VOLUME I OF II

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Williamsburg County
Howard P. King, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

BRITTANY EMOESHA EPPS,

APPELLANT

APPELLATE CASE NO 2016-001806

RECORD ON APPEAL

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THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
STATE'S EXHIBIT #1 (911 Tape)

STATE OF SOUTH CAROLINA)	IN THE THIRD JUDICIAL CIRCUIT
COUNTY OF WILLIAMSBURG)	THE COURT OF GENERAL SESSIONS
)	2014-GS-45-00159
THE STATE OF SOUTH CAROLINA,)	
)	
PLAINTIFF,)	
)	
VERSUS)	
)	
BRITTANY EMOETIA EPPS,)	
)	DATE: MARCH 28-APRIL 1, 2016
DEFENDANT.)	KINGSTREE, SOUTH CAROLINA

TRIAL TRANSCRIPT

B E F O R E:

THE HONORABLE HOWARD P. KING

A P P E A R A N C E S:

KIMBERLY V. BARR, ATTORNEY AT LAW
JULIE SWILLEY, ATTORNEY AT LAW
ASSISTANT THIRD CIRCUIT SOLICITORS

DEBORAH J. BUTCHER, ATTORNEY AT LAW
ATTORNEY FOR THE DEFENDANT

PROVIDED FOR: SCCID

COURT REPORTER: JO RICE
jrice@sccourts.org
SOUTH CAROLINA JUDICIAL DEPARTMENT

(Attorneys review the exhibits with the court reporter)

(Evidence back at 11:47 a.m.)

(Break)

FIRST QUESTION FROM THE JURY

THE COURT: We're back on the record with regard to the matter of the State versus Brittany Epps. Ms. Epps is present with her counsel. The State is present represented by Ms. Barr. The jury has advised they want to hear the 911 tape. Can you set that up for them?

MS. BARR: Yes, sir.

THE COURT: All right. I see that Ms. Swilley is taking care of that.

MS. BARR: And Judge, while she is doing that if I could place something on the record. There are what are called "tracks" on that CD. There are a total of 99 tracks. The tracks are seconds at a time where it records communication between dispatch and the police officer. In my presentation, I think I played tracks 1-9 or 1-10. The rest is communication back and forth between EMS, dispatch, and police officers. Of course, I have no problem, whatsoever, if the Court wants to play all nine, but after track ten, I don't think it's relevant. I just wanted you to know that.

THE COURT: Okay. I think what they are really asking for is what they heard in the courtroom.

MS. BUTCHER: I don't even know what she played.

THE COURT: Yes. That's why I didn't want to send it back there because we just want to play the part they heard in the courtroom.

(The bailiff retrieves the CD from the jury room)

THE COURT: All right. We have a written request from the forelady of the jury and it says, "Request to hear the 911 tape". I want to give this note to the court reporter and ask that she mark it as a court's exhibit and make it a part of the record and I understand that tape has been keyed up and is ready to play. Is that right, Ms. Swilley?

(Whereupon, a question from the jury is marked as Court's Exhibit #2)

MS. SWILLEY: Yes, Your Honor.

THE COURT: Anything before we bring the jury in on that, Ms. Butcher?

MS. BUTCHER: No, Your Honor.

THE COURT: All right. Bring the jury in, please.

(Jury in at 11:54 a.m.)

THE COURT: All right. Thank you, ladies and gentlemen. We do have your request, madam forelady, to play the 911 tape and they have that keyed up on the computer we will play for you at this time. All right, you may proceed.

(911 CD played for the jury)

THE COURT: All right, is that what was published before?

MS. BARR: Yes, sir. My recollection is that this what

was published to the jury earlier.

THE COURT: All right, ladies and gentlemen, that's what you have that was published to the jury and so you make take that as evidence and return to your jury room and begin your deliberations. Thank you.

(Jury out at 12:00 p.m.)

THE COURT: Any objection to that method of handling the jury's request on behalf of the State, Ms. Barr?

MS. BARR: No, Your Honor.

THE COURT: On behalf of the Defense?

MS. BUTCHER: No, Your Honor.

THE COURT: All right. I don't think we need to take the tape back there. They can't do anything with it, but I will send it back if you want me to send it back. Do you see any necessity for me to send the disc back, Ms. Barr?

MS. BARR: I don't, Your Honor.

THE COURT: Ms. Butcher?

MS. BUTCHER: The only reason is just to remind them.

THE COURT: All right. Send it back. We will be in recess until we hear from the jury.

(Break)

SECOND QUESTION FROM THE JURY

THE COURT: All right. We're back on the record with regard to the matter of the State versus Epps. Miss Epps is present in the courtroom with her counsel. The State is

present represented by the Third Circuit Solicitor's Office. We have a note from the jury, which I am marking as a court's exhibit and have shared with counsel.

(Whereupon, a question from the jury is marked as Court's Exhibit #3)

THE COURT: The question is, what happens if unanimous cannot be reached, and it is signed by the forelady. Counsel, I gave a little more thought to it after we discussed it. I think, maybe, just a little bit more instruction might be appropriate at this time. I do not think it is appropriate just yet for an Allen charge, but here's what I propose to tell the jury in response to their question. The simple answer is that a mistrial would be granted and the case would be tried in another term of court before another jury. I'm going to ask that you return to your jury room in a continued effort -- return to your jury room and continue your deliberations to reach a unanimous verdict. Let me say that I cannot help you with the decision on the facts, but if additional instruction on the law would be helpful, let me know by giving a signed note to the bailiff. Keep us advised of your progress, but at no time do I want to know the vote or the division of the jury.

MS. BARR: Judge, I don't have an objection for what the Court proposes.

THE COURT: Okay.

MS. BUTCHER: Neither do I, Your Honor.

THE COURT: All right. Bring the jury in.

(Jury in at 2:04 p.m.)

THE COURT: All right. Thank you, madam forelady and ladies and gentlemen of the jury. I do have your note and I will try to answer that question which was put in the note, which is; what happens if unanimous cannot be reached. The simple answer to that is that a mistrial would be granted and the case would be retried in another term of court before another jury. I'm going to ask that you return to your jury room and continue your deliberations to reach a unanimous verdict. Let me say that I cannot help you with a decision on the facts, but if additional instructions on the law would be helpful, let me know by giving a signed note to the bailiff. Keep us informed of your progress, but at no time do I want to know the vote or the division on the jury. So, I'm going to ask that you return to your jury room and continue your deliberations, please. Thank you. Keep us advised.

(Jury out at 2:05 p.m.)

THE COURT: Any exceptions or additions on behalf of the State, Ms. Barr?

MS. BARR: No, sir, Judge.

THE COURT: From the Defense?

MS. BUTCHER: No, Your Honor.

THE COURT: All right. We will be at ease until we hear

from the jury.

(Break)

THIRD QUESTION FROM THE JURY

(Jury in at 2:47 p.m.)

THE COURT: All right. We are back on the record in regard to the matter of the State versus Brittany Epps. Miss Epps is present with her counsel, Ms. Butcher. The State is present represented by Ms. Barr and Ms. Swilley. The Court has received another note from the jury.

(Whereupon, a question from the jury is marked as Court's Exhibit #4)

THE COURT: It has been marked as Court's Exhibit #4 and for the first time, the jury has indicated they cannot reach a unanimous decision. The note says: We, the jury, cannot come to a unanimous decision, and it is signed, Deloris Cooper. In view of that note, Ms. Barr and Ms. Swilley, it would appear that an Allen hung jury charge is appropriate at this time. Would you agree?

MS. BARR: Yes, sir, Your Honor.

MS. SWILLEY: Yes, sir.

THE COURT: You'd agree with that, Ms. Butcher?

MS. BUTCHER: Yes, Your Honor.

THE COURT: All right. If we will bring the jury back in then, please.

(Jury in at 2:47 p.m.)

THE COURT: All right, madam forelady and members of the jury, I have your last communication and I am going to give you an additional charge. It has to do with trying to reach a verdict, because hopefully, you can make another effort and reach a verdict in this case and I have some very brief comments that I would like to make by way of further instruction on the matter of your being able to reach a verdict.

As I have already told you, you are the sole judges of the facts and the evidence in this case. Now, as the judge, as I've already told you, I am not allowed to give you even a hint as to how I may feel about any factual matter and certainly can give you no hint as to what verdict you ought to bring in this case. It is my duty to state the law in this case as I have done and it is your duty to bring in a verdict, but I can say this: when a matter is in dispute, it is not always easy for even two men to agree or two persons, two men or two women and when twelve must agree it becomes obviously correspondingly more difficult.

But it is important that litigation, and this is litigation, be ended if it may be ended without a single one of you doing violence to your conscience. No juror is expected to give up an opinion based on reasoning satisfactory to himself or herself merely for the purpose of

being in agreement and I want that to be understood.

You are not called upon often to try cases. There are forty-nine circuit court judges whose work it is to try cases from day to day throughout the year. It is very unusual, almost unheard of, for a jury to go out and return promptly with a verdict. This is what would happen if a jury was normally in agreement to begin with. At the same time, we usually get a verdict. What that means is, is that it is normal for jurors to disagree at first, but the fact that we normally get a verdict also means that after reasonable persons lay aside their extraneous matters and determine to decide a case upon the law and the evidence, they do come to a common understanding and write a verdict.

It has never been intended that the verdict of a jury be the verdict of any one person. Conversely, the verdict of the jury is the collective reasoning of all the jurors and all the persons put together and that is why we have a jury so that we may have the benefit of collective thought, collective reasoning.

It becomes your duty to tell the other jurors how you feel about the case and why you think as you do and I'm sure that you have been doing that. It also becomes the other juror's duty to exchange views with you and you should listen to each other and give to each other each other's thoughts such meaning as you think it should have and so to some

degree you can say that jury service is a matter of give and take.

If you do not agree on a verdict, it just means that at some future term of court, perhaps before some other judge, that some other jury will sit where you are. The same participants will come and the same lawyers will probably come and they will ask the same questions and presumably, they will get pretty much the same answers and we will have to go through the same process all over again and I have no reason to think now that any other twelve citizens of Williamsburg County will be more capable of solving this controversy than you and so I am going to ask you at this time to deliberate further and see if you cannot write a verdict in this case, but I want to close this part of the Allen charge by reminding you again that while it is important that litigation be ended, it should be ended in the form of a verdict by no jurors doing violence to his own or her own conscience. No juror is expected to give up an opinion based on reasoning satisfactory to himself or herself merely for the purpose of being in agreement. So, with those additional instructions, I'm going to ask you to retire and deliberate further, but do keep us advised if you are making progress by giving a signed note to the bailiff at the appropriate time. Thank you and I'm going to ask that you retire to your jury room and try to reach a verdict in this

case.

(Jury out at 2:53 p.m.)

THE COURT: Additions or exceptions on behalf of the State, Ms. Barr?

MS. BARR: No, Your Honor.

THE COURT: Additions or exceptions on behalf of the Defense, Ms. Butcher?

MS. BUTCHER: No, Your Honor.

THE COURT: All right. Here is Court's Exhibit #5, madam court reporter, and we will be at ease until we hear from the jury.

(Break)

FOURTH QUESTION FROM THE JURY

THE COURT: All right. We are back on the record with regard to the State versus Brittany Epps. Miss Epps is present in the courtroom with her counsel, Ms. Butcher. The State is present represented by Ms. Barr and Ms. Swilley. I have another note from the jury that says: We cannot make a unanimous decision and it is signed by Ms. Cooper. I will have this marked as Court's Exhibit #5 and made a part of the record.

(Whereupon, a question from the jury is marked as Court's Exhibit #5)

THE COURT: Counsel, that being the second note being returned that they cannot make a unanimous decision, I think

under the case law I have no choice but to declare a mistrial. Do you agree, Ms. Barr?

MS. BARR: Judge, I do.

THE COURT: So you agree?

MS. BUTCHER: Yes, Your Honor.

THE COURT: All right. Bring the jury in, please.

(Jury in at 3:47 p.m.)

THE COURT: All right, madam forelady, I have your last note that says we cannot make a unanimous decision. Is that the situation with the jury?

MADAM FORELADY: Yes, sir.

THE COURT: And further deliberations will not result in your being able to reach a unanimous verdict ---

MADAM FORELADY: No, sir.

THE COURT: --- and you think you are hopelessly deadlocked?

MADAM FORELADY: Yes, sir.

THE COURT: All right. Thank you. Having been advised of that, then, the Court has no choice but will declare a mistrial in this case. As I told you earlier, what that simply means is that we are back at block "a", that the matter is still on the docket and, of course, the State will be able to proceed and the case will be tried at another time in another term for some other jury and perhaps some other judge, but it will be still pending so I am going to excuse

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

STATE OF SOUTH CAROLINA)

STATE,)

TRANSCRIPT OF RECORD
v.) 14-GS-45-0159

BRITTANY EPPS,)

DEFENDANT.)

July 26, 2016
Kingstree, South Carolina

B E F O R E :

THE HONORABLE HOWARD P. KING, JUDGE;
AND JURY

A P P E A R A N C E S:

KIMBERLY V. BARR, ESQ.
Assistant Solicitor

DEBORAH J. BUTCHER, ESQ.
Attorney for Defendant

FRANCES B. RAY, RPR
Circuit Court Reporter

please the Court.

THE COURT: Yes, ma'am.

MS. BARR: Ms. Butcher. Ladies and gentlemen of the jury, good morning. I hope you all are doing well today. I wanted to begin first of all by thanking you all for your jury service this week, and when I thank you I'm being most sincere because I recognize that it comes as a sacrifice. When we were selecting the jury on yesterday the judge made the comment that if you all had your choice to be anywhere in the world the week of July 25th in this hot weather, this courtroom would probably be the last place, I heard some members of the audience kind of laugh and chuckle a little bit and I chuckled myself 'cause I know that he's probably right. This is probably the last place in the world that you all want to be. But let me tell you how important your responsibility and your role in this case is.

You all heard the indictment. This is a murder case. Somebody was taken from us from this earth. For the family of the victim Mr. Joe Brown, this is the most important day and time in their lives 'cause they have come into this courtroom asking for justice. Well, the family of the

defendant and for the defendant herself, this is the most important day in her life because she's coming into this courtroom asking for justice. And the way that our criminal justice system works, the only people that can render justice in this case are the members of our jury, and so it is critically important the time that you give this case. It is more important the attention that you give this case.

Brittany Epps is charged with murder and possession of a firearm during the commission of a violent crime. You all are here this week to determine whether or not she's guilty of those offenses. I told you that the victim in the case is Joe Brown. I'm gonna take a little bit of time to tell you about Mr. Brown. Mr. Brown was a father, a brother, a uncle, and a grandfather. He grew up in the Greeleyville community of the Williamsburg County. Later on in his life he moved to Kingstree. You will hear that on the day that he was murdered he started off that day in really a wonderful fashion, and it's pretty ironic how that day ended. He started out that day surrounded by his family, his loved ones. He was smiling, he was happy, was at a cookout at his nephew's house in Greeleyville

and had taken the defendant Brittany Epps, along with her girlfriend Jessica Jackson, to his cookout in Greeleyville. What is so tragic and unfathomable about this case is the evidence is gonna show you by the strike of midnight on March 29th of 2014, Joseph Brown was shot three times in the head. The first bullet wound to the left of his temple exited behind his ear. The second wound to the right temple lodged in his body, and the third shot in the top of his head. His body was taken out of his vehicle and stuffed in his trunk. This is how he ended the day of March 29th of 2014. And Mr. Joe Brown was 87 years old.

Now I imagine you all have got to be wondering how in the world did this come about. What you'll hear in this case first and foremost is pretty disturbing facts that will shock you, that may outrage you, but some pretty disturbing facts, the most disturbing of which it was the defendant Brittany Epps who fired those three bullets in the skull of Joe Brown. Now oftentimes in life and in law things are not as they appear. People are not as they appear. You'll see Ms. Epps sitting in the courtroom throughout the trial, very young girl -- I believe she's 19 now -- was 16 years old at the time

she committed this murder. You'll see her, she doesn't look like a killer. You're gonna see some other folks in the courtroom this week. You're gonna see her co-defendant, the person who was charged in this crime with her, Jessica Jackson. Jessica is gonna look a little bit different than Brittany though. Jessica is not gonna be dressed up in some pretty little dress. She's not gonna have makeup on. She's not gonna have her hair all fixed and curly. When she steps in this courtroom to testify she'll be in orange jumpsuit, a jumpsuit from the county jail where she has been since the time this murder was committed. You'll also learn that Jessica has pleaded guilty to attempted murder and she's facing 30 years in prison for her role in this crime.

Let me go ahead and tell you all, Jessica Jackson was 18 years old when this happened. The defendant was 16 years old when this happened. If the facts as I've anticipated they will come out during the trial of this case has not yet shocked you enough, if the details aren't gory enough yet, you'll learn that this defendant and Jessica Jackson actually conspired to rob Mr. Joe Brown, to first lead him to believe that Ms. Jackson was interested

in having sex with him. And then they not only planned to rob him at 16 and 18, they planned to kill him and dispose of his body. And folks, you'll learn that the only reason that this did not go as they planned was because during the course of all this, Jessica Jackson accidentally got shot and so you'll learn that things took a drastic turn for the worst when that happened.

I'll go ahead and tell you, Ms. Jackson did, as a lot of defendants do when they're caught and they're facing serious trouble, she lied to the police. She'll acknowledge that; she'll admit that on the stand. She will tell you, and you'll hear, that the first story -- and you're gonna hear this first story from our first witness, the 9-1-1 dispatcher, the first story that you'll hear is that Jessica Jackson accidentally shot her hand in some crazy hunting accident in Nesmith. You know who you're gonna hear that story from? Brittany Epps. You will hear her voice on that 9-1-1 tape telling 9-1-1 that this is how her girlfriend got shot. You'll hear this second story. Jessica Jackson told this second story, well, it wasn't I didn't get shot accidentally in a hunting accident, the victim tried to rape me -- mind you, 87 years old -- and I shot

him in self-defense. Folks, you'll also learn that after one night in jail, one night in jail Jessica Jackson finally came clean and told law enforcement that this defendant put those three bullets in Joe Brown's skull.

Now, I'll tell you some other evidence that you're gonna hear. See, we're not gonna just stop at Ms. Jackson's statement and ask you to rely one hundred percent on what she says. Folks, there will be corroborating evidence in this case. The corroborating evidence comes from statements that this defendant made, from DNA and forensic evidence found inside the victim's vehicle where he was shot and his body was thrown in the trunk like a piece of garbage. And pretty importantly, pretty importantly in this case, you will learn that on the night the shooting happened when both Brittany Epps and Jessica Jackson are telling the first officer that responded that this was some freak hunting accident, Brittany Epps tells that first officer, Officer Vincent Staggers, that she has the gun and it belongs to her uncle.

Another thing that you will find interesting, I submit, you're gonna learn that the remote to the victim's vehicle was found in the

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front yard, the residence that belonged to a lady by the name of Vanity Epps. And I submit to you you'll find that fact to be an interesting because, one, Vanity Epps is Brittany Epps' aunt. It becomes more important in this case when you learn not only was the key found in Vanity Epps' front yard and not only is Vanity Epps the defendant's aunt, but the defendant went to her aunt's house immediately after the murder. And so folks, the cumulative effect of all of the evidence you'll hear in this case will be that the defendant is guilty of murder and possession of a weapon during the commission of a violent crime.

Now I want you to know one more thing and then I'm gonna sit down. I'm anxious to get started with the presentation of evidence. When you all were here yesterday and we were going through the jury selection process, a whole bunch of people, their names were called and some people got picked obviously, and I don't know for some of you it was a good thing or bad thing. Some of you got picked and some didn't get picked. And I don't know any of y'all personally. And Ms. Butcher, Ms. Epps' attorney, likely does not know any of you all as well; but what the defense and I can agree on in

this case is that we chose the best jurors to hear this case because, ultimately, both the State, both the Defendant, are entitled to a fair and impartial jury and we're entitled to a jury verdict. Once you've delivered a just verdict in this case based on the law, based on the evidence, you will have satisfied your obligation to the citizens of Williamsburg County.

Ladies and gentlemen, I would respectfully submit to you all that a fair and just verdict in this case will be a verdict of guilty. I'll have an opportunity to address you all again in closing argument, and I'll ask you to be returning a guilty verdict in closing argument. Look forward to talking to you again then. Thank you all, folks, again, most sincerely for your time, thank you most sincerely for your attention.

THE COURT: Ms. Butcher, you care to make opening statement?

MS. BUTCHER: Yes, Your Honor.

THE COURT: All right, you may.

MS. BUTCHER: May it please the Court, Ms. Barr. Good morning, ladies and gentlemen. You have heard Ms. Barr tell you what she believes happened to Mr. Brown when he was murdered two years

ago. My client, Ms. Brittany Epps, does not agree with what the State claims; and it's up to you, the jury, to determine what happened that night. And Ms. Barr said it very well, both sides are here this week seeking justice. A few things I just want you to keep in mind as we go through this trial. One is that in any criminal case the State has the full burden of proof. A defendant, a citizen, does not have to prove that they are innocent or didn't commit the crime. And the reason is, it's so easy for me to say, you robbed me, you broke into my house, I saw you. And a lot of times the only defense is, I didn't do it, so the State has to prove every aspect of what they're claiming. The thing I ask you is to make sure that the State proves their case. Do not allow them to leave you to guess because if that happens, they haven't done their job.

Additionally, they must prove facts in this case beyond a reasonable doubt. And what this means, at the end of the case you have to decide, you have to be convinced that there is not another way Mr. Brown could have been murdered other than what the State claims. Finally realize, every citizen is innocent until you, the jury, prove that

they're guilty. Y'all have the most important job in this courtroom today. Now Ms. Epps, she's gonna tell you that she was with Mr. Brown that night he was murdered. She was with Jessica. She was with Theo, but she was not with them at the time that Mr. Brown was murdered. She had been with them earlier that evening. You're gonna hear a lot of different stories just like Ms. Barr told you.

What you have to decide is not what happened, but you have to decide did the State prove what they're claiming. I ask you just to listen and use your judgment and we appreciate your time. Thank you.

THE COURT: Ms. Barr, you may call your first witness.

MS. BARR: We call Joey Phillips.

THE COURT: Come around please, sir. Come around to be sworn.

THE CLERK OF COURT: Place your left hand on the Bible, raise your right hand.

WHEREUPON,

JOEY PHILLIPS,

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

THE CLERK OF COURT: Take your seat in

the witness box.

DIRECT EXAMINATION

BY MS. BARR:

Q Mr. Phillips, good morning.

A Good morning.

Q If you would please, state your full name for the record.

A Joey Phillips.

Q All right. And sir, tell the ladies and gentlemen of the jury where you work.

A I work for Williamsburg County 9-1-1.

Q And tell us, explain to us if you will what you do for Williamsburg County 911.

A I'm communications officer with Williamsburg County 911. I've been there 16 years. I'm a dispatcher for the communication department.

Q Give us an idea please, sir, what your day to day responsibilities are.

A I take calls for emergency services, ambulance, police, fire, sheriff department, make sure any day-to-day operations go on.

Q Okay. As a result of taking calls that come in through 9-1-1 ---

A Yes, ma'am.

Q ---what do you do as a result typically of

receiving those calls?
A When we receive an emergency call we dispatch the proper agencies and make sure they get there in a timely manner.
Q Okay. Sir, you were working back during the night of March 29th, 2014, leading to the morning of March 30th, 2014?
A Yes, ma'am.
Q All right. And on that particular day did you take a 9-1-1 call regarding a shooting?
A Yes, ma'am.
Q All right. If you would, tell us the time in which you first received that phone call.
A Received that call, ma'am, at 23:58. That's military time; that'd be 11:58.
Q 11:58 p.m.?
A Yes, ma'am.
Q Okay.
A And 51 seconds, ma'am.
Q All right. What was the nature of the call?
A It was a call in reference to a person who had been shot as she stated that she was, she had shot herself or by accident.
Q Okay. As a result of receiving that call what then did you do?

A I dispatched the law enforcement and also the EMS to start proceeding to the address that she gave me an address -- an address wasn't opined 'cause it kind of messed up because she didn't know where she was at.

Q Okay.

A She was using somebody else's phone.

Q I understand. I understand. Sir, with regard to 911 calls that come in to dispatch, are they typically recorded?

A Yes, ma'am.

Q All right. And are those calls saved for a period of time?

A Yes, ma'am.

Q All right. With regard to the shooting that happened on the night of March 29th, that call was recorded?

A Yes, ma'am.

Q It was saved?

A Yes, ma'am.

Q All right. And was it then placed on a CD?

A Yes, ma'am.

Q All right. And prior to your testimony, sir, did you have an opportunity to review this CD?

A Yes, ma'am.

Q Is this a recording of the 911 call that you took with regard to the shooting on the 29th of March?
A Yes, ma'am.
Q All right.
MS. BARR: Your Honor, at this time the State would move to introduce Exhibit 1. I believe it's without objection.
(WHEREUPON, State Exhibit No. 1 was marked for identification only.)
THE COURT: All right, the disk containing the 9-1-1 call the witness has testified to is admitted into evidence without objection.
MS. BARR: And Judge, permission to publish?
THE COURT: Yes, ma'am.
(WHEREUPON, State Exhibit No. 1 was admitted into evidence.)
BY MS. BARR:
Q Mr. Phillips, I'm gonna may the 9-1-1 recording. I'm not gonna ask any questions. I'll just let it play and then I'll stop and I'll resume my questioning.
THE COURT: Before you do that, Ms. Barr, let me just tell the jury that this is in evidence now which means that it will go with you to the jury

room whenever you retire to deliberation of verdict. If it gets to a situation -- we'll talk more about this later -- you won't have the equipment to play the videos or audios in the jury room, but we can play them for you at a later time if you wish to hear more. All right.

MS. BARR: Thank you, Your Honor.

(State's Exhibit No. 1 was played for the jury.)

BY MS. BARR:

Q All right. Mr. Phillips, that is your voice on the recording?

A Yes, ma'am.

Q All right. And sir, the person who made that 9-1-1 call, was that the individual who was shot or was that someone calling to report that someone had been shot?

A She said her, she said that her girlfriend had shot her finger; that's what she said.

Q All right. And sir, when you asked the caller what's your name, did you ever get a response to that question?

A No, ma'am. They were real breaking up. You heard the tape. It was break up read bad. I attempted to.

Q As a result of receiving that call, tell the

jurors what you did.
A I proceeded to try and call back to the number and got another person.
Q Okay, all right. Now tell me, you told us when the call was placed first to 9-1-1, when was either EMS or law enforcement dispatched out to the scene?
A The law enforcement was dispatched while I was on the call because we, as a shift, we're working together trying to get everything out in a timely manner.
Q Yes, sir.
A 001, that'd be midnight and 1 second and 27 seconds, they were dispatching while I was on the phone, other communicating officers in the room. So me trying to get additional information they was making sure all that correct, I make sure everybody was going in a timely manner.
Q Yes, sir, all right. So within less than five minutes?
A Oh, yeah, it was, might have been less than a minute or two.
Q EMS ---
A Five minutes is slow there for 9-1-1.
Q I'm sorry, say again.
A Five minutes is slow there for 9-1-1.

Q So within a minute you're dispatching EMS and law enforcement?
A That's correct, yes, ma'am.
Q Now do you all keep a log of the time when either EMS ---
A Yes, ma'am.
Q ---or law enforcement arrives at the scene?
A CAD sheet, yes, ma'am.
Q Called a CAD sheet?
A Yes, ma'am.
Q C-A-D?
A Yes, ma'am, Communicated Automated, Computer Aid, CAD sheet.
Q And what time was law enforcement or what time did law enforcement and/or EMS arrive at the scene?
A Your first law enforcement officer arrived, ma'am, was -- let's see, it looks like, verify that. First officer of Kingstree Police Department was requested to respond to the scene because of the incident going on because the officer was off from a little distance so they were dispatched also. And we have a agreement, you know, if a incident happens we automatically, if they request it, they can be dispatched to the scene because of the fact that they might need more assistance, or the Sheriff's

Office, Kingstree Police Department.
Q And you spoke kind of fast. I want to make sure ---
A I'm sorry, I talk fast.
Q That's okay. I want to make sure that the jury understands what you're saying. When you all received the call ---
A Yes, ma'am.
Q ---and you received information from the caller saying this was at [redacted], ---
A Yes, ma'am.
Q ---is that in the town limit or is that in the county?
A It's in the county.
Q All right. Now you indicated that you had a Kingstree police officer come first?
A They was sent per request of the sergeant at 0:08. That was per request of sergeant to be dispatched to that scene.
Q All right. So 12:08 a.m.?
A That's right.
Q A sergeant requested that Kingstree police officer ---
A Respond also.
Q Okay, all right. And Kingstree officer got there

before Williamsburg County Sheriff's Office?
A At that time I can't provide you on that, but they was, they was dispatched also.
Q All right. And typically when you have 9-1-1 calls placed in the county, which agency in law enforcement normally responds?
A Sheriff, the Sheriff's Department.
Q When you have an incident that happens inside the town limits of Kingstree, which agency normally responds?
A That would be Kingstree Police Department.
Q Okay, all right. Now as a result of EMS and/or law enforcement arriving at [redacted], did you have any other involvement in the case?
A No, ma'am, not at the time.
Q Okay, all right. I believe that's all the questions I have. Bear with me just a moment.
A No problem.
Q Mr. Phillips, please answer any questions Ms. Butcher may have.

THE COURT: Cross-examination, Ms. Butcher.

MS. BUTCHER: Thank you.

CROSS-EXAMINATION

BY MS. BUTCHER:

Q Now you said the phone was obviously cutting in and out?
A Yes, ma'am.
Q And I heard you say, she hung up on me. You don't believe she really hung up on you?
A I'm not gonna say yes, but the phone did go out.
Q Okay, you'd been having trouble with it?
A Yes, ma'am, it was.
Q And she tried to give you an address?
A She did.
Q And she tried to give you her name?
A It was very audible -- yes, she was trying to but not ---
Q She was trying to so it wasn't her fault that you could you could not hear that, correct?
A Yes, ma'am.
Q Okay. And can we re-play the tape on here?
MS. BARR: Yes, you can play it. You need some help?
(State's Exhibit No. 1 was played for the jury.)
BY MS. BUTCHER:
Q What was the name of the person who allowed them to use the phone?
A Hold on a second. I have to look back at my notes.

THE COURT: Speak up. You're on the record.

THE WITNESS: Yes, sir. I can't tell.

BY MS. BUTCHER ATTORNEY:

Q Is it Ethel?

A Yes, ma'am, that's her aunt Ethel. I don't remember her name at this time, but she did tell me her name after I called the lady.

Q That was Ethel?

A Yes, ma'am.

Q Okay, no further questions.

THE COURT: Redirect?

MS. BARR: No, Your Honor.

THE COURT: All right. Thank you, sir. You may step down.

MS. BARR: We call Pearline Pressley. And Your Honor, she's an older woman. It may take her just a moment to come upstairs.

THE COURT: Okay.

(Pause.)

THE CLERK OF COURT: Place your left hand on the Bible, raise your right hand.

WHEREUPON,

PEARLINE PRESSLEY,

having been duly sworn by the Clerk, testified

as follows:

MS. BARR: May it please the Court.

THE COURT: Yes, ma'am.

DIRECT EXAMINATION

BY MS. BARR:

Q Ms. Pressley, good morning.

A Yeah.

Q How are you doing today?

A Pretty good, how are you doing?

Q Doing good, ma'am. If you would, please state your full name for me.

A Ma'am?

Q Tell us your full name.

A Oh, Pearline Pressley is my name.

Q Ms. Pressley, how many years young are you?

A Oh, over 70, 71.

Q 71 years old?

A Uh-huh.

Q And tell the jurors where you live?

A On Kendell Park Road, [redacted].

Q Kendell Park Road?

A Yes, ma'am.

Q And how long have you lived at that address?

A Oh, 30 years.

Q 30 years?

A Yeah.
Q Okay. You're still staying there right now?
A Yeah, still staying there.
Q Now you live by yourself or you have somebody living with you?
A I live by myself.
Q Okay, all right. Now Ms. Pressley, do you know the woman that's seated there in the purple?
A Right there?
Q Yes, ma'am.
A Yes, ma'am.
Q Just so we're clear this young lady here?
A Uh-huh.
Q You know her?
A Yes, ma'am.
Q How do you know her?
A By she used to live over there one time by me.
Q She used to live by you?
A Yes, ma'am.
Q What's her name?
A Brittany.
Q Brittany?
A Uh-huh.
Q Now you looking at her kind of funny. Why you looking at her kind of funny like that? She looks

different?
A Yes, she look a little different.
Q Looks a little different?
A Uh-huh.
Q But that's her?
A Yea. Brittany, that's you? Hey.
THE COURT: All right, go ahead.
BY MS. BARR:
Q All right. Ma'am, you said that Brittany used to live in the neighborhood?
A Yeah.
Q Do you know her mother?
A Yeah, her mother's -- I just can't recall the name right now, but I know her momma.
Q Okay, all right. Do you remember the night that Brittany and another girl came to your house?
A Yes, ma'am.
Q Okay. Now before that night you'd seen Brittany in the neighborhood?
A No, ma'am.
Q Okay.
A I didn't see her till that night.
Q That night, okay. About what time was it, if you know, that they, that they came to your house?
A They come in there about 9, between 9 and 10.

Q Okay, at night?
A Yes.
Q Okay, all right. Why were they at your house, did they say?
A They didn't say. They just knocked on the door.
Q Okay. Tell us what happened after they knocked on the door.
A Okay. They knock on the door and I opened the door and really I didn't know her, I didn't know neither one of them.
Q Okay.
A So when they fall up on the door and I open the door, they down there on the stair and I -- she said, Ms. Pressley, you know me. I say, who you is? I said -- I'm Brittany, said I'm Brittany, I used to live right there.
Q Okay.
A Uh-huh.
Q Did she tell you why she was knocking on your door that late?
A Well, she didn't say right then and we stopped there and told Brittany this, for that that. I said well, where you coming from. She said I'm coming from the country. I said, what country. She say I was up there around my family, and they have vintage

guns and they got, we were hunting today. I say, y'all was hunting? Say, yeah. I say, well, y'all didn't get any from hunting; she say yeah. I ain't asked them what they kill or nothing.

Q Okay.

A So they done start, shoot, right on talking and everything. So right then I look around and she asked me for a phone call. I tell them I didn't have, my phone isn't working. So she said I want to make a phone call. I said, well, phone call for what. Then the little girl standing around there and I walked out on the step and I asked her, I said, what happened to her hand? She make answer to me, said we was hunting and she get shot in the hand.

Q Okay. Ms. Pressley, let me stop you for just a moment and followup on some questions, okay.

A Uh-huh.

Q Now when you're talking about what she said, who are you talking about, who was talking to you?

A Brittany was doing the talking.

Q Was she doing all the talking?

A Yes, she do all the talking.

Q All right. Now you said she was, came there to your house with somebody else.

A No, she come there walking.
Q Came walking?
A Yeah.
Q Okay, who was she with?
A Just the two together.
Q Who was the second person you said that was with Brittany?
A Just the two.
Q Okay. Now the person that was with Brittany, was it a girl or a guy?
A A girl.
Q Okay. Had you ever seen her before?
A No, ma'am.
Q What did she look like?
A Well, look like a fine lady.
Q Okay. The girl that was with her, was she white or black?
A She was white.
Q Okay. Did she look to be about Brittany's age or a little older?
A She look a little order than Brittany was.
Q Okay. How was she dressed, the girl that came with Brittany?
A I don't know, a bra and short pants.
Q She had a on bra and some short pants?

A Yea, had on a bra and hardly no clothes s.
Q Now when you asked what happened to your hand who answered you?
A Brittany make comments got shot in the hand like they was hunting.
Q So they got shot in the hand and they were hunting?
A Uh-huh.
Q Okay. Now she, Brittany, told you that they had been in the country?
A Yes, ma'am.
Q Did she say where in the country?
A Her daddy's family house. They got some family up there in Nesmith.
Q The defendant Brittany Epps has family in Nesmith?
A Yeah, they got family up there. So I believe what they say.
Q Okay. And where did she say they were doing the hunting? In Nesmith?
A Yes, ma'am.
Q Okay, all right. Now you mentioned that you asked, you know, what happened to your hand, and Brittany Epps told you that they got in a hunting accident in Nesmith.

A Uh-huh.
Q And her friend got shot?
A Yeah.
Q All right. Now did you -- did her friend's hand look like it was hurt to you?
A Yes, ma'am, it had a little bit of blood on it.
Q Little bit of blood on it?
A Yes, ma'am.
Q Okay. Now you said somebody asked you to use your phone?
A Yes, ma'am.
Q Which one of the two girls asked you to use your phone?
A Brittany.
Q Okay. And I believe you told us that you told them you don't have a phone?
A I told them I don't have no phone.
Q What did you then tell them after you said I don't have a phone?
A I told them go cross the street there.
Q Okay. Who lives across the street there?
A Well, some of my neighbors.
Q Okay.
A They, McCrea I think, McCrea, some of their neighbors but they don't live there now.

Q They don't live there anymore?
A No.
Q Do you have any idea where they live?
A No, ma'am, I don't have no part where they live.
Q Okay, you know a lady named Ms. Ethel?
A Yeah.
Q Okay. Was she one of your neighbors at the time?
A Ethel, Ethel what?
Q Do you know Ethel McCrea?
A Yeah.
Q Okay.
A Uh-huh.
Q How do you know Ms. Ethel?
A Well, Ethel is those and them momma. That who you talking about?
Q Yes, ma'am.
A Uh-huh.
Q Okay, all right. Did you see Brittany and the girl who was with her go across to the neighbor's house.
A Yea, they went to that neighbor house, but they can't hear. They went further down to the next neighbor house.
Q Okay.
A See, there was family in there.

Q They were doing what now?
A There's family in there, Ethel and their family, you know.
Q Okay.
A So they then went right straight across.
Q After they went to use a neighbor's phone did Brittany and the girl who was with her ever come back to your house?
A Yes, ma'am.
Q Okay. What happened when they got back to your house?
A They tarry around there and said they called somebody from town, one of them town. But they ain't never come in 'cause I didn't let them in.
Q Okay.
A Stand on the outside there.
Q Stood on the outside?
A Uh-huh.
Q Is that a yes?
A Yes, ma'am.
Q Thank you so much. Now Ms. Pressley, did the police or the ambulance ever come to your house that night?
A The ambulance come.
Q Okay. You saw the ambulance out there?

A I saw the ambulance, but I didn't saw no police.
Q Okay, all right. How long did the ambulance stay at your house?
A They stay there but I don't ask them question or what they question them about, I didn't know, 'cause I didn't leave end of my porch.
Q Okay. Now, and I just want to be clear about something. 9-1-1, they didn't call your house, did they, that night?
A No, ma'am, no, ma'am, no, ma'am.
Q All right. So we heard a 9-1-1 tape in there and a voice on that tape; that's not you?
A No, ma'am. Ain't no 9-1-1 call in there, no, ma'am.
Q Yes, ma'am. Now let me ask you, after the ambulance came to your house did you ever see Brittany anymore after that?
A No, ma'am, I don't see none of them after that.
Q And you didn't see the young lady who was with her?
A No, ma'am.
Q No more after that?
A No, ma'am.
Q All right. Did anyone else come to your house or to your yard that night other than Brittany Epps and

the young lady who was with her?
A Well, when they leave my door close and then I ain't open it back 'cause I didn't see anybody.
Q How long do you think overall they were actually out there before, what my grandmother used to call it, the paddy-wagon came and got them? How long do you think they were actually at your house?
A They been out there I recall about an hour or even better than an hour.
Q Okay, all right. Did you ever see anybody else with them?
A No, ma'am. I just only see two faces.
Q The two girls that you told us about?
A The two girls.
Q All right. Ms. Pressley, I believe that's all the questions that I have. If you would please answer any questions Ms. Butcher may have for you, okay.
A Yes, ma'am.

THE COURT: Cross-examination, Ms. Butcher.

MS. BUTCHER: Yes, Your Honor.

CROSS-EXAMINATION

BY MS. BUTCHER:
Q Good morning. Now you said you stayed on the

porch during this time?
A Yes, ma'am.
Q And you also said you stayed in the house?
A Ma'am?
Q Did you also say you stayed in the house?
A That I stay, yeah, I stay in the house. I hand around the porch and give that phone call, tell them where to go. And they come back. Then they come back I still didn't let them in. They tell me, they said they make a phone call across the street.
Q Okay, all right. Thank you.
A Uh-huh.
THE COURT: Redirect?
MS. BARR: No, Judge, that's all the questions that I have for Ms. Pressley.
THE COURT: Thank you, Ms. Pressley, thank you for coming.
THE WITNESS: All right then.
THE COURT: Thank you, ma'am.
MS. BARR: Judge, our next witness will be Officer Vincent Staggers.
THE COURT: Thank you.
THE CLERK OF COURT: If you'll come around to be sworn please.
THE COURT: All right, Officer Staggers,

if you'd come around to be sworn please.

THE WITNESS: Yes, sir, Judge.

THE CLERK OF COURT: Good morning. Place your left hand on the Bible, raise your right hand.

WHEREUPON,

VINCENT STAGGERS,

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

THE CLERK OF COURT: You may take your seat in the witness box.

DIRECT EXAMINATION

BY MS. BARR:

Q Good morning, Officer Staggers.

A Good morning.

Q How are you doing today?

A I'm well.

Q Wonderful. If you would, please state your full name for us and introduce yourself to the ladies and gentlemen of the jury. Tell us what you do for a living.

A Vincent Craig Staggers. I'm employed with the Kingstree Police Department.

Q All right. And how long have you been in law enforcement?

A Since 1998.

Q All right. And tell us, if you will, what you do on a day-to-day basis with the police department?
A I'm a supervisor there at Kingstree Police Department. My duty is to protect the citizens' property, protect the citizens of Kingstree. I respond to any alarms, maybe alarms to burglaries and anything in between.
Q All right. And Officer Staggers, obviously you were working back on the night of March 29th of 2014?
A Yes, I was.
Q And what was your assignment on that night?
A I was a supervisor.
Q Okay, all right. Tell us how you became aware of a shooting in this case.
A While on patrol dispatch advised me there had been a person called in stating they had accidentally shot themselves and that the county requesting assistance because they were tied up on other calls.
Q Okay, all right. Now what was your understanding as to where this happened, where the shooting happened?
A That it took place on Kendell Park Road which is in Williamsburg County.

Q It's outside the town limits in the county?
A It is.
Q And so you responded 'cause you were the -- you could get there the quickest I guess, is that a short, easier way to say it?
A Yes, ma'am.
Q All right. So you went out to [redacted]?
A Yes, ma'am.
Q Tell the jury what you found when you got out there.
A Upon my arrival I came across two females standing up on the car porch. The first female I came in contact with she had on a brown and black sweats and the victim at the time that called in the gunshot had been shot, she had on a black and red basketball shorts. And at the time she had her shirt off and had her red bra on with the shirt wrapped around her thumb.
Q Okay. And I want to make sure to clear something. You talk about the victim initially.
A Yes.
Q And who are you specifically talking about?
A Ms. Jackson.
Q Jessica Jackson?

A Yes, ma'am.
Q Why do you initially characterize her as a victim?
A Because she had been the one that allegedly shot herself in the hand.
Q Okay, all right. Now the individual who you described as having on the boots and the clothing, who is that individual?
A That was Ms. Epps.
Q Okay. Brittany Epps?
A Yes.
Q Is that the defendant seated in the purple at the defense table?
A It is.
Q Okay. Now let me ask you, do you have a recollection of seeing Epps back on the night of March 29th on Kendell Park Road?
A Yes, ma'am.
Q Does she look today in court how she looked back then?
A No, ma'am.
Q What's different her appearance?
A On that she was dressed more of a, dressed down more of a boy appearance.
Q Okay. Now was her hair as long then as it is

now?
A I can't recall a hundred percent.
Q Okay. Now you got communications through the radio here was a shooting?
A Yes, ma'am.
Q When you go out to [redacted] who owned that? That was a residence?
A It was.
Q Who owned that residence?
A I can't recall. I don't have any notes of that, ma'am.
Q Okay, all right. Tell us, did you ask any questions of either Ms. Jackson who had the gunshot wound to the hand or Ms. Epps?
A I did.
Q All right, tell us about that.
A When I not there I started asking questions of Ms. Epps, asked, you know, what happened. Ms. Epps stated they were in Nesmith apparently hunting squirrels. That what she told me.
Q Now this is the defendant telling you this?
A Yes, ma'am, it is.
Q Okay.
A Then stated that Ms. Jackson accidentally shot herself. I asked her why didn't they go immediately

to the emergency room and seek medical attention. At that time Ms. Epps informed me they had bogged down their vehicle there at Windy's club.

Q Okay.

A Which is in that area.

Q Okay.

A I then asked her the location of the weapon, the gun. She stated that it was an older gun she'd given back to him.

Q Okay, who -- we need to be clear. Who did you ask where was the gun?

A Ms. Epps.

Q Okay. And Ms. Epps told you what now?

A That is her uncle's gun.

Q Okay, all right. At the time when you're talking to Ms. Epps and Ms. Jackson?

A Yes.

Q Do you have any idea that a murder has taken place?

A None.

Q None whatsoever?

A None.

Q All right. Now when you were talking to these two ladies, who is talking primarily to you?

A Ms. Epps.

Q Ms. Epps was doing primarily most of the talking?
A Yes, ma'am, she was.
Q And you described Ms. Jackson as having on a pair of shorts and a red bra?
A Yes.
Q Okay, all right. What time did you actually get out there to [redacted]?
A 9 minutes past 12.
Q Okay. 12:09 a.m.?
A Yes.
Q Okay. Do you recall when you first arrived whether EMS was already there or did they come in after?
A They came in shortly after I did.
Q Okay. Now you've indicated to us that you were told about some type of hunting accident in Nesmith.
A Yes, ma'am.
Q Do you have any idea how far Nesmith is from [redacted] where you met these two women?
A 15, 20 minutes.
Q Okay. And they told you that they had gotten bogged down somewhere near ---
A Yeah.
Q ---Wendy's Club?
A Yes, ma'am.

Q Okay. When Ms. Epps told you that it was her uncle's gun ---
A Yes, ma'am.
Q ---what did you tell her about the gun?
A I told her that law enforcement would -- well, the Sheriff's Department would need it, expect the gun, take possession of it.
Q Okay. And do you recall what, if anything, she said after you told her that?
A I don't know. I think during this conversation I think EMS may have been on scene trying to look at the victim, and she was kind of concerned about the victim, whether or not she'd ride in the ambulance.
Q Okay. Now in terms of you responding out to Kendell Park Road in county, would you have had any jurisdiction to investigate whatever this incident was, whether it was accidental shooting or something else, would you have had authority or jurisdiction to do that or would the county have authority to do that?
A The county would have that authority, jurisdiction.
Q All right. Now did you have any communication from, with anyone from the Sheriff's Office regarding your responding to that scene?

A Yes, ma'am, I did.
Q Okay. Who did you talk with?
A Sergeant Kennedy.
Q And Sergeant Kennedy is seated here at prosecution's table with me?
A Yes, ma'am, he is.
Q All right. So you spoke with him on the phone?
A I did.
Q Tell me what you told him.
A I advised him what I had at the scene as far as the victim and her wound or at the time. I also informed him that I felt as though the shooting incident took place within that area due to the fact that Ms. Epps indicated that they bogged down nearby.
Q Okay. So you didn't buy the story that this happened in Nesmith?
A No, ma'am.
Q Why?
A Well, for one, if I received a gunshot wound I'm not gonna stop in between where I'm coming from and the hospital to make a phone call, and that just didn't add up to me. And the fact she couldn't produce the gun at the time.
Q Okay, all right. In your report do you reference

at all, or any of the paperwork, what time EMS arrived?
A Yes, ma'am.
Q What time did EMS get there?
A They got on scene 13 minutes after 12.
Q 13 minutes after 12, so about four minutes after you got there?
A Yes, ma'am.
Q What happened when EMS got there?
A When they got there I advised them, you know, what I could visually see on the victim at the time. They made contact with her. At the time they made provisions to have her transported to McLeod Hospital.
Q And that's in Florence?
A Yes.
Q You said they made provisions to have her transported to McLeod in Florence. Who are you talking about?
A Jessica Johnson-- Jackson, I'm sorry.
Q All right. So Ms. Jackson was taken from Kendell Park Road by EMS to a hospital in Florence?
A Yes, ma'am, she was.
Q What about the defendant, did she go with Ms. Jackson?

A She did not.
Q Okay. Did she attempt to go with Ms. Jackson?
A She did. She asked could she ride along. They informed her that she would not ride with Ms. Jackson in the ambulance. At that time she left on foot walking back towards Windy's Club.
Q Walking back towards Windy's Club?
A Yes, ma'am.
Q Now other than Ms. Jackson and Ms. Epps, was anyone else, and EMS obviously, was anyone else out there at the scene?
A There was a fireman there, Mr. Calvin Lingley. He arrived just shortly before EMS did; and also the owner of the residence, she was there.
Q Okay. Is that Ms. Pearlene?
A I think that's her name.
Q Okay. Anybody else?
A That was it.
Q So you saw Ms. Epps there?
A Yes, ma'am.
Q You saw Ms. Jackson there?
A Yes, ma'am.
Q Saw a EMS worker?
A Yes.
Q You saw a firefighter?

A Right.
Q And those were the only persons you saw at [redacted]?
A Yes, ma'am.
Q Okay. After EMS took Ms. Jackson away, did you have any further communications with Investigator Archie Kennedy?
A Yes, ma'am, I did.
Q Tell us about that.
A Between 4:30 and 5 a.m. I received another call from Mr. Kennedy. At that time he informed me they were now investigating a murder.
Q Okay, all right. And in terms of receiving that communication from Mr. Kennedy about investigating a murder, did he give you any information about where the victim Mr. Joe Brown might have been found, where his body might have been found?
A He did tell me that -- at that time I don't think he did. I think he went into that -- he give me statement as far as what happened so I went immediately and started doing the report. Later on that morning we did talk again, and that's when he told me they did find his body and that it was in the trunk of the vehicle.
Q Did he indicate to you where his vehicle,

Mr. Brown's, vehicle was found?
A I think it was right up the street from where [redacted] was at.
Q Okay?
A In distance maybe a hundred yards, maybe two hundred yards up the street which is also in direction that Ms. Epps walk in.
Q All right. So you received communication later that day that the victim's body and vehicle was found on Kendell Park Road?
A Yes.
Q All right. In the direction in which you last saw the defendant walking?
A Yes.
Q Okay. How did they strike you when you heard that information?
MS. BUTCHER: Objection, Your Honor, speculation.
THE COURT: I sustain it as asked, but you can rephrase.
BY MS. BARR:
Q Okay. I asked you earlier whether or not you bought the story that Ms. Jackson was shot in an accidental shooting in Nesmith, and you told us that you did not.

