

VOLUME I OF II

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Eugene C. Griffith, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

WILEY EUGENE SISK,

APPELLANT

APPELLATE CASE NO 2017-000098

RECORD ON APPEAL

SUSAN B. HACKETT
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

W. JEFFREY YOUNG
Chief Deputy Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

ATTORNEY FOR APPELLANT

SAMUEL M. BAILEY
Assistant Attorney General
S.C. Bar No. 103131
P.O. Box 11549
Columbia, South Carolina 29211
(803) 734-6305

S.R. HUBBARD III.
Solicitor, 11th Judicial Circuit

ATTORNEYS FOR RESPONDENT

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF LEXINGTON) IN THE COURT OF GENERAL SESSIONS

3 The State,) TRANSCRIPT OF RECORD
4) 2015-GS-32-02943, -02153, -02154
5)

6 -vs-)

7 Wiley Eugene Sisk,) November 28, 29, 30,
8) December 1 and 2, 2016
9 Defendant.) Lexington, South Carolina

10
11 B E F O R E:

12 HONORABLE EUGENE C. GRIFFITH, JR., JUDGE; and a jury
13

14
15 A P P E A R A N C E S:

16 GILL BELL, ESQUIRE
17 SUZANNE MAYES, ESQUIRE
18 Attorneys for the State

19
20
21
22
23
24
25
AIMEE J. ZMROCZEK, ESQUIRE
Attorney for the Defendant

Margaret A. Woods
Circuit Court Reporter

JURY QUALIFICATIONS

1 (Proceedings November 28, 2016)

2 THE COURT: All right, folks, I'm gonna go through the
3 questions to 'bout the first case to be called, first of all,
4 let me have the solicitor call the case.

5 MS. MAYES: May it please the Court.

6 THE COURT: Yes, ma'am.

7 MS. MAYES: Your Honor, before you is Indictment Number
8 2015-GS-32-2943, the State of South Carolina vs. Wiley Sisk,
9 this indictment is for murder; Indictment Number
10 2016-GS-32-2153, the State of South Carolina vs. Wiley Sisk,
11 this indictment is for criminal conspiracy; Indictment Number
12 2016-GS-32-2154, the State vs. Wiley Sisk, this indictment is
13 for possession of a weapon during commission of a violent
14 crime. Your Honor, the defendant is present in the courtroom,
15 he is represented by counsel, the State is ready for trial in
16 this case.

17 THE COURT: Okay. Ms. Zmroczek, do you represent
18 Mr. Sisk?

19 MS. ZMROCZEK: I do, Your Honor.

20 THE COURT: And are ya'll ready to go?

21 MS. ZMROCZEK: We are, Your Honor.

22 THE COURT: Okay. Ladies and gentlemen the jury, I'm
23 gonna come back and ask several questions but these
24 indictments hand to me by the soli -- the assistant solicitor,
25 Ms. Mayes, I'm gonna have them introduce themselves

JURY QUALIFICATIONS

1 would that create an issue for you being fair and impartial in
2 this case?

3 JUROR NUMBER 93: No.

4 THE COURT: Thank you very much. Gentleman in the, um,
5 yellow, orange or s -- or plaid, tell me your name.

6 JUROR NUMBER 174: Vernon Lowe Number 174.

7 THE COURT: You or member of your family is a law
8 enforcement officer?

9 JUROR NUMBER 174: My son-in-law is a law enforcement
10 officer for Charleston County, uh, ---

11 THE COURT: All right, would that create an issue for you
12 being fair and impartial in this case?

13 JUROR NUMBER 174: No, sir.

14 THE COURT: Thank you so much. All right, gentleman in
15 blue tell me your name.

16 JUROR NUMBER 39: Uh, Phil Burke, Juror Number 39,
17 son-in-law a police officer for the City of Cayce.

18 THE COURT: For the City a Cayce?

19 JUROR NUMBER 39: Yes.

20 THE COURT: All right, would that create an issue for you
21 being fair and impartial in this case?

22 JUROR NUMBER 39: Yeah.

23 THE COURT: Thank you very much. All right, um, any
24 member a the jury panel, member of your immediate family,
25 member of any temperance organizations such as SADD, MADD,

JURY QUALIFICATIONS

1 which are, um, the Mother's Against Drunk Driving, those
2 groups, or against, um, the advocate -- advocacy of victims of
3 violent crimes such as the CAVC, Citizens Against Violent
4 Crime, or B.A.C.A., the Bikers Against Child Abuse, any
5 organizations which are victims advocacy groups or temperance
6 organizations, if so please stand. No one's standing.

7 Now, this gonna be a yes/no question, um, any member of
8 your jury panel, member of your immediate family and I do -- I
9 don't need to know you or family but but just question is to
10 whether would affect your ability to be fair in this case,
11 ever, uh, any member of the, um, jury panel ever been affected
12 by a person suffering from addiction either to alcohol, drugs
13 or any combination like that and this case may, I don't know
14 anything about the facts a the case but it may involve issues
15 regarding addiction and things of that sort but would anybody,
16 member of this panel have an issue with that that they could
17 not be fair and impartial in this case, if so please stand.

18 All right, uh, tell me your name again.

19 JUROR NUMBER 33: Chris Browder, Juror Number 33.

20 THE COURT: All right, Mr. Browder, um, the addiction
21 issue would create an issue for you where you could not be
22 fair and impartial this case? The addiction issue would
23 create an issue for you where you could not be fair and
24 impartial this case or could you?

25 JUROR NUMBER 33: Possibly.

JURY QUALIFICATIONS

1 THE COURT: It's possible?

2 JUROR NUMBER 33: Yes, sir.

3 THE COURT: All right, I'm gonna set Mr. Browder aside,
4 um, just out of an abundance of caution. Okay, thank you,
5 sir, re -- remain seated. All right, back over here
6 (indicating), 'member your, don't remember your name either.

7 JUROR NUMBER 132: 132, James Howard, uh, my wife had a
8 brother that ---

9 THE COURT: All ---

10 JUROR NUMBER 132: --- was arrested.

11 THE COURT: --- I don't need no details but ---

12 JUROR NUMBER 132: Okay.

13 THE COURT: --- would your -- what -- would the fact that
14 family member would that create an issue for you being fair
15 and impartial?

16 JUROR NUMBER 132: No, sir.

17 THE COURT: Thank you very much.

18 MS. MAYES: What was that number again?

19 THE COURT: One ---

20 THE CLERK: Thirty-two.

21 THE COURT: One forty-two?

22 JUROR NUMBER 132: One thirty ---

23 MS. ZMROCZEK: One thirty ---

24 THE COURT: One thirty-two.

25 JUROR NUMBER 209: Your Honor, ---

JURY QUALIFICATIONS

1 THE BAILIFF: Your ---

2 THE COURT: Yes, ma'am, tell me your name.

3 JUROR NUMBER 209: Tracy Patton, 209.

4 THE COURT: All right, and same question?

5 JUROR NUMBER 209: Same question.

6 THE COURT: All right, the addiction issue would that
7 create an issue for you being fair and impartial?

8 JUROR NUMBER 209: Possibly.

9 THE COURT: All right, I'm gonna excuse you, I don't
10 want, I don't want it to be an issue so be seated.

11 All right, um, any member a the jury panel, member of
12 your immediate family any member of any guns rights
13 organizations such as the NRA or any other, um, rights
14 advocating the, um, uh, right to own guns and in your own
15 home, if so please stand.

16 UNIDENTIFIED JUROR: My wife's a member at ---

17 THE COURT: Well, wait, hang on, hang on, ---

18 UNIDENTIFIED JUROR: All right.

19 THE COURT: --- I can't take 'em like that. You didn't
20 know you had a crowd behind ya, did ya?

21 (Laughter.)

22 THE COURT: All right, the question's gonna be you or
23 member of your family member of a guns rights organization can
24 you still be fair and impartial, okay? Startin' over here
25 (indicating) tell me your name in the gray, I mean, beige

JURY QUALIFICATIONS

1 shirt.

2 JUROR NUMBER 75: Christopher Doyle ---

3 THE COURT: Mr. ---

4 JUROR NUMBER 75: --- 75.

5 THE COURT: --- Mr. Doyle, can you be fair and impartial?

6 JUROR NUMBER 75: Yes, sir.

7 THE COURT: Now, uh, is it you or member a your family
8 member that or -- uh, both guns rights organization?

9 JUROR NUMBER 75: Both.

10 THE COURT: Both? Okay, thank you, sir. Ma'am, tell me
11 your name.

12 JUROR NUMBER 86: Margaret Ewing, ---

13 THE COURT: Ms. Ewing, ---

14 JUROR NUMBER 86: --- Number 86.

15 THE COURT: --- Number 86. Um, regarding gun rights can
16 you be fair and impartial in spite of membership of you or
17 your family?

18 JUROR NUMBER 86: Yes.

19 THE COURT: Very well, thank you so much. Gentleman in
20 black sweater don't remember your name either.

21 JUROR NUMBER 50: Bernard Clegg, ---

22 THE COURT: Plague, yes, sir.

23 JUROR NUMBER 50: --- Number 50.

24 THE COURT: And you or member a your family's a ri -- a
25 member of a guns rights organization?

JURY QUALIFICATIONS

1 JUROR NUMBER 50: Yep.

2 THE COURT: Can you be fair and impartial?

3 JUROR NUMBER 50: Yes, sir.

4 THE COURT: Thank you so much. Ma'am in the
5 multi-colored shirt tell me your name.

6 JUROR NUMBER 187: Uh, Debra Mitchell, 187.

7 THE COURT: Ms. Mitchell, uh, either you or member a your
8 family is a guns rights organization member?

9 JUROR NUMBER 187: Yes.

10 THE COURT: Can you be fair and impartial?

11 JUROR NUMBER 187: Yes.

12 THE COURT: Thank you so much. All right, got bigger
13 crowd over here (indicating). Startin' with the red and black
14 Georgia fan, tell me your name please, ma'am.

15 JUROR NUMBER 288: Kimberly Williams, ---

16 THE COURT: All right, ---

17 JUROR NUMBER 288: --- 288.

18 THE COURT: --- here's the same question to you,
19 Ms. Williams, can you be fair, impartial in spite of the
20 membership in the guns organization?

21 JUROR NUMBER 288: Yes.

22 THE COURT: Thank you so much. Gentleman in the orange
23 tell me your name.

24 JUROR NUMBER 213: Paul Pittman, 213.

25 THE COURT: All right, Mr. Pittman, either you or member

JURY QUALIFICATIONS

1 of your family's a guns right organization member, can you be
2 fair and impartial in spite a that?

3 JUROR NUMBER 213: Yes, we will I would say.

4 THE COURT: Thank you. Thank you very much. Gentleman
5 in the red plaid up front tell me your name.

6 JUROR NUMBER 256: Steve Smith, 256, yes, I can be
7 impartial.

8 THE COURT: You can? Thank you so, Mr. Smith. Straight
9 behind him in the green, tell me your name please, sir.

10 JUROR NUMBER 3: Carrol Amick, Number 3, ---

11 THE COURT: And, Mr. ---

12 JUROR NUMBER 3: --- yes, I can be impartial to that.

13 THE COURT: And you have, it's either you or member a
14 your family's a member one a those organizations?

15 JUROR NUMBER 3: (Nodded in the affirmative.)

16 THE COURT: Thank you very much. Gentleman in the jacket
17 up front tell me your name.

18 JUROR NUMBER 58: Mark Cooper, 58.

19 THE COURT: Can you be fair and impartial?

20 JUROR NUMBER 58: Yes, Your Honor.

21 THE COURT: Thank you so much. Comin' all the way to the
22 wall in multi-color stripe ---

23 JUROR NUMBER 79: John ---

24 THE COURT: --- te ---

25 JUROR NUMBER 79: --- Davis, Number 70.

JURY QUALIFICATIONS

1 THE COURT: Mr. 70, okay. You or member of your family's
2 a member one a those organizations?

3 JUROR NUMBER 79: Family.

4 THE COURT: Can you be fair and impartial?

5 JUROR NUMBER 79: Yes, sir.

6 THE COURT: Thank you so much. Gentleman in the black
7 sweater tell me your name.

8 JUROR NUMBER 270: Thomas Troutman, Number 270.

9 THE COURT: Can you be fair and impartial?

10 JUROR NUMBER 270: Yes, sir.

11 THE COURT: Thank you so much. Gentleman straight
12 behind -- no, there she i ---

13 JUROR NUMBER 270: Uh, you know.

14 (Laughter.)

15 THE COURT: You just were covered up by him, tell me your
16 name again, ma'am.

17 JUROR NUMBER 298: Cynthia Yount, 298.

18 THE COURT: Ms. Yot [sic], um, you or member of your
19 family's a member of a guns right organization?

20 JUROR NUMBER 298: Yes, my husband ---

21 THE COURT: Oh.

22 JUROR NUMBER 298: --- is.

23 THE COURT: And would you be able to be fair and
24 impartial?

25 JUROR NUMBER 298: Yes.

JURY QUALIFICATIONS

1 THE COURT: Thank you so much, Ms. Yot. Gentleman in the
2 black.

3 JUROR NUMBER 142: Larry Jeffcoat, Number 142.

4 THE COURT: And one a your family members is a member of
5 one a those organizations.

6 JUROR NUMBER 142: Yes, Your Honor.

7 THE COURT: Can you be fair, impartial?

8 JUROR NUMBER 142: Yes, Your Honor.

9 THE COURT: Thank you so much. Gentleman back in the
10 orange plaid again tell me your name.

11 JUROR NUMBER 174: Vernon Lowe, 174.

12 THE COURT: Mr. Lowe, same question, can you be fair and
13 impartial?

14 JUROR NUMBER 174: Yes, I can.

15 THE COURT: Thank you so much. Ma'am in the blue.

16 JUROR NUMBER 125: Cheryl Henderson, Juror 125.

17 THE COURT: Yes, ma'am, can you be fair and impartial?

18 JUROR NUMBER 125: Yes, sir.

19 THE COURT: Thank you so much. Last but not least ma'am,
20 in the black sweater.

21 JUROR NUMBER 5: Kayla Arsi, Number 5.

22 THE COURT: Can you be fair and impartial?

23 JUROR NUMBER 5: I can.

24 THE COURT: Thank you so much. All right, folks, um, I
25 don't know what type of, um, exhibits we'll see in this trial

JURY QUALIFICATIONS

1 but it involves a a death and there's gonna be some, uh,
2 graphic testimony, perhaps some photographs, I don't think
3 they're gonna be, I get to see 'em first so they're not too
4 graphic, but is any member a the jury panel gonna have
5 difficulty seeing or hearing testimony regarding a death and
6 perhaps the injuries resulting or autopsy-type photos, anybody
7 gonna be unable to look at those type a things, if so please
8 stand. No one's standing.

9 All right, do any member a the jury panel know any reason
10 whatsoever you can't be impartial to both the State of South
11 Carolina and to Mr. Sisk, please stand. No one's standing.

12 All right, I think I've covered all the voir dire
13 submitted by the State and by the defense: Anything else?

14 MS. MAYES: May it please the Court.

15 THE COURT: Yes, ma'am.

16 MS. MAYES: May we approach?

17 THE COURT: Yes, you may.

18 (Whereupon, a bench conference was held off the record.)

19 THE COURT: All right, now one last question, I had
20 several witnesses I skipped over and custodian of records for
21 Verizon telephone or this and that, I'm now told that one
22 potential custodian of records, meaning can we see the phone
23 bill for a certain account or where, testimony like that where
24 there's a potential witness named Jake Shaw, any member a the
25 jury panel related by blood, marriage, close personal friends

JURY QUALIFICATIONS

1 with Mr. Shaw please stand. No one's standing. All right.

2 (Whereupon, a discussion was held off the record.)

3 THE COURT: All right, if ya'll bear with me the clerk of
4 court's gonna ---

5 THE CLERK: How many do we need to draw?

6 (Whereupon, a discussion was held off the record.)

7 THE COURT: All right, the clerk court what she's gonna
8 do back in the old days we used to have a, li -- like a
9 bingo/cricket box and put your names in little tubes and turn
10 it around and they draw outta that and call ya up front but
11 the computer does it for us now and so the clerk court is
12 generating a random list from your number, you're gonna be
13 renumbered, it'll be one, two, three, they do not correspond
14 with your numbers anymore although we still know your numbers
15 so when first juror's called up that's not juror number 1,
16 it's just first juror on the random list. Each side has a
17 certain number of please excuse this juror from this case,
18 they get to exercise those please excuse the jurors till
19 either we have a full jury or they're out of 'em, you bear
20 with me and we'll get 'em in here, sometimes I tell a joke
21 when I'm waitin' on the clerk a court.

22 (Whereupon, a discussion was held off the record.)

23 THE COURT: You got any new ones? All right, I'll tell
24 ya one, ya'll talked me into it.

25 (Laughter.)

JURY QUALIFICATIONS

1 THE COURT: All right, and and these lawyers may have
2 been in court me before and heard the joke but this fella goes
3 and talks to his good friend who's a doctor and says, My
4 wife's hard a hearin', she doesn't respond to anything I say
5 anymore, she just hardly know, she can't hear a thing and the
6 doctor says, Well, how bad is this, Well I don't know, mean,
7 she just never responds, Well you need to give me more
8 information on that because either I need to get her in here
9 and I'll see her or I need to refer her to a specialist, So
10 what do you suggest I do to respond to your question, he said,
11 Well, tell you what, when you go home over the weekend get
12 behind her where she doesn't know you're coming in the room
13 and say sumtin' to her and if she doesn't respond, move a
14 little closer, if she doesn't respond, move a littler closer
15 till she does and then come for, you know, give me the results
16 of this test so anyway he goes home that afternoon and sure
17 enough he walks in the back door a the kitchen and she's over
18 by the stove cookin' facin' the stove and so she doesn't hear
19 him come in, Gee, honey, that smells great what are we havin'?
20 She doesn't flinch, she stays stern over by the stove. Okay,
21 so he walks about halfway over to kitchen table, Wow, that
22 sure does smell good, what is it? Nothin', no response, so he
23 goes all the way over to her, he just wanted to arm reach, you
24 can almost touch her, Honey, what's for supper, she turns
25 around and says meat loaf and gravy, I've told ya three times

JURY QUALIFICATIONS

1 now get your hearin' checked.

2 (Laughter.)

3 THE COURT: Ya'll can believe that's true, can't ya?

4 (Laughter.)

5 UNKNOWN JUROR: Yes.

6 (Whereupon, a discussion was held off the record.)

7 THE COURT: All right, we're ready to strike so, madam
8 clerk, call 'em up.

9 THE CLERK: 'kay, when I call your name, if you'll bring
10 your belongings and stand up here (indicating) facing out like
11 Mr. Dan's doin', please. Juror Number 172, Patsy Long.

12 (Patsy Long, a black female came forward.)

13 THE CLERK: What say you for the State?

14 MS. MAYES: Please present the juror.

15 THE CLERK: What say you for the defense?

16 MS. ZMROCZEK: Will you please excuse the juror for this
17 trial.

18 THE CLERK: You'll return to your seat, ma'am. Juror
19 Number 251, Karen Sites.

20 (Karen Sites, a white female came forward.)

21 THE BAILIFF: Turn around now.

22 THE CLERK: Turn around face the box.

23 (Whereupon, the juror complied.)

24 THE CLERK: What say you for the State?

25 MS. MAYES: Please present the juror.

JURY QUALIFICATIONS

1 THE CLERK: What say you for the defense?

2 MS. ZMROCZEK: Please seat the juror.

3 THE CLERK: If you'll have a seat in the jury box, ma'am.

4 THE BAILIFF: This ---

5 THE BAILIFF: Ma'am, come right here (indicating).

6 THE CLERK: Juror Number 176, Joyce Maccarelli.

7 (Joyce Maccarelli, a white female came forward.)

8 THE CLERK: What say you for the State?

9 MS. MAYES: Please present the juror.

10 THE CLERK: Say for the defense?

11 MS. ZMROCZEK: Please seat the juror.

12 THE CLERK: You'll have a seat in the jury box, ma'am.

13 Juror Number 256, Steven Smith.

14 (Steven Smith, a white male came forward.)

15 THE CLERK: What say for the State?

16 MS. MAYES: Please present juror.

17 THE CLERK: What say for defense?

18 MS. ZMROCZEK: Please seat the juror.

19 THE CLERK: You'll have a seat in the jury box, sir.

20 Juror 46, Verlon Cantrell.

21 (Verlon Cantrell, a white male came forward.)

22 THE CLERK: What say for the State?

23 MS. MAYES: Please present the juror.

24 MS. ZMROCZEK: Please ---

25 THE CLERK: What say ---

JURY QUALIFICATIONS

1 MS. ZMROCZEK: --- seat the juror.

2 THE CLERK: Thank you. You'll have a seat in jury box,
3 sir. Juror Number 210, John Paulk.

4 (John Paulk, a white male came forward.)

5 THE CLERK: What say you for the State?

6 MS. MAYES: Please present the juror.

7 THE CLERK: What say you for the defense?

8 MS. ZMROCZEK: Please seat the juror.

9 THE CLERK: You'll have a seat in the jury box, sir.
10 Juror Number 235, Alison Sallings.

11 (Alison Sallings, a white female came forward.)

12 THE CLERK: What say for the State?

13 MS. MAYES: Please present the juror.

14 THE CLERK: What say for defense?

15 MS. ZMROCZEK: Please seat the juror.

16 THE CLERK: You'll have a seat in the jury box, ma'am.
17 Juror Number 250, Amy Simpson.

18 (Amy Simpson, a white female came forward.)

19 THE CLERK: What say for the State?

20 MS. MAYES: Please present the juror.

21 THE CLERK: What say for defense?

22 MS. ZMROCZEK: Please excuse juror for this case.

23 THE CLERK: You'll return to your seat, ma'am. Juror
24 Number 154, Cameron Knight.

25 (Cameron Knight, a white male came forward.)

JURY QUALIFICATIONS

1 THE CLERK: What say you for the State?

2 JUROR NUMBER 154: Hi.

3 MS. MAYES: Please present the juror.

4 THE CLERK: What say you for defense?

5 MS. ZMROCZEK: Please seat the juror.

6 THE CLERK: You'll have a seat in the jury box, sir.

7 Juror 27, Kimberley Brazil.

8 (Kimberley Brazil, a black female came forward.)

9 THE CLERK: What say you for the State?

10 MS. MAYES: Please present the juror.

11 THE CLERK: What say you for the defense?

12 MS. ZMROCZEK: Please seat the juror.

13 THE CLERK: You'll have a seat in the jury box, ma'am.

14 Juror Number 231, Eddie Robinson.

15 (Eddie Robinson, a black male came forward.)

16 THE CLERK: What say you for the State?

17 MS. MAYES: Please present the juror.

18 THE CLERK: What say you for defense?

19 MS. ZMROCZEK: Please seat the juror.

20 THE CLERK: You'll have a seat in the jury box, sir.

21 Juror Number 262, Danielle Swink.

22 (Danielle Swink, a white female came forward.)

23 THE CLERK: What say for the State?

24 MS. MAYES: Please present the juror.

25 THE CLERK: What say for the defense?

JURY QUALIFICATIONS

1 MS. ZMROCZEK: Please excuse the juror from this trial.

2 THE CLERK: If you'll return to your seat, ma'am. Juror
3 73, Talmadge Dixon.

4 (Talmadge Dixon, a black male came forward.)

5 THE CLERK: What say you for the State?

6 MS. MAYES: Please present the juror.

7 THE CLERK: What say you for the defense?

8 MS. ZMROCZEK: Please seat the juror.

9 THE CLERK: You'll have a seat in the jury box, sir.
10 Juror 198, Tamela Nichols.

11 (Tamela Nichols, a black female came forward.)

12 THE CLERK: What say you for the State?

13 MS. MAYES: Please excuse the juror from the trial a this
14 case.

15 THE CLERK: If you'll return to your seat, ma'am. Juror
16 Number 50, Bernard Clegg.

17 (Bernard Clegg, a white male came forward.)

18 THE CLERK: What say you for the State?

19 MS. MAYES: Please present the juror.

20 THE CLERK: What say you for the defense?

21 MS. ZMROCZEK: Please excuse the juror for this case.

22 THE CLERK: You'll return to your seat, sir. Juror
23 Number 3, Carrol Amick.

24 (Carrol Amick, a white male came forward.)

25 THE CLERK: What say you for the State?

JURY QUALIFICATIONS

1 MS. MAYES: Please present the juror.

2 THE CLERK: What say you for defense?

3 MS. ZMROCZEK: Please seat the juror.

4 THE CLERK: You'll have a seat in the jury box, sir.

5 Juror 25, Natosha Branham [sic].

6 (Natosha Bradham, a white female came forward.)

7 THE CLERK: What say for the State?

8 MS. MAYES: Please present the juror.

9 THE CLERK: What say you for the defense?

10 MS. ZMROCZEK: Please excuse the juror for this trial.

11 THE CLERK: You'll return to your seat, ma'am. Juror 78,
12 Jason Dukes.

13 (Jason Dukes, a white male came forward.)

14 THE CLERK: What say you for the State?

15 MS. MAYES: Please present the juror.

16 THE CLERK: What say you for the defense?

17 MS. ZMROCZEK: Please excuse the juror for this trial.

18 THE CLERK: You'll return to your seat, sir. Juror 37,
19 Blake Brownholtz.

20 (Blake Brownholtz, a white male came forward.)

21 THE CLERK: What say you for the State?

22 MS. MAYES: Please excuse the juror from the trial a this
23 case.

24 THE CLERK: You'll return to your seat, sir. Juror 187,
25 Debra Mitchell.

JURY QUALIFICATIONS

1 (Debra Mitchell, a white female came forward.)

2 THE CLERK: What say you for the State?

3 MS. MAYES: Please present the juror.

4 THE CLERK: What say for defense?

5 MS. ZMROCZEK: Please excuse the juror for this trial.

6 THE CLERK: You'll return to your seat, ma'am. Juror

7 Number 58, Mark Cooper.

8 (Mark Cooper, a white male came forward.)

9 THE CLERK: What say you for the State?

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

11 THE CLERK: What say you for the defense?

12 MS. ZMROCZEK: Please seat the juror.

13 THE CLERK: You'll have a seat in the jury box.

14 Alternates, Your Honor?

15 THE COURT: Give me two, please.

16 THE CLERK: Juror 247, Elizabeth Sherfield.

17 (Elizabeth Sherfield, a white female came forward.)

18 THE CLERK: Say you for the State?

19 MS. MAYES: Please present the juror.

20 THE CLERK: What say you for defense?

21 MS. ZMROCZEK: Please seat the juror.

22 THE CLERK: You'll have a seat in the jury box, ma'am.

23 Juror Number 130, Robert Hooper.

24 (Robert Hooper, a while male came forward.)

25 THE CLERK: What say you for the State?

JURY QUALIFICATIONS

1 MS. MAYES: Beg the Court's indulgence.

2 (Pause.)

3 MS. MAYES: Beg the Court's indulgence.

4 THE COURT: Yes, ma'am.

5 (Pause.)

6 MS. MAYES: Please present the juror.

7 THE CLERK: What say you for ---

8 MS. ZMROCZEK: Please seat the juror.

9 THE COURT: Very well.

10 THE CLERK: You'll have a seat in the jury box, sir.

11 THE COURT: All right, ladies and gentlemen, any s --

12 either state or defense have an issue of law Court to take up
13 regarding the selection process employed or accomplish this
14 jury?

15 MS. ZMROCZEK: None for the defense, Your Honor.

16 MS. MAYES: Nothing from the State.

17 THE COURT: Very well and, um, not for ya'll, we are,
18 this is the only jury we're gonna select this week.

19 (Whereupon, the remaining jurors were released.)

20 THE COURT: Ya'll care what time we start?

21 MS. ZMROCZEK: What?

22 THE COURT: Ya'll wanna start before 9:30?

23 MS. MAYES: Correct, Your Honor.

24 THE COURT: I mean, not later than 9:30.

25 MS. MAYES: Correct, Your Honor.

MOTIONS AND MATTERS

1 MS. ZMROCZEK: I I didn't hear you.

2 THE COURT: 9, 9:30 too late? I don't wanna start any
3 later 9:30.

4 MS. ZMROCZEK: Oh -- yeah, that, uh, ---

5 THE COURT: I'm gonna ask him.

6 MS. ZMROCZEK: --- 9:30 is better then that's ---

7 THE COURT: All right, ---

8 MS. ZMROCZEK: --- fine.

9 THE COURT: --- here's what we're gonna do: Um, this my
10 court reporter, aint she nice? I I hadn't worked with her in
11 a while but I don't -- Ms. Woods and I are, when she first got
12 put to work, my court reporter trained her and I, mine's
13 normally with me but when they move around they don't keep 'em
14 with ya, she got assigned with me this week and I'm just
15 tickled to death. Anyway, it's her job to take everything
16 down and keep all exhibits and whatnot organized but I gotta
17 make certain she's ready before I start talkin' or that it
18 creates a problem for me 'cause if she has to take me in the
19 back, Now, Judge, don't do that again, so anyway they're
20 smilin' right, my court reporter trained me. Anyway, um, I've
21 got some things to take up this afternoon, it's already noon, I
22 got some pretrial things and what the idea is the witnesses
23 are kinda scheduled to start comin' in in the morning first
24 thing and we're gonna go through 'em as they can get here, we
25 can roll on through, part a that organization is this

MOTIONS AND MATTERS

1 MS. MAYES: --- operation.

2 THE COURT: Okay.

3 MS. ZMROCZEK: And I, and I think that's fair.

4 THE COURT: That sounds like what you were asking for,
5 their connection was drug-related ---

6 MS. ZMROCZEK: Right, right.

7 THE COURT: --- using that night and then perhaps ---

8 MS. ZMROCZEK: And it goes ---

9 THE COURT: --- some ---

10 MS. ZMROCZEK: --- to res gestae too which was an
11 argument that we would make if, but but we don't even have to
12 make that I guess. Uh, one of the other issues is they have
13 been providing me, um, and I'll I'll tell you, Your Honor, um,
14 as much as I typically complain about solicitors not giving me
15 enough information, this team has gone extremely overboard at
16 which I appreciate, uh, giving me information but some a the
17 information, uh, with regard to Mr. Morehouse there a, there
18 is an incident date that they gave me of March, uh, I wanna
19 say 15, 2015 or March 8th with Mr. Morehouse, uh, in an
20 incident, uh, involving violence and drugs on old Orangeburg
21 Road which is where this murder occurs, uh, and so, and I
22 believe that some of the officers, I know, I I believe
23 Sergeant Stoner who was read off in the witness list actually
24 wrote that incident report, uh, and so I'm asking the Court
25 obviously ahead of time if we are gonna be able to to go into

MOTIONS AND MATTERS

1 assessment about being able to show ---

2 THE COURT: All right, ya'll reach a, ---

3 MS. ZMROCZEK: --- which is ---

4 THE COURT: --- an impasse on a photograph then I'll deal
5 with it, sounds like ya'll on the same page yet again, ---

6 MS. ZMROCZEK: Thank you.

7 THE COURT: --- okay, so is that all, that's all you got?

8 MS. ZMROCZEK: That's all I have, Your Honor.

9 THE COURT: All right, Ms. Mayes, you got anything?

10 MS. MAYES: Uh, yes, sir, Your Honor. In, uh,
11 discussions with Ms. Zmroczek, I believe there are several
12 additional stipulations. Uh, there would be a stipulation as
13 to the admissibility of the Sprint phone records. Uh, the
14 Sprint phone records are, uh, in relation to both Mr. Sisk and
15 Mr. Morehouse, they both had accounts through Sprint, um, and
16 we had that same, uh, the same records custodian who testified
17 I believe in the previous trial, Joey Trawicki, he flew in
18 from Kansas and so in in light of that stipulation we have not
19 brought Mr. Trawicki in, uh, believe there's also a
20 stipulation regarding chain of custody as to, uh, drug
21 evidence and the ballistics or firearms, uh, evidence and of
22 course the DNA, uh, on the cigarette, uh, which is coming in
23 by stipulation as well.

24 MS. ZMROCZEK: Fact, that's correct, Your Honor, there's
25 no need to fly, uh, Mr. Trawicki down from anywhere, um, and I

MOTIONS AND MATTERS

1 I believe that there are other phones, um, well I think
2 there's some Verizon phone records as well, we we we are not
3 challenging the authenticity of any of those, ---

4 THE COURT: Okay.

5 MS. ZMROCZEK: --- um, I, that there, now I've received
6 several different maps from Mr. Travis ---

7 MS. MAYES: Um-hum.

8 MS. ZMROCZEK: --- and, uh, Investigator Travis and it,
9 and I don't, I don't -- is he's not gonna testify tomorrow, is
10 he?

11 MS. MAYES: Correct, it -- that would ---

12 MS. ZMROCZEK: Okay.

13 MS. MAYES: --- late Wednesday and so ---

14 MS. ZMROCZEK: So maybe ---

15 MS. MAYES: --- we should have ---

16 MS. ZMROCZEK: --- Tuesday night I can or Tuesday
17 afternoon we can sit down and figure out which maps they're
18 actually gonna use.

19 THE COURT: Well ---

20 MS. MAYES: He he's actually on paternity leave at the
21 time but he is, uh, that he is going to finalize the actual
22 exhibits and we'll certainly give Ms. Zmroczek a chance to
23 review those, um, prior to, uh, offering them for admission as
24 well as any other exhibits, uh, ---

25 THE COURT: Well ---

MOTIONS AND MATTERS

1 MS. MAYES: --- that we have in this case. Your Honor,
2 um, if we could just have a brief moment, I I think there is a
3 matter we wanna take up about a potential stipulation. Ms.
4 Zmroczek was seeking, uh, admission of I I guess certain very
5 limited portions of Mr. Morehouse's statement to law
6 enforcement and as I indicated we may be able to reach a
7 stipulation on that.

8 THE COURT: Okay, I'll give ya'll a few minutes. Ya'll
9 done good, I mean, we we spent thirty-five minutes maybe and
10 ya'll have agreed on virtually everything which is very well
11 received.

12 MS. ZMROCZEK: And, oh, before, uh, we forget, um, I
13 wanted to put on the record, Your Honor, that, um, it, my
14 understanding that we had an off-the-record discussion about
15 the victim's grandfather having known you at some point, um,
16 and you indicated that that you, if if it's who you thought
17 as as maybe through karate, was a little bit older than you,
18 um, it would in no way, uh, infect your, um, impartiality. I
19 had this discussion with my client, um, and and, Your Honor,
20 he does not, um, wish to ask for me to recuse Your Honor, he
21 is, he, uh, he understands that that you're a judge and that
22 you take your job very seriously and he doesn't believe that
23 there's gonna be any issue with impartiality, sir.

24 THE COURT: Okay. 'fore we go any further, what about
25 the, um, the iss -- the voir dire on the juror that brought to

MOTIONS AND MATTERS

1 Ms. Sherfield is Juror 247, she is in the twelve person jury
2 by agreement and we'll wait and see if Mr. Smith nee -- is
3 needed at that time and move forward as we go, all right?

4 MS. MAYES: All right.

5 THE COURT: All right.

6 MS. MAYES: And, uh, Your Honor, I believe Ms., uh,
7 Zmroczek and I were going to, uh, take up that matter ---

8 THE COURT: Okay.

9 MS. MAYES: --- concerning potential stipulation.

10 THE COURT: All right, we'll stand down for a few
11 minutes, ya'll let me know if you wanna come back out here and
12 if ya'll agree to it then I'm, I'm waiting on my car to have
13 tires put on it so I'm not, I'm not any hurry get outta here.

14 (Whereupon, a recess was taken.)

15 THE COURT: Ya'll get anything accomplished?

16 MS. MAYES: Yes, sir, Your Honor. Uh, regarding a motion
17 that the State, um, has filed in this case and I had submitted
18 a copy earlier, um, to your law clerk yester [sic], Your
19 Honor, uh, the State's motion, uh, for admission of statements
20 in furtherance of the conspiracy that were made by Morehouse,
21 um, and also, secondarily, um, motion, uh, for admission of
22 such statements pursuant to Rule 803(3) and state of mind, um,
23 in in consultation with Ms. Zmroczek, um, the statements are
24 limited; in other words, uh, there's a whole lot of
25 information that's contained in the written statements about

MOTIONS AND MATTERS

1 MS. ZMROCZEK: --- right.

2 THE COURT: --- a send/receive type thing, ---

3 MS. MAYES: Right.

4 THE COURT: --- co -- a confirmation, sending
5 confirmation back.

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

7 THE COURT: Okay.

8 MS. MAYES: Next, Your Honor, as to, um, sequestration,
9 Ms. Zmroczek does not object, uh, to the chief investigating
10 officers Detective Rawl and Sergeant Laintz and the victim's
11 father, uh, Mr. Porter who is a potential witness is also
12 present the courtroom, uh, but would be exempt pursuant to
13 the, uh, ---

14 MS. ZMROCZEK: The Victim's Rights ---

15 MS. MAYES: --- Victim's Rights ---

16 MS. ZMROCZEK: --- Act.

17 MS. MAYES: --- Act ---

18 THE COURT: Okay.

19 MS. MAYES: --- and, uh, Your Honor, if Ms. Zmroczek does
20 pursue a motion for sequestration, all other witnesses will be
21 subject to that order.

22 MS. ZMROCZEK: And we would, Your Honor, ---

23 THE COURT: Okay, and ---

24 MS. ZMROCZEK: --- it would ---

25 MS. MAYES: And ---

MOTIONS AND MATTERS

1 (Pause.)

2 MS. MAYES: Well, Your Honor, and I I think we're trying
3 to resolve, resolve that matter.

4 THE COURT: All right, ya'll makin' me look bad to this
5 jury, I asked 'em to be here at nine.

6 MS. MAYES: This actually wouldn't be an issue until the
7 third witness ---

8 THE COURT: Um-hum.

9 MS. MAYES: --- so, uh, we can go ahead and proceed ---

10 THE COURT: Okay, ---

11 MS. MAYES: --- and take it up before ---

12 THE COURT: --- and I like, ---

13 MS. MAYES: --- the third witness.

14 THE COURT: --- I like gettin' these things done before
15 I ---

16 MS. ZMROCZEK: Get move ---

17 THE COURT: I'm very very aware of the jury's imposition
18 sittin' in the back in the dark and they don't understand
19 what's goin' on and I'm the main person in the courtroom to
20 blame 'cause it's my courtroom to run ---

21 MS. MAYES: Okay.

22 THE COURT: --- so I take responsibility for that.

23 MS. MAYES: Okay. So this this would be, um, a matter
24 before the third witness, Your Honor.

25 THE COURT: Okay, we can deal with that then ---

MOTIONS AND MATTERS

1 MS. MAYES: 'kay.

2 MS. ZMROCZEK: Okay.

3 MR. BELL: Appreciate it.

4 THE COURT: --- 'cause I'm certain we'll have a break
5 between now and then. All right, we get the jury in?

6 MS. MAYES: Yes, sir.

7 THE COURT: All right, now of all the one's ya'll agreed
8 to as they're comin' ya'll can say, We stipulated those in
9 'cause ya'll know and I'll keep markin' my sheet as you go,
10 okay, ---

11 MS. ZMROCZEK: Yes, Your Honor.

12 THE COURT: --- and that'll be fine with me.

13 MS. MAYES: Yes.

14 THE COURT: All right, bring the jury, please.

15 THE BAILIFF: Yes, sir.

16 (Whereupon, a discussion was held off the record.)

17 (The following takes place in the presence of the jury.)

18 THE COURT: All right, folks, we're ready to begin. Um,
19 I forgot to bring the candy out, Jacob forgot, I just sent him
20 back to get it to bring to ya'll. Anyway we're 'bout ready to
21 start and the way it works now is we'll place you under oath
22 momentarily but ya'll gotta listen attentively. The State
23 will give its opening comments first as to kinda what the case
24 is about, um, the defense will then be allowed their
25 opportunity to introduce themselves and what they believe the

MOTIONS AND MATTERS

1 case is about and then they'll star callin' witnesses. Uh,
2 State calls their's first at each witness the State can call,
3 ask questions, introduce exhibits and then the defense gets an
4 opportunity to cross-examine. As I said, ya'll do not need to
5 do any independent research, everything you need to decide
6 this case you'll get in here. Um, now I've got more chocolate
7 in the back, I may have to get some more but my juries
8 generally eat all my chocolate like that ---

9 (Laughter.)

10 THE COURT: --- so, uh, we'll do that as best we can.
11 Um, like I say I near -- normally take breaks between
12 witnesses as best we can so we'll proceed in that fashion.
13 You goin' first, Mr. Bell?

14 MR. BELL: Yes, Your Honor.

15 THE COURT: Okay. All right, now 'fore I get started
16 'cause I noticed I was missing one a my, uh, lawyers, now they
17 they've agreed, they've handed this morning, they've been
18 working while we yesterday afternoon list of exhibits they've
19 agreed to the majority of 'em, lotta photographs, drawings,
20 things like that they've already agreed, both sides have
21 agreed they're comin' into evidence. I tell ya this: On some
22 a the photographs they're gonna hold up and show to ya, some
23 of 'em they may put on a projector, some of 'em may come off a
24 computer, anything introduced ya'll will have in the jury room
25 so you don't need to commit it to memory, ya'll can look at it

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1 and take in what you see but you'll get a further opportunity
2 to examine it more closely and slower when you start
3 deliberations, it's not like you get to see 'em in here then
4 go back and talk, you get all the exhibits in the jury room so
5 don't feel overwhelmed by all the pictures but they'll, um,
6 you know, do that as we go. All right, ya'll stand and let
7 the clerk a court place you under oath.

8 (Whereupon, the jury was sworn.)

9 THE CLERK: Thank you, all jurors under affirm.

10 THE COURT: All right, fair enough. All right, Mr. Bell.

11 MR. BELL: Thank Your Honor, Ms. Zmroczek. May it please
12 the Court.

13 THE COURT: Yes, sir.

14 MR. BELL: "We had to lay one down, he was getting too
15 close to the family." Ladies and gentlemen, those are
16 statements that you might think were pulled straight from the
17 script of the Godfather but the disturbing evidence in this
18 case will show that those very words came from Wiley Sisk's
19 own mouth shortly after he and his co-defendant Charles
20 Morehouse executed James David Porter the third an execution
21 that left David riddled with nine gunshot wounds, shots to the
22 legs, the torso, to the forearms and hand and the *coup de*
23 *grâce*, the fatal shot delivered by Wiley Sisk's own trigger
24 finger right below the ear tearing clean through the other
25 side of David's head, an execution that sealed David's fate on

OPENING STATEMENTS

1 August 3rd before midnight of 2015, an execution that decided
2 that David's life would end curled up on the side of a dirt
3 road here Lexington County, an execution with a purpose:
4 Police informants can't testify if they're dead. Now, ladies
5 and gentlemen, the problem with that is that David Porter was
6 no police informant, sure David had a horrendous addiction to
7 methamphetamine, also known as "ice." You'll hear testimony
8 that he lost close to a hundred pound in a short amount of
9 time but you'll also hear that he came from a hard-workin'
10 father, he lived in a nice house and those things just didn't
11 mesh and the evidence will show that Charles Morehouse the
12 co-defendant became suspicious of David Porter. You're gonna
13 hear evidence about Charles Morehouse and how he operated a
14 local drug distribution network related to methamphetamine,
15 more specifically ice, a type of methamphetamine that
16 typically originates in Mexico. You're gonna hear how Charles
17 Morehouse was suspicious and wary about police informants and
18 undercover cops and unfortunately for David his background
19 made him a prime suspect for Wiley Sisk so they laid him down
20 because they thought he was getting too close to the family.

21 Now you've heard a lot about Charles Morehouse and you
22 may be wondering, Well where is he, this week is Wiley Sisk's
23 day in court, Charles Morehouse's day will be soon enough but
24 what's important to understand is that in South Carolina when
25 two or more people commit an act that breaks the law, that

OPENING STATEMENTS

1 whether you shoot all of the shots or just one shot you
2 delivered below the ear, you are guilty of murder, it's called
3 "the hand of one is the hand of all," if you take any part in
4 a murder you're guilty.

5 Now let's talk about more of the evidence that you're
6 gonna hear against Mr. Wiley Sisk. You're gonna hear about a
7 conversation that took place leading up to the murder between
8 Sisk and his co-defendant Charles Morehouse and how they were
9 discussing where they could take a boy to teach him a lesson.
10 You're gonna hear about how after the murder Wiley Sisk tells
11 one of his girlfriends that they had to lay one down and that
12 he delivered the headshot. You're gonna hear about how
13 someone reported to police that they saw Wiley Sisk the night
14 of the murder burning his clothes and his shoes and law
15 enforcement's gonna tell ya that when they went investigated a
16 burn pile they found a zipper and buttons in the remnants of
17 the ash. You're gonna hear about how Wiley Sisk was seen in a
18 shower scrubbing a baseball bat with Ajax, a bat that the
19 evidence is gonna indicate was used to take David off of his
20 feet before those shots were delivered into his body. You're
21 gonna hear about how the day after the murder Wiley Sisk shows
22 up at a drug house and he's saying things like, I ain't
23 leaving here empty-handed, I'm gonna get what I'm owed, I've
24 risked the rest a my life and so far for nothin', I was
25 promised \$5,000 for what I did and the boss is gonna pay me,

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1 the boss bein' Charles Morehouse. Now there's no pretty way
2 to put this but you're also gonna hear from a convict, a
3 convict that was housed prior to this trial, leading up to
4 this trial of Wiley Sisk named William Embree. William
5 Embree's gonna tell you what he told law enforcement that
6 while he was in the vicinity of Wiley Sisk, Wiley Sisk told
7 him that he and Charles Morehouse committed the murder and
8 tells him all the details of it including that he shot David
9 in the head. Law enforcement's gonna tell ya that certain
10 details from William Embree's statement about Wiley Sisk's
11 were something that no one but the murderers would have known.

12 And; finally, and I don't say "finally" because it's all
13 you're gonna hear but because it's important, you're gonna
14 hear about a written confession, a confession written by Wiley
15 Sisk's own hand and sent directly to our office, a confession
16 in which he states that he did shoot David Porter but that
17 Charles Morehouse didn't have anything to do with it. The
18 evidence with show that his confession is half true. They had
19 to lay him down 'cause he was getting too close to the family.

20 Now, ladies and gentlemen, you're gonna hear plenty about
21 the law so I don't wanna belabor the point, what I do wanna
22 bring up is reasonable doubt. You're gonna hear that it's the
23 State's burden to prove Wiley Sisk guilty beyond a reasonable
24 doubt and, ladies and gentlemen, we embrace that burden but
25 what reasonable doubt is not is just as important as what it

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1 is and what reasonable doubt is not it's not beyond all doubt.
2 The judge is gonna tell ya that there are very few things in
3 this this world that you can be one hundred percent certain of
4 and that is not what the law of South Carolina requires, only
5 at the end of the trial you are firmly convinced, and make no
6 mistake that at the end a this trial Ms. Mayes and I are
7 firmly convinced that you'll return a verdict that speaks the
8 truth, the truth that Wiley Sisk conspired with Charles
9 Morehouse to murder James David Porter the third, that he did
10 possess a weapon during that violent crime and that he is
11 guilty of murder of executing James David Porter: They had to
12 lay one down, he was getting too close to the family. Thank
13 you.

14 THE COURT: Ms. Zmroczek.

15 MS. ZMROCZEK: Thank Your Honor, may it please the Court

16 THE COURT: Yes, ma'am.

17 MS. ZMROCZEK: Good morning. Yesterday when we were all
18 in this room it was lot a ya'll, it was warm and and and ya'll
19 came into our office, this, that this is where we work, this
20 is where Mr. Bell and Ms. Mayes and all the officers and the
21 courthouse staff and the judge, this is where we work and
22 sometimes we forget that this is not not normal for people,
23 it's not and, in fact, yesterday when ya'll came up here
24 (indicating) and and you're standing up here, people are
25 sittin' less 3 feet from ya talkin' about ya, judging you,

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1 judging you right here (indicating) and you're, Help me,
2 what -- where do I go, what do I do, seat the juror, excuse,
3 where do I go, and and and we forget sometimes, we forget
4 sometimes that you're not as familiar and for that we
5 apologize and so put my manners again for my mama taught me I
6 wanna say again good morning and when I say this to you, this
7 is the last opportunity for a few days that that anybody's
8 gonna actually be speaking with each and everyone of you
9 because what you get to do or have to do or have been chosen
10 out of the hundred and some odd people that were here, you
11 fourteen were chosen to look at these facts and we're gonna
12 stand up here, we're gonna blah, blah, blah and ask questions
13 and and and and and sometimes you're gonna wanna say, Ms.
14 Zmroczek, Well we get the point, we see what you're sayin',
15 please move on, and and if we belabor things I, we apologize.
16 I wish that we could ask you what what is it that ya'll wanna
17 know but what the judge will tell you and what he'll instruct
18 you is that that that's your job is to ask the questions but
19 you don't, you don't get to actually ask the questions so we
20 as lawyers and as adversaries try to ask those questions for
21 you so that you can get the answers.

22 Ms. Mayes stood up yesterday and gave you tho -- those
23 indictments, the pieces of paper, notice documents and they
24 called this case in the name of the State of South Carolina
25 and I want to remind you that what I'm gonna do and Ms. Mayes

OPENING STATEMENTS

1 with her assistance we're gonna defend this case in the name a
2 the Constitution of South Carolina. It's an election year, I
3 love, I I love it and hate election years, um, but it reminds
4 us all of the sense of why we're here and what we do and if
5 the facts were as simple as this was an execution then we
6 wouldn't need you here to settle those facts but you don't go
7 into something with a presumption. The judge is gonna talk to
8 you about presumption and he's gonna order you, and I know
9 you'll follow his orders, that Mr. Wiley Sisk is presumed
10 innocent, innocent as he sits here and and that is a concept
11 that is so hard to grasp it and in it. I was thinking about
12 what kind of sports analogy could I give to to explain that
13 presumption and and I can't but
14 it it -- I can explain it this way: A presumption would be
15 seeing your car on the side of the road that was hit by a deer
16 with your license tag on it when you know it's supposed to be
17 at the dealership gettin' fixed and presuming that it must be
18 there because it was stolen but that's not the presumption
19 that we can have, that that's not the presumption that we can
20 have and it's an easy one to make, we all do it, but what the
21 law requires you, what the Constitution and the reason this
22 country was founded and the reason we fight every day is
23 because we have to ask questions; we have to call that
24 dealership and say, Were ya'll test drivin' the vehicle and it
25 run outta gas, was there a problem, how did it get there, how

OPENING STATEMENTS

1 did it get there, and, ladies and gentlemen, how did we get
2 here? I'm gonna, I'm gonna repeat somethin' and I'm gonna
3 tell it to you again at the end because how we got here is
4 meth was the motive for murder, Mr. Bell and I do not always
5 agree on one thing but we do agree on that, that meth was the
6 motive for murder. He told you that James David Porter the
7 third whose name, he usually goes by Rico, Rico was en --
8 engaged in a very dangerous business, he wasn't just a meth
9 user. The difference between a meth user and a meth dealer is
10 a scale 'cause users use, they don't carry their meth with a
11 scale in their cars that they get from their traffickers when
12 they owe their traffickers, Charles Morehouse, money. Charles
13 Morehouse is guilty of murder, he's not here today but you're
14 gonna hear all about him and you're gonna hear all the
15 evidence and it's gonna say Charles Morehouse is guilty of
16 murder. What the evidence will show, what the State will put
17 up is almost as important as what the State won't put up,
18 that's equally as important, no thing, nothing, two words, no
19 thing, no DNA. You're gonna see also pictures of Rico and and
20 that I, and I, and I tell you that his death was untimely and
21 unfortunate, he was a young man who had an addiction, an
22 addiction that took his life and that it, but we're not here
23 today to to make that right, we're here today to determine who
24 did that and we'll be here all week to do that and the
25 evidence that they're gonna show you and not show you but but

OPENING STATEMENTS

1 I'll get to ask, that's what I get to do and sometimes I have
2 to ask hard questions is go -- are gonna come from the
3 officers, um, what pictures they took and trust me they took a
4 lot of pictures, you'll see some of them and I'll ask about
5 some of them that they won't show you. Um, they collected
6 evidence: they collected a cigarette butt right less than a
7 foot from where Rico was as Mr. Bell wants you to believe
8 executed and what they want you to believe and what they prove
9 are two different things because they want you to believe,
10 that even though they can't match any footprints or the DNA to
11 that cigarette to Wiley Sisk, that he's the one who after
12 Morehouse shot, Mr. Morehouse then gives the gun somehow to
13 Mr. Sisk and let's him deliver the fatal blow? Ladies and
14 gentlemen, one thing that the judge is going to tell you is
15 that you do not leave your common sense at the door, you
16 don't.

17 He talked about the family. Interestingly enough I
18 believe Sunday night there was the, uh, on A&E there as a
19 presentation about the mob and the five families and I was
20 trying to somehow weave that into this case because I thought
21 well that's what Morehouse thought he was, he thought he was
22 the the the man and he was the man, he was the guy who'd go to
23 Aaking, Aakingchuck, and he would get the drugs from wherever,
24 Mexico or or, I mean, Breaking Bad it it it's great 'cause
25 it's kinda opened our eyes a little bit to to a a a glimpse

OPENING STATEMENTS

1 and it actually fairly accurate that those drugs were coming
2 in from Mexico and maybe that wall will keep them out, I don't
3 know, but what I do know is that when these drugs were
4 invented by in Germany and then used in Japan for the kamikaze
5 fighters and used by our own government in the wa -- in the
6 war to help to keep these soldiers fighting, not once did they
7 think that some Morehouse or some person to go to sumtin' I
8 did last night and purchase this (indicating) stuff to make a
9 drug so addictive that you would kill somebody and that's
10 exactly what Charles Morehouse did. Rico was certainly
11 engaged in dangerous business. One a the worst aspects of
12 this, of this meth is it eats your brain and so he wasn't just
13 a user, he was a dealer, a dealer who owed Charles Morehouse
14 drugs and money and he talks about, that Mr. Bell talked about
15 the family and and the cast of characters that they're gonna
16 parade on that (indicating) witness stand, uh, they don't pick
17 them, this is what they're given but I as -- assure you that
18 they all have one thing in common and that is a connection to
19 Charles Morehouse. You'll hear how one of them owed him a
20 debt as well, I assure you he'll be repaying that debt from
21 that stand. Um, these are not people that you would trust in
22 many situations, certainly not in a murder investigation.

23 He talked to you about a confession. I assure you there
24 was a conspiracy and you'll hear about it but that conspiracy
25 was with Morehouse and his family because the 9-page .

OPENING STATEMENTS

1 confession that Wiley Sisk gives the officers, and you'll get
2 to hear and read, on August 8th and that Wiley Sisk gets a
3 hold of and then comes up with his conspiracy on August 9th
4 because on August 4th when when Morehouse talks to the
5 officers, he doesn't ever say Wiley Sisk, he do -- he says he
6 wasn't there, he says he didn't know anything about it and
7 you'll hear that so then why why would Wiley Sisk write a
8 letter to the solicitor's office confessing and clearing
9 Morehouse, same reason that he was there that night because
10 he's still being coerced, he is still being threatened by the
11 family.

12 As I wrap up and we start to put this evidence on, I ask
13 and I know that you will do your duty and listen to the
14 evidence and question it and, yes, Mr. Porter's death is
15 unfortunate and untimely but it was also caused by Charles
16 Morehouse and that's what the evidence will prove that his
17 death was not caused by Wiley Sisk and the judge will order
18 you that when you apply the law to the facts of this case as
19 you find them that you will find him not guilty. Thank you.

20 THE COURT: Call your witness.

21 MR. BELL: State calls Keith Lytes to the stand.

22 (Whereupon, the witness came forward.)

23 THE COURT: Folks, one a the things we agreed to
24 yesterday or the lawyers did all the witnesses are sequestered
25 are outside the courtroom so they don't get the benefit of

KEITH LYLES - DIRECT EXAMINATION BY MR. BELL

1 hearing each other's testimony except for the chief
2 investigating officer, a representative of the victim's family
3 and a course the Mr. Sisk they all get to sit in here, rest a
4 the witnesses are outside, they don't get to sit here and hear
5 each other's testimony, they'll be without that, it's called
6 "sequestration," everybody agreed to that so place him under
7 oath..

8 THE CLERK: Raise your right hand, please, left hand on
9 the Bible.

10 KEITH LYLES, having been first
11 duly sworn, testified as follows:

12 THE CLERK: Thank you. If you'll have a seat over here,
13 please, state your name and spell your last for the record.

14 THE WITNESS: Okay. Uh, yes, my name is Keith Lyles,
15 L-Y-T-E-S.

16 DIRECT EXAMINATION BY MR. BELL:

17 Q. Thank you, Mr. Lyles. Mr. Lyles, where do you live?

18 A. Uh, [] Carrie Lane.

19 Q. And what city is that?

20 A. That's in Gaston, South Carolina.

21 Q. In 2015 where were you livin'?

22 A. Uh, [] Vonda Drive.

23 Q. Okay, and what city is that?

24 A. That's in Lexington, South Carolina.

25 Q. Okay. Back on August 3rd of 2015 do you recall finding

KEITH LYLES - DIRECT EXAMINATION BY MR. BELL

1 an individual on the side of the road?

2 A. Yes.

3 Q. And where were you coming from that night?

4 A. Coming from my mom's house on, uh, Peachtree Rock Road.

5 Q. And where were you headed?

6 A. Headed home ---

7 Q. And ---

8 A. --- Vonda ---

9 Q. --- home at that time again was what address?

10 A. Vonda Drive.

11 Q. Beg the Court's indulgence.

12 THE COURT: Um-hum.

13 Q. Mr. Lyles, if I could ask you to please step down and if
14 you would stand over on my left side and talk nice and loud
15 for the court reporter. I'm showing you what's been marked
16 and entered as State's 111, if you could blade yourself back a
17 little bit so everybody can see, what is this a picture of?

18 (Whereupon, the witness left the stand.)

19 A. Looks like overview of that Edmund area.

20 Q. Okay, and is the, is your mother's house where you were
21 originally at that night on this map?

22 A. Yeah, it's right ---

23 Q. And would you indicate that.

24 A. It's right at 304 (indicating).

25 Q. Okay. And where is your address that you were headed

KEITH LYLES - DIRECT EXAMINATION BY MR. BELL

1 that night?

2 A. [] Vonda Drive.

3 Q. That are you referrin' to this (indicating) green star at
4 the ---

5 A. Yeah.

6 Q. --- top?

7 A. Yeah, it's right here (indicating).

8 Q. Okay. Now when you go between those two addresses what
9 route do you typically take?

10 A. Leave Peachtree, make a right on, uh, Old Orangeburg,
11 cross over 302 and, uh, go down Old Orangeburg.

12 Q. Does this (indicating) yellow line accurately reflect the
13 route that you typically take between those two points?

14 A. Yes.

15 Q. And is that the route that you were beginning on that
16 night?

17 A. Yes..

18 Q. Now you mention that ya did come across an individual on
19 the side a the road, ---

20 A. Um-hum.

21 Q. --- where did that occur at?

22 A. When I cross over behind the fire department, cross over
23 to Old Orangeburg, maybe about not even a quarter of a mile
24 right here (indicating) in, go right up in there.

25 Q. Is that a paved road?

KEITH LYLES - DIRECT EXAMINATION BY MR. BELL

1 A. Nah, it's dirt.

2 Q. Okay. You can take your seat, Mr. Lyles.

3 (Whereupon, the witness returned to the stand.)

4 Q. Mr. Lyles, do you recall roughly what time of night it
5 was when ya left your mother's house?

6 A. It had to be around eleven.

7 Q. Okay. Is that a.m. or p.m.?

8 A. p.m.

9 Q. And how long does it roughly take you to get to that
10 area, that dirt area of Old Orangeburg Road?

11 A. Not even five minutes.

12 Q. Now are you ballparking it when you say eleven?

13 A. Yeah, it's somewhere in that area, I'm not quite sure
14 exact time.

15 Q. Okay. On Old Orangeburg Road that dirt portion you're
16 referring to are there street lights?

17 A. No, it's dark.

18 Q. Are there any businesses on that road?

19 A. No.

20 Q. And as you were driving home that night what vehicle were
21 you in?

22 A. I was in a a '98 Nissan Pathfinder.

23 Q. And that vehicle have its original tire set?

24 A. No, it was, uh, some mixmatched tires, you know, as
25 to ---

KEITH LYLES - DIRECT EXAMINATION BY MR. BELL

1 Q. When when you say "mixmatch," what do ya mean?

2 A. I had two matching on the front but the back was two
3 different tires.

4 Q. Did they have the same tread pattern?

5 A. The front ones did but the back it didn't.

6 Q. Okay. Now walk us through your journey home that night
7 on August 3rd.

8 A. I said I crossed over, I got on Old Orangeburg Orangeburg
9 Road, went down, I seen a car parked, you know, like stopped
10 in the road, I went to go around and I noticed somebody was
11 layin', individual's layin' out in the road like had some dirt
12 on him, he didn't look right, seem to look right so I backs,
13 backed up to the fire department, crossed over and beat on the
14 door, said, Somebody's layin' in the road look like they
15 hurt.

16 Q. Okay. Now did you see any vehicles on the road near that
17 body?

18 A. No, sir.

19 Q. Um, are you sure about that?

20 A. Yes.

21 Q. And in the area where you saw the body did you, were
22 there any lighting sources; in other words, was it dark or
23 light out?

24 A. Oh, it was dark, pitch dark.

25 MR. BELL: Beg the Court's indulgence.

KEITH LYLES - DIRECT EXAMINATION BY MR. BELL

1 THE COURT: Um-hum?

2 BY MR. BELL:

3 Q. Now when you came on the body did you get out of your
4 vehicle?

5 A. No, sir.

6 Q. Did you try to communicate with the individual?

7 A. No.

8 Q. And was the individual showing any signs of movement?

9 A. No.

10 Q. Could you tell if the individual was breathing?

11 A. I couldn't tell you.

12 Q. And why didn't you get outta your car?

13 A. I mean, a dark road like that and it just didn't look
14 right the the ---

15 Q. Were ---?

16 A. --- situation.

17 Q. --- you able to tell from where you were whether there
18 were any apparent injuries to the individual?

19 A. I just seen like dust, dirt on him, it's like he's layin'
20 stiff.

21 Q. Did you see anybody else in the area at the immediate
22 time?

23 A. No, sir.

24 Q. Now you mention that you reverse down the road, is that
25 right?

KEITH LYLES - DIRECT EXAMINATION BY MR. BELL

1 A. Yes.

2 Q. And where were you heading?

3 A. To the fire department.

4 Q. And how far is that fire department from where you found
5 the body?

6 A. It's maybe about eighth, eighth of a mile.

7 Q. How long did it take you to get there after finding the
8 body?

9 A. Actually, wasn't even, probly even a minute.

10 Q. Was there anybody at the firehouse when ya got there?

11 A. Yes.

12 Q. Did you actually go up to the firehouse?

13 A. Yes.

14 Q. And what did you tell him?

15 A. I told him somebody was out layin' in the road, look like
16 they was hurt, needed help.

17 Q. Did they indicate to you that they were gonna respond out
18 there?

19 A. Yes.

20 Q. Did ya tell him anything else?

21 A. No, sir.

22 Q. At that point did ya go home?

23 A. No, I s -- followed them, showed 'em where he was at.

24 Q. Did you stick around after that?

25 A. Yes.

KEITH LYLES - DIRECT EXAMINATION BY MR. BELL

- 1 Q. How long were ya there?
- 2 A. Till the coroner come.
- 3 Q. And you said the fire showed up did any other law
- 4 enforcement show up?
- 5 A. Oh, yes, no, it's crime scene investigators.
- 6 Q. And did you speak to anybody with law enforcement?
- 7 A. Yes.
- 8 Q. Did you have any other involvement in the case?
- 9 A. No, sir.
- 10 Q. Can you estimate what time it was when you responded with
- 11 fire back to where you found the body?
- 12 A. I don't know, didn't take very much time for all that to
- 13 happen, you know, this all happen so quick.
- 14 Q. Do you remember if it was before midnight?
- 15 A. I'm sure it was.
- 16 Q. Do you remember if it woulda been near 11:30?
- 17 A. Had to be somewhere around that area.
- 18 Q. Mr. Lyles, I wanna show ya what's been marked and entered
- 19 as State's 6, ---
- 20 A. Um-hum.
- 21 Q. --- does that, uh, refresh any memories for ya?
- 22 A. Yeah, that's look like the car.
- 23 Q. Okay. When you say "that looks like the car," what are
- 24 you referrin' to?
- 25 A. I remember that's that, uh, that that's a radio station,

KEITH LYLES - DIRECT EXAMINATION BY MR. BELL

1 , sumtin' like that.

2 Q. Where did you see that car that night?

3 A. Sittin' in middle of the road.

4 Q. So did you see a vehicle there near the body?

5 A. That vehicle.

6 Q. Did you get out and manipulate that vehicle at all?

7 A. No, I did not get out.

8 Q. Were there any other vehicles on scene?

9 A. No, sir.

10 (Whereupon, the exhibit was published to the jury.)

11 Q. Please answer any questions Ms. Zmroczek may have for ya.

12 MS. ZMROCZEK: I have no questions.

13 THE COURT: You may step down.

14 THE WITNESS: Thank you.

15 (Whereupon, the witness left the stand.)

16 MS. MAYES: State calls Nikki Rodgers.

17 (Whereupon, the witness came forward.)

18 THE CLERK: Come here (indicating). Raise your right
19 hand, please, and your left hand on the Bible.

20 NIKKI RODGERS, having been first
21 duly sworn, testified as follows:

22 THE CLERK: Thank you. You'll have a seat over here
23 (indicating), state your name please and spell your last for
24 the record.

25 THE WITNESS: Okay. Um, Nikki Rodgers, R-O-D-G-E-R-S.

NIKKI RODGERS - DIRECT EXAMINATION BY MS. MAYES

1 DIRECT EXAMINATION BY MS. MAYES:

2 Q. Good morning, Ms. Rodgers, can you tell us a little bit
3 about yourself, where are you currently employed?

4 A. I am employed at Lexington County 911.

5 Q. All right, and in what capacity?

6 A. I'm the communications chief, I've been there for 23
7 years.

8 Q. All right. When we talk about Lexington County 911, can
9 you give us a general overview, what are we talking about, uh,
10 regarding that particular division of Lexington County?

11 A. Lexington County 911 is a consolidated 911 center and we
12 take emergency calls for service or, um, Lexington County plus
13 several municipalities: Lexington County Fire Service,
14 Lexington County EMS, Lexington County Sheriff's Department,
15 Coroner's Office, Animal Control, anything that's needed on
16 emergency scene, uh, comes through us with the exception of
17 Batesburg Police, West Columbia Police and Cayce Police.

18 Q. All right, uh, so to clarify, if there's an emergency and
19 someone calls 911, uh, it comes through your center, ---

20 A. It does.

21 Q. --- and that includes fire, EMS and law enforcement?

22 A. Yes, ma'am.

23 Q. And then who is responsible for actually dispatching law
24 enforcement, fire or EMS to certain locations?

25 A. The 911, um, telecommunications operators, they're ---

NIKKI RODGERS - DIRECT EXAMINATION BY MS. MAYES

1 Q. What ---

2 A. --- 911 caller, um, telecommunications operators and
3 dispatchers at the same time.

4 Q. All right, and are calls that are made to the 911 center
5 recorded?

6 A. They are.

7 Q. Are they maintained?

8 A. They are maintained.

9 Q. Is the date and time of the call also recorded?

10 A. Yes.

11 Q. Gonna show you an item and ask you whether or not you can
12 recognize it, this (indicating) is State's Exhibit 1.

13 A. Yes, ma'am, this is a copy of the 911 call that was made
14 in my.

15 Q. All right, and does it have any type of unique markings
16 on it that allow to you identify it?

17 A. Yes, ma'am, my initials.

18 Q. Your initials are on this audio?

19 A. Um-hum.

20 Q. And have you had the opportunity to review this audio?

21 A. I have.

22 Q. Can you tell us is it a fair and accurate representation
23 of the 911 call, uh, that was received, uh, pursuant to a
24 subpoena in this case.

25 A. Yes, ma'am, it is.

NIKKI RODGERS - DIRECT EXAMINATION BY MS. MAYES.

1 Q. And specifically, uh, when we're talking about this
2 event, uh, what is the date and time associated with this
3 call?

4 A. The date and time, um, of this particular call is August
5 the 3rd 2015 at 2342 hours.

6 Q. Beg the Court's indulgence. All right, gonna develop a
7 working timeline here so we know exactly, uh, what times we're
8 dealing with. Uh, you mentioned the date and time a this call
9 as being?

10 A. August the 3rd 2015.

11 Q. And the 911 call came into your center at what time?

12 A. 2342.

13 Q. Which translates to?

14 A. 11:42 p.m.

15 Q. That's the time it actually came into the center,
16 correct?

17 A. Yes, ma'am.

18 Q. And who's the caller who's recording this?

19 A. This was actually reported by one of our fire, um,
20 responders, um, Engine 13.

21 Q. All right, uh, so it's a fireman that calls in and the
22 call is received, um, at 11:42.

23 A. Correct.

24 Q. I believe you've indicated, uh, that you had an
25 opportunity to review State's Exhibit 1, believe this is in

NIKKI RODGERS - DIRECT EXAMINATION BY MS. MAYES

1 evidence, Your Honor, without objection.

2 THE COURT: Yes, ma'am.

3 MS. ZMROCZEK: That is correct, Your Honor.

4 MS. MAYES: Your Honor, at this time the State would ask
5 permission to publish.

6 THE COURT: Certainly.

7 MS. MAYES: Beg the Court's indulgence.

8 (Whereupon, Exhibit No. 1 was played for the jury.)

9 BY MS. MAYES:

10 Q. Okay, so to clarify, in that call, uh, the caller states
11 that he's in the dirt road, uh, portion and, uh, he goes on to
12 state that there is a male in the roadway, what is the actual
13 location of this call?

14 A. The 2400 block of old Orangeburg and Edmund Highway.

15 Q. All right, Old Orangeburg Road.

16 A. Correct.

17 Q. And so based upon that call, uh, the fireman is already
18 on the scene, correct, ---

19 A. Correct.

20 Q. --- uh, at 11:42 p.m. Now what did you do or what did
21 the 911 center do in response to getting this call?

22 A. When they received this call, um, via the radio, they
23 actually, um, received it from the fire, um, apparatus, once
24 he was on scene he requested us to respond, EMS and law
25 enforcement, and so we dispatched EMS and law enforcement to

NIKKI RODGERS - DIRECT EXAMINATION BY MS. MAYES

1 that scene.

2 Q. All right, so fire's on the scene and then EMS, uh, was
3 sent, uh, correct, ---

4 A. Correct.

5 Q. --- as well as a, uh, law enforcement officer.

6 A. Yes, ma'am.

7 Q. What was the time that EMS arrived, the first EMS unit?

8 A. The first EMS unit arrived at 2352.

9 Q. 11:52?

10 A. Correct.

11 Q. And what about the, uh, first, uh, law enforcement
12 officer in this case?

13 A. 2350.

14 Q. All right, 11:50, and ---

15 A. Correct.

16 Q. --- and, uh, does the information tell you whether or not
17 that's a county deputy?

18 A. That is a county deputy.

19 Q. All right, 1150 p.m. I have nothing further for
20 Ms. Rodgers at this time.

21 MS. ZMROCZEK: No questions.

22 THE COURT: You may step down.

23 (Whereupon, the witness left the stand.)

