

VOLUME I OF II

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable R. Knox McMahon, Circuit Court Judge

THE STATE,

V.

PETER LYNN COFFEY,

RESPONDENT
JAN 10 2019

SC Court of Appeals

APPELLANT

APPELLATE CASE NO. 2018-000491

RECORD ON APPEAL

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State of South Carolina
County of Lexington

Court of General Sessions

State	)	
	)	
	)	Transcript of Record
v.	)	2018-GS-32-00943
	)	2018-GS-32-00944
Peter Lynn Coffey	)	
	)	
<u>Defendant.</u>	)	

March 12 - 15, 2018
Lexington, South Carolina

B E F O R E:

The Honorable R. Knox McMahon, Judge; and a
jury.

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P R O C E E D I N G S

* * *

(The following proceedings were held March 12, 2018.)

THE COURT: All right. Yes, sir? I'm ready, Solicitor. You may proceed.

MR. GRAHAM: Thank you, Your Honor. Originally this case would have been called under Indictments 2017-GS-32-00993, which was an indictment for murder, and 2017-GS-32-00994. Upon review of the indictments yesterday, there were two errors or scrivener's errors that we noticed.

The first was that the victim's name was Decedent. Her full name is Decedent. And then the day, on or about August 7th, 2015, it's the State's belief through the evidence that will be offered it will actually be the assault, the sexual assault, and death occurred most probably on August 8th, in the early morning hours of August 8th.

In an abundance of caution, we have sent two new indictments to the grand jury this morning to address those problems. They have been true-billed, and that is 2018-GS-32-00944. So it changed from 2017 to 2018, an indictment for criminal sexual conduct, and 2018-GS-32-00943, an indictment for

1 murder. Both of those were true-billed.

2 Certified true copies of both of the 2018
3 indictments have been given to Mr. Williams and
4 Mr. Stitely, who are Mr. Coffey's attorneys, in the
5 courtroom.

6 Additionally, Your Honor, I'd like to make the
7 2017 indictments a Court exhibit for this trial, and
8 that would be Indictment 2017-993 and 994, Your
9 Honor.

10 THE COURT: All right. Thank you. Thank you,
11 Solicitor.

12 MR. GRAHAM: The other -- for the record, Your
13 Honor, briefly, I'd point out that a reciprocal Rule
14 5 was filed by the State on the original warrants
15 associated with this case alleging the dates of
16 August 7th through August 9th, and as of this time
17 the State has not received an alibi notice, so I
18 don't believe it will impact the defense of the case
19 in changing this.

20 Additionally, Your Honor, I'd like to say for
21 the record that I believe we probably could have
22 gone forward under 17-19-100 and asked Your Honor to
23 amend it, but I believe this is a safer practice, as
24 well as also several cases in South Carolina; State
25 v. Quarles, primarily, it's 200 S.E.2d 384 (1973),

1 which states when it's not a necessary element of
2 the crime, that an amendment can be allowed. But I
3 believe the new indictments is a safer practice,
4 Your Honor. Thank you.

5 THE COURT: May I see the indictments, please?

6 MR. GRAHAM: Yes, Your Honor. The 2018
7 indictments I'll pass up, Your Honor.

8 THE COURT: And can I also see the previous
9 indictment?

10 MR. GRAHAM: The 2017, Your Honor, have not
11 been marked yet, but they will be.

12 THE COURT: All right.

13 MR. GRAHAM: And I have the reciprocal Rule 5
14 if you'd like to look at that as well, Your Honor.

15 THE COURT: All right. Mr. Stitely?

16 MR. STITELY: Judge, I think Mr. Graham stated
17 it accurately. We've reviewed the new indictments.
18 Aside from the adding the new last name properly,
19 the shift to one day is substantially similar. I
20 think under the statute we could potentially make an
21 argument for continuance, but we don't believe one
22 is necessary at this time.

23 THE COURT: All right. Thank you very much.

24 And I'd note, from reviewing the indictments,
25 both the 2018-GS-32-00944, which is the criminal

1 sexual conduct indictment, and 2018-GS-32-00943,
2 which is the murder indictment, in comparing them to
3 2017-GS-32-00993, murder, and 2017-GS-32-00994, it
4 does not change the wording of these indictments
5 whatsoever. It is sufficient as an indictment for
6 murder and criminal sexual conduct, both, all four.

7 Further, the only change is in the murder
8 indictment, and that is the word **Decedent** -- is the
9 name is added to **Decedent**. It's **Decedent**.

10 **██████████** And on or about August 7th, 2015 is changed
11 to on or about August 8th of 2015. There was no
12 reciprocal Rule 1 -- Rule 5 filed in the case. And,
13 therefore, I would grant the motion and find the
14 indictment is sufficient in form and consistent with
15 the statutory law and the case law of State vs.
16 Pierce, State vs. Hamm, and 17-19-20.

17 All right. Anything further before we take our
18 recess, Solicitor or Mr. Stitely?

19 MR. GRAHAM: Nothing from the State, Your
20 Honor.

21 MR. STITELY: Nothing from the defendant, Your
22 Honor.

23 THE COURT: All right. We'll take about 15
24 minutes. Thank you.

25 (Court's Exhibit Nos. 1 and 2 marked for

1 identification.)

2 (Brief recess.)

3 THE COURT: All right. Solicitor, you may call
4 your first case for trial.

5 MR. GRAHAM: Thank you, Your Honor.

6 The State calls Indictment 2018-GS-32-00944,
7 The State vs. Peter Lynn Coffey, indicted for
8 criminal sexual conduct in the first degree; also
9 Indictment 2018-GS-32-00943, The State vs. Peter
10 Lynn Coffey, indicted for murder.

11 These are copies, Your Honor. I believe Your
12 Honor has the originals.

13 THE COURT: Thank you, Solicitor.

14 Mr. Stitely, Mr. Williams, y'all represent
15 Peter Lynn Coffey?

16 MR. STITELY: Yes, we do, Your Honor.

17 THE COURT: Is Mr. Coffey present?

18 MR. STITELY: He is, Your Honor.

19 THE COURT: Are y'all ready for trial?

20 MR. STITELY: We are, Judge.

21 THE COURT: Thank you. Thank you very much.

22 Ladies and gentlemen of the jury panel, if
23 you'll please give me your complete and undivided
24 attention, we're going to go through a procedure
25 where we qualify and select a trial jury for the

1 trial of this case that has been called.

2 As a result of that or to go through this
3 procedure, I will ask you certain questions to
4 determine your eligibility and your qualification to
5 serve on this particular trial jury panel and ask
6 you a series of questions in that regard.

