q. And how long did it take -- was it just -- was it a
8 couple of minutes that Matthew came back and he and
9 Joseph went and checked the house out?

10 A. No. No. Joseph -- when Matthew come back down the
11 road, he was hollering where his momma, where his
12 momma. That's when Joseph went in the house and
13 some kind of way, he come out on the side, and
14 there she was laying right there. He say, There
15 she go. There she go.

16 So he took his shirt off and he covered Jen up
17 so nobody would see her. And he went in her house
18 and got her jacket.

19 Q. You're talking about Joseph went and got her
20 jacket?

21 A. Yeah, went and got Jen jacket so he can cover his
22 body up.

23 Q. Okay. Did the police come shortly thereafter?

24 A. Yeah, the police came. And I went back in my house
25 because I was just scared, and it upsetted me to

1 see her laying there like that.

2 Q. Did you get close to her?

3 A. I -- yes, I got close to her to see, but I never
4 see what, you know --

5 Q. Did you ever touch her or anything, try to move
6 her?

7 A. No, no, never touched her. Never touched her.

8 Q. Did Joseph -- did you see him touch her?

9 A. Yeah. Yeah.

10 Q. And how was -- what was Joseph doing?

11 A. He was upset. He was just hollering, Jen, I told
12 you. Jen, I told you. I told you, Jen. But what
13 that meant, I don't know. So I left. I left. I
14 left. I left.

15 Q. Okay.

16 A. I left.

17 MR. MAXWELL: Nothing further, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. FRICK:

20 Q. Was Joseph already holding her when you came up?

21 A. Yeah. Yeah.

22 Q. Okay. And saying, I told you, I told you?

23 A. Yeah, I told you, I told you.

24 Q. You don't have a clue what he meant?

25 A. No, I don't have a clue what he meant about that.

1 No, I don't.

2 Q. Had Joseph been with you basically the whole night?

3 A. No, he was not with me the whole night.

4 Q. Okay. When did he show up at your place?

5 A. I can't tell you what time it was because I don't
6 know what time it was.

7 Q. You got any approximation, guess?

8 A. Huh-uh, no. I don't know. I really don't know.

9 Q. That's fine. That's fine. When Matthew comes
10 running by you, do you know about what time that
11 is?

12 A. Huh-uh, no.

13 Q. Nobody was looking at their watches?

14 A. No. No.

15 Q. And you said Latroy walked up; right?

16 A. Yeah.

17 Q. I mean, did he seem --

18 A. He didn't seem like nothing had -- he had did
19 nothing to nobody, but I can't say he did it, I
20 can't said he didn't, because I don't know.

21 Q. Well, you couldn't see --

22 A. No, I couldn't.

23 Q. -- whatever happened?

24 A. No, I couldn't. I couldn't. No, I couldn't see.

25 Q. Did you hear anything, I mean, before he ran by?

1 A. No, I ain't hear nothing, because me and Joseph was
2 being silly, so we wasn't really looking for none
3 of that to be going on.

4 Q. But nothing drew your attention?

5 A. No.

6 Q. You don't hear any screaming going on?

7 A. No. No, we didn't hear nothing.

8 Q. Nobody yelling?

9 A. No.

10 Q. Nobody screaming?

11 A. No.

12 Q. No hollering?

13 A. No, we didn't hear nothing.

14 Q. Okay.

15 A. We didn't hear nothing.

16 Q. Okay. And I believe you told the Solicitor when
17 you asked Latroy --

18 A. What was wrong --

19 Q. -- what was wrong --

20 A. -- with him. And he say, Aw, ain't nothing wrong
21 with him. He just took somebody stash. He just
22 crazy. So we left that alone.

23 Q. Okay. Let me make sure I heard what you said.

24 What you're saying is he -- Latroy says, He took
25 someone's stash?

1 A. That's what he said.

2 Q. What did you take that to mean?

3 A. I don't know what he took -- what he meant by that.

4 I don't know. I don't know what he meant by that,

5 but that's what he said. We left that alone.

6 Q. That was it?

7 A. That was it. That was it. We didn't pay no more

8 attention about it.

9 Q. What did Latroy do then?

10 A. He left us. He left us. And we didn't see him no

11 more.

12 Q. Okay. He didn't hang around?

13 A. No, he did not. When he got a little drink what we

14 was drinking, he left.

15 Q. Okay. But he did stop and get a drink?

16 A. Yeah, he gave -- Joseph gave him a drink. Yeah,

17 Joseph gave him a drink. So we didn't think

18 nothing else about that. Me and Joseph -- when

19 Troy left, me and Joseph didn't even talk about

20 nothing. We just still was drinking what we was

21 drinking.

22 Q. Did Latroy stay there and drink the drink or did he

23 walk off with it?

24 A. No, he drunk it right there where we was and gave

25 it back and he left.

1 Q. Okay. Did y'all pass around a bottle?

2 A. Yeah. Yeah. Well, it was just me and Joseph
3 drinking till Latroy came up.

4 Q. I got you. And then you go down and check on
5 Matthew? Am I right about that?

6 A. Yeah, I did walk down there to see what was wrong
7 with him. Yes, I did.

8 Q. And it's where?

9 A. Went down there by that trailer down there.

10 Q. Right here at the trailer?

11 A. Yep. Yep. Right there.

12 Q. Did Joseph go down there with you?

13 A. No, he did not. No, he did not. I left him on the
14 step. I left him on the step.

15 Q. Okay. All right. Do you know whether he stayed
16 there or --

17 A. He stayed there until I came back up there to where
18 he was, uh-huh.

19 Q. Okay. And then he goes over to Jennifer's house?

20 A. Yeah, looking for Jen.

21 Q. But you weren't walking with him at that time?

22 A. No. No.

23 Q. I don't mean this question how it's really going to
24 sound, but it is kind of important. How long had
25 you been drinking that night?

- 1 A. I hadn't started till Joseph came to my house. I
2 really wasn't drinking-drinking.
- 3 Q. Right.
- 4 A. But I took a little -- couple of sips.
- 5 Q. Sipping?
- 6 A. Yeah. I wasn't really intoxicated.
- 7 Q. I got you.
- 8 A. I wasn't intoxicated, because I know what was going
9 on.
- 10 Q. But when he got there, that's when y'all started
11 drinking?
- 12 A. Well, I still wasn't drinking heavy.
- 13 Q. Right.
- 14 A. But I was taking little sips out of the bottle and
15 everything, but I wasn't drinking like normally
16 people drink out of bottles. No, I wasn't doing it
17 like that.
- 18 Q. Okay. I mean, you weren't sipping on a beer;
19 right?
- 20 A. No. No.
- 21 Q. What were you sipping on?
- 22 A. Liquor. Bottle of liquor. That's all.
- 23 Q. Blue Top?
- 24 A. Yeah.
- 25 Q. Always seems to be. All right. I understand. And

1 you can't put any approximation on how --

2 A. No.

3 Q. Well, hold on, let me finish my question before you
4 answer -- how long Joseph had been there --

5 A. Oh.

6 Q. -- before Matthew comes by?

7 A. He had been there a while.

8 Q. Okay.

9 A. He had been there a while.

10 Q. Okay. So more than a few minutes?

11 A. Yeah, more than a few minutes.

12 Q. Hours?

13 A. Well, I don't want to tell no stories and I don't
14 want to get caught up in nothing, but I can't say.

15 Q. Okay.

16 A. I can't say.

17 Q. But it had been a while?

18 A. I know he had been there more than a few minutes,
19 yeah.

20 Q. Okay. I believe the Solicitor was asking you about
21 some genealogy stuff, asked you about Latroy's dad.
22 Do you know if Latroy's dad had any other children
23 besides Latroy?