24 MS. MAYES: The State calls Matthew Rowlette.

25 (Whereupon, the witness came forward.)

MATTHEW ROWLETTE - DIRECT EXAMINATION BY MS. MAYES

1 THE CLERK: Raise your right hand, please.

2 MATTHEW ROWLETTE, having been
3 first duly sworn, testified as follows:

4 THE CLERK: Thank you. If you'll have a seat over here
5 (indicating), please, state your name and spell your last for
6 the record.

7 THE WITNESS: Okay. I am Matthew Rowlette,
8 R-O-W-L-E-T-T-E.

9 DIRECT EXAMINATION BY MS. MAYES:

10 Q. Good morning, tell us a little bit about yourself, where
11 you employed?

12 A. Uh, I am employed with Lexington County Fire Service.

13 Q. And what capacity?

14 A. Uh, I'm an engineer, um, at our Edmund fire station.

15 Q. All right, and write this down, you're actually a fire
16 fighter?

17 A. Yes, ma'am.

18 Q. How long have you been a firefighter for Lexington
19 County?

20 A. Seven years.

21 Q. And what are your responsibilities in general? Can you
22 tell us that does it go beyond just fighting fires?

23 A. Uh, yes, ma'am, I am in charge of a fire station for
24 twenty-four to forty-eight hours. Uh, I have a, um, a
25 firefighter that actually works for me so I drive the fire

MATTHEW ROWLETTE - DIRECT EXAMINATION BY MS. MAYES

1 truck and operate the equipment as well as manage incident
2 scenes.

3 Q. All right, I'm gonna show you a photo and ask you whether
4 or not you recognize it. You can take your time to review
5 this.

6 A. Yes, ma'am, that's the Edmund response area in relation
7 to Edmund Fire Station.

8 Q. All right, believe this is State's Exhibit 110, Your
9 Honor, uh, without objection for evidence.

10 THE COURT: There's no objection to 110?

11 MS. ZMROCZEK: That's correct, Your Honor.

12 THE COURT: All right.

13 (State's Exhibit No. 110, map, admitted into evidence.)

14 BY MS. MAYES:

15 Q. I'm gonna show you what is 111 already in evidence, ask
16 you whether or not you recognize it.

17 A. Yes, ma'am.

18 Q. All right. So what I'm gonna do is ask you to step down,
19 uh, briefly if you could.

20 (Whereupon, the witness left the stand.)

21 Q. All right. Tell us what we're looking at here in in
22 terms of the area and where your fire station is located.

23 A. My fire station is located right here (indicating) where
24 the red circle is, uh, Old Orangeburg Road runs directly
25 across the street from it as well as Edmund Highway runs, uh,

MATTHEW ROWLETTE - DIRECT EXAMINATION BY MS. MAYES

1 like right on the, right on the edge a the fire station
2 there.

3 Q. All right, so this right here (indicating), what road is
4 this?

5 A. That's Edmund Highway.

6 Q. Edmund Highway. Can you tell us if if that's also known
7 as 302.

8 A. Yes, ma'am.

9 Q. And your fire station's located here (indicating).

10 A. Yes, ma'am.

11 Q. And what is this road up here (indicating) at the top?

12 A. I believe that's gonna be Pleasant View Road.

13 Q. All right, so between Pleasant View and Edmund Highway or
14 302 we have this road here (indicating) which is marked in
15 yellow, what road is that?

16 A. Old Orangeburg Road.

17 Q. Now is all of Old Orangeburg Road paved?

18 A. No, ma'am, ---

19 Q. Which ---

20 A. --- uh, ---

21 Q. --- portion is not paved?

22 A. Between Edmund Highway and Pleasant View is not paved,
23 that is not paved.

24 Q. Okay, so this, if you could show us here on the map
25 exactly what you're talking about as being an unpaved area.

MATTHEW ROWLETTE - DIRECT EXAMINATION BY MS. MAYES

1 A. Right here (indicating) where the fire station is to
2 Pleasant View Road right here (indicating).

3 Q. Okay. And, uh, where the green star is, uh, what can you
4 tell us in relation to this case, uh, regarding this general
5 area where the green star is.

6 A. That's why the male victim was found.

7 Q. All right. And again, that would be on the dirt road
8 portion that you previously indicated?

9 A. Yes, ma'am.

10 Q. Now what is, when you're actually on this (indicating)
11 road, uh, what are you surrounded by in this area right here
12 (indicating)?

13 A. Uh, it is a wooded area.

14 Q. All right. Um, any businesses around there?

15 A. No, ma'am.

16 Q. Street lights?

17 A. No, ma'am.

18 Q. What are we looking at right here (indicating)?

19 A. That'll be U.S. Silica ---

20 Q. All right.

21 A. --- the Silica plant, ---

22 Q. All right.

23 A. --- silica sand.

24 Q. Now in terms of, uh, this location that you responded to,
25 upon your arrival what did you actually see?

MATTHEW ROWLETTE - DIRECT EXAMINATION BY MS. MAYES

1 A. We found a male patient to be laying, uh, supine in the
2 roadway and a white Ford Taurus as well.

3 Q. Okay, so the only vehicle on the scene was?

4 A. The white Ford Taurus, yes, ma'am.

5 Q. 'kay, you may return to your seat.

6 A. Okay.

7 (Whereupon, the witness returned to the stand.)

8 Q. I'll show you some photos and ask you whether or not you
9 recognize 'em. State's Exhibit 12, State's Exhibit 6, State's
10 Exhibit 80 and 126, ---

11 A. Yes, ma'am.

12 Q. --- you recognize all of those photos?

13 A. Yes, ma'am, I recognize all of them.

14 Q. And can you tell us whether or not that's a fair and
15 accurate representation of how you recall the scene on that
16 night.

17 A. It is.

18 Q. Now did you actually get close, uh, to the victim?

19 A. Uh, upon my arrival myself and my partner made it to the
20 driver's side of the vehicle but did not make contact, uh,
21 with the male subject at the time until law enforcement
22 arrived.

23 Q. All right, and why is that?

24 A. Uh, we felt it was a possibly an unsecure scene, uh, so
25 we felt like law enforcement needed to arrive before we, uh,

MATTHEW ROWLETTE - DIRECT EXAMINATION BY MS. MAYES

1 moved any closer to the subject.

2 Q. All right. And, uh, we heard the audio just a few
3 moments ago from the 911 call, whose voice is that?

4 A. That's mine.

5 Q. All right, this will be State's Exhibit 6 without
6 objection. What are we looking at here?

7 A. That is the vehicle found on the scene.

8 Q. All right. Now the direction that you were coming from
9 were you coming towards the, uh, white vehicle or were you as
10 this photo depicts, uh, facing with your, with the hood of the
11 fire engine towards the back of that vehicle?

12 A. That's correct, the hood of the fire engine towards the
13 back a the vehicle.

14 Q. All right. How far did you get up passed the vehicle?

15 A. Uh, when we first arrive we did not walk passed the
16 vehicle, we made it to the the driver's side door, the the the
17 front driver's quarter panel and, uh, and did not go any
18 farther until law enforcement arrived.

19 Q. All right. So looking here (indicating) this, you pulled
20 up behind vehicle in your fire truck, correct?

21 A. Yes, ma'am.

22 Q. And you said you got up near the vehicle,, for what
23 reason did you get up near the vehicle?

24 A. Uh, just to get a closer look on the subject, um, I
25 believe at that time that's when I called for EMS as heard in

MATTHEW ROWLETTE - DIRECT EXAMINATION BY MS. MAYES

1 the audio tape.

2 Q. All right, gonna ask you to show us approximately where
3 in that photo, uh, the victim would be in the roadway.

4 A. Right there (indicating). The male was found to the left
5 side a the roadway.

6 Q. All right. And looking up around here (indicating), uh,
7 to the left side of the vehicle if you're facing this
8 direction, uh, can you tell us whether or not you approached
9 that area on foot.

10 A. We did. Uh, we did after law enforcement arrived to
11 confirm there were no other subjects in the area.

12 Q. Okay, uh, including inside the vehicle?

13 A. Yes, ma'am.

14 Q. Did you disturb the body in any way?

15 A. No, ma'am, we did not touch the body.

16 Q. Uh, were you present when the, uh, first law enforcement
17 officer arrived at the scene?

18 A. Yes, ma'am.

19 Q. Were you also present when the first EMS unit arrived at
20 the scene?

21 A. Yes, ma'am.

22 Q. Now take us through the actual timeline here, uh,
23 witnesses are sequestered by Mr. Lytes has already testified,
24 tell us about what occurred when Mr. Lytes, uh, came to the
25 fire station, uh, to bring this matter to your attention.

MATTHEW ROWLETTE - DIRECT EXAMINATION BY MS. MAYES

1 A. Uh, at the time when Mr. Lytes, uh, came to the fire
2 station it was approximately between eleven thir -- between
3 11:35 and 11:40, uh; myself and my partner were in the bed
4 asleep, uh, Mr. Lytes knocked on the door, my partner, uh,
5 awoke me, we came to the door, Mr. Lytes stated that there was
6 a male laying in the road on Old Orangeburg Road. At that
7 time myself and my partner, uh, put on our bunker gear, got in
8 the truck and road down there.

9 Q. All right. So the time that you would estimate, uh, that
10 you were first alerted to this so I'm gonna write, uh, fire
11 crew alerted, you estimate would be between 11:35 and 11:40?

12 A. Yes, ma'am.

13 Q. And that, uh, estimate is based on what? How much time
14 are we talking about that it took you and your partner to
15 actually, uh, get up, get in the truck and then make it out to
16 the scene?

17 A. Uh, total approximately five minutes.

18 Q. All right. So just to clarify, you get in the, uh, fire
19 truck and you head towards the location at the green star
20 taking the route of, uh, 302 onto the dirt road?

21 A. Yes, ma'am.

22 Q. And your estimate is that it took you from this
23 (indicating) location to the actual site approximately how
24 long?

25 A. It probly took about three minutes but in the course of

MATTHEW ROWLETTE - DIRECT EXAMINATION BY MS. MAYES

1 Mr. Lytes notifying us and and us getting in the truck and
2 everything was approximately about five minutes.

3 Q. All right. Uh, so with you making that 911 call, uh, at
4 11:42 p.m., uh, your estimate is that it took you roughly five
5 minutes or so, uh, to get alerted by Mr. Lytes, get dressed
6 and make it out there, uh, so that puts the time he arrived to
7 notify you between 11:35 and 11:40?

8 A. Yes, ma'am.

9 MS. MAYES: Beg the Court's indulgence.

10 THE COURT: Certainly.

11 BY MS. MAYES?

12 Q. Now what about Mr. Lyte [sic], uh, did he come back to
13 the scene with, uh, the fire crew?

14 A. Yes, ma'am, he followed us back to the scene.

15 Q. All right. And was he part, was he on the engine or was
16 he in a separate vehicle?

17 A. He was in his vehicle.

18 Q. All right. Once he came back, uh, did he get out of his
19 vehicle and and disturb the crime scene in any way?

20 A. No, ma'am, I'm not sure if he got out of his vehicle but
21 he never came passed the fire engine, he never actually came
22 up to the scene.

23 Q. All right. And were you actually there when, uh, the law
24 enforcement officers, uh, developed what's known as a, uh,
25 "crime scene?"

MATTHEW ROWLETTE - DIRECT EXAMINATION BY MS. MAYES

1 A. Yes, ma'am, they blocked off the area.

2 Q. All right. And by blocking it off, uh, can you tell us
3 whether or not that means the crime scene then became
4 secure?

5 A. Yes, ma'am.

6 Q. All right, nothing further.

7 MS. ZMROCZEK: No questions.

8 THE COURT: All right, may step down.

9 (Whereupon, the witness left the stand.)

10 THE COURT: Probly a good time for us to take a break,
11 Ms. Mayes, um, folks, and ya'll step in the jury room for a
12 few minutes, anybody step outside, give ya a few extra minutes
13 but we're gonna take between ten, fifteen minutes, no more
14 than fifteen, folks, and and we'll gather 'em back, let 'em
15 get back in, so step to jury room, can't discuss the case,
16 have you back in here shortly.

17 (The following takes place outside the presence of the
18 jury.)

19 (Whereupon, a discussion was held off the record.)

20 MR. BELL: Judge, uh, while we were waiting for Mr. Lytes
21 to be sworn in one of the, uh, the female juror wearing
22 glasses on the front row second seat up, uh, leaned over and
23 asked if I would move the podium 'cause it was blocking her
24 view, I told her that we would work on it between witnesses, I
25 alerted Ms. Zmroczek of the conversation, just in abundance of

MOTIONS AND MATTERS

1 gonna keep tellin' me as we're goin', that's fine.

2 MS. ZMROCZEK: Right, right, so it's, that that's
3 why I was a little unclear about the fair and accurate
4 representation, that's what we are trying to cut out but I
5 unders -- I I I I understand maybe why they're askin' it, I'm
6 not sure but . . .

7 THE COURT: All right, let's bring the jury in.

8 THE BAILIFF: Yes, sir.

9 (State's Exhibit Nos. 1 through 146 admitted into
10 evidence with the exception of State's Exhibit Nos. 59, 60,
11 65, 71, 72, 77, 78, 79, 107, 108, 113, 114, 115, 116, 117,
12 118, 119, 120, 121, 122, 123 and 124.)

13 (The following takes place in the presence of the jury.)

14 THE COURT: All right, call your witness.

15 MS. MAYES: The State calls Ben Vol -- Vollmer.

16 (Whereupon, the witness came forward.)

17 THE CLERK: Raise your right hand.

18 BEN VOLLMER, having been
19 first duly sworn, testified as follows:

20 THE CLERK: Thank you. If you'll have a seat over here
21 (indicating), please. You'll state your name and spell your
22 last for the record.

23 THE WITNESS: My name is Ben Vollmer, that's V as in
24 Victor, O-L-L-M-E-R.

25 DIRECT EXAMINATION BY MS. MAYES:

BEN VOLLMER - DIRECT EXAMINATION BY MS. MAYES

1 Q. All right, tell us a little bit about yourself, where
2 are you employed?

3 A. I am employed at Lexing [sic] County EMS as a paramedic.

4 Q. When you talk about being a paramedic, tell us a little
5 bit about the certification required, uh, to be a paramedic.

6 A. Paramedic is the highest level certification in EMS. Um,
7 generally EMT school's about six months of training with in
8 class and clinicals as well, paramedic school's an additional
9 year with clin -- clinicals and classroom time.

10 Q. All right. How long have you worked with Lexington
11 County EMS?

12 A. I'm goin' on my fifth year now.

13 Q. All right. Can you tell us whether or not you were
14 working on the night of August 3rd 2015.

15 A. I was.

16 Q. And tell us how you became alerted, uh, to a situation,
17 uh, requiring EMS at Old Orangeburg Road, specifically the
18 dirt portion of Old Orangeburg road on that night.

19 A. Okay. From what I understand fire requested EMS for an
20 unconscious subject, that went through our dispatch and we
21 were dispatched to that call.

22 Q. And upon your arrival what, if anything, did you
23 observe?

24 A. Observed a white car on the side a the road and just a
25 little bit farther down the road we saw a male laying flat on

BEN VOLLMER - DIRECT EXAMINATION BY MS. MAYES

1 the, on the dirt road as well.

2 Q. All right. Who was already at the scene upon your
3 arrival?

4 A. Uh, fire was already there, I believe we had, uh,
5 sheriff's department on scene as well.

6 Q. All right. And the direction that you came from woulda
7 been from what direction, the Pleasant View side or the, uh,
8 Edmund Highway side?

9 A. It be Edmund Highway side.

10 Q. So when you arrive there, looking at State's Exhibit 6,
11 uh, when you arrived there, uh, you're coming up behind this
12 vehicle?

13 A. Yes, ma'am.

14 Q. I wanna show you State's Exhibit, uh, 71, and ask you,
15 uh, whether or not you recognize what's depicted in this
16 video ---

17 A. I do.

18 Q. --- or what are we looking at there?

19 A. Uh, we have the vehicle that I was talking about parked
20 on the side there, there's also some what looks to be like
21 boot prints and that sort on the road as well.

22 Q. All right. And so when you arrived fire's already at the
23 scene, uh, are they ahead of the car, are they behind the car
24 also?

25 A. There were behind the car as well.

BEN VOLLMER - DIRECT EXAMINATION BY MS. MAYES

1 Q. All right. Around this area here (indicating) can you
2 tell us if at all you approached that (indicating) area.

3 A. We did. Uh, just to be comprehensive on scene we did
4 walk by the vehicle, shine a light into it to make sure there
5 wasn't another patient on scene.

6 Q. All right. Uh, so you would have approached the vehicle
7 from what side?

8 A. From behind on that left side.

9 Q. Uh, would you have gone up, uh, near the, uh, passenger
10 door and the driver door?

11 A. That's not very likely, I know I did not.

12 Q. All right. Who else did you observe in this (indicating)
13 area?

14 A. Uh, fire was back and forth there as well.

15 Q. All right. What about other EMTs?

16 A. Uh, I have my partner and my supervisor on scene as
17 well, ---

18 Q. Okay.

19 A. --- they were also in that area.

20 Q. All right. Approximately how close do you think you got
21 to the vehicle?

22 A. Uh, probly a couple inches away, not very far, you know,
23 just peek inside the windows there.

24 Q. Okay. Close enough to look inside the windows?

25 A. Yes.

BEN VOLLMER - DIRECT EXAMINATION BY MS. MAYES

1 Q. Okay. And, oh, are, is it, is there some kind of a
2 mandatory rule about the type of boots that EMTs wear?

3 A. There's not, there's several varieties that we can choose
4 from.

5 Q. All right. And, uh, you mentioned that you were part of
6 a crew, how many members of the EMS crew, uh, were there that
7 night?

8 A. There were three of us.

9 Q. All right. And can you tell us, uh, whether or not they
10 also approached the victim.

11 A. Uh, my supervisor went up to the patient as well, I told
12 my, uh, partner to stay behind.

13 Q. All right. So this is a, this photo's taken at night,
14 uh, we're now, uh, after 11:42 p.m. which is when 911 was
15 called but can you show us approximately, uh, where the, uh,
16 body of James David Porter, uh, was located, uh, in this
17 photo.

18 A. Uh, it was up past the car, up in this (indicating) area
19 I believe.

20 Q. Okay. Let me show you some additional photographs and
21 asked -- ask you whether or not you recognize them, State's
22 80 and State's 126.

23 A. I do recognize these photos.

24 Q. Can you tell us whether or not they are a fair and
25 accurate representation of how you saw Mr. Porter that night.

BEN VOLLMER - DIRECT EXAMINATION BY MS. MAYES

1 A. Uh, yes, this is how we found him.

2 Q. And so take us through, uh, the steps once you arrive on
3 the scene what do you do to determine whether or not, um, a
4 patient, uh, can be saved, whether or not resuscitation is a
5 possibility?

6 A. Well first arriving on scene we noted that he was
7 unresponsive, he wasn't responding at all, he had no
8 spontaneous respirations, like he wasn't breathing at all on
9 his own. Um, I knelt down next to him to check for a carotid
10 pulse in the neck, uh, he had none; also, his skin was pretty
11 cool which is a good indication that he's been expired for a
12 while. Um, I also checked his pupils to see if they were
13 responsive to light, uh, that's generally an indicator of
14 whether or not brain death has occurred.

15 Q. Based upon your observations, uh, was there anything from
16 a medical perspective that you could do for Mr. Porter that
17 night?

18 A. Uh, no resuscitation on Mr. Porter woulda been futile.

19 Q. Uh, did you get close enough to determine, um, the source
20 or type of injury, uh, that he had sustained?

21 A. Uh, I noticed what appeared to be a gunshot wound in his
22 neck, um, he also had some blood and fluids coming from his
23 airway as well.

24 Q. And specifically, uh, what side, uh, of the neck, uh, did
25 you note the injury?

BEN VOLLMER - DIRECT EXAMINATION BY MS. MAYES

1 A. Uh, woulda been on his, looks like his right side.

2 Q. State's Exhibit 126. The time you first approach, uh,
3 Mr. Porter, uh, were these (indicating) markers up there?

4 A. No, they were not.

5 Q. All right. So at the time, uh, that you approached him,
6 um, you mention that you knelt down, uh, can you show us
7 approximately, uh, where you recall approaching, uh, the
8 different angles, uh, that you would approached in order to
9 check his vital signs.

10 A. Most likely I woulda came, approached this (indicating)
11 way and I probly knelt down right there (indicating).

12 Q. Okay. Gonna show you another photo which is State's
13 Exhibit 80. Again, at the time that you approach Mr. Porter
14 is this (indicating) marker number 3 there at that point?

15 A. It was not.

16 Q. And what are we looking at here (indicating), ---

17 A. That ---

18 Q. --- this marking in the sand?

19 A. --- that could be very well where I knelt down to check
20 him.

21 Q. And you're talking both the neck and, uh, the pulse?

22 A. Yes.

23 Q. And you're also checking for respiration?

24 A. Yeah, that's that's just watchin' his chest and there was
25 no chest rise or fall.

BEN VOLLMER - DIRECT EXAMINATION BY MS. MAYES

1 Q. Who else did you observe at the scene?

2 A. Um, fire crew and I, as I said before I believe sheriff's
3 'partment was on scene, uh, my supervisor and I believe the
4 fellow that actually found him was on scene as well.

5 Q. All right. And were you present when the actual crime
6 scene was developed and maintained by law enforcement?

7 A. I was not.

8 Q. Okay. So once you, uh, determine that, uh, Mr. Porter
9 could not be saved, what's the next step?

10 A. Um, we notify dispatch to get into, get in con -- contact
11 with the coroner, um, we generally stay on scene for a few
12 minutes, try ascertain some information 'bout the patient.
13 Um, we did take great care not to disturb the crime scene any
14 further once we determined death.

15 Q. Okay. Other than kneeling, uh, down beside him and and
16 leaving markings, uh, around the body, can you tell us, uh,
17 whether you disturbed the body in any way?

18 A. Uh, no, ma'am, we did not disturb the body.

19 Q. The position that we see, uh, in those photographs and
20 that you have identified as a fair and accurate representation
21 of the scene, uh, can you tell us, uh, whether or not that is
22 how you found Mr. Porter that night.

23 A. That is how we found Mr. Porter.

24 Q. Beg the Court's indulgence.

25 (Pause.)

BEN VOLLMER - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Uh, you mentioned, um, that the skin was cool to the
2 touch?

3 A. Yes, ma'am.

4 Q. Uh, could you tell us, uh, based upon your experience
5 whether or not, uh, that can mean death for as long as thirty
6 minutes.

7 A. That's generally what that means and at that point
8 resuscitation becomes futile.

9 Q. Nothing further.

10 CROSS-EXAMINATION BY MS. ZMROCZEK:

11 Q. Mr. Vollmer, very briefly, you said generally that that's
12 what that means, how cool, what was the body temperature?

13 A. I do not know exactly what it is, I just noted that it
14 was cool.

15 Q. So you can't make an accurate guess as to how long Mr.,
16 um, Porter had been there.

17 A. No.

18 Q. Okay. Um, and you actually were there when the crime
19 scene was set up, correct?

20 A. Uh, we, uh, we we actually left the scene as they were
21 starting to set it up.

22 Q. You recall, um, that did they have you sign in and ---

23 A. They ---

24 Q. --- put time ---

25 A. --- did have us sign in.

BEN VOLLMER - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. Okay, so you signed the crime scene log, right?

2 A. Yes.

3 Q. Uh, and so it it indicates, um, your name and then you
4 have to do your little signature, right?

5 A. Yes.

6 Q. Okay. And then at what time you got there, what time you
7 left and what agency.

8 A. Yes, ma'am.

9 Q. Okay. So there were, there were several people walking
10 around the area, correct?

11 A. Correct.

12 Q. And, um, I believe that she showed you State's 80 and and
13 and she said ---

14 A. Yeah.

15 Q. --- that these marks right here (indicating) that's
16 possibly where you could have knelt down, right?

17 A. Yes, ma'am.

18 Q. Do you remember?

19 A. I do.

20 Q. Okay. Did you -- do you remember leaving long marks in
21 the sand, little marks in the sand?

22 A. I I don't remember exactly what marks were made, I just
23 know that we we took pretty good care to, uh, not try to
24 disturb the crime scene once we determined death.

25 Q. It was a crime scene.

BEN VOLLMER - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. Yes.

2 Q. Okay. And so you have people, but there were people
3 walkin' up at least to the side a the door 'cause they had to
4 look in, right, ---

5 A. Yes.

6 Q. --- not intentionally messin' up the crime scene,
7 right, ---

8 A. No.

9 Q. --- because at that time you're just tryin' to make sure
10 that everybody's safe, correct?

11 A. That's right.

12 Q. Um, and then she asked you about, um, that moving the
13 bo -- moving body, you're trained to actually just leave
14 everything as you found it if it's a potential crime scene,
15 right, ---

16 A. Yes, ma'am.

17 Q. --- to try not to disturb anything.

18 A. Yes.

19 Q. Um, you, how many years of training, think you said three
20 or four?

21 A. Uh, EMT school was six months, paramedic was an
22 additional year.

23 Q. Okay. And that, um, and they give you some some sort of
24 legal aspect of of your job, ---

25 A. Yes, ma'am.

EDWARD RICHARDSON - DIRECT EXAMINATION BY MR. BELL

1 Q. --- information, right, and they tell you that that that
2 there are things that certain people are trained to do and
3 certain people are trained to not do.

4 A. Yes.

5 Q. And once you've determined that you can't do anything you
6 just leave the scene, right?

7 A. Yes.

8 Q. Thank you.

9 MS. MAYES: Nothing further, Your Honor.

10 THE COURT: You may step down.

11 (Whereupon, the witness left the stand.)

12 MR. BELL: State calls Deputy Eddie Richardson to the
13 stand.

14 (Whereupon, the witness came forward.)

15 THE CLERK: You'll raise your right hand, please.

16 EDWARD RICHARDSON, having been
17 first duly sworn, testified as follows:

18 THE CLERK: Thank you. If you'll have your s -- have a
19 seat over here (indicating), please, state your name, spell
20 your last for the record.

21 (Whereupon, a discussion was held off the record.)

22 THE WITNESS: My name is Edward Richardson,
23 R-I-C-H-A-R-D-S-O-N.

24 DIRECT EXAMINATION BY MR. BELL:

25 Q. May I call you Eddie?

EDWARD RICHARDSON - DIRECT EXAMINATION BY MR. BELL

1 A. Yes, sir.

2 Q. Eddie, how long have you been employed by Lexington
3 County?

4 A. A little over six years now, sir.

5 Q. Is that with the sheriff's department?

6 A. Yes, sir.

7 Q. In what capacity have you worked with the sheriff's
8 department?

9 A. Uh, as a matter deputy corporal, uh, road supervisor.

10 Q. And in August 2015 were you employed by the same group?

11 A. Yes, sir.

12 Q. And what was your capacity back at that time?

13 A. At that time I was a road supervisor in a south region as
14 a corporal or a master deputy.

15 Q. What exactly are the duties of that sort of position?

16 A. Um, essentially take over where the sergeant leaves off.
17 I apologize (adjusted the microphone).

18 Q. You can leave that.

19 THE BAILIFF: You have to leave it down.

20 A. Um, it it it generally deals with just personnel control,
21 uh, supervisin' a shift, um, taking over any duties the
22 sergeant isn't able to to take over, signing people to calls,
23 responding to calls.

24 Q. And do you recall responding to Old Orangeburg Road the
25 night of August 3rd 2015?

EDWARD RICHARDSON - DIRECT EXAMINATION BY MR. BELL

1 A. Yes, sir.

2 Q. And why did you respond to that location?

3 A. Uh, I was advised that, uh, even though it was a
4 different area, um, that I was closest deputy to the scene,
5 um, they had advised that, uh, fire department had been, uh,
6 woken up by a gentleman advising that they found a body in the
7 roadway on the dirt portion of Old Orangeburg Road.

8 Q. And were you aware whether anybody else was also
9 responding to that call?

10 A. Uh, I'd been advised that, uh, other deputies were going
11 to be responding but they had a a longer response time.

12 Q. Were any other first responders heading that direction?

13 A. I'd been told that at that time fire department was on
14 scene and that EMS was in route.

15 Q. Do you recall what time you initiated response to the
16 scene?

17 A. It woulda been give or take 'bout ten minutes to
18 midnight, in that area.

19 Q. You recall when you initially received the call?

20 A. Uh, do not recall the exact time but it was only a couple
21 many moments before then.

22 Q. If I showed ya a copy of your CAD report would that
23 refresh your recollection?

24 A. Absolutely.

25 Q. What is a CAD report?

EDWARD RICHARDSON - DIRECT EXAMINATION BY MR. BELL

1 A. Uh, to the best a my knowledge a CAD report is a, it's a
2 copy of everything that we do with our in-vehicle terminals,
3 uh, that will show the, uh, the buttons we pushed and the
4 times and places that we went, any notes that we have to enter
5 in, uh, on any call that we go on.

6 Q. And do you recognize that document I just handed you?

7 A. Yes, sir.

8 Q. Okay. Is that the CAD from that night?

9 A. Yes, sir.

10 Q. And what time was the call initially placed out?

11 A. It was placed to the west region supervisor at 2344 which
12 is 11:44 p.m., I was advised at 2347 which is a 11:47 p.m.,
13 uh, was in route at the same time and arrived at, uh, ten
14 minutes to midnight.

15 Q. How did you approach the incident location?

16 A. Um, I was coming from South Congaree on SC 302 toward,
17 uh, the intersection of SC 6, uh, actually drove around the
18 back a the fire station make sure it wasn't the short portion
19 of the dirt road there, came back out onto 302, goin' back up
20 towards South Congaree and turned left onto Old Orangeburg
21 Road, the dirt portion, headed toward Red Bank so I ---

22 Q. To simplify, ---

23 A. --- approached from the fire station.

24 Q. --- to simplify a little bit, did you approach from this
25 southern or northern direction ---

EDWARD RICHARDSON - DIRECT EXAMINATION BY MR. BELL

1 A. It would ---

2 Q. (Indiscernible cross-talk.)

3 A. --- be the southern direction.

4 Q. And you were heading north?

5 A. Correct.

6 Q. When you arrived on scene, was anybody else there?

7 A. Yes, sir, fire department was there along with, uh, uh,
8 two other vehicles.

9 Q. And when you say "two other vehicles," what are you
10 referring to?

11 A. Uh, the initial subject, uh, Mr. Lytes, uh, that had
12 found or advised me that he had found the, uh, the body in the
13 roadway was there, there was a another white Ford Taurus that
14 was parked in front of his and also the, uh, the fire truck that
15 was parked, uh, behind the Ford Taurus.

16 Q. When you arrive on scene, want you to walk us through how
17 you approach something like that.

18 A. Okay. Uh, I park behind a fire truck so I was about
19 12 feet back from the fire truck from where I parked. Um, I
20 approached on foot and actually approached, uh, went around
21 the, from my position coming from the rear of the fire truck I
22 went around the right side of the fire -- the fire truck, saw
23 the white vehicle there and first cleared the vehicle which
24 means I had had, uh, unholstered my weapon, uh, walked up
25 along the side of the vehicle, checked to make sure that there

EDWARD RICHARDSON - DIRECT EXAMINATION BY MR. BELL

1 was nobody else in there, nobody else injured and nobody
2 hiding, and then approached the body from what would be the
3 head which was facing towards the fire truck.

4 Q. Okay. And when you cleared the vehicle, what side a the
5 vehicle did you approach by?

6 A. Uh, I approached the rear driver side a the vehicle and
7 walked the length of the vehicle, uh, along the driver's side.

8 Q. Would you potentially have left prints in that area,
9 footprints in that area?

10 A. Most definitely.

11 Q. Was there anybody else in the vehicle?

12 A. No, sir.

13 Q. Anything else in the vehicle that immediately stood out
14 to ya?

15 A. No, sir.

16 Q. Now showing you what's been entered as 126 State's, do
17 you recognize that (indicating) picture?

18 A. Yes, sir.

19 Q. Deputy, I'm handing you a laser pointer, which direction
20 did you approach from?

21 A. I approached from this direction here (indicating),
22 heading up this way (indicating).

23 Q. And were those yellow placards there when you first
24 arrived?

25 A. No, sir.

EDWARD RICHARDSON - DIRECT EXAMINATION BY MR. BELL

1 Q. How did you interact with the body if at all?

2 A. Whe. -- when I approached, I came up to about this area
3 right here (indicating) and could see that he had bullet hole
4 on the side of his neck, I could see his eye was partially
5 open, at that point I knew that there was no way that I was
6 gonna render aid. Um, I knew the EMS was in route, could see,
7 um, that there was a cigarette I believe is right here
8 (indicating) that looked like it'd been dropped on the ground
9 with the ashes burnt from the filter and I also observed a
10 bullet casing I believe is gonna be right there (indicating)
11 by that placard number 2, a brass casing, um, at which point I
12 realized that I had a crime scene from this (indicating) point
13 back, um, so as I directed EMS in when they approached, I a --
14 directed them to walk in from this (indicating) direction here
15 in an attempt not to disturb any a the crime scene on this
16 (indicating) side.

17 Q. Did anybody on scene confirm that the victim was
18 deceased?

19 A. Uh, when EMS arrived, uh, I had them approach this, from
20 this right here (indicating), I had, uh, believe it was
21 Captain Williams, um, I'm tryin' to recall the names of the
22 others, uh, one of 'em was a sergeant that was an EMT and and,
23 uh, another one that was holdin' a bag, they that they both
24 approached and one of 'em kneeled down next to him and
25 actually checked for a pulse at which point said there was,

EDWARD RICHARDSON - DIRECT EXAMINATION BY MR. BELL

1 that was a, he was deceased, we had them go ahead and exit.

2 Q. Referencing State's 75 that's in evidence, what is this
3 (indicating) a picture of?

4 A. That may need my glasses for that one to be honest with
5 you, sir.

6 Q. Okay. I'm gonna refer back to State's 126 and please
7 identify where you said you found the cigarette butt.

8 A. I believe that's the cigarette butt right ---

9 Q. And ---

10 A. --- there (indicating).

11 Q. --- can you tell what number is on that placard?

12 A. Number 1, sir.

13 Q. To referring back to 75, what is that item denoting?

14 A. Uh, that the, I believe that's the cigarette located if
15 it's the same placard, I just can't see the picture ---

16 Q. Sure.

17 A. --- from here, I apologize.

18 Q. Certainly, no problem at all. I'm gonna hand it up, tell
19 ya this is State's 75, can you ---

20 A. Here ---

21 Q. --- confirm what's in that picture?

22 A. Yes, sir, that's a cigarette butt with the ashes I
23 described earlier.

24 Q. And why did that cigarette butt stand out to ya?

25 A. I'm a smoker and I'm very familiar with what a cigarette

EDWARD RICHARDSON - DIRECT EXAMINATION BY MR. BELL

1 looks like when it's been butted out, field stripped or left
2 in an ash tray or on the ground to burn and what was
3 surprising 'bout that cigarette to me was that it looked as if
4 it had been dropped in place and was allowed to burn until it
5 finished or or extinguished itself so it had been dropped in
6 that spot then continued to burn after the fact, it was not,
7 uh, tossed or did not appear to be tossed, it was not
8 attempted to have been placed or put our prior to being placed
9 on the ground.

10 Q. Did it appear to have been there for a long period a
11 time?

12 A. Uh, no, sir, not -- long period a time's a subjective
13 term, if you could clarify it a little bit long period a
14 time, ---

15 Q. Did it ---

16 A. --- didn't look ---

17 Q. --- appear to have been from that day?

18 A. Yeah, it appeared to have been from that day.

19 Q. Showing ya State's 79, once again what are we lookin' at?

20 A. We're looking at that cigarette butt that I identified
21 earlier.

22 Q. And does this picture also show the ash that you've been
23 referencing?

24 A. Yes, sir.

25 Q. You mention that there was a casing on the scene, is that

EDWARD RICHARDSON - DIRECT EXAMINATION BY MR. BELL

1 true?

2 A. Yes, sir.

3 Q. And where was the casing located that you put in your
4 report?

5 A. I believe it's gonna be this (indicating) one marked
6 number 2.

7 Q. And do you recall what color that casing was?

8 A. I believe it was brass in color.

9 Q. Anything else, ---

10 A. Uh, ---

11 Q. --- any other casings that you located?

12 A. Uh, no, sir, that point in time I realized well I was
13 dealin' with possible homicide scene, I'd seen bullet hole on
14 his neck, at my point or that point being first officer on
15 scene my job is to lock that scene down and notify everybody,
16 uh, that it's necessary to get out there Major Crimes, the
17 watch commander, uh, people that nature, um, and advise 'em
18 that we're gonna need CSI and to make sure the coroner was in
19 route.

20 MR. BELL: Beg the Court's indulgence.

21 THE COURT: Yes, sir.

22 (Whereupon, a discussion was held off the record.)

23 (Photograph marked State's Exhibit No. 147 for
24 identification.)

25 BY MR. BELL:

EDWARD RICHARDSON - DIRECT EXAMINATION BY MR. BELL

1 Q. Deputy, I'm showing you what has now been marked for ID
2 as State's 147, you recognize that (indicating) picture?

3 A. Yes, I do, sir.

4 Q. And does that fairly and accurately rep -- represent the
5 scene as you saw it that night?

6 A. Yes, sir.

7 MR. BELL: All right, State seeks to move 147 into
8 evidence.

9 MS. ZMROCZEK: Without objection.

10 THE COURT: 147's in. I tell ya'll they've got hundred
11 exhibits or so, first that all of them have been agreed to
12 come in except for a few and when those come up, we'll move
13 'em in just like that, okay?

14 MR. BELL: Thank you, Judge.

15 THE COURT: Okay.

16 (State's Exhibit No. 147, photograph, admitted into
17 evidence.)

18 BY MR. BELL:

19 Q. Showing you the picture that you just viewed, 147 for
20 State, what stands out to you in that picture?

21 A. This (indicating), ---

22 Q. Okay..

23 A. --- uh, area of moisture on ---

24 Q. Why ---

25 A. --- the ground.

EDWARD RICHARDSON - DIRECT EXAMINATION BY MR. BELL

1 Q. --- does that stand out to ya?

2 A. Uh, my experience, uh, prior to Lexington County, uh, I
3 worked for highway patrol as a and did accident reconstruction
4 and this was evident that a vehicle had idled there for quite
5 sometime, this possibly being condensation from the, uh, air
6 conditioner where it sat on the ground, uh, the rest a the
7 area was dry and that was actually a semi-hard packed area
8 which meant that that had continuously dripped in that area
9 causing that moisture, there was no other moisture present on
10 the scene other than the blood from the victim.

11 Q. Did you believe that wet spot to be blood?

12 A. No, sir.

13 (Photograph marked State's Exhibit No. 148 for
14 identification.)

15 Q. Now after you initially view the scene and point out some
16 a these items, how do you go about further securing the
17 scene?

18 A. Uh, I retrieve the crime scene tape from back a my patrol
19 vehicle along with a crime scene log, um, had anybody that had
20 entered the crime scene prior to me get their times for
21 entrance and sign that they've entered along with myself, I
22 then taped off, uh, an area back directly in front of fire
23 truck which woulda been back here (indicating) and all the way
24 down here (indicating) which is way over that portrait of one
25 a the judge's, uh, well past the feet a the body because I was

EDWARD RICHARDSON - DIRECT EXAMINATION BY MR. BELL

1 not sure how far the crime scene extended at that point, I
2 then called for somebody to come from the Pleasant View side
3 which woulda been on the north side of of of the roadway to
4 approach so they can block off the roadway and I blocked off
5 the south portion of the roadway.

6 Q. And you mentioned a "crime scene log," what is that?

7 A. Uh, it it's a log that that shows every single person
8 that has entered or exited along with their times for doing
9 such from that area that is deemed to be a crime scene that's
10 roped off at that point.

11 Q. And did you maintain that crime scene log?

12 A. I maintained it for a short period a time, at the time
13 that, uh, Lieutenant Frier and Sergeant Stoner arrived on
14 scene, I turned it over to them and advised that I would keep
15 the southern perimeter, uh, on my own, anybody that approached
16 from a southern perimeter I had them go to Sergeant Stoner and
17 Lieutenant Frier to sign it. I took back possession of the
18 crime scene log, um, until I was relieved by Deputy Hendrix,
19 uh, later on in the morning at which point I gave it to him,
20 um, and signed the scene over to him at that point.

21 Q. Would anybody have been allowed to enter the perimeter
22 without signing into that crime scene log?

23 A. No, sir.

24 Q. And did you ensure that that crime scene log was signed
25 into by individuals entering the perimeter?

EDWARD RICHARDSON - CROSS-EXAMINATION BY MS. ZMROCEK

1 A. Yes, sir.

2 Q. Did you collect any of the evidence in this case?

3 A. No, sir.

4 Q. Did you touch anything you saw on scene?

5 A. No, sir.

6 Q. Did you touch the victim in any way, ---

7 A. No, sir.

8 Q. --- the cigarette butt or the casings?

9 A. No, sir.

10 Q. Now over near where the, uh, victim is located, what sort
11 of the sand like in that area?

12 A. Um, in the center of the roadway it's kinda hard-packed
13 where you can see the, uh, it it's a darker in color, that's
14 not moisture, that's hard-packed sand, over here (indicating)
15 it's soft, ---

16 Q. Okay.

17 A. --- almost like sugar sand, uh, where if you touch it
18 or get your tire into it you're gonna get stuck.

19 Q. Please answer any questions Ms. Zmroczek may have for ya.

20 A. Yes, sir.

21 CROSS-EXAMINATION BY MS. ZMROCEK:

22 Q. Okay. Good morning.

23 A. Good morning.

24 Q. Um, I'm not a smoker but you said you were, right?

25 A. I still am, ma'am, ---

1 Q. Oh, ---

2 A. --- unfortunately, ---

3 Q. --- I know ---

4 A. --- embarrassed ---

5 Q. --- that's bad, ---

6 UNIDENTIFIED JUROR: Yes.

7 Q. --- um, but I'm not gonna lecture you on that now, um,
8 but that's why that cigarette butt very close to the body
9 would stood out to you, right?

10 A. Yes, ma'am.

11 Q. And you said that what was really significant about that
12 cigarette butt is that it was the ash was still on.

13 A. Correct.

14 Q. Um, so I'm not a smoker but I've seen Grease so it's not,
15 sometimes when people smoke and they put it out they squish it
16 down, right?

17 A. Sometimes, yes, ma'am.

18 Q. Sometimes they squeeze it the filter out so that they can
19 just leave the ash and not litter and throw away the filter,
20 right?

21 A. Yes, ma'am.

22 Q. Um, but this case, and those are deliberate acts by the
23 smoker, correct, ---

24 A. Correct.

25 Q. --- but in this case you just see the cigarette on the

1 ground, right, ---

2 A. Yes, ma'am.

3 Q. --- with the ash still burning.

4 A. Yes, ma'am.

5 Q. Okay. And mis -- you were talking about I believe he
6 was, he showed you 126 and can you just show the jury that
7 path that you told EMS, ple -- please.

8 A. Woulda been coming in from this direction here
9 (indicating).

10 Q. And where did the EMS, uh, technician lay -- kneel down?

11 A. Uh, he would, I believe he knelt down just in front of
12 this arm here (indicating).

13 Q. Okay. 'cause at that point you were where there was a
14 crime scene ---

15 A. Yes, ma'am.

16 Q. --- and you were doing everything that you could within
17 your power to protect the integrity of it ---

18 A. Yes, ma'am.

19 Q. --- cause what the crime scene and what they teach you,
20 especially being on the road, you're typically a first
21 responder, right, ---

22 A. Yes, ma'am.

23 Q. --- uh, and they teach you to to to try to cause as
24 little disturbance of the scene.

25 A. It -- there there's a hierarchy in order: first thing we

EDWARD RICHARDSON - REDIRECT EXAMINATION BY MR. BELL

1 need to do is render aid then we need to secure the scene.

2 Q. And when you realize that that that that I think you said
3 you realized that the aid could not be rendered ---

4 A. Correct.

5 Q. --- but you still wanted them to to to to check so you
6 just kinda control as much as you could the path that they
7 took ---

8 A. Yes, ma'am.

9 Q. --- and the marks that they they made.

10 A. Yeah, and as best as I could.

11 Q. As best you could and, uh, and you've been in law
12 enforcement how long?

13 A. Um, eleven years.

14 Q. Okay. And and so you've done this quite a few times.

15 A. Yes, ma'am.

16 MS. ZMROCZEK: Your Honor, I have no further questions,
17 thank you.

18 THE COURT: Okay.

19 MR. BELL: Briefly, Your Honor.

20 THE COURT: Um-hum.

21 REDIRECT EXAMINATION BY MR. BELL:

22 Q. Again, showing you State's 79, Deputy, can you make out
23 that (indicating) picture?

24 A. Yes, sir.

25 Q. And, again, what is that picture of?

1 A. That is a cigarette butt and ashes.

2 Q. And did that cigarette butt show signs of being stomped
3 on, run over, anything a that nature?

4 A. No, sir.

5 Q. Showing you State's 80, did you indicate that above his
6 right shoulder is where you believe EMS approached?

7 A. Uh, yes, sir.

8 Q. Are you a hundred percent positive on that?

9 A. That woulda been the direction. Yes, sir, they would've
10 approached from that direction.

11 Q. Okay. Um, showing ya State's 80, have you had a chance
12 to look at that picture, ---

13 A. Yes, sir.

14 Q. --- and left of his right hip there is a long indention
15 in the sand, is it possible EMS knelt down at that location?

16 MS. ZMROCZEK: Your Honor, I object to speculation, I
17 think he's answered the question.

18 THE COURT: I'll let him answer it. Show him the picture
19 and it's been difficult to see at a distance.

20 A. What I stated before is I believe that they had knelt
21 down in front of the forearm, it is possible he knelt down
22 behind the forearm, at that point my job was securing the
23 scene and not focusing on where they were other than their
24 initial approach.

25 Q. Would the EMS personnel be the best people to say where

JAMES DAVID PORTER, JR. - DIRECT EXAMINATION BY MS. MAYES

1 they've crouched down?

2 A. Yes, sir.

3 Q. Thank you.

4 THE COURT: Okay, step down.

5 (Whereupon, the witness left the stand.)

6 MS. MAYES: James David Porter, Jr.

7 (Whereupon, the witness came forward.)

8 THE CLERK: Raise your right hand, please.

9 JAMES DAVID PORTER, JR., having
10 been first duly sworn, testified as follows:

11 THE CLERK: Thank you. You'll have a seat, please, and
12 state your name for the record.

13 THE WITNESS: Okay. James David Porter, Jr.

14 DIRECT EXAMINATION BY MS. MAYES:

15 Q. And, Mr. Porter, can you tell us a little bit about
16 yourself, where do you currently reside?

17 A. I currently reside in Chapin.

18 Q. All right. What relation are you to James David Porter
19 the third?

20 A. My son.

21 Q. How many children -- you are the father of how many
22 children?

23 A. Two.

24 Q. Does that include David?

25 A. Yes.

JAMES DAVID PORTER, JR. - DIRECT EXAMINATION BY MS. MAYES

1 Q. Who is your other child?

2 A. Um, Alta Bernice Porter.

3 Q. All right, and what name does she go by?

4 A. Ali.

5 Q. Who is the oldest of your children?

6 A. Ali.

7 Q. What's the age difference between Ali and David?

8 A. Two years.

9 Q. Mr. Porter, I wanna take you to 2015, what is David's
10 date of birth?

11 A. Twelve, I mean, _____ ---

12 Q. All right.

13 A. --- '93.

14 Q. And in 2015 he would have been 21, uh, years of age and
15 then turn 22 on _____ ?

16 A. Yes, ma'am.

17 Q. That's the day before his death?

18 A. Correct.

19 Q. Where was he livin' in ---

20 A. With m ---

21 Q. --- August of 2015?

22 A. With me.

23 Q. That was at what location?

24 A. _____ Long Point.

25 Q. Long Point in Chapin?

JAMES DAVID PORTER, JR. - DIRECT EXAMINATION BY MS. MAYES

1 A. Correct.

2 Q. Mr. Porter, can you tell us whether or not your son had a
3 drug addiction.

4 A. Yes, ma'am.

5 Q. What type of drug was he addicted to?

6 A. Meth.

7 Q. How did you first become aware of his addiction?

8 A. Um, he told me he was, ---

9 Q. He ---

10 A. --- he got ---

11 Q. --- admitted that to you?

12 A. Correct.

13 Q. Wanna take you specifically to May 8th of 2015, May 8th
14 2015, approximately four months before David's death, what, if
15 anything, significant occurred around that time frame
16 regarding David and his addiction?

17 A. I get a call from, um, a detective or a Lexington County
18 officer, um, that he had been detained, uh, on, at at the
19 close proximity of a, um, drug bust.

20 Q. Just to clarify, you got a call from a Lexington County
21 officer?

22 A. Correct.

23 Q. And that officer was affiliated with what type of agency
24 or team?

25 A. The drug.

JAMES DAVID PORTER, JR. - DIRECT EXAMINATION BY MS. MAYES

1 Q. A drug agent?

2 A. Drug agent, yes.

3 Q. You received notification from a drug agent that David
4 had been detained?

5 A. Correct.

6 Q. Can you tell us whether or not you're aware or have
7 personal knowledge as to whether that involved a bust of a
8 meth house?

9 A. Yes, it did.

10 Q. And you were notified by the NET team or Narcotics
11 Enforcement Team officer that your ---

12 A. Corr ---

13 Q. --- son had been detained.

14 A. Correct.

15 Q. Was your son actually arrested that night?

16 A. No, ma'am.

17 Q. Following that notification to you, uh, what, if
18 anything, did you do to seek help for David's addiction?

19 A. I just, you know, cracked down on him tryin' to get him
20 to get help to help him do what he needed to do.

21 Q. What was David's attitude towards this?

22 A. He wanted help. He knew he had to do somethin' or he was
23 going to or that something worse was gonna happen.

24 Q. David wanted help?

25 A. Yes, ma'am.

JAMES DAVID PORTER, JR. - DIRECT EXAMINATION BY MS. MAYES

1 Q. During that time frame, uh, can you tell us, uh, whether
2 or not David's phone had been taken away?

3 A. Yes, we'd taken his, the phone, um, had taken the car,
4 um, he was kinda hard to say to a 22-year-old but tried to put
5 him on restriction, um, told him he would have to get, you
6 know, get his job, get a job, um, and go back to, you know,
7 work.

8 Q. Had he worked prior to this addiction takin' over his
9 life?

10 A. Yes, he worked at Zorba's in Chapin.

11 Q. All right, need you to speak up just a little bit louder.
12 You said that was Zorba's in Chapin?

13 A. Yes, ma'am.

14 Q. Gonna show you a photo which is State's Exhibit 6, do you
15 recognize that (indicating) photo?

16 A. Yes, ma'am.

17 Q. Recognize the vehicle in that photo?

18 A. Yes, ma'am.

19 Q. How so?

20 A. Uh, that's the car he was driving that, um, belongs to my
21 mother.

22 Q. So that car belongs to your mother, ---

23 A. Correct.

24 Q. --- his grandmother.

25 A. His grandmother, correct.

JAMES DAVID PORTER, JR. - DIRECT EXAMINATION BY MS. MAYES

1 Q. And during, uh, that time between when you had been
2 notified by the NET team of of a bust where he was detained in
3 May and and this date here in August, uh, had the car been
4 taken away from his use?

5 A. Yes, ma'am.

6 Q. Wanna take you to the final three weeks, final three
7 weeks of David's life, what, if any, efforts had he made at
8 that point towards change?

9 A. Um, he called me several times, um, he had moved, uh,
10 back into my home, um, ---

11 Q. Why did you allow him to move back in?

12 A. Because he was wanting to change his life, he wanted to
13 better himself, um, he needed help and he, um, you know, I
14 give him ground rules basically like a contract, you know,
15 this is what you have to do, you know, this is what we're
16 gonna do and to get your help, to get you back on your feet,
17 to get you a job to do, to get you better.

18 Q. All right. You mentioned "a contract," was there
19 actually a contract for him to read?

20 A. Correct, I wrote it down, ---

21 Q. You made the contract ---

22 A. --- made him ---

23 Q. --- yourself.

24 A. --- sign it, correct.

25 Q. Did he agree to the terms of the contract?

JAMES DAVID PORTER, JR. - DIRECT EXAMINATION BY MS. MAYES

1 A. Yes, ma'am.

2 Q. Did you actually see change in David?

3 A. I did.

4 Q. During the course of that addiction in 2015, what
5 physical changes did you see with David ---

6 A. He ---

7 Q. --- with ---

8 A. --- had tremendously dropped a lot of weight, um, just
9 sporadic anger, spouts of anger sometimes, um, things like
10 that, just not keepin' up with himself.

11 Q. What about his weight?

12 A. His weight dro -- he dropped almost probly seventy-five
13 to a hundred pounds within a few months.

14 Q. And when he came back to live with you those final three
15 weeks mid-July, what efforts did you observe regarding his
16 attempt to change?

17 A. He done everything I ask him to. Um, he had talked to
18 his previous employer, um, to get his job back, um, they were
19 going to, you know, putting him on on the schedule, um, and, I
20 mean, he he, you could see he was doing what I wanted him to
21 do, what he needed to do.

22 Q. Did he seem happier?

23 A. He did.

24 Q. Mid-July to the first week of August, by the end of July
25 and early August what changed?

JAMES DAVID PORTER, JR. - DIRECT EXAMINATION BY MS. MAYES

1 A. Um, he had earned his vehicle back because he needed it
2 to go back and forth to work. we lived several miles out of
3 town so, you know, he needed that, um, he also, you know, had,
4 I pick, got him a new phone, um, so that he, I could keep tabs
5 on him, I knew where he was at, what he was doin', I could
6 contact him at all times, um, ---

7 Q. Did you ask who he was with?

8 A. Oh, yes, always wanna know who he was with, where he was
9 at, um, what he was doing there, you know.

10 Q. Mr. Porter, had the name Charles Morehouse ever come into
11 your life prior to August 3rd of 2015 ---

12 A. No.

13 Q. --- or Wiley Sisk?

14 A. No.

15 Q. Had those individuals ever been to your residence to your
16 knowledge?

17 A. Not to my knowledge.

18 Q. So by that first week of August was David going out again
19 with friends?

20 A. He had went out a couple times, yes.

21 Q. Were you aware that he had relapsed?

22 A. No, I was -- had not.

23 Q. That final weekend [] two thousand thir -- 2015,
24 the day before his death, what was significant about that
25 day?

JAMES DAVID PORTER, JR. - DIRECT EXAMINATION BY MS. MAYES

1 A. It's his birthday.

2 Q. Twenty-second birthday.

3 A. Correct.

4 Q. You know if he was with friends that weekend?

5 A. Yes, he was.

6 Q. And August 3rd 2015?

7 A. Yes.

8 Q. What type of work do you do, Mr. Porter?

9 A. Um, I'm in security business: alarms, stuff like that.

10 Q. Does that security include surveillance cameras?

11 A. Yes, ma'am.

12 Q. Did you have a surveillance camera installed at your
13 residence there at [] Long Point?

14 A. Yes, ma'am, I do.

15 Q. Where were the cameras located?

16 A. Um, one on the back porch, um, one covering the backyard
17 and one looking up the driveway toward the street.

18 Q. Other than those cameras at your residence, had you ever
19 installed any other cameras to watch David or his friends?

20 A. No.

21 Q. So if someone believed there to be a camera, uh, in a
22 cooler to spy on David and his friends would that be accurate
23 or not accurate?

24 A. For me, no.

25 Q. Mr. Porter, when David was detained by the NET team in

JAMES DAVID PORTER, JR. - DIRECT EXAMINATION BY MS. MAYES

1 May of 2015, do you have personal knowledge as to whether or
2 not he was approached by law enforcement to be a confidential
3 informant?

4 A. He'd come in that night and told me that they had
5 approached him, yes.

6 Q. What advice did you give him in that regard?

7 A. He needed to stay away from it completely.

8 Q. Why? Did you have concerns about your son being an
9 informant?

10 A. Uh, it's just dangerous and he didn't need to be anywhere
11 near any of the, of, it's what I was trying to keep him away
12 from.

13 Q. How desperate was David to change?

14 A. Very.

15 Q. On August 3rd 2015 did you work that day?

16 A. Yes, ma'am.

17 Q. Did you become aware at any point that David, uh, had
18 locked himself outta the house, ---

19 A. Yes, ma'am.

20 Q. --- your house there at 116 ---

21 A. Correct.

22 Q. --- Long Point? And were arrangements made to get him a
23 key?

24 A. Uh, yes, I had been, uh, outta town that day, um, did not
25 return back home till about 9:30, 'bout 9 to 9:30, um, he met

JAMES DAVID PORTER, JR. - DIRECT EXAMINATION BY MS. MAYES

1 me there about 9:30.

2 Q. All right, 'bout 9:30 that night?

3 A. Yes, ma'am.

4 Q. Show you a photograph, do you recognize what's depicted,
5 uh, in this (indicating) photo?

6 A. Yes, ma'am.

7 Q. What is that?

8 A. That's my neighborhood.

9 MS. MAYES: All right. Uh, Your Honor, this be, uh,
10 State's Exhibit 107 with no objection.

11 THE COURT: It's already in.

12 BY MS. MAYES:

13 Q. Looking here, um, at this (indicating) photograph, uh,
14 Mr. Porter, we're talking 'bout what area of Lexington
15 County?

16 A. Chapin.

17 Q. All right. This residence here (indicating) at Long
18 Point Drive, ---

19 A. That's ---

20 Q. --- what ---

21 A. --- my, where I lived at the time.

22 Q. Is that where you last saw David?

23 A. Yes, ma'am.

24 Q. And that was approximately 9:30 ---

25 A. Yes, ma'am.

JAMES DAVID PORTER, JR. - DIRECT EXAMINATION BY MS. MAYES

1 Q. --- on the night of August 3rd?

2 A. Yes, ma'am.

3 Q. What vehicle would he have been driving?

4 A. The Taurus.

5 Q. Were you aware whether or not he was with anyone that
6 night?

7 A. No, I was not.

8 Q. All right. Why's that?

9 A. I could not see the car, um, when he pulled up to the
10 house, he stayed in the culdersac [sic], did not pull into the
11 driveway.

12 Q. All right. So where he came to the door you weren't able
13 to see, uh, actually in the car and who he was with?

14 A. Correct.

15 Q. Mr. Porter, were you aware that David may have owed money
16 to a drug dealer by the name a Charles Morehouse and others
17 associated with his drug ring?

18 A. No.

19 Q. You mentioned that David had earned his phone back in
20 those final three weeks, who bought that phone?

21 A. I did.

22 Q. That was a new phone?

23 A. Brand new.

24 Q. Me show you what is State's Exhibit 17.

25 A. Okay. Yeah.

JAMES DAVID PORTER, JR. - DIRECT EXAMINATION BY MS. MAYES

1 Q. Yeah, that's the phone, ---

2 A. That's the phone.

3 Q. --- that you bought for David?

4 A. Correct.

5 Q. And this photo State's Exhibit si -- 17 in evidence, Your
6 Honor, without objection. To your knowledge was that phone
7 broken prior to the night of August 3rd 2015?

8 A. No, ma'am, he'd only had it a week or two.

9 Q. And you'd seen David with that phone?

10 A. Correct.

11 Q. Was that phone in good condition, uh, every other time
12 you've seen David with that phone?

13 A. Yes, ma'am.

14 Q. These cracks here (indicating), shattered screen on that
15 phone, have you ever seen that phone in that condition prior
16 to the night of August 3rd 2015?

17 A. No believe.

18 Q. Last saw David 9:30 ---

19 A. Correct.

20 Q. --- he left your residence, what happened next?

21 A. Um, about 4:30, 5:00 that next morning, um, I learned of
22 his death.

23 Q. How were you notified?

24 A. Um, by telephone.

25 Q. Was that a call from law enforcement or authorities?

JAMES DAVID PORTER, JR. - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. Yes, ma'am.

2 MS. MAYES: Beg the Court's indulgence. Nothing further
3 of Mr. Porter at this time.

4 CROSS-EXAMINATION BY MS. ZMROCZEK:

5 Q. Mr. Porter, I just have a few questions for you, okay?
6 You have seen firsthand the damage that meth can do to
7 somebody, haven't you?

8 A. Yes, ma'am.

9 Q. It can destroy someone's life, right?

10 A. Yes, ma'am.

11 Q. Make them lie?

12 A. Yes, ma'am.

13 Q. Make them lie to the people that they love?

14 A. Yes, ma'am.

15 Q. Talk extensively, Ms. Mayes asked you extensively [sic]
16 about the help that David was seeking, did he go to NA
17 meetings?

18 A. No, ma'am.

19 Q. Did he check into rehab?

20 A. No, ma'am.

21 Q. Um, did you talk about rehab?

22 A. Yes, ma'am.

23 Q. And did you offer that to him?

24 A. Yes, ma'am.

25 Q. And what did he say?

JAMES DAVID PORTER, JR. - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. We hadn't got to that point, he was only back there for
2 three weeks.

3 Q. I'm sorry, those three weeks but he had earned his car
4 back in those three weeks, ---

5 A. Correct, ---

6 Q. --- right? Okay.

7 A. Yes.

8 Q. Um, I want to ask you about, um, you said that you were,
9 became aware of his meth addiction, when did he actually start
10 using meth?

11 A. That I do not know.

12 Q. Okay. Um, when did he start selling it?

13 A. Did not know that.

14 Q. Okay. Um, you got a call from the NET team, the the drug
15 enforcement team, on on M -- was it May 18th?

16 A. Somewhere, somewhere in May, yes.

17 Q. Okay, or May 8th, I'm sorry, May 8th, around there, um,
18 why did they call you?

19 A. Because they had caught him in the vicinity.

20 Q. Um, do you know anybody on the NET team?

21 A. No, I do not.

22 Q. They just called you and said, We have your son?

23 A. Yes.

24 Q. Okay. But they didn't arrest him.

25 A. No, they did not.

JAMES DAVID PORTER, JR. - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. Um, the night of his birthday, did he celebrate
2 that with family?

3 A. No, ma'am, he did not.

4 Q. Were you aware that he had relapsed?

5 A. No, ma'am.

6 Q. Okay. Um, and, in fact, do you know where he was the
7 night of his birthday and the following day?

8 A. He had told me he was with some friends, I knew the
9 location where he was at.

10 Q. And where was that?

11 A. Um, it was in Chapin.

12 Q. That, uh, and well, did he tell you they were staying in
13 a m -- a hotel?

14 A. No, no, he, I thought he was at a friend's house.

15 Q. And that so he was lying to you.

16 A. Yes.

17 Q. Okay, 'cause he was actually at a hotel room, right?

18 A. I've been told, yes.

19 Q. Okay. Doin' drugs?

20 A. Yes, ma'am.

21 Q. Did you see him, when you, I think you said you saw him
22 at 9 or 9:30 that evening, ---

23 A. Correct.

24 Q. --- um, at 9 or 9:30 was he showing any signs of
25 intoxication?

JAMES DAVID PORTER, JR. - REDIRECT EXAMINATION BY MS. MAYES

1 A. No, ma'am.

2 Q. No -- none s -- no signs to you.

3 A. No.

4 Q. Had you been able to recognize those as ---

5 A. Yes, ma'am.

6 Q. And at 9 or 9:30 he had no signs of intoxication?

7 A. No, ma'am.

8 Q. Okay. And, uh, you never heard of Wiley Sisk.

9 A. No.

10 Q. Have you -- have -- you've heard of Charlie Morehouse
11 though, he was friends, he was actually programmed as a friend
12 into your son's phone, right?

13 A. I did not know ---

14 Q. You didn't know ---

15 A. --- Morehouse, ---

16 Q. --- that?

17 A. --- yeah.

18 Q. Uh, ---

19 A. Never heard the name, he never mentioned it.

20 Q. Okay. Um, so he kept that from you?

21 A. Yes.

22 Q. No other questions, thank you.

23 REDIRECT EXAMINATION BY MS. MAYES:

24 Q. Ms. Zmroczek was asking you about, uh, rehab, um, after,
25 around the time a that meth bust in May of 2015, David seek

JAMES DAVID PORTER, JR. - REDIRECT EXAMINATION BY MS. MAYES

1 help from a hospital?

2 A. Yes, ma'am, he did.

3 Q. What hospital was that?

4 A. Lexington Medical Center.

5 Q. That time was David suicidal?

6 A. Yes.

7 Q. Was he depressed?

8 A. Yes.

9 Q. And he had a drug addiction?

10 A. Yes, ma'am.

11 Q. How long was he detained or re -- rephrase that, how long
12 was he in the care of Lexington Medical Center?

13 A. Four days.

14 Q. Nothing further.

15 THE COURT: Okay, you can step down.

16 (Whereupon, the witness left the stand.)

17 THE COURT: Let's take about ten minutes then we'll do
18 another witness 'fore we go to lunch, ya'll step to jury room,
19 give you 'bout ten minutes then bring you back in here, can't
20 can't discuss the case.

21 (Whereupon, a recess was taken.)

22 (The following takes place outside the presence of the
23 jury.)

24 THE COURT: I got a note from juror.

25 (Whereupon, counsel came forward.)

MOTIONS AND MATTERS

1 THE COURT: --- we keep on movin' but I don't, ---

2 MS. ZMROCZEK: Yeah, ---

3 THE COURT: --- I don't think ---

4 MS. ZMROCZEK: --- that's fine.

5 THE COURT: --- it's him.

6 MS. MAYES: Okay.

7 (Note from juror marked Court's Exhibit No. 1 for
8 identification.)

9 THE COURT: Gimme the jury. Ya'll ready?

10 (Whereupon, a discussion was held off the record.)

11 (The following takes place in the presence of the jury.)

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

13 MR. BELL: Thank Your Honor, State calls Agent Mike
14 Merckle to the stand.

15 (Whereupon, the witness came forward.)

16 THE CLERK: Raise your right hand, please.

17 MICHAEL MERCKLE, having been first
18 duly sworn, testified as follows:

19 THE CLERK: Thank you. You'll have a seat over there
20 (please), state your name and spell your last for the record.

21 (Whereupon, a discussion was held off the record.)

22 THE WITNESS: All right, thank you. Uh, my name is
23 Michael Merckle, M-E-R-C-K-L-E, I work for Lexington County
24 Sheriff's Department.

25 DIRECT EXAMINATION BY MR. BELL:

MICHAEL MERCKLE - DIRECT EXAMINATION BY MR. BELL

1 Q. How long you been with the sheriff's department?

2 A. Approximately thirteen years.

3 Q. And did you have any prior law enforcement jobs within
4 the sheriff's department?

5 A. Yes, sir.

6 Q. And what was that?

7 A. I worked for the Bureau of Protective Services, uh, down
8 at the State House as well as Forest Acres Police Department
9 and I have a total of seventeen years law enforcement as of
10 July of this year.

11 Q. Tell us about some of the assignments that you've covered
12 in those seventeen years.

13 A. Well I've been a call answering road deputy clean-shaven
14 with a uniform on and for quiet sometime, uh, I was promoted
15 to a road supervisor where I was a master deputy here, uh, I
16 was a supervisor of a shift, I was on the SWAT team as a SWAT
17 member for a number a years, uh, as well'as being promoted to
18 a gang detective where I specialized in biker gangs throughout
19 the county and the state, uh, and now I'm with narcotics.

20 Q. And what is your current title?

21 A. Uh, agent with narcotics.

22 Q. And you say you're assigned to narcotics, what what unit
23 are you assigned to?

24 A. Um, it's the Lexington County multi-agency narcotics
25 enforcement team.

MICHAEL MERCKLE - DIRECT EXAMINATION BY MR. BELL

1 Q. And what is it called for short?

2 A. Uh, NET team.

3 Q. And what other responsibilities of that group?

4 A. Uh, are responsibilities are all vice-type crimes to
5 include, uh, narcotic trafficking, uh, distribution,
6 prostitution, uh, as well as gangs, gang identification and
7 and basically to interrupt the drug trade within Lexington
8 County.

9 Q. And do you recall responding to a potential meth lab on
10 May 8th of 2015?

11 A. Yes, sir, I do.

12 Q. And do you remember roughly where that, uh, lab was
13 located?

14 A. Uh, I do.

15 Q. And where was that?

16 A. It was at I believe 163 Whispering Glen in the Springdale
17 area of Lexington County.

18 Q. And why is that you were dispatched there?

19 A. Uh, Springdale had been out at that location and come
20 across what they believed to be a meth lab.

21 Q. Is Springdale equipped to handle meth labs on their
22 own?

23 A. No, sir.

24 Q. Did you respond to that call?

25 A. Yes, I did.

MICHAEL MERCKLE - DIRECT EXAMINATION BY MR. BELL

1 Q. And did you ultimately try to make contact with the
2 occupants of that address?

3 A. Yes.

4 Q. And were you able to make contact?

5 A. Yes, sir.

6 Q. How many people were in the house when you showed up?

7 A. There were a total of four individuals inside the
8 residence.

9 Q. And at the time that you showed up was a James David
10 Porter in the house?

11 A. No, sir.

12 Q. Did you ultimately make entry into that home?

13 A. Yes, sir.

14 Q. And did you locate anything which would suggest drug
15 activity?

16 A. Uh, absolutely yes, sir.

17 Q. Can you walk us through some of the items that that told
18 you that there was drug activity occurring there.

19 A. Sure. Uh, we found what's what's called a "meth lab" or
20 one-pot meth lab which is typically, uh, made or manufactured
21 in a residence or really anywhere it's transportable in a
22 2-liter bottle, we also found other manufacturing items such
23 as Pseudoephedrine that which was crushed, uh, acid, acid
24 generators, lye, uh, as well as lithium batteries, those such
25 items.

MICHAEL MERCKLE - DIRECT EXAMINATION BY MR. BELL

1 Q. Did you find any of the occupants actually using any
2 narcotics when you arrived?

3 A. Yes, sir, we did.

4 Q. And did you detain the individuals inside of that home as
5 part a your investigation?

6 A. Yes, sir, we did.

7 Q. Okay. Were there any other individuals that were
8 ultimately detained as part of that investigation?

9 A. Yes, sir.

10 Q. And who was that?

11 A. Uh, it was, uh, James Porter and Anthony Bokus
12 (phonetic), I believe that's how you pronounce his name.

13 Q. And why was James David Porter detained if he wasn't in
14 the home?

15 A. Uh, Mr. Porter had arrived at the residence, uh, and was
16 outside after we had made contact with the people who were
17 inside the residence and they were detained, those two
18 individuals were detained outside in the yard.

19 Q. And did you have a chance to speak to Mr. Porter?

20 A. Yes, sir, I did.

21 Q. And what did you did speak to him about?

22 A. Uh, in general, uh, gave Mr. Porter separately from
23 Mr. Bokus his Miranda warnings, questioned him about why he
24 was there, why his his friend who was with him was there, what
25 they were doing, uh, why his, generally, uh, our investigation

MICHAEL MERCKLE - DIRECT EXAMINATION BY MR. BELL

1 as to what they were doing and why they were at that location.