A Yes, ma'am.
Q In terms of later discovering that Mr. Brown was found deceased in his vehicle on Kendell Park Road, did that have any significance to you?
A It clarified, it made more sense other than, you know, that accidentally shooting themselves in a hunting accident.
Q Now how far is Windy's Club from [redacted]?
A I'm gonna say two football fields give or take; I'm gonna estimate.
Q Was it clearly within walking distance?
A Yes, ma'am.
Q Okay. Beg the Court's indulgence.
THE COURT: Yes, ma'am.
BY MS. BARR:
Q Did Ms. Epps tell you where she was going before she walked off after EMS took Ms. Jackson away?
A She said she was going to catch a ride with her aunt.
Q Okay. Did she say she was catching a ride with her aunt?
A Yeah.
Q Can you look at your statement just to clarify that point for me please.

A I don't have that in there, but she said that she was going to catch a ride with her aunt. I think she referred to Cedar Hill Subdivision.
Q I'm sorry, your voice left me just a moment. Say that again.
A She referred to Cedar Hill Subdivision is where her aunt resided.
Q Okay.
MS. BARR: Your Honor, may I approach the witness?
THE COURT: Yes, ma'am.
BY MS. BARR:
Q Did you create a handwritten report of your interaction with Ms. Epps and Ms. Jackson that night?
A Yes, ma'am, I did.
Q And I understand this has been over two years ago. Why do you typically write reports?
A So we can refresh our memory as far as that.
Q Sure, absolutely. Let me know when you've had an opportunity to finish reading that report.
A I have.
Q Okay, all right. Now as it relates to Ms. Epps' intention what, if anything, did she tell you about where she was going?

A She said she was going to her aunt's house.
Q To her aunt's house?
A Yes.
Q And that was in the Cedar Hill community?
A Yes.
Q Okay. Officer Staggers, thank you. That's all the questions that I have.
THE COURT: All right. Cross-examination, Ms. Butcher.

CROSS-EXAMINATION

BY MS. BUTCHER:
Q Now when you were speaking with Ms. Epps you didn't suspect anything criminal, did you, during this incident, this encounter?
A No, ma'am, not at that time.
Q So you didn't -- there was a gun involved, a girl that was shot in the hand, but you didn't expect or suspect anything to be criminal?
A No, ma'am.
Q Okay. And let me ask you this, one, my client Ms. Epps, wanted to ride in the ambulance, correct?
A Yes, ma'am.
Q She was concerned about her friend?
A That's correct.
Q And two, when she wasn't able to -- and let me

ask, was that just policy or do you know?
A I can't answer that question, ma'am.
Q Okay. When she wasn't able to she told you where she was going, correct?
A Yes, ma'am.
Q To her aunt's house?
A Yes, ma'am.
Q Okay. And are you aware that her aunt, that she walked in the direction of her aunt's house?
A Yes, ma'am.
Q Okay. And you had no knowledge, as it was sort of suggested that she was going to the car or anything, do you?
A No, ma'am.
Q Okay. And you have no knowledge of who was present when Mr. Brown was shot, do you?
A No, ma'am.
Q Or who shot him, do you?
A No, ma'am.
Q Okay. But you do know and you wrote down that when you spoke with Ms. Epps that night she had on black and white sweatpants, correct?
A Brown and black sweatpants.
Q I'm sorry, did I say black and white? Brown and black. Thank you for correcting me. And you wrote

that in your handwritten notes?
A Yes, ma'am.
Q And you also typed that up in your report, correct?
A Yes, ma'am.
Q Do you recall anything else about the sweatpants, if there was like a pattern on them or anything?
A No, ma'am.
Q You just don't remember?
A I don't remember.
Q It's been ---
A It's been a while. I didn't indicate anything other than that.
Q And you also indicated that Ms. Epps looks different, too?
A Yes, ma'am.
Q It's been close to three years, correct?
A Yes, ma'am.
Q Okay. You'd expect that, right?
A Yes, ma'am.
Q 16 to 19 ages.
A Yes, ma'am.
Q No further questions. Thank you.
THE COURT: Redirect, Ms. Barr?
MS. BARR: Judge, I don't have any further

MS. BARR: May it please the Court, the State calls Samuel Barr.

THE CLERK OF COURT: Good morning. Please step forward please. Place your left hand on the Bible, raise your right hand.

WHEREUPON,

SAMUEL BARR,

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

THE CLERK OF COURT: Take your seat in the witness box. Please watch your step, okay.

DIRECT EXAMINATION

BY MS. BARR:

Q Mr. Barr, good morning, how are you doing?

A Doing good.

Q Good. Please state your full name for the record for me.

A Samuel Levern Barr.

Q All right. And Mr. Barr, where do you live?

A [redacted].

Q How long have you lived at that address?

A All my life.

Q All right. And that's here in Williamsburg County?

A Yes, ma'am.

Q All right. Who lives in the home with you?
A Beg your pardon?
Q Who lives in your home with you?
A Oh, my wife.
Q And how long have you been married?
A Forty-three years.
Q Forty-three years, that's wonderful. How far is your home address from Kendell Park Road?
A Oh, probably about a quarter of a mile maybe.
Q Okay. Do you know a woman by the name of Ms. Pearline Pressley?
A Yes, I do.
Q How do you know Ms. Pearline?
A Because, well, she be living there about long time to the community, yeah.
Q So you know her from the neighborhood?
A Sure.
Q Okay. And how far do you think you live from her house?
A Three quarters of a mile.
Q Okay. Now sir, I'm gonna take you back to the night of March 29th 2014, almost two-and-a-half years ago. On that particular day did you hear about a shooting in the area?
A That night when it happened I heard about it.

Q Okay.
A I was listening at my scanner.
Q You have a scanner?
A Yeah.
Q Tell the jurors what a scanner is.
A It picks up like EMS, 9-1-1 scan, hospital, different, you know, emergency, stuff like that.
Q Okay. Now just kind of curious, why you have a scanner?
A That's just something I fell in love with years ago. I have one in my house, car, everything.
Q All right. Tell me what you heard on your scanner.
A I heard them say something about a shooting on Kendell Park Road, and I'd just left Kendell Park Road 'cause I was right there at Windy's Place sitting around talking.
Q You were at Windy's Place?
A Yeah.
Q All right, go ahead.
A As soon as I got home about fifty minutes, I said there was a shooting at Kendell Park Road. I said just left there. I said, let me go back around to see what happened.
Q Now what doing going back out there?

A Being nosey, being nosey.
Q Okay. So when you got home is when you heard it on the scanner about a shooting?
A Right.
Q So you then leave the house and go back out?
A Right.
Q All right. Now was your wife home at the time you left back out?
A Uh-huh, yeah.
Q You have any idea about what time it was?
A It was late, you know, maybe 11, 12:00, somewhere like that, I ain't sure; but it was late, kind of late.
Q All right. Now when you left Kendell, when you left Windy's Club to go home?
A Uh-huh.
Q Did you see any kind of indication there had been a shooting or anything that struck you as curious?
A I saw ambulance at Ms. Pearline's house. It was in the yard.
Q You saw ambulance at Ms. Pearline's house?
A Uh-huh.
Q Was this on your way from Windy's Club to your home or when you heard it on the scanner and went back out?

A When I heard it and went back out.
Q Okay, all right. So you hear this on the police scanner, on the scanner?
A Yeah.
Q About a shooting?
A Yeah.
Q And then you leave your house?
A Uh-huh.
Q All right. And you drive where?
A Kendell Park Road and I went as far as Windy's Lane, pull in, and it was, he had already closed, nobody was there. So when I backed out and I turned around, I saw, I caught a reflection of a tail light car sitting in the woods.
Q Okay. And slow down just for a minute, I want to make sure we understand. All right, how far is Windy's Club from where you saw the tail lights of that car?
A Right across the road.
Q Right across the road?
A Right.
Q From where you are sitting on that witness stand right now, about how far would it be using this courtroom from where you saw the car?
A It would be a little further than the back right

there, a little further than that. Maybe to the highway maybe.

Q Okay. All right, so you saw the tail lights of a car?

A The reflection of a tail light, you know, my headlights shine on it.

Q Okay, all right. And this is cross the street from Windy's Club?

A Yeah.

Q And tell me what you did when you saw that?

A I pulled my car in. It's a trailer sitting over there, and I pulled in the lane there and shine my tail light on bright where I could see closer. And I was looking at the car and I said that looks like a Cadillac in the woods. And about that time somebody walks up to me. Somebody say, hey. I look around, I jumped, I didn't see them when they come up. And I say, what's going on here. And they said that, the person came up said, look what my girlfriend made me do, she made me drive my car in the woods. I said, in the woods? I say, that's your car? She say, yeah, that's my car. And I said, oh, okay. And about that time I got back in my truck and then she walk back off. I went on back home.

Q Okay. Now as you're outside of your vehicle this person approach you from the right or to your left?
A She approach me from the right. I was standing looking in the woods.
Q Okay.
A Yeah.
Q Now somebody, now you indicated that this person said, look what my girlfriend made me do?
A Yeah.
Q All right. Tell me what you observed about the Cadillac.
A That was ---
Q Other than the tail lights.
A That's about all I could see.
Q Okay. Did you know whether or not there had been any damage to the Cadillac?
A I had no idea.
Q Okay. And you mentioned a trailer.
A Uh-huh.
Q Tell me what you remember with reference to how far the Cadillac was from the trailer.
A You can see where it went -- when I have my headlights shine you can see where the trailer went right by the trailer, went straight in the woods, the trailer. I doubt -- it had to been going kind

of fast 'cause it was bogged down there. It went across that little field behind the trailer over the edge of the woods.

Q Okay. It crashed with the edge of the woods?

A Uh-huh, yes, ma'am. The tail end was just right in the edge of the woods. The front part of the car was open in the woods.

Q Okay, could you see anybody inside the vehicle?

A No, I couldn't see nobody in there.

Q Okay. Now you mentioned -- did I understand you to say that that vehicle was bogged down?

A Yes, it had to be, yeah. I think it was. I'm almost sure it was because it was boggy going cross there, a wet field.

Q All right. Now the person that you were talking with, was that person white or black?

A Black.

Q Okay. Now at the time you were -- well, before I ask you that question, was the person a older person like maybe 30s or 40s, or was this a younger person?

A Younger person.

Q Had you seen that person before?

A Never did.

Q All right. Did you believe that that was a male

or female that you were talking to at that time?
A I thought it was a male.
Q Okay. Now tell me why you say I thought it was male?
A Because he had a hat pulled down, something like, had a hood on it, had it pulled down like that and had on boy's clothes like a shirt, pants, whatever. And I thought it was a guy, young boy or something.
Q Okay, all right. And tell me what that person told you about the girlfriend?
A She said, that what my girl-- I said, what going on. She said, look what my girlfriend did, left my car in the woods. I said, left your car in the woods? He say, yeah. I said, well, where is your girl? She said back up there. She said in the ambulance back up there at the house up there. And I said, okay, so I ain't, I didn't hang around. I left.
Q Okay.
A She walked back off.
Q She walked backed off?
A Uh-huh.
Q Which direction did she walk off to? Was it in the direction of where Ms. Pearline lives from the mobile home or the other direction, opposite

direction?
A Ms. Pearline's side.
Q Okay. Now...
(WHEREUPON, State Exhibit No. 4 was marked for identification only.)
BY MS. BARR:
Q Mr. Barr, I'm going to show you what's been marked for identification as State's Exhibit Number 4. If I represent to you that this is Kendell Park Road, the portion of Kendell Park Road where the mobile home was and the vehicle was found, does it look familiar at all to you?
A The vehicle was found at this mobile home?
Q Yes, sir.
A Right in there.
Q Okay.
A In the woods.
Q All right.
A Yes, ma'am, past---
THE COURT: All right now, speak up now. You can just carry on a conversation with her. This lady has got to take down everything we say and the jury has got to hear you.
THE WITNESS: Okay.

BY MS. BARR:

Q If I represent to you, sir, that the box that's got [redacted] in here, the mobile home that you talked about, does it, does this scene look familiar to you?

A Yes, ma'am, it does.

Q All right.

MS. BARR: Judge, we would move State's Exhibit Number 4 in, and I believe it's without objection.

MS. BUTCHER: No objection.

THE COURT: Admitted into evidence without objection.

(WHEREUPON, State Exhibit No. 4 was admitted into evidence.)

MS. BARR: Permission to publish.

THE COURT: Yes, ma'am.

MS. BARR: Thank you.

BY MS. BARR:

Q Mr. Barr, can I get you to come down here with me?

A Sure.

Q All right, Mr. Barr, while you were on the witness stand I showed you State's Exhibit Number 4, which is a diagram of that portion of Kendell Park

Road where the vehicle was recovered. Do you remember me doing that?

A Uh-huh.

Q Is that a yes?

A Yes, ma'am.

Q Here's what I need you to do for me. You don't have your mic so I need to make sure you keep your voice up, okay.

A Okay.

Q So the court reporter can hear you.

A Right.

Q All right. Now I'm gonna let you use the pointer. Tell me where the Kendell Park Road is so the jurors can see what we're talking about.

A This is Kendell Park Road here coming right here, yeah.

Q Okay, all right. And if you would, I think that I asked you earlier to assume for me that this little box here that's marked [redacted] let's assume that's the mobile home that you were talking about.

A Right.

Q Do you know whether or not anybody was living in that home at the time ---

A No, no.

Q ---you went there?

A No, the guy that lived there, he wasn't living there.
Q Okay. Was anybody living there on this night?
A No, no' ma'am.
Q So it was a vacant mobile home?
A Right, uh-huh.
Q All right, now just so we're clear, from what part of Kendell Road did you come in and see the vehicle?
A Windy's Lane is right around in here somewhere. Windy's place is here.
Q Yes, sir.
A I turned around in the lane. And when I turned around I pulled through here.
Q Yes, sir.
A And then I could see the trailer, the car, vehicle, going through here. I mean, it had weeds and stuff mashed down, it was bogged. So I turned my truck crossways and the vehicle is in the woods, the front part in the woods, treeline. And the tail, you could see the reflector, two tail lights on it. That was tail lights that was a Cadillac.
Q Let me ask you this, when you heard the information on the scanner, where did you come from on Kendell Park Road? Did you come from here or did

you come from here?
A Come from here, 261.
Q And tell us again after you're driving down from 261 Kendell Park Road, tell us where you turned in at Windy's Club?
A Right, Windy's Club. The lane is right down know here.
Q All right. Did you back into the lane or did you go in forward?
A I can't, I don't quite remember; but when I did, when I did come into the road, I swing through here.
Q Okay, all right. And you indicated that you saw the tail light ---
A Yes, ma'am.
Q ---of the Cadillac somewhere in here?
A Right in here, somewhere right up in here. Circle around here passed the trailer.
Q All right. Okay, sir, you can have a seat, thank you.
A I go back up?
Q Yes, sir, right back on the witness stand. Other than the person who approached you while you were at the car, did you see anybody else out there either walking around or anyone else kind of just wandering?

A No, ma'am.
Q Okay, all right. Did the individual who spoke with you that night ask for any assistance from you?
A No, ma'am.
Q Okay. When you were talking to this person, just to be clear, did you think this was a male or female when you were talking to the person?
A I thought it was a male.
Q Okay. Did you subsequently give a statement to Investigator Kennedy, this gentleman seated here at the prosecution table with me?
A Yes, ma'am.
Q And in that statement did you tell Investigator Kennedy that you thought it was a male who approached you?
A Right. I think, I'm almost sure I did because that's what I thought it was, a male.
Q Okay. What led you to believe, or did you come to believe at some point later that it wasn't a male who you were talking with?
A Later on the next day, sometime later on after that.
Q Okay.
A Yeah.
Q All right. Can you tell us why you ---

A Because ---
Q ---came to believe it was a female you were talking with?
A Because later on that next day, that evening, the word was out that someone was killed in the trunk of the car, it was two girls they said.
Q Okay.
A Yeah.
Q All right. When you left the area where the mobile home was and the Cadillac was ---
A Yes.
Q ---you came out of the little semicircle?
A Uh-huh.
Q And you went which direction?
A Back out next 261.
Q Okay.
A Back home.
Q And let me make sure I'm clear. I'm gonna publish State's Exhibit Number 4 again right quick. Can you see that from where you are?
A Yes, ma'am, I think so.
Q All right. So did you continue to travel out of this lane here?
A Right.
Q All right. And from this point here on Kendell

Park Road, did you make a right or left on Kendell Park Road?

A Make a left.

Q You came out this way?

A Yes, ma'am.

Q So your house is?

A Down that away, yeah.

Q If I'm facing this particular exhibit your house would be to the right?

A To the right, yeah.

Q Okay. And the person that you were talking with who came up to you, where did that person go? Same direction as you or opposite direction?

A Right walking, yeah, same direction.

Q The same direction as you?

A Yes, ma'am.

Q Okay.

MS. BARR: I'd like to have this marked just as an exhibit please.

(WHEREUPON, State Exhibit No. 5 was marked for identification only.)

MS. BUTCHER: Your Honor, I would object if this is going to be shown to the witness.

THE COURT: You object to what?

MS. BUTCHER: I believe she's trying to --

can we approach?

THE COURT: Well, let's see what the witness -- if he can identify the exhibit. She hasn't offered it yet. Let's see what she's gonna do at this point.

MS. BUTCHER: Your Honor, I -- may we approach, Your Honor?

THE COURT: Yes, ma'am.

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

BY MS. BARR:

Q Mr. Barr, I'm going to show you what's been marked for identification purposes only as State's Exhibit Number 5. Have you seen this particular photograph before?

A Yes, ma'am.

Q All right. Who showed you that photograph?

A I think the gentleman right here did.

Q You're pointing to Investigator Archie Kennedy?

A Yes, ma'am.

Q All right. In terms of him showing you that photograph, don't tell me who's on it, no names or anything like that, but have you, do you know that person that's in that photograph?

A No, ma'am.

Q All right. As far as you know have you ever seen that person in that photograph?
A Never seen him, not to my knowledge.
Q All right. And the individual that's in the photograph is a black male?
A Yes, ma'am.
Q All right. And did Investigator Kennedy ask you whether or not the person that's in that picture was the same person that approached you on Kendell Park Road near the abandoned mobile home?
A Yes, ma'am, he did.
Q He asked you that question?
A Yes, ma'am.
Q What was your response to that question?
A No, ma'am, this wasn't the person.
Q Any question in your mind?
A No question because the person that approached me was a small frame person, you know, like a young person. Not even nowhere close to that.
Q Okay. Mr. Barr, that's all the questions I have for you, sir. Thank you so much. Please answer any questions Defense counsel has.

THE COURT: Cross-examination, Ms. Butcher?

CROSS-EXAMINATION

BY MS. BUTCHER:
Q Now you state -- let me ask you a couple of things. One, this has been over two years ago, correct?
A Yes, ma'am.
Q Okay. And you said the car was here?
A Somewhere in that vicinity, yes.
Q Bogged down on this side?
A Right.
Q Okay. Right about in here, that's where you're saying the car was bogged down?
A Yes, ma'am.
Q Okay. Now you said that the ambulance was still there at Ms. Pearline's house, correct?
A Right.
Q And that was when you were talking to the person that approached you?
A Yes, ma'am.
Q Okay. So the ambulance was still over at Ms. Pearline's house, the car was bogged down here, and you were, did you say somewhere out here?
A I was in the loop right there.
Q Right around here in the loop?
A Yeah, right in there.
Q Okay. And that's when somebody approached you?

A Yes, ma'am.
Q You thought it was a male?
A Yes, ma'am.
Q Okay. Now did I hear you correct that the person had on a hat?
A Sure did, yes, ma'am.
Q Okay, was it a baseball hat?
A A hat with a hoodie on the front like a baseball, shape of a baseball hat.
Q Okay. And I also thought I heard you say there was a hood also.
A No, I didn't say anything about no hood.
Q Okay, no hood. Okay, he didn't -- the person didn't have on a hoodie or anything like that?
A I don't recall a hoodie. I remember a cap, not a hoodie.
Q You just remember a baseball cap?
A Right.
Q Okay. Could you see the length of the hair or anything like that? Did you see hair?
A No, ma'am.
Q Okay. So either the person had their hair under the hat but they had on a hat, you couldn't see hair, which would indicate they had short hair?
A Right.

Q It was jut hidden by the baseball hat. Okay. And you perceived it to be a black male?
A Yes, ma'am.
Q Okay. About how tall you think?
A Let's see, probably about 5'2", 5"3", short.
Q 5'2", 5'3". Were you sitting in your car?
A No, I was standing outside.
Q And that person came up to you you said?
A Right.
Q Was there any facial hair?
A No, I didn't see any facial hair.
Q Okay. And the only reason you decided it was a female and not a male is because you heard two females committed the crime, correct?
A Correct.
Q Okay. So from everything you perceived, though, it was a male?
A Yes, ma'am.
Q Okay. When did you talk to Investigator Kennedy?
A This was, I think it was this year. I think it was the same year. I don't remember when.
Q This year?
A Yeah.
Q Within the last two months?
A I believe it was this year.

Q Within the last two months?
A Probably was, yeah.
Q So probably two years or better after it happened, correct?
A Correct.
Q Okay. And did Mr. Kennedy, or do you remember anything about what the person was wearing other than the baseball hat?
A Not really but they, you know, dressed like a young boy like, you know. I, I could have sworn it was, you know, a boy. But like I said, he had on a cap and then I, I couldn't tell who it was, but I thought it was a male.
Q Okay. No further questions.
THE COURT: Redirect?
MS. BARR: No, Your Honor.
THE COURT: All right. Thank you, sir. You may step down.
Ms. Barr, you may call your next witness.
MS. BARR: The State calls Arnold Gamble.
THE COURT: Come up please, Mr. Gamble.
THE WITNESS: Good morning.
THE COURT: Good morning. Come right to the rail and be sworn.
THE CLERK OF COURT: Place your left hand

on the Bible, raise your right hand.

WHEREUPON,

ARNOLD GAMBLE,

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

THE CLERK OF COURT: You may take your seat in the witness box.

THE COURT: Come right around here please. All right, Ms. Barr.

MS. BARR: May it please the Court.

THE COURT: Yes, ma'am.

DIRECT EXAMINATION

BY MS. BARR:

Q Mr. Gamble, if you would please state your full name for us.

A Arnold Lee Gamble.

Q All right. And sir, tell us where you live.

A Currently?

Q Yes, sir.

A Right now I'm at [redacted] Road.

Q Okay. Where's that at?

A Its in Greeleyville. It's -- you have -- it's at the -- you come through Greeleyville and, again, I don't know how, how you all refer to it here but, once you are exiting where the sign of the town

limit, there's like a three fork in the road.
Q Okay.
A Greeleyville Road is here. Holloman -- I think it's Holloman is here, and my house sits right on the fork.
Q Okay. How long have you lived at that address?
A We moved in on April, it was the first, or last week of March. And I want to say April between, March 30th and April 3rd.
Q Okay. Of 2014?
A Of 2014.
Q Okay. And sir, tell us if you will, what is your relationship to the deceased Mr. Joe Brown?
A He was my uncle.
Q Okay. Were the two of you close?
A Yes, we were very close.
Q Okay. Within the last year or two of his life, how often would you talk to your uncle or see him?
A I would see him almost monthly because my mom, or lived in Manning while the home was being built, and I come to check on her monthly.
Q Okay.
A We would talk on the phone at least three Sundays out of every month, you know, prior to his going to church we'd talk on the phone.

Q All right. Now, when we talk about your mom tell us how it is that you're related to Mr. Joe Brown. Is he your mom's brother?
A No, he's my father's, he was my father's brother.
Q Okay, all right. What type of vehicle did Mr. Joe own and operate shortly before his killing?
A Then it was, I think it was like a green, like a dark green Cadillac.
Q Okay. Have you ever ridden in that vehicle with him before?
A Yes, I have.
Q Okay, all right. When you would see him in his car, in his Cadillac, would he typically be the one driving the Cadillac or would you see other people driving it while he was a passenger in the vehicle?
A No, he always drove his car. He did not, he did not allow anyone to drive his car. That was one of the things we knew. He made it well no one drives his car.
Q Okay. How often would you talk to him say in an average month?
A In an average month including the visits, I'd say probably between eight to ten times.
Q Okay. Now you indicated that the two of you were close?

A Yes.
Q Were you always that way or did it get closer later in life?
A No. I really did not have any communication with my father's family until 2009 and Uncle Joe had been looking for me I understood so I sought him out in January 2009 and we talked. And he introduced me to the other family members and he, whenever I would come go visit him he and I developed a very close relationship from that point.
Q Let's talk about the month of March of 2014. You indicated that you were building a house in Greeleyville?
A Yes.
Q Okay. Was the construction near complete in March of 2014?
A The construction was completed. We were -- in fact, the construction was completed in October of 2013, but I was not able to take the time to get my mother moved in until March and so.
Q Now where are you from?
A I'm, you mean, well I, when I say that I was not from here, I've been living in Boston, Massachusetts for the past 18 years.
Q Okay. Are you working now?

A Yes, I -- well, I am on leave caring for my mother right now and hopefully will be returning to work. I'll be making a decision within the next two months whether I'm going to retire. It depends on her medical condition.
Q Sure. Where do you work?
A Excuse me?
Q Where do you work?
A With the Department of Homeland Security, U.S. Citizenship and Immigration Service.
Q Okay. Did you see your uncle back on March 29th of 2014?
A Yes, and he -- I saw him.
Q I'm sorry, you can go ahead. You saw him where?
A I made contact with him when I got here because he was going to be setting up on getting a few other guys to help with the moving of the furniture from storage to my new home.
Q Okay. So where did you see him at on March 29th?
A I went by to visit him. This was, I went by to visit him. Now the 29th, because this was on let's go back, I got there on a Wednesday. The Thursday I saw him, that's when I went by to visit. Friday -- this is still the latter part of March -- Friday was when we sat out fruit trees on my property; this was

Friday, when he myself and other family members did a few fruit trees in the backyard. And then Saturday -- and I'm kind of lost on the dates now because, but Saturday was the date of the cookout.

Q Was that the day that you last saw your uncle?

A Yes.

Q Okay. And let's just start from that premise and I'm not gonna ask you to remember specific dates. We'll just talk about the date you last saw your uncle.

A Okay.

Q All right. On that particular day where did you see him?

A In the morning we met and, in fact, he -- I drove over to his house. I got in his car. We drove over to Long Street to the hardware store because that's where the U-Haul was.

Q That's here in Kingstree?

A In Kingstree, yes. And we sat there until the store owned, and I went in and got the U-Haul. By this time it was about eight.

Q In the morning or night?

A In the morning.

Q Yes.

A He drove back and picked up the two gentlemen

that were gonna help us put the furniture, to move from the storage unit in Manning to Greeleyville. And I drove the U-Haul truck from Kingstree to Manning, and he was with us during that move. It was only, it was a truck load so we had all of that loaded and everyone was back in Greeleyville around 12:00.

Q Okay. And this is 12 noon?

A Around 12 noon.

Q Okay. Was your uncle living in Greeleyville or in Kingstree at the time?

A He was living in Kingstree I believe.

Q Okay. Now you mentioned something about a cookout. Tell us how that came about.

A There were a number of people -- well, out of the two people, gentlemen that help with the move, then there were my nieces came from Florida, Miami, you know, and everyone just sort of helped, got the furniture in, and they were just there to help out.

Q Okay.

A And no one had eaten and, you know, the place wasn't really prepared for that yet because everything was in boxes so the simplest thing to do was to just go to the grocery store and get some meat or some food and put it on the grill, and

that's how that came about.
Q And the cookout was at your house?
A Yes.
Q So it was the spur of the moment type thing?
A Excuse me?
Q It was a spur of the moment type thing?
A Yes, yes.
Q All right. Before the cookout you indicated y'all were together until about 12 noon?
A Yes. Well, we were, they finished getting the furniture into the house around.
Q Okay.
A Everyone arrived in Manning about 12.
Q Okay. When did Uncle Joe leave?
A He left at about 3:30.
Q Okay.
A Yeah.
Q When he left was he by himself?
A He took the two gentlemen back to Kingstree.
Q Okay. What was he driving when he left?
A The Cadillac.
Q Okay. He returned later?
A He returned later between 6, 6:30.
Q Okay. What was he driving when he returned?
A The same, the Cadillac.

Q He came back to your house?
A Yes.
Q Did he have anyone with him?
A Yes, there were two young ladies.
Q Had you ever seen those young ladies before?
A Never, no.
Q Did you know who they were?
A No.
Q Okay. Can you describe who were the young ladies that he had with him?
A There was an African American young lady and a white young lady.
Q Okay. Did you see him when he came back to your house for the cookout later that evening? Did you actually see him drive up?
A I saw him drive up, and he drove around -- if you drive by my house it sits in the fork. The front door is actually facing the fork of the road.
Q Okay.
A There's a side door and then there's a back door. He drove around the front to the side, and that's where his car was parked at the side door.
Q Did you see him get out of his car?
A No, I saw, I met him at the door. He was coming up the steps. My niece and nephews said Uncle Joe

is here, and I went from the kitchen to the door.
Q Okay, all right. Did you see when he came back for the cookout where the two females were in the vehicle? If you didn't that's fine, I'm just curious.
A When he came back, no, because they were coming behind him up the steps and he introduced them to me and to everyone as he was coming up the steps. He was holding the rail with one hand and the cane with the other.
Q Holding the rail with one ---
A The rail, there's a support rail.
Q Okay.
A As you come up my steps.
Q Why was he holding the rail? Why did he have a cane?
A Well, his left upper right leg, it was arthritis.
Q Okay.
A Yeah.
Q All right. The African American female, who do you recognize that to have been?
A The -- who did I, I don't understand.
Q That might be a poorly worded question. In the courtroom today do you recognize the individual who is the African American female who came with your

uncle to the cookout?
A Yes.
Q Where is that individual?
A She's sitting directly across from me (indicating).
Q At the defense table?
A Yes.
Q With the purple on?
A With the purple on.
MS. BARR: Your Honor, please let the record reflect that the witness has identified the defendant.
THE COURT: Record will so reflect.
MS. BARR: Okay.
BY MS. BARR:
Q How long did your uncle stay out that night?
A It was probably 9, 9:30.
Q Okay.
A Yeah, because we, as I recall I did not get the meat on until around 6:00.
Q Okay.
A And we were just taking it off when he was about to leave, yeah.
Q What kind of mood was he in?
A Excuse me?

Q What kind of mood was he in?
A Oh, a very jovial mood, very happy, especially for me and not that may not mean anything; but when we connected for the first time and I told him I was looking for property, he took me around to look at various sites and took me to visit one gentleman who directed us somewhere else that owned the property who directed us to that gentleman and that's how I got the property. But that's, yeah, so he, he said you know, one thing, he said I'm so happy for you, this is a great day, you know. And no, he was very happy, he was happy.
Q Did you see when your uncle left, did you have an opportunity to say good-bye to him?
A Yeah, I did. And my plans were to see him the following morning, yes.
Q Did you see him get into the car?
A Yes, I did.
Q Did the two women who were with him, did they leave with him?
A Yes, they did.
Q Okay. Where did the defendant get into the vehicle?
A She was on the passenger side in the front.
Q In the front?

A Yes.
Q Who was driving the vehicle when they left?
A Uncle Joe.
Q The white female that you talked about, where was she inside the vehicle when they left?
A She was in the back behind the driver.
Q Okay. Let's go back to that particular night and let's talk about the defendant. Do you recall how she was dressed that night?
A I remember her having on, like, I remember the top being of a grayish, you know, type top.
Q All right. What about the white female?
A She had on a blouse and, well, with the back out more like a halter I think. She was dressed more, well, skorts or shorts or like the skirt type shorts and that.
Q Okay.
A And the African American young lady had on, like, her pants looked like -- and I don't want to say they were sweatpants because I didn't pay that close attention but I know that whatever she had on it was, well, camouflage and a pair of jeans, gray to me, and had a hood.
Q All right. And let me make sure I'm clear about that, that's important. When you describe the

defendant's clothing that night you indicated that she had on a hoodie?
A Yes.
Q All right. And you used the word, did I understand you to say that it was a camouflage hoodie?
A No, it -- you know, it look like it was gray. I saw the, what I saw was the gray. It may have been design in it. I zeroed on in on this, it was gray, like a darkish or faded type gray.
Q Faded type gray, all right. And was the defendant wearing that when she got in the car to leave with your uncle?
A Yes.
Q Okay. And at any point in time did you see the white female wearing gray or faded or camouflage hoodie?
A No, I don't recall seeing her wearing that.
Q Okay, all right. When did you and how did you find out about your uncle, and what ultimately ended up happening that night with him?
A 9:30 in the morning I received a call from one of my cousins that they were looking for him and asked me had I seen him. And I said, yeah, he was here last night and I haven't seen him since because

automatically they knew that whenever I was in town uncle Joe and I always hang together. And we, you know, most of my time was spent, you know, with Uncle Joe. And so about maybe 30 or 45 minutes later, you know, the sheriff department came by and told me; but at this point in time, you know, my cousin said she was going to check for him to see what else she could find out, but you know, they were trying to locate him and they had located his car somewhere and he was not in the car and I thought that was very unusual.

Q Okay, all right. Let's talk about just for very briefly about what was in the car.

MS. BARR: Your Honor, State and the Defense have stipulated the admissibility of State's Exhibits 2 and 3, and further, that these are photographs of items that were seized from the trunk of the victim's vehicle.

THE COURT: No objection?

MS. BUTCHER: No objection.

THE COURT: All right. Admitted without objection State's 2 and 3.

(WHEREUPON, State Exhibits Nos. 2 and 3 were admitted into evidence.)

MS. BARR: May I approach the witness,

Your Honor?

THE COURT: Yes, ma'am.

BY MS. BARR:

Q Mr. Gamble, I'm gonna show you State's Exhibit Number 3 and represent to you that those are contents items found in your uncle's trunk as well as State's Exhibit Number 2, and I'm particularly interested in State's Exhibit Number 2. Do you recognize that?

A Yes, I do.

Q All right.

MS. BARR: And I'll publish it, if Your Honor please.

THE COURT: Yes, ma'am.

BY MS. BARR:

Q I'm having you testify. I'm gonna publish first State's Exhibit Number 3, which are a photograph of paper contents of your uncle's vehicle. You follow me?

A Yes.

Q Okay. Now I'm gonna publish State's Exhibit Number 2 and ask you if you recognize what's depicted in that particular exhibit?

THE COURT: You want to step down and get closer to it?

THE WITNESS: (Witness steps down.)

BY MS. BARR:

Q Hold on for a second. Over here for me. Do you recognize what's depicted in that exhibit?

A Yes.

Q Tell the jurors how you recognize it.

A The handwriting.

Q Whose handwriting is that?

A Joseph Brown, what's my handwriting.

Q Okay. You wrote your uncle's name on that piece of paper?

A On that piece of paper, yes.

Q Okay.

A And my name is there. That's in his handwriting and that's his.

Q Hold on, you're going too fast for me. Point to where your name is so the jurors can see.

A Here.

Q That's Arnold?

A Yes, Arnold.

Q And just for the record we're talking about, I guess, the upper right hand portion of that particular piece of paper?

A Correct.

Q That's Arnold?

A Yes.
Q We see the center of that piece of paper the words Joseph Brown?
A Right.
Q All right. And we have writing that says new number?
A Yes.
Q Is it your testimony to the jury that this is your handwriting for Joseph Brown?
A That's my handwriting of Joseph Brown.
Q What does that number represent if you know?
A I don't know what the new number represented; but where the 607, this is my smart phone, my work phone ---
Q Yes, sir?
A ---you know, that I have, and I had given him that number. This is the back I believe of an envelope, you know, because I was dropping my car sometimes. Sometimes, you know, this is a surprise I would drop him a couple of bucks in it or what have you and then I'd write Joseph Brown. I would leave something in his door and he wasn't there I would write that on it, you know. But this number here, 372-3546, I don't, I don't know that number. I know that this is -- Joe's was right handed.

Q Okay. Let me ask you this, now you reference a 617 number here that's right underneath your name.
A Yes.
Q You indicated that was your ---
A That's my ---
Q ---cell phone?
A That's my cell phone, work cell number, yes.
Q All right. Sir, you can have a seat. Sir, I asked you about the defendant and you've recognized her as being one of the individuals at your home on the night of the 29th. Let me ask you about another person.

(WHEREUPON, State Exhibits No. 6 and 7 were marked for identification only.)

BY MS. BARR:
Q Sir, I'm gonna hand you what's been marked as State's Exhibit 6 and 7. Do you recognize what is depicted in that, those two photographs?
A Yes.
Q All right. How do you recognize it?
A She was the white female.
Q Who?
A Attend the picnic with, not the picnic but the cookout that was at my house.
Q Okay. Was this the same individual who came with

the defendant?
A Yes.
Q All right.
MS. BARR: Judge, permission to introduce State's Exhibit 6 and 7.
MS. BUTCHER: No objection, Your Honor.
THE COURT: 6 and 7 admitted without objection.
(WHEREUPON, State Exhibits Nos. 6 and 7 were admitted into evidence.)
MS. BARR: Permission to publish?
THE COURT: Yes, ma'am.
BY MS. BARR:
Q Sir, I'm gonna publish State's Exhibit Number 6. Is that photograph depicting the right side of the face of the woman who was with the defendant at the cookout at your house?
A Yes.
Q All right. And publishing State's 7, is that a left side view of that same individual?
A Yes.
Q All right. Now Mr. Gamble, just to be clear, you don't have any direct knowledge of how your uncle passed away, do you?
A No, I don't.

Q Okay. And you're not here to testify to anything to that effect?
A No.
Q Any doubt in your mind that the individual who is depicted in State's Exhibit 6 and 7 was one of the people who your uncle came with and left with that night?
A No doubt, none at all.
Q Any doubt in your mind the defendant was the second person that your uncle came and left with that night?
A No.
Q Now does the defendant now look the same way that she did when she left the cookout at your house with your uncle back on the night of March 29th?
A No.
Q How is she different? How is her appearance different?
A Her hair was short.
Q Okay.
A She, the dress was more of an athletic type dress, you know.
Q Okay?
A And she, and I'll just -- she appears to be a much softer now.

Q Much softer?
A Softer is the look, you know. It was more of athletic look when she was at my house.
Q Okay.
A With ---
Q I'm sorry.
A No, with the, you know, with the sweatshirt and the hoodie, or whatever it was that was gray, you know, but yes. Her hair is longer now.
Q Thank you so much for your time. Please answer any questions that Defense counsel may have.
THE COURT: Cross-examination, Ms. Butcher?

CROSS-EXAMINATION

BY MS. BUTCHER:
Q Now you stated that you recall Ms. Epps having on what you thought were sweatpants at the night of the picnic or the cookout, correct?
A Yes.
Q Okay. And you have also stated that they were camouflage; is that correct?
A I said that if they appear to have been camouflage. I didn't focus on the camouflage. I focused more on direct color, and again, that's which was a grayish color.

Q You're saying that sweatpants were gray or that the top ---
A Everything that she had on, whether it all -- if you take a quick glance, and I don't want words put into my mouth ---
Q Okay.
A ---and to scan when you're not directly focusing on an individual, you're taking a peripheral scan, a glance, and that's what I saw from that. But the features I don't forget. But I wasn't that interested that I would look her up head to feet to determine what she had on exactly.
Q Okay, thank you. Court's indulgence. Now you don't know what happened after your uncle Mr. Brown and the girls left the picnic, correct?
A No.
Q Okay. You don't know who was with Mr. Brown when he was shot, correct?
A No.
Q And you don't know who shot him, correct?
A No.
Q But you know they came to that picnic that day?
A Yes.
Q Okay. And that Ms. Epps here had on camouflage sweats and a solid gray hoodie, correct?

A She had on a softer, a gray hoodie. That is as I said, before, whether the sweats were camouflage or not I didn't pay attention to that. I, when he introduced me I saw them from the head up; but what made me pay more attention to the other young lady was the difference in the dress. She had on a blouse. The back was, or the halter top, the back was open and she had on a black little thing that was standing out more definitely to me, you know. So I wasn't checking to see from a stylish point of view what type of slacks the defendant had on. But I, if I had, you know, given a description I know that the top was some shade of dark gray or some shade of gray, and she had a hood on.

Q And it's hard to remember that length of time, correct?

A Well, not remember, but -- and I'm not questioning you, but to focus what you're asking looking at specific here; but to focus on that and there was no intent on that, these were people that I, that came with him, I assume he knew them, and they were under his guidance and control and I didn't need to be, you know, with anyone. With the crowd there I had to deal about everyone else.

Q I understand. Now if you had given the statement

in the past and said that sweats were camouflage, would that have been truthful?

A I, now again, if I had given such a statement and if I said they were camouflage, I've always recalled what I said just a few minutes ago. That's, the top I can account it was gray, it had a hood on it, she wore that. As far as the sweats or whatever they were that she had on, they were baggie, you know, and I just concluded from that it was more of an athletic look, you know so. You know, gray or camouflage, I could not be very descriptive on that.

Q Okay. Thank you.

A You're welcome.

Q No further questions.

THE COURT: Redirect?

MS. BARR: Just briefly, Your Honor.

(WHEREUPON, State Exhibits No. 8 through 11 were marked for identification only.)

MS. BARR: Your Honor, I have -- we've marked as State's Exhibits 8, 9, 10 and 11. We would move to introduce these particular exhibits. I understand the Defense has no objection.

THE COURT: Any objection?

MS. BUTCHER: No objection, Your Honor.

THE COURT: All right, admitted without

objection.

(WHEREUPON, State Exhibits Nos. 8 through 11 were admitted into evidence.)

REDIRECT EXAMINATION

BY MS. BARR:

Q Mr. Gamble, just a couple of followup questions if I may. I'm gonna show you State's Exhibit Number 8. Do you recognize what is in that photograph? Does that look familiar to you in terms of the inside of the vehicle?

A Inside of the vehicle?

Q Yes.

A Yeah.

Q Okay. Do you recognize this being inside of your uncle's vehicle?

A Yes.

Q And again, you testified that you've been inside the vehicle?

A Yes.

Q All right, so -- permission to publish?

THE COURT: Yes, ma'am.

BY MS. BARR:

Q Publishing State's Exhibit Number 8. And if you can't see it from the witness chair, Mr. Gamble, you can coming on down. Can you see it from where you

are?
A Yes, I can see it.
Q All right. This is the interior of your uncle's vehicle; is that right?
A Yes.
Q And what part of the car does it show in that picture?
A The passenger seat.
Q Front passenger seat?
A Front passenger seat.
Q How can you tell it's the front passenger seat?
A Because the glove compartment is there above it, yes.
Q Right here?
A Yes.
Q All right. Now I want to focus on two things in that picture first and foremost. And if you need to come down that's fine. Do you recognize the plastic bag there that I'm pointing to that's in the floorboard of the front passenger seat? I was going to say you can come on down.
A (Complies.)
Q And you can look at this particular exhibit or you can look at a closer view of State's Exhibit Number 9.

A Yeah.
Q Okay. How do you recognize it, the plastic bag?
A It's one from the grocery store and prior to his leaving that night I ---
Q Keep your voice up for me.
A Oh, prior to his leaving that night I -- he didn't want to eat so he asked me to prepare a plate for him and I put it in like a, one of the little things, or it's not the Tupperware that you get from the Tupperware parties, but it's a little plastic container with a blue top and I stuck it inside. We save those bags there.
Q Okay. And is that the plastic bag that's in the front floorboard that you gave uncle with the food in it?
A It's tied, yeah.
Q Okay. All right now, does the gray garment in the floorboard look familiar to you, and I'll let you see State's 9, 10 and 11. Does that look familiar to you?
A This one here, you know, again, it's probably was without being a closeup shot that ---
Q You say -- I'm sorry, I hate to talk over you, I'm sorry. When you say this one here, you're talking about State's Exhibit Number 10?

A Yes.
Q All right. You say that what's depicted in State's Exhibit number 10, which I'm gonna publish, you say that looks familiar to you?
A Yes.
Q All right. Why does that look familiar to you?
A Because as I say, all I thought about it after had happened ---
Q Yes, sir.
A --- we recall what each individual had. I remember the grayish hood. But in this it could be more a shade of gray ---
Q Okay.
A ---that was there. Now, you know, but in the closeup, that's camouflage.
Q Okay.
A Okay.
Q Now, and just for clarity, we're looking at the floorboard of the front passenger seat of your uncle's vehicle?
A Right.
Q Can you point to where the seat is.
A The seat is here.
Q Okay. Do you see the item of food in the plastic bag that you gave your uncle?

A I see the covered food through the plastic bag.
Q Okay, where? Point to that for us please?
A Here.
Q All right. I'm gonna publish State's Exhibit Number 11. You mentioned something about camouflage. Does that look familiar to you in terms of what's depicted in State's Exhibit Number 11?
A No, I didn't see anything but writing on it. I don't even know where that's positioned ---
Q Okay.
A ---with what she had on. I am certain it wasn't a position on the hood ---
Q Okay.
A What she was wearing.
Q Let me ask you this, you don't recognize the writing that's on what looks like to be the back ---
A Right.
Q ---of the hoodie?
A Uh-huh.
Q Is that a yes?
A Yes.
Q All right. Do you recognize the gray camouflage that you talked about earlier? I'm gonna publish State's Exhibit Number 9.
A Yes, and I recognize that on that, and on the one

you just showed in that, it was spread out.
Q Yes.
A So that's what I meant when you taking a peripheral glance and you look at something, then you get closer to what the shade is.
Q Okay. What does this appear to be on the floorboard of your uncle's vehicle? It's the gray item that I'm pointing to.
A It appears to be like the hood of a jacket.
Q Okay. The hood being here? Can you see it?
A Hood being here. This appears to be like also the sleeve, but this is the hood of the jacket.
MS. BUTCHER: Your Honor, I would object. It seems like speculation. Either he knows or doesn't know, not what it appears.
THE COURT: I overrule. I think he can give his impressions.
BY MS. BARR:
Q Okay. Let me ask you, does this appear to be the jacket that the defendant was wearing when she left your home with your uncle that night?
A With that now follows up like to be camouflage, I just saw it as a grayish color.
Q Fair enough.
A That's the closest that I can get to it but, and

she kept her hood on the entire time.
Q I'm sorry, say that again.
A The hood, she kept that on so I, my vision was focused more on, you know, the hood and the face. And I wasn't directly conversing with her at all. That's just in my glancing and just looking over the crowd to see whose there.
Q Yes, sir, fair enough. Thank you, sir. That's all the questions I have. I appreciate it.
THE COURT: Come back up please, sir.
Recross?

RECROSS-EXAMINATION

BY MS. BUTCHER:
Q Now let me ask you this, did I just -- you said Ms. Epps kept her hood on the entire time?
A Yes.
Q Never took it off?
A No.
Q How would you know what her hair looked like?
A I could see from here.
Q Huh?
A She had the locks, the twists, they were short.
Q But that's like the front.
A That's in the front so I could see that from here.

Q But you couldn't see the rest of it?
A Not the rest of it, no.
Q Okay. Now the picture that Ms. Barr showed you, you never saw any of this writing?
A No, no.
Q Now, and Ms. Barr claimed that was the back of the hoodie?
A Excuse me?
Q Ms. Barr claimed that this was written on the back of the hoodie, correct?
A No, she didn't say that was written on the back of the hoodie.
Q When she was standing up here she said about the words on the back of hoodie.
A No, I said I did not recognize the words and I said that from not from the back of the hoodie. I said not from the back of the hoodie. Wind it back. And then when she redirected me to it she pointed to the white things that were turned inside out whether and I said that appeared could have been a hoodie. I don't know whether this had a hood on it or not from what I can see. But I know what I saw and what I could describe at that point. I can't give you any more than that.
Q Let me just, do you agree that these are the

pockets of this hoodie?
A I don't know whether there are pockets or not.
Q Okay. If they were and the writing was here on the front, correct?
A The writing is on the front?
Q I'm asking.
A Yeah, I don't know.
Q Is it fair to say you cannot identify this photograph?
A That ---
Q As ---
A As I said, I did not see any writing. Now wherever it was, whether it was on the front or the back, I did not see the writing there. That's the clearest I can give you on that.
Q Is it fair to say that you cannot identify either of these as the hoodie Ms. Epps was ---
A The one to your right ---
THE COURT: Wait a minute.
THE WITNESS: The one to your right ---
THE COURT: Wait a minute. Wait on the question. Go ahead. Go ahead.
BY MS. BUTCHER:
Q Is it fair to say that you cannot positively say, identify, that this is the hoodie Ms. Epps was

wearing that night?

THE COURT: Well, wait a minute. You're showing him two pictures, one or the other.

MS. BARR: And Judge, may we make reference to the exhibit numbers just so we're clear for the record.

THE COURT: Yeah, make reference to exhibit numbers. Ask it by exhibit numbers.

MS. BUTCHER: Okay.

BY MS. BUTCHER:

Q Well, I'll just go with State's Exhibit 10. Is it fair to say that you cannot be positive this is the hoodie Ms. Epps was wearing that night?

A Let me say, what I said in that was that the gray area in that photograph, I recognize that as being very close to the color of what I saw from top.

Q Okay.

A Of what she was wearing. Now that had to have been the outside of the hoodie. The camouflage aspect, I did not focus on that. I made that very clear that my point was visual contact remove from that on to the other things because I was very busy that day and I didn't have time to lean out, lean out each person that was there that was stopping by at that point in time. And I'm not being testy here

but I want to make certain that what I'm saying is clear, and it is not misconstrued as, you know, something technical can come out of it.

Q Okay.

A Okay. I think my explanation is very clear that from the time, given the time of the evening and what I saw and where my focus was that particular, that exhibit, that gray area, it's very close to what I saw on her head. Now as far as all the designs and whether it was camouflage or plaid or whatever from that point on, I didn't focus on that, I didn't see that.

Q Okay. No further questions.

THE COURT: All right. Thank you, sir. You may step down.

THE WITNESS: You're welcome, sir.

