

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM LAURENS COUNTY
Court of General Sessions

W. Jeffrey Young , Circuit Judge

Appellate Case № 2015-000718

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SC SUPREME COURT

The State, ... Respondent,

vs.

Michael Vernon Beaty, Jr. Appellant.

RECORD ON APPEAL
VOLUME ONE

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STATE OF SOUTH CAROLINA
COUNTY OF LAURENS

IN THE COURT OF GENERAL SESSIONS
EIGHTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA ,)
)
 PLAINTIFF,)
)
 -VS-)
)
 MICHAEL VERNON BEATY,)
)
 DEFENDANT.)
 _____)

2013-GS-30-1553

TRANSCRIPT OF RECORD

JANUARY 26-30, 2015
LAURENS, SOUTH CAROLINA

B E F O R E:

THE HONORABLE W. JEFFREY YOUNG , JUDGE; AND A JURY

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

ATTORNEY FOR PLAINTIFF:

DAVID STUMBO, SOLICITOR,
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ATTORNEY FOR DEFENDANT:

CHARLES GROSE, ESQUIRE
RAUCH WISE, ESQUIRE

TARA T. SCOTT, CVR
CIRCUIT COURT REPORTER

1 MR. STUMBO: Yeah, we'll look into that, Judge. I
2 anticipate we'll object to that. But we may -- we can take
3 that up when the time comes.

4 I just want to make sure while we're here and have you
5 here, Judge, we cover all the stuff that we can cover now
6 before the jury gets here.

7 There were a number of jail calls on this case, Judge,
8 by the Defendant that were obtained. We've reviewed those.
9 At this time we don't intend to use any of those. That's
10 something in the trial of Mr. Alexander back in September
11 became a very contested issue on that particular issue. We
12 don't -- just to let the Court know and the Defense, we
13 don't intend to use those at this time.

14 I think that's all we have for now, Your Honor.

15 THE COURT: All right. Thank you. Anything from the
16 Defense at this time?

17 MR. GROSE: Your Honor, I think that he's addressed the
18 issues that were raised in section three of our memorandum.

19 THE COURT: Right. We do want to talk about the
20 publicity and the jury instructions some. And I'd like to
21 mark a document as a Court Exhibit, please.

22 (Whereupon, Court's Exhibit 1 was marked for
23 identification.)

24 MR. GROSE: And I'll hand up Court Exhibit Number 1 for
25 Your Honor.

1 THE COURT: Thank you.

2 MR. GROSE: What this is -- and I don't purport this to
3 be the entire Facebook page of Emily Joy, who is the mother
4 of the decedent. But it's a printout of some of the
5 information at the beginning of it.

6 If you look at page 5 of 25 on that page, and look at
7 Ms. Joy's comment. What page 5 of 25 is, is a photograph on
8 it that says, has printed on it, "Justice for EA." EA is
9 the nickname for Emily-Anna Asbill. And what Ms. Joy is
10 asking is, it says, "Please feel free to use this picture
11 when we begin this battle." So, you know, she's -- we're
12 concerned about the characterization of this as a battle
13 obviously. But more importantly we're concerned about the
14 publicity in this case. And by way of history, I think the
15 Solicitor pointed out in his pretrial brief that there was a
16 gag order in this case, and it was one that the lawyers
17 agreed to and we agreed to under the principals of the rules
18 of ethics about making extrajudicial comments. And while
19 there was some exceptions to those rules that Mr. Wise and I
20 perhaps could have invoked, we have tried not to. We have
21 tried to keep and have kept what we've said about this case
22 in the courtroom.

23 We did though, at one point, file a motion asking the
24 court to expand the gag order to include Ms. Asbill's, the
25 decedent's, family and their supporters. And that was done

1 because of the publicity on social media. From our pretrial
2 brief you know about the Emily-Anna Asbill memorial page,
3 the No More Lies and Bruises page, and now we're giving you
4 information about Ms. Asbill's - I'm sorry, about Ms. Joy's
5 page.

6 Judge Griffith denied that motion. But I think the
7 record will reflect that he kind of admonished everybody in
8 the courtroom, including the spectators, to be careful
9 because, you know, there could be some unintended
10 consequences, or there could be some consequences to
11 continuing with the social media. Ms. Joy chose to continue
12 with it despite that admonition. And what have learned in
13 doing social medical research and doing research in this
14 case is that a number of people on Facebook have changed
15 their profile picture to that photograph, Justice for EA.
16 And by looking at information that's publically available,
17 without contacting what's out there on the Internet, looking
18 at the information publically available about jurors, we
19 have been able to determine -- we have not found -- of
20 course, you can't see everything because different people do
21 their privacy settings. We have not found any juror --
22 potential juror that's using that picture. But we have
23 found -- I believe we had counted 11 prospective jurors who
24 have friends, and in some case many friends, a handful of
25 friends, who have changed their profile picture to the

1 Justice for EA photograph that Ms. Joy has asked to do as
2 part of what she sees as a battle. And so, you know, we
3 just had that opinion from the United States Supreme Court
4 where the Chief Justice talked about how we have all of our
5 lives and our cell phones, and of course that's where people
6 receive Facebook. So we don't know what the jurors are
7 receiving. You know, it's possible that a juror might have
8 had one friend who changed it and they don't even know it.
9 But some have had multiple friends that when those feeds are
10 coming through they may be seeing the picture of the victim
11 in this case.

12 And incidently, in the last trial they introduced a
13 picture of the victim that had nothing to do with the case.
14 Just had to show how she was normally, which is not
15 identical, but it's very similar to that picture that we've
16 handed up in Court's Exhibit Number 1.

17 So several things come out of this. This is an
18 additional layer for the voir dire that we have to take up,
19 I think. And we've asked the question in the voir dire, and
20 that's the factual support for it, specifically about the
21 pictures. And we had talked in chambers about how we're
22 probably going to have to be hypervigilant in this case,
23 more so than normal. And I know all these cases are
24 emotional and they have publicity, but this one seems to be
25 more so than others. So we're going to have to be

1 hypervigilant through the trial to make certain that jurors
2 aren't accidentally -- I know you're going to instruct them
3 not to watch the media. But with push notifications and
4 everything they could suddenly have a picture of the victim
5 on their cell phone and not even know where that was coming
6 from.

7 So we've got those concerns. And we've kind of, you
8 know, tried to outline a procedure citing the *Skilling vs.*
9 *United States* case. We're already a little bit behind what
10 was approved in *Skilling* because there's no -- there was no
11 juror questionnaires designed for this case. We don't do
12 that in South Carolina except for capital cases. But the
13 procedure that, you know, they seem to have approved of in
14 the *Skilling* case is something that we do in South Carolina,
15 but we don't quite think about it as much. We want to try -
16 - we were asking the court to ask the questions as broadly
17 as possible, and then preferably to have the jurors to give
18 that information to Your Honor and the lawyers in private so
19 that they feel more comfortable sharing what it is. And
20 having Your Honor ask followup questions that include -- you
21 know, not just have they heard about it, because we've got
22 to determine whether they can be fair. Somebody may have
23 heard about it in passing --

24 THE COURT: We'll be absolutely fair.

25 MR. GROSE: -- somebody had -- somebody -- but I think

1 we need to know the depth of what they've heard about it and
2 whether they formed any opinions. And in *Skilling* the
3 lawyers were offered an opportunity to ask followup
4 questions, and we would request that as well.

5 THE COURT: Does the Solicitor have any objection to
6 that?

7 MR. STUMBO: Judge, it's our preference, the
8 methodology here, I think, would be the question.

9 THE COURT: First find out if anybody knows anything.

10 MR. STUMBO: Correct. They can be brought up to the
11 court reporter, and they can do that privately just like we
12 would any question where we ask if they want to come up
13 privately. And then they can stand down. We can ask Your
14 Honor if there's some followup that we need to ask and then
15 they can come back up. I don't think we need to sequester
16 the courtroom.

17 THE COURT: Right. I think --

18 MR. GROSE: No, and we're not asking. We're just --

19 THE COURT: And we'll see how it goes. I've been in
20 small towns with similar situations and just been amazed
21 that nobody in the jury pool knew anything about the
22 situation. It happens that way. And if that's the case,
23 we'll play it as it goes.

24 MR. GROSE: Well, we know there's at least two or three
25 jurors that have liked, on Facebook, the Emily-Anna Asbill

1 memorial page. So, you know, if we end up with a situation,
2 what you described, where nobody is coming forward, we're
3 going to be a little suspicious of that if these jurors that
4 we identified are here today for further qualification.

5 THE COURT: Well, and that would be an actual jurors
6 conduct --

7 MR. GROSE: Right.

8 THE COURT: -- if they had some information and they
9 didn't disclose it to me.

10 MR. GROSE: Right.

11 THE COURT: Then that would be --

12 MR. STUMBO: And, Judge, we don't have a problem with
13 them bringing that up to you in sidebar and calling those
14 jurors up here for Your Honor to ask them those questions.
15 We don't have any problem with that.

16 THE COURT: And then it depends on how much knowledge
17 they know if they need to --

18 MR. GROSE: Right.

19 THE COURT: -- reconvene in a little smaller area where
20 the juror might be asked. But I'll take that as we go.

21 MR. GROSE: Right. And I know, just from reading the
22 newspaper, it looks like Judge Dickson in Orangeburg with
23 the former police chief took the better part of two days
24 picking a jury because of the -- there's both extremes.

25 THE COURT: My goal in this whole case is this -- I

1 imagine everyone, is to make sure that justice is done.

2 We're not on a timeline. We'll take all the time that is
3 necessary. If it takes two weeks, that's fine. But we're
4 going to do this case the right way.

5 MR. GROSE: And I won't belabor this point, but we just
6 wanted to let you know. Depending upon how things go, if it
7 does turn out to be the extreme where there's people with
8 lots of knowledge, that we may have a change of venue
9 motion.

10 THE COURT: Then that will be --

11 MR. GROSE: But we won't know.

12 THE COURT: -- we'll take it up at that point. I've
13 got enough to think about without anticipating that.

14 MR. GROSE: Well, we just wanted to give you a heads up
15 it might be coming.

16 THE COURT: Thank you. Anything further?

17 MR. STUMBO: I don't think so, Your Honor. We're going
18 to go through some of the pictures with the Defendant and
19 exhibits. Go ahead and try to get premarked what we can get
20 premarked with Ms. Scott. Other than that, we'll try to get
21 that ready so we can be as efficient as possible once we
22 start putting up our case.

23 MR. WISE: And we've got some pretty extensive voir
24 dire questions, and it's probably best to approach that --

25 THE COURT: Y'all discuss that first. And again, we'll

1 take as much time as we --

2 MR. WISE: No sense on you ruling on something we can
3 agree on.

4 THE COURT: Thank you. The court will be in recess
5 until 2:00.

6 (Whereupon, a recess was held.)

7 (Whereupon, voir dire of jury pool was held.)

8 THE COURT: Solicitor, would you like to call your
9 first case.

10 MR. STUMBO: Thank you, Your Honor. If it please the
11 Court, the State calls *State of South Carolina vs. Michael*
12 *Vernon Beaty, Jr.* This is an indictment for murder.
13 Indictment number 2013-GS-30-1553. This indictment was for
14 a term of the true bill by the Laurens County Grand Jury in
15 September of 2013, and the State is ready for trial.

16 THE COURT: All right. Thank you. Ladies and
17 gentlemen, as the Solicitor stated, the case that we're
18 ready to proceed into is *State vs. Michael Beaty, Jr.* He is
19 charged with murder. The indictment reads as follows.
20 "That Michael Vernon Beaty, Jr., in Laurens County on or
21 about June 29th, 2013, willfully, feloniously and with
22 malice aforethought killed one Emily-Anna Asbill by means of
23 strangulation and that the said Emily-Anna Asbill did die in
24 Laurens County as a proximate result thereof on or about
25 June 30th, 2013 in violation of Section 16-310 of the South

1 Carolina Code of Laws, 1976 as amended."

2 Now, ladies and gentlemen, let me remind you of the
3 fact that this Defendant was arrested, charged, and indicted
4 is in no way indicative that he has committed this crime.
5 The Defendant has pled not guilty and therefore the burden
6 is on the State to prove him guilty beyond a reasonable
7 doubt. And ladies and gentlemen, the indictment is simply
8 the formal written instrument that brings this case into
9 court. And as I said, in no way indicates that the
10 Defendant committed this crime.

11 Now, ladies and gentlemen, before we select the jury
12 there's a number of questions that I'm going to need to ask
13 you, and I'll remind you that you are still under oath. And
14 ladies and gentlemen, the reason that you're still under
15 oath is because this is such a crucial stage of the trial.
16 You know, just like a building must have a firm foundation
17 to be protective and strong for those who live in it, so
18 must a jury be strong as the basis of a fair and impartial
19 trial for those who participate, the Solicitor's Office for
20 the State and the Defendant who is on trial. And ladies and
21 gentlemen, your answers to these questions are the
22 foundations by which these attorneys will build a jury and
23 they are relying on your truthful answers to help them
24 strike an unbiased jury who will diligently listen to the
25 facts and deliver a just verdict. And again, thank you,

1 ladies and gentlemen for your complete honesty and
2 truthfulness as I ask you these questions.

3 Ladies and gentlemen, the first question is, has anyone
4 in the jury panel ever heard about or know anything about
5 the events that happened on June 20th -- 29th, 2013 in the
6 county of Laurens between the Defendant, Mr. Michael Beaty,
7 and the alleged victim, Ms. Emily-Anna EA Asbill? If so,
8 please stand.

9 (Whereupon, Jurors stand)

10 THE COURT: Thank you. If you remain standing, I'm
11 going to have you come down and speak with me individually
12 in front of the attorneys.

13 BAILIFF: Ms. Tucker.

14 THE COURT: Ms. Tucker, come forward, please.

15 (JUROR COMES FORWARD)

16 JUROR: I was on vacation when it happened and when I
17 got back my friends were telling me about it. I haven't
18 seen the paper or anything. That's all I know about it.

19 THE COURT: With what you have heard do you think you
20 can still be fair and impartial to both the State and
21 Defense in this case?

22 JUROR: Yes, sir. I do.

23 BAILIFF: Juror number 180.

24 (JUROR COMES FORWARD)

25 THE COURT: What's your name?

1 JUROR: Joey Parker. Well, it's Terry on there. I
2 heard about it in the news. My mother-in-law is friends
3 with the mother. I'll be willing to stay if --

4 THE COURT: What I want to know is -- knowing these
5 people, can you still be fair and impartial and make your
6 decision based upon the evidence that you hear in this
7 courtroom and not on anything else?

8 JUROR: I think so. I just didn't want nobody to say,
9 "Oh, he knew..."

10 THE COURT: Do you think so or are you pretty sure?

11 JUROR: I'm pretty sure.

12 MR. GROSE: Is this something you've had conversations
13 with people about?

14 JUROR: No.

15 MR. GROSE: You just know the relatives?

16 JUROR: Yes.

17 THE COURT: Thank you, sir. Have a seat.

18 BAILIFF: Juror number 125.

19 (JUROR APPROACHED)

20 THE COURT: State your name.

21 JUROR: My name is Ferguson Johnson, juror 125.

22 THE COURT: Yes, sir. What have you heard?

23 JUROR: I've heard of it when it happened and I went to
24 school with the victim's sister all my life.

25 THE COURT: The fact that you've gone to school with the

1 victim's sister and heard about it, can you still be fair
2 and impartial to both the State and the Defendant in this
3 case?

4 JUROR: I feel that I would be biased.

5 THE COURT: Okay. This juror will be biased. I will
6 dismiss you.

7 BAILIFF: Juror number 232.

8 (JUROR APPROACHED)

9 JUROR: I'm friends with -- the lady that was killed,
10 I'm friends with her sister. I've heard about this and have
11 kept up with it.

12 THE COURT: So you've kind of read up and have been
13 keeping up with it?

14 JUROR: I know all about it.

15 THE COURT: Do you think you can be fair and impartial
16 based upon what you know?

17 JUROR: I probably wouldn't be able to say - not with
18 the stuff I've read.

19 THE COURT: So you would be biased against the
20 Defendant?

21 JUROR: I believe so.

22 THE COURT: I'm going to remove you for cause.

23 BAILIFF: Juror number 268.

24 (JUROR COMES FORWARD)

25 THE COURT: What's your name again?

1 JUROR: Julia Vincent. My husband was first on the
2 scene. He is a first responder with Clinton. I used to
3 duck hunt with the Asbills and I graduated with Amanda. I
4 can't.

5 THE COURT: So you don't feel you can be fair and
6 impartial?

7 JUROR: No.

8 THE COURT: Thank you, ma'am. You will not be on this
9 case.

10 BAILIFF: Juror 254.

11 (JUROR COMES FORWARD)

12 THE COURT: What's your name?

13 JUROR: Nikki Templeton.

14 THE COURT: Yes, ma'am.

15 JUROR: I just generally know, from living here, and I
16 know both parties.

17 THE COURT: The fact that you've heard about it and
18 probably read about in the newspapers, do you think that you
19 could be fair and impartial and make a decision based upon
20 the evidence presented in this court and not on your
21 emotions or feelings, or anything else that you found out
22 outside of this courtroom?

23 JUROR: Yes, sir.

24 THE COURT: You think you can?

25 JUROR: Yes, sir.

1 BAILIFF: Juror number 255.

2 THE COURT: Juror number 255.

3 (JUROR COMES FORWARD)

4 THE COURT: What's your name, sir?

5 JUROR: Randall Templeton. I've known about it since
6 the day after. I'm a family friend of the victim's mother.
7 I had several conversations about it. I just --

8 THE COURT: Knowing what you know and talking to the
9 victim's mother, do you think you could be fair and
10 impartial to the State and the Defendant in this case?

11 JUROR: No, sir.

12 THE COURT: Okay. We will strike Mr. Templeton.

13 BAILIFF: Juror 147.

14 (JUROR COMES FORWARD)

15 THE COURT: Yes, ma'am. What's your name?

16 JUROR: I've seen a lot about it on Facebook and the
17 news.

18 THE COURT: What's your name?

19 JUROR: Kayla Littleton.

20 THE COURT: Ms. Littleton, based upon what you've heard
21 about it on Facebook or read about it in the newspaper, do
22 you feel that you can be fair and unbiased to both the State
23 and the Defendant in this case?

24 JUROR: Uh-huh.

25 THE COURT: You do. Any other questions?

1 MR. GROSE: Can you tell us what pages on Facebook
2 you've heard about?

3 JUROR: I've just seen people on Facebook make comments
4 about it. I don't know the whole story.

5 MR. GROSE: So have you formed any opinions on what
6 you've read?

7 JUROR: No.

8 MR. STUMBO: Do you know any of the parties, the victim
9 or the Defendant's family members?

10 JUROR: No. I am friends with friends of theirs.

11 MR. STUMBO: But you don't personally know them?

12 JUROR: No.

13 THE COURT: Thank you. You can stay. Thank you for
14 your honesty.

15 BAILIFF: Juror 157.

16 THE COURT: Juror 157.

17 (JUROR COMES FORWARD)

18 THE COURT: Yes, ma'am. What's your name?

19 JUROR: Edith Martin.

20 THE COURT: Ms. Martin.

21 JUROR: I don't know anyone personally. I just know one
22 of the girls at work had said something about a guy choking
23 a girl to death and then driving her home. That's all I
24 know. That's all I heard.

25 THE COURT: Have you read anything in the newspapers

1 that would influence you one way or the other?

2 JUROR: No. I don't get the newspaper.

3 THE COURT: Do you think that you could make your
4 decision, if you were a juror, based on what came out of
5 this courtroom, not anything outside of this courtroom?

6 JUROR: Yeah.

7 THE COURT: So you think you could be fair to the State
8 and to the Defendant in this case?

9 JUROR: Yes.

10 THE COURT: You are unbiased and you have not formed any
11 opinion about it?

12 JUROR: No. No, sir. I don't know anything about it.

13 THE COURT: Thank you, ma'am. Please stay.

14 BAILIFF: Juror 56.

15 (JUROR COMES FORWARD)

16 THE COURT: Juror 56. What's your name?

17 JUROR: Creech. I've read about it. I've seen it on
18 Facebook. But I believe everybody deserves their chance.

19 THE COURT: What you have read or seen in the newspaper
20 or Facebook, have you formed an opinion about any of the
21 facts in this case?

22 JUROR: No.

23 THE COURT: Do you think you can be fair and impartial
24 to both the State and the Defendant in a trial?

25 JUROR: Yes, sir.

1 MR. GROSE: Could you tell us what you saw on Facebook?

2 JUROR: Just the page.

3 MR. GROSE: The memorial page? You said a minute ago
4 that you thought everybody deserved a chance. What did you
5 mean by that?

6 JUROR: They deserve their day in court.

7 MR. GROSE: That's what I thought.

8 THE COURT: Thank you, ma'am. Please stay.

9 BAILIFF: Juror number 185.

10 (JUROR COMES FORWARD)

11 THE COURT: What's your name?

12 JUROR: Emily Pennington.

13 THE COURT: Ms. Pennington, what do you know about this
14 case?

15 JUROR: Just what I've read in the newspaper and on the
16 internet.

17 THE COURT: Have you formed an opinion about any facts
18 --

19 JUROR: I have.

20 THE COURT: -- in the case? You have?

21 JUROR: Yes, I have.

22 THE COURT: Do you think you can be fair and impartial?

23 JUROR: No.

24 THE COURT: All right. This juror cannot be fair and
25 impartial. You may go. Thank you, ma'am.

1 BAILIFF: Juror number 229.

2 (JUROR COMES FORWARD)

3 THE COURT: Yes, ma'am. What's your name?

4 JUROR: Simmons.

5 THE COURT: What do you know about this case?

6 JUROR: I just read about -- what was in the newspaper
7 and on t.v. when it happened.

8 THE COURT: And based upon what you've heard on t.v. and
9 on Facebook, have you made any opinions about any of the
10 facts?

11 JUROR: No, sir.

12 THE COURT: Do you think you can be fair and impartial
13 to both the State and Defendant in this case?

14 JUROR: Yes, sir.

15 MR. SCOTT: Are you any relation to the Defendant or the
16 Defendant's family?

17 JUROR: Not that I am aware of, no.

18 BAILIFF: Juror 24.

19 (JUROR COMES FORWARD)

20 THE COURT: Yes, ma'am. What's your name?

21 JUROR: Elaine Bishop.

22 THE COURT: What do you know about this case?

23 JUROR: My husband's cousin is married into the Beaty
24 family.

25 THE COURT: So you've heard one side?

1 JUROR: Uh-huh.

2 THE COURT: Based upon what you've heard, do you think
3 you can be fair and impartial to both the State and the
4 Defendant, or would you be partial to one or the other?

5 JUROR: I think it would be difficult. I know the
6 family on the other side also.

7 THE COURT: So do you think you could listen to the
8 evidence and make your decision solely on what is stated in
9 this courtroom? Would you have some stuff that you would be
10 thinking about?

11 JUROR: It would be hard.

12 THE COURT: All right. I'm going to take that as she
13 can't.

14 BAILIFF: Juror 223.

15 (JUROR COMES FORWARD)

16 THE COURT: Yes, sir. What's your name?

17 JUROR: Jamie Seymore.

18 THE COURT: What do you know about this case?

19 JUROR: Mainly what I've heard. What I've -- media. My
20 biggest concern is that I know all the families involved.

21 THE COURT: So you don't think you could be fair and
22 impartial to both the State and the Defendant in this case?

23 JUROR: No.

24 THE COURT: You don't think so? Okay. You're excused
25 from the trial of this case.

1 BAILIFF: Juror 118.

2 (JUROR COMES FORWARD)

3 THE COURT: Yes, ma'am. What's your name?

4 JUROR: Ashley Ivester.

5 THE COURT: Yes, ma'am. What do you know about this
6 case?

7 JUROR: I knew EA. We went to school together. She was
8 a good friend of mine.

9 THE COURT: Do you think you could be fair and impartial
10 to the State and the Defendant in this case?

11 JUROR: Yes, sir.

12 THE COURT: Knowing her, and going to school with her,
13 you still think you could be fair and impartial?

14 JUROR: I do.

15 THE COURT: Have you made any decisions on evidence or
16 anything like that? You could make your decision based upon
17 what you hear in this courtroom?

18 JUROR: Yes, sir.

19 MR. GROSE: You said you went to school? How many
20 grades were you in with her?

21 JUROR: I wasn't in her class but -

22 MR. GROSE: You saw her out of school and things like
23 that, but you didn't have classes together.

24 JUROR: Huh-uh.

25 MR. GROSE: Have you been following the coverage of

1 this?

2 JUROR: No.

3 MR. GROSE: Okay.

4 MR. WISE: What about Facebook?

5 JUROR: I've seen -

6 MR. WISE: Have you seen the Memorial Page?

7 JUROR: I haven't.

8 MR. STUMBO: Do you know any of the facts in the case
9 other than what you've seen in the newspaper?

10 JUROR: Huh-uh.

11 MR. GROSE: Do you have an opinion about what happened
12 to her or didn't happen to her?

13 JUROR: No.

14 THE COURT: The bottom line is you believe you can be
15 fair and impartial and base your decision only on the
16 evidence that's presented in this courtroom?

17 JUROR: Yes, sir.

18 THE COURT: Thank you, ma'am. Thank you for your
19 honesty.

20 BAILIFF: Juror number 242.

21 (JUROR COMES FORWARD)

22 THE COURT: Yes, ma'am. What's your name?

23 JUROR: Karen Staton.

24 THE COURT: Ms. Staton, what do know about this case?

25 JUROR: My boyfriend has lived here for nine years. He

1 was the Deputy Coroner. He transported her.

2 THE COURT: So you know stuff about this that they might
3 not know, so you don't think you could be fair and
4 impartial?

5 JUROR: No.

6 THE COURT: This juror will be excused from the trial of
7 this case. Thank you, ma'am.

8 BAILIFF: Juror 163.

9 (JUROR COMES FORWARD)

10 THE COURT: Yes, ma'am. What's your name?

11 JUROR: Maurissa Miller.

12 THE COURT: Ms. Miller, what do you know about this
13 case?

14 JUROR: Just what I've read in the newspaper, that Emily
15 Anna was killed back in June and just -- not much.

16 THE COURT: Have you followed it on Facebook?

17 JUROR: Not really.

18 THE COURT: So do you think you could make your decision
19 as to guilt or innocence based upon what you hear in the
20 courtroom and not on anything outside of it?

21 JUROR: Yes, sir.

22 THE COURT: Have you formed any opinions about any facts
23 in this case?

24 JUROR: No, sir.

25 THE COURT: Thank you, ma'am.

1 BAILIFF: Juror 158.

2 (JUROR COMES FORWARD)

3 THE COURT: Yes, ma'am. What's your name?

4 JUROR: Beth Madison. I read about this case in the
5 paper today on GoLaurens.com. I just thought y'all needed to
6 know that.

7 THE COURT: We do. The fact that you read it today,
8 did you have any other knowledge of it?

9 JUROR: I think I had seen some pictures, but I really
10 hadn't paid it any attention.

11 THE COURT: And so you have not formed any opinion about
12 any of the facts or anything like that?

13 JUROR: No. I'm not sure - I don't know if I could be
14 impartial or not.

15 THE COURT: And you can't?

16 JUROR: No.

17 THE COURT: Thank you for coming forward ma'am. Have a
18 seat, but you won't be on this jury.

19 BAILIFF: Juror 172.

20 (JUROR COMES FORWARD)

21 THE COURT: Yes, ma'am. What's your name?

22 JUROR: Karen Nixon.

23 THE COURT: What do you know about this case?

24 JUROR: I'm not sure if I needed to come up here. I
25 read in the media about it.

1 THE COURT: That's why we ask that question.

2 JUROR: But I don't really remember any details.

3 THE COURT: So you've not formed any opinion about any
4 facts in this case?

5 JUROR: No, sir.

6 THE COURT: So you think you can listen to the evidence
7 and make your decision as to the guilt or innocence based
8 strictly on what you hear in this courtroom?

9 JUROR: Yes, sir.

10 THE COURT: Thank you, ma'am.

11 BAILIFF: Judge, both of these gentlemen came back in
12 after you asked the question and the line had already
13 formed, so they didn't hear the question.

14 THE COURT: The question was, has anybody in the jury
15 panel heard anything about or read anything about the
16 incident that occurred on June 29th, 2013 when it was
17 alleged, and only alleged, that the Defendant, Michael
18 Beaty, was responsible for the death of Emily-Anna Asbill?
19 Have you heard anything about it? So that question wouldn't
20 apply to you? Come forward, please.

21 (JUROR COMES FORWARD)

22 BAILIFF: Juror 115.

23 THE COURT: Please take your hands out of your pocket.
24 What's your name?

25 JUROR: Tavarious Young.

1 THE COURT: Do you know anything about this case?

2 JUROR: Huh?

3 THE COURT: Have you read about it on Facebook?

4 JUROR: I don't have no Facebook.

5 THE COURT: Have you formed an opinion about it or do
6 you think you can be fair and unbiased towards both the
7 State and the Defendant in this case?

8 JUROR: Yes, sir.

9 THE COURT: Thank you, sir.

10 BAILIFF: Juror 115.

11 (JUROR COMES FORWARD)

12 JUROR: I did read about it.

13 THE COURT: Have you made any opinion about the facts of
14 this case? Can you be fair and impartial to the State and
15 the Defense?

16 JUROR: Yes.

17 THE COURT: Anyone else before I go into the next
18 hundred questions that we have? Thank you.

19 We've already had a general question, did you know
20 anything about it, but has anyone ever been related by blood
21 or marriage or had a close personal or business relationship
22 with the Defendant, Michael Beaty, Jr., or the alleged
23 victim, Emily-Anna EA Asbill? If so, would your
24 relationship keep you from being fair and impartial to the
25 State or the Defendant? If so, please stand.

1 MR. GROSE: Your Honor, may we approach?

2 THE COURT: You may.

3 (Whereupon, a side bar was held)

4 THE COURT: They've asked me to rephrase the question
5 individually. Has anyone ever been related by blood or
6 marriage or had a close personal relationship with the
7 Defendant, Michael Beaty. And, Mr. Beaty, if you'd please
8 stand and face the jury.

9 (Whereupon, the Defendant stands)

10 THE COURT: Thank you.. Be seated. Has any member of
11 the jury panel ever been related by blood or marriage or had
12 a close personal relationship with Emily-Anna Asbill? If
13 so, please stand.

14 (Whereupon, jury panel remains seated)

15 THE COURT: Thank you. Ladies and gentlemen, this is a
16 long list of potential witnesses in this case. I'm going to
17 go through the entire list and then I'm going to ask you if
18 any members of the jury panel has had a close personal or
19 business relationship with any of these witnesses or related
20 by blood or marriage.

21 Kyle Stewart, Rose Stewart, Henry Simmons, Atasha
22 Smith, Shana Drury, Vanessa Ramos, Nicholas Chiapetta,
23 Charity Chiapetta, Amanda Asbill, Daphne Tucker, Lauren
24 Simmons, Josh McClendon, Darren Vincent, Kent Prather,
25 Tyrone Goggins, Crystal Roberts, Casey Jones, Nick Moye,

1 Jawarski Shelton, Bryant Cheek, Jeff Kindley, Rick Charles,
2 Vicky Hallman, Lynn Black. Excuse me. Let me go back.
3 Josh McClendon of the Clinton Department of Public Safety,
4 Daphne Tucker of the 911 dispatch, Lauren Simmons of the
5 Laurens EMS, Darren Vincent of the Clinton Department of
6 Public Safety, Kent Prather of the Clinton Department of
7 Public Safety, Tyrone Goggins of the Clinton Department of
8 Public Safety, Crystal Roberts with the Clinton Department
9 of Public Safety, Casey Jones of the Clinton Department of
10 Public Safety, Nick Moyer of the Laurens County Sheriff's
11 Department, Jawarski Shelton of the Laurens County Sheriff's
12 Department, Bryant Cheek of the Laurens County Sheriff's
13 Department, Jeff Kindley of the State Law Enforcement
14 Division, Rick Charles of the State Law Enforcement
15 Division, Vicky Hallman of the State Law Enforcement
16 Division, Lynn Black of the State Law Enforcement Division,
17 Shanna Sorrels of the State Law Enforcement Division, Verona
18 Gibson of the State Law Enforcement Division, Amanda Webb of
19 the State Law Enforcement Division, Harvey Owens of the
20 State Law Enforcement Division, Michael Collins of the State
21 Law Enforcement Division, Nick Nichols, I guess Laurens
22 County Coroner.

23 MR. STUMBO: That's correct.

24 THE COURT: Vicky Cheek and Dr. Janet Ross, Henry
25 Simmons, Cynthia Simmons, Melissa Claire Catron, Marsha

1 Petty, Katherine Woods, Scott Patrick Woods, Valerie Jones,
2 Deputy Nicholas Joseph Moye. I believe I've already -- of
3 the Laurens County Sheriff's Department. Lieutenant Marlon
4 Higginbotham of the Laurens County Sheriff's Department,
5 Elizabeth Lanford, registered nurse, Terri Burris, a
6 registered nurse, Dr. Lindsay Dutch Johnson, Ph.D, and Dr.
7 Jonathon Arden, MD. Has any member of the jury panel ever
8 had a close personal or business relationship or ever been
9 related by blood or marriage to any of these possible
10 witnesses? If so, please stand.

11 (Whereupon, Jurors stand)

12 THE COURT: Yes. If you could just tell me who do you
13 know?

14 JUROR: Several.

15 THE COURT: Several. Come on down.

16 BAILIFF: 254.

17 (JUROR COMES FORWARD)

18 THE COURT: What was your name?

19 JUROR: Nikki Templeton.

20 THE COURT: Who do you know?

21 JUROR: Several. I went to school with a lot of them.
22 There's a bunch of people on the list that I know.

23 THE COURT: The people that you know, do you believe
24 that you could listen to their testimony and based upon what
25 they tell you and not your prior knowledge of them be fair

1 and unbiased to the State and the Defendant in this case?

2 JUROR: I'm sure.

3 THE COURT: You think you could listen to the evidence?

4 JUROR: Definitely.

5 MR. GROSE: I would just ask would you be more or less
6 likely to believe them over somebody you didn't know.

7 JUROR: No.

8 BAILIFF: Juror 89.

9 (JUROR COMES FORWARD)

10 THE COURT: Yes, sir. What's your name?

11 JUROR: Glenn Gary.

12 THE COURT: Mr. Gary, who do you know on that list?

13 JUROR: Tyrone Goggins.

14 THE COURT: The fact that you know Tyrone Goggins, would
15 that make it so you couldn't be fair and impartial to both
16 the State and the Defendant in this case?

17 JUROR: No, sir. I was just letting you know that I
18 knew him.

19 THE COURT: Just because you knew him you wouldn't
20 believe him over another witness just because you knew him;
21 is that right?

22 JUROR: No, sir.

23 THE COURT: Thank you, sir.

24 BAILIFF: Juror number 44.

25 (JUROR COMES FORWARD)

1 THE COURT: Yes, sir. What's your name?

2 JUROR: Willie Campbell. I know Tyrone Goggins.

3 THE COURT: The fact that you know Tyrone Goggins, that
4 wouldn't make it so that you would believe his testimony
5 just because you knew him or that you couldn't be fair and
6 impartial to both the State and the Defendant in this case?

7 JUROR: No.

8 THE COURT: Thank you, sir.

9 THE COURT: Ladies and gentlemen, the attorneys who are
10 trying this case are Mr. -- Solicitor David Stumbo and Mr.
11 Dale Scott for the State. Mr. Stumbo, would you like to
12 introduce yourself and your staff?

13 MR. STUMBO: Yes, sir. Thank you, Judge. My name is
14 David Stumbo. I am your elected Solicitor for the Eighth
15 Circuit. That's not only Laurens but Greenwood, Abbeville
16 and Newberry counties. And we are essentially the district
17 attorney or prosecutors -- prosecuting attorneys for all
18 four of those counties. And at the table with me are Deputy
19 Solicitor Dale Scott, and also one of our investigators
20 Walter Bently. Mr. Bently was formerly with the Laurens
21 Police Department before he came to work for us as an
22 investigator. Also this week, as part of my staff, Casey
23 Tucker. You can stand, Casey. Casey is one of our victim
24 advocates. She'll be in and out of the courtroom with
25 family on this side of the courtroom. Additionally, he's

1 not here right now, but Deputy Solicitor Demetri Andrews,
2 the tall slender fellow who was here earlier, is going to be
3 here for the remainder of the week with our office. He'll
4 be here during the trial. Thank you.

5 THE COURT: Thank you. For the Defense we have Mr.
6 Rauch Wise, Mr. Charles Grose. Would you like to introduce
7 -- Mr. Wise, would you like to introduce your co-counsel and
8 yourself.

9 MR. WISE: I'm Rauch Wise, attorney from Greenwood, and
10 with me is Charles Grose. He also is an attorney in
11 Greenwood. Formerly a public defender in Greenwood. Some
12 of you may know him from there.

13 THE COURT: Thank you. Has any member of the jury
14 panel ever been related by blood or marriage or had a close
15 personal or business relationship or ever been represented
16 by any of these attorneys or these law firms out of
17 Greenwood or been represented by the Eighth Judicial Circuit
18 Solicitor's Office. If so, please stand.

19 (Whereupon, jurors remain seated)

20 THE COURT: Thank you. No one is standing. Has any
21 member of the jury panel formed or expressed any opinion
22 about any issue or matter involved in this case? If so,
23 please stand.

24 (Whereupon, jurors remain seated)

25 THE COURT: Thank you. No one is standing. Has any

1 member of the jury panel or anyone of whom you've had a
2 close personal relationship ever been accused of or charged
3 with or convicted of a crime of violence. If so, please
4 stand.

5 (Whereupon, jurors remain seated)

6 THE COURT: Thank you. No one is standing.

7 BAILIFF: Sir, some didn't hear the question.

8 THE COURT: Has any member of the jury panel or anyone
9 with whom you've had a close personal relationship with ever
10 been accused of or charged with or convicted of a crime of
11 violence. If so, please stand.

12 (Whereupon, jurors stand)

13 THE COURT: All right. Come down here.

14 BAILIFF: Juror number 119.

15 (Whereupon, a side bar was held)

16 BAILIFF: Juror number 136.

17 (Whereupon, a side bar was held)

18 BAILIFF: Juror 180.

19 (Whereupon, a side bar was held)

20 BAILIFF: Ms. Sanders.

21 THE COURT: Ms. Sanders, come forward.

22 (Whereupon, a side bar was held)

23 BAILIFF: Juror number 259.

24 (Whereupon, a side bar was held)

25 BAILIFF: Juror number 112.

1 (Whereupon, a side bar was held)

2 BAILIFF: Juror number 94.

3 (Whereupon, a side bar was held)

4 THE COURT: I will dismiss you for cause in this case.

5 Thank you.

6 BAILIFF: Juror 132.

7 (Whereupon, a side bar was held)

8 THE COURT: I will dismiss you for cause in this case.

9 BAILIFF: Juror number 215.

10 (Whereupon, a side bar was held)

11 THE COURT: Valerie Rouse will be excused from the trial

12 of this case.

13 BAILIFF: Juror 257.

14 (Whereupon, a side bar was held)

15 BAILIFF: Juror number 62.

16 (Whereupon, a side bar was held)

17 BAILIFF: Juror number 240.

18 (Whereupon, a side bar was held)

19 BAILIFF: Juror 147.

20 (Whereupon, a side bar was held)

21 BAILIFF: Juror 298.

22 (Whereupon, a side bar was held)

23 BAILIFF: Juror 146.

24 (Whereupon, a side bar was held)

25 BAILIFF: Juror 167.

1 (Whereupon, a side bar was held)

2 THE COURT: Has any member of the jury panel attended
3 Clinton High School and any other school -- any other
4 Clinton School within the last 30 years. If so, please
5 stand.

6 (Whereupon, jurors stand)

7 MR. STUMBO: Judge, we're fine with this being handled
8 without them having to come up.

9 THE COURT: Yeah. And what I'm going to ask you --
10 stay standing. The second part of this question. Did any
11 of you have any personal interaction with Mr. Henry Simmons
12 in the course of your school attendance? If you did, then
13 please remain standing and the rest of you may be seated.

14 (Whereupon, juror remains standing)

15 THE COURT: Just give us your name. Just name and
16 number.

17 JUROR: 163

18 THE COURT: Yes, ma'am.

19 JUROR: Maurissa Miller.

20 THE COURT: Thank you. Next question is did any member
21 of the jury panel attend Thornwell school within the last 30
22 years? If so, please stand.

23 (Whereupon, jurors stand)

24 THE COURT: The second half of that question is, if so,
25 did you have any personal interaction with either Michael

1 Beaty, William Alexander, or Dr. Bill Alexander in the
2 course of your attendance at school? If so, please remain
3 standing.

4 (Whereupon, jurors remain standing)

5 THE COURT: All right. The two of you want to come
6 down?

7 BAILIFF: 163.

8 (JUROR COMES FORWARD)

9 THE COURT: The fact that you were at Thornwell and that
10 you knew them would that make you not able to be fair and
11 impartial?

12 JUROR: No, sir.

13 BAILIFF: Juror number 223.

14 THE COURT: You've already been excused. Thank you.

15 (Whereupon, a side bar was held)

16 THE COURT: Has any juror ever been a civilian or
17 military law enforcement officer? If so, please stand.

18 (Whereupon, jurors remain seated)

19 THE COURT: And if you've already answered this
20 question when I ask the questions concerning the particular
21 witnesses, the questions, you don't need to stand up again.
22 Do you know anyone that works for any law enforcement agency
23 in Laurens County, Newberry County, Greenwood County, or
24 Abbeville County? If so, please stand.

25 (Whereupon, jurors stand)

1 THE COURT: State your name please, and number.

2 JUROR: Nikki Templeton, 251.

3 THE COURT: And the fact that you know a member of law
4 enforcement in one of these four counties make it so that
5 you can't be fair and impartial to the State or the Defense
6 in this case?

7 JUROR: No, sir.

8 THE COURT: Thank you. Yes, ma'am.

9 JUROR: Twila Creech.

10 THE COURT: Would the fact that you know of members of
11 law enforcement in one of these four counties make it so
12 that you can't be fair and impartial to the State or the
13 Defendant in this case? Yes, ma'am, your name again?

14 JUROR: No.

15 THE COURT: What was your last name again?

16 JUROR: Little.

17 THE COURT: Ms. Little. Yes, ma'am. Would the fact
18 that you know a member of law enforcement in these four
19 counties make it so that you can't be fair and impartial to
20 the State or the Defense in this case?

21 JUROR: No, sir.

22 THE COURT: Thank you. Yes, ma'am. State your name
23 again.

24 JUROR: Kayla Littleton.

25 THE COURT: Ms. Littleton, would the fact that you know

1 a member of law enforcement in one of these four counties
2 make it so that you can't be fair and impartial to the State
3 or the Defendant?

4 JUROR: No.

5 THE COURT: Thank you. Has any member of the jury
6 panel ever campaigned for or made a contribution to the
7 election of Mr. Ricky Chastain or Mr. David Stumbo? If so,
8 please stand.

9 (Whereupon, juror stands)

10 THE COURT: Yes, sir. Please state your name and
11 number.

12 JUROR: Danny Smith, 236.

13 THE COURT: And who did you make a contribution to or
14 campaign for?

15 JUROR: I might have took the question wrong. I voted
16 for them. Does that make any difference?

17 THE COURT: That is different. We don't need to know
18 who you voted for. We just want to know if you were an
19 active participant.

20 Is there any member of the jury panel who is also a
21 member of the grand jury that indicted this case? If so,
22 please stand.

23 (Whereupon, jurors remain seated)

24 THE COURT: Thank you. No one is standing. Is there
25 any member of the jury panel who is a member of or

1 contributor to any group which has as it's primary concern
2 the promotion of law enforcement or victim's rights? And
3 these groups would include but certainly would not be
4 limited to Mothers Against Drunk Drivers, Students Against
5 Drunk Drivers, or Citizens Against Violent Crime. If so,
6 please stand.

7 (Whereupon, jurors remain seated)

8 THE COURT: Thank you. No one's standing. If you've
9 already answered this question and come down then we don't
10 need for you to do it again. But the question is, has any
11 member of the jury panel read about this case in the
12 newspaper, heard about it on TV or radio or read about it on
13 the Internet. If so, please stand. If you've already come
14 down here you don't need to stand again.

15 (Whereupon, jurors remain seated)

16 THE COURT: Again, if you've already come down. The
17 next question would be has any member of the jury panel
18 liked or followed any of the following Facebook pages;
19 Emily-Anna Asbill Memorial page, No More Lies and Bruises
20 page, Emily Crystal Joy page, Laurens County Sheriff's
21 Office page, or Domestic Violence and Crime Watch page? And
22 if you've already come down and told us about it, you don't
23 need to stand again. Thank you.

24 (Whereupon, jurors stand)

25 THE COURT: Yes, ma'am. Would you all like to come

1 down?

2 BAILIFF: Juror number 13.

3 (Whereupon, a side bar was held)

4 BAILIFF: Juror number 246.

5 (Whereupon, a side bar was held)

6 BAILIFF: Juror 112.

7 (Whereupon, a side bar was held)

8 THE COURT: If anybody is sleepy out there you need to
9 wake up. I know sometimes when you come in here after lunch
10 it's hard to do. You all stay awake.

11 Does any member of the jury panel -- now, listen to
12 this careful -- question carefully, listen to his radio and
13 on his radio heard anything about this case? If so, please
14 stand. Not just if you listen to the radio station, but if
15 you're listening to the radio station, if you heard anything
16 about it, just please stand.

17 (Whereupon, jurors remain seated)

18 THE COURT: Is any member of the jury panel patrons of
19 Emily Hair Design and Color Speciality located at 101 Elm
20 Street in Clinton, South Carolina or Southside Salon located
21 at 998 South Broad Street, Clinton, South Carolina? If so,
22 please stand.

23 (Whereupon, jurors remain seated)

24 THE COURT: Thank you. No one is standing. Does any
25 member of the jury panel know of any reason whatsoever why

1 he or she should not serve as a juror in this case with
2 particular emphasis being placed on your ability to be fair
3 and impartial to both the State and the Defendant? If so,
4 please stand.

5 (Whereupon, jurors remain seated)

6 THE COURT: Thank you. Does the State have any
7 additional questions it would like for me to ask?

8 MR. STUMBO: Just one matter, Judge. Can we approach?

9 THE COURT: Yes.

10 MR. STUMBO: Just briefly.

11 (Whereupon, a side bar was held)

12 THE COURT: If you've already come up and talked to us
13 about this you don't need to come up again. I just want to
14 make sure. Is there any member of the jury panel who has a
15 close family member or relative or friend who has been the
16 victim of a serious crime? If you've already come up you
17 don't need to stand again.

18 (Whereupon, jurors remain seated)

19 THE COURT: Thank you. No one is standing. Is there
20 any member of the jury panel -- I think I've already asked
21 this about concerning whether you know a law enforcement
22 officers. But is there any member who has a family member
23 who is a member of law enforcement and knowing that would
24 that affect your ability to be fair and impartial? If so,
25 please stand.

1 (Whereupon, juror stands)

2 THE COURT: Yes, ma'am. I think you stood a number of
3 times. What's your name again?

4 JUROR: Nikki Templeton.

5 THE COURT: Yes, Ms. Templeton.

6 JUROR: My sister is a police officer in Laurens
7 County.

8 THE COURT: The fact that your sister is a police
9 officer in Laurens County, does that make it so that you
10 can't be fair and impartial to the Defense in this case?

11 JUROR: No, sir.

12 THE COURT: Thank you. Does the State have any
13 additional questions at this time?

14 MR. STUMBO: Nothing further from the State, Judge.

15 THE COURT: Anything further from the Defense?

16 MR. WISE: Just what we mentioned up there. And number
17 20 also, Your Honor.

18 THE COURT: I think I've just asked that.

19 MR. WISE: Can we approach?

20 THE COURT: Yeah.

21 (Whereupon, a side bar was held)

22 THE COURT: Ladies and gentlemen, the decedent in this
23 case has a family member who is in law enforcement. Would
24 knowing that the decedent has a family member in law
25 enforcement make it so that you will not be able to be fair

1 and impartial to the State or the Defense in this case? If
2 so, please stand.

3 (Whereupon, jurors remain seated)

4 THE COURT: Thank you. Now, are there any other
5 questions from the Defense?

6 MR. WISE: No, sir. Thank you.

7 THE COURT: Thank you. Madam Clerk, if you would
8 please generate a list. And ladies and gentlemen, what's
9 going to happen now is the computer is going to generate a
10 list of names as potential jurors. When your name -- if
11 your name is called, please come forward, stand right in
12 front of this table, turn around and face the audience, and
13 then the State or the Defense will have an opportunity to
14 strike you from this case. Ladies and gentlemen, please do
15 not take it personally if you are stricken from being a
16 juror in this case. Each group of attorneys has some idea
17 as to what they think is a good jury and they can strike you
18 for any reason, or no reason, except for race or gender. So
19 again, if you're not placed on this jury, please do not feel
20 slighted. Thank you.

21 THE COURT: Let me see the attorneys for just a moment.

22 (Whereupon, a side bar was held)

23 THE CLERK: Jury number 98, Doris E. Hammond. What
24 says the State?

25 MR. STUMBO: Please present Ms. Hammond.

1 THE CLERK: What says the Defense?

2 MR. WISE: Swear the juror. Swear the juror.

3 THE CLERK: If you'll be seated in the jury box,
4 please.

5 (Whereupon, Juror takes a seat in the jury box.)

6 THE CLERK: Juror number 254, Nikki L. Templeton. What
7 says the State?

8 MR. STUMBO: Beg the Court's indulgence. Please excuse
9 Ms. Templeton from the trial of this case.

10 THE CLERK: Juror number 97, Connie D. Hall. What says
11 the State?

12 MR. STUMBO: Please present Ms. Hall.

13 THE CLERK: What says the Defense?

14 MR. WISE: Excuse the juror from this trial.

15 THE CLERK: Juror number 198, Rhonda B. Prince. What
16 says the State?

17 MR. STUMBO: Please present Ms. Prince.

18 THE CLERK: What says the Defense?

19 MS. WISE: Excuse the juror from this trial.

20 THE CLERK: Juror 53, Randy G. Dearman. What says the
21 State?

22 MR. STUMBO: Please present Mr. Dearman.

23 THE CLERK: What says the Defense?

24 MR. WISE: Swear the juror.

25 (Whereupon, Juror takes a seat in the jury box)

1 THE CLERK: Juror number 211, Terri Roberson. What
2 says the State?

3 MR. STUMBO: Please present Ms. Roberson?

4 THE CLERK: What says the Defense?

5 MR. WISE: Excuse the juror from this trial.

6 THE CLERK: Juror number 207, Earl Richard. What says
7 the State?

8 MR. STUMBO: Please present Mr. Richard.

9 THE CLERK: What says the Defense?

10 MR. STUMBO: Swear the juror.

11 (Whereupon, Juror takes a seat in the jury box)

12 THE CLERK: Juror number 56, Twila I. Creech. What
13 says the State?

14 MR. STUMBO: Please present Ms. Creech.

15 THE CLERK: What says the Defense?

16 MR. WISE: Your Honor, may we approach?

17 (Whereupon, a side bar was held.)

18 MR. STUMBO: Judge, I don't know if I said it, but
19 please present this person from our side.

20 THE COURT: Yes.

21 MR. STUMBO: I couldn't remember whether I responded.

22 MR. WISE: Excuse the juror from this trial.

23 THE CLERK: Juror 183, Rhonda G. Patterson. What says
24 the State?

25 MR. STUMBO: Please present Ms. Patterson.

1 THE CLERK: What says the Defense?

2 MR. WISE: Excuse the juror from this trial.

3 THE CLERK: Juror number 212, Jody L. Robinson. What
4 says the State?

5 MR. STUMBO: Please present Mr. Robinson.

6 THE CLERK: What says the Defense?

7 MR. WISE: Swear the juror.

8 (Whereupon, Juror takes a seat in the jury box)

9 THE CLERK: Juror number 44, Willie C. Campbell. What
10 says the State?

11 MR. STUMBO: Please present Mr. Campbell.

12 THE CLERK: What says the Defense?

13 MR. WISE: Swear the juror.

14 THE CLERK: Juror number 157, Edith R. Martin. What
15 says the State?

16 MR. STUMBO: Please present Ms. Martin.

17 THE CLERK: What says the Defense?

18 MR. WISE: Swear the juror.

19 (Whereupon, Juror takes a seat in the jury box)

20 THE CLERK: Juror 12, Tina D. Honeycutt. What says the
21 State?

22 MR. STUMBO: Please present Ms. Honeycutt.

23 THE CLERK: What says the Defense?

24 MR. WISE: Swear the juror.

25 (Whereupon, Juror takes a seat in the jury box)

1 THE CLERK: Juror 157, Linda G. Morgan. What says the
2 State?

3 MR. STUMBO: Please excuse Ms. Morgan from the trial of
4 this case.

5 THE CLERK: Juror number 257, Barbara B. Tompkins.
6 What says the State?

7 MR. STUMBO: Beg the Court's indulgence.

8 THE COURT: Yes, sir.

9 MR. STUMBO: Please present Ms. Tompkins.

10 THE CLERK: What says the Defense?

11 MR. WISE: Swear the juror.

12 (Whereupon, Juror takes a seat in the jury box)

13 THE CLERK: Juror number 285, Tommy L. Williams. What
14 says the State?

15 MR. STUMBO: Please present Mr. Williams.

16 THE CLERK: What says the Defense?

17 MR. WISE: Swear the juror.

18 (Whereupon, Juror takes a seat in the jury box)

19 THE CLERK: Juror number 119, Jay D. Ivey. What says
20 the State?

21 MR. STUMBO: Beg the Court's indulgence. Please excuse
22 Mr. Ivey from the trial of this case.

23 THE CLERK: Juror number 274, Linda W. Weathers. What
24 says the State?

25 MR. STUMBO: Please present Ms. Weathers.

1 THE CLERK: What says the Defense?

2 MR. WISE: Excuse the juror from this trial.

3 THE CLERK: Juror number 124, Alvin Johnson. What says
4 the State?

5 MR. STUMBO: Beg the Court's indulgence. Please excuse
6 Mr. Johnson from the trial of this case.

7 THE CLERK: Juror number 136, Gwendolyn L. Kinard.

8 What says the State?

9 MR. STUMBO: Beg the Court's indulgence. Please excuse
10 Ms. Kinard from the trial of this case.

11 THE CLERK: Juror number 181, Joseph L. Parsons. The
12 State challenge for cause?

13 MR. STUMBO: Please present Mr. Parsons.

14 THE CLERK: What says the Defense?

15 MR. WISE: Swear the juror.

16 (Whereupon, Juror takes a seat in the jury box)

17 THE CLERK: Juror number 50, Holly a. Coleman. Does
18 the State challenge for cause?

19 MR. STUMBO: Please present Ms. Coleman.

20 THE CLERK: What says the Defense?

21 MR. WISE: Swear the juror.

22 (Whereupon, Juror takes a seat in the jury box)

23 THE CLERK: Juror number 28, Kelli M. Bolt. Would the
24 State challenge for cause?

25 MR. STUMBO: Please present Ms. Bolt.

1 THE CLERK: What says the Defense?

2 MR. WISE: Excuse the juror from this trial.

3 THE CLERK: Juror number 280, Beneshia B. Wesley. Does
4 the State challenge for cause?

5 MR. STUMBO: Please present Ms. Wesley.

6 THE CLERK: What says the Defense?

7 MR. WISE: Swear the juror.

8 (Whereupon, Juror takes a seat in the jury box)

9 THE COURT: Let me see the attorneys up here real
10 quick.

11 (Whereupon, a side bar was held)

12 THE COURT: We're going to call three alternates.

13 THE CLERK: Juror number 115, Dustin A. Hughes. What
14 say the State?

15 MR. STUMBO: Please present Mr. Hughes.

16 THE CLERK: What says the Defense?

17 MR. WISE: Swear the juror.

18 (Whereupon, Juror takes a seat in the jury box)

19 THE CLERK: Juror number 172, Karen W. Nixon. What say
20 the State?

21 MR. STUMBO: Please present Ms. Nixon..

22 THE CLERK: What says the Defense?

23 MR. WISE: Swear the juror.

24 (Whereupon, Juror takes a seat in the jury box)

25 THE CLERK: Juror number 74, Anna E. Evans. What says

1 the State?

2 MR. STUMBO: Please present Ms. Evans.

3 THE CLERK: What says the Defense?

4 MR. WISE: Swear the juror.

5 (Whereupon, Juror takes a seat in the jury box)

6 THE COURT: Madame Clerk, please call out the names of
7 the jurors.

8 THE CLERK: Juror number 98, Doris E. Hammond. Juror
9 number 63, Randy G. Dearman. Juror number 207, Earl
10 Richard. Juror number 212, Jody L. Robinson. Juror number
11 44, Willie C. Campbell. Juror number 157, Edith R. Martin.
12 Juror number 112, Tina C. Honeycutt. Juror number 257,
13 Barbara B. Tompkins. Juror number 285, Tommy L. Williams.
14 Juror number 181, Joseph L. Parsons. Juror number 50, Holly
15 A. Coleman. Juror number 280, Beneshia B. Wesley. Juror
16 number 115, Dustin A. Hughes. Juror number 172, Karen W.
17 Nixon, and juror number 74, Anna E. Evans.

18 THE COURT: Thank you. Ladies and gentlemen, you all
19 have been selected as the jury for this trial. What I'm
20 going to do is I'm going to send you back to the jury room
21 for just a few moments while I pick up some matters with the
22 attorneys. If you can while you're back there, if you could
23 please decide amongst yourselves who you want to be the
24 foreperson of the jury. It can be any of the 12 primary
25 jurors, but it cannot be the three alternates. Okay? So

1 it'll just be a few minutes and then I'll bring you back.

2 Thank you, ladies and gentlemen. Please do not discuss
3 anything about the case while you're back there.

4 (Whereupon, the jury exited the courtroom at 4:50 p.m.)

5 THE COURT: Are there any objections to the jury that
6 have been selected for this trial or the manner in which
7 they've been selected from the State?

8 MR. STUMBO: No motions from the State, Your Honor.

9 THE COURT: Mr. Wise?

10 MR. WISE: None from the Defense, Your Honor.

11 THE COURT: All right. Thank you. Then they will be
12 our jury. Ladies and gentlemen, those of you who were not
13 selected, what I'm going to ask that you do is that you call
14 back each night after 6:00 p.m. for further instructions.
15 You won't need to call back tonight. But tomorrow night if
16 you can call back after 6:00. You all gave them a card?
17 They have the number?

18 THE CLERK: Yes, sir.

19 THE COURT: There will be a message on the machine.
20 That message applies to each of you. So if it doesn't say
21 your name, it still applies. So ladies and gentlemen, have
22 a nice evening, and please do call back tomorrow evening
23 after 6:00. Thank you.

24 (Whereupon, remaining jury pool released at 4:51 p.m.)

25 THE COURT: Is there anything we need to take up before

1 I bring the jury back out here and dismiss them for the
2 evening?

3 MR. STUMBO: Nothing that I can think of at this time,
4 Your Honor.

5 MR. WISE: Just to place, I think, a few matters on the
6 record. And this might have gotten on at the side bar. I'm
7 not sure. You have previously told us you would not
8 question 9, 10 and 11.

9 THE COURT: That's correct.

10 MR. WISE: And we renewed that before you -- that
11 defense before you struck the jurors. And we did move to
12 strike number 56 for cause because she had not disclosed
13 liking the EA Asbill memorial page and the Laurens County
14 Sheriff's Office page.

15 THE COURT: Your objection is noted. Anything further?
16 All right. Let's bring our jury back in. I will dismiss
17 them and then we will start at 9:30 tomorrow morning.

18 (Whereupon, jury entered the courtroom at 4:56 p.m.)

19 THE COURT: Ms. Hammond is our -- whose our foreperson?
20 Thank you, Ms. Hammond for taking on the responsibility.
21 Thank you ladies and gentlemen for participating as jurors
22 in this case.

23 This case is not going to start until tomorrow morning.
24 We wouldn't dare start a case at 5:00 in the afternoon. So
25 I'm going to send you home with some instructions, and I

1 expect you to follow my instructions. Please, and this is
2 court ordered, do not go on any social media. Do not read
3 any newspapers. If you're watching a regular news story and
4 something pops on about this case you are to turn it off or
5 go to another room.

6 The whole idea is that all the evidence that you're
7 going to need here to make a decision in this case will come
8 from within the four walls of this courtroom, and it's very
9 important that you not be influenced by any outside forces.
10 So I'm strictly prohibiting you from going onto any social
11 media or anything like that. That doesn't mean you can't
12 use your cell phones or your computers, but you're to do no
13 independent research or go out and try to find out anything
14 about this case. All right?

15 Now, ladies and gentlemen, it's going to be -- we've
16 got a long way. We've got a lot of testimony to take in, as
17 you saw by the witnesses. We've got a lot of information to
18 give to you. So I ask that you go home and get a good
19 nights rest. Be here just a little bit before 9:30 tomorrow
20 morning so we can start on time. That way we'll be able to
21 finish at a reasonable time each evening to get you back
22 with your families.

23 Ladies and gentlemen, have a nice evening and we'll see
24 you tomorrow morning a little bit before 9:30. Thank you.
25 And let me also add, please when you go back and see

1 somebody, don't tell them you've got jury duty. And one of
2 the reasons you don't want to do that is -- I'm not saying
3 it's a secret or anything like that. The first thing you do
4 when you tell somebody that I'm on this particular jury they
5 are going to want to tell you about the time they were
6 jurors. Well again, like I said, you don't need to hear
7 that. So try to keep yourself excluded from any other
8 community interest or any ideas that may be floating around.
9 Like I said, we want you to be focused on this trial and
10 take in information only here.

11 Thank you, ladies and gentlemen. Have a nice evening.

12 (Whereupon, the jury was released for the day.)

13 THE COURT: If there's nothing else, court is adjourned
14 until 9:30 tomorrow morning.

15 MR. STUMBO: Your Honor, just one request, and this is
16 not a personal thing or anything specific to this case.
17 This is what I do every time.

18 THE COURT: All right.

19 MR. STUMBO: It's our view once the jury is in panel we
20 always request to the Court -- it's our view the bond has
21 ended at this point until it's reinstated after the trial is
22 over through mistrial or some sort of thing. Out of
23 abundance of caution we always request that the Defendant be
24 remanded into the custody of the Sheriff's Office during the
25 trial. And so, we would just -

1 THE COURT: Mr. Wise?

2 MR. WISE: Your Honor, he is on bond. His parents put
3 his house up on bond. He has complied with all the
4 conditions of the bond since he's been out on bond. And I
5 guess the real deciding factor is he's still on an ankle
6 monitor which was a condition of his bond.

7 THE COURT: In any case of this magnitude I have always
8 revoked the bond at the beginning of the trial. Nothing
9 personal against your client, but every case I have always
10 had under this level of a charge I always revoke the bond.
11 So his bond is revoked.

12 MR. STUMBO: Thank you, Your Honor.

13 THE COURT: Court is recessed until 9:30 tomorrow
14 morning.

15 TRIAL DAY 2-01/27/2015

16 THE COURT: Is there anything we need to bring up
17 before we bring the jury in?

18 MR. SCOTT: Nothing from the State, Your Honor.

19 MR. STUMBO: Nothing from the State.

20 THE COURT: All right. Bring our jury in.

21 (Whereupon, the jury entered the courtroom at 9:33
22 a.m.)

23 THE COURT: Good morning, ladies and gentlemen. I hope
24 you got a good nights rest. You can sit anywhere you want
25 to. I found that throughout the state of South Carolina

1 after about a day the jurors start to get very territorial
2 on their seats, but you can sit anywhere you want to.
3 Again, please excuse me for today as I cough and wheeze. I
4 had a cold jump on me last night, so just try to bear with
5 me.

6 Now, would you please swear the jury.

7 (Whereupon, the jury was duly sworn)

8 THE COURT: Thank you again, ladies and gentlemen.
9 Ladies and gentlemen and Madam Forelady, before we begin
10 this trial I want to tell you that this trial might be
11 different from what you might expect. Most people never
12 have an opportunity to attend and participate in an actual
13 trial as you are today and may think from watching TV,
14 movies, or reading in books that trials are always full of
15 high drama and riveting circumstances. While all these
16 things might be true at times, I just want to keep reminding
17 you this trial is not for entertainment. This is a real
18 trial, which is a fundamental part of our democracy, and it
19 is a search for the truth in an effort to make sure that
20 justice is done. In searching for the truth and ensuring
21 that justice is done is often slow, deliberate, repetitive.
22 The exact opposite of what you've seen on TV and movies or
23 read in books.

24 Now, ladies and gentlemen, this courtroom is a place of
25 honor that is dedicated to the protection and the

1 preservation of our citizens through what has been called,
2 and I truly believe in my heart to be the greatest justice
3 system ever created by mankind. The attorneys who are
4 appearing before you are advocates -- strong advocates for
5 the parties that they represent. But first and foremost,
6 ladies and gentlemen, they are officers of this court who
7 are sworn to uphold the integrity and the fairness of our
8 judicial system and to help you as jurors in your search for
9 the truth. Ladies and gentlemen, you should expect them to
10 be professional, competent and ethical in the representation
11 of their clients' interests. But remember, ladies and
12 gentlemen, you also just took an oath to listen to the
13 evidence in this case and reach a fair and just verdict and
14 you are expected to be professional, reasonable and ethical
15 as well. And again, thank you for accepting this very
16 important responsibility of jury duty.