7 As part of that, I will read or publish to you
8 the indictments. The indictments are not evidence;
9 the indictments are the formal charging documents by
10 which an individual is placed on notice of the
11 charges that have been brought against him or her.
12 The indictments contain mere allegations and are not
13 evidence of any of the allegations contained
14 therein. So I read these indictments to you because
15 of certain questions I'll ask you as we go through
16 this procedure. Our goal in this procedure is to
17 select a trial jury that will be fair and impartial
18 in the trial of this case for both Mr. Coffey and
19 the State of South Carolina.

20 Please consider yourselves still under oath,
21 having been administered both previously by the
22 clerk earlier this morning, and please have your
23 answers be full, complete, and accurate.

24 Indictment No. 2018-GS-32-00944 reads as
25 follows: That Peter Lynn Coffey did in Lexington

1 County, South Carolina, on or about August 8th,
2 2015, commit a sexual battery upon the victim, Decedent
3 [REDACTED], without her consent, by the use of
4 aggravating force to accomplish a battery; to wit:
5 The defendant did, by using physical force or
6 physical violence of a high and aggravated nature to
7 overcome the victim, did commit sexual intercourse
8 and inserted a foreign object into her rectum, all
9 in violation of Section 16-3-652 of the Code of Laws
10 of South Carolina, 1976 as amended. That is an
11 indictment for criminal sexual conduct in the first
12 degree.

13 The next indictment, 2018-GS-32-00943, reads as
14 follows: That Peter Lynn Coffey did in Lexington
15 County, on or about August 8th, 2015, willfully,
16 feloniously, and with malice aforethought, kill one
17 Decedent [REDACTED] by means of beating the victim
18 about her head and face fracturing her skull, and
19 that the victim Decedent [REDACTED] died as a
20 proximate result thereof, in violation of 16-3-10 of
21 the Code of Laws of South Carolina, 1976 as amended.
22 That is an indictment for murder.

23 The State is represented by Deputy Solicitor
24 Graham and Pogue. If y'all would, please stand,
25 introduce yourselves to the jury panel and any other

1 members of the solicitor's staff that may assist you
2 in the presentation of this case.

3 MR. GRAHAM: Thank you, Your Honor.

4 Good morning. My name is Shawn Graham. I'm
5 deputy solicitor here in Lexington County. This is
6 Assistant Solicitor Bradley Pogue, my paralegal
7 Ms. Robinson, and Investigator Gail Smith from the
8 solicitor's office.

9 THE COURT: Thank you, Solicitors.

10 Mr. Coffey is represented by attorney Ben
11 Stitely and attorney Theo Williams. If y'all would,
12 please stand and introduce yourselves to the jury
13 panel and your client.

14 MR. STITELY: My name is Ben Stitely. This is
15 Robert T. Williams or Theo Williams. Our office is
16 right there across the street. This is our client
17 Peter Coffey.

18 THE COURT: Thank you, Mr. Stitely,
19 Mr. Williams, Mr. Coffey.

20 Starting with the attorneys, ladies and
21 gentlemen, is any member of the jury panel related
22 by blood or marriage, friends, know, have any
23 social, business, or professional relationship with
24 any of the attorneys involved in the case, Solicitor
25 Graham, Solicitor Pogue, Mr. Stitely, or

1 Mr. Williams? If so, please stand.

2 Your number, please?

3 POTENTIAL JUROR: 25.

4 THE COURT: Would you step up here for me,
5 please.

6 Tell me your name, please.

7 POTENTIAL JUROR: Barbara Brown.

8 THE COURT: Tell me your response to that
9 question.

10 POTENTIAL JUROR: I live two blocks from Theo
11 Williams.

12 THE COURT: All right. And how long has
13 Mr. Williams been your neighbor, if you call two
14 blocks being neighbor?

15 POTENTIAL JUROR: Gosh. My daughter was 5th
16 grade. She's 27 now.

17 THE COURT: For a number of years?

18 POTENTIAL JUROR: Yes, sir.

19 THE COURT: All right. Can you kind of
20 describe that neighbor? Do you see Mr. Williams?
21 Do y'all socialize?

22 POTENTIAL JUROR: No. Just every once in a
23 while, just hey on the streets. That's about it.

24 THE COURT: Given that fact, could you be a
25 fair and impartial juror in the trial of this case

1 for both the State and Mr. Coffey?

2 POTENTIAL JUROR: I could. Then I need to tell
3 you this: I was molested when I was younger.

4 THE COURT: Yes, ma'am.

5 POTENTIAL JUROR: And my husband's brother was
6 killed in the line of duty. I don't know if that
7 has anything to do with -- I don't think I'll be a
8 good juror.

9 THE COURT: So whatever happened to you in your
10 personal life, do you feel, based on those
11 circumstances, or do you not feel under those
12 circumstances, that you could set that aside and try
13 this case based on the facts and evidence presented
14 in this courtroom? And there's no right or wrong
15 answer.

16 POTENTIAL JUROR: I'll be honest, I don't know.
17 I don't know. And that's the truth.

18 THE COURT: And I appreciate that. That's all
19 I can ask for.

20 POTENTIAL JUROR: Yes, sir.

21 THE COURT: I'm going to set you aside for the
22 trial of this case. Please do not discuss this with
23 any of your fellow jurors.

24 POTENTIAL JUROR: I won't. I won't.

25 THE COURT: Thank you.

1 The named victim in the indictment is Decedent
2 [REDACTED]. Is any member of the jury panel
3 related by blood or marriage, friends, have any
4 social, business, or professional relationship, know
5 in any way Decedent [REDACTED]? If so, please stand.

6 Mr. Peter Lynn Coffey, the named defendant in
7 the case who has stood and been introduced to you,
8 is any member of the jury panel related by blood or
9 marriage, friends, know, have any social, business,
10 or professional relationship with Mr. Peter Lynn
11 Coffey? If so, please stand.

12 Your number, please? Step up here for me,
13 please.

14 Yes, ma'am. Tell your name, please.

15 POTENTIAL JUROR: Nancy Enyeart.

16 THE COURT: Tell me your response to that
17 question.

18 POTENTIAL JUROR: I knew him a long time ago.
19 He worked with a friend of ours in deer processing,
20 George French, and I remember him very much. He
21 went to school with my kids. I knew him very well.

22 THE COURT: How long have you known Mr. Coffey?

23 POTENTIAL JUROR: Oh, gosh, probably 10, 15
24 years.

25 THE COURT: And you say he worked with --

1 POTENTIAL JUROR: He lived with Mr. French, I
2 think, and worked with the deer processing.

3 THE COURT: And what was the -- tell me the
4 relationship between you and that gentleman who did
5 the deer processing.