THE COURT: Come up, let's talk about scheduling just a moment.

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

THE COURT: Ladies and gentlemen, I've been advised by counsel the next witness would likely run us into the lunch hour so I think it is appropriate that we break at this time and allow you to go and get your lunch. It is now 12:45. I'm

approached you or attempted to talk with you about this matter in anyway whatsoever, I will need to know about it now.

(There was no response.)

THE COURT: Negative response, that's good. Has anyone learned anything about this case or anyone involved in the case from any source whatsoever, either in person or any media or any kind of research or anything on the computer? Anybody learn anything about the case or anybody associated with the case, I will need to know about that now.

(There was no response.)

THE COURT: Again, negative response and that's good.

All right, Ms. Barr.

MS. BARR: Please the Court, the State calls Jessica Jackson.

THE COURT: Come around to be sworn please, Ms. Jackson.

THE CLERK OF COURT: Place your left hand on the Bible, raise your right hand.

WHEREUPON,

JESSICA JACKSON,

having been duly sworn by the Clerk, testified

as follows:

THE CLERK OF COURT: Have a seat in the witness box please.

THE COURT: Come back up and have a seat please.

All right, Ms. Barr, you may proceed.

MS. BARR: May it please the Court.

THE COURT: Yes, ma'am.

DIRECT EXAMINATION

BY MS. BARR:

Q Ms. Jackson, state your full name for the record.

A Jessica Blair Jackson.

Q Ms. Jackson, you were subpoenaed to testify in this case?

A Yes, ma'am.

Q All right. And you were originally charged with the offense of murder and possession of a weapon during a violent crime; is that correct?

A Yes, ma'am.

Q All right. Did you have a lawyer representing you in connection with those charges?

A Yes, ma'am, Amanda Shuler.

Q Amanda Shuler?

A Yes, ma'am.

Q All right. Have you entered a guilty plea with

regard to your involvement in this case?
A I've accepted one, yes, ma'am.
Q Okay. What did you plead guilty to?
A Attempted murder.
Q Okay. Do you know how much time that you are facing for pleading guilty to that charge of attempted murder?
A Yes, ma'am.
Q How much time do you believe you're facing?
A 0 to 30.
Q Okay. Have you been promised anything to get you to plead guilty by either me or anyone in my office?
A No.
Q Have you been promised anything by any of the investigators in this case to get you to plead guilty?
A No.
Q Did anybody threaten you to make you plead guilty?
A No, ma'am.
Q Whose decision was it for you to plead guilty to attempted murder?
A My own.
Q And who did you plead guilty to with regard to attempting to murder? Who did you attempt to

murder?
A Joseph Brown.
Q Okay. You know the defendant Brittany Epps?
A Yes, ma'am.
Q Ms. Jackson, tell the jurors how you know her and how long you've known Ms. Epps.
A She used to be my girlfriend, and as of now I've known her since February of 2013.
Q Okay. How old are you?
A I'm 20 years old.
Q When is your birthday?
A [redacted]
Q Of what year?
A [redacted].
Q And do you know the defendant's birthday?
A Yes, ma'am.
Q What's Ms. Epps' birthday?
A [redacted].
Q At the time that Ms. Brown was murdered how old were you?
A I was 18.
Q How old was Brittany Epps?
A She was 17. No, no, I'm sorry, she was 16.
Q Okay. Now we know that this happened on March the 29th of 2014; is that right?

A Yes, ma'am.
Q And according to your testimony you would have just turned 18 three days prior?
A Yes, ma'am.
Q How did you meet Ms. Epps?
A I was at a group home that she was in, and I met her there.
Q Okay. Where was the group home?
A It was in Summerville, South Carolina.
Q Now where are you from?
A I'm from the beach, Myrtle Beach.
Q Okay. How many times had you been in Williamsburg County prior to Mr. Brown's death?
A I was traveling back and forth on the beach bus to see Ms. Epps, Brittany.
Q Okay. And I guess what I'm trying to get at, was it your relationship with the defendant that brought you to Williamsburg County or did you have family or friends here in Williamsburg County?
A No, I didn't know anyone besides Brittany.
Q She's the only person you knew?
A Yes.
Q All right. So when you started your relationship with her I believe you told us in February of 2013, shortly after would have been the first time you'd

come to Williamsburg County.
A When was it again?
Q You've indicated to us that you begin your relationship with the defendant in February of 2013, I guess is when you met her?
A Yes.
Q All right. And you all began a romantic relationship after meeting each other?
A Yes, ma'am.
Q All right. And shortly after beginning your romantic relationship you testified that you came to visit with Ms. Epps in Williamsburg County?
A Yes, ma'am, after I -- she had gotten out of the group home before me, and after I got out the group home I came to visit her in Williamsburg County.
Q Was that the first time you've been in Williamsburg County?
A Yes, ma'am.
Q You indicated you didn't know anyone here other than Ms. Epps?
A No, ma'am.
Q Where are your parents?
A My mom passed away when I was 13 and my dad lives in North Myrtle Beach.
Q Okay. What's your father's name?

A Steven Christopher Jackson.
Q And what's your mother's name?
A Heather Amelia Fowler.
Q Okay. Do you have a relationship with your father or did you have one with him when you met Ms. Epps?
A Sort of, not really, no.
Q Okay. All right. When was it, approximate time frame, that you started come to visit with Ms. Epps in Williamsburg County?
A Probably late December, early January.
Q Late December 2013, early January of 2014?
A Yes, ma'am.
Q Okay, all right. And when you would see her typically, where would you all hang out or meet or be with each other? Where would you all go, to her house, or how would you see each other?
A Yes, ma'am. We went to, I went to her house, her mom's house.
Q Okay. And where was she living at the time?
A On 52.
Q Say again?
A On 352.
Q Who was she living with?
A Her mom.

Q Okay, all right. Did her mom permit you to stay overnight with Brittany at her mom's home?
A She didn't like it, no.
Q Okay. Was -- did there come a point in time where you began to live in Williamsburg County full time.?
A Yes, ma'am.
Q Okay. About when was that?
A I'd say it was late February.
Q Okay. And how ---
A Or middle of February, sorry.
Q Of 2014?
A Yes, ma'am.
Q And how did you come to stay in Williamsburg County full time and who were you living with?
A I was staying at a guy named Theo's house who was supposed to be Brittany's uncle, but later it turned out it wasn't really Brittany's uncle, just someone she said was her uncle, and Brittany was there with me.
Q Whose idea was it for you to start living or staying at Theo's house?
A Brittany's.
Q Did you know him prior to your relationship with Ms. Epps?

A No, ma'am.
Q Okay. Where was Mr. -- is it Theodore McKnight? I'm sorry, when you talk about Theo are you talking about Theodore McKnight?
A Yes, ma'am.
Q Okay. I'm gonna show you what's been marked for identification purposes only as State's Exhibit Number 5. May I approach, Your Honor?
THE COURT: Yes, ma'am.
BY MS. BARR:
Q Do you recognize who is depicted in that particular exhibit?
A Yes, ma'am.
Q Who is the individual in that exhibit?
A That's Theo.
Q Okay. All right. How old was Mr. McKnight, if you know?
A I'm not sure. If I had to guess I would say he was probably in his 40s.
Q Okay. Does he have any similar features as Brittany Epps?
A Any similar?
Q Yeah. Are they the same age, same height, same complexion, same height, same hairstyle?
A No, ma'am.

Q Okay. Now why was it that Ms. Epps wanted you to stay or suggested that you stay with Mr. McKnight?
A Well, basically because we couldn't, we couldn't live at her mom's house 'cause she didn't really like me.
Q Okay.
A That was really the main reason. It wasn't really talked about, you know, why we were gonna stay there; but that was, you know, the main reason. I was only supposed to go there at first to visit and I just ended up staying.
Q Okay. Now where did Mr. McKnight live at that time?
A In Cedar Hill.
Q Okay. When you moved to Williamsburg County full time did Ms. Epps come to visit you while you were at Theodore's house for you all to spend time together, or was there a point in time when she was also staying full time at Mr. McKnight's house?
A She never left. She was living there with me.
Q Okay. Typically when you would go to bed at night would Ms. Epps be there with you at Mr. McKnight's house?
A Always.
Q And when you woke up the next morning who would

typically be with you?
A Brittany.
Q Okay. How many bedrooms are in his home?
A Four.
Q Okay. Did he have his own separate bedroom, Mr. McKnight?
A Yes, ma'am.
Q All right. Did you have your own separate bedroom apart from Ms. Epps?
A No, ma'am.
Q Did you all share a room?
A Yes, ma'am.
Q Okay. Did you have personal belongings at Mr. McKnight's house in the bedroom that you were using?
A Yes, ma'am.
Q Did Ms. Epps have her own personal belongings inside the bedroom that you shared with her?
A Yes, ma'am.
Q All right. And for the record, obviously when we're talking about Ms. Epps or we're talking about Brittany, we're referring to the defendant seated here in purple; is that correct?
A Yes, ma'am.
Q That's Ms. Epps?

A Yes, ma'am.
Q Now, you obviously you see her in court today?
A Uh-huh.
Q Is that a yes?
A Yes, ma'am.
Q Now during the period of time when you all were together and involved in a relationship, how would she typically dress in terms of her attire and appearance?
A In boy's attire, boy's clothes.
Q Explain that to me.
A Boxers, like Levis or, you know, some kind of jeans that were boys, boys jeans, a T-shirt or a hoodie, and stuff like that.
Q Okay. What is she wearing in court today?
A A dress.
Q Okay. Other than in court, during the year period of time that you knew her before Mr. Brown was murdered, had you ever seen her in a dress?
A Never.
Q Okay. In terms of how she has her hair fixed today, how is it fixed today?
A In a ponytail.
Q Had you ever known her during that year's period of time before Mr. Brown's murder to have her hair

in a ponytail?
A Very rarely.
Q Okay. How would she normally have her hair during that period of time when you all were seeing each other?
A Down.
Q Now did you graduate from high school?
A I got my GED.
Q Describe to me what the living conditions were like at Mr. McKnight's house.
A Well, there was no running water. The lights were on, but I think they were ran illegally and ---
Q Why do you think the lights were run illegally?
A I don't know; I just suspect that. Like, I mean, it was never talked about, but I just suspect that because one time they just, they went off and I think he was trying to get us to move out, Theo was, and -- I don't know; I just suspect that.
Q Okay.
A There was plywood on the floor. Just the overall was just very poor living conditions.
Q Were you working during this time when you moved into Theodore McKnight's house?
A No, ma'am.
Q Was Brittany Epps working at the time?

A No, ma'am.
Q What about Theodore McKnight?
A He did little odds and end jobs.
Q Okay. How were you all paying for food or necessary living expenses? How were you all doing that if no one in the house was working?
A Brittany's aunt helped us, you know, with food sometimes and so did her mom.
Q Okay. What's the defendant's mother's name?
A Truk Epps, but her real name is Lonzetta.
Q Lonzetta?
A Yes, ma'am.
Q And who is her father?
A Richard Epps.
Q All right. When you talk about her aunt was helping you all sometime with food, who are you talking about, who is the aunt?
A Vanity Epps.
Q Okay, what did you call Vanity Epps?
A Ree.
Q That was her nickname?
A Yes, ma'am.
Q During the time between January 2014 and March 29th of 2014 when the murder occurred, had you ever gone to Vanity Epps' house or Ree's house -- we'll

call her Ree just for clarity -- had you ever gone to that house?
A Yes, ma'am.
Q How many times have you been there?
A I couldn't count.
Q More than ten?
A Yes, ma'am.
Q When you would go to Ree's house were you typically alone or were you typically with Brittany?
A Typically with Brittany.
Q And how would you normally get to Ree's house?
A We would walk.
Q You would walk?
A Yes, ma'am.
Q From where?
A From Theo's.
Q How far did Ree live from Theodore?
A Very close.
Q How long would it take you to walk?
A Two-and-a-half minutes maybe.
Q How did Brittany get along with Theo?
A It wasn't that much interaction with Theo. We kind of kept to ourselves and he kept to hisself. It was more of a we slept there kind of thing. You know, we were gone all day. But when we did

interact with him there was a lot of joking. You know, lot of laughter and stuff like that. We were always laughing at Theo. But she got along with him pretty well.

Q Okay. Had Brittany's mother ever come to Theo's house while you and Brittany were staying there?

A Yes, ma'am.

Q Okay. How many times did she come to, approximately, Theodore McKnight's house while her daughter and you were residing with him?

A I would say probably only about three.

Q Okay. Was Brittany's mother aware that you and Brittany were living with Theodore McKnight?

A Yes, ma'am.

Q Okay. All right. When was the first time you met the victim in the case, Joseph Brown?

A Two weeks before the actual crime was committed.

Q Okay. How did you come to meet him?

A At a gas station named Sonoco.

Q Okay. How did you get to the gas station?

A Ree drove us.

Q Okay. When you say Ree drove us, who are the us that you're referring to?

A Me and Brittany.

Q Okay. Tell me about the first meeting with

Mr. Brown, either meeting or when you first saw him or met.

A Well, when we got to the gas station we pulled in and Ree got out and Brittany got out. Brittany is actually the one that went over to the, to Mr. Joseph's Cadillac. He was driving a, y'all say it was a green Cadillac but I saw it was blue but, green Cadillac. And she was asking him about where you could get ---

MS. BUTCHER: Objection, Your Honor.

THE COURT: What's your objection?

MS. BUTCHER: Hearsay.

THE COURT: You want to be heard or you want to withdraw it?

MS. BARR: Judge, let me just make sure I'm clear about what we're referring to.

THE COURT: Okay.

BY MS. BARR:

Q When you say that she was asking or she was talking, who is the she that you're referring to?

THE WITNESS: Brittany.

THE COURT: Okay. Objection overruled.

BY MS. BARR:

Q Brittany -- and so that we're clear, you can make sure when you are talking about the defendant that

you call her Brittany or Ms. Epps, but please continue your testimony.

A Okay. I guess she had asked about, Brittany had asked about where to get a good grill, and Mr. Joseph had said Sax in Florence. So she came back over and she told me -- I asked her what she was talking about.

Q Who is she?

A I asked Brittany what she was talking about.

MS. BUTCHER: Objection, Your Honor. She just stated ---

THE COURT: She asked Brittany what she was talking about.

MS. BUTCHER: But prior to that ---

THE COURT: Yeah, but that -- you didn't object to that. All right, go ahead. You can't testify to what anybody else said unless it was said by Brittany or she was present at the time it was said.

THE WITNESS: I apologize.

BY MS. BARR:

Q You mentioned that Ms. Epps was asking about a good grill. What are you talking about?

A Like the thing that goes in your teeth that's gold or whatever.

Q Okay, and stay with me. Mr. Brown responded back to Ms. Epps question?
A Yeah.
Q About a grill?
A Yes, ma'am.
Q Okay. And what did Ms. Epps say as a result of that communication by Mr. Brown?
A Like I said, I wasn't actually at the car with her, but when she came back to me this is what she was telling me. That Mr. Joseph said that a good place to get a grill is in Sax in Florence.
Q Okay.
A Then Brittany proceeded to say that he, that Mr. Joseph asked if he could have sex with me for payment and she said that she said no. Brittany said that she said no; but if Mr. Joseph, if we changed our minds to come to the Metts where he was staying, Mr. Joseph.
Q Let me ask you this, did Ree overhear this supposed conversation between Ms. Epps and the victim?
A No, ma'am.
Q Okay. Did you hear any of the conversation yourself between the victim and Ms. Epps?
A No, ma'am.

Q All right. So what you're being told about what the victim supposedly said is coming from Ms. Epps?
A Yes, ma'am.
Q Not the victim?
A No, ma'am.
Q Okay. And so after that conversation with Ms. Epps, first of all, did Ree overhear any of that conversation between you and Ms. Epps? Was she present?
A No, she was in the store.
Q Okay, all right. What happened after she came back out of the store, after Ree came back from the store? Did y'all stay in the store, or did you all go someplace after that?
A No, ma'am. Then we told Ree what happened and we were ---
Q You can't tell me what Ree said.
A Okay.
Q All right. You told Ree what happened?
A Yes, ma'am.
Q All right. And then where did you all go from that point?
A We were driving down the road and he, Mr. Joseph was behind us, and we beeped the horn so we all pulled over, Mr. Joseph and Ree, and we pulled over.

And he pulled beside us and -- can I tell you what Ree said now?

Q You can't tell us what Ree said during that conversation. Did you have any conversation with Ms. Epps, or did you overhear her say anything during that point after the victim pulled on the side?

A Not really, it was more Ree.

Q Okay, all right. Did Ree end up taking you and Ms. Epps back home or back to Mr. McKnight's house?

A Yes, we went back to Mr. Theo's house.

Q Okay. Now when you say Ree had a conversation, who is she specifically having a conversation with when you all pulled over?

A Mr. Joseph.

Q Okay. Did you have a conversation with Ree as a result of her talking to the victim?

A Yes.

Q Did you have a conversation with Brittany at that point?

A Yes.

Q Okay. Tell me about your conversation with the defendant.

A We were talking about how, we were talking about how we could tie Mr. Joseph up and rob him.

Q When did that conversation take place?
A When we first met Joseph and, but we were more laughing about it like we weren't gonna do it. We were laughing about it and not -- and Ree was -- that's when that hole thing occurred with Ree.
Q Okay. And this was after the initial meeting at Sonoco?
A Yes.
Q Now you mentioned that you met him for the first time two weeks prior to the murder. Did you see the victim at any point in time between the, a meeting at Sonoco and the day of his murder?
A No, we didn't see him after that until two weeks later.
Q All right. Let's talk about the morning of March the 29th of 2014, the day that Mr. Brown is killed.
A Uh-huh.
Q Do you remember what day of the week that was?
A Saturday I think.
Q When you woke up that morning where did you wake up?
A At Theo's house.
Q Who was with you?
A Brittany.
Q Okay. Had y'all spent the night together before?

A Yes, ma'am.
Q When I say you all, I mean you and the defendant?
A Yes, ma'am.
Q All right. Tell me how the day started off that Saturday morning on March 29th.
A Me and Brittany woke up. We went outside and went on the porch and smoked a cigarette. I remember me and Brittany getting into a fight that morning, and we were planning to go to her mom's house. I can't even remember what we were initially going to her mom's house for, but because we had gotten into a fight. After we got in the fight I didn't want to go anywhere. I wanted to stay home and clean the room 'cause it was trashed. And we, she was fighting me on, you know, going to her mom's house. You want me to keep going?
Q Let me ask you this, when the two of you were fighting were you physically fighting or just arguing, you and the defendant?
A We were arguing. I mean, it didn't really turn physical, no.
Q Now your birthday was three days prior?
A Yes, ma'am.
Q Did you and the defendant celebrate your birthday? It would have been your 18th birthday,

right?
A Yes, ma'am.
Q Did you celebrate your birthday?
A No, not really, no.
Q What were the two of you arguing about?
A Because I didn't want to lay down.
Q I'm sorry?
A Because I didn't want to lay down.
Q What do you mean you didn't want to lay down?
A It wouldn't lay down.
Q Is that literally or in a sexual sense?
A Literally.
Q Okay. What did she want you to do?
A Lay down.
Q Okay, all right. Then what happened after you all had this argument?
A Well, I finally agreed to go to her mom's house, you know, with her.
Q What was the reason why y'all were going to her mother's house.
A Because we got in a fight.
Q Okay. Were you going to stay there? You have to kind of explain to us what you mean.
A No, we were -- I think if I remember correctly we were going to her mom's house 'cause she gets money

from her mom and I was all for it, you know, before to go with her 'cause we were walking, you know, and that's kind of, it's all the way to Frierson from Cedar Hill. If anybody knows anything about Kingstree, that's a long walk and I didn't want to go afterwards because we had gotten into that fight. She made me so mad that I didn't want to go.

Q Okay. Where was Brittany born and raised?

A Kingstree.

Q Based upon your relationship with her time that you all lived together, did she seem pretty familiar with the neighborhoods, streets, and roadways in Kingstree?

A Yes, ma'am.

Q Okay. Did you have a vehicle at that time?

A No, ma'am.

Q Did Ms. Epps have a vehicle?

A No, ma'am.

Q How would you typically get around if you needed to go someplace?

A Well, Ree would take us most of the time; if not, we would walk.

Q Did Mr. McKnight have a vehicle?

A No, ma'am.

Q So did you at some point on that Saturday decide

to go to Brittany's mother's house?
A Yes, ma'am.
Q All right. You all went there?
A Yes, ma'am.
Q Tell me about that.
A We walked to her mom's house and on the way there I told her that I didn't want her to live over at Theo's house anymore with me.
Q Why is that?
A Because her mom was always complaining about, her mom was always complaining about her being there, and I was tired of her mom coming over there and having attitude with me. You know, like, she wouldn't say anything, but I knew I wasn't welcome and she was 16 and she wasn't in school anymore and told her she just needed to go ahead and get her GED and live with her mom until she could get her GED and then I could, I was applying, trying to apply for section 8 and get an apartment. I was trying to do good, and then she come live with me. That was thinking. And so I finally convinced her to do that 'cause her mom had a house in Frierson that had like four bedrooms had a house, had a room for her, so I finally convicted her to do that. And so when we got to her mom's house she was going to work and she

went in there and she talked to her mom. I don't know what she talked to her mom about 'cause I didn't go in with her, but when she came back out her mom gave us a ride back to Cedar Hill.

Q Okay. You testified that Brittany's mother didn't approve of you and Brittany living together?

A Right.

Q Did that ever cause any stress or strain in your relationship with the defendant?

A Definitely, yes, ma'am.

Q All right. So when the defendant's mom brings you all back where does he take you to?

A She went to Vanity's house, Ree.

Q Okay. She dropped you and the defendant off at Vanity's house?

A Yes, ma'am, because she had to use the phone.

Q Who had to use the phone?

A Brittany's mom.

Q Okay. How long were you at Ree's house?

A Two minutes, five minutes, it wasn't long at all.

Q Then where did you go from Ree's house?

A We, if I remember correctly, I think we went back to Theo's house so I could change 'cause I was in a polo T-shirt, and then I changed into a tank top because it was hot out.

Q Okay. Describe your clothing to me that you were wearing that day. You mentioned the tank top.
A Uh-huh.
Q Is that a yes?
A Yes, ma'am.
Q Do you have, did you have on any undergarments below the tank top, a bra?
A Yes, ma'am.
Q Do you recall the color of the bra?
A Red.
Q Okay. What kind of pants or dress or?
A Red basketball shorts.
Q Okay. How was the defendant dressed that day?
A Green Levis, like dark green Levis.
Q Okay.
A Camouflage hoodie.
Q Camouflage hoodie?
A Yes, ma'am. Name brand Realtree?
Q I'm sorry?
A Name brand Realtree.
Q Name brand Realtree?
A Yes, ma'am.
Q Ms. Jackson, I'm going to publish State's Exhibits 10 and 11. Do you recognize what's depicted in that photograph as State's Exhibit

Number 10?
A Yes, ma'am, that's the hoodie that she was wearing.
Q That who was wearing?
A Brittany.
Q And I'm gonna publish State's Exhibit Number 11. You recognize what's depicted in that photograph?
A Yes, ma'am.
Q How do you recognize it?
A That's the hoodie that Brittany had.
Q Now when you mentioned earlier your testimony that the hoodie, the camouflage hoodie, was a Realtree brand.
A Yes, ma'am.
Q Is the word Realtree reflected on that hoodie in that photograph?
A Yes, ma'am.
Q Is it the front or back of the hoodie?
A The front.
Q All right. You told me about the pants she was wearing. You've told me about the hoodie she was wearing. What else was the defendant wearing that day?
A She was wearing a black Dickey shirt.
Q Okay, what's a black Dickey shirt? Is that a

name brand or what is that?
A It's just, yeah, it's -- you get it, it's just a Wal-Mart shirt. You get a black Dickey shirt from Wal-Mart. It's got like a little, it had a red Dickey symbol right here.
Q Okay, all right.
A Brown polo boots, black Nike socks.
Q You remember all that?
A The stocking cap.
Q You remember all that?
A Yes, ma'am.
Q How is it you're able to remember that with such detail?
A I guess I just paid attention to her.
Q Okay. Let me ask you, Ms. Jackson, were you in love with Ms. Epps?
A Yes, ma'am.
Q Did she express being in love with you?
A Not in so many words, no.
Q Did you feel she loved you?
A Not really, no. Maybe in her own way, yeah.
Q All right. You recently turned 18 at the time. Was this the longest romantic relationship you'd ever had with anybody, a year and a couple of months?

A Yeah.
Q All right. So you've described her clothing. Was she wearing anything else we haven't covered?
A No, ma'am.
Q Okay, all right. So when you all go back to Theo's house, what happened after you go back to Theo's house after having left Ree's house?
A I packed a bag because I wanted to go back to her since her mom was at work, and I could go without, you know, feeling uncomfortable. I wanted to go take a real shower. I packed a razor so I could shave, a change of clothes, all my, you know, all my toiletries and stuff to take a shower.
Q You packed them and put them in what?
A My little bag that I use; it's beige.
Q A little purse?
A Uh-huh.
Q Is that a yes?
A Yes, ma'am.
Q All right. So the plan was to go to Brittany's mother's house for you to shower?
A Yes, ma'am.
Q On the day that Mr. Brown was murdered Mr. McKnight still did not have running water in his house?

A No, ma'am.
Q Okay. Did Ms. Epps' mother know that you were coming back to her house to take a shower?
A No, ma'am.
Q Okay. Did you make it to her house?
A No, ma'am.
Q Tell us what happened while during the intended plan to go to Brittany's mother's house.
A On the way to, well, on the actual way to Theo's house before I even packed the bag, Brittany looked at me and she said that she felt like being bad and I asked her what she meant by that, and then she told me about a plan. She said do you remember Mr. Joseph, and I said, yeah, the guy at the station; she said, yeah. She said, how about we go over to Metts and we rob him.
Q He was living at the Metts as far as you knew?
A Yes, ma'am.
Q How did you know he was staying at the Metts?
A Because she told me that he said we could come over there if we changed our minds.
Q Okay. And when you say "she," you're talking about the defendant?
A Yes, ma'am, Brittany.
Q All right. So she asked you felt like being bad?

A Uh-huh.
Q Is that a yes?
A Yes, ma'am.
Q And she told you that you all could rob the same person that you saw at the Sonoco gas staying two weeks earlier?
A Yes, ma'am.
Q What else did she say?
A I asked her, you know, how she planned on doing that, how -- I was, I was all for robbing him and I said, but how do you plan on doing this and she said that, you know, we could overpower him because his age.
Q How old did you think he was?
A I thought he was, you know, older, but I didn't think he was as old as he was.
Q How old did you later come to learn that he was?
A 87.
Q Okay, all right. Please continue with the conversation that you and the defendant had about robbing Mr. Brown.
A So we, and then, well, then she went on to say that she wanted to first stop at her uncle's house to see if he had any work because she wanted me to have minutes on my phone before she moved into her

mom's house.
Q Who is the uncle that you were talking about?
A Hubert.
Q Okay.
A So we went to Theo's house. I packed my bag, like I said. After that was done we went by the little neighborhood store, Cedar Hill, and ---
Q What is it called?
A It don't really have a name.
Q Okay. Did you ever refer it to as a certain business, or did you ever hear the defendant refer to a little neighborhood store by a certain name?
A No, ma'am.
Q Okay. Why did you all go by the little neighborhood store?
A Just to buy something to eat.
Q Okay.
A Yeah. Got something to eat and something to drink and then we proceeded to -- we walked to Hubert's house, he wasn't there, and then we ended up walking to the Metts.
Q Okay. What was your understanding as the reason why you all were going to the Metts?
A To rob Mr. Joseph.
Q Okay. What happened when you got there?

A He was sitting outside and in his chair.
Q Okay. About what time of day or night was this?
A Maybe around lunch time.
Q Okay. So when you got to the Metts with Ms. Epps, tell me what happened when you saw the victim.
A When we got there Brittany started talking to him like she knew him basically.
Q Was he talking to her like he knew her?
A Yes, ma'am.
Q All right. Then what happened?
A I asked him for a cigarette, and he told me to go in, that there was some cigarettes in the freezer. So I went inside and I got the cigarettes.
Q You went inside where?
A His apartment.
Q Okay.
A Yes, ma'am. And I got the cigarettes and I came back outside, and we sat down for a while and we were just talking to him. He was really nice. At that point I didn't, you know, really know what was going on. Brittany kept saying she had this, she had this.
Q She kept saying what now?
A That she had this.
Q I've got this?

A I got this, I got this.
Q All right.
A I didn't really actually have a one-to-one with Mr. Joseph, like actual conversation with him at all. But after that he said that he had to drive one of his friends to the store so he said that we could stay at his apartment until he came back.
Q Did you all do that?
A Yes, ma'am.
Q Did he drive a friend somewhere?
A Yes, ma'am.
Q And what happens when you all were in his apartment while he was driving a friend somewhere?
A We went through his stuff.
Q Okay. Why did you go through his stuff?
A To see if he had anything, you know, of some value.
Q Okay. Did you find anything of value inside his apartment?
A We -- no, ma'am, I didn't see anything, you know, like money or anything, but I did take a pack of T-shirts, like, he had a new pack of T-shirts. I put it in there in my bag, yes, ma'am.
Q Okay. Did you take anything else from his house?
A No, ma'am.

Q Did the defendant take anything from the victim's house?
A No, ma'am.
Q Okay.
A Oh, I took a pocketknife.
Q I'm sorry?
A A pocketknife.
Q You took a pocketknife?
A Yes, ma'am.
Q All right. Ms. Jackson, I'm gonna show you what's been marked as State's Exhibit Number 34.

MS. BARR: Your Honor, for the record, during the lunch break the State and Defendant premarked several exhibits number 12 through 37, and I believe they're without objection from the Defense.

THE COURT: All right, you reviewed 12 through 37? All right, 12 through 37 will be admitted into evidence without objection.

(State Exhibit's Nos. 12 through 37 were admitted into evidence.)

BY MS. BARR:
Q Ms. Jackson, I'm going to open up State's Exhibit Number 34. You recognize the item that I just took out that particular exhibit; don't you?

A Yes, ma'am.
Q What is that.
A That's the pack of T-shirts.
Q The same T-shirts that you stole from Mr. Brown's house?
A Yes, ma'am.
Q All right. Was the pack open or closed when you took it from his house?
A It was closed.
Q It's a brand new pack?
A I think so, yes, ma'am.
Q All right.
A If I'm not mistaken there was another pack too.
Q All right. I'm gonna remove the contents of State's Exhibit Number 35. Yes, you recognize the contents of State's Exhibit Number 35?
A Yes, ma'am.
Q What is it?
A That's my bag.
Q Okay. This is the purse or the bag that you were carrying on the 29th of March?
A Yes, ma'am.
Q Is this the same bag that you used to place Mr. Brown's T-shirts in?
A Yes, ma'am.

Q All right. Now I need you to explain this part to the jury. It appears that the straps on here are cut off on this purse, on this bag. Were the straps cut off?
A Yes, ma'am.
Q Who cut them off and why?
A Me.
Q Sorry?
A I cut them off.
Q All right. How'd you cut them off?
A With the pocket-- with the pocketknife that I stole.
Q All right. I'm gonna remove the contents of State's Exhibit Number 36. Tell the ladies and gentlemen of the jury what I'm holding in my hand that I removed from that particular exhibit.
A Pocketbook straps.
Q Purse straps?
A Yes, ma'am.
Q I'm now gonna remove the contents of State's Exhibit Number 37. Do you recognize what I removed from State's Exhibit Number 37?
A Yes, ma'am.
Q Tell the jury what it is.
A The pocketknife that I stole.

Q Okay. How were you able to remove the purse straps from the purse?
A With that pocketknife.
Q With this pocket knife?
A Yes, ma'am.
Q We'll get to that in a minute. All right, so where we left off in your testimony was that Mr. Joseph had taken a friend to run an errand and you and Ms. Epps were in his house looking for things of value. You took a pocketknife and a pack of T-shirts.
A Yes, ma'am.
Q All right. How long did the victim, how long was the victim gone from his home to run the errand?
A Like 10, 15 minutes.
Q When he came back did he have anybody with him?
A No.
Q Now while you all were inside his apartment did you all change your mind about robbing him, or did you all talk about the plan to rob him at all?
A No, we didn't change our minds, no, ma'am.
Q So that was still the plan?
A Yes, ma'am.
Q How were y'all gonna carry it out?
A When he came back when we were sitting outside.

He invited us to a cookout, and he went back inside to change into a suit. And when he came back out his -- well, first of all, his, I think it was his nephew was over there.

Q Okay.

A And him and Brittany were talking.

Q Who and Brittany? The nephew or Mr. ---

A The nephew, yes, ma'am.

Q Okay.

A And I don't remember the nephew's name but Brittany and the nephew were talking and they were talking about a lot of things but one in particular that I remember our conversation was about cars because Brittany was talking to the nephew about the V8 engine that was supposed to be in the Cadillac.

Q In whose Cadillac?

A Mr. Joseph's.

Q Okay.

A And so they were talking about that and then there was a conversation about how Mr. Joseph could take care of himself even though, you know, he was older and without, you know, with all that the crime going on where he was living he could still take care of himself, and that's when he pulled out a gun.

Q Who pulled out a gun?
A Mr. Joseph.
Q From where?
A From his pocket.
Q Okay.
A In his jacket.
Q And this was after he's gone into his apartment to change?
A Yes, ma'am.
Q All right. He pulled out the gun out of his pocket?
A Yes, ma'am.
Q And what happened at that point?
A He was just showing us it, you know, to prove a point that he could take care of himself.

MS. BUTCHER: Objection, speculation as to proving a point or hearsay if she's saying that he said that.

MS. BARR: Judge, it's not, we take the position it's not hearsay. It's not being offered for the truth of the matter asserted that he can, in fact, handle himself or take himself, take care of himself, so we would submit that it's not hearsay.

THE COURT: All right. Ask the question again and tell me what the answer would be.

BY MS. BARR:
Q Yes, ma'am. You indicated that the person you thought was the victim's nephew.
A Yes, ma'am.
Q Made a comment about the victim being older, but he could handle himself.
A Uh-huh.
Q Is that right?
A Yes, ma'am.
Q And you testified that the victim then took out, I'm assuming it was a handgun?
A Yes, ma'am.
Q From his waist area?
A Yes, ma'am.
Q All right. Did he say anything at that point after he took the handgun out?
A No, ma'am.
Q Okay. Why did you perceive him taking his hand gun from his person as an indication of anything? Why did you perceive that to be important?
A Because the conversation that we were having.
Q Okay. After he took his handgun from off his hip, what did he do?
A He just took it out and put it back in.
Q Okay, all right. You mentioned that he invited

you all to a cookout.
A Yes, ma'am.
Q Did you and Ms. Epps agree to go?
A Well, she agreed for both of us, yes.
Q Okay. Where did you all go to the cookout?
A Greeleyville.
Q Okay. Do you know whether or not you've been to Greeleyville before that day?
A Never.
Q Okay. So when you go to Greeleyville tell us what happened when you go to Greeleyville.
A We, you know, we got there and it was sort of like a house warming party.
Q Okay. Was it still daylight or had it turned dark by the time you got there?
A It was just beginning to turn night.
Q Okay, all right.
A So it was kind of like in between.
Q All right. How did you all get to Greeleyville?
A Mr. Joseph took us.
Q In the same Cadillac that you'd seen him in two weeks prior?
A Yes, ma'am.
Q So he was driving?
A Yes, ma'am.

Q Where was Ms. Epps in the vehicle?
A She was in the passenger seat.
Q Front or back?
A Front.
Q Where were you?
A I was behind Mr. Joseph.
Q Okay. So y'all get to Greeleyville, get to the cookout?
A Yes, ma'am.
Q Just briefly, what happened in the cookout? Did y'all eat, did y'all socialize with anybody, what happened?
A When we first got there we went in and we kind of just said hey to everybody. It was for me, I can only speak for myself, it was awkward. I wasn't dressed for a cookout, and it was just very awkward. But they were very nice and ---
Q Who was very nice?
A I'm assuming it was Mr. Joseph's family. And they -- we ate and we -- after that we sat around and we walked around the property. We walked around their house.
Q Let me stop you for just a moment. You testified that when you all left the Metts you went to Greeleyville.

A Uh-huh.
Q Did the victim still have his gun on his hip?
A No, ma'am.
Q Okay. What happened to the gun?
A When he got in the car he put it in his glove box.
Q Okay. You saw him do that?
A Yes, ma'am.
Q Do you know what kind of gun it was?
A He -- I remember him saying that it was a 38.
Q Okay. Now when you first saw the gun ---
A Uh-huh, yes, ma'am.
Q ---and noticed that the victim was carrying a gun, did y'all have -- well, excuse me, did you have any misgivings trying to rob him and he's got a gun?
A I did, yes, ma'am.
Q Okay, why?
A Well, I'd never seen a gun in real life before. I, and I was, you know, just kind of taken back a little bit. I already thought that going to a cookout was a little bit much ---
Q Why?
A ---to rob somebody. Because it was going out of the way a little bit, you know. It was just a little, if we were gonna rob somebody I would rather

just do it there, you know, I just ---
Q You didn't want to be seen by a bunch of people?
A Right.
Q Okay. When you saw the gun did you have communication with, conversation with Ms. Epps about any misgivings that you had about this whole robbery idea? Did you ever talk with her about that?
A Well, I made the comment, I didn't really have a -- there wasn't really opportunity to have a conversation with her, but she got what I said.
Q What did you say?
A I said, I said, fuck around, fuck around.
Q What did that mean?
A It basically means I don't want to do this basically.
Q Now at this point on the way to Greeleyville the cookout, had you cut those straps off your purse on the way to Greeleyville?
A No, not on the way to Greeleyville, no.
Q How long did y'all stay at the cookout?
A I would say probably about two hours.
Q All right. When you left how did you leave the cookout?
A Mr. Joseph.
Q Okay. He was still driving?

A Yes, ma'am.
Q All right. Where was the defendant in the vehicle when you left the cookout?
A Brittany?
Q Yes?
A She was in the passenger seat, front seat.
Q All right. Where were you?
A I was in the back seat behind Mr. Joseph.
Q When it came time to leave how did you know it was time to leave? Did the victim tell you it was time to leave? Did you and the victim and Ms. Epps decide it's time to go? How did that come about?
A Honestly I can't exactly remember, but I think that Mr. Joseph basically said, you know, that it was time to go. He started saying buy to everybody.
Q Okay. What kind of mood was he in at the cookout?
A He was in a fairly good mood.
Q Okay. Now when it was time to go who got in the car first, you and the defendant or did the victim get in the car first?
A Me and Brittany did.
Q How long after you and Brittany getting in the car at the cookout to leave, did the victim then get in the car and drive away?

A A pretty good while. I mean, it wasn't, it wasn't ten minutes, but it was probably about five.
Q Okay. What were you all saying to each other as you're in the yard at the cookout in Greeleyville while you waiting on the victim come and drive you back to Kingstree?
A Me, I was, Brittany was telling me that she was going to shoot him and ---
Q How did that come about? How did that conversation come about? I mean, you all didn't just get in a car and say somebody is gonna shoot somebody presumably?
A No.
Q How did that come about?
A When she was telling me about the gun in the box, and that's when she was telling me that she wanted to shoot him and ---
Q Okay.
A I don't know. I just, I didn't really think nothing of it at first, you know, but that's when -- I don't know. She just, I can't remember when she told me, but that's what she said, that she was gonna shoot him.
Q Okay. Now during the ride to Greeleyville did the victim ever take the gun out of the glove box?

A No.
Q When you and Ms. Epps got back inside his car, when you're getting ready to leave the cookout, was the gun still in the glove box?
A Yes. When we were leaving?
Q Yes.
A It was still in the glove box, yes, ma'am.
Q During the five or so minutes that you were in the car alone with Brittany, did she ever open the glove box, or did she ever take the gun out?
A No.
Q Okay. Were you all still talking about robbing him when you first got in his car to leave the cookout?
A No, when we were leaving?
Q Yeah, before he got in the car while he was saying good-byes to his people.
A Yes, ma'am.
Q Y'all were still talking about robbing him?
A Yes, ma'am.
Q And so is that the first time that there was a discussion about killing him?
A Uh-huh.
Q Yes?
A Yes, ma'am.

Q Why did Brittany want to kill him?
A Because she -- well, she wanted his gun and his car.
Q She wanted his gun and his car?
A Yes, ma'am.
Q What was she gonna do with his car?
A I don't know.
Q Now Ms. Jackson, tell me what was, what did you say to her when she talked about getting the victim's gun, killing him, and getting his car? What'd you say?
A To be honest I didn't really say anything.
Q Did you agree either implicitly or directly that you were gonna be down for this?
A Indirectly I guess I did, yeah.
Q How did you indirectly agree that you were gonna be down for this?
A I was supposed to be the distraction. I cut my pocketbook straps off my pocketbook, and I was going -- I was supposed to put them around his neck to distract him while she got the gun out of the glove compartment.
Q And do what?
A And choke him.
Q You were going to choke him?

A Yes, ma'am.
Q So when you're and Brittany are in the victim's vehicle at the cookout, is that when you cut your purse straps?
A No, ma'am. Well, no, that wasn't it. It was when we were on the way back to Kingstree.
Q On the way back to Kingstree from Greeleyville?
A Yes,ma'am.
Q How long did it take you all to get from Greeleyville back to Kingstree?
A 30 to 45 minutes.
Q 30 to 45 minutes?
A I don't know. I really, I can't, I'm not good with that kind of stuff.
Q Do you know the roadway that you all took to go to Greeleyville and come back?
A 53.
Q Okay. So you're riding along, the victim is driving, Brittany is in the front seat?
A Yes, ma'am.
Q You're in the back?
A Yes, ma'am.
Q And you're cutting off the purse strings or purse straps?
A Yes, ma'am.

Q While you're in the back seat?
A Yes, ma'am.
Q So how was this supposed to go down? I mean, are you gonna choke him, she's gonna shoot him while y'all driving back from Greeleyville? Or tell us how that, this plan was supposed to go down.
A She was gonna lead him into a, like a kind of like deserted area, and she would -- when we said, or whenever I said a code word, we just decided the code word was going to be take off, I was to put the pocketbook straps around his neck and she was to pull the gun out and that was when.
Q Okay. Why -- did the victim know that you all were supposed to be going to some deserted area?
A Did the victim know?
Q Yeah.
A No, ma'am.
Q So when you all got back to Kingstree where was the first place you went?
A We went down Brayboy Road.
Q How far is that from where the victims ultimately ended up being shot?
A I don't know exactly, but it's not that far.
Q What did you all tell the victim about where you were going?

A Brittany said that we were going home, that we would be dropped off at home.
Q I'm sorry, I can't hear you?
A Brittany said we were getting dropped off at home.
Q And where was home, what she is referring to? Theodore McKnight's house or her mother's house?
A No, well, we weren't getting dropped off at home.
Q I'm sorry?
A We weren't getting dropped off at home.
Q I understand that, but where is -- is that where you told the victim that you were, that he was going to drop you off?
A Yes, ma'am.
Q So in the victim's mind he's supposed to be dropping you all off somewhere?
A Yes, ma'am.
Q Was somebody giving the victim directions on now get to your house?
A He asked -- Brittany led him down Brayboy Road and said that that was where our house was. And then I was, she said, well, tell them that you lost your mom's ring to, you know, so if he would pull over and say I can find my mom's ring and then that would be when. But I did that and he told me, well,

I can't exactly remember. He said something along the lines of, well, why would something, why didn't you try to find it earlier, or something like that so he didn't pull over. I think he was kind of suspicious to begin with so he wasn't, he wasn't dumb at all.

Q Let ask you this, had the victim as far as you know, ever been to Theodore McKnight's house, as far as you know? Has the victim ever been to Theodore McKnight's house while you were living in Williamsburg County, as far as you know?

A No, ma'am.

Q So you all go, Ms. Epps tells him to go down Brayboy. Is it lane? Brayboy Road or just you said Brayboy.

A It's Brayboy Road.

Q Did you all make any stops along the way from Greeleyville?

A No, ma'am.

Q Did you pick anybody up or drop anybody off once you left Greeleyville?

A No, ma'am.

Q Tell me, pick up from where she tells him to go off Brayboy Lane. Before you do that, when did you all have the conversation about Brittany telling you

to tell him that you lost your mother's ring? 'Cause I'm assuming y'all weren't talking about this while the man is driving the car?

A No, ma'am. That was when we were before he got in the car.

Q Okay. So while y'all were at the cookout waiting for him to get in the car you all were talking what you were gonna do, how you were gonna get him in an isolated area, y'all had all that planned out?

A Yes, ma'am.

Q And your role was to strangle him from behind while the defendant takes the victim's own gun and shoots, that was the plan?

A Yes, ma'am.

Q And you were gonna communicate with her that you were ready to put this plan in motion by doing what?

A By taking, by talking about the ring?

Q No, no, how were you going to communicate to the defendant that you are ready to go, then let's put this plan in motion, let's do this? You mentioned a word that you all talked about using.

A The code word?

Q Yeah.

A I was supposed to say take off.

Q Okay, so all of that was discussed in

Greeleyville?
A Yes, ma'am.
Q So pick up back from Brayboy, when y'all were on Brayboy.
A She led him down Brayboy Road, and he didn't pull over so she said, no, not right here. She said go down Kendell Park Road so he went down Kendell Park Road. He was kind of getting a little bit aggravated. He said, I thought you live down Brayboy Road, and she said, no. And he went down Kendell Park Road and she said to turn right there where that -- there was like a abandoned trailer, and he pulled in there and...
Q You can go ahead, continue, what happened?
A I wanted that -- I didn't want to do it. I didn't think we were gonna have to do the because I don't know, I just, my hands were getting sweaty and I, I said, used the code word and.
Q What was Mr. Brown doing when you said the code word take off?
A He was driving.
Q All right. And I'm gonna publish State's Exhibit Number 4. Have you seen that particular exhibit before?
A Yes, ma'am.

Q All right. What do you understand that exhibit to be?
A It's the driveway.
Q All right.
A The driveway of where we were.
Q Where the mobile home was?
A Yes, ma'am.
Q I'm gonna get you to come off the witness stand for me.
A (Complies.)
Q Stand right here for me. Keep your voice up so the court reporter can hear you. All right, for reference, if we assume that this is the mobile home where you all were, all right, using the pointer show us how you all came into that little curve.
A Right here?
Q Yes.
A If you're coming this way, if you're coming in, if you're coming in this way, you go in that way.
Q You all came in that night?
A Yes, ma'am.
Q And let me clear this part up. When you left the cookout was it dark by then?
A Yes, ma'am.
Q You have any idea what time it was when you left

the cookout?
A No, ma'am, I didn't look at a clock but it was, I mean, it was fairly late.
Q All right. Go ahead and show us -- let's not use the word if you're coming in, tell us the way you all came into that little curve way.
A Okay. We came in this way.
Q Okay.
A And looked around.
Q Okay. And at what point did you say take off? Where were y'all on that diagram when you said take off?
A I would say about right here.
Q Okay. What happened when you said take off?
A I put the pocketbook straps around him.
Q Okay. What else?
A And then my hands were sweaty and so I let go and ---
Q Keep your voice up for me.
A And that's when she -- there was a struggle over the gun so.
Q What do you mean there was a struggle over the gun?
A Well, when Brittany was going for the gun Mr. Joseph was going for the gun as well so there

was a struggle over the gun. And Brittany ended up getting the gun instead, and she fired the gun and that -- I don't know at what point, but at some point she hit my thumb, but I didn't know at first. I jumped out of the car because I thought it was going towards some trees, some shrubbery.

Q Can you see that part on this particular diagram?

A That's over here.

Q Okay.

A And I thought that we -- you know, I was in shock so I thought that we were actually going towards something big, we were crashing into something big, so I jump out of the car. And there was like two more shots fired.

Q Okay, all right. Now you didn't draw this diagram; is that right?

A No, ma'am.

Q All right. Let me publish State's Exhibit Number 12. You recognize that diagram; don't you?

A Yes, ma'am.

Q Who drew that diagram?

A Me.

Q And where were you at when you drew that diagram?

A Sheriff's Office.

Q Were you being questioned?

A Yes, ma'am.
Q And was this your drawing of where the shooting happened?
A Yes, ma'am.
Q All right. Point to where you got, you all entered that curve way?
A (Indicating.)
Q And there's the word enter there on your drawing? Did you write the word enter there?
A Yes.
Q Okay, all right. And you got two X's here in the middle of that curve. What do the two X's stand for?
A The first and the second shots.
Q To the victim?
A Yes, ma'am.
Q And who fired the first and second shot?
A Brittany Epps.
Q All right. And on the diagram there's some writing here and some squiggly lines here. Did you write that?
A Yes, ma'am.
Q And you wrote the word trailer by this box here?
A Yes, ma'am.
Q Tell us about the writing that you got with

regard to where I'm pointing on State's Exhibit Number 12, here.
A That's the third shot and then those are the woods right there.
Q Okay. Did Mr. Brown's car crash into those woods?
A Yes, ma'am.
Q All right, you can have a seat. You told me that at some point you got shot.
A Yes, ma'am.
Q Where were you shot?
A In my left thumb.
Q Hold the hand up that you were shot in. All right. And you're holding up your left arm?
A Yes, ma'am.
Q And you were shot on your thumb?
A Yes, ma'am.
Q Okay. Now let me make sure I understand this. I'm gonna get Investigator Kennedy to help me here. You've indicated to us that you cut your straps to your purse?
A Yes, ma'am.
Q You talked about your palms being sweaty; is that right?
A Yes, ma'am.

Q All right. Did you actually take your purse straps while you were seated behind the victim and pull it across his neck?
A Yes, ma'am.
Q All right. When you pulled your purse straps around the victim's neck, where was your right hand?
A This side.
Q I'm sorry?
A The same, about the same place yours was.
Q Is that on -- I have my hand by Archie Kennedy's right ear?
A Yes, ma'am.
Q Where was your left hand.
A Same place yours was.
Q By Investigator Kennedy's left ear?
A Yes, ma'am.
Q All right. And you testified that the victim and the defendant went for the gun at the same time.
A Yes, ma'am.
Q And the gun was where?
A It was, I mean I can't, what do you want to know about that?
Q Was it in the glove box, did somebody have it?
A It was in the glove box.
Q All right. You indicated that the victim went

for the gun as well?
A Yes, ma'am.
Q How did he go for the gun?
A He was reaching for it with his hand.
Q Which hand?
A His right.
Q Okay. So the victim goes to reach for his gun in his glove compartment with his right hand?
A Yes, ma'am.
Q All right. Your hands are still around his neck with the purse straps?
A Yes, ma'am.
Q And you're shot on your left thumb?
A Yes, ma'am.
Q Okay. You testified that you panicked 'cause you thought that the car was gonna crash and you jumped out of the car; is that right?
A Yes, ma'am.
Q What happened after you jumped out of the car?
A After I jumped out of the car Brittany got out of car, and that's when I realized, you know, there was blood on me but I didn't think it was my own blood at first until I looked down and I saw that my thumb was hurt.
Q Keep your voice up.

