

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Eugene C. Griffith, Circuit Court Judge

RECEIVED
JAN 04 2018
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CHARLES ALTON MOREHOUSE,

APPELLANT

APPELLATE CASE NO 2017-000114

RECORD ON APPEAL

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State of South Carolina

Court of General Sessions

County of Lexington

State of South Carolina,

)

Transcript of Record

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vs.

)

2015-GS-32-02939

)

2016-GS-32-02151

Charles Alton Morehouse,

)

2016-GS-32-02152

)

2016-GS-32-00642

Defendant.

)

January 9 - 13, 2017

Lexington, South Carolina

B E F O R E:

The Honorable Eugene Griffith, Jr., Judge; and a jury.

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Lester McGill Bell, Jr., Assistant Solicitor
Attorneys for the State

John Hilliard, Esquire
Attorney for the Defendant

Stacy S. Johnson, RPR
Circuit Court Reporter

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1 (Whereupon, the following proceedings were held on
2 January 9, 2017, beginning at 10:45 AM.)

3 **BAILIFF:** All rise. Court's back in session.
4 Honorable Judge Griffith presiding.

5 **THE COURT:** Y'all be seated.

6 All right, folks, ladies and gentlemen of the jury,
7 the lawyers have met with me back in chambers about the
8 first case. They're ready to call it. Mr. Bell or
9 Ms. Mayes.

10 **MR. BELL:** I beg the Court's indulgence.

11 **THE COURT:** Okay.

12 **MS. MAYES:** May it please the Court?

13 **THE COURT:** Yes, ma'am. Go ahead.

14 **MS. MAYES:** Your Honor, before you is Indictment
15 Number 2015-GS-32-2939, the State of South Carolina
16 versus Charles Morehouse. This indictment is for murder.
17 Indictment Number 2016-GS-32-2151, the State of South
18 Carolina versus Charles Morehouse. This indictment is for
19 criminal conspiracy. Indictment Number 2016-GS-32-2152,
20 the State of South Carolina versus Charles Morehouse.
21 This indictment is for possession of a weapon during the
22 commission of a violent crime. Indictment 2016-GS-32-0642,
23 the State of South Carolina versus Charles Morehouse.
24 This indictment is for possession with intent to distribute
25 methamphetamine.

1 Your Honor, the Defendant is present in the courtroom
2 and represented by counsel, Mr. John Hilliard, and the
3 State is ready for trial in this case.

4 **THE COURT:** Thank you, ma'am.

5 All right. Ladies and gentlemen of the jury, the
6 State has called the first case, that was Ms. Mayes
7 representing the Eleventh Circuit Solicitor's Office. I'm
8 gonna go through a number of questions with you as a group.
9 My goal is to give you some instructions on the law as to
10 the process, the criminal process, that the parties must
11 adhere to. Additionally, my goal is this, is to end up
12 with fourteen jurors or fifteen jurors, so twelve regular
13 jurors and several alternates, and what I'm looking for is
14 -- I'm gonna use the number fifteen -- fifteen people from
15 your group who know very little, if anything, about this
16 case who are prepared to be good listeners and don't have
17 any connection to any of the witnesses of any significance.
18 So I'm looking for good listeners and fair and impartial
19 jurors.

20 Now there's a number of witnesses that will be called.
21 I'm gonna read a list of them shortly and what -- what I'm
22 looking for from you in response is a -- for just about
23 everybody involved in the case, the questions are gonna be:
24 Are you connected by blood, marriage or a close personal
25 friendship to any of these potential people involved in the

1 case, whether it be the lawyers, the litigants, the victims
2 or the witnesses themselves. And if you have some
3 connection, I need to know about it, but what I don't
4 need is this. For instance, I had a civil case some years
5 ago and the gentleman that was standing -- this was in
6 Newberry -- and he had some issue with insurance companies,
7 and it was a car wreck case I was trying, and, of course,
8 insurance companies are always involved in car wreck cases.
9 He didn't like insurance companies and so I asked the
10 question to the extent about anybody know any reason they
11 can't be fair and impartial and he stood up and said well,
12 I know it's involving insurance companies and I think every
13 insurance company is just, you know, a bunch of thugs and
14 they rip you off and charge you too much and won't pay out,
15 and it took me ten minutes to shut him up. Meanwhile, he
16 told all the other jurors about the insurance involved,
17 which is not an issue in civil cases. Jurors determine
18 what's the damages. The insurance companies figure out
19 who's gonna pay, but you don't say they've got an insurance
20 policy that's worth X dollars because you just don't do
21 that.

22 In any event, what I don't want is for you in response
23 to one of my questions to give me a full explanation of why
24 you can't be fair and impartial if you can't or why you
25 think you'd be a great juror because you want to be on the

1 jury. Let me ask the questions, let me retrieve your
2 responses, which I'm gonna hope to do in a yes or no
3 manner, because if I find that you're connected to someone
4 in some fashion, whether it be a friend, a family member
5 or whatever, my next question is gonna be would that
6 relationship create an issue for you to be fair and
7 impartial, and the answer is yes or no. If it does, I'm
8 satisfied. If it doesn't, likewise, I'm satisfied. I
9 don't need to know the explanation behind it. If I need
10 an explanation or I think further inquiry will be helpful,
11 I'm gonna bring you up and talk with you one on one on the
12 record, all right?

13 Now with that preliminary instruction of only
14 answering the question I'm asking without sufficient
15 explanation, I'm gonna give you a brief sermon momentarily,
16 but, first of all, I'm gonna let -- I'm gonna let Ms. Mayes
17 introduce the parties at her table and then I'm gonna ask
18 you if you know them and then I'm gonna ask Mr. Hilliard to
19 introduce everybody at his table and ask if you know them.

20 So, Ms. Mayes, introduce everybody at your table,
21 please.

22 **MS. MAYES:** My name is Susan Mayes. I'm a prosecuting
23 attorney here in the Eleventh Judicial Circuit, and that
24 includes Lexington County. I'll let Mr. Bell introduce
25 himself.

1 **MR. BELL:** My name is Gil Bell. I'm also an assistant
2 solicitor here in Lexington County and I'll be assisting
3 with the prosecution of this case.

4 **MS. MAYES:** Also present in the courtroom are
5 Sergeant Jesse Laintz with the Lexington County Sheriff's
6 Department's Major Crimes Unit, Sergeant Miles Rawl with
7 the Lexington County Major Crimes Unit, Investigator James
8 Sullivan with the Lexington County Solicitor's Office,
9 and Beth Holliman with the Lexington County Sheriff's
10 Department.

11 **THE COURT:** All right. Ladies and gentlemen of the
12 jury, if anyone's related by blood, marriage or close
13 personal friends to any of those parties just introduced by
14 the State's table, please stand. No one's standing.

15 Any member of the jury panel ever been represented by
16 any of the attorneys just introduced from the State's
17 table? If so, please stand. No one's standing.

18 Mr. Hilliard, please introduce yourself as well as
19 everyone at your table.

20 **MR. HILLIARD:** Thank you, Judge. Good morning.
21 Ladies and gentlemen, my name is John Hilliard. I'm a
22 lawyer. And one thing I wanted to tell you at the outset
23 is ordinarily I wear a suit to try a case. I'm not wearing
24 a suit today because my arm's broke and I can't operate
25 that and so I didn't want you to think that I didn't feel

1 like this was an important situation, but that's kind of
2 what's going on with that. I'm here today to represent
3 Charlie Morehouse. He's the Defendant in this case. He's
4 seated here with me at the table. And Allison Brigman, who
5 is an attorney, she's an associate in my office, and she's
6 here to work with me today. And this is Jonathan Autuori.
7 He's looking to go to law school and he's a paralegal in
8 my office. My practice is statewide. My office is in
9 Georgetown, South Carolina, and we're grateful to be with
10 you folks here today in Lexington. Thank you. Thank you,
11 Judge.

12 **THE COURT:** Yes, sir.

13 Any member of the jury panel related by blood,
14 marriage or close personal friends to any of those four
15 folks introduced moments ago by Mr. Hilliard? If so,
16 please stand. No one's standing.

17 Any member of the jury panel or a member of your
18 immediate family ever been represented by either of the
19 attorneys introduced moments ago, Mr. Hilliard or
20 Ms. Brigman, please stand. No one's stand standing.

21 All right. Folks, the incident or the date of the
22 allegations -- and I'll tell you the indictments handed
23 up by the State moments ago are on white paper. They're
24 allegations that allege, in general, the facts of the case
25 and the charges, and I tell you for the purposes of a trial

1 these are mere allegations. They're sent to the Lexington
2 County grand jury and the grand jury makes a determination
3 of whether there's probable cause to carry the case over
4 for a trial or not. That's all the determination the grand
5 jury does. Now an indictment is a formal allegation that
6 the State places to a Defendant to tell any person accused
7 of a crime what to be prepared to come to court to defend
8 one's self against, and that's all it is. It's a notice
9 document. It's not proof of anything. The facts in there
10 are allegations, not proof.

11 So the allegations in these indictments accuse
12 Mr. Morehouse of four different crimes to which he has
13 pled not guilty. When you plead not guilty, that's, in
14 essence, asking for a jury trial on the charges and the
15 allegations. The State bears the burden of proving those
16 allegations. So there's four indictments. One for murder,
17 possession of a weapon during the commission of a crime,
18 one for conspiracy and one for possession with intent to
19 distribute drugs. To those allegations a plea has been
20 entered of not guilty and we're ready to begin the trial.

21 Now I tell you these allegations that the State makes
22 arose from an incident -- surrounding an incident on
23 August 3rd of 2015. I ask you as a group is any member of
24 this jury panel familiar with, heard, read anything, social
25 media, news report, newspaper, gossip on the back fence,

1 barber shop, beauty shop, from any source whatsoever, any
2 member of the jury panel know anything or heard anything
3 about this case before coming into court here today? If
4 so, please stand.

5 (Juror stands.)

6 **THE COURT:** Got one. All right. Tell me your name,
7 please, ma'am.

8 **POTENTIAL JUROR:** I'm Juror Number 189. I'm Jayne
9 Seboe.

10 **THE COURT:** Okay. Let me ask the question. This is
11 how it works. You're first up, so I've got to show you
12 how it works. Now you heard something about the facts
13 surrounding this case prior to coming to court?

14 **POTENTIAL JUROR:** Yes, sir.

15 **THE COURT:** Was it a news account, newspaper,
16 television or what?

17 **POTENTIAL JUROR:** No, sir.

18 **THE COURT:** You heard it on the street?

19 **POTENTIAL JUROR:** No, sir.

20 **THE COURT:** Do you know anything of your own personal
21 knowledge about this?

22 **POTENTIAL JUROR:** No, sir.

23 **THE CLERK:** Your Honor, may I approach?

24 **THE COURT:** Sure.

25 (Proceedings held at the bench; not reported.)

1 **THE COURT:** All right. I'm gonna get to some more
2 questions. Ms. Seboe, I'm gonna call you again. I may
3 call you up at the very end to go into this further, but I
4 understand. I don't want -- I don't want to keep asking
5 the questions to get the whole story right now, but we'll
6 come back to you.

7 All right, folks. Other than Ms. Seboe no one's heard
8 about the allegations in this case? If so, please stand.
9 No one's standing else.

10 Is any member of the jury panel -- I'm not sure I
11 asked this -- related by blood, marriage, close personal
12 friends to any of the parties introduced at the -- both
13 the State's table or defense counsel? If so, please stand.
14 No one's standing.

15 Any member of the jury panel or a member of your
16 immediate family ever been accused of or investigated about
17 being either the victim of a crime -- of a violent crime
18 or accused of committing a violent crime? If so, please
19 stand.

20 (Jurors stand.)

21 **THE COURT:** Now I'm gonna tell you this. I'm gonna
22 ask that question in general. I don't want to know the
23 specifics of which side of the fence you fell, but if you
24 or a member of your family has ever been accused of or a
25 victim of a violent crime, would that affect your ability

1 to be fair and impartial is gonna be my question. The
2 gentleman pulling for the Clemson Tigers tonight that
3 stood up, tell me your name.

4 **POTENTIAL JUROR:** I stood up prematurely, I guess.

5 **THE COURT:** That's all right. Tell me your name.

6 **POTENTIAL JUROR:** Chad Miles.

7 **THE COURT:** Mr. Miles, you or a member of your
8 immediate family has been involved as a victim of a crime?

9 **POTENTIAL JUROR:** The other side.

10 **THE COURT:** All right. It doesn't matter, either
11 side, a victim of or accused of. Now would that affect
12 your ability to be fair and impartial in this case?

13 **POTENTIAL JUROR:** No, sir.

14 **THE COURT:** All right. Now if you have doubts about
15 it, I want to talk to you later, all right?

16 **POTENTIAL JUROR:** Okay.

17 **THE COURT:** Now I'm gonna -- there's more questions
18 coming that may -- you may stand up again and give me
19 further information, but right now you're comfortable you
20 can be fair and impartial?

21 **POTENTIAL JUROR:** Yes, sir.

22 **THE COURT:** All right. Thank you, Mr. Miles.
23 Gentleman over here on the right, tell me your name.

24 **POTENTIAL JUROR:** Juror Number 8, John Bechtelheimer.

25 **THE COURT:** All right. You or a member of your family

1 was either accused of or a victim of a violent crime?

2 **POTENTIAL JUROR:** Yes, sir.

3 **THE COURT:** Would that fact create an issue for you
4 being fair and impartial? Because I want fair and
5 impartial jurors here that can hear the case for the State
6 and for the defense.

7 **POTENTIAL JUROR:** Not at all.

8 **THE COURT:** Can you be fair and impartial?

9 **POTENTIAL JUROR:** Yes, sir.

10 **THE COURT:** All right. The young lady that stood up,
11 tell me your name.

12 **POTENTIAL JUROR:** 205, Gena Stokes.

13 **THE COURT:** Ms. Stokes, you or a member of your
14 immediate family --

15 **POTENTIAL JUROR:** Yes.

16 **THE COURT:** -- involved tangentially in a violent
17 crime?

18 **POTENTIAL JUROR:** Yes.

19 **THE COURT:** Would that affect your ability to be fair
20 and impartial in this case?

21 **POTENTIAL JUROR:** Yes.

22 **THE COURT:** All right. I'm gonna excuse you, so be
23 seated. I'll give you further instructions. Now you don't
24 need to stand up anymore if I ask another question that's
25 relevant to you.

1 Now I'll tell y'all this. The parties involved hand
2 the questions up to the Court, so they don't get to ask
3 questions of you directly, they give them to the Court and
4 the Court asks the questions, so I'm kind of combining some
5 of the questions asked from the State and the defense as
6 I'm asking these voir dire questions to you as a group.

7 Any member of the jury panel or a member of your
8 immediate family employed in any capacity as a law
9 enforcement officer or with a law enforcement agency? If
10 so, please stand.

11 (Jurors stand.)

12 **THE COURT:** All right. Ma'am in the front, I forgot
13 your name already.

14 **POTENTIAL JUROR:** Seboe.

15 **THE COURT:** Ms. Seboe. You or a member of your family
16 employed as a law enforcement officer?

17 **POTENTIAL JUROR:** Yes, sir.

18 **THE COURT:** And who would that be?

19 **POTENTIAL JUROR:** Well, my husband works for the
20 Lexington County Sheriff's Department.

21 **THE COURT:** All right. Lexington County Sheriff's
22 Department is the investigating arm of this case,
23 Ms. Mayes?

24 **MS. MAYES:** Yes, sir, Your Honor.

25 **THE COURT:** All right. I'm gonna excuse you from this

1 trial because of that. I don't know that that would be --
2 I'm gonna excuse you, so you be seated. I may have more
3 questions later. There may be a second trial.

4 All right. Gentleman, in the back right. Tell me
5 your name, gentleman right here.

6 **POTENTIAL JUROR:** 178, Marty Reid.

7 **THE COURT:** Mr. Reid, you or a member of your family
8 employed with law enforcement?

9 **POTENTIAL JUROR:** Yes, sir.

10 **THE COURT:** Who is it?

11 **POTENTIAL JUROR:** My brother.

12 **THE COURT:** And which agency?

13 **POTENTIAL JUROR:** He's in Ocean Isle Beach, North
14 Carolina.

15 **THE COURT:** And would that fact that he is employed as
16 a law enforcement officer affect your ability to be fair
17 and impartial in this case?

18 **POTENTIAL JUROR:** Yes.

19 **THE COURT:** All right. Very good. You're excused
20 from the trial, but you need to stay.

21 Gentleman in the blazer, tell me your name.

22 **POTENTIAL JUROR:** 224, William Wise.

23 **THE COURT:** Mr. Wise, you or a member of your family
24 employed with law enforcement?

25 **POTENTIAL JUROR:** Yes.

1 **THE COURT:** Which one?

2 **POTENTIAL JUROR:** My son.

3 **THE COURT:** Your son?

4 **POTENTIAL JUROR:** Yes.

5 **THE COURT:** Which agency?

6 **POTENTIAL JUROR:** Aiken Public Safety.

7 **THE COURT:** Would the fact that your son is employed
8 as a police officer affect your ability to be fair and
9 impartial in this case?

10 **POTENTIAL JUROR:** I don't think so.

11 **THE COURT:** All right. Thank you, sir.
12 Lady in the burgundy, tell me your name.

13 **POTENTIAL JUROR:** Ann Margaret McCraw, 135.

14 **THE COURT:** And you or a member of your family
15 employed with law enforcement?

16 **POTENTIAL JUROR:** My father is a retired regional
17 divisional administrator with the South Carolina Department
18 of Corrections. He's currently retired, but does have a
19 constable -- acts as a constable.

20 **THE COURT:** All right. The fact that your father was
21 employed with law enforcement and has since retired, would
22 that affect your ability to be fair and impartial in this
23 case?

24 **POTENTIAL JUROR:** I would try not, but maybe.

25 **THE COURT:** All right. I'm gonna hang on to you. Now

1 here's the way it works. If I get someone who's -- I'm
2 gonna ask some more questions and I may come back to you,
3 okay, but you think you can be fair and impartial?

4 **POTENTIAL JUROR:** I'll try very hard.

5 **THE COURT:** Okay. All right.

6 **MR. HILLIARD:** Can we approach the bench on that one?

7 **THE COURT:** Yes, sir.

8 **MR. HILLIARD:** Thank you.

9 **THE COURT:** I'll let y'all approach on all of them
10 here in a minute because I -- I may come back and ask her
11 more questions. I don't want to question them one at a
12 time because y'all be up and down here too much.

13 **MR. HILLIARD:** Yes, sir. Thank you, Judge.

14 **THE COURT:** Okay. All right. Tell me your name,
15 please.

16 **POTENTIAL JUROR:** Juror 131, David Masters. It may be
17 listed as Arthur Master.

18 **THE COURT:** All right. Mr. Masters, you or a member
19 of your family?

20 **POTENTIAL JUROR:** Yes, sir, my family. My son-in-law
21 works for Lexington County police department.

22 **THE COURT:** Lexington town?

23 **POTENTIAL JUROR:** Not the town, Lexington County
24 Sheriff's Department.

25 **THE COURT:** Your son-in-law?

1 **POTENTIAL JUROR:** Yes. Sheriff's department.

2 **THE COURT:** Okay. All right. I'm gonna excuse you
3 from this trial. That's been my rule of thumb thus far,
4 so I'll excuse you from this trial.

5 Yes, sir. Tell me your name.

6 **POTENTIAL JUROR:** Your Honor, Juror Number 122,
7 Matthew Lupo. Your Honor, are you asking the deceased or
8 just living?

9 **THE COURT:** Tell me, is it a member of your family
10 that's passed?

11 **POTENTIAL JUROR:** My father was a lifetime law
12 enforcement officer. He was chief of police of Springdale
13 and Lexington County Sheriff's Department. He passed away
14 three years ago.

15 **THE COURT:** All right. Now would that affect your
16 ability to be fair and impartial?

17 **POTENTIAL JUROR:** Not at all.

18 **THE COURT:** Okay. Thank you very much.

19 Any member of the jury panel or a member of your
20 immediate family ever been addicted to or treated for
21 addiction to drugs or do you have a belief that the
22 consumption of drugs is morally wrong? If so, please
23 stand.

24 (Jurors stand.)

25 **THE COURT:** I'm gonna start over here. Tell me your

1 name, please, in the blue shirt.

2 **POTENTIAL JUROR:** Juror Number 53, Roger Dooley.

3 **THE COURT:** And I asked a three-part question, either
4 addicted to or treated for a drug addiction or morally
5 wrong. Does that fit within your personal belief and/or
6 your immediate family's belief?

7 **POTENTIAL JUROR:** Yes.

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

10 **POTENTIAL JUROR:** No, sir.

11 **THE COURT:** Thank you very much.

12 All right. Gentleman sitting on the front, tell me
13 your name.

14 **POTENTIAL JUROR:** Juror Number 83, Kenneth Hendrix,
15 sir.

16 **THE COURT:** Mr. Hendrix, I asked the question about
17 you or a member of your immediate family ever been treated
18 for addiction -- drug addiction and/or do you consider it
19 morally wrong and you stood up.

20 **POTENTIAL JUROR:** Yes, sir..

21 **THE COURT:** Would that belief create an issue for you
22 being fair and impartial in this case?

23 **POTENTIAL JUROR:** No, sir.

24 **THE COURT:** Thank you very much.

25 All right. I dropped your name.

1 **POTENTIAL JUROR:** 142, Chad Miles.

2 **THE COURT:** Mr. Miles, the same question. A member --
3 you or a member of your family treated for addiction and/or
4 have a moral belief that consumption of drugs is morally
5 wrong. Is that the case?

6 **POTENTIAL JUROR:** Yes, sir.

7 **THE COURT:** Do you think that fact would create an
8 issue for you being fair and impartial in this case?

9 **POTENTIAL JUROR:** No, I don't think so.

10 **THE COURT:** All right. I want you to be comfortable,
11 same as this lady over here. Can you be fair and
12 impartial?

13 **POTENTIAL JUROR:** I mean, it's hard to say.

14 **THE COURT:** All right. Well, here's the deal. Jurors
15 get their -- all y'all have got to do is listen, listen
16 to the testimony about the facts and circumstances, and if
17 you can be fair and impartial, great; if you can't, I
18 understand.

19 **POTENTIAL JUROR:** Yes, sir. I'll try.

20 **THE COURT:** I don't want to talk you into it or out of
21 it, okay?

22 **POTENTIAL JUROR:** I understand.

23 **THE COURT:** Can you be fair and impartial?

24 **POTENTIAL JUROR:** Yes, sir.

25 **THE COURT:** All right. Be seated.

1 All right. The gentleman stood back up. I'm gonna
2 come to the ladies in the back. They're shorter than you.
3 Tell me your name again.

4 **POTENTIAL JUROR:** My name's Dawn --

5 **THE COURT:** No, no, no, no, no. I'm gonna do the
6 gentleman first so I can get him down where I can see
7 y'all. Tell me your name again.

8 **POTENTIAL JUROR:** 244, William Wise.

9 **THE COURT:** Mr. Wise, I asked about you or a member
10 of your family and drug addiction as well as morally wrong
11 to consume drugs and you stood up. Would those factors
12 create an issue for you being fair and impartial in this
13 case?

14 **POTENTIAL JUROR:** This would be a brother-in-law. I
15 just want to make sure.

16 **THE COURT:** That's fine. Can you be fair and
17 impartial notwithstanding that?

18 **POTENTIAL JUROR:** I think so.

19 **THE COURT:** All right. Thank you, sir.

20 All right. Now the lady on my right, tell me your
21 name.

22 **POTENTIAL JUROR:** Dawn James, 99.

23 **THE COURT:** Ms. James?

24 **POTENTIAL JUROR:** Yes.

25 **THE COURT:** And you're 99?

1 **POTENTIAL JUROR:** Yes.

2 **THE COURT:** You or a member of your family either
3 consider it morally wrong to consume drugs or have been
4 treated for addiction of drugs. Yes, ma'am?

5 **POTENTIAL JUROR:** Yes, morally wrong.

6 **THE COURT:** And would that fact that you entertain
7 that belief, would that create an issue for you being fair
8 and impartial in this case for both the State and the
9 defense?

10 **POTENTIAL JUROR:** I would just try, yes, to listen
11 to both sides. I'm kind of on the fence. I'd have to
12 listen.

13 **THE COURT:** All right. I'll probably call you up at
14 the very end also. Thank you, Ms. James.

15 All right, ma'am, the last one standing. Tell me your
16 name.

17 **POTENTIAL JUROR:** 137, Christina McGovern.

18 **THE CLERK:** I couldn't catch it, honey. You're
19 speaking too soft.

20 **THE COURT:** You've got a soft voice.

21 **POTENTIAL JUROR:** Juror 137, Christina McGovern.

22 **THE COURT:** McDermott?

23 **POTENTIAL JUROR:** McGovern.

24 **THE COURT:** McGovern, okay. Tell me in answer to my
25 question, you or a member of your family been treated for

1 drug addiction or consider it morally wrong to consume
2 drugs and would that create an issue for you being fair and
3 impartial in this case.

4 **POTENTIAL JUROR:** I think it might, sir.

5 **THE COURT:** That's a little more definitive. All
6 right. I'm gonna set you aside for this case.

7 All right, last ma'am. Ma'am, tell me your name.

8 **POTENTIAL JUROR:** Stacey Hunter, Juror Number 96.

9 **THE COURT:** Ms. Hunter?

10 **POTENTIAL JUROR:** Yes.

11 **THE COURT:** All right. I asked the question you or a
12 member of your family been treated for addiction to drugs
13 or considers it morally wrong to consume drugs. Would that
14 be an issue for you being fair and impartial in this case?

15 **POTENTIAL JUROR:** Yes, it would.

16 **THE COURT:** There we go. You're excused also. Be
17 seated and I'll call you back later -- I mean, I'll give
18 you further instructions later.

19 All right. Lady standing, tell me your name.

20 **POTENTIAL JUROR:** 32, Laura Carroll.

21 **THE COURT:** Ms. Carroll?

22 **POTENTIAL JUROR:** Yes, sir.

23 **THE COURT:** And so in answer my question, you or a
24 member of your family been treated for addiction and/or
25 consider it morally wrong to consume drugs?

1 **POTENTIAL JUROR:** Morally wrong.

2 **THE COURT:** Would that fact and belief make you not
3 able to be a fair and impartial juror?

4 **POTENTIAL JUROR:** I think it would.

5 **THE COURT:** It would?

6 **POTENTIAL JUROR:** (Nods head.)

7 **THE COURT:** All right. I'm gonna excuse you, so be
8 seated.

9 Any member of jury panel or member of your immediate
10 family have a belief about gun rights, gun violence or a
11 member of an organization that supports or advocates gun
12 rights such as the NRA or groups of that type? If so,
13 please stand.

14 (Jurors stand.)

15 **THE COURT:** All right. I've already excused you,
16 ma'am, Ms. --

17 **POTENTIAL JUROR:** Seboe.

18 **THE COURT:** Seboe. I was thinking it rhymed with
19 Tebow, but I couldn't remember.

20 All right. Gentleman in the striped shirt, tell me
21 your name.

22 **POTENTIAL JUROR:** 127, Gerald Marcle. I'm a member of
23 the NRA.

24 **THE COURT:** And would that factor create an issue for
25 you being fair and impartial?

1 **POTENTIAL JUROR:** No, sir.

2 **THE COURT:** Thank you very much.

3 Gentleman in the plaid shirt, tell me your name.

4 **POTENTIAL JUROR:** 129, Barney Martin.

5 **THE COURT:** Mr. Martin?

6 **POTENTIAL JUROR:** Barney Martin.

7 **THE COURT:** Same question.

8 **POTENTIAL JUROR:** No, it would not.

9 **THE COURT:** And you're a member of the organization or
10 a member of your family?

11 **POTENTIAL JUROR:** I am.

12 **THE COURT:** All right. You can be fair and impartial?

13 **POTENTIAL JUROR:** Yes, sir.

14 **THE COURT:** Good.

15 And in the gray shirt, tell me your name. Or green or
16 whatever color you are.

17 **POTENTIAL JUROR:** Juror Number 83.

18 **THE COURT:** One of us may be colorblind. I don't
19 know.

20 All right. Tell me your name.

21 **POTENTIAL JUROR:** Kenneth Hendrix, Juror Number 83.

22 **THE COURT:** Mr. Hendrix, you or a member -- your
23 family member is a member of one of those organizations?

24 **POTENTIAL JUROR:** I am, sir. I'm member of the NRA
25 and USCCA.

1 **THE COURT:** And would that affect your ability to be
2 fair in this case?

3 **POTENTIAL JUROR:** No.

4 **THE COURT:** Thank you very much. Coming back over
5 here to -- I forgot your name also. I'm gonna know y'all
6 before long. Tell me your name.

7 **POTENTIAL JUROR:** Juror Number 53, sir. Robert
8 Dooley. My father is a member of the NRA.

9 **THE COURT:** And would that affect your ability to be
10 fair and impartial in this case?

11 **JUROR:** No, sir.

12 **THE COURT:** Thank you, Mr. Dooley.
13 Ma'am behind Mr. Dooley, tell me your name.

14 **POTENTIAL JUROR:** 16, Nicole Brackett.

15 **THE COURT:** Ms. Brackett, you or a member of your
16 family a member of one of those organizations?

17 **JUROR:** A member of my family.

18 **THE COURT:** And would that affect your ability to be
19 fair and impartial in this case?

20 **POTENTIAL JUROR:** No, sir.

21 **THE COURT:** Thank you very much.
22 Ma'am in the green, tell me your name.

23 **POTENTIAL JUROR:** Amelia Shealy, 190. I have a family
24 member.

25 **THE COURT:** A member of one of those groups?

1 **POTENTIAL JUROR:** Yes, sir.

2 **THE COURT:** Would that affect your ability to be fair
3 in this case?

4 **POTENTIAL JUROR:** Not at all.

5 **THE COURT:** Thank you very much.

6 Any member of the jury panel understanding that the
7 State read the indictments to include allegations of
8 murder, perhaps some graphic testimony or photographs of
9 different type of the deceased, the person involved in this
10 case, is any member of the jury panel not going to be able
11 to receive that type of testimony and evidence because of
12 the graphic nature of that? If so, please stand. No one's
13 standing.

14 Any member of the jury panel attend Gilbert High
15 School between the years of '96 and 2000? If so, please
16 stand.

17 **THE COURT:** Got one. Tell me your name.

18 **POTENTIAL JUROR:** Juror 123, Troy Maciaszek.

19 **THE COURT:** Mr. Isaac?

20 **POTENTIAL JUROR:** Maciaszek.

21 **THE COURT:** Maciaszek. Did you attend Gilbert High
22 School during those years?

23 **POTENTIAL JUROR:** I graduated Gilbert in 2002, yes,
24 sir.

25 **THE COURT:** Okay. Now would that affect your ability

1 to be fair and impartial?

2 **POTENTIAL JUROR:** No, sir.

3 **THE COURT:** All right. Thank you much.

4 All right. Any member of the jury panel employed now
5 or formerly or a customer, a patron of, Rucker Flooring
6 Company? If so, please stand. No one's standing.

7 Any member of the jury panel a regular attendee or
8 member of the St. Matthew's Lutheran Church in Lexington
9 County? If so, please stand. No one's standing.

10 All right. I'm gonna read going over potential
11 witnesses now. I'm gonna read the potential witnesses
12 in groups of about ten to twelve and ask very similar
13 questions. The ones I've already excused, you need not
14 stand back up, but the questions are gonna be: Are you
15 related by blood or marriage or close personal friends to
16 any of these potential witnesses and notwithstanding that
17 relationship can you be fair and impartial.

18 All right. Potential witnesses. Keith Lytes. Riley
19 Furman. Molli Anna Bush. Alicia Cline. James David
20 Porter, Junior. Christopher D. Williams. Heather Owens.
21 William Elkin.

22 Any member of this jury panel related by blood,
23 marriage or close personal friends to any of that first
24 group of potential witnesses, please stand. No one's
25 standing.

1 Next group of potential witnesses. Kim Sandifer.
2 Terri Boltin. Dean Gilmore. Erica Waters. Brittany
3 Moody. Charles Belk, the Third. Kelin Martinez. Debra
4 Wood.

5 Any member of the jury panel related by blood,
6 marriage or close personal friends to any of those group
7 of potential witnesses, please stand. No one's standing.

8 Additional witnesses. Hunter Roberts. Matthew
9 Rawlette -- or Rowlette. Ben Vollmer. Eddie Richardson.
10 Deputy J.E. Hendrix. Deputy B.J. Steen. Deputy J.C.
11 Hallman. Deputy M.L. Medlin. Sergeant Jason Stoner.

12 Any member of the jury panel related by blood,
13 marriage or close personal friends to any of those
14 potential witnesses, please stand. No one's standing.

15 Additional witnesses. Lieutenant Scottie Frier.
16 Sergeant Miles Rawl. Sergeant Jesse Laintz. Detective
17 Tyler Couch. Sergeant Michael Gooding. Detective Brannon
18 Marthers. Detective Michael Burke. Detective Michael
19 Merckel. Detective Joseph Andalaro.

20 Any member of the jury panel related by blood,
21 marriage or close personal friends to any of those
22 potential witnesses, please stand. Got one.

23 Tell me your name, please, ma'am.

24 **POTENTIAL JUROR:** Amelia Shealy.

25 **THE COURT:** Ms. Shealy, who do you know?

1 **POTENTIAL JUROR:** 190. I attend church with one of
2 the -- Mr. Rawl.

3 **THE COURT:** Which one now? What's his name?

4 **POTENTIAL JUROR:** Miles Rawl.

5 **THE COURT:** Okay. Now you attend church with him?

6 **POTENTIAL JUROR:** (Nods head.)

7 **THE COURT:** Would that relationship of attending
8 church with a parishioner, would that affect your ability
9 to be fair and impartial in this case?

10 **POTENTIAL JUROR:** No, sir.

11 **THE COURT:** All right. Thank you, Ms. Shealy.

12 Next group of witnesses -- I mean, potential
13 witnesses. Detective Benjamin Booth. Detective James
14 Kemfort. Detective Hampton Taylor. Detective Nick Uvegas.
15 Detective Scott Purdy. Shelby Derrick. Keith Sprinkle.
16 Heather Clary. James Hickman. Beth Holliman. Candy
17 Kyzer. Sergeant Doug Novak.

18 Any member of the jury panel related by blood,
19 marriage or close personal friends with any of those
20 potential witnesses, please stand.

21 I've got one. Remind me your name.

22 **POTENTIAL JUROR:** John Bechtelheimer, Juror Number 8.

23 **THE COURT:** Which one of those witnesses do you know?

24 **POTENTIAL JUROR:** We both know Candy Kyzer.

25 **THE COURT:** Oh, you know this other juror?

1 **POTENTIAL JUROR:** Yes, sir.

2 **THE COURT:** All right. Now tell me how you know
3 Ms. Kyzer.

4 **POTENTIAL JUROR:** We're both previous employees for
5 Lexington County EMS as paramedics.

6 **THE COURT:** All right. You worked for Lexington
7 County EMS formerly?

8 **POTENTIAL JUROR:** Formerly.

9 **THE COURT:** How long have you not worked for them?

10 **POTENTIAL JUROR:** I haven't worked for them in about
11 six, seven years.

12 **THE COURT:** Six or seven years?

13 **POTENTIAL JUROR:** Yes.

14 **THE COURT:** The fact that you were formerly employed
15 by Lexington County, is that gonna create an issue for you
16 being fair and impartial in this case?

17 **POTENTIAL JUROR:** Not at all.

18 **THE COURT:** All right. Thank you. Tell me your name
19 one more time.

20 **POTENTIAL JUROR:** Bechtelheimer.

21 **THE COURT:** Bechtelheimer.

22 All right. Ma'am, tell me your name.

23 **POTENTIAL JUROR:** Peggy Rowe, Juror 183.

24 **THE COURT:** Ms. Rowe, which one of those potential
25 witnesses?

1 **POTENTIAL JUROR:** I have previously worked with Candy
2 Kyzer. It's been twenty plus years.

3 **THE COURT:** And so you were formerly a co-employee of
4 her's?

5 **POTENTIAL JUROR:** Yes.

6 **THE COURT:** Was that with Lexington County?

7 **POTENTIAL JUROR:** Yes.

8 **THE COURT:** And how long have you not worked for
9 Lexington County?

10 **POTENTIAL JUROR:** Twenty plus years.

11 **THE COURT:** Twenty plus years? You don't look that
12 old to be not working twenty years.

13 **POTENTIAL JUROR:** I'm a grammy.

14 **THE COURT:** All right. That's a good thing. Would
15 that fact that you know Ms. Kyzer affect your ability to
16 be fair and impartial in this case?

17 **POTENTIAL JUROR:** Not at all.

18 **THE COURT:** All right. Thank you so much.

19 Additional witnesses potentially. Investigator
20 Michael Phipps. Investigator Brian Travis. Michelle
21 Eichenmiller. Lawrence Zivkovich. Willie Smith. Rachel
22 Grant. Kristen Morrow Polis. Dr. Janice Ross. Agent Tim
23 Grambow.

24 Any member of the jury panel related by blood,
25 marriage or close personal friends to any of those

1 potential witnesses, please stand. No one's standing.

2 Additional witnesses potentially. Amy Stephens.

3 Jackie Davis. Robert Johnson. Catherine Tuck. Shawn

4 Schroder. Sergeant Scott McDermott. Joe Trawicki. Will

5 Herring. Nikki Rodgers.

6 Any member of the jury panel related by blood,

7 marriage or a close friend to any of those potential

8 witnesses? No one's standing.

9 Last group. Lori Bailey. Paula Hare. Melody

10 Galinski. Patricia Hart. Theresa Cronise. Jennifer

11 Aycock. Celia Modell.

12 Any member of the jury panel related by blood,

13 marriage or close personal friends with any of those

14 potential witnesses, please stand. No one's standing.

15 All right. We're getting close to the end. Have the

16 lawyers got anything specific because my last question is,

17 follow my instructions, know any reason whatsoever you

18 can't be fair and impartial. That's kind of my final

19 question. Do y'all have anything else specific y'all want

20 to come up and tell me about?

21 **MR. HILLIARD:** Yes, sir, if I could, Judge.

22 **THE COURT:** Okay. Come up.

23 (Proceedings held at the bench; not reported.)

24 **THE COURT:** All right. Ladies and gentlemen of the

25 jury, I did not -- the lawyers reminded me of the

1 allegation of murder. The victim is James David Porter,
2 also known as Rico Porter. Is any member of the jury
3 panel related by blood, marriage or close personal friends
4 to any of his family or were formerly a friend to him? If
5 so, please stand. No one's standing.

6 **MR. HILLIARD:** Thank you, Judge.

7 **THE COURT:** All right. The last question. Any member
8 of the jury panel know any reason whatsoever because y'all
9 -- y'all may or may not know, this case requires y'all to
10 be good listeners. I've told you that. You'll be sworn
11 to take an oath and part of the oath is -- can y'all hear
12 me? I stood up. I'll get back to the microphone to make
13 sure y'all can hear me loud and clear.

14 The gist of a case such as this, and of every case,
15 is the State must prove the allegations beyond a reasonable
16 doubt. A person accused of a crime's got no duty
17 whatsoever to disprove anything. They have no duty to
18 testify if they choose not to. The Constitution protects
19 people accused from having to testify in their own defense
20 or disprove any allegations; thus, at the very end of the
21 trial and during the trial I'll give you instructions on
22 the law. Part of your oath will be to accept the law as
23 instructed by the Court. And the reason I ask this
24 question is some people have a misconception, and they
25 don't know it yet, they may have a misconception on what

1 the law is or what the law should be or what it could be
2 or what the TV says or the Internet says it is. Part of
3 your oath will be to accept the law as instructed by the
4 Court because one of my duties as the presiding judge is
5 to instruct the law properly to you and you must accept
6 that law as given even if you disagree with it. I mean,
7 certainly there's some laws out there that I may disagree
8 with personally, but part of my job as a judge is to
9 instruct the law as it's handed down from the Supreme Court
10 and the General Assembly.

11 Thus, is any member of the jury panel not gonna be
12 able to accept an oath to that effect? It's to listen
13 fairly and impartially and openly to the testimony
14 presented and accept the instructions on the law from the
15 Court. Is anybody not going to be able to accept that
16 oath as a juror? Please stand. No one.

17 Any member of the jury panel know any reason
18 whatsoever you cannot be fair and impartial in this case
19 to both the State as well as the defense, please stand.
20 No one's standing.

21 All right. Here's what's gonna happen. The clerk of
22 court's office, the ladies over here, except for Mr. Lewis
23 if y'all can figure out he's the one in the middle, they're
24 gonna work out a list randomly from your number left over
25 from the ones not excused from this trial and randomly

1 you're gonna be called up one at a time and each side gets
2 a certain of "please excuse the jurors". And we're gonna
3 take turns until we get -- I believe three alternates will
4 be enough, so I'm gonna take fifteen. The first twelve
5 will be the jury proper. And the reason I take alternates
6 is you never know when something might happen, someone
7 could get sick, get the flu or something at night and that
8 juror can't come back and one of the alternates is moved
9 in, and so that's why I have three alternates. It makes
10 for a nice cozy jury box.

11 All right. Y'all just be patient with me. Sometimes
12 I tell jokes during this waiting time, but these clerks
13 have heard my jokes. They still laugh at them.

14 **THE COURT:** Yes, ma'am, Ms. Mayes?

15 **MS. MAYES:** May we approach?

16 (Proceedings held at the bench; not reported.)

17 **THE COURT:** All right, folks. I asked that last
18 question and the lawyers agree maybe I ought to qualify it.

19 Does any member of the jury panel practice any type
20 of religious belief or religious organization that you're
21 uncomfortable sitting in judgment of others? If so, let me
22 know. Now I don't need you to be on the jury and say oh,
23 by the way, I attend church and that's one of our beliefs,
24 we cannot sit in judgment of others. There's no -- you
25 don't get out of jury service. Those people I let them sit

1 and watch as a court observer. I keep you, but you just
2 don't sit in the box. Anybody? No one's standing.

3 All right. Go ahead, Ms. Frick.

4 **THE CLERK:** Yes, sir. Proceed, Your Honor?

5 **THE COURT:** Everybody ready to go?

6 **THE CLERK:** Okay. As I call your name, please come
7 forward and stand where Mr. Dan is right here at the
8 podium. Face in the direction he is until I tell you to
9 either have a seat in the jury box or to return to your
10 seat.

11 Number 106, James Jordan.

12 **THE CLERK:** Thank you. That's perfect.

13 (Whereupon, James Jordan, a white male, was called
14 forward.)

15 **THE CLERK:** What say for the State? You're fine. I'm
16 talking to them.

17 **MS. MAYES:** Please present the juror.

18 **THE CLERK:** What say for the defense?

19 **MR. HILLIARD:** Please excuse Mr. Jordan from this
20 particular case.

21 **THE CLERK:** Return to your seat, please, Mr. Jordan.

22 Number 157, Diana Ortiz.

23 (Whereupon, Diana Ortiz, a Hispanic female, was called
24 forward.)

25 **THE COURT:** What say for the State?

1 **MS. MAYES:** Please present the juror.

2 **THE CLERK:** What say for the defense?

3 **MR. HILLIARD:** Please seat Ms. Ortiz.

4 **THE CLERK:** Have a seat in the jury box, please,
5 ma'am, right over there with Mr. Dan.

6 Number 199, Wayne Sollee.

7 (Whereupon, Wayne Sollee, a white male, was called
8 forward.)

9 **THE CLERK:** What say for the State?

10 **MS. MAYES:** Please present the juror.

11 **THE CLERK:** What say for the defense.

12 **MR. HILLIARD:** Excuse me just one second. Please seat
13 Mr. Sollee.

14 **THE CLERK:** Have a seat in the jury box, sir.

15 Number 9, Janna Black.

16 (Whereupon, Janna Black, a white female, was called
17 forward.)

18 **THE CLERK:** What say for the State?

19 **MS. MAYES:** Please present the juror.

20 **THE COURT:** What say for the defense?

21 **MR. HILLIARD:** Please seat Ms. Black.

22 **THE CLERK:** Have a seat in the jury box, ma'am.

23 Number 30, Darlene Carder.

24 (Whereupon, Darlene Carder, a white female, was called
25 forward.)

1 **THE CLERK:** What say for the State?

2 **MS. MAYES:** Please present the juror.

3 **THE CLERK:** What say for the defense?

4 **MR. HILLIARD:** Please seat Ms. Carder.

5 **THE CLERK:** Have a seat in the jury box, ma'am.

6 Number 4, Kimberly Baldwin.

7 (Whereupon, Kimberly Baldwin, a white female, was
8 called forward.)

9 **THE CLERK:** What say for the State?

10 **MS. MAYES:** Please present the juror.

11 **THE CLERK:** What say for the defense?

12 **MR. HILLIARD:** Please seat Ms. Baldwin.

13 **THE CLERK:** Have a seat in the jury box, please,
14 ma'am.

15 Number 17, Vivan Braddee.

16 (Whereupon, Vivan Braddee, a white female, was called
17 forward.)

18 **THE CLERK:** What say for the State? No, no. Right
19 here. You're fine. What say for the State?

20 **MS. MAYES:** Please present the juror.

21 **THE CLERK:** What say for the defense?

22 **MR. HILLIARD:** Please seat Ms. Braddee.

23 **THE CLERK:** Now have a seat in the jury box.

24 Number 139, Carol McKeown.

25 (Whereupon, Carol McKeown, a white female, was called

1 forward.)

2 **THE CLERK:** What say for the State?

3 **MS. MAYES:** Please present the juror.

4 **THE CLERK:** What say for the defense?

5 **MR. HILLIARD:** Please excuse Ms. McKeown from this
6 particular case.

7 **THE CLERK:** Return to your seat, please, ma'am.
8 161, Brett Page.

9 (Whereupon, Brett Page, a white male, was called
10 forward.)

11 **THE CLERK:** What say for the State?

12 **MS. MAYES:** Please present the juror.

13 **THE CLERK:** What say for the defense?

14 **MR. HILLIARD:** Please seat Mr. Page.

15 **THE CLERK:** Have a seat in the jury box, sir.
16 217, Karry White.

17 (Whereupon, Karry White, a black male, was called
18 forward.)

19 **THE CLERK:** What say for the State?

20 **MS. MAYES:** Please excuse the juror from the trial of
21 this case.

22 **THE CLERK:** Return to your seat, please, sir.
23 190, Amelia Shealy.

24 (Whereupon, Amelia Shealy, a white female, was called
25 forward.

1 **THE CLERK:** What say for the State?

2 **MS. MAYES:** Please present the juror.

3 **THE CLERK:** What say for the defense?

4 **MR. HILLIARD:** Please excuse Ms. Shealy from the trial
5 of this particular case. Thank you, Ms. Shealy.

6 **THE CLERK:** Return to your seat, please, ma'am.

7 142, Chad Miles.

8 (Whereupon, Chad Miles, a white male, was called
9 forward.)

10 **THE CLERK:** What say for the State?

11 **MS. MAYES:** Please excuse the juror from the trial of
12 this case.

13 **THE CLERK:** Return to your seat, please, sir.

14 158, Jane Oswald.

15 (Whereupon, Jane Oswald, a white female, was called
16 forward.)

17 **THE CLERK:** What say for the State?

18 **MS. MAYES:** Please present the juror.

19 **THE CLERK:** What say for the defense?

20 **MR. HILLIARD:** I apologize, Judge, and, Madam Clerk,
21 we don't have any information on this juror. I don't know
22 why. Would you inquire again?

23 **THE CLERK:** Ms. Oswald, please give us your occupation
24 and your spouse's, please, ma'am.

25 **POTENTIAL JUROR:** I'm unemployed and I'm a widow.

1 **THE CLERK:** And where did you work at?

2 **POTENTIAL JUROR:** Lexington County. I was an AP
3 clerk.

4 **MR. HILLIARD:** Please excuse Ms. Oswald from this
5 particular case. Thank you.

6 **THE CLERK:** Thank you, ma'am. Please return to your
7 seat.

8 Number 18, Lisa Bradley.

9 (Whereupon, Lisa Bradley, a white female, was called
10 forward.)

11 **THE CLERK:** What say for the State?

12 **MS. MAYES:** Please excuse the juror from the trial of
13 this case.

14 **THE CLERK:** Please return to your seat, please, ma'am.
15 Number 5, McKenna Bare.

16 (Whereupon, McKenna Bare, white female, was called
17 forward.)

18 **THE CLERK:** What say for the State?

19 **MS. MAYES:** Please present the juror.

20 **THE CLERK:** What say for the defense?

21 **MR. HILLIARD:** Please seat Ms. Bare.

22 **THE CLERK:** Have a seat in the jury box, please,
23 ma'am.

24 154, Gregory Norman.

25 (Whereupon, Gregory Norman, a white male, was called

1 forward.)

2 **THE CLERK:** What say for the State?

3 **MS. MAYES:** Please present the juror.

4 **THE CLERK:** What say for the defense?

5 **MR. HILLIARD:** Please excuse Mr. Norman from the trial
6 of this case. Thank you, Mr. Norman.

7 **THE CLERK:** Return to your seat, please, sir.

8 83, Kenneth Hendrix.

9 (Whereupon, Kenneth Hendrix, a white male, was called
10 forward.)

11 **THE CLERK:** What say for the State?

12 **MS. MAYES:** Please present the juror.

13 **THE CLERK:** What say for the defense?

14 **MR. HILLIARD:** Excuse me just one second, Judge. I'm
15 sorry.

16 **THE COURT:** That's all right.

17 **MR. HILLIARD:** Please seat Sergeant Major Hendrix.

18 **THE CLERK:** Have a seat in the jury box, please, sir.
19 Juror Number 77, Sandra Harrington.

20 (Whereupon, Sandra Harrington, a white female, was
21 called forward.)

22 **THE CLERK:** What say for the State?

23 **MS. MAYES:** Please excuse the juror from the trial of
24 this case.

25 **THE CLERK:** Please return to your seat, please, ma'am.

1 16, Nicole Brackett.

2 (Whereupon, Nicole Brackett, a white female, was
3 called forward.)

4 **THE CLERK:** What say for the State?

5 **MS. MAYES:** Please present the juror.

6 **THE CLERK:** What say for the defense?

7 **MR. HILLIARD:** Please excuse Ms. Brackett from this
8 case. Thank you, Ms. Brackett.

9 **THE CLERK:** Return to your seat, please, ma'am.
10 Number 50, Erin Derrick.

11 (Whereupon, Erin Derrick, a white female, was called
12 forward.)

13 **THE CLERK:** What say for the State?

14 **MS. MAYES:** Please present the juror.

15 **THE CLERK:** What say for the defense?

16 **MR. HILLIARD:** Please seat Ms. Derrick.

17 **THE CLERK:** Have a seat in the jury box, please,
18 ma'am.

19 97, Michael Hutto.

20 (Whereupon, Michael Hutto, a white male, was called
21 forward.)

22 **THE CLERK:** What say for the State?

23 **MS. MAYES:** Please present the juror.

24 **THE CLERK:** What say for the defense?

25 **MR. HILLIARD:** Please excuse Mr. Hutto from this

1 particular case. Thank you.

2 **THE CLERK:** Return to your seat, please, sir.

3 127, Gerald Marcle.

4 (Whereupon, Gerald Marcle, a white male, was called
5 forward.)

6 **THE CLERK:** What say for the State?

7 **MS. MAYES:** Please present the jury.

8 **THE CLERK:** What say for the defense?

9 **MR. HILLIARD:** Excuse me just one second, Judge.
10 Please seat Mr. Marcle.

11 **THE CLERK:** Have a seat in the jury box, please, sir.

12 53, Robert Dooley.

13 (Whereupon, Robert Dooley, a white male, was called
14 forward.)

15 **THE CLERK:** What say for the State?

16 **MS. MAYES:** Please present the juror.

17 **THE CLERK:** What say for the defense?

18 **MR. HILLIARD:** Please excuse Mr. Dooley from this
19 particular case. Thank you, Mr. Dooley.

20 **THE CLERK:** Return to your seat, please, sir.

21 Number 42, Jim Cox.

22 (Whereupon, Jim Cox, a white male, was called
23 forward.)

24 **THE CLERK:** What say for the State?

25 **MS. MAYES:** Please present the juror.

1 **THE CLERK:** What say for the defense?

2 **MR. HILLIARD:** Please excuse Mr. Cox from the trial
3 of this particular case. Thank you, Mr. Cox.

4 **THE CLERK:** Return to your seat, sir.

5 55, Micah Douglas.

6 (Whereupon, Micah Douglas, a white male, was called
7 forward.)

8 **THE CLERK:** What say for the State?

9 **MS. MAYES:** Please present the juror.

10 **THE CLERK:** What say for the defense?

11 **MR. HILLIARD:** Please seat Mr. Douglas.

12 **THE CLERK:** Have a seat in the jury box, please, sir.
13 Proceed with the alternates, Your Honor?

14 **THE COURT:** Yes, ma'am.

15 **THE CLERK:** Number 162, Linda Palmer.

16 (Whereupon, Linda Palmer, a black female, was called
17 forward.)

18 **THE CLERK:** What say for the State?

19 **MS. MAYES:** Please present the juror.

20 **THE CLERK:** What say for the defense?

21 **MR. HILLIARD:** Please seat Ms. Palmer.

22 **THE CLERK:** Have a seat in the jury box, ma'am.

23 That's alternate one.

24 207, Mona Strickland.

25 (Whereupon, Mona Strickland, a white female, was

1 called forward.)

2 **THE CLERK:** What say for the State?

3 **MS. MAYES:** Please present the juror.

4 **THE CLERK:** What say for the defense?

5 **MR. HILLIARD:** Please excuse Ms. Strickland from this
6 particular case. Thank you, ma'am.

7 **THE CLERK:** Return to your seat, please, ma'am.

8 111, Ozakie Knotts.

9 (Whereupon, Ozakie Knotts, a black male, was called
10 forward).

11 **THE CLERK:** What say for the State?

12 **MS. MAYES:** Please excuse the juror from the trial of
13 this case.

14 **THE CLERK:** Return to your seat, please, sir.

15 133, Nancy Mayer.

16 (Whereupon, Nancy Mayer, a white female, was called
17 forward.)

18 **THE CLERK:** What say for the State?

19 **MS. MAYES:** Please present the juror.

20 **THE CLERK:** What say for the defense?

21 **MR. HILLIARD:** Please seat Ms. Mayer.

22 **THE CLERK:** Have a seat in the jury box, please,
23 ma'am. That's alternate two.

24 Number 23, Angela Brown.

25 (Whereupon, Angela Brown, a white female, was called

1 forward.)

2 **THE CLERK:** What say for the State?

3 **MS. MAYES:** Please present the juror.

4 **THE CLERK:** What say for the defense?

5 **MR. HILLIARD:** Please excuse Ms. Brown from this
6 particular case. Thank you, Ms. Brown.

7 **THE CLERK:** Return to your seat, please, ma'am.
8 98, Leonard Jackson.

9 (Whereupon, Leonard Jackson, a white male, was called
10 forward.)

11 **THE CLERK:** What say for the State?

12 **MS. MAYES:** Please present the juror.

13 **THE CLERK:** What say for the defense?

14 **MR. HILLIARD:** Please seat Mr. Jackson.

15 **THE CLERK:** Have a seat in the jury box, sir.

16 That's alternate number three, Your Honor.

17 **THE COURT:** All right. The first question is, does
18 the State and the defense agree three alternates would be
19 sufficient?

20 **MR. MAYE:** Agree, Your Honor.

21 **MR. HILLIARD:** Agree, Your Honor.

22 **THE COURT:** Are there any matters of law the Court
23 needs to take up regarding the selection process or the
24 composition of the jury from either side?

25 **MS. MAYES:** None from the State, Your Honor.

1 **MR. HILLIARD:** None from the defense, Your Honor.

2 **THE COURT:** Excellent.

3 All right. Folks not selected, out of an abundance
4 of caution I'm gonna have y'all call back just in case
5 tomorrow night -- no, wait a minute. Call back tonight.
6 If you've got your juror information card, it's go the
7 Clerk of Court's phone number. Call back after six and
8 listen to that recording. It will most likely say please
9 call back Tuesday night. Follow the instructions. If I
10 need you back in here, it will tell you when to come back.
11 Just listen to the recording and follow the instructions,
12 okay? Now if you hear something about the jury selected
13 for the Morehouse case, that's these people, that's not
14 you. Y'all are the other jurors, okay? So listen to your
15 instructions and follow them. Y'all are free to go. Thank
16 y'all for your patience.

17 (Whereupon, the remaining jury panel was excused at
18 11:54 AM.)

19 **THE COURT:** All right. As they go out, I'm gonna
20 give you a few instructions. Ms. Johnson takes down
21 everything said in the courtroom. Preliminarily when
22 y'all come back after lunch, we should be ready to start
23 the trial. We'll start by the State goes first. They
24 make opening comments, then the defense is allowed to make
25 its opening comments, then they call witnesses. Each

1 side is allowed an opportunity to call witnesses and
2 cross-examine them as they get called. Y'all fifteen of
3 you right now can sit wherever you like. I'm probably
4 gonna pick a foreperson maybe tomorrow, but I don't care
5 where you sit, wherever you're comfortable. Sometimes
6 jurors get acclimated and if that's your spot and that's
7 your area and you want to stay there, stay there. That's
8 fine. You're not required to sit in any particular seat.
9 We had a jury couple of weeks ago and they moved around
10 more than any other jury I've ever had. Normally they're
11 kind of acclimated. It's kind of like going to church. I
12 sit on the left side right about here and that's where I
13 sit just about every Sunday. It's just wherever you're
14 comfortable.

15 **JUROR:** Is this the foreman?

16 **THE COURT:** No, the foreman's seat is actually down
17 here. So, anyway. Now y'all are off the hook. I'm gonna
18 pick the foreperson. Y'all don't have to select them. I
19 always do that. I've done it since I was a young judge --
20 or a younger judge. Y'all were thinking that, weren't you?
21 I've got a lot of gray hair for a young judge. I get that
22 all the time. There's stories about that. They're all not
23 true though.

24 In any event, y'all's job is to be good listeners.
25 Y'all will have enough time for breaks to attend to -- I'm

1 gonna tell you as a group we'll have longer breaks; some
2 shorter, some longer. We'll have longer breaks for any
3 smokers or someone who needs to step outside for any
4 reason, to use your phone or something. I'll afford you
5 opportunities to do that. And I'll tell you when we take
6 a break all right, this is gonna be a fifteen-minute
7 break and that will give you time to step outside if you
8 want to use your phone or have some fresh air or whatever.
9 Sometimes the breaks are only five, six, seven, ten
10 minutes. I'm gonna try to keep the schedule regimented.
11 Meaning, one of my pet peeves is let's take a
12 fifteen-minute break and then something happens in the
13 courtroom that I'm dealing with and it makes the break
14 turn from fifteen to thirty minutes. That's kind of
15 frustrating, but I try to -- that's my job to try to manage
16 that, so I'm gonna try to give y'all fair warning when I
17 don't adhere to that schedule. Your lunch breaks will be
18 ample. You'll have plenty of time depending on how close
19 you live whether you want to go home and eat. You can eat
20 wherever or whatever you like. You don't have to eat
21 together. We're gonna take a short -- we're gonna take a
22 lunch break a little lengthier today because I've got a
23 few things that I need to deal with beforehand to try to
24 organize the presentation of the trial and maybe make it a
25 little more streamlined.

1 If any of y'all are wondering, we'll be adjourned
2 today in plenty of time to see the football game.
3 Ms. Frick is a big Clemson fan and she has a special mug
4 over there. I'm a Carolina graduate, but I'm hoping the
5 Tigers do very well tonight, so I'm hoping they'll do well.
6 They deserve all the luck they can -- there won't be any
7 chance of a national championship, so I hope they do well.

8 In any event, y'all's job is to be good listeners.
9 When y'all come back from lunch will -- the two of y'all
10 seem to know each other from jury selection. I'm gonna
11 let y'all be the co-people to speak with Mr. Mills about
12 a notepad. If anybody wants a notepad to take notes,
13 y'all figure out where they are. Mr. Mills will show you.

14 **BAILIFF:** We'll take care of all that.

15 **THE COURT:** Yes, sir. Notes are allowed in my
16 courtroom, but they're not required. If you bring a
17 notepad in here and you don't want to jot down anything,
18 you just want to hold it, it's up to you. I don't require
19 anything. I take notes. My law clerk takes notes. Stacy
20 takes down everything and so if she can't hear you'll see
21 her stop and say I want that repeated or something and
22 that's what she's supposed to do is take down the court
23 record so the record is accurate. Additionally, she's in
24 charge of keeping track of all the exhibits introduced.
25 That's her job and so she has to keep very deliberate

1 attention to those things, so we'll have to stop and --
2 y'all will see how she does it. She marks stickers and
3 has numbers and it's very organized and it needs to be.
4 You don't organize it after the fact, you organize it as
5 it's coming in and it stays organized, and so that's her
6 job and that's what she and I will work together to do.
7 The lawyers you'll find are very well prepared. They've
8 appeared in front of me before and they know where they're
9 going. They're not gonna be stammering around, which is
10 very nice. It's a pleasure to have well-organized lawyers.
11 I want to tell you it helps in the presentation of a case.

12 Now this is important. From now until the end of the
13 case y'all are not to discuss the case with each other
14 until I say start begin discussing the case. You don't
15 start discussing it in between the first and the second
16 witness or the third and the fifth. Now I will tell you
17 this. I'll let y'all know I read a lot of potential
18 witnesses. They're not gonna call all of those. Some of
19 them are dual witnesses. Like, you know, there will be a
20 records custodian and they may not know which one's gonna
21 be available and working when the witness is called, so we
22 read both of them, this record custodian or that one, so
23 there's not gonna be -- all those witnesses I called will
24 not be called. The State will call whoever they want,
25 whoever is appropriate. The defense probably won't decide

1 whether they're gonna call witnesses until the State
2 finishes their case and that's -- they have that luxury.
3 They can do that because as I told you they don't have
4 anything to prove, nothing to disprove. Mr. Morehouse is
5 presumed innocent all the way through the trial and I'll
6 reenforce that with my instructions at the end, but
7 importantly because of that you can't discuss the case in
8 the middle of the trial because a witness that y'all
9 haven't heard from, maybe the last witness, may give you a
10 piece of the puzzle that makes everything fit together and
11 come into focus, you don't know, so to avoid making a
12 preliminary decision you're not allowed to discuss the
13 case. Keep an open mind, take good notes if you choose to,
14 listen attentively, then listen to my instructions on the
15 law and then you discuss the case and answer the questions
16 of fact that are presented to you.

17 Because of that also you're not allowed to talk to
18 anybody outside the courtroom about the case. No one is
19 allowed to talk to you about the case. You're not allowed
20 to do research on the case. Don't go on Facebook and say
21 I'm a juror in that case in Lexington County because then
22 you're inviting a conversation to start about the case.
23 Well, what's it about? Is that the case about so and so?
24 I want you fifteen people to decide this case -- and
25 obviously there are alternates -- there will be twelve

1 people in the jury room at the very end. Until then I'm
2 gonna keep calling y'all fifteen, but the fifteen y'all
3 collectively are the jury. What you need to decide the
4 case y'all will get in this courtroom while I'm presiding
5 with Ms. Johnson taking down the record. Anything outside
6 the courtroom perhaps is not done properly, it's not done
7 under the rules of evidence or under the rules of court and
8 it's not sworn testimony. It's just something you heard on
9 the street or read in the paper. That's not relevant nor
10 material. I don't want you considering it.

11 Now I give this example a lot. I was trying a case in
12 Laurens County and I picked a jury like y'all and I said
13 okay, y'all are excused until first thing in the morning,
14 I've got something else this afternoon to do and it was a
15 bond hearing that afternoon that I did in another whole
16 case, different lawyers, different people, everything. The
17 newspaper came out Wednesday morning and said that Judge
18 Addy heard the case and he ruled on the motion, but hadn't
19 made a decision yet. Judge Addy wasn't in the courthouse.
20 He was holding court in Greenwood, I was in Laurens. The
21 newspaper had the wrong judge. Judge Addy and I are good
22 friends. He's tall and slender, I'm not so much. They
23 just had it wrong and I told the paper about it. And,
24 anyway, they sell paper and ink a little better than I do,
25 so they've kind of commented on that since, but they just

1 had it wrong. Absolutely had the wrong judge hearing the
2 case and they were criticizing Judge Addy for a decision I
3 hadn't made yet.

4 My point to you is what y'all need to decide the case
5 you'll get in this courtroom. No Internet, newspaper,
6 television reports. I want y'all to try -- I mean, y'all
7 saw the news reports from some other trials going on, more
8 high profile things and how the jurors were told not to
9 listen to news accounts because they were adjourned for a
10 couple of weeks over Christmas. The reason is the judge in
11 that case, just like this one, I want you to decide the
12 case based on what you hear in the courtroom, not on some
13 outside influence or misinformation. It's just as
14 important in this case as it was in the other cases that
15 y'all may have seen on news reports, so I'm gonna ask you
16 to do that. So don't discuss the case, don't talk about
17 the case, don't do independent research, don't go on
18 Facebook and say I'm on the jury, don't go on Instagram.
19 Stay out of that. You can go and look and talk to your
20 friends, but not about the case and not about being a
21 juror.

