

VOLUME I OF II

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Edgefield County

Eugene C. Griffith, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

EDWARD TERRELL CHANDEER

APPELLANT

APPELLATE CASE NO 2016-001554

RECORD ON APPEAL

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State of South Carolina
County of Edgefield

Court of General Sessions

State	)	
	)	
	)	Transcript of Record
v.	)	2016-GS-19-00378
	)	2016-GS-19-00381
Edward Terrell Chandler	)	2016-GS-19-00383
	)	
<u>Defendant.</u>	)	

July 14, 2016
Lexington, South Carolina

B E F O R E:

The Honorable Eugene Griffith, Judge.

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

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Attorney for the State

Eric Driley, Assist. Public Defender
Attorney for the Defendant

Bethanie K. Creppon
Circuit Court Reporter

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1 (The following proceedings were held July 14,
2 2016.)

3 MS. MAYES: Your Honor, what we have is a case
4 out of Edgefield County, The State vs. Edward
5 Chandler. He's currently charged in Edgefield
6 County with burglary first degree, criminal sexual
7 conduct first degree, kidnapping, and robbery.

8 And this is a case that we anticipated for
9 trial next week; however, within the last 48 hours,
10 we've received a written motion from Mr. Chandler, a
11 motion to relieve counsel. That would be the first
12 prong of his motion. He's currently represented by
13 Mr. Eric Driley of the Public Defender's Office.

14 And then the second prong of his motion is that
15 he intends to proceed pro se. The State has a lot
16 of concerns about this situation at this stage, Your
17 Honor, because we're less than a week away from his
18 anticipated trial date. And I'm going to go ahead
19 and pass up to Your Honor -- pursuant to Blair, I'm
20 going to go ahead and pass up a copy of a mental
21 evaluation that was conducted on Mr. Chandler
22 September 24th, 2015. At least that's the date that
23 we received the report.

24 THE COURT: All right. Ms. Mayes, I know you
25 really don't have a dog in the fight other than

1 calling the case, so let me hear from the gentlemen
2 over here, and I'll hear from Mr. Chandler
3 momentarily. Your concern is you want to make
4 certain he's afforded a fair trial. Gentlemen, tell
5 me what's going on.

6 MR. DRILEY: Thank you, Judge. Eric Driley
7 from the Public Defender's Office. Mr. Chandler has
8 told me that he wants to represent himself and
9 proceed pro se. Essentially, he was evaluated, but
10 he was found competent. He states he wants me to
11 serve as standby counsel, but that he wants to
12 represent himself. I've explained to him the
13 dangers, I've told him that it's not a wise decision
14 to represent yourself in a trial, but he is quite
15 adamant that what he wants to do is represent
16 himself.

17 I asked him if he wanted another lawyer to see
18 if that was an avenue that we could pursue. He
19 says, no, I don't want another lawyer, I want to
20 represent myself, and I want to proceed pro se. But
21 he did tell me yesterday -- I talked to him for a
22 while -- that he wants me to serve as standby
23 counsel.

24 THE COURT: Is that -- would that be someone
25 who would be at the table with him to advise him on

1 the procedures and, perhaps, roles and the assisting
2 in the selection of the jury? Is that what he means
3 by standby counsel?

4 MR. DRILEY: That's what we've talked about and
5 that's exactly what I've told him. And I've told
6 him all strategy is left up to him, I can't help him
7 with strategy or --

8 THE COURT: Okay. I was called on to do that
9 one time for a gentleman, I remember, and that's
10 what I was tasked to do by the judge, is what I just
11 described to you.

12 MR. DRILEY: Exactly, Your Honor. Judge, I've
13 gone over the dangers with him, and he's telling me
14 that is what he wants to do. He's filed a written
15 motion, and I'm sure he wants to address you.

16 THE COURT: Okay.

17 All right. Mr. Chandler, I'll tell you the
18 story when I represented a gentleman in Newberry and
19 he was representing himself. And he did fairly
20 well, except the fact that he was -- he had a bad
21 knee and he couldn't run.

22 And one of his defenses was, I didn't rob the
23 store and get two miles away because I got a bad
24 knee, I was two miles away the whole time. And what
25 got him convicted was he switched his limp; he went

1 from his right leg to his left leg. And he got
2 convicted, even though I helped him. And so I'm
3 just telling you that story as a concern; he felt
4 confident, but in the middle of the trial, he forgot
5 which knee he had hurt.

6 Anyway, I'm not trying to discourage you. What
7 I'm telling you is that everyone that I've seen in
8 court generally needs disinterested, independent
9 advice and counsel, because sometimes you get so
10 caught up in the emotion of defending yourself, you
11 can't see the forest through the trees.

12 And that's where Mr. Driley and every other
13 lawyer -- I mean, this is not the first time I've
14 been asked, when I tell you I've done it before
15 myself as a lawyer. I've handled pro se cases as a
16 judge. And guiding pro se litigants through a
17 trial, it's a tough road to hoe, because Ms. Mayes
18 has been practicing law 25 years this year, I
19 believe.

20 She's got a little more experience than you do,
21 and she doesn't need to review the rules; she's got
22 it because she's done it so long. And if she can
23 take advantage of you, she probably will. Okay?
24 That's her job; she's advocating for the State. I'm
25 not saying she's going to trick you and push you in

1 the mud, but she can't tell you the rules, and
2 neither can I. I can guide you around the rules,
3 but having the lawyers sitting there with you and
4 handling the case, it's to your advantage and not
5 your disadvantage.

6 Now, stand up and let me hear from you. Now
7 that I've given you my spiel, I want to talk to you
8 a little bit.

9 THE DEFENDANT: Yes, sir. I wanted to
10 represent myself. I understand everything that
11 y'all are saying. And, I mean -- I mean, I just
12 want to represent myself, sir.

13 THE COURT: Are there any defenses in this or
14 is this just a -- generally on a CSC, it's a
15 he-said-she-said type of situation. Is there any --
16 Mr. Driley, are there any defenses, any alibi,
17 anything like that going on?

18 MR. DRILEY: There's no technical legal
19 defenses.

20 THE COURT: Okay. That's what I want to know.

21 So you understand what the jury is going to be
22 tasked with doing? The jury is there and they're
23 going to sit in a box similar to this. I've not
24 been to Edgefield in a while. But what a jury is
25 going to do is listen to everything presented,

1 consider the evidence, consider the testimony, and
2 then weigh the evidence and make a decision on
3 whether or not the State's proved, beyond a
4 reasonable doubt, the elements of each and every
5 crime that you're accused of doing. With that in
6 mind, tell me a little more about why you want to do
7 this.

8 THE DEFENDANT: The reason I want to represent
9 myself, because I understand that I don't have
10 the -- much experience, but this case is -- it's
11 more of a common sense.

12 THE COURT: Okay.

13 THE DEFENDANT: It's not -- it doesn't have all
14 the technicality. It's common sense.

15 THE COURT: Okay.

16 THE DEFENDANT: And I feel I can get to --

17 THE COURT: Are there any experts that will be
18 called, like maybe the interviewer -- the forensic
19 interviewer?

20 MS. MAYES: Yes, sir, Your Honor. There are
21 multiple experts. This is an extremely serious
22 case. It's a home invasion where the 82-year-old
23 victim was sexually assaulted and robbed and left
24 tied up. The defendant was caught later that same
25 morning. She's an acquaintance because he's a

1 neighbor, and she was able to identify him.

2 THE COURT: Okay. Tell me the experts you're
3 going to call.

4 MS. MAYES: The experts we anticipate, Your
5 Honor, include a digital media expert, an expert on
6 vehicle identification; there's another expert
7 regarding ropes and ligatures, and then we're going
8 to have a SANE nurse, which is sexual assault nurse
9 examiner, to testify about the forensic testimony; a
10 DNA expert, a serology expert, a toxicology expert
11 from the State Law Enforcement Division, and a
12 latent prints expert.

13 THE COURT: All right. I didn't know she was
14 going to have more than two or three. She named
15 off, I think, six or seven. Some of them are
16 scientific, meaning the serology and the DNA,
17 matching blood and DNA things.

18 Did you say fingerprints?

19 MS. MAYES: Latent prints.

20 THE COURT: Latent prints, so a fingerprint
21 expert; a media, meaning computer, IT person, would
22 testify about something, I don't know if it's off a
23 computer or a cell phone, but that kind of thing.
24 Have you done research and prepared yourself to deal
25 with the experts? Because like you said, you

1 thought it was more common sense. When you get
2 expert testimony, you get more in expert arenas, and
3 that would concern me if I were defending anybody
4 that had that type of defense.

5 THE DEFENDANT: Yes, sir. I understand. I
6 understand the -- I understand.

7 THE COURT: Okay.

8 MR. DRILEY: Judge, if I may jump in here for a
9 minute. Two of those experts are news to me in that
10 I hadn't received any disclosure that they were
11 calling, I think, a cell phone -- or a media IT
12 expert or a car identification expert.

13 The serology, the knot-tying, the DNA, and the
14 latent fingerprint were disclosed about a week and a
15 half ago, but two of those were news to me. So he
16 can't have -- and I'm just saying for him, he can't
17 have researched two of those if I haven't even found
18 out about them yet.

19 THE COURT: Okay.

20 All right. You see how the issues come up
21 quick? You tell me you're ready, but then your
22 lawyer tells me that Ms. Mayes hadn't told y'all
23 about those yet until just now when I asked her.
24 And she's got to tip her hand a little bit to tell
25 you these are my potential witnesses, so that

1 becomes a legal issue.

2 THE DEFENDANT: Yes, sir. I understand that.
3 But I -- I know what she's talking about and I know
4 what -- where we're heading with that.

5 THE COURT: Okay.

6 THE DEFENDANT: I know what -- I've studied
7 this case, Your Honor, day and night. I don't go to
8 sleep sometimes, Your Honor.

9 THE COURT: How old are you?

10 THE DEFENDANT: Twenty-eight.

11 THE COURT: How far did you go in school?

12 THE DEFENDANT: I did a year and a half in
13 college.

14 THE COURT: Okay.

15 MS. Mayes, he has a prior record?

16 MS. MAYES: Yes, sir, Your Honor, he does. And
17 he has been through a previous general sessions
18 trial. However, in an effort to protect all
19 parties, the State does not oppose the appointment
20 of subsequent counsel in this case. My
21 understanding is that there is a conflict concerning
22 strategy or approach between Mr. Chandler and
23 Mr. Driley that led to this.

24 THE COURT: Is that a fair -- you told me you
25 talked to him yesterday.

1 Mr. Chandler, tell me that. Obviously, you got
2 to generate or fashion some sort of strategy to
3 defend yourself, and the way you're talking to me,
4 it appears that you have done just that. You're
5 approaching it on the general common sense thing and
6 that's what you plan to present, is common sense
7 follows this and that.

8 Now, Mr. Driley, did he have a different
9 strategy that you didn't agree with?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And is that what led to your
12 direction in trying to represent yourself and let
13 him just help you and advise you procedurally?

14 THE DEFENDANT: Yes. And it was -- it was a
15 couple other things. But it was just -- I felt that
16 I know -- I know -- I've looked at my discovery and
17 I've seen things that I have to show him
18 sometimes --

19 THE COURT: Okay.

20 THE DEFENDANT: -- and it's because I'm working
21 day and night. And I understand he has a
22 caseload --

23 THE COURT: Now --

24 THE DEFENDANT: I understand that.

25 THE COURT: All right. Now, assuming, for the

1 sake of this hearing today that I determine that you
2 are able to represent yourself, but I require
3 Mr. Driley to stay at the counsel table with you and
4 advise you procedurally. Are you going to be ready
5 to start this trial Monday when the jury selection
6 commences? I can't remember whether the jury is
7 coming in Monday morning or Monday afternoon.

8 MS. MAYES: Monday morning.

9 THE COURT: And there's some other election
10 case that's being assigned to me that's not related
11 to this -- it's a civil case from Saluda -- that
12 I've got to hear because Judge Keesley cannot. Has
13 that been scheduled around this? Is it Monday
14 afternoon?

15 MS. MAYES: I believe it is, Your Honor.

16 THE COURT: All right. So what it sounds like
17 to me is jury selection Monday morning, and that
18 would take probably a couple hours because we got to
19 qualify the jury, determine who is able to be
20 called, potentially, and then the voir dire of the
21 jury, which you'd have the opportunity to -- and
22 Mr. Driley can explain that to you -- is being more
23 focused questions on who are the witnesses, who are
24 the parties, who are the lawyers, anybody related to
25 them, kin to them, close friends with them, that

1 kind of thing, and if they can be fair and impartial
2 to both sides. So those questions come second, and
3 then you select the jury. You going to be prepared
4 to do that Monday?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Ms. Mayes, you got any other
7 concerns? I mean, I'm kind of --

8 MS. MAYES: Yes, sir, Your Honor. If the -- I
9 passed up a copy of the mental health report.

10 THE COURT: Yes, ma'am.

11 MS. MAYES: Our concerns are that, pursuant to
12 Faretta, any waiver would have to be knowing and
13 intelligent, and then secondly, he'd have to
14 understand the dangers of self-representation and
15 the record would have to be properly safeguarded in
16 that -- to that extent.

17 And according to the mental evaluation report,
18 he has a history of mental health issues, including
19 inpatient treatment. We don't have access to those
20 records and the Court doesn't have access to those
21 records. It also notes that he reports hearing
22 voices.

23 Your Honor, there's also a notation concerning
24 IQ or IQ -- I don't know if that's a standardized
25 test or how they reached the conclusion, but that's

1 also a concern as it relates to whether he'd be able
2 to make a knowing and intelligent waiver, and then
3 an understanding pursuant to Faretta. So we believe
4 that those records would need to be accessed. Of
5 course it requires a court order. I do believe they
6 would be in the possession of the Department of
7 Mental Health.

8 Secondly, Your Honor, the evaluation was
9 conducted almost a year ago. And this Dr. Swan --
10 we issued a subpoena, but we have been unable to
11 locate her. Apparently she's no longer employed at
12 the Department of Mental Health, so we haven't been
13 able to actually serve her with a subpoena.

14 But we believe a full Blair hearing would need
15 to be on the record to ensure that her findings back
16 in September of 2015 would still be her findings
17 today, and she would also need to conduct an
18 orientation assessment to ensure his mental status
19 has not changed.

20 We just don't feel that all of this can be
21 achieved by Monday or even Tuesday. We would need
22 to locate that expert, the examiner, and we'd also
23 need to obtain his records or at least give the
24 Court an opportunity to fully review his records.
25 Our concern is that the case may potentially come

1 back on us, considering what's set forth in his
2 mental evaluation.

3 I do recognize they found him competent, but my
4 concern is some of the other issues that are noted
5 there by the examiner, particularly that we know he
6 has the history of mental health issues, and that
7 included inpatient treatment. We don't know what
8 his diagnosis was. But the hearing voices is
9 concerning that it may be -- it may be something
10 that would certainly affect his ability to
11 appreciate or understand the requirements pursuant
12 to Faretta.

13 The next term of court, Your Honor, in
14 Edgefield is October 10th. You are presiding.

15 THE COURT: So either way, he's not
16 judge-shopping.

17 MS. MAYES: Correct, Your Honor. And we would
18 have an opportunity to locate this examiner,
19 Dr. Swan. We could set aside a full day at some
20 point where we would have the examiner available to
21 conduct an orientation assessment, ensure that his
22 mental status is still the same, conduct a full
23 Blair hearing, and then conduct a full Faretta
24 hearing with the advantage of all of his mental
25 health records and history.

1 THE COURT: Okay. Mr. Chandler, what do you
2 think about that? You see what she's saying? She's
3 not telling you no, but let's get all of the pieces
4 up, have you -- the examiner who provided this come
5 back and talk to you again, make certain you're
6 still in good shape. You appear to be today to me,
7 just by looking at you, but since it was over a year
8 ago, kind of updating that, giving you a chance to
9 fully appreciate what you're asking the Court to do.
10 How does that strike you?

11 THE DEFENDANT: Your Honor, sir, I've been
12 incarcerated 17 months with no bond. My bond was to
13 be set this Thursday coming for \$100,000. And I've
14 been constantly put off for bond because of these
15 things; first it was the DNA issue, but it wasn't
16 really that because when it came -- they asked for a
17 Schmerber hearing the first bond --

18 THE COURT: Right.

19 THE DEFENDANT: -- and he said that they had
20 time to do a Schmerber hearing by the next court
21 term or I could move for another bond. And when
22 they came back, they didn't really need a Schmerber
23 hearing because there was nothing to test.

24 So now -- now he said that if they would go to
25 court this court term, my bond was set. He set it,

1 I have the bond order, Judge Frank Addy, Jr. I will
2 ask because I have kids and I take care of my kids,
3 and I would -- I would ask to not be sitting,
4 because this is important.

5 THE COURT: No question it's very important.

6 THE DEFENDANT: I've been sitting -- I've been
7 sitting a very long time, Your Honor, and things
8 have changed in this case. This DNA has changed.

9 THE COURT: DNA has changed?

10 THE DEFENDANT: DNA has changed. They found
11 nothing, Your Honor.

12 THE COURT: Okay. That's different.

13 THE DEFENDANT: I understand, Your Honor.

14 And -- but my bond issue, I don't have no reason to
15 come in the town of Johnston. She lives -- I
16 understand that she lives in Johnston --

17 THE COURT: I'm not --

18 THE DEFENDANT: I don't -- if they're going to
19 hold me, Your Honor --

20 THE COURT: I don't -- hang on.

21 THE DEFENDANT: If they're going to hold me --

22 THE COURT: Hold on. Let me tell you
23 something. I don't have a bond issue before me
24 today. We came to talk about whether you could
25 represent yourself, whether that would be within the

1 parameters of the Faretta case, which outlines when
2 a person, in the Court's estimate, is competent
3 enough to represent themselves. Because if somebody
4 were not competent, not educated, couldn't
5 appreciate all of the dangers of the trial, then the
6 Court has to make an independent decision and
7 evaluation of whether or not that would be
8 appropriate.

9 And that's what -- considering, you know, that
10 you, just the day before yesterday, asked to have
11 Mr. Driley set aside, I'm kind of inclined to get
12 all these pieces lined up for October. So here's
13 your choice: You can let Mr. Driley go forward and
14 we'll start Monday -- what I was telling you, to
15 back up a little bit, is pick the jury Monday
16 morning. I've got a Monday afternoon hearing of
17 another matter in Saluda. We'll probably start the
18 trial Tuesday morning and go until it gets done.
19 That's kind of my envision of next week on this
20 trial.

21 If you want to represent yourself, that's your
22 request. If you want to do that, I would be much
23 more comfortable in protecting your rights that we
24 get these things done and start this trial in
25 October. I'm the same judge. I'll be there either

1 week. You don't get a different judge or somebody
2 else, because I'm assigned over here in this circuit
3 the next six months, maybe a year. If you want to
4 go to trial next week, you got to withdraw your
5 motion and let Mr. Driley represent you. And, you
6 know, things --

7 THE DEFENDANT: Your Honor, okay. If I
8 withdraw my motion, I need to be certain that
9 Mr. Driley goes by my strategy. He says that being
10 that he's my lawyer, he has to go by his own
11 strategy. But this is my defense, I'm the
12 defendant. So I have a strategy and we can discuss
13 this strategy --

14 THE COURT: All right. How about this --

15 THE DEFENDANT: But if he doesn't want to do
16 that, then I can't let him represent me.

17 MR. DRILEY: Judge, at this --

18 THE COURT: How big of a contradiction is the
19 strategy? His is a common sense strategy; I
20 understand that one.

21 MR. DRILEY: Judge, at this point, to protect
22 my client and what's going on, I think it might be
23 appropriate to do this ex parte and clear the
24 courtroom. I understand that's -- you know, that's
25 kind of a hassle for everyone that's in here.

1 THE COURT: That's why I was asking the
2 question --

3 MR. DRILEY: Yeah.

4 THE COURT: -- how different or distinguishing
5 are the defenses?

6 Well, what we may do -- let's stand this
7 hearing down a few minutes and you talk to him.

8 MR. DRILEY: Okay.

9 THE COURT: Okay. And I've always thought it
10 was a good strategy to employ, perhaps, more than
11 one, and then kind of wait and see where the State's
12 case is going, and employ my strategy depending on
13 what they pitch out there. That was what I did. I
14 reacted to the ball coming across the plate. If
15 they're throwing curve balls, you got to get in
16 front of the box and hit; if they're throwing fast
17 balls, you back up.

18 You got to decide what she's going to do, and
19 you don't know that yet because she hasn't called
20 her first witness. You got to kind of know if she's
21 going to throw pitches at you for you to swing at.
22 I was always reactive in my defense of people, and
23 that may be the better strategy. I don't know. I
24 can't tell you what the best strategy would be.

25 THE DEFENDANT: Yes, sir. But the discovery,

1 they're just now giving --

2 THE COURT: Okay. And he already told me that.
3 All right. Let's stand this hearing down just for a
4 few minutes, and you talk to your lawyers and see if
5 we can't come to some understanding that -- maybe a
6 wait-and-see strategy. One strategy may be employed
7 better than the other, maybe both, or maybe even
8 something even y'all have to come up with depending
9 on what she does.

10 And that would be just the Court's observation
11 that sometimes it's better to wait and see; that you
12 have an idea of you can go left or right depending
13 on whether they come up the middle or left or right.
14 I don't know. I don't know what she's going to do
15 and I can't ask her. Y'all are going to have an
16 idea because y'all know the facts better than I do.
17 So I'm just giving you a big, broad-brush painting
18 of the way I've seen cases defended.

19 All right. We're going to stand this hearing
20 down just for a few minutes. Y'all talk, and then
21 if we need to clear the courtroom or do something
22 else, we will, because we're kind of moving slow
23 with the inmates from the Lexington jail because of
24 some issue over there with a stomach virus. So
25 we've got a few minutes. So we'll stand this down a

1 few minutes and then we'll get back together.

2 (Pause in the proceedings 9:32 AM - 10:02 AM.)

3 THE COURT: All right. We stood the hearing
4 down. We're back on the record with State vs.
5 Chandler, which is the Edgefield case that's on the
6 trial roster for next week.

7 Mr. Driley, you represented to the Court
8 moments ago that we're ready to resume the hearing,
9 that you and Mr. Chandler had an opportunity to
10 speak. And as a result of that, what other issues
11 does the Court need to consider?

12 MR. DRILEY: Judge, Mr. Chandler tells me he
13 wants to go to trial Monday with me as his attorney.

14 THE COURT: Fair enough. Now -- fair enough.

15 MS. MAYES: He did file the motion, Your Honor.
16 If we could just have an acknowledgment that he
17 formally withdraws that motion.

18 THE COURT: All right. Mr. Chandler, are you
19 withdrawing your motion to have your lawyer set
20 aside?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: It is withdrawn. Fair enough.
23 I'll see y'all Monday morning.

24 MS. MAYES: Thank you, Your Honor.

25 -- END OF TRANSCRIPT OF RECORD --

C E R T I F I C A T E

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

I, the undersigned, Bethanie K. Creppon, Circuit Court Reporter for the Second Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the hearing of the captioned cause, relative to appeal in the Criminal Court for Edgefield County, South Carolina, on the 14th of July, 2016.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

August 30, 2016

s/Bethanie K. CrepponBethanie K. Creppon
Circuit Court Reporter

State of South Carolina)
) Court of General Sessions
 County of Edgefield)

2016-GS-19-378, 381, 382, 383

State of South Carolina)
) vs.) Transcript of Record
)
 Edward T. Chandler)
)
) Defendant)

July 18-22, 2016
 Edgefield, South Carolina

B E F O R E:

Honorable Eugene C. Griffith, Jr., Judge

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

Suzanne Mayes, Assistant Solicitor
 Sutania Radlein, Assistant Solicitor
 Attorneys for the State

Erik Drylie, Esq.
 J. Walter Whitmire, Esq.
 Attorneys for the Defendant

Joy E. Holston
 Official Court Reporter

I N D E X O F W I T N E S S E S

(IC) - Denotes In Camera
(DW) - Denotes Defense Witness
(SW) - Denotes State's Witness

(SW) Polly Hall

Direct examination by Ms. Radlein: 78

(SW) Daryl Peterson

Direct examination by Ms. Radlein: 96

(SW) Noah Peterson

Direct examination by Ms. Radlein: 103

Cross-examination by Erik Drylie: 125

(SW) Dorothy Peterson

Direct examination by Ms. Mayes: 127

Cross-examination by Mr. Drylie: 169

Redirect examination by Ms. Mayes: 175

(SW) Darlene Smith

Direct examination by Ms. Radlein: 179

Cross-examination by Mr. Drylie: 190

Redirect examination by Ms. Radlein: 191

1 (SW) Gary Doran

2 Direct examination by Ms. Radlein: 193

3 Cross-examination by Mr. Drylie: 218

4 Redirect examination by Ms. Radlein: 226

5

6 (SW) Chris Peterson

7 Direct examination by Ms. Mayes: 233

8 Cross-examination by Mr. Drylie: 239

9 Redirect examination by Ms. Mayes: 240

10

11 (SW) Tracy Wood

12 Direct examination by Ms. Radlein: 241

13 Cross-examination by Mr. Drylie: 251

14 Redirect examination by Ms. Radlein: 253

15

16 (SW) Linda Herald

17 Direct examination by Ms. Mayes: 258

18

19 (SW) Curtis Morris

20 Direct examination by Ms. Mayes: 269

21 Cross-examination by Mr. Drylie: 312

22 Redirect examination by Ms. Mayes: 320

23

24

25

1 (SW) Kimberly Mears

2 Direct examination by Ms. Radlein: 325

3 Cross-examination by Mr. Drylie: 336

4
5 (SW) Lindsey Gilliam

6 Direct examination by Ms. Mayes: 340

7 Cross-examination by Mr. Whitmire: 366

8
9 (SW) Courtney Thompson

10 Direct examination by Ms Mayes: 397

11 Cross-examination by Mr. Drylie: 413

12 Redirect examination by Ms. Mayes: 415

13 Recross examination by Mr. Drylie: 417

14
15 (SW) Maryann Boehm

16 Direct examination by Ms. Mayes: 417

17 Cross-examination by Mr. Drylie: 425

18 Redirect examination by Ms. Mayes: 428

19 Recross examination by Mr. Drylie: 431

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21 (SW) Nathan Prouse (Proffered)

22 Direct examination by Ms. Radlein: 434

1 (SW) John Pitman

2 Direct examination by Ms. Mayes: 466

3 Cross-examination by Mr. Chandler: 472

4 Redirect examination by Ms. Mayes: 476

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6 (SW) Herb Hedges

7 Direct examination by Ms. Mayes: 484

8 Cross-examination by Mr. Chandler: 498

9 Redirect examination by Ms. Mayes: 502

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11 (SW) Joe West

12 Direct examination by Ms. Mayes: 504

13 Cross-examination by Mr. Chandler: 516

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15 (DW) Alvin Stevens

16 Direct examination by Mr. Chandler: 523

17 Cross-examination by Ms. Radlein: 528

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19 (DW) Walker Posey

20 Direct examination by Mr. Chandler: 530

21 Cross-examination by Ms. Radlein: 533

22 Redirect examination by Mr. Chandler: 536

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2	Direct examination by Mr. Chandler:	538
3	Cross-examination by Ms. Mayes:	544
4	Redirect examination by Mr. Chandler:	546
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6	<u>(DW) Curtis Morris</u>	
7	Direct examination by Mr. Chandler:	548
8	Cross-examination by Ms. Mayes:	556
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10	<u>(DW) James Smith</u>	
11	Direct examination by Mr. Chandler:	557
12	Cross-examination by Ms. Mayes:	582
13	Redirect examination by Mr. Chandler:	592
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15	<u>(DW) Phil Ireland</u>	
16	Direct examination by Mr. Chandler:	594
17	Cross-examination by Ms. Radlein:	597
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19	<u>(DW) Chris Wash</u>	
20	Direct examination by Mr. Chandler:	598
21		
22	<u>(DW) Edward Terrell Chandler (pro se)</u>	
23	Direct examination by Mr. Chandler:	601
24	Cross-examination by Ms. Mayes:	612
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1	<u>(DW) Tracy Wood</u>	
2	Direct examination by Mr. Chandler:	625
3	Cross-examination by Ms. Radlein:	630
4	Redirect examination by Mr. Terrell:	632
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6	<u>(SW) Polly Hall (Rebuttal)</u>	
7	Direct examination by Ms. Radlein:	634
8	Cross-examination by Mr. Chandler	635
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11	<u>(SW) James Smith (Rebuttal)</u>	
12	Direct examination by Ms. Radlein:	637
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16	Opening Arguments by Ms. Radlein:	73
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18	Closing Arguments by Mr. Chandler:	648
19	Closing Arguments by Ms. Mayes:	662
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E X H I B I T S

1					
2	<u>State's</u>				
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4	1	Smith Street Map		X	110
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6	3	Photo-Car	X		67
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8	5	Photo-Car	X		67
9	6	Photo-Coastal Gas		X	200
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11	8	Photo-Ruler		X	200
12	9	Photo-Coastal Gas		X	200
13	10	Photo-Coastal Light		X	200
14	11	Photo-Scarf	X		67
15	12	Photo-SS# Wallet	X		67
16	13	Photo-Money		X	308
17	14	Photo-Shoes		X	491
18	15	Photo-Evidence Bag Shoe Laces	X		67
19	16	Photo-Evidence Bag Shoes	X		67
20	17	Photo-Video Frame	X		67
21	18	Photo-Video Frame		X	511
22	19	Photo-Video Frame	X		67
23	20	Photo-Video Frame	X		67
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25	22	Photo-Video Frame		X	511

E X H I B I T SState's

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>	<u>PAGE#</u>
23	Photo-Video Frame		X	511
24	Photo-Video Frame		X	511
25	Photo-Video Frame		X	511
26	Photo-Video Frame		X	511
27	Photo-Video Color Pattern		X	511
28	Photo-Nike Shoes	X		67
29	Photo-Nike Shoes	X		67
30	Photo-Nike Shoes	X		67
31	Photo-Nike Shoes	X		67
32	Photo-Nike Shoes	X		67
33	Photo-Nike Shoe	X		67
34	Photo-Nike Shoe	X		67
35	Photo-Nike Shoe		X	308
36	Photo-Nike Shoe		X	491
37	Photo-Nike Shoe		X	491
38	Photo-Nike Shoe Laces		X	285
39	Photo-Nike Shoe Laces		X	293
40	Photo-Nike Shoe Laces		X	285
41	Photo-Nike Shoe Laces		X	285
42	Photo-Scarf		X	285
43	Photo-Scarf		X	293
44	Photo-Scarf		X	285

E X H I B I T SState's

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>	<u>PAGE#</u>
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46	Photo-Scarf		X	293
47	Photo-Scarf		X	285
48	Photo-Scarf		X	293
49	Photo-Scarf		X	285
50	Photo-Verizon Cell Phone Records		X	102
51	Photo-Door		X	160
52	Photo-Neighbor's House		X	160
53	Photo-Victim		X	121
54	Photo-Victim's Neck		X	149
55	Photo-Victim's Back		X	149
56	Photo-Victim's Ankle		X	149
57	Photo-Victim's Ankle		X	149
58	Photo-Victim Sleep Shirt		X	286
59	Photo-Couch		X	149
60	Photo-Couch		X	149
61	Photo-Couch-Blood		X	167
62	Photo-Hallway		X	149
63	Photo-Victim		X	165
64	Photo-Victim		X	165
65	Photo-Victim's Injury		X	165
66	Photo-Victim's Injury		X	165

EXHIBITSState's

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68	Photo-Victim's Injury		X	165
69	Photo-Victim's Injury		X	165
70	CD		X	86
71	CD		X	87
72	CD		X	206
73	Shoes		X	244
74	Shirt and Thermal		X	245
75	Sweat Pants and Socks		X	247
76	Money and Wallet		X	249
77	Shoe Laces		X	288
78	Scarf and Shoe Lace		X	290
79	Scotch Tape		X	291
80	Cable		X	292
81	Sexual Assault Case Kit		X	297
82	Sexual Assault Case Kit		X	297
83	Clothing		X	299
84	Shoes		X	494
85	Underwear		X	311
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87	Photo		X	357
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<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>	<u>PAGE#</u>
89	Photo-Shoe Lace	X		67
90	Photo-Box	X		67
91	Photo-Plastic and Shoes	X		67
92	Photo-Shoe	X		67
93	CD	X		67

EXHIBITSDefendant's

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2	Photo		X	314
3	Photo		X	314
4	Photo		X	314
5	Phone		X	317
6	Check		X	528
7	Check		X	528
8	Check		X	528
9	Photo-Phone		X	563
10	Photo-Car		X	633
11	Photo-Car		X	633
12	Photo-Car		X	633

EXHIBITSCourt's

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>	<u>PAGE#</u>
1	Sun Data	X		63
2	Department of Mental Health	X		64
3	Toxicology Report	X		646
4	Jury Note	X		695
5	Jury Note	X		696

1 THE COURT: All right, folks, talked to the lawyers
2 and we intend to call the first case. What we are going
3 to do, I am going to allow the State to call the case. At
4 this time I am going to ask more focused questions. And
5 so what I don't need is once I start asking questions that
6 you get up, I know all about this and that and the other
7 and tell me everything you do know about it. I don't need
8 to know that because then everybody else knows what you
9 know or thinks you know or you heard perhaps on the
10 internet. Anyway, I want to ask very direct questions
11 with yes or no answers. So, first of all, every jury
12 trial that is conducted in South Carolina, in particular
13 the ones that I preside on, what I am looking for is to
14 pick a jury of twelve people who know very little about
15 the case, who will listen attentively and be fair and
16 impartial jurors. That is my goal. Now, if you can't be
17 fair and impartial, for whatever reason, that is my end
18 result question and that is kind of where I am going to.
19 I don't need to know why you can't be fair and impartial,
20 but that you can, or your relationship with because if my
21 sister were on trial I wouldn't be a fair juror, I would
22 be going for her. This is kind of how it works, I need to
23 know those things but I don't need to know the entire
24 background behind everything because that then pollutes
25 the water so to speak to the other jurors. I don't need

1 all of that. I need you to answer my questions with yes
2 or no answers therefore I am not educating everybody about
3 everything. Everybody in a small town, Newberry is not
4 very big, similar to Edgefield, a lot of people know
5 everybody. That is just the way it is. So, with those
6 preliminary comments and I will give you cautionary
7 instructions as we go. Ms. Mayes, will you call the first
8 case.

9 MS. MAYES: Yes sir, Your Honor. May it please the
10 Court.

11 THE COURT: Yes, ma'am.

12 MS. MAYES: Before you, Your Honor, is the State of
13 South Carolina versus Edward Terrell Chandler. He is
14 present in the courtroom and represented by counsel. We
15 have indictment number 2016-GS-19-378, this indictment is
16 for burglary first degree. We have indictment number
17 2016-GS-19-382. This indictment is for kidnapping.
18 Indictment number 2016-GS-19-383, this indictment is for
19 criminal sexual conduct in the first degree. And
20 indictment 2016-GS-19-381, this indictment is for strong
21 armed robbery. Your Honor, the State is ready for trial
22 in this case.

23 THE COURT: All right. Ladies and gentlemen of the
24 jury, by way of explanation, so you know, the Grand Jury's
25 convene in each county on a regular basis, sometimes once

1 a month, sometimes just a day or two before court
2 commences. And what a Grand Jury does is they consider
3 whether or not an arrest warrant, an investigation should
4 be converted or carried over for a formal indictment.
5 Indictments handed down by each county's Grand Jury, when
6 they believe there has been enough facts presented, the
7 case should be bound over for trial. So it is basically a
8 notes document containing allegations from the State of
9 South Carolina passed to the Grand Jury to believe, is
10 there enough evidence to carry over for trial. Not enough
11 evidence for the guilt or innocence, just enough evidence
12 to carry over for trial. Once that is handed down by the
13 Grand Jury then a person accused is notified of what to be
14 prepared to come into court to answer. These are
15 allegations made by the State, they are not proof of
16 anything, they are allegations that the State must prove
17 once the case is called for trial. Everyone under the
18 allegation, from an indictment is presumed innocent, they
19 are allowed to exercise their right to remain silent and
20 they are allowed to require the State to prove the
21 allegations beyond a reasonable doubt. That is what a
22 trial is. Now, to these indictments I am notified that
23 Mr. Edward Terrell Chandler has plead not guilty and thus
24 is requesting a jury trial. I tell you again, the
25 allegations in the indictment are just that, they are not

1 proof of anything, it is telling he and his attorneys what
2 to be prepared to come in this morning to be ready to
3 defend himself against. That being the case, these
4 indictments have been presented and this is from, the
5 allegations are involving an incident that occurred
6 February 24th of 2015 in Johnston, South Carolina on [REDACTED]
7 Smith Street involving a victim by the name of Dorothy
8 Peterson. So, those are broad terms, very broad terms.
9 So my first question to the jury is, is any member of this
10 jury panel heard anything, know anything about the
11 allegations which arose from February 24th, 2015 in
12 Johnston on Smith Street, anybody know anything about this
13 case. If so please stand.

14 All right, I want to know can you be fair and
15 impartial in any case, in particular this case, this is
16 involving Mr. Chandler and Ms. Peterson. So, I am going
17 to start in front. Ma'am, tell me your name.

18 JUROR: Maureen Deese.

19 THE COURT: Deese. You are juror number 37. You
20 know something about the allegations in the indictment,
21 the facts of the case?

22 JUROR: Yes.

23 THE COURT: Are you from that community?

24 JUROR: Johnston.

25 THE COURT: Now, do you have any first hand knowledge

1 of anything about the allegations in this case?

2 JUROR: No.

3 THE COURT: Is your knowledge from talk on the street
4 so to speak or a newspaper article?

5 JUROR: No, I know the victim.

6 THE COURT: How well do you know Ms. Peterson, you go
7 to church with her or anything like that?

8 JUROR: No.

9 THE COURT: Johnston is smaller than Edgefield, isn't
10 it?

11 JUROR: Yes. I went to school with her children.

12 THE COURT: The fact that you know the victim, that
13 relationship with her children, would that create an issue
14 for you being fair and impartial in this case? Because
15 what I want is twelve people who can be fair and impartial
16 and listen to the witnesses called by the State and any
17 witnesses called by the defense and fairly and impartially
18 evaluate and weigh that evidence.

19 JUROR: I would be fair.

20 THE COURT: Can you do that?

21 JUROR: Yes.

22 THE COURT: Okay. The gentleman in the green shirt.
23 Tell me your name.

24 JUROR: Milton Clark. Number 32.

25 THE COURT: You know something about the facts in the

1 case?

2 JUROR: Well, not the facts.

3 THE COURT: I don't know, let me ask. You have heard
4 something about this case?

5 JUROR: Correct.

6 THE COURT: Would that knowledge, would that create
7 an issue for you being fair and impartial?

8 JUROR: I have known Ms. Peterson for years.

9 THE COURT: And you would describe your relationship
10 with her as friends.

11 JUROR: I mean since I was a kid, working in the
12 grocery store.

13 THE COURT: Okay. You think you can be fair and
14 impartial?

15 JUROR: I am not sure.

16 THE COURT: That is what I need. I am going to
17 excuse you from this trial. Stay seated, you may get on
18 the second trial, if there is one, I don't know.
19 Gentleman in the orange, tell me your name.

20 JUROR: Keith Bledsoe.

21 THE COURT: Mr. Bledsoe, you know anything about the
22 facts in this case?

23 JUROR: Yes.

24 THE COURT: You heard it on the street, newspaper,
25 social media, how did you find out about it.

1 JUROR: Word of mouth.

2 THE COURT: Now, would those facts you have heard,
3 would that prevent you from being fair and impartial, can
4 you listen to the testimony involved and be fair and
5 impartial to both the State and the defense, can you do
6 that?

7 JUROR: I don't think so.

8 THE COURT: All right, I will excuse you from this
9 case. Lady in the orange blue.

10 JUROR: Cassandra Watkins.

11 THE COURT: 160, you have heard about this case?

12 JUROR: Yes.

13 THE COURT: Would that, the facts that you have
14 heard, would that create an issue for you being fair and
15 impartial?

16 JUROR: Yes, sir.

17 THE COURT: All right, I will excuse you from this
18 case.

19 MS. MAYES: That number again?

20 JUROR: 160.

21 THE COURT: Be seated, you can't leave yet. Lady in
22 the baby blue, tell me your name.

23 JUROR: Penny Welch.

24 THE COURT: You have heard something about this case?

25 JUROR: I worked at the hospital when they brought

1 her in.

2 THE COURT: Did you work there that night or that
3 day?

4 JUROR: I worked almost a week and a half.

5 THE COURT: Can you be fair and impartial?

6 JUROR: No.

7 THE COURT: I think you said it both ways. And so I
8 will set you aside from this case. Gentleman in the
9 brown, tell me your name.

10 JUROR: Earl Bettis, juror number 9.

11 THE COURT: Mr. Bettis, you have heard something
12 about this case?

13 JUROR: Yes, sir.

14 THE COURT: And would that affect your ability to be
15 fair and impartial?

16 JUROR: Yes, sir.

17 THE COURT: Okay, be seated, you are excused. Ma'am,
18 in the black and yellow dress, tell me your name.

19 JUROR: Juror number 117, Gail Mosley.

20 THE COURT: Ms. Mosley, you have heard something
21 about this case?

22 JUROR: Yes, I live across the street.

23 THE COURT: Would that make an issue for you being
24 fair and impartial?

25 JUROR: I don't think I can be fair.

1 THE COURT: I tend to agree with you, since you are
2 neighbors. Be seated, you will be excused. Tell me your
3 name, ma'am.

4 JUROR: Helen Merriweather.

5 THE COURT: You have heard something about this case?

6 JUROR: Yes.

7 THE COURT: Can you be fair and impartial?

8 JUROR: No, sir.

9 THE COURT: You cannot, okay. Thank you so much. I
10 am going to have the lawyers introduce themselves at each
11 table. Ms. Mayes will tell about her table and Mr. Drylie
12 will introduce yourself and your client at your table.
13 Ms. Mayes.

14 MS. MAYES: I am Suzanne Mayes, I am a prosecuting
15 attorney here in the Eleventh Judicial Circuit which
16 includes Edgefield County.

17 MS. RADLEIN: I am Sutania Radlein, I am a prosecutor
18 here in the Eleventh Circuit which includes Edgefield
19 County.

20 THE COURT: Mr. Drylie.

21 MR. DRYLIE: I am Erik Drylie and I represent Edward
22 Terrell Chandler.

23 THE COURT: Mr. Chandler, stand up for me, please.
24 Very good. All right, question, any member of the jury
25 panel related by blood, marriage, close personal friends

1 to any of those five folks just introduced to you, if so
2 please stand.

3 (No response.)

4 THE COURT: No one is standing. Any member of the
5 jury panel ever been represented by any of the attorneys
6 just introduced to you, if so please stand.

7 (No response.)

8 THE COURT: No one is standing. All right, folks, in
9 all cases, whether it be civil court or criminal court,
10 the lawyers are not allowed to ask the voir dire questions
11 I am asking you but they are allowed to hand questions up
12 and some of them are very similar to ones that I have
13 already asked. But again, my goal is to end up with
14 twelve impartial people who are good listeners to sit on
15 the jury and to hear the case. And so the lawyer suggest
16 some questions that I am not aware of, basically some of
17 the facts in the case which I have not yet heard and I get
18 to ask those questions. I am going to ask those questions
19 and this is a way for the lawyers to kind of get to know
20 you and get some of your background to this. So, any
21 member of the jury panel, member of your immediate family,
22 employed as a law enforcement in any capacity. If so
23 please stand. All right. I will start with the man in
24 the blue. Tell me your name.

25 JUROR: Marie Sprouse.

1 THE COURT: Ms. Sprouse, you or a member of your
2 family as a law enforcement officer.

3 JUROR: My daughter is a dispatcher for the Edgefield
4 County Sheriffs Department.

5 THE COURT: Would that, the fact that your daughter
6 is a dispatcher create an issue for you to being fair and
7 impartial.

8 JUROR: No, she doesn't talk about her job.

9 THE COURT: Okay. Thank you. Ma'am, in the black
10 and white, tell me your name.

11 JUROR: Jacqueline Marsh.

12 THE COURT: Ms. Marsh, you or a member of your
13 immediate family.

14 JUROR: My step-son-in-law works for Columbia County.

15 THE COURT: Is that Augusta?

16 JUROR: In Augusta. And my niece works as an FBI
17 agent.

18 THE COURT: Okay, now do those two facts, your niece
19 and your step-son or step-son-in-law?

20 JUROR: Step-son-in-law.

21 THE COURT: Would that affect your ability to be fair
22 and impartial?

23 JUROR: No, sir.

24 THE COURT: Thank you. Gentleman on the front, tell
25 me your name.

1 JUROR: Chris Byrd.

2 THE COURT: You or a member of your family?

3 JUROR: My wife words for the Federal Bureau of
4 Prisons right here in Edgefield.

5 THE COURT: Would that affect your ability to be fair
6 and impartial in this case?

7 JUROR: No.

8 THE COURT: Thank you. Ma'am, tell me your name.

9 JUROR: Christa Burr.

10 THE COURT: You or a member of your immediate family
11 employed with law enforcement?

12 JUROR: My sister-in-law is a deputy for Edgefield
13 County.

14 THE COURT: And would, this case was brought by the
15 Town of Johnston or by the sheriffs department?

16 MS. MAYES: Sheriffs Department, Your Honor.

17 THE COURT: Okay. Your daughter is employed by the
18 sheriffs department?

19 JUROR: My sister-in-law.

20 THE COURT: Sister-in-law. Would that affect your
21 ability to be fair and impartial?

22 JUROR: No.

23 THE COURT: Thank you, ma'am. Tell me your name,
24 sir, in the gray and white shirt.

25 JUROR: Russell Mckie.

1 THE COURT: 109. You or a member of your family?

2 JUROR: I have a nephew that works for North Augusta
3 Police Department and I have a nephew that is a Chief
4 Deputy in Aiken County Sherrifs Department.

5 THE COURT: And so those are out of the circuit,
6 would either of those relationships create an issue with
7 you being fair and impartial in this case?

8 JUROR: No, sir.

9 THE COURT: Thank you very much. Ma'am, back in the
10 green and black. Tell me your name again.

11 JUROR: Gail Mosley. My son is on the police force
12 in Johnston.

13 THE COURT: Was he involved in the investigation in
14 this case.

15 MS. MAYES: If we can get his full name, Your Honor.

16 THE COURT: What is your son's name, please, Ma'am.

17 JUROR: James A. Mosley.

18 THE COURT: Oh, you are already excused, ma'am.
19 Ma'am in the blue, tell me your name.

20 JUROR: Diane Bush. My brother-in-law is the sheriff
21 in Edgefield.

22 THE COURT: Your brother-in-law is the sheriff?

23 JUROR: Yes.

24 THE COURT: She is going to be excused, that is her
25 brother-in-law. Any member of the jury panel, a member of

1 your immediate family employed in the capacity the
2 employment would be involved with a criminal prosecutor
3 such as the Eleventh Circuit Solicitor's Office or the
4 District Attorney, what they call in Georgia. But the
5 prosecutorial arm of the State in South Carolina is called
6 the Solicitor, they are the prosecuting attorneys. Any
7 member of the jury panel, member of your family acting in
8 a prosecutorial capacity, if so please stand.

9 (No response.)

10 THE COURT: No one is standing. Any member of the
11 jury panel attend Strom Thurmond High School between the
12 years of 2001 and 2005, please stand. Ma'am in the blue,
13 tell me your name.

14 JUROR: Joisetta Hood.

15 THE COURT: Did you attend Strom Thurmond?

16 JUROR: Yes, sir.

17 THE COURT: Did you graduate?

18 JUROR: Yes, sir.

19 THE COURT: Congratulations. What year did you
20 graduate?

21 JUROR: 2003.

22 THE COURT: Is that for information only, ladies and
23 gentlemen. Is that good enough or do y'all want another
24 inquiry into that.

25 MS. RADLEIN: Your Honor, if we can ask if she knows

1 the Defendant.

2 THE COURT: Ma'am, I thought that was the purpose of
3 the question. Mr. Chandler, I think, attended Strom
4 Thurmond High School. Were you in school with him?

5 JUROR: Yes, sir.

6 THE COURT: And the fact that you were a classmate of
7 him, in whatever capacity, would that affect your ability
8 to be fair and impartial in this case?

9 JUROR: No, sir.

10 THE COURT: Very well. Thank you. Gentleman, tell
11 me your name, in the blue and white plaid.

12 JUROR: Mike Tuberville.

13 THE COURT: You attended Strom Thurmond during those
14 years?

15 JUROR: I did.

16 THE COURT: And likewise, Strom Thurmond is a smaller
17 school. You were a classmate of Mr. Chandler's of some
18 capacity?

19 JUROR: Yes, sir.

20 THE COURT: Would that affect your ability to be fair
21 and impartial?

22 JUROR: No, sir.

23 THE COURT: It would?

24 JUROR: I can be fair and impartial.

25 THE COURT: You can be fair and impartial. Thank you

1 very much, be seated. Gentleman with the khaki green,
2 tell me your name.

3 JUROR: Jesse Harris.

4 THE COURT: You attended Strom Thurmond between those
5 years?

6 JUROR: 2001 I did.

7 THE COURT: Were you a classmate of Mr. Chandler's?

8 JUROR: I do not recall him.

9 THE COURT: The fact that you attended the same high
10 school at the same time, would that affect your being able
11 to be fair and impartial in this case?

12 JUROR: I can be fair and impartial.

13 THE COURT: Thank you. Tell me your name, please.

14 JUROR: Brittney Ricketson.

15 THE COURT: You attended Strom Thurmond during those
16 years?

17 JUROR: Yes.

18 THE COURT: And the fact that you were a class mate
19 of Mr. Chandler's, would that affect your ability to be
20 fair and impartial in this case?

21 JUROR: No, it would not.

22 THE COURT: Any member of the jury panel employed at
23 Strom Thurmond High School during those same years, 2001
24 to 2005. If so please stand.

25 (No response.)

1 THE COURT: No one is standing. Any member of the
2 jury panel ever been involved as a witness, criminal or
3 civil case, called to court to testify. If so please
4 stand.

5 (No response.)

6 THE COURT: No one is standing. Any member of the
7 jury panel or a member of your immediate family ever been
8 involved, either accused of a violent crime or a victim of
9 a violent crime. Either way, involved in a dispute such
10 as that. If so please stand. I don't need to know the
11 details. Tell me your name.

12 JUROR: Lynda Gribek, number 61.

13 THE COURT: Would the fact that you or a member of
14 your family was involved in a violent crime of some
15 capacity, would that affect your ability to be fair and
16 impartial in this case because the subject matter will be
17 discussing the elements of a violent crime.

18 JUROR: Not at all.

19 THE COURT: Okay. Right behind, yes ma'am.

20 JUROR: Christa Burr.

21 THE COURT: Ms. Burr. The same question, you or a
22 member of your family involved in a violent crime to some
23 degree, been accused of or a victim of. It doesn't matter
24 which, would that affect your ability to be fair and
25 impartial in this case?

1 JUROR: No, sir.

2 THE COURT: Thank you. Ma'am in the gray, tell me
3 your name.

4 JUROR: Brooke Lavallee.

5 THE COURT: Ms. Lavallee, what is your number?

6 JUROR: 95.

7 THE COURT: 95. The same question to you, you or a
8 member of your family, either one, either accused of or a
9 victim of a violent crime. Would that affect your ability
10 to be fair in this case?

11 JUROR: No.

12 THE COURT: Thank you very much. Along the same
13 lines, the allegations in this case, in this case Mr.
14 Chandler is alleged to have committed the offense of
15 criminal sexual conduct first, burglary first, strong
16 armed robbery and kidnapping. The alleged victim is Ms.
17 Dorothy Peterson, she is 80-several years old. Would the
18 nature of those type of allegations create an issue for
19 any juror being fair and impartial in this case. If so
20 please stand.

21 (No response.)

22 THE COURT: No one is standing. The nature of the
23 allegations, I have not heard any of the witnesses, but
24 having believed that the State will present some testimony
25 that may be graphic in nature concerning those

1 subject-matters. Does any juror going to have difficulty
2 in listening to testimony of that subject-matter. If so
3 please stand.

4 (No response.)

5 THE COURT: No one is standing. Any member of the
6 jury panel ever commented on, this is a newer question for
7 me because of the social media. And there are so many
8 social media sites out there. But any member of the jury
9 panel ever comment on a news article related to a crime or
10 the allegations of a crime on a news station, newspaper
11 website, law enforcement website, Facebook pages, any of
12 those types. Any member of the jury panel ever comment or
13 written a comment back about something that was publicized
14 by any of those media social sites. If so please stand.
15 Tell me your name, please.

16 JUROR: Ruben Freeman.

17 THE COURT: Number 50. The posting you made, folks
18 read it?

19 JUROR: I work for the media, so, yes.

20 THE COURT: You are media, okay. Would that affect
21 your ability to be fair and impartial in this case?

22 JUROR: No, sir.

23 THE COURT: Any member of the jury panel a regular
24 subscriber to the Edgefield Daily, the Edgefield Daily has
25 a social media site, the Wondering Mind section. Any

1 member of the jury panel read the Edgefield Daily regular
2 and comment on it on line, if so please stand.

3 (No response.)

4 THE COURT: No one is standing. I tell this story so
5 everybody knows. There was a big case in Laurens, a
6 hearing about some other related case and then the
7 afternoon a trial started. And I went through the same
8 process I am going through with you. And it was in
9 Laurens. Wednesday the paper comes out and apparently the
10 news reporter didn't even come to the Court House, I heard
11 the motion and then Judge Addy who was here several weeks
12 ago in Edgefield, he is the other Judge of the Eighth
13 Circuit, he and I are good friends. We don't look like,
14 he is tall and skinny and I am a lot heavier. Anyway
15 Judge Addy was appearing at the trial according to the
16 newspaper, it was me the whole time, heard the whole case
17 the rest of the week. The newspaper had it wrong and I
18 sort of make comments about the newspaper having it wrong
19 and they started making articles about me. In any event,
20 always what you read is not always right. And I kept that
21 newspaper article, it was in Laurens County. This says
22 that Judge Addy heard this case and I in fact know it was
23 me. And what I don't, what I want you to understand is,
24 has any member of the jury panel read anything, heard
25 anything on the street corner, internet, social media of

1 any type, Facebook, Myspace, anything. Anybody read
2 anything about this case, the allegations last February
3 that was exposed because I need to know that because I
4 don't need to get a jury started and a day into trial and
5 say, you know what, I do remember this. And then I have
6 got a juror didn't realize they got an issue and I am
7 trying to be protective of the jury so that we can try
8 this case one time, and we don't get half way through and
9 did not have enough jurors to proceed on and we have got
10 to come back and try it in another courtroom. That is why
11 I am asking so many questions, so many details. So,
12 re-asking that question again. Any member of the jury
13 panel know anything about this case at all from any source
14 whatsoever, social media, street corner or backyard fence.
15 If so please stand. Tell me your name.

16 JUROR: Mallory Reams.

17 THE COURT: Number 133. I asked, any source
18 whatsoever, you have heard something about this case in
19 some unknown, I don't need another source. I just want to
20 make certain what you heard and what happens outside the
21 courtroom is really no consequence to me as long as it
22 doesn't affect your ability to be fair and impartial.
23 What I tell every juror is, what y'all need to decide this
24 case you get here in the courtroom from the witnesses the
25 State calls, from the evidence the State presents and from

1 any witnesses the defense presents. I don't want this
2 case decided outside of this courtroom. I want it decided
3 in here, under my supervision on a court of record. That
4 is the only fair way to do it. Now, I am going to ask
5 you, whatever you heard, would that affect your ability to
6 be fair and impartial to both the State and to Mr.
7 Chandler?

8 JUROR: I think it would.

9 THE COURT: You think it would?

10 JUROR: Yes, sir.

11 THE COURT: All right, set her aside. Gentleman on
12 the front row, blue shirt. Tell me your name.

13 JUROR: Charles Nicholson.

14 THE COURT: Mr. Nicholson is juror number 123. The
15 same question to you. What you heard outside the
16 courtroom, will you be able to set that outside and listen
17 to the testimony in the courtroom and be fair and
18 impartial?

19 JUROR: Yes, sir.

20 THE COURT: You can. Thank you, sir. Ma'am, in the
21 yellow, tell me your name.

22 JUROR: Joyce Dukes.

23 THE COURT: Whatever you heard outside of the
24 courtroom, is that going to affect you from being fair and
25 impartial in this case?

1 JUROR: Yes, it will.

2 THE COURT: It will, set her aside. Any member of
3 the jury panel ever been employed by Lee Holmes or Posey's
4 Funeral Home in North Augusta. If so please stand.

5 (No response.)

6 THE COURT: No one is standing. Any member of the
7 jury panel ever been employed by Valley Proteins in Ward,
8 if so please stand.

9 (No response.)

10 THE COURT: Any member of the jury panel ever attend
11 or a member of the Simmon Ridge Church or Bacon Chapel
12 Holiness Church in Johnston. If so please stand.

13 (No response.)

14 THE COURT: No one is standing. Any member of the
15 jury panel, a member of your immediate family member of
16 any of the temperance organizations or Citizen's Groups
17 against the Commission of Violent Crimes such as MADD
18 Mother, SADD Students, South Carolina Law Enforcement
19 Officer's Association, Sister Care, Bikers Against Child
20 Abuse. Any type of organization which their primary goal
21 is to educate people about victims of a violent crime. If
22 so please stand. You are a member of one of those groups?

23 JUROR: I volunteer to assist abused persons.

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

1 JUROR: No, sir.

2 THE COURT: Thank you. Any member of the jury panel,
3 a member of your family ever had any legal training
4 education wise, text school, law school, college, if so
5 please stand.

6 (No response.)

7 THE COURT: No one is standing. All right. I am
8 going to read a list of witnesses. It will be the same
9 questions as it was earlier. You or a member of your
10 family, close personal friends to this person and would
11 that affect your ability to be fair and impartial. And I
12 am told by all of the attorneys that all of these
13 witnesses will not be called but they are potential
14 witnesses and so out of an abundance of caution I am going
15 to all of them. Investigator James Smith of the Sheriff's
16 Department; Office Gerard Grenier of the Johnson Police
17 Department; Curtis Morris of the Edgefield Sheriff's
18 Department; Officer Peterson of the Edgefield County
19 Sheriff's Department; Sergeant Wood of Edgefield County
20 Sheriff's Department, Deputy Backensto of the Edgefield
21 Sherrifs Department; Investigator Phil Ireland of the
22 Sheriff's Department; Deputy Gladys Mason of the Sheriff's
23 Department; Lieutenant Polly Hall with Communications
24 Center for Edgefield County; Curtis Morris of the Sherrifs
25 Department; Chris Walsh of the Sherrifs Department;

1 Maryann Boehm of SLED; Jimmy Smith of the Edgefield County
2 Sherrifs Department; Brittney Rouse of the Edgefield
3 County Sheriff's Department. I am stopping at those. Any
4 member of the jury panel, member of your immediate family
5 related by blood, marriage, close personal friends to any
6 of these potential witnesses thus far please stand. What
7 is your name?

8 JUROR: Chris Byrd.

9 THE COURT: Mr. Byrd, which of those officers do you
10 know?

11 JUROR: I know most of them pretty good.

12 THE COURT: Would that affect your ability to be fair
13 and impartial in this case?

14 JUROR: No, sir.

15 THE COURT: Thank you, sir. Also potential witnesses
16 are Noah Peterson; Darlene Smith; Gary Doran; John Pitman;
17 Linda Crane Herald; Lindsey Gilliam; Dr. Fredick Warner;
18 Courtney Thompson; Kimberly Mears; Toni Broome; Rachel
19 Nguyen; Celia Modell; Captain Nathan Prouse with the
20 Lexington County Fire Department. Any member of the jury
21 panel related by blood or marriage, close personal friends
22 to any of those potential witnesses please stand.

23 (No response.)

24 THE COURT: No one is standing. Also witnesses
25 potentially, John Blocker; Wes Tyler; Alvin Stevens; Chris

1 Walker Posey; Don Kneece; Ron Ostrowski; Chris Walsh;
2 Darryl Peterson; Jerrold Bubba Barrett; Bart Cave; Joe
3 West; Herb Hedges; Rick Hawks; Sergeant Aaron Duncan;
4 Adrienne Heffney. Anyone on this jury panel related by
5 blood or marriage, close personal friends with any of
6 those potential witnesses. If so please stand.

7 (No response.)

8 THE COURT: Your name?

9 JUROR: Jesse Harris, Bubba Barrett from Edgefield.

10 THE COURT: You are friends with him?

11 JUROR: Yes, sir.

12 THE COURT: Would that relationship present you from
13 being fair and impartial in this case?

14 JUROR: It could.

15 THE COURT: You go to church with him?

16 JUROR: Yes. We are pretty close friends.

17 THE COURT: I am going to set you aside on this case.

18 the alleged victim in this case, Ms. Dorothy Peterson.

19 She is a potential witness. Also Roger Lamb, Matthew

20 Phillips, Angie Murrell, Avery Andrews. Any member of the

21 jury panel related by blood or marriage, close personal

22 friends to any of those witnesses please stand.

23 (No response.)

24 THE COURT: Here is what I want to tell you before I

25 ask the last question. I am kind of prefaced a little bit

1 as I have gone through. But, in a regular General
2 Sessions case such as this the State has the burden of
3 proving the case. They have got to call their witnesses,
4 because they deem appropriate to try to prove the
5 allegations in the indictment. Now, every important thing
6 is, is there is a lot of miss information out in the
7 public for a variety of reasons. Sometimes social media
8 has incorrect information, sometimes the newspaper will
9 send a reporter into the courtroom. Now, my job as the
10 presiding Judge is to be assured that my jury has
11 appropriate testimony and has very specific instructions
12 on the law. Now, jury's answer factual questions such as
13 did something happen or not. As a presiding Judge I
14 instruct jury's on the law of South Carolina says that in
15 order to sustain a conviction the State must prove this
16 element, that element, that element, the next element.
17 Those elements are described. I gave instructions on the
18 law. Now, once you are seated as a juror you are required
19 to take an oath to accept the law as instructed by the
20 Court. And it also says if you have a belief to what the
21 law is it is different from the Court's instruction, you
22 have got to disregard it. Similar to the, I don't know if
23 y'all was raised like my mother, she thought there was a
24 rule that said only a certain number of people can ride in
25 the front of a pickup truck and I believed her. I have

1 been a Judge for eight years now and I have not seen such
2 a law. So, I think it was just my mother telling me that
3 but that is okay, it kept me out of a too crowded front
4 truck and trucks are always operated safely. My purpose
5 of my comment is, y'all have got to accept the law as
6 instructed by me as the presiding Judge in this case.
7 Y'all have got to listen to the testimony from the witness
8 stand. And anything you have heard or been suggested to
9 or rumored about that, that has got to be disregarded, the
10 case has got to be proven in the courtroom, presented to
11 the jury, you listen together, take breaks together, you
12 deliberate together. What I don't want, I want to make
13 certain that anybody that is seated on the jury will
14 accept those terms and understand that the case has got to
15 be decided on the testimony and evidence presented in the
16 courtroom and everything outside the courtroom totally
17 disregard it, whether it be law is different than the
18 Court instructs or anything. And so I am asking this, is
19 any member of the jury panel not understand that the Court
20 will instruct the law and this is important because I told
21 you about the indictments. They are allegations made by
22 the State notifying Mr. Chandler of what he is coming to
23 Court to defend himself against. He has plead not guilty
24 and that requires the State to prove the case beyond a
25 reasonable doubt. If anyone on the jury doesn't

1 understand that I will instruct them repeatedly, he is
2 pleading not guilty and the State has got the
3 responsibility of proving the case. That is part of my
4 first instruction to you. Is any member of the jury panel
5 not going to be able to accept that oath, that the case
6 has to be tried here in the courtroom based upon the
7 evidence and testimony presented and instructions by the
8 Court, please stand.