A And that's when I started freaking out because there was the bone sticking out, you know, and I started you know, kind of just freaking out. And Brittany was, she went all the way to the other side of the field, and I don't really know what she was doing. I know she was wiping her sweat off.
Q She was what?
A She was wiping the sweat off of her face. I remember that when she came all the way back, and I remember her, she was saying all kind, calling me all kinds of names.
Q When you say you were freaking out what specifically were you doing? How were you freaking out?
A I was dunking behind the car 'cause I thought every car that they were passing on our street, it was like a street right here and a street right here and they were going on the street right there. I thought that every car that went by was, you know, coming for us 'cause they had seen us or something and ---
Q Were you in pain after getting shot in your thumb?
A No, I couldn't feel anything.
Q You didn't feel anything?

A No, ma'am.
Q Okay, so what was the defendant's response to you freaking out?
A She called me a pussy.
Q Okay. What else did she say?
A She told me this is why I don't do any real, real nigga shit with you?
Q This is why I don't do any real nigga shit with you?
A Yeah.
Q Okay. Then what'd you say?
A Well, I couldn't really say anything to that. And I -- well, at one point I tried to walk off and I got to the road and she ran after me. She said, I can't do this without you, I can't do this without you, and she grabbed me by the arm so I came back. And when I came back Mr. Joseph, he was, he was still moving.
Q How do you know he was still moving?
A Because Brittany said he was still moving.
Q What do you mean he was still moving?
A He was still, he was still alive.
Q Say again?
A He was still alive.
Q He was still alive?

A Yes, ma'am.
Q After the first and second shot?
A Uh-huh.
Q Is that a yes?
A Yes, ma'am.
Q All right. What was said as a result of the victim still being alive and still moving? What was said about that?
A She went and she shot him again.
Q She told you that the victim was still moving or still alive, and she shot him again?
A Yes, ma'am.
Q I'm gonna publish State's Exhibit Number 14. Is that the mobile home that you were talking about where this happened?
A Yes, ma'am.
Q I'm gonna publish State's 15. Is that a closer view of that mobile home?
A Yes, ma'am.
Q All right. Now I'm gonna publish 16. Do you recognize what's in that photograph?
A The woods?
Q You recognize it?
A Yes, ma'am.
Q All right. Is this the area where Mr. Joe's

vehicle crashed into that wooded area?
A Yes, ma'am.
Q Do you recognize the marks here on this photograph?
A Yes, ma'am.
Q I can bring it up to you.
A Yes, ma'am, tire marks.
Q Those are tire marks?
A Yes, ma'am.
Q After Brittany fires the third shot what happened?
A After that she tries to get his body out and she drags him to the back tire.
Q All right. Now you told me what she's done. What were you doing?
A Well, I was standing right there, like, on the other side of the car and ---
Q On the driver's side or the passenger side?
A The passenger side if I remember correctly. And she tells me that she can't put him in the trunk by herself, and I put up a fight a little bit but as I tell her I can't do it with one hand but I end up helping her.
Q Helping her do what?
A Put Mr. Joseph's body in the trunk.

Q So how do you help her put the body in the trunk? How do y'all get that man's body in his trunk?
A She took, she took him by the front of the body and I took him by the bottom.
Q I'm sorry, say it again now.
A I grabbed his legs and she grabbed his upper body.
Q All right. You put him in the trunk?
A Yes, ma'am.
Q And you did that with a shot finger?
A Yes, ma'am.
Q All right. I'm gonna publish State's Exhibit Number 19. You recognize what's in that picture; don't you?
A Yes, ma'am.
Q What's in that picture?
A Mr. Joseph.
Q In the trunk of his car?
A Yes, ma'am.
Q Why are his pants down and shirt down? I publish State's 20. How did that happen?
A I'm not totally sure, but I would say probably from dragging him.
MS. BUTCHER: Objection, hearsay. I mean, speculation.

THE COURT: All right, if she knows. She can't give, can't speculate as to what. If you know you can testify to that.

BY MS. BARR:

Q I publish State's Exhibit Number 21. That's his green or what you describe as his blue Cadillac?

A Yes, ma'am.

Q All right. I'm gonna publish State's Exhibit Number 22. What does that show?

A That's inside his car.

Q Front or back?

A Back.

Q Okay. Let me get you to step down off the witness stand again for me real quick. Ms. Jackson, show the jury where you were seated inside that vehicle?

A I was seated in the driver's seat.

Q Yes, ma'am.

A Right here.

Q All right. So you're seated in the vehicle, it's on the rear left?

A Yes, ma'am.

Q All right. Now I'm gonna zoom this up a little bit. Tell me what that beige item on the floorboard in the rear left part of the victim's vehicle that

I'm pointing at.
A That's my pocketbook straps.
Q Those are the ones cut from your purse?
A Yes, ma'am.
Q Did the victim take anything from the cookout when he left?
A Not that I remember, no, ma'am.
Q You mentioned that you and Brittany ate food there. Did you, did he take any food? Did he eat any food there?
A I don't remember.
Q Okay. Do you remember him taking a Tupperware container or plastic bag with food in it as depicted in State's 26?
A No, ma'am.
Q You don't remember seeing what's in State's 27?
A No, ma'am.
Q All right. Now you told me on State's Exhibit Number 22 that you see your purse straps that you cut on the floorboard in the back passenger seat, right?
A Yes, ma'am.
Q All right. And in State's 28, is that a closer view of your purse straps?
A Yes, ma'am.

Q Same thing on State's 29?
A Yes, ma'am.
Q All right. Tell me what's that plastic bag listed there in the rear seat?
A It looks like a bag of shirts.
Q Okay. You see a piece of blue plastic on that paper, I mean, on that picture?
A Yes, ma'am.
Q All right. And I have taken from State's Exhibit 34, which is a bag containing T-shirts, the plastic bag that the T-shirts came in; is that right?
A Yes, ma'am.
Q All right. Do you know whose jeans those are?
A I'm not sure. I know I had a pair of jeans in my pocketbook.
Q All right. I'm gonna publish State's Exhibit Number 23. Do you see in that particular exhibit where the victim stored his gun prior to going to the cookout?
A Yes, ma'am.
Q Is that the glove compartment?
A Yes, ma'am.
Q All right, you can have a seat.
A (Complies.)
MS. BARR: Judge, I'll probably be about

20 more minutes with the witness. Do you want to take a break or do you want me to just keep going?

THE COURT: How long you say you got?

MS. BARR: 20 minutes.

THE COURT: Yea, it's probably a good time to take a break at this time. We've been in the courtroom about an hour-and-a-half. I think that it is appropriate. I think it is appropriate that we take our afternoon recess at this time. Ladies and gentlemen, you may go to the jury room, relax about 10, 15 minutes, and we'll send for you very shortly. Do not discuss the case among yourselves; it's still premature. Let the witness just stay here until the jury is in the jury room.

(WHEREUPON, the jury was removed from the courtroom at 3:30 p.m.)

THE COURT: All right. Ms. Jackson, you may be excused. You may go with the deputy.

All right, we'll be in recess until about quarter till.

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

(WHEREUPON, State Exhibits Nos. 38 and 39 were marked for identification only.)

THE COURT: All right, Ms. Barr, anything

before I bring the jury in?

MS. BARR: No, sir, Judge, if we can just get Ms. Jackson to come back in.

THE COURT: I am -- anything Ms. Butcher, before I bring the jury in?

MS. BUTCHER: No, Your Honor.

THE COURT: Have the witness come back in and sit down please.

(WHEREUPON, the jury was returned to the courtroom at approximately 3:45 p.m., and the following proceedings commenced in open court.)

THE COURT: Ms. Jackson, if you'll have a seat.

All right, bring the jury in.

(WHEREUPON, the jury was returned to the courtroom at approximately 3:46 p.m., and the following proceedings commenced in open court.)

THE COURT: Thank you for your patience. We are ready to resume. The State is in the process of direct examination of this witness and may continue to present her testimony.

BY MS. BARR:

Q Ms. Jackson, was there any damage done to the

windows of the victim's vehicle as a result of him being shot?
A I remember there being a bullet hole, yes, ma'am, a bullet if I'm not mistaken lodged into the window.
Q Which window?
A The driver's side window.
Q All right. When you all put Mr. Brown's body in the trunk of his vehicle what do y'all do next?
A What did you say? I'm sorry.
Q When y'all put the victim's body in the trunk of his vehicle what do you and Ms. Epps do next?
A We try to get the car out of the mud. It was bogged down so we tried to get the car out of the mud.
Q Okay. How'd you try to get the car out the mud?
A Brittany went to the abandoned trailer and she found two pieces of wood.
Q Okay.
A One or two, I'm not quite sure, I can't remember. But she brought them back and she tried to pry them under the wheels and then got in the car and tried to drive them over the piece of wood so it wouldn't be, you know, on the mud. We tried that a few times, but it didn't work.
Q All right. I'm gonna publish State's Exhibit 17.

Tell the jury what's in that picture.
A That's the piece of wood that we used.
Q To try to get the car from bogged out of the mud?
A Yes, ma'am.
Q When y'all were trying to do that Mr. Brown's body was already in his trunk?
A Yes, ma'am.
Q All right. And is State's Exhibit 18, is that a closer view of that piece of wood?
A Yes, ma'am.
Q All right. Now you testified that y'all put the piece of wood under the tire?
A Yes, ma'am.
Q All right. Who was in the car driving the car trying to back it up to get it out from the woods?
A At first Brittany, but then she got out and I got into the driver's seat and I was pushing the gas, and she was -- while the wood was under the tire she was also pushing the front of the car trying to give it momentum.
Q There was -- and you all couldn't get it out?
A No, ma'am.
Q Let me ask you this, you told me about y'all were gonna rob the victim, you talked about you were going to strangle him, the defendant was gonna shoot

him, and that she wanted his car.
A Yes, ma'am.
Q Now how was this plan supposed to end up? What are you gonna do with his body?
A Hon-- well, we had talked about her grandma ---
Q Whose grandma?
A Brittany's grandma. Some of her family has some, they have houses in Nesmith and it's out in the country, and there's something called the trestle and we had talked about taking him there.
Q Taking his dead body there?
A Yes, ma'am.
Q And doing what with it?
A Putting it -- there's like, it's like kind of swampy back there so we were gonna put it in the swamp.
Q You've been to Ms. Epps' grandmother's house in Nesmith before?
A Yes, ma'am.
Q How many times have been there?
A Over ten.
MS. BARR: State's 40.
(WHEREUPON, State Exhibit No. 40 was marked for identification only.)
BY MS. BARR:

Q Once you all couldn't get bogged down how long did you take, the two of you take to try to get the car from out of the muddy area?
A How long did we spend doing that?
Q Yeah.
A I would say probably about 10 to 15 minutes.
Q Okay. And what ultimately did you all end up doing when you realized you weren't gonna be able to get the car out by yourselves?
A We went to go find some help to, you know, maybe get like a truck or something to pull it out.
Q Okay. Where'd you go?
A Well, we saw a man walk down the street.
Q Okay.
A He was just walking down the street and he referred us to a lady named Ms. Pearline.
Q Okay.
A And so we went to Ms. Pearline's house and she told us that she didn't have anything to pull the car out but she knew somebody two houses down named Joe that did so we went over there. And at first he answered, said that, well, I guess somebody else answered that was there and said that Joe was on the bathroom, or in the bathroom, and then went back to Ms. Pearline's house and she said, no, that dude, he

said that he didn't have a truck, or something like that. Anyway, we went back to Ms. Pearline's house and ---

Q Now Ms. Pearline, is that the lady whose house you all called 9-1-1 from?

A Yeah -- no, no, no, no, no, ma'am.

Q You remember going to a lady's house to use her phone to call 9-1-1 at some point?

A Yes, ma'am.

Q So you're calling that person Ms. Pearline. Do you know who that person was that told you to go help -- where you could go get somebody to help you get out the mud?

A Ms. Pearline is the lady that we went to ask for help and ---

Q To get out?

A The lady across the street is the lady that we called the ambulance from; but when we got the phone it was, it was a cordless phone so we walked back over to Ms. Pearline's house with the cordless phone to get the address.

Q Let me just make sure that we're not confusing anybody.

A Uh-huh.

Q When you all first went for help for the

ambulance ---
A Yes, ma'am.
Q ---do you know the name of the lady whose house you went to use the phone to call the ambulance?
A I don't. A little kid answered the door to begin with.
Q Okay, all right. You left that person's house at some point later when you were calling for help for your finger?
A Yes, ma'am.
Q Is that a different time when you were trying to get help to get the car out the mud? That was later?
A That was later.
Q Okay. So you went -- let's just say you went to somebody's, a woman's house, to try to get help to get out of the mud?
A Yes, ma'am.
Q That woman sent you to somebody named Joe's house?
A Yes, ma'am.
Q All right. Was Joe able to help you and Brittany get out of the mud, get Mr. Joe to get out the mud?
A No, ma'am, he wasn't.
Q Okay, all right. How long between the time you

all put the victim's body in the trunk, between that time and the time you all ultimately ended up realizing, okay, we're not gonna get any help, we're not get the car stuck out from the mud, how much time went by between those two events?

A I mean, I'm not sure. It seemed like a really long time. It seemed like a long time, but I'm sure it wasn't.

Q Okay?

A I'm not sure though.

Q All right. The entire time that you all were trying to get the car out the mud, you all are going to other peoples house trying to get somebody to tow you out, you're still bleeding?

A Yes, ma'am.

Q All right. When did y'all ultimately decide just to call for medical help for you?

A After we found out that we couldn't get the car out of the mud.

Q All right. I'm gonna hand you what's been marked as State's Exhibit Number 40.

THE COURT: And judge, I believe that's without objection.

MS. BUTCHER: No objection.

THE COURT: All right, is it in evidence

yet?

MS. BARR: We've moved it into evidence, Judge.

THE COURT: No objection so it will be admitted into evidence without objection.

(WHEREUPON, State Exhibit No. 40 was admitted into evidence.)

BY MS. BARR:

Q Does this depict the victim's pants?

A Yes, ma'am.

Q All right. You see his belts and buckle and the belt and buckle on State's Exhibit 40, which I'm publishing?

A Yes, ma'am.

Q All right. What's this the white part of that picture that I'm pointing to?

A That's inside his pocket.

Q Ma'am?

A The inside of his pocket.

Q You all went through his pockets?

A Yes, ma'am.

Q What were you looking for?

A Money.

Q Is that before or after you put his body in the trunk?

A I can't honestly answer that, I'm not sure. I mean, I'm, I'm pretty sure.
Q Did you find any money?
A No.
Q All right. So you all realize you're not gonna get any help, you all go and call 9-1-1; is that right?
A Yes, ma'am.
Q Who places that 9-1-1 call?
A Brittany.
Q You heard that 9-1-1 call?
A Yes, ma'am.
Q And it's Brittany's voice who makes that call?
A Yes, ma'am.
Q All right. What was the story you all came up with to explain how you got shot in your hand?
A We never came up with a story.
Q You heard the 9-1-1 tape?
A Yes, ma'am.
Q You heard what Brittany said on the 9-1-1 tape?
A Yes, ma'am.
Q Whose idea was it to come up with the story that she told the 9-1-1 dispatcher?
A Brittany's.
Q What was the story?

A That we were hunting in Nesmith and I shot myself.
Q You were okay to go along with that story?
A Yes, ma'am.
Q All right. Was anybody else with you when the decision was made that that was the story you're gonna tell to explain the wound to your hand?
A No, ma'am.
Q When you went to the woman's house to initially call 9-1-1 was anyone else with you?
A No, ma'am.
Q All right. Did EMS eventually come out to the house?
A Yes, ma'am.
Q And where were you all at when EMS came out?
A We were at Ms. Pearly's house.
Q All right. Did a police officer come out there too?
A Yes, ma'am.
Q Came out to Ms. Pearline's house?
A Yes, ma'am.
Q Cops talked to you?
A To me and Brittany, yes. Well ---
Q The two of you, you and the defendant, were together the entire time?

A Yes, ma'am.
Q All right. When the cops started asking, I assume the cops started asking questions about what happened to your hands.
A Yes.
Q And who was doing all the talking to the cop?
A Brittany.
Q Okay. When EMS came out did you tell EMS how you're injured your thumb?
A I did.
Q What did you tell them?
A I told them I shot myself in Nesmith hunting.
Q Okay. Where was Brittany when you told EMS that story?
A She was talking to the cop.
Q Okay. Did the ambulance take you to a hospital?
A Yes, ma'am.
Q Where?
A McLeod, Florence.
Q Okay. Did the defendant go with you?
A No, ma'am.
Q Did she try to go with you?
A I'm not sure 'cause I couldn't hear her, but she wasn't allowed to.
Q Okay. Now after the shooting, what happened to

the victim's gun?
A After the shooting I'm not sure where it was, like, before all of this occurred because there was so much that went on like us, you know, running around in the field, and then the body being moved and stuff. But at one point I had looked at Brittany and told her to give me the gun because I was going to put it back in the glove compartment and that's the last place I saw it. I put it back in the glove compartment.
Q Your testimony is you took it out of her hand and put it in the victim's glove compartment?
A Yes, ma'am.
Q All right. And that was while you all still were in the wooded area by the abandoned mobile home?
A Yes, ma'am.
Q Did you ever see it again?
A No, ma'am.
Q All right. So the ambulance takes you to McLeod in Florence?
A Yes, ma'am.
Q Did you tell the doctors and the nurses at McLeod you injured your hand?
A Yes, ma'am.
Q All right. What story did you tell them as to

how you injured your hand?
A I told them I shot myself.
Q Okay. Now at any point in time did you -- did the defendant ever come up to the hospital at McLeod in Florence?
A Who?
Q The defendant, did she ever come to McLeod?
A No, ma'am.
Q Okay. Did you communicate with her while you were in the ER room at McLeod?
A Yes, ma'am, she called the hospital.
Q Okay. The defendant called the hospital?
A Yes, ma'am.
Q You talked with her?
A Yes, ma'am.
Q What'd she say and what'd you say?
A I told her that the sheriff was in the room. I called him the sheriff; he had a little sheriff badge. But I said the sheriff was in the room and that I couldn't talk very much. And she said, well, why was he there. I said, because of that. And she said, well, let me talk to him. I said, no, why would you want to talk to him, and I told her that I loved her.
Q You told her what?

A I told her that I loved her. If I had to go away that I loved her, and I think that we hung up for that phone conversation and I talked to her a few times from the phone. After he left out or the, Juan Ballard, Investigator Juan Ballard, later I found out that's who was, he left out and then I called her back and we talked on the phone.

Q When you talked with her the second time after Investigator Ballard left the hospital, when you talked to Ms. Epps the second time where was she? Did she tell you where she was?

A She was at her aunt Ree's house.

Q Okay. All right, and did you all make any plans about how you were gonna see each other again?

A She, they were planning to come pick me up from the hospital.

Q Who was planning to come pick you up?

A Her aunt and Brittany were planning to come pick me up from the hospital. They said that Ree couldn't come drive because her tags were bad, but they were trying get a hold of her mom, Brittany's mom; but they couldn't get hold of her. They couldn't get her to answer. They said that they had went to Kingstree Hospital 'cause they thought that's where I was, but found out that I wasn't

there.
Q Okay. You were admitted to McLeod, or were you treated and released later on. I guess we're talking about the morning, the early morning hours of the next day, that Sunday morning, were you released or were you admitted?
A I was released.
Q Okay.
A I was treated and released and they were planning to come pick me up, but after I got released I tried to call them and they wouldn't answer.
Q How did you get from McLeod back to Williamsburg County?
A Juan Ballard.
Q Investigator Ballard came back?
A Yes.
Q All right. And picked you up?
A Yes.
Q And took you where?
A He took me to the police department.
Q Where'd you think you were going?
A I thought I was going back to Kingstree to go home.
Q You thought he was going to take you home?
A Yeah.

Q He took you to the jail, or the Sheriff's Office?
A Yes, ma'am.
Q All right. Did he interview you and ask you questions about what happened?
A Yes, ma'am, he did.
Q All right, did you tell this story about, to him about being shot in the woods in Nesmith?
A Yes, ma'am.
Q All right.

MS. BUTCHER: Your Honor, I would object to the leading questions. I mean...

THE COURT: All right.

MS. BUTCHER: Testify.

THE COURT: She has to know that it's leading. You got to suggest an answer, but she hadn't appeared to be leading yet. Go ahead.

BY MS. BARR:
Q Is that the only story that you told Investigator Ballard or any other deputies with the Sheriff's Office?
A That I had ---
Q About how you hurt your hand?
A Yes, ma'am, that I got shot in Nesmith, so far.
Q Okay. What was the next story you told them about how you hurt your hand?

A That Mr. Joseph was trying to rape me.
Q Okay. Did you tell them during that first statement when you got back to the Sheriff's Office whether or not Ms. Epps was with when the victim was trying to rape you when you shot him?
A No, I didn't mention her name.
Q Okay. Did you tell the investigators during that first story how the victim's body got in the trunk during your first story where Brittany is not there?
A I can't -- yes, I think I did, yes.
Q What did you tell them about how the victim's body got in the trunk?
A I told them I put him there.
Q By yourself?
A Yes, ma'am.
Q Okay. Candidly they didn't believe you about that, did they?
A No, ma'am.
Q Did you change your story at some point?
A Yes, ma'am.
Q All right. Tell me when you changed your story. What did you change it to this time when they didn't believe you that you put his body in the trunk of his car by yourself?
A I told them that I did it, but Brittany didn't

have anything to do with it. Brittany was there, but she didn't have anything to do with it.
Q So the second story you told is Brittany was there meaning where?
A With me.
Q Okay.
A When it happened.
Q In the car?
A Yes, ma'am.
Q Okay, and she didn't have anything to do with it?
A Yes, ma'am.
Q Okay. Did you tell them during the second story how the victim's body got in the trunk?
A Yes, ma'am.
Q Okay. How did you tell them the victim's body got in the trunk?
A That Brittany helped me.
Q Okay. Did you ever at any point in time change your story from, I shot the victim in self-defense 'cause he was trying to rape me, Brittany was there, didn't have anything to do with the shooting, did you change your story from that point?
A I can't, I can't remember. I think that second story I did say that I was trying to rob him.
Q Okay. How long were you at the jail before you

told the sheriff's deputies that Brittany was in the car with you when this happened?
A I'm sorry, what did you say?
Q How long were you at the jail ---
A Uh-huh.
Q ---before you told the sheriff's deputies that defendant was with you but didn't have anything to do with it?
A I don't know, not long, it was in May.
Q Did you tell them during those first and second statements that you cut your straps from your purse to try to strangle the victim?
A I didn't.
Q Let me ask you this, your testimony is that Brittany Epps fired three shots into the victim's head?
A Yes, ma'am.
Q Why did you tell the police that you did it in self-defense?
A I didn't want her to come to jail.
Q Say again?
A I didn't want her to come to jail.
Q I can't hear you.
A I didn't want her to come to jail.
Q You didn't want who to come to jail?

A Brittany.
Q Why you don't want her to come to jail? You're talking the wrap for killing somebody, right?
A Yes, ma'am.
Q There's a pretty serious charge, right?
A Yes, ma'am.
Q Why in the world would you take the wrap for doing something that serious if you didn't do it?
A I don't know.
Q At what point did you tell law enforcement that you had cut his, cut your purse straps to try to strangle the victim and then you all had planned to rob him and kill him?
A My fourth time.
Q Fourth statement?
A Yes, ma'am.

MS. BARR: State's 41 and 41(a).

(WHEREUPON, State Exhibits Nos. 41 and 41-A were marked for identification only.)

BY MS. BARR:
Q Ms. Jackson, I am opening State's Exhibit Number 33 and I will remove the contents of that exhibit. Ma'am, do you recognize the contents of State's exhibit 33?

A Yes, ma'am, that's Brittany's hoodie.
Q I'm sorry?
A That's Brittany's hoodie.
Q All right. And I previously published an exhibit of a hoodie that contained the word Realtree on it. Did you remember seeing that picture on the screen?
A Yes, ma'am.
Q Is that the same hoodie that I removed from State's Exhibit Number 33?
A Yes, ma'am.
Q All right. And you indicated that this is Brittany's hoodie?
A Yes, ma'am.
Q All right. How long have you known her to wear this hoodie?
A Not long. She wore it whenever she was around me.
Q Okay. And was this the hoodie that she was wearing on the night of Mr. Brown's murder?
A Yes, ma'am.
Q And I'm gonna publish again State's Exhibit number 9. Can you see that from where you are?
A Yes, ma'am.
Q And I publish State's Exhibit Number 8. That might be a better view. Do you recognize that to be

the interior of the victim's vehicle?
A Yes, ma'am.
Q Do you see that hoodie that I just removed from State Exhibit 33 on that picture?
A Yes, ma'am.
Q Where is it on the picture?
A It's in the floorboard of the passenger seat.
Q All right. When you all left the cookout in Greeleyville was the defendant wearing that hoodie?
A If I recall correctly, yes, she was.
Q All right. At what point in time did she remove that hoodie and end up on the floorboard of the victim's vehicle in the front passenger seat?
A You know, I can't honestly answer that so I'm not going to.
Q Do you know where she got the hoodie from?
A Yes, I do. You want me to honestly answer that?
Q Well, if you know from your own personal knowledge.
A I stole it from Wal-Mart.
Q You stole it from Wal-Mart?
A Yes, ma'am.
Q For who?
A For Brittany.
Q Do you wear camouflage gear like that?

A I have, yes.
Q While the two of you -- after you were arrested and charged with this murder, were you shown a photograph taken of you at the hospital that's depicted in State's 13?
A No.
Q Well I'm sorry, not at the hospital, at the Sheriff's Office?
A Yes, ma'am.
Q Who took that picture?
A SLED maybe.
Q All right. I'm gonna publish State's Exhibit Number 31. Do you recognize what in that photograph?
A Yes, ma'am.
Q What's that?
A This is Ree's house.
Q Okay. What kind of vehicle is that in the yard?
A That's Jason's Ford.
Q Expedition?
A Yeah.
Q Who is Jason?
A Ree's baby daddy.
Q You see somebody looks like in the doorway of a little set of steps there?

A Yes, ma'am.
Q Do you know who that is?
A Ree.
Q Which one is Ree? The person with the white shirt on or the person with the colorful outfit on?
A The colorful outfit.
Q All right. Where have you been since you were arrested in this case?
A In county jail.
Q Did you communicate either in writing or in person with Ms. Epps while you were locked up?
A Yes, ma'am.
Q Did she communicate back with you?
A Yes, ma'am.
Q You all write each other letters?
A Yes, ma'am.
Q What kind of letters were you writing to her?
A I guess you call them love letters.
Q Okay. Did you tell her in one of those love letters that you told the police that she was the one that killed Mr. Brown?
A That she was the one?
Q Yeah, did you tell her in one of the letters that when you wrote to her while you were in jail that you had told the police that she's the one who

killed Mr. Brown?
A I don't think so, no.
Q Did you tell her, what'd you tell her about the case and how you were feeling about these serious charges?
A Well, when I wrote her I tried to tend to stay away saying stuff like that, talking about the case, you know.
Q Why?
A Because our mail was monitored.
Q Because your mail was being monitored?
A Yeah, yes, ma'am.
Q I'm gonna show you what's been marked as State's Exhibit Number 41-A. Do you recognize that particular exhibit?
A Yes, ma'am.
Q How do you recognize it?
A Brittany wrote it.
Q Okay, you recognize her handwriting?
A Yes, ma'am.
Q Is it dated?
A Yes, ma'am.
Q When is it dated?
A 9/29/14.
Q Okay. And you talk about how you wrote her love

letters. Did she write you love letters in response?

A Maybe like once.

MS. BARR: Your Honor, we move to admit State's Exhibit Number 41-A.

THE COURT: Any objection?

MS. BUTCHER: No objection, Your Honor.

THE COURT: It'd be admitted into evidence as State's 41-A.

(WHEREUPON, State Exhibit No. 41-A was admitted into evidence.)

MS. BARR: All right. Permission to publish, Your Honor?

THE COURT: Permission granted. I'm gonna publish the last page of that 1, 2, 3, 4 page exhibit.

BY MS. BARR:

Q Do you recognize the defendant's writing on that last page?

A Yes.

Q Okay. How does she end the letter to you?

A Do you want me to read that?

Q Just the last part.

A Love.

Q You testified just a moment ago that the letter

is dated 9/29/14?
A Yes, ma'am.
Q I'm gonna call your attention to the end of page 3 of that letter. You recognize the defendant's writing on page 3 of that letter?
A Yes, ma'am.
Q And you read this letter; is that right?
A Yes, ma'am, yes, ma'am.
Q Can you see the letter starting with P.S.?
A Okay, you want me to read it?
Q Can you see it?
A Yes, ma'am.
Q Can you read it?
A "P.S., I heard your hair getting longer; my dreads are too. I'm losing weight and getting taller like 5'9" now sexy or not, and I'm always talking about you and I love you. Don't let nobody tell you different. You also will be my mentos and sponge bob, always be my love. Take off."
Q Okay, your voice just completely trailed off on the last part. Read again, you will also be.
A You will always be my mentos sponge bob, love, take off.
Q Love, take off.
A Yes.

Q Did that have any significance to you when she ended the letter, love, take off?
A She never went by that before, no.
Q When was the only other time you all used the word take off with each other?
A That night.
Q You were planning to kill Mr. Brown?
A Yes, ma'am.
Q All right. When she says you will always be my mentos and sponge bob, what in the world is that?
A You want me to be honest?
Q Yeah, I mean, you know I don't.
A Well, mentos is like something sexual and then sponge bob is just the way I was walking one day reminded her of sponge bob so she called me sponge bob.
Q All right, read the portion of the letter that starts with "all this." Read out loud for me.
A Where do you want me to read?
Q Where it starts with "all this".
A "All this I said is real. I hope some of this makes you smile that big beautiful smile I saw every day. I really think that you were my soul mate. I know I might sound corny, but it's true. I miss holding you, making you mad, then smile. I miss you

Jessica Blair Jackson. And no other girl gone take your place. That's on Amelia Badelia. If you fuck with another girl don't let her call Amelia Badelia's name, not like we do, okay."

Q What's the reference to Amelia Badelia?

A My mom's middle name is Amelia so Brittany called her Amelia Badilia.

Q So she says in the letter that's on Amelia Badilia? So what does that mean?

A Like a promise.

Q Like swearing on your mom's life or death, whatever?

A Yes, ma'am. Yes, ma'am.

Q How do you feel about Ms. Epps today as you're sitting on that witness stand testifying against her? You still love her?

A I care about her as a person, but I'm mad at her.

Q Why?

A Because she knows what I'm saying is true.

Q Do you accept responsibility for your role in the death of Joseph brown?

A Yes, ma'am.

Q Did you ever see his gun after you took it out of her hand and put it in the glove box?

A No, ma'am.

Q You know whatever happened to the gun?
A No, ma'am.
Q That's all the questions that I have. Please answer any questions that Defense counsel may have.
THE COURT: Cross-examination, Ms. Butcher?

CROSS-EXAMINATION

BY MS. BUTCHER:
Q Now did you ever write to Ms. Epps when you were in jail?
A Yes, ma'am.
Q And did you tell her that she was gonna hear some things and not to snitch, you had it covered?
A I don't know exactly what, you know, what my whole words were; but to that extent, yes, ma'am, I did.
Q Okay. Now in this letter that she wrote to you, this was back in 2014. She said that she was about 5'9". Had she always been pretty tall?
A Yes, ma'am, she has.
Q Okay. And as long as you've known her?
A Yes, ma'am.
Q How long had you known her at that time?
A Since February 2013 so it had been about a year, a year actually.

Q And so she was close to 5'9" at the time of this incident or ---
A Yes, ma'am.
Q ---about what she is now?
A Yes, ma'am.
Q Okay. Now you've given about four or five different stories, correct?
A Four, if I'm not mistaken.
Q Okay. And each time you claimed you were telling the truth, correct?
A I don't think every time but, yes.
Q Okay, so you admit you're a liar?
A I have lied, yes.
Q Okay. And what were you originally charged with?
A Murder in the first.
Q Same as Brittany?
A Yes, ma'am.
Q Do you remember what that carried?
A Thirty to life.
Q Thirty to life. And you reached a plea bargain, correct?
A I pled to something less, yes, ma'am.
Q And what does that carry that you pled to?
A 0 to 30.
Q Excuse me?

A 0 to 30.
Q And that was based -- and you haven't been sentenced yet, correct?
A No, ma'am.
Q That's based on how you're gonna testify, correct?
A No, that's not what was said, no.
Q So why haven't you've been sentenced?
A I'm not sure, ma'am.
Q You had to testify first, correct?
A No.
Q When did you plead?
A In September.
Q Of?
A Last year.
Q Okay. So all this time since September you haven't been sentenced yet, correct?
A Correct.
Q You received a plea bargain 'cause you agreed to testify, correct?
A I'm not sure. I mean, I just pled down to something less.
Q And you agreed to testify?
A Yes, ma'am, I agreed to testify.
Q Having been sentenced yet.

A (No response.)
Q Now you and Theo had a relationship as well, correct?
A No, ma'am.
Q You were having sex with Theo; weren't you?
A No.
Q You weren't?
A No, ma'am.
Q Didn't you and Brittany get into an argument and that's why she was going to go back to her mother's?
A No, ma'am.
Q No, okay. Now you first told the law enforcement that you shot yourself in the hand at Snooky's, correct?
A Yes, ma'am.
Q And that you were by yourself, just you and Snooky, correct?
A Yes, ma'am.
Q And that Snooky dropped you off at Kendell Park?
A Yes, ma'am.
Q First said you walked to Ms. Pearly's house after that to call 9-1-1, correct?
A Yes, ma'am.
Q Okay. That's what you were telling law enforcement, right?

A Yes, ma'am.
Q That your purse was stolen?
A Yes, ma'am.
Q Then you changed your story after that, correct?
A I did.
Q Okay. You told them that none of the stuff you told them was true, you weren't with Snooky at all, that you were by yourself, correct?
A Yes, ma'am.
Q And you met Joe at Sonoco, and he told you he wanted to have sex with you for money?
A Yes, ma'am.
Q Is that true?
A That's what I said, yes, ma'am.
Q Okay, and that you went to the cookout with him?
A Yes, ma'am.
Q You just really needed some money, correct?
A Yes, ma'am.
Q That you knew the gun was in the glove compartment, correct?
A Yes, ma'am.
Q Okay. Then y'all went to Kendell Park, correct?
A That's what I said, yes.
Q To have sex?
A That's what I said, yes.

Q You were sitting in the passenger seat up front beside him?
A That's what I said in my statement, yes.
Q And that you shot him?
A That's what I said in my statement, yes.
Q Okay. Just the two of you were there?
A In ---
Q Per law enforcement -- I'm sorry, I didn't mean to interrupt you.
A In my statement that's what I said, yes.
Q You told law enforcement that you put him in the trunk all by yourself?
A Yes.
Q And how did you tell them that you hurt your hand?
A I said that I was, I had my hand out and I shot without looking.
Q Okay. Like this? You were holding him off and shot the gun and got your thumb?
A Yeah, that's what I said.
Q And you are right handed, correct?
A Yes, ma'am.
Q So if you're shooting that gun and holding him off, you could have shot your hand, correct?
A It's possible, yes.

Q Okay. Now you also told them that the reason you had cut the pocketbook straps off was to tie your arm up just to try and stop the bleeding, correct?
A Yes, ma'am.
Q Who took his shirt off?
A I'm not sure how the shirt got off to be honest.
Q You told law enforcement you took his shirt off, correct?
A That's what it says in the statement 'cause I rewrote my statements, but I've also found that whoever recorded those things wrote them down it has been inaccurate so I think that's what happened there.
Q Oh, so you're saying that when you were asked who took his shirt off the word "me," was inaccurate?
A That's what I'm saying. I'm saying whoever did that it was inaccurate because it's been inaccurate before.
Q Oh, so when they asked you, when law enforcement asked you who took his shirt off what did you answer?
A I know I didn't say me.
Q Okay. Now have you ever brought that up before?
A Brought what up before?
Q That you didn't say "me." You were asked this

question previously about who took his shirt off in your statement and you said "me".
A Whenever anyone has ever asked me I said I don't know how his shirt got off.
Q Okay. Okay. So law enforcement then asked you, you took his shirt off after you shot him or before? Did you answer, I took his shirt off?
A No, ma'am, I didn't, I didn't take his shirt off.
Q Well, so are you saying that whole scenario had errors in it when it was transcribed.
A It's possible I'm telling you because I reread my statements and there's some part that says something about Nathaniel, and I don't know nobody named Nathaniel.
Q Okay. So incorrectly twice when you were asked by law enforcement ---
A Yes, ma'am, it's possible.
Q By law enforcement you were asked twice who took his shirt off and you're saying you didn't say "me" and you're saying you didn't say "I took his shirt off"?
A Yes, ma'am, that's what I'm saying.
Q Okay. His pants were down also, right?
A Yes, ma'am.
Q Okay. That's because y'all were gonna have sex,

correct?
A No. No, ma'am, we weren't.
Q But that was what you had told law enforcement that he was trying to have sex with you?
A Yeah, my first statement, yeah, I said that. I went there to trick with him, yes.
Q And he was found with his shirt off, his pants down, and you had no shirt on, correct?
A No, I didn't have a shirt on because I wrapped it around my bloody hand.
Q Okay. And you had borrowed Brittany's hoody, correct, at some point later on in the night when you were cold?
A No, I don't recall that.
Q And it was found on the floorboard of the car, correct?
A In the front passenger floorboard, yes, it was there.
Q And you told law enforcement you were in the front seat and he was trying to have sex with you, correct?
A On the first statement, yes, I did.
Q Which would go along with why you had on no shirt, you had borrowed Brittany's hoodie, it was on the floor, correct?

A I guess, yeah.
Q Okay. And you told law enforcement that you picked him up and put him in the trunk, right?
A Yep, that's what I said.
Q Okay. And you also told law enforcement that he was reaching for the gun, correct?
A I did.
Q Okay. But you grabbed it, correct?
A Yes, ma'am.
Q And you shot him?
A Yes, ma'am.
Q Now you continue to change your story after another interview, correct?
A Yes, ma'am.
Q Okay. Now did you kind of realize that it didn't make lot of sense that you would be able to pick up Mr. Brown and put him in the trunk yourself?
A No.
Q That never dawned on you?
A No, that's not why I changed my story.
Q Would you have been capable of picking up Mr. Brown and putting him in the trunk?
A No, probably not, no.
Q Especially with a hurt hand, hun? Okay. So this time you still claim you needed the money, correct?

A Yeah, yes, ma'am.
Q This time you throw Brittany into it; don't you?
A I do because I was questioned about her, yes.
Q But you, still you said that she didn't do anything, I did everything I said, correct?
A Yes.
Q Okay. She claimed that the scenario was the same, you were the shooter, you were gonna have sex, your shirt was off, his clothes were off, but she was sitting in the back seat this time?
A That's what I said.
Q Okay. And you claim that when you shot Mr. Brown Brittany was actually the one freaking out that time, right? Is that correct?
A That's what I said.
Q Okay. You also claim y'all opened the trunk with a key, correct?
A Correct.
Q Now and, again, you said that you put the gun in the glove compartment, right?
A Correct.
Q Today when Ms. Barr was speaking with you you said you put that gun in the glove box, right?
A I did.
Q But you also claimed when they said we didn't

find a gun in the glove box, then you said, oh, I threw it on the ground, correct?
A No, when you go up on that it says I put it in the glove box.
Q So you never claimed that you threw it on the ground?
A Read the whole thing.
Q I'm asking you questions. Did you ever claim you were throwing it on the ground?
A Ma'am, I said that, but if you go up on that statement and read the whole thing you'll understand why I said that.
Q Well, why don't you tell me why you said that?
A If you read it I will.
THE COURT: No.
BY MS. BUTCHER:
Q I'm asking you.
THE COURT: If she can't remember say so, if she can't keep ---
THE WITNESS: I can't remember.
THE COURT: Wait just a moment. Wait just a moment. If she can't remember she can say so. And if she wants, if you got something you want her to refresh her recollection with you can do that. Under the rule it provides for refreshing

recollection.
BY MS. BUTCHER:
Q Do you remember why you said that?
A No, ma'am, can you please refresh my memory.
THE COURT: Don't read it. You can't read the statement. You can read what she's handing you and see if that refreshes your recollection.
MS. BARR: Your Honor, may I ask counsel to explain to us which statement she's referring to?
THE COURT: Show Ms. Barr what you're referring or ---
MS. BARR: The defendant or to the witness.
THE COURT: Show Ms. Barr what you're giving her to refresh her recollection.
(Statement shown to witness.)
THE COURT: No, show it to Ms. Barr.
MS. BUTCHER: I'm sorry, I thought you wanted me to do it after.
(Pause.)
THE COURT: Do you have any objection to her looking to that to see if it refreshes her recollection, Ms. Barr?
MS. BARR: I'm sorry, Your Honor.
THE COURT: Do you have any objection to

the witness looking at that to see if it refreshes her recollection?

MS. BARR: None whatsoever.

THE COURT: All right. Just read whatever she shows you and see if that refreshes your recollection.

THE WITNESS: I have my answer.

BY MS. BUTCHER:

Q Okay.

A They were asking me if, how sure I am it was in the glove box, and they were asking me where I put it. I said in the glove box. And they asked me how sure I was I put it in the glove box. I said I'm pretty sure. And then they asked me, if you didn't put it in the glove box where would you have put it? I said, I don't know, I may have threw it on the ground somewhere. The reason I said I threw it on the ground is because they asked me the question of where I would have put it if I didn't put it in the glove box. That's why I said it.

Q So were you just kind of giving them answers you thought they might want to hear?

A No, ma'am, they asked me a question.

Q You also went so far to say that Brittany could not have gotten that gun out of the glove box

because she was with you the whole time, she'd go back to the car, correct?
A I did say that.
Q Now a little later on a few months later you changed your story again; didn't you?
A I did. I added one part to it that I subtracted, yes, I did.
Q What was that part you added to it?
A What I did.
Q Okay. Now I found it odd in this one you used the word that with Brittany it was premeditated.
A Yes, ma'am.
Q You didn't use that kind of language, any legal language before. Why was that?
A Well, I had never been locked up, none of that. I knew you know what, I knew -- I don't know how to explain it. I had, you know, been in there with girls that had been locked up and I knew, you know, the jail lingo of, you know, what to say as far as whether it was premeditated or whatever. I mean, that we had talked about it before and, before you know, the crime so it was premeditated so I used that word. That's your answer?
Q Now, and in this one you blamed everything on Brittany; didn't you?

A No, ma'am, I didn't.
Q Did you say that Brittany told you about the plan?
A She did, but I owned up to my actions as well.
Q Was this statement the truth?
A What statement exactly are you referring to?
Q The last one you gave to law enforcement.
A Did it include the pocketbook straps?
Q I'm sure it did.
A If it did then, yes, ma'am, that's the truth.
Q Okay. Now you claim in this one that she wanted to kill him, correct?
A Yes, ma'am.
Q Okay. And you claim that the way she wanted was that she wanted to strangle him, correct?
A Did I say that in that statement? I don't remember saying that.
Q Would you like to refresh your memory?
A Yes, please.
Q Okay. That's not what you told law enforcement that time?
A Yes, ma'am.
Q So you -- no mention of a gun there, right, at that point?
A No, ma'am.

Q But today you testified that the straps were supposed to be a distraction, that she didn't have a plan to strangle him, correct?
A No, ma'am. Was there not any mention of a gun later in that interview?
Q Now how long did you hold those straps around Mr. Brown's neck?
A Not long.
Q Roughly how long?
A Probably ten seconds maybe.
Q Okay. And you were also reaching for the gun, correct?
A No, no, ma'am.
Q Now in this statement you claim that you were also reaching over leaning forward trying to grab that gun, correct?
A No, I know which statement you're referring to and it says that I was trying to get the gun. I was, you know what, may I see it please?
Q Yes, ma'am.
A 'Cause I know what you're referring to and I don't know how to say what I was saying. Where is it?
THE COURT: Just read it. You can't discuss it. Y'all are not having a conversation.

(Pause.)

THE COURT: All right. Does that writing refresh your recollection?

THE WITNESS: It does. That's what I said, but I'm not exactly sure what I was, what was, what that conversation was about.

BY MS. BUTCHER:

Q Did you claim you were reaching over to grab the gun also?

A I did. I did.

Q You also claim that Ms. Epps went to the hospital with you when this statement took place, correct?

A It probably said yes; but like I said, those are very inaccurate. Those recordings are very inaccurate.

Q Okay. Now you and Brittany had been arguing because you and Theo are having a relationship, correct?

A No, ma'am.

Q Isn't that why she was moving, talking about moving back home with her mom?

MS. BARR: I object, that's been asked and answered.

THE COURT: Overruled, cross-examination.

BY MS. BUTCHER:

Q Is that correct?
A No, ma'am.
Q Now you testified earlier today you didn't really know what the plan was, correct?
A No, I don't remember saying I didn't know what the plan was.
Q Did you know what the plan was?
A I knew that we, I knew that we were going there to rob Mr. Joseph, yes.
Q How was that gonna -- how were y'all gonna manage to rob him?
A We were going to overpower him. Brittany said we were going to overpower him. Later on the gun, the gun came in and the pocketbook straps.
Q Okay. And were you gonna have sex with him? Is that part of the plan?
A No, never. I was never really going to have sex with him. That was all just a decoy.
Q Oh, so you were gonna tell him you were gonna have sex with him, correct?
A I never, I never really ever had a conversation with him to be honest.
Q Did Mr. Brown, was it your understanding that Mr. Brown took his pants down, took his shirt off in anticipation of having sex?

A No.
Q Now what -- and I'm sorry, what did you, what were the plans if everything had gone smoothly and the car hadn't gotten stuck?
A I don't know exactly to be honest. We never really talked about it.
Q So she wasn't planning on taking the car, she wanted a car?
A I mean that; but I mean, as far as like plans, other than that, I don't know.
Q Okay. So you're saying today that the plan was for her to steal the car?
A Yes, ma'am.
Q You previously stated that the actual plan was to take the car to the junk yard, correct?
A I said that we would probably -- I said -- I don't know what I said, something about the junk yard, yeah, I did.
Q Now I think one of the first things you also said that you weren't really in love with Brittany; is that correct?
A I remember saying on my second statement that something about -- I want to word it right. I want to say exactly what I said so no one misconstrues it. That I talked to some of my family and some

people and I had to do for me and that I found out that something about, I didn't, I thought I loved her but I basically along the lines that I don't -- yes, I do remember saying that.

Q I, can you please restate your answer. Did you change it in the middle of it just then?

A I said I, I said that basically I had to do for me, and I remember I thought I loved her but I found out that I don't. I remember saying that, yes, I do.

Q Previously you just basically said I love her, right?

A Yeah.

Q Okay. Now you said it was a very pleasant time at the cookout?

A I wouldn't say pleasant. That's not what I said, no.

Q Earlier you didn't, you didn't just testify earlier today that it was all very pleasant?

A No, I said it was awkward.

Q Okay. Why was it awkward?

A Because we didn't know anybody and the circumstances.

Q What circumstances? Oh, okay, of the incident?

A Of the incident.

Q Okay. Now you remember getting in an argument with anybody there?
A Yes, I did.
Q Tell us about that.
A There was a guy, and I don't know his name, but Mr. Joseph, I guess he was trying to put me off on one of the guys there. And he was an older guy too, and he basically, he wasn't going around about the way of saying basically ---

MS. BARR: Judge, we're gonna object to hearsay as to what somebody else might have said.

THE COURT: All right. She asked you what the argument was about. You can say what it was about but don't quote any statements that were made by somebody else.

THE WITNESS: The argument was about me prostituting basically. I was telling him that I wasn't a prostitute.

BY MS. BUTCHER:
Q You were leading Mr. Brown to believe you were that night; weren't you?
A Yes, ma'am.
Q What kind of liquor did Theo drink?
A I don't know.
Q You don't know. Did he drink liquor?

A Yeah, I saw him drink liquor like once.
Q Okay. Now isn't it true that you and Brittany and Mr. Brown went back to Theo's house after the cookout?
A No, ma'am.
Q Isn't it true that Theo rode with y'all. Y'all were taking him to the liquor store?
A Yes, ma'am.
Q Isn't it true at that point when y'all got down the road Brittany got out of the car?
A No, ma'am.
Q Tell me, how did just you and Brittany pick that man up, Mr. Brown, put him in the car in the trunk?
A You know, I'm not exactly sure, but you know, adrenaline I guess, and when you're in shock. And Brittany is pretty strong so.
Q Now you agree you've told a lot of different stories?
A Yes, ma'am.
Q You've gotten a benefit testifying?
A If you call it that.
Q No further questions.
THE COURT: Redirect?
MS. BARR: Just a few, Your Honor, thank you.

THE COURT: Yes, ma'am.

REDIRECT EXAMINATION

BY MS. BARR:

Q Ms. Jackson, you were asked questions on cross-examination about how certain evidence may have gone along with the notion of you saying that the victim tried to rape you and you shot him in self-defense by yourself. You remember being asked those questions by Ms. Butcher?

A Yes, ma'am.

Q Now after you're shot and EMS comes out to Ms. Pearline's house and takes you to Florence, where's your purse?

A In the car.

Q You don't take the purse with you to the hospital?

A No, ma'am.

Q Did you have any form of identification?

A Yes, ma'am.

Q Where was your ID?

A In my purse.

Q Where was the pocketknife that you'd stolen from the victim's apartment?

A In the purse.

Q In the car?