6 POTENTIAL JUROR: We were good friends, very
7 good friends.

8 THE COURT: Did you work there also?

9 POTENTIAL JUROR: No, sir.

10 THE COURT: But you knew him, the man that run
11 the deer processing, and Mr. Coffey and other
12 employees of that plant?

13 POTENTIAL JUROR: Yes, sir.

14 THE COURT: And did you say your child worked
15 there also?

16 POTENTIAL JUROR: No. They went to school
17 together in Swansea.

18 THE COURT: Tell me the timeframe of when they
19 went to school together, maybe the ages or the
20 grades.

21 POTENTIAL JUROR: My kids are 40-something.

22 THE COURT: Say again.

23 POTENTIAL JUROR: My kids are, like, 40.

24 THE COURT: Okay. How often over the years
25 would you see Mr. Coffey?

1 POTENTIAL JUROR: I haven't seen him in a
2 while.

3 THE COURT: What do you call a while?

4 POTENTIAL JUROR: Well, Mr. George has been
5 dead probably ten years.

6 THE COURT: So you haven't seen him in ten
7 years?

8 POTENTIAL JUROR: No, sir.

9 THE COURT: Would he have been in and out of
10 your home --

11 POTENTIAL JUROR: No.

12 THE COURT: -- friends with your children, or
13 anything of that nature?

14 POTENTIAL JUROR: No. No.

15 THE COURT: Have you kept up with his history
16 over those ten years?

17 POTENTIAL JUROR: No, sir.

18 THE COURT: Given those facts -- do you think
19 there are any other important facts you think you
20 ought to tell me?

21 POTENTIAL JUROR: No, sir.

22 THE COURT: Given those facts, can you be a
23 fair and impartial juror in the trial of this case
24 for both Mr. Coffey and the State?

25 POTENTIAL JUROR: I should be able to. I just

1 wanted to let you know that.

2 THE COURT: And when you say you should be able
3 to, have you ever served on a jury before?

4 POTENTIAL JUROR: No, sir.

5 THE COURT: So that's kind of a new experience
6 for you. Is that a fair statement?

7 POTENTIAL JUROR: Yes, sir.

8 THE COURT: And you understand you'd make a
9 decision based on the evidence and testimony here in
10 the courtroom from the witness' testimony and the
11 law as I tell you the law is?

12 POTENTIAL JUROR: Yes, sir.

13 THE COURT: Any doubt in your mind that you can
14 do that?

15 POTENTIAL JUROR: No, sir.

16 THE COURT: Putting aside that you may have
17 known Mr. Coffey for a number of years and have
18 not -- maybe not kept up with him. Is that right?

19 POTENTIAL JUROR: Yes, sir.

20 THE COURT: All right. I believe you can stay
21 with us. Thank you very much.

22 Juror 63 is going to stay with us.

23 The indictment alleges incidents that occurred
24 8 August 2015 in Lexington County, the victim being

25 Decedent [REDACTED], the defendant Peter Lynn Coffey.

1 So does any member of the jury panel have any
2 knowledge about the case? If so, please stand.

3 Does any member of the jury panel have any bias
4 or prejudice towards the parties, that being
5 Mr. Coffey, the State, or towards the subject matter
6 involved in the case? If so, please stand.

7 Your number, please.

8 POTENTIAL JUROR: 198.

9 THE COURT: All right. Yes, ma'am. Would you
10 step up here for me, please.

11 Good afternoon. You're 198?

12 POTENTIAL JUROR: Yeah.

13 THE COURT: And tell me your name.

14 POTENTIAL JUROR: Rachel Stewart.

15 THE COURT: Tell me your response to that,
16 Ms. Stewart.

17 POTENTIAL JUROR: I don't think it's good for
18 me to work on.

19 THE COURT: Just explain that to me. No right
20 or wrong answer; your answer is the right one.

21 POTENTIAL JUROR: My daughter and grandson were
22 victims of domestic violence, and I don't feel like
23 I can be impartial.

24 THE COURT: All right. Yes, ma'am. I'll set
25 you aside for the trial of this case. I'm sorry for

1 your loss.

2 POTENTIAL JUROR: Oh, she's still alive, thank
3 God, but they went through a lot.

4 THE COURT: Okay. Just go back and have a
5 seat. I'll excuse you from the trial of this case.
6 Do you not say anything to your fellow jurors.
7 Okay?

8 Number 198 is set aside. Any others?

9 Has any member of the jury panel heard or know
10 anything about the case from any source whatsoever;
11 radio, television, internet, word of mouth, any
12 source whatsoever? If so, please stand.

13 I'm going to call a rather lengthy list of
14 potential witnesses in the trial of this case. The
15 question of course is, is any member of the jury
16 panel related by blood or marriage, have any
17 personal, social, friendship, know these folks, or
18 any professional relationship? And, of course, if
19 so, please stand. I'll try to call them in lists of
20 groups of five.

21 I would advise if any of the witnesses are
22 present, your name is called, please stand and face
23 the jury panel. I would advise the jury panel that
24 witnesses are not required to be present during this
25 proceeding, so you may hear names called and no one

1 stand.

2 If you have any question about, for example,
3 you hear a name and you think, well, I know somebody
4 by that name, just please stand, you can question
5 me, and we'll find out if that's the same individual
6 you know.

7 The first five names: Detective Joseph
8 Andaloro, Lexington County Sheriff's Department.
9 This is Detective Andaloro to my front right. Thank
10 you. Traci Barr, formerly with Lexington County
11 Sheriff's Department; Ben Booth, formerly with
12 Lexington County Sheriff's Department; Christopher
13 Burnett, Lexington County Sheriff's Department; and
14 Heather Clary, formerly Lexington County Sheriff's
15 Department CSI.

16 The next five names all appear to be with the
17 Lexington County Sheriff's Department: Detective
18 Adam Creech, Shelby Derrick, Lieutenant Scottie
19 Frier, Lieutenant Jim Hickman, Beth Holliman.
20 Again, all employees of the Lexington County
21 Sheriff's Department.

22 The next five names are all with the Lexington
23 County Sheriff's Department: Jamie Johnson, CSI;
24 Perry Kirkham, Candy Kyzer, Lexington County
25 Sheriff's Department evidence; Sergeant Robbie Lint,

1 Detective Brannon Marthers.

2 Again, ladies and gentlemen, the question is,
3 is any member of the jury panel related by blood or
4 marriage, have any social, personal, or professional
5 or business relationship with any of these parties
6 whose names I called? If so, please stand.

7 The next five names are all with the Lexington
8 County Sheriff's Department: Sergeant McCann,
9 Lieutenant Cane Mayrant -- Lieutenant Mayrant
10 actually works with the Lexington County Detention
11 Center -- Doug Novak, Lexington County Sheriff's
12 Department evidence; and Brenda Snelgrove, Lexington
13 County Sheriff's Department CSI.