24 A. Well, by his girlfriend. I guess that's his
25 girlfriend, wife. I think one of them was

1 deceased. One of his brothers -- the outside --
2 his deceased got killed down there in Florida
3 somewhere down there.

4 Q. Okay. Any other kids you're aware of?

5 A. Not as I know of. I don't know.

6 Q. But he could have and you just didn't know?

7 A. I just don't know.

8 Q. Okay. Do you know if Latroy and Joseph are related
9 in any way?

10 A. Yeah, they related.

11 Q. How are they related?

12 A. I mean, I guess. They saying that Joseph is not a
13 Sampson, but I was looking at -- I'm looking at
14 Joseph as a Sampson. But they say Joseph is not a
15 Sampson. So if Joseph not a Sampson --

16 Q. Well, I ain't worried about what they saying. What
17 do you say?

18 A. Well, I consider Joseph as my cousin, so.

19 Q. Okay. Okay. Give me one second, Ms. Peay. I may
20 be finished here.

21 (Pause.)

22 Q. All right, I'm going to ask you another time
23 question. When you go down to go talk to Matthew,
24 about how long did you spend talking with him?

25 A. I didn't stay long. I didn't stay no more than,

1 I'd say about five minutes.

2 Q. Five minutes?

3 A. Yeah.

4 Q. Okay.

5 A. Yeah.

6 Q. All right.

7 A. I left Matthew -- Matthew must have went behind

8 that trailer because he come back down Garden

9 Street. He didn't come back on the dirt road.

10 Q. Okay. All right. And do you know where he went
11 after that? Any idea?

12 A. No, I couldn't -- no.

13 Q. Okay. All right. Before you see Latroy come over
14 after the whole thing with Matthew, had you seen
15 him that night?

16 A. Seen who?

17 Q. Latroy?

18 A. I seen Latroy when he jumped -- I ain't seen him
19 but one time, that's when he jumped down off the
20 rock and come down there where me and Joseph was.

21 Q. Okay.

22 A. I didn't see him no more that day.

23 Q. So you don't know --

24 A. No.

25 Q. But you don't know when he got over there?

1 A. No.

2 Q. Okay. Okay.

3 MR. FRICK: Thank you, Ms. Peay. That's all
4 I've got.

5 MR. MAXWELL: Briefly.

6 THE COURT: Yes, sir?

7 REDIRECT EXAMINATION

8 BY MR. MAXWELL:

9 Q. Who is Joseph's daddy?

10 A. Well, my cousin Clarence. Well, they say Clarence
11 ain't none of his daddy, but they say Bird Brain
12 his daddy, but Clarence raised him, so.

13 Q. Okay. That's where he got the name Sampson from?

14 A. Yes.

15 Q. And is Latroy's mother Clarence's sister?

16 A. No.

17 Q. Tell me that. Tell me how that --

18 A. Latroy momma and my momma -- that my momma niece.
19 His momma is my momma niece.

20 Q. How are you related to Clarence?

21 A. Well, Clarence is -- they first cousins. His
22 momma -- Latroy momma and Clarence first cousins.

23 Q. Thank you.

24 A. Sister and brother children.

25 MR. MAXWELL: Thank you very much. Nothing

1 further.

2 THE COURT: Anything else?

3 MR. FRICK: No.

4 THE COURT: All right, you may step down,
5 ma'am.

6 Any objection to this witness being excused?

7 MR. MAXWELL: No, ma'am.

8 MR. FRICK: No objection.

9 THE COURT: All right, you are free to leave.

10 (Witness steps down and is excused.)

11 MR. MAXWELL: The State calls Joseph Sampson.

12 (Witness approaches.)

13 THE CLERK: Mr. Sampson, raise your right
14 hand, put your left hand on the Bible.

15 (Witness complies.)

16 THE CLERK: Do you solemnly swear or affirm
17 that the testimony you give this Court and jury
18 will be the truth, the whole truth, and nothing but
19 the truth, so help you God?

20 THE WITNESS: I do.

21 JOSEPH SAMPSON,
22 after being duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. MAXWELL:

25 Q. Good morning Joseph.

1 A. Yes, sir, good morning.

2 Q. Would you state your name for the record?

3 A. Joseph Lawrence Sampson.

4 Q. And, Joseph, do you have a nickname?

5 A. Map.

6 Q. Can you spell that?

7 A. M-A-P.

8 Q. Do a lot of people call you Map, M-A-P?

9 A. Yes, sir.

10 THE COURT: You need to sit up to the
11 microphone so the court reporter can take down what
12 you say and the jurors can hear what you're saying.

13 A. Yes, sir.

14 Q. Make sure you talk loud and clear, okay?

15 A. Yes, sir.

16 Q. Are you from Winnsboro?

17 A. Yes, sir.

18 Q. Back in July of 2014, were you staying in town?

19 A. Yes, sir.

20 Q. Where were you living at?

21 A. I was staying with my mom on Cleveland Street, but
22 I stay with Jen every now and again.

23 Q. What was the relationship between you and Jen?

24 A. She was my home girl, somebody I was cool with.

25 Q. And when you say Jen, you are talking about

1 Jennifer Stone?

2 A. Yes, sir.

3 Q. Do you know where she lived?

4 A. She stayed on Garden Street.

5 Q. I show you what has been marked State's Exhibit 6.

6 It is the same thing on the screen. Can you see
7 the TV screen?

8 A. Yes, sir.

9 Q. Is that Jen's house on the TV screen?

10 A. Yes, sir.

11 Q. Do you know Latroy Sampson?

12 A. Yes, sir.

13 Q. Is that Latroy sitting over there in the white
14 shirt sitting beside Mr. Frick?

15 A. Yes, sir.

16 Q. Does he go by any other name than Latroy?

17 A. Tow Dow.

18 Q. Tow Dow?

19 A. Yes, sir.

20 Q. How are -- are you and him related?

21 A. Supposed to be by my stepfather, but not really.

22 Q. And who is your stepfather?

23 A. Clarence Sampson.

24 Q. Is that your stepfather?

25 A. Sir?

1 Q. Is that where you got the name Sampson from?

2 A. Yes, sir.

3 Q. Do you know how Latroy is kin to Clarence?

4 A. By his mom.

5 Q. And how is she -- how is Latroy's mother kin to
6 Clarence, your stepfather?

7 A. Somewhere down the line, I guess.

8 Q. Okay. Do you know if you and Latroy are blood
9 related?

10 A. I don't think we is.

11 Q. Thank you. Do you know where Latroy stayed back in
12 July of 2014?

13 A. Well, sometime he stayed with my brother, sometime
14 he stayed with this girl named TuTu.

15 Q. Do you know what kind of relationship Latroy had
16 with Jen?

17 A. She went to school with him, that's it.

18 Q. Okay. And you said Latroy Sampson stayed with your
19 brother?

20 A. Yeah.

21 Q. You recall Jen being -- Jen dying on July 4th of
22 2014; correct?

23 A. I recall -- I recall going to the house finding
24 her, me and Matt.

25 Q. Okay. Jumping back a couple of hours, going back

1 to July the 3rd, the night before, okay? She was
2 found in early morning hours, would that be right?