A Yes, ma'am.
Q And when you went to the hospital in Florence where were the ---
A No, I'm sorry, the pocketknife was on me.
Q You took that with you to the hospital?
A Yes, ma'am.
Q You left your purse and your ID in the back of the car?
A Yes, ma'am.
Q The pack of T-shirts that you'd stolen from the victim's house ---

MS. BUTCHER: Your Honor, I object. I did not go into any T-shirts or anything on cross.

THE COURT: You did not what?

MS. BUTCHER: I didn't ask anything about T-shirts or anything when I crossed the witness.

THE COURT: Let's see what the question is.

MS. BARR: Judge, I'm specifically going along with the notion that she's going along with evidence to try to corroborate this notion about shooting the victim in self-defense. It's on that line of questioning.

THE COURT: All right. Keep it to the, she did ask questions about reaching for the gun and

self-defense so it's relative to that. I will allow it. Otherwise, it's not proper redirect.

BY MS. BARR:

Q On this notion of you shooting the victim in self-defense by yourself, the first statement that you gave the law enforcement about Ms. Epps not being there, did you ever call 9-1-1?

A No, ma'am.

Q When you talked to the police that night or that morning when you get out of the hospitals, ---

MS. BUTCHER: Your Honor, I would object. I think that's really --

THE COURT: She hadn't finished her question yet. All right, go ahead. Don't answer it, let her finish the question.

Ask the question, Ms. Barr.

BY MS. BARR:

Q When you're telling this story to law enforcement about you being by yourself, shooting the victim by yourself, putting his body in the trunk of his vehicle by yourself, did you ever think about the fact that somebody else's voice was on the 9-1-1 tape?

THE COURT: All right, wait just a moment. You object to that?

MS. BUTCHER: Your Honor, I didn't ask her about the 9-1-1 tape. My ---

THE COURT: No, that's true, you didn't, but you did ask her about the self-defense, whether she asserted that. Objection overruled.

BY MS. BARR:

Q Did you hear my question?

A Repeat it please.

Q Yes, ma'am. When you're telling the deputy this statement about you shooting the victim in self-defense by yourself, no one else there, did it ever dawn on you that somebody else called 9-1-1. that Brittany called 9-1-1 when you were telling law enforcement this story?

A No.

Q Were you physically capable and you know how much the victim weighed 'cause you helped put his body in the truck; is that right?

A Yes, ma'am.

Q Were you physically capable of putting the victim's body in the trunk, and this is dead weight at this point, right?

A Yes, ma'am.

Q Putting him in the trunk by yourself?

A No, ma'am.

Q Did you ever think about how that sounded when you told the police that story?
A No, no, ma'am.
Q Now when you're telling the police this whole story you're putting it all on you, did you consider the fact that all this man's family saw both of you at the cookout in Greeleyville?
A No, ma'am.
Q Did it ever dawn on you where you're telling law enforcement this story you being by yourself, no one else being there, did it ever dawn on you that you and Brittany were at Ms. Pearline's house and were seen there?
A No, ma'am.
Q Did it dawn on you that ---

MS. BUTCHER: Your Honor, same objection. The only thing I went into was the fact that she claimed that she was trying to trick him into having sex, his clothes were off, and her shirt was off.

THE COURT: I'm gonna overrule the objection. You asked her about all four stories and that's what Ms. Barr's response is to.

BY MS. BARR:
Q Did you ever consider the fact when you're telling law enforcement this initial statement about

the shooting and self-defense story that you're giving them that a law enforcement officer saw Brittany with you at Ms. Pearline's house as you're about to be loaded into the ambulance?

A No, ma'am.

Q Didn't think about any of that?

A No, ma'am.

Q Did you think about you left your purse strap in the back seat of the man's car?

A No, ma'am.

Q And your testimony is you left your I.D. in the back of his car?

A Yes, ma'am.

MS. BARR: May I approach the witness?

THE COURT: Yes, ma'am.

BY MS. BARR:

Q We talked about the last statement that you gave to law enforcement on cross-examination where you come clean?

A Yes, ma'am.

Q You've read that statement before?

A Yes, ma'am.

Q All right. I'm gonna hand you a transcript that's ---

THE COURT: Show Ms. Butcher what you're

showing her. Come up a minute, counsel.

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

BY MS. BARR:

Q Do you recognize that transcript of that last statement that you gave to law enforcement? When you come clean?

A Yes, ma'am.

Q When did you give that statement to law enforcement?

A July 28th, 2014.

Q Where were you at when you decided to give that statement to law enforcement? Where were you physically?

A My house, like where they were housing me?

Q You were in jail?

A Yes, ma'am.

Q All right. Did you have an attorney at that time when you gave that statement?

A Yes, ma'am.

Q Okay. Did that attorney know that you were giving that statement to the police?

A Yes, ma'am.

Q And whose idea was it for you to finally come clean?

A My own.
Q Did the police contact you or did you contact the police?
A I contacted them.
Q Now at this point you acknowledge in that July 28th, 2014, statement that it was premeditated?
A Yes, ma'am.
Q That you cut the strap from your purse to strangle the victim?
A Yes, ma'am.
Q Y'all planned to rob him and kill him?
A Yes, ma'am.
Q Both of y'all conspired to rob this man and kill him; that's your statement?
A Yes, ma'am.
Q On July 28th, 2014?
A Yes, ma'am.
Q What benefit in July 28th, 2014, does it give you to admit to a premeditated robbery and murder? How are you benefiting from admitting to all that stuff?
A Now that I told the truth.
Q Does it help your case that you admitted to a robbery and premeditated murder?
A No, ma'am.
Q As a matter of fact it hurts your case; doesn't

it?
A Yes, ma'am.
Q Now you were asked questions about records in the transcript that you read back over some of your statements and you know you didn't say certain things. You remember asking, Ms. Butcher asking you about that?
A Yes, ma'am.
Q Okay. Let's talk about one point in particular. You testified after Ms. Butcher asked you if you ever told law enforcement in a statement that Brittany rode with you to the hospital. Do you remember her asking you that question?
A Yes, ma'am, I do.
Q Do you remember reading a transcript of a statement that you purported to give to law enforcement where you were asked that question?
A I do.
Q And in the transcript which is the writing of that statement just on that particular issue about whether or not Brittany rode with you to the hospital, do you remember what the transcript said?
A I believe I remember it saying what she said, what it said incorrectly.
Q Okay.

A I don't remember saying that.
Q Okay. The transcript reflected that you said that Brittany rode with you to the hospital after you got shot.
A Yes, ma'am.
Q Did you listen to the actual audio recording of your statement on that issue, about whether or not Brittany rode to the hospital with you?
A I haven't, no, ma'am, but I know them to be inaccurate.
Q Is your testimony that Ms. Epps was never in the ambulance with you?
A That's my testimony, yes, ma'am.
Q You were asked all these questions about Theodore McKnight, whether or not the victim picked him up or he had a drink or Brittany got out of the car. And you've answered no to all those questions.
A Yes, ma'am.
Q Now let's just assume for me for argument sake that Theodore McKnight actually was with you and Brittany when the victim drove back from Greeleyville. Let's just assume that for argument sake?
A Uh-huh.
Q What would stop you from telling the police that

Mr. McKnight was there, if he was?
A Nothing, I would have told them to begin with.
Q Let's just assume for argument sake that the question that was posed to you about Ms. Brittany getting out going somewhere before this man is murdered?
A Uh-huh.
Q If that were true, what would have prevented you from saying that?
A Nothing.
Q You have any allegiance to Mr. McKnight?
A No.
Q You have any reason to want to try to help him out?
A None.
Q And ma'am, you've admitted to a plan, robbery with a gun, planned murder. If you had sex with Theodore McKnight, you admitted to all this stuff, would you admit to that if you did?
A Yes, ma'am.
Q And had you ever had a sexual relationship with him?
A No, ma'am.
Q You have any idea why that question was even asked of you?

A No, ma'am.
Q Two more questions and I'll be done. I'm gonna call your attention to statement dated July 28th of 2014. On page 6 of that statement, lines 5 through 16. Read it to yourself first and then I'll ask you some questions to see if it refreshes your memory.
A Line what?
Q 5 through 16.

(Pause.)

MS. BUTCHER: What pages and lines?

MS. BARR: Page 6.

BY MS. BARR:
Q Let me know when you're done?
A I'm done.
Q All right. When you were asked questions on cross-examination about the plan and whether or not there was a gun involved, Ms. Butcher asked you on cross-examination did you ever tell the police in your final statement about the gun and strangling. You remember her asking you questions about that?
A Who asked me the question?
Q Ms. Butcher, about the last statement and about whether or not you mentioned the gun and the strangling?
A Yes, ma'am.

Q Have you reviewed the portion of your statement that talks about that issue?
A Yes, ma'am.
Q Does it reflect that you told the police that there was a plan, strangling, and a gun involved and that the defendant shot the victim?
A Yes, ma'am.

MS. BARR: Judge, that's all the questions I have. Thank you.

THE COURT: Recross.

MS. BUTCHER: No further questions, Your Honor.

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

All right, ladies and gentlemen of the jury, it's 5:20 in the afternoon and this is a good stopping point for us so we are going to stop for the day. I am going to excuse you and allow you to go to your home and families and tend to the matters you need to tend to. I cannot emphasize enough at this stage the importance of your not talking with anybody about this case. When you see your family and friends you can tell them that you're on a jury, but you can't talk about the case because you have got to decide the case based upon what you hear in

(WHEREUPON, the proceedings were concluded for the day to be reconvened on July 27, 2016.)

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

THE COURT: We're back on the record with regard to the matter of State of South Carolina versus Brittany Epps. Ms. Epps is present with her counsel Ms. Butcher. The defendant is present. The State is present represented by the Third Circuit Solicitor's Office.

Ms. Barr, who will be your next witness?

MS. BARR: Mark Hatten, H-A-T-T-E-N.

THE COURT: And just give me a summary of what Mr. Hatten will testify to.

MS. BARR: Your Honor, Mr. Hatten was the previous owner of vehicle '94, Cadillac vehicle that's involved in this case. He sold the vehicle to the victim I believe in 2012, and his testimony will be with regard to ownership of that vehicle.

THE COURT: Just ownership of the vehicle?

MS. BARR: Ownership of the vehicle and he'll identify the key, remote, and the chain.

THE COURT: Identify what?

MS. BARR: The key, remote, and the chain.

THE COURT: All right. And I understand you wish to try to impeach the witness on what basis, Ms. Butcher?

MS. BUTCHER: Your Honor, presently the witness has pending charges here in Williamsburg County. I would like to bring in those pending charges to impeach him as a motive to be biased towards the State's side, Your Honor, under 608.

THE COURT: Show me how pending charges can be motive to say something wasn't true as far as ownership of the car is concerned.

MS. BUTCHER: Your Honor, I believe he can be biased towards the State looking for some leniency towards the adjudication of those pending charges.

THE COURT: Well, either he was or was not owner of the car.

MS. BUTCHER: Your Honor, I believe he was definitely the owner of the car, it's the identification of ---

THE COURT: Then how does he testifying to that fact show any bias?

MS. BUTCHER: It's the testimony regarding the remote and the key chain, Your Honor.

THE COURT: All right.

MS. BUTCHER: They can prove he was the.

prior owner just by paperwork.

THE COURT: Can he identify the remote, Ms. Barr?

MS. BARR: He does.

THE COURT: Let's hear from his testimony. Bring him up and proffer him.

MS. BARR: We call Mr. Hatten.

WHEREUPON,

MARK HATTEN,

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

PROFFER EXAMINATION

BY MS. BARR:

Q Mr. Hatten, state your full name for the record.

A Mark Richmond Hatten.

Q And sir, in the interest of time did you at one point own a 1994 Cadillac vehicle?

A Yes, I did.

Q All right. And I'm gonna show you what's been marked for identification as State's Exhibit Number 39. Did I show you documents relating to your ownership of that vehicle, the title to that vehicle in your name, as well as the transfer of title from

you to the victim Joseph Brown?
A Correct.
Q Is that your signature on the DMV title transferring the vehicle out of your name to Mr. Brown?
A Indeed.
Q All right. And you were previously shown what's been marked for identification purposes as State's Exhibit Number 38 which is the key chain and remote to a Cadillac vehicle. Were you shown that?
A I was asked to identify it by Archie Kennedy. He came and met me at the park in Greenville. He had not showed it to me. I gave him an accurate description of what this key fob and key chain looked like.
Q Okay.
A And that was making a positive identification.
Q All right. Now when you sold the vehicle to Mr. Brown, did you give him the keys, key chain, and the key fob to the vehicle?
A Yes, ma'am.
Q Okay. And where are you from?
A Greeleyville.
Q Where were you born and raised? Speak up real loud.

A I was born in Chicago. My mother lives in Arizona. I think that's where she is, Phoenix.
Q So you lived a number of your years in Phoenix, Arizona?
A I did, yes.
Q And when you acquired the vehicle that's involved in case where did you get it from?
A I got it from my mother.
Q Okay.
A And she handed me those keys.
Q All right. I'm going to publish State's Exhibit Number 39? 38.
THE COURT: 38.
MS. BARR: And I'll highlight it.
BY MS. BARR:
Q Can you see the key chain in this case?
A Yes.
Q All right. Can you see the Cadillac symbol on that key chain?
A I do.
Q All right. Now there appears to be some writing above the Cadillac.
A Yes, it says Kachina Cadillac, and there's a phone underneath it which is for the dealership.
Q For what dealership?

A Kachina Cadillac, which is located in Maricopa County of Phoenix area of Arizona.
Q Okay. And you indicated that there's a number at the bottom as well?
A Yes, ma'am.
Q Can you read it?
A I've got 915-1200.
Q Is it 915-1200 or 945?
A Oh, 945-1200.
Q And you indicated that that's the number to the dealership?
A Yes.
Q All right. And you know for yourself that there is a Kachina Cadillac dealership in Arizona?
A Yes.
Q Or there was when you were going up there?
A Yes, there was at one point.

MS. BARR: Judge, those are essentially the questions I'll ask him.

THE COURT: All right. Ms. Butcher.

CROSS-EXAMINATION

BY MS. BUTCHER:
Q Mr. Hatten, when did you acquire that vehicle, what year?

THE COURT: What was the question, I'm

sorry?
BY MS. BUTCHER:
Q When did you acquire that vehicle, what year?
A Well, if I look at the title I can give you an exact date.
Q How about just an estimate?
A Estimating, what was the date of sale? I had it about a year or a year-and-a-half before I sold it.
Q So you had it about year, a year-and-a-half. And who -- did you sell it directly to Mr. Brown?
A I did, yes.
Q Why was it a salvage title?
A I didn't -- I wasn't aware it was a salvage title.
Q You weren't aware of that?
A No.
Q Okay. How did you sell it to him? Did y'all just meet and sign over the back? Was it through a newspaper, what was it?
A I'll briefly give you a description of his interest in that car. I got the car from my mother in Arizona, and I drive it all the way to South Carolina. I stopped at Young's Gas Station. He expressed interest he wanted to buy the vehicle. He was attracted to it. He says, I want to buy that

car. I said, my mom just gave it to me, I can't sell it to you. About a year rolls by, maybe a year-and-a-half, and he comes in my yard one day and he sees the car and stops out front and says, I want to buy your car, mine just got wrecked and just wrote if off as a loss, it got wrecked. And I said, well -- he says, name your price. I thought that I had about 78,000 miles, it'd probably a good idea to sell it, I've enjoyed it. He really wanted it. So I believe he went directly to Bank of Greeleyville and got me money and gave it to me that day and drove the car away.

Q Now we met in the hallway at the Solicitor's Office the other day; didn't we?

A We did.

Q And I told you who I was, correct?

A You said you'd like talk to me.

Q Correct, and I told you who I was?

A Yes.

Q And I told you you didn't have to talk to me; didn't I?

A Correct.

Q And you -- what did you respond to that?

A I said I'd like to talk to you but I'd like Ms. Barr present because she's the one that sent me

the subpoena in this matter.
Q And I said, what'd I say?
A You said that was fine I think, yeah, right.
Q And did you not also tell me ---
THE COURT: Now wait a minute, where are we going with this? You're putting yourself in a position of being a witness and you can't be a witness and a lawyer.
MS. BUTCHER: Okay.
BY MS. BUTCHER:
Q Did you also tell me that you wouldn't speak to me unless Ms. Barr said it was okay?
A I believe I indicated to you that Ms. Barr sent me paperwork, the subpoena, and I want to stay within guidelines so I said as long as Ms. Barr is present I'd like her to be privy to what we're talking about.
Q Okay. No further questions.
THE COURT: Well, if I'm gonna rule on your objection to this witness under the rule I need to know what you plan to ask him about.
MS. BUTCHER: And I apologize, Your Honor, I thought you had done this strictly towards the remote.

BY MS. BUTCHER:
Q You have pending charges in Williamsburg County, correct?
A I was not aware of that.
Q You're not aware ---
A No.
Q ---that you have any pending charge?
A No, I believe everything was dismissed. If you tell me what the charges are I'll be more than happy to elaborate on that.
Q Assault and battery?
A No, never filed.
Q Malicious injury to property?
A When was that? What year are you talking about?
Q Filed in 2012 and still pending?
A That was dismissed or handled. I think the case was a mistake and was maybe a 25-dollar fine. As a matter of fact, it was a 25-dollar fine and I was let out of jail on flag day, day before flag day. It was against a man that was...
MS. BUTCHER: Your Honor, I have no further questions.
THE COURT: Okay, we'll talk about it in just a minute. Thank you, sir. You may step down.
THE WITNESS: I appreciate it.

THE COURT: All right, let's talk about the impeachment issues first. Ms. Butcher, I understand you wish to impeach the witness on those last questions that you asked under 608(c); is that correct?

MS. BUTCHER: Yes, Your Honor.

THE COURT: Tell me why.

MS. BUTCHER: Because, Your Honor, my understanding is those charges are still pending.

THE COURT: Well, it's not your understanding. The question is, are there. Is it, what proof do you have they're outstanding? He has denied them being outstanding.

MS. BUTCHER: He has denied them, Your Honor. I have not been able to get something certified from the magistrate. I understood Ms. Barr to agree that they were pending.

THE COURT: Well, even if they are, and let's just assume for sake of argument that they are, apparently it's an assault and battery that he says is not pending and malicious injury to property that may have ended with a 25-dollar fine. Tell me how that, the fact that those two matters is biased, prejudiced, or motive to misrepresent the testimony 'cause what the issue here is whether he is

misrepresenting his testimony and how is that evidence he's misrepresenting the testimony that (a) he owned the car, (b) that this key fob came from the Arizona dealership with that car. Now how is that evidence of motive to misrepresent those things?

MS. BUTCHER: Your Honor, once again, I believe it would be motive. His motive would be attempt to gain some favor from the State on those charges.

THE COURT: That's not what the rule says.

MS. BUTCHER: It would be motive to be biased for the State. Evidence---

THE COURT: Bias, prejudice, or any motive to misrepresent. Now how is that evidence of bias to misrepresent or prejudice to misrepresent or motive to misrepresent? That's the test, if whether it's gonna be mis-- if he's got any reason to say anything that's not true; that's why you would impeach him. Now why would that show that he would have any reason to show anything is not true based upon the testimony that he gave about the ownership of the car and the key fob?

MS. BUTCHER: Your Honor, because he may be claiming that he recognizes that key chain when

he actually does not, and I believe that would provide the motive to show the bias of why he would be untruthful.

THE COURT: The key fob is identified as being, having a dealership in Arizona. You agree that can't be changed. That's an established fact the victim is in; isn't it?

MS. BUTCHER: I mean, I haven't looked it up, but I don't know if that's the dealership or if someone put their own phone number on there; I have no idea.

THE COURT: Okay. Ms. Barr, let me hear from you.

MS. BARR: Judge, let me just, first of all, say with regard to any pending charges, assault and battery, malicious injury to personal property, I did not realize that there were any charges against the witness related to those offenses. We ran his wrap sheet on 7/22 of 2016 and I didn't see anything on there for assault and battery, malicious injury to personal property so the first time that came to my attention was just a moment ago before we put this matter on the record. And Ms. Butcher was kind enough to share with me the information that she pulled and it did not show a disposition so I'm

assuming that because it didn't show a disposition on whatever document that she pulled, I assumed that it was still pending. Obviously that may or may not be the case. But Judge, let's just assume for argument sake that, one, it is still pending. I've never had a conversation with that witness. That witness has never had a conversation with me. And if the question before the jury is we're trying to get them to the truth, and trial really is a search for the truth, to put it and throughout this trial and imply throughout the trial this witness who has no interest or bias or motive in this case at all, to just try to effect the well and have this jury believe that, well, the charges may or may not be pending, but if they are pending we're really trying to get help from the State for a charge that's apparently by all accounts four years old at this point. They're magistrate level charges. They're not even impeachable charges under 609. So Judge, whether or not the charges are pending and the witness has candidly said that they're not, whether they're pending or not, I think that the Court has to make prejudicial versus probative analysis. And clearly, the prejudicial effect of mentioning some charge from 2012, the prejudice that results from

that clearly outweighs the probative effect of any value that that evidence might bring to this case.

THE COURT: Okay. All right, first of all, I think it's pretty clear and I think Ms. Butcher will probably agree that this evidence is not impeachable evidence under 609 because these charges are pending charges and 609 requires impeachment by evidence of a conviction of a crime so we don't need to make a 609 analysis, but we do need to make a 608(c) analysis which says that evidence of bias, prejudice, or any motive to represent may be shown to impeach the witness either by examination of the witness or by evidence otherwise adduced. What she wants to ask the witness about is a assault and battery pending charge and a malicious injury to property pending charge. While the evidence is testified to is questionable at best, the NCIC shows no disposition. It doesn't mean that -- it just shows a pending charge and does not show any disposition, and the witness has denied that there are pending charges so the evidence, I think, is questionable to start with. But even so, even if it were, I fail to see how the attempted impeachment evidence of bias, prejudice, or motive to misrepresent the facts and

that's what 608(c) requires, an attempt to misrepresent the facts, which the witness has testified to.

The facts are clear regarding the ownership of the vehicle as evidenced by the documentation that the key fob came with the car, that he had the key fob when he got the car and gave it to the new owner, it looks like the same one. And the key fob is not just the fob, but that remote, but it also has a key chain along with it that identifies the car to an Arizona dealership. I don't see in any way how the proposed impeachment of questionable pending charges in any way is motive, bias, or prejudice to misrepresent the facts. That's what the rule requires, that it would show misrepresentation of the facts.

But even for argument sake, even if the evidence were to show bias or misrepresentation, I don't think that the proposed evidence, in fact, I don't think it's admissible because the prejudicial effect substantially outweighs the probative value so I would prohibit the impeachment on those bases so he will not be able to be attacked on that, on those charges.

Now was there another charge that you had

under 609?

MS. BUTCHER: Your Honor, I wasn't bringing that in under 609. It was only relevant if the pending charge came in under 608 just to show he had a past record to maybe that, so I don't ---

THE COURT: So you don't contend there's anything admissible under 609?

MS. BUTCHER: No.

THE COURT: Okay, thank you. Anything else before we bring the jury in, Ms. Barr?

MS. BARR: No, Your Honor.

THE COURT: All right. Counsel, Ms. Butcher, anything before we bring the jury in?

MS. BUTCHER: No, Your Honor.

THE COURT: All right. For information purposes, counsel, the -- we've got a couple of problems, one that was holding up the jury. One was that one of the jurors showed up without shorts -- with shorts on; they were trying to get him pants. I don't think they ever got him. I think he's still in shorts, but I'm not gonna let them hold up the trial with this matter. I think the bailiffs ought to be trained to that they know to tell the jurors what they're supposed to wear, but that apparently is not the case and he showed up in shorts but we're

WHEREUPON,

MARK HATTEN,

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

THE CLERK OF COURT: Step around to the witness box.

MS. BARR: May it please the Court.

THE COURT: Yes, ma'am.

DIRECT EXAMINATION

BY MS. BARR:

Q Good morning, Mr. Hatten.

A Good morning.

Q How are you doing today?

A Everything is good.

Q Everything good. You were subpoenaed to testify in this case?

A Correct.

Q All right. And where do you live, sir?

A I live in Greeleyville, South Carolina.

Q How long have you lived in the big town of Greeleyville, South Carolina?

A Nine years now.

Q Nine years?

A Yes, ma'am.

Q And you said you lived in Greeleyville, South

Carolina since two thousand and ---
A Nine years.
Q Nine years.
A It's my nine year anniversary, yeah.
Q Where did you grow up and where were you raised?
A Los Angeles, California, and Phoenix, Arizona primarily.
Q All right. And at one point in time did you ever own a 1994 Cadillac?
A Yes, a green Cadillac, yes.
Q 1994 green Cadillac?
A Yes, ma'am.
Q All right. When did, what period of time in your life did you own that Cadillac? Was it while you were living out west and in California or Arizona or while you moved here?
A I went on a night's mission to see my mother to in Phoenix and I lived staying a couple of months out there. It was nice to see my mom. Before I left, she was always cool like that, she bought me a Cadillac and she handed me these keys and I was like, wow, thank you, mom, and I drove the car back to Greeleyville.
Q Okay. All right. Now do you know, or did you know I should say, Mr. Joe Brown?

A I do, yes.
Q Okay, all right. Did he live at one point in time in Greeleyville?
A I believe he lived in a town called Stone Hill, but it's the Greeleyville area.
Q Yes, sir. Now had you sold your 1994 green Cadillac to Mr. Brown?
A I did.
Q What caused that to come about?
A Well, if I may give you a small in twirp. When I drove the car back to Phoenix like I just indicated, there's two gas stations in Greeleyville, one of which is called Young's. And it was morning time, I just got in from the west coast, and Mr. Brown was out front and he started commenting on my Cadillac. He really liked the color.

MS. BUTCHER: Your Honor, I'd object to any hearsay.

THE COURT: You wish to be heard?

MS. BARR: Judge, I'll direct the witness.

THE COURT: Let me tell you, ordinarily you're not able to, you would not be able to testify as to what somebody told you, you can say what you did as a result of what they said.

All right, go ahead, Ms. Barr.

THE WITNESS: I understand that.
BY MS. BARR:
Q Mr. Hatten, let me do it another way. At some point you met Mr. Brown. He liked your car. Is that fair to say?
A Correct.
Q Did you agree to sell it to him at that point?
A Yes.
Q Okay, all right. Now I'm going to show you what has been marked for identification purposes as State's Exhibit number 39.
MS. BARR: May I approach the witness, Your Honor?
THE COURT: Yes, ma'am.
BY MS. BARR:
Q Sir, I'm removing the contents of State's 39 and ask you if you recognize these documents.
A I've seen this certificate of title -- well, my name is on it.
Q Hold on, just tell me if you recognize it.
A Yes.
Q Look through all of them and make sure.
A I recognize these because I got my signatures on them. These are the transaction which Mr. Brown followed up. I believe that's his signature.

Q Okay.
A And it's -- the new title is in his name. This is my former ownership and transaction transfer signing off the title.
Q Okay. All right, and with regard to the title, we've talking about the title of the 1994 Cadillac that you drove from Arizona?
A Correct.
Q All right.
MS. BARR: Your Honor, permission to introduce State Exhibit Number 39.
THE COURT: Let Ms. Butcher review them.
MS. BARR: She has, Your Honor.
MS. BUTCHER: I actually have.
THE COURT: All right, any objection?
MS. BUTCHER: May I have a moment please. No objection.
THE COURT: All right, admitted into evidence without objection as State's Number -- what is it, Ms. Barr?
MS. BARR: 39.
(WHEREUPON, State Exhibit No. 39 was admitted into evidence.)
THE COURT: State's number 39.
MS. BARR: Permission to publish, Your

Honor.

THE COURT: Yes, ma'am.

BY MS. BARR:

Q Mr. Hatten, I'm gonna publish the certificate of title and ask you some questions about it, okay?

A Sure.

Q When you originally drove this vehicle from the State of Arizona down to South Carolina, did you have to transfer title or get a new tag in South Carolina?

A No, my mother purchased that vehicle for that from a man named Joe who she's bought a lot of cars from, and he has a car lot down the street from her.

Q But you had to get a South Carolina tag for the vehicle?

A Not for -- I think it was a '68 tag and I drove it back from Arizona to South Carolina and knowing me I probably waited till the very last day to register the vehicle in the State of South Carolina.

Q All right. I understand, understand. Obviously this indicates that there's a certificate of title issued with this vehicle for the State of South Carolina as depicted on the exhibit.

A Absolutely. State of South Carolina 62,114 original miles, and it says actual mileage which

would indicate it is not a salvage title.
Q Now you see the vehicle ID number listed where my thumb is?
A Correct.
Q Can you read that number?
A I have 1G, as in Gary, 6K as in Karen, F as in Frank, 52Y as in yellow, 2R as in Robert, U, 318069.
Q And year of the vehicle?
A 1994 Caddie.
Q What's the model?
A Deville.
Q All right. And do you see your name reflected on that title?
A My full name Mark Richmond Hatten and my current address.
Q All right. I'm gonna show you page 2 of State Exhibit Number 39. Can you see that particular exhibit?
A I do, yes.
Q Do you recognize your signature on that exhibit?
A Yes.
Q All right. I'm gonna go probably half way -- well, maybe a third of the way down that page on my right. Is that your signature there?
A It is, yes.

Q Is that your handwritten name and address?
A Yes, yes.
Q You signed this title?
A I did sign it, yes.
Q All right. And what is the date in which you signed this title?
A May 1st, 2012.
Q All right. And who did you sign the title to?
A Mr. Joseph Brown.
Q All right. And what address did you indicate was residing at the time?
A [redacted], Greeleyville, South Carolina 29056.
Q All right. And do you see his signature and his name on that title as well?
A I do.
Q All right. All right now, you indicated that your mother originally purchased this vehicle from somebody named Joe or Joseph.
A Yeah, and several other ones too for my siblings.
Q All right. So I'm gonna publish page 3 of that particular exhibit. Sir, do you see your name on this particular page?
A Yes, I do.
Q All right. And with regard to the seller do you

see a Joseph Yakobob name listed there?
A I do, yes.
Q It looks like Y-A-K-O-B-O-B?
A Correct.
Q With an address of Union Hills Drive in Phoenix, Arizona?
A That's right, yes.
Q And is this your name listed here?
A It is.
Q All right. And the date that the title was transferred from Mr. Yakobob to you was in June of 2004?
A Did you say June of 2014?
Q Yes. Well, I'm sorry, that might be 2011. Can you see where my thumb is?
A No, I do not.
Q I'm sorry.
A That would be 2014, Ms. Barr. Handwriting is very sloppy.
Q If that's 2014 that would be after the victim passed away. Are you reading that right?
A Okay, well ---
Q I just want to make sure.
A Okay.
MS. BUTCHER: Your Honor, I would object

to leading.

THE WITNESS: Is it 2004?

MS. BARR: Hold on. Hold on.

THE WITNESS: 2011?

THE COURT: Just hold on. You can't lead him into this, Ms. Barr. The document speaks for itself. The jury will have a chance to look at it.

THE WITNESS: There's another---

THE COURT: Hold on.

BY MS. BARR:

Q Hold on. All right, can you see the date on there a little bit better?

A Yeah.

Q Okay. Let me ask you this, I'll make it simple. When you sold the car to Mr. Brown in 2012 you had title to the car?

A I did.

Q All right. And I'll show you page 4 of that particular exhibit. And, sir, again, do you see a date in which you would have sold the vehicle?

A 5/1/2012.

Q All right. And you recognize your name or your handwriting on this particular page of exhibit?

A I recognize my name.

Q All right. Now I'm gonna show you page 6 of the

exhibit. All right. And do you see the name of Mr. Brown on this certificate of title?
A Yes, ma'am.
Q All right. And what address is listed for Mr. Brown?
A [redacted], Greeleyville, South Carolina 29056.
Q All right. And what is the date that this title was issued?
A 5/2/2012.
Q Okay. And again, it's a 1994 Cadillac?
A Correct.
Q All right. When you sold this vehicle to Mr. Brown what all did you give him with the vehicle itself? What all did you give him for the vehicle?
A Well, I gave him the vehicle he purchased obviously.
Q Right.
A I gave him, I believe two sets of keys.
Q Okay.
A For that vehicle.
Q Okay.
A And I gave him, I think some floor mats that he liked that were in there I was gonna take, I said, carried down the road.

Q All right. So you gave him the keys obviously. Did you give him a key chain ---

A Yes.

Q ---or key remote or anything else like that?

A Yes.

MS. BUTCHER: Your Honor, I'm gonna object to the leading.

THE COURT: All right, I'm gonna overrule that objection.

MS. BARR: All right.

BY MS. BARR:

Q Hold on.

A Okay.

Q Did you also give the victim a key chain or key remote?

A Yes, I did.

Q I'm going to hand you the contents of what's been marked as State Exhibit Number 38 and ask if you recognize the contents of that exhibit.

A Yes, these are definitely the keys that my mother gave me in Phoenix.

Q Is that to the same vehicle you sold Mr. Brown?

A Yes, and these are the keys I gave to Mr. Brown.

Q Okay.

A And another set without this fancy Cadillac deal.

Q Let ask you this, at some point did Investigator Kennedy ask you about the key fob or the key remote, I call it key remote?

MS. BUTCHER: Your Honor, I object to any ---

THE COURT: Your objection?

MS. BUTCHER: She hasn't asked about it yet. Hearsay.

THE COURT: Ma'am?

MS. BUTCHER: Hearsay, but I don't think she's there yet, I apologize.

THE COURT: Go ahead.

BY MS. BARR:

Q At some point Investigator Kennedy come to ask you about the key remote and key chain?

A Investigator Kennedy came to me ---

Q Hold on, stay with me.

A Okay.

Q Did he ask you about the key remote or key chain at some point?4?

A He was with another officer too.

Q Okay.

A There's two.

Q So is that a yes?

A Yes.

Q He did ask you about it?
A He never showed it to me, just asked me.
Q All right. And based upon what he asked you, only what he asked you, what did you say?
A He said that ---
THE COURT: Don't tell them what he said. He said what you told him.
THE WITNESS: Oh, what I told Mr. Kennedy. I tried my hardest to help him assist him with his line of questioning; and I was in the park in Greeleyville with another officer and he did not show me this keys or anything like that, but he asked me about them.
BY MS. BARR:
Q All right. So what ---
A And I tried my hardest to remember.
Q All right. What did you remember about the key remote?
A I tried to picture the keys. The funny thing is, a couple of minutes later after they left I got in his car and it came to me. I said, yeah, they were -- I called up and said was it a gold rectangular shape key chain, and it had like a marron and black plastic Cadillac thing in the middle, an emblem, and the back had like a texture,

like a little texture plating type of stuff and it was gold color and there's a key fob on it? I originally told him about the key fob, but I couldn't picture the key ring in my head. And after he left I called him up on his phone and I said, hey, for what this is worth, is it a gold tri-- or gold rectangle shape deal and, you know, it's got this plastic piece glued, it's shiny, says Cadillac, it's and maroon. He says you just described it perfectly.

Q Huh-uh, you can't tell me what anybody said.

A Okay, I'm sorry.

Q All right. So you described your recollection of the key chain to Investigator Kennedy; is that right?

A (No verbal response.)

Q Is that a yes?

A Yes.

Q I need you to answer.

A Yes.

Q So at the time that you were describing as best you could remember what the key chain looked like, had you seen it again yet at that point?

A I hadn't seen those keys since I gave them to Mr. Joseph Brown.

Q Sir, I'm gonna ask you about this particular exhibit. Do you recognize any writing on that particular exhibit, and just tell me yes or no.
A Yes.
Q Okay. Does any of the writing look familiar to you?
A Well, there's a Cadillac in the middle, the Cadillac emblem, that's very familiar.
Q Yes, sir.
A And then Kachina Cadillac is a dealership in Maricobe County, Phoenix.
THE COURT: Wait before he testifies to this, is it in evidence?
MS. BARR: Not yet, Your Honor.
THE COURT: All right, then, he shouldn't testify to the exhibit till it's in evidence.
BY MS. BARR:
Q Mr. Hatten, hold on, we got to make sure that we do this the right way. Let me ask you this, just, and again, make sure just my question. Do you recognize any writing on the key chain?
A I do.
Q All right. Now have you ever heard of the words Kachine, Kachina, or China Cadillac? Just ---
A Yes.

Q Okay, all right. How have you heard of that and tell the jury what Kachina, China Cadillac, how you, how is it you know what that is.
A It's -- I was in the automotive industry in Phoenix as I did promotions for car lots, and they're a pretty big player of selling Cadillacs in new inventory.
Q In the State of Arizona?
A Yeah, they were when I lived there in 1990.
Q Okay.
A '94 through '98.
Q Okay.
A '99.
Q All right. Now let me ask you another quick question. If I had purchased the same, exact same make and model of Cadillac vehicle as the one you owned and sold to the victim in this case, how many ways could I access to get into the trunk of the vehicle?
A There are three ways that I know of you can gain ---
Q Hold on, just tell me how many ways.
A Three.
Q Three ways, all right. Now tell me the first way I can get into the vehicle.

A Use the key fob.
Q Okay.
A It's this right there.
Q And that's the remote?
A Yep.
Q All right. What's the second way I can get into the vehicle?
A Open up the glove compartment and you'll see a button, a little yellow, I think a yellow button, yellow or red, push that button and the trunk pops up.
Q Okay, hold on to that. I'm gonna publish State's Exhibit Number 24. Sir, do you recognize what's in that picture? Just yes or no.
A Yes.
Q All right. And how do you recognize it?
A That's the button to push the, to open the trunk, the circular round one. Looks white in this picture; I thought it would be yellow.
Q Okay, hold on. I'm going to point to a circular object, the console of the vehicle where the glove compartment is. Am I pointing to the button that would be used to open the trunk?
A Yes?
Q Okay. That's it?

A Absolutely.
Q All right. Tell me the third way that I can get into the vehicle.
A The third way you can get in, a Cadillac has got -- on the back of the trunk there's a circular emblem, it says Cadillac on it. Well, they've been hiding their key holes on there for years and just kind of opens up like a little door. It slides -- some of all may be familiar with it; some of you may not be -- but you actually put the key in, the smaller trunk key and open the, ---
Q All right.
A ---open the trunk.
Q I'm gonna publish just a portion of State Exhibit Number 19. Sir, what I'll do is represent to you that that's the rear of the victim's vehicle with the trunk open. Can you step down for me just a quick second. Keep your voice up, okay.
A Yes.
Q Right here.
A Okay.
Q I want you to look on that particular exhibit and just from that exhibit can you see the emblem that you were talking about in terms of the third way to get into the vehicle?

A You can barely see it but...
Q Point to it on here for us.
A Okay. The license plate is right here and directly right about there.
Q Okay.
A So it would be where that emblem is.
Q Okay.
A Yeah.
Q You can have a seat, thank you. So with regard to that particular emblem, how would you go about accessing the vehicle the third way as you were talking about?
A You would use the smaller of the two keys. Now there's a square key for the ignition, and there's a rounded, a rounded one that's, that's for the doors. Manual access to doors or manual access to the trunk via the smaller key.
Q Okay. So you use the smaller key to unlock the trunk; is that right?
A Yes, or the doors.
Q All right.
A The square key is only for the ignition.
Q All right. Sir, is there any doubt in your mind that what I had shown you as the contents of State's Exhibit Number 38 is the key chain and key fob or

key remote that you gave to Mr. Joe Brown when you sold him that car, that 1994 Cadillac? Any doubt in your mind that that's what that is?

A There's no doubt in my mind those, that that's exactly what my mother handed me. I remembered it. It would be impossible I could describe it.

Q Okay, that's good. Thank you.

A Yes, yes, absolutely.

Q Please answer any questions that Ms. Butcher may have for you.

CROSS-EXAMINATION

BY MS. BUTCHER:

Q Mr. Hatten, what's your mother's name?

A Elizabeth Ann -- maiden name is Elizabeth Ann Ritchie, but her last husband was Mr. Ford, he's deceased, so Betty Ford is her name she goes by.

Q You're saying she purchased this vehicle?

A Yes, sir.

Q And then she gave it to you as a gift?

A Absolutely, yes.

Q Okay. And who did she purchase it from?

A A fellow that has a car lot on Union Hills Road and his name is Joe, and she's bought my sister Heather a Mercedes Benz from them. She's bought several cars for siblings and, from this man.

Q Okay.
A 'Cause he owns a used car lot.
Q Okay. Is that the name of his dealership?
A That is not the name of his dealership.
Q What is the name of his dealership?
A I do not know. I just, I know where it's at.
Q Okay. So how did she give this to you? Did she just surprise you with it? You drove up and it was there? Explain to me all that.
A Well, I took a Greyhound bus to my mother's house.
Q Where were you living at that time?
A In---
MS. BARR: Objection.
THE WITNESS: Greeleyville.
MS. BARR: I'm sorry, Judge.
BY MS. BUTCHER:
Q Go ahead.
A Greeleyville.
Q So you lived in Greeleyville. Go ahead, I didn't mean to interrupt. I just wanted to lay the story.
A I answered your question, where was I living?
Q You lived in Greeleyville and took a Greyhound bus and that's where you left off.
A Yeah, mom's, went to my mom's house. All my

family is out west.
Q And then how did she give the car to you? As a surprise, was it there, that's what I'm asking.
A We were actually rolling down the street down Union Hills Road and he pulled into this car lot, and I didn't know why she was stopping there. She's a busy bee. And she went in and saw this man, and he handed her something. She came into the car that I was sitting in, in air condition in her car, and she hand me these keys. And I said what's this for, and then I said, oh man, she's buying me a car, wow, wow, really. And there was all -- and I saw the green Cadillac sitting there and she goes, see if you like that, if you like it you can have it, you can drive it home to Greeleyville. And you know, unforgettable. How do you forget something like that so. That's how, that's the first time I saw those keys, and my mom did give them to me and I drove that car home. Does that answer your question?
Q Uh-huh.
A Okay.
Q It does. Who signed for the car when it was purchased?
A Who signed for it?

Q Uh-huh. Would it be your mom 'cause she bought it?
A I don't remember. I know that I got the title and there was temporary plates put on it.
Q Uh-huh.
A I probably signed for it; I would imagine I did. I don't, I can't say for sure; it was many years ago.
Q Okay. And you claim that when Mr. Kennedy asked you about that key chain you couldn't remember what it looked like, correct?
A That's exactly right.
Q But the next day ---
A No.
Q When was it?
A About two minutes after he left.
Q Okay. Two minutes after he left you suddenly remembered all the details about it?
A Yeah, I visioned it in my head. I was a little bit nervous. I got two investigators talking to me in the park, and I'm trying to assist them with what they want. They're asking me about, telling me you're not in any trouble and this and that. I was just kind of got a panic attack, panicked up a little bit I guess because they left. I got his

card and I said, let me just call him and ask. Him I started thinking about it, calmed down thinking about it. I said, is it rectangular shaped and it's got like a little texture on the back of it and it's got a burgundy and black like plastic piece glued in the middle with a Cadillac emblem. And he was just astonished. He said that sounds exactly ---

THE COURT: Uh-huh.

THE WITNESS: Oh, I'm sorry.

BY MS. BUTCHER:

Q And how did you -- are you familiar with Kachina Cadillac?

A I, actually I am, yeah.

Q Why?

A Because I was in the automotive promotion business in Phoenix, Arizona.

Q What county are they in?

A Maricoba County, M-A-R-I-C-O-B-A.

Q What's the area code over there?

A I think it's 29 -- oh.

Q That's okay.

A Oh, the area code for the dealership or the zip?

Q Zip code.

A I was trying to get the zip. The area code for that dealership is 480. There's only two in the

state of Arizona so there's 602 or 480. So if you call the 480 one the phone would probably ring.

Q Okay. And I do have a question. If you lived in Greeleyville when you got that car, where did you have it insured?

A I always have Geico Insurance. They go everywhere with me.

Q Okay. No further questions.

THE COURT: Redirect?

MS. BARR: May I approach the witness?

THE COURT: Yes.

REDIRECT EXAMINATION

BY MS. BARR:

Q Mr. Hatten, I'm gonna show you what's been marked as State Exhibit Number 42. Do you recognize this document? Just tell me if you recognize it and tell me -- don't tell me what it is.

A Yeah, it looks familiar.

Q Okay. Do you recognize your name or your signature on that document?

A Yes, I do.

Q All right. Do you know what it is? Just tell me yes or no.

A Yes.

Q Okay, all right. You were asked on

cross-examination who, when you would have gotten insured or when you would have insured it with you. Do you remember Ms. Butcher asking you that question?

A Yes.

Q After having reviewed this particular document does that ---

A Geico Insurance, yes.

MS. BARR: Judge, permission to introduce State's Exhibit Number 42.

THE COURT: Ms. Butcher?

MS. BUTCHER: No objection.

THE COURT: Admitted without objection.

(WHEREUPON, State Exhibit No. 42 was admitted into evidence.)

MS. BARR: Judge, permission to publish.

THE COURT: Permission granted.

BY MS. BARR:

Q All right, sir, does this document reflect that you insured the vehicle with Geico Insurance?

A It does, yes.

Q All right. And on what particular date?

A 7/11/2011.

Q All right. And you were asked about the name of the dealership that your mother purchased that

vehicle from. Do you remember Ms. Butcher asking you that question?

A I do, and ---

Q Do you see the name of that dealership on that document?

A Another time, Inc.

Q And who is the name of the wholesaler or operator of that business?

A Joseph Yakobob.

Q That's the same address on Union Hill drive in Phoenix, Arizona?

A Yes.

Q That's all the questions that I have. Thank you, sir.

THE COURT: Recross?

MS. BUTCHER: None, Your Honor.

THE COURT: Mr. Hatten, you may step down.

THE WITNESS: I appreciate it. Thank you.

MS. BARR: Judge, we'd ask the witness be excused.

THE COURT: Any objection?

MS. BUTCHER: None, Your Honor.

THE COURT: Witness is excused. Thank you for coming.

Ms. Barr, you may call your next witness.

MS. BARR: The State calls Investigator Archie Kennedy.

WHEREUPON,

ARCHIE KENNEDY,

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

MS. BARR: May it please the Court.

THE COURT: Yes, ma'am.

DIRECT EXAMINATION

BY MS. BARR:

Q Good morning, Investigator Kennedy. How are you doing today?

A Good morning. Doing well, thank you.

Q Good. Sir, state your full name for me and tell the ladies and gentlemen of the jury where you work and what you do for a living.

A My name is Investigator Archie Kennedy. I work with the Williamsburg County Sheriff's Office in the criminal investigative division.

Q How long have you been in law enforcement?

A A little over seven years now.

Q All right. And how long have you been with Williamsburg County?

A Five-and-a-half years now.

Q All right. Now give us a little bit of an idea

of what you do day-to-day with the Sheriff's Office.
A Criminal investigative division you work anything from property crimes, financial crimes, homicides, assaults, anything basically that needs a large amount of followup on.
Q All right. And sir, were you working back on the night of March 29th of 2014?
A I was, but I was in the patrol division at that time.
Q At that time, all right. Now did you become involved in the investigating of a shooting that was reported on or about Kendell Park Road?
A I did, yes, ma'am.
Q Okay. Now is that how it originally came in as a shooting on Kendell Park Roads?
A It came in as a self-inflicted gunshot wound is what I was advised by central dispatch. I was the sergeant on duty.
Q All right. Tell me, you indicated to us how you received the report. Tell us what you did as a result of the report of the self-inflicted gunshot wound.
A One of the first things I did was I asked Kingstree Police Department to respond. They were just a few minutes away. I was a long ways away.

There was me and another deputy with only two working in the county at that time. The other deputy was on duty, was out of the county, so I requested that KPD respond, and I was advised that Sergeant Staggers would be responding.

Q Okay. What time did you arrive -- well, first of all tell me where you went when you got there.

A Central dispatch had advised me that the self-inflicted gunshot wound victim was requesting EMS at [redacted] so that's where I was going to was [redacted]. But when I got there there was nobody, ambulance, everyone was gone. It was completely dark.

Q All right. Do you recall the time that you arrived at [redacted]?

A I think a review of the CAD earlier I think it was 12:38 a.m., 38 minutes after midnight.

Q Okay. So what did you do after you arrived there and everyone was gone and you didn't have, didn't see a gunshot wound victim?

A Sergeant Staggers had advised me after I realized he was gone that I think he referred to it as a black female that was, one that wasn't injured, had told him they had gotten bogged down at Windy's Club. So that's two-tenths of a mile from [redacted]

[redacted] so I decided to go down just to see if I could find the car that was bogged down. Of course, at that time I had no indication except self-inflicted gunshot wound. I was just looking for a car bogged down.

Q Are you familiar with, have you ever heard of the Windy's Club before?

A Yes, ma'am, I'm very familiar with it.

Q All right. How are you familiar with it? What is Windy's Club?

A Windy's Club really is some kind of a cookout spot, a little building for some, an older black gentleman that lived in that community right there. We never get any kind of problems or anything whatsoever. And that's what we refer to as Windy's Club.

Q So tell us what happened as you -- well, first of all, you said you were going, you were looking for a bogged down vehicle?

A Yes, ma'am.

Q All right. And tell me what happened when you went out to Windy's Club.

A I found exactly what I was expecting, nothing. They were never out there that time of night, usually closed a little earlier so I wasn't

expecting to find anything at 12:38, 12:40 in the morning.

Q There was no one standing out there, no cars?

A Oh, no, ma'am, it was just like I expected. I got there, and it was -- the only vehicle there was the gentleman that lives right there. That was the only vehicles that were there.

Q All right. And what happened then from that point when you realized there was no vehicle bogged down there?

A I turned about -- when you turn into a little lane off Kendell Park to Windy's Club, it kind of makes an L. You go in and then you turn in so you can't actually see Kendell Park Road from back there where I was going to see if there was a car bogged down. So when I was coming back out, as soon as I got back to Kendell Park Road my lights from my vehicle reflected a vehicle across a little field and could tell it was in the edge of the woods.

Q All right.

A It looked like a wreck to me. At that point in time I thought I had a wreck.

Q What'd you do next?

A Of course, with the incident in self-inflicted gunshot wound, having information from Sergeant

Staggers that they said they were bogged down at Windy's Club, I'm thinking this car probably is the car that they were referring to so myself and Deputy Jackson who was following behind me, we just pulled out of that lane, pulled into one of the lanes in the field to check the vehicle out.

Q All right. And what happened then -- first of all, were you and Deputy Jackson riding together or separately?

A No, he was riding behind me.

Q What happened when you got out to check on the status of the vehicle that appeared to be wrecked?

A From the vantage point I had where we parked I was looking at the passenger side that I could see that the door was open.