2 Q. What was the rough age range of the individuals in the
3 house?

4 A. Uh, early twenties.

5 Q. And are you including Mr. Porter in that estimate?

6 A. Uh, yes, sir.

7 Q. Okay. Did you speak to David Porter or James Porter
8 about anything else?

9 A. Yes, sir, I did.

10 Q. What?

11 A. Uh, I approached him about possibly becoming a
12 confidential informant for the Lexington County Sheriff's
13 Department.

14 Q. What do you call a confidential in -- in -- informant for
15 short?

16 A. A CI.

17 Q. And why was he approached to be a CI?

18 A. Well typically when we go to locations such as, uh,
19 narcotic residences where obviously where narcotics are being
20 pro -- uh, processed, produced or sold, uh, we come across
21 individuals that we don't have any charges on, uh, but they
22 may have information that can assist us with locations or
23 other information down the road that can lead us to who the
24 distributors are, where where or when narcotics are coming in
25 and so we approach everybody that we speak with ---

MICHAEL MERCKLE - DIRECT EXAMINATION BY MR. BELL

1 Q. Right.

2 A. --- who's willing to listen to us, who's willing to talk
3 to us about becoming a an actual informant.

4 Q. Did David Porter agree to act as a confidential
5 informant?

6 A. No, sir.

7 Q. Did ya ever follow up with him to try to get him again to
8 be a confidential informant?

9 A. No, sir, I did not.

10 Q. Were the four occupants in the house ultimately arrested?

11 A. Yes, they were.

12 Q. Was David Porter arrested?

13 A. No, sir.

14 Q. And why wasn't he arrested?

15 A. Uh, through our investigation we didn't find any
16 probable cause that, uh, Mr. Porter or the individual who was
17 with him, Mr. Bokus, had any involvement in the narcotic
18 activity that was goin' on, we had no evidence to show that
19 they had any any, um, any e -- any of their activity was based
20 on on the narcotic activity going inside the house, we just
21 didn't have enough.

22 Q. And to clarify, was Mr. Porter in the house?

23 A. No, sir, he was not.

24 Q. Was he on scene when you initially arrived?

25 A. Yes, sir.

MICHAEL MERCKLE - DIRECT EXAMINATION BY MR. BELL

1 Q. Now wanna back and I want you to tell us more about your
2 training as it relates to narcotics.

3 A. Sure. Um, I've been with the narcotics units since
4 approximately 2012, uh, I, in 2013 I was sent to the, uh, Drug
5 Enforcement Agency for meth school, methamphetamine school,
6 uh, basically to be able to identify and handle meth labs, um,
7 that we come across on a daily basis here in the county, I was
8 certified as a what's called a "meth tech" through, um, the
9 Drug Enforcement Administration, the DEA, and I, each year I
10 recertify through Lexington County, um, once a year, every
11 year go through the motions, make sure that I've, I'm properly
12 trained and up-to-date, up to speed as to new, the new
13 information that we're getting.

14 Q. Now you've said meth a couple of times, uh, what are you
15 referring to?

16 A. Uh, methamphetamine, I I apologize.

17 Q. Tell us about some of your practical experiences working
18 with narcotics investigations.

19 A. Um, the practical experiences I've worked a lot of
20 undercover, um, I've bought probably just about every
21 narcotic, uh, that's sold within Lexington County, uh, to
22 include, uh, ice which is a form a methamphetamine, uh,
23 powdered meth, regular one-pot methods as they call it, uh,
24 narcotic pills, heroin, marijuana, uh, you name it I've pretty
25 much purchased it along with using confidential informants to

MICHAEL MERCKLE - DIRECT EXAMINATION BY MR. BELL

1 to purchase narcotics for for us.

2 Q. And when you say "use a confidential informant," what
3 exactly do you mean?

4 A. Uh, basically, we instruct the person that we're using as
5 the informant, um, to go make a purchase which is all, uh,
6 monitored by us, by law enforcement, um, and usually recorded
7 and then prosecuted on the back end.

8 Q. From your history conducting purchases both personally
9 while undercover and through the use of confidential
10 informants, are you familiar with the monetary values
11 associated with ice or meth?

12 A. Absolutely, yes, sir.

13 Q. And are you familiar with the differences in general
14 between ice and traditional meth?

15 A. Yes.

16 Q. Have you dealt with ice in the field?

17 A. Uh, yes, sir, absolutely.

18 Q. One time or many times?

19 A. Many, daily.

20 Q. And how familiar are you with the origin⁹ of ice?

21 A. Uh, very familiar.

22 Q. And are you familiar with the typical structures used to
23 distribute illegal narcotics such as ice?

24 A. Yes, sir, I am.

25 Q. And specifically are you familiar with structures to

MICHAEL MERCKLE - DIRECT EXAMINATION BY MR. BELL

1 distribute ice?

2 A. Yes.

3 Q. Okay. You ever testified in court as an expert expert
4 before?

5 A. Yes, sir, I have.

6 Q. How many times?

7 A. Uh, twice.

8 Q. And what did that testimony relate to?

9 A. Uh, methamphetamine and narcotics.

10 Q.. Have you ever been deemed unqualified to be an expert in
11 narcotics?

12 A. No, sir.

13 MR. BELL: Your Honor, this time we'd seek to move Agent
14 Mike Merckle as an expert in the field of narcotics
15 investigation and ice trafficking.

16 THE COURT: Got some voir dire, Ms. Zmroczek?

17 MS. ZMROCZEK: Just briefly, ---

18 THE COURT: Okay.

19 MS. ZMROCZEK: --- Your Honor.

20 DIRECT EXAMINATION BY MS. ZMROCZEK:

21 Q. Um, Agent Merckle, as an expert are you able to testify
22 as to the physiological effects of what ice does or meth?

23 A. I mean, not from a doctor's standpoint or medical expert
24 no, ma'am.

25 Q. But from a a a a behavioral standpoint.

MICHAEL MERCKLE - DIRECT EXAMINATION BY MR. BELL

1 A. Yes.

2 Q. Okay. Uh, we have no, we have no problem with him being
3 qualified, Your Honor.

4 THE COURT: All right. Mr. Robinson, and, um, ladies and
5 gentlemen a the jury, what's part is done is they're gonna
6 offer Agent Merckle as an expert in the field of narcotics and
7 methamphetamine investigation and how they, uh, work, on
8 charging people that are dealin' in narcotics trade, he's been
9 offered in that field so he's able to offer opinions in
10 addition to factual testimony so he's been presented and he's
11 qualified as an expert in that field. All right, go ahead.

12 MR. BELL: Thank you, Your Honor.

13 BY MR. BELL:

14 Q. We've spoken briefly about confidential informants and
15 their purpose, why are they called "confidential informants?"

16 A. We call 'em confidential informants because it's exactly
17 what the word means, confidential, we keep their personal
18 information to include their names, pictures, any information
19 about them confidential, um, not in general systems where the
20 public can get ahold of it, we keep everything under lock and
21 key off-site from the main sheriff's department.

22 Q. Tell us a little bit more about the methodology used to
23 maintain the confidential nature of your informant.

24 A. Well what we do is we, obviously we would interview them,
25 once they become a candidate and they're approved through our

MICHAEL MERCKLE - DIRECT EXAMINATION BY MR. BELL

1 supervisor we, they'd be assigned what's called a "number", a
2 CI number, a confidential informant number, that number is
3 specific to that particular person and that person, that
4 number's always used for that person, any time they do any
5 ki -- type of work for us so that that number is associated
6 with them so when we write reports their name doesn't go into
7 it, it's a CI or a confidential number that's put in place of
8 their name.

9 Q. Is it common or uncommon for the sheriff's department to
10 release information related to confidential informants?

11 A. It's very uncommon.

12 Q. Now are CIs sometimes identified anyway?

13 A. Yes, sir.

14 Q. And how does somethin' like that occur?

15 A. Well there's several different ways. Um, if the
16 confidential informant has spoken to loved ones, family
17 members or friends is usually the the most popular way that
18 the information gets out or, uh, the person who's arrested
19 later on down the line reads over their paperwork and just by
20 happenstance is able to take the dates and times and places of
21 where things happened and say, Okay, well I only sold
22 narcotics to this person, this person and that person and I
23 know that these two people, so the process of elimination
24 basically is how they would be able to figure it out.

25 Q. Are drug dealers and traffickers wary of CIs?

MICHAEL MERCKLE - DIRECT EXAMINATION BY MR. BELL

1 A. Always.

2 Q. And are people sometimes coined as CIs that are not
3 actually CIs?

4 A. Yes, sir, all the time.

5 Q. Why does something like that occur?

6 A. Well in this, in the drug world that there's obvious drug
7 induced paranoia, um, and everybody thinks every narcotic
8 dealer and/or user always thinks the next person is out to get
9 them, that, you know, you can't trust anybody, there's no love
10 lost in this game, we we interview these people all the time
11 and they always go back to the same thing: as soon as they're
12 arrested those, in many, many cases as soon as they're
13 arrested they get on the phone and they start callin'
14 everybody they've ever dealt to and they start accusing them
15 of bein' informants.

16 Q. Was James David Porter the third a confidential informant
17 for the sheriff's department?

18 A. No, sir.

19 Q. Do ya have any information at all that he was a
20 confidential informant for any law enforcement agency?

21 A. No, sir.

22 Q. We'll talk a little bit about ice addiction, are you
23 familiar with the effects that Ms. Zmroczek talked to ya
24 about?

25 A. Yes, sir, I am.

MICHAEL MERCKLE - DIRECT EXAMINATION BY MR. BELL

1 Q. On a scale of one to ten, how addictive is ice?

2 A. A ten.

3 Q. And when it comes to addiction to meth, does scales being
4 found on someone always indicate that they are also a
5 distributor of that ---

6 A. Yeah.

7 Q. --- narcotic?

8 A. No, sir, absolutely not.

9 Q. Why do you people sometimes -- why are people sometimes
10 found with scales if they're not distributors?

11 A. Well, within the narcotic world narcotics, making money
12 in narcotics is based off of weight. Almost all of your drugs
13 other than pills are sold by weight so the more weight you
14 have in a drug the more expensive it is, therefore, people are
15 always tryin' to find ways to make their dope or their drug
16 weigh more so that they can charge more for it. I myself in a
17 undercover capacity have carried digital scales in my pocket
18 when I buy dope s, you know, specific amounts if I'm buying
19 over a gram or so to make sure that I'm not getting ripped off
20 basically and that's what they'll do, uh, they're notorious,
21 drug narcotic, drug or narcotic dealers are notorious for
22 having bags tied with big knots or they'll put more what c --
23 what they call "cut," uh, other kinds of powder or other kinds
24 of, uh, of chemicals within the narcotic to make it weigh more
25 so they can charge more so basically you're getting less of a

MICHAEL MERCKLE - DIRECT EXAMINATION BY MR. BELL

1 narcotic and more of the the bad stuff, if you will, the nasty
2 stuff that's not gonna do anything for you if you're in that
3 type of, in that type of world.

4 Q. Now with that said do addicts ever distribute
5 narcotics?

6 A. Yes, sir.

7 Q. And what is one a the reasons that they would distribute
8 narcotics?

9 A. Uh, the main reason that I've come across through my
10 interviews in the years that I've worked is to support their
11 own habit.

12 Q. And you said "main reason," are you indicating that is a
13 common or uncommon occurrence of addicts?

14 A. That's a very common occurrence.

15 Q. Based on your investigation and your review of the case,
16 was James David Porter the third an addict of ice?

17 A. Yes, sir.

18 Q. Want you to break it down a little further for us, what
19 exactly is ice?

20 A. Okay, so ice is a form of methamphetamine, it's exactly
21 the same as what you would, what you see on TV, uh, as powder
22 form, it comes in different forms, either ice which is it's
23 called "ice" because it looks like glass shards or little
24 pieces of, uh, little pieces of ice basically in your cup.
25 They're very, usually very clear, they look like little broken

MICHAEL MERCKLE - DIRECT EXAMINATION BY MR. BELL

1 pieces of glass and basically it's just another form of meth,
2 it's the same narcotics, the same drug, sometimes it's a
3 little higher potency 'cause it's very hard to cut or put any
4 other chemicals into ice once, uh, that, once the process is
5 done there's two different ways to actually make powder meth
6 which is the meth that we typically see or have been typically
7 seeing around here in our one-pots which would be the white
8 powder substance that everybody usually identifies with meth,
9 looks a lot like cocaine, ice looks completely different
10 because it's a different, there's just a different way of
11 actually manufacturing it but this is the same drug.

12 Q. Now when it comes to addicts or people on the street, is
13 traditional meth that you've been calling "one-pot meth," is
14 that preferred over ice?

15 A. No.

16 Q. And give us some of the reasons why ice is preferred.

17 A. The reasons that we've come across that ice is preferred
18 is 'cause lotta people think it's, again, it's it's more
19 potent, um, you get more of the actual drug with the ice than
20 you do with the powder meth because it's very very hard to cut
21 to put other things in it like baking soda or MSG or any other
22 kind of white powder that would actually kinda mask it, make
23 it more heavy so generally they get, they're getting what they
24 pay for, um, also, it this is gonna sound kinda weird but it
25 it looks cleaner, if you will. A lot of people who do drugs

MICHAEL MERCKLE - DIRECT EXAMINATION BY MR. BELL

1 they'll go to certain individuals because they know when they
2 make their drugs, they make their narcotics they make 'em as
3 clean as possible, meaning they're not doin' it in dirty
4 dishes, they're not doing it in a dirty location where other
5 toxins or things can get into it that can make them even more
6 sick than what they get when they use it.

7 Q. In order make traditional one-pot meth do individuals
8 have to purchase particular products?

9 A. Yes, sir.

10 Q. And is -- are those products something that law
11 enforcement actually tracks?

12 A. Yes, sir.

13 Q. And when it comes to the purchase or use of ice, are
14 those same products necessary?

15 A. No, sir.

16 Q. Beg the Court's indulgence.

17 (Pause..)

18 Agent, I wanna show ya something that was used earlier as
19 a demonstrative aid, is not in evidence. Would you take a
20 moment and look through that bag without ---

21 A. Sure.

22 Q. --- pulling the items out, just look through. Let me
23 know when you've had a moment.

24 A. Yes, sir.

25 Q. And what do those items at least as you see them appear

MICHAEL MERCKLE - DIRECT EXAMINATION BY MR. BELL

1 to be related to?

2 A. The manufacturing of meth.

3 Q. And what methodology?

4 A. One-pot.

5 Q. And is that the methodology that is normally used to
6 create ice found in the U.S.?

7 A. No, sir.

8 Q. Now you mentioned that ice is of a higher quality or at
9 least, thought to be of a higher quality, does that also mean
10 it's more expensive?

11 A. No, sir, actually, uh, in large quantities cheaper.

12 Q. And are you familiar with the typical street value of
13 ice?

14 A. Yes, sir, I am.

15 Q. And when broken down what does that usually come out to?

16 A. Approximately a hundred dollars a gram.

17 Q. So why is it that if it's a higher quality ice is
18 actually cheaper than meth, one-pot meth?

19 A. The market for methamphetamine is flooded with ice, it's
20 flooded with that particular product because there are no
21 regulations where it comes from whereas there are regulations
22 here. People who make one-pot here or anywhere in the state
23 or even in the United States they are restricted to buying
24 certain products because our legislation has banned certain
25 things: anhydrous ammonia and other other products that are

MICHAEL MERCKLE - DIRECT EXAMINATION BY MR. BELL

1 very very difficult, whereas other countries they don't have
2 that same problem.

3 Q. Can you give us an example of a country where this is
4 commonly seen or ice is commonly produced.

5 A. In Mexico.

6 Q. Now does most of the ice found in the U.S. actually
7 originate here in the U.S.?

8 A. No, sir.

9 Q. Where does it typically originate?

10 A. In Mexico.

11 Q. Who are the people making it in Mexico, is it pharmacies?

12 A. Uh, no, sir, cartels.

13 Q. Okay. How does it ultimately make it into the U.S.?

14 A. So what the cartel typically do is they will make very
15 large batches and when I say "large," I'm talking tons, they
16 will make tons of liquid. When you, when you mass produce
17 methamphetamine, you can leave it in a liquid form until
18 you're ready to convert it into your actual usable substance,
19 you can't take it in in a liquid form, it it would, it would
20 kill you if you took it 'cause the chemicals that are in it,
21 so they would mule these across and when I say "mule," they'll
22 use people to bring this this liquid across into the United
23 States where they would meet up with, uh, what they call the
24 "plug" or the person at a house who is running the conversion
25 lab, what we call an ice conversion lab, and at that location

MICHAEL MERCKLE - DIRECT EXAMINATION BY MR. BELL

1 they would actly -- actually convert the liquid into the the
2 ice product, the stuff that they actually use, the stuff
3 you've seen on Breakin' Bad and if you've ever seen that show
4 looks just like that, that and then what they do is the plug
5 actually gives it to their distributor, the distributor in
6 large amounts will sell it to lower level fellas who will come
7 up and buy it in bulk because they get a cheaper price if they
8 buy more of it than less and then they break that down, so if
9 you have roughly an ounce of methamphetamine that's a hundred
10 dollars a gram and you've got 20 grams in one ounce, you would
11 make \$2800 if you sold it for a hundred dollars a gram, if
12 they're buying that in in a whole ounce, they're probly gonna
13 pay half that, they're moving product, it's very very
14 lucrative business.

15 Q. Now you've mentioned these monetary values, are you
16 familiar with how much money flows back across the border into
17 Mexico related to ice trade?

18 A. Yes, sir.

19 Q. And give us a rough estimate there.

20 A. Roughly 5 billion dollars ---

21 MS. ZMROCZEK: Your Honor, ---

22 A. --- would be ---

23 MS. ZMROCZEK: --- can we approach brie-- briefly?

24 THE COURT: Um-hum.

25 (Whereupon, a bench conference was held off the record.)

MICHAEL MERCKLE - DIRECT EXAMINATION BY MR. BELL

1 BY MR. BELL:

2 Q. Again, what was the value?

3 A. Approximately 5 billion dollars.

4 Q. Now are there so-called or I think you called 'em
5 "plugs," are there any plugs in proximity to Lexington
6 County?

7 A. Yes, sir.

8 Q. How many?

9 A. Many.

10 Q. And are you aware of any plug with connections to Wiley
11 Sisk or Charles Morehouse?

12 A. Yes, sir.

13 Q. And where is that plug located?

14 A. Uh, in the Augusta, North Augusta area.

15 Q. Is that plug under investigation?

16 A. Yes, sir.

17 Q. Are you aware of by who?

18 A. The DEA.

19 Q. Now have you had an opportunity to review any
20 investigation into a Charles Morehouse?

21 A. Yes, sir.

22 Q. And was Charles Morehouse being investigated by the NET
23 team back in 2015?

24 A. Yes, sir, he was.

25 Q. Why was he being investigated?

MICHAEL MERCKLE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. For trafficking and distribution of methamphetamine,
2 specifically ice.

3 Q. And through the NET team's investigation where did ya'll
4 believe that ice to be originating from?

5 A. From the North Augusta area.

6 Q. Okay. And that plug was connected to what?

7 A. Uh, ice cartels, cartel ice.

8 Q. Is there anyone with NET that would have a more intimate
9 knowledge of the investigation into Charles Morehouse than
10 yourself?

11 A. Uh, my supervisor Sergeant Burke would.

12 Q. You -- beg Court's indulgence. Please answer any
13 questions Ms. Zmroczek may have.

14 A. Yes, sir.

15 CROSS-EXAMINATION BY MS. ZMROCZEK:

16 Q. Hey, Agent Merckle, um, you investigated, uh, the biker
17 gangs for a long time, right?

18 A. Yes, ma'am.

19 Q. Infiltrated 'em?

20 A. To an extent, yes, ma'am.

21 Q. Were -- you were named officer of the year which kinda
22 blew your cover a little bit, ---

23 A. Possibly.

24 Q. --- um, but you have personal knowledge of of of how this
25 stuff works, right, ---

MICHAEL MERCKLE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. Yes, ma'am.

2 Q. --- and what it does to people.

3 A. Yes, ma'am.

4 Q. And it, and and and it it's awful, ---

5 A. It is.

6 Q. --- it makes people lie to their families?

7 A. Absolutely.

8 Q. I think you said when you arrest people, I mean, they are
9 on the phone trying to get out because why?

10 A. They wanna get another fix, they gotta get that drug.

11 Q. They've got to get that drug.

12 A. Yes, ma'am.

13 Q. Um, you've talked about some of the behaviors that are
14 associated with that tell, the jury a little bit 'bout the
15 physical manifestations of those those behaviors.

16 A. The behaviors range from complete paranoia that
17 everybody's out to get you, like I said earlier that
18 everybody's an informant, everybody's a CI, everybody's trying
19 to or everybody's trying to rob you or steal your drugs from
20 you, um, as well as the the the physical things that happen to
21 your body, uh, it makes you physically ill when you're coming
22 down off of it which is why they wanna get more which is why
23 that narcotic is so very unbelievably addictive, um, it it's
24 it's very, it it is horrible on your, on your body physically
25 and mentally.

MICHAEL MERCKLE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. And not just the paranoia, people can become suddenly
2 violent, correct, ---

3 A. Absolutely, yes, ma'am.

4 Q. --- just burst out for no reason ---

5 A. Yes.

6 Q. --- or for some reason that they believe ---

7 A. Correct.

8 Q. --- because of this drug, right, ---

9 A. Yes, ma'am.

10 Q. --- um, and, I mean, you've seen people, you've seen that
11 happen.

12 A. Yes, ma'am.

13 Q. Um, uh, you talked about how meth, my one-pot method can
14 be, it's, uh, it can be monitored because of the ingredients
15 that need to be purchased, right?

16 A. Yes, ma'am.

17 Q. Pseudoephedrine you have to, uh, if I get, if I have
18 allergies now but I I have to sign somethin' to get my
19 Pseudoephedrine, right, ---

20 A. Yes, ma'am.

21 Q. --- because that's what these people use, ---

22 A. Yes.

23 Q. --- um, and that's how they're getting caught, right?

24 A. That is one a the ways yes, ma'am.

25 Q. So that, so it -- that meth, one-pot meth or or meth in

1 general is kind of like a gateway drug to ice, right?

2 A. I mean, it's the same drug so but I would, I would say
3 yes, I guess if if you, since it's not produced here then yes.

4 Q. I mean, most people don't just start doin' ice right
5 away, right?

6 A. N -- I guess it would just depend on who they are, where
7 they're at, I mean, if if you don't know somebody who makes it
8 and you're don't have the ability to make it yourself,
9 somebody offers it to you or if they know that it's the same
10 drug but that there a lotta people who are misinformed, they
11 don't understand that ice is the same thing as meth, it's just
12 called somethin' different because it looks different.

13 Q. Right, and and and and and it is highly addictive, I
14 think you said a 10, ---

15 A. Yes, ma'am, absolutely.

16 Q. --- probly could be a hundred on a scale of 1 to 10, ---

17 A. Yeah, ---

18 Q. --- correct?

19 A. --- if the number was a hundred then yes.

20 Q. Yeah? Um, and it -- you and and and members of the NET
21 team throughout the state are are trying to get control of
22 this, right, ---

23 A. Yes, ma'am.

24 Q. --- and it it it it's an epidemic?

25 A. Yes.

MICHAEL MERCKLE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. And you all were investigating a plug in North
2 Augusta ---

3 A. Yes, ma'am.

4 Q. --- and that plug had connections to Charles
5 Morehouse ---

6 A. Yes, ma'am.

7 Q. --- and that's where Charles Morehouse would go to get
8 his stuff to traffic, right?

9 A. It is our belief through our investigation that, yes,
10 ma'am, that's where the large amounts were coming from.

11 Q. And it, and you in fact are aware that Charles Morehouse,
12 um, had pending drug, methamphetamine charges, correct, ---

13 A. Yes, ma'am.

14 Q. --- uh, prior to this ---

15 A. Yes.

16 Q. --- incident. And the drugs not only are ya'll tryin' to
17 get in touch with 'em, uh, and get control of 'em but the,
18 that the the legislature is helping you, right?

19 A. To an extent, yes, ---

20 Q. Um-hum.

21 A. --- trying to.

22 Q. By that I mean if you get arrested the first time, it's a
23 penalty, right, ---

24 A. Right.

25 Q. --- but you get arrested a second time for any kinda

MICHAEL MERCKLE - CROSS-EXAMINATION BY MS. ZMROCZEK

- 1 drug, it, penalties get worse and worse, ---
- 2 A. Absolutely, ---
- 3 Q. --- right? And ---
- 4 A. --- yes, ---
- 5 Q. --- we're ---
- 6 A. --- absolutely.
- 7 Q. --- talking 25 to 30 years worse, right, ---
- 8 A. Yes, ma'am.
- 9 Q. --- um, for a third offense, ---
- 10 A. Yes, ma'am.
- 11 Q. --- just a third offense? Um, so people are aware if
- 12 they get caught what happens, right?
- 13 A. Absolutely.
- 14 Q. Uh, you said that it was common for users to sell drugs
- 15 to support their habit ---
- 16 A. Yes, ma'am.
- 17 Q. --- but that then makes them a distributor, correct?
- 18 A. Yes, ma'am.
- 19 Q. Okay. I mean, it it, just mincing words but they're,
- 20 that they're distributing to support their habit.
- 21 A. Yes, ma'am.
- 22 Q. And it, and sometimes it, in any business they get
- 23 materials or ice or drug or whatever on credit ---
- 24 A. Yes, ma'am.
- 25 Q. --- and they do that because they have a relationship

MICHAEL MERCKLE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 with the, with the person who is trafficking it to them so
2 that they can distribute it, ---

3 A. Yes, ma'am.

4 Q. --- and so people can also have scales because they're
5 distributing it, not just 'cause they're using.

6 A. Yes, ma'am, ---

7 Q. Oh.

8 A. --- absolutely.

9 Q. Oh. Agent Merckle, you talked about the arrest on May
10 8th ---

11 A. Yes, ma'am.

12 Q. --- that you were a part -- a part of in ---

13 A. Yes, ---

14 Q. --- Spring, in Springdale I think it was ---

15 A. Yes, ma'am.

16 Q. --- and that that that, um, Rico or Mr. Porter and and
17 his friend, I ---

18 A. Anthony ---

19 Q. --- didn't call ---

20 A. --- Bokus I believe is his name.

21 Q. Okay, and they weren't at the house, ---

22 A. They weren't inside the house, they were in the
23 driveway.

24 Q. --- they had actually driven up during, ---

25 A. Yes, ma'am.

MICHAEL MERCKLE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. --- so there was no probable cause to arrest them, right?

2 A. No. No, ma'am.

3 Q. Didn't arrest either one of them.

4 A. No, ma'am.

5 Q. Um, well it -- did you call their fa -- their parents?

6 A. I believe it is either myself or Agent Purdy, I would
7 suspect it was me but honestly I don't remember which one of
8 us did call but, yes.

9 Q. And you called both of their parents.

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

11 Q. Okay. And what was the purpose in that?

12 A. Uh, because they were younger, it's I guess a a small
13 chance to try to intervene on somebody who is so young, um, to
14 kinda let their family know that, Hey, this is goin' on, we're
15 out here, they're not being arrested, we suspect that they are
16 doing something that they're not supposed to or at least
17 hanging out with people who are very very, in a very bad way
18 could get them into some serious trouble, uh, maybe they can
19 step in and help that type of situation.

20 Q. To maybe get a a a an extra layer of of what you would
21 believe would be assistance but the, but the vic -- or the the
22 person they arrest or potential arrestee would consider some
23 more pressure, right?

24 A. Sure, ---

25 Q. Okay.

1 A. --- I -- absolutely.

2 Q. Uh, the people who make the money off of this ice we
3 talked about the 5.8 billion or or how how does that money
4 flow; for example, a trafficker makes more than a dealer,
5 right, ---

6 A. Correct.

7 Q. --- and then a plug makes more than trafficker.

8 A. Right.

9 Q. Okay, so the hierarchy and then of course the cartel is
10 makin' ---

11 A. Just about everything.

12 Q. Right, just about everything. Uh, so it it's kind of a a
13 pyramid scheme ---

14 A. Yes, ma'am.

15 Q. --- and so if somebody doesn't pay, ---

16 A. Somebody may come out to collect ---

17 Q. Someone might come ---

18 A. --- or they don't sell ---

19 Q. Yeah, ---

20 A. --- through them ---

21 Q. --- that ---

22 A. --- anymore.

23 Q. --- that someone might come out to collect ---

24 A. Correct, ---

25 Q. --- right?

MICHAEL MERCKLE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. --- yes, ma'am.

2 Q. Okay. It can be, ice can be eaten, snorted, or injected,
3 right?

4 A. Yes.

5 Q. What's the most common way that you've seen it?

6 A. Smoked.

7 Q. Smoked?

8 A. With ice it's it's smoked most a the time.

9 Q. Um, what are the benefits of injecting it?

10 A. Immediate high. The fastest high that you can actually
11 get is through blood stream although I'm not a, claiming to be
12 a a medical professional ---

13 Q. Certainly.

14 A. --- in any any way. From what my training and experience
15 has taught me, uh, it is through injections, the next fastest
16 way would be smoking it through the lungs.

17 Q. Okay. And when you, uh, go out to these areas where --
18 at -- what alerts you to to meth being manufactured?

19 A. Well the products that I saw in the bag obviously, the
20 products that would be, everybody was shown I believe, uh,
21 also, a very strong chemical smell which is indicative of the
22 manufacturing of methamphetamine that we've been trained ---

23 Q. To recognize, right?

24 A. Yes, ma'am.

25 Q. Okay. And and and when you go out to these areas, um,

MICHAEL MERCKLE - REDIRECT EXAMINATION BY MR. BELL

1 you'll typically find discarded needles as well, right?

2 A. Absolutely.

3 Q. Okay. You weren't i -- were you involved in any of the
4 searches in this case?

5 A. No, ma'am, I was ---

6 Q. Okay.

7 A. --- not.

8 Q. That plug that was related to Charles Morehouse, um, has
9 actually, has he been arrested?

10 A. Uh, not that I'm aware of.

11 Q. Okay. No further questions, thank you.

12 THE COURT: Okay.

13 MS. MAYES: Beg the Court's indulgence..

14 (Pause.)

15 MR. BELL: Thank you, Your Honor.

16 REDIRECT EXAMINATION BY MS. MAYES:

17 Q. Are you aware of whether or not warrants were ever
18 actually signed out on Charles Morehouse?

19 A. Yes, sir.

20 Q. And do you recall when those warrants were served?

21 A. I don't recall. .

22 Q. Does August 3rd sound about right?

23 A. It does sound about the right time frame, yes, sir.

24 Q. Up until the point that he was served with the
25 warrants -- let me rephrase. When someone is served warrants

MICHAEL MERCKLE - REDIRECT EXAMINATION BY MR. BELL

1 for distribution, what sort of information is contained in
2 those warrants?

3 A. The warrant contains the probable cause that we have to
4 actually take their freedom away. One of the greatest, uh, or
5 one a the greatest powers entitled in law enforcement is to
6 take somebody's freedom away so we don't take that lightly.
7 In that warrant explains exactly what happened. Um, now it
8 will not include the person's name if it was a confidential
9 informant or even a law enforcement, if I go do it undercover
10 it would just say specifically sold to a an operative law
11 enforcement or an undercover agent of law enforcement but it
12 would contain the date, the time, the location and a general
13 synopsis as to what happened in that particular case or that
14 particular day.

15 Q. So prior to August 3rd when those distribution warrants
16 would have been served on Charles Morehouse, would he have
17 known for sure by looking at those dates who the CI was?

18 A. No, sir.

19 Q. Do traffickers ever have subordinates?

20 A. Oh, yes, sir.

21 Q. Is it common or uncommon.

22 A. Very common.

23 Q. And are those subordinates supposed to follow orders?

24 A. Yes, sir.

25 Q. And would the kind of orders being followed relate to

MICHAEL MERCKLE - REDIRECT EXAMINATION BY MR. BELL

1 something like collections?

2 A. Absolutely.

3 Q. So to a subordinate what exactly is a trafficker?

4 A. A trafficker is the guy that you go to when you need what
5 they call "re-up," you need to get more to sell but basically
6 he holds a larger amount. The trafficker doesn't doesn't
7 wanna go out and start dealing to random people because he's
8 holding so much that he kn -- he or she knows that if he get,
9 he or she gets caught it's almost guaranteed they're goin' to
10 prison for quite some time, therefore, they get subordinates
11 or people under them to sell smaller amounts for them. When
12 they start running out, the trafficker will collect money from
13 that person if they haven't already paid for it. A lotta
14 times what we see is they will give it out on, quote, unquote,
15 credit or get, you know, they would, uh, front somebody X
16 amount, they would go out, sell it for whatever price they can
17 get and they would bring him back the predetermined amount
18 that they had agreed upon as how much they were gonna get for
19 that amount they'd get so . . .

20 Q. In a trafficker/subordinate relationship, is the
21 trafficker the boss?

22 A. Yes.

23 Q. No further questions.

24 THE COURT: Okay, you step down.

25 THE WITNESS: Okay, thank you.

MICHAEL MERCKLE - REDIRECT EXAMINATION BY MR. BELL

1 THE COURT: Um-hum.

2 (Whereupon, the witness left the stand.)

3 THE COURT: Good time for lunch break, folks? All right.

4 THE BAILIFF: See.

5 THE COURT: Mr. Robinson, let's, um, send ya'll to lunch,
6 ya'll can go wherever you like, so you don't have to go
7 together and but ya can go anywhere but you can't discuss the
8 case. How 'bout be back in the jury room at 1:45, give you a
9 hour and fifteen minutes, all right.

10 UNIDENTIFIED JUROR: Sounds good.

11 (Whereupon, a recess was taken.)

12 (Whereupon, a discussion was held off the record.)

13 THE COURT: Ready to go?

14 MS. MAYES: Yes, sir.

15 THE COURT: All right, get 'em.

16 THE BAILIFF: Yes, sir.

17 (Whereupon, a discussion was held off the record.)

18 (The following takes place in the presence of the jury.)

19 THE COURT: All right, call your witness.

20 MR. BELL: Thank you, Judge, State calls Riley Furman to
21 the stand.

22 (Whereupon, the witness came forward.)

23 THE CLERK: You'll put that right there (indicating).

24 Raise your right hand, put your left hand on Bible.

25 RILEY FURMAN, having been first

RILEY FURMAN - DIRECT EXAMINATION BY MR. BELL

1 duly sworn, testified as follows

2 THE CLERK: Thank you. If you'll have a seat right here
3 (indicating), state your name and spell your last, please, for
4 the record.

5 THE WITNESS: Riley Furman, F-U-R-M-A-N.

6 DIRECT EXAMINATION BY MR. BELL:

7 Q. Riley, how old are ya?

8 A. Twenty-four.

9 Q. And where do ya live?

10 A. Uh, Chapin, South Carolina.

11 MS. ZMROCZEK: I'm sorry, Your Honor, I can't hear.

12 Q. Could ya speak up a little bit for us.

13 (Indiscernible cross-talk.)

14 A. Chapin.

15 (Whereupon, a discussion was held off the record.)

16 Q. Where do ya live?

17 A. Chapin, South Carolina.

18 Q. And do ya work?

19 A. Yes, sir.

20 Q. Where you workin'?

21 A. Uh, Farm Boy's Barbecue.

22 Q. Okay. Riley, did you know a James David Porter the
23 third?

24 A. Yes, sir.

25 Q. What did you call him?

RILEY FURMAN - DIRECT EXAMINATION BY MR. BELL

- 1 A. Uh, David.
- 2 Q. How long did ya know David?
- 3 A. Um, 'bout two and a half years.
- 4 Q. Where'd ya'll meet?
- 5 A. Uh, at his job, Zorba's.
- 6 Q. What was he doing at Zorba's?
- 7 A. Uh, he was in the kitchen.
- 8 Q. Okay. Now would you just consider him an acquaintance or
- 9 a friend?
- 10 A. Uh, more of a friend.
- 11 Q. Did ya'll hang out?
- 12 A. Yes, sir.
- 13 Q. Riley, have you ever used drugs before?
- 14 A. Yes, sir.
- 15 Q. What kind of drugs have you used?
- 16 A. Uh, marijuana, cocaine, meth.
- 17 Q. Have you used ice?
- 18 A. Yes, sir.
- 19 Q. And is there a difference between meth and ice?
- 20 A. Yes, sir.
- 21 Q. You know if David ever used drugs?
- 22 A. Yes, sir.
- 23 Q. And do ya know what he would use?
- 24 A. Uh, weed and ice.
- 25 Q. And did ya'll ever do drugs together?

RILEY FURMAN - DIRECT EXAMINATION BY MR. BELL

1 A. Yes, sir.

2 Q. What drug did he prefer?

3 A. Ice.

4 Q. Based on hangin' out with David, was he addicted?

5 A. Yes, sir.

6 Q. Did ya'll ever talk about that addiction?

7 A. Yes, sir.

8 Q. Did he ever have any physical changes that seemed like it
9 was from the addiction?

10 A. Uh, weight loss.

11 Q. How much weight did he lose?

12 A. Probly a hundred pounds.

13 Q. And what period a time did he lose that weight?

14 A. Probly March or April till August.

15 Q. So was it a handful a months?

16 A. Yes, sir.

17 Q. You know anything about David's family life?

18 A. Yes, sir.

19 Q. And do you know that personally from hanging' out with
20 David?

21 A. Yes, sir.

22 Q. Did his father try to help him?

23 A. All the time.

24 Q. What was their relationship like?

25 A. It was good.

RILEY FURMAN - DIRECT EXAMINATION BY MR. BELL

1 Q. Did they get along?

2 A. For the most part.

3 Q. What about the other part?

4 A. Uh, and his dad didn't approve the drug use.

5 Q. And are you aware of what sorta things his dad was trying
6 to do to deter?

7 A. Yes, sir.

8 Q. What sorta things?

9 A. Uh, took his phone and his car away and sent him to
10 rehab.

11 Q. Was it ever indicated to you by what you saw or or knew
12 that David's father ever gave up on him?

13 A. Not one bit.

14 Q. And do you acknowledge that David was detained by the
15 sheriff's department as a result of a meth house bust?

16 A. Yes, sir.

17 Q. And are you aware of whether or not David was approached
18 to work as a confidential informant?

19 A. I know that he was approached.

20 Q. And how did you come to know that?

21 A. Uh, from what he had told me and from what I had heard.

22 Q. Do you know if he accepted that offer?

23 A. No, I do not, I don't believe so.

24 Q. Did ya ever see him talkin' to law enforcement?

25 A. No, sir.

RILEY FURMAN - DIRECT EXAMINATION BY MR. BELL

1 Q. Did David being a confidential informant or a CI ever
2 come up again?

3 A. Through hearing it around, yes.

4 Q. When you say "around," what sort of places are you
5 talkin' about?

6 A. Bar scene.

7 Q. Through July and August of 2015 do you have personal
8 knowledge as to whether David was aware of what people were
9 saying about him?

10 A. Yes, sir.

11 Q. And was it related to him being or talking to law
12 enforcement?

13 A. Yes, sir.

14 Q. On August 3rd a 2015 did ya see David that day?

15 A. Yes, sir.

16 Q. Was there anything special about that day?

17 A. It was the day after his birthday.

18 Q. And what was ya'lls intentions that day?

19 A. Hang out and have a good time.

20 Q. When did you first see David that day?

21 A. 'round eight o'clock.

22 Q. Morning or evening?

23 A. Evening.

24 Q. And where'd ya see him?

25 A. Uh, whenever he came to my house.

RILEY FURMAN - DIRECT EXAMINATION BY MR. BELL

- 1 Q. Was he alone?
- 2 A. No, sir.
- 3 Q. Who was he with?
- 4 A. Alicia and Molli.
- 5 Q. Do ya happen to know their last names?
- 6 A. Uh, Bush and Cline.
- 7 Q. Is that a Alicia Cline and Molli Bush?
- 8 A. Yes, sir.
- 9 Q. How long were you at your house?
- 10 A. Probly 'bout a hour.
- 11 Q. And what were ya'll doing during that time?
- 12 A. Uh, we smoked a little bit a ice and then talk about what
- 13 we were gonna do that night.
- 14 Q. And who brought the ice?
- 15 A. David.
- 16 Q. Was it a little bit?
- 17 A. Yes, sir.
- 18 Q. How much?
- 19 A. 'bout 3 to 4 grams.
- 20 Q. Did ya'll smoke all that?
- 21 A. No, sir.
- 22 Q. Did ya'll smoke most of it?
- 23 A. A little bit.
- 24 Q. Did ya'll pass it around between each other?
- 25 A. Yes, sir.

RILEY FURMAN - DIRECT EXAMINATION BY MR. BELL

1 Q. Having used ice and meth before, do ya build up a
2 tolerance?

3 A. I don't believe so.

4 Q. What drug did you use most often?

5 A. Marijuana.

6 Q. After being at your house for a while, where did ya'll
7 head next?

8 A. Uh, I met them at, he went to his house and then I met
9 them and we went to, uh, the Peak Food Lion and then to
10 apartment.

11 Q. Why'd ya'll go to the Food Lion?

12 A. To leave my car there.

13 Q. Why are ya leavin' your car there?

14 A. It wouldn't make it.

15 Q. After Food Lion where'd ya go?

16 A. Uh, we went to apartment.

17 Q. And who was with ya?

18 A. David, Molli and Alicia.

19 Q. And whose vehicle were you in?

20 A. David's.

21 Q. And from there you were heading where?

22 A. To apartment.

23 Q. What apartment?

24 A. Days Inn.

25 Q. Is that a hotel or motel?

RILEY FURMAN - DIRECT EXAMINATION BY MR. BELL

- 1 A. Yes, sir.
- 2 Q. And what was the purpose of heading there?
- 3 A. Have somewhere to stay.
- 4 Q. Were ya'll gonna celebrate his birthday?
- 5 A. Yes, sir.
- 6 Q. And was that gonna involve drug use?
- 7 A. Yes, sir.
- 8 Q. I'm showing ya State's 26, if you put a hand on that for
- 9 me, do you recognize that picture?
- 10 A. Yes, sir.
- 11 Q. What is that picture showing?
- 12 A. The back seat of David's car.
- 13 Q. And is that roughly how it appeared on the day that you
- 14 were riding in it with ---
- 15 A. Yes.
- 16 Q. --- that group of people?
- 17 A. Yes, sir.
- 18 Q. Refer ya to State's 25, does anything stand out in that
- 19 (indicating) picture?
- 20 A. Uh, the Crown Royal bag.
- 21 Q. And why does that stand out to ya?
- 22 A. That's what we kept the drug paraphernalia in.
- 23 Q. Whose bag did that belong to?
- 24 A. David.
- 25 Q. 'fer to State's 26, is one a the photos that you had a

RILEY FURMAN - DIRECT EXAMINATION BY MR. BELL

1 chance to look at, once again for the jury now that they can
2 see it, what is that a picture of?

3 A. Uh, the back seat of David's car.

4 Q. And that's the car that ya'll drove in on that day?

5 A. Yes, sir.

6 Q. And in State's 25 what are we lookin' at here
7 (indicating)?

8 A. Uh, the back seat or the back of one of the front seats
9 and a Crown Royal bag in the seat.

10 Q. Are you indicating this (indicating) item?

11 A. Yes, sir.

12 Q. And what did you indicate was inside a that bag?

13 A. Drug paraphernalia.

14 Q. After ya'll made it to the motel or the Days Inn, did
15 David remain there with you the rest a the night?

16 A. No, sir.

17 Q. How long was he there before he got up to leave?

18 A. Ten to fifteen minutes.

19 Q. And are you aware of why he left?

20 A. He was going to meet somebody.

21 Q. Do you know who he was going to meet?

22 A. Not a name but it was a drug dealer.

23 Q. Did you have any idea in your head who you thought he was
24 goin' to meet?

25 A. Yes, sir.

RILEY FURMAN - DIRECT EXAMINATION BY MR. BELL

1 Q. And who is that?

2 A. Chuck.

3 Q. Is he also known as Charles?

4 A. After everything was said and done yes, sir.

5 Q. Before he left how was David acting?

6 A. Skittish and nervous.

7 Q. Now you've hung out with David when he was using ice
8 before, that what you testified to earlier?

9 A. Yes, sir.

10 Q. Was his skittishness outside of the ordinary this
11 particular time?

12 A. Yes, sir.

13 Q. Did something appear to be wrong?

14 A. He was sweating' a lot.

15 Q. Was he acting that way when he was at your home earlier
16 in the day?

17 A. No, sir.

18 Q. When was it that he began to act like that?

19 A. Once we got to the hotel.

20 Q. And do you know what happened after you got to the
21 hotel?

22 A. Besides for him havin' to leave no, sir.

23 Q. I wanna back up, earlier in the day at your home did you
24 offer anything to David before he left your house that day?

25 A. A water and brass knuckles.

RILEY FURMAN - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. And why did you offer him brass knuckles or did he take
2 brass knuckles?

3 A. He asked that for protection.

4 Q. Did he tell ya anymore about that?

5 A. No, sir.

6 Q. After David left did you ever see him again?

7 A. No, sir.

8 Q. When was it that you found out what happened?

9 A. Whenever the three investigators knocked on the door.

10 Q. Was it that same night?

11 A. Yes, sir.

12 Q. Did you talk to law enforcement?

13 A. Yes, sir.

14 Q. Did you tell them what you know?

15 A. Yes, sir.

16 Q. How did you feel when you found out that he was
17 murdered?

18 A. Empty.

19 Q. Thank you, Riley.

20 CROSS-EXAMINATION BY MS. ZMROCZEK:

21 Q. Riley, um, I just have a couple of questions. Uh, you'd
22 never met Alicia or Molli that, before that night, had you?

23 A. Correct.

24 Q. That that was your first time meeting 'em.

25 A. Yes, ma'am.

RILEY FURMAN - CROSS-EXAMINATION BY MS. ZMROCZEK

- 1 Q. Uh, now did you know Chuck?
- 2 A. No, ma'am.
- 3 Q. How did you know his name?
- 4 A. Through word a mouth through people.
- 5 Q. Did you know him through, uh, David?
- 6 A. Yes, ma'am.
- 7 Q. David talked about him, right, 'cause that's where he got
- 8 his ice from, right?
- 9 A. I did not know that.
- 10 Q. You did not know that?
- 11 A. No, ma'am.
- 12 Q. Where did you get your ice from?
- 13 A. From different people.
- 14 Q. Okay. Um, when was the last time that you used any
- 15 ice?
- 16 A. A month, month and a half 'fore August 3rd.
- 17 Q. Uh, I'm sorry, a month and a half?
- 18 A. About a month before August 3rd.
- 19 Q. Oh, about a month before August?
- 20 A. Yes, ma'am.
- 21 Q. But then you used it, but you also used it August 3rd,
- 22 right?
- 23 A. Yes, ma'am.
- 24 Q. Okay. Um, and so I wanna just clear up a a a few things,
- 25 so that night or that day that was his birthday, you knew

1 that, right?

2 A. The day before that yes, ma'am.

3 Q. The day before, uh, and so ya'll were celebratin' it the
4 the next day?

5 A. Well I -- me and him weren't hanging out anymore and then
6 he came over to the house see how I was doin' and see if I
7 wanted to hang out.

8 Q. Okay. Why weren't ya'll hanging out anymore?

9 A. Just tryin' to go down different paths I guess.

10 Q. Um, so, um, you lived in Chapin?

11 A. Yes, ma'am.

12 Q. Did you live close to him?

13 A. Yes, ma'am.

14 Q. Okay. I'm gonna show you, um, it's already in evidence,
15 uh, State's a hundred and seven, um, do you recognize?

16 A. Yes, ma'am.

17 Q. Well can you point out to the jury -- can I borrow your
18 pointer?

19 (Whereupon, a discussion was held off the record.)

20 Um, if you just hit this little button here (indicating),
21 can you point out to the jury where your house is.

22 A. Uh, I don't know if it's on that map.

23 Q. Okay, is your grandma's house?

24 A. Yes, ma'am.

25 Q. Okay. Where's that?

RILEY FURMAN - CROSS-EXAMINATION BY MS. ZMROCZEK

- 1 A. Uh, ---
- 2 Q. You can, ---
- 3 A. --- uh-huh, ---
- 4 Q. --- you can use this ---
- 5 A. --- it's ---
- 6 Q. --- the little pointer.
- 7 A. --- it's not on that map, ma'am.
- 8 Q. Oh, it's not on that map?
- 9 A. No, ma'am.
- 10 Q. Okay. Is it, buz [sic] is it close to this (indicating)
- 11 area?
- 12 A. Yes, ma'am, it's ---
- 13 Q. Okay.
- 14 A. --- a mile, mile and a half away.
- 15 Q. About a mile, mile and a half? Ooh, sorry. Uh, so and
- 16 what time did David get there that day?
- 17 A. Probly 'bout, probly around eight o'clock.
- 18 Q. In the nightttime?
- 19 A. Yes, ma'am.
- 20 Q. And he had the two girls with him.
- 21 A. Yes, ma'am.
- 22 Q. And they actually started to smoke at your place,
- 23 right?
- 24 A. Yes, ma'am.
- 25 Q. Um, and then you had to fuss at 'em because you didn't

RILEY FURMAN - CROSS-EXAMINATION BY MS. ZMROCZEK

1 want your, I think you said your grandmother was gonna come
2 out and feed the fish, you didn't wanna get trouble, right?

3 A. Yes, ma'am.

4 Q. Okay, and so then ya'll decided to go find a hotel room.

5 A. Yes, ma'am.

6 Q. Okay. Uh, and that you said that there was about, uh,
7 who brought, who brought the ice that night?

8 A. Uh, it was with David and two girls.

9 Q. With David and the two girls. And you said 3 to 4 grams?

10 A. Yes, ma'am.

11 Q. Is that -- what what's another name for that? Is that an
12 8-ball?

13 A. Yeah, I I guess, ---

14 Q. Okay, ---

15 A. --- yeah.

16 Q. --- about how much would that be, about \$350 maybe?

17 A. I guess.

18 Q. Okay. When, and ya'll, did ya'll use all of that before
19 he left?

20 A. No, ma'am.

21 Q. Um, so did he take it with him or did he leave it
22 there?

23 A. He took it with him.

24 Q. Okay, in that purple Crown Royal bag?

25 A. Yes, ma'am.

RILEY FURMAN - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. And you were aware there was a scale in there too,
2 right?

3 A. No, ma'am.

4 Q. You didn't know that?

5 A. No, ma'am.

6 Q. Okay. Uh, and you said that you ki -- you started out
7 the drugs that you have done marijuana, moved to cocaine,
8 moved to meth, moved to ice, ---

9 A. Yes, ma'am.

10 Q. --- it, you get different highs from and kinda
11 progressively, correct?

12 A. I mean, it's a different drug but yes, ma'am.

13 Q. Okay. And the brass knuckles, uh, he asked you, he
14 David, asked you for those?

15 A. He asked me if I had anything protection-wise.

16 Q. And when did he ask you that?

17 A. At my house.

18 Q. At your house before he got any phone calls?

19 A. Ma'am?

20 Q. Well do you recall that he just come up and ask you if
21 you had any?

22 A. I mean, he, we were hangin' out and then he asked if I
23 had any.

24 Q. And and how, describe how brass knuckles work.

25 A. Put 'em on your hand.

1 Q. Okay. Are they, are they handed, like can you put 'em on
2 either hand or ---

3 A. Yes, ma'am.

4 Q. You can put 'em on either hand?

5 A. Yes, ma'am.

6 Q. Okay, and then, um, and they kind of literally go
7 over your knuckles which is why they're called "brass
8 knuckles" ---

9 A. Yes, ma'am.

10 Q. --- when you slide it on? And, um, and so you gave those
11 to him that night.

12 A. Yes, ma'am.

13 Q. When he left the hotel room, um, now did he a -- he got
14 to your house about eight, had he been to his house, had he
15 already been to his house or not been to his house at that
16 point?

17 A. I don't know but I believe so.

18 Q. You think he'd already been to his house?

19 A. Yes, ma'am.

20 Q. Okay. Um, and then when he left the hotel room did he
21 take those brass knuckles with him?

22 A. I don't know.

23 Q. Were they in the hotel room?

24 A. Uh, not that I know of.

25 Q. Okay, um, but you had given them to him.

RILEY FURMAN - REDIRECT EXAMINATION BY MR. BELL

1 A. Yes, ma'am, at my house.

2 Q. Okay. And after that you didn't see them.

3 A. No, ma'am.

4 MS. ZMROCZEK: Beg the Court's indulgence. Uh, I don't
5 have any further questions, thank you.

6 THE COURT: Do you have any, Mr. Bell?

7 MR. BELL: Thank Your Honor.

8 REDIRECT EXAMINATION BY MR. BELL:

9 Q. You mentioned David in rehab, are you referring to when
10 his father admitted him in May of 2015?

11 A. Yes, sir.

12 Q. You mentioned you had seen Chuck before, is that right?

13 A. Yes, sir, one time.

14 Q. And did you see him with anybody?

15 A. Besides for well bein' bein' with David, I didn't
16 recognize anybody.

17 Q. Do you know an individual name Junior?

18 A. No, sir.

19 Q. How 'bout Tank or Austin?

20 A. I recognize that name.

21 Q. Did you see them that day?

22 A. Yes, sir.

23 Q. And that was where you saw Chuck?

24 A. Yes, sir.

25 Q. You mentioned that you and David were taking different

MOLLI BUSH - DIRECT EXAMINATION BY MS. MAYES

1 paths, is that how you put it?

2 A. Yes, sir.

3 Q. Were you trying to get clean?

4 A. Yes, sir.

5 Q. And di -- at -- did David at any time try to force drug
6 use on you?

7 A. Never.

8 Q. Did he try to pressure you into drug use?

9 A. No, sir.

10 Q. Thank Your Honor.

11 THE COURT: May step down.

12 (Whereupon, the witness left the stand.)

13 MS. MAYES: State calls Molli Bush.

14 (Whereupon, the witness came forward.)

15 (Whereupon, a discussion was held off the record.)

16 THE CLERK: Raise your right hand, please, and your left
17 hand on the Bible.

18 MOLLI BUSH, having been first
19 duly sworn, testified as follows:

20 THE CLERK: You'll have a seat over here (indicating),
21 please. State your name for the record.

22 (Whereupon, a discussion was held off the record.)

23 THE WITNESS: My name's Molli Bush.

24 DIRECT EXAMINATION BY MS. MAYES:

25 Q. Molli, Molli how old are you?

MOLLI BUSH - DIRECT EXAMINATION BY MS. MAYES

- 1 A. I'm 23.
- 2 Q. All right. How do you feel about bein' here today?
- 3 A. Sick ---
- 4 Q. Okay.
- 5 A. --- but also good.
- 6 Q. Okay. You received a subpoena to be here in court?
- 7 A. Yes, ma'am.
- 8 Q. Molli, how did you know the victim in this case James
- 9 David Porter?
- 10 A. I didn't really know him, I met him once or twice.
- 11 Q. All right. And what about an individual by the name of
- 12 Austin Lynch, Jr.?
- 13 A. I do know him.
- 14 Q. All right.
- 15 A. Um, I was friends with him, I hung out with him several
- 16 times.
- 17 Q. All right. Can you tell us whether or not that's how you
- 18 met David.
- 19 A. Yes.
- 20 Q. Okay, through Austin Lynch, also known as "Junior?"
- 21 A. I've never heard him called Junior but yes, ma'am.
- 22 Q. Have you ever heard him called "Tank?"
- 23 A. No.
- 24 Q. Okay. Austin Lynch can you tell us whether or not he's
- 25 around the same age as David?

MOLLI BUSH - DIRECT EXAMINATION BY MS. MAYES

1 A. Um, can you ---

2 Q. As you ---

3 A. --- rephrase ---

4 Q. --- and David.

5 A. Ma'am?

6 Q. Is he around the same age as you and David?

7 A. He's younger than us.

8 Q. All right.

9 A. Yeah.

10 Q. And you're 23 today?

11 A. Yes, ma'am.

12 Q. And so a year ago in 2015 have would have been 22, the
13 same age David was when he passed away. Molli, I wanna take
14 you to the day of August 3rd 2015, do you recall that day?

15 A. Yes, ma'am.

16 Q. Did you see David Porter that day?

17 A. Yes.

18 Q. Did you see Austin Lynch that day?

19 A. Yes.

20 Q. Did you see anyone else that day, uh, with you and Austin
21 and James David Porter?

22 A. Um, Alicia ---

23 Q. Okay, ---

24 A. --- and ---

25 Q. --- Alicia. Um, ---

MOLLI BUSH - DIRECT EXAMINATION BY MS. MAYES

1 A. --- Riley, um, and Riley.

2 Q. Okay, um, so let's go in the order of of when you saw
3 them.

4 A. Okay.

5 Q. Let me go to, uh, earlier that day. Who did you first
6 have contact with on the day of August 3rd?

7 A. Austin.

8 Q. All right.

9 A. Yeah, he he called to hang out.

10 Q. All right, so you ---

11 A. He ---

12 Q. --- were hanging out with Austin...

13 A. Yes.

14 Q. Do you know whether or not Austin had any ice that day?

15 A. Yes.

16 Q. He did?

17 Q. And do you know who Austin got that ice from?

18 A. No.

19 Q. And when or how did ya'll meet up with David?

20 A. Can you give me a minute?

21 Q. Yes.

22 (Pause.)

23 A. I'm unsure really.

24 Q. Okay.

25 MS. ZMROCZEK: We, Your Honor, I I just -- may we

MOLLI BUSH - DIRECT EXAMINATION BY MS. MAYES

1 approach, I ---

2 THE COURT: Yes, ma'am.

3 (Whereupon, a bench conference was held off the record.)

4 THE WITNESS: This is my statement, yes, ma'am.

5 MS. ZMROCZEK: Okay.

6 (Whereupon, a discussion was held off the record.)

7 BY MS. MAYES:

8 Q. So let me go back, uh, to earlier that day, you and

9 Austin are hanging out, correct?

10 A. Yeah, well -- yeah, I think he picked us, me and Austin
11 and David ---

12 Q. All right.

13 A. --- and the girl was there too, Alicia.

14 Q. Okay, and so eventually the four of ya'll were hanging
15 out together.

16 A. Um-hum.

17 Q. That's you, Austin Lynch, ---

18 A. Yes.

19 Q. --- David ---

20 A. Yes.

21 Q. --- and Alicia Cline, correct?

22 A. Yes.

23 Q. Were ya'll using ice when the four of you were hanging
24 out together?

25 A. Yes.

MOLLI BUSH - DIRECT EXAMINATION BY MS. MAYES

1 Q. Whose home do you recall being at, uh, when this drug use
2 was going on?

3 A. Um, we were at, uh, David said that it was I guess his
4 dad's house that he was renting.

5 Q. All right, that's right here (indicating) 1 ---

6 A. On the lake, ---

7 Q. Okay, ---

8 A. (Indiscernible cross-talk.)

9 Q. --- [] Long Point, uh, Drive that would be David's
10 house, that's where ya'll were hanging out?

11 A. Yes, ma'am.

12 Q. And while you were there, uh, was Austin usin' drugs too?

13 A. Yes.

14 Q. Including the ice?

15 A. That's the only thing we were usin' as far as . . .

16 Q. Can you tell us whether or not, uh, Austin's behavior
17 changed at any point when the four of you were hanging out
18 together.

19 A. Yes.

20 Q. How so?

21 A. Uh, after he -- he had a box of some sort that he was
22 tryin' to get into for hours and was fixated on it and he when
23 he ever -- whenever he got into it, into the, you know,
24 mechanisms of it he said he had found a camera and then that's
25 when he went ballistic.

MOLLI BUSH - DIRECT EXAMINATION BY MS. MAYES

1 Q. Okay, so let me stop right there. Ya'll are hanging out
2 at David's father's house, now, uh, do you know what, uh, type
3 of business, uh, David's father does?

4 A. I do now.

5 Q. Okay. Uh, you're aware he is, he is involved in
6 security ---

7 A. Now I do, yeah.

8 Q. --- which includes surveillance. So Austin has found
9 what he believes to be a camera in a box?

10 MS. ZMROCZEK: Your Honor, I'm gonna, uh, I'm gonna
11 object to to hearsay, it it it ---

12 MS. MAYES: I can rephrase ---

13 THE COURT: She's there.

14 MS. MAYES: --- that, Your Honor.

15 THE COURT: All right, rephrase it but she's there, ---

16 MS. ZMROCZEK: Okay.

17 THE COURT: --- she can ---

18 BY MS. MAYES:

19 Q. Just ---

20 THE COURT: --- testify what she saw.

21 MS. ZMROCZEK: Okay.

22 Q. --- describe this box.

23 A. It was, I believe it was red.

24 Q. Okay. Did you see anyone take the box apart?

25 A. Austin.

MOLLI BUSH - DIRECT EXAMINATION BY MS. MAYES

1 Q. Austin took the apart.

2 A. Yes.

3 Q. To the best of your knowledge, was there a camera inside
4 that box to spy on you or David?

5 A. No.

6 Q. Gonna show you a photograph and ask you whether or not
7 you recognize it, 26, State's Exhibit 26.

8 A. Yes, that's, uh, the piece that was inside of the box.

9 Q. Okay, already in evidence, Your Honor.

10 THE COURT: Okay.

11 Q. Now, did you ya'll go anywhere at any point, uh, that day
12 the four of you together: David, Alicia, you and Austin?

13 A. Uh, we went and got Riley.

14 Q. Okay. Um, do you recall at any point after Austin has
15 believed he's found a camera wheth -- what happened to Austin,
16 let me ask you that way.

17 A. Okay, um, well he freaked out and was bein' ridiculous
18 and, um, so we decided that we needed to drop him off
19 somewhere so that we can tin -- continue on with his, David's
20 birthday, you know, and have, make him have a good birthday,
21 um, so we did, we dropped him off at his mother's,
22 grandmother's house.

23 Q. At this point, uh, would you describe, uh, Austin's
24 behavior as rational or irrational?

25 A. Irrational the whole entire drive.

MOLLI BUSH - DIRECT EXAMINATION BY MS. MAYES

1 Q. Where did ya'll take him to ---

2 A. Oh, at ---

3 Q. --- drop him off?

4 A. --- it was in Cayce, I'm not -- e ---

5 Q. A residence?

6 A. Yes.

7 Q. Okay. So I'm gonna show you the State's Exhibit 26, this
8 would be the back seat of the vehicle and whose vehicle was
9 this?

10 A. That's David's.

11 Q. David's, okay.

12 A. Um-hum.

13 Q. And who's actually driving the vehicle?

14 A. David.

15 Q. All right. And do you recall where you were sitting in
16 this vehicle?

17 A. On the way to drop Austin off?

18 Q. Um-hum.

19 A. I was in the back seat with ---

20 Q. All right, ---

21 A. --- him.

22 Q. --- so we're looking at the back seat here
23 (indicating), ---

24 A. I was, I was behind Alicia, he was behind David.

25 Q. All right, so Austin is sitting here (indicating), you're

MOLLI BUSH - DIRECT EXAMINATION BY MS. MAYES

1 sitting over here (indicating) in this seat and then in the
2 front seat would be David, uh, being the driver and Alicia to
3 his right in the front passenger seat.

4 A. Yes.

5 Q. So what are we looking at right here (indicating) here on
6 the floorboard of the car, Ms. Bush?

7 A. That's the the the mechanism that came out the box, ---

8 Q. All right.

9 A. --- the the camera, ---

10 Q. Okay, so the box ---

11 A. --- yes.

12 Q. --- that you had described earlier that Austin took
13 apart, ---

14 A. Um-hum.

15 Q. --- uh, he -- how did this get into the vehicle?

16 A. I guess Austin brought it with him.

17 Q. All right, so it's now ended up in the floorboard of the
18 car and and this is what Austin believes to be a a hidden
19 camera?

20 A. Yeah.

21 Q. And did ya'll drop, uh, Austin off after that?

22 A. Yes, we did.

23 Q. And where did you and David and Alicia go next?

24 A. We went to the, um, hotel on 302, ---

25 Q. All right. Now ---

MOLLI BUSH - DIRECT EXAMINATION BY MS. MAYES

1 A. --- Sleep Inn I think.

2 Q. --- before the hotel did you go see anyone else?

3 A. Yes, we went to get Riley.

4 Q. Okay, went to get Riley, Um, do you recall if at any
5 point, uh, David had locked himself outta the house, out of
6 his father's house?

7 A. Yes.

8 Q. How did that happen?

9 A. I -- whenever Austin and them were arguin' and stuff, we
10 had locked him out the house and went through the back door to
11 try and get in the car and locked us out.

12 Q. Okay, so you all accidentally got locked out of, uh,
13 David's house.

14 A. Um-hum.

15 Q. Okay, and while ya'll were locked outta the house was his
16 father home that day?

17 A. No.

18 Q. Okay, so his father's at work, ya'll are locked out, you
19 can't get back into the house, where do ya'll go next?

20 A. We went to Riley's.

21 Q. Went to Riley's, ---

22 A. Yes.

23 Q. --- okay, so that's how Riley Furman, uh, came into this
24 on ---

25 A. Yes.

MOLLI BUSH - DIRECT EXAMINATION BY MS. MAYES

1 Q. --- that day after you got locked outta David's house.

2 Uh, so you you've taken Austin Lynch home, it's you and David
3 and Alicia and ya'll go to Riley's, uh, while at Riley's
4 outdoor by, outdoors by the lake, uh, ---

5 A. Um-hum.

6 Q. --- was -- were ya'll continuing to use ice or smoke ice
7 there ---

8 A. Um, uh, kinda ---

9 Q. --- to the best of your knowledge.

10 A. --- kinda.

11 Q. Okay. And ya'll are, um, using, um, at Riley's house and
12 then Riley, uh, is with ya'll, where do y -- the four of you
13 go next?

14 A. We went back to David's house to get Alicia's clothes out
15 the dryer.

16 Q. Okay. When ya'll went back to David's house, um, was --
17 did ya'll actually go inside?

18 A. Me and Alicia didn't. David did ---

19 Q. Okay.

20 A. --- 'cause David had met his father there.

21 Q. All right, so David went inside, uh, to meet his father
22 and you and Alicia remain back in the car, correct?

23 A. Yes.

24 Q. And then where did ya'll go from there?

25 A. We went and meet Riley at the church parking lot and I

MOLLI BUSH - DIRECT EXAMINATION BY MS. MAYES

1 got into t -- Riley's car and David and Alicia rode together
2 and we all went to Walmart to park Riley's car and then we all
3 got into David's car.

4 Q. Okay. And you mentioned, um, a motel, ultimately, uh,
5 was a motel room rented that night?

6 A. Yeah. Yes, ma'am.

7 Q. Uh, were the plan, can you tell us what plans ya'll had,
8 uh, for renting the motel room.

9 A. Just to celebrate, party for his birthday.

10 Q. All right. Molli, while at the motel room was there an
11 indication from David that he needed to leave?

12 A. He had said he was going to leave, he was going to meet
13 someone.

14 Q. All right. What was his demeanor or behavior?

15 A. Um, very scared. I was sitting on the bathroom toilet, I
16 had my clothes on but, um, and he was in the doorway and his
17 shoulders went like this (demonstrating) and just like
18 supernatural kinda and his face went pale and I asked him, I
19 said, David, what's wrong, he said, Sumtin' just, uh, doesn't
20 feel right.

21 Q. Doesn't feel right?

22 A. Yeah.

23 Q. And did his color change?

24 A. Yes.

25 Q. How so?

MOLLI BUSH - DIRECT EXAMINATION BY MS. MAYES

- 1 A. He went white.
- 2 Q. Before he walked outta that room did you have any final
- 3 contact with him?
- 4 A. No, he said I love you guys and left.
- 5 Q. How long did you anticipate him to be gone?
- 6 A. He said 'bout forty-five minutes.
- 7 Q. What happened after forty-five minutes went by?
- 8 A. We started to call and his phone was off. Um, I tried to
- 9 console Alicia to, you know, just calm down, let let a couple,
- 10 you know, more minutes go by and try and call again.
- 11 Q. Were you ever able to get him on the phone?
- 12 A. No.
- 13 Q. Did you -- anyone come to the door of that motel room?
- 14 A. Yes.
- 15 Q. Who?
- 16 A. Police, think it was three of 'em. Yes, three police,
- 17 that that they said they have found a dead body.
- 18 Q. So you're waiting, trying to make contact with David, you
- 19 can't get him on the phone and police show up at your door?
- 20 A. Um-hum.
- 21 Q. Did you cooperate with police?
- 22 A. Oh, yes.
- 23 Q. Do you give a statement to police?
- 24 A. Yes, ma'am.
- 25 Q. Did you describe what David was wearing?

MOLLI BUSH - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. Yes.

2 Q. Did you admit that ya'll had been using ice that day?

3 A. Yes.

4 Q. What was your reaction when you learned the body was
5 David?

6 A. I was, tru -- I don't know how to explain that but just
7 petrified.

8 MS. MAYES: Nothing further, Your Honor.

9 CROSS-EXAMINATION BY MS. ZMROCZEK:

10 Q. Ms. Bush, how long did you know David?

11 A. I didn't really know him, I met him twice.

12 Q. You'd actually borrowed his car though, right, or his
13 grandmother's car?

14 A. No.

15 Q. Never borrowed his car?

16 A. No.

17 Q. Did bring it back to him at McDonald's the day before
18 this happened?

19 A. Yes.

20 Q. Okay, so you did borrow his car.

21 A. Yes.

22 Q. Uh, Ms. Bush, I'm I'm not trying to ---

23 A. I know, ---

24 Q. --- get you ---

25 A. --- hold on, I, 'cause I've completely had forgot about

MOLLI BUSH - CROSS-EXAMINATION BY MS. ZMROCZEK

1 this.

2 Q. It's okay. Um, ---

3 THE COURT: Give her a second, Ms. Zmroczek.

4 MS. ZMROCZEK: No problem.

5 (Pause.)

6 THE COURT: You need some water?

7 THE WITNESS: Yeah, I'm ---

8 THE COURT: Okay.

9 THE WITNESS: --- just tryin' to remember ---

10 THE COURT: Mr. Mi -- Mr. Mills fix ya a little bit a
11 water. Take your time.

12 THE WITNESS: I believe it was me and Alicia that, yeah,
13 'cause we went to Citi Trends.

14 BY MS. ZMROCZEK:

15 Q. 'cause you, I'm sorry, ---

16 A. We went to Citi Trends, ---

17 Q. Okay. Um, ---

18 A. --- yes.

19 Q. Oh, you went to Citi Trends?

20 A. Yeah, he ---

21 Q. Uh, okay.

22 A. I didn't steal his car, he told me I could take the
23 car.

24 Q. Okay. Um, and was that the same day or the day before?

25 A. It was the day before.

MOLLI BUSH - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. And when did you return it to him, him David.