17 Ladies and gentlemen, what I'm going to tell you now is
18 just intended to serve as an introduction to the trial of
19 this case. These remarks are not a charge on the law of
20 this case. I will charge you the law that is applicable to
21 this and this case only at the end of the trial. This is
22 merely an explanation so you may better understand what may
23 be happening. Ladies and gentlemen, let me say up front
24 that during this trial you will not be allowed to take
25 notes. Therefore, it's very important that you listen

1 closely throughout this trial.

2 Now, ladies and gentlemen, the Defendant is charged by
3 indictment filed in this court with the charge of murder.
4 The specific elements of this charge will be explained to
5 you later. But I'm going to remind you again that the
6 indictment charging the Defendant is simply the document by
7 which this case is brought into court and is not in any
8 sense evidence of any of the allegations contained therein.
9 The Defendant has pled not guilty to the charge of the
10 indictment, so the State therefore has the burden of proving
11 all the elements of the charge beyond a reasonable doubt.
12 And ladies and gentlemen, it will be your duty to decide
13 whether the State has met that burden.

14 Now, ladies and gentlemen, your purpose is to determine
15 the facts of this case. You are to determine the facts from
16 the testimony that you hear from the witness stand and any
17 other evidence that is introduced to you here in court. It
18 will be up to you to determine the inference which you
19 believe may be properly drawn from the evidence that is
20 presented.

21 Ladies and gentlemen, it is especially important that
22 you perform your duty diligently and conscientiously,
23 because ordinarily there is no way to correct an erroneous
24 determination of fact by a jury. On the other hand, on
25 equal emphasis, the same law that makes you the judges of

1 the facts makes me the judge of the law. And the law as
2 given to you by me is the only law that you may consider.
3 You must accept the law as I give it to you and follow it,
4 even though you might disagree with it. And I'll make an
5 agreement with you. I will not tell you what the facts are
6 and you cannot disagree with me about what the law is or
7 what you think the law ought to be. Your job is to take the
8 law as I give it to you, apply it to the facts as you the
9 jurors find them from the testimony from a witness from the
10 witness stand or any other evidence, and after hearing that
11 evidence you will deliberate and render a true and just
12 verdict under the solemn oath that you just took as jurors.

13 Now, ladies and gentlemen, until I advise you to begin
14 your deliberations at the conclusion of this case, you must
15 not discuss this case with others including your fellow
16 jurors. You may not use a computer, a cellular phone or
17 other electronic device with communications capabilities
18 while in attendance at the trial or during your
19 deliberations. Now, of course, these devices may be used
20 when we break for lunch or when you go home for the evening.
21 But even then they cannot be used to obtain or disclose any
22 information about this case when you're not in court. And
23 information about the case would include but certainly would
24 not be limited to any information about a party, a witness,
25 an attorney or court officer. Any news accounts about this

1 case. Any information collected through juror research or
2 any topics raised or testimony offered by any witness or any
3 information collected through juror research on any topic
4 that you think might be helpful in deciding this case.

5 Ladies and gentlemen, after the case is submitted to
6 you, you must discuss it only in the jury room with your
7 fellow jurors. Now, I'm admonishing everyone, the parties
8 and the attorneys, that they are advised that they are not
9 to talk to you at all. So if you see somebody involved in
10 this small courthouse square you have here and they don't
11 even say hello, well, they're not being unfriendly. They're
12 just following my instructions.

13 Now, ladies and gentlemen, it's very important that you
14 keep an open mind throughout this trial and not decide any
15 issue until all of the evidence has been presented, the
16 attorneys have made their closing arguments and I have
17 instructed you on the law applicable to this case. And
18 ladies and gentlemen, it is your solemn responsibility to
19 determine the guilt or the innocence of the Defendant and
20 your verdict must be based solely on the evidence that is
21 presented during this trial and on the law as I give it and
22 instruct it to you at the closing of the trial.

23 Now, ladies and gentlemen, in just a moment the
24 Solicitor will make what is called an opening statement
25 where he will explain to you what he believes the issues are

1 in this case. The attorneys for the Defendant may also make
2 an opening statement, although they are not required to do
3 so. I'll remind you, what the attorneys tell you during
4 their opening statement is not evidence in this case. It's
5 only their contention as to what they believe the issues are
6 and what the evidence will show in this case.

7 Now, ladies and gentlemen, from time to time and during
8 this trial you may hear one of the lawyers say something
9 like, "Your Honor, I believe we have a question on a matter
10 of law to discuss with you," or "Your Honor, maybe we
11 approach the bench," or sometimes I might find it necessary
12 to excuse you from the courtroom for a short period of time
13 while the attorneys and I discuss a matter of law. And the
14 reason for this is because, as I said, you are the judges of
15 the facts, and sometimes when I'm discussing a matter of law
16 with the attorneys it may be necessary for me to make some
17 comment on the facts in connection with a ruling as to
18 whether a particular law applies. And as I said, I'm not
19 supposed to tell you what the facts are, so I will excuse
20 you from the courtroom while these discussions take place so
21 that you will in no way be influenced by anything that I
22 might say or do in connection with the facts.

23 Also, ladies and gentlemen, during the trial you may
24 hear one of the attorneys make an objection to certain
25 evidence which is about to be presented. Now, whether I

1 sustain, which would be to grant the objection, or overrule,
2 which would be to deny the objection, should not be
3 construed that I favor one side over the other. I do not.
4 Nor should you infer that the objecting party is trying to
5 hide something from you. Ladies and gentlemen, in this
6 court, as in all situations in life, there are specific
7 rules that must be followed and the attorneys, as officers
8 of this court, are merely trying to follow the rules of
9 evidence in making their objections and I am only ruling
10 based upon what I believe the law of the state of South
11 Carolina to be concerning the evidence that is about to be
12 presented.

13 Now, ladies and gentlemen, in determining what the true
14 facts are in this case, you must decide whether or not the
15 testimony of a witness is believable. And it will be my
16 responsibility as the presiding judge to rule as a matter of
17 law as to whether certain testimony is admissible. But once
18 the testimony is admitted, whether or not you decide to
19 believe it is totally up to you to determine. And in
20 deciding whether to believe a witness you have a right to
21 consider the interest of any witness, the bias of any
22 witness, the prejudice of any witness, the opportunity for
23 the witness to actually observe the matters and things about
24 which the witness might testify, and the way the witness
25 acts on the witness stand. Ladies and gentlemen, you have a

1 right to consider anything that is in the record that will
2 help you evaluate the testimony of the witnesses. That
3 means that it's your duty to pay close attention to the
4 witnesses, to observe the witnesses and to listen to the
5 witnesses, and to pay close attention to the attorneys and
6 to the court. Ladies and gentlemen, please do not let your
7 thoughts wonder but give strict attention to the testimony
8 in this case so that at the end of all the testimony, after
9 the argument of counsel and the charge on the law by me, you
10 will then be in a position to determine what the true facts
11 are and apply those facts to the law and thus surrender a
12 true and just verdict.

13 Now, Madam Forelady, it will also be your
14 responsibility to preside in the jury room and be the jury
15 spokesman here in court. It will also be your
16 responsibility to write the verdict on the verdict form that
17 we'll provide you with. I'll give you full instructions on
18 that at the appropriate time. In order to preserve
19 everyone's rights I'll give everyone opportunity to object.
20 I'll give each side an opportunity to object to anything
21 that I've stated to the jury.

22 Does the State have any objection to anything I've
23 stated to the jury?

24 MR. STUMBO: No objection from the State.

25 THE COURT: Does the Defense have any objection?

1 MR. WISE: May we approach?

2 THE COURT: You may.

3 (Whereupon, a side bar was held)

4 THE COURT: Any other objection?

5 MR. STUMBO: None from the State.

6 MR. WISE: None from the Defense.

7 THE COURT: Thank you. We will now begin the trial.

8 MR. STUMBO: Your Honor, Deputy Solicitor Scott will
9 deliver the opening statement for the State.

10 THE COURT: All right.

11 MR. SCOTT: Thank you, Your Honor. May it please the
12 court.

13 THE COURT: Yes, sir.

14 OPENING STATEMENT

15 BY MR. SCOTT: Good morning. I want to tell you about
16 a girl. A friend, a granddaughter, a niece, a daughter, a
17 sister. She was an animal lover. The kind of little girl
18 that was always bringing home the stray dog. As she grew
19 older she would volunteer at animal shelters. One of her
20 favorite local ones was a rescue group that would try to
21 rescue and rehabilitate hound dogs. She was a self-taught
22 musician. Got a guitar for Christmas when she was in the
23 fifth grade, picked it up and went from there. And she was
24 known from then on to sing and play guitar. Taught herself
25 how to play. I believe she took three or four lessons, but

1 mainly was self-taught. The kind of girl that people would
2 describe has having one of those infectious laughs. Could
3 light up a room. Never a dull moment with this girl. I'm
4 told she never met a stranger. A daddy's girl. Loved
5 fishing with her father. Loved to travel, but was also a
6 hometown girl who had deep roots in our community. Most
7 Sundays she could be found at her Mimi's house after church
8 having Sunday dinner. She grew up in Clinton like her
9 parents and grandparents did. She spent her formative years
10 there. Went to school there. Graduated from there. When
11 she was 19 years old she died there. She was a pretty
12 brunette. A natural beauty. What happened to the natural
13 beauty and how did she come to die so young in this place
14 she'd grown up in?

15 June 29th, 2013 was a Friday. There was a group of
16 childhood friends who had decided to get together and have
17 what they would call a celebration of life party. Now, the
18 way I understand, this was sort of a wake of sorts, or
19 really a memorial get together. They were going to have
20 some drinks, grill out, and remember a classmate of theirs
21 who had died too young. I understand that most of these
22 people who were going to get together were from Thornwell.
23 They had all attended school there. So had the friend that
24 had passed away. The party was to take place at Kyle and
25 Rose Stewart's home. Michael Beaty had planned to attend.

OPENING STATEMENTS

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1 Now, at the time, June 29th, Michael Beaty was a week or so
2 shy of his 30th birthday. He, too, was from Clinton. He
3 had gone to Thornwell. Grew up in Clinton, as I said.
4 Still listed his home, his parents' home, as his permanent
5 address, 502 Calvert Avenue. At the time he was dating the
6 much younger brunette that we spoke of. That girl's name
7 was Emily-Anna Asbill. But nobody knew her as that. She
8 was EA to everybody. Mr. Beaty had decided that he was
9 going to attend the party and he was going to take the much
10 younger EA with him. He drove a white Buick that belonged
11 to EA, and she rode with him, went to the store to pick up
12 alcohol and they proceeded to Kyle and Rose Stewart's home
13 to attend this party. Once he got there he began speaking
14 with everyone. One of the first people they would have seen
15 would have been Will Alexander. This was a childhood friend
16 of Michael Beaty's. A close friend of his. And by all
17 accounts the most intoxicated person there. That was one of
18 the first things they noticed, how drunk William Alexander
19 was. He would have been one of the only people there who
20 knew EA and knew who she was. Most other people were
21 meeting her for the first time. So as Michael Beaty went
22 amongst the crowd and greeted some of his old friends he
23 left EA to mingle with some of the other folks that she was
24 just meeting for the first time. We know that she left with
25 some of the females and went to the store to pick up

1 cigarettes and other items that they were getting from the
2 local convenience store.

3 At some point Mr. Beaty became uncomfortable with how
4 EA -- or how he perceived her to be acting with Will
5 Alexander. He would explain that he felt she was giving him
6 too much attention, and this led to some sort of argument
7 which ultimately led to them leaving the party sometime
8 around 9:30 to 10:00 p.m. that night. It must have been
9 awkward whenever Will Alexander asked them for a ride. But
10 he was too drunk to drive, and Mr. Beaty agreed to give him
11 a ride. Partygoers would watch as Will Alexander got in the
12 driver's seat of that white Buick. Will Alexander sprawled
13 drunkenly across the backseat, and EA Asbill got into that
14 front passenger seat of the car. This was the last time
15 anybody other than Michael Beaty or Will Alexander would
16 ever see EA Asbill alive. Around 11:13 p.m. that night
17 there's a 911 call that originated from that 502 Calvert
18 Avenue address that I talked about. The home that Michael
19 Beaty lists as his permanent address. The home that his
20 parents still live in. The 911 call was placed by his step-
21 father, Henry Simmons. Mr. Simmons informs dispatch that
22 Michael -- that there was an unresponsive female in his
23 front yard, in the passenger seat of that white Buick we
24 talked about. Simmons talks about Will Alexander and
25 Michael Beaty showing up to his door, ringing the doorbell

1 and telling him EA's out there. She's either hurt or she's
2 dead. He rushes out there. He's going to help. He's going
3 to find out what happened and help as best as he can. It's
4 too late at that time. EA is slumped in the floor of the
5 car. Mr. Simmons searches frantically for a pulse. There
6 is none.

7 EMS and the fire department are the first to get there.
8 She's unresponsive. They can't find a pulse. They note the
9 suspicious positioning of her body. And what I'm describing
10 is her knees are jammed down the floorboard and her head is
11 laid back on the seat in that passenger position in the
12 Buick. The other thing they note is severe road rash on her
13 arms. Are you guys familiar with that term? It's really
14 just the scraping of the skin. You see it with people who
15 are in motorcycle accidents or anybody who hits the
16 pavement. Slides across it, leading to the skin being
17 scraped off. But there's a severe road rash on her arms.
18 This wasn't there when she left that party.

19 Officers with the Clinton Department of Public Safety
20 get there. Tyrone Goggins gets there. Tyrone Goggins sees
21 Michael Beaty walking around without a shirt. He's got
22 blood on his chest, on his stomach, on his arms. Tyrone
23 says, "What happens here? What happened? Somebody tell me
24 what happened." First thing Beaty says, "She's a cutter.
25 She's been known to cut herself." This is the first

1 statement he gives in an evolving storyline that he will
2 change over the next 17 hours. This is his first
3 explanation at the scene. "She's a cutter. I don't know
4 what happened, but she's a cutter. We left the party, came
5 here. And once I got here I noticed she's unresponsive. I
6 have no idea what happened. But she's a cutter. She's known
7 to have cut herself in the past."

8 He agrees to go back to the police department and speak
9 with Tyrone and some of the other officers there. Crystal
10 Roberts was another one. They interviewed her -- or him.
11 And she was actually the first to speak with him at the
12 police department. She recorded his first statement. That
13 was 12:50 a.m. Again, he's sticking to that story that the
14 whole ride from the Stewart's home to Calvert Avenue was
15 uneventful. They spoke during the ride. There was nothing
16 out of the ordinary. It was only when they arrived at the
17 Calvert Avenue address that Michael Beaty talks about
18 nudging EA and she didn't respond but tilted over.
19 Describes running to the passenger side of the vehicle,
20 opening the door and her arm falls out and he notices the
21 blood. This time he starts talking about shards of glass
22 being near her unresponsive body. And I want you to
23 remember that. 3:30 a.m. SLED had arrived in Clinton, and
24 at that time Michael Collins and Harvey Owens, two special
25 agents with SLED, sat down to interview Mr. Beaty. He says

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1 Will was hammered at the party. He says they left around
2 10:00 and drove straight to Calvert Avenue. He said EA was
3 in good spirits and uninjured when they left. He says
4 nothing dramatic happened on the ride. He says the ride was
5 only about 10 minutes. He tells interviewers that once they
6 got to Calvert he saw EA and she was limp. Again talks
7 about rushing to the passenger side, opened the door and
8 then her arm falls out, and that's the first time he notices
9 the blood on her arm.

10 7:29 a.m. he gives his first written statement. He
11 gives this to Crystal Roberts. At this point he's still
12 telling officers that he noticed nothing on the ride to
13 Calvert. Only realized that EA was unconscious upon
14 arriving at the home at Calvert Avenue. He goes home
15 directly after this statement. So now it's the next
16 morning. It's approximately 7:50 a.m. and he goes home. At
17 some point officers asked him would you come back to the
18 station. He's not under arrest at this point, and he
19 voluntarily agrees he'll come back. So his step-father,
20 Henry Simmons, brings him back around 10:20 a.m. that next
21 morning. We're at June 30th at this point. He gets back to
22 the scene. Speaks with Crystal Roberts and Michael Collins.
23 Now, Crystal is with Clinton Public Safety and Michael
24 Collins is with SLED. Again tells the story of an ordinary
25 car ride. He says EA never attempted to jump from the car.

1 They did not have an accident. And neither he nor William
2 Alexander harmed her. I want you to remember this
3 statement. This time he's informed by Michael Collins and
4 Crystal Roberts that the autopsy was back. EA had been
5 strangled to death. So after this statement he was told
6 that. Two hours after this SLED Agent Jeff Kindley sits
7 down with Michael Beaty and takes a written statement from
8 him. I want you to listen to his version of the story now.
9 He now describes an argument where EA threatened to jump out
10 of the car to punish Michael Beaty for arguing her. He says
11 the argument stemmed from Beaty feeling, in his words,
12 disrespected by EA. And he feels disrespected by EA because
13 she's not paying him enough attention at this party. She's
14 talking to Will Alexander. She's not respecting him.
15 Paying the attention she needs to be paying him. So he says
16 in order to punish him for arguing with her about that she
17 decides to open the door of the moving car and jump out.
18 And this is the first time we're hearing about this. Okay?
19 About 12 hours after the scene at Calvert Avenue. He is now
20 describing that she's hanging out that passenger door. He
21 is heroically reaching over grabbing the back of her shirt
22 to hold her in the car. To keep her from falling out of the
23 car. I want you to remember the timing of that statement.
24 He gives a final statement after this to Rick Charles
25 who is another agent with SLED, and he hand writes out this

1 statement on legal pad and it's about a three page
2 statement, and it's sort of a new take on that last version.
3 Again, Will Alexander is extremely intoxicated when they
4 arrive at the home of Rose and Kyle Stewart. Describes EA
5 drinking and hanging out with other females at the party.
6 He describes -- the words he uses is being uncomfortable
7 with the attention EA was showing Will Alexander. Now he
8 says they leave there around 9:00. The previous statement
9 is he left about 10:00. He says he decided to go to Calvert
10 instead of Will's home when he realized he was too drunk to
11 drive all the way out to the lake. Calvert Avenue would
12 have been closer from the Stewarts' home. He now recalls he
13 and EA saying hurtful things to one another. And this
14 argument made EA decide to jump from the moving vehicle. He
15 again talks about grabbing her shirt to keep her from
16 leaping out. Says that he only realized that EA was
17 unconscious upon arriving at Calvert Avenue. He says he
18 rushed to the passenger side and noticed the blood on her
19 arm.

20 Crystal Roberts had told Michael Beaty EA's autopsy did
21 show she had been strangled to death. That was the cause of
22 death, and it wasn't the arm. She had, by the pathologist's
23 examination, had been strangled to death. Based on this,
24 SLED conducted a search of the Buick and took out a number
25 of cords. Things that they felt could be potential items

1 used in the murder of EA Asbill. There was on USB cord in
2 particular that had some extremely compelling physical
3 characteristics. It had some very noteworthy DNA results
4 associated with it. And this cord was confiscated. And as
5 a result of all this Michael Beaty was charged with the
6 murder of EA Asbill.

7 None of us were there that night. We didn't see what
8 happened. We don't have video of what happened. In a case
9 like this what we -- what we do is we rely on what's called
10 circumstantial evidence. Anybody who watches any TV has
11 probably heard the term. But what is circumstantial
12 evidence really? Circumstantial evidence is what we use
13 every day. It's -- you can kind of figure out how things
14 came to be by drawing certain inferences. It's evidence not
15 based on personal knowledge. It's things that if you see a
16 result and you didn't actually see the thing occur you can
17 kind of figure out how it happened. If you come in here
18 today and you're going through -- you're approaching the
19 intersection and you see two cars kind of T-bone together.
20 There had been a wreck. You automatically can infer
21 somebody ran a red light. You know, if you get up in the
22 morning and you walk out to your car and there's frost on
23 your windshield, you can, "Well, man, it must have gotten
24 pretty cold last night." You didn't have to go out in the
25 middle of the night and feel that cold air. You see the

1 physical evidence right there on the windshield. There's an
2 example. I don't know why this occurred to me last night
3 when I was thinking about explaining circumstantial evidence
4 to you guys. But I spend a lot of time in this courtroom.
5 As you can see, there's no windows here. Certain times of
6 the year I may show up here and it's dark outside, and if I
7 don't take a lunch break, sometimes when I leave at night
8 it's dark and I don't get to see the sun that day. And I
9 don't say that to make you feel sorry for me, but only by
10 means of an example. Let's suppose we have a jury, like you
11 guys did yesterday, that are scheduled to be here at 10:00
12 a.m. Now, when I get to work the sky is pretty clear
13 outside. I come in here and they shut the doors and, of
14 course, there's no windows. The first juror comes in and
15 has got a top hat on and it looks like there's some water
16 drops on it, and I may take note of that. And then the
17 second one comes in and he's got a raincoat on, and he takes
18 it off and it, too, has water droplets on it. And
19 immediately following him I see another juror come in, fold
20 his umbrella up and shake it off, and I also take note that
21 his boots are wet. Wouldn't it probably be a safe inference
22 for me to go ahead and conclude that -- now, I didn't see it
23 rain. It was clear when I came in. But it's obviously
24 raining outside right now. That would be an inference based
25 on circumstantial evidence. I didn't have to personally see

1 it rain. I know from these clues and common sense that it's
2 raining outside. And commonsense is going to be another
3 thing for you guys. I know in this setting, and I guess we
4 talk about the majesty of the judicial system, and you see
5 the judge up there in the black robe and we understand the
6 gravity of our decisions we're going to have to make this
7 week and while we're here. We understand the charges. And
8 we tend to be probably hyper analytical, which is okay. I'm
9 not -- trust me, I'm not asking you to gloss over any of the
10 evidence you see. You are to fully analyze it. But just
11 because we're in this courtroom -- you didn't see a sign out
12 there that said check your common sense at the door. I want
13 you to constantly, whenever you're given a -- I guess a
14 version of a story, or you're given some evidence, use your
15 commonsense and ask yourself what is this evidence telling
16 me. What conclusion makes the most sense. Because, you
17 know, if I look at those jurors and I say, "It's raining out
18 there. I hope I rolled my windows up." But then another
19 lawyer in here says something like, "Oh, no. It's not
20 raining. There's a guy up on the roof right above where the
21 entrance is and he's spraying people down with a water hose.
22 It's the craziest thing." Well, I'd sit there and say,
23 "That doesn't really make any sense." First of all, why
24 would anybody be doing that at the courthouse. How would
25 they have known to bring their top hats with them and their

1 raincoats and their umbrellas. That doesn't really make a
2 lot of sense, and my common sense tells me that my initial
3 gut feeling that it was raining is probably the correct
4 conclusion.

5 There's a theory called Occam's razor. When given
6 competing hypothesis, usually the one that you need to
7 choose is the one that causes you to make the fewest
8 assumptions. Occam was a philosopher, theologian, but his
9 principal in every day life is kind of stated as usually the
10 simplest answer is the correct one. This week in court
11 Occam's razor translated for you guys is going to be the
12 answer that causes you to jump to the fewest conclusions.
13 The one that makes any sense is going to be the one you need
14 to go with.

15 We were introduced earlier, but my name is Dale Scott.
16 I'm a Deputy Solicitor here in this circuit. I work for
17 your elected Solicitor, David Stumbo. And we're
18 prosecutors. That's all a solicitor is. In other states
19 they call them district attorneys. Our job, the way I see
20 it, is to seek justice. Is to present the evidence from
21 this case to you in a fair understandable manner, and we
22 have to do this by and through a standard known as beyond a
23 reasonable doubt. Every prosecutor in this nation, from
24 here all the way out to California, that is the standard
25 they have to abide by. It simply means this. As you know,

1 Michael Beaty is charged with murder. As you know, that's
2 what he's on trial for. What we need to do is put our
3 witnesses up here and elicit testimony from them to you guys
4 regarding what happened. And we need to introduce physical
5 evidence through them and for them to explain to you all
6 what it all means. And we need to do this, and I hate to
7 tell you all this now, in a fairly tedious manner, because
8 there is a lot of evidence and it has to come in piece by
9 piece and we have to follow certain courtroom procedures to
10 get it in. But after all this comes in, as you know, you're
11 going to go back to that room back there and you're going to
12 deliberate and you're going to talk about everything you
13 heard and everything you saw. And from our standpoint we
14 have to firmly convince you that all this stuff you heard,
15 and all this stuff you're looking at back there, leads to
16 one conclusion. And that's the guilt of Michael Beaty. So
17 that's our job this week. We have to explain this case to
18 you and leave you at the end of this week firmly convinced
19 of his guilt. I'm telling you, after you see this evidence,
20 and after you hear the testimony, there is only one -- there
21 is only one reasonable conclusion. You will be left with no
22 alternative. There is only one conclusion. There's only
23 one theory of this case that will leave you firmly convinced
24 of his guilt.

25 Thank you in advance for your attention and for your

1 patience. At the end of this trial we are going to ask you
2 to find Michael Beaty guilty of the murder of EA Asbill.
3 Thank you.

4 THE COURT: Thank you. Mr. Wise for the Defendant.

5 OPENING STATEMENT

6 BY MR. WISE: Madam Forelady and ladies and gentlemen
7 of the jury, this is truly a tragic case. The loss of
8 Emily-Anna Asbill is mourned and she is missed by people on
9 both sides of this courtroom. You will learn that in this
10 case. The State has elected to charge Michael Beaty with
11 murder. We believe at the end of this trial the jury will
12 tell you that to be guilty of murder you have to have a
13 heart deprived of social duty and fatally bent on mischief.
14 That is the malice aforethought we talk about when we talk
15 about someone who commits a murder. I think you will find
16 evidence in this case that there is no murder in this case.
17 It is truly, truly a very tragic accident.

18 On Saturday the 29th of June Michael Beaty did go to
19 the party as Mr. Scott said with EA. They had been dating
20 over a year, year and a half. They had been living together
21 for a while up in Greenville, South Carolina since March of
22 2013. The party was a memorial service, a wake, whatever
23 you want to call it for a friend who unfortunately died of
24 congestive heart failure at a relatively young age who was a
25 friend of Michael Beaty's. EA did not know the people

1 there. They met her -- most of them met her that night.
2 There was an excessive amount of alcohol consumed that day,
3 not only by Michael Beaty, but by EA and by Will Alexander,
4 as you'll learn in this case. Ultimately you'll learn,
5 unfortunately, that EA's blood alcohol was .23. That's very
6 intoxicated. You'll hear statements from Michael that he
7 shouldn't have been driving. He was very intoxicated.

8 The State starts questioning Michael Beaty at the scene
9 and continue to question him down at the police department
10 that runs until roughly 7:00, 7:30 on Sunday morning. He
11 goes home. In less than two hours he's back. They ask him
12 to come back. He comes back. They keep questioning him
13 again. By then, of course, the alcohol is pretty -- and
14 everything is out of his system. They start telling him
15 things about what they know, you know. How did this happen.
16 And one of the things that they tell him is that her hands
17 have obviously been in contact with a very rough surface.
18 We believe the evidence will show that her hands, both the
19 left hand and right hand went out of the car door being
20 dragged on the pavement. He tells the police, tells the
21 officers that he remembers her trying to get out of the car
22 and his grabbing her to keep her in. After hearing that
23 they arrest him for murder.

24 What you're going to hear in this case from the Defense
25 side is really what we believe happened, and we can prove

1 what happened. The State took Michael's statement and
2 arrested him for murder. The Defense took Michael's
3 statement and said could it happen. We will bring to you
4 several people in the scientific field who have conducted
5 experiments about that statement, and you'll find from Dutch
6 Johnson, Ph.D in biomechanical engineering from Arizona that
7 he's conducted experiments looking at -- you know, based
8 upon the injuries sustained by EA. That he conducted
9 experiments with the exact same type car, using someone that
10 fit the description according to her driver's license. And
11 what he learned was that if a person is leaning out of the
12 car to the extent that their right and left hand and her
13 right forearm, which is horribly, horribly scratched up, to
14 the extent that those are in contact with the ground, that
15 what will happen to that person in the front passenger seat
16 of that car is they will fall out of the ground -- out of
17 the car onto the roadway and either be killed or seriously
18 injured. We know she did not fall out of that car. We know
19 because there are no injuries on her body that will bear
20 that out. You could not fall out of a car and not sustain
21 some multiple injuries other than that. You will hear
22 testimony that the speed of the car at the time her hands
23 were on the road would had to be about 30 miles an hour.
24 That's going to be based upon the fact that there are blood
25 droplets on the side of the car that shows that her hands

1 were dragging on the road while being restrained in the car
2 and the blood was coming off and hitting the side of the
3 car. You will hear that the strength of the shirt she was
4 wearing, the neck of the shirt she was wearing, is one,
5 consistent with the mark on her neck, and two, capable of
6 sustaining enough force to cause ultimately her death.
7 That's what we're going to present to her. And I think when
8 you get through you'll realize that this is a tragic, tragic
9 accident. It is not a heart devoid of social duty and
10 fatally bent on mischief. You're going to see pictures in
11 this case that aren't pleasant to look at. They're autopsy
12 pictures. One of the toughest things in this business is a
13 lawyer, who has been doing it for many years, is to look at
14 these pictures. But unfortunately they have to be looked
15 at, because some of the minute details in these pictures are
16 very important to understand what happened. The minute
17 detail on the ligature marks, which you'll look at, and look
18 at, and look at, and will be explained to you. They will do
19 that. The horrible injuries to her hands you will be
20 required to look at, because the experts have to tell you
21 about them and what they mean. So that will be there. But
22 when the final analysis comes the evidence will show this
23 was a tragic accident.

24 The State argued that this is -- you know, talking
25 about circumstantial evidence. The judge will charge you at

1 the end of this case that you have to find there is no other
2 reasonable explanation than the guilt of the accused to
3 convict Michael Beaty of murder. Certainly someone standing
4 on the roof of this building with a hose pipe making people
5 get wet when they came in is by any stretch of the imagine
6 not a reasonable explanation. There will be a reasonable
7 explanation for what happened in this case. And, in fact, I
8 think when you get to the end of the case you'll find that
9 it is the most reasonable explanation and that the proper
10 verdict in the case shall be not guilty. Thank you.

11 THE COURT: Thank you. Why don't we take a 10 minute
12 recess before we start. Again, please do not discuss
13 anything about the trial while you're back there. And I
14 will tell you that through the entire case. Please do not
15 discuss the case.

16 (Whereupon, the jury exited the courtroom at 10:26
17 a.m.)

18 THE COURT: At this point forward, the court will still
19 be in session until the jury leaves the courtroom.

20 MR. GROSE: Do you want the objection now or when you
21 come back?

22 THE COURT: When we come back.

23 MR. GROSE: Okay, fair enough.

24 (Whereupon, a recess was held from 10:26 a.m. to 10:35
25 a.m.)

1 THE COURT: You want to put something on the record?

2 MR. GROSE: Yes, sir, Your Honor. May it please the
3 court. The record will reflect that we had approached --

4 THE COURT: Yeah.

5 MR. GROSE: -- after the opening instructions from the
6 Court when you called for objections, and the objection that
7 we made at the bench had to do with Your Honor discussing
8 search for the truth. And we're not sure exactly how many
9 times that it came up, but we think that the phrase "search
10 for the truth" was used approximately three times.

11 THE COURT: I think search for the truth and ensure
12 justice.

13 MR. GROSE: Right. And you also talked about the true
14 facts. Search for the truth was used several times, and
15 true facts were used and true and just verdict was used
16 several times. We would refer the Court to the case of
17 *State vs. Aleksey*. That's spelled A-l-e-k-s-e-y. It's 343
18 S.C. 20, 538 S.E.2nd 248. This was a death penalty case out
19 of Orangeburg County. And in that they -- our Supreme Court
20 talks about how jury instructions which --

21 THE COURT: This was not a jury instruction. This was
22 just a pretrial --

23 MR. GROSE: Well, it was a jury instruction.

24 THE COURT: I generally instruct the jury at the end of
25 the trial.

1 MR. GROSE: Well, I think that a reasonable juror would
2 take that as a jury instruction, particularly when --

3 THE COURT: No, sir. I told them specifically that it
4 was not a jury instruction. That I will instruct them on
5 the law applicable to this case at the end of all the
6 testimony.

7 MR. GROSE: Well, I respectfully disagree. I think
8 that they would take that as seeking the truth. But anyway,
9 the Aleksey case disfavors that, and they particularly
10 disfavor that when it's connected with circumstantial
11 evidence or reasonable doubt. Of course, in their opening,
12 and this is where we think that prejudice is coming in the
13 case now, the way that the State chose to present their
14 opening was that there was going to be two competing
15 theories and the jurors had to decide which one to believe.
16 Basically that they had to pick which one was the most
17 probable, the most believable, or in other words, which was
18 the truth in the case. To the point that, you know, Mr.
19 Wise had to get up in his opening statement and try to
20 correct --

21 THE COURT: Well, no. I told the jury that what you
22 all tell them in opening statements is not evidence. Now
23 they will have an opportunity to listen to the evidence.

24 MR. GROSE: Right. But they -- the only law that
25 they've heard on circumstantial evidence has come from the

1 opening and it's been misstated by the State and we had to
2 try to correct that. So the point that I'm trying to get at
3 is our Supreme Court links the search for the truth and the
4 truth seeking to the law on circumstantial evidence and
5 reasonable doubt, and we feel at this point the jurors are
6 under the impression that they have a duty to seek the
7 truth, to find what the true facts are, and that's the law
8 in South Carolina. And you gave a very strong instruction
9 that they have to accept the law as you give it which --

10 THE COURT: Which is the law of the state.

11 MR. GROSE: It is. But you gave one of the strongest
12 instructions I heard on that, and I think that that means
13 that the jurors are sitting over there -- or will be sitting
14 there through all this testimony believing that they have to
15 seek the truth.

16 THE COURT: Mr. Stumbo, would you like to respond?

17 MR. STUMBO: Judge, we don't have any problem with the
18 way you stated it. I am familiar with that line of cases.
19 We have a recent death penalty case -- or we're preparing
20 for one here in Laurens County actually with Mr. Grose as
21 the Defense counsel. I am aware of that particular case
22 that talks about search of the truth. I do believe that
23 it's stated in that case that it's disfavored but it's not -
24 - it's not particular characterized as reversible error
25 either. It's kind of semantics. And we do think that the

1 word verdict itself, Judge, is from two Latin words that
2 means to speak the truth. And so, we're here to obtain a
3 verdict that speaks the truth. So for you to tell the jury
4 that ultimately they're -- the truth is important here, I
5 guess is the best way to put it instead of seeking the
6 truth, it may be disfavored but I don't think it's
7 reversible error. And I think it does comport with what our
8 justice system is about, which is finding -- finding a
9 verdict which speaks the truth. So that would be our
10 position on that.

11 THE COURT: The objection is noted. Overruled.

12 MR. GROSE: At this time we would request that Your
13 Honor instruct the jurors that you made a mistake in your --

14 THE COURT: No, sir. I will not do that.

15 MR. GROSE: -- instructions.

16 THE COURT: I will not do that. I will give them a
17 very good instruction at the end telling them, because this
18 was not a jury instruction. This was just an opening
19 comment. Thank you.

20 MR. GROSE: Thank you, Your Honor.

21 THE COURT: Let's bring the jury back in.

22 (Whereupon, the jury entered the courtroom at 10:40
23 a.m.)

24 THE COURT: You may be seated. The State may call it's
25 first witness.

1 MR. SCOTT: Thank you, Your Honor. The State calls
2 Kyle Stewart.

3 KYLE STEWART, having been first
4 duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. SCOTT:

7 Q Good morning, Mr. Stewart.

8 A Good morning.

9 Q Where do you live?

10 A [REDACTED], Clinton.

11 Q And is that where you were living June 29th of 2013?

12 A Yes, sir.

13 Q Do you remember that day?

14 A Yes, I do.

15 Q What was going on that day?

16 A We were having a memorial service for a dear friend of
17 mine that passed away. He was -- he lived in Ohio, so
18 everybody couldn't go up to see, so we decided to have a
19 memorial here for everyone to go.

20 Q Who was this friend?

21 A Eddie Chiapetta.

22 Q And how did you know Eddie?

23 A Eddie was a dear friend of mine I went to school with
24 at Thornwell.

25 Q How did he pass away?

1 A Had a heart attack. He was overweight.

2 Q And he was about your age though?

3 A He was a year older than me.

4 Q But just an unexpected passing? And you say he went to
5 Thornwell with you?

6 A Yes, sir.

7 Q And so, the other people who would be at this get
8 together, they would likewise be Thornwell students?

9 A Most of them.

10 Q And how did all these people learn about this get
11 together you were having to honor Eddie?

12 A We posted it on the Internet.

13 Q And when was the party to start?

14 A It was an all day thing, because everybody had lots of
15 stuff going on. Everybody couldn't say, "Well, we can come
16 at this time," so we just made it an all day, kind of a drop
17 in deal.

18 Q And you all were just drinking and --

19 A Drinking and cook. We grilled hamburgers and hotdogs.

20 Q Beer?

21 A Yes.

22 Q Liquor?

23 A Yeah, you know.

24 Q And you describe it as, I guess -- did you put it on
25 Facebook or something?

1 A Yeah, it was Facebook.

2 Q And so, there wasn't a certain time that people were
3 supposed to come there? It was just sort of a drop in all
4 day kind of a thing?

5 A That's correct.

6 Q Who is Will Alexander?

7 A Will is also a friend. I've known him -- he was a
8 childhood friend. I knew him since we were young. Played
9 baseball together, and we went to Thornwell together.

10 Q He went to Thornwell with you?

11 A Yes, sir.

12 Q And do you remember about what time he got there?

13 A He had been with me all day. We went and picked him up
14 around lunchtime or so. He didn't have a ride, so we told
15 him we'd come get him. And he was with us all day.

16 Q So you would have brought Will Alexander to the party.
17 So he didn't drive there?

18 A No.

19 Q And what, if anything, do you remember about Will
20 Alexander and how he went along that day?

21 A He seemed all right. He had a good time, you know. We
22 was drinking. He was drinking. He was already drinking
23 when I picked him up. He had his -- you know, he had his
24 own beer. Other than that, he just seemed like he was
25 having a good time, you know.

- 1 Q And where did he -- where did you pick him up from?
- 2 A From his parents house in Cross Hill. It's on a lake.
- 3 Q How long does that take you to get out to Cross Hill
- 4 from your house?
- 5 A Thirty minutes.
- 6 Q Do you remember about what time he got there?
- 7 A What do you -- what --
- 8 Q Do you remember about what time you picked him up from
- 9 Cross Hill?
- 10 A Around lunchtime. 12:00 -- 12:00, 12:30, I guess,
- 11 would be my guess.
- 12 Q And so, from 12:00 on Will's there. He can't leave
- 13 because you brought him there. He doesn't have a car. And
- 14 he's drinking, and you're cooking, and everybody was just
- 15 kind of hanging out. Nothing out of the ordinary going on?
- 16 A Huh-uh.
- 17 Q Who is Michael Beaty?
- 18 A Michael Beaty is also -- was a friend of mine. We grew
- 19 up together, you know. Skateboarding around town and -- he
- 20 and I never played sports together. And went to Thornwell
- 21 together.
- 22 Q So did he come to the memorial party?
- 23 A Yes, he did.
- 24 Q Any recollection about what time he got there?
- 25 A I'd say 6:30. Around 6:30, give or take. You know,

1 give or take 30 minutes, I guess.

2 Q And do you recall how he arrived at your house?

3 A Yes. He was driving a white Buick. Century maybe. I
4 believe it was a Century. I'm not a hundred percent on
5 that, but it was a white Buick.

6 Q I'm going to show you State's number 7. Is that the --
7 do you recognize that?

8 A Yes, I do.

9 Q Is that the automobile you saw?

10 A Yes, sir.

11 MR. SCOTT: The State offers State's Number 7 for
12 admission into evidence.

13 THE COURT: Any objection?

14 MR. GROSE: No, sir. We'll stipulate to -- that
15 premarked are admissible.

16 THE COURT: All right. You want to put on the record
17 which ones are premarked to --

18 MR. GROSE: For the Defense it's 1 through 14, and I
19 forgot how many the State had.

20 MR. STUMBO: I believe, Judge, we were 1 through 55. 1
21 through 55 premarked.

22 THE COURT: Premarked are in evidence. Okay?

23 MR. GROSE: If they're already marked, they're in
24 evidence. If they've got something else, we'll have to look
25 at it.

1 THE COURT: All right. Without objection, all of those
2 will be -- are admitted into evidence. You may proceed.

3 MR. SCOTT: Thank you, Your Honor.

4 (Whereupon, State's Exhibit Numbers 1 through 55 were
5 admitted into evidence.)

6 (Whereupon, Defendant's Exhibit Numbers 1 through 14
7 were admitted into evidence.)

8 Q And he's driving -- now, tell me -- a Buick -- a white
9 Buick -- well, I guess we got the pictures. A Regal or a
10 Century.

11 A Yeah.

12 Q Had you ever seen that car before?

13 A No.

14 Q And did he have anyone with him?

15 A Yes, he did. He had someone who was introduced to me
16 as EA.

17 Q You had never met her before?

18 A Never met her before.

19 Q And State's Number 2. Is that her?

20 A Yes, sir.

21 Q How did you come to -- did he introduce her to you?

22 A Yes. Well, I asked -- I asked her name and she told me
23 EA.

24 Q Once EA and Michael got to the party what, if anything,
25 do you recall them doing?

1 A Nothing out of the ordinary. I mean, they seemed fine
2 with me. Just talking and having a good time, mingling, you
3 know. We just were carrying on. Michael and I got to
4 carrying on about old times and whatnot, you know.

5 Q Where was EA when you all were talking about old times?

6 A She was just around right there. We were all gathered
7 in a little picnic area.

8 Q Did you know whether or not she knew the other folks at
9 the party?

10 A No, I don't think she did. I'm pretty sure she was
11 introduced to everyone.

12 Q And what, if anything -- what do you recall about her
13 demeanor, or how she was acting that day?

14 A She seemed very nice. She was kind, outgoing, you
15 know. She made a point to, you know, "Hey, how you doing,"
16 you know.

17 Q Kind of a upbeat --

18 A Yeah, you know.

19 Q Would you describe her as friendly?

20 A Absolutely.

21 Q Did you note -- did she become injured at any point
22 while she was at your house?

23 A No.

24 Q Who is your wife?

25 A Rose Stewart.

1 Q And she was there?

2 A Yes, she was.

3 Q Did EA interact with her at all?

4 A Yes, she did.

5 Q And how was that?

6 A They talked for a while, I guess. And EA rode to the
7 store. They rode to the store together. I'm not sure
8 exactly what time. Maybe 7:30-ish, I guess. Something like
9 that.

10 Q Do you recall about what time Michael Beaty decided to
11 leave?

12 A To my recollection it was around 9:00.

13 Q And do you know what lead to them leaving at that time?

14 A No. He just said they were ready to go. I didn't
15 question.

16 Q And they was he and EA?

17 A Uh-huh.

18 Q Tell me about Will Alexander at this point? How was he
19 doing?

20 A Will was -- Will was pretty intoxicated at the time. I
21 told him he was welcome to stay. That I came and got him
22 and I will take him back home. And he said Michael had said
23 that -- he agreed to leave -- they were going to go to Cross
24 Hill Estate. That he would take him home and safe me trip.
25 Since I went and got him, you know, he would take him home,

1 because he was going there anyway to apparently spend the
2 night, was my understanding.

3 Q Your understanding of the plan was that they were all
4 going to go to Will Alexander's home in Cross Hill to stay?

5 A Yes.

6 Q Well, tell me what happened when they get ready to
7 leave? What did you observe?

8 A Will was stumbling around. EA was staggering. You
9 know, EA was staggering a little bit, too. You could tell
10 she was, you know, fairly intoxicated. Other than that,
11 nothing major, you know, that would -- that would seem
12 overwhelming or dramatic.

13 Q Who got in the driver's seat?

14 A Michael.

15 Q Where did Will go?

16 A Back passenger.

17 Q Which seat did EA get in?

18 A Passenger. Front passenger.

19 Q Did they all walk to the car on their own?

20 A Will did not. We kind of -- Will kind of hung on
21 because he was kind of (indicating), you know.

22 Q And Michael Beaty, do you see him in court?

23 A Yes.

24 Q Where is he?

25 A Right there.

1 (Whereupon, witness points to Defendant)

2 Q Is that how he appeared that night?

3 A Dressed a little differently, yeah.

4 Q And he was driving the Buick. Did you ever see EA
5 again after that?

6 A No, I did not.

7 Q And you never saw any injuries on her?

8 A Huh-uh.

9 MR. SCOTT: Thank you, Mr. Stewart. Please answer any
10 questions Mr. Grose has for you.

11 THE COURT: Mr. Grose?

12 MR. GROSE: Thank you, Your Honor. May it please the
13 court.

14 THE COURT: Yes, sir.

15 CROSS-EXAMINATION

16 BY MR. GROSE:

17 Q As I understand it, what this was is you all had a
18 friend that had died who lived out of state.

19 A Yes, sir.

20 Q He lived in Ohio?

21 A Yes, sir.

22 Q So you call couldn't go to the funeral?

23 A Well, I went.

24 Q But not everybody?

25 A Yes, but not everybody.

1 Q So the local people wanted to get together and have --
2 I think I've heard it call a celebration of life?

3 A Uh-huh.

4 Q Something that would be kind of positive?

5 A Yes.

6 Q In his memory?

7 A Yes.

8 Q And that's, I guess, where, you know, some of the
9 drinking came into play?

10 A Yes, sir.

11 Q And this wasn't just drinking. There was a cookout.
12 You and your wife cooked that afternoon, right?

13 A Yes, sir.

14 Q And a number of people -- I mean, it was kind of open
15 to a lot of people if they knew your friend --

16 A Yes.

17 Q -- growing up through Thornwell?

18 A Yes.

19 Q And Michael was one of the people that you knew?

20 A Yes, sir.

21 Q And so, he was invited to the party.

22 A Yes, sir.

23 Q Now, as far as you knew that day and that evening, you
24 all were just getting together to talk about old times and
25 remember a friend, right?

1 A Yes, sir.

2 Q And it was later on that night, actually going into
3 Sunday morning, that some deputies from Laurens County
4 Sheriff's Office showed up at your house, right?

5 A That's correct.

6 Q And they started asking a lot of questions, right?

7 A (Shakes head.)

8 Q And then you got to -- I'm sorry. You've got to give a
9 yes or no answer.

10 A Yes.

11 Q This goes in the transcript.

12 A I'm sorry.

13 Q We've got to be able to read it.

14 A Yes, sir.

15 Q So the deputy showed up and they started asking
16 questions, right?

17 A Yes, sir.

18 Q And so, then you kind of had to go back and try to
19 remember certain things about what happened, right?

20 A Yes, sir.

21 Q And you kind of, you know -- you know -- and I'm not
22 trying to criticize you, but you kind of give a little bit
23 of different statements about the time that Michael and Will
24 and EA left, haven't you?

25 A No, sir.

1 Q Well, a minute ago you said to your recollection it was
2 about 9:00, right?

3 A Yes.

4 Q I'm going to hand you a statement. That day is the
5 statement that you gave to the Laurens sheriff's deputies,
6 right?

7 A Uh-huh.

8 Q It is?

9 A Uh-huh.

10 Q And you would agree with me, if you look maybe about a
11 third down of the handwritten part that you gave them a
12 range of times, right?

13 A Uh-huh.

14 Q Is that, again, a yes or no?

15 A Yes, sir.

16 Q And the range that you gave in the statement was
17 between 9:00 or 9:30?

18 A Yes, sir.

19 Q And so, really nothing out of the ordinary had gone on
20 at the party, right?

21 A No, sir.

22 Q So there was no reason to note that at the time?

23 A No, sir.

24 Q And so, when the deputies came you were trying to be
25 helpful when you gave them a time range; is that right?

1 A I gave them the time. They asked what time did he
2 leave, or an approximate time.

3 Q And it was a half an hour time range?

4 A Yes, sir. That's correct.

5 Q And Mr. Scott asked you some questions about EA, and
6 you did say that other than Michael that she didn't know a
7 lot of people there. She had to be introduced, that type of
8 thing?

9 A Uh-huh.

10 Q Is that right?

11 A Yes.

12 Q But you said she was friendly?

13 A Yes, sir.

14 Q Outgoing?

15 A Yes, sir.

16 Q I believe in another context you said that she was
17 hugging people? Wanting to hug people?

18 A Yes. Yeah.

19 Q And you also said, I think, that Michael was
20 reminiscing with you and the other friends about old times,
21 right?

22 A Yes, sir.

23 Q And that Michael, while all that was going on, there
24 was periods of times where EA was sitting around with the
25 group, right?

1 A Yes, sir.

2 Q And she seemed to get along with people?

3 A Yes, sir.

4 Q And she, I think, got along with some of the women that
5 were in the group, right?

6 A Yes, sir. She did.

7 Q In fact, she left with them to go to the store and came
8 back --

9 A Yes, sir.

10 Q -- right?

11 A Yes, sir.

12 Q And there was times where Michael and EA walked off to
13 the car by themselves, right?

14 A Yes.

15 Q But you never heard any arguing between them?

16 A No, nothing out of the ordinary that struck me as
17 inappropriate.

18 Q And when it came time to leave I think you said that
19 Will was intoxicated?

20 A Yeah.

21 Q He was kind of staggering around a little bit?

22 A Yes, sir.

23 Q And so was EA?

24 A Yes, sir.

25 Q In fact, she kind of fell a couple of times going to

1 the car, didn't she?

2 A Yeah. She stepped in a little hole, or whatever, and
3 yeah. She did fall.

4 Q And your house is kind of out in the country a little
5 bit, and it's not level all the way around there?

6 A Yeah.

7 Q And that's a harder surface for people to walk on
8 sometimes when they're intoxicated?

9 A Right.

10 Q And I think you were even involved helping her get up
11 and making sure she was all right at one point?

12 A That was Tony McMurray's wife and my friend -- my
13 friend Mick's wife helped her. They were the ones that were
14 actually helping EA while Tony and myself were with Will.

15 Q Okay. So I got who mixed up. But everybody was kind
16 of --

17 A Yeah.

18 Q -- when she was stumbling helping her get to the car?

19 A Yes, sir.

20 Q Okay. And you had said that what's State's Exhibit
21 Number 2 was a picture of her. And that picture kind of
22 captures that she's, you know, friendly and probably an
23 outgoing person, doesn't it?

24 A Yes, sir.

25 MR. GROSE: Beg the Court's indulgence for a moment.

1 THE COURT: Yes, sir.

2 MR. GROSE: Thank you, Your Honor. That's all the
3 questions I have.

4 THE COURT: Any redirect from the State?

5 MR. SCOTT: Nothing from the State, Your Honor.

6 THE COURT: Thank you, sir. You may step down. Any
7 objection to this witness being excused?

8 MR. STUMBO: None from us, Your Honor.

9 THE COURT: All right. Thank you.

10 (Whereupon, the witness steps down from the witness
11 stand.)

12 THE COURT: State may call the next witness.

13 MR. STUMBO: Thank you, Your Honor. The State calls
14 Rose Stewart to the stand.

15 THE COURT: Come forward.

16 ROSE STEWART, having been first
17 duly sworn, testified as follows:

18 THE COURT: You may proceed.

19 MR. STUMBO: Thank you, Your Honor.

20 DIRECT EXAMINATION

21 BY MR. STUMBO:

22 Q Mrs. Stewart, the gentleman that just testified, is
23 that your husband?

24 A Yes, sir.

25 Q When were you and Kyle married?

1 A November 5th, 2005.

2 Q And where do you all make your home?

3 A [REDACTED], Clinton.

4 Q Where is that in relation to Clinton? Is it on --

5 A It's outside the city limits.

6 Q It's on the Greenwood side of Clinton or the interstate
7 side of Clinton? Where is that?

8 A It's toward Whitmire.

9 Q So it's going back out across I-26 like you're going
10 towards --

11 A Right.

12 Q -- Whitmire; is that correct?

13 A Right.

14 Q Your husband just testified that he went to Thornwell.
15 Is that where you went to school?

16 A Yes, sir. My senior year.

17 Q Okay. I'm going to take you to June 29th, 2013. Did
18 you all have some kind of party at your house that night?

19 A Celebration of life for a friend who passed away.

20 Q And did you attend the funeral of that individual?

21 A Yes, sir.

22 Q So you and Kyle went together? And I believe it was to
23 Ohio?

24 A Yes, sir.

25 Q You all hosted a party on June 29th. Was that a

1 Saturday; is that correct?

2 A Yes, sir.

3 Q About how many people throughout the day came to the
4 house?

5 A Twenty or so throughout the day. In and out kind of
6 thing.

7 Q Will Alexander, do you know him?

8 A Yes.

9 Q How long have you known Will Alexander?

10 A I just met him in school.

11 Q So you all went to school together --

12 A Right.

13 Q -- at Thornwell?

14 A At Thornwell.

15 Q Did he come to the celebration of life party that day?

16 A My husband and his friend went to pick him up because
17 he didn't have a ride.

18 Q Around what time?

19 A Around 12:30 or so is when they left our house to go
20 get him.

21 Q And when he got back to your house did you interact any
22 with Will Alexander --

23 A Sure.

24 Q -- throughout the afternoon? Can you describe him for
25 the jury? His position that day to your observations?

1 A I mean, we were all having a good time. I mean, he got
2 drunk.

3 Q He was drinking a lot?

4 A Yes, sir.

5 Q Would that be fair to say?

6 A Yes, sir.

7 Q Was he very intoxicated by the time you all got to the
8 evening hours?

9 A Pretty much.

10 Q Michael Beaty, do you know him?

11 A Yes.

12 Q Is he in the courtroom here today?

13 A Right there.

14 (Whereupon, the witness points to Defendant.)

15 Q There at the Defense table in between his attorneys; is
16 that correct?

17 A Right. That's him.

18 Q And did you meet him at Thornwell as well?

19 A Yes.

20 Q Did he come to the celebration of life party?

21 A Yes.

22 Q About what time did he get there?

23 A Around 7:30 or so.

24 Q Is it fair to say early evening?

25 A 7:30, 8:00. It's early evening.

1 Q Early evening hours?

2 A Yes.

3 Q Did he have anybody with him?

4 A EA.

5 Q And by EA you mean --

6 A That's how I was introduced to her.

7 Q Okay. Emily-Anna Asbill?

8 A Right.

9 MR. STUMBO: Your Honor, I'm going to show the witness
10 Plaintiff's Exhibit 2 -- or State's Exhibit 2.

11 A That's her.

12 Q And you say this is the first time you've met EA?

13 A Yes.

14 Q What were your first impressions of her when you met
15 her?

16 A She was friendly. She hugged everybody that she was
17 just meeting. Just outgoing, loving.

18 Q Did you like her --

19 A Yes.

20 Q -- from the beginning? Did you have an opportunity to
21 hang out with her some throughout --

22 A Yes.

23 Q -- the evening?

24 A Yes.

25 Q Did you leave?

1 A Charity Chiapetta and I and EA ran to the store
2 together.

3 Q What purpose of going to the store? What were you
4 going to buy?

5 A To get cigarettes.

6 Q Okay. To buy cigarettes. And you invited EA to go
7 along with you?

8 A Right.

9 Q Was EA drinking that night, too?

10 A Yes, sir.

11 Q Now, at any time during the night when you're hanging
12 out with EA going to the store and whatnot did you sense any
13 -- did she express any anger to you or any kind of -- was
14 she ever -- did she ever have that kind of attitude?

15 A No. She was in a great mood the whole night.

16 Q Were you ever concerned in any way that she was going
17 to act out violently toward you?

18 A No.

19 Q What time did EA Asbill leave your all's house?

20 A It was approximately 9:30.

21 Q And who left with EA?

22 A EA, Michael Beaty and Will Alexander.

23 Q Can you tell me what kind of car they left in?

24 A A white Buick.

25 Q I'm going to show you State's -- State's Number 10.

1 Does that look similar to the car they left in?

2 A Yes.

3 Q Who was driving the car?

4 A Michael Beaty.

5 Q Who was in the passenger seat of the car?

6 A EA.

7 Q And who was in the backseat?

8 A Will Alexander.

9 Q Now, Rose, you described EA as being -- as drinking
10 that night. Was she intoxicated when she left?

11 A Yes.

12 Q Did you have to help her in the car?

13 A I didn't. My friends did.

14 Q How about Will Alexander?

15 A He was pretty wasted.

16 Q And did he need assistance --

17 A Yes.

18 Q -- in the car? Ms. Stewart, after they left your
19 house, the three of them that night, did you ever see EA
20 again?

21 A No, sir.

22 MR. STUMBO: No further questions at this time, Your
23 Honor. Thank you, Mrs. Stewart. Please answer any
24 questions Mr. Grose may have.

25 MR. GROSE: Thank you, Your Honor. May it please the

1 Court.

2 THE COURT: Yes, sir.

3 CROSS-EXAMINATION

4 BY MR. GROSE:

5 Q Briefly, could you tell us the names of the people who
6 were still at the party when Michael, EA and Will left?

7 A My husband and I, Nick Chiapetta, Charity Chiapetta,
8 Tim Sink, Anthony McMurray, his wife Heather, and her friend
9 Jenna.

10 Q And that's all of them?

11 A Uh-huh.

12 Q Okay. Now, you were in here, I think, when your
13 husband testified?

14 A Yes.

15 Q And, of course, they showed both him and you State's
16 Exhibit Number 2 which is the picture of EA?

17 A Right.

18 Q And I believe you've said that you agree with your
19 husband that she was a friendly, social, outgoing person?

20 A Right.

21 Q And that she was, you know, hugging some of the people
22 there; is that correct?

23 A Right.

24 Q And I hate to do this, but I've got to remind you to
25 say yes or no --

- 1 A Yes. Sorry.
- 2 Q -- just because --
- 3 A Yes.
- 4 Q All right. Well, we know what you're saying, but later
- 5 on it's hard to read.
- 6 A Sorry. Yes.
- 7 Q And at some point you and EA and another woman went to
- 8 the store to get cigarettes?
- 9 A Yes.
- 10 Q And I think you got along with EA?
- 11 A Yes.
- 12 Q And liked her?
- 13 A Yes.
- 14 Q And you didn't notice anything out of the ordinary that
- 15 night. --
- 16 A No, sir.
- 17 Q -- between EA and Michael or anything?
- 18 A No, sir.
- 19 Q Okay. Now, we've already established that this was
- 20 sort of a celebration of life party for a friend of the
- 21 family. And that was what everybody's focus was that day,
- 22 reminiscing about old times, right?
- 23 A Yes.
- 24 Q You all grilled out, right?
- 25 A Yes.

1 Q And 20 or so people came through at various parts of
2 the day?

3 A Yes.

4 Q And I guess it was kind of set up just to make it easy
5 for people to drop by when they could?

6 A Yes.

7 Q And people brought some of their own drinks to drink,
8 right?

9 A Yes.

10 Q And people were drinking. There was beer and liquor,
11 right?

12 A Yes.

13 Q Gin I think was there at some point, right?

14 A Michael Beaty brought the gin.

15 Q Okay. And I think you indicated that all three of
16 them, Michael, Will and EA were drinking?

17 A Yes.

18 Q And that Will was drunk, right?

19 A Yes.

20 Q And that EA -- you might have -- I don't know if you
21 testified to this or not, but did EA fall down?

22 A Yes.

23 Q She did, didn't she?

24 A Yes.

25 Q And, you know, you were asked some questions about the

1 time that the three of them left, right?

2 A Right.

3 Q And again, the first that you knew that anything out of
4 the ordinary had happened was actually early that next
5 morning -- well, it was still nighttime when the Laurens
6 deputy showed up, right?

7 A Yes.

8 Q And they were asking you what you could remember,
9 right?

10 A Yes.

11 Q And like your husband, you gave them a range of times
12 about when they left, didn't they -- didn't you?

13 A Yes.

14 Q I believe you said it was between 9:00 and 10:00?

15 A Yes.

16 Q Okay. So as best you could recall at that time, you
17 gave them -- it was somewhere in that hour range?

18 A Yes.

19 Q And so today when you said 9:30, that's just kind of in
20 the middle of that range between 9:00 and 10:00?

21 A Approximately 9:30.

22 Q Could have been earlier, could have been later?

23 A Right.

24 Q Okay. Because at the time you really weren't thinking
25 that you were going to have to come back and say when people

1 left?

2 A Yes.

3 Q That just wasn't what was on your all's minds that day?

4 A Right.

5 Q So I think you also told the deputies that EA fell in
6 the yard, right?

7 A Right.

8 Q And that Mike helped her up, right?

9 A Right.

10 Q And in your statement you're referring to Michael Beaty
11 as Mike?

12 A Right.

13 Q Mike helped her up. They were hugging, right?

14 A Right.

15 Q And got ready to leave. She fell again by the car and
16 they left, right?

17 A Right.

18 Q So right before Mike and EA left you saw Mike and EA
19 hugging?

20 A Right.

21 MR. GROSE: Thank you, Your Honor. That's all I have.

22 THE COURT: Any redirect for this witness?

23 MR. STUMBO: Just briefly, Your Honor.

24 REDIRECT EXAMINATION

25 BY MR. STUMBO:

1 Q You indicated on cross to Mr. Grose that Michael
2 brought a bottle of gin?

3 A Yes, sir.

4 Q Was EA drinking that gin, to your recollection?

5 A She may have been.

6 Q But you all didn't provide that gin?

7 A No.

8 Q Michael brought it with him?

9 A It was a bring your own, whatever you want to drink
10 kind of thing.

11 Q You described EA and Will both as visibly intoxicated.

12 A Yes.

13 Q How about -- what were your observations of Michael
14 Beaty?

15 A I mean, we were all intoxicated, I would say.

16 Q Was he stumbling and falling?

17 A He wasn't stumbling. He was -- no.

18 MR. STUMBO: No further questions.

19 THE COURT: Any recross based upon his redirect?

20 MR. GROSE: No, sir. Thank you, Your Honor.

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

22 Any objection to this witness being excused?

23 MR. GROSE: No, sir.

24 THE COURT: From the State?

25 MR. STUMBO: None from the State, Your Honor.

1 THE COURT: Thank you.

2 (Whereupon, the witness steps down from the witness
3 stand.)

4 MR. STUMBO: Judge, the State calls Daphne Tucker to
5 the stand.

6 THE COURT: Please come forward Ms. Tucker.

7 DAPHNE TUCKER, having been first
8 duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. STUMBO:

11 Q Good morning, Ms. Tucker.

12 A Good morning.

13 Q I take it from that pullover you're wearing, you work
14 for Laurens County?

15 A Yes. I work for Laurens County 911 Emergency
16 Communications.

17 Q And by that -- it says 911 on your shirt, too. Does
18 that mean people call 911, if you're working, they're likely
19 to get you on the other end of the line?

20 A That's right.

21 Q And what -- may you also be called a dispatcher; is
22 that correct?

23 A Yeah, a dispatcher.

24 Q Now, how long have you been doing dispatch work for
25 Laurens County?

1 A Thirteen years.

2 Q Were you working the night of June 29th, 2013?

3 A Yes.

4 Q And did you receive a call from -- that originated from
5 the residence at [REDACTED]

6 A Yes, I did.

7 Q Who was the caller?

8 A Henry Simmons.

9 Q And what was the nature of the call?

10 A He stated that his son had an unconscious female in the
11 car with him. That he didn't know what happened to her or
12 what was going on. He said he didn't know.

13 Q I'm going to show you what's been marked as State's
14 Exhibit Number 1 in this sleeve here. Have you listened to
15 the contents of that disk before?

16 A Yeah, I have.

17 Q Does this capture fairly and accurately represent the
18 call with Henry Simmons that night?

19 A That's the entire call, yeah.

20 Q Those are your initials right there verifying that?

21 A Yes.

22 Q Now, Ms. Tucker, when you get a call such as this and
23 you are able to ascertain where the call is coming from,
24 where the emergency is located, what do you do next?

25 A Yes. When we get the address of the incident then we

1 dispatch the closest EMS, closest ambulance station. And
 2 that's in Clinton Public Safety jurisdiction, so we dispatch
 3 Clinton Public Safety officers to the resident, EMS and
 4 Clinton Fire Department First Responders.

5 Q So [redacted] Avenue is within the city limits of
 6 Clinton?

7 A Yes, it is.

8 Q And isn't it -- proximity, just for the jury here, it's
 9 close to PC? Presbyterian College?

10 A Yeah, it is.

11 Q Okay. Which is several blocks from the Clinton
 12 Department of Public Safety?

13 A Yeah, it's not far. And that's where the ambulance was
 14 stationed, too, at Clinton out there.

15 Q So you dispatched First Responders, correct?

16 A Uh-huh.

17 Q Did you dispatch an ambulance and EMS?

18 A Yes. EMS and a Clinton Public Safety officer.

19 Q What time did this call come in to dispatch, do you
 20 recall?

21 A I don't recall an exact time.

22 Q Was it between 11:00 and midnight? Would that be fair
 23 to say?

24 A That's fair to say.

25 Q Were you able to get confirmation that the First

1 Responders and EMS had arrived at 502 Calvert?

2 A Yes.

3 Q Just estimate, how long did it take for them to get
4 there?

5 A Probably between three, four minutes. It wasn't long.
6 It was just a few minutes.

7 MR. STUMBO: Your Honor, at this time the State would
8 publish State's Exhibit 1 via the laptop here and put the
9 microphone down for the speaker so the jury can hear it.

10 THE COURT: It's already in evidence.

11 (Whereupon, the 911 call was played.)