22 I think that's just about my preliminary instructions.
23 That being the case, I'm gonna excuse y'all until 2:30. I
24 generally go by that clock. It's five after twelve. Y'all
25 check back and see what time 2:30 should be looking at that

1 clock and y'all be back in here and listen to Mr. Mills and
2 the other bailiffs. Now y'all have got juror buttons. All
3 these people here are not allowed to talk to you. They'll
4 say good morning, good afternoon, hello. That's gonna be
5 about the extent of the conversation. Understand they're
6 not allowed to engage in conversation because they've got
7 to influence you and present their case in here, not out
8 there. That being the case, they can't talk to you. So
9 they're not being standoffish or rude, they're just
10 following the rules. The bailiffs, on the other hand, it's
11 their job to help you and meet you, greet you, help you in
12 the jury room, get you a glass of water, that kind of
13 thing. So Mr. Mills is kind of in charge of the jury room
14 and the other bailiffs in the red blazers they'll all meet
15 and greet you and they'll show you where the jury room is
16 and how to get out of here for lunch and how to get back in
17 after lunch.

18 All right. With those instructions, Mr. Mills,
19 they're all yours.

20 **BAILIFF:** All right. Thank you. Y'all follow me.

21 (Whereupon, the jury was excused for lunch at
22 12:06 PM.)

23 **THE COURT:** We'll be back in here in ten minutes, at
24 twenty after, by that clock.

25 **MR. HILLIARD:** By that clock.

1 (Recess taken.)

2 **BAILIFF:** All rise. Come to order.

3 **THE COURT:** Okay. Y'all be seated. How much
4 pre-trial stuff do we need to do? Do some of it before
5 lunch, a little bit after lunch? Y'all tell me what's
6 y'all's proclivity.

7 **MS. MAYES:** Judge, we're prepared now to go forward
8 right now on the Jackson v. Denno matter, as well as we
9 could take up the search warrant matter prior to lunch.
10 We've got witnesses here available to go on both.

11 **THE COURT:** All right. And just so we don't get tied
12 up, I don't remember which trial it was, but one of the
13 recent ones, we're gonna sequester the witnesses?

14 **MR. HILLIARD:** Yes, sir. Thank you, Your Honor. That
15 was on my piece of paper right here, so.

16 **THE COURT:** We did -- I've had a trial every other
17 week for several months, since early October, and we were
18 caught in the middle of the second witness before getting
19 people out of here in one trial, so we're gonna do it right
20 now from the beginning. So we're good on that?

21 **MR. HILLIARD:** Yes, sir.

22 **THE COURT:** All right. Are you ready to go forward on
23 the Jackson v. Denno, Mr. Hilliard?

24 **MR. HILLIARD:** Yes, sir.

25 **THE COURT:** All right. Let's go with that then,

1 Ms. Mayes.

2 **MS. MAYES:** Yes, sir, Your Honor. And in regards --

3 **MR. HILLIARD:** Well, as far as sequestering, how many
4 witnesses have we got?

5 **MR. MAYES:** Well, regarding the sequestration, we
6 have Detective Marthers, who needs to leave. Your Honor,
7 our chief investigating officers in this case are Rawl
8 and Laintz. We would ask that they be exempt from
9 sequestration. We also have the father of the victim,
10 Mr. Porter. He is present in the courtroom and will
11 testify, but because he is the father of the victim he
12 would be exempt as well. Other than that, all law
13 enforcement officers are out of the courtroom, including
14 Ms. Holliman, the evidence custodian.

15 **MR. HILLIARD:** I agree with the exemption of
16 Mr. Porter. I agree with that exemption. On the other
17 hand, I think they only get one chief investigating
18 officer. I don't know how you'd have two. I mean, you
19 could have five, but --

20 **MS. MAYES:** We have multiple investigating officers,
21 Your Honor, but only Detective Rawl and Laintz are involved
22 in the key aspects of the case.

23 **THE COURT:** Refresh my memory. Why -- why are they
24 co-investigating? It seems like I heard this in the first
25 trial. What's the reason you're having two?

1 **MS. MAYES:** Yes, sir. Yes, sir, Your Honor. Both --
2 there were two aspects of the investigation, the drug
3 aspect and the investigation at the scene and then the
4 follow-up investigation. Laintz was involved in the
5 execution of the search warrant at the home and the scene
6 investigation and Rawl was involved in the follow-up
7 investigation. For purposes of this hearing, Your Honor,
8 Sergeant Laintz can be subject to sequestration.

9 **THE COURT:** All right.

10 **MR. HILLIARD:** That solves the problem for now, so.

11 **THE COURT:** Well, I'm probably gonna let them have
12 both of them, but for the purposes of this hearing we'll
13 do the sequestration and Mr. Laintz -- Detective Laintz
14 can step out. Or sergeant or whichever the title was.
15 Laintz can step out.

16 **MR. HILLIARD:** Thank you, Judge.

17 **THE COURT:** What else do you got on your paper?

18 **MR. HILLIARD:** That's all, Judge. We're gonna start
19 with the Jackson v. Denno?

20 **THE COURT:** Yes, sir.

21 **MS. MAYES:** The State calls Detective Miles Rawl.

22 (Whereupon, Miles Rawl was duly sworn by the Clerk of
23 Court.)

24 **THE CLERK:** Once you're seated state your full name,
25 spelling your last name.

1 **MR. HILLIARD:** Before he starts, Judge, one thing
2 that I just noticed and I didn't notice it before was that
3 Detective Rawl and Sergeant Laintz are a part of this
4 interrogation and so that would certainly be additional
5 sustaining grounds for the sequestration. He's out anyway,
6 so.

7 **THE COURT:** Fair enough. All right.

8 MILES RAWL,
9 having been duly sworn, testified as follows:

10 DIRECT EXAMINATION (In-Camera)

11 BY MS. MAYES:

12 Q. Sergeant Rawl, can you give us some information about
13 yourself beginning with where you are employed and what
14 your job responsibilities of as part of the Major Crimes
15 Unit?

16 A. Yes, ma'am. I've been employed with Lexington County
17 Sheriff's Department for approximately ten years. Now I
18 serve as a sergeant over the Domestic Violence Team and the
19 Major Crimes Unit. Prior to that I was a major crimes
20 detective for the Lexington County Sheriff's Department.

21 Q. And did you have the opportunity to become involved in
22 the investigation regarding a homicide which occurred on
23 August 3, 2015?

24 A. I did.

25 Q. And can you tell us at what stage the Defendant in

1 this case, Mr. Morehouse, Charles Morehouse, was actually
2 detained and taken into custody?

3 A. He was detained approximately eight hours or so after
4 the initial response to the scene on Old Orangeburg Road.
5 He was detained on some drug warrants, not the murder
6 warrant, at that time.

7 Q. All right. And specifically those were warrants for
8 distribution of methamphetamine?

9 A. That's correct.

10 Q. And those warrants were served on what date?

11 A. On 8-4-2015.

12 Q. August 4, 2015. And can you tell us where the service
13 of those warrants fell in line with the execution of the
14 search warrant at the home of Mr. Morehouse?

15 A. We actually executed the search warrant probably
16 seven or so hours after the investigation at which time
17 Charles Morehouse was placed in custody for the drug
18 warrants. He was transported to Lexington County Sheriff's
19 Department and was later served with those warrants shortly
20 thereafter.

21 Q. All right. Does the timeframe of 8:30 to 9 AM on
22 August 4, 2015, sound accurate?

23 A. Yes, ma'am.

24 Q. So once he was detained at the Lexington County
25 Detention Center and served with those warrants for

1 distribution of methamphetamine, can you tell us whether
2 or not circumstances in the case led to obtaining an
3 additional warrant for murder?

4 A. Later, yes, ma'am.

5 Q. And what was the date in which the murder warrant was
6 obtained?

7 A. August 8, 2015.

8 Q. Now prior to August 8th, had Mr. Morehouse
9 participated in any type of interview with yourself or
10 any other officers?

11 A. Yes, ma'am.

12 Q. What was the date of his initial interview?

13 A. On August 4, 2015.

14 Q. And which officers did he give an interview to?

15 A. Myself and Detective Couch.

16 Q. And on that date of August 4th contemporaneous with
17 that interview, was he provided his Miranda rights?

18 A. Yes, ma'am.

19 Q. And did appear to acknowledge and understand his
20 Miranda rights?

21 A. Yes, ma'am.

22 Q. Did he waive his Miranda rights?

23 A. He did.

24 Q. And he participated in an interview with you and
25 Detective Couch on August 4th?

1 A. That's correct.

2 Q. And did he remain in custody after that interview?

3 A. He did.

4 Q. Now I want to take you specifically to an interview
5 which is dated August 8, 2015. Can you tell us whether or
6 not an interview was conducted on that date?

7 A. Yes, ma'am, it was.

8 Q. And specific to this interview on August 8, 2015,
9 which officers took -- which officers participated in that
10 interview?

11 A. Myself and Sergeant Laintz.

12 Q. What were the circumstances that led to you and
13 Sergeant Laintz having this additional interview with
14 Mr. Morehouse on August 8th?

15 A. We served the murder warrant on Charles Morehouse on
16 August 8th. At that point in time during the service of
17 the warrants while Sergeant Laintz was reading those
18 warrants, he advised that he did wish to talk to us and we
19 advised him he needed to complete an inmate request form at
20 which time we handed it to him and he completed that form.

21 Q. Now where were you and Sergeant Laintz when this
22 murder warrant was served on Mr. Morehouse?

23 A. Lexington County Sheriff's Department bond court.

24 Q. All right. And so was he brought down to bond court?

25 A. Yes, ma'am.

1 Q. For what purpose?

2 A. I think at that time just so we could do the service
3 of the warrants.

4 Q. So he was brought to bond court so those -- so the
5 murder warrant could be served on him?

6 A. Yes, ma'am.

7 Q. And it was read to him by Sergeant Laintz?

8 A. Yes, ma'am.

9 Q. Were you present?

10 A. I was.

11 Q. Did you observe what you've previously testified to,
12 which was a statement by Mr. Morehouse indicating that he
13 wished to talk?

14 A. I was present, yes, ma'am.

15 Q. And he was given what advice?

16 A. He was advised that he needed to complete an inmate
17 request form.

18 Q. In order to speak verbally with yourself and Sergeant
19 Laintz?

20 A. That's correct.

21 Q. So in addition to that verbal request to speak to
22 you, ultimately was there also an inmate request by
23 Mr. Morehouse?

24 A. It was.

25 Q. And what did you do in response to that?

1 A. At that point in time we took him back to a Lexington
2 County Sheriff's Department interview room, advised him of
3 his rights and began to interview him.

4 Q. And who actually advised him of his rights?

5 A. I did.

6 Q. Can you tell us whether or not this interview,
7 including the advice of rights, was audio-recorded?

8 A. It was.

9 Q. Can you tell us whether or not you've had an
10 opportunity to hear the audio recording?

11 A. I have.

12 Q. Can you tell us whether or not it's a fair and
13 accurate representation of the rights that were read to
14 Mr. Morehouse on August 8, 2015?

15 A. It is.

16 Q. And ultimately did he waive those rights?

17 A. Yes, ma'am.

18 Q. And agree to speak to yourself and Sergeant Laintz?

19 A. He did.

20 Q. Did you also acknowledge that he had provided an
21 inmate request form to speak with you?

22 A. He did.

23 Q. And did he verbally acknowledge whether or not he had?

24 A. He did.

25 **MS. MAYES:** Your Honor, at this time, I don't believe

1 it's marked yet as a Court's exhibit, but if there's no
2 objection we can take it out and mark it or we can mark
3 the envelope, but at this time we would ask to publish the
4 reading of those rights.

5 **MR. HILLIARD:** No objection. We've been provided a
6 copy of this. However you want to do it.

7 **THE COURT:** So we'll mark it Court's Exhibit 1 or are
8 you okay with marking it as a State's Exhibit?

9 **MR. HILLIARD:** Court's Exhibit 1.

10 **THE COURT:** Court's Exhibit 1 for the purpose of this
11 hearing.

12 (Court's Exhibit Number 1 was marked for
13 identification.)

14 **MS. MAYES:** We'll publish at this time, Your Honor.

15 **THE COURT:** Okay. Off the record.

16 (Discussion off the record.)

17 (Whereupon, Court's Exhibit Number 1 was played.)

18 BY MS. MAYES:

19 Q. Now you indicated that Mr. Morehouse had previously
20 been read his Miranda rights on August 4th as well?

21 A. Yes, ma'am.

22 Q. And agreed to speak with you?

23 A. Yes, ma'am.

24 Q. And then, again, he is advised of his rights on this
25 date, August 8th?

1 A. Yes.

2 Q. And agreed to speak with you?

3 A. Yes, ma'am.

4 Q. And, again, the entire interview was in response to
5 what?

6 A. After service of the murder warrant.

7 Q. And his request to participate in an interview?

8 A. That's correct.

9 Q. So this interview was done at his request?

10 A. Yes, ma'am.

11 Q. Now other than yourself and Sergeant Laintz, was
12 anyone else present during the course of the interview?

13 A. No, ma'am.

14 Q. Did he appear to be -- Mr. Morehouse appear to be
15 intoxicated by alcohol or drugs during the course of this
16 interview?

17 A. He did not.

18 Q. Did he respond to the questions that were provided to
19 him?

20 A. He did.

21 Q. Did he appear to understand your questions?

22 A. He did.

23 Q. Did he appear to understand his rights?

24 A. He did.

25 Q. Was his speech coherent?

1 A. Yes, ma'am.

2 Q. Did he at any time indicate that he wanted an
3 attorney?

4 A. He did not.

5 Q. Did he at any time indicate that he wanted questioning
6 to stop?

7 A. He did not.

8 Q. Did he at any time invoke the right to remain silent?

9 A. He did not.

10 Q. Did he agree to answer your questions and continue the
11 interview without an attorney present?

12 A. He did.

13 Q. Did you promise anything in exchange for making the
14 statement or participating in the interview?

15 A. I did not.

16 Q. Did you coerce him in any way in order to participate
17 in the interview?

18 A. I did not.

19 Q. To the best of your knowledge, was his waiver of
20 rights freely and voluntarily given?

21 A. They were.

22 Q. Did he go on and continue to participate in this
23 interview and make a statement to yourself and Sergeant
24 Laintz?

25 A. He did.

1 Q. And is that recorded in its entirety?

2 A. It is.

3 **MS. MAYES:** Nothing further at this time.

4 **THE COURT:** Mr. Hilliard.

5 **MR. HILLIARD:** Thank you, Judge. If I might ask
6 the technology guru to go to the very beginning of the
7 recording. If you could play that part, please, beginning
8 before he gives the advisement of rights.

9 (Whereupon, a portion of Court's Exhibit 1 was
10 played.)

11 **MR. HILLIARD:** Thank you.

12 CROSS-EXAMINATION (In-Camera)

13 BY MR. HILLIARD:

14 Q. And then when it stops there, the rest of that is what
15 the judge has already heard; is that right?

16 A. That's right, yes.

17 Q. The advisement of rights. Was it clear to you at that
18 point that what Mr. Morehouse was attempting to do was to
19 protect his wife from being charged?

20 A. He had made mention that he was worried about her
21 being charged and I think Sergeant Laintz had explained
22 that, you know, that was out of our control at that point
23 in time.

24 Q. Were you there the whole time that the conversation
25 was going on? Or you left, is that -- is that part of what

1 -- what happened?

2 A. Part of what you hear, yes, sir. I guess I had
3 stepped out to use the phone. You can hear the door open
4 when I return back in the room.

5 Q. And so you were there after that?

6 A. That's correct.

7 Q. And for the whole recording and conversation; is that
8 right?

9 A. Yes, sir.

10 Q. All right, sir. And would you agree with me that the
11 whole focus of Charlie's confession or conversation with
12 you guys was to try to protect his wife? Would you agree
13 with that?

14 A. No, sir.

15 Q. And you say that nobody in your presence offered to
16 help him in any way; is that right?

17 A. That's right, nobody.

18 **MR. HILLIARD:** And I've got some disc times and quotes
19 if we can call on your guru again, Judge, at 18, disc time
20 18. And before you play it, I'll ask the question and then
21 we can play it maybe. If we can work it that way, that
22 would be ideal.

23 **BY MR. HILLIARD:**

24 Q. Do you remember anybody saying -- and not the
25 Defendant, but anybody on the side of law enforcement, do

1 you remember anybody saying "this is what helps you"?

2 A. If I said something like that, that is the way we
3 let people know that it's okay to continue talking.

4 That's part of the interrogation process. Help you help
5 me understand maybe what it -- maybe what it says.

6 Q. Would it be fair to say that a reasonable and ordinary
7 person who you told "this is what helps you" would think
8 that you were gonna help them?

9 A. No, sir. Like I said, it's just language on terms of
10 interrogation, trying to get someone to continue to talk
11 versus shutting down immediately.

12 Q. And the reality of it is people who understand that
13 it's not gonna help them are not gonna talk.

14 A. It -- like I said, without listening to it, it
15 probably says something along the lines of help me
16 understand. Help you help me understand, something along
17 that line.

18 Q. Well, let's play that point at 18, if we can, and you
19 can go backwards and forwards, whatever you direct --

20 A. Okay.

21 Q. -- so that it's in context. I'm not trying to get it
22 out of context.

23 A. Yes, sir.

24 (Whereupon, a portion of Court's Exhibit Number 1 was
25 played.)

1 **MR. HILLIARD:** You can stop at that point.

2 BY MR. HILLIARD:

3 Q. And at -- at Number 19 do you recall saying "you're
4 doing the right thing, clearing your conscience, and for
5 your family"?

6 A. Yes, sir.

7 Q. And so you do remember saying that?

8 A. Yes, sir.

9 Q. And that was for your family. You don't believe that
10 that was in any form offering to help?

11 A. Here, again, that's -- that's language we use on the
12 day-to-day operations as far as interrogation and interview
13 techniques.

14 Q. Yeah, and -- but it's two parts. There's the part
15 about clearing your conscience, right, and then there's the
16 part about for your family, correct?

17 A. That's right.

18 Q. And you knew that he was trying to protect his wife at
19 that point?

20 A. That's correct.

21 Q. At -- and do you agree that you said that about
22 clearing your conscience and for your family?

23 A. Yes, sir.

24 Q. All right. And then do you recall saying we might can
25 help you?

1 A. Here, again, without listening to it in full
2 context --

3 Q. Sure. I understand.

4 **MR. HILLIARD:** Let's play 56, please.

5 (Whereupon, a portion of Court's Exhibit Number 1 was
6 played.)

7 **THE WITNESS:** Yes, sir, I said that.

8 BY MR. HILLIARD:

9 Q. So as long as -- but you would agree with me that "it
10 might would help you if you tell us the truth"?

11 A. That's correct because there was a -- there is a
12 co-defendant that was charged with murder in this as well.

13 Q. All right. So it's -- so it's fair to say that
14 Charlie's conversation after that point was based in part
15 on the notion that you might could help him?

16 A. Depending on what -- I mean, like I said, depending
17 on what kind of information he was willing to give. And
18 here, again, I go back to that is terms utilized in
19 interviews and interrogations. If you go in and
20 immediately advise someone that I can't help you at all
21 or not even necessarily that, but if you go into terms of
22 -- we have to understand the entire situation to -- to see
23 if -- I mean, here, again, there is a co-defendant in this
24 case as well.

25 Q. But the reality is that you can't help him, right?

1 You cannot help him, true?

2 A. We can advise the solicitor's office of cooperation,
3 whatever the case may be, I don't know, his involvement in
4 the case.

5 Q. At that point were you offering to help him?

6 A. No, sir.

7 Q. Do you recall saying I want to help you?

8 A. Yes, sir.

9 Q. So you were talking about helping him, right?

10 A. Yes, sir.

11 Q. And he was listening to you talk about helping him,
12 right?

13 A. More than -- like I said, probably that is the
14 language we use on a day-to-day operation as far as
15 interrogation goes. Help us understand. As we go back to
16 the other one, help us understand.

17 Q. But the point of it is if the Defendant does not
18 believe that there's some benefit in talking to you,
19 they're not gonna talk to you, true?

20 A. He actually requested to speak to us.

21 Q. Because he was trying to do something beneficial for
22 his family, right?

23 A. Here, again, he requested to speak to us after the
24 service of the murder warrant.

25 Q. Well, let me go back and just be sure that I get this.

1 So you agree that you said we might can help you?

2 A. Yes, sir.

3 Q. And you agree that you said I want to help you or you
4 disagree with that?

5 A. I agree that I said that.

6 Q. And after that his -- the focus of his conversation
7 was that -- that Crystal didn't know anything about what
8 was going on; is that correct?

9 A. That was his focus.

10 Q. Yes, sir.

11 A. Yes, sir.

12 Q. So is it fair to say that that was -- the focus of his
13 -- he wasn't talking to you because he wanted to talk to
14 you, he was talking to you because he was trying to help
15 Crystal, his wife?

16 A. I'm not sure why he was talking to us.

17 Q. You're not?

18 A. He was talking to us in reference to this case. I
19 don't know what he meant when he stated about Crystal. I
20 have no idea.

21 Q. Do you recall saying that you had no reason to think
22 that he's lying?

23 A. Yes, sir.

24 Q. Do you recall saying that -- that you hoped that it
25 helped him?

1 A. Yes, sir.

2 Q. And, in fact, it didn't help him.

3 A. I don't know if it did or not. His conscience is --
4 that's within him. I don't know.

5 **MR. HILLIARD:** Thank you, sir. That's all I have as
6 to questions.

7 **MS. MAYES:** Yes, sir, Your Honor. Just a few
8 questions.

9 REDIRECT EXAMINATION (In-Camera)

10 BY MS. MAYES:

11 Q. Detective Rawl, if we could go back now and clarify,
12 first of all, in regards to Crystal Morehouse. That's his
13 wife?

14 A. That's correct.

15 Q. And during the course of this interview, does he bring
16 to your attention any concerns that she may be potentially
17 charged?

18 A. That's correct.

19 Q. Do you and Sergeant Laintz discuss that with him
20 throughout the interview?

21 A. Yes, ma'am.

22 Q. And when he brings this up, at any point in time do
23 you or Sergeant Laintz tell him that Crystal Morehouse will
24 not be charged?

25 A. We did not.

1 Q. In fact, what was he advised in regard to Crystal
2 Morehouse?

3 A. That she probably stood a good chance of getting
4 charged.

5 Q. All right. And that's in relation to the drug
6 operation -- or the drug investigation, correct, not to the
7 murder?

8 A. That's correct.

9 Q. And he was told that at the outset of the interview?

10 A. He was.

11 Q. And during the course of the interview?

12 A. He was.

13 Q. And does he still agree to participate in that
14 interview?

15 A. He did.

16 Q. At any time did you or Sergeant Laintz tell him that
17 if he were to participate in the interview that Crystal
18 would not be charged?

19 A. We did not.

20 Q. Now Mr. Hilliard was asking you about a statement
21 "until we know the exact truth then I might can help you".
22 Until we know the exact truth, then I might can help you.
23 Having been the investigator assigned to this case,
24 Detective Rawl, having reviewed his statement in its
25 entirety in comparison with all of the evidence in this

1 case known to you, was this a fully forthcoming interview?

2 A. No, ma'am.

3 Q. Did he provide the exact truth about what happened in
4 connection to this murder?

5 A. No, ma'am.

6 Q. When there's a conversation about clearing his
7 conscience, what, if anything, did you mean in regard to
8 that, helping him or his family or his life?

9 A. Basically, I'm a godly man and I believe getting right
10 with God is -- is the first line of business, therefore, I
11 try that on every bit of my interviews to try to help him
12 clear his conscience for the rest of his life.

13 Q. In fact, is there a discussion about the fact that
14 even if he's in prison it will help him?

15 A. That's correct.

16 Q. I'm gonna ask you now whether or not there's an
17 acknowledgment by Mr. Morehouse that he was read -- or
18 that he did submit a request to you and Sergeant Laintz to
19 participate in an interview. Is that discussed?

20 A. Yes, ma'am.

21 (Whereupon, a portion of Court's Exhibit Number 1 was
22 played.)

23 BY MS. MAYES:

24 Q. And he is referring there to that inmate request form?

25 A. Yes, ma'am.

1 Q. And that was the voice of whom?

2 A. Charles Morehouse.

3 Q. And I believe that Mr. Hilliard was asking you about
4 your conversation with him about clearing his conscience.

5 A. Yes, ma'am.

6 Q. And that was, I believe, at 56 minutes. Do you recall
7 that portion?

8 **MR. HILLIARD:** It was 19. I'm sorry.

9 **MS. MAYES:** 19.

10 (Whereupon, a portion of Court's Exhibit 1 was
11 played.)

12 BY MS. MILLS:

13 Q. All right. So at that point he says he's going to
14 prison for the rest of his life. Do you dispute that?

15 A. I do not.

16 Q. But you state what?

17 A. He will live a better life within his heart.

18 Q. And at any point in time did yourself or Sergeant
19 Laintz discuss any negotiations concerning a charge on
20 Crystal in connection with his participation in this
21 interview?

22 A. We did not.

23 Q. And ultimately was Crystal Morehouse charged in
24 connection to the drug case?

25 A. She was.

1 Q. Not in connection to the murder case, but in
2 connection with the drug case?

3 A. Yes, ma'am.

4 Q. And can you tell us was he advised throughout that
5 interview that she stood -- I believe the quote was "a very
6 likely chance of being charged"?

7 A. That's correct.

8 **MS. MAYES:** Nothing further.

9 **THE COURT:** Anything else, Mr. Hilliard?

10 **MR. HILLIARD:** A small amount.

11 **RE CROSS EXAMINATION (In-Camera)**

12 **BY MR. HILLIARD:**

13 Q. You kept saying probably charged, right?

14 A. That's right.

15 Q. And several times during the interview you were gonna
16 leave and as you were leaving he'd say more to get you to
17 come back; is that right?

18 A. I don't recall.

19 Q. You don't remember that -- that you guys were saying
20 we don't believe you, we don't think you're telling the
21 truth, we're just gonna go and he'd say well, hang on, come
22 on back, and then he'd say a little bit more?

23 A. I don't think we were intending to leave. I think
24 Sergeant Laintz brought up -- said yes, are you ready to
25 take him back and at that point --

1 Q. That's what I meant.

2 A. Right.

3 Q. And then when -- but what was said earlier was -- he
4 said he didn't care about his conscience and his heart, he
5 was worried about his family, right? I mean, that's --
6 that's what just got said.

7 A. I -- yes.

8 Q. And you did say "no reason to think you're lying".
9 Was that true?

10 A. That -- that I said that?

11 Q. No. Did you -- I mean, we agree you said it, right?

12 A. Yeah, I said that.

13 Q. And -- well, was it true when you told him that you
14 didn't think he was lying?

15 A. No, that was not true.

16 Q. So you were lying to him about whether you thought he
17 was lying?

18 A. Pretty much.

19 Q. How much of the rest of this was lying to him?

20 A. I mean, here, again, that's -- that's interrogation
21 interviewing.

22 **MR. HILLIARD:** That's all I have. Thank you, sir.

23 **MS. MAYES:** That's all from Detective Rawl, Your
24 Honor.

25 **THE COURT:** All right. You can step down.

1 (Witness excused.)

2 **MS. MAYES:** And, Your Honor, the testimony of
3 Sergeant Laintz on this would be cumulative. The
4 testimony has been that as is noted in the Court's
5 Exhibit 1 there's -- he's advised of his rights, he
6 waives his rights and he acknowledges that he sent an
7 inmate request form to Detective Rawl and Sergeant Laintz.

8 **THE COURT:** Do you want to hear from Detective Laintz?

9 **MR. HILLIARD:** No, sir. I agree. I'm certain he'd
10 say the same thing.

11 **THE COURT:** Okay. Let me hear you.

12 **MR. HILLIARD:** Judge, I agree with what's been said
13 so far about the advisement of rights and those kind of
14 things and it's -- I would submit to the Court that's
15 kind of a wink-wink, nod-nod to say okay, well, you know,
16 we're gonna help you or we would -- we might can help you,
17 I want to help you, and that they're saying that they want
18 to help him get right with his heart and he's hearing they
19 want to help her, they have the potential to help him with
20 his wife. I will submit to the Court that he had -- that
21 he was led to believe and allowed to believe that there
22 was some benefit in his making this statement and as a
23 consequence to that it's not free and voluntary, but was
24 in anticipation of a reward. Whether they intended --
25 well, and I would submit to the Court that if you take

1 the testimony of the police officer in whole it was clear
2 that he wanted him to believe that there was some potential
3 of reward and that's clear from the testimony. He didn't
4 -- he was dancing on it, but ultimately that was what was
5 said and what was believed and we'd ask you to exclude it.

6 **MS. MAYES:** Your Honor, at the very outset of the
7 interview that Mr. Hilliard asked to be played, at the
8 very beginning Sergeant Laintz states to Mr. Morehouse
9 there's a good chance she's gonna get charged. The
10 Defendant says for what, for what? Sergeant Laintz said
11 I know she was keeping the books for you. It's very likely
12 she's is, get ready for it, and that was at the outset of
13 the interview and he has inquired about her being charged.
14 That never changed. He had been advised upfront that it
15 was likely she would be charged. He was read Miranda and
16 waived Miranda after that. He had sent the inmate request
17 form asking to speak with the officers, he acknowledged
18 that on the audio, and then he goes on to acknowledge to
19 Detective Rawl that he believes he's going to serve life in
20 prison and the only discussion about it helping him is in
21 the context of his conscience, he will clear his conscience
22 and live a better life whether it's in prison -- even if
23 it is in prison, he will lead a better life. There is no
24 indication whatsoever that he is going to be given any type
25 of leniency other than if he tells the exact truth, then I

1 may can help you as Detective Rawl indicated. He did not
2 give the exact truth during the course of this -- this
3 interview and so that ends that as it is.

4 Your Honor, there's no evidence here of improper
5 coercion, threats or promises. He did initiate the request
6 for the interview, law enforcement complied and gave him
7 the interview. They advised him of his rights, he waived
8 those rights and then continued to participate in the
9 interview even after the discussion that his wife may
10 potentially be charged.

11 **THE COURT:** I'm looking for a case that I heard that
12 I want to read real quick. It's on this issue that I got
13 reversed on.

14 **MR. HILLIARD:** That's a sad day.

15 **THE COURT:** I thought so myself. And it was one -- a
16 statement I suppressed.

17 **MR. HILLIARD:** Uh-oh. Well, it's really a sad day.
18 It was probably a 3/2 split decision.

19 **THE COURT:** Actually it was on the court of appeals,
20 three to zero.

21 **MR. HILLIARD:** Do you remember the name of it?

22 **THE COURT:** That's what I can't remember. I remember
23 the facts of it. I know it was Laurens County.

24 **MR. HILLIARD:** A pre-trial suppression? It was on a
25 pre-trial suppression?

1 **THE COURT:** Huh? Yeah, I suppressed it. The Attorney
2 General appealed it before we swore the jury and it got
3 reversed.

4 **MR. HILLIARD:** No good deed goes unpunished.

5 **THE COURT:** Off the record.

6 (Off the record discussion.)

7 **THE COURT:** I may not have it with me.

8 **MS. MAYES:** I believe State versus Miller may be the
9 case, Your Honor.

10 **THE COURT:** That's the one from Laurens County?

11 **MS. MAYES:** Your Honor, that is a -- it's a 2007 case,
12 but it deals with any statement which is arguably induced
13 by a promise of leniency is involuntary only if so
14 connected with the inducement as to be the consequence of
15 the promise. Statements made in the hope of leniency
16 rather than as a consequence of a promise are not
17 involuntary and appears to be applicable here.

18 **THE COURT:** I'm looking. I'd rather read the case
19 that I got reversed on because those facts are more in my
20 head. I don't have it -- I don't have it with me. I'm
21 gonna have Jacob look for it. We can stand at ease. Y'all
22 don't have to sit here. It may take a while until we find
23 it.

24 **MR. HILLIARD:** Thank you, Judge.

25 (Pause in proceedings.)

1 **MR. BELL:** Your Honor, was it State versus Franklin?

2 **THE COURT:** It was, yes. He was a police officer
3 being interviewed by SLED agents.

4 All right. That's the case I wanted to read.

5 **MR. HILLIARD:** I'm trying to pull it up now, Judge,
6 if you'll give me just a second.

7 **THE COURT:** Raymond Franklin is the defendant's name.
8 It was unpublished.

9 **MR. HILLIARD:** For some reason I don't have an
10 Internet connection on this.

11 **THE COURT:** Basically it was a totality of
12 circumstances of the statement and the Miranda rights
13 and how the interview was conducted and all that sort of
14 thing.

15 Did you find it, Mr. Hilliard?

16 **MR. HILLIARD:** Not yet, Judge. Do you have a -- know
17 the number?

18 **LAW CLERK:** Are you searching on Westlaw or --

19 **MR. HILLIARD:** Just on the court's website.

20 **LAW CLERK:** 2014-UP-110, a 2014 case. Appellate Case
21 Number 2012-212013.

22 **MR. HILLIARD:** 212013?

23 **LAW CLERK:** Yes, sir.

24 **MR. HILLIARD:** Thank you.

25 **THE COURT:** Do y'all want to be heard any further?

1 Because I have an idea what I'm gonna do.

2 **MR. HILLIARD:** I -- just two points from the -- one
3 of the -- part of the language in the case that you're
4 talking about, Judge, is that the implied promise is in
5 the language as is perspective of the defendant and it
6 also says it's discretionary. I know it was a reversal,
7 so it's only so discretionary, but at the same time it is
8 the implied promise and the perspective of the defendant.

9 **THE COURT:** And the threshold in response to that is
10 I think the State's met that regarding the voluntariness
11 and the promises made, so I'm going to allow the statement
12 since it's in the discretion of the Court. I'll allow the
13 statement. I understand your argument, but all things
14 considered, the totality of the discussion that was going
15 on and no question Miranda was given prior to giving that
16 statement. In this case, there was a gap in the time
17 between the Miranda given before a polygraph examination
18 and then a follow-up interview that it wasn't given and
19 that bothered me on that case, but this one doesn't
20 include that fact --

21 **MR. HILLIARD:** Yes, sir.

22 **THE COURT:** -- Miranda and immediate interview and
23 so I think the State's met its threshold to prove under
24 Jackson v. Denno that the statement was voluntarily
25 given and the questions and responses were received

1 appropriately, so.

2 **MR. HILLIARD:** With that we'll go to the jury.

3 **THE COURT:** Okay. Fair enough.

4 Now off the record I'll tell you the rest of the
5 story.

6 (Off the record discussion.)

7 **THE COURT:** All right. Do y'all want to stand at
8 ease until 2:30? Can we do that or not?

9 **MR. HILLIARD:** Well, we still have the search
10 warrant. We can leave and come back or we can do it,
11 whichever.

12 **THE COURT:** How long is this gonna take, Ms. Mayes?

13 **MS. MAYES:** Are you contesting the home and the
14 Impala, the home and the vehicle?

15 **MR. HILLIARD:** I don't know that I've got much of a
16 contest on the vehicle, but I'd like to at least say it.

17 **MS. MAYES:** Fifteen minutes, Your Honor.

18 **THE COURT:** Okay. Let's go ahead and get it done
19 then.

20 **MR. BELL:** At this time the State calls Detective Rawl
21 back to the stand.

22 **THE COURT:** All right. Detective, I'll remind you
23 you're still under oath.

24 **THE WITNESS:** Yes, sir.

25 MILES RAWL,

1 having been previously sworn, testified as follows:

2 DIRECT EXAMINATION (In-Camera)

3 BY MR. BELL:

4 Q. Following the discovery of the deceased in this case,
5 did y'all have reason to draft any search warrants?

6 A. We did.

7 Q. And what was your first order of business when it came
8 to drafting a search warrant? What was the location to be
9 searched?

10 A. Willow Forks.

11 Q. And why is that relevant?

12 A. That's where Charles Morehouse lives.

13 Q. And what county is that?

14 A. Lexington County.

15 Q. That's within your jurisdiction?

16 A. Yes, sir.

17 Q. Did you draft it yourself?

18 A. I did.

19 Q. Do you have a copy of that search warrant in front of
20 you?

21 A. I do.

22 Q. And with regards to the search warrant document
23 itself, in general, you don't have to read every word, but
24 what was the description of the premises to be searched?

25 A. Grounds, outbuildings, place, premise, residence and

1 vehicles to be searched located at Willow Forks Road in
2 the Lexington area of Lexington County, South Carolina.

3 Q. If you were to refer to the last line of that
4 paragraph, is there any mention of Chevrolet Impala?

5 A. It is.

6 Q. Additionally, when it comes to the description of the
7 property, would you just -- it's the second to the last
8 sentence beginning with law enforcement. Would you read
9 that sentence into the record?

10 A. Law enforcement will also be searching for any and all
11 narcotics and narcotics-related items to include marijuana
12 and smoking devices that are in plain view.

13 Q. Now as it relates to that search warrant document,
14 was an affidavit establishing the probable cause for that
15 search included with the search warrant?

16 A. Yes, sir.

17 Q. And do you have a copy of that as well with you?

18 A. I do.

19 Q. And, in general, will you just summarize the reason
20 for the probable cause for that search warrant.

21 A. Yes, sir. Basically after discovering the victim in
22 the roadway and after investigation we were able to obtain
23 the victim's cell phone at which time the victim's cell
24 phone had last phoned -- had received a last text message
25 and phone call from A King Chuck, phone number

1 -1191. After further research in our database
2 system, A King Chuck and that phone number actually came
3 back to Charles Alton Morehouse at Willow Forks Road
4 in Lexington.

5 Q. Was this the very first encounter that law enforcement
6 had with Charles Morehouse?

7 A. No, sir.

8 Q. Was there an ongoing investigation into Morehouse at
9 the time that this incident occurred?

10 A. Yes, sir.

11 Q. And what was the subject matter of that investigation?

12 A. Methamphetamine. Narcotics investigation.

13 Q. Did you actually present this search warrant to the
14 judge?

15 A. I did not.

16 Q. Who presented it?

17 A. Detective Couch.

18 Q. And where is he?

19 A. Where is he now?

20 Q. Yes, sir.

21 A. He is in training for the military.

22 Q. Was he available today?

23 A. No, sir.

24 Q. Did you transmit the drafted search warrant to
25 Detective Couch?

1 A. I actually e-mailed it to Judge Morgan at which time
2 Detective Couch was en route to his office to obtain the
3 narcotic distribution warrants at which time myself and
4 Detective Couch actually spoke on the search warrant and my
5 probable cause.

6 Q. And are you aware of whether the judge actually signed
7 off on this search warrant?

8 A. He did.

9 Q. And are you aware if a return was properly filed in
10 this case?

11 A. It was.

12 Q. Do you have that return in front of you?

13 A. I do.

14 Q. What is the date that the return was filed? If you'll
15 look at the bottom left.

16 A. On it looks like August 14th of 2015.

17 Q. Is that within the ten-day limit of the original
18 execution of the search warrant?

19 A. It is.

20 **MR. BELL:** Nothing further for this witness.

21 **THE COURT:** All right, Mr. Hilliard.

22 **MR. HILLIARD:** Thank you, Your Honor.

23 **MR. BELL:** Your Honor, if I could beg the Court's
24 indulgence one moment?

25 **THE COURT:** Sure.

1 **MR. BELL:** May I see the document you have in front of
2 you?

3 **THE WITNESS:** (Handing.)

4 **MR. BELL:** Mark that as a Court's exhibit.

5 (Court's Exhibit Number 2 was marked for
6 identification.)

7 **MR. BELL:** Your Honor, for the sake of clarity, the
8 search warrant that the detective was referring to has been
9 marked as Court's Exhibit Number 2.

10 **MR. HILLIARD:** No objection.

11 **THE COURT:** All right. Court's Exhibit Number 2.

12 **MR. BELL:** Please answer any questions the defense may
13 have for you.

14 CROSS-EXAMINATION (In-Camera)

15 BY MR. HILLIARD:

16 Q. Detective, as far as you know the totality of the
17 information presented to the -- to the issuing magistrate
18 is contained in the reason for affiant's belief that the
19 property sought is on the subject premises. That's true,
20 right?

21 A. Yes, sir.

22 Q. So there's nothing else out there that might be
23 connected to this other than what's in that paragraph that
24 the judge would have known?

25 A. Right.

1 Q. All right, sir. So the first sentence there is to the
2 effect that -- that there's a shooting, the second sentence
3 is there's a person who is unresponsive, the third is
4 there's shell casings and then the detectives -- the judge
5 didn't know who those detectives are; is that correct?

6 A. That's correct.

7 Q. And then they talk to Alicia Cline, right?

8 A. Yes, sir.

9 Q. And the judge didn't know who Alicia Cline was, right?

10 A. That's correct. I'm assuming not.

11 Q. Okay. And so there's no indicia of reliability of
12 what Alicia Cline might have said or anything like that?

13 A. Well, myself and, like I said, Detective Couch did
14 discuss our findings because I was actually on-scene the
15 entire night and I discussed my findings with Detective
16 Couch.

17 Q. Right. But the point I'm making is there's nothing in
18 this -- there's nothing presented to the judge outside the
19 four corners of this affidavit. There's nothing else the
20 judge heard, so -- I'm going through this whole thing, but
21 there's nothing else but what's in here?

22 A. Again, I didn't present it to the judge, so --
23 Detective Couch actually presented it to the judge.

24 Q. All right, sir. So you don't --

25 A. I drafted -- I drafted the search warrant and then it

1 was e-mailed directly to Judge Morgan and Detective Couch
2 presented it after he and I spoke about it over the phone.

3 Q. There's nothing that you can tell our judge that the
4 other judge, the issuing judge, knew other than what's in
5 the four corners of the search warrant?

6 A. That's correct.

7 Q. All right, sir. And so the next thing we know is that
8 the victim's phone was found and that there were phone
9 calls on it?

10 A. Correct.

11 Q. And that the most recent calls came from a person
12 identified as A King Chuck, right?

13 A. Correct.

14 Q. And that the text messages show that he was meeting
15 whoever A King Chuck was at some point in time in Red Bank
16 at the lagoon, right?

17 A. Correct.

18 Q. And it says further intel revealed that that phone
19 number belongs to Charles Morehouse, right?

20 A. Correct.

21 Q. But that's not true, is it?

22 A. Actually, it was -- yes, that is true.

23 Q. Well, the -- the case supplemental report indicates
24 that that phone belongs to Crystal Morehouse.

25 A. Well, actually in our system it was updated in RMS,

1 the system we use, that it is for Charles Alton Morehouse.

2 Q. Tell me what that means.

3 A. RMS is our report system and, like I said, it was
4 updated that it actually belonged to Charles Morehouse.

5 Q. When was that updated?

6 A. I -- I'm not sure. I don't have the record here. If
7 you're asking -- yeah, it was prior to this incident on his
8 booking photo for the last drug charge.

9 Q. And when was that?

10 A. I'm not exactly sure.

11 Q. Okay. Well, January the 6th of 2016, let me show you
12 what's been provided me as additional discovery and see if
13 you can sort of identify this as a report from your agency.

14 A. Yes, sir.

15 Q. All right, sir. And if you'll let me read this, and
16 we can read it along here together, where it -- and this
17 says -- and help me understand this. Yeah, sure. Do you
18 want to look over my shoulder?

19 A. No, I just want to see what document you're looking
20 at.

21 Q. Okay. And it says that CSI had collected a cell phone
22 located on the deceased, the battery was dead, found a
23 charger. When the charge was enough to turn it on, the
24 number was logged to A King Chuck. The A King Chuck number
25 was ran on -- what it this, Lieutenant Frier's MCT?

1 A. Yes, sir.

2 Q. What is that?

3 A. Mobile command terminal.

4 Q. So they ran it on Lieutenant Frier's mobile command
5 terminal and it came back to Crystal Morehouse?

6 A. That was actually Sergeant Laintz's supplement. He
7 and I spoke about that and that was scrivener's error. He
8 actually meant Charles Morehouse.

9 Q. So he meant to say Charles Morehouse, the wife of
10 Charles Morehouse?

11 A. Like I said, I think it was a typo, a scrivener's --
12 scrivener's error.

13 Q. But that would be hearsay.

14 A. I can't testify to his report. I can testify to what
15 he and I spoke about after he provided that documentation.

16 Q. Okay. I mean, you can -- you can certainly swear to
17 the judge that this is your report or a report of your
18 agency?

19 A. That's a report of my agency, yes, sir.

20 Q. And you can -- you can tell the judge that the report
21 of your agency about the same time as the search warrant
22 was issued indicates something -- indicates something that
23 is inconsistent with what's on the search warrant, right?

24 A. I know that our records based on my findings that
25 night in our computer system I can testify to the fact that

1 that phone number came back to Charles Morehouse.

2 Q. All right, sir. But you're not the person that did
3 the affidavit or are you? Help me remember that. Are you
4 the person that did the affidavit?

5 A. I actually -- yes, sir, I typed the affidavit and
6 then myself and Detective Couch spoke about the affidavit
7 as he was en route to the judge's office, spoke about the
8 affidavit over the phone, and he presented it to the -- to
9 Judge Morgan.

10 Q. Okay. And who ran the -- what was that called, the --

11 A. MCT.

12 Q. -- MCT? Who ran the MCT?

13 A. It was actually done on Lieutenant Frier's computer,
14 which I was present for.

15 Q. All right. And so after that it says based on prior
16 knowledge of Charles, he is a known drug user and dealer.

17 A. Yes, sir.

18 Q. But it doesn't say -- it doesn't say anything about
19 how or why or what or anything else. This is just the
20 affiant here saying we know something about Charlie and
21 he's a known drug user and dealer?

22 A. Yes, sir.

23 Q. But it doesn't give the judge any way to determine
24 whether that's accurate or inaccurate or anything else.

25 A. That's where's Detective Couch's testimony to the

1 judge would have played in. Detective Couch --

2 Q. Well, let me interrupt you there because I will ask
3 the judge to ask you to be responsive to the question. You
4 don't know what Detective Couch told the judge, right?

5 A. I do. I know that he presented this warrant that he
6 and I spoke about over the phone.

7 Q. Right. But what I'm saying is we've already
8 established that everything -- that the only thing that you
9 can say that the judge knew is what's in this paper.

10 A. That's correct.

11 Q. So anything else would just be hearsay.

12 A. I know that Detective Couch had an active
13 investigation on Charles Morehouse for the narcotics
14 charges.

15 Q. Right. But it doesn't say that in here, right?

16 A. He was there to obtain the arrest warrants that day as
17 well.

18 Q. Well, I mean, we can't presume that --

19 **THE COURT:** All right. I got that point.

20 **MR. HILLIARD:** All right, sir.

21 **THE COURT:** Couch isn't here and he was in front of
22 the magistrate and the magistrate signed the warrant
23 notwithstanding we don't know exactly the words represented
24 to the magistrate in addition to that affidavit.

25 **MR. HILLIARD:** Thank you, Judge.

1 BY MR. HILLIARD:

2 Q. And then so it says that there were witnesses and
3 -- along with Alicia and we've established that the
4 reliability of the witnesses -- there's nothing to
5 establish the reliability of Alicia or any of these other
6 witnesses, right?

7 A. That's correct.

8 Q. And so there -- the suspicion -- I mean, the suspicion
9 that he was going to buy meth is -- there's no reason for
10 the judge to believe that. I mean, there's no indicia of
11 reliability other than that there's some meth users out
12 there who think he's going to buy meth.

13 MR. BELL: Your Honor, I'd object to speculation.
14 Judge Morgan would be in a better position to answer how
15 he felt about that testimony.

16 MR. HILLIARD: Fair enough.

17 THE COURT: I agree because Couch isn't here.

18 MR. HILLIARD: Yeah. Yes, sir.

19 BY MR. HILLIARD:

20 Q. And so -- and then at -- the last of it is a plea to
21 the judge saying we need to search the property to collect
22 any potential evidence, right?

23 A. That's correct.

24 Q. But the only thing that the judge knew really was --
25 was speculation. I mean, we know that the individual had

1 expired, he was dead, and we knew that -- that he had
2 talked to Morehouse, but anything other than that -- or
3 that he had -- he had written something to A King Chuck or
4 A King Chuck had written something to him, but other than
5 that it's all speculation, right?

6 A. It's probable cause.

7 Q. Well, you call it -- I'll withdraw that. But there's
8 no indicia of reliability of any of this. There's no
9 witness who -- I mean, you've used witnesses in the past
10 or there's nothing in here to indicate that any of this is
11 reliable other than somebody said it.

12 A. Well, based on my findings from our computer system
13 at that point in time the last contact he had was with
14 A King Chuck and the phone number listed, again, came back
15 to Charles Morehouse.

16 Q. But it doesn't say anything in here about why anybody
17 thinks anything would be at Morehouse's house, right?

18 A. In that part, no, sir. However, when you go into the
19 descriptions of premises to be searched, it talks about his
20 Chevrolet Impala and the vehicles that he was driving.

21 Q. Right. But you'll agree with me that the premises --
22 I mean, that's what you want. You're saying to the judge
23 hey, Judge, we want to go look at all of this stuff, right?

24 A. (Nods head.)

25 Q. That's what you want. And then you say to the judge,

1 Judge, we want this because of -- I mean, it says right
2 here reason for the affiant's belief that the property
3 sought is on the subject premises, but you don't say
4 anything in here about why you think anything's at the
5 place that you want to go search, right? That's not in
6 here.

7 A. Like I said, I had factual information that that phone
8 number came back to Charles Morehouse and he was the last
9 person that James Porter had made contact with.

10 Q. And that's a cell phone?

11 A. Based on phone records, correct.

12 Q. And there's nothing in there about a car?

13 A. It's included under descriptions of premises and such.

14 Q. Right, but in the affidavit there's nothing in there
15 about a car.

16 A. That's correct.

17 **MR. HILLIARD:** That's all I have. Thank you, sir.

18 REDIRECT EXAMINATION (In-Camera)

19 BY MR. BELL:

20 Q. Detective, I'd like to just break it down real quick.
21 First off, did y'all know on July 4th that Chuck Morehouse
22 was at his house?

23 A. Yes, sir.

24 Q. How do you know that?

25 **MR. HILLIARD:** Objection.

1 **THE COURT:** Why?

2 **MR. HILLIARD:** Relevance. What he knew is of no
3 consequence. It's the four corners. You've already said
4 that the only that he can say the judge knew is what's in
5 the document. What's in his head has nothing to do with
6 the search warrant.

7 **THE COURT:** Well, I want to hear it. Go ahead. This
8 is a pre-trial hearing. I want to hear it. I understand
9 that's your argument and I don't disagree with you, but I
10 want to hear it.

11 **MR. HILLIARD:** Yes, sir.

12 BY MR. BELL:

13 Q. In what vehicle did Chuck Morehouse arrive to
14 Willow Forks in?

15 A. In his Chevrolet Impala, burgundy in color.

16 Q. And is that the vehicle -- one of the vehicles
17 described as part of the search warrant for Willow
18 Forks?

19 A. Yes, sir.

20 Q. And ultimately was a separate search warrant actually
21 executed on the vehicle itself?

22 A. Yes, sir.

23 Q. Did you execute that one?

24 A. I did not.

25 Q. Did someone else do it?

1 A. Yes, sir.

2 Q. But it does exist?

3 A. It does.

4 Q. Now when it comes to the probable cause as to why
5 Chuck Morehouse was your suspect, you testified that you
6 found the cell phone in the victim's pocket; is that right?

7 A. That's correct.

8 Q. And your search warrant actually says calls slash
9 texts. Does that mean that y'all were able to see both
10 calls and --

11 **MR. HILLIARD:** Objection.

12 A. Yes.

13 **MR. HILLIARD:** That's speculation as to what it means.

14 **THE COURT:** He's the investigator. He can't testify
15 that he did this? Because the victim's phone was retrieved
16 and they examined it in some fashion when it was charged
17 up.

18 **MR. HILLIARD:** Well, but what he's saying is, is what
19 does it mean when he writes that on there as the slash.

20 **THE COURT:** Well, wasn't he the author of the search
21 warrant affidavit?

22 **MR. HILLIARD:** The meaning is in the judge, not in
23 the --

24 **THE COURT:** In the affidavit?

25 **MR. HILLIARD:** He can say what he intended it to mean.

1 **THE COURT:** I don't understand your objection. If
2 he's the author of the phone -- the communication of the
3 phone and his description of it, can't he describe that?

4 **MR. HILLIARD:** Yes, sir. And he can say what he
5 intended it to mean.

6 **THE COURT:** Yeah.

7 **MR. HILLIARD:** It's a --

8 **MR. BELL:** Judge Morgan is gonna testify. I'm just
9 trying to get the facts out through Detective Rawl at this
10 point in time.

11 **THE COURT:** Okay. It seems like Judge Morgan would
12 have to be --

13 BY MR. BELL:

14 Q. And in the -- who was the last phone call that the
15 victim made, to what individual?

16 A. To Charles Morehouse.

17 Q. And who were the last text messages to or near to the
18 last text messages?

19 A. Charles Morehouse.

20 Q. And did you have an opportunity to read those text
21 messages?

22 A. I did.

23 Q. And what is the content of those text messages?

24 A. That he was meeting him at the incident location.

25 Q. And did you have an opportunity to confirm that the

1 number assigned to A A King Chuck belonged to Chuck
2 Morehouse?

3 A. I did.

4 Q. And you saw that with your own eyes or y'all confirmed
5 that?

6 A. I did.

7 Q. Who was Alicia Cline?

8 A. Alicia Cline was friends of the victim who was
9 actually at the hotel room when James Porter left that
10 night.

11 **MR. HILLIARD:** Excuse me. I don't want to belabor
12 the point. I just -- this has got nothing to do with this.
13 If you want to hear it, I understand. I don't want to keep
14 objecting. If you want to hear it, I understand.

15 **THE COURT:** No, I'm familiar with that part of the
16 testimony from the prior case. I think it's probably more
17 appropriate to hear from Judge Morgan.

18 **MR. BELL:** Your Honor, if I could ask two more
19 questions, I'll finish up with Detective Rawl.

20 **THE COURT:** Y'all are really getting into my lunch
21 time now.

22 **MR. HILLIARD:** Not me, Judge.

23 **THE COURT:** Twenty-five minutes ago you said fifteen
24 minutes.

25 **MR. HILLIARD:** Not me, Judge.

1 BY MR. BELL:

2 Q. And does your search warrant also state other
3 witnesses provided testimony about the victim going to
4 meet someone to get meth or drugs?

5 A. It does.

6 Q. And those witnesses were at the same place as Alicia
7 Cline?

8 A. That's correct.

9 Q. So you had text messages, phone calls, a phone number
10 belonging to Chuck Morehouse and several witnesses saying
11 he was going to get drugs when y'all know that Chuck
12 Morehouse is a drug dealer?

13 A. Yes, sir.

14 Q. Is that your probable cause?

15 A. It is.

16 **MR. BELL:** Please answer any further questions.

17 **THE COURT:** Anything else?

18 **MR. HILLIARD:** No, sir.

19 **THE COURT:** All right. You can step down.

20 (Witness excused.)

21 **MR. BELL:** The State calls Judge Gary Morgan.

22 (Whereupon, Gary Morgan was duly sworn by the Clerk of
23 Court.)

24 **THE CLERK:** Have a seat, sir. Once you're seated
25 state your full name, spelling your last on the record,

1 please, sir.

2 **THE WITNESS:** Gary Morgan, M-O-R-G-A-N.

3 GARY MORGAN,

4 having been duly sworn, testified as follows:

5 DIRECT EXAMINATION (In-Camera)

6 BY MR. BELL:

7 Q. Judge, I've been waiting a long time to get you on the
8 stand.

9 A. I appreciate it, sir.

10 Q. Who are you employed?

11 A. The County of Lexington.

12 Q. And you're a magistrate?

13 A. Yes, sir.

14 Q. And part of your duties as a magistrate are to hear
15 search warrants?

16 A. Yes, sir.

17 Q. And on August 4th of 2015, do you recall a search
18 warrant being presented related to Willow Forks Road?

19 A. As far as recalling, as a ministerial duty I have a
20 copy of it. My signature says yes.

21 Q. Okay. And does the copy you have match what's been
22 marked as Court's Exhibit 2?

23 A. Mine's the actual original as the custodian and the
24 same case numbers, same ending dates and times. It would
25 appear to be.

1 Q. Does that appear to be your signature on that search
2 warrant?

3 A. It is.

4 Q. Who presented that search warrant to you?

5 A. As documented on the front, it would be detective
6 Tyler Couch.

7 Q. And when Detective Couch presented the search warrant,
8 did all the necessary paperwork appear to be in order?

9 A. To the point that I felt comfortable issuing the
10 search warrant, yes.

11 Q. And part of that paperwork would include an affidavit
12 that essentially establishes the probable cause?

13 A. Yes, sir.

14 Q. And did Detective Couch present that affidavit to
15 Your Honor?

16 A. He did.

17 Q. Now I hate to belabor the point, Your Honor, but I do
18 need to you to read into the record the -- first off, the
19 description of the premises to be searched. If you would
20 refer to the affidavit and read that into the record.

21 **MR. HILLIARD:** I'm willing to stipulate that the
22 search warrant's a search warrant. I don't know why he'd
23 have to read it into the record.

24 **MR. BELL:** That's perfectly fine with me. If he
25 wants to stipulate that what is in Court's Exhibit 2 is

1 the actual language of the search warrant.

2 **MR. HILLIARD:** Yeah, I agree to that.

3 **THE COURT:** It's appropriate. It's in this record
4 for purposes of this hearing, Court's Exhibit 2, which is
5 the search warrant that was issued.

6 BY MR. BELL:

7 Q. Now beyond the text, the last paragraph of the
8 affidavit under reasons for affiant's belief, did Detective
9 Couch provide any oral testimony to Your Honor?

10 A. Traditionally that is --

11 **MR. HILLIARD:** Objection.

12 **THE COURT:** On what basis?

13 **MR. HILLIARD:** Unresponsive. He says traditionally.

14 **THE COURT:** Well, I mean, this is a pre-trial
15 hearing. Let him answer.

16 **MR. HILLIARD:** Yes, sir.

17 **THE COURT:** I agree with you if he editorializes
18 or --

19 **THE WITNESS:** When I issue a search warrant, as
20 soon as they come to me as I'm reading through it I swear
21 them in and I ask them to start talking about the case,
22 tell me what's going on, to supplement anything else
23 that's within the body of the search warrant.

24 BY MR. BELL:

25 Q. And have you had an opportunity to review the

1 affidavit in this particular search warrant?

2 A. I read over it right before I got the -- I received
3 my subpoena. I pulled the original document that I'm
4 required to keep and at that point I did read over it.

5 Q. And do you recall testimony or reading within that
6 affidavit information about an individual named Alicia
7 Cline?

8 **MR. HILLIARD:** Objection. Leading.

9 **MR. BELL:** He can say yes or no, Your Honor.

10 **THE COURT:** I'm gonna let you rephrase your question.
11 I'm going to sustain the objection.

12 **MR. HILLIARD:** Thank you, Your Honor.

13 BY MR. BELL:

14 Q. Were any witnesses listed in the probable cause of the
15 affidavit?

16 A. Probable cause of the affidavit indicated there were
17 several people that pointed to the direction of issuing the
18 search warrant.

19 Q. And what was the context of what those witnesses had
20 told law enforcement based on the affidavit?

21 A. Well --

22 **MR. HILLIARD:** Judge, I know I'm causing trouble, but
23 the point of it is, is he's trying to get to something
24 outside the four corners of -- I mean, we've already --
25 we've already established what's in the paper. If he's

1 talking about something outside the paper, I want to know
2 that. If he's talking about something inside the paper,
3 we already know what's in there.

4 **MR. BELL:** I've referred to the affidavit three or
5 four times and I'm only asking him what he knows from
6 having observed in this part of the hearing when the
7 affidavit was present to him.

8 **THE COURT:** Is that an unfair question?

9 **MR. HILLIARD:** Yes, sir, because it doesn't establish
10 whether he's saying something that's in the affidavit or
11 something outside the affidavit. That's the question.

12 BY MR. BELL:

13 Q. If you would refer only to the affidavit, the third
14 paragraph as previously mentioned under the search warrant
15 affidavit, you said there were mentions of witnesses. Is
16 there an Alicia Cline in that paragraph?

17 A. I can refer back to it and tell you exactly who the
18 names were.

19 Q. Please do.

20 A. Yes, there is the mention of Alicia Cline.

21 Q. And what is the context of that witness?

22 A. She had advised that the parties had been at one --
23 or I believe the victim had been at one location and had
24 moved shortly thereafter and she indicated where she
25 believed he was headed.

1 Q. And the following line mentions the victim's phone.
2 Can you tell us what that affidavit says about the victim's
3 phone?

4 A. Reading directly, it says the victim's phone was
5 located on his person and detectives looked at the most
6 recent calls slash texts which shows him communicating with
7 Aakingchu (ph.) and the phone number's provided there at
8 1111 hours. Text messages show that he was meeting him in
9 Red Bank and was turning on 302 end of the lagoon.

10 Q. In the affidavit, does law enforcement identify who
11 the phone number belonged to?

12 A. They do in the affidavit that it belongs to Charles
13 Alton Morehouse.

14 Q. And is there an address referenced indicated to that
15 individual?

16 A. The same one as in the premise to be searched.

17 Q. Willow Forks Road?

18 A. Correct.

19 Q. And how long have you been a magistrate, sir?

20 A. Right at sixteen years.

21 Q. Is it common after a murder for -- in your experience
22 dealing with many search warrants, is it common to have
23 cell phones with the last call to an individual around the
24 time they were murdered?

25 **MR. HILLIARD:** Objection.

1 **MR. BELL:** Your Honor, the purpose of this hearing is
2 to establish whether or not he would believe that there's
3 probable cause based on what information is being provided.
4 I have to be able to establish that basis.

5 **THE COURT:** What's your objection?

6 **MR. HILLIARD:** That's got to be speculative. Did I
7 understand his question to be that people that are murdered
8 oftentimes have the murderer as the last person he called?

9 **THE COURT:** That's not what he said..

10 **MR. HILLIARD:** Oh, I'm sorry.

11 **THE COURT:** He said the last number called is part of
12 the investigation among other things. You can rephrase
13 your question, Mr. Bell. Let's hear it again.

14 **MR. HILLIARD:** Thank you.

15 BY MR. BELL:

16 Q. The excerpt that you just read from the affidavit, in
17 your experience as a magistrate dealing with search
18 warrants is that good information for an affidavit for
19 probable cause?

20 A. The information given to me in this affidavit, the
21 information also given to me verbally, I found probable
22 cause to the point that I issued a search warrant to allow
23 the search.

24 Q. And following that excerpt related to the phone call,
25 is there any additional information provided about the

1 individual identified as Charles Morehouse?

2 A. In this affidavit there is.

3 Q. In this affidavit. And would you tell us what the
4 affidavit says about that individual?

5 A. It had the probable cause building on the totality
6 that he had been -- based on prior knowledge of Charles,
7 he's a known drug user and dealer and Alicia and other
8 witnesses state that when James left they had suspicion
9 that he was going to buy meth and other drugs. At this
10 time Lexington County Sheriff's Department needs a search
11 warrant -- needs to search the property of Charles
12 Morehouse's residence to preserve and collect any potential
13 evidence relating to the incident which may establish the
14 cause, time, mode and the manner of the death.

15 Q. Based on everything in that paragraph contained within
16 the affidavit, were you confident that there was probable
17 cause enough to sign that search warrant?

18 A. Yes, sir.

19 Q. And did you sign that search warrant?

20 A. Yes, sir.

21 Q. On what date?

22 A. It would be August the 4th, 2015, at 0737 AM.

23 Q. And are you aware of whether or not a return was ever
24 filed?

25 A. A return was filed.

1 Q. And what date was that return filed?

2 A. The return was filed on the 14th of August.

3 Q. And is that within the ten-day time period as required
4 by the search warrant?

5 A. It is the ten days, yes, sir.

6 Q. Do you have any issue with the sufficiency of the
7 descriptions contained in the search warrant itself as to
8 the premises and property sought?

9 A. No.

10 Q. Did you have any issue with the search warrant
11 whatsoever?

12 A. If I'd had any issues I would not have signed the
13 search warrant.

14 **MR. BELL:** Please answer any questions.

15 **MR. HILLIARD:** I don't have any questions.

16 **THE COURT:** All right. You can step down.

17 (Witness excused.)

18 **MR. HILLIARD:** Thank you, judge.

19 **THE WITNESS:** Thank you.

20 (Witness excused.)

21 **MS. MAYES:** Regarding the separate search warrant of
22 the Impala, we can take that up at a later time. We can
23 take that up later today, we can take that up potentially
24 before evidence from the Impala is offered, so it does not
25 have to be at this time.

1 **MR. BELL:** And it's just one witness, Your Honor.

2 **THE COURT:** All right. Mr. Hilliard, what you've got?

3 **MR. HILLIARD:** All right. I wanted to recall the
4 police officer for one brief thing that I neglected to do
5 when he was up there. If you'll come back around, please.

6 (Whereupon, Miles Rawl retakes the witness stand.)

7 MILES RAWL,

8 having been previously sworn, testified as follows:

9 FURTHER CROSS-EXAMINATION (In-Camera)

10 BY MR. HILLIARD:

11 Q. The search warrant said that Alicia went to -- Alicia
12 said that the decedent went to buy drugs; is that right?
13 That's what the search warrant said?