9 (No response.)

10 THE COURT: No one is standing. Is any member of the
11 jury panel know any reason whatsoever they cannot be fair
12 and impartial to both the State and to Mr. Chandler,
13 please stand.

14 (No response.)

15 THE COURT: No one is standing. Any further voir
16 dire from either side?

17 MR. DRYLIE: May we approach.

18 THE COURT: Sure.

19 (Whereupon, a bench conference was held in the
20 presence of the jury panel but out of the hearing of
21 the jury panel.)

22 THE COURT: Any member of the jury panel, any member
23 of your immediate family close personal friends to the
24 victim in this case, Ms. Peterson, and/or Mr. Edward
25 Chandler. If so please stand. he resided on May Street in

1 Johnston. Any member of the jury panel close personal
2 friends, related by blood or marriage to him or Ms.
3 Peterson.

4 (No response.)

5 THE COURT: No one is standing. Here is what is
6 going on. My Clerk of Court is going to generate a list
7 from the remaining people, randomly the computer will
8 generate it in some random order and it will be, I don't
9 know, how it does it. Here is the way it works, your name
10 is going to be called. The Clerk will call you forward
11 and you will stand right in front of him and you will turn
12 and face the lawyers. The lawyers have a certain number
13 of please excuse the jurors. And so the lawyers are
14 allowed to excuse you for having, whatever they want to.
15 most of y'all will be on the pool, just about all of you
16 are eligible. Are you ready?

17 CLERK OF COURT: Yes, sir.

18 THE COURT: Go ahead.

19 CLERK OF COURT: Juror number 77, George W. Hook.

20 What says the State?

21 MS. MAYES: Please present the jury.

22 CLERK OF COURT: What says the defense?

23 MR. DRYLIE: Please seat the juror.

24 CLERK OF COURT: Juror number 61, Lynda D. Gribek.

25 What says the State?

1 MS. MAYES: Please present the juror.

2 CLERK OF COURT: What says the defense?

3 MR. DRYLIE: Please excuse the juror.

4 CLERK OF COURT: Juror number 137, Marvin Riley.

5 What says the State?

6 MS. MAYES: Please present the juror.

7 CLERK OF COURT: What says the defense?

8 MR. DRYLIE: Please seat the juror.

9 CLERK OF COURT: Juror number 7, Russell Beckum.

10 What says the State?

11 MS. MAYES: Please present the juror.

12 CLERK OF COURT: What says the defense?

13 MR. DRYLIE: Please seat the juror.

14 CLERK OF COURT: Number 151, Debra G. Tharp. What
15 says the State?

16 MS. MAYES: Please present the juror.

17 CLERK OF COURT: What says the defense?

18 MR. DRYLIE: Please excuse the jury.

19 CLERK OF COURT: Number 15, Justin Brighthop. What
20 says the State?

21 MS. MAYES: Please present the juror.

22 CLERK OF COURT: What says the defense?

23 MR. DRYLIE: Please seat the juror.

24 CLERK OF COURT: Juror number 12, John A. Blocker.

25 What says the State.

1 MS. MAYES: Your Honor, may we approach?

2 THE COURT: You may.

3 (Whereupon, a bench conference was held with the in
4 the presence of the jury panel but out of the hearing
5 of the jury panel.)

6 THE COURT: Your name is John Blocker, right?

7 MR. BLOCKER: Yes.

8 THE COURT: Are you any kin to the John Blocker that
9 I called out as a potential witness?

10 MR. BLOCKER: I don't think so.

11 THE COURT: I asked a question, did you know any of
12 the parties particularly the victim because Johnston is a
13 small town. You know the victim?

14 MR. BLOCKER: Yes, I know the victim.

15 THE COURT: You know the Defendant too, Mr. Chandler?

16 MR. BLOCKER: I don't know him.

17 THE COURT: Johnson being a small town, you can fair
18 and impartial if you are so selected?

19 MR. BLOCKER: If I am selected, yes sir.

20 THE COURT: I am going to tell this jury panel so
21 they understand what I just did. I didn't notice it but
22 there is a John Blocker as a potential witness and that is
23 his name and I am just trying to make certain who is who.
24 So that is why I did that, okay, I want a good jury and so
25 that is why I called him up here and the lawyers brought

1 that to my attention because I neglected to see that. Let
2 me step back around.

3 MS. MAYES: Please present the juror.

4 CLERK OF COURT: What says the defense?

5 MR. DRYLIE: Please excuse the juror.

6 CLERK OF COURT: Number 154, Michael K. Tuberville.

7 What says the State?

8 MS. MAYES: Please excuse the juror from the trial of
9 this case.

10 CLERK OF COURT: Juror number 143, Marie H. Sprouse.

11 What says the State?

12 MS. MAYES: Please present the juror.

13 CLERK OF COURT: What says the defense?

14 MR. DRYLIE: Please excuse the juror.

15 CLERK OF COURT: Juror number 87, Patsy A. Kilgore.

16 What says the State?

17 MS. MAYES: Please present the juror.

18 CLERK OF COURT: What says the defense.

19 MR. DRYLIE: Can you please repeat the number.

20 CLERK OF COURT: Number 87.

21 MR. DRYLIE: Please seat the juror.

22 CLERK OF COURT: Juror number 75, Marlene Holson.

23 What says the State.

24 MS. MAYES: Please present the juror.

25 THE COURT: What says the defense.

1 MR. DRYLIE: Please seat the juror.

2 CLERK OF COURT: Juror number 132, Kenneth A. Ralphs.

3 What says the State.

4 MS. MAYES: Please present the juror.

5 CLERK OF COURT: What says the defense.

6 MR. DRYLIE: Please excuse the juror.

7 CLERK OF COURT: Juror number 98, Jonathan M. Lee.

8 What says the State.

9 MS. MAYES: Please present the juror.

10 CLERK OF COURT: What says the defense?

11 MR. DRYLIE: Please seat the juror.

12 CLERK OF COURT: Juror number 94, Lanette D.

13 Lacharite. What says the State.

14 MS. MAYES: Please present the juror.

15 CLERK OF COURT: What says the defense.

16 MR. DRYLIE: Please seat the juror.

17 CLERK OF COURT: Juror number 34, Christine Curry.

18 What says the State.

19 MS. MAYES: Please present the juror.

20 CLERK OF COURT: What says the defense.

21 MR. DRYLIE: Please excuse this juror.

22 CLERK OF COURT: Juror number 109, Russell S. McKie,

23 Jr., excuse me, Sr. What says the State.

24 MS. MAYES: Please present the juror.

25 CLERK OF COURT: What says the defense?

1 MR. DRYLIE: Please seat the juror.

2 CLERK OF COURT: Juror number 65, Candice Hallett.

3 What says the State.

4 MS. MAYES: Please present the juror.

5 CLERK OF COURT: What says the defense?

6 MR. DRYLIE: Please excuse this juror.

7 CLERK OF COURT: Number 126, Shayne A. Owens. What
8 says the State.

9 MS. MAYES: Please present the juror.

10 CLERK OF COURT: What says the defense?

11 MR. DRYLIE: Please seat the juror.

12 CLERK OF COURT: Number 95, Brooke Lavallee. What
13 says the State.

14 MS. MAYES: Please present the juror.

15 CLERK OF COURT: What says the defense?

16 MR. DRYLIE: Please excuse the juror.

17 CLERK OF COURT: Juror number 54, Charlene C.
18 Carroll. What says the State?

19 MS. MAYES: Please seat the juror.

20 CLERK OF COURT: What says the defense.

21 MR. DRYLIE: Please seat the juror.

22 THE COURT: Juror number 22, Christopher C. Byrd.
23 What says the State.

24 MS. MAYES: Please present the juror.

25 CLERK OF COURT: What says the defense?

1 MR. DRYLIE: Please excuse the juror.

2 CLERK OF COURT: Juror number 35, Destiny T. Davis.

3 What says the State?

4 MS. MAYES: Please excuse the juror from the trial of
5 this case.

6 CLERK OF COURT: Juror number 152, Robert L. Thomas.

7 What says the State?

8 MS. MAYES: Please present the juror.

9 CLERK OF COURT: What says the defense?

10 MR. DRYLIE: Please seat the juror.

11 JUROR: Two alternates. Juror number 105, Jacqueline
12 D. Marsh. What says the State.

13 MS. MAYES: Please present the juror.

14 CLERK OF COURT: What says the defense?

15 MR. DRYLIE: Please excuse the juror.

16 CLERK OF COURT: Juror number 136, Brittney R.

17 Ricketson. What says the State?

18 MS. MAYES: Please excuse the juror from the trial of
19 this case.

20 CLERK OF COURT: Number 76, Joisetta A. Hood. What
21 says the State?

22 MS. MAYES: Please present the juror.

23 CLERK OF COURT: What says the defense?

24 MR. DRYLIE: Please seat the juror.

25 CLERK OF COURT: Juror number 50, Ruben L. Freeman.

1 What says the State?

2 MS. MAYES: Your Honor, can we approach?

3 (Whereupon, a bench conference was held in the
4 presence of the jury panel but out of the hearing of
5 the jury panel.)

6 MS. MAYES: Please present the juror.

7 CLERK OF COURT: What says the defense?

8 MR. DRYLIE: Please excuse the juror.

9 CLERK OF COURT: Juror number 104, Cayley S. Lowe.

10 What says the State?

11 MS. MAYES: Please present the juror.

12 CLERK OF COURT: What says the defense?

13 MR. DRYLIE: Please seat the juror.

14 THE COURT: Are there any matters of law the Court
15 needs to take up regarding the selection process employed
16 or composition of the jury?

17 MS. MAYES: I beg the Court's indulgence. Nothing
18 from the State, Your Honor.

19 MR. DRYLIE: Nothing from the defense, Your Honor.

20 THE COURT: Very well. All right, y'all not lucky
21 enough to be selected. I have a reputation that jurors
22 who get seated, I provide candy to them. So, sorry for
23 that, maybe you can get on the next jury. Now, I don't
24 know how long this case will take. But what I need you to
25 do is you have got a phone number for the Clerk of Court

1 here in Edgefield County on your juror information card.
2 I want you to call that number tonight after 6:00 and
3 listen to it. It may say, please call again tomorrow
4 night after 6:00. It may say call in tomorrow morning at
5 10:00. Just follow the instructions. Okay. Can y'all do
6 that. If you don't have a number ask one of my bailiffs,
7 they will be glad to give you one of those cards, you have
8 got to have that number. If it says come in and you don't
9 I will get you a ride and you won't like it. You know
10 what I mean. Okay, y'all are free to go.

11 (Whereupon, the remaining jury panel was excused from
12 open court.)

13 THE COURT: I am Judge Griffith, I am from Newberry.
14 I am glad I have the fourteen of y'all here. When y'all
15 come back tomorrow y'all will have to report to the jury
16 room. The bailiffs will show you where that is. Now, I
17 am going to do some other matters this afternoon not
18 related to this. What I want y'all to remember when you
19 come in in the morning and we begin the State will go
20 first and the defense will get to respond. But everything
21 y'all need to decide this case you will hear here in the
22 courtroom. I have already said that twice, three times
23 this morning. Here is what I don't need. I don't need
24 you going and doing any independent research. Talking
25 about news articles, don't go back and look them up and

1 see what the newspaper says, you don't need to do that.
2 As a matter of fact, you need to not do that. What y'all
3 need to decide this case you will hear in here, from this
4 witness stand, the witnesses will be placed under oath,
5 each side will get an opportunity to examine,
6 cross-examine the witnesses. And y'all get to hear it all
7 at one time. What is not fair for either side is, two or
8 three of you go talk about the case here at lunch. You
9 have got, I wonder what they are going to tell us. That
10 is off the table, you can't do that. Y'all are not
11 allowed to discuss the case even among each other until
12 you get everything. One Judge described to me, he said it
13 is kind of like baking a cake, you don't taste it ahead of
14 time, you wait until your grandmother finishes it and then
15 see what it tastes like. And, of course, grandma always
16 bakes cakes that are always good. It is not fair to taste
17 them in the middle and determine whether it is going to
18 be, you know, come out right or not. You can't do that,
19 it is not appropriate for you to discuss the testimony
20 until I say, all right, folks, here is the instructions on
21 the law. Generally there is a confusion about that and I
22 give those instructions at the very end after the
23 testimony. Now, I will tell you this, the State has got
24 to call its witnesses first because it is making the
25 allegations. Mr. Chandler has plead not guilty and he may

1 decide not to present anything, I don't know that. That
2 is his decision, that is his constitutional right to
3 present or to remain silent. If he chooses to not
4 testify, to remain silent, y'all can't even discuss that
5 in the jury room. That is up to him and his lawyers as to
6 what they decide to present or not present. It really is
7 not for us to question. The parties present the facts and
8 the evidence for the Court to consider and the jury to
9 consider. We have got separate roles, I rule on issues of
10 law, y'all are going to rule on question of fact. Now,
11 sometime during a trial, one side or the other says,
12 Judge, I object, that is hearsay. Judge, I object, that
13 is not relevant. I make those calls but here is the
14 catch, the question hasn't been answered yet. It is kind
15 of like ahead of time and you see a picture in baseball
16 and he licked his finger and threw the ball and the other
17 team says, hey, that is a spitball. Well, he hasn't
18 thrown it at all yet, so you don't know whether it worked
19 or didn't work. The same with testimony. I can't rule on
20 testimony, looks like the answer. So, you know what, that
21 is not relevant, that is hearsay. When I have got to see
22 the play first before y'all do to make a ruling I will
23 excuse you from the courtroom because it is hard, imagine,
24 it is hard to determine those things until you hear it
25 first. I have never held court in Edgefield in my life,

1 it is my first time here and my first time hearing this
2 case. I don't know what is going to be said either. But
3 when there is an objection, they notify, these parties,
4 all of them do. And they say, Judge, that is not fair, it
5 is not allowed under the rules. I then got to go ahead
6 and cure it to make a determination of whether or not it
7 is okay or not. Now, when I do that y'all don't need to
8 be in the courtroom listening to it and it makes no
9 difference which way I rule and it is my ruling and should
10 not be considered by y'all. That is why we have separate
11 jobs. Now, the same thing goes, once everything is
12 presented to you, y'all got my instructions and y'all go
13 to the jury room I won't be back there listening to you.
14 Now, Edgefield is just like Newberry, it is small, you
15 know a lot of people, none of the parties here in the
16 courtroom, not anybody for that matter, are allowed to
17 communicate with you about this case except during the
18 trial. They can't stop you and say, hey, I want you to be
19 especially careful listening for, can't do that, that is
20 not fair, neither side can do it. So, the lawyers are
21 very aware of these rules and they will be standoffish
22 with you, they can say good morning but that is the length
23 of the conversation they can have with you. If either
24 side is seen talking with a juror the other side is going
25 to think, what are they doing, they are trying to work

1 against me. So, if you think a lawyer is being
2 standoffish and rude it is because they have to. The
3 bailiffs, they are going to be nice to you, it is their
4 job to make y'all comfortable, they will speak to you.
5 They will show you where the bathroom is, water fountain
6 or cup of coffee. The bailiffs are in charge of making
7 you comfortable. If somebody tries to communicate with
8 you in any fashion tell the bailiff, they will tell me and
9 I will address it. Don't invite a conversation, don't go
10 home and tell your children, your husband, your wife,
11 whomever, I am on the jury and guess what it is about.
12 Now, you are starting to talk outside the courtroom and
13 that is against my instructions. Don't put on Facebook I
14 am on the jury. Then you are inviting a conversation.
15 What is it about, is it the case of. Here we go, open a
16 can of worms and then so and so, and everybody reads
17 Facebook and you have all kinds of things out of control,
18 don't go on social media and say I am a juror. Please,
19 because then it will look like somebody is trying to
20 influence you outside the courtroom and that is in
21 violation of my instructions. Y'all need influence about
22 this case in here, not out there. So, don't talk about
23 the case, don't go on social media. I will tell y'all I
24 have a box of candy, I always provide candy to the jurors.
25 Also, when you come in, Ma'am, I am going to let you help

1 me determine whether or not the other thirteen jurors want
2 to take notes or not. I allow note taking, I take notes,
3 I don't require note taking. Some people just want a
4 notepad. If you want a notepad, if you will do an
5 inventory of that and let the bailiff know and we will
6 gather up the notepads. And so I allow people to take
7 notes if they so choose. We will start at 10:00 tomorrow
8 morning. So, you are excused, follow the bailiffs and
9 they will show you the jury room and we will see you in
10 the morning a little before 10:00 a.m.

11 (Whereupon, the jury was excused from open court for
12 the day.)

13 THE COURT: We will take a lunch break and then come
14 back and do pretrial motions. Be back at 1:30.

15 (Whereupon, a lunch break was taken at 12:25 p.m.)

16 THE COURT: All right. Y'all ready to go over the
17 pretrial.

18 MS. MAYES: Yes, sir, Your Honor.

19 THE COURT: All right. What we got?

20 MR. DRYLIE: Judge, I don't think we have a lot. The
21 first thing, we just ask that the witnesses be
22 sequestered.

23 THE COURT: I think that's a good common practice.
24 Other than the lead investigator. I'll grant that.

25 MS. MAYES: Your Honor, we would have Investigator

1 James Smith as our Chief Investigator Officer, and he'll
2 be in the courtroom. We also, of course, have Ms.
3 Peterson, the victim of the crime. I do want to mention
4 that we have Investigator Curtis Morris. He is the
5 evidence custodian for the Edgefield County Sheriff's
6 Department. There is a lot of physical evidence in this
7 case that is packaged and sealed and he's the person
8 responsible for that evidence and will need to be bringing
9 it in and out of the courtroom. I'm not sure what the
10 Defense's position is on Investigator Morris.

11 MR. DRYLIE: Judge, he's fine bringing that in and
12 sitting down in the courtroom, we understand that. We
13 hired a private investigator who may be coming in and out
14 as things arise during the trial and that would be Don
15 Kneece.

16 MS. MAYES: No objection. Your Honor, we were
17 thinking and it looks like we have rather a limited space
18 here and we do have a lot of physical evidence. We were
19 thinking we might just have it here behind the gate, that
20 way it's accessible to Investigator Morris and to the
21 Defense and State when needed.

22 THE COURT: Okay. That's fine. And there's one
23 thing I've noticed in trials, and I want y'all to do this
24 is once we get the jury in and you're calling your next
25 witness, whoever is going to retrieve them can go ahead

1 and, I don't know who you going to call, but it's become a
2 pet peeve of mine that everybody comes in and you say call
3 my witness, and then some person goes out of the courtroom
4 to get the witness. Send them on to get the witness, and
5 then you call them and that way, everybody's kind of
6 already in motion.

7 MS. MAYES: Okay.

8 THE COURT: But I just think it looks inefficient
9 when you say I call John Smith, and then go get John
10 Smith. Send them on. Does that makes sense?

11 MS. MAYES: Yes, Your Honor.

12 THE COURT: Over there in Laurens, they started doing
13 that to me and y'all know you got to call them. Send the
14 person before for John Smith ahead of time and he can be
15 walking in.

16 MS. MAYES: Okay.

17 THE COURT: Calling John Smith. It speeds things up.
18 I don't want to get caught short on time. And, Mr.
19 Drylie, you've been in one trial in front of me and Ms.
20 Mayes in several. If y'all want to approach the witness,
21 you ask one time do you have permission to approach and
22 that's good for the balance of the examination. You don't
23 have to keep re-asking. One time is sufficient for me.
24 All right. What else you got?

25 MR. DRYLIE: Judge, I think all of this is pretty

1 much agreed to. There's a 911 call. They have agreed to
2 redact a portion of it, where Ms. Peterson says he just
3 got out of trouble and they've already redacted it is my
4 understanding. Judge, one thing is there was some, Mr.
5 Chandler had some prior charges back in 2012, '13 and '14
6 that were not convictions, and we just move to exclude any
7 reference to that prior case. And I believe the State has
8 agreed to that, as well. Judge, there is a brand-new
9 allegation that Mr. Chandler tried to call a member of the
10 Grand Jury about two weeks ago. The State said they're
11 not going to bring that up, and so we're just making sure
12 that we're still on the same footing with that. And,
13 Judge, the only other thing is some DNA policies and
14 procedures. I just want to make sure that was all we
15 needed for that and for an expert that was added to the
16 witness list on Friday night over the weekend. Have you
17 guys heard any reports that her experts might have
18 generated other than, we've got the SLED reports, but
19 there's several expert witnesses in this case. And so she
20 said that they're going to summarize the testimony for me
21 and hand it and that'd be fine with us. Just something,
22 you know, we can go off of.

23 THE COURT: Okay.

24 MR. DRYLIE: And then one other thing and Ms. Mayes
25 and I talked about this and we think it would be prudent

1 to do possibly each day. There was a decent amount of
2 media coverage and some very strong opinions about this
3 case. Also, we ask the Court just to instruct the
4 audience, here watching that we're in a courtroom and to
5 conduct themselves accordingly and to make sure that no
6 one tries to talk to the jury. You know, the jury has
7 been instructed not to talk to anyone else, but there were
8 some very strong opinions and I can pass up the articles
9 if the Court needs to see them. But some of them said
10 that the whole jury in his last trial should be ostracized
11 and not allowed to be in Edgefield County anymore and
12 things like that. We just want to make sure that no one
13 acts inappropriately during the course of this trial,
14 anyone who might be watching it.

15 THE COURT: Okay. Ms. Mayes was involved in a trial
16 that I did some pretrial work on, but she had to try it in
17 front of Judge Addy and I remember some of the victim's
18 family in that kept holding the pictures of the victim up
19 in the presence of the jury and had on T-shirts and all
20 sorts of stuff and it's allowed. But it seems like it's
21 kind of distracting and I think that Judge Addy in that
22 told the people, he said, look, don't be the reason this
23 trial has to be done a second time and that kind of toned
24 it down from there on out. So y'all just be aware of
25 that. The jury sees everything and if they say something

1 that prejudice one side or the other, either side can
2 request a mistrial on that basis because there was undue
3 influence outside of the courtroom trying to influence the
4 jurors. And I have told the jurors that and the lawyers
5 know that, and so I just caution everybody to be aware of
6 that, and so be aware of that. Anything else?

7 MR. DRYLIE: That's it from us, I believe.

8 THE COURT: Okay.

9 MS. MAYES: And, Your Honor, from the State, I
10 believe we have a stipulation after discussions with
11 Defense Counsel, a stipulation as to chain-of-custody
12 should make things more efficient here. We do have a lot
13 of evidence that went to the State Law Enforcement
14 Division. We will have some testimony from various SLED
15 agents who conducted testing, but it appears that
16 chain-of-custody will not be at issue. Also, Your Honor,
17 after a consultation with Defense Counsel, there will be
18 judicial notice on one matter and that is the time of
19 sunrise on this incident date, February 24th, 2015, was
20 7:02 a.m. and this comes in the form of a notarized letter
21 or memorandum from the South Carolina Department of
22 Climatology.

23 THE COURT: Okay.

24 MS. MAYES: And I'll go ahead and pass that up.

25 THE COURT: We can mark that as a Court's Exhibit,

1 the next number exhibit?

2 MS. MAYES: It would be, Your Honor.

3 (WHEREUPON, Court's Exhibit 1 was marked for
4 identification only.)

5 MS. MAYES: And in addition, Your Honor, the State
6 has filed a motion for compliance with the Rape Shield
7 Statute. In this case, our victim of Criminal Sexual
8 Conduct is 83 years old. We do not expect any type of
9 evidence, but this is a normal routine motion that we file
10 in every Criminal Sexual Conduct case. We haven't been
11 served with notice that there may be any evidence offered
12 by the Defense that would need to be heard in-camera
13 pursuant to Rape Shield but just wanted to instruct
14 compliance.

15 THE COURT: Okay. Duly noted.

16 MS. MAYES: Also, Your Honor, as to sentencing, the
17 charge of burglary carries life and, of course, all of the
18 charges carry lengthy sentences. We just want to make
19 sure this would be a Motion in Limine to ensure that there
20 is no reference to sentencing or a potential sentence in
21 opening argument or any other phase in the trial.

22 THE COURT: Yeah, I don't think we ought to say
23 anything about a potential sentence, because most serious
24 charges, let's don't give them anything about that in
25 front of the jury.

1 MS. MAYES: And finally, Your Honor, we did hear the
2 pretrial matter in this case last week. There was a
3 Department of Health evaluation that was conducted on the
4 Defendant, Edward Terrell Chandler. He was found
5 competent to stand trial. My understanding is that there
6 is no challenge to that competency finding by defense, but
7 we'll go ahead and make this part of the record, part of
8 the record, as well.

9 THE COURT: Okay. You want to make that Court's
10 Exhibit 2?

11 MS. MAYES: Yes, sir.

12 THE COURT: Any objection to that?

13 MR. DRYLIE: No, Your Honor.

14 THE COURT: Okay.

15 (Whereupon, Court's Exhibit 2 was marked for
16 identification only.)

17 THE COURT: All right. Now, I don't have to tell
18 y'all this, but I'm going to say it anyway because Ms.
19 Holston and I talked about it. Ask questions, let the
20 witnesses answer, don't interrupt them or talk over one
21 another. Be kind for Joy's benefit, okay? She can only
22 take down one comment, question, answer at the time and
23 not when we talk over. That is, really drains her and me
24 listening and so if she throws her hands up, y'all on your
25 own. All right.

1 MS. MAYES: And, Your Honor, that is all from the
2 State. We do have a number of items to be marked and
3 those are photographs in that box there, and then we may
4 have some other items that will be premarked, as well.
5 Now, the actual physical evidence will probably remain
6 sealed as-is until it needs to be unsealed pursuant to
7 whichever witness is testifying.

8 THE COURT: Okay. And just so y'all know my
9 practice. When offering whatever evidence in, properly
10 identified and a foundation is laid and as soon as you
11 offer it into evidence, let me make a finding on the
12 record for Joy to remark it as introduced and accepted as
13 exhibit whatever and give her a moment to keep her record
14 straight. Because if her record is not good, y'all's
15 record is not good and she will not be pleased with that
16 nor will I. But it looks bad on me, but she wants to
17 ensure it's a good record, so y'all give her a minute
18 after I make that declaration to get done with what she's
19 doing. All right. Anything else?

20 MR. DRYLIE: Nothing from us, Your Honor.

21 THE COURT: Okay.

22 MS. MAYES: Nothing from the State.

23 THE COURT: All right. Now, when I take breaks and
24 so y'all know, I learned this in Mr. Drylie's case is if
25 we break at a certain time, there is not a clock in here.

1 I'm going to tell y'all X number of minutes and that's the
2 length of the break and it's going to be appropriate,
3 hopefully, for everybody. What I don't like is to have
4 the jury in the back sitting in the jury room and I take a
5 10-minute break that turns into a 20-minute break, because
6 then they're back there 20 minutes and don't have any idea
7 what's going on in here, so y'all let me know and if we
8 say we're going to reconvene at 2:00 o'clock and not at
9 2:15, okay? So just, so y'all know, my break is going to
10 be specific as time and the reason for that is to keep us
11 working and keep the court moving along. If we don't get
12 enough done we may start earlier than 10:00. I'm
13 concerned about that already, so I'm going to be watching
14 that. I'm an early person, not a late person. All right.
15 We'll stand at ease for this until tomorrow morning. I
16 want to start at 10:00. Stand at ease.

17 MR. DRYLIE: Thank you, Judge.

18 MS. MAYES: Thank you, Your Honor.

19 (Whereupon, the case will resume the next morning at
20 10:00 a.m.)

21 JULY 19, 2016

22 THE COURT: I am going to have the conversation on
23 the record here. Y'all can come up here and listen. I am
24 acting out of an abundance of caution. One of the jurors
25 yesterday, that knew a bunch of the people involved in the

1 case that I excused was in the courtroom yesterday, you
2 know, sat through the whole selection process. And she
3 claims she overheard a part of a conversation between you
4 and someone else. And what I want to clarify is whether
5 or not you live within Edgefield County or not. I don't
6 know what the conversation was and she may have been
7 butting into someone else's business. But I need to know
8 for certain because this case, I don't want to try it a
9 second time, they sat here yesterday marking exhibits for
10 over two hours. A lot to be presented to the jury.
11 Anyway, if you are not a resident of Edgefield then you
12 are not jurisdictionally allowed to hear the case. There
13 is no problem with that, it is just I have got to know for
14 certain. Okay.

15 (Whereupon, State's exhibits were premarked for
16 identification only.)

17 MR. OWENS: I didn't say anything because address is
18 here but I live, technically I live in Martinez.

19 THE COURT: What do you do in Martinez?

20 MR. OWENS: I live with my Grandparents over there.

21 THE COURT: You live with your Grandparents over
22 there?

23 MR. OWENS: Yes, but my address is here.

24 THE COURT: Whose address is here, your parents?

25 MR. OWENS: Yes.

1 THE COURT: How long have you been over there in
2 Martinez with your grandparents?

3 MR. OWENS: About two months.

4 THE COURT: Do you consider yourself a South Carolina
5 resident, did you file taxes this year?

6 MR. OWENS: No, sir.

7 THE COURT: Do you have a voter's registration still?

8 MR. OWENS: I have got my license and I have got
9 registration, I consider myself a South Carolina resident.
10 I am going to join the military.

11 THE COURT: You have been over there a couple of
12 months but you haven't changed any other addresses on
13 anything, like your car registration. Do you have a car
14 registration in your name?

15 MR. OWENS: Yes, sir.

16 THE COURT: You pay taxes here?

17 MR. OWENS: Yes, sir.

18 THE COURT: I think he is a resident, I am
19 comfortable with it. The lawyers just wants to make
20 certain that their client and victims get fair trials.
21 That is why I called you out here to be specific because I
22 want you to be a good juror. But it is my job to make
23 certain that jurisdictional you are qualified to be a
24 juror. There was a question about that and we need to
25 resolve before we get started. I don't believe you are

1 misleading the Court a bit. You seem very candid with
2 your answers so I am going to let you stay.

3 MR. OWENS: Okay.

4 THE COURT: Sorry about that, this is a small town
5 and it happens in Newberry too. It is better to ask and
6 get answers than to wonder. That is what we did. We are
7 good.

8 MR. DRYLIE: Thank you, Judge.

9 THE COURT: Anybody want to put anything on the
10 record after the in-camera hearing?

11 MS. MAYES: The State has no objection, Your Honor.

12 THE COURT: Temporarily, his explanation was very
13 honest, he is qualified to stand as a juror. Do we have
14 anything else to put on the record before we get the jury
15 in here?

16 MS. MAYES: Nothing from the State, Your Honor.

17 THE COURT: All right.

18 MR. DRYLIE: Nothing from us, Your Honor.

19 THE COURT: Bring the jury, please.

20 (Whereupon, the jury came into open court at
21 approximately 10:07 a.m.)

22 THE COURT: I have a practice of picking the
23 foreperson. But y'all got to let me get to know you a
24 little bit. I don't have to pick it right now, but I got
25 trained by four different Judges, one of them being Judge

1 Keesley. He was one of my training Judge's when I came on
2 the bench. But one of my senior Judge's to me says pick
3 the foreperson about halfway through the trial. Now,
4 here's something I tell my bailiffs, and I hadn't told
5 them yet so they going to look at me like, y'all didn't
6 tell me that, I wish you would have told me, but it's
7 okay. Y'all can sit wherever you like. We got your
8 names. We know who the alternates are. We know who the
9 first, second, third, because it's on a piece of paper,
10 but y'all sit wherever you're comfortable. I notice one
11 of my alternates back over there on the left. If you
12 don't want to sit there or if you like that chair, it's
13 fine. It's kind of like church. It's kind of where you
14 get comfortable and it's your space, y'all can sit
15 wherever you want, because it's a very cozy jury box and
16 that's y'all's area. And like I say, as the witnesses
17 come and go and walk out, if we don't take a break and you
18 just want to stand up and stretch, feel free, okay. Now,
19 if the lawyers say, Judge, can we approach the bench. I'm
20 going to meet them over here on this side and talk to them
21 and while I'm doing that, y'all can stand up, because I
22 don't know exactly how long it'll take, but sometimes just
23 you're not in seatbelts. You can stand up if you like to
24 and then once we start testimony, you can sit back down.
25 So make yourself comfortable. If you need something, let

1 the bailiffs know, and they'll let me know. But I never
2 allow the jury to elect a foreperson and since I've never
3 done it that way, I'm going to keep my practice of doing
4 it that way. That way I'll say, well, every trial I've
5 ever had, I've always selected somebody. And it's easier
6 to remember that you've never done it a way, than it is to
7 remember, well, which jury did I do it which way, did I
8 elect or let them do it or something another and it's just
9 a way of practice to keep things like I want them and it
10 seems to have worked over the years. Anyway, so y'all
11 know it's about time for the State and Defense to give you
12 opening comments, and they'll give you kind of
13 introduction to the case and lay out a roadmap of what you
14 expect to hear. They worked hard yesterday afternoon
15 numbering the exhibits they intend to introduce. But as I
16 told you, the State goes first, and so they're going to
17 give their opening comments first and Mr. Drylie gets to
18 make opening comments second, then the State calls
19 witnesses. And if they call witnesses, they'll examine
20 them and ask them questions and perhaps introduce
21 exhibits, perhaps not, it doesn't matter, and then Mr.
22 Drylie will have an opportunity to cross-examine his
23 witnesses and that's how it will proceed. Now, from here
24 on out, I told you yesterday, you can't discuss the case
25 until you get all of the testimony and all the evidence.

1 So at every break, it'll be my intent to tell you not to
2 discuss the case, because that was not the way it's done,
3 so you kind of take your notes. Some jurors, if you sit
4 in the same seats, you can leave your notepad in your seat
5 if that's what you want to do. Y'all can decide that. If
6 you want to carry it with you, you can. Now, at the end,
7 it seems like everybody's got a notepad, but I don't know
8 who's going to take copious notes or who's going to take
9 scant notes. It doesn't matter, because here's the deal.
10 Y'all as a group are listening and observing the trial and
11 each of you will pick up something differently so,
12 collectively, y'all are gathering facts and if someone
13 sees something or hears something different than the
14 other, a note-taker's notes don't trump someone who
15 observes something or someone that heard something. It's
16 collectively all of y'all's observations that go into it
17 whether it's on a note pad or not. So y'all together are
18 going to make the findings of fact by unanimous decision,
19 so I commend that for you. Now, as I told you, don't let
20 anybody communicate with you, don't let anybody influence
21 you. If they do, let one of the bailiffs know, and I'll
22 deal with that, but thank you for being willing to serve
23 again and I'll try to minimize your inconvenience while
24 being on jury service. I promised you candy. Now, my
25 candy has been sitting in my trunk. I need to replace

1 some of the chocolate because it's a little bit melted, so
2 y'all going to have to give it to lunchtime to get my
3 candy replaced because I just checked it out and I think
4 we need to replenish a little bit. So those are my
5 opening comments. Y'all please stand and let the Clerk of
6 Court place you under oath.

7 (Whereupon, the jury was sworn at approximately 10:11
8 a.m.)

9 THE COURT: All right. Ms. Mayes.

10 MS. RADLEIN: May it please the Court, Your Honor.

11 THE COURT: Ms. Radlein?

12 MS. RADLEIN: Thank you, Your Honor. May it please
13 the Court?

14 THE COURT: Yes, sir.

15 MS. RADLEIN: Good morning. This case is a violent
16 serious case. This case is about the power, dominance and
17 control exhibited by Edward Terrell Chandler when he
18 raped, robbed, and tied up Ms. Dorothy Peterson. But
19 today, Ms. Peterson has the courage to come forth and
20 share with each and every one of you probably the most
21 painful experience of her life in her pursuit of justice.
22 You will hear from Ms. Dorothy Peterson. She will take
23 that witness stand and she will tell you exactly what she
24 endured at the hands of that man. She will tell you how
25 much she was just trying to be good by helping a neighbor

1 out who claimed that his father needed help, opened the
2 door and before she knew it, he came into her home. He
3 came in intending to rob her. Then, he decided to rape
4 her and tie her up. You will hear Ms. Dorothy Peterson.
5 She will give you the details of what she had to endure
6 back on February 24th of 2015 right here in Edgefield
7 County. She will account on how he used random things
8 around the house to tie her up. Then, she will tell you
9 exactly how she watched him take his very shoelaces off of
10 his feet and also tied her up. Finally, when he was done,
11 he left her to basically fend for herself. Just left her
12 tied up. And you'll hear from her exactly how she was
13 able to just break free, just slightly to call for help.
14 To call 911 and immediately, she was able to tell 911 that
15 Terrell Chandler robbed her and raped her. Throughout
16 this trial, you'll also hear from Mr. Gary Doran. He's
17 from Johnston, right here in Edgefield County, and just
18 moments later, you'll hear how Mr. Chandler came into his
19 gas station cashing, attempting to cash a check that he
20 forced Ms. Dorothy Peterson to write him. Now Gary, he
21 had a police scanner in his gas station and the very
22 moment he hands Terrell back that check saying he couldn't
23 cash it, whose name was over the police scanner as the
24 very suspect, the very individual Ms. Peterson just
25 identified, Terrell Chandler. You'll hear Gary tell you

1 how he looked, and then left that gas station. Throughout
2 the trial you'll also hear that Terrell Chandler was
3 arrested just 20, approximately 20 minutes after Ms.
4 Dorothy was able to call for help. He was arrested and
5 guess what? Guess what he was missing when he was
6 arrested from his shoes; his shoelaces. When he was
7 arrested, he was wearing sneakers with no shoelaces and
8 it's the State's position that those are the very same
9 shoelaces Ms. Dorothy Peterson had to watch him take out
10 of his shoes and tie her up. Now yesterday, you heard my
11 colleague call this case. Defendant is charged under four
12 indictments, burglary, first degree; criminal sexual
13 conduct in the first degree; kidnapping and strong-arm
14 robbery. Now, he is currently under indictment and he
15 sits there with the presumption of innocence, but it's the
16 State's position that after you hear all the facts in this
17 case and you get to judge each and every witness that
18 takes that witness stand and judge for yourselves the
19 believability and credibility of each and every witness,
20 that you'll determine that as to burglary, first degree,
21 which is exactly what you think it is, going into
22 someone's home with the intent to commit a crime. There's
23 some aggravating factors that the Judge will charge you on
24 in more detail at the end of this case, but to include in
25 the nighttime hour without consent and causing any type of

1 physical injury, that you'll find him guilty. As to
2 criminal sexual conduct, it's what we commonly say rape is
3 what you think it is, without consent, the sexual battery
4 of another. And South Carolina has a special provision,
5 special factors that a Judge would charge you under that
6 will include their force during the commission of another
7 crime such as kidnapping, burglary or robbery. Then you
8 have strong-arm robbery which is what you think it is.
9 Exactly what you think it is. When you take something
10 from someone else and it could be with a threat or some
11 form of intimidation. We submit to you that in this case
12 that you would find that the State has met its burden
13 which is beyond a reasonable doubt and we welcome this
14 verdict. We have to call witnesses. We have to present
15 the facts of this case, and we firmly agree that you would
16 agree with the State and find the Defendant guilty. Each
17 and every one of you play a major part in helping Ms.
18 Dorothy Peterson's pursuit of justice. Thank you.

19 MR. WHITMIRE: Good morning. I'm going to start
20 where the Solicitor started, February 24th of 2015. Yes,
21 Terrell Chandler attempted to cash a check at the Coastal
22 Gas Station in Johnston, South Carolina. Yes, he has
23 known Dorothy Peterson for some time. Yes, he has done
24 work for her over the years through contract through her
25 businesses. However, Terrell Chandler did not sexually

1 assault Dorothy Peterson, committing criminal sexual
2 conduct in the first degree. Terrell Chandler did not
3 enter her home without permission and steal from her,
4 committed neither burglary in the first degree or
5 strong-arm robbery. Terrell Chandler did not tie her up
6 with ropes, cables, shoestrings committing a kidnapping.
7 Why? Evidence that you will see throughout this trial.
8 Fingerprints. The police searched Dorothy Peterson's
9 Johnston home almost immediately after this alleged
10 incident took place. There were no fingerprints on her
11 door, doorknob, furniture, fixtures, her personal effects.
12 Terrell's hair, Terrell's skin not found in the home. As
13 a matter of fact, none of Terrell's DNA was found in Ms.
14 Peterson's home and most importantly, none of Terrell's
15 DNA was found on Ms. Peterson's body and none of Ms.
16 Peterson's DNA was found on Terrell's body. Terrell is an
17 innocent man, because he never entered Ms. Peterson's home
18 on February 24th of 2015. Now, the government has
19 empowered y'all with the task of weighing the evidence and
20 making the ultimate determination on whether one of your
21 fellow citizens is guilty beyond a reasonable doubt or
22 innocent. Each of you is tasked with an enormous
23 responsibility. Each of you is entitled to your own
24 opinions and each of your votes count the same. Now,
25 Terrell has eagerly awaited this trial now for 16 months.

1 Terrell is 28, the father of two. Because as this trial
2 proceeds and goes forward, y'all will see the State's case
3 inevitably falls on accusations and innuendo, not
4 scientific evidence. My name is Walt Whitmire and my
5 co-counsel, Erik Drylie are proud to represent Terrell.
6 At the end of this trial, we are going to ask y'all to
7 return verdicts of not guilty. Thank you.

8 THE COURT: Call your first witness.

9 MS. RADLEIN: Sorry, Judge, I didn't hear you.

10 THE COURT: Call your first witness.

11 MS. RADLEIN: Oh, thank you. The State calls
12 Lieutenant Polly Hall.

13 THE COURT: I want to tell y'all, the parties agreed
14 to sequester the witnesses and all the lawyers agree to
15 sequester which means only, basically, the parties that
16 are absolutely necessary, the victim, the lead
17 investigator, the Defendant and their lead investigator is
18 in the courtroom so that the witnesses don't get the
19 benefit of getting to hear the other witnesses testimony.
20 Everybody testifies based upon their memory. So that's
21 just something I want y'all to know from the start. Okay,
22 Ms. Radlein.

23 Polly Hall, being
24 first duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 Q Please state your name for the record.

2 A Polly Hall, H-A-L-L.

3 Q And where are you currently employed?

4 A I am employed at the Edgefield County Sheriff's
5 Office.

6 Q And what is your rank at the Edgefield County
7 Sheriff's Office?

8 A I am a lieutenant at the Sheriff's Office.

9 Q And what is your current job functions at the
10 Sheriff's Office?

11 A I am the 911 Detention Center Administrator and also
12 the custodian of the records.

13 Q Okay. And as custodian of the records, what exactly
14 are your job functions?

15 A When requested, I get all the audio tapes, CAD
16 sheets, things of that nature.

17 Q Okay. And how long have you been in that particular
18 position?

19 A For that position, sixteen and a half years.

20 Q And how long have you been with the Edgefield County
21 Sheriff's Office?

22 A Nineteen and a half.

23 Q And so when you mentioned that you're the custodian
24 of the records, would you be the individual charged with
25 maintaining the records and keeping them in the normal

1 course of business?

2 A Yes, ma'am.

3 Q And so when you mention call details and dispatch
4 audio, what exactly is that; can you explain that to the
5 jury?

6 A Call and dispatching is when a call comes into the
7 Sheriff's Office, either by administrative line or by a
8 911 line. It is CAD'ed, any call that comes in and it's
9 all done by computer.

10 Q Okay. So, for example, if I dialed 911--

11 A Yes, ma'am.

12 Q In, Edgefield, would those records show up in your
13 office?

14 A Yes, ma'am.

15 Q And if I dialed a non-emergency number, would they
16 also show up in your office?

17 A No, ma'am. The number would--

18 Q Okay.

19 A --but not the address.

20 Q Okay. But the call detail, there would be a call
21 record of that?

22 A Yes, ma'am.

23 Q So, essentially, if anyone ever called the police
24 station, you would be responsible for keeping up and
25 maintaining those records?

1 A Yes, ma'am.

2 Q And in preparing for court today, were you able to
3 review call details and 911 audios as it relates to the
4 case that we've called for court?

5 A Yes, ma'am.

6 Q And the call detail you reviewed, the particular
7 ones, how are they maintained at the Sheriff's Office?

8 A It's all maintained through computer.

9 Q Okay. So the same process that you've just
10 described?

11 A Yes, ma'am.

12 Q And in preparing, were you able to also listen to the
13 911 audios as it relates to this case?

14 A Yes, ma'am.

15 Q Were you able to determine that they were manipulated
16 in any way or are they in the true and original fashion?

17 A They were not manipulated in any way. The times, it
18 could be different from, the computer dispatch and our
19 phone systems, the times may waiver, and it's because our
20 phone system is a different software and it has an
21 internal clock.

22 Q Okay.

23 A The CAD system does not and if the time is slightly
24 off, we would have to call the company and they would have
25 to remote in and change the time.

1 Q Okay. But as it relates to the call in the CAD, are
2 we talking just seconds here?

3 A Yes, ma'am.

4 Q Okay. Just wanted to clarify. And when an
5 individual calls 911, at what point does the CAD system
6 begin to log the call?

7 A As soon as they call.

8 Q Okay. So when the phone is ringing?

9 A When the phone is ringing, if they dial 911, a screen
10 pops up. It generates the information. If it's from a
11 landline, that information is automatically generated in
12 the system.

13 Q Okay.

14 MS. RADLEIN: Your Honor, permission to approach the
15 witness.

16 THE COURT: Certainly.

17 Q I'm going to hand you--

18 (Whereupon, State's Exhibit 70 was marked for
19 identification.)

20 Q State's Exhibit 70, I'm going to ask you, do you
21 recognize that call?

22 A Yes, ma'am.

23 Q And how do you recognize it?

24 A That is, this is one of the calls that I listened,
25 re-listened to yesterday and the one originally made a

1 copy of.

2 Q And how do you recognize that to be the same call you
3 listened to?

4 A It's got my signature on it and the date.

5 Q Okay.

6 MS. RADLEIN: At this time, Your Honor, the State
7 would move State's Exhibit 70 into evidence.

8 MR. DRYLIE: Judge, we have a matter of law.

9 THE COURT: Okay. All right. Ladies and gentlemen,
10 I've got to tend to something to put on the record. I
11 need to have y'all step in the jury room. Sorry about
12 that. Have you right back out here as promptly as we can.

13 (WHEREUPON, the jury was excused from open court at
14 approximately 10:30 a.m.)

15 THE COURT: Okay.

16 MR. DRYLIE: Judge, at this point, I think it's
17 premature to move that into evidence. At this point, it's
18 hearsay. Ms. Peterson hasn't testified yet and also a
19 violation of the confrontation clause. We haven't had a
20 chance to cross-examine her. She's going to get on that
21 call. You know, we've all listened to it numerous times.
22 It said that Edward Chandler came into my house and did
23 these things. I think she would have to testify before we
24 can move, before that call can be moved into evidence.

25 THE COURT: What do you think?

1 MS. RADLEIN: Your Honor, the State's position is
2 that the call, I established with this witness that she
3 maintains the records, so it's basically saying that these
4 911 calls are business records. So, therefore, an
5 exception to hearsay cited 8036 and I believe it's a
6 proper, it's appropriate time to admit those audios into
7 evidence through this particular witness. And we do plan
8 to publish later on for the jury in Ms. Dorothy Peterson's
9 testimony.

10 THE COURT: All right. This is what I'm going to do.
11 You've laid the foundation. She's identified it. She's
12 the record custodian. It's her identification. What is
13 introduced with Ms. Peterson, at that time, move it into
14 evidence. It makes no difference to me, but the
15 publication of it, I think would probably be more
16 appropriate, all things considered, with Ms. Peterson, she
17 is going to testify?

18 MR. RADLEIN: That's correct, Your Honor, and that's
19 our intent.

20 THE COURT: Okay. Well, if that's what you're going
21 to do, then that'll be all right. His concerns are that
22 it be published concurrent with Ms. Peterson's testimony,
23 correct?

24 MR. DRYLIE: Correct.

25 THE COURT: And if you're going to do that, then we

1 got no problem. Your foundation is laid, and I'll accept
2 it into evidence at that time.

3 MS. RADLEIN: Okay. Thank you, Your Honor.

4 MR. DRYLIE: Thank you, Judge.

5 MS. RADLEIN: We might as well do this now. I'm also
6 going to move into evidence the second call which would be
7 the witness in this case, which I intend to publish during
8 that testimony, so if there's going to be an objection--

9 THE COURT: Here's what I'll do. I'll admit it into
10 evidence if you don't request to publish it until she
11 testifies.

12 MS. RADLEIN: That's correct, Your Honor.

13 THE COURT: All right. They're accepted with the
14 foundation laid to be published only then.

15 MR. DRYLIE: Absolutely, Judge. That's fine.

16 THE COURT: Very good. All right.

17 (Whereupon, State's Exhibit 71 was marked for
18 identification.)

19 THE COURT: All right. But wait a minute. We been
20 in here about 30 minutes. I don't know how long the jury
21 is going to take. I don't know what they're doing. If
22 they're in there using the bathroom and going to take 10
23 or 15 minutes, we may as well stand at ease for a couple
24 of minutes until they are ready. Is that everything?

25 MR. DRYLIE: Yes, sir.

1 THE COURT: Bring them in.

2 (Whereupon, the jury came into open court at
3 approximately 10:34 a.m.)

4 THE COURT: All right. You may continue.

5 MS. RADLEIN: Thank you, Your Honor. At this time,
6 the State moves State's Exhibit 70 into evidence.

7 THE COURT: Into evidence, foundation has been
8 properly laid.

9 (Whereupon, State's Exhibit 70 was admitted into
10 evidence.)

11 MS. RADLEIN: Permission to approach again. Sorry.
12 Thank you.

13 THE COURT: You're quite welcome.

14 Q I'm going to hand you State's Exhibit, what's been
15 marked for ID as State's Exhibit 71. Do you recognize
16 that CD?

17 A Yes, ma'am.

18 Q And how do you recognize that CD?

19 A It's got my name and date on it.

20 Q Okay. And did you have an opportunity to review that
21 CD in preparation for trial today?

22 A Yes, ma'am.

23 MS. RADLEIN: Your Honor, at this time, the State
24 would move State's Exhibit 71, dispatch audio, into
25 evidence at this time.

1 (Whereupon, State's Exhibit 71 was admitted into
2 evidence.)

3 THE COURT: Foundation is properly laid on that, we
4 will publish it consistent with our witnesses.

5 MS. RADLEIN: Thank you, Your Honor.

6 Q Referring to, did you have an opportunity to bring
7 the call detail log with you to court today?

8 A Yes, ma'am.

9 Q Referring to your records, can you please tell the
10 jury what date that call was made?

11 A The date was February the 24th, 2015.

12 Q Okay. Bear with me. I'm going to go ahead and drop
13 this down here. And what was the incident location?

14 A Incident location is [REDACTED] in Johnston.

15 Q Okay. And based on your call records, can you
16 determine if that address is in Edgefield County?

17 A Yes, ma'am.

18 Q So you stated [REDACTED] Smith Street?

19 A Yes, ma'am.

20 Q And you said Johnston?

21 A Yes, ma'am.

22 Q And was there a phone number associated with the
23 call?

24 A Yes, ma'am.

25 Q And what was that phone number?

- 1 A It is 803-275-4030.
- 2 Q And you have to bear with me. You said 803?
- 3 A 275--
- 4 Q Okay.
- 5 A --4030.
- 6 Q And based on your call records, were you able to
- 7 determine who actually made this call?
- 8 A Yes, ma'am.
- 9 Q And who made this call?
- 10 A Dorothy Peterson.
- 11 Q Okay. And what time was this call placed?
- 12 A The call was placed at 7:33.
- 13 Q Okay. And earlier you testified to the time that the
- 14 call captures and then the call, actually, I think
- 15 arrives?
- 16 A Yes, ma'am.
- 17 Q Are those two different times in your records?
- 18 A It is; yes, ma'am.
- 19 Q Okay. Can you explain what exactly that is?
- 20 A The call time is when it came in by phone and--
- 21 Q Okay. And what time is that one?
- 22 A That is at 7:33.
- 23 Q Okay. And then the other time mentioned?
- 24 A And that was the, CAD'ed time which was 7:32.
- 25 Q Okay. And the CAD'ed time, what would that mean?

1 A That's the time that the phone, once it, the call
2 came in.

3 Q Okay.

4 A And it generated into the CAD system, the information
5 popped up, when it's a 911 call that's the time.

6 Q Okay. So the call was placed at 7:32 and they
7 connected right at 7:33, is that your understanding?

8 A The call came in at 7:33--

9 Q Okay.

10 A --is when it actually came in.

11 Q Okay. I'm going to go ahead and write. And is that
12 a.m. or p.m.?

13 A That is a.m.

14 Q And earlier I asked you about 911 calls versus
15 nonemergency numbers. Based on your records, was this a
16 911 call or an emergency call, or a nonemergency call?

17 A It was a 911 call.

18 Q Okay. And based on your records, were you able to
19 determine the nature of the call?

20 A Yes, ma'am. It was originally a break-in.

21 Q Okay. And you mentioned originally. Did that
22 change?

23 A Yes, ma'am.

24 MR. DRYLIE: Judge, we'd object to hearsay at this
25 point.

1 THE COURT: If she has knowledge, she can answer
2 that, but she can't tell, she can't repeat what someone
3 else said to her. So sustain the objection as to hearsay,
4 rephrase your question as to originally.

5 Q When you indicated the call originally came in, how
6 is that reflected on there?

7 A It originally came in as a break-in.

8 Q And is that coded in a particular way?

9 A Yes, ma'am.

10 Q And how is it coded?

11 A It's coded in our CAD system as a 1073.

12 Q And in the CAD system, a 1073 means break-in?

13 A Break-in; yes, ma'am.

14 Q So when you said the original call was a break-in,
15 you're basing that on the code that was entered in your
16 records?

17 A Correct.

18 Q And you said originally that the code later changed
19 or was a new code added?

20 A It was later changed.

21 Q And what was the new code?

22 A It was, new code was a 1035.

23 Q And what does a 1035 mean?

24 A That's a sexual assault.

25 Q Okay. And would that, the nature of the call, would

1 that have been relayed to law enforcement?

2 A Yes, ma'am.

3 Q And it would be as a 1073, and I think you said a
4 1035?

5 A Correct.

6 Q At that point, when was law enforcement dispatched?

7 A Law enforcement was dispatched at 7:33.

8 Q Okay. And what time would the first responder arrive
9 on scene?

10 A First responder arrived at 7:37.

11 Q Okay. And bear with me, I'm going to go ahead and
12 write that down here. And just to make sure it's clear,
13 that's 7:37 a.m.?

14 A Yes ma'am, a.m.

15 Q And when I indicated on-scene, that means [REDACTED] Smith
16 Street in Johnston?

17 A That's correct.

18 Q Okay. And when you had an opportunity to review the
19 records and review the 911 call, how many calls were you
20 able to determine?

21 A There was actually, I believe, four calls called in.

22 Q Associated with this incident?

23 A Yes, ma'am.

24 Q Okay. And now you indicated that the first one is at
25 7:33. What was the second call?

- 1 A The second call came in at 7:36.
- 2 Q Okay. Let me see if I can fit that here. You said
- 3 7:36?
- 4 A Yes, ma'am. And I believe on that second call is
- 5 where the dispatcher actually called her back.
- 6 Q Oh, okay. And you said, her, would that be Ms.
- 7 Dorothy Peterson?
- 8 A That would be Ms. Peterson; yes, ma'am.
- 9 Q And now you've mentioned that there was two more
- 10 calls. When were those calls placed?
- 11 A At 7:40 was the third call.
- 12 Q Okay. And that was an incoming call?
- 13 A That was an incoming call; yes, ma'am.
- 14 Q And you said 7:40. That would be 7:40 a.m.?
- 15 A 7:40 a.m.; yes, ma'am.
- 16 Q And do you know what that call was in reference to?
- 17 A That was, the call was from a Mr. Doran.
- 18 Q Okay. And I'm going to go ahead and write Mr. Doran.
- 19 And you mentioned there was a fourth call. What was, what
- 20 time was that fourth call?
- 21 A The fourth call was at 7:43 a.m.
- 22 Q And what was that call?
- 23 A That call was actually from Mr. Doran again.
- 24 Q So he called back?
- 25 A Yes, ma'am.

1 Q I'll just go ahead and write second time. Okay. And
2 in reviewing the records, in looking at that second call,
3 the 7:36 call, were you able to determine approximately
4 how long that call lasted?

5 A I think it was like two or three minutes, I believe,
6 somewhere along in there.

7 Q The first call or the second call?

8 A Oh, the first call? Let me check on this and see.
9 It started at 7:33. It looks like a little over three
10 minutes, I believe.

11 Q And that's the 7:33 call, and then the 7:36 call?

12 A Yes, ma'am.

13 Q So the 7:36 call was a little over three minutes?
14 I'm sorry. I'm just trying to make sure it's clear.

15 A The seven, the first call that came in, I believe
16 that one was, let's see dispatch time. It was like it may
17 have been about, a little over three minutes.

18 Q Okay. I'll go ahead and add that.

19 A Because she ended the call when the officer got
20 there.

21 Q The second call?

22 A Yes.

23 Q So a little over three minutes?

24 A Yes.

25 Q And in reviewing your records, without telling me

1 necessarily who, were you able to determine that a suspect
2 was indicated on the record?

3 A Yes, ma'am.

4 Q And that information was disclosed throughout the
5 call audio?

6 A Yes, ma'am.

7 Q And that information would be given to law
8 enforcement?

9 A Yes, ma'am.

10 Q Looking at your records, were you able to also
11 determine that the suspect that we just mentioned, if that
12 suspect was ever caught?

13 A Yes, ma'am; he was.

14 Q And how is that reflected, is it a similar code that
15 you mentioned earlier?

16 A It is reflected by 1067 with subject.

17 Q Okay. And is there any indication of a code prior to
18 being with subject?

19 A I'm not sure what you mean.

20 Q In referring to the call detail records, you
21 mentioned that the suspect was caught. Was there a code
22 indicating that the suspect was located?

23 A Yes, ma'am. When they went 1067, that means he's in
24 custody.

25 Q Okay. And what time was that?

1 A That was at 07:53 a.m.

2 Q And I think lastly, in reviewing the call, were you
3 able to determine if outside of the suspect's name and
4 incident location, was any other information about the
5 details of the crime put out on that radio?

6 A Yes, ma'am.

7 Q What particular information?

8 A About the crime would be the car that was driven,
9 paper tag, let's see, suspect's name.

10 Q But in addition to that, any details of what actually
11 occurred, was that put out on the radio?

12 A I don't believe so. I'm not sure about that.

13 Q Okay.

14 MS. RADLEIN: Okay. Beg the Court's indulgence.

15 Q And so do the call details, do the call detail
16 records indicate all radio transmissions?

17 A Yes.

18 Q And so everything that would have been put out on
19 there would have been reflected in this call detail?

20 A Yes, ma'am. I see on these, actually, on the record
21 that they ran a license plate tag and an ID on the person.

22 MS. RADLEIN: Okay. Well, thank you. No further
23 questions. Your Honor, may this witness be excused?

24 MR. DRYLIE: No cross, Your Honor.

25 THE COURT: You may step down.

1 MS. RADLEIN: Your Honor, the State calls Daryl
2 Peterson.

3 DARYL PETERSON, being
4 first duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 By Ms. Radlein:

7 Q Good morning, Mr. Peterson. Will you just go ahead
8 and introduce yourself to the jury. What is your
9 relationship to Ms. Dorothy Peterson?

10 A She's my mother.

11 Q Okay. And where is Ms. Dorothy Peterson currently
12 residing?

13 A She lives at [REDACTED] Smith Street in Johnston, South
14 Carolina.

15 Q Okay. And that's here in Edgefield County?

16 A Yes.

17 Q Okay. And do you know approximately how long she's
18 resided there?

19 A Since 1976, '75 or '76, a long time, approximately 40
20 years.

21 Q 40 years. Okay. And do you have any siblings?

22 A Yes. I have my sister, Denise Peterson; and also my
23 brother, Noel Peterson.

24 Q Okay. And do you have any other siblings?

25 A I have another brother, Vernon Peterson, that lives

1 in New York.

2 Q Okay. And how about your father, can you tell the
3 jury about your father?

4 A My father is Rufus Peterson. He was a funeral
5 director. Our family operates a funeral home. Amos &
6 Sons in Johnston, and he passed away in 1984.

7 Q Okay.

8 A I do have an older brother that's deceased at this
9 point. I didn't mention him, but Calvin Coates was my
10 oldest brother.

11 Q Calvin's your oldest brother?

12 A Yes.

13 Q Okay. Where do you currently reside?

14 A I live in Aiken, South Carolina.

15 Q And who do you reside in Aiken with?

16 A My wife, Casey Peterson, and I have three children.

17 Q Okay. And how old are your children?

18 A My oldest son, Brayden is 12 years old; Bryson is 11;
19 and then my youngest son, Bradley is nine years old.

20 Q Okay. So how many grandkids total does Ms. Peterson
21 have?

22 MR. DRYLIE: Objection, Your Honor. At this point,
23 we'd object to relevance.

24 THE COURT: I'll allow, but get on to it.

25 MS. RADLEIN: Yes, Your Honor.

1 THE COURT: All right.

2 A She has four grandchildren.

3 Q Being that you live in Aiken, how often are you able
4 to see your mother?

5 A Well, at least a couple of times a week. My kids
6 usually come to one of their grandparents house after
7 school when my wife is working, so I usually pick them up
8 after work. So at least one day through the week, I'll
9 come and see my mother and on the weekends when I come up
10 to go to church or other activities, we'll stop by and see
11 her then.

12 Q Okay. And when you said stop by, you'd stop by her
13 home?

14 A Yes.

15 Q Okay. So the whole family will frequent her home?

16 A Yes, ma'am.

17 Q Okay. How often are you able to actually speak to
18 your mother since you live in Aiken?

19 A Well, since she lives alone, I call her every day
20 when I'm on my way to work.

21 Q That's every day consistently?

22 A Yes, ma'am; every day.

23 Q And you mentioned going to work. Where are you
24 currently employed?

25 A I'm employed at the Bridgestone Plant in

1 Graniteville.

2 Q Okay. And you said on your way to work. What time
3 do you normally go to work?

4 A I have to be to work at 6:00 o'clock, so usually when
5 I leave home. I usually leave home around 5:30. So
6 usually before I get to work, I'll try to call her and
7 just make, you know, check on her.

8 Q Okay. And in speaking with and going into why we're
9 here today, do you recall February 24th of 2015?

10 A Yes, ma'am; I do.

11 Q And you mention you call your mother every morning.
12 Is this something you did on that morning, as well?

13 A Yes, ma'am.

14 Q And how do you remember that you called her that
15 particular morning?

16 A Well, I don't really know where to begin. I mean, I
17 remember because I called her and spoke with her on my way
18 to work. And shortly after I got to work, I received a
19 phone call from my brother and very strange, because he
20 doesn't call me before 8:00 o'clock in the morning. So I
21 received a phone call at work and when I answered the
22 phone, he said that someone --

23 MR. DRYLIE: Objection.

24 THE COURT: All right. You can't testify to what
25 somebody else told you, but you can testify as to what you

1 did as a result.

