

VOLUME II 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

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WILLIAM THOMAS EMBREE, JR. - DIRECT EXAMINATION BY MS. MAYES

1 Lexington County Sheriff's Department, uh, Sergeant Lint with
2 information regarding this case involving Wiley Sisk and a
3 murder?

4 A. Yes, ma'am.

5 Q. The information you provided, uh, to the sheriff's
6 department was based on your communications with who?

7 A. Wiley Sisk.

8 Q. Okay, and where were you when those communications
9 occurred?

10 A. Delta pod, Lexington County Detention Center.

11 Q. And where was he?

12 A. Delta pod, Lexington County Detention Center.

13 Q. You mentioned before something called "rec time," what is
14 rec time?

15 A. Um, uh, and one, let's say Monday, for example, they let
16 you out in the mornin', they do top and bottom, they let half
17 a the bottom out and then the other half out after a certain
18 amounta time, they let you outta your cells, they lock the
19 doors back and you can walk around, you can take a shower, you
20 can get on the phone, uh, canteen, play cards, stuff like
21 that.

22 Q. Do you have rec time one time a day or more than once,
23 uh, describe to us what the frequency of that would be at the
24 Lexington County Detention Center.

25 A. Uh, to -- yesterday, uh, our unit we come out twice, uh,

WILLIAM THOMAS EMBREE, JR. - DIRECT EXAMINATION BY MS. MAYES

1 once in the mornin' and once at night and then today we would
2 come out one time, it's been that way, uh, for the past
3 several years at the detention center.

4 Q. All right, so if I understand correctly it's two times
5 every other day ---

6 A. Yes, ma'am. ..

7 Q. --- one ti -- at least one time a day ---

8 A. Yes, ma'am.

9 Q. --- that you would have the rec time.

10 A. Yes, ma'am.

11 Q. Now how is, uh, how does rec time differ from actually
12 being in your cell?

13 A. Uh, when you're in your cell, you're behind the door,
14 it's only you and your roommates are allowed in the room, uh,
15 the doors are locked and when you're on rec, you can go out,
16 talk to people that are on your rec with you and I think it's
17 1 through 7, there's two tiers, 1 through 14 and then 15
18 through 30 ---

19 Q. Are ---

20 A. --- so ---

21 Q. --- you able to actually communicate with other inmates
22 during rec time?

23 A. Yes, ma'am, if their on your rec.

24 Q. Now the defendant in this case, Wiley Sisk, uh, did you
25 know him even prior, uh, to his arrest on August 3rd of

1 2015?

2 A. Yes, ma'am.

3 Q. Did you know him by face and name?

4 A. I knew him by first name and face.

5 Q. And how had you met him before?

6 A. I did tattoos on the street before they were legal her
7 and he had approached me three or four times about gettin' a
8 tattoo and it would, he had wanted, uh, try to get a tattoo
9 with, you know, mo -- no money and everything and he is always
10 sayin' that, I'm gonna get it, I'm gonna get it, I'm gonna get
11 it but nothin' ever came about.

12 Q. What skills do you have regarding art or tattoos?

13 A. Um, I'm a licensed tattoo artist, um, I can draw anything,
14 I paint, do tattoo, I've done everything pretty much.

15 Q. Is that ever a point of discussion with other inmates?

16 A. Yes, ma'am.

17 Q. Are tattoos done for inmates?

18 A. Yes, ma'am.

19 Q. How so?

20 A. They ---

21 Q. Now how are you able to get a tattoo even if you are
22 incarcerated?

23 A. An -- well it depends. If I'm in the detention center,
24 I'd have to use a, uh, tooth brush with a sharpened staple in
25 it, uh, soot from a chess piece burned in the toilet, if I'm

1 on the yard, I can use a motor ---

2 Q. Okay.

3 A. --- out of a razor.

4 Q. Do inmates want or request tattoos even while
5 incarcerated?

6 A. Yes, ma'am, very frequently.

7 Q. Is that something you can provide?

8 A. Yes, ma'am.

9 Q. Who does the actual art work for your tattoos?

10 A. I do it myself.

11 Q. And since the incarceration of Mr. Sisk in August of 2015
12 can you tell us whether or not you've had the opportunity to
13 discuss tattoos with him.

14 A. Yes, ma'am, I have.

15 Q. Tell us about those interactions with Wiley Sisk.

16 A. Um, I don't get money from home so I would draw pictures
17 and put 'em out on the table durin' rec time to sell and I had
18 one out called "Time kills slowly" and he had approached me
19 about it and used our prior relationship to get a discount on
20 it, said he wanted it for a tattoo.

21 Q. All right, let me stop you right there. Where did you
22 have this tattoo at?

23 A. I had 'em, uh, settin' out on the table durin' rec.

24 Q. All right, and when you say you had them out, these are,
25 uh, images that you have sketched?

WILLIAM THOMAS EMBREE, JR. - DIRECT EXAMINATION BY MS. MAYES

1 A. Yes, ma'am, complete full drawings from full page.

2 Q. And did you approach Mr. Sisk or did he approach you?

3 A. He approached me.

4 Q. And what was he requesting?

5 A. He wanted the "Time kills slowly."

6 Q. And what, if anything, did that lead to?

7 A. Uh, we just started conversatin', he said he wanted it to
8 get and he got down and, uh, I told him that I would do it for
9 him for ten bucks. He had, uh, he continued goin' on s -- you
10 know, tellin' me about his case, everything and what happened
11 and, you know, so . . .

12 Q. And during the course of that conversation, can you tell
13 us, uh, whether or not he related to you, uh, any facts
14 associated with his case.

15 A. Yes, ma'am, he did.

16 Q. What specifically did Wiley Sisk say to you as to
17 whether, uh, he was involved?

18 A. Yes, ma'am, he said that he, uh, him and Chuck Morehouse
19 had been owed money from a guy and that the guy had been
20 avoidin' them and so Chuck finally got ahold of the guy and
21 had him meet him on Old Orangeburg Road but that Wiley had
22 been dropped off beforehand and ---

23 Q. All right, ---

24 A. --- was hidin' in the woods and when the victim and Chuck
25 showed up he came out and had taken his shoes off and hit the

WILLIAM THOMAS EMBREE, JR. - DIRECT EXAMINATION BY MS. MAYES

1 guy with a bat and the guy fell, Chuck shot him three or four
2 times and then Wiley said he gave him the gun and told him to
3 finish it.

4 Q. All right, let me stop you right there.

5 A. Um-hum.

6 Q. Uh, where did he state to you, uh, that this incident
7 occurred?

8 A. Old Orangeburg Road.

9 Q. He stated to you that, uh, he was with, uh, what other
10 person?

11 A. Chuck Morehouse.

12 Q. You said, uh, he stated that he had been dropped off
13 beforehand, ---

14 A. Yes, ma'am.

15 Q. --- and where was he?

16 A. He was hidin' in the edge a the woods.

17 Q. And when you say "he," you're referring to who?

18 A. Wiley Sisk.

19 Q. And what, if anything, did he state to you that he had
20 with him?

21 A. A baseball bat.

22 Q. What happened next?

23 A. Said he had taken his shoes off so the guy couldn't hear
24 him comin' up behind him and he said he come up behind him and
25 hit the guy in the rear with a baseball bat and when the guy

WILLIAM THOMAS EMBREE, JR. - DIRECT EXAMINATION BY MS. MAYES

1 fell that Chuck shot him three or four time in the chest and
2 then gave the gun to Wiley and told him to finish it. Wiley
3 said he shot him in the head and it got him so excited that it
4 got his dick hard.

5 Q. Stated to you that he hit the victim with the bat?

6 A. Yes, ma'am.

7 Q. And then what happened, uh, to the victim?

8 A. He fell.

9 Q. Fell where?

10 A. Uh, just said he fell right there by the side a the road
11 and Chuck shot him.

12 Q. And where did Mr. Sisk tell you he shot victim?

13 A. In the head.

14 Q. What was the attitude or mood, demeanor of Mr. Sisk when
15 he told you about this event?

16 A. Boastful would be a good word, um, cocky almost.

17 Q. What you just told us that, uh, he stated, uh, to you,
18 was that contemporaneous or at the same time he was telling
19 you about these events?

20 A. Yes, ma'am.

21 Q. Mr. Embree, do you have access, uh, to the materials
22 inside the cell of Wiley Sisk?

23 A. No, ma'am.

24 Q. Do you ever share a cell with him?

25 A. No, ma'am.

WILLIAM THOMAS EMBREE, JR. - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. Do you have any way of knowing, uh, prior to that
2 conversation with Mr. Sisk, uh, that a bat was associated with
3 this crime?

4 A. No, ma'am.

5 Q. Do you have any way of knowing that the victim sustained
6 all of the gunshot wounds while on the ground?

7 A. No, ma'am.

8 Q. Who was the source a that information?

9 A. Wiley Sisk.

10 Q. What was your understanding of the role or relationship
11 between Wiley Sisk and Charles Morehouse?

12 A. Uh, they were friends.

13 Q. Nothing further.

14 CROSS-EXAMINATION BY MS. ZMROCZEK:

15 Q. Mr. Embree, what pod were you in?

16 A. Delta pod.

17 Q. What room were you in?

18 A. Room 12.

19 Q. The whole time?

20 A. Yes, ma'am.

21 Q. Never got moved once out of room 12?

22 A. No, ma'am. When ---

23 Q. The whole ---

24 A. --- I come through ---

25 Q. --- ti ---

WILLIAM THOMAS EMBREE, JR. - CROSS-EXAMINATION BY MS. ZMROCZEK

1 A. --- intake they moved me to room 12 and that's where I
2 stayed until I left. When I got sentenced, they sent me to
3 second floor for a mental health evaluation.

4 Q. So you were in room D12 for the entire time that you
5 were, um, on D pod.

6 A. Yes, ma'am.

7 Q. Never got moved to another room.

8 A. No, ma'am.

9 Q. Never had any back issues?

10 A. No, ma'am.

11 Q. You, uh, what room was Wiley in?

12 A. Thirteen.

13 Q. And he never got moved to another room?

14 A. He got moved to a different pod a couple weeks later ---

15 Q. A ---

16 A. --- due ---

17 Q. --- couple ---

18 A. --- to an alt ---

19 Q. --- weeks later? Actually ---

20 A. Yes, ma'am.

21 Q. --- eight days later, right?

22 A. I'm not sure.

23 Q. You're not sure about that?

24 A. I'm sure he moved, I'm not sure about how many days it
25 was.

1 Q. Okay, but y -- but all these other details that you're
2 sure about but you're not sure about that one, right?

3 A. Yes, ma'am.

4 Q. Okay, so let's go with your number a couple weeks, let's
5 go 14 days, how 'bout that?

6 A. Yes, ma'am, um-hum.

7 Q. All right, so in 14 days, after 483 bein' in the jail,
8 you're the only person that he decides to tell you what
9 happened?

10 A. Not sure. I know he told me, I don't know who else he
11 told.

12 Q. He's not the only one who told you stuff though, is he?

13 A. That's the only other person tells me anything.

14 Q. You have -- you you are snitchin' on three other cases
15 too, aren't ya?

16 A. If they do somethin' wrong, if they're gonna tell me what
17 they're doin' then I'm gonna come forward ---

18 Q. Okay.

19 A. --- and try to help people if I can, yes, ma'am.

20 Q. Maybe let -- maybe answer -- let me ask the question
21 different. You are snitching on at least three other cases,
22 correct?

23 A. Yes, ma'am.

24 Q. So four people in the jail just come up to you and bear
25 their soul, right?.

1 A. Pretty much.

2 Q. And you, when you got arrested and you 'ventually pled to
3 voluntary manslaughter and kidnapping, right, ---

4 A. Yes, ma'am.

5 Q. --- but you were already in prison for ABHAN when you got
6 arrested for that, right?

7 A. Yes, ma'am.

8 Q. Okay. And you're familiar with a downward departure,
9 aren't you?

10 A. No, ma'am.

11 Q. Oh, you didn't know that if you provide testimony that
12 you could get a time cut?

13 A. Yes, ma'am.

14 Q. Oh, you did know that, right?

15 A. Yes, ma'am, I didn't know it was called "downward
16 departure" though.

17 Q. Okay. What's it called to you?

18 A. That time cut is what ---

19 Q. Time ---

20 A. --- everybody calls ---

21 Q. --- cut.

22 A. --- it, yes, ma'am.

23 Q. How many years of your life do you have to spend behind
24 bars?

25 A. Fifteen more.

- 1 Q. Fifteen more. How many were you sentenced to?
- 2 A. Twenty-five.
- 3 Q. Twenty-five years. How old are you now?
- 4 A. Thirty-eight.
- 5 Q. You'd do anything to get out sooner, wouldn't you?
- 6 A. Yes, ma'am.
- 7 Q. Just say anything to get out sooner, wouldn't you?
- 8 A. No, ma'am.
- 9 Q. You wouldn't?
- 10 A. No, ma'am.
- 11 Q. Oh. You, um, don't particularly care to follow the
- 12 rules, do you?
- 13 A. I try as best I can.
- 14 Q. You try as best you can. It's illegal to give tattoos in
- 15 jail, isn't it?
- 16 A. Yes, ma'am, it is.
- 17 Q. So you don't try about that rule, right?
- 18 A. Haven't given any in jail.
- 19 Q. You've never given any in jail?
- 20 A. Not in the detention center, no, ma'am.
- 21 Q. But you tried.
- 22 A. That the money woulda came through, yes, ma'am, I would
- 23 have.
- 24 Q. You woulda done that to benefit yourself, right?
- 25 A. Yes, ma'am.

1 Q. Okay, because you'll do anything to benefit yourself?

2 A. Not anything, no.

3 Q. Okay, so can ya give tattoos in prison?

4 A. Yes, ma'am.

5 Q. Have you given tattoos at -- you're allowed to give
6 tattoos in prison?

7 A. No, ma'am.

8 Q. Okay, that's my question. Have you given tattoos in
9 prison?

10 A. Yes, ma'am.

11 Q. So you don't care about those rules.

12 A. Uh, it's a little bit different 'tween killin' somebody
13 and doin' a tattoo.

14 Q. Is it?

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

16 Q. Okay, so I'm not askin' about that, what I'm askin' about
17 is followin' the rules, okay, ---

18 A. Um-hum.

19 Q. --- so you, it's okay for you not to follow the rules if
20 you get some benefit, right?

21 A. That so it would seem.

22 Q. So it would seem.

23 A. So it would seem.

24 Q. So it would seem 'cause you get money, you get canteen,
25 you get benefits by doin' things that you know you're not

1 supposed to do.

2 A. Sometimes occasionally, yes, ma'am.

3 Q. And and I wanna make sure that that I understand what
4 what this confession was. So Mr. Sisk takes off his shoes ---

5 (Unidentified juror sneezed.)

6 UNIDENTIFIED JUROR: 'scuse me.

7 Q. Bless you. Takes off his shoes and he's runnin' around
8 the dirt, sand, road barefoot, is that what he tells you?

9 A. Said he ran up on the guy from behind hit him with a
10 bat ---

11 Q. Barefoot.

12 A. --- with no shoe, yes, ma'am.

13 Q. Okay, so he's runnin' through the sand barefoot with a
14 bat, where'd he hit him?

15 A. Said he hit him in the ribs.

16 Q. In the ribs. A good solid hit? Did he tell ya about
17 it?

18 A. He didn't say, just said he hit him in the ribs.

19 Q. And then he said he fell down?

20 A. Yes, ma'am.

21 Q. And then Chuck Morehouse just lets loose.

22 A. Yes, ma'am.

23 Q. How many shots?

24 A. Three or four is what he said.

25 Q. Okay. And then, and then what's he do with the bat?

WILLIAM THOMAS EMBREE, JR. - REDIRECT EXAMINATION BY MS. MAYES

1 A. He didn't say.

2 Q. Didn't tell ya that part? Uh, but he gets the gun.

3 A. She [sic] said Chuck handed him a gun and told him to
4 finish it.

5 Q. To finish it off ---

6 A. Yes, ma'am.

7 Q. --- while he's layin' on the ground.

8 A. Yes, ma'am.

9 Q. Finish him off while he's layin' on the ground. Where
10 was that shot that he finished him off and laid him on the
11 ground?

12 A. Said he shot him in the head.

13 Q. He shot him in the head while he was layin' on the
14 ground, that's what he told you, right?

15 A. Yes, ma'am.

16 Q. Okay. Thank you, Mr. Embree.

17 A. You're welcome.

18 REDIRECT EXAMINATION BY MS. MAYES:

19 Q. And, Mr. Embree, let me ask you this: Regarding
20 substantial assistance or anything of that nature, have you
21 been promised anything in exchange for testimony in this case?

22 A. No, ma'am.

23 Q. Who did you first alert that you had information
24 regarding this murder?

25 A. My attorney.

1 Q. Your attorney Brad Kirkland?

2 A. Yes, ma'am.

3 Q. Who's the person who actually notified law enforcement
4 that you had information?

5 A. My attorney.

6 Q. Would you have had any way of knowing ---

7 A. Uh, ---

8 Q. --- that this victim had multiple gunshot wounds ---

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

10 Q. --- or was shot in the head?

11 A. No, ma'am.

12 Q. Did you even know James David Porter the third?

13 A. No, ma'am.

14 Q. Nothing further.

15 THE COURT: Okay, you can step down, be careful.

16 THE WITNESS: Um-hum.

17 (Whereupon, the witness left the stand.)

18 THE COURT: All right, let's take us few minutes break.

19 Ya'll step in the jury room, can't begin discuss the case.

20 (Whereupon, a recess was taken.)

21 (The following takes place outside the presence of the
22 jury.)

23 MS. MAYES: Your Honor, ---

24 THE COURT: Huh?

25 MS. MAYES: --- before the, uh, next witness which is,

JAMES L. HICKMAN - DIRECT EXAMINATION BY MS. MAYES

1 THE COURT: All right, bring 'em.

2 THE BAILIFF: Yes, sir.

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

4 THE COURT: All right, Ms. Mayes.

5 MS. MAYES: The State calls James Hickman.

6 (Whereupon, the witness came forward.)

7 JAMES L. HICKMAN, having been
8 first duly sworn, testified as follows:

9 THE CLERK: Have a seat, sir. Once you're seated state
10 your full name spelling your last.

11 THE WITNESS: James L. Hickman, H-I-C-K-M-A-N.

12 DIRECT EXAMINATION BY MS. MAYES:

13 Q. Good afternoon, Detective Hickman, how are you?

14 A. Just fine.

15 Q. And, uh, where are you currently employed and in what
16 capacity?

17 A. Lexin [sic] County Sheriff's Department as a latent
18 examiner.

19 Q. And when you say "latent examiner," you're referring to
20 what?

21 A. Fingerprints.

22 Q. Fingerprint analysis.

23 A. Yes, ma'am.

24 Q. Now, how long have you had a law enforcement career?

25 A. Little over forty years.

JAMES L. HICKMAN - DIRECT EXAMINATION BY MS. MAYES

1 Q. And can you tell us approximately how much of this time
2 have included crime scene work, crime scene investigation,
3 specifically in the field of latent print examination.

4 A. Uh, pretty close to, uh, thirty-eight years of it has
5 been included in the forensic and fingerprints.

6 Q. All right, thirty-eight years of experience specifically
7 in the field of latent prints.

8 A. Yes, ma'am.

9 Q. Again, the term "latent prints" is a reference of
10 fingerprint?

11 A. Yes, ma'am.

12 Q. Is specific training available to law enforcement in the
13 field of latent print examination?

14 A. Yes, ma'am.

15 Q. Is it generally accepted as reliable among other peers in
16 your field of latent print examination?

17 A. Yes, ma'am.

18 Q. Is the type of work that you do at the sheriff's
19 department regarding latent print examination subject to peer
20 review?

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

22 Q. Is it considered scientifically reliable?

23 A. Yes, ma'am.

24 Q. Have you been qualified previously as an expert regarding
25 your opinion as to latent print examination?

JAMES L. HICKMAN - DIRECT EXAMINATION BY MS. MAYES

1 A. Yes, ma'am.

2 Q. Have you been qualified previously as an expert in a
3 court of this state regarding latent print examination?

4 A. Yes, ma'am.

5 Q. Is it possible to estimate how many such times?

6 A. Uh, I think it's about seven or eight times.

7 Q. And that includes a speci -- or that is specific to
8 latent print examination?

9 A. Yes, ma'am.

10 MS. MAYES: Uh, Your Honor, at this time the State would
11 offer Detective James Hickman as an expert in the field of
12 latent print examination.

13 THE COURT: Any voir dire, ma'am?

14 MS. ZMROCZEK: Just briefly.

15 DIRECT EXAMINATION BY MS. ZMROCZEK:

16 Q. Um, Investigator Hickman, uh, is there -- are there any,
17 um, scientific methods that fingerprint examiners are required
18 to follow?

19 A. I'm not quite understanding exactly what you're askin'
20 me.

21 Q. Uh, do ya'll have, uh, empirical data that you can base
22 it off of or is it just observations and what you think
23 matches?

24 A. No, ma'am, it's a scientific method that we use, it's
25 re -- commonly referred to as the "ACE-V method."

JAMES L. HICKMAN - DIRECT EXAMINATION BY MS. MAYES

1 MS. ZMROCZEK: Okay. Thank Your Honor, that's all I
2 have.

3 THE COURT: All right, Mr. Hickman been qualified as an
4 expert in latent print examinations.

5 BY MS. MAYES:

6 Q. Now, Detective Hickman, did you have an opportunity to
7 conduct latent print analysis or examination in this case
8 involving the State of South Carolina vs. Wiley Sisk
9 investigation for murder?

10 A. Yes, ma'am, I did.

11 Q. Gonna show you a document and ask you whether or not you
12 recognize it, State's Exhibit, uh, 165.

13 A. Yes, ma'am, I do.

14 Q. All right, how so?

15 A. It's got my initials and the date on the back of it where
16 I received it from our property room.

17 Q. And what is this, actual document, what does it
18 contain?

19 A. It's what we commonly refer to as a "lift," it's a, in
20 the field when the, uh, officers, uh, find a latent print, uh,
21 they lift, process it, lift it and put it on a card which is
22 and on the back a the card they put certain information on it
23 and then . . .

24 Q. And this particular lift is associated with the front
25 hood of the, uh, Chevy Impala?

JAMES L. HICKMAN - DIRECT EXAMINATION BY MS. MAYES

1 A. Yes, ma'am, it's got the location the latent print lift
2 is the front hood of the Chevy Impala.

3 Q. All right. What is the next step once you actually
4 receive that latent print, uh, lift from your evidence room?

5 A. I take it, look at it, analyze it, determine if the
6 latent print is a good quality and quantity, there's enough
7 in -- information there for me to do anything with, uh, then I
8 take it and enter it into our AFIS machine, that's our
9 Automated Fingerprint Identification System, which is, uh,
10 linked directly to SLED and, uh, uh, the fingerprint file
11 there, I can also go to the FBI fingerprint file if it's
12 required. Uh, once I put it in, I, uh, put it into the
13 machine or the computer and it will give me a answer back at
14 sometime. It will go through all fingerprints at, uh, SLED
15 and then it will give me twenty candidates back, twenty people
16 or twenty numbers, I don't know any names at this time, it's
17 just, uh, twenty candidates. I have start at the top a the
18 list and usually it gives me a list and at the top one is the
19 most important one, it's in sort of an order, I start at the
20 top a the list and go down and compare them side by side on
21 the screen of the, uh, computer, once I've made an
22 identification there and looked at it I then say, I take the
23 original latent, pull the fingerprint card from the SLED date
24 at base I take that fingerprint card, uh, from the SLED
25 database, I take that fingerprint card or in this case palm

JAMES L. HICKMAN - DIRECT EXAMINATION BY MS. MAYES

1 print card and put 'em side by side and look at each one, I
2 compare the latent to the known present and it's the one I got
3 from SLED and determine if there's a match. To be a match, I
4 have to have, there's points of identification on it, what we
5 call "minutiae points" which is basically if you look at your
6 hand or your fingers you'll see ridges on there and, um, those
7 stop ridge stop, ridge endings, they fork, bifurcations, uh,
8 there's dots, uh, there's uh, trifurcations on there, those
9 are points identification for me, I look for these points, I
10 find one on the latent print and then I go to the, uh, known
11 print or old print and find it there.

12 MS. ZMROCZEK: Your Honor, it's -- I'm sorry, I'm sorry,
13 Mr. Hickman, for interrupting, may we briefly approach, ---

14 THE COURT: Um-hum.

15 MS. ZMROCZEK: --- I'm sorry.

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

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

18 THE COURT: Um-hum.

19 BY MS. MAYES:

20 Q. Do you have a copy of the, uh, known prints as part of
21 your file?

22 A. Yes, ma'am.

23 Q. All right, so I'm gonna put this in lay person's terms if
24 if that may, uh, help ---

25 A. Yes, ---

JAMES L. HICKMAN - DIRECT EXAMINATION BY MS. MAYES

1 Q. --- and ---

2 A. --- ma'am.

3 Q. --- what you're doing is you're taking the unknown print
4 which is the latent that's been lifted from the hood ---

5 A. Yes, ma'am.

6 Q. --- and you're comparing it to a known print, correct?

7 A. Yes, ma'am.

8 Q. And, uh, ultimately did you have the opportunity to
9 compare that print from the hood to a known print for Wiley
10 Sisk?

11 A. Yes, ma'am.

12 Q. All right. And I'm gonna show you a document and ask you
13 whether or not you recognize it, State's 108.

14 A. Yes, ma'am, I do.

15 Q. Who prepared this exhibit?

16 A. Uh, the solicitor's office prepared the exhibit but
17 what's on there myself I've compared it to and put it in a
18 photograph.

19 Q. All right, can you tell us whether or not the known and
20 the unknown prints depicted in this exhibit are a fair and
21 accurate representation of the known and unknown print that
22 you examined.

23 A. Yes, ma'am.

24 MS. MAYES: Uh, Your Honor, at this time this would be
25 State's 108 as evidence.

JAMES L. HICKMAN - DIRECT EXAMINATION BY MS. MAYES

1 MS. ZMROCZEK: Without objection.

2 THE COURT: And that'll be admitted without objection.

3 (State's Exhibit No. 108, diagram, admitted into
4 evidence.)

5 BY MS. MAYES:

6 Q. So wanna ask you, uh, if you can, uh, just in the most
7 general way, uh, let us know a little bit more about latent
8 prints. Are latent prints unique to every individual?

9 A. That's true. Your fingerprints whenever you're born,
10 before your your mother let's you come into the world or you
11 left your mother, it's, uh, we start developing them on our
12 skin, they scay -- stay on our skin the fingerprint in some
13 shape or form until we die and are turned to dust again, the
14 only change that's ever made is they get bigger which it, when
15 you grow bigger or if you have some accident or surgery,
16 somethin' like this it can destroy or move it around, not
17 destroy the complete print but make it a little different so
18 every person is unique there has been, far as I know there's
19 been no two people the same fingerprints ever been found in
20 the world, uh, since the early, uh, 1800s is whenever, one
21 year when these first started into it real serious, uh,
22 fingerprints have been in our history all the way back to the,
23 uh, Chinese, ---

24 Q. All right, ---

25 A. --- yeah.

JAMES L. HICKMAN - DIRECT EXAMINATION BY MS. MAYES

1 Q. --- so in in talking and in regards to uniqueness of
2 fingerprints, can you tell us whether or not that also, uh,
3 includes, hands, palms, other aspects of the body.

4 A. Yes, ma'am, uh, that we commonly refer it to everything
5 as fingerprints but if you'll look on your, on your feet, your
6 hands, all these things that you grab that you walk, as you
7 turn around, uh, there's ridges on there is to help us, uh,
8 grab hold of things and hold onto it, uh, they're on our toes,
9 on bottom of our feet, our palms, on our hands and on our our
10 fingers.

11 Q. Were you able ultimately to determine what part of the
12 hand you had received a latent lift from in this case?

13 A. Yes, ma'am, I was.

14 Q. What part a the hand was that?

15 A. It was the left palm print.

16 Q. Left palm print?

17 A. Yes, ma'am.

18 Q. Detective Hickman, I'm gonna ask you to step down and
19 describe to us, uh, the process involved and I wanna ask you,
20 uh, before we get there whether or not you were able to make a
21 match in this case.

22 (Whereupon, the witness left the stand.)

23 A. Yes, ma'am, I was.

24 Q. Were you able to determine who the unknown latent lift
25 from that Chevy, uh, hood was?

JAMES L. HICKMAN - DIRECT EXAMINATION BY MS. MAYES

1 A. Yes, ma'am.

2 Q. Who did that lift belong to?

3 A. It's the defendant's.

4 Q. The defendant Wiley Sisk?

5 A. Yes, ma'am.

6 Q. Tell us what we're looking at here (indicating), closer,
7 in fact, I'm gonna ask you to step around so the court
8 reporter can hear you.

9 (Whereupon, the witness complied.)

10 A. You'll look on the chart, we'll call this, refer to it as
11 a chart, if you'll look on here (indicating) you'll see at the
12 top I got known and unknown lift, known would be the known
13 palm print that I received, the unknown would be the latent
14 that we were just talkin' about. To do the identification is
15 just like this: I'm sure all of ya has looked in the papers on
16 Sunday and seen those, uh, I think they call 'em Hocus Pocus
17 where ya have to pick out six differences in the two
18 photographs on there, this the same thing, I'm lookin' at
19 these two images here (indicating), find and determine if they
20 are the same or if there's any difference in 'em, so what I do
21 is I find me a a spot like here (indicating), this is a ridge
22 endin' here (indicating) and it's in this (indicating) general
23 location, I've marked it number 1, then I'll go over to the
24 known and I'll find the same one, you'll see here (indicating)
25 it's a little ridge endin' there (indicating) and then what

JAMES L. HICKMAN - DIRECT EXAMINATION BY MS. MAYES

1 I'll do from there, I'll count the ridges down to another
2 point which is here (indicating) which is another ridge
3 endin', I believe there's seven ridges there, I'll come back
4 over here (indicating) and I'll count seven ridges down. Now
5 when I'm referrin' to "ridges," I'm referrin' to these black
6 lines here (indicating), these are the raised portions on your
7 fingers, so I just count down the number a ridges and find
8 another one, number 2 is a a ridge endin' also, uh, they're in
9 the same location on both of 'em, the same number a ridges
10 between the two points, then I cou -- start down here
11 (indicating) and I count the ridges down until I find another
12 point and point 3 is nine ridges down, down to here
13 (indicating) and that is a dot, what we call a dot, it's just
14 a, like a dot, uh, there (indicating), it's real real short
15 ridge, then I'll go back over to the known and again I'll
16 start at the known here (indicating) and I'll count, uh, nine
17 ridges down and there's the dot here (indicating). I keep on
18 goin' around until I get a sufficient number that makes me
19 know that these two prints are same. In this (indicating) one
20 I happen to do five on this (indicating) side and five on here
21 (indicating) which is ten, ten known points.

22 Q. All right, and before you actually pulled this known
23 print that belonged to, uh, Wiley Sisk, uh, you mentioned
24 before that, uh, you had put the unknown print into AFIS,
25 are ---

JAMES L. HICKMAN - DIRECT EXAMINATION BY MS. MAYES

1 A. Yes, ma'am.

2 Q. --- you a a trained, uh, AFIS examiner ---

3 A. Yes, ma'am, I'm, ---

4 Q. --- or ---

5 A. --- uh, certified by SLED, South Carolina Law Enforcement
6 Division, as an AFIS examiner.

7 Q. All right. Who actually provides to you the number or
8 name of any prints to pull?

9 A. Uh, the investigator officer or someone else puts in a
10 request with the sheriff's department and request that I look
11 at these particular ones, in this incident I can't remember
12 who it was on this but I got a request for it.

13 Q. All right. And in terms of AFIS, who actually gives you
14 the numbers of potential suspects?

15 A. That AFIS itself, the computer itself gives me the
16 numbers.

17 Q. All right, so at the time you pulled the known print, uh,
18 for Wiley Sisk, what did you have to do to even get a name on
19 him if it gave you a number?

20 A. At the top of the, uh, screen that comes up there's a a
21 number up there that's called "SID" number used to ---

22 Q. All right, ---

23 A. --- put ---

24 Q. --- let let me, let me ask you this way, ---

25 A. Yes, ma'am.

JAMES L. HICKMAN - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. --- um, are -- does the investigator tell you to pull a
2 print on Wiley Sisk or do you obtain that information from
3 AFIS?

4 A. Okay, it can be either way, uh, he can give me a name or
5 I get the name straight outta AFIS when I pull fingerprint
6 card up.

7 Q. To a reasonable degree of scientific certainty, Detective
8 Hickman, can you tell us whether or not this palm print, the
9 left palm print on the Chevy hood Impala is the same or
10 identical to the known palm print of Wiley Sisk?

11 A. Yes, ma'am, it is the same.

12 Q. All right, you may return.

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

14 Now in this particular case, uh, did you have a firearm
15 to actually check, uh, for any latent prints on a firearm?

16 A. No, ma'am.

17 Q. All right. Uh, was a firearm actually recovered in this
18 murder investigation?

19 A. No, ma'am.

20 Q. Nothing further, Your Honor.

21 CROSS-EXAMINATION BY MS. ZMROCZEK:

22 Q. Investigator Hickman, uh, ---

23 A. Yes.

24 Q. --- all right, do you do other things besides fingerprint
25 impressions?

1 A. Yes, ma'am.

2 Q. But do ya do sh, uh, footprint?

3 A. Yes, ma'am.

4 Q. Um, tire ---

5 A. Yes, ma'am.

6 Q. --- comparisons? Okay, did ya do those in this case?

7 A. Uh, yes, ma'am.

8 Q. Okay. Um, were you ever provided any pictures of, um,
9 the road, uh, the dirt road where this happened?

10 A. Yes, ma'am.

11 Q. Okay. And in those pictures, how many pictures of toes
12 or bare feet did you see runnin' around?

13 A. No bare feet.

14 Q. No bare feet? Any sock feet?

15 A. No, ma'am.

16 Q. Okay. All shoes, different kinds a shoes and boot prints
17 and and ---

18 A. Yes, ma'am.

19 Q. --- tennis shoe prints, right?

20 A. Yes, ma'am.

21 Q. Okay. Okay. And, um, or that bein' a dirt road and
22 there being a lot of vehicles, were you able to make any
23 comparisons with any tires?

24 A. I did an examination on on some tires and two vehicles,
25 yes, ma'am, I did do that.

JAMES L. HICKMAN - REDIRECT EXAMINATION BY MS. MAYES

1 Q. But were ya able to make any comparison or connections?

2 A. No, I did ---

3 Q. O ---

4 A. --- not make any identification on that.

5 Q. --- okay. Um, and what happens is well if if if it's a
6 sandy dirt road and you get more than one vehicle, can that
7 alter the the impression that's made?

8 A. Yes, ma'am.

9 Q. Uh, if the car is drivin' and then then it does like a
10 3-point turn, can that alter the impressions?

11 A. No, ma'am.

12 Q. Okay. If people are walkin' over 'em to collect ---

13 A. If ---

14 Q. --- evidence?

15 A. --- if people walk over 'em or other cars drive over 'em,
16 yes, it will obliterate the la, uh, the print ---

17 Q. Okay.

18 A. --- there.

19 Q. And, uh, you were provided -- were you provided, um, any
20 shell casings to do fingerprints off of?

21 A. No, ma'am.

22 Q. Okay. I have no further questions, thank you.

23 REDIRECT EXAMINATION BY MS. MAYES:

24 Q. Briefly. Uh, you've been to that location on Old
25 Orangeburg Road, the dirt portion?

1 A. Yes, ma'am.

2 Q. You're familiar with the conditions out there regarding
3 the sand?

4 A. Yes, ma'am.

5 Q. What can you tell us in that regard?

6 A. Uh, there's various soft sands on the s, on the side of
7 the roads, uh, to me it's just a typical dirt road and in the
8 middle it's sorta hard-packed clay or dirt and it could be
9 some sand across it, uh, very easily disturbed.

10 Q. All right, but you mentioned, uh, towards the end or edge
11 of the road, what can you tell us about the sand in that
12 area?

13 A. It's very deep and, uh, very loose.

14 Q. All right, when you say "very deep and very loose," uh,
15 in those locations, uh, such as around the body, uh, are you
16 able to necessarily distinguish between, uh, sock feet, shoe
17 prints, things of that nature?

18 A. Yes, ma'am.

19 Q. Well specifically in this case were any prints from
20 around the body recovered? What I'm referring to is in the
21 soft deep portion of the ---

22 A. Oh, ---

23 Q. --- sand.

24 A. --- that there's none, none recovered but I could see
25 where some, uh, images or tracks were in the soft sand.

JAMES L. HICKMAN - REDIRECT EXAMINATION BY MS. MAYES

1 Q. All right. And specifically, uh, regarding that area
2 around, uh, the soft sand, uh, were you able to make any, uh,
3 were you able to preserve anything, any type of impressions
4 that were suitable for analysis?

5 A. No, ma'am.

6 Q. And regarding, uh, tire prints that Ms., uh, Zmroczek
7 asked you about, how frequently is that road traveled, uh,
8 during the daytime?

9 A. Very often. Give you example, the day I was there I
10 think there's about ten cars passed me within within an
11 hour.

12 Q. Nothing further.

13 THE COURT: All right, you can step down.

14 THE WITNESS: All right, thank you, sir.

15 (Whereupon, the witness left the stand.)

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

17 THE COURT: Yes, ma'am.

18 (Pause.)

19 MS. MAYES: At this time, Your Honor, the State will
20 rest.

21 THE COURT: All right, um, Mr. Robinson, I've gotta put a
22 few things on the record so ya'll can take a few minutes
23 break, maybe about, I don't know ten, at least I'm gonna give
24 you fifteen and I'll decide what else we're gonna get done
25 today and, um, get ya'll back out here shortly, so ya can't

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 testimony they wish. Ms. Zmroczek, you wanna call a witness?

2 MS. ZMROCZEK: We do, Your Honor, we would like to call
3 Mr. Riley [sic] Sisk.

4 THE COURT: All right, Mr. Sisk, come forward and be
5 sworn.

6 (Whereupon, the defendant came forward.)

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

8 WILEY SISK, having been first duly
9 sworn, testified as follows:

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

12 THE DEFENDANT: Wiley Sisk.

13 DIRECT EXAMINATION BY MS. ZMROCZEK:

14 Q. Is okay if I call you Wiley?

15 A. Yes, ma'am.

16 Q. Um, Wiley, did we meet last night?

17 A. Yes, ma'am.

18 Q. And what was the first thing I told you?

19 MS. MAYES: Objection, Your Honor, calls ---

20 THE COURT: Rephrase ---

21 MS. MAYES: --- for ---

22 THE COURT: --- your question.

23 MS. MAYES: --- hearsay?

24 MS. ZMROCZEK: I'll rephrase the question. Your Honor,
25 I'll rephrase the question.

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 BY MS. ZMROCZEK:

2 Q. Mr. Sisk, when we met last night, what was your
3 understanding of what you're gonna do today?

4 A. Tell nuttin' but the truth, the whole truth, nuttin' but
5 the truth.

6 Q. What was your first question?

7 A. Is Chuck Morehouse gonna hear my testimony?

8 Q. Your first question is was Chuck Morehouse gonna hear
9 your testimony.

10 A. Yes, ma'am.

11 Q. Wiley, why is that the most important question to you?

12 A. Because I'm scared for me and my family.

13 Q. Are you scared because what you're gonna tell these
14 jurors?

15 A. Yes, ma'am.

16 Q. And what are you gonna tell these jurors?

17 A. The truth.

18 Q. Wiley, did you have anything to do with the death of
19 James David Porter?

20 A. No, ma'am.

21 Q. Did you know he was gonna be killed?

22 A. No, ma'am.

23 Q. All right, then let's start over. How did you meet
24 Chuck?

25 A. Through a associate named Banger and Sharp.

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 Q. Okay, and your voice is pretty loud so that you don't
2 have to keep leanin' ---

3 A. Okay.

4 Q. --- in if you don't want, um, uh, if if we can't hear
5 you, I'll tell you, okay. I know you're a little nervous so
6 just take a breath, okay.

7 A. Okay.

8 Q. You met Chuck through Ian Sharp, how do you know Ian
9 Sharp?

10 A. Through drugs.

11 Q. Okay. Um, where e -- where were you and Ian or Banger
12 when you met Chuck?

13 A. At a motel.

14 Q. Okay, you can lean a little bit closer, sorry.

15 A. At a motel.

16 Q. Okay. Let me ask you this Wiley: like every other person
17 in this case do you have a drug addiction?

18 A. Yes, ma'am.

19 Q. All right. Uh, where have you been for since August 7th
20 of 2015?

21 A. Incarcerated.

22 Q. Incarcerated in the detention center?

23 A. Yes, ma'am.

24 Q. Have you had any illegal drugs since August 7th of
25 2015?

- 1 A. No, ma'am.
- 2 Q. Okay. Are you on medication now?
- 3 A. Yes, ma'am.
- 4 Q. What kinda medication are you taking now?
- 5 A. Depakote and antidepressant Prozac.
- 6 Q. Okay, and have you been taking that for a while?
- 7 A. Yes, ma'am.
- 8 Q. When did that start?
- 9 A. 'bout ten and a half months ago.
- 10 Q. Okay. Were you on any medication before that?
- 11 A. That no, ma'am.
- 12 Q. All right. So before we get back to how you met Chuck
- 13 and that I want the jury to s -- tell the jury a little bit
- 14 about yourself: how old are you, where did you grow up?
- 15 A. I'm 27, I grew up in Gaston but I was born in North
- 16 Carolina in Fayetteville and ---
- 17 Q. How long did you go to school?
- 18 A. I made it -- I -- last grade I completed was the eighth
- 19 grade.
- 20 Q. Okay. Can you read and write?
- 21 A. Yes, ma'am.
- 22 Q. Have you had a job?
- 23 A. Yes, ma'am.
- 24 Q. Who did you live with when you grew up?
- 25 A. My mother.

1 Q. She been in the courtroom?

2 A. Yes, ma'am.

3 Q. Do you live with your father?

4 A. On and off.

5 Q. Where is your father now?

6 A. He is deceased.

7 Q. You have any siblings?

8 A. I got a little boy.

9 Q. Okay. Do you have any siblings?

10 A. Oh, yeah, I got a brother and a sister.

11 Q. You have a brother and a sister and you have a son.

12 A. Yes, ma'am.

13 Q. How old your son?

14 A. Seven years old.

15 Q. And are you in contact with his mother?

16 A. Yes, ma'am.

17 Q. Okay. What kind of jobs have you done?

18 A. It started like McDonald's and then I went to roofin'

19 'cause it was more money and then 'cause like framin', I can
20 do anything from doin' f -- to a f -- from the footin' to the
21 roof.

22 Q. Okay. How tall are you?

23 A. 6 foot 3.

24 Q. Um, when you -- when did you first start doing drugs?

25 A. When I was about 17.

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 Q. What kinda drugs did you start with?

2 A. The first drug I started with was meth.

3 Q. Okay. How were you introduced to that?

4 A. Through a dealer named Panama.

5 Q. In Gaston?

6 A. It was over there off of Frink Street.

7 Q. Frink Street, Cayce?

8 A. Yeah.

9 Q. Okay. Did you like it?

10 A. Yes, ma'am.

11 Q. How did it make you feel?

12 A. Fast.

13 Q. Um, and when we say "meth," did you start off with ice, I
14 know ice is meth but did you start off with the one-pot method
15 or how how did you ---

16 A. At the time I didn't know but I -- we smoked it out of a
17 light bulb ---

18 Q. Okay. And ---

19 A. --- but it, but it was ice.

20 Q. It as ice? When did you become addicted?

21 A. That, pretty much that day, I mean, but I really
22 couldn't get it 'cause how I, how young I was and my mama
23 didn't know, it was just the people I was hangin' out with in
24 the neighborhood.

25 Q. So let's go back to the people that you started hanging

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 out with. So somewhere along the line you start meeting
2 people like Ian or Banger, they introduce you to people like
3 Chuck, ---

4 A. Yes, ma'am.

5 Q. --- now did you know him as Chuck or how did you know
6 him?

7 A. Just as Chuck.

8 Q. Okay. Uh, and you met him where?

9 A. In Aiken.

10 Q. Okay, so you were in Aiken and you meet him, tell the
11 jury a little bit about that meeting -- oh, when was that,
12 sorry, ---

13 A. Uh, ---

14 Q. --- approximately, it ---

15 A. --- I couldn't tell you.

16 Q. Okay, let me put it in this question: How many months or
17 days or weeks before August 3rd did you meet him?

18 A. Not even a month.

19 Q. Okay. And so well what was the nature of your
20 relationship with him?

21 A. Drugs.

22 Q. Okay. When you just say "drugs," what what kind, what,
23 well don't know what kinda drugs, tell me what kind of
24 relationship it was.

25 A. Just buyin' drugs from him.

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

- 1 Q. Okay, so you would purchase drugs from him.
- 2 A. Yes, ma'am.
- 3 Q. How did you know that he had drugs?
- 4 A. Through everybody I associated with.
- 5 Q. Everybody, all of your friends ---
- 6 A. Yeah, ---
- 7 Q. --- had ---
- 8 A. --- the organization he had.
- 9 Q. Okay, so he has an organization?
- 10 A. Yes, ma'am.
- 11 Q. Um, so, uh, it -- what is his position in this
- 12 organization?
- 13 A. He was the main man who to get what you needed.
- 14 Q. Okay. Did you call him bossman?
- 15 A. Yeah, I, everybody that's superior to me that's what I
- 16 call him.
- 17 Q. Bossman? Everybody that's superior to you?
- 18 A. Yeah, everybody that that I, um, it's just the way I was
- 19 raised like the way when I'm, when I'm workin' on a job the
- 20 bossman I call him boss or you know.
- 21 Q. So you knew that you could get drugs from Chuck, ---
- 22 A. Yes, ma'am.
- 23 Q. --- um, how'd you pay for those?
- 24 A. With money.
- 25 Q. Okay. At any time did that relationship change? Did you

1 ever become the muscle man for Chuck?

2 A. No, ma'am.

3 Q. Was -- were -- was that your job? Did you work for
4 Chuck?

5 A. No, ma'am.

6 Q. Okay. How is it that you started communicating with
7 him?

8 A. We had got a phone call to take Ian Sharp to Aiken to
9 where he can meet him and get some money and and some, and
10 some drugs.

11 Q. Okay. Now let me ask you this: You said to "get some
12 money," do he have people, he he was the leader or the bossman
13 of this organization, um, uh, what kind of people did he have
14 working under him or for him?

15 A. Alls, all categories: Bloods, Crips, Folks, I mean,
16 dopeheads.

17 Q. Drug dealers?

18 A. Drug dealers.

19 Q. Drug users?

20 A. Yes, ma'am.

21 Q. How did drug users eventually end up making money?

22 A. Sellin'.

23 Q. Did you ever sell?

24 A. Yes, ma'am.

25 Q. Okay. Did you ever sell for Chuck?

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- 1 A. No, ma'am.
- 2 Q. Okay. A -- when you sell drugs, how does that work?
- 3 A. You just basically do it to support your own habit.
- 4 Q. Okay. How do ya get those drugs?
- 5 A. From the guy above you.
- 6 Q. Okay. Does he, do you pay the guy above you?
- 7 A. Yeah, ---.
- 8 Q. Okay. What ---
- 9 A. --- or ---
- 10 Q. Go ahead.
- 11 A. --- or or you can get it on a front or if you need you
- 12 say like just sit somewhere and watch sumtin' or sumtin' and
- 13 he could pay you like that.
- 14 Q. Okay, so you could get paid if you had to sit somewhere,
- 15 what about did he pay to beat people up?
- 16 A. Yes, ma'am.
- 17 Q. Okay. Were you one a those people?
- 18 A. No, ma'am.
- 19 Q. Do you know if he had those kinda people?
- 20 A. Yes, ma'am.
- 21 Q. Okay. Have you seen those kinda people before?
- 22 A. Yes, ma'am.
- 23 Q. Where have you seen those people?
- 24 A. On the street in Lexington County.
- 25 Q. More specifically to you where have you seen those

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1 people?

2 A. In Lexington County.

3 Q. The detention center?

4 A. Yes, ma'am.

5 Q. Do you ever see 'em outside your house?

6 A. Yes, ma'am.

7 Q. Did you ever tell this (indicating) officer in a 6-hour
8 interview that you've had with him that you saw him in the
9 house -- at ---

10 A. Yeah.

11 Q. --- outside of your house?

12 A. Yes, ma'am.

13 Q. Okay. What did ya tell him about that?

14 A. That four fellas in a Chrysler 300 come to my mama's,
15 that I was scared.

16 Q. And that was a conversation that you had with the lead
17 detective, Detective Rawl, on August 6th, correct?

18 A. And Detective Couch.

19 Q. And Detective Couch.

20 A. Yes, ma'am.

21 Q. Okay, so let's get to that conversation, Wiley, but
22 before we get there I wanna talk about how you ended up having
23 that conversation, so do you remember August 3rd?

24 A. Yes, ma'am.

25 Q. August 3rd was Monday, right?

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1 A. Yes, ma'am.

2 Q. Okay. August 3rd 2015 how'd you start your day?

3 A. At the Knights Inn, that I woke up that mornin' for
4 checkout.

5 Q. Okay. Why were you stayin' at a hotel?

6 A. Because I was scared to go to my mama's house.

7 Q. Why were you scared to go to your mom's house?

8 A. 'cause I was gettin' high.

9 Q. Okay. Your mom's in the courtroom today and she knows
10 that you're gettin high, ri -- or you were gettin' high,
11 right?

12 A. Yes, ma'am.

13 Q. You didn't want her to know, ---

14 A. Yes, ma'am.

15 Q. --- you were hidin' it from your parents.

16 A. Yes, ma'am, she she definitely didn't approve --
17 disapproved of it.

18 Q. Okay. You're in the Knights Inn, you wake up, tell the
19 jury what happens next.

20 A. I call my girlfriend Jennifer Linderman to come get me
21 and take me to my mama's house so I can get some more
22 clothes.

23 Q. Now were you livin' with your mama?

24 A. Yes, I was.

25 Q. Where, uh, where where did ya'll reside?

1 A. At [] Crestridge.

2 Q. [] Crestridge, okay. So you called Jennifer to go pick
3 you up or to come pick you up, where did ya go next?

4 A. After we went, after we went to my mama's house, Chuck
5 called me, asked me if I wanted to ride over to Aiken with him
6 to make some money because I needed money for my little boy's
7 school clothes and so he gotta have supplies and school --
8 s -- and school school clothes.

9 Q. What was he startin' school this year?

10 A. Yes. No, he -- that was his sec, uh, he did kindergarten
11 but his is first grade, now he's in second.

12 Q. Okay, so he was startin', he was about to start first
13 grade.

14 A. Yes, ma'am.

15 Q. In what school?

16 A. Uh, I don't recall it off -- I don't recall the name.

17 Q. Oh, it was Gilbert?

18 A. It was a new school they just built it off ---

19 Q. The ---

20 A. --- Lost ---

21 Q. --- brand ---

22 A. --- Farm Road.

23 Q. --- school. Okay. And, uh, and he was startin' first
24 grade and you wanted to get some money for his supplies and
25 clothes, right?

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1 A. Yes, ma'am.

2 Q. All right, so what was your, what what was your job, what
3 did Chuck want from you?

4 A. He just wanted me to ride with him to Aiken.

5 Q. Well why did he want you to ride with him?

6 A. I guess he felt lonely.

7 Q. Okay. Um, have you ever ridden with people before?

8 A. Yes, ma'am.

9 Q. Sometimes when you ride with people what jobs do you have
10 when you get there?

11 A. Just to sit in the car and and wait.

12 Q. Okay. So you were gonna ride to Aiken, who do you know
13 that lived in Aiken?

14 A. A dude name, I mean, I didn't ---

15 Q. You know that he knew that lived in Aiken.

16 A. Yeah. Ya'll, I didn't know him at the time but it was a
17 dude named Bradley and he was the dude that went I guess to
18 the cartel to get the big quantities that Chuck was comin' up
19 there to buy.

20 Q. Okay, so the cartel would come to Bradley and you you
21 didn't know his name at the time, right?

22 A. No, I didn't.

23 Q. Okay, you've learned that through the what we call
24 "discovery process," right?

25 A. I mean, I I knew it 'cause I I 'member hearin' Chuck

1 mention it but that was about it.

2 Q. Okay, so Bradley was the main supplier to Chuck, correct?

3 A. Yes, ma'am.

4 Q. And then so Chuck was askin' you to ride down with him to
5 pick up a shipment?

6 A. Yeah, it was approximately about, at the time I thought
7 it was only about 6 ounces.

8 Q. Okay. Do you know how much it was?

9 A. It was 'bout 8 ounces when we got to Snoop's house.

10 Q. Okay. What does 8 ounces look like?

11 A. Like a big, it's it's pretty big crystal, ---

12 Q. Okay, um, ---

13 A. --- it was one solid crystal.

14 Q. All right, it was one solid crystal? Um, it -- now was
15 there like big black suitcase or how was this trans ---

16 A. No, it was in Tupperware dish.

17 Q. Okay, so it's in a Tupperware dish, right?

18 A. Yeah.

19 Q. Um, was it wrapped in Saran Wrap?

20 A. Uh, no, ma'am.

21 Q. Okay, so just a big Tupperware dish, not a big fat
22 suitcase with a handle or any ---

23 A. No, ma'am.

24 Q. Okay. Not a red cooler with a camera on it.

25 A. It it was about as big as a lunch box, you know, zip up

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1 lunch boxes?