14 A. Believed -- had suspicion to believe that he was going
15 to buy drugs -- buy meth or other drugs.

16 Q. Okay. So the search warrant is, in part, based on
17 Alicia saying to the detectives that she felt like he was
18 going -- or that there was a suspicion he was gonna go buy
19 drugs; is that right?

20 A. Say that one more time. I'm sorry.

21 Q. Upon further investigation, detective talked to Alicia
22 who stated that James left the Days Inn.

23 A. That's correct.

24 Q. And that they had a suspicion -- and that Alicia said
25 that they had a suspicion he was going to buy meth or other

1 drugs?

2 A. That's correct.

3 Q. All right, sir. And then this incident report -- or
4 this supplemental report says that when you were talking
5 with -- or when the police officer was talking to Alicia
6 that she was asked several times if James was going to get
7 drugs and she would always change the topic.

8 A. (Nods head.)

9 Q. Right?

10 A. That's not my supplement. I know that Sergeant Laintz
11 provided that supplement.

12 Q. All right. So this is, in fact, an official police
13 document; is that right?

14 A. That's correct.

15 Q. And that the information in this document is
16 inconsistent with what's in the search warrant; is that
17 right? Right here.

18 A. I'm sorry, what was the date on that supplement? On
19 January the 6th, 2016?

20 Q. Right.

21 A. I done the search warrant on August the 4th, 2015,
22 so it -- it may be some -- here, again, some further
23 information that Sergeant Laintz had. I did not speak to
24 Alicia personally.

25 Q. So you don't know what Alicia said?

1 A. Responding officers, Lieutenant Frier and Captain
2 Taylor and Sergeant Laintz spoke to Alicia.

3 Q. So Sergeant Laintz -- and then Sergeant Laintz is the
4 person who prepared this report; is that right?

5 A. That's correct.

6 Q. And Sergeant Laintz is saying when he spoke to Alicia
7 said that she would always change the topic and wouldn't
8 talk about it.

9 A. I -- but I also think that there were two other -- I
10 know there were two other individuals there at the same
11 time. That's where I included that Alicia Cline along with
12 other witnesses.

13 Q. But Alicia Cline -- that would be an error that Alicia
14 Cline did not, in fact, say that?

15 A. Alicia Cline and other witnesses.

16 Q. So -- so that I can understand, and that's all, are
17 you saying that Alicia didn't say it but the other
18 witnesses did?

19 A. There was belief. Here, again, had suspicion.

20 Q. But Alicia wouldn't talk about it, right?

21 A. I -- I can answer what I was told that night by the
22 other responding officers who met with Alicia Cline and
23 other witnesses.

24 **MR. HILLIARD:** That's all I have. Thank you, sir.

25 **THE COURT:** Anything else, Mr. Bell?

1 **MR. BELL:** Nothing further, Judge.

2 **THE COURT:** All right. Step down.

3 (Witness excused.)

4 **THE COURT:** All right. Mr. Hilliard, do you want to
5 present any witnesses or anything or just want to argue?

6 **MR. HILLIARD:** No, sir, just argument.

7 **THE COURT:** Let's hear you.

8 **MR. HILLIARD:** Thank you, Your Honor. We were waiting
9 to hear from the judge about what was said on the search
10 warrant other than what was in the search warrant and he
11 didn't say anything was said. So there's really -- other
12 than the fact that he signed the search warrant, that's
13 really all the judge said.

14 **THE COURT:** Well, the judge said as soon as he starts
15 reviewing the affidavit he asks the officer to tell me
16 about it, talk to me about it. He said that was his normal
17 practice, so he said that in his testimony.

18 **MR. HILLIARD:** Sure. But I objected to the normal
19 practice, Your Honor, I thought.

20 **THE COURT:** I understand, but that's how the judge
21 remembers how he does things. It's kind of like my
22 practice of always picking the foreperson, not letting
23 them elect them. I know that because that's how I do it
24 every time.

25 **MR. HILLIARD:** Well, I would suggest to the Court that

1 we can't base the determination of the search warrant on
2 what the judge does all the time.

3 **THE COURT:** Why not? Why is that not reasonable? If
4 that's his normal practice of doing business acting as a
5 judge, listening to officers standing in front of him while
6 he's reviewing the affidavit, why is that not something I
7 can consider?

8 **MR. HILLIARD:** Because the Court has no clue what got
9 said. I mean, they could have talked about football or
10 they could have talked about -- I mean, there's no --
11 there's no testimony in this record, this record is devoid
12 of testimony as to what the judge heard or what anybody
13 said. He said that his common practice was to talk about
14 what was going on, but a conversation about what was going
15 on, none of that, none of the details of that conversation.
16 He didn't say oh, they said Alicia Cline -- they told me
17 that Alicia Cline was a confidential reliable informant who
18 testified twenty-nine more times. I mean, they didn't say
19 anything. Nobody said anything about what the conversation
20 was. The fact that a conversation existed is of no
21 consequence I would submit to determining whether or not
22 the judge had probable cause. The only thing that you, the
23 Court, has to consider is what's in here. What's in the
24 detective's brain or what he knows or what he thinks or
25 what -- the fact that some conversation existed, I would

1 submit to the Court there's no way that you could make the
2 determination on probable cause based on the notion that
3 some conversation took place without knowing what's in that
4 conversation and nobody's talked about that.

5 **THE COURT:** Anything else?

6 **MR. HILLIARD:** No, sir.

7 **THE COURT:** All right. Do y'all have anything,
8 Mr. Bell?

9 **MR. BELL:** Judge, I think Mr. Hilliard -- and he's
10 certainly a good advocate, he wants his cake and he wants
11 to eat it, too. You know, he's objecting to me going
12 outside the four corners of the document and now his
13 argument is that he wants the testimony that was outside
14 the four corners of the document. I think the content of
15 the search warrant alone based on that affidavit would be
16 sufficient for probable cause and based on the judge's own
17 testimony when I limited it to the affidavit he said that
18 he would -- you know, had no problem at all believing there
19 to be true probable cause and to sign that search warrant.
20 He said if he didn't, he wouldn't have signed it.

21 And, again, this case is different than something like
22 a CI case where you're gonna have to have corroborating
23 evidence that the CI is reliable. We're talking about lay
24 witnesses, not some documented informant.

25 Additionally, the phone itself, Your Honor, is

1 extremely probative for probable cause purposes. We've
2 got his last phone conversation and his last text
3 conversation. Law enforcement knew that night that they
4 were to Chuck and they knew that number was registered to
5 Charles Morehouse. That information is probable cause,
6 Your Honor, and so the totality of the circumstances of
7 everything else listed in the affidavit we sincerely
8 believe falls above probable cause.

9 **THE COURT:** Okay. All right. I'm gonna review
10 everything in the Court's exhibit before I make a decision.

11 **MR. HILLIARD:** In that regard, Judge, and I neglected
12 to do this, may I mark this supplemental report as a
13 Court's exhibit? I've asked some questions about it.

14 **THE COURT:** Absolutely. Court's Exhibit 3.

15 (Court's Exhibit Number 3 was marked for
16 identification.)

17 **THE COURT:** All right. Anything else to take up
18 before you have your thirty minute lunch?

19 **MR. HILLIARD:** No, sir.

20 **MS. MAYES:** We can revisit briefly, Your Honor, any
21 additional matters on the record at 2:30. As I've stated,
22 the matter with the Impala, it's not imperative we resolve
23 at this stage.

24 **THE COURT:** Okay. All right.

25 **MS. MAYES:** Prior to actual opening arguments, Your

1 Honor, we would object to any reference to the victim's
2 prior arrest other than what's relevant. What is relevant
3 is he did have prior involvement in a meth bust in May of
4 2015. There was testimony about that at the previous
5 trial. We don't dispute that. As to any other involvement
6 with law enforcement, we object, Your Honor, because it's
7 not relevant and it's not proof of any type of violent
8 nature.

9 **MR. HILLIARD:** I'm not gonna talk about that. Are you
10 talking about opening? I'm not gonna talk about that.

11 **MS. MAYES:** Okay. And there is also a stipulation
12 that Mr. Hilliard and the State were able to reach over the
13 weekend and that regards that the Sprint phone records of
14 both Mr. Morehouse and Mr. Sisk would be considered records
15 maintained in the ordinary course of business pursuant to
16 Rule 803.6 by Sprint and that prevents us from having to
17 bring in Joe Trawicki from Kansas, the custodian of
18 records. That doesn't mean Mr. Hilliard is agreeing to the
19 admissibility, there may be a later objection regarding
20 admissibility, but as to them being business records there
21 is a stipulation.

22 **MR. HILLIARD:** That's all true.

23 **THE COURT:** Okay. Fair enough.

24 All right. I'll see y'all back here in about thirty
25 minutes.

1 **MR. HILLIARD:** Thank you, Judge.

2 (Whereupon, a luncheon recess taken at 1:58 PM.)

3 **THE COURT:** All right. Are we ready to go?

4 **MS. MAYES:** Yes, sir, Your Honor. In chambers, Your
5 Honor, Mr. Hilliard did mention that he would potentially
6 attempt to offer a statement made by the co-defendant,
7 Mr. Sisk, which the State's position is that would be
8 hearsay. I just wanted to make sure that there's no
9 reference to that during opening argument; that that would
10 be taken up at the later appropriate time when that item of
11 evidence would be potentially offered.

12 **MR. HILLIARD:** Will do, Judge.

13 **THE COURT:** All right.

14 **MR. HILLIARD:** I'm not gonna make a promise I can't
15 keep.

16 **THE COURT:** All right. Regarding the search warrant,
17 reading the affidavit it makes reference to many different
18 things. Part of the affidavit describes at the time that
19 the body was found deputies went out to Old Orangeburg
20 Road, they talked further about the communications on the
21 cell phone, the close time proximity to calls and texts
22 communicating with phone number at -1191. The text
23 message is consistent with where the body was found in Red
24 Bank off of 302 at the end of the lagoon. The cell phone
25 number because of the Lexington County Sheriff's

1 Department's familiarity in a prior investigation of
2 Mr. Morehouse shows that number is assigned to him and his
3 home address on Willow Forks Road. Additionally, it
4 describes shell casings found by the body. Also detectives
5 talked with Alicia Cline shortly before -- shortly after
6 this, but prior to getting the search warrant and she --
7 she indicated to the detectives her concern for why he was
8 going out toward the Red Bank area. Additionally, law
9 enforcement's knowledge that they were -- already had an
10 on-going investigation of Charles Morehouse on unrelated
11 drug charges.

12 It just seems to me that the testimony of the police
13 officer and that of the judge that if that were presented
14 to any judge that would be sufficient to determine probable
15 cause to go and search the home of Mr. Morehouse. Based
16 upon all those factors, all considered together, they seem
17 to be consistent. I mean, the cell phone was placed on the
18 body and the reliability of the text messages are -- in and
19 of them self they weren't planted or handwritten, they're a
20 part of the body of the phone that was opened up. I find
21 the search warrant was properly issued based upon the
22 probable cause in the affidavit presented to Judge Morgan;
23 thus, the search warrant was properly issued and the search
24 and the return were properly filed back with Judge Morgan
25 and the Court did note as I watched him testify he had the

1 original in his file.

2 **MR. HILLIARD:** Sir?

3 **THE COURT:** He had the original in his file. I saw
4 the handwriting in blue ink rather than on a copy.

5 **MR. HILLIARD:** Yes, sir.

6 **THE COURT:** All right. Anything else on that issue?

7 **MR. HILLIARD:** The only thing I -- I point out, Judge,
8 in order to preserve the record is that part of -- as I
9 understood what you just said, that part of your decision
10 in this is that the police had said based on prior
11 knowledge of Charles he is a known drug user and dealer, so
12 you're -- you're taking that part of the search warrant
13 into consideration that they just said that to the judge
14 and that's part of your consideration here for finding the
15 search warrant to be valid.

16 **THE COURT:** Yes. Absolutely. Because, I mean, they
17 did that under oath. They're not guessing. They knew they
18 had an investigation going on.

19 **MR. HILLIARD:** Yes, sir. Other than the fact that --

20 **THE COURT:** How could they not consider that if they
21 have knowledge as a department? I mean, you cross-examined
22 vigorously on the incident report and that's a document of
23 your department. How is the information that there's an
24 investigation going on into the drug dealings -- alleged
25 drug dealings of Mr. Morehouse not also within the minds of

1 the police officers that night? It says so there.

2 **MR. HILLIARD:** Yes, sir. I understand, but it doesn't
3 -- I'm not gonna belabor the point or I don't intend to. I
4 know you ruled that. I just want to make a record for this
5 and then, of course, that same thing that you just
6 addressed, Judge, where it says in here that Alicia and
7 other witnesses said that they had suspicions he was going
8 to buy meth, when, in fact, according to the incident -- or
9 the supplemental report that we put in saying initially in
10 the case that she would not give them that information, she
11 changed the topic.

12 **THE COURT:** And that is -- that is -- it's not written
13 in there, but it's not uncommon for people that are being
14 accused of or being witnesses to any type of crime to try
15 to cast as little unfavorable light upon themselves.

16 **MR. HILLIARD:** Yes, sir.

17 **THE COURT:** That's consistent with human nature.

18 **MR. HILLIARD:** Absolutely, Your Honor. And, again,
19 I'm not -- I'm not trying to persuade you contrary-wise.
20 I'm just saying that that's not what the -- the affidavit
21 doesn't say any of that. All it says is she said something
22 that the other document doesn't say that she said, it said
23 something opposite. That's all. And for the purpose of
24 the record later on.

25 **THE COURT:** All right. Good enough.

1 All right. Are we ready to go?

2 **MR. HILLIARD:** Yes, sir.

3 **MS. MAYES:** Your Honor, Sergeant Laintz is in the
4 courtroom. We had -- the State's position or the State's
5 -- our request is that Sergeant Laintz and Sergeant Rawl
6 both be exempted from sequestration, but I don't know if
7 the -- I don't know if Your Honor actually issued a ruling
8 on that.

9 **THE COURT:** I didn't. I kicked the can because Laintz
10 left for the pre-trial hearing and that solved the problem
11 for me temporarily.

12 Tell me, Ms. Mayes, why do you need them both if
13 they're co-lead investigators?

14 **MS. MAYES:** Your Honor, we can have Sergeant Laintz
15 removed from the courtroom. We do anticipate that he will
16 testify tomorrow and following testimony would not be
17 subject to sequestration.

18 **THE COURT:** I think that's a fair resolution. I like
19 that.

20 **MR. HILLIARD:** Me, too, Judge. Thank you.

21 **THE COURT:** All right. That will work fine. That
22 will be perfect.

23 **MS. MAYES:** We also -- and this really isn't a matter
24 for today, more-so tomorrow when we're gonna have multiple
25 items of physical evidence, but we also have the evidence

1 custodian who's here, she's sequestered right now, but
2 there will be multiple items of physical evidence that
3 we'll offer throughout the day tomorrow.

4 **MR. HILLIARD:** I don't have any objection to the
5 custodian of the evidence not being sequestered. She's --
6 she could be here and then have the evidence and then we
7 can look at it and that makes sense to me.

8 **THE COURT:** Okay. I think that would be a more
9 efficient use of our time also.

10 **MR. HILLIARD:** Yes, sir.

11 **THE COURT:** All right. Bring the jury in, please,
12 Ms. Mitchell.

13 (Whereupon, the jury enters the courtroom at 2:42 PM.)

14 **THE COURT:** All right, folks. We're ready to begin.
15 As I told you -- I hope you had a good lunch break. The
16 case is about to begin, so momentarily I'm gonna have the
17 Clerk of Court place you under oath.

18 Now a couple of things so you know what's going on.
19 The State and the defense have to sequester their
20 witnesses or, in laymen's terms, leave them outside the
21 courtroom. They don't all get to sit in the courtroom and
22 listen to each other's testimony, so they'll be called in
23 one at a time. Generally it's allowed that once someone
24 testifies they're allowed to stay in the courtroom and
25 listen unless they're gonna be subject to recall, but the

1 lead investigator's here in the room and the records -- the
2 evidence custodian or the person who's assigned to keep
3 track of all the evidence that was collected during the
4 investigation, they'll be in the courtroom.

5 In any event, it's now the opportunity for the State
6 and the defense to kind of summarize or outline what they
7 believe they're gonna present to you through the case,
8 kind of give you an introduction to the case, and then
9 they'll call witnesses after that. I generally tell
10 juries that the earlier witnesses are lengthier than the
11 later witnesses. I found I don't tell that anymore
12 because they call shorter witnesses early now sometimes.
13 I don't know which witnesses will be called first. I
14 know very little about the organization. The State
15 presents its case the way they so choose.

16 As I told you, the State's burden is to prove the
17 allegations in the indictments they've called.
18 Mr. Morehouse and through his lawyer, Mr. Hilliard,
19 they've got nothing to prove or disprove. They can sit
20 and just advocate. They don't have to do a thing
21 regarding proof. It's all the burden of the State. So
22 because of that the State must present its case first and
23 they're allowed the opportunity to cross-examine and
24 challenge evidence and they can do that.

25 Now it's important that y'all understand my job.

1 I'm kind of like an umpire and I use the football analogy
2 about instant replay. I don't get the benefit of instant
3 replay, but I can have preview because here's -- the issue
4 is this. During the trial that's coming up the lawyers
5 and the parties know much more about the case than I do.
6 In knowing, anticipating what a witness is gonna say, they
7 may say something along the lines of judge, I object to
8 that question, it's gonna create an issue of relevance or
9 hearsay or Rule 403 or 803 or something. I've got to rule
10 on those issues and sometimes I want to hear the question
11 in full. All right. Tell me your whole question. Okay.
12 That question is allowed or not allowed. That's what I
13 get to do and I've got to apply the rules as I understand
14 them and I've been trained to understand them. When that
15 happens, that's called a matter of law, and many times
16 because I can't anticipate the question they're gonna ask,
17 I need to hear the whole thing and Ms. Johnson needs to
18 take down what's said and what the purported answer may or
19 may not be. That's when the lawyers say judge, I've got
20 a matter of law. That's a key for me to say ladies and
21 gentlemen of the jury, this is something I've got to hear
22 ahead of time to determine whether or not it's allowed or
23 not.

24 Now I just make those rulings and then the case
25 proceeds on. It's kind of like instant replay except it's

1 in reverse order. I've got to hear it first before I can
2 make a ruling. Well, depending on how I rule is whether
3 y'all get to hear it or not. So it's not that anyone's
4 trying to hide something from you at all. It's certain
5 things are allowed and certain things are not. In any
6 event, when I'm doing my job on matters of law I may hear
7 the lawyers over here and have a sidebar, a brief
8 conversation with them, and make a ruling and we'll
9 continue on and y'all will just sit there won't be able to
10 hear the conversation. Sometimes if I want to hear the
11 lawyers argue for a little while, they believe the Supreme
12 Court rules say allowed or not allowed or whichever way it
13 is, when I do that I don't need y'all in here listening to
14 see how I decide the case because I may be fussing with
15 the lawyers for bringing it up and that's got nothing to
16 do with the case. What has to do with the case is what's
17 allowed and admitted and then y'all get to consider it as
18 evidence in the case.

19 Now it's kind of what's good for the goose is good
20 for the gander. I answer legal questions. Y'all are
21 gonna answer factual questions. Did this happen or did
22 this not happen? When y'all are back in the jury room
23 deliberating, answering those questions of fact, I won't
24 be in there listening to you either. So when you do your
25 job, y'all will do it as a group of twelve with no one's

1 help and no one's suggestion and no one looking over your
2 shoulder. It will be y'all twelve applying your collective
3 good sense and my instructions to you and whatnot to make
4 those decisions. So when y'all are doing your job, y'all
5 will be in the jury room without the benefit of anybody
6 supervising so to speak or listening in to decide how
7 y'all are doing. Y'all get to do it on your own. In the
8 same respect, when I do my job y'all won't be in here
9 helping me. So we kind of do two different jobs, but our
10 jobs are connected. I'm the judge of the facts -- I mean,
11 of the law, y'all are the judges of the facts and we work
12 together.

13 Now if we don't -- this rarely happens in my court
14 that we go too long that someone needs a break and I'm not
15 taking a break. Just say hey, Judge, we've really got to
16 step in the back real quick because someone's in need of a
17 break for whatever reason. If something goes on too long,
18 get some attention down here and Mr. Mills will get my
19 attention and we'll take a break. It rarely happens.
20 Normally I drink enough coffee I've got to take a break,
21 so it's not a problem. I try to break in witnesses. I
22 don't like stopping in the middle of a witness's testimony.
23 Sometimes I can't prevent that, but I try to get the
24 witness examined and cross-examined and then break. Those
25 are just more appropriate times to break and so that's how

1 I do it. So just so y'all know, that's my goal.

2 I think that's it. I see y'all certainly have
3 notepads. That's fine. They're for you use. Sometimes
4 during breaks you can leave them in your seat and come
5 back and get them. You can carry them in the jury room.
6 Just keep up with them. Keep your notepads to yourself.
7 I mean, don't trade them around. Your notes are your
8 notes until the end.

9 All right. Those are my preliminary instructions.
10 When I get done, the clerk swears you in. The State will
11 provide its opening comments and the defense will provide
12 its opening comments.

13 All right, Ms. Frick.

14 **THE CLERK:** Please stand and raise your right hand.

15 (Whereupon, the jury was duly sworn by the Clerk of
16 Court.)

17 **THE CLERK:** Be seated, please.

18 **THE COURT:** Mr. Bell.

19 **MR. BELL:** Thank you, Your Honor. May it please the
20 Court?

21 **THE COURT:** Yes, sir.

22 **MR. BELL:** A man on a mission. That's what one
23 witness is gonna tell you about Charles Morehouse the
24 night of August the 3rd, 2015, leading up to the murder.
25 A man on a mission. That mission: To execute James David

1 Porter, the Third. An execution which left David riddled
2 with gunshots, shots to his legs, to his belly, to his
3 arm and his hand, and the kill shot delivered to his neck
4 piercing clean through the other side. A shot that would
5 cement David's fate to die at twenty-two years and one day
6 old on a dirt road on Old Orangeburg. A mission undertaken
7 by two men, Charles Morehouse and his co-defendant, his
8 muscleman, Wylie Sisk. A mission undertaken because
9 Charles "Chuck" Morehouse believed that David was a police
10 informant, an informant that was compromising his drug
11 operation, an operation that you'll hear law enforcement
12 tell you about.

13 Late on August 3rd right prior to midnight when law
14 enforcement found David's body, they too set off on a
15 mission to find his killer. A mission that would lead
16 to the arrest of Chuck Morehouse within about eight hours
17 of the discovery of David, but their mission didn't end
18 there.

19 You're gonna hear about a wealth of evidence that
20 they collected. You're gonna hear about a phone that
21 was pulled from the victim's pocket that night where his
22 last phone calls were to Chuck Morehouse, his last text
23 messages, a text conversation with Chuck Morehouse,
24 agreeing to meet out there in Red Bank. You're gonna hear
25 about a cigarette butt that was found a few feet from

1 David's body with Chuck Morehouse's DNA on it. You're
2 gonna hear an audio statement, a two-hour recording, where
3 law enforcement interviews Chuck Morehouse. You're gonna
4 hear from his own mouth that the victim owed him money,
5 that he thought the victim was an informant. You're gonna
6 hear from his own mouth that he thought he had charges
7 coming down on him. A wealth of evidence. You're gonna
8 hear from his own mouth that you only deserve to die in
9 the drug world if you're a police informant.

10 You're gonna hear from his girlfriend at the time,
11 Heather Owens, who was with him the night leading up to
12 the murder. She's gonna tell you that Chuck told her he
13 had to go split someone's wig. She's gonna tell you that
14 of all the times she'd been with him on that night he was
15 focussed, he was on a mission. She's gonna tell you about
16 the relationship between Chuck and his co-defendant,
17 Wylie Sisk, and that Chuck was the leader of the duo, that
18 Wylie Sisk was his errand boy.

19 You're gonna hear from a group of individuals who
20 were present at a drug house the night of the murder where
21 Chuck and his co-defendant were. One of those witnesses
22 is gonna tell you how Chuck Morehouse went there to that
23 house and traded out a 45 caliber pistol for a 40 caliber
24 pistol and that Chuck told him he wanted the 40 caliber
25 because it was quieter. You're gonna hear that same

1 witness tell you that he overheard a conversation between
2 Chuck and his co-defendant where Chuck asked where they
3 could take a boy to teach him a lesson.

4 You're gonna hear from a couple of females that were
5 at the house and one's gonna tell you how later that night
6 Chuck Morehouse came back with his co-defendant, Wiley
7 Sisk, to that house and she saw him -- saw Chuck scrubbing
8 his arm down with Comet in the bathroom. Another female
9 that was present will tell you about how when they arrived
10 the co-defendant had a baseball bat and that Chuck told
11 his co-defendant to get rid of that bat and you'll hear
12 about how Wiley Sisk did just that and followed his orders.
13 You'll hear from that witness that Chuck, again, left that
14 house and as he left he said that he had to go get alibis
15 because at this point Chuck has a new mission to cover up
16 the murder of James David Porter.

17 You're gonna hear from the victim's father who will
18 tell you he wasn't an informant. What he was was a
19 struggling meth addict. He had a terrible addiction to
20 ice, which is a pure form of methamphetamine that typically
21 comes from Mexico. His father will talk about the extreme
22 weight loss he had in a short amount of months as he
23 battled that addiction. You will hear the same from his
24 friends that were with him the night leading up to his
25 murder and how he went from all fun to fear in a matter of

1 seconds after having a conversation with Chuck Morehouse
2 and being told that he had to go have a meeting with him.
3 You'll hear from David's girlfriend at the time or
4 acquaintance that Chuck ordered him to drop her off before
5 he went to that meeting.

6 You're gonna hear a lot of forensic information.
7 You'll hear about the DNA on that cigarette butt. You'll
8 hear how it's nearly impossible that anybody else would
9 have that same DNA. You're gonna hear from a firearms
10 examiner who's gonna talk about the casings recovered and
11 the projectiles that were removed from David's body and
12 how they match a 40 caliber, the same kind of firearm
13 Chuck got from that drug house that night.

14 You're gonna hear from the doctor who conducted the
15 autopsy. She's gonna tell you that in her medical opinion
16 the trajectory of the wounds that the victim had were
17 consistent with the victim being on his back during the
18 delivery of all of the shots.

19 You're gonna hear a lot about cell phones. You're
20 gonna hear about the communications between Chuck and
21 his co-defendant, Wiley Sisk. You're gonna hear about
22 communications between Chuck and the victim. You're gonna
23 hear about cell phone mapping and you're gonna hear that
24 around the time of the murder Chuck Morehouse is pinging
25 off of two cell towers and in between those two cell

1 towers is the scene of the murder. And you're gonna hear
2 that as part of the mission to cover up the murder the last
3 time his phone pings is on a tower in Cayce facing the
4 river. A man on a mission.

5 Now you're gonna hear an awful lot about the law.
6 You've already heard the charges and the indictments
7 brought in this case, so I won't waste your time going
8 through all of that now, but what I do want you to know
9 is that Wiley Sisk, the co-defendant, has already had his
10 day in court. He was convicted. He was found guilty of
11 those charges, the same charges, but in South Carolina we
12 have a principle called the hand of one is the hand of all
13 and what that means is whether you fire one shot, three
14 shots or direct someone else to fire the shots you are also
15 guilty of murder. The hand of one is the hand of all.

16 You're gonna hear a lot about reasonable doubt and,
17 again, I won't waste your time telling you what it is, but
18 I would like to tell you what it is not. Reasonable doubt
19 does not mean beyond all doubt. It simply means that after
20 you've heard all of the evidence you're firmly convinced of
21 the Defendant's guilt.

22 Ladies and gentlemen, much like Charles Morehouse,
23 much like law enforcement, you, too, now have a mission:
24 To listen to the evidence and to return a verdict that
25 speaks the truth. The truth. That Chuck Morehouse, he's

1 responsible for the murder, the execution, of David on
2 August 3, 2015.

3 **THE COURT:** Mr. Hilliard.

4 **MR. HILLIARD:** Thank you, Judge.

5 Well, it sounds like we're gonna be here for a while
6 and I guess that as this time passes and we're all here
7 together that we will become well-acquainted. We'll know
8 what kind of clothes we all have and various other things.

9 But, anyway, one of the things that I would really
10 like for you to do is to remember everything that the
11 prosecutor has told you and remember also that the judge
12 will tell you that what he says, the prosecutor, and what
13 I say is not evidence, all right? What he has told you
14 is what he intends, what he hopes, what he believes, that
15 the Government will be able to offer you. My request to
16 you is to hold him to those promises. Let's see. Let's
17 see what -- what they show and what they offer and what
18 they can prove. The task, and I -- I challenge calling it
19 a mission, but perhaps the task of the jury is to make a
20 judgment. Not a judgment on the Defendant, a judgment on
21 the Government's case, on the State's case. You don't
22 know anything about this. The only thing that you're
23 going to hear, the only way for you to make a decision
24 is by what they say, evidence, witnesses, and at the
25 conclusion of the case it will be your responsibility to

1 judge the quality of that evidence, the quality of what
2 they've put up and to determine whether it meets the legal
3 standard of beyond a reasonable doubt.

4 Strikingly, the -- the prosecutor has told you that
5 the notion of reasonable doubt is a waste of time. He
6 doesn't want to waste your time talking about that. When,
7 in fact, in reality, in the law, and the judge will tell
8 you about it a number of times, reasonable doubt is the
9 burden of proof of the State. That is the linchpin, the
10 thing that connects the facts and the law. You're the
11 deciders of the facts. It's the thing that's the most
12 important precept of criminal law. I say the most
13 important. Let me come back a little bit from that and
14 say also that it is the presumption of innocence that is
15 also an important principle of criminal law. And the
16 judge has already told you that, in part, because if I
17 were to ask you right now do you have an opinion on
18 whether Charlie here is guilty or not guilty, I -- I
19 imagine that all of you would say well, we don't know
20 anything yet, we haven't heard anything yet, we don't
21 know whether he's guilty or not because that would be a
22 predetermination of the facts.

23 In reality, that's exactly what the presumption of
24 innocence is. The presumption of innocence is a legal
25 principle, the foundation of the -- the law, the legal

1 principle that says that where he is right now Charlie
2 Morehouse is, in fact, not guilty. No matter what the
3 prosecutor comes up here and says, no matter how
4 dramatically he presents it to you, Charlie Morehouse
5 is not guilty. You haven't heard any evidence. He is
6 presumed -- and that's your responsibility under the law
7 is to think Charlie Morehouse is not guilty. The State,
8 the Government, show me evidence if you can that he is,
9 in fact, guilty. Watch what they do. What watch they
10 say. Right now sitting there today you don't know who
11 Rico is, but you're gonna hear about that.

12 I'm not gonna spend a lot of time talking to you
13 about what the evidence is or what the evidence isn't
14 because what I say is not evidence. They're gonna put it
15 up. Let's see what it says. Hold them to what they say.
16 Thank you.

17 **THE COURT:** All right, Ms. Mayes.

18 **MS. MAYES:** The State calls Nikki Rodgers.

19 (Whereupon, Nikki Rodgers was duly sworn by the Clerk
20 of Court.)

21 **THE CLERK:** Once you're seated state your full name,
22 spelling is your last, please.

23 **THE WITNESS:** Nikki Rodgers, R-O-D-G-E-R-S.

24 NIKKI RODGERS,

25 having been duly sworn, testified as follows:

1 DIRECT EXAMINATION

2 BY MS. MAYES:

3 Q. Good afternoon, Ms. Rodgers. Could you begin by
4 telling us a little bit of information about yourself?
5 What is your name and where are you employed?

6 A. I'm Nikki Rodgers. I am employed with the Lexington
7 County 9-1-1 Communications. I've been there for
8 twenty-three years and I have done every job there from
9 call-taker all the way up to now I'm the chief of
10 communications.

11 Q. All right. Tell us a little bit about the 9-1-1
12 center. Describe the general duties and responsibilities
13 of the 9-1-1 center and, specifically, your role.

14 MR. HILLIARD: Excuse me, just one second. I'm happy
15 to stipulate. I'm not sure exactly where this is going,
16 but I'll stipulate she's the 9-1-1 person and she can put
17 the 9-1-1 call in if that's where you're headed.

18 MS. MAYES: I'm just laying that foundation, Your
19 Honor, and what services are offered by the 9-1-1 center.

20 MR. HILLIARD: Okay. We'll stipulate that.

21 THE COURT: All right. Then streamline your
22 questions.

23 Do y'all understand that a stipulation is a fancy
24 way of saying we agree? She works for Lexington County
25 in the 9-1-1 department and has some duties regarding the

1 preservation of some of the calls.

2 Go ahead, Ms. Mayes.

3 **MS. MAYES:** Yes, sir, Your Honor.

4 **MR. HILLIARD:** Thank you, Your Honor.

5 BY MS. MAYES:

6 Q. Are 9-1-1 calls recorded?

7 A. Yes, ma'am.

8 Q. And tell us specifically what type of services are
9 offered. Do you record the date and time of calls?

10 A. We do. The date and the time is recorded and we
11 dispatch for multiples agencies; law enforcement, fire
12 service and EMS.

13 Q. All right. So all agencies in Lexington County?

14 A. No, with the exception of Cayce fire and police,
15 West Columbia police, and Batesburg police. We do all
16 others.

17 Q. Lexington County Fire Department?

18 A. Yes, ma'am.

19 Q. And Lexington County EMS?

20 A. Yes, ma'am.

21 Q. And the Lexington County Sheriff's Department?

22 A. Yes, ma'am.

23 Q. All right. So if a 9-1-1 call comes in, you record
24 the date of that call?

25 A. We do.

1 Q. And you record the time of that call?

2 A. Yes.

3 Q. And the call itself is recorded?

4 A. Yes.

5 Q. Now do you have with you any records regarding a
6 9-1-1 call that was placed on August 3, 2015, in the area
7 of Old Orangeburg Road?

8 A. Yes, ma'am. I do have a copy of a -- what we call a
9 CAD report, which is a computer-aided dispatch, for a call
10 for service for the 2400 block of Old Orangeburg Road on
11 August 3rd at 2342 hours.

12 **MS. MAYES:** I beg the Court's indulgence.

13 BY MS. MAYES:

14 Q. Do you also record who provides the phone call, who
15 makes the phone call?

16 A. Yes, ma'am.

17 Q. And do you have that information with you today?

18 A. This was actually a call from the radio which was
19 received from a fire personnel that was working that
20 evening over the radio.

21 Q. All right. So let me just clarify. You can get phone
22 calls from telephone and you can also get a call from the
23 actual radio?

24 A. Correct.

25 Q. All right.

1 **MR. HILLIARD:** Judge, can I stand over there?

2 **THE COURT:** Certainly. Y'all have free rein to move
3 around.

4 BY MS. MAYES:

5 Q. All right. Regarding this 9-1-1 call, Ms. Rodgers,
6 what is the time that the call was received at your 9-1-1
7 call center?

8 A. 2342 and 12 seconds, which is 11:42 with 12 seconds
9 after in the PM.

10 Q. I'm gonna need you to break those times down for us
11 in layperson's terms.

12 A. Okay.

13 Q. That's gonna be 11:42 PM?

14 A. Correct.

15 Q. And you said that came in from the radio of a fire
16 department employee, correct?

17 A. Correct.

18 Q. What is the name of that fire department employee?

19 A. We classify the units by numbers, so this would be
20 Engine 13.

21 Q. All right. And that call came from Engine 13?

22 A. Yes.

23 Q. Fire department?

24 A. The Lexington County Fire Department.

25 Q. All right. And where was the request for 9-1-1

1 services to go?

2 A. The 2400 block of Old Orangeburg Road.

3 Q. All right. And, again, this is going to be the date
4 of August 3, 2015?

5 A. Correct.

6 Q. Now when that request comes in, what services were
7 actually sent out? Who was requested to go to that scene
8 by the 9-1-1 center?

9 A. The Lexington County Sheriff's Department and the
10 Lexington County EMS.

11 Q. All right. Do you have with you any information
12 regarding the time that EMS arrived on the scene?

13 A. Yes, I do.

14 Q. What was the time of the first EMS unit's arrival on
15 the scene?

16 A. Hold on one second for me. 2352, which is 11:52 PM.

17 Q. All right. And do you also have with you information
18 concerning the time of the first arrival of the Lexington
19 County Sheriff's Department or Lexington County Sheriff's
20 Office deputies?

21 A. That would be 2350 and that's 11:50 PM.

22 Q. All right. Now have you had the opportunity to
23 actually pull or locate for purposes of evidence in this
24 case the original 9-1-1 call associated with that radio
25 transmission at 11:42 PM?

1 A. Yes, ma'am.

2 Q. And have you had the opportunity to listen to it?

3 A. I did.

4 Q. Can you tell us whether or not the item that you
5 have examined and listened to is a fair and accurate
6 representation of the original 9-1-1 call in this case?

7 A. It is.

8 **MS. MAYES:** Your Honor, that would be State's exhibit
9 for evidence and we would mark the envelope at this time.

10 **MR. HILLIARD:** No objection.

11 **THE COURT:** Is that State's Number 4 or State's
12 Number 1?

13 **MS. MAYES:** I believe's it's gonna be State's
14 Number 1.

15 **MR. HILLIARD:** Number 1 in evidence.

16 **THE COURT:** My question is, has it been premarked?

17 **THE COURT REPORTER:** No, sir.

18 **THE COURT:** Okay. The reason I'm asking is
19 sometimes, just so the jury knows, they pre-mark certain
20 exhibits they know are to be discussed and talked about.
21 Ms. Johnson's gonna mark them as they come in. So this is
22 State's Exhibit 1 and it's been agreed to by the defense,
23 and it is what it is, so y'all get to hear it.

24 (State's Exhibit Number 1, a 9-1-1 call, was marked
25 and admitted into evidence.)

1 **MS. MAYES:** Your Honor, at this time the State would
2 request permission to publish the 9-1-1 call or radio
3 transmission.

4 **THE COURT:** Absolutely.

5 BY MS. MAYES:

6 Q. Now were you actually the dispatcher working?

7 A. I was not.

8 Q. Okay. You're over the 9-1-1 center?

9 A. Yes, ma'am.

10 Q. But you -- can you tell us whether or not you have
11 the ability to pull all calls that are handled even by
12 other dispatchers?

13 A. I am the keeper of all the records for the 9-1-1
14 center and do all of the document release forms also.

15 (Whereupon, State's Exhibit Number 1 was played.)

16 **THE COURT:** Stop it. Let's take a quick break.

17 Y'all step in the jury room and I'll have you right back
18 here, okay?

19 (Whereupon, the jury retires to the jury room at
20 3:16 PM.)

21 **THE COURT:** I don't know why the Defendant jumped up
22 and went in there. If he had to go to the bathroom or
23 something, that's fine. I don't want the hearing to
24 continue if he's not gonna be in here. So out of an
25 abundance of caution, I just sent the jury out since he

1 departed.

2 **MR. HILLIARD:** Yes, sir. Thank you, Judge. Well,
3 he had to go to the bathroom and I -- that was probably
4 my fault. I was saying well, this witness isn't gonna
5 take very long and I -- I should have called it to the
6 Court's attention.

7 **THE COURT:** Okay. Let's take a short break while
8 we let him tend to that and we'll be right back where we
9 are.

10 **MR. HILLIARD:** Thank you very much, Judge.

11 **THE COURT:** I didn't see him get up and the deputy
12 got up, so that's why I sent the jury out.

13 **MR. HILLIARD:** Yes, sir. Thank you.

14 (Recess taken.)

15 **BAILIFF:** All rise. Court's back in session.

16 **THE COURT:** Are y'all ready to go?

17 **MS. MAYES:** Yes Your, Honor.

18 **THE COURT:** All right. Ms. Mitchell, give me the
19 jury, please.

20 (Whereupon, the jury returns to the courtroom at
21 3:23 PM.)

22 **THE COURT:** All right. Let's start back with that
23 recording.

24 **MS. MAYES:** Yes, Your Honor. If I could ask a
25 preceding question leading into that.

1 BY MS. MAYES:

2 Q. Now do you also maintain records where -- as part of
3 the 9-1-1 center where you note the nature of the call?

4 A. Yes.

5 Q. And communication?

6 A. Yes.

7 Q. What specifically is noted in the event notes
8 regarding the call that came from fire at 11:42 PM?

9 A. Fire service was requesting the sheriff's department
10 for a male that was found laying in the middle the road.

11 Q. All right. Male laying in the middle the road?

12 A. Correct.

13 Q. And, again, this is Old Orangeburg Road?

14 A. Yes.

15 Q. And can you tell us whether or not when such a
16 circumstance is discovered by fire or even bystanders
17 whether EMS is requested to respond?

18 A. That's a standard response, yes, for them to get
19 on-scene and figure out whether they need EMS or not.

20 Q. All right. And the actual radio transmission that
21 you're receiving from fire, is the fire department, that
22 Engine 13, actually at the scene where the body is located?

23 A. Correct.

24 (Whereupon, State's Exhibit Number 1, a 9-1-1 call,
25 was played.)

1 BY MS. MAYES:

2 Q. All right. Now in response to that request from the
3 fire department, your testimony has been that EMS did
4 arrive at the scene at 11:52. Regarding the event notes,
5 Ms. Rodgers, can you tell us what, if at all, was noted
6 regarding that subject being deceased?

7 A. Fire and law enforcement were unable to confirm a
8 hundred percent that he was dead, but they said he was
9 possibly Signal 9, which is -- also means dead.

10 Q. All right. And what, if anything, do you see
11 regarding EMS's notation that the subject is deceased?

12 A. When EMS got on-scene, they actually confirmed that
13 he was dead at 2354 and requested the coroner.

14 Q. All right. So at that point it was confirmed by EMS
15 that the subject in the roadway was deceased?

16 A. Yes, ma'am.

17 **MS. MAYES:** Nothing further at this time.

18 **MR. HILLIARD:** No questions and no objection to her
19 being excused, Your Honor.

20 **THE COURT:** Absolutely.

21 **THE WITNESS:** Thank you.

22 (Witness excused.)

23 **MS. MAYES:** The State calls Matthew Rowlette.

24 (Whereupon, Matthew Rowlette was duly sworn by the
25 Clerk of Court.)

1 **THE CLERK:** Have a seat. Once you're seated, state
2 your full name spelling your last, please.

3 **THE COURT:** Matthew Rowlette, R-O-W-L-E-T-T-E.

4 MATTHEW ROWLETTE,

5 having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. MAYES:

8 Q. Can you tell us a little bit about yourself? Where
9 are you currently employed?

10 A. Lexington County Fire Service.

11 Q. How long have you been with the fire department?

12 A. Approximately five years.

13 Q. And what is your general job title? Tell us a little
14 bit about what you do as a member of the Lexington County
15 Fire Department.

16 A. I'm an engineer at our Edmond fire station. I oversee
17 the day-to-day operations of a single fire station and I
18 have a firefighter that works under me.

19 Q. Can you tell us whether or not you were working in
20 that capacity on the night of August 3, 2015?

21 A. Yes, ma'am.

22 Q. Were you working with Engine 13?

23 A. Yes, ma'am.

24 Q. Now when it's late at night like this, are you
25 affiliated with any type of firehouse?

1 A. In what capacity? Am I at Edmond fire station?

2 Q. Correct.

3 A. Yes, ma'am.

4 Q. All right. Tell us a little bit about that. You are
5 a fireman. Is that a 24-hour job when you're on shift?

6 A. Yes, ma'am, it is.

7 Q. And does that mean that you're actually at the
8 firehouse?

9 A. Yes, ma'am.

10 Q. And on this particular night, let's take you to
11 around 11:30 -- between 11:30 and midnight. Where are
12 you at at the firehouse and what are y'all normally doing
13 at that hour?

14 A. We're usually asleep at that hour.

15 Q. What, if anything, do you recall about the events of
16 this night, August 3, 2015, that awoke you?

17 A. My partner heard a knock at the door. He awoke me
18 and we went to the door to meet with a male who was stating
19 there was a male laying in Old Orangeburg Road.

20 Q. All right. So take us through that in a little bit
21 -- in a little bit more detail. You're at the firehouse,
22 you're in bed, your partner is also in his assigned bunk?

23 A. Yes, ma'am.

24 Q. And there's a knock at the door?

25 A. Yes, ma'am.

1 Q. Now can you tell us whether or not you have the
2 ability to respond to bystanders who show up in person
3 such as this?

4 A. We -- I mean, whenever they knock on the door, I
5 mean, we answer. Of course, the door is locked, so -- but
6 we did open it and we met with the male.

7 Q. All right. Where is your firehouse? You called it
8 the Edmund Highway station. Where is that station in
9 relation to the dirt portion of Old Orangeburg Road where
10 in this case the male subject was lying in the roadway?

11 A. Edmund fire station is almost directly across from
12 Old Orangeburg Road on Edmund Highway.

13 Q. Now did you know the individual who came to the door?

14 A. No, ma'am, I did not.

15 Q. All right. And ultimately are you aware at this point
16 in time of his name?

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

18 Q. All right. You're aware of Mr. Keith Lytes?

19 A. Yes, ma'am.

20 Q. All right. And what is your understanding of how he
21 had discovered the body in the roadway?

22 A. He stated to us that he was driving down Old
23 Orangeburg Road, he saw a male laying in the roadway, he
24 backed up to the fire station and that's when he knocked
25 on the door and said that he didn't have a phone and said

1 that was the situation, so.

2 Q. All right. So is a civilian bystander?

3 A. Yes, ma'am.

4 Q. Let me show you this map and ask you whether or not
5 you recognize it?

6 A. Yes, ma'am.

7 Q. You're familiar with this area?

8 A. I am.

9 Q. Is it a fair and accurate representation from an
10 aerial point of view of the vicinity around your firehouse
11 and the incident location at Old Orangeburg Road?

12 A. It is.

13 **MS. MAYES:** Your Honor, this will be State's Exhibit 2
14 for evidence.

15 **MR. HILLIARD:** Without objection.

16 **THE COURT:** State's 2 without objection.

17 (State's Exhibit Number 2, an aerial view map, was
18 marked and admitted into evidence.)

19 BY MS. MAYES:

20 Q. All right. And before we discuss this, I want to
21 ask you from the time that Mr. Lytes came and knocked on
22 the firehouse door to the time that you went around,
23 got in your truck and then responded to that scene on
24 Old Orangeburg Road, how much time do you think transpired?

25 A. Probably less than two minutes and then another two

1 or three to the scene.

2 Q. There's a 9-1-1 radio transmission at 11:42 PM that
3 came from Engine 13. Who made that radio transmission to
4 the 9-1-1 center?

5 A. I did.

6 Q. You've listened to that audio?

7 A. Yes, ma'am.

8 Q. That's you on the radio?

9 A. Yes, ma'am.

10 Q. When you make that radio transmission at 11:42 PM,
11 are you actually physically at the scene?

12 A. Yes, ma'am.

13 Q. You're able to visualize the body in the roadway?

14 A. Yes, ma'am.

15 Q. And your estimate -- estimate would be about five
16 minutes between when you got the knock at the door and
17 until when you got there?

18 A. Yes, ma'am.

19 Q. You had to change clothes?

20 A. I had to put my bunker pants on over my shorts which I
21 had on at the time.

22 Q. All right. And who went with you out to the scene?

23 A. Firefighter Hunter Roberts.

24 Q. All right. And y'all went in the fire truck?

25 A. Yes, ma'am.

1 Q. How far would you estimate it was to that actual
2 location on Old Orangeburg Road, the dirt portion?

3 A. Less than a mile. Approximately a half a mile, I
4 guess.

5 Q. All right.

6 **MS. MAYES:** Your Honor, if the witness may have
7 permission to step down.

8 **THE COURT:** Absolutely.

9 (Whereupon, the witness steps down from the witness
10 stand.)

11 BY MS. MAYES:

12 Q. I'll move this up a little bit closer. One moment.
13 I'm gonna ask you to the step around here so the court
14 reporter may hear your voice as it may carry. This is
15 an aerial map and here we are looking at Old Orangeburg
16 Road here going up this way. I'm gonna hand you this and
17 ask you to show us where on this map your firehouse is
18 located.

19 A. It's gonna be right here where the "F" is.

20 Q. Where the red dot is?

21 A. Yes, ma'am.

22 Q. All right. You mentioned Edmund Highway. Where is
23 Edmund Highway on this map? I need you to step around a
24 little bit more so the last juror can see this area.

25 A. Edmund Highway is the paved road right here that

1 runs along in front of the fire station.

2 Q. Also known as 302?

3 A. Yes, ma'am.

4 Q. All right. And then Old Orangeburg Road goes in
5 which direction?

6 A. Old Orangeburg Road runs between Edmund Highway and
7 Pleasant View Drive.

8 Q. All right. Where is Pleasant View on this map?

9 A. Pleasant View is right here.

10 Q. All right. So that's a cross street going this way?

11 A. Yes, ma'am.

12 Q. So this entire portion between Pleasant View and
13 302, also known as Edmund Highway, is going to be Old
14 Orangeburg Road?

15 A. Yes, ma'am, it is.

16 Q. Now is a section of Old Orangeburg Road dirt?

17 A. That's this portion between Edmund Highway and
18 Pleasant View. All of this is dirt here.

19 Q. All right. And the green star on this map represents
20 the approximate location of what?

21 A. There's a cut over here, a clearing, and not far from
22 that was where we found the male subject.

23 Q. All right. So this would be -- the green star would
24 be the incident location, the crime scene, here in this
25 case?

1 A. Right.

2 Q. And you say it's just across this clearing here?

3 A. Yes, ma'am.

4 Q. Is that also a dirt road portion?

5 A. It is.

6 Q. Now what can you tell us about this area, especially
7 at night? We're talking 11:42 PM. Tell us about the
8 lighting out there at that location.

9 A. It's very dark. There's no streetlights out there.

10 Q. All right. And you mentioned that it's a dirt road.
11 What can you tell us specifically about the sand or the
12 surface area in that location?

13 A. It's just a sandy dirt road with really loose sand
14 and it's not a good roadway.

15 Q. All right. Now Mr. Lytes, the bystander who had come
16 to the firehouse and alerted you that there was a body in
17 the roadway, you and Mr. Roberts get in the fire truck and
18 head out to that location. You alert 9-1-1. Did Mr. Lytes
19 follow y'all back out there as well?

20 A. He did.

21 Q. Were you present when law enforcement arrived?

22 A. I was.

23 Q. And were you also present when he EMS arrived?

24 A. I was.

25 **MS. MAYES:** You may return to your seat.

1 (Whereupon, the witness retakes the witness stand.)

2 BY MS. MAYES:

3 Q. Now did you yourself actually approach the body?

4 A. I did after law enforcement arrived.

5 Q. You mentioned that EMS arrived. Who actually made
6 the determination as to whether or not the victim was
7 deceased?

8 A. I'm unsure of the paramedic. There were two on-scene,
9 but it was one of the two.

10 Q. Whose job was that to make that determination?

11 A. It was one of the paramedics on-scene.

12 Q. All right. Did you get close enough to actually
13 detect a pulse on the victim?

14 A. I got close enough. I did not touch the body.

15 Q. But you did get close?

16 A. Yes, ma'am.

17 Q. I'm also gonna show you some photographs and ask you
18 whether or not you recognize them.

19 A. I do. Yes, ma'am.

20 Q. Can you tell us whether or not those photographs are
21 a fair and accurate representation of the scene?

22 A. They are.

23 Q. And the body as you recall being at the scene?

24 A. Yes, ma'am.

25 Q. Did you disturb the body in any way?

1 A. No, I did not.

2 Q. I'll show you some photographs of a vehicle at that
3 location.

4 A. Yes, ma'am. That was the vehicle.

5 Q. Was that vehicle already present when you arrived?

6 A. It was.

7 Q. Is that a fair and accurate representation of how you
8 recall it when you arrived at the scene?

9 A. It is.

10 **MS. MAYES:** Your Honor, these would be State's
11 exhibits for evidence. There are two photographs.

12 **MR. HILLIARD:** Will you separate these out for me,
13 please, into two separate -- I don't have any objection
14 to the picture of the car. I'd like to ask him a couple
15 of questions to establish the --

16 **THE COURT:** Okay.

17 **MS. MAYES:** We may have one more. Actually that will
18 be all with this witness.

19 **THE COURT:** All right. With regards to the car
20 photograph, it's admitted as State's 3.

21 (State's Exhibit Number 3, a photograph, was marked
22 and admitted into evidence.)

23 **THE COURT:** Regarding the one we're gonna mark for
24 identification as State's 4, I'll allow you to ask some
25 questions on that.

1 **MR. HILLIARD:** Now or after she --

2 **THE COURT:** Yes, now is perfect. She's finished
3 examining.

4 **MS. MAYES:** I'm sorry, Your Honor. I was finished
5 offering exhibits. We're not completely through with the
6 examination.

7 (State's Exhibit Number 4 was marked for
8 identification.)

9 **THE COURT:** Okay. That's marked for identification.
10 That's Number 4. Number 3 is in without objection.

11 **MR. HILLIARD:** Yes, sir.

12 BY MS. MAYES:

13 Q. All right. Now you indicated that you left the fire
14 station and went to the scene. That means you're coming
15 from which area towards which area?

16 A. Coming from Highway 302 onto Old Orangeburg Road
17 towards Pleasant View Drive.

18 Q. All right. So your headlights are facing up towards
19 Pleasant View?

20 A. It is. They are.

21 Q. All right. I'm gonna show you State's Exhibit 3 and
22 ask you to take a look at that photo.

23 A. Uh-huh.

24 Q. All right. Here looking at State's Exhibit 3, tell
25 us what we're looking at as if we were in the fire truck

1 arriving at the scene.

2 A. That's approximately where Engine 13 was parked when
3 we arrived on-scene. The male subject is laying on the
4 left side the road and that was the vehicle found on the
5 scene.

6 Q. All right. I realize it may be difficult to -- to
7 see under these circumstances with that photograph. I'm
8 gonna ask you, if you could, to show us where in that
9 photograph you arrived. Which way are your headlights
10 pointing?

11 A. Our headlights are toward the -- towards Pleasant
12 View, which is down in that direction.

13 Q. All right. So you pull up behind the white vehicle?

14 A. Yes, ma'am.

15 Q. And you indicate that white vehicle was already at
16 the scene?

17 A. Yes, ma'am, it was.

18 Q. And where is the victim's body located?

19 A. On the left side of the roadway right there.

20 Q. And at the time you arrived, other than that white
21 vehicle and the victim's body to the left of that vehicle,
22 did you observe any other vehicles at the scene at that
23 time, the time of your arrival?

24 A. No, ma'am.

25 Q. Only you?

1 A. Only us.

2 Q. And you say you got out of your fire truck and walked
3 in which direction?

4 A. Towards the victim.

5 Q. And you would have walked up adjacent to the vehicle?

6 A. Yes, ma'am.

7 Q. And also near the victim at some point?

8 A. At some point after law enforcement arrived.

9 Q. And, again, this photograph you've identified is a
10 fair and accurate representation of the victim's body as
11 you recall seeing it in the roadway?

12 A. Yes, ma'am.

13 Q. And you did not disturb it in any way?

14 A. I did not.

15 **MS. MAYES:** This will be State's Exhibit 4, Your
16 Honor, and I have completed questioning at this point.

17 **THE COURT:** All right, Mr. Hilliard.

18 **MR. HILLIARD:** Thank you, Judge.

19 **THE COURT:** Your witness.

20 **MR. HILLIARD:** Yes, sir.

21 CROSS-EXAMINATION

22 BY MR. HILLIARD:

23 Q. The -- I understood you to say, and correct me if
24 I'm wrong, that the citizen went back up to the scene with
25 you?

1 A. He did.

2 Q. Was there any reason for that?

3 A. I'm unsure at this time. He stayed behind the fire
4 truck the whole time though. He did not approach the
5 scene.

6 Q. Okay. So you were in the fire truck and your -- your
7 co-fireman was in the fire truck and the citizen came up
8 behind y'all onto the scene; is that right?

9 A. He didn't make it past the fire truck. He stayed at
10 his vehicle behind the fire truck.

11 Q. All right, sir. And then did you and your co-fireman
12 get out of the fire truck?

13 A. We did.

14 Q. Well, did you go up to the body to determine if the
15 fellow was alive or not?

16 A. Not directly. After law enforcement arrived we did.

17 Q. Okay. Well -- so help me understand now. You came
18 up and then how long from the time you were there until
19 law enforcement got there?

20 A. Give me one second.

21 Q. Sure. Take your time.

22 A. It looks like around 2350 L522 was in the area. I
23 can find you the exact time.

24 Q. Okay. Well, you're also gonna have to translate it
25 for me because I don't know what that means.

1 A. Okay. I'm unsure of the exact time by reading the
2 CAD notes here, but L522 is a law enforcement officer with
3 Lexington County per the CAD notes. I'm unsure of the
4 exact arrival of law enforcement.

5 Q. Well -- okay. So you can't tell from looking at the
6 notes how long from the time you got there until the time
7 that law enforcement got there. You can't tell that from
8 looking at the notes?

9 A. Not the -- not the CAD sheet.

10 Q. How about from this thing over here? I know you
11 weren't here when this was done, but maybe you know how
12 to read this better than -- better than I.

13 A. There you go. LCSO arrived -- Lexington County
14 sheriff arrived at 11:50.

15 Q. Okay. So this is you?

16 A. Yes, sir.

17 Q. At 11:42?

18 A. Yes, sir.

19 Q. And this is -- so the EMS showed up -- well, so the
20 police got there at 11:50?

21 A. Yes, sir.

22 Q. So that would mean that you were there for eight
23 minutes waiting on the police?

24 A. That's right.

25 Q. And what were you doing -- what were you and your

1 co-fireman and the citizen doing for those eight minutes?

2 A. We were looking around the area to confirm no one
3 else was around the area. Basically staying near the fire
4 truck in case we did have to leave at that point. The
5 scene was unsecured at that point per what we believed.

6 Q. Right. Well, I mean, you knew there was a -- there
7 was a purportedly or likely to be a deceased person and
8 you weren't worried that maybe somebody was around there
9 with a gun?

10 A. Well, we were and that's why we did not make patient
11 contact at that point.

12 Q. Okay. So then the EMS arrives at 11:52 and do you
13 go up to the body?

14 A. Yes, sir.

15 Q. Not the EMS?

16 A. EMS did as well.

17 Q. Okay. So how many people -- how many people went up
18 to the body -- let me ask you this question before. I
19 apologize. This photographs, State's Number 4 for
20 identification, do you have any idea who took that picture?

21 A. I'm unsure.

22 Q. And you don't know when it was taken?

23 A. No, sir.

24 Q. All right, sir. Well, let's go back. So the EMS --
25 you're there at 11 -- I'm sorry. The police come and you

1 go up to the body and the EMS goes up to the body and the
2 purpose of those folks going up to the individual at that
3 point -- well, let me ask this. You're not certain that
4 that individual is deceased?

5 A. Correct.

6 Q. So you're waiting on something else to come to go and
7 see if he is, in fact, deceased?

8 A. I'm waiting on the sheriff's department to arrive.

9 Q. For protection?

10 A. Correct.

11 Q. And then when -- when you go up to the -- to the
12 person who ultimately turned out to be deceased, it's you
13 and the EMS guys?

14 A. Correct.

15 Q. And, I mean, you're -- you're at least manipulating
16 the individual enough to determine if he's alive or dead.

17 A. I believe EMS did at that point. I did not touch the
18 body whatsoever.

19 Q. Were you there at the body?

20 A. Yes, sir.

21 Q. And EMS was there to determine if he was alive or
22 dead?

23 A. Correct.

24 Q. And, I mean, in order to do that you have to
25 manipulate the body in some form or fashion, right?

1 A. You can, yes, sir.

2 Q. So when -- and it was -- were your lights shining on
3 the body?

4 A. Yes, sir.

5 Q. And was it that bright, 4 for ID?

6 A. Unknown if it was that bright exactly.

7 Q. And so you're really -- I mean, this is -- you don't
8 know whether this Number 4 for identification actually
9 looks like the body at the time you were there or not
10 truthfully?

11 A. The lightness level, I would -- I could not, you know,
12 identify how much light was there at the time, but that
13 appears to be the same subject that we found on that
14 evening.

15 Q. Appears to be the same subject?

16 A. Yes, sir.

17 Q. But at the same time you would agree with me that this
18 photograph was taken after he was determined to be dead?

19 A. I believe so.

20 **THE COURT:** He didn't take the picture.

21 **MR. HILLIARD:** Sir?

22 **THE COURT:** He didn't take the picture.

23 BY MR. HILLIARD:

24 Q. Well, was there anybody out there taking pictures
25 before y'all decided he was dead?

1 A. Not to my knowledge, no, sir.

2 Q. All right, sir. And not to belabor the point, you
3 went up to the body but didn't touch the body?

4 A. Correct.

5 Q. And the EMS -- how many EMS people were there?

6 A. Approximately three.

7 Q. Sir?

8 A. Three.

9 Q. So there were three EMS people. They all went up to
10 the body?

11 A. Correct.

12 Q. And y'all -- you didn't touch it. Did they all three
13 touch it?

14 A. I'm unsure. I believe at least one did.

15 **MR. HILLIARD:** All right, sir. That's all I have.

16 We object to Number 4, Judge.

17 **THE COURT:** What's the basis of the objection?

18 **MR. HILLIARD:** Based on his testimony he can't say
19 that that was the --

20 **THE COURT:** Well, he testified as to what it appeared
21 like in her question. I think he did.

22 **MR. HILLIARD:** Well, he did when she was asking, but
23 when I started asking questions he wasn't certain that that
24 was the way the body appeared at the time he got there and
25 he didn't know when the picture was taken or who took it.

1 **THE COURT:** He doesn't have to know who took it. Is
2 it an accurate depiction of what he saw. He can lay that
3 foundation. I think that's the question Ms. Mayes asked
4 him. I understand you're cross-examining, but I think
5 that's sufficient foundation to admit it, so I'd admit
6 Number 4.

7 **MR. HILLIARD:** Thank you, Judge.

8 **THE COURT:** Subject to your objection.

9 **MR HILLIARD:** Yes, sir.

10 (State's Exhibit Number 4, a photograph, was admitted
11 into evidence.)

12 **MS. MAYES:** That's all for this witness, Your Honor.

13 **THE COURT:** All right. You may step down.

14 **MR. HILLIARD:** No objection to him being excused,
15 Judge.

16 **THE COURT:** You're free to go.

17 (Witness excused.)

18 **MS. MAYES:** The State calls Ben Vollmer.

19 **THE CLERK:** Once you're seated state your full name,
20 spelling your last name, sir.

21 **THE WITNESS:** Ben Vollmer. That's V-O-L-L-M-E-R.

22 BEN VOLLMER,

23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. MAYES:

1 Q. Good afternoon. Tell us a little bit about yourself.
2 Where are you employed?

3 A. Lexington County EMS as a paramedic.

4 Q. All right. Tell us a little bit about becoming a
5 paramedic. What type of certification and training is
6 required to become a paramedic?

7 **MR. HILLIARD:** I'll be glad to stipulate to him being
8 a paramedic if that's of any benefit.

9 **MS. MAYES:** Your Honor, we're gonna lay a foundation
10 somewhat.

11 **MR. HILLIARD:** Thank you.

12 **THE COURT:** You may streamline it as you see fit.
13 Thank you for the stipulation.

14 **MR. HILLIARD:** Yes, sir. Thank you.

15 BY MS. MAYES:

16 Q. Take us through your training and certification to
17 become a paramedic.

18 A. To become a paramedic, you first need six months of
19 clinical and classroom training to become an EMT and after
20 that it's an additional year of classroom and clinical
21 training to become a paramedic.

22 Q. All right. Is there an actual certification involved?

23 A. Yes.

24 Q. All right. And how long have you been a paramedic?

25 A. I've been a paramedic for about four years now.

1 Q. All right. Where does paramedic rank on the level of
2 training in emergency medical services?

3 A. Paramedic is the highest certification you can obtain
4 in EMS.

5 Q. All right. So you started as a basic paramedic?

6 A. As a basic EMT, yes.

7 Q. And paramedic would be the highest level of emergency
8 medical services training?

9 A. Yes, ma'am.

10 Q. And were you working on the night of August 3, 2015?

11 A. Indeed, I was.

12 Q. And were you a paramedic on that date?

13 A. Yes, ma'am.

14 Q. In fact, were you the crew chief on your emergency
15 medical vehicle?

16 A. I was.

17 Q. Tell us what, if anything, you recall about receiving
18 a dispatch from the 9-1-1 center to respond to Old
19 Orangeburg Road, specifically the dirt portion.

20 A. I believe the call came out as an unconscious person.
21 We were notified that the fire department was requesting
22 our assistance on that scene.

23 Q. All right. And did you, in fact, respond well enough
24 to actually visualize the person in the roadway?

25 A. Yes, we did.

1 Q. Do you have with you your notes, your actual records,
2 regarding your patient care?

3 A. I do. I have my report.

4 Q. That would be your patient care report?

5 A. Yes, ma'am.

6 Q. For any treatment rendered that night?

7 A. I do.

8 Q. Tell us, Mr. Vollmer, what you recall about your
9 arrival there at the scene and what efforts you undertook
10 to possibly resuscitate or provide first-aid to the person
11 in the roadway.