14 The next five names: Keith Sprinkle, Lexington
15 County Sheriff's Department CSI; Detective Brian
16 Travis, Lexington County Sheriff's Department; Ben
17 Treaster, Lexington County Sheriff's Department;
18 Grayson Amick, Richland County DNA; John Barron,
19 Richland County Sheriff's Department.

20 Number, please?

21 POTENTIAL JUROR: 7.

22 THE COURT: Step up here for me, please. Tell
23 me your name.

24 POTENTIAL JUROR: Joshua Bailey.

25 THE COURT: Tell me your response.

1 POTENTIAL JUROR: I know Ben Treaster,
2 Lexington County Sheriff. He was a year ahead of me
3 in high school.

4 THE COURT: Okay. And you went through school
5 with him?

6 POTENTIAL JUROR: Yes, sir.

7 THE COURT: When did y'all finish?

8 POTENTIAL JUROR: I graduated high school in
9 2007. He was a year before me, so 2006.

10 THE COURT: Were y'all friends or just
11 classmates?

12 POTENTIAL JUROR: We knew each other. I
13 wouldn't say best friends, but we both knew each
14 other. I knew his dad. His dad actually goes to my
15 wife's church.

16 THE COURT: Have y'all kept up with each other
17 over the years?

18 POTENTIAL JUROR: If I see him, I'll say hey.
19 But other than that, not really.

20 THE COURT: Okay. So y'all haven't -- and
21 nothing wrong with that.

22 POTENTIAL JUROR: Right, right, right.

23 THE COURT: Y'all haven't really maintained a
24 friendship over the years.

25 POTENTIAL JUROR: Right.

1 THE COURT: You're friends, but not see each
2 other socially.

3 POTENTIAL JUROR: Right.

4 THE COURT: Well, as I say, these are potential
5 witnesses in the trial of this case. So given that
6 fact, can you be a fair and impartial juror in the
7 trial of this case for both Mr. Coffey and the
8 State?

9 POTENTIAL JUROR: Yes, sir.

10 THE COURT: Any doubt in your mind?

11 POTENTIAL JUROR: No doubt.

12 THE COURT: I believe you can stay with us.
13 Thank you.

14 POTENTIAL JUROR: Thank you.

15 THE COURT: The next five names, Mike Phipps
16 Lexington County Sheriff's Department; Ashleigh
17 Dixon, Richland County Sheriff's Department DNA;
18 Dr. Janice Ross, Newberry Pathology; Jennifer K.
19 Brown, State Law Enforcement Division, SLED,
20 toxicology; Rhonda Fields, State Law Enforcement
21 Division.

22 The next five names: Michael Prodan, SLED;
23 Margaret Fisher, Lexington County Coroner; Brad
24 Melton, Magistrate; Scott Whittle, Magistrate; Laura
25 Cahue, Interpreter. Again, is any member of the

1 jury panel related by blood or marriage, have any
2 social, friendship, know any of those individuals
3 whose names I have called and/or who stood before
4 you? If so, please stand.

5 The next five [sic] names: Elizabeth Boehm,
6 Jeanne Boehm, Carolyn Coffey, Carl Coleman.

7 The next five names: Johnny Coleman, Tammy
8 Coleman, David Faas, Mariana Gonzalez, Channen
9 Johnson.

10 The next five names: Emilo Martinez, Johnny
11 Raulerson, Michael Scarborough, Kristen Sharpe,
12 Elizabeth Kay Thompson.

13 The next three names: Robert White, William
14 White, Roger Williamson.

15 Again, ladies and gentlemen, the question is,
16 any member of the jury panel related by blood or
17 marriage, have any social or friendship or know any
18 of these parties whose names I have called and/or
19 have stood before you or have any business or
20 professional relationship? If so, please stand.

21 Yes, sir? Your number, please.

22 POTENTIAL JUROR: 210.

23 THE COURT: Step up here for me, please. Tell
24 me your number again.

25 POTENTIAL JUROR: 210.

1 THE COURT: And your name, please?

2 POTENTIAL JUROR: Brandon Trotter. There was a
3 Roger Williamson, correct?

4 THE COURT: I think the last one.

5 POTENTIAL JUROR: I knew a Roger Williamson
6 from Batesburg on the fire department in Batesburg.
7 I don't know if it's the same one or not.

8 THE COURT: He's on the fire department in
9 Batesburg?

10 POTENTIAL JUROR: Was. I don't know if he
11 still is.

12 THE COURT: Maybe. Let's say he was. Could
13 you be a fair and impartial juror in the trial of
14 this case if that's the same Mr. Williamson you
15 know?

16 POTENTIAL JUROR: Yeah. That really wouldn't
17 have any effect on me.

18 THE COURT: You could be fair to both
19 Mr. Coffey and the State if that were the
20 Mr. Williamson you know?

21 POTENTIAL JUROR: Yes, sir.

22 THE COURT: And do you know if it is?

23 MR. GRAHAM: It's the victim's brother. I'd
24 say he's in his mid-60s.

25 POTENTIAL JUROR: I don't know if that was him.

1 He was my neighbor.

2 THE COURT: Okay. Thank you.

3 Before I get to the next series of questions,
4 Solicitor, are there any additional names I need to
5 call or any names I have skipped on the potential
6 witness list from the State?

7 MR. GRAHAM: Nothing to add from the State.

8 THE COURT: From the Defense, Mr. Stitely?

9 MR. STITELY: No, Your Honor.

10 THE COURT: Again, ladies and gentlemen, please
11 give me your complete and undivided attention.

12 Has any member of the jury panel or any member
13 of your immediate family or close personal friend
14 ever been a victim of a personal crime of violence?
15 You, any member of your immediate family, or close
16 personal friend ever been a victim of a violent
17 crime? If so, please stand.

18 All right. Let's see. Ms. Brown, I think I
19 set you aside. You may be seated.

20 If y'all would, just line up at the gate for
21 me, please.

22 Yes, sir?

23 THE BAILIFF: Juror No. 102, Your Honor.

24 THE COURT: All right. Yes, sir? Tell me your
25 response to that question.

1 POTENTIAL JUROR: My youngest daughter -- or my
2 youngest sister was sexually abused when she was
3 young, therefore I'm thinking I wouldn't be able to
4 give --

5 THE COURT: All right. I'll set you aside for
6 the trial of this case. Please do not say anything
7 to your fellow jurors.