2 Q. Okay. All right, and so when you got to Aiken, where did
3 you meet?

4 A. Over there at a trailer, somewhere where a dude name was
5 name is Pops ---

6 Q. His ---

7 A. --- and then ---

8 Q. You went to Pops'?

9 A. Yeah, and then we -- he was waitin' on a phone call
10 then ---

11 Q. "He" who?

12 A. Uh, Chuck Morehouse to to go to the lakehouse but when,
13 uh, when it come up it wasn't a lakehouse, just like a little
14 apartment.

15 Q. Okay, and that's where he was supposed to go make your
16 pickup ---

17 A. Yes, ma'am.

18 Q. --- or ya'll were supposed to go make the pickup?

19 A. Yes, ma'am.

20 Q. Okay. Uh, did the investigators ask you where that
21 trailer was?

22 A. Yes, ma'am.

23 Q. And did you take them there?

24 A. No, ma'am, 'cause I knew I did not know where it was.

25 Q. But they asked you to give directions the best that you

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1 could?

2 A. They asked me if I remembered how to get there but they
3 said that since the case was so high profiled that they
4 wouldn't involve that because they knew on the streets that I
5 hit ou -- like my name was on a hit list.

6 Q. Okay, so, um, has Bradley been arrested to your
7 knowledge?

8 A. I heard he got locked up and he was on the 'nother bond.

9 Q. Okay, so what time, approximately what time are you in
10 Aiken pickin' u -- or with Chuck pickin' up these drugs?

11 A. Well, it was, it was awful early because I 'member he,
12 like when out m -- I left my mama's house he took me, my my
13 sister and them took me to GameStop, that's where Chuck picked
14 me up from GameStop and then we went from there to the gas
15 station to get gas and then we went to there to his house so
16 this is all after lunch, you know, you check outta motel by
17 11, 11:30, then we went to, I went to my mama's then GameStop,
18 the gas station and then we went f -- to his house so he could
19 take a shower.

20 Q. Okay, now you went to his house, um, is that the []
21 Willow Forks place ---

22 A. Yes, ma'am, ---

23 Q. --- that we've heard?

24 A. --- I sat in the car and waited for him.

25 Q. All right, describe that neighborhood for me.

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1 A. It's nice neighborhood, I mean, there's big houses and
2 there's nice, there's nice cars, it's definitely not no
3 trailer park.

4 Q. Similar to where you live or different from where you
5 live?

6 A. Way different.

7 Q. Okay, so were you allowed to come inside or did you go
8 inside?

9 A. No, ma'am, I sat in the car.

10 Q. All right. What kinda car was it?

11 A. It was a Chevy Impala.

12 Q. And is that the Chevy Impala we've been seeing' pictures
13 of?

14 A. Yes, ma'am.

15 Q. Did you ever, um, sit in the driver's seat or always the
16 passenger seat?

17 A. Always the passenger.

18 Q. Uh, when you got in, what did you have to do?

19 A. What do ya mean?

20 Q. Well did ya have to ---

21 A. Well I ---

22 Q. --- move the s ---

23 A. --- always had to move the seat all the way back 'cause a
24 my legs.

25 Q. Okay. So, uh, you get into the Impala, you're sittin'

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1 there while he -- how long did it take for him to shower?

2 A. Uh, maybe thirty minutes if that.

3 Q. Okay. Do you own a wa -- did you have a watch?

4 A. No, ma'am, I ---

5 Q. Okay. All right, so you're -- were you in the driveway?
6 on the street? in the garage?

7 A. We were parked in the driveway behind that Ford Bronco
8 that had the the transmission that was dropped on it.

9 Q. Okay, so they had a transmission ---

10 A. That was dropped on the ground.

11 Q. --- in the Bronco so that wasn't operable.

12 A. No, ma'am.

13 Q. So ya'll were parked behind that car, was there any --
14 were there any other vehicles in the ---

15 A. No, ma'am.

16 Q. See any children?

17 A. I seen a little girl.

18 Q. Okay. Uh, did you see Crystal Morehouse?

19 A. No, ma'am.

20 Q. Have you ever met Crystal Morehouse?

21 A. No, ma'am.

22 Q. Did you know Crystal Morehouse?

23 A. Not until here recently.

24 Q. Okay. Um, did you know that Chuck was married?

25 A. Yes, ma'am.

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1 Q. How did you know that?

2 A. Because he, uh, on his phone it had "my wife" and he'd
3 always be raisin' cane with her.

4 Q. Okay. Um, what, if anything, did you know about his
5 wife?

6 A. I mean, I didn't learn till I got locked up that she was
7 a secretary for James Metts.

8 Q. How did you learn that once you got locked up?

9 A. Because as s -- as soon as like I had got locked up, when
10 I, Morehouse found out that I already had wrote that
11 statement, uh, them boys started threatenin' me and then the
12 word got around to me that a CO could have been bringin' him
13 sumtin' in and then that his wife used to work for James
14 Metts.

15 Q. Okay. After he takes the shower he comes back out to the
16 car?

17 A. Yes, ma'am.

18 Q. And then what happens?

19 A. We are on our way to w -- Aiken.

20 Q. Okay, so you don't get on to Aiken until you've already
21 left the hotel, gone to your mama's house, went to GameStop,
22 went to the gas station, go to the Morehouse house, correct?

23 A. Yes, ma'am.

24 Q. So now you're on your way to Aiken, do you have any clue
25 what time it is?

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- 1 A. No, ma'am.
- 2 Q. Still afternoo -- still light out?
- 3 A. Yes, ma'am, ---
- 4 Q. Okay.
- 5 A. --- it's -- oh, yeah, ---
- 6 Q. Okay, still early. Um, ---
- 7 A. --- 'cause I, 'cause I had told the, I had a told the
- 8 detectives that I really didn't know exact times and they said
- 9 that was fine ---
- 10 Q. Okay.
- 11 A. --- when I, when I had done my statement.
- 12 Q. All right, so you go down to Aiken and how long does that
- 13 take to get down there?
- 14 A. He he probly got there maybe ---
- 15 Q. But it is ---
- 16 A. --- forty-five minutes ---
- 17 Q. Okay.
- 18 A. --- 'cause he drove fast.
- 19 Q. Did ya'll have to wait?
- 20 A. Yes, ma'am, like we, but at the hou -- the trailer we
- 21 went to we waited and he had got some girl to go to Checkers
- 22 and get us some food.
- 23 Q. Okay.
- 24 A. --- so before he's waitin' on a, the phone call to go to
- 25 the, to the lake house.

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1 Q. All right, and that was, so were ya'll waiting at Pops'
2 or did you go to Pops'?

3 A. We were waitin' at Pops'.

4 Q. Waitin' at Pops' then you go to the lake house which is
5 really not a lake ---

6 A. No, ---

7 Q. --- house.

8 A. --- it's a little 'ol apartment.

9 Q. Okay, so you go to the apartment, do you go inside?

10 A. No, ma'am, I sit in the car.

11 Q. Okay. Chuck went inside?

12 A. Yes, ma'am.

13 Q. How, for how long was he in?

14 A. Maybe thirty, forty-five minutes.

15 Q. Okay. What are you doing that whole time?

16 A. I'm just on my phone and texting.

17 Q. Texting?

18 A. Yes, ma'am.

19 Q. Okay. What happens next?.

20 A. To, we are on our way back to Aiken to go to Snoop's
21 house.

22 Q. All right, when you say "Snoop," how do you know Snoop?

23 A. 'cause we had some inner -- innercations a while back
24 and ---

25 Q. You mean ---

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- 1 A. --- well ---
- 2 Q. --- interactions?
- 3 A. Yeah, and ---
- 4 Q. And I'm sorry, I don't mean to embarrass you.
- 5 A. It's all right.
- 6 Q. Um, so you had known Snoop through people.
- 7 A. Yes, ma'am.
- 8 Q. Um, did you know Brittany?
- 9 A. Brittany?
- 10 Q. Moody.
- 11 A. Yes, ma'am.
- 12 Q. How did you know Brittany Moody?
- 13 A. We used to be together, relationship.
- 14 Q. Okay, ya'll used to hook up?
- 15 A. Yes, ma'am.
- 16 Q. Um, how how much earlier in time was this?
- 17 A. How -- when we first met?
- 18 Q. Yes.
- 19 A. Maybe four years, ---
- 20 Q. Okay.
- 21 A. --- five years.
- 22 Q. So it's been sometime.
- 23 A. Yes, ma'am.
- 24 Q. All right. Did ya'll grow up in the same area?
- 25 A. No, we we just hung out with the same crowd, you know,

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1 bla -- birds of a flether [sic] flock together, you know.

2 Q. I do. Uh, so you and Brittany had known each other, um,

3 di -- and you knew Snoop, did ya ---

4 A. Yeah.

5 Q. --- know Erica Waters?

6 A. I did.

7 Q. How did you know Erica?

8 A. Through Snoop.

9 Q. Okay. Uh, had you ever hung out at Snoop's place
10 before?

11 A. Yes, I have.

12 Q. And where was that?

13 A. Over here on Mac Circle.

14 Q. Okay, [] was it that Mac Circle address?

15 A. At, until I had got locked up I didn't know that it, I
16 didn't know that address to it.

17 Q. You just knew it was on Mac Circle.

18 A. Yes, ma'am.

19 Q. Okay, so you're at Mac Circle. Before, let's go back
20 before August 3rd ---

21 A. Yes, ma'am.

22 Q. --- you had hung out at at Mac Circle ---

23 A. Yes, ma'am.

24 Q. --- with Snoop ---

25 A. Yes, ma'am.

1 Q. --- and who else?

2 A. It be, it be, it's a do, it's a dope house, I mean,
3 everybody's there.

4 Q. Okay. Um, is it everybody keeps using this term "dope
5 house," what makes it such a good dope house?

6 A. I mean, you can cook dope there, I mean, not ice but you
7 can do the the shake-n-bake, that's what you do with a bottle.

8 Q. All right, is it in a neighborhood?

9 A. Um, no, ma'am.

10 Q. All right, is it associated with a lotta land area?

11 A. Yes, ma'am.

12 Q. Are there a lotta trees?

13 A. Yes, ma'am, behind ---

14 Q. Okay.

15 A. --- the house there is.

16 Q. Okay, behind the house there is, so there's a lot, uh,
17 lots a areas ---

18 A. It's ---

19 Q. --- back there, right?

20 A. Yes, ma'am.

21 Q. All right, so you've been there before, had you ever been
22 there before with Chuck?

23 A. No, ma'am.

24 Q. Um, so ya'll are headin' to Snoop's, ya'll got there
25 together? ya'll drove, ya'll were still in that, um, Impala?

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1 A. Yes, ma'am.

2 Q. And did you make any stops on the way from Aiken?

3 A. Yes, ma'am.

4 Q. Where'd ya'll stop at?

5 A. At Heather Owens' house. I didn't know her name as
6 Heather, I just knew 'em as b -- as Chuck's girlfriend.

7 Q. You -- okay, and I know -- oh, you were about to say
8 bossman ---

9 A. Yeah.

10 Q. --- and if you're more comfortable, I don't want you to
11 change anything, ---

12 A. Okay.

13 Q. --- okay. Um, so you knew her as bossman or Chuck's
14 girlfriend, ---

15 A. Yes, ma'am.

16 Q. --- um, and ya'll stopped off at her house?

17 A. Yes, ma'am, I ne -- but I had never got outta the car
18 though.

19 Q. Okay. You never got out of the car when ya'll went ---

20 A. Uh-uh (negative), ---

21 Q. --- to have her -- her house ---

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

23 Q. --- either? Okay.

24 A. --- but but, uh, uh, prior to that though I had been over
25 there one time and I did go over there whenever she had said

1 that I come over there 'cause Chuck wanted me to go over there
2 and and check the house out and make sure wasn't nobody in the
3 yard with the kids and he did pay me for that.

4 Q. Okay, so has he paid you to be a, did you feel like that
5 was paying you to be a muscle man?

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

7 Q. Okay.

8 A. --- I was ---

9 Q. Uh, ---

10 A. --- just goin' over there and just just to make sure she
11 was all right until he got there ---

12 Q. Okay.

13 A. --- 'cause she said she was scared and lonely.

14 Q. Okay, so but this day you didn't get out.

15 A. No, ma'am, I never got out the car.

16 Q. All right. How long was he in there that day?

17 A. He said he he got a quicky in so, I mean, it was, it was
18 probly maybe twenty, thirty minutes.

19 Q. Okay, and then what did you do?

20 A. I sat in the car and got high.

21 Q. Okay. Is that the first time you had gotten high that
22 day?

23 A. Uh, no, ma'am.

24 Q. All right, when was the first time?

25 A. Soon that I got with Chuck as soon as I left GameStop.

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1 Q. Okay. Did he, um, and were those your drugs or his?

2 A. That they were his.

3 Q. Okay. Um, so you're in the car gettin' high and then he
4 gets outta Heather's house?

5 A. Yes, ma'am.

6 Q. What happens next?

7 A. Uh, we go back to Snoop's.

8 Q. All right, so had had you been to Snoop's before?

9 A. No, ma'am.

10 Q. Okay, so I wanna make sure that that's clear.

11 A. Okay.

12 Q. On the way to Snoop's ya'll stopped at Heather's ---

13 A. Yes, ma'am.

14 Q. --- then ya'll go to Snoop's together, ---

15 A. Yes, ma'am.

16 Q. --- when you get there who is there?

17 A. Uh, Erica Waters, I seen Brittany Moody on the couch, uh,
18 Dean and that's all I remember.

19 Q. Okay, were -- and everybody was inside or outside?

20 A. Yeah, I mean, 'cause when I had first got there me and
21 Snoop were not friends and I did not wanna be there ---

22 Q. Okay.

23 A. --- so I sat in the car while Chuck went in the house and
24 he said just to wait here and that he would, that he need,
25 that he, that he would talk, go talk to Snoop and see, I mean,

1 just see if he ---

2 Q. Make ---

3 A. --- can ---

4 Q. --- sure there were no problems?

5 A. That's right.

6 Q. Okay. Uh, Chuck had that kinda power over people?

7 A. Yes, ma'am.

8 Q. All right, so eventually you would go into Snoop's
9 house?

10 A. Yes, ma'am.

11 Q. Now was that that -- were there any people hanging
12 outside?

13 A. Yes, ma'am, there's always people outside.

14 Q. All right, but did you know who they were or did you see
15 them?

16 A. No, ma'am, it's, uh, no, it was startin' to get dark.

17 Q. All right, so now, that was my next question, so it's
18 startin' to get dark, ---

19 A. Yes, ma'am.

20 Q. --- um, how long did ya'll hang out at Snoop's you and
21 Chuck and and this group?

22 A. Uh, long enough for him, him and Snoop to weigh dope out
23 and and get high, really high.

24 Q. And you got high too?

25 A. Yeah, I got high again.

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1 Q. Okay. Now, um, we've heard about all of these
2 conversations that were taking place, did you hear those
3 conversations?

4 A. Yes, ma'am.

5 Q. Okay. Um, were you a part of those conversations?

6 A. No, ma'am.

7 Q. Did Snoop work for Chuck?

8 A. Yes, ma'am.

9 Q. I'm gonna show you -- Sully ---

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

11 I'm gonna, um, ---

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

13 I'm gonna show you State's 44, uh, we'll put it up there
14 but I wanna show you this, it's already in evidence, it's
15 State's 44. Um, this is a piece of paper that got, that was
16 'covered from the Impala, right?

17 A. Yes, ma'am.

18 Q. Okay. What, um, what do you know about what this pie --
19 piece of paper says?

20 A. It's basically what somebody owes Chuck.

21 Q. Okay, so JR or who's JR?

22 A. I mean, at at the time I I only knew him as, I only knew
23 his name JR but it's Austin Lint the little short Mexican
24 dude.

25 Q. All right, Junior?

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 A. Yeah, Junior.

2 Q. Okay, so Junior owed him 275?

3 A. That's what it says.

4 Q. Okay, and then Stump owed him 395, I can put it up here
5 (indicating) now the ---

6 A. Yes, ma'am.

7 Q. J-O or Jo, do you know who that is?

8 A. I do not.

9 Q. Okay. Um, 280 and then Snoop 625 plus 14 ---

10 A. Of an ounce.

11 Q. Okay.

12 A. That's one quarter, that's 7 grams.

13 Q. Okay, so he owed him money and drugs.

14 A. Yes, ma'am.

15 Q. Okay. Junior, you said you knew he was a a little
16 Mexican or ---

17 A. Yeah, ---

18 Q. --- by a ---

19 A. --- --- but I didn't know his name though, I just ---

20 Q. You didn't know his name was Austin Lynch, ---

21 A. Yeah.

22 Q. --- you just knew him as Junior, ---

23 A. Yes, ---

24 Q. --- right?

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

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 Q. Okay, and he owed ---

2 A. --- or Tank.

3 Q. Or Tank and he owed 275.

4 A. That's that's what it says.

5 Q. Okay. Did he, um, did he have -- did he work with him --
6 did did you know Rico or James David Porter?

7 A. No, ma'am.

8 Q. Okay, how -- when did you first learn about him?

9 MS. MAYES: Objection, Your Honor, calls for hearsay.

10 MS. ZMROCZEK: I I I I ---

11 THE COURT: All right, rephrase that.

12 Q. Uh, how did you come to learn, not did somebody tell you
13 that, well just answer the question, did somebody, like how
14 did you come to learn?

15 A. Chuck Morehouse.

16 Q. Okay. So, Your Honor, I think that that, anything he
17 learned from Chuck would be not hearsay.

18 MS. MAYES: Objection, Your Honor, that's hearsay.

19 MS. ZMROCZEK: Oh, he's ---

20 THE COURT: All right, need to hear it little further.

21 Um, ---

22 MS. ZMROCZEK: Uh, I can ask it this way, ---

23 THE COURT: All right, rephrase ---

24 MS. ZMROCZEK: --- I can a ---

25 THE COURT: --- then.

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 BY MS. ZMROCZEK:

2 Q. I -- let me, let me try this way: Did you witness any
3 conversations between Chuck and Austin?

4 A. I did.

5 Q. Okay. Did you witness any conversations between Chuck
6 and Snoop?

7 A. I did.

8 Q. Did you witness any conversations between Chuck and
9 Pops?

10 A. I did.

11 Q. Okay. In any of those conversations with your own hears
12 did you hear the name Rico?

13 MS. MAYES: Objection, ---

14 A. I did.

15 MS. MAYES: --- calls for hearsay.

16 THE COURT: No. No, no, no, that come here.

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

18 BY MS. ZMROCZEK:

19 Q. Okay, so through these people -- all right, through these
20 people you heard the name Rico ---

21 A. Yes, ma'am.

22 Q. -- but who was that -- it was from Chuck?

23 A. Yes, ma'am.

24 Q. Okay, so, um, and I don't, I don't wanna, uh, we're not
25 allowed talk about what other people told you but just that

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 you heard the name.

2 A. Yes, ma'am.

3 Q. Uh, have you ever met this person Rico?

4 A. No, ma'am.

5 Q. Did you ever know his name was James David Porter the
6 third?

7 A. No, ma'am.

8 Q. Did ya ever know he goes by David?

9 A. No, ma'am.

10 Q. Okay, only name that you ever knew this person by was
11 Rico.

12 A. And that was through phone conversation, yes.

13 Q. Okay, so you never actually ever met this person.

14 A. No, ma'am.

15 Q. All right, so you're at the house at Snoop's gettin' high
16 with Chuck and Snoop and they're you said weighing out
17 drugs?

18 A. Yes, ma'am.

19 Q. Okay. Um, what was the plan for that night?

20 A. Actually, actually, I'm sorry, we stopped by the Village
21 Store to get two 6-packs a Heinekens and two packs a
22 cigarettes and he put some gas in the car ---

23 Q. Before ---

24 A. --- before ---

25 Q. --- you get ---

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 A. --- we went to Snoop's house.

2 Q. Okay, before you went to Snoop's, ---

3 A. Yes, but ---

4 Q. --- so ---

5 A. --- I ---

6 Q. --- after Heather's or before Heather's?

7 A. That after Heather's house.

8 Q. After Heather's house ---

9 A. Yes.

10 Q. --- and you go to the Village ---

11 A. Yes, ma'am.

12 Q. --- and get some beer and cig ---

13 A. Two two 6-packs a Heineken.

14 Q. All right. Okay, and cigarettes?

15 A. Yes, ma'am, two packs.

16 Q. Okay. What kind?

17 A. Uh, Marlboro blacks and a pack a Marlboro 72s.

18 Q. Okay, are those reds or did you smoke one a Chuck's smoke
19 black?

20 A. Yes, ma'am.

21 Q. Okay, so ya'll smoke different kinds.

22 A. Yes, ma'am, he he bought me a pack.

23 Q. Okay, so and you had the beer, you went to Snoop's then
24 were doing drugs?

25 A. Yeah, we -- then that that's when they started weighin'

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1 it out and and Chuck got a phone call and he just went
2 ballistic, sumtin' 'bout a snitch.

3 Q. Okay, so Chuck went crazy, um, and gets a phone call, I
4 mean, he goes kinda, he had starts goin' "ballistic" is your
5 words after ---

6 A. Yes, ---

7 Q. --- he gets ---

8 A. --- ma'am.

9 Q. --- a phone call. Uh, where was your phone?

10 A. I had left it at the gas station and ---

11 Q. Okay.

12 A. --- I did not know.

13 Q. Um, so you had left your phone at the gas station, how
14 did you learn that?

15 A. I had Chuck call my phone and then I asked him, I went
16 out the car and search the car, my phone wasn't in there and
17 then I rode back to the Village Store and when I had got there
18 a black guy had picked it and I had gave him \$10 for doin'
19 that for me 'cause that, I mean, I had just got that phone not
20 even a day, ya know, I went to Boost Mobile and bought it.

21 Q. All right, so you had purchased the phone and, um, asked
22 Chuck to call it 'cause you couldn't find your phone ---

23 A. Yes, ma'am.

24 Q. --- and then you go to the Village again, pick it up ---

25 A. Yes, ma'am, and I go straight back to Snoop's.

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 Q. Okay, you go straight back to Snoop's. What happens
2 next?

3 A. We go in there, we're gettin' high and then Chuck Chuck
4 goes in there and asks Snoop for his .40 and he switches the
5 .40, .45.

6 Q. All right, so who owned the .45?

7 A. Chuck Morehouse.

8 Q. And who owned the .40?

9 A. Snoop.

10 Q. All right, and he asked to switch?

11 A. Yes, ma'am.

12 Q. And did you know why?

13 A. Not at the time.

14 Q. Okay, um, then what happened?

15 A. And then he gets a phone call sumtin' 'bout drop Junior
16 off and then, I mean, sumtin' 'bout a mom and that he was
17 passed along Xanaxes.

18 Q. Okay, so you're hearin' half of a conversation ---

19 A. Yes, ma'am.

20 Q. --- and then what, um, then what happens next?

21 A. Then Chuck asks me to ride with him to go back to
22 Heather's house because she's sayin' that she wants her drugs
23 or she wants her Xanaxes or sumtin'.

24 Q. Okay, wo when you got in the car to leave that night from
25 Snoop's, where did you think you were goin', He ---

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 A. Heather Owens's, uh, Chuck's girlfriend's house.

2 Q. And then wha'd wha'd you think was gonna happen after
3 that?

4 A. We were gonna go back to Snoops.

5 Q. Okay, so you just thought you were doin' a drug run to go
6 to Heather's house.

7 A. Yes, ma'am, really it wasn't a drug run 'cause she really
8 didn't do drugs, she just did pills.

9 Q. Oh, okay. Um, but you know that those are drugs, right?

10 A. Okay, yeah.

11 Q. I'm sorry. Ha ha, um, I -- (laughed) so so but when you,
12 when when I say Xanax but it, and it, and and other people say
13 drugs, you're thinkin' drugs of meth, right?

14 A. Yes, ma'am.

15 Q. Okay, but but still she want to, she wanted some
16 Xanax ---

17 A. Yes, ma'am.

18 Q. --- so you thought you're goin' to Heather's house.

19 A. Yes, ma'am.

20 Q. Do -- you have no -- do you have any idea about what time
21 it is?

22 A. No, ma'am.

23 Q. All right, it's dark out.

24 A. Yes, ma'am.

25 Q. All right, so you get in the car and he gets in the

1 car ---

2 A. Yes, ma'am.

3 Q. --- all right, now I'm gonna try not to interrupt you
4 which sometimes it's hard for me but from the time that you
5 got in the car to go to Heather's until the time you got back
6 to Snoop's, okay, tell this jury what happened.

7 A. Well we had got in the car and we were on the way to, we
8 were on our way to Heather's house and that's goin' down Platt
9 Springs and then you turn right there, I I think it's Old
10 Orangeburg or or South Lake Drive or sumtin' but he just, he,
11 then he had got a phone call and he said he needed to make
12 quick stop and we'll, that's when he, that's when we found out
13 that he was goin' to the blue lagoon but I didn't know that at
14 the time.

15 Q. Okay, so you, uh, and sh -- Heather Lives off of South
16 Lake, right?

17 A. Yes, ma'am.

18 Q. Okay, so you still thought you're going to Heather's and
19 then he takes a detour, ---

20 A. Yes, ma'am.

21 Q. --- I said I wasn't gonna interrupt you and there I went
22 and did it so, all right, so you take the detour, tell this
23 jury what happens.

24 A. Well we pull on the, we pull on the dirt road part and
25 we're goin' down the dirt road and, uh, we get down there and

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 we, like you can almost see 302 and he does a three-point turn
2 and then he stops and then he calls the dude Rico and that he
3 said that he could be there in maybe thirty minutes and
4 Morehouse was like you better not be settin' me up sumtin' and
5 just bring the money you owe me and then like I ---

6 Q. You s ---

7 A. --- don't know, 'bout ---

8 Q. --- sat there for thirty minutes?

9 A. Yeah, I I'd say about thirty minutes.

10 Q. Um, what did you do in that thirty minutes?

11 A. Sat there and got high.

12 Q. Okay. Do you ever get out of the car?

13 A. I got out stretch.

14 Q. Okay. Uh, so you get out to stretch, um, when you were
15 gettin' out stretchin', was there anybody on the road?

16 A. No, ma'am.

17 Q. Was any cars behind you?

18 A. No, ma'am.

19 Q. Any cars in front of ya?

20 A. No, ma'am.

21 Q. All right, so you get back, you're sittin' in the car,
22 what happens?

23 A. Chuck calls and asked him where he's at and he said that
24 he he, that he'd be there in about ten minutes and Chuck said
25 he was comin' through South Congaree, gonna turn on the 30

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCEK

1 t --- or comin' off So -- comin' through the South Congaree
2 302 side of the Blue Lagoon and he'd be there in about ten
3 minutes.

4 Q. So did Chuck tell you at that point to get ready to beat
5 somebody up?

6 A. No, ma'am.

7 Q. Did Chuck say, Hey, grab the bat?

8 A. No, ma'am.

9 Q. Okay. Did Chuck say, Here, here's my gun?

10 MS. MAYES: Objection to leading.

11 THE COURT: Sustain to leading.

12 Q. What did Chuck say about you beatin' him up?

13 A. He never said nuttin' 'bout me beatin' him up.

14 Q. Was it expected that you were gonna beat somebody up?

15 A. No ma'am.

16 Q. Okay. What were you expected when Austin got there?

17 A. When who?

18 Q. I mean, sorry, when Rico got there.

19 A. Just sit there and he was gonna collect his money and
20 then we were gonna go to Heather's house.

21 Q. Okay, that so you still thought at some point you were
22 goin' Heather's house.

23 A. I did.

24 Q. Okay. Um, does, so does a car pull up?

25 A. Yeah, it's pulls up behind us.

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK.

1 Q. All right, so directly behind ya'll?

2 A. Yes, ma'am.

3 Q. So you had come up the dirt road or ya'll had come up the
4 dirt road, um, and that's the side, you were on the passenger
5 side so that's where you saw the mattress?

6 A. Yes, ma'am.

7 Q. So you, and then but you're doin' a three-point turn.

8 A. Yes, ma'am.

9 Q. At that point you're facing, what side a the car is
10 facing the mattress side of the road?

11 A. What do you mean?

12 Q. Is the driver side facing the mattress side of the road
13 or is the passenger side?

14 A. After he did 3-point turn?

15 Q. Yes.

16 A. Um, my side is, the the passenger side.

17 Q. Okay, so, um, then what happens?

18 A. And then he he he pulls up and then Rico gets out the car
19 but he leaves his headlights on and Morehouse tells him to go
20 back to the car and turn his headlights off and he goes back
21 to the car, I don't know, I'm I'm in the car choppin' a line
22 out 'bout to snort it.

23 Q. Were the windows up or down?

24 A. They were up. They were up ---

25 Q. Okay.

- 1 A. --- but 'xcept for his window was down.
- 2 Q. Okay, so "his" Charles ---
- 3 A. Yeah, ---
- 4 Q. --- window, okay.
- 5 A. --- Morehouse.
- 6 Q. Morehouse's window is down, um, tells him to go turn off
- 7 the lights ---
- 8 A. Yes, ma'am.
- 9 Q. All right, do the lights get turned off?
- 10 A. Yes, ma'am, ---
- 11 Q. All right, what ---
- 12 A. --- and ---
- 13 Q. --- happens?
- 14 A. They're out there talkin' maybe two or three minutes and
- 15 then I hear some arguin' and then I hear some gunshots.
- 16 Q. What happened when you heard those gunshots?
- 17 A. I freaked out.
- 18 Q. Why?
- 19 A. Because I'm, I mean, I was, I'm I'm just there, you know,
- 20 and I was scared to death.
- 21 Q. Okay, and so you hear them talkin', you hear some arguin'
- 22 and then all of a sudden you hear gunshots.
- 23 A. Yes, ma'am.
- 24 Q. Okay. Um, could you see any of this?
- 25 A. No, ma'am, I I mean, I seen it 'cause like when I, when I

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1 looked it was like through, in between the driver, the driver
2 side window and the passenger side window, it's in between
3 it ---

4 Q. Okay.

5 A. --- and all I could see a flash, ---

6 Q. Okay. Um, what ---

7 A. --- I mean, ---

8 Q. --- happened after that flash?

9 A. He got in the car and he pointed a gun at me and he said
10 did I see anything and I said no.

11 Q. "He" who?

12 A. Morehouse.

13 Q. He got in the car and he pointed a gun at you, ---

14 A. Yes, ma'am.

15 Q. --- uh, and he asked you what?

16 A. If I seen anything.

17 Q. Wha'd you say?

18 A. No.

19 Q. Did you at any time get a gun from Chuck?

20 A. No, ma'am.

21 Q. Do you at ever ti -- any time hit anybody with a bat?

22 A. No, ma'am.

23 Q. Did at anytime did you put a bullet in somebody's head?

24 A. No, ma'am.

25 Q. All right, so you are in the car, Chuck gets back in,

1 what happens next?

2 A. That we've -- we -- well we're leavin' in our, and a
3 little, a car passes, is in, and it's a dark, it's a dark car
4 but it's goin' towards the crime scene now and he just shoots
5 straight through the stop sign, we go straight back to Snoop,
6 he's probly doin' about, I don't know, 'bout 80 mile an hour
7 down Platt springs.

8 Q. Okay, so you go straight back to Snoop's, what happens
9 when you get there?

10 A. He he goes in the house and he, and and he's askin' Snoop
11 for some some sumtin' to clean up with, some bleach or sumtin'
12 but Snoop, it's a, it's a, it's a, it's a dope house so they
13 don't got bleach but he said he had some Comet.

14 Q. Okay. Did you -- why'd he need to clean up?

15 A. I mean, I didn't know at the time, I I mean, I ---

16 Q. Did you see any blood on him?

17 A. No, ma'am.

18 Q. Okay. Uh, were you looking for blood on him?

19 A. No, ma'am.

20 Q. Why not?

21 A. Because I was still freaked out.

22 Q. From hearin' the shots or havin' the gun pointed at
23 you?

24 A. Havin' the gun pointed at me and hearin' the shots.

25 Q. Okay, so when you get there, what kinda murd [sic] are

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- 1 you in at Snoops?
- 2 A. Frantic and paranoid.
- 3 Q. So what do you do?
- 4 A. I go in the house and he tells me to go back outside and
- 5 to burn my clothes.
- 6 Q. "He" who?
- 7 A. Morehouse.
- 8 Q. Why then did he tell you to burn your clothes?
- 9 A. He just told me to do it, I mean, I don't know, maybe
- 10 make it look good for him 'cause that's all his people over
- 11 there maybe.
- 12 Q. Okay. If you didn't burn your clothes, what did you
- 13 think would happen?
- 14 A. I might have got shot too.
- 15 Q. Um, so talk about the clothes burning, I mean, did you
- 16 strip down in the yard? what happens?
- 17 A. I strip right down in the yard, yes, ma'am.
- 18 Q. Okay, and how do you get to other clothes?
- 19 A. Brittany Moody loaned me a pair a box, I mean, uh, gym
- 20 shorts and a t-shirt.
- 21 Q. Okay. What were you wearin' that night?
- 22 A. A pair a shorts, a shirt, a hat and a pair a shoes.
- 23 Q. So what got burned?
- 24 A. Everything.
- 25 Q. Okay. Your shoes?

- 1 A. Yes, ma'am.
- 2 Q. Okay. Um, at some point did you ever take your shoes
- 3 off?
- 4 A. No, ma'am.
- 5 Q. Only once you got back to S ---
- 6 A. Only when I got to Snoop's house.
- 7 Q. Okay. Um, and what kinda shoes had you been wearin'?
- 8 A. Uh, maybe Reeboks, ---
- 9 Q. O ---
- 10 A. --- uh, Shocks.
- 11 Q. Okay, so you put these new clothes on, what happens
- 12 next?
- 13 A. I go in the house and and we're in there, I'm still
- 14 freaked out and, uh, (sighed), man, ---
- 15 Q. You remember ---
- 16 A. --- it was -- huh?
- 17 Q. Do you remember what you did then?
- 18 A. No, ma'am.
- 19 Q. Okay. Um, did -- who was there?
- 20 A. It was Brittany Moody, Dean, Erica, me, Snoop and Terri.
- 21 Q. Okay. Where was Chuck?
- 22 A. In the bathroom.
- 23 Q. Okay. How long did he stay in there?
- 24 A. Maybe twenty minutes.
- 25 Q. Okay. What did he do once he got outta the bathroom?

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

- 1 A. He said he needed to go get alibis.
- 2 Q. Okay. What, um, did he tell you to do?
- 3 A. Just to wait and that that's it.
- 4 Q. Did you stay there?
- 5 A. Yes, ma'am.
- 6 Q. Did you do drugs?
- 7 A. A lotta drugs, ---
- 8 Q. Okay. Um, ---
- 9 A. --- at that point I was shootin' it.
- 10 Q. At that point you start shootin'.
- 11 A. Yes, ma'am.
- 12 Q. Why?
- 13 A. My nerves were shot, I just, I just wanted to forget
- 14 about all the, everything just happened, I just wanted that
- 15 not to happen, like maybe it was a story or sumtin', ---
- 16 Q. Okay.
- 17 A. --- and I just watched it on TV.
- 18 Q. Did you wanna forget it because you wanted to forget you
- 19 participated in it?
- 20 A. Yes, ma'am.
- 21 Q. Did you parti -- how did you participate in it?
- 22 A. 'cause I was there and I did never call the cops.
- 23 Q. Okay, so did you have any other phys -- participation?
- 24 A. No, ma'am.
- 25 Q. So you witnessed it.

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1 A. Yes, ma'am.

2 Q. Okay. When you get back and you do the drugs then, um,
3 does Chuck stay or does he leave?

4 A. He leaves.

5 Q. All right. Uh, you still have your phone at that
6 point?

7 A. Yes, ma'am.

8 Q. Okay. Did anybody else ever use your phone that night?

9 A. Chuck did.

10 Q. Okay. Why -- when did Chuck use his -- you ---

11 A. It's -- and well ---

12 Q. --- or your phone, excuse me.

13 A. --- wh -- when we got back he s -- he needed to use it
14 'cause he s -- he cut his off and he needed to use it get of
15 Facebook and he made one phone call.

16 Q. Off off of your phone?

17 A. Yes, ma'am, ---

18 Q. All right, so I ---

19 A. --- and my ---

20 Q. --- think he leaves, does he take his phone or does he
21 leave your phone?

22 A. He takes his phone and but I keep my phone but I think he
23 called his wife off my phone but I ai -- I aint sure though.

24 Q. Do you know the number?

25 A. No, ma'am.

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 Q. Okay, so how long did you stay at Snoop's after that?

2 A. Till the next mornin'.

3 Q. Okay. Do you know what time the next mornin'?

4 A. 'bout seven, maybe little earlier, it was, it was, it was
5 after daybreak.

6 Q. Okay. What happened that next day?

7 A. I had got Brittany Moody's daddy to take me to Kim
8 Hartley's house.

9 Q. Okay. Is Kim Hartley, who is Kim Hartley, is that your
10 friend?

11 A. Another lover, ---

12 Q. Okay.

13 A. --- ex-lover.

14 Q. All right, so you went Kim Hartley's house, how long did
15 you stay there?

16 A. A couple days, uh, till she robbed me.

17 Q. Okay, so you were there for a couple a days, wha'd you do
18 those couple a days?

19 A. We got high and spent time with her.

20 Q. Okay, and then ya'll got in an argument, uh, ---

21 A. No, ---

22 Q. --- and she robbed ---

23 A. --- sh ---

24 Q. --- you, I didn't ---

25 A. Yeah, she robbed me and then I left.

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1 Q. All right. When you left where did you go?

2 A. I had walked to Nicole's Pub on number 6 'cross the
3 street from The Store waitin' on The Store to open 'cause it
4 was really early in the mornin'.

5 Q. Okay. And, um, did you have any contact with anybody?

6 A. A dude named Bubba.

7 Q. Okay, who's Bubba?

8 A. Is one a Charlie's people.

9 Q. One of Charlie's people?

10 A. Yeah.

11 Q. All right. How did you have contact with Bubba?

12 A. 'cause I knew him through is Anthony.

13 Q. Okay. What did he do?

14 A. He sold drugs for Morehouse.

15 Q. Okay. And so why did you have contact with Bubba?

16 A. Well 'cause I needed a ride to my mama's house ---

17 Q. Okay.

18 A. --- and I, ---

19 Q. (Indiscernible cross-talk.)

20 A. --- and and Zanthly (phonetic) was with him so, you know,
21 and me and her were really good friends.

22 Q. Okay, um, so Bubba, you and Zanthly are goin' to your
23 mom's house, ---

24 A. Yes, ma'am.

25 Q. --- uh, what happens there?

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- 1 A. They drop me off.
- 2 Q. Okay. Um, on the way there, did you learn that any drugs
3 were missin'?
- 4 A. Yes, ma'am, the whole, the whole thing that Chuck had
5 come up missin' and supposedly I was the one that took it.
- 6 Q. Okay, so this is maybe a couple days later you say?
- 7 A. I think so.
- 8 Q. All right, so when you were, when ya'll left to go take
9 the Xanax to Heather's house and then all that other stuff
10 happened, where where was the Tupperware at that point?
- 11 A. It was with Snoop.
- 12 Q. 'cause they had been cuttin' it up?
- 13 A. Yes, ma'am.
- 14 Q. Okay, so it was still at Snoop's house.
- 15 A. Yes, ma'am.
- 16 Q. And then did you ever see it again after that?
- 17 A. No, ma'am.
- 18 Q. All right, did you ever steal any drugs?
- 19 A. No, ma'am.
- 20 Q. Do ya ever get any money?
- 21 A. No, ma'am.
- 22 Q. Did you ever demand any drugs?
- 23 A. No, ma'am.
- 24 Q. Do you ever demand any money?
- 25 A. No, ma'am.

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 Q. Well then what, that what conversations did you have with
2 Erica about gettin' paid, gettin' money?

3 A. Because she lied and said that she never had it and and I
4 know when I left it was at Snoop's house and Snoop wasn't
5 there so Erica was watchin' it 'cause whenever Chuck come
6 back, him and Erica were in the room talkin'.

7 Q. Okay, so, and I think it was written down, didn't -- that
8 when did you say that you laid one down?

9 A. I never said that.

10 Q. What about that that Rico was too close to the family?

11 A. I never heard that. On, the only thing Morehouse said
12 when whenever we left he he needed to go handle sumtin', that
13 was it.

14 Q. Okay. When did, when did -- when were you told about
15 splittin' somebody's wig?

16 A. N -- never was.

17 Q. When did you d -- demand from Erica that you weren't
18 leavin' empty-handed, that and all the footwork you put in for
19 Chuck?

20 A. I never said that but, I mean, I did threaten her because
21 she said that I had the drugs and them boys were lookin' at me
22 for all this drugs and they knew where my mama lived.

23 Q. Okay, and you say "threaten," how did you threaten?

24 A. With I seen a minute, they they come up me, ask me, uh,
25 if I had, uh, all the, all the ice and that I seen a pistol

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 and it was four dudes in a Chrysler 300.

2 Q. Okay, but and so did you threaten her by force, gun or
3 did you just make a phone call or ---

4 A. Ne ---

5 Q. --- text?

6 A. --- a text message.

7 Q. Okay, so you threatened her with a text message.

8 A. Yes, ma'am.

9 Q. Okay. Um, and, uh, at what point did the police make
10 contact with you?

11 A. Uh, maybe the 6th.

12 Q. Okay. Um, how did they make contact with you?

13 A. It was Detective Couch and one of his other narcotics
14 agents in a truck that come my mama's house.

15 Q. Okay. Now let me ask ya this 'cause I I meant to ask you
16 this in the beginning: Um, you have had interactions with the
17 police before?

18 A. Yes, ma'am.

19 Q. You got convicted for, uh, receiving stolen goods ---

20 A. Yes, ma'am.

21 Q. --- and obtaining items by false pretenses?

22 A. And grand larceny.

23 Q. And, thank you, and grand larceny, um, had a pretty good
24 lawyer for that case, didn't you?

25 A. Yes, ma'am, I did.

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 Q. And, uh, what happened with that case?

2 A. I had got PTI but I had messed it up and then I had
3 general sessions bench warrant.

4 Q. Okay, so after your bench warrant, um, with PTI what was
5 your sentence?

6 A. Uh, ten years suspended to five years probation.

7 Q. Five years probation. How many times did you violate
8 probation?

9 A. I only violated one time, that was 'cause a money issues
10 and I only had to do ninety days at Lexington County but I did
11 forty-five in the kitchen and they let me out.

12 Q. Okay, so five years on probation and one time you didn't
13 pay money.

14 A. Yes, ma'am.

15 Q. So you never went to prison.

16 A. No, ma'am.

17 Q. Okay. Um, so the police officers knew who you were.

18 A. Detective Couch did yes ---

19 Q. Okay.

20 A. --- 'cause I've had interaction with him before.

21 Q. Okay. Um, he's narcotics agent, right?

22 A. Yes, ma'am.

23 Q. Okay. Uh, were were you a CI?

24 A. No, ma'am, and, I mean, Detective Couch is a really good
25 detective and, I mean, he's really tried to help me, you know,

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 like get get ahold a my problem but, I mean, once you get
2 hooked on on drugs, I mean, it's hard, man.

3 Q. But Detective Couch ---

4 A. He's ---

5 Q. --- was ---

6 A. --- a ---

7 Q. --- comin' to, ---

8 A. --- good detective, yes.

9 Q. --- and and so he came to your house ---

10 A. Yes.

11 Q. --- and, uh, did ya'll have conversations at your
12 house?

13 A. Yeah, we did out there in the front yard.

14 Q. How many times?

15 A. It was approximately two times.

16 Q. All right. Um, did you ever go to the police station?

17 A. I did. I voluntarily rode up there with them, with
18 Detective Couch and, uh, I think major crimes Kirkland maybe.

19 Q. Okay, so you said, I'll go with you.

20 A. Yes, and I told 'em that I'd tell 'em, uh, what what
21 happened.

22 Q. All right. Did you ever -- did they ever say, You have
23 to come with us?

24 A. No, they never told me I was under arrest, they, I mean,
25 they even told my mom that they were just here to just

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 question me, that was it.

2 Q. Okay, so you said, All right, I'll go with ya and I'll
3 tell you what I know.

4 A. I told them that, yes, ---

5 Q. So ---

6 A. --- but, see, that that the the the first day they come
7 over there, I mean, I lied to 'em and told 'em that I did not
8 know anything about nothin' and that I was there at Snoop's
9 house and I gave 'em that address to Snoop's house and that I
10 I was there all night and that some dude named Austin Lynch
11 rode with him.

12 Q. Okay, so do -- so when they very first came and contacted
13 you you lied to 'em.

14 A. I did.

15 Q. And did you tell 'em that you lied to 'em?

16 A. I didn't.

17 Q. Okay, you said, I lied to you, I wanna go in and ---

18 A. And I wanted, ---

19 Q. --- I wanna give a statement.

20 A. --- uh, tell ya the whole truth, nuttin' but the truth.

21 Q. Okay. Now this whole truth nothin' but the truth, um,
22 did they make you sign a paper?

23 A. They did.

24 Q. They make you write it out?

25 A. Yes, ma'am, and ---

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

- 1 Q. Any ---
- 2 A. --- and it was recorded.
- 3 Q. And it was recorded, almost a 6-hour recording?
- 4 A. I explained everything I did with ya'll.
- 5 Q. Okay. They were askin' you questions?
- 6 A. Uh, through throughout the whole thing yes, ma'am.
- 7 Q. And you were givin' 'em answers.
- 8 A. Yes, ma'am. I I can -- to the, to the honor, to the best
- 9 a my knowledge, yeah, I did.
- 10 Q. And and was this (indicating) detective in there?
- 11 A. Yes, ma'am, he was.
- 12 Q. Okay.
- 13 A. That's that's Detective Rawl.
- 14 Q. Detective Rawl was in there and was Detective Couch in
- 15 there?
- 16 A. Yes, ma'am.
- 17 Q. Okay. Were people comin' in and out?
- 18 A. No, ma'am. I mean, I think maybe one time ---
- 19 Q. But that ---
- 20 A. --- that 'cause they needed batteries for recorder 'cause
- 21 I was talkin' so much that the batteries in the recorder went
- 22 dead.
- 23 Q. Were you high out of your mind?
- 24 A. No, ma'am, I had been sleepin' but the day, the day they
- 25 come I was still, I was comin' down off of it but when they

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 come back the next day that next mornin' I answered the pho --
2 when I answered the door, when they knocked on the door I was,
3 I had just woke up.

4 Q. So you were clearheaded.

5 A. Yes, ma'am, I was.

6 Q. Okay. And, um, you answered all their questions?

7 A. I did.

8 Q. Gave them your DNA.

9 A. Yes, ma'am, I did.

10 Q. Um, at point did you know, uh, whose DNA was gonna be
11 found on that cigarette right next to the body?

12 A. No, ma'am, I didn't.

13 Q. Were you afraid it was gonna be yours?

14 A. I would -- if I did I wouldn't a gave 'em my DNA ---

15 Q. Okay, so ---

16 A. --- 'cause I voluntarily gave that to 'em, I didn't have
17 to give that to 'em they said.

18 Q. Okay, they said you didn't have to but you said, Here,
19 take it.

20 A. Yes, ma'am.

21 Q. All right. Did ya ever leave that room?

22 A. Yes.

23 Q. They brought you lunch, right? They weren't -- they ---

24 A. Oh, ---

25 Q. --- didn't ---

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

- 1 A. --- yeah, ---
- 2 Q. --- have ---
- 3 A. --- the Cook Out, that ---
- 4 Q. Yeah, ---
- 5 A. --- you know, that that and they brought me a
- 6 cheeseburger and a corn dog and french fries ---
- 7 Q. All right.
- 8 A. --- and a tea.
- 9 Q. Where did ya go after you left that room?
- 10 A. Uh, they they let me use the phone so I could call my
- 11 girlfriend Jennifer and when we went outside and I smoked like
- 12 maybe six, seven cigarettes and 'cause they said I, actually,
- 13 when I was in the interrogation room, they said that I was
- 14 bein', uh, placed under arrest for murder.
- 15 Q. Because you were there?
- 16 A. Ye -- because I was there ---
- 17 Q. Okay.
- 18 A. --- and I did not call the police.
- 19 Q. All right, and you didn't call the police.
- 20 A. Yeah, and then ---
- 21 Q. How many times do you think they asked you why you didn't
- 22 call the police?
- 23 A. Maybe twice.
- 24 Q. Okay. Why didn't you call the police?
- 25 A. 'cause I was scared.

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 Q. So you go to jail -- oh, when you wrote -- how many pages
2 was your statement?

3 A. Uh, nine pages.

4 Q. And did you sign every page?

5 A. Yes, ma'am.

6 Q. And when you were being recorded and you were writin'
7 that statement, they asked you to write that statement and
8 sign it, what did you ask them?

9 A. If Chuck Morehouse was gonna get ahold a this.

10 Q. What did they tell you?

11 A. Not less he goes to trial.

12 Q. Okay, that turn out to be the truth?

13 A. No, ma'am, it did not.

14 Q. Chuck Morehouse gets that statement very next day?

15 A. Uh, yes, ma'am.

16 Q. Okay. How did you know that?

17 A. Because I kept gettin', I kept gettin' death threats.

18 Q. Okay. Um, were -- did you get any kites?

19 A. Yeah, through the trays and through inmate workers.

20 Q. Okay. Did you -- and then you said people were ---

21 A. Verbally.

22 Q. All right, so then what did you do once you were in the
23 jail?

24 A. I requested to go to protective custody because I was
25 scared.

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 Q. So you left the re -- the regular jail where you can
2 watch TV for a couple hours, couple a times a day every other
3 day and interact and play cards with people, you asked to
4 leave all that, ---

5 A. To be by myself, yes, ma'am, ---

6 Q. --- you were, uh, ---

7 A. --- and I was placed under an MO because, be -- like well
8 that durin' my interrogation the Detective Couch didn't tell
9 me till the very end that there was a list and one a my name
10 was on that list for, it was like a hit list that Chuck had
11 put out or somebody had put out for the drugs or sumtin' and
12 I, my name was on that list.

13 Q. You didn't know that till the very end of conversation.

14 A. Yes, ma'am, ---

15 Q. All right, so ---

16 A. --- and I asked him about protective custody and all this
17 and all that.

18 Q. And so you go into protective custody, how long did you
19 sit in -- how long were you in protective custody?

20 A. A a a a a long time.

21 Q. Did you have roommate?

22 A. No, ma'am.

23 Q. Uh, how did you, that what kind of interaction, if any,
24 did you have with the outside inmates?

25 A. Just through the door.

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 Q. All right, that are there people in the jail with --
2 how's your food delivered?

3 A. Oh, through trust, through the kitchen workers.

4 Q. Okay, through the the kitchen workers, they're called
5 "trustees?"

6 A. Yes, ma'am.

7 Q. Oh, but they're still inmates.

8 A. Yes, ma'am.

9 Q. All right. Um, so, Wiley, why did you -- and you had a
10 lawyer, right?

11 A. Yes, I mean, they said that that I, that when -- but I
12 could have a lawyer ---

13 Q. Okay.

14 A. --- present if I wanted to but I told 'em no.

15 Q. Okay, so that was for the the conversation, eventually
16 you got appointed me, right, ---

17 A. Yes, ma'am, ---

18 Q. Okay, um, ---

19 A. --- at first though I had Emily Howard and but then you
20 picked it up.

21 Q. Okay, so I get the case but you write these (indicating)
22 letters, right?

23 A. Yes, ma'am.

24 Q. Why'd you write these letters?

25 A. Because I was threatened to, that my family and I would

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 get hurt, I mean, ya ya'll don't know what it's like bein'
2 locked up back there, uh, ya know, some of ya'll probly have
3 never even been to jail if any of ya'll have ever been in
4 jail.

5 Q. So how are you gettin' threatened if you're in protective
6 custody?

7 A. It still, you can, you can shoot kites under the door, I
8 mean, you can get people to scream it down the hallway and
9 they're on rec, I mean, 'cause you're in the, you're on first
10 floor and you're you're in a controlled area and they got,
11 they've let rec out from all the other wings 'cause C wing is
12 a, where everybody goes, where the, all troublemakers go where
13 they, where they hit officers, where they're on full
14 restraints, all this and that and on B wing's mental health
15 wing, on A wing's protective custody.

16 Q. Let me ask you this, I meant to ask you this earlier: Um,
17 you know the the the fine young gentleman testified here
18 yesterday Mr. Embree?

19 MS. MAYES: Objection, Your Honor, her characterization.

20 MS. ZMROCZEK: I'll rephrase.

21 THE COURT: Rephrase that, please.

22 Q. Do you know Mr. Embree?

23 A. I do not.

24 Q. Okay. Had you ever been incarcerated with him?

25 A. He said we were.

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. Were, I mean, do you -- were you, I mean, were you
2 in the same pod with him?