12 A. We saw the -- the patient. He was laying towards
13 the side the road. This was a dirt roadway. He wasn't
14 responding to us when we got up next to him at all, he had
15 no spontaneous respirations, he wasn't breathing on his
16 own. He had no pulse to speak of. Also, his skin was
17 rather cool to the touch. I did check his pupils for a
18 response for light and he had no response for light and
19 that's a good indication of brain death. At that point we
20 decided that resuscitation on him would have been futile
21 and we contacted dispatch to have the county coroner
22 notified.

23 Q. All right. You -- you actually determined that there
24 were no signs of life?

25 A. Yes, ma'am.

1 Q. All right. And so he was pronounced deceased there
2 at the scene?

3 A. Yes.

4 Q. What time do you note that he was pronounced deceased?

5 A. I have 2354.

6 Q. All right. And in order to make that determination,
7 did you have to get close to the body?

8 A. I did. I had to get right next to him.

9 Q. And specifically did you have to touch the body?

10 A. I did.

11 Q. Now did you disturb the positioning of the body in
12 any way?

13 A. No, ma'am.

14 Q. What does your report indicate about the position in
15 which he was found or initially observed by you in the
16 roadway?

17 A. We found him laying supine, which means he was laying
18 flat in the roadway.

19 Q. I'm show you this, State's Exhibit 4 already in
20 evidence, and ask you whether or not you recognize that?

21 A. I do.

22 Q. I'll show you some additional photographs and ask you
23 whether or not you recognize them.

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

25 Q. Can you tell us whether or not that's a fair and

1 accurate representation of the victim as you initially
2 observed him lying in the roadway?

3 A. That is how we found him.

4 Q. I'm gonna also show you these photographs of the
5 vehicle.

6 **MR. HILLIARD:** Can we kind of identify those so I
7 know what he's identifying?

8 **MS. MAYES:** I will.

9 BY MS. MAYES:

10 Q. Can you tell us whether or not those photographs are
11 a fair and accurate representation of how you recall the
12 vehicle being in the roadway?

13 A. Yes, ma'am, they are.

14 Q. Your testimony is that all of these photographs
15 represent a fair and accurate representation of the scene
16 as you came upon it that night?

17 A. Yes.

18 Q. And before we go any further with these photographs,
19 I'm gonna ask you whether at any point you got close enough
20 to the victim to leave a marking in the sand?

21 A. I did.

22 Q. Looking at these photographs, you can just answer yes
23 or no, can you tell us whether or not you can observe in
24 these photographs where you believe you left markings in
25 the sand?

1 A. Yes, ma'am.

2 **MS. MAYES:** This would be State's Exhibit 5, 6, 7 and
3 8 for evidence, Your Honor. Two depict the victim in the
4 roadway and two depict the vehicle at the scene.

5 **MR. HILLIARD:** I have no objection to the two of the
6 vehicle. I'd like to ask him questions about the other
7 ones when that comes --

8 **THE COURT:** All right. Let's mark them all and
9 admit the two without objection and we'll leave the other
10 two for identification.

11 (State's Exhibit Numbers 5 and 6, photographs, were
12 marked and admitted into evidence.)

13 (State's Exhibit Numbers 7 and 8 were marked for
14 identification.)

15 BY MS. MAYES:

16 Q. And I believe 7 and 8 are for identification only at
17 this time. Can you tell us whether or not that is how you
18 recall observing the victim in the roadway?

19 A. It is.

20 Q. And you stated you can observe in these photographs
21 where you left markings in the sand?

22 A. Yes, ma'am.

23 **MS. MAYES:** Your Honor, the remaining questions I
24 believe at this point would have to deal with those
25 particular markings which would require us to publish at

1 this time.

2 **THE COURT:** All right. Let's -- let's take a short
3 break because I'm in need of one. So y'all step in the
4 jury room. We'll take a short break and I'll have you
5 back in here in a couple of minutes.

6 (Whereupon, the jury retires to the jury room at
7 4:02 PM.)

8 **THE COURT:** All right. What's the objection on the
9 photographs of the body?

10 **MR. HILLIARD:** They're cumulative, Judge. It's two
11 closer pictures of what the same other picture was. I
12 mean, there's three pictures all of the same thing. I
13 was gonna ask him that question, but it looks like that
14 to me, which would make it cumulative. I don't know what
15 the testimony -- I wasn't gonna object about the -- or at
16 least not at this point about the markings. I don't know
17 where that's going, but maybe there's something to that.

18 **THE COURT:** Well, you asked very many questions about
19 how many people walked up to the body and I think that's
20 the reason she's asking where he walked. You planted the
21 seed.

22 **MR. HILLIARD:** Yes, sir. Well, and --

23 **THE COURT:** How many people walked up there? Did you
24 touch the body? How close did you get? That's exactly
25 what she was ferreting out. At least that -- from hearing

1 the last trial, that's exactly what I'm hearing.

2 **MR. HILLIARD:** All right, sir.

3 **THE COURT:** You opened the door.

4 **MR. HILLIARD:** Oh, I'm not objecting to that part.
5 I understand. Yes, sir. I agree with you, Judge. I'm
6 just saying they're cumulative because now there's three
7 pictures of the same thing.

8 **MS. MAYES:** Well, it's 7 at this time that we're
9 offering, Your Honor, and would request to publish.

10 **THE COURT:** And that's Number 7, not seven pictures?

11 **MS. MAYES:** Correct, Your Honor. Number 7.

12 **THE COURT:** All right. Where is Number -- is this
13 Number 7? No. Oh, that's Number 7.

14 **MR. HILLIARD:** Are you withdrawing the other one
15 that's the same picture?

16 **MS. MAYES:** We're not withdrawing it. It's just for
17 ID at this time. We don't necessarily need to publish
18 this one through this witness, although through crime
19 scene I do believe that it would come in.

20 **MR. HILLIARD:** Wouldn't -- wouldn't 6 do the same
21 thing that 7 does?

22 **MS. MAYES:** 6?

23 **MR. HILLIARD:** This one. 7 is --

24 **MS. MAYES:** This is the one we're seeking to publish
25 at this time through this witness and then, as I've said,

1 this one's marked for ID and there would be another
2 witness who's gonna testify at later point regarding that
3 photograph.

4 **MR. HILLIARD:** All right. And what I'm -- what I'm
5 saying, Judge, is 7 and 8 are just the same thing.

6 **MS. MAYES:** We're only seeking 7 at this time.

7 **THE COURT:** All right. Let's go with 7 and we'll
8 deal with that one later. The foundation has been laid
9 with each, but -- I agree they're similar, but there's a
10 little bit difference in distance, so.

11 **MR. HILLIARD:** Yes, sir.

12 **THE COURT:** 7 will be admitted and 8 will be marked
13 for ID and it's not in at this time.

14 **MS. MAYES:** Correct.. ID only.

15 **THE COURT:** Fair enough.

16 **MR. HILLIARD:** All right, sir.

17 **THE COURT:** All right. Let's take a quick break.

18 (State's Exhibit Number 7, a photograph, was admitted
19 into evidence.)

20 (Recess taken.)

21 **BAILIFF:** Come to order. Court's back in session.

22 **THE COURT:** Have a seat. Are y'all ready?

23 **MS. MAYES:** Yes, sir, Your Honor.

24 **MR. HILLIARD:** Yes, sir, Your Honor.

25 **THE COURT:** All right, Ms. Mitchell. Bring in the

1 jury, please.

2 (Whereupon, the jury returns to the courtroom at
3 4:22 PM.)

4 **THE COURT:** All right. Continue on.

5 **MS. MAYES:** Yes, sir, Your Honor.

6 BY MS. MAYES:

7 Q. You previously testified that you had a chance to
8 observe the vehicle in this case?

9 A. Yes, ma'am.

10 Q. Now take us back to the scene and to your arrival on
11 the scene. In which direction are you approaching the
12 scene?

13 A. We're coming up from behind that car.

14 Q. All right. So you're coming up this way from behind
15 the car?

16 A. Yes, ma'am.

17 Q. Okay. Do you recall a fire truck also being in this
18 area behind the vehicle?

19 A. Yes, ma'am.

20 Q. And did you go past that fire truck?

21 A. We did.

22 Q. And the body is up past the car, correct?

23 A. Yes, ma'am.

24 Q. And for you to approach the body, can you tell us
25 which direction you approached the body?

1 A. To the left by the car there.

2 Q. Up this way?

3 A. Yes, ma'am.

4 Q. I'm gonna show you what is State's Exhibit 5, a closer
5 view here of that vehicle in the roadway. When you arrive
6 on the scene and you know that there is an injured party
7 outside the vehicle, what, if any, efforts do you undertake
8 to determine whether anyone else at the scene may need
9 first aid?

10 A. Well, as I said before, we were dispatched to an
11 unconscious person. We weren't entirely sure of what
12 was going on. We weren't sure if he had a car crash or
13 something of that nature, so we did check the vehicle,
14 inside the vehicle from the outside with our flashlights,
15 to make sure there weren't any other patients on-scene.

16 Q. All right. So that required you to actually get close
17 enough to look inside the vehicle this way?

18 A. Yes, ma'am.

19 Q. And was that just you or did that also include other
20 first responders at the scene?

21 A. That most likely included fire department as well.

22 Q. All right. And in doing so, did you observe any other
23 occupants of that vehicle?

24 A. Negative. No, ma'am.

25 Q. It was empty?

1 A. Yes.

2 Q. So the only person at the scene was the victim in the
3 roadway?

4 A. Yes, ma'am.

5 Q. And the only vehicle at the scene was this vehicle
6 other than the fire truck and other first responders?

7 A. Yes, ma'am.

8 Q. Now is there any type of required footwear that you
9 and other EMS workers wear?

10 A. No, ma'am. It just has to be a boot.

11 Q. Okay. So you can pretty much pick any type of boot
12 that you want to wear?

13 A. So long as it meets our requirements.

14 Q. But it's not a uniform make or model?

15 A. No, ma'am.

16 Q. And is that true for other EMS and first responders as
17 well?

18 A. Yes, ma'am, for police department, fire or EMS it's
19 the same across the board.

20 Q. And what can you tell us about the actual surface area
21 in this dirt portion of Old Orangeburg Road? Specifically,
22 once you get to the areas near the sides of this roadway up
23 near where the victim was lying.

24 A. Well, I guess a slang term for it would be we call it
25 sugar sand. It's very powdery. It's like being on the

1 beach. You sink into it.

2 Q. Earlier while you were on the stand you identified
3 State's Exhibit 7. I'm gonna show that to you now. I hand
4 you this laser pointer as well. Take us through how you
5 went about assessing the victim for any type of first-aid
6 treatment and to determine his physical condition.

7 A. Okay. So we would have approached from over here.
8 More than likely I would have been in this area over here
9 so I could check for respiration and check for a carotid
10 pulse, which is in the neck there, the neck area. I would
11 have also shown a light -- shined a light into his eyes to
12 see if his pupils reacted to light at all, which they did
13 not. And once I determined death, we retreated from the
14 scene back from where we came.

15 Q. All right. Now there is a marking in the sand here
16 around the torso area of the victim. What, if anything,
17 can you tell us about that marking in the sand?

18 A. That could very well have been where I knelt down to
19 check him out.

20 Q. Did you kneel down next to the victim?

21 A. I did.

22 Q. Okay. So that's -- in addition to checking in for a
23 pulse in the neck, you also knelt down next to the victim?

24 A. Yes, ma'am.

25 Q. What, if anything, does your report note about the

1 color of his skin?

2 A. I stated it was pale with a bluish tinge to it.

3 Q. And what, if anything, did you note about the body
4 temperature?

5 A. It was slightly -- it was starting to cool. It was
6 ambient temperature, which is obviously cooler than what
7 a normal, living person's body temperature would have felt
8 like.

9 Q. And what, if anything, does that indicate to you?

10 **MR. HILLIARD:** Objection.

11 **THE COURT:** On what basis?

12 **MR. HILLIARD:** On the basis that she has not
13 established his ability to testify as an expert to what
14 that indicates.

15 **THE COURT:** All right. Well, he's testified it was
16 cool to touch and ambient temperature. Rephrase that
17 question. So I'll sustain the objection.

18 **MR. HILLIARD:** Thank you, Your Honor.

19 **MS. MAYES:** Yes, Your Honor.

20 BY MS. MAYES:

21 Q. Did you ever observe any signs of life regarding this
22 victim?

23 A. No, ma'am.

24 Q. And when you looked into the eyes, was there any
25 indication of signs of life or reaction of the pupils?

1 A. No, ma'am.

2 Q. Ultimately did you determine and did your report
3 indicate the name of the victim?

4 A. Yes, ma'am.

5 Q. Who is that?

6 A. Mr. Porter.

7 Q. James David Porter, the Third?

8 A. Yes, ma'am.

9 Q. Does your report also indicate an address for the
10 victim?

11 A. It does.

12 Q. What is that?

13 A. I have , Chapin, South Carolina.

14 Q. in Chapin?

15 A. Yes, ma'am.

16 Q. Now other than kneeling next to the body there in the
17 sand, did you disturb the body in any way?

18 A. No, ma'am.

19 Q. Did you reposition the limbs of the body?

20 A. No, ma'am.

21 Q. That was how you found Mr. Porter?

22 A. Yes, ma'am.

23 Q. When you got close enough and knelt down next to the
24 body, did you observe any specific type of injury?

25 A. I noted a -- what appeared to be a gunshot wound in

1 his neck.

2 Q. That was visible to you?

3 A. Yes, ma'am.

4 Q. Were you the only EMS worker who approached the victim
5 or were there others?

6 A. Negative. There were two others.

7 **MS. MAYES:** Nothing further at this time, Your Honor.

8 **THE COURT:** Mr. Hilliard.

9 **MR. HILLIARD:** Thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. HILLIARD:

12 Q. So if I understand you correctly, there were -- were
13 two -- there were three EMS people total --

14 A. Yes, sir.

15 Q. -- that went up to the body?

16 A. No, I was the only one to go up to the body.

17 Q. And the fireman, he went up to the body?

18 A. I'm not aware if he did or not.

19 Q. But tell us what -- tell us where the fireman was.

20 How many firemen did you see there?

21 A. I believe we had three or four and they were by their
22 engine when we arrived.

23 Q. You don't recall the firemen going up to the body?

24 A. They followed us up to the body, but they didn't get
25 all the way up there. They -- they stood back around the

1 car area.

2 Q. And I think this is -- you identified State's Exhibit
3 Number 7; is that right?

4 A. Yes, sir.

5 Q. And you were telling the prosecutor something about
6 you had kneeled down by the body?

7 A. Yes, sir.

8 Q. I mean, can you tell me or show me -- or let me ask
9 this question. There seems to be a number of depressions
10 all around this scene. Is that a fair statement?

11 A. Yes, sir.

12 Q. So it's really just like what you said, sugar sand
13 with a whole lot of depressions?

14 A. Yes, sir.

15 Q. So you -- I mean, you said you might have kneeled down
16 -- you said you did kneel down, right?

17 A. Yes, sir.

18 Q. But you can't say which of these depressions might
19 have been you kneeling?

20 A. Not for sure, no, sir.

21 Q. And the rest of that, that could be other people
22 coming up there; is that right?

23 A. It could be.

24 Q. All right, sir. And you believe that you saw a
25 gunshot wound or what you thought to be a gunshot wound?

1 A. Yes, sir.

2 Q. What did you do after that?

3 A. After we determined death, we promptly retreated from
4 the scene as to not disturb it any further.

5 Q. So you didn't disturb the scene any further?

6 A. Yes, sir, after we made that determination.

7 Q. And then you left -- or did you leave?

8 A. Yes, we cleared the scene after that.

9 Q. And the firemen, did they leave as well?

10 A. Yes, sir.

11 Q. How about the citizen, the private citizen, did you
12 see him?

13 A. I did not.

14 **MR. HILLIARD:** Okay. Thank you, sir. No objection
15 to this witness being excused.

16 **THE COURT:** Anything further?

17 **MS. MAYES:** Nothing further, Your Honor.

18 **THE COURT:** You may step down.

19 (Witness excused.)

20 **MS. MAYES:** May we approach?

21 **THE COURT:** You may.

22 (Proceedings held at the bench; not reported.)

23 **THE COURT:** All right, folks. I've got to take
24 something up that the parties just told me. To get there
25 we're gonna hear some arguments and it's time for me to

1 do that. It's gonna take about twenty minutes. I don't
2 see any reason for y'all to wait around twenty minutes and
3 us to start after five and continue on, so we're gonna be
4 done for the day for y'all. We've got about twenty more
5 -- or twenty-five more minutes of work.

6 Can y'all be in the jury room by 9:15 in the morning?

7 Mr. Hilliard, are you travelling?

8 **MR. HILLIARD:** No, sir, Judge. We're saying here in
9 lovely Lexington.

10 **THE COURT:** Would we be better off at 9?

11 **MR. HILLIARD:** Judge, I hesitate to say this, but it
12 takes me a little longer to get ready with a broke arm. I
13 know I keep saying that, but --

14 **THE COURT:** We'll go with 9:15 then.

15 All right. If y'all are in the room by 9:15 I'm
16 gonna do my best to have them ready to go at 9:15.

17 Ms. Johnson and I'll be here ready to go. So y'all head
18 to the jury room, put your notepads up. You're free to
19 go for the day. We'll see you in the morning. Don't
20 discuss the case. Leave your notepads in the jury room
21 and remember my instructions, if anybody asks you, the
22 judge said don't talk about the case and leave it there.
23 If you're gonna watch the ball game, enjoy it. Don't
24 stay up too late.

25 (Whereupon, the jury was excused for the day at

1 4:36 PM.)

2 **THE COURT:** All right. The jury is out of the
3 courtroom. Ms. Mayes, you said we had an issue regarding
4 another search warrant issue that we need to take up
5 before taking up testimony in the morning?

6 **MS. MAYES:** Yes, sir, Your Honor. That regards any
7 evidence that was recovered from the Chevy Impala and
8 we have the officer on that search warrant here and
9 available.

10 **THE COURT:** Are you ready to proceed on that,
11 Mr. Hilliard?

12 **MR. HILLIARD:** Yes, sir, Judge. We're ready.

13 **THE COURT:** All right. Call your witness.

14 **MR. BELL:** The State calls Detective Marthers.

15 (Whereupon, Brannon Marthers was duly sworn by the
16 Clerk of Court.)

17 **THE CLERK:** Once you're seated state your full name,
18 please.

19 **THE WITNESS:** Brannon Marthers.

20 BRANNON MARTHERS,

21 having been duly sworn, testified as follows:

22 DIRECT EXAMINATION (In-Camera)

23 BY MS. MAYES:

24 Q. Detective, you're employed by the sheriff's
25 department?

1 A. Yes, sir, I am.

2 Q. In what capacity?

3 A. I'm a major crimes investigator.

4 Q. In your capacity as an investigator, have you been
5 tasked in the past with drafting search warrants?

6 A. Yes, sir.

7 Q. Have you also been tasked with presenting those
8 search warrants to judges?

9 A. Yes, sir.

10 Q. And on August 4, 2015, were you tasked with drafting
11 a search warrant related to a Chevy Impala?

12 A. I was.

13 Q. Who contacted you about that search warrant?

14 A. Sergeant Jesse Laintz.

15 Q. Did he relay information about the case to you
16 related to that search warrant?

17 A. He did.

18 Q. And did you have an opportunity to ask him questions
19 related to that search warrant?

20 A. Yes, sir.

21 Q. And pursuant to the information gathered from
22 Sergeant Laintz, did you draft a search warrant?

23 A. I did.

24 Q. Do you have a copy of that search warrant with you?

25 A. Yes, sir, I do.

1 (Court's Exhibit Number 4 was marked for
2 identification.)

3 BY MR. BELL:

4 Q. Detective, I'm handing you what's now been marked as
5 Court's Exhibit 4. Do you recognize those documents?

6 A. Yes, sir, I do.

7 Q. And what is it?

8 A. It's a copy of the search warrant that I presented to
9 Judge Buck on the 4th of August of 2015.

10 Q. And that's the same search warrant you testified that
11 you drafted?

12 A. Yes, sir.

13 Q. And you don't have to read it word for word, but what
14 exactly were the premises to be searched in that search
15 warrant?

16 A. It was for a Chevrolet Impala that was registered to
17 Crystal Morehouse that deputies observed Charles Morehouse
18 driving.

19 Q. And at the time that this search warrant was to be
20 executed, where was that car located at that time?

21 A. It was in the evidence division of the sheriff's
22 department.

23 Q. And the description of the property to be searched
24 for within that Impala, would you just generally tell us
25 what sort of items you were looking for?

1 A. Clothing, blood, blood spatter, biological, saliva,
2 serological, trace evidence, fibers, paper effects,
3 weapons, ammunition, shell casings, electronic devices.

4 Q. Now referring to the search warrant itself, under
5 description of property would you read the very last
6 sentence for us?

7 A. Law enforcement is seeking any and all evidence that
8 could establish the cause, manner and mode of death of one
9 James Porter, the Third.

10 Q. Did you present this search warrant to a magistrate?

11 A. Yes, sir, I did. Judge Buck.

12 Q. And did you provide any supplemental oral testimony to
13 Judge Buck?

14 A. Not other than what was provided in the written
15 affidavit?

16 Q. And do you recall if Judge Buck asked any questions of
17 you?

18 A. Not that I can recall.

19 Q. Did Judge Buck ultimately sign that search warrant?

20 A. He did.

21 Q. And then did you transmit that signed search warrant
22 to anybody?

23 A. I provided it to Detective Keith Sprinkle with our
24 crime scene investigations. I provided it in hand.

25 Q. Are you aware if a return was ever filed for that

1 search warrant?

2 A. To my knowledge, a return was done that it appears I
3 have a copy of.

4 Q. And on what date was that return signed?

5 A. It appears the 12th of August, 2015.

6 Q. Was that within the ten days of the original signing
7 of the warrant?

8 A. Yes.

9 Q. Did you take any part in the actual execution of that
10 warrant?

11 A. I did not.

12 Q. Do you know anything further about the execution of
13 the warrant?

14 A. No, sir.

15 Q. And, again, in your affidavit the reason y'all
16 believed the Chevy Impala was relevant was based on what
17 according to your search warrant?

18 A. Information was provided to me that Mr. Morehouse was
19 observed driving the vehicle to the Willow Forks Road
20 address in the Lexington area of Lexington County while
21 deputies were on-scene.

22 Q. And prior to that line dealing with seeing Charles
23 Morehouse arrive back at the house in that vehicle, is
24 there also a line indicating that he had left the residence
25 in that same vehicle earlier in the day?

1 A. Information was provided that a witness stated to
2 deputies that Charles was observed leaving the residence
3 in the vehicle just after dark.

4 Q. And were you made aware of that time period where he
5 left the residence and then arrived back, that timeframe
6 was when the murder was committed?

7 A. I was under the impression that was when, but as far
8 as an actual timeframe I didn't have it at that point.

9 Q. And that information would have come from Detective
10 Laintz or Sergeant Laintz when you spoke with him?

11 A. Sergeant Laintz provided me the information for this.

12 **MR. BELL:** Please answer any questions the defense may
13 have.

14 CROSS-EXAMINATION (In-Camera)

15 BY MR. HILLIARD:

16 Q. If I may?

17 A. (Handing..)

18 Q. Thank you, sir.

19 A. Yes, sir.

20 Q. And so that I'm clear on this point, you -- you don't
21 recall having told the judge anything other than what's in
22 this warrant?

23 A. To my knowledge, no, that was the only information
24 provided.

25 Q. All right, sir. And so that whatever the judge knew

1 is in this warrant?

2 A. For that particular vehicle, correct. There were
3 three other search warrants that were obtained at the same
4 time.

5 Q. And this is not a drug search warrant. This doesn't
6 say anything about drugs?

7 A. No, sir, I was not aware of any kind of drug
8 information.

9 Q. Sir?

10 A. I wasn't aware of any kind of drugs associated with
11 the vehicle.

12 Q. All right, sir. And so what it says is the vehicle
13 is believed to be driven by Charles Morehouse, right?

14 A. Yes, sir.

15 Q. It is believed to be associated with a homicide?

16 A. Yes, sir.

17 Q. A witness unknown to anybody said to deputies unknown
18 to anybody that -- so that would be kind of a double
19 hearsay, a witness told a deputy who told you?

20 A. Sergeant Laintz was the one who advised me of
21 everything.

22 Q. But it doesn't say that. It just says deputies,
23 unknown, doesn't it?

24 A. That's information in my supplemental report.

25 Q. All right. Leaving the residence just after dark,

1 which is not connected to the murder as far as you knew to
2 tell the judge, right, at that point?

3 A. At that point.

4 Q. And then he came home in his own car?

5 A. Registered to his wife, yes, sir.

6 Q. And that's all you had for probable cause?

7 A. Yes, sir.

8 **MR. HILLIARD:** That's all the questions I have.

9 Thank you.

10 (Witness excused.)

11 **MR. HILLIARD:** I have argument.

12 **THE COURT:** All right. Any other witnesses,

13 Mr. Bell?

14 **MR. BELL:** Your Honor, we will call one more brief
15 witness. We'll call Sergeant Laintz to the stand.

16 (Whereupon, Jesse Laintz was duly sworn by the Clerk
17 of Court.)

18 **THE CLERK:** Have a seat, sir. Once you're seated,
19 state your full name, spelling your last.

20 **THE WITNESS:** Jesse Laintz. Last name is L-A-I-N-T-Z.

21 JESSE LAINTZ,

22 having been duly sworn, testified as follows:

23 DIRECT EXAMINATION (In-Camera)

24 BY MS. MAYES:

25 Q. Good afternoon, Sergeant Laintz. I'm gonna show you

1 what is marked right now as Court's Exhibit Number 4,
2 which is a Court's exhibit, regarding a search warrant for
3 a Chevy Impala vehicle.

4 A. Yes, ma'am.

5 Q. At any point in time did you request the assistance
6 of Detective Marthers in this case regarding that search
7 warrant?

8 A. Yes, ma'am.

9 Q. And specifically as to information that was relayed
10 to Detective Marthers, can you tell us whether or not the
11 residence at Willow Forks, being the residence of
12 Charles Morehouse, was under surveillance by law
13 enforcement?

14 A. He was.

15 **MR. HILLIARD:** Objection, Judge, as to relevance.

16 **THE COURT:** All right.

17 **MR. HILLIARD:** What he told -- what he told the
18 police officer -- whatever's in that warrant is what the
19 police officer told the judge. Anything else doesn't have
20 anything to do with the search warrant.

21 **THE COURT:** All right. Ms. Mayes, tie that together
22 for me because that was the -- what appeared to me to be
23 the very specific testimony of the -- of Marthers.

24 **MS. MAYES:** Yes, sir, Your Honor.

25 BY MS. MAYES:

1 Q. The information provided to Detective Marthers was
2 provided by whom?

3 A. Myself and other detectives on the scene.

4 Q. All right. And can you tell us whether or not you
5 relayed to him information -- I'm gonna refer you
6 specifically to the probable cause in the search warrant.

7 **MR. HILLIARD:** And that's my objection, Judge, as
8 to the relevance. The police officer told the judge
9 whatever the police officer told the judge.

10 **THE COURT:** I got that part. I know your objection.
11 Let her finish.

12 **MR. HILLIARD:** Thank you, Judge.

13 **THE COURT:** It's in-camera. Let me hear it.

14 **MR. HILLIARD:** Yes, sir. I apologize.

15 **THE COURT:** That's all right. I know where you're
16 going.

17 **MR. HILLIARD:** Yes, sir.

18 BY MS. MAYES:

19 Q. As to the information in the probable cause section
20 of the search warrant, that Charles was observed leaving
21 the residence in the vehicle?

22 A. Yes, ma'am.

23 Q. All right. What witness is being referred to there?

24 A. That is Crystal Morehouse.

25 Q. The wife of the Defendant?

1 A. Correct.

2 Q. And as to the information that deputies observed him
3 returning home i the vehicle at approximately 6 AM, that's
4 a reference to who?

5 A. That was Detective Booth and Detective Andaloro.

6 Q. Okay. Was that information obtained during the course
7 of the investigation and surveillane of the home?

8 A. Yes, ma'am.

9 Q. Was that the information relayed to Detective
10 Marthers?

11 A. Yes, it was.

12 Q. And to the best of your knowledge, is all of that
13 information accurate?

14 A. Yes.

15 **MS. MAYES:** I beg the Court's indulgence.

16 **THE COURT:** Let me see that Court's exhibit, Stacy.

17 **MS. MAYES:** I can give the witness a second copy,
18 Your Honor.

19 **THE COURT:** Okay.

20 BY MS. MAYES:

21 Q. So to clarify, that information was provided to
22 Detective Marthers by you?

23 A. Yes. Yes, ma'am.

24 Q. That's information observed by officers at the scene
25 and by the wife of the Defendant, Crystal Morehouse?

1 A. Yes, ma'am.

2 **MS. MAYES:** Nothing further, Your Honor.

3 **THE COURT:** Any cross on this gentleman?

4 **MR. HILLIARD:** The only thing I'd do at this time,
5 Judge, is move to strike all that testimony because it
6 has absolutely nothing to do with what was in the judge's
7 mind -- let me say it this way, Judge. In determining
8 -- and I might be beating a dead horse, but in any event,
9 in order to determine probable cause obviously the judge
10 thought there was probable cause or he wouldn't have
11 signed the warrant. That's sort of elementary. He
12 thought there was probable cause. The thing is -- and,
13 of course, the Court's job is to figure out whether there
14 really was probable cause as your job is to determine
15 the validity of the search warrant as the second person
16 looking at it. The police officer is saying what he knows
17 and what he told the other police officer, but there's
18 nothing to show that the other police officer told the
19 judge, and that's where the probable cause comes from is
20 what's in the judge's head based on what the other police
21 officer said, which is in the warrant, and we submit
22 that's insufficient. We'd ask that you strike all this
23 other testimony as being irrelevant to the search warrant.

24 **THE COURT:** Is this all for Detective Laintz?

25 **MS. MAYES:** That's all from the State, Your Honor.

1 **THE COURT:** You can step down.

2 (Witness excused.)

3 **THE COURT:** All right. Ms. Mayes, let me hear your
4 -- or Mr. Bell, whichever one's gonna argue it, why is
5 this enough in the -- the portion of the affidavit which
6 the judge was considering?

7 **MR. BELL:** Judge, that's sort of a redundancy
8 argument. The Chevy Impala was listed as a part of the
9 original search warrant that was already heard and the
10 Court deemed admissible.

11 **THE COURT:** A different magistrate.

12 **MR. BELL:** Pardon?

13 **THE COURT:** A different magistrate, right?

14 **MR. BELL:** A different magistrate, yes, sir.

15 **THE COURT:** The other one was Morgan.

16 **MR. BELL:** Yes, sir. My point being is that they
17 could have just gone ahead and searched the vehicle right
18 then and there at the residence, but out of an abundance
19 of caution they transported it to a secure area and then
20 executed another search warrant.

21 When it comes to probable cause for this particular
22 search warrant, we're talking the affidavit itself states
23 that the Defendant is seen leaving that residence in that
24 vehicle and then re-arriving sometime after the murder.
25 I think that the affidavit actually says around 0600 in

1 the morning. Within that time period, we're talking six
2 hours from the time of the murder, there is absolutely a
3 high likelihood of very probative and forensic evidence
4 coming from that vehicle assuming that is the vehicle that
5 he's been driving which --

6 **THE COURT:** I don't disagree with you, but this
7 affidavit doesn't say a murder was committed six hours,
8 eight hours ago. It doesn't say that to Judge Buck.
9 How does he know that? I agree with you. If that was in
10 here, this would be a slam dunk, but that's not in here.

11 **MR. BELL:** Your Honor --

12 **THE COURT:** This -- it wasn't an English major
13 writing this, we'll all agree with that, but tell me why
14 there was no facts in there for the magistrate above to
15 believe there's probable cause to search that car.

16 **MR. BELL:** Yes, sir. Well, magistrates take these
17 documents as a whole and under the description of
18 property sought in the affidavit, it does state that law
19 enforcement believes this to be relevant in the case of
20 the death of James Porter. I think by that statement the
21 magistrate understands that this time period that they're
22 alleging in the affidavit is relevant because they think
23 evidence would be found per the murder. Otherwise, why
24 would they put that he left the residence and then
25 re-arrived at the residence? I think the magistrate would

1 have every ability to figure that out.

2 **THE COURT:** Tell me again why this search warrant was
3 received? If the search warrant that was already issued
4 was sufficient, why this one?

5 **MR. BELL:** Your Honor, it could be a variety of
6 reasons. Sometimes CSI will be able to jack the vehicle
7 up. That equipment is something they only have in the
8 garage back at the sheriff's department. There could be
9 a lot of reasons that they just need tools they wouldn't
10 have on-scene. Regardless, it was transported pursuant
11 to that original search warrant, which was deemed valid.
12 There was no tampering with the vehicle in that meantime
13 and on the same day they executed this search warrant as
14 well.

15 So, Your Honor, I don't want to self-defeat our
16 argument here, but even if this search warrant is struck
17 down, we believe pursuant to the original warrant the
18 search of the vehicle would be valid.

19 **THE COURT:** Mr. Hilliard, what do you think about
20 that? That's kind of my thinking. I don't understand
21 why this was gotten, but that's not for me to determine.
22 It's just it's here, so I've got to make a determination
23 on it.

24 **MR. HILLIARD:** As I understand what they're saying,
25 well, we don't really care about the search warrant.

1 **THE COURT:** No, that's what I said. I said why --
2 why this search warrant and he didn't really have an
3 answer. It was belt and suspenders I think is what he
4 more or less said. They had the belt on and they've got
5 suspenders on, too, and the suspenders must be only hooked
6 to one side. I don't think he's actually said that it
7 doesn't matter, but I asked why does it matter because of
8 my thinking that way, so he was trying to respond to my
9 question.

10 **MR. HILLIARD:** Yes, sir. Well, they got the search
11 warrant. We're saying the search warrant's invalid. The
12 search was pursuant to the search warrant that they got,
13 so if the search was pursuant to the search warrant, if
14 that search warrant's invalid, then the search is invalid.
15 They might have searched it under -- are you suggesting,
16 Your Honor, that they could have searched it under some
17 other theory?

18 **THE COURT:** I was -- it appears to me from what I'm
19 holding, Court's Exhibit 2, was a search warrant for the
20 car and the house; was it not?

21 **MR. HILLIARD:** It says -- well, of course, I don't
22 think that search warrant's good either, but I hear what
23 you're saying. You've made a determination that that
24 search warrant was good for the -- for the house. We
25 haven't talked about the car because they had the other

1 search warrant. We haven't had any argument about whether
2 that search warrant was good as to the car. All we've
3 talked about was whether that search warrant was good for
4 the house.

5 **THE COURT:** Well, I thought we did. Did I mistake
6 that?

7 **MR. BELL:** I apologize, Your Honor.

8 **THE COURT:** I thought I was looking to determine
9 whether there was -- probable cause exists to issue that
10 search warrant period. I thought that was the issue early
11 on on the search warrant, Court's Exhibit 2. I think. Is
12 that the right one, Stacy?

13 **THE COURT REPORTER:** Yes.

14 **THE COURT:** Court's Exhibit 2 is the initial search
15 warrant.

16 **MR. HILLIARD:** Yes, but contemporaneous with your
17 decision the prosecution indicated that we could take up
18 the issue of the car later and that's what we're talking
19 about now.

20 **MR. BELL:** Your Honor, that indication was simply he
21 -- Mr. Hilliard said he was gonna object to the second
22 search warrant. We can't say no, you can't, so we were
23 just saying he's welcome to still object, but we do
24 believe that the first search warrant covers both the
25 vehicle and the house. And actually the first search

1 warrant specifically states a Chevrolet Impala.

2 **THE COURT:** It says in the description of premises
3 to be searched, grounds, outbuildings, place, premises,
4 residence and vehicles on Willow Forks Road. It
5 describes the residence, describes three vehicles the
6 yard.

7 **MR. HILLIARD:** So how's there any probable cause?
8 If you look at the affidavit, there's no probable cause
9 as to the vehicle.

10 **THE COURT:** All right. Let's take a short break.
11 I want to talk to y'all off the record.

12 **MR. HILLIARD:** Yes, sir.

13 (Proceedings held at the bench; not reported.)

14 **THE COURT:** All right. I've not quite ruled quite
15 yet on the Court's Number 4 whether there's sufficient
16 facts in the affidavit for Judge Buck to issue the
17 search warrant or not. We talked at the bench off the
18 record regarding the necessity of that search warrant as
19 opposed to the inclusion or exclusion of a search of the
20 vehicles in the Court's Exhibit 2 search warrant, which
21 was retrieved from Judge Morgan. The Court's already
22 had an in-camera hearing with Judge Morgan, as well as
23 Detective Rawl, regarding their facts and whatnot that
24 were presented to Judge Morgan.

25 Since the defense counsel was not afforded an

1 opportunity to argue about the automobile on either
2 search warrant yet, I will now hear you on those issues.

3 **MR. HILLIARD:** Thank you, Your Honor. Judge, going
4 back to the -- to the first search warrant, I recognize
5 that -- let me just give you a second to catch up with my
6 thinking. If you look at the -- do you have the first
7 search warrant there with you?

8 **THE COURT:** Yes, sir, I have it here in my hand.

9 **MR. HILLIARD:** It does describe -- in the
10 description of the premises to be searched, it indicates
11 that there is -- they want to search three vehicles; a
12 green Ford Bronco, a brown and gold -- does everybody
13 around here call an Impala an Im-pa-la? Is that an
14 Upstate thing?

15 **THE COURT:** It is.

16 **MR. HILLIARD:** All right, sir. They want to search
17 a brown and gold Impala.

18 **THE COURT:** What do you call it?

19 **MR. HILLIARD:** Im-pal-a.

20 **THE COURT:** Okay.

21 **MR. HILLIARD:** And that's a wild animal in Africa
22 and also a Chevrolet automobile. In any event, so
23 they've got a Chevrolet, brown and gold, and they've got
24 an unknown red vehicle, and a green Ford Bronco. And
25 then it says the reason for the -- and I've repeated

1 this, I know -- the reason for the affiant's belief the
2 property sought is on the premises and there is nothing
3 in there that talks about an automobile at all. They
4 don't say anything at all about an automobile.

5 Now the other search warrant that they got after
6 they carried off the automobile says that it's a burgundy
7 plumb Chevrolet Impala, but a burgundy plumb Chevrolet
8 Impala and a brown and gold Chevrolet Impala are -- are
9 two different things. Not to mention the fact that they
10 don't have -- they don't connect the cars to the probable
11 cause in the first search warrant, which gives me a
12 two-prong argument. One, the car's not the right car,
13 it's incorrectly described, and, number two, they don't
14 say anything about the car in the affidavit.

15 **THE COURT:** What's your other portion? What's the
16 other argument?

17 **MR. HILLIARD:** That was the two-part, Judge. One
18 part is that the affidavit doesn't have anything to do
19 with automobiles and the other part is that the Impala
20 described is an incorrect description of the car that
21 they ultimately searched in the search warrant.

22 **THE COURT:** I do note in the premises to be search
23 is an unknown red vehicle.

24 **MR. HILLIARD:** That's not plumb or burgundy either
25 or Impala.

1 **THE COURT:** Red, plumb, purple are all in the
2 same family from my point of view. I don't find it
3 unreasonable to describe that car as red if that's the
4 car, but --

5 **MR. HILLIARD:** The other car was a red Honda, so
6 that's a red Honda. The unknown car, I guess, was a
7 Honda.

8 **THE COURT:** I don't know that.

9 **MR. HILLIARD:** Neither does the -- neither does the
10 search warrant magistrate.

11 **MR. BELL:** Judge, the residence was under constant
12 surveillance from the time they saw Chuck Morehouse get
13 out of that vehicle until the time the search warrant
14 was in hand and they raided the house. That vehicle
15 never moved, so when they were executing the search
16 warrant, regardless of the coloration noted in the search
17 warrant, they knew exactly which Impala was the one that
18 Chuck Morehouse got out of and which one was relevant to
19 their case.

20 Aside from that, Your Honor, one of the arguments
21 defense made was that it wasn't -- the vehicle wasn't
22 tied in any way to the need or probable cause for the
23 search warrant. Your Honor, the search warrant does
24 indicate they're looking for everything from ammunition,
25 it also says they're looking for narcotics. Both of

1 those things are very likely to be found in the last
2 vehicle the Defendant was seen in six hours after the
3 murder. I mean, this is a remote location. He surely
4 did not walk out to Old Orangeburg Road where that
5 incident took place.

6 **MR. HILLIARD:** The point for that, Judge, I know
7 we're kind of bouncing, but neither one of those things
8 are in the search warrant, the six hours and the last
9 seen in this car -- in that car. Neither one of those
10 are in the search warrant.

11 **THE COURT:** All right. This is what I want to do.
12 I still believe the Court's Exhibit Number 2 has been
13 sufficiently argued and presented. There was sufficient
14 evidence for probable cause to be found by Judge Morgan
15 regarding the need to search the house, premises and
16 automobiles of Mr. Morehouse. The cars were in his
17 driveway. I find that search warrant sufficient to
18 cover all those things.

19 I'm not certain why an additional search warrant
20 was done for the car after it was hauled to the police
21 department. I don't know. It's quite obvious that after
22 they had it at the police station they can gather more
23 information about it like the VIN number and the year,
24 model. Still they didn't call it the General Motors
25 color, but a plumb or red or maroon or whatever it says.

1 I guess it's possible that red Impala had faded to some
2 degree and some parts of it were different colors than
3 the rest of it because of the age of the car, much like
4 my Sonoma red GMC pickup truck that's down in the
5 basement. It has several different colors that have
6 faded on it. I just call it affectionally the Red Dog
7 because it's my truck.

8 The search warrant on Court's Exhibit Number 4
9 standing on its own, on its face and four corners, I'm
10 not certain that Detective -- Magistrate Buck had enough
11 information to believe probable cause to search that car.
12 I don't think that search warrant was necessary. I think
13 it was all covered in Court's Exhibit Number 2. That's
14 just what I think and I believe that's my ruling and
15 y'all can argue it to the jury however you like.

16 **MR. HILLIARD:** Yes, sir.

17 **THE COURT:** That just based on what was presented to
18 me, that would be my ruling. Now if y'all would like,
19 we'll adjourn for the day. If y'all want to put anything
20 else on the record about these two search warrants in the
21 morning first thing before we get started with the jury,
22 we can do that.

23 **MR. HILLIARD:** Let me -- let me talk about that for
24 a second, Judge, because there is something and I've --
25 and let me see if this will make any difference because

1 I don't want to belabor the point. But, anyway, the
2 witnesses, and I didn't go through this at the original
3 time, but now that we're here, where it says that Alicia
4 Cline who has made a statement and then it says other
5 witnesses indicated that when James left he was going to
6 buy meth, those witnesses have made statements contrary
7 to that statement in this warrant. I didn't bring that
8 up at the point in time we were going through this
9 because I believed that -- and I still believe that it
10 is insufficient for them to just say that some witnesses
11 said that, but we have statements from the witnesses that
12 they interviewed being contemporaneous, Alicia and other
13 witnesses. We have those witnesses' statement. The
14 witness statements then are inconsistent with that
15 sentence in this affidavit. So if Your Honor is giving
16 us an opportunity to revisit that --

17 **THE COURT:** Well, here's what I think about that,
18 and it's partially based upon my hearing of the prior
19 case, is the reason Alicia was interviewed is she was in
20 the hotel room of the hotel key in the pocket of the
21 victim. The police immediately went and checked the
22 motels and very shortly determined the room, whatever
23 number it was, where the three other people were, Alicia
24 being the friend of the victim.

25 **MR. HILLIARD:** Yes, sir.

1 **THE COURT:** And the fact they gave contrary
2 statements later I think is facts for the jury to
3 consider, but the initial response to the police knocking
4 on the door, where did your friend go, well, he left, I
5 mean, what do you want me to do with that? I mean, what
6 they described -- what the witnesses described to the
7 police turns out to be true. The fact that it's
8 inconsistent later in another statement trying to --

9 **MR. HILLIARD:** Yes, sir.

10 **THE COURT:** I understand it's contrary facts, but --

11 **MR. HILLIARD:** There's nothing to say they actually
12 said this except this affidavit. The statements of the
13 witnesses are inconsistent with the affidavit and
14 sometimes affidavits are incorrect. So that would be
15 our position is if the judge believed that Alicia and
16 the other witnesses said James had left to go buy meth or
17 that they suspicioned that he went to buy meth, if the
18 judge believed that, but if the witnesses had not said
19 that in their statements, did not indicate that, then
20 that information would be inconsistent with what's in the
21 affidavit, not true, and, therefore --

22 **THE COURT:** We're not going back and revisit that.
23 I don't think that's fair. We can't -- we can't keep
24 continuing to go back and beat up the search warrants on
25 a piecemeal basis. We got one shot at it, I made my

1 ruling and I can't keep hearing arguments, wait a minute,
2 Judge, go back and look at it, it was -- that last T is
3 not fully crossed in the affidavit, I can't keep doing
4 that.

5 **MR. HILLIARD:** I understand.

6 **THE COURT:** I made my ruling, you made your record
7 and that's all -- that's all we can do. I can't keep
8 going back and reviewing my rulings during the entire
9 trial. I've got to make a ruling and we'll move on and
10 I think I've done that.

11 **MR. HILLIARD:** Yes, sir. Well, the only reason I
12 suggested it is you said come back in the morning and --

13 **THE COURT:** No, no. I'm talking about if you want
14 to make further arguments, not further testimony.

15 **MR. HILLIARD:** Yes, sir.

16 **THE COURT:** If you come up with something tonight
17 that says oh, wait a minute, this is something good...
18 My ruling is Court's Exhibit 2 is a good search warrant,
19 Court's Exhibit 4 I don't believe on its face is.

20 **MR. HILLIARD:** Thank you, Your Honor.

21 **THE COURT:** All right.

22 All right. I'll see y'all in the morning.

23 **MR. HILLIARD:** 9:15?

24 **THE COURT:** 9:15.

25 **MR. HILLIARD:** Yes, sir.

1 **MS. MAYES:** Thank you, Your Honor.

2 (Whereupon, the proceedings were concluded for
3 January 9, 2017, at 5:22 PM.)

4 (Whereupon, the following proceedings were held on
5 January 10, 2017, beginning at 9:08 AM.)

6 **THE COURT:** All right. Are we ready?

7 **MR. HILLIARD:** Yes, sir.

8 **THE COURT:** All right. Bring them in.

9 (Whereupon, the jury enters the courtroom at 9:12 AM.)

10 **THE COURT:** All right. We're ready to continue on.
11 Mr. Bell?

12 **MR. BELL:** Thank you, Your Honor. The State calls
13 Keith Lytes to the stand.

14 (Whereupon, Keith Lytes was duly sworn by the Clerk of
15 Court.)

16 **THE CLERK:** Have a seat, please, sir. Once you're
17 seated state your full name, spelling your last, please, on
18 the record.

19 **THE WITNESS:** Yes, my name is Keith Lytes,
20 L-T-Y-T-E-S.

21 KEITH LYTES,

22 having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. BELL:

25 Q. Good morning, Mr. Lytes.

1 A. Morning.

2 Q. Mr. Lytes, where do you live?

3 A. Where I live?

4 Q. Yes, sir.

5 A.

6 Q. And back in August of 2015, were you living at that
7 same location?

8 A. No.

9 Q. Where were you living back then?

10 A. I was living at

11 Q. And what town is that in?

12 A. That's in Lexington.

13 Q. And back on August 3rd of 2015, do you recall driving
14 upon an individual who was laid out in the street?

15 A. Yes.

16 Q. Now prior to that all happening, where were you?

17 A. I was at my momma's house,

18 Q. And did you ultimately leave her house that night?

19 A. Yes.

20 Q. About what time; do you remember?

21 A. It was around 11:30.

22 Q. And you're talking in the evening?

23 A. Yes.

24 Q. And where were you planning on heading after leaving
25 your mom's?

1 A. Back home, Vonda Drive.

2 Q. Now when you're trying to make that trip between your
3 mom's and your residence as it was back then, could you
4 just briefly tell us what route you would take to make that
5 journey?

6 A. I'd go down Peachtree Rock and I'd then turn off onto
7 Old Orangeburg, go down to the fire department and cross
8 over 302 and go down Old Orangeburg, a dirt road.

9 Q. Did you just say it was a dirt road?

10 A. Yes.

11 Q. Are there any streetlights down that road?

12 A. No.

13 Q. Is it light or dark on that road?

14 A. Dark. Real dark.

15 Q. And any businesses in that area?

16 A. No.

17 Q. And in the area where you found the individual laid
18 out in the street, were there any houses near that?

19 A. No.

20 Q. What were you driving that night?

21 A. It was a '98 Nissan Pathfinder.

22 Q. Was anybody with you?

23 A. No.

24 Q. What kind of tires did you have on that vehicle?

25 A. It was some used tires.

1 Q. Were they all the same tread?

2 A. No.

3 Q. So each of the tires may have had a different tread
4 or --

5 A. Yes, for the most.

6 Q. Mr. Lytes, I'm gonna refer you to what's been entered
7 as State's 2.

8 A. Uh-huh.

9 Q. I'm gonna show you and then we'll talk to the jury.
10 Do you recognize that shot?

11 A. Yes.

12 Q. What does that appear to be?

13 A. That's an overview of Peachtree Rock Road and Old
14 Orangeburg.

15 Q. And are you able to see the route that you would
16 typically take between those two points you talked about?

17 A. Yes.

18 Q. Mr. Lytes, if I could have you step down with me.

19 (Whereupon, the witness steps down from the witness
20 stand.)

21 BY MR. BELL:

22 Q. And I want you to stand over to my left side and talk
23 nice and loud so this court reporter can hear you.

24 Mr. Lytes, I'm handing you a laser pointer. Hit that
25 button right there and if you could kind of blade yourself

1 out so the whole jury can see you, would you show the jury
2 where you started out and what route you were gonna take to
3 -- take to go home.

4 A. Okay. I started out at , went down
5 Peachtree Rock Road, made a right onto Old Orangeburg, a
6 dirt road, come up behind the fire department and crossed
7 over 302 and went down about a quarter mile. That's when
8 I seen the white car.

9 Q. Now the red marking that you traced by, what does that
10 marking roughly indicate?

11 A. The fire department.

12 Q. And there's a green star north of that. What does
13 that green star roughly indicate?

14 A. That's where I saw the car and the body.

15 Q. And if you would just trace Old Orangeburg Road and
16 how you would have headed home the rest of the way.

17 A. I would have went all the way down and I would have
18 crossed over -- that's Pleasant View, I think, yeah,
19 Pleasant View, and straight on down Old Orangeburg and
20 make a left onto Vonda Drive.

21 Q. And, Mr. Lytes, you can take a seat. Thank you.

22 A. Okay.

23 (Whereupon, the witness re-takes the witness stand.)

24 BY MR. BELL:

25 Q. Thank you, sir. Now as you made your trek down that

1 dirt road, tell us what happened.

2 A. Well, when I went down the dirt road, I came upon a
3 white car just parked -- like sitting in the middle the
4 road.

5 Q. What direction was it facing?

6 A. It was facing -- it was like heading the same
7 direction I was heading.

8 Q. And what happened when you came upon -- came up behind
9 that vehicle?

10 A. I thought somebody had just stalled, so I started to
11 go around and that's when I seen the person laying --
12 laying in the road on the side.

13 Q. And how far or how close did you get to that
14 individual laying in the road?

15 A. It wasn't very close. I mean, I just got up enough
16 to where I could see the person laying there and I figured
17 I'd probably need some help and that's when I backed up to
18 the fire department and went and knocked on the fire
19 department door.

20 Q. Did you see any movement from that person you saw?

21 A. No.

22 Q. Any indications of life that you could see?

23 A. No.

24 Q. Did you get out and attempt to help that person?

25 A. No.

1 Q. Why not?

2 A. I was just afraid, you know. It was dark, you know,
3 I didn't know what was going on, so I just went to try to
4 get some help.

5 Q. And the position of the individual, was he in the
6 middle the road, the side the road, on the embankment?
7 Where was he?

8 A. He was kind of off to the side, you know.

9 Q. I'm gonna show you what's been marked as State's 3
10 and entered as 3. Can you see that okay, Mr. Lytes?

11 A. Yes.

12 Q. Mr. Lytes, I'm gonna hand you the laser pointer back
13 and you can just keep that up there with you. If you can
14 use that laser pointer and go ahead and circle the car that
15 you saw with it.

16 A. (Witness complies.)

17 Q. So you were heading toward what -- what road?

18 A. Going towards Vonda -- Vonda Drive. Pleasant View, I
19 think that's the first road you come up to, paved road,
20 and I was going straight down. That's the direction I was
21 heading.

22 Q. And about how close did you get to the rear of that
23 white vehicle?

24 A. It wasn't very close. About a car length.

25 Q. Were you able to see the individual?

1 A. Yes, sir, I could see it.

2 Q. Did you get any closer than this picture?

3 A. No.

4 Q. So after seeing that scene right there, you testified
5 that you backed up down the road?

6 A. Yes.

7 Q. And where were you planning on heading?

8 A. To the fire department.

9 Q. And did you head there?

10 A. Yes.

11 Q. How long did it take you to get from that scene back
12 to the fire department?

13 A. It wasn't very long. I was moving pretty fast.
14 Probably about maybe a minute or so.

15 Q. And when you got to the fire department, what did you
16 do?

17 A. I beat on their door for some help.

18 Q. Did anybody answer?

19 A. Yes.

20 Q. What did you tell them?

21 A. I told them that somebody's out there in the middle
22 the road that might need some help.

23 Q. Did you leave at that time?

24 A. No.

25 Q. What happened next?

1 A. I went back with the firemen.

2 Q. You went back to the scene?

3 A. Yes.

4 Q. And did you get to leave shortly after that or did
5 you have to stay around?

6 A. I stuck around for about five hours.

7 Q. And did law enforcement speak to you?

8 A. Yes.

9 Q. And ultimately did you get to go home that night?

10 A. Yes, uh-huh.

11 Q. Did you have any additional part in the investigation
12 or any follow-up with law enforcement?

13 A. No.

14 **MR. BELL:** Thank you, Mr. Lytes. Please answer any
15 questions the defense may have.

16 **THE WITNESS:** Okay.

17 **MR. HILLIARD:** Thank you, for coming, sir. I don't
18 have any questions. No objection to this witness being
19 excused, Your Honor.

20 **THE COURT:** Okay. Thank you, Mr. Lytes.

21 (Witness excused.)

22 **MR. BELL:** The State calls Eddie Richardson to the
23 scene.

24 (Whereupon, Eddie Richardson was duly sworn by the
25 Clerk of Court.)

1 **THE CLERK:** Once you're seated state your full name,
2 spelling your last, please.

3 **THE WITNESS:** Yes, ma'am. My name is Edward
4 Richardson, R-I-C-H-A-R-D-S-O-N.

5 EDWARD RICHARDSON,
6 having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. BELL:

9 Q. Sir, who are you employed by?

10 A. The Lexington County Sheriff's Department, sir.

11 Q. And how long have you been with law enforcement?

12 A. A little over eleven years; six with the sheriff's
13 department, five with the highway patrol prior.

14 Q. And were you employed by the sheriff's department back
15 in August of 2015?

16 A. Yes, sir.

17 Q. In what capacity?

18 A. Master deputy or corporal. A road supervisor for the
19 South Region.

20 Q. Tell us about what some of those duties entail with
21 that position.

22 A. Pretty much staffing, determining who goes to what
23 calls, your basic midlevel or lower level supervisory
24 position, responding to calls for service with my officers
25 or deputies, and responsible for making sure all of the

1 reports are done at the end of the shift, evidence is
2 tagged in and so on and so forth.

3 Q. Now back on August 3rd of 2015, did you have reason
4 to respond to Old Orangeburg Road?

5 A. Yes, sir.

6 Q. And what caused you to respond there?

7 A. Dispatch had advised that there was a call that's
8 right there on the border of two of our areas, West Region
9 and South Region. They saw I was the closest deputy and
10 advised that there was a possible shooting that had
11 occurred on Old Orangeburg Road. Me being the closest
12 deputy I responded to the scene.

13 Q. So at the time as far as you knew who initiated the
14 call?

15 A. Dispatch had initiated the call.

16 Q. And roughly what time of night was it?

17 A. It was very close to midnight, give or take, ten
18 minutes till twelve.

19 Q. And did you ultimately respond to that call by
20 dispatch?

21 A. Yes, sir, I did.

22 Q. How long did it take you to get to the scene?

23 A. Only a few minutes. Maybe three or four.

24 Q. Where were you when you got the dispatch call?

25 A. I was on SC-302, which is Edmund Highway at that

1 point, coming down toward where it intersects with SC-6 or
2 South Lake.

3 Q. Can you estimate how long it took you to get to the
4 scene?

5 A. Three minutes maybe.

6 Q. Would that still be before midnight or after midnight?

7 A. It would still be before midnight.

8 Q. When you pulled up onto the scene, who was present
9 already?

10 A. At that point I had -- fire department was on-scene
11 along with a bystander at that point, a Mr. Lytes. There
12 was also a white in color Ford Taurus, SC tag , as in
13 Delta, Z as in Zulu, was also parked on the scene.

14 Q. I'm handing you a laser pointer. I want to show you
15 State's 3. Are you able to make out that picture?

16 A. Yes, sir.

17 Q. And is that the scene that you came across that night?

18 A. Yes, sir.

19 Q. Can you go ahead and point out what stands out in this
20 picture?

21 A. Well, in this picture the vehicle itself and the body
22 that was laying against the berm there on the side.

23 Q. And what would be at the far end of this picture
24 where that white vehicle was facing, what road is in that
25 direction?

1 A. Going that direction, it would be Pleasant View and
2 it would intersect with -- back this way would be SC 302
3 or Edmund Highway.

4 Q. So behind the vehicle is 302?

5 A. Yes, sir.

6 Q. What was the lighting situation like when you arrived
7 that night?

8 A. It was dark aside from the emergency equipment lights.

9 Q. Were there any businesses or residences in that
10 immediate area?

11 A. No, sir, not that I'm aware of.

12 Q. Any streetlights?

13 A. No, sir.

14 Q. When you initially arrived on-scene, how did you go
15 about approaching that scene?

16 A. I parked behind a fire truck, which almost was where
17 that picture that you just shown was taken. It was about
18 twelve feet -- ten to twelve feet behind the rear of that
19 vehicle off to the left-hand side. As I approached, I
20 approached the passenger side, walked along the passenger
21 side of the fire truck up to the white Ford Taurus and
22 walked along the driver's side of the white Ford Taurus
23 clearing the vehicle before turning and going to check on
24 the body.

25 Q. I apologize. I took this from you prematurely.

1 Referring, again, to State's 3, just trace with your laser
2 pointer the route that you took when you approached the
3 body.

4 A. Yes, sir. I came right in from here, checked the
5 vehicle and then turned and checked the body.

6 Q. What's the point of checking that vehicle?

7 A. I was not sure if it was occupied, if there may be
8 another person that was in the vehicle needing assistance.
9 There's -- there's a continuum that we follow with law
10 enforcement. The first thing we have to do is render aid
11 to anybody on the scene. If there was anybody else who
12 was present in that vehicle, that would have been my first
13 priority, and then to check on the body, that obviously was
14 the second priority.

15 Q. As you approached the body after passing the car, were
16 any other personnel around that body at the time?

17 A. No, sir, not at that time.

18 Q. Were you informed whether anybody had already been up
19 to the individual?

20 A. I don't recall if anybody said that they'd been to
21 the vehicle. I believe -- or did you say the body or the
22 vehicle, sir?

23 Q. The individual.

24 A. The individual? Again, I'm not certain. The fire
25 department had advised that they pulled up and looked at

1 the body, but I was not advised if they approached the
2 body.

3 Q. So those people would be in a better position to
4 answer that question?

5 A. Yes, sir, they would.

6 Q. Now when you approached, was there any indication that
7 the individual was still alive?

8 A. No, sir. I observed no breath. There was a pool of
9 blood back behind the head and I saw what appeared to be a
10 gunshot wound in the neck of the subject.

11 Q. Did you have you to manipulate the body at all to make
12 that determination?

13 A. No, sir, it was very much in plain view.

14 Q. Did you manipulate the body for any other reason?

15 A. No, sir.

16 Q. Did you disturb the way it was presented on the scene
17 at all?

18 A. No, sir.

19 Q. Is that part of your job?

20 A. To move the move the body or to preserve the scene,
21 sir?

22 Q. To preserve the scene. I apologize.

23 A. Yes, sir. That's actually the second part of our
24 continuum.

25 Q. Are you aware if anybody officially confirmed that

1 the victim was deceased?

2 A. Not until EMS had approached and stepped back. But,
3 again, they're not allowed to make that official
4 determination until the coroner has arrived.

5 Q. When you were in the proximity of the victim, did
6 anything in the surrounding area stand out to you?

7 A. Absolutely. There were several things that stood out
8 to me.

9 Q. Go ahead and walk us through some of those things.

10 A. Yes, sir. I saw a shell casing that was located near
11 the body. It was only a few feet from the body. The
12 second thing that stood out to me is in the middle of the
13 road in front of the Ford was a wet spot in the hard packed
14 sand that was much like a vehicle had idled there.
15 Condensation from the air-conditioning possibly had caused
16 the pooling. The third thing was that there was a
17 cigarette butt undisturbed in the roadway. The ash was
18 still attached from where it had been dropped and had
19 burned on the ground. I also saw an imprint behind the
20 body on the berm that appeared to be where the body may
21 have impacted the dirt.

22 Q. Okay. I want to approach you and show you a couple
23 of pictures. Without describing what's in them at this
24 point, do you recognize those photos?

25 A. Yes, sir, I recognize all three.

1 Q. And do the contents of those photos fairly and
2 accurately represent what you had seen that night?

3 A. Yes, sir, they do.

4 **MR. BELL:** Could you go ahead and mark these for ID.
5 (State's Exhibit Numbers 9, 10 and 11 were marked for
6 identification.)

7 **MR. HILLIARD:** We have no objection to State's
8 Exhibit Number 9 and we have no objection to State's
9 Exhibit Number 10. We believe that State's Exhibit
10 Number 11 is cumulative, although we would not object to
11 perhaps substituting this for another exhibit already in
12 evidence.

13 Permission to approach, Judge, and I can explain that
14 a little bit?

15 **THE COURT:** Well, let me see it; otherwise, I'm
16 flying blind.

17 **MR. HILLIARD:** (Handing.) State's Exhibit Number 7.

18 **MR. BELL:** Your Honor, the State's satisfied to
19 scratch 11 and proceed with 7.

20 **THE COURT:** Okay. Fair enough.

21 **MR. HILLIARD:** Thank you.

22 BY MR. BELL:

23 Q. Referring to what's been marked for ID as State's 7,
24 just generally describe what we're seeing here.

25 A. What I'm seeing here is the layout of the body as I

1 recall it on-scene.

2 Q. And are the items that you described marked?

3 A. I believe those are the evidence markers for the two
4 items. They're in the same places that I saw those items.

5 Q. And referring to 9, is that another item that you saw?

6 A. Yes, sir.

7 Q. And State's 10?

8 A. Yes, sir.

9 **MR. BELL:** Your Honor, at this time I seek to move 7,
10 9 and -- excuse me, 7's already in, so moving 9 and 10 into
11 evidence.

12 **MR. HILLIARD:** No objection.

13 **THE COURT:** No objection to 9 and 10. They're in.

14 **MR. HILLIARD:** And 11 was withdrawn?

15 **MR. BELL:** Marked for ID, but not in evidence.

16 (State's Exhibit Number 9 and 10, photographs, were
17 admitted into evidence.)

18 BY MR. BELL:

19 Q. Referring to what's been entered as State's 7, using
20 your laser pointer would you identify some of the items
21 that you described earlier.

22 A. Yes, sir. The two that I described earlier, right
23 here would be where the cigarette butt was located and this
24 would be where I saw the shell casing.

25 Q. Now were those placards there when you initially

1 arrived?

2 A. No, sir.

3 Q. Who places those?

4 A. That's CSI, I believe.

5 Q. And State's 10, is this a slightly different angle?

6 A. Yes, sir.

7 Q. And can you see anything a little bit better in this
8 picture?

9 A. Yes, sir, the cigarette butt. And, again, the
10 location that I saw the shell casing.

11 Q. And State's 9, what are we looking at here?

12 A. We're looking at the cigarette butt that I saw
13 discarded in the roadway.

14 Q. Now what stood out about this cigarette butt when you
15 saw it?

16 A. I've been a smoker for, you know, twenty plus years.
17 At this point I know what cigarettes look like when you lay
18 them down, when they're flicked, when they're crushed out,
19 when they're tossed out of a car window. The extension of
20 the ash on the end of it appears that it was dropped in
21 that location, it wasn't flicked, it was not crushed out.
22 The filter was still intact and still round, cylindrical,
23 so it looked as if it was dropped right there near the
24 body. And there's also fresh ash, so it was something that
25 was recent -- recently placed there.

1 Q. And about how far was that item from the deceased?

2 A. Maybe ten feet, sir, at the most.

3 Q. Again, showing you 7, what is Placard Number 1?

4 A. Placard Number 1 is the cigarette butt.

5 Q. So you think that was ten feet from the victim?

6 A. Without perspective, ten feet at the most. It may
7 have been as close as six.

8 Q. Was it close enough that you deemed it important to
9 the investigation?

10 A. Absolutely.

11 **THE COURT:** Solicitor, I need to take a quick break.