8 Yes, sir?

9 THE BAILIFF: Juror No. 175, Your Honor.

10 THE COURT: Tell me your name, sir.

11 POTENTIAL JUROR: Joseph Shea.

12 THE COURT: And tell your response to that.

13 POTENTIAL JUROR: My sister was a victim of
14 domestic assault and sexual abuse.

15 THE COURT: Can you give me kind of the
16 timeframe?

17 POTENTIAL JUROR: Two years ago. It was before
18 I moved down here. It was in Massachusetts.

19 THE COURT: Given that fact, can you be a fair
20 and impartial juror in the trial of this case for
21 both Mr. Coffey and the State?

22 POTENTIAL JUROR: In my opinion, no.

23 THE COURT: Can you explain that to me?

24 POTENTIAL JUROR: Just makes me mad and based
25 on my emotions.

1 THE COURT: Set 175 aside. Thank you.

2 Give me the next juror, please.

3 THE BAILIFF: 127, Your Honor.

4 THE COURT: Good afternoon. Tell me your
5 response.

6 POTENTIAL JUROR: Well, when I was growing up I
7 had a friend of mine, Jeremiah. We knew each other
8 45 years. He got shot in the head.

9 THE COURT: Can you give me that timeframe?

10 POTENTIAL JUROR: It's been about 20, 25 years
11 ago.

12 THE COURT: Have you ever been on jury duty
13 before?

14 POTENTIAL JUROR: Uh-huh.

15 THE COURT: What timeframe was that?

16 POTENTIAL JUROR: Seven, eight years ago.

17 THE COURT: Civil case? Criminal case?

18 POTENTIAL JUROR: Civil.

19 THE COURT: So you've never been on a criminal
20 case?

21 POTENTIAL JUROR: Huh-uh.

22 THE COURT: Let me ask you this: Could you set
23 aside whatever may have happened in the past with
24 another individual and decide this case based on the
25 evidence and testimony you hear in this courtroom

1 from witnesses testifying under oath and the law as
2 I tell you the law is?

3 POTENTIAL JUROR: I would hope I could.

4 THE COURT: And when -- that may just be your
5 phraseology, hope you could. Do you think you would
6 decide the case based on what happened to your
7 friend or based on the testimony of this trial?

8 POTENTIAL JUROR: Testimony.

9 THE COURT: And the law as I tell you the law
10 is?

11 POTENTIAL JUROR: Uh-huh.

12 THE COURT: Setting aside that tragedy that
13 occurred those years ago; correct?

14 POTENTIAL JUROR: Right.

15 THE COURT: Any doubt in your mind?

16 POTENTIAL JUROR: I don't think so. But you
17 know -- I don't think so.

18 THE COURT: I believe you can stay with us.
19 Let me make sure I got your number. 127?

20 POTENTIAL JUROR: Yes, sir.

21 THE COURT: 127 is going to stay with us.
22 Yes, sir?

23 THE BAILIFF: Juror No. 22, Your Honor.

24 THE COURT: Good afternoon. Tell me your name,
25 please.

1 POTENTIAL JUROR: Jessica Boylan.

2 THE COURT: And tell me your response to that,
3 Ms. Boylan.

4 POTENTIAL JUROR: So my mother, my brother, and
5 my father have been victims of armed robbery.

6 THE COURT: Can you give me the timeframes?

7 POTENTIAL JUROR: So my brother was a victim
8 about four or five years ago and my parents were
9 probably over ten years ago.

10 THE COURT: Given those facts -- by the way,
11 have you ever been on jury duty before?

12 POTENTIAL JUROR: No, I haven't.

13 THE COURT: This is a first?

14 POTENTIAL JUROR: Yes.

15 THE COURT: Given those facts of what occurred
16 to mom, brother, and father, can you set aside what
17 may have happened as far as your family and decide
18 the case based on the evidence and testimony in this
19 courtroom from the witnesses testifying under oath
20 and the law as I tell you the law is?

21 POTENTIAL JUROR: Yes, Your Honor.

22 THE COURT: And you wouldn't be influenced by
23 the fact that your family members were victims of
24 armed robbery?

25 POTENTIAL JUROR: No.

1 THE COURT: Can you decide the case based on
2 what you hear in this courtroom and the law as I
3 tell you the law is?

4 POTENTIAL JUROR: Yes, sir.

5 THE COURT: Any doubt in your mind?

6 POTENTIAL JUROR: No.

7 THE COURT: Thank you. I believe you can stay
8 with us. Juror 22 is staying with us.

9 THE BAILIFF: Juror No. 36, Your Honor.

10 THE COURT: Good afternoon.

11 POTENTIAL JUROR: Good afternoon. My wife's
12 uncle was murdered. I've known my wife for ten
13 years and it was before I met her, so I don't know
14 any details.

15 THE COURT: Given that fact, can you set that
16 aside, what happened to your wife's family, as I
17 understand it before you knew her --

18 POTENTIAL JUROR: Yes.

19 THE COURT: Can you set that aside and decide
20 this case based on the evidence and testimony in
21 this courtroom from the witnesses testifying under
22 oath and the law as I tell you the law is?

23 POTENTIAL JUROR: Yes, sir.

24 THE COURT: Any doubt in your mind about that?

25 POTENTIAL JUROR: No, sir.

1 THE COURT: Thank you very much.

2 Yes, sir?

3 THE BAILIFF: Juror No. 146, Your Honor.

4 THE COURT: Good afternoon. Tell me your name,
5 please.

6 POTENTIAL JUROR: Melissa Payne.

7 THE COURT: And tell me your response, please.

8 POTENTIAL JUROR: I have two incidents. I have
9 a daughter, her husband is in jail for domestic
10 violence right now and she has fled the state
11 because he's getting out in June, and my
12 sister-in-law's sister was murdered about 25 years
13 ago here in Lexington County.

14 THE COURT: Okay. Have you ever been on jury
15 duty?

16 POTENTIAL JUROR: No, sir.

17 THE COURT: This is your first.

18 POTENTIAL JUROR: (Nods head).

19 THE COURT: Okay. Given those instances of
20 your daughter and your sister-in-law and I think you
21 said domestic violence which is somewhat current and
22 the other was about 25 years ago --

23 POTENTIAL JUROR: It just went to trial about
24 four or five years ago.

25 THE COURT: Okay. Given those facts, can you

1 set those aside and sit as a juror in this case, a
2 fair and impartial juror, and decide this case based
3 on the evidence and testimony you hear in this
4 courtroom and the witnesses testifying from the
5 witness stand --

6 POTENTIAL JUROR: I can.

7 THE COURT: -- and the law as I tell you the
8 law is?

9 POTENTIAL JUROR: I can.

10 THE COURT: Uninfluenced by your daughter being
11 a victim and uninfluenced by your sister-in-law
12 being a victim; is that correct?