3 A. Yes, she was found like -- so that would have been
4 July 5th.

5 Q. Okay. It was about 4:00 o'clock in the morning or
6 so; right?

7 A. Yes.

8 Q. Go back before midnight. Do you recall what you
9 were doing kind of on the evening or what you did
10 the day before?

11 A. Yes. About -- I came out of the house about like
12 1:00, caught a little hustle with a dude name James
13 Cole.

14 Q. 1:00 a.m. or 1:00 p.m.?

15 A. 1:00 a.m.

16 Q. Just a couple of hours before you found Jen?

17 A. No, that was like early that day. 1:00 p.m., I
18 mean.

19 Q. It was during the daytime?

20 A. Evening, yes, daytime.

21 Q. Okay. All right. So what did you do that
22 afternoon?

23 A. I went and caught a little hustle, came back.

24 Q. A little hustle meaning working?

25 A. Yeah, a little job.

1 Q. Okay.

2 A. Came back. I had gave my Uncle Tone some money to

3 --

4 Q. Who is Tone?

5 A. My uncle, Albert Simmons. I gave him some money to

6 give to Jen for me. So after I got off, I seen

7 them -- her and Latroy.

8 Q. You say her. Are you referring to Jen?

9 A. Yeah, I seen her -- Latroy and Jen coming from
10 around Crawford Street and Palmer.

11 Q. About what time was that?

12 A. That was about -- that was about like 9:00, 8:30,
13 something like that.

14 Q. P.m., so talking about kind of the nighttime?

15 A. Yeah. So they say -- I stopped Jen and asked Jen
16 did she get her money. She was like, Yes.

17 Q. Did you ask her anything else?

18 A. No. She told me she was going to Heyward's.

19 Q. Did y'all talk about drinking or smoking weed or
20 anything?

21 A. Yeah, I told her I had some weed and I had some
22 drink and shit, what was up.

23 She's like, she was going to Heyward's.

24 And I was like, I said, Well, I can't go up
25 there, so I ain't even going. Then she with Troy,

1 you know what I'm saying, I ain't fuck with them
2 like that.

3 Q. So her and Latroy left when you saw them there?

4 A. Yeah, they left and went to --

5 Q. At that time did you and Jen drink or smoke any
6 weed together?

7 A. No, she hauled ass.

8 Q. With Latroy?

9 A. Yeah. She left.

10 Q. You don't know exactly where they went, they just
11 told you they were going to the pool room?

12 A. They told me they was going to Heyward's.

13 Q. And where did you go from there?

14 A. I went on around to Crawford Street by the Trapps
15 because I believe one of them was doing a cookout,
16 or something, because it was the 4th.

17 Q. Was there a bunch of people around there?

18 A. Yeah, a bunch of people.

19 Q. You know Sean Simmons?

20 A. Yeah.

21 Q. Is that kind of the same place where he lives too?

22 A. Yeah, he was down there. Everybody at the bottom.

23 Q. Is that the same place Sharon Trapp lives? You
24 know Sharon?

25 A. Yeah, they stay down there at the bottom.

1 Q. Okay. And did you hang out there for a while?

2 A. Yeah, I was down there for a minute.

3 Q. And when you say for a minute, you're talking about
4 a long time?

5 A. Well, yeah, for, yeah, about a couple, three hours.

6 Q. And did you have some drinks?

7 A. Yeah, I was drinking a little bit of gin.

8 THE COURT REPORTER: I'm sorry?

9 A. Gin. Drinking a little bit of gin. Then --

10 Q. When you left Crawford Street where everybody kind
11 of gathered, where did you go?

12 A. I went back around by Tone house.

13 Q. What street does Tone live on?

14 A. Tone stay on Palmer Street.

15 Q. And at this point in time, are we still before
16 midnight or after midnight?

17 A. It's like -- it's like 11:00, something like that.

18 Q. Okay. So you go to Tone's?

19 A. I go to Tone's about 12:00 or something, I don't
20 know, it's late.

21 Q. Okay.

22 A. So I get some more drink from around my sister
23 house. She had a couple of bottles in there, so I
24 got a couple of them and went on around the corner.
25 I was going by Pedro house. First I went to Tone

1 house. Tone say he going to bed, so I went to
2 Pedro house.

3 Q. And who is Pedro?

4 A. Pedro was my cousin.

5 Q. And where does he live?

6 A. He stay down there by Jen. He stay like in the
7 apartment in the back.

8 Q. And Pedro, is that Marcus Douglas?

9 A. Yes.

10 Q. Now, is that young Marcus Douglas or old Marcus
11 Douglas?

12 A. That's the old one.

13 Q. So it's Marcus Douglas -- not 20-year-old Marcus
14 Douglas, but his father?

15 A. Yes.

16 Q. That's Pedro?

17 A. Yeah.

18 Q. And they live in one of these apartments here on
19 the right?

20 A. Pedro stay in about the fourth one.

21 Q. Okay.. Back here?

22 A. Yeah.

23 Q. Hard to see from that angle, but back on back here?

24 A. Yeah.

25 Q. You headed over there?

- 1 A. Yeah. But I ain't get to make it to Pedro house
2 because Pam and them was right there on -- Pam was
3 on her porch, the second one.
- 4 Q. I'm going to refer back to the picture. You see me
5 pointing to these steps here, that second set of
6 steps?
- 7 A. Yeah, second set of steps.
- 8 Q. Is that Pam's house?
- 9 A. Yeah.
- 10 Q. Pam's steps?
- 11 A. Yeah.
- 12 Q. You were walking -- you walked down this driveway
13 here?
- 14 A. Yeah, I walked down the -- I was coming, like,
15 coming down here by that first -- you see that rail
16 right there? I turned right there by that rail.
17 And that when I seen Pam and them on that second
18 step down there.
- 19 Q. Okay. What did you do from there?
- 20 A. It was Pam and Little Bit and Quin.
- 21 Q. And Quin is who?
- 22 A. Quin is Little Bit boyfriend.
- 23 Q. Is that Quinten Adams?
- 24 A. Yeah.
- 25 Q. Do you know who Little Bit is, what her name is?

- 1 A. Little Bit Davis. I don't know her first name.
- 2 Q. And do Quinten and his girlfriend, do they live --
- 3 A. Yeah, they got an apartment down there too.
- 4 Q. Okay. Back towards where Marcus Douglas --
- 5 A. Yeah, by Pedro.
- 6 Q. Okay. And what did y'all do from there?
- 7 A. So we just stood right there and talked, talked for
- 8 a minute.
- 9 Q. Right on the steps at Jen's house?
- 10 A. Yeah -- no --
- 11 Q. Excuse me, Pam's house?
- 12 A. No, Pam house.
- 13 Q. Okay. When you walked up, did you see Jen or
- 14 anybody up near Jen's house?
- 15 A. No, I just seen her light on. And I usually go
- 16 over there, but I didn't. I just went around there
- 17 by Pam and them.
- 18 Q. Were y'all still drinking?
- 19 A. Yeah, I had -- I had some, but I don't think they
- 20 drunk none.
- 21 Q. Okay. So y'all are sitting out there on the stoop,
- 22 on the steps drinking?
- 23 A. Yeah, we sit out there about an hour or so. Then
- 24 Pam --
- 25 Q. So at this point, are we talking about really late

1 now after midnight?