12 **MR. BELL:** Yes, sir.

13 **THE COURT:** Y'all step in the jury room and don't
14 discuss the case. We'll take a quick break and be back
15 with you.

16 (Whereupon, the jury retires to the jury room at
17 9:40 AM.)

18 (State's Exhibit Numbers 12, 13, 14 and 15 were marked
19 for identification.)

20 **BAILIFF:** Come to order. Court's now in session.

21 **THE COURT:** All right. Y'all be seated.

22 All right. Bring in the jury, please.

23 **THE COURT:** All right, folks. Sorry for the break.

24 I got a call on my cell phone from my house and nobody is
25 supposed to be there but my own two children. Anyway, I

1 got a telephone call, so I knew there was something up, so
2 I went back and called. Anyway, there was a pet in the
3 house found by them and they wanted to know what to do with
4 it, so I lost a pet this morning. Anyway, I wanted to tell
5 you why I jumped up and ran out of here. I knew something
6 was going on at home and that's the reason for it. So
7 sorry for the interruption and we'll try to move on.

8 Get us back up to speed, Mr. Bell. Ask your next
9 question.

10 **MR. BELL:** Yes, sir. Thank you, Judge.

11 **BY MR. BELL:**

12 Q. Deputy, you testified earlier that you also saw shell
13 casings; is that right?

14 A. Yes, sir.

15 Q. And how many did you see in plain view?

16 A. I saw one in plain view that I observed.

17 Q. And you also testified earlier that you saw a wet
18 spot?

19 A. Yes, sir.

20 Q. I'm handing you what's been marked for ID as State's
21 -- State's 15. Do you recognize that image?

22 A. Yes, sir.

23 Q. And what is in that photo that stands out to you?

24 A. The wet spot in the hard packed dirt.

25 Q. And does that fairly and accurately represent what

1 you saw that night?

2 A. Yes, sir.

3 Q. And in State's 12, does that also fairly and
4 accurately represent?

5 A. Yes, sir.

6 Q. I'll ask you the same question about State's 14 and
7 13.

8 A. Yes, sir, on 13. And 14 I don't -- I don't believe
9 that I observed that.

10 Q. Okay. So what two casings did you observe?

11 A. I believe there was one that was in between -- in
12 between the legs of the subject.

13 Q. Okay.

14 **MR. BELL:** Your Honor, at this time the State would
15 seek to enter State's 12, 13 and 15.

16 **MR. HILLIARD:** We reviewed those during the break and
17 we have no objection.

18 **THE COURT:** All right. Without objection, that's 12,
19 13 and 14?

20 **THE COURT REPORTER:** 12, 13 and 15.

21 **MR. BELL:** I apologize, Your Honor. Referring to
22 State's 12, 13 and 15.

23 **THE COURT:** All right.

24 (State's Exhibit Numbers 12, 13 and 15, photographs,
25 were admitted into evidence.)

1 BY MR. BELL:

2 Q. Using your laser pointer, would you identify what
3 Placard 2 represents?

4 A. Yes, sir. Placard 2 represents a shell casing that I
5 observed when I was examining the scene.

6 Q. And State's 13, is this a closer shot of that same
7 placard?

8 A. Yes, sir.

9 Q. And if you would circle the item that you're
10 indicating?

11 A. (Witness complies.)

12 Q. And, again, what did that appear to be?

13 A. It appeared to be a brass shell casing, sir.

14 Q. And did you manipulate that item?

15 A. No, sir.

16 Q. Referring to State's 15, tell us what's relevant in
17 this photo.

18 A. This dark wet patch in the hard packed road.

19 Q. And why did you think that was relevant?

20 A. Off to the side here, this is all sugar sand or soft
21 sand, this is hard packed in the center where it comes out
22 to the point when they're grading it. That took a large
23 volume of water just sitting there for an extended period
24 of time to create that wet spot when none of the other
25 roadway was wet surrounding it or within view.

1 Q. And did that wet spot appear to be fairly saturated?

2 A. Yes, sir, extremely saturated.

3 Q. Did you see any other signs of wetness out on that
4 dirt road?

5 A. No, sir.

6 **MR. BELL:** Mark two more. I beg the Court's
7 indulgence.

8 (State's Exhibit Numbers 16 and 17 were marked for
9 identification.)

10 BY MR. BELL:

11 Q. I'm handing you what's been marked as 16 and 17 for
12 ID. Do those pictures fairly and accurately represent the
13 contents you saw on that night?

14 A. Yes, sir.

15 Q. And generally what is being portrayed in those photos?

16 A. They're photos of the body. Placard Number 3 in the
17 one shows a shell casing and there's a shell casing without
18 the placard next to it.

19 Q. And is that the other casing that you testified about?

20 A. Yes, sir.

21 **MR. BELL:** Your Honor, at this time the State would
22 seek to move in 16 and 17.

23 **MR. HILLIARD:** No objection.

24 (State's Exhibit Numbers 16 and 17, photographs, were
25 admitted into evidence.)

1 BY MR. BELL:

2 Q. Referring to 17, would you indicate where you found
3 the other casing?

4 A. I observed it right there in between the subject's
5 legs where the Number 3 placard is.

6 Q. And in State's 16?

7 A. Again, that was visible standing off to the side right
8 between the subject's legs.

9 Q. And did it appear consistent with the other one you
10 found on the scene?

11 A. Yes, sir. Without close examination, it appeared
12 consistent.

13 Q. In your experience with firearms, is that a smaller
14 caliber or a larger caliber?

15 MR. HILLIARD: Objection.

16 THE COURT: I'll sustain it. Let him rephrase it.

17 MR. HILLIARD: Sir?

18 THE COURT: Sustained. Let him rephrase it.

19 MR. HILLIARD: Thank you.

20 BY MR. BELL:

21 Q. Deputy, in your training as a law enforcement officer,
22 have you fired various firearms?

23 A. Yes, sir.

24 Q. And are you familiar with pistol calibers?

25 A. Yes, sir, I am.

1 Q. And are you able to look at a caliber and determine
2 whether it's a small or a large-type caliber?

3 A. Yes, sir.

4 **MR. HILLIARD:** And that's -- that's my objection,
5 Judge. Smaller and larger doesn't mean anything.

6 **THE COURT:** All right. It doesn't mean anything.
7 I'll overrule it. It's a fair question.

8 **MR. HILLIARD:** Thank you.

9 BY MR. BELL:

10 Q. Referring to 16, does that appear to be a small or a
11 large caliber casing?

12 A. A small caliber pistol -- or a small caliber in
13 general. It's a large caliber for a pistol.

14 Q. Now I want to refer you back to sort of the backdrop
15 in a lot of these photos. In State's 17, referring to the
16 raised area beside the body, is that hard sand or soft
17 sand?

18 A. That's -- in that area right there, it is soft sand.
19 It's almost like a -- almost like a sugar sand and then
20 your darker gray area back behind it is your hard packed
21 sand and/or dirt with little scrub brushes growing out of
22 it.

23 Q. And in the area under the victim itself, is that hard
24 or soft sand?

25 A. That's extremely soft sand.

1 Q. Did you come through that sand personally to look for
2 any other items?

3 A. No, sir.

4 Q. Would that have been your job?

5 A. No, sir.

6 Q. Now when it comes to finding these items that you've
7 been telling the jury about, how do you go about preserving
8 them until someone else can come along?

9 A. Generally -- well, from my personal experience what
10 I'll do is I will close the scene down and anything that I
11 see that appears to be relevant at that point we'll place
12 crime scene tape and begin a crime scene log. That limits
13 who's coming in and out of the area making them sign any
14 time they have to enter or exit. We don't look for the --
15 the fine pieces of evidence and that's what I've seen in
16 plain view and I say okay, this area -- so this area
17 appears to be part of the crime scene and tape it off.

18 Q. And did you tape off this scene?

19 A. Yes, sir, I did.

20 Q. And did you start a crime scene log?

21 A. Yes, sir, I did.

22 Q. Tell us what a crime scene log is for.

23 A. A crime scene log is to log every single person that
24 has passed the point of that crime scene tape showing their
25 times in and their times out of that crime scene and the

1 duty of the person holding that log is to make sure that
2 every single person that passes that point and enters what
3 is deemed to be the crime scene at that time has logged
4 their entry and exit from that scene.

5 Q. And did you ensure that crime scene log was properly
6 maintained during the course of the scene?

7 A. During the time that I had -- had possession of it,
8 yes, sir.

9 Q. Who did you ultimately pass it off to?

10 A. I passed it off to Lieutenant Frier who passed it off
11 to Sergeant Stoner. It was then passed on back to me and
12 then later on at the end of the entire time that I was
13 on-scene I passed it off to Deputy Hendrix.

14 Q. Who else showed up on the scene?

15 A. Multiple EMS personnel responded. We had multiple
16 fire personnel that were on-scene. I called for Lieutenant
17 Frier, who was our watch commander. Sergeant Stoner, who
18 was the sergeant over that area of West Region. Various
19 deputies and multiple members of the coroner's team, CSI
20 and major crimes.

21 Q. What exactly does CSI mean?

22 A. That's crime scene investigators.

23 Q. And prior to the crime scene investigators showing up,
24 did anybody manipulate the body while you were on-scene?

25 A. No, sir. EMS checked the body, but I did not see them

1 manipulate it in anyway.

2 Q. What about any of the items you've indicated, were
3 they manipulated prior to CSI's arrival?

4 A. No, sir.

5 Q. Did you collect any of the evidence indicated?

6 A. No, sir.

7 Q. Did you have any further involvement in this case?

8 A. No, sir.

9 **MR. BELL:** Please answer any questions defense may
10 have.

11 **THE WITNESS:** Yes, sir.

12 **MR. HILLIARD:** Give me just one second, Your Honor.

13 **THE COURT:** All right.

14 CROSS-EXAMINATION

15 BY MR. HILLIARD:

16 Q. The crime scene log -- well, I guess maybe this is a
17 silly question, but you couldn't -- couldn't start the log
18 until you got there; is that correct?

19 A. Correct, sir.

20 Q. And did you interview any of the people to see who had
21 been on the scene prior to beginning the log?

22 A. Yes, sir. Every -- every person that was on-scene, I
23 got their times from dispatch and placed them in there and
24 had them sign the log.

25 Q. And there had been some people around the body before

1 you got there?

2 A. Not in my presence. As a matter of fact, I believe
3 the firemen stated that they did not pass the front of
4 their vehicle to -- to examine the body, but they would be
5 in a better position to explain that than I am.

6 **MR. HILLIARD:** Fair enough. I don't have any other
7 questions. Thank you.

8 **THE COURT:** Any redirect?

9 **MR. BELL:** Nothing further, Your Honor.

10 **THE COURT:** You may step down.

11 **MR. HILLIARD:** No objection to him being excused,
12 Judge.

13 **THE COURT:** All right.

14 (Witness excused.)

15 **MS. MAYES:** The State calls James David Porter,
16 Junior.

17 (Whereupon, James David Porter, Junior, was duly sworn
18 by the Clerk of Court.)

19 **THE CLERK:** Once you're seated state your full name,
20 spelling your last, please.

21 **THE WITNESS:** James David Porter, P-O-R-T-E-R.

22 JAMES DAVID PORTER, JUNIOR,

23 having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MS. MAYES:

1 Q. Good morning, Mr. Porter.

2 A. Morning.

3 Q. I want to start by asking you how you are related to
4 the victim in this case, James David Porter, the Third?

5 A. He's my son.

6 Q. How many children do you have?

7 A. Two.

8 Q. In addition to David, who is your other child?

9 A. My daughter, Ally.

10 Q. Ally?

11 A. Ally.

12 Q. Seated in the courtroom?

13 A. Yes, ma'am.

14 Q. How old -- what is the age difference between David
15 and Ally?

16 A. Three years.

17 Q. What is David's date of birth?

18 A. . Excuse me, .

19 Q. All right. So on August 3, 2015, he had just turned
20 how old?

21 A. Twenty-two.

22 Q. Mr. Porter, can you tell us whether or not your son
23 had an addiction?

24 A. Yes, ma'am.

25 Q. What drug was he addicted to?

1 A. Meth.

2 Q. Can you tell us whether or not David admitted to you
3 that he had an addiction?

4 A. He did.

5 Q. I want to take you back to May 8th of 2015,
6 approximately four months before David's death. Can you
7 tell us whether or not you became aware of any situation
8 involving his addiction at that time?

9 A. Yes, ma'am. I'd gotten a call from --

10 **MR. HILLIARD:** Objection, Your Honor. Relevance..

11 **MS. MAYES:** We can -- I can rephrase that, Your Honor.

12 **THE COURT:** I'll let you rephrase it, but until I find
13 out the relevance, I'm mean, I'm not sure.

14 All right. Rephrase your question and let's move on.

15 **MS. MAYES:** Yes, sir, Your Honor.

16 BY MS. MAYES:

17 Q. I want to take you back to May 8th of 2015. How did
18 you become aware of David's addiction to methamphetamine?

19 A. He told me he had -- was at a meth house that had
20 gotten busted and they had detained him and let him go and
21 I got a call from the officer on-site.

22 Q. All right. And you actually were contacted by law
23 enforcement?

24 A. Yes, ma'am.

25 Q. And you mentioned that David was at or near a meth

1 house that got busted. He was detained?

2 A. Correct.

3 Q. And based on the information you're aware of involving
4 David's detainment that night, was he actually arrested?

5 A. No, ma'am.

6 Q. Do you have personal knowledge as to whether or not
7 David was approached about being a confidential informant
8 following that incident?

9 A. He had told me he was.

10 **MR. HILLIARD:** Objection.

11 **THE COURT:** Basis?

12 **MR. HILLIARD:** It would be hearsay, personal
13 knowledge, and also as to relevance, Your Honor.

14 **MS. MAYES:** Your Honor, we can establish the relevancy
15 through additional witnesses. As to personal knowledge, I
16 can lay that foundation further.

17 **THE COURT:** All right. Lay that foundation then. So
18 I'm gonna sustain until you lay the foundation and we'll
19 see, all right?

20 **MR. HILLIARD:** Thank you, Your Honor.

21 BY MS. MAYES:

22 Q. Did you have any chance to observe David's state of
23 mind following that incident in May of 2015 where he had
24 been detained by the NET team?

25 **MR. HILLIARD:** And, again, Judge, I apologize for

1 saying the same thing over and over again, but there's no
2 relevance to his state of mind on May 8th.

3 **MS. MAYES:** Your Honor, may we approach?

4 **THE COURT:** You may.

5 (Proceedings held at the bench; not reported.)

6 **THE COURT:** Alright. I need to put something on the
7 record that's proper before more testimony. Y'all step
8 into the jury room. I'm gonna give you fifteen minutes.
9 If you wish to step outside, you can do that, and then I'll
10 have you back out here shortly.

11 (Whereupon, the jury retires to the jury room at
12 10:27 AM.)

13 **THE COURT:** All right. Just so we're clear on
14 procedural rules, each witness will be managed by one
15 lawyer each side. I'm not gonna allow the State to
16 two-on-one you, Mr. Hilliard. So if Ms. Mayes is handling
17 the witness and you're handling the objection, she gets to
18 argue the law. I'm not gonna allow Mr. Bell stand up and
19 tag team you, nor am I gonna allow it the other way either.
20 One lawyer, one witness each.

21 **MR. HILLIARD:** Yes, sir.

22 **THE COURT:** And when we have a bench conference, I
23 want whoever's handling the witness to come forward. Not
24 out of disrespect to anybody, but that's plenty of people
25 to argue the law. If we need a fuller conference, then

1 everybody come up, but that's just kind of my liking. I
2 know you haven't appeared in front of me before at trial,
3 but that's kind of my thinking and we'll just handle it
4 that way.

5 **MR. HILLIARD:** Understood, Judge. Yes, sir.

6 **THE COURT:** I don't mean to offend anybody.

7 **MR. HILLIARD:** Not at all.

8 **THE COURT:** That's just how I like it done.

9 **MR. HILLIARD:** Yes, sir.

10 **THE COURT:** All right. With those -- now also,
11 another thing I didn't tell you, and this hasn't happened,
12 permission to approach the witness, one time's okay, the
13 rest of the time you've got free lead to approach all
14 you'd like. You don't have to continually ask.

15 **MR. HILLIARD:** Yes, sir.

16 **THE COURT:** Step down one time and they're free to
17 step down as much as you need them to if we get -- when
18 you're doing the exhibits. So they've appeared in front
19 of me, you haven't. One permission per witness and you're
20 good for it.

21 **MR. HILLIARD:** Thank you, Judge.

22 **THE COURT:** All right. Now we were talking about the
23 -- two questions were asked. One was state of mind and one
24 was --

25 **MS. MAYES:** Whether he had personal knowledge as to

1 whether or not the victim was approached about being a
2 confidential informant. The other aspect of this, Your
3 Honor, is relevance. There is an audio recording which
4 will be played at some point today for the jury. That is
5 the audio recorded statement of Mr. Morehouse. It's
6 already been deemed admissible following the Jackson v.
7 Denno. In that statement, Mr. Morehouse said that -- he
8 told law enforcement that he believed the outcome of
9 meeting the victim that night was to beat his ass, that he
10 owed him money and that he believed he was an informant.
11 Those are the -- probably the three most relevant aspects
12 of that audio recording when he acknowledges that the
13 victim owed him money and he believed this victim to be an
14 informant. So we're laying the foundation as to why that
15 belief was out there that the victim was an informant.
16 Ultimately we will advise the jury that he was not an
17 informant, at least not any type of paid informant working
18 with law enforcement, but that belief was out there.

19 Now Mr. Porter -- we'll go ahead and proffer the
20 testimony, but his personal knowledge is that he had this
21 conversation with his son and he advised his son not to
22 become a confidential informant. So his aspect of the
23 conversation is admissible. That would not be hearsay.
24 That is something he's telling his son and he's advising
25 his son. There's also the state of mind exception which

1 goes to the victim's motive, plan, intent following that
2 detainment. In terms of what David actually said to him,
3 yes, we can limit that, but we're gonna have testimony
4 from the officer that approached Mr. Porter, Mr. Porter,
5 the Third, as well as testimony from his father that they
6 had this discussion and he advised him not to become an
7 informant.

8 **THE COURT:** All right. Mr. Hilliard, do you want to
9 be heard on that or do you want hear the proffer first?

10 **MR. HILLIARD:** I guess I'd rather hear -- even based
11 on what she said, I still don't see how it's admissible,
12 some conversation he had with his son. What his son said
13 doesn't have anything -- I mean, there's no -- there's no
14 -- I mean, it may put something in his head, in the
15 father's head, and I -- I recognize this is a sensitive
16 thing and I'm not -- anyway, what the dad understands about
17 his son's state of mind I would submit to the Court has
18 absolutely nothing to do with who believed he was an
19 informant or who didn't believe he was an informant.
20 What's in his dad's head is not connected to the Defendant
21 in any form or fashion, does not set those two thing
22 together.

23 **MS. MAYES:** It's not the father's state of mind,
24 Your Honor. It would be the victim's state of mind
25 pursuant to Rule 803.3, his existing mental or emotional

1 condition following that event. That is an additional
2 hearsay exception. But beyond that there are gonna be
3 multiple witnesses that establish that this victim was
4 believed to be an informant or a snitch. Mr. Morehouse
5 says it himself in that statement to law enforcement.
6 And, in addition, there's another witness who will be
7 testifying in this case who heard Mr. Morehouse also
8 labeling this victim as an informant or a snitch. And
9 the reason for that is that according to the conversation
10 with Mr. Morehouse everybody goes down except this victim
11 and in this meth bust the victim was detained, but not
12 arrested.

13 And it's certainly relevant to the motive, Your Honor.
14 We know that Mr. Morehouse planned to meet the victim in
15 this secluded location and we know that the victim ended
16 up with six to ten gunshot wounds and for -- from the
17 aspect of -- of the State proving this case, the jury's
18 gonna have that question throughout the trial: Well, what
19 is the motive, why did he want to meet him, what led to
20 his death? So the fact that Mr. Morehouse believed him to
21 be an informant or a snitch is certainly relevant.

22 **MR. HILLIARD:** Well, it's --

23 **THE COURT:** Well, I think what Mr. Hilliard's
24 objection is, it's the father's belief as opposed to
25 Mr. Morehouse's belief. That's where he's getting the

1 dichotomy of it.

2 **MR. HILLIARD:** And if there are a dozen witnesses
3 that say that, we'll take them up one at a time. And that
4 is my point, Judge. This witness is unconnected to my
5 client and all he's -- he's already said that his son was
6 at a spot and didn't get arrested. That's in front of the
7 jury already. The thing that -- his son's state of mind
8 at the time that he got arrested, I would submit -- and,
9 again, Judge, it's just not relevant to anything. It's way
10 before this. Whether he told his son not to be a snitch or
11 to be a snitch, that has no probative value to -- to what
12 we're talking about. She's got a dozen witnesses that say
13 that everybody thought he was a snitch --

14 **MS. MAYES:** No, no, we don't have a dozen witnesses.
15 I don't want to say that.

16 **MR. HILLIARD:** Well, some number of witnesses.

17 **MS. MAYES:** We -- we have more than one witness who
18 has heard Mr. Morehouse say that, but what we're doing now
19 is linking -- linking this up to how this became a belief.
20 Yes, he was approached by law enforcement. That is all
21 we're trying to get out. And then Mr. Porter advised his
22 son not to become a confidential informant. So --

23 **THE COURT:** I think you can do that. You had an
24 event, a non-arrest drug bust, how was he after that, then
25 you give him any advice as a result of that, and I think

1 you can stop there.

2 **MS. MAYES:** That's all we want. We're not getting
3 into what the victim said to him, but that he advised his
4 son not to do it and to his knowledge his son did not
5 become a confidential informant.

6 **MR. HILLIARD:** I object to that. Well, I don't --
7 to his knowledge, but he's got no way to know.

8 **THE COURT:** Well, he knows -- he can testify as to
9 what he did and what advice he gave to his son.

10 **MR. HILLIARD:** Yes, sir. Absolutely, Judge.

11 **THE COURT:** Fair enough.

12 **MR. HILLIARD:** What about the rest of it? I mean,
13 they've -- and perhaps I should have made a motion in
14 limine earlier on, and I didn't. I know they produced all
15 this in the previous trial, but in that trial, of course,
16 they were trying -- never mind. But the -- this line of
17 questioning has nothing to do, I would submit to the Court,
18 with the case. And if they're gonna go further down the
19 line, it might be good now to let them go on down the line
20 as to the balance of the case the questions they're gonna
21 ask because my objection is gonna be on-going and I don't
22 want to, you know, make more objections and have to do this
23 over again.

24 **THE COURT:** Well, I understand where you're concerned,
25 but I think until she calls the witnesses and knows where

1 within the time continuum they fall as to what was said and
2 who was it said to, I don't think we can get there right
3 now.

4 **MR. HILLIARD:** Yes, sir, I agree with that. I'm
5 talking about this witness and --

6 **THE COURT:** I don't think she's going much further
7 with him.

8 **MS. MAYES:** And I don't expect any hearsay and he's
9 going to be testifying to what he advised his son, not what
10 his son said to him.

11 **THE COURT:** Okay.

12 **MR. HILLIARD:** But after that, what --

13 **MS. MAYES:** He was aware that his son had an
14 addiction and he saw his son on the day of his death.
15 We're gonna get into those facts. We're gonna get into
16 the fact that --

17 **THE COURT:** Yeah, you can do that, but what -- where
18 she can get to is the bust, no arrest, conversation, state
19 of mind and advice he gave to the son.

20 **MR. HILLIARD:** Yes, sir.

21 **THE COURT:** She can get into all that. None of that's
22 hearsay.

23 **MR. HILLIARD:** No, sir. Thank you, Judge.

24 **THE COURT:** All right. Let's -- I told the jury I'd
25 give them fifteen minutes and we've got six minutes or

1 thereabouts, so we can step in the restroom real quick if
2 y'all would like.

3 **MR. HILLIARD:** Thank you, Judge. Yes, sir.

4 **THE COURT:** All right.

5 (Recess taken.)

6 **BAILIFF:** All rise.

7 **THE COURT:** Are you ready?

8 **MS. MAYES:** Yes, sir, Your Honor.

9 **MR. HILLIARD:** Yes, sir, Judge.

10 **THE COURT:** All right. Bring in the jury.

11 (Whereupon, the jury returns to the courtroom at
12 10:47 AM.)

13 **THE COURT:** All right. We'll continue. Ms. Mayes.

14 **MS. MAYES:** Yes, sir, Your Honor.

15 BY MS. MAYES:

16 Q. Now before the break, Mr. Porter, I had posed a
17 question to you about the timeframe of May 8, 2016. Are
18 you familiar with that timeframe?

19 A. Yes, ma'am.

20 Q. And you had indicated that you had been contacted by
21 someone. Can you tell us who the person who contacted you
22 was affiliated with?

23 A. The drug enforcement team.

24 Q. All right. So it was a law enforcement officer, a
25 drug agent?

1 A. Correct.

2 Q. And was David actually arrested as a result of that
3 meth bust?

4 A. No, ma'am.

5 Q. Following that incident on May 8, 2015, did you have
6 a conversation with your son regarding him potentially
7 becoming a confidential informant for law enforcement?

8 A. I did.

9 Q. What advice, if any, did you give your son regarding
10 becoming an informant?

11 A. That he did not need to do that. He needed just to
12 stay away and get away from it.

13 Q. Why did you give that advice?

14 A. Fear of him getting hurt or something.

15 Q. To your knowledge, did David become an informant for
16 law enforcement?

17 A. Not to my knowledge.

18 Q. Now after that incident in May of 2015, can you tell
19 us whether or not he was residing with you as of July of
20 2015?

21 A. He was.

22 Q. Had his addiction continued throughout that year,
23 2015? And I'm talking about the timeframe between January
24 of 2015 and July 2015.

25 A. Yes, ma'am.

1 Q. What, if anything, changed in order for him to reside
2 with you in July of 2015?

3 A. He --

4 **MR. HILLIARD:** Objection. Relevance.

5 **THE COURT:** What was your question again, Ms. Mayes?

6 **MS. MAYES:** What, if anything -- what, if any,
7 knowledge does he have of his son's involvement with
8 methamphetamines in July of 2015, three weeks before the
9 murder.

10 **MR. HILLIARD:** I thought the question was what changed
11 to allow him to move home.

12 **THE COURT:** I'll allow the question, but I understand.
13 So you can go a little further, Ms. Mayes.

14 **MR. HILLIARD:** Thank you.

15 BY MS. MAYES:

16 Q. In July of 2015, where was David residing?

17 A. At -- with me.

18 Q. Who made the decision that he could reside with you?

19 A. I did.

20 Q. What, if anything, was in place in order for him to
21 reside with you in July of 2015?

22 **MR. HILLIARD:** That -- that was my objection, Judge.

23 **THE COURT:** Come up here.

24 **MR. HILLIARD:** Yes, sir.

25 (Proceedings held at the bench; not reported.)

1 **MR. HILLIARD:** Thank you, Judge.

2 **THE COURT:** All right. Ask the question again,
3 Ms. Mayes.

4 **MS. MAYES:** Yes, sir, Your Honor.

5 BY MS. MAYES:

6 Q. Between mid July of 2015 and the date of David's death
7 on August 3rd of 2015, where was he residing?

8 A. With me.

9 Q. What is your address?

10 A. It was , Chapin, South Carolina.

11 Q. In the Chapin area?

12 A. (Nods head.)

13 Q. And at that point in time did David have a vehicle?

14 A. At that point, no.

15 Q. Here is a white Taurus that was found at the crime
16 scene. Are you familiar with that vehicle?

17 A. I am.

18 Q. How so?

19 A. That's my mother's car that he had earned back.

20 Q. What do you mean by that, earned back?

21 A. He -- when he had came back to live with me in July,
22 he had signed a -- me and him had set down and made a
23 contract basically of how he was going to behave, what he
24 had to do to stay in my home. He had to get his job back,
25 he had to do things to earn -- because we had taken car,

1 phones, everything that we could away from him at one
2 point.

3 Q. And why had you done that?

4 A. Because he was on drugs.

5 Q. Based upon your observations and your knowledge of the
6 situation, did David want help?

7 A. He did.

8 Q. In addition to the contract, had David also sought any
9 type of in-patient treatment?

10 A. He had.

11 **MR. HILLIARD:** Objection.

12 **THE COURT:** I'm gonna allow it.

13 **MR. HILLIARD:** Yes, sir.

14 BY MS. MAYES:

15 Q. Any type of in-patient treatment?

16 A. He had checked himself into Lexington Medical Center
17 at one point.

18 Q. All right. In addition to the white Taurus that you
19 state he had earned back during those final three weeks
20 with you mid July to August, was there anything else that
21 he was allowed to have again?

22 A. I had bought him a cell phone so I could keep in touch
23 with him.

24 Q. Do you have knowledge as to whether or not that is the
25 cell phone that he had on his person --

1 A. Yes.

2 Q. -- when the murder occurred?

3 A. Correct.

4 Q. You had purchased that yourself?

5 A. Yes, ma'am.

6 Q. Mr. Porter, leading up to that final week, were you
7 aware that David had relapsed?

8 A. No, ma'am.

9 Q. What can you tell us about that final day of August 3,
10 2015? It was a Monday. Were you working that day?

11 A. I was. He had called me sometime in the afternoon.
12 He had locked himself out of the house.

13 Q. All right. And when he locked himself out of the
14 house, were you at work?

15 A. Yes, I was.

16 Q. And ultimately after work were arrangements made for
17 him to get a key back inside the house?

18 A. Correct. I called him once I got off, he come and met
19 me about 9:30 that evening and got in the house.

20 Q. All right. When he came back that evening on the
21 night of August 3, 2015, what vehicle was he driving?

22 A. The Taurus.

23 Q. And did he have the phone with him as well?

24 A. Yes.

25 Q. Were you aware of anyone else that was with him that

1 night in the Taurus in terms of that actually came inside?

2 A. No, no one else come inside.

3 Q. So when he came inside, was he alone or with someone?

4 A. He was alone.

5 Q. Now do you have surveillance cameras installed there
6 at your residence?

7 A. Yes, ma'am, I did.

8 Q. And what line of work are you in, Mr. Porter?

9 A. Residential and commercial intrusion, security
10 surveillance.

11 Q. All right. So you for a living, for a career, you
12 install surveillance?

13 A. Correct.

14 Q. Did you have surveillance cameras up there at your
15 residence?

16 A. Yes, ma'am, I did.

17 Q. I'll show you a photo and ask whether or not you
18 recognize it.

19 A. Yes, ma'am.

20 Q. What is depicted on this photograph?

21 A. The home I was living in at the time.

22 **MS. MAYES:** State's exhibit for evidence. I believe
23 this would be 12.

24 **THE COURT REPORTER:** No, it will be 18.

25 **MR. HILLIARD:** Our objection would be as to relevance,

1 I guess. I would submit to the Court that it's not
2 relevant.

3 **MS. MAYES:** We're gonna establish the proximity,
4 Your Honor.

5 **THE COURT:** I'm gonna allow it.

6 **MR. HILLIARD:** Thank you.

7 **THE COURT:** Do you want to be heard on it?

8 **MR. HILLIARD:** Briefly, Judge, if --

9 **THE COURT:** All right. Y'all step into the jury room
10 and I'll have you right back in here.

11 (Whereupon, the jury retires to the jury room at
12 10:56 AM.)

13 (State's Exhibit Number 18, an aerial view map, was
14 marked and admitted into evidence.)

15 **THE COURT:** All right. I'll hear you now.

16 **MR. HILLIARD:** Our objection is to relevance. The
17 photograph, I don't see how it has any proximity to
18 anything.

19 **MS. MAYES:** I'm gonna ask additional questions about
20 the location in which he observed the vehicle and there's
21 gonna be testimony about surveillance video.

22 **MR. HILL:** Proximity? And maybe I misunderstood.
23 Proximity to what?

24 **MS. MAYES:** Proximity between the home and what he
25 observed on the video and then this location to the crime

1 scene.

2 **MR. HILLIARD:** The photograph has no relation to the
3 crime scene or any probative value for the proximity to
4 the crime scene.

5 **MS. MAYES:** All right. There's gonna be testimony
6 about surveillance video installed externally at the home
7 and what he observed on that surveillance video regarding
8 the victim and additional people that day. There's gonna
9 be testimony that he observed on the video the white Taurus
10 and several people with David, but that when he saw David,
11 David was alone and then where David was parked or coming
12 from when he saw him and he was alone. We're just trying
13 to establish the various people who were with him
14 throughout the day at the residence. There's -- there's
15 nothing prejudicial about the photograph.

16 **MR. HILLIARD:** Well, there's -- the only point that
17 I was making about that is that what it shows is that
18 these folks live, you know, on the lake in a nice spot.
19 If you want to talk about the house, do you have any other
20 pictures of just the house?

21 **MS. MAYES:** I don't know that -- I don't know that we
22 do, but he -- I would have the witness use this as a point
23 of reference concerning what he saw on the video that day.

24 **MR. HILLIARD:** I don't have any objection to it,
25 Judge. I apologize.

1 **THE COURT:** Okay.

2 **MR. HILLIARD:** I didn't -- the proximity, I thought
3 that they were trying to relate it to the proximity to the
4 crime scene, which I don't see the connection. As to the
5 -- I do understand as to the house, so I'll withdraw the
6 objection.

7 **THE COURT:** Okay. Fair enough.

8 **MR. HILLIARD:** And while we're here, are they
9 intending to introduce some video of --

10 **MS. MAYES:** No, but we need to clarify who was on --
11 what he observed on the video regarding that David was
12 accompanied by two females earlier because there's gonna
13 be testimony about that, as well as the fact that when he
14 saw him this night he -- he came alone and where the
15 vehicle was and the extent of the video surveillance,
16 that it did not include the fan and the cooler.

17 **MR. HILLIARD:** So you're gonna have him testify --
18 they're gonna have him testify as to what's on the video?
19 Is that --

20 **MS. MAYES:** That he checked -- that did see a video
21 of some females with him earlier that day.

22 **MR. HILLIARD:** That being the case, Judge, we'd ask
23 them to put the video into evidence.

24 **MS. MAYES:** Well, he can certainly put the video into
25 evidence.

1 **MR. HILLIARD:** I don't want to put anything into
2 evidence. If they're gonna talk about the video, I submit
3 to the Court that they should put the video into evidence
4 rather than having him testify about what he saw on the
5 video.

6 **THE COURT:** Having heard the first case, there's not
7 gonna be a question of fact presented to the jury that
8 the victim was travelling or maneuvering around with two
9 ladies earlier in the day, is it? I mean, isn't that kind
10 of a forgone conclusion that he was socializing that day?

11 **MR. HILLIARD:** A forgone conclusion, yes, sir.

12 **THE COURT:** So I don't want a big issue on the videos
13 in or where the car was parked or who was sitting in the
14 front seat. Who cares? I mean, if there were two women
15 with him earlier that day, he can testify he saw that
16 through the video, that's how he knows it, and just leave
17 it at that. I don't -- we're cluttering up things. It's
18 kind of like this is a preliminary explanation with the
19 question of fact really later.

20 **MR. HILLIARD:** Well --

21 **THE COURT:** But we can keep getting -- making bigger
22 hurdles out of preliminary groundwork because Mr. Porter's
23 movements earlier that day, they're kind of --

24 **MS. MAYES:** We'll do our best to make this brief and
25 succinct, Your Honor.

1 **THE COURT:** I mean, I -- I don't know what I want to
2 say. It's just we can streamline this so much better. I
3 don't see the need to have a video of somebody getting out
4 of a car and walking into the house and say that's how he
5 looked at 4:00 that afternoon the night before it happened.
6 I don't see that's a huge factual question that's gonna
7 come into play. If it is, I'm not gonna get in your way
8 of trying the case or you defending the case --

9 **MR. HILLIARD:** I understand.

10 **THE COURT:** -- but we keep hitting hurdles about
11 these inconsequential issues in my opinion. I want to
12 keep them inconsequential. I don't want them being big
13 issues. The Court admitted that photograph of the house.
14 Certainly nothing happened there regarding the actual
15 death, it's what happened the day before or that afternoon
16 before.

17 **MR. HILLIARD:** And that was our objection, Judge.

18 **MS. MAYES:** We can -- we don't -- we can withdraw
19 the photograph, Your Honor.

20 **THE COURT:** I understand, but let her get her case
21 put up and when we get to the meat and potatoes, then
22 we're there, but you're arguing over the hors d'oeuvres
23 and it's not very good hors d'oeuvres, it's a saltine
24 cracker. You're throwing a lot of hurdles out there.
25 I understand probative and relevance, but if it's not

1 hurting anything can we keep moving a little bit? I
2 mean, if it's a big one, let me know.

3 **MR. HILLIARD:** Yes, sir. I'll tell you exactly what
4 it is, Judge, and this is me being one hundred percent
5 honest, which may be unusual. Not from me, but in
6 general. I want the video into evidence. I also want
7 last argument.

8 **THE COURT:** I understand that.

9 **MR. HILLIARD:** It's strategic. I want the last
10 argument and I want the video in evidence. I'm trying
11 to figure a way to put this together so the Government
12 has to put it into evidence because I want it if shows
13 stuff that I think is helpful to my case, so that's --
14 so that's exactly what I'm -- I mean, that's what I'm
15 trying to accomplish. I may be going about it not too
16 good.

17 **THE COURT:** Well, I mean, when you're defending you
18 can't do anything other than to try to manipulate your
19 postures in your defense.

20 **MR. HILLIARD:** Yes, sir.

21 **MS. MAYES:** Your Honor --

22 **THE COURT:** Ms. Mayes is in charge of putting the
23 case up along with Mr. Bell and they'll put it up as they
24 see fit.

25 **MR. HILLIARD:** Absolutely.

1 **THE COURT:** You can --

2 **MS. MAYES:** Your Honor, we withdraw the photograph,
3 we're gonna streamline this witness, we're not offering
4 any video, we're ready to move forward.

5 **THE COURT:** Excellent.

6 **MR. HILLIARD:** Thank you, Judge.

7 **THE COURT:** All right. Bring me the jury.

8 (Whereupon, the jury returns to the courtroom at
9 11:05 AM.)

10 **THE COURT:** Ms. Mayes, continue on.

11 **MS. MAYES:** Yes, sir, Your Honor.

12 BY MS. MAYES:

13 Q. Now, Mr. Porter, your testimony is that you were
14 working that day, and we're talking about the Monday,
15 August 3, 2015, correct?

16 A. Correct.

17 Q. And at that point in time after you made arrangements
18 to get the key to David after work, was David alone or with
19 someone when you saw him?

20 A. He was alone.

21 Q. And did he retrieve anything from the home?

22 A. Clothes out of the dryer.

23 Q. All right. Did you know where he was going after he
24 left the residence?

25 A. I thought I did, yes, ma'am.

1 Q. Did you know who he was with?

2 A. I knew he was with two females.

3 Q. Did your son have any bruises or abrasions or injuries
4 to his body that night when he left your home?

5 A. Not to my knowledge.

6 Q. Did he appear to be in good health and physical
7 condition?

8 A. Yes, ma'am.

9 Q. Mr. Porter, you indicated that you're in the business
10 of surveillance cameras. Did your home have surveillance
11 cameras?

12 A. Yes, ma'am.

13 Q. However, at any point in time did you install
14 surveillance cameras specifically to spy on David or his
15 friends?

16 A. No.

17 Q. Was there ever a fan that had been installed in a
18 cooler or any type of similar device?

19 **MR. HILLIARD:** Objection.

20 **THE COURT:** Relevance?

21 **MR. HILLIARD:** Relevance, yes, sir.

22 **THE COURT:** Rephrase that question again.

23 **MS. MAYES:** Yes, sir, Your Honor.

24 **BY MS. MAYES:**

25 Q. Had you ever installed any type of surveillance camera

1 in a cooler or a fan or any type of similar device to spy
2 on David or his friends?

3 **THE COURT:** I'll allow it. That was a little
4 different question.

5 **MR. HILLIARD:** Yes, sir.

6 BY MS. MAYES:

7 Q. Your response to that, Mr. Porter?

8 A. No, ma'am.

9 Q. What happened after you gave -- or after you had the
10 key to the home, David came in and retrieved some clothes
11 and left as you indicated with two females? Did you see
12 him again?

13 A. No, ma'am.

14 Q. How did you become aware of the situation at Old
15 Orangeburg Road?

16 A. A phone call.

17 Q. From who?

18 A. A deputy.

19 Q. Were you aware, Mr. Porter, that your son had a drug
20 debt or owed a drug dealer money?

21 **MR. HILLIARD:** Objection.

22 **MS. MAYES:** Was he aware, Your Honor.

23 **THE COURT:** Okay. The question was, was he aware.

24 **MR. HILLIARD:** It calls for hearsay.

25 **MS. MAYES:** Whether or not he had personal knowledge.

1 **THE COURT:** I think he can answer that question, so
2 I'll sustain -- I'm gonna overrule your objection. He can
3 answer that.

4 **THE WITNESS:** I had no knowledge.

5 **MR. HILLIARD:** Thank you.

6 **MS. MAYES:** I beg the Court's indulgence.

7 BY MS. MAYES:

8 Q. Now you had indicated that David didn't have any
9 obvious signs of injury, abrasions, bruises when he left
10 your residence that night?

11 A. Correct.

12 Q. But what, if any, physical changes had you observed
13 in David during this meth or ice addiction?

14 A. A very large weight loss since about January.

15 **MS. MAYES:** Nothing further for Mr. Porter at this
16 time, Your Honor.

17 **MR. HILLIARD:** Give me just a second, Judge.

18 **THE COURT:** Fair enough. Take your time.

19 (Pause in proceedings.)

20 **MR. HILLIARD:** I don't have any questions of
21 Mr. Porter.

22 **THE COURT:** All right. You may step down.

23 (Witness excused.)

24 **MR. BELL:** The State calls Riley Furman to the stand.

25 (Whereupon, Riley Furman was duly sworn by the Clerk

1 of Court.)

2 **THE CLERK:** Have a seat, sir. Once you're seated
3 state your full name, spelling your last, please.

4 **THE WITNESS:** Riley Furman, F-U-R-M-A-N.

5 RILEY FURMAN,

6 having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. BELL:

9 Q. May I call you Riley?

10 A. Yes, sir.

11 Q. Riley, how old are you?

12 A. Twenty-four.

13 Q. And where do you live?

14 A. Chapin.

15 Q. What kind of work do you do?

16 A. Restaurant.

17 Q. What restaurant?

18 A. Farm Boys.

19 Q. How long have you been there now?

20 A. About a year and a half.

21 Q. And back in August 2015, where were you living?

22 A. The same place.

23 Q. Did you know James David Porter, the Third?

24 A. Yes, sir.

25 Q. What did you call him?

1 A. David.

2 Q. And how long had you known him?

3 **MR. HILLIARD:** I didn't hear that. I'm sorry. You
4 called him what?

5 **THE WITNESS:** David.

6 **MR. HILLIARD:** David? Thank you.

7 BY MR. BELL:

8 Q. And how long had you known David?

9 A. About two years.

10 Q. And how would you qualify your relationship with
11 David?

12 A. Friends.

13 Q. Where did y'all originally meet?

14 A. Work.

15 Q. And where was that at the time?

16 A. Zorba's.

17 Q. Did y'all hang out?

18 A. Yes, sir.

19 Q. Did you do stuff together?

20 A. Yes, sir.

21 Q. Riley, have you used drugs before?

22 A. Yes, sir.

23 Q. What kind of drugs?

24 A. Marijuana, coke, ice.

25 Q. When did you start using?

1 A. Whenever I was in high school.

2 Q. Are you clearheaded today?

3 A. Yes, sir.

4 Q. Are you currently using?

5 A. No, sir.

6 Q. How long have you been clean?

7 A. Over a year now.

8 Q. Now did you say one of the things that you used is
9 ice?

10 A. Yes, sir.

11 Q. And is there a difference between ice and meth as far
12 as you know?

13 A. Yes, sir.

14 Q. What's that difference?

15 **MR. HILLIARD:** Objection.

16 **THE COURT:** If he knows.

17 **MR. HILLIARD:** What's the relevance, the difference
18 between ice and meth?

19 **THE COURT:** I'm gonna allow it.

20 **MR. HILLIARD:** Yes, sir.

21 BY MR. BELL:

22 Q. As far as you know, what's the difference?

23 A. The way it's made.

24 Q. Does it appear differently when you look at it?

25 A. Yes, sir.

1 Q. And how does ice look versus meth?

2 A. Ice is clear and meth is a white consistency.

3 Q. In your time using drugs, did you prefer meth or ice?

4 A. Ice.

5 Q. Do you know if David ever did drugs?

6 A. Yes, sir.

7 Q. Did you ever do drugs with him?

8 A. Yes, sir.

9 Q. And what kind of drugs did you do with him?

10 A. Pot and ice.

11 Q. What kind of drug did David prefer as far as you know?

12 A. Ice.

13 Q. Did David commonly use ice around you?

14 A. Whenever we were using it, yes, sir.

15 Q. Any idea if David was addicted?

16 A. I believe so.

17 Q. Did anything change about him during the time that
18 y'all were using ice together?

19 A. Yes, sir.

20 Q. What changed?

21 A. His weight.

22 Q. Did he gain weight?

23 A. No, sir.

24 Q. So he lost weight?

25 A. Yes, sir.

1 Q. A little bit or a lot?

2 A. A lot.

3 Q. Did it appear to be he lost a healthy amount of
4 weight or an unhealthy amount of weight?

5 A. Very unhealthy.

6 Q. Do you know much about David's family?

7 A. Not too much, but a little bit.

8 Q. Do you know about his relationship with his father?

9 A. Yes, sir.

10 Q. And are you aware of whether or not his father tried
11 to help David with his addiction?

12 **MR. HILLIARD:** Objection.

13 **THE COURT:** Basis?

14 **MR. HILLIARD:** Relevance. Whether this witness knows
15 about the addiction and some struggle with trying to get
16 better connected to his father, I -- that's my objection.
17 Relevance.

18 **THE COURT:** I'll sustain it. Move it on.

19 BY MR. BELL:

20 Q. How was David's relationship with his father?

21 A. From what I knew very good.

22 Q. Now do you have personal knowledge about David being
23 detained by law enforcement?

24 A. Yes, sir.

25 Q. And do you have personal knowledge that he was

1 approached to be a CI?

2 **MR. HILLIARD:** Objection. That's got to call for
3 hearsay.

4 **MR. BELL:** Your Honor, I'll rephrase the question.

5 **THE COURT:** All right. Try to rephrase it and, if
6 not, we'll put it on the record. So let's rephrase it.

7 BY MR. BELL:

8 Q. Riley, do you have any knowledge as to whether David
9 was working as a CI or a confidential informant?

10 A. No, sir.

11 Q. Did you ever see him with law enforcement?

12 A. No, sir.

13 Q. Ever hear him talking to law enforcement?

14 A. No, sir.

15 Q. Have you ever been out and heard with your own ears
16 anything about David being a CI?

17 **MR. HILLIARD:** Objection.

18 **THE COURT:** Wait a minute. I've got a matter I
19 need to put on the record, so y'all step in the jury room
20 and I'll get you right back in here. You can't begin
21 discussing the case.

22 (Whereupon, the jury retires to the jury room at
23 11:18 AM.)

24 **THE COURT:** All right. As I understand, the question
25 was: Have you ever heard any talk on the street as to him

1 being a confidential informant or something to that effect.
2 Is that the question?

3 **MR. BELL:** That's correct, Judge.

4 **THE COURT:** And your objection?

5 **MR. HILLIARD:** Well, the question was have you ever
6 been anywhere and heard with your own ears whether David
7 was an informant, that was the question, which has got to
8 call for hearsay. I mean, you know, is there a rumor he's
9 an informant, why do you think he's an informant, why do
10 you not think he's an informant, all of that stuff is
11 hearsay, Your Honor.

12 **MR. BELL:** Your Honor, the foundation is being laid
13 to establish state of mind, which is a hearsay exception.
14 We're trying to establish and we will try to elicit
15 testimony that David's personality changed because he was
16 concerned about rumors that he was a CI, and we feel that
17 would fall under 803.3.

18 **THE COURT:** All right. Let's proffer your question.
19 Let's hear it.

20 EXAMINATION (In-Camera)

21 BY MR. BELL:

22 Q. Had you ever heard -- Riley, had you ever heard
23 anything related to David being a CI?

24 A. I had heard somebody say something about it.

25 Q. And did David seem concerned about any of that that

1 you had heard?

2 A. Yes, sir.

3 Q. And did that concern seem to increase near the date
4 of August 3, 2015?

5 A. Yes, sir.

6 Q. And you were with David on that day?

7 A. Yes, sir.

8 Q. And he was acting more concerned or out of sorts than
9 normal?

10 A. Yes, sir.

11 **MR. BELL:** Your Honor, that's essentially the line of
12 questioning.

13 **THE COURT:** And?

14 **MR. HILLIARD:** My objection is that all he has said
15 is that -- it's got to be hearsay. He said he heard
16 something about David being an informant and that his
17 personality changed after the witness had heard that.

18 **MR. BELL:** Your Honor, if the him hearing it part is
19 the issue, this certainly falls under the sort of word on
20 the street case law. It's not offered for the truth of
21 the matter asserted. It's simply a rumor. We're not
22 trying to establish anything concrete. We're just trying
23 to get to the state of mind exception.

24 **THE COURT:** Isn't a rumor more or less proof that it
25 was said, not that it was true?

1 **MR. HILLIARD:** Yes, sir. But whose state of mind are
2 we getting at?

3 **THE COURT:** The victim's, I believe.

4 **MR. BELL:** Yes, Your Honor.

5 **MR. HILLIARD:** But that's not a hearsay exception.
6 The hearsay exception -- the state of mind hearsay
7 exception has to do with the speaker, right?

8 **MR. BELL:** Your Honor, that's what we're getting at
9 is this word on the street that Riley would have personal
10 knowledge of. He can then talk about what David's
11 emotional reaction to that word on the street is. That
12 is state of mind. We'd argue that the victim's emotional
13 response would be essentially an asserted statement and
14 that it would follow under the exception to hearsay by
15 803.3.

16 **THE COURT:** All right. If he characterizes the
17 question in asking this witness how David appeared to act,
18 how is that hearsay?

19 **MR. HILLIARD:** It's not.

20 **THE COURT:** Okay.

21 **MR. HILLIARD:** But it's not relevant either because
22 it's not connected to anything else.

23 **MR. BELL:** Your Honor, it establishes the fear in the
24 hours leading up to the time where he went to go meet Chuck
25 Morehouse.

1 **MR. HILLIARD:** I'll withdraw it.

2 **THE COURT:** Okay. I think he can ask that question,
3 how he appeared to act. It's a fair question and it's not
4 hearsay.

5 **MR. BELL:** Yes, Your Honor.

6 **THE COURT:** All right. I don't think it's a fair
7 question if you ask what David knew or what David heard.

8 **MR. BELL:** Yes, Your Honor.

9 **THE COURT:** I don't believe that's fair.

10 **MR. BELL:** I'll straighten it out, Your Honor.

11 **THE COURT:** Okay. All right. Ms. Mitchell, bring in
12 the jury, please.

13 I guess, for the record, to the extent that I've
14 ruled, I sustain your objection.

15 **MR. HILLIARD:** Thank you, Judge.

16 (Whereupon, the jury returns to the jury room at
17 11:24 AM.)

18 **THE COURT:** All right, Mr. Bell.

19 **MR. BELL:** Thank you, Judge.

20 CONTINUED DIRECT EXAMINATION

21 BY MR. BELL:

22 Q. Riley, do you have any personal knowledge about rumors
23 related to David being an informant?

24 A. I'd heard them, yes.

25 Q. And did David appear concerned about those rumors?

1 A. Yes, sir.

2 Q. Did that concern appear to grow the closer to
3 August , 2015, it got?

4 A. Yes, sir.

5 Q. I want to talk to you specifically about that day,
6 August , 2015. What was special about that day?

7 A. It was the day after his birthday.

8 Q. And did you see David that day?

9 A. Yes, sir.

10 Q. What were y'all intending to do together?

11 A. Hang out.

12 Q. And was that in celebration of anything?

13 A. Yes, sir.

14 Q. What?

15 A. His birthday.

16 Q. Do you know how old he was turning or how old he
17 turned?

18 A. Twenty-two.

19 Q. Where did you first see David that day?

20 A. At my house.

21 Q. And did he drive over to you?

22 A. Yes, sir.

23 Q. Did he have anybody with him when he first got there?

24 A. Yes, sir.

25 Q. Who was with him?

- 1 A. Alicia and Molli.
- 2 Q. And did you know those ladies?
- 3 A. No, sir.
- 4 Q. Did you hang out with them with David?
- 5 A. Yes, sir.
- 6 Q. What did all of y'all do at your house?
- 7 A. Just hung out and smoked a little bit of ice.
- 8 Q. Who had the ice on them?
- 9 A. David.
- 10 Q. And was that shared between everybody?
- 11 A. Yes, sir.
- 12 Q. How long did y'all stay at your house before leaving?
- 13 A. About an hour.
- 14 Q. And in that time, did you give anything to David?
- 15 A. I gave him a pair of brass knuckles.
- 16 Q. And why did you give him a pair of brass knuckles?
- 17 A. He said that he might need them for --
- 18 Q. Without saying what anybody else said, was he acting
- 19 nervous?
- 20 A. Yes, sir.
- 21 Q. As a result of that, did you give him those brass
- 22 knuckles?
- 23 A. Yes, sir.
- 24 Q. Did you go with them when they left your house?
- 25 A. No, sir.

1 Q. Did he leave with the same two girls?

2 A. Yes, sir.

3 Q. Did you eventually meet back up with David?

4 A. Yes, sir.

5 Q. And were those same individuals present?

6 A. Yes, sir.

7 Q. Where did you meet them?

8 A. In between mine and his house at the church.

9 Q. Why did you meet at the church?

10 A. Getting a game plan for where we -- of what we were
11 doing.

12 Q. And what did you end up doing?

13 A. Meeting him back up at the Peak exit Food Lion and
14 then getting back in his car.

15 Q. You got in his car?

16 A. Yes, sir.

17 Q. And can you tell us where everybody was situated in
18 the car?

19 A. David and Alicia were in the front, David driving, and
20 me and Molli were in the back.

21 Q. And this was in whose vehicle?

22 A. David's.

23 Q. Do you remember what color that vehicle was?

24 A. It was white.

25 Q. Do you happen to remember the make or model of it?

1 A. Yes, sir.

2 Q. What was it?

3 A. A Ford Taurus.

4 Q. Where did y'all go after all getting into the same
5 vehicle?

6 A. Went to the hotel off of the airport exit.

7 Q. And do you remember roughly what time of day y'all
8 went to the hotel?

9 A. Somewhere around like 10:45, 11.

10 Q. In the evening?

11 A. Yes, sir.

12 Q. Did everybody go into the hotel room?

13 A. Yes, sir.

14 Q. Did David stay the rest of the night?

15 A. No, sir.

16 Q. How long after getting to the hotel did he leave?

17 A. About fifteen minutes.

18 Q. And in that fifteen minutes that y'all were in the
19 hotel with everybody, how was David acting?

20 A. Very nervous.

21 Q. Had you seen David on his phone?

22 A. A little bit.

23 Q. And was he acting -- what was the word you used to
24 describe him?

25 A. Very nervous.

1 Q. Was he acting nervous before or after you saw him on
2 the phone?

3 A. Pretty much after.

4 Q. Did he leave by himself or with the rest of those
5 girls?

6 A. By himself.

7 Q. And did you try calling David later?

8 A. Yes, sir.

9 Q. Were you successful?

10 A. No, sir.

11 Q. Did you ever see David again?

12 A. No, sir.

13 Q. Did you ever find out what happened to David?

14 A. Yes, sir.

15 Q. How did you find that out?

16 A. Through the detectives that knocked on the door.

17 Q. And when did they knock on the door?

18 A. I can't say exactly what time, but in between two and
19 three in the morning, I believe.

20 Q. Would that be on August the 4th?

21 A. Yes, sir.

22 Q. And did they indicate that David had passed?

23 A. After -- yes, sir.

24 Q. Riley, how did you feel about that?

25 **MR. HILLIARD:** Objection.

1 **THE COURT:** Relevance?

2 **MR. HILLIARD:** Yes, sir.

3 **THE COURT:** I sustain that.

4 **MR. BELL:** I'll withdraw that, Your Honor.

5 **THE COURT:** Okay.

6 BY MR. BELL:

7 Q. Aside from generally acting nervous that you observed
8 of David, could you see any other physical signs of
9 distress that were out of the normal when you'd hang out
10 with David?

11 A. On that day?

12 Q. Yes.

13 A. He was sweating a lot more.

14 Q. Have you ever heard of someone named Charles
15 Morehouse?

16 A. One time.

17 Q. Had you seen Charles Morehouse before?

18 A. One time.

19 Q. Do you know an individual named Austin Lynch?

20 A. Yes, sir.

21 Q. And do you know if David was friends with Austin?

22 A. Yes, sir.

23 Q. Do you know if Austin was friends was Charles
24 Morehouse?

25 **MR. HILLIARD:** Objection.

1 **THE COURT:** I'll sustain that.

2 **MR. HILLIARD:** Thank you.

3 BY MR. BELL:

4 Q. Had you ever seen Austin and Charles Morehouse
5 together?

6 A. One time.

7 **MR. BELL:** Please answer any questions.

8 **MR. HILLIARD:** Excuse me just one second, Your Honor.
9 (Pause in proceedings.)

10 CROSS-EXAMINATION

11 BY MR. HILLIARD:

12 Q. You testified before; is that right?

13 A. Yes, sir.

14 Q. And at that time you had a ponytail and you weren't
15 quite so clean-cut looking?

16 A. Yes, sir.

17 Q. You've gotten clean and sober at this point; is that
18 right?

19 A. I've been clean and sober.

20 Q. Sir?

21 A. I've been clean and sober.

22 Q. For a year?

23 A. Yes, sir.

24 **MR. HILLIARD:** And subject to my other objections,
25 Judge.

1 BY MR. HILLIARD:

2 Q. And what do you do to maintain your sobriety?

3 A. Work, keep your mind off of it.

4 Q. So you don't go to any program?

5 A. It works for different people.

6 Q. You don't go to any kind of aftercare or anything like
7 that?

8 A. No, sir.

9 Q. You just put the ice down and don't use it anymore?

10 A. I mean, that was a tragic event.

11 Q. Sir?

12 A. That was a tragic event.

13 Q. It was a tragic event?

14 A. Yeah.

15 Q. Have you ever heard the phrase that if the drugs don't
16 get you, the lifestyle will?

17 A. (Shakes head.)

18 Q. No? All right. Are you an informant?

19 A. No, sir.

20 Q. Tell me how many informants you know.

21 A. How would I know them?

22 Q. Well -- okay. Was David an informant?

23 A. I have no idea.

24 Q. Right. Did you know him as Rico?

25 A. No, I knew him as David, as --

1 Q. So if I walked in here and said well, what was Rico
2 doing that night, you wouldn't even know who I was talking
3 about?

4 A. I'd know who you were talking about, but I didn't call
5 him Rico.

6 Q. Okay. You didn't call him Rico, but you knew that
7 Rico was the name that he used?

8 A. That people called him.

9 Q. Other people called him Rico, but you didn't?

10 A. No, sir.

11 **MR. BELL:** Objection. Asked and answered.

12 **THE COURT:** I'll sustain that. You can rephrase it.

13 BY MR. HILLIARD:

14 Q. So he was -- what time did y'all get up together?

15 A. Could you ask that again?

16 Q. Sure. What time did you and David get up together,
17 come into each other's company? When did you and the girls
18 and David all come together?

19 A. They showed up at my house at eight.

20 Q. 8:00 at?

21 A. In the night.

22 Q. And David brought some ice?

23 A. Yes, sir.

24 Q. And you and David and the girls smoked ice?

25 A. Yes, sir.

1 Q. And by 8:00 that night -- I mean, when -- let me ask
2 the question a different way. When David got there, you
3 could tell he'd already been smoking ice with those girls
4 earlier?

5 A. I mean, a little bit.

6 Q. Okay. Well, you could tell he had been smoking a
7 little bit of ice or you could tell a little bit? Help me
8 understand what that means.

9 A. Yes, I could tell.

10 Q. Okay. They were flying, in fact, right?

11 A. Everybody has different levels.

12 Q. Well, let's talk about these three people.

13 A. I don't -- I don't know their levels. I'd never met
14 the girls before.

15 Q. All right. Well, let's talk about David. You'd met
16 him before, right?

17 A. Yes, sir.

18 Q. And was he flying?

19 A. He was high.

20 Q. He was high. So high David shows up at your house
21 with Molli and Alicia and y'all smoked some more ice that
22 David brought?

23 A. Yes, sir.

24 Q. Did y'all smoke all the ice that you had?

25 A. No, sir.

1 Q. Pardon?

2 A. No, sir.

3 Q. He had some more ice?

4 A. Yes, sir.

5 Q. And you didn't want to smoke any more ice at your
6 house, so y'all decided to go get a hotel room?

7 A. No, we were going to hang out.

8 Q. Well, okay. And for those of us perhaps in the older
9 generation "hang out" with a couple of girls you just met
10 means smoke ice and fool around?

11 A. If you want to put it that way. I mean --

12 Q. Okay. Well, tell me more specifically then what hang
13 out means.

14 A. I wasn't looking to get with anybody that night.

15 Sorry. I don't understand your --

16 Q. All right. I'll rephrase the question. You guys
17 wanted to smoke some ice, right?

18 A. I was wanting to hang out with David. Yes, drugs
19 were involved, but I was wanting to hang out with David
20 because it was his birthday.

21 Q. Because it was his birthday?

22 A. Yes, sir.

23 Q. And y'all were gonna celebrate his birthday by smoking
24 ice?

25 A. We were gonna celebrate.

1 Q. Well, what did you do to celebrate besides get a hotel
2 with a couple of girls and smoke ice? Did you have a cake?

3 A. No, sir.

4 Q. Did you get some ice cream?

5 A. No, sir.

6 Q. Did you blow out a candle?

7 A. No, sir.

8 Q. Well, what did you do besides get a couple of girls
9 and go to a hotel and smoke ice? What did you do to
10 celebrate besides that?

11 A. I guess nothing.

12 Q. And when did you give him the brass knuckles?

13 A. At my house.

14 Q. At your house. And the phone call -- the phone call
15 that made him nervous happened at the hotel?

16 A. The final one, yes.

17 Q. And you say that he was nervous and that's why you
18 gave him the brass knuckles?

19 A. Beforehand.

20 Q. And then, again, he was nervous when he got the phone
21 call?

22 A. More so.

23 Q. Did you -- when you were at the hotel, there was only
24 one car; is that right?

25 A. Yes, sir.

1 Q. And so when David left, you guys were sort of stranded
2 at the hotel?

3 A. Yes, sir.

4 Q. Did you have any more ice at the hotel?

5 A. I believe that there was some left.

6 Q. Some left for y'all to smoke a little later as the
7 time went on; is that right?

8 A. Yes, sir.

9 Q. And you would agree with me that one of the effects
10 of smoking ice is that it makes you sweat, right?

11 A. It affects people differently.

12 Q. You would agree with me that smoking ice made David
13 sweat?

14 A. I can't say that.

15 Q. You can't say that?

16 A. No, sir.

17 Q. How many times did you and David smoke ice?

18 A. Multiple.

19 Q. Okay. And so you don't know whether smoking ice made
20 him sweat or not?

21 A. No, sir.

22 Q. As to nervousness and paranoia, you would agree with
23 me that smoking ice makes you nervous and paranoid?

24 A. As I said, it affects people differently.

25 Q. Okay. Well, would you agree with me that -- well,

1 you do know that smoking ice -- does smoking ice make you
2 paranoid?

3 A. It did.

4 Q. It did?

5 A. At some points.

6 Q. Right. And if you don't know the answer to this, and
7 give them a chance to object, but would you agree with me
8 that one of the things about smoking ice is it's a good
9 time -- or it's important to be certain that you're with
10 safe people before you smoke it, people that you trust?

11 A. I don't understand the question.

12 Q. Okay. I'll try to rephrase it. You will agree with
13 me that ice -- smoking ice makes you paranoid, right?

14 A. In different aspects, I guess.

15 **MR. HILLIARD:** Excuse me just one second, Judge.

16 **THE COURT:** Uh-huh.

17 BY MR. HILLIARD:

18 Q. Why did you have the brass-knuckles?

19 A. I'd had them for a long time.

20 Q. Just kind of kept them around just in case?

21 A. I didn't really use them. Just had them.

22 **MR. HILLIARD:** That's all I have. Thank you.

23 **MR. BELL:** Thank you, Judge.

24 REDIRECT EXAMINATION

25 BY MR. BELL:

1 Q. Riley, you've testified that back at that time we've
2 been talking about you were an addict?

3 A. Yes, sir.

4 Q. And as part of being an addict, part of that
5 lifestyle, does it include drugs and women?

6 A. Yes, sir, to an extent.

7 Q. And you said -- you've testified that you've been
8 clean for about a year now; is that right?

9 A. Yes, sir.

10 Q. Are you proud of the way that you were living your
11 life back then?

12 A. No, sir.

13 **MR. HILLIARD:** Objection.