Q Okay.

A And I could see that the front portion of the vehicle was in the edge of the woods so we decided to approach it and basically check it out.

Q Okay. You said the passenger door was open?

A From that -- well, turned out both of the front doors were open. When I got to where I could see the driver's side from that particular vantage point all I could tell at that time was that the front passenger door was open.

Q Okay. Was there any lighting out there to assist you other than the lighting from your vehicle?
A No, ma'am, just that it's a very dark spot, the illumination of the vehicle with our flashlight.
Q What happened after you got out and observed both of the doors open to the vehicle? And describe the vehicle to us.
A It was a green Cadillac. At that time I didn't know the year model. I could tell it was an older model Cadillac. There was a ton of pollen on the vehicle. As I got closer I could see right where the passenger front door was open. There was, I call a church fan that you see in churches, was laying on the ground. As I got close enough I could actually see what I believed to be blood on it, which of course, you know, you start looking a lot closer at things once you see blood. The I begin to see what I believed to be blood on like the trunk, that sort of thing.
Q All right. I want to make sure I get this right. The first place you saw that you believed to be blood was where?
A That church fan if I recall correctly. I remember that really catching my eye. It was on the ground.

Q All right. And the second place that you observed what you believed to be at the time blood was where, the second place?

A Well, I don't know if, you know, running back, it's two years, I believe it was the same thing I saw, taking all of this in at one time and I did notice there was blood on the trunk and on the bumper of the car.

Q All right. And what did you do after you noticed blood what you thought was blood, what you thought was blood?

A Well, we approached the vehicle with guns drawn even though, yeah, all we had was self-inflicted ed gunshot wound, you know, it's a dark area. We cleared what we call cleared the vehicle. We get up to that point. We see nothing inside the vehicle as far as humans, but I could see blood inside the vehicle at that point in time. One of the things did catch my eye was appeared to me that the trunk was pushed upward a little bit and even to the point it might have been unlatched, just pushed down. So once we cleared the vehicle, did see one vehicle, I advised Deputy Jackson to attempt to open the back, see if there was anything in the back of the vehicle. But when he tried, it was latched; it was

just pressed up a little bit.
Q Okay. Now you indicate in your mind you got a report of a self-inflicted gunshot wound?
A Yes, ma'am.
Q You got a report of a vehicle being bogged down?
A Yes, ma'am.
Q You come up on this Cadillac which you've indicated that you thought blood was near the Cadillac and on, and in the Cadillac?
A That's correct.
Q Why did you have your guns drawn? Why did y'all draw your guns?
A Officer safety. Often times whatever dispatch gives you turns out to have nothing do with what's really going on. You're trained officer safety always, especially if there's any type mention of a weapon involved so, you know, it's complete officer safety.
Q Okay. So as you all are drawing your weapons, what, if anything, do you say or do at this point?
A Well, as we're going toward the vehicle Deputy Jackson was moving way too fast for my comfort ---
Q Okay?
A ---to be honest with you so I was like, hey, let's take our time on this. And we approached it.

We yelled out Sheriff's Office, Sheriff's Office, so if anyone is at the vehicle around that they realize, you know, that it's police officers around. No one responded. Once I noticed that the trunk looked to me to be pushed up a little bit I even start telling, you know, if someone is in the trunk, you know, show yourself, show yourself, respond. No one responds, and no one did respond.

Q Okay, all right. You told me about the blood on the trunk of the vehicle and you said you found, or you saw what you believed to be blood inside the vehicle, where specifically inside the vehicle did you see that?

A If I'm recalling correct now what drew my attention for blood inside the vehicle was in the, what I call the center console area of the front seat. That's what really drew my attention with it to be a significant amount of blood there.

Q All right.

A Not to mention the seats were kind of a, I don't know what they call them if you call it, ivory or tan or what looked like light colored seats. The blood really showed up on them.

Q Okay. All right, what did you all do next?

A I was actually on the phone with the on-call

investigator. I had a blue tooth in my ear to where we could communicate; I wouldn't have to hold my phone. And I remember when I saw the blood, actually advising him, you know, this looked like more blood to me than just a simple thumb injury which had been indicated to me by Sergeant Staggers that's the injury the female had that he met with at Ms. Pearline's house.

Q Okay. Now, and at this point do you have any reason to believe that there's a murder involved, anybody is dead, or anybody is in trunk of a vehicle?

A No, ma'am. Now we did attempt to check the trunk.

Q Tell me how you did that.

A After we started, you know, after we cleared it we were in a safe location, of course, we kind of what we call deescalate at that point in time, and Deputy Jackson actually located a purse behind the driver's seat with an ID of Jessica Jackson. As a matter of fact, if I recall correctly it was beginner's permits, not an ID. And I told him, said hey, listen, let's check this trunk, make sure there's nothing in the trunk. So he actually attempted to push the button that you showed

Mr. Hatten earlier.
Q Yes, sir.
A And it did not disengage the latch. There was no keys in the vehicle and the vehicle was in park so there was no way for us to get into the trunk to check the trunk at that point in time. When I advised the on-call investigator of all this he said, you know, he was on the way to the hospital, McLeod Hospital, to meet with the, Ms. Jackson, so he said, let's go ahead and tow it to the range so it will be secure in case we find out later that there's more to this than just self-inflicted gunshot wound, so that's what we did. We had it towed to the Sheriff's Department range and locked it up.
Q Who was the person that would have gone to the hospital to meet with Ms. Jackson?
A That would be Investigator Ballard.
Q Juan Ballard?
A Yes, ma'am.
Q Now you had the vehicle towed to the Sheriff's Office or the impound?
A Well, the Sheriff's Office training facility. We could secure it there so we secured it there.
Q I got you.

A Behind a locked gate.
Q Where any things, any pictures I'm sorry, taken of the vehicle at the scene where it was bogged down?
A Not that I recall.
Q Okay. All right. Did you have an opportunity to see the vehicle again once it was towed to the sheriff's training facility?
A Yes, ma'am, I had a reason I needed to go back out there.
Q Tell us about that.
A Investigator Ballard, as I said, he was on the way from his home to McLeod to talk to Ms. Jackson; and when I ran the tag on the car, it came back to a Mr. Joseph Brown, [redacted] in Greeleyville area so I advised him that I was going to go to that address to just see, you know, if I can locate the owner.
Q Okay?
A When I went out to Bradshaw I had not made the connection yet. I knew Mr. Brown. I had not made the connection this was his car yet.
Q You knew the victim in the case?
A I did.
Q All right.

A So when I went out to Bradshaw I actually met with Mr. Jessie Brown. If I recall correctly his wife's name his Miss Missy Brown. They were an elderly couple that lived out on Bradshaw in Greeleyville. And it was Mr. Jessie who then advised me that his brother, that was his brother's vehicle and that he had lived at the Metts and his name was Joseph Brown. At that point in time as soon as he said the Metts, I knew exactly who he was referring to because I knew that Mr. Joe Brown through some encounters I had had with him. Low and behold, I told him I go to the Metts. I knew exactly which room he stayed at the Metts, I'd go out there and see if I could make contact with him. When I went to the Metts he lived in room number 1. Knocked on the door, there's no one out there at that time. I don't know exactly what time it was, but no one was standing outside so I knocked on the door. No answer, and I didn't hear anything inside the room. At that point in time I was basically waiting to hear back from Investigator Ballard went over to Huddle House to talk to an officer that was pulling security duty that night.

Q Okay?

A While -- I'm sorry.

Q You indicated that you had known Mr. Brown from some prior encounters before.
A Yes, ma'am.
Q What do you mean?
A Mr. Brown is an elderly man living area that we at the Sheriff's Office believe a high crime area in our county, and he was someone that several of us kind of took a liking to. He was a little old man staying out there by himself. He had plenty of spunk too, but he didn't like wearing a seatbelt so every time I would see him riding around without a seatbelt, you know, not -- if I had time because it was more of a public contact than anything else, I would actually stop him and remind him he needed to be wearing a seatbelt.
Q The times that you would see him and remind him to put his seatbelt on, what type of vehicle was he typically driving?
A That green Cadillac.
Q Okay.
A That's the only car I ever knew him to be in was a green Cadillac.
Q All right. So you go out to the Huddle House?
A Yes, ma'am.
Q And you're waiting?

A Yes, ma'am.
Q All right. What happens from that point?
A I was actually informing the third deputy that was on duty with us that night, had just gotten back from Columbia on transport, and I was sharing the information with him and the officer that was on duty for security at the Huddle House of what we were dealing with, the self-inflicted gunshot wound. And at that point in time Mr. Jessie, Mr. Joe's brother, came up and I basically, you know, learned that he too didn't know anybody to drive that Cadillac except Mr. Joseph, which I had never seen him drive that Cadillac except Mr. Joseph.
Q By this time had you gone back out to the sheriff's office to the training facility to look at the car again?
A No, ma'am. He told me he was very concerned and very worried. That's when I said, you know, I told the fella, I'm going to check the trunk. It just gave me an comfortable feeling. We're going to find a way to look inside that trunk, and that was the reason Corporal Jenkins and Deputy Jackson followed me back to arrange for us to see if there was some way we could see in the trunk.
Q And I, I don't expect you to remember the exact

time obviously because this was some time ago; but do you recall whether or not it was still dark outside or had the sun started to come up?

A No, it was still dark. An estimation would probably be somewhere -- it took time to do all this running around, get this information up. I would suspect it would be somewhere in the 4 a.m. to 5 a.m. range by this point in time.

Q Yes, sir. Now you indicated that you drove to Greeleyville that day to try to talk to the victim.

A No, that morning. It was still during the dark hours after finding the vehicle.

Q How far is Greeleyville from Kendell Park Road?

A Well, Bradshaw Road is actually off of Diesel Highway so probably 20, 25 minutes max I would think.

Q Okay. Tell us what happened when you got back to the training facility to where the car was?

A At that point in time we realized the button didn't disengage the latch. I had asked Corporal Jenkins and Deputy Jackson just to see if they could get kind of their hands up underneath the trunk and pull it up just enough for me to see in with a flashlight, and that's exactly what they did. When they lifted it it probably about this much came up

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Q How much is that much?

A I would guess somewhere probably to maybe an inch probably, not even a full inch, but it was enough for me to see in with my flashlight; and I could see what I believed to be a body.

Q What did you do next?

A At that point in time I didn't know if I had someone alive or deceased so of course lifesaving measures is what I was thinking about. I said, guys, we got to get a way to get into this trunk somehow so we basally started scrambling trying to find a tool. As a matter of fact, I even told central dispatch to get me a fire unit on the way with some equipment if we couldn't get into it. And low and behold Corporal Jenkins was able to find a old ax handle in the trunk of his car, and we were able, the three of use, to pry and disengage -- or we broke the latch, completely popped the latch out at that point in time.

Q Okay, all right. When you all were finally able to get the front open did you recognize the individual whose body was inside that trunk?

A I mean to know it as Mr. Joe Brown.

Q All right. Did you see any signs of obvious

injury to him?
A I did, yeah.
Q Where did you see signs of injury?
A The one that stuck to me even though I know more about the case now, at that particular second I actually was on the passenger side and I could see what I believed be a gunshot wound to the top of the head immediately.
Q Okay. What did y'all do when you opened the trunk and realized that there was a body in there?
A I didn't see anything that I thought -- I didn't see any kind of life signs. I didn't see breathing, didn't see any moving; and through long training I believed he had been dead for some time. However, I still asked for EMS to come in. I wanted to, you know, make sure EMS responded, everything was ---
Q Did they respond?
A Yes, they responded.
Q EMS came out?
A Yes, ma'am, they did.
Q All right. Now I was going to ask you about that. Now with regard to State's Exhibit Number 19 which I am publishing, is that the victim inside the truck of his vehicle?
A Yes, ma'am, it is.

Q All right. And the vehicle that would be to the right of the victim's vehicle if you're facing it, that's what type vehicle?
A That's an ambulance, but that's not the ambulance that responded.
Q Okay.
A That's just an old de-commissioned vehicle that's been parked at the range for some time.
Q You were out there when EMS arrived?
A Oh, yes, ma'am.
Q All right. Were they able to revive Mr. Brown at all?
A No, there was some obvious signs, you know, I'm not trying to speak medical training; but they didn't feel there was any reason to attempt any reviving at that point in time.
Q All right. Now as far as that particular night, did you do anything else with regards to this case on that night?
A May I look at my notes?
Q Sure. Mr. Kennedy, if you will, hold on for a second before you start answering.

(WHEREUPON, State Exhibits Nos. 43 through 48 were marked for identification only.)

BY MS. BARR:

Q Investigator Kennedy, when you discovered Mr. Brown's body was in the truck of his vehicle did you communicate that to Juan Ballard?

A I did. We were on the -- we were actually, he was still on my blue tooth. I let him know I was on the way back to the range, and he just stayed on the blue tooth with me until after that. Once I discovered it, of course, then I realized the magnitude of what I found. I sent Deputy Jackson back to, I think the address is [redacted] to secure that scene.

Q All right. And that address, [redacted] is in Williamsburg County?

A It is.

Q All right. Now you told me at some point you had a conversation with Investigator Ballard, and he was in route to Florence hospital or the hospital in Florence to meet with what you all thought at that time was a gun, self-inflicted gunshot victim.

A That's correct. That was earlier. This time we were on the phone he had actually already been to the hospital and was, had left the hospital.

Q On his way back to Williamsburg County?

A Yes, ma'am.

Q Okay.
A When I told him that I was on the way to the range, after I left the Huddle House I called him and that's when I learned he had just left the hospital.
Q Okay. What did you tell him about the discovery of the body in the trunk?
A He knew immediately. Like I said, he was on the blue tooth and I think my, you know, I don't know my exact words but I'm sure I said something about, you know, Ballard, we've got a body. And that's how we refer to we've got a deceased.
Q Now did you have any reason to believe or to associate the discovery of Mr. Brown's body inside his trunk with the report of an accidental self-inflicted gunshot wound?
A Yes, ma'am.
Q All right. Tell me why in your mind you thought that those two events may have been connected, if you thought they may have been connected.
MS. BUTCHER: Your Honor, I object to speculation.
THE COURT: Ma'am?
MS. BUTCHER: I object to any speculation.
THE COURT: Ask the question again.

BY MS. BARR:

Q Tell me the reasons in your mind why you might have thought those two events were connected. That's the self-inflicted gunshot wound and the discovery of the victim's body in this trunk.

THE COURT: I'm gonna overrule it, part of his investigation.

THE WITNESS: The proximity first off of 168 to 192 is two-tenths of a mile. I also had Sergeant Staggers stating that he'd gotten a statement from a black female of Ms. Brittany Epps saying that they had bogged the vehicle down at Windy's Club. [redacted] when you come out of Windy's Club is directly cross from the lane of Windy's Club. I had, I had the body at this point in time in the trunk of the vehicle recovered from there, and that was my reason for sending a deputy back to that scene and securing that scene. I believed that there was a crime scene involving why Mr. Brown's body was in the trunk of that car.

Q Now did you know at some point after discovering Mr. Brown's body in the trunk of his vehicle, the name of the person who had gotten shot that was at McLeod Hospital in Florence?

A Absolutely. You know, again, me and Investigator

Ballard stayed in telephone contact back and forth. He had told me he had a Jessica Jackson which matched the ID that was pulled out of a purse behind the driver's seat by Deputy Jackson. And again, I say I.D., it may have been a beginner's permit, I believe it was.

Q After communicating that information to Mr. Ballard about the discovery of the body, what then did you do, if anything, with regard to this case?

A That was pretty much the end of it for me that morning. My shift was getting off at the time you get off, my shift time due to I had to type reports and stuff; but the scene was basically secured until investigators and SLED arrived and it was turned over to investigators at SLED.

Q Now did you have an opportunity or an occasion once you came back on duty to go out to the scene at [redacted]?

A [redacted]? The only time I returned to [redacted] was the same shift. Before I got off duty I think I took the sheriff and special agent Creech to [redacted]. They had responded to the training facility at the range, but they wanted to see where [redacted] was so I actually took them to that location.

Q All right. Did you visit any other scene or place or residence or property in connection with this case within the two day period after the discovery of Mr. Brown's body?

A I did. The original call came out on March 29th. I got there right after midnight on the 30th. The following day on March 31st and I don't remember exactly what time -- I think it was in the afternoon. I was notified that there was gonna be a search warrant executed on, in the Cedar Hill community. I think the road name is Cannon Way. wait. May I find my note?

Q Absolutely, absolutely.

A I've got that in front of me. [redacted]. That would have been March the 31st, and it looks like that the return, the time on that is March 31st, 2014 at 4 p.m. in the afternoon at Vanity Epps' residence.

Q Okay. Vanity Epps resided at [redacted] in Kingstree?

A Yes, ma'am.

Q All right. I'm gonna publish what's previously been admitted as State's Exhibit 31 and 32. I publish 31 and I'll publish 32. Do you recognize what's depicted in those exhibits?

A Yes, ma'am, that's vanity Epps' home at [redacted], Kingstree, South Carolina.
Q And was that the same property upon which you and other investigators went to execute a search warrant?
A Yes, ma'am, it was.
Q Tell us about what happened when you got to Ms. Epps's residence.
A I actually arrived, I was coming from my residence at the time; I was not actually on duty that day. Investigator Ballard just was calling me to assist. SLED agents, Williamsburg County officers, investigators basically pulled up at the scene as I pulled up on the scene.
Q All right. And what happened, did you find any items of interest with regard to executing a search warrant or participating in execution of search warrant of Ms. Vanity Epps' home?
A Yes, ma'am. We located a key fob and a Cadillac key chain on the property.
Q In the front?
A Yes, ma'am.
Q Where specifically in the front? Was it on the porch, on the steps, or ---
A Oh, no, no, no, it was in the grassy area. I

don't remember exactly. I can't pinpoint the spot, but it was somewhere in this vicinity right here close to -- I can't even identify what that is in the picture. I'd have to actually see the picture.

Q All right, you can come on down.

A Okay. Now, yeah, I can see it.

Q All right. Can you point to the approximate area where you saw the key fob.

A I remember the approximate area was here close in, kind of in front of that little dog box there.

Q Okay, all right. Now why was that -- you can have a seat.

A (Complies.)

Q Why was that of interest to you?

A Mr. Joe Brown had a 1994 Cadillac that was found in the trunk of it so seeing a Cadillac key chain in the front yard at this residence, of course, that drew our attention to it.

Q All right. Was the discovery of the Cadillac key fob and key chain photographed by law enforcement at that time?

A I think by SLED Agent Qualm if I remember correctly; but again, I don't remember specifically but, yes, it was.

Q And SLED was assisting the Sheriff's Office in

this case?
A Certainly, yes, ma'am.
Q Is that unusual at all?
A Oh, no, ma'am.
Q I'm gonna hand you what's been marked as State's Exhibits 43, 44, and 48 and ask you if you recognize what's in those pictures.
THE COURT: Don't testify what they are, just testify if you recognize them.
THE WITNESS: I recognize all three.
BY MS. BARR:
Q How do you recognize them?
A That's what I say that morning at [redacted], or that afternoon at [redacted].
MS. BARR: Judge, we move to introduce those exhibits in evidence.
THE COURT: Any objection?
MS. BUTCHER: May I see them?
THE COURT: Yes, ma'am. Ms. Barr, would you get them and show them to Ms. Butcher.
MS. BARR: I'm sorry, I gave them to her.
MS. BUTCHER: I'm not sure what they are.
(Pause.)
MS. BUTCHER: No objection, Your Honor.
THE COURT: Admitted without objection

State's number 43, 44, and 48.

(WHEREUPON, State Exhibits Nos. 43, 44 and 48 were admitted into evidence.)

BY MS. BARR:

Q All right. I'm gonna publish State's 43. Tell the jury what this is depicted in that photograph.

A That's the key chain and key fob that we found in front of Ms. Vanity Epps' home.

Q All right. After it was found who took possession of it, if you recall? Was it -- would it have been someone with SLED or the Sheriff's Office or somebody outside of law enforcement?

A It wasn't me. I know it was collected 'cause I saw it, but I don't have a independent memory of who actually collected it.

Q Okay. Tell us what's depicted in 48.

A That's probably whoever collected it, I see the gloves on. That's probably whoever collected it picked it up to get a closer picture of it.

Q Okay.

A But that's the key fob and the key chain that was on the ground in front of Vanity Epps' home.

Q All right. I'm curious about that particular exhibit.

A I can't understand you, I apologize.
Q I'm sorry. I got two questions about that particular exhibit. I'm gonna ask you about them. Do you see any writing on the particular exhibit above the Cadillac?
A I do, Kachina Cadillac.
Q All right. I'm sorry, what's that word?
A I'm saying Kachina, it might be Kachina Cadillac. K-A-C-H-I-N-A.
Q All right. And sir, do you see any words or any numbers underneath the Cadillac symbol on that particular key chain?
A I do.
Q All right. And can you read those numbers or do I need to?
A I think I can see them. 9451200 is what it looks like to me.
Q Okay. I'm gonna hand you the contents of State Exhibit Number 38. Do you recognize what is depicted in that particular exhibit?
A I do.
Q How do you recognize them?
A That's the key chain, key fob that was found in front of Vanity Epps' home at [redacted].
Q All right. And how do you know that to be the

case?
A It looks identical, it's got Kachina Cadillac on it. It's got 9451200 picture that was taken that morning and was collected, identical key fob to that key fob.
Q Do you have a chain of custody with regard to evidence in the case?
A There's a chain of custody sticker on this, this piece of evidence.
Q All right. And whose names are listed on the chain of custody?
A It says collected by -- you want me to go ahead and read it all?
Q Yes, sir.
A Yes, ma'am. It says collected by Investigator Ballard.
Q Okay, all right. Any other names on there?
A Just Investigator Ballard.
Q And is that the same Juan Ballard that you talked about had gone to talk with Ms. Jackson at the hospital?
A Yes, ma'am.
Q All right. He was out at the scene along with you when those keys were discovered in Ms. Epps' yard?

A Yes, ma'am.

MS. BARR: Judge, we would move at this time to admit State Exhibit Number, is it 38.

THE COURT: 38.

MS. BARR: 38.

THE COURT: All right. Ms. Butcher?

MS. BUTCHER: No objection, Your Honor.

THE COURT: State Exhibit Number 38 is admitted without objection.

(WHEREUPON, State Exhibit No. 38 was admitted into evidence.)

BY MS. BARR:

Q All right. I'm gonna publish the contents of State's Exhibit Number 38, just take it out the plastic bag. I've got 48, State's Exhibit Number 48, on the monitor. I'm gonna remove that particular -- well, put that particular exhibit side by side. We can do that. I'll gonna publish State Exhibit Number 38, the actual key chain. Can you see it from where you are?

A I can, yes, ma'am.

Q All right. Do you recognize any of the writing that's on the chain itself?

A I do, yes, ma'am.

Q All right. What's the writing that's on the

chain itself?
A Kachina Cadillac on the top, Cadillac and emblem in the center, and the phone number on the body. I can make out the 4 and the 1200. I have to come down there to look at the first number.
Q I'll bring it to you.
A Okay.
Q I've got a magnifying glass too.
A 9451200.
Q Yes, sir. All right, you were present in court when Mr. Hatten, the colorful character ---
A He's colorful.
Q ---testified.
A Yes, ma'am.
Q You were one of the officers who actually spoke with him about that key chain?
A I did. I discovered he was the previous owner we talked to.
Q How did you go about discovering that he was the previous owner of the vehicle?
A When I got to looking into this case trying to come up with anything that needed to be followed up on ---
Q Hold on just a second. Let me ask you about that point.

A Okay.
Q All right. So when you start looking into the case to see whether or not there's anything that can be done to be followed up on the case, this was approximately what time frame are we talking?
A April 4th, 2016.
Q All right. Now at this point you've got two individuals charged with the victim's murder; is that right?
A That's right.
Q Now why wouldn't you all be looking to followup on anything after you've already got people charged?
A I was re -- as assigned the case investigator on April 4th, 2016. After I left from Ms. Vanity Epps' home that morning which would have been the 31st of March 2014, that concluded my involvement in this case until April 4th, 2016.
Q Okay.
A I was, again, I was in patrol division back then and I was not the investigator on it.
Q You were in the patrol division on the date that this murder happened?
A Yes, ma'am.
Q But you were subsequently transferred to investigations?

A That's correct.
Q All right. Now is it unusual at all since you've been in investigations for you to followup on cases that you believe that you have already solved or other deputies to followup on cases that they believe have already solved?
A No, ma'am.
Q Why are they not ---
A Cases are always an ongoing investigation. Anything can pop up at any time to followup on. Even yourself in my own experience I've had cases when I look at it, I look at it and then other things come to mind that you don't think about. You just continue to followup on it.
Q All right. And you indicated that you started to try to find the title to the vehicle?
A Right. Well, where I actually started before I looked for the title on the vehicle is I actually looked at this key fob. I went to the evidence room and asked the evidence custodian if I can just look at it, and I noticed the name of Kachina Cadillac and a phone number. Through the process of my investigation I was able to make a determination that Kachina Cadillac was a former Cadillac dealership in Arizona. I have the paperwork I can

time it, but I think it was Scotsdale, Arizona which is apparently a suburb of Phoenix. I then sent a subpoena for any paperwork through the State of Arizona trying to get paperwork on the vehicle. That's how I discovered that Mark Hatten had been a previous owner is 'cause he had purchased the vehicle in Arizona.

Q Okay. And of course Mr. Hatten was living in Greeleyville at the time.

A He was living in Greeleyville. Now, of course, I immediately contacted SLED's fusion center, had them do a check on the vehicle as well, and it coincided with the information I was getting from Arizona is that he had been the previous owner to Mr. Joseph Brown.

Q All right. And as a result of the subpoena to the State of Arizona motor vehicle department did you receive the title information with regard to that vehicle?

A Yes, ma'am.

Q All right. When you spoke with Mr. Hatten did you show him the vehicle when you went out to talk with him?

A No, ma'am.

Q I mean, I'm sorry, the key chain and key fob?

A No, ma'am, I didn't even take -- I didn't it out of evidence.
Q You didn't ---
A I was just going to see if he remembered being the owner of the vehicle.
Q Okay. Now is Mr. Ballard still currently in investigations department or still work at the Sheriff's Office?
A He still works at the Sheriff's Office. He is, actually, he's assigned to patrol division now.
Q Okay. You were in the courtroom yesterday when Ms. Jackson testified; weren't you?
A I was, yes, ma'am.
Q All right. And you heard testimony with regard to multiple statements that she gave?
A Yes, ma'am.
Q When was the first time she gave an official statement to the Sheriff's Office with regard to her alleged accidental shooting and/or the death of Mr. Brown?
A The first one she gave was on the morning of March 30th, 2014, and the time was 7:49 in the morning.
Q 7:49 a.m.?
A Yes, ma'am.

Q All right. Now we've heard testimony that, from her, that she first said this was a shooting in self-defense and the defendant Ms. Epps was not there. Is that the first statement that you referenced on the morning of March 30th at 7:49 a.m.?

A I'd have to read through real quick, but yes, ma'am, I believe that's accurate.

Q When -- we also heard about a second statement being given with regard to shooting of the victim in self-defense, and Ms. Epps was present during that time. Do you recall the testimony in the case with regard to that?

A I do.

Q All right. When was the second time Ms. Jackson gave a statement to law enforcement?

A The same day, it looks like about two hours later at 10:04 in the morning.

Q All right. And we heard testimony about a third statement being given where Ms. Jackson then implicates and tells us that Ms. Epps was the one who fired the gun into the victim's head. When was that statement given?

A That was the following morning, March 31st, 2014, at 11:15 in the morning.

Q So March 31st, 2014 at 11?
A 11:15 a.m.
Q Okay. And that's the first time that she says the defendant is the one who shot the victim?
A If I recall correctly, yes, ma'am.
Q We've heard about a fourth statement being given where she says she's coming clean, she's admitting to cutting the purse straps trying to strangle the victim. When was that fourth statement given?
A July 28th, 2014.
Q Okay.

MS. BARR: Beg the court's indulgence.

THE COURT: Yes, ma'am.

BY MS. BARR:

Q Investigator Kennedy, that's all the questions I have. If you would please answer any questions Ms. Butcher may have.

THE COURT: Cross-examination, Ms. Butcher?

MS. BUTCHER: Yes, Your Honor.

CROSS-EXAMINATION

BY MS. BUTCHER:

Q Now Officer Kennedy, were you able to ever verify that that car was ever at the Kachina dealership?
A Can I review my notes please?

Q Yes.
A No, ma'am.
Q Now how long have you been the investigator on this case?
A April 4th, 2016.
Q Who was the investigator before you?
A Investigator Juan Ballard.
Q Okay. And why is he no longer the investigator?
A He was transferred to patrol division.
Q Okay. So you'd only been the investigator for three-and-a-half months?
A Yes, ma'am.
Q Okay. When did you speak with Mr. Samuel Barr? That was the gentleman who claimed he ran into the male with the baseball hat in the field.
A That would have been April 13th at 3:31 in the afternoon.
Q April 13th what year?
A I'm sorry, 2016.
Q And how did you happen upon him so many years after this crime?
A A call came in through anonymous tip that a guy named Monkey Joe, that a guy named Monkey Joe had driven Brittany Epps from the scene with bloody clothing, yes, ma'am. And then I was able to

determine through just basically talking to people in the community trying to find out who Monkey Joe was that they believed a guy by the name of Mr. Samuel Barr was Monkey Joe. And at that point in time that's when I made approach to Mr. Barr.

Q Now he didn't -- and how did you find him, I mean, you ---

A He and I -- I talked to several people trying to, in the community, trying to find out who Monkey Joe was. That was not something I was particularly familiar with. And I was able to determine that a guy named by Mr. Samuel Barr was actually Monkey joe.

Q Okay.

A And he confirmed that to me when I approached him that that was his nickname.

Q That that was his nickname?

A Yes, ma'am.

Q Okay. And if it was an anonymous tip, and I'm sorry, I missed how you connected anonymous tip to Monkey Joe.

A An anonymous tip came in to the Sheriff's Office that a guy by the name of Monkey Joe.

Q Okay.

A Had driven Brittany Epps away from the scene that

morning and that she had bloody clothing, and that was the entire tip. I mean, that was it. So of course, I immediately wanted to find out who Monkey Joe was, started asking around different in the community, to police officers, if anybody knew Monkey Joe. I was able to make the determination that Monkey Joe was a guy by the name of Samuel Barr.

Q Okay. But you, you don't know who called that tip in?

A I don't have a clue, no, ma'am.

Q So it could have been Theo McKnight for all you know; is that correct?

MS. BARR: Objection, speculation.

THE WITNESS: I ---

THE COURT: He answered he doesn't know who it was.

BY MS. BUTCHER:

Q Okay. Why did it take over two years to start looking for that?

A I can't answer that. I can tell you that the day that I was assigned this case is when I got -- yeah, the same day, April 4th -- is when I got the tip and I started trying to followup on it. And on the date of, I think it was April 12th, was the day that I

found out that Monkey Joe was supposed to be a Samuel Barr and had reached out to Samuel Barr. He actually came to the Sheriff's Office on the 13th and spoke with me.

Q Okay. And you would agree that people's memories are much better closer to the incident rather than over two years later?

A I would agree.

Q Okay. When did you first approach Mark Hatten? Was that also after you became an investigator?

A Yes, ma'am, I've got the date here.

Q Okay. Again, why did the Sheriff's Department wait so long?

A The reason I approached Mark Hatten at the time that I did is because I had just discovered after doing the research on the title through Arizona and then South Carolina that Mark Hatten had been the previous owner of the vehicle. So as soon as I learned of the name I went to that address on Varner Avenue and attempted to make contact with him.

Q Okay.

A And did you need the date? Okay.

Q And I'm assuming it was April 2016, correct?

A That's correct. It looks like April 11th, 2016.

Q Okay. Now I noticed in the photograph of what's

been marked State's Exhibit 48 they're gloves, correct?
A Yes, ma'am. Oh, yes, ma'am, gloves.
Q What's the purpose of that?
A What you mean, to collect the evidence?
Q Yeah. Why were the gloves used?
A You taught to when you're collecting any potential evidence to wear gloves. There could be evidence on what you're looking at that you can't see.
Q And to preserve that evidence that ---
A Yes, ma'am.
Q Such as fingerprints?
A Certainly, yes, ma'am.
Q What was the result of running that key chain for fingerprints?
A I don't...
MS. BARR: Judge, we're gonna ---
THE WITNESS: Can you give me the documentation if you got it handy? I'd need to go through my notebook to find it, each one of the ---
BY MS. BUTCHER:
Q Was it tested?
MS. BARR: Judge, we're gonna object to that to the extent there was any testing done on the

key chain. It wasn't this witness. He's not competent to testify with regard to that.

THE COURT: All right.

MS. BARR: It may be hearsay.

THE COURT: I hadn't seen anything where's there's been any test run at this point so how can he testify to the results.

MS. BUTCHER: Your Honor, if I may rephrase the question.

THE COURT: All right, rephrase it.

BY MS. BUTCHER:

Q Was there a fingerprint test run on the key chain?

A If you have the documentation, I might can find it. There's a lot of paperwork here.

Q I actually don't have any documentation. Did you review all the notes and everything from Officer Ballard when you took over this case?

A I have, yes, ma'am. I don't see, I don't see where it was; but again, I may be wrong. There's a lot of documentation here; I may be overlooking it. But I do not see anything in my notes right now.

Q Would you agree that no fingerprint test was ever run on that remote?

A I'm telling you I don't know; I really don't

know.
Q Is that something as an investigator you would be, would be important?
A Absolutely.
Q It would tell who may have thrown those keys to the location they were found.
THE COURT: Now you're testifying, Ms. Butcher. Ask him questions.
BY MS. BUTCHER:
Q Okay. It could identify who touched that; couldn't it?
A Certainly.
Q Okay. Or any fingerprints run on the inside of the vehicle while run fingerprints?
A In review of notes I do not remember that, no, ma'am.
Q Was a DNA analysis ever done in this case?
A On a particular item?
Q I'm not asking results on anything, just was a DNA analysis ever conducted in this case?
A I've got several notes in the case file that was transferred to me talking about DNA swabs and stuff, yes, ma'am.
Q Whose DNA was tested?
A The notes I'm looking at doesn't have a specific

thing; but again, if you got something to remind me, there's a lot of notes here. I don't want to overlook something and tell you incorrectly. But I don't see any particular names. I'm just looking at lot of things here that's talking about swabs from SLED, evidence from Ms. Haley Qualm.

Q When you investigate this case are you trying to determine the evidence of who committed the crime?

A Certainly.

Q Okay. Was a DNA analysis conducted on individuals' DNA against the inside of that vehicle?

A That is not a part of the case I have followed up on because it's not a part of the case that I had anything to do with. That was done prior to my being assigned to this case.

Q So what part of the case do you have anything to do with if you're the lead investigator?

A I just testified to what parts I participated in. I did not participate in collection of evidence inside the car. That was nothing that I would have even been qualified to do at that point in time.

Q And you don't believe that was, as part of your duties as the lead investigator to look back over entire case?

A I did look over the entire case; but again, there

is a lot of paperwork here and I don't want to tell you an answer to something without finding that piece of documentation. So if you know what documentation you're referring to, please remind me and I'll be glad to look at it.

Q Do you have the DNA analysis in your notes?

A I've got a lot of analysis in here, yes, ma'am. Which particular one do you want me to look at?

Q The DNA analysis.

THE COURT: You'll have to identify a little bit further than that. That's a pretty broad question.

MS. BARR: Yes, sir. And Judge, the only thing I would add is there a couple of SLED reports, a couple of DNA reports so I think it would help if the witness were given a specific report or date time of a specific report.

THE COURT: That's what I say, it's pretty broad. Ms. Butcher, narrow it down.

THE WITNESS: It's the first page.

BY MS. BUTCHER:

Q Yes, okay. What's the date that the DNA, first DNA analysis was run?

MS. BARR: Objection, hearsay.

THE COURT: All right, it is hearsay.

MS. BUTCHER: Your Honor, I believe it's also part of this investigation.

THE COURT: You can ask him if he can read from, if it refreshes his memory, but you can't put the report in by him unless he made the report.

MS. BUTCHER: Your Honor, I'm not putting the report into evidence.

THE COURT: Well, you're asking what's on that -- he can read it and testify, memory refreshed; he cannot read from the report.

MS. BUTCHER: And -- Your Honor, that's what I was doing. I was -- because he couldn't find his own.

BY MS. BUTCHER:

Q Do you recall the ---

THE COURT: Do it according to rule 612.

MS. BUTCHER: Your Honor, I'm not putting this report into evidence.

THE COURT: All right. Ask him the question according to 612.

BY MS. BUTCHER:

Q Through your investigation do you recall the first day DNA analysis was run in this case?

A The only date is the date I reviewed off of this report?

Q Does that refresh your memory as to what date?
A Yes, ma'am.
Q And what date was that?
A The date on this report is January 19th, 2016.
Q Okay. And whose DNA was run at that time?
MS. BARR: Objection, hearsay, Judge.
THE COURT: All right. Read the report, give it back to her, then he can testify if it refreshes your memory but you can't testify as to the report. Use it according to rule 612. If it's writing used to refresh witness' memory, and I assume that's what you're using it for; is that right, Ms. Butcher?
MS. BUTCHER: That is, Your Honor.
THE COURT: All right. Read the report, then hand the report back to her and let her, and answer her questions.
(Pause.)
THE COURT: Come up a minute, counsel.
(WHEREUPON, counsel approached the Bench for an off-the-record discussion.)
THE COURT: Ladies and gentlemen of the jury, I'm gonna ask you to step out a minute. I've got an evidentiary matter I need to take up with the lawyers. Please go to your jury room. It's time

for us to take a break anyhow. Please do not discuss the case among yourselves. And I'll send for you just as soon as we resolve this issue.

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

THE COURT: All right, Ms. Butcher, it appears that you're trying to ask him to read a writing by someone else to refresh his memory. I don't see how he can refresh his memory of something that he did not participate in.

MS. BUTCHER: Your Honor, that's not what I am asking him -- the only reason I gave it to him is he couldn't find his own. I was not trying to get this in through him. I'm simply trying to ---

THE COURT: Well, ask your question.

MS. BUTCHER: ---find -- you want me to just proffer?

THE COURT: Yeah, make your proffer.

P R O F F E R E X A M I N A T I O N

BY MS. BUTCHER:

Q Do you recall when the DNA analysis was first run in this case?

A I remember the date on the report you showed me. That's January 19, 2016.

THE COURT: All right, that's not his

recollection. That's from the report. Do you recall ---

THE WITNESS: No, I have recollection actually.

BY MS. BUTCHER:

Q Okay. And so you have no recollection at all. Would this refresh your memory or is this something ---

THE COURT: He can't refresh his memory with something he wasn't doing.

THE WITNESS: I wasn't involved in it. I wasn't part of the decision making process so I wouldn't have a memory on it.

Q Okay. And would you have any knowledge as to whether or not Theodore McKnight was ever a suspect?

A I have no information to that, ma'am.

Q Okay.

MS. BUTCHER: Your Honor, that would answer my questions. He has no information.

THE COURT: Well, he has no recollection of it and then that's what he can testify to and that's all he can testify to. And he can't refresh his recollection by something that he didn't make to start with 'cause he can't refresh recollection that he didn't have to begin with.

MS. BUTCHER: And Your Honor, when, you know, had no recollection, to me that says I don't remember so then trying to refresh their memory to something that should be in the case file.

THE COURT: But he can't refresh his memory to something that he didn't make.

MS. BUTCHER: Your Honor, that's -- I understand.

THE COURT: All right. Counsel, let's take ten minutes and then we'll be ready to start back. Thank you.

Don't talk with anybody. You can leave your stuff there, but don't discuss your testimony with anybody over the recess.

THE WITNESS: Yes, sir.

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

THE COURT: Back on the record with State versus Brittany Epps present with her counsel. The State is represented by Assistant Solicitor Ms. Barr. If the witness will re-take the stand. Anything before we bring the jury in, Ms. Barr?

MS. BARR: No, Your Honor.

THE COURT: Ms. Butcher?

MS. BUTCHER: No, Your Honor.

THE COURT: All right, bring the jury in please.

(WHEREUPON, the jury was returned to the courtroom at approximately 12:22 p.m., and the following proceedings commenced in open court.)

THE COURT: All right. Thank you, ladies and gentlemen, we have resolved that legal issue and the Defense was cross-examining the State's witness and she may continue to do so.

Ms. Butcher.

MS. BUTCHER: Thank you, Your Honor.

BY MS. BUTCHER:

Q Your role as the lead investigator did you recover any GSR reports in this case?

A Yes, ma'am.

Q Okay. Well, what is GSR? Just what does it stand for?

A I don't know exactly what. Gunshot residue I think, but it may have a more technical term but that's what I always understood it to, be gunshot residue.

Q Okay. Now Jessica was tested for gunshot residue, correct?

A Seems like I did read that in the report, yes,

ma'am.
Q Do you recall what the results of the report were for your investigation?
MS. BARR: Judge, we're gonna object to ---
THE COURT: Sustained.
BY MS. BUTCHER:
Q Through your investigation was Brittany Epps ever tested for gunshot residue?
A I don't recall seeing anything in there with any GSR done on Brittany, no, ma'am.
Q Okay. Why did she -- when did law enforcement speak to her? Let me ask you this, did she turn herself in?
A Seems like I read in one of the reports that she turned herself in I want to say around 2:00 on the, 2:00 in the afternoon on the 30th if I recall correctly, but I can check my notes if I need to.
Q Do you have any knowledge of if whether or not a gunshot test was done on Brittany?
A I wouldn't have any first hand knowledge, but I don't necessarily remember any report with gunshot residue with Brittany either.
Q Okay. To your knowledge did Brittany consent to a buccal swab being taken from her?

A I do remember reading a note from another officer to where she did a buccal swab. I do recall that, yes, ma'am.
Q Okay. And do you recall if she consented to that?
A If my memory is correct -- I don't have that officer's notes in front of me -- it seems like I do remember her consenting, if I recall correctly, with attorney's consent or something like that. Again, I don't have his notes in front of me, but I do remember reading a note about that.
Q And that would be -- can you explain what that is, the buccal swab?
A The buccal swab?
Q Yeah.
A Buccal swabs are a kit has two Q-tips in it and you basically take those two Q-tips and you swab the inside of the individual's mouth to obtain a starter DNA sample, a I guess you call it, something to test other things to.
Q Okay. And that's how you get a sample of someone's DNA to test against certain items in an investigation?
A Yes, ma'am.
Q Okay. Let's go back real quick to Mr. Samuel

Barr, Mr. Monkey Joe.
A Okay.
Q He didn't testify that he had given Brittany a ride or anybody a ride that night, correct?
A No, ma'am, he didn't.
Q And nobody with bloody clothes?
A Say again?
Q And no one with bloody clothes, correct?
A Huh-uh.
Q Now let me ask you this, through your investigation were you able to make that remote that was found by law enforcement actually work on Mr. Brown's car?
A No, ma'am.
Q Now isn't it correct that when it was found it was actually corroded on the inside?
A I remember seeing the note. I wasn't involved in that portion of it; but there was a note from, I think, from another officer about the battery was corroded.
Q Okay. Do you recall that the battery was changed?
A In that same note, if I recall correctly, it was something about they had changed, put a new battery in.

Q And that it still didn't open that car?
A That's correct.
Q Okay. So other than the testimony of Mr. Hatten, you didn't find any other way to connect that remote to Mr. Brown's vehicle, correct?
A Say that again please.
Q Other than the testimony of Mr. Hatten, you didn't find a way to connect that particular Cadillac remote to Mr. Brown's vehicle, correct?
A That is accurate, yes, ma'am.
Q Do you -- can you tell me why Theodore McKnight's fingerprints were submitted in 2016?

MS. BARR: Objection, calls for facts not in evidence. The question assumes facts not in evidence.

THE COURT: All right. I will sustain the question as asked. You can rephrase it.

BY MS. BUTCHER:
Q Through your investigation -- well, let me ask you this, were you the lead investigator -- were Theo McKnight's fingerprints ever taken to be tested against items?
A Seems like I remember reading a note where his fingerprints were sent, yes, ma'am.
Q Okay. And why was that?

A I can't answer that. That was prior to my becoming investigator.
Q So you basically can only testify to the investigation for the past three months.
A Just what I've been involved in, that's correct, yes, ma'am.
Q Okay. Now you did find the car in the woods or?
A I did.
Q Edge of the woods, correct?
A Yes, ma'am.
Q I'm gonna show you what's been entered as State Exhibit Number 4. And can you -- Your Honor, may I have the witness step down?

THE COURT: Yes, ma'am.

MS. BUTCHER: Okay.

BY MS. BUTCHER:
Q Can you just point to where the car was located when you found it.
A This is not a real good depiction of how that goes; but since it's drawn this way, then it would be somewhere in this vicinity right through here.
Q Okay.
A (Resumes seat in witness box.)
Q Do you recognize this photo?
A I do, yes, ma'am.

Q What is that?

THE COURT: Nope, not in evidence.

BY MS. BUTCHER:

Q Okay. Do you know when this was taken?

A I have assumption, but I think the morning that he was found.

Q Okay.

MS. BUTCHER: Your Honor, I ask to place this into evidence as Defendant's 1.

THE COURT: Any objection, Ms. Barr?

MS. BARR: No, Your Honor.

THE COURT: Defendant's Number 1 admitted into evidence without objection.

(WHEREUPON, Defendant Exhibit No. 1 was marked for identification and admitted into evidence.

BY MS. BUTCHER:

Q Can you please state what that picture depicts.

A That's Mr. Joe Brown's body in the back of his green Cadillac.

Q And is that the way he was discovered?

A Yes, ma'am, that's all except -- well, to the best of my recollection, yes, ma'am. That's the way he was discovered. He was on his left side. I can't remember exactly how his feet was positioned

at this time, but that's the way I remember the upper torso and his head and bent on his left side. Also I do remember his clothes had been at that position as well when I first opened the trunk.

Q Okay. Do you recognize this photo?

A I do, yes, ma'am.

MS. BUTCHER: Your Honor, I ask to enter this as State's Exhibit Number 2.

THE COURT: Defense Exhibit Number 2.

MS. BUTCHER: Defense Exhibit Number 2, yes, Your Honor.

MS. BARR: Without objection, Your Honor.

THE COURT: Admitted without objection.

(WHEREUPON, Defense Exhibit Number 2 was marked for identification and admitted into evidence.)

BY MS. BUTCHER:

Q What does that picture depict?

A That's the spot where the car was at when I saw it this morning.

Q Okay.

A [redacted].

Q Okay. And when you say that car you're speaking of Mr. Brown's car?

A Yes, ma'am, the '94 green Cadillac.

Q Okay. And this is simply after the car was removed, correct?
A That's correct. That's after daylight. Someone's waiting on the background and took pictures after daylight.
Q Okay. Now you were an investigator at the beginning of this case, correct, just not the lead investigator?
A No, ma'am, I was in patrol division.
Q Okay, but not -- okay. And you did go out to the crime scene?
A Yes, ma'am.
Q Okay. There was a phone found at the crime scene, correct?
A That is correct.
Q And as through your investigation was any analysis ever run on that phone?
A I don't remember seeing any notes where it was done with it, no, ma'am.
Q Since you took over as lead investigator did you run any analysis on that phone?
A I did not and I based it, the reason I didn't is there was an officer note -- I don't have his notes in front of me -- that a search warrant was got to essentially download the information off the phone

and that he took it to have that done and then there was some sort of software issue or something to where it couldn't be done.

Q Okay. Did you run any fingerprint analysis on that phone?

A I don't remember seeing anybody's notes where there was any fingerprints done. But I wouldn't know, I wasn't involved.

Q Did you as the lead investigator run fingerprint analysis?

A No, ma'am, I tried not to, no, ma'am.

Q And why not?

A I don't have -- but I didn't.

Q Okay. Now ---

A I also say this, I'm not gonna say that there wasn't any done on it; I don't know.

Q Let me ask you this, now you took over as lead investigator way late in this case, correct?

A Certainly.

Q But with that you did do some things that probably should have been done way back at the beginning of the investigation, correct?

MS. BARR: Objection, argumentative.

THE COURT: All right. Ask him specifically what -- that's pretty broad. I sustain

the objection as asked.
BY MS. BUTCHER:
Q Did you, when you took over as lead investigator, did you look back over the crime investigation to that date and see if there's anything you needed to do?
A Yes, ma'am. And I identified, you know, again, the key chain and key fob is one of the things I identified to be followed up on.
Q Okay. Did you look to see if a fingerprint analysis had been conducted on this phone?
A I do not know. I didn't personally look to see if it had been done, no, ma'am.
Q Okay. Is that -- and did you look to see if a fingerprint analysis had been done on the key chain?
A I did not, no, ma'am.
Q How about inside of the car, Mr. Brown's car?
A I don't even remember if I looked at that. I don't remember seeing anything about fingerprint analysis inside the car.
Q How about the outside of the car?
A I do remember seeing some stuff about the fingerprint stuff off the SLED reports; but again, you know, about the processing was done by them. They would probably be in a better position to say

what was done and why what was done, that sort of thing. I just simply did not know.

Q Okay. Is there any reason you didn't consider -- well, you testified earlier that you do consider these things to be important, correct, I believe I asked you that about the key chain?

A Yes, ma'am.

Q Is there any reason you did not conduct these tests?

A At this point in time in the case, being late in the case, I tried to get the things that I thought could yield some type of results and the fingerprint stuff had been done way back at the crime scene. I suppose I was looking for things that couldn't have been done at the crime scene that could be done late in the investigation, but I don't have a particular memory or recollection of going through my mind why I didn't do that.

Q Let me ask you this, do you believe as an investigator law enforcement agent that you have a duty to the victim in a case to try to determine what happened?

A I do.

Q How about to anyone that the State accuses a crime?

A I do.
Q Through your investigation were you ever aware of Jessica saying that she will give certain information if she was moved from one jail to the other?
A No, ma'am, never heard that at all.
Q Thank you.
A Yes, ma'am.
THE COURT: Redirect?
MS. BARR: Yes, sir.

REDIRECT EXAMINATION

BY MS. BARR:
Q Mr. Kennedy, I'll ask you just a few follow up questions and I won't be long. First of all, I know you got a stack of stuff there with you. Would you happen to have the SLED DNA report dated January 19th, 2016, that you were testifying about with Ms. Butcher on cross-examination? Do you have that up there with you?
A I have to look.
Q Okay.
A Is that okay?
Q Well, here's what I'm doing in the interest of time.
A All right.