2 A. Just a hour and a half later.

3 Q. Okay, but you, so you'd only met him once but he let you
4 and Alicia -- were he and Alicia in a relationship?

5 A. I don't, I'm not sure, ---

6 Q. Okay.

7 A. --- it seemed they were.

8 Q. It seemed like they were?

9 A. Not in a relationship maybe but they were talking I
10 guess.

11 Q. Okay. Um, and would you say you knew Austin better or
12 David better?

13 A. Austin.

14 Q. You knew Austin better?

15 A. Yes.

16 Q. And, um, well you knew that David sold drugs though,
17 right?

18 A. No.

19 Q. Okay. Uh, but you knew he had access to drugs.

20 A. Yes.

21 Q. He had drugs that night, right?

22 A. Yes.

23 Q. Okay. Um, and you said you knew Austin better, Austin
24 starting freakin' out after he received a phone call, didn't
25 he?

MOLLI BUSH - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. I'm not sure.

2 Q. You don't remember that? A -- and I'm not trying
3 embarrass you, Ms. Bush, but these facts are a -- or or
4 questions are very important. Is it fair to say that your
5 memory suffers a little bit?

6 A. No.

7 Q. Okay. Um, you've been arrested for drugs before?

8 A. Yes.

9 Q. Okay. Um, you have used drugs, correct?

10 A. Yes.

11 Q. Which drugs?

12 A. I've used ice, I've used pain pills, I've smoked weed,
13 I've done all that.

14 Q. When was the last time that you did that?

15 A. Um, I've been clean for goin' on five months.

16 Q. Goin' on five months?

17 A. Um-hum.

18 Q. Um, ---

19 A. I haven't done ice since this happened.

20 Q. You stopped doing ice?

21 A. Yes.

22 Q. Thi -- a wa -- this was a wake up call.

23 A. Yeah, definitely.

24 Q. Um, ice is very addictive, right?

25 A. Not to me but ---

MOLLI BUSH - CROSS-EXAMINATION BY MS. ZMROCZEK

- 1 Q. Okay. Did you know Chuck or Aakingchuck?
- 2 A. No.
- 3 Q. You did not know him?
- 4 A. Uh-uh.
- 5 Q. And you didn't see him hangin' out with Austin the day?
- 6 A. No.
- 7 Q. Okay. And it was Austin who was going crazy because he
- 8 thought that there was a camera in the cooler ---
- 9 A. Yeah.
- 10 Q. --- and he would not let it go.
- 11 A. Yeah.
- 12 Q. And and obviously you said that was just an irrational
- 13 thought.
- 14 A. That, yeah.
- 15 Q. Uh, you -- he took apart, he took apart the ---
- 16 A. Yeah, ---
- 17 Q. --- cooler, right?
- 18 A. --- um, um, ---
- 19 Q. Uh, ---
- 20 A. --- like ---
- 21 Q. --- he was ---
- 22 A. --- two hours.
- 23 Q. He was high, uh, for hours, right, ---
- 24 A. Yes.
- 25 Q. --- I think you said two hours or so.

MOLLI BUSH - CROSS-EXAMINATION BY MS. ZMROCEK

1 A. Yes.

2 Q. Um, and and he was high on ice while this
3 irrationality ---

4 A. Um-hum.

5 Q. --- was going on, right?

6 A. Yes.

7 Q. Did he get angry?

8 A. Oh, yeah.

9 Q. Um, did he get violent?

10 A. He was beatin' on the door once we locked him out.

11 Q. Ya'll locked him out actually, right, ---

12 A. Yeah.

13 Q. --- of of the house.

14 A. Um-hum.

15 Q. And that house you said that that's the house that you
16 were told David was renting from his father?

17 A. Yeah, or it's David's house, renting, somethin' like
18 that, yeah, the one on the lake.

19 Q. And when Austin, well and ya'll dropped Austin off at
20 wherever ya'll dropped him off at, Cayce or or wherever, he
21 actually left his phone.

22 A. Um-hum.

23 Q. When he got outta the car, he just got outta the car,
24 right, ---

25 A. Yeah.

MOLLI BUSH - CROSS-EXAMINATION BY MS. ZMROCZEK

- 1 Q. --- left his phone, left his money, everything.
- 2 A. I don't know about money but I actually had his phone.
- 3 Q. You actually had his phone, he left his phone in the
- 4 car, ---
- 5 A. Yeah.
- 6 Q. --- you returned that to him the next day ---
- 7 A. Um, ---
- 8 Q. --- or at ---
- 9 A. --- not, ---
- 10 Q. --- some point?
- 11 A. --- it wasn't the next day, ---
- 12 Q. Oh.
- 13 A. --- it was ---
- 14 Q. At some point you did?
- 15 A. Yeah, ---
- 16 Q. Okay.
- 17 A. --- with contact with police and all I got that back to
- 18 him.
- 19 Q. Okay. And when ya'll were at the hotel, how, uh, how
- 20 much ice were ya'll, were ya'll smokin' it?
- 21 A. Yeah.
- 22 Q. How much, how much was there?
- 23 A. How much was there? I don't know.
- 24 Q. Okay.
- 25 A. I don't think a lot, I mean, very little.

MOLLI BUSH - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. What would you consider a a lot?

2 A. Maybe a half a gram.

3 Q. Okay, so you don't think there was more than half a
4 gram?

5 A. Oh, wait -- well I'm sorry, what you say what ---

6 Q. Uh, ---

7 A. --- what ---

8 Q. --- what ---

9 A. --- I consider a lot?

10 Q. Yeah.

11 A. A gram would be a lot to me ---

12 Q. O ---

13 A. --- but ---

14 Q. Okay. Oh, Ms., um, Bush, uh, do you know this
15 (indicating) person sittin' at this table?

16 A. No.

17 Q. Ever seen him before? Never saw him with Austin? Never
18 saw him before.

19 A. No.

20 Q. Thank you.

21 THE COURT: Anything else, Ms. Mayes?

22 MS. MAYES: No, sir, Your Honor.

23 THE COURT: You may step down, please.

24 THE WITNESS: Thank you.

25 (Whereupon, the witness left the stand.)

ALICIA CLINE - DIRECT EXAMINATION BY MS. MAYES

1 MS. MAYES: The State calls Alicia Cline.

2 (Whereupon, the witness came forward.)

3 THE BAILIFF: Just wait right there (indicating), honey.

4 THE CLERK: Raise your right hand.

5 ALICIA CLINE, having been first
6 duly sworn, testified as follows:

7 THE CLERK: You'll have a seat over here (indicating),
8 ma'am, state your name and spell your last for the record.

9 THE WITNESS: Alicia Cline, C-L-I-N-E.

10 DIRECT EXAMINATION BY MS. MAYES:

11 Q. All right, and, Alicia, how old are you?

12 A. Twenty-four.

13 Q. All right. And today you're wearing a jumpsuit, ---

14 A. Yes, ma'am.

15 Q. --- um, do you have a pending charge?

16 A. I do.

17 Q. What is that charge?

18 A. A possession of a controlled substance.

19 Q. All right. Alicia, how is it that you knew the victim in
20 this case James David Porter.

21 A. Uh, I had met him a couple days prior to the situation.

22 Q. All right. So we're talking about, uh, Monday August 3rd
23 2015 and you met him several days prior, do you know
24 approximately, uh, when it was that you met David?

25 A. Uh, it was, uh, that Friday evening.

ALICIA CLINE - DIRECT EXAMINATION BY MS. MAYES

1 Q. All right. Let me show you what's State's Exhibit 12,
2 uh, that's a calendar which August 3rd being a Monday here
3 (indicating), you believe you met David the previous Friday,
4 correct?

5 A. Yes, ma'am.

6 Q. And have you had the opportunity to get to know one
7 another over that weekend?

8 A. Yes, ma'am.

9 Q. Had ya'll been hangin' out?

10 A. Yes, ma'am.

11 Q. Alicia, have you ever used a drug that's known as "ice?"

12 A. Yes, ma'am.

13 Q. Do you know whether David also had used that drug?

14 A. Yes, ma'am.

15 Q. While hanging out with David that weekend leading up to
16 Monday August 3rd, um, did you become familiar with another
17 individual by the name of Austin Lynch?

18 A. Yes, ma'am.

19 Q. Okay. And I'm gonna also use names like Junior and Tank,
20 do you know if those names are also affiliated with Austin
21 Lynch?

22 A. I do.

23 Q. Do you know where the ice that ya'll got that weekend and
24 had been using that weekend had come from?

25 A. Um, he had told me who it came from.

ALICIA CLINE - DIRECT EXAMINATION BY MS. MAYES

1 Q. All right, but you can't repeat, uh, what anybody said
2 but do you know whether Austin had any ice that weekend?

3 A. Um, yes, ma'am.

4 Q. And being around them, uh, that weekend, uh, were were
5 there discussions, can you tell us, uh, whether or not you
6 became, uh, acquainted by a -- with anyone by the name of
7 Chuck.

8 A. No, ma'am.

9 Q. You had not met this person.

10 A. No, ma'am.

11 Q. You had heard the name.

12 A. Yes, ma'am.

13 Q. So you and David and, uh, Austin have, uh, used ice
14 during that weekend, uh, leading up to Monday, ---

15 A. Yes, ma'am.

16 Q. --- still using it on Monday, correct?

17 A. Yes, ma'am.

18 Q. What, if anything, changed regarding Austin's behavior on
19 Monday?

20 A. Um, the cooler that he was takin' apart had, that it, he
21 thought that there was a camera inside this cooler.

22 Q. All right. And where were ya'll at when Austin, uh, came
23 to the belief that there was a camera inside the cooler?

24 A. Um, it started out in the back of his car, uh, and when
25 we got into the house, his dad's house, uh, is when he

ALICIA CLINE - DIRECT EXAMINATION BY MS. MAYES

1 officially taken it apart.

2 Q. All right, and when you say "his dad's house," whose
3 dad's house?

4 A. Uh, James dad's house.

5 Q. Okay, uh, referring to James David Porter, correct?

6 A. Yes, ma'am.

7 Q. And was his dad home?

8 A. No, ma'am.

9 Q. All right, so it was the four of ya'll hanging out
10 together at his dad's house and his dad's not there ---

11 A. Yes, ma'am.

12 Q. --- and Austin finds his cooler and starts takin' it
13 apart, correct?

14 A. Yes, ma'am.

15 Q. Beg the Court's indulgence.

16 THE COURT: Yes, ma'am.

17 Q. I show you these two, uh, photos which are State's but
18 Exhibit 148 and State's Exhibit 26 already in evidence.

19 A. Yes, ma'am, that's the back to the cooler that he would
20 start take apart.

21 Q. Okay.

22 A. Uh, that's still the back of the car.

23 Q. But so this would be State's, uh, 148 for evidence, Your
24 Honor, without objection.

25 MS. ZMROCZEK: Without objection, Your Honor.

ALICIA CLINE - DIRECT EXAMINATION BY MS. MAYES

1 THE COURT: Without objection 148's in.

2 (State's Exhibit No. 148, photograph, admitted into
3 evidence.)

4 BY MS. MAYES:

5 Q. Little bit better, uh, picture here, what are we looking
6 at here (indicating)?

7 A. Uh, that's the inside the cooler thing he was takin'
8 apart.

9 Q. All right. Who was sitting here (indicating) in the back
10 seat of David's car.

11 A. Molli and Austin.

12 Q. All right. And you and David were in the front seat ---

13 A. Yes, ma'am.

14 Q. --- with David driving?

15 A. Yes, ma'am.

16 Q. When Austin, uh, became, uh, convinced that there was a
17 camera in the fan, uh, of that cooler, would you describe his
18 behavior as rational or irrational?

19 A. Irrational.

20 Q. Was there anything that you or David could do to convince
21 him that there was not a hidden camera in there?

22 A. No, ma'am.

23 Q. As a result what decision was made about what to do with
24 Austin?

25 A. Um, he was, uh, irate so we decided we're gonna take him

ALICIA CLINE - DIRECT EXAMINATION BY MS. MAYES

1 to his grandma's house.

2 Q. All right, and did ya'll do so?

3 A. We did.

4 Q. All right, so the four of ya'll rode together to take
5 Austin back to his grandmother's house, right?

6 A. Yes, ma'am.

7 Q. Now is this during the daytime?

8 A. Yes, ma'am.

9 Q. Is it still light outside?

10 A. Yes, ma'am.

11 Q. Is it still light outside?

12 A. Yes, ma'am.

13 Q. The ice that ya'll had been using that weekend did Austin
14 take that with him or was that left behind?

15 A. It was left behind.

16 Q. Uh, in that state that Austin was in well what decisions
17 were made about whether or not Austin should take the drugs
18 with him?

19 A. Uh, that's when David decided that he was gonna keep it,
20 he just didn't want Austin to go over, use it and spend the
21 money.

22 Q. All right, so let me ask you this: In the state of mind
23 that Austin was in, uh, did he need to be using more ice?

24 A. No, ma'am.

25 Q. Was an overdose possible?

ALICIA CLINE - DIRECT EXAMINATION BY MS. MAYES

1 A. Yes, in a sense.

2 Q. So Austin is dropped off at his grandma's house and the
3 ice that ya'll been using is still with ya'll?

4 A. Yes, ma'am.

5 Q. What happens next?

6 A. Uh, we left and we went to Riley's house.

7 Q. That would be Riley Furman?

8 A. Yes, ma'am.

9 Q. And ya'll continued using, um, ice while you were there
10 at that residence?

11 A. Yes, ma'am.

12 Q. And eventually did you become aware whether or not David
13 was receiving correspondence from anyone?

14 A. He was.

15 Q. Who was the person, uh, based on your own personal
16 knowledge, who was the person that he was receiving
17 correspondence from?

18 A. A a guy he called Chuck.

19 Q. All right. Uh, Your Honor, may we approach?

20 THE COURT: You may.

21 (Whereupon, a bench conference was held off the record.)

22 BY MS. MAYES:

23 Q. Gonna show you an item and ask you, uh, whether or not
24 you were present for that conversation.

25 A. Yes, ma'am.

ALICIA CLINE - DIRECT EXAMINATION BY MS. MAYES

1 Q. That's a conversation by text message?

2 A. Yes, ma'am.

3 Q. Were you present when, uh, David, James David Porter was
4 receiving text messages ---

5 A. Yes, ma'am.

6 Q. --- and sending them back?

7 A. Yes.

8 Q. In addition to these text messages, can you tell us
9 whether or not there was also communication by phone.

10 A. Yes, ma'am.

11 Q. And who was that communication by phone with?

12 A. Uh, with Chuck.

13 Q. So you're present when he's receiving phone calls and
14 text messages from Chuck?

15 A. Yes, ma'am.

16 Q. Okay. Your Honor, this would be, uh, marked for ID at
17 this time.

18 THE COURT: Okay, that'll be 149?

19 (Text messages marked State's Exhibit No. 149 for
20 identification.)

21 BY MS. MAYES:

22 Q. Ask you, uh, to take a look at this State's Exhibit, uh,
23 149. At 9:38 p.m. on the night of August 3rd, David receives
24 a text message from Chuck saying "drop her," are you familiar
25 with that?

ALICIA CLINE - DIRECT EXAMINATION BY MS. MAYES

1 A. Yes, ma'am.

2 Q. Who is the "her" that that is referring to?

3 A. Me.

4 Q. And at this point in time is David supposed to meet
5 someone?

6 A. Yes.

7 Q. Who's he supposed to meet?

8 A. Chuck.

9 Q. How is he acting in regards to having to meet Chuck?

10 A. He was real nervous, um, he answers based on was just not
11 right with conversations.

12 Q. What do ya mean by that?

13 A. Uh, Chuck was real short on the phone with him.

14 Q. Were you able to hear as David's next to you on the
15 phone?

16 A. Yes.

17 Q. Who decided when and where to meet?

18 A. Chuck did.

19 Q. Now, Alicia, prior to that, prior to that text at 9:38
20 p.m. that said "drop her," were you aware of rumors, the word
21 on the street that David was an informant?

22 A. Yes, ma'am.

23 Q. Had you heard that from one person or multiple people?

24 A. Uh, multiple.

25 Q. Was David aware a those rumors?

ALICIA CLINE - DIRECT EXAMINATION BY MS. MAYES

1 A. Yes.

2 Q. Was that discussed that night?

3 A. Yes, ma'am.

4 Q. Have you ever seen any evidence of that yourself that
5 David was an informant for the police?

6 A. No, ma'am.

7 Q. And based upon your observations and everything that you
8 observed, uh, regarding those communications, did that cause
9 David concern about having to go meet Chuck?

10 A. Yes, ma'am.

11 Q. Wha'd he say about that?

12 A. Uh, he just, he acted real nervous about it; he knew that
13 people had talked about his charges and his time in jail had
14 not added up.

15 Q. All right. In other words, he -- were you aware he been
16 involved in a meth bust back in May?

17 A. I was not.

18 Q. Were you aware he had, uh, not been charged ultimately in
19 relation to that meth bust?

20 A. No.

21 Q. So at 9:38 he gets a text that says "drop her," what
22 decision is made about where you will go?

23 A. Uh, he decided take me to the hotel.

24 Q. What hotel is that?

25 A. Uh, the Days Inn in Cayce.

ALICIA CLINE - DIRECT EXAMINATION BY MS. MAYES

1 Q. All right. And who actually went in and rented that room
2 at the Days Inn?

3 A. I did.

4 Q. Gonna show you what's State's Exhibit 127, ---

5 A. Yes, ma'am.

6 Q. --- you recognize that?

7 A. I do.

8 Q. How so?

9 A. Uh, that's my signature.

10 Q. All right, that's your signature on this receipt ---

11 A. Yes, ma'am.

12 Q. --- at the Days Inn?

13 A. Yes, ma'am.

14 Q. Who paid for the room?

15 A. That David did.

16 Q. Right. And at this point in time, uh, this room at the
17 Days Inn, is this in Lexington County?

18 A. Yes, ma'am.

19 Q. All right. What what's it close to?

20 A. Uh, it's off Cayce or goin' towards, uh, that ---

21 Q. Near the airport?

22 A. Yes.

23 MS. MAYES: Uh, Your Honor, this would be State's
24 Exhibit, uh, 127 for evidence of.

25 THE COURT: That's already in.

ALICIA CLINE - DIRECT EXAMINATION BY MS. MAYES

1 MS. MAYES: Okay.

2 THE COURT: That 127?

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

4 THE COURT: That receipt?

5 MS. ZMROCZEK: It's already in, Your Honor.

6 THE COURT: No, wait a minute, 127's readin' me somethin'
7 different on my sheet. One twenty-seven reads sumtin'
8 different ---

9 MS. ZMROCZEK: Yeah.

10 THE COURT: --- but let's either renumber it. I know
11 your paralegal did this list ---

12 MS. MAYES: Um-hum.

13 THE COURT: --- and she'll know better than us, what
14 number is it supposed to be? She's lookin'. They've made a
15 list for us has, uh, all the things they premarked and I just
16 wanna, ---

17 MS. ZMROCZEK: It's ---

18 THE COURT: --- court's ---

19 MS. ZMROCZEK: --- supposed to be, uh, ---

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

21 THE COURT: Yeah.

22 (Whereupon, a bench conference was held off the record.)

23 THE COURT: All right, so I'm gonna strike through it and
24 write hotel receipt?

25 MS. MAYES: Um-hum.

ALICIA CLINE - DIRECT EXAMINATION BY MS. MAYES

1 THE COURT: All right, make certain they're right on
2 Ms. Woods' record, 127's gonna be the hotel receipt, Margaret.

3 MS. ZMROCZEK: Mark on this case.

4 (Hotel receipt marked State's Exhibit No. 127 for
5 identification.)

6 (Can of burn debris remarked State's Exhibit No. 150 for
7 identification.)

8 THE COURT: That's fine with me as long as don't
9 duplicate sumtin'.

10 BY MS. MAYES:

11 Q. All right. And, Ms. Cline, you had indicated earlier
12 that you've, uh, recognized your signature here (indicating)
13 at the bottom a the receipt?

14 A. Yes, ma'am.

15 Q. This is the Days Inn, uh, by the airport and who all, uh,
16 actually goes into this room once it's rented?

17 A. Me, David, Molli and, uh, Riley.

18 Q. You, David, Molli and Riley, four of you. All right, so
19 after this text message from Chuck to David sayin' "drop her,"
20 ya'll go to the motel, check into the motel, what, uh, is the
21 time in this?

22 A. Uh, ---

23 Q. What is the time indicated, uh, for that check-in?

24 A. Uh, 10:22 p.m.

25 Q. So as you actually check-in and, um, payment's made for

ALICIA CLINE - DIRECT EXAMINATION BY MS. MAYES

1 the room, it's printed out and given to you right there to
2 sign, correct?

3 A. Yes, ma'am.

4 Q. So that time of 10:22 can you tell us whether or not that
5 would be appear to be accurate?

6 A. That is.

7 Q. 10:22 ya'll check into this hotel, what happens next?

8 A. Uh, we go in, he started gettin' ready to leave to go
9 meet with them.

10 Q. How was he acting at that point?

11 A. He was nervous and he was uneasy, he didn't wanna go.

12 Q. And ultimately when David left was anyone else with him?

13 A. No, ma'am..

14 Q. He left alone?

15 A. Yes, ma'am.

16 Q. What happened next?

17 A. Um, I waited for him, I tried to call him a couple times,
18 his phone started goin' to voice mail. Um, probly 'bout two,
19 three o'clock in the morning the police show up at the door
20 and they started questioning me about a body, what he was
21 wearing when he left and little things like that.

22 Q. Ultimately did you learn that it was David?

23 A. Um, they wouldn't tell me it was him, they just told me
24 that they had found a body.

25 Q. Did you cooperate with law enforcement that night?

ALICIA CLINE - DIRECT EXAMINATION BY MS. MAYES

1 A. No.

2 Q. Why do you say that?

3 A. 'cause I wasn't sure of the details of what happened so I
4 didn't wanna tell them information that wasn't true.

5 Q. Were you worried about the situation?

6 A. Yes.

7 Q. What was your reaction ultimately when you learned that
8 it was David who had been murdered?

9 A. Uh, I broke down cryin', was ---

10 Q. How had the day been up to the point that he got messages
11 to meet Chuck?

12 A. Uh, we were havin' a good day besides, I mean, with all
13 that happened with Austin, uh, he was, had a good mood, we had
14 a good day.

15 Q. How well did ya'll get along together?

16 A. We were goin' really well together.

17 Q. What happened that made his mood or demeanor change on
18 that day August 3rd?

19 A. Besides what, like I said, what happened with Austin and
20 him, you know, kinda spazzin' out, when he was having to go
21 and leave from the hotel, he just was real, he kept tellin'
22 me, you know, he just didn't wanna go, he could tell that
23 sumtin's wrong, so I tried to stop him but he knew he had to
24 go.

25 MS. MAYES: Beg the Court's indulgence.

ALICIA CLINE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 THE COURT: Yes, ma'am.

2 (Pause.)

3 MS. MAYES: Nothing further at this time, Your Honor.

4 THE COURT: Okay.

5 CROSS-EXAMINATION BY MS. ZMROCZEK:

6 Q. Ms. Cline, how long have you been in jail?

7 A. Two months.

8 Q. That's for a pending drug charge?

9 A. Yes, ma'am.

10 Q. And that's not your first drug charge, is it?

11 A. No, ma'am.

12 Q. It's your second one, right?

13 A. Yes.

14 Q. So the penalties are more severe, right?

15 A. Yes, ma'am.

16 Q. Okay. So the first time that you decide to do the right
17 thing and to cooperate with the police was a few days ago?

18 A. Yes, ma'am.

19 Q. Okay. So for a year you have not cooperated.

20 A. Uh, this hasn't been brought up until a few weeks ago.

21 Q. Right, but but it happened over a year ago, correct?

22 A. Yes, ma'am.

23 Q. Okay. And over a year ago you said that that you weren't
24 cooperative with the police ---

25 A. Correct.

ALICIA CLINE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. --- but you did give 'em a statement.

2 A. No, I didn't.

3 Q. You didn't talk to any police that night?

4 A. I did talk to 'em, yes.

5 Q. Okay, you didn't write a statement ---

6 A. No.

7 Q. --- but ya did give them a statement.

8 A. Correct.

9 Q. You spoke with them, they took notes, ---

10 A. Correct.

11 Q. Okay. So ya did tell 'em a little bit of stuff that
12 night.

13 A. I did.

14 Q. And so that night when the the police came you told them
15 that you didn't ever hear Austin on the phone or, excuse me,
16 David on the phone.

17 A. Right.

18 Q. You told 'em that, right?

19 A. I did.

20 Q. So were you lyin' to them?

21 A. Yes.

22 Q. Okay, 'cause today it's your testimony that you heard
23 everything that was going down.

24 A. Right.

25 Q. Did you know that your name and Molli's name had been put

ALICIA CLINE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 out as being possible snitches?

2 A. No.

3 Q. Okay, but you had heard that David's name was ---

4 A. Yes.

5 Q. Even though you had just met him two days before ---

6 A. Yes.

7 Q. --- and that you actually stayed in that hotel with them
8 that two days before that, right?

9 A. I did.

10 Q. You met him through your friend Brandon ---

11 A. Yep.

12 Q. --- and and David had drugs.

13 A. Yes, ma'am.

14 Q. Okay. He had ice, right?

15 A. Yes.

16 Q. And, um, in fact, Ms. Mayes asked you what the, if Austin
17 left and that ya'll made sure to keep the drugs from him so he
18 didn't overdose, right, ---

19 A. I did.

20 Q. --- but ya also made sure to keep the drugs so that you
21 could use 'em, right?

22 A. No.

23 Q. If he takes the drugs, what are ya'll gonna use?

24 A. We would still had some.

25 Q. Who else had drugs that night?

ALICIA CLINE - CROSS-EXAMINATION BY MS. ZMROCZEK

- 1 A. I did.
- 2 Q. Okay. How much did you have?
- 3 A. A little over a gram.
- 4 Q. A little over a gram? And how much did Austin have?
- 5 A. I'm not sure.
- 6 Q. Okay, and how much did David have?
- 7 A. I'm not sure, I wasn't weighing their bags.
- 8 Q. Now are you a user or a, or do you sell?
- 9 A. I use.
- 10 Q. You use? Do you ---
- 11 A. I've used, I don't use anymore.
- 12 Q. Okay, I'm sorry, you used. Um, and how long, for how
- 13 long did you use?
- 14 A. Uh, almost a year.
- 15 Q. Okay. What what other kind of drugs did you use?
- 16 A. Uh, marijuana.
- 17 Q. Okay, just marijuana and ice?
- 18 A. (Nodded in the affirmative.)
- 19 Q. Okay. Uh, did you have a, did you own a scale?
- 20 A. No, ma'am.
- 21 Q. Oh. Uh, you and Molli had actually taken David's car the
- 22 day before, right, ---
- 23 A. We did.
- 24 Q. --- and, um, didn't bring it back to him?
- 25 A. We did.

ALICIA CLINE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. Eventually.

2 A. Yeah, we were gone for about thirty, forty-five minutes.

3 Q. Okay. Where'd ya'll head?

4 A. Oh, we went to Dollar General.

5 Q. Okay. And then, um, Austin starts freakin' out, right,
6 you remember that?

7 A. I do.

8 Q. And you remember that Austin started freaking out right
9 after he got a phone call, right?

10 A. No.

11 Q. Okay. He just started freaking out for no reason.

12 A. No, he was takin' the cooler apart and he suspected that
13 there is a camera inside this cooler.

14 Q. Which we all know there was no camera, right?

15 A. No.

16 Q. Okay. And ya'll started doin' meth on that Friday
17 before, is that, I I -- at -- and and if I'm not, and if I'm
18 misquotin' you please correct me.

19 A. No, that's correct.

20 Q. Okay. And, um, how long, how long does that last, like
21 how often do you have to keep goin'?

22 A. Um, probly a couple hours.

23 Q. So every couple hours you have to s -- is it smoke some
24 more?

25 A. Yes.

ALICIA CLINE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. And that you never injected, right?

2 A. No.

3 Q. Okay, it was all just smoking. And, um, did ya'll use a
4 special pipe or it, do you roll it into cigarettes or how do
5 you ---

6 A. Uh, no, there's a pipe called a "shalay."

7 Q. Okay. Um, and so from Friday up until that Monday ya'll
8 had been smokin' every couple hours?

9 A. Yes, ma'am.

10 Q. Ya'll were together that whole weekend?

11 A. We were.

12 Q. And the only time that start gettin', that that David
13 starts gettin' text messages the only communications that he
14 has with Chuck begin at 9:38 p.m. on August 3rd?

15 A. Um, they had, he started talkin' to him when we dropped
16 Austin off. He was tryin' to explain to Chuck what was goin'
17 on and why we were droppin' Austin off.

18 Q. Okay. Do ya know Chuck?

19 A. No.

20 Q. Okay. Um, and and back to that statement that night, you
21 told the police you had no idea where he was goin', right, ---

22 A. Correct.

23 Q. --- and you didn't know that he was goin' to meet
24 anybody ---

25 A. Right.

ALICIA CLINE - REDIRECT EXAMINATION BY MS. MAYES

1 Q. --- but today you're sayin' that that you tried to stop
2 him.

3 A. I did.

4 Q. Okay. Alicia, have you ever seen or met this man right
5 here (indicating)?

6 A. No, ma'am.

7 Q. Not even when you were hangin' out with Brandon?

8 A. No, ma'am.

9 Q. Thank you, no questions.

10 REDIRECT EXAMINATION BY MS. MAYES:

11 Q. Alicia, uh, Ms. Zmroczek was just asking you about, uh,
12 communications, uh, that day even before, uh, 9:38 and you
13 indicated, uh, that David had actually started hearing from
14 Chuck earlier that day?

15 A. Yes.

16 Q. What was it that prompted, uh, the communication from
17 Chuck?

18 A. Because he wanted to explain to Chuck why he was droppin'
19 Austin off and that he wasn't stealin' the dope and money,
20 that he just didn't think that Austin need to have it at the
21 time.

22 Q. All right, and so to clarify that a little bit more
23 Austin, is Austin someone that knew Chuck as well?

24 A. Uh, I -- yes, he did.

25 Q. All right, so based upon your, uh, all of the activities

ALICIA CLINE - REDIRECT EXAMINATION BY MS. MAYES

1 a that weekend and your observations regarding both Austin and
2 David, it wasn't just David that knew Chuck Morehouse but also
3 Austin?

4 A. As far as I knew.

5 Q. And so after Austin was dropped off, uh, suddenly, uh,
6 David has to explain to Chuck about the money and drugs?

7 A. I'm not sayin' that he had to, he just felt that he
8 needed to.

9 Q. All right. And then do you know whether, um, those
10 communications were one time or more than one time leading up
11 to 9:38 p.m.

12 A. Uh, more than one time.

13 Q. All right, then by 9:38 p.m. he has to go meet Chuck,
14 correct?

15 A. Correct.

16 Q. Do you know whether any of those, uh, communications also
17 involved explaining that there wasn't camera in the van?

18 A. I'm not sure.

19 Q. Now Ms. Zmroczek was asking you about fact that you have
20 a pending charge for possession of controlled substance, does
21 that affect your ability, uh, to tell the truth about what you
22 know in this case?

23 A. No, ma'am.

24 Q. That night after you found out that David had been
25 murdered, he left to go meet someone named Chuck and he never

ALICIA CLINE - REDIRECT EXAMINATION BY MS. MAYES

1 came back, police were at your door telling you that they
2 found a body, what concerns did you have at that point about
3 telling the police everything you knew?

4 A. Um, I just, uh, I didn't know who Chuck was so I wasn't
5 gonna sit there and tell them information that I wasn't sure
6 about if he'd come back to me.

7 Q. What do you mean come back with you?

8 A. Uh, to figure out who I was and say that I was a snitch.

9 Q. You might end up dead?

10 A. (Nodded in the affirmative.)

11 Q. Nothing further, Your Honor.

12 THE COURT: All right. Um, let's take a break. Wanna
13 hold right here and let's take the jury out, so you come
14 forward, stay right there.

15 UNIDENTIFIED JUROR: Okay.

16 THE COURT: All right, let's take a break, be about
17 fifteen minutes, just hold what you got, okay.

18 (The following takes place outside the presence of the
19 jury.)

20 (Whereupon, a discussion was held off the record.)

21 (Whereupon, a recess was taken.)

22 THE COURT: All right, bring the jury.

23 THE BAILIFF: Yes, sir.

24 (The following takes place in the presence of the jury.)

25 THE COURT: All right, call your witness.

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 MS. MAYES: The State calls Sergeant Jesse Laintz.

2 (Whereupon, the witness came forward.)

3 THE CLERK: Raise your right hand, please.

4 JESSE LAINTZ, having been first
5 duly sworn, testified as follows:

6 THE CLERK: Thank you. You'll have a seat, please, state
7 your name spelling your last for the record.

8 THE WITNESS: Jesse Laintz, last name is L-A-I-N-T-Z.

9 DIRECT EXAMINATION BY MS. MAYES:

10 Q. Sergeant Laintz, where are you currently employed?

11 A. I work the Lexington County Sheriff's Department here in
12 Lexington County.

13 Q. How long have you worked in law enforcement?

14 A. I've been in law enforcement for ten years now.

15 Q. And prior to law enforcement, what type of background do
16 you have?

17 A. Prior to law enforcement I was in the Marine Corps for
18 seven years.

19 Q. And specifically during your time with law enforcement
20 how long have you worked as an investigator?

21 A. I've been investigator for five years now.

22 Q. Can you tell us a little bit about your specific, uh,
23 background, training and experience that led you to become an
24 investigator.

25 A. Well my background at the sheriff's department I am a

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 hazardous device technician, part a the EOD team, I'm a SWAT
2 team leader and I'm also a sergeant in the Major Crimes Unit.
3 When it comes to major crimes, I've been a sergeant there for
4 four years, I was in investigation one year before that, I,
5 um, during that time I've collected an array of training
6 through investigations, interrogations and things along those
7 lines with experience of doing all of that as well.

8 Q. What type of, uh, cases does the Major Crimes Unit
9 investigate?

10 A. Uh, almost anything you can imagine, all the way from
11 phone harassments to murders. My team of four detectives that
12 I have we primarily focus on murders, armed robberies,
13 aggravated assaults and some are your more simple assaults.

14 Q. All right. And in that capacity, uh, can you tell us
15 whether or not you became involved in the investigation into
16 the murder of James David Porter the third?

17 A. I did. That night my team was the on-call major crimes
18 team. Once a, once a month we have a week of nights on-call,
19 we're on call from two o'clock in the afternoon till four
20 o'clock that next mornin' and then we cover the entire weekend
21 and we were on call that time.

22 Q. Now in addition to you being a, uh, sergeant with the
23 Major Crimes Unit, are you also a member of the SWAT team for
24 the Lexington County Sheriff's Department?

25 A. Yes, I'm one a the team leaders on our SWAT team.

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 Q. Sergeant Laintz, what initial action did you take on the
2 night of August 3rd regarding your homicide investigation?

3 A. On August 3rd as being on call, essentially what we're
4 doin' is we will follow up with other things that we're
5 working on but we are sittin' by the phone waitin' for the
6 road to need help and it was just about midnight, so I I can't
7 tell you if it was on the 3rd or the 4th 'cause it was right
8 there at midnight, I got the call from Master Deputy
9 Richardson who was up here earlier and, um, he told me about
10 a, what appeared to be a homicide at Old Orangeburg Road, what
11 we call the dirt portion of Old Orangeburg Road.

12 Q. All right, so the Major Crimes Unit, uh, was notified by
13 that deputy on the scene that we heard from earlier today, uh,
14 Deputy Eddie Richardson.

15 A. Correct.

16 Q. And what i -- what can you tell us about, uh, you -- the
17 steps along the way when you initially ri -- arrive on the
18 scene along with other investigators.

19 A. The step starts with it essentially being a facilitator.
20 Being a sergeant what my job is to get everybody maneuvered
21 and get everybody startin' to do their job so it's on the
22 phone, uh, I called Master then, I'm sorry, Detective Rawl,
23 Sergeant Rawl now, uh, Detective Andolero and had them respond
24 to the scene. Since I know Old Orangeburg I had one respond
25 to what we call "302 side" and one respond to the Pleasant

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 View side since their whole road was gonna be told from what I
2 was told then I also called CSI, had CSI respond to the scene
3 as well.

4 Q. All right, CSI, what does that, what does that
5 accurman -- acronym stand for?

6 A. I'm sorry, it's Crime Scene Investigations.

7 Q. All right. And can you tell us whether or not it's
8 routine for a CSI unit to respond, uh, to a murder
9 investigation.

10 A. That absolutely.

11 Q. Now you mentioned, uh, that you had the scene, uh,
12 blocked off, I'm gonna show you a photograph, if you could,
13 uh, step down momentarily.

14 A. Um-hum.

15 Q. Uh, Your Honor, if the witness may step ---

16 THE COURT: Sure.

17 Q. --- down.

18 (Whereupon, the witness left the stand.)

19 Q. This is State's Exhibit, uh, 111, ---

20 A. Um-hum.

21 Q. --- what is going on in the area of this (indicating)
22 green star and what can you tell us about that particular
23 portion, uh, betw -- uh, the roadway between Edmund Highway or
24 302 here (indicating) and Pleasant View up here (indicating).

25 A. Starting about right here (indicating) when you turn off

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 Pleasant View and come up here (indicating), you turn right
2 about there (indicating) it turns into a dirt road.

3 Q. All right, and, uh, this event took place in the dirt
4 road portion, correct?

5 A. Yes, it was, it was down in this (indicating) area, I
6 believe it was right about here (indicating).

7 Q. Now what areas did law enforcement actually secure with
8 crime scene tape and things of that nature?

9 A. It, I can't tell ya how far but, before and after it was,
10 but it was from where I was standing I was actually on this
11 (indicating) end and from the car, the white car, I was probly
12 about 20 yards down ---

13 UNIDENTIFIED JUROR: I can't see.

14 A. I was probly about 20 yards down from where the white car
15 was and I I could see the lights all the way down here
16 (indicating), I couldn't tell ya how far it was, if I had to,
17 guess I would say it was half a football field, 40 yards ---

18 Q. All right.

19 A. --- 50 yards.

20 Q. Now, Sergeant Laintz, out here, um, at night how well can
21 you see on that dirt road?

22 A. I -- that this is coal miner dark out here. Uh, when you
23 come out here there is no lights, no ambient light, like
24 sometimes you walk in your back yard, you can still see but
25 there's no lights out there, there is no ambient light 'cause

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 the trees are so tall against the side a the road, the only
2 way you can get ambient light is actually by looking up and
3 seeing the sky, it is very, very dark. Um, when I was parked
4 here (indicating) it was kind of, Okay, we need to start doin'
5 somethin' so I wanted to look for an an area there's meth
6 trash or anything like that and I couldn't see without my
7 flashlight at all.

8 Q. Oh, all right. And in addition, uh, to this particular
9 area which, uh, was, uh, secured, uh, by law enforcement, can
10 you tell us, um, measures were make, were taken to make sure,
11 uh, that cars didn't come and go to and from the crime
12 scene, ---

13 A. Just ---

14 Q. --- passersby.

15 A. --- it it was literally blocked off by law enforcement.
16 There's law enforcement vehicle and then there'd be crime
17 scene tape, crime scene tape, law enforcement vehicle then all
18 of us responding it essentially blocked the complete road up,
19 there was no way anybody was gonna get by.

20 Q. All right. And, Sergeant Laintz, are you familiar with
21 an area know as the "Blue Lagoon?"

22 A. Yeah, Blue Blue Lagoon is a place that we get a lotta
23 calls to. Um, when I was a patrol master deputy on the road,
24 I worked the west region and the south region and this are
25 right here (indicating) is the Blue Ragroon [sic] it's

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 essentially standing water where people go out drink, um, play
2 in the water and have fun but they're trespassing when they do
3 it so we always get calls on it and it's it's called the "Blue
4 Lagoon."

5 Q. Can you access the Blue Lagoon from that dirt road
6 portion of Old Orangeburg Road?

7 A. You can but they piled up so much stuff in the way of all
8 the roads to access it that you can't drive all the way up
9 there. There's spots that you can pull in that gets you a
10 little ways but you gotta walk the rest a the way on foot.

11 Q. All right, uh, so can you tell us whether or not based
12 on your knowledge of this (indicating) area, uh, the lagoon,
13 uh, how the Lagoon would be accessed from 302.

14 A. From 302?

15 Q. Um-hum.

16 A. Down here (indicating)?

17 Q. Correct.

18 A. Uh, from my knowledge, the best a my knowledge 'cause if
19 there was a place to drive in there I woulda found it, you
20 gotta walk.

21 Q. Okay. And, uh, can you tell us whether or not you could
22 walk, uh, if you had turned up, uh, the dirt road portion of
23 Old Orangeburg Road form 302.

24 A. It's a lot easier to get there from the dirt portion
25 road. You can pull off, there's like little pull-offs here

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 (indicating) which is a very good chance you'll get stuck but
2 then you can walk in from there as well.

3 Q. Right. Thank you may return.

4 (Whereupon, the witness returned to the stand.)

5 Now in addition to the lighting, uh, out there that
6 night, I'm also gonna ask you, um, about the conditions of
7 this (indicating) dirt road, a portion, did you actually get
8 out of your vehicle, uh, that night along with other members
9 of law enforcement?

10 A. Yes, ma'am.

11 Q. There's a light down here (indicating), what is the
12 source or what's causing that, uh, light to show up in this
13 picture, uh, once crime scene has arrived and photographs of
14 the area being taken?

15 A. I I know, not sure exactly whose vehicle that is but it's
16 a spotlight on one a the patrol vehicles. There was a patrol
17 vehicle that was parked there, I don't remember whose it was
18 but that's, when I left that was the spotlight that was
19 sittin' right there kinda looking over the scene if you will.

20 Q. All right, so that that light it's an indication of law
21 enforcement intervention at the scene?

22 A. Yes, ma'am.

23 Q. What can you tell us Sergeant Laintz, about, uh, this
24 (indicating) area along that (indicating) dirt road portion of
25 Old Orangeburg Road, uh, once you get off the main portion and

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 head towards that embankment.

2 A. In the Marine Corp. we called it "talcum powder sand."

3 When we went overseas there was, there's all kinds a different

4 kinds a sand, sounds really weird when you think sand there's

5 a sand, but there's all kinds a different kinds a sand, we

6 call that "talcum powder sand," it's when you step down in it

7 you go down like 4 inches, when you lift your foot in,

8 everything collapses on it and that there is also like a

9 little dust cloud that comes up with it, on the edges of the

10 road, what I would call "talcum powder sand," it was on the

11 edges of the road and the middle was a little bit more

12 compact, it was still looser but not not like the edges. On

13 the edges if you went too far over, if you were passin'

14 another car and would go too far over, there's actually a

15 chance you could almost get stuck.

16 Q. So once you arrive, uh, at the scene and you become aware

17 that, uh, a victim is in the roadway, he's deceased, EMS was

18 not able, uh, to transport him, uh, or attempt resuscitation,

19 what efforts are underway to actually identify the victim?

20 A. Um, to identify the victim we had very very little

21 information. When CSI comes up, once CSI gets there, it's

22 their show, we don't wanna mess anything up, we don't wanna do

23 anything, we want them to do it all so essentially what we had

24 was a tag on a vehicle to run, that was all the information

25 that we had and the tag that was ran came back to a Donna

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1 Moss.

2 Q. All right, and, uh, you're referring, uh, to the tag on
3 the white Ford Taurus ---

4 A. Yes, ma'am.

5 Q. --- that the victim had driven, ---

6 A. Yes, ma'am.

7 Q. --- uh, to that location that night.

8 A. Yes, ma'am.

9 Q. All right, and just to clarify, realize it, the pictures
10 are taken at night as this is going on, uh, and, uh, due to
11 that, uh, the picture is not, uh, very well lit but where
12 approximately is the victim in this (indicating) photograph?

13 A. In in all honestly I don't know ---

14 Q. Okay.

15 A. ---- 'cause I want, I went to crime scene tape and stood
16 there and never broke the crime scene tape so I'm probly not
17 the best person tell you that ---

18 Q. Okay.

19 A. --- because where we were standing down there where the
20 spotlight's at ---

21 Q. Um-hum.

22 A. --- well we couldn't see so ---

23 Q. Okay.

24 A. --- dark.

25 Q. And so once crime scene is on the scene, uh, you

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 indicated that you have run the tag on the vehicle to attempt
2 identification, what, if anything, did crime scene recover
3 from Porter that aided in your ability to actually make an
4 identification of him?

5 A. After crime scene was there, started to work the scene,
6 it it takes a little bit of time, obviously the first thing
7 that I want as a sergeant is go see if there's a wallet, go
8 see if there's a wallet, they have to work their way up to
9 that. Um, when I asked the CSI to go do that, they went, when
10 they finally got up to the body, they have to work their way
11 up there essentially, um, there wasn't a wallet but there was
12 a Days Inn card that was in his, one of his pockets.

13 Q. Right. Let me show you what is State's, uh, marked as
14 State's Exhibit 131 and ask you whether or not you recognize
15 this item, if so, how so.

16 A. Um, after I was bothering CSI for so long trying to get
17 information, when they, when she was able to get this she
18 brought this up to me ---

19 Q. All right.

20 A. --- and ---

21 Q. You recognize it, uh, from this event?

22 A. Yes, ma'am, it it was what CSI brought me that they said
23 was in David Porter's pocket.

24 MS. MAYES: Uh, Your Honor, this would be State's Exhibit
25 131 for evidence.

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 MS. ZMROCZEK: I believe there's no objection already,
2 Your Honor.

3 THE COURT: That's in.

4 (State's Exhibit No. 131, Days Inn hotel key card, was
5 previously admitted into evidence.)

6 MS. MAYES: I ask, uh, to unseal this item at this time,
7 Your Honor, ---

8 THE COURT: Okay.

9 MS. MAYES: --- the evidence that's over here.
10 (indicating).

11 BY MS. MAYES:

12 Q. And, uh, we'll unseal it momentarily, uh, Sergeant
13 Laintz, let me ask ya this: Uh, once you obtained this, uh,
14 item ---

15 A. Um-hum.

16 Q. --- what were you able to learn from it?

17 A. Uh, on this item there was the Days Inn obviously set
18 across there and then 218 assuming that was a room number and
19 there was also something weird on it that says Days, let me
20 get it right here, Days 7504 which would, I thought was kind
21 of weird. Originally I thought that was actually I thought
22 that was actually a store ID number so at that point in time I
23 started to call, just did a quick Google search on my phone
24 and started to call and ask it, is this a store ID number,
25 what is this number on there. As I co -- as I was calling one

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1 a the hotels I called to, um, they said that that was their
2 Wifi code so it lead us to the Day Inn & Suites at at the
3 Columbia Airport at I believe it's [] Branch Road in West
4 Columbia.

5 Q. All right, so, uh, looking, uh, at this Days Inn, Days
6 Inn, uh, room swipe key, it's a swipe key for the door, uh,
7 you see, uh, Room [] and then you see this code and you said
8 you made contact, uh, with the closest Days Inn?

9 A. Uh, I I was actually huntin' for anything I could, I
10 think I contacted a different one, um, I don't remember which
11 one it was, it was my first one that came up on Google and
12 that was the second one I contacted.

13 Q. All right. And ultimately, uh, you learned that was
14 gonna be the Wifi passcode, uh, and the room number, correct?

15 A. Yes, ma'am.

16 Q. And it was in fact the Days Inn located by the airport?

17 A. Yes, ma'am.

18 Q. Did you go to Room []?

19 A. Myself, Lieutenant Frier who was the watch commander at
20 that night and Captain Hampton Taylor, uh, we all went to
21 there, the hotel.

22 Q. Three detectives, investigators, uh, go to, go to Room,
23 uh, 218 in an attempt to identify, uh, who this is in the
24 roadway, who do you find there at the, uh, motel room?

25 A. We actually stop by first at the office and try to get a

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 name of who is at the hotel room and the receipt, there was a
2 receipt that had, um, Alicia Cline's name at the top, from
3 there we went up and made contact at the door and there we met
4 with a Lisa [sic] Klein, Molli Anne Bush and a Riley Fore, uh,
5 Former -- Foreman, sorry.

6 Q. Okay, so Riley, Molli and Alicia, three witnesses we've
7 heard from today, were all in that room?

8 A. Yes, ma'am?

9 Q. Based on your communications with them that night, were
10 you able to make a positive identification on Mr. Porter?

11 A. Wi -- with those communications with them we're able to
12 get a very good idea it was him but there was also
13 communications back to Detective Rawl who was at the scene and
14 his photo was pulled up. Detective Rawl and CSI on scene
15 looked at the photo and they at that point in time obviously
16 been up to the body and all those things together what we call
17 the "totality" of everything, yes, we were able to ID him.

18 Q. Once that ID, uh, was made, do you have contact, uh, with
19 anyone, uh, in the narcotics or Narcotics Enforcement Team,
20 also known as the NET team?

21 A. When we got back from the hotel room, uh, my mind's go,
22 always goin' a hundred miles an hour, I get there and it's
23 it's the area's so collu -- so secluded in such a weird spot,
24 it's not where you drop of, you know, and change kids with
25 somebody else, it's not where you pick up clothes you left at

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1 someone house so first thing my head jumps to is drug-related
2 so at that point in time I call Sergeant Burke who was in
3 charge of our narcotics unit, we have him ID and I ask
4 Sergeant Burke if the victim was a CI, confidential informant,
5 he said he was not.

6 Q. All right. You have concerns at that moment that this
7 may be a confidential informant?

8 A. Yes.

9 Q. Now, did you have an opportunity, uh, to review any other
10 items at the scene, uh, in the means of attempting to
11 determine who Mr. Porter had had contact with that night and
12 who may be potential suspects?

13 A. We got back from the hotel, um, CSI and Detective Rawl
14 had a phone that was also on the victim, that phone I was told
15 was dead and they were in the process a charging it so we
16 wanted to get on that phone as soon as we could and at that
17 point in time we did have a phone that was in the process a
18 getting charged and shortly thereafter we were able to turn
19 the phone on.

20 Q. So the phone, uh, wasn't working, uh, when it was
21 retrieved from the victim, correct?

22 A. No, the battery was dead.

23 Q. All right. And it took efforts by law enforcement to
24 actually charge it back up, reboot, get it working.

25 A. Yes.

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1 Q. I'm gonna show you what's State's Exhibits 19 and 20 and
2 ask you whether or not you're familiar with these items.

3 A. Yes, ma'am, I am.

4 Q. How so?

5 A. Uh, these are pictures of the screen of the phone after
6 it was fully charged and what we saw.

7 Q. And when you say "pictures of the screen," is there
8 anything there that indicates, uh, that it may be related to
9 this event?

10 A. Uh, absolutely. There was a text message at 11:11 p.m.
11 that said turning on 302 end of the Lagoon and that person
12 that text the contact at the top was a Aakingchuck.

13 Q. All right. And, Your Honor, to clarify, these are
14 State's Exhibits 20 and 19 without objection.

15 THE COURT: They're already in.

16 BY MS. MAYES:

17 Q. Gonna show you specifically State's Exhibit 19, ---

18 A. Okay.

19 Q. --- were you able also with law enforcement also able to
20 access the contacts list from Mr. Porter?

21 A. Uh, we were able to ent co -- uh, get into the contacts
22 l -- contacts list as well; we weren't able to actually see
23 the or we didn't take a picture of the contact list.

24 Q. The ingoing and outgoing last calls.

25 A. The phone log yes and ---

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 Q. That would include anyone in the contacts list that had
2 made a recent call.

3 A. Yes, ma'am, ---

4 Q. All right.

5 A. --- and ---

6 Q. All right. So once the phone is cut on it's
7 rebooted, you're able to actually pull up who the last contacts
8 were with, correct?

9 A. Yes, ma'am.

10 Q. So there's a text at 9:46 that says, Where do you wanna
11 meet, ---

12 A. Uh-huh.

13 Q. --- so just just to clarify, you familiar with how these
14 particular phones worked; in other words, whether that's the
15 sender or, uh, the person who; in other words, would this be
16 Mr. Porter or would this be Aakingchuck?

17 A. No, the right side is Mr. Porter, the le -- the right
18 side is the sender or the person who owns the phone, the left
19 side is the person who's sending the message.

20 Q. All right, so here the sender is Mr. Porter.

21 A. Correct.

22 Q. And at 9:46 which would be after the message that said,
23 "Drop her," what, 9:46 p.m. the victim says, "Where do you
24 want to meet," then there is a response at 9:47 which says,
25 "Redbank."

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1 A. Correct.

2 Q. That's the person responding to, uh, Mr. Porter which in
3 this case would be the person who is labeled Aakingchuck,
4 correct?

5 A. Correct.

6 Q. Then the victim says, "All right, is forty-five to an
7 hour fine," that's at 9:48 p.m. then finally at 11:11 there's
8 a reference from Mr. Porter to Aakingchuck, "Turning on 302
9 end of Lagoon."

10 A. That is correct.

11 Q. You mention the Lagoon a while ago, what is your
12 understanding of what is taking place at this point regarding
13 a message that says, "Turning on 302 end of Lagoon?"

14 A. That he is on 302 turning onto Old Orangeburg Road, the
15 dirt portion.

16 Q. So he is virtually at the crime scene at this point, ---

17 A. Yes.

18 Q. --- close, close to it. Next in State's Exhibit 19 here,
19 these are communications with the person labeled "Aakingchuck"
20 and are these gonna be text messages or phone calls?

21 A. Phone calls.

22 Q. All right. There's a phone call at 9:33 p.m., ---

23 A. That time.

24 Q. --- 10:04 p.m. and 10:23 p.m., correct?

25 A. Correct.

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 Q. Now those phone calls are not involving Aakingchuck,
2 correct?

3 A. Not that we know of, no.

4 Q. All right, so the phone call from kingchuck is 9:33 p.m.
5 and then again at 11:13 p.m. Were there any other phone calls
6 or text messages recovered from that phone based on what you
7 were able to visualize that night other than the text
8 approximately at 11:11 that says he's turning on 302 at the
9 end of Lagoon and then this phone call at 11:13 p.m.?

10 A. Was there any other ---

11 Q. Whereas there di -- was any was there any other contact
12 with this Aakingchuck person?

13 A. Yes, throughout the phone there wa -- there was more, ---

14 Q. Okay.

15 A. --- absolutely.

16 Q. All right. What about after this time of 11:13 p.m. that
17 would have involved Mr. Porter?

18 A. That at 11:13 p.m. there was not but there was a call
19 that's at 4:57 a.m. to Aakingchuck, that was me.

20 Q. Okay, so I wanna ask about that in a moment. So 11:11
21 p.m. there's the text and 11:13 p.m. is the phone call but
22 after that no further activity or communications with this
23 person, ---

24 A. No, ---

25 Q. --- correct?

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 A. --- none at all.

2 Q. Okay. In fact, were there any other outgoing calls or
3 outgoing texts that you were able to visualize from Mr. Porter
4 after he turned on, uh, 302, took that last call at 11:13
5 p.m.?

6 A. Except for the one at 4:57 a.m., that was me.

7 Q. Okay, so let's talk about that. So you have the phone,
8 ya'll are looking at it, how did this call here (indicating)
9 at 4:57 a.m. happen?

10 A. Uh, that was my stupid error. When you look and you see
11 AKi -- Aakingchuck at the 11:13 p.m. one there's a two next to
12 it. What that two next to it usually it means a sequence of
13 calls so there's more than one call there and I'll -- I hit
14 the button to see when the next call came up, when I hit the
15 the button it started callin' ---

16 Q. Okay.

17 A. --- so it was a a hurry up and hang up.

18 Q. All right. Uh, so the, so the last actual contact that
19 woulda been made by Mr. Porter would -- is right here
20 (indicating) at 11:13 p.m. and then this one is the result of
21 law enforcement ---

22 A. That is correct.

23 Q. --- because you already had the phone in your possession.

24 A. Yes, ma'am.

25 Q. So, Sergeant Laintz, tell us what efforts are made by law

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 enforcement to find out who is Aakingchuck who's meeting with
2 the victim at 11:11 p.m., uh, at the crime scene which is near
3 the Lagoon, uh, just prior to his, just prior that the 911
4 call that was received at 11:42 a.m.?

5 A. When we have a phone number, it allows us to do a lot
6 more investigation, um, it, whether it's not just for, uh,
7 find out the provider and then gettin' information from the
8 provider or goin' into a database, we have contents called
9 "CLEAR" where we can put a phone number in, try to find the
10 owner, but we also have a database of anyone who's had contact
11 with law enforcement so if you have a larceny at your house,
12 you call law enforcement out, a report's written and we keep
13 your number, it goes into our database, so the easy step to
14 start with is we put that phone number into one of our mobile
15 command centers which is a computer that road has on at the
16 site with 'em and we put that phone number in there, went
17 ahead and ran it right there first on our what we call "MCT."

18 Q. And based upon this investigation, uh, and your knowledge
19 of the events in this investigation, were you able to match
20 that phone number, uh, that phone number being an

21 -1191 ---

22 A. When we put, ---

23 Q. --- labeled as kingchuck?

24 A. --- when we put that into the, um, the MCT computer it
25 came back as to the co-defendant, a Charles Morehouse.

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 Q. So the victim's meeting Charles Morehouse turning on 302
2 at the end of Lagoon at 11:11 p.m., correct?

3 A. That's what it appears to be, yes.

4 Q. After you learned, uh, the connection in this case to
5 Charles Morehouse, what efforts were made by law enforcement
6 to locate Charles Morehouse?

7 A. At at that point in time that was when the call to
8 Sergeant Burke went off about this being possible informant
9 and I also ask Sergeant Burke if there was an investigation
10 going on with Morehouse at that point in time. Um, he said
11 there was, at that point in time it was important to get to
12 his house to try to start locating him, if you will, so I
13 originally went to his location which was [redacted], make sure I get
14 this right, [redacted] Willow Forks Road at his house, I started
15 putting surveillance up on there. Um, as soon as Detective
16 Andolero and Detective Blue -- Booth were able to clear from
17 what they were doing, I had them come relieve me so we can
18 start the process of getting a search warrant and stuff like
19 that for the residence.

20 Q. Did you actually take part in that surveillance of the
21 Morehouse residence yourself on the, uh, night of August 3rd
22 into the early morning hours of August 4th?

23 A. I did, I I was there for a period a time.

24 Q. And ultimately did law enforcement learn, uh, what type
25 of vehicle, uh, was associated with Mr. Morehouse?

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 A. Uh, we did through talking to, um, Sergeant Burke and
2 then going through past reports we were able to tell that it
3 was a Chevy Impala.

4 Q. All right, so surveillance is conducted, uh, law
5 enforcement's looking for Chevy Impala and ultimately, um,
6 prior to 8:30 a.m., uh, on the morning or early morning hours
7 of August 4th, uh, did law enforcement, uh, determine whether
8 or not that Chevy Impala had returned to 165 Willow Fork?

9 A. I had left, at that point in time we were workin' on a
10 search warrant. Detective Rawl went up to headquarters to
11 start workin' on the search warrant. Due to the event that
12 was involved, uh, I went ahead and ca -- started callin'
13 members on the SWAT team for us to execute this search warrant
14 since a a murder had just happened, Detective Rawl was getting
15 that when Detective Andolero and Booth relieved me. Um, they
16 did call, was in constant radio communication and phone
17 communication with them, they did call and say that a white
18 male showed up and the dark in color appeared to be burgundy,
19 uh, Chevy Impala and went inside the residence.

20 Q. All right, and, uh, by this time is it already morning?

21 A. It it's getting there, yes.

22 Q. You mentioned, uh, that you had confirmed at this point
23 with Sergeant Burke of the NET team, uh, that there was an
24 ongoing narcotics investigation involving Mr. Morehouse?

25 A. That is correct.

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 Q. And you mentioned that, uh, Sergeant Rawl was in the
2 process of, uh, atai -- obtaining a search warrant for that
3 residence, ---

4 A. That is correct.

5 Q. Did you take part in the search or execution of the
6 search warrant at 165 Willow Fork being the residence of
7 Charles Morehouse?

8 A. I did. After this -- the search warrant was declared in
9 hand, that means that it's been through a judge and the judge
10 signs it and says, Yes, this is a good search warrant, um,
11 members of the SWAT team we all met together, we formulated
12 our plan. Uh, we met at 8:15, I don't know how long we talked
13 for but we left straight from probly a mile and a half drive
14 and went and hit the house and when it came to executing the
15 search warrant all I did was enter with the SWAT team, secure
16 the house, secure Morehouse, secure everybody that was in it,
17 get them out and then passed it on to the investigators and
18 CSI, so I was kinda constantly changin' hats during that point
19 in time.

20 Q. All right. Gonna show you these photographs, State's
21 Exhibits 105, 106, 103 and 104 without objection.

22 THE COURT: Those are already in.

23 Q. Yes, sir.

24 A. Can I see?

25 Q. You recognize those photographs?

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 A. Yes, ma'am.

2 Q. What are we looking at here (indicating)?

3 A. This is what we call "Side 1" side but it's the side
4 that's closest to the road, the fronta your house
5 essentially.

6 Q. Is that 165 Willow Fork?

7 A. It is.

8 Q. What is your understanding of based upon your execution
9 of that search warrant as to who resided at this home?

10 A. Um, the co-defendant resided at that home, I believe
11 there was, um, some other family members including a
12 mother-in-laws and possibly two kids that were living there as
13 well.

14 Q. All right, a mother-in-law, a spouse and two children?

15 A. Yes.

16 Q. Gonna show you, um, what is State's Exhibits, uh,
17 104, ---

18 A. This (indicating)?

19 Q. --- 103, what are we looking at here (indicating)?

20 A. That is the burgundy Impala that showed up when my two
21 detectives were doin' surveillance and that's (indicating)
22 believed to be Charles, the co-defendant Charles Morehouse's
23 vehicle.

24 Q. Here 103, ---

25 A. So ---

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 Q. --- now that vehicle was parked, uh, in the driveway ---

2 A. It was.

3 Q. --- during the execution of the search warrant?

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

5 Q. Are things photographèd during the execution of search
6 warrant, uh, as you find them for the most part, uh, until law
7 enforcement actually has too seize evidence?

8 A. Yes.

9 Q. Are you aware as to whether or not any drugs were located
10 inside the residence?

11 A. There were drugs located inside the residence.

12 Q. What type of drugs?

13 A. Ice and meth.

14 Q. Now you mentioned that there had been an ongoing, uh,
15 investigation by the Lexington County Sheriff's Department NET
16 team, uh, regarding Mr. Morehouse, uh, was he actually
17 arrested there at the scene during execution of the search
18 warrant?

19 A. At that point time there was three warrants for
20 distribution of methamphetamines that we had in hand, he was
21 arrested and transported up to the sheriff's department from
22 the residence.

23 Q. By this point, uh, as you said ya'll had worked the
24 murder, uh, since around midnight leading on up into the early
25 morning hours, you met on the search warrant at around 8:15

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 and then actually actually executed that sear -- search
2 warrant shortly thereafter?

3 A. Yes, ma'am.

4 Q. All right, so that by by the time he's actually taken
5 down to, uh, the sheriff's department and the warrants are
6 served it's now 8/4/15, August 4th 2015 during the day ---

7 A. Yes, ma'am.

8 Q. --- and those were three warrants for distribution. And
9 he sold to a confidential informant?

10 A. That is what, uh, warrants read, yes.

11 Q. And once he's served, uh, with those warrants, uh, by law
12 enforcement, uh, did he agree to talk, uh, with law
13 enforcement?

14 A. He did.

15 Q. And, Your Honor, uh, pursuant to stipulation, uh, the
16 next question, um, it's agreed upon.

17 THE COURT: Okay.

18 Q. Following the search warrant that was conducted, uh,
19 there at the residence and the interview, uh, with mi --
20 Mr. Morehouse, during that interview on August 4th did he
21 admit having any involvement in this murder?

22 A. No, he did not.

23 Q. During that interview did he implicate the co-defendant
24 Wiley Sisk as being involved in the murder?

25 A. No, he did not.

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 Q. Once tho -- once those warrants, uh, for distribution of
2 ice, uh, based on controlled buys that had been made, uh,
3 during that ongoing investigation were served on
4 Mr. Morehouse, was he detained, uh, at the Lexington County
5 Detention Center?

6 A. He was under arrest up there, yes, ma'am.

7 Q. What is your understanding of the length of that
8 investigation, uh, that, uh, in which controlled buys, uh,
9 were being made by a confidential informant?

10 A. Reading the search warrant they started back in May and
11 went into June.

12 Q. Of 2015?

13 A. Yes, 2015, sorry.

14 Q. And ultimately, uh, following, uh, this initial
15 interview, uh, with Mr. Morehouse on August 4th, can you tell
16 us, uh, whether or not, uh, he was interviewed again by law
17 enforcement on August 8th of 2015?

18 A. He was interviewed again on August 8th.

19 Q. And again, Your Honor, uh, this next question is pursuant
20 to stipulation.

21 THE COURT: Yes, ma'am.

22 Q. Regarding, uh, this interview conducted on August 8th of
23 2014, uh, who, if anyone, did Mr. Morehouse implicate in the
24 murder?

25 A. Wiley Sisk.

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 Q. This (indicating) defendant Wiley Sisk?

2 A. Yes, ma'am.

3 Q. What, if anything, else did law enforcement, uh,
4 determine, uh, regarding that interview?

5 A. That he thought the victim was an informant.

6 Q. That Mr. Morehouse believed James David Porter to be an
7 informant.

8 A. Yes, ma'am.

9 Q. What was the next step in the investigation?

10 A. The next step in the investigation was to start gathering
11 as much information as we possibly could from any witnesses
12 that we had, it's kinda the old breadcrumbs just tryin' to
13 follow the trail and we're tryin' to establish a trail.

14 Q. All right. At any point in time, uh, had law
15 enforcement, uh, received, um, or did law enforcement have
16 reason, uh, to appra -- approach a subject by the name of
17 Christopher Williams awesome -- also known as Snoop?

18 A. Yes, ma'am, we went out there and there was actually
19 quite a few people that we had to talk to at his residence, it
20 was [] Mac Circle, um, and several interviews were conducted
21 by law enforcement at that address.

22 Q. All right, [] Mac Circle would be the address of this
23 individual known as Snoop, ---

24 A. Yes.

25 Q. --- real name being Christopher Williams?

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 A. Yes, Christopher Williams.

2 Q. What significance, if any, did that residence have in
3 relation to this murder investigation?

4 A. It was developed through talking to witness -- witnesses
5 that those that were at the residence witnessed the
6 co-defendant and defendant at there during, let me s -- not
7 say during, after and before the incident took place.

8 Q. All right, so it was believed, uh, based on law
9 enforcement investigation that both Mr. Sisk and Mr. Morehouse
10 had been present at Snoop's residence, uh, on the night of
11 August 3rd 2015, ---

12 A. Yes, ma'am.

13 Q. --- both before the time frame of the homicide and
14 after?

15 A. Yes, ma'am.

16 Q. And in addition to speaking, uh, with Christopher
17 Williams, also known as Snoop, did law enforcement also speak
18 with other people who had been at that residence?

19 A. Yes, there was, um, Erica Moody, I'm sorry, let me get
20 this name right.

21 Q. You can just tell us the names and not what they said.

22 A. Okay, uh, a a Moody subject, a ---

23 Q. Brittany Moody?

24 A. Ma'am?

25 Q. Brittany Moody?

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 A. There we go. Brittany Moody, uh, Erica Waters and then
2 as we said Snoop or Chris Christopher Williams.

3 Q. All right. Now as to Erica Waters, how difficult was it
4 to find Erica Waters, uh, who was believed to have possibly
5 had information in this case?

6 A. We were able to track down everyone relatively quickly,
7 Erica Waters we were not able to track down, um, we finally
8 started gettin' contact with her family members, it was
9 essentially we were being, it was understood we were talking
10 to them that she ---

11 MS. ZMROCZEK: Objection, ---

12 A. --- was ---

13 MS. ZMROCZEK: --- Your Honor.

14 THE COURT: I'm not sure I understand.

15 MS. MAYES: I could ---

16 THE COURT: Rephrase that question again, Ms. ---

17 MS. MAYES: Yes, Your Honor.

18 THE COURT: --- I, see you I don't know the answer but if
19 you could rephrase it that'd be great so ---

20 MS. MAYES: Yes, sir.

21 THE COURT: --- so sustained as to the hearsay part.

22 BY MS. MAYES:

23 Q. Were you able to locate family members of Erica Waters?

24 A. We were.

25 Q. Was Erica Waters at a known location or was she in

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 hiding?

2 A. She was in hiding.

3 Q. And ultimately ultimately did law enforcement meet Erica
4 Waters and interview her?

5 A. A -- after a while yes, ma'am.

6 Q. And do you have knowledge as, uh, your, based on your
7 role as the sergeant of the Major Crimes Unit whether or not a
8 search warrant was ultimately executed at Snoop's residence
9 being [] Mac Circle?

10 A. A search warrant was executed there as well.

11 Q. Okay. Sergeant Laintz, who in addition to Wiley Sisk was
12 arrested for murder in this case?

13 A. Uh, the co-defendant Charles Morehouse.

14 Q. Who in addition to Wiley Sisk has been indicted for
15 criminal conspiracy in this case?

16 A. The co-defendant Charles Morehouse.

17 Q. Who in addition to Wiley Sisk has been indicted for
18 possession of a weapon durin' a violent crime in this case?

19 A. The the co-defendant Charles Morehouse.

20 Q. Now were you ever able to actually locate, uh, the cell
21 phone of Charles Morehouse the Aakingchuck?

22 A. No, we were not.

23 Q. What efforts does law enforcement, uh, go through to to
24 try and track a phone when you have a wanted individual or a
25 homicide investigation is ongoing?

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 A. Yeah, it it's what we call "pings," essentially it's
2 finding the location a the phone, uh, but with this we were
3 able to find the the pings, the locations, essentially gives
4 you a tower, it it's not a very descriptive, it just tells you
5 that the tower they're pinging off of and the last tower that
6 it was hitting off of was on L Avenue in in Cayce area and it
7 was, this is beyond my but it was facing the river, it was the
8 sector of the river if you will.

9 Q. All right, uh, so it was learned, uh, that the phone of
10 Charles Morehouse, uh, had stopped pinging, uh, do you know
11 the approximate time in which that phone, uh, stopped pinging?

12 A. The last ping was at 12:13 on the 4th.

13 Q. All right, that be 12:13 am?

14 A. Yes, ma'am.

15 Q. The phone of Charles Morehouse, uh, no longer can be read
16 by any, uh, cell tower location, uh, correct?

17 A. That's correct.

18 Q. And it was last pinging towards the river?

19 A. That's what I was told, yes.

20 Q. And the phone was not recovered.

21 A. No, it was not.

22 Q. Now do you have knowledge, uh, as to where Mr. Morehouse
23 was originally detained once he was arrested?

24 A. Where he was originally detained when he was arrested?

25 Q. Correct.

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 A. He was at the house?

2 Q. Once he was arrested once the warrants were served where
3 was he housed?

4 A. Oh, at the Lexington County Sheriff's
5 Department ---

6 Q. All right.

7 A. --- at the detention center, I'm sorry.

8 Q. All right. And with him being housed, uh, at the
9 Lexington County Detention Center and Mr. Sisk, uh, also being
10 arrested and charged with murder in this case, uh, were they
11 both at the same facility?

12 A. They were.

13 Q. And are you personally familiar with anything, uh, which
14 may have occurred, uh, which prompted a move for the
15 co-defendant Charles Morehouse to another facility?