14 **THE COURT:** He answered. He said no, so let's don't
15 keep going down that path.

16 BY MR. BELL:

17 Q. What was your answer, sir?

18 A. No, sir.

19 Q. And you said you were clean because it was a tragic
20 event?

21 A. (Nods head.)

22 Q. Any other reason that you decided to go down the life
23 of sobriety?

24 **MR. HILLIARD:** Objection again, Judge.

25 **MR. BELL:** Your Honor, this was brought up

1 specifically during cross, so this is still within the
2 scope of redirect.

3 **THE COURT:** I'm gonna allow it.

4 **MR. HILLIARD:** Thank you, Judge.

5 BY MR. BELL:

6 Q. Was this tragic event what started you down the path
7 of sobriety?

8 A. I was trying to get sober before that, but it played
9 a very big part in it.

10 Q. Now you testified that you'd smoked ice with David
11 before. Did he always sweat profusely when you were doing
12 ice with him?

13 A. No, sir.

14 Q. Was he sweating abnormally before he left the hotel
15 that night?

16 A. Yes, sir.

17 Q. Did that stand out to you?

18 A. Yes, sir.

19 **MR. BELL:** Thank you, Your Honor.

20 **THE COURT:** Okay.

21 **MR. HILLIARD:** Nothing else.

22 **THE COURT:** All right. You may step down.

23 **MR. HILLIARD:** No objection to this witness being
24 excused, Your Honor.

25 **THE COURT:** All right. You may step down.

1 (Witness excused.)

2 **MS. MAYES:** The State calls Molli Bush.

3 (Whereupon, Molli Anna Bush was duly sworn by the
4 Clerk of Court.)

5 **THE CLERK:** Have a seat right up there, please. Once
6 you're seated I need you to state your full name, spelling
7 your last, please.

8 **MR. HILLIARD:** May we approach the bench before that
9 starts, Judge?

10 **THE COURT:** Sure.

11 (Proceedings held at the bench; not reported.)

12 **THE COURT:** All right, Ms. Mayes.

13 **THE WITNESS:** My name? Do you want me to -- Molli
14 Anna Bush, B-U-S-H.

15 MOLLI ANNA BUSH,

16 having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MS. MAYES:

19 Q. All right. Ms. Bush, how old are you?

20 A. I'm twenty-three.

21 Q. All right. I'm gonna ask you whether or not you knew
22 the victim in this case, James David Porter, the Third?

23 A. I did.

24 Q. I want to ask you whether or not you knew another
25 witness in this case, actually a witness who just testified

1 previously, and his name is Riley Furman?

2 A. I did. I met him once, yes.

3 Q. Ms. Bush, I want to take you back to the weekend of
4 August 3, 2015. Are you familiar with that timeframe?

5 A. Yes.

6 Q. Did you see David that day?

7 A. Yes, ma'am.

8 Q. Did you see Riley that day?

9 A. Yes.

10 Q. And did you also see any other individuals that day?

11 A. Yes, ma'am. Austin Lynch and Alicia.

12 Q. Okay. Do you know the last name of Alicia?

13 A. No, ma'am.

14 Q. So what I'm gonna do is I'm gonna write down these
15 names so we can keep track of everyone. And you are Molli?

16 A. Yes.

17 Q. And you said you also saw -- you also saw David that
18 day?

19 A. Yes, ma'am.

20 Q. And we're talking about the date of August 3rd?

21 A. (Nods head.)

22 Q. You named Alicia?

23 A. Yes, ma'am.

24 Q. And then you also named someone by the name of Austin?

25 A. Yes.

1 Q. Now do you know --

2 A. And Riley.

3 Q. Okay. So I'm gonna ask you first before we get to
4 Riley, was a there a point in time that you and David,
5 Alicia and Austin were together without Riley?

6 A. Yes, ma'am.

7 Q. Okay. Was that earlier in the day or later in the
8 day?

9 A. It was the earlier part of the day.

10 Q. All right. So I want to start here with the four of
11 you. Where were you guys hanging out originally? You,
12 David, who's the victim in this case, Alicia and Austin.

13 A. We were at Rico's -- or David's house.

14 Q. All right. And did David have a nickname?

15 A. Rico.

16 Q. Okay. And you say at his house. I'm gonna show you
17 a photograph and ask you whether or not you recognize this.
18 This will be State's 18.

19 A. Yes, ma'am.

20 Q. Okay. And how do you recognize that?

21 A. It was a beautiful house and I remember the big
22 sliding glass door and the big pond.

23 Q. All right. And who's house was this?

24 A. I believe it was David's father's house, but --

25 Q. But that's where you guys were hanging out?

1 A. Yes, ma'am.

2 Q. Now were any adults there such as David's father?

3 A. No.

4 Q. Austin, does Austin have any nicknames that you're
5 familiar with?

6 A. No.

7 Q. Okay. That you know. That you know. You called him
8 Austin?

9 A. I called him Austin, yes.

10 Q. All right. So the four of you are at David's house.
11 Can you tell us whether or not the four you were using any
12 type of drugs that day?

13 A. We were.

14 Q. Okay. What is the type of drugs that you were using?

15 A. We were using ice, crystal meth.

16 Q. Okay. And ice, you say the word "ice", but you're
17 referring to crystal meth?

18 A. Crystal meth.

19 Q. Now what is the method that you -- the four of you
20 were using it? Is it -- did you have any kind of device to
21 use it?

22 A. A chalet, which is the street name, I guess.

23 Q. Okay. Does the chalet allow you to smoke it?

24 A. Yes, ma'am.

25 Q. Now at any point in time did one of these -- among the

1 four of you, did you notice any type of irrational behavior
2 from someone?

3 A. Yes, very much.

4 Q. Who was the person who became acting irrationally?

5 A. Austin.

6 Q. All right. What was it that you saw Austin doing?
7 Was Austin also using the ice?

8 A. Yes, we all were.

9 Q. What was it that you saw Austin doing when he became
10 irrational?

11 A. Austin had been taking apart a box of some sort, some
12 kind of something. He had been taking it apart all day.

13 Q. All right. And when you say taking it apart, I'm
14 gonna show you something and ask you whether or not you
15 recognize it. Do you mean actually deconstructing it?

16 A. Yes, ma'am, to the fullest. Every screw.

17 Q. I'm gonna show you these photographs and ask you
18 whether or not you recognize them?

19 A. I do recognize this. This is Rico's back seat.

20 Q. Okay.

21 A. This is the internal device that he had removed out
22 of the box thing.

23 Q. Okay. All right. And you're referring -- when you
24 say he removed, you're referring to who?

25 A. Austin.

1 Q. Okay. Now do you know whether or not -- did you see
2 that box or that object before he had deconstructed it?

3 A. Yes.

4 Q. Okay. Do you know whether or not it was a cooler or
5 a refrigerating device?

6 A. Yeah, it kind of looked like a cooler or some type of
7 microwave or --

8 **MR. HILLIARD:** I'm sorry. I didn't hear. A cooler or
9 what?

10 **THE WITNESS:** Some type of cooler or some type of
11 microwave. I didn't really know what it was.

12 BY MS. MAYES:

13 Q. It was an electronic device?

14 A. Yes.

15 Q. All right. Now once he deconstructed it, Molli, take
16 us through how Austin was behaving.

17 A. Once he got it all apart and he found, you know, the
18 green part, I guess the brain of the machine or the
19 electronic, he declared that there was a camera and would
20 not stop about that camera being there and --

21 Q. Okay. So Austin believed that there was a camera
22 inside this device?

23 A. Yes.

24 Q. And based -- you had a chance to look at the device
25 yourself?

1 A. Oh, yeah. He came and showed it to me.

2 Q. Okay. Was there, in fact, a camera in that device?

3 A. Absolutely not.

4 Q. Okay. There was no type of hidden surveillance in
5 that electronic equipment?

6 A. No.

7 Q. Based on that, were you or anyone else able to calm
8 Austin down?

9 A. No.

10 Q. Okay.

11 A. I tried, but, no, ma'am.

12 Q. And what decision was made about what you guys should
13 do regarding Austin?

14 A. Well, we were gonna leave him.

15 Q. What do you mean by that?

16 A. We were gonna leave him because we had -- or Rico had
17 locked him out of the house and he was, you know, banging
18 on the glass and beating on the glass, so we just decided,
19 you know, let's just -- let's just sneak out the back and
20 get in the car and we'll just leave.

21 Q. All right. Based on your observations, can you tell
22 us whether or not Austin appeared to be paranoid?

23 A. Oh, yeah.

24 Q. Okay. So the decision was made to take Austin to
25 another location?

1 A. No, we were gonna leave him there.

2 Q. Okay. What happened next?

3 A. We went out the back door and we all ran to the car
4 and he saw us and he pushed his way into the back seat
5 with me.

6 Q. All right. And at that point were the four of you
7 in the car together?

8 A. Yes.

9 Q. And the car that we're referring to, I'm gonna show
10 you a photograph and ask you whether or not you recognize
11 it?

12 A. Yes.

13 Q. Okay. And can you tell us whether or not that's a
14 fair and accurate representation of the vehicle you
15 remember?

16 A. Yes, ma'am.

17 Q. Is that the vehicle that the four of you left David's
18 house in?

19 A. Yes.

20 Q. And, again, you have identified these photographs,
21 but I'm gonna ask you if that is a fair and accurate
22 representation of how you recall the back of the vehicle
23 being when the four of you left together?

24 A. Yes.

25 Q. And where were you seated in that vehicle?

1 A. I was seated --

2 Q. Were you in the front or the back?

3 A. I was in the back.

4 Q. You were in the back. And who was in the back with
5 you when y'all left?

6 A. Excuse me? I'm sorry.

7 Q. Who was in the back of the vehicle with you when you
8 left?

9 A. Austin.

10 Q. Okay. So you and Austin was in the back?

11 A. Yes. I was behind the passenger and he was behind
12 Rico.

13 Q. Okay. So he was behind the driver and the driver of
14 the vehicle was who?

15 A. Rico. David.

16 Q. Okay.

17 **MS. MAYES:** Your Honor, State's Exhibit 6 is already
18 in evidence and we would offer the additional two as
19 evidence at this time.

20 **THE COURT REPORTER:** That will be 19 and 20.

21 **MR. HILLIARD:** We don't have any objection to 19 or
22 20, Judge.

23 **THE COURT:** 19 and 20 are admitted without objection.

24 (State's Exhibit Numbers 19 and 20, photographs, were
25 marked and admitted into evidence.)

1 BY MS. MAYES:

2 Q. All right. So looking here at State's Exhibit 6,
3 Ms. Bush, you've indicated that this is, in fact, the
4 vehicle that you left in?

5 A. Yes, ma'am. That's the one we were in all day.

6 Q. And who was driving?

7 A. David.

8 Q. Okay. It was his vehicle?

9 A. To my knowledge, yeah.

10 Q. And then you indicated that you and Austin were in the
11 back and I'm gonna show you what's State's Exhibit 19.

12 Okay. So looking here at the back, you indicated that on
13 this side of the back seat is -- who's sitting there?

14 A. Me.

15 Q. All right. And over here on this side?

16 A. Austin.

17 Q. And what is this item here?

18 A. That's what he got out of the electronic thing and
19 thought that's what the camera was on.

20 Q. All right. So after the box was deconstructed, this
21 was the component you mentioned, the interior component
22 where Austin believed there was a fan?

23 A. (Nods head.)

24 Q. This is gonna be State's Exhibit 20. Who was seated
25 here directly behind this pouch and directly behind the

1 driver?

2 A. Austin.

3 Q. And, again, this is the device that you identified
4 previously?

5 A. Yes, ma'am.

6 Q. As what Austin believed was a fan -- was a camera
7 inside of the device?

8 A. Yes.

9 Q. All right. Once the four of you leave, where do you
10 take Austin?

11 A. Well, since he had put his self in the vehicle, we
12 just agreed, you know, Rico would just take him and drop
13 him off at his grandma's or a family member's house so we
14 could continue on with our -- with his birthday peacefully.

15 Q. All right. So Austin was taken to what location? I
16 don't mean necessarily the address, but he was taken to a
17 relative's?

18 A. Yes.

19 Q. Okay. And was that the house that Austin lived in?

20 A. I'm not sure.

21 Q. What did you understand the relationship to be between
22 the person --

23 A. I believe it was his grandmother's house.

24 Q. All right. So he was taken to his grandmother's
25 house. Did you see Austin again after that?

1 A. No.

2 Q. And at the point that Austin was dropped off at his
3 grandmother's house, was he -- did he ever improve? Did
4 his behavior improve?

5 A. No, because we kind of tricked him. He got out and we
6 just, you know, backed up and left, then he -- his phone
7 and stuff was still in there, so he came charging at the
8 car and he was still erratic.

9 Q. Okay. Did you make arrangements to return his phone
10 to him later?

11 A. I did.

12 Q. Now after Austin is dropped off, where did the three
13 of you go, you, Alicia and David?

14 A. We all decided to go to a hotel to celebrate and party
15 for his birthday.

16 Q. All right.

17 A. And we went to the -- the Sleep -- it's on 302.

18 Q. Okay. Is it near the airport?

19 A. Yes, on 302.

20 Q. Okay. Was anyone with you at this time that had not
21 been with you previously with Austin?

22 A. Can you repeat the question?

23 Q. Was anyone additional with you? Did you meet up with
24 anyone else, you, David and Alicia?

25 A. Oh, yes. I'm sorry. Yes, we went back -- before we

1 went to the hotel we went back to where Rico is from, Elgin
2 or something maybe. I'm not sure the name of the town.

3 Q. Okay. And who did you meet up with?

4 A. We went to Riley's house.

5 Q. Okay. That would be Riley Furman who we have heard
6 from previously in this case. At this point is Riley with
7 you?

8 A. Yes, we're all at his house.

9 Q. Now, Molli, were you and David and Alicia continuing
10 to use ice while you were at Riley's house?

11 A. A tiny bit.

12 Q. Okay. And at some point in time the four of you went
13 you previously indicated to a hotel?

14 A. Yes.

15 Q. Okay. Who actually, if you know, went inside and
16 rented the room? Was it you or someone else?

17 A. It wasn't me.

18 Q. Okay. At this point that the hotel room is rented,
19 is it light or dark outside?

20 A. It's dark.

21 Q. Was there a point in time that all four of you were
22 in that motel room together? That would be you Riley,
23 David and Alicia.

24 A. Yes. We all --

25 Q. Molli --

1 A. We all arrived together.

2 Q. Y'all arrived together?

3 A. Yeah, and went into the room.

4 Q. And in which vehicle?

5 A. Yeah, and then we went into -- got into the hotel
6 room.

7 Q. All right. Y'all arrived together in one vehicle.
8 Is it the same vehicle that we're looking at on that
9 exhibit?

10 A. Yes, ma'am.

11 Q. Molli, once the four of you got into the room, was
12 there a point in time that David left?

13 A. Yes.

14 Q. Was there a discussion -- I'm not asking what was
15 said, but was there a discussion about the fact that he
16 would be leaving the three of you there?

17 A. Yes.

18 Q. What can you tell us about David's physical demeanor,
19 his appearance, when you saw him leaving?

20 A. As soon as we got to the hotel room, he had mentioned
21 that he was gonna have to leave.

22 **MR. HILLIARD:** Objection.

23 **THE COURT:** You can't testify to what somebody else
24 said. You can answer the question without saying that.
25 Rephrase it, please. I sustain the objection as to the

1 hearsay portion of it.

2 **MR. HILLIARD:** Thank you, Your Honor.

3 BY MS. MAYES:

4 Q. And, Ms. Bush, so you won't be able to say what David
5 said to you, but what did you see about him physically?

6 A. Sorry. I saw that he was pacing back and forth and he
7 looked nervous and kind of un -- undetermined, undecided.

8 Q. And was that usual or unusual based on what you had
9 seen earlier in the day?

10 A. Unusual. Completely different from -- from how he was
11 acting.

12 Q. And did you have a chance to see him in the final
13 moments before he left -- he left out of the bathroom?

14 A. I did. I was sitting on the toilet.

15 Q. And just to clarify, were you clothed or unclothed?

16 A. My clothes were on. I was sitting on the toilet and I
17 had the door open and he was standing not in the bathroom
18 doorway, but standing right here and I looked up at him and
19 just his shoulders went like this, he went pale. It was
20 like an out of body -- it was like -- it's like his -- it
21 was like an out of body -- like he just -- like he left his
22 body. It was -- and then I asked, you know, what was
23 wrong.

24 Q. Okay. And after you observed that change, did he
25 leave?

1 A. He did.

2 Q. How much time would you estimate went by before there
3 was a knock on the door?

4 A. Can I say something? Well, he said he'd be gone about
5 forty-five minutes.

6 **MR. HILLIARD:** Objection.

7 **MS. MAYES:** All right. You can't say what he said.

8 **THE COURT:** Sustained as to hearsay for the record.

9 BY MS. MAYES:

10 Q. How long were you expecting him to be gone?

11 **MR. HILLIARD:** Objection. That's the same -- it's
12 based on hearsay.

13 **MS. MAYES:** I can clarify that, Your Honor.

14 **THE COURT:** All right. I'll let her clarify it.

15 **MR. HILLIARD:** Thank you.

16 BY MS. MAYES:

17 Q. Did you become worried at some point about the amount
18 of time that David was gone?

19 A. Yes, about an hour after he was gone --

20 **MR. HILLIARD:** Objection as to -- not responsive.

21 She's going into why she became worried, which I think is
22 gonna be the hearsay again. She's answered the question.

23 **MS. MAYES:** Your Honor, that's not a -- that's not a
24 valid objection. He's not even stating objections based
25 on the witness --

1 **THE COURT:** I agree. She asked a different question,
2 so I'll allow her to answer the question. You'll get the
3 opportunity to cross-examine her.

4 **MR. HILLIARD:** Yes, sir. Thank you, Judge.

5 **THE COURT:** All right.

6 **THE WITNESS:** So about an hour went by and --

7 BY MS. MAYES:

8 Q. Did you become concerned?

9 A. I did. Alicia was really, really getting concerned.

10 Q. Did you attempt to contact David on his cell phone?

11 A. Yes.

12 Q. Were you able to get an answer on his cell phone?

13 A. It went straight to voicemail.

14 Q. So after this amount of time went by, ultimately was
15 there a knock on the door?

16 A. Yes, ma'am. And I just want to state when it went
17 straight to voicemail I --

18 **MR. HILLIARD:** Objection.

19 A. -- I got a very bad feeling.

20 **THE COURT:** All right. Wait a minute.

21 **THE WITNESS:** Sorry.

22 **MR. HILLIARD:** She's not responding to the question,
23 Judge.

24 **THE COURT:** I agree. I'll sustain that. You can ask
25 her another question, Ms. Mayes.

25 BY MR. HILLIARD:

1 Q. How did -- how did you and Rico -- or let me ask a
2 different question. How long had you known Rico on this
3 day?

4 A. I had known him all day long.

5 Q. Okay. I asked a bad question. I'm sorry. When was
6 the last time you got high?

7 A. When was the last time I got high?

8 Q. Yes, ma'am.

9 A. I've been clean for going on five months.

10 Q. Five months?

11 A. Yes, sir.

12 Q. And your drug of choice was?

13 A. Pain pills.

14 Q. Pain pills?

15 A. Yes, sir.

16 Q. Percocet?

17 A. No, stronger medicines.

18 Q. Oxys?

19 A. Dilaudid.

20 Q. Dilaudid?

21 A. Uh-huh.

22 Q. Were you doing Dilaudid on the day that you've been
23 describing for the prosecutor?

24 A. I'm uncertain.

25 Q. You can't remember whether you were doing any Dilaudid

1 or not?

2 A. I don't recall.

3 Q. Okay. And -- so you quit doing Dilaudid five months
4 ago?

5 A. Uh-huh.

6 Q. Did -- how did you -- how did you get off of it?

7 A. I'm on Suboxone.

8 Q. Regulated by a doctor?

9 A. Yes, sir.

10 Q. So you're taking Suboxone now?

11 A. Yes, sir.

12 Q. Does that impact your ability to remember and think
13 about what happened back in those days?

14 A. Oh, no, I remember clearly everything that happened.

15 Q. You remember clearly everything that happened?

16 A. Maybe not everything, but I remember.

17 Q. Okay. And then -- but you can't remember whether you
18 were doing Dilaudid on that day or not, right?

19 A. It might not have been Dilaudid specifically.

20 Q. Well --

21 A. If I had to guess, I probably had a pain pill that
22 day.

23 Q. You were a drug addict -- or you're still a drug
24 addict, but you're clean right now, right?

25 A. Now I'm a recovering addict.

1 Q. Okay. Recovering addict. Back in those days you were
2 an active drug addict?

3 A. Yes.

4 Q. And Dilaudid or pain pills, whatever kind of pain
5 pills, operate differently than ice, correct?

6 A. Yes.

7 Q. Ice does not cause you to be able to -- well, if you
8 don't take your -- if you don't take the pain pills, you
9 start to detoxify from the pain pills; is that right?

10 A. Yes, sir.

11 Q. And that's a terrible experience?

12 A. Yes, sir.

13 Q. And ice does not cure detoxification from pain pills,
14 right?

15 A. No.

16 Q. So you've got to be taking pain pills or you'd have
17 been in terrible shape on this day, true?

18 A. True.

19 Q. So we can pretty much guarantee that you were taking
20 some kind of pain pills on the day that you're talking
21 about?

22 A. Yes, but that wasn't the main thing I was doing. I
23 was mainly doing ice.

24 Q. Right. You took enough pain pills to kind of get over
25 the jumps and then you were smoking the ice?

1 A. Yes.

2 Q. And that was in celebration of Rico's birthday, right?

3 A. Well, we were celebrating his birthday, yes.

4 Q. All right. And how long had you known Rico? How many
5 days or --

6 A. I had only met him twice.

7 Q. You'd met him twice?

8 A. Yes.

9 Q. And when was the first time you met him?

10 A. I don't recall.

11 Q. All right.

12 A. It was a couple of months before his birthday night.

13 Q. And how did y'all determine that you were gonna hang
14 out on the birthday night? How did you get up with each
15 other?

16 A. Austin actually was -- I knew Austin and Austin -- I
17 went to hang out with Austin and then Rico and everyone
18 else was there.

19 Q. Okay. So -- so you went to hang out with Austin and
20 Austin went crazy and y'all ditched him?

21 A. Uh-huh.

22 Q. So how about the other girl? What was her name,
23 Alicia?

24 A. Alicia.

25 Q. And how long had you known Alicia?

1 A. That was the first day I'd met her.

2 Q. Okay. So -- and Riley?

3 A. That was the first time I met him either -- too.

4 Q. And when y'all were hanging around together, all of
5 you were calling Rico "Rico", right?

6 A. I called him David.

7 Q. You called him David?

8 A. I called him David.

9 Q. When the prosecutor was asking you the questions, you
10 called him Rico.

11 A. I probably called him both.

12 Q. How about Riley? Did Riley call him both?

13 A. No, Riley called him David.

14 Q. Riley didn't call him Rico?

15 A. Not to my knowledge.

16 Q. Do you remember?

17 **THE COURT:** She's answered that question twice.

18 **MR. HILLIARD:** Yes, sir..

19 **THE WITNESS:** Thank you.

20 BY MR. HILLIARD:

21 Q. How about -- how about Austin? What did Austin call
22 him?

23 A. I mean, I honestly cannot recall.

24 Q. Fair enough. And the -- tell me about the out of body
25 experience again.

1 A. Um, I was sitting down on the toilet --

2 Q. Okay.

3 A. -- and Rico was -- his back was towards me and he just
4 went like -- can I stand up?

5 Q. Sure.

6 A. Okay.

7 **MR. HILLIARD:** Well, Judge, is that all right?

8 **THE COURT:** Sure.

9 BY MR. HILLIARD:

10 Q. Okay.

11 A. His whole body -- I just happened to be looking at
12 him and he was just standing there and he went like this
13 (demonstrating). Like it was -- and he didn't do it, it
14 was like his body physically just went like that, and then
15 he went pale white and that's when I asked him, I said
16 Rico, are you all right?

17 **MR. HILLIARD:** Objection to anything that he said.
18 She's answered my question.

19 **THE COURT:** Her answer was she asked him -- asked him
20 something. She didn't say the response.

21 **MR. HILLIARD:** Yes, sir.

22 **THE COURT:** Okay.

23 **MR. HILLIARD:** Yes, sir.

24 **THE COURT:** Okay.

25 BY MR. HILLIARD:

1 Q. You're pretty strong in -- well, let me ask the
2 question. Do you know what the phrase twak -- twak-beck
3 means -- twak-back?

4 A. Twak-back?

5 Q. Yes.

6 A. That would mean someone's using a lot of ice, I guess.

7 Q. And when they use a lot of ice, what that means -- if
8 they've used a lot of ice for a particular period of time,
9 twak-back means that they're extra paranoid, right?

10 A. Not in my opinion.

11 Q. Okay. What does it mean in your opinion?

12 A. In my opinion, I mean, if -- well, I mean, if you're
13 doing ice you're twak'd out because you're doing ice.

14 Q. And ice makes you paranoid?

15 A. It -- depending on how many days you've been up.

16 Q. And you and -- you and Rico had been doing ice that
17 day for how long?

18 A. Throughout the whole day, but, I mean, we didn't do a
19 lot.

20 Q. You didn't do a lot?

21 A. (Shakes head.)

22 Q. Let me ask a different question. Do you remember what
23 time you started smoking ice?

24 A. No, I don't recall what time. It was throughout the
25 whole day.

1 Q. All right. You were smoking ice at Rico's daddy's
2 house, right?

3 A. Uh-huh.

4 Q. And then you were smoking ice at Riley's house, right?

5 A. Yes.

6 Q. And then you were smoking ice at the hotel?

7 A. Yes.

8 **MR. HILLIARD:** That's all I have. Thank you, ma'am.

9 **THE COURT:** Ms. Mayes.

10 **MS. MAYES:** Yes, sir, Your Honor.

11 REDIRECT EXAMINATION

12 BY MS. MAYES:

13 Q. The drug that you mentioned you were currently
14 prescribed, Suboxone --

15 A. Yes, ma'am.

16 Q. -- can you tell us what that drug does for recovering
17 addicts?

18 A. It is for opiate use -- or recovering opiate addicts.

19 Q. And it's prescribed to treat addiction?

20 A. Yes. It has an opiate blocker in it and I believe it
21 has opiate -- an opiate blocker, so it -- basically if you
22 take any opiates, it's gonna make you really, really sick.

23 Q. All right.

24 A. But it helps -- it -- it gets -- excuse me. It takes
25 away your -- the pain and stuff that you would have.

1 Q. So it's used to treat addiction, correct?

2 A. Yes.

3 Q. Now Mr. Hilliard was asking you about the drugs that
4 you were using on August 3, 2015. On that date, the date
5 that you last saw David, Ms. Bush, does the fact that you
6 were using drugs on that day and that night at the hotel,
7 does that affect your ability to remember what you saw in
8 David's demeanor when you last saw him leave?

9 A. Absolutely not.

10 **MS. MAYES:** Nothing further.

11 **THE COURT:** All right. You may step down.

12 (Witness excused.)

13 **MS. MAYES:** The State calls Alicia Cline.

14 **MR. HILLIARD:** Judge, if we could take a second
15 before this next --

16 **THE COURT:** Let's take a break between witnesses a
17 couple minutes. She's gonna be a shorter witness?

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

19 **THE COURT:** All right. Y'all step in the jury room
20 just a couple minutes. We'll take a short break before
21 this last witness and then go to lunch.

22 (Whereupon, the jury retires to the jury room at
23 12:18 PM.)

24 **THE COURT:** All right. We'll stand at ease for eight
25 minutes by that clock.

1 **MR. HILLIARD:** By that clock. Thank you, Judge.

2 (Recess taken.)

3 **BAILIFF:** All rise. Court is back in session.

4 **THE COURT:** Are y'all ready?

5 **MS. MAYES:** Yes, sir, Your Honor.

6 **MR. HILLIARD:** Defense is ready, Judge.

7 **THE COURT:** Bring them back in if they're ready. If
8 not, we'll wait for them.

9 (Whereupon, the jury returns to the courtroom at
10 12:27 PM.)

11 **THE COURT:** All right, Ms. Mayes.

12 **MS. MAYES:** The State calls Alicia Cline.

13 (Whereupon, Alicia Cline was duly sworn by the Clerk
14 of Court.)

15 **THE CLERK:** Have a seat, please, ma'am. Once you're
16 seated, state your full name, spelling your last, please.

17 **THE WITNESS:** Alicia Danielle Cline, C-L-I-N-E.

18 ALICIA DANIELLE CLINE,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. MAYES:

22 Q. Good day, Ms. Cline. How old are you currently?

23 A. Twenty-four.

24 Q. I want to ask you about the timeframe of the summer
25 of 2015, specifically August of 2015.

1 A. (Nods head.)

2 Q. Can you tell us whether or not you were acquainted
3 with the victim in this case, James David Porter, the
4 Third?

5 A. Yes, ma'am, I was.

6 Q. What about another individual by the name of Riley
7 Furman? Had you met him?

8 A. Yes, ma'am.

9 Q. And another individual by the name of Molli Bush, had
10 you met her?

11 A. Yes, ma'am.

12 Q. Ms. Cline, were the four of you hanging out together
13 on the day of August 3, 2015?

14 A. Yes, ma'am.

15 Q. And before you were hanging out with Riley, who had
16 you been with earlier that day?

17 A. David, Molli and Austin.

18 Q. All right. So before Riley there was Austin?

19 A. Yes, ma'am.

20 Q. And where were -- where were the four of you hanging
21 out? Where were you and Molli and David hanging out with
22 Austin?

23 A. We were at David's dad's house.

24 Q. And you're referring to David's dad's house at what
25 location or what city, if you know?

1 A. It's on the lake in Chapin.

2 Q. Chapin?

3 A. Yes, ma'am.

4 Q. Okay. So that's in Lexington County, but it's in the
5 Chapin area, correct?

6 A. Yes, ma'am.

7 Q. Now during that day were the four of you using a drug
8 known as ice?

9 A. Yes, ma'am.

10 Q. Did that include yourself as well?

11 A. It did.

12 Q. And how were y'all going about actually using it? By
13 that I mean how would you ingest it?

14 A. We had a glass pipe called a chalet and you smoke it
15 out of the chalet.

16 Q. So it was being smoked?

17 A. Yes, ma'am.

18 Q. Was Austin also using the ice?

19 A. Yes, ma'am.

20 Q. Ms. Cline, during the course of that day at David's
21 house when y'all were smoking ice, what, if any, behavioral
22 changes did you observe in Austin?

23 A. He started getting paranoid and aggressive.

24 Q. And as a result of that, what, if any, decision was
25 made about what to do with Austin?

1 A. We decided to take him back to his grandmother's
2 house.

3 Q. All right. And did y'all do so?

4 A. Yes, ma'am.

5 Q. Now prior to taking Austin to his grandmother's house,
6 did you observe him doing anything?

7 A. He was taking apart a cooler, a Coca-Cola cooler, that
8 he had torn apart and said that he had found a camera in
9 the fan of the cooler.

10 Q. Did you see the cooler before he actually took it
11 apart?

12 A. Yes.

13 Q. Tell us about it. I mean, was it an ordinary
14 household cooler?

15 A. No, it was a small little Coca-Cola cooler.

16 Q. All right. And you observed Austin take it apart?

17 A. Yes, ma'am.

18 Q. Okay. I want to show you some photographs and ask
19 you whether or not you recognize them. State's Exhibit 19
20 and State's Exhibit 20.

21 A. Yes, ma'am.

22 Q. I also want to point you in the direction of the
23 photograph that is on the overhead, which is State's
24 Exhibit 6. Do you recognize that vehicle in State's
25 Exhibit 6?

1 A. I do.

2 Q. Who was driving the vehicle on the date of August 3rd?

3 A. David.

4 Q. And where were you seated in the vehicle?

5 A. In the passenger -- front passenger seat.

6 Q. And who was driving?

7 A. David.

8 Q. And who was in the back?

9 A. Molli and Austin.

10 Q. All right. What are we looking at here in State's
11 Exhibit 19?

12 A. That's the back of the cooler that he had taken apart.

13 Q. The device there on the floorboard?

14 A. Yes, ma'am.

15 Q. Did you ever see any indications that there was a
16 hidden camera inside that fan?

17 A. No, ma'am.

18 Q. Did you believe that to be rationale or irrational?

19 A. Irrational.

20 Q. All right. And you also mentioned that Austin was
21 acting aggressively?

22 A. Yes, ma'am.

23 Q. And he was taken to his grandmother's house?

24 A. He was.

25 Q. Now at the point that he was taken to his

1 grandmother's house, did y'all give the rest of the ice
2 that you had to him?

3 A. No, ma'am.

4 Q. Why or why not?

5 A. He just -- he had had too much. He would have
6 probably gotten in trouble or gotten sick or something
7 from it if he had done any more.

8 Q. All right. So he was not given any ice to take back
9 with him to his grandmother's house?

10 A. No, ma'am.

11 Q. Based upon everything that you observed, did he need
12 to be doing any more ice?

13 A. No, ma'am.

14 Q. And at that point that he was let out at his
15 grandmother's house, where did the three of you go, being
16 you and David and Molli?

17 A. We went to Riley's house.

18 Q. So then you go on to Riley's house and Riley's house
19 is in what area generally?

20 A. In the same area.

21 Q. So it's also in Chapin?

22 A. Yes, ma'am.

23 Q. And did Riley hang out with the three of you?

24 A. He did.

25 Q. And ultimately where did the three of you go?

1 A. We stayed there for a little while. Me, David and
2 Molli went back to his dad's house because we had got
3 locked out and we had to go pick our stuff back up and
4 after that we met back up with Riley and then we all went
5 to the hotel.

6 Q. Okay. So just to clarify, at some point once it
7 became dark outside, did you return to David's house?

8 A. Yes, ma'am.

9 Q. Did you and Molli go inside?

10 A. No, ma'am.

11 Q. Who went inside?

12 A. David.

13 Q. So only David went inside?

14 A. Yes, ma'am.

15 Q. Was his father at home at that point to let him
16 inside?

17 A. Yes, ma'am.

18 Q. And did the four of you still have ice?

19 A. Yes, ma'am.

20 Q. Do you know based on your observations whether or not
21 David was communicating with anyone at this point in time?

22 A. He was.

23 Q. And you observed that yourself?

24 A. Yes, ma'am.

25 Q. And ultimately did you get a motel room?

1 A. Yes, ma'am.

2 Q. And whose name was the motel room in?

3 A. In mine.

4 Q. I'm gonna show you a document and ask you whether or
5 not you recognize it?

6 A. Yes, ma'am.

7 Q. How do you recognize that document?

8 A. That's my signature at the bottom.

9 Q. All right. And you signed this document for what
10 purpose?

11 A. To rent us a hotel room for the night.

12 Q. All right. And this is, in fact, your signature at
13 the bottom?

14 A. Yes, ma'am.

15 Q. Can you tell us if this corresponds with the motel
16 room that you've testified you rented on August 3, 2015?

17 A. Yes, ma'am.

18 **MS. MAYES:** Your Honor, at this time we would offer
19 this as State's Exhibit -- I believe this is gonna be 19.

20 **THE COURT REPORTER:** 21.

21 **MS. MAYES:** 21.

22 **MR. HILLIARD:** No objection.

23 **THE COURT:** No objection. What's the number of that
24 one?

25 **MS. MAYES:** 21, Your Honor.

1 (State's Exhibit Number 21, a Days Inn receipt, was
2 marked and admitted into evidence.)

3 BY MS. MAYES:

4 Q. Can you tell us whether or not the document also
5 reflects a time that the room is rented as well as a date?

6 A. Yes, ma'am.

7 Q. Looking here, this would be the Days Inn. Can you
8 tell us where or how you would describe this location in
9 reference to, say, the airport, for example. The airport
10 here in Lexington.

11 A. Yes, ma'am. It's in Cayce.

12 Q. All right. So this would be the Days Inn near the
13 West Columbia or Cayce area and the airport?

14 A. Yes, ma'am.

15 Q. And you mentioned previously this was your signature
16 there at the bottom?

17 A. Yes, ma'am.

18 Q. And, Ms. Cline, on August 3, 2015, what is the time in
19 which this check-in was completed?

20 A. 10:22.

21 Q. 10:22 PM?

22 A. Yes, ma'am.

23 Q. And does appear to be -- and does that also reflect
24 your memory of about the approximate time that you rented
25 that room?

1 A. Yes, ma'am.

2 Q. So at 10:22 PM you've rented the room. Were you given
3 a key?

4 A. Yes, ma'am.

5 Q. Did you and David and Riley and Molli go into that
6 room?

7 A. Yes, ma'am.

8 Q. And ultimately did David leave?

9 A. Yes, ma'am.

10 Q. Did you go with him?

11 A. No, ma'am.

12 Q. Why or why not?

13 A. He was told to --

14 **MR. HILLIARD:** Objection. That's hearsay.

15 **THE COURT:** All right. You can't testify as to
16 hearsay. You can rephrase your question.

17 **MS. MAYES:** Yes, sir, Your Honor.

18 BY MS. MAYES:

19 Q. You can't say what anybody said to you, but let me
20 ask you this. Do you know whether or not David was
21 communicating with someone by phone?

22 A. Yes, ma'am.

23 Q. Do you know whether or not that included text messages
24 as well?

25 A. Yes, ma'am.

1 Q. And ultimately was there a decision about whether or
2 not he would leave the three of you there at the motel
3 room?

4 A. Yes.

5 Q. Were you able to go with him?

6 **MR. HILLIARD:** Objection.

7 **THE COURT:** That's a fair question.

8 **MR. HILLIARD:** "Able"?

9 **THE COURT:** She's -- I'm gonna overrule the objection.
10 She can answer.

11 **MR. HILLIARD:** Yes, sir.

12 BY MS. MAYES:

13 Q. Yes or no, Ms. Cline?

14 A. What was the question?

15 Q. Were you able to go with him?

16 A. No, ma'am.

17 Q. What can you tell us, Ms. Cline, about David's
18 demeanor when he left that room?

19 A. He was just real uneasy. He acted like he didn't want
20 to go. He was nervous.

21 Q. And were you aware -- did you have personal knowledge
22 of this word on the street, rumor, that David was an
23 informant?

24 A. He had mentioned it to me.

25 **MR. HILLIARD:** Objection.

1 **THE COURT:** You can't testify what he said.

2 **MS. MAYES:** Yes, sir.

3 **THE COURT:** All right.

4 BY MS. MAYES:

5 Q. You can't say what anybody said to you. Did you ever
6 see any evidence of that yourself?

7 A. No, ma'am.

8 Q. And you can't say what was said to you, but was there
9 ever a conversation with David about that?

10 A. Yes.

11 Q. And what was his demeanor or mood about that
12 particular rumor?

13 A. He was uneasy about it.

14 Q. Ultimately after David left the motel room, were you
15 making any attempts to get him on the phone?

16 A. Yes.

17 Q. Were you able to get him on the phone?

18 A. No.

19 Q. Who, if anyone, arrived at the door of that room?

20 A. Lexington County police department.

21 Q. How many officers, do you recall?

22 A. Three.

23 Q. Ms. Cline, how did you feel about talking with law
24 enforcement in full detail about everything that you knew?

25 A. I didn't want to.

1 Q. Was there a time that you spoke with an officer alone?

2 A. Yes.

3 Q. Do you recall where you were in relation to the hotel
4 room when you spoke with that officer alone?

5 A. At the entrance of the hotel.

6 Q. Can you tell us whether or not you relayed information
7 to that officer that you -- you believed David had left to
8 purchase drugs?

9 **MR. HILLIARD:** Objection.

10 **THE COURT:** What basis?

11 **MS. MAYES:** I can withdraw the question, Your Honor.

12 **MR. HILLIARD:** Thank you.

13 **MS. MAYES:** Nothing further from the witness at this
14 time, Your Honor.

15 **THE COURT:** Your witness.

16 **MR. HILLIARD:** Thank you.

17 CROSS-EXAMINATION

18 BY MR. HILLIARD:

19 Q. When was the last time you used any drugs?

20 A. About six months ago.

21 Q. And are you clean and sober at this point?

22 A. Yes, sir.

23 Q. What are you doing to maintain your sobriety?

24 A. I just quit.

25 Q. Quit. You just put the ice down and didn't do it

1 anymore?

2 A. Yes, sir.

3 Q. One day you woke up and said I'm not gonna do ice and
4 just stopped; is that right?

5 A. Yes, sir.

6 Q. No detox, no nothing? Just quit?

7 A. Definitely -- of course, you went through detox,
8 but --

9 Q. All right. And what time you were -- now David is
10 Rico; is that right?

11 A. Yes, sir.

12 Q. And you called him Rico?

13 A. Yes, sir.

14 Q. Did the prosecutor instruct you not to call him Rico
15 here today?

16 A. No.

17 Q. Y'all never talked about that?

18 A. No.

19 Q. But when you were talking to the person you've been
20 saying David about all day today, you were actually talking
21 about Rico?

22 A. Yes, sir.

23 Q. And when you were talking to Rico or about Rico with
24 Rico's friends, you called him Rico?

25 A. Yes, sir.

1 Q. And also Riley called him Rico; is that right?

2 A. Yes, sir.

3 Q. So Riley calls him Rico, you call him Rico, Molli
4 calls him Rico. Rico's his name on the street?

5 A. Right.

6 Q. And what time did you -- all right. So it's Molli
7 and Rico and Alicia and Austin are at Rico's daddy's house
8 smoking ice?

9 A. Yes, sir.

10 Q. What time did that start?

11 A. About 2:00 in the afternoon.

12 Q. And how much ice were you smoking at that point?

13 A. He had just packed a glass bowl. I wasn't weighing it
14 out.

15 Q. Who packed the bowl?

16 A. David did.

17 Q. Rico?

18 A. Yes.

19 Q. Okay. So David -- David packed the bowl with David's
20 ice?

21 A. Yes.

22 Q. And y'all smoked it?

23 A. Yes.

24 Q. How many bowls did you smoke?

25 A. One.

1 Q. One -- one bowl?

2 A. (Nods head.)

3 Q. And when you left -- when you left David -- Rico's
4 house, y'all all ran out to the car and tried to leave
5 Austin there, right?

6 A. We did.

7 Q. You ran out to the car and you were gonna lock the
8 doors and you were just gonna leave him at Rico's house?

9 A. Yes. He was acting aggressive and was trying to
10 kick in his dad's door, so we were trying to get away
11 from him.

12 Q. Right. Austin -- Austin was trying to kick in Rico's
13 dad door's because y'all had locked him out of the house?

14 A. No.

15 Q. Well, the door was clearly locked, right?

16 A. Yes.

17 Q. So you had locked him out of the house?

18 A. Right.

19 Q. And he wanted to get back in?

20 A. Because he was upset thinking that there was a camera
21 in this cooler, he was trying to kick in his dad's door and
22 saying that Rico had stole money and stole dope from him
23 when he didn't.

24 Q. So Rico didn't steal his money and his dope?

25 A. No.

1 Q. All right. Austin had smoked ice to the point where
2 he got crazy?

3 A. Yes.

4 Q. And you guys weren't as crazy at that point as Austin
5 was?

6 A. No.

7 Q. So you couldn't ditch him because you couldn't get
8 into the car fast enough, right?

9 A. Right.

10 Q. And he went out to the car and caught y'all trying to
11 leave him, right?

12 A. Yes.

13 Q. And then he got in the car, right?

14 A. Yes.

15 Q. And then y'all tricked him into going to his grandma's
16 house?

17 A. We didn't trick him. He wanted to go to his grandma's
18 house.

19 Q. He wanted to go to his grandma's house?

20 A. Yes.

21 Q. So y'all take Austin to his grandma's house --

22 A. Yes.

23 Q. -- and Austin gets out of the car and out of -- as a
24 good Samaritan you take his dope?

25 A. Rico already had it in his pocket. He didn't take

1 anything from him.

2 Q. Rico had Austin's dope in his pocket?

3 A. Yes.

4 Q. Okay. So -- but, I mean, I think what you said, and
5 maybe I -- well, let me look. I think what you said is
6 that y'all thought he had done enough and so you didn't
7 want him to have any more, right?

8 A. Right, but he didn't have it on him. It's not like
9 somebody physically took it from him. David had it the
10 whole time.

11 Q. Okay. So -- well, and I don't mean to belabor this,
12 but was the point so that -- was the point for Rico to take
13 the dope so that Austin wouldn't have it anymore? That's
14 what you said, right?

15 A. He was gonna keep it on him so that he didn't get it
16 back, yes.

17 Q. Okay. And he also took his money, right?

18 A. No.

19 Q. His money just got left in the car?

20 A. Rico had his money the whole time.

21 Q. So Rico had his money the whole time?

22 A. (Nods head.)

23 Q. And Rico had -- how about Austin's phone?

24 A. No, Molli had Austin's phone.

25 Q. So Molli had Austin's phone and Rico had Austin's

1 money and Austin's -- I'm sorry. Yeah, Rico had Austin's
2 ice and money?

3 A. As far as I know, yes.

4 Q. Pardon?

5 A. Yes.

6 Q. And then y'all jumped in the car, locked the doors
7 and rolled off leaving him at his grandma's house?

8 A. Yes.

9 Q. And because -- well, in any event, the next thing you
10 get up with Riley?

11 A. We did.

12 Q. And Riley is calling Rico "Rico" at that point in
13 time, right?

14 A. He did.

15 Q. And y'all decide you're gonna smoke some more ice?

16 A. We did.

17 Q. Were y'all smoking Austin's ice at Riley's house?

18 A. Yes.

19 Q. So y'all were smoking -- to keep Austin from smoking
20 it, y'all smoked it up yourself?

21 A. We did.

22 Q. And then Riley says we can't be smoking around my
23 house, we've got to go somewhere else?

24 A. (Nods head.)

25 Q. Right?

1 A. Yes.

2 Q. And so in celebration of the birthday, y'all decide to
3 go to the hotel?

4 A. Yes.

5 Q. And smoke some more ice?

6 A. Yes.

7 Q. And at that point it's Molli, you, Rico and Riley?

8 A. Yes.

9 Q. And y'all go to the hotel and smoke more ice?

10 A. Yes.

11 Q. You've been smoking ice all day long?

12 A. (Nods head.)

13 Q. Right?

14 A. We have.

15 Q. And you will agree with me that smoking ice makes you
16 paranoid?

17 A. It does.

18 Q. Pardon?

19 A. It does, yes.

20 Q. And no question but what smoking ice made Austin
21 paranoid, right? He'd gone a fool?

22 A. (Nods head.)

23 Q. And it was making you paranoid as well; is that
24 right?

25 A. A little bit, yes.

1 **MR. HILLIARD:** Excuse me just one second, Judge.

2 Thank you, ma'am. That's all I have.

3 **THE COURT:** Anything else, Ms. Mayes?

4 **MS. MAYES:** Yes, sir, Your Honor.

5 REDIRECT EXAMINATION

6 BY MS. MAYES:

7 Q. So let me follow up a little bit more on the situation
8 with Austin. First of all, Mr. Hilliard is asking about
9 nicknames. Do you know what nickname Austin used?

10 A. I do.

11 Q. What was that?

12 A. Junior.

13 Q. Okay. So "Junior" is Austin?

14 A. Yes.

15 Q. And on that particular day, did you or David or Molli
16 steal Junior's ice?

17 A. No.

18 Q. Did you steal his money?

19 A. No.

20 Q. Were you trying to -- were you trying to do anything
21 concerning Junior that was improper other than taking him
22 back to his grandmother's house?

23 A. No, ma'am.

24 **MS. MAYES:** Nothing further.

25 **MR. HILLIARD:** Nothing from me, Judge.

1 **THE COURT:** All right. You may step down, ma'am.

2 **THE WITNESS:** Thank you.

3 (Witness excused.)

4 **THE COURT:** All right. It's time for a lunch break.

5 Y'all put your stuff in the jury room and go to lunch.

6 Y'all can -- is 2:00 enough time? A long hour?

7 All right. We'll see you back at 2:00 and we'll start
8 back then. You can't discuss the case.

9 (Whereupon, the jury is excused for lunch at
10 12:51 PM.)

11 **MS. MAYES:** Your Honor, we do anticipate the audio
12 being played this afternoon. We have -- there are two
13 versions of that. One is the original version which makes
14 multiple references to Defendant Morehouse's original
15 interview of August 4, 2015, where he had made inconsistent
16 statements with law enforcement than what the later
17 statement is on August 8th. The second is a redacted
18 version that we've also supplied Mr. Hilliard with that
19 redacts any reference to that previous interview and only
20 focuses on the events that he disclosed on August 8, 2015.
21 We just need to know at this time if there's any objection
22 to using the redacted version or whether Mr. Hilliard
23 prefers to use the original version.

24 **MR. HILLIARD:** We'd like the redaction.

25 **THE COURT:** Very well. We'll use the redacted

1 version.

2 **MR. HILLIARD:** Thank you, Your Honor.

3 **MS. MAYES:** I believe that is the version that is
4 currently marked as Exhibit 1.

5 **MR. HILLIARD:** Which they've supplied to us and we've
6 reviewed.

7 **THE COURT:** All right. We'll stand at ease until
8 2:00.

9 **MR. HILLIARD:** All right. 2:00.

10 (Whereupon, a luncheon recess was taken at 12:52 PM.)

11 **BAILIFF:** All rise. Court's now in session.

12 **THE COURT:** Y'all be seated. Are y'all ready?

13 **MR. HILLIARD:** Yes, the defense is ready.

14 **MS. MAYES:** Your Honor, may we approach?

15 **THE COURT:** Yes.

16 (Proceedings held at the bench; not reported.)

17 (State's Exhibit Number 22, CD of audio interview,
18 was marked for identification.)

19 (Whereupon, the jury returns to the courtroom at
20 2:04 PM.)

21 **THE COURT:** All right. Ms. Mayes, tell me what you're
22 gonna tell me and then I'm gonna tell the jury what we're
23 doing.

24 **MS. MAYES:** Yes, sir, Your Honor. We're going to
25 call Sergeant Laintz and it will also involve an audio

1 statement.

2 **THE COURT:** Very well. All right. Folks, one of the
3 things I did that we talked about pretrial was I had to
4 make a legal determination of whether or not a statement
5 taken in the case was done consistent with Miranda and the
6 waiving of your rights and understanding what's going on
7 and making sure that waiver done properly. That was some
8 of the things we did the other afternoon. That's been
9 done, so she's gonna call the detective, he'll come forward
10 and testify, and then you're gonna hear the audio of that
11 recording. And it's lengthy, so we may not listen to all
12 of it, we make take a break and come back and listen to the
13 rest of it, so they were up here telling me that right when
14 y'all came up.

15 So, Detective, come on up and be placed under oath.

16 **MS. MAYES:** The State calls Sergeant Jesse Laintz.

17 **MR. HILLIARD:** Subject to our objection, Your Honor.

18 **THE COURT:** Subject to your objection.

19 (Whereupon, Jesse Laintz was duly sworn by the Clerk
20 of Court.)

21 **THE CLERK:** Once you're seated, state your full name,
22 spelling your last, please.

23 **THE WITNESS:** Jesse Laintz. Last name is L-A-I-N-T-Z.

24 JESSE LAINTZ,

25 having been duly sworn, testified as follows:

1. DIRECT EXAMINATION

2 BY MS. MAYES:

3 Q. Sergeant Laintz, could you give us some information
4 about yourself? Where are you employed and in what
5 capacity?

6 A. I work for the Lexington County Sheriff's Department
7 right here in Lexington County and I am a sergeant in the
8 Major Crimes Unit.

9 Q. And as a sergeant in the Major Crimes Unit, can you
10 give us an overview of what your job responsibilities and
11 duties are, specifically regarding homicide investigations?

12 A. Well, as a sergeant supervisor always comes the
13 boring admin side of stuff, but then also there's the
14 investigation side of things. I supervise four -- three
15 detectives, I'm sorry, three detectives and our Special
16 Victims Unit. My detectives primarily are what we call
17 the catch-all team. In other words, they can catch
18 anything from a simple assault, even a phone harassment,
19 a runaway, all the way up to a murder investigation, and
20 my guys also primarily focus on armed robberies.

21 Q. And how long have you been a detective with the
22 Major Crimes Unit?

23 A. I've been with the sheriff's department for ten
24 years. I've been a detective for five years and I've
25 been a sergeant in investigations for four years.

1 Q. All right. And prior to joining the Lexington County
2 Sheriff's Department, what type of career did you have?

3 A. I was a -- grew up a farm boy and then I was in the
4 Marines for seven years.

5 Q. Including overseas duty?

6 A. Yes, overseas duty in Iraq.

7 Q. Now I want to take you specifically to the homicide
8 investigation that began on August 3, 2015, involving
9 James David Porter, the Third. What time approximately
10 did you become aware of that homicide investigation and
11 what did you do in response?

12 A. /It was just about midnight, so it's hard to say the
13 3rd or the 4th, but it was just about midnight turning
14 into the 4th. I was actually -- we were on call at that
15 point in time and I got contacted by phone by Master Deputy
16 Richardson in reference to this situation.

17 Q. And what did you observe initially and take us through
18 what your responsibilities are when you're responding to a
19 crime scene of this nature. What is done to maintain a
20 crime scene and how do you go about your investigation?

21 A. Well, my responsibilities as soon as a call like this
22 comes in is it's spinning the plates and keeping as many
23 spinning as you can at once. It was to rally the troops,
24 getting everybody down there, start talking to the people
25 who are down there, getting the information that we have

1 to see what we need to get to do our job.

2 So the first thing that I did was get the information,
3 passed it onto my detectives and our CSI, had them respond
4 to the scene. When I got to the scene, what I originally
5 noticed was, one, how secluded it was. This was in the
6 middle of nowhere. It is -- actually at night it was so
7 dark that the only reason you knew you weren't in like a
8 closed room was when you looked up and you got above the
9 trees and could see the sky then. It was very, very dark.
10 There was crime scene tape up. It was actually taped
11 across the road itself so you couldn't just get to the
12 other side. My detectives ended up being split up. I had
13 a detective on -- two detectives on the far side and then
14 Detective Rawl and myself were on what we call the Pleasant
15 View side of the road that was down there.

16 The area was very secluded. It's a place that good
17 things don't happen at midnight at this location. It was
18 very dark. The sand, the road, also brought up different
19 obstacles, if you will. The outskirts of the road were
20 extremely sandy, almost like a talcum powder-type sand.
21 When you step down and lift your foot up, it all just sinks
22 in like quicksand and there's nothing left there anymore,
23 which can be a problem with collecting evidence. A lot of
24 different things like that popped into my head.

25 Q. And you mentioned CSI. What is meant by the term

1 "CSI"?

2 A. I'm sorry. Crime scene investigation.

3 Q. And did you also have crime scene investigators out
4 there working the scene?

5 A. Yes. Originally the on-call CSI investigator with us
6 was Shelby Derrick. I called her when I first rallied all
7 the troops to head down there and once we realized that
8 this was likely a homicide we called our backup, another
9 person to help that CSI. We called our backup CSI out and
10 that backup CSI was CSI Sprinkle.

11 Q. Now what attempts were made following your arrival at
12 the scene to attempt to identify the victim? At this point
13 you have a body in the roadway.

14 A. The only thing that we had was the body and a car. So
15 one of the first things that we started to do was run the
16 tag on the vehicle to see if we could come back with
17 anything. We ended up getting a name and the name ended up
18 being an elderly lady. It was a Donna Moss. We ended up
19 running that through our system and we found out that Donna
20 Moss had a connection to a James Porter, the Third. With
21 that, we got a picture of James Porter, the Third, and that
22 was given to CSI Derrick and Detective Rawl.

23 Q. In addition, were there any personal belongings on the
24 victim that aided in determining an identification?

25 A. After CSI -- after we got that photo, we didn't want

1 to do anything to the crime scene, so it was kind of get
2 our ideas together, plan everything at that spot and then
3 have them go in at one location. They go in with that
4 picture. They're able to look at that picture and they
5 give a very good possibility, you can't give a hundred
6 percent ID by that, but from that point it was what -- does
7 he have a wallet? The first thing we would probably look
8 for is an ID. He did not have a wallet, but he did have
9 \$220 in a cash and a Days Inn Hotel room key in his pocket
10 and also a cell phone, I believe.

11 Q. Let me show you some items and ask you whether or not
12 you recognize them?

13 A. Yes, ma'am. The first two are the room key that was
14 found and the third is the phone. This is also the phone
15 after it was turned on.

16 Q. And did you have an opportunity to examine it at that
17 point?

18 A. Yes, ma'am.

19 Q. Including last communications?

20 A. Yes, ma'am.

21 Q. And including contacts?

22 A. Yes.

23 Q. And was that information photographed at the scene by
24 members of law enforcement?

25 A. Yes, it was.

1 Q. Can you tell us if these photographs depict a fair and
2 accurate representation of what you observed regarding the
3 victim's last text communication and contact list?

4 A. Yes, they do.

5 **MS. MAYES:** These items for evidence at this time,
6 Your Honor.

7 (State's Exhibit Numbers 23, 24 and 25 were marked for
8 identification.)

9 **MR. HILLIARD:** May we approach the bench?

10 **THE COURT:** You may.

11 **MR. HILLIARD:** The three that she -- the first three
12 we don't have an objection to, whatever numbers those are.

13 **THE COURT REPORTER:** 23, 24 and 25.

14 **THE COURT:** 23, 24 and 25 are admitted without
15 objection. We're talking about the other two in your
16 hands?

17 **MR. HILLIARD:** Yes, sir.

18 (State's Exhibit Numbers 23, 24 and 25, photographs,
19 were marked and admitted into evidence.)

20 (Proceedings held at the bench; not reported.)

21 **THE COURT:** All right. We'll mark those as 26 and 27
22 and they'll admitted them without objection.

23 **MR. HILLIARD:** Thank you, Your Honor.

24 (State's Exhibit Numbers 26 and 27, photographs, were
25 marked and admitted into evidence.)

1 BY MS. MAYES:

2 Q. Sergeant Laintz, I want to start by asking you about
3 the recovery of a motel room key. You testified that
4 during your attempt to identify the victim you did locate a
5 key. I'm gonna show you what is State's Exhibit 23 and 24
6 and ask you if you're familiar with that item?

7 A. Yes, ma'am.

8 Q. What did you do in response to discovering this key?

9 A. On the key, it's obviously a Days Inn key, but all
10 we had was 218 written on it, and it was 7504, which in
11 Lexington County we don't have any hotels that are that
12 big, so 218 was possibly the room number.

13 Q. All right.

14 A. So we wanted to start tracking down Days Inns in the
15 area to try to figure out what those numbers are. We ended
16 up figuring out that it was the Days Inn Suites on Columbia
17 Airport, on Branch Avenue, and the 7504 that is written on
18 it is actually their wi-fi code.

19 Q. All right. So what are we looking at here in this
20 photograph?

21 A. That is the key when it is removed and that is the key
22 itself and as you see it says 218 and then it says Days
23 7504. So 218 was the room and the wi-fi code was Days
24 7504.

25 Q. All right. And ultimately what did you discover

1 regarding this motel room key?

2 A. From that point we went to the Days Inn on Branch
3 right by the airport. There was an officer that was there
4 and we made contact with the front desk, figured out who
5 rented the room, went up to 218, made contact with Molli,
6 Alicia and Riley in that room and talked to them in the
7 room.

8 Q. All right. So how many officers do you recall being
9 present when you went to that motel room to locate Alicia
10 Cline, Molli Bush and Riley Furman?

11 A. There were three of us.

12 Q. And based upon that information, what was done next?

13 A. Based on that information, we talked to them and tried
14 to figure out what was going on that day, what could have
15 possibly led to this, and possibly ID who our person at the
16 scene was.

17 Q. And as an investigator, where were these leads leading
18 you? What clues did you have that were leading you in a
19 certain direction regarding this investigation?

20 A. Due to the totality of everything that was going on,
21 the weird location, a person showing up at the room and
22 leaving right away, the people we were talking to, the
23 person that I definitely talked to was under the influence
24 of some form of narcotics and it was a party that they
25 wanted to keep on partying. It looked like he was going

1 to get drugs.

2 Q. All right. And what did you do, if anything, to
3 follow up on that information?

4 A. After we got done interviewing them, I actually went
5 back to the scene. How everything is laid out, how
6 everything is playing, I actually called Sergeant Burke,
7 who was the head of our narcotics enforcement team, and
8 asked him if James Porter was an informant because it
9 looked like a drug deal gone bad is exactly what it looked
10 like, so I called Sergeant Burke to see if he was, in fact,
11 an informant and he was not.

12 **MR. HILLIARD:** Objection.

13 **MS. MAYES:** Let me -- let me follow up on that.

14 **THE COURT:** Do you want to be heard on that?

15 **MR. HILLIARD:** Hearsay.

16 **THE COURT:** All right.

17 **MS. MAYES:** I can rephrase that, Your Honor, based
18 on --

19 **THE COURT:** So we'll strike the answer and let you
20 rephrase it, so the objection is sustained.

21 **MR. HILLIARD:** Thank you, Judge.

22 BY MS. MAYES:

23 Q. Throughout this investigation, Sergeant Laintz, have
24 you looked into -- what has your role been throughout this
25 investigation? Have you been actively involved?

1 A. Oh, absolutely.

2 Q. Were you actively involved in ultimately making the
3 arrest of Charles Morehouse for murder in this case?

4 A. I was.

5 Q. And ultimately interviewing the suspect, now the
6 Defendant Charles Morehouse, in this case?

7 A. Yes, ma'am.

8 Q. Have you looked into the aspect of whether or not
9 David Porter was a paid confidential informant employed by
10 your agency, the Lexington County Sheriff's Department?

11 A. I have.

12 Q. Was he a paid confidential informant?

13 **MR. HILLIARD:** Objection. That's the same hearsay.

14 **MS. MAYES:** He knows based on his investigation,
15 Your Honor.

16 **MR. HILLIARD:** Which is what people told him.

17 **MS. MAYES:** I can rephrase that and lay a foundation.

18 **THE COURT:** I'm gonna overrule the objection and let
19 him answer it.

20 **MR. HILLIARD:** Yes, sir.

21 BY MS. MAYES:

22 Q. Do you have access to paperwork and all of the
23 necessary information in which a confidential informant
24 would be documented?

25 A. I do not.

1 Q. All right. Do other people involved in this
2 investigation such as the NET team?

3 A. Yes, they do.

4 Q. Have they been involved in this investigation?

5 A. Yes, they have.

6 Q. Now you mentioned that you went back to the scene.
7 I'm gonna show you what is State's Exhibit 26 and State's
8 Exhibit 27.

9 A. I see.

10 Q. At what point, if any, there at the scene did officers
11 and investigators have access to James David Porter's phone
12 directly from his person?

13 A. The CSI did take the phone directly from his person
14 and a phone is everything. A phone is used for everything
15 nowadays. I mean, most times you can't go five minutes
16 without checking your phone. So the phone was -- we needed
17 to get in that phone, but the phone needed to be charged,
18 it was dead. So we found a charger, started charging the
19 phone. As soon as it gave at least five percent battery
20 we were able to turn the phone on and when we turned the
21 phone on we were able to see communications that were going
22 back and forth on that phone.

23 Q. You testified previously that as it's cut on, what
24 you're looking at there is a fair and accurate
25 representation of what you observed?

1 A. Yes, ma'am.

2 Q. How important is it, Sergeant Laintz, to determine
3 last communications and things of that nature, especially
4 if you have an unsolved crime?

5 A. Any time you're investigating a crime of violence it's
6 usually -- especially a murder, the last person they had
7 contact with is the person that did it, so we wanted to
8 know the last person they had contact with whether over the
9 phone or in person.

10 Q. Now, Sergeant Laintz, we have previous testimony in
11 this case that 9-1-1 was called at 11:42 PM. I believe
12 your testimony was that you arrived there at the crime
13 scene around midnight?

14 A. Yes, ma'am.

15 Q. Tell us what, if anything, is indicated in the text
16 messages regarding a time and this particular location at
17 or near Old Orangeburg Road.

18 A. Well, the last text messages -- the very last one was
19 at 11:11 PM on the 3rd that says turning on 302 end of
20 lagoon.

21 Q. All right. I'm going to write that down here. That
22 would be 11:11 PM?

23 A. Yes, ma'am.

24 Q. All right. And is that sent to the victim or from the
25 victim?

1 A. It is sent from the victim.

2 Q. And, again, it states?

3 A. Turning on 302 end of lagoon.

4 Q. Now are you familiar with this area of Old Orangeburg
5 Road?

6 A. Yes, ma'am, I am.

7 Q. What is 302 in relation to Old Orangeburg Road?

8 A. 302 is the end of Old Orangeburg Road. Old Orangeburg
9 starts at Two Notch, goes all the way down, turns into dirt
10 after Pleasant View and then after Pleasant View it goes to
11 dirt and then ends at 302. So Old Orangeburg goes from Two
12 Notch down to 302 and 302 is the very end towards Edmund.

13 **MS. MAYES:** And, Your Honor, if I may ask the victim
14 to step -- I'm sorry, the witness to step down.

15 (Whereupon, the witness steps down from the witness
16 stand.)