Q I'm just gonna ask you if you've seen this document before, and that's the January 19th, 2016 document. Just let me know if you've seen it before as a part of this case.
A Before about 40 minutes ago I would not have had a recollection of seeing this specific document, but I saw it about 40 minutes ago, yes, ma'am.
Q Okay, all right. With regard to any DNA analysis in this case, any fingerprint analysis in this case, any trace evidence analysis in this case, were you back in March of 2014 qualified to do any of those things?
A No, ma'am.
Q Are you now as you sit on this witness stand qualified to do DNA analysis, trace evidence analysis, or fingerprint analysis?
A No, ma'am.
Q All right. In connection with this particular case, who were the individuals, if any, that were involved in trace evidence analysis, DNA analysis, and/or fingerprint analysis?
A I think just SLED.
Q SLED?
A I don't think we had anyone then or now qualified to do that.

Q You mean employed full-time at the Sheriff's Office?
A That's correct, yes, ma'am.
Q All right.
A That's the reason for SLED.
Q Okay. And with regard to that January 19th report and any other notes in your case file, you previously testified that you remembered that Ms. Epps, the defendant in this case, gave a DNA sample or buccal swab.
A Seems like I remember reading an officer note where she, her attorney consented to one, yes, ma'am.
Q And what about Ms. Jessica Jackson, do you know whether or not she consented also to giving voluntarily a DNA swab for herself?
A Again, just reading other officer's note, yes, I do remember her being, consenting to a buccal swab.
Q Okay. Was a gun ever recovered in this case?
A No, ma'am.
Q Okay. Did you make the effort since you decided to take a fresh look at the case to try to find a gun?
A Yes, ma'am.
Q What'd you do?

A Can I get that note as well?
Q Yes, sir.
A On June 20th, 2016, officers from the Williamsburg County Sheriff's Office, State Law Enforcement Division, SLED, the Williamsburg County Fire Department search and rescue team, as well as officers from the Sheriff's Office, and EMS on the search and rescue team, conducted a search of the area, the wooded area between Julious Road and Kendell Park Road area in a search for evidence.
Q Okay. Why did you all decide to do that to two-and-a-half years later?
A The reason I decided to do it is, in going back I noticed that particular area had been searched by a canine, a portion of that area had been searched by a canine; but I ended up talking to a individual by the name of Shannon Morris, and it led me to think possibly that was the -- if a person walked from that scene trying to get to Vanity Epps' home that that might be the wooded area that person took if they took a wooded area.
Q Okay.
A So as a big area as it was, that was the reason I determined to try to search that area even two years later.

Q So you had assistance of how many agencies?
A It would have been four separate agencies and a total of looks like about 17, 18, maybe 20 people involved.
Q Wow, the middle of June?
A It was hot.
Q And your testimony is after search of that area you all did not recover ---
A No, ma'am.
Q ---a firearm?
A It was, it was, that was a tough area. We located some snakes.
Q Some what?
A Some snakes.
Q All right. Now you were asked by Ms. Butcher if you felt you had an obligation to a defendant charged with a crime as well as the victim of a crime to not just in essence investigate the things that will help us, the prosecution, and hurt the defendant, but you felt you had an obligation to pursue all leads; is that fair to say?
A Absolutely.
Q Okay. And if you had, in fact, received any type of tip or any type of lead that would lead you to believe that Brittany Epps was not involved in the

murder of Joe Brown, would you have pursued those leads?
A Absolutely.
Q Would you have pursued them as vigorously as you pursued all other leads that indicated she may have been involved?
A Absolutely.
Q All right. Now you testified on cross-examination that at some point I think in early 2016 you remembered seeing a note in your case file that fingerprints for Mr. Theodore McKnight may have been pulled or tested or something like that?
A Seems like I do remember reading an officer's note.
Q What about fingerprints for Ms. Vanity Epps, the person who owned the home at [redacted]? Do you remember seeing fingerprints?
A It seems like I read in the same note actually, yes, ma'am.
Q All right. Now with your testimony that you would have actively pursued any leads that would have pointed to the defendant's guilt or that would have pointed to her innocence, did you receive any evidence, any leads, any information to suggest to you that anyone other than the defendant Brittany

Epps and Jessica Jackson were involved in the murder of Joe Brown?
A I did not.
Q Is Theodore McKnight as we sit here today in this courtroom charged in any form or fashion with the murder of Joseph Brown?
A No, ma'am.
Q Is the defendant's aunt Vanity Epps as we sit here in this courtroom today charged in any form or fashion with the murder of Joseph Brown?
A No, ma'am.
Q Having pursued the leads that you pursued while becoming the primary investigator on the case, if you had any evidence that anybody other than Ms. Jackson and Ms. Epps were charged in this case, would you have pursued and arrested them, if?
A Appropriate. Certainly.
Q Now you mentioned that according to your recollection the defendant Brittany Epps turned herself in at about 2:00 p.m. on March 30th.
A If I recall correctly. I'd have to look for that note.
Q Okay. The 9-1-1 call to report the shooting and the entry to Ms. Jackson's phone, that was placed at 11:53 p.m.; is that right?

A I've got in my notes 11:58.
Q 11:58 p.m?
A Yes, ma'am. That's when the Sheriff's Department would have been notified, not necessarily when 9-1-1 got called.
Q Okay. And not necessarily when the victim was actually killed?
A Correct.
Q All right.
A Correct.
Q So we're talking about two minutes before midnight on March 29th leading up to the morning of March 30th?
A Correct, yes, ma'am.
Q All right. So, and do you have any idea the specific time in which Mr. Brown was shot?
A I do not.
Q All right. So if the first time that law enforcement was notified about this information was two minutes before midnight on the 29th ---
A Correct.
Q ---and Ms. Epps turned herself in on March 30th at 2:00 p.m., how much time is that between those two times?
A Fourteen hours.

Q Fourteen hours?
A Yes, ma'am.
Q During that 14 hour period after 9-1-1 is called after EMS is dispatched, can you account for the whereabouts of Jessica Jackson after EMS comes out to Kendell Park Road?
A Yes, ma'am.
Q Where was she at?
A She was Metts ---

MS. BUTCHER: Your Honor, I would believe that would call for speculation or ---

THE COURT: All right, only if he knows, if he knows.

BY MS. BARR:
Q Okay. Let me ask you this, you testified earlier that Investigator Ballard went to the hospital in Florence to talk to Jessica?
A Yes, ma'am.
Q You were on the phone when he was on his way back to Williamsburg County?
A Correct.
Q You testified earlier that you found Mr. Joe Brown's body, you told that to Investigator Ballard, and you said we have a body. Do you know where he went once you told him that?

A I do.
Q Where did he go?
A He went back to McLeod.
Q Did you see him -- well, once he came back from McLeod the second time, where did he go?
A The Detention Center.
Q Did he have anybody with him?
A Yes, ma'am, Jessica Jackson.
Q And once Investigator Ballard brought Jessica Jackson to the Detention Center after she's taken from McLeod Hospital, is she ever out of the custody of the Sheriff's Office at that point other than to go to jail?
A No, ma'am.
Q Okay, all right. Now between 11:58 p.m. when that 9-1-1 call is made, and the time that Jessica Jackson is put in the ambulance and taken to the hospital at McLeod, do you have any idea where Brittany Epps was until she turned herself in 2:00 on the afternoon of March the 30th, 14 hours later?
MS. BUTCHER: Again, Your Honor, I believe that calls for speculation.
THE COURT: All right, that will be ---
MS. BUTCHER: Person ---
THE COURT: The question was asked does he

have any idea where she was. He can answer that yes or no. She hadn't asked where she was, she just asked if he had any recollection of where she was or he had any knowledge of where she was.

MS. BUTCHER: And ---

THE COURT: He can tell what his knowledge is. All right, answer that question.

MS. BUTCHER: And additionally, Your Honor, I don't believe this is proper redirect.

THE COURT: All right. It hadn't been proper for a long time but you let her get into it. I'm gonna let her ask this question.

THE WITNESS: No.

MS. BARR: That's all the questions I have. Thank you, sir.

THE COURT: Recross?

MS. BUTCHER: Thank you, Your Honor.

RECROSS-EXAMINATION

BY MS. BUTCHER:

Q Now through your investigation did you read Theo McKnight's statement?

THE COURT: I'm sorry, I didn't hear the question.

BY MS. BUTCHER:

Q Through his investigation did you read Theo

McKnight's statement.
A No, I have not read a statement from Theo, no.
Q Are you sure you have not?
A I'm ---
Q Would you like to read ---
THE COURT: That's what he said. He said he hadn't read it?
THE WITNESS: I do not recall reading a statement from Theo McKnight.
THE COURT: All right, next question.
BY MS. BUTCHER:
Q Are you aware through your investigation of the description of the clothes Brittany Epps was wearing that night that Theo McKnight gave?
MS. BARR: Objection, outside the scope of recross.
THE COURT: He said he did not know, he had not read the statement.
MS. BUTCHER: Your Honor, I'm asking if he knows through an investiga-- or any other method, way, other than reading the statement.
MS. BARR: And Your Honor, we take the position that's outside the scope of ---
THE COURT: How else would he know?
MS. BUTCHER: Your Honor ---

THE COURT: And that is outside the scope of objection, sustained.

MS. BUTCHER: Okay. No further questions.

THE COURT: All right, thank you, sir. You may step down.

All right, ladies and gentlemen, we have now reached the lunch hour. It is appropriate that we take our afternoon recess for lunch, and we're going to do that at this time. Again, I would tell you when you're away from the courthouse do not discuss the case with anyone, do not allow anyone to discuss it with you, and do not discuss it among yourselves while you are reconvening in the jury room. It's still premature for you to begin any discussion of this case. Do not do any research, consult any Google or internet or anything else or have any discussion with anybody about this case over the lunch recess. It is 1:00 and what I'd like to do is start back at 2:15 if that gives everybody time enough. That will be an hour and fifteen minutes. If you will be back in the jury room at please at 2:15, we'll try to start promptly at that time. Thank you. You may go with the bailiff.

(WHEREUPON, the jury was removed from the courtroom at 1:00 p.m.)

THE CLERK: Have a seat in the witness box up here.

DIRECT EXAMINATION

BY MS. BARR:

Q Good afternoon, Ms. Quam.

A Good afternoon.

Q If you would please state your full name for the record and spell your first and last name.

A My name is Haley Quam. First name is H-A-L-E-Y, last name is Q-U-A-M.

Q Ma'am, tell the jurors where you're employed.

A I'm currently employed at the South Carolina State Law Enforcement Division commonly known as SLED, and I'm assigned to the crime scene department.

Q All right. Now ma'am, how long have you worked for SLED?

A Approximately three-and-a-half years.

Q All right. And can you tell us what you do as an employee with State Law Enforcement Division?

A Yes. SLED is an assisting agency so in the crime scene department we go at the request of local agencies like the city, county, or federal jurisdictions. And we go at the request for crime scene and then we go to there, we document, process

collect the evidence. We'll bring it back to the lab located in Columbia, and we'll package it and send it to the appropriate departments for further processing.

Q All right. Now ma'am, back during the early morning hours of March 30th ---

A Yes.

Q ---of 2014, did you have occasion to assist the Williamsburg County Sheriff's Office with regard to a murder of Joe Brown?

A I did.

Q All right. Tell us approximately when you received either the call, or how were you contacted?

A We have a dispatch system so I received the call at approximately 5:40 in the morning and they were notifying me of the crime scene request.

Q 5:40 in the morning?

A Yes.

Q Okay. And as a result of receiving that call what did you do?

A From then on make contact with the point of contact that was provided, and then myself along with my partner -- at the time it was Senior Agent Vicky Hallman -- we will respond to the scene.

Q Okay. And in this case when you talk about the

scene, what area are you speaking talking about?
A At that point the location that we had been told was a vehicle location which was Williamsburg, I believe, County Sheriff's Office training facility.
Q All right. That was the first place that you went?
A Yes.
Q Okay. And did you see the victim's '94 Cadillac there?
A I'm sorry?
Q Did you see the victim's '94 Cadillac vehicle there?
A Yes, I did.
Q Tell us what you did as a result of coming to the training facility and seeing the victim's vehicle?
A May I refer to my notes?
THE COURT: Yes, ma'am.
THE WITNESS: When we arrive on scene we typically will meet with the investigators first and try to find out the initial information. So at that point we were told that the vehicle had been towed from a previous location to the training facility and that's where the victim had been located in the trunk. So we decided to go and process the s initial scene where the vehicle had been found

first.
Q Okay. And as a result of that where did you go?
A We went to [redacted] in Kingstree.
Q Okay. Ms. Quam, I'm gonna hand you what's been previously admitted as State Exhibit Number 4. Is that your diagram of the area where the victim's vehicle was initially discovered per your understanding from the Sheriff's Office?
A Yes.
Q Okay, all right. And I'm gonna publish this particular exhibit. While I'm publishing if I can get you to step off the witness stand for me. Come with me.
A (Complies.)
Q Let me get you to stand on this side for me. I'll let you use the pointer. Thank you for bringing the mic. Just kind of orient the jury as to the specifics of the diagram and note anything of importance with regard to what you believed to be the scene.
A Okay. So right here as i indicated Kendell Park Road, the location. The residence address that we had was[redacted] and then behind [redacted] there was a three line so that's indicated over here.
Q All right. With regard to the box here that's

listed as [redacted] what is that supposed to indicate?
A That's indicating the residence that was there.
Q Okay, is that the mobile home?
A Yes, ma'am.
Q All right. Now on your particular diagram, particularly where the three line is, there are some circles there with different numbers on that. Can you tell the jurors what that represents.
A So this represents items of evidence that we chose to mark and the number will indicate which item that is. So over here I believe item, or marker one, was a glass fragment. Marker two was a tract phone. Marker three, marker three was a church fan and marker four was some more glass. Marker five was a piece of board that had a partial tire impression on it, and marker six was suspected blood.
Q All right. And let's talk about the mobile home that's depicted on your particular diagram. I'm gonna publish over State's Exhibit Number 4, State's Exhibit Number 15, do you recognize the item that's in State's Exhibit Number 15?
A I do.
Q And what is that item? What's actually depicted in that exhibit?

A That's the residence of [redacted]
Q All right. And point to where that would be on the diagram that you drew.
A So here's the residence and this photograph would have been taken from the perspective over here.
Q Okay. All right, and I'm also gonna publish State's Exhibit Number 14, put it over your particular diagram. And if you will, please orient the jury as to the photograph of 14 and your diagram of 4.
A Okay. So you have the residence over here and right here is the electric pole which would be what reference point. RP stands for reference point. We used that to calculate measurements from the evidence marker so we have that depicted in the photograph as well so that perspective for this photo would have been over here.
Q Okay.
A You can see the tree line as well in here behind it.
Q All right. Now I'm gonna publish over your exhibit number 4 State's Exhibit Number 16. I'm gonna let you see it first.
A Okay.
Q I'll publish it over your diagram. Orient the

judge, the jury and the judge, to what is depicted within the photograph.

A Okay. So right here we have the area. This is prior to the markers being placed. And right here you can see an area of dirt that's disturbed and where this photograph would be would be in this area on the diagram.

Q Okay, all right. Does there appear to be track marks on the photograph?

A Yes. When the dirt or the mud, it was kind of deep there, looked as if a tire, you know, had been moving and was getting deeper as if it was stuck and you had two different impressions right there.

Q Okay. Now on your particular diagram where would those tire marks be?

A They would be right here in this area.

Q Okay. You mentioned one of the markers that was listed in your particular exhibit. I believe you referenced a piece of wood?

A Uh-huh.

Q Is that a yes?

A Yes.

Q Let me show you State's Exhibit Number 17 which is in evidence. I'll show it to you first.

A Okay.

Q All right. With regard to that piece of wood, I'll publish it on top of the photograph and can you for perspective kind of show us where that would be approximately on your diagram.
A That would be over here in the area of marker five because later after we placed the evidence marker as marker five was indicating for the board.
Q All right.
MS. BARR: Judge, we have marked for identification State's Exhibits 49 through 70. We move to introduce these exhibits.
THE COURT: Any objection, Ms. Butcher?
MS. BUTCHER: None, Your Honor.
THE COURT: All right. 49 through 70 will be admitted into evidence without objection.
(WHEREUPON, State Exhibits No. 49 through 70 were admitted into evidence.)
BY MS. BARR:
Q All right. Ma'am, you also testified of course about one of the markers being a church fan.
A Yes.
Q I'll hand you State's Exhibit Number 7.
A Okay.
Q Do you recognize what's in that photograph?
A I do.

Q I'll place it over your diagram. Tell the jury what it is.
A So this is the church fan we saw at the scene. You can see an area right here it looks as if there's suspected blood on it, and this will be in this area at marker three.
Q Marker three?
A Uh-huh.
Q And when you say marker three, you all actually put physical markers down with items of interest at the scene?
A Yes, we'll place yellow evidence markers.
Q How do you determine what's noteworthy at a scene and what's not?
A It just depends on the scene circumstances. We'll kind of look for anything out of place and it's based upon the information that we are all provided. At that point knowing, you know, in a tree line we don't really see any garbage, a lot of debris so at that point everything that was kind of in the grass and the tree line was standing out to us.
Q All right. And I'll publish State Exhibit Number 68. Does that reference the marker that you placed near the church fan?

A Yes, it does.
Q All right. And on your diagram where would marker three be?
A Right here.
Q Okay. All right. Tell us, if you will, about State Exhibit Number 67.
A Okay. State Exhibit Number 67 you said?
Q Yes.
A Is marker two, and marker two we have found a tract phone so this is what that evidence marker placed and on the diagram it is right here.
Q All right. I'm gonna publish State Exhibit Number 69.
A Okay.
Q Do you recognize what's depicted in that photograph?
A I do.
Q Why was that picture taken?
A This picture was taken, it's kind of hard to ---
Q I tell what we're gonna do. We'll take your diagram off for just a second. I'll put just the photograph on number 69, and I'll zoom a little bit, okay. First of all, do you know what that is there?
A That's a toe.
Q A little bit -- was that a random boot out there

or was someone wearing it?
A No, that's one of our agents I believe.
Q Just you have to put a pic---
A Yeah, standing near it.
Q Yes, ma'am. Okay, tell us why that picture was taken.
A So, here in the grass you can see a coin kind of right there.
Q Why was that noteworthy?
A That was noteworthy because at that point we really didn't -- there wasn't, like I said, any trash or debris. Everything that was kind of around that area was standing out to us.
Q Okay. All right, and you told us earlier that you determined the scene to be [redacted] Road. Can you tell us about State's Exhibit 49.
A Yes. This would be the mailbox at the front of the driveway and then you can see the marker for the numerics for the house.
Q All right. And so I'll put it on top of your diagram, State's Exhibit 4, and I'll ask you to provide reference for us.
A The mailbox was at the end of the driveway which was in this location.
Q All right. I know I'm gonna have you come back

up, but right now I'll just have you take a seat. Thank you.

A (Complies.)

Q Now you indicated that you saw a tract phone, you noticed some other items that were photographed at the scene. Did you collect any of those items at the [redacted] address?

A Yes, we did.

Q What did you collect from that address?

A From that -- may I refer to my notes?

THE COURT: Yes.

THE WITNESS: From that address we collected the piece of glass. And for the cell phone I collected initially at the scene, but then it was later transferred via chain of custody to a Williamsburg County sheriff's deputy. But there collected two swabs from the cell phone. Marker three was a fan that had suspected blood on it so we collected the fan. And then also there I collected swabs from the handle of the fan and swabs from the hardboard of the fan. Marker four was pieces of glass; we collected those. Marker five was the piece of board with the partial tire impression; we collected that. And marker six was suspected blood and we collected two swabs from that area, and then

also the quarter and the penny.
Q Tell me what you mean when you say swabs, when you collect swabs. Tell me what that means.
A Swabs, we usually collect those when we are looking for DNA evidence so we can be locking for touch DNA or in the case where marker six we're looking for DNA blood so that's where it would be going when it goes back to the lab.
Q All right, and how do you collect the swab?
A We have to ---
Q What do you physically do?
A We have two in a package. We'll wet one with deionized water and then we'll swab the item.
Q Okay. And when we say two in a pack and you're talking about swabs, swabs look like a Q-tip?
A Yes.
Q And what do you physically do with the swab that looks like a Q-tip? What do you physically do with the particular item of interest?
A This was an item and I was collecting something for touch DNA. I would take it and rub all over the exterior surface of it.
Q Okay. State's 71.
(WHEREUPON, State Exhibit No. 71 was marked for identification only.)

MS. BARR: Judge, we would move to introduce State's Exhibit 71.

THE COURT: Any objection?

MS. BUTCHER: No, Your Honor.

THE COURT: All right. State's Number 71 did you say?

MS. BARR: Yes, Your Honor.

THE COURT: Admitted into evidence without objection.

(WHEREUPON, State Exhibit No. 71 was admitted into evidence.)

MS. BARR: All right. May I approach the witness?

THE COURT: Yes, ma'am.

BY MS. BARR:

Q Ms. Quam, let me show you what's been admitted as State's Exhibit 71.

A Okay.

Q First of all, there is a name listed on this envelope. Do you recognize that name?

A I do.

Q What's the name?

A Mark Creech.

Q How do you recognize that name?

A Mark Creech is the field investigator for us in

the Pee Dee region.
Q Do you recognize the particular item that I took out of that folder?
A I do.
Q How do you recognize it?
A That's the phone that we collected from the scene at marker two.
Q And this is the same phone that you collected the swab from?
A Yes.
Q All right. Was anything else done at the [redacted] address?
A We searched the area for a weapon, but we didn't find anything at that point. And also, the owner of the mobile home had told us that it was supposed to be secure but secured with a piece of board over the door, but that board was missing so we went through -- she gave us consent to go into the house and we searched to see if there was anything of evidentiary value in there.
Q Did you find anything of value?
A We did not.
Q Okay. Now was anyone living at the residence at the time?
A The homeowners, I believe her brother -- give me

one second, let me refer to my notes. Yes, her brother. He was renovating it but he was away at the time in Atlanta.

Q Okay, all right. Once you left the Kendell Park Road address where did you go then?

A I then went to the Williamsburg County Sheriff's Office.

Q And what was your reasoning or your intent to going to the Williamsburg County Sheriff's Office?

A The suspect that they had in questioning Jessica Jackson was there so my intent was to go there and photograph her and collect a buccal swab and GSR kit.

Q Okay. What time did you get to Sheriff's Office?

A I arrived at the Sheriff's Office at approximately 9:28 a.m.

Q All right. So this is about four hours after you first got the call about a homicide here?

A Yes.

Q All right. Now you went to the Sheriff's Office. You, did you see Ms. Jackson there?

A Yes, I did.

Q All right. And we have photographs in evidence of Ms. Jackson with what looks to be scrubs on, and I'll publish State's 13. Is that how she appeared

when you came to the Sheriff's Office?
A Yes.
Q All right. And what's the item on her left hand?
A She had her arm was in a cast.
Q Okay.
A And then in a sling from her shoulder.
Q All right. You indicated that you went to also to collect a buccal swab from her?
A Yes.
Q What's a buccal swab?
A A buccal swab is a known standard. That's taking the swab and swabbing the inside of your check.
Q Okay. Did you ask Ms. Jackson whether or not you could get with a buccal swab from her?
A I did. She signed a consent to search.
Q Now let me ask you this, what would have happened if she told you no?
A Then I would have not gotten a buccal swab.
Q Okay. All right. You also indicated that you collected a GSR kit on her?
A I did.
Q Tell the jury what a GSR kit is.
A A GSR kit stands for gunshot residue kit, and there's four tabs that we have in there. There's a left palm, left back, right palm, right back, and

essentially it kind of, it looks like a little cylinder and it's clear. When you undo this tab it's really sticky, and what we do is we'll tab the hand and the areas indicated on that vile.

Q Okay, all right. She voluntarily agreed to allow you to collect the GSR kit from her?

A She did.

Q Okay. Did she have the right to tell you no?

A Yes.

Q Okay.

MS. BARR: I'll have this marked as State's Exhibit 72.

(WHEREUPON, State Exhibit No. 72 was marked for identification only.)

MS. BARR: I have marked this as State Exhibit Number 72. I believe that's without objection?

MS. BUTCHER: No objection, Your Honor.

THE COURT: All right, admitted into evidence without objection.

(WHEREUPON, State Exhibit No. 72 was admitted into evidence.)

BY MS. BARR:

Q Tell the jury specifically what State's 72 is.

A State's 72 is the GSR kit for Jessica Jackson.

This is the outer packaging for it though it's contained within this.

Q Okay. Tell me what happens after you collect a GSR kit from an individual. What then happens to the actual analysis of that gunshot residue? What happens to that item of evidence after you collect it?

A After I collect it it will, and you close the -- they're kind of viles you just snap back on. Put it in an envelope and then you seal it. There's paperwork that goes with it, and you seal that within the envelope as well so that when I take this back to the lab and once it's logged in which is how we get this lab number, it will go to the respected department, and in this case it was the trace department to be processed.

Q Okay. Now were you qualified at that point in time to actually perform an analysis of the GSR kit?

A No.

Q Okay. Somebody else in SLED would have done that?

A Yes.

Q With regard to your training in collecting GSR from an individual, what have you been trained about when to do it, how to do it, and that sort of? What

type of protocols have you been trained in with regard to collecting a GSR kit?

A Our protocols is a person is deceased and we, let's say we don't collect GSR kit on them at the scene, then we'll bag their hands and seal the bags for collection at autopsy. Or if the person is living then usually our window is six hours after the incident.

Q Okay. So what time did you collect the GSR kit from Ms. Jackson?

A 9:41.

Q All right. Now when you collected that GSR kit from Ms. Jackson, that would have been right at four hours after you got the call?

A Yes.

Q All right. Do you know what time specifically the victim was killed in this case or the specific time that Jessica Jackson sustained the injury to her left hand.

A No, I do not.

Q Okay. What was your impressions when you collected the GSR kit from her at 9:41 a.m.?

A At that point not knowing the time of the incident, it's better just to collect it at that point.

Q Okay. What did you think was the timing of the incident meaning the shooting when you collected the GSR kit from Ms. Jackson?
A Just prior to me getting the call at 9:41 in the morning.
Q Okay. So you assumed that it happened right when you got the call?
A It was a possibility.
Q Okay. All right. What did you do next after you collected a GSR kit and buccal swab from Ms. Jackson?
A Items that had been collected from vehicle were sent to me from Juan Ballard which was a purse for Jessica Jackson and all the contents and also the clothing from the hospital that she had been wearing, which was a pair of shorts and a bra.
Q Okay.
A And I'm sorry, also collected a pair of shoes from her.
Q Okay. The shirt, the shoes, and the bra that Ms. Jackson was wearing at the time she was in the Sheriff's Office, what did you do with those items?
A The scrubs, or?
Q Her bra, her shorts, and the shoes, and her shoes, what did you do with those items.

A Just packaged them. The shoes did collect swabs. There was areas of suspected blood on the shoes that swabs were collected from.
Q Okay. And those items were sent where?
A The shoes would have been sent -- and this was after processing the vehicle to the footwear department, and I believe the swabs were sent to storage at that point.
Q The swabs were sent to storage?
A Yes.
Q Okay. And what I'm specifically getting in, all these items were sent to SLED to be analyzed?
A Yes.
Q Okay. Anything else collected from either Ms. Jackson and/or the suspected scene of the crime?
A No.
Q Okay. What did you do after leaving the Sheriff's Office?
A Well, I had been told that the victim had a gun and he supposedly kept it in the glove compartment. And I, myself, was at the Sheriff's Office at that time but my partner, Vickie Hallman, had gone to the vehicle to start photographing the vehicle and she confirmed that there wasn't a handgun located in the glove compartment. So at that point myself and

Special Agent Mark Creech went back to [redacted] to do another search of the ditches to look for a shirt since Jessica Jackson wasn't wearing a shirt, and also a gun.

Q Okay. Did you ever find a shirt?

A We did not.

Q Okay. Did you ever find a gun?

A We did not.

Q When you went back to the training facility did you process the victims vehicle?

A Yes.

Q When you went back to the training facility was the victim's body still inside the vehicle?

A Yes.

Q Okay. You mentioned that you went looking for a firearm after being told that the victim owned a firearm.

A Yes.

Q All right. I'll show you then, I'll publish the particular exhibits. And for the record I'm handing you State's Exhibits 63, 64, 65, and 66.

A Okay.

Q You recognize those?

A I do.

Q Okay. What's depicted in the photographs?

A In the photographs we located a black gun box, handgun box, in the trunk of the vehicle which was within a plastic bag.
Q Okay. It was in the trunk of the vehicle with the victim's body?
A Yes, but we found this after the victim had been removed from the trunk.
Q Yes, ma'am. I'm gonna publish State's Exhibit Number 63. Is that the plastic bag and the gun box that you referenced?
A Yes, it is.
Q All right. I publish State's Exhibit Number 64. Tell us what that is.
A That's the side of the gun box, and it has the markings and it has some writing on it so it has the serial number 13-16367 and then it also had a model number which is 73820.
Q All right. And State's 65 is just a closer up view of that particular box?
A Yes, and you can see that's a Charter Arms.
Q And State's 66?
A That was after we opened the gun box and it was empty.
Q Okay.
(WHEREUPON, State Exhibit No. 73 was

marked for identification only.)

BY MS. BARR:

Q Ms. Quam, what ever happened to the gun box that we saw in the prefer exhibit?

A It was collected and then it was brought back to SLED.

Q I'm gonna hand you what's been marked as State's Exhibit Number 73. You recognize this document, I mean, this exhibit?

A Yes, I do.

Q And what is it?

A This is the Charter Arms gun box.

Q All right.

A That was collected from the trunk.

Q All right.

MS. BARR: We would move that particular exhibit into evidence, Your Honor.

THE COURT: Yes. Any objection?

MS. BUTCHER: We have no objection.

(WHEREUPON, State Exhibit No. 73 was admitted into evidence.)

BY MS. BARR:

Q All right, there is writing on the outside of that particular exhibit.

A Yes, ma'am.

Q Whose writing is that?
A That is mine.
Q What does it say?
A It says one Charter Arms gun box for a 38 revolver model 73820, serial number 13-163667 collected from trunk. Then it has the date 3/30/14, my initials HAQ, 12:29, which would be the time that it was collected. Then it has the lab number which is L144204, item three.
Q Let me ask you this, educate me about firearms for just a moment. You have not -- based on your testimony you did not ever recover the victim's firearm in connection with this case?
A No, I did not.
Q How did you know that it was a 38 revolver?
A There was the marking on the outside of the gun box that had the 38 revolver.
Q All right, let me hold it. I'm removing the contents of State's Exhibit Number 73. This is the gun box that was found in the trunk of the victim's vehicle?
A Yes.
Q All right, and I'll publish it so the jury can see it more clearly. But where do you see indications that the victim owned a 38 revolver on

this particular exhibit?
A Over here in this area it says point, or period, 38 special revolver, stainless steel standard hammer.
Q Okay.
MS. BARR: Permission to publish, Judge?
THE COURT: Yes, ma'am.
BY MS. BARR:
Q All right, ma'am, I'm going to point on the exhibit where you pointed to earlier. Is that where it is listed undercover 38 special revolver stainless steel?
A Yes.
Q And on this particular sticker on the box it says Charter Arms where I'm pointing?
A Yes.
Q All right. Tell us, if you will, about processing the interior of the vehicle.
A So we did a search of the vehicle. When we're processing we start by just photographing how the vehicle looks right when we got there, and then we'll kind of move to be a little more intrusive where we start to pull items out and we're photographing those items. There was areas of suspected blood that we scaled. And when I talk

about scale tape, it's tape that we have that has measurements on it so there was different stains that we scaled within the car.

Q All right. Let me get you to come off the witness stand again for me please, ma'am.

A (Complies.)

Q I'm gonna publish what's been admitted as State's Exhibit Number 61.

A Okay.

Q All right. Tell the jury what that is please.

A That is the registration for the vehicle. You have the VIN number listed here. The year has 1994, make Cadillac.

Q I'm sorry?

A The model Seville, and then down below to show who it's registered, Joseph Brown at [redacted] Road, Greeleyville.

Q All right. Mr. Brown's name is listed here?

A Yes.

Q Okay. Mr. Brown's name is listed here?

A Yes.

Q And you mentioned that there's a VIN number of the vehicle identification number?

A Uh-huh, yes.

Q Is that a yes? Okay, I'm sorry. All right.

From where you are can you read that particular number?

A That would be 1G6KKF52Y2RU318069.

Q You did good. Now ma'am, I'm going to publish previous exhibit number 39 of that particular exhibit which is a certificate of title for a 1994 Cadillac in the name of Mark Hatten.

A Okay.

Q And I'll let you look at all of these so you know what I'm talking about.

MS. BUTCHER: Your Honor, I would object. I don't believe Ms. Quam -- I think the documents speak for themselves. They are in evidence. Testified today ---

THE COURT: What was the question? You showed the exhibit, I believe it's in evidence.

MS. BARR: Right, I hadn't asked the question yet.

THE COURT: Okay, I think -- all right, ask the question. We'll see if there's an objection.

MS. BARR: All right. I'm just having the witness to look at the -- the documents in evidence already.

THE COURT: They're in evidence, yeah.

BY MS. BARR:
Q Now I want you to look at something for me. We've got on the projector screen the registration that you recovered from Mr. Brown's vehicle when you processed it?
A Yes.
Q You can see the VIN number on it?
A I do.
Q With regard to State's Exhibit Number 39 I want you to look at the VIN number that's listed on that certificate of title.
A Okay.
Q Tell me whether or not it matches the VIN number that's listed on the registration?
A Yes.
Q All right. And I'll put the two underneath each other. I'll publish both of the exhibits. You see that VIN number?
A Yes.
Q I'm gonna publish the certificate of title for Mr. Mark Hatten. I'll zoom it out a little bit. All right, you've indicated that the certificate of title listed on the victim's registration and VIN number in the certificate of title for Mark Hatten is the same?

A Yes.
Q Did you photograph and up-close view of the victim's VIN?
A Yes.
Q All right. That's reflected in State Exhibit Number 62?
A Yes. That would be the VIN number on the windshield or the public plate.
Q All right. Let's talk about State's Exhibit 50 and I'll publish that. Tell the jury what that shows.
A That is the windshield from the front view of the vehicle on the driver's side.
Q All right. Tell me about State's Exhibit Number 60.
A That is the glove compartment opening. You can see the manual in there as well as looks like possibly a Charter.
Q Can you tell based on the photograph what the item is that appears to be on the floorboard underneath where you open the glove compartment?
A It appears to be an item of clothing and you have, there's camo right here.
Q I'm gonna show you State's Exhibit Number 8.
A Yes.

Q Does that help you at all if I publish it?
A Yes.
Q All right. Tell us where the item of clothing what you believe to be the item of clothing was in the previous exhibit.
A This is the item of clothing that's from the front passenger's floorboard.
Q Okay. I'm gonna publish State's 10. Do you recognize that?
A I do. That's a closer photograph of the item of clothing on the floorboard.
Q Did you collect the item of clothing?
A Yes.
Q All right. And that's the hoodie?
A Yes.
Q And I'm just gonna show you very briefly State's Exhibit 33. Is that the hoodie that I asked you about that you collected from the front passenger floorboard of the victim's vehicle?
A It is.
Q All right, thank you. Let's talk about the driver's seat of the victim's vehicle that you processed. I'm gonna show you State's 52.
A Yes.
Q And I publish it. If you would explain to the

jurors what's depicted in State's Number 52.
A In this photograph this will be the perspective from looking at the front driver's door. You have the steering wheel right in this area, center console. This is a seat cover that's kind of pulled over. And then you have the paper -- there's a area of suspected blood right here. You can see it as well right there.
Q And for the record, what are you pointing to when you say areas of suspected blood?
A In the -- on the driver's seat near the seatbelt and then on the seat cover.
Q Okay. Tell me about State's 51, why you photographed that particular exhibit.
A This is a photograph of the steering wheel and on the steering wheel you can see suspected blood stains and they are...
Q Yes.
A They're very small and right here. These are circular in shape and then here, irregular shape, and it looks like there's a little bit of movement.
Q All right, tell me about State's 53.
A Again, this is from the driver's, taken from the driver's seat in the photograph and it's -- looking down you can see a large area of suspected blood,

again, by the seatbelt clip, and then there's a pair of glasses. The seat cover that's kind of pulled over and on the seat cover you can see suspected blood.

Q All right. And I'm gonna publish 54.

A Okay.

Q Tell us why you photographed that particular area.

A This is a closeup of the larger concentration where we had more volume of blood in the vehicle, and you can see a pair of glasses next to the seatbelt clip and also blood stains right on the back of the driver's seat as well.

Q Now you told us that you collected a purse from the victim's vehicle as part of the processing the car.

A The purse was collected prior to me getting there. It was transferred to me from Juan Ballard.

Q All right. And do you recognize this particular item that I'm moving from State's 35?

A I do.

Q How do you recognize it?

A That's the purse that was transferred to me. Also that's the packaging, my handwriting.

Q Okay. All right, tell me about State's Exhibit

Number 55 which I'm now publishing.
A This is a photograph also. This would be from the rear driver's side, and you can see a pair of jeans. There's a piece of plastic wrap on the seat and a hat. This is a, we call it an L-scale, and what this was showing was there was a muddy partial footwear impression on the seat so we essentially photograph that. We do that with a scale.
Q Okay, all right. And you have any idea what the blue, plastic bag is, what appears to be a bag in the rear passenger seat?
A It's a empty bag of I believe of Hanes shirts.
Q Okay. Did you photograph that as it first appeared, or did you move any items in the vehicle before you took the pictures?
A Well, the seat on the middle part of the seat in the back had been initially put down so that had been lifted up, but these items were located in the rear driver's area.
Q Do you know who put up the driver's seat, the divider in the rear passenger?
A It would have been either me or Senior Agent Holland.
Q Let me ask you this on this particular exhibit. Can you see in that exhibit where the front

passenger seat, any portion of the front passenger seat?

A Yes, you can see it right here.

Q And for the record you're pointing to the top right-hand corner of the photograph?

A Yes.

Q Now there's a beige item and what appears to be some type of black item on the floorboard of the rear passenger seat. Do you see where I'm pointing?

A Yes.

Q What is that?

A This is a floor mat and it's kind of disturbed; it's lifted up a little bit. And this beige item is the cover for the center console, what would be in the front of the vehicle, and there's blood on it right here.

Q The cover for the center console?

A Yes.

Q You have any idea how the cover for the center console got to the back of the car?

A I do not.

Q And can you tell us in State's Exhibit Number 52 where the cover would have gone? Is it visible in that particular exhibit?

A It's not visible in this exhibit but ---

Q All right. Let me show, let me publish it, number 52.
A But it would have been behind the seat cover right here.
Q And you're pointing to the area between the front passenger seat and the driver's seat?
A Yes.
Q Okay. Ma'am, did you collect -- I publish again State's 55. Did you collect that plastic bag that's listed in the rear passenger seat?
A I did.
Q And that's the passenger seat behind the driver?
A Yes.
Q Okay. Tell me about State's 56.
A Okay. This photograph is taken from the passenger's perspective, rear passenger perspective. You can see the floor mat kind of disturbed and then the console cover is here on the floorboard of the rear passenger side. You can see a beige strap here as well.
Q What kind of straps?
A Those were the purse straps.
Q All right. And can you see the divider between the two rear passenger seats in that picture?
A Yes, it is here in the top left-hand corner.

Q All right. And in that picture it's down?
A Yes.
Q Is that how you originally found it?
A Yes.
Q All right. And I believe your testimony was either you or the other SLED agent was with you pushed it up?
A Yes.
Q And that's shown on 55?
A Yes, it is, right here.
Q What was the purpose of photographing it with the divider down and then later photographing it again with the divider up?
A We always photograph how the vehicle or how any kind of scene is prior to us moving anything.
Q All right. Tell me about State's 56.
A This is the rear passenger floorboard, kind of mid-range photograph of it, and you have the mat and the strap and the center divider is down.
Q Point going where the straps or the strap is.
A The strap is right here.
Q All right. And for the record where is that specifically in the vehicle?
A It's in the rear driver's floorboard area.
Q Behind the driver's seat?

A Yes.
Q That's where you found it?
A Yes.
Q All right. Tell us about State's 57.
A Again, this is from the passenger perspective, the rear passenger seat and floorboard area. You have the partial footwear impression observed in the center of the rear seat. And on the floorboard there is -- after we had moved the items you can see the floor mat has been moved and the center, the cover for the center console moved and you can see more areas of blood on it. And there's also this miscellaneous paper in the floorboard.
Q All right, did you collect the purse straps?
A Yes.
Q Okay. Tell us about 58.
A Okay. Again, this is after things had been moved and the cover for the center console had been moved or pulled out farther from its original location, and you can see that it's somewhat torn in this area and there's a large amount of blood right there, I guess you can say the middle of the cover.
Q All right. Tell us about 59.
A Again, this is the cover for the center console and you have -- you can see the damage on the center

console over the divider, and then you have areas of blood right here and have a low point down on the center console.

Q All right. Now who removed or who put the cover, center console cover, who removed it from the floorboard which we saw in the earlier exhibit and put it here which appears to be on the seat?

A I did.

Q Okay. You can have a seat.

A (Complies.)

Q In terms of processing the vehicle did you take any swabs from the vehicle itself?

A Yes, we did.

Q Tell us about the swabs you took and where you got them from?

A The swabs -- may I refer to my notes?

THE COURT: Yes.

THE WITNESS: The swabs of -- collected were on suspected blood.

BY MS. BARR:

Q Okay.

A And we collected from, reading through the list, from the driver's side of the vehicle near the driver's door, from the center of the rear seat, from the front driver's seat, from the driver's side

of the vehicle on the rear door above the window, and then on the trunk there was areas below the trunk lid where we saw suspected blood and we had scaled it and marked it. So we had markers A through F and collected the swab from each of those areas, or swabs from those areas.

Q And just to make sure I'm clear, you got swabs from the driver's seat?

A Yes.

Q All right. The center console?

A No, the center of the rear seat.

Q Center of the rear seat?

A Yes.

Q Okay. And so just so I'm clear, would that be near where you found the plastic bag that had the blue writing on it?

A It was near the footwear impression.

Q I'm sorry?

A No, you're fine.

Q Come on. You'll be better. I want the words come out of your mouth, not mine, so I'll just have you come down.

A (Complies.)

Q I'm gonna show you State's 53. Is it reflected in that picture where you collected swabs?

A Yes.
Q All right. Publishing 53, tell the jury where you collected swabs and suspected blood.
A It would have been collected from the larger concentration of suspected blood.
Q If you will be seated. Where you collected blood from the rear of the vehicle in State's 55?
A It's hard to see in the photo, but the area where the swabs were collected from were in this area. There was a transfer stain which means when you have -- if I have blood on my hand and I touch the console, then you're gonna have blood transferred on to that surface.
Q All right. And I need to zoom that in just so it's clear what you're talking about. There's what appears to be measuring tape on this exhibit here and here?
A Yes.
Q All right. Who put the measuring tape there?
A That would have been either me or Senior Agent Hallman.
Q What was the purpose behind putting measuring tape there?
A There was a partial footwear impression in mud on that, on the seat, so when we are photographing or

we're documenting it we give or take a scaled photograph and the purpose for that is for comparison purposes back up at the lab for our footwear examiners.

Q All right. Let me show it to you here, then I'll publish it again. Do you specifically see any suspected area of blood or what you call transfer?

A I do not see it on this photograph.

Q Okay. What about on State's 56?

A I do not. I do not on this photograph.

Q Okay. All right, you can have a seat again.

A (Complies.)

Q I've got just a few more questions and I'll be done, Ms. Quam.

A Okay.

Q Did you also process the victim's vehicle for fingerprints?

A Yes.

Q All right. And you collected all of the items that I showed you with regard to the purse, the straps, the gun box, and the plastic shirt with the plastic bag with the Hanes T-shirts?

A Yes. Did we collect anymore items other than that?

Q Correct.?

A Yes, we did.
Q Tell us about those.
A There was an envelope with writing on it collected from the front dash on the driver's side. The empty envelope, there was an empty envelope with writing on it with five hundred dollars collected from the front dash on the driver's side. There was a piece of paper stating income available for April which was $598.77 which was from the front dash on the driver's side.
Q Let me do this, Ms. Quam, did you say that there was an envelope that had five hundred dollars in it?
A In writing.
Q Oh, just in writing?
A Yes, yes.
Q Okay. Let me ask you another question before I forget. You mentioned earlier that you collected GSR kit on Ms. Jackson?
A Yes.
Q When you left the Sheriff's Department after having collected the GSR kit, did you see the defendant at the Sheriff's Office when you left to go process the car?
A I did not.
Q You mentioned also sometimes when you get a GSR

kit on a person who's been deceased that you'll bag their hands. Did you have occasion to get a GSR kit on the victim?

A I did.

Q All right. And how did you collect a GSR kit on the victim?

A At the crime scene when the victim was removed from the trunk it was decided to bag his hands to preserve any physical evidence, specifically the GSR kit and also GSR, and also DNA under fingernails. We wanted fingernail scrapings collected and that would have been done at autopsy. So we bagged his hands and then he was removed from the scene. The next day on 3/31/2014 I went to the Medical University of South Carolina located in Charleston for the autopsy and that is where I collected the GSR kit.

(WHEREUPON, State Exhibit No. 74 and 75 were marked for identification only.)

BY MS. BARR:

Q I'm gonna hand you what's been marked for identification as State's Exhibit 74. Do you recognize this particular exhibit?

A I do.

Q What is this?

A This is the GSR kit from Joseph Brown, the victim.
Q All right.
MS. BARR: Judge, we would move State's Exhibit Number 74 in evidence.
THE COURT: Any objection?
MS. BUTCHER: No objection, Your Honor.
THE COURT: Admitted in evidence without objection.
(WHEREUPON, State Exhibit No. 74 was admitted into evidence.)
BY MS. BARR:
Q All right, you mentioned going to the autopsy, the victim's autopsy the following day?
A Yes.
Q Where'd you go?
A MUSC, otherwise known as Medical University of South Carolina located in Charleston.
Q All right. And I'm gonna hand you what's been marked as State's Exhibit Number 75. Tell me if you recognize that particular exhibit.
A I do.
Q All right. What is it?
A This would be the firearms. This was -- this was a item that had been transferred to me at autopsy.

If I may refer to my notes, Your Honor.

THE COURT: Yes.

THE WITNESS: The items here would be a bullet core and jacket fragment collected from the brain and a bullet from the left neck.

BY MS. BARR: The State would move exhibit number 75 in evidence.

THE COURT: 75, any objection?

MS. BUTCHER: No, Your Honor.

THE COURT: Exhibit is admitted in evidence without objection.

(WHEREUPON, State Exhibit No. 75 was admitted into evidence.)

BY MS. BARR:

Q Ms. Quam, I'm gonna -- rather than marking these particular swabs as individual exhibits I'll mark them as a collective exhibit and just have you open each one of them, okay.

A Okay.

(WHEREUPON, State Exhibit No. 76 was marked for identification only.)

BY MS. BARR:

Q Ms. Quam, I'm gonna hand what's collectively marked as State's Exhibit 76 and ask if you recognize the contents of that exhibit.

A I do not recognize -- I recognize this heat sealed pouch, but this one I do not.
Q And do you have the SLED item number for the particular exhibit you're holding in your hand?
A This will be container T.
Q Okay, all right. The one that you just placed now, tell us what that is.
A This is, this is our heat sealed pouch. In the back you can see two small Manila envelopes, and if I can -- for us it's container G so contained within this are two swabs of suspected blood collected from the driver's side of the vehicle near the driver's door and two swabs of suspected blood collected from the center of the rear seat.
Q Okay. What is SLED item number 37? Do you have a list of the SLED item numbers?
A Yes.
Q All right, what's number 37?
A One empty pack and buccal of white tank style shirt collected from rear driver's seat.
Q All right. So the white T-shirts that were collected from the back of the victim's vehicle, those actual T-shirts were swabbed?
A I can't attest to that; I didn't do this.
Q Well, let me show you this, see if it refreshes

your memory.
A This is Kimmie.
Q I understand. I just want to know if what I've given you is item number 37. Is that what you have reflected on your SLED log of different items that came in for testing? This number 37, does it correspond with what you've got on your list of items?
A Yes, it does.
Q Now we've talked about the scene, the victim's car. You talk about items you collected from autopsy from the victim. Did you have an occasion to go to an address of [redacted] in Kingstree in connection with this investigation?
A Yes, I did.
Q For what purpose were you there?
A After I finished up at the autopsy I called Special Agent Creech and he advised me that a second suspect had been developed and that they had a search warrant for the residence where she was staying at and asked if I would assist in the search warrant.
Q Okay. Ma'am, we have previously admitted State's Exhibit Number 38 which is a key chain and key remote. Do you recognize this exhibit?

A I do.
Q All right. How do you recognize it?
A That was an item I collected from the front yard of [redacted].
Q Okay. Now you were physically present at the residence when you got this exhibit on what particular day?
A I was there on 3/31/2014.
Q I want to show you a photograph. Before I do why did you collect that?
A It was collected because there was a Cadillac emblem on the key chain.
Q Okay. Why was that important?
A It was important that the victim's car was a Cadillac.
Q All right. Going to publish what's been admitted as State's Exhibit Number 32 and State's Exhibit Number 31. I'll publish first 31. Is that the front yard to [redacted] in Kingstree?
A Yes.
Q And this is the address where the key was collected?
A Yes, it is.
Q All right, and I'm gonna publish State's Exhibit Number 32. That's another photograph of that

residence?
A It is.
Q All right. Now on State's Exhibit Number 31 you see any vehicles in that exhibit?
A I do.
Q Do you see any Cadillac vehicles in that exhibit?
A I do not.
Q Do you have a recollection of seeing any Cadillac vehicles in that yard at all?
A I do not.
Q Now ma'am, when the keys -- not the keys, the remote and the chain to the Cadillac was found at the address on Cannon Way, you indicated that the victim's vehicle was a Cadillac. And I'm going to publish State's Exhibit 60, which is showing the front console of the victim's vehicle.
A Yes.
Q All right. What is that black item with the cord that's located inside the glove box?
A The cord, or what it?
Q The item, black items that looks like a left bound book of some sort?
A That's the manual for the vehicle.
Q Did you take that manual out of the glove box?
A On 3/31?