2 A. We talking about like, I believe about 1:00 --
3 after 12:00, about 12:30, 1:00 o'clock.

4 Q. Okay. And what happens?

5 A. So Pam said -- told me, There go Troy.

6 Q. When you say Troy, you are talking about Latroy
7 Sampson?

8 A. Talking about Troy, yeah.

9 Q. Okay.

10 A. So she -- I had my back turned, so I ain't really
11 know where he was coming from, but --

12 Q. Did Latroy walk up to the steps?

13 A. He came on the side.

14 Q. To where y'all were? Did he walk up to where y'all
15 were?

16 A. Yes. He asked for some of my liquor.

17 Q. Okay. You don't know exactly where he came from?

18 A. I don't know where he came from.

19 Q. All right. And did you give him some of your
20 liquor?

21 A. Yeah.

22 Q. And what happened next?

23 A. I gave him some. He drunk a little bit and gave it
24 back. So he leaned up on the steps for a little
25 bit. Then about 10, 15 minutes, he hauled ass.

- 1 Q. Where did he go?
- 2 A. He came up the driveway.
- 3 Q. Where did he walk towards?
- 4 A. He came towards the street.
- 5 Q. So y'all were sitting here on the steps?
- 6 A. Yeah.
- 7 Q. He came back this way?
- 8 A. Yeah.
- 9 Q. Up towards the front of Jen's house?
- 10 A. Yeah. I don't know where he went, though.
- 11 Q. All right. What's the next thing you remember
- 12 happening?
- 13 A. That was about 20 minutes. So next thing you know,
- 14 Matt comes running out the house.
- 15 Q. And who is Matt?
- 16 A. That Jen son.
- 17 Q. Okay. He comes where?
- 18 A. Comes running down the road where we was at.
- 19 Q. Are you still sitting on Pam's --
- 20 A. I'm sitting on Pam steps, sitting on Pam front
- 21 porch.
- 22 Q. Where does Matthew come running from?
- 23 A. He come running like from the house.
- 24 Q. From this house?
- 25 A. Yeah. Running down.

1 Q. Now, when you're sitting on the stoop, you can't
2 see around this corner to the front of the house?

3 A. No, I can't see in front.

4 Q. He came running from around this corner?

5 A. Yeah. When I seen him -- when I finally seen him,
6 he was coming down the driveway.

7 Q. Running from --

8 A. Yeah.

9 Q. -- up here back?

10 A. Like he was coming from his house.

11 Q. He was running?

12 A. Yes, he was running holding his arm.

13 Q. Okay. And did he stop where y'all were?

14 A. Yeah. I called him and asked him what was wrong
15 with him. He said Troy -- Troy was trying to hit
16 him or hurt him, or some shit like that.

17 So I was like, Where is Jen at?

18 And he was like, say he didn't know.

19 So I asked where Jen was at again. He was
20 like he didn't know.

21 So I told Quin -- I told Quin, come on to go
22 with me to walk to Jen's house to see if Jen was
23 there.

24 Q. Who walked from the steps around to the front?

25 A. Hold on --

1 Q. Okay, go ahead.

2 A. Quin told me to wait, he was going to go get his
3 knife. He had a machete. So I waited right there
4 like in front of Pam -- Pam steps. So then he went
5 and came back, so then --

6 Q. He being Quinten?

7 A. Yeah, Quinten.

8 Q. Did Quinten go back from the stoop back to his
9 apartment back here?

10 A. Yeah.

11 Q. Came back a few minutes later with a machete?

12 A. Yeah.

13 Q. Okay. What did y'all do then?

14 A. Me and Matt and Quin, we walked to Jen house in the
15 front door.

16 Q. Y'all walked from the stoop right around the corner
17 to the house?

18 A. Yes.

19 Q. Okay.

20 A. So --

21 Q. And, again, it's late at night still; correct?

22 A. It about 1:30, something like that.

23 Q. Okay.

24 A. So I was like -- asked Matt where Jen was at, so --
25 so me and Matt had go in the house. I told Quin to

1 stay at the door with the machete to make sure -- I
2 don't know what I was making sure --

3 Q. Did you see Latroy at that point?

4 A. I ain't seen him.

5 Q. Okay. Go ahead.

6 A. But I told him to stay at the door. I ran through
7 the house calling Jen, and I ain't see her. I seen
8 her two twins was in the bed. And so I came back
9 to the front, told the boy, I ain't seen her back
10 there. Told Quin and Matt, like, Where she at?

11 Matt told me that he didn't know. And so we
12 was by -- by the twins' room and hollering by the
13 front door where that window at right there.

14 Q. The left one or the right one?

15 A. The left window.

16 Q. This one?

17 A. Yeah, we was like right in front of that, that room
18 door.

19 Q. Okay.

20 A. And so Matt was like, he didn't know where she was
21 at. Then he must have thought about it. And he
22 said, Oh, I did heard somebody holler. So he came
23 back by me and came out the door.

24 Q. Matt did?

25 A. Yes.

1 Q. Okay. So where did he go?

2 A. So I was behind him. So he hit a right.

3 Q. You say he went this way?

4 A. Yeah, right. He made a right.

5 Q. Towards this trailer?

6 A. He was going right there to this trailer, by the
7 fence.

8 Q. When he came out the door, he took a right?

9 A. Yeah.

10 Q. Going this way?

11 A. Yeah.

12 Q. Okay. And then what?

13 A. That where Jen was at laying on the ground. I went
14 over there and called her and she -- at that time
15 she was unconscious.

16 Q. Did you go -- did you touch her?

17 A. Yeah, I touched her. I dropped down, you know what
18 I'm saying, because her breast was out and her
19 dress was up around her ankle -- I mean, around her
20 waist, so I took my shirt off and like covered her
21 up and put her arms -- her head in my arms and
22 trying to talk to her, but she was unconscious.

23 Q. Was she able to say anything to you?

24 A. No.

25 Q. Did anybody other than you touch her?

1 A. No.

2 Q. Can you see that picture? I'll give you a better
3 view maybe. I'll show you what has been marked
4 State's Exhibit 28. Is that the same thing that is
5 on the TV screen? Is that roughly about the same
6 picture? Is it? Make sure you say yes or no.

7 A. Oh, yes.

8 Q. Okay. And is that basically how you found Jen?
9 How her clothes were?

10 A. Yeah. Yes, sir.

11 Q. You see that -- is that a brown shirt across her
12 mid-section?

13 A. Yeah, I think -- yeah, that's the shirt I covered
14 her up with.

15 Q. That's your shirt?

16 A. Yeah. I took it off me.

17 Q. There was nothing covering her but -- before you
18 put the shirt on that section of her body?

19 A. Well, a skirt -- I thought she had a skirt on.

20 Q. Okay. But other than that, that's --

21 A. Yeah.

22 Q. -- how you found her?

23 A. Yeah.

24 Q. Did she say -- was she able to say anything to you?

25 A. No, she was unconscious when I got there.

- 1 Q. I think I just asked this question. I just want to
2 be clear. Did anybody else touch her other than
3 you at that point?
- 4 A. I don't know because -- I don't know.
- 5 Q. Did you pick her up in your arms?
- 6 A. No, I just put her head in my arms.
- 7 Q. Did you move her anywhere?
- 8 A. I didn't move her nowhere. I didn't move her
9 nowhere.
- 10 Q. Did somebody call 9-1-1?
- 11 A. Yeah, I told a friend to get Pam to call the
12 police. I believe Pam called the police.
- 13 Q. And did the police come?
- 14 A. Yeah.
- 15 Q. And were you still there --
- 16 A. I was.
- 17 Q. -- next to Jen when they came?
- 18 A. I was right there and the police was right behind
19 her, but I was holding Jen in my arms.
- 20 Q. And did you remain basically in that area
21 throughout that morning?
- 22 A. I stayed out there, yeah, the whole time.
- 23 Q. Do you remember talking to any of the investigators
24 or law enforcement officers?
- 25 A. I believe we talked to some policeman because he