17 BY MS. MAYES:

18 Q. Sergeant Laintz, tell us what we're looking at here in
19 terms of if you are turning on 302 end of lagoon.

20 A. Let me familiarize myself with this real quick. This
21 is 302 right here and this is Old Orangeburg.

22 Q. What is meant by the term "lagoon" or "blue lagoon"?

23 A. This right here is the blue lagoon. I don't know if
24 it's an old rock quarry or sand pit or something like that,
25 but everyone -- let me change that -- I know of this place

1 because I've had to respond to calls there, underage
2 drinking. It is essentially a swimming hole and people
3 park their cars right here, the neighbors see this and they
4 call us and we come up and deal with it. So the blue
5 lagoon is kind of known to law enforcement who works this
6 area.

7 Q. All right. So if someone were turning from 302 onto
8 Old Orangeburg Road, which direction would their headlights
9 be turning?

10 A. This way.

11 Q. Okay. You may return.

12 (Whereupon, the witness retakes the witness stand.)

13 Q. Looking here at State's Exhibit 27, can you tell us
14 the person holding the phone would be a member of what type
15 of agency?

16 A. They're with the sheriff's department.

17 Q. Okay. Now here in the upper left-hand corner there is
18 a phone number and there is a name. What phone number and
19 what name or screen name is associated with that the phone?

20 A. The phone number is -1191 and the name is A A
21 King Chuck.

22 Q. All right. What efforts, if any, were made at this
23 point when the phone's retrieved, it's cut on, these text
24 messages are seen and it's determined that 302 end of
25 lagoon is, in fact, the area where the body is found, what

1 attempts are made to identify that phone number or King
2 Chuck?

3 A. We have a -- A A King Chuck obviously seems like a
4 pseudonym or not a real name. We run the phone number in
5 what's called our MCT. It's our mobile command -- mobile
6 command center essentially is what it is. It's our
7 computers in our cars that have wi-fi and we can check
8 everything on it. We run that computer through our system
9 and it comes back with a name.

10 Q. All right. And ultimately how was Charles Morehouse
11 developed as a suspect in this investigation?

12 A. That phone in our system belonged to Charles
13 Morehouse.

14 Q. -1191 is the number of Charles Morehouse?

15 A. Yes, ma'am.

16 Q. Now there's a text -- and, again, on the right side
17 these texts would be coming from who?

18 A. On the right side, those would be sent text messages.

19 Q. All right. Those are sent text messages from the
20 person using the phone?

21 A. Yeah, from the phone holder.

22 Q. The first is where do you want wanna meet?

23 A. Yes.

24 Q. Is there a response?

25 A. Red Bank.

1 Q. Red Bank. That's from the person at this phone
2 number?

3 A. Yes, ma'am.

4 Q. And then there's a response: All right. Is 45 to an
5 hour fine? What time is that response?

6 A. I actually cannot see that from here. Just a second.
7 I've got it in my notes. All right. And 45 minutes to an
8 hour is 9:49 PM.

9 Q. All right. And then following that is what you
10 previously testified to is at 11:11 is the response back
11 turning on 302 end of lagoon --

12 A. Yes, ma'am.

13 Q. -- which you've identified as ultimately what the
14 crime scene is. Was there also a way to identify in-going
15 and outgoing calls?

16 A. Yes, ma'am.

17 Q. Let me show you what's State's Exhibit 26. And did
18 law enforcement have the opportunity to examine the
19 in-going and outgoing calls specific to this number
20 -1191, which is A A King Chuck?

21 A. Yes, ma'am. We went through the call history, pulled
22 up the call history and that's the information we received.

23 Q. All right. Now I want to start by asking you about
24 this call right here. There's a call at 4:57 AM from the
25 phone and you've testified you arrived at the scene at

1 midnight. The victim is deceased. Can you first tell us
2 what the background or history is of this call at 4:57 AM
3 coming from the phone?

4 A. Yes. That was a mistake. Because it's a touch
5 screen, when we got the phone, charged the phone up and
6 were scrolling through it looking at it, that number up at
7 the top with the little phone thing you can push "connect"
8 to it and actually start to dial that number. So that's
9 also how we know the green arrow on that one is outgoing
10 because it was law enforcement that did that call and the
11 red arrows that are going to the left are incoming.

12 Q. All right. So this is actually a call made at the
13 crime scene accidentally?

14 A. Yes, ma'am.

15 Q. All right. I want to go back below this now. As to
16 this number regarding King Chuck, the 1191 number, had
17 there been phone calls to or from that number earlier in
18 that evening?

19 A. There has. As you can see, the one right below it is
20 11:13 PM and there's an arrow going to the left, so it's a
21 received call, but you also see next to it where it says
22 A A King Chuck and then in parentheses there's a two,
23 usually that "two" means there's more than one call
24 underneath there.

25 Q. All right. So at 11:11 we have a text from the victim

1 stating that he's turning on 302 at the end of lagoon and
2 11:13 PM there's a phone call and that phone call is from
3 who to who?

4 A. From A A King Chuck to our victim's phone, to that
5 phone.

6 Q. Once you check the database or your system -- the MCT
7 system that you identified and you determined that -- that
8 number belongs to the Defendant in this case, Charles
9 Morehouse, what's the next step along the way of this
10 investigation?

11 A. The next step along the way is I make contact with
12 Sergeant Burke again. I talk to him and see if there's
13 any on-going investigation with that number and there, in
14 fact, is.

15 Q. Okay. Regarding Mr. Morehouse?

16 A. Yes, ma'am.

17 Q. All right. What happened next?

18 A. At that point in time, Detective Rawl was -- we made
19 contact with the case agent, warrant paperwork was obtained
20 and the possibility of getting a search warrant on the
21 residence.

22 Q. All right. Now leading up to the search warrant --
23 possible search warrant at the residence, were you able
24 to determine an address -- at least the address as of
25 August 3, 2015, for Mr. Morehouse?

1 A. Yes, it was , which was in
2 Lexington.

3 Q. All right. Did law enforcement make any attempt to
4 conduct surveillance at the residence while the search
5 warrant is pending?

6 A. Like everything in life, nothing is fast and
7 instantaneous. So while they were going to type these
8 items up, I sent two detectives over to the house to sit
9 on the house and watch it to see if there's any movement,
10 to see what's gonna happen because at that time with the
11 severity of everything that going on there was a good
12 chance that I was gonna ask the SWAT team to go in and
13 execute that search warrant.

14 Q. All right. What is your involvement with the SWAT
15 team?

16 A. I'm a team leader on the SWAT team and a hazardous
17 device technician or EOD.

18 Q. All right. And ultimately did you have a vehicle or
19 a known vehicle associated with this individual, Charles
20 Morehouse?

21 A. Yes, ma'am.

22 Q. What type of vehicle?

23 A. It was a Chevy Impala.

24 Q. All right. Approximately what time -- we're now
25 talking after midnight, so into the early morning hours of

1 August 4th, what time, if any, did law enforcement confirm
2 that an Impala was at the residence of Willow Forks?

3 A. It was approximately 6:30 in the morning on the 4th.

4 Q. All right. Now had the Impala -- or had the Chevy
5 Impala that you've described been there all night?

6 A. No, it had not.

7 Q. Did you have someone positioned to observe the vehicle
8 as it arrived back?

9 A. I did. Detective Andaloro and Detective Booth were
10 doing surveillance on the house.

11 Q. In response to that Chevy Impala arriving at the
12 residence at approximately 6 AM, what was next?

13 A. The next thing was finishing up on the paperwork,
14 getting everything signed and then getting the SWAT team
15 together to formulate a plan of how we were gonna hit this
16 house.

17 Q. And ultimately what time was the search warrant
18 executed at the residence of Willow Forks Road?

19 A. At approximately 8:15 in the morning is when we
20 executed the search warrant at the house.

21 Q. 8:15 AM?

22 A. Yes, ma'am.

23 Q. Was the Defendant Charles Morehouse present?

24 A. He was.

25 Q. Who else was present at the residence?

1 A. His wife, I can't remember if it was one or two
2 children, and an older female.

3 Q. You mentioned his wife. What is her name?

4 A. Crystal.

5 Q. Crystal Morehouse?

6 A. Yes, ma'am.

7 Q. Was the residence searched and evidence obtained?

8 A. It was.

9 Q. Okay. And ultimately what type of officers are
10 involved in sorting through evidence at a scene of that
11 nature and actually documenting it, collecting it, for
12 potential analysis?

13 A. Our criminal -- crime scene investigators.

14 Q. Were they present as well?

15 A. They were.

16 Q. Specifically, were any drugs located in that
17 residence, Sergeant Laintz?

18 A. There were.

19 **MR. HILLIARD:** Your Honor, that's subject to our
20 previous objection.

21 **THE COURT:** And so the question is subject to the
22 objection?

23 **MR. HILLIARD:** Yes, sir. I recognize Your Honor
24 ruled, but I just didn't want to let it slide.

25 **THE COURT:** All right. So the question's allowed, but

1 subject to the objection.

2 **MR. HILLIARD:** Yes, sir. Thank you.

3 BY MS. MAYES:

4 Q. I'm gonna ask that again, Sergeant Laintz.

5 A. Okay.

6 Q. Specifically were any drugs located in the residence
7 of Charles Morehouse at Willow Forks Road?

8 A. Yes, ma'am, there was.

9 Q. What type of drugs?

10 A. Meth or ice.

11 Q. Ultimately, Sergeant Laintz, was Mr. Morehouse
12 detained --

13 A. He was.

14 Q. -- by law enforcement?

15 A. (Nods head.)

16 Q. I'm gonna move forward to the date of August 8, 2015.
17 That would be four days after the search warrant. Did you
18 and other investigators continue working this case between
19 the dates of August 4th when that search warrant was
20 executed and August 8th of 2015?

21 A. Yes, ma'am, and it almost felt nonstop.

22 Q. Did that involve interviewing witnesses?

23 A. It did.

24 Q. Who is Wiley Sisk?

25 A. Wiley Sisk is the co-defendant in this case.

1 Q. When you say co-defendant, was Wiley Sisk also charged
2 with murder?

3 A. He was.

4 Q. Was Wiley Sisk also charge with criminal conspiracy?

5 A. He was.

6 Q. Was he also charged with possession of a weapon during
7 a violent crime?

8 A. Yes, ma'am.

9 Q. During the course of your investigation, did you
10 determine whether or not anyone was with Charles Morehouse
11 at the scene of Old Orangeburg Road, that dirt portion,
12 where the victim's body was located?

13 A. Yes, Wiley Sisk.

14 Q. Did you have an opportunity to actually serve the
15 warrant for murder on Mr. Morehouse?

16 A. Yes, ma'am.

17 Q. Who was present with you when that occurred?

18 A. It was myself and Detective Rawl.

19 Q. When you served the warrant on the Defendant in this
20 case, Charles Morehouse, for murder, what, if any,
21 indication was given to you that he wished to talk, that
22 he may wish to participate in an interview?

23 A. He stated he wanted to talk with us. At that point in
24 time, he was told to fill out an inmate request form, which
25 is essentially saying I want to talk to investigators,

1 which we did, and we talked to him.

2 Q. Who initiated the request to speak with you during the
3 service of this warrant on him for murder?

4 A. He did.

5 Q. And did he ultimately fill out the inmate request
6 form?

7 A. Yes, ma'am, he did.

8 Q. And as a result of that, did you have an opportunity
9 to conduct an interview with him?

10 A. Yes,, we did.

11 Q. Who else, if anyone, participated in that interview?

12 A. It was myself and Detective Rawl.

13 Q. That would be Detective Miles Rawl who's seated here
14 at the State's table?

15 A. Yes, ma'am.

16 Q. Also involved in the homicide investigation?

17 A. Yes, ma'am.

18 Q. Now at that outset of that interview, did you or
19 Detective Rawl have the opportunity to advise Mr. Morehouse
20 of his Miranda rights?

21 A. He was advised of his Miranda rights.

22 Q. His constitutional rights?

23 A. Yes, ma'am.

24 Q. Did he appear to understand those rights?

25 A. He did.

1 Q. Did he agree to waive those rights?

2 A. He did.

3 Q. Now during the course of this interview, was there any
4 discussion about his wife, Crystal Morehouse?

5 A. There was.

6 Q. Based on where you were in the investigation at this
7 point, it's August 8, 2015, four days after the murder,
8 you've mentioned before that the NET team was also
9 involved. I'm gonna ask you to specify -- or clarify that
10 a little bit further. When you say NET team, you're
11 talking about drug agents?

12 A. Yes, ma'am.

13 Q. Were they also involved in this investigation from the
14 standpoint of the homicide?

15 A. They were.

16 Q. And what may have led to the homicide?

17 A. Yes, ma'am.

18 Q. At this point did law enforcement have information
19 that this murder was drug-related?

20 A. We did.

21 Q. At this point did law enforcement have information
22 that Charles Morehouse was involved in drugs?

23 A. Yes, ma'am.

24 Q. Specifically what type of drugs?

25 A. Meth or ice.

1 **MR. HILLIARD:** Objection.

2 **THE COURT:** All right.

3 **MS. MAYES:** We'll play audio, Your Honor. We'll
4 follow up after that.

5 **THE COURT:** All right. Your objection's sustained.
6 You may rephrase your question after the audio.

7 **MR. HILLIARD:** Thank you, Your Honor. May we
8 approach, Judge, at this point?

9 **THE COURT:** Sure.

10 (Proceedings held at the bench; not reported.)

11 **THE COURT:** All right. We need a quick break. I'll
12 let y'all step in the jury room and we're gonna break. I
13 need it. Then we'll play the video -- I mean, the audio.
14 So y'all step in the jury room and I'll have you back in
15 just a couple of minutes.

16 (Whereupon, the jury retires to the jury room at
17 2:42 PM.)

18 **THE COURT:** All right. We'll stand at ease for a
19 couple of minutes.

20 **MR. HILLIARD:** Thank you, Judge.

21 (Recess taken.)

22 **BAILIFF:** Court come to order. Court's back in
23 session.

24 **THE COURT:** All right. Be seated. Are we all good?

25 **MS. MAYES:** Yes, Your Honor.

1 (Whereupon, the jury returns to the courtroom at
2 2:49 PM.)

3 **THE COURT:** All right, Ms. Mayes.

4 **MS. MAYES:** Yes, sir, Your Honor.

5 BY MS. MAYES:

6 Q. I'm gonna show you State's Exhibit 22, Sergeant
7 Laintz, and ask you whether or not the interview that you
8 conducted with Charles Morehouse on August 8, 2015, along
9 with Detective Rawl, was audio-recorded?

10 A. Yes, ma'am.

11 Q. Have you had an opportunity to listen to that audio
12 recording?

13 A. Yes, ma'am.

14 Q. Is it a fair and accurate representation of the
15 interview that you and Detective Rawl conducted with
16 Charles Morehouse?

17 A. Yes, it is.

18 **MS. MAYES:** Your Honor, this will be State's 22 for
19 evidence.

20 **THE COURT:** And it will be -- in pre-trial we
21 discussed that and it will be admitted subject to the
22 objections placed on the record.

23 (State's Exhibit Number 22, an audio statement, was
24 admitted into evidence.)

25 BY MS. MAYES:

1 Q. If you could, Sergeant Laintz, tell us exactly who was
2 present for this interview. Who all was in the room?

3 A. It was myself, Detective Rawl and the Defendant,
4 Charles Morehouse.

5 Q. All right. And where was it conducted?

6 A. It was conducted at Lexington County Sheriff's
7 Department in one of our interview rooms.

8 Q. All right. Is there a discussion about potential
9 charges of Crystal Morehouse?

10 A. There is repeatedly.

11 Q. All right. And Crystal Morehouse is what -- again,
12 what relation?

13 A. Chuck -- the Defendant's wife.

14 Q. All right. And ultimately why, if at all, were there
15 discussions about her involvement or her possible --
16 possibly being charged?

17 A. He wanted to know if she was gonna get charged due to
18 the results of our -- the search warrant that was conducted
19 at the house.

20 Q. All right. And during the course of this interview
21 you make a reference to books and keeping books. Who are
22 you referring to?

23 A. Crystal Morehouse.

24 (Whereupon, State's Exhibit Number 22 was played
25 beginning at 2:51 PM.)

1 BY MS. MAYES:

2 Q. Whose voice is that right there?

3 A. That's me.

4 (Video played.)

5 Q. Now at this point when he states she had no idea I was
6 selling drugs, who is he referring to?

7 A. Crystal Morehouse.

8 Q. All right. And he uses the term "plug". Can you tell
9 us in law enforcement terms what is meant by that term
10 "plug"? What type of person is he referring to?

11 A. A plug is the person that provides drugs to somebody,
12 so a plug is the person that gives him the drugs, so gives
13 the other person drugs so they can be distributed.

14 Q. So when he says my plug, he's referring to his
15 supplier?

16 A. Yes, ma'am.

17 (Video played.)

18 Q. There's a reference to Junior and him speaking with
19 someone by the name of Junior by phone. Who did you
20 determine that to be?

21 A. Anthony -- it's gonna take me a second to look up his
22 name. Anthony -- he -- I'm sorry.

23 Q. And "Momma".

24 A. Anthony's nickname is Tank and they call him Tank,
25 Junior because his dad is also named Tank. So we called

1 him Tank, Junior, but his full name is -- and "Momma" is
2 his mother.

3 Q. Are you familiar with an individual by the name of
4 Lynch?

5 A. Yes. Sorry. Tank Lynch.

6 (Video played.)

7 Q. Okay. Let me stop here and ask you who is Snoop
8 that's being referred to in this interview?

9 A. Snoop is Christopher Williams. He lives at
10 . Or he did at that time live at .

11 Q. So that's the address that's being referred to as
12 Snoop's?

13 A. Yes, ma'am.

14 Q. All right. And also there's a reference to someone
15 using a bat on the victim. Who does he allege that person
16 was?

17 A. The co-defendant, Wiley Sisk.

18 Q. All right. During this interview, does Charles
19 Morehouse admit to scrubbing with Ajax or some type of
20 cleaning agent?

21 **MR. HILLIARD:** Objection.

22 **THE COURT:** What basis?

23 **MR. HILLIARD:** It's cumulative. We're listening to
24 it as it's happening and she's stopping him and asking him
25 what it says. We just heard that.

1 **MS. MAYES:** Your Honor, that's -- I can ask him to
2 clarify.

3 **THE COURT:** All right. He can clarify, but I don't
4 think it was an unfair question. I don't want -- I don't
5 want the interview to be repeated. I agree with you to
6 that extent.

7 **MR. HILLIARD:** Thank you, Judge.

8 BY MS. MAYES:

9 Q. Was he questioned about a cleaning agent?

10 A. Yes, ma'am.

11 (Video played.)

12 **MR. MAYE:** May we approach?

13 **THE COURT:** Yes, ma'am.

14 (Proceedings held at the bench; not reported.)

15 **THE COURT:** Let's take a short break. Y'all can
16 stretch your legs, get some fresh air. Don't discuss the
17 case and we'll have you back in here in a few minutes.

18 (Whereupon, the jury retires to the jury room at
19 3:40 PM.)

20 **THE COURT:** All right. We'll stand at ease for about
21 ten minutes.

22 (Recess taken.)

23 **BAILIFF:** Come to order. Court's back in session.

24 **THE COURT:** All right. How much more on the
25 recording, do y'all know?

1 **MS. MAYES:** We've got another hour, Your Honor.

2 **THE COURT:** I was afraid you were gonna say that.

3 All right. Bring in the jury.

4 (Whereupon, the jury returns to the courtroom at
5 3:55 PM.)

6 BY MS. MAYES:

7 Q. Now, Sergeant Laintz, during the course of this audio
8 that we have heard the Defendant's voice at times is
9 difficult to discern, there's mumbling. Is that the case
10 throughout this interview?

11 A. Yes, ma'am.

12 Q. However, you've had a chance to listen to the audio?

13 A. Yes, ma'am.

14 Q. In terms of the context of the audio, were you ever
15 able to have a conversation specifically about his
16 expectation of meeting Rico?

17 A. Yes.

18 **MR. HILLIARD:** Judge, we're gonna object to this.

19 Play the tape. What's on the tape is on the tape.

20 **THE COURT:** I agree and it's been a long tape and
21 these breaks are actually helping me just to break it up
22 because a steady listening of that is a steady listening
23 to the tape. Just so y'all know, it's in evidence. Y'all
24 be able to listen to it again or parts of it if you deem
25 appropriate. So I understand your objection --

1 **MR. HILLIARD:** Yes, sir.

2 **THE COURT:** -- but it's kind of helping. It's helping
3 me digest the facts that are coming in.

4 **MR. HILLIARD:** All right, sir.

5 **THE COURT:** So I don't see any prejudice to asking
6 questions.

7 **MR. HILLIARD:** We're getting ready to see it now.

8 **THE COURT:** Okay.

9 **MS. MAYES:** And briefly, Your Honor.

10 BY MS. MAYES:

11 Q. Sergeant Laintz, you've had a chance to review this
12 information regarding a conversation with the Defendant?

13 **MR. HILLIARD:** May we approach the bench?

14 **THE COURT:** All right.

15 (Proceedings held at the bench; not reported.)

16 **THE COURT:** I'm gonna allow it, but just limit it.

17 **MR. HILLIARD:** Thank you, Judge.

18 BY MS. MAYES:

19 Q. Sergeant Laintz, did you have a chance during the
20 course of this conversation with the Defendant,
21 Mr. Morehouse, to discuss specifically the outcome of
22 meeting the victim?

23 A. Yes, ma'am.

24 Q. And can you tell us what, if any, response was given?

25 A. It was to, quote, beat his ass and about him being an

1 informant.

2 Q. Who believed he was an informant?

3 A. The Defendant believed the victim was an informant.

4 Q. And was there any reference to Rico owing him money?

5 A. Yes, he said that Rico owed him \$200.00, but he wasn't
6 worried about it.

7 Q. There's also a reference to a "Heather". Who is
8 Heather?

9 A. Heather is Heather Owens.

10 Q. All right. And now we're getting ready to listen to
11 the portion regarding the outcome of meeting him and,
12 again, let me ask you this. Was there a discussion about
13 snitches?

14 A. Yes, there was.

15 Q. What is meant by the term "snitch"?

16 A. A snitch is someone who tells on someone else.

17 (Video played.)

18 **MS. MAYES:** May we approach?

19 **THE COURT:** Uh-huh.

20 (Proceedings held at the bench; not reported.)

21 **THE COURT:** All right. The lawyers are telling me
22 how much time they've got left with this witness. I know
23 y'all need a break. Would y'all rather stop for the day
24 and start back in the morning or take a break and go until
25 about six? Either way we're not gonna get through with

1 the witness. He's gonna have to come back in the morning.

2 **THE FOREPERSON:** Either's fine with us.

3 **THE COURT:** All right. Let's take a few minutes break
4 and we'll work until 6:00 and stop. Is that okay?

5 All right. Y'all take a short break and I'll get you
6 right back in here and we'll go until six and stop then.

7 (Whereupon, the jury retires to the jury room at
8 5:23 PM.)

9 **BAILIFF:** Court is back in session.

10 **THE COURT:** Y'all be seated. Just so y'all know, I
11 think it's probably better to break after Ms. Mayes'
12 direct. We'll stop there and let you start full --
13 cross-examination in full, so when you get done, we're
14 gonna be done.

15 Bring in the jury.

16 **MR. HILLIARD:** Thank you, Judge.

17 **THE COURT:** I just think that fits better.

18 (Whereupon, the jury returns to the courtroom at
19 5:25 PM.)

20 **THE COURT:** All right. I've decided once Ms. Mayes
21 finishes her direct of this witness that's a good place to
22 break, so it might not be quite 6:00. When she gets done,
23 then we'll break for the day and we'll come back and then
24 Mr. Hilliard will have an opportunity in the morning.

25 **MR. HILLIARD:** Thank you, Judge.

1 **THE COURT:** All right, Ms. Mayes.

2 **MS. MAYES:** Yes, sir, Your Honor.

3 BY MS. MAYES:

4 Q. Now, Sergeant Laintz, during the course of that
5 interview there are multiple references to a variety of
6 different people. What efforts did yourself as well as
7 other law enforcement members at your direction make to
8 locate some of these parties?

9 A. We wanted to locate all of them and interview them.
10 The majority of those were actually located and interviewed
11 before that interview took place.

12 Q. Okay. I'm gonna show you this exhibit and ask you
13 whether this individual, Crystal Morehouse, was located by
14 law enforcement?

15 A. She was.

16 Q. Heather Owens?

17 A. Yes, ma'am.

18 Q. Chip Belk?

19 A. Yes, ma'am.

20 Q. Wiley Sisk?

21 A. Yes, ma'am.

22 Q. Christopher Williams?

23 A. Yes, ma'am.

24 Q. Brittany Moody?

25 A. Yes, ma'am.

1 Q. And Erica Waters?

2 A. All of them were located.

3 Q. All right. I'm gonna talk with you about that and
4 have you clarify actually what connection you determined
5 them to have.

6 All right. During the course of the interview he
7 refers to "my plug" and makes numerous references to a
8 plug. Who is he referring to?

9 A. Brady Hill, the one at the top.

10 Q. That would be this individual here. Also during the
11 course of the interview he makes reference to re-upping.
12 What is meant by that term "re-upping"?

13 A. Re-upping means going to get more drugs in order to
14 sell them. Re-upping your supply essentially.

15 Q. And during the course of that interview, when did he
16 indicate he had re-upped with the plug in relation to the
17 murder?

18 A. That day, the 3rd. The day before.

19 Q. And regarding Crystal Morehouse, where was she located
20 and interviewed?

21 A. At Willow Forks Road.

22 Q. All right. That's the residence you previously
23 indicated that a search warrant was executed at, correct?

24 A. Yes, ma'am.

25 Q. And drugs were located?

1 A. Yes, ma'am.

2 Q. Now also he makes reference in the interview to
3 Heather. Who is Heather?

4 A. He referenced her as his girlfriend.

5 Q. All right. The girlfriend, Heather Owens, where does
6 she reside in relation to the crime scene itself on Old
7 Orangeburg Road?

8 A. It's less than two miles away. She actually lives
9 on South Lake.

10 Q. All right. And based on his interview, did he
11 indicate whether or not he had had contact with Heather
12 Owens on the date of the murder, August 3rd?

13 A. He did. He said before it happened.

14 Q. Before the murder he had made contact with Heather?

15 A. Yes, ma'am.

16 Q. And at what location?

17 A. Her residence.

18 Q. And was she also interviewed by law enforcement?

19 A. She was.

20 Q. Now he makes numerous references to an individual by
21 the name of Snoop. I believe you've testified about the
22 location of his address, but, again, where is that and
23 where is that located in connection with the actual crime
24 scene on Old Orangeburg Road?

25 A. At that time it was at , which is

1 seven miles away.

2 Q. And pursuant to this investigation, are you familiar
3 with the residence that Snoop was living in at the time at
4 Mack Circle in terms of what it was generally used for?

5 **MR. HILLIARD:** Objection.

6 **MS. MAYES:** I can rephrase that.

7 **THE COURT:** All right. Rephrase that.

8 BY MS. MAYES:

9 Q. According to the interview with the Defendant, did he
10 state whether or not he'd ever been to Snoop's house?

11 A. He said he had.

12 Q. Did he state whether or not he had been at Snoop's
13 house on the date of the murder?

14 A. He said he was at Snoop's house that day.

15 Q. All right. And does that include before the murder?

16 A. Yes, ma'am.

17 Q. Does that include after the murder?

18 A. It does.

19 Q. In fact, where is -- based on the interview, where is
20 the first place he went after the murder?

21 A. To Snoop's house.

22 Q. All right. Is Snoop's house -- there's a reference to
23 several people who was there. Who were the people who were
24 at Snoop's house that were located by law enforcement?

25 A. Brittany Moody, Erica Waters.

1 Q. Who is Brit-Brit?

2 A. Brittany Moody.

3 Q. All right. So the reference on the audio to Brit-Brit
4 being at Snoop's house after the murder would be Brittany
5 Moody?

6 A. Yes, ma'am.

7 Q. And the reference to Erica?

8 A. Erica Waters.

9 Q. There was a discussion about Erica having been given
10 some drugs?

11 A. Yes, ma'am. Essentially afterwards he says he gives
12 the drugs to Erica and it's Erica Waters.

13 Q. All right. And when you say "he" gives the drugs, who
14 are you referring to?

15 A. The Defendant, Charles Morehouse.

16 Q. All right. So he gave some drugs to Erica Waters
17 after the murder?

18 A. Yes, ma'am.

19 Q. And, again, where was she located?

20 A. Mack Circle at Snoop's house.

21 Q. All right. During the course of that interview, he
22 makes a reference to an individual on Bobsled Road. Who is
23 that individual?

24 A. Chip Belk, in the upper right-hand corner.

25 Q. Now has Chip Belk been charged in relation to this

1 case?

2 A. He has.

3 Q. How so?

4 A. He's charged with accessory after the fact.

5 Q. For what reason?

6 A. Dealing with the firearm.

7 Q. And had you ever heard the name Chip Belk or any
8 affiliation with Bobsled Road in relation to this murder
9 until you had that interview with Charles Morehouse?

10 A. No, ma'am, that was the first we heard.

11 Q. So that's how you found out about Chip Belk?

12 A. Yes, ma'am.

13 Q. During the course of the interview you state that you
14 will follow up and make contact with Chip Belk. Did you do
15 so?

16 A. Yes, ma'am, we did.

17 Q. Ultimately what type of weapon was known to be used in
18 this case?

19 A. A 40, 40 caliber.

20 Q. All right. Was that -- and has that firearm ever been
21 recovered by law enforcement?

22 A. It has not.

23 Q. I want to move over here. I believe you previously
24 indicated Wiley Sisk is the co-defendant also charged with
25 murder in this case?

1 A. Yes, ma'am.

2 Q. Was Wiley Sisk interviewed by law enforcement?

3 A. He was.

4 Q. Now regarding the weapon, we've --

5 **MR. HILLIARD:** I don't -- I apologize to interrupt.

6 Just a matter of clarification, the thing with the
7 pictures, is that offered as an exhibit?

8 **MS. MAYES:** It's not in evidence. It's a
9 demonstrative aid.

10 BY MS. MAYES:

11 Q. All right. You've indicated this is a 40 caliber,
12 correct?

13 A. Yes, ma'am.

14 Q. During the course of your interview with
15 Mr. Morehouse, he makes reference to a gun having a hair
16 trigger. Is that the 40 caliber or a different weapon?

17 A. No, that was -- I believe he called it a P90. It was
18 a 45 caliber.

19 Q. All right. So there's the P90 and a 45 caliber. Can
20 you clarify how the 45 caliber comes into play in relation
21 the 40 caliber?

22 A. In an interview with the Defendant, he said that he
23 had a 45, he was scared he was gonna shoot himself in the
24 man area, I guess, and he traded that night with Snoop for
25 the 40.

1 Q. All right. So the 45 is traded for the 40 and Snoop
2 is the one he states gives him the 40 caliber, correct?

3 A. Yes, ma'am.

4 Q. And that occurred on the night of the murder?

5 A. Yes, ma'am.

6 Q. Before the murder or after the murder?

7 A. Before.

8 Q. Okay. And he also states during the course of that
9 interview that on 8-3-15 while re-upping he learns he has
10 charges coming. What type of charge is he referring to?

11 A. Drug charges.

12 Q. Was he, in fact, under investigation by the Lexington
13 County Sheriff's Department for drugs?

14 A. He was.

15 Q. Did that investigation include the use of informants?

16 A. It did.

17 Q. Towards the end of the interview he makes reference to
18 the Rebels. Who are the Rebels?

19 A. The Rebels are a motorcycle gang or an outlaw
20 motorcycle gang that has chapters in this area.

21 Q. And his statement to you was that he was hanging out
22 around with them for prospect status?

23 A. That's what it sounded like he was saying, yes.

24 Q. Have you ever found any direct connection in the
25 course of this investigation between the Rebels and the

1 murder of James David Porter, the Third?

2 A. We have not.

3 Q. During the course of that interview, he states after
4 the murder he goes to Snoop's house. Where else does he
5 indicate that he went and what efforts did law enforcement
6 make to follow up in that regard?

7 A. He went from Snoop's house to Mojo's, Mojo's to
8 Whiskey Tavern. It's a little confusing. Somewhere in
9 there he goes to Momma's house, which is Austin Lynch's
10 house, and then goes back to Whiskey Tavern and then goes
11 back to Snoop's house.

12 Q. I'm gonna clarify that. Ad did law enforcement make
13 contact with Whiskey Tavern?

14 A. We did.

15 Q. All right. So you've testified that according to the
16 Defendant he was at Snoop's house before the murder and
17 also at Heather's house, correct?

18 A. Yes, ma'am.

19 Q. We know the crime scene location is gonna be Old
20 Orangeburg Road. He states he went to Snoop's house after
21 the murder and then you indicated that you spoke with Chip
22 Belk. Can you tell us whether or not he acknowledges going
23 to Chip Belk's house at some point after the murder?

24 A. He did. He acknowledged going to Chip Belk's house.
25 Leaving Snoop's, going to Chip's and then going to Mojo's.

1 Q. And where is Bobsled Road in relation to all of this?
2 Is it in Lexington County?

3 A. It is in Lexington County, yes.

4 Q. Okay. And just to clarify, the crime scene itself,
5 Old Orangeburg Road, is that in Lexington County?

6 A. Yes, ma'am.

7 Q. All right. So from Snoop's house at some point he
8 hits Chip Belk's house on Bobsled. I believe you also
9 mentioned Mojo's. What's the general area in which Mojo's
10 is located?

11 A. Mojo's is off Knox Abbott in Cayce.

12 Q. I believe you also mentioned Whiskey Tavern. Can you
13 can tell us whether or not video was obtained from Whiskey
14 Tavern?

15 A. There was.

16 Q. Can you tell us whether or not he was located on
17 video --

18 **MR. HILLIARD:** Objection.

19 **MS. MAYES:** I can rephrase that.

20 BY MS. MAYES:

21 Q. Do you have an officer who went to Whiskey Tavern to
22 obtain that video?

23 A. Yes, ma'am.

24 Q. All right. And you reviewed that in relation to this
25 investigation?

1 A. Yes, ma'am, I did.

2 Q. All right. You also mentioned Momma's house that you
3 said is the residence of who?

4 A. Austin Lynch, Junior. Tank, Junior.

5 Q. Austin Lynch and that's also Tank, Junior, correct?

6 A. Yes, ma'am.

7 Q. Also Junior. Well, during the interview he makes
8 reference to Junior. Who's he referring to?

9 A. Austin Lynch.

10 Q. All right. Is this the same Austin Lynch -- is this
11 the same Austin that had been in the presence of the victim
12 earlier that day along with the two females?

13 A. Yes, ma'am.

14 Q. And when he had been dropped off, where was Austin
15 dropped off?

16 A. Momma's house.

17 Q. Which would be this location here?

18 A. Yes, ma'am.

19 Q. Can you tell us whether or not individuals at that
20 location, Momma's house, were also interviewed by law
21 enforcement?

22 A. They were.

23 Q. And ultimately after going to all of these various
24 locations, do you know whether or not he returned to
25 Snoop's house at any point that night?

1 A. He said he did.

2 Q. And then ultimately your testimony earlier on direct
3 examination is that he was seen returning to his own
4 residence at Willow Forks Road at approximately what
5 hour?

6 A. Around 6:30.

7 Q. AM?

8 A. Yes, ma'am.

9 Q. What can you tell us, Sergeant Laintz, regarding
10 interviewing techniques used by law enforcement to
11 facilitate an interview such as this, especially in a
12 murder case?

13 **MR. HILLIARD:** Objection.

14 **MS. MAYES:** What ground?

15 **MR. HILLIARD:** It's not tied to this case.

16 **THE COURT:** I think she said what methods were used
17 in this case.

18 **MR. HILLIARD:** Begging the Court's -- pardon, me, but
19 I think she said in general. If she said in this case,
20 then I misheard her.

21 **THE COURT:** Go ahead.

22 **MS. MAYES:** I believe the witness understands the
23 question.

24 **THE COURT:** All right. The question -- rephrase your
25 question to make certain it's relevant to this case.

1 **MR. HILLIARD:** Thank you, Judge.

2 BY MS. MAYES:

3 Q. What can you tell us about interviewing techniques,
4 Sergeant Laintz?

5 **MR. HILLIARD:** Objection.

6 **THE COURT:** He can give that description.

7 **MR. HILLIARD:** Interviewing techniques in general?

8 **THE COURT:** In general.

9 **MR. HILLIARD:** Yes, sir.

10 **THE WITNESS:** Interviewing is science and art and
11 whole bunch of other things mixed together. You can go to
12 classes, you can go to all kind of places to learn a lot
13 about it or you can just get experience to learn about it.
14 The person you're dealing with, the person you're talking
15 with -- I mean, I would talk to someone about trespassing
16 different than I would talk to somebody about a murder.
17 So the techniques and the approaches and everything are
18 always different, they're always fluid and they're always
19 changing, but some of the things you want to do is, one, if
20 a person's talking to keep them talking. If somebody's
21 talking, they're not thinking of ways to hurt you, ways to
22 think up lies, ways to escape or something like that, so
23 you want to keep the person talking as much as you can.
24 There's also times that you want to pause and let that
25 person think for a while. When you're also interviewing

1 somebody, you are going to agree with them. I mean, I've
2 been in interviews where I've -- if somebody says that a
3 ten-year-old is attractive and you're dealing with that
4 kind of case, you say yes, they're attractive. You don't
5 mean it.

6 **THE COURT:** Let's get to this case. I don't want to
7 talk about every case that's coming down the pipe. We're
8 talking about this case.

9 BY MS. MAYES:

10 Q. Regarding this particular case, Sergeant Laintz,
11 looking at the interview as a whole, do you believe or
12 was it your belief that Mr. Morehouse was completely
13 forthcoming?

14 A. I think he told some of the truth, but not all of the
15 truth.

16 Q. All right. And when you say I have no reason to think
17 you're lying, what were you referring to? Is that an
18 interviewing technique?

19 A. It is.

20 Q. Now regarding the phone in this case, was the phone of
21 Charles Morehouse ever recovered by law enforcement?

22 A. It was not.

23 Q. What about the phone of Wiles Sisk?

24 A. It was not.

25 Q. The items recovered from the crime scene such as the

1 cigarette and the casings, can you tell us whether or not
2 they were submitted for forensic analysis?

3 A. Yes, they were.

4 Q. Can you tell us whether or not the cell phone records
5 were recovered?

6 A. Cell phone records were obtained on all.

7 Q. For Wiley Sisk?

8 A. Yes, ma'am.

9 Q. As well as the Defendant, Charles Morehouse?

10 A. Yes, ma'am.

11 Q. Can you tell us whether or not the Defendant, Charles
12 Morehouse, has any connection to the area of Old Orangeburg
13 Road?

14 A. He does.

15 Q. How so?

16 A. In our database there was an address that was also in
17 that area for him.

18 Q. A previous address?

19 A. Yes, ma'am.

20 Q. Specifically on what road?

21 A. On Old Orangeburg Road.

22 Q. And he had used that address as recently as what date?

23 A. That was in March, I believe.

24 Q. Of what year?

25 A. 2015.

1 Q. Within months of the murder?

2 A. Yes, ma'am.

3 **MS. MAYES:** I beg the Court's indulgence.

4 **THE COURT:** Yes, ma'am.

5 BY MS. MAYES:

6 Q. And as of March of 2015 when he was using the address
7 at Old Orangeburg Road, can you tell us what, if any, phone
8 number was affiliated with Mr. Morehouse on that date?

9 A. It is the same number, the 1191.

10 Q. Now during the course of this interview, did you
11 question the Defendant regarding any possibility of
12 self-defense or the need for self-defense?

13 A. Yes, ma'am.

14 Q. What is meant by the term "buck up"?

15 A. Buck up means getting ready to fight. You know, blow
16 up, get in somebody's face like you're getting ready to
17 fight.

18 Q. Did you question whether or not the victim had ever
19 bucked up?

20 A. The question was brought up and he said that he did
21 not.

22 Q. Did he ever indicate that the victim, James David
23 Porter, had initiated an altercation in any way?

24 A. No, he actually I believe said he was as friendly as
25 can be.

1 **MS. MAYES:** Nothing further.

2 **THE COURT:** Okay. All right. We're done for the
3 day. Let me talk to the lawyers real quick about tomorrow.

4 **MR. HILLIARD:** Yes, sir.

5 (Proceedings held at the bench; not reported.)

6 **THE COURT:** All right. What I was asking them, the
7 new Solicitor's getting sworn in tomorrow at three and I'm
8 debating on whether we break at 2:30, 2:45. These folks
9 will be working for him. He's the new guy coming in. The
10 guy that's been here forty years, Mr. Myers, is leaving.
11 I'm concerned that -- I want to keep working, too, and so
12 I'm thinking out loud with them wondering should we have a
13 normal day and just keep working the courtroom. Are y'all
14 okay with me deciding that tomorrow? And if we keep
15 working and try to -- I want to keep this case moving. I
16 don't want to -- okay. Y'all have told me enough.

17 All right. Y'all be here at 9:15 and we'll let you
18 know in the morning, but we may keep on working. Now that
19 may change what time we go to lunch, okay, so I'll handle
20 that. That will be on me. Y'all be back here at 9:15.
21 Don't begin discussing the case and we'll see you in the
22 morning.

23 (Whereupon, the jury was excused for the evening at
24 5:46 PM.)

25 **THE COURT:** All right. I'll be here by 9:00.

1 (Whereupon, the proceedings were concluded for
2 January 10, 2017, at 5:46 PM.)

3 (Whereupon, the following proceedings were held on
4 January 11, 2017, beginning at 9:12 AM.)

5 **BAILIFF:** All rise. Court's now in session. The
6 Honorable Judge Eugene Griffith presiding.

7 **THE COURT:** Good morning. Y'all be seated.
8 Everybody ready to go? Are you ready?

9 **MR. HILLIARD:** Yes, sir, Judge.

10 **THE COURT:** You're still under oath.

11 **THE WITNESS:** Thank you.

12 **THE COURT:** All right. Bring in the jury.

13 (Whereupon, Jesse Laintz, retakes the witness stand.)

14 (Whereupon, the jury enters the courtroom at 9:13 AM.)

15 **THE COURT:** All right, folks. We're ready to
16 continue. Detective Laintz is still under oath. It's
17 the opportunity now for Mr. Hilliard to cross-examine him.

18 **MR. HILLIARD:** Thank you, judge.

19 CROSS-EXAMINATION

20 BY MR. HILLIARD:

21 Q. When you were testifying on -- yesterday, did I
22 understand you to say that the last person they had contact
23 with did it?

24 A. No, not necessarily. I said usually the last person
25 to have contact with is a good person we need to go talk

1 to.

2 Q. All right, sir. Well, you'd agree with me that that's
3 two different things, it's a good person to talk to versus
4 the last person they had contact with -- or usually the
5 last person they had contact with did it? That's two
6 different things, right?

7 A. Well, I think in a murder you can say the last person
8 someone saw, unless it was some crazy sniper, is the person
9 who did it.

10 Q. Well, certainly. I mean, that sort of goes without
11 saying, right? If there are two people there and one of
12 them ends up dead, the one that shot him is the last person
13 he sees, right?

14 A. I would definitely think so.

15 Q. But the context of yesterday, and I don't mean to
16 belabor this point, but when you said this yesterday you
17 were talking about these phone calls, right? Do you
18 remember that?

19 A. I do.

20 Q. And what you were telling the jury is the last --
21 oftentimes or most oftentimes the last person they had
22 contact with did it. So are you standing by that today,
23 that usually the last person that an individual had some
24 contact with is the person that did the murder even if
25 it's a phone call?

1 A. I don't know if I said contact as in a phone call.
2 I think I said contact, but I was implying as in
3 face-to-face person-to-person.

4 Q. All right, sir. So your testimony today is that it's
5 -- that your comment on yesterday was unrelated to the
6 phone call?

7 A. No, my testimony today is the same as it was
8 yesterday.

9 Q. All right, sir. Did -- you have gone to school to
10 learn how to do interrogation; isn't that true?

11 A. No, I have not.

12 Q. You have not gone to school to learn how to do
13 interrogation?

14 A. I have not went to an interviewing and interrogation
15 school.

16 Q. Okay. You have gone to classes for interrogation?

17 A. Everything I've learned for interviewing and
18 interrogation is hands-on, on-the-job experience.

19 Q. You have never taken any classes in interrogation?

20 A. No, I have not.

21 Q. You have never taken any instruction in interrogation?

22 A. Just from what I got from on-the-job from my sergeant
23 who was in charge of me or from my sergeant who was on the
24 road, but I've never sat in a classroom and got a handout
25 or a Power Point for interviewing and interrogation.

1 Q. All right. The -- have you received instruction in
2 how to testify? Not what to say, the manner in which you
3 testify in front of a jury?

4 A. Instruction as a class?

5 Q. Instruction as in handouts or opportunities for
6 in-service training or any of those sorts of things?

7 A. No, I haven't. Everything's on-the-job.

8 Q. Everything's on-the-job. The interrogation technique
9 that you used in this situation was to lie to the
10 Defendant; is that true?

11 A. I wouldn't say lie. I would say it was -- the intent
12 is to keep them talking and the reason -- the school I
13 have attended have to do with SWAT negotiations and EOD
14 and stuff like that and you keep the person talking so
15 that person doesn't have the time to formulate a plan to
16 hurt you, lie to you or anything like that. So the intent
17 is to keep the person talking. If I have to tell a white
18 lie and not be a hundred percent honest, I tell a white
19 lie and not be a hundred percent honest.

20 Q. You'd agree with me -- well, that's two different
21 things, right? The SWAT -- let me ask the question a
22 different way. When you -- say you have a SWAT
23 negotiation. You will do anything necessary to protect
24 private citizens, right?

25 A. Yes.

1 Q. But when you're interviewing a person who's in
2 custody, there's nobody there but police officers and the
3 person you're interviewing?

4 A. But the person I'm still trying to protect is a
5 private citizen. In this case it happened to be somebody
6 that was dead.

7 Q. You were trying to protect a dead person?

8 A. Their family. Absolutely. That's my job.

9 Q. Maybe we don't mean -- tell me what you mean by
10 protect.

11 A. My job as a law enforcement officer is to protect the
12 citizens of the county.

13 Q. All right, sir.

14 A. Depending on whatever the investigation is, depending
15 on what we're doing, that's my overall job. I put on a
16 cape every single morning with a badge with the intent to
17 have a positive influence on somebody's life and sometimes
18 it depends how you take it. If you're not a good person,
19 it's not a positive influence. For the Porter family,
20 this might not have been a positive influence, but I was
21 doing the best I could for them.

22 Q. You put on a cape every morning when you get up?

23 A. My badge is a cape.

24 Q. A cape? Like a superhero?

25 A. Absolutely.

1 Q. All right, sir. So when you get up in the morning,
2 then you're a superhero; is that right?

3 A. Yes, I am.

4 Q. All right, sir. And then you're protecting the
5 citizens from the bad guy?

6 A. Absolutely.

7 Q. And the bad guy is Charlie?

8 A. During this point in time it was, yes, sir.

9 Q. All right, sir. So you can tell Charlie lies to
10 protect the community from him?

11 A. I don't understand that.

12 Q. All right, sir. When you are protecting the
13 community from the bad guy, from Charlie, you do what's
14 necessary in the same way that you do with a SWAT
15 situation? You do what's necessary to get what you want?

16 A. As long as it's legal, moral and ethical. Absolutely.

17 Q. Legal, moral and ethical, right?

18 A. Yes, sir.

19 Q. All right, sir. And it is legal, moral and ethical
20 to lie to get a statement from a defendant?

21 A. Yes.

22 Q. All right, sir.

23 **THE COURT:** Mr. Hilliard?

24 **MR. HILLIARD:** Yes, sir.

25 **THE COURT:** I don't want to get into legal stuff, but

1 the Supreme Court of the United States has said that is
2 appropriate.

3 **MR. HILLIARD:** Sir?

4 **THE COURT:** The Supreme Court of the United States
5 has said that's appropriate, so don't mislead him. You
6 know, he's not a lawyer, he's not a judge, as you know,
7 but the Supreme Court of the United States has approved
8 that, so. I understand what you're doing, but be careful.

9 **MR. HILLIARD:** Well, I understand, Judge, and, of
10 course, the prosecution can make their objection. They
11 haven't done that yet, so.

12 **THE COURT:** Well, I have a job to do, too, and I'm
13 trying to make certain this case -- this trial is fair.

14 **MR. HILLIARD:** Yes, sir. I understand.

15 **THE COURT:** Okay.

16 **MR. HILLIARD:** I understand.

17 BY MR. HILLIARD:

18 Q. Well, and let's go -- so no lesser group of people
19 than the United States Supreme Court has said that it's
20 okay to lie to a defendant to get a confession, right?
21 That's what the judge said.

22 A. The judge just said so. I would agree.

23 Q. All right. You would agree with that. And that's
24 what you did in this case. You lied to him to get a
25 confession?

1 A. Yeah.

2 Q. All right, sir. There has been a person who is
3 convicted of this murder.

4 A. A co-defendant, yes.

5 Q. And the co-defendant who has been convicted of this
6 murder wrote a letter confessing to the murder, right?

7 **MS. MAYES:** Objection, Your Honor. May we approach?

8 **THE COURT:** You may.

9 (Proceedings held at the bench; not reported.)

10 BY MR. HILLIARD:

11 Q. All right, sir. So you're one of the lead
12 investigators in this situation; is that correct?

13 A. I'm the sergeant that's overseeing the entire thing,
14 yes, sir.

15 Q. All right. Well, you've been identified to the Court
16 as a co-lead investigator; is that true?

17 A. I would say I was, yes.

18 Q. And as the co-lead investigator, you know that the
19 co-defendant in this case has said that he takes full
20 responsibility for his action; is that right?

21 A. I believe he did, yes, sir.

22 Q. All right, sir. And that he has exonerated Charlie?

23 A. Well, that was said once, but then later on he said
24 something different as well.

25 Q. All right, sir. So he said more than one thing?

1 A. He did.

2 Q. All right, sir. But one of the things that he said
3 was that he was the shooter?

4 A. He did.

5 Q. All right, sir. And he said that Charlie did not
6 shoot?

7 A. At one point in time he did say that, yes.

8 Q. All right, sir. So he -- he has said that -- the guy
9 who has been convicted of murder of the Porter family's
10 loved one, the individual who has been convicted of the
11 Porter family's loved one, the people that -- that's too
12 many questions. I'm sorry. Wiley Sisk has been convicted
13 of that, right?

14 A. Correct.

15 **MR. HILLIARD:** And, Judge, if he could not look at the
16 pros --

17 BY MR. HILLIARD:

18 Q. I'm gonna stand over here, if that's all right?

19 A. I'm actually looking you the eye, sir.

20 Q. We can debate that, but --

21 **THE COURT:** And he's looking at me, too, so keep
22 looking up here.

23 BY MR. HILLIARD:

24 Q. All right. So here's the -- here's the thing. Wiley
25 Sisk has been convicted of this murder; is that right?

1 A. As a co-defendant, yes.

2 Q. All right, sir. And he has confessed to the murder?

3 A. At one point in time he did, yes.

4 Q. And he has -- okay, well -- he has, Wiley Sisk, the
5 convicted murderer, has said more than one thing about how
6 this happened?

7 A. He has.

8 Q. One of the things that Wiley Sisk, the convicted
9 murderer, has said is that Charlie didn't know what was
10 gonna happen before it happened.

11 A. That is one of the things and one of the other things
12 he said was he didn't know.

13 Q. Sir?

14 A. One of the things that he said, the co-defendant,
15 was that he didn't know what had happened. In a murder
16 case like this when there's two people involved, it's not
17 uncommon to point fingers at each other.

18 Q. Yes, sir. The co-defendant, Wiley Sisk, again,
19 pointed the finger at Charlie at one time; is that right?

20 A. Correct.

21 Q. And then after that he said that Charlie had nothing
22 to do with it. Isn't that true?

23 A. Yes, and after that he said it was Charlie again.

24 Q. That was when he was on trial for murder?

25 A. It was.

1 Q. All right, sir. And he was convicted?

2 A. He was.

3 Q. When you were interviewing Charlie, at one point at
4 the conclusion of the interview you indicated that there
5 was no reason to think that he was lying. That was at the
6 very end of it, right?

7 A. Yes, sir.

8 Q. And that was true?

9 A. No, it was not.

10 Q. But the interview was over.

11 A. Well, the interview was over probably several times
12 if you really think about it. Give another poke to try to
13 keep them talking, to keep them going on about it and maybe
14 build some rapport or something back and forth, and then
15 they might start saying some more.

16 Q. So give them another poke; is that right?

17 A. I do believe he was there, he had the gun, he pulled
18 it out and shot three times. I believe that.

19 Q. All right, sir. You believe that he had the gun,
20 pulled it out and shot three times and there's no reason
21 to disbelieve the fact that he was not shooting at Rico.
22 There's no reason to not to believe that, right?

23 A. I think the autopsy might suggest otherwise, but --

24 Q. Well, you're not the autopsy guy.

25 A. No, I'm not.

1 Q. All right, sir. And then you also said that you hoped
2 that it helped him; is that right?

3 A. I truly still believe that.

4 Q. All right, sir. But what you're talking about with
5 that is the part that you said about the -- and I'm
6 paraphrasing this because I can't remember exactly, and if
7 this is wrong somehow tell me, but sort of the get right
8 with God part of it. Is that -- is that a fair -- is that
9 what you meant by you hope it helps in his conscience?

10 A. Yes. Absolutely.

11 Q. All right, sir.

12 **MR. HILLIARD:** Excuse me just one second, Judge.

13 (Pause in proceedings.)

14 BY MR. HILLIARD:

15 Q. When -- when you were testifying earlier, and I don't
16 remember what this is, I don't remember what exhibit this
17 is, but this is the -- the cell phone that belonged to
18 Rico, but I'll just -- I'll just show you this. This is a
19 cell phone --

20 **MR. HILLIARD:** May I approach the witness, Your Honor?

21 **THE COURT:** Sure, sure.

22 **MR. HILLIARD:** Thank you.

23 BY MR. HILLIARD:

24 Q. This is a cell phone that belonged to Rico; is that
25 right?

1 A. Yes, sir.

2 **THE COURT:** Let's retrieve it out. Ms. Johnson can
3 get it kind of quick. Here we go. Just say what you've
4 got. Pull the exhibit out so he can have it.

5 **MR. HILLIARD:** Thank you.

6 **THE COURT:** I'm gonna tell the jury this. The
7 evidence that comes in, Ms. Johnson's got an inventory of
8 it, and Ms. Frick and she collectively puts it together
9 because it gets left here in the courthouse at night and
10 so that's why it gets put in the box and organized in a
11 certain order and then the lawyers kind of come and use it
12 as they see fit, but it's all in there. It's just -- it's
13 her job to keep track of it. Now he's got the one that we
14 let in, so it's the one y'all will see in the jury room.

15 All right.

16 **MR. HILLIARD:** Thank you, Judge. Thank you, sir.

17 BY MR. HILLIARD:

18 Q. So State's Exhibit Number 26 that you have testified
19 from before, and I let me just -- can I just hold this up
20 so that they'll see sort of? This is State's Exhibit
21 Number 26 that you've testified from before. That's the
22 one where the police officer inadvertently made the --
23 punched the button at 4:57?

24 A. I believe that was me.

25 Q. All right, sir. And then -- there's a couple of

1 other -- there's A King Chuck on here.

2 A. A King Chuck, yes.

3 Q. And then it has some other numbers. Did you determine
4 who those -- a phone call from 10:23; is that right?

5 A. Yes, I'm -- I want to say we determined them, I'm
6 quite sure we did, but I do not know who those are.

7 Q. All right, sir. So the A King Chuck phone call was
8 at 11:13 and then there was a phone call from -9770
9 at 10:23.

10 A. Yes, sir.

11 Q. And another phone call from -6348 at 10:04; is
12 that right?

13 A. Yes, sir.

14 Q. All right, sir. One of the things that was -- was
15 clear to you during your interview with -- with Charlie
16 was that he was very much worried about his family; isn't
17 that true?

18 A. Yes.

19 Q. And he was trying to think of some way to help them?

20 A. He -- he did.

21 Q. When -- and may I use part of your chart? When
22 you were talking to Charlie and I think when you were
23 testifying earlier with the prosecutor about that -- she
24 was asking you about the outcome of -- what Charlie had
25 said about the outcome of meeting -- the meeting between

1 Charlie and Rico. Is that -- do you remember that?

2 A. Yes, sir.

3 Q. And one of the things that -- that came from that was
4 that Charlie anticipated that they were going to beat his
5 ass?

6 A. Correct.

7 Q. And one of the things that -- about that was that --
8 that Rico owed him money?

9 A. Yeah, and also being an informant.

10 Q. Okay. Rico owed him money, but also he said that he
11 didn't care about Rico owing him money, right?

12 A. He did.

13 Q. So Charlie said that Rico owed him money, but he
14 didn't care about that?

15 A. He said that.

16 Q. Yes, sir. And then he said that he was concerned
17 that Rico was an informant or he said something about that;
18 is that right?

19 A. He did.

20 Q. And then -- but he anticipated they were gonna beat
21 his ass?

22 A. That's what he said, yes.

23 Q. And instead of beating his ass, then what happened was
24 Rico got -- got killed. That's what actually happened?

25 A. Yes, sir.

1 Q. All right, sir. Now you have said that Rico is not
2 an informant to the best of your knowledge?

3 A. He is not.

4 Q. And Chad Andrews is an informant?

5 A. I believe so, yes.

6 Q. One of the things that you were talking with the
7 jury about earlier or yesterday was that -- that you went
8 through and -- from the statement that Charlie made and
9 checked out all the things and the people that were in
10 there; is that right?

11 A. We did.

12 Q. And one of the things that Charlie said was that Chad
13 Andrews was, in fact, an informant and that Charlie had
14 sold him drugs. That's one of the things that's on the
15 statement?

16 A. He did say that.

17 Q. So -- well, and did you determine that, in fact, Chad
18 Andrews is an informant?

19 A. I was told he was, yes.

20 Q. All right, sir. And then Chad Andrews -- and so
21 Charlie knew -- based on what you're saying, Charlie knew
22 that Chad Andrews was an informant working for the police
23 when Chad had bought drugs from Charlie?

24 A. No, I don't think he knew that. What he knew was on
25 8-8-2015 at around noon that Chad was an informant.

1 Q. Well, he -- he also told you that he anticipated that
2 he was going to be arrested for three distribution -- that
3 when he was in bed with his wife that he anticipated that
4 he was gonna be arrested for three distributions of drugs?

5 A. Yes, and the reason we said that was because on --
6 yes, I did say that.

7 Q. All right, sir. And that was the Chad Andrews case.
8 Those are Chad Andrews' distribution -- or those are the
9 cases where Chad bought drugs from Charlie?

10 A. It did end up being that way, but this is 8-8. On
11 8-4 paperwork was given to him that outlined information
12 about that and it could be easy to put two and two together
13 oh, these are the days that I sold to that person. So four
14 days before that he was provided paperwork that outlined
15 those drugs transactions.

16 Q. So you're speculating about that then, right? I mean,
17 that's just --

18 A. Oh, I know he was given paperwork.

19 Q. You're speculating about the result of that or how --
20 how that information came to be?

21 A. I am, but he had four days to work through that.

22 Q. But Chad Andrews is still alive?

23 A. He is.

24 Q. And he is the informant who bought the drugs?

25 A. I believe so, yes.

1 Q. All right. One of the things that you said -- I'm
2 not gonna chase this too far, Judge, but one of the things
3 that you said in the interview is that you told Charlie
4 that you don't lie?

5 A. I did.

6 Q. But that was a lie?

7 A. To him it was, yes.

8 Q. There was \$220 in cash on Rico; is that right?

9 A. Yes, 220.

10 Q. Did you determine who is Lite-Bright?

11 A. Yes, Chrys -- that is Crystal Bright.

12 Q. Did you interview Crystal Bright?

13 A. I did not, no.

14 Q. I'm sorry, did anybody interview Crystal Bright?

15 A. She was.

16 Q. In the course of your investigation, did you
17 retrieve -- or not retrieve, but in the course of your
18 investigation, have you viewed videotape from Mr. Porter,
19 Junior's home?

20 A. I know we got the videotape. I did not see it.

21 Q. You know that you have it?

22 A. Yes.

23 Q. And you were here when he testified about it?

24 A. No, I was not.

25 Q. You was not -- you were not?

1 A. (Shakes head.)

2 Q. All right.

3 **MR. HILLIARD:** Excuse me a second, Judge. Excuse me
4 just one second, Judge.

5 (Pause in proceedings.)

6 **MR. HILLIARD:** Thank you, sir. I don't have any other
7 questions.

8 **THE WITNESS:** Thank you.

9 REDIRECT EXAMINATION

10 BY MS. MAYES:

11 Q. Sergeant Laintz, I want to start by having you clarify
12 a few things regarding co-defendants. Is this the only
13 such case in which co-defendants are charged with murder?

14 A. No.

15 **MR. HILLIARD:** Objection.

16 **THE COURT:** Rephrase that question.

17 BY MS. MAYES:

18 Q. Sergeant Laintz, during the course of your involvement
19 with the Major Crimes Unit, is it always only one person
20 who's charged with murder?

21 **MR. HILLIARD:** Again, Judge. That's relevance.

22 **THE COURT:** All right. I think we can agree in this
23 case there are two people charged with murder. In this
24 case, one's been convicted and one's on trial.

25 **MR. HILLIARD:** Yes, sir.

1 **THE COURT:** Fair enough.

2 **MR. HILLIARD:** I'll agree to that.

3 **THE COURT:** All right.

4 BY MS. MAYES:

5 Q. In this particular case, both Mr. Morehouse and
6 Mr. Sisk have been charged with murder, correct?

7 A. They have.

8 Q. All right. Why are co-defendants charged together in
9 a case such as this?

10 **MR. HILLIARD:** Objection.

11 **MS. MAYES:** Your Honor, clearly this is in response
12 to cross-examination.

13 **THE COURT:** I think it's a fair question.

14 **MR. HILLIARD:** Thank you, Judge.

15 **THE COURT:** I don't want to get too far in the legal
16 issues, but she can ask that question.

17 **MR. HILLIARD:** Yes, sir.

18 **THE WITNESS:** Hand of one, hand of all is what we
19 call it in the State of South Carolina.

20 BY MS. MAYES:

21 Q. If two people are acting together in the course of a
22 homicide, can you tell us whether or not you charge both?

23 A. Yes, we do.

24 Q. In this particular case, what, if any, indications
25 were there that Morehouse and Sisk were acting together?

1 A. Communication beforehand, communication afterwards,
2 they were at the scene together, both admissions, and
3 they were both there when he got shot and they both
4 touched the gun.

5 Q. Okay. During the course of this investigation, was
6 it determined who had a motive to harm David Porter?

7 A. It was.

8 Q. Who was that person?

9 A. The Defendant, Charles Morehouse.

10 Q. Charles Morehouse. Was it ever determined whether
11 Mr. Sisk had any direct connection to David Porter?

12 A. We were not able to find one.

13 Q. So when we talk about Charles Morehouse -- I'm gonna
14 ask you about some of the different aspects that go into
15 the investigation I believe you testified previously on
16 cross-examination. Did you consider autopsy?

17 A. Yes, ma'am.

18 Q. What other factors do you look like in a homicide
19 investigation such as this?

20 A. All the scene, the entire scene, everything around
21 the scene, then you go can on forever with that. Cell
22 phone record are a big one, witnesses that you talk to.
23 Any other corroborating evidence such as video from
24 different locations, means of travel. There's a lot.

25 Q. All right. And do you also consider motive?

1 A. Absolutely. You have to.

2 Q. Now in this particular case, I believe there was some
3 previous testimony about witnesses that were spoken to.

4 A. Witnesses that what? I'm sorry.

5 Q. About witnesses that were spoken to.

6 A. Oh, yes, ma'am.

7 Q. Let me show you this. In regards to Mr. Morehouse and
8 the role of Mr. Sisk as well, was the witness Christopher
9 Williams, also known at Snoop, interviewed in that regard?

10 A. He was.

11 Q. What about Erica Waters?

12 A. Yes, ma'am.

13 Q. What about Heather Owens?

14 A. Yes, ma'am.

15 **MR. HILLIARD:** Objection, Judge. I -- this is
16 the same thing she went through on -- on her direct
17 examination, it's exactly the same thing, and I didn't
18 ask any of these questions. It's not responsive to
19 anything I asked.

20 **MS. MAYES:** It's directly in response to
21 cross-examination about the factors that are considered
22 in charging.

23 **THE COURT:** All right. I don't want to go through
24 his entire testimony again, you were very detailed on that,
25 so let's get to the point, all right?

1 BY MS. MAYES:

2 Q. And Brittany Moody?

3 A. Yes, ma'am.

4 Q. Can you tell us whether or not it was determined that
5 the co-defendant, Mr. Sisk, Mr. Hilliard is asking about,
6 did these people also have contact with Mr. Sisk?

7 A. I know that Brittany Moody, Snoop and Erica Waters
8 saw him that night. I believe him and Chip Belk were
9 acquaintances and Heather Owens knew him from two
10 encounters that I know of.

11 Q. All right. Can you tell us whether or not these
12 witnesses were able to provide information regarding the
13 role of Mr. Morehouse in comparison with the role of
14 Mr. Sisk?