12 Q And that was the extent of this call?

13 A Yes, sir.

14 Q And you say within three or four minutes First
15 Responders EMS were there?

16 A Uh-huh.

17 MR. STUMBO: No further questions of Ms. Tucker.

18 THE COURT: Mr. Grose?

19 MR. GROSE: No questions.

20 THE COURT: Thank you. You may step down.

21 MR. STUMBO: And permission to excuse Ms. Tucker.

22 THE COURT: Any objection?

23 MR. GROSE: No objection.

24 THE COURT: Thank you, Ms. Tucker. Have a nice day.

25 THE WITNESS: Thank you.

1 (Whereupon, the witness stepped down from the witness
2 stand.)

3 MR. SCOTT: Your Honor, the State calls Henry Simmons.

4 THE COURT: Please come forward and be sworn.

5 HENRY SIMMONS, having been first
6 duly sworn, testified as follows:

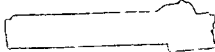
7 DIRECT EXAMINATION

8 BY MR. SCOTT:

9 Q Good morning, Mr. Simmons.

10 A Good morning.

11 Q Where is your home?

12 A My home is at  Avenue in Clinton, South
13 Carolina.

14 Q And that would be in Laurens County?

15 A Yes, it is.

16 Q Now, were you living there June 29th of 2013?

17 A Yes, I was.

18 Q Who is your -- is Michael Beaty your son?

19 A He's my step-son.

20 Q Do you recall that night, June 29th, 2013?

21 A Yes.

22 Q What were you doing at approximately 11:00?

23 A My wife and I had gone to bed early that night and we
24 had already turned the lights out and were in bed.

25 Q Were you asleep?

1 A Yes, we were.

2 Q And do you recall the doorbell ringing?

3 A At approximately 11:00 the doorbell rang. My younger
4 son had been out. I thought perhaps it was my younger son.
5 I went to the door and there stood Michael and behind
6 Michael stood Will Alexander.

7 Q Were you expecting Michael to be at your home that
8 night?

9 A Not at that time, no.

10 Q What time were you expecting him to be home?

11 A I don't have any idea whether he would have come home
12 that night or not.

13 Q Was it common for him to show up at a late hour like
14 that without calling first or announcing --

15 A That's not unusual for him to come -- I'm trying to
16 remember exactly. He was at our house, but times he lived
17 with a friend in Greenville.

18 Q But he still listed [redacted] as his permanent
19 residence on his driver's license and everything?

20 A As far as I know.

21 Q Well, so was it a surprise or not when you opened the
22 door at 11:00 at night and he was standing there?

23 A Yes, it was a surprise.

24 Q Now, he was at the door. Did you say Will Alexander
25 was with him?

1 A He was standing behind him.

2 Q What does Will -- excuse me. What does Michael Beaty
3 tell you whenever you open the door?

4 A Michael said, "Help, help. EA's hurt or dead. I need
5 some help."

6 Q And then what did you do?

7 A I immediately put some clothes on and went out to the
8 car. If I'm not mistaken, Mike was next to the car. I said
9 move aside. EA was sitting in the floorboard of the car.
10 Her head was leaning back. I tried to find a pulse in her
11 wrist. Her left wrist. Then I reached for her neck to try
12 to find a pulse. I could not find a pulse. So I
13 immediately ran inside and called 911.

14 Q And that was your voice we just heard on the --

15 A Yes, it was.

16 Q And you said that both Michael Beaty and Will Alexander
17 were at the door. But you talked about running back out to
18 the car, and I think you said Michael Beaty was knelt down
19 beside EA?

20 A I made two calls to -- I went and tried to find a
21 pulse. When I couldn't find a pulse I ran inside to call
22 911. I came back out. Again tried to find a pulse the
23 second time in the wrist and the neck. Couldn't get it.
24 Ran back inside and called 911. They did arrive promptly.
25 They were very good about getting there. But one of those

1 occasions Mike was by the car on the ground trying to get a
2 response from EA and I asked him to move out of the way so I
3 could check for pulse. That's correct.

4 Q Does Michael Beaty, to your knowledge, have a cell
5 phone?

6 A Yes.

7 Q But he asked you to call 911?

8 A He did not ask me to call 911, no. When I could not
9 reach a pulse I immediately -- I never asked for a cell
10 phone. I just immediately ran into the house and made a
11 phone call.

12 Q Well, did he indicate to you that he had already called
13 911 or he was going to call 911 or anything like that?

14 A Not that I recall, no.

15 Q And now, you kind of just described seeing EA. Tell me
16 again how she was positioned in that car.

17 A When I get to the car -- when I get to the car she was
18 in the floorboard. I would say her back was against the
19 front seat. Her head was back. She was very pale. Again,
20 I tried -- the arm closest to me was the right arm but it
21 had a wrap around the wrist, so I reached for the left
22 wrist, and then I reached across her neck to try to find a
23 pulse in her neck.

24 Q Now, what are you doing? You're saying what happened,
25 or are you asking what happened to her or anything?

1 A Not at that particular time, no. I was too busy trying
2 to find a pulse and get a response from 911.

3 Q At some particular time did you ask what happened?

4 A Yes, I did.

5 Q And did Michael Beaty offer an explanation to you?

6 A This was after the First Responders came and he and I
7 moved aside to get out of the way, and I said, "Mike, what
8 happened?" He said, "We'd been to a party at Kyle's. EA,
9 Will and I were coming back. We had a little bit of
10 conversation and somewhere along the way she cut herself. I
11 don't know when or how."

12 Q Now, did that explanation have some kind of relevance
13 to you?

14 A Yes, it did.

15 Q And you were aware that maybe some nine months before
16 that she had cut herself and entered the Laurens Hospital?

17 A I was aware sometime in the last year or two, yes.

18 Q So when he said that maybe did it strike a bell that
19 you were aware that she had cut herself at least once
20 before?

21 A I was aware of that, yes.

22 Q In that 911 you said there's a girl unconscious in the
23 car, but you did know EA at the time?

24 A Yes, I did.

25 Q And you knew her by name. And you had met her through

1 Michael?

2 A Yes. I'd known EA for quite a while.

3 Q And did you know her to be his girlfriend?

4 A Yes.

5 Q Here is State's Number 6. Is that just a -- is that
6 sign in your yard?

7 A I think that sign is down at the corner. Our house is
8 at the corner of [] Avenue and [] Street.

9 Q So when you went out, was the car on [] or []?

10 A The car was actually on [] Street.

11 Q Okay. This is State's Number 8. What is that?

12 A That's a picture of my house.

13 Q Looking from which road?

14 A From Holland Street toward my house.

15 Q And you say that's where the automobile would have been
16 parked?

17 A The car was parked on Holland Street. That's correct.

18 Q Here's State's Number 9. Is that the automobile you
19 saw --

20 A Yes.

21 Q -- that EA was in?

22 A Yes, it is.

23 Q And again, Number 10.

24 A Yes.

25 Q State's Number 7. Does that accurately depict the view

1 if you were at the Buick looking up towards your home?

2 A Yes, it is.

3 Q And that's the garage there?

4 A Yes, it is.

5 Q I note in State's Number 11 there's a pool of blood
6 beside the car. Do you remember seeing that?

7 A Not that night. Not in the dark, no.

8 Q But that would have been approximately where you were
9 kneeling to, I guess, render some sort of medical aid, or
10 check for a pulse at least?

11 A I'm not sure where that blood is in relation to the
12 front door or back door, but I was at the front door. But I
13 did not notice that blood that night, no.

14 MR. SCOTT: Your Honor, permission just to publish
15 these few pictures to the jury.

16 THE COURT: Yes.

17 Q Mr. Simmons, I'm going to show you -- this is an aerial
18 photo, State's 38. I just have kind of a little bit of
19 difficulty orienting myself. I think you might be able to
20 do a little bit better. Would you point to Calvert? Do you
21 see Calvert Avenue here?

22 A I'm trying to get oriented myself.

23 Q This might be a good landmark over here.

24 A Calvert's right here. It's labeled Calvert. I've got
25 it now. That's Calvert.

1 Q And then South Holland. Do you see that?

2 A Right here. It crosses Calvert Avenue.

3 Q So which home is yours?

4 A This one right here.

5 Q Now, would you mark where you see the -- where the car
6 -- the white Buick was parked that night whenever you walked
7 outside.

8 A I'm trying to identify my driveway. There are two
9 little trees down here that appear to be closer to the
10 street than these two. But the car, I would say,
11 approximately in that area there.

12 Q I think that's about all my questions. Did you notice
13 -- was Michael Beaty wearing a shirt whenever he was at the
14 door?

15 A I don't recall whether he had a shirt on or not.

16 Q Did you notice any blood on him?

17 A I did not know. When he told me that EA was hurt or
18 dead then I immediately moved outside and that's where my
19 attention went.

20 Q And then EMS got there and law enforcement got there.
21 And did you tell them basically what you remember happening
22 once they came to your door?

23 A The First Responders, and I think a city fire truck
24 came up Calvert. It's dark on Calvert. I motioned them
25 around the corner to Holland Street where the car was. When

1 they got there I immediately moved out of the way:

2 Q Tell me what you remember about Will Alexander.

3 A Again, when Michael told me there was a problem I went
4 outside. Michael was outside. At that time I had no idea
5 where Will was until I went back inside later. I think it
6 was Officer Goggins was asking me where Will was, and I had
7 gone in to make a second call and he was on the sofa in the
8 den. And then Officer Goggins was asking me later to ask
9 him to please come outside and stay with the police officer.

10 Q Do you recall any of them being intoxicated, whether it
11 be Will or Michael?

12 A I think certainly both of them were. Michael was had
13 been drinking. It was pretty evident. When I went in the
14 house the second time to retrieve Will he was face down on
15 my sofa in the den.

16 Q But Will Alexander did go in the house and I think you
17 say he went to sleep on the couch?

18 A When I was asked to bring him outside I had to shake
19 his shoulder. I said, "Will, get up. They want you
20 outside." "Oh, I'm going to --" you know, he (MOANING).
21 "Will, come on out. They want you outside." And again, I'd
22 been outside all this time. So I was told by my wife he was
23 inside, but I don't know where he was exactly. Firsthand I
24 don't know where he was during that time when I was outside.

25 Q Did Michael go in the house?

1 A When he told me there was a problem, again, I went to
2 change clothes. I'm not exactly sure where Michael had
3 been. When I went out I think he was outside.

4 Q To check -- I'm sorry.

5 A I'm sorry. I just meant he went outside.

6 Q And you checked EA's pulse on her neck and her wrist?

7 A Yes.

8 Q And you knelt beside her?

9 A Yes. I might have been sitting in -- I can't recall
10 whether I was on the ground or the frame of the car, but I
11 reached across her neck and her left wrist.

12 Q And you noticed her arm, her right arm was wrapped
13 around the wrist with a --

14 A There was a small wrap on the wrist. That's correct.

15 Q Small cloth?

16 A I don't recall color or how wide it was, but there was
17 a band on her wrist, so I reached across to find a pulse on
18 the other hand.

19 Q Did you see her forearm of her right arm?

20 A No, not at that time.

21 Q Did you notice shards of glass?

22 A No, I did not.

23 MR. SCOTT: Thank you. Please answer any questions Mr.
24 Wise has for you.

25 THE COURT: Mr. Wise.

1 CROSS-EXAMINATION

2 BY MR. WISE:

3 Q Mr. Simmons, EA and Michael had been dating for some
4 time?

5 A Yes, sir.

6 Q And they had recently moved up to Greenville?

7 A Simpsonville or Greenville. Yes, sir.

8 Q In I believe March of that year?

9 A I'm not sure the exact date.

10 Q It had been a few months?

11 A Yes, sir.

12 Q And prior to that EA had been a guest in your home?

13 A Yes, sir.

14 Q Spent the night in your home?

15 A Yes, sir.

16 Q On more than one occasion?

17 A Yes, sir.

18 Q Several occasions?

19 A That's correct.

20 Q You all had gotten to know her very well?

21 A Very well.

22 Q You liked EA?

23 A Yes.

24 Q A loss to you, too?

25 A Yes. It's a loss to everyone involved. Yes, sir.

1 Q Had you ever been on vacation with EA and Michael?

2 A Not that I recall. No, sir.

3 Q But she'd been on some other family vacations together,
4 or do you know?

5 A With us?

6 Q Not with you, but with other family members?

7 A I don't recall a vacation with our family. No -- our
8 family members.

9 Q When you got there and you looked at the car, she was
10 on the front floorboard of that front seat?

11 A If this is her car, she's on the floorboard in the
12 passenger seat. That's correct. In front of the passenger
13 seat.

14 Q It's kind of a tight area?

15 A Yes, sir.

16 Q In an awkward position?

17 A It's how I described it to my wife. She was in an
18 awkward position.

19 Q She was sitting on the floor?

20 A She was in the floor. Again, I glanced very briefly
21 because I was trying to get a pulse. I can't describe
22 exactly how her legs were. Again, I just described to my
23 wife it's an awkward position.

24 Q And you didn't notice any blood around the car at the
25 time --

1 A No, sir.

2 Q -- did you?

3 A No, sir.

4 MR. WISE: Excuse me one moment.

5 Q You had mentioned that you had previously had
6 experience with EA cutting herself?

7 A We were called to the hospital -- I was called to the
8 hospital one time --

9 Q Right, and --

10 A -- prior to that.

11 Q I want to show you Defendant's Exhibit 14 which is a
12 hospital report. Let me find the date on it. Back
13 September the 16th of 2012. Would that be about the
14 approximate date that you went with them? Does that refresh
15 your memory?

16 A I don't remember the exact date. But I would say it's
17 well over a year ago. Yes, sir.

18 Q And less than a year before this incident happened?

19 A You say this is September 2012, right?

20 Q September 2012, yes.

21 A I was called to the hospital. You know, I don't recall
22 the exact date. But it had been a pretty good while ago.

23 Q And you recall that because she had cut herself?

24 A I had been called by Michael to come up there because
25 she had cut herself. Yes, sir.

1 MR. WISE: Thank you.

2 THE COURT: Any redirect?

3 REDIRECT EXAMINATION

4 BY MR. SCOTT:

5 Q Did Mr. Beaty tell you anything about unbuckling her
6 seatbelt before you got out there?

7 A No, I don't recall that.

8 Q This is State's Number 16. Did you observe the blood
9 on the seatbelt when you were out there?

10 A No.

11 Q It was pretty dark in the car when you were there?

12 A Where the car was parked it was dark. And again, I was
13 trying to get a pulse and get some assistance as quickly as
14 I could.

15 Q Would the dome light had cut on when the door was open?
16 Do you recall?

17 A As well as I recall, when I went out there the dome
18 light was on.

19 MR. SCOTT: Thank you. Nothing further, Your Honor.

20 THE COURT: Any recross based on is redirect?

21 MR. WISE: No recross.

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

23 (Whereupon, the witness stepped down from the witness
24 stand.)

25 MR. STUMBO: The State calls Josh McClendon.

1 JOSH McCLENDON, having been first
2 duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. STUMBO:

5 Q Good morning. Is it Officer McClendon?

6 A The correct title, I guess, would be -- I'm a sergeant
7 in the Public Safety.

8 Q Okay. It's rank of sergeant?

9 A Yes.

10 Q And that's at Clinton Department of Public Safety?

11 A Yes, sir.

12 Q Okay. Sergeant McClendon, describe for the jury how --
13 what Clinton Department of Public Safety does. Police, fire
14 or both?

15 A Yes, sir. We provide fire and police services for our
16 citizens in the city.

17 Q And as a sergeant at the -- or an officer -- any kind
18 of officer at the police department do you have to be cross
19 trained in both?

20 A Yes, sir.

21 Q So when you're working you could be called out --
22 dispatched to a fire call or emergency -- some kind of first
23 responder emergency call; is that correct?

24 A Yes, sir.

25 Q Or you could be working your role as a police officer,

1 correct?

2 A That's correct. We're usually assigned one division or
3 the other, but we do move sometimes.

4 Q And how long have you been at the Clinton Department of
5 Public Safety?

6 A This year will be 12 years. It'll be 12 years total,
7 but it'll be 10 at the Public Safety Department.

8 Q In that time have you responded to many calls?

9 A A lot.

10 Q On the night of June 29th, 2013 were you dispatched to
11 that number?

12 A Yes, sir.

13 Q And were you dispatched to [REDACTED] Avenue in the
14 city of Clinton?

15 A Yes, sir.

16 Q And that's in the city of Clinton, correct,
17 jurisdiction?

18 A Correct. But our fire -- our fire division does cover
19 outside the city limits. But that was that particular call.
20 Yes, sir.

21 Q Which is -- I know it seems like a dumb question, but
22 that's within the county line of Laurens County, correct?

23 A That's right.

24 Q I show you what's already in evidence as State's Number
25 38. This is an overhead picture. Just orient yourself to

1 that. Does that look familiar, that neighborhood?

2 A Yes, sir.

3 Q And this is what's marked as Calvert Avenue running up
4 this way from the bottom of the chart and the top?

5 A That's correct.

6 Q And Holland Street is running from side to side on this
7 chart here, correct?

8 A That's right.

9 Q And what's been circled here appears to have the number
10 502 facing the front towards Calvert Avenue. Is that where
11 you responded that night?

12 A Yes, sir.

13 Q Now, about what time did that call come in? Do you
14 recall?

15 A I don't have my official report. But I would say, if I
16 remember right, it come in just a few minutes after 11:00.

17 MR. STUMBO: If I may approach the witness, Your Honor.

18 THE COURT: You may.

19 Q If I show you your official report to refresh your
20 memory.

21 A It was 11:13 when we were dispatched.

22 Q The call came to you at 11:13 to go to the [REDACTED]?

23 A Yes, sir.

24 Q Did you take anybody with you?

25 A Yes, sir. I have one person that works with me at our

1 main station. Any call both of us will respond.

2 Q And who was that?

3 A It's Darren Vincent.

4 Q So you and Officer Vincent, or firefighter Vincent?

5 A Firefighter Vincent, yes.

6 Q He responded with you to --

7 A Yes, sir.

8 Q -- 502 Calvert? What were you all driving?

9 A That particular car we took the fire engine, which
10 would be -- that carries all our water. We have a different
11 one, but the fire engine.

12 Q And about how long did it take you to get from over
13 there at City Hall in Clinton over to { }?

14 A We got the call at 11:13 an we arrived seven minutes
15 later at 11:20.

16 Q Could you describe for the jury, Sergeant McClendon,
17 what you observed when you all pulled up?

18 A When we -- we took a right off of Calvert Avenue onto
19 South Holland and we -- we found the white vehicle. It was
20 sitting there, that our patient was in. And as we
21 approached the dome light was on, and I could obviously see
22 as we walked up our patient was just in an awkward position
23 in the car. And we approached the passenger door. Ms.
24 Asbill was, I would say, from a quarter of her way on her
25 lower back down all the way in the floorboard with her head

1 touching what would be the backrest of your seat. She
2 appeared very pale. And I did see some small amounts of
3 blood on her shirt. Which in regards to the call, an
4 unresponsive patient to me, through my experience, it just -
5 - it wasn't someone who would just go into a sudden
6 unresponsiveness, if you understand what I'm saying. I
7 mean, you could tell that she had been down without
8 circulation to her body for some time. And at that point we
9 checked her pulse. Of course, Mr. Simmons had told us he
10 had checked and he had -- he did not receive or find
11 anything. I did not either. And EMS arrived, I would say,
12 less than a minute right behind us. And I told Mr. Vincent
13 to assist them in whatever they needed because I really felt
14 like something was wrong. You know, it's just out of the
15 ordinary to find somebody in that position for that
16 particular call. So I told him I was going back to the
17 truck. And when I went back to the truck I called our
18 dispatcher and told them that I needed a law enforcement
19 officer ASAP. Didn't tell them what I had. I just told
20 them I needed someone. I went back to the vehicle. They
21 had already pulled Ms. Asbill out and was doing CPR right
22 beside the car. I stayed there for a short period of time
23 and I observed a truck pull up that I knew would probably
24 have the mother of the patient in there and I did not want
25 her to see what was taking place, so I told them again I'm

1 going to step away and I'm going to keep her from entering
2 where we were.

3 Q Let me stop you there. So you recognized this female
4 in the passenger seat slumped down as you've described,
5 correct?

6 A Yes, sir.

7 Q And you recognized this person as Emily-Anna Asbill?

8 A I did not recognize her. Just with the conversation
9 that was going on around me I could -- I could hear what
10 they were calling her and then I kind of put two and two
11 together. And then when I saw the truck pull up I knew that
12 her mother would probably be an occupant of that vehicle.

13 Q Clinton is a fairly small town, correct?

14 A Yes, sir.

15 Q So you recognized the vehicle that pulled up as
16 possibly carrying EA's mother?

17 A That's correct.

18 Q So at that time you divert over to speak with her?

19 A That's right.

20 Q She knows something at that point is wrong?

21 A Yes.

22 Q She's upset?

23 A Yes.

24 Q You were trying to keep her away from the scene?

25 A Yes, sir.

1 Q Did you have to take EA the seat -- any seatbelt or
2 restraint off of her when you got there?

3 A I would say no, because the position she was in it
4 would have been pretty obvious if she still had a seatbelt
5 attached to her. Because of it sticking out a decent amount
6 from the back of the seat where it usually would be, I would
7 say no, there was no seatbelt.

8 Q Did you observe injuries to her arm?

9 A At the time I did not. I could see the small amounts
10 of blood on the shirt. On the front of her shirt. But I
11 couldn't see any injuries at the time. No, sir.

12 Q So you were with her a very short period of time?

13 A A short period of time. Yes, sir.

14 Q And EMS arrived how quickly afterwards?

15 A I'd say less than a minute. A minute to less than a
16 minute.

17 Q The EMS, were they able to get her out of the car and
18 onto the ground?

19 A Yes, sir. They pretty much -- they did the same thing
20 we did. We checked basically for a pulse. And then, of
21 course, their protocol is with no pulse then CPR is the next
22 step.

23 Q How quickly -- was she eventually put into an ambulance
24 --

25 A Yes, sir.

1 Q -- is that correct? How quickly did this happen?

2 A I would say within five minutes she was from the ground
3 -- or in the car to in the ambulance, roughly five, six
4 minutes.

5 Q It was an emergency situation? Would you characterize
6 it that way?

7 A Yes, sir.

8 Q Not time to snap pictures and treat it as a --

9 A No, sir.

10 Q -- immediate crime scene?

11 A No, sir. I mean, it's -- if EMS is called -- I mean,
12 when you still -- I mean, until they think it's an obvious
13 deceased person you have to treat them all the same. Just
14 CPR until a doctor gives the call to cease all that.

15 Q So they made the call obviously to load her into the
16 ambulance --

17 A That's right.

18 Q -- and get her to the hospital?

19 A Yes, sir.

20 Q But could you find any pulse on her at all at that
21 time?

22 A No, sir.

23 Q Was her body pale?

24 A Very.

25 Q To your recollection did you see any broken glass in

1 the car or on the ground outside the car?

2 A No, sir.

3 Q No shards of glass?

4 A No, sir.

5 Q Do you recall though the window in the passenger side
6 was up or down?

7 A I don't.

8 MR. STUMBO: No further questions at this time, Your
9 Honor.

10 THE COURT: Mr. Wise.

11 CROSS-EXAMINATION

12 BY MR. WISE:

13 Q Did you notice the pool of blood beside the car when
14 you were there?

15 A Before or after we arrived?

16 Q Before -- well, when you arrived did you notice it?

17 A No, sir. I don't recall it being there when we first
18 arrived.

19 Q You noticed it afterwards?

20 A Yes.

21 Q Is that in the vicinity where the EMS people were
22 working on her when she was on the ground?

23 A Yes, sir.

24 Q Were you over there when the EMS people were working on
25 her on the ground?

1 A For a short period of time. Yes, sir.

2 Q And would that blood be in that close area?

3 A To where they were working on her?

4 Q Yes.

5 A Yes, sir.

6 Q Okay. I thought I had a better picture. The car that
7 you arrived -- the truck that you saw arrive that you knew
8 Ms. Asbill would be in -- or Ms. Joy would be in, was a
9 vehicle belonging to a first responder?

10 A He is a part of our organization. Yes, sir.

11 Q So that didn't surprise you that he would show up for
12 whatever reason?

13 A No, sir.

14 Q You were interviewed by law enforcement for this, too,
15 weren't you?

16 A After the fact?

17 Q Right.

18 A Yes, sir. I gave a statement also.

19 MR. WISE: All right. Thank you.

20 THE COURT: Any redirect?

21 MR. STUMBO: No redirect, Your Honor.

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

23 (Whereupon, the witness stepped down from the witness
24 stand.)

25 THE COURT: Let me see the attorneys up here for just a

1 minute.

2 MR. STUMBO: And, Your Honor, just for the record, we'd
3 ask that Sergeant McClendon be released.

4 MR. WISE: No objection.

5 THE COURT: Without objection.

6 (Whereupon, a side bar was held.)

7 THE COURT: All right. Ladies and gentlemen of the
8 jury, we'll take a quick 10 minute recess and then we'll
9 come back and have a little more testimony and then we'll
10 break for lunch. I just want to give you a heads up. Do
11 not discuss anything about the case.

12 (Whereupon, the jury exited the courtroom at 11:53
13 a.m.)

14 THE COURT: The court is still in order. Court is
15 still in order. Thank you. Now court is in recess until
16 12:00 noon.

17 (Whereupon, a recess was held from 11:53 a.m. to 12:06
18 p.m.)

19 THE COURT: Anything before we bring the jury back?

20 MR. STUMBO: Nothing from the State.

21 (Whereupon, the jury entered the courtroom at 12:07
22 p.m.)

23 THE COURT: The State may call its next witness.

24 MR. SCOTT: Thank you, Your Honor. The State calls
25 Lauren Simmons.

1 LAUREN SIMMONS, having been first
2 duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. SCOTT:

5 Q Good afternoon, Ms. Simmons. How are you doing?

6 A Good. How are you?

7 Q What kind of jacket are you wearing there?

8 A It's a pullover that we are provided by Laurens County
9 EMS.

10 Q And you are an EMS worker for Laurens County?

11 A That's correct.

12 Q How long have you been with that agency?

13 A May this year will be six years.

14 Q And what kind of training do you have to undergo to be
15 an EMS worker?

16 A For my certification level I'm a paramedic. I went
17 through two years of school and received an associate's
18 degree. Had to take several different classes in anatomy
19 and physiology. Several different math classes, English
20 classes. And then started out as an EMT basic, which is the
21 lowest level that we start at, providing basic care, blood
22 pressures, heart rates, basic oxygen administration. And
23 then it proceeds from there to an intermediate which can
24 establish IV access. And the next highest level is a
25 paramedic, which can administer cardiac medication,

1 breathing medications, provide innovation which provides
2 breathing support for somebody who needs assistance or is
3 not breathing at all we can provide that to them.

4 Q So you don't drive the ambulance? You're the ones who
5 jump out the back and do all the treatment on the people?

6 A It depends. On the call, if it were a basic call in
7 the middle of the night and say my leg hurts because I fell,
8 it would be what we would consider a basic life support
9 call, and my partner, whether it be a basic or the
10 intermediate, would ride the call, because that call would
11 not require any, what we call, advanced life support where
12 they would need to be placed on cardiac monitor to monitor
13 their heart rate. They wouldn't need to be given any
14 medications as far as to stabilize their condition, heart
15 rate or any kind of breathing support such as innovation or
16 anything like that.

17 Q Well, what kind of call was it you responded to on the
18 night of June 29th, 2013 when you went out to

19 A We were dispatched to an unconscious person.

20 Q Was that all the information you were given?

21 A Yes, sir. At first.

22 Q Did you ride in the back?

23 A No, sir. I rode in the -- on the way to the call
24 usually it's just a two person truck. So my partner and I,
25 on the way to the call, we both ride in the front. One of

1 us, whoever is not driving, looks up the address. We have a
2 map book, and we can look up the streets that we are going
3 to, cross roads that may intersect with that certain street
4 that we go to, and provide directions to the person driving.
5 And then once we get there we both get out. And depending
6 on what kind of call it is, for this call being an
7 unconscious person, once we arrive on scene and assess the
8 severity of the patient determines who would ride in the
9 back. In this case it was Michael.

10 Q And if it was [REDACTED] about how long would it have
11 taken you to get there?

12 A I can't say with 100 percent certainty exactly how long
13 it took us to get there. It's not very far from where we
14 were stationed at at Clinton Public Safety at 44 North Broad
15 Street in Clinton. I'd say maybe four to five minutes it
16 took us to get there, without looking at my report to know
17 the exact time.

18 Q Tell us what you observed whenever you first get to the
19 scene there at [REDACTED].

20 A When we arrived on scene we were directed to the car
21 and we found Ms. Asbill, who was a woman who was identified
22 as Ms. Asbill, in the passenger side floorboard. Her head
23 was laid back on the seat and she was sitting in -- her legs
24 were in the floorboard in what I would describe as an Indian
25 style seated position where your legs are crossed and you

1 would be sitting on the floor like you do in Kindergarten,
2 sitting Indian style. And her head was back on the seat.
3 She was not noted to be breathing or have a pulse, which we
4 refer to as pulseless apneic.

5 Q So all of these observations, that's -- I guess you
6 call that a doorway assessment?

7 A Correct. We -- initially when we arrive on scene
8 that's the first thing we do. We make a doorway assessment.
9 So when we first arrived on scene we kind of look at the
10 patient and determine are they breathing. If I walked in
11 and see you, I could observe that you are breathing. I can
12 see your chest rising and falling. You're alert. You're
13 oriented. You're talking to me. You're making purposeful
14 movement. In this case, however, she was not. She was
15 making no purposeful movement, and we could not see her
16 making any effort to breath. She was not having any chest
17 rise or fall.

18 Q So if there's no indication she was breathing, did you
19 find a pulse?

20 A No, sir.

21 Q Was the -- you mentioned the position you found her in.
22 Did you say she was sitting -- or her legs were folded
23 Indian style on the floorboard of the car?

24 A Yes, sir.

25 Q And was that noteworthy in any way to you?

1 A It just -- it didn't appear normal, per se, as a way a
2 person would be sitting in a car just to be riding, or a way
3 that an unconscious person would place -- I mean, normally
4 when you're unconscious you don't just sit Indian style and
5 go unconscious. You either fall or you're sitting in the
6 seat and just kind of slump over to one side or the other.

7 Q So it's peculiar to you the position she was in?

8 A Correct.

9 Q And you said somebody directed you to the car. Do you
10 remember who took you to the car?

11 A I don't remember exactly who took us to the car. I do
12 recall that Mr. Beaty was there at the car when we arrived.

13 Q You're talking about Mr. Beaty sitting here between --

14 A Yes, sir.

15 Q -- the two lawyers? And what's he telling you at that
16 point?

17 A Since Ms. Asbill was unconscious in order to be
18 pulseless apneic. We had to refer to somebody else to get
19 information on what caused this incident. What caused her
20 to be unconscious. We were told that she had cut her wrist
21 and that when he arrived at the house at [REDACTED] Avenue
22 that he noted her to be unconscious and he went and
23 retrieved his step-father who then called 911 for him.

24 Q Did he tell you how she got in that position you
25 described?

1 A No, sir. He did not.

2 Q Did you get her out of the car?

3 A Yes, sir. We took her out of the car. Placed her, as
4 best I recall, onto the ground and placed her on a cardiac
5 monitor, because we noted her to be pulseless apneic in
6 which she was noted to be in asystole, which means she had
7 absolutely no heartbeat. No electrical activity whatsoever
8 in her heart. We immediately started CPR until our
9 stretcher was brought to us, at which time we placed her
10 onto the stretcher and returned to our ambulance.

11 Q Okay. For all practical purposes she was deceased at
12 that time?

13 A Yes, sir.

14 Q Were there any observations you could make to determine
15 how long she had been apneic? Is that the word?

16 A There is no way of knowing without having a medical
17 examiner, you know, do blood work and determine how much
18 toxicity she had built up in her body from carbon monoxide,
19 not breathing and her heart not functioning. As far as I
20 could tell, we were informed for five minutes or less that
21 she had been this way. But from our observation she was
22 noted to be cyanotic which is blue in the face, fingernails,
23 toenails. She had cyanosis to all those areas, which would
24 indicate to us that she had been like that for more than
25 five minutes.

1 Q You removed her from the car and you said you attempted
2 some resuscitation techniques on the ground outside the
3 automobile?

4 A Yes, sir.

5 Q And did you notice any wounds?

6 A Not directly. When we removed her from the car it was
7 very dark out there. There were no street lights that I
8 recall. The only lighting that we had at that point was the
9 dome light from inside the car because the door was open
10 when we arrived. We did not observe any visible wounds
11 until we actually got her into the back of our ambulance to
12 perform further assessment.

13 Q Well, forgive me if I already asked this. But did Mr.
14 Beaty provide any explanation as to how she became
15 unconscious?

16 A He informed us that she had cut her wrist and that was
17 why he believed she was unconscious.

18 Q Okay. So then you get her in the ambulance, and the
19 back of the ambulance is well lit?

20 A Yes.

21 Q What do you observe at this time?

22 A At this point in time, because she was unconscious,
23 pulseless apneic, it's sort of common protocol to remove all
24 clothing. So what we do is we cut -- with trauma shears we
25 cut all clothing off. She was noted to have a wrap around

1 her right arm, which is the arm he said she had cut her
2 wrist on. We removed that. And at that point we noted that
3 she had severe, what I would call, road rash as if you were
4 to fall down and skin your knee and you have that kind of
5 scraping on your skin. She was noted to have that to her
6 right arm. Also her left arm as well. And then she was
7 noted to have some bruising to her neck area.

8 Q Let me show you State's 36. Is that what you observed
9 in regards to her right arm?

10 A Yes.

11 Q Did you note any evidence in her right arm of any
12 cutting?

13 A Not that I could tell. No, sir.

14 Q Any laceration type injury?

15 A No, sir.

16 Q Well, especially to her wrist area. Did you notice
17 anything like that?

18 A No, sir. All the injuries that I noted were more to
19 the side of her wrist and forearm. Not to where you would
20 normally -- one would normally, if they were trying to
21 injure themselves, cut themselves. It would be on the
22 inside of the wrist where the arteries are, and that was not
23 where we observed injuries.

24 Q But the question is, did you see any cutting or
25 laceration type injuries?

1 A No, sir.

2 Q You only noted abrasion type injuries?

3 A Right.

4 Q Is that what you're saying?

5 A Correct.

6 Q And State's Number 35. Was that what her left hand
7 looked like?

8 A Yes, sir.

9 MR. SCOTT: Your Honor, permission to publish these to
10 the jury.

11 THE COURT: Yes, you may.

12 Q Did you notice any -- in taking her out of the car and
13 -- well, when she was in the car, and then subsequently when
14 you removed her out of the car, did you notice any shards of
15 glass?

16 A Not that I recall. No, sir.

17 Q Well, tell me about the bruising on the neck? What was
18 that all about?

19 A We could tell that there was some sort of bruising to
20 her neck. We could not tell exactly the width of the
21 bruising, how long it had -- how long ago it had occurred,
22 the bruising, or what caused the bruising had occurred. We
23 could just tell that there was some form of bruising to her
24 entire frontal neck area.

25 Q Was there any explanation given for that injury?

1 A No, sir.

2 Q Then what hospital did you take her to?

3 A We went to Laurens County Hospital because it's the
4 closest hospital in reference to the area that we were in,
5 and because of her condition that is where we transported
6 her to get her definitive care if she were to have any
7 chance of regaining pulses and surviving her injury.

8 Q And they pronounced her dead at the hospital?

9 A That's correct.

10 Q Do you recall what type of clothing -- you said you cut
11 clothing off of her. Do you recall what kind of clothing it
12 was?

13 A If I recall correctly, I think she may have had shorts
14 of some sort and a tee shirt, and then she had some sort of
15 wrap around her right wrist. I'm not sure what it was. If
16 it was a tee shirt or just a piece of cloth that maybe they
17 had in the car that they wrapped around her wrist at the
18 time to, per se, stop the bleeding that they said that she
19 had caused herself in cutting her wrist.

20 Q Did you notice any blood on her clothing?

21 A Not that I recall. No, sir.

22 Q I'll show you State's Number 48. Do you recognize
23 this?

24 A Yes, sir. That's the shirt. One of the shirts we cut
25 off of her.

1 Q And that would have been the undershirt, I suppose?

2 A Correct. Typically it's what's known as an undershirt.

3 Q And do you recall -- it looks like there's some sort of
4 stains on the shirt. Do you recall that that night?

5 A I don't recall seeing that. No, sir.

6 Q Is that a typical procedure to cut the clothing instead
7 of just removing it in a traditional manner?

8 A Yes, sir. Because of her condition, because she had no
9 heartbeat and she was not breathing on her own, we are more
10 worried about removing the clothing quickly so that we can
11 provide definitive care to her and provide CPR and start
12 intravenous access to administer medication.

13 Q Let me show you State's Number 47. This would have
14 been -- is this familiar to you?

15 A Yes. That would have been the shirt she had on over
16 the shirt you showed me previously.

17 Q And likewise, you would have cut this off?

18 A Correct.

19 Q But the sole explanation for the injuries, or how she
20 became in that state you observed her in, was that she had
21 possibly cut herself?

22 A Correct. That was the only explanation we were given
23 when we asked how she became unconscious.

24 MR. SCOTT: Thank you. Please answer any questions Mr.
25 Wise has for you.

1 THE COURT: Mr. Wise.

2 CROSS-EXAMINATION

3 BY MR. WISE:

4 Q Ms. Simmons, you arrived at what time?

5 A I could not tell you exactly without looking at our
6 report or attached sheet from dispatch. I couldn't give you
7 an exact time.

8 Q But the other officer who testified earlier had already
9 -- was already there when you got there?

10 A Yes, sir.

11 Q And if he got there at 8:13, then you arrived shortly
12 after that?

13 A Maybe one to two minutes after.

14 Q And you were aware that the -- well, he arrived at
15 11:20. Excuse me.

16 A Correct.

17 Q So you arrived roughly 11:21, 11:22?

18 A Correct.

19 Q So she had been at the house for substantially more
20 than five minutes when you got there?

21 A According to our observations and the findings we found
22 on her body, it would indicate that she had been that way
23 more than five minutes.

24 Q Right. But she had been at the house for more than
25 five minutes if the call came in at 11:13?

1 A Correct, yes.

2 Q Now, you noticed bruising on the neck?

3 A Yes, sir.

4 Q And the bruising was only to the front part of her
5 neck?

6 A As far as I observed, yes.

7 Q Right. You didn't observe any bruising on the back
8 part of the neck?

9 A Not that I saw. No, sir.

10 Q And did Mr. Beaty tell you that she had cut herself in
11 the past?

12 A No, sir. He did not reveal that information to us. He
13 just revealed to us how she had become the way she was at
14 the current time.

15 Q And he said he believed she cut herself?

16 A Yes, sir.

17 Q You didn't move the seat of the car?

18 A No, sir. We picked her up directly from the position
19 she was in and removed her from the car.

20 Q And she was on the floorboard of the car --

21 A Yes, sir.

22 Q -- is that correct, in this State's Exhibit 18?

23 A Yes, sir. That's her car. She was in that passenger
24 floorboard.

25 Q And that was in the awkward position, too, wasn't it?

- 1 A Yes, sir.
- 2 Q And you got her out and put her beside the car?
- 3 A Yes, sir.
- 4 Q How far from the car did you work on her?
- 5 A It was -- we removed her from the car and laid her down
- 6 right beside. There was a sizeable gap between the curbing
- 7 of the road and where the car was, and we laid her directly
- 8 beside the car.
- 9 Q Did you notice that blood stain when you got there that
- 10 night?
- 11 A No, sir. I did not. It was very dark outside, like I
- 12 said previously. There were no street lights that I recall
- 13 and I did not see that.
- 14 Q And when you were working on her, her hand was down?
- 15 A Her hands were down beside her. Yes, sir.
- 16 Q Do you recall where her head was in relation to the
- 17 car? Was in toward the front or the back?
- 18 A I do not recall.
- 19 Q If you lay someone's hands down who's been cut like
- 20 that, it would not be unusual, even if they're deceased, for
- 21 blood to come out due to gravity?
- 22 A Correct.
- 23 Q And, in fact, if you're working on her, working on her
- 24 hard, you can actually force some little bit of blood out,
- 25 too?

1 A Correct. Because when you do CPR you're circulating
2 blood.

3 Q So that pool of blood could have come while you all
4 were working on her?

5 A Possibly.

6 Q Possibly, okay. And when you got there where was
7 Michael Beaty?

8 A He was standing beside the car. Not directly in the
9 doorway. He was kind of back off to almost the curb of the
10 road and --

11 Q Excuse me?

12 A He was back off the curb of the road. The fire
13 department arrived before we did, so they had already asked
14 him to step back from the vehicle so they could do an
15 assessment on the patient. And so, he was kind of off on
16 the curb.

17 Q He'd been asked to step back?

18 A Correct.

19 Q From where he was earlier, which was right at the car?

20 A Correct. I assume he was right at the car.

21 MR. WISE: Thank you.

22 THE COURT: Any redirect?

23 MR. SCOTT: Yes, Your Honor. Just really one question.

24 REDIRECT EXAMINATION

25 BY MR. SCOTT:

1 Q Do you recall her hairstyle?

2 A If I remember correctly, I want to say she had it in a
3 ponytail.

4 Q State's Number 2. Is that -- is that how she appeared
5 somewhat?

6 A Yes, but her hair was not down, how it appears in that
7 picture.

8 Q You recall her having longer hair or shorter hair?

9 A It was -- it's hard to say because, like I said, I
10 recall it being up in a ponytail, and she had it somewhat in
11 a bun, as what females refer it to, where it's kind of like
12 my hair is now where you're not able to tell exactly how
13 long it is, because it's doubled over on itself, so you
14 can't tell exactly -- you can't see the ends of it to tell
15 exactly how long it is.

16 MR. SCOTT: Okay. Thank you.

17 THE COURT: Any recross?

18 MR. WISE: Just a couple questions.

19 RECROSS-EXAMINATION

20 BY MR. WISE:

21 Q Did you make some notes that night?

22 A I'm sorry?

23 Q Did you make some notes from your observations that
24 night?

25 A Yes, sir. We do an incident report.

1 Q Are those your notes?

2 A No, these are not my notes.

3 Q Do you know whose handwriting that is?

4 A No, sir.

5 MR. WISE: Okay. Thank you.

6 THE COURT: You may step down.

7 (Whereupon, the witness stepped down from the witness
8 stand.)

9 THE COURT: You're excuse unless someone has an
10 objection to that.

11 MR. STUMBO: No objection, Your Honor.

12 Your Honor, the State would call Lieutenant Casey Jones
13 to the stand.

14 LIEUTENANT CASEY JONES, having been
15 first duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. STUMBO:

18 Q Good afternoon, Lieutenant Jones.

19 A Hey, are you?

20 Q I'm fine. You are a lieutenant with Clinton Department
21 of Public Safety?

22 A Yes, sir. That's correct.

23 Q So what's your role there as a lieutenant?

24 A I work primarily in the police division as a night
25 shift supervisor for uniform patrol.

1 Q So you supervise a shift of guys in uniform that are
2 patrolling in Clinton patrol cars, correct?

3 A Yes, sir. That's correct.

4 Q Were you in that role at Clinton Public Safety back on
5 June 29th, 2013?

6 A Yes, sir.

7 Q And were you dispatched to a location there close to
8 PC, [REDACTED] Avenue?

9 A Yes, sir. I was.

10 Q And this area is somewhat familiar to you there in
11 State's 38? What's depicted in State's 38?

12 A Yes, sir.

13 Q Okay. [REDACTED] here which is circled?

14 A Yes, sir. That's correct.

15 Q Is that where you were dispatched to that night?

16 A Yes, sir.

17 Q If you could, describe for the jury, Lieutenant Jones,
18 when you pull up what do you observe?

19 A Sergeant McClendon, from Clinton Public Safety, had
20 requested law enforcement to come to [REDACTED] Avenue. I
21 believe their initial call was for an unconscious patient.
22 I was the first to arrive a law enforcement officer there.
23 I observed what was later determined was Ms. Asbill's car
24 parked there along the curb on South Holland Street. Ms.
25 Asbill was already in the back of the ambulance when I

1 arrived, so I did not actually get to look at her. However,
2 I could see through the back windows of the ambulance that
3 they were performing CPR on Emily-Anna. I also noted that
4 Mr. Henry Simmons, Will Alexander and Michael Beaty were on
5 scene.

6 Q And were you familiar with those individuals just being
7 from Clinton?

8 A I was familiar with Mr. Simmons and Ms. Asbill.

9 Q Now, what was one of your primary concerns when you get
10 to the scene at that point?

11 A As I arrived I spoke with Sergeant McClendon and he had
12 told me that Ms. Asbill was in cardiac arrest. I knew her
13 to be a young female, and that was somewhat abnormal. So at
14 that point it was basically a death investigation at that
15 point. So I went ahead and secured the scene around the --
16 her vehicle, where they explained to me she was located,
17 with crime scene tape.

18 Q What's the purpose of securing a crime scene? If you
19 could tell the jury why you do that.

20 A Sure. Law enforcement typically, as soon as we can,
21 particularly whether it be a death investigation or a
22 potential crime scene, we want to secure that area as
23 quickly as we can to keep people out of that area. That way
24 we maintain evidence to be located in that crime scene, and
25 everything is exactly the way it was when we arrived until a

1 crime scene analyst or whoever can get there and collect
2 that evidence.

3 Q And you were able to gather some information before you
4 do that from Sergeant McClendon?

5 A Yes, sir. He had advised me that Ms. Asbill was in
6 cardiac arrest and that she was found in the car.

7 Q So you secured the scene with crime scene tape?

8 A Yes, sir.

9 Q Who was there within that rhelm at that point? I think
10 you described Mr. Simmons. He was there, correct?

11 A Yeah, he was on scene, along with Will Alexander and
12 Michael Beaty. When I arrived they were standing up towards
13 the driveway of 502 Calvert Avenue.

14 Q And they were still standing together at that point or
15 separated?

16 A From what I recall, they were kind of standing loosely
17 together. Yes, sir.

18 Q EMS was still on scene with EA Asbill in the back of
19 the ambulance at that point --

20 A Yes, sir.

21 Q -- or her body. At Clinton Department of Public Safety
22 do you all have an investigations division?

23 A Yes, sir. We do. As soon as I had secured the
24 potential crime scene I had requested Detective Goggins to
25 respond to the scene. He was working that night on

1 alternative detail.

2 Q How long did it take Detective Goggins to get there?

3 A It was a short period. Just a few minutes.

4 Q Did you have any interaction with the Defendant that
5 night, Michael Beaty?

6 A No, sir. Once Detective Goggins arrived on the scene
7 he field interviewed Mr. Beaty, Mr. Simmons and Mr.
8 Alexander.

9 Q Your primary concern was keeping the scene secure?

10 A Yes, sir.

11 Q Did you have any -- were you able to observe Ms.
12 Asbill's body -- or her body in the back of the --

13 A No, sir. I did not. All I could see was EMS personnel
14 performing CPR through the rear door, or windows of the
15 ambulance.

16 Q Did you do any initial assessment of the scene around
17 the car?

18 A Yes, sir. It was merely observation, but I noticed
19 there was a small pool of blood by the passenger side of the
20 vehicle.

21 Q Let me show you State's Number 11. Do you recognize
22 that?

23 A Yes, sir.

24 Q Does that look consistent with the pool of blood that
25 you --

1 A Yes, sir.

2 Q What about the car itself? Anything out of the
3 ordinary that you observed?

4 A Not right offhand. When I got there I believe all the
5 doors were closed to the vehicle. With me securing that
6 crime scene, I didn't want to contaminate that scene myself
7 through going through the vehicle or anything of that
8 nature. So I left everything as is until crime scene got
9 there.

10 Q Right. You say crime scene. At Clinton Department of
11 Public Safety do you all have a specific crime scene unit
12 there?

13 A No, sir. We do not. They have a small department. We
14 requested SLED to send their crime scene analyst out that
15 night.

16 Q So SLED was asked to come to the scene?

17 A Yes, sir.

18 Q And did you stay at the scene and keep it secure until
19 SLED arrived?

20 A I left for a short period, in which I left the scene
21 with Detective Goggins, and I later returned. And the SLED
22 crime scene got there, if I recall.

23 Q They arrived when you had come back; is that correct?

24 A Yes, sir. I believe so.

25 Q Do you recall -- well, let me ask this first. Did you

1 alter, or manipulate or contaminate this scene in any way?

2 At the time that you were there, did you see anyone make any
3 changes or alter or mess with the car at all?

4 A No, sir. I did not.

5 MR. STUMBO: Beg the Court's indulgence.

6 THE COURT: Yes, sir.

7 MR. STUMBO: Your Honor, no further questions of
8 Lieutenant Jones. Please answer any questions the Defense
9 may have.

10 THE COURT: Mr. Grose, Mr. Wise.

11 CROSS-EXAMINATION

12 BY MR. GROSE:

13 Q I don't think I have a lot of questions, but I do want
14 to followup on a couple of things. Do you have an exhibit
15 up there or did it --

16 A No, sir. I don't have anything.

17 Q All right. Now, the Solicitor asked you some questions
18 about whether or not Clinton Department of Public Safety has
19 an investigations division.

20 A Yes, sir.

21 Q And there's a division of labor in law enforcement,
22 right?

23 A To some degree. Yes, sir. Depending on the size of
24 the department.

25 Q And you're assigned specific roles?

1 A Potentially, yes.

2 Q Go ahead.

3 A Within your departments a lot of times you're going to
4 have to use your resources as much as you can.

5 Q Right.

6 A We're not fortunate enough to have a sole group of
7 people to, you know, solely do crime scene, or solely do
8 investigations. Sometimes we have to --

9 Q Sometimes you have to wear more than one hat?

10 A Yes, sir.

11 Q Well, let's talk about this a little bit.. This
12 particular night. You were essentially the first responder
13 for the police department side of public safety?

14 A Yes, sir. I was the first law enforcement officer
15 there.

16 Q And so, with that comes certain responsibilities,
17 right?

18 A Yes, sir.

19 Q And I believe you talked about kind of making an
20 immediate assessment of the situation, right?

21 A Yes, sir.

22 Q And the Solicitor asked you about putting up crime
23 tape, right?

24 A That's right.

25 Q And what we were talking about, in Plaintiff's Exhibit

1 Number 7 you can see some of the crime tape in there.

2 A Yes, sir.

3 Q And that's this yellow tape.

4 A Yes, sir. That's correct.

5 Q Right.

6 MR. GROSE: I'm just going to publish this, Your
7 Honor.

8 THE COURT: Certainly. It's in evidence.

9 Q Now, part of putting that tape into place is to keep
10 people from coming in and out, right?

11 A That's right, yes.

12 Q And just as a practical matter, some people had already
13 been in and out as far as the medical response, right?

14 A Yes, sir. Prior to my arrival. Yes, sir.

15 Q Right. And you just can't get around that, nor would
16 you want to?

17 A No, sir. Life safety is first and foremost.

18 Q Right, okay. So you testified earlier that when you
19 got there all the car doors were shut?

20 A Yes, sir. If I recall correctly.

21 Q And, you know, in the picture that's been handed
22 around, you know, it's from a distance and it shows one side
23 of the car but the doors are shut, right?

24 A Yes.

25 Q And so, obviously we know that earlier in the evening

1 the door had been opened because -- you heard the testimony.

2 They got --

3 A Yes, sir.

4 Q -- EA out of the car.

5 A Obviously they got her out of the vehicle.

6 Q So, and then you were also asked about the pool of
7 blood, which is on Plaintiff's Exhibit Number 11, right?

8 A Yes, sir.

9 MR. GROSE: And, Your Honor, I'm going to publish that
10 as well.

11 Q Now, this gets into some of the relationship, the
12 different roles of the officers involved, right? Correct?

13 A Sure.

14 Q Because while you can talk about some of these
15 pictures, you're not actually the person who took those
16 pictures, right?

17 A No, sir. I was not.

18 Q Okay. But they document what you saw?

19 A Yes, sir.

20 Q And so, these pictures were actually a couple of steps
21 on down the line. SLED took those pictures?

22 A Yes, sir. That's correct.

23 Q So the picture showing the pool of blood was after Ms.
24 EA had already been removed from the scene?

25 A Yes, sir. That's correct.

1 Q And that doesn't give us any information how it got
2 there. It's just documents the scene at that time?

3 A That's right.

4 Q And you saw that?

5 A Yes, sir.

6 Q And you mentioned having an investigation division, and
7 in this case Detective Goggins?

8 A That's right.

9 Q And he was called to the scene by you?

10 A Yes, sir.

11 Q And his role -- after you secure the scene and assess
12 what's going on, somebody -- and I know it's a small
13 department. In this case Detective Goggins takes over the
14 further investigation?

15 A Yes, sir.

16 Q And there's sort of an information sharing that goes
17 on, right?

18 A Yes, sir.

19 Q And it happens a couple of ways at least, right?
20 Correct?

21 A Yes.

22 Q I mean, because you certainly told Mr. Goggins --
23 Detective Goggins what you knew when he got there, right?

24 A Yes, sir.

25 Q And in law enforcement you fill out paperwork, right?

- 1 A Yes, sir.
- 2 Q And sometimes you might make some handwritten notes,
3 right?
- 4 A Yes, sir.
- 5 Q And those can be saved in the case file, right?
- 6 A Yes, sir.
- 7 Q And in almost all cases incident reports are filled
8 out, right?
- 9 A Yes, sir.
- 10 Q And those go into the case file?
- 11 A Yes, sir.
- 12 Q And so, all of this information can be -- your case as
13 the first responder to Mr. -- Detective Goggins for
14 followup, right?
- 15 A Yes, sir.
- 16 Q And then information can also be passed on to SLED.
17 They're the ones who took the photograph right, SLED?
- 18 A Yes, sir. To my knowledge.
- 19 Q And I think you said that SLED was called because
20 you're a small agency, right?
- 21 A We don't have the -- necessarily all the equipment to
22 process any type of crime scene of that nature.
- 23 Q But they're not the only ones that can process crime
24 scenes in South Carolina?
- 25 A No, sir.

1 Q Do you know if the decision was made to call SLED
2 because EA's father is a SLED agent?

3 A I can't testify to that. I wasn't the one that
4 notified SLED.

5 Q So you weren't really privy to that?

6 A No, sir. I'm not privy to any of that information.

7 Q Okay. But certainly the people who were investigating
8 the crime scene, they can receive this additional
9 information, right?

10 A Yes, sir.

11 Q And even they are kind of divided in different parts,
12 right, or different --

13 A Sure.

14 Q -- responsibilities?

15 A Sure.

16 Q I mean, you know from your experience, and again, you
17 have to wear the multiple hats, they have people who come
18 out to collect evidence, right?

19 A Yes, sir. I'm not familiar with all of SLED's
20 infrastructure or how they handle business, but --

21 Q But you know that --

22 A -- I'm sure it's possible.

23 Q But you knew that they came out and, you know, took the
24 pictures in this case?

25 A Yes, sir.

1 Q And you knew from working on this case, at least, an
2 investigator is out, right?

3 A Sir?

4 Q That SLED sent investigators out?

5 A Yes, sir.

6 Q And you know from working on this case and other cases
7 SLED has laboratories, right?

8 A Yes, sir.

9 Q And you probably know that information and evidence was
10 sent to SLED for examination?

11 A I would assume so.

12 Q And so, all of this information can be collected and
13 analyzed and followed up on, right?

14 A Yes, sir.

15 Q In fact, that's kind of how it's supposed to work?

16 A It sounds like a good theory.

17 MR. GROSE: Thank you, Your Honor, that's all I have.

18 THE COURT: Any redirect?

19 MR. STUMBO: Just one question, Your Honor.

20 REDIRECT EXAMINATION

21 BY MR. STUMBO:

22 Q Lieutenant Jones, you were asked if SLED was called out
23 because EA Asbill was an agent. Did you have any knowledge
24 of that that night?

25 A As far as?

1 Q That her father was a SLED agent?

2 A Yes, sir. I did.

3 Q So you interacted with him before? He's from Clinton,
4 correct?

5 A Yes, sir. He lives in Clinton.

6 Q Okay. So, I guess, the assertion being made here is
7 that you had something --

8 MR. GROSE: Objection as leading.

9 THE COURT: Rephrase your question.

10 Q Did you have anything to do whatsoever with SLED crime
11 scene being called that night?

12 A No, sir. I did not.

13 Q You said earlier -- I think you testified earlier that
14 you handed the scene over to Lieutenant Goggins.

15 A Yes, sir. That's correct.

16 Q Who else was on scene? Was Chief Morse there?

17 A Chief Morse arrived on the scene as well.

18 Q And he's your big boss, correct?

19 A Yes, sir. He's the big boss.

20 MR. STUMBO: No further questions, Your Honor.

21 THE COURT: Any recross?

22 MR. GROSE: No, sir.

23 THE COURT: Thank you. You may step down.

24 (Whereupon, the witness stepped down from the witness
25 stand.)

1 MR. STUMBO: We would ask that Lieutenant Jones be
2 released as well.

3 MR. GROSE: No objection.

4 THE COURT: No objection. Would that be pretty much
5 your witnesses as well?

6 MR. STUMBO: Yes, sir.

7 THE COURT: All right. Ladies and gentlemen, now is a
8 good time to take a lunch break. I'm going to tell you to
9 probably not have a big big lunch. I've seen a number of
10 jurors as the afternoon goes on get sleepy and you don't
11 want to be the juror who gets nudged by the bailiff to wake
12 up. So watch what you eat. Have a nice lunch. And please
13 do not discuss this case with anyone while you're out.
14 Let's be back here -- I know it takes a while to get back.
15 Let's say 2:30. So ladies and gentlemen, have a nice lunch
16 and I'll see you all back here just a little bit before
17 2:30.

18 (Whereupon, the jury exited the courtroom at 12:48
19 p.m.)

20 THE COURT: All right. The court is in recess until
21 2:30. Thank you.

22 MR. WISE: Your Honor, we have one matter of logistical
23 problems.

24 THE COURT: Yeah, we'll --

25 MR. WISE: We may -- that we may need your help on.

1 Mr. Beaty has an ankle monitor on.

2 THE COURT: Right.

3 MR. WISE: We toyed with the idea of calling Eagle Eye
4 yesterday. It's paid through the first of February, so it's
5 not like we're getting money back if we're going to take it
6 off now. We found out last night, or this morning really,
7 the jail will not let him sleep in a cell with a monitor on.
8 He has to sleep in the holding cell, which --

9 THE COURT: We need to take the monitor off of him.

10 MR. WISE: Well, there's been a call made for that.

11 THE COURT: He needs to have the monitor off of him.

12 MR. WISE: Yeah, a call's been made for that. And it's
13 supposed to --

14 THE COURT: Do you need a court order for that?

15 MR. WISE: No. We may need a court order if Eagle Eye
16 can't get down here to take it off to put him in a cell.

17 THE COURT: Whatever you need so he can get a decent
18 night's sleep. He shouldn't have to be --

19 MR. WISE: Thank you.

20 THE COURT: Thank you.

21 MR. WISE: Just wanted to bring it to your attention.

22 THE COURT: The court's in recess until 2:30.

23 (Whereupon, a lunch recess was held from 12:48 p.m.
24 until 2:33 p.m.)

25 THE COURT: Good afternoon, ladies and gentlemen. Thank you

1 for your promptness in getting back here now so we can start
 2 back. I hope you had a nice lunch. We'll take a couple
 3 breaks this afternoon. So just get comfortable in here, and
 4 if you get drowsy and need some water, please let one of the
 5 bailiffs know, because I want you to be as alert as
 6 possible. All right? Thank.

7 Is the State ready for its next witness?

8 MR. SCOTT: We are, Your Honor. Thank you, Your Honor.
 9 The State calls Tyrone Goggins.

10 TYRONE GOGGINS, having been first
 11 duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. SCOTT:

14 Q Lieutenant Goggins, where are you currently employed?

15 A Clinton City Police Department.

16 Q How long have you been with that agency?

17 A Approximately a little over 16 years.

18 Q So you would have been employed there June 29th of
 19 2013?

20 A Yes, sir.

21 Q And did you have occasion on that day to respond to --

22 MR. GROSE: Your Honor, may we approach?

23 THE COURT: Yes.

24 (Whereupon, a sidebar was held.)

25 Q So June 29th of 2013 you would have been with the

1 Clinton Department of Public Safety for about 16 years?

2 A Yes, sir.

3 Q And I was asking you if you had an occasion to respond
4 to an address at [REDACTED] Avenue in Clinton.

5 A I did. I was actually out that evening working another
6 assignment and I was asked to respond to that location by
7 Lieutenant Casey Jones.

8 Q And what was your understanding -- what was the nature
9 of the call you were responding to?

10 A It was an unconscious female, unsure, and it just
11 seemed suspicious. They thought they needed an investigator
12 there.

13 Q And were you aware of how that call came into your
14 department? The unconscious female?

15 A Yes. Actually it was a call made to 911 and it was
16 dispatched to our first responders, which would have been
17 the fire department and EMS. Then from that, our first
18 responder called Casey Jones who was the road lieutenant on
19 shift that night, and then he called me to respond.

20 Q And do you remember approximately what time you got out
21 there to the scene?

22 A I arrived on that scene approximately 11:29 p.m.

23 Q And when you get there what do you see? What are you
24 observing when you first get there?

25 A When I arrived on the scene I saw an EMS unit there

1 with the doors closed, personnel in the rear seems to be
2 attending to a patient in the rear. Lieutenant Casey Jones
3 put crime scene tape up. I also observed Henry Simmons and
4 who I also know to be Michael Beaty at that location.

5 Q Now, did you have a chance to observe the unconscious
6 female or was she already gone?

7 A She was in the back of the ambulance, the EMS unit,
8 with the doors closed. So I didn't observe -- observe her.

9 Q Did you see the white Buick?

10 A I did.

11 Q We heard testimony the home at [redacted] at the
12 corner of -- is it South Holland and [redacted] t?

13 A It's on Holland Street and Calvert Avenue. Yes, sir.

14 Q Would the car have been on Calvert or Holland?

15 A Holland.

16 Q Okay. So -- and there's a driveway to that [redacted]
17 Calvert?

18 A Yes, it is. The driveway is coming from Holland
19 Street. It's a garage. A driveway leading up to the garage
20 of that residents.

21 Q In relation to the driveway where was the automobile?

22 A If you was turning off of Calvert Avenue onto Holland
23 it would have been -- the vehicle would have been
24 approximately 10 to 15 feet prior to the driveway.

25 Q So to your recollection was the car on Holland or was

1 it Calvert?

2 A It was on Holland.

3 Q I want to make sure we're on the same page. This is
4 State's 38. Do you see the home at ?

5 A Yes, sir. This is the home facing Calvert Avenue. You
6 will turn right here. The vehicle was parked somewhere in
7 between this driveway. Before you get to this driveway.

8 Q Well, that's Holland then, correct?

9 A Right.

10 Q I guess the car was left of the --

11 A Right:..

12 Q --approximately where the car is?

13 A Yes, sir.

14 Q Tell me about -- you said you saw Mr. Simmons and you
15 saw Michael Beaty. Did you see William Alexander when you
16 first arrived?

17 A No, I did not.

18 Q What did you observe in regards to Michael Beaty when
19 you first got there?

20 A Michael Beaty was walking around in proximity of the
21 vehicle in the driveway. He had on tan shorts, no shirt.
22 He appeared to have blood on his stomach area, chest area
23 and arm areas. He seemed to be intoxicated. I could smell
24 the odor of a alcoholic beverage from his person.

25 Q Where was he when you first saw him? Was he up near

- 1 the house or was he in the driveway, or where?
- 2 A He was in the driveway. Approximately from the
- 3 driveway into the garage. Yes, sir.
- 4 Q Was he wearing a shirt when you first got there?
- 5 A No, sir.
- 6 Q And you said he had blood on his arms?
- 7 A He appeared to have blood on his arms, his chest area,
- 8 mid chest, and his stomach area.
- 9 Q What, if anything, did you ask of him?
- 10 A I asked him what happened to Emily Asbill, which is EA.
- 11 Known as EA. And he stated to me that she was a cutter.
- 12 And I asked him what did he mean by her being a cutter, and
- 13 he stated that she was known to cut her wrists. And then he
- 14 also stated that the didn't know what happened to EA.
- 15 Q At what point did you realize that the female -- the
- 16 unconscious female was EA?
- 17 A I was advised by the other officers on the scene. I'm
- 18 not sure if it was Casey Jones or either Josh McClendon that
- 19 told me that it was Emily Asbill.
- 20 Q So you arrived at the scene at [REDACTED]. The white
- 21 Buick is still out there. You said Michael Beaty is walking
- 22 around without a shirt and has what appears to be blood on
- 23 him. Tell me approximately what time was that that he gave
- 24 a statement? You said you got there 11:29?
- 25 A Yes. I arrived at 11:29. I arrived on the scene. I

1 talked to Officer Casey Jones. Then Henry Simmons
2 approached me. He gave me a brief statement that his son,
3 which is Michael Beaty, and Will, his friend Will, rung his
4 doorbell and told him that EA was either hurt or either
5 dead. He stated that he went to check for a pulse, and he
6 run back to the residents and called 911.

7 Q So approximately --

8 A So probably, what, 10 minutes.

9 Q So approximately 11:40 he's telling you she's a cutter?

10 She's been known to cut herself?

11 A Yes, sir.

12 Q That's still June 29th, 2013; is that right?

13 A That's right.

14 Q To your knowledge, this is the first statement he made
15 regarding what happened to EA? That's an oral statement at
16 the scene; is that right?