13 POTENTIAL JUROR: Yes.

14 THE COURT: Anything in your mind you want to
15 tell me that makes you feel like you could not be a
16 fair and impartial juror in the trial of this case
17 to both Mr. Coffey and the State?

18 POTENTIAL JUROR: No, sir.

19 THE COURT: Okay. Thank you very much. I
20 believe you can stay with us. Number 146 is going
21 to stay with us.

22 MR. GRAHAM: Judge, if you could just ask the
23 reverse of that question: Has anyone on the jury
24 panel or a close friend or family member ever been
25 charged with a violent crime?

1 THE COURT: Sure. I wish I would have asked
2 them both at the same time.

3 And typically I ask both of these questions, I
4 kind of blend them and ask them at the same time,
5 ladies and gentlemen, however, I neglected to do so:
6 Is any member of the jury panel or member of your
7 immediate family or a close personal friend ever
8 been convicted of a crime of personal violence? If
9 so, please stand.

10 If y'all would just line up for me on the gate,
11 please.

12 Yes, sir?

13 THE BAILIFF: Juror No. 202, Your Honor.

14 THE COURT: Good afternoon.

15 POTENTIAL JUROR: Good afternoon.

16 THE COURT: Tell me your response to that
17 question.

18 POTENTIAL JUROR: My brother was convicted of
19 manslaughter and then criminal domestic violence
20 back in -- '91 was the manslaughter charge and he
21 was guilty and pled guilty to it. And then the
22 other one I think happened in the early 2000s. He's
23 been out --

24 THE COURT: What was the results of the other
25 one?

1 POTENTIAL JUROR: He did six years for the
2 manslaughter charge and he did one year for the
3 domestic violence.

4 THE COURT: Given those facts, can you be a
5 fair and impartial juror in the trial of this case
6 for both the State and the Defense?

7 POTENTIAL JUROR: I believe so.

8 THE COURT: All right. You may stay with us.
9 Yes, sir?

10 THE BAILIFF: Juror No. 86, Your Honor.

11 THE COURT: Good afternoon.

12 POTENTIAL JUROR: Good afternoon.

13 THE COURT: Tell me your response to that
14 question.

15 POTENTIAL JUROR: My cousin beat up someone
16 with a pipe and was --

17 THE COURT: Do what now? I'm sorry.

18 POTENTIAL JUROR: Beat up someone with pipe
19 intentionally.

20 THE COURT: What timeframe are we talking
21 about?

22 POTENTIAL JUROR: Twelve years ago up in
23 Wisconsin.

24 THE COURT: Was he found guilty of that?

25 POTENTIAL JUROR: Uh-huh. He pleaded guilty.

1 THE COURT: Did he go to jail?

2 POTENTIAL JUROR: He went to one of those work
3 camp things because he was 17 and was right out of
4 high school.

5 THE COURT: Given those facts, can you be a
6 fair and impartial juror in the trial of this case
7 for both the State and the Defense?

8 POTENTIAL JUROR: Yes, I believe I can.

9 THE BAILIFF: Juror No. 40, Your Honor.

10 THE COURT: Good afternoon. And tell me your
11 response to that.

12 POTENTIAL JUROR: My brother, he's in jail
13 right now.

14 THE COURT: What for?

15 POTENTIAL JUROR: Hitting. He likes to hit
16 people. And he was convicted for hitting a
17 girlfriend. I'm not sure of all the details.

18 THE COURT: Given those facts, can you be a
19 fair and impartial juror in the trial of this case
20 for both the State and the Defense?

21 POTENTIAL JUROR: I don't know.

22 THE COURT: Explain that to me.

23 POTENTIAL JUROR: I'm not very good with
24 violence and hitting and that kind of thing. And I
25 feel I probably already have my mind made up about

1 it because --

2 THE COURT: You have your mind made up right
3 now?

4 POTENTIAL JUROR: I think so, because of my
5 history. I mean, I haven't been a victim or
6 anything, but I've been around it.

7 THE COURT: All right. So, like, standing here
8 right now, you've already formed an opinion of what
9 you'd do?

10 POTENTIAL JUROR: Just by the nature of the
11 case.

12 THE COURT: Ma'am?

13 POTENTIAL JUROR: Just by the nature of the
14 case.

15 THE COURT: I think I'll set you aside for the
16 trial of this case.

17 THE BAILIFF: Juror No. 93, Your Honor.

18 THE COURT: Good afternoon.

19 POTENTIAL JUROR: Billy Hutto.

20 THE COURT: Good afternoon, Mr. Hutto.

21 POTENTIAL JUROR: I'm not sure if it counts or
22 not, but my son was convicted of two counts of
23 felony DUI about six years ago. I just thought I'd
24 bring it up.

25 THE COURT: Yes, sir. Given that fact, can you

1 be a fair and impartial in the trial of this case?

2 POTENTIAL JUROR: I think so. Yeah.

3 THE COURT: Any doubt in your mind about that?

4 POTENTIAL JUROR: Not at all.

5 THE COURT: And of course, Mr. Hutto, you
6 understand if you're selected as a juror in the
7 trail of the case, you would base your verdict on
8 the evidence and the testimony in this trial and the
9 law as I tell you the law is?

10 POTENTIAL JUROR: Yes, sir.

11 THE COURT: Any doubt in your mind you could do
12 that?

13 POTENTIAL JUROR: No, sir.

14 THE COURT: And you can set aside what happened
15 with your son?

16 POTENTIAL JUROR: Oh, he got a fair trial.

17 THE COURT: Yes, sir. Okay. Thank you,
18 Mr. Hutto. I believe you can stay with us.

19 THE BAILIFF: Juror No. 81, Your Honor.

20 THE COURT: Yes, ma'am. Good afternoon. Tell
21 me your name, please.

22 POTENTIAL JUROR: Jessica Chaney.

23 THE COURT: All right. And tell me your
24 response.

25 POTENTIAL JUROR: I had a CDV about 12 years

1 ago. I went through PTI, but I got it expunged, so
2 I wasn't charged -- I mean, I was charged, but I
3 wasn't --

4 THE COURT: Sure. I understand. Given that
5 fact, can you be a fair and impartial juror in the
6 trail of this case for both the State and
7 Mr. Coffey?