1 had came up to the fence and he was telling --

2 Q. Don't say what he said, okay? But do you remember
3 talking to somebody?

4 A. I think I talked to somebody, man. I was just
5 focused on her.

6 THE COURT REPORTER: I'm sorry, I didn't hear
7 you.

8 A. I said I was just focused on her.

9 Q. Take a second to look at that. Is that a
10 statement? Is that a statement you gave police?

11 A. No, I don't think I did that, man.

12 Q. Okay. You don't think you gave that statement?

13 A. No.

14 Q. Is that your signature on the bottom of it?

15 A. It don't look like it.

16 Q. Okay. How much had you been drinking?

17 A. I had been drinking a lot. I been drinking all
18 that day. What the date on that thing right there?

19 Q. I'll let you see. What date is on there?

20 A. I don't know. I don't think I did this.

21 Q. Okay. You're just not real clear on that
22 statement?

23 A. No.

24 Q. Okay. Joseph, are you currently in county
25 detention center custody?

1 A. Yes.

2 Q. Does that have anything to do with this case?

3 A. No.

4 Q. Are you facing some burglary charges?

5 A. Yeah.

6 Q. That happened this year?

7 A. Yeah.

8 Q. Has the State made any promises to you in regards
9 to --

10 A. No.

11 Q. -- those -- doing something with those charges in
12 regards to your testimony today?

13 A. No.

14 Q. Do you have a prior record?

15 A. Yes, sir.

16 Q. Have you been convicted of shopliftings before?

17 A. Yes.

18 Q. Have you been convicted burglary before?

19 A. Yeah.

20 MR. MAXWELL: Beg the Court's indulgence.

21 (Pause.)

22 MR. MAXWELL: No further questions.

23 CROSS-EXAMINATION

24 BY MR. FRICK:

25 Q. Mr. Sampson, you admit you're a convicted thief?

- 1 A. Yeah. So what?
- 2 Q. And you have pending charges right now?
- 3 A. So what?
- 4 Q. Well, that was a question, you have pending charges
- 5 right now?
- 6 A. (Nods affirmatively.)
- 7 Q. What's under your left eye right there?
- 8 A. What it look like?
- 9 Q. It looks like you got a scratch.
- 10 A. That where I got hit.
- 11 Q. Oh, okay.
- 12 A. Hit with a bottle.
- 13 Q. Oh, okay. So you've been in a couple of scrapes
- 14 then?
- 15 A. I fight all the time.
- 16 Q. Fight all the time?
- 17 A. Yeah.
- 18 Q. On this night in question, you were hanging around
- 19 that neighborhood the whole time?
- 20 A. No, I wasn't around the neighborhood the whole
- 21 time. What neighborhood you talking about?
- 22 Q. What neighborhood were you hanging around,
- 23 Mr. Sampson?
- 24 A. I'm saying be specific what you talking about, man.
- 25 Damn. Be straight, be straight up, man, because I

1 ain't got time to be -- jeez.

2 Q. Where were you hanging out?

3 A. I hang out everywhere. My name is Map, you know
4 what I'm saying? I be everywhere.

5 Q. Okay. Well, on July 3rd, where were you?

6 A. On July 3rd? July 3rd, I was at home.

7 Q. Well, where is home?

8 A. That was at my momma house. I didn't even come out
9 that day.

10 Q. You didn't come out that day?

11 A. No. No.

12 Q. So you didn't come out till July 4th?

13 A. Yeah, you right.

14 Q. Okay. And you said that whatever happened to Ms.
15 Stone happened on July 5th?

16 A. Man, I said early that morning, what started out to
17 be the 4th of July, I mean, they supposed to have
18 went to Heyward's.

19 Q. Uh-huh.

20 A. Earlier that morning, what it going to be, about
21 1:00 o'clock that morning, what that going to be?
22 That going to be the 5th, ain't it?

23 Q. You tell me, Mr. Sampson. You're the one
24 testifying?

25 A. Yeah, it going to be --

1 Q. Well, the Solicitor asked you about this statement

2 --

3 A. Yeah.

4 Q. -- that you deny. Down here is the date and time.

5 Can you read that?

6 A. Yes.

7 Q. What does it say?

8 A. It says 7:34.

9 THE COURT REPORTER: I'm sorry?

10 A. 7:34.

11 Q. Okay.

12 A. A.m., July 4.

13 Q. July 4?

14 A. I don't remember that. I didn't wrote that.

15 Q. Are you saying you didn't talk to John Seibles?

16 A. Man, I ain't -- I don't remember talking to him. I
17 don't remember talking to him, not me.

18 Q. You certainly know John Seibles, don't you?

19 A. Yeah, because he used to run the county jail. He a
20 good man.

21 Q. And you're familiar with that place, aren't you?

22 A. Of course I am.

23 Q. Okay. So whatever day it was, you were hanging out
24 at home, which is where?

25 A. On Cleveland Street.

1 Q. Cleveland Street?

2 A. [REDACTED].

3 Q. Okay. Whereabouts is that?

4 A. Do what?

5 Q. Is that on Walk One?

6 A. [REDACTED] Cleveland Street.

7 Q. Where is it, Mr. Sampson?

8 A. You tell me.

9 Q. You the one named Map, you tell me.

10 A. You tell me. [REDACTED] Cleveland Street.

11 Q. I don't know, I'm asking you a question. Where is
12 it? What neighborhood?

13 MR. MAXWELL: Object, Your Honor.

14 THE COURT: Hold on, what's the question?

15 THE WITNESS: What is the question?

16 THE COURT: Hold on, Mr. -- hold on, sir.

17 Ask the question and let him answer the
18 question.

19 And then, sir, you answer the question that he
20 asks.

21 THE WITNESS: All right.

22 BY MR. FRICK:

23 Q. What neighborhood is Cleveland Street in?

24 A. Cleveland Street is in Cleveland Street. It's on
25 Cleveland Street.

1 Q. Okay.

2 A. It ain't in no neighborhood.

3 Q. It ain't on Walk One?

4 A. No, it ain't on Walk One.

5 Q. Okay. Well, at what point were you sitting on
6 these steps?

7 A. I sit on that step like the 5th, about 1:00
8 o'clock.

9 Q. Okay. In the afternoon?

10 A. No.

11 Q. In the morning?

12 A. Yeah, when Jen supposed to had got killed, I
13 believe.

14 Q. Okay. And where had you been just before that?

15 A. I been around the corner at the cookout in front of
16 the Trapps like I just told you.

17 Q. Okay. Is that still kind of in the same area?

18 A. Yeah, that's -- no, that ain't the same area,
19 that's way around the corner, man.

20 Q. Okay. Still in Walk --

21 A. It's on Crawford Street.

22 Q. That's still Walk One, ain't it?

23 A. You got it mixed up, man. You don't know nothing
24 about that area right there. That right there,
25 that's Garden Street right there.