2 Q Okay. So you mentioned that you received a phone
3 call from your brother. Which brother is this?

4 A Noah Peterson.

5 Q Noah. And without, of course, telling, mentioning
6 what was said, can you go ahead and tell me, can you
7 describe his tone on the phone?

8 A Yes. He sounded very strange. Very panicked. I
9 mean, I could hear the, I guess, tension in his voice, so
10 I knew something was wrong.

11 Q Okay. Now, as a result of that, you mentioned the
12 panic and the nature of his voice, what did you do?

13 A I immediately jumped up and told my boss that I had
14 to leave. That something was going on with my mother and
15 I had to leave, so I just dropped everything and left.

16 Q Okay. And when you left, where did you go? Were you
17 able to actually see your mother?

18 A I was not. I started towards Johnston but, again, I
19 called to see what was going on and I was told that she
20 was being transported to the hospital and everything. So
21 I had to change directions.

22 Q Okay. And so you said you changed directions. So
23 did you actually get to the hospital?

24 A Yes.

25 Q Okay. And were you greeted by anyone when you

1 arrived to the hospital?

2 A Yes, my brother was already there at the hospital.
3 Another friend had driven him to the hospital. So he
4 didn't actually drive. But Desmond Daniels was at the
5 hospital. Officers from the Sheriff's Department were
6 also at the hospital. And during that time, there were
7 other individuals that came.

8 Q Okay... I'm going to go ahead and --

9 MS. RADLEIN: Permission to approach this witness,
10 Your Honor?

11 THE COURT: Sure.

12 Q I'll show you what's been marked for ID as State's
13 Exhibit 50 and go ahead and ask you if you recognize that
14 exhibit?

15 A Yes, ma'am; I do. This is a copy of my cell phone
16 bill.

17 Q And how do you recognize it to be a copy of your
18 phone bill?

19 A Because it says, detail for Daryl Peterson,
20 803-480-0211.

21 Q Okay.

22 MS. RADLEIN: Okay. At this time, Your Honor, I will
23 go ahead and move State's Exhibit 50 into evidence.

24 MR. DRYLIE: Judge, I'd just like to see it.

25 THE COURT: Okay.

1 MR. DRYLIE: Without objection.

2 THE COURT: All right. State's 50 is without
3 objection.

4 (WHEREUPON, State's Exhibit 50 was admitted into
5 evidence.)

6 MS. RADLEIN: Thank you, Your Honor.

7 Q And, again, go ahead. Can you tell the jury what
8 exactly do you see on that call detail history?

9 A Yes, ma'am. I see the call detail that I placed a
10 call to 803-275-4030 at 5:46 a.m.

11 Q Okay. And bear with me. I'm going to go ahead and
12 add that up here. What time was that call?

13 A 5:46 a.m.

14 Q And on what date are we referring to?

15 A This is February 24th.

16 Q Okay. And you indicated a phone number. What was
17 that phone number, again, that you called?

18 A I called my mother, 803-275-4030.

19 Q Okay. So I'm going to go ahead and add here, and
20 bear with me, there is a call to Ms. Peterson. And
21 approximately how long did that call last?

22 A Oh, it probably lasted for two minutes.

23 Q Okay.

24 MS. RADLEIN: Beg the Court's indulgence. No further
25 questions at this time.

1 MR. DRYLIE: No questions for this witness, Your
2 Honor.

3 THE COURT: All right. You may step down.

4 MS. RADLEIN: May he be excused, Your Honor?

5 THE COURT: Certainly. It's 11:00 o'clock. It's a
6 good time for a break. So y'all step in the jury room.
7 Don't discuss the case.

8 (Whereupon, the jury was excused from open court for
9 a break.)

10 (Whereupon, a short break was taken.)

11 THE COURT: Bring the jury in.

12 (Whereupon, the jury came into open court at
13 approximately 11:20 a.m.)

14 THE COURT: All right. Call your next witness.

15 MS. RADLEIN: Thank you, Your Honor. The State calls
16 Noah Peterson.

17 NOAH PETERSON, being
18 first duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 By Ms. Radlein:

21 Q Mr. Peterson, we just heard from Daryl. Can you go
22 ahead and tell the jury what is your relationship to Ms.
23 Dorothy Peterson?

24 A That's my mother.

25 Q Okay. And Daryl, and who's Daryl to you?

- 1 A My brother.
- 2 Q Okay. And can you go ahead and tell the jury where
3 you currently reside?
- 4 A I reside at [REDACTED] in Johnston, South
5 Carolina.
- 6 Q Okay. And how long have you lived in Johnston?
- 7 A All of my life.
- 8 Q Okay. And who do you currently reside with?
- 9 A My wife and my child.
- 10 Q And how old is your child?
- 11 A He's 12.
- 12 Q Okay. And your mom, and we understand that she lives
13 at [REDACTED]. How far do you live from your
14 mother?
- 15 A Approximately three blocks.
- 16 Q And how long does it take you to drive to your
17 mother's house?
- 18 A A minute or two. It's not very long.
- 19 Q Okay. Is Johnston a big town or a small town?
- 20 A It's a small town.
- 21 Q Okay. And so I don't want to assume, but of all of
22 your siblings, are you the one that lives closest to your
23 mother?
- 24 A I do.
- 25 Q And your other sibling, I believe Daryl mentioned you

1 have a sister. Where does she reside?

2 A She lives in Atlanta.

3 Q And Daryl lives in Aiken?

4 A Right.

5 Q So would you be the one your mom calls if she ever
6 needed anything?

7 A Yes.

8 Q And is that because of proximity?

9 A Proximity.

10 Q Okay.

11 A And I like to think closeness, too.

12 Q Do you like to live close to your mom?

13 A I do.

14 Q Okay. How often are you able to see your mother?

15 A Every day.

16 Q Every day?

17 A Every day.

18 Q Okay. Do you go by her, does she come by your house
19 or how does that work?

20 A I work at the funeral home, which is two doors from
21 where I live --

22 Q Okay.

23 A -- and she lives right around the corner. So every
24 day, she either comes to the funeral home or either I go
25 to her house. If she's not at the house, I mean at the

1 funeral home by 10:00 or 11:00, I have to go around there
2 and make sure, make sure--

3 Q -- you have to or does your mom ask you, too?

4 A Well, I'm going to take that upon me. I'm going to
5 do that any way just to make sure that she is all right.

6 Q Okay. And so you said you live next to the funeral
7 home, so Johnston is a pretty small then?

8 A Very small.

9 Q Okay. And so you said if she's not by the funeral
10 home by 10:00, well, what would she be doing at the
11 funeral home, does she work there with you?

12 A She does, but, basically, she comes to kind of check
13 on me and just sit around and kind of shoot the breeze
14 with us sometimes.

15 Q So she checks on you, you check on her?

16 A Yes.

17 Q So you guys are always checking on each other?

18 A Always.

19 Q Okay. And you mentioned the funeral home, what
20 funeral home is this?

21 A Amos & Sons Funeral Home in Johnston.

22 Q Okay. And so is this a family business or?

23 A Family owned and operated since 1932.

24 Q 1932?

25 A Yes.

1 Q And I had told your brother my math was bad, so
2 that's over 70 --

3 A Yeah.

4 Q -- 80 years? Okay. And has the business been in the
5 family that long?

6 A Now, my uncle, my grandfather started, then my uncle
7 and my father ran it. And then from them, then in, I
8 think it was in '96, my mom bought it and me and her have
9 been running it ever since. Me, her and Daryl has been
10 running it ever since.

11 Q Okay. I want to speak to you a little bit more about
12 your mother. Would you know if anyone else resided with
13 your mother?

14 A Yes.

15 Q Does anybody else reside with your mother?

16 A No.

17 Q So, essentially, does your mom live by herself?

18 A She does.

19 Q And how long has she lived by herself?

20 A Since I got married.

21 Q Okay. And how long ago was that?

22 A 2001.

23 Q Okay. You got the date right?

24 A Yeah, my wife will make sure.

25 Q So that's approximately 15 years?

1 A Correct.

2 Q Okay. So is it common knowledge in the family in the
3 small town of Johnston that your mother lives alone?

4 A No, ma'am; yes, ma'am. Yes, ma'am.

5 Q I want to speak with you briefly about not the
6 Defendant, Edward Chandler, but there's a Edward Chandler,
7 Sr., is that correct?

8 A That's correct.

9 Q And what is his relationship to the Defendant, Edward
10 Chandler?

11 A That's his father.

12 Q Okay. And do you know his father?

13 A Yes, I do.

14 Q And how do you know him?

15 A I know him, because when we were very little, him and
16 my brother were very good friends. And, I mean, through
17 the years, we've always known each other. We've known him
18 and his family.

19 Q Okay.

20 A Just through the years.

21 Q And so you said when you were little. I'm not going
22 to ask you your age but you said throughout the years. So
23 approximately what age when you said when you were little?

24 A Now, it's, we've known him for probably 35-40 years.

25 Q Okay.

1 A It's been a long time.

2 Q Okay. And you said Edward Chandler, Sr?

3 A Yes.

4 Q And your brother, is that Daryl or another brother;
5 which brother?

6 A Calvin, him and Calvin were--

7 MR. DRYLIE: Your Honor, at this point, I'm not sure
8 what the relevance of all this, so I am going to object.

9 THE COURT: I want her to lay the foundation. I
10 understand she gets to call her witnesses and you
11 cross-examine them.

12 Q And where exact, do you know exactly where Edward
13 Chandler, Sr., resides?

14 A I do.

15 Q And where does he live?

16 A He lives on May Street.

17 Q Okay. And we know that your mom lives on Smith
18 Street.

19 A Yes.

20 Q Where is May Street in relationship to Smith Street?

21 A Just right around the corner. My mom, Smith Street
22 faces SCE&G and Highway 121 and to the right, right down
23 the, right around the block is where Edward lives, Edward,
24 Sr. lives.

25 Q Okay.

1 A And that's on May Street. That's the adjoining
2 street.

3 Q I'm going to go ahead and show you --

4 MS. RADLEIN: Beg the Court's indulgence.

5 THE COURT: Yes, ma'am.

6 Q I'm going to show you what's been marked or ID'd as
7 State's Exhibit 1. Do you recognize this?

8 A I do.

9 Q And how do you recognize this?

10 A That's Smith Street. That's where I grew up at. I
11 mean, I been there all my life.

12 Q Okay.

13 MS. RADLEIN: At this time, Your Honor, the State
14 would move State's Exhibit 1 into evidence.

15 MR. DRYLIE: Without objection.

16 THE COURT: State's 1 will be entered.

17 (Whereupon, State's Exhibit number 1 was admitted
18 into evidence.)

19 MS. RADLEIN: Permission to publish?

20 THE COURT: Sure. Folks, so y'all know, anything
21 that's introduced into evidence, y'all will have in the
22 jury room. So you can look at it in here, you will have
23 plenty of time to review anything that's introduced.

24 MS. RADLEIN: Permission for the witness to step
25 down, Your Honor.

1 THE COURT: Sure.

2 Q Just so we'll let the jury see, you come down here.
3 So I'm going to ask you some questions referring to the
4 exhibit. You mentioned that the jury couldn't see what we
5 were talking about. You mentioned that you noticed that,
6 because you said this is where you grew up.

7 A Yes.

8 Q And can you show the jury where Smith Street is on
9 this map?

10 A This whole road right there, that's Smith Street.

11 Q Okay. And then where is May Street?

12 A Right around here is May Street.

13 Q Okay. And do you see your mother's house on that
14 map?

15 A Yes, the house is right here.

16 Q And let the record reflect that, are you pointing to,
17 what's the address?

18 A [REDACTED].

19 Q Okay. I'm going to go ahead and give you this.

20 A Okay.

21 Q And you indicated that you know Edward Chandler, Sr.?

22 A I do.

23 Q And you said he lived on May Street?

24 A Yes.

25 Q Do you know where his house is on May Street?

1 A Yes. He lives right in there.

2 Q Okay. I'll go ahead give you a white tack.

3 MS. RADLEIN: And let the record reflect he's

4 pointing to a street, that house on May Street.

5 Q And just a couple of more questions about this. Are

6 you familiar with the layout of your mother's house?

7 A I am.

8 Q Okay. Where is the front of the house?

9 A The actual front is right up under these trees right

10 here. We very seldom use that, that door right there.

11 Q You mean very seldom. What door do you use?

12 A We use the door right here.

13 Q And where exactly are you pointing to, is that the

14 front of the house you're pointing to, or the side of the

15 house, or the back of the house?

16 A It's actually the back of the house.

17 Q Okay. And how would you get to the back of the

18 house?

19 A She's got a circular driveway that starts here, then

20 it goes straight up, and then it comes right behind the

21 garage right there. And then it comes around, and then

22 there is another driveway that circles right on out this

23 side here.

24 Q Okay.

25 MS. RADLEIN: And just for the record, Mr. Peterson

1 is pointing to an entrance off of [REDACTED] and
2 he's pointing to a circular driveway that goes from the
3 front of the house to the back of the house, and then back
4 to the front of the house.

5 THE COURT: You asked the question and he described
6 in detail.

7 MS. RADLEIN: Thank you, Your Honor.

8 THE COURT: Just don't repeat his testimony. Let him
9 testify.

10 MS. RADLEIN: Thank you, Your Honor.

11 Q And in referring to the back of the house and you
12 mentioned the garage. Can you show the jury where this
13 garage is?

14 A That big area right there.

15 Q Okay. And what kind of garage is it, is it for
16 parked cars or storage? What kind of garage is it?

17 A It was supposed to be for cars, but and, I mean, it's
18 actually storage right now. I mean, she had a lot of
19 stuff in there.

20 Q Okay. And so where would we, are you familiar with
21 where your mother would park her vehicle?

22 A She actually parked, there is a walkway that goes
23 right out of the backdoor, so she usually parks right
24 here.

25 Q Okay. And when you would go visit, where would you

1 park?

2 A Me, I usually end up having to park out in the
3 backyard. Actually, it's further out, because there's
4 only a single driveway around. So I end up having to park
5 in the grassing area right down in there.

6 Q Oh.

7 A That's where I park.

8 Q Okay. And it's that grassed area right in front of
9 the door that you mentioned earlier that she would go
10 into?

11 A Exactly.

12 Q Okay. Is there any place in the backyard that
13 someone can park their car where you can't see that front,
14 that backdoor?

15 A Right there in front of the garage. The way the
16 garage, it's kind of like a large L-shaped type of garage.
17 So in the back of the garage, if you park right in front
18 of where the doors are in the garage, you can't see from
19 the backdoor where you come out. You can't see that at
20 all.

21 Q Okay. And we have a tack where May Street is.

22 A Yes.

23 Q Approximately, because you've been there and you said
24 you grew up there, approximately how far is that house,
25 Edward Chandler's house to your mother's house?

1 A If you walk through the back, through the back yard
2 there, it's a minute. You could run across the yard, you
3 could run to the house in I know 30 seconds to a minute.

4 Q Okay. Could you use the laser pointer and show the
5 direction that you're referring to?

6 A If, if you were going to run through there, you could
7 run through the backyard and through to his house. But
8 usually, the way we usually do it, when I was younger, we
9 would come through here, through this yard here and run
10 out that way.

11 Q Okay. And you can go ahead and take your seat. You
12 have mentioned that when you were younger you used to run.
13 So you used to frequent Mr. Chandler's house?

14 A Not very often. We, and we'd go back there, because
15 his house is, basically the way that we would, if we were
16 going to walk uptown or walk up to, walk up to the funeral
17 home or something like that, that's the way that we would
18 go.

19 Q Okay. Do you know if Edward Chandler, Sr., and your
20 mother were close in any way?

21 A He worked for her. He would clean the yards and come
22 around and do any little small jobs that she needed done.
23 That's what he would do. I mean, and there is many times
24 I'd come around and I seen him. He was either mowing the
25 yard or moving stuff from here to there. He actually put

1 some sealant down on the, on her tile in her kitchen
2 floor. I mean, he's done many odd jobs for her.

3 Q Okay. So you're familiar with Mr. Chandler and
4 you're familiar with the fact that Mr. Chandler works for
5 your mother?

6 A Yes.

7 Q And you said works for her. So it's not a volunteer
8 thing; he actually gets paid for this?

9 A Yes.

10 Q Okay. And do you know how he would pay her, how she
11 would pay him?

12 A Checks.

13 MR. DRYLIE: I'm going to object to hearsay at this
14 point. I'm not sure if he's the appropriate --

15 MS. RADLEIN: I can ask the foundation question, Your
16 Honor.

17 THE COURT: All right. Yeah. Rephrase your
18 question.

19 Q Are you familiar with, have you been present before
20 when your mother has paid Mr. Chandler?

21 A Yes.

22 Q And do you know how he would, how she would pay him?

23 A Checks, sometimes cash and sometimes, I'd have to pay
24 for it.

25 Q Okay. Okay. Now, referring to Edward Chandler, Jr.,

1 the one on trial today, are you familiar with him, as
2 well?

3 A Yes.

4 Q And do you know where he resides?

5 A He lives right --

6 MR. DRYLIE: Objection.

7 THE COURT: If he has knowledge, he can answer it.
8 If he doesn't know, he doesn't know, but if he knows.

9 Q Are you familiar with where Edward Chandler, the
10 Defendant that's on trial today, resides?

11 A He was living with his father.

12 Q Okay. And with his father, where was he living? Was
13 that the May Street house --

14 A Yes.

15 Q -- you identified?

16 A Yes, ma'am.

17 Q And how long have you known the Defendant to live
18 there and known the Defendant?

19 A I have known of him for some time, but I have, when
20 he started helping his father when he came back from
21 school, then that's when I kind of met him and saw him.
22 Before that, I didn't really know him.

23 Q Okay. And so you mentioned that he would help his
24 father. Well, how, exactly would he help his father?

25 A His father told me that he wanted to give him

1 something to do. So he would give him, when my mother
2 would give him odd jobs he would bring him over there and
3 then they would do the job together, out on the job.

4 Q Okay. Would you say this was a regular occurrence or
5 just random occurrence?

6 A As far as I'm concerned, it was kind of random,
7 because it was, I never saw him consistently come in over
8 there.

9 Q Okay. I want to speak to you specifically now about
10 the reason why we're here, which is February of last year.
11 Can you tell me about that morning?

12 A It was just like any other morning. We got up that
13 morning, me, my wife and my son, because they had to go to
14 school, so we got them dressed and got them off. My wife
15 works at Parker, at W.E. Parker Elementary School and was
16 going there. So they got up, got dressed and I saw them
17 out. They got in the car and they left. And I do what I
18 usually do. Since it's about quarter till 7:00 or so, I
19 would kind of crawl back in bed and, you know, sleep for a
20 little bit longer. And I got a call, got woken up out of
21 my sleep telling me that--

22 MR. DRYLIE: Objection.

23 Q Now, you can't say what they said, but you did
24 receive a call?

25 A I did.

1 Q And who did you receive this call from?

2 A The dispatcher.

3 Q Okay. And as a result of this phone call you
4 received, what did you do?

5 A I jumped up, put my clothes on and I ran around to, I
6 mean I drove around to my mother's house as quickly as I
7 could.

8 Q Okay. And you said drove around to your mother's
9 house?

10 A Yeah.

11 Q Not ran?

12 A Yeah, I drove.

13 Q Okay. And did you get there; did you see your mother
14 when you arrived?

15 A Okay. As soon as I pulled up and got out of the car,
16 I went to the steps to try to go up the steps and I saw my
17 mama tied up. It was a hard thing to see your mother,
18 I'm all right.

19 Q So you mentioned that you arrived at the house and
20 you got to the steps. What steps are you referring to?

21 A The back steps coming up, coming up to her backdoor.
22 She was on the, when I looked in the door, she was, there
23 was the chair that she usually sits in and right at the
24 door, she was tied up. And before I could go in, Deputy
25 Daniels and there was another officer. I think his name,

1 Roosevelt, him, they pulled me to the side and said you
2 can't go in yet. So I had to stand outside and they
3 instructed me after that, the rescue squad came and when
4 the rescue squad came, then they, then they put my mama
5 onto a stretcher and took her to the hospital.

6 Q Okay.

7 MS. RADLEIN: And may I, permission to approach this
8 witness, Your Honor?

9 THE COURT: Yes, ma'am.

10 Q I'm going to show you what's been marked for ID as
11 State's Exhibit 53. I'm going to show you what's been
12 marked as State's Exhibit 53. I'm going to ask you do you
13 recognize this photo?

14 A I do.

15 Q You recently just testified that you saw your mother.
16 How do you recognize your photo?

17 A That's the way she looked when I looked in that door.

18 Q Okay.

19 A That's the way she was.

20 Q And this was on February 24, 2015?

21 A It was.

22 MS. RADLEIN: At this time, we move State's Exhibit
23 53 into evidence.

24 THE COURT: Any objection?

25 MR. DRYLIE: Judge, we would object. At this point,

1 I don't think the proper foundation has been laid. He
2 didn't take that photo, and I realize he doesn't have to
3 take it, but according to his testimony, he was outside
4 the house. That photo is taken from inside the house, and
5 so I don't think that it's proper to admit it at this
6 time.

7 THE COURT: I think she ask the question that
8 depicted what he saw and he affirmatively answered that.
9 So the foundation has been laid, but I understand your
10 objection. But I'll let her continue and subject to your
11 objection.

12 (Whereupon, State's Exhibit number 53 was admitted
13 into evidence.)

14 MR. DRYLIE: Thank you, Judge.

15 MS. RADLEIN: Thank you, Your Honor. Permission to
16 publish?

17 THE COURT: Yes, ma'am.

18 MS. RADLEIN: Beg the Court's indulgence.

19 Q Can you please describe for the jury this photograph?

20 MR. DRYLIE: Objection.

21 Q State's Exhibit 53?

22 THE COURT: I think he's already answered that
23 question. I don't think you can get him to describe it.

24 MS. RADLEIN: Moving on.

25 THE COURT: The photographs speaks for themselves.

1 MR. DRYLIE: Thank you, Judge.

2 Q When you saw your mother that day, you indicated that
3 you were not able to go inside the home and you mentioned
4 that EMS had arrived. Were you able to actually speak
5 with your mother?

6 A I did.

7 Q Okay. At what point were you able to actually speak
8 with your mother?

9 A When I walked up, they were kind of standing beside
10 me, they, she told me--

11 MR. DRYLIE: Objection.

12 THE COURT: You can't testify to what somebody said.
13 You can testify to what you did and what you saw.

14 A Well, my mother, she raised her hand toward me and
15 told me that--

16 MR. DRYLIE: Objection.

17 A Oh, whatever.

18 Q When you were standing at the door, was your mother
19 still tied up?

20 A She was.

21 Q Was EMS in the house at that point?

22 A Not yet.

23 Q Okay. Was your mom still sitting on the couch?

24 A She was.

25 Q Were any of her, did you see that any of the devices

1 used to tie her up had been released from her body?

2 A No, she was still tied up.

3 Q Okay. And at that point, did you get to hear any
4 conversation that she was having regarding when that
5 occurred?

6 A Yes, and she called back--

7 MR. DRYLIE: Objection.

8 A Well--

9 MR. DRYLIE: Objection, Your Honor.

10 A Well, she did--

11 THE COURT: I'm trying to think how to help him.
12 You're not allowed to testify to what somebody said to
13 you.

14 MR. PETERSON: Okay.

15 THE COURT: You can testify to what you did but she,
16 you can say she made comments and what you did as a
17 result. Rephrase your question.

18 MS. RADLEIN: Your Honor, in terms of, that is the
19 specific testimony I'm looking for in terms of laying the
20 foundation. She was still tied up at this point.

21 MR. DRYLIE: He's already testified that she was
22 still tied up at this point.

23 THE COURT: He did that, EMS or the rescue squad and
24 they started treating her, and then what? I think that's
25 where I was following your testimony.

1 MR. DRYLIE: We'd object to anything specific that
2 she said.

3 THE COURT: I mean, she's going to testify so she'll
4 be able to tell whatever she wants to say.

5 MS. RADLEIN: Okay. I'll move forward, Your Honor.

6 THE COURT: Okay.

7 Q In terms of when you were able to speak with her
8 instead of, without telling me what she told you, was she
9 able to describe to you what happened?

10 A She did.

11 Q Was she able to tell you who did it?

12 A She did.

13 Q Okay. At that point, can you go ahead and tell the
14 jury what happened next?

15 A Well, EMS got her and put her in the car, put her in
16 the rescue squad and took her to Aiken. I immediately
17 called my brother and my sister, and Desmond Daniels put
18 me in, he told me to just get in the truck with him. He
19 didn't want me driving. So he brought me to, he took me
20 down to the hospital and we set in the hospital most of
21 the day waiting on her.

22 Q Okay. And you indicated that, we. Approximately how
23 many people were there with you at the hospital?

24 A There was eight to ten people.

25 Q Okay. After this day, what measures did you take

1 since this occurred?

2 MR. DRYLIE: Objection as to relevance.

3 THE COURT: Okay. What's not relevant?

4 MR. DRYLIE: Judge, I'm not sure where she's going
5 with this, could we approach?

6 (WHEREUPON, a bench conference was held in the
7 presence of the jury but out of the hearing of the
8 jury.)

9 Q After this day, earlier in your testimony, you
10 testified that Edward Chandler, Sr., continued to, used to
11 perform work around the house.

12 A Yes.

13 Q After this day, did he continue to do so?

14 A No.

15 Q Okay. Who now cuts the, takes care of your mom's
16 house?

17 A Me and my son. I been training my 12-year-old son
18 how to cut grass and do things around the house.

19 Q Okay. So you've filled that void now since this
20 occurred?

21 A Yes.

22 MS. RADLEIN: Beg the Court's indulgence. And no
23 further questions, Your Honor.

24 CROSS-EXAMINATION

25 By Mr. Drylie:

1 Q Good morning to you.

2 A Good morning.

3 Q Now, before you arrived at your mother's house on
4 February 24th, 2015, you didn't see anything that happened
5 there, correct?

6 A No.

7 Q Okay. Now, in November of 2014, did you go to Edward
8 Chandler, Sr.'s house?

9 A Did I go to his house?

10 Q Yes.

11 A I'm not familiar with the time.

12 Q In November of 2014 or December of 2014 or January of
13 2015, February of 2015; in any of those months, did you go
14 to Edward Chandler, Sr.'s house?

15 A Not, I mean, I go back there every, just about every
16 day. I drive by in front of their house and a lot of
17 times he's sitting right outside. Edward, Sr., is right
18 outside of the house and we talk outside.

19 Q Do you go inside the house to see the room that you
20 say Terrell was living in?

21 A No.

22 Q Okay.

23 MR. DRYLIE: No further questions.

24 THE COURT: All right. You may step down.

25 MS. MAYES: The State calls Dorothy Peterson to the

1 stand.

2 DIRECT EXAMINATION

3 DOROTHY PETERSON, being

4 first duly sworn, testified as follows:

5 By Ms. Mayes:

6 Q All right. Now, Ms. Peterson, I'm going to adjust
7 this microphone just a tad to make it a little bit easier
8 for everyone to hear you.

9 A Okay.

10 Q All right. Now, Ms. Peterson, you'll see me step
11 back away from you and the reason for that is we want to
12 make sure that even this last juror can hear your
13 testimony. How old are you today?

14 A Approximately 84.

15 Q All right. Well, let me ask you this, what year were
16 you born?

17 A 1930 or '01. At one time, my Birth Certificate was
18 wrong and it had 1932 and it was changed to 1932.

19 Q All right. And back then were--

20 A Changed to 1931.

21 Q Okay. And back then were people your age normally
22 born in a hospital or born at home?

23 A At home; midwife.

24 Q And what about you?

25 A At home; midwife.

1 Q All right. And so there had originally been an error
2 on the Birth Certificate, but you are 84, is that correct?

3 A That's correct.

4 Q Now, Ms. Peterson, I want to ask you a little bit
5 about yourself. How long, approximately, have you lived
6 here in Edgefield County?

7 A I have been living in Edgefield County since 1958.

8 Q All right. And what brought you here to Edgefield
9 County?

10 A Well, after I finished college, I worked in Hampton
11 County for three years. After three years in 1958, I
12 moved to Edgefield County to work in the school district.

13 Q Now, you've mentioned a college. What county were
14 you actually or what state and city were you actually a
15 native of?

16 A I'm originally from Jacksonville, Florida.

17 Q Okay.

18 A I went to school in Atlanta, Georgia, and then I came
19 to South Carolina to work.

20 Q All right. And you mentioned college. Where did you
21 go to college?

22 A I got a B.A. Degree in English from Morris Brown
23 College in Atlanta, Georgia. I got my Master's Degree
24 from South Carolina State College in Orangeburg. And I
25 did, I got a Master's, plus 30 in Administration in South

1 Carolina.

2 Q All right. And so what led you, again, let me
3 rephrase that question. What led you to actually working
4 in Edgefield County?

5 A Well, it was a job, after the job with Hampton
6 County, I moved to Edgefield to better, to a better job I
7 thought.

8 Q And where were you working when you first moved here
9 to Edgefield County?

10 A Johnston Training School in Johnston, South Carolina,
11 which is now the Adult Learning Center or Adult Education.

12 Q All right. And how long did you work for the
13 Edgefield County School District?

14 A Approximately 47 years, because I worked in Education
15 a total of 51 years, but I worked at Edgefield County
16 approximately 48 years.

17 Q All right. Now, there has been some testimony about
18 your home on Smith Street, and I'm going to take this down
19 for just a moment. And have you seen this map before?

20 A Yes.

21 Q And, specifically, when we talk about your home here
22 on Smith Street, are you familiar with the residence
23 that's shown with the white pin?

24 A Yes, I am.

25 Q Okay. To your knowledge, whose residence is that?

1 A Edward Chandler.

2 Q Okay. And when we talk about Edward Chandler, what
3 relation is Edward Chandler to the Defendant in this case,
4 Terrell Chandler?

5 A His father.

6 Q All right. And, I believe, there's already been some
7 testimony, but I'm going to ask you about how long have
8 you been living alone, Ms. Peterson, at the 3 [REDACTED]
9 [REDACTED] address?

10 A Approximately 15 years.

11 Q All right. And your husband passed away what year?

12 A In 1982.

13 Q All right. And after your husband passed away, you
14 and Noah resided in the home?

15 A Noah, Daryl and Denise, my three children; me and my
16 three children.

17 Q All right. And after Noah moved out, can you tell us
18 whether or not you've lived alone since that time?

19 A I have.

20 Q Now, do other people in that neighborhood, to your
21 knowledge, do other people in that neighborhood know that
22 you live alone?

23 A They did.

24 Q Mr. Edward Chandler, Edward Chandler, Sr., know that
25 you lived alone?

1 A He did.

2 Q And, Ms. Peterson, how is it that you know the
3 Defendant in this case, Terrell Chandler?

4 A Through his father. His father would have him assist
5 him in doing chores for me at different times.

6 Q All right. Now, giving your age, what kind of help
7 do you sometimes need around your home there at [REDACTED]
8 [REDACTED]?

9 A Well, moving furniture. He has done some things like
10 upholstering a couple of chairs for me. He has even
11 mopped my kitchen, Mr., the father.

12 Q Okay. And you mentioned or there has been testimony
13 about a funeral home, but do you still work in some
14 capacity even at your age today?

15 A I do.

16 Q Okay. In what regard?

17 A I work at the funerals as a lady attendant, of course
18 I run errands. So I won't have to stay home, I run
19 errands getting Death Certificates and different things
20 that are needed to keep the business going.

21 Q Okay. And who actually owns the Amos & Sons Funeral
22 Home today?

23 A I am the sole proprietor of the funeral home.

24 Q All right. Now, how long, approximately, has Edward
25 Chandler, Sr., the father of Terrell Chandler, been doing

1 some odd jobs for you around your home?

2 A 10 or 15 years, for a long time.

3 Q All right. How long would you estimate that the
4 Chandler family has lived in that residence right to the
5 back of your home on Smith Street?

6 A Mr. Edward Chandler lived there with his, lived with
7 his grandparents in their house as long as I been in town.

8 Q All right. So as long as you've been aware they have
9 been living there?

10 A His family.

11 Q Okay. When you moved into your home there on Smith
12 Street, were they already residing there on May Street
13 behind you?

14 A He was and his, with his grandparents.

15 Q Okay. And then you mentioned that you met the
16 Defendant, Terrell Chandler, through his father, Edward
17 Chandler, Sr., and has that been one occasion or more than
18 one occasion that you've had contact with Terrell
19 Chandler, the Defendant?

20 A More than one occasion.

21 Q Okay. Can you tell us what, if anything, Terrell
22 Chandler did around your home with his father?

23 A Well, Terrell built some brick tiles in front of my
24 house and, of course, he helped his father cut grass
25 around the house. And, of course, he also helped his

1 father clean our house on Railroad Avenue that I purchased
2 next to the funeral home, and helped his father clear out
3 that house for me.

4 Q All right. And can you tell us whether or not that
5 dates back to his high school years, around the time he
6 was a high school student?

7 A Most of that was after his high school graduation.

8 Q All right. Now, I want to ask you a little bit more
9 about your family. You mentioned your son, Noah. Your
10 son, Daryl, lives in Aiken. We've heard testimony from
11 him. What about your daughter, Denise, where does she
12 reside?

13 A Denise lives in Decatur, Georgia.

14 Q Okay. I want to take you, Ms. Peterson, to the date
15 of February 24th, 2016. Tell us what, if anything, you
16 first recalling that morning?

17 A Well, that morning, Daryl calls me every morning on
18 his way to work in the proximity of 6:00 or before 6:00 or
19 around that area, around that time. And, of course, he
20 called me that morning and after he called and I got back
21 in the bed, I went to the bathroom and as I was coming out
22 of the bathroom, my doorbell started ringing frantically,
23 just continuously. And I did not take time to get dressed
24 at the time, because I wondered what was so, what was
25 going on. And, of course, I rushed to the door and stood

1 behind the door. Since I was not fully dressed, I stood
2 beside of it and when I opened, I have a burglar door
3 which opens, which locks on both sides. I opened the
4 inside door and Mr. Chandler was standing at the door and
5 he said, something is wrong with my dad. He's just
6 shaking. And I said you can call 911. So I turned and
7 went back to get the telephone and came to the door and on
8 my way to the door, I started trying to dial 911. But he
9 was at the door and he said, give me the phone. And
10 thinking it was, everything was all right, I unlocked the
11 door and the minute I unlocked the door, he said, give me
12 the phone. And he was forcing his way in and give me the
13 phone. And I was backing up and he was coming toward me
14 and I tripped and I fell to the floor on the rug right by
15 the fireplace.

16 Q All right. So let me stop you right there. The
17 first thing you mentioned about that morning was receiving
18 the call from Daryl, your son Daryl.

19 A Right.

20 Q Can you tell us whether that's usual or unusual in
21 the morning time?

22 A No, he calls me every morning.

23 Q All right. And, I believe, there's been testimony
24 that that phone call, you got that at 5:46 a.m., so before
25 6:00 a.m. About how long do you recall that phone call

1 lasting?

2 A Just a short while, just to see if I was okay. He
3 was on his way to work. Just a very short time.

4 Q Okay. And what do you remember or where do you
5 remember going after you finished the phone call with
6 Daryl?

7 A I either went to the bathroom or back to the bed. It
8 was between the two.

9 Q Okay. And then what, if anything, came to your
10 attention next that morning?

11 A The door, the doorbell ringing.

12 Q All right. Did he ring one time or more than one
13 time?

14 A Continuously.

15 Q All right.

16 A Very frantically, continuously.

17 Q And what did you do in response to hearing that
18 doorbell?

19 A I rushed to the door to see what was going on, what
20 was going on.

21 Q Right. You mentioned that you have what you call a
22 burglar door, and then another door?

23 A Yes.

24 Q You got two doors?

25 A It's, the burglar door is somewhat a screen door

1 like. And as I said, it locks from, I can lock it from
2 the inside or the outside, and then I have the regular
3 little door.

4 Q All right. How were you able to position the doors
5 to see outside?

6 A Open the inside door and the, the burglar door has
7 screen and glass that you can see.

8 Q All right. Were you able to see the person standing
9 there?

10 A Yes, ma'am.

11 Q Who was that person?

12 A Terrell Chandler and he told, that's when he told me
13 his dad was having problems.

14 Q All right. Ms. Peterson, do you see Terrell Chandler
15 in this courtroom here today?

16 A Yes, ma'am.

17 Q Where is he seated?

18 A Right over there at that table.

19 Q All right. Can you tell us what color shirt he's
20 wearing?

21 A I think it's blue.

22 MS. MAYES: Your Honor, if the record may reflect,
23 she has identified the Defendant.

24 THE COURT: So reflect.

25 Q Now, Ms. Peterson, what, if anything, was he saying

1 to you when he was standing at the door?

2 A Telling me about the condition of his father. That
3 something was wrong with his father, and I called 911 or
4 attempted to call 911. But before I could finish the
5 call, he said, give me the phone. And I gave him the
6 phone.

7 Q All right. And what happened next?

8 A After I got up from the, he came over toward me and
9 sat over in the chair where I usually sit. He said, give
10 me your money.

11 Q All right. Now, when you went to the door, was it
12 sunlight outside or dark outside; what can you tell us?

13 A It was dusk or dawn, whichever in the morning. It
14 was not night at all.

15 Q Okay.

16 A It was a little bit dark.

17 Q Okay. Was it sunlight?

18 A No, ma'am. No sunlight.

19 Q And did you invite him in?

20 A I did not. He forced his way in, pulling the door.
21 And I was attempting to try to lock it back since I know,
22 since I could see the look in his eyes was very
23 frightening. But he pulled it and I was not able to lock
24 the door back.

25 Q All right. When you say the look in his eyes was

1 very frightening, can you tell us what you were sensing or
2 feeling at that time?

3 A Fear at that time.

4 Q And what happened next?

5 A When I backed up and sat on the couch and he said,
6 give me my money. My pocketbook and a lot of other junk
7 was sitting on the couch there by me, so I opened my
8 pocketbook and pulled out numerous hundred dollar bills
9 that I had in my pocket, in my billfold.

10 Q Okay. I want to ask you a little bit about that. Do
11 you sometimes keep money in your purse or at your home for
12 safekeeping?

13 A Not that much. I usually try to keep a hundred
14 dollar bill in my pocketbook for emergencies, because I
15 travel a lot, stay in the road. But I had that money in
16 my pocketbook at that time, because I had previously went
17 on a trip to St. Augustine, Florida. And, of course, that
18 was leftover money that I had in my billfold.

19 Q Okay. So the money that you got for your trip to St.
20 Augustine, can you tell us where you had been keeping that
21 money?

22 A Well, the money that I had, well, the money that I
23 had been keeping before the trip?

24 Q After the trip.

25 A In my billfold.

1 Q Okay. And can you tell us the condition of that
2 money; what was it like?

3 A Crisp bills.

4 Q When you say crisp bills, what kind of bills were
5 those?

6 A One hundred dollar bills.

7 Q Okay. Did you have just one or multiple?

8 A I had multiple. I don't remember, I don't remember
9 how many, but it was those hundred dollar bills that I got
10 to go on my trip.

11 Q All right. What did you do with those hundred dollar
12 bills?

13 A I gave it to Mr. Chandler.

14 Q And what happened after that?

15 A After I gave him the money, he said, write me a
16 check. I say, for what. For how much. He said a
17 thousand dollars. I said, I don't have that kind of money
18 in the bank. He said, well, write it for, well, whatever,
19 and then he made a suggestion seven-hundred-and-something
20 or whatever. And I don't remember exactly how much I
21 wrote it for over the \$700.00, but I know I wrote it for
22 \$700 hundred plus dollars.

23 Q How much did he first ask you to write it for?

24 A A thousand dollars.

25 Q All right. And what did you say in response to that?

- 1 A I don't have that kind of money in the bank.
- 2 Q All right. And then the next amount of money, you
- 3 say over \$700.00, who told you how to, the amount to write
- 4 that check for?
- 5 A He suggested that I write it for \$700.00 or \$750.00.
- 6 Q All right. And did you write the check?
- 7 A I did.
- 8 Q And did you write it out to him?
- 9 A I did.
- 10 Q Now, are you familiar with the kind of checks that
- 11 sometimes have the carbon copies or duplicates underneath
- 12 them?
- 13 A I am. I usually have those kind of checks, but the
- 14 last time that I ordered checks, I did not order the
- 15 duplicate. The cashier that ordered my checks just
- 16 ordered regular checks, so I had no duplicate of that.
- 17 Q Okay. So this series of checks did not have
- 18 duplicates, is that correct?
- 19 A That's correct.
- 20 Q Okay.
- 21 A That's correct.
- 22 Q So there was no carbon copy underneath it?
- 23 A That's correct.
- 24 Q And once you wrote the check, who did you give it to?
- 25 A I gave it to Terrell Chandler.

1 Q Now, let me ask you this. You mentioned that you
2 fell down when he first came in. Do you know if you were
3 hurt in any way?

4 A Well, I really didn't know and I, I, I really don't
5 know, because I was panicking.

6 Q All right.

7 A After, after we, I gave him the check and all that,
8 he was looking around as to do, what do I do next or what
9 steps do I take next or where do I go next. So he said,
10 come on. And he asked me where my cell, and about the
11 check. I asked about the date or whatever. And he said,
12 where's your cell phone. I said, I think it's in the car.
13 And from that point, we trying to get the date to put on
14 the check. After I gave him the check and he looked
15 around to see what to do next, he said, come on. And led
16 me back through the house down the hall and, of course, he
17 was looking in the rooms and all that and my room was, the
18 television was on and I also had a scanner in my room.
19 And, of course, something came over the scanner at that
20 time and when he recognized that was my room, because the
21 television was on at that time, so we went into, he led me
22 into my bedroom. And he said cut off the television. So
23 I showed him how to cut the television off. And after
24 that is when he proceeded to push me on the bed and
25 started to pull down his pants.

1 Q . What happened next?

2 A He attempted to, he held my head and said, come on.
3 He attempted to put his penis in my mouth, and then he
4 took it out and then he attempted to insert it in my
5 vagina. From that time of him saying, come on, come on.
6 From that time, he took it out and put it in my mouth
7 again. And after that and panicking, I really, I believe
8 he sat down. I had a basket of clothes down by the bed,
9 and then he sat down and he took his shoestring out of his
10 shoe and started to tie me up.

11 Q All right. I want to ask you about that. Did you
12 see him take the shoestrings out of his shoes?

13 A Oh, yes, I did.

14 Q Where did he put the first shoestrings that he took
15 out of his shoes?

16 A Around my leg.

17 Q Okay. Would that be high on your legs or low on your
18 legs? What part of your legs?

19 A Lower part on my legs. I don't remember exactly.

20 Q Okay.

21 A But the lower part of my legs.

22 Q All right. And what, if anything, did he use after
23 that to restrain you?

24 A I had a little baby blanket like around me and I had
25 a pajama top. He took the pajama top and the little old

1 blanket that I had and he attempted to tie it around and
2 stuff my mouth with, with those items.

3 Q Now, Ms. Peterson, can you tell us whether or not he
4 ever said anything to you about whether or not it was okay
5 to seek help or call for help?

6 A He told me, if they come, I'll kill you.

7 Q And he said, if they come, who did you understand him
8 to be referring to?

9 A The law enforcement.

10 Q Okay. So were you able to get to a phone and call
11 911?

12 A Not at that time. He said, come on. And he was
13 looking for tape. He said, where is the tape. And I
14 said, I think I got some up front. So he said, come on.
15 I said, I can't walk.

16 Q Why could you not walk?

17 A Because I was tied up with the shoestrings. And, of
18 course, he lifted me up at that time and carried me back
19 down the hall and sat me down on the floor in the front
20 part of the hall, the little foyer like part and sat me
21 down there. And then he got the tape and little coil that
22 I had, and he wrapped and tied me as tight as he could
23 around the legs and around my body and that was, and then
24 he left, started out the door. He said, I'm going to cash
25 this check. And he left out the door.

1 Q Okay.

2 A And, of course, after that, I managed some way to
3 wiggle away, and then jump toward and sat on the couch and
4 got the phone and I called 911.

5 Q All right. So I want to go back to what you were
6 describing in the bedroom. And you said that there was a
7 noise on in the bedroom. What was that noise?

8 A I don't know whether it was the television or, well,
9 I don't know whether it was the television that came on or
10 whether it was the heat that comes, and then goes on and
11 off. I don't remember exactly what the noise was.

12 Q Okay. And as he was taking you down the hall, could
13 you hear the television on in your bedroom?

14 A No, it was on. I know when we first went in there he
15 said, cut off the television. Where's the television.
16 And cut off the television and that was all.

17 Q Okay. And so that was your bedroom that you were in
18 at that time, is that correct?

19 A That's correct.

20 Q And you said that he, he was undressing. What do you
21 recall about the type of clothing that he had on,
22 specifically pants?

23 A It looked like a sweat suit, but the pants, I know
24 were gray pants or sweats. And I think they had pockets
25 kind of on the side. I'm not sure, but they was gray.

1 Q Okay. So the gray sweat pants that you described,
2 could those be pulled down?

3 A I'm sure they could.

4 Q What did you see him do?

5 A Expose himself at that time.

6 Q Okay. And the first, when you say he exposed
7 himself, the first part of your body that he touched with
8 his private part was what?

9 A My mouth.

10 Q And after that, what part of your body did he touch
11 with his private part?

12 A Was my vagina.

13 Q All right.. Do you know whether he was able to
14 actually put his private part in your vagina?

15 A Well, it was hurting, so I really don't know. It was
16 forced, so I don't know how much he succeeded.

17 Q Okay.. What part of your body?

18 A My vagina.

19 Q Okay. And after that, what part of your body did he
20 touch with his private part?

21 A My mouth.

22 Q Okay. Can you tell us whether or not it went in your
23 mouth?

24 A It went in my mouth because he kept saying, come on,
25 come on. But before I, before I even put it in my mouth

1 again, there was something white on the end and I brushed
2 it out.

3 Q Okay. You saw something white. Do you know what
4 that was?

5 A No, I don't.

6 Q Okay. And do you know whether or not he actually
7 ejaculated?

8 A I don't.

9 Q Okay. Now, after that happened and you talked about
10 the, the shoestrings being taken off and put on you, where
11 were you at when the other items were used to restrain
12 you?

13 A He started at, in the bedroom, and then he finished
14 up, because he had found some tape or something, the coil
15 to wrap around. And so it finished in the front hall
16 while I was on the floor.

17 Q Okay. And you said he found some coil to wrap
18 around. Where was the coil at in your home?

19 A On the table in my, in my den.

20 Q Okay. And you said he asked you if you have tape.
21 Where was the tape at in your home?

22 A I don't know whether it was, I don't know whether it
23 was on the side table or whether it was over there by the
24 television. It was somewhere in that room, very obvious.

25 Q Okay. And did he use that tape on you as well?

1 A Yes, he did.

2 Q And you mentioned that he was looking around. What
3 do you mean by that?

4 A He was just trying to decide. Trying to make a
5 decision as to what to, what to do next.

6 Q What was your, what were you thinking or feeling at
7 that time?

8 A Fear because he told me, if they come, I'm going to
9 kill you. And he told me that more than once.

10 Q Were you able to physically resist him?

11 A Beg your pardon?

12 Q Were you able to physically resist him?

13 A I did not resist, because I feared for my life. He
14 said he'd kill me, and I took him at his word.

15 MS. MAYES: Your Honor, may I approach the witness?

16 THE COURT: You may.

17 Q Ms. Peterson, I'm going to start by showing you some
18 photographs and they have got numbers on them. So I will
19 call out these numbers as we go. The first is State's
20 Exhibit 54 and next is State's Exhibit 55. What is shown
21 in those photographs?

22 A The items that he attempted to, that he tied me up
23 with, the cord and also the pajama top that he had around
24 my neck and my face to tie me up.

25 Q Okay. So the cord and the pajama top. Is anything

1 else shown in that photo, as well? Do you see the tape in
2 that photograph, and that's State's Exhibit 55?

3 A I don't see the tape.

4 Q Where was the tape at on your body?

5 A Around my mouth. That look like it could be the tape
6 right there, but the tape was around my mouth.

7 Q Okay. And then State's Exhibit 54. Who put the red
8 and black or pink and black --

9 A Pajama top.

10 Q -- top around the neck?

11 A Mr. Chandler.

12 Q And that cord, the black cord?

13 A Mr. Chandler.

14 Q And I'm going to show you State's Exhibit 56 and 57.
15 Do you recognize these photos?

16 A I sure do. These are the shoestrings here, and this
17 is the tape.

18 Q Whose feet?

19 A My feet.

20 Q Can you tell us whether or not these photographs are
21 a fair and accurate representation of the condition you
22 were in that day when law enforcement arrived to help you?

23 A Yes, ma'am.

24 Q Now, I'm going to show you also State's Exhibit 62.

25 A This is the hall leading to my bedroom.

1 Q Okay. And then State's Exhibit 59.

2 A This is the couch on which I was sitting and my
3 pocketbook next to it.

4 Q Okay. And then I'm going to show you one more,
5 State's Exhibit 60?

6 A This is also on the couch.

7 Q Can you tell us, Ms. Chandler, I mean, can you tell
8 us, Ms. Peterson, if that is a fair and accurate
9 representation of the den and the couch as it was the day
10 you've testified Mr. Chandler was in your home?

11 A It is.

12 MS. MAYES: Your Honor, at this time, the State would
13 offer 59, 60, 62, 57, 56, 54 and 55 as evidence.

14 THE COURT: Any objection?

15 MR. DRYLIE: Just one second, Your Honor.

16 THE COURT: All right.

17 MR. DRYLIE: No objection, Your Honor.

18 THE COURT: So the State's, they're not in order, 54,
19 55, 56, 57, 59, 60 and 62 are admitted without objection.

20 (Whereupon, State's Exhibit 54, 55, 56, 57, 59, 60,
21 62 were admitted into evidence.)

22 Q Now, Ms. Peterson, I want to ask you specifically
23 about this photo, State's Exhibit 60, and I want to have
24 you take a look at that.

25 A This is the couch on which I was sitting.

1 Q All right. What is shown here in the left-hand
2 corner of that couch?

3 A A scarf.

4 Q Okay. And that scarf, can you tell us whether or not
5 that scarf was used on you in any way that day?

6 A That scarf, I think, was a part of the items that was
7 used to strangle me.

8 Q Okay. And was anything attached to that scarf; was
9 there anything else he used with it?

10 A I'm not sure.

11 Q All right. What part of your body was that scarf on?

12 A I think it was on my shoulders around my neck. I'm
13 not sure.

14 Q Well, let me ask you this. Did you see him take both
15 of his shoestrings off that day?

16 A Did I see him do what?

17 Q Did you see him take both of his shoestrings off that
18 day?

19 A I know he took, I'm sure he took both of them off,
20 but I saw him when he took the first one off. But in the
21 process of panicking I, you know, I was not looking that
22 close, but I know I saw him before he started trying to
23 tie me up take the shoestring out.

24 Q Okay. All right. And I know we've shown you State's
25 Exhibit 47 and ask you whether or not you recognize that

1 item?

2 A I do, because that's my scarf and a shoestring.

3 Q Okay. And was that scarf also put on you at some
4 point that day to restrain you?

5 A Yes, it was.

6 Q How would you describe and just so the jury and the
7 record is clear which scarf we're talking about. How
8 would you describe that scarf? What kind of print would
9 you describe that as?

10 A Leopard.

11 Q Okay. The leopard-print scarf?

12 A Leopard-print.

13 MS. MAYES: Just so we can show her what we're
14 referring to. Your Honor, at this time, the State would
15 request permission to publish these photographs which had
16 been, have been admitted into evidence.

17 THE COURT: Sure.

18 MS. MAYES: We're going to publish to the jury at
19 this time, Your Honor.

20 THE COURT: Sure.

21 (Whereupon, photographs were published to the jury.)

22 THE COURT: All right. Folks, the lawyers are trying
23 to help me anticipate how much more time the witness will
24 take and she's obviously been testifying longer than the
25 others and she's got a little bit more. And anyway, they

1 just asked me would you rather go to lunch, and then come
2 back and I think that will be appropriate. Can y'all be
3 back at a quarter till 2:00? I believe it's an hour and
4 10 minutes, roughly. Remember, don't discuss the case, go
5 to lunch and be back in the jury room by quarter till 2:00
6 and we'll resume testimony then.

7 (Whereupon, the jury was excused from open court for
8 a lunch break.)

9 THE COURT: We will stand at ease until quarter to
10 2:00.

11 (Whereupon, a lunch break was taken.)

12 THE COURT: Bring the jury, please.

13 (Whereupon, the jury came into open court at
14 approximately 1:52 p.m.)

15 THE COURT: I promised y'all a piece of candy. You
16 are still under oath. Ms. Mayes, you may continue.

17 MS. MAYES: May it please the Court.

18 THE COURT: Yes, ma'am.

19 CONTINUE DIRECT EXAMINATION

20 By Ms. Mayes:

21 Q Ms. Peterson, before the break you were describing
22 the events the morning of February 24th, 2015. And we
23 have a published photograph which depict you there on the
24 couch of your home. At this point and time who was taking
25 this photograph?

1 A One of the deputies.

2 Q Okay, one of the deputies. How was it, Ms. Peterson,
3 that you were able to get law enforcement to your home
4 that morning?

5 A I struggled to get to the couch to where the phone
6 was, get to the phone so I could call.

7 Q Was that while the Defendant was in your home or
8 after he had left your home?

9 A Oh, he had left, as soon as he walked out the door
10 and said, I am going to cash this check, I proceeded to
11 try to get untied.

12 Q And when he left after he had gotten the check from
13 you what part or parts of your body were you able to get
14 free from the restraints?

15 A I think it was, I am not sure but I think I got my
16 arms, I am not really sure. All I know is I was able to
17 make it to the phone.

18 Q What, if anything, were you doing with your body to
19 try and get yourself free of your restraints?

20 A I moved with my arms and my legs, mainly my upper
21 body so I could get to the phone.

22 Q And you showed your hands or your wrists like this.
23 At some point were they together also?

24 A Yes, sir.

25 Q And who had put your wrists together?

- 1 A Mr. Chandler.
- 2 Q Do you know, we have seen various articles here in
3 the photograph, do you know or do you recall which one of
4 the devices was that he used to keep your wrists together?
- 5 A I thinking it was the shoestrings, I don't really
6 remember which ones.
- 7 Q And can you tell us, once you were able to get your
8 hands free, were your feet still bound?
- 9 A They were.
- 10 Q And did you still, can you tell us whether or not you
11 still had the cord around you?
- 12 A I did.
- 13 Q And the tape that you mentioned, was the tape still
14 on your body?
- 15 A I am not sure.
- 16 Q And you were able to make it to a phone, what
17 happened when you got to the phone?
- 18 A I got to the phone and I sat on the couch and
19 proceeded to call 911.
- 20 Q And were you able to walk, how were you able to get
21 from one point to the other point to make that call?
- 22 A I put my feet together, jumping which ever I could
23 get, to get to the couch, the phone was very close to
24 where I was at the couch.
- 25 Q Were you able to walk as one normally would?

1 A No.

2 Q So you had to maneuver your body in a way to work
3 with the restraints?

4 A That's correct.

5 Q And what did you do when you got to the phone?

6 A I called 911.

7 Q And what, if anything, did you tell them when you
8 called 911?

9 A I don't exactly remember the words but I told them I
10 needed help, I had been robbed.

11 Q Okay. And the person on the other end of the phone,
12 did they ask you any specific questions like where it had
13 taken place?

14 A They asked me where he was and who it was and many
15 questions that I can't remember exactly what they were.

16 Q Okay.

17 A And they asked me to stay on the phone, stay on the
18 phone.

19 Q And when you got the question of who it was, did you
20 answer that question?

21 A I sure did.

22 Q Who did you tell them it was?

23 A Terrell Chandler.

24 Q And did they ask you if you had been hurt?

25 A They did.

1 Q And what was your response to that?

2 A I said that I wasn't hurt but what I meant by that
3 was, I wasn't shot or cut up or anyway like that, life
4 threatening.

5 Q You were still conscious?

6 A Very conscious.

7 Q And did law enforcement come to assist you?

8 A They did.

9 Q And how were they able to get inside?

10 A The door was unlocked, I had not locked the door
11 back, I had not.

12 Q And so when law enforcement came inside and took
13 these photos of you as we see them, is that how you were
14 when Mr. Chandler had left you other than being able to
15 get your hands free?

16 A I was like that except I was in another room and I
17 maneuvered my way to that, I was in the den on the couch.
18 But before that I had maneuvered into that room.

19 Q In order to reach the phone?

20 A In order to reach the phone.

21 Q And just to clarify, the red or pinkish color article
22 of clothing that we see here around your neck, how was
23 that placed there?

24 A By Mr. Chandler.

25 Q And the clear tape that is around your neck?

1 A It was done by Mr. Chandler.

2 Q Now, have you had a chance, Ms. Peterson, to listen
3 to the 911 call that you made in this case?

4 A I have.

5 Q And can you tell us if that is a true, fair and
6 accurate representation of the recording that you made
7 that morning with law enforcement?

8 A It was.

9 Q That is a fair and accurate representation of the
10 conversation that you had with law enforcement, the
11 dispatcher?

12 A Yes.

13 Q And then was there a point and time where the
14 dispatcher called you back that morning?

15 A I am sure it was, I talked two or three times to
16 somebody. I don't remember but I am pretty sure.

17 Q Okay. Did you listen to the second call too?

18 A I did.

19 Q And is that also a fair and accurate representation
20 of the conversation that you had?

21 A It was.

22 MS. MAYES: Your Honor, at this time the State would
23 request permission to publish the two 911 calls in this
24 case.

25 THE COURT: We have already admitted into evidence

1 and the caveat can be published upon the witness
2 testifying and she has testified. You will be allowed
3 cross-examination of any of these issues.

4 MR. DRYLIE: Thank you, Judge.

5 (Whereupon, the two 911 tapes were played for the
6 jury starting at 2:03 p.m. and ended at 2:10 p.m.)

7 Q During that conversation you gave the name, Terrell
8 Chandler. Can you tell us whether or not there was any
9 doubt in your mind as to who it was that came into your
10 house that day?

11 A No, doubt at all.

12 Q And when you say he stayed on May Street, who were
13 you referring to?

14 A I was referring to his father and I didn't know
15 whether he lived there or not but I was referring to the
16 Chandler's.

17 Q Okay. And when you said a gray sweat suit, what part
18 or parts of his clothing do you recall being gray?

19 A His pants, especially.

20 Q All right. Now, you also were asking about calling
21 your son. You said let me call your son. What were your
22 concerns in that regard?

23 A So they could come see about me to see what was going
24 on.

25 Q And do you recall Noah arriving there to the scene?

1 A I remember I saw him, yes.

2 Q Is that while law enforcement was still there?

3 A Oh, yes.

4 Q And when you said, I can't open the door, what were
5 you referring to?

6 A Being able to get to the door, because I'm still tied
7 up.

8 Q Did you remain there on the couch until the law
9 enforcement officers actually got into the room with you?

10 A I did.

11 Q Now, they were asking you about a vehicle. Were you
12 able to see whether the Defendant was on-foot or in a
13 vehicle?

14 A No, I wasn't, because I was, at the angle the door
15 was, I could not see any farther than right outside the
16 door where I was looking straight out and I could not.

17 Q Okay. I'm going to show you what is State's Exhibit
18 52 and also what is State's Exhibit 51 and just ask you
19 first whether or not you recognize what's shown in both of
20 these photographs?

21 A This is my back door here, this is the door that I
22 was, came in and I was there.

23 Q Okay. That's State's Exhibit 51, and do you
24 recognize State's Exhibit 52?

25 A Yes.

1 Q Can you tell us whether or not your home is shown in
2 that photograph?

3 A This is my home here. This is my home here.

4 Q All right. Can you tell us, Ms. Peterson, whether
5 these two photographs are a fair and accurate
6 representation of the scene of your home at [REDACTED]
7 [REDACTED]?

8 A They are.

9 Q Okay.

10 MS. MAYES: Your Honor, at this time, the State would
11 offer 51 and 52 into evidence.

12 THE COURT: Any objection.

13 MR. DRYLIE: No objection, Your Honor.

14 THE COURT: 51 and 52 admitted without objection.

15 (Whereupon, State's Exhibit 51 and 52, were admitted
16 into evidence.)

17 Q So we're going to look here first before we get to
18 the photo there of your back porch. We're going to look
19 here first at State's Exhibit 52. You've identified your
20 home. Is any other home shown in the photograph?

21 A Yes, the Smith resident next-door to me.

22 Q All right. And you say the Smith resident. Who is
23 the, who are the residents there?

24 A Townsend and Darlene Smith.

25 Q Okay. And approximately how long have they lived

1 there next to you?

2 A They was down there whenever the house was there
3 before I moved, because they been living there almost as
4 long as I have.

5 Q All right. So that's immediately next-door to you?

6 A Immediately.

7 Q And then looking here at this photograph of the, what
8 you identified as the back porch, can you tell us how that
9 back porch relates to this particular incident?

10 A This is the door. This is the door Mr. Chandler came
11 in.

12 Q Okay.

13 A This is the door I opened.

14 Q All right. And you said that there were two doors.
15 Can you see both of those doors in that photograph?

16 A No, I can't.

17 Q Okay. What are we looking at here?

18 A We're looking at the backdoor where I come in and out
19 on the side porch. The circular porch is where the porch
20 goes all the way up around the house, the side, and then
21 down on across the front.

22 Q Okay. And the burglar door that you mentioned, is
23 that in this photograph?

24 A This is the door. This is the door.

25 Q And can you see through that door?

1 A Yes, you can. I have the plexiglasses to see through
2 and those burglar bars line the door, but the glass is on
3 the inside.

4 Q Okay. And then is there a second door behind that
5 door?

6 A The regular Wood door.

7 Q Okay. The regular Wood door. Okay. And from that
8 door, were you able to see whether or not he had a vehicle
9 along your driveway anywhere?

10 A No, not where I was standing.

11 Q Okay. And your driveway, is it a straight driveway
12 or a circular driveway?

13 A A circular driveway.

14 Q Okay. So does it go around your whole house?

15 A Around my whole house.

16 Q The back of the house?

17 A The back of the house as well.

18 Q Now, after law enforcement got there and you told
19 them who did it, what, if anything, was done about getting
20 treatment for you?

21 A They called for help.

22 Q Okay. And where did you go?

23 A To the hospital, Aiken County Hospital.

24 Q Okay. And who transported you there?

25 A The paramedics.

1 Q And can you tell us once you were transported to the
2 hospital whether or not you were questioned specifically
3 about what had happened?

4 A I was.

5 Q And, specifically, was it in reference to the sexual
6 assault?

7 A Yes.

8 Q What were your concerns in that regard as far as
9 seeking treatment?

10 A Have I picked up some disease or whatever? I didn't
11 know what could have been the outcome.

12 Q Did they treat you for that also?

13 A They did.

14 Q And, Ms. Peterson, what you described today in court
15 in terms of the Defendant putting his private part in your
16 mouth, did you report that at the Emergency Room to the
17 nurse?

18 A I am sure I did.

19 Q And the part about the Defendant putting his private
20 part in your private part, was that reported to the nurse
21 also?

22 A It was.

23 Q I'm going to show you some additional photographs.
24 These are going to be State's Exhibit 63, 64, 65, 66, 67,
25 68, and then 69.