8 POTENTIAL JUROR: Yes, sir.

9 THE COURT: Any doubt in your mind about that?

10 POTENTIAL JUROR: No, sir.

11 THE COURT: You can stay with us. Thank you.

12 THE BAILIFF: Juror No. 73, Your Honor.

13 THE COURT: Good afternoon.

14 POTENTIAL JUROR: Hi.

15 THE COURT: Give me your name, please.

16 POTENTIAL JUROR: My name is Shirley Frick.

17 THE COURT: All right. And tell me your
18 response to that question.

19 POTENTIAL JUROR: I had a first cousin who was
20 accused of molesting or sexually molesting a minor.

21 THE COURT: Was that first cousin convicted?

22 POTENTIAL JUROR: I think he went to jail, but
23 I'm not sure what the outcome was.

24 THE COURT: What timeframe are we talking?

25 POTENTIAL JUROR: Oh, gosh.

1 THE COURT: Just generally.

2 POTENTIAL JUROR: I don't know. Probably --
3 possibly seven years, maybe longer.

4 THE COURT: Given that fact, can you be a fair
5 and impartial juror in the trial of this case for
6 both Mr. Coffey and the State?

7 POTENTIAL JUROR: I can.

8 THE COURT: Any doubt in your mind about that?

9 POTENTIAL JUROR: No, sir.

10 THE COURT: Can you decide this case based on
11 the testimony and evidence you hear in the courtroom
12 and the law as I give it to you, uninfluenced by
13 what may have happened?

14 POTENTIAL JUROR: I can.

15 THE COURT: Thank you.

16 I set 40 aside, Madam Clerk.

17 All right. Has any member of the jury panel
18 had any, quote, dealings, unquote, however you want
19 to interpret that word, with the 11th Circuit
20 Solicitor's Office? If so, please stand. Thank
21 you.

22 Any additional voir dire requested by the
23 State?

24 MR. GRAHAM: No, Your Honor.

25 THE COURT: By the Defense?

1 MR. STITELY: No, sir.

2 THE COURT: Thank you, Solicitor. Thank you,
3 Mr. Stitely.

4 So finally, ladies and gentlemen, you've heard
5 just a few allegations by way of reading the
6 indictments to you and knowing the name of the
7 victim and being introduced to Mr. Coffey, the time,
8 sort of the date on which it occurred, the alleged
9 manner of the allegations in the indictments.

10 You know our purpose is to select a jury from
11 the jury panel that will be a fair and impartial
12 jury in the trial of this case for both Mr. Coffey
13 and the State. That's our purpose, that's our goal
14 in this procedure. And I've found, you know, each
15 of us knows ourselves best.

16 Given that backdrop, does any member of the
17 jury panel have any reason whatsoever why you feel
18 like you could not be a fair and impartial juror in
19 the trial of this case for both Mr. Coffey and the
20 State. If there's something in your mind that you
21 have a concern about, I want to deal with it now,
22 not when you're sitting over here in this jury box.
23 If there's any concerns, any questions whatsoever
24 that you question your fair ness or your
25 impartiality, knowing yourselves best, please stand.

1 All right. No one stands. I find our panel is
2 qualified. Madam Clerk, with the exception of those
3 that I have set aside for various reasons, the
4 strikes, Mr. Solicitor, are --

5 MR. GRAHAM: Ten and five, Your Honor.

6 THE COURT: Is that correct, Mr. Stitely?

7 MR. STITELY: We get ten, they get five, yes,
8 sir.

9 THE COURT: All right. Ten for the Defense and
10 five for the State. The parties agree to that and
11 the statute. Madam Clerk, if you'll give us a
12 panel, please, and instruct the jury.

13 THE CLERK: When I call your name, please come
14 up to the front, bring your belongings, and stand
15 facing out as Mr. Anderson is doing. If you're
16 seated on the jury, have a seat over here in the
17 jury box; if you're asked to return to your seat,
18 just return out until you get further instructions.

19 Juror No. 80, Robin Gilpin.

20 (Ms. Gilpin comes forward.)

21 THE CLERK: What say you for the State?

22 MR. GRAHAM: Please present Ms. Gilpin.

23 THE CLERK: What say you for the Defense?

24 MR. STITELY: Please excuse the juror from the
25 trial of this case.

1 THE CLERK: Return to your seat.

2 Juror No. 170, Christina Schumpert.

3 THE COURT: I thought Ms. Schumpert was
4 transferred to an April term of court.

5 THE CLERK: Yes, sir. I'm sorry.

6 Juror No. 33, Barbara Coker.

7 (Ms. Coker comes forward.)

8 THE CLERK: What say you for the State?

9 MR. GRAHAM: Please present Ms. Coker.

10 THE COURT: What say you for the Defense?

11 MR. STITELY: Please swear Ms. Coker.

12 THE CLERK: Have a seat in the jury box,
13 please.

14 Juror No. 86, Elizabeth Hay.

15 (Ms. Hay comes forward.)

16 THE CLERK: What say you for the State?

17 MR. GRAHAM: Please present Ms. Hay.

18 THE CLERK: What say you for the Defense?

19 MR. STITELY: Please swear Ms. Hay.

20 THE CLERK: Have a seat in the jury box,
21 please.

22 Juror No. 127, Brian McGowan.

23 (Mr. McGowan comes forward.)

24 THE CLERK: What say you for the State?

25 MR. GRAHAM: Please present Mr. McGowan.

1 MR. STITELY: Please excuse the juror from the
2 trial of the case.

3 THE CLERK: Return to your seat, sir.

4 Juror 143, Jessica Oswald.

5 (Ms. Oswald comes forward.)

6 THE CLERK: What say you for the State?

7 MR. GRAHAM: Please present Ms. Oswald.

8 THE COURT: What say you for the Defense?

9 MR. STITELY: Please swear Ms. Oswald.

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

12 Juror 192, Taylor Spence.

13 (Ms. Spence comes forward.)

14 THE CLERK: What say you for the State?

15 MR. GRAHAM: Please present Ms. Spence.

16 THE CLERK: What say you for the Defense?

17 MR. STITELY: Please swear the juror.

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

19 Juror No. 46, Christopher Daniel.

20 (Mr. Daniel comes forward.)

21 THE CLERK: What say you for the State?

22 MR. GRAHAM: Please present Mr. Daniel.

23 THE CLERK: What say you for the Defense?

24 MR. STITELY: Please excuse the juror from the
25 trial of the case.

1 THE CLERK: Return to your seat.
2 Juror No. 130, Mollie Miller.
3 (Ms. Miller comes forward.)
4 THE CLERK: What say you for the State?
5 MR. GRAHAM: Please present Ms. Miller.
6 THE CLERK: What say you for the Defense?
7 MR. STITELY: Please seat Ms. Miller.
8 THE CLERK: Have a seat in jury box, ma'am.
9 Juror No. 204, Lauren Tate.
10 (Ms. Tate comes forward.)
11 THE CLERK: What say you for the State?
12 MR. GRAHAM: Please excuse Ms. Tate.
13 THE COURT: Return to your seat.
14 Juror No. 32, Chandler Cobb.
15 (Mr. Cobb comes forward.)
16 THE CLERK: What say you for the State?
17 MR. GRAHAM: Please excuse Mr. Cobb.
18 THE CLERK: Return to your seat, sir.
19 Juror No. 75, Gary Galat.
20 (Mr. Galat comes forward.)
21 THE CLERK: What say you for the State?
22 MR. GRAHAM: Please present Mr. Galat.
23 THE CLERK: What say you for the Defense?
24 MR. STITELY: Please swear Mr. Galat.
25 THE COURT: Have a seat in the jury box, sir.