1 Q. Okay.

2 A. Walk One is around the corner by Palmer.

3 Q. Okay.

4 A. Crawford, man.

5 Q. Okay. All right. It's around the corner, though,
6 right?

7 A. I don't know what you talking about. You got me
8 mixed up.

9 Q. Crawford Street is around the corner; right?

10 A. Crawford Street is Crawford Street.

11 Q. Mr. Sampson, I'm asking a very simple question.

12 A. I'm telling you a simple answer.

13 MR. MAXWELL: Objection.

14 A. Crawford Street is Crawford Street.

15 Q. You didn't answer my question.

16 A. Yeah, I did.

17 THE COURT: Hold on one second.

18 THE WITNESS: I don't know what he is --

19 THE COURT: What's the question?

20 MR. FRICK: My question is, Crawford Street is
21 around the corner from Garden Street, is that not
22 correct?

23 THE COURT: And, sir, the answer is yes or no.

24 THE WITNESS: I don't know.

25 BY MR. FRICK:

1 Q. How long had you known Ms. Stone?

2 A. I know her about seven or eight years.

3 Q. And you hang out with her pretty regular?

4 A. I used to hang out with her every day, all day. I
5 used to stay with her.

6 Q. Y'all were tight?

7 A. Yeah.

8 Q. You used to stay with her?

9 A. Yeah, I used to live with her.

10 Q. Okay. And you would stay off and on?

11 A. Yeah.

12 Q. Okay. On the night she died, what time did you
13 start drinking?

14 A. Who?

15 Q. You.

16 A. Man, I been drinking all that day, man. I was
17 drinking since I came out the house. I came out
18 the house about 1:00 o'clock, like I told you. I
19 came out the house at 1:00 o'clock. I started
20 drinking then.

21 Q. Okay.

22 A. I drink every day all day.

23 Q. Okay. And I believe what you told the Solicitor --
24 and I'm trying to clarify, make sure I heard you
25 right -- you said you were sitting over here and

1 Latroy comes by and gets a sip from you?

2 A. Yeah.

3 Q. Okay. You got any idea about what time that was?

4 A. No, I just told you about what time I was sitting
5 out there, it was about 1:00 something, 1:30.

6 Q. About 1:00 or 1:30?

7 A. Yeah.

8 Q. Okay. But Matthew hadn't run by when Latroy comes
9 up to ask for the sip?

10 A. No, he ain't run past there yet. He got the sip.

11 Q. Uh-huh.

12 A. He got the sip, sat there about 15 minutes, came up
13 and did our thing. And then 20 minutes later,
14 Matthew come running out the house.

15 Q. Uh-huh. Okay. And did Matthew stop here where you
16 were?

17 A. Man, look, you going over the same thing I just
18 told that man right there. Ask him what I just
19 told him.

20 Q. I'm asking you --

21 THE COURT: Sir, you have to answer the --
22 hold on, hold on, hold on.

23 THE WITNESS: Look, the man trying to catch me
24 in a lie, man. All that right there. In the
25 middle of the thing right there.

1 BY MR. FRICK:

2 Q. Well, don't lie about it.

3 A. I ain't lying.

4 Q. Tell me what happened.

5 A. I'm trying to tell you, but you aggravating me,
6 man.

7 THE COURT: Hold on one second. Hold on one
8 second. Ask the question, answer the question, and
9 go to the next question.

10 THE WITNESS: Stop --

11 THE COURT: Hold on. Hold on.

12 THE WITNESS: I don't know how to --

13 THE COURT: Ask the question, answer the
14 question.

15 THE WITNESS: Yes, you right there, you know,
16 in the driveway.

17 BY MR. FRICK:

18 Q. Okay. So when Matthew comes running out --

19 A. Then I came up there, I stopped right there and
20 talked to Matthew.

21 Q. Right.

22 A. Matthew said Troy was trying to hurt him, hit him
23 with something. So I told him, Wait. Quin -- I
24 told Quin to come go with me to check Jen house.
25 He got the machete -- said, Hold on, he go get a

1 machete. Me and Matt stand right there until Quin
2 came back with a machete. Then we walked up there
3 and checked Jen house.

4 Q. At what point did you go around the corner of the
5 house?

6 A. Man, I went -- what point I went around there?
7 When Matt say he heard somebody holler.

8 Q. Okay.

9 A. Thought he heard somebody holler. Then he came out
10 the house, went around to the right, and then I
11 went behind him.

12 Q. Okay. Did you hear anybody holler?

13 A. Man, he say -- he say -- that must have been prior
14 to -- that must have been prior to before I got
15 there, man.

16 Q. I thought you went over there with him?

17 A. Man, look, I tell everything earlier. I ain't
18 talking about -- we ain't hear nobody hollering.
19 We ain't hear nobody hollering.

20 Q. Okay.

21 A. While we was there.

22 Q. Well, why did you go over there then?

23 A. We went over there because that man live there and
24 he running out the house and we want to see what's
25 up is why we went there.

1 Q. Okay. And then what happened?

2 A. What you want to be happened?

3 THE COURT: Answer -- Mr. --

4 THE WITNESS: I don't know what he's talking
5 about when he asked what happened. What happened
6 when?

7 THE COURT: Clarify the question.

8 MR. FRICK: Yes, ma'am.

9 THE WITNESS: What happened when?

10 BY MR. FRICK:

11 Q. When you got over to [REDACTED] Garden Street --

12 A. Yeah.

13 Q. -- in front of the house, Jen's house --

14 A. Yeah. After Matt --

15 Q. -- what happened?

16 A. After Matt went around the corner, I went behind
17 him.

18 Q. Uh-huh.

19 A. What else?

20 Q. Okay.

21 A. What else? We find Jen.

22 Q. Okay. Was there anybody else over there?

23 A. Was anybody else -- David Lee say he was in the
24 house.

25 Q. Okay.

1 A. David Lee say he heard them. David Lee say he seen
2 them.

3 Q. Okay.

4 THE COURT REPORTER: I'm sorry, who?

5 A. David Lee say he seen him choking her.

6 Q. That's what he said?

7 A. Choking her, choking her against the wall.

8 Q. Uh-huh.

9 A. That's what David Lee told me. And he told the
10 police that.

11 Q. That's what he told you?

12 A. Yeah.

13 Q. Okay.

14 A. And the police.

15 Q. You got a real good recollection about all that
16 stuff --

17 A. Right.

18 Q. -- but you can't remember this?

19 A. Hey, if I did wrote that, that was probably out of
20 anger or trying to get -- trying to make sure
21 whoever killed Jen ain't just get away, you know
22 what I'm saying?

23 Q. Uh-huh.

24 A. But if you ain't killed Jen, why the hell you run
25 for? If you ain't kill Jen, why the hell you try

1 to get Matt -- hurt Matt?

2 Q. Do you remember --

3 A. That's what I'm talking about.

4 Q. You told the Solicitor that you and Jen didn't
5 smoke any weed?

6 A. Man, I ain't seen Jen but one time that day alive,
7 that's when she was with that boy there. That was
8 at 9:00, 8:00 or 9:00. That's all I got to say.

9 Q. Let me ask the question, Mr. Sampson. You told the
10 Solicitor just now --

11 A. Uh-huh.

12 Q. -- that you didn't smoke any weed with Jen?

13 A. I didn't smoke no weed with her. What you talking
14 about?

15 Q. You told the State --

16 A. Hey, that's a lie right there. That's a lie right
17 there. That's a lie right there. There ain't no
18 way I'm going to put myself saying that I smoke
19 some weed.