16 A. Uh, I was actually the one that suggested we move Charlie
17 Morehouse. There was an incident that happened where
18 contraband was getting in to Charles Morehouse, um,
19 information was being obtained that there's the possibility of
20 a CO being involved with ---

21 Q. What is ---

22 A. --- con ---

23 Q. What do you mean by that term "C ---

24 A. I'm sorry.

25 Q. --- O?"

JESSE LAINTZ - DIRECT EXAMINATION BY MS. MAYES

1 A. A correctional officer, a correction officer being
2 involved, um, that was nonfounded, we weren't able to do that
3 but it got me very nervous and we wanted to move him at that
4 point in time just to clear everything up.

5 Q. All right. And as a sergeant in the Major Crimes Unit,
6 are you able to make those decisions or those recommendations
7 to the Lexington County Detention Center?

8 A. Uh, it was my recommendation, I I don't have the right to
9 make that decision. I ended up talking to our chief at the
10 time and told him why I think he should be moved and he was
11 the one that finally made that decision.

12 Q. So the move of Mr. Morehouse to another facility was
13 based on contraband?

14 A. Primarily yes.

15 Q. And can you tell us whether or not what type of
16 contraband was involved.

17 A. Uh, the one that we found out about was actually a radio.
18 Uh, inmate workers are allowed to have 'em, general population
19 is not and he had been there for a very short period a time
20 and already had a radio.

21 Q. That area that we've spoken about throughout this trial,
22 the dirt portion of Old Orangeburg Road, uh, can you confirm
23 whether or not that is located within the jurisdiction of
24 Lexington County.

25 A. It is, it's in Lexington County, South Carolina.

JESSE LAINTZ - CROSS-EXAMINATION BY MS. ZMROCZEK

1 MS. MAYES: Beg the Court's indulgence.

2 THE COURT: Yes, ma'am.

3 (Pause.)

4 BY MS. MAYES:

5 Q. Items recovered, uh, from the scene in this case,
6 Sergeant Laintz, uh, that would have included a cigarette
7 butt, casings, the victim's car, were those items processed as
8 evidence?

9 A. They were.

10 Q. All right. And ultimately are they sent for analysis?

11 A. They are.

12 Q. Are you aware as to whether or not DNA analysis was
13 conducted on that cigarette butt that was found at the crime
14 scene?

15 A. DNA analysis was done the cigarette butt at the crime
16 scene.

17 Q. Whose DNA is on that cigarette?

18 Q. The co-defendant Charles Morehouse.

19 THE COURT: Nothing further at this time, Your Honor.

20 CROSS-EXAMINATION BY MS. ZMROCZEK:

21 Q. Sergeant Laintz, um, I wanted to talk a little bit about
22 this surveillance that you had, um, set up, when did that
23 surveillance at at [] Willow Forks Road begin? You did that,
24 right, I mean, that ---

25 A. Uh, I ---

JESSE LAINTZ - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. --- you started ---

2 A. --- I was the first one to go there.

3 Q. And what time was that?

4 A. Um, since the last call that I did on that phone was at
5 4:47 or 4:57, I would guess that that surveillance had to
6 start probly around 5:30 and that's an estimate.

7 Q. Okay. Did you take notes during that surveillance?

8 A. No.

9 Q. Okay. Um, it, uh, but how long did you stay there.

10 A. I I honestly don't know.

11 Q. Do you know what ---

12 A. I stayed there long enough for my two other guys to clear
13 up to go there.

14 Q. Okay. And do you know what time they saw him return?

15 A. I I do not know.

16 Q. Okay, but but they would be able to to tell us ---

17 A. They ---

18 Q. --- that? .

19 A. --- would, yes.

20 Q. Okay, and that was, uh, Ando ---

21 A. By Detective Andolero.

22 Q. Andolero? Okay. Um, and then -- Judge, I believe this
23 will next question is also pursuant to our stipulations. The
24 8/8 interview with interview with Mr. Morehouse where he
25 implicates Mr. Sisk, ---

JESSE LAINTZ - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. Yes, ma'am.

2 Q. --- he also at that time denied being involved.

3 A. I I wouldn't say denied being involved, uh, he definitely
4 admitted to being involved, enough for to us have probable
5 cause for his arrest for murder.

6 Q. He was already arrested for ---

7 A. He ---

8 Q. --- drugs.

9 A. --- he was already arrested for drugs, he was not charged
10 with the murder yet.

11 Q. Okay. And actually that 8/8 statement was taken the day
12 after Mr. Sisk had given a 9-page statement, right, on 8/7?

13 A. That if he gave a statement on 8/7 then yes.

14 Q. Okay. And, um, during that first interview, Your Honor,
15 and I believe this is pursuant to our stipulation,
16 Mr. Morehouse actually had to be physically restrained at some
17 point during that interview, is that correct, he got so
18 angry?

19 A. That that's my understanding, yes.

20 Q. Okay. I wanna talk to you about State's 19. You said
21 you're familiar enough with, um, I think, uh, State's 20 where
22 the messages on the right are from the user ---

23 A. Yes, ma'am.

24 Q. --- and the messages on the left from the receiver, ---

25 A. Yes, ma'am.

JESSE LAINTZ - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. --- uh, are you're familiar enough with re arr -- red and
2 green arrows?

3 A. That the only reason that I know which one is which is
4 because that call at the top was me so that was a sent call so
5 I would assume the other arrows going the opposite direction
6 are received calls.

7 Q. Okay, but you have no personal knowledge of that.

8 A. No.

9 Q. Okay, that would be for Investigator Phipps or
10 somebody ---

11 A. Yeah, yeah.

12 Q. --- else. Okay, okay, I hear. Um, she asked you and
13 then talked about transfer of Mr. Morehouse to a different
14 facility, ---

15 A. Yes.

16 Q. --- there also, um, one of the other investigations or
17 reasons is because he had been accused of threatening
18 Mr. Sisk, his co-defendant, correct?

19 A. During my ti-- at that point in time we have received
20 Inmate Request forms where the co-defendant was saying
21 that ---

22 Q. Okay.

23 A. --- but we also have a protective custody wing where he
24 was moved to for his safety, protective custody, and it, did
25 that come into play, it was brought up but that was not the

JESSE LAINTZ - CROSS-EXAMINATION BY MS. ZMROCZEK

1 reason he was moved. We have protective custody entire wing
2 full of people who are scared of other people in the jail.

3 Q. Right, and so Mr. Sisk was moved to protective
4 custody ---

5 A. He was.

6 Q. --- and that means that for twenty-three and a half hours
7 a day they are in protective custody, ---

8 A. That that means for ---

9 Q. --- I mean, they're all ---

10 A. --- twenty-four hours, three hundred and sixty-five
11 they're in protective ---

12 Q. And they ---

13 A. --- custody.

14 Q. --- only get half an hour of what's called "rec ---

15 A. That ---

16 Q. --- time."

17 A. --- unless things changed since I worked back there they
18 get an hour of rec every day, ---

19 Q. Um-hum.

20 A. --- um, but that rec is in a concealed own little room by
21 themselves, they get to watch TV and then shower.

22 Q. Right, and and and and and not with the general
23 population, not ---

24 A. Not ---

25 Q. --- with ---

JESSE LAINTZ - CROSS-EXAMINATION BY MS. ZMROCZEK

- 1 A. --- at all.
- 2 Q. --- with TVs, not normal rec time, no communication ---
- 3 A. No.
- 4 Q. --- and Mr. Sisk was moved to protective custody ---
- 5 A. Mr. Sisk ---
- 6 Q. --- at his ---
- 7 A. --- re ---
- 8 Q. --- request.
- 9 A. --- was requested to move to ---
- 10 Q. Right, ---
- 11 A. --- re ---
- 12 Q. --- he ---
- 13 A. Yeah.
- 14 Q. --- requested to move to ---
- 15 A. So ---
- 16 Q. --- protective ---
- 17 A. --- he was ---
- 18 Q. --- custody.
- 19 A. --- given that request, yes.
- 20 Q. Yes. Now I want to talk, um, a little bit about the
- 21 area, um, this dirt road, ---
- 22 A. Um-hum.
- 23 Q. Um, you said, one a the first things that you've said is
- 24 when you had your flashlight 'cause there was hardly any
- 25 ambient light, um, you were lookin' for meth trash.

JESSE LAINTZ - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. I was, I was tryin' to be busy waitin' for work, ---

2 Q. And ---

3 A. --- I ---

4 Q. --- 'cause it it it -- my point is that that's a,
5 meth is an epidemic in this county, no, uh, I mean, in this
6 country ---

7 A. Yeah.

8 Q. --- really, um, you would agree with me on that.

9 A. I would agree that Old Orangeburg Road is phenomenous
10 (phonetic) for meth.

11 Q. All right. And will you agree with me that the
12 co-defendant Charles Morehouse earlier that year was known to
13 reside off of Oran -- off of Old Orangeburg Road?

14 A. That I I did not know that.

15 Q. Okay.

16 A. Um, first time I heard about it was in here.

17 Q. Okay, so somebody else would know that.

18 A. Yes.

19 Q. Okay. Um, the wallet or the card that with the Wifi and
20 the Days Inn code, not sure I know where it went.

21 THE COURT: It's up here.

22 Ms. ZMROCZEK: Oh, sorry.

23 Q. Uh, ---

24 A. Yeah, it's right here (indicating).

25 Q. --- when you found it or when CSI, oh, thank you, when

JESSE LAINTZ - CROSS-EXAMINATION BY MS. ZMROCZEK

1 CSI found, uh, these (indicating) two items, that's not all
2 they found, right, with this (indicating)?

3 A. No.

4 Q. Oh. What else did -- was in here?

5 A. Um, that I know there, I believe there was some money but
6 once again I'm probly not the best person. I needed somethin'
7 to ID, ---

8 Q. Okay.

9 A. --- help ID that person ---

10 Q. Right.

11 A. --- and my CSI knows what can help ID and she brought
12 that to me, everything else I didn't, I really didn't know
13 about.

14 Q. And when typically when, um, when money is collected, it
15 it's just put in a different portion of the evidence room,
16 right?

17 A. Oh, yeah, ---

18 Q. Okay.

19 A. --- absolutely.

20 Q. So it's not that they manipulated it, it's just that that
21 they put it in there for protection, right?

22 A. Yes.

23 Q. Okay, so whoever collected this can tell us how much
24 money was in there.

25 A. Yes.

JESSE LAINTZ - REDIRECT EXAMINATION BY MS. MAYES

1 Q. Okay. Um, you were just at, like you said, tryin' to
2 figure out who it was to get ---

3 A. Yes, ma'am.

4 Q. --- some sort of identification. Um, beg the Court's
5 indulgence. I have no further questions, thank you.

6 THE COURT: Any redirect?

7 MS. MAYES: Yes, sir, Your Honor, just briefly.

8 REDIRECT EXAMINATION BY MS. MAYES:

9 Q. Uh, so to clarify, uh, Charles Morehouse being moved to
10 another facility had nothing to do with an alleged threat, uh,
11 against Wiley Sisk, correct?

12 A. No, ma'am.

13 Q. And Wiley Sisk is the person who requested to be moved to
14 protective custody?

15 A. That is correct.

16 Q. Nothing further.

17 THE COURT: Okay, you can step down.

18 THE WITNESS: Thank you, sir.

19 (Whereupon, the witness left the stand.)

20 THE COURT: Okay. Time for a break, we got a short
21 witness?

22 MS. MAYES: May we approach?

23 THE COURT: Sure.

24 (Whereupon, a bench conference was held off the record.)

25 THE COURT: All right, next witness is gonna take

HEATHER CLARY - DIRECT EXAMINATION BY MR. BELL

1 approximately forty-five minutes, let's take about ten minutes
2 and then we'll go to 5:10, 5:15 be done for the day but I'm
3 tryin' to get the witnesses done, there's several witnesses
4 are not supposed to be here till tomorrow so tryin' to get as
5 much done today as can so we'll do one more witness, we'll
6 take about ten minutes, have ya'll back in here. Be careful.
7 She's been bumped by the door twice. All right, ya'll go
8 ahead, don't begin discussin' the case.

9 (Whereupon, a recess was taken.)

10 (The following takes place in the presence of the jury.)

11 THE COURT: All right, call your witness, Mr. Bell.

12 MR. BELL: Thank Your Honor, this time the State calls
13 Investigator Heather Clary to the stand.

14 THE COURT: All right, Ms. Clary, c'mon up.

15 (Whereupon, the witness came forward.)

16 THE CLERK: Raise your right hand.

17 THE WITNESS: Right.

18 HEATHER CLARY, having been
19 first duly sworn, testified as follows:

20 THE CLERK: Thank you. If you'll have a seat, please,
21 state your name and spell your last for the record.

22 THE WITNESS: Heather Clary, C-L-A-R-Y.

23 DIRECT EXAMINATION BY MR. BELL:

24 Q. Ms. Clay, who are you employed by?

25 A. Lexington County Sheriff's Department.

HEATHER CLARY - DIRECT EXAMINATION BY MR. BELL

1 Q. And how long have you been with the department?

2 A. Four years.

3 Q. What is your title there?

4 A. Crime Scene Investigator.

5 Q. And what exactly do your job duties as a, at, job duties
6 as a crime scene investigator entail?

7 A. We respond to just about any scene where we take photos,
8 collect evidence and write reports and come to, come to court
9 and testify.

10 Q. And do you recall having, uh, having reason to respond to
11 a Charles Morehouse's residence?

12 A. Yes.

13 Q. And do you recall the address of that residence was?

14 A. [] Willow Forks Road.

15 Q. And in what capacity were you responding?

16 A. It was a search warrant related to a murder case that we
17 had.

18 Q. And did you arrive on scene?

19 A. Yes.

20 Q. Referring to State's 106, is that the address that you
21 showed up to?

22 A. Yes.

23 Q. And per your understandin' who did that address belong
24 to?

25 A. Charles Morehouse.

HEATHER CLARY - DIRECT EXAMINATION BY MR. BELL

1 Q. Do you recall what time you were originally requested to
2 show up there?

3 A. I received the call to respond at 8:45 a.m.

4 Q. And what time were you on scene?

5 A. 9 a.m.

6 Q. And what date again is that?

7 A. August the 4th 2015.

8 Q. Upon arrival had the search warrant already been
9 obtained?

10 A. Yes.

11 Q. And were you aware of why a search warrant was signed out
12 on that property?

13 A. I was told that Charles Morehouse was a suspect in this
14 homicide.

15 Q. So what exactly is the reason that CSI would respond to a
16 search warrant in a case like this?

17 A. We were lookin' for any evidence that would re -- place
18 the suspect at the scene or relate the suspect to the
19 homicide.

20 Q. Did you ultimately aid in the execution of that search
21 warrant?

22 A. Yes.

23 Q. When you first began a search warrant, what's the first
24 thing that you do when you're on scene?

25 A. The very first thing we do is take photographs of the

HEATHER CLARY - DIRECT EXAMINATION BY MR. BELL

1 outside a the house and everything inside of the house.

2 Q. And do you just take a couple of photos?

3 A. No.

4 Q. How many do ya take?

5 A. Overall photos of the outside a the house and then we
6 take overall photos of every room inside the house as well as
7 up close and midge -- midrange photos of any items that may
8 not or may be evidence.

9 Q. Do you know what exactly is or is not evidence at the
10 time that you're taking those pictures?

11 A. Not at the time. Some things have come up later that are
12 evidence that were not collected at the time a the search
13 warrant in some ---

14 Q. Is that ---

15 A. --- cases.

16 Q. 'cause that's why -- is that why it's important for you
17 to take an abundance of photographs?

18 A. Yes.

19 Q. After taking the photographs, how do you typically
20 proceed?

21 A. After all photographs are taken, we bring the
22 investigators in, let them look around the residence and then
23 they will point out any items of evidence they want collected,
24 we will then place yellow placards down beside those items, we
25 will then rephotograph them and collect those items.

HEATHER CLARY - DIRECT EXAMINATION BY MR. BELL

1 Q. And were items of interest located inside of this address
2 that you responded to?

3 A. Yes.

4 Q. And do you recall how many items?

5 A. Twenty-six items total.

6 Q. Want you walk us through your search of this residence,
7 where'd you start?

8 A. Started on the outside a the house. After I photographed
9 the outside a the residence I then proceeded in through the
10 front door which is where we entered the house at. From there
11 I photograph the rooms directly inside the front door as well
12 as the rooms to the right a the house and then proceeded to
13 photograph the rooms on the left side a the house.

14 Q. After you finish photography, how did you proceed in the
15 house?

16 A. After that the investigators were brought in and they
17 searched the residence and pointed out the items of evidence
18 that they wished for me to collect.

19 Q. I'm sorry, I'm sorry to be redundant but what I'm getting
20 at is once you were pointed out items, where did you start
21 with the collection of those items?

22 A. Um, they were placard, rephotographed and then they were
23 collected in bags and secured in my vehicle.

24 Q. Did you search the room that ya'll believe Charles
25 Morehouse resided in?

HEATHER CLARY - DIRECT EXAMINATION BY MR. BELL

1 A. Yes.

2 Q. Tell us about what items you located in that room.

3 A. Um, we located, we located several, a couple cell phones,
4 um, a few chargers, some things that we believed to be drugs
5 as well as some cash money.

6 Q. Okay, I'm gonna stop you there. Before I go any further
7 I'm gonna hand you a laser pointer, don't shoot your eye out.
8 You said you located some drugs in that room?

9 A. Yes.

10 Q. Beg the Court's indulgence. Where'd you located those
11 drugs?

12 A. One was located in a bobblehead and another was located
13 beneath the mattress above the box spring.

14 Q. Referring to State's 98, what are we looking at?

15 A. This is a bobblehead figure in a box and inside that box
16 there was located a, um, clear bag that had white crystals in
17 it believed to be drugs.

18 Q. Okay. Showing you State's 86, what are we lookin' at
19 here?

20 A. That is the clear bag with the white crystals believed to
21 be drugs inside the box that was just shown.

22 Q. Using your laser pointer, would you indicate where the
23 crystals are.

24 A. (Indicated:)

25 Q. And what room is that in?

HEATHER CLARY - DIRECT EXAMINATION BY MR. BELL

1 A. I'm sorry?

2 Q. And what room was that item located in?

3 A. That was in the bedroom believed to be resided by Charles
4 Morehouse.

5 Q. Were any other illicit substances found inside of that
6 room?

7 A. Yes, there was a clear bag with two peach pills.

8 Q. Where were those located?

9 A. Underneath the mattress above the box spring.

10 Q. 'fer ya to State's 88, is that (indicating) what you're
11 referring to?

12 A. Yes.

13 Q. You mentioned that you also found money in the room, is
14 that true?

15 A. Yes.

16 Q. Was it a little bit a money?

17 A. No, there was a lot of money.

18 Q. Do you recall what the total was?

19 A. Uh, one area there was \$1,403 cash, another area was \$636
20 cash and then there was another hundred dollars in cash.

21 Q. Showing you State's 84, do you recognize that picture?

22 A. Yes.

23 Q. And where was that?

24 A. That was located in a drawer under the bed.

25 Q. 'ferrin' to State's 82, what are we lookin' at now?

HEATHER CLARY - DIRECT EXAMINATION BY MR. BELL

1 A. This is the money that was in the bag in the drawer under
2 the bed.

3 Q. Has it been removed from that bag so you can take a
4 better picture?

5 A. Yes.

6 Q. 'ferring to State's 83, what are we seeing here
7 (indicating)?

8 A. That was a wallet found on the headboard of the bed that
9 contained cash.

10 Q. Okay. And State's 81 what are we seeing here
11 (indicating)?

12 A. That is the money removed from the wallet and laid out by
13 denomination to be photographed better.

14 Q. Did you find any identification inside a the house that
15 would indicate Charles Morehouse lived there?

16 A. Yes, there was a driver's license or ID card that was
17 found.

18 Q. Was that what you're referring to in State's 93?

19 A. Yes.

20 Q. Did you locate any cigarette packs inside of
21 Mr. Morehouse's room

22 A. Yes, there was a cigarette pack on the headboard of the
23 bed.

24 Q. 'fer you to State's 85, is that (indicating) the pack
25 you're referring to?

HEATHER CLARY - DIRECT EXAMINATION BY MR. BELL

1 A. Yes.

2 Q. And did you document exactly what kind of cigarette that
3 was?

4 A. Marlboro red.

5 Q. And at the time did you realize any relevance to that?

6 A. At the time I knew we had located a cigarette butt at the
7 scene but I was unaware of what types it wa -- and it was
8 possibly related.

9 Q. And are you aware at this point whether or not the
10 cigarette butt located at the scene is related to Marlboro
11 Reds?

12 A. I believe I've been informed that it is.

13 Q. Did you have a chance to examine the laundry room of
14 Mr. Morehouse's house?

15 A. Yes.

16 Q. Tell us about what stands out to you, if anything, there.

17 A. Um, it looked like a typical laundry room. There was a
18 load of laundry in the dryer as well as another load in the
19 washer.

20 Q. Now do you typically go about searching people's washers
21 and dryers?

22 A. If it's related to the case.

23 Q. And in this case did you search those items?

24 A. In this case it was a possibility that the clothes used
25 at the homicide could possibly be in the residence so yes, the

HEATHER CLARY - DIRECT EXAMINATION BY MR. BELL

1 washing machine and dryer were searched.

2 Q. Refer ya to State's 95, are those the clothes that you're
3 indicating?

4 A. Yes.

5 Q. And in 96?

6 A. Yes.

7 Q. And what did you do with those items?

8 A. There was several items of clothing that looked to belong
9 to an adult male in the washmess -- washing machine, those
10 items were separated from the rest a the clothing and
11 collected as evidence.

12 Q. Did they appear to have been freshly washed?

13 A. Yes, they were wet.

14 Q. And in reviewing those items did anything stand out on
15 them to you?

16 A. Um, there were several stains discovered on some a the
17 clothing later.

18 Q. Do ya have a chance to go into the garage of the
19 residence?

20 A. Yes.

21 Q. And were there vehicles parked inside of it?

22 A. No.

23 Q. What was inside a the garage?

24 A. There were a lot of items. I recall some gardening
25 tools, an air compressor and a lot of other items and there's

HEATHER CLARY - DIRECT EXAMINATION BY MR. BELL

1 no room to park anything inside.

2 Q. 'ferrin' to State's 100, is that Mr. Morehouse's garage?

3 A. Yes.

4 Q. And that's how you saw it when you were there and took
5 that picture?

6 A. Yes.

7 Q. And in 101 what are we looking at?

8 A. That's another view of the garage from a different angle.

9 Q. Was the entire garage filled with stuff?

10 A. Yes.

11 Q. Any room for a vehicle to be parked in there?

12 A. No.

13 Q. The items that we reviewed in these pictures from inside
14 of the house did you end up collecting them?

15 A. Yes.

16 Q. And general when you're collecting evidence walk us
17 through the process.

18 A. I will bag it in something sort of bagging, take it back
19 to our headquarters where it's placed in a secure crime lab
20 and packaged as time allows and once it is packaged it is
21 turned over to our evidence custodians for further keeping.

22 Q. Do you wear any sort of protective gear or clothing?

23 A. Yes, gloves are standard.

24 Q. And what is the purpose of wearing something like gloves?

25 A. To prevent us from contaminating clothing or any evidence

HEATHER CLARY - DIRECT EXAMINATION BY MR. BELL

1 that we collect and to prevent one piece of evidence from
2 being contaminated by another.

3 Q. Did you ultimately package all the items you reviewed and
4 submit them into evidence?

5 A. Yes.

6 Q. While on the property did you examine anything outside of
7 the house?

8 A. The outside of the residence and the vehicles that were
9 in the driveway.

10 Q. In particular do you recall there being a burgundy Chevy
11 Impala?

12 A. Yes.

13 Q. And do you recall examining it?

14 A. Yes.

15 Q. And State's 103 is that the vehicle that you're referring
16 to?

17 A. Yes, and and. ---

18 Q. And did you know at the time why that vehicle may have
19 been relevant?

20 A. I was told that it may have possibly been used in the
21 murder.

22 Q. And in 104 is this (indicating) another angle of that
23 vehicle?

24 A. Yes.

25 Q. Tell me generally about the condition of the vehicle when

HEATHER CLARY - DIRECT EXAMINATION BY MR. BELL

1 you found it. Did it appear to be freshly clean, dirty, what
2 it look like?

3 A. It was not freshly clean, it appeared to have a layer of
4 dust or pollen or something on it.

5 Q. In State's 32, you may not be able see it from there so
6 let me know, but can you see any indications of dust on the
7 vehicle there? If you like me to bring the picture up to ya,
8 I'm happy to.

9 A. Yes, please.

10 Q. Handing ya State's 32, do you see any dust on it?

11 A. Yes.

12 Q. And where do you see dust?

13 A. In this picture it's easiest to see near the headlights
14 and around the top a the hood looks like a film on it.

15 Q. How bout the tires, do they appear to be polished?

16 A. Yeah.

17 Q. Did the tires appear dirty or ---

18 A. Yes.

19 Q. --- dusty? State's 35, can you see from where you are
20 any indications of dust there?

21 A. Yes, you can see near the bottom of the door trim there
22 appears to be a layer of dust or pollen or something as well
23 as the tire.

24 Q. And was that dusty nature that you're referring to was it
25 uniform around the vehicle?

HEATHER CLARY - DIRECT EXAMINATION BY MR. BELL

1 A. Yes.

2 Q. In reviewing the exterior of the vehicle, did anything
3 else stand out to ya?

4 A. Yes, it appeared that there was some sort of void in the
5 dust on the hood.

6 Q. And what does a void indicate to ya?

7 A. That something touched the vehicle after it had been
8 through the dust or pollen or whatever and removed that off of
9 the vehicle.

10 Q. So with your CSI experience when you see that void, what
11 do you actually think that you're potentially looking at?

12 A. Potential fingerprints or DNA.

13 Q. And did you actually further examine that area?

14 A. Yes.

15 Q. And where was the area located?

16 A. Was on the hood of the vehicle.

17 Q. What side?

18 A. I don't recall.

19 Q. Would the picture refresh your memory?

20 A. Yes.

21 Q. In State's 34 what is the placard labeled A? You need to
22 see it up close?

23 A. Yes, please.

24 Q. Handin' ya State's 33 and 34, let me know when you've had
25 a moment to review them.

HEATHER CLARY - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. Okay.

2 Q. Do you recognize those items?

3 A. Yes.

4 Q. And are you aware of what the A placard is?

5 A. That would be the area in which the void was found on the
6 hood.

7 Q. I'm showing you 33 with little bit closer up, are ya able
8 to make it out at all in that picture from the projector?

9 A. Not from the projector.

10 Q. Can ya see it when you're lookin' up close?

11 A. Yes.

12 Q. How did you process this item?

13 A. I did not process the vehicle.

14 Q. Who processed?

15 A. I believe that CSI Keith Sprinkle did.

16 Q. Is he another individual in your unit?

17 A. Yes.

18 Q. Did you ultimately go into the vehicle itself?

19 A. No.

20 MR. BELL: Beg the Court's indulgence.

21 THE COURT: Um-hum.

22 Q. Please answer any questions defense may have.

23 CROSS-EXAMINATION BY MS. ZMROCZEK:

24 Q. Ms. Clary, uh, at the residence of Charles Morehouse,
25 Willow Forks Road, who else lived there?

HEATHER CLARY - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. I was advised that family lived there with him, hm.

2 Q. And you know, um, his wife is Crystal Morehouse, right?

3 A. Yes.

4 Q. Um, and, in fact, you photographed 539 pictures of that
5 have house, right?

6 A. Yes.

7 Q. And and you were very detailed.

8 A. Yes.

9 Q. And some of those things included her former Lexington
10 County Sheriff's Department employee badge.

11 A. Yes.

12 Q. And that would be "her," Crystal Morehouse, ---

13 A. Yes.

14 Q. --- right, and her, uh, policies, procedures, cell phone
15 numbers for every employee of Lexington County Sheriff's
16 Department, correct?

17 A. Yes.

18 Q. And where was that located?

19 A. Uh, that was located underneath the mattress above the
20 box spring.

21 Q. Where the drugs were as well?

22 A. Yes.

23 Q. Uh, and you collected 26, those were among the 26
24 different items that you've collected, right?

25 A. Yes.

HEATHER CLARY - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. Um, you collected things from the childrens' room,
2 correct?

3 A. Yes.

4 Q. Each child had their own iPad, ---

5 A. Yes.

6 Q. --- there were at least one cell phone each child's
7 room, ---

8 A. Yes.

9 Q. --- uh, so and I think there were two in one room,
10 correct?

11 A. Yes.

12 Q. Okay. Uh, and each child also had their own personal
13 laptop computer, correct?

14 A. Yes.

15 Q. You collected all of those.

16 A. Yes.

17 Q. Um, you collected some ski masks?

18 A. Yes.

19 Q. You collected, uh, the drugs and the, and the, and the
20 drugs were located in a bobblehead, right?

21 A. Yes.

22 Q. And that bobblehead was actually a monster bobblehead,
23 right?

24 A. Yes.

25 Q. Uh, you also photographed a rifle, ---

HEATHER CLARY - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. Yes.

2 Q. --- where was that found?

3 A. That was located in the attic.

4 Q. Okay. Was that collected?

5 A. No.

6 Q. Okay. Was it concealed?

7 A. Yes.

8 Q. Okay. And the money that we saw that you collected that
9 was in a purple Crown Royal bag?

10 A. Part of it was, yes.

11 Q. Okay, part was, part of it was.

12 A. Yes.

13 Q. Uh, now do you as CSI decide what to collect or do you
14 let, uh, who whose responsibility is it to collect certain
15 things?

16 A. It's my responsibility as a CSI to collect.

17 Q. Okay. Is it your det -- who determines that?

18 A. It is determined by the investigators.

19 Q. Okay so purpose work at the direction of the
20 investigators?

21 A. Yes.

22 Q. Okay, so you were working at the direction of the
23 investigators.

24 A. Yes.

25 Q. So, um, one of the things that you photographed was a

HEATHER CLARY - CROSS-EXAMINATION BY MS. ZMROCZEK

1 notebook that said "Personal/Crystal" but but that was not
2 ordered to be collected right?

3 A. I'm not familiar with what you're speaking of.

4 Q. Okay. Um, there was no -- it -- you didn't collect any
5 composition notebooks.

6 A. No.

7 Q. Okay, uh, but you did photograph some.

8 A. Yes.

9 Q. Okay. You also took photographs I think of of items that
10 were collected from the victim, correct, his shoes and socks?

11 A. From the victim?

12 Q. Right. Did you help proce -- did you help Investigator
13 Hickman with any processing?

14 A. I had helped him with photographing some shoes and some
15 tires.

16 Q. Okay, some shoes and some tires.

17 A. Yes.

18 Q. And, um, that's just to document before they start
19 getting tested, correct?

20 A. It's to assist him with doing the comparison.

21 Q. Okay. And the Impala you took ph -- several different
22 angles of it I believe but that's what you're trained to do,
23 right?

24 A. Correct.

25 Q. Um, you -- you're trained take kind of an overall view of

HEATHER CLARY - CROSS-EXAMINATION BY MS. ZMROCZEK

1 like inside the house or outside the house and then closer,
2 closer, closer, right?

3 A. Correct.

4 Q. Um, do you recall that the passenger seat was actually
5 further back than the driver's seat in that Impala?

6 A. I do not recall. I did not spend much time with the
7 vehicle itself.

8 Q. Was that somebody else processed that vehicle, right?

9 A. Yes.

10 Q. Okay, maybe CSI Sprinkle?

11 A. I believe so.

12 Q. Okay. Uh, the clothes that you took from the washing
13 machine you actually went back and did some more testing on
14 those, right?

15 A. Yes.

16 Q. Uh, tell the jury what kinda testing was done on those.

17 A. Um, I was requested to do a visual examination for any
18 stains and if I found any stains to do a phenolphthalein test
19 which is a presumptive test for blood.

20 Q. And did you do that?

21 A. Yes.

22 Q. And what were the results?

23 A. The phenolphthalein test was positive.

24 Q. Um, on what items?

25 A. There were two white t-shirts collected from the wash

HEATHER CLARY - REDIRECT EXAMINATION BY MR. BELL

1 machine.

2 Q. Two white t-shirts, oh, ---

3 A. Yes.

4 Q. --- collected from the washing machine. Those are all
5 the questions I have, thank you.

6 REDIRECT EXAMINATION BY MR. BELL:

7 Q. Do false positives ever occur with phenolphthalein tests?

8 A. Yes.

9 Q. And were those items ultimately submitted to the Richland
10 County Sheriff's Office for further testing?

11 A. Yes.

12 Q. Did you have any further involvement with those items?

13 A. No.

14 Q. And are you aware of the results of those items?

15 A. Yes.

16 Q. And what was the ultimate finding?

17 A. I've been informed that there was a partial DNA profile
18 that was pulled from those items but it was just a partial
19 profile.

20 Q. And what does that mean?

21 A. It means it's not a full profile, it's not enough to
22 match it to anybody.

23 Q. Now there's some mention of Crystal Morehouse and that
24 she worked for the sheriff's department, do you know what her
25 capacity was with the sheriff's department?

HEATHER CLARY - REDIRECT EXAMINATION BY MR. BELL

1 A. I was informed that she used to work as a secretary.

2 Q. For who?

3 A. Sheriff Metts.

4 Q. And was she still employed with the sheriff's department
5 at the time of this investigation?

6 A. No.

7 Q. What happened to her?

8 A. I believe she either resigned or was terminated, I'm not
9 sure which.

10 Q. Okay. Did you have a chance to review the DNA report
11 from Richland County?

12 A. No.

13 Q. Did ya have a chance to consult with the analyst who
14 examined the DNA on those items?

15 A. Yes.

16 Q. And what did she indicate to you ultimately?

17 A. She indicated to me that she had performed a
18 phenolphthalein test, that she got a negative result on and
19 that she would take cuttings of the swabs ---

20 Q. Did she ultimately ---

21 A. --- in case ---

22 Q. --- indicate no blood was indicated in her report?

23 A. I'm not sure, I've not had a chance to look at that
24 report.

25 Q. No further from me.

CHRISTOPHER LENA WILLIAMS - DIRECT EXAMINATION BY MR. BELL

1 wanted the record to be clear as to where we stand right now.

2 All right, Mr. Bell, ---

3 MR. BELL: Thank ---

4 THE COURT: --- call your witness.

5 MR. BELL: Thank Your Honor. State calls Christopher
6 Williams to the stand.

7 (Whereupon, the witness came forward.)

8 THE CLERK: Right here (indicating), sir. Place your
9 left and raise your right.

10 CHRISTOPHER LENA WILLIAMS,
11 having been first duly sworn, testified as follows:

12 THE CLERK: Have a seat, sir. Once you're seated state
13 your full name spelling your last, please.

14 MR. WILLIAMS: Christopher Lena (phonetic) Williams,
15 W-I-L-L-I-A-M-S.

16 DIRECT EXAMINATION BY MR. BELL:

17 Q. Sir, do you mind if I call you Chris?

18 A. No, sir, that's fine.

19 Q. Chris, you go by another name on the street, is that
20 right?

21 A. Yes, sir.

22 Q. What is that name?

23 A. Snoop.

24 Q. How long you been known by that name?

25 A. Since I was a kid.

CHRISTOPHER LENA WILLIAMS - DIRECT EXAMINATION BY MR. BELL

1 Q. Chris, how old are ya?

2 A. Thirty-nine years old.

3 Q. And where you live?

4 A. Um, in the Lexington area.

5 Q. What's your current address?

6 A. Mac Circle.

7 Q. And how long you been there?

8 A. Uh, actually it's my in-laws, I've lived next door for
9 'bout fifteen years.

10 Q. Chris, do you know a man named Charles Morehouse?

11 A. Yes, sir.

12 Q. And does he go by any other name?

13 A. Chuck, Boss.

14 Q. And do you know a Wiley Sisk?

15 A. Yes, sir.

16 Q. Chris, have you used drugs before?

17 A. Yes, sir.

18 Q. Kinda drugs have you used?

19 A. Marijuana, methamphetamines.

20 Q. Do you still use?

21 A. Occasionally.

22 Q. You ever used ice?

23 A. Yes, sir.

24 MS. ZMROCZEK: Your Honor, may we approach briefly?

25 THE COURT: Sure.

1 (Whereupon, a bench conference was held off the record.)

2 BY MR. BELL:

3 Q. Chris, you mentioned that you still use occasionally, are
4 you clearheaded this morning?

5 A. Yes, sir.

6 Q. Are you high right now?

7 A. No, sir.

8 Q. Do you have any trouble understanding what's goin
9 on around ya ---

10 A. No, sir.

11 Q. --- or the questions that I'm asking ya?

12 A. No, I understand.

13 Q. Permission to proceed, Your Honor.

14 A. Yes, sir.

15 Q. Have you ever used ice?

16 A. Yes, sir.

17 Q. And is there a difference between ice and meth as far as
18 you know?

19 A. Not really.

20 Q. Can you tell a difference visually when you look at it?

21 A. Yeah, one's a little cleaner looking.

22 Q. Which form do you prefer?

23 A. The meth be honest.

24 Q. Back in August of 2015 where are you gettin' most a
25 you're ice?

CHRISTOPHER LENA WILLIAMS - DIRECT EXAMINATION BY MR. BELL

1 A. Um, Chuck.

2 Q. And did ya always have to pay for it?

3 A. Not much.

4 Q. And why didn't ya have to pay for it?

5 A. Because he used, he come to my house and met people and
6 such young things, he always knew I was fronting drugs so he
7 would, you know, kinda pit for pat 'em.

8 Q. Is that what's called "fronting" on the street?

9 A. No, fronting would be if you give it to me and I owed
10 you.

11 Q. So you allowed him to use your house from time to time?

12 A. Kinda, yeah.

13 Q. In exchange for that did he give you drugs?

14 A. Wouldn'ta said that way but, yeah, kinda happened.

15 Q. 'bout how long did you know Chuck?

16 A. I knew him maybe two months.

17 Q. Back until August a 2015 you knew him two months?

18 A. Altogether I knew Chuck about two months before he got
19 arrested.

20 Q. All right. How often would you see Chuck during those
21 two months?

22 A. Pretty much daily.

23 Q. And you mentioned he would come to your house, what
24 address was that at the time?

25 A. Mac Circle.

CHRISTOPHER LENA WILLIAMS - DIRECT EXAMINATION BY MR. BELL

1 Q. And how often would he have ice on him when he'd come to
2 your house?

3 A. Mostly always.

4 Q. Would he ever have cash?

5 A. Yes, sir.

6 Q. A little lit or a lot?

7 A. I mean, judgin' by the size of it, seemed like it was a
8 good bit.

9 Q. Did ya ever see Chuck with any weapons?

10 A. Yes, sir.

11 Q. What kinda weapons?

12 A. Um, automatic pistols.

13 Q. You know how many weapons he had?

14 A. I think I've just seen three different weapons
15 altogether, two for sure.

16 Q. And where would he keep the two for sure?

17 A. He took him one with him at all times and sometimes he
18 would leave one at the house.

19 Q. Whose house?

20 A. At my house.

21 Q. Would he ever come pick those guns up from your house?

22 A. Um, he did.

23 Q. Chuck ever bring anybody else over to your house?

24 A. Uh, yeah, he brought a few people.

25 Q. Can you name some of 'em.

CHRISTOPHER LENA WILLIAMS - DIRECT EXAMINATION BY MR. BELL

1 A. Uh, Wally [sic] Sisk, um, I can't remember the other
2 girl's name, ---

3 Q. Okay.

4 A. --- um, it's on the tip a my head but aint ---

5 Q. That's ---

6 A. --- get ---

7 Q. --- fine if you can't remember. Can you remember, sir?

8 A. I can't remember her name right off the bat.

9 Q. But he did bring Wiley Sisk to your house?

10 A. Yes, sir.

11 Q. And what appeared to be the relationship between Chuck
12 and Sisk?

13 A. Uh, Wally seemed to look up to him like i -- well idolize
14 him.

15 Q. Did either one of those individuals appear to lead the
16 other?

17 A. Yeah, Chuck seemed be leadin'.

18 Q. And the leader of who?

19 A. Of Wally.

20 Q. Did Wiley ever seem to resent that relationship?

21 A. No.

22 Q. Did he seem upset that he had to be the follower in that
23 relationship?

24 A. He was proud to be friends with Chuck he seemed.

25 Q. Okay. Go ahead.

CHRISTOPHER LENA WILLIAMS - DIRECT EXAMINATION BY MR. BELL

1 A. I just said it seemed to, uh, to me Wally was happy with
2 his relationship with Chuck.

3 Q. Now I wanna take us back to August 3rd of 2015, did you
4 see Chuck on that day?

5 A. I'm sure I proly [sic] did but I'm not that great with
6 dates.

7 Q. Now do you recall Chuck and Wiley comin' over to your
8 house and talkin' with you in a back bedroom?

9 A. Yes, sir.

10 Q. And if that occurred would that have been on August 3rd
11 2015?

12 A. Most likely.

13 Q. Do you remember what time a day it was when those two
14 came over to your house?

15 A. I say around ten.

16 Q. And are you referring to a.m. or p.m.?

17 A. p.m.

18 Q. Do you know how they got to your house as far as who was
19 drivin'?

20 A. Uh, Charlie was drivin' a a burgundy, uh, Impala.

21 Q. What was that last word?

22 A. Impala.

23 Q. So a burgundy Impala?

24 A. Yes, sir.

25 Q. And who was drivin' and who was the passenger?

CHRISTOPHER LENA WILLIAMS - DIRECT EXAMINATION BY MR. BELL

1 A. Uh, Chuck was drivin' and Wally was just in passenger
2 seat.

3 Q. Who else was at your house that night?

4 A. Um, that Erica was there, Erica Waters, um, Dean Gilmore,
5 um, my girlfriend that time was Terri Boltin, um, I think, uh,
6 Brittany Moody was there if I'm not mistaken, Wally, Chuck and
7 me, a friend a mine Billy, um, Elkins and I wanna say maybe
8 o -- some other people, that's the only ones I can recall.

9 Q. When Chuck and Wiley arrive, where did ya'll go in the
10 house?

11 A. Into the front front, uh, bedroom that I was in occupy at
12 the time.

13 Q. And who all was in the room?

14 A. Uh, when they walked in, me and my my girlfriend Terri
15 was in the room and as they walked in Chuck asked her to leave
16 so it's me, him, W -- uh, Wally.

17 Q. Was the door left open?

18 A. No, sir, it was closed I thinkin'.

19 Q. There any, um, are there any unique characteristics of
20 that bedroom that you could use to describe which one it was?

21 A. Um, it had a multicolor ceilin' fan that was at one time
22 my son's room, it was like a kid ceilin' fan.

23 Q. Now were you friends with Wiley?

24 A. No, sir.

25 Q. And did you let Chuck know you didn't want him there?

CHRISTOPHER LENA WILLIAMS - DIRECT EXAMINATION BY MR. BELL

1 A. Yes, sir.

2 Q. Did Chuck respond in any way?

3 A. He more or less said that, uh, if I would put it aside
4 for him at the time, he needed Wally at the time.

5 Q. He needed Wiley?

6 A. Yes, sir.

7 Q. Wha'd ya'll start doin' in that back bedroom with that
8 colorful fan?

9 A. Well they startin' talkin' about this and that and
10 they were ---

11 MS. ZMROCZEK: Your Honor, ---

12 A. --- started ---

13 MS. ZMROCZEK: --- I'm gonna object it's, uh, it's
14 hearsay at this point as he's saying "they,", um, and if he's
15 referring to Mr. Sisk and the co-defendant who could not be
16 confronted then I would object to to that testimony coming
17 in?

18 MR. BELL: Your Honor, this is the witness's personal
19 knowledge what he saw that night, as well, Your Honor,
20 the -- while we're not -- Your Honor, may we approach?

21 THE COURT: Yeah, sh -- I think that's probly best.

22 MS. ZMROCZEK: Sorry.

23 (Whereupon, a bench conference was held off the record.)

24 THE COURT: All right, subject to our sidebar which
25 addressed one of our pretrial issues, I want the jury to kinda

CHRISTOPHER LENA WILLIAMS - DIRECT EXAMINATION BY MR. BELL

1 know Morehouse is not here and there's some exceptions to the
2 rules as to what can be said about a conversation somewhere
3 else and I've ruled on that, the lawyers and I are kinda on
4 the same page and so that's what we we're talkin' about is the
5 gist of what I believe's allowed the testimony so,
6 Mr. Bell, with that, um, limiting instruction as to what we
7 did pretrial, proceed on.

8 MR. BELL: Thank you, Judge.

9 BY MR. BELL:

10 Q. Chris, what were ya'll doin' in that back room when you
11 first got back there?

12 A. Um, Charlie, uh, was, uh, weighin' out some ice, um,
13 Wally was packing some ice up and I was fidgeting around while
14 I was just leave 'em to them speak about some things and ---

15 Q. Did ya'll do any of the ice?

16 A. Yes, we did a line.

17 Q. Said a "line?"

18 A. Yes, sir.

19 Q. What's a line mean?

20 A. That's probly like a tenth of a gram.

21 Q. Is a line just another phrase for how you do drugs?

22 A. Yeah, you snort it.

23 Q. Was there any conversation going on while ya'll were back
24 there doing drugs? Without specifically saying what this
25 time, was the conversation ongoing?

CHRISTOPHER LENA WILLIAMS - DIRECT EXAMINATION BY MR. BELL

1 A. Ye, sir.

2 Q. And were Chuck and Wiley communicating with each other?

3 A. Yes, sir.

4 Q. And were you present?

5 A. Yes, sir.

6 Q. Now during that conversation was anything said by Chuck
7 that alerted you?

8 A. Yes, sir.

9 Q. And what was that?

10 A. He had stated that he was gonna teach someone a lesson
11 and wanted to know if I knew a place to do it at.

12 Q. And was Wiley Sisk part of that conversation?

13 A. He was standing there with us, yes, sir.

14 Q. Any reason he wouldn't have heard that statement?

15 A. No, sir.

16 Q. Did he leave the room at that time?

17 A. No, sir.

18 Q. Did he appear upset at that time?

19 A. No, sir.

20 Q. How did you feel when you heard that?

21 A. I was ready to go.

22 Q. And why were you ready to go?

23 A. Because I just don't wanna be a part a no aggression, no
24 no violence.

25 Q. That's what you thought they were indicating?

CHRISTOPHER LENA WILLIAMS - DIRECT EXAMINATION BY MR. BELL

1 A. Yeah.

2 Q. During that conversation how was Chuck addressing
3 Wiley?

4 A. As like, um, a child, somebody that's, that he was
5 directing.

6 Q. And during that conversation did Wiley seem afraid a
7 Chuck?

8 A. No, sir.

9 Q. After that conversation took place and you did those
10 lines, wha'd you do next?

11 A. I left the room.

12 Q. And where'd you end up headin'?

13 A. I went to, uh, borrow some money from from a mother's
14 friend.

15 Q. And was that somewhere inside your house?

16 A. No, it's, uh, on down Platt Springs Rd. 'bout maybe mile
17 and a half, two miles from my house.

18 Q. What were you plannin' on doin' after gettin' that money?

19 A. Um, I borrowed the money to go rent me a hotel room.

20 Q. Why were you gonna get a hotel if you were at your own
21 house?

22 A. Well, between what they had been sayin' I didn't wanna be
23 around that, there's a lot of, you know, we have to rent room
24 and my girlfriend may like to see while she was there, wanted
25 to spend some time with her.

CHRISTOPHER LENA WILLIAMS - DIRECT EXAMINATION BY MR. BELL

1 Q. After pickin' up the cash for your hotel room, did you go
2 back to your house?

3 A. Yes, sir, I went back to get some clothes.

4 Q. And when you got back to the house, was anybody still
5 there you had seen earlier?

6 A. Um, 'bout everybody I think was still there or were
7 there. Uh, Charlie was there, Wally, um, ---

8 Q. And and the others?

9 A. Yes, sir.

10 Q. I wanna step back, before you left, before you left to go
11 pick up that money, ---

12 A. Um-hum.

13 Q. --- did Chuck ask anything of you?

14 A. He asked if I know a place that would suit teachin' him a
15 lesson, whoever they were.

16 Q. And after returning back from picking up the money, how
17 much time had elapsed in that period?

18 A. Maybe forty-five minutes the most.

19 Q. Did you speak to anybody that was in the house at that
20 time?

21 A. Uh, yes, sir, I come in and, uh, I was asked, uh, by
22 Wally if I have a shirt, he wanted to bor -- he wanted to
23 borrow a shirt, I pointed him to my closet.

24 Q. I wanna back back up just for clarification, when you
25 came back from pickin' up the money after you left your house

CHRISTOPHER LENA WILLIAMS - DIRECT EXAMINATION BY MR. BELL

1 the first time, I apologize. Chris, after leavin' the room
2 with Chuck and Wiley and having that conversation, did you
3 talk to Chuck again that night before leaving your house?

4 A. Yes, sir.

5 Q. And what was the nature of that conversation?

6 A. As I was leaving, uh, to get in the car he come, he'd
7 asked me to get the other pistol he had stored at my house, I
8 had to take the one he had on him and put that up.

9 Q. And did you know what he was referring to?

10 A. Yes, sir.

11 Q. Did you go retrieve the gun ---

12 A. Yeah.

13 Q. --- that was being talked about?

14 A. Yes, sir, I went inside and it was, uh, hid under the
15 couch.

16 Q. And do you know what kind of gun it was?

17 A. He give me a .45 and I gave him the .40 caliber he had
18 al-- had left in my home.

19 Q. Did he indicate that both of those pistols belonged to
20 him?

21 A. Yeah, uh, he h -- he had 'em both so they were his as far
22 as I know.

23 Q. Any indication as to why he wanted to trade up those
24 firearms for the .40 caliber?

25 A. He stated somethin' about it bein' less loud.

CHRISTOPHER LENA WILLIAMS - DIRECT EXAMINATION BY MR. BELL

1 Q. Who was with him when that conversation about the gun
2 took place?

3 A. He was standing in the door, open door of his car and
4 Wally was standing to the side of him.

5 Q. Any reason Wiley wouldn't have heard that conversation
6 take place?

7 A. Not that I could tell.

8 Q. All right. Now you went pick up the money and you
9 said you came back maybe forty-five minutes later, is that
10 right, ---

11 A. Yes, sir.

12 Q. --- and you Wiley again at that time?

13 A. Yes, sir.

14 Q. And what was it that he asked you for?

15 A. A T-shirt.

16 Q. Did you offer him clothes?

17 A. I pointed him to my closet, told him help yourself.

18 Q. Before leaving did you see anything else that stood out
19 to ya?

20 A. Um, as I was leavin', gettin' in truck to leave, I seen
21 fire in backyard.

22 Q. And did you call the fire department?

23 A. No, sir, we burned a lotta trash.

24 Q. Who was standing near the fire?

25 A. Um, it was Erica and some fella, uh, I couldn't recognize

CHRISTOPHER LENA WILLIAMS - DIRECT EXAMINATION BY MR. BELL

1 who he was through the dark.

2 Q. When you provided those clothes or pr that T-shirt for
3 Wiley, what was Wiley's demeanor at that time?

4 A. Kind of, uh, strange. He seemed maybe, I don't know if
5 worried or what but he was kinda mumblin' to himself.

6 Q. And you were with Wiley earlier in the day when drugs
7 were being used, is that what you testified to?

8 A. Yes, sir.

9 Q. And was he acting different than he was at that time?

10 A. Yes.

11 Q. Did it seem out of the ordinary the way he was acting?

12 A. A little.

13 Q. Did you end up goin' to that hotel you talked about
14 earlier?

15 A. Yes, sir.

16 Q. And who did you go with?

17 A. Uh, my girlfriend Terri Bolton.

18 Q. Did you end up returning to your home?

19 A. Uh, yes, sir, the next day.

20 Q. And how long was it before you returned to your house?

21 A. Um, checkout was at eleven, we walked to Waffle House and
22 eat, um, went back to the hotel room and I rented another one
23 and a little while later I got a ride finally and we went to
24 my house, I can't remember exactly what time it was, it was
25 sometime before five 'cause I went to a shop that was open.

CHRISTOPHER LENA WILLIAMS - DIRECT EXAMINATION BY MR. BELL

1 Q. Would that have been on August 4th?

2 A. Yes, sir.

3 (Whereupon, a discussion was held off the record.)

4 MS. ZMROCZEK: No objection.

5 MR. BELL: Your Honor, pursuant to stipulation with
6 defense at this time the State would go ahead and move in
7 State's 46, 47, 48, 49, 50, 41, 52, 53, 54, 55, ---

8 THE COURT: All right, so ---

9 MR. BELL: --- 56 and 57, Your Honor.

10 THE COURT: --- so that's 45 ---

11 MR. BELL: Through ---

12 THE COURT: --- 57?

13 MR. BELL: Yes, Your Honor.

14 THE COURT: So all inclusive, 45 through 57 are now in by
15 agreement. All right.

16 (State's Exhibit Nos. 45 through 57, photographs,
17 admitted into evidence.)

18 BY MR. BELL:

19 Q. Chris, I'm gonna show ya some pictures 'ferrin' to
20 State's 43, do you recognize what's in that (indicating)
21 picture?

22 A. It's my home.

23 Q. And what address was that home?

24 A. Mac Circle.

25 Q. And State's 55, what is this (indicating)?

CHRISTOPHER LENA WILLIAMS - DIRECT EXAMINATION BY MR. BELL

1 A. It's the back a my home.

2 Q. The same address you just referred to?

3 A. Yes, sir.

4 Q. State's 53, what is this a picture of?

5 A. Uh, the bedroom I was occupyin' at the time.

6 Q. And what happened in that room on August 3rd that stands
7 out?

8 A. Um, they spoke of they'll teach him a lesson and we did a
9 lotta dope.

10 Q. That's where the conversation behind closed doors took
11 place?

12 A. Yes, sir.

13 Q. The burn pile that you mentioned earlier, where would
14 that have been located?

15 A. In the backyard.

16 Q. And what -- were ya able to see that from the picture of
17 your backyard earlier?

18 A. Think so.

19 Q. 'ferrin' to 55 again, ya able to see it?

20 A. Yes, sir.

21 Q. Handing you a laser pointer, if you press the button at
22 the top, it'll shoot a laser out. Could you circle the burn
23 pile area?

24 A. 'kay, there (indicating).

25 Q. What time was it when you returned on August 4th after

CHRISTOPHER LENA WILLIAMS - DIRECT EXAMINATION BY MR. BELL

1 leavin' the hotel?

2 A. I'm not 'xactly sure as what time it was, probly like I
3 said it was sometime probly around two o'clock I think.

4 Q. And you talkin' a.m. or p.m.?

5 A. Woulda been p.m.

6 Q. Who was at the house when you got there?

7 A. I've not mistaking Erica was there, Dea ---

8 Q. Is that the Erica Waters you mentioned earlier?

9 A. Yes, sir, and Dean and it was me and Terri and Billy,
10 they had actually pulled up together.

11 Q. Did you see Wiley or Chuck again at your house that
12 day?

13 A. Not that I remember.

14 Q. Did Wiley show up at all that day?

15 A. Uh, yeah, but it was at Billy's house.

16 Q. And ---

17 A. No, oh, 'scuse me, Wally showed up earlier that mornin'
18 with a girl and a bo -- boy named Bubba, they come ---

19 Q. Wiley ---

20 A. --- in ---

21 Q. Did Wally [sic] show up at your house that morning?

22 A. Yes, he -- they come in briefly.

23 Q. And did you have a chance to speak to Wiley?

24 A. Yeah, he said he was lookin' for Erica.

25 Q. Did he indicate why he was lookin' for Erica?

CHRISTOPHER LENA WILLIAMS - DIRECT EXAMINATION BY MR. BELL

1 A. Uh, she was supposed to have some narcotics..

2 Q. And why was he interested in those narcotics?

3 A. Um, at the time I I wasn't aware but later on that
4 afternoon when he'd come to Billy's or whatnot is when he told
5 me that he was gonna get paid for what he had done.

6 Q. Did he say who was supposed to be payin' him for what
7 he'd done?

8 A. Yeah, it was Chuck but he ke -- he referred to him as his
9 boss.

10 Q. Did he indicate how much he was supposed to be paid?

11 A. I'm not mistaken it was like \$5,000.

12 Q. Did it seem like he was gonna be willing to leave without
13 that payment?

14 A. He said he wasn't gonna leave empty-handed but as far as
15 I know he did though.

16 Q. Law enforcement ever question you in relation to this
17 case?

18 A. Yes, sir.

19 Q. And did you get a statement?

20 A. Yes, sir.

21 Q. And did you give a statement?

22 A. Yes, sir.

23 Q. Chris, do you currently have a pending charge, is that
24 correct?

25 A. Yes, sir.

1 Q. And what is that pending charge?

2 A. A burglary second degree.

3 Q. And did that charge occur after you'd given your
4 statement to police in this case?

5 A. Yeah, well after.

6 Q. Did you have -- are any promises made to ya for your
7 testimony today in relation to your pending charge?

8 A. No, sir.

9 Q. Did you have pending charges back in August 2015?

10 A. No, sir.

11 Q. Is that the month that you gave your statement?

12 A. Yes, sir.

13 Q. At any time during your observation of Wiley Sisk and
14 Charles Morehouse, did Wiley seem to be under duress from
15 Chuck?

16 A. Duress as in under order?

17 Q. Did he appear to be afraid of Chuck?

18 A. No, sir.

19 Q. Did he appear to be acting against his will?

20 A. No, sir.

21 Q. Please answer any questions defense may have.

22 CROSS-EXAMINATION BY MS. ZMROCZEK:

23 Q. I wanna pick up, Mr. Williams, where Mr. Bell just left
24 off. You said duress as in under order, 'cause ---

25 A. Yes, ma'am.

1 Q. --- he was under order, right?

2 A. Seemed as.

3 Q. What happens to -- when people cross Chuck or Charlie?

4 A. I mean, seems that they get hurt.

5 Q. Yep, they get hurt. Now you testified here today that
6 you'd known Chuck about two months ---

7 A. Yes, ma'am.

8 Q. --- and, um, you were here yesterday in the courthouse,
9 right?

10 A. Yes, sir -- I mean, yes, ma'am.

11 Q. It's fine. Uh, and you were preparing for your
12 testimony, ---

13 A. Yes, ma'am.

14 Q. --- going over what what you're supposed to remember, ---

15 A. Yes, ma'am.

16 Q. --- is it fair to say that the use of drugs has altered
17 your memory some?

18 A. Maybe a little, ---

19 Q. Okay.

20 A. --- not . . .

21 Q. I want to show you that picture of your property, uh,
22 State's 55, can you see it from there?

23 A. Yes, ma'am.

24 Q. You still have the pointer?

25 A. Yes, ma'am.

1 Q. Can you point to what -- there's, you have another giant
2 trash pile, correct?

3 A. Yes, ma'am, ---

4 Q. And ---

5 A. --- it's over ---

6 Q. --- that's ---

7 A. --- here (indicating).

8 Q. --- not in this picture, is it?

9 A. It's right there (indicating), isn't it?

10 Q. It's a little bit ---

11 A. Yes, sir.

12 Q. --- off to the side, right?

13 A. Yes, ma'am.

14 Q. And in that giant trash pile, um, it's a bunch a trash,
15 right, ---

16 A. Yes, ma'am.

17 Q. --- your trash?

18 A. Yes, ma'am.

19 Q. You would agree with me that there are approximately
20 thirty to forty Heineken bottles in that trash, right?

21 A. I wouldn't know, I don't drink.

22 Q. You don't drink at all.

23 A. I really don't know, very seldom. I don't drink Heineken
24 at all.

25 Q. Okay, but Chuck does, right?

1 A. Yes.

2 Q. State's 53, the room with the ceiling fan, ---

3 A. Yes, ma'am.

4 Q. --- uh, what's that hanging over the I guess window
5 or ---

6 A. It's a tapestry my grandmother and grandfather got me
7 from a vacation they took when I was about nine.

8 Q. Okay. Are you familiar with the the Rebels?

9 A. Um, I've heard 'em before but that has nothin' do with
10 it.

11 Q. Okay. What what are they?

12 A. The Carolina Rebels is a motorcycle club.

13 Q. A motorcycle gang? You have, um, been in contact with,
14 um, Charlie or Chuck after he got arrested, haven't you?

15 A. No.

16 Q. You've written him letters in jail.

17 A. That's -- no, ma'am, I haven't.

18 Q. You've sent him tobacco.

19 A. No, ma'am, I haven't.

20 Q. Okay. Spoken to his wife?

21 A. I've talked to his wife one time.

22 Q. You were directed to give her money.

23 A. No, ma'am. I was off -- I I offered her money 'cause she
24 said that all of the money was confiscated from her and that
25 she needed money to feed her children. Mr. Morehouse always

1 was really good to me so and he come if I needed a ride or any
2 kind of help with my fixin' my car so I felt it's best I could
3 do.

4 Q. Who is Rico?

5 A. Um, same guy, the Porter boy that was murdered as far as
6 I know, I didn't really know the child.

7 Q. Who is Austin?

8 A. Austin is Austin Lynch.

9 Q. Were Austin and Rico friends?

10 A. I seen Rico one time, he drove Austin over there.

11 Q. You would agree with me that some of the trash that they
12 found on your property, State's 55, under these (indicating)
13 two tires would include used needles.

14 A. I don't doubt that. I wasn't the one that usually burned
15 the trash, I s -- I didn't stay at my home much.

16 Q. You didn't stay at your home much.

17 A. No, ma'am.

18 Q. You never injected ice?

19 A. I have ---

20 Q. Um-hum.

21 A. --- and also do people around my home.

22 Q. And you've actually inject it into to the ladies,
23 right?

24 A. No, ma'am.

25 Q. Okay. Wiley or, um, Chuck got arrested on August 4th,

1 right ---

2 A. Yes, ma'am.

3 Q. --- and you had conversation very shortly thereafter with
4 a Crystal his wife?

5 A. Yes, ma'am.

6 Q. I want to, um, talk to you about this .40 caliber, that
7 was your gun, right?

8 A. No, ma'am.

9 Q. You didn't ever own any guns?

10 A. I don't have guns, never bought anything.

11 Q. Okay, so you just met this man, allowed him to start
12 making ice at your house and keeping guns?

13 A. He never made no ice at my house.

14 Q. Okay.

15 A. He did ask me to hold the gun and I did put it up for
16 him.

17 Q. You actually owed Charles some money and a quarter ounce
18 of ice, didn't you?

19 A. No, ma'am.

20 Q. You stated that Charlie, your talk with Mr. Morehouse
21 asked you where to take someone to teach 'em a lesson, ---

22 A. Asked if I knew a place, yes, ma'am.

23 Q. --- but you don't wanna have nothing to do with
24 violence?

25 A. I told him at that time that I wou -- I don't know, as

1 long as it wasn't here or anywhere around me.

2 Q. So you didn't know of a place to tell him.

3 A. No, ma'am.

4 Q. You didn't tell him go to Old Orangeburg Road where you
5 used to live.

6 A. Where I used to live?

7 Q. Where he used to live?

8 A. No, ma'am, and I didn't know he lived there.

9 Q. Okay. When he left he, Chuck, Charlie, Mr. Morehouse
10 left that night, he actually left a sizeable amount of drugs
11 at your place, right?

12 A. As far as I heard.

13 Q. With Erica, ---

14 A. I ---

15 Q. --- right?

16 A. As far as I heard, I left before Mr., uh, Morehouse left.

17 Q. Right. You left before they left and, um, then came back
18 briefly after getting money from who?

19 A. From Christine Harris, is one a my mother's friends.

20 Q. Okay, to go get a hotel room ---

21 A. Yes, ma'am.

22 Q. --- and then you came back you said two o'clock?

23 A. No, I was gone forty-five minutes, it was probly about, I
24 was at the hotel at one so it was probly 'bout twelve o'clock
25 when I came back a second time.

1 Q. Okay, and that's afternoon, right?

2 A. No, midnight.

3 Q. Help me with this timeline.

4 A. They showed up originally, him and, uh, uh, Wally and and
5 Chuck showed up originally, I'm sayin' around 'bout 10:30, 11.

6 Q. 10:30, 11 p.m.

7 A. p.m.

8 Q. Okay.

9 A. We had the little bit a discussion in the room we speak
10 of, spoke of, I left went thirty, forty-five minutes up the
11 road and back, went in the house for ten minutes, left
12 again.

13 Q. Okay, and and so my follow-up question is and then when
14 did you come back again?

15 A. It was the next afternoon sometime.

16 Q. Okay, the next afternoon sometime.

17 A. Yes, ma'am.

18 Q. Okay, just gonna make sure I was clear on that. Beg the
19 Court's indulgence.

20 THE COURT: Um-hum.

21 Q. Do you recall what your phone number was at that time?

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

23 Q. Do you know that the police got phone records on
24 everybody?

25 A. Yes, sure she did.

1 Q. Okay. Would it surprise you to know that between July
2 21st and August 3rd that you and Chuck communicated either via
3 voice which means talking or text 352 times?

4 A. And like I said I seen him every day.

5 Q. And now tell me about your pending charge, what you, what
6 what do you have pending?

7 A. A burglary second.

8 Q. Okay. Um, who is Chip?

9 A. Chip's a fella from the neighborhood that I've known
10 since a kid.

11 Q. Was Chip arrested in this case?

12 A. As far as I heard.

13 Q. As far as he -- you heard?

14 A. Yes, sir -- yes, ma'am.

15 Q. Do you know what for, if you ---

16 A. I ---

17 Q. --- don't that's fine.

18 A. --- I've heard was accessory after the fact if I'm not
19 mistaken.

20 Q. Okay. When the police came to your house, what time did
21 they come, was it the 4th?

22 A. They came the 4th I think, the 5th.

23 Q. The 5th.

24 A. I -- no, they came I think both.

25 Q. Okay, uh, so they came two times ---

1 A. Yes, ma'am.

2 Q. --- and they found all this paraphernalia, ---

3 A. Yes, ma'am.

4 Q. --- did they find any drugs?

5 A. Not that I know of.

6 Q. Did they find the gun that you swapped out?

7 A. No, ma'am.

8 Q. Okay, where did that go?

9 A. I had it, um, I had it with me. I took it with me and,
10 uh, to the hotel.

11 Q. Okay. Um, and you said that you preferred meth the one-
12 pot, the the regular meth over the the ice, right?

13 A. Yes, ma'am.

14 Q. Um, did you make that at your house?

15 A. No, I didn't.

16 Q. Okay, but you had the needles ---

17 A. Yes, ma'am

18 Q. --- and a burn pile ---

19 A. Yes, ma'am.

20 Q. --- and the you never got arrested in this case, did
21 you?

22 A. No, ma'am.

23 Q. It's your testimony that you have had zero contact with
24 Chuck since he's been arrested.

25 A. I don't remember talkin' to Chuck ever since he's been

CHRISTOPHER LENA WILLIAMS - REDIRECT EXAMINATION BY MR. BELL

1 arrested, I talked to his wife once.

2 Q. Thank you, no further questions.

3 THE COURT: Anything else, Mr. Bell?

4 MS. MAYES: Yes, Your Honor.

5 REDIRECT EXAMINATION BY MR. BELL:

6 Q. Chris, have you ever indicated to this jury that you
7 don't do drugs?

8 A. No, sir.

9 Q. So is it all s -- at all surprising there would be drug
10 paraphernalia around your house and in your house?

11 A. No, sir.

12 Q. Was brought up that you held Chuck's gun ---

13 A. Yes, sir.

14 Q. --- even though you'd only known him for two months, is
15 that right?

16 A. Yes, sir.

17 Q. Was Chuck giving you ice?

18 A. Yes, sir.

19 Q. And again, were you paying for all of that ice?

20 A. Some of it and some of it no.

21 Q. Was Chuck benefiting from ya'lls relationship?

22 A. I'd say he was.

23 Q. The name Austin Lynch was brought up, who was Austin
24 Lynch friends with?

25 A. Um, as far as I know Chuck was friends with Austin's

CHRISTOPHER LENA WILLIAMS - REDIRECT EXAMINATION BY MR. BELL

1 father and he was in prison and needed at the time and was
2 supposedly taking care of Austin.

3 Q. Testified earlier that it was about 10:30 p.m. or so, um,
4 when you had the conversation with Wiley and Chuck, is that
5 true?

6 A. Yeah, somewhere around that area.

7 Q. And you testified previously that you got back to your
8 house after retrieving the money for the hotel around
9 midnight, in that area?

10 A. Somewhere there yeah, somewhere in that area.

11 Q. Can you read this (indicating) board, Chris?

12 A. Yes, sir.

13 Q. This (indicating) time says 10:22 and this (indicating)
14 time says 11:11 p.m., so when you talked to Chuck and Wiley,
15 would it be between these two times?

16 A. Yep, if it was checked, if that's the actual chain of
17 times, yes, sir.

18 Q. And was that the conversation about taking the boy to
19 teach him a lesson?

20 A. Hold on a minute, the check in to the hotel at the top
21 between?

22 Q. Uh, disregard the rest, just refer to the actual time,
23 okay?

24 A. I talked to him with that conversation before I ever
25 checked into a hotel.

CHRISTOPHER LENA WILLIAMS - REDIRECT EXAMINATION BY MR. BELL

1 Q. Right, so that woulda been about what time when that
2 conversation took place?

3 A. Oh, I would say about maybe 9:30 if it was 10:22 when I
4 got checked in the hotel.

5 Q. Okay, n ---

6 UNIDENTIFIED FEMALE JUROR: Oh, I ---

7 UNIDENTIFIED MALE JUROR NO. 1: Your Honor, ---

8 UNIDENTIFIED MALE JUROR NO. 2: I can't ---

9 UNIDENTIFIED FEMALE JUROR: --- can't see it.

10 UNIDENTIFIED MALE JUROR NO. 1: --- I ---

11 UNIDENTIFIED MALE JUROR NO. 2: --- see in the back.

12 UNIDENTIFIED MALE JUROR NO. 1 : --- I'm sorry, ---

13 MR. BELL: Okay, ---

14 UNIDENTIFIED MALE JUROR NO. 1: --- turn a ---

15 MR. BELL: --- let me do this for ya.

16 BY MR. BELL:

17 Q. What time roughly do you believe the conversation with
18 you, Wiley and Chuck took place?

19 A. I'm thinking between 10:30, 11:00 I'm saying.

20 Q. All right. You'll have to forgive my handwriting. 10:30
21 or 11.

22 A. That's based on I thought, if I'm not mistaken, that my
23 check-in time was at like one o'clock in the morning at the
24 hotel.

25 Q. Okay, and before checkin' into your hotel you testified

CHRISTOPHER LENA WILLIAMS - REDIRECT EXAMINATION BY MR. BELL

1 that you went back to your house first, ---

2 A. Yes, sir.

3 Q. --- correct, and you said that that was around midnight,
4 is that right?

5 A. Yeah, took me thirty and forty-five minutes to leave and
6 come back.

7 Q. Is the time 11:13 p.m. between the time that you left
8 your house and return to your house?

9 A. Yes, sir.

10 Q. Ms. Zmroczek opened her direct or her cross by asking
11 you that you had a meeting yesterday to talk about what you
12 were supposed to remember, you remember her sayin' that?