3 A. Yes, ma'am.

4 Q. How many, how many -- how, uh, were you in D12 or D13?

5 A. Yes, ma'am, I was.

6 Q. And when he -- wasn't he in D12?

7 A. I at the time I didn't know but the paperwork said, yes,
8 ma'am.

9 Q. Okay, so how many days did you have rec time with
10 Mr. Embree?

11 A. Maybe fourteen tops ---

12 Q. Okay.

13 A. --- and then I got moved to room 4 for -- and then eight
14 days later I got moved out the whole pod.

15 Q. Okay, so you went from 12 to 4 and then eight days later
16 you're out pod.

17 A. Out the pod.

18 Q. From -- and where'd you go to this time?

19 A. I went to A pod.

20 Q. And -- okay, so you went, so you left your -- the pod
21 completely.

22 A. Yes, ma'am, ---

23 Q. All right. Uh, ---

24 A. --- because, uh, I don't know but somebody, I a, uh,
25 somebody would come to the pod and they just moved me to over

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 the A pod and then from, I went from A pod to PC.

2 Q. Okay, but you went to A pod protective, PC's ---

3 A. P ---

4 Q. --- protective custody.

5 A. Yes, ma'am, because I guess Morehouse had got, uh, he he
6 was makin' copies of his warrants and sendin' 'em out sayin'
7 that a co-defendant, uh, witnessed him with a gun and
8 statements and and phone records ---

9 Q. Confirmed all this.

10 A. --- confirmed all that, ---

11 Q. Okay, ---

12 A. --- yes, ma'am.

13 Q. --- that's what, that's what Morehouse's warrant said,
14 right. ---

15 A. Yes, ma'am.

16 Q. --- and that's what he was tellin' everybody ---

17 A. Yes, ma'am, he was.

18 Q. --- and everybody knew you were his co-defendant.

19 A. Yes, ma'am.

20 Q. Okay, so, um, did you ever tell Mr. Embree that you did
21 these things that he he testified to ---

22 A. N ---

23 Q. --- yesterday?

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

25 Q. Okay. What happens to people if, um, well, that like

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 when you're in the jail do people talk about their cases?

2 A. Yes, ma'am.

3 Q. Okay. Um, if people can get information on on another
4 person's case and they provide it to the solicitor's office,
5 what could happen to them, what ---

6 A. They'll get a time cut.

7 Q. Okay. Do -- are they a, uh, is anybody ever promised a
8 time cut?

9 A. No, ma'am.

10 Q. Okay, so there's never any promises of time cuts,
11 right?

12 A. No, ma'am.

13 Q. Is there always an expectation?

14 MS. MAYES: Objection, Your Honor, ---

15 THE COURT: Well ---

16 MS. MAYES: --- calls for ---

17 THE COURT: --- that, ---

18 MS. MAYES: --- speculation.

19 THE COURT: --- I think that's a little bit out of
20 the ---

21 MS. ZMROCZEK: Okay, ---

22 THE COURT: --- what, ---

23 MS. ZMROCZEK: --- I'll ---

24 THE COURT: --- uh, that ---

25 MS. ZMROCZEK: --- I'll ---

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 THE COURT: --- that's a le ---

2 MS. ZMROCZEK: --- I'll ---

3 THE COURT: --- that's a legal issue that's not in his
4 parameters of his understanding so let's move onto sumtin'
5 else.

6 MS. ZMROCZEK: Certainly. I'll I'll I'll withdraw that
7 question, Your Honor.

8 BY MS. ZMROCZEK:

9 Q. Um, Wiley, if you had information on a case -- let me ask
10 this question: Did you ever receive a copy of the information
11 in your case, that were you ever provided a copy of it?

12 A. No, ma'am.

13 Q. Okay, why is that?

14 A. Because my lawyer didn't want me to have it.

15 Q. Okay. Why is that?

16 A. Because a the jailhouse snitches ---

17 Q. Okay. Um, ---

18 A. --- but, I mean, I never requested for it, she just, you
19 know what I'm sayin', she just never gave it to me.

20 Q. And when you say "she," you mean me, uh, ---

21 A. Yeah, yes.

22 Q. --- oh, okay, it was fine. Um, I'm here, you can, you
23 can call my name. Um, so that when did you get out of
24 protective custody?

25 A. Approximately maybe two months ago, three months ago if

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 that.

2 Q. Two or three months ago, huh, okay. Have you had any
3 problems since you've been out of protective custody?

4 A. I have not.

5 Q. You had any problems since you wrote that letter?

6 A. No, actually I haven't, ---

7 Q. Okay.

8 A. --- that that's why I s -- before I started this
9 testimony I asked you if Mr. Morehouse was gonna hear his
10 testimony.

11 Q. What is your fear?

12 A. That I'm gonna get hurt or my family's gonna get hurt
13 when I go to prison.

14 Q. Okay. Beg the Court's indulgence.

15 (Pause.)

16 I asked you earlier, um, you've heard two people testify
17 here today about you washin' a bat and and all that, ---

18 A. Yes, ma'am.

19 Q. --- you ever -- do you ever do that?

20 A. No, ma'am.

21 Q. Do you ever have a bat?

22 A. No, ma'am.

23 Q. Okay. How, um, do you know how Erica would know about a
24 bat and Mr. Embree would know about a bat?

25 MS. MAYES: Objection, ---

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 A. No, ma'am.

2 MS. MAYES: --- calls for speculation.

3 MS. ZMROCZEK: Uh, I don't, uh, he answered the question
4 he doesn't know, I just said do you know.

5 A. No, ma'am.

6 THE COURT: All right, I'm gonna overrule it, let 'em
7 know his answer if he knew.

8 MS. ZMROCZEK: I'm sorry?

9 THE COURT: I'm gonna overrule the objection if he he
10 has ---

11 MS. ZMROCZEK: Okay, thank you.

12 THE COURT: --- knowledge.

13 BY MS. ZMROCZEK:

14 Q. So you did not.

15 A. No, ma'am.

16 Q. You don't know how they know that.

17 A. No, ma'am.

18 Q. Okay. Um, are ya'll allowed, are ya'll as inmates
19 allowed to have phone call visits?

20 A. Uh, --

21 Q. Pho -- can you make phone calls?

22 A. Yes, ma'am.

23 Q. Any inmate can do that, right?

24 A. Yes, ma'am.

25 Q. Can you have video visits?

- 1 A. Yes, ma'am.
- 2 Q. Um, are all of those recorded?
- 3 A. They are ---
- 4 Q. Okay.
- 5 A. --- and it's tells you that they're all recorded
- 6 and ---
- 7 Q. Okay.
- 8 A. --- may be monitored.
- 9 Q. Okay. Uh, did you ever have video visits?
- 10 A. I did.
- 11 Q. Did you ever have video visits with people that Chuck had
- 12 video visits with?
- 13 A. I did.
- 14 Q. Okay. Um, I'm sorry, Your Honor, I forgot the question,
- 15 huh. Oh, yeah, you said that you texted Erica about the
- 16 drugs, ---
- 17 A. I did.
- 18 Q. --- what happened -- what would happen to you if you took
- 19 drugs from Chuck?
- 20 A. What would happen I guess what happened on the dirt road
- 21 with that boy.
- 22 Q. Do you ever take drugs from Chuck?
- 23 A. No, ma'am.
- 24 Q. Did you ever work as a muscle man?
- 25 A. No, ma'am.

WILEY SISK - DIRECT EXAMINATION BY MS. ZMROCZEK

1 Q. Did you have anything to do with his death?

2 A. No, ma'am.

3 Q. Please answer any questions government ---

4 THE COURT: Let's let those questions take place after
5 our short break. All right, step in jury room, give you 'bout
6 ten minutes, we'll have you back in here shortly, don't
7 discuss the case.

8 (The following takes place outside the presence of the
9 jury.)

10 THE COURT: Ya'll come up, I wanna talk to ya'll about
11 schedulin' up here ---

12 MS. ZMROCZEK: Okay.

13 THE COURT: --- that kinda off the record.

14 MS. ZMROCZEK: And and, Your Honor, will you tell him
15 'cause he's never done this before that I can't talk to him.

16 THE COURT: Oh, yeah, here's the deal: Since you're on
17 break, you don't talk to your lawyer, ---

18 THE DEFENDANT: Okay, ---

19 THE COURT: --- that way there's no conversation.

20 THE DEFENDANT: --- I'll use the restroom.

21 THE COURT: You can talk to the deputies because ---

22 MS. ZMROCZEK: Oh, I just didn't want him to think I was
23 mad at him.

24 (Whereupon, the defendant left the stand.)

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

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 (Whereupon, a recess was taken.)

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

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

4 THE COURT: All right, we ready?

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

6 MS. ZMROCZEK: Yes, Your Honor.

7 THE COURT: All right, bring.

8 THE BAILIFF: Yes, sir.

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

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

11 THE COURT: All right, Ms. Mayes.

12 MS. MAYES: Yes, sir, Your Honor. May it please the
13 Court.

14 THE COURT: Yes, ma'am.

15 CROSS-EXAMINATION BY MS. MAYES:

16 Q. Uh, Mr. Morehouse, uh, you say threatened you, how many
17 times did you contact him after you say you were forced to go
18 along with this murder on Old Orangeburg Road?

19 A. I never said I was forced.

20 Q. All right, just wanted to get clarification on that, so
21 you weren't forced. How many times did you contact him after
22 he committed that murder while you were present?

23 A. I do not recall.

24 Q. Well you weren't very afraid of him if you were the one
25 texting him shortly after midnight, less than two hours after

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 that murder. You were the one sending him text messages at
2 12:05 a.m., weren't you, Mr. Sisk?

3 A. Uh, yes, ma'am.

4 Q. So let's clarify your record, conviction for grand
5 larceny 2012, that's you, correct?

6 A. Yes, ma'am.

7 Q. Conviction for breach of trust 2012, that's you,
8 correct?

9 A. Yes, ma'am.

10 Q. Conviction for obtaining goods under false pretenses,
11 that's you, correct?

12 A. Yes, ma'am.

13 Q. Gonna show you some photographs and a -- ask you whether
14 or not you recognize them. Here we go. How many times had
15 you been in that Chevy Impala before this night?

16 A. Few.

17 Q. How many drug runs had you been on with Charles Morehouse
18 before this night?

19 A. A few.

20 Q. You recognize what's in State's Exhibit 104, correct?

21 A. Yes, ma'am.

22 Q. Chevy Impala?

23 A. Yes, ma'am.

24 Q. Same Chevy Impala driven by Charles Morehouse on the
25 night a this murder?

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 A. Yes, ma'am.

2 Q. And the two of you were on Old Orangeburg Road?

3 A. Yes, ma'am.

4 Q. Gonna show you some photographs and ask you whether or
5 not you recognize the interior of that Chevy Impala here
6 (indicating), same burgundy Chevy Impala, correct?

7 A. Yes, ma'am.

8 Q. That's what the inside looks like, correct?

9 A. Yes, ma'am. Ma'am.

10 Q. All these are the same if you recognize as bein' the
11 interior of that Chevy Impala?

12 A. Yes, ma'am.

13 Q. It's a fair and accurate representation of how you recall
14 it the last time you saw it?

15 A. Yes, ma'am.

16 Q. Uh, these would be State's exhibits one, two, three, four
17 and five additional photographs, Your Honor, for evidence.

18 THE COURT: Are they already marked?

19 MS. MAYES: They are not premarked, Your Honor.

20 THE COURT: Okay.

21 (Whereupon, defense counsel examined the exhibits.)

22 MS. ZMROCZEK: Oh, I mean, they're duplicative but it's
23 fine, Your Honor, that they're all, there's a couple pictures
24 of the same picture but think that's par for the course so
25 without objection and once they get numbered.

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 (Pause.)

2 THE COURT: Are these numbered 178 through 182?

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

4 THE COURT: All right, they're admitted without
5 objection.

6 (Photographs marked State's Exhibit Nos. 178, 179, 180,
7 181 and 182 for identification and admitted into evidence.)

8 MS. ZMROCZEK: I'm I'm sorry, I didn't hear the number.

9 MS. MAYES: 178 through 172?

10 THE COURT: 182.

11 MS. MAYES: 182?

12 MS. ZMROCZEK: Yes, that's okay, thank you.

13 BY MS. MAYES:

14 Q. All right, let's take a look at this photograph. What's
15 all this (indicating) on the floorboard of that car by the
16 front right passenger seat, Mr. Sisk?

17 A. Sodas.

18 Q. How'd all that dirt and sand get right there (indicating)
19 in that floorboard where you're sitting that night?

20 A. Um, maybe from dirt road.

21 Q. All right, 181, a much closer view here, sand right there
22 (indicating) along that interior from ---

23 A. Yes, ---

24 Q. --- the dirt ---

25 A. --- ma'am.

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 Q. --- road, correct?

2 A. Yes, ma'am.

3 Q. You got outta that car on that dirt road, didn't you?

4 A. I did.

5 Q. You got outta that car on that dirt road and you
6 conveniently left that out of your direct testimony?

7 A. Ma'am?

8 Q. You left that out during your direct examination, didn't
9 you?

10 A. No, I told 'em that I had stepped out car.

11 Q. So your testimony now is that you stepped outta the car
12 on that dirt road.

13 A. To stretch.

14 Q. All right. And your testimony is you were there to keep
15 Chuck Morehouse company 'cause he might get lonely.

16 A. Um-hum, he asked what I figured and I was just tryin' to
17 get drugs.

18 Q. So you get paid to keep somebody company in case they
19 might get lonely, wasn't that your testimony during direct
20 examination?

21 A. Yes, ma'am, I believe I said it that.

22 Q. How many times have you been paid to keep somebody
23 company in case they might get lonely?

24 A. Mean it depends.

25 Q. Ten times? more than ten times?

- 1 A. I mean, my whole life?
- 2 Q. I'm talkin' about for the boss, ---
- 3 A. (Indiscernible cross-talk.)
- 4 Q. --- man you call the boss, Chuck ---
- 5 A. Just ---
- 6 Q. --- Morehouse.
- 7 A. --- that one time.
- 8 Q. That's the first day you ever got paid to keep him
- 9 company 'cause he might get lonely?
- 10 A. Yes, ma'am.
- 11 Q. What about the time you said you got paid to go over to
- 12 Heather's house and make sure everything's okay?
- 13 A. That you said lonely and that's sumtin' totally different
- 14 though.
- 15 Q. Okay, so on this particular day your testimony is you
- 16 just were with Mr. Morehouse because he might get lonely and
- 17 you were getting paid just to sit there, correct?
- 18 A. Yes, ma'am.
- 19 Q. But the other times that you got paid by Mr. Morehouse
- 20 were to be security, such as security for Heather and make
- 21 sure everything's okay over there, correct?
- 22 A. Yeah, with her and her babies.
- 23 Q. All right, so you were be -- you were paid to be security
- 24 for Mr. Morehouse on that occasion, correct?
- 25 A. Yes, ma'am.

1 Q. You admit that you've known Brittany Moody four, five
2 years, ---

3 A. Yes, yes, ma'am.

4 Q. --- you used to be in a relationship together?

5 A. Yes, ma'am.

6 Q. You trusted her and she trusted you, correct?

7 A. You could say.

8 Q. You had known Erica Waters in the past as well?

9 A. I have.

10 Q. And you had met Heather before as you just testified to,
11 correct?

12 A. Yeah, that was -- but I aint known her since, what, um,
13 before Chuck I ain't never known her.

14 Q. You met her through Chuck, correct?

15 A. Um, yes, ma'am.

16 Q. Now you denied during direct examination that you get
17 paid to be the muscle man, correct?

18 A. Yes, ma'am.

19 Q. You deny that.

20 A. Yes, ma'am, I do.

21 Q. You deny ever referring to yourself as the muscle man ---

22 A. I do.

23 Q. --- or an enforcer ---

24 A. Yes, ma'am.

25 Q. --- yet you have a tattoo of a hit man symbol, correct?

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

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

2 THE COURT: (No audible response.)

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

4 BY MS. MAYES:

5 Q. What is the hit man symbol that you have a tattoo of?

6 A. It's a Chinese emblem.

7 Q. Well why is it a hit man? Would ---

8 A. I mean, ---

9 Q. --- it ---

10 A. --- I I didn't know at the time that it was a a hit man.

11 Q. But you you refer to it as a hit man symbol, correct?

12 A. Ma'am?

13 Q. You refer to it as a hit man symbol, correct?

14 A. No, ma'am.

15 Q. You verified that it was hit man symbol when you were
16 booked in, correct?

17 MS. ZMROCZEK: Your Honor, again, this, I think this is
18 hearsay.

19 THE COURT: Okay. If he knows, if he has knowledge, same
20 same way I overruled ---

21 MS. ZMROCZEK: , Correct, ---

22 THE COURT: --- earlier, ---

23 MS. ZMROCZEK: --- okay.

24 THE COURT: --- he has knowledge ---

25 MS. ZMROCZEK: Okay.

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 THE COURT: --- he can answer.

2 MS. ZMROCZEK: S ---

3 THE DEFENDANT: Ma'am?

4 THE COURT: Rephrase your question so to see ---

5 MS. MAYES: Yes, sir, ---

6 THE COURT: --- if he ---

7 MS. MAYES: --- Your Hon ---

8 THE COURT: --- has knowledge, Ms. Mayes.

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

10 BY MS. MAYES:

11 Q. Uh, when you were booked in at the detention center, uh,
12 and on this charge and they asked you about your tattoos, you
13 refer to that as the hit man symbol, correct?

14 A. Yes, ma'am.

15 Q. All right. And wouldn't you also have a tattoo of a gun
16 on your leg, correct?

17 A. Yes, ma'am.

18 Q. So that's just all coincidental, correct?

19 A. Yes, ma'am.

20 Q. And let's talk about these threats to Erica Waters that
21 you say you made; first of all, let's try and get straight on
22 this timeline. So 'cording to your testimony that you've been
23 with, uh, Morehouse all day long, correct?

24 A. Not all day, no.

25 Q. What was your testimony about when ya'll first hooked up

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 to go to Aiken to get this supply from the guy who is
2 underneath the Mexican cartel Bradley?

3 A. It was after we left the GameStop.

4 Q. 'kay. All right, so what time would you approximate you
5 were at the GameStop?

6 A. Um, well you gotta check out the motel at 11, I locked
7 the keys in the car.

8 Q. All right, give us a rough estimate: after 11? before
9 2?

10 A. Probly before 2 ---

11 Q. All right.

12 A. --- but I'm not a hundred percent on that though.

13 Q. Okay, sometime after you check out of the motel, uh, you
14 and Morehouse meet up at the GameStop, ---

15 A. Yes, ma'am.

16 Q. --- he actually comes to pick you up from the GameStop
17 from who?

18 A. From ---

19 Q. Who ---

20 A. --- my little sister and them after goin' buy my little
21 boy some school supplies.

22 Q. Okay, so your little sister Stephanie Forren (phonetic)
23 she can drive, right?

24 A. Uh, yes.

25 Q. All right, so he comes and picks you up at the GameStop

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 from here, then where'd you go?

2 A. We went to get gas.

3 Q. And then where?

4 A. Then we went to Chuck Morehouse's house where I sat in
5 the driveway and waited.

6 Q. All right, 165 Willow Fork, then where?

7 A. Then we went to Aiken.

8 Q. You went to Aiken for the purpose of meeting this guy
9 Bradley, uh, who you say is underneath the Mexican cartel,
10 right?

11 A. That's what I've been informed, yes.

12 Q. And your testimony is that you were paid to ---

13 A. Just to ride with him.

14 Q. --- just to ride.

15 A. Yes, ma'am.

16 Q. How much were you gettin' paid?

17 A. A few hundred dollars.

18 Q. All right. Where'd you go after that?

19 A. We went to some dude named Pops' house and waited and
20 Chuck asked a girl to go get us some food, ---

21 Q. All right.

22 A. --- then we went to the, uh, he said the lakehouse but it
23 wasn't a lakehouse, it was like a apartment complex.

24 Q. All right, what county are you in now?

25 A. I'm still in Aiken.

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

- 1 Q. All right, then where?
- 2 A. And then we went to go meet Bradley.
- 3 Q. All right, really what we're talkin' about here is you
- 4 went to re-up, right, yet ---
- 5 A. Ha ---
- 6 Q. --- he ---
- 7 A. --- I didn't, he did.
- 8 Q. That's about re-uppin' that supply and that shipment that
- 9 comes from his plug from Mexico, correct?
- 10 A. Far as I'm concerned, yes, ma'am.
- 11 Q. All right. Now when'd you make it back to Lexington
- 12 County?
- 13 A. It was still daylight.
- 14 Q. Okay, where'd you go?
- 15 A. We went to, let me think, we went to Heather's house.
- 16 Q. All right, then where?
- 17 A. The gas station.
- 18 Q. Then where?
- 19 A. Snoop's.
- 20 Q. Then where?
- 21 A. And then I have, I had took Chuck's car back to, back to
- 22 the gas station.
- 23 Q. Talkin' 'bout Village Store?
- 24 A. Yes, ma'am, I am, ---
- 25 Q. All right.

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 A. --- on Platt Springs.

2 Q. All right, so now we're talkin' about almost 10 p.m.

3 because you're at that Village Store ---

4 A. Ya'll should have the video footage.

5 Q. Um-hum, so the first time you're at the Village Store I'm
6 gonna show you a photograph.

7 A. You -- that's where I was cleanin' the windshield and
8 pumpin' gas, right?

9 MS. ZMROCZEK: Your Honor, we have no objection to these
10 coming in too.

11 THE COURT: These marked?

12 THE DEFENDANT: No, sir.

13 THE COURT: Okay. No, I'm askin' Ms. Mayes.

14 THE DEFENDANT: Sorry, sir.

15 MS. ZMROCZEK: So ----

16 BY MS. MAYES:

17 Q. 9:43 you're not at the gas pump, pulled up to the
18 store to go ---

19 A. That's ---

20 Q. --- inside.

21 A. --- the second time. That's the second time I pulled up
22 there.

23 Q. This is 9:43 and 9:45 when Mr. Morehouse is drivin', then
24 you return at 10:04 and you're drivin' and that's when you get
25 your phone.

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 A. When I found my phone?

2 Q. Um-hum.

3 A. Um-hum.

4 Q. All right, so those are the two trips to the Village
5 Store, correct?

6 A. Yes, ma'am, but af -- after we had pumped the gas he
7 pulled the car forward so I didn't have to walk to the pump
8 with the two 6-pack a Heinekens.

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

10 THE COURT: Okay.

11 (Pause.)

12 MS. ZMROCZEK: Your Honor, under the rule of completeness
13 this is all on video, um, I would be moving this video in
14 through the next witness anyway so . . .

15 MS. MAYES: We we have no objection, Your Honor, I'm
16 gonna go ahead and have these marked, um, as State's
17 additional three exhibits and then we will, uh, mark the
18 appropriate, uh, video and we'll just need time for setup.

19 THE COURT: These'll be three, 183, 184 and 185 will be
20 photos and 186 will be the video that you're want -- is it
21 already on a disk?

22 MS. MAYES: It is, Your Honor.

23 THE COURT: Okay.

24 MS. ZMROCZEK: And I already have mine marked if they get
25 there but if we can put 'em in twice I guess.

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 THE COURT: Let's don't put them in twice. Um, if same
2 video, let's just use the State's, that way it'll ---

3 MS. ZMROCZEK: Okay.

4 THE COURT: --- it'll be consistent with these three.

5 MS. ZMROCZEK: Thank you, Your Honor. I just wanna make
6 sure they put those ---

7 THE COURT: All right.

8 MS. ZMROCZEK: --- that you've entered in ---

9 (Indiscernible cross-talk.)

10 THE COURT: Okay, I'll -- ya'll, let's let Ms. Maggie
11 catch up.

12 (Photographs marked State's Exhibit Nos. 183, 184 and 185
13 for identification and admitted into evidence.)

14 THE COURT: Are ya'll gonna give us the video
15 momentarily, Ms. Mayes?

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

17 THE COURT: Okay. All right, so 183, 184 and 185 is in,
18 those are the still photographs that were retrieved from the
19 video and 186 will be the video itself.

20 MS. MAYES: All right.

21 MS. ZMROCZEK: And there are two within the, I think it's
22 still of when ---

23 BY MS. MAYES:

24 Q. So it is now 9, uh, 43, 9:45 the first time you're there
25 and 10:04 the second time, correct?

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 A. Yes, ma'am, and I believe that's when I had called
2 Chuck's phone 'cause, I mean, he called my phone because I
3 didn't have my phone and I, 'cause I was lookin' for.

4 Q. So what you're saying is between those two trips, 9:43
5 and 10:04, at some point you, uh, left your phone inside the
6 Village Store, right?

7 A. It wasn't inside, it was in the parkin' lot.

8 Q. So that's why you had to go back at 10:04 p.m., uh, to
9 retrieve that phone, right?

10 A. Yes, ma'am.

11 Q. All right, so the first time you go you're with your
12 co-defendant: ---

13 A. Yes, ma'am, I am.

14 Q. --- the second time you're driving the car.

15 A. Yes, ma'am, I am.

16 Q. Where is he?

17 A. He is at Snoop's house.

18 Q. All right, so then you leave there and you return back to
19 Snoops.

20 A. That's right.

21 Q. Okay. All right, what happens next?

22 A. He gets a phone call.

23 Q. All right, where do you go from Snoop's?

24 A. We, we're on our way back to I thought Heather's house
25 but he said he had to make a stop and get some money.

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 Q. All right, so it's fair to say you were at Heather's
2 house around 9:30 p.m., correct?

3 A. I couldn't tell ya exactly what time.

4 Q. All right, and then you're at the Village Store by
5 ni -- 9:43 and 10:04 then you'd be back at Snoop's sometime
6 after 10:04 and then by 11, by 11:11, 11:13 you're at Old
7 Orangeburg Road, correct?

8 A. I believe so.

9 Q. Okay. So what happens is and ya'll come in from Pleasant
10 View, you come down Pleasant View down the dirt portion of Old
11 Orangeburg Road, your testimony is he's driving again, ---

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

13 Q. --- there's a 3-point turn some point, ---

14 A. Yeah, I can see 302 from where he did the 3-point turn,
15 yes, ma'am.

16 Q. All right, so you see the 3, get a aerial map, can you
17 see this from where you are?

18 A. Yes, ma'am, I can.

19 Q. All right, so the green star's the Old Orangeburg Road
20 area we're talkin' about, this (indicating) is gonna be
21 Pleasant View up here (indicating) at the top, right along
22 here (indicating), ---

23 A. Okay.

24 Q. -- that's gonna be Pleasant View. Down here (indicating)
25 gonna be the area of 302, Edmund Highway.

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 A. Yes, ma'am.

2 Q. So you don't come in from this (indicating), ya'll come
3 in from the Pleasant View side, you proceed down past the Blue
4 Lagoon right here (indicating), all the way down close enough
5 to where you can start to see headlights from 302.

6 A. That's right, yes, ma'am.

7 Q. Once ya'll start to see headlights from 302 there's a
8 3-point turn comin' back up this (indicating) way, right?

9 A. Yes, ma'am, I I 'member seein' a mattress.

10 Q. So ya'll come all the way back up here (indicating) and
11 now you're pointing this (indicating) way, ya'll pointing that
12 (indicating) way back up towards Pleasant View, right?

13 A. Yes, ma'am, we are.

14 MS. ZMROCZEK: Your Honor, Your Honor, may we approach
15 briefly?

16 THE COURT: Yeah, well I'm been workin' on the
17 instructions, I didn't really hear the question.

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

19 BY MS. MAYES:

20 Q. So after the 3-point turn ya'll are back turned around
21 now facing back towards Pleasant View this (indicating) way,
22 right, ---

23 A. Yes, ma'am.

24 Q. --- headlights facing this (indicating) way.

25 A. Yes, ma'am.

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 Q. How long would you say ya'll are sitting there waiting on
2 David Porter?

3 A. Maybe little over thirty minutes, thirty minutes, in
4 between there.

5 Q. Okay. And then there's word that David Porter's coming
6 in, what way does he come in from?

7 A. From South Congaree, the 302 side.

8 Q. All right, so he's coming from this (indicating) way.

9 A. Yes, ma'am.

10 Q. He drives straight up this (indicating) way towards
11 ya'll?

12 A. Uh, yes, ma'am, there's no other way you can go.

13 Q. All right, so then he's gonna be facing the same way, his
14 car is also facing Pleasant View 'cause he's coming in from
15 this (indicating) way, correct?

16 A. Yes, ma'am.

17 Q. So the front of his car is facing the back of your car.

18 A. Not my car but my co-defendant's, ---

19 Q. Chuck's car.

20 A. --- yes.

21 Q. All right. And then your testimony is that outta the
22 blue you hear gunshots, Morehouse gets back in the vehicle,
23 points a gun at you and then ya'll go back to Snoop's house.

24 A. Yes, ma'am.

25 Q. I add that to the map events, Snoop's, and that's where

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 you stay for the rest of the night, right?

2 A. Yes, ma'am, that is correct.

3 Q. How long did Morehouse stay there?

4 A. Uh, I -- it's hard to say, I mean, it wasn't, it wasn't
5 too long.

6 Q. Just long enough to go in, wash up with some Ajax, force
7 you to burn your clothes and then leaves?

8 A. I mean, he never did force me, he just told me.

9 Q. Told you to burn your clothes.

10 A. Yes, ma'am, he did.

11 Q. Your shirt, ---

12 A. My socks.

13 Q. --- those jeans you had on in the Village Store video.

14 A. Yeah, they were shorts.

15 Q. Show you that photograph, this is gonna be a still shot
16 from that surveillance video at 9:45.

17 A. Yeah, they're shorts, they're just real low.

18 Q. You mean long?

19 A. Yes, ma'am.

20 Q. All right. That's (indicating) the Chevy Impala you're
21 getting into, right?

22 A. Yes, ma'am, that is.

23 Q. Um, wanna mark this one for ID as well, Your Honor.

24 Actually, he's identified as I believe is a fair and accurate
25 representation so it would be for evidence.

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 A. If you, if you had the the, uh, photo from inside the
2 store, you you'd know I had shorts on.

3 THE COURT: Okay, hang on. Uh, the one we just
4 identified ---

5 MS. MAYES: Um-hum.

6 THE COURT: --- will be 187?

7 MS. ZMROCZEK: They enter ---

8 COURT REPORTER: 186.

9 MS. ZMROCZEK: --- exhibit, okay.

10 THE COURT: The video's gonna be 186.

11 COURT REPORTER: I haven't gotten the video yet.

12 THE COURT: All right, then we'll, uh, okay, I will, I
13 didn't think we had either, Margaret. All right, so 186 will
14 be the photo.

15 MS. MAYES: And it's for evidence.

16 (Photograph marked State's Exhibit No. 186 for
17 identification and admitted into evidence.)

18 BY MS. MAYES:

19 Q. All right, ---

20 THE COURT: Now that Margaret's, ---

21 COURT REPORTER: I'm good.

22 THE COURT: --- so, yeah, okay.

23 Q. --- so your your testimony now is that you weren't forced
24 to burn your clothes at all, were you Mr. Sisk?

25 A. No, ma'am, I wasn't.

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 Q. Just thought it was the best thing to do?

2 A. Yes, ma'am, I did.

3 Q. Everything down to your boxers and then Brittany gave you
4 some new clothes to put on, right?

5 A. That's correct.

6 Q. And when ya'll are in that Village Store you had bought
7 some Heineken, hadn't you?

8 A. Yes, ma'am, I did, two 6-packs with his money though.

9 Q. 'kay, and believe on that first one where you're the
10 passenger, it's gonna be the 9:45, the 9:43 one, you're the
11 passenger, you've seen the video, right?

12 A. Let me see.

13 Q. You come in outta that store ---

14 A. With two 6-packs?

15 Q. --- carryin' that Heinekin and you put it right there
16 (indicating) ---

17 A. Behind the passenger seat, ---

18 Q. Right, right ---

19 A. --- yes, ma'am.

20 Q. --- there behind the passenger seat.

21 A. I did so that way it's easier for him to grab the beers
22 from driver's side.

23 Q. And you were so freaked out after this murder that you're
24 out there drinkin' Heineken by the fire, aren't you?

25 A. No, I don't drink. No, ma'am, I was not.

1 Q. How'd those two Heineken that are missing from the 6-pack
2 in the back a that car, exactly where you left 'em, how those
3 two Heineken get out there by the burn pile when you were
4 burnin' your clothes?

5 A. I mean, I have no idea.

6 Q. No idea?

7 A. No, ma'am, I don't.

8 Q. All right. And then while Mr. Morehouse is gone, uh, no
9 point in time do you call your sister Stephanie -- your
10 phone's workin', correct?

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

12 Q. At no point in time you call your sister Stephanie who
13 can drive 'cause she' taken you to GameStop earlier that day,
14 you don't ever call her come get you out there, do you?

15 A. No, why would I when I'm I'm too high and they don't
16 approve a me gettin' high thank you.

17 Q. All right, and you didn't call your mom.

18 A. No, ma'am, I did not, I know better than go to my mama's
19 house after dark.

20 Q. You didn't call the girlfriend that you told us about
21 earlier on direct examination, Jennifer Linderman, you didn't
22 call her to come get you, did you?

23 A. No, I ---

24 Q. You ---

25 A. --- did ---

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 Q. --- really ---

2 A. --- not.

3 Q. --- weren't, you really weren't scared at all were you,

4 Mr. ---

5 A. Ye -- yes ---

6 Q. --- Sisk?

7 A. --- I was.

8 Q. You were so scared that you're out there by that fire
9 drinkin' Heineken with the phone and you never call a single
10 person that you can rely on like your girlfriend, your mom or
11 your sister to come get you, ---

12 A. I don't drink.

13 Q. --- you're more interested in texting your co-defendant
14 Charles Morehouse, you're the one that initiated the text with
15 him at 12:05 a.m.

16 A. Yes, ma'am, I did.

17 Q. All right, so tell us about this drug box and why you
18 felt the need to be the one who had to track it down to the
19 point of making threats as you put it on direct examination
20 towards Erica Waters.

21 A. Because I was, I was there at the house with 'em and they
22 all at Snoop's house said that I took that box and it wasn't a
23 box, it was like, it was like a lunch, it's like a lunch box
24 with a zipper on it, you know, I think it was insulated.

25 Q. Whatever it was it was a container that had about ten

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 grand worth of drugs in it, correct?

2 A. I mean, maybe not ten grand after what Snoop had got out
3 of it 'cause he gave Snoop an ounce.

4 Q. All right, but ya'll had just re-upped ---

5 A. Yes, ma'am, we ---

6 Q. --- earlier ---

7 A. --- did.

8 Q. --- that day, got 8 ounces from Bradley, that's about ten
9 grand worth a dope, and then you say about an ounce went to
10 Snoop ---

11 A. Yes, ma'am, I ---

12 Q. --- so ---

13 A. --- did.

14 Q. --- let's say give or take there's 7 ounces left in that
15 box, container, lunch box, whatever that is, how much is that
16 worth?

17 A. Well you think it's \$10 a tenth and it's a hundred
18 dollars a gram so 'bout 'bout ten grand.

19 Q. All right. And you come to the conclusion that Erica
20 Waters has that dr -- has that dope, don't you?

21 A. Yeah, 'cause she was the last person I seen with it when
22 I left the house.

23 Q. All right. When you left the house the next mornin' that
24 you caught that ride with Brittany Moody's dad over to your
25 friend Kim Hartley's house, right?

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 A. Yes, ma'am, I did.

2 Q. All right. Now were talkin' about early morning August
3 4th, right?

4 A. I believe.

5 Q. By the next day, August 5th, you're desperate to get that
6 drug box, aren't ya?

7 A. I'm not desperate, I'm just tryin' to get my name
8 cleared, that, yeah, yeah.

9 Q. How so? What are you talkin' about?

10 A. From them boys comin' to my mama's house and threatenin'
11 me.

12 Q. What you're sayin' is somebody threatened you to get the
13 dope and now you're goin' out threatenin' a female that you
14 think has the dope, correct?

15 A. 'cause they were sayin' that I took it.

16 Q. So by 5:48 you say, Boss never came by there, so I told
17 you not to lie to me, you did so I I didn't warn you, what are
18 you talkin' about?

19 A. Sayin' thats -- they're sayin' that that I took the dope
20 and she said that Morehouse come by there and got it.

21 Q. And by August 5th Morehouse is in jail, he's been locked
22 up since August 4th, hadn't he?

23 A. I didn't know that at the time.

24 Q. You didn't know?

25 A. No, ma'am, I did ---

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 Q. You ---

2 A. --- not.

3 Q. --- you talked to his wife.

4 A. Ma'am?

5 Q. You talked to his wife Crystal about ---

6 A. N ---

7 Q. --- that dope box.

8 A. No, ma'am.

9 Q. All right, well let's talk about that.

10 A. If you pull the phone records, you'd see I I never called
11 her..

12 Q. There's a call to her that night from Snoop's house.

13 A. Yeah, that's 'cause he used my phone.

14 Q. He held a gun to your head to use your phone that
15 night?

16 A. He said he had to go get alibis.

17 Q. He hold a gun to your head to get on Facebook with your
18 phone?

19 A. No, ma'am, he didn't.

20 Q. All right. So let's talk about these text messages you
21 send to Erica Waters while you're out lookin' for her,
22 eventually you found her and confronted her, didn't ya?

23 A. Yes, ma'am, I did.

24 Q. You confronted her to the point she's in fear for her
25 life, she sends a text message sayin', If anything happens to

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 me, Wiley Sisk did it, and she sends that to her mother,
2 doesn't she?

3 A. Yes, ma'am, but if she's so fear of her life, why she
4 have a .45 pistol on her lap when I, when I come over there?

5 Q. Perhaps it's to protect herself from you.

6 A. And it was the same .45 Chuck gave Snoop when they did
7 the swap ---

8 Q. All right, ---

9 A. --- the black ---

10 Q. --- that ---

11 A. --- and chrome one.

12 Q. --- all right, I was gonna get into that because you were
13 a witness to that swap, weren't you?

14 A. Yes, ma'am, I was.

15 Q. All right, so we'll get to that momentarily but first I'm
16 gonna address these text messages to Erica. You're still
17 referring to Chuck, your co-defendant, as boss, you're
18 concerned about getting the dope, you say, I talked to his
19 wife that's all I'm going to say, let me ---

20 A. I was ---

21 Q. --- show you.

22 A. --- just lyin' when I texted her that but well I never
23 did that.

24 Q. Take a look at that.

25 A. Yeah, I did say that.

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 Q. All right, so you admit that this is you, it's from your
2 phone number []-9770.

3 A. Yes, ma'am.

4 Q. So the first text on August 5th while you're -- the box
5 containing the dope is missing, this is to Erica, and you say,
6 Boss never came by there so I told you not to lie to me.

7 A. Yeah, that means that when them boys come lookin' for
8 that dope that, I mean, I'm gonna go where where she's at and
9 that they they can confront her.

10 Q. And you did say, Don't say I didn't warn you.

11 A. I mean, I told her that's a lotta dope, I mean, and
12 them them are some, they're not people that, they're not like
13 people that go to Lexington, that these these are thugs
14 and ---

15 Q. These are enforcers, these are muscle men.

16 A. Uh, that's correct.

17 Q. I talked to his wife that's all I'm going to say, you
18 send that August 5th at 5:49.

19 A. Yes, ma'am, I did but I never talked to her. See, if you
20 look my, if look at my phone records, you can see that I never
21 did text her or call her except for that when Morehouse did
22 that one time, that was it.

23 Q. Why'd you put that in your text message?

24 A. Just to to shake her up, see if she, um, just confess
25 that she had it.

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 Q. Shake her up?

2 A. Yeah.

3 Q. That's what you do, isn't it?

4 A. No, ma'am, it aint.

5 Q. And your follow-up text message, You will see and it's
6 not a threat, it's a promise.

7 A. Uh, yes, ma'am.

8 Q. That's from you also ---

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

10 Q. --- to Erica.

11 A. Yes, ma'am.

12 Q. You want that ten grand worth a dope?

13 A. No, I don't but the boys that do, that are with me do.

14 Q. You came to collect it?

15 A. Just clear my name.

16 Q. Just to clear your name?

17 A. Yes, ma'am.

18 Q. This would be State's exhibits for evidence, Your Honor.

19 THE COURT: Uh, they will be 187 and 188?

20 MS. ZMROCZEK: And, Your Honor, we intend put in the
21 entire phone records, they actively object.

22 MS. MAYES: S -- not sure the State would object to but
23 we can deal with that at the appropriate time.

24 THE COURT: Okay, these two come in.

25 (Text messages marked State's Exhibit Nos. 187 and 188

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 for identification and admitted into evidence.)

2 BY MS. MAYES:

3 Q. All right, and here looking at 187 and you say, Boss
4 never came by there, I told you not to lie to me and you did
5 and don't say I didn't warn you, then you say, I talked to his
6 wife, that's all I'm gonna say, your testimony is you didn't
7 really talk to boss' wife, you just made that up to shake her
8 up, correct, ---

9 A. That is correct.

10 Q. --- and collect the dope.

11 A. I never did collect no dope.

12 Q. But you wanted to, that's ---

13 A. No, ---

14 Q. --- the ---

15 A. --- I ---

16 Q. --- whole ---

17 A. --- ha ---

18 Q. --- purpose?

19 A. No, ma'am, it was not, I was just there to clear my name.

20 Q. You deny that you went there to collect the box of
21 dope?

22 A. I went there to, I went there to clear my name is why I
23 went there.

24 Q. Here (indicating) you have s -- They'll check, your text
25 is, You will see and it's not a threat, it's a promise,

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 correct?

2 A. Yes, ma'am.

3 Q. But you never did get that box of dope, did you?

4 A. I never had no idea what happened to that box.

5 Q. Followed a lotta leads but you never could find it, could
6 you?

7 A. I just was just there to clear my name, that was it.

8 Q. How much were you supposed to get paid for what happened
9 out on Old Orangeburg Road?

10 A. I wasn't supposed to get paid.

11 Q. You were just there to sit and wait.

12 A. I was just ridin' with him.

13 Q. Ms. Zmroczek asked you about the shoes you had on, uh,
14 that night, kinda shoes do you have on?

15 A. It was a Nike sumtin'.

16 Q. Color were they?

17 A. Black.

18 Q. Your testimony is Chuck then left to get alibis while you
19 were still there by the fire burning your clothes then
20 eventually he makes it back, you let him use your phone to get
21 on Facebook, you say it was him that used your phone to call
22 Crystal ---

23 A. Off my ---

24 Q. --- but ---

25 A. --- phone, yes, ma'am.

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 Q. --- that it wasn't you but you still got your phone at
2 least that point in time, right?

3 A. Yes, ma'am, I do.

4 Q. And at this point in time he gets rid of his phone,
5 doesn't he?

6 A. I had no idea what he had done with it.

7 Q. You got rid of your phone too, didn't you? You ---

8 A. Not ---

9 Q. --- didn't ---

10 A. No, I did not, not that night ---

11 Q. Not that night, you ---

12 A. --- but 'cause it was all because I dropped it in toilet
13 and I thought it was messed up but I had given it to my
14 sister.

15 Q. All right, so when the police arrested you and you had no
16 phone it's because it had been dropped into the toilet?

17 A. Yes, ma'am.

18 Q. And your testimony is that, uh, you're afraid of
19 Mr. Morehouse when you went lookin' tryin' to collect dope on
20 his behalf two days after the murder because ---

21 A. I wa ---

22 Q. --- he's locked up and can't do it?

23 A. --- I was just tryin' to clear my name, that was it.

24 Q. How's it gonna clear your name?

25 A. Because everybody's sayin' that I took the dope.

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 Q. Well if you go and get the dope then you do have the
2 dope, you haven't cleared your name.

3 A. I was with the boys that wanted the dope.

4 Q. You know anything about a conversation where
5 Mr. Morehouse says, I love me some Wiley Coyote?

6 A. Uh, not until after I had went through my motion, no,
7 ma'am, I don't.

8 Q. What's that about?

9 MS. ZMROCZEK: Your Honor, ---

10 A. I don't know.

11 MS. ZMROCZEK: --- there's -- that's what, I think she's
12 asking him speculate as to what Mr. Morehouse ---

13 THE COURT: She ---

14 MS. ZMROCZEK: --- said.

15 THE COURT: If he knows.

16 A. I don't.

17 THE COURT: All right, ---

18 A. I don't.

19 THE COURT: --- fair enough.

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

21 THE COURT: Yes, ma'am.

22 (Pause.)

23 BY MS. MAYES:

24 Q. You had just opened, uh, that phone account I believe a
25 couple a days before all this went down on old Orangeburg

1 Road, right?

2 A. Yes, ma'am, 'cause at the Boost Mobile store I went to
3 they had a little thing goin' if I traded my ol -- if I traded
4 my old phone in for a new phone all I had do is pay for a
5 first month service and they'd give me a brand new phone at
6 Boost Mobile.

7 Q. All right, so in less than a week, uh, you've racked up
8 all these conversations, uh, with Mr. Morehouse, correct, ---

9 A. Yes, ma'am.

10 Q. --- the co-defendant.

11 A. Yes, ma'am.

12 Q. What what in the world do you have the need to talk
13 about, uh, fifty times a day?

14 A. You know, just s -- where is he at, he's a -- 'cause he's
15 always talkin' in code, I mean, and he's he's a spectacle
16 [sic] and paranoid kinda guy.

17 Q. Paranoid about informants?

18 A. Yes, ma'am, he is.

19 Q. Trusted you, he had you right by his side that night,
20 didn't he?

21 A. Yes, ma'am, he did because he never heard nuttin' about
22 me.

23 Q. You wanted his trust?

24 A. Not like that no, ma'am, I didn't, I just wanted, I was
25 just a user.

WILEY SISK - CROSS-EXAMINATION BY MS. MAYES

1 Q. You're just a user? You're in his car, the man you call
2 Boss, for a purpose and that's to get paid, right?

3 A. Just he said he, that he'd give me some money, yes,
4 ma'am, I did.

5 Q. He paid you for it before, hadn't he?

6 A. Yes, ma'am, he did.

7 Q. And you weren't gonna come outta this without gettin'
8 paid, were you, Mr. Sisk?

9 A. I never said that.

10 Q. Nothing further.

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

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

13 THE COURT: Um.

14 MS. ZMROCZEK: At this point we would move in Defendant's
15 4 which are the two full videos of the screenshots that they
16 put in, I thought they were gonna move 'em in and mark 'em as
17 187 but it's not, it's my or 180.

18 THE COURT: Well we never did mark it.

19 MS. ZMROCZEK: Okay.

20 THE COURT: I I called out it was gonna be 186 but it
21 never made it this far up and so it's not been marked.

22 MS. ZMROCZEK: Okay.

23 THE COURT: Any objection to usin' Ms. Zmroczek's copy a
24 the video from, it's from this gas station?

25 MS. MAYES: No objection, Your Honor.

WILEY SISK - REDIRECT EXAMINATION BY MS. ZMROCZEK

1 THE COURT: Okay.

2 MS. ZMROCZEK: This came straight from the evidence
3 custodian so I haven't ---

4 THE COURT: All right, that will be Defense ---

5 MS. ZMROCZEK: Four, it was pre-labeled.

6 THE COURT: All right, without objection Defense 4 is now
7 in.

8 MS. ZMROCZEK: Okay.

9 (Defendant's Exhibit No. 4, DVD of gas station video,
10 admitted into evidence.)

11 MS. ZMROCZEK: 'scuse me, Your Honor.

12 REDIRECT EXAMINATION BY MS. ZMROCZEK:

13 Q. Mr. Sisk, ---

14 A. Ma'am.

15 Q. --- on August 7th when you gave a 6-hour audiotaped
16 interview and a 9-page statement to this investigator right
17 here (indicating), you told him about the Village Store,
18 right?

19 A. I told him everything.

20 Q. Okay. And then Defendants 4 these two videos were
21 collected at the Village Store, right?

22 A. I mean, I didn't know but now I know.

23 Q. Okay. And so they show everybody's comings and goings
24 and all the locations ---

25 A. Yes, ---

WILEY SISK - REDIRECT EXAMINATION BY MS. ZMROCZEK

1 Q. --- to ---

2 A. --- ma'am.

3 Q. --- your knowledge, right?

4 A. Yes, yes, ma'am.

5 Q. Ms. Mayes asked you about these text messages, um, and
6 these are from Erica's phone, right?

7 A. Yes, ma'am.

8 Q. Um, and then some a the information's blacked out but
9 we'll get to that later, but you wrote this, right?

10 A. Yes, ma'am.

11 Q. And and and and did you see any messages where you said,
12 I ain't leaving without all the footwork I did, or any ---

13 A. N ---

14 Q. --- of that?

15 A. --- no, ma'am, I did not.

16 Q. Okay. Um, she asked you about hearing a conversation but
17 you ju -- which you didn't hear but you're aware of about
18 Morehouse sayin', I love me some Wiley Coyote, right?

19 A. Yes, ma'am, I did.

20 Q. Okay, first of all, do you go by Wiley Coyote?

21 A. No, ma'am, I do not.

22 Q. And does Mr. Morehouse, Chuck, talk in code?

23 A. Yes, ma'am.

24 Q. Okay, so if he's tellin' somebody, I love me some Wiley
25 Coyote, you don't know what that means, does it?

WILEY SISK - REDIRECT EXAMINATION BY MS. ZMROCZEK

1 A. No, ma'am, I told the investigators that too.

2 Q. But they asked you about that, right?

3 A. They did. They asked me if I had any nicknames and if
4 Wiley Coyote rung a bell.

5 Q. Okay, but that's not your nickname.

6 A. No, ma'am, it is not.

7 Q. Okay. When Mr. Morehouse talks in code, you've talked in
8 code with him before, right?

9 A. Yes, ma'am.

10 Q. If he says he loves somethin', does that mean he loves
11 somethin'?

12 A. No, ma'am, it does not.

13 Q. Okay. If he says that, um, oh, it, I mean, that people
14 are, ya'll are all aware in the drug business or with the drug
15 practice that your phones are all subject to recording and
16 and review, right, ---

17 A. Yes, ma'am.

18 Q. --- and now is that why you dropped your phone in the
19 toilet?

20 A. No, ma'am, it is not.

21 Q. Okay.

22 A. My nephew had the phone and and dropped it.

23 Q. Okay. And, um, when you voluntarily went to the police
24 station and gave a statement and your DNA, would you have
25 given them your phone?

WILEY SISK - REDIRECT EXAMINATION BY MS. ZMROCZEK

1 A. Yes, ma'am, --- .

2 Q. Okay. Um, ---

3 A. --- but they never asked for my phone when I was on the
4 way ta to to there so, I mean, ---

5 Q. Okay.

6 A. --- and I never left the police department after that.

7 Q. Okay. Uh, she asked you about how this sand or dirt got
8 into the Impala and you did testify on direct the first time
9 that you had gotten out and stretched your legs, right?

10 A. Yes, ma'am, I did.

11 Q. Okay. Uh, when you're walkin' around Chu -- or Snoop's
12 house, is there any grass, is it all grass or is there woods?

13 A. There's there's woods, there is dirt, I mean, there's
14 dirt in Aiken too when we went to that house, that trailer in
15 Aiken there's dirt, I mean, . . .

16 Q. That lakehouse as you called it?

17 A. No, no, it was the, it was a spot where we were at before
18 we went to the lakehouse ---

19 Q. Okay.

20 A. --- well 'cause where the lakehouse was at supposedly is
21 off a main highway and there is no dirt right there, I never
22 got out there.

23 Q. What about Pops'?

24 A. Pops' house I did get out, ---

25 Q. Okay.

- 1 A. --- that was s'possebly what they called the "Rebels."
- 2 Q. Okay. A what?
- 3 A. The Rebels.
- 4 Q. The Rebels? Is that ---
- 5 A. Yeah, it was like a motor, this is a bunch a motorcycles
- 6 that . . .
- 7 Q. Okay. Um, all these people that she's askin' about, um,
- 8 Brittany and Erica that you've known, ---
- 9 A. Um.
- 10 Q. --- you've known them for years?
- 11 A. Yes, ma'am, I have.
- 12 Q. When was the last time though that you actually spent
- 13 time with them?
- 14 A. (Sighed.) Long time, more than two, three years.
- 15 Q. Whose crew were they with for those two or three years?
- 16 A. Snoop.
- 17 Q. Snoop? Who did Snoop work for?
- 18 A. Uh, s -- I mean, I didn't know at the time, I didn't know
- 19 where he was gettin' it but now I know it was Chuck ---
- 20 Q. Okay.
- 21 A. --- and whoever else he was gettin' from.
- 22 Q. Okay. You've, um, I I know through discovery you've had
- 23 the oppor, uh, see that -- opportunity to see that they
- 24 downloaded Erica's complete phone, right, ---
- 25 A. Yes, ma'am.