- 1 A Those are my, those are parts of my body, my arms.
2 This is my elbow where it caught with my arm. This
3 picture my, this is my knee. No, this is my hand. This
4 is my hand here. My arm and my hand right there. This is
5 also my arm and a part of my hand.
- 6 Q Is that also on your hand?
- 7 A Yes, it is.
- 8 Q All right.
- 9 A This is also.
- 10 Q All right. Now, there is a cut shown on the, in some
11 of the photographs. Did you have those cuts prior to that
12 morning?
- 13 A No, I didn't.
- 14 Q What caused the cuts that you received?
- 15 A I don't know whether it's from the being tied up or
16 whether it was from the scuffles of trying to undo it, but
17 it was not there when I began.
- 18 Q All right. And you mentioned before that you also
19 fell?
- 20 A Yes.
- 21 Q I'm going to show you what is State's Exhibit 69, the
22 photograph you identified as your elbow. Did you have
23 that cut or that burn before that morning?
- 24 A No, I didn't.
- 25 Q And do you have a rug, can you tell us whether or not

1 there are rugs in your home?

2 A I have a rug on the floor.

3 Q Okay.

4 A It covers most of the floor.

5 Q What did your body contact when you fell?

6 A It contacted the floor, as well as the rug trying to,
7 when you trying to scuffle back from the fall.

8 Q Okay. So part of your body made contact with the rug
9 when you fell.

10 A It did.

11 MS. MAYES: And, Your Honor, at this time, the State
12 would offer these photographs into evidence: 69, 63, 64,
13 65, 66, 67 and 68.

14 MR. DRYLIE: Without objection, Your Honor.

15 THE COURT: 63 through 69, inclusive, are admitted
16 without objection; all photographs.

17 (Whereupon, State's Exhibits 63 through 69 were
18 admitted into evidence.)

19 MS. MAYES: Your Honor, may we publish?

20 THE COURT: Sure.

21 (Whereupon, State's Exhibits 63 through 69 were
22 published to the jury.)

23 Q Now, Ms. Peterson, once you were taken to the
24 hospital, were you treated by a nurse?

25 A I was.

1 Q And also by a doctor?

2 A I was.

3 Q And prior to that morning, was there any reason why
4 you would have been bleeding vaginally?

5 A No.

6 Q And were any part or parts of your body hurting after
7 the assault?

8 A It was.

9 Q What part or parts of your body was that?

10 A My vagina.

11 Q Okay. I'm going to show you what is State's Exhibit
12 60 and 61 and State's Exhibit 60 is already in evidence.

13 All right. So this photograph is in evidence, Ms.

14 Peterson, and then this one is not. This is State's

15 Exhibit 61, so I'm going to ask you as to State's Exhibit
16 61, do you recognize what's shown in that photograph?

17 A Blood.

18 Q And what is the location?

19 A On the couch where I was sitting.

20 Q Okay. Is the couch in State's Exhibit 61 the same
21 couch that's shown in State's Exhibit 60?

22 A It is.

23 Q And you say where you were sitting. Do you see or
24 recognize the place that you were sitting in these
25 photographs?

1 A I do.

2 Q All right. And is there any other place on your body
3 that would have caused that blood other than what you've
4 described as hurting part of your private part?

5 A No, it wasn't.

6 Q And was there ever any blood on your couch prior to
7 that morning?

8 A No, it wasn't.

9 MS. MAYES: Your Honor, at this time, we would offer
10 State's Exhibit 61 as evidence.

11 THE COURT: Any objection?

12 MR. DRYLIE: No objection, Your Honor.

13 THE COURT: Admitted without objection.

14 (Whereupon, State's Exhibit 61 was admitted into
15 evidence.)

16 Q And that place that you were sitting on the couch,
17 Ms. Peterson, we have State's Exhibit 59 in evidence.
18 What is located directly beside that on the couch?

19 A My pocketbook and remote control and little paperwork
20 where I was sitting and doing work of some kind.

21 Q Okay. The leopard print scarf, do you see it in this
22 photograph?

23 A I sure do.

24 Q Okay. And the leopard print scarf had also been used
25 as a restraint?

- 1 A It had.
- 2 Q And the purse, can you tell us whether or not that's
3 the same purse where you had your money that day?
- 4 A It is.
- 5 Q Is that the same purse where you had the check that
6 he asked you to write?
- 7 A It is.
- 8 Q Ms. Peterson, when he asked you for money and that
9 check, can you tell us whether or not you felt you had any
10 choice in the matter?
- 11 A No, I didn't.
- 12 Q Can you tell us the restraints that were put on you,
13 do you feel you had any choice in that matter?
- 14 A No, I didn't.
- 15 Q And the Defendant's entry into your home, was that
16 with your consent or without your consent?
- 17 A Without my consent.
- 18 Q And, Ms. Peterson, when he put his private part in
19 your mouth, can you tell us whether or not that was
20 against your will?
- 21 A Very much so.
- 22 Q And do you have, you mentioned you had the neighbor,
23 Ms. Darlene Smith. Did you contact her at all that
24 morning?
- 25 A I did.

1 Q At what point, if you know?

2 A And when I was trying to get some help, I called her
3 to let her know what was going on.

4 Q Okay. And was that, can you tell us whether or not
5 that was after you talked to 911 the first time?

6 A I am sure that it was after, I called 911 first, and
7 so it was after.

8 Q Okay. And did Ms. Smith and her husband come over?

9 A They came over. I don't know whether they got in the
10 house or not, because when I was on the way to the
11 ambulance, to the paramedic, in the ambulance, they were
12 standing in the yard. So I don't remember whether they
13 ever got inside of the house or not, but I know they were
14 both standing in the yard.

15 Q All right. So other than the police and the
16 emergency or the paramedics as you put it, other than the
17 police and the paramedics, was anyone else allowed in your
18 house that morning when you were being treated?

19 A No.

20 MS. MAYES: Nothing further at this time, Your Honor.

21 CROSS-EXAMINATION

22 By Mr. Drylie:

23 Q Good afternoon.

24 A Good afternoon.

25 Q Now, has Terrell ever done work for you before?

- 1 A Has he what?
- 2 Q Has Terrell ever done work for you before?
- 3 A He has.
- 4 Q Okay. And you have paid him for this work, right?
- 5 A I have.
- 6 Q Have you ever written him checks?
- 7 A I have. I don't remember if I wrote checks or
- 8 whether it was in cash. But he didn't always do it, very
- 9 seldom did he do any work for me.
- 10 Q Okay. Now, you testified on direct that it wasn't
- 11 nighttime anymore when Terrell allegedly got there,
- 12 correct?
- 13 A Yes.
- 14 Q Now, according to you, about how long was he in that
- 15 house?
- 16 A I'm not sure. I was panicking, so I had no concept
- 17 of time.
- 18 Q Now, according to what we heard, you said that he
- 19 rang the doorbell, correct?
- 20 A Yes, sir.
- 21 Q He didn't beat on the door?
- 22 A No, he rang the doorbell and he continuously rang the
- 23 doorbell.
- 24 Q Now, when you came to the door, you hadn't put on
- 25 your clothes yet?

1 A And no I hadn't.

2 Q And you still answered the door, correct?

3 A Sure did.

4 Q And it's normal practice for you to come to the door
5 in just a t-shirt, correct?

6 A No, it's not.

7 Q Now, you don't know how much money he took?

8 A No, I don't know exactly how much. But I know I had
9 quite a bit in there. So I thought it was over \$500.00,
10 but I'm not sure. I don't know what it was. How much it
11 was.

12 Q Did you ever say it was \$800.00?

13 A I don't remember. I said \$7-\$800.00. I didn't know
14 how much it was.

15 Q Okay. And you had that money from a trip?

16 A Left over from a trip.

17 Q And where did you go?

18 A St. Augustine, Florida.

19 Q And when did you get back?

20 A I think I got back the Friday morning before that
21 week. I'm not exactly sure, but I was in Florida for a
22 week.

23 Q Okay. Now, you don't remember how much you wrote the
24 check for?

25 A I know it was \$700.00 and the amount, \$700.00, I

1 don't know. I don't remember it.

2 Q And you don't remember what date you put on there?

3 A Whatever the date was, that date I put on it
4 yesterday's. He asked me for my cellphone, so we can
5 just, we together could decide what the date was. But I
6 don't remember.

7 Q But you didn't have your cellphone, correct?

8 A I did not have my cellphone. It was in the car.

9 Q So did you just guess on the date?

10 A Right. Maybe he told me the date. I don't know, but
11 he was in communication with my writing the check.

12 Q Okay.

13 A So I did, a lot of what I said he dictated.

14 Q Now, something that wasn't talked about, but you had
15 to talk to people before about this case?

16 A I talked with?

17 Q You've had to talk to people before about this case,
18 Investigator Smith or some other people? Before today,
19 you've talked to Investigator Smith about this case,
20 correct?

21 A Oh, yes, sir.

22 Q Now, when you talked to Investigator Smith, did you
23 tell him you had a Life Alert in your hand at one point?

24 A I sure did.

25 Q And do you know what happens when you press a Life

1 Alert?

2 A I sure do.

3 Q What happens?

4 A An alarm goes off and someone comes to come help you.

5 Q Is it a loud alarm on a Life Alert or is it a silent
6 alarm?

7 A It's a silent alarm. It's a little one that I carry
8 around on a key chain. I carry it around on a key chain.
9 It's not the one that you hang around your neck and that
10 kind of stuff. It was the one that you could carry around
11 on your key chain.

12 Q But if you were to press it, nothing on the Life
13 Alert makes a loud noise or anything, correct?

14 A I'm not sure, because I haven't used it before.

15 Q Okay.

16 A But I was under the impression that if I pushed it,
17 it would, an alarm would go off and that would cause more
18 problems.

19 Q Now, before when you've talked to Investigator Smith,
20 you stated you didn't remember what was on the TV?

21 A I sure did.

22 Q But it had to be around 7:30, is that correct?

23 A Somewhere, it was somewhere around that time. I'm
24 not sure. Somewhere after he came into my house. I don't
25 remember what time it was.

1 Q Now, today you stated that you don't know if Terrell
2 ejaculated or not, correct?

3 A I sure don't.

4 Q Well, according to you?

5 A I don't know.

6 Q But previously when you talked up this case, did you
7 state that you were fairly sure in an interview you gave
8 with Detective Smith that Terrell ejaculated?

9 A I am fairly sure that there was something white on
10 the end of his penis he got ready to put it in my mouth
11 the second time. I don't know what it was.

12 Q And now no condom was used or anything like that,
13 correct?

14 A No, it wasn't.

15 Q Now, Terrell had to touch a lot of the stuff in the
16 house, correct?

17 A I'm not sure what he touched.

18 Q Well, did he touch the cable that he used?

19 A He sure did.

20 Q Did he touch the door?

21 A I am not sure how he touched the door, but he forced
22 his way in the door. He could have done it with his arm
23 or whatever, but he forced his way into the door.

24 Q Did he touch the door, though?

25 A I'm sure he did, because he rang it.

1 Q Did he touch the phone?

2 A He sure did, because I gave it to him.

3 Q And at one point, did he pick you up?

4 A He picked me up and carried me from the bedroom to
5 the front of the house.

6 Q Okay. Now, he touched all of this stuff in your
7 house, correct?

8 A Yes.

9 Q Okay. Now, initially, did you say you didn't want
10 any medical attention?

11 A I said I was all right. I was unhurt. That's what I
12 said then.

13 Q Okay.

14 MR. DRYLIE: No further questions, Your Honor.

15 THE COURT: Any redirect?

16 MR. MAYES: Yes, sir, Your Honor.

17 REDIRECT EXAMINATION

18 By Ms. Mayes:

19 Q Now, Ms. Peterson, I'm going to ask you a little bit
20 about your home. Do other people visit your home?

21 A Very few, other than my children and grandchildren.

22 Q All right. Your children and grandchildren.

23 A Yes.

24 Q And you have three children and four grandchildren?

25 A That's correct.

1 MR. DRYLIE: Judge, I think this is outside the
2 scope.

3 MS. MAYES: I can lay the foundation, Your Honor.

4 THE COURT: I think I know where you are going. I'm
5 going to allow brief opportunity. Go ahead, Ms. Mayes,
6 and if you go too far, I'll stop you.

7 Q Ms. Peterson, have other people entered your home
8 through that same door?

9 A Always. That's the door I always go in and out of.

10 Q All right. And have other people exited your home
11 through that same door?

12 A Yes.

13 Q And have you used that phone before, prior to that
14 morning?

15 A I have.

16 Q Have other people used that phone prior to that
17 morning?

18 A They have.

19 Q And when you were meeting with the nurses at the
20 hospital or I should say being treated by nurses at the
21 hospital and you described seeing something white, do you
22 know for sure what that was?

23 A I sure don't. All I know it was in the end.

24 Q Okay. And do you know for sure whether or not he
25 actually ejaculated?

1 A I don't know.

2 Q And one of the things that Mr. Drylie was asking you
3 about was how much money you had left after your trip. Do
4 you know for sure how much money you had?

5 A I sure don't.

6 Q And do you know for sure how many of those hundred
7 dollar bills you had?

8 A I am not sure.

9 Q Was it more than one?

10 A It was.

11 Q And he was asking you about being fully dressed that
12 morning or not being fully dressed that morning. Why is
13 that?

14 A Because I hadn't gotten up from the bed to get
15 dressed.

16 Q All right. And what was it that interrupted your day
17 or morning?

18 A The doorbell ringing.

19 Q And did you consider that an emergency based on what
20 you heard?

21 A I did. That's my reason for coming to the door and
22 not taking time to get dressed.

23 Q Was there anything about Mr. Chandler's voice or
24 demeanor that made you consider that to be an emergency to
25 open the door?

1 A His demeanor wasn't, he demonstrated his dad was
2 shaking and something was wrong with him.

3 Q And did you believe that to be true?

4 A Very much so.

5 Q Did you want to help?

6 A I did.

7 Q Did you try to help?

8 A I did.

9 Q And Mr. Drylie was asking you about having a Life
10 Alert at one point. What is that Life Alert?

11 A I have the system, the emergency assistance or
12 whatever you call it, the security system and with the box
13 on the wall that you mash for the nurse or whatever. And
14 then I also have a, whatever that call, thing they put
15 around your neck. I also have the thing that I had in my
16 hand at that time, the part of the system that you put on
17 the key chain and you can mash it in and out. And I
18 didn't know how, I never used it, so I didn't know whether
19 it was an alarm or what. But I did not mash it, because I
20 was afraid it would send off a panic and he would, as he
21 had told me, if they come I'll kill you.

22 Q All right.

23 A And I was afraid of him.

24 Q Had you ever used that Life Alert before?

25 A Never.

1 Q Do you know whether or not it makes any kind of noise
2 or sounds an alarm?

3 A I have not never, I never used it.

4 Q What were your concerns about if he knew you had
5 sounded an alarm for help?

6 A I feel like he would have done what he said. I feel
7 like he would have hurt me.

8 Q What was your goal that morning?

9 A Just to get some help and to be as calm as I could to
10 keep from getting hurt or killed.

11 Q Nothing further, Ms. Peterson.

12 THE COURT: All right. You may step down. Do y'all
13 want to take a short break right now since we've been
14 going close to an hour? Have you got a short witness or
15 not?

16 MS. MAYES: Fairly short, Your Honor.

17 THE COURT: All right. We'll do the witness, and
18 then we'll take a break.

19 MS. RADLEIN: The State calls Darlene Smith.

20 DIRECT EXAMINATION

21 DARLENE SMITH, being

22 first duly sworn, testified as follows:

23 By Ms. Radlein:

24 Q Thank you, Ms. Smith. Do you know Ms. Dorothy
25 Peterson?

1 A Yes.

2 Q And how do you know her?

3 A She's my neighbor. She's married into the family.
4 She's a good friend, a personal friend.

5 Q Okay. You mentioned that she's your neighbor. How
6 long has she been your neighbor?

7 A For over 45 years.

8 Q Okay. And do you know where she resides? What's
9 your address?

10 A My address is [REDACTED], Johnston, South
11 Carolina.

12 Q And when you say she's your neighbor, how close of a
13 neighbor is she?

14 A Right next-door, [REDACTED], Johnston.

15 Q Okay.

16 MS. RADLEIN: Permission to approach the witness,
17 Your Honor.

18 THE COURT: Yes, ma'am.

19 Q I'm going to go ahead and show you what's been
20 admitted as State's Exhibit 1. Do you see your residence
21 on here?

22 A Her's is [REDACTED] I'm the corner house.

23 Q Okay. Would you be able to, let me come down here so
24 you can see it better. So you said her's is [REDACTED] And
25 then where did you say yours was?

1 A Mine is on the corner.

2 Q Okay. If I give you a push pin, would you be able to
3 identify it?

4 A I should be.

5 Q Okay. And so when you say you're her neighbor,
6 you're literally her next-door neighbor?

7 A Yes, I am.

8 Q And you've identified on that map with the yellow
9 push pin?

10 A Yes..

11 Q And I'm going to show you what's been admitted into
12 evidence as State's Exhibit 52. I'm going to go ahead and
13 show this to you and ask you if you recognize this?

14 A Yes.

15 Q And how do you recognize this?

16 A This is where I live.

17 Q Okay. And this is the same home that you've
18 identified on this aerial map, as well?

19 A Yes.

20 Q You mentioned that she's a good friend. All right.
21 Do you ever travel with her any at all?

22 A Quite often.

23 Q Okay. And where would you travel to?

24 A Well, we go to a lot of meetings together.

25 Sometimes, we go to church services together. We go to

1 visit my sister together. We end up at the same family
2 reunions. We don't travel together but we go up there at
3 the same time. We just go to different places.

4 Q Okay.

5 A School events. Just anything you can name almost, we
6 go together.

7 Q Okay. Is this a one-time occurrence throughout the
8 recent years or is this over the time span that you've
9 known her?

10 A Over the time and over the years that we have known
11 each other.

12 Q Okay. And are you familiar with whether or not Ms.
13 Dorothy would carry cash with her when she would travel?

14 A Yes, she does.

15 Q And referring back in February of last year, do you
16 recall, if any at all, you traveled with her during that
17 time-period?

18 A Yes. We went to St. Augustine, Florida on a trip, a
19 road trip.

20 Q And do you recall approximately when that trip took
21 place?

22 A I think it was around the first of February. I'm not
23 exactly sure. About February the 2nd or sometime in that
24 because it was in February.

25 Q Sometime in February?

1 A Some, sometime, yes.

2 Q Okay. Do you remember if she carried cash with her
3 on that trip?

4 A Yes.

5 Q And now referring to the, I have one more for you and
6 I'm going to show this to you. This is marked for ID as
7 State's Exhibit 2. This is similar but just slightly
8 larger than we've been looking at. Do you recognize this?

9 A Yes.

10 Q Okay. And how do you recognize this?

11 A This is part of Johnston where we live.

12 Q And is this a fair and accurate representation of
13 Johnston or this portion of where you live?

14 A I'm looking for Smith Street.

15 Q That's okay. Take your time. That's a larger map.

16 A There is Smith all the way over here.

17 Q Okay. And so you see your residence on this map?

18 A Yes.

19 Q Okay.

20 A I do.

21 MS. RADLEIN: At this time, Your Honor, the State
22 will move State's Exhibit 2 into evidence.

23 MR. DRYLIE: Judge, we will stipulate to that coming
24 in.

25 THE COURT: Okay, that will come in.

1 (Whereupon, State's Exhibit 2 was admitted into
2 evidence.)

3 Q But you go ahead and grab another pushpin, and I want
4 you to identify.

5 A Okay. Here we go.

6 Q Now, going into the reason why we're here. On
7 February 24th, 2015, do you recall, if anything, out of
8 the ordinary occurred that morning for you?

9 A Yes. That morning was the morning that my neighbor
10 was attacked.

11 Q Let's take you through, take me through that morning.

12 A Well, usually, I get up most mornings between 5:45
13 and 7:00, somewhat in that vicinity. And that morning
14 when I got up, I went in doing my usual routine and I was
15 in the breakfast nook sitting down doing my morning
16 devotion as I usually do and I opened the blind that you
17 can look out that window and you can look in my neighbor's
18 driveway. And at that time, I saw a car behind hers and I
19 thought it was sort of strange that early in the morning.

20 And then I said, well, Denise has come home. You know, I
21 knew it was not Denise's car, but she could have had a
22 rental or something, you know, so I said somebody is over
23 to Dot's this morning and that was unusual.

24 Q Okay. I'm going to go ahead and speak about your
25 morning routine. You said you wake up every morning. Is

1 this something you do every morning?

2 A Yes.

3 Q What exactly do you do when you wake up?

4 MR. DRYLIE: Asked and answered.

5 THE COURT: I'm going to let her answer the question.

6 A What do I usually do in the mornings?

7 Q Yes, ma'am. When you got up that morning?

8 A Well, just my usual routine, I usually get up, like I
9 said, around 5:45 or between 7:00 and something. Anyway,
10 I get up in the morning. My usual routine is I say my
11 prayers, brush my teeth and so forth. And then I come in
12 the kitchen and I usually drink a glass of water, and then
13 I get my devotion. I open the blinds first and I get my
14 devotion and I sit down at the table, and I start my
15 morning devotion. But when I open the blinds, I can
16 always look over at Dot's house and that's just the habit
17 that I have of doing. Sometimes, even through the night
18 when I look out, I can look over at her house. I just do
19 that, because I know she's there alone.

20 Q Okay. And when you said you look out of your, at her
21 house and you said Dot's house, are you referring to Ms.
22 Peterson?

23 A Yes, Ms. Peterson.

24 Q Okay. And when you look out from your breakfast
25 nook, what view do you see of her house?

1 A I can see the drive where her car is parked and I can
2 see a little portion of her back porch at sometimes.

3 Q Okay. And you indicated that you saw a car back
4 there. Can you go, do you recall what kind of car it was
5 or a description of it?

6 A I don't know exactly the kind of car except it was a
7 dark, small car.

8 Q Okay.

9 A The make and all that I did not, I didn't see.

10 Q And do you remember whether it was dark outside or
11 light outside?

12 A It was not dark. It was a morning sort of like sort
13 of dreary morning. It was sort of like a drizzle or
14 something, I do remember that, and it was sort of dawn.

15 Q Okay.

16 A It was not dark.

17 Q Okay. And do you remember when you saw that vehicle,
18 around what time that was on that day?

19 A Around 6:30.

20 Q While you were doing your devotions or sometime that
21 morning, wait, first of all. I'll go ahead and add that
22 to my timeline. So you said it was around 6:30 that
23 morning?

24 A Yes.

25 Q And you described it as a small dark car?

1 A Yes.

2 Q And where did you say it was located?

3 A It was parked, it was behind Dot's vehicle, Ms.

4 Peterson's vehicle.

5 Q And where was, is that in the front yard or the back
6 yard?

7 A The back.

8 Q Now, tell me what happened next after that morning,
9 what, if anything else, occurred that morning?

10 A Well, on that morning after I saw that, later on my
11 husband had come into the breakfast nook and we were at
12 the table. And Ms. Peterson called and when she called
13 she sounded upset and she was saying that I had --

14 MR. DRYLIE: Objection.

15 THE COURT: Sustained. It's hearsay. Explain it to
16 her, Ms. Radlein.

17 MS. RADLEIN: Yes, Your Honor. At this point with
18 the phone call, Your Honor, I'll be moving the statement
19 in under 8032.

20 THE COURT: So it was the husband's comments that she
21 was getting into that he was objecting to. My husband
22 came in and said and he objected, I assume to the
23 husband's comments.

24 MS. RADLEIN: I thought his objection was she got to
25 the phone call she received.

1 MR. DRYLIE: I was objecting to the phone call, Your
2 Honor.

3 THE COURT: And the caller has already testified, has
4 she not?

5 MR. RADLEIN: That's correct, Your Honor.

6 MR. DRYLIE: Testified that the call was made, but
7 she was getting into what was said.

8 THE COURT: If you want to recall her, I'll let you
9 do that, but I'll allow this question to be answered.
10 She's in the courtroom. She'll be in the courtroom.

11 MR. DRYLIE: Yes, Judge.

12 THE COURT: You're more than welcome to call her
13 back. All right. Reask the question.

14 Q To pick up where you left off, you said your husband
15 came and you received a phone call, correct?

16 A Yes, and Ms. Peterson called and she said that she
17 had been robbed and she said and I'm tied up now and I
18 know who did it.

19 Q Okay. And at that point, did she tell you who did
20 it?

21 A Yes, she said I know who did it. She said it was
22 Edward Chandler's son.

23 Q Okay. Do you know if at that moment the police had
24 already been called?

25 A Yes, she said she had already called the police.

1 Q And then what did you do after you got this phone
2 call?

3 A We got up and ran out the door right there, which our
4 backdoor goes straight over to her house.

5 Q Okay. And what, if anything, did you do next?

6 A Well, my husband went on ahead and I stopped in the
7 driveway, because the policeman was passing the house and
8 I waved to them to show them that was the place where he
9 should have been. Someone was already there from the
10 Police Department but this particular police was passing
11 by. And when I started to go in or and the detective or
12 whomever was there said, do not touch anything.

13 Q Okay. And so you said you waited. Where did you
14 wait?

15 A Right outside the door.

16 Q Did you ever have an opportunity to see her that day?

17 A Yes, I saw her. At that time, she was still sitting
18 on the sofa still tied up.

19 Q And how were you able to see her?

20 A I just peeked in the door. When he said don't go in,
21 I just peeked, and then I went back down the steps.

22 Q Okay.

23 MS. RADLEIN: Beg the Court's indulgence.

24 Q And when you received that phone call, can you
25 describe to the jury exactly how did her voice sound, was

1 it normal or abnormal?

2 A It was abnormal.

3 Q How would you describe her voice?

4 A It sounded like she was really nervous, really upset.

5 MS. RADLEIN: No further questions at this time.

6 CROSS-EXAMINATION

7 By Mr. Drylie:

8 Q Good afternoon.

9 A Good afternoon.

10 Q Now, you briefly talked with some police officers on
11 the morning of February 24th, correct?

12 A Not really.

13 Q Well, they told you to wait outside?

14 A Yes.

15 Q And was it, and so when was the next time you talked
16 to a police officer concerning this case?

17 A Not until I called about this court case coming up.

18 Q So would you say there was about 15 months in between
19 your first contact with the police officers, and then your
20 second contact concerning this case?

21 A Pretty much, yes.

22 Q Okay. And you don't know what type of car it was,
23 correct?

24 A No. The type, no. I just know it was a small dark
25 car.

1 Q And you're not sure exactly what color?

2 A I know it was dark. A dark color.

3 Q And you don't know whose car, correct?

4 A No, I never said that.

5 Q Okay. And now you stated once that it was around
6 6:30?

7 A Yes.

8 Q Is there anything specific that sticks out, why do
9 you think it was around 6:30?

10 A Because that's usually the time that I'm in there
11 doing my Bible study and I open the blinds and so forth.
12 I just sort of have a routine and that's about around that
13 time.

14 Q Well, don't you normally, you say you got up between
15 5:45 and 7:00?

16 A Yes, I do.

17 Q So how do you know that it was around 6:30?

18 A I just know it was around 6:30.

19 MR. DRYLIE: No further questions.

20 THE COURT: All right.

21 REDIRECT EXAMINATION

22 By Ms. Radlein:

23 Q You mentioned that you were outside, you indicated
24 that you didn't get to speak to Ms. Peterson when you
25 arrived on-scene, because law enforcement wouldn't let you

1 in, correct?

2 A Right.

3 Q What did you have, what did you do at that point?

4 A From that point, I just waited outside until, when
5 she came out, and then I just said, are you okay. And
6 that was the only communication we really had at that
7 time.

8 Q Okay. And where did you go at that point when she
9 left the residence?

10 A I went back home finish dressing and I went to work.

11 Q Okay. When you saw that car, who, if anyone, did you
12 tell about that vehicle being there?

13 A I told my husband about it.

14 Q Okay. And when did you tell your husband about it?

15 A Right after they had left or right afterward. I
16 said, you know, I saw a car over at her house, but I just,
17 I didn't think anything of it.

18 Q Okay. And when you went to work did you leave your
19 husband there at the scene?

20 A Yes.

21 Q Okay. And law enforcement was still at the scene,
22 too?

23 A Yes.

24 MS. RADLEIN: No further questions.

25 THE COURT: Okay. Now, you can step down, ma'am.

1 Folks, let's take a break. It's 3:00 o'clock sharp.
2 We'll take about 15 minutes and maybe step outside. We'll
3 bring you back at 3:15. All right. Everybody stand at
4 ease.

5 (Whereupon, the jury was excused from open court for
6 a break.)

7 (Whereupon, a short break was taken.)

8 THE COURT: Let's bring the jury.

9 (Whereupon, the jury came into open court at
10 approximately 3:17 p.m.)

11 MS. RADLEIN: Your Honor, the State calls Gary Doran.

12 GARY DORAN, being
13 first duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 By Ms. Radlein:

16 Q Mr. Doran, where are you from?

17 A Johnston, South Carolina.

18 Q And so are you born and raised in Johnston?

19 A No, ma'am.

20 Q But do you currently reside in Johnston?

21 A Yes, ma'am.

22 Q Okay. And where do you currently work?

23 A I'm the owner and operator of Smith Coastal Station.

24 Q And what exactly is Smith Coastal?

25 A It's a small convenience store.

1 Q Okay. Is it just a convenience store?

2 A Yes, ma'am. We sell gas and, you know, just like,
3 cigarettes.

4 MS. RADLEIN: Permission to approach the witness.

5 THE COURT: Yes, ma'am.

6 Q I'm going to go ahead and get you to repeat that.
7 You said you were the owner of Smith Coastal?

8 A Yes, ma'am.

9 Q And where is that located?

10 A It is on Lee Street, 121 Johnston, south from the red
11 light.

12 Q Okay. If I showed you a map of the area, would you
13 be able to identify it?

14 A Yes, ma'am.

15 Q I'm going to show you what's been entered into
16 evidence as State's Exhibit 2. Do you recognize this?

17 A South Carolina Electric and Gas. That's my store
18 right here.

19 Q Okay. And so is this aerial map of Johnston, of your
20 store in Johnston a fair and accurate representation of
21 the area?

22 A Yes, ma'am.

23 Q If I give you a little tack, would you be able to
24 point to it, identify it?

25 A Yes, ma'am.

1 Q Okay. Give me one second. Okay. I'm going to hand
2 you a yellow tack; if you can identify your store?

3 A Okay.

4 Q And you've identified your store with the yellow tack
5 on the map?

6 A Yes, ma'am.

7 Q And how long have you owned Coastal?

8 A Since 1977. Well, I started with it in '77 and
9 bought it in '86.

10 Q Okay. The jury knows I can't do math, but for quite
11 some years?

12 A 40 years; yes, ma'am.

13 Q Okay. And what is your typical workday like?

14 A Just wait on the customers, you know.

15 Q Do you work every day?

16 A Yes, ma'am.

17 Q I want to speak to you specifically about February
18 24th, 2015, the reason why we're here today. Can you tell
19 me anything out of the ordinary from that day?

20 A Well, just the first thing in the morning, we opened
21 up like we always did. And at 7:23 or 24, whatever, Mr.
22 Chandler come in the store with a check and unfolded it.

23 Q I'm going to stop you right there. You said who came
24 into the store?

25 A Mr. Chandler.

1 Q And what Mr. Chandler is this? What's Mr. Chandler's
2 full name?

3 A I've always known him by Edward Chandler.

4 Q Okay. And how do you exactly know this Edward
5 Chandler?

6 A Well, he's been coming in my store since he's a young
7 kid and I seen him all the time, and I know his daddy
8 personally, you know.

9 Q Okay. And who is his daddy?

10 A Edward.

11 Q So they have the same name?

12 A Yes, ma'am.

13 Q How do you know his dad?

14 A Well, he loves rabbit hunting and both love little
15 old one cent Tootsie Roll pops and when I run out I get
16 some more so.

17 Q So he's a regular customer at your store?

18 A Yes, ma'am. And he loves rabbit hunting.

19 Q And you mentioned rabbit hunting. Is that just
20 something you know about him and does he talk about?

21 A Yes, ma'am.

22 Q And you know the other Chandler, the person --

23 A Yes, ma'am.

24 Q -- you referenced, the Defendant here in this case.
25 You know him to be Mr. Chandler is the older Chandler's

1 son?

2 A Right.

3 Q And you mentioned earlier that you've known him since
4 he was little. Can you give me an approximate, what do
5 you mean by little, college, high school?

6 A No.

7 Q Middle school?

8 A No, no, no, from the time he was old enough to ride a
9 bicycle and would come to the store.

10 Q And so you know him for just coming to your store in
11 Johnston?

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

13 Q Okay. So I didn't mean to stop you. Let's go ahead
14 and pick up. You said this morning on February 24th,
15 Chandler, who you're referring to Chandler, comes into
16 your store?

17 A Yes, ma'am.

18 Q What happened?

19 A Well, he hadn't been in the store in a few days and
20 he pulls out a check out of his pocket and he hands it to
21 me. And I held the check in my hand like that and I saw
22 it was Ms. Peterson had signed it at the bottom, Dorothy
23 Peterson. And it's for like \$735, and I handed it back to
24 him and I said, I don't have this kind of money this
25 morning. And he mumbled something to me and so I handed

1 the check back and I reach over to the scanner because I
2 couldn't hardly hear. And after I handed him the check
3 back, it come across the scanner that Ms. Peterson had
4 identified Mr. Chandler on the radio and I turned the
5 scanner up and I said, that's you. That's you, you SOB,
6 just like that. And he said, that's not me. I said,
7 well, what's your damn name then? Well, that's when he
8 said, and he walked out the door and he stuck back and he
9 said, Michael. And the town police, Jerry had just, he
10 had left after I'd give him the check back, and so when I
11 handed him the check back, he pulls out. And it was
12 raining and everything and I called, I waited and I called
13 Jerry first and I said, and to see if I could get him
14 turned around so he could get him, try to run him down.
15 And Jerry wouldn't answer his phone, so I guess he must
16 have gotten called to go to Ms. Peterson's house.

17 Q But I'm going to stop you right there for one second.
18 Let's go back into the store. And so he's standing there.
19 Where is he standing when he hands you this check?

20 A Less than probably just from here to the end of the
21 table right there.

22 Q Okay.

23 A Because the counter is only about so wide.

24 Q So he's standing at the counter?

25 A Yes, ma'am.

1 Q And so you're behind the counter?

2 A Behind the counter.

3 Q Okay. And so he comes in as a customer? Comes in as
4 if to be a customer?

5 A Right.

6 Q Okay.

7 MS. RADLEIN: Permission to approach this witness?

8 THE COURT: Yeah.

9 Q I'm going to show you what's been marked as ID as
10 State's Exhibit 6, 8, 9, and 10. I want you to take your
11 time and look through those photos and tell me if you
12 recognize those items, those photos.

13 A Yes, ma'am.

14 Q Okay. And how do you recognize those photos?

15 A Well, this is a picture of my store and gas pumps and
16 the Coastal sign.

17 Q Okay.

18 A And this one here is the, my counter and that's how
19 wide the counter is, you know, from point A to point B.

20 Q Okay. And you're referencing that's marked for 8 ID,
21 okay.

22 A 8.

23 Q And then 9?

24 A And this is my counter with cash register sitting
25 right there.

1 Q Okay. And then 10?

2 A And that's the fluorescent light right above my head.

3 Q Okay. I'm going to ask you, keep your voice up into
4 that microphone.

5 A Okay.

6 Q And in looking at State's Exhibit marked for ID as 6,
7 8, 9, and 10, are these four photographs fair and accurate
8 representation of your store?

9 A Yes, ma'am.

10 MS. RADLEIN: At this time, Your Honor, the State
11 would move State's Exhibit 6, 8, 9 and 10 into evidence.

12 MR. DRYLIE: Without objection.

13 THE COURT: State's 6, 8, 9 and 10 without objection
14 are admitted.

15 (Whereupon, State's Exhibits 6, 8, 9 and 10 admitted
16 into evidence.)

17 MS. RADLEIN: Thank you, Your Honor.

18 Q In referencing out of 8 and 9, would this be the same
19 counter back on February 24th, 2015, that Chandler stood
20 across from you from?

21 A Yes, ma'am.

22 Q Now, is there anything there that would have blocked
23 your view of Chandler?

24 A No, ma'am.

25 Q Were you able to get a good sight of him?

1 A Yes, ma'am.

2 Q Do you, you're currently wearing glasses. Do you
3 always wear glasses?

4 A Yes, ma'am.

5 Q Okay. Would you have been wearing glasses back on
6 February 24th, 2014?

7 A Yes, ma'am.

8 Q And so with all that, you were able to identify
9 Chandler, who you referred to as Chandler--

10 A Yes, ma'am.

11 Q --coming to the store? And referencing those
12 photographs, what's the approximate distance?

13 A Thirty-eight and a half inches or a little bit more.

14 Q Okay. So would this be fairly accurate?

15 A A little bit over, about this length.

16 Q Okay. In referencing State's Exhibit 10, you
17 mentioned that this was a fluorescent light?

18 A Yes, ma'am.

19 Q And where is this located in your store?

20 A The counter, when you see it, it is right behind
21 maybe a foot-and-a-half and seven-foot tall or
22 seven-and-a-half foot tall up on the ceiling, of the
23 ceiling like this in the store.

24 Q Okay. So would you say that the lighting was fair or
25 dim?

1 A It was fine. It was lit pretty well.

2 Q So it was bright versus dim?

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

4 Q So with the lighting and with how close he was to
5 you, you were able to get a good view of Mr. Chandler when
6 he came in?

7 A Oh, yes ma'am.

8 Q Now, you mentioned, you mentioned that he came in and
9 he handed you a check?

10 A Yes, ma'am.

11 Q And you mentioned that you recognized the check?

12 A Yes, ma'am.

13 Q And now when he handed you the check, did you
14 actually hold the physical check in your hand?

15 A Yes, ma'am. Like it's folded and he rolled it out
16 and when he handed it to me, I opened it up and I held it
17 in my fingers just like this right here. And I looked at
18 it and, I don't know, it just didn't feel right if I
19 cashed it because of, you know, the way it was written
20 out.

21 Q What do you mean by the way it was written out?

22 A Well, it's like some movement of a panicking or
23 something, you know, and I wondered what was somebody
24 doing with a \$735.00 check like that being that time of
25 the morning. So I didn't, I gave it back to him. I said,

1 I don't have the money to cash it.

2 Q Okay. And with all that lighting above you when you
3 held that check in your hand, you were still able to read
4 that check?

5 A Yes, ma'am.

6 Q And you would, and what name did you see on that
7 check; who was it paid to?

8 A Well, I just looked and it was Chancellor and Ms.
9 Dorothy Peterson, Edward Chancellor and I, you know, and
10 looking at him and looking at it, I just, you know.

11 Q Okay. And you said Chancellor. You mean Chandler?

12 A Chandler. Yes, ma'am. Chandler.

13 Q I just want the record to be clear.

14 A Chandler.

15 Q Now, in your store, do you have surveillance video?

16 A Yes, ma'am.

17 Q Okay. And how do you maintain those videos, the
18 surveillance?

19 A It's just a personal one that I bought and we put in
20 the store just for personal protection and stuff like
21 that.

22 Q So you mentioned personal. So it's not, do you have
23 paid service for it--

24 A No, ma'am.

25 Q -- or is it something you maintain on your own?

- 1 A I bought it on my own.
- 2 Q How would you describe this surveillance system? Is
3 it basic or high-tech?
- 4 A It's just basic.
- 5 Q And why do you have a video surveillance in your
6 store?
- 7 A Well, for break-ins or, you know, somebody come in
8 robbing or whatever.
- 9 Q Okay. So the surveillance video is something you
10 keep in the normal course of your business to monitor your
11 store?
- 12 A Yes, ma'am.
- 13 Q And you mentioned earlier that you are the sole owner
14 of that store?
- 15 A Yes, ma'am.
- 16 Q And you have been since 1978?
- 17 A Well, I've bought, and I bought it in '86.
- 18 Q Okay. And back last year on February 24, 2015, did
19 you have video surveillance?
- 20 A Yes, ma'am.
- 21 Q Was it working that day?
- 22 A Yes, ma'am.
- 23 Q Before coming to court on that day, did you check to
24 see if the video surveillance was working?
- 25 A Yes, ma'am.

1 Q Okay. What, if anything, did you do with the video?

2 A I didn't have to do anything with it that day --

3 Q Okay.

4 A -- because it stays on 24 hours a day and it shows
5 the time, you know.

6 Q Okay. Did you keep the video for yourself or did you
7 turn it over to someone?

8 A I turned it over to the police department or the
9 sheriff's department.

10 Q Okay.

11 MS. RADLEIN: I'm going to go ahead and get this
12 marked for ID.

13 (Whereupon, State's Exhibit number 72 marked for
14 identification.)

15 Q I'm going to show you what's been marked for ID as
16 State's 72. I'm going to ask you, do you recognize that
17 disc?

18 A Yes, ma'am.

19 Q And how do you recognize it?

20 A Because I signed it.

21 Q I'm sorry. You said you signed it?

22 A Yes, ma'am.

23 Q So you had an opportunity to actually review that
24 copy?

25 A Yes, ma'am.

1 Q And is that the same copy that you turned over to law
2 enforcement?

3 A Yes, ma'am.

4 Q And in reviewing that disc in anticipation for trial,
5 did you notice if it was altered or manipulated in any
6 way?

7 A No, ma'am.

8 Q And so is that the same or a fair and accurate
9 representation of the store's surveillance video as it was
10 back on February 24th, 2015?

11 A Yes, ma'am.

12 MS. RADLEIN: At this time, Your Honor, the State
13 would move State's Exhibit 72 into evidence.

14 MR. DRYLIE: No objection.

15 THE COURT: Without objection. State's 72 is in.

16 (Whereupon, State's Exhibit 72 admitted into
17 evidence.)

18 MS. RADLEIN: Permission to publish, Your Honor.

19 THE COURT: All right.

20 Q Mr. Doran, I'm going to go ahead and play the video
21 for you, and I'm going to have you explain to the jury
22 what is going on. I'm going to hand this to you, it might
23 be difficult to you so can you just, the laser point won't
24 work, so you just tell me what to do and I'll help you
25 with it, okay?

1 A Okay.

2 MS. RADLEIN: Beg the Court's indulgence, Your Honor.

3 (Whereupon, a video was played for the jury during
4 testimony by Mr. Doran.)

5 Q Okay. Are these the contents you remember viewing --

6 A Yes, ma'am.

7 Q -- prior to trial? I'm just going to go through
8 them. Okay. I'm going to start over. What is the jury
9 looking at in this? Is this your gas station?

10 A Yes, ma'am.

11 Q Okay.

12 A And that's Jay Garland, that works for the police
13 department.

14 Q Okay. So this is what you pointed at?

15 A Yes, ma'am.

16 Q And then there is another car. Is this the car
17 you're talking about or this one?

18 A That one right there.

19 Q And what car is this?

20 A It's the one that Mr. Chandler drove up in.

21 Q Okay. I'm just going to go through the disc, so it
22 shows the exact same thing you turned over to law
23 enforcement. And clicking on the second one, what is the
24 jury looking at here?

25 A That's Mr. Chandler walking in the store and that's

1 the police officer.

2 Q And is there a date on this video?

3 A Yes, ma'am; on the bottom of it.

4 Q Okay. And what date is that?

5 A February the 24th, 7:31, the time.

6 Q Okay. And then going through the next one, what are

7 we seeing here, is this still your store?

8 A Yes, sir. That's the car coming south on--

9 Q -- and you indicated south. I didn't do geography,

10 as well, so what direction is that on this map?

11 A This way. South is this way.

12 Q Go ahead and do that. I think I was blocking you.

13 A Okay. The store is here and the car comes here from

14 this way and he comes into the store.

15 Q Okay. And what's going on here?

16 A That's when, view that's overhead, and then turns

17 around and he comes back and I said, he said, do what now?

18 I said, what's your name? And just like that and he

19 turned back and looked back and said, Michael.

20 Q Okay.

21 A I said, Michael, my foot.

22 Q Okay. And then we're going to the next one. And

23 tell the jury what are they looking at here and where is

24 this camera?

25 A This is the camera at the beer box. The beer box is

1 behind him and this is the backside of him.

2 Q Okay. And what is this over here that I'm pointing
3 with, pointing out with the mouse?

4 A That's the door right there.

5 Q Okay. And what is this right here?

6 A That's my counter.

7 Q Okay. And who is this?

8 A That's Mr. Chandler.

9 Q So the counter and the door are pretty much right
10 next to each other?

11 A Yeah, you just walk right in and it's right there.

12 Q Okay. Can you tell from this angle what's going on?

13 A No.

14 Q Okay.

15 A That might be when he handed me the check, but I
16 don't know exactly and that's when he walks out. Well, I
17 done had the check, and then I gave it back to him and
18 that's when he come back in. I'd already handed the check
19 back to him.

20 Q Okay. And go ahead and pause so we can, when we
21 looked at State's Exhibit 8 and 9, and do you see State's
22 Exhibit 8 and 9 on this angle?

23 A Yes, ma'am. The cash register.

24 Q Okay. And who is this?

25 A That's me.

- 1 Q Okay. And who is this?
- 2 A Mr. Chandler.
- 3 Q And what's going on here?
- 4 A That's when he, I don't know if he had already
- 5 reached in his pocket and handed me the check. And that's
- 6 when I had the, I think I had the check in my hand and
- 7 opened it up and looked at it like this right here.
- 8 Q Okay. And on this angle, and do you see the lighting
- 9 in this video? Where would it be here? Where would the
- 10 lights be?
- 11 A You see the very top right-hand corner?
- 12 Q Okay. Right.
- 13 A Then, the right-hand corner.
- 14 Q Oh.
- 15 A All right. If you back up from my head about that
- 16 far, it's straight up --
- 17 Q Okay.
- 18 A -- and there's more lights in front.
- 19 Q Okay. And now he's leaning down. Is there a glass
- 20 here or anything?
- 21 A No, ma'am.
- 22 Q Okay. So there's nothing blocking your view of his
- 23 face?
- 24 A No, ma'am.
- 25 Q Okay. And go ahead and play it. And what's

1 happening here?

2 A That's when I'm looking at the check, the check in my
3 hand.

4 Q Okay. So I'm going to try to, so right here?

5 A That's the check; yes, ma'am.

6 Q Okay. And you're looking down at it?

7 A Yes, ma'am.

8 Q Okay. And then what just happened?

9 A I gave it back to him, because it just didn't look
10 right.

11 Q Okay.

12 A Can I say something else? Usually, you know, checks
13 like that we'll charge a dollar on the hundred --

14 Q Okay.

15 A -- so I could have made \$7.35 off of it, you know, if
16 I'd have knew for sure it was right, so I gave it back to
17 him.

18 Q So you chose not to, you mentioned earlier that you
19 said you didn't have enough money--

20 A -- right, but it was a lie. But when I don't feel
21 right with my customers or something is wrong or whatever,
22 I tell them, instead of making them mad, I just tell them
23 I ain't got the money.

24 Q Got you. Thanks for clarifying that and go ahead and
25 hit play again. And so what just happened here?

1 A I guess this is when he gets the check back.

2 Q So now the check has left your hand and you've put it
3 in his hand?

4 A It's back, back in his. And then that's when I heard
5 it come across the scanner.

6 Q Okay. Because you're walking this way. Where are
7 you going?

8 A I'm looking over to turn the scanner up because I
9 heard it come across, that Ms. Peterson had been
10 assaulted. When the police department, I mean the
11 sheriff, the deputy sheriff's come across the thing, and
12 then that's when I reach over there to turn it on. And
13 when I, well, it was already on. When I turned it up,
14 that's when it come that she identified him as Chandler.

15 Q Okay.

16 A And so that's when I said, that's you, you SOB. Just
17 like that and he turned and walked out the door and when
18 he walked back in to me, he looked at me and said, he
19 looked me. I said, well, then what's your name. And he
20 said, Michael. And that's when he got in his car and
21 drove off.

22 Q Okay. Now, I'm going to ask you, why do you have a
23 scanner?

24 A I don't know. To keep up with everything going in
25 Johnston and fires and, you know. I used to be on the

1 Fire Department and we'd take, you know, try to help
2 everybody out so, it's been there 30 years.

3 Q Okay. So go ahead and hit play again. Now, you move
4 even closer. So is this what you were just describing?

5 A Yeah, it was. Yes, ma'am. And he's listening to it,
6 too, I'm sure.

7 Q Okay. And what's going on here? You looked this
8 way, then you turned your head back?

9 A That's when I told him, I can't say what I said, but
10 that SOB.

11 Q Okay. And then what just happened there?

12 A And then he mumbled to me like it's not, that's not
13 me or something like that. And I said, well, what's your
14 D name, then. And then he walked back in and he said
15 Michael and he walked off.

16 Q And is that essentially what's happening here as this
17 clip finishes?

18 A Yes, ma'am.

19 Q And I think there was one more on the disc you
20 provided. I'm just going to go ahead and play the last
21 one. Okay. So what are we looking at here?

22 A I see him coming in.

23 Q Okay. And so these are all four cameras that we just
24 went through?

25 A Yes, ma'am.

1 Q Okay.

2 A He comes in, he walks out. He walks up to the
3 counter and hands me the check right there. And when I
4 reach over, I think that's when I turned, and then I
5 wouldn't cash it. And he turns his back around then, and
6 that's when he says, Michael.

7 Q So when you say Jerry was right there, so there was a
8 cop car still outside?

9 A Correct.

10 Q And then what are you doing in this bottom in camera
11 four?

12 A That's when I turned around and looked at the, right
13 there.

14 Q Okay. And then up here, go ahead and pause it
15 because I have a question right there. Okay. So looking
16 at this camera up here?

17 A Right, he drives off.

18 Q Okay. And what direction is that?

19 A In other words, he's going south.

20 Q I thought he was coming south earlier?

21 A No, no. North is coming from the red light.

22 Q Well, let's go ahead--

23 A -- he was going south.

24 Q Let me get the map so I'm not confused. Okay.

25 A Okay.

1 Q So you said this is Coastal?

2 A All right.

3 Q Okay.

4 A That's the curves up there and he pulls out this
5 away.

6 Q Okay. So he was coming from this way initially the
7 day he --

8 A -- that's north; this is south.

9 Q Okay. And you said he's heading south towards where?

10 A Towards Trenton.

11 Q Trenton?

12 A Yes, ma'am.

13 Q And is that in Edgefield County still?

14 A Right. Yes, ma'am.

15 Q Okay. And, I believe, that's the end.

16 A And see, Jerry pulls off right there.

17 Q Okay.

18 A And then that's when it comes across the scanner that
19 he was identified as Mr. Chandler.

20 Q Okay. I just wanted to clarify.

21 A And then I, got on the phone to call Jerry to try to
22 get him turned around and come back.

23 Q Okay. And why did you call Jerry first?

24 A Because when it come across the scanner, Jerry was
25 pulling out of the parking lot and done pulled out. Well,

1 when he called, I called Jerry hoping that, you know, if I
2 could get him to turn around before he could get gone. And
3 so then after I tried to get a hold of Jerry on his cell
4 phone, then that's when I called 911 the first time.

5 Q Okay. You said the first time, so you called Jerry
6 on his cell phone, then you called 911?

7 A Yes, ma'am.

8 Q Before trial, did you have an opportunity to listen
9 to your 911 audio?

10 A Yes, ma'am.

11 Q And did you recognize your voice on it?

12 A Yes, ma'am.

13 Q Okay. And is that the call you placed on February
14 24th, 2015?

15 A Yes, ma'am.

16 Q And was it, did it appear to be manipulated in any
17 way when you listened to it?

18 A No, ma'am.

19 MS. RADLEIN: At this time, Your Honor, I will
20 publish, move to publish this 911 audio that was
21 previously admitted into evidence as State's Exhibit 71.

22 THE COURT: It will be published.

23 (Whereupon, State's Exhibit 71 was published to the
24 jury starting at 3:53 p.m. and ended at 3:55 p.m.)

25 Q So you placed two calls to 911?

1 A Yes, ma'am.

2 Q And why'd you place the second call?

3 A Because when I called the first time, I told her
4 about the tag number thing and Nick Berry and Willie was
5 in there and we listened to the scanner to see if the
6 deputy had caught him, you know, going that way. And I
7 told them, I said, you know we didn't tell them the thing
8 was over the back of the tag and I called a second time
9 and told them that it was buried on the back with a paper
10 tag.

11 Q Okay. So you called back, essentially, to provide
12 further information?

13 A Yes, ma'am.

14 Q So is this law enforcement?

15 A To 911; yes, ma'am.

16 Q Okay. And you did that to help the investigation?

17 A Yes, ma'am.

18 Q Back last year in February, did you provide a written
19 statement to law enforcement?

20 A Yes, ma'am. It was just, yes, ma'am.

21 Q Would you characterize that statement as a summary of
22 what occurred or as a full detail as we went into it today
23 in front of the jury?

24 A It wasn't a full detail. It was just a summary.

25 Q Now, at the beginning of your testimony, you

1 testified that you know Edward Chandler, both Jr. and Sr.,
2 correct?

3 A Right. Yes, ma'am.

4 Q Do you see the individual we just watched on the
5 video in court here today?

6 A Yes, ma'am. Sitting right there in that dark blue
7 shirt.

8 Q Okay.

9 MS. RADLEIN: Let the record reflect that the witness
10 is identifying Defendant Edward Chandler.

11 Q And is this the same individual that you identified
12 last year on February 24th to law enforcement?

13 A Yes, ma'am.

14 Q And is this the same individual that attempted to
15 cash a check drawn on Ms. Peterson's bank account?

16 A Yes, ma'am.

17 MS. RADLEIN: Beg the Court's indulgence. No further
18 questions at this time, Your Honor.

19 CROSS-EXAMINATION

20 By Mr. Drylie:

21 Q Good afternoon.

22 A How you doing.

23 Q Now, you came into court here today and stated that
24 you saw Ms. Peterson's name on the check that was given to
25 you, correct?

1 A Up at the top and down toward the bottom, yes sir.

2 Q But you're saying that you saw her name there,
3 correct?

4 A Right.

5 Q Now, you didn't state that on your 911 call?

6 A No, sir.

7 Q You didn't state that in your statement you wrote?

8 A No, sir.

9 Q Okay. But today a year-and-a-half later, you
10 remember that?

11 A Right.

12 Q Okay. But you didn't think it was important enough
13 at the time to put in the statement?

14 A Well, they was things going so fast, you know, and
15 with him, you know, in there with the check and all that
16 stuff. I was just trying to make sure I can get the 911
17 call in before he, you know, get back in the car and drive
18 off.

19 Q Well, not so much the 911 call but the statement,
20 what time did you write it? Would you like to look at it
21 and refresh your memory, maybe?

22 A (No response.)

23 Q Would you like to look at it?

24 A Yes, sir.

25 (Whereupon, the witness reviews statement.)

1 A Yes, sir.

2 Q So what time did you write that statement?

3 A I believe at 9:00, one minute till 9:00.

4 Q Well, you filled out the top part, correct?

5 A Right.

6 Q And what time did you put down up there?

7 A 2:20.

8 Q There's a time in the top left corner.

9 A It says 2:29.

10 Q Followed by a date?

11 A 15.

12 Q So what is the time? You're reading from the date.

13 A 10:00. What does it, says 10:00 right there or 10:10

14 or was it?

15 Q 10:00 o'clock is about what time you wrote that

16 statement?

17 A I didn't write that.

18 Q You didn't write the top part?

19 A I didn't write the 10:00; no, sir.

20 Q Okay. Do you know who wrote the top part?

21 A No, sir. I wrote all the bottom right here.

22 Q You wrote down there at the bottom where it says 8:59

23 or did you just write in the blocks?

24 A I wrote the 8:59, 2/24/15 and my signature right

25 there.

1 Q Okay.

2 A But I don't know, I was so nervous and everything and
3 all that going on, you know, I might have.

4 Q Now, who witnessed your signature?

5 A Jerry Smith.

6 Q Okay.

7 A Jimmy Smith. Excuse me.

8 Q Now, you stated today that the handwriting looked
9 panicky. What does panicky handwriting look like?

10 A Like mine, when something like that happens.

11 Q And on the 911 call, you said it looked like an old
12 lady wrote the check. What does it look like when an old
13 lady writes a check?

14 A It look like somebody scared to death, you know.

15 Q So that's what you actually meant?

16 A Right.

17 Q Okay. Now, your brother actually works for the
18 Edgefield County Sheriff's Office, doesn't he?

19 A Yeah, he sure does.

20 Q Okay. Now, let's talk about what you just testified
21 here today and I'm going to pull this one up first. Now,
22 you stated that this is Terrell while in your store,
23 correct?

24 A Yes.

25 Q Okay. And this is an officer walking out?

1 A Right.

2 Q Now, according to your testimony here today, when
3 Terrell walks out of this store, you already heard his
4 name on the scanner, right?

5 A No, sir. He was still in the store when the, when it
6 come across the scanner that she had identified him as
7 Chandler.

8 Q So by the time he walks out, he's already heard his
9 name and you've already said to him, you SOB, that you.
10 Right?

11 A Right.

12 Q Okay. Well, let's watch this for a minute. So
13 according to you at this point right here, the name's
14 already come on the scanner and you've said, you SOB. And
15 you hear that he's involved in this, correct?

16 A No, because the patrol car had already gone and when
17 he--

18 Q Well, the patrol car is sitting right there, correct?

19 A Right.

20 Q And he's about to leave the store.

21 A Okay. When he leaves the store, when Jerry leaves
22 that's when it comes across any way for the, I don't know
23 if Jerry was in the car or the bathroom or whatever.

24 Q You don't know where he was?

25 A No, because I was waiting on Chandler with the check.

1 Q Well, Chandler is out of the store at this point.

2 A Right.

3 Q Okay. So if Chandler is out of the store, you've
4 confronted him, because you heard his name on the scanner?

5 A Right.

6 Q And yet there's a police officer sitting in your
7 store right there, and you don't tell him about it?

8 A I don't know how that happened. Is that going to be
9 the same camera, because Jerry had left when it come
10 across the scanner.

11 Q He's sitting in his car right there. You want me to
12 rewind it?

13 A Right. So when Jerry, if you'll play it, when he
14 drives off, then Jerry drives off. So Jerry is already in
15 his car.

16 Q Well, you've already heard about it?

17 A Yes, sir.

18 Q And you don't --

19 A Because the other patrolman, well, the other
20 patrolman had already was sent and when Jerry pulls out,
21 he pulls out and just wanted to get the paper tag. But
22 no, I wasn't going to run out in the road to, you know,
23 try to stop him, because by the time he had come across
24 the scanner and he's to his car, you know, it's already --
25 it was across the scanner.

1 Q Okay. That's right. But you've got an officer right
2 there and you don't go tell him?

3 A If you watch it close, he's already in his car when
4 he gets ready and I didn't look back that way. And I,
5 wasn't looking back, my back was turned this way. I
6 didn't know if Jerry was still in the car until I saw him
7 drive off going north.

8 Q Well, let's go to another angle now.

9 THE COURT: Well, if he wants to play further, but
10 you ask that four times.

11 MR. DRYLIE: Okay. I'm sorry.

12 THE COURT: Y'all can play it as much as you like.

13 MR. DRYLIE: I apologize, Judge.

14 Q Now, you state that it's sometime around in here
15 where you hear the name come across the scanner?

16 A That's when I heard the police office was dispatched
17 to Ms. Peterson's house right there and that's when I
18 turned the scanner up just a little bit just to see what
19 was going on.

20 Q And right about here is where you confronted him?

21 A Right.

22 Q Now, is this another person in the store?

23 A That's Forrest, (phonetic).

24 Q Okay. So you are saying that you confronted Chandler
25 right here?

1 A Right.

2 Q Why didn't you immediately pick up the phone and call
3 911?

4 A Because Jerry is going out and the police officer had
5 pulled out and I had his cell phone number.

6 Q Why didn't you immediately pick up the phone and call
7 him?

8 A Just as soon as I turned up the scanner, that's, it
9 just, it wasn't a few minutes later that, that, it skips
10 places now.

11 Q So are you saying your camera system is not accurate?

12 A The camera system is accurate. But, you know, I was
13 listening to the scanner. When Jerry pulls out the
14 parking lot, that's when I called.

15 Q Okay. But you've known about it since he's walking
16 out, correct?

17 A Right.

18 Q And you're not thinking of a phone there, correct?

19 A No, sir.

20 Q Now, this time up here, is this when you downloaded
21 it?

22 A No, that was, that should have been time, though.

23 Q Well, I believe the time is located down here,
24 correct?

25 A Well, on mine, it's located up on top up there.

1 Q Okay. Do you know what this time is right here?

2 A I don't.

3 Q Okay.

4 MR. DRYLIE: Beg the Court's indulgence.

5 Q And you saw a blue car with a red tag, correct?

6 A Well, it was drizzling rain. Thought it was red with
7 the glass, but, you know, whatever. Come to find out it
8 wasn't, so, you know, that's when I called back and gave
9 her the 911 with the paper tag on it.

10 Q Okay.

11 MR. DRYLIE: No further questions, Judge.

12 THE COURT: Any redirect?

13 MR. RADLEIN: Thank you, Your Honor.

14 REDIRECT EXAMINATION

15 By Ms. Radlein:

16 Q Mr. Doran, things got a little confusing. I'm going
17 to go ahead and slow us down --

18 A Yes, ma'am.

19 Q -- and so we can make sure it's clear so the jury
20 completely understands what happened. I'm going to go
21 ahead and exit out of this frame and we're going to go to
22 the last camera that we discussed on direct, which would
23 be all four camera angles.

24 A Right.

25 Q I'm going to start it over. So it's from start to

1 finish.

2 A Right.

3 Q You can see when it comes in, right?

4 A Right.

5 Q Okay. What time is it currently?

6 A 7:31.

7 Q And now on your camera system, what time is it?

8 A 7:32.

9 Q So approximately a minute?

10 A Yes, ma'am.

11 Q So as the scanner is going and your video is
12 recording and you're interacting --

13 A Right.

14 Q -- is everything happening at the same time?

15 A Right. You see my monitors and everything are behind
16 me. I can't see them when I'm running the cash register,
17 you know, so I didn't know the patrol car was still behind
18 me because the cash register sits this way. The patrol
19 car, I didn't see him leave until I saw him go north, you
20 know, when he pulled out of the store.

21 Q Okay. When you watched the video for court, is that
22 the time you realized Jerry was still outside?

23 A Yes, ma'am. Because the guy he talked about, he
24 always leaves the station about 20, no later than 15 till
25 to go to the tire place to open up his business.

1 Q Okay.

2 A So the time had to be right there.

3 Q So just to clarify what you stated on cross when
4 Defense Counsel was questioning you, if you knew Jerry was
5 still outside, would you have tried to call him on his
6 cell phone?

7 A Well, when I saw Jerry drive out the parking lot,
8 because like I say, I did not know his, the car was still
9 in the parking lot until I saw him drive out. And then
10 that's when I tried to call him on the cell phone after
11 they were dispatched to Ms. Peterson's house.

12 Q Okay. But I want to go back up and I'm going to come
13 back to the video shortly. I just want to go through your
14 testimony on cross. We listened to the 911 on direct.
15 You testified that you heard the scanner.