13 A. Yes, sir.

14 Q. Did our office tell you what to remember?

15 A. Your office only told me to tell the truth.

16 Q. No further questions.

17 THE COURT: All right, you step down.

18 (Whereupon, the witness left the stand.)

19 THE COURT: All right, I'm, um, I've been in here longer
20 than ya'll have, I need a break so ---

21 UNIDENTIFIED FEMALE JUROR: Oh, uh, ---

22 THE COURT: --- let's, ---

23 UNIDENTIFIED FEMALE JUROR: --- that's good.

24 THE COURT: --- we're gonna ---

25 MS. ZMROCZEK: Okay.

BRITTANY MOODY - DIRECT EXAMINATION BY MS. MAYES

1 (Whereupon, a discussion was held off the record.)

2 (The following takes place in the presence of the jury.)

3 THE COURT: All right, call your witness, please.

4 MS. MAYES: The State calls Brittany Moody.

5 (Whereupon, the witness came forward.)

6 (Whereupon, a discussion was held off the record.)

7 BRITTANY MOODY, having been
8 first duly sworn, testified as follows:

9 THE CLERK: Have a seat right up there (indicating),
10 ma'am, once you're seated state your name spelling your last.

11 THE WITNESS: Brittany Moody, M-O-O-D-Y.

12 DIRECT EXAMINATION BY MS. MAYES:

13 Q. Good morning, Ms. Moody.

14 A. Good morning.

15 Q. Could you tell us a little bit about yourself. How old
16 are you currently?

17 A. I'm 24-years-old.

18 Q. All right. Um, you're wearing a jumpsuit from the
19 detention center, ---

20 A. Yes, ma'am.

21 Q. --- you're currently incarcerated at the Lexington County
22 Detention Center?

23 A. Yes, ma'am.

24 Q. All right. Brittany, um, do you receive a subpoena, uh,
25 regarding potential testimony in this case?

BRITTANY MOODY - DIRECT EXAMINATION BY MS. MAYES

1 A. Yes, ma'am, I did.

2 Q. Now, gonna ask you first about, uh, your criminal
3 convictions, do you have a conviction for shoplifting and for
4 forgery?

5 A. Yes, ma'am.

6 Q. And then in addition to that do you currently have a
7 pending charge for forgery?

8 A. Yes, ma'am, I do.

9 Q. And I believe petty larceny?

10 A. Yes, ma'am.

11 Q. Okay. Those new charges that I just mentioned, a forgery
12 and a petty larceny, uh, are those charges, uh, recent or
13 old?

14 A. Recent.

15 Q. Okay. Believe you, uh, actually were charged with those,
16 um, as recently as early November, correct?

17 A. Yes, ma'am.

18 Q. Brittany, did you have an opportunity to provide a
19 statement to law enforcement, uh, regarding the investigation
20 against Wiley Sisk and Charles Morehouse for murder?

21 A. Yes, ma'am.

22 Q. The statement and your contact with law enforcement
23 approximately when did that occur?

24 A. Ma'am? Sorry.

25 Q. Thank you. Approximately when did that occur when you

BRITTANY MOODY - DIRECT EXAMINATION BY MS. MAYES

1 met with law enforcement initially on ---

2 A. Uh, ---

3 Q. --- on this case?

4 A. --- it was within three weeks.

5 Q. Within three weeks of the actual murder.

6 A. Yes, ma'am.

7 Q. So that would be August of 2015?

8 A. Yes, ma'am.

9 Q. So back then in August of 2015 you gave a statement to
10 law enforcement, the Lexington County Sheriff's Department,
11 did you have any of those charges that we just mentioned
12 pending?

13 A. No, ma'am.

14 Q. Okay. Brittany, how is it, uh, that you know, um,
15 another person in this case who goes by the name Christo --
16 you -- his name is Christopher Williams but he goes by the
17 name Snoop?

18 A. Um-hum, I live with him on and off and we were friends
19 for a long time.

20 Q. All right. And when you say you "live with him,"
21 are ---

22 A. Um-hum.

23 Q. --- you, what residence are you referring to?

24 A. Uh, the one on Main Street.

25 Q. Okay. Uh, would that be Mac Circle?

BRITTANY MOODY - DIRECT EXAMINATION BY MS. MAYES

1 A. Yes, ma'am.

2 Q. That would be the same residence that you once resided
3 with Snoop at.

4 A. Yes, ma'am.

5 Q. Can you tell us whether or not, uh, you would frequently
6 visit that residence back in August of 2015, ---

7 A. Yes, ma'am.

8 Q. --- well really the the summer of 2015.

9 A. Yes, ma'am.

10 Q. And going back to that time frame of the summer of 2015 I
11 wanna ask you, uh, during that time were you using drugs?

12 A. Yes, ma'am.

13 Q. What drugs?

14 A. Methamphetamine.

15 Q. Is there a specific type of methamphetamine that you
16 would most commonly use?

17 A. No, ma'am, I use meth or ice, ---

18 Q. All right.

19 A. --- um-hum.

20 Q. And when we talk about ice, um, how was it I guess that
21 you would actually ingest that drug?

22 A. Um, by needle, ---

23 Q. Okay.

24 A. --- yes, ma'am.

25 Q. So using a hypodermic needle to actually ingest it,

BRITTANY MOODY - DIRECT EXAMINATION BY MS. MAYES

1 correct?

2 A. Yes, ma'am.

3 Q. And wanna ask you whether or not, uh, you know the
4 defendant in this case Wiley Sisk?

5 A. Yes, ma'am.

6 Q. Had you ever seen him prior to August 3rd of 2015?

7 A. Yes, ma'am.

8 Q. So you knew him already by name and face?

9 A. Um-hum.

10 Q. And I wanna ask you, um, specifically about that. How
11 would you describe the relationship that you and Wiley back in
12 that time frame of the summer of 2015?

13 A. Um, we were just, uh, basically associates, we were
14 friends but we didn't really hang out on a regular basis
15 until about that time.

16 Q. All right. Has there ever boin -- been a point in time
17 that you and Mr. Sisk had a sexual relationship?

18 A. Yes, ma'am.

19 Q. Is that been one time or more than one time?

20 A. More than once.

21 Q. Had you ever, um, had that relationship with Mr. Sisk
22 prior to August of 2015?

23 A. Yes, ma'am.

24 Q. So I wanna take you specifically to the night of August
25 3rd 2015, Monday night, where were you that night?

BRITTANY MOODY - DIRECT EXAMINATION BY MS. MAYES

1 A. At Snoop's or Chris Williams, yes, ma'am.

2 Q. Chris Williams ---

3 A. Um-hum.

4 Q. --- meaning you called him Snoop.

5 A. Yes.

6 Q. Who all do you remember being there at the residence?

7 A. Um, it was me and Snoop, Terri, Billy was there and Erica
8 Waters and Chip, ---

9 Q. Okay.

10 A. --- um-hum.

11 Q. And you mentioned, uh, the name Terri, Terri, ---

12 A. Um, ---

13 Q. --- uh, whose girlfriend was Terri?

14 A. Chris.

15 Q. Snoops.

16 A. Um-hum, Snoops, yes, ma'am.

17 Q. And you mentioned Erica Waters, ---

18 A. Um-hum.

19 Q. --- now was Erica Waters just there for that one night
20 or was she staying at Snoops at that point in ---

21 A. She ---

22 Q. --- time?

23 A. --- was staying there.

24 Q. At any point that night while you were at that residence,
25 did you see the defendant Wiley Sisk?

BRITTANY MOODY - DIRECT EXAMINATION BY MS. MAYES

1 A. Yes, ma'am.

2 Q. Under what circumstances did you see him?

3 A. He showed up with Chuck Morehouse.

4 Q. All right. Now had you ever seen Chuck Morehouse before
5 that night?

6 A. Maybe like two days prior to this, yes, ma'am, but other
7 than no, ma'am.

8 Q. All right. And have you seen him at Snoops house two
9 days prior?

10 A. Um-hum.

11 Q. So that's how you knew Chuck Morehouse?

12 A. Yes, ma'am.

13 Q. How long or approximately how long would you say you had
14 known Wiley before that night?

15 A. We've known each other 'bout three or four years, ---

16 Q. And ---

17 A. --- um-hum.

18 Q. --- I know you've already said over the course of that
19 three or four years, um, you did have a sexual relationship
20 with him, ---

21 A. Yes, ma'am.

22 Q. --- um, did you also consider him a friend?

23 A. Yes, ma'am.

24 Q. At that point in time did he consider you a friend?

25 A. Yes, ma'am.

BRITTANY MOODY - DIRECT EXAMINATION BY MS. MAYES

1 Q. Would you say you had trust in that relationship?

2 A. Yes, ma'am.

3 Q. So you say he showed up with Chuck, do you know how they
4 got there?

5 A. Uh, in Chuck's car, it was a burgundy older model, I'm
6 not real sure.

7 Q. And show you what is State's Exhibit 104 and ask you
8 whether or not, uh, you recognize this.

9 A. Yes, ma'am.

10 Q. And when you say "yes, ma'am," you are referring to
11 what?

12 A. The car.

13 Q. Okay. Is that the car that you saw that night?

14 A. Yes, ma'am.

15 Q. And who returned, uh, to Snoop's residence in that car?

16 A. Morehouse and Wiley Sisk.

17 Q. Did you see, uh, anything in their hands?

18 A. Um, Wiley was holdin' a bat and that's all I seen.

19 Q. Okay. Can you describe, uh, what you remember about the
20 bat that Wiley had.

21 A. It was just a aluminum bat, he handed it off to Erica and
22 Erica hid it under the kitchen sink.

23 Q. Okay, so there was an aluminum bat ---

24 A. Yes, ma'am.

25 Q. --- that you saw Wiley's hands.

BRITTANY MOODY - DIRECT EXAMINATION BY MS. MAYES

1 A. Yes, ma'am.

2 Q. What happened next?

3 A. Um, there was a bunch a chaos at the house, there was
4 people in and out. Billy and Terri left and Snoop, um, Dean
5 was there loafin' around the house as well as I. Erica went
6 outside and Timothy Riggs (phonetic) then showed up, um, there
7 was a fire I guess where they were burning, uh, their clothes.
8 Erica went got the camp fuel outta the closet and, um, then
9 Chuck went to speak with Erica I assume and then he and Wiley
10 they changed clothes. Chuck was in the first bathroom and he
11 cleaned up with Comet, Wiley went to the back bathroom, I gave
12 him a pair a shorts and a T-shirt and then everybody left and
13 me and Wiley went to the bedroom.

14 Q. All right, wanna stop you right there. So, um, let's go,
15 let's go back a little bit. Do you recall seeing them, uh,
16 return in the Chevy Impala, do you know how close in time that
17 was, uh, to midnight?

18 A. Um, ---

19 Q. Could it have been after midnight?

20 A. It could have been, hm.

21 Q. And you mentioned, um, something about Comet or Ajax ---

22 A. Um-hum.

23 Q. --- what do you remember about that?

24 A. I remember somebody, I don't remember exactly who, but
25 somebody got it from the laundry room and gave it to Chuck

BRITTANY MOODY - DIRECT EXAMINATION BY MS. MAYES

1 which was in the first bathroom, like when you walk through
2 the house, it's the first bathroom to the left and he was in
3 there cleanin' his arms, ---

4 Q. All right, ---

5 A. --- um-hum.

6 Q. --- you witnessed that yourself?

7 A. Yes, ma'am.

8 Q. All right. And then you mentioned giving some clothing
9 to Wiley ---

10 A. Yes, ma'am.

11 Q. --- why did the defendant Wiley Sisk need clothing?

12 A. Um, I know that he got rid of his other clothing, I
13 wasn't real sure, he just asked me and I gave him some
14 basketball shorts and a T-shirt.

15 Q. All right, so you gave him clothes that were different
16 than the clothing that he actually returned wearing ---

17 A. Yes, ma'am.

18 Q. --- when you first saw him and Chuck return in the
19 Impala?

20 A. Yes, ma'am.

21 Q. And you mentioned a fire, ---

22 A. Um-hum.

23 Q. --- do you know what happened to, uh, Wiley's clothing?

24 A. They were burned.

25 Q. Okay. Where was the fire?

BRITTANY MOODY - DIRECT EXAMINATION BY MS. MAYES

1 A. Right out back of Snoop's house.

2 MS. MAYES: Beg the Court's indulgence.

3 (Pause.)

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

5 THE COURT: Okay.

6 (Pause.)

7 BY MS. MAYES:

8 Q. Gonna show you a photograph and ask you whether or not,
9 uh, you recognize what's in the photograph.

10 MS. ZMROCZEK: Without objection, Your Honor.

11 A. Yes, ma'am.

12 Q. All right, need you to speak up just a little bit more,
13 we'll pull this a little bit closer to you.

14 A. Yes, ma'am, that's the back bathroom..

15 Q. All right. And, uh, you mentioned a Comet or Ajax, um,
16 do you see it depicted in this photograph?

17 A. Yes, ma'am.

18 Q. Is that what you were referring to?

19 A. Yes, ma'am.

20 Q. Is that the location in which the hands were washed?

21 A. I didn't see that one, I seen when it was in the first
22 lo -- in the first location I had seen ---

23 Q. Okay.

24 A. --- it.

25 MS. MAYES: Uh, Your Honor, at this time we would, uh,

BRITTANY MOODY - DIRECT EXAMINATION BY MS. MAYES

1 offer this exhibit as evidence and it does not have a number.

2 THE COURT: It'll be 150 I believe.

3 COURT REPORTER: 151.

4 (Whereupon, a discussion was held off the record.)

5 THE COURT: What's 150 marked so I'll know. Jacob was
6 tellin' me 1 ---

7 COURT REPORTER: Can a burn debris.

8 THE COURT: That was the 127 or whatever it was?

9 COURT REPORTER: Yeah.

10 LAW CLERK: Correct.

11 (Photograph marked State's Exhibit No. 151 for
12 identification and admitted into evidence.)

13 BY MS. MAYES:

14 Q. You've already, um, identified, uh, 151, Ms. Moody, I'm
15 gonna ask you take a look at 54, 55, 52, 48 and 53 and ask you
16 whether or not, uh, you recognize what's shown in these
17 photos.

18 A. That is Snoop's bedroom.

19 Q. All right, that would be, um, 53?

20 A. That is the front of Snoop's house.

21 Q. Fifty-four?.

22 A. That's the back a Snoop's house. That is the burn pile.

23 Q. Okay, 52?

24 A. Yes, ma'am, and that is the burn pile.

25 Q. Okay, 48.

BRITTANY MOODY - DIRECT EXAMINATION BY MS. MAYES

1 A. Yes, ma'am.

2 Q. Now you mentioned being in the bedroom at some point with
3 Mr. Sisk, ---

4 A. Yeah.

5 Q. --- well what what led you there?

6 A. Um, after everybody left I went in there, we went to
7 there to get high.

8 Q. All right, and when you say "get high," you were using
9 what drug?

10 A. Metha [sic] or ice at the time.

11 Q. Okay. And that was you and Mr. Sisk, was anyone else in
12 the room with you?

13 A. No, ma'am.

14 Q. Just the two of you.

15 A. Yes, ma'am.

16 Q. Okay. Uh, was this before or after he had burned his
17 clothing and then you had provided new clothing for him?

18 A. Afterwards.

19 Q. And from the photos we've looked at, which room is it
20 that you were in?

21 A. Snoop's bedroom.

22 Q. And when you say "Snoop's bedroom," want you to take a
23 look here at, uh, item 53.

24 A. Yes, ma'am.

25 Q. Same room with the colored fan?

BRITTANY MOODY - DIRECT EXAMINATION BY MS. MAYES

1 A. Yes, ma'am.

2 Q. While in that bedroom, Brittany, um, did Wiley tell you
3 anything?

4 A. Yes, ma'am.

5 Q. What did he tell you?

6 A. He confessed to me that they had to lay one down, that
7 they need, that him and Chuck went out, had to lay one down,
8 that he got, he was with him, believe that he, um, Morehouse
9 shot him in the head and then everything and he shot him and
10 then Morehouse did that final shot ---

11 Q. All right, ---

12 A. --- or ---

13 Q. --- would ---

14 A. Yes, ma'am.

15 Q. You want to, you want to clarify that, I'll give you just
16 a moment.

17 A. Yes, ma'am, he said that he ---

18 Q. Okay, just one moment, Brittany, I'm ---

19 A. Um-hum.

20 Q. --- just gonna write it down. All right, and how are you
21 feelin' today about having to testify in court?

22 A. I'm nervous.

23 Q. Okay, all right. Um, and I know you said you're you're
24 nervous and you're kind of just, uh, talking right now, um,
25 from memory that but did you provide a written statement to

BRITTANY MOODY - DIRECT EXAMINATION BY MS. MAYES

1 law enforcement, ---

2 A. Yes, ma'am, yeah, ---

3 Q. --- okay, back in August 2015?

4 A. Um-hum.

5 Q. Uh, was that more detailed?

6 A. Um-hum, yes, ma'am.

7 Q. Okay, so wanna start right here (indicating) and while
8 you and Wiley are in the room, uh, you say that, uh, he told
9 you that they had to lay one down.

10 A. Yes, ma'am.

11 Q. And did he tell you the reason for that?

12 A. He said, he didn't really but I heard Chuck prior to this
13 but that he got too close to the family.

14 Q. All right. Now I wanna ask you just about what is said
15 when it's you and Wiley alone together in that bedroom,
16 the ---

17 A. He ---

18 Q. --- bedroom that we, that we talked about ---

19 A. --- he just ---

20 (Indiscernible cross-talk.)

21 Q. --- so let me ask you a a specific question. Who told
22 you that they had to lay one down?

23 A. Wiley Sisk.

24 Q. Wiley said that.

25 A. Yes, ma'am.

BRITTANY MOODY - DIRECT EXAMINATION BY MS. MAYES

1 Q. All right. Did Wiley admit to you whether or not he had
2 fired the gun?

3 A. Yes, ma'am.

4 Q. Which shot did Wiley say he did?

5 A. The final shot.

6 Q. The final shot?

7 A. Yes, ma'am.

8 Q. Did he tell you where that was?

9 A. In the head.

10 Q. Did he tell you whether or not Chuck had fired the gun?

11 A. Yes, ma'am.

12 Q. What did he say about that?

13 A. Chuck fired the gun first or the first shot.

14 Q. Okay. When he told you, uh, this about, uh, Chuck firing
15 the gun first and then that he did, uh, the final shot, the
16 head shot, what was his demeanor or mood when he told you
17 that?

18 A. I mean, at first he was -- I -- you could say braggin',
19 he was, you know, big-headed. As I stated before, he was
20 proud of what he did but it turned instantly paranoia
21 afterwards.

22 Q. All right, gonna move this microphone up a little bit
23 more, when it's -- maybe stay about that (indicating) close to
24 it if you can. Do you have a soft voice?

25 A. Yes, ma'am.

BRITTANY MOODY - DIRECT EXAMINATION BY MS. MAYES

1 Q. Okay. When he spoke to you about doing the final shot to
2 the head, you mentioned that it was like he was bragging, is
3 your words, but then paranoia set in, ---

4 A. Yes, ma'am.

5 Q. --- what is your understanding of the relationship
6 between the defendant Wiley Sisk and Chuck Morehouse?

7 A. That Wiley Sisk was muscle man for Chuck Morehouse.

8 Q. All right. When you say Wiley is the muscle man, what do
9 you mean by that term?

10 A. Um, if there was any dealings that went bad or anything
11 he was to handle it for Chuck.

12 Q. Fair to say he was the enforcer?

13 A. Yes, ma'am.

14 Q. How did he, Wiley, act about that role in regards to
15 Chuck Morehouse?

16 A. He was proud of it.

17 Q. You witnessed that yourself ---

18 A. Yes, ma'am.

19 Q. --- in his mood and demeanor?

20 A. Yes, ma'am.

21 Q. I wanna ask you whether or not, uh, that was the same,
22 uh, mood or demeanor he had when he told you that he had done
23 the headshot.

24 A. Yes, ma'am.

25 Q. What, if anything, that you observed prompted this

BRITTANY MOODY - DIRECT EXAMINATION BY MS. MAYES

1 paranoia?

2 A. Um, it coulda been the drugs or the fact that everybody
3 left him by hisself.

4 Q. What did you notice?

5 A. Um, when everybody left is when it kicked in the most.
6 He was, you know, worried that he was bein' set up or or that
7 every, it was basically a set him up to where he he went down
8 for it by hisself.

9 A. All right, in other words, uh, where he would go down
10 just on his own without Chuck.

11 A. Yes, ma'am.

12 Q. Okay. And, uh, at any point in time did he take any of
13 that back or change anything that he had said about deliverin'
14 that final shot to the victim?

15 A. No, ma'am.

16 Q. At any point that night, Brittany, that you observed him
17 and Chuck Morehouse together, did he appear to be, uh, in fear
18 of Chuck Morehouse?

19 A. No, ma'am.

20 Q. Did he appear to be forced into going along with Chuck
21 Morehouse with any of this?

22 A. No, ma'am.

23 Q. How did they seem together when they interacted?

24 A. Like they were fine, I mean, they did business together
25 so they were fine.

BRITTANY MOODY - DIRECT EXAMINATION BY MS. MAYES

1 Q. Do you know what, um, Wiley referred to Chuck as?

2 A. Charlie, ---

3 Q. Do you know, ---

4 A. --- yeah.

5 Q. --- um, specifically, uh, whether or not, uh, Wiley was
6 to be paid for this?

7 A. No, ma'am, I do not know.

8 Q. Do you know, uh, whether or not, um, Chuck returned to
9 the residence after you had this conversation with Mr. Sisk in
10 the bath -- in the bedroom?

11 A. Ma'am?

12 Q. Did Chuck return to the residence after you and Wiley had
13 that conversation?

14 A. Yes, ma'am, um-hum.

15 Q. Tell us about that.

16 A. Um, he was in the rooms talkin' with Erica and we was
17 all, we were gettin' high, all of us together: me, Erica,
18 Chuck and Wiley and, um, he wanted somebody to watch the news
19 and then left and me and Wiley went and laid down.

20 Q. All right. When you say he wanted, uh, someone to watch
21 the news, who said that?

22 A. Chuck .

23 Q. All right, so Chuck was concerned about what would be on
24 the news?

25 A. Yes, ma'am.

BRITTANY MOODY - DIRECT EXAMINATION BY MS. MAYES

1 Q. And then you say you and Wiley laid down?

2 A. Yes, ma'am.

3 Q. What room was that?

4 A. Snoop's.

5 Q. Do you remember whether or not, uh, there was a
6 conversation about the gun?

7 A. Um, yes, ma'am.

8 Q. What do you remember being said in that regard?

9 A. Only thing I remember hearin' them say is that it was
10 supposed to be handled or Chip was supposed to handle the
11 gun, ---

12 Q. All right.

13 A. --- that came from Chuck.

14 Q. All right, and that was the conversation between
15 Mr. Morehouse and Mr. Sisk?

16 A. Yes, ma'am.

17 Q. You were present for that?

18 A. No, ma'am, uh, I was in the house but I wasn't in the
19 initial conversation.

20 Q. How were you able to hear that?

21 A. Um, they were standin' outside the bedroom door after
22 Snoop, Wiley and Morehouse came outta the bedroom ---

23 Q. All right.

24 A. --- before they left.

25 Q. All right. And it was already agreed at that point ---

BRITTANY MOODY - DIRECT EXAMINATION BY MS. MAYES

1 A. Yes, ma'am.

2 Q. --- that the gun would be taken care of?

3 A. Yes, ma'am.

4 Q. State's Exhibit 53, what are we looking at in this
5 (indicating) photo?

6 A. Snoop' bedroom.

7 Q. It's the location where Mr. Sisk told you that he
8 delivered the headshot to the victim?

9 A. Yes, ma'am.

10 Q. What are we looking at in this (indicating) photograph?

11 A. The Comet.

12 Q. What are we looking at in this (indicating) photograph?

13 A. The fire. Um, the fire, wherever the fire was.

14 Q. Well were you able to actually see the fire?

15 A. Yes, ma'am, I walked out for a brief second and they were
16 with the fire and the fire was goin', Erica and Timothy were
17 even were standin' beside it.

18 Q. Beg the Court's indulgence.

19 (Pause.)

20 Do you know, um, exactly how many, uh, burn piles there
21 were in back a Snoop's yard?

22 A. Just one from what, from what I know.

23 Q. Just one you recall seeing that night.

24 A. Yes, ma'am.

25 Q. And it was in what area of the, uh, yard?

BRITTANY MOODY - DIRECT EXAMINATION BY MS. MAYES

1 A. The back area.

2 Q. Okay. And what was used to actually assist with that
3 fire, do you know?

4 A. Camp fuel.

5 Q. How do you know that camp fuel was used?

6 A. Because Erica grabbed it from the top of her closet.

7 Q. And after you saw her grab the camp fuel, uh, can you
8 tell us whether or not you saw a fire outside.

9 A. Yes, ma'am.

10 Q. And then can you tell us whether or not, uh, you giving
11 the clothing to Wiley occurred after you had, uh, seen a fire
12 started in the backyard.

13 A. It was before.

14 Q. And did you ever see those clothes again that he had
15 initially arrived in?

16 A. No, ma'am.

17 Q. Do you ever see him wear those clothes later that night
18 or the next morning or anything of that nature?

19 A. No, ma'am.

20 Q. Did Wiley spend the whole night there with you guys?

21 A. Yes, ma'am.

22 Q. You mentioned, uh, that Chuck did return later to the
23 residence, ---

24 A. Yes, ma'am.

25 Q. --- do you know how long Chuck stayed after he

BRITTANY MOODY - DIRECT EXAMINATION BY MS. MAYES

1 returned?

2 A. Wasn't long at all.

3 Q. And you mentioned that Snoop and Terri left, where did
4 they go?

5 A. From my understanding to a motel.

6 Q. Beg the Court's indulgence.

7 (Pause.)

8 And I know I I asked you this, uh, earlier but, uh, do
9 you know the exact date, uh, that you provided your statement,
10 uh, to law enforcement?

11 A. Um, that it wasn't, um, it was in August but I'm not sure
12 exactly what the date, ---

13 Q. Okay. Would seeing ---

14 A. --- uh, ---

15 Q. --- the document help fresh your memory?

16 A. Yes, ma'am.

17 Q. Okay. Your Honor, if I may approach?

18 THE COURT: Sure.

19 (Whereupon, counsel approached the witness.)

20 Q. The statement that you provided whose handwriting was
21 that in. Brittany?

22 A. Mine.

23 Q. And did you sign it?

24 A. Yes, ma'am.

25 Q. What is the date of your signature?

BRITTANY MOODY - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. August 21st.

2 Q. August 21st of what year?

3 A. 2015.

4 Q. All right, so less than three weeks after August 3rd,
5 correct?

6 A. Yes, ma'am.

7 Q. The information, uh, that you've told us today, uh,
8 Brittany, that, uh, Wiley did the final headshot, did you
9 provide that information to law enforcement immediately or
10 within three weeks of the murder?

11 A. Yes, ma'am.

12 Q. And the information that Morehouse had fired, uh, the
13 gun in the beginning before giving it to Wiley, did you
14 include that in your statement?

15 A. Yes, ma'am.

16 Q. Nothing further, Your Honor.

17 CROSS-EXAMINATION BY MS. ZMROCZEK:

18 Q. Ms. Moody, I I believe that you were asked about your
19 drug use, ---

20 A. Yes, ma'am.

21 Q. --- and how would you ingest those drugs?

22 A. With a needle.

23 Q. Where were you indress [sic] those drugs?

24 A. In my arm.

25 Q. Can you show?

1 A. Right here (indicating).

2 Q. Okay. Do you do that yourself?

3 A. Yes, ma'am.

4 Q. Nobody ever, nobody ever helped you?

5 A. Um, an ex-boyfriend when I first started.

6 Q. How many times a day do you think you did that back in
7 August of 2015?

8 A. Three or four.

9 Q. Ever do any other drugs?

10 A. Yes, ma'am.

11 Q. What kind?

12 A. I've done cocaine, crack, um, ecstasy.

13 Q. Am -- and I'm talking about in August of 2015.

14 A. Oh, um, marijuana.

15 Q. Okay. How, um, when did you first meet Chuck?

16 A. Probly like two or three days before August 3rd.

17 Q. You recall givin' that accurate statement to the police
18 three weeks after this event, right, ---

19 A. Yes, ma'am.

20 Q. --- and you recall tellin' the police that you had met
21 him that day.

22 A. Yes, ma'am, or not the day of August 3rd, that I met him
23 two or three days prior to that.

24 Q. Oh, clear about that memory.

25 A. Yes, ma'am.

BRITTANY MOODY - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. Uh, are you clear about every memory that night?

2 A. Um, there's some bits and pieces, I was, basically I was
3 high and it was a lotta chaos ---

4 Q. And ---

5 A. --- but most of it, yes, ma'am.

6 Q. --- and when you say "chaos," tell, uh, describe chaos.

7 A. Well we were in a drug house so there was people in and
8 out, there was deals, there was different people.

9 Q. So even though you had just met Chuck two or three days
10 before you knew that Wiley was his muscle man.

11 A. Um-hum, yes, ma'am.

12 Q. Okay, and, um, tell this jury who Austin is.

13 A. Austin? There's a couple Austins that I only ---

14 Q. The one that was in Charlie's crew.

15 A. Austin Lynch or ---

16 Q. Yes, Austin Lynch.

17 A. I know his dad.

18 Q. Okay. Um, and tell jury who Rico is.

19 A. Um, I don't know who Rico is.

20 Q. Okay. Never met a Rico or a James or David?

21 A. No, ma'am.

22 Q. Okay. What did Chuck do for a living?

23 A. Sold drugs from my understanding.

24 Q. Did you ever buy drugs from him?

25 A. No, ma'am.

BRITTANY MOODY - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. Did you ever buy drugs from anybody?

2 A. Yes, ma'am.

3 Q. And what, uh, how did you, um, pay for those drugs?

4 A. Um, with money.

5 Q. Okay, and where did you work?

6 A. I didn't work.

7 Q. Okay, where'd you get your money?

8 A. Um, friends, ex-boyfriends, um, I would get drug deals
9 for them so they would give me the drugs.

10 Q. I I didn't hear, I I'm sorry.

11 A. They would give me the drugs for settin' up deals and
12 stuff for them.

13 Q. You would set up deals?

14 A. Yes, ma'am.

15 Q. Okay. Uh, s -- are you a user or did you distribute?

16 A. I'm a user.

17 Q. Okay. Um, how many scales do you own?

18 A. None.

19 MS. MAYES: Objection, Your Honor, to relevance.

20 THE COURT: Okay, overruled, it's been asked before to
21 another one. Keep goin'.

22 MS. ZMROCZEK: Okay.

23 BY MS. ZMROCZEK:

24 Q. Um, before that day how many times had you seen Chuck and
25 Wiley together?

BRITTANY MOODY - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. Never.

2 Q. Who is Erica Waters?

3 A. She lived at Snoop's.

4 Q. Okay. She do -- it it -- she do drugs with ya'll?

5 A. Yes, ma'am.

6 Q. Okay. Have, uh, how long have you been in the detention
7 center?

8 A. Going on five months.

9 Q. How many times have they transported you over here to to
10 prepare you for your testimony?

11 A. Um, three ---

12 Q. Okay.

13 A. --- I do believe.

14 Q. Has that helped refresh your memory?

15 A. Yes, ma'am.

16 Q. Okay. I wanna talk about this bat, ---

17 A. Um-hum.

18 Q. --- um, you said Erica took a bat from Wiley ---

19 A. Yes, ma'am.

20 Q. --- and put it where?

21 A. Under the sink.

22 Q. Okay. And you you certainly told the police about that,
23 right?

24 A. Yes, ma'am.

25 Q. And they went and recovered that, right?

1 A. I'm not sure.

2 Q. Okay. When did you know that the police were
3 investigating -- where were you living at this time?

4 A. Snoop's.

5 Q. You were living at Snoops.

6 A. Um-hum, I was in and out there, I stayed there and but I
7 would leave.

8 Q. Okay. Um, where did you -- so the 3rd we know you stayed
9 there, right, ---

10 A. Um-hum, yes, ma'am.

11 Q. --- and the next day, the 4th, you stayed there ---

12 A. Yes, ma'am.

13 Q. --- and then the next day the 5th you stayed there?

14 A. Yes, ma'am, when they picked me up, I were -- when they
15 arrested me for child support, they picked me up from Snoop's
16 house.

17 Q. Okay. And when was, when did they arrest you for child
18 support?

19 A. I'm not exactly sure of the date ---

20 Q. Okay, ---

21 A. --- but it was back in August.

22 Q. --- but you are for sure certain the 3rd, the 4th and the
23 5th you were there.

24 A. Um, the 3rd I was there then I left the next mornin' with
25 my dad then I went to stay with my dad for a couple days. I

BRITTANY MOODY - CROSS-EXAMINATION BY MS. ZMROCZEK

1 didn't stay there long, I stayed there sometimes.

2 Q. Okay. Do you remember what your phone number was?

3 A. I do not.

4 Q. Did your phone number change a lot?

5 A. Yes, ma'am.

6 Q. Okay, so you don't have any idea of what your phone
7 number was.

8 A. No, ma'am, sometimes I didn't have a phone, I would use
9 Wi-Fi and use callin' outs that way.

10 Q. Did you know where Austin lived, Lynch?

11 A. No, ma'am.

12 Q. Okay. Did did you know much about him at all?

13 A. No, ma'am.

14 Q. Okay. Who are the main people you do drugs with?

15 A. Um, a lot, uh, there was a lotta people, um, Snoop of
16 course, um, ---

17 Q. Uh, let me ask you 'bout Snoop, what was his drug of
18 choice?

19 A. Ice or methamphetamines.

20 Q. And how did he ingest it?

21 A. By the needle.

22 Q. Um, it it in in his arm as well?

23 A. Yes, ma'am.

24 Q. Okay. Um, did he drink?

25 A. Not that I can recall no, ma'am.

BRITTANY MOODY - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. Um, there were a lot of beer bottles at that
2 location, right?

3 A. Yes, ma'am.

4 Q. Um, there -- she showed you the the picture with the
5 little burn pile but there was a bigger, bigger trash pile,
6 right, ---

7 A. Yes, ma'am.

8 Q. --- and that was full of alcohol ---

9 A. Yes, ma'am.

10 Q. --- and discarded drug paraphernalia?

11 A. Yes, ma'am.

12 Q. Okay. Um, and anybody you're saying could have
13 contributed to that?

14 A. Yes, ma'am.

15 Q. Okay. Beg the Court's indulgence.

16 (Pause.)

17 What time did you first see Wiley on the 3rd?

18 A. It was right at dark, um, again, I don't remember exactly
19 the time, I know it was right around dark time, it was just
20 now gettin' dark.

21 Q. Okay, it was just now gettin' dark and you saw Wiley, ---

22 A. Um-hum.

23 Q. --- and then what happened?

24 A. Um, I was actually on the porch ready to leave and Wiley
25 told me he was going to handle somethin' and I told him I

BRITTANY MOODY - CROSS-EXAMINATION BY MS. ZMROCZEK

1 would wait on him and he asked me to stay and I stayed, ---

2 Q. Okay, who?

3 A. --- asked me to wait on him to come back.

4 Q. And when they came back, you said that Chuck and Er --
5 and Erica were talking?

6 A. Yeah, once they came in the house Chuck and Erica was in
7 there talking and after they cleaned up and everything and
8 Billy and, uh, Snoop and all them left.

9 Q. Okay, so Snoop was there ---

10 A. Yes, ma'am.

11 Q. --- and Billy was there, ---

12 A. Yes, ma'am.

13 Q. --- and Chuck was the only one usin' Comet.

14 A. Yes, ma'am, that I seen.

15 Q. Okay. And then ya'll, you and Wiley did drugs together
16 or you, Wiley, Chuck and Erica did drugs together?

17 A. Me and Wiley did drugs together and then we went into
18 Erica's room and we all got high.

19 Q. Again?

20 A. Yes, ma'am.

21 Q. How much?

22 A. I'm not sure, we all snorted a line.

23 Q. Okay. Did they ever, they the police, ever ask you for
24 your phone when they they interviewed you on the 21st?

25 A. No, ma'am, I didn't have a phone.

1 Q. You didn't have a phone?

2 A. No, ma'am, I just used one of the extra phones Snoop's
3 when they arrested me I had two a Snoop phone for his Wi-Fi
4 and the other one, I didn't have a phone at the time.

5 Q. Okay. Um, so on August 3rd you did not have a phone of
6 your own?

7 A. Not that I can recall, I used a Wi-Fi ap so I used an
8 extra phone of somebody's.

9 Q. Okay. Oh, so would you use an e-mail address or a phone
10 number for that?

11 A. Um, it would be a, like a different phone number, like a
12 Wi-Fi ap but it changes every time.

13 Q. Okay, so how would Wiley been able to have texted you
14 like you told ---

15 A. On ---

16 Q. --- the Court?

17 A. --- the Wi-Fi ap or Facebook.

18 Q. Okay. And that phone, that that Wi-Fi ap changed every
19 time.

20 A. Yes, ma'am.

21 Q. Ms. um, Moody, you weren't in the car when this happened,
22 were you?

23 A. No, ma'am.

24 Q. You cannot tell this jury what happened, can you?

25 A. No, ma'am.

BRITTANY MOODY - REDIRECT EXAMINATION BY MS. MAYES

1 Q. You didn't see it, ---

2 A. No, ma'am.

3 Q. --- you have no personal knowledge of it?

4 A. No, ma'am, ---

5 Q. And ---

6 A. --- except for what was told to me.

7 Q. Except for what was told to you ---

8 A. Yes, ma'am.

9 Q. --- and from what you remember ---

10 A. Yes, ma'am.

11 Q. --- after doing drugs all day.

12 A. Yes, ma'am.

13 Q. Thank you.

14 REDIRECT EXAMINATION BY MS. MAYES:

15 Q. And what was told to you, uh, Ms. Moody, was told to you
16 directly by whom?

17 A. Wiley Sisk.

18 Q. The defendant.

19 A. Yes, ma'am.

20 Q. And you mention that, uh, earlier before he and Chuck
21 left he had to, he said he had to handle something, ---

22 A. Yes, ma'am.

23 Q. --- do you know approximately how long they were gone
24 from when he told you he had to handle something and when they
25 came back and you saw him with, returning with the bat?

BRITTANY MOODY - REDIRECT EXAMINATION BY MS. MAYES

1 A. An hour and half, maybe two hours.

2 Q. All right, and when he said he had to go handle
3 something, who did he leave with?

4 A. Chuck Morehouse.

5 Q. In what vehicle did they leave in?

6 A. In the burgundy car.

7 Q. And he had asked you to wait on him so you did?

8 A. Yes, ma'am.

9 Q. And when he said that he had to go handle something, uh,
10 you said you were already familiar with his role?

11 A. Yes, ma'am.

12 Q. Now Ms. Zmroczek was asking you, um, how many times you
13 had seen, uh, Chuck and Wiley together before that night ---

14 A. Yes, ma'am.

15 Q. --- and your answer was that was the first time you had
16 seen them together, ---

17 A. Yes, ma'am.

18 Q. --- have you actually had conversations with Wiley Sisk
19 before?

20 A. No, ma'am.

21 Q. How long have you known Wiley before?

22 A. I've known Wiley for about three or four years.

23 Q. Uh, how how did you learn of what his role was in
24 relation to Chuck Morehouse?

25 A. Um, that night when he showed up he told me.

BRITTANY MOODY - REDIRECT EXAMINATION BY MS. MAYES

1 Q. He explained that to you ---

2 A. Yes, ma'am.

3 Q. --- about being the muscle man.

4 A. Yes, ma'am.

5 Q. And, uh, Ms. Zmroczek was asking you how many times, uh,
6 you've met with, uh, law enforcement or prosecutors in this,
7 case, correct, ---

8 A. Yes, ma'am.

9 Q. --- wanna take you back to that statement that's in front
10 of you, the statement dated August 21st 2015, less than three
11 weeks after James David Porter was murdered, ---

12 A. Yes, ma'am.

13 Q. --- did you tell the police at that point in time that
14 Wiley said he had to lay one down?

15 A. Yes, ma'am.

16 Q. Did you tell the police that point in time that Wiley
17 said he shot the victim in the head which was the final
18 shot?

19 A. Yes, ma'am.

20 Q. Did you tell the police that Chuck fired the gun first?

21 A. Yes, ma'am.

22 Q. Nothing further.

23 THE COURT: Okay.

24 (Whereupon, a discussion was held off the record.)

25 THE COURT: All right, so you can step down, ma'am.

BRITTANY MOODY - REDIRECT EXAMINATION BY MS. MAYES

1 (Whereupon, the witness left the stand.)

2 (Whereupon, a discussion was held off the record.)

3 THE COURT: All right, um, we need take a break, we got
4 sumtin' court reporter I need to discuss and so ya'll step to
5 the jury room, be right back.

6 (Whereupon, the Court recessed for lunch.)

7 (Whereupon, the court reporter was replaced for the
8 afternoon proceedings.)

9 (Proceedings December 1, 2016.)

10 (Whereupon, a discussion was held off the record.)

11 MS. ZMROCZEK: I'm ready, Your Honor.

12 THE COURT: Ms. Mayes, ya'll ready?

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

14 THE COURT: All right, bring 'em in.

15 THE BAILIFF: Yes, sir.

16 (The following takes place in the presence of the jury.)

17 THE BAILIFF: Jury present.

18 THE COURT: All right, we'll continue on, call your
19 witness, please.

20 MR. BELL: Thank you, Your Honor, State calls Detective
21 Joseph Andaloro to the stand.

22 (Whereupon, the witness came forward.)

23 (Whereupon, a discussion was held off the record.)

24 THE CLERK: Place your left and raise your right. The
25 other way.

JOSEPH ANDALORO - DIRECT EXAMINATION BY MR. BELL

1 THE WITNESS: Sorry.

2 THE CLERK: You got (laughter).

3 JOSEPH ANDALORO, having been first
4 duly sworn, testified as follows:

5 THE CLERK: Have a seat, sir, once you're seated state
6 your full name spelling your last, please.

7 THE WITNESS: Joseph Andaloro, J-O-S-E-P-H
8 A-N-D-A-L-O-R-O.

9 DIRECT EXAMINATION BY MR. BELL:

10 Q. Detective, who are you employed by?

11 A. Lexington County Sheriff's Department.

12 Q. How long have you been there?

13 A. I've been at Lexington County Sheriff's Department for
14 five years.

15 Q. What's your current title there?

16 A. Um, I I'm a detective with the Major Crimes Unit.

17 Q. Now what exactly does the Major Crimes Unit do?

18 A. The Major Crimes Unit investigates crimes against persons
19 included assaults, armed robbery, home invasion, murder, um,
20 things a that nature.

21 Q. And your role as a detective within that unit is to do
22 what?

23 A. My role in that unit is if it's a more serious crime we
24 respond to the scene, are called out to it, um, if it's
25 something that we can follow up with at a later time then we'd

JOSEPH ANDALORO - DIRECT EXAMINATION BY MR. BELL

1 be assigned that case for follow-up to investigate that case
2 to see if, um, if a crime occurred, if it did to make
3 appropriate charges.

4 Q. And just briefly tell us about some of your training and,
5 uh, education when it comes to being a major crimes
6 investigator.

7 A. Absolutely. Um, we always have on the go training, um,
8 I've taken, uh, several courses in interviewing and
9 interrogation, also some surveillance and undercover training
10 as well.

11 Q. On August 3rd of 2015, did you have reason to respond to
12 the scene of homicide?

13 A. I did.

14 Q. And what was your initial reason for responding?

15 A. Uh, my initial reason responding was to help assess what
16 we have and assist in investigation. We found a body the
17 2400 block of Old Orangeburg Road with apparent gunshot wounds
18 to the victim.

19 Q. When you arrived were others already on scene?

20 A. They were.

21 Q. Can you estimate how many people were on scene?

22 A. Approximately four or five.

23 Q. And was that law enforcement or EMS?

24 A. Law enforcement.

25 Q. Was EMS also on scene?

JOSEPH ANDALORO - DIRECT EXAMINATION BY MR. BELL

1 A. Uh, they may have been.

2 Q. Was fire on scene?

3 A. They may have been as well.

4 Q. And what actions did you take while on scene?

5 A. Um, I made contact with Keith Lytes who is the person
6 that discovered the body.

7 Q. Did you speak him?

8 A. I did.

9 Q. Was he cooperative?

10 A. He was. I took him to my car, interviewed him and he
11 provided a written statement as far as what happened.

12 Q. Did you do anything else while on scene?

13 A. No, sir.

14 Q. And do you recall if while on scene you noticed that the
15 scene appeared to be secure?

16 A. It did appear to be secure with crime scene tape, yes,
17 sir.

18 Q. You remember what time it was that you arrived there?

19 A. Um, it was sometime midnight on the 3rd.

20 Q. So midnight leading into the 4th?

21 A. Correct.

22 Q. Now did you take part in some a the follow-up
23 investigation into this homicide?

24 A. I did.

25 Q. And as a result of that investigation did you end up, uh,

JOSEPH ANDALORO - DIRECT EXAMINATION BY MR. BELL

1 aiding with the surveillance of any suspects?

2 A. I did.

3 Q. And what suspect did you initially help with surveillance
4 on?

5 A. Uh, that would be Charles Morehouse.

6 Q. Want you to walk us through how ya'll came about surveil
7 him and where you surveiled him.

8 A. Absolutely. Um, prior to being surveillance, I was over
9 at, um, [] Howard Street making contact with the victim's
10 mother, I got information from Sergeant Laintz we had
11 identified Charles Morehouse as a suspect, um, he advised me
12 to meet up with him and then I went with Detective Booth in an
13 unmarked vehicle to Firbough Court which is the cul-de-sac
14 right after where Charles Moreshouse [sic] residence is which
15 is [] Willow Forks Road, um, we sat in that cul-de-sac right
16 after his house and conducted a surveillance which was visual
17 surveillance, we weren't recording or, um, using any type of
18 equipment but basically tryin' to have eyes on that. Uh,
19 we ---

20 Q. Okay, ---

21 A. --- park ---

22 Q. --- so when you're doing surveillance you mention that it
23 wasn't recorded, is that right?

24 A. That's correct.

25 Q. So then what's the point of ya'll conducting the

JOSEPH ANDALORO - DIRECT EXAMINATION BY MR. BELL

1 surveillance?

2 A. Uh, point a conducting the surveillance was so that we
3 could see any vehicles coming or going from the residence.

4 Q. And while conducting that surveillance, what did you
5 observe?

6 A. While conducting that avail, uh, while conducting that
7 surveillance, we -- I observed a burgundy vehicle pull into
8 the driveway at [] Willow Forks Road ---

9 Q. And do you ---

10 A. --- a ---

11 Q. --- recall what, roughly what time that was that you saw
12 that vehicle arrive?

13 A. Yeah, it was in the early morning hours, it be sometime
14 between 5 and 7 a.m. in the morning.

15 Q. And do you observe anybody exit that vehicle?

16 A. I did.

17 Q. And were you able to identify that person?

18 A. Uh, he was, I identified that person as Charles
19 Morehouse.

20 Q. Did he enter the residence?

21 A. It appeared that he did, yes, sir.

22 Q. 'ferring to State's 106 was that the residence that you
23 responded to?

24 A. It is.

25 Q. And that's the mailbox that was out front?

JOSEPH ANDALORO - DIRECT EXAMINATION BY MR. BELL

1 A. That's correct.

2 Q. And State's 103 is that the vehicle that you saw?

3 A. It is.

4 Q. And that's the vehicle that the individual got out of?

5 A. Yes, sir, it is.

6 Q. And you identified that individual as who?

7 A. I identified him as Charles Morehouse, um, I actually
8 made contact via phone with Agent Couch in narcotics and he
9 confirmed to me that that was the correct vehicle for Charles
10 Morehouse.

11 Q. Did you have any part in the search warrant that was
12 ultimately executed at that address?

13 A. I did.

14 Q. Did you actually collect any of the evidence yourself?

15 A. At [] Willow Forks?

16 Q. Correct.

17 A. No, sir, I did not.

18 Q. Did you take part in any other search warrants in this
19 case?

20 A. I did.

21 Q. And what address did you help execute a search warrant?

22 A. That was [] Mac Circle.

23 Q. And why was a search warrant being executed there?

24 A. Uh, a search warrant was being executed there because we,
25 uh, had found some items in a burn pile in the backyard and

JOSEPH ANDALORO - DIRECT EXAMINATION BY MR. BELL

1 also believe there was other possible evidence related to this
2 case.

3 Q. What actually led you to that address though as being
4 potentially relevant to your case?

5 A. Um, well it was determined that, uh, through the course
6 of investigation that individuals were at that house prior to
7 the actual shooting.

8 Q. Did you have any information that Charles Morehouse or
9 Wiley Sisk were at that residence the night ---

10 A. We ---

11 Q. --- of the shooting?

12 A. --- we did.

13 Q. And what was the date of that search warrant?

14 A. That that was August 6, 2015.

15 Q. Now the address that you were executing the search
16 warrant on did you find out who the owner or the main occupant
17 was?

18 A. Uh, the main occupant was Christopher Williams.

19 Q. And does that individual go by Snoop?

20 A. He does.

21 Q. Prior to the search warrant had you ever spoken with
22 Snoop before?

23 A. I did, I spoke with him on August 5th, the day prior.

24 Q. And where did that, where did that, uh, conversation take
25 place?

JOSEPH ANDALORO - DIRECT EXAMINATION BY MR. BELL

1 A. It took place in his living room at [] Mac Circle.

2 Q. Were other individuals present while that interview is
3 being conducted?

4 A. There were.

5 Q. So would the individuals in that house have been aware
6 that an investigation was ongoing in this case?

7 A. Yes, sir, they would.

8 Q. Tell us about how you went about helpin' with the search
9 warrant at that address.

10 A. Um, on August 6, 2015, uh, my role in helping out was
11 basically searching and helping execute it by searching
12 through the residence looking for any items or evidence that
13 could be linked to the crime that we're investigating.

14 Q. And did you find things that Major Crimes believed was
15 relevant?

16 A. We did.

17 Q. What are some a the items that you're referring to?

18 A. I'm referring to some, uh, we found in rivets in a
19 zipper, uh, consistent with clothing material in a burn pile
20 behind the residence.

21 Q. What is a rivet?

22 A. A rivet, um, like a piece a metal that you'd find on
23 jeans or a jacket on clothing.

24 Q. And why were these clothing rivets and zipper relevant to
25 ya'll at the time?

JOSEPH ANDALORO - DIRECT EXAMINATION BY MR. BELL

1 A. Um, 'cause we believe that they had, uh, that Charles
2 Morehouse, Wiley Sisk had burnt their clothing in that burn
3 pile.

4 Q. Showing you what's marked as State's 132, do you
5 recognize the items in that (indicating) package?

6 A. I do.

7 Q. And what are those items?

8 A. Um, that's the rivets and the zipper that was collected
9 from the burn pile at [] Mac.

10 Q. How many rivets are in the bag?

11 A. I believe there's four rivets.

12 Q. And ---

13 A. One zipper.

14 Q. And those are the items that were collected from that
15 burn pile you identified?

16 A. That's correct.

17 Q. And you submitted those to evidence?

18 A. The sheriff's department did, yes, sir.

19 Q. Did you observe their collection?

20 A. I did observe the collection.

21 MR. BELL: Your Honor, at this time State would seek to
22 enter State's 132.

23 THE COURT: Any objection 132?

24 MS. ZMROCZEK: No objection, Your Honor.

25 THE COURT: 132 is admitted without objection.

JOSEPH ANDALORO - DIRECT EXAMINATION BY MR. BELL

1 (State's Exhibit No. 132, burnt debris in plastic bag,
2 admitted into evidence.)

3 MR. BELL: Permission to hand to the jury, Your Honor?

4 THE COURT: Sure.

5 (Whereupon, counsel handed the exhibit to the jury.)

6 BY MR. BELL:

7 Q. I'm gonna hand these to ya first 'cause they're gonna be
8 kinda hard to see. Handin' you State's 58, what is that a
9 picture of?

10 A. Um, that's a picture of the burn pile.

11 Q. And is that the burn pile that you collected or observed
12 the collection of the rivets and zipper from?

13 A. It is.

14 Q. And where was that burn pile located?

15 A. It was located in the backyard at [] Mac Circle.

16 Q. And are some of those items that you mentioned visible in
17 that picture?

18 A. Um, it's hard to see in this photo but I believe they
19 are.

20 Q. I'm gonna hand ya another picture, it's not yet been
21 marked, but do you recognize that (indicating) picture?

22 A. I do.

23 Q. And what is that a picture of?

24 A. Uh, that's a close-up shot of the same picture.

25 Q. Are the items that you mentioned earlier more visible

JOSEPH ANDALORO - DIRECT EXAMINATION BY MR. BELL

1 there?

2 A. They are.

3 Q. And do they fairly and accurately reflect how they were
4 found?

5 A. They do.

6 MR. BELL: This time the State would seek to mark this
7 exhibit, Your Honor.

8 THE COURT: That will be 158 I believe.

9 MS. ZMROCZEK: Uh, thank you. No objection, Your Honor.

10 THE COURT: Is that, introduce 58 and 158, is that right?

11 MR. BELL: That is correct, Your Honor.

12 THE COURT: All right, point is though, um, is to keep up
13 with, both those are admitted without objection.

14 MR. BELL: Thank Your Honor.

15 (State's Exhibit No. 58, photograph, admitted into
16 evidence and photograph marked State's Exhibit No. 158 for
17 identification and admitted into evidence.)

18 BY MR. BELL:

19 Q. Showing you 158 now which you just r -- had a chance to
20 review, are you able to see that image?

21 A. I am.

22 Q. And to your right there should be a laser pointer right
23 beside ya, if you would outline or indicate in the picture
24 where you notice the items.

25 A. All right. There you see the rivets right here

JOSEPH ANDALORO - DIRECT EXAMINATION BY MR. BELL

1 (indicating).

2 Q. And are you able to see the zipper in that picture and if
3 you need to review it up close again, let me know.

4 A. Yeah, I gotta review it up close again.

5 (Whereupon, the witness examined the exhibit.)

6 Q. Did ya have a chance to review it?

7 A. I did.

8 Q. Showing you again 158, are you able to identify the
9 zipper?

10 A. It's gonna be in this area right here (indicating), right
11 there (indicating). There's (indicating) the opening like the
12 hole for the zipper, there's (indicating) the bottom of it.

13 Q. And, again, now that it's zoomed in if you'd indicate
14 where you found the rivets.

15 A. Yeah, it's here (indicating), here (indicating), here
16 (indicating).

17 Q. Did you take part in any of the investigation of the
18 interior of the house?

19 A. I did.

20 Q. Well were any fire arms located?

21 A. Uh, no, sir.

22 Q. Any narcotics?

23 A. No, sir.

24 Q. You recall seeing a bottle of Comet or Ajax?

25 A. No, I do not.

JOSEPH ANDALORO - DIRECT EXAMINATION BY MR. BELL

1 Q. If I showed ya a picture, might it reflect, uh, refresh
2 your memory?

3 A. It may.

4 Q. Showing you 151.

5 (Whereupon, the witness examined the exhibit.)

6 Have you had a chance to review that picture?

7 A. I have.

8 Q. And did you see that item durin' the search warrant?

9 A. Uh, I recall s -- seeing it yes, sir, when we went
10 through the bathroom.

11 Q. Now it wasn't collected, was it?

12 A. No, it wasn't.

13 Q. Why wasn't it collected?

14 A. Uh, didn't see any relevance at that point or have any
15 knowledge that be important in the investigation.

16 Q. When was it that ya'll learned that Ajax or Comet might
17 have been?

18 A. Uh, that was later on during the investigation after the
19 search warrant was executed.

20 Q. And referring to 151 which has been entered, would you
21 indicate the item.

22 A. Be the Ajax bottle right here (indicating) next to the
23 toilet on the stand.

24 Q. Now you mentioned that one of the suspects was Wiley
25 Sisk, is that correct?

JOSEPH ANDALORO - DIRECT EXAMINATION BY MR. BELL

1 A. That's correct.

2 Q. And through the course of your investigation with Major
3 Crimes was one of the things that ya'll looked into the
4 qualifications of a potential concealed weapons permit by
5 Mr. Sisk?

6 A. We did.

7 Q. And did you become aware whether or not he ever had a
8 concealed weapons permit?

9 A. We did.

10 Q. And how did you ---

11 MS. ZMROCZEK: Your Honor, ---

12 Q. --- verify ---

13 MS. ZMROCZEK: --- may we ---

14 Q. --- that?

15 MS. ZMROCZEK: --- approach?

16 THE COURT: Sure.

17 (Whereupon, a bench conference was held off the record.)

18 BY MR. BELL:

19 Q. Detective, um, again, did you have a chance to verify
20 whether or not a concealed weapons permit for Mr. Sisk
21 existed?

22 A. Yes.

23 Q. And who did you clarify that through?

24 A. Uh, we clarify it through SLED Regulatory.

25 Q. And what were the results of that?

JOSEPH ANDALORO - DIRECT EXAMINATION BY MR. BELL

1 A. Uh, the results were that he had never had a concealed
2 weapons permit and never applied for one.

3 Q. So then during August 2015 would he have had a concealed
4 weapons permit?

5 A. He would not.

6 Q. Would he have had a legal right to carry a firearm on a
7 public highway road?

8 A. He would not.

9 Q. During your participation in this case, did you ever
10 become aware that Mr. Sisk had written letters to the
11 solicitor's office?

12 A. I did.

13 Q. And have you had a chance to review those letters?

14 A. I have.

15 Q. Handing you what's been entered as State's 4, do you
16 recognize that item?

17 A. I do.

18 Q. And what is that item?

19 A. Uh, that is one of the letters that he wrote.

20 Q. And what is the date on that letter?

21 A. The date is May 12th 2016.

22 Q. I want you to speak and I want you to speak nice and slow
23 for us, uh, but if you would please publish State's 4 to the
24 jury.

25 A. Yes, sir. "To whom this may concern, I'm writing this in

JOSEPH ANDALORO - DIRECT EXAMINATION BY MR. BELL

1 the event of what happened on August 3rd 2015 of the murder of
2 James Porter the third. My name is Wiley Eugene Sisk the
3 third, this event took place on Old Orangeburg on Old Old
4 Orangeburg Road. I do admit to lying to detectives the day I
5 came to jail, I was not in my right state of mind, I was still
6 high from the ice and meth I had been shooting, now I'm sober
7 and levelheaded. I wanna say my co-d Chuck did not kill James
8 Porter the third. I do admit to taking full responsibility
9 for my actions, I was not in my right state a mind. I do
10 admit to the murder of James Porter the third, I do accept my
11 punishment. I've had plenty of time to sit here and I just
12 want to do the right thing and again, I'm so sorry to the
13 family for what I did and I'm going to own up to my actions.
14 I take full responsibility for my actions, my co-d had no
15 acknowledgement of what I did till after I did it. He had no
16 involvement in it, in the murder of James Porter the third. I
17 did all that and I incriminated him and threatened him. ---

18 MS. ZMROCZEK: Your Honor, I would ask that if he's going
19 to publish it that he publish it verbatim.

20 THE COURT: The jury's gonna see it, if he misreads
21 sumtin', ya'll ---

22 MS. ZMROCZEK: Thank you.

23 THE COURT: --- can see it ---

24 MS. ZMROCZEK: Okay.

25 THE COURT: --- and ---

JOSEPH ANDALORO - DIRECT EXAMINATION BY MR. BELL

1 BY MR. BELL:

2 Q. Detective, are you reading to the best a your ability?

3 A. I am.

4 Q. Are all of the words spelled correctly?

5 A. They're not.

6 Q. Are you trying to pronounce them as they were intended to
7 be spelled?

8 A. Yes, sir, I am.

9 Q. Please continue.

10 A. "I did all that and I incriminated him and threatened him
11 not to call the police. I involved him and made him get rid a
12 the gun and drive me back to Snoop's house on Mac Circle where
13 I did burn all of my clothes and Erica Waters had no
14 acknowledgement of that. I burned my clothes, she didn't. My
15 co-d drove me from the crime scene 'cause I made him and I
16 incriminated him to get rid of the gun. He didn't have no
17 involvement till after I threatened him and I incriminated him
18 into my case, I'm sorry again for all my out of control
19 actions. The only reason why my co-d even went to meet James
20 Porter, Rico, is because he had owed my co-d money. I was the
21 one who had the gun on me, we then pulled onto old Orangeburg
22 Blue Lagoon, he pulled down the dirt road, did a 3-point turn
23 in the dirt road, I remember seeing a mattress that was on the
24 side of the road. He got outta the car and called Rico, I was
25 still in the car getting me a shot of ice ready and shot the

JOSEPH ANDALORO - DIRECT EXAMINATION BY MR. BELL

1 i -- and shot the shot and then he got word that Rico was
2 coming from South Congaree 302 side and that he'd be here in a
3 minute and then he pulled up behind Chuck car, got out, forgot
4 to turn his headlights out, so he then went back to the car to
5 turn the headlights out and walked back to us, he then said
6 something disrespectful to me and raised his hand toward me, I
7 didn't know if he had something in his hand, then he reached
8 behind him to grab something, I didn't even think, I thought
9 the worst, so I pulled out my .40 cal pistol and lot control
10 and started pulling the trigger. I can't even recall how many
11 times I pulled the trigger, it happened all so fast, then my
12 co-d freaked totally out and started to panic asking me why I
13 did it, I was so scared. I told him to take my back -- I told
14 him to take me back to Snoop's, he wanted to call the cops, I
15 told him if he did I'd bring him down with me, I'd incriminate
16 him in it and I threatened so we got in the car and drove
17 away. We passed a car going to the crime scene when we got to
18 Snoop's, then I went and got the camp fuel out the house and
19 stripped out my clothes and poured camp fuel on the clothes.
20 I didn't have a lighter so I went and asked Erica Waters if
21 she had one, she then came over to where I stood and gave me
22 her light, I then poured the camp fuel on all my clothes. I
23 had a hat, bandanna, shirt, shorts and my shoes I placed into
24 the fire, I then set fire to all clothes and stood there for a
25 minute, then left the fire, went into the house to get some

JOSEPH ANDALORO - DIRECT EXAMINATION BY MR. BELL

1 clothes from Brittany Moody, I totally forgot about the fire.
2 I went to fix me another shot of ice in the back bedroom and I
3 started to wash off with Comet, I then went to my co-d and
4 threatened him to get rid of my pistol and he left with it.
5 He came back later and told me I was a piece of trash and left
6 again. I didn't see him again. When daylight came I got
7 Brittany Moody to get us a ride and her dad, Chris Cameron,
8 came and took me to Kim Hartley house and drop me off. I
9 stayed a few days, then she robbed me early one morning so I
10 left and walked to the store on number 6 and got a ride to my
11 mom's house, then I got a call that word around I took my co-d
12 dope and went to confront Snoop and Erica. I do admit to
13 telling Snoop I murdered that boy, I was a monster, dope
14 changed me mentally and emotionally. I never meant to harm no
15 one and I take full responsibility for my actions and this is
16 the truth and I'm really and I am really hope the family and
17 courts will find it in their hearts to forgive me 'cause I
18 really messed up and harmed someone innocent and take full
19 responsibility for my action and admit to the murder of James
20 Porter the third and I incriminating my co-d and lied to the
21 death when I first came in, I was still out of my mind and
22 again, I'm terribly sorry for all my lies and my actions. I'm
23 coming to you know to ask if I, if you could find it in your
24 hearts, for the family and court system, accept my apology and
25 I accept my punishment, just take into consideration that I

JOSEPH ANDALORO - DIRECT EXAMINATION BY MR. BELL

1 was not in my right state of mind, I'm coming to you now as a
2 man and I accept my punishment, again, I'm truly sorry for the
3 family, Wiley Sisk."

4 Q. Okay, is there a signature also under Wiley Sisk?

5 A. Uh, here's a signature above it, yes, sir.

6 Q. And does that letter have a notary signature on it as
7 well?

8 A. It does.

9 Q. Now were you ever aware of a second letter being
10 submitted to the solicitor's office?

11 A. I am.

12 Q. Showing ya State's 5, do you recognize that
13 (indicating)?

14 A. I do.

15 Q. And what is that?

16 A. And a second letter that was sent.

17 Q. And what is the date on that letter?

18 A. May 30th 2106.

19 Q. Does it also appear to be notarized?

20 A. It does.

21 Q. At this time if you would please speak slowly and publish
22 State's 5 to the jury.

23 A. Yes, sir. "To whom this may concern, I'm writing this on
24 my own free will, I'm just ready to accept responsibility for
25 my actions. I understand I wrote that I was out of my mind at

JOSEPH ANDALORO - CROSS-EXAMINATION BY MS. ZMROCZEK

1 the time of the crime, I said that because I don't know
2 exactly how to put in words that I wasn't thinking clearly
3 because I was really high on ice, I realize my actions now
4 that I'm sober. I apologize for lying in my first statement
5 to investigators, I was detoxing and extremely scared. I feel
6 in my heart the right thing to do is take responsibility for
7 my actions. I lost control and overreacted to the situation.
8 Like I said, we were meeting Rico because he owed Charles
9 money. I had just learned that he stole some ice and I
10 confronted him and overreacted, I truly regret my actions. To
11 express the fact that I realized what I done is wrong, I was
12 on real heavy drugs at the time and was not thinking clearly
13 but what I did was wrong. I was the gunman and accept full
14 responsibility for my actions, Wiley Sisk."

15 Q. Is that the end a the letter?

16 A. It is.

17 Q. And prior to executing that search warrant [] Mac Circle
18 where those clothing items were found in the burn pile, did
19 you have reason to believe that Wiley Sisk had returned to
20 that address the night of the murder with Chuck Morehouse?

21 A. I did.

22 Q. No further questions.

23 MS. ZMROCZEK: Thank you, Your Honor.

24 CROSS-EXAMINATION BY MS. ZMROCZEK:

25 Q. Morning, Detective Andaloro.

JOSEPH ANDALORO - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. Good morning.

2 Q. How long have you been on the force?

3 A. I've been with Lexington County Sheriff's Department for
4 five years.

5 Q. And you received training you said, um, in
6 interrogations?

7 A. In interviewing, interrogations.

8 Q. Interviewing, interrogations and, uh, maybe some
9 undercover work, right?

10 A. Yes, ma'am.

11 Q. So you, in that training you learn to evaluate people's
12 behaviors as part of your training, correct?

13 A. Their behaviors as far as?

14 Q. As far as whether or not they're able to give a
15 statement, whether or not they're telling the truth, those are
16 some of the things that they train you to do, right?

17 A. Yes, ma'am.

18 Q. Right, and that, and how they do that when somebody tells
19 you something then as a detective you would follow up on that,
20 right?

21 A. Yes, ma'am.

22 Q. Okay, so you get trained to gather information ---

23 A. Yes.

24 Q. --- and then corroborate it with physical evidence,
25 true, ---

JOSEPH ANDALORO - CROSS-EXAMINATION BY MS. ZMROCZEK

- 1 A. Sometimes.
- 2 Q. --- if you can, right?
- 3 A. Yes, ma'am, if you can.
- 4 Q. And then you also are charged with collecting other
- 5 important items that could be relevant, right?
- 6 A. As far as?
- 7 Q. As far as collecting other items of evidence that could
- 8 be relevant to the case, ---
- 9 A. Yes, ma'am.
- 10 Q. --- as far as video surveillance.
- 11 A. If it was being used.
- 12 Q. If there was video surveillance that was available and
- 13 had relevance to the case and you, uh, were tasked with
- 14 collecting that, you would do that, right?
- 15 A. Yes, ma'am.
- 16 Q. And, in fact, in this case you did do that, right?
- 17 A. Not video surveillance, no, ma'am.
- 18 Q. Did you write a report in this case?
- 19 A. I did.
- 20 Q. And, um, did you type it up?
- 21 A. I typed up a supplement, yes, ma'am.
- 22 Q. You typed up the supplement, do you have that supplement
- 23 in front of you?
- 24 A. I do.
- 25 Q. Make sure it's the same. And does yours begin on page 8

JOSEPH ANDALORO - CROSS-EXAMINATION BY MS. ZMROCZEK

1 at the bottom?

2 A. It does.

3 Q. Okay, I just wanted to make sure we had the same one.

4 So, uh, Detective Andaloro, one of the reasons, um, that you
5 write reports is to make sure that you have the information
6 fresh in your mind when you testify, right?

7 A. Correct.

8 Q. And, in fact, when you went through basic law enforcement
9 training at the South Carolina Criminal Justice Academy they
10 taught you how to write reports, right, ---

11 A. Yes, ma'am.

12 Q. --- and you've been doing it for five years.

13 A. I've been doing it for eleven years.

14 Q. Eleven years, ---

15 A. Yes, ma'am.

16 Q. --- so you have familiarity with what you put in your
17 reports?

18 A. Yes, ma'am.

19 Q. You wanna put down information that's relevant to the
20 case.

21 A. Yes, ma'am.

22 Q. Uh, you're not the lead case investigator, were you?

23 A. I'm not.

24 Q. Who was the lead case investigator?

25 A. Uh, Sergeant Rawl.

JOSEPH ANDALORO - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. That be Sergeant Rawl sitting here (indicating)?

2 A. That's correct.

3 Q. And Sergeant Rawl relies on your information in your
4 supplemental reports, right?

5 A. Yeah, we put all, uh, everything goes together, correct.

6 Q. And then you provide it to me and to the solicitor's
7 office so that we can have access to the same information,
8 right?

9 A. Correct.

10 Q. And when you put that information in your report you
11 wanna make sure that it's also truthful, correct, ---

12 A. Yes, ma'am.

13 Q. --- because this is not the only case that you've
14 worked ---

15 A. That's correct.

16 Q. --- and and when you come to testify this will help
17 refresh your memory, right?

18 A. Yes, ma'am.

19 Q. Some a the things that you also want to rely on are times
20 'cause they're important when creating a timeline in a case.

21 A. It can be, yes, ma'am.

22 Q. It can be, right? One a the things that you I believe
23 testified to on direct is that you, uh, were tasked, um, maybe
24 by Sergeant Laintz ---

25 A. That's correct.

JOSEPH ANDALORO - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. --- to do a visual surveillance of the house, ---

2 A. Yes.

3 Q. --- of, and that house, um, who did that house belong to?

4 A. Charles Morehouse.

5 Q. And who else did that house belong to?

6 A. Uh, believe his wife Crystal Morehouse.

7 Q. Crystal Morehouse. And you've been with the sheriff's
8 department for how long?

9 A. I've been with the sheriff's department for five years.

10 Q. And you know that she was the head administrative
11 assistant for Sheriff's Metts.

12 A. I did.

13 Q. Okay, you're familiar with her.

14 A. Yes.

15 Q. Okay, so were you also familiar with Mr. Morehouse?

16 A. I was.

17 Q. So you were able to identify him by site.

18 A. Yes, ma'am.

19 Q. Investigator, can you glance if you're, and you can look
20 through your report if you need to, but can you tell me, uh,
21 what time you noted or communicated that he returned home.