1 Q. --- and you've read those text messages?

2 A. Yes, ma'am, I have.

3 Q. Okay. Um, and, uh, are people talking in code in that?

4 A. They are.

5 Q. Let me ask you this, uh, Would it take a a a genius code
6 breaker to figure out codes?

7 A. No, ma'am, it would not, not as long as you're -- not
8 from the streets, if you're from the streets it wouldn't.

9 Q. Okay. What kind of street names do drugs go by?

10 A. I mean, there's all varieties, I mean, you know, ice, I
11 mean ice can be called ice cream, I mean, pineapple, ---

12 Q. Okay, ---

13 A. --- I mean . . .

14 Q. --- let me ask you this, um, If I'm sayin' that I'm at
15 McDonald's or wherever gettin' a Quarter Pounder, my talkin'
16 about gettin' a cheeseburger if I'm tryin' to talk in code?

17 A. No, ma'am, you're not.

18 Q. Okay. If I, if I'm tellin' somebody, Hey, I got -- I'm
19 gettin' a Quarter Pounder, ya'll want one, am I offerin' you a
20 cheeseburger?

21 A. No, ma'am, you're not.

22 Q. Okay, if I'm talkin' in code?

23 A. Yes, ma'am.

24 Q. All right. She asked you, she asked you about this --
25 these Heinekens, right?

WILEY SISK - REDIRECT EXAMINATION BY MS. ZMROCZEK

1 A. Yes, ma'am.

2 Q. And those Heinekin bottles, I think there are now or five
3 or six pictures of 'em, they were right by the fire, right?

4 A. Not by my fire, no.

5 Q. I mean, by the fire at the house at at Chuck's.

6 A. Yes, ma'am.

7 Q. Okay. Um, your DNA ever come back on those?

8 A. I have no knowledgement [sic] a that.

9 Q. Okay. To your knowledge your DNA never came back on
10 those.

11 A. No, ma'am.

12 Q. Your DNA come back on that cigarette right next to the
13 body?

14 A. No, ma'am, it did not.

15 MS. ZMROCZEK: Beg the Court's indulgence.

16 (Pause.)

17 BY MS. ZMROCZEK:

18 Q. She asked you about were you -- when you were forced to
19 go in the car or forced to take off your clothes, you said, I
20 wasn't forced, ---

21 A. No, ma'am, I wasn't.

22 Q. --- okay, when when when somebody says "force," what are
23 you thinking of?

24 A. Held at gunpoint.

25 Q. Okay. Have you been held at gunpoint?

WILEY SISK - REDIRECT EXAMINATION BY MS. ZMROCZEK

1 A. I have.

2 Q. When?

3 A. Uh, at the dirt road.

4 Q. Okay, so when -- what -- you weren't forced to get in the
5 car to go to where you thought was what?

6 A. Heather's house.

7 Q. Okay. Um, so and you're in the car, you don't know
8 what's goin' on, you didn't -- you thought you were goin' to
9 Heather's house.

10 A. Yeah, I did.

11 Q. Okay. And when you're goin' down this dirt road, do you
12 know what's goin' on?

13 A. No, ma'am, I don't, I just know that he was supposed to
14 get some money and that was it.

15 Q. Where was Chuck's pistol in the car?

16 A. In his lap.

17 Q. Okay. Where does Chuck always carry a pistol?

18 A. On him.

19 Q. Okay, so, um, did you have any force that night?

20 A. Ma'am?

21 Q. Was there any force on you that night?

22 A. No, ma'am, there was not.

23 Q. Okay. What about when you got back in the car, when he
24 got back in the car?

25 A. No, ma'am, there was not.

WILEY SISK - REDIRECT EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. What was there? Was there a threat to you?

2 A. Yes, ma'am, there was.

3 Q. Okay. What was that threat?

4 A. That if I seen anything, he asked me if I'd seen anything
5 and I said no.

6 Q. Okay, so when you got back to the house and he says, Take
7 off your clothes, and you said, I thought that be a good thing
8 to do, why'd you think that be a good thing to do?

9 A. 'cause I was thinkin' about me and my family.

10 Q. And what were you thinkin' if you didn't take your
11 clothes off and do what Chuck said?

12 A. That I'd be like that boy on the side a the road.

13 Q. But maybe on the side of a fire pit instead?

14 A. Yes, ma'am.

15 Q. Thank you, Mr. Sisk.

16 THE COURT: All right, you may step down.

17 (Whereupon, the defendant left the stand.)

18 MS. ZMROCZEK: Your Honor, we're gonna call Chris
19 Watkins, he's out, he's been sequestered so we need to go get
20 him but while he's doin' that I'm gonna mark these phone
21 records.

22 THE COURT: Okay.

23 MS. ZMROCZEK: You want me to approach?

24 THE COURT: No, I was just lookin' at the time.

25 MS. ZMROCZEK: I know.

CHRISTOPHER J. WATKINS - DIRECT EXAMINATION BY MS. ZMROCZEK

1 26 for identification.)

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

3 MS. ZMROCZEK: They've been marked, Your Honor, as 16
4 through 26.

5 THE COURT: All right, and 16 through 26 are gonna be
6 admitted without objection and subject to the foundation being
7 laid momentarily.

8 MS. ZMROCZEK: Thank you.

9 (Defendant's Exhibit Nos. 16 through 26, text messages,
10 admitted into evidence.)

11 THE COURT: All right, call your witness.

12 MS. ZMROCZEK: Thank you. Your Honor, we call
13 Christopher Watkins to the stand.

14 (Whereupon, the witness came forward.)

15 THE CLERK: Place your left -- yeah.

16 CHRISTOPHER JAMES WATKINS, having
17 been first duly sworn, testified as follows:

18 THE CLERK: Have a seat, sir. Once you're seated state
19 your full name spelling your last, please.

20 THE WITNESS: Christopher James Watkins, W-A-T-K-I-N-S.

21 DIRECT EXAMINATION BY MS. ZMROCZEK:

22 Q. Mr. Watkins, will you please tell the jury where you're
23 employed.

24 A. I'm employed with Watkins Digital Forensics and
25 Investigations, it's a private investigation firm that I own

CHRISTOPHER J. WATKINS - DIRECT EXAMINATION BY MS. ZMROCZEK

1 and began, uh, January of this year, prior to that I was, uh,
2 I worked as a licensed private investigator, uh, at at a
3 different firm in Columbia. Um, I've been a licensed private
4 investigator since February 2010, my license is through the
5 South Carolina Law Enforcement Division.

6 Q. That's commonly known as SLED?

7 A. Yes.

8 Q. And when you say, um, you're private investigations but
9 the name is Digital Forensics, what's the difference between
10 the two?

11 A. Well our our firm focuses both on, uh, criminal defense
12 investigations and digital forensics, um, however, we do
13 investigations of all types. Uh, digital forensics is the
14 area of digital forensics are a, excuse me, digital forensics
15 is the area of forensic science that consists of acquiring,
16 authenticating, uh, at analyzing and preserving, uh, digital
17 data contained on electronic devices such as computers, cell
18 phones, uh, for the purpose of, uh, for use as evidence in,
19 uh, criminal and civil proceedings.

20 Q. And, uh, included within that vast area do you also, um,
21 do cellular analysis?

22 A. Yes.

23 Q. That's included under the heading of Digital Forensics?

24 A. Yes, that is something we do.

25 Q. Now do you work only for defense or have you worked for

CHRISTOPHER J. WATKINS - DIRECT EXAMINATION BY MS. ZMROCEK

1 other people as well, other parties?

2 A. Uh, uh, we're open to the public, uh, uh, we have a lot
3 of work with de, uh, defense attorneys but I've also been
4 called as a witness, uh, for the, uh, for the State.

5 Q. In the criminal court and in ---

6 A. I ---

7 Q. --- to criminal cases?

8 A. --- in a criminal case, yes.

9 Q. Um, have you ever been qualified as a expert in digital
10 forensics?

11 A. Yes, I've been qualified as an expert in digital forensic
12 science in United States Federal Court, South Carolina, uh,
13 uh, court of, um, ---

14 Q. Co ---

15 A. --- general general sessions, um, ---

16 Q. And that's ---

17 A. --- common pleas ---

18 Q. --- criminal court?

19 A. --- and, uh, uh, yes, criminal court and, uh, uh, family
20 court as well.

21 Q. And then common pleas would be civil court?

22 A. That's correct.

23 Q. Okay, so federal, federal court was that criminal?

24 A. Uh, that was criminal as well, ---

25 Q. Okay.

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1 A. --- yes.

2 Q. Um, and has that been more than once?

3 A. I believe twice.

4 Q. Okay, and then general sessions, common pleas and family
5 court. Have ---

6 A. Yes.

7 Q. --- you also been ---

8 A. Yes.

9 Q. --- asked by the family court to be a witness independent
10 of both parties?

11 A. Yes, I've been, uh, assign or given assignments by family
12 court judges.

13 MS. ZMROCZEK: Your Honor, at this time we would move
14 Mr. Watkins in as an expert in digital forensics and ---

15 THE COURT: Any objection?

16 MR. BELL: Just real briefly, Your Honor.

17 THE COURT: Go ahead.

18 BY MR. BELL:

19 Q. How many CDRs have you reviewed in your time as a private
20 investigator?

21 A. I typically work, uh, I I typically have 'bout a hundred
22 cases open at any given time, um, most a these are and I
23 probly wouldn't say much, I'd say many of these do contain,
24 uh, CDRs or or some, uh, some cell phone analysis of some
25 sort, I can't give an exact number on how many, um, CDRs I've

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1 examined, I would say, uh, definitely over a hundred.

2 Q. And in your review of those hundred or so CDRs, have you
3 been able to formulate opinions as to patterns in calling
4 between individuals?

5 A. Yes.

6 Q. No further questions, no objection.

7 THE COURT: All right, he's so qualified in the field of
8 digital forensics.

9 MS. ZMROCZEK: Thank you, Your Honor.

10 BY MS. ZMROCZEK:

11 Q. Um, Mr. Watkins, I'm gonna hand you, uh, first Exhibit 9
12 and ask if you recognize that, um, exhibit.

13 A. Yes.

14 Q. Okay. Um, what is that if you ---

15 A. This is, that this disk contains a spreadsheet of a a
16 combined, a combination of all the CDRs or not all of them but
17 CDRs from, uh, Wiley Sisk's, uh, CDR, uh, Mr. Morehouse CDRs,
18 uh, two independent CDRs, uh, as well as records from
19 Mr. Porter's, um, cell phone that that was extracted, uh, by
20 law enforcement.

21 Q. Okay, and then you say not all, um, and in in the last
22 week were two additional, uh, CDs, uh, provided to you that
23 had CDR information on them?

24 A. Yes, we did receive additional, uh, CDR records, yes.

25 Q. Okay, um, so and they rece -- you received those last

1 week.

2 A. I did, yes.

3 Q. So those have not been incorporated into here.

4 A. They have not.

5 Q. And one was from Charles Belk?

6 A. Charles Charles Belk and, uh, Austin Lynch I believe.

7 Q. Okay, so you received those last week so you -- those are
8 not incorporated into here.

9 A. Correct.

10 Q. Now were you able to gather information, um, re --
11 regarding contacts though to import?

12 A. Yes, what I did in regards to contacts which are also
13 included in this, uh, master spreadsheet, uh, there were
14 contacts listed in, uh, Mr. Porter's phone, uh, there were
15 contacts listed in Erica Water's phone and we also had some
16 additional contacts, uh, found in, uh, in discovery, I believe
17 they were handwritten by Mr. Morehouse.

18 Q. Okay, so all of those were incorporated into your master
19 contact list.

20 A. Yes, and the purpose of doing that was to crof --
21 cross-reference the contacts across all the CDRs to determine
22 a frequency of how how many, basically frequency of each, uh,
23 person making contact or having contact with that named
24 individual or phone number.

25 Q. Okay, and then I s -- I'm gonna show you Exhibits 10, 11,

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1 12 and 13 and ask, uh, are those printouts of what's on
2 Exhibit 9.

3 (Whereupon, the witness examined the exhibits.)

4 A. Yes.

5 Q. Okay, tank you. Um, and then, lastly, I'm gonna show you
6 Exhibit 16 through 26 and ask you if you recognize those.

7 A. Yes.

8 Q. Are those portions of the extraction from Erica Waters's
9 phone?

10 A. Yes.

11 Q. And did you rely on those to incorporate into your
12 overall presentation?

13 A. I did.

14 MS. ZMROCZEK: Uh, Your Honor, at this time we would move
15 Defendant's 9 through 13 and 16 through 26 into evidence.

16 MR. BELL: Momentarily, Your Honor..

17 (Pause.)

18 MR. BELL: Beg the Court's indulgence

19 THE COURT: Okay.

20 (Pause.)

21 MS. ZMROCZEK: Your Honor, we would, um, take out 19 and
22 24 and move the rest in.

23 MR. BELL: Your Honor, the only other objection is to
24 number 9, uh, since she is putting in a printed version, uh,
25 of the extraction that she, uh, had testimony about, we think

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1 that it would be cumulative.

2 MS. ZMROCZEK: And and the reason that, um, Your Honor,
3 number 9 is on there is because there's, I printed out ---

4 THE COURT: All right, now ---

5 MS. ZMROCZEK: --- the ---

6 THE COURT: --- come back, I wanna do the the two that
7 are ---

8 MS. ZMROCZEK: Oh, okay.

9 THE COURT: --- not relevant, which ones are those?

10 MS. ZMROCZEK: Nineteen and 24 are are -- were just for
11 ID so we're not putting those in.

12 THE COURT: All right, now go back to number 9 ---

13 MS. ZMROCZEK: Okay, so what number 9 has is all of this
14 information ---

15 THE COURT: That's the CD?

16 MS. ZMROCZEK: It is but but but one a the things that I
17 didn't print out from the CD were all of the records on
18 Charles Morehouse's main phone ---

19 THE COURT: Um-hum.

20 MS. ZMROCZEK: --- because it was a hundred and
21 sixty-three pages so I figured it was more accurately ---

22 THE COURT: So, I mean, if it's not printed out, how's a
23 jury gonna view it, I mean, ---

24 MS. ZMROCZEK: Well ---

25 THE COURT: --- what -- why's it need to come in?

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1 MS. ZMROCZEK: It's, uh, they can view it on the clean
2 computer, Your Honor, it just has all of the phone calls that
3 were made because it's the ---

4 THE COURT: I know ---

5 MS. ZMROCZEK: --- basis ---

6 THE COURT: --- that each ti, uh, we talked about this
7 before, it's the jury doesn't need everything there is in the
8 world, they need to focus on the event ---

9 MS. ZMROCZEK: Okay, ---

10 THE COURT: --- and that's ---

11 MS. ZMROCZEK: --- so ---

12 THE COURT: --- that's what I'm ---

13 MS. ZMROCZEK: --- we can, we can withdraw 9 because of
14 the the the the frequency it has the contacts on there so
15 that's fine.

16 THE COURT: Okay, number 9's for ID only then.

17 MS. ZMROCZEK: Okay, yes, sir, ---

18 THE COURT: All right.

19 MS. ZMROCZEK: --- so that, but the rest are n ---

20 THE COURT: Rest'll be ---

21 MR. BELL: No ---

22 MS. ZMROCZEK: --- without ---

23 MR. BELL: --- objection, ---

24 MS. ZMROCZEK: --- objection.

25 MR. BELL: --- Your Honor.

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1 MS. ZMROCZEK: Okay, ---

2 THE COURT: Okay, ---

3 MS. ZMROCZEK: --- thank you, Your Honor, ---

4 THE COURT: --- those three.

5 MS. ZMROCZEK: --- and it's true I don't wanna overwhelm
6 'em, I apologize.

7 (Defendant's Exhibit No. 10, summary chart of
8 contacts, Defendant's Exhibit No. 11, summary of defendant's
9 phone records, Defendant's Exhibit No. 12, summary of
10 Mr. Morehouse's phone records, Defendant's Exhibit No. 13,
11 summary of victim's phone records and Defendant's Exhibit
12 Nos. 16 through 26, text messages admitted into evidence.)

13 BY MS. ZMROCZEK:

14 Q. And, Mr. Watkins, I'm gonna put this up on the board but
15 we're not gonna go through it all, the jury will get to take
16 it back there with them, okay, but what I would like for you
17 to do, and this is Defense No. 10 -- wrong one. Okay, I know
18 it may be a little hard to read up there, um, and I'll bring
19 it to you in a second but you created this docket, right --
20 document, right?

21 A. Yes.

22 Q. Um, do you need to be able to read it to be able to tell
23 us what we're looking at here? I -- not the numbers but you
24 have a column, this first column up here (indicating), yeah,
25 I'm gonna I'm just gonna let you read it, ha ha. Tell the --

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1 tell them what the columns are and how to read the information
2 that you've created.

3 A. Okay.

4 Q. And you -- may, Your Honor, may he step down so he can
5 how ---

6 THE COURT: Sure.

7 Q. --- to show? Thank you.

8 THE COURT: Sure.

9 (Whereupon, the witness left the stand.)

10 Q. Just make sure you keep your voice up for the court
11 reporter. Okay.

12 A. All right, in the first column it lists the name of the
13 contact which was taken from Mr. Porter's phone, um, mi --
14 Ms., uh, Waters' phone, uh, and on the list of contacts for,
15 uh, that that were handwritten, um, by, uh, Mr. Morehouse and
16 in addition to that are names of known individuals and their
17 phone numbers, uh, in the second column will be the contact
18 number associated with the contact, the third column, uh,
19 lists the number of records appearing in Mr. Porter's phone,
20 this would indicate the number of contacts and total between
21 that contact and, uh, Mr. Porter and the, uh, forth column
22 that's gonna be, uh, records and Mr. Morehouse's phone, uh,
23 he's got, he's got two phones here, on the first phone, uh, we
24 see that there is no contact with any, uh, the fifth column is
25 also Mr. Morehouse's phone, uh, these are gonna show the

1 contacts between the listed contact and Mr. Morehouse and then
2 the final column is Mr. Sisk's phone, it's gonna show the
3 frequency between contacts listed and Mr. Sisk.

4 Q. Okay, thank you. Um, go ahead and stay down here 'cause
5 I'm gonna ask you another question.

6 A. Okay.

7 Q. So what -- for example, if it says, um, Erica Waters and
8 then we look for how many times, we would just go across to
9 see how many times that she had contact with with Mr. Porter,
10 Mr. Morehouse or Mr. Sisk, right?

11 A. Correct.

12 Q. So if it was zero in column three, that meant she had
13 zero contacts with Mr., um, Porter, ---

14 A. Correct.

15 Q. --- she had six hundred and sixty-two with Mr.
16 Morehouse ---

17 A. Yes.

18 Q. --- and seven with Mr. Sisk.

19 A. Yes.

20 Q. Okay, so that's how this would read for each contact.
21 Now, um, Mr. Sisk and Mr. Morehouse's two phones, um,
22 Mr. Morehouse had two phones, one with Verizon and one with
23 Sprint, correct?

24 A. Yes, that's ---

25 Q. Okay.

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1 A. --- correct.

2 Q. So I'm handing you Defense Exhibit 12 and that would be
3 Mr. Morehouse's Verizon phone?

4 A. Correct.

5 Q. Okay, and you said that there wasn't a lotta information
6 on that one.

7 A. Uh, none -- between the contacts that we had listed there
8 was no contact, uh, with any of the listed contacts in the
9 list and this phone.

10 Q. Okay, so and then I'm handing you 11, tell the jury what
11 they're looking at there.

12 A. All right, this would be Mr. Sisk's records and what
13 you'll have here is will list the name of the record of whose
14 records you're looking at, Mr. Sisk, um, the source number,
15 his phone number, the communication type, whether it's a SMS
16 which is a text message or, uh, voice if it's a, if it's a
17 call, normal call, um, you have the date and time what's in
18 this (indicating) column, duration of the call, uh, the next
19 column indicates whether it's incoming or outgoing, uh, next
20 column would indicate the party, the person that's being
21 communicated with and the next column contact if known, this
22 (indicating) column was created based off of the spreadsheet
23 that we just looked at if, uh, if it was cross-referenced so
24 it'll actually, it actually pulls the name of the contact from
25 that spreadsheet and incorporates it into this (indicating)

1 column so that we got, we know whose number, uh, we're looking
2 at here, um, then the additional, uh, columns, just indicate
3 the call number, the number that called, uh, that and, um, the
4 digits that were dialed if it's a call, uh, then the start
5 date, end date and duration in seconds.

6 Q. Okay, you can have a seat, thank you.

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

8 So, um, and these records were given from Sprint,
9 correct?

10 A. Yes. Yes.

11 Q. And it -- and to your knowledge does Sprint save actual
12 text messages?

13 A. Uh, no.

14 Q. Okay, so so if, unless we have the phone we don't have
15 the actual words of the text, right?

16 A. That's correct.

17 Q. And you've seen all of the documents created by, um,
18 Mr. Travis with the Lexing Co. Sheriff's Department, right?

19 A. I have, yes.

20 Q. And you would agree that they, um, just singled out the
21 calls and texts between Mr. Morehouse and Mr. Sisk.

22 A. Yes, they are filtered to just show communications
23 between Mr. Sisk and Mr. Morehouse.

24 Q. And his filter begins on, um, July 21st 2015 and ends on
25 August 4th 2015.

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1 A. Yes.

2 Q. And is that because that's how the records were
3 preserved? Is that the time period that your records also
4 reflect?

5 A. Correct, that's that's the date range, uh, reflected in
6 that, in the ---

7 Q. So but, ---

8 A. --- new return, yes.

9 Q. --- so the difference would be though that you could see
10 who else was contacted between these, between ---

11 A. Right, ---

12 Q. --- between those times, okay.

13 A. --- exactly.

14 Q. Okay. Um, and then Defense number 13, if you'll step
15 down just one more time, sorry.

16 A. All right.

17 (Whereupon, the witness left the stand.)

18 Q. Now this (indicating) you said was an extraction report,
19 right?

20 A. Yes. These records were taken from the extraction
21 report, uh, the extraction done by believe Detective Phipps of
22 Mr. Porter's phone.

23 Q. Tell the jury what an extraction means.

24 A. So when we receive a, uh, in this case a cell phone, we
25 connect that to a forensic computer and run a software that

1 essentially grabs the data from that phone and pulls it into
2 a, int -- into the software so that we can view it, analyze
3 it, uh, and this is a, this is essentially a printout of all
4 of that data and a timeline view, it includes the text message
5 data and call data.

6 Q. Okay, and so when it says -- when you say includes text
7 message data, it includes the actual text messages, right, ---

8 A. Correct.

9 Q. --- because it came from the phone.

10 A. That's correct.

11 Q. So you can see full conversations and what times those
12 happened.

13 A. Yes.

14 Q. And the text, um, and times these are all in
15 chronological order?

16 A. They are.

17 Q. Okay. And they begin, um, on July 18th and they go
18 through August 4th?

19 A. Want me to turn those up? Through the 4th, yes.

20 Q. Okay. Now, um, thank you, can have a seat.

21 A. Okay.

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

23 Q. So with Mr. Porter's phone we can actually s -- see
24 what's being sent and received, right, ---

25 A. Yes.

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1 Q. --- the text messages I mean.

2 A. Yeah.

3 Q. And, uh, is there also a read acknowledgement like has it
4 been read?

5 A. Yes, it in the last few columns there will indicate, uh,
6 the status of that message, whether it's read or unread, it'll
7 list the folder whether it was in the inbox, outbox or draft.

8 Q. Okay. And, um, routed calls, what is a rou -- I saw a
9 routed call on several of the different phones, um, records
10 what does a routed call mean?

11 A. So a a routed call is, say ---

12 MR. BELL: Your Honor, ---

13 A. --- for ex ---

14 MR. BELL: --- I apologize for interrupting, may we
15 approach?

16 THE COURT: (No audible response.)

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

18 THE COURT: Mr. Robin, I gotta put some on the record,
19 ya'll step to the jury room real quick 'cause I'm, one sec,
20 uh, have you right back in here.

21 (The following takes place outside the presence of the
22 jury.)

23 THE COURT: All right, I remember when we were discussin'
24 these things now I'm tryin' compare the things now and I did
25 make the comment I hadn't read any of it 'cause I don't know

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1 what ya'll are lookin' at so I have no knowledge of any of
2 this so now let's make ---

3 MS. MAYES: Right, ---

4 THE COURT: --- a record of it.

5 MS. MAYES: --- yes, sir, Your Honor.

6 THE COURT: I was, I was kinda complaining because it's
7 hard to make rulings when ya don't really know what it is.

8 MS. MAYES: Right, so, uh, right as the witness was being
9 called, uh, Ms. Zmroczek approached and, uh, showed us this
10 (indicating) document which is a collection of all the
11 different calls that are made to all the different people,
12 we're aware that we don't have any objection to that but what
13 she also had in her hand apparently is the entire, the entire
14 text history from the victim's phone which we've objected to
15 throughout this trial, it contains hearsay of numerous people
16 and that is not what was shown to us as being offered as an
17 exhibit. We did not have any objection to the entire call
18 history of all the different contacts: who they talked to and
19 how many different times, we don't object to that, to the
20 documents that contain hearsay, Your Honor, absolutely, and it
21 looks like that's, uh, not only the victim's phone but
22 potentially other phones as well.

23 MS. ZMROCZEK: Uh, Your ---

24 THE COURT: All right, ---

25 MS. ZMROCZEK: --- Honor, ---

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1 THE COURT: --- I I do not remember any comment,
2 representation by any of the attorneys as to the victim's text
3 messages, I've not heard that till just now, I'm I'm unaware
4 of a victim's text message being discussed. I know we talk
5 about Erica's, I ---

6 MS. ZMROCZEK: Right.

7 THE COURT: --- know we talked about Wiley's and we
8 talked about, um, um, co-defendant's, ---

9 MS. MAYES: Correct, Your Honor, we ---

10 THE COURT: --- I remember ---

11 MS. MAYES: --- were not aw ---

12 THE COURT: --- those three people.

13 MS. MAYES: Right. Correct, Your Honor, we were not
14 aware that she was attempting to offer the entire text message
15 history from the victim's phone and we certainly object to
16 that and, again, when she walked over here, this (indicating)
17 is what she showed us which is State's [sic] Exhibit 10 and we
18 don't have an objection to that, we don't have an objection to
19 the ingoing and outgoing calls, it's the content of text
20 messages which contain hearsay, irrelevant hearsay that bar
21 dating back, uh, this actual incident date that we object to.

22 MS. ZMROCZEK: And, Your Honor, there is no, I mean,
23 there's no irrelevant hearsay in there, um, the text message
24 are what they are, it, I mean, it's con -- it's it's it's, if
25 they object to it beginning July 18th then we can cut it down

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1 to the other dates of the phone but they, I emailed them this
2 days
3 ago.

4 THE COURT: So, I mean, ---

5 MS. ZMROCZEK: Yeah, yeah, ---

6 THE COURT: --- and I or I I I'm not -- they're they're
7 not sayin' you didn't give it to 'em, ---

8 MS. ZMROCZEK: Right.

9 THE COURT: --- they're sayin' when you walked over their
10 table you didn't say, One of these exhibits is the victim's
11 text message, that's what they're sayin', not that you sat on
12 it till just moments ago.

13 MS. ZMROCZEK: That, right, well I did, actually did
14 yesterday at which time Ms. Mayes said, Well I'll have an
15 objection, and then when I showed it to 'em again today, uh,
16 she didn't raise that objection so I ---

17 MR. BELL: Your Honor, ---

18 MS. ZMROCZEK: --- I don't know.

19 THE COURT: Wait ---

20 MR. BELL: --- I have ---

21 THE COURT: --- wait a minute.

22 MR. BELL: --- one little, uh, motion argument, may I
23 chime in with that?

24 THE COURT: (No audible response.)

25 MR. BELL: Uh, Your Honor, the problem here and the

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1 confusion lies in this (indicating) document that we've heard
2 testified to and the testimony from the defense expert was
3 related to the CDR reports from Sprint and Verizon, a phone
4 extraction is an entirely different kind of evidence ---

5 THE COURT: That's the first ---

6 MR. BELL: --- that ---

7 THE COURT: --- I've heard of a phone extraction
8 because ---

9 MR. BELL: --- and ---

10 THE COURT: --- Sprint records were unavailable.

11 MR. BELL: --- so the CDRs absolutely are pertinent to
12 this. This (indicating) is what was put on top of this stack
13 with the extraction being put as the last exhibit in the stack
14 so when we looked at this we saw the CDRs were there, we had
15 no objection to that, we put our CDsR in -- CDRs in, he's
16 testified to that, but absolutely did not intend for an
17 extraction report to be within that pile as well, we have ---

18 THE COURT: And ---

19 MR. BELL: --- made our stance on that clear.

20 THE COURT: --- and that's, now that that's from the
21 victim's phone.

22 MR. BELL: That's correct, Your Honor. We put in one
23 exhibit, Exhibit 20 I believe, which is the text message from
24 9:48 'tween Chuck Morehouse and the victim.

25 THE COURT: And which talked about when we gonna meet and

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1 it's forty-five ---

2 MS. ZMROCZEK: Right.

3 THE COURT: --- minutes, it's one page.

4 MR. BELL: That's ---

5 MS. MAYES: Yes, ---

6 MR. BELL: --- that's ---

7 MS. MAYES: --- sir, Your Honor.

8 MR. BELL: --- correct.

9 MS. ZMROCZEK: That's correct.

10 THE COURT: About four messages maybe.

11 MR. BELL: And ---

12 MS. ZMROCZEK: Right, and ---

13 MR. BELL: --- that was ---

14 MS. ZMROCZEK: --- and that's not before, but that's not
15 the only conversation they had even that day.

16 MR. BELL: Your Honor, that was entered pursuant to our
17 motion for statements in furtherance of conspiracy so that is
18 something that we argued and was accepted ---

19 THE COURT: All right.

20 MR. BELL: --- prior to trial beginning.

21 THE COURT: All right, now why do ya need all text
22 messages from the victim ---

23 MS. ZMROCZEK: For for several reasons, Your Honor, um,
24 the first being it shows the nature of the relationship that
25 they had with Mr. Morehouse. What the State has left the jury

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1 with this impression is that out of the blue at 9:48 Chuck
2 calls the victim, that's not an accurate reflection.

3 THE COURT: No, I think the testimony's been is he got
4 the call and went ballistic.

5 MS. ZMROCZEK: Well either way, right, but but but, Your
6 Honor, what the actual representation of that day is is that
7 there are several conversations between -- not only phone calls
8 but conversations between the victim and Mr. Morehouse that
9 day not just beginning at 9:48 so there's a long conversation
10 about those and, um, uh, uh, additionally, Your Honor, there's
11 been tons of testimony that this, there's been tons of
12 testimony, uh, from, well not tons, Mr. Porter testified that
13 his son was not in the drug dealing business, that, um, and
14 and Mr. Merckle said that drug, that Mr. Porter just had a
15 scale because he's was user not implicating he was a drug
16 dealer but, Your Honor, these text messages show that
17 specifically that I am, uh, I'm at, I I'm getting a Quarter
18 Pounder, would you like one, um, he's clearly dealing in drugs
19 which and a a and then, lastly, Your Honor, there are threats.
20 He gets into a fight and says, You know where I'm at, come and
21 get me, um, and so, Your Honor, all of that goes to it,
22 presentation of a full and fair defense because right now what
23 we have is a victim who is being painted as a poor innocent
24 individual who was trying get clear of his drug addiction and
25 that's not the accurate presentation and I'm not trying to

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1 attack the victim at all, Your Honor, the text messages are
2 what they are and if they wanna believe that he's getting a
3 Quarter Pounder, that's certainly within the purview of the
4 jury but I think that they're entitled to know 'cause she got
5 up there and she asked ---

6 THE COURT: No, no, no, ---

7 MS. ZMROCZEK: --- that ---

8 THE COURT: --- stop now, you're goin' somewhere else.

9 MS. ZMROCZEK: Okay.

10 THE COURT: Um, I don't think that the victim's been
11 portrayed as a poor babe in the woods, used meth one time then
12 he gets shot on the dirt roa -- I don't believe that's been
13 the case at all. Everybody's testified is that this was
14 rampant drug use by everybody, there's nobody out there was a
15 first-timer around that crowd.

16 MS. MAYES: We have ---

17 THE COURT: These ---

18 MS. MAYES: --- no ---

19 THE COURT: --- these are, these are not innocent
20 youngsters, these are children have become addicted to a
21 powerful drug that's rampant around here. I I didn't, I
22 didn't catch that the victim was a poor innocent guy who just
23 got roped in here and owed some money and ---

24 MS. ZMROCZEK: Well ---

25 THE COURT: --- this is what happened, I I've not heard

MOTIONS AND MATTERS

1 that at all.

2 MS. ZMROCZEK: --- right, but he only got his phone and
3 car back because he had, his father said he was clean and was
4 not doing this anymore.

5 MS. MAYES: I have no objection, Your Honor, to the
6 ingoing and outgoing call history, that we are not objecting
7 to how many times the victim and Morehouse have communicated,
8 it's the content of text that are hearsay, uh, on the victim's
9 phone that involve people completely unrelated to this case
10 and date back days unrelated to this case, it would be
11 inappropriate character evidence, improper evidence and
12 certainly inadmissible hearsay and we object also on the
13 grounds that it was not properly presented to us prior to this
14 exhibit being marked, I mean, she literally walked over here
15 as the witness is being called, we did not have an opportunity
16 to just restate it that we certainly ---

17 THE COURT: But now how ---

18 MS. MAYES: --- object to the ---

19 THE COURT: --- does it, ---

20 MS. MAYES: --- content ---

21 THE COURT: --- how does it hurt you to see the text
22 message from the day of the murder?

23 MS. MAYES: It does not. We do not object to that, Your
24 Honor, between Morehouse and the victim we have no objection
25 to that, Your Honor.

MOTIONS AND MATTERS

1 THE COURT: Can we pull that out ---

2 MS. MAYES: We can ---

3 THE COURT: --- of that exhibit and utilize that portion
4 of that be a relevant ---

5 MS. ZMROCZEK: We ---

6 THE COURT: --- today's ---

7 MS. ZMROCZEK: --- will pull, ---

8 THE COURT: --- con ---

9 MS. ZMROCZEK: --- we ---

10 THE COURT: --- today's ---

11 MS. ZMROCZEK: --- will pull, ---

12 THE COURT: --- conversation.

13 MS. ZMROCZEK: --- every, we agree to pull everything
14 out, um, up till August 2nd and then leave in August 3rd and
15 4th..

16 MS. MAYES: Well, the 4th, there's nothing from the
17 victim on the 4th, he's ---

18 MS. ZMROCZEK: Okay, ---

19 MS. MAYES: --- deceased.

20 MS. ZMROCZEK: --- yeah, obviously so ---

21 THE COURT: So just August 3rd.

22 MS. ZMROCZEK: Yeah, August 3rd ---

23 THE COURT: Very well, sure.

24 MS. MAYES: Between Morehouse and the victim we can make
25 appropriate redactions.

MOTIONS AND MATTERS

1 THE COURT: I mean, you -- it's it's just one page, I
2 mean, it should be pretty easy.

3 MS. ZMROCZEK: Yeah, I mean, what they, what they object
4 to, Your Honor, is there, uh, there are calls and texts with
5 other people like Austin because remember that they test,
6 the ---

7 THE COURT: Okay, ---

8 MS. ZMROCZEK: --- girls testify about that ---

9 THE COURT: --- that's not relevant to this.

10 MS. ZMROCZEK: No, what we'll do is we'll redact it but I
11 think that they should still be able to see that there were
12 calls and texts made but not the content.

13 THE COURT: But you got that in the call records
14 somewhere ---

15 MS. MAYES: Correct.

16 THE COURT: --- of all the calls between all these
17 contacts back and forth, we've already talked about that,
18 that's that cover sheet, the, uh, Exhibit No. 9 I thought.

19 MS. MAYES: Correct.

20 THE COURT: Doesn't that have all the multiplicity of ---

21 MS. ZMROCZEK: Yes.

22 THE COURT: --- calls from ---

23 MS. ZMROCZEK: Yes.

24 THE COURT: --- this one to that one number of times,
25 this girl ---

MOTIONS AND MATTERS

1 MS. ZMROCZEK: Yeah.

2 THE COURT: --- girl to that guy number of times, ---

3 MS. ZMROCZEK: Yeah.

4 THE COURT: --- isn't that what it is?

5 MS. ZMROCZEK: Yeah.

6 THE COURT: Did I misunderstand that?

7 MS. ZMROCZEK: Yes.

8 MS. MAYES: So at this time, Your Honor, this is, uh,
9 Defense Exhibit 13, I can request assistance from Ms. Grigsby,
10 uh, with ---

11 THE COURT: Do it ---

12 MS. MAYES: --- this ---

13 THE COURT: --- durin' lunch. ---

14 MS. MAYES: --- redaction.

15 THE COURT: --- break. Is lunch here yet or can we keep
16 goin' if they can get it ---

17 MS. ZMROCZEK: And ---

18 THE COURT: --- done.

19 MS. ZMROCZEK: --- and, Your Honor, ---

20 THE CLERK: Well ---

21 MS. ZMROCZEK: --- I think what ---

22 THE CLERK: --- she should ---

23 MS. ZMROCZEK: --- we can do ---

24 THE CLERK: --- be back ---

25 MS. ZMROCZEK: --- is I can ---

MOTIONS AND MATTERS

1 THE CLERK: (Indiscernible cross-talk.)

2 MS. ZMROCZEK: --- finish, I I, I mean, we're not gonna
3 testify to that anymore so if they wanna do that while we're
4 still ---

5 THE COURT: Finishin'?

6 MS. ZMROCZEK: Yeah, I don't think that slows it up if
7 that's ---

8 THE COURT: Okay.

9 MS. ZMROCZEK: --- okay with Your Honor but I'd like to
10 see if before they ---

11 THE COURT: Oh, yeah, certainly.

12 MS. ZMROCZEK: (Laughed.) And ---

13 THE COURT: All right.

14 MS. ZMROCZEK: --- thank Your Honor.

15 THE COURT: And the jury won't know any different that
16 Exhibit 13 will ---

17 MS. ZMROCZEK: Right.

18 THE COURT: --- be one page ---

19 MS. ZMROCZEK: Uh, that ---

20 THE COURT: --- or two p ---

21 MS. ZMROCZEK: --- it might be ---

22 THE COURT: --- or two ---

23 MS. ZMROCZEK: --- a couple of pages, yeah.

24 THE COURT: Whatever. All right, ya'll work on the
25 August 3rd text messages ---

CHRISTOPHER J. WATKINS - DIRECT EXAMINATION BY MS. ZMROCZEK

1 MS. ZMROCZEK: That the content redaction.

2 THE COURT: --- that'll be okay. All right, let's bring
3 the jury in.

4 THE BAILIFF: Yes, sir.

5 THE COURT: So subject to this change we're gonna talk
6 again so I'm not making a ruling on exactly what's in or out
7 but none of those, uh, text message is from the extractions
8 are gonna be used right now with this witness, correct?

9 MS. ZMROCZEK: Correct

10 THE COURT: Okay, we'll leave those over there.

11 MS. ZMROCZEK: Thank you, Your Honor.

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

13 THE COURT: All right, actually, I think we got
14 straightened out, ---

15 MS. ZMROCZEK: Thank ---

16 THE COURT: --- continue on.

17 MS. ZMROCZEK: --- thank you, Your Honor.

18 BY MS. ZMROCZEK:

19 Q. Um, okay, so like we were talking about an extraction
20 report is different from a, um, cell phone record because you
21 can't get like tower information or in in some cases you can't
22 get text message information, correct?

23 A. Right.

24 Q. Okay, so and then you have the opportunity to view
25 Erica's phone records as well ---

CHRISTOPHER J. WATKINS - DIRECT EXAMINATION BY MS. ZMROCEK

1 A. I did.

2 Q. --- and was that a an extraction or a phone record?

3 A. Well it it would be classified as a phone extraction
4 although it it was just taking photographs.

5 Q. Okay. How how come, how come phone extractions, um,
6 sometimes you can just take photographs, what's -- why do you
7 have to do that?

8 A. So if if we receive a phone that is not compatible with
9 the forensic software because there are thousands of self, uh,
10 cell phones out there, there's new ones comin' out everyday,
11 not all of 'em are gonna be, uh, they're they're not gonna be
12 compatible with our software ---

13 Q. And when you talk ---

14 A. --- so we ---

15 Q. --- about software, are you talking about like PenLink,
16 GeoTime, how -- Cellebrite ---

17 A. We ---

18 Q. --- what kind of ---

19 A. That Cellebrite can be one, any any digital forensic
20 software you use to extract data from a cell phone, ---

21 Q. Okay.

22 A. --- uh, so in that case when we cannot do an extraction
23 through the the typical on the the usual forensic method we
24 then would take photographs and that's what we call a "manual
25 extraction" and we're essentially just taking photographs of

1 all the data that that appears on the phone, that's that's
2 what, um, Ms. ---

3 Q. So ---

4 A. --- Erica Waters', uh, phone extraction was.

5 Q. --- so; for example, if we're doin' a manual extraction
6 on my phone, turn it on, right, and we take a picture ---

7 A. Correct.

8 Q. --- and then you get the information and you take a
9 picture.

10 A. Yes, it's a tedious process.

11 Q. Okay, that you scroll up and then you take a pic so
12 that's a manual extraction.

13 A. That -- exactly.

14 Q. Okay, and so that's what was done to Ms. Waters' phone,
15 right, ---

16 A. Yes.

17 Q. --- but we're not putting -- and there were many records
18 in that phone, right?

19 A. There were, that I believe there were over two hundred
20 pictures.

21 Q. Okay, and so, um, what we've done though is narrow it
22 down and and so Defendant's 20, 21, 22, 16, 17 and 18 those
23 are conversations, um, between Mr. Morehouse and Erica and Mr.
24 Sisk and Erica, correct?

25 A. Yes.

CHRISTOPHER J. WATKINS - DIRECT EXAMINATION BY MS. ZMROCZEK

1 Q. Okay. And I want to go back just to Defense 10 and and
2 I'm not gonna ask you step down but I wanna make sure that the
3 number of context between or amongst these parties this is for
4 the period of July 27th through August 4th?

5 A. No, on on the CDR records, it's the 1st of July through
6 August 4th.

7 Q. Okay, so the ones that have CDR records?

8 A. Correct.

9 Q. Okay, but for the ones that have extraction records; for
10 example, for Mr. Porter, those would just be for July 17th to
11 August 4th, whatever the extraction was?

12 A. Yes, that ---

13 Q. Okay.

14 A. --- correct.

15 Q. And for Ms. Waters it would just be for whatever her
16 dates were photographed as well?

17 A. No. Now her her, uh, records are not included on that,
18 we ---

19 Q. Okay.

20 A. --- just have her contact name included in the contacts
21 and then cross-referenced with the other records that we have.

22 Q. So if she had contacted Mr. Porter or had any contact
23 with Mr. Porter prior to when his phone was extracted, it
24 would not show up on here.

25 A. That's correct.

CHRISTOPHER J. WATKINS - CROSS-EXAMINATION BY MR. BELL

1 Q. And if, and if she had contact with Mr. Morehouse, that
2 would contact would be from July 1st?

3 A. Twenty-first.

4 Q. Twenty-first to August 4th.

5 A. Yes.

6 Q. Okay, I just wanted to make sure that was clear. And
7 when Mr. Bell asked you, uh, in voir dire about, um, patterns
8 and and and, um, I guess he asked you about patterns, ha, uh,
9 how, what pattern did you find amongst these phones, did they
10 all have one person in common?

11 A. Yes, ---

12 Q. And who, ---

13 A. --- they do.

14 Q. --- and who is that one person?

15 A. Mr. Morehouse.

16 Q. Okay. Did they all have, did Mr. Sisk have all the same
17 people in common?

18 A. No.

19 Q. Okay. Other than Mr. Sisk who did all of the other
20 people involved in this case have contact with?

21 A. Mr. Morehouse.

22 Q. Thank you, please answer any questions the State may
23 have.

24 CROSS-EXAMINATION BY MR. BELL:

25 Q. Afternoon, sir.

CHRISTOPHER J. WATKINS - CROSS-EXAMINATION BY MR. BELL

1 A. Good afternoon.

2 Q. Uh, you go by Christopher or Chris?

3 A. You can call me either.

4 Q. All right, Chris. Now Chris you testified about phone
5 extractions, right, ---

6 A. Yes.

7 Q. --- and that they can contain useful information such as
8 text messages, right?

9 A. Yes.

10 Q. In fact, you talked about a extraction on the victim
11 James David Porter's phone, right?

12 A. Yes.

13 Q. And that kind of information is useful because it allows
14 a jury to see potentially what the texts were at a particular
15 time.

16 A. Yes, that's correct.

17 Q. For instance, if a text was sent between James David
18 Porter and Chuck Morehouse at 9:48 like in State's Exhibit 20,
19 the jury can see what that actual conversation is.

20 A. Yes.

21 Q. So we can agree that phone extractions can be great
22 tools.

23 A. Absolutely.

24 Q. Can I see Wiley Sisk's phone extraction?

25 A. Say again.

1 Q. Can I see Wiley Sisk's phone extraction?

2 A. We don't have an extraction report from that, we did not
3 receive one, we only received a CDR report, uh, for his
4 records.

5 Q. So do you have a phone extraction for Wiley Sisk's phone?

6 A. I have no idea what what was done with his phone but we
7 did not receive an extraction report, uh, for his phone.

8 Q. So then you wouldn't have text message information from
9 that phone, is that right?

10 A. That's correct 'cause the text messages are not retained
11 by Sprint.

12 Q. Because you can't do a phone extraction when a phone
13 disappears, right?

14 A. That's correct.

15 Q. You testified about being able to see patterns in calls,
16 have you had a chance to review the records that Ms. Zmroczek
17 pointed out, the filtered charts between Wiley Sisk and
18 Morehouse?

19 A. I did see them.

20 Q. And so when you're looking at those records and you're
21 determining whether there are any relevant patterns, if I were
22 to tell you that on August 2nd they had forty-six
23 communications between each other, does that tell ya that they
24 frequently contact each other?

25 A. Yes, that would be, that would be frequent, yes.

CHRISTOPHER J. WATKINS - CROSS-EXAMINATION BY MR. BELL

1 Q. If I was to tell ya that on August 3rd they had
2 forty-nine communications with each other, would that indicate
3 they had frequent contact?

4 A. Yes.

5 Q. And when you see two days of what you've patterned as
6 frequent contact and then a window of no communication, does
7 that break the pattern?

8 A. It can but then, uh, that we can't measure context of of
9 the pattern, we can only measure the pattern itself.

10 Q. Certainly, but if there have been forty-nine
11 communications on August 3rd and then zero communications
12 between 10:48 and just after midnight, that would be unusual
13 in the context of the pattern, right?

14 A. Possibly.

15 Q. Now again, we don't have the text message information on
16 Wiley Sisk but if we did, apologize, it would be extremely
17 useful for this jury to be able to determine what exactly
18 Wiley Sisk texted to Charles Morehouse at 12:05 about two
19 hours after the murder ---

20 A. Yes.

21 Q. --- and we would also know the follow-up information
22 after Wiley Sisk initiated contact with Charles Morehouse,
23 wouldn't we ---

24 A. Yes.

25 Q. --- but we don't have that information, do we?

CHRISTOPHER J. WATKINS - CROSS-EXAMINATION BY MR. BELL

1 A. No, we don't.

2 Q. Have you heard of a name Austin Lynch?

3 A. Yes.

4 Q. And through your review of the CDRs in this case earlier
5 in the day on August 3rd of 2015 had Chuck Morehouse been in
6 contact with an individual that you identified as being Austin
7 Lynch's number?

8 A. I would have to review the, uh, the ---

9 Q. That ---

10 A. --- contact list, yes, sir.

11 Q. Yes, sir. I'm handing you I believe what you're
12 requesting is Defense 10.

13 A. Yes, it shows a a total of seven hundred and ninety
14 calls, uh, between Austin Lynch and Mr. Morehouse.

15 Q. And do you recall from your review whether there was
16 contact on the day in question?

17 A. I believe so but I would need to look at the, uh, see the
18 CDR CDR report.

19 Q. If I was to tell ya there were four phone calls between
20 Chuck Morehouse and Austin Lynch in the evening of August 3rd,
21 would that sound out of the ordinary from your review of those
22 documents?

23 A. No.

24 Q. Thank you, Chris.

25 REDIRECT EXAMINATION BY MS. ZMROCZEK:

CHRISTOPHER J. WATKINS - REDIRECT EXAMINATION BY MS. ZMROCZEK

1 Q. Mr. Watkins, um, to your knowledge when did Mr., um, what
2 was the last activation of Mr. Morehouse's phone?

3 A. The last you you mean like a connection ---

4 Q. Last ping connection.

5 A. Last, uh, ping that that was on Mr. Morehouse's phone
6 was, uh, August 4th at 12:15 a.m.

7 Q. August 4th at 12:15 a.m.

8 A. Yes.

9 Q. Um, and, Mr., uh, let me ask you this: If a phone is
10 dropped in a toilet or received water damage, um, or receives
11 any kind or receives internal damage, is it possible to lose
12 that information?

13 A. You mean the data on the ---

14 Q. Sorry.

15 A. --- device itself?

16 Q. Yes.

17 A. Um, it's possible there are ways to attempt recovery ---

18 Q. Oh ---

19 A. --- ad -- advanced digital forensic methods but, uh,
20 they're not, uh, they're they're not guaranteed.

21 Q. Okay. And, uh, did you ever see, uh, from the State a
22 copy of Mr. Morehouse's phone extractions?

23 A. No.

24 Q. He asked you about conversations betwee -- or contact
25 between Mr. Lynch and Mr., uh, Porter on the 3rd ---

1 A. I believe said Mr. Morehouse and Mr. ---

2 Q. Sorry, Mr. Morehouse and Mr. Lynch on on the 3rd,
3 correct?

4 A. Yes.

5 Q. Do you recall if there was contact between Mr. Lynch and
6 Mr. uh, Por -- Porter on the 3rd?

7 A. I would need to review the contact sheet again.

8 Q. Okay.

9 (Whereupon, counsel handed the exhibit to the witness.)

10 A. Yes, there were a total of eighty-four communications
11 between Mr. Lynch and Mr. Porter.

12 Q. And and from your review on the 3rd would there have been
13 contact on that day?

14 A. I believe so but I would ---

15 Q. Okay.

16 A. --- need to look at the, uh, CDR.

17 Q. And then in the time span that's listed, how -- what was
18 the contact between, uh, Snoop or Mr. Williams and
19 Mr. Morehouse, how many times was that?

20 A. There were three hundred and fifty-two contacts between,
21 uh, Mr. Williams and Mr. Morehouse.

22 Q. And what about Ms. Moody and Mr. Morehouse?

23 A. Zero.

24 Q. Mr. Waters and Mr. Morehouse, Ms. Waters, 'scuse me.

25 A. Ms. Waters and Mr. Morehouse had a total of a hundred and

CHRISTOPHER J. WATKINS - REDIRECT EXAMINATION BY MS. ZMROCZEK

1 ninety-one communications.

2 Q. Okay, so this pattern -- oh, and, I'm sorry, and the last
3 question was Ms. Owens and Mr. Morehouse.

4 A. Ms. Owens and Mr. Morehouse had a total of eight hundred
5 and sixty-three communications.

6 Q. Okay, so who was in contact with all of these contacts
7 more Mr. Sisk or Mr. Morehouse?

8 A. Uh, Mr. Morehouse.

9 Q. Okay, and, in fact, Mr. S -- that, who, um, had some --
10 had no contact with whom?

11 A. Uh, say that again.

12 Q. Did mist -- was there -- were there contacts between
13 Mr. Sisk and most of these contact?

14 A. Uh, ---

15 Q. Was there connections between Mr. Sisk and most of these
16 contacts?

17 A. No, they're limited.

18 Q. No further questions.

19 THE COURT: All right, you can step down.

20 (Whereupon, the witness left the stand.)

21 MS. ZMROCZEK: Your Honor, at this point the S -- defense
22 would rest.

23 THE COURT: Well, all right. I think lunch is here so
24 ya'll step to the jury room, can't begin discussing the case,
25 um, let's eat and we'll just kinda see how the timin' goes,

KEITH SPRINKLE - DIRECT EXAMINATION BY MR. BELL

1 THE BAILIFF: C'mon you're under oath.

2 THE COURT: Yeah, remind you're still under oath, please.

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

4 DIRECT EXAMINATION BY MR. BELL:

5 Q. Investigator Sprinkle, you testified earlier in this
6 trial that you handled the search of the Chevy Impala in this
7 case, is that right?

8 A. Uh, correct, I did.

9 Q. And did you have a chance to examine the floorbo -- ha,
10 uh, front passenger floorboard of the Chevy Impala?

11 A. I did.

12 Q. Showing you what's been entered as State's 179, there we
13 go, can you see that picture, Investigator?

14 A. Uh, yes.

15 Q. You have a laser pointer up there with ya?

16 THE BAILIFF: See it right there (indicating)? Yeah,
17 that one that's right there (indicating).

18 Q. When reviewing this vehicle and understanding that this
19 investigation revolved around a murder on a dirt road, what
20 stood out to you when looking at the floorboard?

21 A. Uh, one thing that stood out to me in in this vehicle was
22 the, uh, uh, both the front floorboards, the front driver and
23 the passenger floorboards, had an excess amount of dirt, uh,
24 whereas compared to the back seats, the back floorboard did
25 not have hardly any dirt at all but the floor -- the front,

KEITH SPRINKLE - DIRECT EXAMINATION BY MR. BELL

1 both the driver's side and the passenger side had dirt all in
2 it that you see right there (indicating).