20 MR. FRICK: Your Honor, at this time I'd move
21 this statement into evidence.

22 MR. MAXWELL: Objection, Your Honor.

23 MR. FRICK: It's a prior inconsistent
24 statement.

25 MR. MAXWELL: I don't have any objection.

1 THE COURT: You said you don't object?

2 MR. MAXWELL: No objection.

3 THE COURT: It will be Defendant's Number?

4 THE COURT REPORTER: One.

5 (WHEREUPON, Defendant's Exhibit No. 1

6 was marked for identification and

7 received into evidence.)

8 THE WITNESS: Like I said --

9 THE COURT: Hold on, hold on, hold on, hold
10 on. You have got to answer -- don't talk unless he
11 asks you a question.

12 THE WITNESS: Oh.

13 THE COURT: All right.

14 BY MR. FRICK:

15 Q. You and Jen were close?

16 A. I already told you that one time.

17 Q. Were y'all more than friends?

18 A. Nope, we were just friends.

19 Q. Y'all was cool together?

20 A. Yep. She's like a sister to me.

21 Q. Like a sister? You get jealous when she is hanging
22 out with other people?

23 A. No. I been knowing -- I been knowing -- like I
24 told you, I knew Jen for seven or eight years. We
25 been cool ever since.

1 Q. And you only saw her one time that night?

2 A. Yep.

3 MR. FRICK: Thank you, sir. No further
4 questions.

5 REDIRECT EXAMINATION

6 BY MR. MAXWELL:

7 Q. Mr. Sampson, can you describe your feelings after
8 you found Jen that morning?

9 A. Man, I cried. I cried a whole -- damn near a whole
10 month.

11 Q. When you found her the early morning hours, did you
12 remain there when the police came?

13 A. Yeah. I stayed there -- I stayed there till just
14 about daylight.

15 Q. I'm showing you Defense Exhibit 1, your statement,
16 your purported statement that you don't think you
17 gave or not sure you gave?

18 A. Uh-huh.

19 Q. Would that be accurate?

20 A. Yes, sir.

21 Q. All right. Again, what time is on there?

22 A. Man, that say 7:34.

23 Q. A.m. or p.m.?

24 A. It says a.m.

25 Q. Okay. July 4?

1 A. Uh-huh.

2 Q. Okay. And in this statement you say you and Jen
3 were around the corner smoking weed?

4 A. I didn't say that.

5 Q. Okay.

6 A. That's a lie. I didn't say nothing like that. I
7 ain't -- me and Jen, I ain't even get a chance to
8 get to talk because she was with that boy there and
9 I don't even --

10 Q. You say, We were on Palmer Street?

11 A. On Palmer Street.

12 Q. Is that where you were talking about 9:00 o'clock
13 that you saw Jen and Latroy together?

14 A. Yeah.

15 Q. Okay. And then you say in your statement, Latroy
16 came up and told Jen to walk with him?

17 A. Yeah, he said, Come on.

18 Q. Is that accurate?

19 A. Yep.

20 Q. Okay. I told her I had weed?

21 A. Yeah. I ain't say we smoked. Why would I tell --

22 Q. They walked off?

23 A. Yeah.

24 Q. And that's in your statement and that's what you
25 are testifying to today, other than the part that

1 y'all didn't smoke weed?

2 A. Yes, that's it. Yes, we didn't smoke weed. I
3 didn't smoke none with her. To me it look like --

4 Q. Then later on you say, Me and my home boy came to
5 check on Jen. Who are you referring -- do you know
6 who --

7 A. I was referring -- I was referring to -- that's
8 when I believe we went -- Little Bit and Quin went
9 --

10 Q. Quinten Adams?

11 A. Yeah, went with Matt in Jen house.

12 Q. You said when you got there she was lying beside
13 the house with no clothes on. And that's what you
14 testified to today; correct?

15 A. Yeah.

16 Q. In your statement you said, She was alive and tried
17 to talk to me. I think she called Latroy's name.

18 A. I don't believe I said that.

19 Q. You don't think you said that. I told her not to
20 talk, the ambulance is coming?

21 A. I don't --

22 Q. And that's all that's in this statement?

23 A. No, I don't --

24 Q. That's all that's in that statement; right?

25 A. That's all in there.

1 Q. But the part about Latroy coming and drinking and
2 Matthew come running, that's not in this statement;
3 right?

4 A. No. I don't see how that ain't in the statement,
5 everything else in there, supposed to be in there.

6 Q. Is that statement in your handwriting?

7 A. No. I don't write like that.

8 Q. Okay. And the signature on the bottom, does that
9 look like your signature?

10 A. I don't sign nothing like that.

11 Q. And that's at 7:34 a.m.?

12 A. That's what it says.

13 Q. According to the statement. And it wouldn't
14 surprise you if the police responded a little after
15 4:00 o'clock a.m. that morning? Would that sound
16 about right time-wise?

17 A. If the police got there 4:00 a.m., so how they
18 going to get a statement at 7:00?

19 THE COURT REPORTER: I'm sorry, I can't hear
20 you.

21 Q. Just --

22 A. How they going to get a statement at 7:00 when they
23 supposed to had just -- he say he just come there,
24 ain't it? I don't understand. I don't understand.

25 Q. Would you have still have been upset around that

1 time?

2 A. I probably -- I don't know. I don't get it.

3 MR. MAXWELL: No further questions, Your
4 Honor.

5 MR. FRICK: Very briefly.

6 RECROSS-EXAMINATION

7 BY MR. FRICK:

8 Q. So your testimony is that John Seibles just made
9 this up?

10 A. The police do anything they need.

11 Q. You saying that man right there --

12 A. I don't -- hey, like I say --

13 Q. -- made this statement?

14 A. -- the police do anything.

15 Q. Okay.

16 A. They supposed to fight the law, but --

17 Q. Mr. Sampson, you just agreed that part of this is
18 true --

19 A. Man, look --

20 Q. -- and part of it is not; is that correct?

21 A. I don't know what's true and I don't know what's on
22 that statement right there, but I gave a statement
23 about a week ago and that was my statement about
24 it. I don't know. I don't know what -- I don't
25 think -- that ain't my signature and that ain't my

1 handwriting.

2 Q. Okay. But if you did give this statement, it would
3 have been out of anger?

4 A. I don't know.

5 Q. That's what you told me; right?

6 A. I must have been ly -- I -- I don't know. I ain't
7 --

8 Q. I'm sorry, what did you say, you must have been
9 lying? What did you say?

10 A. I must have been mad.

11 Q. You were mad. Okay. Thank you.

12 MR. MAXWELL: Nothing further.

13 THE COURT: All right, sir, you may step down.
14 (Witness steps down.)

15 THE COURT: All right, ladies and gentlemen of
16 the jury, this would be a good time for us to take
17 our morning break.

18 Remember, you are not to discuss the case with
19 each other. It is also improper for you to form
20 any opinion in your mind at this time.

21 Thank you.

22 (WHEREUPON, the jury retires to the jury
23 room at 11:00 a.m.)

24 THE COURT: All right. Let's take about 10
25 minutes. You have one or two more witnesses?

1 MR. MAXWELL: Probably three. One will be
2 short and two may be -- may take some time. It's
3 not -- if we plan to break for lunch at 1:00, we
4 might be done by then. If not, maybe a little bit
5 earlier than that.