16 A Right.

17 Q You heard what had occurred and who was involved?

18 A Right.

19 Q When you called 911 and you told the dispatcher it
20 looks like the old lady --

21 A Right.

22 Q -- who were you referring to as the old lady?

23 A Ms. Peterson.

24 Q Okay. And do you know Ms. Peterson?

25 A Yes, ma'am.

1 Q And how do you know her?

2 A Well, I've known of her, you know, for several years
3 but to personally know her, I don't know her.

4 Q Okay. And when you say know of her, how do you know
5 of her?

6 A And that they own the funeral home and stuff like
7 that, you know.

8 Q Okay. And this is all in Johnston?

9 A Right.

10 Q Okay. How big is Johnston?

11 A It's very small.

12 Q Okay.

13 A It's not a big town.

14 Q I'm kind of curious is, on that aerial, can we see
15 the funeral home on there?

16 MR. DRYLIE: Objection, outside the scope.

17 THE COURT: Sustained as to that and leading, too.

18 A No, ma'am.

19 Q Okay. Do you know where the funeral home is?

20 A Yes, ma'am.

21 Q Okay.

22 MR. DRYLIE: Objection, outside the scope.

23 Q And so is that how you know Ms. Peterson?

24 A Yeah.

25 THE COURT: Funeral home location hadn't been

1 discussed until just now, so that is outside of the scope
2 of direct and any cross.

3 A No, I just know of her --

4 Q Okay. And when you indicated on 911, the old lady,
5 do you know Ms. Peterson to be an old lady?

6 A Yes, ma'am.

7 Q Okay. When you gave law enforcement a statement, on
8 direct, did you testify that that was a full statement, a
9 full and complete statement?

10 A No, ma'am.

11 MR. DRYLIE: Objection, asked and answered.

12 THE COURT: That's going back to your questions
13 again. Just focus on the recross, I mean the redirect.
14 He's asked and answered that. There ain't no need to
15 testify to it a second time.

16 Q And on cross-examination, Defense Counsel asked,
17 questioned you about the video and he questioned you
18 regarding, whether what had occurred as to whether it was
19 in your statement --

20 A Right.

21 Q -- what you've described on the video to this jury.

22 A Right.

23 Q The video as we just played, is that a fair and
24 accurate representation of what took place in your store
25 on February 24th?

1 A Yes, ma'am.

2 Q And is that what took place when Terrell Chandler
3 came in and cashed, attempted to cash that check?

4 A Yes, ma'am.

5 Q And looking at the video, Defense Counsel questioned
6 you about the vehicle, so I'm going to cue this back up.
7 Okay. What was the weather condition in this video on
8 that day?

9 MR. DRYLIE: Objection; asked and answered.

10 THE COURT: I'll sustain the objection. So you can't
11 answer that.

12 Q On cross-examination, Defense Counsel questioned you
13 about your report to 911, correct?

14 A Yes, ma'am.

15 Q And on this video, can you tell the jury what we're
16 looking at here?

17 A This is his car parked directly in front of the door
18 where my cash register, when I looked this way. You have
19 to look like this. And whenever he pulls out of the
20 parking lot, you can't see the--

21 MR. DRYLIE: Objection. Going beyond the question,
22 Judge.

23 MS. RADLEIN: I believe he has the right to finish
24 answering the question, Your Honor.

25 THE COURT: I think he does, we're going a little

1 further on redirect than I anticipated.

2 A . I can't see the tag on the back of the car until he
3 gets just about to the first pump out there which is the
4 full service. And with his lights on bright and
5 everything, I mean, it, it looked red at that time but--

6 Q -- and on prior--

7 A -- and Barrett, but the Barrett was wrote across, or
8 whatever was on the tag.

9 Q Okay. And on cross you, when Defense Counsel
10 questioned you about that, you were beginning to explain
11 the lights. What lights were you referring to?

12 A Well, the canopy lights and the tail lights and the
13 glare and the raining and everything, and there was, and
14 just glare across the tag.

15 MR. RADLEIN: No further questions at this time, Your
16 Honor.

17 THE COURT: All right. You can step down. We've
18 been going about an hour since that 3:15 break. It's 4:18
19 and y'all can take a short break and we'll come back and
20 do a couple of more witnesses we got on today. If it
21 suits everybody, let's take about 10 minutes. Y'all step
22 in the back and you can't begin discussing the case.

23 (Whereupon, the jury was excused from open court for
24 a break.)

25 (Whereupon, a short break was taken.)

1 THE COURT: Bring the jury in.

2 (Whereupon, the jury came into open court at,
3 approximately 4:32 p.m.)

4 MS. MAYES: The State calls Chris Peterson to the
5 stand.

6 CHRIS PETERSON, being
7 first duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 By Ms. Mayes:

10 Q State your name, please.

11 A Christopher Michael Peterson, P-E-T-E-R-S-O-N.

12 Q And, Officer Peterson, can you tell us where you were
13 employed on February 24th of 2015?

14 A I worked for the Edgefield County Sheriff's Office.

15 Q And what was your job description?

16 MS. MAYES: I'm going to move this microphone a
17 little bit closer to you.

18 THE COURT: Slow down.

19 Q What was your job description at the Edgefield County
20 Sheriff's Department?

21 A As a deputy sheriff.

22 Q In going back to that time-period of February 24th,
23 2015, tell us about that morning; were you on-duty or
24 off-duty?

25 A I was off-duty.

1 Q And where were you headed?

2 A I was headed to training.

3 Q For what purpose?

4 A To train.

5 Q Okay. When you say training, is that job-related?

6 A Yes.

7 Q And do you, when you go to something such as training
8 for your job, can you tell us whether or not you also have
9 access to your scanner, your radio, all of those things?

10 A Yes, all that's in the patrol car and it stays in
11 there.

12 Q So you're able to utilize your patrol car for
13 training when you're, even when you're off-duty?

14 A Yes.

15 Q And so on this particular occasion, had you made it
16 out of Edgefield County yet for your training?

17 A No, the training is actually up here at the Sheriff's
18 Office.

19 Q And so had you made it there yet?

20 A No, ma'am.

21 Q And what were the weather conditions that morning?

22 A It was raining.

23 Q What, if anything, came to your attention, do you
24 have your radio on?

25 A Yes.

1 Q What, if anything, came to your attention that
2 morning?

3 A They gave a call about a home invasion and a sexual
4 assault that had occurred in Johnston and they gave a
5 physical description.

6 Q And do you have a copy of your report; did you file a
7 report in this case?

8 A Yes, ma'am. I did write a report.

9 Q And do you have a copy of it with you?

10 A I do.

11 Q So you say it was a home invasion and a sexual
12 assault. And what was the location of that home invasion
13 and sexual assault?

14 A [REDACTED] in Johnston.

15 Q And you said there was a vehicle description that was
16 given out. Can you tell us what, if anything, was unique
17 about the type of tag when given that vehicle description?

18 A They said it had a Barrett Auto Sales tag on the
19 vehicle.

20 Q Now, are you familiar with the Barrett's Auto Sales
21 tags?

22 A Yes.

23 Q You'd seen them prior to this morning?

24 A Yes, ma'am.

25 Q That morning?

1 A Yes.

2 Q So what, if anything, do you encounter after hearing
3 that description over the radio?

4 A I seen the vehicle matching the description traveling
5 in the opposite direction so that would be south on 25. I
6 noticed the Barrett Auto Sales tag on the back, so I
7 issued a traffic stop and turned around the vehicle.

8 Q All right. And at this point in time, where did that
9 stop take place?

10 A It was in Trenton around Mt. Canaan Church.

11 Q All right. Mt. Canaan Church. And, Officer
12 Peterson, do you have with you any notations from the
13 Sheriff's Department which depict the time of that stop at
14 Mr. Canaan Church?

15 A Yes, ma'am. I have the CAD sheet.

16 Q What time was that?

17 A 7:51.

18 Q All right. So 7:51 a.m., you encountered the vehicle
19 matching that description at Mt. Canaan Church in Trenton?

20 A Yes, ma'am.

21 Q And what'd you do next?

22 A I went up and identified the driver. Mr. Chandler
23 identified himself as the one driving the vehicle. I'm
24 not sure if they put out over the radio or not his name,
25 but made a phone call to get more information about what

1 was going on, because I had just signed on the radio. And
2 then I placed him in investigative detention.

3 Q All right. And when you say investigative detention,
4 does that essentially mean the suspect is in custody?

5 A Yes.

6 Q And what time was that?

7 A 7:53.

8 Q All right. 7:53 a.m., the suspect is in custody.
9 When you say you identified the driver, what name were you
10 ultimately able to verify for the driver of that vehicle?

11 A Edward Terrell Chandler.

12 Q Edward Terrell Chandler?

13 A Yes.

14 Q What happened next?

15 A Once I got him outside the vehicle, I asked him to
16 step to the front of mine, and then I advised him he was
17 being placed in investigative detention. He kind of
18 started to --

19 Q Okay. I just need to ask you this. What, if
20 anything, did he do in response? Don't say anything he
21 said.

22 A He just tried to turn around on me and I grabbed his
23 arm and placed him in handcuffs.

24 Q And did you request any type of assistance or backup?

25 A Yes, I did request another unit.

1 Q And did another unit arrive?

2 A There were several arrived at different times.

3 Q Do you recall whether or not the Sheriff arrived?

4 A Yes, ma'am; he did.

5 Q And, ultimately, who transported Terrell Chandler,
6 Edward Terrell Chandler to the Edgefield County Detention
7 Center for booking?

8 A I did.

9 Q Did he ever leave your sight from the moment that he
10 was placed into custody to the point that he arrived at
11 the Edgefield County Detention Center?

12 A No.

13 Q Can you tell us was the Defendant, Terrell Chandler,
14 transported to the Detention Center wearing the exact same
15 clothes and shoes that he was wearing when you first
16 performed your traffic stop?

17 A Yes, he was.

18 Q And did the clothing and shoes remain in the exact
19 same condition until the point that he was booked at the
20 Edgefield County Detention center?

21 A Yes.

22 Q And, ultimately, who was listed as the arresting
23 officer on the booking sheet?

24 A I was.

25 Q And can you tell us as part of his booking and the

1 booking procedure, what is his height, weight?

2 A 6 foot, 190 pounds.

3 Q 6 foot, 190..

4 MS. MAYES: Beg the Court's indulgence.

5 Q Now, your traffic stop was actually at Mt. Canaan
6 Church in Trenton. Which way or which direction was he
7 headed?

8 A He was headed south.

9 Q Which would be towards where?

10 A North Augusta.

11 Q Towards North Augusta.

12 MS. MAYES: Nothing further.

13 MR. DRYLIE: Briefly, Your Honor.

14 THE COURT: All right.

15 CROSS-EXAMINATION

16 By Mr. Drylie:

17 Q Now, when you activated your blue lights, did the car
18 speed up or run off?

19 A It was raining. I don't know if he sped up or not.
20 He was going, I had to make my way through traffic in
21 order to get back to him.

22 Q But when you got back to him, he pulled off to the
23 side of the road?

24 A Yeah.

25 Q And he didn't hop out of the car and run away or

1 anything like that?

2 A No.

3 Q Now, you transported him to the Detention Center,
4 correct?

5 A Yes.

6 Q And you are the arresting officer, correct?

7 A Yes.

8 Q Did you take a picture of him in the clothes he was
9 wearing that day?

10 A No.

11 MR. DRYLIE: No further questions.

12 THE COURT: All right.

13 MS. MAYES: Just one brief question, Your Honor.

14 THE COURT: Okay.

15 REDIRECT EXAMINATION

16 By Ms. Mayes:

17 Q Was there any need for you to take a picture of him?

18 A No. I wasn't the one conducting the investigation.

19 Q Nothing further.

20 THE COURT: All right. You can step down.

21 OFFICER PETERSON: I can go?

22 THE COURT: You can go.

23 MS. RADLEIN: The State calls Tracy Wood.

24 TRACY WOOD, being

25 first duly sworn, testified as follows:

DIRECT EXAMINATION

1
2 By Ms. Radlein:

3 Q Officer Wood, were you employed with the Edgefield
4 County Sheriff's Office on February 24th, 2015?

5 A I was.

6 Q Okay. And as it relates to this case, did you
7 provide any assistance to fellow law enforcement?

8 A I did.

9 Q And what was the nature of that assistance?

10 A Deputy Peterson had stopped a vehicle that matched
11 the description of one who was involved in a sexual
12 assault/home invasion in Johnston. And I went to the
13 scene where he stopped the vehicle.

14 Q Now, what type of assistance were you able to provide
15 Deputy Peterson when you arrived on-scene?

16 A When I arrived on the scene, Deputy Peterson had
17 already placed the subject into investigative detention.
18 I pretty much stood by with Deputy Peterson until he
19 escorted him to the detention facility in Edgefield at
20 which time I followed him to the detention facility.

21 Q Okay. And once you arrived at the detention
22 facility, what, if anything, did you do next as it is
23 involving this case, as it relates to this case?

24 A I obtained Mr. Chandler's clothing from him once he
25 was patted down by the general officers in the Detention

1 Center. And then I placed them into bags separately and
2 inventoried the property.

3 Q Okay. And you mentioned you took his property and
4 clothing. Do you recall what, exactly what items did you
5 take into evidence?

6 A I do. One pair of black and hot pink Nike Air Max
7 tennis shoes. They were size 11 and they were missing the
8 shoe laces. One pair of dark-colored jogging pants, one
9 black sweatshirt, one black thermal top, and a pair of
10 black boxers with hearts printed on them.

11 Q Okay. And you, you mentioned that you placed them in
12 individual bags. Now, what, what did you do with those
13 items once you--

14 A -- once they were bagged, and then I filled the
15 information out and I turned them over to our evidence
16 facility.

17 Q Okay. Let me go ahead and --

18 MS. RADLEIN: Permission to approach the witness,
19 Your Honor?

20 THE COURT: Yes, ma'am.

21 MS. RADLEIN: I'm going to go ahead and have this
22 marked.

23 (Whereupon, State's Exhibit number 73 marked for
24 identification.)

25 Q I'm going to hand you what's been marked for ID as

1 State's Exhibit 73. Do you need a pair of gloves?

2 A (No audible response.)

3 Q Okay. Do you recognize that item?

4 A Yes, ma'am.

5 Q And how do you recognize that?

6 A From the information that I filled out.

7 Q And when you said, I filled out, would that be in
8 your own handwriting?

9 A That's correct.

10 Q Okay. And what information did you, do you have to
11 fill out on that bag?

12 A And, actually, your agency item number, the case
13 number, everything from your name all the way to the
14 description of the items inside the bag.

15 Q And what description did you write on the bag?

16 A This is one pair of Nike Air Max, black and hot pink
17 color, size US 11 with no shoestrings.

18 Q Okay. Did y'all identify the suspect's name on that
19 bag, as well?

20 A I did.

21 MS. RADLEIN: At this time, Your Honor, the State
22 would move State's Exhibit 73 into evidence.

23 THE COURT: And what's inside, just the shoes?

24 MS. RADLEIN: That's correct, Your Honor.

25 THE COURT: Any objection to the shoes coming into

1 evidence?

2 MR. DRYLIE: No, Your Honor.

3 THE COURT: 73, okay, admitted without objection. I
4 just wanted to make sure there weren't other articles in
5 there.

6 MS. RADLEIN: That's correct, Your Honor. It's just
7 the shoe.

8 (Whereupon, Plaintiff's Exhibit 73 was admitted into
9 evidence.)

10 MS. RADLEIN: Your Honor, request permission for the
11 witness to step down.

12 THE COURT: " Sure.

13 Q And can you go ahead and take out the item that's in
14 that bag that we marked as State's Exhibit 73. Is this
15 the item? Are these the shoes that you removed from the
16 Defendant on February 24th, 2015?

17 A They are.

18 Q Is it a complete pair?

19 A It is.

20 Q I'm going to go ahead and hand you another item of
21 evidence that we'll mark for ID.

22 (Whereupon, State's Exhibit number 74 was marked for
23 identification.)

24 Q That's State's Exhibit 74. Again, I'm going to ask
25 you, do you recognize this?

1 A Yes, I do.

2 Q And how do you recognize it?

3 A By the, my handwriting.

4 Q And what information does that bag contain?

5 A This contains one black thermal top.

6 Q Does it contain anything else?

7 A Just a top.

8 Q And what is that?

9 A I'm sorry. One black sweatshirt also.

10 Q So there's two items in that bag?

11 A There is.

12 MS. RADLEIN: Your Honor, at this time, the State
13 would move collectively Exhibit 74 into evidence.

14 THE COURT: Any objection to the shirt and
15 sweatshirt?

16 MR. DRYLIE: No objection.

17 THE COURT: All right. It's in.

18 (Whereupon, State's Exhibit 74 was admitted into
19 evidence.)

20 MS. RADLEIN: Thank you, Your Honor.

21 Q If you will go ahead and open that item?

22 (Whereupon, witness complies.)

23 Q What item is this?

24 A That would be the thermal shirt.

25 Q Okay. And is this the same shirt that you removed

1 from the Defendant back on February 24th, 2015?

2 A It is.

3 Q And this item, what is this?

4 A That would be a black t-shirt.

5 Q Okay. And is this the item that you were referencing
6 on the evidence bag --

7 A Yes.

8 Q -- and what you removed from the Defendant on
9 February 24, 2015?

10 A Yes, ma'am.

11 Q I'm going to hand you what would be marked for ID as
12 State's Exhibit Number 75.

13 (Whereupon, State's Exhibit Number 75 was marked for
14 identification.)

15 Q I'm going to hand you what would be marked for
16 State's ID 75 and go ahead and the same thing, ask, do you
17 recognize that item?

18 A Yes, I do.

19 Q And how do you recognize the item?

20 A My handwriting got filled out on the bag.

21 Q And what information did you fill out on that bag?

22 A It's one pair of black socks; one pair of gray
23 sweatpants.

24 Q Okay. And would that be the dark in-colored jogging
25 pants you testified to just a moment ago?

1 A Yes, ma'am.

2 MR. RADLEIN: At this time, Your Honor, the State
3 would move State's Exhibit 75 into evidence.

4 MR. DRYLIE: Without objection.

5 THE COURT: Without objection, 75 is in.

6 (Whereupon, State's Exhibit 75 was admitted into
7 evidence.)

8 Q If you will go ahead and open that up.

9 (Whereupon, witness complies.)

10 Q And would this be the dark in color and/or gray
11 jogging pants that you described?

12 A Yes, ma'am.

13 Q In fact, is this the, the jogging pants that you took
14 off the Defendant on that day?

15 A That's correct.

16 Q Okay. And on that day, what, if anything else, were
17 you able to remove from the Defendant?

18 A There was some money, cash money. There was a
19 wallet, and a couple of other items like a pen and some
20 lip balm.

21 Q Okay. And where were those items located?

22 A The money and wallet was in the front right pocket.

23 Q Okay.

24 A Or it would have been his front right pocket the way
25 he was wearing them and the pen and the lip balm was in

1 the left pocket.

2 Q Okay. And they, those items would be, would have
3 been removed from these pants?

4 A That's correct.

5 Q Okay. And you mentioned the wallet and the, the
6 money. Was the money in the wallet?

7 A It was not.

8 Q Okay. I'm going to show you what's been marked for
9 ID State's Exhibit 76 and I'm going to, again, going to
10 ask you the same thing, do you recognize this?

11 A Yes, I do.

12 Q And how do you recognize it?

13 A It's my handwriting that filled out the information
14 on the back.

15 Q Okay. And what information did you record as the
16 contents?

17 A Money, there was four one hundred dollar bills.
18 There were two twenty dollar bills, one five dollar bill.
19 There were three one dollar bills, one black/brown trifold
20 wallet.

21 Q And, again, these were the items that you removed
22 from these sweat pants?

23 A That's correct.

24 MS. RADLEIN: Your Honor, the State at this time
25 would move State's Exhibit 76 into evidence.

1 MR. DRYLIE: Without objection.

2 THE COURT: Without objection 76 is in.

3 (Whereupon, State's Exhibit number 76 was admitted
4 into evidence.)

5 Q Please go ahead and open that item.

6 (Whereupon, witness complies.)

7 Q This currency that was found in his pocket, again,
8 which pocket was this located in?

9 A It was in his front right.

10 Q Do you remember what condition you recovered it in or
11 how was it positioned in his pocket?

12 A I did not.

13 Q Okay. Do you know whether or not it was inside this,
14 the wallet you were referencing earlier?

15 A That's correct.

16 Q Do you recall if it was inside of this wallet?

17 MR. DRYLIE: I think that's already been asked and
18 answered, Your Honor.

19 THE COURT: It is. Let's move on.

20 MS. RADLEIN: You may take your seat.

21 Q After you collected these items, did you then
22 document your findings in a report?

23 A I did.

24 Q And are the items that we've just displayed before
25 the Court what you documented in your report back when

1 this incident occurred?

2 A Yes, ma'am.

3 Q I'm going to go ahead and show you what's been marked
4 for ID as State's 16 which is a photograph of one of these
5 bags. Do you recognize that?

6 A Yes, ma'am.

7 Q And what do you recognize that to be?

8 A An evidence bag.

9 Q Okay. And how do you recognize it?

10 A From my handwriting.

11 Q Okay. And, again, what were the contents of this
12 evidence bag?

13 MR. DRYLIE: Judge, I think we have a matter of law,
14 briefly.

15 THE COURT: Okay. Y'all step to the jury room.
16 Don't talk about the case.

17 (Whereupon, the jury was excused from open court.)

18 MR. DRYLIE: Judge, we've actually, she's going to
19 withdraw it.

20 THE COURT: She'll withdraw it?

21 MR. DRYLIE: Yeah. She was going to offer that into
22 evidence but she is not going to.

23 THE COURT: So you're withdrawing it?

24 MS. RADLEIN: I didn't enter it. I didn't make a
25 motion to move it into evidence yet, Your Honor.

1 THE COURT: Okay. So we can get the jury back in?

2 MR. DRYLIE: Yeah, we're good, Your Honor.

3 THE COURT: Go get them.

4 (Whereupon, the jury came into open court at
5 approximately 5:00 p.m.)

6 Q And just as a follow up, all of the items that we
7 just entered into evidence which would include the shoes
8 with no shoestrings, the clothing and the money that were
9 found on the Defendant, from the point that he was taken
10 into investigative detention and arrested until the point
11 that you were able to seize the items, and then secure
12 them in evidence and secured them, and you removed them
13 from the Defendant, they did not leave your sight,
14 correct?

15 A That's correct.

16 Q And the same items, the shoes with no shoelaces, the
17 darker colored clothing went straight to be stored in
18 evidence permanently at that point?

19 A That's correct.

20 Q Okay.

21 MS. RADLEIN: No further questions, Your Honor.

22 CROSS-EXAMINATION

23 By Mr. Drylie:

24 Q Good afternoon.

25 A Good afternoon.

1 Q Now, we've just seen some items of evidence. Is that
2 all the evidence that you took that day?

3 A That was in as it is.

4 Q Let me put this in a different way. Let me help you
5 out. Are we missing an item that you took and logged into
6 evidence?

7 A Not that it was logged into, well-

8 Q -- what about the underwear?

9 A Yes, well, yes, they are.

10 Q Okay. So you actually took the underwear and logged
11 that into evidence?

12 A Correct.

13 Q Okay. Let me ask you something. Now, at some point
14 a couple of days later, did you witness a search warrant
15 on this case?

16 A I did not.

17 Q You didn't witness a search warrant?

18 A No, sir.

19 Q And did you witness a return on a search warrant?

20 A I don't believe so.

21 MR. DRYLIE: Permission to approach?

22 THE COURT: Yes.

23 Q Is that your signature at the bottom next to
24 Investigator Smith?

25 A Yes.

1 Q So did you witness that return?

2 A I signed it right there, but I don't recall.

3 Q Okay. Now, can you tell me the date on the return
4 for that search warrant?

5 A It says 2/26/15.

6 Q Okay. And so on 2/26/15 if you're witnessing a
7 return on the search warrant, would those items actually
8 be there in front of you on that day?

9 A Correct.

10 Q And can you tell me the items on that return, you got
11 the gray jogging pants, correct?

12 A It says one pair of dark color jogging pants.

13 Q And you got with the black thermal top?

14 A Yes.

15 Q And you got the heart underwear, the boxers with the
16 hearts on them?

17 A That's correct.

18 Q And those items were in front of you on 2/26/15?

19 A Yes, if I signed it.

20 MR. DRYLIE: No further questions.

21 THE COURT: That's all?

22 REDIRECT EXAMINATION

23 By Ms. Radlein:

24 Q When an individual is arrested and their property is
25 seized, do you take a search warrant to take that

1 property?

2 A No.

3 Q Would it be regarded as search incident of arrest?

4 A Correct.

5 Q Okay.

6 MS. RADLEIN: Okay. No further questions.

7 THE COURT: With y'all's permission, I want to
8 explain to the jury what a return is.

9 MR. DRYLIE: Yes, Your Honor.

10 THE COURT: Folks, what happens, you can step down,
11 Detective. I think they're done with you. When law
12 enforcement issues a search warrant, they appear in front
13 of the Magistrate or a Circuit Judge and say we'd like to
14 search and they've got to give a reason or cause for
15 search. That's, provided, they say we want to go search
16 the car. We want to go search the house. We want to go
17 search something. The Judge issues it. Once they go
18 perform that, they bring an inventory of what was found as
19 a result of the search. That's the return. So it's a
20 search warrant out; return of inventory of what they got
21 coming back. That's all it is. I don't want y'all to be
22 confused with it. It's kind of like a tax return. Income
23 in; the tax returned to the government and kind of like
24 that. So it's just part of the paperwork that circulates
25 for a search warrant. The warrants out and the return

1 comes back with the inventory, if anything, that's
2 retrieved. And it's in evidence? No?

3 MS. RADLEIN: The search warrant, Your Honor? No.

4 THE COURT: Okay. Fair enough. All right. Let's
5 start at 9:00 in the morning.

6 MS. MAYES: Yes, sir.

7 THE COURT: Does that suit y'all, too? It does me.
8 All right. Y'all be in the jury room. I'm going to try
9 to get you so we can start promptly at 9:00 o'clock.
10 Remember, you can't discuss the case. Now, will the
11 courtroom be secured, because they want to carry their
12 notebook pads to the jury room and organize them there so
13 that way y'all can keep track of them and bring them back
14 in the morning from the jury room. So y'all carry them to
15 the jury room and y'all organize them so y'all will know
16 whose is whose. Okay.

17 MR. DRYLIE: Judge, I have just one real brief thing
18 after the jury is out.

19 THE COURT: Okay.

20 (Whereupon, the jury was excused from open court for
21 the day.)

22 THE COURT: All right. The jury has been sent home
23 for the afternoon. You got one issue, Mr. Drylie?

24 MR. DRYLIE: Just briefly. I know the witness was
25 dismissed, but we'd just like to reserve the right to

1 recall if needed for the State to make him available to
2 us.

3 THE COURT: This one?

4 MR. DRYLIE: Yes, sir.

5 THE COURT: Well, I think that is okay, I don't
6 believe that will be a problem.

7 MR. DRYLIE: Okay.

8 THE COURT: I don't tell him at 12:00 o'clock, he's
9 going to come as the next witness. If you know you going
10 to need him, tell us that morning, and then somebody that
11 morning can get him.

12 MR. DRYLIE: Absolutely.

13 THE COURT: All right. Thank you. We'll see y'all
14 before 9:00 in the morning, so we can start at 9:00
15 o'clock sharp.

16 (Whereupon, the trial will resume the next morning at
17 9:00 a.m.)

18 July 20th, 2016.

19 MR. WHITMIRE: Judge, we have a motion.

20 THE COURT: Let me hear it.

21 MR. WHITMIRE: May it please the Court. Just that,
22 we've reach that point in the trial where the State's
23 probably going to call some of the medical professionals
24 that treated the victim on the date of the incident and we
25 anticipate some potential legal issues. So to make the

1 Court aware of the Defense's position just in terms of
2 judicial economy in having to bring the jury in and out,
3 we plan to strenuously object to any potential bolstering,
4 improper corroboration. And also it's our understanding
5 that the same nurse, the treating physician will not be
6 qualified as an expert, so any testimony from them along
7 the lines of this is a diagnosis of sexual assault, we
8 would object to. And may I approach? I just provided it
9 to the Solicitors, two cases we're going to rely on.

10 THE COURT: Okay.

11 MS. MAYES: Okay. Can we get a copy of that? Well,
12 Judge, I can clarify for the record and maybe save us some
13 time here. Kroma deals with forensic interviews.

14 THE COURT: I'm familiar with, I'm familiar with
15 Kroma.

16 MS. MAYES: Okay. That we are offering an EMT and the
17 SANE nurse. She actually did the sexual assault
18 examination. So we don't expect anything that may be
19 along the lines of a forensic interview. Now, there is,
20 of course, the hearsay exception for information that's
21 necessary for medical diagnosis and treatment. That is
22 not going to go into the identity of the perpetrator.
23 It's going to go into what happened to cause the symptoms.
24 If she reported a sexual assault, that's necessary for
25 medical diagnosis and treatment pursuant to Rule 8034. So

1 we're not expecting anything beyond what's necessary for
2 medical diagnosis and treatment, and the foundation will
3 be laid.

4 THE COURT: Okay. And so you're not anticipating any
5 questions if you find any of her comments believable or
6 unbelievable?

7 MS. MAYES: Absolutely.

8 THE COURT: We're not getting that? Okay.

9 MR. WHITMIRE: And just at an appropriate juncture in
10 the trial, Judge, we would object to any diagnosis from a
11 SANE nurse, just based on medical qualification of a nurse
12 to make the diagnosis and lack of sexual trauma actually
13 being the diagnosis, itself, but we can get to that later.

14 THE COURT: Okay.

15 MR. WHITMIRE: Thank you, Judge.

16 THE COURT: Bring the jury for me, please.

17 (Whereupon, the jury came into open court at
18 approximately 9:04 a.m.)

19 MS. MAYES: The State calls Linda Crane Herald.

20 LINDA HERALD, being
21 first duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 By Ms. Mayes:

24 Q Good morning, Ms. Herald.

25 A Good morning.

1 Q Can you tell us a little bit about yourself? Where
2 are you currently employed?

3 A I am employed full-time by Edgefield County EMS as an
4 advanced EMT. I work part-time for McCormick County EMS
5 as an advanced EMT and firefighter.

6 MS. MAYES: Your Honor, may I approach the witness?

7 THE COURT: You may.

8 Q You may need to lean into the microphone a little bit
9 more. And you said that you're currently employed at EMS.
10 What counties do you currently work EMS, Emergency Medical
11 Services?

12 A Edgefield and McCormick.

13 Q And what is your job title or description with
14 Emergency Medical Services in Edgefield and McCormick?

15 A I'm an advanced EMT and a firefighter.

16 Q All right. Now, you say, advanced EMT. What level
17 is the advanced EMT along the scale of Emergency Medical
18 Services?

19 A It's a top three level. There's three levels.

20 Q All right. So there are three levels. And where
21 would that level be?

22 A Right in the middle.

23 Q Okay. And how long have you been in Emergency
24 Medical Services?

25 A Nine years.

1 Q And can you tell us whether or not being an advanced
2 EMT requires educational training?

3 A Yes, it does.

4 Q Certification?

5 A Yes.

6 Q And continuing education in that field?

7 A Yes, ma'am.

8 Q Now, can you tell us were you working with Edgefield
9 County Emergency Medical Services on or about February
10 24th of 2015?

11 A I was.

12 Q Did you have the opportunity to treat a patient by
13 the name of Dorothy Peterson?

14 A I did.

15 Q And do you have with you the information or your
16 report pertaining to Dorothy Peterson's case?

17 A Yes, ma'am.

18 Q I'm going to ask you if you can refer to your report.
19 Now, that report, can you tell us about when you actually
20 make your notations or make your report; is it the same
21 day of the treatment or is it at a later time?

22 A If the patient's not in critical condition, we
23 usually start it on the way to the hospital, but we have
24 to have it done within 24 hours.

25 Q Okay. So your report would have been completed

1 within 24 hours of Dorothy Peterson's treatment?

2 A Yes.

3 Q What was the time of arrival for Emergency Medical
4 Services at the scene of [REDACTED]?

5 A We got on scene at 7:48 a.m.

6 Q All right. And how long were you on the scene with
7 Ms. Peterson?

8 A We left at 8:07.

9 Q And you left in route where?

10 A To Aiken Regional.

11 Q Aiken Regional Hospital?

12 A Yes, ma'am.

13 Q So you were on the scene less than 20 minutes,
14 correct?

15 A Correct. Maybe about 25.

16 Q Arrived at 7:48 and departed at 8:07?

17 A Yes.

18 Q Now, describe to us what you observed upon your entry
19 into the home when you initially saw the patient.

20 A We arrived on-scene after law enforcement to find a
21 83-year-old female sitting on the couch. She had a shirt
22 and scotch tape--

23 Q I need you to slow down a little bit. The court
24 reporter is going to be noting every word. 83-year-old
25 female.

1 A She was sitting on the couch. The patient has a
2 shirt with scotch tape wrapped around her neck, and is
3 tied around her shoulders and ankles with black cable-type
4 cord.

5 Q And you actually observed that yourself?

6 A Yes, ma'am.

7 Q So what was the next step in attempting to treat the
8 patient who you observed under those circumstances?

9 A After law enforcement finished with her pictures, we
10 untied her and freed her of it.

11 Q Okay. And when you say, we untied her. Can you tell
12 us whether or not EMS is equipped with scissors and tools
13 that are necessary sometimes to cut clothing?

14 A We are. We did. We untied all the cord, and that's
15 when we saw the shoelaces around her ankles.

16 Q Okay. And when you say you untied the cord, you're
17 referring to what? I'm going to show you a photograph,
18 which is State's Exhibit 53 in evidence, and ask you
19 whether or not you recognize that photo?

20 A Yes, ma'am.

21 Q How so?

22 A I was standing right there when they took it.

23 Q And when you refer to the black cord, you're
24 referring to the black cord at what location?

25 A It's around her shoulders and it goes around, around

1 her ankles and it's on the floor.

2 Q All right. And then you say after the cord was
3 removed, you noted you made a notation concerning what
4 other forms of restraints?

5 A The black shoelaces.

6 Q I'm going to show you State's Exhibit 56. Do you see
7 the black shoelaces in this photograph?

8 A Yes, ma'am.

9 Q And so EMS took part in cutting the shoelaces off of
10 her ankles?

11 A Yes..

12 Q Do you have any notations as to how tightly the
13 restraints may have been on the patient?

14 A I do.

15 Q What do you have noted in that regard?

16 A Well, I have, shoelaces was then noted to be tied
17 tightly around the patient's ankles. The shoelaces were
18 removed from the right, to the right of the knot. They
19 were cut.

20 Q Okay. So they were removed without actually cutting
21 into the knot but to the right of the knot, correct?

22 A Correct. Correct.

23 Q Now, what was the next step in attempting to provide
24 treatment to Ms. Peterson there on the scene?

25 A We took her vital signs, did a quick survey to see if

1 she was injured anywhere.

2 Q And what attempts were made to actually move her for
3 transport?

4 A We had her, well, we had her stand up.

5 Q Okay. Were you there when that occurred?

6 A Yes.

7 Q Did you assist?

8 A Yes.

9 Q What, if anything, was noted when she was lifted to
10 be transported?

11 A There was blood on the couch where she was sitting.

12 Q You observed that?

13 A Yes.

14 Q Can you tell us where do you recall seeing the blood
15 in relation to where she was sitting?

16 A It was right underneath her.

17 Q I'm going to show you what is State's Exhibit 61 and
18 State's Exhibit 59 and ask you if you recognize what's
19 depicted in these photographs?

20 A Yes.

21 Q How so?

22 A She was sitting right there and when she stood up,
23 there's blood right there.

24 Q You recognize that?

25 A Yes, ma'am.

1 Q What, if anything, do you recall observing concerning
2 the condition of that blood stain or the appearance of
3 that blood stain?

4 A It was new.

5 Q Can you tell us whether or not your report noted
6 bleeding anywhere?

7 A It does.

8 Q What type of bleeding, or a location of injury?

9 A I just put genitals, because I wasn't sure if it was
10 from her vagina or anus.

11 Q Okay. So you noted bleeding from the genitals?

12 A Yes.

13 Q Was there any other type of injury to Ms. Peterson
14 that was noted?

15 A She had scratches on her hand.

16 Q I'm going to show you what are State's Exhibits 64
17 and 63.

18 A Yes.

19 Q And do you recognize the depiction in these
20 photographs?

21 A I do.

22 Q How so?

23 A Those were noted on her when we were on scene at her
24 house.

25 Q So when you note the injury to the hand, that's what

1 you're referring to?

2 A Yes.

3 Q Now, what was the intent in having Ms. Peterson
4 transported on to Aiken Emergency Room?

5 A For a rape test kit.

6 Q All right. And you used the term, a rape test kit,
7 but are you familiar with the term, a sexual assault
8 examination?

9 A Yes.

10 Q And is that normal? Can you tell us whether or not
11 that is protocol in such cases?

12 A It is.

13 Q Have you transported patients in the past for that
14 purpose?

15 A No, ma'am.

16 Q You're familiar in your training that that is the
17 protocol?

18 A Yes.

19 Q What, if anything, did you note or do you recall
20 about the demeanor or emotional state of Ms. Peterson?

21 A When she was at her house, she seemed to be in shock.
22 She wasn't overly emotional. She was answering the
23 questions that law enforcement and we were asking her.
24 While in route to the hospital, I guess she started
25 thinking about everything that was going on and I was

1 watching her, and this horrified look come over her face.
2 I mean her whole demeanor changed, and she started asking
3 me about what if she got AIDS.

4 Q So, when you refer to her being at the residence and
5 you used the word, shock. Can you tell us what you mean
6 by that?

7 A She didn't have any emotion, other than being a
8 little scared.

9 Q Have you treated patients with a similar affect?

10 A Yes.

11 Q And then where were you when you noted the change in
12 her demeanor and as you put it, she appeared to be
13 horrified?

14 A We were about halfway to Aiken Regional Hospital.

15 Q You were with her at what part of the vehicle?

16 A In the back, in the patient care area.

17 Q And can you tell us whether or not treatment or
18 assessment for sexually transmitted diseases is part of
19 the protocol, as well?

20 A At the hospital.

21 Q Does your report note whether or not she was turned
22 over to the care of any specific type of nurse at the
23 hospital?

24 A Yes. She was turned over to a Registered Nurse named
25 Lindsey.

1 Q For what purpose?

2 A For them to take over patient care from that point
3 on.

4 MS. MAYES: Beg the Court's indulgence.

5 Q And just to clarify. When you arrived, who else do
6 you recall being at the scene?

7 A Law enforcement.

8 Q And is it necessary for purposes of medical diagnosis
9 and treatment to determine the source of injury or the
10 source of any symptoms?

11 A It is.

12 Q What, if anything, did your report note concerning
13 chief complaint?

14 A Sexual assault.

15 MR. DRYLIE: Objection.

16 MS. MAYES: Nothing further, Your Honor.

17 THE COURT: I am going to overrule the objection.

18 She can testify as to what she put in the report she had,
19 so we'll leave it at that.

20 MR. DRYLIE: No cross-examination, Your Honor.

21 THE COURT: All right. Ms. Herald, you may step
22 down.

23 MS. MAYES: The State calls Investigator Curtis
24 Morris. May we approach?

25 THE COURT: Yes, ma'am.

1 (Whereupon, a bench conference was held in the
2 presence of the jury but out of the hearing of the
3 jury.)

4 CURTIS MORRIS, being
5 first duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 By Ms. Mayes:

8 Q Good morning, Investigator Morris. Can you tell us a
9 little bit about yourself? Where are you employed?

10 A I am currently employed with the Edgefield County
11 Sheriff's Office.

12 Q All right. And in what capacity?

13 A As a crime scene investigator.

14 Q Now, you say a crime scene investigator, so I'm going
15 to ask you a few questions specifically about that.

16 A Yes, ma'am.

17 Q How long have you been with the Edgefield County
18 Sheriff's Office?

19 A Since 2005.

20 Q So 11 years?

21 A Yes, ma'am.

22 Q And during the course of that time, how much of your
23 career has been spent specifically in the field of crime
24 scene investigation or processing?

25 A I was assigned to crime scene investigation, the CSI

1 Unit in 2008.

2 Q All right. Now, can you tell us a little bit about
3 what we, use the term, CSI, or crime scene investigation.
4 But specifically, what types of investigation does that
5 entail? What types of potential evidence recovery does
6 that include?

7 A Any crime scene in itself from homicides all the way
8 down to common law burglaries.

9 Q Does that include processing for fingerprints?

10 A Yes, ma'am; fingerprints, DNA, foot impressions.

11 Q Trace evidence?

12 A Trace evidence; yes, ma'am.

13 Q Blood spatter?

14 A Yes, ma'am.

15 Q Can you tell us whether or not that you've had
16 specific training regarding those various areas within the
17 field of crime scene investigation?

18 A Yes, ma'am. Initially, I started out Phase 1 and 2
19 for PATC and crime scene investigation training. It was a
20 one-week class, followed by buried body recovery, property
21 and evidence management, blood stain pattern analysis and
22 mapping, IED's on the crime scene and various other
23 training.

24 Q All right. And can you tell us whether or not you
25 also had training specifically in the field of obtaining

1 or attempting to obtain what's known as latent prints?

2 A Yes, ma'am. I have had that training.

3 Q What is a latent print?

4 A A print that's visible. It has been processed so it
5 can be visible to the eye.

6 Q And we're referring to fingerprints, correct?

7 A Fingerprints, footprints; yes, ma'am.

8 Q Now, what type of equipment, vehicle, things of that
9 nature does the Edgefield County Sheriff's Office have
10 available to you for potentially processing crime scenes?

11 A Right now, we have what's known as the Crime Scene
12 Unit. It is our 08 KUV Unit. It contains different types
13 of items used to process crime scenes such as brushes,
14 different types of powders, lifting materials, different
15 types of tapes, what is known as a fume gun.

16 Q And a fume gun relates to recovery of what type of
17 evidence, potentially?

18 A Fingerprints.

19 Q And can you tell us whether or not you had such
20 equipment available to you on February 24th, 2015?

21 A Yes, ma'am; I did.

22 Q Now, what can you tell us about your role or
23 involvement in the investigation of a home invasion, a
24 sexual assault, which occurred at [REDACTED] on
25 February 24th of 2015?

1 A I was called in as the crime scene investigator to
2 process the scene.

3 Q All right. And what do you recall observing upon
4 your arrival?

5 A Upon arrival, I was met by Investigator Smith, who
6 told me to immediately get my camera out and start
7 photographing.

8 Q All right. So let me stop you right there. You say
9 you were met by Investigator Smith.

10 A Yes, ma'am.

11 Q He is with what agency?

12 A The Edgefield County Sheriff's Office.

13 Q All right. And he was already on the scene?

14 A Yes, ma'am.

15 Q Was he already inside the residence?

16 A To my knowledge; yes, ma'am.

17 Q Do you know whether any other officers were already
18 on the scene and inside the residence?

19 A I believe Grenier, Officer Grenier.

20 Q Okay. And do you know approximately how long those
21 officers had been on the scene prior to your arrival?

22 A Not exactly. It was a few minutes, a very few
23 minutes.

24 Q Okay. Can you tell us, though, whether or not the
25 scene still appeared to be fresh at that point?

1 A Yes, ma'am. It had just occurred.

2 Q And, specifically, did you have an opportunity to
3 observe the victim?

4 A Yes, ma'am.

5 Q Where was she?

6 A She was sitting on a couch in what I would call the
7 living room area.

8 Q Now, what color was the couch?

9 A Off-white, cream-colored.

10 Q It's the same couch depicted in the various photos
11 that are currently in evidence?

12 A Yes, ma'am.

13 Q Who took those photos?

14 A I did.

15 Q So the photos that we've already seen and have been
16 admitted into evidence of Ms. Peterson sitting on her
17 couch with restraints, those photographs, this photograph,
18 and the series of photographs were taken by you?

19 A Yes, ma'am.

20 Q In fact, all of the photos that we have of that scene
21 on the day of February 24th, 2015, were taken by who?

22 A By me.

23 Q Now, why, if at all, is photo documentation done at
24 such an early stage?

25 A So that you get a accurate representation of what the

1 scene was when we first got there. You'll know exactly
2 what we see when we get there.

3 Q What, if anything, can you tell us about the victim's
4 condition and any efforts that were being made to provide
5 treatment?

6 A When I got there, well, EMS was behind me. When I
7 got there, Investigator Smith was talking to her. He had
8 told me to take photographs, which I did, and as I was
9 photographing, she was still bound up by multiple
10 different bindings, sitting on the couch; appeared to be
11 upset, but not overly emotional.

12 Q And what role, if any, did you play in the collection
13 of evidence right there with Ms. Peterson as EMS was
14 treating her?

15 A As EMS was treating her, myself and EMS were right
16 there with the victim the entire time. EMS was working at
17 the same time I was in getting the bindings off of her,
18 starting with the pink pajama top and tape, the plastic
19 tape around her neck and shoulder area.

20 Q Did you observe the tape around her?

21 A Yes, ma'am.

22 Q Okay. How would you describe that tape? What type
23 of tape is it?

24 A I've heard it referred to as Scotch tape. It's
25 plastic home tape, wrapping tape.

1 Q Okay. And where do you recall it being placed around
2 Ms. Peterson?

3 A It was around a pink pajama top that had been wrapped
4 around her neck and shoulder area.

5 Q All right. And when you say the pajama top was
6 around her neck and shoulder area, in what manner?

7 A It was wrapped.

8 Q All right. And what other bindings do you recall?

9 A There was a large amount of black coaxial cable that
10 was wrapped from her upper body down to the lower
11 extremities, and shoelaces binding the lower part of the
12 legs.

13 Q Now, were you able to conduct a full and complete
14 interview with the victim at the scene?

15 A No, ma'am.

16 Q Why or why not?

17 A We were, and I'm speaking toward EMS, they were
18 trying to get her packaged up to get her to a hospital as
19 quickly as possible.

20 Q Were you present when the shoelaces from around her
21 ankles were cut?

22 A Yes, ma'am.

23 Q And what role, if any, did you play in collection of
24 that particular item, the shoelaces from around her
25 ankles?

1 A The EMS personnel was there with their
2 clipper/scissors. I instructed them not to cut the knot,
3 at which point, they cut the shoelaces I believe to the
4 right side of the knot and I removed the shoelaces from
5 around her legs.

6 Q All right. Why did you instruct them not to cut the
7 knot?

8 A That's common practice. I mean that's been
9 instructed since day-one crime scene is you never cut a
10 knot.

11 Q Did you consider the knot to be part of the ligature?

12 A Yes, ma'am.

13 Q Now, what, if anything, Investigator Morris, did you
14 observe when EMS lifted up Ms. Peterson for transport?

15 A Once she was stood up, there was a small spot of
16 blood.

17 Q And what, if anything, do you recall about the
18 appearance of that blood?

19 A It was fresh. It was still wet.

20 Q You recall it still being wet?

21 A Yes, ma'am.

22 Q State's Exhibit 61, do you recognize that photo?

23 A Yes, ma'am.

24 Q That photo of the blood stain on the couch was taken
25 by you?

1 A Yes, ma'am.

2 Q And where was that stain in relation to where she was
3 sitting?

4 A It was directly up under her. It was non-visible
5 until she stood up.

6 Q And I'm going to show you what is State's Exhibit 59.
7 This photograph depicts the entire couch. I want to have
8 you take a look at that, a photograph for a moment.

9 A Yes, ma'am.

10 Q Are you able to visualize the blood stain in this
11 photograph?

12 A Yes, ma'am.

13 Q Okay.

14 MS. MAYES: Your Honor, I would ask permission if the
15 witness could step down for a moment.

16 THE COURT: Okay.

17 Q If you could step forward. As to State's 59, this
18 photograph depicts the entire couch. Where is the blood
19 stain in relation to this photograph of the entire couch
20 as a whole?

21 A Right here.

22 Q All right. And what, if anything, you were present
23 and observed the transport of Ms. Peterson?

24 A Yes, ma'am.

25 Q Okay. What, if anything, did you observe about the

1 area that, in which she was sitting?

2 A You could tell where her, where she was sitting at
3 and the couch formed around her bottom.

4 Q All right. Can you tell us whether or not there
5 appeared to be an imprint of where she had been sitting?

6 A Yes, ma'am.

7 Q Where is that noted in this photograph?

8 A Right here.

9 Q All right. You may return. Now, the victim was
10 transported where and for what purpose?

11 A My understanding was to Aiken Regional Medical Center
12 for medical treatment.

13 Q And, specifically, what type of medical treatment and
14 let me ask you whether or not evidence collection can be
15 conducted following an allegation of sexual assault?

16 MR. DRYLIE: Objection to the specifically what type
17 of treatment. I don't think he's the proper witness to
18 testify to that.

19 MS. MAYES: I can rephrase that, Your Honor.

20 THE COURT: All right. Why don't you rephrase it to
21 see if we can come up with something, but I sustain the
22 objection as to the way the question is characterized.

23 Q You indicated that she was transported to Aiken
24 Regional. Do officers ever go to hospitals for the
25 purpose of collecting evidence?

1 A Yes, ma'am.

2 Q Okay. And, specifically, in sexual assault cases?

3 A Yes, ma'am.

4 Q What type of evidence is actually retrieved or
5 recovered from hospital personnel in such cases?

6 A What's known as an SAE kit, Sexual Assault
7 Examination kit. Any evidence from hairs, fibers, semen,
8 any number of items can be obtained.

9 Q Now, when the patient is transported to the hospital
10 and that kit where evidence collection is conducted, is an
11 officer there doing the evidence collection or is it
12 medical personnel?

13 A Medical, it is always medical.

14 Q All right. And the officer is present to retrieve
15 that evidence or the kit, as you put it, for what reason?

16 A Collection as evidence.

17 Q And so does the evidence go back to the Sheriff's
18 Department?

19 A Originally, yes. It goes to Sheriff's Office for
20 storage until it can be transported to SLED.

21 Q Is it sealed and properly packaged in accordance with
22 a chain-of-custody protocol?

23 A Correct.

24 Q And, ultimately, such evidence is sent where and for
25 what purpose?

1 A It's sent to SLED, the State Law Enforcement
2 Division, for DNA testing or any other required testing.

3 Q And to your knowledge in this case, was such an
4 evidence collection or Sexual Assault Evidence collection
5 kit conducted for Dorothy Peterson?

6 A To my knowledge; yes, ma'am.

7 Q And did that evidence, ultimately, come into the
8 hands of the Edgefield County Sheriff's Department for
9 analysis by the State Law Enforcement Division?

10 A Yes, ma'am.

11 Q Now, going back to the scene, were you the officer at
12 the hospital with Ms. Peterson?

13 A No, ma'am.

14 Q Now, who was that officer?

15 A That would be Investigator Smith.

16 Q All right. And going back to the scene, after Ms.
17 Peterson was removed by Emergency Medical Services and
18 transported on to the hospital, what, if anything, did you
19 do back at the scene of the potential collection of
20 evidence there?

21 A The scene was photographed, even after she had been,
22 had departed the scene. Then, myself, along with
23 Investigator Smith walked through. Evidence was pointed
24 out for collection. It was marked, photographed and
25 collected. Then, after the collection, the front door was

1 dusted.

2 Q All right. Now, you mentioned previously various
3 tools that are available such as dusting equipment,
4 brushes, a fume gun, but did you have that equipment
5 available to you there at the scene?

6 A Yes, ma'am.

7 Q What specific area were you able to conduct dusting
8 for the potential recovery of latent prints?

9 A The front door, inner and outer door.

10 Q You said, now, say that again, please?

11 A The front door, inner and outer door, what was
12 referred to as, I think, burglar doors.

13 Q I'm going to show you what's State's Exhibit 5.

14 A Yes, ma'am.

15 Q This is the door that you're referring to that's
16 shown in State's Exhibit 5?

17 A Yes, ma'am.

18 Q All right. And you said there is an inner and an
19 outer door. I think the, what you call the burglar door
20 would be which one of those doors?

21 A The outer door.

22 Q And then the inner door would be what?

23 A What would be referred to as the main door or the
24 master door.

25 Q What efforts were made to actually recover prints

1 from those doors?

2 A They were dusted with some black powder.

3 Q And can you tell us whether or not or what the point
4 of entry was in this case; what your understanding was of
5 the point of entry for the intruder?

6 A The, at the rear, the rear door was what my
7 understanding is as the entry point/exit point for the
8 intruder. That's the area that was dusted.

9 Q Okay. So it was the point-of-entry?

10 A Yes, ma'am.

11 Q Were you able, using the dusting procedures, to
12 recover any sufficient latent prints on the morning of
13 February 24th?

14 A No, ma'am. Everything was smudges.

15 Q And when you use the term, smudges, what are you
16 referring to?

17 A That's like somebody had drug their hand across and
18 just left the oils. There was no ridge detail, no minutia
19 to the print their self, nothing for identification.

20 Q All right. Can you just speak up just a little bit
21 more or lean into the microphone just a little bit more?

22 When you use the term, ridge detail, what are you
23 referring to?

24 A The actual fingerprint itself; the latent print.

25 Q So based on like your testimony, you were not able to

1 recover sufficient ridge detail?

2 A No.

3 Q What about even for the victim, Ms. Peterson, who
4 lived in the home?

5 A There was no fingerprints or any detail on the doors,
6 either one of them, in or out of them.

7 Q Now, in addition to dusting that area for
8 fingerprints, what other assessment was done there at the
9 crime scene for potential recovery of forensic evidence?

10 A Items were collected from throughout the house.

11 Q Okay. Well, let's talk about those items as we go.
12 You say various items were recovered throughout the house.
13 There's been testimony about the shoestrings being cut
14 from the ankles of Ms. Peterson. Did you recover those
15 for potential analysis, recovery evidence collection?

16 A Or recovered from the scene; yes, ma'am.

17 Q And what about that black cord that you mentioned
18 being around her?

19 A Well, the coaxial collected as well.

20 Q I'm going to show you what is State's Exhibit 60 and
21 ask you whether or not you recognize what's in that
22 photograph?

23 A Yeah. A leopard print scarf with shoelaces and a
24 blood spot on the couch.

25 Q Okay. So in photograph of, which is marked State's

1 Exhibit 60, there is a leopard print scarf there on the
2 couch. Where was that item recovered in relation to Ms.
3 Peterson?

4 A To the right behind her where she was sitting.

5 Q Okay. In close proximity?

6 A Yes, ma'am. It was within a few inches.

7 Q A few inches?

8 A Yes, ma'am.

9 Q What can you tell us about that type or that item
10 once you were able to inspect it?

11 A The shoelaces was knotted up inside with the scarf
12 itself.

13 Q So that item also had shoelaces associated with it?

14 A Yes, ma'am.

15 Q Now, I'm going to show you what is State's Exhibit
16 47. These are for ID; 49, 44, 42, 58, 41, 40, 38. Do you
17 recognize the items depicted in those photographs?

18 A Yes, ma'am.

19 Q Can you tell us who took these photographs?

20 A I believe these were Investigator Smith.

21 Q All right. Were you present when they were taken?

22 A Yes, ma'am.

23 Q And they were taken at what location?

24 A The Edgefield County Sheriff's Office.

25 Q So once the items were recovered and collected at the

1 scene, why is it, can you tell us or explain why it's
2 sometimes necessary to photograph the evidence in the
3 evidence room?

4 A Well, to get a better idea of what you're looking at.
5 It's a more controlled environment.

6 MS. MAYES: Your Honor, at this time, the State would
7 offer 38, 40, 41, 42, 44, 49, and 47 as evidence.

8 THE COURT: How about 58?

9 MS. MAYES: I'm going to have him identify that
10 separately, Your Honor.

11 THE COURT: All right. I'd written it down.

12 MR. DRYLIE: No objection, Your Honor.

13 THE COURT: All right. So Exhibits 38, 40, 41, 42,
14 44, 47, and 49 are admitted without objection.

15 (Whereupon, State's Exhibits 38, 40, 41, 42, 44, 47,
16 and 49 were admitted into evidence.)

17 Q And as to the 58, do you recognize what's depicted in
18 State's Exhibit 58 for ID at this time?

19 A Yes, ma'am.

20 Q Where was that photograph taken?

21 A That was taken on the scene that morning.

22 Q On the morning of February 24th?

23 A Yes, ma'am.

24 Q And taken by who?

25 A Myself.

1 Q All right. What is depicted in this photograph?

2 A This is the pink pajama top. This is the tape that
3 was wrapped around the pajama top that was around her neck
4 and those are the shoelaces that come from around the
5 lower legs.

6 Q And at this point, why are the items on the floor in
7 this photograph?

8 A They were moved away from the general traffic area
9 where people are walking through to get the victim out of
10 the house.

11 Q All right. And just to clarify, these were after
12 they were removed from where?

13 A The victim herself.

14 MS. MAYES: Your Honor, at this time, the State would
15 offer 58 as evidence.

16 MR. DRYLIE: No objection.

17 THE COURT: Admitted without objection.

18 (Whereupon, State's Exhibit 58 was admitted into
19 evidence.)

20 Q All right. I'm going to ask you, Investigator
21 Morris, if you could now locate some of these items
22 actually at, that you have collected as physical evidence.
23 So if you could take your time and locate those items, as
24 well as the item depicted in State's Exhibit 47.

25 (Whereupon, witness complied.)

1 Q All right. If you could start with the item that is
2 depicted here in State's Exhibit 58 now being on the floor
3 and that would be a pair of black shoelaces shown here on
4 the floor. And just to clarify, you testified that you
5 were present when they were placed in that position?

6 A Yes, ma'am.

7 Q And they came directly from where?

8 A The victim.

9 Q And as to this photograph?

10 A Yes, ma'am.

11 Q If the shoelaces are cut, that would be a cutting
12 that was made by Emergency Medical Services?

13 A Yes, ma'am.

14 Q Okay. And can you tell us what, if anything, is
15 noted about those shoelaces; do you still see knotting in
16 them?

17 A Yes, ma'am.

18 Q And how is the outside of that bag labeled?

19 A It's labeled with a case number, the date and time of
20 collection, who collected it, being me, and where it was
21 collected from.

22 Q All right.

23 MS. MAYES: Your Honor, at this time, the State would
24 offer this item as evidence.

25 MR. DRYLIE: No objection.

1 THE COURT: No objection.

2 (Whereupon, State's Exhibit 77 was admitted into
3 evidence.)

4 Q So, that is one pair of shoelaces. And then you
5 noted that you identified other shoelaces found at the
6 scene?

7 A Yes, ma'am.

8 Q And those were the shoelaces depicted how in the
9 photograph?

10 A Attached to the left crossed.

11 Q All right. Do you have that item in evidence, as
12 well?

13 A Yes, ma'am.

14 Q Could you unseal that?

15 A Yes, ma'am.

16 (Whereupon, witness complied.)

17 Q All right. So let me stop you real quick. That item
18 as it appears in State's Exhibit 42 and you told us you
19 were present when that photograph was taken?

20 A Yes, ma'am.

21 Q Can you tell us whether or not that photograph was
22 taken prior to submission of this item to the State Law
23 Enforcement Division?

24 A It was.

25 Q All right. And so if there was any change or cutting

1 to this item, it occurred where?

2 A At SLED.

3 Q Okay.

4 A At the State Law Enforcement Division.

5 Q All right. And but this photograph, can you tell us
6 whether or not this photograph is a fair and accurate
7 representation as it was collected from the crime scene?

8 A That's correct.

9 Q So that knotting in the scarf, can you tell us
10 whether or not those were present when it was recovered at
11 the crime scene?

12 A Yes, ma'am.

13 Q And the knotting in the shoelaces as it's tied to the
14 scarf?

15 A It was there, as well.

16 Q All right. And now wearing gloves, if you could show
17 us how that shoestring is attached to the scarves.

18 (Whereupon, witness complied.)

19 Q All right.

20 MS. MAYES: And, Your Honor, at this time, the State
21 would offer this item for evidence.

22 MR. DRYLIE: No objection.

23 REPORTER: It'll be number 78.

24 THE COURT: 78 is the scarf and shoelaces admitted
25 without objection.

1 (Whereupon, State's Exhibit 78 was admitted into
2 evidence.)

3 Q Next we see depicted in State's Exhibit 58, this item
4 here, above the shoelaces. What is that item?

5 A That would be the scotch tape or home tape wrapped
6 around the pink--

7 Q --the tape?

8 A Yes, ma'am.

9 Q Did you collect that item, as well?

10 A Yes, ma'am.

11 Q And do you have that with you today?

12 A Yes, ma'am.

13 Q Now, can you tell us whether or not that item was
14 sent to the State Law Enforcement Division for analysis?

15 A That was sent to SLED forensics for analysis; yes,
16 ma'am.

17 Q All right. Investigator Morris, any changes or
18 discoloration in that item occurred where?

19 A At the State Law Enforcement Division.

20 Q Why is that?

21 A They were the ones that processed this evidence.

22 Q All right. And does the processing of the evidence
23 for things such as recovery of latent prints sometimes
24 result in discoloration?

25 A They do.

1 Q Do you recognize that item?

2 A I do.

3 Q Can you tell us whether or not the bag is noted for
4 recovery on the date of February 24th, 2015, at the crime
5 scene?

6 A Yes, ma'am. Date, time, case number, what it is, and
7 where it was collected.

8 Q And it was signed by who?

9 A By me.

10 MS. MAYES: And, Your Honor, at this time, this would
11 be State's Exhibit 79 for evidence.

12 MR. DRYLIE: No objection.

13 THE COURT: With no objection State's 79, which is
14 the evidence bag of the Scotch tape.

15 (Whereupon, State's Exhibit 79 was admitted into
16 evidence.)

17 Q All right. And can you tell us whether or not the,
18 what you call the coax cable or the cord was also
19 recovered from the scene?

20 A Yes, ma'am.

21 Q Where is it located?

22 A Right here.

23 Q And does that bag also reflect the date and time it
24 was collected?

25 A Yes, ma'am; date and time, the case number, what it

1 is it was collected in.

2 Q All right. And it's got your signature, as well?

3 A Yes, ma'am.

4 MS. MAYES: And this would be State's Exhibit 80 for
5 evidence, Your Honor.

6 MR. DRYLIE: No objection.

7 THE COURT: State's Exhibit 80 without objection.
8 It's the coax cable.

9 (Whereupon, State's Exhibit 80 was admitted into
10 evidence.)

11 Q Now, specifically as to the coax cable, what's
12 showing in State's Exhibit 55 where there is knotting to
13 the back of the victim with that cable, can you tell us
14 whether or not that knotting was present when law
15 enforcement arrived?

16 A Yes, it was.

17 Q Was an attempt made to preserve that upon removal
18 from the victim?

19 A Yes, ma'am.

20 Q You may return to your seat.

21 (Whereupon, witness complied.)

22 Q I'm going to ask you about when the photographing was
23 done of these items that were collected from the scene,
24 such as the scarf with the shoelaces attached and the
25 shoelaces that had been cut by EMS. Can you tell us when

1 you were photographing them in the evidence room or when
2 you were present for the photographing in the evidence
3 room, whether or not both sides of the knotting were
4 documented?

5 A Yes, ma'am.

6 Q And you did that how so or that was achieved how so?

7 A By turning the knot itself.

8 Q Let me show you State's Exhibit 39, 43, 46, and 48
9 and how do these photos differ from the photos that are
10 currently in evidence?