3 Q. And the amount of dirt you found in the vehicle was
4 consistent with someone remaining in the car?

5 A. I'm I'm sorry, can you repeat that, please.

6 Q. The amount of dirt you found in the vehicle was that
7 consistent with someone who didn't step out onto a dirt
8 road?

9 A. It would be consistent with someone that brought in dirt
10 from the outside so would have to be, uh, stepping in dirt.

11 Q. Would that amount a dirt be brought into the vehicle
12 based on a brief interaction in a dirt road?

13 MS. ZMROCZEK: Objection, Your Honor, I don't know that
14 he can testify to amounts of dirt and shoes.

15 THE COURT: He knows.

16 Q. Investigator?

17 A. It would be to my understanding if you say stepped out
18 into a dirt road if, in this type of a scenario, if you just
19 stepped out on the dirt, got back in the vehicle, obviously if
20 you stepped out on the dirt especially, uh, a scene like like,
21 uh, we were talking about on the 2400 block of Old Orangeburg
22 where you have a a lot of sand, uh, where it's is is very, uh,
23 soft, uh, very deep, if you walked around it, you're gonna be
24 collecting more sand the longer you, uh, walk in it, um, so if
25 you step out on it for a brief amount a time, obviously you're

KEITH SPRINKLE - DIRECT EXAMINATION BY MR. BELL

1 not gonna be collecting as much dirt on your shoes, on the
2 bottom of your shoes as if you stayed out there for a longer
3 amount a time.

4 Q. Referrin' to State's 47, would you indicate what sand
5 you're referring to.

6 A. Uh, again, uh, in the center of the road it's it's pretty
7 packed and, uh, it's dense, on the outside of the bank here
8 (indicating) where the body was found, you have a lot of, uh,
9 softer sand and it's not dense. compact and it is, uh, pretty
10 deep there.

11 Q. Have you had a chance to review video surveillance from a
12 gas station called the Village Store which is indicated by
13 Defense Exhibit 4?

14 A. Uh, yes, I have.

15 Q. And who of interest shows up in that surveillance
16 video?

17 A. Um, in the, in the surveillance video that you're
18 speaking of, uh, there are two separate times that a, uh, a
19 vehicle pulls up that is consistent with the, uh, dark in
20 color Chevy Impala that is the the defendant's, uh, vehicle I,
21 or the the vehicle that we processed, that I processed, um, a
22 a male suspects walks outta the vehicle, uh, wearing, uh, I've
23 got the description un -- under the description that he was
24 wearing but I don't know exactly who it was so ---

25 Q. And ---

KEITH SPRINKLE - DIRECT EXAMINATION BY MR. BELL

1 A. --- due to the the distance and the, uh, quality of the
2 video don't know exactly from the video itself the identity of
3 the individual.

4 Q. --- so how many times did that individual arrive at the
5 gas station on the video?

6 A. Uh, two separate times.

7 Q. At any point in time did that individual pull up and pump
8 gas?

9 A. Uh, no, he did not.

10 Q. At any point in time did that individual touch the front
11 left hood of that Chevy Impala?

12 A. Uh, I could not, again, from the distance of that video
13 could not see if he actually, where he actually touched, his
14 hands touched on the, on the hood but from what I could tell
15 it didn't appear to be.

16 Q. From your review of the video, did it appear that the
17 hood was touched in a way that would leave the latent print
18 that you recovered off the front a the Chevy Impala?

19 A. No.

20 Q. The individual goes into the store, when he comes back
21 out is he carrying anything?

22 A. Uh, the first time whenever he, uh, whenever that vehicle
23 shows up at the gas station, um, you have a driver and the
24 front passenger, front passenger exits which is a, uh, white
25 in color male with a backwards hat, a dark, uh, t-shirt,

KEITH SPRINKLE - DIRECT EXAMINATION BY MR. BELL

1 lighter color pants and dark shoes, gets outta the passenger,
2 uh, of the front passenger side of the vehicle and, uh, uh,
3 goes into the store, shortly after comes back with a, with a,
4 something in their hand, again, the video is kind of a little
5 bit of a distance but he does walk in, uh, quickly opens the
6 back right passenger side of the door, put something down,
7 shuts it, gets in the vehicle and then shortly after they
8 leave.

9 Q. Now again, you did conduct the search of that Chevy
10 Impala vehicle, right?

11 A. Yes, I did.

12 Q. Showing you what's been marked for ID only at this point,
13 41 and 42, do you recognize those pictures?

14 A. Uh, yes, I took these photos.

15 Q. And they fairly and accurately reflect what you
16 photographed on that day and that time?

17 A. They do.

18 MR. BELL: Your Honor, at this time the State move 41 and
19 42 into evidence.

20 MS. ZMROCZEK: No objection.

21 THE COURT: No objection 41 and 42.

22 (State's Exhibit Nos. 41 and 42, photographs, admitted
23 into evidence.)

24 BY MR. BELL:

25 Q. In 41 would you point out to the jury what we're looking

KEITH SPRINKLE - DIRECT EXAMINATION BY MR. BELL

1 at here, what part of a vehicle is this (indicating)?

2 A. This is that back right passenger side of that vehicle
3 so, and so this (indicating) is the back seat of the vehicle,
4 this (indicating) is the back right side and right there
5 (indicating) is a a 6-pack of Heineken and has, uh, it's a
6 6-pack of Heineken but it only has four, uh, remaining bottles
7 in there.

8 Q. I'm showing you State's 42, is that how you, is that how
9 many bottles was in that container when you found it?

10 A. Yes.

11 Q. So how many are missing from that 6-pack?

12 A. Uh, two bottles are missing from the 6-pack.

13 Q. Now you mentioned, uh, in your previous testimony that
14 you know who Shelby Derrick is, is that right?

15 A. Yes, she was, uh, the lead CSI on this case.

16 Q. And have you had a chance to review her search warrant
17 from Mac Circle?

18 A. I have.

19 Q. And are you aware of whether a burn pile was mentioned in
20 the search warrant return?

21 A. Yes, to my knowledge there was a burn pile located at
22 the back right part of the residence.

23 Q. And in the return what is indicated as having been
24 recovered around that burn pile?

25 A. From the search warrant return it indicates that there

KEITH SPRINKLE - DIRECT EXAMINATION BY MR. BELL

1 were, uh, two, um, Heineken bottles, uh, collected along with,
2 uh, some buttons and a zipper.

3 Q. Showin' you State's 46, are you able to see the objects
4 labeled 1 and 2 in this picture?

5 A. Yes.

6 Q. And what are those objects?

7 A. You have 1 right there (indicating), 2 right there
8 (indicating) and they both are Heineken bottles, ---

9 Q. And ---

10 A. --- glass bottles.

11 Q. --- would those been the same kind of Heineken bottles
12 that could have been located in the 6-pack container?

13 A. Yes, they're consistent with the same kind of, uh,
14 bottles that were collected from the vehicle.

15 Q. Does the search warrant also indicate as -- alo -- aside
16 from beer bottles what else was located at that burn pile?

17 A. Uh, the only other items that were, uh, located near or
18 actually in the burn pile were some buttons and a zipper.

19 Q. How was it described in that return?

20 A. It says burn degr -- uh, burn debris ---

21 Q. Okay.

22 A. --- and then it says buttons, zipper pieces and clothing.

23 Q. Showing you it's been marked as State's 132, what does it
24 say right here (indicating)?

25 A. It says item number 3 burn debris.

KEITH SPRINKLE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 Q. And are these items located down here (indicating) the
2 items that would have been recovered pursuant to that search
3 warrant return?

4 A. Uh, that would be the items that are in that that
5 package, uh, labeled item number 3 burn debris and it is
6 sealed with what appears to be, uh, CSI Derrick's, uh,
7 initials over it ---

8 Q. And ---

9 A. --- so . . .

10 Q. --- those were the items described: a zipper and buttons?

11 A. Uh, that's what it appears to be, uh, consistent with
12 what's described: the buttons and zipper, yes.

13 Q. Please answer any questions Ms. Zmroczek may have.

14 CROSS-EXAMINATION BY MS. ZMROCZEK:

15 Q. Investigator Sprinkle, can you, um, review your notes and
16 anybody else's CSI notes, tell me what DNA came back from
17 those, um, Heineken bottles.

18 A. I do not have any notes of any kind of DNA analysis.

19 Q. So they weren't submitted to testing?

20 A. Uh, not to my knowledge, that would not have been
21 submitted through me if it, if it had been.

22 Q. Okay. Um, you'll bear with me just one moment. Your
23 Honor, sorry, I had something pulled and now I can't find it
24 so you'll bear with me.

25 (Pause.)

1 Okay. Um, you said that you went out to the [] Mac
2 Circ -- Mac Circle residence or no?

3 A. No, I did not.

4 Q. You've never been out there?

5 A. Uh, no, ma'am.

6 Q. Have you reviewed, uh, Ms. Clary's pictures out there?

7 A. Uh, I re -- reviewed, um, CSI Derrick's photographs.

8 Q. Oh, you reviewed his photographs so that you know that at
9 that's, um, it's a dirt area, it's a, it it's a house with not
10 a dirt driveway?

11 A. Uh, it does not have a paved driveway, no.

12 Q. It has dirt, right?

13 A. Uh, what I saw was mostly grass ---

14 Q. Okay, ---

15 A. --- so I'm . . .

16 Q. --- grass and it it -- would you like to see a picture if
17 you, if would would that help refresh your recollection?

18 A. Yes, ma'am.

19 Q. Okay, uh, that's what I'm trying to find so if you'll
20 bear with me.

21 (Pause.)

22 A snake, it woulda bit me. I'm showing you State's 152,
23 you see where all those (indicating) cars are parked?

24 A. Yes, ma'am.

25 Q. Okay. There's grass and there's pine straw and then what

KEITH SPRINKLE - CROSS-EXAMINATION BY MS. ZMROCEK

1 else is there?

2 A. You have, uh, dirt and grass.

3 Q. Dirt and grass, right?

4 A. Yes, ma'am.

5 Q. So you can pick dirt up from anywhere that you walk,
6 right?

7 A. Uh, correct.

8 Q. You're not tellin' this jury that that dirt that that
9 Mr. Bell showed you in that passenger side came from the road,
10 did you?

11 A. No, we did not do any kind of any, a sand analysis or
12 anything like that, I'm not saying that it came from there,
13 I'm just, ---

14 Q. It's a ---

15 A. --- uh, ---

16 Q. --- possibility, right?

17 A. It's a possibility, correct, yes, ma'am.

18 Q. It's it's a possibility, ---

19 A. Yes.

20 Q. --- just like it's a possibility that some sand or dirt
21 coulda gotten in the back of of Mr. Porter's car from walkin'
22 on some sand or dirt, right?

23 A. Um, I'm sorry, can you repeat that.

24 Q. Just like it's a possibility sand or dirt could get in
25 Mr. Porter's car from somebody walkin' in sand or dirt,

KEITH SPRINKLE - CROSS-EXAMINATION BY MS. ZMROCZEK

1 right?

2 A. Uh, it's a possible any time that you walk in sand or
3 dirt and you get in your car that you can leave sand in your
4 vehicle.

5 Q. Right, okay. And then he asked you to review the video
6 and you said that you saw a tall light subject with a hat go
7 into the store and come out with the bag and then put quickly
8 in the passenger side, correct?

9 A. The back right passenger side of the vehicle.

10 Q. Uh, so what you do in an investigation is when somebody
11 tells you something and they did it and then you get video and
12 it shows what they told you they did, that's called
13 corroboration, right?

14 A. Uh, it is not the, uh, case in this instant though
15 so . . .

16 Q. Oh, uh, uh, but my question was if somebody says that
17 they went and got beer and then you have video of somebody
18 gettin' beer and put it in a car, that corroborates that fact,
19 correct?

20 A. One part of it, yes, ma'am, ---

21 Q. Thank you.

22 A. --- as far as the beer.

23 Q. Thank you. I have no further questions.

24 MR. BELL: Briefly, Your Honor.

25 REDIRECT EXAMINATION BY MR. BELL:

KEITH SPRINKLE - REDIRECT EXAMINATION BY MR. BELL

1 Q. And if somebody says that they pumped gas at a gas
2 station and yet are not on video, is that corroborating their
3 story?

4 A. It does not.

5 Q. Nothing further.

6 THE COURT: Okay, you can step down.

7 (Whereupon, the witness left the stand.)

8 MR. BELL: No further witnesses, Your Honor.

9 THE COURT: Very well. Now, we've heard all the
10 testimony and received all the evidence we're gonna receive,
11 momentarily the parties are gonna be allowed to summarize
12 their respective positions, I call it "closin' summary," some
13 people call 'em "closing arguments," but each side gets to
14 summarize what they believe the evidence has shown, once the
15 lawyers have done that then we'll take a short break and then
16 I will give you my instructions on how to do your job.
17 Basically, ya'll see what's goin' on, they've told you a
18 story, here's what happened, there's some different facts that
19 could go either way, ya'll are gonna be judges a those facts
20 and, uh, but you can't put all those facts together until you
21 get all my instructions so I'll caution you with that but
22 we're ready to go?

23 MS. ZMROCZEK: Your Honor, may we approach very briefly?

24 THE COURT: Well sure.

25 MS. ZMROCZEK: Thank you.

CLOSING ARGUMENTS

1 THE COURT: Now that you got everything organized now,
2 all right, Ms. Zmroczek.

3 MS. ZMROCZEK: Thank your Honor, may it please the
4 Court, ---

5 THE COURT: Yes, ma'am.

6 MS. ZMROCZEK: --- solicitors. Good afternoon, this is
7 the last opportunity that I have to talk to you, um, and I
8 appreciate the detail attention -- det -- attention that you
9 have paid during your detention. Individually twelve of
10 you, ---

11 (Whereupon, an alarm sounded.)

12 MS. ZMROCZEK: --- fa ---

13 THE COURT: Have no idea.

14 MS. ZMROCZEK: Individually twelve of you get to decide
15 the facts in this case and in order to do that facts you're
16 gonna rely on the questions that we ask, the answers that were
17 given and the exhibits of which there many and so it may take
18 some time and I appreciate the time that you've already spent
19 and I appreciate the time that you're going to put into it as
20 does Mr. Sisk, as the Sisk family, as I'm sure the solicitors
21 will tell you and I'm sure that Mr. Porter's family will tell
22 you.

23 When I started this case week ago, when I started it with
24 ya'll a week ago, I told you that Mr. Porter's death was
25 unfortunate and untimely and that, ladies and gentlemen, will

CLOSING ARGUMENTS

1 never change and no verdict is going to bring Mr. Porter back
2 and that it is unfortunate and it is just as easily that it
3 could have been Ms. Sisk being sitting over there (indicating)
4 and Mr. Sisk in the ground, a -- on the ground shot by
5 Mr. Morehouse and Mr. Porter sitting in that (indicating)
6 chair because, ladies and gentlemen, there's a common
7 denominator in this case and his name is Charles Morehouse
8 'cause that's who's runnin' this show, he's still running it
9 today. The very first thing that Mr. Sisk told you from that
10 (indicating) stand is is Chuck gonna know that I testified.
11 His one concern about getting on that stand and tellin' you a
12 story, his story, the truth about what happened to try to save
13 his (indicating) is is Mr. Morehouse, is Chuck gonna hear
14 that, that's his concern. I don't agree with a lot, um, of
15 what the witnesses said honestly because I think that they
16 just are addled, their brains are fried. I don't think that
17 they're lying intentionally some of them, um, I do believe a
18 lot of them are lying intentionally but the one common thread
19 amongst all of Chuck's witnesses, I mean, the State's
20 witnesses that came up here said, You don't cross Chuck
21 Morehouse because if you do you know what happens. Mr. Sisk
22 knows what happens because he saw it firsthand and then had a
23 gun pointed in his face, a gun that we haven't seen because
24 when you get this evidence back here and you see the drug
25 evidence and you see Charles Morehouse-S, suspect, S-Wiley

CLOSING ARGUMENTS

1 Sisk, S-Charles Belk 'cause there's a third suspect in this
2 case that was arrested but we didn't get to hear from him, we
3 didn't get to hear from the lead investigator, the lead
4 investigator in this case. What what I hope to do and
5 hopefully less than thirty minutes is is to tell you what we
6 think the evidence shows, what what are reasonable inferences,
7 what are some reasons to doubt, and I'll give you a couple of
8 reasons. I think that ya'll are all more intelli -- more than
9 intelligent enough to come up with a whole bunch more of
10 reasons to doubt because when I sit down and I tell you this
11 is the hardest time for any defense attorney is when I sit
12 down because I can't talk to you anymore and that State, I
13 assume it's Ms. Mayes, will get up and she will argue what she
14 thinks her reasonable inferences are and we're both advocates
15 and we're both ministers of justice and we both disagree on
16 the facts which is why you are here but the burden that the
17 judge will tell you about and has told you about it stays over
18 here (indicating) the whole time. Just because we put up a
19 case and we put some in evidence in and because we called a
20 couple witnesses, that that that doesn't move the burden, that
21 burden of beyond a reasonable doubt is the highest burden in
22 jurs -- in this jurisprudence and it's done that way for a
23 reason: We're talking about lives and liberty and freedom and
24 the State, the government, they're the ones that have to bring
25 you the competent, credible evidence so how I've broken down

CLOSING ARGUMENTS

1 my closing, trying to keep it organized, I wanna talk about
2 the State's case, a few of their witnesses, um, I wanna talk
3 about Mr. Sisk, Mr. Watkins, few of our witnesses and then I
4 wanna finish with what the evidence, all of this evidence that
5 you get to take back with you goes and and the judge has told
6 you a million times and I I know we're gonna reiterate one
7 more time but you get, you get all of this (indicating) that
8 was admitted and you get to hold it with your hands and you
9 get to read it and you get to go through the phone records,
10 you get to read the text messages and you can take the phones
11 because on these big boards that the State put in to try to
12 make it look like Sisk and Morehouse are conspirators,
13 conspiracy -- conspiring against poor Mr. Mr. Porter who who,
14 again, is the victim and he's as just as much of a drug user
15 as my client and that doesn't mean that he deserved to die but
16 he was engaged like I told you in a very, very dangerous
17 business but when you take these (indicating) phone records
18 and they talk about the number of times of contacts, don't
19 forget to look at the duration because forty-four times in one
20 day does not mean forty-four times in one day, yeah, some a
21 them are text messages but doesn't say on this one but in
22 the, in the full records, in the complete records you'll be
23 able to see that. You'll get to see, this is 7/21, I'm sure
24 if there were 7/22 and 7/23 we would see them but they're not
25 so here's 7/24. I'm sure 7/25 and 7/26 and 27 and 28 they

CLOSING ARGUMENTS

1 woulda been on this board but they're not so we have 7/29,
2 7/30, 7/31, 8/1, 8/2 the day of before talkin' about going
3 down to Aiken, 8/3 the day goin' down to Aiken and and look at
4 all the zeros and see some a the phone calls when you get the
5 text messages back and forth and 8/3 when Sisk calls -- when
6 Morehouse calls Sisk's phone and then Sisk gets in the car and
7 just like you'll see in the full video goes up and gets his
8 phone and then calls him and says, I got it. There multiple
9 explanations. One a the things that I find frustrating in
10 what I do is that if I come up with a hypothetical or if the
11 defense comes up with a hypothetical that doesn't agree with
12 the State's position it's ludicrous but that's all these are,
13 ladies and gentlemen, is hypotheticals and inferences but they
14 have to be reasonable and the judge is gonna tell you about
15 circumstantial and direct evidence, what the difference is and
16 you can rely on circumstantial evidence, we have to do it all
17 the time, but when relying on circumstantial evidence all of
18 the cir, and this is what the judge will charge you, all the
19 circumstances have to point conclusively to the guilt. If Mr.
20 Morehouse and Mr. Sisk were such conspirators and such
21 co-defendants in the death of Rico, why is Mr. Sisk still
22 trying to call him, why is he still tryin' to text him? 'cause
23 he doesn't know that what Mr. Morehouse has done, is doin'
24 everything he can to start puttin' the blame on a kid he just
25 met, on a kid with a drug addict -- with a drug problem. I

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1 told you in the beginning that this case was about meth and
2 how it was the motive for murder.

3 Now people lie to their parents. Wiley told you he lied
4 to his parents, David lied to his parents because when you get
5 the phone records, you'll see the contacts between Austin
6 Lynch, Junior and Jojo and all these people that were still
7 involved in the drugs were still contacting and David was
8 still contacting, that doesn't mean he's a bad person, it just
9 means he was lyin' to his parents. His scale and his drugs,
10 you're gonna get these drugs, you may get these drugs when you
11 go back here, I, uh, I looked because I remember once we had a
12 cocaine case where we sent the drugs back and not all of the
13 drugs came back so I'm not sure but but you'll get to see, um,
14 if you want, at least out here you'll get to see the amounts,
15 the amount of drugs, the number of ice crystals that were
16 found in this (indicating) with this (indicating) purple scale
17 and you get to decide if that's use or or sale and then you'll
18 get to see the Xanax pills that were found underneath the bed
19 of Charles and Crystal Morehouse, there pictures of it too,
20 and you heard Shelby Derrick talk about or Heather Clary,
21 'scuse me, talk about they found, um, more meth in the
22 bobblehead at Charles Morehouse's house and how they found
23 that Lexington County book of information that she still kept
24 under her mattress with everyone's phone numbers and the badge
25 that she kept even though she was fired because Charles

CLOSING ARGUMENTS

1 Morehouse used that information and he used thas -- those
2 connections and he used them to continue to terrorize Wiley
3 Sisk because you know who can tell what you happened and who
4 did tell you what happened and who did tell him for six hours
5 on audio what happened was Wiley Sisk and that's the person
6 who is now at risk even today testifying to you is he gonna
7 find out and he may.

8 I wanna talk about, I don't wanna talk about Wiley and --
9 or Mr. Embree but I have to address him but I think that all
10 of you know that when you come in here you bring your common
11 sense and the judge is gonna tell you you don't leave your
12 common sense at the door and you have someone who is in
13 contact with Mr. Sisk eight to fourteen days at most but gets
14 an entire confession, not the four hundred other three days
15 that he was in jail, not one other snitch did you hear from
16 but but
17 Mr. Embree people love to just tell him all about his cases
18 'cause he's still got three other cases to testify on so he
19 doesn't have to do the twenty-five years for the voluntary
20 manslaughter and kidnapping that he pled to 'cause he don't
21 wanna have to do his time, he just wants to be able to give
22 his tattoos, snitch on people and get out, so I don't give his
23 testimony any weight and credibility but that's for ya'll to
24 decide.

25 The first couple of days we heard or first day we heard

CLOSING ARGUMENTS

1 from friends of Mr. Porter, David, and have we heard 'bout
2 this fight with Austin and the cooler we saw pictures, um,
3 where he tore apart this cooler because he believed there was
4 a camera and you'll get to see the phone records about the
5 communications between Austin and Morehouse and you'll get to
6 see between Porter and Morehouse because Austin and Porter
7 were workin' together so that little debt picture that was in
8 Morehouse's car with all those names: Austin, a.k.a. Junior or
9 Tank they owed, they owed two hundred and seventy-five
10 dollars, two hundred and seventy-five dollars, Stump three
11 hundred and ninety-five dollars, Jo, when you look at the
12 phone records and look at Austin's phone records and then look
13 at known contacts and known numbers to see if any a these
14 names match up and see who he's calling around the same time,
15 he's calling Morehouse and texting Morehouse. And then Snoop
16 who the biggest debt of six hundred and twenty-five dollars
17 and a quarter ounce of ice, my question that I would love for
18 him to answer is how much of that debt got worked off and is
19 still being worked off because he didn't ever get arrested.
20 He never went to jail. He runs a known drug house with
21 hypodermic needles and drug addicts. If he, and he sat in the
22 room while Morehouse told this plan, ladies and gentlemen, if
23 Wiley Sisk is guilty of conspiracy because he sat in that
24 room, he's guilty of conspiracy but then so is Erica, so is
25 Snoop, so is Brittany, so is every single other person who

CLOSING ARGUMENTS

1 knew about that, you get to take their testimonies for what
2 they're worth. Those little girls, um, that were hangin' out
3 with David in the hotel and and, yes, I wanted to
4 cross-examine them hard and and I just, it it's sad and I
5 blame, I d -- I don't blame Morehouse for the drug epidemic, I
6 don't, I blame him for this problem but I don't blame him for
7 the drug eca -- epidemic, sure we can blame the Japanese, the
8 Germans, the government, whoever, the problem is it's an
9 epidemic and it makes people crazy, it makes people think that
10 there are radios in coolers but when you're a trafficker it
11 makes you think not to trust anybody and when you're a
12 trafficker, it makes you know who you can set up and who you
13 can put things on, that's what that does.

14 Corroboration. Corroboration is a huge, huge, huge part I
15 think of what we do and what the detectives do because people
16 can say things for any reason. Um, uh, the EMS guy, I wasn't
17 tryin' call him a liar, it doesn't matter to me what side a
18 the body he was on, that's an honest I don't remember, that's
19 an honest mistake but when you put up a witness, an eyewitness
20 like Snoop who says, I wasn't there, wasn't there, my head
21 literally was spinning inside from that day of testimony
22 because they put up Snoop and he says, Here, here, here, here
23 and they put all these timelines up which are tra, I stopped
24 losing track of because I couldn't make any sense and then
25 they put the very next witness, Brittany or Alicia, I can't

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1 even remember which -- no, Brittany, they put Brittany up and
2 if I remember somethin' differently you always go on your
3 memory but what I remember Brittany testifying to contradicted
4 some things that Snoop said and I thought, Okay, well that
5 happens 'cause people can remember and see things differently,
6 but then we get Erica which contradicts both of them and so
7 the State's like, It's okay if nobody remembers, we just want
8 you to focus on what they did say, uh, bad about Wiley but if
9 you remember and they even caught themselves doin' it,
10 sometimes they would say they and that, uh, he, the he, the he
11 was Charles Morehouse 'cause each and every one of them knows
12 what happens when you cross Charles Morehouse, same thing that
13 happened to David, that's why Erica was so, when you get her
14 text messages that we put in, how does Erica know that ten
15 thousand dollars of drugs that they can't find and they think
16 I have 'em, why would they think she had 'em? 'cause she
17 didn't do anything. If everybody knows that Wiley took the
18 drugs or that Wiley did this or Wiley did that, why is she
19 worried about it. And then she, this threat which Wiley told
20 you sure he threatened her, a threat with a gun to your face
21 is not a, You better tell the truth threat, should he have
22 done it, no, but he didn't want her tellin' people that he had
23 ten thousand dollars worth a drugs that he knows he didn't
24 have but but what's interesting about this is the date, the
25 first time she tells or texts anybody, If anything happens to

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1 me, Wiley Sisk did it, August 5th at 6:18 p.m., thirty-six and
2 a half hours after Charles Morehouse has been taken to the
3 jail, gotten his phone call and we didn't get to hear who he
4 was talkin' to but they know because they were askin' Wiley,
5 You ever gone by Wiley Coyote because from the second that he
6 gets on the phone and gets in the jail on August 4th he says,
7 I like Wiley Coyote, meanin' ya'll know what to do, ya'll know
8 what time it is and they're not askin' for the time, it's time
9 to make sure that everybody gets on board to put the blame on
10 Wiley Sisk and I assure you that they have done that and sure
11 they haven't been promised anything for their second and third
12 drug offenses which carry a significant amount of time, sure,
13 of course they haven't because in the State world we don't
14 make promises till you deliver and if you deliver you might
15 get a benefit but in their case they might get two benefits,
16 first benefit might be from the State but I assure you the
17 second benefit's gonna be from Chuck.
18 Corroboration. Wiley gets up there and tells you exactly the
19 same thing that he told them voluntarily for six hours which
20 was recorded that we didn't get to hear and then he wrotes
21 it -- writes it down on nine pages that we didn't get to see
22 but you know who got to see it, Chuck Morehouse, but what can
23 be corroborated through his testimony? Videos, times, phone
24 calls, videos that we had to put in 'cause they didn't want
25 you to see that when they put this sinister board up with this

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1 (indicating) phone call at 9:48 or this (indicating) text
2 message to David at 9:48 from Morehouse and then the very next
3 call goes to Wiley 'cause he lost his phone, is sittin' right
4 there, because he was mad, not because he's like, All right,
5 the hit is on, we're gonna split somebody's skull, he's
6 gettin' too close to the family. The family? The phone
7 records go back all the way through July, how many times does
8 Morehouse have contact with Sisk before that because I assure
9 you if it went further than this we woulda seen it and it's in
10 there, you get to see. Morehouse wasn't, I mean, Wisk -- Sisk
11 wasn't part a Morehouse's family, wasn't him; in fact, he's
12 the outsider.

13 This timeline that I'm sure Ms. Ms. Ms. Mayes is gonna go
14 with you this sinister text about "drop her," well we put all
15 of that conversation in there so you get the full context of
16 the whole conversation of the texts and then you get the phone
17 calls because it's unfair, ladies and gentlemen, to ask you to
18 make such an important decision without all the relevant
19 admissible evidence, so I know it's a lot and I know you will
20 go through it. 12:13 a.m. pings stop p'n 'cause he has worked
21 on his alibi, he's gettin' rid a his phone. She talked about
22 this receipt that was found in the Impala on the passenger
23 side and you'll get to get, you'll get back there, you'll get
24 the see the date August 4t at 1:29 a.m., so him and his dirty
25 hands are puttin' things in the passenger seat at 1:29 a.m.

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1 but that's not Wiley Sisk, we know where he is, he's freaked
2 out for his life because he just witnessed Morehouse commit a
3 murder. If I'm Morehouse's lawyer, I don't know what I would
4 say because I don't know what his intentions were but neither
5 does Wiley Sisk because he told you just as he told the police
6 when he got in that car he thought they were goin' to give
7 Xanax to Heather Owens. No, he did not call the police, he
8 did not. Chuck Morehouse three distributions for meth, not
9 his first ones, facin' a mandatory minimum time. This
10 timeline I I I can't even go through. Everybody talks about
11 Wiley and Wiley braggin' and how he was Chuck's muscleman but
12 this was also the very first time that they ever saw them
13 together and is it interesting that not one statement given
14 before Wiley's 9-page statement do we hear about a muscleman
15 or a hit man because once you get booked into the jail which
16 is done by former co-workers of Ms. Morehouse and they're
17 identifyin' tattoos and you get identifyin' information then
18 you know what you can tell people to say to put this on Wiley.
19 Ladies and gentlemen, if I hear about this bat one more time,
20 I'm gonna get a bat and hit myself in the head. Where is this
21 bat? Why do we have five hundred and twenty-nine pictures of
22 one residence and two hundred and some odd of the other
23 residence but what you get to see are six pictures of Heineken
24 beer bottles and a bottle Ajax. Do I think these
25 investigators were thorough, absolutely, was there a bat that

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1 Wiley washed off and did somethin' to or handed to Erica,
2 depends on which witness you're gonna believe, was that bat
3 hidden so well that it was never found? Oh, well we didn't
4 learn about that until we talked with her on the 5th or the
5 8th or whenever, that's three days, go back and look for the
6 bat. Ladies and gentlemen, you heard Dr. Ross's testimony,
7 there was no bat, no bat injuries, no bat, no bat. Oh, yeah,
8 the bat, the bat broke this bone, two cracks to a screen, bat
9 did not break this phone, ladies and gentlemen, this phone was
10 broken either through a fight or through fallin' on ground or
11 I I don't even know but I do know it wasn't broken by a bat
12 because if it's in his pocket and he gets whacked with a bat,
13 that's not gonna keep a pattern injury or if you believe
14 Mr. Embree's story that he got hot whacked in the chest, we're
15 gonna see it, and it makes zero sense this, makes no sense and
16 I'm assure you that they are gonna haul in that demonstrative
17 evidence that is big giant blue arrows and guns and bullet
18 holes and everything and I assure you that and then they're
19 gonna tell you Wiley Sisk put that last bullet to the head but
20 the only way that that could be possible that Wiley Sisk did
21 that is if the victim was rolling over and moving even though
22 there was no blood anywhere else on the sand and we don't know
23 where the clothes were because Investigator Sprinkle or
24 whomever decided to strip him naked and they didn't put 'em in
25 so we don't get to see where the blood was, we just get to see

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1 the clothes, but what we do get to see is their only version
2 that the only way it's possible that he got that shot to the
3 head is because after Morehouse shoots him five to nine times
4 he then stops, looks over to Mr. Sisk, gets the bat, make sure
5 he still doesn't have his shoes on and then says, Take a shot,
6 but wait, let's pick up the shell casings but let's leave a
7 couple in the middle a the road with my cigarette so they can
8 find it and while we're at it since Mr. Porter owes us
9 money . . . Cigarette DNA, shoe print Morehouse, you get to
10 take these back here and you get to look at the shoe prints
11 and see what shoes they match and you'll get to see what bare
12 feet and shoes that don't match. If they're pickin' up,
13 they're gonna make such such a plan to pick up those shell
14 casings but leave the one in the middle a the road right next
15 to the cigarette but this is what I was getting to, ladies and
16 gentlemen, two hundred and some odd dollars in his pocket,
17 well heck, that's what, that's what he's owed. If you're
18 gonna go through the trouble of killin' him, overkilling him,
19 executing him as Mr. Bell told you in opening, and you're
20 gonna go through the trouble of pickin' up the bullets and
21 dumping your phone but you're not going to steal the money
22 that you're owed? What about the 3 point whatever grams of
23 drugs in the vehicle, you're gonna leave that too? it doesn't
24 make any sense, ladies and gentlemen. There was no handing
25 off of any gun. Chuck Morehouse killed this 21, just

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1 22-year-old child because he could, because he wanted to and
2 because he knew that he could put it on somebody else.

3 Couldn't get shoe prints 'cause the sand was too light,
4 the only possible way that he coulda got gotten that dirt is
5 when he was executin' him in the head or he got out and
6 stretched his legs and walked on any other part of this road
7 still a possibility. Dr. Ross told you that one possibility
8 could be his hand was up, one possibality -- bility could be
9 this, another possible, there are endless possibilities but,
10 ladies and gentlemen, the Constitution demands and the judge
11 will order you to follow the law and that law says beyond a
12 reasonable doubt, not one or two possibilities.

13 Meth and money are what made this man crazy and what made
14 this man rich and what made this man powerful and what made
15 this man get all these people up here to testify to different
16 stories but enough facts because he has his own discovery to
17 know what to say to put it on Wiley. Wiley told you himself
18 he was there. The State gives Mr. Travis all of these
19 resources to find out where Mr. Sisk is after he's already
20 told the police he was there, makes no sense to me. Is it a
21 coincidence, probably, possibly, that both the drug scale and
22 drug money are in a purple Crown Royal bag just like the drug
23 money was in Mr. Morehouse's purple Crown Royal bag, maybe
24 that's the family color, I don't know, maybe it's just because
25 those are bags that are easy to use but the point is dealing

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1 drugs is a dangerous business.

2 These phone records, these (indicating) are Wiley's phone
3 records and you'll get to go through them and you'll get to
4 see how many times he actually had conversations with
5 different people, with Morehouse and with Brittany and Erica
6 and you'll get to see on that day of the day of the threats
7 how many different conversations he had with Erica and then
8 you'll get to see a part of Erica's messages because you'll
9 get to see that she's the one who initiates the conversation
10 on August 5th the day of this threat to shut her up, she's the
11 one that says to Wiley, What's up, so you'll get the whole
12 conversation and then you'll get the conversations and the
13 phone calls to and from Chuck and Snoop and, ladies and
14 gentlemen, these help corroborate or not corroborate where
15 people said they were when they weren't and what they saw and
16 what they didn't see, I promise you I'm almost finished,
17 you'll get the full and complete text messages and phone calls
18 of David Porter that day, you'll get to see the contacts:
19 Jojo, Austin Lynch, Chuck, dad, Chuck, back and forth, back
20 and forth, back and forth, when you're thinking and you're
21 processing all this evidence, please don't forget to ask
22 yourself the number of times that these people were in
23 connection with Chuck Morehouse and how easy riding with
24 someone to Aiken and gettin' some drugs and think you're goin'
25 to your girlfriend's, your friend's girlfriend's house can

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1 turn into being a witness to a murder and if that's
2 conspiracy, ladies and gentlemen, find him guilty of
3 conspiracy if that's, if if that's good enough for you.
4 Sitting in a car watching a man with a gun kill another kid
5 because they got into a fight, I don't know where these brass
6 knuckles, you'll get to see the pictures and I don't know if
7 he was holdin' 'em, I wasn't there, maybe Mr. Morehouse felt
8 like he acted out of self-defense, I don't know, I wasn't
9 there, but what I do know is that Wiley Sisk did not get outta
10 the car, he did not hit him with a bat and he did not fire the
11 last execution shot into his head, it was really the neck area
12 but let's call it the head, either way he didn't do it.
13 Here's (indicating) his timeline and when you go back to the
14 room and you take all this evidence, especially the phone
15 records and the pictures you can ask yourself which one of
16 these timelines can be corroborated.

17 Ladies and gentlemen, there's always two sides to every
18 story, in this case there are a lot of sides and the judge is
19 going to -- to order you and he's gonna tell you that when
20 you're weighing this evidence that you look at the
21 credibility, you get to decide who has bias, you get to decide
22 which evidence makes sense and when you do that and you apply
23 the law that he's going to give you, the law that says that to
24 find Mr. Sisk guilty of murder you have to find that at the
25 court of general sessions on December 15th that he did on or

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1 about August 3rd willfully and, willfully and unlawfully kill
2 one Jo -- James David Porter with malice aforethought either
3 expressed or implied, to wit, whether acting alone or in
4 concert with another did shoot the victim with a firearm
5 resulting in his death and, ladies and gentlemen, you're gonna
6 say that's not what this stuff proves and if it doesn't prove
7 that then you can't find him guilty of being in possession of
8 a firearm for the commission of a violent crime and then he's
9 gonna tell you that you have to consider also criminal
10 conspiracy, that Wiley E. Sisk did in Lexington County on or
11 about July 3rd through August 4th, even though we don't have
12 all of those phone records, unlawfully and willfully knowingly
13 and felonious -- feloniously unite and combine and conspire,
14 confer, agree and have a tacit understanding with Charles
15 Morehouse, the same person who continues to this day to
16 threaten his life, and other individuals known or undisclosed
17 or unknown, well we know who they are 'cause they told us who
18 they are, for the purpose of accomplishing a criminal activity
19 related to possession and dis -- distribution of allu --
20 illegal narcotics commit the act of murder resulting in the
21 death. Ladies and gentlemen, if sittin' in a room hearin' the
22 same thing that Snoop said is conspiracy then find him guilty
23 but when you take the law and you apply the facts you will
24 find that Mr. Sisk is not guilty of any of this and that
25 justice, true justice is coming back with that verdict and

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1 letting Charles Morehouse have his day in court. Thank you.

2 THE COURT: Ms. Mayes.

3 MS. MAYES: May it please the Court.

4 THE COURT: Yes, ma'am.

5 MS. MAYES: Time will always reveal the truth. No matter
6 what means they took to conceal it, to destroy the evidence
7 and now to point the finger at one another, no matter what
8 measures or tactics they've used from that night until this
9 day, time will always reveal the truth and to suggest that the
10 State would bring charges against this (indicating) man, Wiley
11 Sisk, with no evidence to support it ridiculous. This was
12 just about Charles Morehouse, guess who would be the key
13 eyewitness in a murder prosecution against just Charles
14 Morehouse, it'd be that man right there (indicating), what
15 better murder prosecution could there be against Charles
16 Morehouse than to call the eyewitness who had no idea that
17 anything was gonna happen and then just by chance he happens
18 to witness the murder, if it were that simple, he'd be the,
19 witness Charles Morehouse would be the only one charged but
20 that's not the way it works, the State doesn't get to just
21 ignore evidence, especially when it's real and credible
22 evidence, the evidence that lights the path, it's the evidence
23 that leads us to the truth and here the evidence is
24 undeniable, multiple witnesses. You heard him and his
25 co-defendant Charles Morehouse planning, scheming this entire

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1 event before they ever left Snoop's house. He's not there
2 just to sit in the car and get paid, that's ridiculous, he
3 told you exactly what his role is, he's the muscleman that his
4 own former girlfriend told you he bragged about. What's a
5 muscleman? it's the enforcer, it's the collector. He doesn't
6 just happen to have a hit man symbol tattoo, that's who he is,
7 that's why he was there, that's what brought him and Charles
8 Morehouse together, that's why there's fifty calls and texts
9 between them on that day and multiple contacts the day before,
10 they benefited one another and in the end that's what it's all
11 about with him, Charles Morehouse, is money over everything,
12 that's reality of this crime, it's one of brutality and greed
13 and self-preservation. For him (indicating) it's about the
14 money, whether he gets paid in cash or in dope, he's gettin'
15 paid, that's why he's there, for Charles Morehouse self-
16 preservation. You've heard the testimony in this case, the
17 evidence is undeniable and been stipulated to by fact.
18 Charles Morehouse thought David Porter was an informant, what
19 greater motive to take someone out. He's the subject of an
20 ongoing NET team investigation, if you sell to a confidential
21 informant, you're done. How do you take care a that? you take
22 out the witness. This was a scheme, a plan to murder an
23 informant. They didn't just all end up there that night and
24 this just suddenly happen. Did David Porter owe Morehouse
25 money, yeah, he did, yeah, he did, 'cause he was an addict,

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1 this wasn't just about money, was about a whole lot more but
2 that decision, that plan and the outcome was all predetermined
3 when they left Snoop's house. They're in there with Snoop,
4 Snoop talks about tradin' that .40 for the .45, they leave
5 together. We know that when they were at Heather's house,
6 Heather said Morehouse said he had to go help his friend with
7 something, that's his friend right there (indicating). There
8 was some cross-examination about, Oh, well how do you really
9 know it's Wiley and all this, look, he says it's him, we know
10 it's Wiley so the charade can stop, he's right where he's paid
11 to be which is by Morehouse's side from start to finish that
12 day. First of all, when they go to re-up, you know why a drug
13 dealer needs his muscleman with him when he goes to re-up,
14 because he's got ten grand worth a dope in that car.
15 Morehouse ain't gonna be able to defend himself in that
16 situation, he's got to have muscle, that's why he gets paid to
17 be there as he said security, so he's security in all his past
18 dealings, even goin' over to Heather's that night where he
19 went to check and make sure nobody's causing her any trouble
20 out in the yard and then leaves her house with the gun, he
21 admits all a that and that his role and what he was paid to do
22 that night was security but all of a sudden on this day, the
23 day that David Porter is murdered by premeditation and design,
24 he's just paid to sit there, so let's talk about what the
25 evidence shows.

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1 You know one thing that's been unmistakably clear
2 throughout this case is there's a whole lotta sand and dirt
3 out there, whole lotta sand out there. Notice how when Wiley
4 Sisk took the stand and testified on direct examination he
5 completely left out the part about how he got outta the car,
6 he was just paid to sit there, and I ask him, Well how'd all
7 that sand and dirt get on the passenger side right where you
8 were then his answer was, Oh, well I guess from the dirt road
9 but I just got out to stretch my legs. You'll see, looks just
10 like the other side, driver's side, passenger side, same
11 amount a dirt, there's a reason for that, they're equally
12 involved.

13 Judge is gonna charge you at a later point on hand of one
14 is the hand of all and that's just not a theory, that's the
15 law, that's the law of the State of South Carolina. What that
16 means is when two people conspire together to carry out an
17 act, they're both equally guilty under the law so; for
18 example, two people conspire to rob a convenience store but
19 only one goes inside, only one fires the gun, they're still
20 equally guilty under the law but I submit that's not even what
21 we have here. If he never touched that gun and never fired
22 that gun, he's still equally guilty if he's there just to be
23 the muscle but that's not even what the evidence is here.
24 Multiple witnesses talk about bat, how is that? How is that
25 that, uh, Brittany sees him return with the bat and it's in

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1 his hands, Erica sees him washing off the bat and then there's
2 someone completely unrelated to this case, a convicted killer
3 that's in the murder pod with him and here's him talkin' about
4 takin' David Porter to his, to the ground with that bat, it
5 doesn't take multiple blows, doesn't take multiple blows at
6 all, what it takes is actually very little. He told that
7 convicted killer he took David to the ground with one blow to
8 the ribs. State's Exhibit 65, what did Dr. Ross talk about
9 that, consistent with an abrasion right here (indicating)
10 below the leg, below the ribs on the right side of the body.
11 What else was on the right side of the body? right there
12 (indicating) in his right front pants pocket phone that his
13 dad had bought him that was in perfect working condition till
14 that night but I submit it takes very, very little to get him
15 to the ground under those conditions: there's a car right here
16 (indicating), a 6-foot embankment, somebody with a bat and
17 somebody with a gun and it's a planned ambush so one day after
18 David turned 22 this (indicating) is where he would end up,
19 they decided this, they decided when and where to meet. You
20 heard the testimony from Riley, from Molly and from Alicia who
21 had been with David that day, yeah, he agreed to meet Chuck,
22 Chuck had called, Chuck was short with him, Chuck was
23 suspicious, Chuck knew at this point the rumors that he was an
24 informant, David agreed to go, David was willing to go but as
25 time wore on, as Alicia said, he got more and more nervous so

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1 when that moment came that he finally had to walk out that
2 door with fear in his heart this is where he would end up
3 three weeks after he returns to his father's home, three weeks
4 of a long and agonizing fight, three weeks where his father
5 told you he almost beat this, three weeks, the hold of that
6 addiction was never truly over, this is where it led him and
7 as he's trapped behind that car that (indicating) man with a
8 bat and the other man with a gun there's nowhere to go,
9 nowhere left to turn, that's how it would end, they decided
10 this, he decided this, they decided their own fate, so on that
11 evidence that I spoke of the bat, how you could it be that
12 Brittany Moody knows the bat's involved, sees him return with
13 the bat, Erica sees him washing the bat and someone completely
14 unrelated hears him confess to the bat, that's because the bat
15 was involved. The reason that bat wasn't found they had three
16 days to clean out that house, three days after this murder to
17 get rid of everything, that's a drug house, you know what else
18 wasn't found in that house, drugs. They knew good and well
19 this murder investigation was goin' on, law enforcement was
20 tryin' to track down everybody associated with that house, by
21 the time that search warrant was obtained on August 6th
22 everything was gone: no guns, .40's gone, .45's gone, the
23 bat's gone and all traces of drugs are gone but guess what's
24 still there, yep, that burn pile, the burn pile where as we
25 know Wiley Sisk burned his clothes so let's talk about that,

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1 the significance of burning once clothes when they maintain
2 they had no involvement in this whatsoever. So first he says
3 he's held at gunpoint and Morehouse drives him away from the
4 crime scene at gunpoint and he's completely freaked out about
5 this, so freaked out about it that he got a phone but he
6 doesn't call anybody to come get him, to help save him from
7 this person whose got a gun pointed at him and then that
8 person with the gun leaves, is nowhere to be found, he stays
9 right there at Snoop's where the person with the gun knows
10 where he's at, is any of that believable? absolutely not. The
11 girls told you, Snoop told you, everybody on the stand told
12 you they saw them interacting that night, they were exactly
13 the same afterwards as they were before that murder; in fact,
14 this is what he had on his mind after that murder, you see on
15 that video he comes outta Village Store and puts that 6-pack
16 right behind the right front passenger seat, 'xactly what he
17 testified to, that's at almost ten o'clock, so what's the
18 first thing on their mind after they get back to Snoops', well
19 this (indicating) is a 6-pack and it's missin' two, here's two
20 Heinekens right there (indicating) at that burn pile where he
21 burned his clothes. Does that look like somebody that's
22 freaked out 'cause a murder just happened? Does that look
23 like somebody that's scared of his co-defendant? no, this was
24 party time, I'm gettin' paid in ice and cash and you wanna
25 tell us that you burned your clothes: your shirt, your pants,

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1 your socks, everything on your body, your hat, your bandanna,
2 you burned it all and you never got near David Porter, that's
3 a lie, that is absolutely not credible in any way, he got rid
4 of those clothes and burned them to ashes because if there's
5 any trace of blood or DNA that's evidence, that how is he so
6 concerned about blood or DNA from David Porter if he had
7 nothin' to do with this, same reason he was washing and
8 scrubbing that bat that he returned with in that shower.

9 The judge will charge you, uh, momentarily on exactly
10 what the law is but when we talk about murder in the State of
11 South Carolina, murder requires malice aforethought. Now that
12 doesn't mean that they have to plan it days ahead or hours
13 ahead or even minutes ahead, malice can come with the fatal
14 blow a second before that trigger was pulled, this isn't just
15 one shot, this is multiple shots, so first he's brought down
16 after being faced with two men, one with a bat and one with a
17 gun, that circumstance takes very, very little to get David on
18 the ground and thing is all of these shots came when he was
19 down, every single one of 'em, there's no blood trail, all the
20 blood is right there (indicating) underneath him. You look at
21 the angle of every one a these shots the only way these shots
22 to the legs happen, he's down (pulled trigger demonstrating).
23 Is there malice yet (pulled trigger demonstrating)? Rollin',
24 finish him (pulled trigger demonstrating), could be no greater
25 manifestation of malice than that, it's the very definition of

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1 malice, but doesn't just end there with what we know the
2 evidence shows us regarding the injuries to David, it's
3 unmistakably clear throughout all of the evidence in this
4 case.

5 Brittany Moody. He's alone with Brittany Moody in that
6 bedroom, same girl that he testified to was a friend, a former
7 girlfriend, someone who trusted him and he trusted her, does
8 that sound like somebody's who's got a motive to lie on him?
9 no way. There's not a single person who got on that
10 (indicating) stand who has a motive to protect Charles
11 Morehouse; in fact, every single one of them the one thing
12 they make clear Morehouse is equally guilty, they incriminated
13 Morehouse just like they did Sisk so this isn't a situation
14 where anybody's getting on the stand to implicate Wiley Sisk
15 to help out Charles Morehouse, absolutely not, every single
16 one of them implicate Morehouse the same as they implicate
17 Sisk and the reason for that it's the truth and it's what I
18 presented at the beginning, if it's as simple as Wiley Sisk is
19 just there by happenstance, he wouldn't be charged to begin
20 with and I can guarantee you not a single one of these people
21 would be implicating him. When Brittany Moody told police
22 about what she heard directly from his mouth is in the first
23 three weeks a this investigation, when Erica Waters told
24 police what she knew and saw from being in that house was
25 days, just days after the investigation, August 7th, four days

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1 after the murder, they had not motive to lie on Wiley Sisk,
2 they had no motive to try and help out Charles Morehouse, they
3 say what they saw, what they heard, so if the defendant Wiley
4 Sisk wants to argue that he's under some kind of duress by
5 Charles Morehouse and this duress by Charles Morehouse somehow
6 made him go along with all a this against his will, Charles
7 Morehouse wasn't in that bedroom with Brittany Moody, when he
8 spilled he's guts as she said and was cocky and boastful and
9 said, I had to lay one down, told her he did the headshot,
10 what does that take, it takes a cold heart, heart devoid of
11 human decency or care, that is the very definition of malice.
12 He didn't say that to her by any kind of force or duress, he
13 said it to her 'cause it was the truth, 'cause he trusted her
14 and not for one second did he ever think she'd get on that
15 (indicating) stand and tell the truth against him but she did,
16 she did because it was the right thing to do.

17 The judge will charge you further only malice to consider
18 implied malice. Implied malice can be a planned ambush, lying
19 in wait as it's put, clearly what occurred here, sat there on
20 that dirt road and waited for David to come to his fate. We
21 stated multiple witnesses saw that bat. We know the sh --
22 victim was shot six to ten times, we know from the medical
23 evidence and from the crime scene investigators the victim was
24 on the ground when those shots occurred. Finally, and we talk
25 about malice, this was a planned execution by design, plan to

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1 murder an informant, malice. Well murder as the judge will
2 charge you as defined under South Carolina law is the killing
3 of any person with malice aforethought, can come with the
4 final pulling of that trigger, malice aforethought can be one
5 moment before that trigger's pulled whether expressed or
6 implied, I submit to you the State has proven the charge of
7 murder beyond a reasonable doubt as to Wiley Sisk, Charles
8 Morehouse will get his day in this courtroom, that I can
9 assure you, but under the hand of one, hand of all they're
10 both equally guilty.

11 Conspiracy. Conspiracy is a combination between two or
12 more persons for the purpose of accomplishing an unlawful act
13 or objective. Any agreement by them to meet David Porter on
14 that road for the purpose of collecting whatever money he owed
15 Morehouse or to explain himself to Morehouse, whatever
16 activities Morehouse thought Porter might be involved in such
17 as being an informant, any plan to harm David Porter is
18 conspiracy, any plan to collect financial debts from David
19 Porter that's drug-related is conspiracy, any plan to have a
20 drug transaction with David Porter on that road is conspiracy,
21 that's why he was there.

22 And; finally, possession of a weapon during a violent
23 crime, the law on that is actually quite simple, possessed a
24 weapon whether on your own or in concert with another is a
25 violation of the law.