15 A. Yes, ma'am, they were.

16 Q. Were all of those factors considered as well?

17 A. They were.

18 Q. Now when we talk about this letter that Mr. Hilliard,
19 is asking about, I'm gonna start by asking you this. The
20 co-defendant, Mr. Sisk, was he also interviewed by law
21 enforcement?

22 A. He was.

23 Q. Let me show you a document and ask you whether or not
24 you recognize it.

25 A. I have seen this before, yes, ma'am.

1 Q. What is the date in which the co-defendant, Mr. Sisk,
2 was interviewed by law enforcement?

3 A. 8-7-15, so August 7, 2015.

4 Q. Can you tell us whether or not that he provided a
5 sworn statement?

6 A. He did according to this.

7 Q. Can you tell us whether or not he provided a recorded
8 audio or written statement?

9 A. I know he did. I don't know if it was this same one
10 or not, but I know he did provide a recorded statement as
11 well.

12 Q. And what is that date, the date of the contact with
13 Mr. Sisk, in comparison with the date of Mr. Morehouse's
14 arrest?

15 A. It was three days later.

16 Q. What is the date of the arrest of Mr. Morehouse on the
17 murder charge?

18 A. It was the 8th.

19 Q. Okay.

20 A. August 8th.

21 Q. So even prior to the arrest of Mr. Morehouse, you had
22 the opportunity -- law enforcement had the opportunity to
23 consider statements by Sisk, correct?

24 A. Yes, ma'am.

25 Q. Now he was asking you about the letter that was

1 written. What is the date of that letter?

2 A. I do not know the date of that letter. I know it was
3 months later.

4 Q. If I show you the document, would it help to refresh
5 your memory?

6 **MR. HILLIARD:** We'll stipulate it's 5-12-16.

7 BY MS. MAYES:

8 Q. All right. So there was a letter that's written
9 5-12-16. Now do you also have any contact with the
10 detention center as part of your job?

11 A. Yes, ma'am. I actually worked there for two years.

12 **MS. MAYES:** Your Honor, if I may approach?

13 **THE COURT:** Yes, ma'am.

14 BY MS. MAYES:

15 Q. At the time that this letter was written by Mr. Sisk,
16 was there any type of on-going investigation regarding
17 reports by Mr. Sisk that he was being recorded?

18 **MR. HILLIARD:** Objection.

19 **THE COURT:** Basis?

20 **MR. HILLIARD:** She's not established how this officer
21 would have any knowledge of that. She just handed him a
22 piece of paper. He read it.

23 **THE COURT:** Well, to be honest with y'all I was doing
24 something and you've got to rephrase your question.

25 **MR. HILLIARD:** Thank you, Your Honor.

1 **THE COURT:** What was your question, Ms. Mayes?

2 **MS. MAYES:** I was asking about his knowledge of this
3 situation and I can clarify it further.

4 **THE COURT:** All right. Clarify it further.

5 BY MS. MAYES:

6 Q. Okay. Detective Laintz, you say that you also have
7 involvement with the detention center?

8 A. Yes, ma'am.

9 Q. And if there are any threats or allegations of
10 coercion involving co-defendants at the jail --

11 **MR. HILLIARD:** Objection, Judge. This is --

12 **THE COURT:** He's the lead investigator. If he has
13 knowledge of it, why's that not fair?

14 **MR. HILLIARD:** It's hearsay.

15 **MS. MAYES:** And, Your Honor, it's from Sisk, which
16 would be the same source of the alleged letter.

17 **MR. HILLIARD:** But that's not -- there was no
18 objection to that.

19 **THE COURT:** Well, we had a sidebar on that.

20 **MR. HILLIARD:** Yes, sir.

21 **THE COURT:** We talked right here about that, about --

22 **MR. HILLIARD:** Absolutely.

23 **THE COURT:** Okay. Let's put something on the record.
24 Y'all step in the jury room real quick and we'll get you
25 right back in here.

1 (Whereupon, the jury retires to the jury room at
2 9:54 AM.)

3 **THE COURT:** All right. Ms. Mayes, rephrase that
4 question one more time and then I want to hear from
5 Mr. Hilliard.

6 **MS. MAYES:** Yes, sir, Your Honor.

7 EXAMINATION (In-Camera)

8 BY MS. MAYES:

9 Q. And, Sergeant Laintz, do you have knowledge -- first
10 of all, we've got the date of the letter being 5-12-16 from
11 Sisk, correct? Sisk is the source of that letter?

12 A. Yes, ma'am.

13 Q. All right. And do you also pursuant to your
14 investigation of this case have alleged threats where Sisk
15 is alleging threats by Morehouse?

16 A. Yes, ma'am.

17 Q. All right. And that is reported to law enforcement
18 for investigation?

19 A. It was reported through the use of an inmate request
20 form and a CO actually told us about it.

21 Q. All right. And is it documented?

22 A. It is.

23 Q. All right. And it is also documented by Sisk himself
24 in the -- in the format of an inmate request form?

25 A. Yes, ma'am.

1 Q. What is the date of the alleged threats?

2 A. The inmate request form was written on 2-6-16.

3 Q. All right.

4 **THE COURT:** That's the basis.

5 **MR. HILLIARD:** All right.

6 BY MS. MAYES:

7 Q. So we're talking about 2-6-16 in relation to the
8 letter. That would precede the letter?

9 A. Yes, ma'am.

10 **MS. MAYES:** That's basically the extent of it, Your
11 Honor. That there was a report by Sisk -- multiple
12 reports actually, but reports in his own handwriting of
13 these alleged threats that preceded the letter and are
14 close in timeframe. I'm talking about basically ninety
15 days.

16 **THE COURT:** All right, Mr. Hilliard.

17 **MR. HILLIARD:** That's hearsay. Specifically the --
18 all he's saying is that he knows that there exists some
19 report to the jail that that happened. In order to get
20 that into evidence, I would submit they have to bring
21 somebody to say -- Sisk to say that that threat occurred.
22 We've got the letter that's in evidence. They've got the
23 fact that he said one thing on one occasion, said another
24 thing on another occasion. The focus of the letter and
25 the -- how it come to be, if they want to put that up,

1 they've got to put Sisk up. Otherwise, that document that
2 they have is pure hearsay.

3 **MS. MAYES:** Your Honor, it appears that they want
4 their cake and eat it, too. They're using a hearsay
5 statement by Sisk, which is the letter that he wrote on
6 5-12-16. Clearly hearsay. Sisk is not here. He's
7 already presented evidence to the jury pursuant to the
8 sidebar that Sisk, according to him, exonerates the
9 Defendant, had full responsibility, so that's getting
10 into the content of that statement. Under Rule 106 it
11 would be certainly admissible to take into account with
12 that statement his simultaneous report within ninety days
13 previous to that letter that he was being threatened by
14 Mr. Morehouse.

15 **MR. HILLIARD:** Can I look at the document while we're
16 doing this?

17 **THE COURT:** Uh-huh.

18 **MR. HILLIARD:** Judge, at the point in time this was
19 written he was in Aiken.

20 **THE COURT:** I'm very well of that because they moved
21 him to Aiken because of all that. I mean, it was
22 something that happened before. There was a lot of talk
23 about that in the prior trial is they split these people
24 up for their safety and there's all kinds of things going
25 on.

1 **MR. HILLIARD:** Yes, sir.

2 **THE COURT:** I mean, I'm aware of that.

3 **MS. MAYES:** Judge, the report is that the
4 co-defendant has a bounty on his head, but he's alleging
5 threats directly from Morehouse and that is reported
6 approximately ninety days or so before the letter is
7 received. And, again, all we know about the letter is
8 that it came as a handwritten -- in the form of a
9 handwritten letter to the solicitor's office from Sisk,
10 the same as that came in the form of a handwritten report
11 to law enforcement from Sisk, and we're talking about a
12 ninety-day differential he's alleging threats.

13 The State's position is we just don't want to get
14 into the details of the content, we're not offering
15 the document, but if he's -- if he's questioning this
16 officer about his knowledge of a letter that Sisk wrote
17 exonerating the Defendant, it certainly would be relevant
18 that he also reported threats by Mr. Morehouse or a
19 contract on his head by Mr. Morehouse within ninety days
20 of actually writing that letter and it being received by
21 the solicitor's office.

22 **THE COURT:** I don't necessarily disagree with you,
23 but the statements that Sisk wrote that we're getting
24 into is a part of the investigation and part of what he
25 did, we're talking about those. The threats made and all

1 that I just don't think we need to get that far into the
2 hearsay. Now if Sisk testifies, you can go into all of
3 that. If you don't want to call him, I think we stay
4 where we are. We're getting too far afield of what he's
5 doing as part of his investigation, so I don't think we
6 need to go that far. If you want to call him, that's up
7 to you. As I was cutting off in-camera talk, it was
8 discussed whether he was gonna be called or not and I
9 heard that's unlikely and that's y'all's case to try.
10 I'm not gonna require anybody to call anybody, but --

11 **MS. MAYES:** We do have on the list Lori Bailey. She
12 is one of the officers that received the report of the
13 threats from Mr. Sisk.

14 **THE COURT:** And that may be an appropriate way to
15 get it in and we'll have to see that then, but I don't
16 think this -- I'm not gonna allow that question. I think
17 that's outside the scope of the cross-examination. I
18 think that those threats or those documents there need not
19 come in through this witness and I don't think he can be
20 questioned about them as part of your redirect.

21 **MR. HILLIARD:** Thank you, Your Honor.

22 **MS. MAYES:** And, Your Honor, pursuant to the sidebar,
23 I still haven't finished the full examination of this
24 witness regarding the statements by Sisk, but in regards
25 to the letter there will be testimony from Sergeant Laintz

1 that Sisk has given statements inconsistent with that
2 in the past, and as recently as December of 2016,
3 inconsistent statements with that.

4 **THE COURT:** And at the sidebar I said those were
5 fair game. His first statement, his second statement,
6 the written letter in May and then the recant in
7 December. Absolutely.

8 **MR. HILLIARD:** Yes, sir.

9 **THE COURT:** He's given several different versions
10 and I think the jury can hear that.

11 **MR. HILLIARD:** Yes, sir.

12 **THE COURT:** That's just part and parcel of this
13 investigation. Okay. I'll allow that.

14 **MR. HILLIARD:** Yes, sir.

15 **THE COURT:** Anything else? Let's take a short break
16 while everybody's out.

17 **MR. HILLIARD:** Let me mention one thing that I --
18 that I keep forgetting, Judge, while we're -- while we're
19 on this break. At the very beginning of the trial we had
20 a meeting in chambers and I requested and made a motion
21 that the drug case, the drug -- possession with intent to
22 distribute, not be tried in connection with this case,
23 and I don't think we ever put that on the record. I just
24 want to say that I -- that I asked the Court not to allow
25 that to happen and, of course, the prosecution was on the

1 other side of that and the Court ruled that we could go
2 forward as we're going forward, but I did ask and made a
3 motion that the cases not be consolidated.

4 **THE COURT:** Absolutely. That's fair. That motion
5 was made and was heard in chambers and we didn't formally
6 put it on the record. It won't change things with the
7 jury, but we've gone forward on murder, conspiracy,
8 possession of a weapon during the commission of a violent
9 crime and the follow-up possession with intent to
10 distribute methamphetamine as a result of the search
11 of the house during the investigation. Those four
12 indictments have been presented and are being considered
13 by the jury and I did make that ruling in chambers and
14 so --

15 **MR. HILLIARD:** Over my objection.

16 **THE COURT:** Over your objection. Now if you would
17 like to supplement your objection just for the purpose of
18 protecting your appellate record on that charge, you're
19 more than welcome to put the bases you argued in chambers
20 in writing so that Ms. Mayes can see it and we'll -- we
21 can do that. Or you can put it on record at the next
22 break the things she said.

23 **MR. HILLIARD:** All right. Thank you, Judge.

24 **THE COURT:** All right. Let's take a short break and
25 then get the jury back in here.

1 (Recess taken.)

2 **BAILIFF:** Come to order. Court's back in session.

3 **THE COURT:** Y'all be seated. All right. Are you
4 ready?

5 **MR. HILLIARD:** Defense is ready.

6 **MS. MAYES:** Yes, sir.

7 **THE COURT:** All right. Bring the jury in,
8 Ms. Mitchell.

9 (Whereupon, the jury returns to the courtroom at
10 10:17 AM.)

11 **THE COURT:** All right. Continue on, Ms. Mayes.

12 CONTINUED REDIRECT EXAMINATION

13 BY MS. MAYES:

14 Q. All right. Sergeant Laintz -- and let me go back and
15 clarify a few things regarding Mr. Sisk. I believe you've
16 stated that Sisk originally gave a statement on August 7,
17 2015, correct?

18 A. Yes, ma'am.

19 Q. All right. And can you tell us whether or not that
20 included a written statement?

21 A. It did.

22 Q. Can you tell us whether or not there was also an audio
23 statement?

24 A. I believe there was for that statement.

25 Q. All right. And were those statements consistent or

1 inconsistent with the content of that letter on -- in May
2 of 2016?

3 A. They were inconsistent.

4 Q. All right. And can you tell us whether or not since
5 the date of that letter, May 2016, Mr. Sisk has recanted
6 or retracted that letter altogether?

7 A. He has. Yes, ma'am.

8 Q. Now in regards to the questions that Mr. Hilliard was
9 posing about the use of an informant, I believe he was
10 asking you about a Chad Andrews?

11 A. Yes, ma'am.

12 Q. Who is Chad Andrews?

13 A. Chad Andrews is an informant that one of our narcs
14 use -- used.

15 Q. All right. And I believe Mr. Hilliard's question to
16 you was about the Defendant's statement on August 8th that
17 he knew he had charges coming, correct?

18 A. He did.

19 Q. Now when we say that he knew he had charges coming,
20 those charges were for selling to an informant?

21 A. Yes, ma'am.

22 Q. And clarify for us, if you can, the difference between
23 that statement he made in August -- on August 8th where he
24 stated that he knew the informant was Chad Andrews versus
25 information available to him prior to the murder?

1 **MR. HILLIARD:** Objection.

2 **MS. MAYES:** I can clarify that, Your Honor.

3 **THE COURT:** All right. Clarify it over his
4 objection.

5 BY MS. MAYES:

6 Q. All right. So on August 8th he indicates that he
7 knows he has charges coming, correct?

8 A. Yes, ma'am.

9 Q. We know that this murder occurred on August 3rd?

10 A. Yes, ma'am.

11 Q. What, if anything, Sergeant Laintz, is significant
12 about the date of August 4th, the day after the murder or,
13 more specifically, the morning after the murder?

14 A. The morning after the murder, essentially from
15 midnight on, is when we were involved and that's when our
16 initial contact was with Morehouse.

17 Q. All right. What date was he actually detained by law
18 enforcement?

19 A. On August 4th.

20 Q. All right. And by detained, you mean taken into
21 custody?

22 A. Yes, ma'am.

23 Q. And on this particular date, what was he served with?

24 A. He was served with paperwork in reference to another
25 issue.

1 Q. And I'm gonna ask you to go ahead and clarify that
2 in response to Mr. Hilliard's question. I believe
3 Mr. Hilliard asked you about him knowing that he had three
4 counts of distribution.

5 A. Yes, he was served other warrants on him.

6 Q. All right. So when he was served this paperwork, can
7 you tell us whether or not it includes the dates of those
8 sales or buys by the confidential informant?

9 A. It did.

10 Q. Does it have the location or the jurisdiction of those
11 buys?

12 A. It does.

13 Q. So between the date he's served with that paperwork
14 on August 4th and the statement on August 8th where he
15 names Chad Andrews as the informant, what, if anything, is
16 significant about that time differential?

17 **MR. HILLIARD:** Objection.

18 **THE COURT:** All right. I'm gonna sustain the
19 objection. I want -- there's been mention of other
20 charges, those charges, the jury's heard them, but the
21 facts and circumstances surrounding those charges are
22 not on trial here, those stand independent of this and I
23 want them to stay independent of this. I think it would
24 be confusing for the jury to get those facts mixed up.
25 There were three charges that came before against him

1 and we stop there. I don't want to chase too far afield
2 pending charges and leave it at that.

3 **MR. HILLIARD:** Thank you, Your Honor.

4 BY MS. MAYES:

5 Q. The name Chad Andrews came -- came from the Defendant
6 on what date?

7 A. The 8th.

8 Q. Okay. Now have you also had the opportunity to review
9 video of jail calls and things of that nature dating back
10 to August 4th when he was served with that paperwork?

11 A. Yes, ma'am.

12 Q. Is it apparent whether or not he knew who the
13 confidential informant was on that day?

14 **MR. HILLIARD:** Objection.

15 **THE COURT:** I'm gonna sustain that one again. Those
16 charges stand independent of these.

17 BY MS. MAYES:

18 Q. All right. And ultimately, Sergeant Laintz, when
19 he's speaking, do you have with you your notes or any
20 notes relating to excerpts of that audio statement by
21 Mr. Morehouse?

22 A. Yes, ma'am.

23 Q. What, if any, term does he describe David Porter
24 with?

25 A. I don't understand that question.

1 Q. All right. On during your interview with the
2 Defendant, Mr. Morehouse, what does he describe David
3 Porter as?

4 A. An informant.

5 Q. And Mr. Hilliard was asking you about the fact that
6 he makes reference to him owing him money. Did he state
7 how much money Mr. Porter owed him?

8 A. He said \$200.00.

9 Q. Now Mr. Hilliard was also asking you about the
10 statement that Mr. Morehouse made about firing the gun
11 three times at the scene, correct?

12 A. Yes, ma'am.

13 Q. He was asking you whether you believed or disbelieved
14 that statement?

15 A. He asked that, yes.

16 Q. Do you recall any portion of that statement where the
17 Defendant makes a reference to being night blind?

18 A. He did say he was night blind.

19 Q. What is the context of that?

20 A. It was actually, I mean, honestly I shot three times.
21 I could not see who was who -- I'm sorry -- who was who or
22 who the fuck who was. I'm night blind as fuck.

23 Q. All right. So he said he fired the gun three times
24 and he's night blind so he doesn't know who's who or who
25 he may have hit with the gun; is that right?

2 That's leading. That's not what he said.

7 **MS. MAYES:** Nothing further of the witness at this
8 time, Your Honor.

10 BY MR. HILLIARD:

12 | A. I can if you want me to.

14 (Whereupon, the witness steps down from the stand.)

17 BY MR. HILLIARD:

22 Q. All right. Stop. Stop right there, please.

24 Q. And in order for -- what he said at that point was I
25 shot to the left; is that correct?

1 A. That's what he said, yes.

2 Q. All right, sir. And that preceded the night blind
3 business; is that right?

4 A. It did.

5 Q. And then after that he said again I shot to the left?

6 A. He says he doesn't know where he shot. He's night
7 blind as "F".

8 Q. He said -- your testimony is he said -- find where it
9 says --

10 **THE COURT:** We just listened to it twice. Go ahead.

11 (Whereupon, a portion of State's Exhibit Number 22
12 was played.)

13 **MR. HILLIARD:** That's all I have.

14 **THE COURT:** All right. That's all the questions?

15 **MR. HILLIARD:** That's all.

16 **THE COURT:** You can step down.

17 (Witness excused.)

18 **MR. BELL:** The State calls agent Mike Merckle to the
19 stand.

20 (Whereupon, Michael Merckle was duly sworn by the
21 Clerk of Court.)

22 **THE CLERK:** Once you're seated, state your full name,
23 spelling your last, please.

24 **THE WITNESS:** My name is Michael Merckle,
25 M-E-R-C-K-L-E.

1 MICHAEL MERCKLE,
2 having been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. BELL:

5 Q. Agent, who are you employed by?

6 A. Lexington County Sheriff's Department.

7 Q. And how long have you been with the sheriff's
8 department?

9 A. Approximately thirteen years.

10 Q. Any prior law enforcement experience?

11 A. Yes, sir.

12 Q. How much?

13 A. Approximately four years prior to that I worked for
14 Forest Acres Police Department and prior to that for the
15 Bureau of Protective Services, which is the Capitol police
16 at the Statehouse.

17 Q. Is that total of about seventeen years?

18 A. Yes, sir.

19 Q. During the seventeen years, what all assignments have
20 you fulfilled in law enforcement?

21 A. Well, initially I was a call answering police officer.
22 I looked much different. I had a clean shave, high and
23 tight haircut, wore a uniform much like the deputies you
24 see in uniform today, then I transitioned into a supervisor
25 on the road supervising patrol deputies as a master deputy.

1 I was promoted to the gang unit, which I specialized in
2 outlaw motorcycle gangs for a number of years, and then
3 transitioned into the narcotics division where now I serve
4 as a narcotics agent.

5 Q. And you mentioned you look different and you
6 referenced your beard. Is that part of your uniform for
7 the narcotics division?

8 A. Yes, sir, it is.

9 Q. Now what does NET stand for?

10 A. It's the --

11 **MR. HILLIARD:** Objection. Relevance.

12 **THE COURT:** I'm gonna allow it. I mean, it helps.

13 It doesn't hurt.

14 **MR. HILLIARD:** All right, sir.

15 BY MR. BELL:

16 Q. What does NET stand for?

17 A. Our Narcotics Enforcement Team.

18 Q. And is that the unit you're assigned to?

19 A. Yes, sir, it is.

20 Q. And what are some of your responsibilities and duties
21 in that unit?

22 A. Our responsibilities are to deter and arrest narcotics
23 traffickers, distribution, also deal with organized crime,
24 such as prostitution and those type activities.

25 Q. And as part of your responsibilities with the NET

1 team, do you recall responding to a meth lab May 8, 2015?

2 A. Yes, sir, I do.

3 Q. And what was the reason for responding to that meth
4 lab?

5 **MR. HILLIARD:** That's -- and I apologize. My initial
6 objection -- I apologize, let me explain that. I thought
7 he said meth.

8 **THE COURT:** Okay.

9 **MR. HILLIARD:** I thought he was gonna tell us what meth
10 was. That was my objection at first.

11 **THE COURT:** And I'd probably sustain that.

12 **MR. HILLIARD:** Yes, sir. And that was just me
13 mishearing, but what the other situation is I would object
14 to the relevance of that. That's got nothing to do with
15 this case.

16 **MR. BELL:** Your Honor, may we approach?

17 **THE COURT:** You may.

18 (Proceedings held at the bench; not reported.)

19 BY MR. BELL:

20 Q. Agent, you testified that you did respond to a meth
21 lab May 8, 2015?

22 A. Yes, sir, I did.

23 Q. And what was the location of that meth lab?

24 A. 163 Whispering Glen in the Springdale area of
25 Lexington County.

1 Q. And did you make contact with any occupants of that
2 residence?

3 A. Yes, sir, I did.

4 Q. How many occupants were in the house?

5 A. Four.

6 Q. And were those occupants arrested?

7 A. Yes, they were.

8 Q. Eventually during that day, did you make contact with
9 a James David Porter?

10 A. Yes, sir, I did.

11 Q. And why did you make contact with him?

12 A. Mr. Porter had arrived on-scene with another
13 gentleman and was not in the residence and while on-scene
14 we did interview him as well as the other individual who
15 was with him.

16 Q. Did you arrest Mr. Porter?

17 A. No, sir.

18 Q. Pursuant to that interaction with James David Porter,
19 did you personally speak to Mr. Porter about becoming a
20 confidential informant?

21 A. Yes, sir, I did.

22 Q. Why would you ask Mr. Porter about being a CI?

23 **MR. HILLIARD:** Objection.

24 **THE COURT:** All right. I think that's -- I sustain
25 the objection as to relevance.

1 **MR. HILLIARD:** Thank you.

2 BY MR. BELL:

3 Q. Ultimately did he agree to be a confidential
4 informant?

5 A. No, sir.

6 Q. And he was or was not arrested pursuant to that?

7 A. He was not arrested.

8 Q. Now you've talked about some of your general
9 qualifications. I want you to break it down a little bit
10 further now. Tell us about more of your training as it
11 relates directly to narcotics.

12 A. My training related to narcotics specifically would
13 be I've been to the Quantico --

14 **MR. HILLIARD:** Let me interrupt here, Judge, and I
15 hate for him to go through all of this because we will
16 have an objection as to relevance of -- I'm guessing
17 they're gonna try to qualify him as an expert witness is
18 what -- where we're headed at this point and so I'm gonna
19 object to what would be expert testimony if you want to
20 go ahead and take it up backwards.

21 **THE COURT:** Is that where you're headed or not?

22 **MR. BELL:** Absolutely, Your Honor, so we would need
23 to put it on the record.

24 **THE COURT:** All right. Let's put it on the record.
25 Y'all step in the jury room and we'll have y'all right

1 back in here.

2 (Whereupon, the jury retires to the jury room at
3 10:38 AM.)

4 **THE COURT:** All right. Let me ask you first what's
5 the -- what's the basis? Assuming he's qualified as an
6 expert in narcotics investigation, particularly meth,
7 where are you going with that?

8 **MR. BELL:** Your Honor, we'll be discussing what
9 exactly ice is, how it relates to methamphetamine, how
10 the broad sort of organization works. There's been
11 testimony from Chuck Morehouse's own audio statement
12 about plugs, about ounces. This is all terminology that
13 pursuant to State versus Jamison a jury would have no
14 idea about. They deserve to understand that technical
15 part of it or type world.

16 Additionally, Your Honor, we do have a criminal
17 conspiracy indictment that does specifically allege
18 narcotics behavior. That is all something that expert
19 testimony from Agent Merckel would be relevant so that we
20 can clear that up.

21 **THE COURT:** How does that not assist the trier of
22 fact, Mr. Hilliard?

23 **MR. HILLIARD:** They've already had -- they've already
24 said what a plug was and ounces are ounces. That's -- the
25 conspiracy is an interaction with two people -- or more

1 than two people who engage in illegal activity. You're
2 gonna tell the jury that selling drugs is illegal. I
3 don't know we need an expert witness to say what selling
4 drugs looks like.

5 **MR. BELL:** Your Honor, we'll be discussing street
6 values pursuant to State versus Jamison. We'll need
7 Agent Merckel how confidential informants are kept a
8 secret and sort of how they operate.

9 **THE COURT:** That's what confidential means.

10 **MR. HILLIARD:** Sir?

11 **MR. BELL:** Come again, Your Honor?

12 **THE COURT:** That's what confidential means.

13 **MR. BELL:** Your Honor, we certainly think that the
14 jury would understand that, but the operation of a
15 confidential informant I would guess none of these twelve
16 individuals have ever had to deal with.

17 **MR. HILLIARD:** How is the operation of a confidential
18 informant got anything to do with this murder case? He's
19 not a confidential informant. They've already said that
20 twenty-seven thousand times.

21 **MR. BELL:** This testimony would establish the motive
22 of the case as the State believes it and would explain
23 why Chuck Morehouse may have thought the victim was an
24 informant.

25 **MR. HILLIARD:** And, again, I know I'm kind of going

1 back and forth, Judge, and if that's wrong just tell me,
2 but that part of it, they've already said that a bunch
3 of times. They didn't need an expert to say it. Clearly
4 if he's believed to be an informant, which they wrote it
5 down on a piece of paper, and if he's believed to be an
6 informant it stands to reason -- I mean, that's common
7 sense that the guy's gonna be a witness against the
8 Defendant and the Defendant's gonna kill him so he can't
9 be a witness. The jury doesn't need an expert to say that.

10 **MR. BELL:** With all due respect, Your Honor, it's up
11 to the jury to decide what they need to determine common
12 sense.

13 **MR. HILLIARD:** Well, not right now.

14 **THE COURT:** All right. Here's -- the thing is this.
15 I'm familiar with those terms. Just about everybody
16 inside the bar area is probably familiar with those terms.

17 **MR. HILLIARD:** Yes, sir.

18 **THE COURT:** I don't know that all the jurors know
19 that, so I'm gonna allow -- I don't want a full detailed
20 explanation of the drug trade, but a high point --

21 **MR. BELL:** I can present a bare bones approach to it,
22 Your Honor.

23 **THE COURT:** I mean, I think that would assist the
24 trier of fact, but as far as how much a sample of meth
25 goes for versus this and that, I mean, we don't need great

1 details, but a bare bones -- thumbnail sketch we'll call
2 it of the drug trade I think may help the jury. In
3 addition, to that I don't believe we can get much further
4 than that, all right?

5 So to the extent it's gonna be a thumbnail sketch
6 of the trade, I'm gonna sustain your objection. To the
7 extent that I'm gonna allow him to testify to a thumbnail
8 sketch I'm gonna overrule, all right?

9 **MR. HILLIARD:** Yes, sir. And we're going -- we're
10 gonna establish whether or not he's an expert?

11 **MR. BELL:** I can do that, Your Honor.

12 **THE COURT:** All right. Do you want to go ahead and
13 do voir dire right now?

14 **MR. HILLIARD:** Yes, sir.

15 **THE COURT:** All right. Go ahead and present it.

16 VOIR DIRE EXAMINATION (In-Camera)

17 BY MR. BELL:

18 Q. Agent, go ahead and tells us about all of your
19 training as it relates to narcotics.

20 A. My training related to narcotics would be I was
21 specifically sent to the DEA's -- the Drug Enforcement
22 Administration's academy at Quantico, Virginia to become
23 a clandestine methamphetamine tech. Basically we were
24 taught and certified and continue to be certified each
25 year in detection and how to deal with meth labs and how

1 to break them down and remediate them properly for
2 disposal, as well as I have been an undercover agent on
3 multiple narcotic deals purchasing just about every
4 narcotic that we deal with here in Lexington County, and
5 I've also in the last four years utilized confidential
6 informants in that capacity as well.

7 Q. And you're also responsible for teaching or educating
8 other law enforcement personnel on all those facts that
9 you just discussed?

10 A. I am. I do teach state and local law enforcement
11 classes on narcotic detection, as well as meth lab
12 detection and investigation.

13 Q. From your experience have you operated or signed up
14 confidential informants?

15 A. Yes, sir, I have.

16 Q. And do you know how that system works?

17 A. Yes, sir, I do.

18 Q. And during your experience, are you familiar with the
19 monetary value associated with ice?

20 A. Yes, sir, I am.

21 Q. Have you testified as an expert in court before?

22 A. Yes, sir, I have.

23 Q. How many times?

24 A. I believe three times.

25 Q. And in what field was that related to?

1 A. Meth and narcotics.

2 Q. Have you ever been deemed not qualified to be an
3 expert in court?

4 A. No, sir I have not.

5 **MR. BELL:** Your Honor, that would be essentially the
6 voir dire. We would move to qualify him as an expert.

7 **THE COURT:** So you're gonna offer him as an expert
8 in what particular field so that Mr. Hilliard knows?

9 **MR. BELL:** Your Honor, narcotics investigation and
10 ice trafficking.

11 **THE COURT:** All right. Mr. Hilliard.

12 **MR. HILLIARD:** As a threshold matter, there's no ice
13 trafficking in this case.

14 **MR. BELL:** We can call it ice trade, Your Honor, or
15 ice -- that is essentially the commentary I proffered
16 earlier.

17 VOIR DIRE EXAMINATION (In-Camera)

18 BY MR. HILLIARD:

19 Q. All right, sir. And how long have you worked in
20 non-gang-related activity?

21 A. I believe this year, 2017, will be -- let me make sure
22 I have my timeline right. I believe September of this year
23 will be five years.

24 Q. And all of that has been here in Lexington County?

25 A. Yes, sir.

1 Q. And all of that has been related to methamphetamine?

2 A. Not every single case, but we deal with
3 methamphetamine on a daily basis, yes, sir.

4 Q. And, I apologize, you probably already said this and
5 I just didn't remember, but what's your level of -- in the
6 hierarchy of the drug unit -- you're part of the drug unit,
7 is that --

8 A. Yes, sir, I am.

9 Q. And what level of hierarchy are you?

10 A. I'm just a detective. An agent. We have your regular
11 agents, a sergeant who is a supervisor and then a captain
12 -- or a lieutenant and then a captain.

13 Q. All right.

14 A. So there's no -- I'm probably the longest member in
15 our narcotics unit at this time right now that's not a
16 supervisor. I'm not a supervisor, if that's what you're
17 asking.

18 Q. And you're -- so what makes you more of an expert
19 than anybody else that was -- that's in the unit?

20 A. I've had vast experience dealing with meth, meth labs,
21 purchasing narcotics myself utilizing CI's over the past
22 four years to purchase narcotics, including meth, your
23 typical one-pot shake-and-bake method of manufacturing
24 methamphetamine, as well as the ice methamphetamine.

25 Q. And that's true for the rest of the narcotic guys as

1 well, right?

2 A. It would be true that they have been doing similar
3 activities. Very few have -- and I don't -- honestly, I
4 don't think any have done the undercover purchases that
5 I've done, as well as the amount of narcotic cases that
6 I've been a part of over the last four years, specifically
7 related to meth, the manufacturing of meth. I've dealt
8 with over a hundred and fifty meth lab seizures as well as
9 dump sites, meth lab dump sites.

10 Q. Right. So you're an expert in gangs, right?

11 A. Well, I wouldn't say I was an expert in gangs. I did
12 -- I did specifically work on biker gangs, specifically
13 Hells Angels and the biker gangs that are here in Lexington
14 County, which I did deal with methamphetamine during that
15 time as well.

16 Q. All right, sir. But gang meth stuff and regular folks
17 meth stuff is different. Do you agree with that?

18 A. No, sir.

19 Q. Okay. The -- you're an expert in the decon -- in the
20 identification and deconstruction of meth labs?

21 A. Yes, sir.

22 Q. In terms of the activity of the meth dealers and that
23 sort of thing, you're no more expert than any other drug
24 agent with your level of experience; is that right?

25 **MR. BELL:** Your Honor, I'd object to relevance of

1 that voir dire. The issue is whether Agent Merckel is an
2 expert, not whether someone else on the unit is an expert.

3 **THE COURT:** I think he's trying to find -- to explore
4 and qualify somebody as an expert with peer review and
5 that type of thing and experience. I think that's where
6 he is going and since it's in-camera I'm gonna allow it.

7 **MR. HILLIARD:** Thank you, Judge.

8 BY MR. HILLIARD:

9 Q. Is that right?

10 A. No, sir. I would believe that in my unit I would have
11 the most experience dealing with meth, the distribution
12 and trafficking of meth or possession of meth, as well as
13 meth labs.

14 Q. All right. So you understand there's no meth lab in
15 this case?

16 A. Yes, sir. Absolutely.

17 Q. So meth lab stuff doesn't -- I mean, that's -- that's
18 for the Judge.

19 **MR. HILLIARD:** We would object to him being qualified
20 as an expert, Judge. We believe that he's an expert in a
21 number of things, but going back to -- you already ruled on
22 that part, but also he's no more an expert than any other
23 person I would submit to the Court who's in that area.
24 Maybe that's enough. They've already had testimony to --
25 to everything that I believe that he's gonna be able to

1 talk about.

2 **MR. BELL:** Your Honor, one of your charges to the
3 jury will be that they can choose to believe one witness,
4 all the witnesses or any combination thereof. The jury's
5 entitled to hear that testimony from multiple witnesses,
6 especially one of his experience.

7 **THE COURT:** All right. Well, what's the necessity for
8 him to give an explanation of drug trade and identification
9 of ice versus meth? If he's had training in that area, he
10 can testify to that based on his experience without being
11 qualified as an expert. What opinions is he gonna offer
12 for the jury as an expert is kind of my question?

13 **MR. BELL:** One of the opinions, Your Honor, will be
14 related to -- that even though confidential informants
15 they do intend to keep it confidential it is possible for
16 a breach of that to occur. Now that is directly relevant
17 to the motive in this case. That would be an opinion he
18 would have to give as an expert.

19 Your Honor, again, the valuation, I believe he would
20 need to be an expert at least according to case law. And
21 there is a difference in the construction of ice versus
22 meth that I do think an expert is necessary to testify
23 about. Again, the structure, I do think that probably in
24 his ordinary experience he could testify about that. If
25 Your Honor won't allow that, that's fine, but we do believe

1 an expert is the safe way to go with that related to how
2 exactly ice filters down the system.

3 **MR. HILLIARD:** How is ice versus meth related to the
4 case? I mean, what -- what difference does it -- I mean,
5 how is it relevant? If it's ice, it's ice. If it's meth,
6 it's meth.

7 **THE COURT:** Well, ice is meth.

8 **MR. HILLIARD:** Sure. So what --

9 **THE COURT:** But see there, your question just
10 identified something the jury may have a question about,
11 is meth ice or is there two? That's what he's trying to
12 present is a little explanation and I think the jury's
13 entitled to that answer. I'm not sure how much further
14 past that we go is kind of my thinking because meth and
15 ice don't appear on their face to be synonyms.

16 **MR. HILLIARD:** I will stipulate that meth and ice are
17 synonyms.

18 **THE COURT:** I don't -- I don't think you can stipulate
19 to everything the State's trying to present.

20 **MR. HILLIARD:** Yes, sir. I understand that. Well, I
21 mean, I could, but they don't have to take it.

22 **THE COURT:** All right. I'm gonna allow Agent Merckel
23 to be qualified as an expert in the field of meth and ice
24 drug trade and he can offer opinions as to the difference
25 of meth and ice and the identification of those drugs and

1 his experience, the use of confidential informants in the
2 drug trade and the value of drugs on the street. I do not
3 think that he needs to offer opinions on what happens if
4 an informant is disclosed. That gets real complicated
5 when we get into whether a confidential informant --
6 eventually they're required to be disclosed, we've got
7 discovery issues, we've got all kinds of stuff. I think
8 the jury will understand that a confidential informant is
9 somebody that's in trouble working for the State or the
10 police and that that would be a secret that would want to
11 be kept. I don't think that needs to be testified to much
12 further than that, all right?

13 **MR. HILLIARD:** Thank you, Judge.

14 **THE COURT:** Do you understand my limitation?

15 **MR. BELL:** Just to clarify, Your Honor, the field in
16 which you want me to qualify him is meth and ice drug
17 trade?

18 **THE COURT:** Yes.

19 **MR. BELL:** Yes, sir.

20 **THE COURT:** And we can not ask questions about, you
21 know, there's meth labs. This case doesn't involve a meth
22 lab or the meth dump sites and all that. That's a total
23 different methodology of creating meth and disposing of
24 meth that I'm very familiar with being from up in Laurens
25 County.

1 All right.

2 **MR. HILLIARD:** Thank you, Judge.

3 **THE COURT:** Do you understand my ruling?

4 **MR. BELL:** Yes, sir.

5 **THE COURT:** Okay. Does anybody need a break?

6 **MR. HILLIARD:** Yes, sir.

7 **THE COURT:** All right.

8 **MR. HILLIARD:** Thank you, Judge.

9 (Recess taken.)

10 **BAILIFF:** Court come to order. We're back in session.

11 **THE COURT:** Y'all be seated.

12 All right. Are we ready?

13 **MR. BELL:** The State's ready. Yes, sir.

14 **MR. HILLIARD:** Yes, sir.

15 **THE COURT:** All right. Go get them.

16 (Whereupon, the jury returns to the courtroom at
17 11:00 AM.)

18 **THE COURT:** All right. Mr. Bell.

19 **MR. BELL:** Thank you, Your Honor.

20 CONTINUED DIRECT EXAMINATION

21 BY MR. BELL:

22 Q. Agent, before the break we were going to discuss your
23 training as it relates to narcotics. Tell us a bit about
24 that.

25 A. Yes, sir. I've been involved with multiple narcotics

1 purchases myself in an undercover capacity purchasing just
2 about every narcotic that is sold here in Lexington County,
3 as well as being utilized in other counties and agencies
4 in that capacity. -I've utilized multiple confidential
5 informants to do the same, purchase narcotics for us,
6 collect evidence, as well as attending the Drug
7 Administration's -- the DEA's class on meth lab detection,
8 becoming a certified meth lab tech, which would allow us to
9 identify and secure and be able to deal with clandestine
10 meth labs, which we hear about all the time.

11 Q. And have you taught other law enforcement personnel
12 related to those fields?

13 A. Yes, sir, I do. I teach local and state law
14 enforcement in the detection of narcotics, specifically
15 methamphetamine, as well as meth labs and how to deal with
16 those in investigations.

17 Q. Have you worked undercover related to narcotics?

18 A. Yes, sir, I have.

19 Q. Have you also acquired and utilized confidential
20 informants?

21 A. Yes, sir, I have.

22 Q. And have you used those CI's to conduct controlled
23 buys?

24 A. Yes, sir. Absolutely.

25 Q. And through that are you familiar with the monetary

1 value associated with ice?

2 A. I am.

3 Q. And are you familiar with the difference between ice
4 and meth?

5 A. Yes, sir, I am.

6 Q. Have you testified in court before?

7 A. Yes. Yes, sir, I have.

8 Q. As an expert?

9 A. Yes, sir.

10 Q. How many times?

11 A. Three times, I believe.

12 Q. Have you ever been unqualified as an expert?

13 A. No, sir, I have not.

14 **MR. BELL:** Your Honor, at this time the State would
15 seek to qualify Agent Merckel as an expert in the meth and
16 ice drug trade.

17 **THE COURT:** Any voir dire?

18 **MR. HILLIARD:** Subject to our previous, Judge.

19 **THE COURT:** Okay. He'll be so qualified. Folks on
20 the jury, Detective Merckel -- is Merckel?

21 **THE WITNESS:** Yes, sir.

22 **THE COURT:** -- has been qualified and offered as an
23 expert in the field of methamphetamine and ice drug trade.
24 He can offer opinions as to -- more detailed opinions about
25 that trade in that area because of his expertise from his

1 experience and training working that type of job.

2 Continue on, Mr. Bell.

3 **MR. BELL:** Thank you, Your Honor.

4 BY MR. BELL:

5 Q. Agent, I want to start by talking about CI's. What's
6 the purpose of a confidential informant?

7 A. A confidential informant is a person, he or she, who
8 gives us information sometimes related to assisting them
9 with their charges or sometimes for monetary reasons they
10 give us information on the narcotic or drug trade or any
11 type of criminal activity that goes on around -- around
12 the county.

13 Q. Is the identity of a confidential informant something
14 law enforcement takes lightly?

15 A. No, sir. Absolutely not.

16 Q. Regardless of the lengths taken to maintain
17 confidentiality, are identities uncovered anyway sometimes?

18 A. Yes, sir, they are.

19 Q. And do you have access to the sheriff's department's
20 confidential informant list?

21 A. I do not.

22 Q. Have you had a chance to check specifically as to
23 whether or not James David Porter, the Third, was a
24 confidential informant?

25 A. Yes, sir, I have.

1 Q. And was he an informant?

2 A. No, sir.

3 Q. I'd like you to explain to the jury a little bit the
4 difference between, if any, ice and methamphetamine.

5 A. Okay. So the difference in ice and meth is
6 essentially the appearance of it. Methamphetamine is ice
7 and ice is meth. Basically the process of -- making the
8 narcotic in that process changes the way it looks. What
9 we would consider a one-pot meth lab, which you hear about
10 on the news a lot, especially here in Lexington County or
11 in Laurens County, would be what they call a powdery --
12 looks like a white or off-white powdery substance that's
13 methamphetamine, as well as what they call ice. The
14 reason they call it ice or glass or any other slang name
15 for it is because the way it looks. It looks like shards
16 of glass or broken pieces of ice, it's fairly clear. So
17 essentially it's just the way it looks. It's more often
18 than not a little bit more of a purer quality of ice
19 because of -- I mean, I'm sorry -- of methamphetamine in
20 and of itself because of the way that it's manufactured.

21 Q. Okay. And when it comes to the street level, what is
22 preferred more, traditional methamphetamine or crystal
23 methamphetamine?

24 **MR. HILLIARD:** Objection as to relevance.

25 **THE COURT:** I'm gonna allow that. We're giving a

1 thumbnail sketch on meth and ice, the differences.

2 BY MR. BELL:

3 Q. Which one is preferred on the street locally?

4 A. Crystal methamphetamine.

5 Q. And can you approximate the value of one gram of ice
6 on the street level?

7 A. It's approximately \$100.

8 Q. Does ice traditionally originate here in the U.S.?

9 A. No, sir.

10 Q. And where does it typically come from?

11 A. Typically from overseas.

12 **MR. HILLIARD:** Objection as to relevance, Judge.

13 **THE COURT:** I'm gonna allow that. He's describing
14 the difference in meth and ice.

15 **MR. HILLIARD:** Yes, sir.

16 **THE COURT:** I understand. Mr. Bell, just hit the
17 highlights so we don't get too far afield.

18 **MR. BELL:** I'm moving it along.

19 **THE COURT:** Okay.

20 **THE WITNESS:** Typically it's brought into the country
21 from other areas around the world, specifically from what
22 we see around here from the Mexico area.

23 BY MR. BELL:

24 Q. Now when it makes its way to the U.S., can you just
25 very briefly break down the structure of how ice is moved

1 down the street level?

2 A. Sure. It's brought into the country via some type of
3 person that transports it here. A lot of times they're
4 called mules from what you hear on TV or whatnot. They
5 bring it over and they would take it to a location where
6 they would break it down. Basically they'd take it to
7 the person who is considered the plug or the guy that
8 can actually get large amounts and then that location is
9 where it's distributed out in smaller increments to
10 distributors. Those distributors will get smaller amounts
11 from the plug, the person who brings in the larger amount.
12 And when I say larger amount, I'm talking about pounds or
13 kilos of the narcotic, which is very expensive, and then
14 when it's broken down the suppliers or the distributors
15 will get much smaller amounts, you know. I'm talking
16 about ounces or even less.

17 Q. And, Agent, through your investigations with the
18 Narcotic Enforcement Team, have you ever come across an
19 individual named Brady Hill?

20 A. Yes.

21 Q. And who is Brady Hill?

22 A. Brady Hill was a person who was basically a plug.
23 He was somebody who was supplying large amounts of ice,
24 methamphetamine, into the county.

25 Q. And did you ever determine whether there was any

1 connection between Brady Hill and the Defendant, Charles
2 Morehouse?

3 **MR. HILLIARD:** Objection.

4 **THE COURT:** In this case, since the distribution
5 cases aren't being tried, we can limit the testimony
6 there.

7 **MR. HILLIARD:** And so the question -- that would
8 call for hearsay unless he establishes how he might know
9 that.

10 **MR. BELL:** Your Honor, I think this would fall under
11 a hearsay exception. It's not for the truth of the matter
12 asserted.

13 **THE COURT:** In his job as an investigator or agent
14 for narcotics, if he has knowledge of that, I'll allow the
15 question if he has knowledge and stop there.

16 **MR. HILLIARD:** Thank you, Judge.

17 **MR. BELL:** That's all I'm asking.

18 **THE COURT:** I overrule the objection and allow the
19 answer to be submitted if he had knowledge.

20 **MR. HILLIARD:** Thank you, Judge.

21 BY MR. BELL:

22 Q. Do you recall the question?

23 A. Yes, sir. Was Mr. Hill related to the Defendant?

24 Q. And what was your answer?

25 A. Yes, sir.

1 **MR. BELL:** I beg the Court's indulgence.

2 **THE COURT:** Uh-huh. /

3 **MR. BELL:** Thank you, Agent.

4 **THE COURT:** Any cross?

5 **MR. HILLIARD:** Thank you, Judge. Subject to my
6 objection.

7 CROSS-EXAMINATION

8 BY MR. HILLIARD:

9 Q. You were talking about your interaction with Rico
10 earlier. Did you know him as Rico?

11 A. I -- at the time I did not know that that's what the
12 street name was that was -- that the victim was called by.
13 I did not know.

14 Q. And now you know his street name was Rico?

15 A. Yes.

16 Q. Okay. And in your experience and in your expertise,
17 RICO stands for racketeering and what?

18 **MR. BELL:** Objection, Your Honor. Relevance.

19 **MR. HILLIARD:** Maybe he's not an expert.

20 BY MR. HILLIARD:

21 Q. Do you know what RICO is?

22 A. I know the fundamentals of RICO. I couldn't recall
23 the acronym as to what it actually -- what the word means.

24 **MR. BELL:** Your Honor, I still object to relevance.

25 **THE COURT:** Okay. He doesn't know.

1 **MR. HILLIARD:** I renew my objection to him being an
2 expert.

3 **THE COURT:** No, you asked him some -- as to the
4 field of the trade of -- the meth and ice drug trade to be
5 called an expert. You're asking him about a legal question
6 as to a Federal law, aren't you?

7 **MR. HILLIARD:** Yes, sir.

8 **THE COURT:** Okay. Well, that seems a huge step away
9 from what he's qualified as an expert in.

10 **MR. HILLIARD:** All right, sir.

11 **THE COURT:** And just for the jury's understanding,
12 RICO is an acronym of a large Federal law. This is state
13 court, we're doing state law here, so move on.

14 **MR. HILLIARD:** All right, sir.

15 BY MR. HILLIARD:

16 Q. When you talked to Rico you didn't arrest him; is that
17 right?

18 A. Correct.

19 Q. And he didn't have any drugs on him?

20 A. No, sir, he did not.

21 Q. You couldn't arrest him.

22 A. No, sir.

23 Q. So there was -- and he had another fella with him?

24 A. Yes, sir, he did.

25 Q. You didn't arrest that guy?

1 A. No, sir, we did not.

2 Q. What's that guy's name?

3 A. Anthony Bockus.

4 Q. Sir?

5 A. I believe it's Anthony Bockus.

6 Q. Anthony Bockus?

7 A. Bockus with a "B", yes, sir.

8 Q. All right. And did you talk to Anthony about being
9 an informant?

10 A. Yes.

11 Q. Did Anthony turn out to be an informant?

12 A. No, sir.

13 Q. Did you not arrest anybody else in connection with
14 that event?

15 A. We arrested four people at -- at that residence.

16 Q. And didn't arrest two?

17 A. Correct.

18 Q. Well, if you didn't arrest him, did you -- did you
19 tell anybody that you'd stopped him?

20 A. It was in our incident report.

21 Q. Is your incident report public knowledge?

22 A. Absolutely.

23 Q. Sir?

24 A. Yes, sir.

25 Q. So that if you -- if you wanted him to be used as a

1 -- as an informant, there is no way that you could have
2 hidden the fact that you talked to him; is that true?

3 A. Sure. Absolutely. I wasn't trying to hide the fact
4 that we spoke to him or any of other people that we were
5 at that residence for.

6 Q. All right, sir. And at the same time what you're
7 telling the jury is because you interacted with him at a
8 drug situation that that creates the illusion or the
9 presumption or the supposition that he might be an
10 informant because you interacted with him and didn't
11 arrest him?

12 A. Potentially, yes.

13 Q. But you say you can't hide that fact and wouldn't
14 want to?

15 A. That we spoke with him?

16 Q. Yes, sir.

17 A. Absolutely not. He was there during our -- our
18 incident there so, therefore, he was in the report as
19 being there.

20 Q. Right, but wouldn't it make sense if you're -- if
21 you're actually gonna use somebody as an informant that
22 you wouldn't write down that you had talked to him in
23 order to try to hide that? That would make sense, right?

24 A. Well, no, not necessarily. Just because I speak to
25 somebody about possibly becoming an informant and giving

1 us information doesn't mean that they have to become an
2 informant, therefore, I don't put their information in
3 the report; that those two individuals were there on-scene
4 that day, I had interaction with those two individuals,
5 therefore, I put it in the report that I had interaction
6 with them and what that interaction was specifically to
7 them being at that location.

8 Q. Right. But you're --

9 A. But, I mean, if you're asking did I put in there that
10 I spoke to them about being an informant, no, I did not put
11 that in the report.

12 Q. All right. But you're saying that the fact that they
13 were -- the fact that they were interacted with and didn't
14 get arrested suggests that they might be an informant.
15 That's what you're telling the jury.

16 A. It could to some people.

17 Q. Well, particularly people who would care about that
18 sort of thing?

19 A. I imagine narcotics dealers would care about that,
20 yes.

21 Q. All right, sir. And do you know about Wiley Sisk
22 being a pimp? Do you know about that?

23 A. No, sir.

24 Q. And the -- the presumpt -- you say meth is a hundred
25 dollars per gram?

1 A. Roughly. Generally, yes, that's what we see as the
2 price of methamphetamine here and around the country.

3 Q. And ice is a hundred dollars a gram?

4 A. Correct.

5 Q. So they're the same price?

6 A. Same drug.

7 Q. But -- but ice is more popular?

8 A. It is.

9 Q. And you determine that because -- how do you know ice
10 is more popular?

11 A. Because from what we are seeing the people we're
12 arresting with being in possession of ice, the fact that
13 our meth lab productions, our one-pot productions, have
14 gone down. There's a huge difference between manufacturing
15 your own narcotic and buying it in bulk from somebody else.
16 i.e., you don't have the manufacturing goods in your
17 possession, you don't have the associated chemical
18 reactions that go with manufacturing meth, you know, in
19 your own home, in a Wal-Mart bathroom or in your vehicle
20 while you're riding down the road, therefore, it's easier
21 to conceal it which makes it a whole lot less easy for us
22 to find it.

23 Q. All right, sir. So when you say ice is more popular,
24 you're talking about more popular for the people doing the
25 selling, not doing the buying?

1 A. People who are doing the buying just want the drug.
2 It's specific to if the -- whoever has the most if they can
3 get it.

4 Q. They don't care -- the people buying it don't care
5 what it is?

6 A. Most of the time they don't as long as they can get
7 meth.

8 Q. And the presumptive level of possession with intent to
9 distribute, what is that?

10 A. The presumptive level of -- I'm sorry?

11 Q. The level of methamphetamine that creates a
12 presumption of intent to distribute -- or not a
13 presumption, but creates a rebuttable presumption,
14 whatever you call that, but in the statute, do you know
15 what that is?

16 A. Yes, sir.

17 Q. How much is that?

18 A. It's more than a gram.

19 Q. Pardon?

20 A. More than a gram.

21 Q. More than a gram. So one hundred dollars' worth of
22 meth creates the idea that its intent to distribute?

23 A. Possibly.

24 Q. That's what the law says.

25 A. If it's more than a gram, yes.

1 Q. All right. But in reality based on your experience a
2 lot of people use more than a gram of meth in a day?

3 A. I don't think I testified to that.

4 Q. I'm asking you.

5 A. Oh, it depends on the person. It absolutely depends
6 on the individual. If the individual has a tolerance level
7 to more than a gram a day, then I would presume they would
8 use more than a gram a day, but it would depend on the
9 person.

10 Q. Right. But there are people in your experience as an
11 expert who use more than a gram a day?

12 A. Oh, absolutely.

13 Q. And no question about that?

14 A. No question about it.

15 Q. Without regard to what the law might say about that?

16 A. Sure.

17 Q. And based on your expertise and experience -- and if
18 this is an unfair question, I apologize. I'll ask in case
19 you know. Can you tell the folks on the jury anything
20 about the effect of -- or how much methamphetamine is in a
21 blood level? Do you know anything about that?

22 **MR. BELL:** Objection, Your Honor. Outside the scope
23 of expertise.

24 **MR. HILLIARD:** I asked him if he knows.

25 **THE COURT:** He's qualified as an expert in the field

1 of meth and ice and drug trade, so if he knows, he can
2 answer, but he won't be allowed to offer an opinion.

3 **MR. HILLIARD:** Yes, sir.

4 **THE WITNESS:** I do not know. I'm not a medical
5 expert, sir.

6 **MR. HILLIARD:** Fair enough. Excuse me just one
7 second.

8 **THE COURT:** Uh-huh.

9 (Pause in proceedings.)

10 BY MR. HILLIARD:

11 Q. You know that Chad Andrews is an informant, right?

12 A. No, sir.

13 Q. You don't know that?

14 A. No, he's not an informant.

15 Q. Chad Andrews is not an informant?

16 A. No, sir.

17 Q. And Chad Andrews has never made any purchases of
18 narcotics for the narcotics bureau?

19 A. I didn't say that. I said he's not an informant.

20 Q. Well, let's talk about the difference between an
21 informant and somebody -- well, what is Chad Andrews other
22 than an individual, a person?

23 A. As far as I know, he's an individual and a person.

24 Q. Okay. Well, you didn't say that he didn't make
25 purchases on the --

1 A. No, sir, I did not. I just said he's not an
2 informant.

3 Q. Okay. And I apologize if I'm dense, but -- so Chad
4 Andrews is not an informant?

5 A. Correct.

6 Q. And did or did not Chad Andrews make purchases of
7 narcotics for law enforcement?

8 A. He has, yes, sir.

9 Q. Well, explain to me what -- what is the difference
10 between an informant -- I mean, he did it undercover,
11 right?

12 A. Yes, sir.

13 Q. So what is the difference in a person who -- who buys
14 drugs undercover on behalf of the police and an informant?
15 What's the difference in those two things?

16 A. He's no longer an informant for us. He has been in
17 the past, but right now he's not. I'm sorry if I didn't
18 understand that.

19 Q. Well, and I apologize for not asking the right
20 question. So he used to be an informant?

21 A. Correct.

22 Q. Back when he bought the drugs he would have been a
23 informant?

24 A. Correct.

25 Q. But he's not an informant anymore?

1 A. Yes, sir.

2 **MR. HILLIARD:** Excuse me just one second, Judge.

3 (Pause in proceedings.)

4 **MR. HILLIARD:** Thank you, sir. That's all I have.

5 **THE COURT:** Anything further, Mr. Bell?

6 **MR. BELL:** Briefly, Your Honor.

7 REDIRECT EXAMINATION

8 BY MR. BELL:

9 Q. Mr. Hilliard ask you about something you had in your
10 report. To clarify, did you put in your report related to
11 that meth bust that you approached James David Porter about
12 being a CI?

13 A. No, sir.

14 Q. So would you clarify what you approached him about --
15 what you wrote in your report as to what you approached him
16 about?

17 A. We approached Mr. Porter, the victim, as well as
18 Anthony Bockus for being on-scene at a meth house,
19 specifically just questioned them about why they were there
20 and what was going on, gave them Miranda and they allowed
21 us to search their vehicle.

22 Q. Regardless, in your opinion when four people are
23 busted at a scene but one or two aren't, is the one or two
24 put in suspicion by the others?

25 A. Sure. Yes, sir. Absolutely.

1 **MR. BELL:** Thank you.

2 **THE COURT:** All right. You may step down.

3 **THE WITNESS:** Thank you.

4 **MR. HILLIARD:** No objection to this witness being
5 excused, Your Honor.

6 **THE COURT:** Okay. If he needs to be. That means
7 you're relieved from your subpoena. That's up to the
8 State.

9 (Witness excused.)

10 **MR. BELL:** The State calls Christopher Williams.

11 (Whereupon, Christopher Williams was duly sworn by
12 the Clerk of Court.)

13 **THE CLERK:** Have a seat, please, sir. Once you're
14 seated state your full name, spelling your last, please.

15 **THE WITNESS:** Christopher Delano Williams,
16 W-I-L-L-I-A-M-S.

17 CHRISTOPHER WILLIAMS,

18 having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. BELL:

21 Q. Sir, may I call you Chris?

22 A. Yes, sir.

23 Q. Chris, how old are you?

24 A. I'm thirty-nine.

25 Q. And where do you live?

1 A. At the time in Batesburg.

2 Q. Where at in Batesburg?

3 A.

4 Q. And who do you live there with?

5 A. Will Fox.

6 Q. And back in August of 2015, where were you living?

7 A. At

8 Q. Whose house was that?

9 A. It was mine.

10 Q. Who else lived with you there?

11 A. My mother, my son, my stepfather.

12 Q. Anybody else ever stay with you?

13 A. Yeah, lots of people.

14 Q. Do you know who Charles Morehouse is?

15 A. Yes, sir.

16 Q. And do you call him anything other than Charles?

17 A. I've heard him be called Chuck.

18 Q. What do you call him?

19 A. Chuck.

20 Q. And do you know an individual by the name of Wiley
21 Sisk?

22 A. Yes, sir.

23 Q. Chris, have you used drugs before?

24 A. Yes, sir.

25 Q. And what drugs have you used?

1 A. Methamphetamines and marijuana.

2 Q. Do you still use them?

3 A. Not presently, no, sir.

4 Q. Are you clearheaded today?

5 A. Yes, sir.

6 Q. What was your relationship with Charles Morehouse
7 like?

8 A. Charlie was a good friend to me when he could be. He
9 came over and we'd get high. He peddled a little bit of
10 dope.

11 Q. Did you have to pay for that dope?

12 A. For the most part, no.

13 Q. How long had you known Chuck?

14 A. At the time about two months.

15 Q. And how often would you see him at your house?

16 A. Pretty much every day.

17 Q. How often did he have ice with him during that time?

18 A. Mostly all.

19 Q. Did you ever see him with money or that he had access
20 to money?

21 A. Yes, sir.

22 Q. Did you ever see him with any weapons?

23 A. Yes, sir.

24 Q. How often?

25 A. A few times.

1 Q. How many weapons did you see him with?

2 A. I seen three different ones.

3 Q. What kind of weapons?

4 A. A 40 semiautomatic, a 45 semiautomatic and a
5 45 revolver.

6 Q. So two different kinds of 45's and a 40?

7 A. Yes, sir.

8 Q. And where would he keep those guns?

9 A. Usually he kept one -- carried one with him and at
10 some points he would leave one with me.

11 Q. Why would he leave one with you?

12 A. I guess he just didn't want to carry it with him.

13 Q. And what would you do with it?

14 A. I just stuck it under the couch.

15 Q. August 3, 2015, did you see Chuck?

16 A. Yes, sir.

17 Q. And did he bring anybody with him?

18 A. Yes, sir.

19 Q. And was this at your house?

20 A. Yes, sir.

21 Q. Who did he bring to your house?

22 A. Wiley.

23 Q. Do you know who drove over?

24 A. Chuck and Wiley.

25 Q. Do you know what vehicle they arrived in?

1 A. A burgundy Impala.

2 Q. What time did they show up that day?

3 A. Roughly around ten.

4 Q. And you're talking about in the evening?

5 A. Yes, sir.

6 Q. And when Chuck drove to your house with Wiley, did
7 they go inside or stay outside?

8 A. They came inside.

9 Q. And where did they go inside?

10 A. Into my room.

11 Q. Was anybody else in the room with them?

12 A. I think it was me and my girlfriend was there at the
13 time, but she left.

14 Q. So you were in the room with them?

15 A. Yes, sir.

16 Q. Was the door left open?

17 A. No, sir, it was closed.

18 Q. Are there any identifying characteristics I guess you
19 could say of that bedroom that would help us figure out
20 which bedroom you were in?

21 A. I had a children's ceiling fan that was multicolored.

22 **MR. BELL:** Mark this for ID.

23 (State's Exhibit Number 28 was marked for
24 identification.)

25 **BY MR. BELL:**

1 Q. I'm handing you State's 28 for ID. Is that the
2 bedroom you were in?

3 A. Yes, sir.

4 **MR. HILLIARD:** No objection.

5 **MR. BELL:** Your Honor, the State would seek to move
6 State's 28 into evidence.

7 **THE COURT:** Without objection 28's in.

8 (State's Exhibit Number 28, a photograph, was
9 admitted into evidence.)

10 **MR. BELL:** Permission to publish, Your Honor.

11 **THE COURT:** Sure.

12 BY MR. BELL:

13 Q. Is that your bedroom?

14 A. Yes, sir.

15 Q. And is that where that meeting that you were referring
16 to just now took place?

17 A. Yes, sir.

18 Q. Chris, do you go by any other name?

19 A. Yes, sir.

20 Q. What do you go by?

21 A. Snoop.

22 Q. Is that what your friends call you?

23 A. Yes, sir.

24 Q. Is that what Chuck would call you?

25 A. Yes, sir.

1 Q. When y'all were back in the room, what were y'all
2 doing back there?

3 A. Chuck and Wiley were breaking up drugs and we were
4 sitting and talking for a minute. We did a line a dope.

5 Q. And when you say you did a line dope, what exactly
6 does that mean?

7 A. We snorted it.

8 Q. And what kind of dope was it?

9 A. Ice.

10 Q. Who provided the ice?

11 A. Chuck.

12 Q. Was any conversation occurring while y'all were back
13 there doing ice?

14 A. Yes, sir.

15 Q. And who was talking?

16 A. Charlie.

17 Q. And what was Charlie saying?

18 A. He said something about getting the game straight and
19 teaching somebody a lesson. I was asked if I knew a place
20 to do it.

21 Q. And what did you do when you heard that conversation?

22 A. I told him no where near me. Not at my place.

23 Q. How was Wiley Sisk's demeanor or reaction -- physical
24 reaction during that time period?

25 A. He seemed to just look up to Chuck.

1 Q. He looked up to Chuck?

2 A. Yeah, he looked up to Chuck.

3 Q. What makes you think that?

4 A. Just pretty much he followed behind him like a puppy.

5 Q. Did Chuck seem to have any fear --

6 A. No, sir.

7 Q. -- of Sisk?

8 A. No, sir.

9 Q. Did you stick around after that conversation took
10 place?

11 A. No, sir, I got out of there.

12 Q. And where were you planning on heading?

13 A. I went to a friend of my mother's to ask for some
14 money. I borrowed some money from her to get a hotel.

15 Q. So before you left, other than you, Chuck and Wiley
16 Sisk, who else was at your house that night?

17 A. My girlfriend at the time, Terri Boltin, Erica Waters,
18 Dean Gilmore and -- dang, I can't remember the girl's name.

19 Q. Have you ever heard of a female named Brittany Moody?

20 A. That's the name I was thinking of.

21 Q. And why is that relevant?

22 A. Sir?

23 Q. Why is her name relevant?

24 A. That's the name I was looking for. She was there.

25 Q. At your house that night?