17 A That's right.

18 Q What, if anything else, happens at [REDACTED] after
19 this exchange between you and Michael Beaty? Does he say
20 anything else?

21 A Yes. He stated that he and some friends had went to
22 Kyle Stewart's house and they was having a celebration of
23 life for a friend, and stated that they was doing some
24 drinking. He stated that at some point in time that they
25 were leaving and Will Alexander needed a ride home. His

1 friend. So they -- Michael Beaty and Emily Asbill was
2 taking him home. He stated that Emily was intoxicated, so
3 she couldn't drive, and Will was drunk, so he ended up
4 driving. His intentions was to drive William Alexander to
5 his father's house, which he stayed up at the lake. He
6 stated once he started driving he realized he was too drunk
7 to drive there. So he stated that he thought it would be
8 better for him to drive to his father's house, which is [REDACTED]
9 [REDACTED] Avenue. He stated that once they arrived at [REDACTED]
10 [REDACTED] Avenue, he stated that he thought EA seemed to be
11 stuck -- leaned over. He went to touch her. He nudged her
12 and she kind of leaned forward. And he knew something was
13 wrong, so he jumped out of his driver's side and went over
14 to the passenger side of the vehicle, and he noticed that
15 she had blood on her wrist. So he stated that he wrapped
16 his shirt around her wrist to stop the bleeding. Because he
17 stated that once he wrapped the blood around that shirt at
18 some time he and -- well, he went to ask for help. He
19 eventually told me that "you can blame me for this." He
20 stated, "I'm the blame for it. I'm the reason why this
21 happened and you can blame me for it," and he sat down on
22 the driveway.

23 Q You can blame me for this?

24 A Yes, sir. I don't know if those are his exact words.
25 I have my supplement I can refer to, because basically --

1 Q Okay. But that was the gist, "you can blame me for
2 this"?

3 A Yes.

4 Q Did he indicate when she would have had an opportunity
5 to cut herself?

6 A He stated to me that she was a cutter. He hadn't
7 witnessed anything. I asked him did he see her cut herself
8 and he stated no. So, well, apparently it was sometime
9 between from the party and back to [redacted] Avenue. And
10 I asked him specifically, "Are you able to tell me that she
11 cut herself and you didn't hear anything or see anything
12 while you was driving," and he stated, "Yes."

13 Q Yes what?

14 A That he didn't see anything or hear anything.

15 Q So no, he didn't see anything?

16 A Right. He stated that.

17 Q But did he indicate who was driving the car on the ride
18 from the Stewart's house to Calvert Avenue?

19 A Yes. He stated that he drove the vehicle because he
20 thought he was the most sober one out of the two -- three.

21 Q And did he indicate that EA was in the front passenger
22 seat?

23 A Yes.

24 Q But he says that during that ride home she cut herself,
25 but despite sitting right next to her he didn't hear or see

1 anything?

2 MR. GROSE: Objection. Leading questions, Your Honor.

3 THE COURT: Rephrase your question.

4 Q Where did he indicate he was sitting in the automobile?

5 A Michael was sitting in -- he was driving the vehicle.

6 He was in the driver's seat.

7 Q Where was EA positioned in the automobile?

8 A The front passenger seat.

9 Q Did Michael Beaty indicate whether or not he heard or
10 saw EA cutting herself?

11 A He didn't hear or didn't see her cut herself.

12 Q Approximately how close would he have been sitting to
13 her in those seating positions?

14 A It was -- if I can remember, I think it was bucket
15 seats in a vehicle. So it's less than a couple feet.

16 Q You mentioned he said he was the least drunk, I guess,
17 of EA and Will Alexander? Is that what he said?

18 A Yes. He stated Will was drunk and EA was intoxicated
19 and he felt that he was -- he felt he was the least drunk
20 and that he would drive out there. He started driving and
21 he realized that he was drunk also. So instead of taking
22 her out to the lake, to William -- taking William Alexander
23 to his father's house, he thought it would be better to
24 drive to Calvert Avenue to his dad's house.

25 Q Now, he said this in his first statement at the scene

1 on Calvert?

2 A Yes, sir.

3 Q Because Calvert Avenue would have been closer --

4 MR. GROSE: Objection, leading again.

5 THE COURT: Rephrase your question.

6 Q What was closer to the Stewart's home, Cross Hill or
7 Calvert Avenue?

8 A Calvert Avenue.

9 Q Thank you. Now, you noted he was intoxicated? You
10 smelled alcohol on him? Is that what you said earlier?

11 A Yes, sir.

12 Q Did he have any difficulties communicating with you?

13 A No, sir.

14 Q Was he moving about freely at Calvert Avenue?

15 A Yes, sir.

16 Q Did he have any difficulties, to your knowledge,
17 walking about?

18 A No, sir.

19 Q So what happens next? Anything else happen at
20 Calvert?

21 A Yes. Shortly after that I asked Michael Beaty would he
22 be willing to cooperate to help us figure out what happened
23 with Emily and he agreed. I asked him would he volunteer to
24 go to the police department for further investigation. So
25 shortly after I had another officer to transport Michael

1 Beaty to the police department.

2 Q And he went there voluntarily?

3 A Yes, sir.

4 Q Do you know about what time he got to the Clinton
5 Department of Public Safety?

6 A Not exactly, sir.

7 Q Who did he speak with upon arriving there?

8 A I think he --

9 MR. GROSE: I'm going to object to foundation, lack of
10 personal knowledge.

11 THE COURT: Overruled.

12 Q Do you have any personal knowledge of who he spoke with
13 once he got there?

14 A It was either Office Prather who transported him there
15 or Vassey who transported. So I know he would have spoken
16 to one of those. And he also spoke to Commander Crystal
17 Roberts.

18 Q That's at the Department of Public Safety?

19 A That's right.

20 Q You didn't sit on that meeting, did you?

21 A No, sir.

22 Q At what point did SLED arrive at Clinton Department of
23 Public Safety?

24 A While on the scene, my chief, Robert Morris, arrived.
25 We had a conversation and we thought that it would be best

1 to call an assisting agency, which is SLED. Usually with a
2 case of this magnitude we usually call an assisting agency,
3 which is SLED, because they have more resources than we
4 have, and the personnel. And at that point -- and Chief
5 Morris called for SLED to assist us in this case.

6 Q Well, in a homicide investigation like this would it be
7 uncommon for you guys to call SLED?

8 A No. We would normally call SLED to assist us.

9 Q That would be normal practice?

10 A Yes, sir.

11 Q To your knowledge, was SLED able to interview him at
12 Clinton Department of Public Safety?

13 A Yes, sir.

14 Q Do you have any personal knowledge? Do you know when
15 the first of those interviews took place?

16 A No, sir. I don't have specific times. No, sir.

17 Q Did you sit in on any other interviews of Michael Beaty
18 at the Clinton Department of Public Safety?

19 A I did.

20 Q And approximately what time was that?

21 A Michael Beaty actually was able to depart from Clinton
22 Police Department around 7:45, 7:50 that morning, and that
23 would have been the 30th of June. He departed that location
24 and was driven home by Lieutenant Casey Jones. I called
25 Henry Simmons around 10:20-ish on that morning and asked him

1 would he and Michael -- would he bring Michael Beaty back up
2 to talk at Clinton Police Department. Michael Beaty arrived
3 approximately, I'd say, 10:20, 10:30. I talked to Michael
4 briefly.

5 Q Around 10:20, is that what you said?

6 A Yeah, about 10:30 or something and I talked to him
7 briefly. Yes, sir.

8 Q So around 10:30. Now we're into June 30th?

9 A Yes, sir.

10 Q That's 10:30 p.m.?

11 A That's 10:30 a.m. Yes, sir.

12 Q Okay. Was it your testimony between 11:40 p.m., June
13 29th, and then 10:30 a.m., June 30th, other folks may have
14 interviewed him in between?

15 A Yes, sir.

16 Q Well, tell me about the ones you can speak to. The
17 10:30 a.m. on June 30th. What were you talking about then?

18 A Basically talking about just trying to find information
19 out on what happened to Emily Asbill. Myself, Agent Kindley
20 with SLED and Jawarski Shelton with Laurens County Sheriff's
21 Department talked to him briefly. He basically told me the
22 same story, that he don't know what happened to her. They
23 went to a celebration of life. Got back to [redacted] Calvert
24 Avenue and he found her to be unconscious once they arrived.
25 He stated that he undone her seatbelt at Calvert Avenue. He

1 yelled in her ear because of that's with -- he stated that
2 prior in his life he stated that he was in a coma and
3 someone had yelled at him, thinking that would help her out.
4 But his story didn't change at that time. It remained the
5 same that he didn't know what happened to Emily. I asked
6 him did he cause her death and he stated that he didn't
7 think so. He didn't think that he did.

8 Q He indicated though that he unbuckled her seatbelt at
9 Calvert Avenue?

10 A Yes, sir. I made a notation. I did handwritten notes
11 that morning. I made a notation at the top where it stated
12 that "Undone seatbelt at [] Calvert Avenue."

13 Q So Michael Beaty told you that she was wearing a
14 seatbelt when they arrived at [] Calvert Avenue?

15 A Yes, sir.

16 Q And did he mention how she may have cut herself?

17 A No, he didn't. He didn't mention that.

18 Q He didn't?

19 A He stated previously that he didn't know how she cut
20 herself, or she didn't -- he didn't see her cut herself.

21 Q Were you able to speak to Will Alexander?

22 A Yes.

23 Q At some point after hearing all the information you
24 could gather, and after going to the crime scene, and after
25 speaking with people, did you eventually make charges

1 against anyone?

2 A Yes, sir.

3 Q And who did you charge?

4 A After hearing about the evidence gathered and
5 statements of talking to Michael Beaty and William Alexander
6 I charged Michael with murder and William Alexander with
7 accessory after murder.

8 MR. SCOTT: Thank you, Lieutenant Goggins. Please
9 answer any questions either Mr. Wise or Mr. Grose has for
10 you.

11 THE COURT: Mr. Grose.

12 MR. GROSE: Yes, sir.

13 THE COURT: Cross-Examination?

14 MR. GROSE: Thank you, Your Honor.

15 CROSS-EXAMINATION

16 BY MR. GROSE:

17 Q He asked you questions about you interacting with Will
18 Alexander?

19 A Yes, sir.

20 Q Now, I don't want to go into anything that Will
21 Alexander said. But you had a chance -- I think you said
22 that Will was intoxicated?

23 A Yes, sir.

24 Q And I believe your understanding was is he was maybe a
25 little unsteady on his feet?

- 1 A Will was unsteady on his feet, swaying. Yes, sir.
- 2 Q But his speech wasn't slurred?
- 3 A His speech -- I could understand him and he could
- 4 understand me.
- 5 Q It wasn't slurred?
- 6 A No, sir.
- 7 Q Now, when you arrived there you testified that you saw
- 8 somebody you knew as Henry Simmons?
- 9 A Yes, sir.
- 10 Q In fact, I think he might have been a teacher of yours
- 11 growing up?
- 12 A Yes, sir.
- 13 Q And his step-son, Michael Beaty?
- 14 A Michael Beaty..
- 15 Q And also we had talked about Will Alexander being
- 16 there, right?
- 17 A Will Alexander was there but he wasn't present when I
- 18 arrived. He was inside the residence.
- 19 Q And when you arrived Mr. Jones, Officer Jones with the
- 20 Police Department, was putting up the crime scene tape,
- 21 right?
- 22 A Yes, sir.
- 23 Q And the first responders were still there, right?
- 24 A Yes, sir.
- 25 Q And then, I think, that you said that you saw Michael

1 walking around?

2 A Yes, sir.

3 Q And he was emotional, wasn't he?

4 A He seemed to be upset. He was upset.

5 Q And emotional, right?

6 A I would say he was probably emotional through his
7 words.

8 Q And he told you that he loved EA, didn't he?

9 A He stated that he loved -- loved EA, as in past-tense,
10 and that he wanted to marry her.

11 Q Well -- right. And then there was obviously a concern
12 that she might have died at that point. But he told you
13 that essentially that she was the love of his life and that
14 he wanted to get married?

15 A Yeah. He stated that he loved EA and that he wanted to
16 marry her.

17 Q And you're looking at your notes. You're looking at
18 your supplemental incident report where that was noted,
19 right?

20 A Yes, sir.

21 Q And, you know, there were some questions about the
22 cutting. And I want you to look sort of that same section
23 of the incident report. Okay?

24 A Yes, sir.

25 Q And what it said was, "Beaty stated he got out of the

- 1 driver's side," right? I can show you where it starts, if
- 2 you want me to.
- 3 A Yes, sir. Beaty stated when he got out on Calvert
- 4 Avenue?
- 5 Q Right. Right. Right before that it says -- that first
- 6 line, the line starts, "Leaning forward so he nudged her,"
- 7 right?
- 8 A Right.
- 9 Q "And she tilted over and did not answer him," right?
- 10 A That's right.
- 11 Q Beaty stated he got out of the driver's side, right?
- 12 A Yes, sir.
- 13 Q Ran over and opened the door --
- 14 A Yes, sir.
- 15 Q -- on the passenger side, right?
- 16 A Yes, sir.
- 17 Q And said, "Noticed bleeding to her wrist," quote, "like
- 18 she had cut herself," right?
- 19 A Yes, sir.
- 20 Q And if you drop down to the next line you asked Michael
- 21 Beaty if he had saw -- had seen her cut herself, right?
- 22 A Yes.
- 23 Q And he said, in fact, that he had not seen it, right?
- 24 A That's right.
- 25 Q So when we're talking about what Michael Beaty said as

1 -- about her as a cutter, to put it into context, he did not
2 claim to you that night, or at any point, that he saw her do
3 that, right?

4 A Right. He didn't state that he saw her do that.

5 Q And so, it was like she had cut herself, right?

6 A He stated that he knew she -- knew she was a cutter,
7 and that she was known to cut her wrist.

8 Q And then you're aware that there's medical records that
9 she had cut herself in the past?

10 A I haven't reviewed the medical records.

11 Q Have you been made aware of this?

12 A I think Mr. -- Michael may have stated that she cut
13 herself in the past and he took her to the hospital.

14 Q All right. Well, my question is, as part of this
15 investigation -- I mean, you were one of the investigators
16 with the police department. Nobody's made you aware of
17 that?

18 A I've heard it mentioned. Yes, sir.

19 Q All right. So in your report, you know, this is the
20 first stuff that you're getting from Michael Beaty. And you
21 said he was emotional, right?

22 A He seemed to be through his words. He stated that he
23 loved EA and he wanted to marry her.

24 Q And his appearance and his demeanor?

25 A He was wobbling around stating that. I didn't any

1 tears fall.

2 Q Well, you said he was emotional.

3 A He seemed to be emotional through his words. Yes, sir.

4 Q Right here you said he was upset.

5 A He was upset, yes.

6 Q Right, okay.

7 A Not emotional.

8 Q All right. You've given testimony related to this case
9 before, haven't you?

10 A Yes, sir.

11 Q What I want to do is for you to look right here with
12 me. And the question was, "What did you observe regarding
13 Michael Beaty or what did you observe as his demeanor. How
14 was he behaving?" Right? And --

15 MR. SCOTT: Your Honor, at this time I'll object to Mr.
16 Grose continuing to read the documents. Probably the better
17 way to --

18 MR. GROSE: I'm going to ask him to read his answer.

19 THE COURT: Let me speak first:

20 MR. GROSE: Yes, sir.

21 THE COURT: I'm going to overrule your objection right
22 now. I'll see how far he goes.

23 MR. GROSE: Thank you, Your Honor.

24 Q If you could read your answer at lines one through
25 five.

1 A "It seemed like he was emotional and appeared to be
2 emotional walking around. He had on khaki shorts and no
3 shirt. I observed blood on his stomach, his chest area and
4 his arms. He stated that he loved Emily Asbill and he did
5 not think --" and that's the end of it.

6 Q And so, you did testify before that he appeared
7 emotional?

8 A Yes, sir.

9 Q Now, in your supplemental incident report that you have
10 there with you, when Michael described what had happened
11 there was nothing about the seatbelt in that, was there?

12 A No, sir. No, sir. Not in this interview. No, sir.

13 Q Now, the second time you interviewed her -- I'm sorry,
14 that you interviewed Michael was around 10:30 the next day?

15 A That's right, sir.

16 Q And so, between the time Michael left his step-father
17 and mother's house that night until 10:30 the next day,
18 10:20, 1030 the next day, you hadn't seen him?

19 A That's right.

20 Q Okay. And one of the things that you all did when
21 Michael Beaty came back in 10:20, 10:30 on the morning of
22 the 30th was ask him for a DNA sample?

23 A Right. I didn't ask for a DNA sample. But there were
24 one.

25 Q And he cooperated and he gave consent, right?

1 A Yes, sir.

2 Q And you all took his DNA sample?

3 A Yes, sir.

4 Q And when you were interviewing him that day he was
5 telling you that he didn't think that he could have done
6 anything to hurt EA, on the 30th?

7 A I'm referring to my notes here. I asked Michael at one
8 time, "Could you have hurt her?" He stated, "No." Then he
9 asked me, "How -- how did I hurt her?" And then another
10 time I asked him, "Did you cause her death?" And he stated,
11 "Man, I don't think I did."

12 Q Now, the Clinton Police Department, you all have the
13 ability to record -- do video and audio recordings of
14 interviews, don't you?

15 A We don't have equipment to, per se, to record. We
16 don't provide equipment. Let me state it that way. We have
17 an interview room. It's not set up for video or audio
18 recording. I didn't record this.

19 Q And you have a cell phone though, don't you?

20 A Yes, sir.

21 Q And that has audio on it, doesn't it?

22 A Yes, sir.

23 Q Does it have video on it?

24 A It does have video, yes.

25 Q And so, what you're telling us is this interview at

1 10:30-ish in the morning on Sunday morning the 30th, you had
2 audio, you had video capability, but you didn't record it?

3 A No, sir. I didn't record this interview.

4 Q And, you know, in this case you had made both
5 handwritten notes and an incident report, right?

6 A Yes, sir.

7 Q And you saved your notes, right?

8 A Yes, sir.

9 Q In fact, there's things in your notes from -- in fact,
10 your notes are what you're relying on through the interview
11 on the 30th, right?

12 A That was one interview on the 30th. I also interviewed
13 him a second time on the 30th and received a written
14 statement from Michael Beaty.

15 Q So you have your work in this documented in three ways;
16 an incident report, right?

17 A Yes, sir.

18 Q And handwritten notes, right?

19 A Yes, sir.

20 Q And the statement? Written statement?

21 A Yes, sir.

22 Q Now, I want to go back to that Saturday night going
23 into early Sunday morning, and you asked Michael if he would
24 help you all figure out what happened to EA.

25 A Yes, sir.

1 Q And you asked if he would go to the police station,
2 right?

3 A Yes, I did.

4 Q And he volunteered to do -- he agreed to do that?

5 A Yes, sir. He did.

6 Q And so, when you tell somebody, "Will you help us
7 figure out what happens -- or happened to EA," I mean, that
8 implies that you're going to look at all the evidence,
9 right?

10 A Yes, sir.

11 Q Collect all the evidence, right?

12 A Yes, sir.

13 Q And then follow-up on it, correct?

14 A Yes, sir. At that time I didn't know what happened to
15 Emily Asbill and we was trying to every avenue to discover
16 what took place, yes.

17 Q And in doing that you work with other agencies, right?

18 A Yes, sir. We worked with Laurens County Sheriff's
19 Department and State Law Enforcement Division.

20 Q And State Law Enforcement Division has people who are
21 trained to collect evidence?

22 A Yes, sir.

23 Q And people who are trained to examine evidence,
24 laboratories, right?

25 A Yes, sir.

1 Q And investigators, right?

2 A Yes, sir.

3 Q And so, implicit of what you were telling Michael was
4 is that you all were trying to figure out what happened?

5 A We wanted his cooperation so that we could determine
6 what happened to Emily Asbill.

7 MR. GROSE: Beg the Court's indulgence.

8 THE COURT: Yes, sir.

9 Q I want to focus on the morning of the 30th for a
10 second, around 10:30. There was other people that were
11 present at that time, right?

12 A Yes, sir.

13 Q Crystal Roberts was present, right?

14 A No, sir.

15 Q Well, she came in at some point?

16 A She came in at some point. Yes, sir.

17 Q And part of the interview process it's -- it actually
18 is kind of a two-way street; isn't it?

19 A I don't understand your question.

20 Q Okay. Fair enough. One way you get information is to
21 ask questions, right?

22 A Yes, sir.

23 Q And so, then the person can answer those questions,
24 right?

25 A I would say so. Yes, sir.

1 Q And one of the ways to get information is to also
2 supply the person information, right?

3 A I don't understand what you --

4 Q Well, you can tell the person, "Well, in our
5 investigation we discovered X, Y and Z," right?

6 A Yes, sir.

7 Q "And because we discovered X, Y and Z we're trying to
8 get an explanation for that," right?

9 A Yes, that's right.

10 Q And so, what I'm getting at is -- and maybe I didn't
11 ask you very artfully. What I'm getting at is, is that in
12 an interview you do share information and ask for
13 explanations of that, right?

14 A Yes, sir.

15 Q And discussions go back and forth, right?

16 A Yes, sir.

17 Q And, you know, they've asked you some questions about
18 just your knowledge of what was going on. And I know you
19 weren't there for everything.

20 A Uh-huh.

21 Q But if it was around midnight, a little after midnight
22 going into the morning of the 30th that Michael went to the
23 police station, do you know what time he left? Would it
24 surprise you it was around 7:30, 7:50 that morning?

25 A Yes. I'm familiar it was around 7:40, 7:50 that

1 morning when he left.

2 Q So he left around 7:50 that morning, and he was back at
3 around 10:20. He would have only been gone for a couple of
4 hours.

5 A Yes. He would have been for a few -- yes.

6 Q And then from 10:20, 10:30 on Sunday the 30th Michael
7 was there. I'm not really clear what the time was, but he
8 was there sometime until the mid or late afternoon as part
9 of the interview process, right?

10 A Yes, sir.

11 Q And so, when this interview process is going on that's
12 where we have the dynamics where there's you asking
13 questions -- and when I say you, it could be other law
14 enforcement. But law enforcement is asking questions,
15 providing information, getting answers, trying to get
16 explanations for what you've come up with in your
17 investigation, right?

18 A That could be, yes. Yes, sir.

19 Q Well, that is what happens, right?

20 A Well, that's part of the interview process.

21 Q And from the two times that -- well, I think you said
22 you were involved in a third one.

23 A Yes.

24 Q But let's start -- let's go through each one of them.
25 From -- on the night of the 29th going into the 30th at

1 Henry Simmons' house you have a supplemental report, right?

2 A Yes, sir.

3 Q And, I mean, it's fair to say that the part of that
4 supplemental report that pertains to Michael Beaty is
5 roughly a half page, right?

6 A Yes, sir.

7 Q And then you had some notes from the morning of the
8 30th around 10:30.

9 A Yes, sir.

10 Q And that's a page and a few lines on the second page?

11 A That's right.

12 Q And then you talked about being present when a
13 statement was taken. Was that later in the day?

14 A Yes, sir.

15 Q And then that statement is basically a page, right?

16 Well, it's not even a page. Now, this is what we're talking
17 about, State's Exhibit Number 4.

18 A Yes, sir.

19 Q And that's one, two, three, four, five, six, seven,
20 eight, nine lines. Would you agree with that?

21 A Yes, sir.

22 Q Okay. So I realize that you weren't involved that
23 entire time. But from your involvement we have a half page
24 typed from when you were at Henry Simmons' house, right?

25 A Yes, sir.

- 1 Q And a little over a page in your handwriting from
- 2 10:30, right?
- 3 A Yes, sir.
- 4 Q And nine lines from the 12:30 p.m.
- 5 A That was a statement provided by Michael --
- 6 Q Right.
- 7 A -- Beaty.
- 8 Q But there's nine lines on there?
- 9 A Yeah.
- 10 Q And so --
- 11 A That's not the extent of my documentation. We also
- 12 interviewed Will.
- 13 Q But I'm talking about documentation pertaining to
- 14 Michael.
- 15 A Michael. Yes, sir.
- 16 Q I'm talking about your interactions with him. Okay?
- 17 And so, other than these three pages and a couple lines of
- 18 paper there's nothing else, no audio or video, that document
- 19 your interactions with Michael, correct?
- 20 A I did have another interaction with Michael. Michael
- 21 agreed to take us to the location where he stated that Emily
- 22 Asbill attempted to jump out the vehicle.
- 23 Q And then you have just some short notes on that?
- 24 A Yes, sir.
- 25 Q And that's all you have?

1 A With Michael Beaty.

2 Q No audio and no video?

3 A I don't have any audio or video of Michael Beaty. No,
4 sir.

5 MR. GROSE: Beg the Court's indulgence. Thank you,
6 Your Honor.

7 THE COURT: Any redirect?

8 MR. SCOTT: Yes, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. SCOTT:

11 Q Mr. Grose was asking you about characterizing Mr.
12 Beaty's demeanor that night, and there was a lot of talk
13 about being emotional. Just describe that. What do you
14 mean by being emotional?

15 A Michael made -- and I indicated on my notes here. He
16 was -- he was walking back and forth, stated that he loved
17 EA. He wanted to marry her. He sat down on the driveway
18 and stated -- you know, he was emotional. Stated that -- he
19 said that it was all his fault. "You can blame me for this.
20 I'm the cause of it."

21 Q Well, then Mr. Grose asked you another question. You
22 just mentioned ago. "I loved her" --

23 A Yes.

24 Q -- in past tense is what he was saying?

25 A Yes, sir. That's one reason why I noted that.

1 Q At this point had you indicated to Mr. Beaty that EA
2 had passed away?

3 A No. Actually, in my supplemental, Beaty asked Goggins,
4 which was me, was the victim dead and I didn't answer the
5 question. I went on to ask Beaty was he stating the victim
6 cut herself and you didn't see or hear anything while
7 driving. And Beaty confirmed to me yes.

8 Q Okay. But my question is, is he already referring to
9 her in the past tense?

10 A Yes, sir.

11 Q And Mr. Grose was asking you about a prior -- and we
12 covered her before. That she had been admitted into a
13 hospital for cutting herself.

14 A Yes, sir.

15 Q Nine months before: To your knowledge, was there ever
16 any indication -- any indication whatsoever in your
17 investigation in this case that she had any cuts or
18 lacerations on her arms?

19 A No.

20 Q You mentioned that 10:30 statement on June 30th that
21 there were others present.

22 A Yes, sir.

23 Q Do you recall who was there?

24 A Agent Jeff Kindley with State Law Enforcement Division,
25 known as SLED, and Jawarski Shelton with the Laurens County

- 1 Sheriff's Department.
- 2 Q Special agent Kindley and Deputy Shelton also present.
- 3 Then I think Mr. Grose elicited some testimony from you that
- 4 you were present for a third interview as well?
- 5 A Yes, sir..
- 6 Q And that was a written statement; is that correct?
- 7 A Yes, sir.
- 8 Q And who actually -- or do you know who took that
- 9 statement?
- 10 A Yes, sir. It was also myself and Agent Kindley and
- 11 Shelton in the interview room.
- 12 Q Do you recall what time that was?
- 13 A Yes, sir. I've got that, too. 12:20 he -- about 12:20
- 14 he wrote his statement.
- 15 Q 12:20 p.m. on the 30th?
- 16 A Yes, sir.
- 17 Q You said a written statement to Kindley that you were
- 18 present for?
- 19 A Yes, sir.
- 20 Q And you said you and Shelton were present?
- 21 A Yes, sir.
- 22 Q You mentioned approximately 10:50. What time did you
- 23 say Michael Beaty came back on the 30th?
- 24 A Around 10:20 a.m.
- 25 Q 10:20?

- 1 A Yes, sir.
- 2 Q Do you know what was the reason he came back? Did you
- 3 call him or did he come back on his own?
- 4 A I called for Michael Beaty to return.
- 5 Q Do you know why you would have called him at that time
- 6 to come back?
- 7 A Yes, sir. We had received all the information from the
- 8 autopsy as well that the cause of her death was asphyxiation
- 9 by strangulation.
- 10 Q So that's why you called him back?
- 11 A Yes, sir.
- 12 Q Do you know who he spoke with when he arrived back to
- 13 the station?
- 14 A He arrived back about 10:20. I'm not sure if he spoke
- 15 one of them before we did. But it was around, like I said,
- 16 10:30, 10:35 is what my notes indicate that's when we talked
- 17 to him.
- 18 Q That's the oral statement, 10:30, you, Special Agent
- 19 Kindley and Deputy Shelton?
- 20 A Yes, sir.
- 21 Q And then you mentioned to Mr. Grose that Mr. Beaty
- 22 attempted to take you to a scene where he says EA jumped out
- 23 of the car or something?
- 24 A Yes, sir. After -- after this 12:20 p.m. statement
- 25 Michael Beaty agreed to take myself, Agent Kindley, Deputy

1 Shelton, Commander Roberts and Lieutenant Gregg Snyder to a
2 location where she attempted to jump out of the vehicle.

3 Q Did you find anything of evidentiary value at this spot
4 he took you to?

5 A No, sir. We didn't.

6 Q Okay. Well, that occurs after the 12:20 statement?

7 A Yes, sir.

8 Q And the 12:20 statement occurs after the autopsy?

9 A Yes, sir.

10 Q What did he mention in the 12:20 statement that made
11 you all go on this ride along?

12 A Michael Beaty provided a written statement at 12:20. It
13 states, "While arguing, EA, which is Emily Asbill,
14 threatened and did open the door to jump out, threatening
15 harm on herself to punish me," which is Michael Beaty, "for
16 what I was -- what I argued with her about, which was me
17 feeling disrespected that she was focusing more on Will than
18 me." And he stated the injuries she had came from "her
19 hanging out of the car as I held her clothing to try to pull
20 her back in." And he states, "I remember her screaming
21 asking me why I made her do that." And that's the end of
22 the statement.

23 Q Lieutenant Goggins, that's at 12:20?

24 A Yes, sir.

25 Q And the first contact you made with him was 12 hours

1 before that?

2 A Yes, sir. Approximately that time. Yes, sir.

3 Q Is -- had you ever heard this version before 12:20 p.m.
4 on June 30th?

5 A No, sir.

6 Q Is this the first time you're hearing about hanging out
7 of the door and all this?

8 A Yes, sir.

9 Q He never mentioned that before then?

10 A No, sir. He didn't mention that to me. No, sir.

11 MR. SCOTT: Thank you.

12 THE COURT: Any recross?

13 MR. GROSE: Yes, sir.

14 RECROSS-EXAMINATION

15 BY MR. GROSE:

16 Q Lieutenant Goggins, the statement that you were just
17 reading from, that's the document that's marked Plaintiff's
18 Exhibit 4, right?

19 A Yes, sir.

20 Q And that's the document that I showed you during my
21 last questioning, correct?

22 A Yes, sir.

23 Q Now, when I was -- well, Mr. Scott asked you some
24 questions about there being no cuts on the arm, right?

25 A Yes, sir.

1 Q You weren't trying to say in answering that question
2 that there was no injuries to the arm, were you?

3 A No, sir.

4 Q Because, in fact, we have what has been marked
5 Plaintiff's Exhibits 35 and 36 in evidence, right?

6 A Yes, sir.

7 Q And these are photographs of the injuries to the arms?

8 A Yes, sir.

9 Q Well, and actually --

10 A The hand and arm.

11 Q Right. In Number 36 that's actually to the right hand
12 and arm, right?

13 A Yes, sir.

14 Q And then 35, that's actually to the -- yeah, it's 35.
15 That's actually to the left hand.

16 A It appears to be the left hand. Yes, sir. Yes, sir.

17 Q Now, these are -- these are kind of difficult to look
18 at, but they're part of the case, right?

19 A Oh, yes, sir.

20 MR. GROSE: Your Honor, at this time I'd like to
21 publish --

22 THE COURT: They're already in evidence. You may
23 publish.

24 Q Now, I was asking you some questions earlier about
25 Michael had said it was like she had cut herself, right?

- 1 That's what your report says?
- 2 A Yes, sir. I think you're right.
- 3 Q And he never said that he saw her cut herself?
- 4 A No, he didn't. He said he didn't see her. Yes, sir.
- 5 Q And you sort of assured Michael that you all were
- 6 trying to find out what really happened, right?
- 7 A At that time we was trying to figure out what happened.
- 8 Q And then asked for his cooperation in that, right?
- 9 A He agreed to cooperate with us. Yes, sir.
- 10 Q And when Mr. Scott was asking questions you said that
- 11 between 7:30, 7:50, whenever it was when Michael left the
- 12 police station, and 10:20, 10:30 when he came back, that you
- 13 had received more information; is that right?
- 14 A I'm not sure of that particular time. Yes, sir.
- 15 That's right. That's right. You're right.
- 16 Q And part of what you had received in that information
- 17 was from the autopsy examination?
- 18 A Right.
- 19 Q The medical examination, right?
- 20 A That's right.
- 21 Q And part of what you received was information at least
- 22 describing what's in those photographs, right. 35 and 36
- 23 the jurors are looking at, right?
- 24 A Yes, sir.
- 25 Q And what was described to you is that those injuries

1 are actually what has been called road rash, right?

2 A Yes, sir.

3 Q And those injuries are more severe than me just walking
4 and tripping and falling down and skinning my knees or
5 hands, right?

6 A I guess you can get road rash by falling. It was
7 explained as road rash.

8 Q It was explained as road rash?

9 A Yes, sir.

10 Q And what you all were concerned about -- and remember,
11 we talked earlier that part of how this works is you ask
12 questions and get answers, but you also provide information
13 and try to get explanations, correct?

14 A Yes, sir. That's correct.

15 Q All right. And so, and you were trying to get
16 explanations about these injuries in this photograph, right?

17 A Yes, sir. We was trying to get information of why
18 Emily Asbill would have any injuries or what happened to
19 her. Yes, sir.

20 Q And again, we said those were difficult to look at
21 because those are kind of severe injuries. That what he
22 told you was is the injuries she had came from her hanging
23 out of the car as I held her clothing to try to pull her
24 back in; is that right?

25 A He stated, "While arguing, EA had opened the door to

1 jump out, threatening harm on herself to punish me for what
2 I argued with her about which was me feeling disrespected
3 that she was focusing more on Will," that's his friend,
4 "than me. The injuries she had came from her hanging out of
5 the car as I held her clothing trying to pull her back in.
6 I remember her screaming asking me why I made her do that."

7 Q Now, were you in the courtroom when Ms. Simmons, the
8 EMS lady, talked about Exhibits 47 and 48?

9 A I'm not sure. I don't know what that is.

10 Q Okay. Looking at Number 47. And that was the shirt
11 that she said she had cut off. Were you hear when she
12 talked about that?

13 A I think I was, but I wasn't paying attention to what
14 she said.

15 Q All right.

16 A I just know that she testified.

17 Q So were you paying attention when she testified about
18 this is the undershirt that she cut off?

19 A I heard her mention shirts, but I wasn't focused on her
20 testimony, sir.

21 Q Okay. And so, in the statement -- and again, the idea
22 was is to try and figure out what really happened?

23 A Right. We're investigating, so we want to find out
24 what happened to the victim.

25 Q All right. And in the statement that's marked as

1 State's Exhibit Number 4 Michael had given some information?

2 A Yes, sir.

3 Q To be followed up on, correct?

4 A Yes, sir.

5 MR. GROSE: Thank you, Your Honor. Nothing further.

6 THE COURT: Thank you. You may step down.

7 THE WITNESS: Thank you, sir.

8 (Whereupon, the witness steps down from the witness
9 stand.)

10 THE COURT: This witness can be excused unless there's
11 an objection.

12 MR. GROSE: No objection.

13 MR. SCOTT: No objection.

14 THE COURT: We'll be in recess and be ready to come back
15 in here at quarter until 4:00. If you need to step out to
16 smoke or something like that one of the bailiffs can take
17 care of that. Thank you. Please do not discuss anything
18 about this case.

19 (Whereupon, the jury exited the courtroom at 3:36 p.m.)

20 THE COURT: Court's in recess until 3:45.

21 (Whereupon, a recess was held from 3:36 p.m. to 3:48
22 p.m.)

23 (Whereupon, the jury entered the courtroom at 3:48
24 p.m.)

25 THE COURT: You may be seated. Ladies and gentlemen of

1 the jury, just for your information, we're not going late
2 into the evening tonight, so we'll probably be finished by -
3 - probably by 5:30.

4 The State may call its next witness.

5 MR. STUMBO: Thank you, Your Honor. The State would
6 call Commander Crystal Roberts.

7 CRYSTAL ROBERTS, having been first
8 duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. STUMBO:

11 Q Good afternoon, Commander Roberts.

12 A Good afternoon.

13 Q You are an employee of the City of Clinton?

14 A I am.

15 Q With the City of Clinton Police Department, or the
16 Department of Public Safety?

17 A That's correct.

18 Q How long have you been with Clinton?

19 A Fifteen years.

20 Q Have you spent your entire law enforcement career there
21 with the city?

22 A Yes.

23 Q Go to the Law Enforcement Academy and been trained and
24 certified there?

25 A Yes.

1 Q Now, for a time, I believe, you were a temporary chief
2 for the Department of Public Safety, correct?

3 A That's correct.

4 Q And that was before Chief Morse came on --

5 A Yes, sir.

6 Q -- and took over? Your rank there is Commander? I
7 just want to make sure we're correct.

8 A That's correct.

9 Q Commander Roberts, did you have occasion -- an occasion
10 to be involved in the investigation of the death of Emily-
11 Anna Asbill?

12 A Yes, I did.

13 Q Now, we've heard testimony about folks being called out
14 to the scene, dispatched out to the scene with your
15 department at about a little after 11:00 p.m. on January
16 30th, 2013; is that correct?

17 A That's correct.

18 Q Now, did you ever go to the scene?

19 A No, I did not.

20 Q Now, where was the -- what was the first thing you did
21 in terms of your role in this investigation?

22 A I had received a phone call from Lieutenant Goggins.
23 He advised me that there is a suspicious death on Calvert
24 Avenue, and he asked -- he advised me that two people were
25 going to be transported to the police department and they

1 were willing to hang out and wait on us and agreed to
2 cooperate with this investigation.

3 So I was actually at the lake at the time. So I
4 responded back to -- and I actually stayed at the police
5 department and basically interacted with Michael Beaty and
6 with Will out there.

7 Q So it's Saturday night late. You were off duty --

8 A That's correct.

9 Q -- when the call came in?

10 A That's correct.

11 Q And you were out at the lake, so you were 15, 20
12 minutes away. Would that be correct?

13 A Yes, sir.

14 Q So you said you report -- immediately at that point you
15 go to the police department to your office?

16 A That's correct.

17 Q And what's the first thing you do when you're involved
18 with the investigation?

19 A Lieutenant Goggins spoke to me on the telephone and
20 advised me of this suspicious death. He had indicated that
21 Chief Morse was going to call SLED in and wanted me to just
22 kind of stand by and hang out until SLED got there. He
23 really didn't want me to get into any interviews of either
24 one of those individuals.

25 Q At this point was Lieutenant Goggins leading the

1 investigation?

2 A At that point, yes.

3 Q And you indicated that SLED had been called and they
4 were in route to Clinton?

5 A That's correct.

6 Q Now, at this point you have a suspicious death. Had
7 you been briefed by Lieutenant Goggins about the facts as
8 you all knew them at that point?

9 A Yes. He had indicated to me that Emily Asbill, EA,
10 that she had -- she had some injuries and that she possibly
11 could have cut herself, but at that time we didn't know what
12 happened to her.

13 Q Now, where was EA taken by EMS?

14 A Laurens County Hospital.

15 Q And did anyone with law enforcement go to the hospital
16 to follow-up with -- to check on her status?

17 A If I'm not mistaken, the SLED crime scene went to the
18 hospital to follow-up.

19 Q You stayed at the Police Department though?

20 A That's correct.

21 Q Now, at this point who are the persons of interests or
22 suspects in this -- in this suspicious death?

23 A There were three people in the vehicle; Michael Beaty,
24 William Alexander, and Emily Asbill. There were only three
25 people in the vehicle. So at this point William Alexander

1 and Michael Beaty were our, I guess you'd say, persons of
2 interest.

3 Q So at this point you had been able to ascertain that
4 they were the only two individuals with EA during the time
5 period that she sustained these injuries?

6 A That's correct.

7 Q Was there follow-up done at the -- Kyle and Rose
8 Stewart's house?

9 A Yes, sir. There was.

10 Q Did you go out there to do those interviews?

11 A No, I did not.

12 Q Someone else with the investigative team?

13 A That's correct. To my recollection it was Lieutenant
14 Goggins and his some deputies from Laurens County Sheriff's
15 Office.

16 Q So at this point you had been briefed on what the
17 partygoers, Kyle and Rose Stewart, had testified to, or give
18 statements to law enforcement; is that correct?

19 A That's correct.

20 Q You had been apprised of a statement given by Mr. Henry
21 Simmons there at the scene to Lieutenant Goggins, correct?

22 A At that point I don't know that I had that information.
23 It was possible later on that I learned of that statement.

24 Q Well, what was it that led you to the conviction of --
25 I guess, the belief that there were only two people with EA

1 at this time?

2 A Once I got to the PD, like I said, before I had
3 interactions with both Michael Beaty and William Alexander,
4 and I proceed to, for safety sake, because we were unsure if
5 this was a homicide or if this was an accident, or what we
6 had, I went ahead and proceeded Mirandize Michael Beaty.

7 Q And how did you -- you say Mirandize. Does that mean
8 you read him his rights?

9 A Yes, sir. I read him his rights.

10 Q And how did you do that, Commander Roberts?

11 A We have a Miranda form that we normally go by that
12 lists his individual rights. It has a space where you put
13 his name and information, that sort of thing, and then
14 there's a waiver rights below it. And we go through each
15 one of those rights. You know, ask him if he understands
16 his rights. Ask if he wants a lawyer. And then he got the
17 waiver of rights and then I had him sign it.

18 Q What rights -- can you read us the -- tell us what the
19 specific rights you read him? Tell the jury.

20 A I'm referring to the Miranda form that I used that
21 night on the 30th. This is our standard Miranda form. It
22 has Michael Vernon Beaty's name on it. His address. His
23 age, phone number, education level. It has six rights
24 listed, and I go through them one by one.

25 The first right states that you have the right to

1 remain silent. The second right says that anything you say
2 may be used against you in a court of law. The third right
3 says you have a right to talk to a lawyer for advice before
4 being asked any questions and to have them with you during
5 questions. The fourth is if you have no money to pay a
6 lawyer fee, the court will appoint one to represent you
7 without cost, if you wish. And the fifth one is if you
8 decide to answer questions now without a lawyer present, you
9 will still have the right to stop answering at any time.
10 And then the sixth and final right is you also have the
11 right to stop answering any questions at any time until you
12 talk to a lawyer.

13 Q And did Michael Beaty indicate that he understood his
14 rights?

15 A He did. I actually provided him the form right after I
16 read him his rights and he initialed by each one that he
17 understood his rights and he didn't have any questions.

18 Q Did he ever -- and did he sign the bottom of that form
19 as well?

20 A He did.

21 Q And you witnessed that form as well, correct?

22 A I did. That's correct.

23 Q Now, Commander Roberts, at any time during your
24 interactions from that point forward with -- and by the way,
25 is Michael Beaty in the courtroom today?

1 A Yes, sir. He is.

2 Q Where is he?

3 A He's sitting at the Defendant table sitting between --

4 Q Between his attorneys?

5 A That's correct.

6 Q This is the person you read the rights to that night?

7 A That's correct.

8 Q And he waived those rights. Is that a fair assumption?

9 MR. GROSE: Object to the lead, Your Honor.

10 Q What did he do in response to you reading --

11 A He indicated to me verbally that he knew what his
12 rights were and that he did not want a lawyer present, and
13 he agreed to speak with them.

14 Q At this point -- or from this point forward, in your
15 interactions with the Defendant throughout the next -- that
16 day on June the 30th, did he ever ask you for a lawyer?

17 A No, he did not..

18 Q Had he ever exercised his right to remain silent?

19 A No, he did not.

20 Q Did you have any concerns whatsoever that his
21 statements to you over the next -- course of the next day
22 were anything but free and voluntary?

23 A No. There was no question.

24 Q Now, did you have an opportunity to record in any way
25 this -- now, you tell me this. Let me back up. What time

1 was it when you read him his Miranda rights?

2 A It was approximately 12:50 a.m., according to the
3 Miranda form.

4 Q And did you record this when you read him his rights
5 and record the subsequent statement?

6 A Yes, sir. I had turned on my voice app on my iPhone
7 and began a recording of that whole conversation.

8 Q State's 41.

9 A That's my recording.

10 Q And on this CD how many audio files -- specific audio
11 files are on there?

12 A There are two separate audio files on that.

13 Q Can you explain if both of these are the same interview
14 or are they different interviews? Could you explain that to
15 the jury.

16 A It was the same interview. But unbeknownst to me -- I
17 had never recorded an interview on an iPhone before, and I did
18 not know that if an incoming call came into my phone that
19 the recording would stop. I had no control over that. So
20 what ended up happening is probably halfway, probably 40, 45
21 minutes or so into that recorded interview I got a phone
22 call and the recording stopped. So that's why there's two
23 separate files. Once I realized that the recording had
24 stopped I started it back.

25 Q About how long was this interview?

1 A I think the two audio files, ones about 15 minutes and
2 one's about 20, 25 minutes. So a little over an hour.

3 Q So little over an hour you recorded this interview you
4 had with Defendant Michael Beaty?

5 A That's correct.

6 Q What did he say to you, Commander Roberts? And you can
7 refer to your report.

8 A Again, I wasn't trying to go in depth with him and ask
9 him questions. I was basically just trying to hang out with
10 him to, you know, kill time until SLED arrived. In the
11 process we had some nice conversation. And at one point
12 Michael had started talking -- Mr. Beaty had started
13 talking, and he made some comments that he didn't care what
14 happened to him. That she, meaning EA, meant more to him
15 than anything in the world. He said that he tried, but that
16 she would beat him and bite him and he tried to do
17 everything that he could for her. He said sometimes that
18 she would cut herself and that -- he indicated that EA had
19 done that in the past, even before they had met each other.

20 Q So did he volunteer this, that she cut herself?

21 A He volunteered. Well, he volunteered that she had cut
22 herself in the past.

23 Q And was this by way of explanation or did he just blurt
24 out she had cut herself?

25 A He was just talking. Just -- I gather that he was

1 trying to explain what happened.

2 Q And after he said that she cut herself and she had done
3 that before, then what did he go into?

4 A Well, then he went into explaining that he had pulled
5 up to the residence, at the house, which was [redacted] and
6 that they were all just talking in the car. That he didn't
7 have any indication that anything was wrong or anything was
8 bad. And he called her out. He called her name out, EA,
9 and she didn't respond. He nudged her, and then he jumped
10 out of the car and went around to the passenger side. He
11 opened the door. He indicated that her right arm fell out
12 and there were shards of glass in it, and that's when he
13 went into panic mode. He kept shouting her name over and
14 over. And he indicated that there was spit coming out of
15 her mouth, and that she was just dead in his car. He said
16 it broke everything inside him, and that he loved her and
17 wanted to marry her and spend the rest of his life with her
18 and make her happy.

19 Q Now, after he said this -- at any point did you -- did
20 you try to make him comfortable, Lieutenant Roberts? I
21 mean, explain to me what the interview room setting is like.

22 A The interview room that he was in is basically an
23 office. A patrol office. It's about an eight-by-eight
24 room. It has a desk with a computer and one chair that you
25 sit behind, and then there's a chair across on the other

1 side. And then there's one chair off to the right. There's
2 a couple file cabinets and some bookshelves in it. During
3 that interaction, you know, I kept asking him, you know, did
4 he need anything. Did he want anything to drink. At one
5 point he indicated that he'd like to have something to
6 drink, and I complied with that.

7 Q Describe to the jury your observations of his demeanor
8 at this point.

9 A When he was speaking with me he was very articulate.
10 He seemed somewhat calm but yet still portrayed that he was
11 upset. That's how I would at least characterize his
12 demeanor.

13 Q Was he crying?

14 A No. He was not shedding any tears.

15 Q Did you get any description from Michael about what had
16 happened that day, or that evening? I guess the best way to
17 ask it, what did he tell you next?

18 A He indicated to me that he was in the driver's seat and
19 that she was in the front passenger seat. And he went on to
20 say that -- after some conversation that was off topic. He
21 was talking about his, I want to say, his sister, and we got
22 to talking about a previous accident he had been in. And
23 later on in the interview, in the second recording, he made
24 the comment that she said she did that and that he does not
25 know why she cut herself. So at that point he indicated to

1 me that she cut herself.

2 Q Did he ever describe EA's condition when they get to
3 502 Calvert?

4 A He described her, once he got out of the car and went
5 around, as being lifeless. Just being dead in the car.

6 Q So he's already -- he's describing her -- that's the
7 word he used, lifeless?

8 A Yes. And, of course, he indicated that he saw spit
9 coming out of her mouth and she didn't make any comments or
10 statements or anything to him. She was just dead.

11 Q What else around this time was he talking about? Did
12 he describe their relationship at all to you?

13 A Yeah. At the beginning he was -- he was describing
14 that he and EA, I guess you would say, fought a lot, and
15 indicated that EA would beat him and bite him, and indicated
16 that they had a volatile relationship.

17 Q Okay. Did he ever ask you whether EA was -- had passed
18 or not?

19 A Yes, he did. Initially, whenever he first got there,
20 and I first got there and was talking to him, he asked me,
21 and my response to him was that EMS was working on her and
22 it didn't look good for him. I think towards the end, after
23 I brought him some coffee or something, I come back into the
24 office and he asked me again if she was dead and I told him
25 yes.

1 Q How many times -- you indicated that he told you that
2 she was a cutter or she had cut herself.

3 A Yes.

4 Q How many times did he tell you this during the course
5 of this interview?

6 A Just glancing over my notes, on two occasions.

7 Q So he came back to that statement at some point later?

8 A Yes.

9 Q He indicated she was a cutter again?

10 A Well, he indicated that -- he indicated that she --
11 what I've got in my notes, is that she said she did that and
12 I took that as meaning she cut herself. And he went on to
13 say that she does not know why she cut herself.

14 Q You say that they had a volatile relationship. Did he
15 indicate to you what they argued about?

16 A Yes. He had spoke about an incident in which --

17 Q What was the source of their arguments according to the
18 Defendant?

19 A EA cheating in the past.

20 Q At what point did this first interview end? I say
21 first interview. First interview that you conducted with
22 him that's on the recording?

23 A It had to be around -- somewhere around 2:00, 2:30-ish
24 in the morning. In that timeframe.

25 Q And it started at, you said, 2:50 a.m.

1 A That's correct.

2 Q When you started the recording. And that was the early
3 morning hours of June the 30th, correct?

4 A That's correct.

5 Q It's an oral statement to you that's this audio
6 recording is State's 41, correct?

7 A That's correct.

8 Q At any time during this 12:50 a.m. interview did the
9 Defendant say anything to you about EA trying to jump out of
10 the car?

11 A No, sir.

12 Q Did he indicate anything that she did that could have
13 caused road rash type injuries on the arms?

14 A No, sir.

15 Q Had an autopsy been conducted at this point on Emily-
16 Anna?

17 A No, sir. Not at that point.

18 Q When was that to be done?

19 A It was scheduled for 9:00 a.m. the following morning.
20 So that would be the -- still the 30th, but at 9:00 a.m.

21 Q And where was her body to be taken for the autopsy?

22 A If I'm not mistaken, it was taken to Newberry
23 Pathology. I'm not 100 percent sure on that.

24 Q But you do know it was scheduled for 9:00 the next
25 morning?

1 A That's right.

2 Q When did Michael Beaty leave Clinton Department of
3 Public Safety?

4 A He provided me with a written statement, then he left
5 right after he provided that written statement, which was
6 around 7:50 a.m.

7 Q So you were able to get -- now, did you continuously
8 interview him from 12:50 to 7:50 a.m.?

9 A No. I was in and out of the office. I was -- had
10 stepped in and checked on Will Alexander. In and out. So
11 it wasn't a constant time that I was sitting in the office
12 with him.

13 Q Who else would have talked to him during this timeframe
14 in the early morning hours?

15 A After my recording stopped SLED agents Michael Collins
16 and Harvey Owens interviewed Mr. Alexander.

17 Q And you said you were in and out. Were you in and out
18 of the room for part of this time when Agent Owens and Agent
19 Collins --

20 A I was not in the room when Agent Owens and Collins were
21 in there together. They were -- they had started
22 interviewing him and got interrupted when SLED forensics
23 arrived at the police department and they were needed to
24 photograph Michael Beaty's clothing and his appearance. So
25 that interview got interrupted. And at that point, once the

1 SLED forensic team finished photographing both individuals
2 they proceeded to do a search warrant on the vehicle, at
3 which point Special Agent Collins left to go in and serve
4 the search warrant. At that point I stepped back into the
5 interview with Special Agent Harvey Owens.

6 Q I'm going to show you State's 20 through 26. You were
7 referring to photographs being taken of the Defendant,
8 Michael Beaty. Were photographs taken of Will Alexander as
9 well?

10 A Yes, sir.

11 Q Have you seen State's 20 through 26 before?

12 A Yes, sir.

13 Q And those are some of the photographs that were taken
14 by the SLED forensics team that broke up this interview by
15 Agent Owens with SLED?

16 A That's correct. These are photographs of Michael Beaty
17 and William Alexander.

18 Q And this was sometime in the early -- middle of the
19 night, early morning hours?

20 A That's correct.

21 Q I'm going to hand you -- well, let me backup for a
22 second. After Agent Owens -- you said this middle time
23 where there was a break. When Agent Owens resumed his
24 interview did you have any participation in that?

25 A I stepped into the interview process. Was basically

1 more of a observer. I did ask some questions.

2 Q Is that -- because there's a preference to have two
3 investigators in when you can?

4 A Yes.

5 Q Where was Agent Collins? Did he leave and go somewhere
6 else?

7 A He left when SLED forensics cleared up, and they
8 proceeded to go do the search warrant on the vehicle, or he
9 was observing whenever they were actually doing the search
10 warrant on the vehicle.

11 Q So he left to go with the other agents?

12 A That's right.

13 Q Now, you've indicated you did take a written statement
14 before he left. I'm going to show you what's already in
15 evidence as State's Number 3.

16 A Yes, sir. This is a handwritten statement by Michael
17 Beaty in Michael Beaty's own handwriting that he provided to
18 me right before he left that morning.

19 Q And were you the witness on that statement?

20 A Yes, sir. I did witness it. And Michael Beaty's own
21 handwriting to me right before he left that morning.

22 Q And your signature is on the bottom of there as well?

23 A My signature is on there as a witness.

24 Q That's the one page --

25 A That's correct.

1 Q If you could read -- if you could read State's -- the
2 contents. Just the handwritten part of State's Exhibit 3
3 for the jury?

4 A "At 6:00 p.m. Saturday Emily-Anna Asbill and I left
5 Ruby's Food Store and drove to Kyle Stewart's house to a
6 memorial service for a mutual friend. EA drove and was
7 supposed to remain sober and the be DD," designated driver,
8 "as I planned to drink. Her father had texted her -- had
9 texted implying he knew we were in town, at which point I
10 took the batteries out of both phones. Once at Kyle's we
11 both drank alcohol and mingled with the group. She left
12 with the other females around eight to get more beer. A
13 mutual friend, Will was there and by far the most
14 intoxicated. When the time came that we were ready to leave
15 we agreed to take Will home. This was around 10:00, I
16 think. From Kyle's house I drove us to my parent's house.
17 Upon arriving I realized EA was not responding. I rushed
18 around the driver's seat outside to the passenger side and
19 realized she was unconscious. After trying to get her
20 attention and make her regain consciousness I felt she was
21 gone. Will, or someone at my house, called 911, and after
22 EMT arrived I left her side. Since then I have been present
23 with law enforcement. I have an will continue to comply in
24 all ways possible. When I opened the passenger door I
25 noticed blood on her arm and assumed it to be from self-

1 inflicted wounds. I tied it off with my shirt." And that
2 is the end of his written statement. Again, he signed it
3 with his signature and dated it.

4 Q Just to get the time of this down here.

5 A His statement started at 7:29 a.m. on the 30th.

6 Q So 7:29 a.m.

7 A And ended approximately 7:50 a.m.

8 Q You indicated after he wrote this statement, State's
9 Exhibit 3, Michael Beaty left the Police Department?

10 A That's correct.

11 Q When did he return -- or did he return to the Police
12 Department?

13 A He returned the following day. I think it was around
14 10:30. Somewhere in that area.

15 Q And how did he get back up there to the department? Do
16 you know?

17 A To be honest with you I'm unsure. I can't recall.

18 Q Was he requested to come back up there or did he just
19 show up?

20 A He was requested to come back.

21 Q By one of the investigators?

22 A That's correct.

23 Q Now, you said around 10:20 a.m. is when he returned?

24 A Somewhere in that area. Yes, sir.

25 Q You indicated earlier that an autopsy had been ordered

1 for 9:00 that morning.

2 A That's correct.

3 Q How long did it take you all -- did you get any results
4 back from that autopsy at that point?

5 A I had received information from Lieutenant Gregg
6 Synder, who was also present at autopsy. He had gave me
7 information prior to the actual report coming out that the
8 pathologist said that EA's cause of death was asphyxiation
9 by strangulation. So it was probably around 10:00,
10 somewhere in that area, that we got that information.

11 Q After you are apprised that EA died from strangulation,
12 and it was -- the manner of death was homicide; is that
13 correct?

14 A That's correct.

15 Q Is that what -- did that change things for you? I
16 mean, for your investigation?

17 A Yes, absolutely.

18 Q Now, when Michael Beaty returned approximately 10:20
19 did you have occasion to speak with him after he returned?

20 A I did. Myself and Special Agent Collins spoke to him
21 again. And then I had actually interrupted an interview
22 with Lieutenant Goggins to obtain a Buccal swab from Michael
23 Beaty, and we a short interaction there.

24 Q So you collected the DNA sample. And he consented to
25 that, correct?

1 A That's correct. He did.

2 Q In the course of that you indicated that you and Agent
3 Collins from SLED spoke with Michael?

4 A That's correct.

5 Q What time was that?

6 A To be honest with you, I can't recall.

7 Q Was it within an hour of the time he arrived back at
8 the department? Within two hours? Can you give us an
9 estimate?

10 A My best guess would be somewhere between 11:00, 11:30-
11 ish.

12 Q So time range here is sometime between 11:00 and 11:30?

13 A That's correct.

14 Q And he gave a statement to you and to Agent Collins?

15 A That's correct.

16 Q What did he say to you all at this point?

17 A Basically the gist of what he was telling was --
18 telling us was he didn't know what happened to her.

19 Basically, she cut herself, kind of thing.

20 Q Similar to what he had given in State's 3?

21 Essentially, she cut herself. That's all I know?

22 A That's correct.

23 Q You heard reference to interviews being a two-way
24 street. At any point did you give -- did you inform this
25 Defendant of any information that was important in this

1 case?

2 A Yes. I informed him that the autopsy results revealed
3 that EA had died by asphyxiation. Basically, she was
4 strangled to death. I gave him that information.

5 Q Okay. So during this 11:00 to 11:30 range, towards the
6 end of that time, you gave him the information that --

7 A That's correct.

8 Q -- that she had -- EA had been strangled to death?

9 A He still indicated that he didn't know what happened.

10 Q Did you give Mr. Beaty any information with regard to
11 the injuries to the victim's -- or to EA's hands?

12 A If I recall correctly, I advised him that she had some
13 road rash injuries, during the conversation when I went in
14 to take the Buccal swabs.

15 Q So you informed him that her cause of death was
16 strangulation and that she had road rash --

17 A Yes.

18 Q -- injuries on her hands?

19 A I possibly could have told him that during that
20 interview. I'm not 100 percent sure. As far as the road
21 rash in addition to the strangulation.

22 Q But you are certain that you informed him of the --

23 A Oh, yes, sir.

24 Q -- that she was strangled?

25 A Yes, sir. Because I questioned him on how he did not

1 know how she sustained those massive injuries and be in the
2 same car with her.

3 Q Was this the last, I guess, formal interview that you
4 did with the Defendant, Michael Beaty?

5 A It was.

6 Q So just to recap, you interviewed him on the early
7 morning hours of 4:50 a.m. and he gave you an oral statement
8 that is recorded here, what's in evidence as State's 41.

9 A That's correct.

10 Q That you sat in on the interview with Agent Owens
11 sometime after that early morning hours, correct?

12 A That's correct.

13 Q That at 7:29 a.m. you took the written statement that's
14 here in State's 3 --

15 A That's correct.

16 Q -- that he wrote with his own hand, correct?

17 A Yes, sir.

18 Q And then when he returned, sometime between 11:00 and
19 11:30 a.m. --

20 A To the best of my recollection, yes. Myself and Agent
21 Collins spoke with him again.

22 Q At any time during any of these statements did this
23 Defendant indicate to you that the victim, EA Asbill, had
24 tried to jump out of his car?

25 A Not at that point. Now, in the interview where

1 Lieutenant Goggins is, is actually whenever I go in to take
2 the Buccal swab, he indicates that EA tried to jump out of
3 the car.

4 Q So you take the Buccal swabs here in this area around
5 that time?

6 A (NO VERBAL RESPONSE)

7 Q But you informed him about the strangulation during
8 this 11:00 to 11:30 interview, correct?

9 A Yes, sir. I believe so.

10 MR. STUMBO: I beg the Court's indulgence, Your Honor.

11 THE COURT: Yes, sir.

12 MR. STUMBO: No further questions of Commander Roberts
13 at this time, Your Honor.

14 THE COURT: Ladies and gentlemen of the jury, if you
15 would like to stand up and stretch for just a minute, feel
16 free to do so before cross-examination.

17 MR. GROSE: Your Honor, may we approach about
18 scheduling while they do that?

19 THE COURT: You may.

20 (Whereupon, a sidebar was held.)

21 THE COURT: All right. Ladies and gentlemen of the
22 jury, I just spoke with the attorneys, and I wanted to keep
23 you late tonight but they don't want to do that. So what
24 we're going to do is -- the cross-examination may take a
25 while, and then they'll have redirect and recross. We're

1 gong to go ahead and break for today. So I'm going to send
2 you home with instructions that you're not to talk to
3 anybody. Again, do not watch any TV on any news channel.
4 Do not look at any social media or anything like that that
5 would bring you information -- or could bring you
6 information on this case that you don't receive from this
7 courtroom. So, ladies and gentlemen, we'll be here just a
8 little bit before 9:30 and then we'll go on cross-
9 examination.

10 Ladies and gentlemen, thank you. We have a very
11 attentive jury. Thanks for everything, and I will see you
12 all back here in the morning. Thank you.

13 (Whereupon, the jury was dismissed for the day at 4:36
14 p.m.)

15 THE COURT: I'll remind the witness that you're still
16 under oath and on the stand for all practical purposes,
17 therefore you can't discuss the case with anyone. Thank
18 you.

19 Court's adjourned until 9:30 tomorrow. Thank you.

20 TRIAL DAY 3-1/28/2015

21 THE COURT: Thank you, ladies and gentlemen. Please
22 take your seats. Is there anything we need to put on the
23 record before we bring our jury back in?

24 MR. STUMBO: Nothing from the State, Your Honor. We're
25 ready to proceed.

1 MR. GROSE: Just briefly, Your Honor. I had had some
2 people, mostly courthouse types, tell me that they weren't
3 able to get in and out of the courtroom yesterday.

4 THE COURT: The courtroom should only be locked when
5 I'm charging the jury or during closing arguments. If
6 somebody would like to come in and out of the courtroom
7 quietly, there's not a problem with that.

8 MR. GROSE: Thank you, Judge.

9 THE COURT: I guess we can have our witness resume the
10 stand and then when we'll bring them in. You are still
11 under oath. Bring our jury in.

12 (Whereupon, the jury entered the courtroom at 9:44
13 a.m.)

14 THE COURT: Please take your seats. Good morning,
15 ladies and gentlemen. It's a cool one in Laurens County
16 today, I tell you what. We're going to have a long day
17 today. I'll go ahead and tell you that up front. So I
18 don't know how late in the evening we might go. But don't
19 make any plans for tonight. I don't intend to go real late
20 in the evening, but this is not the night to be having
21 dinner plans. I just want to tell you that. If you have
22 childcare or something.

23 We will continue. Is the State ready to proceed?

24 MR. STUMBO: We are, Your Honor. I believe yesterday
25 we had indicated we had no further questions at this time.

1 THE COURT: All right. Mr. Grose, are you ready to
2 proceed?

3 MR. GROSE: Thank you, Your Honor.

4 THE COURT: The witness is still under oath.

5 CROSS-EXAMINATION

6 BY MR. GROSE:

7 Q Good morning, Commander Roberts.

8 A Good morning.

9 Q I want to show you what's just been marked as
10 Defendant's Exhibit Number 15 for identification.

11 A Yes, sir.

12 Q You recognize that, don't you?

13 A I do.

14 Q And that's the copy of the waiver of rights form that
15 Michael signed at the Police Department?

16 A That's correct.

17 Q At 12:50 a.m.?

18 A That's correct.

19 Q On January 30th, 2013?

20 A Yes, sir.

21 Q And so, just to summarize to put it into context.

22 There was the first conversation with Michael that happened
23 at _____, which was where Lieutenant Goggins
24 was?

25 A Yes, sir.

1 Q And not necessarily your first involvement, because I
2 know you got a phone call, but your first contact with
3 Michael was at the Police Department?