6 THE COURT: Okay. Let's take about 10
7 minutes.

8 (WHEREUPON, a break was taken at 11:01
9 a.m.)

10 THE COURT: Are we ready to bring them in?
11 (WHEREUPON, the jury came into open
12 court at 11:30 a.m.)

13 THE COURT: All right. Call your next
14 witness.

15 MR. MAXWELL: The State calls David Lee Davis.
16 (Witness approaches.)

17 THE CLERK: Mr. Davis, if you'll raise your
18 right hand and put your left hand on the Bible.

19 (Witness compiles.)

20 THE CLERK: Do you solemnly swear or affirm
21 that the testimony that you give this Court and the
22 jury will be the truth, the whole truth, and
23 nothing but the truth, so help you God?

24 THE WITNESS: I do.

25 THE COURT: All right. Yes, sir?

Q. You live right here in this trailer?

1 A. Yes.

2 Q. Is there a fence going down between the two
3 residences?

4 A. Yes, it is.

5 Q. Okay. On -- do you recall Jennifer Stone being
6 found dead on her property on -- around July 4th,
7 2014?

8 A. Yes, I recall that.

9 Q. Okay. Let's go back a couple of hours from -- do
10 you remember police and everybody coming?

11 A. Yes.

12 Q. A lot of people coming? Going back a couple of
13 hours, okay? Where were you at that night before?

14 A. Right in front of this house right there. Right
15 across the street from it it's a tree, pecan tree.
16 I was sitting up under it.

17 Q. Was it nighttime when you were sitting up
18 underneath it?

19 A. Yes, a little bit after 2:00.

20 Q. 2:00 o'clock a.m.?

21 A. Yes.

22 Q. You were sitting underneath the tree?

23 A. (Nods affirmatively.)

24 Q. What did you see going on anywhere on -- that tree
25 is on Garden Street; right?

1 A. Yes.

2 Q. So when you're sitting out under the tree, are you
3 basically facing the house there?

4 A. Right.

5 Q. What did you see -- if anything, what did you see
6 going on when you were sitting underneath the tree?

7 A. I saw a gray car come down the street. There's an
8 apartment right next to it.

9 Q. Let me stop you right there. Are you referring to
10 these apartments to the right of the house?

11 A. Exactly.

12 Q. Okay.

13 A. This gray car pulls right in -- this is a driveway
14 in between that white house and the apartments.

15 Q. This is the driveway you are referring to?

16 A. Correct. It stops right just about in the front of
17 that house. A young man gets out the car.

18 Q. Did you know who it was?

19 A. At first, I didn't.

20 Q. Okay. Were you ultimately able to see him well
21 enough to determine who he was?

22 A. Yes.

23 Q. Who was it?

24 A. His name is Tyrone, or something like that.

25 Q. Tyrone?

1 A. Uh-huh.

2 Q. Do you know by any other names?

3 A. (Witness nods head negatively.)

4 Q. Do you know who Latroy Sampson is?

5 A. Yes.

6 Q. Is that the same person? Are you referring to --
7 you answer the question, now, the way you know it.
8 Are you referring to Tyrone and Latroy as being the
9 same person?

10 A. Troy, yeah, whatever. Troy, I think, uh-huh.

11 Q. Okay. I point your direction over here to the man
12 in the white shirt there sitting at the table.

13 A. Yes, that's him.

14 Q. That's the person you saw get out the car?

15 A. Yes, that's the person I saw get out the car.

16 Q. And he got out the car in front of which house?

17 A. This white house.

18 Q. The apartments or this house?

19 A. This house right here. Just before you go down
20 between there, he gets out this gray car.

21 Q. Right here?

22 A. Right. Right in that area.

23 Q. Okay.

24 A. The lady that was driving let him out.

25 Q. Do you know who that was?

- 1 A. Yes.
- 2 Q. Who was that?
- 3 A. Pamela something.
- 4 Q. Okay. And where did you see them go or do?
- 5 A. She pulled on down in the back.
- 6 Q. Okay.
- 7 A. Back of this house.
- 8 Q. Right.
- 9 A. There's a little parking area. Later on -- he
- 10 stood there for a second and he walked in between
- 11 back behind there.
- 12 Q. When you say back behind, you are talking --
- 13 A. Yes, sir.
- 14 Q. Back behind the house where we can't see?
- 15 A. Yes, sir. There's an apartment over behind there,
- 16 I believe.
- 17 Q. Okay. What's the next thing you saw?
- 18 A. I sat there for a few minutes. And I just -- I got
- 19 up, I walked across the street to this trailer
- 20 where I live.
- 21 Q. Referring to this trailer here?
- 22 A. Right. Right there. Right there.
- 23 Q. Is that -- what's on the TV screen, is that the
- 24 same trailer?
- 25 A. Yes. That's the same trailer.

1 Q. We got up there State's Exhibit Number 7. Okay.

2 Do you go inside the trailer?

3 A. Yes, I did.

4 Q. What do you do when you go inside the trailer?

5 A. I walk in there and I laid down on my couch.

6 Q. Okay.

7 A. So I dozed off to sleep a little bit, pretty much

8 tired. About -- I say maybe about -- maybe about

9 half an hour after I laid down, I hear these

10 voices.

11 Q. Where did you hear the voices coming from?

12 A. Right there at that corner of that door right

13 there, there's a window right side the door. It

14 was cracked. And the voices was coming from the

15 corner of this house over here.

16 Q. You're referring to this house?

17 A. Yes. Right there. Right on this corner.

18 Q. Did you -- was your window up or down at your

19 house?

20 A. It was -- it was like cracked, you know, up, you

21 know.

22 Q. Okay.

23 A. It folds and you know when it open up. But

24 anyhow --

25 Q. What did hearing the voices cause you to do?

1 A. I got up, walked over and looked.

2 Q. Looked out where?

3 A. I looked that way towards where the voices was
4 coming from.

5 Q. Were you looking out the window?

6 A. Yes.

7 Q. Was it this window next to your door?

8 A. Right. Right there.

9 Q. You were looking out that window?

10 A. Yes.

11 Q. And what do you see or hear?

12 A. I saw Jennifer against the house.

13 Q. What else did you see?

14 A. Right on that very corner.

15 Q. You're referring to this corner here?

16 A. Yes, right in there.

17 Q. Was she on this side of the corner or this side of
18 the corner?

19 A. On this side.

20 Q. Clarify that.

21 A. Like where that window is.

22 Q. Right.

23 A. Yeah, right in here right where you have --

24 Q. On down the side -- she was on the side of the
25 house?

- 1 A. Right.
- 2 Q. What was she doing?
- 3 A. She was up against it, up against the wall.
- 4 Q. Her back was against the wall?
- 5 A. Yes.
- 6 Q. Was --
- 7 A. He was in front of her.
- 8 Q. He being who?
- 9 A. This gentleman right here.
- 10 Q. Okay.
- 11 A. He had his hands up against the wall in front of
- 12 her. She was --
- 13 Q. Was he facing her?
- 14 A. Yes.
- 15 Q. Was she between his arms?
- 16 A. Yes.
- 17 Q. Did he have his arms against the side of the house?
- 18 A. Yes.
- 19 Q. Okay. What happened next?
- 20 A. I notice they was -- whatever they was saying to
- 21 each other, pretty much this and that.
- 22 Q. What did --
- 23 A. He keeps looking at the side of that -- the side of
- 24 the house. He keeps peeping around the side of the
- 25 house looking towards up the road.