11 A These were taken at the Sheriff's office.

12 Q All right. And can you tell us whether or not these
13 photographs depict the full side of the knot?

14 A Yes, ma'am.

15 Q From a separate angle?

16 A Yes, ma'am.

17 Q And again, if the knotting to the lace and the scarf
18 no longer appears the same, it's the result of what?

19 A SLED's processing those items itself.

20 MS. MAYES: Your Honor, the State would offer 43, 48,
21 46, and 39.

22 MR. DRYLIE: No objection.

23 THE COURT: Those four, 43, 46, 48, and 39 are
24 admitted without objection.

25 (Whereupon, State's Exhibits 39, 43, 46, and 48 were

1 admitted into evidence.)

2 Q Now, as you walked through the scene there of Ms.
3 Peterson's home and she's not there at this point having
4 been transported, were you able to document in any way the
5 type of lighting that she had available in her home, and
6 can you tell us whether or not that was reflected in any
7 of your photographs?

8 A Yes, ma'am. That's standard lighting for a
9 residence.

10 Q If you could, I'm sorry.

11 A That's standard lighting for a residence.

12 Q Okay. Were the lights on when you got there?

13 A Yes.

14 Q And as to State's Exhibit 53 which depicts Ms.
15 Peterson in the den, upon your arrival, were the lights
16 on?

17 A Yes, ma'am.

18 Q Now, in addition to the recovery of those items that
19 you've mentioned from the actual scene there at [REDACTED]
20 [REDACTED], you mentioned some other items that were recovered
21 by the Sheriff's Department at Aiken Regional Hospital,
22 correct?

23 A The SAE kit.

24 Q Okay. The SAE kit, the Sexual Assault Examination
25 kit, is that what you're referring to?

1 A Yes, ma'am.

2 Q But that evidence collection kit is turned over to
-3 the Sheriff's Department? (

4 A Yes, ma'am.

5 Q And then what was done with it?

6 A It was taken to SLED for processing.

7 Q And do you have that item with you?

8 A I believe it's in evidence over here. I'll have to
9 get up.

10 Q Okay.

11 MS. MAYES: And, Your Honor, if the witness may step
12 down?

13 THE COURT: Sure.

14 Q If you could go ahead, Investigator Morris, and
15 access what you refer to as the kit, the evidence
16 collection kit from the hospital.

17 A Yes, ma'am.

18 Q I'm going to ask you to unseal those.

19 (Whereupon, witness complied.)

20 Q All right. You may return to your seat.

21 A I'm going to leave this right here.

22 Q Now, can you tell us what is actually included in the
23 evidence collection kit from the hospital in a sexual
24 assault case or alleged sexual assault case?

25 A It could be different, taking the swabs from the

1 vaginal area or wherever penetration was, it can be the
2 victim's underwear, it could be scrapings from under the
3 fingernails. It can be any number of items.

4 Q All right. And can you tell us whether or not in
5 this case it included collection of the victim's
6 underwear?

7 A Give me just a moment, please. Yes, ma'am.

8 Q All right. And then the various swabs that you
9 mentioned, swabs such as vaginal swabs?

10 A Yes, ma'am.

11 Q Oral swabs, meaning swabs from the mouth?

12 A Yes, ma'am.

13 Q Suspected bodily fluids?

14 A Yes, ma'am.

15 Q So those items were collected from Ms. Peterson in
16 this case?

17 A According to the SAE kit.

18 Q Okay. And just to clarify. You weren't present in
19 the hospital room when those items were collected,
20 correct?

21 A No, ma'am.

22 Q Who's actually collecting items such as that?

23 A It would be the SANE nurse.

24 Q All right. And what was done with this kit for
25 potential analysis?

1 A It was sent to SLED.

2 Q Sent to the State Law Enforcement Division?

3 A Yes, ma'am.

4 Q For forensic analysis?

5 A Yes, ma'am.

6 MS. MAYES: And, Your Honor, at this time the State
7 would offer the, what's termed the Evidence Collection
8 Kit.

9 Q Do you recognize your initials on these items?

10 A Yes, ma'am. Yes, ma'am. It's first admission to
11 SLED.

12 Q These are two separate items.

13 REPORTER: 81 and 82.

14 THE COURT: 81 and 82?

15 MS. MAYES: Yes, sir, Your Honor.

16 MR. DRYLIE: No objection.

17 THE COURT: As to the Evidence Collection Kit 81 and
18 82, they'll be admitted with objection.

19 (Whereupon, State's Exhibits 81 and 82 were admitted
20 into evidence.)

21 Q And then also can you tell us whether or not the
22 victim's clothing were collected for potential testing?

23 A Yes, ma'am. They were.

24 Q And where were those clothing items collected from?

25 A From the hospital, as well.

1 Q And so just to clarify, if they were collected from
2 the hospital, those would have been, that would have been
3 the clothing she was wearing when?

4 A During the assault or at the hospital when she was at
5 the hospital.

6 Q The clothing she was wearing upon your arrival to the
7 home?

8 A Yes, ma'am.

9 Q The same clothing she was transported in?

10 A Yes, ma'am.

11 Q And do you have that item with you today?

12 A Yes, ma'am.

13 Q Can you break the seal off that evidence?

14 A Yes, ma'am.

15 Q And just to clarify, when evidence is initially
16 recovered, is it sealed?

17 A Yes, ma'am.

18 Q And then when it is sent to the State Law Enforcement
19 Division for analysis, is it unsealed?

20 A By SLED.

21 Q Okay. And then once it's unsealed by the State Law
22 Enforcement Division for analysis, who reseals it?

23 A SLED does.

24 Q Can you tell us whether or not the items that you're
25 currently unsealing, whether or not they've also been sent

1 to the State Law Enforcement Division for analysis?

2 A They have been.

3 Q And what items are included among those?

4 A This was the victim's clothing.

5 Q All right. And do you recognize your signature
6 anywhere on that packaging?

7 A It's covered up, but I would have, it is signed and
8 sealed.

9 Q All right. All right. And so you would have
10 received it from the hospital?

11 A From the investigator.

12 Q From Investigator Smith who was at the hospital?

13 A Correct.

14 MS. MAYES: Your Honor, this would be State's Exhibit
15 83 for evidence.

16 MR. DRYLIE: No objection.

17 THE COURT: 83 is the clothing and is admitted
18 without objection.

19 MS. MAYES: Thank you, Your Honor.

20 (Whereupon, State's Exhibit 83 admitted into
21 evidence.)

22 THE COURT: This may be a good time to take a break.
23 We've been going about an hour and fifteen.

24 MS. MAYES: A break is fine.

25 THE COURT: Okay. Let's take a break. You can't

1 discuss your testimony with anybody. Ladies and gentlemen
2 of the jury, step in the jury room and stretch your legs.
3 If you need to go outside, you're free to take 15 minutes,
4 about 10 to 15 and we'll come back in here at 10:30 and
5 don't discuss the case.

6 (Whereupon, the jury was excused from open court for
7 a break.)

8 THE COURT: We'll stand at ease for about 10 minutes.

9 (Whereupon, a short break was taken.)

10 THE COURT: Bring the jury back in.

11 (Whereupon, the jury came into open court at
12 approximately 10:30 a.m.)

13 THE COURT: You may proceed.

14 By Ms. Mayes:

15 Q Now, Investigator Morris, you were discussing the
16 items that were recovered from the hospital. That
17 included the victim's clothing and the evidence collection
18 kit, correct?

19 A Yes, ma'am.

20 Q Can you tell us whether or not law enforcement
21 received any information about stomach contents or vomit?

22 A Yes, ma'am.

23 Q What was your understanding in that regard?

24 A That she had vomited. It had been recovered and
25 placed under refrigeration here at the Sheriff's office.

1 Q All right. When you say she had vomited, you're
2 referring to who?

3 A Ms. Peterson, the victim.

4 Q All right. And that occurred where?

5 A I'm not sure when.

6 Q All right. That was turned over to law enforcement
7 by what type of personnel?

8 A Investigator Smith.

9 Q All right. Investigator Smith had been at what
10 location to recover evidence?

11 A The hospital.

12 Q All right. You're referring to Aiken Regional
13 Hospital?

14 A Yes, ma'am.

15 Q So the vomit or stomach contents were taken into
16 evidence?

17 A Yes, ma'am.

18 Q And can you tell us whether or not the State Law
19 Enforcement Division would accept that item for analysis?

20 A When called I was told no, they would not accept it.

21 Q All right. And can you tell us whether or not that
22 they do any type of testing or analysis on that type of
23 bodily fluid?

24 A According to the SLED lab website, they do.

25 Q All right. Were you able to get that item analyzed?

1 A No, ma'am.

2 Q And about the Defendant's clothing, I believe there
3 has been several items that have already been admitted
4 into evidence?

5 A Yes, ma'am.

6 Q And were there any other items, other than the ones
7 that have been admitted into evidence yesterday, that were
8 submitted to the State Law Enforcement Division for
9 analysis?

10 A Yes, ma'am.

11 Q What was that type of clothing?

12 A The boxers.

13 Q You say boxers?

14 A From the suspect; yes, ma'am.

15 Q All right. And were those items and were the boxers
16 sent to the State Law Enforcement Division for analysis?

17 A Yes, ma'am.

18 Q And what about the items that were offered as
19 evidence yesterday, the shirt and the sweatpants, the gray
20 sweatpants?

21 A All those were submitted, as well.

22 Q Now, in addition to the dusting of the doors for
23 latent prints, can you tell us whether or not any other
24 surfaces were located within the home for potential
25 dusting or collection of latent prints?

1 A None.

2 Q And why were they not?

3 A None of the surfaces in the home were conducive to
4 holding fingerprints; too much contamination by other
5 individuals in the house.

6 Q All right. When you talk about contamination from
7 within the residence, what are you referring to?

8 A And the amount of people that's inside the house
9 itself, the victim, that type of contamination.

10 Q All right. Are you aware of whether or not the
11 children and grandchildren visited that home?

12 A It's my understanding they have.

13 Q And what about the collection of additional items
14 from inside the home for DNA analysis?

15 A I'm assuming you're referring to the bed sheets and
16 blankets from the victim's bed.

17 Q Or can you tell us whether or not any common items in
18 the home were submitted for DNA analysis, and why or why
19 not?

20 A No. There was no other common items sent in for DNA.

21 Q All right. Now, when we talk about common items
22 within the home, let's say a phone, for example.

23 A Yes, ma'am.

24 Q What, if any, concerns are there about submitting
25 such evidence for examination?

1 A Well, in this particular case, the phone itself that
2 was received by law enforcement or seized by law
3 enforcement, the victim had in her hand at the time. So
4 there would have been contamination from the victim
5 itself, the way she was clutching the phone.

6 Q What about other items in the home, do you know
7 whether or not they were in areas that would have been
8 accessible to other people?

9 A Yes, ma'am. The tape dispenser, the small round roll
10 of tape, as well as the coax cable.

11 Q All right. Do you have knowledge as to how many
12 people may have had access to those items in the past?

13 A No, ma'am..

14 Q Or in the manufacturing or resell process?

15 A No, ma'am..

16 Q How, if at all, does that play a role in decisions on
17 submitting evidence for analysis?

18 A Okay. If it appears that there may be a lot of
19 contamination to a particular item of evidence or if
20 there's been a lot of people handling evidence itself, it
21 will not be submitted because you'll have too many items,
22 too many samples to be tested and getting the, the
23 comparison would not be, you're not going to get a good
24 comparison, because of a lot of people touching that
25 particular piece of evidence.

1 Q Now, when we talk about items within the home, can
2 you tell us whether or not the bedding or bedsheets from
3 Ms. Peterson's bed were examined?

4 A They were by me.

5 Q Okay. And how so?

6 A When you're collecting the evidence, you have to make
7 a visual inspection of each piece of evidence that's going
8 to be collected. And starting from the beginning, you
9 visually check each and every item. And in this case, it
10 was checked by myself using a stream light flashlight. It
11 has a LED beam on it and went over the sheets and the
12 blankets themselves one at a time and didn't see anything
13 there; no items or no evidence of trace or like a wet spot
14 or semen of any type.

15 Q All right. And so when you're doing that visual
16 inspection, you're looking specifically for what type of
17 evidence or an indication of what type of evidence?

18 A It could be anything. In this particular situation,
19 it could have been a wet spot itself being semen or body
20 fluids of some type.

21 Q And do you use any type of lighting to aid in your
22 visual inspection of items?

23 A Yeah. My flashlight.

24 Q All right. And when you're looking at these items,
25 and here in this case I'm referring specifically to the

1 bedding, and using the flashlight to assist you, was there
2 any evidence of staining?

3 A None that I could see.

4 Q Was there any evidence of blood?

5 A None.

6 Q Was there any evidence of serological bodily fluids?

7 A None that I could see.

8 Q And you were at the scene within minutes of this
9 incident. Was there any indication of any type of wet
10 spot or liquid other than the couch, the bloodstain on the
11 couch that you'd already noted?

12 A None.

13 Q And just to clarify, the victim's sexual assault kit
14 and her clothing were sent to the State Law Enforcement
15 Division?

16 A Yes, ma'am.

17 Q For what type of analysis?

18 A I think serological/biological DNA, anything they
19 could find on them.

20 Q Did that include examination potentially for the
21 presence of semen?

22 A Yes, ma'am.

23 Q Now, in this case, what, if any, concerns were there
24 that the Defendant, Terrell Chandler, had been around the
25 home before for jobs and things of that nature?

1 A I'm sorry?

2 Q What, if any, concerns are there from the aspect of
3 evidence collection if the Defendant has been around the
4 home before?

5 MR. DRYLIE: Objection. I'm going to say that calls
6 for speculation. She's already testified--

7 THE COURT: Hang on.

8 MS. MAYES: I can rephrase the question, Your Honor.

9 THE COURT: Rephrase the question. What does he have
10 personal knowledge of? He can't speculate.

11 Q When collecting evidence, are you, such as potential
12 DNA evidence, are you able to age it or determine when it
13 was left?

14 A No, ma'am.

15 Q Now, once the items of clothing were collected from
16 the Defendant following his arrest on February 24th, 2015,
17 in the early morning hours at 7:53 a.m., ultimately, was
18 his clothing also photographed at the Sheriff's
19 Department?

20 A Yes, ma'am.

21 Q And who did that photographing?

22 A I believe I did.

23 Q I'm going to show you State's Exhibit 35, as well as
24 State's Exhibit 13 and ask you whether or not you
25 recognize these items?

1 A Yes, ma'am.

2 Q And now were you present when these photographs were
3 taken?

4 A Yes, ma'am.

5 Q Is that a fair and accurate representation of the
6 evidence as it was recovered?

7 A Yes, ma'am.

8 MS. MAYES: Your Honor, this would be State's Exhibit
9 35 and 13 for evidence.

10 MR. DRYLIE: No objection.

11 THE COURT: No objection; 13 and 35, they're
12 admitted.

13 (Whereupon, State's Exhibits 13 and 35 were admitted
14 into evidence.)

15 Q So the shoes without the shoelaces, the Nike shoes,
16 they were photographed like they were found or recovered?

17 A Yes, ma'am.

18 Q And the money, looking here at the money, how many
19 one hundred dollar bills are there?

20 A Four.

21 Q And what, if anything, can you tell us about the
22 quality of those bills as they were recovered?

23 A They were very firm and crisp. It was almost as if
24 they were new.

25 Q Now, in addition to the shoes that were recovered

1 from Mr. Chandler at the time of his arrest, the shoes
2 that he was wearing, did you ever, can you tell us whether
3 or not a request was made for the same type of shoe?

4 A I believe it was.

5 Q Okay. Did law enforcement receive that shoe?

6 A Yes, ma'am; it did.

7 Q Okay, do you have that item with you?

8 A Yes, ma'am. It's back on the table.

9 Q I'm going to show you this item and ask you whether
10 or not you recognize it as packaged?

11 A Yes, ma'am.

12 Q How so?

13 A There is my signature.

14 Q And that item was received on what date?

15 A 7/18/2016.

16 Q All right. And the item was sent from where?

17 A I believe it was Nike.

18 Q And the return address?

19 A One Bowerman Drive, Beaverton, Oregon 97005.

20 Q All right. And who actually unsealed that package?

21 A I did.

22 Q And you unsealed it where, at what location?

23 A I unsealed it here in the courthouse.

24 Q All right. And what was contained in the package?

25 A One Nike shoe.

1 Q All right.

2 MS. MAYES: All right. Your Honor, at this time, we
3 would mark for identification.

4 REPORTER: Number 84 for ID.

5 MS. MAYES: Since this is for ID, I'm just going to
6 leave it here.

7 (Whereupon, State's Exhibit number 84 was marked for
8 identification only.)

9 Q And finally, Investigator Morris, you mentioned
10 underwear from the Defendant that he would have been
11 wearing at the time of his arrest on February 24th, 2015.
12 You mentioned that those items, that item was recovered,
13 as well --

14 A Yes, ma'am.

15 Q -- and sent to the State Law Enforcement Division for
16 analysis?

17 A Yes, ma'am.

18 Q Is that item also sealed and packaged?

19 A Yes, ma'am.

20 Q Could you retrieve that item for evidence?

21 A Yes, ma'am. The box.

22 Q Do you recognize your signature or initials anywhere
23 on that packaging?

24 A No, ma'am. This has Tracy Wood's signature.

25 Q All right. And he is the deputy who testified

1 yesterday?

2 A Yes, ma'am.

3 Q He was present for the removal of the Defendant's
4 clothing?

5 A Yes, ma'am.

6 Q And would that also maintain as evidence at the
7 Sheriff's Department?

8 A Yes, ma'am.

9 Q All right.

10 MS. MAYES: All right. If we could have that item
11 offered as evidence at this time, Your Honor?

12 THE COURT: 85?

13 REPORTER: 85.

14 MR. DRYLIE: No objection.

15 THE COURT: All right. With no objection, that's
16 Exhibit 85.

17 (Whereupon, State's Exhibit 85 was admitted into
18 evidence.)

19 Q And you may return to your seat.

20 A Yes, ma'am.

21 Q Investigator Morris, among the items, additional
22 items that were collected by you, including that coaxial
23 cord, did you assess any of those items for potential
24 recovery of latent prints?

25 A There's not enough surface area for recovery of a

1 latent print.

2 Q All right. So how important, if at all, is the
3 surface area for recovery of a print?

4 A Well, it's fairly important.

5 Q Did any of those items have what would be considered
6 a suitable surface area for recovery of prints?

7 A Maybe the spool on the coaxial, but that would be it.

8 Q All right. Do you have information or knowledge as
9 to who may have touched that, the coaxial spool?

10 MR. DRYLIE: Objection.

11 MS. MAYES: I'm just asking if he has knowledge.

12 THE COURT: All right.

13 MR. DRYLIE: I withdraw.

14 THE COURT: Okay. As to knowledge, you can answer
15 it.

16 A No, ma'am.

17 MS. MAYES: Nothing further.

18 CROSS-EXAMINATION

19 By Mr. Drylie:

20 Q Good morning.

21 A Good morning, sir.

22 Q Now, you testified that you took all the pictures
23 inside the home, correct?

24 A Yes, sir.

25 Q Okay.

1 MR. DRYLIE: Permission to approach, Your Honor.

2 THE COURT: Sure.

3 Q I'm going to pass you a series of photographs.

4 A Yes, sir.

5 Q Can you tell me, did you take those photographs?

6 A This one looks like my photographs.

7 Q Okay. And are they a fair and accurate reflection of
8 what you observed inside Ms. Peterson's home?

9 A Yes, sir.

10 Q Okay. And of items inside the home, correct?

11 A Yes, sir.

12 MR. DRYLIE: Judge, I'd offer Defense's 1 through 4
13 into evidence.

14 THE COURT: Any objection?

15 MS. MAYES: The State has an objection to 1, if we
16 may approach?

17 THE COURT: Sure.

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

21 THE COURT: If you want this on the record, we'll put
22 it on there.

23 MS. MAYES: Thank you, Judge.

24 THE COURT: All right. I'm going to allow the
25 photograph subject to an objection placed at sidebar that

1 Ms. Mayes be allowed to place it on the record, and I
2 understand her objection and I've already ruled on it. So
3 they are all in.

4 (Whereupon, Defendant's Exhibit numbers 1 through 4
5 were admitted into evidence.)

6 MR. DRYLIE: Thank you, Judge.

7 Q Now, Investigator Morris, can you tell me what we're
8 looking at in this photo right here?

9 A A tape dispenser.

10 Q And did you dust this tape dispenser for any
11 fingerprints?

12 A No, sir.

13 Q Didn't even try?

14 A No, sir.

15 Q Now, tell me what we're looking at right here.

16 A Some change and this would be a roll of what's been
17 called scotch tape so far.

18 Q Okay. And now, did you dust this scotch tape for
19 fingerprints?

20 A No.

21 Q Did you dust any part of this picture for
22 fingerprints?

23 A No.

24 Q Didn't even try?

25 A No, sir.

1 Q Now, tell me what we're looking at right here.

2 A This would be the victim's bedroom --

3 Q Okay.

4 A -- or the victim's bed. Excuse me.

5 Q Now, these are the bedsheets that you went over with
6 an LED light, right?

7 A Yes.

8 Q And found no stains?

9 A None that I, none could be visualized by me.

10 Q Okay. Did you dust any of these items in this room
11 for fingerprints?

12 A No, sir.

13 Q Now, during your direct examination, you changed
14 gloves, correct?

15 A Yes, sir.

16 Q You changed gloves, because you didn't want to
17 contaminate any of the evidence, right?

18 A Correct.

19 Q And, you know, when we're looking for DNA evidence,
20 for fingerprint evidence, this technology can be very
21 sensitive, can't it?

22 A Yes sir.

23 Q So you want to change your gloves often?

24 A As often as possible.

25 Q As often as possible, because you don't want to

1 contaminate evidence.

2 A No, sir.

3 Q Okay. And when you got to the house that morning and
4 started looking to collect evidence, you didn't find any
5 fingerprints anywhere, right?

6 A No, sir.

7 Q But as you were collecting evidence, did you change
8 your gloves to keep from contaminating anything?

9 A Yes, sir.

10 Q Now, in this case, did you send an email to SLED?

11 A I may have about a rush on--

12 Q -- did you ask for a rush on the DNA?

13 A Yes, sir.

14 Q Okay. Now, one of the other items that you collected
15 into evidence was a phone, correct?

16 A Was a what?

17 Q A phone.

18 A Yes, sir.

19 Q Do you have that phone up here today?

20 A Yes, sir.

21 Q Would you go get it?

22 MR. DRYLIE: Permission and for the witness to step
23 down.

24 THE COURT: Sure.

25 INVESTIGATOR MORRIS: Thank you.

1 (Whereupon, witness complied.)

2 Q Now, do you recognize your signature on the bag?

3 A Yes, sir.

4 Q And you collected this evidence and then stored it in
5 the evidence locker at the Sheriff's Department, correct?

6 A Yes, sir.

7 Q And it's been there until today?

8 A Yes, sir.

9 MR. DRYLIE: Judge, I offer this item into evidence
10 as Defense number 5.

11 MS. MAYES: No objection.

12 THE COURT: With no objection, number 5.

13 (Whereupon, Defendant's Exhibit 5 was admitted into
14 evidence.)

15 Q Let me see the phone for a second.

16 (Whereupon, witness complied.)

17 Q Now, did you even attempt to dust this phone for
18 fingerprints?

19 A No, sir.

20 Q Okay. And just to clarify something you said on
21 direct. You didn't check, attempt to dust the spool from
22 the coaxial for fingerprints?

23 A Correct, I did not.

24 Q Now, when you take items into evidence and store them
25 in the Edgefield County Sheriff's Department, they're

1 locked there, correct?

2 A They're locked in storage; yes, sir.

3 Q They're safe?

4 A Yes, sir.

5 Q Now, you can remove those items if you're, say,

6 taking them to SLED, right?

7 A Correct.

8 Q And you had to sign for them?

9 A I have to check them out.

10 Q Check them out. You sign for them and check them

11 out.

12 A Yes, sir.

13 Q And then when you get them to SLED, you have to sign

14 for them and check them in?

15 A You got, well, there's electronic. You have to sign

16 electronically pen pad.

17 Q But you can't just mail these items in the mail to

18 SLED; you got to bring them up there?

19 A No, sir. They can be mailed.

20 Q Okay. In this case, did you mail them or did you

21 bring them up there?

22 A No. Everything is hand-delivered by the Sheriff's

23 Office here in Edgefield.

24 Q Okay. Now there's a couple items I want to ask you

25 about.

1 A Yes, sir.

2 Q Yesterday, we saw the, and we saw Mr. Chandler's
3 shirt, correct?

4 A I believe so; yes, sir.

5 Q Do you know what day you took that to SLED?

6 A I would have to look at the packaging.

7 Q If I had passed you up a SLED chain-of-custody report
8 with your signature on it, do you think you'd be able to
9 remember when you took it to SLED?

10 A Yes, sir.

11 Q Okay. So what day did you take his shirt to SLED?

12 A Give me just a moment, please. You're talking about
13 the Defendant's shirt?

14 Q Correct.

15 A Would be the 25th; 2/25/15.

16 Q The 25th of February, correct?

17 A Yes, sir.

18 Q And that's the same day that you took the pants?

19 A Yes, sir.

20 Q And the same day that you took the underwear?

21 A Yes, sir.

22 Q So those items would not have been in the Edgefield
23 County Sheriff's Department on the 26th of February,
24 correct?

25 A And they'd have been at SLED.

1 Q They would have been at SLED.

2 A Yes, sir.

3 Q You signed for giving them over to SLED, right?

4 A Yes, sir.

5 Q And at that point, they would have been at SLED.

6 A Correct.

7 Q And so there's no way they could have been in the
8 Sheriff's Department on the 26th.

9 A Correct.

10 THE COURT: And any redirect?

11 MS. MAYES: Yes, sir, Your Honor.

12 REDIRECT EXAMINATION

13 By Ms. Mayes:

14 Q Now, Investigator Morris, did you have ample
15 opportunity when you arrived on the scene that morning in
16 the early morning hours to interview Ms. Peterson about
17 all the different areas in the home that the Defendant may
18 have touched?

19 A No, ma'am.

20 Q And once she was ultimately released from the
21 hospital and returned to her home, would that have been an
22 appropriate time to conduct additional crime scene
23 investigation?

24 A No, ma'am.

25 Q Why or why not?

1 A There's too much contamination. The scene is no
2 longer secure after the last officer has released the
3 scene back to either the victim or a family member.

4 Q So just to clarify. You're at the scene that morning,
5 and Ms. Peterson's transported on to the hospital. Would
6 law enforcement have gone back the next day, for example,
7 to collect additional items?

8 MR. DRYLIE: Objection, asked and answered.

9 THE COURT: I'll allow it. Go ahead.

10 Q The next day, for example, would you go back to
11 continue processing additional items, such as in the
12 bedroom?

13 A No, ma'am.

14 Q Had the scene remained secure overnight by law
15 enforcement?

16 A No, ma'am.

17 Q You had released the scene?

18 A Yes, ma'am.

19 Q Or released the home and actually put it back to
20 family members?

21 A Yes, ma'am.

22 Q Now, in one of the photographs that Mr. Drylie was
23 asking you about, this photograph which is marked as
24 Defense Exhibit number 3. What room of the home is
25 depicted there?

1 A That would be Ms. Peterson's bedroom.

2 Q All right. And there are various items, for example,
3 on the nightstand in this photograph, correct?

4 A Yes, ma'am.

5 Q Was there ever any indication or information to law
6 enforcement that he had touched any of those items?

7 A No, ma'am.

8 Q Was it possible to process every single item in the
9 home for prints?

10 A No, ma'am.

11 Q And then there's also the tape dispenser which I'm
12 going to show you that's State's Exhibit 1, I'm sorry,
13 Defense Exhibit number 1.

14 A Yes, ma'am.

15 Q Did that item appear to be new to Ms. Peterson?

16 A No, ma'am.

17 Q What do you mean by that?

18 A It's well-used.

19 Q Can you tell us whether or not having examined that
20 item visually at the scene, did its surface appear to be
21 suitable for the recovery of fingerprints?

22 A No, ma'am.

23 Q And then the phone which Mr. Drylie was asking you
24 about, when did you see that, first see that phone when
25 you arrived on the scene?

1 A It was in Ms. Peterson's hand.

2 Q Let me show you what is State's Exhibit 53.

3 A Yes, ma'am.

4 Q Is that the phone that was taken into evidence?

5 A Yes, ma'am.

6 Q And so you actually took it from Ms. Peterson?

7 A Yes, ma'am.

8 Q She was the last to touch the item?

9 A Yes, ma'am.

10 Q Handle the item?

11 A Yes, ma'am.

12 Q Leave prints or DNA on the item?

13 A Yes, ma'am.

14 Q And regarding the Defendant's clothing, just to
15 clarify, upon the receipt of those items from the point of
16 arrest on, at 7:53 a.m. on the morning of the 24th, at
17 what point did they go to the State Law Enforcement
18 Division for analysis?

19 A The next day.

20 Q So they went the next day.

21 A Yes, ma'am.

22 Q Now, were you responsible for any of the paperwork
23 that Mr. Drylie was asking you about, such as the
24 procedural search warrant?

25 A No, ma'am.

1 MR. DRYLIE: Objection. I didn't ask about a search
2 warrant.

3 THE COURT: I never heard a question about a search
4 warrant. I sustain that objection.

5 MS. MAYES: Nothing further.

6 THE COURT: All right. Step down.

7 (Whereupon, witness complies.)

8 MS. MAYES: Your Honor, may we approach?

9 THE COURT: Yes, ma'am.

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

13 THE COURT: All right. Waiting on a witness to get
14 here. Take a couple of minutes and we'll get them in
15 there and we'll get him in here, we'll call for y'all and
16 try to hurry up and get you back in here. You can't
17 discuss the case. Take a few minutes.

18 (Whereupon, the jury was excused from open court for
19 a break.)

20 THE COURT: All right. Bring them in.

21 (Whereupon, the jury came into open court at
22 approximately 11:24 a.m.)

23 THE COURT: All right.

24 MS. RADLEIN: Thank you, Your Honor. The State calls
25 Kimberly Mears.

1 KIMBERLY MEARS, being
2 first duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 By Ms. Radlein:

5 Q Thank you, Ms. Mears. Where are you currently
6 employed?

7 A The South Carolina Law Enforcement Division, which is
8 commonly known as SLED.

9 Q And how long have you been employed at SLED?

10 A About nine years.

11 Q And what is your current position at SLED?

12 A I'm a forensic scientist in the latent print
13 department.

14 Q And how long have you been in latent prints?

15 A Five years.

16 Q And as a latent print examiner, does it require
17 special education or training?

18 A It does.

19 Q And what, if any, do you have?

20 A I have a Bachelor of Science degree from Winthrop
21 University in Biology. Once I was hired into the Latent
22 Print Department, I successfully completed their in-house
23 training program. I was then accepted into the latent
24 print examiner training program sponsored by the National
25 Institute of Justice, which is a ten week program with

1 courses covering all aspects of fingerprint work.

2 Q Okay. And as a latent print examiner, what kind of
3 equipment do you necessarily use?

4 A We have a basic magnifying glass on a stand that will
5 magnify the evidence we're looking at. We have different
6 processing techniques to help process evidence for the
7 development of fingerprints. We have comparison software
8 that we can use to blow up the prints on screen and just
9 kind of, it's essentially a fancy version of paint on a
10 computer where we can mark what we're looking at.

11 Q Okay. And approximately how many latent prints
12 examinations have you performed throughout your career?

13 A It would be in the thousands.

14 Q Okay. And have you testified in court before as an
15 expert?

16 A Yes, I have.

17 Q And how many times have you testified?

18 A Ten times.

19 MS. RADLEIN: At this time, Your Honor, the State
20 would move Kimberly Mears as a, tender her as evidence, as
21 an expert in the field of latent print analysis or as a
22 latent print examiner.

23 MR. DRYLIE: No objection. We don't need any voir
24 dire.

25 THE COURT: She's so qualified as a latent print

1 examiner.

2 MS. RADLEIN: Thank you, Your Honor.

3 Q Ms. Mears, can you go ahead and explain to the jury
4 what exactly is a latent print?

5 A The word latent means hidden or invisible, so it
6 needs some form of development processing to be seen. So,
7 if you look closely at the palm side of your hand, there
8 are tiny little raised lines on your skin. Those are what
9 we call ridges, and they are lined with sweat pores. So
10 throughout the day, you exude sweat, touch your face or
11 eat greasy food. Moisture and sweat can accumulate on
12 those ridges. When you go touch a surface, that moisture
13 transfers to the surface corresponding to the ridges on
14 your skin and you can't see that moisture, which is why
15 it's called a latent print.

16 Q Okay. And you talk about surfaces. What kind of
17 surfaces are in an individual lead with fingerprints on
18 them?

19 A You can define fingerprint as a rubber stamp, they
20 are best suited for smooth and flat surfaces, glossy Wood,
21 metal, glass. Those are the ideal surfaces for
22 fingerprints.

23 Q Okay. And so is it possible for someone to, for
24 example, I'm not going to ask you to tell me this surface
25 is conducive necessarily, but to touch a surface and not

1 leave a fingerprint?

2 A Yes. Leaving a fingerprint is a chance event that
3 depends on the surface being touched, the environment that
4 they're in and the person themselves.

5 Q Okay. And you talk about the person and the
6 environment. What about the person, what impact, whether
7 or not they would leave a fingerprint?

8 A Depending on their application, if they have really
9 rough callused skin, the ridges might not be as broad to
10 represent well. If they are sweating too much or not
11 enough, have too much moisture or dry skin, not a lot of
12 residue or too much residue could be transferred to the
13 surface.

14 Q Okay. And then you talk about the environment. What
15 environmental factors?

16 A Obviously, if it's raining and an outside situation,
17 if it's raining or too hot of an environment could
18 evaporate that residue off of the surface. It would just
19 depend on, basically, the weather or the air environment
20 within an indoor environment, as well.

21 Q Okay. And you mentioned earlier that leaving a
22 fingerprint is a chance occurrence, I believe, or chance
23 event. What, if anything, about the circumstances of
24 what's happening versus for example, running or walking
25 would impact whether or not an individual would leave a

1 fingerprint?

2 A If you just think about how you act in your
3 day-to-day routine, holding a door open or walking down
4 the stairs holding the banister, you're not purposefully
5 leaving your hand flat and for extended period of time to
6 leave a good print or to make a good stamp. So if you're
7 just touching an object in passing, you could leave just a
8 smear of the moisture on your skin or nothing at all. It
9 just really depends on how you handle that object.

10 Q Okay. And just a question for you. When you receive
11 an item for testing, would you necessarily have the
12 information about how the item was handled?

13 A No, we do not.

14 Q Okay. And in speaking about surfaces again, are
15 there any type of particular surfaces throughout your
16 experience that you know are not conducive for leaving
17 prints?

18 A Pretty much any textured surface is generally not
19 going to be a good surface, because if you think about the
20 ridges on your skin, they're going to, the moisture on
21 that skin is also going to go to those, the grooves or the
22 texture on the surface. So you develop it and compare it,
23 we're not seeing all of the detail from that print or from
24 the ridges on your skin.

25 Q Okay. And then what, if anything, about the size of

1 the surface would impact whether or not someone would
2 leave a fingerprint?

3 A The size of the surface wouldn't necessarily inhibit
4 the print itself because we only need only part of the
5 finger or part of palm to identify somebody. But if you
6 think about how you handle smaller objects, there's not a
7 lot of surface area for you to actually touch and hold the
8 object. You're touching it with just a part of your
9 finger and your hands are moving, so that's what's going
10 to affect the print is how you would handle smaller
11 objects.

12 Q Okay. And what, if anything, would, for example, in
13 latent print analysis, when you receive a request for
14 latent print analysis, tell you about the age of the
15 prints?

16 A Nothing.

17 Q Nothing. Why is that?

18 A You can't age a print on its own. If I were to touch
19 this surface, that, and leave residue from my skin.
20 That's going to stay there pretty much forever until the,
21 if the heat is turned on, it evaporates off or if someone
22 comes by and cleans this surface. So just looking at a
23 print on its own, you can't tell when it's left.

24 Q Okay. What, if anything, would happen, for example,
25 if you just touched the surface, and then I come and touch

1 the surface and then a third person comes and touches that
2 exact surface or around there, what, if anything, would
3 occur or how would it impact the initial print?

4 A It would depend on where all three of us touched.
5 The chances of three people leaving an impression at the
6 exact same place is not likely. So when looking at
7 prints, we can tell there is more than one touch going on
8 and can usually separate out, okay, this is from this
9 print or this is from this print. And you can tell, okay,
10 this could be identified to one person, this could be
11 identified to a different person. But the areas where all
12 three or more than one are overlapping, that would inhibit
13 any kind of comparison.

14 Q Okay. And then what about with three overlapping,
15 what, if anything, would impact, would smudging or
16 smearing or, for example, I have this pen in my hand,
17 moving the pen or handing it to someone, how would that
18 impact the initial print?

19 A If you go back to the stamped example I gave. If you
20 think about when you stamp a surface straight up and down,
21 that's going to leave a good, a good representation. If
22 you were to put the stamp on paper and smear it, whatever
23 your stamp is going to be swiped across in the direction
24 that you, the same is true of fingerprints, because you're
25 basically leaving a stamp of your fingerprint. So any

1 kind of movement or sliding, if you have too much
2 moisture, all of that is going to affect how the print
3 will look.

4 Q Okay.

5 MS. RADLEIN: Permission to approach this witness,
6 Your Honor.

7 THE COURT: Sure.

8 MS. RADLEIN: Thank you. Beg the Court's indulgence.

9 Q I'm going to hand you State's, what's in evidence as
10 State's Exhibit 79 and ask you if you recognize that item.

11 A Yes, I do.

12 Q And how do you recognize that item?

13 A This bar code label is how evidence is identified in
14 our laboratory information management system, which is our
15 lab's computer system for tracking evidence. This has the
16 lab number and item number that I examined in this case,
17 and then on the seal tape is the date and my initials that
18 I closed this container.

19 Q Okay. And do you know when you received the item?

20 A I can refer to the chain.

21 Q Or when did you perform your analysis?

22 A The analysis was done on April 29th, 2015.

23 Q Okay. And were you able to perform a latent print
24 examination successfully on this item?

25 A I processed for latent prints. I did not develop any

1 prints.

2 Q Okay. When you say process, what are the possible
3 results from processing for latent prints?

4 A When we're processing a piece of evidence, we can get
5 a fingerprint observed, which is the result for developing
6 a fingerprint that would then be compared with a known
7 standard. We can get insufficient ridge detail, which
8 could potentially mean the smearing I was describing. If
9 you put your finger down and then move, that original
10 stamp might have partial ridge detail there. So I can see
11 that it's touched, but it's not enough to compare with a
12 known fingerprint. And then you also have no fingerprint
13 evidence observed, which is when nothing is developed at
14 all.

15 Q Okay. And is that what you, was that the result in
16 this case?

17 A Yes. No fingerprint evidence observed.

18 Q Okay. Can you go ahead and open that item for me? I
19 believe it's okay. Can you go ahead and describe to the
20 jury what exactly that is?

21 A This is our lab's item 12 in this case which is
22 bundled clear tape.

23 Q Okay. And what type of analysis did you perform on
24 that tape?

25 A I first inventory the evidence to make sure it is

1 what I'm supposed to have, what it was logged in as. I
2 then do a visual examination to look for any prints that
3 are on the surface that you can see and to also check the
4 condition of the evidence. I then treated the tape with
5 Cyanoacrylate which is the chemical word for superglue.
6 We heat the superglue to a vapor to let it adhere to any
7 residue that may be on the evidence. And it was then
8 treated with a chemical we call NBD, which is a
9 fluorescent dye stain that if any Cyanoacrylate, or
10 superglue, adhered to the surface, the NBD would stain
11 that superglue and when viewed under an alternate light
12 source, it would fluoresce.

13 Q Okay. Would that account for the coloring of the
14 tape?

15 A Yes. I don't know how well y'all can see, but this
16 yellow color on this tape is from that NBD chemical I
17 used.

18 Q And how would you actually describe the bundled tape;
19 in what condition is it in or was it in when you performed
20 your analysis?

21 A This is essentially how I received it. The adhesive
22 side is covered in a film of fibers and hair and the
23 non-adhesive side is, well, the tape itself is, as you can
24 see, folded in on itself and just crumbled.

25 Q What, if anything, or how did that impact,

1 potentially impact your analysis and your results?

2 A The chemicals I just explained, the superglue and the
3 NBD are for the non-adhesive side of this tape. We also
4 have chemicals for the adhesive side that when you touch a
5 piece of tape or touch an adhesive surface, it's
6 essentially ripping skin cells off of your hand. And we
7 have chemicals that will dye those skin cells to make them
8 visible. With this adhesive side being covered in the
9 fibers and hairs, I was not able to test the adhesive
10 side, because all this debris is covering any skin cells
11 that would have been adhered to the surface. And the
12 non-adhesive side with it being bundled on itself, I was
13 not able to test the full surface of the tape.

14 Q Okay. I'm going to go ahead and show you two
15 exhibits which have been entered into evidence. So this
16 would be entered in as evidence, State's Exhibit 54, and
17 we've received testimony that that is the bundled tape you
18 received.

19 A Okay.

20 Q What, if anything, about the, where the bundled tape
21 is associated with the pajama impacted the adhesive side?

22 A The tape is wrapped up here on this plaid pajama
23 article, so that explains where the fibers and debris and
24 hair came from, adhered to the adhesive side of the tape.

25 Q Okay. And how would you describe the, you called it

1 a non-adhesive side of that and that's the side that you
2 were able to perform your analysis on. What, if anything,
3 about that material potentially impacted also your
4 findings? How would you describe that non-adhesive side?

5 A If you think about your basic scotch tape, the
6 non-adhesive side has that frosty kind of almost textured
7 material that could impact the way a print would transfer
8 to that surface. If you think about smooth, shiny
9 surfaces, there's nothing to adhere or there's nothing to
10 inhibit the residue transferring. This frosted coating
11 could inhibit the transfer.

12 Q Got you. And you indicated as part of your results
13 that there were no fingerprint evidence observed. That
14 tape, we received testimony, belonged to the victim in
15 this case. Does that also mean that not even her prints
16 were on the tape?

17 A Yes.

18 MS. RADLEIN: Okay. I believe I have no further
19 questions at this time.

20 THE COURT: Mr. Drylie.

21 CROSS-EXAMINATION

22 By Mr. Drylie:

23 Q Good morning.

24 A Hey.

25 Q Now, when Ms. Radlein was asking you about three

1 prints on top of each other, you said, not likely,
2 correct? It would be, if there were more than one print
3 there, it's not likely that you could recover it, correct?

4 A It would depend on how the prints overlapped.

5 Q How the prints overlapped. But it's not impossible
6 to recover prints from things that are overlapping,
7 correct?

8 A Correct.

9 Q The only item they sent for you to examine in this
10 case was the tape, correct?

11 A Yes.

12 Q No phone?

13 A No.

14 Q No tape dispenser?

15 A No.

16 Q No further questions.

17 THE COURT: All right. You can step down, ma'am.

18 MS. MAYES: The State calls Lindsey Stone Gilliam.

19 MR. DRYLIE: Judge, I have a matter of law that needs
20 to be heard outside the presence of the jury.

21 THE COURT: All right, step in the jury room, don't
22 discuss the case.

23 (Whereupon, the jury was excused from open court.)

24 THE COURT: What have you got, Mr. Drylie?

25 MR. DRYLIE: May it please the Court? The Defense

1 moves to inhibit this witness from making any diagnostic
2 and, well, testimony as to sexual trauma or sexual assault
3 as a diagnosis, as to what a doctor would do. If that's
4 going to be the case, this witness would need to be an
5 expert. We were told she wasn't an expert coming into
6 this.

7 THE COURT: All right. Well, hang on one second,
8 let's see what they say. Ms. Mayes, what's your intent
9 with this witness or Ms. Radlein, whichever one?

10 MS. MAYES: Yes, sir, Your Honor. She was the
11 treating nurse who conducted what's known as the sexual
12 assault examination, which is a three-prong treatment
13 process. The first is to treat and assess the patient for
14 any type of injuries that she observes, as a nurse in an
15 emergency room would. And so the first prong is to assess
16 the patient in that regard and to note any signs of
17 injury. Second is the evidence collection process, which
18 she followed by collecting swabs directly from the victim.
19 And then the third is to provide treatment for any
20 potential concerns such as exposure to sexually
21 transmitted diseases. So, her testimony is going to be
22 about her treatment of the patient. She is not, she did
23 not make the diagnosis of sexual assault, if that's what
24 the concern is. She will testify as to what she observed
25 and noted in her report, which the defense has had since

1 the beginning with discovery in this case. And what she
2 actually has noted in this case is bruising or markings to
3 the victim's wrists, the ankles, and also she notes
4 vaginal bleeding, and she observed that herself.

5 THE COURT: All right. If they limit their testimony
6 in that regard without a diagnosis, is that sufficient?

7 MR. DRYLIE: Absolutely, Your Honor, and just as long
8 as it stays within the confines of 803 time and place of
9 observation. It still trumps essentially any type of
10 medical testimony. But absolutely, she's definitely
11 qualified to testify as an RN.

12 THE COURT: Okay.

13 MS. MAYES: Well, and just to clarify, it does go
14 beyond time and place to a certain extent because what,
15 one of her requirements with the protocol is to, for
16 purposes of the medical diagnosis and treatment under Rule
17 8034, is to determine where she should collect swabs from.
18 So she has a marking or notation as to exposure orally,
19 exposure vaginally--

20 THE COURT: Well, that is collection of evidence. I
21 don't think that's the diagnosis. That's just part of the
22 protocol she calls in properly following the kit and it's
23 collection of evidence, if any.

24 MS. MAYES: And then, Your Honor, she also has noted
25 from her visual inspection of the patient that the vaginal

1 bleeding was at the area of the labia minora.

2 MR. DRYLIE: The defense has no objections to this
3 witness testifying that I collected evidence at these
4 locations based on the case. But anything else involving
5 evidence of law enforcement or anything outside of that
6 purview is completely outside of 803, and also gets into
7 bolstering and speculation.

8 THE COURT: Okay. It sounds like they're confining
9 her testimony very specifically. All right. See if the
10 jury is ready to go, we're ready. If they're not, then
11 tell them we'll take them when they're ready.

12 (Whereupon, the jury came into open court.)

13 THE COURT: All right. Swear her in.

14 LINDSEY GILLIAM STONE, being
15 first duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 By Ms. Mayes:

18 Q Good morning.

19 A Good morning.

20 Q And Ms. Stone where are you currently employed and in
21 what capacity?

22 A I work full time at GRU in a medical intensive care
23 unit as a Registered Nurse, and I work at Aiken Regional
24 Medical Center part-time as a Registered Nurse in the
25 Emergency Room, primarily in the ICU, as well.

1 Q Okay. And your voice is very soft.

2 A Oh, I'm sorry. I'll talk louder.

3 Q So I would need to move this up or reposition you,
4 and then we'll need you to speak directly into the
5 microphone.

6 A Okay.

7 Q All right. And where are you currently employed?

8 A Currently, I'm a full-time employee at the GRU,
9 Augusta Regional Medical Center in the medical ICU unit,
10 and part-time at Aiken Regional Medical Center. I am in
11 the ER primarily and float to the ICU there.

12 Q All right. So that was a lot of medical lingo, but
13 to break that down, when you say, ER, you're referring to?

14 A Emergency Room.

15 Q Okay. And when you say, ICU, you're referring to?

16 A Intensive Care Unit.

17 Q All right. And, Ms. Gilliam, what type of nurse are
18 you?

19 A A Registered Nurse.

20 Q Tell us a little bit about becoming a Registered
21 Nurse. How does one go about obtaining that type of
22 certification with your educational background and
23 training?

24 A You could either get an Associate's Degree in nursing
25 or a Bachelor's Degree in nursing. I actually got a

1 Bachelor's Degree in Science and Chemistry from the
2 University of South Carolina-Aiken. And then later went
3 back to get a second degree, an Associate's Degree in
4 nursing from Piedmont Technical College.

5 Q All right. And then to become a registered nurse,
6 what type of board certification or registration is
7 required?

8 A I just took the NCLEX which is a board certification
9 and, of course, complete the required coursework and
10 clinical hours.

11 Q To become a board-certified Registered Nurse?

12 A Right. Yes, ma'am.

13 Q And did you obtain that type of certification prior
14 to coming to work at the hospital emergency room?

15 A Yes. In September, August of 2008 and started in
16 2008.

17 Q Okay. And we need you to keep your voice up.

18 A Oh, I'm sorry. Okay. I got my nursing degree in
19 August of 2008, and then started at Aiken Regional Medical
20 Center in the Emergency Room in September of 2008.

21 Q Okay. So since 2008. Now, can you tell us whether
22 or not through the course of your working as a Registered
23 Nurse in the emergency room, you've had the opportunity in
24 the past to conduct what's called a Sexual Assault
25 Examinations?

1 A Yes.

2 Q Does that include evidence collection?

3 A Yes.

4 Q And has that occurred during the course of your
5 employment at the Aiken Regional Hospital?

6 A Yes.

7 Q Can you tell us whether or not you were working at
8 the Aiken Regional Hospital in the early morning hours of
9 February 24th, 2015?

10 A Yes.

11 Q Was that the first sexual assault examination you had
12 done or have you done them prior?

13 A I had done them prior.

14 Q And can you tell us what, if anything, you recall
15 about your treatment of a patient on that morning?

16 A Initially, they bring the patient back to a room and
17 it was my room. And so, I would go in and, you know, just
18 establish a rapport with the patient and try to get an
19 idea of what had happened, what had occurred. And I would
20 obviously explain to them anything that we will be doing.

21 And then you would obviously get their consent for,
22 because we normally with any kind of alleged assault,
23 sexual assault, male, female, child, we would initiate the
24 sexual assault kit.

25 Q All right. And were you the nurse assigned for her

1 treatment?

2 A Yes.

3 Q And what are the three general purposes or goals for
4 treatment during the course of a sexual assault
5 examination?

6 A You want to, of course, your physical assessment on
7 the patient. And then note any kind of, let's see, you
8 would want to establish any kind of, you need to do your
9 assessment, full body assessment. And then we would
10 obviously collect evidence related to the sexual assault,
11 and then we'd obviously treat them for any kind of STD's
12 that, we do that prophylactically assuming that they were
13 exposed.

14 Q All right. Now, in this case, it was an 83-year-old
15 patient, Dorothy Peterson. All right. When did you first
16 come into contact with her?

17 A That morning.

18 Q And do you remember what room or area of the hospital
19 that was?

20 A Room 13 in the emergency department.

21 Q All right. And what is the first step once you've
22 met with the patient and, as you said, described the
23 procedure and gotten consent?

24 A It comes in a box. It's a kit. And you would get
25 the kit and open it, and it actually has a very meticulous

1 instruction list, which, is it in here. Do we actually
2 have a kit?

3 MS. MAYES: I'm going to beg the Court's indulgence.

4 A It's very extensive.

5 Q And you used the word, kit. But does the kit come
6 with components already in it in order to collect
7 evidence?

8 A Yes. It's a sealed kit, so it has not been opened or
9 tampered with.

10 Q I'm going to show you, first let me give you a pair
11 of gloves. I'm going to show you what is State's Exhibit
12 81 and 82. These items are already in evidence. I'm
13 going to pull them out and, as we go, just ask you whether
14 or not you recognize these components and you can look at
15 the outside of the bag.

16 A Okay. This is my handwriting.

17 Q And when you say it's your handwriting, what's the
18 date on it?

19 A 2/24/2015.

20 Q All right. And what is this particular item?

21 A This one is her underwear. We collect anything, any
22 clothes that the patient has on. We would place a sheet
23 or a mat, depending upon if the patient is a larger
24 patient or a smaller patient. We would accommodate that,
25 of course, on the floor, and then we ask that that patient

1 stands up and removes all of their clothing so if anything
2 were to fall off, you would be able to collect it on the
3 sheet. And then that sheet itself is just wrapped up with
4 the clothing and then placed in evidence, as well.

5 Q All right. And you mentioned that, again, before
6 that this is a kit. Does the kit come pre-identifying
7 certain items that you are to collect?

8 A Yes.

9 Q And what is the marking on this particular baggie?

10 A This is underwear.

11 Q All right. So it's pre-marked underwear?

12 A Yes.

13 Q And you collected that item?

14 A Yes.

15 Q All right. And next?

16 A I mean, this is, we do their swabs for all of the
17 different body parts, and you would take those out and
18 swab it. It specifies which area to actually swab.

19 Q All right. And we'll come back to that momentarily.

20 A And this is the debris collection. That's what I
21 talked about that we had down that she would stand up and
22 take her clothes off. We also go ahead and do something
23 called a pubic combing. It's with a comb, a small comb
24 that the comb comes in the kit and you would comb those
25 hairs and to potentially collect anything from the alleged

1 assailant that could possess DNA or any of the victim's
2 hair that could possess DNA. So we would do that, as
3 well, at that point.

4 Q All right. And so just to clarify, what you're doing
5 there is having the patient stand over a sheet and you are
6 combing the pubic area?

7 A Yes.

8 Q Does that include the pubic hair?

9 A Yes.

10 Q For any foreign materials that could be, potentially
11 be collected?

12 A Yes.

13 Q And where would those foreign materials go?

14 A They would fall down on that sheet.

15 Q And if a foreign material falls down on that sheet,
16 is that sheet then also packaged and sealed as evidence?

17 A Yes.

18 Q By yourself?

19 A Yes.

20 Q Is that included in the items turned over to law
21 enforcement?

22 A Yes.

23 Q Now, the one item that, as you said, contains a
24 collection of various swabs, I want to ask you
25 specifically about that. Is there a certain protocol

1 that's followed by Aiken Regional in terms of a medical
2 form that allows you to know certain questions to ask your
3 patient in order to determine what should be swabbed?

4 A We still, we follow the kit. The kit has a protocol
5 and you follow that meticulously in order.

6 Q Do you have with you today a copy of what is entitled
7 South Carolina Law Enforcement Division Sexual Assault
8 Examination Protocol?

9 A Yes.

10 Q And who filled out that protocol form?

11 A I did.

12 Q And that's your handwriting on it?

13 A Yes.

14 Q And is that protocol form conducted and filled out
15 contemporaneously with the examination?

16 A Yes.

17 Q While you're there in the hospital seeing the
18 patient?

19 A Yes.

20 Q And is this actual form, does it come with the kit,
21 also?

22 A Yes.

23 Q All right. So, for purposes of your medical
24 diagnosis and treatment of a patient under these
25 circumstances, is there certain information that you need

1 concerning the medical history?

2 A Yes.

3 Q And concerning any symptoms described by the patient?

4 A Yes.

5 Q I'm going to refer you to page 2 of that protocol
6 form.

7 A Okay.

8 Q Is there a question regarding whether or not the
9 patient ingested any alcohol or drugs?

10 A Yes.

11 Q And what history was given in that regard?

12 A No.

13 Q And is it necessary for you to note whether the
14 patient may have vomited?

15 A Yes.

16 Q Or changed clothes?

17 A Yes.

18 Q Do you have any notations on the protocol form
19 concerning the patient's history in that regard?

20 A Yes.

21 Q What is noted?

22 A As far as the vomit, she did report that she had
23 gagged and vomited a small amount and--

24 MR. DRYLIE: Objection. Hearsay.

25 THE COURT: Wait.

1 MS. MAYES: Wait. If there is an objection, we need
2 you to--

3 MS. GILLIAM: Okay.

4 THE COURT: I'm going to overrule it. It's already,
5 it's a part of the diagnosis and reported during the
6 medical examination.

7 Q Let me ask you, Ms. Stone, the notation that's made
8 about vomiting, and can you tell us whether or not the
9 stomach contents were also collected and turned over to
10 law enforcement in this case?

11 A I don't know that.

12 Q Okay. And particularly as to whether or not the
13 patient changed clothes, what do you have noted in that
14 regard?

15 A She stated that she had put her panties and pants on
16 after the alleged assault.

17 Q All right. So after the alleged assault, the patient
18 put underwear and pants on at that point, is that correct?

19 A Yes.

20 Q All right. So the underwear that you have collected,
21 as part of the kit were put on actually after the assault?

22 A Yes.

23 Q So just to clarify, they're not necessarily meaning
24 that they were worn during the assault?

25 A Right.

1 Q Now, we're moving on to page three of the protocol.
2 Did you note any type of injury on that particular page
3 that you were able to observe yourself?

4 A Yes.

5 Q Where was that injury noted?

6 A She had bruising to her bilateral or both wrists and
7 both ankles had bruising, and then a laceration to her
8 left hand.

9 Q Okay. So just to clarify, bruising to the bilateral
10 wrist. What do you mean by the term, bilateral?

11 A Both.

12 Q And ankles?

13 A Both.

14 Q And then you state lacerations to the left hand?

15 A Yes.

16 Q And then in addition to this particular finding,
17 looking at the full body, can you tell us whether or not
18 you were able to note any type of injury to the genital
19 area?

20 A The genital area, actually, we do that after we've
21 done this beginning part so we don't torment the patient
22 any more. And so once I would get to that point, I would
23 call the physician and he would come in and they would do
24 a pelvic exam which is just your standard OB/GYN that any
25 female undergoes with the stirrups, and that would expose

1 the genital area. And so up to that point, we would,
2 unless there was bleeding or trauma, I mean, something to
3 that area, we would not have looked there. And so the
4 physician comes in and we do that and I'm in the room and
5 that's when we would examine all of the genitalia.

6 Q Okay. And is that the time in which the actual swabs
7 are collected of the genital region?

8 A Yes.

9 Q All right. So I'm going to ask you another question
10 and then come back to my previous one. But can you tell
11 us whether or not it's necessary for part of a medical
12 diagnosis and treatment to know what areas of the body may
13 have been exposed to sexual contact?

14 A Yes.

15 Q All right. And specifically as to the type of
16 exposure, can you tell us whether or not you questioned
17 the patient as to whether there was oral exposure?

18 A Yes.

19 Q Meaning to the mouth?

20 A And to the mouth, yes.

21 Q And vaginal exposure?

22 A Yes.

23 Q And then do you also assess for any other areas of
24 the body where bodily fluids may have been deposited?

25 A Yes. We use a Woods Lamp, which is like a black

1 light and you turn off the lights in the room and you scan
2 the patient's entire body, front, back, sides, inside out,
3 looking for any kind of, anything that lights up and then
4 you go and swab that.

5 Q So going back to what you were describing where she
6 is actually in stirrups, as you put it and that's part of
7 an OB/GYN examination, but does that allow you to actually
8 visualize that area of the body?

9 A Yes.

10 Q And is that when the vaginal swabs were collected
11 from Ms. Peterson?

12 A Yes.. The doctor would insert a speculum, which goes
13 into the vagina and it kind of opens and it looks.
14 There's a light, so it lights everything up so we can see
15 any kind of trauma or damage to the inner vagina, and he
16 can also see the inner labia and the outer labia and the
17 urethra.

18 Q And are you also present to observe?

19 A Yes.

20 Q And tell us how the vaginal swabs were collected in
21 this case.

22 A There's a hole in the speculum that he opens and you
23 stick the swabs into the vagina and swab. We would also
24 do DNA swabs, chlamydia, gonorrhea, Trichomonas, anything
25 that we were looking for prophylactically, as well as DNA

1 and any kind of trauma or bleeding to that area.

2 Q And in this case, can you tell us whether or not you
3 made the decision for one set of vaginal swabs or for more
4 than one?

5 A More than one.

6 Q Why is that?

7 A When we got to that point and looked, there's inner
8 vaginal bleeding, and there was also on the inner labia,
9 the labia minora or the inner lip of the vagina, there was
10 a laceration. And so the swab that I had gotten from the
11 inner vagina, I couldn't contaminate it, so I got another
12 set of vaginal swabs from another sealed kit and then
13 swapped the labia minora where that laceration was, so
14 just in case there was any kind of DNA there for evidence.

15 Q All right. And when you mentioned contamination, but
16 at that point, if you're visualizing blood, what is your
17 concern?

18 A Any kind of trauma to that area.

19 Q Okay. So you were able to actually visualize blood,
20 and then did a second set of vaginal swabs?

21 A Yes.

22 Q For that reason was because there was vaginal
23 bleeding.

24 A Yes.

25 Q Can you tell us, we're talking about an 83-year-old

1 patient.

2 A Yes.

3 Q The labia minora, as you put it, that's a medical
4 term?

5 A Yes.

6 Q But what area of the body are we referring to in a
7 female in that regard, in layperson's terms?

8 A It's the vagina, and then you have outer lips, and
9 then the inner lips, and then vagina, the urethra, and the
10 clitoris.

11 Q Okay.

12 MS. MAYES: Beg the Court's indulgence.

13 Q Ms. Stone, I'm going to ask you actually to step down
14 from the witness stand.

15 MS. MAYES: Well, Your Honor, we asked for permission
16 that the witness may step down from the witness stand.

17 THE COURT: They certainly may.

18 (Whereupon, witness complied.)

19 Q First, Ms. Stone, I'm going to ask you to take a look
20 here at, this is State's Exhibit 16, and you noted in your
21 report that bruising to bilateral wrists. Can you show us
22 on this diagram what you recall in that regard?

23 A This area.

24 Q And ankles?

25 A Here.

1 Q And were you present when the photographs were taken
2 in the emergency room of Ms. Peterson?

3 A Yes.

4 Q Let me show you what is State's Exhibit 64 and ask
5 you whether or not you recognize what's shown in that
6 photograph?

7 A Yes.

8 Q And what type of injury is that?

9 A Abrasion area in here.

10 Q Did you note any type of laceration?

11 A To the left.

12 Q Specifically, to the left hand?

13 A Yes.

14 Q Okay. And what's depicted in State's Exhibit 64?
15 Can you tell us whether or not that's what you're
16 referring to?

17 A Yes.

18 Q Okay. Can you mark that on the diagram, as well?

19 (Whereupon, witness complies.)

20 Q Now, you also mentioned what was the laceration of
21 the labia minora and again, if you could just circle that
22 area on the diagram. And then I'll show you a more
23 specific diagram.

24 (Whereupon, witness complied.)

25 Q Now, looking here at this diagram, do you recognize

1 the area that you were referring to?

2 A Yes.

3 Q This would be State's Exhibit 87. And would you be
4 able to note on this diagram specifically where the labia
5 minora is located?

6 A Yes.

7 MS. MAYES: Your Honor, this would be State's Exhibit
8 87 for evidence.

9 MR. DRYLIE: Without objection.

10 THE COURT: No objection to 87.

11 (Whereupon, State's Exhibit 87 was admitted into
12 evidence.)

13 Q All right. And you're a nurse, so if you could
14 explain what we're looking at here and the position of
15 this diagram?

16 A This would be how it'd be known to be in stirrups for
17 the OB/GYN pelvic exam. And then you would see this is
18 your perineal area and then you have the outer labia,
19 that's the labia majora and this inner two smaller, that's
20 commonly referred as, would be the labia minora and that's
21 the closest to the vagina and the ureter.

22 Q So if you could signify here that area of the labia
23 minora where lacerations on Ms. Peterson were noted.

24 MS. MAYES: Thank you. You may return.

25 (Whereupon, witness complied.)

1 Q And the bruising that you noted to the wrists, I'm
2 going to show you 64, 67, 65, 68, and 66. Ms. Gilliam, is
3 that, can you tell us whether or not that is a fair and
4 accurate depiction of the bruising that you recall
5 bilaterally to Ms. Peterson's wrists?

6 A Yes.

7 Q So with an indication that there had been exposure
8 orally or to the mouth of sexual contact, was an oral swab
9 collected?