4 A That's correct.

5 Q And you had testified yesterday that there was two
6 audio recordings that you made?

7 A That's correct.

8 Q And those are already in evidence as what's marked as
9 Plaintiff's Exhibit -- I believe that's 41.

10 A Yes, sir.

11 Q And that waiver of rights form that I just handed you,
12 Defendant's Exhibit Number 15, you actually hear that being
13 gone over on this tape?

14 A That's correct.

15 Q And so, from that we can kind of establish, from the
16 waiver of rights form, that this started at 12:50 a.m.?

17 A Yes, sir.

18 Q And when you fill out a form like that, the waiver of
19 rights, you're contemporaneously noting the time, correct?

20 A Yes, sir.

21 Q The way you paused, maybe it was a little confusing.
22 Do you fill out -- that's a form that you fill out?

23 A Yes, sir.

24 Q And one of the things to notate on the form is the
25 time?

1 A Yes, sir.

2 Q So you actually look at a watch or a clock, right?

3 A Yes, sir.

4 MR. GROSE: At this time, Your Honor, I know it'll take
5 me a minute to get it going, but I want to publish --

6 THE COURT: All right. One through 14 are in, right?

7 MR. GROSE: Right.

8 MR. STUMBO: No objection, Your Honor.

9 THE COURT: Number 15 is admitted without objection.

10 (Whereupon, Defendant's Exhibit Number 15 was entered
11 into evidence.)

12 (Whereupon, audio published for jury of interview of
13 Michael Beaty, State's Exhibit Number 41.)

14 MR. GROSE: Judge, I think that would be a natural
15 breaking point. I think I could personally use a restroom
16 break.

17 THE COURT: All right. Ladies and gentlemen, let's
18 take a break. We'll take about a 15 minutes recess. Relax,
19 having something to drink. If you need to smoke. Please do
20 not discuss anything about the case while you're gone.
21 Thank you.

22 (Whereupon, the jury exited the courtroom at 11:08
23 a.m.)

24 THE COURT: The Court's in recess until 20 minutes
25 after 11:00.

1 (Whereupon, a recess was held from 11:08 a.m. to
2 a.m.)

3 THE COURT: Thank you, ladies and gentlemen, please
4 take your seats. I'm going to give the jurors a two minute
5 warning.

6 MR. STUMBO: Your Honor, if we could beg the Court's
7 indulgence. It's a little light at my table. I'll be right
8 back.

9 THE COURT: Well, they've got a two minute warning,
10 too, so we're good.

11 MR. STUMBO: Judge, I think we can proceed. Mr. Scott
12 will be in here in a moment. As long as the doors aren't
13 locked.

14 THE COURT: Yeah, as I was saying, the doors can
15 certainly -- are to be open so people can come in. The only
16 time I require they be locked is when I'm charging the jury
17 or you're doing closing arguments.

18 MR. STUMBO: Yes, sir. So we're ready to proceed.

19 THE COURT: All right, sir. Mr. Grose, are you all
20 ready to proceed?

21 MR. GROSE: Yes, sir.

22 (Whereupon, the jury entered the courtroom at 11:23
23 a.m.)

24 THE COURT: Thank you, you may be seated.

25 All right. Mr. Grose, you may proceed.

1 MR. GROSE: Thank you, Your Honor.

2 Q I want to start off by thank you for the compassion
3 that you showed to Michael during that interview. I know
4 that you talked about the first time you had lost somebody
5 in your family and I know that's -- people react different
6 ways in those hard things to go through. Where I want to
7 start is just talking about, you know, how this was
8 recorded. And I think you said that you used your cell
9 phone and it cut off. But we didn't really lose much by it
10 cutting off, did we?

11 A No, sir.

12 Q There was questions yesterday about the capabilities of
13 the Police Department in Clinton. Do you remember those?

14 A Yes, sir.

15 Q In fact, I've noticed you've been sitting up here with
16 the prosecutors.

17 A Yes, sir.

18 Q That's because you're, I guess, in the role of the
19 chief investigating officer in this case?

20 A I played a part in it. Yes, sir.

21 Q And you were kind of at command central in a way at the
22 Police Department when everything was going on. You were in
23 the center of the activity once it moved to the Police
24 Department.

25 A. Yes, sir. That's correct, sir.

1 Q All right. Now, there has been times in the past where
2 the Police Department in Clinton has had the capability of
3 recording interviews, right?

4 A Yes, sir.

5 Q And when I talk about the capability I'm not -- you
6 understand I'm not talking about cell phones?

7 A That's correct.

8 Q What were talking about is in the past the Police
9 Department in Clinton has had an interview room, right?

10 A Yes. We currently have an interview room.

11 Q Well, in the past it was equipped so that you could
12 videotape those interviews?

13 A No, sir.

14 Q All right. Well, you were involved in a case with Mr.
15 Wise from, I think, 2008?

16 A Yes, sir.

17 Q Involving Benjamin Rhodes?

18 A That's correct.

19 Q And there was a videotaped interview in that case,
20 wasn't there?

21 A Yes, sir. There was.

22 Q And that was -- you were involved in that interview?

23 A Yes, sir. I was.

24 Q And that interview was videoed at the Clinton Police
25 Department?

- 1 A Yes, sir. It was.
- 2 Q And Tyrone Goggins, Lieutenant Goggins, was also
- 3 involved in investigating that case. I have a --
- 4 A I don't recall.
- 5 Q I have a document Mr. Wise provided me from that case
- 6 that has his name written in on it.
- 7 A Can I review that?
- 8 Q Yeah.
- 9 A Do you have the actual search warrant?
- 10 Q That's just the page that I have.
- 11 A I believe he was the executing officer of that search
- 12 warrant. Yes.
- 13 Q So. At least at that time in 2008 the Clinton Police
- 14 Department did videotape an interview.
- 15 A Yes, sir. I did.
- 16 Q Now, I think you would agree with me that when we were
- 17 able to listen to that tape you hear things that go beyond
- 18 just summarizing it, don't you?
- 19 A Yes, sir.
- 20 Q I mean, you can hear the tone of voices?
- 21 A Correct.
- 22 Q You can hear emotions?
- 23 A Yes.
- 24 Q And importantly you can hear what is said, right?
- 25 A Yes.

1 Q I mean, because of the fact that we had those tapes we
2 actually heard -- and I realize this was when we were having
3 problems with the volume. But we actually heard you go
4 through and discuss the waiver of rights. The Miranda form
5 that's Defendant Exhibit Number 15, didn't we?

6 A Yes, sir.

7 Q And we actually were able to hear what you said to
8 Michael about EA's father.

9 A Yes, sir.

10 Q That he was a SLED agent?

11 A Yes, sir.

12 Q And we were able to hear that you said that since her
13 dad works for SLED, that's why you called SLED.

14 A One of the reasons. Yes, sir. That's what I said in
15 there.

16 Q Well, that's what you told Michael?

17 A Yes, sir.

18 Q And you don't deny saying that --

19 A No. No.

20 Q -- because we heard it on the tape.

21 A That's correct.

22 Q So, you know -- but because of that there's not --
23 because we were able to listen to it, except for that little
24 brief period where it cut off, nothing was really lost?

25 A No, sir. In my opinion it wasn't.

1 Q Now, what I want to do is kind of work on the timeline.

2 Ask you some questions about that.

3 A Sure.

4 Q And I realize you might not have been involved in
5 everything, but they asked you some questions yesterday
6 about what your knowledge was. And I'm not going to ask you
7 to go outside your personal knowledge, but I might ask you
8 to just help establish the timeline for things that you
9 might know about as the chief investigating officer that you
10 were involved in.

11 A Okay.

12 Q Okay. Now, the first encounter with law enforcement
13 and Michael was at 502 Calvert - Calvert Avenue?

14 A That's correct. Calvert Avenue. Yes, sir.

15 Q And you weren't there?

16 A No, sir.

17 Q And I know we heard from Officer Jones about
18 responding. But the person who had contact with Michael
19 Beaty was Lieutenant Goggins?

20 A That's correct.

21 Q Now, the next contact was at the Clinton Department of
22 Public Safety and you were involved in that?

23 A Yes, sir.

24 Q And I'm just going to abbreviate that CDPS for Clinton
25 Department of Public Safety. Now -- and you realize we're

1 not contesting the voluntariness of any of the statements.

2 But the reason I wanted to put this into evidence is because

3 -- I'm referring to Defendant's Exhibit 15, the waiver of

4 rights, is it does help us start with the timeline, right?

5 A Yes, sir.

6 Q And you would agree with me that -- I think I asked you

7 this before we played the tape. But this started at 12:50

8 a.m.?

9 A Yes, sir.

10 Q Okay. Not to belabor the point, but we heard you doing

11 that -- going over that form on the tape. Would you agree

12 that that tape lasted -- the two together lasted

13 approximately one hour and 13 minutes?

14 A I'll take your word if the recordings added up to that.

15 That sounds about right. Because I think the first

16 recording was about 45, 50 minutes and then the next one was

17 maybe 20, 25 minutes.

18 Q I'm just going -- I still have the tape in my computer.

19 And I hope your eyes aren't as bad as mine. But track one

20 was 47 minutes and 37 seconds is what it's showing.

21 A That's correct.

22 Q And track two is showing 25 minutes, 13 seconds, right?

23 A Yes, sir.

24 Q And right up here it shows the two audios, one hour and

25 13 minutes.

1 A Yes, sir. I agree with that.

2 Q So if we go from 12:50, an hour and 13 minutes, that'll
3 be roughly 2:03, right?

4 A That's correct.

5 Q Now, when the tape ended it was with SLED -- you
6 telling Michael Beaty that SLED had arrived, right?

7 A That's correct. At the end of the tape that was
8 Special Agent Harvey Owens that had knocked on the door.

9 Q Okay. Now, do you have your supplemental report?

10 A I do.

11 Q I want you to look with me at the bottom of the second
12 page above the line, which may just be from a copy machine.
13 In there you said that SLED arrived around 1:50. I'm sorry.
14 1:15. 1:15, a quarter past 1:00 in the morning.

15 A That's what it says.

16 Q Well, that's just a mistake, isn't it?

17 A Yeah, it's a typo. It should have been 2:15. Around
18 in that area.

19 Q Well, and that's kind of what we talked about earlier.
20 With times, unless you're actually writing them down like
21 when you're filling out a form, it's easy to kind of get
22 confused.

23 A I can agree to that.

24 Q So we can agree then though from the tape that SLED
25 arrives at 2:03 roughly? That's when they knock on the

1 door. Maybe a minute or two before that.

2 A Yes, sir.

3 Q Now, one of the things that -- well, several things
4 that we hear on the tape that kind of go together. We heard
5 Michael say that people didn't approve of the relationship
6 with EA, right?

7 A Yes, sir. He said that.

8 Q And you had told him that SLED was coming, right?

9 A That's correct.

10 Q And in part of your doing that you assured him --
11 assured Michael that Ashley Asbill would not be the one that
12 was questioning him.

13 A That's correct.

14 Q And, you know, Michael expressed some comments like
15 Ashley might kill him. He knew Ashley might be mad.

16 A Yes, sir.

17 Q And this was his coworkers that arrived 2:03, a few
18 minutes before, to question Michael?

19 A Yes, sir.

20 Q Okay. Now, before I move on from the tapes, there was
21 some discussion about Michael's record. Prior record.

22 A Yes, sir.

23 Q And he talked about a number of marijuana charges,
24 right?

25 A Yes, sir.

- 1 Q And a DUI?
- 2 A Yes, sir.
- 3 Q And you had a chance to look at his record?
- 4 A I don't remember looking at his criminal history.
- 5 Q Would you like to see it?
- 6 A No.
- 7 Q Huh?
- 8 A No.
- 9 Q Well, you would agree with me that there's -- the only
10 thing that's on his record is like what he told you,
11 magistrate court level offenses involving alcohol and
12 marijuana?
- 13 A I could agree with that. I would take your word for
14 it.
- 15 Q All right. That's all I'm getting at. So when SLED
16 arrives there's some talk about taking a restroom break.
17 But really when SLED arrives, except for that break type
18 conversation, that's when our recordings end, correct?
- 19 A That's correct.
- 20 Q So after 2:03 there's no more audio recording, right?
- 21 A No, sir.
- 22 Q Or video? There's not any video at all?
- 23 A No, sir. That's right.
- 24 Q Now, you have the -- I asked you about having your
25 supplemental report in front of you a minute ago. That

1 report is two full pages and maybe about a third of page
2 three. Would you agree with that?

3 A Yes, sir.

4 Q And you've been using that to refresh your memory both
5 today and yesterday when the solicitor was asking you
6 questions?

7 A That's correct.

8 Q And I think you would agree with me, looking at that
9 report, that not quite but almost a full two pages of that
10 report is summarizing what was on the audiotape between
11 12:50 and 2:03?

12 A Yes, sir.

13 Q And when I assume that when you had that report, or
14 were preparing your report, you had the audiotape to go by?

15 A Yes, sir.

16 Q And so, you were able to be detailed in that part of
17 it?

18 A Correct.

19 Q And then your report goes to when Michael returned the
20 next morning, right?

21 A Yes, sir.

22 Q And everything for the rest of the day is just, you
23 know, maybe a couple inches on page two and a third of page
24 three?

25 A Yes, sir.

1 Q Now, one of the things that we have in evidence is
2 Plaintiff's Exhibit Number 3 which is the first handwritten
3 statement.

4 A Yes, sir.

5 Q Now, as the officer in this case, it's my
6 understanding, and I think you're aware of this, that
7 there's SLED memorandum of interviews with times on them
8 between here, where SLED arrives, and when that statement
9 begins.

10 A I can agree with that. Yes.

11 Q And one of those -- there's a memorandum of interviews
12 from Harvey Owens and I believe one from Michael Collins
13 that goes with it that's 3:30 a.m.

14 A Yes, sir.

15 Q And then we have a memorandum of interview from Harvey
16 Owens that is 4:45 a.m.

17 A That's correct.

18 Q Now, this interview indicates that Owens and Commander
19 Crystal Roberts were involved in that interview.

20 A That's correct.

21 Q Now, yesterday I thought I understood that you were
22 kind of in and out?

23 A No. I was in and out of the recorded interview that we
24 listened to.

25 Q Okay. Okay. Because when we do hear you coming and

- 1 going --
- 2 A Yes, sir.
- 3 Q -- and to get coffee. Were you there at 3:30 a.m.?
- 4 A Yes. But I was not in the interview with Collins and
- 5 Owens.
- 6 Q So you were not in the room at that time?
- 7 A No, sir.
- 8 Q You were in there at 4:45 a.m.?
- 9 A Yes, sir. I was in there with Owens.
- 10 Q Okay. Now, where I get a little confused is, you know,
- 11 Mr. Owens starts off with the 4:45 a.m. But when he ends up
- 12 on the second page he talks about Michael Beaty providing
- 13 Commander Roberts with a written statement documenting his
- 14 account of the events?
- 15 A Yes, sir.
- 16 Q Okay. So really, when we're talking about 4:45 a.m.,
- 17 we're going all the way through to the statement, right?
- 18 A That's correct.
- 19 Q And the statement starts at 7:29 a.m., right?
- 20 A Yes, sir.
- 21 Q And ends at 7:50 a.m.?
- 22 A Yes, sir.
- 23 Q Just so we can keep kind of track of that. That was
- 24 Exhibit Number 3?
- 25 A Yes, sir. That's correct.

- 1 Q So really this from 4:45 continues down to 7:50?
- 2 A That's correct.
- 3 Q And really, if we want to kind of get down to it, from
- 4 1:00 -- from 12:50 on, while there might have been some
- 5 breaks, you know, it's a continuous process?
- 6 A There were breaks.
- 7 Q But it continued all night?
- 8 A Yes, sir.
- 9 Q And so, I think, if it started at 12:50 --
- 10 A Yes, sir.
- 11 Q -- and we know that this last statement, Exhibit Number
- 12 3, ended at 7:50 --
- 13 A That's correct.
- 14 Q -- if my math's right, that's seven hours, correct?
- 15 A Yes, sir. I'll take your word for that.
- 16 Q And of that seven hours, only an hour and 13 minutes
- 17 was actually recorded?
- 18 A That's correct.
- 19 Q And the documentation, you know, from that period is
- 20 three memorandum of interview, right?
- 21 A (Witness nods head.)
- 22 Q Is that a yes?
- 23 A Yes, sir. From three MLIs, I guess, from each --
- 24 Q Yeah. MLI means memorandum of interview?
- 25 A Yes.

1 Q And there's one from Mr. Owens -- I'm sorry. One from
2 Mr. Owens with the 3:30 time --

3 A Right.

4 Q -- and one from Mr. Collins with the 3:30 -- or that
5 goes with that?

6 A That's correct.

7 Q And then Mr. Owens at what we now know as 4:45 to 7:50?

8 A Yes. So it would be total of three MLIs from SLED.

9 Q And each one of them are only two pages?

10 A I would say. Yes, sir.

11 Q And you really don't have anything in your report
12 between when SLED arrives at 2:03 --

13 A That's correct.

14 Q -- and until Michael comes back for the second time?

15 A That's correct.

16 Q Now, let's talk about that. If you look at page two of
17 your supplemental incident report, and where that little
18 line is that might just be from the copier but it happens to
19 be where Michael came back. You would agree with me that he
20 came back at 2:20 a.m. -- I mean, 10:20 a.m.?

21 A Yes, sir.

22 Q Okay. And so, this was, I guess, the beginning of sort
23 of the third conversation. The first one being at Calvert
24 Avenue, the second one being at the Police Department at
25 12:50 to 7:50, and now we're back at the Clinton Department

1 of Public Safety. And again, I'm abbreviating that. And
2 that's at 10:20 a.m., correct?

3 A Yes, sir.

4 Q Okay. Now, I think one of the things that -- one of
5 the first things that happened was wanting to get a DNA
6 sample, right?

7 A No, sir. That didn't happen first thing.

8 Q Well, if you look at your report, and again I'm at the
9 bottom of page two, the way it's recorded -- and I'm just
10 going by the way it's recorded. Okay? The first line
11 Michael Beaty was asked to come back to the Police
12 Department to speak with officers again. Henry Simmons
13 brought him back at 12:20, right?

14 A 10:20.

15 Q I'm sorry. 10:20.

16 A Yes, sir.

17 Q And then it says that you went into the interview room,
18 SLED Agent Kindley, Shelton and Lieutenant Goggins were
19 speaking with Michael Beaty about getting the DNA swab.

20 A Yes, sir.

21 Q I mean, that's the next thing in your report.

22 A Yes, sir.

23 Q And I think what you're telling me is is that your
24 report may be a little out of order.

25 A There's just not time notated on that one.

1 Q And that gets back to, I guess, some of my earlier
2 questions is because there's no audio or video we've kind of
3 lost a little bit of that, right?

4 A I can agree with that.

5 Q The time information and sort of some of the tone, and
6 even some of the substance, right? You would agree with
7 that?

8 A I can agree with that.

9 Q You can?

10 A Yes, sir.

11 MR. STUMBO: No objection.

12 (Whereupon, DNA Consent Form was marked Defendant's
13 Exhibit Number 16 for identification.)

14 Q All right. This form that I'm about to show you that
15 I've just marked as Defense Exhibit Number 16 is where
16 Michael Beaty consented to the DNA sample.

17 A Yes, sir.

18 Q And just to pick up on the theme we were just talking
19 about, the date is on there, June 30th of 2013, but there's
20 no time notated?

21 A That's correct.

22 Q But we know that that happened sometime after he came
23 back --

24 A Yes, sir.

25 Q -- that morning?

1 A That's correct.

2 MR. GROSE: And I would move this into evidence. It
3 was not premarked.

4 THE COURT: And that's without objection?

5 MR. STUMBO: No objection.

6 THE COURT: So now we have Defense Exhibits 1 through
7 14, 15 and 16 into evidence.

8 (Whereupon, Defense Exhibit Number 16 was entered into
9 evidence.)

10 Q And as I understand your direct testimony from
11 yesterday, in the period of time between 7:50 a.m. when
12 Michael left and 10:20 a.m. when he came back that you
13 received information from the autopsy.

14 A That's correct.

15 Q The written report wasn't done but you received
16 information?

17 A Yes, sir.

18 Q Now, I think you would agree with me, and again, if my
19 math is right, 7:50 to 8:50 to 9:50 to 10:20 is right at two
20 and a half hours.

21 A I would agree with that.

22 Q So maybe just to point out the obvious. We have a
23 situation where basically Michael had been with you and
24 Agents Owens and Collins at the Police Department for seven
25 hours. Pretty much through the night?

- 1 A Yes, sir.
- 2 Q And then within two and a half hours Michael and his
- 3 step-father are coming back?
- 4 A Yes, sir.
- 5 Q At your request?
- 6 A Yes, sir.
- 7 Q And Michael wasn't under arrest at that point?
- 8 A No, sir. He was not.
- 9 Q And in fact, Michael could have said, "Hey, I need some
- 10 sleep. I'm not going to come back."
- 11 A That's correct.
- 12 Q But he did come back?
- 13 A Yes, sir.
- 14 Q And it's not real clear everything -- you know, the
- 15 timeline throughout the day. Some things are and some
- 16 things aren't. But, you know, it was 5:00 when he was
- 17 transported to the Laurens jail.
- 18 A That's correct.
- 19 Q According to your report?
- 20 A Yes, sir.
- 21 Q So from 10:20 a.m. to 5:00, not quite a full workday
- 22 but an hour and a half or so shy of that?
- 23 A Yes, sir.
- 24 Q What we do have -- and before we move on I'm just going
- 25 to -- I'm going to put just a question mark for the time.

1 Actually, I put two question marks. A question mark for the
2 time for the DNA sample. And that's Defendant's Exhibit 16.

3 MR. STUMBO: I don't have any objection to Defendant's
4 Number 17 either, Judge.

5 Q And again, we're not talking about the voluntariness.
6 We're just trying to work at a timeline. If I show you
7 Defendant's Exhibit Number 17, that's a second waiver of
8 rights?

9 A That's correct, from Michael Beaty.

10 Q And so, again, we kind of know the time because this is
11 a form where you record the time contemporaneously?

12 A Correct.

13 Q And we have the time of 12:15?

14 A Correct.

15 Q And that would be 12:15 p.m.?

16 A Yes, sir.

17 MR. GROSE: And that's Defendant's Number 17.

18 THE COURT: Without objection.

19 MR. GROSE: Thank you, Your Honor.

20 (Whereupon, Waiver of Rights was marked as Defense
21 Exhibit Number 17 for identification.)

22 Q The next thing that we can have to kind of work on the
23 timeline is from Plaintiff's, or State's Exhibit Number 4,
24 right?

25 A Yes, sir.

1 Q And this is the -- there was some testimony about this
2 yesterday. This is a written statement from Michael.

3 A Yes, sir.

4 Q And like the -- like in Exhibit Number 3 for the State,
5 we had a beginning time and an end time?

6 A That's correct.

7 Q And here the beginning time is 12:20 and the end time
8 is 12:30?

9 A Yes, sir.

10 Q And again, p.m.?

11 A Yes, sir.

12 Q Now, what I want you to do is take a look with me at
13 State's Exhibit Number 4. Okay?

14 A Yes, sir.

15 Q And it's only nine lines, it looks like.

16 A Yes, sir.

17 Q And the questioning, were you providing information to
18 Michael at 10:20 about the autopsy, or shortly thereafter?

19 A Not at 10:20, no. It would have been after that.

20 Q And before we move to the statement. It would have
21 been after that but before 12:20?

22 A Correct.

23 Q So sometime in that two hours?

24 A Correct.

25 Q Now, yesterday there was a question by the prosecution,

1 Mr. -- or Solicitor Stumbo, about what information that you
2 had provided.

3 A Correct.

4 Q And I think that you said that you definitely remember
5 talking about the ligature mark and that the death was
6 asphyxiation by strangulation?

7 A Yes, sir.

8 Q And what you were less clear on was whether you had
9 talked about the injuries to the right hand and arm and the
10 left hand?

11 A Yes, sir.

12 Q And when you look at your report, your supplemental
13 report, it is a little ambiguous, isn't it?

14 A Yes, sir.

15 Q Because it just says that you talked about the
16 injuries, but it doesn't identify either one of them?

17 A Correct.

18 Q And so, again, if we had this portion of your interview
19 with Michael Beaty on audio or videotape we would know
20 exactly what you told him?

21 A Yes, sir.

22 Q And that's lost?

23 A Yes, sir.

24 Q Now, the statement at 12:20 to 12:30, ten minutes, nine
25 lines, that's where it was written down about EA jumping out

1 of the car?

2 A Yes, sir.

3 Q And this is in evidence. If you will, would you just
4 go ahead and read those nine lines, please?

5 A Sure. It says, "While arguing EA threatened and did
6 open the door to jump out. Threatening to harm herself to
7 punish me for what I argued with her about which was me
8 feeling disrespected that she was focusing more on Will than
9 me. The injuries she had came from her hanging out of the
10 car as I held her clothing to try and pull her back in. I
11 remember her screaming and asking me why I made her do
12 that."

13 Q And that's where that statement ends?

14 A Yes, sir.

15 Q Now, obviously that's not the entire substance between
16 10:20 and 12:30?

17 A No, sir.

18 Q And, in fact, in your incident report, if you could go
19 to page three for me. If you look at the next to the last
20 line, you document that Michael stated he did not think that
21 she had gotten hurt that bad and drove on to Mr. Simmons'
22 house?

23 A That's correct.

24 Q And that's not in the handwritten statement, but that
25 is information, in fairness, that he gave you?

1 A Correct.

2 Q And again, because we don't have the audio or video,
3 and because this isn't on a statement form, we don't have
4 the time documented.

5 A That's correct.

6 Q But this would have been around the time of 12:30 that
7 he told you this?

8 A It would have been prior to 12:30.

9 Q Prior to 12:30?

10 A Yes, sir. Actually, prior to 12:15, because I had
11 stepped out.

12 Q So this was -- this was something that he had given
13 prior to the Miranda waiver at 12:15?

14 A Yes, sir.

15 Q So if I just say right up here, prior to 12 -- 12:15
16 p.m. Now, you were sitting in here when we were asking
17 questions about the process of sort of how investigations
18 go, correct? Correct?

19 A Yes, sir.

20 Q And when we had Mr. Casey, or Mr. Jones -- Officer
21 Jones, Casey Jones, who was the first responder, right?

22 A Yes, sir.

23 Q And Lieutenant Goggins is an investigator, right?

24 A Yes, sir.

25 Q And you as an investigator?

- 1 A Yes, sir.
- 2 Q We know from the tape that you told Michael that SLED
- 3 was sending investigators, right?
- 4 A Yes, sir.
- 5 Q And SLED also sent people to process the crime scene or
- 6 the incident location?
- 7 A That's correct.
- 8 Q And SLED has other people who do the testing and
- 9 everything, right?
- 10 A Yes, sir.
- 11 Q Now, on the tape you and Michael talked several times
- 12 about EA having been a cutter?
- 13 A Yes, sir.
- 14 Q And both sides have asked questions about that in this
- 15 trial?
- 16 A Yes, sir.
- 17 Q It's fair to say that that's a piece of information
- 18 that Michael gave to you?
- 19 A Correct.
- 20 Q And what you do when you get pieces of information in
- 21 an investigation is that can be followed up on; is that
- 22 right?
- 23 A Yes.
- 24 Q And I think you've told Michael that you knew of people
- 25 that have been cutters before, right?

1 A Yes.

2 Q And sometimes -- and I'm not trying to put anybody
3 down, but sometimes that goes with a type of mental illness
4 or depression, right?

5 MR. STUMBO: Your Honor, I'm going to --

6 MR. GROSE: If she knows.

7 MR. STUMBO: I'm going to object to that.

8 THE COURT: That's out of her scope. Objection
9 sustained.

10 Q Did you go and look for any medical records on EA?

11 A No, I did not.

12 Q You are aware now of what's in Defense Exhibit Number
13 14, I'm sure?

14 A Yes, sir.

15 Q Which is records from Laurens County Healthcare System?

16 A Yes, sir.

17 Q Which confirms that EA had been treated for a self-
18 inflicted cut?

19 A Yes, sir.

20 Q So while that might not have been what was ultimately
21 determined that night --

22 A Correct.

23 Q -- that information was confirmed by the Defense
24 exhibit?

25 A I can agree with that. Yes, sir.

1 Q And I think you, as well as Lieutenant Goggins, had
2 said, you know, that part of this is to try to find out, you
3 know, what happened, right?

4 A Yes, sir.

5 Q And one of the ways of doing that is following up on
6 the information that's provided; is that right?

7 A Yes, sir.

8 Q And so when Michael is back at 10:20 the next morning,
9 and that day, you're providing the additional information,
10 correct?

11 A Yes, sir. At one point, yes.

12 Q And when he gave you that statement, and that you
13 recorded in your notes that Michael stated that he did not
14 think she had gotten hurt that bad, that's an explanation
15 for why information wasn't provided earlier, isn't it? Is
16 that fair to say?

17 A I would agree with that.

18 Q Okay. Well, you would agree that Michael gave
19 information in Exhibit Number 3?

20 A Yes, sir.

21 Q You would agree that he gave information in Exhibit
22 Number 4?

23 A Yes, sir.

24 Q You would agree that what we wrote on this board was
25 information?

1 A Yes, sir.

2 Q And we haven't gotten to Exhibit Number 5 yet, which is
3 written -- a handwritten statement on what looks like a
4 yellow legal pad. We don't know the time of this statement,
5 do we?

6 A It would be after the ride around.

7 Q So it would have been late in the afternoon?

8 A Yes, sir.

9 Q So if I just say -- I'm going to put up late afternoon,
10 late p.m., State Number 5. That contains information?

11 A Yes, sir.

12 Q And so, all of this information is information that
13 could be followed up on?

14 A Yes, sir.

15 MR. GROSE: I beg the Court's indulgence, Your Honor.

16 THE COURT: Yes, sir.

17 Q And just to follow-up where I left off, you know,
18 various people have different roles in the investigation,
19 right?

20 A That's a fair statement.

21 Q And so, not necessarily the person getting the
22 information would be the person that followed up on it,
23 right?

24 A That's correct.

25 Q That could go to somebody else?

1 A Yes, sir.

2 Q And it could go to somebody with a particular expertise
3 in a field, right?

4 A Yes, sir. That's a correct statement.

5 Q I mean, just like Mr. Stumbo objected because I asked a
6 question about mental illness that was outside of your --

7 MR. STUMBO: Your Honor, I'm going to --

8 THE COURT: Sustained.

9 Q There's other experts that can be consulted?

10 A Correct.

11 Q That might have expertise that you don't have?

12 A Yes, sir.

13 Q Just one last thing, and this is kind of changing the
14 subject. Is this a copy of notes that you made?

15 A No, sir.

16 Q It's not. Do you know who made those?

17 A Lieutenant Greg Snyder.

18 Q Thank you.

19 A Yes, sir.

20 MR. GROSE: Nothing further at this time, Your Honor.

21 THE COURT: Any redirect?

22 MR. STUMBO: Yes, Your Honor. Just briefly.

23 REDIRECT EXAMINATION

24 BY MR. STUMBO:

25 Q Commander Roberts, Mr. Grose asked you about a

1 recording is able to pick up emotional responses and this
2 sort of thing; is that correct?

3 A Yes, sir.

4 Q Now, what were your observations during this recording
5 in particular that we've listed to about the Defendant's
6 emotional responses to you? Was there anything of note in
7 his emotional responses?

8 MR. GROSE: Your Honor, I'm going to object to the
9 opinion questions.

10 MR. STUMBO: This is just her observations.

11 THE COURT: I'm going to give him a little leeway.

12 A As I've stated earlier, I mean, he was articulate and
13 he was calm at times. He was upset. He was emotional,
14 sniffing. Those types things.

15 Q Did he appear to be intoxicated to you?

16 A He had been drinking. I felt like he was intoxicated,
17 but he was not grossly impaired.

18 Q No slurring of words or that sort of thing?

19 A No, slurring. He was very articulate.

20 Q He appeared to understand your questions?

21 A Yes, sir.

22 Q Now, Mr. Grose has the timeline here. Just so I don't
23 have to flip back and forth, go back to the one we started
24 yesterday. At the scene -- excuse me. Let's move past the
25 scene here. 12:50 a.m. is the moment where he -- when he

1 comes in and you start the recording where we have the
2 Miranda rights and that sort of thing, right?

3 A Yes, sir.

4 Q Now, between 12:50 a.m. and 7:50 a.m. he's at -- the
5 Defendant is at the Police Department, correct?

6 A That's correct. Yes, sir.

7 Q Now, during that time if he asked for a break would you
8 give it to him?

9 A Yes, sir.

10 Q It's not like on TV where you had a light in his face
11 and were interrogating him?

12 A Oh, no, sir. It was laid back. I mean, I was trying
13 to make him as much -- comfortable as he could be, you know.
14 Give him whatever he needed, you know. Things of that
15 nature. He could go out and he could smoke, whatever. If
16 he asked for it, we'd allow it.

17 Q At any time did he indicate to you that he didn't want
18 to talk to you all anymore?

19 A No, sir.

20 Q As an investigator, if you have someone who's a suspect
21 in a crime and they're willing to talk, do you continue to
22 do that?

23 A Absolutely. We're going to continue to talk to them
24 until either they lawyer up or they basically say, "Look,
25 I'm not talking to you anymore," in search for what

1 happened.

2 Q At that point -- were you gathering information
3 throughout this seven hour time period where you're talking
4 to the Defendant? Are you gathering other information from
5 the crime scene investigators?

6 A Yes, sir.

7 Q Did you review any pictures that were taken?

8 A Yes, sir. Early morning hours SLED forensics had come.
9 They had -- they had actually come to the Police Department
10 to photograph Mr. Beaty. And once they finished up with
11 that they showed us some pictures that were taken at the
12 hospital of EA's injuries. So we knew what her injuries
13 looked like. We still, at that point, didn't have a cause
14 of death. So at that point we're still, you know, in
15 investigational stages. You know, trying to gather
16 information of was this an accident, was it an attempted
17 suicide or a suicide, or was it a murder.

18 Q At this point, after reviewing pictures and the other
19 evidence, did the story that she cut herself make any sense?

20 A Absolutely, it -- it was not reasonable at all.

21 Q And that's why you all continued to talk to him and
22 give him any opportunity he wanted to give you --

23 A Yes, sir.

24 Q -- what happened?

25 A Yes, sir.

1 Q So at this point you had not -- you didn't at any time
2 during the night confront him with the fact that there were
3 marks on the neck?

4 A No, sir.

5 MR. GROSE: Can we just ask the Solicitor to quit
6 leading, Your Honor.

7 THE COURT: All right. Please phrase your questions --

8 MR. STUMBO: Sure.

9 Q At that point you hadn't -- had you said anything to
10 the Defendant about the injuries?

11 A No, sir.

12 Q When was the first -- when was the first time that you
13 did say something to the Defendant about the injuries?

14 A It was after Michael Beaty had left and he had come
15 back that next morning.

16 Q So sometime after 11:00 -- I think 11:20 is when you
17 note in his report he comes back sometime after that?

18 A My guesstimate is sometime between 11:00, 11:30-ish.
19 In that area is whenever I spoke to him and advised him of
20 her injuries.

21 Q State's Exhibit Number -- let's see if you have it up
22 there. I believe it's State's 4 here. I believe you read
23 it to the jury earlier. But he indicates the injuries she
24 had came from "hanging out of the car as I held her clothing
25 to try to pull her back in."

1 A Yes, sir.

2 Q And this was 12:20, or 12 -- ended at 12:30 p.m.

3 A Yes, sir.

4 Q Had he said anything about her hanging out of the car
5 before --

6 A No, sir. He was still maintaining that he didn't know
7 what happened, and still basically implying that she cut
8 herself.

9 Q So nothing about that in the 7:50 a.m. statement, which
10 is State's 3?

11 A No, sir. Nothing about being -- her trying to jump out
12 of the car or anything.

13 Q Nothing in his interviews to you and Harvey Owens --

14 MR. GROSE: Again, leading, Your Honor.

15 THE COURT: Rephrase your question.

16 Q Did he say anything about this in your interview with
17 Harvey Owens?

18 A No, sir.

19 Q We listened to State's 41 earlier, which is the audio
20 recording. And if I'm correct, I don't believe I heard
21 anything there either; is that correct?

22 MR. GROSE: Again leading, Your Honor.

23 Q Anything at that point?

24 A No, sir.

25 Q Just one more question, Commander Roberts. Defendant's

1 Number 14 are the hospital records. I believe Mr. Grose
2 showed those to you. I'm going to point you to the top
3 portion of this page. If you could, let the jury know
4 what's reflected on there as to the date of this emergency
5 room record.

6 A The date on this record is 9/16/2012.

7 Q Okay, 2012. So this was 10 months give or take, if my
8 math's correct, before this incident, correct?

9 A Yes, sir.

10 Q And it does reflect an incident where the victim cut
11 herself on that particular date, correct?

12 A Yes, sir.

13 Q As the investigation proceeded in the early morning
14 hours of June the 30th did you have any physical evidence
15 whatsoever that she had inflicted cuts on herself?

16 A No, sir.

17 MR. STUMBO: I beg the Court's indulgence.

18 THE COURT: Yes, sir.

19 MR. STUMBO: Your Honor, we don't have any other
20 questions of Commander Roberts.

21 THE COURT: Any recross based upon his redirect?

22 MR. GROSE: Yes, sir. It should be very short.

23 RECROSS-EXAMINATION

24 BY MR. GROSE:

25 Q The Solicitor asked about their Exhibit Number 4, which

1 was the 12/20 to 12/30 statement, correct?

2 A Yes, sir.

3 Q And you said that he had given no information prior to
4 this statement about trying to get out of the car?

5 A That's correct. Well, we -- earlier, I believe, you
6 testified that this, what I wrote up here, "Michael stated
7 that he did not think she had gotten hurt that bad," that
8 that was prior to 12:15?

9 A Yes, sir. It was that same interview.

10 Q Okay. So that's not the first thing? That's just the
11 first time it was written down in his hand?

12 A Technically. Yes, sir.

13 Q But these are kind of important. We don't want to
14 mislead what was going on, right? Now, the -- when he was
15 asking you questions a minute ago about when you gave him
16 information about the physical injuries, right?

17 A Yes. Yes, sir.

18 Q And you couldn't recall what time that was?

19 A I'm assuming, my best guesstimate, is between 11:00 and
20 11:30.

21 Q Best guesstimate --

22 A Yes.

23 Q -- between 11:00 and 11:30?

24 A Yes, sir. Because I did not notate the time.

25 Q And again, if this was on audio or video we would know?

1 A Yes, sir.

2 Q Now, earlier you testified that, yesterday and today,
3 that you don't even know if you told Michael about the
4 injuries to EA's right arm and right hand and left hand,
5 right? You don't remember --

6 A I testified that I wasn't sure that -- after reviewing
7 everything and all. Yes, sir. I did tell him that.

8 Q Well, but we don't know, because your report's
9 ambiguous, right?

10 A Yeah. I just testified to it yesterday.

11 Q Your report is ambiguous? And up until just now I
12 couldn't remember, right?

13 A No. I recalled it yesterday.

14 Q But you told me earlier today that you didn't recall
15 it.

16 A I don't agree with that.

17 Q Well, but the point is, your report doesn't say?

18 A That's correct. I agree with that statement.

19 Q Okay. And so, there's a possibility that you didn't
20 tell Michael about the injuries to the hands and the arm?

21 A No, sir.

22 Q But yesterday you thought that there was a possibility?

23 A After reviewing it, it was documented by several other
24 officers.

25 Q Well, they're not on the stand right now.

1 A That's correct.

2 Q So if Michael gave this statement, the Exhibit Number
3 4, before that information was given to him, then he gave
4 this statement about her trying to get out of the car
5 without knowing about the injuries to the hands and arms,
6 correct?

7 A No, sir.

8 Q If you hadn't told him that, that --

9 A If I had not -- if I had not told him, but I had told
10 him in that interview.

11 Q But yesterday you weren't sure, right?

12 MR. STUMBO: Your Honor, this has been asked and
13 answered.

14 THE COURT: Sustained.

15 Q Well, I mean, if he gave you this information without
16 having -- without you having told him, that would be pretty
17 significant, wouldn't it?

18 A That's a fair statement.

19 MR. GROSE: Nothing further.

20 THE COURT: Thank you. You may step down.

21 (Whereupon, the witness stepped down from the witness
22 stand.)

23 THE COURT: Let me see the attorneys up here for just a
24 second.

25 (Whereupon, a side bar was held.)

1 THE COURT: All right. Ladies and gentlemen, I'm going
2 to give you all a quick 10 minute recess and then we're
3 going to come back and here some more testimony and then
4 break about 1:00. So thank you. Please don't discuss
5 anything.

6 (Whereupon, the jury exited the courtroom at 12:22
7 p.m.)

8 THE COURT: Court will be in recess until 12:30. Thank
9 you.

10 (Whereupon, a recess was held from 12:22 p.m. to 12:35
11 p.m.)

12 THE COURT: Thank you. Please have a seat. Let's
13 bring our jury in. Depending upon how long these witnesses
14 are, can we get two of them in in a reasonable amount of
15 time?

16 MR. STUMBO: Yes, sir.

17 (Whereupon, the jury entered the courtroom at 12:35
18 p.m.)

19 THE COURT: Please be seated. The State may call it's
20 next witness.

21 MR. SCOTT: Your Honor, the State calls Special Agent
22 Harvey Owens.

23 THE COURT: Agent Owens, come on and be sworn.

24 HARVEY OWENS, having been first
25 duly sworn, testified as follows:

1 DIRECT EXAMINATION

2 BY MR. SCOTT:

3 Q Good morning, Mr. Owens.

4 A Good morning.

5 Q I introduced you as Special Agent. You're a SLED
6 agent?

7 A Yes, sir.

8 Q How long have you been with that agency?

9 A Two years next month.

10 Q What are your duties with SLED?

11 A I'm assigned to the criminal investigations unit.

12 We're an assisting agency. We get called to a variety of
13 local jurisdictions to assist those agencies with any number
14 of investigations.

15 Q Primarily though would you work the upstate? Is that -
16 -

17 A Yes, sir. I'm assigned to the Greenville office, which
18 is commonly referred to as the Piedmont region. So it
19 covers the upstate of South Carolina.

20 Q Well, as an assisting agency do you only help some of
21 the smaller counties? Would you assist Greenville County,
22 for instance, with some of their crime scenes?

23 A I have been involved on occasions with Greenville
24 County. Yes, sir.

25 Q Well, that's a big county with a lot of resources. Why

1 would they need you?

2 A It could be any number of factors. Ultimately if a
3 local jurisdiction encounters an investigation or encounters
4 a crime where they feel like SLED having more access to be
5 of assistance, they call us.

6 Q All right. June 29th of 2013, did you have occasion to
7 respond to Laurens County to assist in a investigation?

8 A Yes, sir. I did.

9 Q And what was the nature of that investigation?

10 A At the time I was called -- I was told that there was a
11 severely injured female. I wasn't advised that she was
12 deceased until I arrived at the Clinton Public Safety
13 Department. But I was informed that I was to respond and
14 assist the Clinton Public Safety Department with that
15 investigation.

16 Q And do you recall approximately what time you came to
17 Clinton?

18 A It probably would have been 12:30 or so. Shortly after
19 midnight. Early morning hours of the 30th.

20 Q And you responded -- where did you go? To the Police
21 Department or did you go to the crime scene?

22 A I did. I responded directly to the Police Department.

23 Q And what did you once you got there?

24 A When I first arrived I met Commander Roberts. She
25 explained to me that they had two individuals at the Police

1 Department; Michael Beaty and Will Alexander. She just
2 asked if we'd assist with interviews.

3 Q All right. We're trying to establish a timeline. You
4 said you got there, say, 12:30?

5 A Yeah, that would have been approximately 12:30.

6 Q What do you recall -- you say you spoke with Crystal
7 Roberts. Where were Michael Beaty and William Alexander
8 whenever you first arrived?

9 A Mr. Beaty was actually in what I would define as an
10 office. It was a corner office just as you entered the side
11 door of the Public Safety Office, and Mr. Alexander was in a
12 separate room down the hall.

13 Q Okay. We spent a little bit of time this morning
14 listening to a recorded interview with Crystal Roberts and
15 Michael Beaty. It was established that 12:50 a.m. is when
16 that audio began. There was a knock at the door and a voice
17 was heard. It was testified that it was your voice. And we
18 established that that was approximately 2:13 -- or 2:03
19 maybe, give or take. Around 2:00 a.m.

20 A That's correct.

21 Q And do you recall going into that interview room with
22 Crystal Roberts and speak with Michael Beaty?

23 A I didn't actually enter the interview room at that
24 time. What you heard on the audio, the knock at the door, I
25 had already been involved with a separate interview related

1 to this case.

2 Q Okay. You were interviewing someone else?

3 A Yes, sir. Yes, sir.

4 Q So if you get there around 12:30, and then we hear your
5 voice around 2:00 a.m., what are you doing in that hour and
6 a half or so at the Police Station?

7 A I'm conducting a separate interview of Mr. Alexander.

8 Q So are you -- okay. So not only are you interviewing
9 Mr. Beaty, you're talking with the other folks involved?

10 A Absolutely.

11 Q When was the first contact you made with Michael Beaty?

12 A I first spoke with Michael probably around 3:30, 3:45
13 the morning of the 30th.

14 Q And whenever you do an investigation like this you
15 ultimately draft what you refer to as a memorandum of
16 interview?

17 A That's correct.

18 Q And do you have a copy of yours up there?

19 A I don't have it with me. No.

20 Q Did you note the time when your interview began in your
21 memorandum of interview?

22 A Yes. 3:30 a.m.

23 Q So that was June 30th of 2013?

24 A Yes, sir. That's correct.

25 Q At 3:30 a.m., when you first made contact with Michael

1 Beaty, who else was present with you?

2 A Special Agent Michael Collins.

3 Q What room were you all in when you interviewed him?

4 A We entered that corner office. I previously described,
5 just inside the side door to the Public Safety Department.

6 Q Would it have been the same room that Crystal Roberts
7 had been interviewing him in?

8 A Yes. Same room.

9 Q All right. And there was some testimony at 12:50 a.m.
10 that Captain Roberts had -- or Commander Roberts had Mr.
11 Beaty sign a Miranda form where he was instructed of Miranda
12 rights?

13 A That's correct.

14 Q Did you also instruct him of his rights?

15 A Before I entered the room I was provided that form
16 you're referring to by Commander Roberts and explained to me
17 that Mr. Beaty already had waived his rights.

18 Q And whenever you began your interview at 3:30 a.m.,
19 with Mr. Collins sitting with you, did you inform him who
20 you were?

21 A I did.

22 Q And did he agree to speak with you?

23 A He did.

24 Q So what is he telling you at this time in speaking with
25 him?

1 A Initially our conversation I asked Mr. Beaty just to
2 explain to me the relationship between he and the victim,
3 Ms. Asbill. He explained that they had been in a long-term
4 relationship, but it was an on again, off again kind of
5 thing. At this particular time they were actually sharing a
6 residence together in Greenville, South Carolina.

7 Q Anything else? Tell us about his recollection of June
8 29th and how his day began.

9 A He explained to me that the ultimate reason he and Ms.
10 Asbill had traveled to Laurens County was because he had
11 lined up some odd jobs to do around town. Once they got
12 into town -- I think he did some weed-eating. But he and
13 Ms. Asbill had spent the majority of the day visiting with
14 his grandfather and his mother.

15 Q Did he describe the -- we've heard about the
16 celebration of life party. Did he describe that?

17 A He did tell me -- it was either during the visit with
18 his grandfather or his mother, one of those visits, Ms.
19 Asbill took a shower. She changed clothes. And at the last
20 minute Mr. Beaty and Ms. Asbill decided to attend this wake,
21 I think is what he -- the term he used.

22 Q Okay. What, if anything, did he say about a cell
23 phone? Did he have a cell phone with him or did she have
24 one?

25 A Well, at that point, in my initial contact with Mr.

1 Beaty, the agents with the crime scene unit actually came to
2 the Clinton Public Safety Department. So they actually
3 entered the room at that point to photograph Mr. Beaty and,
4 I think, collect some items from him.

5 Q Do you remember about what time that was?

6 A It would probably have been short after 4:00, because
7 we didn't -- we didn't get into a whole lot in that initial
8 contact.

9 Q Okay. So it begins at 3:30. It sounds like you all
10 are just kind of covering some information leading up to
11 June 29th, or really the early -- early part of --

12 A As well in that timeframe, the formalities of who I am
13 and why I'm here. So that took a little time as well.

14 Q So that's how that first 30 minutes is kind of eaten
15 up. And then you say about 4:00 a.m. crime scene arrived?

16 A Uh-huh.

17 Q SLED crime scene?

18 A Yes.

19 Q And their purpose for interrupting your all's interview
20 was for what?

21 A They were photographing Mr. Beaty, and also I think
22 they were collecting his clothes.

23 Q And were you present for that?

24 A I was present initially and then I exited the room.

25 Q Okay. So in pictures like State's 25, State's 24,

1 State's 23, those would be the pictures you're describing
2 that crime scene -- crime scene's taking while you're
3 present in the room?

4 A Yes. The images captured there was of the physical
5 appearance of Mr. Beaty at the initial contact.

6 Q So they were just trying to document his physical
7 appearance before they took his clothing?

8 A Yes, sir.

9 Q And is this how you remember him looking at the time?

10 A Yes, sir.

11 MR. SCOTT: Your Honor, permission to publish to the
12 jury.

13 THE COURT: Certainly.

14 Q So after they do their thing, they take their pictures
15 and they collect their clothing, what happens next? Did you
16 stay in there or did you leave?

17 A Once I exited the room where I was speaking with Mr.
18 Beaty I didn't come back for probably an hour, hour and
19 fifteen minutes.

20 Q So you -- about 4:45 is the next time you come back in
21 there?

22 A Yes.

23 Q To your knowledge, what's going on between 4:00 a.m.
24 and 4:45 when you returned?

25 A I'm not sure as far as what was taking place with Mr.

1 Beaty, because again, I was also involved in other
2 interviews, so...

3 Q Well, who's sitting in there with him?

4 A When I exited the room it would have been Special Agent
5 Collins and Commander Roberts.

6 Q So Collins stayed in there?

7 A Yes, sir.

8 Q And Crystal Roberts took your place?

9 A Yes, sir.

10 Q Let me ask you, is this common? As we've gone through,
11 there's people coming in and going out. It's sort of --
12 it's not a real rigid structured interview practice. Is
13 that accurate to say?

14 A That's correct. That's common practice. I think it's
15 also a common misconception that once you begin an interview
16 that you continue on with that interview until it's
17 completion. That's just not the case.

18 Q Okay. So what you've described is different law
19 enforcement kind of coming in, sitting through part of the
20 interview, and then leaving and doing other things, and then
21 reentering and sitting in for the balance of the interview.
22 Is that what you're describing?

23 A That's correct.

24 Q But did you personally, did you document any interview
25 you sat in on and the substance of those interviews?

1 A I did.

2 Q I covered kind of what you listened to from 3:30 a.m.
3 until 4:00. When you come back at 4:45 a.m. who's in there
4 with you?

5 A At that point it would have been myself and Commander
6 Roberts.

7 Q So where did Michael Collins go at that point?

8 A At that point there was some search warrants being
9 executed. And Special Agent Collins actually left with PD
10 to assist in that area.

11 Q So Michael Collins leaves to go process the vehicle; is
12 that accurate?

13 A I don't know that he actually took a physical role in
14 the processing, but he left to be present for that.

15 Q Tell us about how the interview went from 4:45 on
16 whenever you came back to the interview room.

17 A Once I reentered the room at 4:45 with Mr. Beaty,
18 again, Ms. -- Commander Roberts is present. He and I just
19 picked up our conversation where we left off. The last
20 thing that he had told me before I exited the room was that
21 at the last minute he and Ms. Asbill had decided to attend
22 this wake. So that's where we started with that,
23 continuation of the first conversation.

24 Q Okay. What, if anything, did he say about his ride to
25 the wake with EA?

1 A Once they made the decision they were going to attend
2 the wake he told me that Ms. Asbill agreed to be the
3 designated driver for the night. They went to a local
4 convenience store somewhere in Clinton to buy some beer.

5 Q Who bought the beer?

6 A I don't know that he told me that.

7 Q Do you know how old EA was at the time?

8 A I can't recall right off.

9 Q Do you know how old Michael Beaty at the time?

10 A Right off the top of my head, I don't.

11 Q So they go to pick up some beer. And what, if any,
12 other alcohol did they have with them, to your recollection?

13 A He also mentioned to me that he was drinking gin, I
14 think it was. If I can reference my notes.

15 Q If you have your notes up there, refer to them to
16 refresh your memory whenever you need to.

17 A They purchased beer at the convenience store, but he
18 told me that he had taken beer and gin to the wake.

19 Q Did you know who EA Asbill's father was at the time?

20 A I was notified at the time I responded. Yes, sir.

21 Q Had you ever -- Ashley Asbill is his name; is that
22 fair?

23 A That's correct.

24 Q And he is a SLED agent then and he's a SLED agent now;
25 is that right?

1 A That's correct.

2 Q Had you ever met him before?

3 A I had met him on one occasion. You have to consider
4 this was in June of 2013. I wasn't hired until February the
5 19th, just a few months prior. So from February to June I
6 think I met him on one occasion.

7 Q Did knowing who her father was have any effect on how
8 you conducted yourself during this investigation?

9 A No, sir. I conducted my involvement in this
10 investigation as I would with any death investigation.

11 Q In this interview, when he's talking about the ride to
12 the wake, what, if anything, does Michael Beaty state about
13 EA's father?

14 A It was around the time that they stopped to buy the
15 beer at the convenience store. Mr. Beaty explained to me
16 that Ms. Asbill had received a text on her phone. The text
17 was something to the effect of "What are you doing," and it
18 was her father, Mr. Ashley Asbill. Mr. Beaty explained to
19 me that Ms. Asbill interpreted that text as her father
20 knowing she was in town, and because of that he suggested
21 that they both take their cell phone batteries out of their
22 phones so they can, in his words, be off the radar.

23 Q So Michael Beaty suggested that they take their
24 batteries out of their cell phones so they can't be
25 communicated with?

1 A That's correct.

2 Q Go to whenever they get to the Rose and Kyle Stewart's
3 house for the party. What does he describe once they
4 arrive?

5 A Mr. Beaty said that once he and Ms. Asbill arrived at
6 the wake pretty much everybody in attendance had already
7 cooked out.

8 MR. GROSE: Your Honor, may we approach?

9 THE COURT: You may.

10 (Whereupon, a sidebar was held.)

11 THE COURT: You may proceed.

12 Q Okay. I'm sorry for the interruption. But once they
13 arrived at the party would you continue from there with what
14 he was talking about?

15 A Yeah. Mr. Beaty said that the majority of the other
16 people in attendance at the wake had already cooked out. He
17 saw Will Alexander there. He described Mr. Alexander to be
18 hammered. And he told me that the majority of the time that
19 they were at this wake that Ms. Asbill spent her time inside
20 the residence assisting and helping with the childcare.

21 Q And then moving along, I guess he describes EA leaving
22 with Rose Stewart to get some cigarettes?

23 A He was telling me at some point while they were in
24 attendance at the wake Ms. Asbill did leave the wake with
25 another female who was in attendance to purchase some

1 cigarettes, and the two returned a short time later.

2 Q Did he talk about -- did he talk about an approximate
3 time of when they left the party?

4 A Mr. Beaty told me that it would have been around 10:00
5 that he, Ms. Asbill and Mr. Alexander decided that they were
6 going to leave the wake and go home.

7 Q Did he describe the seating positions that they all
8 would have taken in the car as they left?

9 A He did. He told me that although Ms. Asbill had agreed
10 to be the designated driver earlier in the evening, that,
11 again his words, he felt as though he was the better drunk
12 driver of the three. So he drove the car. Ms. Asbill rode
13 in the front passenger seat, and Mr. Alexander rode in the
14 rear passenger seat.

15 Q What, if anything, did he describe as far as how EA
16 would have gotten into the front passenger seat?

17 A He told me that she got in the vehicle unassisted.

18 Q Did he describe her level of intoxication? He said
19 Will Alexander was hammered?

20 A He did. He described Mr. Alexander as being hammered.

21 Q What, if anything, did he say about EA's condition?

22 A Other than the reference to being the better drunk
23 driver of the three, I assumed that all three were drunk.

24 Q What, if anything, did he say about her general, I
25 guess, attitude or demeanor as they left and rode away from

1 the party?

2 A He told me that at the time they left the wake to go
3 home that she was in good spirits.

4 Q What, if anything, did he say about her physical, I
5 guess, well-being?

6 A Uninjured. He did not observe any injuries.

7 Q He said she was in good spirits and uninjured?

8 A Yes, sir.

9 Q Did he describe why they went to Calvert Avenue, or did
10 he just say they left the Stewarts' house and went to
11 Calvert?

12 A He explained to me that when they left the wake it was
13 the intention to take Mr. Alexander home, but they
14 ultimately ended up arriving at his parents' home.

15 Q Did he describe anything that occurred between leaving
16 the Stewarts' home and arriving at Calvert Avenue?

17 A What Mr. Beaty described to me was that once they
18 arrived at his parents' home he reached over and touched Ms.
19 Asbill. She felt limp. He got out of the vehicle. Went
20 around to the passenger side. When he opened Ms. Asbill's
21 passenger side door her arm fell out. That was when he
22 observed it to be bloody.

23 Q Did he have an explanation for how her arm became
24 bloody?

25 A Mr. Beaty told me that when he first saw her arm and

1 saw that it was bloody he assumed that she had cut herself.

2 He told me he reached into the car, unsnapped her seatbelt,

3 took his shirt off and wrapped her arm in his shirt.

4 Q You said he said he unbuckled her seatbelt upon

5 arriving there?

6 A Yes, sir.

7 Q Did you ask him whether he heard or saw anything on the

8 ride to Calvert Avenue?

9 A I did. I asked him. I said, "Did between leaving the

10 wake and arriving at your parents' home did Ms. Asbill make

11 any noises to indicate that she was hurt? Did she yell?

12 Did she scream? Did she say anything?" And he told me no.

13 Q He said he didn't hear anything?

14 A Yes, sir.

15 Q And he described her being in the front passenger seat

16 and him being in the driver's seat?

17 A That's correct.

18 Q Did he say whether or not they made any stops between

19 the Stewart's home and Calvert Avenue?

20 A I did ask him once they left the wake did he make any

21 stops. Was there any detours that he took. And he told me

22 know, that they drove directly from the lake to his parents'

23 home.

24 Q Did he describe how long that would have taken?

25 A I asked him -- you know, not being familiar with the

1 area, I said, you know, "What is the travel time for that?"

2 He said it took him 10 minutes.

3 Q Okay. So he describes EA leaving the Stewarts' home
4 uninjured, taking a 10 minute ride, and at Calvert Avenue
5 her being limp? That's what he said?

6 A That's correct.

7 Q And unresponsive? But he couldn't describe what
8 happened in that 10 minutes?

9 A No. He did not provide any explanation of what
10 happened.

11 Q Okay. And then the document showed that at 7:29 there
12 was a written statement that he provided Crystal Roberts.
13 Did you have any knowledge of that?

14 A The information covered in the written statement, as
15 I've heard it presented this week, it's the same information
16 that he verbally told me and it's the information that I
17 documented in my memorandum.

18 Q And that's essentially -- there's no explanation for
19 how she became in that state other than he assumed that she
20 cut herself?

21 A Other than him -- he explained to me that when he saw
22 blood on her arm he assumed she cut herself, he didn't
23 provide any information of how she received the injuries.

24 Q Did he state anything about her opening the car door on
25 the ride to Calvert Avenue?

1 A He did not.

2 Q Did he state anything about him pulling on her shirt on
3 the ride to Calvert Avenue?

4 A He did not.

5 Q On the 7:29 a.m. written statement, did that occur, I
6 guess, directly after your interview had began at 3:30 a.m.
7 and then you resumed at 4:45 a.m.?

8 A After I completed my interview that I had timed 4:45 I
9 left the room again because I was involved in other
10 interviews. And I actually left the Clinton Public Safety
11 Department between 7:29 and 7:50. That would have been the
12 ballpark time that I left the department. And I actually,
13 before leaving, touched base with Commander Roberts to see
14 if there was any further assistance that I could provide her
15 before clearing up, and it was at that time she informed me
16 that Mr. Beaty was in the process of providing her with the
17 statement.

18 Q You resumed -- or you picked back up in this interview
19 that starts at 3:30 a.m. and at 4:45 a.m.

20 A Uh-huh.

21 Q Do you know about what time this interview ended?

22 A We would have spoken probably a good hour and a half,
23 maybe almost into two hours.

24 Q So you think it ended around 5:30 a.m.? Oh, you said -

25 -

1 A Well, no. That wouldn't be 5:30 because I didn't start
2 speaking with him again until 4:45. So that would have been
3 6:30-ish. Approximately 6:30.

4 Q So he's in that room there between 3:30 and 6:30? He's
5 in there that entire time, aside from breaks. But although
6 the interviews may be switching in and out he's in there the
7 whole time?

8 A It's my understanding he was in there the whole time.
9 Again, when I was conducting other interviews, I don't know
10 where Mr. Beaty would have been. I know he was in the room
11 when I left, and I know he was in the same room when I
12 returned at 4:45.

13 Q So it's your testimony that that interview -- we know
14 it began at 3:30, but it ended approximately 6:30 a.m.?

15 A That's correct.

16 Q And the interviewers that were in there during that
17 timeframe would have been you, Michael Collins and Crystal
18 Roberts?

19 A But not all at the same time. It would have been
20 initially myself and Special Agent Collins, and then once
21 Collins had to leave I returned with Commander Roberts. But
22 yes, you do have exactly who was involved in the interviews.

23 MR. SCOTT: Thank you, Special Agent Owens. Please
24 answer any questions Mr. Grose may have for you.

25 THE COURT: Mr. Grose.

1 MR. GROSE: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. GROSE:

4 Q Agent Owens, you referenced in the questioning that you
5 were looking at notes. Do you have any notes in front of
6 you?

7 A What I was referring to were the memorandums of
8 interview I have here.

9 Q Okay. And one is one that has the 3:30 a.m. and --

10 A My eyes are bad. Yes, sir. This is 3:30.

11 Q My eyes are failing me, too. And the 4:45?

12 A Yes, sir.

13 Q Okay. Well, we'll just leave them in that order for a
14 moment.

15 A Okay.

16 Q Did you take any notes?

17 A My general practice is that during the course of an
18 interview I will jot down some handwritten notes. Yes, sir.

19 Q Okay. And when you say during the process, that's
20 contemporaneous?

21 A You're going to have to speak in laymen's terms. I
22 apologize.

23 Q Okay. At the same time?

24 A Yes.

25 Q Somebody said something and you write it down?

- 1 A Yes, that's correct.
- 2 Q Kind of like I'm sitting over there listening to your
3 testimony and making notes?
- 4 A I can't attest to how you take notes.
- 5 Q Well, where are those notes?
- 6 A They are transferred to my memorandum.
- 7 Q Well, now, if you're doing it at the same time, they're
8 in handwriting?
- 9 A Correct.
- 10 Q This is typed?
- 11 A Correct.
- 12 Q And this is typed?
- 13 A Correct.
- 14 Q So where are the handwritten notes?
- 15 A My common practice of an interview is I will jot down
16 some handwritten notes during the course of the interview.
17 Once that interview, I take those handwritten notes and I
18 transfer them to a more legible organized typed memorandum.
- 19 Q Okay. So this is not typed during the interview?
- 20 A No, sir.
- 21 Q And this is not typed during the interview?
- 22 A No, sir.
- 23 Q Okay. Again, my question. Where are those handwritten
24 notes when you were interviewing Michael Beaty at 3:30 and
25 4:45 on June 30th of 2013?

1 A Again, the information contained in those handwritten
2 notes I transfer to a typed more legible memorandum.

3 Q Where are the handwritten notes?

4 A Once the information is transferred from the
5 handwritten notes to a memorandum form I no longer keep
6 those handwritten notes.

7 Q So where do they go?

8 A I just throw them away.

9 Q Throw them away?

10 A Yes, sir. The information contained in those
11 handwritten notes, once they're transferred to the
12 memorandum form, the information that was contained in the
13 notes are documented.

14 Q Throw them away?

15 A Yes, sir.

16 Q So they're gone, right?

17 A I'm not sure I understand the question.

18 Q They're gone? They're not available to us?

19 MR. SCOTT: Asked and answered.

20 A Referring to --

21 THE COURT: Asked and answered.

22 Q All right. So those handwritten notes haven't been
23 provided to the Solicitor's Office in discovery?

24 A The information in the handwritten notes --

25 Q I'm asking about the notes. The notes. The

1 handwritten notes has not been provided to the Solicitor's
2 Office, has it?

3 A They have not.

4 Q And, therefore, it has not been provided to me and Mr.
5 Wise?

6 A I'm not at liberty to know what's been provided to you.

7 Q If you threw them away, you don't think I have them, do
8 you? The point is, is that we're never going to know what
9 exactly was in your handwritten notes, are we?

10 A That's not correct.

11 Q Well, we're not going to be able to look at them and
12 ask you questions about them, are we?

13 A No. You would not be able to look at them.

14 Q Okay. Now, we've been -- we've been talking about
15 times, and the first interview at 3:30 -- are you saying
16 3:30 is when that started?