Q At any point in time?
A Yes.
Q I'm gonna hand you what's been marked for ID only as State's Exhibit 45, 46 and 47 and ask if you recognize what's depicted in these photographs?
MS. BUTCHER: Your Honor, I would...
THE COURT: Proceed.
THE WITNESS: I do.
BY MS. BARR:
Q Okay. How do you recognize it?
A These are the photographs I took.
Q Okay. And tell us why you took those photographs.
A After we located the key fob and the key chain we went back to the training facility where the vehicle was located at and photographed the manual which had on the key fob the symbol just showing that they were consistent.
Q Okay.
MS. BARR: We move State's Exhibit 45, 46 and 47.
MS. BUTCHER: No objection.
THE COURT: Admitted into evidence without objection.
(WHEREUPON, State Exhibits Nos. 45, 46, 47

were admitted into evidence.)

BY MS. BARR:

Q Thank you, Ms. Quam. Those are all the questions I have for you. Please answer any questions that Ms. Butcher may have.

THE COURT: Ms. Butcher?

MS. BUTCHER: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. BUTCHER:

Q Ms. Quam, look at State's Exhibit 46. You opened the manual yourself and looked?

A Yes, ma'am.

Q And the symbols are similar?

A Yes, ma'am.

Q Okay. And that doesn't tell you if that key chain actually or that remote actually opens that car.

A That's correct.

Q Okay. Did you swab the remote and key chain?

A I did.

Q Of DNA?

A Yes, I did.

Q Okay. And you sent that off to be tested?

A I did.

Q Okay. Now when you send it off to be tested, do

you also include the DNA of different people to test it against?
A Yes. We'll ---
Q And who did you include?
A At that point I think the only swab that we had or the known standard that we had was Jessica Jackson's and Joseph Brown, the victim.
Q Okay. And later did you test it against anyone else, did you send out anyone else?
A I'm not sure what additional processing was done on those swabs or who they were examined against.
Q So you wouldn't have been in charge of sending off additional samples to test against it?
A No, not at that point. There would have been a buccal swab that was collected or -- if there, well, there would have been a buccal swab collected that day on the 31st, then I would have taken that back to the lab. Now I do believe that the buccal swab collected from Brittany Epps was transferred to my custody. I can't recall the date, but 2016 of this year.
Q Okay.
A Earlier 2016.
Q Was a swab of Theo McKnight ever transferred to your custody?

A I don't recall. I don't believe so.
Q Do you know if there was ever request?
A Not that I can recall, no.
Q How about a comparison, comparison of prints for Theo McKnight?
A I didn't collect them.
Q No, was there a request to your knowledge?
A I believe there was.
Q Okay. You just didn't do the collection on that?
A Correct.
Q Okay. Now you spoke about taking swabs for gunshot residue on Jessica, correct?
A Correct.
Q And you spoke about a six hour window?
A Yes.
Q Okay. Now does that also, that window, does that also relate to a GSR test on someone's clothes?
A No, it does not.
Q So that's only on their hands?
A I believe so.
Q Or their body?
A Yes.
Q And do you know the reason for that?
A I do not.
Q Okay. But is there a window, a time frame, for

someone's clothes?
A I couldn't answer that. That would be a trace examiner question.
Q Well, have you ever been told that there's a window?
A I haven't.
Q Okay. Did anyone ask you to test the clothes of Ms. Brittany Epps?
A No.
Q Now, did you find any blood inside the vehicle on the rear passenger floorboard in the back seat?
A The only area on the rear passenger floorboard that I can recall is the cover for the center console which was laying in the passenger floorboard; but in terms of actually on the floorboard, no.
Q Okay. And where exactly was that center console cover that was, where was it located?
A It was located in the floorboard of the rear passenger seat and was kind of pressed up against the back and also indicated on the hump from where the center seat is.
Q This is State Exhibit 57. Is this the cover?
A Yes.
Q Okay, of that. So it's just right there in the,

basically the exact center of the rear?
A Yes.
Q Okay. You had stated that you had also found blood on the shoes of Jessica Jackson, correct?
A Yes, sir.
Q Where exactly was that blood located on her shoes?
A That blood was located kind of on the seal of her shoes. I'm trying to think of -- it was located on both the right and left shoe and you could see it on, if you were looking at a side view you can see it along the sole.
Q Okay, so it was on the sides?
A Yes, uh-huh.
Q And what sides?
A I have to look back at the photographs.
Q Okay. I hand you something to refresh your memory.
A The left side of the shoe.
Q Okay. Now you took fingerprints. You found fingerprints that you took samples of?
A Yes.
Q Okay. And where were those located?
A They were located on the outside of the vehicle, the exterior. There was lot of pollen at that time,

and it had adhered to the impressions so we used gelatin lifters. That's essentially kind of like tape except with gel behind it, and you place it against your impression, you rub it, and that's how it's collected.

Q Okay. How about the inside of the car?

A No.

Q You didn't take fingerprints on the inside of the car?

A I did not.

Q Why not?

A The vehicle had been, it had been entered and stuff had been gone through prior to us getting to the scene.

Q Is that by law enforcement?

A Yes.

Q Could you have still tested the inside of that car?

A Could have, yes.

Q Why didn't you still?

A 'Cause at that point due to the unknown of how many people were in the car, it was decided to take prints from the outside of the vehicle.

Q Could you have possibly still retrieved prints from inside of that car?

A Yes.
Q From ---
A It's possible.
Q ---people who are accused in this crime if they were there?
A It's possible, yes.
Q How about the glove box, did you test the glove box or anything?
A We did not.
Q Even if law enforcement didn't preserve the inside of the car, they went in it, there's still a possibility of retrieving prints off of that glove box from people that were in the car at the time the murder; is that correct?
A It's a possibility, yes.
Q How about Mr. Brown's clothing, was that tested for GSR?
A It was not.
Q Why not?
A He was the victim of a gunshot wound so you would expect to have GSR on his clothing.
Q Would it have maybe shown the distance he was shot from or anything like that?
A At the lab they do not do distance determination.
Q Okay. Now, and you may have already answered

this, did you say you did not get any requests to test Brittany Epps' clothes?
A I did not, no.
Q Would you have done it had you received a request?
A Yes. If the clothing would have transferred to me I would have brought it back to the lab to be sent to the respected departments with the examination request.
Q And tell me where you actually found prints on that car that you sent to be analyzed please.
A The prints were located so they were on the exterior of the vehicle. They were from the rear driver's side window, the rear driver's side above the quarter window, the rear driver's side behind the door, the back windshield near the bottom on the passenger side, from the hood area, and the hood area that was towards the front by the bumper.
Q This is State's Exhibit 25. I'm gonna ask you to come down and ---
A May I step down?
THE COURT: Yes.
BY MS. BUTCHER:
Q I realize this isn't the actual car. Can you just kind of point out best you can where those

prints were found.
A So, for the whole view of the vehicle, if you had the hood going to -- you extend it and you're imagining a hood, there was two areas of collection from the front of the hood. And then on the driver's side, if this was the rear driver's door there was area above the door that was collected and also the window was rolled up so on the window towards the top there was an impression collected from there.
Q And that would have been the window that you cannot see that would have been back in this area here?
A Correct.
Q Okay.
A And then behind on the rear side of the vehicle you have the smaller window behind the regular window, and there was a print collected from right behind that window as well. Then on the back windshield of the vehicle on the passenger side towards the bottom, so if this was the back windshield it was collected towards the bottom but on the passenger side.
Q Okay, thank you. Now was there anything collected through your investigation that showed

who shot Mr. Brown?
A No.
Q Or who was present at the time that he was shot?
A In terms of the physical evidence, you know, results of that I can't testify to, just what we collected from the vehicle.
Q Thank you. No further questions.
THE COURT: Redirect?
MS. BARR: Very quickly, Judge, if I may.

REDIRECT EXAMINATION

BY MS. BARR:
Q Ms. Quam, I'm gonna publish that previous exhibit that Ms. Butcher asked you about on cross-examination, State's 50.
A Yes.
Q Which shows a view of the driver's side of the victim's vehicle from the window up to the hood of the car or roof of the car.
A It does.
Q Now you said, I heard you say, did I not, that the window was rolled down?
A No, the window was rolled up.
Q I'm sorry, which window was rolled up? Where are you talking about?
A The rear driver's window.

Q Okay. So as depicted in this particular exhibit, the driver's side of the victim's vehicle is shown, that area.
A Yeah.
Q And you mentioned that the window was rolled up. You're talking about the window that's behind the driver's window?
A Yes.
Q All right. What about the driver's window? Was that rolled up or rolled down in this picture?
A It was missing.
Q Missing?
A Yes.
Q What do you mean missing?
A It wasn't present. There was glass fragments that were in the car so it was not present.
Q Okay. Did you ever recover it or recover what you believe to be the missing window?
A There was a window or what we believed to be the missing window that Williamsburg County sheriff's deputy had collected, and it was transferred to me on 3/31/2014 when I was back assisting with the search warrant.
Q Do you know where it was collected from?
A It was collected from [redacted] in

the general vicinity.
Q Okay. You talked about whether or not the defendant's clothing was submitted to SLED for testing. Do you remember Ms. Butcher asked you that particular question?
A Correct.
Q Do you know either based on what you found in the vehicle, in the victim's vehicle, or based on what you personally took to SLED to be tested, do you know whether or not the defendant's pants were seized or ever found?
A I do not.
Q All right. What about -- you told me about a bra that you got from Jessica Jackson. Did you get any underclothing or were you asked to perform an analysis of any underclothing from the defendant?
A No, I was not.
Q You told me about Jessica Jackson's shoes?
A Yes.
Q All right. You collected those?
A Yes.
Q She was wearing them at the time she was at the Sheriff's Office?
A She was.
Q All right. Did you ever recover any shoes that

the defendant might have been wearing at the time of the shooting?

A No, we did not.

Q That's all the questions that I have. Thank you, ma'am.

THE COURT: Redirect -- I mean, recross?

MS. BUTCHER: Thank you.

RECROSS-EXAMINATION

BY MS. BUTCHER:

Q Now you didn't recover any clothes from my client, correct?

A Correct.

Q Were you asked to recover any clothes?

A I was not.

Q Okay. If she was at the law enforcement at 2:00 were you still around?

A On 3/30?

Q Yes.

A I was not. I had cleared from the scene at that point.

Q Okay. Would you have come back?

A I would have, yes.

Q But you weren't asked to come back and look at the clothes she was wearing, were you?

A I was not.

Q Thank you.

THE COURT: All right. Thank you, ma'am. You may step down.

Would you like to have the witness excused, Ms. Barr?

MS. BARR: Please, Your Honor.

THE COURT: Any objection?

MS. BUTCHER: No, Your Honor.

THE COURT: You are excused. Thank you for coming.

Ladies and gentlemen of the jury, you've been in the courtroom now for about an hour-and-a-half, hour and forty minutes or so. I think it's appropriate we take our afternoon break at this time. We are going to take about a ten minute recess and be ready to start back shortly after 4:00. Please go to your jury room. Do not discuss the case amongst yourselves, but just relax about ten minutes and we'll send for you very shortly. You may go with the bailiff.

(WHEREUPON, the jury was removed from the courtroom at 3:51 p.m.)

THE COURT: Be ready to start back at five minutes after four. Let me see counsel before we take a break.

please.

(WHEREUPON, the jury was returned to the courtroom at approximately 4:08 p.m., and the following proceedings commenced in open court.)

THE COURT: Thank you, ladies and gentlemen, and we are now ready to proceed. The State will continue to present the State's case. Ms. Barr, you may call your next witness.

MS. BARR: The State calls Doctor Ellen Riemer.

THE COURT: All right, come around please.

WHEREUPON,

ELLEN RIEMER,

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

THE CLERK: Step around to the witness box.

DIRECT EXAMINATION

BY MS. BARR:

Q Good afternoon, Doctor Riemer.

A Good afternoon.

Q If you would, state your full name for us and spell your last name for us.

A It's Doctor Ellen Riemer, R-I-E-M-E-R.

Q All right. Doctor Riemer, tell us where you're employed.
A I'm employed at the Medical University of South Carolina as a forensic pathologist.
Q All right. Tell the jurors what a forensic pathologist is and what you do.
A A forensic can pathologist is a medical doctor, physician who specializes in evaluation of injuries to an individual and in order to determine cause and manner of death, perform autopsies, and then after completion of an autopsy I determine cause and manner of death.
Q And you are a licensed doctor?
A Yes.
Q How long have you been employed as a physician?
A So, I've been a physician since 1997.
Q All right. And how long have you been employed with the Medical University?
A For seven-and-a-half years.
Q Okay. And approximately, I don't expect an exact number, but approximately how many autopsies have you performed?
A Approximately 3900.
Q Okay. And you had occasion in your profession and career as a forensic pathologist to testify in

the courts, particularly the circuit courts in the State of South Carolina?

A On multiple occasions.

Q And you have been qualified as an expert witness?

A Yes.

Q In the field of forensic pathology?

A Yes.

Q All right.

MS. BARR: Judge, at this time we would tender Doctor Riemer as an expert in the field of forensic pathology.

THE COURT: All right. Voir dire regarding qualifications, Ms. Butcher?

MS. BUTCHER: Your Honor, I have no objection.

THE COURT: All right. The Court will qualify this witness as an expert in the field of forensic pathology. Ladies and gentlemen of the jury, let me tell you what that means. Ordinarily a witness' testimony is limited to those things which are ration based upon the perception of a witness or help for a clear understanding of the witness' testimony or to the determination of a fact in issue and do not require special knowledge, skill, experience, or training. However, if scientific

technical or other specialized knowledge will assist the trier of fact, and that's you in this case, to understand the evidence or to determine a fact at issue, a witness qualified as an expert by knowledge, skill, experience, training or education, may testify in the form of an opinion. So basically the difference between an expert witness and a nonexpert witness is that an expert witness is allowed to give an opinion whereas the non-expert witness would not be allowed to do so.

All right, Mr. Barr, you may proceed.

BY MS. BARR:

Q Doctor Riemer, if you would, please tell the jury what exactly is an autopsy? How do you go about performing an autopsy?

A An autopsy is a thorough external and internal examination of the body of a deceased individual. So it starts with observing the body externally and looking for anything that may be unusual or abnormal. And after complete and documenting anything that may be present on the body such as injuries or moles or anything and then after the external examination, an internal examination is performed which involves -- it's like a specialized surgical procedure whereby the, all of the

individual organs are examined including the brain and the heart and the lungs and all the individual organs are removed from inside the body to examine for any evidence of injuries or actual disease.

Q All right. And did I hear you earlier to say that with regard to autopsy you're trying to determine the manner and cause of death?

A Yes.

Q All right. Explain to the jury what the manner of death is, explain to the jury what the cause of death is?

A So, the cause of death would be why an individual died. So if there's a car crash and somebody has multiple injuries from a car crash and dies from the car crash, then the cause of death, the cause of death would be multiple injuries; and in that case, the manner of death would be an accident. If somebody dies of lung cancer, the cause of death is carcinoma of lungs and the manner of death would be natural because that's a natural death. So there's various manners of death that include natural, accident, suicide, homicide, and undetermined which if it cannot be determined what the actual manner is. So the manner is a classification limited to those categories: natural, suicide, homicide,

accident, and undetermined. And the cause of death is the specific reason why the person died.

Q And of course you performed an autopsy on the body of the victim in this case Mr. Joseph Brown?

A Yes.

Q All right. When did you perform the autopsy?

A On March 31st of 2014.

Q Just tell us very briefly how is it that the victim Mr. Brown came to be transported to Medical University of South Carolina for an autopsy? Who determines whether or not somebody gets an autopsy when they die?

A The coroner of the county in which the individual expired. So in this case the coroner of Williamsburg County called our office and requested that an autopsy be performed on Mr. Brown's body and so we accept, and then I did the autopsy that he requested and then after I was done and I wrote a complete report and he got the autopsy report.

Q All right. Now when the body of Mr. Brown came to the Medical University for you to perform your autopsy, tell me what specifically that you immediately noticed about the body?

A Well, it was obvious right away that there were gunshot wounds on the head.

Q Okay. Did you see any other signs of injury to the victim's body?
A No.
Q Okay. Only the gunshot wounds to the head?
A Yes.
Q Okay, all right. Now let me do this. I'm gonna get you to step off the witness stand for me. And I'm gonna publish some photographs and I'll ask you about them along with your examination of the body of the victim.
A Is it okay if I bring this with me just in case.
Q Absolutely. When you started the autopsy of Mr. Brown, tell the jurors what you did as you started performing your autopsy.
A Okay. Well, the first thing I did was document the clothing that he was wearing, and I do some basic measurements like the height and weight. I look, just look generally at the person's condition and their age, and then I'll do an x-ray. In this case I did an x-ray of the head because I saw that there were gunshot wounds to the head. An x-ray are helpful to help figure out which gunshot wounds are going where and what bullets remain in the body, if any.
Q Let me ask you this, you mentioned that you start

by taking the individual's height, weight, and you get their age.

A Yes.

Q All right.

A The age is provided by the coroner so.

Q All right. What was the deceased's height and weight?

A He was 70 inches in height which is six -- I'm sorry, 5'10", five foot ten inches, and 176-pounds.

Q And what information were you provided with regard to his age?

A I was told he was 87.

Q All right. I'm going to publish what's previously been admitted as State Exhibit Number 77.

A Yes.

Q All right. Tell the ladies and gentlemen of the jury what that particular exhibit depicts.

A So, as part of the autopsy I take photographs and this is an identification shot so every individual who gets, who I autopsy, I'll take a picture of their face before the commencement of the autopsy with an autopsy number so each deceased individual who gets an autopsy gets a unique identifier. So in this case it's FA14-190 so he was the 190th autopsy performed at the Medical University of South

Carolina in the year of 2014.
Q All right. So with regard to the bottom of that picture you got FA. You said that mean what?
A Forensic autopsy.
Q And number 1-4?
A That's the year 2014.
Q All right. And 190?
A Yes, 190 is the hundredth case. This is autopsy number 190 so this way we don't have to refer, you know, it helps for sort of filing information. And this way, if somebody has a common name like John Smith or even Joseph Brown, it's not gonna be confused with someone. Very frequently you have people with the same names.
Q All right. This is a frontal, a view of the face of the victim Joseph Brown?
A Yes.
Q All right. Now, I note in your report that you got three specific places of significance. I'm going a little bit out of order in which you have reflected in your report, okay.
A Okay.
Q All right. Let me show you State's Exhibit 78.
A Okay.
Q All right. Publish State's Exhibit 78. And

ma'am, you can feel free to use the pointer if you need to. Tell us what's depicted in that photograph.

A Okay. What is over here, this is an entrance gunshot wound. You see there's a defects on the left side of the face, and that's an entrance gunshot wound. And you can't really see the exit wound in this shot very well, but that is one of the total three gunshot wounds to the head. And this was one of the entrance wounds and that bullet went into the, went underneath the scalp on the left side of the head and behind the ear and then exited the back of the scalp behind the left ear.

Q All right, let me do this, let me get you to step in front of the jury just a minute for me. Specifically with regard to that injury, can you point on me where the bullet wound entered the victim's head, the one that we just talked about.

A Just about over here.

Q All right. So the area that you're pointing to would be on my left temple?

A Yes.

Q All right. And can you indicate to the jury as I turn to the side, to my left side, where that bullet wound exited or that bullet exited?

A Behind the left ear so it's basically going right underneath the skin, didn't go into the brain itself. It was underneath the skin and the muscle and went behind the ear and exited on the left ear.
Q All right. Would you have characterized that particular gunshot wound as fatal?
A No.
Q He could have survived that?
A Yes.
Q Okay, all right. We can go back here. Tell us about State Exhibit Number 79.
A Okay. So that's a photograph that I took of the same gunshot exit wound, but I reflected the left ear to show the exit wound behind the left ear. So we can, in this picture we can see both the entrance wound over here and the exit wound over here.
Q All right. Tell us about State's Number 80. Can we publish?
A Yes.
Q Okay.
A So now we're looking at the other side of the victim's face. This is the right side of the face. The other first gunshot wound we described was on the left cheek and exited behind the left ear. So this is another gunshot wound which is on the

prominence of the, above the right eye, the bony area above the right eye. That's an entrance gunshot wound.

Q While I'm facing the jury could you please point on me as to where that particular gunshot wound would have been sustained by the victim.

A About right here and to the right over there.

Q Right above the right eyebrow?

A Yes.

Q Okay. Was there a corresponding exit wound with regard to that gunshot wound?

A No, that bullet terminated in the body so it went through the bony area of the eye and then through all the sinuses of the face and the bony structures in the face and terminated in the left sternocleidal. That's the mastoid muscle which is that big, angular, muscle that you can see when you turn your head. So it's like over there, that's the sternocleidal muscle. So the bullet went through the bone behind the eye and then threw the back of the face and all the sinuses and terminated in that muscle on the left sternocleidal, the mastoid, which is on the left side of that so there's no exit wound for that particular gunshot wound; but instead, I recovered a bullet in the body.

Q All right. Let's talk about the third gunshot wound. I'm gonna show you State's Exhibit Number 81.
A Okay.
Q All right.
A And this is -- so far we went through two gunshot wounds, one to the left side of the face that exited behind the left ear; the other one to like the right eyebrow area that ended up in the left neck. And then this is the last of the three that we have which is the entrance wound was on the top of the head, and you can see the hole over there and it was slightly to right. And that bullet went through the scalp and then the skull and right through the brain, and the bullet broke up along the wound path and so there were fragments of a single projectile that were recovered in the skull base on the left side of the head and brain.
Q All right. Let's go back in front of the jury. Using me for demonstrative purposes, and I'm gonna, I'm taller than you so I'm gonna -- scoot down a little bit. Can you show the jurors where that third wound was.
A The third wound was very close to the top of the head, just slightly to the right, and that's going

in a downward, like if we just sort of follow that trajectory. And it didn't make it all the way through. It kind of got caught up in -- the brain is held up by a bone at the bottom, not just a bone at the top but it's kind of held up by bones at the bottom, and the bullet broke off along the one bath and got terminated in the left side of the skull base which is underneath the brain.

Q All right. You told us about x-rays that you took of the victim in this case to show how the bullets traveled.

A To show where they terminated in the body.

Q I'm sorry. And I'm going to show you State Exhibit Number 82.

A Okay, yes.

Q Publishing State's Exhibit Number 82, can you explain to the jury what's depicted in that photograph?

A Okay. So this is the bullet, the projectile, in the left side of the neck. We're looking at the profile. This is an x-ray of the profile of Mr. Brown so you can't, by looking at this you can't tell if it's on the right side or the left side, but that's of the bullet. We have a, we do an AP analog so we take a front, back, and side view and then we

put the pieces together and we can see where they are. So this is the one that terminated in the left muscle on the left side of the neck and then you ---

Q Hold on, let me ask you about that one, that one that you reported -- there's a glare on the screen.

A Yes.

Q This particular item here that I'm pointing to, that was one of the bullets that you recovered from the victim?

A Yes.

Q Can you correlate which gunshot wound resulted in the bullet being left, what looks to be the neck area, the sternum area of the victim?

A That was the bullet that entered the right eye wound area. And the reason I know that is 'cause I followed the wound path during my internal examination by actually taking the brain out and looking at all the injuries. I could see there's actual wound path through the brain so I'm not guessing which one ended up where.

Q Yes, ma'am, all right. Now tell us about any other items of significance on that particular exhibit.

A So here we have a cluster of fragments you can see and the kind of at the bottom this is the brain

and then this is the base of the skull in there coming stuffing a bone into the face of the skull. So they just stopped and they hit bone and the bullet rolled up so it didn't go any further than that, and I referred those pieces which together were one bullet.

Q Okay, all right. In terms of the fragments that you talked about that kind of broke apart, which particular gunshot wound resulted in that in the fragmentation?

A The bullet that was to the top of the head.

Q All right. Tell us about State's 83.

A Okay. So you know, an x-ray, an x-ray always shows two dimensions. In order to see if something is on it, you know, like in the previous x-ray we had a profile so we there was something in the neck but really didn't know just from looking at that x-ray whether it was the left side or right side but then we do a front back x-ray like from the front, and we can see that back bullet is actually on the left side. You see there's an R there. We have, we have a metal R and metal L so we can put it on every x-ray so we know which side is which.

Q And R means right, L means left?

A Yes.

Q Okay.
A So this is the bullet that was in the left, the muscle on the left side of the neck that started out on the right eyebrow area. And then this is the bullet -- it's interesting, from this angle it only looks like one, it's a little bit glary, but you know, they're lined up sort of in a line, so you know, we don't just see one. But the other view showed there were a few, you know, more than one fragment and not just the -- and that's the bullet that entered the top of the right side of the head and went down.
Q All right. Now did you remove the bullet and the fragments from the victim's skull, victim's brain, or the victim's body?
A Yes.
Q What did you do with them?
A I transferred them back to the investigator who was this case was Haley Quam.
Q All right. Showing you State Exhibit 84 and 85.
A Yes.
Q Let's do 84 first.
A Yes.
Q I'm publishing State's Exhibit Number 84. Tell the jury what that particular exhibit is.

A Okay. So, after I remove the bullet from the body I will take a photograph of it to show, and I label where it came from. So in this case we have the number FA14-190 so I know this is for Mr. Brown. This is the bullet from musculature of left neck so that's the bullet that was in the left side of the neck. We saw that on the x-rays, and I was able to recover it because I did the autopsy so I went inside to be able to examine it.

Q And I'm gonna publish State's 82. Can you see on the side view where that particular bullet is on the x-rays?

A So this is the bullet on the x-ray and this is the bullet after I removed it from the neck.

Q What kind of condition was it in?

A Well, it's deformed but it's in one piece.

Q All right. Tell us about State's 85.

A So, these are the three fragments of the projectile that consist of a bullet core. That's a core and this is a jacket that's on top of the covers of the projectile so they break apart and then this is an extra piece of projectile it looks like part of a jacket. So they were all clustered together in the left base of the brain and the skull area.

Q Okay. Ma'am, I'm going to show you what's previously been admitted as State's Exhibit 75. What I'll do is go ahead and open it. I'll ask you if you recognize the contents of State's Exhibit Number 75.

A Okay. So these are the envelopes that I put the respective projectiles in after I recovered them from Mr. Brown's body.

Q All right.

A So that's the labels just like I see in the photograph.

Q All right. So the particular exhibit that I've got published now is State's Exhibit Number 85, which is the bullet showing the picture of the bullet fragments. Is that what's depicted in one of the items in State's Number 75?

A Yes.

Q Okay. Can you show us where the jacket is and the other fragments are?

A Yes. So the jacket is the copper colored metal that's kind of thin, thin piece of metal. And this is a bullet core. And so some bullets, not all of them, are there's a core of bullet and there's a metal called the jacket; and so in this case the jacket was coppery colored and the core is like a

lead gray color.
Q All right. I'm gonna publish again 84 and tell me about the other envelope that's contained in State's 75.
A Okay. So this bullet remained in one piece when it went through the head, and I recovered that bullet from musculature of left neck, and there's the actual bullet and the envelope from the musculature of left neck.
Q All right. Thank you, ma'am. You can have a seat.
A (Complies.)
Q All right. You noted the, obviously three gunshot wounds to the head of the victim; is that right?
A Yes.
Q All right. Can you tell us anything about the trajectory of those bullet wounds?
A Yes. The gunshot wound that was to the top of the head, that's the one that ended in the left side of the base of the skull. That was everything we can describe as far as the direction through space is in three dimensions. So there's a right to left dimension in this case. This was from right to left and entered the top of the right side of the head,

terminated in the left side of the base of the skull. So right to left each, then it's going downward so things can go up or down or sometimes just straight; but this one had a downward trajectory and a little bit, it was going a little bit from the front toward the back slightly.

Q Okay. Now you've already ---

A Go ahead.

Q I'm sorry, you told us that the gunshot wound that entered the victim's left temple and exited behind his left ear, that that was not a fatal injury.

A That's correct.

Q He would have survived that?

A Yes.

Q Now I'm gonna call it the second gunshot wound, and I don't mean to indicate the order in which he received them; but for purposes of you know what I'm talking about, what I call the second gunshot wound, the particular wound that entered the right temple and you recovered the bullet from inside the victim, was that a wound what he would have survived or would that have been immediately fatal?

A What would potentially could have been fatal but not immediately.

Q All right. With regard to the entrance and exit wound on the victim's left side, would he had still been mobile once he sustained that gunshot wound?
A Yes.
Q All right. The bullet wound to the right temple of the victim, would he have been able to still be mobile once sustaining that gunshot wound?
A Yes.
Q What about the gunshot wound to the top of the victim's head?
A No, that would have caused immediate immobility and death.
Q Immediate immobility and death?
A Yes.
Q Other than the three gunshot wounds and based upon your own examination of the victim's body in this case, and your expertise, did you form an opinion as to what caused the death of Joseph Brown?
A Yes.
Q Okay, tell us about that.
A I determined multiple gunshot wounds.
Q Okay. Other than gunshot wounds to the victim, did you see any signs of any diseased process or anything else that could have potentially resulted in his death?

A No.
Q Was a toxicology report done for the victim?
A Yes. So, on every autopsy samples of blood are sent to the toxicology lab to test for any kind of alcohol or drugs that may be present, and a toxicology test was also done on Mr. Brown's blood that I recovered from the autopsy and it was negative for drugs or alcohol.
Q No drugs, no alcohol.
A Nothing.
Q All right. What I asked you earlier about starting your autopsy you were talking about his clothing and you noticed how he was dressed. Can you tell us specifically how the victim was dressed when his body arrived.
A Yes. He was wearing with a gray blazer, a blue shirt, blue pants with a black belt, a white undershirt, brown socks, and incontinence underwear.
Q What does that mean?
A It means somebody who urinates, basically adult diaper.
Q Okay. You told us about what caused the victim's death. What was the manner of his death in your opinion?
A Homicide.

Q Let me ask you some questions. I need you to come off the stand and stand right here for me. Let me have you, if you will, assume for me that the victim sustained these gunshot wounds while a driver, while he was driving his vehicle or in the driver's seat of his vehicle, all right. Can you assume that for me?

A Yes.

Q All right. Now specifically with regard to the top, the entry wound to the top of the head.

A Yes.

Q All right. You testified that the bullet path of that particular wound was what to what?

A It was from right to left and downward.

Q Right to left and downward?

A Yes.

Q Okay. If we assume that the victim was inside his vehicle when he sustained that gunshot wound to the top, and I'm just talking about the one to the top ---

A Yes.

Q ---is it plausible that he would have sustained that gunshot wound if he's in the driver's seat seated up in the driver's seat, there's no bullet holes or damages to the hood or the roof of the

vehicle? You understand what I'm saying?
A Yes. Well, could have been sitting in the driver's seat but his head would have had to have been tipped.
Q Okay. Assume for me, if you will, that the victim sustained the gunshot wound, the entrance wound on the left side, exit on the left side first.
A Yes.
Q Okay. And assume for me that the second wound that he sustained was to the right temple where the bullet lodged inside him.
A Yes.
Q All right. Is it possible that after having sustained those two injuries that the victim's body would have then slumped over on the arm rest in his vehicle ---
A Yes.
Q ---when he sustained the third gunshot wound to the top of his head?
A Yes.
Q All right. Okay, I'm about done, Doctor Riemer. Thank you so much. And specifically with regard to the manner of death being determined as homicide, tell the jury what you specifically mean when you say the manner of death is homicide.

A That the death was caused by the actions of another.
Q Okay. Now you don't have any direct knowledge of how this victim came to sustain these gunshot wounds, right?
A That's correct.
Q And you're not here to testify about anything related to how it happened, correct?
A Yes, ma'am, except that he was shot.
Q Yes, ma'am. I ask you one more question and I'll be done. If we assume for argument sake that the victim was shot twice, okay, let's just assume that the victim shot twice and he's still moving and then he's shot a third time, let's just assume that to be the case.
A Uh-huh.
Q What, if anything, does that tell you about the order in which he would have sustained these three gunshot wounds, if he's moving after the second shot?
A If he was moving after the second shot then the gunshot wound to the top of head would have been the terminal shot.
Q Thank you, Doctor Riemer. Please answer any questions that Defense counsel may have for you.

THE COURT: Cross-examination, Ms. Butcher.

MS. BUTCHER: Thank, you Your Honor.

CROSS-EXAMINATION

BY MS. BUTCHER:

Q Good afternoon, Doctor.

A Hi.

Q Now is it possible for you to determine the order of those shots?

A No.

Q Okay. Now Ms. Barr took you through a scenario where if she was sitting in the driver's seat and the victim, and was reaching for a glove box, could he have sustained the angles of gunshot wounds?

A Yes.

Q Okay. Same scenario but he was, the victim was sitting in the driver's seat and was reaching in this direction to have sex with a female beside him, could he have sustained those gunshot wounds?

A Yes.

Q Okay. And you can't determine with any reasonable amount of certainty or beyond any reasonable doubt, reasonable doubt, which scenario or what scenario took place, can you?

A No, I cannot.

Q Okay. How much did Mr. Brown weigh?
A 176 pounds.
Q Now when you say 176, would that have been his weight at the time that you did your autopsy? I guess what I'm asking is, would his weight have changed between the time of death and the time you did the autopsy?
A No.
Q Okay. Do you recognize this?
A Yes, that's a copy of my autopsy report.
Q This is your full report?
A Yes.
Q Okay.

MS. BUTCHER: Your Honor, I'd like to enter this as Defendant's Exhibit 3 I believe.

THE COURT: Any objection, Ms. Barr?

MS. BARR: Judge, I don't think it's proper to introduce the report. I think the doctor can testify about the report, but I don't think it's proper to introduce the report.

THE COURT: Come up.

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

THE COURT: Mark it as an exhibit, but I'm gonna sustain the objection. I.D. only.

(WHEREUPON, Defense Exhibit No. 3 was marked for identification only.)

BY MS. BUTCHER:

Q Now your autopsy, it does not indicate who shot Mr. Brown, does it?

A That's correct.

Q And it does not indicate who was present at the time of his death, does it?

A That's correct.

Q Thank you. No further questions.

THE COURT: Redirect, Ms. Barr?

MS. BARR: No, Your Honor.

THE COURT: All right. Thank you, Doctor. Thank you for coming.

Would you like to have the witness excused?

MS. BARR: Please, Judge.

THE COURT: You are excused.

THE WITNESS: Thank you.

THE COURT: Counsel, come up, let's talk just a minute about scheduling.

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

THE COURT: You may call your next witnesses, Ms. Barr.

MS. BARR: May it please the Court, the State calls Agent Chad Smith.

THE COURT: Go around to be sworn, sir.

THE CLERK OF COURT: Place your left hand on the Bible, raise your right hand.

WHEREUPON,

CHAD SMITH,

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

THE CLERK OF COURT: Step around to the witness box.

DIRECT EXAMINATION

BY MS. BARR:

Q Good afternoon, sir.

A Good afternoon.

Q Thank you so much for your patience today. Tell us your full name for me.

A Chad Smith.

Q Mr. Smith, you were subpoenaed to testify in this case?

A Yes, ma'am.

Q Tell the jury, introduce yourself, tell them where you work and tell name what you do for a living.

A I'm employed by the South Carolina Law

Enforcement commonly known as SLED. Specifically I work in SLED'S forensic services laboratory in Columbia, and I work in the firearms department of the services laboratory.

Q Okay. How long have you worked at SLED?

A It will be eight years in November.

Q Okay. Give us an idea what you do day to day with State Law Enforcement Division.

A The majority of what I do is examination of firearms, firearms evidence such as ammunition components, fired ammunition components such as bullets and cartridge cases. The majority of my examinations are trying to determine if they, specific ammunition component was fired by a particular firearm.

Q All right. And prior to today you've had occasion to testify in general sessions court or circuit court in South Carolina?

A Yes, ma'am.

Q And you've been qualified as an expert witness?

A Yes, ma'am.

Q All right. And specifically within the field of firearms identification?

A Yes, ma'am.

MS. BARR: Judge, at this time we tender

the witness as an expert in the field of firearms identification.

THE COURT: Any objection?

MS. BUTCHER: None, Your Honor.

THE COURT: All right. The witness will be qualified as an expert in the field of firearms identification. Ladies and gentlemen, again, I will tell you that a witness who is qualified as an expert can testify to an opinion whereas a witness who is not an expert normally cannot give an opinion; and I have qualified this witness as an expert in the field of firearms identification.

You may proceed, Ms. Barr.

MS. BARR: Yes, sir.

BY MS. BARR:

Q Mr. Smith, of course you were asked to analyze certain items of evidence that were submitted by Williamsburg County Sheriff's Office in connection with the murder of Mr. Joseph Brown?

A Yes, ma'am.

Q I'm gonna hand you what's been admitted as State Exhibit Number 75. You recognize that; don't you?

A Yes, ma'am. This is the envelope containing the evidence that was submitted for testing.

Q And this was from the autopsy of Mr. Brown?

A Yes, ma'am. The packaging on the containers indicate it was from autopsy.
Q All right. Tell us how you began your examination and analysis of State's 75.
A Well, what was submitted was a fired bullet which is in tact, and also, I received several fired bullet pieces, specifically that was the core, which is the inside part of the bullet and two fragments of the bullet jacket which is the outer part of a fired bullet. And what I try to do is to determine what caliber the specific bullets were and if they were possibly fired by the same firearm.
Q Okay. Were you able to do that in this case?
A Yes, ma'am.
Q Tell us about that.
A The fired bullet which is my item 79 in my report was mostly consistent with being a 38 special or 357 magnum caliber bullet, and that's based on its diameter, you know, how big the round is and also other physical characteristics of the bullet itself.
Q All right. Before you tell me about the fragment can you give me a little information about the potential manufacturers of that particular 38?
A The firearm?
Q Yes, sir?

A What we do is, we look at the markings on the bullet and a bullet that's fired from a rifled barrel -- you may have hard that term before. It basically what rifling is is, barrel manufacturers put in so called rifling imparts a spin on the bullet as it's traveling down the barrel. Now that spinning motion imparts impressions on the bullet itself. We can use those impressions, measure them, how many impressions there are, the direction and twists of those impressions, and put them in a database that we have and it comes up with a list of potential manufacturers that could have fired that particular bullet. And so I was able to in my report generate a list of potential manufacturers in both 38 Special and .357 Magnum calibers.

Q Okay. And in the terms of your report which specific manufacturers do you list as with regard to a weapon that would have fired that bullet?

A There's a number of manufacturers here.

Q Okay.

A I've got Arminius, Bellmore, Crescent, BJT, Burgo, Charter Arms, Cheyenne, Dixon, Dekota, Liberty Arms, Pick, RG Industries, Romm, and Ruger for a 38 special caliber.

Q All right. Let me stop you there for just a

moment. I'm going to remove the contents of what's been previously marked as State's Exhibit Number 73 and just ask you real quick, did I understand you to say one of the potential manufacturers of a firearm that might have resulted in that bullet was Charter Arms?

A Yes, ma'am.

Q All right. I'm gonna remove the contents of number 73. Have you ever seen this particular that I removed? Not seen the actual item, but does it look like an item that you're familiar with with regards to your profession?

A Right, it's a factory firearms container.

Q Okay. And with regard to what I just removed from that particular exhibit, do you recognized any of the manufacturers as being among possible manufacturers noted in your report that may have fired that bullet, the firearm that may have fired that bullet?

A Yes, ma'am. This is a box for a Charter Arms undercover, which is the model, 38 special revolver.

Q Okay. Now tell me about your analysis with regard to the bullet fragments.

A The fragments, I wasn't able to determine specific caliber because of the damage of the

fragments themselves. I was able to determine that the two fragments were once part of the same bullet jacket, bullet jacket. There were still some fragments missing from the whole thing, but I was able to determine both of these two jacket fragments were once part of the same piece. And I was able to determine that both the jacket fragments and the fired bullet of the other item were fired by the same firearm.

Q They were fired by the same firearm?

A Yes, ma'am.

Q All right. Now in terms of being fired by the same firearm, was SLED ever -- was a firearm ever submitted for SLED to analyze and compare with regard to the bullet and the bullet fragment in this case?

A No, ma'am.

Q Is that unusual?

A It's not unusual. We receive just bullets by themselves to compare amongst them together and try to determine what particular firearm could have fired it. So sometimes we get firearms; sometimes we don't.

Q Okay. Of course, if a firearm is never recovered it's never given to you to analyze.

A Right.
Q Tell us a little bit about how a 38 revolver, 38 caliber revolver, would operate in terms of firing mechanism.
A A revolver is the type of firearm which has what's called a cylinder. You may be familiar with like the old cowboy movies, things like that. The revolvers were common in those types of films. What happens is the revolver has a number of chambers drilled through it, and so the chambers actually hold the cartridges and the action itself can either be double action or single action of the revolver. Single action means you have to actually cock the hammer with your thumb and then pull the trigger so the only thing the trigger does is actually just release the hammer. But there's a double action revolver where you can pull the trigger and at the same time the hammer goes back and then pull the trigger far enough it releases so the trigger does double of the work. So there's those two types of revolvers, which of course, I didn't see the revolver to compare it to.
Q Can you tell me the difference between a revolver and a semiautomatic handgun?
A Semiautomatic uses a what's called a magazine so

you load your cartridges in the magazines. The magazine is inserted into the semiautomatic pistol and so the cartridges loaded into the chamber and pull the trigger and the action of that expansion of the cartridge case itself blows the slide or whatever mechanism you have, backwards and extracts and ejects the fired cartridge case. On the way forward it strips another cartridge from the magazine into the chamber so it's basically a machine that just puts all the actions of a firearm into one mechanism.

Q All right. So if a semiautomatic firearm would have been used and fired, you would expect to have shell casings eject to, is it the left of the firearm?

A Depending on how you hold the firearm and how the firearm was manufactured, typically cartridge cases eject out to the right, but some do to the left as well.

Q All right. And with regard to the casings on a revolver how would that work?

A You have to manually -- actually when you fire all the cartridges in that chamber or in that cylinder you have to open it up and actually manually take out those cartridges, those fired

cartridges,and actually load new ones in so it doesn't automatically do it for you.

Q So we're assuming that the weapon used in this case was a revolver, and there was testimony that the victim shot using a revolver. Would you expect to find casing at the scene?

A Usually not, not unless they needed to reload their revolver or if there was something wrong with the revolver or dropped the revolver in cases it opened up and casings fell out. But typically you don't find cartridge cases from a revolver at the scene.

Q All right. Mr. Smith, thank you, I believe that's all the questions that I have. If you will please answer any questions Defense counsel.

THE COURT: Cross-examination, Ms. Butcher?

MS. BUTCHER: Thank you, Your Honor.

CROSS-EXAMINATION

BY MS. BUTCHER:

Q Good afternoon.

A Good afternoon.

Q Now you would agree a person could actually pick up the cartridges off the ground?

A Yes, ma'am.

Q So you have no real way of knowing if a revolver was used or a automatic, correct?
A That is true. Most of the time a 38 special caliber or 357 magnum caliber is a revolver cartridge. There are some that can fire that, but typically it's a revolver cartridge.
Q Okay. And also, this, the bullets, they could go into a 38 or a 357, correct?
A Yes, that is correct. I couldn't actually tell if they were 38 special or .357 Magnum because both of those calibers use the same diameter of bullet.
Q Okay. So additionally, you were shown the box ---
A Yes, ma'am.
Q ---that was found in the trunk of the victim's car, correct?
A Yes.
Q And just 'cause I don't have gloves on I'm not gonna take it out; I think we've all seen it enough. You can't actually connect these bullets to any specific gun, can you?
A Right, now without having a gun to compare it to.
Q So you really can't say the gun that came from the box in Mr. Brown's car was actually the one used in this crime, correct?

A Correct.
Q Okay. And the bullets that you examined, they provide us no evidence of who the shooter was in this case, do they?
A No, ma'am.
Q Or who was present at the time Mr. Brown was shot?
A No, ma'am.
Q Thank you. No further questions.
THE COURT: Redirect?
MS. BARR: Just one quick question.

REDIRECT EXAMINATION

BY MS. BARR:
Q Mr. Smith, unless you were present at a shooting when it happened, would you have personal knowledge one way or the other as to who shot the victim?
A No, ma'am.
Q All right, that's all I want to know. Thank you, sir?
THE COURT: Anything further, Ms. Butcher?
MS. BUTCHER: No, Your Honor.
THE COURT: All right, thank you. You may step down.
Would you like to have witness excused?
MS. BARR: Please, Your Honor.

present the evidence from the State's standpoint.

Ms. Barr.

MS. BARR: Thank you, Your Honor. At this time the State would call Tyler Sturkie.

Mr. Sturkie.

THE CLERK OF COURT: Place your left hand on the Bible, raise your right hand.

WHEREUPON,

TYLER STURKIE,

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

THE CLERK OF COURT: Have a seat in the witness stand.

THE COURT: Come around please, sir.

MS. BARR: May it please the Court.

DIRECT EXAMINATION

BY MS. BARR:

Q Good morning, Mr. Sturkie.

A Good morning.

Q Would you state your full name for us and spell your first and last name?

A Tyler Sturkie, T-Y-L-E-R S-T-U-R-K-I-E.

Q All right. And sir, tell the ladies and gentlemen of the jury where you're employed and what you do for a living.

A I am employed by the South Carolina Law Enforcement Division, commonly known as SLED, in the forensic services laboratory.
Q All right. What do you do in the forensic services laboratory?
A I work in the trace evidence department and I am a gunshot residue and fire debris analyst.
Q All right. Will you give us a little bit of information about your educational background and your training?
A I attended Newberry College and received a bachelor of science and chemistry. When I was hired by SLED I began a year long training program in the analysis of gunshot residue. This included written and practical examinations. I was assigned a training officer from which I learned to work a case from receiving evidence to generating a final report. I also attended outside training courses at the Hooke College of Applied Sciences where I attended courses titled gunshot residue identification, scanning electron microscopy and advanced x-ray analysis.
Q And you've had occasions, Mr. Sturkie, have you not, to have been, had the opportunity to testify in courts of general sessions in South Carolina

previously?
A Yes, I have.
Q And you've been qualified as an expert witness.
A Yes, ma'am.
Q What particular field?
A Gunshot residue analysis.
MS. BARR: Your Honor, at this time I tender the witness as an expert in the field of gunshot residue analysis.
THE COURT: Ms. Butcher?
MS. BUTCHER: No objection.
THE COURT: The court will qualify this witness as an expert in the field of gunshot analysis. Ladies and gentlemen, again, I would remind you that once a witness has been qualified as an expert that witness may give an opinion. Normally a witness who is not an expert can only testify to those matters that are within their perception; but if a witness is qualified by experience, training, or education they may be and qualified as an expert, they may give an opinion. So I have qualified this witness as an expert in the field of gunshot residue analysis.
All right, Ms. Barr.
BY MS. BARR:

Q Mr. Sturkie, if you would, kind of just tell the ladies and gentlemen of the jury what is meant by gunshot residue and how one goes about finding gunshot residue.

A Gunshot residue, or known as GSR, is the, is composed of the burned and unburned particles from the primer, the propellant, and the projectile of a firearm that has recently been discharged. This can also include any residual particles from the firearm itself. Gunshot residue particles are small, micrometer size, particles that are molten or round in shape and contain the elements of lead, barium and antimony.

Q All right. Describe for us, if you would, what would happen when an individual fires a firearm and how the s gunshot residue is disseminated.

A When a firearm is discharged gunshot residue will exit from any opening of that firearm, whether it's muzzle ends or the ejector port. Any opening in the gun, gunshot residue will potentially escape from that gun. Gunshot residue will then land on anything within the vicinity of that discharge. When gunshot residue was found in my analysis one of three things can give you that reason as to why the gunshot residue is present. One, is the subject

fired the firearm. Two, is that subject was in the vicinity of the discharge of the firearm. Or three, that subject touched an object that previously had GSR on it.

Q Okay, all right. You had an opportunity to assist the Williamsburg County Sheriff's Office with regard to analyzing a couple of GSR kits in this case?

A Yes, ma'am.

Q I'm gonna hand you what's's previously been admitted as State's Exhibits 72 and 74 and tell the jury if you recognize these particular exhibits.

A State's Exhibit 72 I have as SLED'S lab number L14-04204, item number 25; and State's Exhibit 74 is SLED'S lab number L14-04204, item number 26.

Q Okay. And tell the jury what those two items are.

A Item number 25 is a GSR kit from Jessica Jackson and item 26 is one GSR kit from Joseph Brown.

Q And you performed the analysis on both of those kits?

A Yes, I did.

Q Tell the jury about your results.

A For item 25, for item 25 one GSR kit from Jessica Jackson, the right hand results include particles of

gunshot residue, particles consistent with gunshot residue and particles associated with GSR were found.

Q All right. Let me ask you this, you said with regard to Ms. Jackson that was on her right hand?

A Yes, ma'am.

Q All right. What about analysis of GSR on the left hand?

A Typically when we receive GSR kits they are composed of four lifts: the right palm, the right back, the left palm, and the left back of a person's hands. When we generate a report we include right palm and right back as the right hand, and left palm and left back for the left hand. The results go out as a combination of the right palm and right back for the right hand and the same for the left hand. For the right hand of Jessica Jackson particles of gunshot residue, particles consistent, and particles associated with gunshot residue were found; and for the left hand, no analysis was performed. The particle lifts were not collected from the left palm and left back of this particular item.

Q Okay. And Mr. Sturkie, if an individual had sustained a wound to, in this case Ms. Jackson to her left thumb or left-hand, and was in a cast,

would you expect in terms of your training and your understanding how gunshot residue analysis works: Would you expect to have a GSR kit on the left hand if it were in a cast?

A If, if there -- I'm not on the scene so I'm not allowed to see or say who or what can or cannot be collected. If particle lifts were collected from a cast as Ms. Barr said, then I would be obligated to analyze those lifts. In this case left palm and left back lifts were not collected; therefore, I did not analyze those.

Q Now with regard to the presence of GSR on someone's hands, can you, as an expert in this field, tell us whether or not that indicates that a person fired a weapon or was in the vicinity of when a weapon was fired, or handled a weapon that had recently been fired? Can you tell us which one of those three scenarios occurred?

A I cannot definitely say which one of those three scenarios.

Q Okay. Tell me about the second GSR, if you would.

A Item 26, one GSR from Joseph Brown. The results were particles of gunshot residue were found.

Q Found where with regard to Mr. Joseph Brown?