22 A. I didn't note a time.

23 Q. You did not note a time?

24 A. I did not note a time.

25 Q. Okay. Can you put down in your report what he was

JOSEPH ANDALORO - CROSS-EXAMINATION BY MS. ZMROCZEK

1 wearing?

2 A. Did I put down what he was wearing?

3 Q. Yes.

4 A. No, ma'am.

5 Q. Okay. Were you able to see him when he exited the
6 vehicle?

7 A. Yes, ma'am, I put -- could I refer to my notes one
8 moment, please.

9 Q. I -- please.

10 A. Um, "I saw a white male driver that got outta the vehicle
11 that appeared to be Charles Morehouse."

12 Q. So you were a -- and you say "appeared," you were
13 able to visual -- visually identify him.

14 A. He he matched the physical identifiers: height ---

15 Q. Okay.

16 A. --- weight, white male.

17 Q. Um, but do you you don't know what he was wearing.

18 A. I don't know what he was wearing.

19 Q. Who -- was there anyone else in the car with you?

20 A. There was.

21 Q. Who was that?

22 A. Detective Booth.

23 Q. Did Detective Booth do an -- a report as well?

24 A. I believe so.

25 Q. Okay. Is that something that may be in his report?

1 A. I'm not sure.

2 Q. Okay. Where were ya'll sitting, um, in order to conduct
3 the surveillance?

4 A. Uh, absolutely. We were sitting at, uh, Fighbough Court
5 which is the cul-de-sac on the right just after [] Willow
6 Forks Road.

7 Q. Okay. How -- what was the light?

8 A. At what time, ma'am?

9 Q. When you saw him, ---

10 A. It was ---

11 Q. --- Mr. ---

12 A. --- dark ---

13 Q. --- Morehouse ---

14 A. --- out.

15 Q. --- exit the vehicle?

16 A. It was dark out.

17 Q. It was dark out?

18 A. Yes, ma'am.

19 Q. Okay. Um, and how long had you been sitting there if you
20 recall.

21 A. Um, we'd been sitting there for a few hours.

22 Q. Okay. One of the other things that you, um, did was I
23 believe speak with witnesses, correct?

24 A. I spoke with different people, yes, ma'am.

25 Q. Okay, and you spoke with people and then you interviewed

JOSEPH ANDALORO - CROSS-EXAMINATION BY MS. ZMROCZEK

1 them, right?

2 A. Yes, ma'am.

3 Q. And without telling me what they said, uh, did they
4 provide information to help further your investigation?

5 A. Yes, ma'am.

6 Q. And through the course of your suppression you actually
7 learned that Mr. Porter had approached people and asked him to
8 buy -- asked them to buy Pseudoephedrine, correct?

9 A. Um, may I refer to my notes?

10 Q. Please.

11 A. Thank you.

12 (Whereupon, the witness examined his notes.)

13 Yes, ma'am, on the, on -- yes, ma'am, that's true.

14 Q. Okay. Um, and and and, again, that's one a the reasons
15 we wanna put the information down so that we can refer to it,
16 correct?

17 A. Absolutely.

18 Q. And so you took that information that you learned and and
19 you were already aware that this case kind of involved
20 narcotics, correct, ---

21 A. Correct.

22 Q. --- ya'll were advised of that beforehand or as ---

23 A. We ---

24 Q. --- as it was developing, right?

25 A. As the investigation continued, we developed that it was

1 a, involving narcotics, yes, ma'am.

2 Q. Okay. And, um, you went -- you, Mr. Bell asked you about

3 Mac Circle ---

4 A. Correct.

5 Q. --- and, um, he, and I I believe in fact showed you a
6 picture, um, to refresh your recollection that there was
7 actually Ajax on the scene, right?

8 A. Yes, ma'am.

9 Q. And but at the time you you weren't aware that that was
10 important, right, ---

11 A. That's correct.

12 Q. --- but one of the things that the CSI people assist
13 investigators and detective with is to take photographs of
14 things that at the time we don't know may or may not be
15 important..

16 A. They they take photographs, overviews of the entire
17 residence and outside typically on a search warrant, yes,
18 ma'am.

19 Q. Okay. And, um, they are allowed to go through any area
20 described in the search warrant, right?

21 A. We're allowed to search any area, um, to look for the
22 size or the type of objects we're looking for that could be
23 hidden or be found, ---

24 Q. Okay.

25 A. --- yes, ma'am.

JOSEPH ANDALORO - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. And and you knew at thi -- and at this point in time that
2 you, um, that there was a homicide ---

3 A. Correct.

4 Q. --- and, um, that it involved a firearm ---

5 A. Yes, ma'am.

6 Q. --- and did you also have information that it involved a
7 bat at this time?

8 A. I did not.

9 Q. Okay. When was that information provided to you?

10 A. Uh, that information provided much later.

11 Q. Okay, that was provided much, much later, right?

12 A. That wasn't even provided to me to be honest with you,
13 ma'am.

14 Q. Um, right, okay, uh, that's all, I wanted to, I I didn't
15 see it in your report so that I wanted clarify that.

16 A. No problem.

17 Q. Uh, but, uh, even if that information wasn't provided,
18 was it Clary that executed this, the, that took photographs,
19 do you recall which which ---

20 A. As ---

21 Q. --- CSI ---

22 A. --- as far as at Mac Circle?

23 Q. Correct.

24 A. It would be CSI Derrick.

25 Q. CSI Derrick, um, but he would still take all relevant

1 pictures that he, that he had, I mean, that he had access to,
2 right?

3 A. She she would, ---

4 Q. I mean, ---

5 A. --- yes.

6 Q. --- sorry, she did, ---

7 A. Yes.

8 Q. --- Shelby, sorry. I want you to look, um, to your
9 report, um, on page 11 and I'm looking at the the bottom of
10 the the the last paragraph and ask if if you could review
11 that.

12 A. Yes, ma'am.

13 Q. Okay, and I'm certainly I I wanna ask you again, um, now
14 did you collect some surveillance in this case?

15 A. I did not, that -- I do not collect surveillance, I
16 collected some, uh, video footage from the location.

17 Q. Some video footage ---

18 A. Not surveillance by law enforcement.

19 Q. Okay, well -- sorry, I think maybe that was the confusing
20 question.

21 A. Yes, ma'am.

22 Q. Um, so what was the video surv -- what was the video
23 information that you collected?

24 A. Uh, the information that I collected, I went to the
25 Whiskey Tavern which is located off at 316 Zimalcrest Drive

JOSEPH ANDALORO - CROSS-EXAMINATION BY MS. ZMROCZEK

1 and I located that to, uh, collect video, uh, footage that may
2 have been involved with, um, individuals who connected with
3 the homicide going to that location.

4 Q. And it's a video footage, um, which I guess I call
5 "surveillance" but is actually their surveillance videos,
6 correct?.

7 A. Yes, ma'am, and I actually wrote "video surveillance" in
8 my supplement ---

9 Q. Okay.

10 A. --- but I thought you're referring to law enforcement.

11 Q. No, no, and ---

12 A. That's fine.

13 Q. --- and I don't mean to confuse you ---

14 A. That's okay.

15 Q. --- but but what this, um, what what collecting evidence
16 like this does and actually, Your Honor, I'm gonna mark this,
17 um, as Defense Exhibit 1.

18 (32 gigabyte thumb drive marked Defendant's Exhibit No. 1
19 for identification.)

20 MS. ZMROCZEK: Your Honor, may I approach the witness ---

21 THE COURT: Um-hum.

22 MS. ZMROCZEK: --- again? Thank you.

23 BY MS. ZMROCZEK:

24 Q. Detective Andaloro, I'm handing you what's been marked as
25 Defense Exhibit 1, do you recognize that?

JOSEPH ANDALORO - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. I do.

2 Q. What, tell the jury what that is.

3 A. Um, it's a blue 32 gigabyte, uh, thumb drive that I used
4 to obtain the video at the Whiskey Tavern.

5 Q. So on this blue thumb drive is the video surveillance
6 that you got from the Whiskey Tavern.

7 A. That's correct.

8 Q. And you viewed it and download it to this thu -- jump
9 drive.

10 A. I did not view it, I downloaded it with the individuals
11 at the Whiskey Tavern and then submitted it into evidence.

12 Q. Submitted straight to evidence, right?

13 A. Yes, ma'am.

14 MS. ZMROCZEK: Your Honor, at this time we would move
15 Defendant's 1 into evidence.

16 THE COURT: I'm don't understand the relevance yet.

17 MS. ZMROCZEK: I'm sorry?

18 THE COURT: I -- come over here.

19 (Whereupon, a bench conference was held off record.)

20 BY MS. ZMROCZEK:

21 Q. Um, so that Defense Exhibit 1 is you actually took it
22 from their computer, right, ---

23 A. From their system.

24 Q. --- from their system, put it in this jump drive ---

25 A. Correct.

JOSEPH ANDALORO - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. --- and then took this jump drive and turned it into
2 evidence ---

3 A. Yes, ma'am.

4 Q. --- and from there it's it's safe and that's just where
5 they leave it, right?

6 A. Yes, ma'am.

7 Q. Now why'd you go the Whiskey Tavern to collect this
8 evidence?

9 A. I was sent there by Sergeant Laintz to collect it.

10 Q. Okay, for what reason?

11 A. That it may have relevance in the case of individuals
12 connected with the homicide we have going there.

13 Q. Okay. Through you, the course of your investigation did
14 you learn that this was a place that witnesses or potential
15 suspects had visited?

16 A. That that's why we always being sent there.

17 Q. That's why you were being sent there and that's why you
18 collected this evidence, right?

19 A. Yes, ma'am.

20 MS. ZMROCZEK: Your Honor, at this time we would move to
21 enter it, not publish it.

22 THE COURT: Any objection?

23 MR. BELL: No objection, Your Honor.

24 THE COURT: All right, Defense 1 is admitted without
25 objection.

JOSEPH ANDALORO - CROSS-EXAMINATION BY MS. ZMROCZEK

1 (Defendant's Exhibit No. 1, 32 gigabyte thumb drive,
2 admitted into evidence.)

3 MS. ZMROCZEK: Oh, sorry.

4 BY MS. ZMROCZEK:

5 Q. Detective Andaloro, you were asked by Mr. Bell about, um,
6 doing some investigation into Wiley Sisk owning, um, a
7 concealed weapons permit, ---

8 A. I was.

9 Q. --- did you also do any investigation into Charles
10 Morehouse owning a concealed weapons permit?

11 A. I personally did not.

12 Q. Did anybody in this case?

13 A. I I'm not aware.

14 Q. Okay, so you have no knowledge of whether or not
15 Mr. Morehouse had a concealed weapons permit.

16 A. That's correct.

17 Q. Okay. Mr. Bell had you read in, um, State's 4 and 5,
18 right?

19 A. Yes, ma'am, he had me read the two letters.

20 Q. The two letters?

21 A. Yes, ma'am.

22 Q. Up there I'm sorry, may I have that one? Thank ---

23 A. Absolutely.

24 Q. --- you. And you said that that, maybe not, you were
25 reading it to the best of your interpretation, right, ---

JOSEPH ANDALORO - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. Yes, ma'am.

2 Q. --- 'cause some of the words are misspelled ---

3 A. Correct.

4 Q. --- and, um, you have, that you you received these or you
5 became aware they were received in the solicitor's office?

6 A. Yes, I was.

7 Q. Okay. Were you also aware, investigator, that there was
8 a 9-page statement given by Mr. Sisk on August 6 or 7?

9 A. I was aware that he provided different letters to the
10 solicitor's office, as far as the length of them and when, I
11 didn't have knowledge a that.

12 Q. Okay, you weren't, you weren't aware that he was
13 interviewed by police?

14 A. That he was interviewed by police?

15 Q. Correct.

16 A. I do know that he was interviewed by police, yes, ma'am.

17 Q. Okay. And in Lexington County Sheriff's Department you
18 have the capabilities to audio an -- and/or video record those
19 interviews.

20 A. Uh, we don't typically audio and video record
21 interviews.

22 Q. You typically do not?

23 A. No, no, ma'am.

24 Q. Do you have the capabilities to?

25 A. Not in our interview rooms, no, ma'am.

JOSEPH ANDALORO - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. Do you have tape recorders?

2 A. Yeah, digital recorders, people could use those.

3 Q. Okay. Have they been used before?

4 A. I believe so.

5 Q. Okay. You would agree in your eleven years as an officer
6 and investigator that having an audio and/or visual, um,
7 recording of something helps bring us there in the moment,
8 right?

9 A. It can help.

10 Q. It can help, it can help to hear how people are speaking,
11 if they're clear or unclear, correct?

12 A. It could, yes, ma'am.

13 Q. It could, if they are crying or if they are in the -- a
14 present frame of mind, right?

15 A. I'm not sure what you're get -- getting at there.

16 THE COURT: Was he there for at the interview?

17 MS. ZMROCZEK: Uh, no, Your Honor, and I'm not putting
18 anything in, I'm just, I'm just ---

19 THE COURT: Okay.

20 MS. ZMROCZEK: --- simply asking questions about his
21 investigative understanding.

22 THE COURT: And he's not an expert.

23 MS. ZMROCZEK: Oh, not at all. No, ---

24 THE COURT: All right, ---

25 MS. ZMROCZEK: --- Your Honor, and in ---

JOSEPH ANDALORO - CROSS-EXAMINATION BY MS. ZMROCZEK

1 THE COURT: --- let's ---

2 MS. ZMROCZEK: --- a -- I'm I'm movin' on.

3 THE COURT: Okay.

4 BY MS. ZMROCZEK:

5 Q. So the letters that you read here, all you, all you have
6 are these words, you don't any information as far as the
7 background as to how these arrived at the solicitor's office.

8 A. No, I believe they were sent, he wrote those when he was
9 in the jail.

10 Q. Okay. And and again, that date was what and I'll hand
11 them to you if you need to -- it was, well I'll just tell you,
12 May 12th and May 30th of 2016, correct?

13 A. Yes, ma'am, I I believe so.

14 Q. And the date of this crime was August 3rd 2015?

15 A. That's correct.

16 Q. Beg the Court's indulgence.

17 (Pause.)

18 No further questions. Thank you.

19 MR. BELL: Nothing further, Judge.

20 THE COURT: All right, detective, you may step down.

21 THE WITNESS: Thank you, sir.

22 (Whereupon, the witness left the stand.)

23 MS. MAYES: The State calls Keith Sprinkle.

24 (Whereupon, the witness came forward.)

25 THE CLERK: Right here (indicating), sir.

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 (Whereupon, a discussion was held off the record.)

2 THE WITNESS: Thank you very much.

3 THE CLERK: Place your left hand, raise your right.

4 KEITH SPRINKLE, having been
5 first duly sworn, testified as follows:

6 THE CLERK: Have a seat, sir. Once you're seated, state
7 your full name spelling your last, please.

8 THE WITNESS: Okay, thank you. Huh? My name is Keith
9 Sprinkle, S-P-R-I-N-K-L-E.

10 DIRECT EXAMINATION BY MS. MAYES:

11 Q. Uh, good morning, tell us a little bit about yourself.
12 Where are you currently employed and in what capacity?

13 A. Okay. Uh, I'm born and raised here in Lexington, I went
14 to USC, I graduated with a bachelor's degree with criminal
15 justice and I am currently employed with, uh, the Lexing [sic]
16 County Sheriff's Department.

17 Q. All right, and what do you do at the sheriff's
18 department?

19 A. I am a crime scene investigator.

20 Q. All right, and when say "crime scene investigator," tell
21 us a little bit about that. What type of education,
22 background and training is necessary to become a CSI agent?

23 A. Okay. Uh, for crime scene investigation at the sheriff's
24 department, uh, first of all, uh, there's there's five of us
25 and we respond all all throughout the entire county for, uh,

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 property crimes and major crimes, uh, so there's there's a a
2 large variety of crimes that we actually respond to to process
3 crime scenes. Uh, whenever we respond to crime scenes we
4 process, uh, for evidence and that entails, uh, processing,
5 uh, for fingerprints, blood stain analysis, uh, footwear, tire
6 wear, um, uh, photography and, uh, and and there's there's,
7 uh, and so on, uh, and for training we, uh, well I have been
8 through eleven different classes within the past two and a
9 half years, I've been in crime scene for two and a half years,
10 uh, during that time taken eleven different classes, uh,
11 pertaining to crime scene investigation totaling, uh, totally,
12 uh, over three hundred sixty-nine hours of training.

13 Q. And can you tell us whether or not that also includes a
14 training, uh, as to documentation of bloodstain patterns.

15 A. Yes, it does.

16 Q. And can you tell us, uh, whether or not that also
17 includes a training in evidence collection.

18 A. Yes, it does.

19 Q. Is it possible, uh, Officer Sprinkle, to give us a an
20 estimate of how many crime scenes you've responded to?

21 A. Within that two and a half years I've been in crime
22 scene, I have respond to, uh, one hundred and sixty physical
23 crime scenes, uh, that doesn't include autopsies attended or,
24 uh, for the processing, uh, search warrants, uh, and
25 processing in the lab.

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 Q. All right, and again, how many crime scenes would that
2 be?

3 A. One hundred and sixty.

4 Q. Can you tell us, uh, whether or not that includes
5 homicides.

6 A. Yes, that includes homicides.

7 Q. And among homicides can you tell us whether or not that
8 includes homicides that involve gunshot wounds.

9 A. Yes, it does.

10 Q. Uh, do you have specific training, uh, in that regard,
11 uh, analysis of homicide scenes, uh, involving gunshot wounds?

12 A. Yes.

13 Q. Your Honor, at this time -- oh, let me ask you one more
14 question. Have you testified previously, uh, Detective
15 Sprinkle, as an expert in the field of crime scene
16 investigation?

17 A. I have.

18 Q. Does that include general sessions court?

19 A. Yes, it does.

20 MS. MAYES: Uh, Your Honor, at this time the State would
21 offer Detective Sprinkle as an expert in the field of crime
22 scene investigation.

23 THE COURT: Any voir dire?

24 MS. ZMROCZEK: A -- voir dire please, Your Honor.

25 THE COURT: Sure, go ahead.

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 DIRECT EXAMINATION BY MS. ZMROCZEK:

2 Q Um, a -- have you, you said you've been qualified as an
3 expert in crime scene investigation in general sessions
4 court ---

5 A. Yes, ma'am.

6 Q. --- and how many times was that?

7 A. Uh, that was one time.

8 Q. One time.

9 A. Yeah.

10 Q. And did you write, uh, uh, did you provide a report with
11 some expert, um, information in this case?

12 A. I have written, uh, uh, I have written, uh, documentation
13 and, uh, reports for this case, yes, I have.

14 MS. ZMROCZEK: Your Honor, may we approach?

15 (Whereupon, a bench conference was held off the record.)

16 BY MS. MAYES:

17 Q. So we'll pick up now, uh, Detective Sprinkle, did you
18 have an opportunity to respond, uh, to the crime scene of this
19 murder investigation?

20 A. I did.

21 Q. Uh, specifically on Old Orangeburg Road?

22 A. Yes, uh, approximately in the 2400 block of Old
23 Orangeburg Road, yes.

24 Q. Take us what, through what you observed upon your
25 arrival.

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 A. Um, I responded, uh, the early hours of August 4th 2015
2 at the 2400 block of Old Orangeburg Road, uh, to assist, uh,
3 in the crime scene, uh, investigation of that, of that scene
4 specifically. Upon arrival I did, uh, make contact with the
5 detectives of this case and also the other CSI that responded,
6 uh, to that scene.

7 Q. All right. And kinda take us through what your initial
8 role is once you arrive at the scene and you're making an
9 attempt to, uh, secure evidence.

10 A. Okay. Um, at upon arriving, uh, from there after we, um,
11 collected what we, what we were going to, how we were gonna
12 process, uh, initially we we take photographs to document the
13 scene as it's observed initially, uh, from there what I, uh,
14 did was I assisted the, uh, other CSI on the scene, uh, Shelby
15 Derrick, and I did, uh, assist with her as she did, uh,
16 photograph and identify the items of evidence and collected
17 them also, um, we did, I did actually, uh, process attempting
18 to look for any kind of, uh, shell casings on the scene as
19 well.

20 Q. All right, and you mention an attempt to locate shell
21 casings on the scene, uh, were shell casi -- casings located?

22 A. Uh, yes, three were found on the scene.

23 Q. How do you go about marking evidence that's located at a
24 crime scene?

25 A. Uh, like I said, once we actually take photographs of the

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 scene before we a -- uh, before we do any kind of marking of
2 identification of a, of evidence, uh, once we document it with
3 the initial photographs then we look for evidence that would
4 be pertinent to the case, uh, once we identify any kind of
5 piece of evidence such as shell casings, we place a yellow
6 evidence ID placard which is the plastic yellow, uh, markers
7 with the numbers on them, we place those next to items that we
8 deem, uh, pertinent to the case and as evidence, we photograph
9 it again before we ever touch it, manipulate it and collect
10 it.

11 Q. All right. Do you have, um, any documentation as to how
12 many casings were observed at the scene?

13 A. Uh, yes.

14 Q. How many?

15 A. Uh, a total of three shell casings were, uh, found and
16 collected on the scene.

17 Q. Gonna show you what is, uh, State's Exhibit, uh, 126 and
18 ask you whether or not you recognize that, ---

19 A. Yes, I do.

20 Q. --- State's Exhibit 80 and ask you whether or not you
21 recognize that.

22 A. I do.

23 Q. Now was any other type of evidence, uh, discovered, uh,
24 near or around, uh, the victim's body?

25 A. Yes, there was.

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 Q. What was that item?

2 A. Uh, specifically we found a burned cigarette butt that
3 was, um, pretty close to the victims' body, uh, in the roadway
4 some.

5 Q. All right, let me show you that item, ask you whether or
6 not you recognize it.

7 A. Uh, correct, that's evidence ID 1 which was the
8 cigarette butt.

9 Q. Then I'm also gonna show you what is State's Exhibit, uh,
10 147 and ask you, uh, whether or not you recognize it.

11 A. Uh, yes, I do.

12 Q. What, if anything, is significant, uh, in regards to this
13 photograph?

14 A. Uh, in the background you have the the road berm, then
15 you have the victim and then in the roadway here (indicating),
16 uh, you have a unknown wet, uh, spot in the roadway, a stain
17 in the roadway.

18 Q. All right. Did you have, um, the opportunity to, uh,
19 inspect that spot as well?

20 A. Yes, I did.

21 Q. So here (indicating), uh, we're looking at what you noted
22 to be, uh, item number 1 ---

23 A. Yes, ma'am.

24 Q. --- and that is?

25 A. Uh, item number 1 is gonna be the burned cigarette butt

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 in the ---

2 Q. All right.

3 A. --- roadway.

4 Q. And here (indicating) in the, uh, upper left hand
5 corner?

6 A. That's the victim's body.

7 Q. What is this (indicating) marker?

8 A. That is evidence ID number 2 which is a shell casing.

9 Q. And number 4?

10 A. Uh, number 4 is up on the embankment some and that is a
11 shell casing as well.

12 Q. Number 3?

13 A. Number 3 is another shell casing that was located on the
14 sand on the ground right underneath the victim.

15 Q. So to clarify, there's one casing located here
16 (indicating) between the legs of the victim.

17 A. Uh, correct.

18 Q. Now you've noted that there were three casings recovered,
19 uh, items 2, 3 and 4 being three, that's this (indicating)
20 one, casing, casing and then one where the marker's not
21 visible but the the casing between the leg, ---

22 A. Yes, ma'am.

23 Q. --- what can you tell us, uh, Detective Sprinkle, about
24 the conditions at that scene as to why only three casings were
25 recovered in a case where the victim sustained a six to ten

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 gunshot wounds.

2 A. Yes, uh, it would be consistent with, uh, the, you know,
3 any possibilities, that, um, they were collected by someone
4 that discharged the firearm, that it's po -- it's potentially,
5 it's possible that they could have collected the shell casings
6 that were on the ground and also with the environment of this
7 scene specifically, uh, off, you, as you go further off the
8 side a the road, uh, the sand is extremely soft and very deep
9 so, um, and it is also possible that some a the shell casings
10 could have actually kind of buried themselves into the sand.

11 Q. And, in fact, when you talk about, uh, items such as
12 casings, uh, in relation to the sand, what about other
13 projectiles, uh, for example, projectiles that that did not
14 stay in the body but were through-and-through wounds and
15 exited the body?

16 A. Yes, absolutely. If, um, if you have, in this case you
17 have a a victim on the ground, if a projectile is, uh, if a
18 bullet is discharged and a projectile goes into the body into,
19 uh, has a entrance and an exit to the back and then continuing
20 into the ground, there's no telling how far into the ground
21 that a projectile can travel so . . .

22 Q. How would you, uh, compare this type of co -- this type
23 of scene such as a sand, uh, that you have described as soft
24 and deep as opposed to something like a concrete surface where
25 a body is found.

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 A. Um-hum. And if you have a harder surface, uh, like
2 concrete, uh, instead of the sand then the projectile would
3 stop and it would be visible, um, underneath the body.

4 Q. Okay, I'm gonna show you three additional, uh,
5 photographs, they are State's 70, uh, 73 and 74 and ask you
6 whether or not you recognize them.

7 A. Yes, I do.

8 Q. What is depicted in these photographs?

9 A. Uh, those are the casings, uh, that we, uh, spoke of that
10 were found on the scene.

11 MS. ZMROCZEK: No objection, Your Honor.

12 THE COURT: Seventy, 73 and 74, is that correct?

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

14 THE COURT: They're in without objection.

15 (State's Exhibit Nos. 70, 73 and 74, photographs,
16 admitted into evidence.)

17 BY MS. MAYES:

18 Q. And here I'm gonna ask you take a look somewhat better,
19 uh, look at these casings, uh, that are marked 2 and 4, what
20 type meta, uh, is involved in this type of casing, casing
21 number 2?

22 A. That, uh, typically they're they're copper but it is a,
23 that's a .40 caliber a round.

24 Q. All right, and item number 4?

25 A. Uh, same thing, um, copper and that's a .40 caliber round

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 and that was on the embankment.

2 Q. Then here, uh, what are we looking at, um, in this item
3 that has not yet received a marking, uh, one moment, please.

4 (Pause.)

5 All right, this item here (indicating).

6 A. Yes, ma'am, that that item is also a shell casing.

7 Q. All right, what caliber?

8 A. Uh, .40 caliber.

9 Q. All right, these items, uh, were collected at the scene
10 and what happened next as a result of these items being
11 collected, where do they go next for analysis?

12 A. Uh, from there they would be, uh, collected in separate
13 packaging and, uh, they would be transported to the sheriff's
14 department along with all the other evidence collected on the
15 scene, um, for further analysis.

16 Q. All right, does that include the cigarette butt?

17 A. Uh, yes, that's correct.

18 Q. Now do you also have an opportunity, uh, to examine the,
19 uh, victim in terms of a positioning, blood trail and things
20 of that nature?

21 A. Yes.

22 Q. Uh, what, if anything, uh, is significant in that
23 regard?

24 A. This, in in this particular scene in in this photo, uh,
25 there is no blood trail around the body, uh, it's important to

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 notate that all of the blood that was actually found was
2 directly underneath the victim and that would be consistent
3 with, uh, the injuries sustained being while he was on the
4 ground. Uh, we did not find any blood splatter anywhere on
5 the other -- on the scene and no blood trail leading around
6 the body, it's all isolated to where he's at.

7 Q. All right. Now, uh, did you also have a chance to, uh,
8 to take a look at the, uh, pockets? Was there any indication
9 that the victim's pockets, uh, had been tampered with, that he
10 had been robbed, anything of that nature?

11 A. Uh, no, and actually after, as we work our way into the
12 scene and, um, we get to the actual physical body, uh, we do
13 take more detailed photographs of the body and also, uh,
14 observe what's in in their possessions in their, in their
15 pockets, uh, none a the pockets were pulled out or it appeared
16 that none a the pockets had been messed with but inside the
17 pockets, uh, we did find items, uh, personal items, personal
18 effects.

19 Q. Beg the Court's indulgence.

20 THE COURT: Be a good time take a break? Be a good time
21 take a break for me? Would be a good time for me to take a
22 break?

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

24 THE COURT: All right, 'cause I need, I'm I'm needin'
25 one ---

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 MS. MAYES: Okay.

2 THE COURT: --- so ya'll are okay with it, ---

3 MS. MAYES: Okay.

4 THE COURT: --- we're gonna take a break.

5 MS. MAYES: Okay.

6 THE COURT: All right, ya'll step to the jury room, don't
7 begin discuss the case, have you back in here just a few
8 minutes.

9 (The following takes place outside the presence of the
10 jury.)

11 MS. ZMROCZEK: Your Honor, I have a couple of of exhibits
12 that I'm gonna put in through witness as well ---

13 THE COURT: Sure.

14 MS. ZMROCZEK: --- so go ahead and premark it so we're
15 not waitin' while she's ---

16 THE COURT: Yeah.

17 MS. ZMROCZEK: Okay. All right, thank you.

18 COURT REPORTER: Thank you.

19 (Whereupon, a recess was taken.)

20 MS. MAYES: Your Honor, think there's an indication that
21 that both the, uh, State and defense will be marking some
22 additional items, ---

23 THE COURT: That's what Ms., uh, ---

24 MS. MAYES: --- so ---

25 THE COURT: --- Ms. Zmrquest -- Ms. Zmlquest --

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 Ms. Zmroczek, said, that was ---

2 MS. ZMROCZEK: And, ---

3 THE COURT: --- said.

4 MS. ZMROCZEK: --- Your Honor, Your Honor, one a the
5 items that I have, was about to premark has been premarked by
6 them but I don't know if it's gonna come in through them or
7 not so I guess we to decide that.

8 (Whereupon, a discussion was held off the record.)

9 (Defendant's Exhibit Nos. 2, 3, 4, 5, 6, 7 and 8 marked
10 for identification.)

11 (Whereupon, a discussion was held off the record.)

12 (State's Exhibit No. 158, photograph, admitted into
13 evidence and photographs marked State's Exhibit Nos. 159, 160,
14 161, 162, 163 and 164 for identification.)

15 MS. ZMROCZEK: Your Honor, I I believe one of those is a
16 another, uh, this would be the third picture of the shell
17 casing inside the leg, uh, I don't know that we need three
18 pictures of that, I mean, that it doesn't ---

19 MS. MAYES: I think we only had two and they've already
20 been published.

21 MS. ZMROCZEK: Right, we have two and that I don't know
22 if ya'll were gonna put a third one in.

23 MS. MAYES: No, I don't think we have that.

24 THE COURT: Okay bring the jury in now?

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

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 (Whereupon, a discussion was held off the record.)

2 (The following takes place in the presence of the jury.)

3 (Whereupon, a discussion was held off the record.)

4 THE COURT: All right, continue on, Ms. Mayes.

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

6 BY MS. MAYES:

7 Q. Now prior to the break, uh, Detective Sprinkle, um, you
8 were testifying, uh, that there had been, uh, no indication of
9 a robbery, uh, based on the positioning of the victim's body
10 and what other, uh, indications, uh, did you have that there
11 was no, um, signs of a robbery?

12 A. Um, be -- what would lead, uh, me to believe that there
13 was, it was not a robbery was that the victim still in his
14 pockets he had, in his front right pocket he had his cell
15 phone in his front right pocket which it was broken, in his
16 back right pocket he actually had his, uh, Days Inn room key
17 card and also \$220 in cash and then also he had his, uh, his
18 vehicle keys that were in his front left pocket and his
19 vehicle was still on scene.

20 Q. Okay, uh, so no indication, uh, that the pockets had been
21 disturbed, correct?

22 A. Uh, correct.

23 Q. Now what are we looking at here in relation, uh, to the
24 scene and proximity to the victim's body of the, uh, spot that
25 you had previously mentioned?

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 A. Um-hum, this (indicating) is a view of if you were
2 standing in the

3 ro -- in the middle of the roadway and ---

4 Q. Be 147. I'm sorry, please continue.

5 A. Yes, ma'am.

6 Q. You're s -- if you're standing in the roadway, this
7 (indicating) is the view that you have, uh, you have the, uh,
8 that burn behind the victim, it's approximately, I mean, give
9 or take it's approximately 6 feet tall, uh, so it's a pretty
10 high embankment there, then you have the victim on the ground
11 and in that (indicating) area that is very soft, like I said
12 very soft and deep sand and then in the roadway it's it's more
13 packs, uh, more sturdy sand there and then right there
14 (indicating) at the bottom left area is a, uh, is liquid in
15 the roadway, um, so that that's that's actually, that's wet
16 wet sand right there (indicating).

17 Q. All right, so just to clarify, um, this spot here
18 (indicating), uh, ---

19 A. Um-hum.

20 Q. --- was that, uh, based on what you discovered at the
21 scene, would that have been the result of the, uh, victim's
22 Ford Taurus?

23 A. Uh, no, the victim's Ford Taurus is actually up the road
24 to the, to the left. If you continued, uh, from this
25 (indicating) view if you look to the left it would -- his Ford

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 Taurus, uh, was up the road at, uh, little bit but that's not
2 near his vehicle.

3 Q. All right. Uh, and you indicated, uh, what, if anything,
4 about this spot, uh, that may be a sign as to its recentness
5 or freshness?

6 A. Um-hum, it was still wet, uh, it hadn't, had not, uh,
7 rained that day to my knowledge, uh, nowhere else, uh, sand
8 was wet, all the sand in that area was dry and then you have
9 that one wet spot in the middle of the road so . . .

10 Q. All right. What, if anything, did that spot indicate to
11 you?

12 A. Uh, it would be consistent with say a vehicle in the
13 roadway, uh, left there for a given amount of time dripping of
14 the A/C, any kind of liquid one from a vehicle could have left
15 that ---

16 Q. All right, ---

17 A. --- so that ---

18 Q. --- summer ---

19 A. --- would be consistent ---

20 Q. --- summer month, early August, uh, ---

21 A. Yes, ma'am.

22 Q. --- can you tell us, uh, whether or not, uh, you're
23 familiar with that type of condensation as the result of air
24 conditioning or A/C from a vehicle.

25 A. Yes, that's -- that be very consistent with it.

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 Q. Okay, so, uh, between that location, uh, where you
2 did not find the vehicle but you found evidence of
3 condensation ---

4 A. Um -- hum.

5 Q. --- and the, uh, and a 6-foot embankment, uh, is the
6 victim's body, correct?

7 A. Uh, correct.

8 Q. And was there anything about your arrival on the scene
9 and when these photographs were taken that would have caused
10 any change in position, uh, regarding the victim?

11 A. Uh, no. Once CSI, any any deputies arrive on the scene
12 we shut that, down that road and no one goes in and out or
13 parks their vehicles right near, uh, the body or anything like
14 that so that it it is contained, uh, uh, as best as
15 possible ---

16 Q. All right, ---

17 A. --- so . . .

18 Q. --- and then what about, uh, the, uh, left hand here
19 (indicating) or left arm here (indicating) and its
20 positioning?

21 A. Uh, well the ---

22 Q. Can you tell us whether or not that is how he was found
23 upon your arrival.

24 A. The left arm or right arm?

25 Q. Right arm?

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 A. The right arm? Okay. The right arm is is actually kind
2 of interesting that upon my arrival just like you see in this
3 photograph it's it's, uh, out but it would be consistent with,
4 uh, it being moved at some point and it being up higher
5 because you actually see there is, uh, blood, uh, a blood
6 trail, uh, that's dried on his arm and it's actually going
7 with the arm and if the arm is out the way it is positioned in
8 that, uh, there's there's just no way that blood would
9 actually travel horizontal or ver, uh, horizontal to the
10 ground, it would be traveling s -- uh, with the gravity so at
11 at some point that arm was up where that blood traveled down
12 the arm and actually you can see that in, uh, recent
13 photographs.

14 Q. Now what can you tell us about the, uh, difference in
15 the quality of sand and the conduciveness to being able to
16 actually recover impressions such as shoe or foot
17 impressions ---

18 A. Um-hum.

19 Q. --- between, uh, this (indicating) area near the, near
20 the center of the road and this area here (indicating) along
21 the embankment.

22 A. Um-hum, certainly. Uh, like I said, the the center part
23 a the road the sand is packed and, um, it it's very
24 impressionable for, uh, shoe prints or tire tracks, once you
25 get closer to that embankment, like I said, uh, that sand is

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 very soft and it is very, uh, very deep toward the embankment
2 and so if you, uh, if you walk in that area and which I did
3 down the side a the roads, uh, looking for shell casings but,
4 uh, walking on that sand does not, it kinda falls into itself,
5 does not actually leave any kind of detailed impressions for
6 shoe -- shoes.

7 Q. All right, so were you able to photograph or collect any
8 shoe or foot or barefoot impressions around or near, uh, the
9 victim's body here (indicating) next to the embankment?

10 A. Uh, no shoe impressions, no.

11 Q. You mentioned, um, you mentioned that there were, um,
12 items recovered from the victim's pockets, I'm gonna ask you
13 whether or not you recognize this item and if so how, this is
14 gonna be State's Exhibit 15, I'm also gonna give you State's
15 Exhibit 16, State's Exhibit 164, State's Exhibit 17, ---

16 A. Um-hum, yes.

17 Q. --- can you tell us whether or not this -- these
18 photographs depict a fair and accurate representation of the
19 evidence that was recovered, uh, from the scene.

20 A. Uh, they do.

21 MS. MAYES: Uh, Your Honor, I believe 17 is already in
22 evidence, this would be 15, 16 and 164.

23 MS. ZMROCZEK: No objection, Your Honor.

24 THE COURT: All right, what -- which numbers again?

25 MS. MAYES: Fifteen, 16, 164.

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 THE COURT: Were there were some others marked in between
2 there that haven't been dealt with yet? We, did we skip 159
3 through 163, are those other exhibits that are gonna be used
4 later?

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

6 THE COURT: I know ya'll marked a bunch durin' the break.

7 MS. MAYES: Uh, correct, Your Honor.

8 THE COURT: Okay, so 15, 16, 164 are now all in, that
9 correct?

10 MS. MAYES: Correct, Your Honor.

11 (State's Exhibit Nos. 15, 16 and 164, photographs,
12 admitted into evidence.)

13 BY MS. MAYES:

14 Q. You actually had the opportunity, uh, there at the scene,
15 uh, to sort through, uh, victim's pockets?

16 A. Uh, yes, we did that prior to, uh, transporting the the
17 victim or the body out from the scene.

18 Q. And, uh, this Days Inn, uh, key, uh, which is actually
19 the original, uh, Days Inn key actually already, uh, marked
20 as, uh, an evidence exhibit in this case, ---

21 A. Um-hum.

22 Q. --- uh, was found in which pocket?

23 A. That was found in the back right pocket.

24 Q. Photograph number 15?

25 A. That's, that was the, uh, cash that was folded up and you

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 found inside of that Days Inn key card envelope.

2 Q. Okay, and the total amount there?

3 A. Uh, \$220.

4 Q. Now I wanna ask you, uh, whether or not, uh, any brass
5 knuckles were found in relation to the victim.

6 A. Uh, yes, ---

7 Q. Where?

8 A. --- it it was, uh, found directly behind the back right,
9 um, let's -- hold on one second, yeah, directly behind the
10 back right pocket area of the victim in the sand.

11 Q. State's Exhibit 164, this item here (indicating)?

12 A. Yes, that would be right in that (indicating) area
13 directly behind the the back right pocket ---

14 Q. All right.

15 A. --- on the ground.

16 Q. All right. And, uh, let me show you this photograph with
17 your naked eye, 161.

18 A. Yes.

19 Q. Okay. And so what is this item right here (indicating)
20 as you indicated beneath the right, uh, pocket?

21 A. That was found to be the brass knuckles that were
22 underneath the victim's body.

23 Q. All right. Now, uh, you actually worked this scene, you
24 had, uh, the opportunity to inspect that item as well as its,
25 uh, relation to the body?

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 A. Yes.

2 Q. All right. Uh, what can you tell us about the, uh,
3 weight of brass knuckles, uh, as as compared to, uh, money or
4 any other items that might be dropped at the scene.

5 A. Obviously it's heavier than than money and, uh, like I
6 said, uh, before with that, with that environment, with that
7 sand, uh, it would be, uh, more likely to, uh, sink more into
8 that sand.

9 Q. All right. And, uh, with an item of that nature in the
10 right pocket, uh, if the knees are up what, if anything, may
11 that indicate?

12 A. If the knees are up, it would be, uh, possible that it
13 coulda fallen outta the pockets.

14 Q. Gonna show you what is State's Exhibit 17, what are we
15 looking at here (indicating)?

16 A. Uh, that is the, uh, broken cell phone that was found in
17 the victim's front right pocket, yeah, pocket.

18 Q. Show you that, uh, State's Exhibit 17, uh, with a naked
19 eye, ---

20 A. Um-hum.

21 Q. --- is that screen, uh, to that phone, uh, shattered in
22 one location or more than one location?

23 A. Uh, more than one location.

24 Q. Now moving on I'm gonna show you additional, um,
25 exhibits, 162, 163 and 161 in relation to the scene as a whole

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 and ask you whether or not you're familiar with those.

2 A. I am.

3 Q. And what can you tell us, um, about whether or not there
4 was a mattress at any location near the crime scene.

5 A. Uh, yes; there was a mattress observed, this (indicating)
6 is where the body was found, the victim's body and then across
7 the road, um, up on that (indicating) part a the embankment
8 there was a a mattress.

9 Q. All right. State's Exhibit 163, uh, 162 and, uh, 161 all
10 depict the mattress?

11 A. Yes, they do.

12 Q. Uh, these would be, uh, items for evidence at this time,
13 Your Honor.

14 THE COURT: Any objection?

15 MS. ZMROCZEK: No objection, Your Honor.

16 THE COURT: All right, 161, 162 and 163 are in in without
17 objection.

18 (State's Exhibit Nos. 161, 162 and 163, photographs,
19 admitted into evidence.)

20 MS. MAYES:

21 Q. All right, so taking, um, a look here (indicating), this,
22 um, is a photograph taken, uh, before the removal of the body,
23 uh, from the scene, uh, but again, uh, what is this item here
24 (indicating)?

25 A. That item at the bottom right of the photo is the

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 mattress that's, like I said, up in the embankment, um, on the
2 opposite side of the victim.

3 Q. Okay. Now I'm gonna show you a daylight photo of the
4 scene, uh, 162, and still, uh, show you this photograph
5 briefly with the naked eye, is there still crime scene tape up
6 at that location?

7 A. Yes, there is.

8 Q. Crime scene tape had not been removed?

9 A. No, that has not.

10 Q. There's still a patrol vehicle?

11 A. Yes.

12 Q. All right, the scene is still, uh, secure.

13 A. Yes.

14 Q. Looking, uh, at this, uh, photograph of the crime scene
15 tape in the back behind the vehicle, uh, what are we looking
16 at here (indicating)?

17 A. On the left side that's the shorter embankment with the
18 mattress.

19 Q. All right, so that is the mattress, a closer up view of
20 that, 163, again, what is this (indicating)?

21 A. That's the mattress.

22 Q. All right, and this (indicating)?

23 A. That is that wet spot, um, that, uh, referenced to
24 earlier in the middle of the roadway.

25 Q. All right, and this area here (indicating)?

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 A. That's the blood, uh, where the victim was located at.

2 Q. Okay. What can you tell us about the difference in
3 height, uh, around, uh, this (indicating) area of the
4 embankment where the body was found and this (indicating)
5 area, uh, where the mattress is located.

6 A. Uh, the embankment where the victim was found, uh, like I
7 said, is is approximately, uh, 6-feet tall, uh, the other
8 side, the other embankment is much shorter, uh, you pretty, I
9 had to pretty much climb over to get to the other side of the
10 6-foot tall in which you can step into the other side a the
11 embankment.

12 Q. All right, you mentioned that you can step into that
13 other side a the embankment, uh, in fact, what is, uh, behind
14 the mattress, what's that area of this (indicating)
15 location ---

16 A. Um, --

17 Q. --- be -- behind the mattress, what what is this
18 (indicating) entire area of, uh, Old Orangeburg Road, the dirt
19 portion surrounded by?

20 A. Well it's it's woods.

21 Q. And what is actually behind, uh, this (indicating) area
22 where the mattress is located? Let me go back to, uh, 162,
23 it's a much better view there, what is this area in here
24 (indicating)?

25 A. I I do not recall, uh, specifically what's what's behind

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 there but I do know that that's just pretty much just woods on
2 both sides a the, of the roadway.

3 Q. All right, uh, so is it possible for someone to walk, uh,
4 from the roadway up this (indicating), uh, lower portion of
5 the embankment into the woods?

6 A. Absolutely, yes.

7 Q. Now you mentioned before that you worked on numerous, uh,
8 crime scenes that involve gunshot wounds, correct?

9 A. Yes, I have.

10 Q. Are you familiar with actually examining gunshot wounds
11 how they appear in terms of injury and exit?

12 A. Uh, yes.

13 Q. Based upon your objections, can you tell us whether or
14 not, uh, it's common to have bruising around exit wounds.

15 A. Uh, ---

16 MS. ZMROCZEK: Your ---

17 A. --- yes, it is.

18 MS. ZMROCZEK: --- Honor, we've had testimony about this
19 yesterday, I don't think that it's ---

20 A. Right.

21 THE COURT: I sustain ---

22 MS. ZMROCZEK: --- necessary.

23 THE COURT: --- that, I mean, do -- Dr. Ross was very
24 detailed with that testimony.

25 BY MS. MAYES:

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 Q. As to this particular victim, can you tell us whether or
2 not, uh, you observed bruising around the gunshot wound.

3 A. I did on multiple gun shoot wounds, yes.

4 Q. Now after working the scene can you tell us what, if any,
5 involvement you had, uh, in actually processing a vehicle that
6 belongs to Charles Morehouse being a burgundy Chevy Impala.

7 A. Uh, yes, on, uh, on August 4th, uh, the afternoon of that
8 day, uh, after that vehicle had been recovered and been
9 transported to the sheriff's department I I was advised that
10 there was a search warrant obtained for that vehicle and I was
11 the CSI that processed that vehicle.

12 Q. All right, gonna show you State's Exhibits 33, 34, 32,
13 37, 36 ---

14 THE COURT: All right, slow down, ha, you're ---

15 MS. ZMROCZEK: Sorry, ---

16 THE COURT: --- rattlin' 'em off.

17 MS. ZMROCZEK: --- I didn't get any of those numbers,
18 Your Honor.

19 THE COURT: Ha, you're goin' pretty fast, Ms. Mayes.

20 Q. --- 35, ---

21 A. Yes.

22 Q. --- 36, ---

23 A. Yes.

24 Q. --- 37 ---

25 A. Yes.

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 Q. --- 32, 33, 34.

2 A. Yes, I took those photographs.

3 Q. All right, and where was the, uh, Chevy Impala taken to
4 in order for you to actually process that vehicle.

5 A. It is inside the evidence bay at the sheriff's
6 department, that's ---

7 Q. All right.

8 A. --- where we typically process, uh, vehicles.

9 Q. Okay. Um, now we had mentioned before that the victim
10 had a white Ford Taurus, uh, at the crime scene, correct?

11 A. Uh, correct.

12 Q. Were drugs removed, uh, from that car when it was
13 processed?

14 A. Uh, yes, they were.

15 Q. And then also when the Chevy Impala was processed can you
16 tell us whether or not drugs were removed.

17 A. Uh, yes, also in the Chevy Impala as well, yes.

18 Q. And then what can you tell us about the, uh, process in
19 trying to obtain any prints from that Chevy Impala.

20 A. Um, yes, I processed the exterior of the, uh, the Chevy
21 Impala which has been referenced, uh, processed that for, uh,
22 fingerprints, also "latent prints," that's what it's called
23 and, uh, I did, um, collect and process, uh, uh, s, uh, three
24 three possible lifts or three lifts from the, from the
25 vehicle.

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 Q. All right. Gonna gonna ask you specifically, uh,
2 about the lift that is shown in State's Exhibit 33 with the
3 marker A, are you familiar with this?

4 A. Um, yes.

5 Q. Prior, just let me show you State's Exhibit 37, what are
6 we looking at here, uh, concerning this vehicle?

7 A. This is the, uh, uh, back driver's side, uh, of the
8 vehicle.

9 Q. And then State's Exhibit, uh, 34 which shows that same
10 marker A from a a little bit further out than what we looked
11 at a moment ago.

12 A. Yes, ma'am.

13 Q. Now, looking at the vehicle not in the terms of on a
14 projector in a courtroom from a photograph but looking at it
15 actually, uh, with a naked eye standing next to the vehicle,
16 what, if anything, did you note, uh, about this area here
17 (indicating) around the marker A?

18 A. Um, what's interesting about this vehicle, uh,
19 particularly, uh, for latent prints is the vehicle is dusty,
20 uh, and whenever I was processing the vehicle for latent
21 prints, uh, there was there was a void in the dust where a
22 handprint, uh, was located at.

23 Q. All right. Uh, you, gonna hand you this, uh, laser
24 pointer and ask you to show us the approximate area in which
25 that, uh, handprint was located.

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 A. Uh, it was in this area right here (indicating).

2 Q. All right. Now what process do you go through to
3 actually lift a latent print, uh, from a surface such as a
4 vehicle?

5 A. Uh, once you visually observe, uh, you're you're looking
6 for any kind of latents, uh, once you do the visual
7 inspection, uh, then you process it with a, uh, with a powder
8 wand and a certain type of fingerprint powder, uh, what that
9 does is that powder will adhere to the oils of the, of the
10 fingerprints, uh, and then you have to, uh, put down a tape, a
11 c -- a certain type of fingerprint tape which is much more
12 adhesive than has a lot more adhesive on its side than a
13 regular piece of tape, you'd have to, uh, cover that, uh, that
14 latent and then carefully pull it, lift it up and then place
15 it on a a latent print card, then you have the actual latent
16 print.

17 Q. All right, and did you do that in this case?

18 A. I did.

19 Q. And did you follow procedure in who you actually
20 submitted that latent print to and how it was submitted after
21 you actually went through the process of lifting it?

22 A. Uh, yes, uh, how, uh, once I collected the latent, again,
23 whenever I reference that that latent print card, that card
24 has identification information on it, filled it out properly,
25 uh, packaged it and submitted it to our latent examiner at the

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 sheriff's department.

2 Q. All right. Detective, uh, Sprinkle, considering the, uh,
3 dusty nature of the ca -- vehicle that you describe, uh, ---

4 A. Um-hum.

5 Q. --- as exhibited in State's Exhibit 35 and State's
6 Exhibit, uh, 37, what, if anything, can you tell us about the
7 void that you observed indicating the latent print there by
8 marker A, uh, in terms of recency or freshness.

9 A. Uh, what I can say is it would be consistent with the
10 latent being fresh, I do not know how long, uh, the dust has
11 been on the vehicle, when the last time it's been washed, but,
12 uh, typically, uh, from experience havin' dust on a vehicle
13 when you have a void that void means it has some some sort of
14 freshness to it.

15 Q. And what can you tell us about latent prints in terms of
16 fragility, uh, when exposed to conditions such as rain, uh, or
17 a thunderstorm or, uh, being outside in the elements in a
18 driveway such as August heat.

19 A. Uh, in those conditions, uh, uh, there's there's no, uh,
20 exact life span of a, of a latent but those conditions would
21 definitely deteriorate a a latent print.

22 Q. Do you have a or can you tell us, uh, whether or not the
23 void indicates the print was left before or after the dust.

24 A. Obviously after the dust.

25 Q. I wanna show you, uh, some additional items which are

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 State's Exhibits 31, 30, 39, 44, 40 not yet in evidence.

2 THE COURT: Were those other ones offered?

3 MS. ZMROCZEK: They were but we -- if they want them in,
4 Your Honor, we don't object.

5 THE COURT: Okay, I just wanna m -- keep a record clear,
6 just so far I have those other ones, the photos of the
7 automobile we didn't, uh, ---

8 MS. ZMROCZEK: Thirty ---

9 THE COURT: --- formally formally offer them. I I
10 thought they were ---

11 MS. ZMROCZEK: That was 33, 34, 35, 36, 37 and 42,
12 correct?

13 MS. MAYES: The State ---

14 THE COURT: I'm not sure ---

15 MS. MAYES: --- would offer the ---

16 THE COURT: --- 'bout 42.

17 MS. MAYES: It's 32 ---

18 MS. ZMROCZEK: Oh, 32, sorry, Your Honor.

19 MS. MAYES: --- and the State would offer them at this
20 time.

21 THE COURT: Okay, 32, 33, 34, 35, 36 and 37 are now in.

22 (State's Exhibit Nos. 32, 33, 34, 35, 36 and 37,
23 photographs, admitted into evidence.)

24 (Whereupon, a discussion was held off the record.)

25 THE COURT: Is 38 also in that group?

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 MS. MAYES: It is not, Your Honor.

2 THE COURT: Okay, fair enough.

3 MS. MAYES: Also 45 that the State is offering.

4 MS. ZMROCZEK: No objection to 31 -- 30, 31, 39, 44 or
5 45, Your Honor.

6 THE COURT: Forty-five's already in.

7 (State's Exhibit Nos. 30, 31, 39 and 44, photographs,
8 admitted into evidence.)

9 BY MS. MAYES:

10 Q. Gonna show you State's Exhibits 30, ---

11 A. Um-hum.

12 Q. --- 31, 39, 44 and 40, did you also have the opportunity
13 to process the interior of that Chevy Impala after you
14 completed processing the exterior?

15 A. I did.

16 Q. Can you tell us whether or not these exhibits I just
17 showed you are a fair and accurate representation of what was
18 recovered from the interior of the vehicle.

19 A. They are.

20 Q. We looking at here State's Exhibit 39, what is that
21 (indicating) item?

22 A. That is a pack of Marlboro cigarettes.

23 Q. All right, and State's Exhibit, uh, 31?

24 A. That is a receipt that was found inside the vehicle.

25 Q. All right, and what is the date and time on that

KEITH SPRINKLE - DIRECT EXAMINATION BY MS. MAYES

1 receipt?

2 A. It's August 4th 2015.

3 Q. At what time?

4 A. That is 1:29 a.m.

5 Q. All right, and what is the location in which that
6 receipt, uh, was obtained?

7 A. That is the TravelCenter, uh, number, uh, it's the store
8 number 262 in Columbia.

9 Q. What are we looking at here (indicating)?

10 A. That is a piece of paper, uh, that was collected from the
11 center console area that had some writing on it thought was,
12 uh, pertinent to the case.

13 Q. All right, and that contains what appears to be four
14 names ---

15 A. Yes.

16 Q. --- with, uh, numbers along side, uh, correct?

17 A. Uh, correct.

18 Q. And State's Exhibit 40.

19 A. Forty is a black plastic, uh, baggy containing a
20 crystal-like substance substance.

21 Q. What were -- you've mentioned crystal-like substance,
22 uh, ---

23 A. Yes.

24 Q. --- was that item actually, uh, collected as evidence and
25 submitted for analysis?

KEITH SPRINKLE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. It was and that was found in the center console as well.

2 MS. MAYES: Beg the Court's indulgence.

3 THE COURT: Um-hum.

4 (Pause.)

5 MS. MAYES: Nothing further of Detective Sprinkle at this
6 time.

7 MS. ZMROCZEK: Thank you.

8 THE COURT: Hang on one second, Ms. Zmroczek.

9 (Whereupon, a discussion was held off the record.)

10 THE COURT: All right, Ms. Zmroczek, your turn.

11 MS. ZMROCZEK: Thank you, Your Honor.

12 CROSS-EXAMINATION BY MS. ZMROCZEK:

13 Q. Investigator Sprinkle, sorry, um, I, uh, you submitted
14 your, uh, CV for review, right, ---

15 A. Yes, ma'am.

16 Q. --- and that, a curriculum vitae talking about the
17 training that you had, correct?

18 A. Um, correct.

19 Q. Two of the trainings that you attended I believe in 2015
20 and 2016 were put on by Newberry Pathology, correct?

21 A. Um, correct.

22 Q. And who else attended that or were there -- let me
23 rephrase the question. Whe -- when you went were there other
24 officers or did you go as a representative for the sheriff's
25 department?

KEITH SPRINKLE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. No, there's other officers for that training.

2 Q. Okay. Did the coroner go as well?

3 A. Uh, yes.

4 Q. Okay. And in that training can you tell this jury, uh,
5 di -- did you learn about how to preserve a a body at the
6 crime scene?

7 A. Um, yes, for for that, um, pathologist, um, a class, yes,
8 that that's one thing that they do, uh, go over is
9 preservation of evidence, preservation of of, uh, the body as
10 well, yes.

11 Q. And in, in fact, they they they they tell you that if
12 there's nothing that can be done to resuscitate the victim
13 that it should be just placed in the body bag and taken to the
14 morgue, correct, for autopsy?

15 A. Uh, no, actually 'cause for us, for, uh, crime scene we
16 need to, uh, further inspect the body on scene before we
17 actually move it.

18 Q. And so who -- is it -- was it your decision to remove all
19 the clothing?

20 A. Uh, it was not.

21 Q. Okay, whose decision was that?

22 A. I honestly cannot recall at that time.

23 Q. Okay. Um, I'm showing you what's been, um, premarked as
24 Defendants 6, 7 and 8 and ask, um, if you recognize those.

25 A. Six, yes, I do, 7, yes, 8, yes.

KEITH SPRINKLE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. Um, are these just closeups of of some a the
2 photographs that are already in?

3 A. Uh, yes.

4 MS. ZMROCZEK: Your Honor, at this time we who move in
5 Defendants 6, 7 and 8.

6 THE COURT: Any objection?

7 MS. MAYES: None from the State, Your Honor.

8 THE COURT: Very well, 6, 7 and 8 are now in ---

9 MS. ZMROCZEK: Thank you.

10 THE COURT: --- by the defense exhibits.

11 (Defendant's Exhibit Nos. 6, 7 and 8, photographs,
12 admitted into evidence.)

13 MS. ZMROCZEK: Thank you, Your Honor, may I publish as
14 well?

15 THE COURT: (Nodded in the affirmative.)

16 BY MS. ZMROCZEK:

17 Q. Investigator Sprinkle, when you receive training and I'm
18 putting Defendant's 6 on the, um, overhead, when you receive
19 training to become a crime scene investigator, they train you,
20 um, to how, to how how to photograph scenes, correct?

21 A. Uh, correct.

22 Q. Um, they they tell you to start off kind of with an
23 overall view, right, ---

24 A. Yes.

25 Q. --- and then you can move in closer and then closer, go

KEITH SPRINKLE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 as close as you want really or at, or as will assist you
2 with understanding and evaluating the scene, right?

3 A. Yes, if you take a forensic photography class, they teach
4 you far, middle and close-up photos, yes.

5 Q. Okay. What, um, in Defendant's 6, this substance right
6 here (indicating) at the bottom, help with orientation, what
7 what what are you re -- what is this (indicating) substance?

8 A. You pertaining to the the reddish brown at the
9 bottom, ---

10 Q. Correct.

11 A. --- left? Okay, that's that's believed to be, that's
12 blood from the victim, uh, that's where the victim was found
13 at.

14 Q. And and so what you did if I'm understanding correctly is
15 that when you're on scene there that night there was not a lot
16 of ambient light, correct?

17 A. Uh, correct, it was total darkness out there.

18 Q. Totally dark and very difficult to see.

19 A. Yes.

20 Q. And, um, and obviously there's a flash, I'm show -- I'm
21 showing State's 147, there's a flash that you use to take
22 pictures to document but then you can go back the next day
23 which I believe si -- you did with 6 and 7 or at least with 6,
24 correct?

25 A. Un, to my knowledge that is what, um, that's the

KEITH SPRINKLE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 process that was done in this case, uh, I did not take those
2 photographs but I was there present so, yes,

3 Q. Uh, and Shel, uh, CSI Derrick did, correct?

4 A. Correct.

5 Q. And so, in fact, the defen -- or, excuse me, State's 162
6 that shows the mattress it's -- it -- you can see it that it's
7 you said on the lower embankment, right?

8 A. Yes, the side a the mattress is on the lower, uh,
9 embankment, ---

10 Q. S ---

11 A. --- yes.

12 Q. --- so if you're sitting in a vehicle in the passenger
13 side and the vehicle drives right by that mattress, that would
14 be something that you could possibly see out of a window,
15 correct?

16 A. Uh, if you're driving in what direction?

17 Q. If if if you're driving that, the exact direction of
18 this, of the the way the vehicle's pointing, it would be on
19 the passenger side of car, correct?

20 A. Yes, that's correct.

21 Q. And then, um, that that that road is how many,
22 approximately how many feet wide?

23 A. Uh, that I do not know.

24 Q. Okay. Um, are you able, is is a car able to do a 3-point
25 turn in that road?

KEITH SPRINKLE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. Uh, yes.

2 Q. Okay. When you get closer up, are you able to see more
3 detai -- and this is on the other side, this is not the
4 mattress side, this is, um, where the victim was found,
5 correct?

6 A. Uh, correct.

7 Q. And so when you get close up, and I believe you said it
8 was, um, almost a 6-foot embankment, right, ---

9 A. Um, correct.

10 Q. --- um, 'you can see signs of disturbance on the
11 embankment side, correct, ---

12 A. Um, correct.

13 Q. --- and that could be indiciva -- indicative of a
14 struggle, could it not?

15 A. Uh, in this particular photograph, uh, cannot cannot say
16 anything about any kinda struggle for this photograph. This
17 photograph was taken after the victim had been moved in which,
18 uh, after we, uh, obtained our photographs and, uh, carefully
19 inspected the scene, uh, the night prior to and moving the
20 victim, uh, after we got to that point where we were okay with
21 moving the victim, uh, we actually, uh, and I say "we," as in,
22 uh, inve -- crime scene investigators, the coroner's office,
23 uh, and body removal was there standing all around the area of
24 where the victim was to move so, uh, uh, that's, I can't say
25 exactly where, uh, who caused the disturbance in that ---

KEITH SPRINKLE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. Now ---

2 A. --- sand particularly because we were all in that area,
3 uh, moving the body after we had done our processing so . . .

4 Q. Okay. I handed you what what what's in as, um,
5 Defendant's 6 and I'm gonna zoom in, is this (indicating) the
6 area that that is is a blowup of?

7 A. A little bit more to the r -- to the right ---

8 Q. Okay.

9 A. --- right right in that (indicating) area, yes, ma'am.

10 Q. Okay. All right, so what you can do is actually when you
11 get back to the lab and you're processing pictures to maybe
12 help look for evidence and and and disturbances and stuff, you
13 can actually blow up the photos or zoom in on the photos that
14 you've already taken to help, to help understand what
15 happened, right?

16 A. Uh, yes, we have the ability to do that.

17 Q. Okay. Sometimes, um, when you, when you're there and
18 you're taking pictures and then you go back and look, you you
19 you see things that you didn't see before for flash reasons or
20 just because a the lighting, correct?

21 A. Sometimes ---

22 Q. Okay.

23 A. --- it it can happen.

24 Q. It can happen. Um, ya'll also did in -- inspections for
25 tire impressions?

KEITH SPRINKLE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. I did not.

2 Q. Did anyone do photographs for tire impressions?

3 A. Uh, yes.

4 Q. Okay, so that was someone else?

5 A. Yes, ma'am.

6 Q. All right, and I'm showing you Defend -- what's been
7 marked as Defendant's 2, 3 and 5, now I know that, um, you
8 work closely with or let me just ask you if you recognize
9 these items.

10 (Pause.)

11 A. I did not package these, uh, this looks like a, um, is
12 consistent with an item that I I did observe on, uh, one
13 search warrant, I do not, I have not seen those so, no, I'm
14 not aware those two.

15 Q. Okay, so you're you're, on number 2 you're not aware?

16 A. Hold on one second, let's see. Okay, that's, um, my
17 apologies, I thought all these were on the same ---

18 Q. Hm.

19 A. Yes, this, uh, these two items I have not seen, uh, this
20 (indicating) one.

21 Q. You have not seen number 2?

22 A. No, ma'am.

23 Q. You work closely with, uh, there how many CSI, um,
24 investigators?

25 A. Uh, currently we have five.

KEITH SPRINKLE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. And it, it, do you know Heather Clary?

2 A. Yes, I do.

3 Q. Is she a crime scene investigator?

4 A. Yes, she is.

5 Q. And, um, are her initials H.C.?

6 A. Yes, it is ---

7 Q. Okay, ---

8 A. --- that's her initials.

9 Q. --- and so she -- this wo -- if if her initials were on
10 this (indicating) badge and she testified to that yesterday,
11 this would have been what what she collected?

12 MS. MAYES: Objection, Your Honor, to relevance at this
13 time, may we approach?

14 THE COURT: You may.

15 (Whereupon, a bench conference was held off the record.)

16 (Whereupon, a discussion was held off the record.)

17 MS. ZMROCZEK: Your Honor, at this time we would move,
18 um, Defendant's 5 and 6 into evidence.

19 THE COURT: Six is a photo, it had been up ---

20 MS. ZMROCZEK: I mean, ---

21 THE COURT: --- by you.

22 MS. ZMROCZEK: --- sorry, 3, 3 and, 3 and 5.

23 THE COURT: Three and 5 are admitted without objection.

24 Those are the, um, ---

25 MS. ZMROCZEK: Five are the brass knuckles.

KEITH SPRINKLE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 THE COURT: What's 2?

2 MS. ZMROCZEK: That's not going in, we're not moving that
3 in.

4 THE COURT: All right, I had 2 as the knuckles I guess.

5 MS. ZMROCZEK: No, 2 is the badge, ---

6 THE COURT: Okay.

7 MS. ZMROCZEK: --- 5 are the knuckles ---

8 THE COURT: Um-hum.

9 MS. ZMROCZEK: --- and 3 is, it's the digital scale.

10 THE COURT: Fair enough.

11 MS. ZMROCZEK: Thank you.

12 THE COURT: All right, they're in.

13 (Defendant's Exhibit No. 3, scale, and Defendant's
14 Exhibit No. 5, brass knuckles, admitted into evidence.)

15 BY MS. ZMROCZEK:

16 Q. Okay. These brass knuckles, these are the, uh,
17 Defendant's 5, these are the, um, this is the item that you
18 testified to was, um, beneath or behind the body?

19 A. Yes, that was behind the victim on the, uh, right side.

20 Q. And you said that that it could have been consistent with
21 them falling out of a pocket?

22 A. Uh, what was presented to me is if the victim is on the
23 ground legs up, if that's, um, where it was found behind the
24 right pocket, if you have brass knuckles in your back pocket
25 and your legs up it does have the potential absolutely to

KEITH SPRINKLE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 slip, to fall out with the weight and the slickness of that
2 item, yes, ---

3 Q. Um, okay.

4 A. --- does not ---

5 Q. Now ---

6 A. --- have much drag on it so

7 Q. And what about if you're pulling them out of your pocket
8 to put them on, could they have also ended up on the ground
9 that way as well?

10 A. That's a potential as well.

11 Q. Okay. And then Defendant's 3 is a digital scale and a
12 purple Crown Royal bag, this was found in the white Taurus,
13 correct?

14 A. Yes, in the victim's white Taurus.

15 Q. Tucked in the back seat behind the driver's side, is that
16 correct?

17 A. Yeah, correct.

18 Q. Okay. And there were drugs in this as well?

19 A. Yes, there was.

20 Q. Okay. And that was sent off to toxicology?

21 A. Well it was sent to the lab for ---

22 Q. Or to ---

23 A. --- whoever ---

24 Q. --- the lab, ---

25 A. --- tests it.

KEITH SPRINKLE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. --- sorry. She asked you about the hand print, the palm
2 print, I believe that that you, um, recovered, right, ---

3 A. Yes.

4 Q. --- indicative of being placed there on the vehicle
5 presumably after driving down a dirt road, correct?

6 A. It would be, uh, that palm print, like I said, it would
7 be consistent with after the dirt was, uh, whatever dirt was,
8 uh, put on the vehicle, yes, or driven through a dirt road as
9 you're, as you're saying, yes.

10 Q. That so there's no way to -- my -- there's no way to date
11 a palm print, right, ---

12 A. Correct.

13 Q. --- but but that kinda helps help us infer if the entire
14 car is dusty except for one area that it it it's highly likely
15 that it was placed there after driving through some dusty
16 area, correct?

17 A. It it has the possibility, yes.

18 Q. Okay. So, for example, if someone is putting gas in a
19 vehicle and they put their hand on the hood, that's how that
20 could happen, right?

21 A. I can't say exactly when when or how that hand print was
22 placed on the hood but I do know the location and, uh, to
23 s -- to some extent it would appear to be fresh.

24 Q. Okay. You testified about the, um, phone in in Rico's
25 pocket being shattered, right, ---

KEITH SPRINKLE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. Yes, ma'am.

2 Q. --- um, and I believe it was State's 20 that was or and
3 19 that were shown to you?

4 A. I have not been presented those ---

5 Q. Okay.

6 A. --- photographs.

7 Q. Is that (indicating) the same phone?

8 A. I I do not know 'cause I I did not take those
9 photographs.

10 Q. Okay, you just took the phone outta the pocket, right?

11 A. Yes, correct.

12 Q. Ah, here it is, ---

13 A. I did not ---

14 Q. --- sorry.

15 A. --- s ---

16 Q. This is the ---

17 A. --- I I ---

18 Q. --- one I was ---

19 A. --- did not see ---

20 Q. --- lookin' for ---

21 A. --- any content from the vehi, uh, from the cell phone.

22 Q. --- 17, sorry.

23 A. Yes, correct.

24 Q. Okay, so so 17 is a a cracked phone that was in the
25 victim's pocket ---

KEITH SPRINKLE - REDIRECT EXAMINATION BY MS. MAYES

1 A. Um, correct.

2 Q. --- and it was not stolen ---

3 A. Not to my knowledge, no.

4 Q. --- and you do not know how it got broken.

5 A. Um, correct.

6 Q. Have you seen a cell phone that's received a gunshot to
7 it?

8 A. Uh, no.

9 Q. Okay. Have you seen a cell phone that's been dropped on
10 on a surface?

11 A. Yes.

12 Q. Okay, um, can that crack the screen?

13 A. Uh, yes.

14 Q. Okay. That's all I have, Your Honor.

15 THE COURT: Any redirect?

16 REDIRECT EXAMINATION BY MS. MAYES:

17 Q. In in follow up to that let me ask you, uh, a little bit
18 more, uh, about that phone, um, Ms. Zmroczek has asked you
19 about dropping a phone, would that create, uh, such a crack,
20 let me show you that phone, State's Exhibit, uh, 17.

21 A. Um, that it's it's potential that a, you know, uh, ---

22 Q. Blunt ---

23 A. --- dropping a ---

24 Q. --- for ---

25 A. --- phone, blunt force.

KEITH SPRINKLE - REDIRECT EXAMINATION BY MS. MAYES

1 Q. Blunt force?

2 A. Uh, dropping a phone that's that's contact to what
3 something, any kind of force, uh, create onto the phone could
4 create a crack.

5 Q. Including a baseball bat?

6 A. That would be blunt force so, yes, that could create a
7 crack on the phone.

8 Q. All right. Let me ask ya about some a the photographs
9 that Ms. Zmroczek, uh, has asked you to reviews, Defense
10 Exhibit 6 and Defense Exhibit 7, first let's look at State's
11 Exhibit 141, this is before course removal of the body from
12 the scene, ---

13 A. Correct.

14 Q. --- this area here (indicating), uh, is there any
15 indication of disturbance here (indicating) along that
16 embankment?