17 A Yes, sir. Approximately 3:30 a.m.

18 Q So I'm adding to our chart and using green to just show
19 that you were at 3:30 a.m.

20 A Okay.

21 Q And then I think you said around 4:00 you left?

22 A It would have been around 4:14 I exited the room. Yes,
23 sir. I didn't leave. I exited the interview.

24 Q Well, that's what I mean. Exited the interview.

25 A Yes, sir.

- 1 Q So left the room?
- 2 A Yes, sir.
- 3 Q You just gave us a range 4:00 to 4:15.
- 4 A Yes, sir.
- 5 Q So the time that you exited or left the room between
- 6 4:00 and 4:15 is not recorded in your memorandum of
- 7 interview?
- 8 A In these memorandums?
- 9 Q Yes, sir.
- 10 A No, sir.
- 11 Q Okay. Do you know if it was in your notes that you
- 12 threw away?
- 13 A I know it was in another memorandum related to an
- 14 interview I was conducting during that time.
- 15 Q So we have the -- we have a range. And there's no
- 16 audio from -- while you were there from 3:30 to either 4:00
- 17 or 4:15?
- 18 A No, sir.
- 19 Q Now, I believe -- and you testified, I believe, and you
- 20 talked about at the end of the interview, that the 3:30 to
- 21 4:15 that some of the people from SLED crime scene came into
- 22 the room, right?
- 23 A Yes, sir. That's correct.
- 24 Q And they asked if Michael -- if he could take -- if
- 25 they could take pictures of him, right?

1 A I'm assuming they asked him. Yes, sir.

2 Q And they asked if he could have the shorts that he was
3 wearing?

4 A I can't testify to the interactions the crime scene
5 personnel had with Mr. Beaty.

6 Q Okay. Well, if you would look at -- and I'm looking at
7 the -- I'm looking at the 3:30 a.m. memorandum of interview.

8 A Yes, sir.

9 Q Okay?

10 A Uh-huh.

11 Q If you look at the bottom of page one.. I'll show you
12 where I'm starting. Page one.

13 A Here?

14 Q Right there. It says, "At that point during the
15 interview SLED crime scene technicians, Vickie Hallman and
16 Haley Quam -" I'm not sure I'm saying that right.

17 A Yes, sir.

18 Q Then says, "Asked to photograph Michael Beaty."

19 A Right.

20 Q All right. So even though you can't speak to what they
21 did, you recorded that they asked to speak to him, right?

22 A If I was present when that took place, I'd document it.

23 Q But you don't have any independent recollection whether
24 you were present or not. It doesn't sound like it.

25 A I don't recall.

1 Q I mean, a minute ago you said you couldn't speak to it.

2 A I can't testify to an interaction another agent had
3 with Mr. Beaty.

4 Q But you recorded that they asked to photograph, right?

5 A Yes, sir.

6 Q And he agreed?

7 A Yes, sir.

8 Q And you also have recorded that he signed a consent
9 allowing these two agents to take his khaki shorts?

10 A Yes, sir.

11 Q So you can't testify to their interactions, but you did
12 document that sometime around 4:00 or 4:15? We don't know
13 exactly when, right?

14 A I can testify that the crime scene agents asked to
15 photograph Mr. Beaty. He agreed. And I can also testify
16 that he signed a consent allowing his khaki shorts to be
17 taken.

18 Q Okay. Do you remember if you were there or not when
19 that happened?

20 A Specifically what are you referring to --

21 Q Did you witness that conversation?

22 A I'm not following you, sir.

23 Q Did you witness the crime scene technicians ask Michael
24 Beaty if they could take pictures?

25 A I witnessed crime scene technicians, Vickie Hallman and

1 Abby Quam, ask to photograph Beaty and he agreed. And he
2 also signed consent allowing his khaki shorts to be taken.

3 Q So you saw that?

4 A Yes, sir.

5 Q Okay. Now, the second interview that you talked about,
6 or your second memorandum of interview, is the 4:45 one.

7 A Do you mind if I reference that?

8 Q Sure. That's why it's there.

9 A Thank you.

10 Q Now, and you were asked some questions about this on
11 direct. I mean, that page two ends with "Beaty provided
12 Sergeant Crystal Roberts with a written statement
13 documenting his account of the events," right?

14 A Yes, sir. That's correct.

15 Q Now, from your testimony earlier I got that you left
16 around 7:29 to 7:50, right?

17 A I'm saying those are approximate times. And how I'm
18 coming up with that number is the fact that I know I wasn't
19 present to witness the written statement when it was
20 completed.

21 Q Okay. So even though it says that he provided the
22 statement, you didn't witness that?

23 A That's correct.

24 Q And so, you think -- now, earlier I think you said that
25 you were there from 4:45 to around 6:30-ish, I think is what

1 you said.

2 A That sounds pretty accurate. Yes, sir. And again,
3 just to clarify. When you say you were there, I'm referring
4 specifically to being in the room with Mr. Beaty.

5 Q Okay. And that's what I'm referring to. So when I
6 write up here in green by your name 4:45 to 6:30-ish, that
7 was when you were in the room with Mr. Beaty?

8 A Correct. Yes, sir.

9 Q All right. And we have nothing recording the exact
10 time that you left, correct?

11 A No. Correct.

12 Q But now during this 7:29 to 7:50 timeframe you left the
13 Clinton Department of Public Safety?

14 A Correct.

15 Q And so that would be before that statement was
16 concluded?

17 A That's correct.

18 Q Now, going back to your memorandum of interview from
19 3:30. That's a two page -- two page memorandum?

20 A Yes, sir.

21 Q And by two pages, I mean, the first -- the top of the
22 first page, almost a third is letterhead and sort of
23 memorandum language; to, from, date kind of stuff, right?

24 A There is -- there is that type of format. Yes, sir.

25 Q And page two, there's only three lines on page two,

1 correct?

2 A Yes, sir. That's correct.

3 Q So between 3:30 a.m. and 4:00 to 4:15 a.m. we have just
4 a little bit over a page and not even fully written on the
5 first page?

6 A We have my memorandum documenting my interaction with
7 Mr. Beaty.

8 Q Okay. Which is basically the bottom half of page one
9 and three lines on page two?

10 A What I'm referring to is the 3:30 interview. This
11 being covered as well as this.

12 Q Would you count the number of lines on page one. I get
13 13.

14 A You want to show me where you're starting from? I want
15 to be sure where --

16 Q I'm starting with the text.

17 A Okay. So you're starting --

18 Q I'm starting -- when it says "Summary of interview" I'm
19 starting on June 30th.

20 A Okay. Correct, 13.

21 Q And then three on page two?

22 A Yes, sir.

23 Q So a total of 16 lines?

24 A That's correct.

25 Q That's all we have for a half an hour to 45 minutes as

1 far as documentation goes?

2 A As far as documentation. Yes, sir.

3 Q And your interview from 4:45 a.m., again, it's two
4 pages, right?

5 A Hang on. You're flip-flopping on me. Let me get that
6 one out.

7 Q Yes, sir. Take your time.

8 A Yes, sir.

9 Q And if you would count the number of lines on the first
10 page.

11 A Okay.

12 Q I get 13 again.

13 A That's correct, 13. I got that as well.

14 Q And I get 20 on page two. Can you verify that?

15 A I got 20 as well. Yes, sir. That is correct.

16 Q All right. And so, that is all the documentation that
17 we have from 4:45 to 6:30-ish?

18 A Yes, sir.

19 Q Now, that's a longer memorandum but it was also a
20 longer amount of time that you were with Mr. Beaty?

21 A Yes, sir. Correct.

22 Q Because it would have been either 30 or 45 minutes
23 during the 3:30 interview, right?

24 A Can you -- I want to be sure I'm asking what you're
25 referencing.

- 1 Q From 3:30 to --
- 2 A Yes, sir. That would be correct.
- 3 Q That would be 30 or 45 minutes?
- 4 A Yes, sir.
- 5 Q And 4:45 to 6:30-ish would be an hour and 45 minutes,
- 6 right?
- 7 A For the second memorandum.
- 8 Q Right.
- 9 A Yes, sir.
- 10 Q But it was ish. And you had testified earlier that you
- 11 might have been with him for about two hours?
- 12 A Yeah. Yes, sir.
- 13 Q All right. And, in fact, both interviews start off
- 14 saying "summary of interview"?
- 15 A Yes, sir.
- 16 Q So this is not a transcript of the interview?
- 17 A No, sir.
- 18 Q And we don't know what questions are there? They're
- 19 not documented? The questions aren't documented?
- 20 A Which questions would you be referring to?
- 21 Q What you asked.
- 22 A What I asked?
- 23 Q Yeah. You don't say, "Agent Owens asked," and then
- 24 quote the question, do you?
- 25 A I would define that as a transcript.

1 Q Okay. And this is not a transcript?

2 A Yes, sir.

3 Q If we had an audio we would be able to have a
4 transcript, wouldn't we?

5 A I can't speak to what we don't have, but we could -- we
6 could what if all day.

7 Q Well, you know we don't have an audio?

8 A That's correct.

9 Q And if we -- since we don't have an audio we can't get
10 a transcript of it, of the audio.

11 A Was there a question?

12 Q I mean, you know what we're talking about. I mean,
13 she's taking down everything we say and there's tape
14 recorders going. This can be made into a transcript later.
15 You understand that?

16 A Yes, sir. What's your question?

17 Q That if you have a recording of the questions and
18 answers that recording can be typed up into a transcript.

19 A If there is a recording of a communication, yes, I
20 would agree there is the ability to make a transcript. Yes,
21 sir.

22 Q You know how court works. We're going to have a record
23 of the questions I ask you and the answers that you gave?

24 A Yes, sir.

25 Q But we don't have that from your interviews with

1 Michael Beaty?

2 A No, we don't.

3 MR. GROSE: Beg the Court's indulgence.

4 Q Did you think about bringing a tape recorder up to
5 record the interviews in your investigation?

6 A I did not.

7 Q You didn't?

8 A No, sir.

9 Q And you knew it was a fellow SLED agent's daughter that
10 you were investigating, right?

11 A That's a little misleading. I don't go into my job as
12 an investigator to gather facts based on who the victim is
13 related to.

14 Q But you knew? You were told?

15 A I conducted my interview as if it was my daughter or if
16 it was your daughter.

17 Q Okay. But you were told that information?

18 A Yes, sir.

19 Q And if -- knowing it was his daughter you didn't bring
20 a tape recorder?

21 A No, sir.

22 Q Conducting it like it was my daughter you didn't bring
23 a tape recorder?

24 A That's correct.

25 Q And conducting it like it was your daughter you didn't

1 bring a tape recorder?

2 A That's correct.

3 MR. GROSE: Thank you, Your Honor. Nothing else at
4 this time.

5 THE COURT: Any redirect?

6 MR. SCOTT: Thank you, sir.

7 REDIRECT EXAMINATION

8 BY MR. SCOTT:

9 Q Your memorandum of interview, as compared to
10 handwritten notes you would have done at the scene, is it
11 your testimony under oath that your MOI --

12 MR. GROSE: Objection, leading.

13 THE COURT: I'm going to give him a little leeway.
14 Overruled.

15 Q Your MOI would have contained everything that your
16 written notes would have contained?

17 A Yes, sir. They would. And just to establish that, you
18 would compare my 4:45 MOI with my interview with Mr. Beaty,
19 compare that to the 7:29 to 7:50 written statement that he
20 provided in his own hand. You will see that the facts
21 contained in my memorandum reflect the facts contained in
22 his handwritten statements.

23 Q So that 7:29 statement that immediately follows your
24 interview, if we compare it to your MOI, they're comparable?
25 They say the same thing? Is that what you're saying?

1 A That's correct.

2 Q So if anything, your MOI expands on your shorthand
3 notes that you would take as you're trying to --

4 A That's correct.

5 Q Were you in here when we listened to the recording that
6 Crystal Roberts took with her iPhone?

7 A Yes, sir. I was.

8 Q And were you able to hear some of the, I guess,
9 background, sort of extraneous information that Mr. Beaty
10 was telling her?

11 A Yes, sir. I was.

12 Q And did you hear him talk about his sister?

13 A I did.

14 Q And did you hear him talk about some of his past
15 problems with tickets and stuff that he would get from time
16 to time?

17 A Yes, sir. I was present.

18 Q And did that have a lot of relevancy to the crime you
19 were investigating that night?

20 A No, sir.

21 Q Did he talk about stuff like that with you? Just
22 background sort of extraneous personal information?

23 A I don't remember a whole lot of small talk, other than
24 the initial introduction of myself, who I was and why I'm
25 there. He and I specifically stuck to what I've got there

1 in my memorandum.

2 Q So your memorandum, the purpose is to document
3 pertinent information in regards to a murder investigation,
4 correct?

5 A Yes, sir. Yes, sir.

6 MR. SCOTT: All right. Thank you very much.

7 THE COURT: Any recross based on his redirect?

8 MR. GROSE: No, sir. Thank you.

9 THE COURT: Thank you. You may step down.

10 THE WITNESS: Thank you.

11 (Whereupon, the witness steps down from the witness
12 stand.)

13 THE COURT: This witness is excused unless there's an
14 objection.

15 MR. GROSE: No objection.

16 MR. STUMBO: No objection.

17 THE COURT: All right. Ladies and gentlemen, this is a
18 good time to have lunch. Please have a nice lunch. Please
19 do not discuss anything about the case. And we will take a
20 little shorter lunch break today than we did yesterday, so
21 I'm going to ask that you be back here just a little bit
22 before 2:30. One thing nice about Laurens, it's a small
23 town, so we can eat and be back quickly.

24 Ladies and gentlemen, have a nice lunch. And like I
25 said, do not talk about the case.

1 (Whereupon, the jury exited the courtroom at 1:26 p.m.)

2 THE COURT: Court is in recess until 2:30.

3 (Whereupon, a lunch recess was held from 1:26 p.m.
4 until 2:33 p.m.)

5 THE COURT: Let's bring out jury in.

6 (Whereupon, the jury entered the courtroom at 2:34
7 p.m.)

8 THE COURT: You may be seated. Ladies and gentlemen of
9 the jury, I hope you had a nice lunch and I hope you are
10 alert this afternoon. We'll break every hour, so if you
11 start getting a little droopy on me, let me know and I'll be
12 glad to give you a break or get you some water.

13 Is the State ready to proceed with its next witness?

14 MR. SCOTT: We are, Your Honor.

15 THE COURT: All right. You may call your next witness.

16 MR. SCOTT: The State calls Special Agent Michael
17 Collins.

18 MICHAEL COLLINS, having been first
19 duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. SCOTT:

22 Q Special Agent Collins, how long have you been with
23 SLED?

24 A Approximately two years.

25 Q And then before that you were with the Anderson

1 Sheriff's Department?

2 A That is correct.

3 Q And what are your duties with SLED currently?

4 A I'm assigned to the investigation division. I'm
5 assigned to the Piedmont region, which is considered the
6 upstate region, and we assist other agencies with anything
7 that they may contact us for.

8 Q Okay. Approximately how many crime scene
9 investigations do you work for SLED per month? And I know
10 it varies, but just -- I don't know. Some kind of
11 approximation.

12 A A few. A month maybe two or three. That's just --
13 that's just me -- that's just my assignments.

14 Q But geographically -- I guess that would just be the
15 Piedmont? The upstate region of the state?

16 A Yes, sir.

17 Q June 29th of 2013 did you have an occasion to respond
18 to Laurens County?

19 A Yes, sir. I did.

20 Q And what was the nature of that call?

21 A I was contacted by my supervisor who advised me that a
22 female, the daughter of one of our SLED agents, had been
23 found in a situation. She was unresponsive, and Clinton PD
24 had contacted us to assist them. That was my initial
25 response.

1 Q And you live in Oconee County?

2 A That's correct.

3 Q Did you just drive straight from Oconee down to
4 Clinton?

5 A That's correct.

6 Q Did you arrive with Harvey Owens or did you all meet
7 down here?

8 A We met down here. We drove separately.

9 Q And approximately what time did you get to the Clinton
10 Department of Public Safety?

11 A Sometime after 12:00. I didn't document it or notate
12 it specifically, but I would say it was sometime after
13 12:00. I believe it was the 29th. But a lot of the
14 investigation took place the 30th after 12 a.m.

15 Q What's the first thing you do when you got to the
16 Department of Public Safety?

17 A When I first arrived, myself and Agent Owens made
18 contact with Commander Crystal Roberts. She advised us --
19 she briefed us on the little information she had at that
20 time. Also stated that she had -- that Mr. Alexander and
21 Mr. Beaty were here at -- were at the Police Department.
22 She had already advised them of their rights, and she just
23 needed assistance with the interviews.

24 Q And had those two been separated at that time?

25 A Yes, sir.

1 Q All right. Well, what's the first thing you do after
2 being briefed by Commander Roberts?

3 A Agent Owens and I, we interviewed Will Alexander --
4 Will Alexander, and we interviewed him for a little while.
5 After that we interviewed Mr. Beaty.

6 Q What was the first -- approximately what was the time
7 when you first made contact with Michael Beaty?

8 A It would probably have been -- again, I didn't document
9 time. But according to Agent Owens' memorandum of interview
10 it would have been around 3:30.

11 Q Well, did you generate a memorandum of interview?

12 A I did.

13 Q You don't have it up there with you?

14 A I don't have it up here with me. Not right now.

15 Q I've actually got a copy.

16 A Yes. Agent Owens and I interviewed him together, so it
17 would have been around that 3:30 timeframe that Agent Owens
18 notated in his memorandum of interview.

19 Q And were you in here -- the last witness was Harvey
20 Owens. Were you in here when he was testifying?

21 A That is correct.

22 Q And so, he talked about 3:30 a.m., and I think he just
23 confirmed that it was you and he who initially began the
24 3:30 interview with Michael Beaty.

25 A Yes, sir.

1 Q And then -- I don't know how long into that interview
2 do you recall SLED crime scene coming to take pictures of
3 Beaty and to take his clothes?

4 A It probably would have been around that 4:00 hour,
5 because we had spent the majority of the morning with the
6 other interview, and then we started interviewing Mr. Beaty
7 and then crime scene arrived. We weren't too deep into that
8 interview before they arrived. So I would say around that
9 4:00 hour.

10 Q What is your recollection as far as his physical
11 appearance? What do you recall observing with Michael
12 Beaty?

13 A He notated that he had been drinking. You could tell
14 that he had been drinking. He seemed to be coherent and
15 understand what we were saying. Didn't seem to be slurring
16 any words or anything of that nature. All in all, he seemed
17 to be competent in answering questions that we imposed.

18 Q Did you note any blood that was on him at the time? Do
19 you recall any?

20 A I don't recall if I noticed any blood on him at that
21 point or not.

22 Q And you say he -- you could tell that he had been
23 drinking, but he wasn't slurring his speech. And we just
24 listened to an audio that was conducted at 12:50 a.m. What
25 was it about him that made it where you could tell he had

1 been drinking?

2 A He told us, and then just based on the other interview
3 we know that he had been drinking, and that he was kind of a
4 little sluggish. And I really don't recall smelling a
5 strong odor of alcohol. But, I mean, just -- just from -- I
6 could just tell that he had been drinking at some point.

7 Q So, now you all were still at 3:30 working under the
8 understanding that he had been Mirandized at 12:50 a.m. by
9 Crystal Roberts?

10 A That is correct.

11 Q So you all did not re-Mirandize him?

12 A No, sir. We used the initial.

13 Q But did you tell him who you were? You were with SLED
14 and everything?

15 A Yes, sir.

16 Q And did he agree to speak with you guys?

17 A Yes, sir. He had no problem speaking with us.

18 Q To your recollection, tell me what was the -- what was
19 the content of the interview when it was just you and Harvey
20 Owens interviewing him?

21 A If I could refer to my memorandum. He told us that
22 they were -- I mean, the gist of it, he told us that they
23 were together earlier that day and had decided to go to a
24 wake, and that she was supposed to be the designated driver.
25 And then things went well while they were there. She ended

1 up drinking. He ended up driving back with him in the
2 driver's seat, EA in the passenger seat, and Mr. Alexander
3 sitting behind her in the backseat. Initially he was going
4 to take Mr. Alexander home. He ended up driving to Calvert
5 Street to his parents' house, and that's when he discovered
6 that EA was unresponsive. He went around, opened up the
7 door, and Mr. Alexander -- I believe he said Mr. Alexander
8 called 911.

9 Q Can I just stop you for one second? I apologize. Just
10 backing up. Did he -- what, if anything, did he say
11 regarding the ride from the party to Calvert Avenue?

12 A Based on my memorandum of interview, again, this was a
13 long time ago, he said they did not talk much on the drive
14 over and that nothing dramatic happened. He said that when
15 he arrived at his parents' house he tried to wake EA but she
16 did not respond.

17 Q Was that his words, "Nothing dramatic happened"?

18 A If I recall, they were.

19 Q He said that on the ride nothing dramatic happened?

20 A Right.

21 Q Okay. And tell us what happens once they get to
22 Calvert? What does he describe?

23 A He said she was unresponsive. That he went around,
24 opened up the door. Stated that her arm fell out and there
25 was lots of blood and glass on her arm. He tried to wake

1 her but she still wouldn't respond. Will had gone to call
2 911, and he never left her side.

3 Q He said he never left her side?

4 A He said he never left her side. Until -- I mean, until
5 EMS got there.

6 Q Did he offer any explanation for the blood on her arm?

7 A I think it was at that point -- at that point he said
8 that she may have cut herself.

9 Q Okay. And if I'm -- at some point during that
10 interview did you leave and then Harvey Owens comes back and
11 takes your spot?

12 A Well, at that point Agent Owens hadn't left. At that
13 point crime scene arrived. And then after crime scene left
14 Agent Owens went somewhere. I don't recall where he went.
15 But then at that point it was Commander Roberts and I stayed
16 the whole time of the interview. And then at that point I
17 had to go and observe the processing of the vehicle, and
18 Agent Owens came in and took my place with Commander
19 Roberts.

20 Q So from -- after the time you left it would have been
21 Crystal Roberts and Harvey Owens finishing out that
22 interview?

23 A Correct.

24 Q And you mentioned you went to go process the vehicle.
25 Are you talking about the Buick Century; is that right?

1 A I believe it was a Buick Century.

2 Q All right. You went to go there and process the white
3 car?

4 A And when I say process I don't mean I did the actual
5 processing. I just observed all the crime scene units do
6 their processing, as they walked through and kind of
7 explained things, what they were seeing, and just so I could
8 see firsthand myself.

9 Q And that would have been Vickie Hallman and Haley Quam
10 that did the processing of the automobile?

11 A That is correct.

12 Q But you were there and you observed it. Did you notice
13 any of the windows of the car broken or anything like that?

14 A Did not notice any broken glass, any windows broken.
15 Anything that would substantiate a claim of her cutting
16 herself with some glass and him opening the door and see
17 glass.

18 Q Okay. Are you aware of the written statement he gave
19 Crystal Roberts at 7:29 a.m.?

20 A Actually, I was not aware of that. When I got back
21 from observing the processing of the vehicle, I believe at
22 that point Mr. Beaty and Alexander had left.

23 Q Do you recall when they came back?

24 A I do recall when they came back, but I'm not exactly
25 sure what time they came back because I was also typing

1 search warrants. As I was the lead SLED case agent in the
2 assisting role I was typing search warrants and stuff like
3 that. So when they came back, they were there actually
4 before I realized it.

5 Q What was the next contact you recall with Michael
6 Beaty?

7 A Commander Roberts and I conducted another interview
8 with Mr. Beaty. Didn't really get any new information. He
9 reiterated the same information that he provided in the
10 initial interview of they went to the party. Nothing
11 happened on the drive over to his parents' house. He got to
12 their residence. She was unresponsive. He thought she had
13 cut herself with some glass.

14 Q Okay. Can you see that, Michael?

15 A Yes, sir.

16 THE COURT: And you all may get wherever you need to.

17 Q What we have here, we're trying to get a time. This is
18 11:00 to 11:30 we have an oral statement to Crystal Roberts
19 and SLED Agent Collins. Is that the approximate time of
20 that interview, to your recollection?

21 A I wouldn't be able to say with confident ability with
22 that time. Because, again, I was preoccupied with doing
23 some search warrants. But, I mean, it's in there somewhere.

24 Q But it was after he had returned to the Police Station
25 though?

1 A Yes, sir.

2 Q And would you agree that he returned to the Police
3 Station somewhere around 10:20?

4 MR. GROSE: Objection, lack of foundation.

5 THE COURT: Please rephrase your question.

6 MR. SCOTT: I'll withdraw.

7 THE COURT: Objection sustained.

8 Q Do you have any -- I think you already testified you
9 don't know when he came back because you were preoccupied
10 with something else.

11 A Right.

12 Q All right. Well, this particular statement I'm talking
13 about, did that -- was it only an oral statement to you and
14 Crystal Roberts?

15 A Yes.

16 Q And you began with it, but the gist of it was what?

17 A The gist of it was that went to the wake. They drank.
18 He drove. Nothing happened on the ride over. And when he
19 got to his parents' house that EA was unresponsive. He
20 opened up the door. Saw blood and glass. And then EMS
21 arrived.

22 Q So he's still telling the same story at that time. But
23 did you have some new information at this interview that you
24 didn't have when you interviewed him at the 3:30 a.m.
25 interview?

1 A Yes. At the 3:30 a.m. we didn't know a cause of death.
2 After they returned and we interviewed him the second time
3 we knew that the cause of death was strangulation. We told
4 him that his story didn't match up with the evidence of her
5 being strangled, and also the -- what was considered -- what
6 was explained to me as kind of a road rash. And when I saw
7 the pictures of it, it kind of looked more of a road rash
8 than a cut. He still -- he looked surprised at the cause of
9 death, but he didn't offer any explanation for it.

10 Q So at this interview you informed him that, in fact,
11 her cause of death was strangulation?

12 A That's correct.

13 MR. SCOTT: Thank you, Agent Collins. Please answer
14 any questions Mr. Grose has for you.

15 THE COURT: Mr. Grose.

16 MR. GROSE: Thank you, Your Honor.

17 THE COURT: Yes, sir.

18 MR. GROSE: Beg the Court's indulgence one moment.

19 THE COURT: Yes, sir.

20 CROSS-EXAMINATION

21 BY MR. GROSE:

22 Q You said you arrived sometime after midnight in
23 Clinton.

24 A Yes, sir.

25 Q That your first encounter with Michael was around 3:30?

1 A Approximately. Yes, sir.

2 Q Approximately. Well, and you have your memorandum of
3 interview in front of you for that interview?

4 A Yes, sir.

5 Q Okay. And you don't document a time, do you?

6 A I generally don't document times unless -- unless it's
7 information given by person I'm interviewing.

8 Q Okay. But I think that you said that you looked at
9 Agent Owens' memorandum?

10 A I said according to -- according to his memorandum it
11 was around 3:30.

12 Q And so, this is what we're talking about, Special Agent
13 Harvey Owens on June 30th at approximately 3:30 a.m. he and
14 you interviewed Michael Beaty?

15 A Yes, sir.

16 Q So you're basing that on what he said, so -- now,
17 something that kind of, you know, struck me. If you look at
18 page two of your interview. And you were here when Agent
19 Owens testified?

20 A Yes, sir.

21 Q Okay. He ended his with "At that point during the
22 interview the two SLED crime team technicians photographed
23 Mr. Beaty and asked for consent to get his khaki shorts."

24 A Correct.

25 Q Right. And then says that the two of you all left the

1 room together, right?

2 A Right.

3 Q Now, your memorandum of interview also ends more or
4 less the same. At the time, say, crime scene -- crime scene
5 technicians entered to photograph and collect clothing,
6 right?

7 A Right.

8 Q You would agree with that? Now, Agent Owens testified
9 earlier that his interview at this time, the 3:30 interview
10 with Michael, was just limited to introductory stuff and
11 what went on at the party at the Stewarts. I mean, that's
12 all that's in his report, right?

13 A Okay.

14 Q You would agree with that?

15 A I didn't review his report.

16 Q I thought you had. Take a minute and review it.

17 A Okay.

18 Q All right. Now, your interview from the same -- and
19 you agree with me that his only talks about the party?

20 A Yes.

21 Q At the Stewarts'?

22 A Yes, sir.

23 Q And there's nothing -- you reviewed it.

24 A Yes.

25 Q There's nothing in it about the drive from the

1 Stewarts' to Henry Simmons' house?

2 A I haven't really looked at it that closely.

3 Q I tell you what, I'm going to let you hold it and you
4 feel free to look at it anytime you want.

5 A That is correct.

6 Q And there's nothing in that interview of Mr. Owens --
7 Agent Owens' interview about what Michael saw or did at
8 Calvert Avenue?

9 A That's correct.

10 Q Okay. Now, your interview contains information about
11 the ride from the Stewarts' to Calvert Avenue?

12 A Yes, sir.

13 Q And your interview contains information about what
14 Michael said happened when he got back to his mother's and
15 step-father's house, correct?

16 A Correct.

17 Q So you would agree, I think, having compared the two
18 memorandums, that there's some differences there?

19 A Yes, sir.

20 Q Now, as I understand it, you took notes in this case,
21 too?

22 A Yes, sir.

23 Q And like Mr. -- Agent Owens, your notes are destroyed?

24 A Yes, sir.

25 Q So we don't have the benefit of your handwritten notes

1 from that night?

2 A No, sir.

3 Q Now, you left out something a minute ago when the
4 Solicitor was asking you questions, didn't you?

5 A What do you mean?

6 Q I want you to look right there. See where I'm
7 pointing?

8 A Yes, sir.

9 Q You would agree with me that Beaty stated he wished he
10 could remember more but he couldn't due to the amount of
11 alcohol he had consumed?

12 A That's what he said.

13 Q And this is from your memorandum of the interview and
14 this is between 3:30 and 4:15?

15 A This memorandum encompasses my interview when Agent
16 Owens was in the room and with Commander Roberts. That --
17 this is the flow of -- I didn't break it up into segments
18 because of --

19 Q So you don't know what time that is?

20 A So that the information --

21 Q You don't know what time that is?

22 A No. But it was from that 3:30 interview-initiated.

23 Q Well, who was present when Michael stated he wished he
24 could remember more but he couldn't due to the amount of
25 alcohol he consumed?

1 A At that point it was probably Commander Roberts.

2 Q Okay. And I believe that you acknowledged earlier
3 that, you know, you could tell that Michael had had
4 something to drink earlier. Actually, the day before.

5 A Correct.

6 Q Okay. So you would have been seeing him several hours
7 after he would have last had something to drink?

8 A Yes.

9 Q Okay. Now, there were some questions about the second
10 memorandum of interview that you wrote.

11 A Yes, sir.

12 Q And that was after Michael came back to the Police
13 Station, right?

14 A Yes, sir.

15 Q So it would be after 10:20?

16 A If they got back around 10:20, it would have been after
17 that.

18 Q All right. Because you don't know?

19 A Right. I wasn't -- I wasn't aware of the exact time
20 that they were returning because I was doing some other
21 things.

22 Q Because there's no times in your -- in your
23 memorandums?

24 A Correct.

25 Q Okay. But it was after -- it was in the second time on

1 the 30th that Michael was at the Department of Public
2 Safety?

3 A Yes, sir.

4 Q So, if I just under -- generally under this part use
5 your -- your name, and the time you don't know, right?

6 A No, sir.

7 Q Okay. And so, you testified about -- on direct about
8 the investigation, having more information at that point,
9 right?

10 A Yes, sir.

11 Q And again, since you don't know what the times are, you
12 don't know what time the information was given to Michael,
13 do you?

14 A Specifically what time I gave him the information?

15 Q Yes, sir.

16 A No, sir.

17 Q All right. And these memorandum of interviews are
18 typed, correct?

19 A Yes, sir.

20 Q And so, that's not something you're doing
21 contemporaneously, or at the same time, as the actual
22 interview?

23 A No. I'm taking handwritten notes at the time of the
24 interview.

25 Q Right. And we've already established that those

1 handwritten notes no longer exist?

2 A Correct, they've been destroyed. They were transposed
3 onto my memorandum of interviews and then --

4 Q And so, what you're using to refresh your memory today
5 is not your notes, but a memorandum of interview that was
6 done sometime later?

7 A They were done based on my notes.

8 Q But we can't compare the interview to those notes, can
9 we?

10 A I did my memorandum of interview based on my notes.

11 Q All right. I can't compare them, can I?

12 A The notes don't exist anymore, so I guess not.

13 Q And these jurors can't compare them, can they?

14 A Again, I did my notes based -- I did my memorandum of
15 interview based my notes.

16 Q So these jurors can't compare your notes to your
17 memorandum, can they?

18 A No, sir.

19 MR. GROSE: Beg the Court's indulgence.

20 THE COURT: Yes, sir.

21 Q Just briefly. There's no audio recording from any of
22 the time you spent with Michael, is there?

23 A Not that I am aware of.

24 Q And there's no video recording of the time that you
25 spent with Michael?

1 A Not that I am aware of.

2 Q Okay. Not that you're aware of. You're a SLED agent.

3 You would be aware of it if it existed, right?

4 A I would -- I would like to think I would, but...

5 Q Okay. Well, we've come, what, 19 months and we're at

6 court now. You -- somebody probably would have made you

7 aware of it between --

8 A Not necessarily. I was an assisting agency. I wasn't

9 -- I wasn't bringing forth charges or signing warrants, so I
10 wasn't the primary officer on the case. So any information

11 I would have had would have been in an assisting agency role
12 rather than a primary investigator role.

13 Q But you're not aware of it is what you're saying?

14 A Of any video or audio recordings?

15 Q Right.

16 A No, sir.

17 Q And you didn't bring a tape recorder that night?

18 A No, sir.

19 Q Or a video camera that night, did you?

20 A No, sir.

21 Q And you just didn't think to do it, I guess?

22 A I don't usually -- no, I don't -- I don't bring video
23 cameras or recorders.

24 Q Really? Never?

25 A Not -- I mean, unless it's a special circumstance.

1 Q Well, why wouldn't -- I mean, one of your colleague's
2 daughters had just been found dead. That's not a special
3 circumstance?

4 A The fact that it was my colleague's daughter had no
5 bearing on this investigation. I don't -- I mean, I just --
6 I started a couple weeks before Agent Owens started and I
7 had maybe one interaction with Mr. Ashley at that point.

8 Q And so, a death investigation is not a special
9 circumstance?

10 A We don't typically record or video record any
11 interviews with suspects or people of interest or anything
12 of that nature.

13 Q And so, as a result, the exact words, the exact
14 question, the tones is all just lost forever?

15 A It's interpreted by the person that's doing the
16 interview.

17 Q That's a good point. You're interpreting, right?

18 A I suppose so. Yes, sir. I don't know exactly how he's
19 going or what the person is doing. I mean --

20 Q So when you take it from your notes and put it in a
21 memorandum you're interpreting it, right?

22 A No. I'm writing down what I heard, what I observed.

23 Q But you just said you're interpreting it.

24 A When you're talking to someone you're interpreting it.
25 Like I'm interpreting your body actions right now as you're

1 getting a little frustrated with me.

2 Q Well, I am.

3 A But, if I were to write that down in a memorandum of
4 interview I would just say that you were getting -- you
5 asked me some questions and I attempted to give you an
6 answer as best I could.

7 Q Okay. And so, we don't have -- the bottom line is if
8 there's a tape recording, which there is, of you and me with
9 this interaction, somebody else is free to interpret that,
10 right?

11 A And they may interpret it different from what I
12 interpret it.

13 Q Exactly.

14 A But I just write down -- I didn't interpret anything in
15 my memorandum of interview. I just wrote down what was said
16 to me and the information that I gathered.

17 Q And we don't have the luxury of giving our own
18 interpretation because you didn't make that recording?

19 A You can make your interpretation based on my memorandum
20 of interview.

21 Q And we will. Thank you.

22 THE COURT: Any redirect?

23 REDIRECT EXAMINATION

24 BY MR. SCOTT:

25 Q Agent Collins, is there anything in those notes that

1 you wouldn't transcribe onto a memorandum of interview?

2 A No, sir. If it's in my notes, I put it on there.

3 Q So are we missing -- if we go by your memorandum of
4 interview are we missing information that would have been in
5 your notes?

6 A No, sir. We're not.

7 Q Just describe -- he spent a lot of time on this. It's
8 now your time to describe. When you're listening to
9 somebody and you're at a scene and you're taking your
10 shorthand notes, describe the process of transcribing those
11 notes to a memorandum of interview.

12 A An interview is something that it can go a bunch of
13 different ways, so most officers or investigators learn to
14 do their own type of shorthand. There may be a three -- I
15 mean, a three word, you know, notes that you have in your
16 notes but, you know, it means something else. But it's
17 interpreted from something else. So my shorthand notes, I
18 write them. I interpret them when I go back and I do the
19 Memorandum of Interview, and everything that I've put in my
20 notes, my handwritten notes, I put in my memorandum of
21 interview.

22 Q Well, would it be fair to say if you just handed me
23 your shorthands I might not be able to interpret what
24 exactly you meant when you jotted down your shorthand as far
25 as --

1 A Right.

2 Q -- sentence?

3 A Well, there are times I'd ask a question and there has
4 been a response and I just note that response, because I
5 know what my question was based on that answer, and then
6 that's in my notes.

7 Q Do you use abbreviations in your notes?

8 A I use abbreviations. Sometimes I use -- you know, if
9 they refer to a particular person who has a certain name, I
10 may use that name in my notes. I may, you know, dictate it
11 and transfer that information to my memorandum of
12 interviews.

13 Q Would you have any concern if you just handed me your
14 shorthand notes that I would misinterpret what you meant in
15 jotting down those notes?

16 A It's a very good possibility. For one, you may not be
17 able to read my handwriting. And two, you don't -- you
18 weren't there, so you don't know what that particular note
19 might stand for.

20 Q Okay. But then the MOIs, these are typed up. It looks
21 like a Word document. And it looks like I calls for
22 grammar.

23 A Yes, sir.

24 Q And it looks like complete sentences.

25 A Yes, sir.

1 Q And so, they're probably more clear than your
2 handwritten shorthand notes?

3 A That is correct.

4 Q That's all I'm going to ask you about your notes.
5 Okay?

6 A Okay.

7 Q Now, he was asking you -- and I'm talking about the
8 lawyer, was asking you about Harvey Owens' first memorandum
9 of interview.

10 A Yes, sir.

11 Q And it described kind of what Beaty was telling them
12 leading up to the party.

13 A Uh-huh.

14 Q But are you aware of his second memorandum of interview
15 that begins at 4:45 and then goes from there?

16 A I was aware that he had done one, but I didn't go over
17 it specifically. And when he came in for the interview at
18 that point in time.

19 Q Would it surprise you to know if it covered a little
20 bit more detail of the night?

21 A No. Because that would have been the purpose of that.

22 Q Now, you did allow Mr. Beaty - you could tell he had
23 been drinking -- or he told you he had been drinking?

24 A Yes, sir.

25 Q You said he wasn't slurring?

1 A Yes.

2 Q You indicated you don't recall smelling alcohol?

3 A I don't recall a strong -- if I smelled anything at all
4 I don't recall it. And usually if someone was very much
5 intoxicated I would at least, you know -- and if it was -- I
6 would at least remember smelling it. But I just didn't -- I
7 just didn't recall smelling it in this particular incident.

8 Q But I think the statement that the lawyer was driving
9 at was he said "I wish I could remember more." Something
10 about "I've been drinking. I wish I could remember more."

11 A Right.

12 Q So wouldn't you agree -- and I think he was referencing
13 the 3:30 a.m. interview. Wouldn't you agree he's still
14 telling the story at 11:00 that he was at 3:30 a.m.?

15 A From my interaction with him, I received the exact same
16 information.

17 Q Seven and a half hours later he's still telling the
18 same story?

19 A Yes, sir.

20 Q From 3:30 and then 11:00 a.m.

21 A Yes.

22 Q Because at 3:30 he says, "I wish I could remember
23 more," but he's still telling the same story at 11:00.

24 A That is correct. Yes, sir.

25 Q Are you aware of the contents of the written statement

1 that he gave directly after your interview to Special Agent
2 Kindley and directly after you informed him of the
3 strangulation cause of death?

4 A I was aware after it happened. I actually wasn't aware
5 he had even given a statement before I started prepping for
6 this trial. Again, I wasn't the primary agent or the
7 primary investigating officer. Some of the information I
8 did not receive. I received it, but I didn't review it.

9 MR. SCOTT: Your Honor, I apologize. I beg the Court's
10 indulgence.

11 THE COURT: Yes, sir.

12 Q And this is already in evidence. This is State's
13 Number 4. Do you recognize that as the written statement
14 that Mr. Beaty gave Agent Kindley?

15 A Yes. But again, I was not aware of it at the time that
16 he gave it. I only became aware of it after I was putting
17 the case altogether.

18 Q That's fair. What time does that statement -- what's
19 the time on that?

20 A The time on this is 12:30 p.m. on the 30th.

21 Q 12:30?

22 A That's what time it was completed.

23 Q What time does it begin?

24 A 12:20. It was initiated at 12:20. I apologize.

25 Q All right. And would you agree that the statement you

1 just referenced proceeded that? That was before that? If
2 the statement he last gave was 11:00, was he still sticking
3 by the story that he doesn't remember anything on the ride
4 between the Stewarts' house and Calvert, that was
5 immediately before that statement?

6 A That would be my best understanding. Yes, sir.

7 Q So directly after that statement when he's talking to
8 Kindley what's he saying, and after you told him the cause
9 of the death was strangulation? What's his story turning
10 to?

11 A. He provided Agent Kindley and Shelton with the
12 statement "While arguing with EA -- while arguing EA
13 threatened and did open the door to jump out, threatening
14 harm on herself to punish me for what I argued with her
15 about which was me feeling disrespected as she was focusing
16 more on Will than me. The injuries she had came from her
17 hanging out of the car as I held her clothing to try to pull
18 her back in. I remember her screaming and asking me -- and
19 asking me why I made her do that."

20 Q Agent Collins, how is that different from the story he
21 gave you at 3:30 a.m. and the story he gave you at 11:00?

22 A It is completely different. Again, when I initiated my
23 two interviews with him he stated that nothing happened on
24 the ride over.

25 Q What changed in an hour and a half?

1 A We notified him of the cause of death.

2 Q Did he sober up?

3 A Yeah, I guess he was already sober.

4 Q What changed? What information did he get that he
5 changed his story in an hour and a half?

6 A Commander Roberts and I advised him that his story did
7 not fit the evidence we had which was she was strangled to
8 death.

9 Q Over 12 hours he's sticking to the story, nothing
10 happens between the Stewarts' house and Calvert Avenue, and
11 suddenly he remembers at 12:20 p.m., 12 hours later?

12 A Correct.

13 Q Directly after you told him EA died of strangulation he
14 has an epiphany? He suddenly remembers?

15 A Yes, sir.

16 MR. SCOTT: Thank you.

17 THE COURT: Any recross?

18 MR. GROSE: Yes, sir.

19 RECROSS-EXAMINATION

20 BY MR. GROSE:

21 Q Just a quick question to about the notes. If we had an
22 audio or a video recording of this interview, we wouldn't
23 have an issue of interpreting the notes and the memorandum,
24 would we?

25 A Again, my notes you would have an issue with them.

1 Like I said, I have very sloppy handwriting, shorthand. The
2 stuff that I write down.

3 Q Right. So with an audio recording we wouldn't have any
4 issues with your handwriting?

5 A No, sir. I suppose not.

6 Q Or your shorthand?

7 A I suppose not.

8 Q Or your abbreviations?

9 A I suppose not.

10 Q And if we had a recording of it we wouldn't have any
11 issues with knowing what the sequence of events were, would
12 we?

13 A I mean, we -- how far do you want to go with what if's?

14 Q Or we could just hit play and play it and we'd know
15 exactly what order everything came out, right? Right?

16 A I suppose so.

17 Q Now, the statement number four that they just asked
18 about, Plaintiff's Exhibit Number 4, where Michael said the
19 injuries had to come from her "hanging out of the car as I
20 held her clothing to try to pull her back in. I remember
21 her screaming asking me why I made her do that." Did you
22 conduct any experiments to determine whether or not the
23 injuries could have happened that way?

24 A No, sir.

25 Q Are you aware of anybody at SLED that conducted any

1 experiments to determine if it could have happened that way?

2 A Not that I'm aware of.

3 Q Are you aware of anybody at Clinton Police Department
4 that conducted any experiments that could have determined
5 whether that happened that way or not?

6 A Not that I'm aware of.

7 Q But you do say that the injuries to the hand and to the
8 arm, both hands and the right arm, is road rash?

9 A I didn't say that.

10 Q But you've been told that?

11 A Right. What appeared to look like road rash. And I
12 just said both arms.

13 Q Well, it's on the right arm and the right hand and on
14 the left hand. You would agree with that?

15 A I don't recall any on the left hand.

16 Q But you would agree that hanging out of a moving car
17 with your arm dragging on the road could cause road rash?

18 A Yes, sir.

19 MR. GROSE: That's all I have. Thank you.

20 THE COURT: You may step down.

21 (Whereupon, the witness steps down from the witness
22 stand.)

23 THE COURT: This witness is excused unless there are
24 any objection.

25 MR. GROSE: No objection.

RICK CHARLES: DIRECT EXAMINATION

1 MR. STUMBO: No objections. Your Honor, we're ready
2 for the next witness.

3 THE COURT: How long do you all think it'll be?

4 MR. STUMBO: Fairly short, Judge. It's going to be a
5 bit shorter on this one.

6 THE COURT: Okay.

7 MR. STUMBO: The State calls Agent Rick Charles to the
8 stand.

9 RICK CHARLES, having been first
10 duly sworn, testified as follows:

11 DIRECT EXAMINATION

12 BY MR. STUMBO:

13 Q Good afternoon, Agent Charles.

14 A Good afternoon, sir.

15 Q You work for SLED?

16 A Yes, sir.

17 Q And how long have you been with State Law Enforcement
18 Division?

19 A Almost 15 years.

20 Q And what area of the state do you work in?

21 A I work in the Piedmont region. That includes 12
22 counties in the northwest part of the state.

23 Q Your all's office is in Greenville?

24 A That's correct.

25 Q How many investigations have you worked, just ballpark,

RICK CHARLES: DIRECT EXAMINATION

1 in your career at SLED?

2 A At SLED probably 500. In my 31-year career probably
3 5,000.

4 Q Where did you work before you came to SLED?

5 A Prior to SLED I worked at the Spartanburg County
6 Sheriff's Office for seven years. Then I spent 20 years in
7 the Air Force. I was a criminal investigator for the Air
8 Force.

9 Q So you were a military investigator?

10 A Yes, sir. Since 1983.

11 Q June 29th, into the early morning hours of June 30th,
12 did you have occasion to be involved in the investigation of
13 Michael Beaty?

14 A Yes, sir.

15 Q When did you arrive in Clinton to respond to that call?

16 A I didn't arrive until slightly before noon on the 30th.

17 Q And other agents who we've heard from, you've been in
18 the courtroom for their testimony, they arrived before then;
19 is that right?

20 A Yes, sir. They did.

21 Q When you get there around noon on Sunday, June the
22 30th, what's the first thing you do?

23 A Basically I got briefed on all the information that
24 they had up to that point. I was told that Emily Asbill had
25 -- was deceased and that there were two witnesses who had

1 accompanied her, the ride from the party, that were back at
2 the Clinton Police Department.

3 Q And those individuals were both at the Police
4 Department around that time when you arrived?

5 A Yes, sir. William Alexander and Michael Beaty.

6 Q Were you able to review photographs that had been taken
7 by colleagues?

8 A Yes, sir. I believe crime scene had taken photos of
9 Ms. Asbill at the hospital. And by that time the verbal
10 autopsy results had come in.

11 Q So you had seen pictures of EA Asbill's body at that
12 time?

13 A Yes, sir.

14 Q And you were briefed on the preliminary findings of the
15 autopsy?

16 A That's correct.

17 Q Did you have occasion to interview Michael Beaty?

18 A Yes, sir.

19 Q Who is at the Defense table?

20 A Yes, he is.

21 Q Did you interview him in tandem with another
22 investigator or was this --

23 A No, sir.

24 Q You did this on your own?

25 A Yes, sir.

1 Q Now, if you could explain to the jury how that
2 interview proceeded.

3 A It was sometime after -- in the early afternoon, I
4 believe, we started the interview. It was after he had
5 taken a ride with Agent Kindley and another investigator.
6 After he returned back to the Police Department they asked
7 me, "Would you go in and talk with him." So that's how that
8 -- that came about.

9 Q And you go in, and did you introduce yourself to him?

10 A Yes, sir.

11 Q That's the first time you had met him?

12 A Yes, sir. It was.

13 Q Okay. Did he give you a statement?

14 A Yes, sir. He did.

15 Q And how did you record that statement?

16 A Well, I do mine a little bit differently than some
17 agents do. You do a question and answer type interview
18 you're limiting yourself as to the amount of information
19 that you get. If you ask questions that elicit a yes or no,
20 obviously information flows impeded by doing it that way.
21 What I did was I just introduced myself to Michael and I
22 told him, "Look, we're just trying to find out what
23 happened." And I said, "Rather than sit here and ask you a
24 ton of questions, sometimes it's better if just talking and
25 you're not interrupted by somebody." So I asked him would

1 he be willing to tell me what happened and he agreed to do
2 that. And I said, "Okay. Well, what I'm going to do, I'm
3 not going to sit here and ask you a bunch of question. And
4 if you would, as best as you can remember, just go back from
5 the time you arrived at the party until you arrived at your
6 step-father's house and when EMS showed up, and I'm just
7 going to leave you alone." So I gave him a pad of paper and
8 I just let him write. And I told him -- you know, I believe
9 I got him a drink. A soda. And I would go back and check
10 on him periodically. And I told him, "I'll be back and
11 check on you. If you need anything, just let me know." And
12 that's the way -- that's the way the statement went.

13 Q Okay. And had you been informed at that point that
14 he'd been read his Miranda rights?

15 A Yes, sir. He had already been read his Miranda rights
16 earlier that day. At the time he was not in custody. He
17 was free to leave.

18 Q At any time did he say he did not want to write the
19 statement on the pad?

20 A No.

21 Q At any time did he ask for a lawyer?

22 A Not while he was writing the statement. After he
23 completed the statement I went back in to talk with him, to
24 try and, you know, go back over with him what he said, he
25 indicated at that time, he said, "I believe I need to talk

RICK CHARLES: DIRECT EXAMINATION

1 to somebody, maybe a lawyer."

2 Q And at that time, as -- are you trained -- what are you
3 trained to do when someone asked for a lawyer who's a
4 suspect?

5 A Terminate the interview immediately.

6 Q Is that what you did here?

7 A Yes, sir.

8 Q He had written a statement on notebook paper for you
9 before that?

10 A That's correct.

11 Q Had you also had an opportunity to review the other
12 witness statements that he'd already given --

13 A Yes, sir.

14 Q -- before?

15 A I have.

16 Q I'm going to hand you what is already in evidence as
17 State's Exhibit Number 5. It's in this sleeve here. And I
18 believe it is -- it's three written pages and then one line
19 onto a fourth. If you could, could you read to the jury
20 what Michael Beaty wrote in that written statement to you?

21 A Yes, sir. It is three pages and one line. He signed
22 it at the bottom and he dated it 6/30/13. It says, "We left
23 Simpsonville around 1:00 or 2:00 to head to Clinton as I had
24 a few odd jobs lined up. First we stopped in Laurens at my
25 grandfather's house and visited with he and his girlfriend.

RICK CHARLES: DIRECT EXAMINATION

1 We stayed there until about 3:00 or 4:00, and during that
2 time the other jobs I had lined up got postponed. So we
3 left there and went to my parents' house where we visited
4 and lounged around, and EA showered and changed. We left
5 there at around 6:00. From there we went to C-Mart where I
6 bought beer and gin. On the way there," and it's written in
7 "to Kyle's, I asked EA if she would stay sober so she could
8 drive us home since I planned to drink. We arrived at Kyle
9 Stewart's house for a memorial party/cookout. We met our
10 mutual friend, Will, there. He was already extremely
11 intoxicated. While there, EA took to hanging more with the
12 other females at first while I caught up with old friends.
13 After a while I realized EA was actually drinking, too, so I
14 figured I would end up driving. After 9:00 or so, because
15 Will was so intoxicated, we used that as an excuse to leave
16 saying we would take him home. Around this time I had
17 gotten somewhat uncomfortable with how much attention EA was
18 showing Will and I believe I said something about it that
19 started an argument. So the three of us get off -- set off
20 in the car, at which point I realize how intoxicated I was,
21 which swayed me to go towards my parents' house rather than
22 to Will's parents which would have taken much longer.
23 During the ride EA -- EA and I continued to bicker and argue
24 with both of us saying hurtful things, but I don't recall
25 specifically what was said. I feel as though the

1 intoxication magnified the hurt feelings. After or during
2 the arguments EA tried to jump out of the car, but I grabbed
3 her shirt to try to stop her. When this happened, part of
4 her body, dash, her right arm, dash, made contact with the
5 pavement, although I was not aware of this until later.
6 After that everything started to calm down somewhat,
7 although everyone, not sure about Will, was shaken. Yet a
8 little before or at this point, I believe, that EA made it
9 seem like I had made her want to hurt herself, which is
10 common for us when we argue. But again, things were
11 settling somewhat. Throughout I have -- I have little to no
12 recollection of what Will was doing or saying, if anything.
13 Upon arriving at my parents' house I try to get EA's
14 attention but she wouldn't respond. I nudged her and felt
15 her body was limp. I jumped out and rushed around to the
16 passenger side and unbuckled her seatbelt, and on my knees,
17 tried to get her to come to." I can't make that word out.
18 Something about "When I opened the door, first her arm -- as
19 when I opened the door her -- first her arm dropped out and
20 I noticed blood which I believed to be from a self-inflicted
21 cut, which EA has done before. I tied off her arm with my
22 shirt, and that was when I fell to my knees and --" I can't
23 -- "unbuckled her. I held her head up and her body trying
24 to get her to come to and frantically yelled and pleaded
25 with her to wake up. Around this time I can't recall if I,

1 or Will, or both went to the house to get help and have
2 someone call 911. I stayed holding EA's body until EMT
3 arrived and put her on a stretcher."

4 Q At any time did you make any promises to this Defendant
5 to give you this statement?

6 A No, sir.

7 Q Did you put any pressure on him whatsoever?

8 A No, sir.

9 Q Was there anything of note in the account -- I know
10 there was a lot in that statement. The account of EA trying
11 to jump out of the car in his statement, and then getting
12 back in the car and then the aftermath of that, that
13 scenario, is there anything about that that was of interest
14 to you?

15 A Yes, sir. First of all, from reading the statement I
16 think the tension actually started at the party when he
17 asked her not to drink --

18 MR. GROSE: I'm going to object to the opinion, Your
19 Honor.

20 THE COURT: Sustained.

21 Q Without giving your opinion, is there anything in the
22 statement itself that jumps out at you that's relevant, in
23 light of what you already knew about the investigation?

24 A Oh, yes, sir. And I'll read it. It says, "After or
25 during the argument EA tried to jump out of the car but I

1 grabbed her shirt to try to stop her. When this happened
2 her body -- her right arm made contact with the pavement,
3 although I was not aware of this until later. After that
4 everything started to calm down somewhat, although everyone,
5 not sure about Will, was shaken. And it's a little -- on or
6 about this time, I believe, that EA made it seem like I made
7 her want to hurt herself, which is common. But again,
8 things were settling down." That says she was alive when he
9 pulled her back in the car.

10 Q In other words, there's an indication there that after
11 EA gets back in the car after this incident that she said
12 something to Michael?

13 A That's what he wrote.

14 Q If I could get that back from you. Now, were you able
15 to observe Michael Beaty's person at all? Did he show you
16 any distinguishing marks on his body?

17 A Yes, sir. He did.

18 Q What were those?

19 A After I went in to get the statement from him he told
20 me that she had bit him before, and he showed me a bite mark
21 on his -- I believe it was his left arm. I'm not a wound
22 expert, but there was still teeth indentions -

23 MR. GROSE: Objection to the opinion.

24 THE COURT: Sustained.

25 Q And that's without testifying to your opinion, just

1 your observation of what you saw --

2 A I saw teeth indentations.

3 Q Did you see bite marks?

4 A Yes, sir.

5 MR. STUMBO: I beg the Court's indulgence.

6 THE COURT: Yes, sir.

7 MR. STUMBO: I'm looking for the pictures that are
8 already in evidence. There's a lot of stuff here.

9 Q I'm going to show you State's Exhibits 26 and 27. If
10 you could look at those. Those are already in evidence.

11 A Yes, sir.

12 Q Does that fairly accurately depict the bite marks that
13 you saw that night?

14 A It does. He had indicated that she had bit him on the
15 back, I believe. Somewhere on the back. And then the mark
16 on his arm was visible because he was wearing a short-
17 sleeved shirt.

18 Q He didn't give you a time of when this happened, or did
19 he?

20 A No, sir. He didn't.

21 Q Just made the statement that she had bit him and -- or
22 bit him at some point and showed you what we see in these
23 pictures?

24 A Yes, sir.

25 Q And just so we can get the time right. This would have

1 been the last law enforcement interview, to your knowledge,
2 done with the Defendant, Michael Beaty, correct --

3 A Yes, sir.

4 Q -- that you took?

5 A That's correct.

6 Q You terminated the interview after he requested an
7 attorney?

8 A That's correct.

9 Q Do you have an exact time of when you did this
10 interview?

11 A No, sir. It was a few minutes after -- I would say, a
12 few minutes after Agent Kindley, and I forgot who rode with
13 him in the vehicle when Michael was showing them, I believe,
14 the route that they took. After they returned, a few
15 minutes after that, they asked me, "Would you go in and
16 speak with him."

17 Q What time of day?

18 A It was afternoon. I'm guessing -- can't tell you more
19 the exact time when they returned, but I'm guessing
20 somewhere 2:00, 2:30 maybe.

21 Q Would it be fair to say mid-afternoon?

22 A Yes, sir.

23 Q And again, this was the final statement, to your
24 knowledge, that --

25 A To my knowledge, this is the last one.

1 Q -- this Defendant gave to law enforcement?

2 A That's correct.

3 MR. STUMBO: I beg the Court's indulgence.

4 THE COURT: Yes, sir.

5 MR. STUMBO: No further questions at this time, Your

6 Honor. Please answer any questions that --

7 THE COURT: Mr. Grose.

8 MR. GROSE: Thank you, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. GROSE:

11 Q I want to ask you some questions about the bite marks.

12 That's not in State's Exhibit 5?

13 A That was not.

14 Q Okay. So where you are looking at that is in your
15 memorandum of interview, right?

16 A That's correct.

17 Q And Solicitor Stumbo asked you about timing on that.

18 A Uh-huh.

19 Q Correct?

20 A Yes, sir.

21 Q I got to remind you, we got to get a yes or not, just -

22 -

23 A I understand.

24 Q Okay. So the Solicitor asked you about the timing of
25 it, right?

- 1 A Uh-huh.
- 2 Q And your interview -- memorandum of interview talks
- 3 about times in the past, correct?
- 4 A Let me make sure I'm with you here.
- 5 Q I'll show you where I'm starting. If you'll just read
- 6 along with me. "He indicated that she had attacked him
- 7 several times in the past --"
- 8 A Yes.
- 9 Q "-- and he displayed what appeared to be a fresh bite
- 10 mark on his left arm."
- 11 A Correct.
- 12 Q And so, this was -- even though he didn't give you a
- 13 time, it was not associated with the events in the case,
- 14 because you said in the past?
- 15 A He said that in the past she had bit him. That's
- 16 correct.
- 17 Q So there's nothing from your interview that links it to
- 18 the 29th of June, 2013?
- 19 A Only the appearance of freshness of the bite.
- 20 Q But that doesn't establish that it happened in
- 21 connection with this event?
- 22 A No, sir.
- 23 Q In fact, he told you it didn't? That that was prior?
- 24 A I don't remember he -- he said she had bit him several
- 25 times in the past. I didn't know if he was equating these

1 to the past or some other wounds that already healed.

2 Q Well, but you said in the past?

3 A Yeah.

4 Q And then the past is also connected to the fresh. And
5 there's nothing in State's Exhibit 5, or any other exhibit,
6 that links it to this incident?

7 A That's correct.

8 MR. GROSE: I beg the Court's indulgence for a moment.

9 THE COURT: Yes, sir.

10 Q I think you said you got there sometime around noon?

11 A A little bit before, yes.

12 Q A little bit before noon. And we've had some
13 questioning in this trial about how, you know,
14 investigations work and there's different people playing
15 different roles.

16 A Sure.

17 Q And you were aware that, you know, SLED crime scene was
18 called to the case?

19 A Yes.

20 Q And one of the things that they do is they collect
21 evidence for further examination?

22 A Right.

23 Q And that evidence goes through processing, right?

24 A Yes, sir.

25 Q And then there's people who analyze the results?

1 A Correct.

2 Q And incidently, SLED is not the only law enforcement
3 agency with a crime lab in the state?

4 A No. I believe Richland County has one, Spartanburg
5 County has part of one, and there maybe some others.

6 Q Greenville?

7 A Greenville has a limited lab.

8 Q Charleston?

9 A Right.

10 Q So you're not the only one. And one of the things
11 that, you know, is done -- and I'm looking at Exhibit Number
12 -- State's Exhibit Number 47, which is the tank top. One of
13 the things that SLED can do is collect items and analyze it
14 for DNA.

15 A Yes, sir.

16 Q And are you aware whether or not this tank top has ever
17 been analyzed for DNA?

18 A No, sir. That's way above my pay grade.

19 Q Above your pay grade.

20 A Yes, sir.

21 Q So we would have to ask somebody else?

22 A Yes, sir. There are experts who specialize in that,
23 sir.

24 Q But if, in fact, Michael had grabbed the back of this
25 tank top to hold her in, there might be a possibility of his

1 DNA, or you don't know?

2 A No, sir.

3 MR. STUMBO: Objection. Calls for speculation.

4 THE COURT: Sustained as to this witness.

5 MR. GROSE: Thank you, Your Honor.

6 Q Are you aware of any testing that has been done to this
7 tank top to see how much force it can sustain?

8 A That's way above my pay grade.

9 Q Way above your pay grade. So if somebody was going to
10 follow-up on this it wouldn't have been you?

11 A No, sir.

12 Q But there's people who can follow-up and examine stuff
13 like this?

14 A I'm assuming. I don't know what the total capabilities
15 of our laboratory.

16 Q Well, and we're not just limited to your laboratory.
17 There's -- you know, the FBI has a laboratory, right?

18 A True.

19 Q And SLED can consult with other experts if they need
20 to?

21 A Oh, I'm sure they could.

22 Q I mean -- I mean, you've been with SLED for a long
23 time?

24 A Yes, sir.

25 Q And that wouldn't surprise you at all?

1 A Not at all.

2 Q If they wanted to find something out, they'd send it
3 off and get it tested?

4 A I suppose.

5 MR. GROSE: Nothing further, Your Honor.

6 THE COURT: Any redirect?

7 MR. STUMBO: Briefly, Judge.

8 REDIRECT EXAMINATION

9 BY MR. STUMBO:

10 Q Charles, I'm going to show you pictures here.
11 Plaintiff's Exhibit 30, 31, 28, 29 and 34. I know it's kind
12 of out of order there.

13 A Yes, sir.

14 Q Take a look at those pictures for me. Now, have you
15 seen those pictures before?

16 A Yes, sir.

17 Q And is there anything of note in these pictures on the
18 -- as far as the physical markings on the neck of --

19 A Yes, sir.

20 Q -- of Emily Asbill? And you were able to observe those
21 in the course of your investigation, and even in your
22 interview -- before interviewing Michael Beaty?

23 A Yes, sir.

24 MR. GROSE: Your Honor, this is beyond the scope.

25 THE COURT: Go ahead and ask the questions, but be

1 careful.

2 MR. STUMBO: I'll move quickly, Your Honor.

3 Q Mr. Grose asked you about is it capable -- do you all
4 have the capabilities at SLED and the FBI and these other
5 other labs of testing that tank top.

6 A Yes, sir.

7 Q That's not your job to do at SLED, is it?

8 A No, sir.

9 Q You don't work in the lab?

10 A No, sir.

11 Q So when the decision is made on what physical items are
12 to be submitted for testing, or to be collected generally by
13 the crime scene investigators, those are made by other
14 people, correct?

15 A That's correct.

16 Q Did you have any discussions with the crime scene
17 investigator in this case?

18 A No, sir.

19 Q But you did observe the pictures that were taken?

20 A Yes, sir. I was shown the pictures.

21 MR. STUMBO: No further questions, Your Honor.

22 THE COURT: Any recross based upon his redirect?

23 MR. GROSE: Nothing further.

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

25 Any objection to this witness being excused?

1 MR. GROSE: No, sir.

2 THE COURT: All right. Thank you.

3 (Whereupon, the witness stepped down from the witness
4 stand.)

5 THE COURT: All right. Ladies and gentlemen of the
6 jury, I think it's time for -- we'll take about a 15 minute
7 recess. If they want a Coco-Cola or need to step out and
8 smoke, please let them do so.

9 Please, as always, do not discuss the case.

10 (Whereupon, the jury exited the courtroom at 3:52 p.m.)

11 THE COURT: All right. Court will be in recess until
12 4:00 p.m.

13 (Whereupon, a recess was held from 3:53 p.m. to 4:08
14 p.m.)

15 THE COURT: Thank you. Please take your seats.

16 (Whereupon, the jury entered the courtroom at 4:08
17 p.m.)