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1 So I wanna address what Mr. Sisk had to say about these
2 phone calls. He admitted he made these pho -- phone calls,
3 these final phone calls to Morehouse, he wants to tell you
4 that he was somehow forced into all of this and that he
5 somehow has so much fear of Morehouse, these (indicating)
6 calls are just before the murder, the next call immediately
7 after the murder is actually or the next contact is actually a
8 text and here (indicating) you see the contact that goes on
9 between the two a them once it becomes August 4th. You heard
10 the testimony that Morehouse actually had his phone stopped
11 pinging at around 12:15 a.m. so the phone stops pinging not
12 because he broke it or lost it, it stopped pinging 'cause he
13 got rid of it by the river but the last thing he does before
14 he gets rid a that phone he has his conv -- conversation with
15 Sisk 12:05, 12:10, all the way through to 12:13, these two are
16 in contact and the first one to reach out and initiate contact
17 after the murder Sisk to Morehouse, Morehouse responds, Sisk
18 to Morehouse again, Morehouse responds, Sisk to Morehouse
19 again at 12:13, ten minutes later phone's gone, that's a
20 conspiracy if there's ever been one, the very definition of a
21 conspiracy. You have before you the most noble of
22 opportunities, the chance to strike back against injustice,
23 against murder, against the taking of a life and deliver a
24 verdict that speaks the truth. Thing about David is that
25 when you're raised in a family with love and compassion as he

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1 was ---

2 MS. ZMROCZEK: Objection, Your Honor, may we approach?

3 THE COURT: (No audible response.)

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

5 MS. MAYES: The thing about David is that when you're
6 raised as he was and you get lost along the way as he did,
7 lost to those who loved him and everyone he knew, you still
8 have the chance to make it back home again, he was robbed that
9 chance, that man right there (indicating) took that chance
10 away,
11 22-years-old, he had his entire life and every chance at
12 redemption still in front of him, took it away. You as a jury
13 here in Lexington County you decide the verdict that speaks
14 the truth that here a crime of this nature would shock the
15 conscience of any community anywhere, here in Lexington it
16 can't be tolerated, it's got to be the last time, the last
17 time he (indicating) takes a life, the last time a kid doesn't
18 make it back home again, the correct verdict is guilty of
19 murder, guilty of conspiracy and guilty of possession of a
20 weapon during a violent crime. Thank you.

21 THE COURT: Thank you, Ms. Mayes. All right, Mr. Robins,
22 I'm gonna let ya'll step to jury room, stretch your legs, give
23 you 'bout ten minutes, come back, get in instructions then
24 we'll begin the deliberations, still can't discuss the case
25 like I said till you get my instruction so step back there and

JURY CHARGE

1 get you right back in here about ten.

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: All right, we'll stand at ease just for a
5 couple minutes till they get done with usin' the rest room
6 and . . .

7 (Whereupon, a recess was taken.)

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

9 THE COURT: All right, Mr. Robinson, ladies and gentlemen
10 a the jury, I'm gonna read some a the instructions to ya and
11 I'm gonna tell some of 'em to ya, sometimes will look down, I
12 apologize for that, don't have 'em all committed to memory but
13 most stuff I do 'cause I've done this a few times, any event,
14 members of the jury, State of South Carolina charged the
15 defendant Wiley Sisk with the crimes of murder, possession of
16 a weapon during the commission of a violent crime and
17 conspiracy. You'll bear in mind that early on I told ya he
18 pled not guilty and by that plea denied all of the allegations
19 in the indictments which placed the burden of proving the
20 elements of the charges, each of them, by the, um, standard
21 proof called "beyond a reasonable doubt."

22 Now Mr. Sisk comes into court clothed with a presumption
23 of innocence, that presumption stays with him the entire
24 trial, entitles him to a verdict of not guilty until that
25 presumption's dispelled by the evidence satisfying you, the

JURY CHARGE

1 jury, beyond a reasonable doubt that the State has proven his
2 guilt of the offenses charged and they have proved each
3 element of each a the crimes beyond a reasonable doubt. Now I
4 tell ya that each a the crimes stands individually, it's not
5 all or nothing, each one will be considered separately and
6 independently, the elements of this (indicating), elements of
7 that (indicating) one and the elements of the third one, all
8 are considered separately.

9 Now the Constitution and the laws which makes you, the
10 jury, the judges of the facts also makes me the judge or the
11 instructor of the law. As the sole instructor a the law, I
12 told you early on that if you have an understanding a what the
13 law is or what it might be or what you heard it was, you must
14 disregard that understanding if it is contradictory to what I
15 am instructing to you right now. It is my job and my duty to
16 instruct you of the law of South Carolina as I understand it
17 as handed down by the Supreme Court, Court of Appeals and the
18 General Assembly and so if you have an idea of what the law
19 ought to be or what it could be or what it should be and it is
20 in disagreement with my instructions, you most totally
21 disregard that and accept it under your oath as I am
22 instructing ya today. If I make an error in instruction a the
23 law or a ruling I made, there's another time, there's another
24 place for that error to be considered and if necessary
25 corrected.

JURY CHARGE

1 Now as I've told ya, in a criminal prosecution, the State
2 of South Carolina bears the burden of provin' the guilt of the
3 defendant, a defendant has no burden of proving anything.
4 Prosecution must proof their case to the standard a proof
5 called "beyond a reasonable doubt," and if the State fails to
6 meet that high burden then a defendant is entitled to a
7 verdict of not guilty.

8 As I've told ya the Constitution makes me the instructor
9 of the law, makes you the finders of fact and the judges of
10 the facts. By making you the finders of fact it is your
11 responsible to evaluate and judge the credibility or the
12 believability of all of the witnesses who have testified and
13 the evidence which has been presented. Now I'll tell you that
14 you may use your collective common sense and good judgment,
15 your life experiences in evaluating, determinin' a person's
16 believability, ya'll have sat together the entire trial and
17 observed and heard, listened to the witnesses carefully, ya'll
18 as a group get to determine the credibility, believable a
19 those witnesses. I'll tell ya there's several things you can
20 consider in addition to those things: the manner and
21 appearance of a witness who testified, how'd they act on the
22 witness stand. Were they straightforward in answering the
23 question? Were they hesitant in answering any questions.
24 How'd a witness come to know any facts which he or she
25 testified to? What was their abili [sic] to recollect and

JURY CHARGE

1 remember these facts which they were testifying to? Is there
2 some reason a witness would want to give testimony which would
3 help or hurt one side or the other and or did they have any
4 bias or prejudice toward either side? Was the testimony of
5 witness strengthened or weakened by other testimony or other
6 evidence introduced? You, the jury, may believe as much or
7 as little of testimony as you deem appropriate, you can
8 believe testimony of one witness against that of others,
9 others against one, you can believe part of a witness's
10 testimony, disbelieve the rest. The testimony of a witness
11 even though it's not contradicted does not necessarily make it
12 believable, you still must evaluate the credibility of the
13 witness providing that testimony in pass and make a finding of
14 facts as to their testimony.

15 Now during the trial there were several witnesses
16 qualified and I instruct you as they were were qualified as
17 experts in certain fields and experts are allowed to testified
18 as to opinions and conclusions. Now I told you that a witness
19 who by his education or her experience has become an expert in
20 art, a science, profession may be called to state an opinion
21 which may be relevant and material to, um, the, uh, facts
22 presented in this case and you should consider any expert's
23 opinions received as evidence in this case just like the other
24 evidence and testimony present in this case and give it the
25 weight you believe it deserves. If you do believe or decide

JURY CHARGE

1 that a expert witness's opinion is not based upon sufficient
2 education and experience or if you conclude that reasons given
3 in support a the opinion are not sound or the opinion's
4 outweighed by their evidence, you may disregard that expert's
5 opinion entirely. An expert's witness's testimony is to be
6 given no greater weight or credibility than that of other
7 witnesses simply because they're qualified as an expert.
8 You're not required to accept an expert's opinion even if it's
9 not contradicted.

10 Now, as the sole fact finders, I observed ya'll as a
11 group collectively listening close to the evidence, weighing
12 of evidence is entirely a mental process, you must, um, weigh
13 the evidence using good judgment and common sense, evidence
14 which convinces you of its truth regardless a where it came
15 from and whether the witness -- the evidence came from either
16 side, your objective here today is to find a true verdict.

17 Now, the lawyers made comments there are two types of
18 evidence which'll be presented and there were, there's direct
19 evidence and there's circumstantial evidence. Direct evidence
20 is testimony of a person who claims or asserts to have actual
21 knowledge of certain facts such as an eyewitness. An
22 eyewitness can testify as to what they saw, they heard, they
23 smelled, what they appeared to have have observed.
24 Circumstantial evidence is a little different, it is proof a
25 chain of facts and circumstances indicating the existence of

JURY CHARGE

1 another fact. Our law makes no distinction between the weight
2 or value to be given to great, uh, direct or circumstantial
3 evidence. There's no greater degree of certainty required of
4 circumstantial evidence than that of direct evidence.

5 Now I tell you should weigh all of the evidence presented
6 no matter what it's source; however, to the extent the State
7 relies upon circumstantial evidence, I instruct you that all
8 of the circumstances must be consistent with one another and
9 when taken together point conclusively to the guilt of the
10 accused, Mr. Sisk, beyond a reasonable doubt. Now if these
11 circumstances merely portray his behavior suspicious then the
12 State's proof has failed, so after weighing all the evidence
13 if you're not convinced of his guilt beyond a reasonable doubt
14 then he is entitled to a verdict of not guilty.

15 I've defined this burden of proof, said beyond a
16 reasonable doubt, I define for you reasonable doubt. A
17 reasonable doubt is the kind of doubt which would cause a
18 reasonable person to hesitate to act. Reasonable doubt may
19 arise from the evidence which is in the case or from a lack or
20 an absence of evidence in the case. Proof beyond a reasonable
21 doubt is proof that leaves you firmly convinced of the
22 defendant's guilt, it is the kind of doubt which can be, which
23 one can assign a reason if the assignment can be done
24 reasonably, firmly and convincingly. I charge you further
25 that a defendant is entitled to every reasonable doubt which

JURY CHARGE

1 may arise in this case and what that means is if any of you
2 have had a doubt about anything during the trial, you'd be
3 required to resolve that doubt in Mr. Sisk's favor. Now I
4 tell you also the very fact that once you retire to the jury
5 room and you have a full and free discussion of guilt and
6 innocence of
7 Mr. Sisk does not automatically create the, um, a reasonable
8 doubt, you must find whether or not the State's met its burden
9 of proof beyond a reasonable doubt and if you believe the
10 State has not then he is entitled to a verdict of not guilty.

11 Now one thing later when I get into specifics of law
12 requires the State to prove intent. Criminal intent is a
13 necessary element of each crime which has been, uh, brought
14 today that must be proved by the State beyond a reasonable
15 doubt. Criminal intent is always a matter which must be
16 termin -- determined by the jury from the circumstances
17 surrounding the situation. There's no way intent can be
18 proven to a mathematical certainty, there's no way medical
19 science can dissect a person's brain and determine what he or
20 she had in mind, so our law states that criminal intent may be
21 inferred from the circumstances shown to have existed both
22 before and after the fact and that's how you, the jury, make
23 determination of whether or not the element requiring criminal
24 intent was present. Criminal intent is a state of mind that
25 operates jointly with an act or an omission in the commission

JURY CHARGE

1 a crime. Criminal intent is a mental state of conscious
2 wrongdoing so it is up to you to determine what the defendant
3 intended to do based upon the circumstances shown to have
4 existed at that time and I tell ya the State must prove
5 criminal intent beyond a reasonable doubt just as they must
6 prove the other elements of the crimes beyond a reasonable
7 doubt, the specifics from the statutory, um, which the statute
8 behind my, um, chair up here.

9 Mr. Sisk is charged with first the offense of murder. In
10 order to sustain a conviction for murder, the State must prove
11 beyond a reasonable doubt that Mr. Sisk killed another person
12 with malice aforethought. Malice is defined as hatred, ill
13 will or hostility towards another person. It is the
14 intentional wrongful act, I'm sorry, intentional doing of a
15 wrongful act without just cause or excuse and with an intent
16 to inflict an injury or and under circumstances that our law
17 will infer an evil intent. Malice aforethought does not
18 require that malice exists for any particular time before the
19 act is committed but malice must exist in the mind of the
20 defendant just before and at the time the act is committed,
21 this -- therefore, there must be a combination of the previous
22 evil intent and the act itself. Malice aforethought may
23 either be expressed or it may be inferred. The term
24 "expressed" and "infer" do not mean different kinds of malice
25 but merely -- merely the manner in which the malice may be have

JURY CHARGE

1 shown to have existed, that's either by direct evidence or
2 from an inference from the facts and circumstances which have
3 been proven to your satisfaction beyond a reasonable doubt.
4 Expressed malice shows when a person speaks words which
5 express hatred or ill will for another or when the person
6 prepared beforehand to do an act which was later accomplished;
7 for example, lying in wait for a person or any other acts of
8 preparation going to show that the deed was within the
9 defendant's mind would be an example of expressed malice. I
10 tell you also that malice may be inferred from conduct showing
11 a total disregard for human life. Inferred malice may show
12 and arise if a deed is done with a deadly weapon. I instruct
13 you that our law defines a deadly weapon as an article or an
14 instrument which cause, or likely cause death or great bodily
15 harm. Whether an instrument has been used as a deadly weapon
16 depends on the facts and circumstances of each case. I'll
17 give ya several examples of instruments may be deadly weapons:
18 pistol, shotgun, rifle, a knife, other items such as that. A
19 gun may be a deadly weapon even if it's not operating. Now, I
20 tell you the State must prove those elements in order sustain
21 a conviction for murder beyond a reasonable doubt.

22 Additionally, Mr. Sisk has been charged with possession
23 the weapon during the commission or an attempt commit a
24 violent crime. In order to sustain a conviction for that
25 offense, the State must prove beyond a reasonable doubt that

JURY CHARGE

1 he was in possession of a firearm or vi -- visibly displayed
2 what appeared to be a firearm during the commission of a
3 violent crime. A firearm is just what it sounds like, it's a
4 machine gun, automatic rifle, a revolver or pistol or a weapon
5 which is designed to expel a projectile In order to find the
6 defendant guilty possession of a weapon durin' commission of
7 violent crime, you must first find the defendant guilty of
8 either committing a violent crime or attempting to commit a
9 violent crime and I tell you that our law does classify murder
10 as a violent crime. The State must prove those elements in
11 order sustain a conviction for that offense also beyond a
12 reasonable doubt.

13 Lastly, Mr. Sisk is charged with conspiracy. The State
14 must prove beyond a reasonable doubt that Mr. Sisk combined
15 with one or more persons for the purpose of committing an
16 unlawful act or by committing a lawful act by an unlawful
17 means. There must be a mutual understanding or agreement or
18 common intention and plan, mere passive knowledge of or
19 consent to the criminal conduct of another is not enough to
20 make a person a conspirator, there must be guilty knowledge
21 and participation; similarly, the mere fact that Mr. Sisk may
22 have been associated with another person or met with another
23 person, discussed, uh, common aims and interest does not
24 necessarily establish proof of the existence of a conspiracy
25 or that the defendant was involved in a conspiracy; on the

JURY CHARGE

1 other hand, it's not necessary that the agreement was a formal
2 one, it was in writing, that the persons held a meeting
3 expressly stating the terms of the common plan or that the
4 agreement be stated in words between them, the agreement of a
5 criminal conspiracy may come into and be thr -- shown through
6 an implied mutual understanding. The willful and intentional
7 and knowing adoption by two or more persons of a, of a common
8 plan is in and of itself sufficient, no overt acts need to be
9 able shown to establish a conspiracy, a conspiracy may be
10 shown by circumstantial evidence and the conduct a the
11 parties. In order to sustain a conviction of the defendant of
12 conspiracy, the State must prove beyond a reasonable doubt not
13 only that the defendant knew of the unlawful conduct but the
14 defendant agreed to combine with the other for the purpose of
15 accomplishing this unlawful conduct.

16 The indictments in this case allege several different
17 offenses against the defendant and the charges are murder,
18 possession of weapon commi -- durin' the commission violent
19 crime and conspiracy, as I told you earlier each of those
20 indictment stands in -- on itself independently from the
21 other, you consider them separately whether the State proved
22 its case beyond a reasonable doubt on each of those three
23 charge independently. I tell you that they can all, they ---
24 that the verdicts do not have to be consistent, it could be
25 guilty on one, not guilty on two, guilty on thre -- any any

JURY CHARGE

1 combination, it's up to you to reach unanimous verdicts on
2 each of those indictments. I will, I don't know if I have the
3 the, um, verdict form, yeah, I do right here, Margaret's got
4 it, but the verdict form has the three charges shown
5 separately.

6 Now I tell you also several other independent, um,
7 instructions. aside from the specifics of the law is that
8 regarding voluntary intoxication. Now insanity caused by the
9 used drugs or alcohol may be a defense if the insanity's
10 permanent destroys the defendant's ability to know right from
11 wrong; however, when voluntary intoxication was -- has not
12 produced permanent insanity, it is not a defense to a crime, a
13 person who voluntarily becomes intoxicated is just as
14 responsible for the acts committed while intoxicated as if he
15 were not intoxicated.

16 Prior record of certain witnesses who have testified. I
17 instruct you that a person who has had past criminal record is
18 competent to testify during a trial, a past record does not
19 affect the ability of that witness to testify, the past record
20 may only be considered by you and if at all in determining the
21 witness's believability. You are the judges a the facts in
22 this case and the believability of any the witnesses and all
23 the witness who have testify testified. I also instruct you
24 that you've heard evidence of Mr. Sisk being convicted of a
25 crime; of committing a crime in the past other than for which

JURY CHARGE

1 he's being charged and on trial for today, this evidence may
2 be considered by you, the jury, if you conclude it is true and
3 only in deciding whether defendant's testimony is believable
4 and for no other purpose. You must not consider the prior
5 record as evidence of his guilt in this trial but only can
6 consider it in evaluating his credibility here today.

7 Now, I instruct you further it's law of South Carolina
8 that if a crime is committed by two or more people who are
9 acting together in committing a crime, the act of one is the
10 act of all. A person who joins with another commit an
11 unlawful act is criminally responsible for everything done by
12 the other person which happens as a probable or natural
13 consequence of acts done in carrying out the common plan and
14 purpose; for example, two people can be guilty of killing
15 another person when only one of the two's had a gun or if
16 there's only one bullet and only one of the two fire the shot
17 that caused the death. If two or more people are together,
18 act together, assisting each other in committing the offense,
19 the act of one is the act of all or it is sometimes says the
20 hand of one is the hand of all, prior knowledge that a crime
21 was going to be committed without more is not sufficient to
22 make a person guilty of that crime, mere knowledge that
23 another person is going to commit a crime even if the
24 defendant is present when the crime is committed is not
25 sufficient to convict him as a principal, as a principal's

JURY CHARGE

1 guilt may only shown by actual constructive present at the
2 scene as a result of a prior arrangement; therefore, finding
3 of a prior arranged plan or common scheme is necessary for a
4 finding of guilt as a principal. The State must prove beyond
5 a reasonable doubt by competent evidence the theory of the
6 hand of one is the hand of all. I define for you that a
7 principal in a crime is the one who either actually commits
8 the crime or who is present aiding and abetting and assisting
9 in committing the crime. When a person does an act in the
10 presence of or with the assistance of another, the act is done
11 by both. Where two or more acting with a common plan or
12 intent are present the commission of crime, it does not
13 matter who actually committed the crime, all are guilty, the
14 hand of one is the hand of all. Present the commission of the
15 crime means to be sufficiently near to aid or abet and assist
16 in the commission a crime; however, mere presence at the scene
17 of a crime is not sufficient to convict one as a principal on
18 this theory of aiding and abetting, intent is also a necessary
19 element, therefore, must -- there must be a common design or
20 intent to commit the crime and the crime must be commit --
21 committed pursuant with the person aiding, abettin' by some
22 overt act. Intent means intending the result which actually
23 occurs and not accidentally nor involuntarily. Intent may be
24 shown by acts and conduct of the defendant and other
25 circumstances which you may naturally and reasonably infer

JURY CHARGE

1 intent, I tell you the State must prove that beyond a
2 reasonable doubt also.

3 Additionally, I tell you that mere presence at the scene
4 is not sufficient to prove someone guilty a crime. A
5 defendant's presence where a crime is being committed or the
6 mere association with a person who commits a crime does not
7 make a defendant an accomplice or aider and abettor of the
8 person committing the crime. The burden's upon the State to
9 prove each and ever -- every element of the crime charged so
10 if you find after reviewing all of the evidence that the State
11 has proven that the defendant was only present the scene and
12 they have not proven beyond a reasonable doubt any other
13 participation the crime then you must find the defendant not
14 guilty. The law is that proof at the scene a the crime is not
15 sufficient to sustain or find someone guilty of that crime.

16 Now the defendant Mr. Sisk contends that there's been
17 evidence before you indicating that someone other than he or
18 s -- he may have committed the crime he's accused of and that
19 evidence raise a reasonable doubt with respect to his guilt,
20 in that regard I charge you that a defendant in a criminal
21 case has the right to rely on any evidence produced at the
22 trial that has a rational tendency to raise a reasonable doubt
23 with respect to his own guilt. I have previously charged you
24 with regard the State has the burden of proof which never
25 shifts to the defendant, the defendant does not have to

JURY CHARGE

1 produce any evidence that proves the guilt of another but he
2 may rely on evidence that creates a reasonable doubt; in other
3 words, there is no requirement that the evidence prove or
4 even raise a strong probability that someone other than he
5 committed the crime, you must decide whether the State has
6 proven that the defendant's guilt beyond a reasonable doubt,
7 not whether the other person or persons may have committed the
8 crimes. I further instruct you that the defendant contends
9 that there is evidence before you indicating that he was
10 acting under duress and I tell you that the degree of coercion
11 for duress must be present, eminent and of such a nature to
12 induce a well-grounded apprehension of death or serious bodily
13 injury if the act is not done. Coercion is no defense if
14 there is a reasonable way other than committing the crime to
15 escape the threat of harm, the fear of injury must be
16 reasonable.

17 Now I tell you also, um, on several articles of the
18 evidence had redactions or blacked out items, you're not be
19 concerned what was redacted, please understand that some, um,
20 elements of the law, privacy acts, the rules of hearsay,
21 comments people were making, that some redactions were
22 required, you're to consider the evidence which has been
23 submitted into the record and just disregard and not concern
24 yourself with what the redactions were for or the base of
25 them, that was either by agreement of the attorneys or by

JURY CHARGE

1 rulings of the court.

2 Now I also told you that I will give you instructions on
3 your notes as several of you have been very good notetakers
4 and several of you have been casual notetakers and several you
5 haven't taken notes at all and all that's fine, what I tell
6 you is this, is that when you get back in the jury room, proof
7 is beyond a reasonable doubt and your verdict must be
8 unanimous and you start discussing someone's testimony or a
9 piece of evidence a notetaker says, Well, I remember that, I
10 took notes on it, that's just fine but if another person who
11 was a listener and watching and observing someone says, Well,
12 I noticed how he acted on the witness stand and I wasn't
13 taking notes, the notetakers notes do not trump the listeners
14 listening, everybody's on even keel, the notes don't trump the
15 listening.

16 Now, this is where I get in trouble with Maggie, ya'll,
17 see, yeah, she made a recording of everything, we do have the
18 ability to replay testimony if needed. The, um, there's some
19 DVDs that were admitted into evidence, there's a clean
20 computer in here, I think it's that (indicating) one, we can
21 send it the jury room and either I can send Jacob back there
22 to run it for ya or one of ya'll can run it and so you can
23 review the audio, the video, whatever ya like, ya'll can look
24 at that as much as you deem appropriate, um, the photographs
25 ya'll hang those around, look at 'em all you like, but

JURY CHARGE

1 if ya need to hear testimony again, instructions again,
2 Mr. Robinson, you write me a note and say, Judge, your
3 instructions were lengthy and as one foreman told me it's like
4 drinkin' drink a water through a fire hose, I've thrown a lot
5 at ya, I do this on a regular basis so it didn't seem that bad
6 to me but I'm very understanding and mindful that ya'll don't
7 come here very often, uh, I'll be happy to reinstruct you on
8 any portion a this and many times what I do is, Judge, give us
9 the elements of murder again, I may just give you that written
10 portion from my instructions and I have from time to time
11 given my written instructions to the jury itself, I sometimes
12 think that creates problems 'cause then ya'll start tryin' to
13 figure the pros out and what does this mean, that mean, it
14 kinda all goes together and the instructions all go together,
15 there's not one thing that means more than the other, all the
16 definitions are common, reasonable definitions, nothin's other
17 than if I defined it, this -- there reasonable meanings to the
18 words used but if you need further instructions, let me know,
19 if you want a copy of a, uh, part a the instructions, let me
20 know by writing me a note because all the notes become part a
21 the court record.

22 Um, once you start deliberating we're on your time, you
23 need a break, take a break. If somebody wants to step outside
24 and get some fresh air or smoke a cigarette or to call home
25 and make arrangements, deliberations stop. You don't have to

JURY CHARGE

1 ask Mr. Mills can ya have a break, he's just steer -- stand
2 near the door and just be mindful if you need one let ya'll
3 have one, that's all it is to it, it's ya'lls time once the
4 deliberations begin and, you know, I'm gonna be here awaiting
5 and court reporter, likewise, the attorneys and we got a few
6 of, uh, orders from early in the week that I'm tryin' to get
7 out but, um, those are my instructions, the exhibits are
8 organized.

9 Now, what I've gotta do right now is ask the lawyers, and
10 I want ya'll step in the jury room, were my instructions
11 complete, did I leave sumtin' out, did I put sumtin' in, do I
12 need to reinstruct anything so I get hear some comments from
13 them because they previewed this in in anticipation of their
14 closin' arguments and say, Judge, you forgot this one
15 particular part so how 'bout reinstruct on that area and I may
16 bring you back in here but if they say we're okay, and we got
17 a box around here somewhere, Ms. Frick probly does, we'll send
18 the evidence to ya, the verdict form to ya and that's when you
19 can start deliberations so ya'll step in there and don't start
20 yet. Now once, um, I send the evidence to ya I'm gonna pull
21 two of ya out, leave twelve of ya in there and the twelve that
22 are in there be the jury, okay. All right.

23 (The following takes place outside the presence of the
24 jury.)

25 THE COURT: I forgot my conclusion. I I didn't do my

VERDICT

1 reached a verdict?

2 JURY FOREMAN: Yes, we have, Your Honor.

3 THE COURT: Was it unanimous?

4 JURY FOREMAN: Yes, it were, Your Honor.

5 THE COURT: All right, can you, um, hand the verdict form
6 to Mr. Mills.

7 JURY FOREMAN: Yeah.

8 (Whereupon, the jury foreman complied.)

9 (Whereupon, the verdict form was handed to the Court.)

10 THE COURT: All right.

11 THE CLERK: Indictment 2015-GS-32-2943, Indictment

12 2016-GS-32-2153, Indictment 2016-GS-32-2154 the State vs.

13 Wiley Eugene Sisk, we, the jury, find as follows: On the

14 charge of murder, we, the jury, find the defendant guilty; on

15 the charge of possession of a weapon during the violent crime,

16 guilty; criminal conspiracy guilty and it so signed by the

17 foreperson. Ladies and gentlemen a the jury, was, uh, was

18 these your -- are these your verdicts, are they still your

19 verdicts?

20 UNIDENTIFIED JUROR: Yes.

21 UNIDENTIFIED JUROR: Yes.

22 UNIDENTIFIED JUROR: Yes.

23 THE COURT: All right, any further issues for the, um,
24 jury, Ms. Zmroczek?

25 MS. ZMROCZEK: Yes, Your Honor, we would like

MOTIONS AND MATTERS

1 THE CLERK: Thank you. All jurors polled, Your Honor.

2 THE COURT: All right, thank ya'll very very much for
3 workin' so diligently and hard, um, tough job ya got. If
4 ya'll got anything in jury room, go back and get, ya'll are
5 free to go.

6 THE CLERK: I get ---

7 THE COURT: I need ---

8 THE CLERK: --- him to sign.

9 THE COURT: --- to get Mr. Robinson to sign the actual
10 indictments, gotta sign those individually so I need your
11 signature three more times and then you're done. Is there
12 anything else you got for 'em?

13 THE CLERK: No, sir.

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

15 (Whereupon, the jury left the courtroom.)

16 (Note from the jury marked Court's Exhibit No. 9 for
17 identification.)

18 THE COURT: Ms. Zmroczek, um, do you, you wanna proceed
19 with sentencing now, would you like to wait till the week of
20 the 12th 'cause I'm comin' back.

21 MS. ZMROCZEK: I would prefer the week of the 12th, Your
22 Honor.

23 THE COURT: Any object from the State on deferring it to
24 the 12th, week a the 12th sometime agreeable?

25 MS. MAYES: Well, Your Honor, we do have multiple family

1 State of South Carolina
2 County of Lexington Court of General Sessions

3

4

5 State)
6)
7 v.) Transcript of Record
8 Wiley Eugene Sisk) 15-GS-32-2153
9) 15-GS-32-2154
10) 15-GS-32-2943
11)
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November 30, 2016
Lexington, South Carolina

10

11

12

13 B E F O R E:

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

16

17

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

18

19 Laura Suzanne Mayes, Assist. Solicitor
20 Gill Bell, Assist. Solicitor
21 Attorneys for the State

22

23 Aimee J. Zmroczek, Esquire
24 Attorney for the Defendant

25

26

27

28

29

30

Stacy L. Sheppard, RPR
Circuit Court Reporter

1 HEATHER OWENS,
2 having been duly sworn, testified as follows:

3 THE CLERK: Once you're seated, state your full
4 name, spelling your last.

5 THE WITNESS: My name is Heather Owens,
6 O-w-e-n-s.

7 DIRECT EXAMINATION

8 BY MS. MAYES:

9 Q And, Ms. Owens, where do you currently reside?
10 What county?

11 A Lexington County.

12 Q All right. And do you have any children?

13 A I have two.

14 Q Can you tell us a little bit of background
15 about how you became -- are you here under subpoena?

16 A Yes, ma'am.

17 Q About how you became involved with the
18 co-defendant in this case being a Charles Morehouse?

19 A I met him somewhere near the beginning of 2015
20 through mutual friends. I actually met him because
21 he sold pills and I would sometimes buy some from
22 him.

23 Q All right. And, at that time, were you using
24 controlled substances?

25 A Yes, ma'am.

1 **Q** And we're talking about the early part of 2015?

2 **A** Yes, ma'am.

3 **Q** Can you tell us whether or not you and
4 Mr. Morehouse maintained this friendship or being
5 acquaintances on through the summer of 2015?

6 **A** Yes, ma'am, we did.

7 **Q** And can you tell us whether you got drugs or
8 controlled substances from Mr. Morehouse one time or
9 more than one time?

10 **A** Numerous times.

11 **Q** Can you tell us whether or not your
12 relationship with Mr. Morehouse ever evolved into
13 actually having a sexual relationship with him?

14 **A** Yes, ma'am, it did. We were friends for a
15 while. And he and his wife supposedly had
16 separated, not really sure what went on with that
17 exactly, but we became closer, and I would get drugs
18 from him.

19 **Q** Did you ever see Mr. Morehouse with any
20 weapons?

21 **A** Yes, ma'am.

22 **Q** Did he have one type of weapon or more than
23 one?

24 **A** I had heard that he had more than one, but I
25 actually only seen one.

1 **Q** All right. And what type of firearm was that?
2 Was that a rifle or some type of pistol?

3 **A** It was a type of pistol.

4 **Q** During the time that you knew Mr. Morehouse
5 from early 2015 on through the summer of 2015, can
6 you tell us whether or not you ever became
7 acquainted with Wiley Sisk?

8 **A** I met Wiley, actually met him one time.

9 **Q** Okay. And when you say, Actually met him,
10 you're talking about prior to the date of August
11 3rd, 2015?

12 **A** Yes, ma'am. It was just a few days before
13 that.

14 **Q** Okay. And who was it that you met Mr. Sisk
15 through? In other words, who was it who prompted a
16 scenario where you and Mr. Sisk would have contact
17 with one another?

18 **A** Mr. Morehouse.

19 **Q** All right. Had Mr. Morehouse been to your
20 residence before?

21 **A** Oh, yes, ma'am. While me and my fiancé were
22 separated, he was kind of in and out of my house, I
23 believe, trying to use it as his drug house.

24 **Q** All right.

25 **A** That's just -- that's my guess, my opinion. I

1 mean, that's what it looked like.

2 Q All right. And when you say, trying to use
3 your home as a potential drug house, did you ever
4 see Mr. Morehouse with any type of box or container
5 in which he kept drugs in?

6 A Yes, ma'am. He had a large black, almost like
7 a suitcase with all of his drugs and money.

8 Q All right. And when you say, All of his drugs
9 in it, do you know what type of drugs were in that
10 box?

11 A There was meth. There was oxycodone, Xanax.

12 Q What type of meth? What did it look like? Are
13 you familiar with the term --

14 A Yeah, I am. But, really, I don't know the
15 difference because I don't do it.

16 Q Okay. So during that time, you were using
17 controlled substances such as pills but not ice,
18 correct?

19 A Yes, ma'am.

20 Q Do you know whether or not Charles Morehouse
21 sold ice?

22 A Yes, ma'am, he did.

23 Q And do you know where or what county he would
24 go to to get a supply of ice?

25 A From my understanding, it was Aiken County.

1 Q All right.

2 A North Augusta area.

3 Q Now, you mentioned that several days prior to
4 August 3rd, you had actually had contact with
5 Mr. Sisk. I want to ask you, did there ever come a
6 point in time when you thought that there may be a
7 prowler or someone around your premises?

8 A Yes, ma'am.

9 Q And did you inform -- can you tell us whether
10 or not you informed Mr. Morehouse?

11 A Yes, I did.

12 Q In response to that, who came to your
13 residence?

14 A Wiley Sisk and a female that I guessed at the
15 time was his girlfriend. I don't know what her name
16 was.

17 Q All right. What was your understanding of why
18 Mr. Sisk came to your residence on that occasion?

19 A To check the premises and make sure that there
20 was nobody lurking around. Mr. Morehouse had left a
21 gun there at my house because I was home alone. And
22 the instructions from him were, When Wiley gets
23 there, just give him the gun; he'll check things
24 out.

25 Q All right. Did you give Mr. Sisk the gun?

1 **A** Yeah. Yes, ma'am.

2 **Q** And after he checked things out, was the gun
3 returned to you?

4 **A** No, ma'am.

5 **Q** Who left with the gun?

6 **A** Wiley.

7 **Q** Now, moving forward, I want to take you to the
8 night of August 3rd, 2015, on Monday night. Do you
9 remember that night?

10 **A** Yes, ma'am.

11 **Q** Prior to today, have you actually spoken with
12 law enforcement about that night?

13 **A** Say that again. I'm sorry.

14 **Q** Prior to today, have you actually spoken to law
15 enforcement about that night?

16 **A** Oh, yes, ma'am.

17 **Q** All right. This detective right here,
18 Detective Rawl with the sheriff's department, did
19 you meet with him about that night?

20 **A** Yes, ma'am.

21 **Q** And, in fact, have you actually ever provided a
22 written statement in this case?

23 **A** Yes, ma'am.

24 **Q** So going back to that night, did you see
25 Charles Morehouse that night?

1 **A** I did.

2 **Q** Can you tell us the approximate time range in
3 which you would have seen Mr. Morehouse?

4 **A** That night, anywhere between 9:00 and
5 11:00'ish.

6 **Q** All right. Sometime between 9:00 and 11:00
7 P.M. that night. Was he alone or was he with
8 someone?

9 **A** He had someone with him.

10 **Q** All right. Now, the person he had with him, is
11 there anything different about that person and Wiley
12 Sisk?

13 **A** No, ma'am.

14 **Q** By that, I mean, everything you saw that night
15 fit the description of Wiley Sisk?

16 **A** Absolutely.

17 **Q** How many of them came into your house? One,
18 both, none?

19 **A** Both of them.

20 **Q** And was the other individual wearing anything
21 on his head?

22 **A** Yes, ma'am. He was wearing a hat. I can't
23 recall what color.

24 **Q** All right. And how would you describe the mood
25 or demeanor of Mr. Morehouse?

1 **A** That night, like, high strung, like, on a
2 mission is how I would put it.

3 **Q** All right. And when you say, on a mission is
4 how you would put it, based on your observations and
5 your knowledge of that night, were they there to
6 socialize with you or were they there on business?

7 **A** They weren't there, I don't think, for
8 business. I think he stopped by because earlier
9 that day, I'd asked him for a ride to North Augusta
10 because my car was broke down and I think he just
11 stopped by to tell me that he couldn't. I don't
12 know why he wouldn't call or, you know, but he had
13 stopped by and was like, Hey, you know, I can't do
14 this tonight; I've got to go help my friend with
15 something.

16 **Q** All right. So he told you he had to go help
17 his friend with something?

18 **A** Yes, ma'am.

19 **Q** And your description of, On a mission, what do
20 you mean by that? What was different?

21 **A** He was in a hurry. He was -- didn't want to
22 sit and talk or, you know, hang out. He was trying
23 to hurry and get in and get out.

24 **Q** Did they leave together?

25 **A** Yes, ma'am.

1 **Q** Did they arrive together?

2 **A** Yes, ma'am.

3 **Q** Now, at any point in time, did you have a
4 conversation with Mr. Morehouse in the bedroom?

5 **A** Yes, ma'am.

6 **Q** Did y'all actually have intercourse that night?

7 **A** No, ma'am.

8 **Q** What, if anything, did he state to you in the
9 bedroom about where he was going and what his plan
10 was?

11 **A** Whenever he told me he had to go help his
12 friend with something, I asked him, Well, what are
13 you going to do? I mean, you're going to be gone
14 all night or, you know, what's going on? And he
15 said, Well, I have to go -- I don't know if he said
16 we or I -- actually, it was we're. We're going to
17 slit somebody's wig.

18 And to me, I thought that meant, you know, go
19 beat somebody up or, you know, rough somebody up.
20 And then he went on to say, It's either him or me.

21 **MS. ZMROCZEK:** Your Honor, may we approach?

22 **THE COURT:** Sure.

23 (Whereupon, a bench conference was held off
24 the record, in the presence of the jury, but out of
25 the hearing of the jury.)

1 BY MS. MAYES:

2 Q So what I'm going to do, Ms. Owens -- do you
3 have a copy of your statement with you?

4 A (Hands document to Ms. Mayes.)

5 Q If you need to see the statement for any reason
6 to refresh or recollect your memory, you can let me
7 know.

8 A Okay.

9 Q The statement, We're going to split somebody's
10 wig, what did you interpret that to mean?

11 A I interpreted it to mean rough somebody up,
12 beat somebody up. I mean, it's a term a lot of
13 people use.

14 Q All right. And then you stated that
15 Mr. Morehouse told you -- what was the next --

16 A It's either him or me.

17 Q Did you know who he was talking about when he
18 said, It's either him or me?

19 A No, ma'am.

20 Q Did you personally know James David Porter?

21 A I did not.

22 Q About how long was it would you estimate that
23 he made that statement to you they left your
24 residence?

25 A Ten minutes.

1 Q And this is between 9:00 and 11:00 P.M.?

2 A Yes, ma'am.

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

4 (Pause.)

5 Q At any point in time, Ms. Owens, did you ever
6 get the impression, based on your observations, that
7 Mr. Sisk was being forced or coerced into being with
8 Mr. Morehouse that night?

9 A No, ma'am.

10 MS. MAYES: Nothing further.

11 CROSS-EXAMINATION

12 BY MS. ZMROCZEK:

13 Q Chuck paid your bills, right?

14 A He helped me pay my bills, yes, ma'am.

15 Q You wrote a statement on September 9th --

16 A Uh-huh.

17 Q -- over a month after this happened?

18 A Uh-huh.

19 Q And on September 9th, you told the police you
20 couldn't remember if he stayed the night with you
21 August 2nd or not?

22 A August 2nd, yes.

23 Q You told them that you couldn't remember?

24 A August 2nd, he -- yeah. I mean --

25 Q You told the police he may or may not --

- 1 **A** Or may not have.
- 2 **Q** So you couldn't remember August 2nd?
- 3 **A** No, I remembered August 2nd fine. I wasn't
- 4 sure if he had stayed the night. There was only one
- 5 night that he had actually stayed overnight at my
- 6 house and he didn't even sleep, so.
- 7 **Q** The whole time y'all were in a relationship?
- 8 **A** Well, we weren't necessarily in a relationship,
- 9 but if you want to put it that way. Yeah, only one
- 10 time had he stayed overnight.
- 11 **Q** You knew that he was a drug trafficker?
- 12 **A** Uh-huh.
- 13 **Q** On September 9th, you told the police that you
- 14 couldn't remember exactly when he came to your house
- 15 on August 3rd in the morning hours?
- 16 **A** Well, no, I wasn't sure exactly what time he
- 17 got there in the morning hours.
- 18 **Q** Well, what time would he usually get there?
- 19 **A** It was never a set time. He just kind of came
- 20 and went. Sometimes he would call and say he was
- 21 coming and sometimes he wouldn't. He would just
- 22 show up.
- 23 **Q** You told the police that he, Chuck, had an
- 24 exaggeration problem?
- 25 **A** Uh-huh.

1 Q And that you didn't even necessarily believe
2 that anybody was in harm, correct?

3 A Yes, ma'am.

4 Q And they asked you if he had told you anything
5 about going to kill anybody?

6 A Uh-huh.

7 Q And your response was?

8 A No.

9 Q Okay. When did you first speak to him after he
10 was arrested?

11 A Speak to Mr. Morehouse?

12 Q Correct.

13 A I didn't speak to him at all. He wrote me one
14 letter from prison -- jail or whatever.

15 Q Okay. When was that?

16 A Oh, I'm not sure what the date was. I did
17 write him back one time and then I cut off all
18 communication after that.

19 Q Was it in August?

20 A It may have been late August. I don't think it
21 was that soon, but...

22 Q Was it before or after you spoke with the
23 police?

24 A It was after I spoke with the police.

25 Q Did you go to the police and let them know that

1 he had contacted you?

2 **A** No, I didn't.

3 **Q** Did you know that the police downloaded his
4 cell phone records?

5 **A** I assumed.

6 **Q** Would it surprise you that between the dates of
7 July 29th, 2015, and August 4th, 2015, that you
8 either texted or had call or communication 891
9 times?

10 **A** That doesn't surprise me. That was the -- that
11 was the prime part of our relationship was right
12 there during those summer months.

13 **Q** When you gave your statement on September 9th,
14 they asked you to tell them -- they, the police,
15 asked you to tell them all the information that you
16 had, right?

17 **A** Uh-huh.

18 **Q** Ms. Owens, in the three-page statement that you
19 give, do you -- and I can hand it up to you if it
20 will help refresh your recollection, but you didn't
21 mention Wiley Sisk's name one time, did you?

22 **A** No, I didn't.

23 **Q** But they asked you specifically, Do you have
24 any information that we need to know?

25 **A** I'm not understanding your question or your

1 statement, I guess, because I just said, like, when
2 he -- whoever came to him with my house, I already
3 said I can't identify, positively, that that was
4 Wiley, but they didn't specifically -- I mean, about
5 meeting him before that, that was a one time passing
6 thing. So I'm just trying to understand what you're
7 asking me.

8 Q Maybe let me rephrase it. It's possibly a
9 poorly worded question. Can you tell this jury that
10 Wiley Sisk was in your house that night?

11 A No.

12 MS. ZMROCZEK: Thank you.

13 REDIRECT EXAMINATION

14 BY MS. MAYES:

15 Q Let me clarify. You indicate you had met
16 Mr. Sisk one time before when you gave him the gun?

17 A Yes, ma'am, at night outside.

18 Q And the time, this evening, between 9:30,
19 11:00, whenever it was, they came to your residence,
20 this individual was wearing a hat?

21 A Yes, ma'am.

22 Q And where was he standing in your residence?

23 A In my kitchen.

24 Q What were you concerned with that night? Were
25 you concerned with talking to that individual?

1 **A** No. I wasn't really paying him any attention.

2 **Q** Who were you paying attention to --

3 **A** He always had different people with him.

4 **Q** Who were you paying attention to that night?

5 **A** I was talking to Mr. Morehouse.

6 **Q** All right. The person who was in your

7 residence, is there anything at all different about

8 him and Mr. Sisk?

9 **A** No, ma'am, I wouldn't say there's anything

10 different.

11 **Q** Does it appear to be the same individual?

12 **A** Possibly.

13 **Q** Are you saying it's someone different?

14 **A** No, ma'am.

15 **Q** And this was between 9:30 and 11:00. They came

16 together and they left together, correct?

17 **A** Yes, ma'am.

18 **Q** And the person in your residence, what race

19 were they?

20 **A** White, Caucasian.

21 **Q** What gender were they?

22 **A** Male.

23 **Q** Okay. And tall, thin, large, stocky? How

24 would you describe him?

25 **A** Tall and lanky, I believe, is the best way to

1 describe him.

2 **Q** All right. Tall and lanky.

3 And was there anything different about that
4 individual and the person that had come to your
5 house to retrieve the gun that your understanding
6 was Wiley?

7 **A** No, ma'am.

8 **MS. ZMROCZEK:** Your Honor, I believe this
9 question's been asked and answered.

10 **THE COURT:** I'll let her answer that one.

11 BY MS. MAYES:

12 **Q** The person in your house that night and the
13 person who had come to retrieve the gun?

14 **A** No, ma'am, no difference.

15 **Q** Okay. No difference between them?

16 **A** No, ma'am.

17 **Q** And you understood that person who came to
18 retrieve the gun was who?

19 **A** Wiley.

20 **MS. MAYES:** Nothing further.

21 **THE COURT:** Okay. You can step down.

22 **MS. MAYES:** State calls Erica Waters.

23 ERICA JEAN WATERS,

24 having been duly sworn, testified as follows:

25 **THE CLERK:** Once you're seated, state your full

1 name, spelling your last.

2 **THE WITNESS:** Erica Jean Waters, W-a-t-e-r-s.

3 DIRECT EXAMINATION

4 BY MS. MAYES:

5 **Q** Good afternoon, Ms. Waters.

6 **A** Hi.

7 **Q** Could you tell us a little bit about yourself?

8 How old are you?

9 **A** Thirty-one.

10 **Q** All right. And you're currently at the
11 detention center, correct?

12 **A** Yes, ma'am.

13 **Q** I'm going to start by asking you a little bit
14 about yourself. Have you ever used illegal drugs?

15 **A** Yes.

16 **Q** Have you ever used a drug known as meth or ice?

17 **A** Yes.

18 **Q** Can you tell us whether you were using meth or
19 ice in the summer of 2015?

20 **A** Yes, I was.

21 **Q** And I just want to ask you a little bit more
22 about yourself. Do you have a pending charge right
23 now?

24 **A** Yes.

25 **Q** And is that pending charge for possession of

1 meth?

2 **A** Yes.

3 **Q** All right. Was that charge that you have right
4 now before or after the murder case on August 3rd,
5 2015?

6 **A** After.

7 **Q** So that came about afterwards?

8 **A** Yes, ma'am.

9 **Q** Do you know what year that came about?

10 **A** 2016.

11 **Q** All right. So that charge for possession of
12 meth was 2016, correct?

13 **A** Yes.

14 **Q** So, Ms. Waters, I want to take you back to 2015
15 August, early August. Where were you residing at
16 the time?

17 **A** At [] Mack Circle.

18 **Q** All right. Now, prior to you coming in and
19 testifying, we've heard about that location from
20 several other witnesses, but just to have you
21 clarify, whose residence was that?

22 **A** Chris Williams.

23 **Q** All right. What is the nickname for Chris
24 Williams?

25 **A** Snoop.

1 Q That's Snoop's residence?

2 A Yes.

3 Q Now, were you just staying there that one night
4 or a little more prolonged?

5 A I had been staying there.

6 Q Okay. What was the arrangement about which
7 room you would stay in at that location?

8 A I stayed in his mother's room.

9 Q How frequently were drugs, specifically meth or
10 ice, coming in and out of that location at [] Mack
11 Circle?

12 A All the time.

13 Q Okay. Especially -- I want to take you to this
14 very specific timeframe of early August while you're
15 living there. Would you say meth or ice was being
16 used daily?

17 A Yes.

18 Q At that point in time, did you have an
19 addiction to ice?

20 A Yes.

21 Q Do you know who was supplying the majority of
22 the ice to that residence on Mack Circle?

23 A Yes.

24 Q Who was that person?

25 A Charlie Morehouse.

1 Q Okay. And what did you call him by?

2 A Chuck.

3 Q Had you ever seen Chuck at that residence on
4 Mack Circle prior to August 3rd of 2015?

5 A Yes.

6 Q Based on your observations, can you tell us
7 whether or not it appeared to be a place he felt
8 comfortable?

9 A Yes.

10 Q Based upon your observation, how concerned was
11 Charlie Morehouse, or Chuck, about snitches?

12 A He didn't like them.

13 Q I want to take you specifically to the night of
14 August 3rd. Do you know whether or not
15 Mr. Morehouse was at that location on Mack Circle
16 that night?

17 A He was.

18 Q And, specifically, in the evening hours after
19 dark, was he at that location?

20 A Yes.

21 Q Do you know the exact time or can you give a
22 time estimate?

23 A I don't know the exact time, but I know the
24 around about time.

25 Q Okay. Do you think you first saw him before or

1 after midnight on the night of August 3rd?

2 A Um...

3 Q Or may it have been around midnight?

4 A Probably around midnight.

5 Q Had you been there all night?

6 A Yes.

7 Q Now, earlier in that day, do you know if Snoop
8 was at the residence?

9 A Yes.

10 Q Okay. And so earlier in that day while Snoop
11 was at the residence, do you know if Mr. Morehouse
12 came over at any point at that time that you
13 actually saw him or interacted with him?

14 A Earlier that day?

15 Q Right.

16 A I'm not sure about earlier in the day.

17 Q Okay. Were you always in Snoop's room or would
18 you be other places in the home?

19 A I was usually in his mother's room.

20 Q Okay. So were you and Snoop always together
21 24/7 that entire day and night?

22 A No.

23 Q And his mother's room is a separate room than
24 his room that has the colored fan on the ceiling?

25 A Yes.

1 **Q** So what first brought your attention to Charles
2 Morehouse being at the residence that night?

3 **A** I was outside when he pulled up. And when he
4 pulled up, he looked -- he looked really, like,
5 frantic. And he just went inside for a few minutes
6 and then rushed right back outside and got in his
7 car and went to leave.

8 **Q** All right. And how would you describe his car?

9 **A** A burgundy Chevy Impala.

10 **Q** All right. Who, if anyone, was with him?

11 **A** Wiley.

12 **Q** And when you say Wiley, you're referring to
13 who?

14 **A** Wiley Sisk.

15 **Q** Is Wiley Sisk known to you by name and face?

16 **A** Yes.

17 **Q** Do you see him in this courtroom today?

18 **A** Yes.

19 **Q** Where is he seated?

20 **A** Right there {indicating}.

21 **Q** Was Wiley in a separate car or in the burgundy
22 Chevy Impala?

23 **A** He pulled up in the Impala with Chuck.

24 **Q** Do you know who was driving?

25 **A** I believe Chuck.

1 **Q** What happened after they pulled up?

2 **A** I believe they both went inside, and I stayed

3 outside. I'm not sure what they did inside.

4 **Q** All right. What happened next?

5 **A** Snoop pulled up with Billy and his girlfriend,

6 Terry, and was in the yard trying to light something

7 on fire. He couldn't get it lit. He -- I told him

8 about some camp fuel in his mom's closet that he

9 could use. He went inside with Terry and got

10 clothes and came back out and left again with Billy.

11 And then Wiley came outside with Chuck. Chuck left.

12 And then Wiley came to where Snoop was in the yard

13 trying to light something on fire, and he was

14 standing in his boxers. And then he lit his clothes

15 on fire.

16 **Q** All right. Who was standing in their boxers?

17 **A** Wiley.

18 **Q** And who lit their clothes on fire?

19 **A** Wiley.

20 **Q** And this happened after he and Chuck returned

21 together in the Chevy Impala?

22 **A** Yes.

23 **Q** Now, do you know why Snoop was getting clothes?

24 Where was he going?

25 **A** I don't know.

1 Q Did he come back to the residence to stay that
2 night or did he stay elsewhere?

3 A He did not come back.

4 Q Do you know whether or not he got a motel room?

5 A I do now know that he did; I didn't at the
6 time.

7 Q At the time, you just knew that he got his
8 belongings and left?

9 A Yes.

10 Q And after he left, did Mr. Sisk, Mr. Wiley
11 Sisk, stay there?

12 A Yes.

13 Q Did Charles Morehouse stay there, at least
14 initially?

15 A He left and came back.

16 Q Okay. When Wiley was out in the -- let me ask
17 you this: Where did you actually see him standing
18 in his boxers?

19 A In the yard.

20 Q Now, at some point, was some type of accelerant
21 needed for that fire?

22 A Yes.

23 Q Okay. What type?

24 A Coleman Camp Fuel.

25 Q All right. And did you assist with that?

1 **A** I told Snoop where it was at in his mother's
2 closet.

3 **Q** All right. And so, at that point in time with
4 the burning of the clothes, do you know where Mr. --
5 do you know where Wiley got additional clothing
6 from?