10 A Yes.

11 Q And was it properly sealed in accordance with the
12 protocol standards?

13 A Yes.

14 Q Was it turned over to law enforcement?

15 A Yes.

16 Q Were vaginal swabs collected?

17 A Yes.

18 Q Rectal swabs?

19 A Yes.

20 Q And then I asked you about any other parts of the
21 body that could potentially be exposed to bodily fluids.
22 How do you go about assessing to that?

23 A That was when we used the Woods Lamp or the black
24 light. That's when you turn off the lights in the room
25 and the patient lays, obviously, naked and you scan that

1 patient back, front, side, in between, anywhere, their
2 entire, their head, their hair and you swab anything that
3 lights up from the black light.

4 Q All right. And is there a notation, I'm going to
5 refer you to page 6 of your protocol form.

6 A Okay.

7 Q Is there a notation as to whether or not the UV light
8 or Wood light was used in this case?

9 A Yes.

10 Q Can you tell us whether or not there was, whether
11 there was a positive or negative indication from use of
12 the Wood light?

13 A Positive.

14 Q And by positive, you mean it lit up somewhere?

15 A Yes.

16 Q What do you do in response to seeing an area of the
17 body where it lights up?

18 A We use the appropriate swab and you swab those areas
19 with that swab.

20 Q When you say you use the appropriate swab, there's a
21 swab specifically for exposure to bodily fluids?

22 A Yes.

23 Q And that was done in this case also?

24 A Yes.

25 Q You can put the gloves back on. And are fingernail

1 scrapings also collected?

2 A Yes.

3 Q Do you recognize your signature on that swab?

4 A Yes.

5 Q And this swab?

6 A Yes.

7 Q And these swabs?

8 A Yes.

9 Q There are two noted for the vaginal area?

10 A Yes.

11 Q And if you could just clarify the distinction there?

12 A On the first one, when we talk about using them
13 during the pelvic exam and actually going into the patient
14 and the inner vagina, that was where the specimen obtained
15 from the cervix/pelvic exam. That's what I've written on
16 this one and upon finding that laceration, we swabbed the
17 outer vagina and I noted that on the other vaginal swab.

18 Q And you mentioned the debris collection over on the
19 hospital sheet. And can you tell us whether that was
20 properly sealed and submitted to law enforcement for
21 analysis?

22 A Yes.

23 Q I want to refer you to page 6 of 8 of your protocol
24 form. For purposes of your medical diagnosis and
25 treatment, do you also note the patient's mental state or

1 condition or ability to communicate with you?

2 A Yes.

3 Q Was the patient oriented as to time, place, date?

4 A Yes, and person.

5 Q Was she able to recall events?

6 A Yes.

7 Q Did her speech appear clear?

8 A Yes. She was tremblelous and crying.

9 Q And you noted all of that in your report?

10 A Yes.

11 Q Is there also any, can you tell us whether or not
12 there's any notation there regarding the vomiting?

13 A Vomiting?

14 Q Correct.

15 A Yes.

16 Q And you mentioned the patient's demeanor or emotional
17 state. Where is that accounted for on the protocol form?

18 A At the beginning.

19 Q And what, if anything, did you note in that regard?

20 A I put the patient was tearful and visibly shaken and
21 maintaining her composure in an effort to recount events
22 to the best of her knowledge.

23 Q All right. And is there also an area to describe
24 general demeanor?

25 A Yes.

1 Q And what did you note there?

2 A That she was tearful, trembling, and angry.

3 Q And what about eye contact?

4 A She had good eye contact.

5 Q Now, is it also necessary for purposes of medical
6 diagnosis and treatment to inquire as to whether or not
7 the patient is experiencing any pain or symptoms of pain?

8 A Yes.

9 Q I'm going to refer you to page 5 of 8. What, if
10 anything, did you note there regarding medical history or
11 symptoms of pain?

12 A The patient reports the vaginal and anal areas were
13 sore during and after the assault.

14 Q Sore during and after the assault?

15 A Yes.

16 Q And as a result of obtaining this information, can
17 you tell us whether or not Ms. Peterson was treated for
18 sexually transmitted diseases such as gonorrhea and HIV
19 and chlamydia, things of that nature?

20 A Yes. We treated her with Erythromycin and Rocephin
21 which that's a prophylactic treatment.

22 MS. MAYES: Beg the Court's indulgence. And, Your
23 Honor, I believe we have one more item that Investigator
24 Morris as the evidence custodian would need to step
25 forward and identify.

1 Q And Ms. Stone, let me ask you again. The hospital
2 sheet that you collected the debris or had the victim
3 stand on to conduct, pubic hair evidence was collected?

4 A Yes.

5 MS. MAYES: May he step forward, Your Honor?

6 THE COURT: He may.

7 (Whereupon, Investigator Morris complies.)

8 Q While they're locating that item, Ms. Gilliam, let me
9 go ahead and ask you, were there specific notations that
10 you added to your patient's medical chart concerning some
11 of the injury that was noted vaginally to the patient?

12 A Yes.

13 Q All right. And I'm going to refer you specifically
14 to the emergency room records of Dorothy Peterson. Have
15 you had the opportunity to review those?

16 A Yes.

17 Q Do you have them with you today?

18 A Yes.

19 Q I'm going to refer you specifically to page 60, I'm
20 sorry, 63. 60 to 79 concerning those medical records.
21 And what exactly, how do you know when you've made an
22 entry into the patient's chart?

23 A It reflects my name and my title underneath that.

24 Q Okay. So that data is actually entered into the
25 computer?

1 A Yes.

2 Q All right. What is the date and time in which you
3 noted an entry concerning the vaginal injury?

4 A The date is 2/24/2015 at 13:33.

5 Q Okay. 13:33 Eastern Standard Time would be what
6 time?

7 A 1:33.

8 Q Okay. So at 1:33 p.m., Ms. Peterson was still at the
9 hospital?

10 A Yes.

11 Q And do you have the time in which she originally
12 arrived for assessment or treatment by EMS?

13 A Yes.

14 Q What was that time?

15 A 8:48 a.m.

16 Q 8:48 a.m.?

17 A Yes.

18 Q So from 8:48 a.m. till 1:33 p.m., she was still there
19 receiving medical treatment?

20 A Yes.

21 Q And undergoing this evidence collection process?

22 A Yes.

23 Q What is the note, Nurse Gilliam, that you made into
24 Ms. Peterson's chart on that date and time?

25 A The anatomy and it states vagina and specifically and

1 I put redness, and the, other, I typed bleeding.

2 Q All right. So redness and bleeding was your note?

3 A Yes.

4 Q And that was specifically for the vagina?

5 A Yes.

6 Q I'm going to ask you, if you could, to tell us what
7 we're looking at here with the outside of this bag?

8 A That's my name, and then the hospital, she specifies
9 what's actually in the bag, the contents of the bag and
10 the date and the time.

11 Q All right. And where it says chain-of-custody
12 received from, do you see your signature there?

13 A Yes.

14 Q Lindsey Stone, RN?

15 A Yes.

16 Q And this particular type of evidence item is what?

17 A A hospital sheet which she stood on or it could be
18 the one that she actually sat on on the stretcher. We
19 collect both.

20 Q Okay. You collect both of her potential debris?

21 A Yes.

22 Q That may come off the patient?

23 A Yes.

24 Q And can you tell us whether or not hospital sheets
25 such as this are freshly laundered?

1 A Yes.

2 MS. MAYES: That would be State's 88 for evidence,
3 Your Honor.

4 MR. DRYLIE: No objections. I stipulate to its
5 admissibility.

6 THE COURT: State's 88 admitted without objection.
7 (Whereupon, State's Exhibit 88 was admitted into
8 evidence.)

9 Q Now, when I was asking you about whether or not such
10 sheets prior to being used with a patient are freshly
11 laundered, you don't, do you reuse sheets from
12 patient-to-patient without laundering?

13 A No.

14 Q And then finally, can you tell us whether or not part
15 of the evidence collection includes a blood sample from
16 Ms. Peterson?

17 A Yes.

18 Q Okay. And potentially that is for toxicology?

19 A Yes.

20 MS. MAYES: Nothing further.

21 CROSS-EXAMINATION

22 By Mr. Whitmire:

23 Q Very quick questions, Ms. Stone.

24 A Okay.

25 Q For the jury's edification, can you define

1 prophylactic?

2 A Oh, prophylactic would be we're assuming that you
3 have that, the sexually transmitted disease. So we don't
4 want to, if you came in and you had been assaulted, we
5 would not want to not treat you than to wait on a test.
6 Those, a lot of times those tests are send-offs and we
7 have to wait on the results. And so it could get worse
8 and so we want to treat you or we want to go ahead and
9 start treating you with a broad-spectrum antibiotic to
10 cover anything that you may have possibly.

11 Q So when a patient comes into your Emergency Room,
12 complains or discloses an incident, you automatically do
13 this as part of your procedure?

14 A For an alleged sexual assault.

15 Q No further, well, one more question. That doesn't
16 mean you're actually diagnosing, just to be clear?

17 A No, not at all.

18 MR. WHITMIRE: Thank you very much, Ms. Stone.

19 THE COURT: All right, ma'am. You may step down.

20 MS. MAYES: And, Your Honor, if Ms. Gilliam may be
21 released. She's returning to Edisto.

22 THE COURT: She may. Okay.

23 MS. STONE: Thanks.

24 THE COURT: It seems like a good time for a lunch
25 break. All right.. We going to break for lunch. It's

1 12:35 and about the same time we did it yesterday. Did
2 that hour and ten minutes work? Is 1:45 enough time or do
3 y'all want to go all the way to 2:00 o'clock?

4 MR. DRYLIE: 1:45 is great.

5 THE COURT: All right. We'll go to 1:45.

6 (Whereupon, the jury was excused from open court for
7 a lunch break.)

8 (Whereupon, a lunch break was taken.)

9 THE COURT: Mr. Chandler, I understand you want to
10 talk with me.

11 MR. CHANDLER: Yes, sir. I can't let him, if he
12 won't do, he won't do anything that I ask him to do. I
13 have got papers right here where I show you everything, I
14 just tried and show him. They kept telling me, hold, hold
15 on, wait. And they did not do anything I ask. I can show
16 you the paper right now. I can show you, he cannot
17 represent me today.

18 THE COURT: All right. Look here.

19 MR. CHANDLER: I already know, I have got witnesses,
20 I have got evidence that I wanted. And he is telling me
21 he is not going to use it. They said they are not going
22 to use Investigator Smith and he is the lead investigator
23 because of all the contradictions and he has seen them.
24 And he said that they are not going to use them so if they
25 don't use them, why does the lead investigator have to,

1 have to testify. Because he made all of these mistakes
2 and they are trying to hide it. Your Honor, they are
3 working together. I will be honest with you and I cannot
4 let that happen. They are working together, him and the
5 Solicitor, they are. He just told me he don't want me to
6 testify. After we done talked for months about me
7 testifying and now he said don't do it.

8 THE COURT: Wait a minute, hang on.

9 MR. CHANDLER: Your Honor, I'm scared.

10 THE COURT: Now, wait a minute. You understand the
11 State's got to present all of their case and rest before
12 you can call a witness.

13 MR. CHANDLER: Yeah, but he's already saying that
14 he's not. They just came in there and told me a lot of
15 things that I, that I have not, Your Honor, do you want to
16 see the papers just now. They telling me to be quiet or
17 they telling me to hold on and they say they'll explain
18 later. But they have already been on the stand and why
19 you explaining something to me later where it is something
20 that's already done that we can't even get back to. If
21 they rest their case, we can't get to it, so how you going
22 to explain later. Explain later, it is already done.

23 THE COURT: You can call witnesses on your side of
24 the case. You can't call them now. You could recall
25 any--

1 MR. CHANDLER: Yes, sir. I understand the whole
2 trial process. But what I'm talking about is something
3 different. It's totally different and you remember I told
4 you this stuff in Lexington. And he agreed but now he is
5 changing, he is doing what he want to do. And this is my
6 life, Your Honor, it is my defense.

7 THE COURT: Why don't we get through the State's case
8 and let's see where you stand.

9 MR. CHANDLER: Your Honor, I can't go no further,
10 because he's not going to do the things that he's already
11 missed out on a lot of things. He's refused a lot of
12 things, and then the case is going too far in and he's
13 done nothing. He sit here and he won't even cross-examine
14 people for the thing, it's a lie and contradictions and
15 stuff like that. And he has not, he has not, he has not
16 cross-examined anybody. He cross-examined one person and
17 it really don't matter. I'm talking about the real stuff.
18 He's working with them, Your Honor, and I need somebody
19 else to represent me, Your Honor, or I'll represent
20 myself. I'm not going, I can't let my life go down the
21 drain like that, Your Honor.

22 THE COURT: Mr. Drylie.

23 MR. CHANDLER: He going home at night. I don't.

24 THE COURT: All right. Now, look here. I'll listen
25 to you, but once I start talking, you can't turn around

1 and talk to somebody else.

2 MR. CHANDLER: Yes, sir. Yes, sir.

3 THE COURT: My court reporter can only take down one
4 conversation at a time so once I start, you can't keep
5 going.

6 MR. CHANDLER: Yes, Your Honor.

7 THE COURT: Mr. Whitmire and Mr. Drylie, tell me in a
8 summary fashion in kind of where y'all stand right now
9 with him.

10 MR. DRYLIE: Judge, we just went and talked about
11 possible scenarios that could play out and possible
12 options that we could have and some ways in which I'm
13 leaning on those options.

14 THE COURT: Okay.

15 MR. DRYLIE: And that's based largely on my
16 experience of having tried a number of cases now and
17 there's really, whatever decision you make, there's risk
18 and there's reward.

19 THE COURT: That's true.

20 MR. DRYLIE: And sometimes the reward is pretty
21 minimal and the risk is pretty great. It's, on the side
22 of caution it's better to err that way.

23 THE COURT: I understand. Now, Mr. Chandler, I
24 understand completely. Your lawyers telling you, they are
25 advising you or encourage or discourage you as whether you

1 testify or not. It was rare when I practiced that I
2 encouraged a client to testify. It was very commonplace
3 that I discouraged them to testify and most wanted to.
4 So, I don't find that uncommon.

5 MR. CHANDLER: Yes, I understand that, Judge.

6 THE COURT: There's exposure there when you testify.
7 Well, let's do this. Let's go on forward with the State's
8 witness this afternoon and I'm talking mostly SLED folks,
9 I'm guessing, I don't know, because most of the lay
10 witnesses have already testified.

11 MR. DRYLIE: That's correct.

12 THE COURT: And let's see where we get this
13 afternoon.

14 MR. CHANDLER: We not going to get anywhere, Your
15 Honor, because he's not going to do what I'm asking him to
16 do. I got in plenty of notes here, Your Honor, where I
17 have wrote down. They have not said a thing I been
18 writing down here to them, Your Honor. He keep telling
19 me, oh, that's normal. Oh, hold on for a minute. I'll
20 explain it later. Look, I'll explain. He making excuses.
21 They'll let you know. All right. Come on, man.
22 Everything is already passed. And SLED is not, that's not
23 the point. It's all the stuff before.

24 THE COURT: But you can recall those people.

25 MR. CHANDLER: It's passed. He's not going to do it.

1 We talked about something in there, but we didn't agree to
2 anything. I told him to do it. He said he's not. That's
3 why I just came and asked him was he going to do what I
4 said. He say he try to, try to talk some. Yeah, now
5 because you in front of people. But then he told me
6 still, I don't know. I don't know and you not going to do
7 it. You going to keep telling me to hold on, hold on. I
8 can't get slid under the rug like that, Your Honor.
9 Please. I'll represented myself come October, Your Honor.
10 I will be ready. I get a time limit to get their own
11 psychiatrist, people, psychiatric people, whatever. They
12 can get them to come talk to and whatever. I'd be
13 comfortable and I could do this in October by myself. I
14 don't need, I see what's going on. It's staged.

15 THE COURT: From where I'm sitting, you getting as,
16 as good as representation as you can get from where I'm
17 sitting.

18 MR. CHANDLER: No, no, Your Honor, I'll show you way
19 better.

20 THE COURT: All right. What I want to do is
21 continuing moving forward--

22 MR. CHANDLER: -- I can't continue, Your Honor.

23 THE COURT: And get done today what they're going to
24 call, and then if you want to be heard more on this, let's
25 do that this afternoon late, the first thing in the

1 morning.

2 MR. CHANDLER: So now I'm being, you just going to
3 keep, and then tomorrow, it'll be the same thing. You'll
4 throw it under the rug again and make them do and it will
5 mess up. That's how this going to go. That's how this
6 going go. I see exactly how this gone go. This is not,
7 no justice for me. This ain't right. This ain't right
8 and I, and this is not like it just now, Your Honor. I
9 said this to you in Lexington the other day. I just told
10 you this, I got proof. I got proof that he, that they
11 keep telling me to be quiet and I'm telling them stuff and
12 they won't do nothing for me. Well, he agreed. That's
13 the only reason I asked for him to represent me. Because
14 we, remember you told us to go and talk about it and he
15 agreed.

16 THE COURT: All right. Hang on one second. I want
17 to do something different. I want to step back into
18 chambers and I want to talk to four lawyers very quickly,
19 and then I want to come back out there.

20 MS. MAYES: Okay.

21 (Whereupon, a meeting was held in chambers with the
22 Court and the attorneys.)

23 (Whereupon, the Defendant joined the Court and
24 attorneys in the meeting in-chambers.)

25 THE COURT: All right. Mr. Chandler, I'd like to

1 chat with you a little bit on the record. I didn't want,
2 what I was kind of concerned about was some of the things
3 you were saying, I didn't want all of that in the
4 audience. Well, this means you got a copy of it but I
5 don't know whether it will help you. It could hurt you if
6 you said something that's against your interests and it
7 got used against you. Anyway, I asked your lawyers, I
8 said, you know, y'all heard what he was saying to me.
9 There's somethings y'all aren't doing that he's wanting
10 you to do. Give me an example of it so I can kind of get
11 an idea without going into every single one of them. And
12 one of the things they said was you wanted them to
13 cross-examine some of the medical people a little more
14 thoroughly about the statements that they have made
15 perhaps while she was being treated at the emergency room
16 or wherever. And I don't exactly know how in-depth of
17 questions you want them to go, but one of the things that
18 we talked about pre-trial was limiting the ladies from
19 going too in-depth into that about letting the nurse
20 testify as a doctor when they don't have the training or
21 letting an EMT testify like a nurse would. And some of
22 the cross-examination questions they suggested you wanted
23 would have opened the door a little bit further, and then
24 they could have got back up and really just gotten all of
25 it out there. It's kind of like, that's just legal

1 advice. If you want to try to minimize them repeating,
2 because this is what it comes, how it comes out to me, is
3 Ms. Peterson said she was sexually assaulted and that she
4 alleged you did certain things. And then you get the EMT
5 saying, yeah, she said it and repeat all of it back again
6 and I didn't let that happen. I was assaulted. That was
7 according to the doctors and the nurse or the EMT and
8 stop. Then, the nurse comes in. If she's allowed to
9 repeat it, then the jury hears it from her, from the
10 neighbor, from the son, because they start repeating all
11 the hearsay stuff that she told them which generally you
12 don't want from your point of view, you don't want that,
13 because then her words get repeated six, seven, eight, ten
14 times. And the next thing you know, there's no refuting
15 it, so they were trying to keep that from being repeated.
16 I limited them from asking the witnesses to repeat it. If
17 your guys go in and do that, the door gets opened and they
18 go wait a minute, let's hear it all now. So that was the
19 concern they had. So here's the deal. As I understand
20 the case law, we can't change midstream to let you kind of
21 take over the case. That's not allowed. There's a case
22 that came out from, it was actually a CSC case of an old
23 guy up in Clemson up in Pickens or Oconee County. I don't
24 know which county, but it was up near Clemson and a
25 Clemson student was sexually assaulted by the guy and he

1 tried to change and represent himself after the jury was
2 sworn. And the Court said, the Supreme Court did after it
3 reviewed it said once a jury is sworn, you got to stick
4 with what you got. It doesn't mean your rights aren't
5 protected. You can't change midstream. It's just not,
6 it's not allowed because that's what he challenges, I
7 wasn't allowed to change midstream to represent myself and
8 that was his issue. And so if I follow that case law, I
9 can't allow you to do that either. Now, here's the deal.
10 I know you got some strategies and you want to call
11 certain witnesses in and now whether you want to testify
12 or not, that's between you and your lawyer, not me. I
13 can't give you advice on that. I can tell you this, it'd
14 suit them if you testified. They'd love it. I can
15 guarantee. If they could call you they would, like that,
16 but they're not allowed to. They're not allowed to. You
17 know, and I hope you know, if you decide and y'all agree
18 not to testify, I'm giving instructions to jury that, say
19 jury, ladies and gentlemen, he chose to not testify. He
20 has a constitutional right to remain silent and the fact
21 he's elected to not testify, y'all can't discuss at all in
22 the jury room during deliberations, you got to consider
23 the issue of guilt or innocence on the evidence presented.
24 You can't discuss, not even mention it, his not testifying
25 in your deliberations. I give those instructions. The

1 reason for that is that constitutional right is pretty
2 heavy in favor of you against the State. But if you get
3 on the witness stand, no objection with them. They going
4 to be laying --

5 MR. CHANDLER: I have no problem with that, Your
6 Honor.

7 THE COURT: Okay. Well, that's fine.

8 MR. CHANDLER: I know everything you saying.

9 THE COURT: Okay. Well, here's the deal is I don't
10 want you to do this, because this happened in a case I've
11 had before where a Defendant who was representing himself,
12 and he was actually doing pretty good and he didn't
13 understand a couple of my rulings and he got aggravated
14 with me and he got real loud and belligerent and started
15 waving his arms and raised his voice and I warned him.

16 MR. CHANDLER: Sorry about that.

17 THE COURT: Yeah, that's all right. But I want you
18 to understand. I can warn you. I can say look, you can
19 act with respect to the court system and respect that jury
20 that's looking at you, because that's to your benefit.
21 And disrespect to anybody, the jury is going to say they
22 are recognizing that behavior and they're going to say
23 wonder why he's misbehaving or whatever it is. They may
24 not understand it, but all your behavior, the way you sit,
25 the way you talk to your lawyers, the way you write notes

1 to them, the way you, whatever they see, they can pick up
2 on it.

3 MR. CHANDLER: But I wouldn't have to do all that if
4 they was doing what I asked them to do.

5 THE COURT: Okay. Here's what I'm going to suggest
6 to you since I want to, you've kind of made a motion to go
7 forward without them. I'm going to deny that, because the
8 case law doesn't let me do that. It doesn't allow you to
9 do that, so your request is going to be denied. So you
10 got to stick with them. Now, we got to keep going through
11 the trial, because we can't stop mid-trial.

12 MR. CHANDLER: Yeah, there's, but there's things that
13 had already been done that we can't get back to.

14 THE COURT: Here's the deal. If, you know, we'll go
15 through several witnesses today or this afternoon.
16 There's several they don't have here yet and they're
17 coming tomorrow. If you take this afternoon and talk to
18 these guys and say, look, I want you to recall whatever
19 witnesses they got, because I want to bring this out or
20 that out.

21 MR. CHANDLER: That will be a debate and overrule me.
22 That's what they do.

23 THE COURT: Y'all discuss it.

24 MR. CHANDLER: And they act like they running my
25 life. That's what they doing. They debate and say well,

1 yeah, he, but I don't think that is. And then they don't
2 do it and I ask them to please do it. He says no. So, I
3 am not having no choice in anything. And this has been
4 going on. I would rather do it myself. I could do this
5 myself. I should have chose to do this myself if I would
6 have believed and if I wouldn't have been lied to. I was
7 lied to in Lexington. He said he was going to do it and
8 he did not. He has not did it.

9 THE COURT: All right. Well, here's what I'm going
10 to tell him is I want y'all again to have a very candid
11 conversation. And, Mr. Drylie, and Walt Whitmire, both of
12 y'all, y'all got to give him more of the reasons than
13 that's a bad trial strategy. Tell him and explain to him
14 what you--

15 MR. CHANDLER: I understand, Your Honor.

16 THE COURT: No, hold on. I want them to tell you.

17 MR. CHANDLER: Yes, I understand what they saying.

18 THE COURT: You're in disagreement.

19 MR. CHANDLER: I understand but that's their opinion
20 and this is my life. This is my defense. I had a right
21 to put up my defense.

22 THE COURT: All right.

23 MR. CHANDLER: I understand him laying the foundation
24 and a strategy.

25 THE COURT: Okay.

1 MR. CHANDLER: But my defense, when it comes to that
2 is not to go off of his opinion. Now, if he was a
3 one-hundred percent sure. He's not a one-hundred percent.
4 That that's a bad idea. What if it was a good idea and
5 I'm in trouble because of him. He goes home at night. I
6 don't.

7 THE COURT: I understand. Now, how about this --

8 MR. CHANDLER: So if I'm going to, if I lose, nine
9 times, I already know what's going to happen, Your Honor.
10 I'm very familiar with the law. I am and I already know
11 what will happen if I lose. I know what's going to
12 happen.

13 THE COURT: Let me ask you this.

14 MR. CHANDLER: He's already showed me enough, enough
15 stuff that he's not for me, so if I lose, he's not going
16 to file my appeal. He's going to do a lot of things.
17 He's going to miss the statutes, the time limits and
18 stuff, and I'm going to be stuck up the road and I can't
19 get back.

20 THE COURT: Well, here's, here's the deal, here's the
21 deal with handling the appeal is, he won't be allowed to
22 file an appeal. He can file a notice of intent to appeal
23 and that gets your foot in the door to start the appeal
24 process, but it'll go to another office, office of
25 appellate defense or something.

1 MR. CHANDLER: Yeah, but he would have to do that in
2 time and there's a lot of people up the road that lawyers
3 didn't do it and they was public defenders. I don't want
4 him, Your Honor. Please, please, please, Your Honor.
5 This thing has gone all the way to the side of what I was
6 told. This has turned all the way around.

7 THE COURT: Well, what I'm telling you is I can't do
8 that. The law says I can't do that in the middle of a
9 trial. I can't let you change lawyers and I can't let you
10 relieve your lawyers and proceed on by yourself. I'm not
11 allowed to do that according to the case law. I'll get
12 you a copy of that case if you want to see it. We can
13 print it out and you can see it. But what I don't want
14 for you to do is to create an issue in the courtroom in
15 front of the jury where I'm going to have to put you out
16 of the courtroom. Because then you are not in there to
17 help them. Your chances of helping and coaching them and
18 things you know factually that they might not have seen
19 from back in the holding cell, you not going to hear any
20 of that testimony. So, you know, you need to keep your
21 cool to coach them.

22 MR. CHANDLER: I can, but what is going to happen
23 when I say something and they don't do it? So am I not to
24 react any kind of way? Am I not to say anything or
25 anything? So I can't say that he's not, that he's still

1 doing it?

2 THE COURT: Well, here's what I'd do. You taking
3 good notes. You showed them to me. You showed me a
4 notepad and you been taking notes the whole trial. That's
5 a good thing to do and, unfortunately, we got to get
6 through the trial with them representing you and they know
7 your case.

8 MR. CHANDLER: Yeah.

9 THE COURT: Drylie has been on the case a lot longer
10 than these two ladies. Do you know how long they been on
11 this case?

12 MR. CHANDLER: Yeah, and that's, and it's crazy,
13 because they doing better than him.

14 THE COURT: They got assigned the case July the 1st.

15 MR. CHANDLER: They doing way better than him. Now,
16 if I was doing it, it wouldn't be like that. It would not
17 be like that, Your Honor, and if they do what I tell them
18 to do, it's not going to be like that.

19 THE COURT: All right.

20 MR. CHANDLER: If they will do everything that I tell
21 them to do then we can go on back out there. But I don't
22 know what's going to happen, Your Honor, because I got
23 some serious charges.

24 THE COURT: Well, you sure do.

25 MR. CHANDLER: So he got to do what I tell him to do.

1 This is my life. This is my defense. It's my choice to
2 whether if he, the only thing he can do is give me legal
3 advice. If I want to do something, he can advise me to
4 say hey, this might not do this. But other than that,
5 whose choice is it left up to?

6 THE COURT: All right. Let me ask you this, I can't
7 give you advice either. But the, you've been under lock
8 long enough. You've heard of a Post-Conviction Relief
9 action. Do you know what that is? How that works?

10 MR. CHANDLER: (No audible response.)

11 THE COURT: All right. Here it is. You got to a
12 jury trial on the charges as you're indicted just like you
13 going through now and you can appeal that saying there was
14 a mistake made of law. And that, basically, an appeal
15 saying I made an improper ruling. I let evidence in that
16 shouldn't have come in or I kept evidence out that should
17 have come in. Some legal ruling that the Court made. My
18 instructions weren't proper. The jury should have heard
19 different instructions. That's kind of an appeal that the
20 Judge more or less made an error. Now, a Post-Conviction
21 Relief action is kind of the action that's filed generally
22 by people convicted after that saying my lawyer did
23 something that--

24 MR. CHANDLER: Say if I get 20-30 years, it's going
25 to take 25 to get back. I know how this goes. I'm going

1 to be stuck. Then, by the time I get parole, then he'll
2 be talking about oh, we going back to court.

3 THE COURT: Well, here's what I want you to
4 understand is in a Post-Conviction Relief action another
5 lawyer looks over the entire transcript and he says, you
6 know, that defense lawyer probably could have delved into
7 this defense or this witness or this or he didn't
8 understand this rule and object to something the State
9 introduced. He didn't do something he should have done or
10 he did something he shouldn't have done. Now, if they do
11 everything you say do, you're giving him a defense.

12 MR. CHANDLER: Your Honor, I can accept that.

13 THE COURT: Well, it's kind of like telling somebody
14 you got a fire out behind that door right there. It's
15 really hot and you got to jump out and you fall way down
16 and you can't climb out and you burn slap to death.

17 MR. CHANDLER: So what you saying is, what you saying
18 is, basically, I'm not good enough.

19 THE COURT: No, no, I'm not.

20 MR. CHANDLER: So there's a fire outside the door,
21 because it's my decision outside the door. That's the
22 fire; my decision. And they on the inside, that's what
23 you saying.

24 THE COURT: All right. Let's get through the day--

25 MR. CHANDLER: Yes, sir. And I understand.

1 THE COURT: And you talk to them tonight and if you
2 got something that you want them to delve into or call a
3 witness and they refuse to do it, let's have another
4 hearing in here just like we're doing right now and see
5 what we're talking about, okay. And then I'll try to
6 consider that and see if we can't work that issue out
7 before you have to call or not call any witnesses. Okay?

8 MR. CHANDLER: We still got to go through
9 cross-examination. And they, I can't really talk.

10 THE COURT: Well, you can talk to them. What I'm
11 saying is don't --

12 MR. CHANDLER: They are not going to listen.

13 THE COURT: Don't waive your arms and let the jury
14 see your emotion. Keep your cool and keep your game face
15 on and let them see what you want to do.

16 MR. CHANDLER: Well, I can tell you I think I'm going
17 to be recalling a lot of people.

18 THE COURT: Well, that's your business.

19 MR. CHANDLER: Because some cross-examination needs
20 to be done.

21 THE COURT: It's your, that is y'all's decision, but
22 you keep your game face on in front of the jury, because
23 if you lose your game face, I'm giving you warning. I
24 don't want you to do anything to show out in front of the
25 jury so to speak, because I'll have to put you in the back

1 room, okay?

2 MR. CHANDLER: I understand.

3 THE COURT: Okay.

4 MR. CHANDLER: Now, from here on out before I get
5 ready to, before we call these people back up on some
6 other time, for the rest of these witnesses, I got some
7 things that need to be done.

8 THE COURT: Okay. Well, you talk to your lawyers
9 and, and I'm going to encourage them to listen openly to
10 you.

11 MR. CHANDLER: And listen, but I'm talking about the
12 decisions. The last decision is mine, Your Honor. It's
13 not theirs. That's what I'm saying. It's my decision;
14 it's their advice. I shouldn't even be in the courtroom.

15 THE COURT: Oh, can you give me an example? I asked
16 them the same question. Can you give me an example of
17 something you wanted them to go into on a prior witness
18 just so I can maybe understand you better?

19 MR. CHANDLER: No, I don't want to say anything in
20 front of them, Your Honor.

21 THE COURT: All right.

22 MR. CHANDLER: Your Honor, I'm not trying to be smart
23 with you.

24 THE COURT: I understand. Just trying, you're being
25 very respectful.

1 MR. CHANDLER: I'm just trying to get--

2 THE COURT: -- you're being very respectful, and I
3 appreciate that.

4 MS. MAYES: Your Honor, at this time, we'll consent
5 to that process.

6 THE COURT: Okay.

7 (Whereupon, Ms. Mayes and Ms. Radlein leaves the
8 in-chambers meetings.)

9 THE COURT: Give me a small example.

10 MR. CHANDLER: Your Honor, to be honest with you, I
11 don't, I don't want him to be in here, Your Honor, because
12 he's sitting at the table with them and he going to go
13 tell them.

14 THE COURT: Hang on. You just showed me something.

15 MR. CHANDLER: All right.

16 THE COURT: The Sheriff is sitting near the table.
17 He ain't really not been involved.

18 MR. CHANDLER: Right. But yeah, he, he is talking.
19 He is an officer and he is with them.

20 SHERIFF: Judge, I will step out if you want me to
21 step out.

22 THE COURT: All right. Well, I appreciate that.

23 (Whereupon, law enforcements steps out of the
24 in-chambers meeting.)

25 THE COURT: All right, we are right here. She said

1 she was hurt.

2 MR. CHANDLER: Those are good points.

3 THE COURT: Yeah, but she said that.

4 MR. CHANDLER: No, she never said it.

5 THE COURT: Oh, yeah, she did. She said it twice.

6 MR. CHANDLER: Your Honor, I was listening. I was
7 taking notes. I was waiting on it to be said.

8 THE COURT: Where she said she wasn't hurt?

9 MR. CHANDLER: Yeah, that's the only thing she said.

10 THE COURT: She said it on the 911 tape.

11 MR. CHANDLER: Yeah, that's the only thing that she
12 said.

13 THE COURT: She said no, I'm not hurt and the next,
14 they went back and asked her.

15 MR. CHANDLER: And I wanted them to, I want it to be
16 said again so these people can hear this. And I wanted
17 them to know that she said that she was unsure if she was
18 penetrated, Your Honor.

19 THE COURT: I thinks she said that too.

20 MR. CHANDLER: She never said that, Your Honor.

21 That's what I told them and they said don't get into all
22 of that and all this and yes, I need to get into
23 everything.

24 THE COURT: All right. This thing about not being
25 heard.

1 MR. CHANDLER: It's a lot of stuff.

2 THE COURT: She explained that, because the lawyers
3 went back and asked her.

4 MR. CHANDLER: I'm talking about, I'm talking about
5 not wanting to go to the hospital. That's part of it,
6 Your Honor.

7 THE COURT: All right.

8 MR. CHANDLER: May I see that paper, and I'll show
9 you one more point.

10 THE COURT: All right. I'm going to put this on the
11 record, okay? You okay with that? I'm going to put what
12 you've just showed me. There was an EMS report that there
13 were several comments made and reported from Ms. Peterson,
14 reported to the EMS that she was unsure if there was
15 penetration or not and she also told them that she didn't
16 believe she was hurt and didn't really want to go to the
17 hospital. The EMS report further says that they talked
18 her into going to the hospital so the rape kit could be
19 performed. And so Mr. Chandler wanted his lawyers to go
20 more in detail about comments to the EMS party
21 representative. That's fair?

22 MR. CHANDLER: Yeah, I just wanted them to, and they
23 not going to mention it.

24 THE COURT: The Court's recollection is that Ms.
25 Peterson did mention she wasn't certain whether there was

1 penetration. She was, things were happening so fast and
2 she was so upset, she just wasn't sure. She said that.

3 MR. CHANDLER: Yeah, but she did say that she was
4 penetrated. She said that she was penetrated and this
5 happened that she was penetrated.

6 THE COURT: But also regarding the not being hurt.
7 On the 911 tape, she did make a comment that she wasn't
8 hurt and then later on she--

9 MR. CHANDLER: Said she was hurt.

10 THE COURT: She explained that what she was meaning,
11 not hurt was meaning not being shot or not being cut. And
12 she explained that during testimony later in further
13 questions.

14 MR. CHANDLER: Now, the SANE nurse just got up there
15 and said that she said that she was, her genital areas
16 were--

17 THE COURT: Sore.

18 MR. CHANDLER: Sore before and after.

19 THE COURT: During and after.

20 MR. CHANDLER: Yeah, during and after.

21 THE COURT: Yeah.

22 MR. CHANDLER: So she, that she wasn't, though to the
23 ambulance on the way there and it shows in the middle of
24 it where it was 7:53 they asked her, 8:08 and 8:00
25 something after that. They spaced out the times and she

1 then said no pain. Now when she gets to the hospital, now
2 she says that she was sore during and after.

3 THE COURT: I can see that's a point. I don't see
4 that being a very striking factual dispute in my opinion.

5 MR. CHANDLER: And you see right here where she
6 said--

7 THE COURT: All right. And by that time it was after
8 7:30. It was around 7:30 or after, 7:33 is around 7:30 or
9 after?

10 MR. CHANDLER: Yeah, that's the time she called the
11 police.

12 THE COURT: All right.

13 MR. CHANDLER: Your Honor, if I'm being able to get
14 these things through and stuff, then I'll be all right.
15 But, again, I don't, I don't feel like being, of any
16 certain counsel and I be in prison and I can't come back
17 for court until like 20 years. And that's, that's, that's
18 not fair. If I can represent myself, oh, they, he's
19 always making a excuse of what the prosecution is going to
20 say. How do you know what they going to say, and then you
21 saying exactly what they said.

22 THE COURT: There's certain strategies you got and
23 one of the problems in this case for y'all's team is Ms.
24 Peterson seems to be a likable lady. She seems honest, a
25 responsible citizen and it's hard to make her out to be a

1 liar by saying she changed her story a little bit in the
2 middle of morning when something happened to her that was
3 traumatic. She's got some justification in saying I'm not
4 sure what time it was or how long it took. And, I was,
5 you know, initially when your adrenaline gets going and
6 you playing ball or something and you get popped good, you
7 don't feel it. You just all juiced up.

8 MR. CHANDLER: She said she can't remember. But the
9 date of the crime, you remember specifically but now they
10 changed, you know, if you say this that it's going to hurt
11 you. So now 16 months later, you're not saying that you
12 don't remember, but you remember on the day of the crime.

13 THE COURT: I see a little bit of what you're saying.
14 I don't find these to be substantial contradictions. It's
15 not like, it happened one morning early about 7:00-7:30 is
16 pretty general and that's close enough for me. It was
17 after daylight as opposed to it was nighttime. Now, if
18 she's saying nighttime, daytime and morning time; oh yeah,
19 man, you eat that up. But being 7:00 or 7:30 and the sun
20 just come up, that's all about the same, to me and
21 sometimes it makes you look technical when you got a
22 general time. Here is what we are going to do. We going
23 to go back out in the courtroom. Let's get through these
24 few witnesses they got ready today. They got a few more
25 tomorrow and that gives you overnight to try to decide who

1 you going to call when it's y'all's turn to call, the way
2 they were talking, was they were going to be done by 12:00
3 o'clock tomorrow. My guess would be we'll take a lunch
4 break, and then y'all start y'all's part of the case after
5 lunch. So you got tonight and tomorrow at lunch to kind
6 of review this and maybe we can reconvene again and you
7 can tell me what they are not going to do and we'll see if
8 we can find some common ground for y'all.

9 MR. CHANDLER: Yeah. Well, what the plan, it is like
10 the times and all of that stuff. It's a foundation for my
11 defense. That's why these things need to be done.

12 THE COURT: Okay. Well, y'all can talk about that
13 tonight, and then if we have to reconvene after the State
14 rests and talk again to see where we stand, we'll do that
15 and we'll do it in here again just like this. Be all
16 right?

17 MR. CHANDLER: Okay.

18 THE COURT: Let's go back out in the courtroom and
19 get these few State's witnesses before we have to shut
20 down for the day and we'll see where we get tomorrow
21 morning.

22 MR. CHANDLER: I didn't mean to make you mad.

23 THE COURT: Hey, you not making me mad. But what I'm
24 telling you is as a defense lawyer, when I was a defense
25 lawyer, the main reason, I was representing an underdog

1 and I hated to lose. I'd do anything not to lose. I'd
2 scramble, try stuff which always had to look together and
3 organized in front of the jury under all that excitement
4 to go out there and play hard. These guys are doing that,
5 but they got to look like nothing ruffles their feathers
6 and so do you in front of the jury. That's how you got to
7 do it, but I'm telling you these two guys wouldn't be
8 doing what they're doing and working with them is, that
9 would be the worst thing in the world they could do, it's
10 like throwing the game to the other team. You would never
11 do that, never do that. All right. We going back out
12 there. You let them do their job, but you pass them your
13 notes. You keep up with notes. They'll be helpful to
14 you. All right. And now look here, you need to
15 appreciate this, not many Judges will bring you back here
16 and talk to you like I have, okay?

17 MR. CHANDLER: Yes, sir.

18 THE COURT: Okay.

19 MR. DRYLIE: Thank you, Judge.

20 (Whereupon, the in-chambers meeting is concluded.)

21 THE COURT: All right. Did y'all find my case?

22 MS. MAYES: We do, Your Honor. We just need a chance
23 to print it.

24 THE COURT: All right. We had an in-chambers
25 conference, we don't need to say it out here again.

1 MS. MAYES: And, Your Honor, we just attempted to do
2 research on the matter that and we found another case we
3 just wanted the Court to have an opportunity to review.

4 THE COURT: Everything was on the record in our
5 in-chambers conference. For purposes of right now, we
6 need to proceed on. The State is in its case and Mr.
7 Chandler, who we also afforded an opportunity to speak
8 with his lawyers at length at the last break, discussed
9 some of the questions that he wishes to be presented as
10 well as any trial strategy. He will have an opportunity
11 to discuss that prior to presenting any of the defense
12 case. That is consistent with my ruling in the back. All
13 right, are we ready to go forward.

14 MS. MAYES: The State's ready, Your Honor.

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

16 (Whereupon, the jury came into open court at
17 approximately 3:14 p.m.)

18 THE COURT: All right. Folks, sorry for the delay.
19 I had several things come up that I wasn't expecting. I
20 had to call Judge Addy about some matters going on in
21 Newberry but, nevertheless, y'all were hopefully afforded
22 some freedoms out of the jury room to step outside and
23 smoke, but I apologize for the delay and y'all can blame
24 that one on me. We call the next witness. Place her
25 under oath.

1 MS. MAYES: The State calls Courtney Thompson.

2 COURTNEY THOMPSON, being

3 first duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 By Ms. Mayes:

6 Q All right. And, Ms. Thompson, where are you
7 currently employed?

8 A I am currently employed with the South Carolina Law
9 Enforcement Division, also referred to as SLED.

10 Q All right. And in what capacity?

11 A I am a forensic serologist in the DNA case work
12 department.

13 Q And you say that you're employed at the State Law
14 Enforcement Division?

15 A That is correct.

16 Q In specifically what field there?

17 A I am a forensic serologist.

18 Q All right. And you need to speak up a little bit
19 louder or move that microphone a little bit closer to you.
20 And if you could give us some information about yourself.
21 How long have you worked at the State Law Enforcement
22 Division?

23 A I've been with SLED approximately three-and-a-half
24 years.

25 Q And specifically during your time at SLED, what is

1 your job description?

2 A My job duties as a forensic serologist is examining
3 items of evidence for possible body fluids such as blood,
4 semen, and saliva, as well as processing items for
5 various, of various types for potential DNA. I also
6 attempt to identify certain body fluids of DNA
7 significance. I also prepare reports, testify, and
8 testify as necessary in court.

9 Q All right. And what is your educational background
10 that led you to become a forensic serologist?

11 A I have a Bachelor's Degree in Forensic Science from
12 Southern Wesleyan University, and I have completed
13 graduate course work from the University of Florida in
14 Biological Evidence Screening.

15 Q And you mentioned that you have specific training in
16 serology analysis. Where did you receive that type of
17 training?

18 A I was trained at SLED under a court-qualified analyst
19 who taught me evidence handling, testing procedures,
20 report writing, chain-of-custody handling, as well as
21 testimony.

22 Q Have you testified previously as an expert in a court
23 of this state in the field of serology analysis?

24 A Yes, I have.

25 Q Is it possible for you to estimate how many such

1 times you've previously testified?

2 A Approximately eight times.

3 MS. MAYES: Your Honor, at this time, the State would
4 offer Courtney Thompson as an expert in the field of
5 forensic serology.

6 MR. DRYLIE: Beg the Court's indulgence.

7 THE COURT: Okay.

8 MR. DRYLIE: Without objection.

9 THE COURT: Okay. Ms. Thompson is qualified as an
10 expert in the field of serology analysis.

11 Q All right. So my first question is could you break
12 it down for us what is meant by the study of serology or
13 body fluids?

14 A Forensic serology is a, basically, a sub-discipline
15 or a sub-study of the DNA Department and my job is to try
16 and identify body fluids that have forensic relevance and
17 most of those body fluids are blood, semen, and saliva,
18 because they contain forensically important things for
19 potentially developing DNA profiles.

20 Q All right. So when we talk about blood, semen, and
21 saliva, potentially, your crime lab can develop a DNA
22 profile from those type of body fluids?

23 A That is correct. That is our goal when examining
24 items of evidence for potential bodily fluids.

25 Q Are there other types of bodily fluids that can be

1 identified beyond blood, saliva, and semen?

2 A SLED does not perform any other testing that can do
3 identification of other body fluids other than blood,
4 semen, and saliva.

5 Q All right. Is there a testing out there that may
6 indicate the presence of other bodily fluids?

7 A I believe there are other tests available that can
8 identify urine, as far as I know, but there is not
9 anything that SLED does.

10 Q All right. So when we're talking about the types of
11 bodily fluids, I want to ask you whether or not, and I'm
12 going to ask you some sensitive questions today. So I'm
13 going to ask you first of all what is meant by the term,
14 pre-ejaculate?

15 A Pre-ejaculate is a body fluid that is found inside a
16 male human and what it usually contains is the liquid
17 portion of seminal fluid. It is different from regular
18 ejaculate in that it typically does not contain sperm
19 cells.

20 Q All right. And that was actually one of my next
21 questions is how does it differ from semen? So if you
22 could identify or define semen, and then give us a
23 comparison analysis between that and what I call
24 pre-ejaculate.

25 A Semen is the male reproductive fluid and it is

1 comprised of a liquid portion that contains a lot of
2 forensically-relevant components, as well as a cellular
3 portion which is what we call sperm cells. And this is
4 where the DNA is contained within male seminal fluid and
5 the combination of the liquid and cellular portion is what
6 makes up semen. And as I said a few minutes ago,
7 pre-ejaculate typically does not have any sperm cells
8 present in it.

9 Q All right. So I'm going to make some notes as we go.
10 I'm going to turn this around in a position where you can
11 see it, Ms. Thompson. Can you see it?

12 (A I can see it.

13 Q So what you've mentioned as pre-ejaculate, can you
14 tell us whether or not that contains sperm?

15 A Typically, it does not.

16 Q Okay. Okay. And then when we talk about a bodily
17 fluid that does not contain sperm, are you able to develop
18 a DNA profile from bodily fluid such as pre-ejaculate when
19 there is no sperm present?

20 A Since sperm cells are the overwhelming amount of DNA
21 that is present in male seminal fluid, it is unlikely as
22 there is not really many other cellular types of materials
23 found in seminal fluid or pre-ejaculate.

24 Q All right. So you can have the presence, well, let
25 me just clarify. Can you have the presence of

1 pre-ejaculate that does not allow you to develop a DNA
2 profile?

3 A That is possible.

4 Q Now, what is meant among serologists by the term p30?

5 A P30 is a component that is found in very high
6 concentrations in male seminal fluid.

7 Q All right. So p30 is a component of male seminal
8 fluid?

9 A That is correct.

10 Q And you said it is very high concentrations?

11 A Yes, that is correct.

12 Q And does the State Law Enforcement Division have a
13 method to test for the presence of p30?

14 A Yes, we do. That is one of our techniques that we
15 use for screening for semen.

16 Q Now, can you also have p30 present in pre-ejaculate?

17 A It is possible for it to be present as p30 is found
18 in the liquid portion of seminal fluid, which is what is
19 typically comprised of pre-ejaculate. So yes, p30 can be
20 found in pre-ejaculate.

21 Q In this particular case, SLED Lab number L1502585,
22 I'm going to ask you whether or not you received any
23 evidence for testing?

24 A Yes, I did.

25 Q What type of evidence did you receive?

1 A I did receive a sexual assault kit from Dorothy
2 Peterson, as well as several other larger items of
3 evidence including some clothing and a sheet for
4 examination, as well.

5 Q So when I ask you is it possible for you to list the
6 items or do you have a method of where you have to keep
7 track of the items submitted for analysis at the State Law
8 Enforcement Division?

9 A Yes. We maintain a chain-of-custody that is kept as
10 an item for pieces of evidence travels around SLED.

11 Q All right. And, specifically, when you were
12 conducting your analysis of these various items, what was
13 the primary bodily fluid that you were attempting to
14 identify.

15 A The primary fluid that I was looking for in this
16 particular case would be semen.

17 Q All right. So your serology analysis was primarily
18 looking for the presence of semen, correct?

19 A Correct.

20 Q And if you could please provide onto the record a
21 listing of all of the items that you conducted analysis on
22 for the presence of semen or any other type of bodily
23 fluid?

24 A Item 1 is listed as a sexual assault advance
25 collection kit from Dorothy Peterson. Item 1.1 were

1 smears that were submitted, and these are considered the
2 vaginal outer, vaginal cervical, and then oral and rectal
3 smears. Vaginal swabs was Item 1.2. 1.3 is oral swabs.
4 1.4 is rectal swabs. 1.5 is fingernail scrapings. And
5 then I broke down the fingernail scrapings into the left
6 and right hands. So Item 1.5.1 is left hand fingernail
7 scrapings. Item 1.5.2 is right hand fingernail scrapings.
8 Item 1.6 is pubic hair combings. Item 1.7 is victim
9 buckle swabs. Item 1.8 is suspected body fluid swabs.
10 Item 1.9 is the second set of vaginal swabs. Item 1.10 is
11 a debris collection. Item 2 is underwear from the
12 subject. Item 2.1 is a cutting from the crotch area of
13 the underwear.

14 Q If I may stop you right there.

15 A Yes, ma'am.

16 Q You mentioned that you also conducted analysis of
17 underwear from the subject. Are you referring to the
18 Defendant in this case, Edward Terrell Chandler?

19 A Yes. Yes. That is who I have listed on my report as
20 a subject of this case.

21 Q All right. Please continue.

22 A Item number 3 was the subject's pants and socks and I
23 had to break those down into individual items. So 3.1 is
24 a pair of pants. 3.2 are socks. Item 4 was the subject's
25 long-sleeved shirt, and then a t-shirt. So I broke those

1 down as well. To Item 4.1 which is the long-sleeved
2 shirt. And then Item 4.2 which was a t-shirt.

3 Q And every time you use the word, subject, can you
4 just clarify who you're referring to?

5 A I am referring to the subject who is listed as Edward
6 Chandler. And then I had the opportunity to look at Item
7 5 which is pants from the victim, Dorothy Peterson. Item
8 6 which is a t-shirt from Dorothy Peterson. Item 7 which
9 is a bra from Dorothy Peterson. Item 8 which was socks
10 from Dorothy Peterson. Item 10 which was underwear from
11 Dorothy Peterson. And then Item 11 was just some coins
12 that I found within Item 6, the t-shirt. And our SLED
13 protocol indicates that any valuable items are separated
14 and packaged separately when they are returned to the
15 Agency. And I did not perform any type of examination on
16 those.

17 Q All right. So the sexual assault kit, which includes
18 all of the swabs collected during that examination, came
19 to you for analysis?

20 A That is correct.

21 Q As well as various clothing items?

22 A That is correct.

23 Q Now, in addition to semen for your analysis of or
24 attempt to identify semen, were there any other body
25 fluids that you were conducting a specific test for or at

1 least visual examination to detect?

2 A For the clothing that was submitted after being
3 attributed to the subject, Edward Chandler, I was
4 examining those items of evidence for the presence of
5 blood.

6 Q All right. So you looked for possible blood stains
7 on the clothing of Edward Chandler, correct?

8 A Yes, that is correct.

9 Q And were you able to visualize any blood stains
10 present?

11 A In all the items that I had the opportunity to look
12 over and analyze, I did not find any blood stains on the
13 subject's clothing.

14 Q All right. So let's move on to the actual swabs that
15 were collected during the victim's sexual assault
16 examination. First, I want to ask you about Item 1., do
17 you have with you a copy of your report?

18 A Yes, ma'am.

19 Q I want to ask you specifically about Item 1.9.

20 A Okay.

21 Q What is Item 1.9?

22 A Item 1.9 is a second set of vaginal swabs.

23 Q Those are vaginal swabs. And what, if anything, was
24 identified when you did your analysis of the vaginal
25 swabs?

1 A I will read my result off of the report which says
2 that, examination for a component of semen p30 was
3 positive.

4 Q Okay. So it was positive, for p30, a component of
5 semen, correct?

6 A That is correct.

7 Q Now, were you able to actually located any sperm
8 cells which would allow for a full DNA profile?

9 A I did not identify any sperm cells.

10 Q Now, can you tell us based upon your expertise in the
11 field of serology, can you have a positive p30 finding
12 with the presence of pre-ejaculate?

13 A As far as I know in my field, yes, it is possible for
14 p30 to be present in pre-ejaculate which could also test
15 positively with the technique that we used at our lab.

16 Q Now, did you also conduct analysis of what is termed
17 the suspected body fluid swabs which in this case would be
18 Item 1.8?

19 A Yes, I did. And the result is that the examination
20 for a component of semen, which is p30, is positive.

21 Q And are you familiar, yourself, in the study of
22 serology how these are collected during evidence
23 collection, whether or not there is a Wood light used, for
24 example?

25 A I do know that it is a case-by-case basis and some

1 nurses prefer to use them and some do not. But as far as
2 that exact collection goes, I'm not familiar with that
3 exactly.

4 Q All right. But these would be fluids and if you
5 could just clarify more. These are fluids. Tell us what
6 your understanding of what suspected bodily fluid may be
7 in terms of it being collected as potential evidence?

8 A With a CSC kit, whenever it is administrated and
9 collected by a SANE nurse, usually a suspected body fluid
10 envelope is for any other collection that is not your
11 vaginal, oral, or rectal swabs. And there are several
12 different types of body fluids that could indicate that
13 might be pertinent. But I do know in this particular case
14 that the body fluid that they indicated was semen.

15 Q All right. Now, do you know whether or not oral
16 swabs were collected in this case and submitted to you for
17 analysis?

18 A Yes. I have a set of oral swabs which is Item 1.3.

19 Q All right. As to Item 1.3, for oral swabs, what were
20 the results of your analysis?

21 A Examination for a component of semen which is p30 was
22 positive.

23 Q Okay. P30 is positive after the vaginal swabs, the
24 suspected bodily fluids, and the oral swabs, correct?

25 A That is correct.

1 Q Now, when we talk about the presence of p30, can you
2 tell us whether or not there are other alternative
3 explanations for why it may be present in a female other
4 than exposure to pre-ejaculate?

5 A P30 can also be found in lower levels in female
6 breast milk, urine, and other vaginal secretion.

7 Q All right. So when we talk about breast milk, again,
8 with an 83-year-old patient, that would not be a factor,
9 correct?

10 A I would believe not.

11 Q And when we talk about specifically the presence of
12 urine, vaginal secretions, anything along those lines,
13 would expect to find that in an oral swab?

14 A In my experience, I would believe no, that those two
15 components should not be present in an oral swab.

16 Q So in your expertise, what, if anything is
17 significant about the finding of the p30 on the oral swabs
18 for Dorothy Peterson?

19 A In my experience as a serologist, I would say that
20 the other, there weren't really anything typically found
21 in the oral swabs that would indicate that p30 would be
22 present that are typically found on a female and under
23 normal circumstances.

24 Q You would not expect a p30 finding in a female
25 orally?

1 A That is correct.

2 Q Orally?

3 A With the oral swabs, correct.

4 Q Now, did you also have the opportunity to examine the
5 underwear or Mr. Chandler?

6 A Yes, Item 2.

7 Q And was there anything significant found there?

8 A I did not visualize any blood stains on the
9 underwear.

10 Q And is there anything significant in that regard?

11 A Not that is, I guess, pertinent to this case. I did,
12 however, take a cutting from the crotch area of his
13 underwear and forward it just for any other potential DNA
14 that might be present that would not have been blood.

15 Q All right. And would you expect to find his DNA on
16 his own underwear?

17 A Yes. I would reasonably expect that since he would
18 have been wearing them.

19 Q All right. Now, in general, in the field of serology
20 analysis, do you also follow the guidelines that are set
21 forth for the DNA lab in terms of evidence submission?

22 A Yes.

23 Q Okay. What about cases of being submitted for other
24 reasons sent to you for evidence processing, for other
25 reasons such as touch DNA where you're not actually

1 looking for bodily fluid. Are you familiar with those
2 types of testing?

3 A Yes. As a part of my job duties as a forensic
4 serologist, I am competent and proficiency tested in being
5 able to process items of evidence for touch DNA, as well.

6 Q All right. What, if any, concerns does the SLED Law
7 Enforcement Division address in their guidelines when
8 items are known to have been touched or handled by
9 multiple contributors or multiple potential persons who
10 may have left DNA behind?

11 A Essentially, what the guidelines give is a kind of a
12 warning to submitting agencies that touch DNA is something
13 that has a lot of possibilities and that it could yield
14 something that's a positive correlation. But also it
15 could make things a lot more complicated, because there is
16 numerous amounts of DNA that could be present and it could
17 lead to heavy mixtures and things like that. So it isn't
18 always considered very suitable agencies. We encourage
19 agencies to be very selective with what they submit and
20 choose their best evidence first.

21 Q All right. And in that regard in terms of choosing
22 your best evidence first, can you tell us what, if
23 anything, is addressed in those guidelines if the case
24 already has other evidence such as a positive
25 identification by a witness?

1 A If there is something such as a positive correlation
2 from a witness or things like that, we do encourage
3 agencies to use discretion before submitting anything of
4 touch, that we do touch processing analysis.

5 Q And can you tell us whether or not you have the
6 potential of contamination or a mixture of DNA when you
7 have multiple people who have handled an item?

8 MR. DRYLIE: Objection, asked and answered.

9 THE COURT: I'll sustain that objection.

10 Q Now, regarding DNA such as touch DNA or really any
11 type of DNA, can it be dated?

12 A No, you cannot determine when a particular type of
13 DNA or person has deposited their DNA on any kind of item.

14 Q All right. So if even when DNA is recovered, you
15 don't have the ability to tell us when?

16 A That's correct.

17 Q And finally, Ms. Thompson, I want to ask you when
18 we're talking about pre-ejaculate versus actual semen and
19 as a serologist, someone who has studied in the area of
20 bodily fluids visually, is there any way to distinguish
21 between the two if a person is looking at both bodily
22 fluids?

23 A In my experience and with my experience examining
24 different types of evidence, I would say that, no, it
25 would be difficult just a visual exam to actually be able

1 to tell the difference between pre-ejaculate and seminal
2 fluid.

3 Q Can you tell us whether or not that would include
4 looking at it, not just microscopically but through the
5 naked eye?

6 A Yes, and all of my, most of my larger items of
7 evidence do involve looking at items of evidence with just
8 my eyesight alone, not necessarily microscopically, so.

9 MS. MAYES: Thank you. Nothing further.

10 CROSS-EXAMINATION

11 By Mr. Drylie:

12 Q Good afternoon.

13 A Good afternoon.

14 Q Now, nothing on your p30, on the p30 test tells us
15 who deposited that there, correct?

16 A That is correct. My testing cannot be discretionary
17 as to who is present; only that that particular component
18 is present.

19 Q Now, is your test for p30, is it presumptive for
20 semen or conclusive?

21 A Here at SLED, it would be considered more of a
22 presumptive test rather than conclusive, because of p30
23 being present in lower levels in other body fluids.

24 Q And explain to the jury what the difference between
25 presumptive and conclusive is?

1 A Presumptive means that typically a test is sensitive
2 but not as specific and that it's an indication that a
3 body fluid is present, but we cannot identify it based on
4 that test alone. Conclusive means that we are able to
5 positively identify a body fluid based off of that testing
6 method.

7 Q So, essentially, it's not a hundred percent?

8 A That is correct.

9 Q Now, does anything about the test you performed tell
10 us when any body fluid might have gotten there?

11 A And no, I do not have that type of discretion with
12 this testing. I can't tell when the semen was deposited.

13 MR. DRYLIE: Beg the Court's indulgence.

14 Q Now, once again, the only items that tested positive
15 for any p30 were the vaginal swabs, correct, the oral
16 swabs, the rectal swabs, and the other bodily fluid swabs?

17 A I'll refer to my report real quick just to check, but
18 the oral swabs which is Item 1.3 was positive for p30.

19 Item 1.4 which was the rectal swabs were positive for p30.

20 Item 1.9 which is the second set of vaginal swabs was p30
21 positive. And item 1.8 which is the suspected body fluid
22 swabs were also p30 positive.

23 Q Now, 2.0 and 2.1 which were Mr. Chandler's underwear,
24 neither of those tested positive for p30, right?

25 A No, I did not test them for p30 at all.

1 Q You didn't even test them?

2 A No, sir.

3 MR. DRYLIE: No further questions.

4 REDIRECT EXAMINATION

5 By Ms. Mayes:

6 Q And just to clarify, what did you examine his
7 underwear for?

8 A I examined them for the presence of blood.

9 Q All right. Now, in response to Mr. Drylie's question
10 to you about how long p30 may have been present, how is
11 this type of evidence or this type of finding, how does it
12 differ from something like touch DNA left behind on an
13 object that you can't test?

14 A The difference in something like touch DNA and p30 is
15 that the component, p30, eventually breaks down. And the
16 forensically relevant parts of p30 do, after a while,
17 erode and wear away. And so there is a timeframe, between
18 the time that p30 is deposited until when it's tested that
19 if it exceeds those limits it could possibly just break
20 down completely and not yield a positive result; whereas a
21 touch DNA, it can be compounded upon each other by the
22 multiple, like by multiple people handling it over and
23 over again. And, therefore, it does not get necessarily
24 washed away or taken away just because of time. And those
25 are the main differences between the two things, so

1 object, like handling object, and then a component of p30,
2 they do last different amounts of time.

3 Q All right. And when we talk about p30, for example,
4 being part of suspected bodily fluids, can you tell us how
5 would, the simple lack of bathing or taking a shower would
6 affect your ability to recover that type of evidence?

7 A It absolutely can affect that. Because of the fact
8 that it, p30 is found in what we would call a fluid, acts
9 such as cleaning up oneself by washing, bathing, wiping,
10 any of that can actually take away evidence and make it
11 more difficult for us to actually identify it.

12 Q Would you expect to have those findings beyond 72
13 hours?

14 A Typically, no. It would be most likely that p30
15 would have started to break down, and so it would not have
16 tested positively. There are always exceptions to that
17 rule, but that is a typical timeframe that we go by.

18 Q All right. So within 72 hours timeframe?

19 A Yes.

20 Q Now, talking about the oral swabs, the simple act of
21 eating, drinking, brushing one's teeth, how would that
22 affect the presence of p30?