18 THE COURT: You may be seated. That was a well
19 received break. The State may call its next witness.

20 MR. SCOTT: Thank you, Your Honor. The State calls
21 Vickie Hallman.

22 VICKIE HALLMAN, having been first
23 duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 BY MR. SCOTT:

1 Q Special Agent Hallman, you are employed with SLED,
2 correct?

3 A Yes, sir. I am.

4 Q And how long have you been with that agency?

5 A I've been with SLED since April of 2004, so
6 approximately 11 years.

7 Q Prior to that you were at the Lexington County
8 Sheriff's Department?

9 A Yes, sir. I served at Lexington County from 1991
10 through 2004.

11 Q And you're a crime scene investigator now?

12 A I was up until October of this year when I transferred
13 out of the crime scene unit and I'm in the regulatory
14 department now.

15 Q Well, how long did you serve as a crime scene
16 investigator with SLED?

17 A I actually started in 2004 as a crime scene
18 investigator, a little over -- I was getting ready to start
19 almost 11 years, or roughly 10 years.

20 Q Well, at Lexington did you do crime scene there as
21 well?

22 A Yes, sir. I did. My last four years at Lexington
23 County I also worked crime scene.

24 Q So how many years total do you have in crime scene
25 investigation?

1 A Fourteen, give or take a few months.

2 Q Well, approximately how many crime scenes have you had
3 an opportunity to investigate while at SLED? Let's just
4 talk about SLED.

5 A Probably in those 10 years over a thousand. I don't
6 keep numbers, so I'm not sure. But probably at least 1,000,
7 if not more.

8 Q Do you have any certifications that would be relevant
9 to a crime scene investigator?

10 A Yes, sir. I actually am a member of an organization
11 called the International Association for Identification.
12 They do allow us to take tests to become certified and I
13 have taken the highest level tests for a crime scene person,
14 and I am classified as a certified senior crime scene
15 analyst through IAI.

16 Q IAI, that's an acronym for what?

17 A The International Association for Identification.

18 Q Okay. So the certification is certified senior crime
19 scene analyst?

20 A Correct.

21 Q As far as being a crime scene investigator with SLED do
22 you have to have annual training or ongoing education or
23 anything like that?

24 A Well, we complete outside proficiency training, or
25 training to keep up-to-date with the disciplines that we

1 participate in. For the disciplines that we participate in.
2 Because the lab holds a holds a certification we also have
3 to do a yearly proficiency that's monitored through
4 laboratory and all of the disciplines that we do reports in.

5 Q And have you testified in general sessions before like
6 you're doing today?

7 A Yes, sir. Numerous times.

8 Q Do you know about how many?

9 A Over probably 30 times, in a lot of different
10 disciplines.

11 Q What do you do for disciplines?

12 A I've testified in crime scene processing. I've
13 testified in latent print, which is fingerprint processing.
14 I've testified in fingerprint comparisons. Footwear, tire
15 tread and blood stain pattern analysis.

16 Q Okay. Are you testifying you were qualified as an
17 expert in each one of those?

18 A Yes, sir. I've been qualified as an expert in all
19 those disciplines more than twice. With crime scene
20 probably 10 times.

21 Q So you've been qualified as an expert in general
22 sessions in crime scene investigations at least 10 times?

23 A Yes, that's correct.

24 MR. SCOTT: Your Honor, I'm going to offer Ms. Hallman
25 as an expert in crime scene investigations.

1 MR. WISE: No objection.

2 THE COURT: Without objection. All right. Ladies and
3 gentlemen of the jury, normally the rules of evidence does
4 not allow somebody to testify to opinions, and normally a
5 witness testifies to what they heard, saw, smelled, tasted
6 or felt. However, when someone has an expert degree of
7 education and experience they are allowed to give their
8 opinion and conclusions. Now, ladies and gentlemen, whether
9 or not you as jurors decide to accept that opinion will be
10 totally up to you, and you can evaluate it whether she had
11 enough evidence to make this -- her opinion -- stated her
12 opinion. Now, ladies and gentlemen, you should not give any
13 greater weight simply because she's an expert, which I'm
14 deeming her to be an expert in crime scene investigation.
15 But give it the weight that you as jurors think it should
16 have. Again, thank you ladies and gentlemen, for taking
17 this testimony as you deem appropriate.

18 All right. You may proceed.

19 Q Ms. Holland, what is the crime scene unit at SLED?

20 A The crime scene unit is composed -- and I think right
21 now there's approximately 12 or 13 individuals. We are
22 tasked with assisting local agencies at their request in the
23 investigation of crime scenes. Usually it's at their
24 request, but we usually also respond to any office involved
25 shootings throughout the state. We are an assisting agency.

1 Q Let me -- let's go back to the early -- early morning
2 hours of June 30th, 2013. Did you have an occasion to
3 respond to a call that originated in Laurens County?

4 A Yes, sir.

5 Q And I think you're coming from Saluda; is that right?

6 A Yes, sir.

7 Q Do you remember about what time you got to -- would you
8 respond to Clinton?

9 A Yes, sir. I did. The initial response was to Calvert
10 Street.

11 Q So you didn't go to the Department of Public Safety?
12 You responded directly to the crime scene?

13 A We went to several different locations throughout the
14 course that morning, but the initial location was on Calvert
15 Street.

16 Q All right. Now, are you referring to the 502 Calvert
17 Street?

18 A Yes, sir.

19 Q And what was the nature of the call as you understood
20 it to be at the time?

21 A I was actually notified by our operations desk. I
22 received the call at approximately 12:30 in the morning. I
23 was advised from that operations desk that Clinton Public
24 Safety was requesting our assistance with a crime scene.
25 That there had been an underage female. There was some type

1 of alcohol incident involved, and a vehicle had been
2 involved, and she was seriously injured and not expected to
3 survive.

4 Q So you get the call at 12:30. You're coming from
5 Saluda. You get there about 1:30 a.m.?

6 A Yes, sir.

7 Q Was EA -- did you understand -- when did it become
8 known to you who the unconscious female was?

9 A I was not advised as to her identity until I arrived on
10 the scene when I was also advised that she had passed away.

11 Q So she -- EA Asbill?

12 A That's correct.

13 Q And EA was not at Calvert Street when you got there?

14 A No, sir. We basically had the vehicle. All that was
15 still at the location.

16 Q So what is your first -- what do you undertake to do
17 when you first get there?

18 A We're basically -- once we arrive on any scene we check
19 with the local investigators who are on the scene, because
20 at the time it takes us to drive there they've gathered more
21 information. The information that we're given initially, we
22 can find out once we get there that there were things that
23 were left out. So we met up with the investigators once we
24 arrived on the scene to get more details about what had
25 occurred. And at that point we actually begin taking

1 photographs of the scene as we find it. We would have done
2 note taking also during this process. So we're actually
3 documenting the scene with notes and with photographs. And
4 we actually usually complete a sketch on all of our crime
5 scenes also. So we're doing multiple things. But the main
6 thing first would be documenting the scene with photographs.

7 Q Okay. So what about the car? What did you observe as
8 far as the white Buick?

9 A It was actually parked on the side of the street. It
10 wasn't directly in front of the 502 Calvert address. It was
11 a little bit farther down the street close to the
12 intersection. It was on the side of the road. We observed
13 some -- what appeared to be blood, small drops on the
14 passenger side of the vehicle, which we documented with
15 photographs. We did an examination of the exterior of the
16 vehicle, because we had requested that the vehicle be taken
17 to another location so that we would not have to process it
18 on the side of the road so that we could do a more in-depth
19 processing of the vehicle under a controlled environment.
20 So we basically just documented it as we found it and looked
21 for any evidence that was around the vehicle or on the
22 vehicle that may have been disturbed during the
23 transportation of the vehicle to another location.

24 Q Ms. Hallman, I'm going to show you real quick. I
25 didn't want to interrupt you, but I've got your crime scene

1 sketch here. It's State's Number 39. So this would have
2 been something you sketched later. But it looks like here
3 you've got Calvert Avenue, and then here we have the
4 intersection of South Holland and Calvert. This is what
5 you've noted as the residence at 502 Calvert -

6 A Yes, sir.

7 Q -- is that correct?

8 A Yes, sir.

9 Q And then this is the relation of the -- I guess the
10 Buick in relation to the home?

11 A That's correct.

12 Q Again, you had taken -- done observations that night
13 and done, I guess, a sketch or something, and then generated
14 this with a CAD program later?

15 A Yes, sir. We normally do handwritten notes and a
16 handwritten sketch that night. Then once we get back to the
17 laboratory we do have a computer program that allows us to
18 clean it up and make it look a little bit more presentable
19 and understandable for court purposes, or for documentation
20 purposes.

21 Q And then State's 10, 9, 8 and 7, would those, I guess,
22 pictures that you would have taken that showed the
23 automobile and the home and the automobile in relation to
24 the home?

25 A Yes, sir. These were.

1 Q And this is 17. Would that, I guess, have represented
2 the inside of the automobile?

3 A Yes, sir. It would have.

4 Q State's 15 is a -- it looks like a wheel and a hubcap.
5 Why was that picture significant?

6 A We do general documentation of the vehicle. We want to
7 show the entire damage that's present. The thing that was
8 significant about this specific tire and hubcap -- this is
9 on the rear passenger side of the vehicle. There's actually
10 what appear to be blood stain patterns on the actual hubcap
11 itself.

12 Q Would that generally be the rear passenger right there?

13 A Yes, sir.

14 Q The passenger rear of the car?

15 A Yes, sir.

16 Q And you saw what you thought was blood on the hubcap?

17 A Yes, sir.

18 Q State's Number 12 and 13. That looks about like the
19 same area of the car. Is one just kind of, I guess, a more
20 close -- closeup version of the other?

21 A That's correct. State's Exhibit Number 12 is just a
22 shot that's taken a little bit farther out. And with
23 State's Exhibit 13 it's zoomed in a little bit more so you
24 can actually see a little bit more about what's in that
25 particular area.

1 Q And what are you attempting to document in those
2 photographs?

3 A There appeared to be blood stains on the hubcap, but
4 also on that area just in front of the rear tire on the --
5 that would be the rear passenger door, and also on that
6 molding that goes around the door itself.

7 Q And here's State's Number 11. Here's a picture. It
8 looks like a -- where is that? What is that?

9 A It's a picture, basically it's a little bit farther out
10 distance-wise. It shows what appears to be a blood pool
11 with blood, which means it's just -- the blood is just
12 moving. And that is located approximately in between where
13 the front and back doors are on the passenger side of the
14 vehicle. Maybe a little bit farther towards the rear door
15 than the front door.

16 Q Okay. And then State's 18. What is that?

17 A This actually represents a photograph of the interior
18 of the same Buick that we're talking about. We basically
19 opened all the doors to the vehicle. We'll open up like the
20 front passenger side door. We'll take a photograph of what
21 we see before we start moving any type of evidence. And
22 that's what this picture depicts.

23 Q That's just a view from the interior from the passenger
24 side?

25 A That's correct.

1 Q State's Number 16. What is that?

2 A This is actually a photograph of the seatbelt. It
3 appears to be a -- it's either a lap belt or very low on
4 cross strap.

5 Q Was there anything of relevance that you were trying to
6 capture in that photograph?

7 A There appears to be a small stain on the very edge,
8 which met -- it actually looked like blood. It hadn't been
9 tested. But to our naked eye it looked like blood, so we
10 documented it with a photograph.

11 MR. SCOTT: Your Honor, I'm going to pass these around
12 to the jury with the Court's permission.

13 THE COURT: You may publish. They're in evidence.

14 Q As far as the interior of that car did you note any
15 blood on the interior? Any significant amounts of blood in
16 the interior of the car?

17 A There really wasn't a significant amount of blood on
18 the interior of the vehicle. There was a towel that was
19 laying over the front passenger seat and there was a small
20 area there that had blood on it. But for the most part
21 there was no blood in the interior of the vehicle itself.

22 Q So pretty much your job at [REDACTED] is to document
23 the crime scene and make general observations?

24 A Yes. And any -- any type of evidence that was there on
25 the ground. There were a couple areas that had what

1 appeared to be blood. So we actually collected swabs from
2 those areas so that they could be sent back to the
3 laboratory for processing.

4 Q Was anyone at the scene at [redacted] when you got
5 there? I guess you got there with Haley Quam, correct?
6 She's another crime scene analyst?

7 A Yes. We worked the case in conjunction. I arrived a
8 little bit before she did. And the scene was actually
9 secured by Clinton Public Safety Officers upon our arrival.

10 Q Was Michael Beaty there?

11 A No.

12 Q Was Will Alexander there?

13 A No.

14 Q From there where did you proceed? Where did you go
15 after you left 502 Calvert?

16 A From that location -- we were advised when we initially
17 arrived on the scene that the two gentlemen who had been in
18 the car with Ms. Asbill were at Clinton Department of Public
19 Safety. Once we cleared that initial scene and the vehicle
20 had been removed for processing we actually went to Clinton
21 Department of Public Safety..

22 Q What was the reason to go there?

23 A As a general rule, if we can actually get photographs
24 or the -- not only the victim but also the persons of
25 interest or the suspects, we like to do that. And because

1 they both were at the Department of Public Safety we had
2 access to them, so we went basically to photograph them and
3 any injuries they may have had.

4 Q Who did you make contact with first at the Department
5 of Public Safety?

6 A Agent Quam and I actually made contact with Will
7 Alexander first.

8 Q And did you photograph him?

9 A Yes, we did.

10 Q State's 20, 21 and 22 depict Will Alexander, correct?

11 A That's correct.

12 Q And you took those pictures?

13 A Yes.

14 MR. SCOTT: Your Honor, I'm going to publish these for
15 the jury.

16 THE COURT: You may.

17 Q Did you note any blood on him or anything?

18 A No. Generally what we try to do, too, is we try to
19 take photographs of their hands to see if there's any type
20 of injuries on hands, which we actually, I believe, did with
21 both of these gentlemen. And we actually did examine his
22 clothing on his person to see if there were any areas that
23 appeared to have blood.

24 Q You say you did or did not?

25 A We examined the clothing but did not see any blood.

1 Q And then did you make contact with Michael Beaty?

2 A Yes, we did.

3 Q Where was he when you first made contact with him?

4 A They were in separate rooms at Clinton Department of
5 Public Safety. I couldn't honestly tell you what room he
6 was in. It appeared to be like an office type room that he
7 was in.

8 Q Okay. And did you proceed to take pictures of Michael
9 Beaty as well?

10 A Yes. We actually talked to him just very briefly and
11 asked him could we take photographs. Usually when we
12 photograph somebody we try to explain to them what the
13 purpose of the photographs are to kind of put them a little
14 bit more at ease, and then we actually did take several
15 photographs of Mr. Beaty.

16 Q And he agreed to let you take pictures of him, correct?

17 A Yes.

18 Q And State's 23, 24, 25, 26 and 27, are those the
19 pictures that you took?

20 A Yes, they are.

21 Q What did you observe on him?

22 A Well, the initial observation is that he was wearing a
23 tee shirt that was wrong side out. Also there appeared to
24 be areas on his hands where there were dried blood. He was
25 wearing a pair of khaki shorts that also had several areas

1 of what appeared to be dried blood. And there also appeared
2 to be some blood on his shoes.

3 Q At some point we have knowledge of he consented to
4 what's called a Buccal swab, correct?

5 A I think that was done later on.

6 Q But he voluntarily -- he consented to it?

7 A That was my knowledge. Yes, sir.

8 Q I can ask somebody later. But you know what a Buccal
9 swab is, right?

10 A Yes, sir.

11 Q What is that?

12 A. Basically when we have a case and we have blood we like
13 to collect a DNA sample from anybody who's involved or was
14 in the location where the incident occurred. Generally we
15 will ask people if they will consent to give a DNA swab. A
16 Buccal swab is usually -- there are two long stem Q-tips
17 that are in a sealed package. We usually hand those to the
18 person and ask them to swab the interior of their mouth.
19 And then they're stored in a sealed envelope and then
20 submitted as a DNA standard for someone.

21 Q So you photographed Will Alexander. You photographed
22 Michael Beaty. You collect their clothes. And then where
23 do you go?

24 A Actually, in this case, the only clothing that we
25 collected were the shorts that belonged to Michael Beaty.

1 Q You said there was blood on the shoes, too. You didn't
2 take those?

3 A No, sir. We didn't take the shoes. I believe we'd
4 already taken like swab from the shoes, but we did not
5 collect the shoes themselves.

6 Q All right. You collect the shorts. You took pictures.
7 And then you went to Laurens Hospital?

8 A Yes, sir.

9 Q And what was the purpose to go there?

10 A The purpose of going to the Laurens Hospital was to
11 actually see the victim and to actually document any
12 injuries that she had on her body prior to her going to
13 autopsy, since we had access to her at that period of time.

14 Q Do you know about what time you got to the hospital?

15 A I can actually check my notes if you want to know
16 specifically. We arrived at the hospital at approximately
17 4:30 in the morning.

18 Q And where was EA when you got there?

19 A She was in the morgue.

20 Q Tell the jury, when you first laid eyes on EA what did
21 you observe?

22 A We could tell that there had been some attempts at the
23 hospital of resuscitation. There were some tubes present.
24 She was actually dressed in a hospital gown. All of her
25 clothing that she had been wearing apparently when she was

1 brought in was actually still on her body. There were some
2 marks on her body. There was an area basically from elbow
3 to knee on the right arm that appeared to be, in my opinion,
4 road rash or a very severe case of what appeared to be road
5 rash. There was some damage to the fingertips I believe on
6 the right hand. I'm not sure without referring back to
7 photographs on the left hand. She had a couple little
8 abrasions like on her knee. Other little small places. And
9 there was actually some discoloration and markings around
10 her neck.

11 Q This State's Number 36, is that what you were talking
12 about?

13 A Yes, sir.

14 Q And what's that picture of?

15 A This is actually a picture of the right arm. We're
16 actually kind of holding it so you can see the other side of
17 the arm where there appears to be extensive what I would
18 call road rash.

19 Q Is that your hand right there in the picture with the
20 blue gloves?

21 A Yes, it is.

22 Q So you -- is it safe to say you were able to fairly --
23 you got a good look at her arm?

24 A Yes.

25 Q A closeup look?

1 A Yes.

2 Q Did you note any -- I'll call them like a laceration,
3 or any kind of a cutting type injury to her arm?

4 A No. Any type of injury we saw on her body we took a
5 photograph.

6 Q Is there any kind of cutting injury documented in that
7 photograph?

8 A No.

9 Q What is State's 35?

10 A State's 35 is a photograph of her left hand which shows
11 extensive abrasions to the outside of the hand.

12 Q Okay. On the left hand do you notice any -- other than
13 those abrasions, do you notice any cutting type wounds on
14 the hand?

15 A No, sir.

16 Q What is State's 37?

17 A State's 37 is actually a photograph of the inside of
18 her left hand. And the main reason that we took this
19 photograph is because there appears to be some type of blood
20 stain in the interior of the hand. I couldn't tell for sure
21 whether or not there was an injury there, so we went ahead
22 and documented it with photographs. Because generally we
23 like to send the body to the pathologist in the condition
24 that we find it without doing any type of cleaning so the
25 pathologist can see everything that we saw.

1 Q I want to talk a little bit more about the injury you
2 observed to her neck.

3 A I've worked multiple types of death investigations. It
4 actually looked like something had -- she had been --
5 possibly been strangled, or there was some type of
6 manipulation around the neck. The marking was small in
7 width. It was -- it had smooth edges to it. It wasn't any
8 type of jagged edge. And there was another area that was a
9 more rectangled shaped area that also had smooth edges that
10 was on her neck. And there were petechiae present in her
11 eyes.

12 Q Well, just go ahead and explain what petechiae is.

13 A Petechiae is --

14 MR. WISE: Your Honor, that may be a little beyond her
15 expertise.

16 THE COURT: Let me hear from you.

17 MR. SCOTT: Well, Your Honor, generally --

18 THE COURT: You want to rephrase your question or do
19 you concede?

20 MR. SCOTT: We'll move on. We'll offer that with
21 another witness, Your Honor.

22 Q Let me show you -- well, were you finished describing
23 the neck?

24 A Yes. I believe so.

25 Q You mentioned sort of a rectangular type indentation and

1 then I think you said --

2 A There was one area on the side of the neck that was
3 kind of rectangular. It was above the lines that were small
4 in width and very straight on the edges.

5 Q Okay. Ms. Hallman, I'm going to show you 28 -- State's
6 28, State's 29, State's 30, State's 31 and State's 34. What
7 are those pictures of?

8 A These would be photographs, most of them are face shots
9 or upper body shots of Ms. Asbill at the morgue.

10 Q And that's at the Laurens Hospital?

11 A Yes, sir.

12 Q And that's how she appeared when you looked at her?

13 A Yes, sir.

14 Q And do those pictures reflect that --

15 A Yes.

16 Q Up to this point, what kind of case are you
17 investigating?

18 A Up until this point we're investigating a suspicious
19 death.

20 Q And at this point do you have a cause of death?

21 A We don't have an official cause of death. That's
22 actually declared by the pathologist.

23 Q Okay. Well, did the observation of her neck, and the
24 mark you just described, did that have, I guess, an effect
25 on you that you needed to take some other pictures?

1 A It just kind of led us to the direction that it might
2 actually be a homicide. I don't necessarily say that we
3 would have taken any more pictures. We treat all death
4 investigations basically the same as if it would be a
5 homicide.

6 Q Let me ask you this. I've got State's 32 and 33.
7 Without really testifying to the medical condition, why
8 would you have taken pictures of her eyes?

9 A Because in cases of strangulation sometimes there's
10 evidence that's present in the eyes that can help to render
11 that decision.

12 Q What do you just observe about her eyes in State's 32
13 and 33?

14 A There's some small areas that appear to be like blood -
15 - or pinpricks of blood.

16 Q And you say that's relevant in a case where there may
17 be indications of strangulation?

18 A Or hanging. Some type of death with asphyxiation.

19 Q Ms. Hallman, this is State's 56. Is that -- that may
20 even be one of the pictures we just showed, but just
21 obviously a larger version.

22 A Yes.

23 Q Is that what you observed at the hospital?

24 A Yes.

25 MR. SCOTT: And, Your Honor, for some reason we don't

1 have these premarked, but the State would offer 56 for --

2 THE COURT: Any objection?

3 MR. WISE: No objections to

4 THE COURT: No objection, State's Exhibit 56 is
5 admitted.

6 (Whereupon, State's Exhibit Number 56 was entered into
7 evidence.)

8 Q And you said there appeared to be some evidence of
9 somebody attempting to render some lifesaving -- it looks
10 like the paramedics had been working on here. Is that the
11 tube we're seeing in this picture here, 56?

12 A Yes.

13 Q And then I note it appears that this mark on her neck
14 seems to crisscross. Is that what you observed?

15 A Yes, sir. It was.

16 Q And then is this the rectangular, I guess, indentation in
17 her neck that you noted?

18 A Yes, it was.

19 Q State's 56, just another, I guess, angle. And this
20 indicates -- I think this was taken at the autopsy, which
21 you were present at, correct?

22 A That's correct. It was taken at autopsy which I was
23 present.

24 Q And were you able to observe this likewise? Is that
25 what you observed?

1 A Yes.

2 MR. SCOTT: Your Honor, State offers State's 57.

3 THE COURT: Any objection?

4 MR. GROSE: No objection.

5 THE COURT: Without objection, State's Exhibit 57 is
6 admitted.

7 (Whereupon, State's Exhibit Number 57 was entered into
8 evidence.)

9 Q State's 58. Again, does this accurately depict the
10 mark around her neck that you observed?

11 A Yes.

12 THE COURT: Any objection, Mr. Grose?

13 MR. GROSE: No objection.

14 (Whereupon, State's Exhibit Number 57 was entered into
15 evidence.)

16 Q Now, after going to the hospital and seeing these
17 injuries did this change the nature of your investigation?
18 What I mean by that, had you processed the Buick prior to
19 going to the hospital?

20 A No, we had not.

21 Q Okay. Well, after seeing some of these injuries what
22 did you have in your mind that you would be looking for in
23 the Buick?

24 A Initially we were going to the Buick just to document
25 what was in the vehicle itself. We removed the items from

1 the vehicle and photographed it as we were going. The blood
2 stain patterns that you saw were outside of the vehicle. We
3 actually put scale tape on them, which is like a -- it's a
4 specially made tape that actually has scales on it. We
5 marked those and photographed those in case a later
6 examination was needed. And just basically just documented
7 the general appearance of the vehicle, and any blood stains
8 or what appeared to be blood stains that we found.

9 Q You actually did two searches of the Buick?

10 A Yes, sir. We did.

11 Q And that was the first search.

12 A Yes.

13 Q And that was after you had gone to the hospital?

14 A That's correct.

15 Q Do you know about what time that was?

16 A Rough guessing, probably around 5:00 a.m.

17 Q And then you did attend the autopsy in Newberry,
18 correct?

19 A Yes. Myself and Agent Quam attended the autopsy.

20 Q And Dr. Janet Ross would have performed the autopsy?

21 A Yes, she did.

22 Q After the autopsy was there a cause of death that was
23 made known to you?

24 A Yes.

25 MR. WISE: Your Honor, I think that would be hearsay

1 obviously, even if she did attend the autopsy --

2 THE COURT: Rephrase your question.

3 Q Did you have any knowledge of what the cause of death
4 was?

5 A Yes.

6 MR. WISE: Your Honor, it has to be from her own
7 independent knowledge. Not what someone else told her.

8 MR. SCOTT: Your Honor, it's been testified to.

9 THE COURT: It's been testified to. Overruled.

10 Q At this point, what was your knowledge of the cause of
11 death?

12 A Asphyxiation by strangulation.

13 Q Okay. So after the autopsy did you go back and perform
14 another search of the Buick?

15 A We didn't at that particular point. I notified Chief
16 Morse, who is the -- I'm assuming is the Chief of Police or
17 Director of Public Safety. I notified him by phone of Dr.
18 Ross's findings with the captain of the Piedmont region at
19 SLED. It was determined that we would come back the
20 following morning, because the vehicle was actually in a
21 secured location where nobody could gain access to it, to do
22 a second search warrant.

23 Q At this second search, what types of items did you
24 seize?

25 A We were basically looking for any type of item that

1 could have been used to strangle somebody, or to restrict
2 the airflow into the neck.

3 Q Okay. There was a bunch of cords and stuff in there,
4 weren't there?

5 A Yes, sir. There was.

6 Q And really they're all like computer cords and phone
7 chargers and stuff like that, correct?

8 A That's correct.

9 Q And they're all entered into evidence. Do you know how
10 many cords you took in all?

11 A I think altogether was -- the second search warrant we
12 took approximately 12 items.

13 Q I want to direct your attention specifically -- this is
14 State's 46. Did you seize this particular cord?

15 A Yes, we did.

16 Q Okay. It was SLED item 67. It's been marked as
17 State's 46. Was there any reason you took this specific
18 cord?

19 A Actually we took any cord in the vehicle, because it
20 kind of met the ramifications of the description of what
21 could have caused the injury. And there are processes that
22 other departments in the SLED laboratory can perform to
23 possibly narrow down and possibly find the particular
24 binding that was used. So we collected anything that we
25 thought could have been used.

1 Q Okay. And did this appear consistent with her wound?

2 A Yes.

3 Q Let me show you State's 44 and 45. Was this cord taken
4 to be swabbed? And what I mean by swabbed, was it taken for
5 somebody to collect DNA evidence from?

6 A Yes, it was. Specifically all the cords were.

7 Q Well, I just want to talk about this -- the second cord
8 right here.

9 A Okay.

10 Q Tell me what State's 44 is.

11 A State's 44 is actually marked as SLED item number 67.1.
12 It's described as a USB cord. The type of request the box
13 is checked is any DNA. The type of sample is marked as
14 swabs. And the note section says "from middle."

15 Q So it indicates somebody swabbed the middle of this
16 cord for DNA?

17 A That's correct.

18 Q And then the next one, State's Number 45?

19 A Well, State's 45 is listed as SLED item 67.2. It has
20 the same description as the USB cord. Same type of request.
21 Any DNA type of sample. The swabs. And the note section on
22 this one says "from end."

23 Q So that indicates somebody swabbed the ends of this
24 cord for DNA as well?

25 A That's correct.

1 Q And then would you have taken those swabs to SLED?

2 A Actually in this case those items specifically were
3 taken to -- we have an evidence processing department. That
4 is what they do specifically is process the items that come
5 in. The cords were actually sent for them to process, and
6 the swabs would have been forwarded to the DNA analyst for
7 the actual examination.

8 Q Okay. Down at Broad River in Columbia?

9 A Yes.

10 Q SLED headquarters?

11 A Yes, sir.

12 Q Okay. And you did collect a blood standard from EA at
13 the autopsy?

14 A That's correct. Usually we collect the items of
15 evidence and we go ahead and transport it to SLED
16 laboratory. I was given all the autopsy evidence which
17 consisted of blood and some other body fluids that are used
18 for testing, and I also took custody of her clothing that
19 was with her body.

20 Q Okay. In your professional opinion, was this cord
21 consistent with --

22 MR. WISE: Your Honor, that's beyond her expertise as a
23 crime scene investigator.

24 THE COURT: What's your objection?

25 MR. WISE: That's beyond her expertise as a crime scene

1 evaluator to make an expert comparison of a mark and a cord.

2 THE COURT: Let me see the attorneys up here.

3 (Whereupon, a sidebar was held.)

4 THE COURT: I will sustain the objection. Counsel,
5 proceed as pursuant to my ruling.

6 Q Ms. Hallman, to your knowledge though, the blood
7 standard from EA Asbill and the DNA swabs from that cord,
8 and then the Buccal swabs from Mr. Beaty were all submitted
9 to SLED for analysis?

10 A Yes.

11 MR. SCOTT: Thank you.

12 THE COURT: Any cross-examination, Mr. Wise?

13 CROSS-EXAMINATION

14 BY MR. WISE:

15 Q You made some notes in this case?

16 A Yes, sir. I did.

17 Q Can I see those?

18 A What specifically are you looking for?

19 Q All of them.

20 A This would be the actual -- a copy of the summary
21 report that would have been issued to Clinton Public Safety.

22 Is that specifically what you're looking for?

23 Q I think we've seen part of this.

24 A It would include any search warrants --

25 Q Let me just borrow it and have Mr. Grose look at it

1 while we continue. Did you have any handwritten notes?

2 A Yes, sir. I did.

3 Q Where are those?

4 A They're a part of the case file. I actually have a
5 copy of them.

6 Q That would be fine.

7 A They aren't issued as part of the report, but they're
8 kept as part of the case file.

9 Q Thank you. Now, when you went to this scene all you
10 knew is you had a suspicious death?

11 A At the time that I was dispatched I didn't even know it
12 was a suspicious death, because at that time I had not been
13 informed she had passed away.

14 Q Where are the pictures involving the -- there we go.

15 Thank you. Let's look first at State's Exhibit 11. The one
16 with the pool of blood, right?

17 A Yes, sir.

18 Q How far was that blood from the car?

19 A The actual trail of blood actually flowed underneath
20 the vehicle.

21 Q Right. But the top of the -- or the center of the pool
22 of blood, how far was that from the car?

23 A I didn't actually do a measurement that night, but
24 within two feet.

25 Q Two feet? Could be 18 inches, could be 20 inches?

1 A Could be.

2 Q Could be 25?

3 A That's correct.

4 Q How did that relate to an arm hanging out of the door,
5 or do you know?

6 A In my processing of crime scenes I've never seen a road
7 rash injury bleed like this.

8 Q All right. So that came some other way?

9 A Yes, sir. I believe it did.

10 Q And if EMS testified it could have come when they were
11 treating her, that would be logical too?

12 A That could be possible. Yes, sir.

13 Q Okay. So you don't -- all right. Now, so you were
14 looking -- you were looking for something -- looking at the
15 body, you were looking for something that matched that?
16 Matched that mark?

17 A We were looking basically initially for anything that
18 could've actually caused the strangulation. But -- so we
19 collected some items like lanyards and scarfs, just so they
20 could be tested.

21 Q And you don't know when actually this mark was made?

22 A I'm not a medical examiner. So no, sir. I couldn't
23 begin to tell you.

24 Q And there's no way you can testify that this relates to
25 the mark around the neck or not?

1 A It appears that there is some connection in the actual
2 mark itself. But other than what I visually observed, no,
3 sir, I cannot say that.

4 Q Did you do any measurements on State's 46, the cord?

5 A No, sir.

6 Q Did you do any measurements as it relates to this mark
7 on the neck?

8 A No, sir. Any measurements done on the victim would
9 have been done by Dr. Ross. And we collected those items
10 and submitted them for DNA. I tried to handle them as
11 little as possible to avoid any chance of any type of
12 decontamination of the evidence.

13 Q You took a lot of pictures of this automobile.

14 A Yes.

15 Q Inside and outside?

16 A Yes, sir.

17 Q And the cords were found where? Because the cords were
18 found?

19 A Yes, sir. They were -- initially when we processed the
20 car we had an idea but we weren't sure about the specific
21 cause of death without having it given to us by Dr. Ross.
22 They were in various locations in the vehicle. I can't
23 specifically tell you where each one came from. There was
24 like a large Rubbermaid container on the backseat. There
25 were a whole bunch of items in the trunk of the vehicle. So

1 they were in various locations throughout the vehicle.

2 Q So you cannot tell us where State's 46, where you
3 located it?

4 A No, sir. Not specifically.

5 Q You could have taken a picture as you found it and
6 documented it that way, couldn't you?

7 A I could have. Yes, sir.

8 Q But you didn't do that?

9 A Not at the time that we did the initial processing of
10 the vehicle.

11 Q Some were found in the trunk?

12 A I believe some were. Yes, sir.

13 Q And you took anything that had a cord with it out of
14 that car and sent it to SLED to be analyzed for DNA?

15 A That was after we had attended the autopsy. So when we
16 did the second search warrant all those cords were actually
17 collected.

18 Q Were some of these cords in the same container with
19 each other?

20 A I don't recall.

21 Q You don't recall one way or the other?

22 A No, sir.

23 Q When you took them out did you mark where you took it
24 from?

25 A No, sir.

1 Q As a crime scene investigator you understand it's
2 important not to let items come in contact with each other?

3 A I don't let items come in contact with each other once
4 I collect them. I have no control over where they're at
5 initially.

6 Q And the reason for that is what we call cross-
7 contamination?

8 A Yes, sir.

9 Q So if two cords are in touch with each one, what's on
10 one cord can get on the other?

11 A That's a possibility, yes.

12 Q And that's what you're trained?

13 A Yes, sir.

14 Q And you want to eliminate that once you seize them, if
15 at all possible?

16 A Yes.

17 Q So if you have six or eight cords in a box together,
18 those cords could easily cross-contaminate each other?

19 A If they're not in individual packages --

20 Q Right.

21 A -- within the box. Yes, sir.

22 Q That's correct. And these were not in individual
23 packages in the container in the car?

24 A I don't believe so, no. I'm not sure.

25 Q That would have been a unusual, wouldn't it?

1 A Yes.

2 Q And you would have made note of that?

3 A Probably. Yes, sir.

4 Q So this cord, 46, was found somewhere in the car and
5 may have been in contact with other items in the car, other
6 cords in the car?

7 A Possibly. Yes, sir.

8 Q But you can't tell us where exactly in the car it came
9 from?

10 A No, sir. I can't.

11 Q Now, you saw a lot of blood on the outside of this car?

12 A Volume-wise it wasn't a lot of blood. But there were a
13 lot of different areas with small amounts of blood.

14 Q That's probably more of what my question meant. There
15 were a lot of areas with streaks of blood?

16 A Yes.

17 Q On the wheels, on the side?

18 A Yes.

19 Q Actually the rim of the wheel?

20 A Yes. And I might not use that terminology, but I know
21 what you're saying. Yes, sir.

22 Q And roughly how many? Do you have a rough idea?

23 A I honestly wouldn't even take a guess.

24 Q In the neighborhood of 10 or 12?

25 A There were much more than that on the hubcap. On the

1 side of the vehicle, 20, maybe more.

2 Q And you described this as pretty severe road rash?

3 A I would say so. Yes, sir.

4 Q It wasn't caused by a car going down the road at five
5 or 10 miles an hour?

6 A I can't --

7 Q Beyond your expertise?

8 A Beyond my expertise. But it looked like it would have
9 been very bad.

10 Q And it was pretty severe road rash?

11 A Yes.

12 Q Now, when you seize evidence, you seize evidence based
13 upon what investigators have told you about the case?

14 A In part. Yes, sir.

15 Q I mean, obviously, if you go and see that on somebody's
16 neck you're going to want to go see is there anything that
17 could remotely cause that, correct?

18 A That's correct.

19 Q And I think in the report from -- the autopsy report,
20 from when you went to the autopsy, one of the things that
21 Dr. Ross talked about was a shoe string or shoe lace
22 possibly causing it?

23 A I think I might have actually asked her if that was
24 possible. I'm not sure. There were lots of things that
25 came --

1 Q And she said it was possible?

2 A Yes.

3 Q And something as similar as this?

4 A Possibly, yes.

5 Q Now, did you get any reports of what Mr. Beaty had said
6 while you were in Clinton obtaining this evidence?

7 A No, sir.

8 Q So no one ever came to you and said what Mr. Beaty had
9 said happened?

10 A I don't recall anybody giving me any information about
11 what Mr. Beaty had said.

12 Q Could that have been helpful in telling you which
13 evidence to gather?

14 A I'm not --

15 Q If someone had told you what Mr. Beaty had said, or if
16 you read Mr. Beaty's written statement, just this State's
17 Exhibit 5, this four page thing --

18 A I don't know that I would have changed what I would
19 have collected. I mean, I'm looking for things that are out
20 of the ordinary and things that relate more to what I've
21 seen with the victim. I'm trying to take everything into
22 consideration.

23 Q Let me phrase it this way or you. All right? If you
24 had received a report that Mr. Beaty had grabbed her from
25 behind by her garment and pulling -- was pulling on her

1 while her hand was outside the door, so it would have been
2 tight around her neck, would that garment have then been
3 relevant to you?

4 A I'm not sure I understand. I mean, we have her
5 clothing.

6 Q Correct.

7 A I'm not sure I understand what you're asking.

8 Q Would that garment have been relevant to you to testing
9 to see if it could have made that mark, or would that --
10 just stop there. Would that garment have been relevant to
11 you to see if it matched that mark?

12 A I would have looked at it. And I think we actually --
13 but I -- honestly, I can't remember whether we knew
14 specifically about the tank top. But I would have looked at
15 it and everything else. And in my opinion, that doesn't --

16 Q In your opinion, it doesn't match?

17 A No, sir.

18 Q How wide is the neck of the garment?

19 A I don't recall right offhand.

20 Q And then how wide is that?

21 A I didn't take measurements on those.

22 Q So what you're saying is eyeballing it, that you didn't
23 think it was relevant?

24 A No. I'm not saying that it wasn't relevant. I'm
25 saying that I eliminated it as a possible --

- 1 Q By eyeballing it?
- 2 A Yes.
- 3 Q Thank you. But you didn't eliminate a cord that was
- 4 very curly as being an object, did you?
- 5 A I took it more so by observing that cord that it was
- 6 probably not going to be the item that was used, but to err
- 7 on the side of caution because it was approximately the same
- 8 width or in the ballpark of the same width that it wouldn't
- 9 hurt to have it eliminated by being tested.
- 10 Q Let's look at 51 here. It's a cord. Did you seize
- 11 this cord?
- 12 A Yes, sir.
- 13 Q Because it was -- it could be relevant?
- 14 A It was in that vehicle. Yes, sir.
- 15 Q 51 is probably twice as big as 47?
- 16 A Yes, sir.
- 17 Q So there's no real particular size you were looking
- 18 for?
- 19 A We basically selected all of the cords in the vehicle
- 20 so that they could be tested further to eliminate some of
- 21 those items as being the item that was used.
- 22 Q Based upon your observation of the cord, you were not
- 23 able to eliminate a cord just by looking at it then?
- 24 A Yes, sir. I probably could have. But then I would
- 25 have been questioned as to why I didn't take all of the

1 cords in the vehicle.

2 Q But you weren't questioned as to why you didn't take
3 this shirt and have it tested?

4 A Excuse me? I didn't -- I'm not understanding what
5 you're asking.

6 Q You were not questioned as to why you didn't take the
7 shirt top and have it tested?

8 A The shirt has been at SLED the whole time.

9 Q I understand. But you didn't suggest it be tested to
10 see if that's the mark?

11 A It wasn't listed as an item that needed to be tested.
12 No, sir.

13 Q If Mr. Alexander grabbed the back of his shirt and
14 exerted force on it with his hand pulling her back into the
15 car, would this shirt then have been relevant, particularly
16 the back area of the shirt, to determine whether or not his
17 DNA was there?

18 A It could have been tested. Yes, sir. I suppose.

19 Q And if his DNA was there it would be some indication
20 that he was holding on to that shirt?

21 A That's a possibility.

22 Q But you didn't send this for testing?

23 A It was submitted to the laboratory, but to my knowledge
24 it wasn't tested.

25 THE COURT: Let me see the attorneys for just a moment.

1 (Whereupon, a sidebar was held.)

2 Q The judge just informed me, this was not tested for Mr.
3 Beaty's DNA either, was it?

4 A Not to my knowledge. No, sir.

5 Q And it wasn't submitted as part of your investigation
6 as something that should be tested?

7 A I honestly don't recall. I made the initial log-in and
8 there were numerous items that were sent for testing. I
9 don't recall whether that was one of them. And even
10 sometimes after I submit the initial evidence the
11 investigator will contact SLED and ask that additional
12 evidence be tested.

13 Q Right.

14 A So I have no knowledge as to whether or not it was
15 tested.

16 Q And the top you're referring to was item 47, for the
17 record.

18 A Okay.

19 Q Item 55 is another cord, correct?

20 A I am not sure.

21 Q All right. Let me show it to you. Correct?

22 A That's correct.

23 Q And you seized that and sent it to SLED for analysis?

24 A Yes.

25 Q This cord, and these little markings on it, are where

1 SLED did some testing? In that little --

2 A I would assume so, but that's not part of what I do. I
3 do the initial crime scene work and --

4 Q And you thought that this cord could also fit that?

5 A I didn't necessarily think that that cord would. But
6 as I said before, we collected anything that we thought
7 could have been a possible candidate so that items could be
8 eliminated or included as the possible weapon.

9 Q You did -- basically what we could call out of an
10 abundance of caution?

11 A Yes, sir.

12 Q And that would be item 55 which is a curly -- a curly
13 type charger?

14 A Yes, sir.

15 Q Correct?

16 A Yes.

17 Q But you did not submit the shirt out of abundance of
18 caution?

19 A I had no knowledge at the time that the shirt needed to
20 be tested.

21 Q So no one had told you that Mr. Beaty had told them he
22 grabbed her from behind and he was pulling her back in the
23 car?

24 A To my knowledge, there was not -- no one had a
25 discussion with me that the shirt needed to be tested.

1 Q I mean, if someone had come up to you and said, "We
2 have a statement from Mr. Beaty that says he grabbed the
3 shirt and pulled on it while she was trying to get out of
4 the car," that would have perhaps changed your mind as to
5 whether or not it needed to be tested?

6 A It could have. But we also consult with the agency
7 who's in charge of the investigation as to what they are
8 requesting to be processed.

9 Q And if Clinton had said don't test the shirt, you
10 wouldn't have tested it?

11 A It depends on what the circumstances were. Sometimes
12 we -- usually we abide by what their wishes are.

13 Q Okay. Now, you took pictures of the eyes because
14 that's what you've been taught to do?

15 A Yes.

16 Q But you're not a medical expert and can say that you
17 get red spots in the yes only from asphyxiation?

18 A No, I can't.

19 Q And there may could be other causes for that?

20 A There probably are other causes. I have done some
21 reading on it. But I'm not a medical expert.

22 MR. WISE: Just give me one moment.

23 Q Now, first of all, when you are picking up items out of
24 a car -- and you wear gloves?

25 A Absolutely. We wear gloves the entire time.

- 1 Q To keep from cross-contamination?
- 2 A That's correct.
- 3 Q And, in fact, do you change gloves every time you pick
4 up a new item?
- 5 A We change gloves frequently. Yes, sir.
- 6 Q Do you change gloves every time you pick up a new item?
- 7 A Yes.
- 8 Q So you used some 12 pair of gloves on these cords?
- 9 A Probably at least. Yes, sir.
- 10 Q Probably at least?
- 11 A Yes.
- 12 Q Now, you had received information that Ms. Asbill was
13 the daughter of Ashley Asbill?
- 14 A When I arrived on the scene. Yes, sir.
- 15 Q And you listed all the items that were taken from the
16 car here in your handwritten notes on page five of six. Do
17 you see those?
- 18 A Yes, sir.
- 19 Q But you didn't put down where in the particular car you
20 got them from?
- 21 A Yes, sir. That's something we've already discussed.
- 22 Q Right.
- 23 A Because at that point we had already searched the
24 vehicle. The items had been put back in. So we didn't know
25 specifically where the cords were originally located.

- 1 Q What do you mean you searched the vehicle and the items
2 had been put back in?
- 3 A We conducted the search on the morning of --
- 4 Q The 30th?
- 5 A -- June the 30th.. The vehicle -- we photographed items
6 in the vehicle. The vehicle -- we basically took the
7 majority of the items out of the vehicle. They were put
8 back in the vehicle. And then we responded the next day and
9 completed the other search warrants, specifically --
- 10 Q Back up then. So at one time you took all 12 cords out
11 of the vehicle?
- 12 A Probably in the containers they were in. Yes, sir.
- 13 Q And then did you pull them out and look at them?
- 14 A Not at that time. No, sir.
- 15 Q And the purpose of taking them out of the vehicle was?
- 16 A We were searching the vehicle for any type of evidence,
17 and in order to complete a search we usually take the --
18 take items out of the vehicle to see what's underneath it
19 and things along those lines.
- 20 Q So the cords at that time were not any type of
21 evidence?
- 22 A I had not had a confirmation that they would be
23 considered items of evidence at that time.
- 24 Q But you went back and got them back later?
- 25 A Yes.

1 Q And when you took them out the first time did you take
2 them out with gloves or without?

3 A Absolutely. We wear gloves -- I put on gloves before I
4 went into the initial scene. Every time I went around
5 anything that had a possibility of containing evidence I
6 wore gloves.

7 Q And the reason is, like we discussed earlier, because
8 of the danger of cross-contamination?

9 A That's correct.

10 Q That quite literally -- and this is -- I mean, we've
11 gotten too sophisticated perhaps in this business. But
12 quite literally if you pick this up with a glove, and then
13 pick another item up with a glove, you can actually transfer
14 DNA from this item to the other item?

15 A There's that possibility. Yes, sir.

16 Q With the gloves?

17 A That's a possibility. Yes, sir.

18 Q And you'd like to eliminate all those possibilities?

19 A That's correct.

20 Q And that's how fine DNA is?

21 A DNA is not my speciality. I do the evidence
22 collection. I don't know specifically that you would get it
23 with gloves, but we err on the side of caution and change
24 gloves.

25 Q And you're trained to change gloves often and don't let

1 two items touch?

2 A That's correct.

3 MR. WISE: Thank you.

4 THE COURT: Any redirect?

5 MR. SCOTT: Yes, sir.

6 REDIRECT EXAMINATION

7 BY MR. SCOTT:

8 Q In clothing Mr. Wise was holding up the -- EA's tank
9 top. And were you familiar she had a camisole on underneath
10 that?

11 A That's correct.

12 Q And that was already seized and SLED's had that the
13 entire time?

14 A That's correct.

15 Q You personally observed these marks to EA's neck?

16 A Yes.

17 Q Were -- without hearing Beaty's version of clothes, was
18 clothes relevant to you at the time as far as creating that
19 mark?

20 A No, sir.

21 Q Was that something you considered reasonable at the
22 time?

23 A No.

24 Q In fact, I think you testified with Mr. Wise that you
25 had eliminated certain items as a possibility to cause that

1 mark?

2 A They were -- they were not high on my list of items
3 that could have caused it, correct.

4 Q Tell us again what you observed as far as the nature of
5 that mark on her neck.

6 A The item that placed the mark there was small in width
7 and a possibility that there was something square attached
8 with it. It had clean lines in the box, or the rectangle on
9 the mark was also clean around the edges. There was not
10 jaggedness or anything. It was smooth.

11 Q All right. So what you were describing is the mark had
12 clearly defined edges to it?

13 A Yes.

14 Q Did you notice any feathering of the edges of the mark?

15 A Not from what I could just observe with the naked eye,
16 no.

17 Q Did it appear to be something that was caused by
18 fabric?

19 A It didn't -- no. It didn't appear to be fabric.

20 Q And the first search you just talked about of the car,
21 that was before the autopsy?

22 A That's correct.

23 Q Why did you conduct the second search after the
24 autopsy?

25 A Because we had a definitive cause of death at that

1 point, and we thought there was -- we remembered that there
2 were cords in the vehicle and thought that they were -- we
3 needed to get back and collect those particular items.

4 Q So maybe what was not readily relevant in the first
5 search suddenly became extremely relevant during the second
6 search?

7 A That's correct.

8 Q And that was because at the second search you had the
9 cause of death as strangulation?

10 A Correct.

11 MR. WISE: Just a couple questions.

12 THE COURT: Are you done?

13 MR. SCOTT: Yes, sir. I'm sorry.

14 RECROSS-EXAMINATION

15 BY MR. WISE:

16 Q Dr. Ross suggested it could be something like a shoe
17 lace or a shoe string, right?

18 A Yes, I believe she did.

19 Q And those are traditionally cloth items, aren't they?

20 A They are but they're small in width.

21 Q I understand. But they're cloth items?

22 A Yes.

23 MR. WISE: All right. Thank you.

24 THE COURT: Thank you. You may step down.

25 THE WITNESS: Thank you.

1 THE COURT: Any objection to this witness being
2 excused?

3 MR. STUMBO: None from the State.

4 MR. GROSE: None from the Defense.

5 (Whereupon, the witness stepped down from the witness
6 stand.)

7 THE COURT: Why don't we take a 10 minute recess,
8 ladies and gentlemen. Please do not discuss anything about
9 the case.

10 (Whereupon, the jury exited the courtroom at 5:20 p.m.)

11 THE COURT: We'll go with round numbers. Court will be
12 in recess until 5:30. Let me see the attorneys.

13 (Whereupon, a recess was held from 5:21 p.m. to 5:30
14 p.m.)

15 THE COURT: Thank you. Please take your seats. Bring
16 the jury back in.

17 (Whereupon, the jury entered the courtroom at 5:36
18 p.m.)

19 THE COURT: You may be seated. Ladies and gentlemen of
20 the jury, after conferring with the attorneys, it appears we
21 only have two witnesses for this evening and then we'll have
22 one more tomorrow. So it's not going to be as late as I was
23 thinking it would be.

24 Is the State ready to call it's next witness?

25 MR. STUMBO: Your Honor, actually this will be our last

1 one for this evening.

2 THE COURT: Oh, okay. Very well, sir.

3 MR. STUMBO: The State calls Amanda Webb.

4 AMANDA WEBB, having been first duly
5 sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. STUMBO:

8 Q Good evening, Ms. Webb.

9 A Good evening.

10 Q Did you drive up from Columbia today?

11 A Yes, I did.

12 Q And where do you work?

13 A I currently work at DHEC.

14 Q And how long have you been at DHEC?

15 A One month.

16 Q Before you left to go to DHEC last month where did you
17 work?

18 A I worked for SLED.

19 Q What was your job with SLED when you worked there?

20 A Forensic DNA analyst.

21 Q Okay. And how long did you work at SLED as a forensic
22 DNA analyst?

23 A Seven years.

24 Q Can you tell the jury a little bit about your
25 educational background?

1 A I have a bachelor's of science in forensic chemistry
2 from Marshall University, and I also have a master's in
3 forensic science also from Marshall University. Upon
4 completion of those degrees I was hired on at SLED, and
5 trained for a year and a half at SLED and then was declared
6 competent to do independent DNA casework. And I did my
7 independent DNA casework for five and a half years at SLED.

8 Q So you received not only -- in addition to your work at
9 Marshall University, undergrad and graduate, you received
10 specialized training one you started at SLED?

11 A Yes, that's correct.

12 Q You were certified as a DNA analyst?

13 A Yes, that's correct.

14 Q About how many case files had you worked at SLED that
15 five and a half years?

16 A Close to 700.

17 Q Have you been qualified as an expert in courts like
18 this around the state as an expert in DNA analysis?

19 A Yes, I have.

20 Q About how many times?

21 A Approximately 30.

22 MR. STUMBO: Your Honor, at this time the State would
23 offer Ms. Amanda Webb as an expert in DNA analysis.

24 THE COURT: Any objection?

25 MR. GROSE: No objection.

1 THE COURT: Than I would declare her as a DNA expert.
2 Ladies and gentlemen, just like the last witness was an
3 expert, normally people can only testify as to what they
4 saw, heard, tasted, smelled or felt. However, when you have
5 an expert amount of education and experience we allow them
6 to give opinions or conclusions. Like I said before,
7 whether or not you decide to accept her opinions or
8 conclusions is up to you as jurors.

9 All right. You may proceed.

10 MR. STUMBO: Thank you, Your Honor.

11 Q Ms. Webb, did you have an occasion to work some DNA
12 testing in this particular case that we're here for this
13 week?

14 A Yes, I did.

15 Q And what was the SLED case, or SLED lab number for that
16 case?

17 A The SLED lab number L13-08496.

18 Q And one of the suspects, according to the information
19 you were given, was Michael Beaty, Jr.?

20 A Yes.

21 Q And which local agencies submitted -- or was the lead
22 agency in this matter?

23 A Clinton Public Safety.

24 Q Did you have a name of a detective who was the lead
25 detective on the case?

1 A Yes. The detective my report was sent to is Lieutenant
2 Tyrone Goggins.

3 Q With Clinton Public Safety?

4 A With Clinton Public Safety. Yes.

5 Q So as part of -- well, let me back up. What was the
6 date -- or what was the date range that you worked on the
7 items in this case? And fell free to refer to your form.
8 Do you have a copy of your report on the stand?

9 A Yes, I do. Thank you. I started the analysis on July
10 1st of 2013 and I finished my report, my first report and
11 sent it out November 26th of 2013.

12 Q So were there a number of items submitted for your
13 analysis?

14 A There were numerous items. Yes.

15 Q Now, I'm going to back up a little bit and get you to
16 tell the jury about -- what does DNA stand for? What is
17 that?

18 A DNA stands for deoxyribonucleic acid, and basically
19 what that is is it's a chemical in the body that's found in
20 your blood, saliva, semen, skin, your hair. You get half of
21 your DNA from your mother and the other half of your DNA
22 from your father. And there are locations that we look at
23 in forensic testing. There are 16 different locations. And
24 that can determine if they're a male or a female individual.
25 And their DNA -- no two people have the same DNA, except for

- 1 identical twins. They do have the same DNA.
- 2 Q So that is the most unique identifier we have for any
3 given human being is their DNA, correct?
- 4 A That and fingerprints as well.
- 5 Q About how long has the forensic science of DNA been
6 used?
- 7 A I think since the early '80s.
- 8 Q So we're talking about modern times the science of DNA
9 has developed and become a recognized forensic science?
- 10 A Oh, yes. This is used naturally worldwide.
- 11 Q Okay. Now, generally when you analyze a case do you --
12 is it preferable to have the standards, or known standards
13 for particular individuals that are relevant to that case?
- 14 A Yes, it is.
- 15 Q And did you have DNA standards submitted to you, or
16 samples submitted for your analysis on particular people
17 here?
- 18 A Yes, I did. I had DNA standards from Emily Asbill,
19 Michael Beaty, Jr., and William Alexander.
- 20 Q And let me go ahead and show you -- typically how does
21 a standard come into you? I mean, what type of item are you
22 testing to get the standard?
- 23 A We usually get two different types of standards. One
24 being a Buccal swab, which is a Q-tip swab on the inside of
25 the cheek, and the other kind that we typically get is a

1 blood sample.

2 Q Okay. I'm going to show you what's already in evidence
3 as State's 42, just to explain this for the jury. If you
4 could look at that and compare the numbers and tell the jury
5 what this is you're holding in your hand. What is State's
6 42?

7 A State's 42 is SLED item 57, and that is a Buccal swab
8 known DNA from Michael Beaty, Jr.

9 Q And State's 43. If you could, what is that identified
10 as? If you would compare it with the number.

11 A State's 43 is SLED item 58, and that is the Buccal swab
12 known standard from William Alexander.

13 Q And these were Buccal swabs you said?

14 A That's correct.

15 Q When they come to you are they packaged up and sealed
16 up for chain of custody purposes?

17 A Yes, they are. The collecting agency will package them
18 and it arrives at the lab sealed, and then it's placed into
19 another pouch and sealed at the lab, and that just helps to
20 keep track of who could have opened the pouch and had access
21 to the item.

22 Q Sometimes it's called a BEST kit where it's sealed and
23 could be evident if somebody had tried to tear into the
24 package before it got to you?

25 A Yes, that's correct.

1 Q And these were submitted to you pursuant to this case
2 by the submitting agency, which would be Clinton Public
3 Safety, correct?

4 A Yes, that's right.

5 Q And I believe they came through Agent Hallman who was
6 up here earlier testifying, correct?

7 A Yes, that's correct.

8 Q So she brought them down to the lab, submitted them to
9 you for your testing purposes, correct?

10 A Yes.

11 Q Now, you've described DNA a little bit earlier as a
12 unique identifier. And are there different types of DNA?

13 A Yes, there is. There is a couple of different types of
14 DNA. There's a nuclear DNA which is found in the nucleus of
15 a cell and that yields the most information. That's the
16 most unique to an individual, because that comes from both
17 mother and father. There's also a DNA called Y, like the
18 letter Y testing. And that is DNA that is passed down -- it
19 is only found in male individuals and it's passed down from
20 your father. So anyone related by your father on your
21 family's side is going to have that same Y DNA profile.

22 Q Okay. And you talk about Y and X, and X and Y. What's
23 the significance of X and Y, if you could? I know we may
24 have learned that in biology class coming up, but just for
25 the record.

1 A Sure. In X and Y they are the chromosome locations
2 that the DNA is found on. So inside your cell there is
3 these 46 chromosomes, and depending on where to target to
4 find the DNA, you can target a chromosome. So an X
5 chromosome is a female. And so, in my testing, if I see
6 only an X, then I know it's a female individual. And an X,
7 Y -- actually you have both letters, X, Y is a male
8 individual. So if I see an X, Y I know that there's male
9 DNA present.

10 Q And so, that generally can break down and if it's X, Y
11 you know this is a male, if it's X it's a female, correct?

12 A Yeah, that's correct.

13 Q Are there different areas on the DNA strain? And
14 that's the helix thing I think you talked about earlier that
15 you can look at for comparison purposes?

16 A That's correct. We target 16 different locations in
17 forensics. And so, basically it's numbers that you find at
18 least 16 different locations, and you can compare the
19 numbers that you find on an evidence item to a known
20 individual's DNA profile, and if the numbers match that
21 person can be excluded if they're included, and if the
22 numbers don't match then you can exclude someone from being
23 in the crime scene.

24 Q Okay. And just for demonstrative purposes here, but
25 also this is already in evidence as State's Exhibit 40.

1 This is a DNA chart here. And I want you to -- I'll give
2 you the laser pointer. I think it's the button right here.

3 THE COURT: If you want to step down you can, but
4 please speak up.

5 Q Now -- yes. Ms. Webb, if you need to step down, feel
6 free. If you could, Ms. Webb, this top line here -- let's
7 start with this last column. Here we have an X, here we
8 have an X, Y. Is that what you were speaking of earlier in
9 terms of whether it's a male or a female?

10 A Yes, correct. Only an X showing up in my chart, that
11 means that it's DNA from a female. And X, Y is DNA from a
12 male.

13 Q Okay. And you had 16 different areas on the DNA strain
14 earlier?

15 A Yes.

16 Q What's the significance of this -- these numbers up
17 here at the top?

18 A Yes. At the top, those are the total 16 different
19 locations. So the numbers, this first one here, we don't
20 see the whole number completely. We usually just shorten it
21 to V8. So this is chromosome 8. V21 is the next one. So
22 that's chromosome 21. It's just a notation for us, the DNA
23 analyst to know what chromosome the DNA is coming from.

24 Q And there are 16 of those columns up to this point
25 across, and then this last column is the X versus X, Y?

1 A Yes, sir.

2 Q And when you're looking at the numbers associated with
3 any particular item, this column here, the items, for
4 example, that you could test on any given chart -- is this
5 chart typical for something you would attach in one of your
6 reports?

7 A Yes. Yes, that's correct. It's the results of the
8 examination, and it helps to visually make our comparisons.

9 Q So the DNA profile for any given item is what runs all
10 the way across from left to right on the profile, correct?

11 A Yes, that's right.

12 Q And looking for comparison purposes for each sector,
13 the numbers matching? Is that what you did?

14 A Yes, that's correct. For an evidence item, I can see
15 there's a 10/12 here, so I would just go along and look at
16 the known individual's DNA and see if they would also have
17 that 10/12. I would expect to find if it's DNA from one
18 person. I expect to find two numbers in each one of these
19 boxes, because you get half from your mom and have from your
20 dad. So one number from mom and one from dad. So that's
21 two. So if I see more than two numbers for an evidence item
22 then that starts to alert me to consider that might be a
23 mixture of more than one person's DNA. Meaning two people
24 might have touched that item.

25 Q So you have 40 numbers in any given box here then

1 that's indicative of there being more than one individual
2 present?

3 A Yes, that's correct.

4 Q I'm going to have you return to the stand just a few
5 minutes and we're going to go through a few items and then
6 we'll come back to this chart.

7 A Okay.

8 MR. STUMBO: Beg the Court's indulgence.

9 THE COURT: Yes, sir.

10 Q We're going to go through a few items and I want you
11 just to identify them for us, Ms. Webb. I believe you've
12 already identified Plaintiff's 42 and 43. That would be
13 SLED items -- make sure I get the number right here. 57 and
14 58, correct?

15 A That's correct.

16 Q And those are the standards for Michael Beaty, which is
17 57, State's 42, William Alexander, 58, which is State's 43?

18 A Yes, that's correct.

19 Q Now, do you also have a standard for Emily-Anna Asbill?

20 A Yes, I did.

21 Q And what was the SLED item number on that?

22 A The SLED item number for that is 2.

23 MR. STUMBO: I believe we're up -- what number are we
24 up to?

25 THE COURT: 58. Is that right?

1 COURT REPORTER: 59.

2 MR. STUMBO: 59, Judge.

3 (Whereupon, State's Exhibit Number 59 was marked for
4 identification.)

5 Q I'm going to hand you --

6 MR. GROSE: No objection. That was actually one of the
7 items we thought had been premarked.

8 MR. STUMBO: Right. I thought we had premarked it as
9 well, Judge. We have it now.

10 Q This is State's 59. If you could identify that. I
11 believe it's SLED item number 2.

12 A Yes. This is a known blood standard for Emily Asbill.

13 Q Okay. So State's 42, State's 43 and State's 59, those
14 are your known standards that you're working with in this
15 case?

16 A Yes, that's correct.

17 Q Were you able to develop a complete DNA profile from
18 those three standards?

19 A Yes, sir. I was.

20 Q Okay. There are a number of bags over here, and I
21 believe SLED items 63 through 72 on the SLED numbers, and
22 they correspond with -- let me get my chart here. They
23 correspond with State's Exhibits 49, 50, 51, 52, 53, 54 and
24 55. And also, let's see, item 46 -- or State's -- excuse
25 me, State's Exhibit 46. So State's 46 and then 49 through

1 55 would be SLED numbers 63 -- excuse me. 63 through 71.

2 Could you tell the jury what those items are identified as,
3 and that would be SLED -- starting with SLED 63 down through
4 SLED number 71.

5 A Yes, sir. 63 is a car charger. 64 is a USB cord
6 charger. 65 is an electrical cord. 66 is a computer cord.
7 67 is a USB cord. 68 is just a cord. 69 is a Verizon
8 wireless cell phone car charger. 70 is a Verizon wireless
9 cell phone charger. And 71 is a Verizon wireless car cell
10 phone charger.

11 Q And so, that would be a total of, I believe, eight
12 cords, or -- excuse me. 63 through 71, that would be nine.

13 A Nine.

14 Q Nine particular items. And just for example here.
15 State's 51 appears to have the markings of SLED item 65.
16 Where do those items come from, according to the markings on
17 the bag?

18 A The markings on the bag say an electrical cord
19 collected from a 2003 Buick Century.

20 Q So the identification that you have on your report
21 comes from how they're labeled individually as they come to
22 you, correct?

23 A Yes, that's correct.

24 Q So you weren't the one actually out there collecting
25 these? You're relying on how they're labeled by the crime

1 scene investigating agency who collects them and submits
2 them to you, correct?

3 A That's right. As they are labeled is how they are
4 reported out.

5 Q And these items that you just listed for the jury, they
6 were submitted to you for testing to try to develop a DNA
7 profile off of those items, correct?

8 A Yes, that's correct.

9 Q And once you're able to do an analysis of each one of
10 those you can compare them back using a chart such as this
11 one to the number to determine whether there's a match,
12 right?

13 A Yes. That's exactly the process we do.

14 Q I'm going to refer to your report briefly and I'm going
15 to have you step back down. Now, once you analyzed -- and
16 I'm going to hand you a couple of these. This is will be
17 the last thing I think I show you and then I'm going to have
18 you step down. State's 44 and State's 45. These items that
19 we've discussed, they're in the paper bags. Did you
20 actually do your DNA testing on those items or from swabs
21 from those items?

22 A Swabs from the items.

23 Q So these are two swabs identified as what? State's 44
24 and 45.

25 A Yes. State's 44 is SLED item 67.1 and it's swabs from

1 the middle of a USB cord. And State's Exhibit 45 is SLED
2 item 67.2 and it's swabs from the ends of the USB cord.