7 **A** He went inside and put clothes on.

8 **Q** All right. So he went inside and got
9 additional clothes?

10 **A** Yes.

11 **Q** What else did you see after that?

12 **A** Nothing. I mean...

13 **Q** Okay. I want to take you inside the residence.
14 Was there anything else happening at the fire that
15 stood out to you?

16 **A** I mean, he --

17 **Q** So let me ask you then about the inside of the
18 residence.

19 **A** Okay.

20 **Q** Who was inside the residence after Mr. Sisk
21 burned his clothes and then went inside to get
22 additional clothes?

23 **A** It was -- I eventually came back in the house.
24 It was Brittany Moody, Dean Gilbert and Wiley Sisk.

25 **Q** The people in the house were doing what at this

1 point?

2 **A** Getting high and hanging out.

3 **Q** At any point, did you see Mr. Sisk in a
4 bathroom?

5 **A** Yes.

6 **Q** Doing what?

7 **A** Washing off a bat.

8 **Q** Had you ever seen him wash off a bat before?

9 **A** No.

10 **Q** How would you describe this bat?

11 **A** It was an aluminum baseball bat.

12 **Q** An aluminum baseball bat?

13 **A** Yes.

14 **Q** Who had it in their hands?

15 **A** Wiley.

16 **Q** And where was he washing it?

17 **A** In the bathroom in Snoop's room.

18 **Q** Specifically, what area of the bathroom?

19 **A** The shower.

20 **Q** I'm going to show you some photographs and ask
21 you whether or not you recognize them.

22 **A** Okay.

23 **Q** State's 48, State's 50, State's 49, State's 54,
24 and State's 55. Do you recognize these photos?

25 **A** Yes.

1 **Q** How so?

2 **A** They're photos of Snoop's house.

3 **Q** State's 104. Do you recognize that photo?

4 **A** Yes.

5 **Q** How so?

6 **A** It is Chuck's car.

7 **Q** What are we looking at here?

8 **A** Snoop's house.

9 **Q** Is that the front or the back?

10 **A** That is the backyard.

11 **Q** What are we looking at here?

12 **A** The front yard of his house.

13 **Q** Same house you were staying in at the time?

14 **A** Yes, ma'am.

15 **Q** I'm going to show you this photo and ask you

16 whether or not you recognize it?

17 **A** Yes.

18 **Q** How so?

19 **A** That is Snoop's old bedroom.

20 **Q** Okay. Who was using this bedroom at the time?

21 **A** Nobody.

22 **Q** And you were staying in which bedroom, Erica?

23 **A** His mother's.

24 **Q** So how many bedrooms total were in that home?

25 **A** Three.

1 **Q** What are we looking at in this photo?

2 **A** Chuck's car.

3 **Q** Is that the same car you witnessed that night?

4 **A** Yes.

5 **Q** What are we looking at in this photo, State's

6 49?

7 **A** The shower that he was rinsing the bat off in.

8 **Q** Okay. Now, this particular shower, how are you
9 able to see someone in that shower?

10 **A** If you stand at the door, you can see in the
11 shower. It has a sliding glass door or a sliding
12 door that's see-through also.

13 **Q** All right. Is that what you're referring to
14 {indicating}?

15 **A** Yes.

16 **Q** Was there anyone in there with Mr. Sisk?

17 **A** No.

18 **Q** Only him?

19 **A** Me and him.

20 **Q** Where were you?

21 **A** Standing at the door.

22 **Q** And when you say he was washing the bat, what
23 was he using to wash it with?

24 **A** His hand.

25 **Q** And, again, State's Exhibit 50, same location?

1 **A** Yes.

2 **Q** After all of this occurred, did Mr. Sisk leave
3 or did he remain there?

4 **A** He stayed there.

5 **Q** This is a photograph I'm going to show you, see
6 if it gives a better angle of things. Do you
7 recognize that?

8 **A** Yes.

9 **Q** Is it a fair and accurate representation of the
10 room we spoke of?

11 **A** Yes.

12 **Q** All right. Is there a shower in this room?

13 **A** Yes.

14 **Q** Is this a different room or the same room of
15 the shower you just told us about?

16 **A** It's the same bathroom.

17 **MS. MAYES:** Mark as evidence, Your Honor. I
18 believe this would be 152.

19 (State's Exhibit Number 152, photograph,
20 marked for identification.)

21 **MS. ZMROCZEK:** Your Honor, if I may, I just
22 haven't seen it.

23 No objection.

24 **THE COURT:** No objection, it's in.

25 (State's Exhibit Number 152, photograph,

1 admitted into evidence.)

2 BY MS. MAYES:

3 Q So if you're standing at the doorway of that
4 bathroom, can you show us, using this, where the
5 shower would be located in that bathroom?

6 A Behind the door right here {indicating}.

7 Q Now, you mentioned that Mr. Morehouse left.
8 Did he tell anyone where he was going, at least that
9 you could hear?

10 A I asked him where he was going before he left
11 and he said that he was going to get alibis.

12 Q All right. Going to get alibis?

13 A Yes.

14 Q At that point in time, did you feel comfortable
15 asking questions to Mr. Sisk and Mr. Morehouse about
16 whatever had happened before they came back?

17 A No.

18 Q Why or why not?

19 A Chuck left and I didn't think anymore about it.
20 I mean, I really didn't think he was serious when he
21 said it. I just -- I hadn't really thought anymore
22 about it to ask Wiley.

23 Q All right. So you see Mr. Morehouse leave?

24 A Yes.

25 Q And Mr. Sisk remains there. Who else remained

1 in the house with Mr. Sisk?

2 A Me, Brittany, Dean, and him.

3 Q Okay. To your knowledge, did Mr. Sisk remain
4 there all night?

5 A Yes.

6 Q Now, are you familiar with anything that Chuck
7 would use as a container for any type of illegal
8 narcotics or anything of that nature?

9 A Yes.

10 Q Have you ever seen that before?

11 A Yes.

12 Q What does it look like?

13 A A black and chrome kind of lockbox.

14 Q Do you know whether or not he also keeps money
15 in that box?

16 A I'm not sure about money.

17 Q What kind of drugs?

18 A Ice.

19 Q Is that box big enough to hold large amounts of
20 ice?

21 A Yes.

22 Q Ice worth a lot of money?

23 A Yes.

24 Q When Mr. Morehouse left and said he was going
25 to get alibis, did he take that big box with drugs

1 with him?

2 **A** I'm not sure if he took it with him then or
3 not. I'm pretty sure he had it with him.

4 **Q** Did he return that night?

5 **A** Yes.

6 **Q** Ultimately, did that box end up back in the
7 residence that night?

8 **A** Yes.

9 **Q** What, if anything, did you hear Wiley say in
10 reference to that box?

11 **A** When -- later on when Wiley came to me and
12 demanded the box, he said that he wanted me to give
13 him the box because he refused to leave empty-handed
14 after he put in all the footwork for Chuck.

15 **Q** And you heard that from the mouth of who?

16 **A** Wiley Sisk.

17 **Q** So Wiley says he will not -- just tell me again
18 how you recall him saying it.

19 **A** He said that he would be damned if he was
20 leaving empty-handed after he put in all the
21 footwork.

22 **Q** Footwork for who?

23 **A** For Chuck.

24 **Q** Did you have the box to give to him?

25 **A** Not at that time. Chuck did leave the box with

1 me when he left Snoop's house to go home for me to
2 give to Snoop when Snoop returned, but when Wiley
3 was demanding me give it to him, I did not have it
4 in my possession.

5 Q All right. So just to clarify, Wiley stayed
6 there all night, correct?

7 A Yes.

8 Q Chuck came and went several times?

9 A Yes.

10 Q The first time he leaves is after the two of
11 them come back together and Mr. Sisk burns his
12 clothes?

13 A Yes.

14 Q And he says he's going to get alibis?

15 A Yes.

16 Q And then he came back again after that?

17 A Yes.

18 Q And then you just said that he left another
19 time before he went home?

20 A Yes.

21 Q By home, you're referring to?

22 A His house with his wife.

23 Q The actual house that Mr. Morehouse lives in?

24 A Yes.

25 Q Do you know was it morning light yet or not

1 after that final time he came back and then went?

2 **A** It was still dark outside when he came back the
3 second time by himself. And when he left again to
4 go home, it was beginning to get daylight.

5 **Q** Okay. Sometime between 5:00 A.M. and 7:00 A.M.
6 sound right?

7 **A** Yes.

8 **Q** Was Mr. Sisk still at the residence at that
9 time?

10 **A** Yes.

11 **Q** And the box that you mentioned, who wanted the
12 box?

13 **A** Wiley.

14 **Q** Did you actually have it to give to him?

15 **A** Not at the time.

16 **Q** Now, did you -- I believe you said before, you
17 knew Mr. Morehouse prior to this night, correct?

18 **A** Yes.

19 **Q** Have you ever seen him with firearms prior to
20 this night?

21 **A** Yes.

22 **Q** One firearm or more than one firearm?

23 **A** More than one.

24 **Q** That night you had the opportunity to see
25 Mr. Morehouse and Mr. Sisk together?

1 **A** When they first arrived together.

2 **Q** Was there anything that you observed to make
3 you think that Mr. Sisk was forced to be in that
4 vehicle with Mr. Morehouse?

5 **A** No.

6 **Q** Did he appear to stay at Snoop's of his own
7 free will for the rest of the night?

8 **A** Yes.

9 **Q** When he came looking for that drug box asking
10 you about it saying that he'll be dammed if he
11 leaves empty-handed, did it appear whether or not
12 that was of his own free will?

13 **A** Yes.

14 **Q** At that point in time, were you still at
15 Snoop's or did you go elsewhere to stay?

16 **A** No, I was at Billy Elkin's house.

17 **Q** All right. Did you want people to know where
18 you were?

19 **A** No.

20 **Q** And did you actually provide a written
21 statement to law enforcement in this case?

22 **A** Yes.

23 **Q** The written statement that you supplied to law
24 enforcement, was that recently in 2016 or
25 previously?

1 **A** No, it was in 2015.

2 **Q** All right. In fact, I'm going to take you back
3 to the first week after the murder. Do you recall
4 when you first spoke to law enforcement?

5 **A** Yes.

6 **Q** What day was that?

7 **A** I believe it was August 5th.

8 **Q** And can you tell us whether or not the written
9 statement you provided in this case was given during
10 the first week after that murder?

11 **A** I think it was given on the 7th or the 8th of
12 August.

13 **Q** All right. If I show you a copy, would that
14 help refresh your memory?

15 **A** Yes.

16 **Q** Is the statement you provided in your own
17 handwriting?

18 **A** Yes, ma'am.

19 **Q** Does it contain your signature?

20 **A** Yes.

21 **Q** What's the date?

22 **A** August 7, 2015.

23 **Q** All right. And at that point in time,
24 Ms. Waters, any of the charges that you currently
25 have pending, were they pending at that time?

1 **A** No.

2 **Q** One more thing I want to ask you about: When
3 they first came back, did you hear any mention of a
4 bat? I know you told us about seeing him wash the
5 bat. Do you remember any conversation about the
6 bat?

7 **A** Before he washed the bat, we were in the
8 bedroom and Chuck had asked him what he did with it,
9 and he said he forgot about it. And Chuck told him
10 to get rid of it or do something with it.

11 **MS. MAYES:** Nothing further.

12 CROSS-EXAMINATION

13 BY MS. ZMROCZEK:

14 **Q** Ms. Waters, how long have you been a drug
15 addict?

16 **A** Over ten years.

17 **Q** What kind of drugs?

18 **A** Ice, heroin, pills.

19 **Q** How do you put those into your body?

20 **A** Intervenously.

21 **Q** Who helped you do that?

22 **A** Nobody.

23 **Q** How many times on August 4th did you inject
24 drugs?

25 **A** I only remember once.

1 **Q** How many times August 3rd?

2 **A** I'm not sure.

3 **Q** More than one?

4 **A** Possibly.

5 **Q** More than three?

6 **A** I don't believe so.

7 **Q** How many times on August 2nd?

8 **A** I can't recall.

9 **Q** Okay. I believe she said that you had a
10 record. I don't know that we went over it. So you
11 had a shoplifting charge, right?

12 **A** Yes.

13 **Q** And that was in 2012.

14 **A** Yes --

15 **Q** In 2014, you actually picked up a meth charge,
16 right?

17 **A** Yes.

18 **Q** In January of 2014?

19 **A** Yes.

20 **Q** And you know that if you get a subsequent,
21 actually, property crime or drug charge, either of
22 those can be enhanced after?

23 **A** Yes.

24 **Q** Okay. And enhanced means what to you?

25 **A** That it turns from a misdemeanor to a felony.

- 1 **Q** Which means what to you? Prison?
- 2 **A** Yes.
- 3 **Q** Okay. Take you away from your kids, right?
- 4 **A** Yes.
- 5 **Q** And you can't -- don't have any access to
- 6 drugs?
- 7 **A** Correct.
- 8 **Q** Okay. Not where you want to go, right?
- 9 **A** No.
- 10 **Q** Okay. And, in fact, on July 30th of 2014, you
- 11 had a probation violation for drugs, right?
- 12 **A** Yes.
- 13 **Q** Okay. What was your concern on August 3rd of
- 14 2015?
- 15 **A** (No response.)
- 16 **Q** Let me ask it this way: You told Chuck you had
- 17 bigger problems because you needed money because you
- 18 didn't want to go to jail, correct?
- 19 **A** I had asked him to borrow money to pay some
- 20 tickets that I had prior to August 3rd.
- 21 **Q** If you saw the message that you sent to him,
- 22 would that refresh your recollection?
- 23 **A** Yes.
- 24 **Q** (Hands document to witness.)
- 25 **A** Okay.

1 Q Does that help refresh your recollection?

2 A Yes.

3 Q What was your concern on August 3rd, 10:37 in
4 the morning?

5 A To pay my tickets so that I didn't go to jail.

6 Q And you needed money?

7 A Yes.

8 Q And you asked for that money from Chuck?

9 A Yes.

10 Q Did Chuck frequently give you money?

11 A No.

12 Q Did he frequently give you drugs?

13 A Yes.

14 Q You actually sold drugs, right?

15 A No.

16 Q You never sold any drugs?

17 A Not -- I have, but not for Chuck.

18 Q Okay. Not for Chuck?

19 A No.

20 Q But you sold them for other people?

21 A I've sold them for me.

22 Q I'm sorry?

23 A For myself.

24 Q You sold them to support your habit, right?

25 A Right.

- 1 Q Where did you get those drugs?
- 2 A I mean, I can't remember.
- 3 Q Okay. You know Wiley Sisk?
- 4 A I do.
- 5 Q Y'all have had a sexual relationship?
- 6 A Correct.
- 7 Q In fact, I believe you have him identified in
- 8 your phone as Wiley Sexy Ass or something, right?
- 9 A Yes.
- 10 Q You put that in there, right?
- 11 A Yes.
- 12 Q Okay. I want to talk about your statement. So
- 13 you give a statement August 7th, 2015, a handwritten
- 14 one, right?
- 15 A Yes.
- 16 Q And they let you read over it?
- 17 A Yes.
- 18 Q They, the police.
- 19 And they made sure it was as accurate as it
- 20 could be?
- 21 A Yes.
- 22 Q Because they told you everything in here needed
- 23 to be true?
- 24 A Yes.
- 25 Q And complete?

1 **A** Yes.

2 **Q** And if you need to see a copy to refresh your
3 recollection, you let me know, okay?

4 **A** Okay.

5 **Q** And you told the police that Wiley came back
6 that night demanding the black box?

7 **A** Not that night.

8 **Q** Okay. When was that? When did he come back
9 for that?

10 **A** It was the next morning.

11 **Q** The next morning?

12 **A** Yes. He didn't come back to Snoop's house. He
13 came to Billy's house demanding the box.

14 **Q** Okay. So did you spend the night at Snoop's
15 house?

16 **A** Yes.

17 **Q** And when did you go to Billy's house?

18 **A** The next morning.

19 **Q** Who brought you?

20 **A** Billy.

21 **Q** Billy did?

22 **A** Yes.

23 **Q** Okay. And that's where this box went?

24 **A** I don't know where the box was at that time.

25 **Q** Okay. When is it that you learned where this

1 box was?

2 **A** I still don't know where the box ended up. I
3 went to sleep and it was not there when I woke up.

4 **Q** It was not where?

5 **A** Where I left it at Snoop's house on the dresser
6 next to me.

7 **Q** So it was at Snoop's house?

8 **A** Yes.

9 **Q** Okay. So Chuck and Wiley come back; you're not
10 sure of the time. They come back to Snoop's house
11 sometime in the early morning hours or late evening
12 hours of August 3rd, August 4th?

13 **A** Wiley never left again when Chuck left. Wiley
14 -- when they pulled up that night, Wiley stayed
15 there and Chuck left and came back.

16 **Q** Okay. So Chuck left -- but before he left, he
17 took a shower, right?

18 **A** No.

19 **Q** He didn't clean himself off with Comet?

20 **A** Not to my knowledge.

21 **Q** You didn't take that bat and hide it under a
22 sink?

23 **A** No.

24 **Q** Okay. How about tell this jury when you and
25 Chuck and Brittany and Wiley did some ice that

1 night?

2 A Okay.

3 Q When was that?

4 A It was in the morning hours before Chuck left
5 to go home.

6 Q Had he already left and come back?

7 A Chuck? Yes.

8 Q Okay. You told the police about this fire and
9 that Wiley was the only one around the fire, right?

10 A Besides myself.

11 Q Okay. You knew Chuck pretty well?

12 A I wouldn't say I knew him pretty well. I mean,
13 he's been over to Snoop's a few times, but...

14 Q Are you familiar with firearms?

15 A I mean, not a whole bunch, but I've been around
16 them.

17 Q Okay. In fact, you were able to tell the
18 police on August 7th, 2015, about a chrome -- about
19 a .45 caliber all chrome, 9mm black chrome, .357
20 revolver or a .380 chrome with a different color
21 handle, right?

22 A Yes.

23 Q So you're familiar enough to be able to
24 identify those differences?

25 A Yes.

- 1 **Q** Who had a gun that night?
- 2 **A** That night, I don't know.
- 3 **Q** Fair to say that you're on your phone a lot?
- 4 **A** Yes.
- 5 **Q** Correct?
- 6 **A** Yes.
- 7 **Q** That's the main way that you communicate with
- 8 people?
- 9 **A** Yes.
- 10 **Q** I want to talk to you a little bit about your
- 11 phone records. So you -- would it surprise you,
- 12 Ms. Waters, to know that between the dates of July
- 13 29th and August 4th of 2015, that you and Chuck
- 14 either texted or called each other 191 times?
- 15 **A** Okay.
- 16 **Q** Does that seem fair?
- 17 **A** Yeah.
- 18 **Q** Okay. Did you tell the police how -- you never
- 19 saw Wiley and Chuck together before this night, did
- 20 you?
- 21 **A** No.
- 22 **Q** You said that between the hours -- or Wiley
- 23 never left. In fact, specifically, he was -- once
- 24 they came back together and Chuck left, Wiley never
- 25 left, right?

1 **A** Until the next morning.

2 **Q** After -- after 7:00 A.M.?

3 **A** Yes.

4 **Q** Ms. Waters, do you typically call people if
5 they're laying in bed next to you?

6 **A** I mean, maybe if they couldn't find their phone
7 and I called their phone or something like that.
8 No, not normally.

9 **Q** So there's a phone call on -- actually, I'll
10 just let you see it. You can tell me the date and
11 time to make sure I'm not reading it incorrectly.
12 And it's the phone call, it's either to or from
13 Wiley. What time is that?

14 **A** 4:19 A.M.

15 **Q** On what date?

16 **A** August 3rd -- 4th.

17 **Q** August 4th that morning at 4:19 A.M.?

18 **A** Yes.

19 **Q** Okay. And when was Snoop at the house?

20 **A** Snoop wasn't at the house that night.

21 **Q** At all?

22 **A** He came there to get his clothes -- some
23 clothes and then he left.

24 **Q** Do you know what time that was? Let me ask it
25 this way: Was it before or after Chuck and Wiley

1 came back to the house?

2 **A** They pulled up at the same time.

3 **Q** They pulled up at the same time?

4 **A** Yes.

5 **Q** Okay. But you don't know what time that was?

6 **A** It was late at night.

7 **Q** Okay. If you made a phone call or received a

8 phone call -- two phone calls to Snoop on August 3rd

9 at 11:47 P.M., would that have been before or after

10 they came?

11 **A** That would be probably after they came.

12 **Q** Okay. Who is Bambi?

13 **A** Bambi was a friend of mine.

14 **Q** Do you know her real name?

15 **A** No.

16 **Q** Okay. Bambi and you were in communication on

17 August 4th, right?

18 **A** I believe so.

19 **Q** And she was asking if Snoop needed anything,

20 and you told her that, His dude went to jail today?

21 **A** Yes.

22 **Q** If you tell Bambi that Chuck's dude went to

23 jail today, who is Chuck's dude?

24 **A** No, I told her Snoop's dude.

25 **Q** I'm sorry. Snoop's dude went to jail today.

1 Who is Snoop's dude?

2 A Chuck.

3 Q Okay. How much was that box considered to be
4 valued?

5 A I'm not sure.

6 Q Did you have a guestimate at the time?

7 A Yes.

8 Q How much did you guess at that time?

9 A Ten thousand dollars.

10 Q Ten thousand dollars?

11 A Yes.

12 Q I just have a few more questions for you,
13 Ms. Waters. You and Billy knew each other fairly
14 well, right?

15 A Yes.

16 Q Did Billy do drugs too?

17 A Yes.

18 Q Okay. And you're having a conversation with
19 Billy about somebody who thinks is the -- y'all
20 think someone is the police or somebody thinks
21 somebody's the police, right? Were y'all afraid of
22 snitches?

23 A I believe every drug addict probably is.

24 Q Were y'all questioning each other?

25 A I don't recall.

1 **Q** Okay. Do you know Austin?

2 **A** No.

3 **Q** Okay. Do you know Ricco?

4 **A** No.

5 **Q** Never met him?

6 **A** No.

7 **Q** Okay. August 4th at 5:22 P.M., if you sent a
8 message to Timothy asking you {sic} to bring you
9 some pineapple slices, are we talking about the kind
10 that come in the yellow can and you put on ham?

11 **A** We're talking about fruit, but it's -- no, it's
12 fresh fruit from the deli.

13 **Q** So you had a hankering for fresh fruit from the
14 deli on August 4th at 5:20 P.M.?

15 **A** Yes.

16 **Q** Okay. Who's Shawn?

17 **A** (No response.)

18 **Q** Would it help if you saw the number?

19 **A** I don't know if the number would help or not.

20 **Q** Does seeing that refresh your recollection?

21 **A** I know who that is.

22 **Q** Okay. Who is that?

23 **A** That is Shawn Smith.

24 **Q** And do you get drugs from Shawn sometimes?

25 **A** Sometimes.

1 **Q** And on August 4th at 12:11 A.M., you text Shawn
2 and say, Hey, babe, can you please bring me
3 something? I got dollar sign, dollar sign, dollar
4 sign.

5 Did you send that text?

6 **A** Yes.

7 **Q** On August 4th at 12:11 A.M.?

8 **A** Yes.

9 **Q** Wiley Sisk never gave you drugs, did he?

10 **A** He has before.

11 **Q** You got most of your drugs and your money. And
12 on August 3rd, you were asking for money from Chuck
13 Morehouse, right?

14 **A** I did.

15 **Q** Because he could give it to you, right?

16 **A** Yes.

17 REDIRECT EXAMINATION

18 BY MS. MAYES:

19 **Q** Okay. Ms. Zmroczek was asking you about a
20 series of text messages that you made on August 4th.
21 Where did you go that morning when you woke up at
22 Snoop's house?

23 **A** To Billy's.

24 **Q** And Billy lives approximately where? What
25 county?

- 1 **A** Lexington.
- 2 **Q** You went to Billy's house. Did anyone come in
3 looking for you?
- 4 **A** Yes.
- 5 **Q** Who was that person?
- 6 **A** Wiley.
- 7 **Q** Why was he looking for you? Did he tell you?
- 8 **A** He was looking for me because he was demanding
9 that I give him the black box.
- 10 **Q** The box you spoke of before?
- 11 **A** Yes.
- 12 **Q** That, as you told Ms. Zmroczek, had
13 approximately \$10,000 worth of drugs in it?
- 14 **A** Yes.
- 15 **Q** And that's the box -- can you tell us whether
16 or not that's the box that Mr. Sisk was referring to
17 when he said he'll be damned if he leaves
18 empty-handed after he put in all the footwork for
19 Chuck?
- 20 **A** Yes.
- 21 **Q** How did that make you feel when he came to your
22 house demanding a box that you've testified you did
23 not have in your possession?
- 24 **A** I mean, it scared me.
- 25 **Q** It scared you to the point of doing what?

1 **A** After that and his text messages, I texted my
2 mother and told her if anything happened to me, that
3 he did it.

4 **Q** Referring to who?

5 **A** Wiley.

6 **Q** If anything happens to me, Wiley Sisk did it?

7 **A** Yes.

8 **Q** You sent your mom a text message saying that?

9 **A** Yes.

10 **MS. MAYES:** For ID only, Your Honor, at this
11 time. I want to ask her whether or not she
12 recognizes this document.

13 **THE WITNESS:** Yes, I do.

14 BY MS. MAYES:

15 **Q** What's the date and time that you sent a text
16 saying, If anything happens to me, Wiley Sisk did
17 it?

18 **A** August 5th, 6:18 P.M.

19 **Q** August 5th at 6:18 P.M.?

20 **A** Yes.

21 **THE COURT:** Did you ID that?

22 **MS. MAYES:** Your Honor, at this time, State's
23 not offering that exhibit.

24 **THE COURT:** Okay.

25 BY MS. MAYES:

1 **Q** When did you find out that the police wanted to
2 talk to you about this case?

3 **A** I believe it was August 6th that I had spoke to
4 them.

5 **Q** All right. And the information you just told
6 us about, about Wiley coming looking for that box
7 saying he wasn't leaving empty-handed, did you tell
8 that to the police as well?

9 **A** On August 7th when I had wrote the statement
10 and talked to the police.

11 **Q** All right. Did you give the police an
12 opportunity to review your text messages?

13 **A** I did.

14 **Q** And photograph them?

15 **A** Yes.

16 **Q** Including that text message?

17 **A** Yes.

18 **Q** Now, Ms. Zmroczek was asking you about Wiley
19 taking a shower. When you saw him in that bathroom
20 with that bat, was he taking a shower?

21 **A** No.

22 **Q** What was he doing?

23 **A** He was standing outside of the shower and he
24 was rinsing the bat off.

25 **Q** Now, she was asking you about the people that

1 returned to the residence, so let me have you
2 clarify. Who was actually in Chuck's car when they
3 came back?

4 **A** Chuck and Wiley.

5 **Q** All right. Was anyone else in the car other
6 than those two?

7 **A** No.

8 **Q** And you mentioned that Snoop went elsewhere
9 that night, correct?

10 **A** Yes.

11 **Q** When you saw him return to the residence that
12 night, who was he with?

13 **A** His girlfriend, Terry, and Billy.

14 **Q** So he was with two other people, one male, one
15 female?

16 **A** Yes.

17 **Q** But that was a separate vehicle, correct?

18 **A** Yes.

19 **MS. MAYES:** Nothing further.

20 **THE COURT:** All right. You may step down.

21 All right. Let's take a few minutes break.

22 We'll take about ten minutes and we'll get you back
23 out shortly. You can't begin to discuss the case.

24 (The jury retires to the jury room.)

25 (Brief Recess.)

1 **THE COURT:** All right. Bring in the jury.

2 (The jury returns to the courtroom.)

3 **THE COURT:** All right. Mr. Bell, I'm going to
4 tell the jury, Officer McDermott, you start over,
5 but we've already met him and told his name.
6 They're going to go back through what we previewed
7 and y'all get to hear it.

8 So you may proceed, Mr. Bell.

9 **MR. BELL:** Thank you, Your Honor.

10 **THE COURT:** And he is under oath.

11 SCOTT R. MCDERMOTT,
12 having been previously duly sworn, testified as
13 follows:

14 DIRECT EXAMINATION

15 BY MR. BELL:

16 **Q** Sergeant, your name once again?

17 **A** Scott R. McDermott.

18 **Q** And who are you employed by?

19 **A** Lexington County Sheriff's Department.

20 **Q** And how long have you been with the sheriff's
21 department?

22 **A** I've been with them 18 years now.

23 **Q** What is your current capacity with the
24 sheriff's department?

25 **A** I'm a shift supervisor on night shift. I'm a

1 sergeant.

2 Q And what sort of duties does that entail?

3 A The running of a shift, checking to make sure
4 that the officers doing what they're supposed to do,
5 security checks, making sure the inmates are where
6 they're supposed to be, care, custody and control.

7 Q And through your duties with that job, do you
8 become familiar with inmates over time?

9 A Yes, sir.

10 Q Are you also a notary?

11 A Yes, I am, sir.

12 Q And what exactly is a notary?

13 A A notary is someone that comes and actually
14 verifies that the person standing in front of you is
15 the one that's signing the document.

16 Q And do you have to go through any sort of
17 training to become a notary?

18 A There is training that you can go through, yes,
19 sir.

20 Q And do you have to become certified to become a
21 notary?

22 A Yes, sir.

23 Q And have you maintained your certification?

24 A Yes, sir.

25 Q And as of May of this year, 2016, were you

1 certified as a notary?

2 **A** Yes, sir.

3 **Q** And, at any point during this year, has an
4 inmate, Wiley Sisk, made contact with you?

5 **A** Yes, sir.

6 **Q** And why was Mr. Sisk making contact with you?

7 **A** He made contact with me through the floor
8 officers to have a document notarized.

9 **Q** And was he an inmate at that time?

10 **A** Yes, sir.

11 **Q** And were you familiar with Mr. Sisk?

12 **A** Yes, sir.

13 **Q** Did you meet with Mr. Sisk?

14 **A** When I was notified by the officers on the
15 floor, I responded, and that's when I met with
16 Mr. Sisk and notarized the document.

17 **Q** Did you recognize him when you saw him?

18 **A** Yes, sir.

19 **Q** Any doubt that you were talking to Wiley Sisk?

20 **A** No, sir.

21 **Q** Where did you meet with him?

22 **A** If my memory's correct, it was on the first
23 floor.

24 **Q** And what kind of room is it?

25 **A** It was a -- it's a single person room. If my

1 memory's correct, he was housed alone.

2 Q And while with him, was anybody else beside
3 yourself with him?

4 A I would have had the floor officers with me as
5 well.

6 Q Anybody that was not a correctional officer or
7 a law enforcement officer? Was any non-law
8 enforcement personnel there?

9 A No, sir. Not to the best of my memory, no,
10 sir.

11 Q At any point in time, did you or the other
12 officers present your firearms, your pepper spray or
13 any other weapons to Mr. Sisk?

14 A Not at all.

15 Q At any point, did you put him under duress at
16 all?

17 A No, sir.

18 Q Again, what was Mr. Sisk asking you to do?

19 A To notarize a document.

20 Q And what kind of document was it; are you
21 aware?

22 A I'm not aware, sir.

23 Q Did you ultimately notarize a document for him?

24 A Yes, sir.

25 Q And walk me through the process. How do you go

1 about notarizing a document for Mr. Sisk?

2 **A** He had notified the floor officer to let me
3 know that he needed a document notarized. I, of
4 course, reported to the floor. When I got there,
5 they took me to his room. He told me he needed a
6 document notarized, and I told him that he had to go
7 ahead and sign it in front of me. And, at that
8 time, I notarized it.

9 **Q** And did you ultimately sign an affidavit
10 stating that you had notarized a document for
11 Mr. Sisk?

12 **A** Yes, sir, I did.

13 **Q** Do you recognize that document?

14 **A** Yes, sir, I do.

15 **Q** What is that document?

16 **A** It's an affidavit that I signed.

17 **Q** And what does that affidavit reflect?

18 **A** It reflects that I notarized a statement for
19 Inmate Wiley Sisk.

20 **Q** And does it have the date?

21 **A** Yes. The date would be May 13th, 2016.

22 **Q** Is your signature present on the affidavit?

23 **A** It is down at the bottom, yes, sir.

24 **Q** I'm going to show you what's been marked as
25 State's -- and entered as State's 4. Would you flip

1 through that document?

2 **A** (Witness complies.)

3 **Q** Do you recognize it?

4 **A** Yes, sir.

5 **Q** What is it?

6 **A** It's the document that Inmate Wiley Sisk asked
7 me to notarize for him. I can tell that because of
8 my signature on the bottom.

9 **Q** And is there a date near his signature?

10 **A** There is right above it, 13 May 2016.

11 **Q** Did you read the contents of that letter prior
12 to notarizing it?

13 **A** No, sir. I have no need to.

14 **Q** Did you try to influence the contents of that
15 document in any way?

16 **A** No, sir.

17 **Q** Was that document written prior to you actually
18 meeting with Mr. Sisk?

19 **A** Yes, sir.

20 **Q** If you would flip one more page towards the
21 back of that set of documents.

22 **A** (Witness complies.)

23 **Q** What are we looking at?

24 **A** I'm looking at a photocopy of the back of the
25 envelope that would have -- it would have been

1 mailed out in. It's reflecting the stamp that's
2 placed on every piece of mail that leaves our
3 facility.

4 **Q** Is the front of the envelope also a photocopy?

5 **A** Yes, sir.

6 **MR. BELL:** Permission to publish, Your Honor.

7 **MS. ZMROCZEK:** Subject...

8 **THE COURT:** It's State's Number 4?

9 **MR. BELL:** State's 4, yes.

10 **THE COURT:** All right. Subject to the
11 objection made in camera, State's 4 will be
12 admitted. So now it may be published.

13 **MR. BELL:** Thank you, Your Honor.

14 (State's Exhibit Number 4, letter dated
15 5/12/16, admitted into evidence.)

16 BY MR. BELL:

17 **Q** Now, I'm just referring to a portion of State's
18 4. What are we looking at here?

19 **A** You're looking at the front of the envelope,
20 sir.

21 **Q** And what envelope is that?

22 **A** The envelope that would have mailed out that
23 statement.

24 **Q** And in the top left-hand corner, whose name is
25 listed as the sender?

1 **A** That would be Mr. Sisk.

2 **Q** And what is that number off to the right-hand
3 side of Mr. Sisk's name?

4 **A** That would be his inmate number that's assigned
5 to him when he's booked into the facility.

6 **Q** And did you have an opportunity to confirm that
7 that inmate number is his correct inmate number?

8 **A** I know that through knowing him in the
9 facility.

10 **Q** Did you have any doubt as to Mr. Sisk's
11 identity?

12 **A** No, sir.

13 **Q** The stamp in the top right corner, is that
14 unique in any way?

15 **A** That would be on the envelopes that are
16 provided through the canteen.

17 **Q** Are those the only kind of stamps used through
18 the detention center?

19 **A** Yes, sir.

20 **Q** And is this the rear of that same envelope?

21 **A** Yes, sir, it is.

22 **Q** What does that stamp, that black writing,
23 indicate?

24 **A** That's the stamp we place on all mail that
25 leaves the facility to show that it's uncensored.

1 **Q** After notarizing that document, what did you
2 then do with it, if anything?

3 **A** Would have given it back to Mr. Sisk.

4 **Q** And are you aware of what he would have done
5 with it past that point?

6 **A** No, sir.

7 **Q** Did Mr. Sisk ever make contact with you again?

8 **A** Yes, sir.

9 **Q** And what was the purpose of that contact?

10 **A** To notarize another document.

11 **Q** And did you notarize another document for him?

12 **A** I did, sir.

13 **Q** Showing you State's 5, do you recognize that
14 set of documents?

15 **A** Yes, sir, based on my signature on the bottom
16 as a notary.

17 **Q** And what is the date listed on that signature?

18 **A** 5/31/2016.

19 **Q** Would this set of documents have come before or
20 after the last set of documents you told us about?

21 **A** It would have come after.

22 **Q** Roughly, how long after?

23 **A** Nine days.

24 **Q** Is there also a photocopy of the envelopes in
25 that set of documents?

1 **A** There is, yes, sir.

2 **Q** When you met with Mr. Sisk for that recent set
3 of documents, how many people met with Mr. Sisk?

4 **A** It would have been myself and the floor
5 officers that are assigned, which could have been
6 one or both of them.

7 **Q** Any non-law enforcement personnel?

8 **A** No, sir.

9 **Q** Did law enforcement, in any way, try to
10 threaten or place Mr. Sisk in any sort of duress to
11 write any sort of statements?

12 **A** No, sir.

13 **Q** Did y'all review the contents of what he
14 brought you to notarize?

15 **A** Not at all.

16 **Q** Do you have any idea of the contents of either
17 of those documents?

18 **A** No, sir, I don't.

19 **Q** After placing your signature on the documents,
20 did you keep them?

21 **A** No, sir.

22 **Q** What did you do with them?

23 **A** Gave them back to Mr. Sisk.

24 **MR. BELL:** Your Honor, at this time, the State
25 seeks to publish State's 5.

1 **THE COURT:** And State's 5 will be admitted also
2 subject to the same basis and objections provided
3 during the proffer. They're admitted -- the
4 objection's overruled on both.

5 **MR. BELL:** Thank you, Your Honor.

6 (State's Exhibit Number 5, letter dated
7 5/30/16, admitted into evidence.)

8 BY MR. BELL:

9 **Q** Referring to State's 5, what is located on this
10 page?

11 **A** That would be the address that it's getting
12 sent to and a return address upper left.

13 **Q** It's a little faint on the projector, but are
14 you able to make out the top left name of the
15 sender?

16 **A** It's Wiley Sisk.

17 **Q** And is that the same individual you've already
18 testified about?

19 **A** Yes, sir.

20 **Q** And is the inmate number the same?

21 **A** Yes, sir, it is.

22 **Q** And was the person that you met with during the
23 second set of documents the same person you met with
24 during the first set of documents?

25 **A** Yes, sir, it was.

1 **Q** Any doubt whatsoever that Wiley Sisk was the
2 one asking you to notarize those documents?

3 **A** No, sir.

4 **Q** And did you return both of those documents back
5 to the person you know as Wiley Sisk?

6 **A** Yes, sir.

7 **Q** Again, what stamp is used in the top right
8 corner?

9 **A** That's the stamp -- the postage stamp that's
10 given to all mail -- envelopes from the detention
11 center.

12 **Q** And what is the postal date near the stamp?

13 **A** I can't see it from here.

14 **Q** Handing you back State's 5. Can you read that
15 date?

16 **A** 31 May 2016.

17 **Q** To save some time, if you flip over, is the
18 rear of the envelope also present in that stack?

19 **A** Yes, sir, it is.

20 **Q** And is that same stamp that you showed us
21 present there as well?

22 **A** Yes, sir, it is.

23 **Q** Did you witness Mr. Sisk sign both those
24 documents?

25 **A** Yes, sir, I did.

1 **MR. BELL:** No further questions.

2 **THE COURT:** All right. Ms. Zmroczek.

3 **MS. ZMROCZEK:** Thank you.

4 CROSS-EXAMINATION

5 BY MS. ZMROCZEK:

6 **Q** Sergeant McDermott, good afternoon.

7 **A** Good afternoon, ma'am.

8 **Q** I want to make sure that I heard your testimony
9 correctly. You have been employed as a corrections
10 officer for 18 years or a law enforcement officer?

11 **A** Corrections officer.

12 **Q** So you have been a CO, a corrections officer,
13 at Lexington County Jail for 18 years?

14 **A** Yes, ma'am.

15 **Q** Are you completely familiar with their
16 procedures?

17 **A** Yes, ma'am.

18 **Q** And the ongoingings?

19 **A** Yes, ma'am.

20 **Q** A sergeant is a high rank, right?

21 **A** Yes, ma'am.

22 **Q** You don't start off as a sergeant, right?

23 **A** No, ma'am.

24 **Q** Okay. As a sergeant of the jail, are you
25 familiar with the knowledge of the interworkings of

1 the pods and the locations of inmates in certain
2 areas?

3 A Yes, ma'am.

4 Q Okay. Are you familiar with D-Pod?

5 A Delta Pod, yes, ma'am.

6 Q Delta Pod. Is Delta Pod a hard pod or a soft
7 pod?

8 A It's a hard pod.

9 Q And what does that mean?

10 A That means the pod is -- has doors to the room
11 instead of cubes where the inmate would be staying
12 behind the door based on their charges or their
13 criminal history.

14 Q And tell the jury what rec is.

15 A Rec is recreation time where they get to come
16 out of their cell for a certain period of time to
17 have a shower, walk around, get recreation, use the
18 telephone, watch TV.

19 Q In Delta Pod, what is the rec time for an
20 inmate?

21 A It would be nine o'clock to 11:30 in the
22 morning and then 1:30 to 4:00 in the afternoon and
23 again in the evening as well.

24 Q And is rec done by sections or do you let
25 everybody out at once?

- 1 **A** No. They're broken down by sections.
- 2 **Q** And tell the jury how those sections are broken
- 3 down.
- 4 **A** We broke the sections down into -- you've got
- 5 30 rooms. It's half and half. So you're going to
- 6 let half of one side on the lower level out; then
- 7 you're going to let the other half out, same on the
- 8 top.
- 9 **Q** Okay. So you let half of one side out?
- 10 **A** Yes, ma'am.
- 11 **Q** Okay. And how many cells are on the bottom?
- 12 **A** There's 15 on the bottom.
- 13 **Q** Okay. And then how many -- and then how many
- 14 on top?
- 15 **A** Fifteen on top.
- 16 **Q** So you let 1 through 15 on the bottom out or is
- 17 it 1 through 6?
- 18 **A** It would be 1 -- it would be actually 1 through
- 19 7 out and then you would go 8 through 15 on the
- 20 other.
- 21 **Q** So if you're in D-Pod room 1 and I'm in D-Pod
- 22 room 4, will we have the same rec?
- 23 **A** Yes, ma'am, you would.
- 24 **Q** That means that we would be out being able to
- 25 watch TV and -- not shower together, but be able to

1 move around freely and speak?

2 A Yes, ma'am.

3 Q Now, if I were in D-Pod 4 and you were in D-Pod
4 13, would we have the same pod rec?

5 A No, you would not.

6 Q Okay. And being a sergeant, you're familiar
7 with documents that are kept in the regular course
8 of business at the jail, correct?

9 A Yes, ma'am.

10 Q And I believe you've already looked at this,
11 but is this a document that identifies an inmate and
12 then also provides the housing?

13 A Yes, ma'am. This is the booking sheet.

14 Q All right. And I just want to ask you a couple
15 questions from that booking sheet. Who is that
16 booking sheet for?

17 A This is for the housing officer so that they
18 can be aware of actually who is housed in their area
19 and what room.

20 Q That was a poorly asked question. For which
21 inmate is that booking sheet for?

22 A Wiley Sisk.

23 Q Thank you.

24 Where was Wiley Sisk housed on September 18th,
25 2015?

1 **A** Based on this, I wouldn't be able to tell you
2 based on this.

3 **Q** Okay.

4 **A** On August 7th, he was housed in Delta Pod 4,
5 ma'am.

6 **Q** If we switch to page two, does that help?

7 **A** And what was the date one more time, please?

8 **Q** September 18th, 2015.

9 **A** He would have been housed in Delta Pod 13.

10 **Q** Did his housing change?

11 **A** Yes, ma'am.

12 **Q** So, on September 18th, he was in Delta Pod 13.
13 When did his housing change?

14 **A** It would have been on that date.

15 **Q** Okay.

16 **A** On September 18th.

17 **Q** And so where was he before that?

18 **A** According to this log right here, he was in 1
19 Alpha 10.

20 **Q** 1 Alpha 10. 1 Alpha 10, is that protective
21 custody?

22 **A** That is our protective custody wing, yes,
23 ma'am.

24 **Q** Why do you put inmates in protective custody?

25 **A** There's different reasons for them to go in

1 there. There may be sensitive case. There may be
2 other reasons due to charges. They are placed there
3 sometimes by -- if they're a federal inmate. So
4 there are several reasons -- there's different
5 reasons.

6 **Q** Would one reason be that an inmate ordered a
7 hit on another inmate?

8 **A** That could be a reason, yes, ma'am.

9 **Q** Are you familiar with inmates' ability to
10 communicate with each other?

11 **A** Yes, ma'am.

12 **Q** Do they do that through what are called kites?

13 **A** Yes, ma'am.

14 **Q** What's a kite?

15 **A** A kite is a note that is sent from one inmate
16 to another. They can send it through trays through
17 other people. They can send it from under their
18 door to across the hall to another door.

19 **Q** Can they also talk through the toilets?

20 **A** Yes, ma'am.

21 **Q** So they can, like, talk to other people in
22 other areas, right?

23 **A** That would be within that hearing range of
24 that, yes, ma'am.

25 **Q** Okay. And if you open that page one more time

1 and tell me where Mr. Sisk was housed on October
2 4th, 2015.

3 **A** October 4th, 2015, he was in Delta Pod 13 and
4 then moved to Delta Pod 4.

5 **Q** Moved to Delta Pod 4. And then on October
6 18th, where was Mr. Sisk moved?

7 **A** He was in Delta Pod 4, moved to Alpha Pod 18.

8 **Q** Okay. And -- I'm going to hand you one more.
9 Actually, I'm going to hand you two more, but I'm
10 going to ask you about this one next.

11 Again, is this a form that you're familiar with
12 being a sergeant at the Lexington County Detention
13 Center for 18 years?

14 **A** Yes, ma'am.

15 **Q** What inmate is that booking form for?

16 **A** William Embree.

17 **Q** Excuse me?

18 **A** William Embree.

19 **Q** William Embree. Where was Mr. Embree housed
20 beginning April 28th, 2015?

21 **A** He would have been housed in Delta Pod 12.

22 **Q** And then when did his housing change?

23 **A** We started out -- he was housed in Delta Pod 23
24 before -- prior to being moved to Delta Pod 12,
25 according to this log.

1 **Q** So he went from Delta Pod 23 and then on April
2 28th, 2015, he went to Delta Pod 12?

3 **A** Yes, ma'am.

4 **Q** And was he moved again?

5 **A** Looks like he was moved -- he stayed there
6 until March 23rd of 2016. Then he was moved to the
7 second floor.

8 **Q** And that was for Mr. Embree, right?

9 **A** Yes, ma'am.

10 **Q** Now, would there be any opportunity for
11 somebody in Delta Pod 24 to be -- or, excuse me, 23
12 to be on rec with Delta Pod 13?

13 **A** No, ma'am.

14 **Q** The last one I'm going to show you, I'm going
15 to ask you if you're familiar, is this, again, a
16 form kept in the ordinary course of business?

17 **A** Yes, ma'am.

18 **Q** And for which inmate is that?

19 **A** Charles Morehouse.

20 **Q** Charles Morehouse. If you'll turn to the blue
21 -- page with the blue sticky.

22 **A** (Witness complies.)

23 **Q** In the course of running and protecting the
24 safety of officers and other inmates in the
25 detention center, do you keep notes and information

1 about contraband?

2 **A** Yes, ma'am. We write reports on them.

3 **Q** If you will briefly look at the page that you
4 have turned to and tell the jury what that report
5 indicates.

6 **MR. BELL:** Objection, Your Honor. May I have a
7 moment to review the document?

8 **THE COURT:** Sure. Absolutely.

9 (Pause.)

10 **MR. BELL:** Your Honor, I object on the grounds
11 of hearsay. There are clearly two officers on that
12 document who could be called to testify. And
13 Mr. McDermott would not be privy to the information
14 in the report by another officer.

15 **THE COURT:** All right. I need to read this
16 first. So y'all step in the jury room, take a
17 break, don't discuss the case.

18 (The jury retires to the jury room.)

19 **THE COURT:** Let me see it, please.

20 **MS. ZMROCZEK:** And I can tell you what my
21 question -- it's just two questions that are going
22 to follow from that report, after you read it, Your
23 Honor.

24 (Pause.)

25 **THE COURT:** All right.

1 **MS. ZMROCZEK:** My two questions would be, Your
2 Honor, this:

3 IN CAMERA EXAMINATION

4 BY MS. ZMROCZEK:

5 **Q** As a sergeant, do you review disciplinary
6 infractions?

7 **A** I do not do the disciplinary hearings, no,
8 ma'am.

9 **Q** You don't do the hearings --

10 **A** But we review the reports that are written on
11 our shift.

12 **Q** And you rely on the accuracy of those reports?

13 **A** Yes, ma'am, based off the officer's
14 observation.

15 **Q** And does that report indicate that Mr. Charles
16 Morehouse received contraband in the form of tobacco
17 and papers from an envelope with a return address of
18 C. Williams at [] Mack Circle?

19 **A** I don't know. I didn't review the report,
20 ma'am.

21 **THE COURT:** Report says that it was matches and
22 rolling paper. It doesn't say any --

23 **MS. ZMROCZEK:** I'm sorry. Matches and rolling
24 papers, sorry.

25 **THE COURT:** -- tobacco. The actual address is

1 Mack Circle.

2 **MS. ZMROCZEK:** Okay. But C. Williams.

3 **THE COURT:** What's the relevance of this?

4 **MS. ZMROCZEK:** Your Honor, earlier Mr. Williams
5 testified that he had absolutely no contact with
6 Mr. Morehouse except -- but speaking with his wife.

7 **THE COURT:** Wrote him up. You testified he
8 wrote him a letter. I thought. Am I wrong on that?

9 **MS. ZMROCZEK:** That's not my recollection, but
10 I have to ask my paralegal because I wasn't taking
11 notes during my cross, sorry.

12 (Pause.)

13 **THE COURT:** Maybe I'm wrong on that. I thought
14 he said at one time he wrote him a letter.

15 **MS. ZMROCZEK:** I believe -- and, Your Honor,
16 the way that I remember that testimony was from
17 Ms. Owens, said that she received a letter and wrote
18 a letter back to him. But when I -- what I recall
19 is when I asked Mr. Williams, In fact, you have had
20 communications with Mr. Morehouse since he's been
21 incarcerated, he said, No, I've talked to his wife,
22 but I've not had any communications with him.

23 **THE COURT:** I think you then followed up, Did
24 not send him letters? No. You did not send him
25 tobacco? No.

1 **MS. ZMROCZEK:** Right.

2 **THE COURT:** I think it was those three
3 questions very close together.

4 **MR. BELL:** And to clarify, Your Honor, he did
5 say that he said he didn't communicate with Chuck
6 Williams, but he did send a letter to Chuck's wife,
7 Crystal Williams, also C Williams.

8 **MS. ZMROCZEK:** Crystal Morehouse is his wife.

9 **MR. BELL:** Excuse me, I apologize.

10 **THE COURT:** All right. So, Mr. Bell, why can't
11 that record come in as a business record at the jail
12 showing there's contraband?

13 Mr. Bell, why is that not a business record?

14 **MR. BELL:** Your Honor, there is most certainly
15 a limitation to business records. In other words,
16 we have to call every officer to testify to their
17 report. Just because they write a report and they
18 file it in the sheriff's department system doesn't
19 make it a business record when there are people
20 available that can testify to it. Unlike a booking
21 item, which is something that is just sort of
22 generically entered based on biographical
23 information which he certainly can pull up in the
24 system, a report is based on first-hand information
25 that these officers could certainly be called to

1 testify if defense deems fit.

2 **MS. ZMROCZEK:** And, Your Honor, to be clear,
3 I'm not moving to enter in the record, I'm just
4 asking him to -- I mean, it's simply going to
5 impeachment. It's something that they keep in the
6 ordinary course of business which he reviews. I
7 mean, I think it clearly falls within the business
8 record exception that he can rely on to testify.

9 **THE COURT:** Seems kind of farfetched with him.

10 **MR. BELL:** Your Honor, in the interest of time,
11 we'll concede the argument.

12 **THE COURT:** All right. So we'll allow it, not
13 the document, but allow the question.

14 **MS. ZMROCZEK:** Not the document. And I don't
15 move to seek in any of these documents, Your Honor.

16 **THE COURT:** All right. Bring the jury back.

17 (The jury returns to the courtroom.)

18 **THE COURT:** All right. Continue on.

19 **MS. ZMROCZEK:** Thank you, Your Honor.

20 BY MS. ZMROCZEK:

21 **Q** Sergeant McDermott, have you had an opportunity
22 to review that incident report?

23 **A** Yes, ma'am.

24 **Q** And tell the jury what contraband is.

25 **A** Contraband is anything that's either brought

1 into the facility altered from its original intent
2 or not provided by the canteen or by our department.

3 **Q** And does that report indicate that
4 Mr. Morehouse -- explain to the jury how the mail is
5 opened with the inmates.

6 **A** Once the officer gets to housing or the mail is
7 there, the mail is then taken -- sorted and taken to
8 the inmate where the inmate -- the mail is opened in
9 front of the inmate and then the inmate would
10 actually sign for the mail on a photocopy of the
11 envelope.

12 **Q** And why do you open the mail?

13 **A** So we can make sure there's no contraband in
14 the mail.

15 **Q** And on this date -- do you have the date of
16 that report?

17 **A** The date of this report is October 1st, 2015.

18 **Q** October 1st, 2015, did Mr. Morehouse receive
19 contraband?