23 A Any type of act that would involve swallowing is
24 actually washing away all of the forensically relevant
25 components. Just because your mouth has saliva in it

1 which is a fluid, drinking something washes it away,
2 swallowing food, brushing your teeth, anything like that
3 can definitely remove that component.

4 Q All right. And so when you talk about a positive
5 finding with p30 orally, what, if anything did that
6 indicate to you?

7 A It indicates to me that that p30 hasn't been there
8 very long.

9 Q Nothing further.

10 RE CROSS-EXAMINATION

11 By Mr. Drylie:

12 Q Just briefly. You said it eventually breaks down
13 when you were talking about the oral swabs and the
14 suspected bodily fluid swabs. Now, the vaginal swabs, p30
15 could actually stay there longer than 72 hours, correct?

16 A It can but, I mean, typically, it does break down.

17 MR. DRYLIE: No further questions.

18 THE COURT: Okay. You may step down.

19 MS. MAYES: Your Honor, if Ms. Thompson may be
20 excused?

21 THE COURT: She may.

22 MS. MAYES: The State calls Maryann Boehm.

23 Maryann Boehm, being
24 first duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 By Ms. Mayes:

2 Q All right. Ms. Boehm, where are you currently
3 employed and in what capacity?

4 A I am employed at the South Carolina Law Enforcement
5 Division. I am a forensic scientist in the DNA Case Work
6 Department.

7 Q And can you tell us a little bit about your
8 educational background and training that led you to become
9 a DNA analyst at the State Law Enforcement Division?

10 A Yes. I received a Bachelor of Science in Integrated
11 Science and Technology with a concentration in
12 Biotechnology from James Madison University and that's in
13 Harrisonburg, Virginia. Once I was hired at SLED, I was
14 trained by a senior DNA analyst for approximately a year
15 in the specific procedures and techniques used in our
16 laboratory. I also attended outside training by the
17 manufacturers of our instruments and our chemicals that we
18 used on specific procedures that we use in our laboratory.
19 We are also required to get eight hours of continuing
20 education each year. We do this by going to conferences
21 in forensic DNA analysis or we bring someone in-house to
22 train all of us as a group on specific instruments or
23 procedures for our laboratory.

24 Q When we talk about DNA analysis, I want to ask you
25 whether or not you testified previously in a court of this

1 state in the field of DNA forensic analysis?

2 A Yes, I have.

3 Q Is it possible for you to estimate how many such
4 times you've testified previously?

5 A Approximately 50 times.

6 Q As an expert in the field?

7 A Yes, ma'am.

8 Q And how long have you been at the State Law
9 Enforcement Division?

10 A Approximately ten-and-a-half years.

11 Q And of that time, how much time has been spent
12 specifically in the DNA crime lab?

13 A The entire time.

14 MS. MAYES: Your Honor, at this time, the State would
15 offer Maryann Boehm as an expert in the field of forensic
16 DNA analysis..

17 MR. DRYLIE: No objection.

18 THE COURT: All right. Ms. Boehm is qualified as an
19 expert in the field of DNA analysis by stipulation.

20 Q Now, I want to start by asking you what is meant by
21 the term DNA or deoxyribonucleic acid?

22 A DNA is a chemical found in all the cells of our body
23 with the exception of red blood cells. It gives us our
24 physical features such as our hair, our eye color, or our
25 height. It's also responsible for passing along traits

1 from generation to generation. We get half of our DNA
2 from our mother and half from our father. In forensic
3 science, we are interested in the portions of DNA that
4 differ between individuals. We test 15 different
5 locations and the combination of those test results make
6 up what we call a DNA profile.

7 Q All right. And generally, what are some body fluids
8 in which DNA profile, a full DNA profile can be developed
9 that can tell us exactly who left that bodily fluid
10 behind?

11 A Typically, saliva, blood, and semen would be the body
12 fluids that are going to leave the DNA behind.

13 Q All right. And in this particular case, can you tell
14 us whether items were submitted for the possible presence
15 of semen?

16 A Yes. First the item of evidence the, went to our
17 serology department and they screened the kit for possible
18 biological fluid, including semen before, if it was a
19 positive result, it was then forwarded to me for DNA
20 analysis.

21 Q All right. And when you talk about being able to
22 actually identify DNA, what component would be required in
23 seminal fluid, for example?

24 A We get DNA from cells of our bodies and semen or
25 seminal fluid, we are looking for the sperm cells.

1 Q Now, in this case, you mentioned that the evidence
2 went to the serology lab prior to being sent to you. Do
3 you have the ability to review the work that the serology
4 lab has already done in terms of whether or not they had a
5 positive p30 screening?

6 A Yes, ma'am. Once I get assigned the case, the first
7 that I do is to look at their results to determine what
8 kind of analysis is needed for DNA.

9 Q All right. And as to this case with the vaginal
10 swabs and the suspected bodily fluid and the oral swabs,
11 did you have a chance to look at those items to determine
12 whether you could actually identify the presence of any
13 sperm cells for DNA?

14 A Yes. Well, serology had a positive presumptive test.
15 There was no, she is the one who did the microscopic
16 examination looking for the sperm cells. Those were
17 negative, but I still continued DNA analysis for those
18 items.

19 Q And why is that? What were you looking for in terms
20 of DNA?

21 A Well, I'm looking for a DNA profile. Sometimes on
22 occasion a sperm cell may not be visualized on a
23 microscope because we are only taking a small portion of
24 that sample for serology. With DNA, we take a bigger
25 cutting from the item. So we still do DNA analysis in

1 hopes that there is some kind of cellular material that we
2 can get a DNA profile from.

3 Q All right. Is it fair to say it's sort of like a
4 double-check?

5 A Yes..

6 Q And were you able to identify or locate any sperm
7 cells?

8 A Well, I didn't look for sperm cells.

9 Q Anything that would lead to a DNA profile?

10 A I'd have to refer to my report.

11 Q And I'm referring actually to the swabs from the rape
12 kit.

13 A Okay. And so for the oral swabs, for example, I was
14 able to develop a DNA profile that was consistent with the
15 DNA profile of Dorothy Peterson.

16 Q Okay. So you were able to see that the victim's DNA
17 was present and, again, we're talking about swabs taken
18 from her body, correct?

19 A That's correct.

20 Q But as for a second contributor, were you able to
21 identify through DNA a second person or second profile?

22 A No, ma'am.

23 Q All right. Now, can you tell us when we're talking
24 about the presence of pre-ejaculate, for example, are you
25 familiar with that type of bodily fluid?

1 A Yes, ma'am.

2 Q All right. When we're talking about the presence of
3 p30 or pre-ejaculate among those oral swabs, would you
4 have been able to develop a DNA profile if it was
5 pre-ejaculate?

6 A Pre-ejaculate will contain the protein p30 which is
7 one of our presumptive tests for semen. However,
8 pre-ejaculate does not contain sperm cells, so I would not
9 be able to develop a DNA profile from pre-ejaculate.

10 Q So you have to have the sperm cells to get the DNA
11 profile?

12 A That's correct.

13 Q I want to move onto a different matter and that is
14 the Defendant's underwear. Ultimately, were you able, can
15 you tell us whether or not you were able to identify his
16 own DNA in his underwear?

17 A Yes, I was.

18 Q Okay. And is that usual or unusual that someone's
19 own DNA would be on their own clothing?

20 A It's very usual. We call those intimate samples.
21 Anything taken off of the body or the first layer of
22 clothing, it's, mostly likely you're going to have that
23 person's DNA on that item or swab.

24 MS. MAYES: Beg the Court's indulgence.

25 THE COURT: Sure.

1 Q So just to clarify, Ms. Boehm, all of those swabs
2 that were collected from the victim's body pursuant to
3 that sexual assault kit examination were analyzed by you,
4 and I'm referring to the vaginal swabs?

5 A The vaginal swabs were not, the first set of vaginal
6 swabs. I did analyze vaginal swabs number 2. The first
7 swabs, there was nothing positive, presumptively, for
8 semen. So nothing was forwarded to me for DNA analysis.

9 Q It was the second set of swabs that had the
10 presumptive p30, is that correct?

11 A That's correct.

12 Q Now, what, if anything, was noted about that first
13 set of vaginal swabs? Do you have, are you familiar with
14 the bench notes?

15 A I don't have them with me.

16 Q Do you recall whether or not, notation about the
17 staining on any of the vaginal swabs that were originally
18 collected?

19 A That would have been on Courtney Thompson's, the
20 serologist case. I never examined or opened the swabs for
21 the first set of vaginal swabs. So I wouldn't have made,
22 no notations on my bench notes. So that's what I
23 currently have. When I started the case, I would have
24 reviewed her bench notes, but I don't currently have a
25 copy of them, so I don't know what they say.

1 Q You would have reviewed them?

2 A Yes, ma'am.

3 MS. MAYES: Nothing further at this time.

4 CROSS-EXAMINATION

5 By Mr. Drylie:

6 Q Good afternoon. Now, you were asked to test several
7 items for DNA using the very sensitive polymerase chain
8 reaction technology, correct?

9 A That's correct.

10 Q And all but one of these items were associated with
11 Ms. Peterson?

12 A There are several items, a few items that I didn't
13 develop a DNA profile at all. So I, there is no DNA
14 profile to compare to any standard.

15 Q Okay. Well, we'll take Item 1.3, for example. Item
16 1.3 is an oral swab, correct?

17 A Yes, sir.

18 Q And you tested that for DNA?

19 A Yes, sir.

20 Q And only Ms. Peterson's DNA was found on this swab?

21 A That's correct.

22 Q And the rectal swab, Item 1.4, you tested that for
23 DNA?

24 A Yes.

25 Q And only Ms. Peterson's DNA was found on that swab?

- 1 A That is correct.
- 2 Q And the left-hand fingernail scraping was Item 1.5 or
3 1.5.1 was also tested for DNA?
- 4 A That is correct.
- 5 Q And again only Ms. Peterson's DNA found?
- 6 A That's correct.
- 7 Q Suspected body fluid, Item 1.8 were tested for DNA?
- 8 A Yes, sir.
- 9 Q And once again, only Ms. Peterson's DNA was found in
10 this sample?
- 11 A That's correct.
- 12 Q Now, the vaginal swab, Item 1.9 was tested for DNA?
- 13 A Yes, sir.
- 14 Q And once again only Ms. Peterson's DNA was found in
15 that sample?
- 16 A That's correct.
- 17 Q When Item 1.5.2 which was a right-hand fingernail
18 scraping was tested for DNA, there was no DNA found for
19 Ms. Peterson?
- 20 A The DNA profile developed from the right-hand
21 fingernail scrapings which is 1.5.2 was deemed
22 insufficient for interpretation.
- 23 Q Okay. So in that area your report reads that there
24 was insufficient DNA found for reliable interpretation,
25 correct?

1 A That is correct.

2 Q Now, you tested some hair in this case, correct?

3 A That's correct.

4 Q And all of those were also insufficient for reliable
5 interpretation?

6 A Two of those hairs, item 13.1.1 and item 13.1.2,
7 there is not a DNA profile developed. The other hair,
8 item 13.1.3 was insufficient for reliable interpretation.

9 Q So now when you're working in the laboratory, you
10 change your gloves?

11 A Yes.

12 Q Often?

13 A Very often.

14 Q And why?

15 A To reduce the, well, to protect myself from any
16 biological hazards and to protect the samples from
17 introducing my DNA or extraneous DNA into that sample.

18 Q You don't want any cross-contamination, correct?

19 A That's correct.

20 Q Because if you touch something, you could possibly
21 leave behind cells, right?

22 A That's correct.

23 Q And so even with a glove on, if you touch a piece of
24 evidence, and then touch another piece of evidence related
25 to another case, there is a chance that you could

1 contaminate those two items, correct?

2 A That's why we don't do such a thing.

3 Q Exactly. Now, you're using this very sensitive DNA
4 material or DNA testing and you're being very careful not
5 to contaminate anything. And on everything other than
6 item, other than Mr. Chandler's underwear, the only thing
7 you find is Ms. Peterson's DNA, correct?

8 A Yes. Or profiles that were insufficient for
9 interpretation.

10 Q Now, on Mr. Chandler's underwear, you actually find
11 his DNA?

12 A That's correct.

13 Q And that's not surprising?

14 A Not at all.

15 Q Now, do you find anything else on his underwear?

16 A Yes. The DNA profile I developed from that cutting
17 of underwear was a mixture and the major contributor to
18 that mixture was from an unidentified female individual.

19 Q Okay. But not Ms. Peterson?

20 A That's correct.

21 MR. DRYLIE: No further questions.

22 REDIRECT EXAMINATION

23 By Ms. Mayes:

24 Q All right. And I want to follow up on that a little
25 bit more. If the Defendant had had contact while wearing

1 those underwear with any other female, could it have left
2 unidentified female DNA?

3 A Yes, ma'am.

4 Q Does that include anyone who handled the underwear
5 for washing or laundry?

6 A That is possible.

7 Q Folding of the clothes?

8 A It's possible.

9 Q Brushing against the Defendant?

10 A Yes, that's possible.

11 Q And is there any way to date that type of DNA?

12 A No, ma'am. Our technology cannot tell you when or
13 how that DNA was placed on there, just that there is DNA
14 on that item.

15 Q All right. Would you know when the Defendant had
16 last washed or laundered his underwear?

17 A No, ma'am.

18 Q Now, Mr. Drylie was asking you specifically about the
19 vaginal swab, an oral swab, bodily fluids all being
20 analyzed and the only DNA that you found was Ms. Peterson,
21 correct?

22 A That is correct.

23 Q But if we're talking about pre-ejaculate, would you
24 anticipate finding DNA?

25 A No, pre-ejaculate would not contain cellular material

1 and no cells or sperm cells for me to get DNA from.

2 Q All right. And Mr. Drylie was asking a question
3 about hair. Was hair analyzed in this case for potential
4 DNA?

5 A Yes, ma'am.

6 Q And what does your notes say or does your records say
7 regarding where those hairs were recovered from?

8 A Those hairs were collected off of a hospital sheet.

9 Q Okay. Hospital sheet was collected in this case,
10 correct?

11 A That's correct.

12 Q And those hairs were collected from a hospital sheet?

13 A Yes, ma'am.

14 Q Were you able to actually develop a full DNA profile
15 from any of those hairs?

16 A No, ma'am.

17 Q Now, not being able to develop a full DNA profile,
18 were you able to indicate any type of indication as to
19 whether there was male or female DNA on the hair recovered
20 from the hospital sheet?

21 A The hair or lab item 13.1.3, I performed Y-analysis
22 and that is a specific technology we use to target the
23 Y-analysis of DNA. Only males have Y chromosomes.
24 Females have two X chromosomes. And the result of that,
25 there was a partial profile developed from that Y testing.

1 It was not suitable for comparison because there wasn't
2 much of a profile. But I did get some result.

3 Q All right. So it was not a full profile to actually
4 match to an individual person, is that correct?

5 A That's correct.

6 Q But was it enough to tell you whether that DNA on
7 that hair from the hospital sheet was male or female?

8 A Male.

9 Q Male DNA?

10 A Yes.

11 MS. MAYES: Nothing further.

12 RECROSS-EXAMINATION

13 By Mr. Drylie:

14 Q You were just talking about Item 13.1.3, correct?

15 A Yes, sir.

16 Q And that's the one you did the Y chromosome test on?

17 A Yes, sir.

18 Q Now, referring back in your report, Mr. Chandler's
19 DA, have locations at DA or 12 and 14, right?

20 A Could you repeat that question one more time?

21 Q At DA, the Mr. Chandler are 12 and 14?

22 A That's correct.

23 Q So that means if you test a location, that has Mr.
24 Chandler's DNA on it, you're going to get a 12 or a 14 in
25 very basic terms, correct?

1 A Yes. However, before we look at the standards, we
2 first analyze the DNA evidence, the DNA from the evidence
3 first. We will look to see if we can use it for
4 interpretation or we deem it inconclusive, it's not
5 suitable for comparisons or that there is no DNA profile.
6 So before I even made any comparisons to any known
7 standards, I deemed that profile not suitable for
8 interpretation.

9 Q Exactly. But we're looking at DA and what's the
10 number that you have at DA for the hair?

11 A A low level 13.

12 Q It is not a 12 or a 14?

13 A That's correct.

14 Q And the only way that hair could have come from Mr.
15 Chandler is if it had a 12 or a 14, correct?

16 A That would be correct.

17 Q So you have a male hair, but the male hair is not
18 from Mr. Chandler?

19 A I, I can't say that, because I deemed that for a file
20 inclusive for interpretation before I even looked at any
21 standards to make that comparison. I am bounded by my
22 protocol and our validation to not make interpretations on
23 that profile.

24 Q But there is no way Mr. Chandler could have a 13 in
25 that DA?

1 A That would be correct.

2 MR. DRYLIE: No further questions.

3 MS. MAYES: Thank you.

4 THE COURT: You may step down.

5 MS. MAYES: All right. Your Honor, may we approach?

6 THE COURT: You may.

7 (Whereupon, a bench conference was held in the
8 presence of the jury but out of the hearing of the
9 jury..)

10 THE COURT: All right. Folks, we need to take a
11 break. The next witness has some legal issues they want
12 me to hear first about the scope of his testimony, so I
13 got to hear that. Let's take a short break and I'll get
14 y'all back in as quick as I can, but y'all can step
15 outside and smoke if you need to.

16 (Whereupon, the jury was excused from open court for
17 a break.)

18 THE COURT: All right. Tell me about, a little more
19 in detail with some expert witness in what field?

20 MS. RADLEIN: Your Honor, the State would be moving
21 to tender him as an expert in ropes and knots.

22 THE COURT: Okay.

23 MS. RADLEIN: The Defense had indicated that they
24 would be objecting to this testimony, so that's why I
25 wanted to bring it to the Court's attention.

1 THE COURT: Okay.

2 MR. DRYLIE: Judge, we don't believe that he's
3 qualified as an expert to offer it. My understanding of
4 the testimony is going to be that Ms. Peterson couldn't
5 have possibly tied the knots herself. I don't believe
6 that the, I don't believe the Captain from the Fire
7 Department is going to be, need to stand and to testify as
8 an expert.

9 THE COURT: All right. Well, let's take a short
10 break and proffer real quick and see what we get, because
11 I don't think I've ever heard that. So let's talk about
12 this in six or seven minutes.

13 (Whereupon, a short break was taken.)

14 THE COURT: All right. We going to try to proffer
15 this?

16 MS. MAYES: Yes sir, Your Honor.

17 THE COURT: All right.

18 MS. MAYES: If the Court's ready, we'll go ahead and
19 begin the proffer.

20 THE COURT: All right.

21 MS. RADLEIN: The State calls Captain Nathan Prouse.

22 NATHAN PROUSE, being

23 first duly sworn, testified as follows:

24 PROFFER DIRECT EXAMINATION

25 By Ms. Radlein:

1 Q Thank you, Mr. Prouse. Where are you currently
2 employed?

3 A At the Lexington County Fire Service.

4 Q And how long have you been employed there?

5 A I've been employed with the Lexington County Fire
6 Service since 2008.

7 Q And is that on a full-time basis?

8 A No, ma'am. It's, it is now since 2008. Prior to
9 then, I started in 2004 as a volunteer firefighter.

10 Q So how many years of experience at the Lexington
11 County Fire Service do you have?

12 A I have 12 years of experience.

13 Q Okay. And what is your current position?

14 A My current position is a Captain assigned to the
15 Training Division.

16 Q And exactly what does that entail?

17 A With my position, I am responsible for all recruit
18 training, new hires, as well as maintaining the training
19 standards that's mandated on a federal level, state and
20 federal level. This includes monitoring and following
21 NFPA standards and recommendations, adhering to OSHA
22 regulations, as well as staying up to date with the modern
23 best practices for the industry as recommended by subject
24 matter experts throughout the nation.

25 Q Okay. And you mentioned NF?

1 A NFPA.

2 Q And what exactly does that stand for?

3 A That is the National Fire Protection Association.

4 That is a consensus group comprised of subject matter
5 experts throughout the country that agree, they come
6 together and agree on best practices for our specific
7 career and profession, meaning they make recommendations
8 for the highest level of safety or the most effective
9 tactical operations on scene.

10 Q Okay. And you mentioned OSHA. What is OSHA's
11 involvement or relations with NFPA?

12 A All right. So OSHA, being the Occupational Safety
13 and Health Administration. There's two levels. We look
14 at the federal which come, they regulate CFR's or the Code
15 of Federal Regulations. And then we have the State OSHA
16 that kind of reinforces the recommendation from federal
17 OSHA. And OSHA does really well in industrial practice.
18 If an industrial brigade such as Michelin or Milliken up
19 the road here were operating, they write a lot of
20 protocols for safety for industry. What OSHA does with
21 NFPA and how they work together is they accept best
22 practice from municipal approaches to fire rescue.

23 Q Okay. And in terms of an acceptable approach as to
24 fire rescue, can you tell me what, their policy or stance
25 in terms of ropes and knots?

1 A All right. So let me make sure, I'm trying to make
2 sure I understand the question.

3 Q Or what types of best practices do they put out there
4 that you guys adhere to?

5 A Okay. So in terms of ropes and knots best practices,
6 beyond just tying the basic knots and understanding the
7 basic construction of knots, we got into safety and
8 inspection of knots and ropes. We inspect ropes any time
9 after use whether it's for training or live. We also do
10 monthly catalogs of inspection to make sure that they're
11 not deteriorating prematurely. We also look at the
12 on-scene during events. We call it safetying a knot,
13 meaning that once we've tied a knot for the specific
14 purpose of rescue, we'll go through, somebody who did not
15 tie the knot or wasn't involved in that process comes
16 through and they inspect the knot to make sure that it's
17 built properly and that it's going to do its purpose while
18 under a load, whether it's loaded with firefighters or
19 loaded with civilians in need of rescue.

20 Q Okay. I'm going to back up for one second, as well.
21 You mentioned that you are the Captain of the Training
22 Division. What type of education or training is required?

23 A Okay. For the position of Captain in our Fire
24 Service in Lexington County, we're required to have Fire
25 Instruction I which is a national level certificate. It's

1 backed up by IFSAC as well as ProBoard which are two
2 national agencies that recognize formal training for
3 professional organizations. In addition to that, we have
4 Fire Officer I that goes further into mentoring and
5 guiding firefighters through their career. And then in my
6 position, specifically, as a training officer, I have to
7 have certain classes that I can teach starting from the
8 basic firefighter level and advancing on through technical
9 rescue levels. So there's a number of classes that I have
10 that I possess as a certified firefighter. There are also
11 a number that I teach.

12 Q Okay. And you mentioned the classes that you have,
13 the course that you have and the ones that you teach and
14 you mentioned that you start with basic. Please tell me
15 if ropes and knots are part of those courses?

16 A From the very basic class all the way through our
17 career they are part of the fundamentals for fire and
18 rescue. So from day-one in our program, we begin teaching
19 ropes and knots and I say day-one, figuratively. About
20 week two of our training program, we begin our Chapter 8,
21 what we call Chapter 8 or our ropes and knots section
22 where we begin teaching them how to build knots. What
23 goes into the construction of a knot and the terminology
24 and the uses of it and what some of the restrictions or
25 limitations of knots, what they have, what they may have.

1 Q Okay. And you mentioned the limitations and
2 restrictions. What are the importance of ropes and knots
3 in training in ropes and knots?

4 A Okay. Primarily, the importance of ropes and knots
5 in the fire service is for technical rescue. Our big
6 thing is life safety. A life safety rope, which we deal
7 with two types or two classifications of rope. One being
8 life safety and by definition in the Essentials Manual
9 which is what we teach out of, is a rope that is designed
10 to be loaded with body weight and for the sole purpose of
11 life safety. There is also utility ropes that come into
12 play that are for non-life safety situation such as
13 securing equipment or maybe hoisting a piece of equipment.
14 So when we talk about how this plays into the fire
15 service, it's key for us to understand knots to know them.
16 And I use the term, intimately, but to know them in and
17 out on that level and that's just at the basic level.
18 This is where we build our foundation of ropes and knots.
19 As we progress through the program and, again, I'm going
20 to refer back to the recruiting program quite a bit just
21 because that's one of my primary duties is the recruit
22 program, teaching all of our recruits that come through.
23 In this program, we go from the basics and we take them
24 into the beginning stages of technical rescue. It used to
25 be called low-angle rescue by the South Carolina Fire

1 Academy and has now been changed to introduction to
2 technical rescue. What we do with this class is we teach
3 our recruits how to build rescue systems by use of the
4 knots they learned in the fundamentals at the beginning of
5 the program. And we talk about mechanical advantages,
6 restrictions from the knots and so and so forth.

7 Q Okay. What are some types of knots?

8 A There is a number of knots out there. There's
9 certain knots we call the Family of Eights. And what we
10 use these knots for, maybe stopper knots in line during a
11 rescue. We have figure-eight's on a bike which is where
12 we would normally use to tie in for repelling or lowering
13 systems. You have your basic overhand knots which is
14 nothing more than used to secure an object. You have
15 bowline knots which is predominately a naval knot, but it
16 is useful in the fire service for hoisting. There are
17 clove hitches. There's many hitches out there. Clove
18 hitches are what we use primarily for tying and hoisting,
19 because it is a self-constricting knot. There's kind of a
20 wide-range of knots out there.

21 Q Okay. And based on your training, and you mentioned
22 building and safetying knots, inspecting knots, will you
23 be, are you able to also recognize the type of knots that
24 you just listed once they're built?

25 A Absolutely. Along with teaching and I guess I'll

1 have to backtrack here. In order to teach knots or to
2 teach any program out there in the fire service, I have to
3 be tested to a higher level in order to prove that I am
4 able to teach the material. So the process to do this is
5 I have to take a written exam for the course to know that,
6 to show that I am competent in the material. Then I have
7 to demonstrate all of the skills in front of another
8 professional who is deemed a lead evaluator by the South
9 Carolina Fire Academy and they test my skills on every
10 knot and skill that we face. Now, coming into the
11 teaching realm that I have the certification to teach it,
12 I teach under a mentor for a certain amount of time. It
13 may be three sessions. It may go longer depending on how
14 comfortable they are with my teaching technique, delivery
15 of material, and how much I'm going to actually, how much
16 I actually know about the material. Going on from there
17 as I teach it, every time a student ties a knot that, at
18 my request, I may ask a student or a recruit, tie me a
19 figure-eight on a bike, tie me a figure-eight and
20 follow-through. I then stop and I inspect their knot,
21 once they tell me it's done and they're ready for
22 inspection, and I evaluate it from start to finish. I
23 generally, during the teaching process will watch them
24 build the knot to make sure they have muscle memory down
25 and later on, I'll tell them to build a knot and I'll walk

1 away and I'll come back and they aren't allowed to tell me
2 anything about the knot. I just inspect it to make sure
3 it's built properly.

4 Q Okay. And so in inspecting, you'll be able to tell
5 how a knot is actually built?

6 A Correct. I can look at a knot and by physically
7 looking at it, sometimes, I have to put my hands on it. I
8 follow the knot, the rope or even the webbing. It depends
9 on what we use. I follow it back through and I can almost
10 trace its path of travel.

11 Q Okay. I don't know if you can answer this exactly.
12 But, approximately, how many knots would you say you have
13 inspected?

14 A Knots inspected? Considering over the past five
15 years teaching this program and have hired roughly, you
16 know, 80 to 90 students in addition to our continuing
17 education and training on the floor, I've probably
18 inspected close to a thousand knots.

19 Q Okay. How many knots have you built yourself?

20 A Oh, that's easily in the thousands.

21 Q Okay. And you mentioned safetying. How many knots
22 have you safeted.

23 A Safetying knots, that's going to be a little bit
24 different. This comes when we're loading them under a
25 rescue situation or maybe when we're doing a live training

1 scenario. This may be in the 2-300 range actually
2 safetying a knot.

3 Q Because that's when you're actually out there?

4 A Correct. This is when we're live. This isn't under
5 controlled, this isn't a controlled scenario. We are now
6 at the mercy of Mother Nature at this point.

7 Q Okay. And that's why proficiency in tying knots,
8 understanding knots is important for those situations when
9 you have to safety the knots?

10 A Absolutely. Not anybody can safety a knot. If
11 you're going to be a safetyer on scene and refer, we just
12 refer to them as safeties. If you're going to safety a
13 knot, you have to know exactly what you're looking for.
14 You have to understand to built a knot and its purpose at
15 that time. If you're not familiar with it, you won't be a
16 safety on-scene. Instead you may just be one to just tie
17 a knot or you may be what we call a gopher which means go
18 for this or go for that.

19 Q I got you. Do you hold any certifications?

20 A I hold quite a few certifications. I have a list if
21 you would like for me to read off of it?

22 Q I would.

23 A Okay. What I'm reading from only reflects my
24 certifications from the South Carolina Fire Academy. I do
25 not have a list of certifications from the National Fire

1 Academy or the Fire Department Instructors Conference held
2 in Indianapolis. But what I have here is five pages worth
3 of certifications, and I'll kind of, I'll try and make it
4 as brief as possible. As far as the firefighter classes
5 go, I have four certifications on a national level from
6 Firefighter I through Firefighter II. I have technical
7 rescue classes which includes auto extrication. If you
8 don't know what that is, that's cutting victims out of car
9 accidents or entanglements. We go into the basic
10 technical rescuer. I teach emergency vehicle driver
11 training. We base that off of state law, as well as the
12 industry best practices. I have Incident Safety Officer
13 certification, Health and Safety Officer certification.
14 Okay. National Incident Management System which is led by
15 FEMA but taught through the South Carolina Fire Academy.
16 Truck Company Operations for Residential Occupancies.
17 This goes into search and rescue, as well. Fundamentals,
18 again, kind of backs up my initial firefighting stuff.
19 Hazardous Materials Operations dealing with just anything
20 that might be immediately dangerous to life or health.
21 Pump Operations. Fundamentals of Search and Rescue which
22 is a FunSAR class which is a, it's called, it's
23 Fundamentals of Search and Rescue. It's held, that is a
24 class from a nationally-recognized agency. I don't have
25 the title of that organization here on the form. But what

1 that is is we're talking about urban search and rescue.
2 Dealing with collapses, natural disasters, so on and so
3 forth.

4 Q And ropes and knots comes into play?

5 A Absolutely, because some of the, some of the things
6 that we do with search and rescue, urban search and rescue
7 maybe on the TV during Katrina was helicopter-based
8 rescues where you use repelling or ascending devices to
9 rescue victims. I have a firefighter survival course.
10 Aerial operations is for our ladder trucks. Leadership I
11 for Fire and Emergency Medical Services. Water Rescue
12 Operations which falls under technical rescue. Fire
13 Instructor I. Preparation for Initial Company Operations.
14 I300 which is an intermediate command course. This is
15 where we start talking about working with multiple
16 agencies. We have a new instructor orientation program
17 which gives me updates on academy policy and procedures.

18 Q And would that include updates on ropes and knots?

19 A If there were changes in that program at that time
20 then yes, that includes updates. There's not always one,
21 but we go to an update each year and any changes that come
22 out, we receive them then. The last update for the rope
23 rescue, in particular, was this past September, so we all
24 met at the state level and covered the changes and the new
25 material.

1 Q Okay. Of all those certifications, how many of them
2 directly relate to utilizing ropes and knots?

3 A Okay. So give me just a moment. All right. So I
4 have 14 on the list that directly relate to rope rescue in
5 some shape or form.

6 Q And then the others include some form of rope and
7 rescue?

8 A Yes. There's some application through these other
9 classes that would require ropes and knots.

10 Q I think that you earlier had mentioned that you've
11 been with the Lexington Fire Services for, I think, 12
12 years.

13 A Yes.

14 Q How many years of experience do you have in building
15 safety and inspecting in total knots?

16 A If we'll combine my service in the Marines, I have
17 nine years of service with the Marine Corp. At the same
18 time, we built our own repel systems and our own
19 harnesses. So I wouldn't say all nine years were
20 dedicated to ropes and knots, but about another five
21 years. So, approximately, 17 years combined experience in
22 building ropes or building knots with ropes.

23 MS. RADLEIN: Okay. I think that's it as to his
24 qualifications, Your Honor.

25 THE COURT: If we're going to evaluate whether or not

1 his testimony will be expert testimony, do we not have to
2 also get into whether the, what he's going to, his opinion
3 is required?

4 MS. RADLEIN: That's correct, Your Honor.

5 THE COURT: For the jury and, and I, it sounds like
6 he's very qualified in performing rescue and building rope
7 systems to lift things and to lower things. I haven't
8 heard anything yet in this trial that the reliability--

9 MS. RADLEIN: Your Honor, --

10 THE COURT: I mean, it was, it's not be represented
11 that it was, other than the cutting was beside the knot.
12 That's the only testimony I've heard. I mean, what's he
13 going to say, it's a good knot or a bad knot, it was a
14 knot, I mean.

15 MS. RADLEIN: No, Your Honor. He testified in being
16 able to identify how a knot was built, the form of the
17 knot, and he testified in terms of how a knot was
18 essentially created. And there was testimony throughout
19 this trial that the victim was tied up with a knot.

20 THE COURT: But why does the jury need that testimony
21 to assist them in knowing the knot was tied? I mean,
22 you've got the knot here.

23 MS. RADLEIN: Your Honor, I believe the victim was
24 cross-examined in terms of who her attacker was, and I
25 think that calls into question of her entire testimony.

1 They, not clear where the defense will go with their case,
2 but I believe we want to establish that the victim did
3 not, was not able to tie herself up and create these knots
4 on her own based on testimony.

5 THE COURT: All right.

6 MS. RADLEIN: And the only reason why I stopped at
7 that proffer, Your Honor, because when we approached
8 Defense Counsel said he objected to his qualifications as
9 an expert. We didn't go into the next step and phase of
10 the reliability of his nonscientific testimony. I can
11 proffer further. I was just trying to streamline it based
12 on what Defense Counsel represented his objections were.

13 THE COURT: I don't, I need you to present further,
14 I don't see how this is going to assist the jury. I don't
15 see it. I mean, they are knots. You got the knots here.
16 There's pictures of the knots. Whether they were tied
17 properly or improperly, he's an expert in that, properly
18 or improperly. But I don't see how his expertise in a
19 proffer, tying of knots helping this jury decide whether
20 or not she was tied up.

21 MS. RADLEIN: Your Honor, not whether, understanding
22 whether she was tied up, but understanding how the knot
23 was built in terms of whether a second party would have
24 built the knot or she would have built the knot herself.
25 And I believe that's relative testimony based on the

1 questions --

2 THE COURT: I'm not, I'm not following you. I
3 understand what you're saying, but I'm not, I am not
4 buying it. It doesn't make sense to me to try to argue an
5 expert closing out and that's what you trying to do.

6 MS. RADLEIN: I'm sorry. I didn't mean to do that.

7 THE COURT: I need to word this properly. Her
8 credibility is already in question, because she testified
9 as to all these things happened and her identification of
10 everybody. But I don't think the quality of the knot or
11 knot is in question.

12 MS. RADLEIN: Your Honor, it's, I was establishing
13 his background and familiarity with understanding knots.
14 I'm not questioning whether the knot was a good knot or a
15 bad knot.

16 THE COURT: All right. He's qualified as whether
17 it's a good or properly tied or improperly tied knot.

18 MS. RADLEIN: Well, I was getting towards the how
19 it's used, how he utilizes his training. But he's able to
20 identify how the knot is constructed and that is the
21 testimony. That is the focus. Not whether he, the victim
22 was tied up properly or not, is how was this, how was she
23 tied up exactly. And I believe that testimony is relevant
24 to help assist the jury in terms of could she have done
25 this herself or not.

1 THE COURT: I don't agree with you. I just don't
2 agree with you. I don't think this is helpful testimony.
3 I think the jury can determine that based upon what you've
4 already presented them. I don't understand why you need a
5 expert, to decide whether she's telling the truth about
6 whether she was tied up or not. I don't get that.

7 MS. RADLEIN: It's just more part of the State's
8 case, Your Honor, in proving that she didn't tie herself
9 up.

10 THE COURT: Somebody tied, I don't want to comment on
11 the facts. Somebody tied her up. You've presented that
12 and whether it was the Defendant or not I think is your
13 burden. But I don't see it being a question for the jury
14 as to whether she's making the whole thing up about the
15 Defendant. I see she testified that she thought, I'm just
16 summarizing the testimony, she believed when she opened
17 the door, she identified the person, the person came in
18 and all the events happened after that and as a result,
19 she was tied up to some degree. She made a call. I'm
20 going to leave that. I don't understand why there'd be a
21 question as to whether or not someone did do it or not. I
22 don't see that as an issue for the jury. This may seem to
23 be way over the top that you don't, it's not necessary for
24 the jury to decide whether or not somebody came and did
25 this to this lady. I don't see it.

1 MS. RADLEIN: Are you listening to more argument,
2 Your Honor?

3 THE COURT: Not really.

4 MS. RADLEIN: Okay.

5 THE COURT: I think you're worried about something
6 that's not an issue but that's just me. I don't think, I
7 don't follow why you need this gentleman who's very
8 well-trained in knot tying and I follow that stuff. I
9 loved knots in Boy Scouts. I like the knot races. I
10 mean, I'm all into the knots, but I don't see that's an
11 issue here. Anything from your, Mr. Drylie, I mean?

12 MR. DRYLIE: Judge, I think he's very well-qualified
13 as far as safety in knots and everything like that,
14 identifying in this particular case, you know. And my
15 understanding of the Solicitor's argument is that, you
16 know, he'd be able to come in and say she didn't tie
17 herself up. I don't think I have ever asked the question
18 did she tie herself up and to Ms. Peterson on direct. I
19 don't think that's ever been presented, and I don't think
20 he actually needs the qualifications of an expert on that
21 sort of scenario.

22 THE COURT: If y'all want to present, proffer more
23 testimony, you can, but I don't find his testimony as an
24 expert for the purpose of saying she couldn't tie herself
25 up to be necessary. I don't think that's a question that

1 would assist this jury in answering. I don't think the
2 jury needs assistance in answering that question. I think
3 y'all consider is way plenty of testimony and evidence to
4 support your case in the things y'all have presented. I
5 don't think you need a knot expert. I find that that's
6 not a question. Let me read and make sure I'm ruling
7 properly.

8 MS. MAYES: Your Honor, I believe we discussed
9 previously the matter of scheduling. So we do have two
10 witnesses tomorrow.

11 THE COURT: Okay. All right. I find, going on
12 Watson versus Ford Motor Company that this expert
13 testimony is not going to assist the jury to determine a
14 factor in issue. I just don't believe it's outside the
15 realm of ordinary lay knowledge that whether or not she
16 was tied or not. That's questioning her voracity. This
17 witness is not going to assist the jury in that. They've
18 got well plenty to do that in the testimony and the
19 evidence that y'all have presented. Y'all have presented
20 a lot to that end and it's going to be a question of fact
21 for the jury to weigh. I don't think this assists them to
22 that end. But that will be my ruling on the law. All
23 right. Schedule-wise, are y'all done for the day?

24 MS. RADLEIN: It is 5:00 o'clock, Your Honor.

25 THE COURT: All right.

1 MS. MAYES: Yes, sir, Your Honor.

2 THE COURT: All right. 9:00 o'clock in the morning?

3 MS. MAYES: Yes, sir, Your Honor.

4 THE COURT: Okay. Just tell the jury just to be here
5 at 9:00 o'clock in the morning and we don't have to bring
6 them back in. They can leave from back there.

7 MS. RADLEIN: Your Honor, may he step down?

8 THE COURT: Yes, he may.

9 MR. PROUSE: Thank you.

10 MS. MAYES: Beg the Court's indulgence. Your Honor,
11 if we may approach?

12 THE COURT: All right. We'll stand at ease until
13 tomorrow morning.

14 (Whereupon, the trial will resume the next morning at
15 9:00 a.m.)

16 JULY 21, 2016

17 THE COURT: All right. We ready to go?

18 MS. MAYES: Yes, sir, Your Honor.

19 THE COURT: You ready to go?

20 MR. DRYLIE: I've got a matter of law on something
21 that, I believe, has come in in the first testimony. And
22 I think it'd be prudent to just go ahead and just knock it
23 out right now.

24 THE COURT: Okay.

25 MR. DRYLIE: I believe that the State's next witness

1 is going to be a shoe expert from Nike and we're not
2 objecting to his qualifications or anything like that.
3 And what we're objecting to is a picture that they intend
4 to introduce that, I believe, was taken this morning. And
5 what it is is the shoestrings that have already been
6 entered into evidence side-by-side with a sample
7 shoestring. Now, it was just taken this morning. I was
8 on notice that a shoe expert from Nike was coming, but I
9 don't think I was on notice that, you know, they were
10 going to take something that's already been admitted into
11 evidence and take a picture of it next to a sample thing
12 without having anyone that I can hire at this point to
13 analyze it or anything like that. And I would object to
14 that one picture.

15 MS. MAYES: If it's the picture, Your Honor, we have
16 no objection to withdrawing that picture. The witness is
17 going to testify and the witness is testifying about the
18 comparison between the shoelaces in evidence and the same
19 shoe. And, basically, it's the same shoestring that was
20 originally manufactured with the shoe. I mean, that's the
21 whole purpose of that expert being here and he has the
22 right to visually examine the evidence and this is the
23 witness from Oregon who arrived last night.

24 THE COURT: Okay.

25 MS. MAYES: But we can withdraw the photo if the

1 photo is objectionable.

2 MR. DRYLIE: I object to the photo.

3 THE COURT: Okay.

4 MR. DRYLIE: I understand what the testimony is going
5 to be.

6 THE COURT: The testimony sounds plausible, so we
7 need to lay the foundation and all that. But the, the
8 photo, I don't know that that would be not, redundant
9 maybe. Don't really need it. So if she's not going to
10 present it that'll be okay.

11 MR. CHANDLER: Your Honor, can I move to file a
12 motion?

13 THE COURT: What's that now?

14 MR. CHANDLER: Can I move to file a motion to proceed
15 pro se?

16 THE COURT: I thought we addressed this yesterday.

17 MR. CHANDLER: Yes.

18 THE COURT: All right. What, what is, what's
19 changed?

20 MR. CHANDLER: I'm having the same issues over again.
21 You told me yesterday to go over those things that I
22 needed to at least agree to on transcript and agree to
23 them. My lawyer, he's still refusing. He says he's not
24 going to do it. And I would like him to tell me that he
25 not going to do it. Because that's the reason of my last

1 hearing when you told us to go talk in your room and get
2 an agreement. And I told him that I was only agreeing to
3 let him represent me if he was going to do what I said,
4 what I needed done, and he had agreed. That's the only
5 reason that we moved forward. Now, he's not doing it,
6 Your Honor. He has constantly, I had to keep raising
7 issues about it, Your Honor. You told me last night to go
8 ahead and write down all the questions and stuff that,
9 that I will like for him to ask. I stayed up to 4:00
10 o'clock in the morning, Your Honor, writing multiple
11 pages. I have things that need to be done and he's
12 refusing. He said he's not going to do none of it and
13 it's all leading to my defense. I mean, it's multiple
14 things, Your Honor, multiple. It's multiple witnesses, he
15 said he was not going to call them. There's multiple
16 evidence, he say he's not going to present.

17 THE COURT: All right. Hang on. You talking while
18 I'm not really listening. All right. I understand your
19 request to go forward pro se and you're ready to continue
20 right now and proceed on with trial, go right now?

21 MR. CHANDLER: Yes, I am.

22 THE COURT: How many fact witnesses you want to call
23 that your lawyers hasn't calling? What type of witnesses,
24 law enforcement, lay witnesses, what?

25 MR. CHANDLER: That would be law enforcement. I have

1 a couple of witnesses.

2 THE COURT: Well, I want to know who they are. You
3 can't just not tell me and I can't make a ruling without
4 knowing. I can't just make a guess.

5 MR. CHANDLER: I would like to call Investigator
6 James Smith, because he's the lead investigator in this
7 case.

8 THE COURT: All right.

9 MR. CHANDLER: I would like to call Mr. Chris
10 Wallace, because he was involved in this case. And I
11 would like to recall Morrison, because there's some things
12 that he's not, Investigator Morris. And I would like to
13 bring Investigator Ireland. He's a part of this case. I
14 would like to recall T. Wood. He didn't thoroughly do
15 anything and get it all, it's all, basically, this, this
16 is the foundation to my defense. This is building the
17 foundation to my defense, Your Honor. And I plan to
18 testify and what I plan to testify to it will prove it.

19 THE COURT: Is what?

20 MR. CHANDLER: It, it will prove, it will help prove,
21 my testimony. And I have my sister, I want to bring my
22 uncle, Alvin Stevens, and my boss, Posey. He run the
23 Posey Funeral Home. I would like those two people called
24 too, Your Honor.

25 THE COURT: And what are they testifying to, just in

1 general.

2 MR. CHANDLER: My pay, my pay days, my checks and
3 when I got paid and stuff.

4 THE COURT: Okay.

5 MR. CHANDLER: It would show to my defense, Your
6 Honor. And I can't just get up there and say nothing
7 without proof or nothing. And then I have exhibits to
8 enter. I just don't see why he wouldn't help me--

9 THE COURT: All right. Just sit down for a second
10 and let me read. I don't want to hear from you quite
11 right now. You understand I got to ask you a couple of
12 questions about the benefits of having somebody represent
13 you because they're, arm's length away from you to give
14 you impartial advice because they're not involved in the
15 situation itself. They can stand away and see it. Do you
16 understand that?

17 MR. CHANDLER: Yes, sir. Yes, Your Honor.

18 THE COURT: You also understand that a couple of
19 legal issues about, particularly, what one of your lawyers
20 made about the prejudice or harm with some evidence coming
21 in, because you are not familiar as he is with the Rules
22 of Evidence. Do you understand that?

23 MR. CHANDLER: Yes, Your Honor.

24 THE COURT: And also protecting the record for issues
25 that may be raised on appeal. A trained lawyer is

1 generally a lot better than that than a person not trained
2 in law. Do you understand?

3 MR. CHANDLER: Yes, Your Honor.

4 THE COURT: You understand if you represent yourself,
5 if the case were to result in conviction and you were to
6 eventually to try to file a Post-Conviction Relief action,
7 there's not much Post-Conviction Relief can be granted for
8 someone who's representing himself, because you're
9 basically accusing yourself of making a mistake. You
10 agree to be the author of your own injuries. Do you
11 understand?

12 MR. CHANDLER: Yes, Your Honor.

13 THE COURT: Like if you do something in the trial,
14 testify and perhaps testimony is a good idea, later on you
15 can't say I wish I had a lawyer and let him question me,
16 because maybe it'd run smoother. Do you understand that?

17 MR. CHANDLER: Yes, Your Honor.

18 THE COURT: And you still want to represent yourself?

19 MR. CHANDLER: Yes, I do, Your Honor.

20 THE COURT: Tell me how far you went to school?

21 MR. CHANDLER: I graduated and I went to college
22 about a year-and-a-half.

23 THE COURT: You understand if you testify, if you got
24 any prior record, I don't know if you have a prior record
25 and I'm not aware of it, I've not been told, but I'm

1 certain the prosecutors will know of it and they can
2 impeach you meaning if you've been convicted of thus and
3 so crime --

4 MR. CHANDLER: Yeah, I understand.

5 THE COURT: -- and that would be an indication that
6 perhaps your voracity could be questioned or your
7 truth-telling ability to be questioned. Do you understand
8 that?

9 MR. CHANDLER: Yes, I do.

10 THE COURT: And I can assure you if there's
11 something, a crime that they can impeach you with, it
12 would shock me if they didn't. I mean that's their job.
13 So they're advocating for their case and you're going to
14 be advocating for yourself and you going to be at an
15 extreme disadvantage fighting two lawyers. Do you
16 understand that?

17 MR. CHANDLER: Yes, Your Honor. It won't be a very
18 disadvantage, Your Honor.

19 THE COURT: Huh?

20 MR. CHANDLER: It won't be a disadvantage.

21 THE COURT: Have you taken any medication?

22 MR. CHANDLER: No, Your Honor.

23 THE COURT: You feel okay right now?

24 MR. CHANDLER: Yes, I do, Your Honor.

25 THE COURT: Any other questions the State may want

1 for me to ask in regard to self-representation?

2 MS. MAYES: Beg the Court's indulgence.

3 THE COURT: I think that's hitting the spots.

4 MS. MAYES: I'll just add to the record, Your Honor,
5 at the outset of the trial, there was the report from the
6 Department of Mental Health that had been requested by the
7 Defense. He was found competent, so I'll just renew that
8 for the record. I believe the court reporter actually has
9 a copy of that competency report from the Department of
10 Mental Health.

11 THE COURT: Well, we conducted a hearing yesterday in
12 chambers and a hearing this morning. The Court could
13 observe Mr. Chandler to be respectful and calm and appears
14 to be well-spoken. He's tried to assert this right before
15 and the Court discouraged him greatly and encouraged him
16 to work with his lawyers. I'm still discouraging you, Mr.
17 Chandler, but it's not my job to do anything other than
18 discourage you. I think under, he's, states that he
19 understands what's going on and understands the case and
20 the facts. Do you understand if you are convicted, the
21 type of conviction you going to have on your record with
22 the most serious charges on it, three of them, kidnapping
23 is most serious or is that just serious?

24 MS. MAYES: No, sir.

25 THE COURT: Well, I know burglary first and the CSC

1 are most serious. Is kidnapping most serious also?

2 MS. MAYES: Yes, sir, Your Honor.

3 THE COURT: But strong arm robbery is not a violent
4 crime, so it wouldn't be. The three most serious
5 convictions. That's huge.

6 MR. CHANDLER: Yes, Your Honor. But if I allow this
7 to keep going on, I'm going to get convicted.

8 THE COURT: Mr. Drylie, have you noticed anything or
9 do you want to put anything on the record? He's made his
10 motion. You got anything else you'd like to put, place on
11 the record.

12 MS. MAYES: May we approach, Your Honor?

13 THE COURT: Yeah, come on.

14 (Whereupon, a bench conference was held.)

15 THE COURT: All right. Here's what I'm going to do.
16 I'm going to allow you to represent yourself. I'm going
17 to require Mr. Drylie to sit at the table as standby just
18 to advise you on procedures, but I'm going to let you
19 handle the witnesses. Now, I've considered, I think I've
20 asked these questions, your age, educational background,
21 your physical and mental health. I find that the, you
22 have the sufficient education to do that. I'm told you've
23 been involved with trial before, because you mentioned
24 that to me yesterday in the in-camera hearing in chambers.

25 MR. CHANDLER: Yes, sir.

1 THE COURT: You know of the nature of the charges
2 against you being burglary first, kidnapping, as well as
3 criminal sexual conduct in the first degree. All those
4 are most serious crimes and carry the highest penalties of
5 any crimes on the books of South Carolina. And the Court
6 has explained to you and Mr. Drylie has also about the
7 dangers of self-representation and the fact that you may
8 not know the rules of procedure which you're required to
9 follow, as well as the lawyers on the other side. I've
10 asked you if you were ready to go forward, immediately
11 you said yes and you're not trying to delay the
12 proceedings. I'm going to appoint standby counsel. I'm
13 telling you you have got to follow the Rules of Procedure
14 and the Rules of Evidence and you're tasked with that
15 whether you understand the rules or not. So the Court
16 will implore those just that I have at the other trial.
17 That is not a change. And I've explained to you the
18 challenges you got in facing representing yourself. And I
19 don't believe your waiver has been for mistreatment by
20 anybody. So on those factors, I'm going to let him do it,
21 so I guess y'all need to trade seats.

22 MS. MAYES: Your Honor, as to standby counsel, with
23 that being Mr. Drylie, we just need to make sure that the
24 Defendant now has full access to the file --

25 THE COURT: Sure.

1 MS. MAYES: -- and to anything that he may need in
2 that regard.

3 THE COURT: Okay. Mr. Drylie will make that
4 available to him.

5 MR. DRYLIE: I will do my best to make sure he has
6 everything he needs.

7 THE COURT: Okay.

8 MR. DRYLIE: And I understand that we're probably
9 going to finish about lunch and two of the people that he
10 asked for, they're going to be here at noon.

11 THE COURT: Okay.

12 MR. DRYLIE: I already had them coming in.

13 THE COURT: Okay. Fair enough. That's a good plan.

14 MR. DRYLIE: This afternoon, it might be prudent for
15 the State to make those other witnesses available.

16 THE COURT: Okay.

17 MS. MAYES: I believe we could, we have some of them
18 under subpoena, Your Honor. But as to the one Deputy
19 Wood, he did testify earlier. And I can't recall, he may
20 still be under subpoena then. I know that Investigator
21 Smith is available, Investigator Morris is available.
22 Deputy Wash is aware of he's under subpoena. I'm not sure
23 about the status of Investigator Ireland.

24 THE COURT: Do you want somebody to check on that?

25 MS. MAYES: Yes.

1 THE COURT: All right.

2 MS. MAYES: Your Honor, one more thing. I know that
3 there was a discussion at the outset of this trial where
4 the State had made a motion in limine regarding any
5 reference to sentencing. The same would hold true for
6 this Defendant. We would certainly request that he be
7 instructed by the Court to not make any references to any
8 sentence in this case.

9 THE COURT: Do you understand that?

10 MR. CHANDLER: Yes, I do.

11 THE COURT: You can't talk about the sentencing.

12 MR. CHANDLER: Yes, I do.

13 THE COURT: All right.

14 MS. MAYES: And, finally, Your Honor, in regard to
15 the format of questioning witnesses, it would need to
16 comply with actually being in the form of questions as
17 opposed to any commentary or statement or testimony by the
18 Defendant.

19 THE COURT: I agree with you. All right. We ready
20 to go?

21 MR. CHANDLER: Yes, sir.

22 THE COURT: Bring the jury.

23 (Whereupon, the jury came into open court at
24 approximately 10:01 a.m.)

25 THE COURT: All right. Good morning, everybody.

1 Sorry for the delay. Part of it was a short hearing I had
2 to conduct. Part of it was a little setting up equipment
3 and what not, so I did not mean to delay it for an hour,
4 but I had some things to take care of. I'll tell y'all
5 now, one of the hearings I conducted was a request by Mr.
6 Chandler and the Court had to delve into several issues,
7 but he's requested to proceed to represent himself. I'm
8 going to allow him to do that with the assistance of a
9 standby counsel. Mr. Drylie is going to advise him
10 procedurally, but Mr. Chandler will handle the witnesses
11 called by the State and he will represent himself, if he
12 chooses to put up any defense when the State rests. So
13 you'll notice they've switched seats and that is a reason
14 for part of the delay is I had to make certain that he met
15 the requirements of someone who was able, healthy enough,
16 educated enough, understood what's going on. I had to go
17 through those issues with him and I find he's able to do
18 it. So, Ms. Mayes, call your witness.

19 MS. MAYES: The State calls John Pitman.

20 JOHN PITMAN, being
21 first duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 By Ms. Mayes:

24 Q And, Mr. Pitman, where are you employed?

25 A Edgefield County EMS.

1 MS. MAYES: Beg the Court's indulgence.

2 THE COURT: Yes, ma'am.

3 Q Edgefield County EMS?

4 A Yes, ma'am.

5 Q And how long have you been with Edgefield County EMS?

6 A For four-and-a-half years now.

7 Q All right. And, specifically, what is your level of
8 training and job description with EMS?

9 A Paramedic and I'm a shift supervisor.

10 Q All right. You said paramedic --

11 A Yes.

12 Q -- and field supervisor?

13 A That's correct.

14 Q And on a scale of training, where does the paramedic
15 fall in the field of Emergency Medical Services?

16 A That's the highest level, an EMS.

17 Q All right. And with it being the highest of level of
18 EMS, how does that translate to the paramedic being shift
19 supervisor?

20 A Well, there's only one shift supervisor per shift so
21 normally, it's the senior paramedic.

22 Q All right. And would that also, can you tell us
23 whether or not that would also be crew chief?

24 A Yes. The paramedics, the crew chief on every truck
25 and the shift supervisor is the senior crew chief would be

1 the best way to put it.

2 Q All right. And being crew chief, you're in charge of
3 the duties that day on ambulance, is that correct?

4 A That's correct.

5 Q Now, I want to take you to the day of February 24th,
6 2015. Do you recall whether or not you worked a certain
7 event on, at the location of [REDACTED]?

8 A Yes, I was on that call.

9 Q All right. And, specifically, have you had an
10 opportunity to review your record or the call report from
11 that particular day?

12 A Yes, I have.

13 Q Do you actually recall treating that patient?

14 A Yes. Well, actually, my partner treated her. I had
15 let my partner take over since she was a female and due to
16 the nature of the case.

17 Q All right. And the partner that you're mentioning,
18 her name is what?

19 A Is Linda Herald.

20 Q All right. And that would be the same Linda Crane
21 Herald that's testified previously in this case?

22 A That's correct.

23 Q Now why, if at all, with it being a female patient
24 was the arrangement made for her to be the primary
25 attendant for Ms. Peterson that day?

1 A Due to the nature of the case, a possible sexual
2 assault. It's better to have the female in the back with
3 them because normally in a case like that, they're not
4 very comfortable around men.

5 Q All right. What do you recall, Mr. Pitman, upon your
6 arrival there at the scene at [REDACTED]?

7 A Let's see, law enforcement met us outside and told us
8 that we had an assault patient in there, possible sexual
9 assault and that she was bound up and robbed as well. We
10 went inside the residence and that's when my partner asked
11 her if she had been sexually assaulted. She said yes.

12 Q All right. I'm going to stop you right there so that
13 you don't repeat anything that was said to you.

14 A Okay.

15 Q But let me ask you this. Did you have an opportunity
16 to actually provide services to Ms. Peterson that day?

17 A I gave most of it to Linda. I was standing by the
18 doorway and listening, but I let her do most of the
19 examination and questioning.

20 Q All right. And now what about the actual transport
21 of Ms. Peterson, were you involved in that?

22 A Yes, I drove and Linda Herald was in the back with
23 her.

24 Q All right. And what about the transporting of Ms.
25 Peterson from the interior of the residence out to the

1 actual ambulance?

2 A We had put the stretcher at the stairs and assisted
3 her to the stretcher.

4 Q All right. So you assisted in that regard?

5 A Yes.

6 Q I want to ask you a little bit about the way a
7 patient is transported. What is meant by the term,
8 gurney?

9 A That's our wheeled-stretcher.

10 Q And how is the wheeled-stretcher set up?

11 A By what means?

12 Q Does it have any type of covering?

13 A Yes, we have a linen sheet --

14 Q All right.

15 A -- that goes on the stretcher.

16 Q All right. So the linen sheet goes on the actual
17 stretcher --

18 A That's correct.

19 Q -- in which the patient is transported into the
20 ambulance.

21 A Yes.

22 Q Is that right?

23 A That's correct.

24 Q Now, I want to ask you specifically in this case when
25 you went, when you arrived at the Aiken Emergency Room,

1 what, if any, item was provided to the attending nurse
2 there at the hospital, Lindsey Stone?

3 A The sheet was bagged and handed to her and asked for
4 her to give to law enforcement when they arrived if they
5 weren't already there. It was a standard procedure for
6 us.

7 Q All right. All right. So just to clarify the sheet
8 that was on the gurney was provided to the nurse?

9 A Yes.

10 Q And that was for what purpose?

11 A For evidence.

12 Q All right. So you left that sheet with the nurse?

13 A Yes.

14 Q All right. And who actually did the unfolding of
15 that sheet to provide to the nurse?

16 A I did it.

17 Q So you have personal knowledge of that sheet being
18 turned over?

19 A Yes.

20 Q Now, prior to arriving on the scene that day to treat
21 Ms. Peterson, can you tell us whether or not the sheet was
22 already on the gurney?

23 A Yes. At the completion of every call we put a new
24 sheet on the gurney.

25 Q And you were in the role of crew chief on that

1 particular date?

2 A Yes, I was.

3 Q Now, do you wear gloves when putting those sheets on
4 the gurney?

5 A No. Only patient contact and cleaning the gurney.

6 Q So putting the sheet on would not require gloves?

7 A That's correct.

8 Q And can you tell us whether or not you would have put
9 the sheet on the gurney during that shift?

10 A Yes.

11 MS. MAYES: Nothing further, Your Honor.

12 THE COURT: Any questions.

13 MR. CHANDLER: Yes, Your Honor.

14 THE COURT: All right.

15 CROSS-EXAMINATION

16 By Mr. Chandler:

17 Q How are you doing today?

18 A Just fine.

19 Q Yes, sir. I would like to ask you on, due to the
20 report, didn't Ms. Peterson tell you that she did not need
21 to go to the hospital?

22 A Yes, and that's what she did.

23 Q And why?

24 A She said she didn't want to go.

25 Q Did you ask her again?

1 A We asked her if she would go to get a rape exam and
2 she said she would.

3 Q How many times did you have to ask her?

4 A Just once.

5 Q So you just asked her once?

6 A Yes.

7 Q And she said that?

8 A Initially, she said no on going to the hospital and
9 we said it would be a good idea to go get a rape exam and
10 she said okay, she would go.

11 Q So you asked her twice?

12 A Yeah, we asked her to go the second time and she
13 agreed.

14 Q Why did she agree?

15 MS. MAYES: Objection, Your Honor. Calls for
16 speculation.

17 THE COURT: I sustain that. You can ask him whether,
18 you know, that she agreed.

19 MR. CHANDLER: Yes, sir.

20 THE COURT: He doesn't know that.

21 Q Did she tell you she was tied up with black cable in
22 her bedroom?

23 A I don't recall her saying where she was tied up or
24 with what. I've got a copy of it right here.

25 Q Can you read it to me what, where it says, Patient,

1 she was forced into the bedroom. Can you read that.

2 A Have patient that relates she was forced into the
3 bedroom where she was tied up with a black cable.

4 Q Okay. So did she say that she was tied up with a
5 black cable in the bedroom?

6 A That's what she told my partner apparently, because
7 that's what's in here.

8 Q That's what she said?

9 A Yes.

10 THE COURT: Let him answer his question. Don't
11 interrupt him, okay?

12 MR. CHANDLER: Yes, sir.

13 THE COURT: Because it's hard for the court reporter.
14 In fact, that's the most important issue. If you can ask,
15 let him answer, and then re-ask, because Ms. Holston has a
16 difficult time when people talk over each other.

17 Q And also did she state that she was unsure if she was
18 penetrated?

19 A Apparently so, that's what's in the report.

20 Q That's right when you came in the house?

21 A I'm not sure exactly when. Like I said, my partner
22 did most of the interviewing with her.

23 Q What time did you arrive at the house?

24 A Let's see. We arrived at 7:48.

25 Q What time --

1 A Got to her side at 7:49.

2 Q What time did you leave?

3 A At 8:07.

4 Q So that's 18 minutes that you stayed in the house?

5 A Yes, between getting the stretcher and all,
6 approximately 18 minutes.

7 Q Okay. And how was her skin condition?

8 A Let me see if I can find it in here. She says, Warm
9 and dry with good color and in good condition.

10 Q Okay. Did you check for bruises?

11 A I did not. Like I said, my partner did most of the
12 examination, because she's a female.

13 Q So she was examined before this was reported?

14 A My partner did, yes.

15 Q So she was examined?

16 A By my partner, that's what was in the report.

17 Q And they said that, can you read it again, her skin
18 condition?

19 A Skin warm and dry with good color and in good
20 condition.

21 Q Were there any other --

22 A It then says, Scratches noted to back of patient's
23 left hand.

24 Q And those were the only things that she found after
25 she checked for bruises?