3 Q So those -- State's 44 and 45 are swabs taken from SLED
4 item 67 which is labeled as State's 46 here, this particular
5 cord, correct?

6 A Yes, correct.

7 Q Which would be SLED 67. Now, did you have swabs for
8 each one of these items in SLED 63 through 71?

9 A Yes, I did. Two sets of swabs from each item. Swabs
10 from the middle and then swabs from the ends.

11 Q So there were a set of two swabs, from the middle and
12 the ends, for each item? Each of these cords?

13 A That's correct.

14 Q Now, this -- if you could testify to the jury, did you
15 find any match with your -- any of the three of your
16 standards for those items? And if you could answer yes or
17 no to that, and then we could get into the details.

18 A Yes, I did.

19 Q Okay. Now, did any of the items -- let's start first
20 with this question. Did any of these items, swabs coming
21 from SLED item 63 through 71, did you have any match -- and
22 you can refer to your report. Any match with the standard
23 for Will Alexander?

24 A No, I did not.

25 Q So according to your testing here, the standard you

1 developed from Will Alexander's Buccal swab in State's 43 is
2 not present on any of these cords that you -- or that were
3 sent to you for analysis?

4 A That's correct. Will Alexander was excluded from all
5 the cords. There was one partial mixture where I couldn't
6 make a decision whether or not his DNA was there, simply
7 because when you get mixtures in low amounts of DNA
8 sometimes not all of your numbers that you see on the chart
9 show up and it makes it hard to determine if someone could
10 be present or not. You have to look at the totality of
11 those 16 locations. And the less information you have, the
12 more grey area or faulty your interpretation becomes. So
13 for that one instance and that one cord I couldn't make a
14 determination whether his DNA was there or not.

15 Q Okay. As far as Michael Beaty's standard, which is --
16 which you developed from State's Number 42, were you able to
17 make any comparisons with his standard on any of the cords
18 that were submitted to you for testing?

19 A Yes, I was.

20 Q Could you indicate which SLED number would be
21 associated with Michael Beaty's DNA? And you can refer to
22 your report by item?

23 A 63.2 was the swabs from the end of the car charger. It
24 was a mixture of at least two people. And Michael Beaty,
25 Jr. was the major contributor to the mixture, meaning that

1 if you have a mixture you can determine if someone's a major
2 contributor, meaning they placed more of their DNA on the
3 item. So there's been more of his DNA on that item than the
4 other individual. 64.1 is --

5 Q What is item 64? Describe that.

6 A USB cord charger. And I found Michael Beaty, Jr.'s
7 DNA. And --

8 Q Any other individuals on -- maybe the better way to do
9 this is let's start at the 64 and just say Michael Beaty's
10 DNA was on this car charger. What are the percentages there
11 that match with his DNA?

12 A Sure. On 64.1, that's the middle of the USB cord
13 charger, he was the major contributor of the mixture,
14 meaning the most -- he deposited more of his DNA than the
15 other individual on the cord. So in order to put weight to
16 the match I calculate a statistic. And the statistic is the
17 probability of randomly selecting an unrelated individual
18 that also has the DNA profile matching the major contributor
19 is approximately one in 180 trillion. Basically what that
20 means is that if you were to pick someone at random out of
21 the population, that DNA profile would only be found 180
22 trillion times.

23 Q Is it safe to say that the more matches you have along
24 each of the 16 sectors the greater the probability is that
25 you have the right person?

1 A Yes, that's correct. If you have the numbers all the
2 way across on the chart you have more information, and more
3 information would give you a higher statistical calculation.
4 The less information you have, a lower statistical match.
5 But in my experience, 180 trillion, that's a very good
6 match. That's an identification, in my opinion.

7 Q Did you have any other -- any of the other -- well,
8 we've already excluded -- you said Will Alexander wasn't on
9 any of these. How about Emily Asbill? Did you find her DNA
10 on SLED 64, the car charger?

11 A Yes, I did. Emily Asbill cannot be excluded as a minor
12 contributor to the mixture, meaning that her DNA was
13 present. There was just less of her DNA than Michael
14 Beaty's. And the probability for finding an individual
15 contributing to the mixture is one in eight.

16 Q So much lower percentage there for Emily Asbill's DNA
17 on this particular car charger, correct?

18 A Yes. It's a -- it's a lower number because I have to
19 compare it to the mixture of all the numbers on the chart.
20 When you get mixtures it means that there's more DNA present
21 that could be compared to the population, so that kind of
22 lowers your numbers. But when you have a single profile
23 like a major contributor I'm just looking at one person's
24 DNA. And that makes it more unique to the population so you
25 can get a higher statistic. So any time you do mixtures

1 you're looking at DNA possibilities from more people, which
2 makes it more -- more probable you'll find it in the
3 population. And so, that's why you get a lower number.

4 Q All right. SLED 65. What was that item?

5 A 65 is an electrical cord.

6 Q And I believe that's the one I handed you a moment ago.
7 That was State's 51. Were you able to develop for
8 comparison purposes any matches on SLED 65?

9 A Yes. The major contributor is Michael Beaty, Jr., and
10 the probability is one in 43,000.

11 Q And 65.2, which is the other swab, did you have any
12 matches there?

13 A Yes. That's the ends of the electrical cord, and that
14 matches Michael Beaty, Jr., and the probability is one in 55
15 billion.

16 Q So in all likelihood, this electrical cord was handled
17 on the ends by Michael Beaty at some point, correct?
18 According to this one in 55 billion?

19 A Yes. I would say it was handled by him, brushed
20 against him. He could have sat on it. Spit on it. A
21 number of ways.

22 Q In other words, just touching something isn't the only
23 way you can deposit DNA? It could be any model of fluids?

24 A That's correct.

25 Q All right. Item 66, SLED item 67.

1 A A computer cord.

2 Q Were you able to develop any profiles or matches of any
3 known standards on SLED 66?

4 A Yes, I was. 66.1, the middle of the computer cord, is
5 a mixture of Emily and Michael Beaty, Jr.'s DNA. The
6 probability of finding someone in the mixture is one in 35.
7 66.2 is the ends of the computer cord. And again, that's a
8 mixture of Emily Asbill and Michael Beaty, Jr.'s DNA. And
9 the probability of finding someone in that mixture is one in
10 35,000.

11 Q So this is a mixture on that particular computer cord
12 of Michael Beaty and Emily Asbill's DNA, or would lead one
13 to believe that?

14 A Yes, sir.

15 Q I'm going to go to SLED 68 now, which is State's 52.
16 What is that?

17 A I just have it labeled as "cord."

18 Q Let's just get this out here. What type of cord does
19 SLED 68, State's 52, appear to be?

20 A I'm not the best at electronics, but to me it kind of
21 looks like an MP3 kind of player. Like a music player.

22 Q With a music input --

23 A Yeah.

24 Q -- end on it; is that correct?

25 A Yes.

1 Q Were there any matches from Michael Beaty or Emily
2 Asbill on SLED 68? And that would be either the middle --
3 the swab from the middle or the swab from the ends.

4 A Yes. Both the middle and the ends only Emily's DNA was
5 found.

6 Q So that one was -- you didn't find any of Michael
7 Beaty's? Essentially that would appear to have been Emily
8 Asbill's MP3 cord, correct?

9 A Yes, sir. Only her DNA was on there.

10 Q SLED 69, what is that? That would be State's 53 here,
11 for the record. What is this item?

12 A It is a Verizon Wireless cell phone car charger.

13 Q And did you find any matches for either Emily Asbill or
14 Michael Beaty on SLED 69, this car charger?

15 A Yes, I did. On both the end and the middle I found
16 both Emily and Michael Beaty, Jr.'s DNA.

17 Q So it was a combination of both on this cell phone
18 charger?

19 A Yes. Both mixtures of both of their DNA.

20 Q Okay. SLED Number 70. What was that identified as?

21 A A Verizon Wireless cell phone charger.

22 Q Did you have any DNA match on either of the swabs on
23 SLED 70, the cell phone charger?

24 A Yes. 70.1 was the middle of the car charger and I
25 found Emily's DNA. I couldn't make a conclusion. I

1 couldn't decide whether or not Michael Beaty, Jr.'s DNA was
2 in the mixture. Again, probably just because there wasn't
3 enough information from the evidence to make a
4 determination. And 70.2 is of the charger. And this is a
5 mixture of at least three individuals. And Emily and
6 Michael Beaty, Jr. could not be excluded to the ends of this
7 cord. And there's another unidentified person there,
8 because William Alexander was excluded.

9 Q So you were able to exclude the third person as William
10 Alexander?

11 A I'm sorry. Correct. I couldn't determine whether
12 William Alexander's DNA was present or not.

13 Q And that was the one you referred to earlier on this
14 cell phone charger that's item 70, correct?

15 A That's correct, 7.2. Uh-huh.

16 Q And that would be in -- just for the record, SLED 70 is
17 State's 54. State's is SLED item 71. If you could describe
18 that for the jury, please.

19 A It's a Verizon Wireless car cell phone charger.

20 Q So another cell phone charger. Were there any match --
21 any matches on this particular cell phone charger?

22 A Yes, there was. From the ends of the cell phone
23 charger there was a mixture of two people, and Emily Asbill
24 and Michael Beaty, Jr. were not excluded, meaning their DNA
25 was on the ends of that item. And the middle of the item,

1 there just wasn't enough information, and I couldn't make a
2 conclusion whether or not Emily or Michael's DNA was there.

3 Q Okay. Now, I'm going to go back to one item that we
4 didn't particularly point out. And this was SLED -- and I
5 think we've talked about it earlier and you've already
6 identified it as SLED number 67, and that's the cord that's
7 on top of this bag. SLED 67 is what again?

8 A 67 is a USB cord.

9 Q And there were swabs taken from the ends of the cord,
10 which I think you've already identified as State's Number
11 45, or 71. -- or 67.2, and then State's 44, which is 67.1 is
12 from the middle of the cord; is that correct?

13 A Yes. 67.1 is the middle of the USB cord, and that
14 matches the DNA from Emily Asbill.

15 Q And that's the middle of the cord you said matched the
16 profile of Ms. Asbill, and that's what's here in State's 44,
17 correct?

18 A Yes, correct.

19 Q And what is -- you said 67.2 is from the ends, and can
20 you explain if there's a match on that.

21 A Yes. The ends of the USB cord is a mixture of at least
22 two people. The major contributor of the mixture matches
23 Emily Asbill, and the minor contributor of the mixture
24 matches Michael Beaty, Jr.

25 Q Okay. So the swab taken from the ends of this cord

1 here, the major contributor is of Emily Asbill, correct?

2 A Yes.

3 Q A minor contributor is Michael Beaty, Jr., correct?

4 A That's correct.

5 Q All right. I'm going to have you step down one last
6 time as well. This is SLED -- State's Number 40 that we're
7 looking at here. And is this kind of a summary or condensed
8 version blown up here on this chart of what came out of your
9 report?

10 A Yes. That's a copy of my DNA report.

11 Q I'm going to hand you the laser pointer again here.
12 You just told us that 67.1 is the middle of the cord and
13 that profile matches, or is a partial profile. Can you
14 explain to the jury why it's a partial profile, just going
15 down the line?

16 A Yeah. A partial profile, if you notice in some of the
17 locations for DNA, there's only dashes in the table. That
18 means that there wasn't any DNA information recovered from
19 that evidence item. That's common in touch items. You
20 know, if I just -- if I just sway my hand -- well, I'm
21 holding this lighter. This pen light. And, you know, the
22 longer I hold it, the more I rub it, the harder I rub it,
23 the more of my DNA gets on it. If I just pick it up and put
24 it down, you know, I might transfer some DNA, but maybe just
25 a little bit. So with these touch items sometimes you don't

1 recover a full profile of DNA, meaning you don't recover DNA
2 at all of the locations that you test for, and that's called
3 a partial profile. So 67.1, the middle of the USB cord, is
4 a partial profile just simply because I wasn't able to get
5 information of all of the locations. But I did have enough
6 to compare what I did find to the known standards. And I
7 did that in this instance. And so, first what I do is I go
8 and look and see, well, it looks like it's probably just one
9 person because I'm only seeing two numbers at any one spot.
10 This one has one number, but that's probably because mom and
11 dad donated the same number, so you only see it once. So I
12 just go through and I compare. I see this first location is
13 a 10/12, and then I look up at the known standards and I can
14 see that Emily has a 10/12. Michael has a 10/15, and
15 William has an 11/13. So the only one who matches there is
16 Emily. I don't stop there though, because I want to make
17 certain that, you know, there's not a mixture that might be
18 showing because it's low level, low amounts. So I just
19 continue to go across, and the next one is a 3032.2. And if
20 I look up again at the known standards, Emily's got that and
21 the other gentlemen don't. So -- and that's what I do all
22 the way across. And so, everything matches up with Emily,
23 and that lets me know that it's Emily's DNA. And then
24 according to that -- those numbers, that's where I -- that's
25 what I can use for my statistical calculation.

1 Q And now, the profile developed from the ends of the USB
2 cord, 67.2, I think, and State's 45. Can you explain -- is
3 that a mixture in that profile?

4 A Yes, absolutely. Right away I'm starting to see it's a
5 mixture because I've got more than two numbers. I've got
6 three numbers in the first spot. So that let's me know that
7 I probably have a mixture. And if you continue to look
8 across in other locations you do see more than two numbers.
9 So I know that that's a mixture of more than one person's
10 DNA. And I do the same thing. I do a number comparison
11 from the evidence item to the known standards to see who
12 could be included and who is excluded. And so there's a
13 10/12. Emily has a 10/12. There's a 10/15 present in the
14 evidence item. Michael has a 10/15. There's 11/13 for
15 William. There's no 11 or a 13 here, so it starts to look
16 like William's excluded. And I just do that all the way
17 across and compare the numbers to the known standards and
18 I'm able to determine whether or not someone could be
19 excluded or included. In this case, Emily and Michael were
20 both included in this mixture.

21 Q And the major contributor, you indicated on the stand,
22 was Emily Asbill, correct?

23 A Yes, that's correct.

24 Q And just on your report here you give statistics as to
25 those particular -- well, for Emily Asbill. She's the major

1 contributor. What statistics did you generate from that?

2 Or 67.2.

3 A Right. 67.2, the major contributor is Emily Asbill and
4 the probability of finding that DNA is one in 17 million.

5 And Michael Beaty is a minor contributor, and the
6 probability is one in 2,600.

7 Q One in 2,600 for Michael Beaty on the cord and one in
8 17 million for Emily Asbill?

9 A Yes.

10 Q And that's because there's less of the numbers that
11 match -- this may be an obvious question at this point.
12 Less of the numbers that match along the lines for Michael
13 Beaty than Emily?

14 A Yes, that's correct. There's less information to do a
15 statistic. Since Emily was a major contributor I've got
16 more of her information that's showing up than I do
17 Michael's. And so, that makes a difference in your
18 statistic calculations.

19 Q And so, the likelihood based on your findings is that
20 touch DNA was deposited on the ends of this cord by Emily-
21 Anna Asbill, more certain of that, but one in 2,600 even on
22 Michael Beaty, correct?

23 A Yes, that's correct.

24 Q You can return to the stand, Ms. Webb. Thank you.

25 A All right. Thank you.

1 Q Were there items submitted to you that were consistent
2 with swabs taken from blood as well?

3 A Yes, there were. Yes.

4 Q And the blood swabs that were submitted to you, could
5 you identify the items and then describe those items just in
6 a list of where you found blood on those swabs?

7 A Sure. Blood was found on the front passenger seatbelt
8 of the 2003 Buick Century, on the back passenger door lower
9 quarter panel of the Buick Century, from the rear quarter
10 panel of the Buick Century, from the back passenger quarter
11 panel at door height of the Buick Century, from the front
12 passenger seat of the Buick Century, from the yard closest
13 to the road at 502 Calvert Street, from underneath the Buick
14 Century, from the towel on the front passenger seat of the
15 Buick Century, from a swab from Michael Beaty, Jr.'s left
16 arm, from a Marlboro cigarette butt, from the door jam of
17 the front passenger door of the Buick Century, the inner
18 groove of the rear passenger tire, the groove of the tread
19 of a rear passenger side tire, second rib of a rear
20 passenger side tire. And those are all items I have blood
21 identified on.

22 Q Who's blood was that on those items? Was it the same
23 person?

24 A Yes, it was.

25 Q Whose blood was it?

1 A That was Emily Asbill's blood.

2 Q Any of the blood items, did they match the blood of any
3 other individual?

4 A No, they did not.

5 Q Now, just to clarify. There's a SLED item which is
6 State's 47 and State's 48. That would be SLED items -- let
7 me find a number here. Let me just go by -- simply by the
8 description. There were the tank top and a camisole brought
9 into evidence. Were those items ever submitted to you for
10 testing? Did you test clothing?

11 A They were not submitted to me, no.

12 Q Now, when clothing items are submitted typically
13 they're identified by the person who was wearing that item,
14 or who it belonged to, if the agency that submits it knows
15 who it belonged to?

16 A Yes. That's an ownership request usually, and you can
17 swab a clothing item to see who might have been wearing it.

18 Q Who might have been wearing it or who may have happened
19 to have any kind of contact with it, correct? If they --

20 A Yes, that's correct.

21 Q -- if they left touch DNA items? Skin cells, blood,
22 fluids, so forth?

23 A Yes, sir.

24 Q Those items, you didn't analyze any swabs from clothing
25 at this point? And you can look at your report to confirm

1 that?

2 A I had some clothing from a suspect's shirt. That's a
3 supplemental report dated January 30th, 2014.

4 Q And that -- that item you tested and it had blood on it
5 at that time, or did it have any DNA on it? Well, excuse
6 me, did it have blood on it? I guess that's the question I
7 should have asked.

8 A I believe it was tested for blood from evidence
9 processing, and I believe they found something because I got
10 a cutting from it, and usually I don't get cuttings if
11 there's been blood found. And I got a cutting from this. I
12 didn't cross-test it for blood. That would have been
13 someone else in the DNA department who had the whole shirt.
14 I just got the cuttings. And so, from my report it looks
15 like there probably was blood since I did get a cutting.
16 And that matched the DNA profile of Michael Beaty, Jr.

17 Q And that was identified as suspect shirt, you said?

18 A Yes. It was submitted at suspect shirt.

19 Q Okay. Fair enough.

20 MR. STUMBO: Beg the Court's indulgence, Your Honor.

21 Your Honor, we have no further questions of this witness at
22 this time.

23 CROSS-EXAMINATION

24 BY MR. WISE:

25 Q Ms. Webb, I know it's late and I'll try to be quick. I

1 understand from the stuff I've read that we've gotten so
2 sophisticated with DNA that you can go into somebody's home
3 and take an air sample and find DNA material.

4 A I would find that pretty unlikely. I wouldn't expect
5 their DNA to be floating in the air, unless they had just
6 coughed or sneezed or something and you just happened to
7 collect it right at that moment.

8 Q But you would expect to go into someone's house and
9 just take a swab off of a shelf and find their DNA?

10 A Sure, I would expect -- if you swab an item in a home I
11 would expect to find a homeowner's, or the people who live
12 there, their DNA. Sure.

13 Q The bottom line of your testimony is, I gather it, and
14 correct me if I'm wrong, you analyzed a lot of cords and the
15 probability is that Michael Beaty's DNA is on most of them,
16 and the probably its Emily-Anna Asbill's DNA is on most of
17 them?

18 A Yes, correct. I think that's a good summary.

19 Q And that's in in a nutshell?

20 A Yes, sir.

21 Q Now, I am confused about one thing on your chart, and
22 I'm looking for that chart where you did the analysis on the
23 end of 67. You can sit right there, I think, and do it with
24 me. Okay? Have I got it upside down? That is not a good
25 idea. Where is the end of 67? One end of it?

1 A Actually, both ends were swabbed on the same swab. So
2 you take the same swab and -- let's say I have my cord
3 laying out in front of me. I would swab the right end and th
4 left end all on the same swab.

5 Q So you wouldn't swab one end and analyze that and swab
6 the other end and analyze that?

7 A That is correct.

8 Q So what you're telling me then is if you hold one end
9 of this cord -- all right?

10 A All right. I have to put a glove on to do that.

11 Q You have to what?

12 A Put a glove on to do that. That's just part of my
13 training.

14 Q I didn't mean to make it this -- well, let me --

15 A Well, I'll pretend to hold it.

16 Q Okay. Pretend to hold it. All right. If you pretend
17 to hold that end of it and I pretend to hold -- but I'm
18 actually holding this end of it, right?

19 A Okay.

20 Q So you're holding that little end and I'm holding this
21 bigger end.

22 A Uh-huh.

23 Q And then we went and took a swab off both ends with one
24 swabbing?

25 A Yes, sir.

1 Q When we did an analysis we're going to find a mixture
2 of your DNA and my DNA?

3 A Yeah, probably.

4 Q So when you say a mixture of DNA on the end swabs, that
5 only means one person may have held -- one person's DNA may
6 have been on one end, one person's DNA may have been on the
7 other end, both peoples' DNA may have been on both ends.
8 You simply don't know?

9 A That's correct.

10 Q Now, when you have touched DNA that's when you
11 sometimes don't quite get enough to really get a good
12 number?

13 A Yes.

14 Q And that would come from my simply holding on to my
15 glasses, correct?

16 A Yes, correct.

17 Q But if I grab something and pull on it, then the
18 probability is I'm going to really get a good sample of DNA?

19 A Yeah, I would expect to find more.

20 Q Particularly if it slid in your hand even?

21 A Yeah, because sliding -- actually what that does is it
22 swathes off skin cells. Removes the skin cells from the
23 hand.

24 Q And, of course, if someone -- if something were then to
25 be wrapped around your arm, you would expect to have a very

1 definitive DNA pattern if it was tight enough to cut off the
2 blood circulation?

3 A Yes. I would suspect to find some DNA, yes.

4 Q And you would be -- and the numbers of reliability at
5 that point would be in the one to, what, 14 trillion or
6 whatever the number was earlier?

7 A Sure. If it's a full single source -- if it's a full
8 profile from one person, yeah, you can get in the trillions
9 or billions.

10 Q And that's what you would expect to find where it's
11 very tight and very forcibly applied?

12 A Yes, that's correct.

13 Q That's what you would normally expect?

14 A Yes.

15 Q So if you don't see that, then that raises a question
16 as to whether or not it was forcibly applied?

17 MR. STUMBO: I think that calls for speculation.

18 THE COURT: She's the DNA expert. Overruled.

19 A I mean, it's a greater probability the more pressure is
20 applied the longer it's held on the skin. The more it rubs
21 up and down against the skin. But, yeah, just -- I wouldn't
22 rule out the situation that it's been held around tight just
23 because you don't get full information.

24 Q But certainly if you get full information it increases
25 the odds of it being wrapped around tight?

1 A It would be, yes.

2 Q Increases the probability?

3 A Yes.

4 Q Okay. Now, finding DNA on something doesn't tell you
5 where it came from on the body obviously?

6 A No, it doesn't. Unless it's a body fluid like semen,
7 then we're pretty sure it can --

8 Q Yeah, obviously. But --

9 A But other than that, no. I can't tell from skin cells
10 or if it was --

11 Q And I noticed in your analysis that four of these items
12 have Michael Beaty's DNA in the middle. If you look at --
13 for example. If you look at item 66.1, and item 65.1, and
14 item 64.1. That's got Michael Beaty's DNA from the middle.

15 A 66.1, yes. I know that 69.1, yes. 64.1 I believe you
16 said?

17 Q Yeah, 64.1.

~~18 A Yes. And what was the other number?~~

19 Q 66.1.

20 A 66.1. Yes.

21 Q And that doesn't mean any of those cords have ever been
22 wrapped around his neck?

23 A I can't tell. I can just tell his DNA is there.

24 Q You couldn't tell one way or the other. Okay. And if
25 any of these cords were put together in a common box and had

1 been there for a period of time, could one cord cross-
2 contaminate another cord?

3 A Sure, it's likely if you have one item of DNA and lay
4 it on another item you can get what we call secondary
5 transfer from one item's DNA to another, yes.

6 Q And it's difficult for you to tell what the secondary
7 transfer or primary?

8 A Yes, that's correct. Secondary transfer is a little
9 less likely just because it's hard to get those touch DNA
10 cells just from primary touch, and it's a little bit harder
11 to get it from secondary transfer, but it can exist.

12 Q But it can happen?

13 A Yes.

14 Q Then -- so these in the same box would have that
15 potential, correct?

16 A That's correct.

17 Q Did anybody suggest that you swab one end separate from
18 the other end, or is that just the procedure that you do
19 when you --

20 A It's the procedure at SLED to swab both ends with the
21 same swab, and then the middle with a different swab in the
22 case of a strangulation. The theory being that the middle
23 is mostly around the victim's neck, and so you would
24 predominately find victim DNA. And then the ends would have
25 probably been held by the suspect and pulled tight. And so,

1 that's why we use one swab on the ends, because it can
2 collect more DNA of a possible suspect that's holding on to
3 the ends. Because if you just swab one side you get a
4 chance of getting less skin cells. If you swab both sides
5 of the ends you might get more skin cells because you have
6 the deposit from both hands.

7 Q And if you swab both ends though you also run a 'chance
8 of cross-contamination?

9 A If someone's held one side and someone's held the other
10 side. Yes, that's correct.

11 Q And you have no way of knowing that. You have two
12 samples of cross-contamination on it you have no way of
13 knowing whether one person held one end or one person held
14 both ends?

15 A That's correct. When you get a mixture you can't
16 determine.

17 Q And, in fact, the DNA on 67.2, which is the ends, for
18 Emily Asbill is way up there. One in 17 million.

19 A Yes, correct.

20 Q All right. That's a pretty good sample.

21 A Yes. I would say that is an identification.

22 Q Generally would indicate somebody held onto it pretty
23 tight putting it into a machine or something?

24 A Yeah. There was a good amount of DNA deposited on that
25 area.

- 1 Q But the DNA on Michael Beaty is not as pronounced?
- 2 A That is correct. It's one in 2,600.
- 3 Q You mentioned major and minor contributor. What does
- 4 that mean?
- 5 A So in a mixture sometimes you can tell if one person
- 6 has donated more DNA to that item than the other, and then
- 7 that person would be the major contributor to the mixture,
- 8 just meaning that they have more of their DNA on that item
- 9 than the other person does. The other person with the less
- 10 DNA is the minor contributor. And that's the way you can
- 11 differentiate sometimes.
- 12 Q And on the ends then would Emily Asbill be the major
- 13 contributor to item 67?
- 14 A 67.2 --
- 15 Q Yes.
- 16 A -- is the ends?
- 17 Q Right.
- 18 A Yes. She's the major contributor.
- 19 Q She's the major contributor?
- 20 A Correct.
- 21 Q And Mr. Beaty would be the minor contributor?
- 22 A Yes, correct.
- 23 Q And for any item here -- any of the cords where we have
- 24 Ms. Asbill's DNA in the middle, it means just as much to you
- 25 as 67 as far as whether or not it was used to do anything?

1 A Again, I can't tell how the DNA got there. I can't
2 tell what -- what part of her DNA was found on the cord.

3 Q And on item 69.1, Ms. Asbill's DNA was -- they cannot
4 be excluded, correct?

5 A I'm sorry. 69.1?

6 Q 69.2. Excuse me.

7 A 69.2. Yes, she's not excluded.

8 Q And on 68.1 you're saying that the DNA matches the
9 profile of Emily Asbill?

10 A Yes, that's correct.

11 Q But you didn't put any odds with it?

12 A That's correct. I didn't.

13 Q And why didn't you put any odds with 68.1?

14 A It's just a SLED procedure. Emily's DNA was the only
15 DNA found on that item, but it was a partial DNA profile,
16 meaning I didn't get that full information across all
17 locations. So I didn't put a statistic to it because I had
18 some other items that had Emily's full DNA profile. And so,
19 I did a statistic for those. And so, that gives the highest
20 number possible that I could have gotten. So I know that
21 the 68.1 is just Emily. But I know that if I would have
22 done a statistic it would have been a lower statistic than
23 the one I got before, which was one in 860 trillion. So
24 it's --

25 Q Well, actually you were not comparing her DNA to four

1 or five other women's DNA, were you?

2 A No, I was not.

3 Q So that's not up in the trillion basis is what you're
4 saying here, on 68.1?

5 A 68.1? It's pretty partial. I've got about four or
6 five locations that I could use for statistics, and it
7 definitely wouldn't be in the trillions. It would be a
8 shear guess if I were to even through out a number.

9 Q But that -- and you say you've got it in four or five
10 locations, and that tells you that there's not a lot of DNA
11 there?

12 A Yeah, it's a partial profile. Yeah.

13 Q It's weak? It's kind of like a touching?

14 A Yes.

15 Q Not a -- not grabbing to plug something in?

16 A I mean, it could be if you just grabbed it to plug it
17 in real quick. I mean --

18 Q You're better with computers than I am then. But it's
19 like -- it's just where she kind of picked it up and moved
20 it or something like that?

21 A Yeah, that could be. Uh-huh.

22 Q And that would be the same with 67.1 where you say the
23 partial DNA profiles match but you don't give a number?

24 A Yeah. Again, it's just Emily's DNA. It is partial. I
25 have a bit more information that was found in more than

1 68.1.

2 Q Right. But it's not much more?

3 A Three or four more locations.

4 Q Out of 16?

5 A Yeah.

6 Q And you've got roughly -- in 67.1 you've got roughly,
7 what, eight out of 16? Yeah. And that's half of what you
8 normally use?

9 A Right.

10 Q And that's again consistent with the touching?

11 A Yes.

12 Q Okay. You also tested several cloth items, didn't you?

13 A Cloth items?

14 Q Let me get the numbers for you. I don't see them here.
15 Well, you tested a lanyard.

16 A Yes, I tested a lanyard.

17 Q All right. And that is kind of a cloth?

18 A Yes.

19 Q And you can get DNA off of cloth?

20 A Yes, you can.

21 Q Do you remember testing --

22 A I tested a scarf.

23 Q I believe a couple of scarves?

24 A Yes.

25 Q And those are things that were asked of you to be

1 tested?

2 A Yes, that's correct.

3 Q Was the shirt she was wearing that night?

4 A No, that was not a request.

5 Q And if someone were to grab the back of the shirt
6 tightly and pull on it, would you expect to find DNA from
7 that person on that shirt?

8 A We have a lot of requests for physical assaults where
9 someone's grabbed clothing. It's very rare to find it in
10 that instance.

11 Q Did you try?

12 A I didn't try with that item, no.

13 Q But you found it?

14 A I'm sorry --

15 Q You have found DNA in clothing under those
16 circumstances before?

17 A Yes. If I haven't in my own cases I know it's been
18 done.

19 Q And it all depends on how tightly someone grabbed that
20 clothing whether or not that DNA would come off on it?

21 A Yeah. Probably how tightly, how long they held it.

22 Q How long they held it. Whether or not it was, you
23 know, running through their hands, so to speak? Things like
24 that? All those would increase the probability of finding
25 any?

- 1 A Yes, that's correct.
- 2 Q So 60 and item 59.1.
- 3 A 59.1.
- 4 Q Is the scarf?
- 5 A Yes.
- 6 Q And you obtained a partial DNA from an unidentified
- 7 female?
- 8 A That's correct.
- 9 Q And you found in 59.2 is another portion of the scarf?
- 10 A That's correct.
- 11 Q It came from an unidentified female?
- 12 A Yes, that's correct.
- 13 Q Another scarf.
- 14 A. Yes.
- 15 Q You found a partial DNA from at least two individuals?
- 16 A Yes.
- 17 Q And then 61.2, also from the scarf, which is another
- 18 piece of clothing, you developed a DNA profile from an
- 19 unidentified female?
- 20 A Yes, correct.
- 21 Q And then on the lanyard, with the number --
- 22 A Yes.
- 23 Q Let me see if I can find that lanyard. Yeah, the blue
- 24 lanyard, which is -- I don't see an exhibit number on it.
- 25 MR. STUMBO: We didn't mark that one. We --

1 MR. WISE: We'll mark it as a Defense exhibit.

2 MR. STUMBO: I certainly -- I don't have a problem
3 putting it in there.

4 MR. WISE: We'll mark it as a Defense exhibit.

5 Q And this blue lanyard you also did an analysis on.

6 A That's correct.

7 Q And on that you were able -- and that's a cloth
8 substance?

9 A Yes, sir.

10 Q And on that you were able to develop the DNA of Emily
11 Asbill?

12 A Yes.

13 Q And was it a partial or a complete, or what was that?

14 A Yes. 62.1 is the lanyard with a card. And it's a
15 mixture of at least two people.

16 Q Right.

17 A And the major contributor is Emily Asbill.

18 Q To what degree?

19 A One in 2.7 million.

20 Q One in 2.7 million. That's a pretty good match?

21 A Yes, that's a good match.

22 Q That's getting up there, right?

23 A That's a good match.

24 Q So on that piece of cloth you were able to get a pretty
25 dog gone good match?

1 A That's correct.

2 Q Obviously.

3 A Uh-huh.

4 MR. WISE: I'd like to mark this as Defendant's next
5 number.

6 THE COURT: All right. That will be Defendant's
7 Exhibit 18; is that correct?

8 MR. STUMBO: No objection to that.

9 (Whereupon, Defense Exhibit Number 18 was entered into
10 evidence.)

11 Q And the unidentified male on there excluded Mr. Beaty
12 and Mr. Alexander?

13 A Yes. There was an unidentified male found on that
14 lanyard and Michael Beaty, Jr. and William Alexander were
15 excluded.

16 Q So you were able to get basically two profiles out of
17 it?

18 A Yes.

19 Q Ms. Asbill and an unidentified male?

20 A That's correct.

21 MR. WISE: All right. Thank you.

22 THE COURT: Any redirect?

23 MR. STUMBO: Just briefly, Your Honor. Just a couple
24 of questions.

25 REDIRECT EXAMINATION

1 BY MR. STUMBO:

2 Q Ms. Webb, Mr. Wise was asking you very specifically
3 about how tight an item is held and whether that got more
4 DNA on it, more or less. Are there any other variables to
5 that on how much touch DNA any given person can leave on an
6 item?

7 A Sure, absolutely. If someone is sweating profusely
8 they might leave more DNA. If someone -- there are known
9 individuals out there who are called shedders and they just
10 naturally shed more DNA than other people. And --

11 Q So what -- basically what you're saying, it depends on
12 the person on whether they secrete more or leave more items,
13 right?

14 A Sure. Those are definitely variables that can
15 attribute to that.

16 Q So that can contribute to it just as someone holding a
17 cord tight, correct?

18 A That's correct. And how many times they might have
19 handled it also. The more times you handle it, the more
20 chances your DNA is on it.

21 Q You were asked on cross about this particular cord and
22 pulling this particular cord tightly one way. And you were
23 asked in a strangulation case you would expect to find the
24 person's straggled DNA in the middle of the cord, correct?

25 A That's the usual circumstance, yes.

1 Q And that would be if it was pulled this way across
2 somebody's neck like this, correct?

3 A Yes, correct.

4 Q All right. Now, would you expect to find a lot of the
5 victim's DNA if the cord was wrapped and synched against
6 this USB end like so? Would you expect to find a lot of the
7 victim's DNA against the very end of the cord?

8 A Yes. Absolutely I would expect it in all that loop
9 area, and also that USB end.

10 Q So in the crossover area here right at the end of the
11 cord and then the square, correct?

12 A Correct. If it's up against, yeah, the neck, I would.

13 Q And in 67.2, which is the ends of this particular cord,
14 which would be the end with the USB end and this end here,
15 what are the numbers again as to EA Asbill's DNA on the ends
16 of that USB cord?

17 A Yeah, her DNA was found as the major contributor. It
18 was one in 17 million.

19 Q And Michael Beaty's was on the -- the swab from 57.2
20 came from actually both ends, correct? One swab from both
21 ends?

22 A Yes, from both ends. One swab, both ends.

23 MR. STUMBO: No further questions, Your Honor.

24 THE COURT: Any recross?

25 RECROSS-EXAMINATION

1 BY MR. WISE:

2 Q When a person is under stress they tend to sweat more?

3 A Most usually.

4 Q Most usually. Did you ever test Mr. Beaty and see if
5 he was a shedder?

6 A No, I haven't. That's generally not a test that we
7 perform in the lab.

8 Q It's a test somebody can perform though, isn't it?

9 A Sure.

10 Q All right. Now, you said on item 67, I believe 1 --
11 which one is the ends? 67.1 or 67.2?

12 A 67.2 is the ends.

13 Q 67.2 is the ends. And the DNA of Emily-Anna Asbill was
14 like one to 2.7 million?

15 A 17 million.

16 Q 17 million, correct?

17 A Uh-huh.

18 Q Tell me which end of this cord that DNA from Emily
19 Asbill was found?

20 A I can't tell you if it's one end or the other or both.
21 Since the swab was taken from both ends, her DNA could have
22 been on one side only or it could have been on both sides.
23 I can't tell since it was swabbed from both ends.

24 Q You see the high probability on at least one end of
25 that cord, right?

1 A Yes, correct.

2 Q Although we don't know which one?

3 A Yes, absolutely.

4 Q But we don't see that high probability anywhere else on
5 that cord?

6 A Well, 67.1, the middle, I did find Emily's DNA. I just
7 didn't do a statistical match to it.

8 Q Because it just wasn't as much like the other one?

9 A Wasn't as much as the full profile. Yes, correct.

10 Q And it wasn't enough to make you do a statistical
11 match?

12 A There was enough to do a statistical match. It was
13 just the reporting procedure that we use in the DNA
14 department is just -- I already had a statistic to her, just
15 her profile by herself. And so, this was just her by
16 herself, the single source profile. It just wasn't a
17 complete profile.

18 Q So we don't know what that could be?

19 A It's not in my report.

20 Q It's not in your report. So if it's not in your
21 report, we don't know what it could be?

22 A Actually, I have calculated it.

23 MR. WISE: Thank you.

24 MR. STUMBO: Your Honor, just a follow-up, I hope.

25 . REDIRECT EXAMINATION

1 BY MR. STUMBO:

2 Q You don't have it in your report but you have knowledge
3 of it to testify to it to answer that question, Ms. Webb?

4 A Yes, sir. If you give me a moment to find it. Here we
5 go.

6 MR. WISE: Your Honor, may we approach a moment?

7 THE COURT: Yes.

8 (Whereupon, a sidebar was held.)

9 MR. STUMBO: No further questions, Your Honor.

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

11 (Whereupon, the witness stepped down from the witness
12 stand.)

13 THE COURT: Any objection to this witness being
14 excused?

15 MR. WISE: No objection.

16 MR. STUMBO: No objection.

17 THE COURT: Thank you. Have a safe drive back to
18 Columbia.

19 THE WITNESS: Thank you, Your Honor.

20 THE COURT: All right. Well, ladies and gentlemen of
21 the jury, you certainly have put in a good days work and you
22 have been an alert jury all day long and I can tell you I
23 appreciate it. I'm going to send you home with strict
24 instructions again that you're not to look at any news, any
25 social media or anything like that that would cloud your

1 vision of what's going on in this courtroom. Get a good
2 night's rest. I don't think tomorrow will be as long as
3 today. So get a good night's rest and I'll see you all back
4 here at 9:30 tomorrow morning. And again, I appreciate your
5 all's promptness to be ready to go on time. I've had some
6 jurors that drag in and drag out. You all have been a great
7 jury. Thank you all. See you in the morning.

8 (Whereupon, the jury exited the courtroom at 7:04 p.m.)

9 THE COURT: Is there anything before we adjourn for the
10 evening?

11 MR. GROSE: Nothing from the Defense.

12 MR. STUMBO: Nothing from the State, Your Honor. Dr.
13 Ross has told us that she's going to make every effort to be
14 here at 9:30. I think she has some kind of autopsy
15 scheduled and she's going to try to -- try to get somebody
16 else to cover that for her. She's going to try to get here
17 by 9:30, but she should be here no later than 10:30. We're
18 going to get her as soon as we can, Judge. We emphasis --

19 THE COURT: You don't have any other witnesses? This
20 is your last witness?

21 MR. STUMBO: We don't, Your Honor. My thought is we
22 could maybe take up some of the legal issues tomorrow as to
23 the unavailability of Mr. Alexander, as we discussed, and
24 possibly -- the possible charges.

25 THE COURT: Okay. I'd just hate to have the jury wait.

1 As soon as I tell them to come here at 10:30 she'll be right
2 here ready to go at 9:30.

3 MR. STUMBO: That's true.

4 MR. GROSE: That's true.

5 THE COURT: That's how it always works.

6 MR. STUMBO: That's why I didn't want to ask you to
7 have them come in later, Judge, because we're hoping that
8 she's here ready at 9:30.

9 THE COURT: Okay. Very well. The Court's adjourned
10 until 9:30 tomorrow. Thank you.

11 TRIAL DAY 4-01/29/15

12 THE COURT: Good morning everyone. Anything before we
13 bring the jury in?

14 MR. GROSE: Nothing, Your Honor.

15 MR. STUMBO: Nothing from the State.

16 THE COURT: Bring them in.

17 (Whereupon, the jury entered the courtroom at 9:36
18 a.m.)

19 THE COURT: Please take your seats. Good morning,
20 ladies and gentlemen. Hope you all had a good night's rest
21 and are alert and ready to hear a lot of evidence. I don't
22 think we're going to go as -- have to go as long today. I
23 won't promise that. But just the way we have it scheduled,
24 I don't think it will be as late.

25 Is the State ready to proceed?

1 MR. STUMBO: We are, Your Honor.

2 THE COURT: You may call your next witness.

3 MR. STUMBO: The State calls Dr. Janice Ross to the
4 stand.

5 DR. JANET ROSS, having been first
6 duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. STUMBO:

9 Q Good morning, Dr. Ross.

10 A Good morning.

11 Q You live in Newberry?

12 A Yes, sir.

13 Q And what is your profession, Dr. Ross?

14 A I am a forensic pathologist.

15 Q And is your practice located in Newberry as well?

16 A Yes, sir.

17 Q Forensic pathologist. Does that mean you conduct
18 autopsies?

19 A Yes. We are doctors. I have a degree -- an MD from
20 Upstate Medical Center in Syracuse, New York, after
21 receiving a bachelors degree from the University of South
22 Carolina, and further training in -- four to five years in
23 training in pathology.

24 Q And beyond your -- so you went to USC Medical
25 University for your degree? Where did you get your medical

1 degree?

2 A I started in Charleston, in USC, and finished at
3 Upstate Medical Center in Syracuse, New York.

4 Q And are you licensed to practice pathology in the State
5 of South Carolina?

6 A Yes.

7 Q Do you have any associations in the field of pathology
8 with national groups and that sort of thing?

9 A Yes.

10 Q What are those?

11 A National Association of Medical Examiners, the American
12 Academy of Forensic Sciences, and then the local South
13 Carolina Pathology Society.

14 Q How many autopsies have you conducted in your career as
15 a forensic pathologist?

16 A Approximately 8,000.

17 Q And have you ever been qualified as an expert in the
18 courts of this state to testify in the field of forensic
19 pathology?

20 A Yes.

21 Q How many times?

22 A At least 70 times.

23 MR. STUMBO: Your Honor, at this time the State would
24 offer Dr. Janice Ross as an expert in the field of forensic
25 pathology.

1 THE COURT: Any objection?

2 MR. WISE: No objection.

3 THE COURT: With no objection. Ladies and gentlemen,
4 just like with the other experts, you should take her
5 opinion as you choose to do so. You don't have to accept
6 it. And if you find that it's not based on rational facts
7 then you can disregard it entirely. Just give it the weight
8 you think it needs.

9 You may proceed with your questioning.

10 MR. STUMBO: Thank you, Your Honor.

11 Q In one of the 8,000 some odd autopsies you've done in
12 your career, Dr. Ross, did you have occasion to conduct an
13 autopsy on the victim in this particular case?

14 A Yes, sir.

15 Q And who was the victim? What is her name?

16 A Emily Asbill.

17 Q What day did you conduct this autopsy?

18 A On June 30th, 2013.

19 Q What time of day did you --

20 A In the morning at 9:00 a.m.

21 Q She was brought to you and referred to you by which
22 county?

23 A The Coroner Nichols of Laurens County authorized and
24 requested the autopsy.

25 Q So this autopsy conducted from Laurens County. Are you

1 taking autopsies from all over the state?

2 A Yes. We serve probably 20 counties of the state.

3 Q I'm going to -- you have your report with you on the
4 stand, Doctor?

5 A Yes.

6 Q I'm going to go ahead up front and ask you what your
7 conclusions were and then we're going to get back into some
8 of the details. What did you find the manner of death to be
9 for Emily-Anna Asbill?

10 A The manner of death, homicide.

11 Q And what was the cause of death for Emily-Anna Asbill?

12 A Asphyxia due to strangulation.

13 Q Did you note any other injuries on her body in the
14 course of your autopsy in addition to the ones that led to
15 your conclusion of the cause of death?

16 A Yes.

17 Q And what were those?

18 A There was a small bruise on the top of -- top right
19 forehead of the scalp inside -- in the hair area. There was
20 a small scratch abrasion above the right eyebrow. And there
21 were abrasions on the backs of some of the fingers on both
22 hands and on the right forearm.

23 Q Let's talk about the injuries that you just mentioned
24 to the hand. The left hand and the right forearm. I'm
25 going to show you what's already in evidence as State's 35

1 and 36.

2 MR. STUMBO: Permission to publish these via overhead.

3 THE COURT: Okay.

4 MR. STUMBO: If we could dim the lights, please.

5 Q Dr. Ross, I'm going to give you this laser pointer just
6 if you need it. Just that button there, point and shoot.

7 State's 36, these injuries to the right forearm, if you
8 could describe for the jury what type of injuries are those?

9 A These are called abrasions. They are surface --
10 abraded skin on the surface due to being -- something being
11 dragged across there. The hand dragging across the skin.

12 Q So would these be caused, you said, by something being
13 dragged across by something rough or something sharp?

14 A Something rough.

15 Q Similar to a road or gravel or pavement?

16 A Yes. We often see these kind of injuries in car
17 crashes. For instance, when a person is thrown out of the
18 vehicle and has come across the road.

19 Q And that was on the hand area as well as down the
20 forearm?

21 A Correct.

22 Q State's 35 is the left hand. If you could, just
23 similar type injuries here?

24 A Similar abrasions on the surface of these fingers. And
25 there's some blood still present also.

1 Q Could these be consistent with someone making contact
2 with the road?

3 A Yes.

4 Q While the car is moving, for example?

5 A Yes.

6 Q Did you see any evidence on her -- on Emily Asbill's
7 hands, wrists or forearms of any kind of sharp cutting?

8 A No.

9 Q Was there any kind of resolving injuries associated
10 with -- did you find any injuries on the arms that were old
11 scars and that sort of thing?

12 A There's one scar on her left mid forearm that was
13 horizontally oriented across the arm. That was healed up.

14 Q So it happened some months in the past, correct?

15 A Correct.

16 Q We're going to move on now to your findings as to the
17 cause of death. You indicated it was asphyxia by
18 strangulation. Would you describe to the jury what this
19 means. What it means for someone to be asphyxiated.

20 A Asphyxiated is a term that relates to the lack of
21 oxygen. It could be lack of oxygen because of -- lack of
22 oxygen to the brain. Lack of oxygen because the person is
23 drowning, or lack of oxygen because the blood supply up to
24 the brain is being cut off by pressure on the neck.

25 Q And so, the pressure to the neck would cause the lack

1 of blood flow and airflow to the brain, and/or -- airflow to
2 the mouth and blood flow to the brain?

3 A It depends on the amount of pressure. But mostly when
4 there's pressure across the neck you -- it takes very little
5 pressure to close off the veins. They're thin-walled. The
6 veins carry blood back from the brain to the heart. So
7 those are closed off and so that blood can backup into the
8 brain. It's not being relieved. And that causes pressure
9 on the brain. A little more pressure will also block off,
10 or close off the arteries, the carotid arteries, which then
11 would prevent blood from getting to the brain.

12 Q So what you're telling us, just in laymen's terms here,
13 is that the blood flow from the heart to the brain, when
14 that's cut off in a strangulation, that's what causes death?

15 A Yes.

16 Q So it's not just the fact that you can't breath
17 specifically? One of the byproducts of is you can't take in
18 inhale and exhale, correct?

19 A Well, you can still breath depending on the pressure.
20 But the oxygen is taken to the brain with red blood cells,
21 of course, in the blood. So if you prevent the red blood
22 cells from getting to the brain, that is also called
23 asphyxia.

24 Q So it's a combination of those things. If you can't
25 breath, you don't have oxygen in your blood. And if the

1 blood flow itself is cut off, also your brain is not getting
2 -- getting what it needs to survive?

3 A Correct.

4 Q Okay. The term manual strangulation versus ligature
5 strangulation. What's the difference between those two
6 things?

7 A Just what's used to strangle. What's used to put
8 pressure on the neck. Manual means hand. So that would be
9 the hand across the neck. A ligature can be any kind of
10 weapon such as a cord, or a belt, or a sheet rolled up. And
11 the impression that the ligature makes is important to
12 identify -- we identify patterns of injury.

13 Q So ligature can be any other object other than
14 someone's hands used to accomplish this strangulation on the
15 neck?

16 A Correct.

17 Q So the term ligature marks would be, as you said
18 before, you're looking for markings that are left behind by
19 whatever that object is, correct?

20 A Correct.

21 Q What type of strangulation, based on your autopsy,
22 happened to Emily-Anna Asbill; manual or ligature?

23 A Ligature.

24 Q Did you note ligature marks?

25 A Yes.

1 Q What other evidence of strangulation -- or other
2 evidence of asphyxia did you have based on your physical
3 findings, Dr. Ross?

4 A We found what's called petechiae in the eyes and on the
5 skin of the face. Petechiae are little pinpoint red dots
6 that you can see. And it's due to blood seeping out of --
7 being pushed out of little tiny capillaries underneath the
8 skin and underneath the blood vessels of the eye because of
9 the pressure on the veins across the neck. In other words,
10 blood, again, is not being able to return to the heart,
11 pressure builds up, and some blood still gets to the brain
12 but it can't get back out. The blood pressure inside the
13 blood vessels backs up into these so that little areas of
14 blood can't get out of the capillaries.

15 Q Did you find evidence, there again, of petechiae on the
16 eyes?

17 A Yes, and on the face.

18 Q And did you document that on your report?

19 A Yes.

20 Q Was there any other kind of marking or bruising in
21 conjunction with the ligature marks that was significant to
22 you?

23 A There was a pattern in the ligature mark. It was a
24 straight -- not so straight. It aligned where there was a
25 cross, and just above it was a sort of rectangular shaped

1 abrasion.

2 Q So there was a rectangular shaped abrasion.

3 MR. STUMBO: I'm going to go ahead and publish, Your
4 Honor, State's 32, 33, 34, 28 and 30.

5 THE COURT: All right. They're in evidence.

6 Q You still have the laser pointer?

7 A Yes.

8 MR. STUMBO: Your Honor, this is State's 28.

9 Q Dr. Ross, if you could, explain to the jury what you
10 see in this picture that's significant to your findings of
11 strangulation.

12 A There is an impression, this linear across neck here,
13 and then somewhat of a cross of wires here, or the ligature
14 pattern, with this rectangular shaped abrasion above it, and
15 connected to one end of the ligature.

16 Q Does the ligature seem to go all the way back around in
17 this --

18 MR. WISE: Your Honor, he's leading the witness.

19 Q Can you explain the right side of the neck, Dr. Ross.

20 A It is fairly straight back across the right side of the
21 neck. There was no abrasion on the -- impression on the
22 back of the neck because of the long hair.

23 Q Let me show you State's 30. What do you observe here
24 of significance on the right side of the neck?

25 A It's kind of difficult to see it, but I think this is

1 the ligature mark going across the right neck.

2 Q When you say it's obstructed on the back, there's hair
3 -- long hair on Emily?

4 A Correct.

5 Q State's 34. A little bit angled from the other side,
6 Dr. Ross. If you could describe the injuries or markings
7 here.

8 A This is to orient. This would be the chin, and this is
9 the right neck. This ligature mark goes across here,
10 slightly upwards towards the left of the neck. And here's
11 that cross where the ligature apparatus crossed, and then
12 ended up in this rectangular shaped abrasion.

13 Q What kind of lines are there on this? Is that
14 consistent -- that rectangular mark consistent with a thumb,
15 or something else?

16 A Nothing in nature has 90 degree angles. This has 90
17 degree angles on it. So it looks like part of the ligature
18 apparatus.

19 Q I'm going to show you next State's 33. Now, earlier
20 you mentioned petechiae, Dr. Ross.

21 A Yes, sir.

22 Q Tell the jury what you see here in State's 33.

23 A They can be difficult to identify if you're not used to
24 it. But these little red dots in the eye. You can see some
25 on the skin here.

1 Q So what you're saying is that petechiae would be on the
2 white part of the eye or the skin?

3 A Correct.

4 Q And you found both in this case?

5 A Yes, sir.

6 Q And that's the right eye. And this would be State's
7 32, the left eye.

8 A You can see little dots here also. And you can see the
9 dots here on that. At least on the eyelids.

10 Q And that, in your medical opinion, to a reasonable
11 degree of medical certainty, that's what you would call
12 petechiae?

13 A Correct.

14 Q That's evidence of strangulation?

15 A Yes.

16 MR. STUMBO: You can cut the lights back on.

17 Q Dr. Ross, how long does it take, based on your training
18 and experience -- have you ever conducted an autopsy on a
19 ligature strangulation case?

20 A Yes.

21 Q Have you conducted research in the course of your job
22 on strangulation cases?

23 A Some research. Have gone to some conferences where
24 they actually showed videos. For instance, a man who's
25 going to hang himself set up a video to record the whole

1 thing. You could see where he was unconscious within five
2 to eight seconds, but it took him almost five minutes to
3 completely die.

4 Q So what is your opinion on the time range it would take
5 to asphyxiate someone to death? To the point of death?

6 A It'll depend on the rest of their health issues. If
7 they had any heart disease or anything. But generally you -
8 - as I say, you're unconscious within five to eight seconds,
9 and you have permanent brain death between three to five
10 minutes.

11 Q So if it's kept up for three to five minutes it's kind
12 of beyond the point of no return?

13 A Yes. Sometimes if you release the pressure before that
14 time -- well, before a minute or so, the person can wake up.
15 But at least two minutes would be fairly permanent brain
16 damage.

17 Q The two minute point is a pretty critical mark there?

18 A In general, yeah.

19 Q If it's less than that there's -- in your medical
20 opinion, could there be a chance that a person could survive
21 and regain full function?

22 A Yes.

23 Q And just one follow-up on that particular point, Dr.
24 Ross. That would have to -- the pressure that's exerted to
25 cutoff the blood flow, would that have to be a pretty

1 constant force or pressure?

2 A Yes.

3 Q So, in other words, if there was a constant force of
4 pressure and then it was released for some time, it would
5 give the person a chance to regain consciousness, and then
6 it would have to be start -- I guess, start the process
7 over, for lack of a better term?

8 A Yes.

9 Q Did you have toxicology done on Ms. Asbill here, or was
10 it done?

11 A Yes.

12 Q And were you given the results of the toxicology in
13 this case?

14 A Yes, I was.

15 Q What was her blood alcohol?

16 A The blood was .23 percent, and the vitreous fluid, it
17 was .239.

18 Q Were those your findings or were they given to you as
19 part of your opinion here by another agency?

20 A We draw fluids at the time of autopsy and the fluids
21 are sealed and then taken to SLED to run the results.

22 Q After they ran those they provided those back to you;
23 is that correct?

24 A Correct.

25 Q A .23 blood alcohol level. In your opinion, is that --

1 would that contribute to the cause of death, Dr. Ross?

2 A It could. It depends on the tolerance of the person.

3 But it could at least make them sleepy or maybe even

4 unconscious. If they're tolerant of the alcohol it would

5 just decrease their reflex activity. But as far as the

6 asphyxiation goes, no. It would not have any effect on

7 that.

8 Q It wouldn't have any direct effect on the asphyxia?

9 A On the death due to asphyxia.

10 Q Would that -- would the amount a person drinks on a

11 regular basis effect their level of functioning based on

12 blood alcohol content?

13 A Yes. Yes. People who drink habitually can build up a

14 tolerance, so they're able to function a little better than

15 a person who is not habitually drinking.

16 Q And you've personally observed in the course of your

17 job people with high alcohol contents being functional?

18 A Yes.

19 Q So someone who never drinks and then drinks to the

20 point of .23 could be more apt to lose functioning at that

21 level?

22 A Yes.

23 Q Dr. Ross, I'm going to ask if you could step down from

24 the stand for a second.

25 THE COURT: Please speak up when you're not on the

1 stand.

2 MR. STUMBO: Your Honor, if I may. I'm going to bring
3 Investigator Bentley over here in a chair as demonstrative.

4 Q Dr. Ross, I'm getting out right now what is already in
5 evidence. A cord identified as a USB cord. It's already in
6 evidence. It's State's Number 46. I'm going to demonstrate
7 something --

8 MR. WISE: If I may, we do have an objection. Unless
9 Dr. Ross has done some measurements and some testing in
10 relation to the autopsy pictures, this would just be, I
11 think, too speculative to be --

12 THE COURT: I don't know where he's going with this at
13 this point in time.

14 MR. STUMBO: I think it's demonstrative, Your Honor,
15 and based within the realm as an expert as a pathologist.

16 THE COURT: I'll give you some leeway.

17 Q Now, Dr. Ross, this crosses over here, and I think --

18 MR. WISE: He's leading the witness a little bit.

19 THE COURT: Don't lead the witness.

20 MR. STUMBO: Yes, sir.

21 Q What's being demonstrated here, could that be
22 consistent with ligature marks?

23 MR. WISE: Your Honor, that's leading the witness.

24 THE COURT: Overruled.

25 A Yes, it could.

1 MR. STUMBO: I believe I was obstructing the jury view,
2 Your Honor.

3 Q But a synching almost like this is a noose affect.
4 Could this be consistent with the ligature marks, Dr. Ross?

5 A Yes.

6 Q And just one follow-up question. Is there anything of
7 note on the end of a USB cord that would be significant?

8 A It's a rectangular shape.

9 Q Dr. Ross, I'm going to show you -- I'm going to show
10 you now what's already in evidence as State's Number 48 --
11 I'm sorry. State's Number 47, which is identified as a tank
12 top. Are you familiar with this item, based on our report?

13 A Yes.

14 Q And this was the tank top that was taken from the
15 autopsy and given to law enforcement by you?

16 A Yes.

17 Q Now, this appears to have been cut down the middle and
18 cut off, correct?

19 A Yes.

20 Q Now, if this is the front of this item, front of the
21 shirt with the tag being in the back, this being wrapped
22 around the person's neck --

23 MR. WISE: Your Honor, he's leading the witness. I
24 object.

25 THE COURT: I'm going to give him a little leeway.

1 She's an expert.

2 Q Would that be consistent with the ligature marks that
3 you see in this picture here in State's 3?

4 A No, because in one part produce a straight line, but it
5 wouldn't account for the other abrasions and the crossover.

6 Q So in your opinion, to a reasonable degree of medical
7 certainty, this tank top doesn't have appropriate markings
8 for the crossover effect on that ligature mark?

9 A Correct.

10 Q Dr. Ross, you can return to the stand. Dr. Ross, based
11 on your training and experience as a doctor, what's the
12 natural reaction of a human being when they're being
13 strangled?

14 A It's one thing we look for in all strangulations. The
15 reflex is to get the pressure off the neck. So you can have
16 -- if your hands are free and you can get underneath the
17 ligature and pull down, and you look for appropriate
18 abrasions above the ligature mark to identify whether this
19 occurred or not.

20 Q Did you find any scratching indicative of that on Emily
21 Asbill's neck during your autopsy?

22 A No, I did not.

23 MR. STUMBO: Beg the Court's indulgence, Your Honor.

24 Q One other thing, Dr. Ross, and I'm almost done. I
25 believe you noted this earlier. I'm not going to put it

1 back on the board. But State's Number 34. What is the
2 angle of the ligature marks here? Is that significant to
3 you?

4 A The ligature mark goes across the front of the neck,
5 slightly upward on the left and pretty much horizontally on
6 the right. Straight back on the right.

7 Q Straight back on the right side. Just to clarify this.
8 But on the left side it's an upward --

9 A Slightly upward.

10 Q -- upward angle?

11 A Yeah.

12 Q This is a matter of wrap up, Dr. Ross. To a reasonable
13 degree of medical certainty, what is the cause of death of
14 Emily Asbill?

15 A Asphyxia due to strangulation.

16 Q The manner of death is?

17 A Homicide.

18 Q Homicide meaning that she was killed by someone else --

19 A Correct.

20 Q -- and not herself?

21 A Correct.

22 MR. STUMBO: No further questions, Your Honor.

23 THE COURT: Mr. Wise.

24 CROSS-EXAMINATION

25 BY MR. WISE:

1 Q Dr. Ross, let's discuss for a moment the term -- the
2 terms used by pathologists in determining manner of death.
3 It's basically natural, accidental, suicidal, homicidal or -
4 - homicide, or unknown.

5 A Correct.

6 Q Is that correct?

7 A Yes.

8 Q And those are really for classification, correct?

9 A Correct.

10 Q If a -- if I were to shoot someone breaking into my
11 home and never get charged with the crime that still would
12 be a homicide?

13 A Yes.

14 Q And if a hunter were out hunting and shot what he
15 thought was an animal but ended up killing another human
16 being because they didn't have the orange on, that would
17 still be a homicide?

18 A Correct.

19 Q Even though there's no criminal responsibility?

20 A Correct.

21 Q So it's a word used for classifying the crime, not for
22 describing whether or not there's any responsibility for it?

23 A Correct.

24 Q Okay. Now, you put in your autopsy report everything
25 that's of great importance, I assume, in this case?

1 A Yes.

2 Q You did not mention in your autopsy report that there
3 was any indication of a collapsing of the larynx or trachea?

4 A If it had been there, I would have described it.

5 Q Correct. So in this case, we're talking about a death
6 that was not caused by the airway being crushed?

7 A Correct.

8 Q Correct?

9 A Yes.

10 Q It was caused by the veins in the neck being shut?

11 A Correct.

12 Q And you said that you could be rendered unconscious in
13 three to five seconds from that?

14 A Five to eight seconds.

15 Q Five to eight. Excuse me.

16 A Yes.

17 Q Five to eight seconds.

18 A Yes.

19 Q Relatively a quick period of time?

20 A Yes.

21 Q And if a person were held in that position for a period
22 of 15 to 20 seconds and then released a normal healthy
23 individual, you would expect them to recover?

24 A Correct.

25 Q If they were -- if you were to grab me in that position

1 and then I collapsed on the floor in eight seconds and you
2 got me back up, I would be expected to recover, right?

3 A Correct.

4 Q Do you know -- are there any studies that talk about
5 the effect of high levels of alcohol on an individual who is
6 rendered unconscious from those ligatures -- from crushing
7 of those veins?

8 A I have no knowledge of any.

9 Q Would a level of .23 alcohol have some impact on the
10 ability of that person to recover?

11 A I don't believe so, no.

12 Q You don't believe so?

13 A No.

14 Q Are you familiar with the concept in pathology known as
15 positional asphyxiation?

16 A Yes.

17 Q And positional asphyxiation occurs where a person gets
18 themselves in a position where they can't breath right, good?

19 A Yes.

20 Q And eventually they will die from it?

21 A If they're in a position where if there is a blockage
22 of the blood vessels.

23 Q Well, even without blocking the blood vessels there's
24 positional asphyxiation with someone -- particularly someone
25 who's highly intoxicated gets into a position where they

1 just don't breath well. Are you familiar with that?

2 A Yes.

3 Q And in position asphyxiation alcohol is one of the big
4 contributors to it?

5 A Yes.

6 Q And in positional asphyxiation you also see again the
7 petechiae in the eye?

8 A Yes.

9 Q And positional asphyxiation, blood alcohol is ranged
10 from about 4.2 to as high up as you can get?

11 A Depends on the tolerance.

12 Q Depends on the tolerance. And we're dealing here with
13 a 19-year-old girl?

14 A Yes.

15 Q We're not dealing with a 50-year-old who's been
16 drinking for 30 years, correct?

17 A Correct.

18 Q So you would expect her tolerance to be less?

19 A Correct.

20 Q Did you consider positional asphyxiation in this case?

21 A Well, it's always -- what we look for is identifying
22 patterns of injury, and this was a clear ligature mark. We
23 would have to have that information from the scene.

24 Q Well, if it was determined by people at the scene that
25 she was found in an awkward position on the floorboard of

1 the car, would that qualify as a cramped awkward position?

2 A Yes. And that would be reported to me.

3 Q Well, was it reported to you that she was found on the
4 floorboard of the car? Sitting on the floorboard of the
5 car?

6 A All I knew, that she was in the car.

7 Q She was what?

8 A Inside the car.

9 Q I'll show you this picture. I'm no expert. We'll let
10 Mr. Bentley take care of that. I want to show you this
11 picture then of the floorboard of the car. All right?

12 A Yeah.

13 Q That would be a very cramped position?

14 A It can be, yes.

15 Q And that would be a very awkward for a person to be in?

16 A Depending on how they are.

17 Q Well, I mean, she's sitting on the floorboard of that
18 car, correct?

19 A Yeah.

20 Q And that would be a position that a person would have
21 difficulty -- if they're unconscious to begin with, and had
22 a high blood alcohol, they would have trouble breathing?

23 A Again, I didn't see the position. I mean, just sitting
24 on the floorboard doesn't tell me if there's positional
25 asphyxiation.