17 A. No, there is not.

18 Q. Now what is the process for actually removing a body from
19 the scene, uh, in this case being an adult male?

20 A. Uh, your typical, uh, process here is, uh, like I said,
21 once we have, uh, searched the entire area that scene and we
22 feel comfortable of all evidence have been collected and then
23 we move to the actual physical body we then again photograph,
24 document, uh, search the pockets, uh, look at and examine, uh,
25 any kind of wounds, uh, on the body. In this case we had

KEITH SPRINKLE - REDIRECT EXAMINATION BY MS. MAYES

1 several, uh, gunshot wounds, uh, clothes were lifted up, uh,
2 taken off, taken photographs, uh, of the, uh, of the injuries
3 and, uh, ---

4 Q. Let me ask you ---

5 A. --- then ---

6 Q. --- this: Does ---

7 A. --- removed.

8 Q. --- does that require more than one person to be, uh, in
9 this (indicating) area, ---

10 A. Yes, uh, ---

11 Q. --- including the area, uh, between the victim and the,
12 uh, embankment?

13 A. Yes, correct.

14 Q. What about actual removal of the body, how many people,
15 uh, does that require?

16 A. Uh, typically two to three.

17 Q. And in this case, uh, in addition to yourself and CSI
18 Detective Derrick, uh, were there members of the coroner's
19 office also present and assisting?

20 A. Uh, yes, there were.

21 Q. Did that include with removal of the body?

22 A. Uh, yes.

23 Q. So looking, uh, now at State's E -- I'm sorry, Defense
24 Exhibit 6 and defense Exhibit 7, this would be before or after
25 removal of the body?

KEITH SPRINKLE - REDIRECT EXAMINATION BY MS. MAYES

1 A. That would be after the removal of the body.

2 Q. Okay. Uh, what can you tell us here (indicating) about,
3 uh, any signs of disturbance, uh, shown here (indicating) in 7
4 that you just saw and now 6.

5 A. Uh, can you show me 7 again. Which which one was 7?

6 Q. Seven is going to be the same area, ---

7 A. Okay.

8 Q. --- mid-range photo, 6, does it appear to be the same
9 area?

10 A. Uh, yes that's that's gonna be slightly offset, uh, photo
11 of the same area.

12 Q. All right. What are we looking at here (indicating)?

13 A. Uh, there it would be consistent with the, during the
14 body removal us standing, moving around the body and stepping
15 into that embankment.

16 Q. All right, so that creates that type of disturbance.

17 A. Uh, correct.

18 Q. Uh, now what other signs of disturbance were noted and
19 I'm gonna show you State's Exhibit, uh, 162, but not
20 disturbance, uh, created, uh, by law enforcement or persons
21 removing the body but a disturbance of the scene?

22 A. I I'm not quite sure what you're, uh, ---

23 Q. Show ---

24 A. --- what ---

25 Q. --- you ---

KEITH SPRINKLE - REDIRECT EXAMINATION BY MS. MAYES

1 A. --- you're ---

2 Q. --- State's ---

3 A. --- referring ---

4 Q. --- Exhibit ---

5 A. --- to.

6 Q. --- 163, ---

7 A. Okay.

8 Q. What, if anything, uh, look at State's Exhibit 163,
9 again, that's the mattress you had previously ---

10 A. Um-hum.

11 Q. --- pointed out in the lower area, uh, ---

12 A. Um.

13 Q. --- what, if anything, had been noted in relation to that
14 (indicating) area?

15 A. On that area you do have, um, if you look, uh, ---

16 Q. Show ---

17 A. --- all the ---

18 Q. --- you, ---

19 THE BAILIFF: Do you have ---

20 Q. --- give you this (indicating).

21 THE BAILIFF: --- one or I thought she just showed ---

22 THE WITNESS: I didn't know how.

23 THE BAILIFF: --- how how to work it.

24 BY MS. MAYES:

25 Q. Here you go.

KEITH SPRINKLE - REDIRECT EXAMINATION BY MS. MAYES

1 (Whereupon, counsel handed the laser pointer to the
2 witness.)

3 A. Thank you very much. Up here (indicating) if you, if ya
4 look at the dirt on this (indicating) embankment, it's all
5 consistent with each other until you get to this area right
6 here (indicating), that is inconsistent with everywhere else.
7 On both sides if you, uh, you've got on this (indicating) side
8 a the embankment and continuing all the way down which you
9 can't see but this one area right here (indicating)
10 particularly is disturbed in some form or sha -- fashion where
11 it's not the same and consistent with everywhere else on that
12 side a the road.

13 Q. All right. And can you tell us whether or not, uh, that
14 existed, uh, upon arrival at the scene.

15 A. Yes, that was, that was, uh, consistent with upon arrival
16 that that sand had been disturbed, uh, the night of.

17 Q. Okay. Gonna show you, uh, State's Exhibit 37 and that
18 just ask you to take a look at that in relation to, uh, where
19 the gas tank for this vehicle is located.

20 A. Yes.

21 Q. All right. And then State's, uh, Exhibit 34 depicting a
22 marker A, and, finally, the actual latent print card, uh, that
23 you did in this case does it show the exact location per
24 diagram of where that print came from?

25 A. It shows the area of where the, um, where the latent

KEITH SPRINKLE - REDIRECT EXAMINATION BY MS. MAYES

1 print was collected.

2 Q. All right. So taking a look here (indicating), uh, uh,
3 the where the, uh, gas tank is located, uh, what area a the
4 vehicle is that?

5 A. That is the back, the rear, uh, driver's side of the
6 vehicle.

7 Q. All right. Uh, as opposed to, uh, the area in which the,
8 a print was actually recovered.

9 A. The front hood of the, uh, the front driver's side hood
10 of the vehicle.

11 Q. And who actually created this diagram that went with the
12 print?

13 A. I did.

14 Q. Is that (indicating) your handwriting?

15 A. It is.

16 Q. Does it bear your initials?

17 A. It does.

18 MS. MAYES: Uh, this time, Your Honor, the State would
19 offer, uh, this, uh, latent print card as evidence.

20 MS. ZMROCZEK: I just need to know the number but I don't
21 have an objection, Your Honor.

22 THE COURT: We don't have a number yet.

23 MS. ZMROCZEK: Okay.

24 THE COURT: It would be 165?

25 MS. MAYES: Actually see that it's premarked 137, ---

KEITH SPRINKLE - REDIRECT EXAMINATION BY MS. MAYES

1 THE COURT: Was it ---

2 MS. MAYES: --- it was premarked 137..

3 THE COURT: --- the whole thing? Oh, you doin' an
4 individual one or no?

5 MS. MAYES: I can do an individual one, I think that
6 would be cleaner.

7 THE COURT: Okay, so the 37 one is not in or 137's not
8 in, ---

9 MS. MAYES: Um, just do that.

10 THE COURT: --- this a portion of 137 and we're just
11 gonna call that one 165.

12 (Latent print card marked State's Exhibit No. 165 for
13 identification.)

14 THE COURT: Okay?

15 MS. MAYES: Your Honor.

16 BY MS. MAYES:

17 Q. Let's take a look at, uh, 165, show us, uh, please, what
18 your markings indicate, you may use the pointer.

19 A. Okay. So; like I said, uh, the reverse side of this
20 (indicating), this is called a "latent print card," um, the
21 the reverse side of this has the latent print that I lifted
22 and this (indicating) is the identification side in which you
23 have your date that it, in which it was located, was was gonna
24 be August 4th, uh, the case, homicide, the case number, the
25 victim's information, the address of the incident location and

KEITH SPRINKLE - REDIRECT EXAMINATION BY MS. MAYES

1 where the the location of the latent print itself was located
2 at in which I wrote, uh, "The front hood of Chevy Impala,"
3 and that's notated at the search warrant, during the search
4 warrant at [] Gibson Road, Lexington, ---

5 Q. All right, ---

6 A. --- which that's ---

7 Q. --- and ---

8 A. --- the sheriff's department.

9 Q. --- and let me stop you right there and the marking of
10 the "X" on the diagram.

11 A. That "X" right there (indicating) on the diagram shows
12 the front hood of the Chevy Impala.

13 Q. All right. So believe Ms. Zmroczek was asking you about
14 item, uh, 161 and, uh, whether or not a, uh, passenger in the
15 vehicle, uh, would or could possibly observe a mattress,
16 correct?

17 A. Correct.

18 Q. Uh, if a -- the passenger in the vehicle, uh, got outta
19 that vehicle and, uh, walked around towards the area of the
20 victim's body, tell us whether, uh, or not that could result
21 in a print in that location.

22 A. And if the vehicle was traveling in what direction again?

23 Q. Uh, away, where the passenger side were facing the
24 mattress.

25 A. Okay, if the passenger side were facing the mattress and

KEITH SPRINKLE - RECROSS-EXAMINATION BY MS. ZMROCZEK

1 got out of the vehicle, they would have to walk to the
2 driver's side of the vehicle to be facing the victim.

3 Q. All right, and if they were facing the victim from the
4 driver's side and lean against that car, uh, what hand would
5 that be?

6 A. That would be the the left hand on that vehicle on that,
7 on that hood.

8 Q. The left hand. Nothing further.

9 MS. ZMROCZEK: Your Honor, I just have one follow-up
10 based on that.

11 RECROSS-EXAMINATION BY MS. ZMROCZEK:

12 Q. And I could give you a million hypotheticals where that
13 could be the left hand: if they were pumping gas in their left
14 hand, ---

15 A. Um-hum.

16 Q. --- right?

17 A. Uh, yes.

18 Q. Okay, and, in fact, it it -- do you know if there's any
19 video of of any gas stations in this case?

20 A. Uh, not to my knowledge.

21 Q. Okay, thank you,

22 THE COURT: All right, you can step down.

23 THE WITNESS: Thank you.

24 (Whereupon, the witness left the stand.)

25 THE COURT: What you got?

MICHELLE EICHENMILLER - DIRECT EXAMINATION BY MR. BELL

1 MS. MAYES: State calls Michelle Eichenmiller.

2 (Whereupon, the witness came forward.)

3 (Whereupon, a discussion was held off the record.)

4 MICHELLE EICHENMILLER, having
5 been first duly sworn, testified as follow:

6 THE CLERK: Have a seat, ma'am, once you're seated state
7 your full name spelling your last.

8 THE WITNESS: My name's Michelle Eichenmiller,
9 E-I-C-H-E-N-M-I-L-L-E-R.

10 DIRECT EXAMINATION BY MR. BELL:

11 Q. Michelle, who are ya employed by?

12 A. I work for the South Carolina Law Enforcement Division
13 commonly known as SLED in the forensic laboratory.

14 Q. How long ya been with SLED?

15 A. I've been there ten years.

16 Q. And what is your job title at SLED?

17 A. I'm a forensic firearms examiner.

18 Q. Tell us what goes into that job duty.

19 A. Um, I have a bachelor's degree in biology, I also have a
20 master of science in forensic science and also I completed the
21 SLED in-house training program, there's no unfortunately
22 college that you can go to to become a firearms examiner, it's
23 an apprentice-like program, we learn with the examiners that
24 are in your lab so I learned with them for two or three years,
25 I took a lot of tests, I did a lot of reading, did a lotta

MICHELLE EICHENMILLER - DIRECT EXAMINATION BY MR. BELL

1 microscope work, I took a competency at the end and then they
2 deemed me competent to work cases on my own.

3 Q. And through that job duties and that training what sort
4 of things are you trained to be able to accomplish with that
5 job?

6 A. In or section we examine any fired evidence that came
7 from a crime scene or any firearms that involved in the crime
8 scene, we also do other exams like toolmark exams, if someone
9 broke into a house with a crowbar, we can do examinations on
10 those, um, we also do serial number restoration and couple
11 other like function testing and stuff with firearms.

12 Q. Are you familiar with firearms generally?

13 A. Yes.

14 Q. Are you familiar with firearm cartridges?

15 A. Yes.

16 Q. Are you familiar with firearm projectiles?

17 A. Yes.

18 Q. Have you testified as an expert related to firearms in
19 the past?

20 A. Approximately forty-five times.

21 MR. BELL: Your Honor, at this time we would seek to move
22 Ms. Eichenmiller as an expert in the field of, uh, firearm
23 forensics, Your Honor.

24 MS. ZMROCZEK: Just one question, Your Honor.

25 DIRECT EXAMINATION BY MS. ZMROCZEK:

MICHELLE EICHENMILLER - DIRECT EXAMINATION BY MR. BELL

1 Q. Uh, Ms., and I'm sorry, I just have incorrectly which --
2 what -- how do you pronounce your name?

3 A. Eichenmiller.

4 Q. Eichenmiller, thank you. Ms. Eichenmiller, is, uh, is it
5 your testimony that this is more of an applied science,
6 meaning you kind of learn as you're in the science?

7 A. Yes.

8 Q. Okay. We have no objection, Your Honor.

9 THE COURT: She's a a firearms examination, is that
10 right?

11 MS. ZMROCZEK: I I think it was practically ---

12 MR. BELL: Firearm forensics, uh, firearms examination,
13 uh, Your Honor, I think either would cover it.

14 MS. ZMROCZEK: Typically in firearms and toolmarks but we
15 have no problem with, I don't believe that ---

16 THE COURT: How 'bout firearms and toolmarks? She's
17 testified she's trained in both a those and that's, toolmarks
18 what all I'm looking for but ---

19 MR. BELL: That's fine, Your Honor.

20 THE COURT: --- firearms and toolmarks forensics,
21 qualified as an expert typically where she can offer opinions
22 in that field.

23 BY MR. BELL:

24 Q. Ms. Eichenmiller, were you asked to review evidence in a
25 case with defendants Charles Morehouse and Wiley Sisk?

MICHELLE EICHENMILLER - DIRECT EXAMINATION BY MR. BELL

1 A. Yes.

2 Q. Handing you what's been marked for ID as 136, do you
3 recognize that item?

4 A. This is the envelope I receive evidence in.

5 Q. And what evidence is indicated being contained within
6 that envelope?

7 A. It's my items 6 through 10 which are three fired
8 cartridges cases and two fired bullets.

9 Q. And how do you know that that's the envelope you
10 received?

11 A. Um, I write on the top of the envelope when I receive it,
12 um, I also put a sticker on it when I put it into the database
13 and I also seal it with my initials and evidence tape on the
14 back and the date.

15 Q. What is the lab number associated with that item?

16 A. It's L1510614.

17 Q. Michelle, I'm handing you a pair of scissors, I'd ask
18 that you unseal the envelope.

19 (Whereupon, the witness complied.)

20 Have you had an opportunity to examine the contents a
21 that envelope?

22 A. Yes.

23 Q. And how many containers are in the envelope?

24 A. There's just two, um, a heat sealed Ziploc bag and a heat
25 sealed pouch.

MICHELLE EICHENMILLER - DIRECT EXAMINATION BY MR. BELL

1 Q. Are you aware of what is contained within each of those
2 items?

3 A. Yes, the Ziploc bag has, um, the three fired cartridge
4 cases in it, I usually write on the lab number my initials and
5 the item number on each item so these are the ones I examined
6 in this case. The heat sealed pouch contains the two bullets,
7 uh, that were said to be from autopsy, I also write on those
8 with my initials and the case number and the item number.

9 Q. So by seeing your initials in the lab number associated
10 with the contents you're holding, what does that tell you?

11 A. It tells me that this is the evidence I examined in this
12 case.

13 Q. Once you receive evidence like what you have in your
14 hand, how do you go about testing it?

15 A. Um, in this case we did not receive a firearm so I, um,
16 take pictures of how I first received it, um, then I do, fill
17 out worksheets that tell me the head stamp, the caliber, um,
18 the condition I received it in, um, of the cartridge cases and
19 the bullets and then I'll use my comparison microscope which
20 is basically two microscopes com -- connected with a bridge,
21 makes it looks like binoculars, I can put one cartridge case
22 on one side and one on the other side and then move them
23 around, um, to examine them and see if I can find individual
24 identifying characteristics that in my opinion would have made
25 them fired by the same firearm.

MICHELLE EICHENMILLER - DIRECT EXAMINATION BY MR. BELL

1 Q. Okay. Did you also run examinations on the
2 projectiles?

3 A. I did.

4 Q. So you tested both the casings and the projectiles?

5 A. Correct.

6 Q. And did you generate a report that details your findings?

7 A. I did.

8 Q. And is that document something that you keep in the
9 ordinary course a your business with SLED?

10 A. Yes.

11 Q. Is it somethin' that's also helpful with your testimony
12 in court?

13 A. Yes.

14 Q. Did you bring a copy of your report with ya?

15 A. I have.

16 Q. May I please see it.

17 (Whereupon, the witness handed the report to counsel.)

18 MR. BELL: Have this marked for ID.

19 (SLED lab report marked State's Exhibit No. 166 for
20 identification.)

21 BY MR. BELL:

22 Q. Michelle, I'm handing your report back that's been marked
23 for ID as State's 166, does your report reflect a lab number?

24 A. It does.

25 Q. Does that lab number match the lab number that you read

MICHELLE EICHENMILLER - DIRECT EXAMINATION BY MR. BELL

1 into the record earlier?

2 A. Yes.

3 Q. Referring to items 6 through 8, are you able to locate
4 those items?

5 A. Yes.

6 Q. And, again, what are those items?

7 A. Items 6 through 8 are three fired .40 S&W caliber
8 cartridge cases.

9 Q. And does your report reflect the findings related to
10 those items?

11 A. It does.

12 Q. And what were your findings?

13 A. Um, I examined item 6, 7 and 8, um, and then matching
14 individual identifying characteristics were found and I
15 concluded that they were all fired by one fire firearm.

16 Q. And, again, what caliber were those casings?

17 A. .40 Smith & Wesson.

18 Q. And what was the coloration of the casings?

19 A. They're brass color.

20 Q. Now there's a notation at the bottom of your section on
21 item 6 through 8 that says, Items suitable for identification
22 with a firearm, what does that mean?

23 A. It just means if a firearm were to be submitted at some
24 point, um, they exhibited marks that I could possibly use to
25 identify them back to that firearm.

MICHELLE EICHENMILLER - DIRECT EXAMINATION BY MR. BELL

1 Q. Now movin' on to items 9 and 10, again, what are those
2 items?

3 A. Those are two fired bullets.

4 Q. And does your report reflect findings from those items?

5 A. It does.

6 Q. And what were your findings?

7 A. My findings were that, um, items 9 and 10 exhibited
8 matching individual identifying characteristics and I
9 concluded that they were fired by one firearm.

10 Q. Were you also able to conclude what sort of caliber
11 casing that they would have been emitted from?

12 A. Um, the the caliber of the bullets is .40 S&W or 10
13 millimeter, diameter is the measurement around the bullet and
14 so those are consistent with what cartridge cases I received,
15 they're both consistent with being .40 caliber.

16 Q. Were you able to narrow down the potential manufacturer
17 for a firearm that would've shot that projectile?

18 A. In the absence of a firearm, we have a database that we
19 can enter measurements from the bullet into and then it will
20 tell us what kinda manufacturers have made firearms with those
21 specifications, so in this case when I put the measurements of
22 the rifling in the program, um, only one manufacturer which
23 was returned and it was a Smith & Wesson.

24 Q. Now did you state that the casings appeared to all have
25 been fired from the same firearm ---

MICHELLE EICHENMILLER - DIRECT EXAMINATION BY MR. BELL

1 A. Correct.

2 Q. --- and that the projectiles appeared to come from the
3 same firearm?

4 A. Correct.

5 Q. If a murder weapon's never submit to ya, are you able to
6 match those items or ID a firearm?

7 A. If I never receive a firearm, I can't say that they were,
8 the cartridge cases and the bullets were fired by the same
9 firearm, there's no test to make sure that the bullet and the
10 cartridge case were from the same firearm without the firearm.

11 Q. And did you receive a firearm to test in this case?

12 A. I did not.

13 Q. Are you familiar with the potential velocities of a .40
14 caliber bullet?

15 A. Not off the top of my head.

16 Q. Are you familiar with their ability to penetrate?

17 A. Yes.

18 Q. And within 2 or more feet would a .40 caliber bullet have
19 the ability to penetrate through a human body?

20 A. Depending on the style of the bullet. Some bullets are
21 designed to, um, go through targets as for like target
22 practice, some are the designed to stay inside their target,
23 um, the bullets in this case were full metal jackets, those
24 are generally designed go through intervening objects.

25 Q. Beg the Court's indulgence.

MICHELLE EICHENMILLER - DIRECT EXAMINATION BY MR. BELL

1 (Pause.)

2 I'm gonna hand you so you can see it up close but this
3 has been entered as State's 147, would you take a look at the
4 berm behind the body and let me know when you had a second to
5 look at it.

6 A. Okay.

7 Q. Testimony earlier in the trial stated that that sand was,
8 uh, of a very soft nature, if a .40 caliber firearm was fired
9 in the direction of that soft sand, would it be able to
10 penetrate any distance?

11 A. Uh, probably a small amount a distance.

12 Q. Would it immediately hit the side and just fall?

13 A. No, it would have velocity behind it.

14 Q. Is it fair to say that if a .40 caliber can penetrate
15 human body it penetrate sand as well?

16 A. Yes.

17 Q. If you'd please reinsert those items. This time the
18 State would seek to move 136 into evidence and that contains
19 both items testified to.

20 MS. ZMROCZEK: 136, Your Honor?

21 THE COURT: 136 is in.

22 MS. ZMROCZEK: No objection.

23 (State's Exhibit No. 136, three casings and autopsy
24 projectile, admitted into evidence.)

25 MR. BELL: No further question.

1 MS. ZMROCZEK: Very brief.

2 CROSS-EXAMINATION BY MS. ZMROCZEK:

3 Q. Uh, if you are photographing, uh, if you're photographing
4 a scene at night and you're using a flash, would a a sh -- and
5 and a casing, tell the jury how a casing is different from a
6 bullet 'fore I start that question.

7 A. Um, the cartridge case contains the gunpowder and the
8 primer and the bullet at the beginning and when the ca --
9 after the bullet is fired out, the cartridge case is the empty
10 shell that held everything together.

11 Q. And, um, when you fire a weapon, typically which
12 direction are casings ejected?

13 A. Um, it depends on a lotta factors. Um, it depends on how
14 you're holding the firearm, um, the direction it was designed
15 to be ejected from, um, a lotta firearms go to the right, some
16 go to the left, some come out the top.

17 Q. Okay, but typically it can go out to the back cor -- to
18 the right and back, right?

19 A. It depends on the firearm.

20 Q. Okay. And, uh, you were not able to recover a firearm in
21 this case, correct?

22 A. Correct.

23 Q. And, uh, so now back to my original question, uh, the
24 brass, the shell casings were brass, correct, ---

25 A. Yes.

MICHELLE EICHENMILLER - CROSS-EXAMINATION BY MS. ZMROCEK

1 Q. --- and, um, so if I'm shining a light or taking a
2 picture, is it, is that something a flash could pick up?

3 A. Um, I'm not an expert at taking pictures at a crime
4 scenes.

5 Q. Okay. Uh, you said that this (indicating) was a full
6 metal jacket, ---

7 A. Correct.

8 Q. --- the other types of bullets that you see are are, um,
9 hollow-points?

10 A. And a lot of bullets that we see are hollow-points, yes.

11 Q. And when when a hollow-point enters, it kinda mushrooms
12 out and it does a lotta damage as it goes through, right?

13 A. Yeah, it's designed ---

14 Q. O ---

15 A. --- to stop and after mushrooms.

16 Q. After it mushrooms, okay, um, but in these case, that the
17 two bullets that you examined were, uh, hollow-point or,
18 'scuse me, full metal jackets.

19 A. Correct.

20 Q. And were you aware that Charles Morehouse had just
21 purchased some ammunition right before this case?

22 A. I don't know any of the background.

23 Q. Okay, thank you.

24 THE COURT: Okay.

25 REDIRECT EXAMINATION BY MR. BELL:

MICHELLE EICHENMILLER - REDIRECT EXAMINATION BY MR. BELL

1 Q. Again, what was the caliber of the ammunition in this
2 case?

3 A. Um, the cartridge cases were .40 S&W caliber and the
4 bullets were consistent with being .40 S&W caliber or 10
5 millimeter outward, they both have the same, um, diameter
6 measurements.

7 Q. And the two full metal jacket projectiles, what was the
8 label as to where they were from?

9 A. Check my notes. Um, item 9, one of the bullets was
10 labeled, uh, LT pelvis and, um, item 10, the other bullet, was
11 labeled LT flank.

12 Q. Does your report reflect those two full metal jacket
13 projectiles were recovered from the autopsy?

14 A. Yes.

15 Q. No further questions.

16 THE COURT: Okay, now you may step down.

17 THE WITNESS: Thank you.

18 THE COURT: Um-hum.

19 (Whereupon, the witness left the stand.)

20 (Whereupon, a discussion was held off the record.)

21 THE COURT: Good time for a break? All right. Let's
22 take a couple minutes to decide how much we're gonna do before
23 lunch, go to lunch, ya'll step to the jury room, I'll be right
24 with ya, okay, can't discuss the case yet.

25 (The following takes place outside the presence of the

WILLIE C. SMITH, III - DIRECT EXAMINATION BY MR. BELL

1 (Whereupon, a recess was taken.)

2 THE COURT: All right, let's do what we, ---

3 MR. BELL: SLED.

4 THE COURT: --- let's do what plan we want, let's do a
5 short witness and then break for lunch?

6 MS. MAYES: Yes, sir.

7 THE COURT: All right, bring the jury.

8 THE BAILIFF: Yes, sir.

9 (The following takes place in the presence of the jury.)

10 THE COURT: All right, we're gonna take one shorter
11 witness then we're gonna break for lunch. All right, good
12 enough.

13 MR. BELL: Thank you, Judge, State calls Willie Smith to
14 the stand.

15 (Whereupon, the witness came forward.)

16 THE CLERK: Place your hand and raise your right.

17 WILLIE C. SMITH, III, having been
18 first duly sworn, testified as follows:

19 THE CLERK: Have a seat, sir, once you're seated state
20 your full name spelling your last, please.

21 THE WITNESS: My name is Willie C. Smith the third,
22 S-M-I-T-H.

23 DIRECT EXAMINATION BY MR. BELL:

24 Q. Sir, what is your title?

25 A. I'm a forensic chemist, I'm employed by South Carolina

WILLIE C. SMITH, III - DIRECT EXAMINATION BY MR. BELL

1 Law Enforcement Division, also known as SLED.

2 Q. How long you been with SLED?

3 A. I've been with SLED for sixteen years and five months.

4 Q. And what are your job duties as a chemist there?

5 A. I'm a forensic chemist agent assigned to the Drug
6 Analysis Department to receive evidence from cross the state
7 and analyze it and determine what it is.

8 Q. What sort of evidence do you specialize in?

9 A. Drugs, uh, controlled substances.

10 Q. And what sort of training and education have you had
11 related to that field?

12 A. I have bachelor of science degrees in biology and
13 chemistry from the University of South Carolina, I've taken
14 additional graduate course work for the purpose of drug
15 analysis, I went through a year of training at SLED to become
16 a certified analyst in drug analysis and I attend training and
17 seminars to keep me up-to-date on drugs.

18 Q. Have you testified as an expert the field of chemical
19 analysis before?

20 A. Yes, eighty-one times in the State of South Carolina.

21 MR. BELL: Your Honor, the State would seek to move
22 Willie Smith as an expert in the field of chemical analysis.

23 MS. ZMROCZEK: Uh, we have no objection, Your Honor.

24 THE COURT: He is so qualified in the field of chemical
25 analysis.

WILLIE C. SMITH, III - DIRECT EXAMINATION BY MR. BELL

1 BY MR. BELL:

2 Q. Sir, do you know a gentleman named Lawrence Zivkovich?

3 A. Yes, Mr. Zivkovich, Lawrence Zivkovich is a analyst in
4 the Drug Analysis Department.

5 Q. And he works in the same department as yourself?

6 A. Yes.

7 Q. Do you know where he is this week?

8 A. Uh, he's on annual leave this week.

9 Q. Did you have an opportunity to review some of his work
10 and his findings from that work?

11 A. Yes, I have.

12 Q. Showing ya four items: 140, 141, 145 and 146 for ID, do
13 you recognize those items?

14 (Whereupon, the witness examined the exhibits.)

15 A. Yes, these are heat sealed packs that containing BEST
16 kits that SLED received as evidence, uh, that I reviewed for
17 forensic chemist Lawrence Zivkovich.

18 Q. And did you also have an opportunity to review his
19 reports that he generated detailing his findings?

20 A. Yes, I have. When I reviewed his reports, the first time
21 I looked at his reports was I did a technical review on his
22 cases. During the technical review process, I go through his
23 instrumentation, I go through his data and I go through his
24 balance, make sure that they always are working properly and
25 make sure that his results were correct before I log the case

WILLIE C. SMITH, III - DIRECT EXAMINATION BY MR. BELL

1 the first time and I've reviewed the case additionally before
2 I came to court today and in my opinion that I found that he
3 did everything correctly and I would have come up with all the
4 same results as he did.

5 Q. And you're comfortable testifying to his reports and the
6 findings within his reports?

7 A. Yes, I am.

8 Q. Referring you to lab number 169945, been testified
9 earlier that that came from David Porter's car, can you locate
10 that report, please.

11 A. Yes, I have that report.

12 Q. And is that report something that SLED keeps in the
13 ordinary course of business?

14 A. Yes, it is.

15 Q. And is that something that you would need to rely on, uh,
16 when it comes to your testimony here in court?

17 A. Yes, it is.

18 Q. What were the findings of that report?

19 A. The findings of this report was a crystal substance and
20 it was found to ha -- be methamphetamine with a weight of 4.69
21 grams.

22 Q. Now if you'd move on to lab number 169943, been testified
23 earlier that that was removed from the console of a Burgundy
24 Impala.

25 A. Uh, the description of this item was also a crystal

WILLIE C. SMITH, III - DIRECT EXAMINATION BY MR. BELL

1 substance and it was found to be methamphetamine and it had a
2 weight of 0.28 grams.

3 Q. And lab number 169946, testified earlier that those were
4 pills from under Charles Morehouse's bed.

5 A. Um, this item was described as two orange tablets. Um,
6 he tested it on a molecular level like we do all our cases and
7 it was found to be Alprazolam and it's a schedule IV drug.

8 Q. And is there a brand name or a more common name for
9 Alprazolam?

10 A. It's known as Xanax, um, that's the common name for it
11 but the chemical name for it is Alprazolam.

12 Q. And then referring to lab number 169947, earlier
13 testified that it came out of a bobblehead in Charles
14 Morehouse's house.

15 A. Um, the item is described as a crystal substance and it
16 was also found to be methamphetamine at a weight of 1.18
17 grams.

18 Q. May I have each of those reports. Sir, you indicated
19 that three of the items were methamphetamine, do your
20 instruments determine or differentiate between methamphetamine
21 and what is known as "ice?"

22 A. It's basically the same thing. Um, we test it on a
23 molecular level and it has the same chemical structure and
24 it's known as methamphetamine.

25 Q. Do your instruments test for purity?

WILLIE C. SMITH, III - DIRECT EXAMINATION BY MR. BELL

1 A. Uh, no, we just instrument test for what it is
2 molecularly and we break it down to find out what it is
3 structurally and it structurally is 100 percent
4 methamphetamine.

5 Q. And do your instruments test for potency?

6 A. No, we do not.

7 MR. BELL: Your Honor, this time the State would seek to
8 mark and enter the four drug reports.

9 MS. ZMROCZEK: May I see those?

10 THE COURT: Um-hum.

11 (Whereupon, defense counsel examined the documents.)

12 MS. ZMROCZEK: We have no objection, Your Honor.

13 THE COURT: Okay, the reports should be numbered 167,
14 168, 169 and 170, is that right, ---

15 MS. ZMROCZEK: Correct.

16 THE COURT: ---and they're admitted without objection.

17 (Drug reports marked State's Exhibit Nos. 167, 168, 169
18 and 170 for identification and admitted into evidence.)

19 MR. BELL: Your Honor, this time we're also going to seek
20 to move in State's Exhibit 146, State's Exhibit 145, ---

21 (Whereupon; a discussion was held off the record.)

22 MR. BELL: --- State's 141, finally, Your Honor, State's
23 140.

24 MS. ZMROCZEK: No objection, Your Honor.

25 THE COURT: So 140 with 141, 145 and 146 are all that

MOTIONS AND MATTERS

1 admitted, in without objection, is that right?

2 (State's Exhibit No. 140, BEST kit, State's Exhibit
3 No. 141, BEST kit, State's Exhibit No. 145, two pink pills
4 from Morehouse's bed, and State's Exhibit No. 146, plastic bag
5 with white crystals admitted into evidence.)

6 MR. BELL: No further questioning.

7 MS. ZMROCZEK: I have no questions for this witness.

8 THE COURT: Mr. Smith, you're free to go.

9 THE WITNESS: Thank you, Your Honor.

10 (Whereupon, the witness left the stand.)

11 THE COURT: All right, ya'll wanna break till 2 or 1:45?
12 Can ya'll get lunch back in hour and ten, fifteen minutes
13 roughly? Do that, all right. I'm gonna say 1:45 but we're
14 gonna be patient, all right?

15 UNIDENTIFIED JUROR: Um-hum.

16 THE COURT: So ya'll free to go to lunch, go where you
17 like, um, try to get started back as close to 1:50 as we can,
18 okay? Can't begin discuss the case.

19 (The following takes place outside the presence of the
20 jury.)

21 THE COURT: All right, we'll stand down 1:45 or so till
22 they get all back.

23 MS. MAYES: And, uh, Your Honor, regarding scheduling,
24 uh, the State will rest this afternoon probably before 4 p.m.

25 THE COURT: Okay.

MOTIONS AND MATTERS

1 will have an objection that regard to the admission of a
2 self-serving statement when the time comes.

3 THE COURT: Okay.

4 MS. ZMROCZEK: Uh, ---

5 THE COURT: All right.

6 MS. ZMROCZEK: --- I mean, putting yourself at the scene,
7 Your Honor, is not self-serving but we can argue that I guess
8 later.

9 THE COURT: 'kay, we'll argue it later. All right, let's
10 go eat.

11 (Whereupon, a recess was taken.)

12 THE COURT: All right, ya'll ready to get to work? All
13 right, bring 'em in.

14 (Whereupon, a discussion was held off the record.)

15 (The following takes place in the presence of the jury.)

16 THE COURT: All right, call your witness.

17 MR. BELL: Thank Your Honor, State calls Investigator
18 Brian Travis.

19 (Whereupon, the witness came forward.)

20 THE BAILIFF: She'll swear ya in.

21 THE CLERK: Place your left and raise your right.

22 BRIAN TRAVIS, having been first
23 duly sworn, testified as follows:

24 THE CLERK: Have a seat, once you're seated state your
25 full name spelling your last.

BRIAN TRAVIS - DIRECT EXAMINATION BY MR. BELL

1 THE WITNESS: Name is Brian Travis, T-R-A-V-I-S.

2 DIRECT EXAMINATION BY MR. BELL:

3 Q. Who are you employed by?

4 A. Lexington County Sheriff's Department.

5 Q. And what is your title there at the sheriff's department?

6 A. Uh, I'm a criminal investigator in the Criminal
7 Intelligence Unit.

8 Q. What sort of duties are you involved with with the
9 Criminal Intelligence Unit?

10 A. I work as an intelligence analyst and crime analyst for
11 the department, uh, looking at crimes trends, cell phone
12 analysis, uh, any kind of pattern recognition and supporting
13 our investigations.

14 Q. When it comes to cellular analysis, what sort of things
15 are you trained to do there?

16 A. Uh, I'm trained to go through, uh, call detail records,
17 process them, map them and, uh, look for patterns in those as
18 well.

19 Q. And what, as it relates to, uh, cellular analysis, what
20 sort of training had you had specific to that?

21 A. Uh, I've gone through, uh, training by the National
22 Association a Crime Analysts as well as through two different
23 software companies, PenLink and GeoTime, as well as numerous
24 other short, um, classes on different topics with cell
25 phones.

BRIAN TRAVIS - DIRECT EXAMINATION BY MR. BELL

1 Q. And are you familiar specifically with how to read Sprint
2 cellular records?

3 A. I am.

4 Q. Are you familiar, uh, with how their cell sites operate?

5 A. I am.

6 Q. And what exactly is a cell site?

7 A. A cell site is what most people will call a "cell tower,"
8 uh, it's where the signals from your cellular phone are
9 relayed to the network carrier, uh, before sent out to the
10 connecting party you're tryin' to call.

11 Q. Is the training that you receive as it relates to
12 cellular analysis considered reliable?

13 A. Yes.

14 Q. Okay. And is it something that's practiced nationally?

15 A. Yes.

16 Q. You ever testified as an expert in cellular analysis
17 before?

18 A. Yes, I have.

19 Q. You ever been deemed unqualified to be an expert?

20 A. No, sir.

21 MR. BELL: Your Honor, at this time the State would seek
22 to move Investigator Travis as an expert in cellular analysis.

23 MS. ZMROCZEK: I have few few questions, Your Honor.

24 THE COURT: All right, go ahead.

25 MS. ZMROCZEK: Thank you.

BRIAN TRAVIS - DIRECT EXAMINATION BY MR. BELL

1 DIRECT EXAMINATION BY MS. ZMROCZEK:

2 Q. Um, Investigator Travis, uh, cellular analysis, digital
3 forensics, those are applied sciences, correct?

4 A. Um, I don't know that I'd necessarily qualify as it, it's
5 it's looking at the records and, um, it's it's ---

6 Q. Let let ---

7 A. --- the ---

8 Q. --- me, let me ask the question this way: It's something
9 that you kind of learn as you're doing it, right?

10 A. Well there there's definitely specific trainings you go
11 to but you can also learn as you're doing it.

12 Q. Okay, so that's what I'm saying, there's not one like
13 certification that everybody has to have, right?

14 A. No, there's not.

15 Q. Okay. In fact, um, there are, you said you have PenLink
16 and Geo ---

17 A. And GeoTime, it's another ---

18 Q. --- GeoTime, ---

19 A. --- software.

20 Q. --- they also have Cellebrite, ---

21 A. Cellebrite's not the same thing.

22 Q. Okay, but it's a type of cellular, uh, anal, it's the
23 type of analysis of a phone, right?

24 A. I don't do analysis of the phone itself, only of the call
25 detail records.

BRIAN TRAVIS - DIRECT EXAMINATION BY MR. BELL

1 Q. Just of the call detail records, uh, and you just do that
2 by looking at the call detail records and coming to a
3 conclusion.

4 A. Making a visual, usually it's makin a visual
5 representation of those call detail records.

6 Q. 'cause when you get 'em they're in crazy form?

7 A. To to a lotta people they are crazy form.

8 MS. ZMROCZEK: I have no objection, Your Honor.

9 THE COURT: All right, um, Mr. Travis, will be qualified
10 as an expert in cellular systems and data analysis I think is
11 how we, it's characterized.

12 MR. BELL: Thank you, Judge.

13 BY MR. BELL:

14 Q. Investigator, when cellular records are requested from
15 Sprint, what form do they come in?

16 A. Um, they come digitally, uh, either on a CD or via email
17 and they'll come on, uh, multiple Excel files and
18 occasionally, depending on the company, also Word files.

19 Q. And what are the two primary digital files that they send
20 you as it relates to cell phone analysis?

21 A. The call detail record or CDR and then the tower listing.

22 Q. And what sort of information is retained in a call detail
23 report?

24 A. The call deal report has the calling party, who is, uh,
25 calling that party, the directionality, the time it started

BRIAN TRAVIS - DIRECT EXAMINATION BY MR. BELL

1 and ended and the beginning and ending towers and azimuths.

2 Q. And is call detail report called a "CDR" for short?

3 A. Yes, it is.

4 Q. What is the second primary file?

5 A. Uh, it's usually referred to as a tower list.

6 Q. And what exactly is contained therein?

7 A. That has a list of the company's cell sites in a given
8 area for those phone records.

9 Q. Do you also receive, uh, subscriber reports?

10 A. Those are usually in the Word format. We'll get a, if
11 there's any subscriber information and partially will depend
12 on what the search warrant asks for, it can also include
13 billing data, credit card payments, that kinda thing as well.

14 Q. When it comes to Sprint, do you receive text message
15 data?

16 A. No, you don't get the text message data other than in the
17 CDR it'll have the date and time and the parties involved.

18 Q. And does Sprint maintain text records?

19 A. To my knowledge they do not.

20 Q. Is it impossible to request that information from 'em?

21 A. Uh, every time I request it from them they respond that
22 they do not retain it.

23 Q. Do text messages have cell tower location data ---

24 A. They do ---

25 Q. --- attached to ---

BRIAN TRAVIS - DIRECT EXAMINATION BY MR. BELL

1 A. --- not, they do not.

2 Q. So what is the only kind of communication that contains
3 that data?

4 A. It's gonna be telephone calls.

5 Q. And if you don't have many phone calls, are you able to
6 get an accurate picture of potential cell tower mapping?

7 A. Not generally.

8 Q. Now when you receive, uh, these files that you call a CDR
9 and tower information list, what do ya do with 'em?

10 A. I will run 'em through one a the programs, either PenLink
11 or GeoTime, uh, and then I'll analyze that typically doing,
12 um, hot call list or who they call the most, who they're
13 contacting the most and if requested I'll map 'em out.

14 Q. And and are you able to create charts or to filter that
15 information in different ways?

16 A. Yes, I am.

17 Q. Does that give you the ability to narrow down
18 communications between particular individuals?

19 A. Yes, it does.

20 Q. Did you ever receive cellular records in this case for
21 Wiley Sisk and Charles Morehouse?

22 A. Yes, I did.

23 Q. And, again, who was their carrier?

24 A. Sprint for both of them.

25 (Cover letter and Sprint document marked State's Exhibit

BRIAN TRAVIS - DIRECT EXAMINATION BY MR. BELL

1 No. 171 for identification.)

2 Q. Handing you what's been marked for ID as 171, you
3 recognize that document?

4 A. Uh, yes, this is the, uh, cover letter for the return on
5 the, um, search warrant.

6 Q. And does that contain subscriber information from Sprint?

7 A. Yes, it does.

8 Q. And what is the number indicated for that particular
9 subscriber?

10 A. The phone number?

11 Q. Correct.

12 A. [REDACTED]-9770.

13 Q. And does it state who that, who the name is that is
14 registered to that number?

15 A. It is listed as Wiley Sisk.

16 Q. And is that the same subscriber document you received
17 from Sprint?

18 A. Yes, it is.

19 MR. BELL: Your Honor, this time State seeks to move 171
20 into evidence.

21 MS. ZMROCZEK: No objection, Your Honor.

22 THE COURT: No objection 171, it's in.

23 (State's Exhibit No. 171, cover letter and Sprint
24 document, admitted into evidence.)

25 BY MR. BELL:

BRIAN TRAVIS - DIRECT EXAMINATION BY MR. BELL

1 Q. Handing you back what's been entered as 171, when was the
2 account for Wiley Sisk established?

3 A. It's gonna be August 2nd 2015.

4 Q. What is the address provided?

5 A. [] Crestridge Drive, Lexington, Carolina 29073.

6 Q. Anywhere on that document does it actually state that
7 Sprint does not maintain text data?

8 A. Believe it, I believe it does, I'm trying to find the
9 exact place.

10 Q. You look on the second page at the very top.

11 A. Yes, "Please be advised Sprint does not retain picture
12 mail, e-mail or text content."

13 Q. Along with that subscriber document, did you also receive
14 a CDR and tower list related to Wiley Sisk?

15 A. Yes.

16 (Whereupon, a discussion was held off the record.)

17 (Tower file marked State's Exhibit No. 172 and call
18 detail record of defendant marked State's Exhibit No. 173 for
19 identification.)

20 (Whereupon, defense counsel examined the exhibits.)

21 MS. ZMROCZEK: No objection, Your Honor.

22 BY MR. BELL:

23 Q. If you would refer to what's been marked for ID as 173,
24 you recognize that?

25 A. Yeah, it -- yes, sir, it's the printed version of the

BRIAN TRAVIS - DIRECT EXAMINATION BY MR. BELL

1 call detail record.

2 Q. And who is that CDR attached to?

3 A. Uh, it's gonna be to that number, um, that's attached to
4 Mr. Sisk.

5 Q. Is that the same document that you received?

6 A. Yes.

7 Q. And I'm handing you State's 172, do you recognize that
8 document?

9 A. Yeah, this is a tower, um, tower file for market ID, um,
10 or for S -- or network element ID 39 which is the Columbia
11 area.

12 Q. And, again, what exactly, what's the basic purpose of
13 that document?

14 A. It gives you all the towers in this mar -- in this
15 network element which is gonna be the area that surrounds
16 Columbia, South Carolina.

17 Q. And, again, you received that document as well from
18 Sprint?

19 A. Yes.

20 MR. BELL: Your Honor, at this time State seeks to move
21 172 and 173.

22 THE COURT: Already without objection, they're in.

23 (State's Exhibit No. 172, tower file, and State's Exhibit
24 No. 173, call detail record of defendant admitted into
25 evidence.)

BRIAN TRAVIS - DIRECT EXAMINATION BY MR. BELL

1 BY MR. BELL:

2 Q. Want you to walk us through briefly how to read one of
3 these reports. Pulling the first page of 173, can you read
4 the headers at the top of those columns.

5 A. Yes, so the first one's gonna be calling number and
6 that's gonna be the number that's making the call, the second
7 one is gonna be the called number and that's gonna be what
8 number it connects to, the third one is dialed digits, that's
9 the number they actually dial, the call number and dialed
10 digits do not necessarily have to be the same.

11 A. Why is that?

12 Q. Uh, if there's any kinda call routing, it's gonna have a
13 different connecting than it will the dial and typically
14 that's most cases voice mail. If you call someone's voice
15 mail, it has to en -- encode it to get it to their voice mail
16 box so you'll see a pattern, um, the number usually begins
17 with a 6 and then it's got some other digits it's after it and
18 it's in parenthesis, um, but if you had call routing on, it
19 would also show there if you route your phone to a different
20 phone, it would have the numbers there as well.

21 Q. Is that commonly called "call forwarding?"

22 A. Uh-huh, yes, sir.

23 Q. And does MR establish if it's the user calling out or
24 receiving a call?

25 A. Yeah, that's gonna be the mobile relay.

BRIAN TRAVIS - DIRECT EXAMINATION BY MR. BELL

1 Q. And start date and end date are self-explanatory but is
2 there anything special about text messages on these CDRs?

3 A. With Sprint their text messages are handled by a
4 different system than their phone calls so on their call
5 records any text message is done in central whereas your calls
6 are in the time of the area the phone is in so in our case
7 it's the eastern standard time that's why on this record all
8 text messages are gonna be in central time.

9 Q. So if you're trying to adjust it for real time, did you
10 add an hour to any text message?

11 A. You'd have to add an hour to all text messages to adjust
12 for real time.

13 Q. And that would put it into eastern standard time?

14 A. Correct.

15 Q. Is duration related to how long a call lasted?

16 A. Duration is how long a phone is connected for, um, so if
17 there's zero, generally that's gonna be a text message, um, if
18 you call and it rings, there will still be a duration even
19 though there's not a connection.

20 Q. And if you'd walk us through what these seemingly random
21 numbers are in the next column.

22 A. So the NEID is the network element ID, that's what Sprint
23 calls their, um, different areas and so that gives ya an idea
24 of where the call's gonna be, um, text messages have their own
25 NEID that doesn't relate to the area, um, as for Columbia NEID

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1 is is net 39. Um, the next one is the repoll number and that
2 has do with the system element is working off of, again, in
3 Columbia that's almost, that's usually gonna be 631. Uh, then
4 your first cell is the cell site the phone connects to, um,
5 with the ID as Sprint's put it out, then the last one where it
6 disconnects from is the final column there.

7 Q. Now ya said earlier that it sort of in layman's terms a
8 cell site is also called just a cell tower, is that accurate?

9 A. That's what most people call 'em, um, based off a
10 historical where they used to all be towers.

11 Q. And the numbers that we see in the columns were first
12 cell and last cell, are those numbers unique to a tower?

13 A. Yes, they are, they're actually unique to the antenna of
14 the tower. Um, the way that Sprint labels them is that first
15 digit is gonna be the sector, um, 'cause each tower generally
16 will have three antennas on it so it'll tell ya which antenna
17 it's pointing off of and then the next four digits are the
18 tower number itself, so each tower will have generally three
19 different, um, identifier numbers and the way Sprint does it,
20 it's 2, 3 and 4 so on on the call detail records so 2 is
21 sector 1, 3 is sector 2 and 4 is sector 3.

22 Q. So in the Columbia area should there be more than one
23 tower with the ID of 1, 2, 3?

24 A. There will only be one tower with the ID of 1, 2, 3 but
25 there'll be three different, you might see three different

BRIAN TRAVIS - DIRECT EXAMINATION BY MR. BELL

1 numbers on that first cell based off the sector it's hittin'
2 off of.

3 Q. Okay. Is that somethin' you're able to determine when
4 reviewing these records?

5 A. Yes.

6 Q. And looking at the top the number referenced up there,
7 uh, who again does that number belong to?

8 A. Wiley Sisk.

9 Q. Wanna show you another subscriber document.

10 (Whereupon, a discussion was held off the record.)

11 (Subscriber search warrant return marked State's Exhibit
12 No. 174 and call detail record marked State's Exhibit No. 176
13 for identification.)

14 (Whereupon, a discussion was held off the record.)

15 BY MR. BELL:

16 Q. Showing you what's been marked as 174 for ID, do you
17 recognize that document?

18 A. Uh, yes, this is another, um, subscriber search warrant
19 return, um, ---

20 Q. Who is that subscriber document registered to?

21 A. Phone number []-1191 to a Thea Stevenson.

22 Q. And what is the address that Thea Stevenson has on there?

23 A. [] Willow Forks Road, Lexington, SC 29073.

24 Q. And are you aware of who the registered occupant of that
25 have address is?

BRIAN TRAVIS - DIRECT EXAMINATION BY MR. BELL

1 A. Uh Cry -- Crystal and Charles Morehouse.

2 Q. Now showing you 176, you recognize those documents?

3 A. Those are the, that's the call detail record for that
4 same phone number.

5 Q. And the phone number you're indicating belongs to?

6 A. Uh, it's, um, it's registered to the Thea Stevenson but
7 through the investigation it was attributed to Charles
8 Morehouse.

9 Q. And are those the files you received directly from
10 Sprint?

11 A. Uh, I received them, um, yes, from S -- from, they came
12 from Sprint through Detective Marthers, those files did.

13 Q. Now when it comes to the tower information list that we
14 talked about earlier, uh, would Mr. Morehouse's phone and
15 Mr. Sisk's phone have different tower information lists?

16 A. The tower file will be the same for both during the same
17 time period.

18 MR. BELL: This time the State seeks to move 174 and 176
19 in, Your Honor.

20 THE COURT: Any objection 174, 175 [sic], and 176?

21 MS. ZMROCZEK: None, Your Honor.

22 THE COURT: All in without objection.

23 (State's Exhibit No. 174, subscriber search warrant
24 return, State's Exhibit No. 175, cell site locations for NEID,
25 and State's Exhibit No. 176, call detail record, admitted into

BRIAN TRAVIS - DIRECT EXAMINATION BY MR. BELL

1 evidence.)

2 BY MR. BELL:

3 Q. Now upon receiving these CDRs did you run them through
4 any software?

5 A. Uh, I did. I have run 'em through both my PenLink
6 software and my GeoTime software.

7 Q. And what's the reason that you run those voluminous
8 records through your software?

9 A. Um, one of the things they do is they combine the files
10 together so that way it makes it easier to read rather than
11 havin' to go flip back and forth between the two, it can also
12 pick out the, uh, the calls they make most frequently, who
13 they're talking to.

14 Q. Did you also have an opportunity to pick out the cell
15 sites and plot them on a map that are in the area of 2400 Old
16 Orangeburg Road?

17 A. I did.

18 (Blowup of cell towers marked State's Exhibit No. 177 for
19 identification.)

20 MR. BELL: Thank you. Thank you.

21 BY MR. BALL:

22 Q. Showing you what's been marked for ID as 177, is this a
23 document you generated?

24 A. Yes, it is.

25 Q. And what does it reflect?

BRIAN TRAVIS - DIRECT EXAMINATION BY MR. BELL

1 A. It shows the towers that are in the area around that, uh,
2 2400 Old Orangeburg Road as well as, um, has the labels to,
3 um, [] Willow Forks Road, [] Mac Circle.

4 MR. BELL: Your Honor, this time the State seeks to move
5 in 177.

6 MS. ZMROCZEK: Uh, without objection, Your Honor.

7 THE COURT: 177 is in without objection.

8 (State's Exhibit No. 177, blowup of cell towers, admitted
9 into evidence.)

10 BY MR. BELL:

11 Q. You mentioned earlier that you're able to create filtered
12 charts that show communications only between two people, did
13 ya do that in this case?

14 A. Yes, I did.

15 Q. Okay, and who are the two individuals that you narrowed
16 those charts down to?

17 A. Um, I've done one, uh, between Wiley Sisk and Charles
18 Morehouse.

19 Q. And do you recall the date range that you searched
20 through?

21 A. Um, the records I believe were 7/21 through 8/4.

22 Q. So that would be July 21st through August 4th?

23 A. Correct.

24 Q. And did you generate a number of reports or number of
25 charts based on the information that you filtered?

BRIAN TRAVIS - DIRECT EXAMINATION BY MR. BELL

1 A. Yes, I did.

2 Q. Investigator, if you'd step down with me for a moment.

3 (Whereupon, the witness left the stand.)

4 You would briefly flip through these (indicating) and
5 identify these as being charts that you aided in the creation
6 of.

7 (Whereupon, the witness complied.)

8 A. Yes, sir.

9 Q. And they fairly and accurately reflect the information
10 seen in the CDRs for Wiley Sisk and Charles Morehouse?

11 A. Yes, they do.

12 MR. BELL: Your Honor, at this time the State's -- State
13 seeks to enter 121, 122, 123, 113, 114, 115, 116, 117, 118,
14 119 and 120, Your Honor.

15 THE COURT: 113 through 124, is that right?

16 MR. BELL: Yes, Your Honor.

17 MS. ZMROCZEK: I don't, Your Honor, can you read the
18 numbers off though, it -- or if -- I I had 1 ---

19 MR. BELL: 123 would be the last one, Your Honor.

20 MS. ZMROCZEK: Okay, and it starts at 114?

21 UNIDENTIFIED WOMAN: Thirteen.

22 THE CLERK: One ---

23 MR. BELL: Correct, ---

24 THE CLERK: --- teen ---

25 MR. BELL: --- 113.

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1 MS. ZMROCZEK: 113? Okay.

2 MR. BELL: Hold these for a sec.

3 THE COURT: Okay, so that's 113, 114, 115, 116, 117, 118,
4 119, 120, 121, 122 and, lastly, 123 are all in.

5 MS. ZMROCZEK: Thank you, Judge.

6 MR. BELL: Thank you, Judge.

7 (State's Exhibit Nos. 113 through 123, blowup of phone
8 records, admitted into evidence.)

9 BY MR. BELL:

10 Q. On the charts as you're holding, did you adjust the text
11 messages to eastern time?

12 A. I did.

13 Q. So is any adjustment necessary to see the actual events
14 as they occurred in those records?

15 A. No.

16 Q. You said you started July 21st?

17 A. That was when the records came, um, think we n -- tried
18 to narrow the date range down, uh, ---

19 Q. Referring to State's 113, what is the date range
20 indicated there?

21 A. Starts at 7/21/2015 13:04.

22 Q. Okay. How many communications occurred on that day
23 between Wiley Sisk and Charles Morehouse?

24 A. Uh, there's 33 on this.

25 Q. Are you aware of how many calls were made?

BRIAN TRAVIS - DIRECT EXAMINATION BY MR. BELL

1 A. Uh, at least four.

2 Q. And referring to State's 114, July 24th, how many
3 communications?

4 A. Two.

5 Q. And how many were calls?

6 A. Both of them.

7 Q. Referring to July 28, excuse me, July 29 and State's 115,
8 how many communications between these two?

9 A. Twenty-four.

10 Q. And are a lot of those phone calls ---

11 A. Yes.

12 Q. --- indicate conversations?

13 A. One would assume.

14 Q. And on July 30th, 116?

15 A. There are two, ---

16 Q. And ---

17 A. --- both calls.

18 Q. --- July 31st?

19 A. There were ten and that, uh, uh, eight of 'em were calls.

20 Q. Excuse me, and that was State's 117. Now getting into
21 August, are you aware of when the incident date was in this
22 case?

23 A. August the 3rd.

24 Q. State's 118, August 1st, how many communications?

25 A. Fifteen.

BRIAN TRAVIS - DIRECT EXAMINATION BY MR. BELL

1 Q. Are some of those phone calls?

2 A. Five of 'em.

3 Q. August 2nd, State's 119, is the time first part of August
4 2nd, the day before the incident date, how many calls on that
5 page?

6 A. Um, s -- there's thirty-four contacts and it looks like
7 that high twenties are calls.

8 Q. And also on 120 is this also the rest a the calls from
9 August 2nd, the day before the incident?

10 A. There's eleven more, yes.

11 Q. So that's a total of how many calls ---

12 A. Forty-six.

13 Q. --- or fort -- or how many communications?

14 A. Forty-six communications.

15 Q. And the incident date in State's 121, August 3rd, how
16 many communications on the first board?

17 A. Thirty-four.

18 Q. And what time do they start on August 3rd?

19 A. Uh, they start at midnight 35.

20 Q. State's 122 also August 3rd, how many total
21 communications?

22 A. Twenty.

23 Q. And how many between the two boards?

24 A. Fifty-five.

25 Q. Is that fifty-five calls on or fifty-five communications

BRIAN TRAVIS - DIRECT EXAMINATION BY MR. BELL

1 on August 3rd?

2 A. Correct.

3 Q. Do you know how many a those communications were actually
4 calls?

5 A. I would have to go back and count them all ---

6 Q. Was it ---

7 A. --- but it can be determined.

8 Q. Is it a number or is it just a few?

9 A. It's a number, at least half.

10 Q. Now is the time around 9:48 p.m. on August 3rd present on
11 the map?

12 A. Uh, 9:51, yeah.

13 Q. Investigator, if you would kinda blade your body this
14 (demonstrating) way so the jury can better hear ya.

15 A. I'm sorry.

16 Q. Are you familiar with any text messages sent or received
17 by the victim James David Porter?

18 A. I am.

19 Q. Beg the Court's indulgence.

20 (Pause.)

21 Are you aware that a text message was sent at 9:48, beg
22 the Court's indulgence, that there is a text message around
23 9:48 p.m. on August 3rd between Chuck Morehouse and James
24 David Porter?

25 A. Uh, there were a few during that time.

BRIAN TRAVIS - DIRECT EXAMINATION BY MR. BELL

1 Q. And did you see those when looking through the call
2 detail reports?

3 A. Yes, I did.

4 Q. Now referring to right after 9:48 p.m. when there is a
5 text exchange between Charles Morehouse and the victim, who is
6 the very next person that Charles Morehouse calls or
7 communicates with?

8 A. Wiley Sisk.

9 Q. Okay, and are you able to indicate that on one of your
10 charts?

11 A. It would be this call right here (indicating) at 9:51.

12 Q. So on the chart it's labeled as what time?

13 A. Nine fifty-wu -- 21:51:33.

14 Q. And that's military time for what actual time?

15 A. Nine fifty-wu, uh, one thir -- p.m., thirty-three
16 seconds.

17 Q. What kinda communication was that?

18 A. It was a outbound call from Morehouse to Sisk.

19 Q. Okay, and how long did that conversation take?

20 A. Twenty-three seconds.

21 Q. Now specifically referring to the time period on August
22 3rd from 10:48 which would show up on your chart as 22:48, can
23 you locate that.

24 A. It's right here (indicating).

25 Q. Up to that point, do you know how many communications

BRIAN TRAVIS - DIRECT EXAMINATION BY MR. BELL

1 there had been between them that day?

2 A. Um, forty-eight -- well forty-seven before that one.

3 Q. And between the hours -- or what is the next
4 communication between the two after 10:48 p.m.

5 A. Uh, it's at midnight 05.

6 Q. So up until 10:48 there were about forty-nine
7 communications, is that what you said?

8 A. Yeah.

9 Q. Then between 10:48 and midnight or shortly after midnight
10 there was no further communication between the two?

11 A. Correct.

12 Q. Do people generally call each other when they're
13 together?

14 A. No, they don't.

15 Q. You can take a seat.

16 (Whereupon, the witness returned to the stand.)

17 Were you asked to further narrow down a time range in
18 this case?

19 A. Um, yeah, we we had looked at trying to narrow the time
20 range down to, um, 'bout eleven, just before eleven o'clock at
21 night until midnight.

22 Q. And why did ya'll narrow it that time frame?

23 A. Due to the, um, last communication from the victim and
24 when the body was found.

25 Q. And did you check to see if Mr. Sisk had any

BRIAN TRAVIS - DIRECT EXAMINATION BY MR. BELL

1 communications during that period of time that would have
2 yielded tower information?

3 A. Yes, we did.

4 Q. Do you recall how many calls took place during that
5 period from Mr. Sisk?

6 A. Three.

7 Q. When it comes to cell phone mapping, is that sufficient
8 to create a good image of where someone might be located?

9 A. It is not a, it does not give a accurate representation
10 of exactly where they are.

11 Q. And what's the radius on cell sites or the circumference,
12 how far do those things reach out?

13 A. Uh, it really depends on a lot of factors but we know
14 they range anywhere from 0 to the, uh, in Sprint's case they'd
15 say 10 miles.

16 Q. Regardless, did you take the three calls that you did
17 have during the time frame of the murder and attempt to see
18 what towers they pinged off of?

19 A. Yes, I did.

20 Q. I apologize but if you would again step down with me.

21 (Whereupon, the witness left the stand.)

22 Showing ya State's 177, hand you a laser pointer, do you
23 recall what towers Mr. Sisk pinged off of with those three
24 calls?

25 A. Um, there is a tower right here (indicating) and right

BRIAN TRAVIS - CROSS-EXAMINATION BY MS. ZMROCZEK

1 here (indicating).

2 Q. And do you recall what the cell site label for those is,
3 if you need to look real hard at that you're welcome to.

4 A. Uh, 221 and 290.

5 Q. Now is there any point of interest between those two
6 towers that's relevant to this case?

7 A. Uh, right in between 'em is where the body was located.

8 Q. And what is that address?

9 A. Uh, it's approximate 2400 block of Old Orangeburg.

10 Q. And that's in what county?

11 A. Lexington County.

12 Q. Please answer any questions defense may have.

13 CROSS-EXAMINATION BY MS. ZMROCZEK:

14 Q. Investigator Travis, um, you you were aware that
15 Mr. Sisk gave a statement on August 7th, right?

16 A. I don't really know when statements were given, I
17 don't ---

18 Q. Okay, ---

19 A. --- get involved in that.

20 Q. --- but you were aware he gave a statement.

21 A. I was aware he gave a statement.

22 Q. And you were aware that he admitted that he was there.

23 A. Um, yeah, that I'd been told that he had been there.

24 Q. Uh, okay, so we put together all these maps to show -- to
25 show what we already knew, right, that he was there or at

BRIAN TRAVIS - CROSS-EXAMINATION BY MS. ZMROCZEK

1 least his phone was there, right?

2 A. Correct.

3 Q. Okay, so let me ask you this: With all of these records
4 that you have, did you also have access to Mr. Porter's
5 phone?

6 A. Uh, I didn't have Mr. Porter's phone.

7 Q. Did you have access to Mr. Porter's phone, did did the
8 sheriff's department have access?

9 A. Yeah, I I believe they did.

10 Q. Do -- were you ever asked to do any hot list or any call
11 dat [sic] or any kind of criminal intelligence into his
12 phone?

13 A. No, I was not.

14 Q. You weren't? The importance about phones and
15 communications is that it really helps us understand a full
16 picture of what's going on, right?

17 A. It gives us pieces to to try and understand that.

18 Q. Right, and but when you have pieces and then pieces that
19 are missing, if you use all the pieces it gives us a more full
20 picture, right?

21 A. Correct.

22 Q. Okay. Did the State ever ask you to calculate the number
23 of calls between Mr. Porter and Mr. Sisk?

24 A. Uh, yes.

25 Q. And how many calls did you come up with between

BRIAN TRAVIS - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Mr. Porter and Mr. Sisk?

2 A. I don't remember.

3 Q. Would that be zero?

4 A. I beli -- I don't believe they communicated.

5 Q. Did they ever ask you to come up with a number of calls
6 and/or texts between Mr. Porter and Mr. Morehouse?

7 A. Yes.

8 Q. And what -- do you recall that number?

9 A. I don't remember.

10 Q. Were you, um, aware that the defense also has a digital
11 forensics expert?

12 A. I am not familiar with what you have.

13 Q. Okay. They haven't, they haven't showed you any of our
14 materials? Okay. Um, you said that typically when people are
15 together they don't call each other, right, ---

16 A. Correct.

17 Q. --- uh, but you also stated that on one of these chart at
18 9:48 p.m. on August 3rd Mr. Morehouse calls Mr. Sisk or
19 Mr. Morehouse's phone calls Mr. Six -- Sisk's phone.

20 A. Correct.

21 Q. Okay. Did you also have any access to Erica Waters's
22 phone?

23 A. No.

24 Q. Okay. Is there another agent who does what you do in
25 your office?

BRIAN TRAVIS - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. As far as the looking at the cell phone analysis, that I
2 I'm the only one than does the CDR analysis, ---

3 Q. Okay.

4 A. --- there's another detective that handles the physical
5 phones.

6 Q. Would that be Detective Phipps?

7 A. Correct.

8 Q. Okay. And do ya'll ever work together and combine your
9 information?

10 A. Not typically.

11 Q. Okay. You didn't send the subpoenas out for these, you
12 relied on on somebody else to do that?

13 A. Correct.

14 Q. Did did -- were there -- were ever subpoenas issued for
15 any other other phones and CDR records?

16 A. I have no knowledge a that.

17 Q. Okay. Beg the Court's indulgence.

18 (Pause.)

19 MS. ZMROCZEK: No further questions, thank you.

20 THE COURT: Okay, that you may step down.

21 MR. BELL: Your Honor, I do have a a brief redirect.

22 THE COURT: Oh, I didn't see ya jump up, I was ---

23 MR. BELL: Apologize, Judge.

24 THE COURT: --- distracted.

25 REDIRECT EXAMINATION BY MR. BELL:

BRIAN TRAVIS - REDIRECT EXAMINATION BY MR. BELL

1 Q. Where was the victim, James David Porter, located?

2 A. The 2400 block a Old Orangeburg Road.

3 Q. Did ya'll need his cell phone to figure out where he was
4 during the murder time frame?

5 A. No, we did not.

6 Q. Are you aware of whether or not the sheriff's department
7 was ever able to recover the physical phone for Wiley Sisk?

8 A. I do not believe we did.

9 Q. If you had would you have been able to extract off of
10 it?

11 A. Um, Detective Phipps woulda been able to.

12 Q. And are you aware of whether or not the sheriff's
13 department was ever able to recover a physical phone for
14 Charles Morehouse?

15 A. Not to my knowledge.

16 Q. And, again, had it been recovered, does the sheriff's
17 department have the ability to extract text message
18 information off of it?

19 A. We do.

20 Q. Again, was one ever submitted, ---?

21 A. One ---

22 Q. --- found a cell ---

23 A. No.

24 Q. --- phone? And just to clarify 9:48 that's when you
25 testified that a text message exchange occurred between

BRIAN TRAVIS - REDIRECT EXAMINATION BY MR. BELL

1 Charles Morehouse and the victim?

2 A. I believe it was a phone call.

3 Q. Okay. Beg the Court's indulgence, dig out an exhibit.

4 (Pause.)

5 A. I'm sorry, I misheard you. Did you say between the
6 victim or did you say between Mr. Sisk and Mr. Morehouse?

7 Q. The victim and Mr. Morehouse.

8 A. It was a text message.

9 Q. And that was at what time?

10 A. At about, I don't know the exact time, it was about 9:47,
11 9:48.

12 Q. And, again, the very next communication made after that
13 text message between the victim James David Porter and Charles
14 Morehouse who did Charles Morehouse call next?

15 A. Mr. Sisk..

16 Q. Okay, no further questions.

17 THE COURT: You may step down.

18 (Whereupon, the witness left the stand.)

19 MS. MAYES: State calls William Embree.

20 (Whereupon, a discussion was held off the record.)

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

22 THE COURT: Yeah.

23 (Whereupon, a bench conference was held off the record.)

24 (Whereupon, a discussion was held off the record.)

25 (Whereupon, the witness came forward.)

WILLIAM THOMAS EMBREE, JR. - DIRECT EXAMINATION BY MS. MAYES

1 THE CLERK: Place your left hand, raise your right.

2 WILLIAM THOMAS EMBREE, JR., having
3 been first duly sworn, testified as follows:

4 THE CLERK: Have a seat up there, once you're seated need
5 you to state your full name spelling your last.

6 (Whereupon, a discussion was held off the record.)

7 THE WITNESS: Ready?

8 THE CLERK: Yeah.

9 THE WITNESS: William Thomas Embree, Jr., E-M-B-R-E-E.

10 DIRECT EXAMINATION BY MS. MAYES:

11 Q. Will you tell us information about yourself, where are
12 you currently housed?

13 A. I am a inmate at Broad River Correctional Institution.

14 Q. Broad River Correctional Institute, that's a maximum
15 security prison?

16 A. Yes, ma'am.

17 Q. And what crimes are you in a maximum security prison for?

18 A. Kidnapping, involuntary manslaughter.

19 Q. Now prior to convictions for voluntary manslaughter and
20 kidnapping, uh, have you also been convicted in the past of
21 assault and battery of a high and aggravated nature?

22 A. Yes, ma'am.

23 Q. Now prior to, uh, being housed at Broad River
24 Correctional Institute, uh, can you tell us whether or not,
25 uh, you were housed in Lexington County ---

WILLIAM THOMAS EMBREE, JR. - DIRECT EXAMINATION BY MS. MAYES

1 A. Yes, ma'am.

2 Q. --- and specifically at the Lexington County Detention
3 Center.

4 A. Yes, ma'am.

5 Q. Uh, can you tell us whether or not, uh, you were housed
6 at that location between the dates of August 3rd 2015 and
7 March of 2016.

8 A. Yes, ma'am.

9 Q. Can you describe to us, um, where persons are charged
10 with murder are housed at the detention center and how, if at
11 all, they may communicate with one another.

12 A. They are housed generally in the hard pods behind the
13 door, alpha pod, delta pod, uh, second floor F pod. Um, we
14 get rec ever other day, at least an hour a day, sometimes
15 twice a day and, uh, the inmates are let outta their cells,
16 they lock the doors back and we walk around, we're allowed to
17 take showers, get on the phone, et cetera.

18 Q. I wanna ask you prior to, uh, appearing, uh, as a witness
19 in this case, have you been promised anything in exchange for
20 testimony today?

21 A. No, ma'am.

22 Q. Have you been offered any deals regarding your
23 testimony?

24 A. No, ma'am.

25 Q. Have you provided law enforcement, specifically the