20 **A** According to this report, he did, yes, ma'am.

21 **Q** And what was that contraband?

22 **A** According to the report, it is matches, and
23 rolling papers were hidden inside some papers.

24 **Q** And what was the return address on that
25 envelope containing matches and rolling paper?

1 **A** The return address was [] Mack Circle in
2 Lexington.

3 **Q** And was there a name or a -- or a name above
4 the address?

5 **A** Yes, ma'am.

6 **Q** What was that?

7 **A** C. Williams.

8 **Q** C. Williams, [] Mack Circle?

9 **A** Yes, ma'am.

10 **Q** And what city?

11 **A** Lexington.

12 **Q** And it gave a zip as well?

13 **A** Ma'am?

14 **Q** And it gave the zip code as well?

15 **A** Yes, ma'am.

16 **Q** Okay. I'll take of all those back from you.

17 Lastly, Sergeant McDermott, when someone's on
18 protective custody, is it more restrictive than
19 being in D-Pod?

20 **A** Yes, ma'am, it is.

21 **Q** How so?

22 **A** The recreation hours are less and there's less
23 contact with the inmates between other inmates.

24 **Q** And do they get to watch TV?

25 **A** Yes, ma'am, they do unless they're on

1 confinement.

2 Q By themselves, right?

3 A Yes, ma'am.

4 Q Solitary confinement --

5 A Typically. There are occasions when we have
6 more than one person in the cell.

7 Q And is it the same numbered hours that you
8 described earlier?

9 A Typically, they would get one hour due to the
10 number of people that would be on the floor and the
11 number of rooms on the wing.

12 Q And Mr. Sisk, when you notarized these two
13 signatures on State's 4 and 5, was in protective
14 custody?

15 A Yes, ma'am. He was on first floor A-Wing.

16 Q First floor A-Wing.

17 And you did not see Mr. Sisk write these
18 letters?

19 A No, ma'am, I did not.

20 Q You were not aware that he was threatened if he
21 didn't write these letters?

22 A No, ma'am.

23 Q Last question: Sergeant McDermott, when you
24 are a co-defendant in a case, are co-defendants
25 allowed to -- let's say one's out on bond and one's

1 in, are they allowed to communicate with each other?

2 **A** No, ma'am. Typically, co-defendants are not
3 allowed to communicate with each other.

4 **Q** Are they allowed to have video visits?

5 **A** No, ma'am. That will be against our policy.

6 **Q** And are all video visits and telephone calls
7 recorded by your jail?

8 **A** They're monitored and recorded, yes, ma'am.

9 **MS. ZMROCZEK:** Thank you.

10 REDIRECT EXAMINATION

11 BY MR. BELL:

12 **Q** Sergeant, are you aware of when Mr. Sisk was
13 put into this protective custody we've heard about?

14 **A** No, sir, not without seeing a document.

15 **Q** And did you testify earlier that a housing
16 change occurred on September 18th of 2015?

17 **A** I did.

18 **Q** When were the letters that you testified to
19 that you notarized, when were those written?

20 **A** Can I see them again?

21 **Q** Absolutely.

22 What are the dates of both of those?

23 **A** The first date is May 12th, 2016; the second
24 one would be May 30th, 2016.

25 **Q** And you testified there was a housing change in

1 2015?

2 **A** Yes, sir.

3 **Q** Is that a pretty good amount of time between
4 these letters and that housing change?

5 **A** Yes, sir.

6 **Q** Now, there was talk about a William Embree
7 being housed in D-12; is that right?

8 **A** Yes, sir.

9 **Q** And you went on to say that Wiley Sisk was in
10 D-13 at some point in time?

11 **A** Based on the log that was presented, yes, sir.

12 **Q** Now, if they're in D-12 and D-13, would they
13 have a chance to be out on rec together?

14 **A** Yes, sir, they would.

15 **Q** So they did have an -- these two individuals
16 would have had an opportunity to talk?

17 **A** Yes, sir, based on the rec schedule and the
18 room numbers.

19 **MR. BELL:** No further questions.

20 **THE COURT:** Okay. You can step down.

21 **MS. MAYES:** Your Honor, may we approach?

22 **THE COURT:** You may.

23 (Whereupon, a bench conference was held off
24 the record, in the presence of the jury, but out of
25 the hearing of the jury.)

1 for y'all.

2 Ms. Mayes.

3 **MS. MAYES:** The State calls Dr. Janice Ross.

4 JANICE EDWARDS ROSS,

5 having been duly sworn, testified as follows:

6 **THE CLERK:** Have a seat, Doctor. Once you're
7 seated, state your full name, spelling your last.

8 **THE WITNESS:** Janice Edwards Ross, R-o-s-s.

9 DIRECT EXAMINATION

10 BY MS. MAYES:

11 **Q** And, Dr. Ross, where are you currently
12 employed?

13 **A** With Newberry Pathology Associates in Newberry,
14 South Carolina.

15 **Q** And in what capacity?

16 **A** I'm a pathologist for the hospital there and
17 I'm also a forensic pathologist. We do autopsies
18 for various counties, county coroners of the state
19 of South Carolina.

20 **Q** All right. So I want to ask you a little bit
21 about your medical background. When you say that
22 you are a forensic pathologist, in effect, what kind
23 of medical doctor are you? What does a pathologist
24 do?

25 **A** First of all, a physician, I've gone through

1 four years of college at the University of South
2 Carolina, four years of medical school and four plus
3 years -- five plus years of training in pathology.
4 The field of pathology as opposed to pediatrics or
5 surgery is a field where we are trained to identify
6 diseases by looking at the tissue and looking at it
7 under the microscope. We use -- we use laboratory
8 for blood work and urinalysis, et cetera, to
9 identify diseases. We're trained how to do an
10 autopsy to find a cause of death.

11 A forensic pathologist has further training.
12 The word forensic means legal. So we use our
13 pathology training for legal matters. We do a legal
14 autopsy involving identification of patterns of
15 injury, what part of the body's injured, where the
16 injury are -- injury is, documenting such injuries
17 and/or natural disease and collecting specimens for
18 toxicology.

19 **MS. ZMROCZEK:** And, Your Honor, I understand
20 the State may want to develop her credentials
21 further, but the defense has no objection to
22 Dr. Ross being admitted as an expert in forensic
23 pathology.

24 **THE COURT:** All right. Keep going, Ms. Mayes,
25 with that understanding.

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

2 BY MS. MAYES:

3 **Q** Now, Dr. Ross, let me ask you this: Have you
4 been qualified previously as an expert in the field
5 of forensic pathology?

6 **A** Yes.

7 **Q** That's in connection with autopsies that you
8 have performed in your medical practice as a
9 forensic pathologist?

10 **A** Yes.

11 **Q** Have you testified previously as an expert in
12 the state of South Carolina, including criminal
13 courts, regarding the results of your autopsy?

14 **A** Yes.

15 **Q** Is it possible to estimate how many such times
16 you have testified previously as an expert in the
17 field of forensic pathology?

18 **A** Yes, over 200 times.

19 **MS. MAYES:** Your Honor, at this time, the State
20 would offer Dr. Janice Ross as an expert in the
21 field of forensic pathology.

22 **THE COURT:** And, Mr. Robinson and other ladies
23 and gentlemen of the jury, she's been qualified in
24 this field of expertise numerous times. She's
25 testified in court here in Lexington County numerous

1 times, and Ms. Zmroczek agrees that her
2 qualifications are impeccable. So she can offer
3 testimony of opinions as to what she found in her
4 examination.

5 All right. Keep going.

6 BY MS. MAYES:

7 Q Dr. Ross, does part of forensic pathology
8 include the study of various forces of injury
9 connected with homicide?

10 A Yes.

11 Q Does that include gunshot wounds?

12 A Yes, sir.

13 Q Does that include the examination of angles and
14 directions and trajectory regarding gunshot wounds?

15 A Yes.

16 Q Have you testified previously as an expert
17 regarding all of those matters regarding gunshot
18 wounds?

19 A Yes.

20 Q Can you tell us whether or not you had the
21 opportunity to perform an autopsy on a young male by
22 the name of James David Porter, III?

23 A Yes.

24 Q What was the date of your autopsy?

25 A That was done on August 4th, 2015.

1 **Q** At what time?

2 **A** At 9:30 A.M., we started.

3 **Q** So this would be -- do you also reflect on your
4 report the date of death?

5 **A** Yes. We get their information from the -- the
6 deputy coroner in this case was Robert Johnson, that
7 he was injured and died on August 3rd, 2015.

8 **Q** All right. In the P.M. or in the evening
9 hours?

10 **A** P.M., yes.

11 **Q** And if your autopsy was performed the following
12 morning at 9:30 A.M., that would be within 24 hours,
13 correct?

14 **A** Correct.

15 **Q** What was the age of Mr. Porter?

16 **A** He was given an age of 22.

17 **Q** Dr. Ross, as a result of your autopsy, were you
18 able to determine a cause of death?

19 **A** Yes.

20 **Q** What was the cause of death?

21 **A** Exsanguination, which means to bleed out due to
22 laceration of blood vessels due to gunshot wounds of
23 the abdomen.

24 **Q** All right. In this case, are we talking about
25 one gunshot or more than one gunshot wound?

1 **A** There were several gunshot wounds that all
2 contributed to the demise. So there were ten
3 entrance wounds, eight exit wounds, and we recovered
4 two bullets.

5 **Q** When you say, We recovered two bullets, you're
6 talking about actually from the body?

7 **A** Correct.

8 **Q** So the other bullets or gunshot wounds would
9 have involved projectiles or bullets that traveled
10 through the body, exited the body and ended up
11 elsewhere?

12 **A** Correct.

13 **Q** Dr. Ross, were you able to determine how many
14 such gunshot wounds were fatal or potentially fatal?

15 **A** There were three that were potentially fatal.

16 **Q** Can you tell us whether or not that included a
17 gunshot wound to the head?

18 **A** Well, that's basically it, the gunshot wound to
19 the neck.

20 **Q** Located at the back of the head?

21 **A** It was located just under the right ear, just a
22 little bit to the back of the ear.

23 **Q** Dr. Ross, were you able to determine a manner
24 of death?

25 **A** Yes.

1 **Q** What is the manner of death in this case?

2 **A** Homicide.

3 **Q** Now, you mentioned that there are potentially
4 up to ten gunshot wounds. Are you able to say with
5 certainty how many gunshot wounds and can you
6 explain why or why not?

7 **A** No. Some of these wounds went through the left
8 hand and some went through the right forearm and
9 they could have reentered the body. So there was as
10 few as six gunshot wounds and as many as ten.

11 **Q** All right. And to elaborate further on the
12 example that you just gave, if I were to hold my
13 hands up, for example, and you were to fire a shot
14 at me that goes through my arm or through my hand,
15 could that then travel on to another part of my
16 body?

17 **A** Yes.

18 **Q** So to clarify, based upon your findings, some
19 of these injuries may have exited one part of the
20 body and then entered another part of the body?

21 **A** Correct.

22 **Q** So there are somewhere between six and ten
23 gunshot wounds total?

24 **A** Yes.

25 **Q** Now, Dr. Ross, before you actually start the

1 autopsy process, do you have an opportunity to
2 examine the body as a whole?

3 **A** Yes. The body's brought to us in a body bag.
4 We open the body bag and do external examination.
5 And in a case like this where we have gunshot
6 wounds, we do x-rays. This person demanded pretty
7 much full body x-rays to look for any bullets or
8 extra lead particles.

9 **Q** All right. Now, do you also have the
10 opportunity, when you're doing that external
11 examination before you actually start cutting into
12 the body, do you have the opportunity to review the
13 body as a whole, including the face?

14 **A** Yes.

15 **Q** Does that include the lips, the nose, facial
16 features?

17 **A** Yes.

18 **Q** Does that include the hands?

19 **A** Yes.

20 **Q** All right. Do you also look at a body to
21 determine whether or not there may have been any
22 type of physical altercation that preceded a
23 homicide, such as a fistfight?

24 **A** Yes, we look for any injury.

25 **Q** Were there any injuries to David Porter's face,

1 his nose, his lips, anything of that nature, to
2 indicate he had been involved in any type of
3 fistfight or physical altercation prior to the
4 homicide?

5 **A** No, there was not.

6 **Q** And including other aspects of a fistfight,
7 such as the hands?

8 **A** No. There was one small abrasion on the right
9 hand, but it looked like it was postmortem. It
10 looked -- it didn't have a pattern to it, very
11 small.

12 **Q** All right. In other words, if you had seen any
13 notations whatsoever to indicate a physical
14 altercation or a fistfight, would you have noted
15 that?

16 **A** Yes.

17 **Q** So once you actually begin the physical
18 examination of gunshot wounds, how do you go about
19 trying to determine the points of entry and exit in
20 terms of where a bullet may have initially entered
21 the body and then exited the body?

22 **A** We look for the -- entrance wounds are usually
23 very round and they have an abrasion because the --
24 as the bullet goes in through the skin, it pushes
25 the skin in and abrades the skin surface around the

1 entrance wound. An exit wound, on the other hand,
2 does not have that.

3 We look at the entire body and -- and
4 internally and externally identify tracks of wounds
5 and, again, look for bullets.

6 Q So with that being said, did you have an
7 opportunity in the case of David Porter to actually
8 make notations as to what you believed, to a
9 reasonable degree of medical certainty, to be the
10 points of entry and exit regarding his gunshot
11 wounds?

12 A Yes.

13 Q Have you had the opportunity since then to
14 assist with a forensic mannequin?

15 A Yes.

16 Q And can you tell us whether or not you also
17 noted on that forensic mannequin points of entry and
18 exit?

19 A Yes, I did.

20 Q Dr. Ross, was there anything that indicated to
21 you that the victim's legs -- the positioning of the
22 victim's legs when he sustained gunshot wounds to
23 the legs?

24 A The -- most of the wounds were going right to
25 left. The legs -- both thighs were shot. The

1 bullet wounds were traveling upwards which indicated
2 to me that the -- bullets go straight. So the gun
3 would have had to be positioned such that the bullet
4 went from the lower part of the thigh upwards.

5 **Q** For example, someone standing over someone
6 who's down?

7 **A** That could be, yes. It could be a defensive
8 type of movement, putting one's knees up or legs up
9 if they saw the perpetrator coming at them.

10 **Q** And, specifically, regarding the angles of the
11 leg wounds that you noted, points of entry and
12 points of exit, what, if anything, indicates to you
13 that the victim, David Porter, was on the ground
14 when those bullets were sustained -- when those
15 gunshot wounds were sustained?

16 **A** It's most likely. I mean, otherwise the -- I'm
17 sorry -- the shooter would have had to be lying down
18 and looking up at the person.

19 **Q** All right. And can you tell us whether or not
20 there was also a gunshot wound to the side?

21 **A** Yes.

22 **Q** To the side of the torso?

23 **A** Yes. There were at least two.

24 **Q** All right.

25 **A** Three.

1 **Q** And can you tell us -- I believe you already
2 mentioned a gunshot wound to the neck, but can you
3 tell us whether or not there was any indication of
4 defensive gunshot wounds?

5 **A** The wounds -- generally, we talk about defense
6 wounds if there are wounds in the backs or fronts of
7 the fore -- of the hands or the forearms. In other
8 words, it's a defensive mechanism of somebody seeing
9 somebody coming at them that put their hands up in
10 defense of themselves. And so we had three -- three
11 of those types of wounds, defensive-type wounds, in
12 the right forearm and one in the left hand.

13 **Q** All right. And is examination or determination
14 of the defensive wounds part of the study of
15 forensic pathology?

16 **A** Yes.

17 **Q** Is that something that you've trained in and
18 you've testified before previously about?

19 **A** Yes.

20 **Q** And I'm going to ask you to elaborate a little
21 further with that.

22 If I'm standing over someone firing a gun into
23 the right leg {indicating}, can you tell us whether
24 or not that may be consistent with that person
25 having the right leg up in a defensive nature and

1 the bullet entering the thigh and then exiting out
2 of the thigh?

3 **A** It's consistent, yes.

4 **THE COURT:** If y'all want to move around, if
5 y'all want to stand up so you can see better, y'all
6 are not wearing seatbelts.

7 **MS. MAYES:** And, Dr. Ross -- Your Honor, if we
8 can have permission for Dr. Ross to step down?

9 **THE COURT:** Certainly.

10 Dr. Ross, you can step down, just speak loudly.

11 (Witness leaves the witness stand.)

12 BY MS. MAYES:

13 **Q** The first wound that we were discussing is the
14 wound to the left thigh?

15 **A** Yes.

16 **Q** And, Dr. Ross, I believe you noted on the
17 forensic mannequin, the point of entry and the point
18 of exit?

19 **A** Yes. You're talking about the right thigh?

20 **Q** Yes. If you could step around, keep your voice
21 up so that Ms. Sheppard can hear you. But looking
22 here at this rod, where is the point of entry and
23 where is the point of exit?

24 **A** The point of entry is down here towards the
25 knee {indicating}. And the exit, there's an X

1 there, is up further. This wound just went
2 underneath the skin. It didn't hit -- it didn't hit
3 the bone or any -- or go into the thigh itself.

4 **Q** And what is it about that wound entering here
5 and exit -- I'm sorry -- entering here {indicating}
6 and exiting at the top of the thigh that would
7 indicate the victim is down where that injury is
8 sustained?

9 **A** Just the direction it's going. Again, bullets
10 go straight. And whatever scenario you can put
11 together for somebody to be shot that way, can
12 happen. So this is the most consistent with.

13 **Q** Legs up, shot fired with someone standing over
14 the victim?

15 **A** Yes.

16 **Q** All right. Now, the next is going to be the
17 gunshot wound to the left -- I'm sorry -- to the
18 right thigh.

19 **A** Yes.

20 **Q** If you can tell us what is the point of entry
21 and then where that projectile was recovered?

22 **A** That was in the right thigh, on the front of
23 the right thigh somewhat up past the midline. That
24 bullet went up and into the pelvic area. We
25 retrieved that bullet from underneath the pelvic

1 bone. It hit some blood vessels and caused some
2 hemorrhaging.

3 Q Can you tell us, Dr. Ross, whether or not that
4 injury may also be consistent or could also be
5 consistent with someone standing over the victim
6 and, again, firing into the legs, which are up in a
7 defensive -- by defensive means, and that bullet
8 entering the thigh and then going into the pelvis?

9 A It's consistent with that, yes.

10 Q Now, what injuries do you note to the victim's
11 right torso?

12 A Well, first of all, there were three wounds on
13 the back of the right forearm that went all the way
14 through, each one of them went through the forearm
15 and came out the inside of the forearm.

16 There were -- there's an entrance wound in the
17 abdomen here {indicating} that goes through the
18 abdomen and comes out on the left side of the
19 abdomen.

20 Q So let me ask you about that one. For that one
21 to enter into the side and exit the side, you
22 mentioned before that bullets go straight?

23 A Yes.

24 Q Can you tell us whether or not that's
25 consistent with the victim turning over and being

1 shot in the side as he turns over?

2 **A** It's consistent with that, yes.

3 **Q** You mentioned that there are three wounds here
4 to the forearm. They all enter the forearm and exit
5 the forearm?

6 **A** Yes.

7 **Q** Do you have an opinion as to whether or not
8 those are consistent with defensive wounds?

9 **A** They are consistent with, yes.

10 **Q** Someone firing at the victim as his hands are
11 up?

12 **A** Yes.

13 **Q** And now, Dr. Ross, there is an injury to the
14 neck and also there is an injury to the left hand.
15 What can you tell us about that injury to the left
16 hand in terms of where it entered and where it
17 exited?

18 **A** It went in the palm aspect -- the palmar aspect
19 of the hand and came out the back of the hand.

20 **Q** And the injury to the neck?

21 **A** It went in, as you see, below the right ear,
22 basically in the neck. And it came out the left
23 side of the neck lower than the entrance wound.

24 **Q** All right. So this is a through and through
25 injury that enters the head here and then comes out

1 the throat at this angle {indicating}, correct?

2 **A** Correct.

3 **Q** And the angle of this entry would require
4 someone to be in this vicinity of the head, correct?

5 **A** Bullets go straight, so however you put the gun
6 and the body.

7 **Q** So this angle's coming from the direction of
8 here down and out of the neck here {indicating} as
9 opposed to the angle of those injuries, correct?

10 **A** Correct.

11 **Q** Now, looking at the injury to the palm and then
12 out of the hand around the area of the knuckle and
13 looking at the injury into the neck, can you tell us
14 whether or not that's consistent with a defensive
15 wound?

16 **A** It's possible -- the wound in the hand is a
17 defense wound, yes.

18 **Q** Is it possible that that hand resulted in a
19 gunshot wound that then exited the hand and entered
20 the neck and exited the neck?

21 **A** It could.

22 **Q** Is it your opinion that that injury to the hand
23 is a defensive injury in nature?

24 **A** Yes.

25 **MS. MAYES:** Your Honor, if I could just

1 elaborate a little bit more on that?

2 **THE COURT:** Sure.

3 BY MS. MAYES:

4 **Q** Regarding that neck wound that's depicted
5 there. First of all, let me ask you, is that
6 potentially fatal?

7 **A** Yes.

8 **Q** Did you actually mark the exit wound on here?

9 **A** I did.

10 **Q** All right. And did you mark the entry and exit
11 wound on the injury to the shoulder?

12 **A** Yes.

13 **Q** Where does the injury to the shoulder exit?

14 **A** It exits the back of the left shoulder. It
15 goes slightly left to right and backwards.

16 **Q** All right. And then this injury here that you
17 see going into the stomach, where was that
18 projectile recovered?

19 **A** Okay. That should be more sideways. The
20 bullet was recovered right here underneath the skin.
21 So this wound just went underneath the skin.

22 This wound here went all the way inside the
23 abdomen.

24 **Q** All right. So that's the wound that we had
25 indicated may be consistent with someone rolling.

1 What is your opinion regarding the position for this
2 bullet to enter as well at that angle?

3 **A** It's going right to left, so.

4 **Q** Again, may be consistent with someone in this
5 position?

6 **A** Consistent with.

7 **Q** Now, that neck injury, what did that actually
8 do to the body?

9 **A** It went through the back of the throat, the
10 epiglottis, and it also hit the part of the body of
11 the vertebrae. It's -- the second cervical
12 vertebrae. It's part of the bone. It was not the
13 cervical spine itself. But that impact sometimes is
14 known to cause a concussion. Just like a concussion
15 from a head injury, this is a concussion of the
16 spine which would cause paralysis, at least
17 momentarily.

18 **Q** All right.

19 **A** It can and cannot. But it just -- it hit the
20 body -- the bone part of the vertebra.

21 **Q** All right. Did it actually fracture the
22 vertebra?

23 **A** Yes.

24 **Q** And what vertebra are we talking about?

25 **A** It's the second cervical, the --

1 **Q** C2?

2 **A** C2.

3 **Q** All right. So with a gunshot wound with enough
4 force to fracture the cervical vertebra at C2, can
5 you tell us, to a reasonable degree of certainty,
6 whether or not that may have made the victim
7 immediately immobile?

8 **A** Yes, it could have.

9 **Q** So things such as putting the hands up, any
10 defensive wounds would have occurred prior to that
11 shot?

12 **A** Yes, most likely.

13 **Q** You may return, Dr. Ross.

14 **A** (Witness resumes the witness stand.)

15 **MS. ZMROCZEK:** Your Honor, I would ask that
16 Mr. Pogue stay -- no, not on the ground or on the
17 ground if he's comfortable -- but just so that I may
18 also use him.

19 **THE COURT:** Okay. You can have full use of him
20 for demonstrative purposes.

21 **BY MS. MAYES:**

22 **Q** Now, Dr. Ross, in addition to making these
23 markings on the forensic mannequin, did you also
24 have the opportunity to take photographs of the
25 injuries as you documented them on Mr. Porter?

1 **A** Yes.

2 **Q** Have you had an opportunity to review those
3 photographs prior to today?

4 **A** Yes.

5 **Q** I'm going to show you some photographs and ask
6 you whether or not you recognize them.

7 **A** Yes. These are photographs from the autopsy of
8 James Porter.

9 **Q** Do they appear to be a fair and accurate
10 representation as you recall them?

11 **A** Yes.

12 **MS. MAYES:** Your Honor, this would be State's
13 Exhibit 156, 157, 153, 154, 155, 62, 61, 65 and 63
14 for evidence.

15 **THE COURT:** All right. So it's 61, 62, 63, 65,
16 153, 154, 155, 156?

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

18 **THE COURT:** Did I miss any? 157 is in also?

19 (Pause.)

20 **THE COURT:** Is that right? Ms. Mayes, 157 is
21 also in?

22 **MS. MAYES:** One moment, Your Honor.

23 **MS. ZMROCZEK:** We agree.

24 **THE COURT:** All right. So 61, 62, 63, 65, 153,
25 154, 155 and 156 and 157 are admitted.

1 (State's Exhibit Numbers 61, 62, 63, 65 and
2 153 through 157, photographs, admitted into
3 evidence.)

4 BY MS. MAYES:

5 **Q** Dr. Ross, what are we looking at here?

6 **A** The left thigh, the wound going upwards from
7 the lower thigh to the upper thigh.

8 **Q** Entry here?

9 **A** Yes.

10 **Q** Exit here?

11 **A** Yes.

12 **Q** What is this?

13 **A** That's the exit wound in the left hand.

14 **Q** So the one that entered the left palm exited
15 there at the right knuckle?

16 **A** Yes.

17 **Q** Left knuckle, sorry.

18 And then what are we looking at here?

19 **A** That is an exit wound.

20 **Q** The entry wound for this wound, is that visible
21 in this photograph?

22 **A** It's up towards the middle of the person.
23 That's the exit wound that you're...

24 **THE COURT:** You have a pointer up there. The
25 top button, I believe.

1 **THE WITNESS:** This is the entrance wound. It's
2 going sideways and coming out the left.

3 BY MS. MAYES:

4 **Q** Can you step down momentarily and just look at
5 the mannequin again on that?

6 **A** Yes. The one you can't see, there is -- I'm
7 sorry. The one -- the entrance wound is on the
8 other side of the left of the body. This is the
9 exit wound of that wound. This wound enters there
10 and the bullet goes underneath the skin, and the
11 bullet was found down here {indicating}.

12 **Q** All right. Okay. So we can't actually see in
13 this photograph the entry wound for this exit wound?

14 **A** Correct.

15 **Q** State's Exhibit 154; what are we looking at
16 here?

17 **A** That's the wound in the right -- the entrance
18 wound in the right thigh that goes -- the bullet
19 goes upward and is found in the pelvic area. This
20 is the entrance wound that comes out over here.

21 **Q** The one we just saw a moment ago where we saw
22 the exit, that's the entrance wound there?

23 **A** Yes.

24 **Q** All right. And then, as you indicated, this
25 one travels straight up the -- straight up the thigh

1 and is actually located by you in what part of the
2 body?

3 **A** It goes straight up and towards the middle of
4 the body. It's found around the pelvic area behind
5 the bone.

6 **Q** So that bullet traveled straight up?

7 **A** Well, slightly towards the middle of the body,
8 so right to left.

9 **Q** All right. What are we looking --

10 **A** And upward. I'm sorry.

11 **Q** What are we looking at here, State's Exhibit
12 65?

13 **A** That's the right arm, right forearm with
14 entrance wounds here, here, and here. The Q-tips
15 are put in just to show the trajectory. It doesn't
16 show all the exit wounds. Those are on the inside
17 of the forearm.

18 **Q** So all of these injuries here to the right
19 forearm entered here on the outside of the forearm,
20 correct?

21 **A** Correct.

22 **Q** And then exited underneath the forearm?

23 **A** Correct.

24 **Q** Those were the wounds you identified previously
25 as defensive wounds?

1 **A** Yes.

2 **Q** I'm going to show you also what is State's
3 Exhibit 65 and give you a chance to look at this
4 with the naked eye.

5 **A** Yes.

6 **Q** Having viewed that photograph with the naked
7 eye, can you tell us whether or not the injury here
8 to the lower right hip area could be a potential
9 abrasion?

10 **A** It's a -- it looks like it could be an
11 abrasion. Part of it is what we call livor mortis,
12 the blood gravitating to the bottom of the body, but
13 there's no pattern to it.

14 **Q** In here, specifically this area?

15 **A** Correct.

16 **Q** Could that be an abrasion?

17 **A** It could be.

18 **Q** Now, next photograph I'm going to show you is
19 State's Exhibit 155. And here I'm going to start by
20 asking you about this injury here at the top of the
21 left shoulder?

22 **A** That's an entrance wound in the top of the left
23 chest towards the shoulder, and this is the exit
24 wound. It just fractures the upper part of that arm
25 bone, the humerus.

1 **Q** And then comes out here?

2 **A** Yes.

3 **Q** State's Exhibit 153, I asked you earlier about
4 the injury that started on the right side of the
5 torso and traveled to the left side of the torso.
6 Was that the same injury we spoke of previously?

7 **A** Yes.

8 **Q** So enters here, exits here {indicating}, and
9 that's the one you previously identified, to a
10 reasonable degree of medical certainty, may be
11 consistent with the victim rolling over?

12 **A** Yes.

13 **Q** This is the one we just spoke of here to the
14 top of the right shoulder?

15 **A** Yes.

16 **Q** Left shoulder.

17 State's Exhibit 156?

18 **A** That's the palmar aspect of the left hand, you
19 can tell by the thumb, and that's the entrance wound
20 in that hand.

21 **Q** State's Exhibit 157?

22 **A** That's the exit wound of the left hand.

23 **Q** What causes the additional bruising in this
24 area with an exit wound?

25 **A** Just blood -- blood vessels being broken as the

1 bullet goes through.

2 Q Is that a lot of force on an area such as a
3 hand or a finger?

4 A Yes.

5 Q State's Exhibit 62?

6 A That shows the right side of the head and the
7 entrance wound before it's cleaned up, the wound
8 that goes through the neck.

9 Q That point of entry right close to the ear, but
10 somewhat behind the ear; is that fair to say?

11 A Very slightly, yes.

12 Q State's Exhibit 61?

13 A And this is the exit wound of that neck wound.

14 Q So entry's here below the ear and then exits
15 here out the side of the neck?

16 A Yes.

17 Q Dr. Ross, to a reasonable degree of medical
18 certainty, can you tell us whether or not all of
19 these shots could have been sustained while the
20 victim was on the ground?

21 A They could have been, yes.

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

23 (Pause.)

24 Q And just to clarify, there were how many
25 bullets actually recovered from the body?

1 **A** Two.

2 **Q** And you indicated before, there were up to six
3 to ten total gunshot wounds?

4 **A** Yes.

5 **Q** So there would be at least four that traveled
6 completely through the body, correct? At least,
7 could be more?

8 **A** Four through the -- three through the right
9 forearm, one through the hand, one through the neck
10 and one through the left shoulder.

11 **Q** Were those items actually maintained -- once
12 they were collected by you during the course of the
13 autopsy, were they actually maintained as evidence?

14 **A** Yes. We photograph them and seal them for
15 evidence, and they were taken to SLED by Shelby
16 Derrick.

17 **Q** Let me show you State's Exhibit 23 and 24.

18 **A** Yes. Those are the bullets.

19 **Q** That's how you label them with your autopsy
20 number?

21 **A** Yes.

22 **MS. MAYES:** Your Honor, this would be 23 and 24
23 for evidence.

24 **THE COURT:** And they'll be admitted.

25 (State's Exhibit Numbers 23 and 24,

1 photographs, admitted into evidence.)

2 BY MS. MAYES:

3 **Q** Now, regarding distance of the shots, are you
4 able to make a determination on the shots that were
5 actually received to open skin, such as the neck,
6 the hands?

7 **A** I did not see any evidence of powder or soot.
8 When a bullet comes out of a gun, so does soot and
9 powder, but the soot and powder only go a certain
10 distance before it drops off where the bullet will
11 keep -- continue going. So it depends on the
12 caliber and the type of gun, et cetera.

13 In general, if the gun muzzle was -- is within
14 two feet of the skin, then you see evidence of
15 powder and soot. If it's beyond two feet, 30 feet,
16 then you don't see that. I did not see any evidence
17 of powder or soot, so it has -- those that I could
18 see were distant range.

19 **Q** And distant would mean approximately how many
20 feet or greater?

21 **A** At least two feet or greater.

22 **Q** At least two feet or greater.

23 No evidence of any type of powder burns or
24 powder tracks on the injury to the neck, which was
25 exposed?

1 **A** Correct.

2 **MS. MAYES:** Nothing further of Dr. Ross at this
3 time, Your Honor.

4 CROSS-EXAMINATION

5 BY MS. ZMROCZEK:

6 **Q** Good afternoon, Dr. Ross.

7 **A** Good afternoon.

8 **Q** Ms. Mayes asked if all of these could be
9 sustained while the victim was laying on the ground,
10 correct?

11 **A** Yes.

12 **Q** In order for that to happen, for this wound up
13 here at the neck, where would the shooter have to
14 be?

15 **A** For the -- the shooter would have to be -- the
16 bullets go straight. The shooter would have to be
17 the right of the neck or the body was turned on its
18 side.

19 **Q** Okay. So if the body wasn't turned on the
20 right side, would they have to be on the ground?

21 **A** Yes.

22 **Q** Okay.

23 **MS. ZMROCZEK:** And if Mr. Pogue, since he's
24 here, would step up.

25 **Q** And if you don't mind stepping down again.

1 **A** (Witness leaves the witness stand.)

2 **Q** Since we're talking about consistencies and
3 possibilities --

4 **MS. ZMROCZEK:** Actually, if Mr. Pogue will
5 stand up.

6 **Q** If -- do you know what brass knuckles are?

7 **A** Yes.

8 **Q** Tell the jury what those are.

9 **A** They're just -- well, it's brass or metal that
10 you put your fingers through to form extra knuckles
11 actually.

12 **Q** Okay. And are they used to hurt people?

13 **A** Yes.

14 **Q** Okay. And they're used as a weapon, correct?

15 **A** Yes.

16 **Q** If, say, someone were standing up and had brass
17 knuckles and they swung and hit somebody and that
18 person fell down and takes a gun and starts shooting
19 while the person with the brass knuckles is still
20 standing --

21 **MS. ZMROCZEK:** If you don't mind getting down
22 on the ground.

23 **Q** So if I hit Mr. Pogue and knock him down and
24 he's got a gun, can the entry wound in the side be
25 explained as that way just as consistent as being

1 shot from being standing up?

2 **A** That's one way it could happen, yes.

3 **Q** Okay. We could probably stand here all day and
4 manipulate scenarios to come up with this; is that
5 correct?

6 **A** Correct.

7 **MS. ZMROCZEK:** Thank you, Mr. Pogue.

8 **Q** My point being is that we don't know what
9 happened, right?

10 **A** No. The bullets go straight.

11 **Q** You can have a seat.

12 **A** (Witness resumes the witness stand.)

13 **Q** I wanted to go back a little bit. You run
14 Newberry Pathology, correct?

15 **A** Yes.

16 **Q** You do training?

17 **A** We do some, yes.

18 **Q** What kind of training do you provide?

19 **A** We try -- we put on a day-long meeting for
20 coroners, law enforcement officers, solicitors and
21 lawyers to try to continue their education on
22 medicolegal death investigation.

23 **Q** Is it important what happens on a scene before
24 a body gets to you? Is it important to maintain
25 that integrity as much as can be so that you can

1 make the proper findings?

2 **A** Absolutely. When you're talking about
3 positions of what -- bodies, it's the -- the scene
4 investigation is vital.

5 **Q** Do you train coroners and/or crime scene
6 investigators to strip down bodies completely naked
7 on the side of the road if they're already deceased?

8 **A** No.

9 **Q** In fact, when you get a body, is it typically
10 clothed?

11 **A** Yes. We ask that everything be kept as is from
12 the scene so that we can see it -- see it in the
13 morgue.

14 **Q** And can you tell the jury what travel patterns
15 are?

16 **A** Excuse me?

17 **Q** Can you tell the jury what travel, and it may
18 be a word I'm creating, but does blood travel
19 when -- when you're shot with a bullet, what happens
20 if it goes through and through?

21 **A** There was a lot of internal bleeding. For
22 instance, in this case, there would be some external
23 bleeding, but most of the blood will be inside. The
24 bullet holes -- if the body -- for instance, if the
25 holes were in the abdomen, in the stomach area, and

1 the body was on the -- on their stomach, then some
2 would leak out. But the bullet holes are fairly
3 small. Unless they -- unless they hit an artery
4 that's close to the skin, there's not a lot of
5 external bleeding, mostly internal.

6 Q Okay. And -- but there is some bleeding that
7 occurs when a bullet enters the body and exits,
8 correct?

9 A Oh, yes.

10 Q And it can leave splatter on the clothes and/or
11 the surrounding areas, right?

12 A Yes.

13 Q And that can help us determine, let's say, if
14 somebody was standing up or laying down, right?

15 A Yes.

16 Q You did not have an opportunity to view any of
17 that, correct?

18 A That's correct.

19 Q She asked -- there's some bruising on the left
20 knuckle, I believe, that could be explained through
21 some capillaries breaking?

22 A Yes.

23 Q State's 157?

24 A Yes.

25 Q Is it also possible that a bruising could have

1 been sustained if someone were to hit somebody with
2 brass knuckles and then they got knocked off?

3 **A** I didn't see any pattern of injury. Something
4 like a brass knuckle or a rod or something should
5 leave some pattern there.

6 **Q** If it gets knocked off quickly enough, is it a
7 possibility?

8 **A** It's a possibility it could be knuckles -- I
9 mean, regular fists.

10 **Q** Right. Were you aware that brass knuckles were
11 actually found beneath the victim in this case?

12 **A** No.

13 **Q** Okay. You say bullets travel straight. We've
14 heard you say that several times. When do they
15 stop?

16 **A** Well, infinity. These -- the two that were in
17 the body, one went through bone, that slowed it
18 down, the other one was just underneath the skin.
19 So -- it just depends on the tension of the --
20 tissue that it goes through and whether or not it
21 hits bone.

22 **Q** And so if it -- if it -- if someone were laying
23 down on the ground and being shot at and there's
24 ground beneath them and the bullet goes through and
25 through, where would you expect to find the bullet?

1 **A** You can often find it underneath the body
2 depending on what's underneath.

3 **Q** Okay. You saw no pattern injuries you said,
4 right, anywhere on the body?

5 **A** Correct.

6 **Q** So, for example, if I'm beating someone with a
7 bat, would that leave a pattern injury?

8 **A** Yes.

9 **Q** Okay. If I am beating someone with a bat, the
10 other person shooting, we take a break so that the
11 other person can get the gun and then shoot, that's
12 going to take some amount of time, correct?

13 **A** Yes.

14 **Q** While that is occurring, what would be
15 happening to these other wounds if they occurred
16 first? Would they -- could they be bleeding?

17 **A** They could be, yes.

18 **Q** Okay. Is it normal in the course of your
19 profession to -- you said this was a homicide,
20 right?

21 **A** Yes.

22 **Q** And that's a -- that's a medical term, correct?

23 **A** It's a legal term, just means the death of
24 another -- the death of somebody at the hands or
25 neglect of another.

1 **Q** Of another, right?

2 In this case and in any case, do you also draw
3 labs?

4 **A** Yes.

5 **Q** Why do you do that?

6 **A** For toxicology to see if there are any drugs or
7 alcohol involved and also to check on things like
8 glucose, sugar in the blood.

9 **Q** Are you familiar with what physical effects
10 meth can have on a person?

11 **A** Somewhat, but I leave that up to the
12 toxicologist as far as indicating the level versus
13 activity of the person.

14 **Q** But you do draw blood?

15 **A** Yes.

16 **Q** And you do send it off to a toxicologist?

17 **A** Yes.

18 **Q** And you do include that in your report,
19 correct?

20 **A** Yes.

21 **Q** In this case, tell the jury what the toxicology
22 of the victim was.

23 **A** The toxicology showed some byproduct of
24 marijuana, some methamphetamine and some
25 amphetamine, which is probably a byproduct of the

1 methamphetamine.

2 **Q** And those levels would be more ease -- or more
3 clearly explained by a toxicologist, correct?

4 **A** Yes.

5 **MS. ZMROCZEK:** Thank you. I have no further
6 questions.

7 **THE COURT:** Any redirect?

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

9 **REDIRECT EXAMINATION**

10 **BY MS. MAYES:**

11 **Q** Let me give you a moment, Dr. Ross, to just
12 take a look at these photos. 63 -- and before I put
13 them on the projector, I'm just going to ask you to
14 take a look at them. 63, the area around the exit
15 wound.

16 **A** Yes.

17 **Q** 157, the area around the exit wound. Take a
18 look at that before I put it on the projector.

19 **A** (Witness complies.)

20 **Q** 61, the area around the exit wound.

21 **A** (Witness complies.)

22 **Q** Ms. Zmroczek was asking you about the area
23 around the exit wound. Looking at the photo with
24 the naked eye as I just showed it to you, is the
25 area around this exit wound more visible than it is

1 here on the lighting with this projector?

2 **A** Yes.

3 **Q** All right. In the actual photo, is there
4 evidence of bruising around that entrance wound --
5 exit wound? I can show it to you again if needed.

6 **A** It looks -- bruising, yes. It's blood
7 underneath the skin.

8 **Q** So when the bullet actually enters and then
9 travels out of the body with force, what causes the
10 bruising or discoloration around the exit wound?

11 **A** It's the blood underneath the skin.

12 **Q** Again, here, State's Exhibit 61, we see a
13 discoloration here. What causes that discoloration
14 with this exit wound?

15 **A** The blood underneath the skin, same as a
16 bruise.

17 **Q** As we saw before, State's 156 being the entry
18 and then the exit for that being State's 157, can
19 you tell us whether or not this bruising around the
20 exit wound of that projectile or bullet is
21 consistent with an exit wound?

22 **A** It is.

23 **MS. MAYES:** Beg the Court's indulgence.

24 (Pause.)

25 **Q** And just to clarify here with State's 157 one

1 more time, Ms. Zmroczek was giving you a
2 hypothetical that involved brass knuckles. Are
3 brass knuckles worn on just one knuckle or do they
4 go all the way across?

5 **A** I'm not an expert on brass knuckles. I suppose
6 you could probably get either one.

7 **Q** Okay. If we're looking at a bruise to only one
8 knuckle where the exit wound is located, can you
9 tell us whether or not that would be consistent with
10 a pattern injury that would be expected across all
11 knuckles?

12 **A** (No response.)

13 **Q** Do I need to rephrase that?

14 **A** Yes, please.

15 **Q** If a set of brass knuckles contained an area
16 for four different fingers, would you anticipate
17 having only bruising around one area which happens
18 to be the exit wound of a gunshot?

19 **A** I would expect there to be more, yes, or some
20 pattern.

21 **Q** Across all of the knuckles?

22 **A** Yes.

23 **Q** Now, Ms. Zmroczek was asking you specifically
24 about a hypothetical where if someone were down
25 shooting up, could that cause the neck injury in

1 this case where we have an entrance wound to the
2 right of the neck below the ear and then an exit out
3 the side of the left throat. I'm going to ask you
4 to step down and again identify what you marked to
5 be the entry and the exit wound in this case.

6 **A** (Witness leaves the witness stand.)

7 Entry is in the right, it's underneath the ear.

8 **Q** Will it be more helpful this way?

9 **A** Exit wound -- exit wound in the left, middle of
10 the neck.

11 **Q** All right. So from this standpoint, that
12 bullet is actually traveling from an angle upward,
13 down into the right of the neck and then exits at a
14 lower angle out the side of the left throat,
15 correct?

16 **A** Yes.

17 **Q** So, for that angle to be up, down and then
18 following the traveled bullet in a straight line out
19 the left side, Dr. Ross, that would not be
20 consistent with someone on the ground, correct?

21 **A** Correct.

22 **Q** Can you demonstrate again through Photographs
23 61 and 62, if you could elaborate as to the angle of
24 that looking at these with entry and exit?

25 **A** The bullet goes from right to left and

1 downward.

2 **Q** And then exits here?

3 **A** Correct.

4 **MS. MAYES:** Nothing further.

5 **THE COURT:** Thank you, Dr. Ross. Travel
6 safely. There are storms coming through. I was
7 watching the weather a little bit, but there's a lot
8 of storms coming through you might see on the way
9 home.

10 All right. Go to the jury room, put your note
11 pads up, see you in the morning.

12 Now, I'm going to say 9:15. I'm worried about
13 my court reporter, not this one. She and I were
14 talking. She wasn't scheduled for tomorrow until I
15 asked for her maybe to go ahead and finish up for
16 Maggie, and then before I got that note out, she got
17 a note that she's working tomorrow afternoon with
18 another judge and so she's not available. So if
19 Maggie's sick and they've got to send somebody else,
20 we might be waiting.

21 So I'm going to say 9:15. Y'all just be
22 patient with me. Hopefully, Maggie will be well and
23 she'll be back here in the morning. Because her
24 stuff is still here, she's expecting to come back.
25 So if that happens, we'll deal with it like we did

1 State of South Carolina

Court of General Sessions

2 County of Lexington

3
4
5 State of South Carolina,)

Transcript of Record

6 vs.)

2015-GS-32-02939

2016-GS-32-02151

7 Charles Alton Morehouse,)

2016-GS-32-02152

8 Defendant.)

2016-GS-32-00642

9
10
11 January 9 - 13, 2017

Lexington, South Carolina

12 B E F O R E:

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

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

17 Laura Suzanne Mayes, Assistant Solicitor

18 Lester McGill Bell, Jr., Assistant Solicitor

Attorneys for the State

19 John Hilliard, Esquire

Attorney for the Defendant

20
21
22 Stacy S. Johnson, RPR

23 Circuit Court Reporter

24
25

1 On Indictment 15-GS-32-2939, which is an indictment for
2 murder, the sentence is life. Days earned since the 4th
3 of August of 2015. That being the lead indictment, the
4 other sentences run concurrent. On the criminal
5 conspiracy, ten years; possession of a weapon, five years,
6 and possession of meth second is five years, but murder is
7 the lead indictment.

8 Regarding Mr. Sisk, which would be -- the lead
9 indictment for murder would be 15-GS-32-2943, the sentence
10 of the Court is forty-five years. He gets days earned
11 since August 8th of '15. The other two indictments
12 being possession of a weapon, five years, and criminal
13 conspiracy, ten years. All those run concurrent with one
14 another. I gave Mr. Sisk a little bit of consideration
15 for his cooperation in trying the case. That's it.

16 **PROBATION AGENT:** Judge, can we handle the probation
17 violation?

18 **THE COURT:** I'd think we can. I'm gonna revoke
19 probation.

20 **MR. HILLIARD:** Sir?

21 **BAILIFF:** Everyone remain seated. Court's not in
22 recess yet.

23 **THE COURT:** The warrants for Mr. Morehouse are for
24 supervision of the 2013 case?

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

1 **THE COURT:** I'll revoke in full and run concurrent.
2 Days credit since August 4th of '15. Would that be
3 suitable?

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

5 **THE COURT:** Consider it done. Good luck.

6 **MR. HILLIARD:** Thank you, Your Honor.

7 **MS. ZMROCZEK:** Thank you, Your Honor.

8 (Whereupon, the proceedings were concluded for at
9 3:00 PM.)

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25

WITNESSES

Lexington County Sheriffs Department

M. Rawl

Law Enforcement Case #: 15014711

LSM

ARREST WARRANT NUMBER

2015A3210201334

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date: 12/17/2015

VERDICT

Guilty

Foreperson of Petit Jury

Date: 12/2/16

DOCKET NO. 2015GS3202943**The State of South Carolina**

County of Lexington

COURT OF GENERAL SESSIONS**DECEMBER TERM 2015****THE STATE**

vs.

Wiley Eugene Sisk

CDR #: 0116**Indictment for**

Murder

§ 16-03-0010

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Murder

§ 16-03-0010

At a Court of General Sessions, convened on DECEMBER 2016, the Grand Jurors of Lexington County present upon their oath:

That **Wiley Eugene Sisk** did in Lexington County, on or about August 3, 2015, willfully and unlawfully kill one James David Porter III with malice aforethought, either express or implied, to wit: whether acting alone or in concert with another, did shoot the victim with a firearm, resulting in his death, in violation of § 16-3-10 Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Suzanne Mayo
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.

Wiley Eugene Sisk

AKA:

Race: Sex: M Age: 27

DOB: 05-03-1989 SS#: 241-63-5711

Address: 200 Crestridge Dr

City, State, Zip: Lexington, SC 29073-7210

DL#: 100850236 SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder / Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2015GS3202943

A/W#: 2015A3210201334

Date of Offense: 8/3/2015

S.C. Code §: 16-03-0010

CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 45 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 1665 32 - 2153 & 2154
☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State
Department of Corrections. 8-8-15☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$100
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$

TOTAL

\$125

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge

Judge Code:

Sentence Date:

1-13-17

WITNESSES

Lexington County Sheriff's Department
M. Rawl / M. Burke

Law Enforcement Case #: 15014711

LSM

ARREST WARRANT NUMBER

16-STR-00059

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury *L. Scott Walter*
Date: *10-3-16*

VERDICT

Guilty

[Signature]
Foreperson of Petit Jury
Date: *12/2/16*

DOCKET NO. 2016GS3202153

The State of South Carolina
County of Lexington

COURT OF GENERAL SESSIONS

OCTOBER TERM 2016

THE STATE
vs.

Wiley Eugene Sisk

CDR #: 0049

Indictment for

Criminal Conspiracy

§ 16-17-0410

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)

INDICTMENT FOR
 Criminal Conspiracy

§ 16-17-0410

At a Court of General Sessions, convened in October 2016, the Grand Jurors of Lexington County present upon their oath:

That **Wiley E. Sisk, III** did in Lexington County, South Carolina on or about July 3rd, 2015 through August 4th, 2015, unlawfully and willfully, knowingly and feloniously unite, combine, conspire, confederate, agree, and have a tacit understanding with Charles Morehouse, and/or other individuals unknown or undisclosed, for the purpose of accomplishing criminal activity related to possession and/or distribution of illegal narcotics and/or financial gain or monetary transactions related to the distribution of illegal narcotics and/or the criminal act of Murder, resulting in the death of James David Porter on August 3rd, 2015 in the area of Old Orangeburg Road in Lexington County in violation of Section 16-17-410 of the South Carolina Code of Laws (1976), as amended

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Suzanne Mayes
 ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
STATE VS.

Wiley Eugene Sisk

AKA:

Race: Sex: M Age: 27

DOB: 05-03-1989 SS#: 241-63-5711

Address: 200 Crestridge Dr

City, State, Zip: Lexington, SC 29073-7210

DL#: 100850236 SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS3202153

A/W#: 16-STR-00059

Date of Offense: 8/3/2015 - 8/4/2015

S.C. Code §: 16-17-0410

CDR Code #: 0049

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-17-0410 of the S.C. Code of Laws, bearing CDR Code # 0049

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 16 GS 32-2154 + 15 GS 32-2915☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State
Department of Corrections. 8-8-15☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BLI Breath Test Fee)	\$50	\$
§ 56-5-2942(A) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$

TOTAL

\$125.00

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees

Presiding Judge

Judge Code:

Sentence Date:

1-13-17

WITNESSES

Lexington County Sheriff's Department
M. Rawl

Law Enforcement Case #: 15014711

LSM

ARREST WARRANT NUMBER

16-STR-00062

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury *L. Scott Watson*
Date: *10-3-16*

VERDICT

Guilty

[Signature]
Foreperson of Petit Jury
Date: *12/2/16*

DOCKET NO. 2016GS3202154

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

OCTOBER TERM 2016

**THE STATE
vs.**

Wiley Eugene Sisk

CDR #: 0549

Indictment for

**Possession of a Weapon During
Commission of a Violent Crime**

§ 16-23-0490

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF LEXINGTON)

) Possession of a Weapon During Commission of
) a Violent Crime
)

§ 16-23-490

At a Court of General Sessions, convened in October 2016, the Grand Jurors of Lexington County present upon their oath:

That **Wiley E. Sisk, III** did in Lexington County, South Carolina on or about August 3rd, 2015, whether acting alone or in concert with another, knowingly and willfully, and unlawfully, possess a firearm, or visibly display what appeared to be a firearm during the commission of a violent crime or attempt to commit a violent crime, to wit: murder of James David Porter, such weapon being a handgun, in violation of § 16-23-490 of the Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided

Suzanne Mayes
ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Lexington
 STATE VS.
Wiley Eugene Sisk

AKA:

Race: Sex: M Age: 27

DOB: 05-03-1989 SS#: 241-63-5711

Address: 200 Crestridge Dr

City, State, Zip: Lexington, SC 29073-7210

DI#: 100850236 SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADS

TO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or Lowd Act)
The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 156532-2943 + 166532-2153☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 8-8-15☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 61.6 (Public Def/Probation)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (DUI Breath Test Fee)

§ 56-5-2942(I) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS3202154

A/W#: 16-STR-00062

Date of Offense: 8/3/2015

S.C. Code § : 16-23-0490

CDR Code #: 0549

SENTENCE SHEET

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/L beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
 §Proviso 61.6 requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.

Presiding Judge

Judge Code:

Sentence Date:

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for Appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

Susan B. Hackett

Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 23th day of April, 2018.

RECEIVED
APR 23 2018
SC Court of Appeals