1 Juror No. 62, Larry Dyches.

2 (Mr. Dyches comes forward.)

3 THE CLERK: What say you for the State?

4 MR. GRAHAM: Please present the juror.

5 THE CLERK: What say you for the Defense?

6 MR. STITELY: Please swear Mr. Dyches.

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

8 Juror No. 193, Angelia Spivey.

9 (Ms. Spivey comes forward.)

10 THE CLERK: What say you for the State?

11 MR. GRAHAM: One second, please.

12 Please present Ms. Spivey.

13 MR. STITELY: Please swear Ms. Spivey.

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

15 Juror No. 15, Susan Beverung.

16 (Ms. Beverung comes forward.)

17 THE CLERK: What say you for the State?

18 MR. GRAHAM: Please present the juror.

19 THE CLERK: What say you for the Defense?

20 MR. STITELY: Please excuse the juror from the

21 trial of the case.

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

23 Juror No. 7, Joshua Bailey.

24 (Mr. Bailey comes forward.)

25 THE CLERK: What say you for the State?

1 MR. GRAHAM: Please present Mr. Bailey.

2 THE CLERK: What say you for the Defense?

3 MR. STITELY: Please swear Mr. Bailey.

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

5 Juror No. 162, Thomasena Rice.

6 (Ms. Rice comes forward.)

7 THE CLERK: What say you for the State?

8 MR. GRAHAM: Please present Ms. Rice.

9 THE CLERK: What say you for the Defense?

10 MR. STITELY: Please excuse the juror from the
11 trial of the case.

12 THE CLERK: Return to your seat.

13 Juror No. 62, Nancy Enyeart.

14 (Ms. Enyeart comes forward.)

15 THE CLERK: What say you for the State?

16 MR. GRAHAM: Please excuse the juror.

17 THE CLERK: Return to your seat, ma'am.

18 Juror No. 81, Jessica Chaney.

19 (Ms. Chaney comes forward.)

20 THE CLERK: What say you for the State?

21 MR. GRAHAM: Please excuse Ms. Goodwin.

22 THE CLERK: Return to your seat, ma'am.

23 Juror No. 67, Tina Finders.

24 (Ms. Finders comes forward.)

25 THE CLERK: What say you for the State?

1 MR. GRAHAM: Please present Ms. Finders.

2 THE CLERK: What say you for the Defense?

3 MR. STITELY: Please excuse the juror from the
4 trial of the case.

5 THE CLERK: Return to your seat.

6 Juror No. 111, Richard Lawrence.

7 (Mr. Lawrence comes forward.)

8 THE CLERK: What say you for the State?

9 MR. GRAHAM: Please present Mr. Lawrence.

10 THE COURT: What say you for the Defense?

11 MR. STITELY: Please swear Mr. Lawrence.

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

13 Juror No. 116, Christopher Liscinsky.

14 (Mr. Liscinsky comes forward.)

15 THE CLERK: What say you for the State?

16 MR. GRAHAM: Please present Mr. Liscinsky.

17 THE CLERK: What say you for the Defense?

18 MR. STITELY: Please swear the juror.

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

20 Juror No. 214, Candace Wallace.

21 (Ms. Wallace comes forward.)

22 THE CLERK: What say you for the State?

23 MR. GRAHAM: Please present Ms. Wallace.

24 THE CLERK: What say you for the Defense?

25 MR. STITELY: Please excuse the juror from the

1 trial of this case.

2 THE CLERK: Return to your seat, ma'am.

3 Juror No. 20, Ivey Boatwright.

4 (Ms. Boatwright comes forward.)

5 THE CLERK: What say you for the State?

6 MR. GRAHAM: Please present Ms. Boatwright.

7 THE CLERK: What say you for the Defense?

8 MR. STITELY: Please swear Ms. Boatwright.

9 THE CLERK: Have a seat in the jury box, ma'am.
10 Alternates, Your Honor?

11 THE COURT: Two -- strikes are two and one for
12 the alternates.

13 THE CLERK: Juror No. 56, Jean Dix.

14 (Ms. Dix comes forward.)

15 THE CLERK: What say you for the State?

16 MR. GRAHAM: Please present Ms. Dix.

17 THE CLERK: What say you for the Defense?

18 MR. STITELY: Please excuse the juror from the
19 trial of this case.

20 THE COURT: Return to your seat, ma'am.

21 Juror No. 209, Mares Bruno Torres.

✓ 22 (Mr. Torres comes forward.)

23 THE CLERK: What say you for the State?

24 MR. GRAHAM: Please present Mr. Torres.

25 THE CLERK: What say you for the Defense?

1 MR. STITELY: Please swear Mr. Torres.

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

3 Juror No. 210, Brandon Trotter.

4 (Mr. Trotter comes forward.)

5 THE CLERK: What say you for the State?

6 MR. GRAHAM: Please present Mr. Trotter.

7 THE CLERK: What say you for the Defense?

8 MR. STITELY: Please swear Mr. Trotter.

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

10 THE COURT: All right. Any motions regarding
11 the jury selection process from the State?

12 MR. GRAHAM: No, Your Honor.

13 THE COURT: From the Defense?

14 MR. STITELY: No, sir.

15 THE COURT: Ladies and gentlemen of the jury
16 panel, momentarily I'm going to ask you to step to
17 your jury room while I give instructions to your
18 fellow jurors concerning their jury service for the
19 remainder of the week.

20 During this brief recess and throughout all of
21 the recesses in the trial of this case, you're not
22 to discuss this case with others, that includes your
23 fellow jurors, lunch mates, your family members, or
24 anyone else. If anyone tries to speak with you
25 about the case, please report that to me.

1 Remember, you're trying the case based on the
2 evidence and testimony you hear from the witnesses
3 testifying under oath in this courtroom and the law
4 as I tell you the law is. As I say, I'm going to
5 give certain information to your colleagues that
6 were not selected as members of this trial jury,
7 find out where we're at administratively, and I'll
8 have you right back in the courtroom.

9 I can never get anybody in and out in less than
10 ten minutes, so we'll say about a 15-minute recess.
11 Please go with your bailiff and he'll show you your
12 new temporary home. Thank you very much.

13 (The jury exits the courtroom at 1:05 PM.)

14 THE COURT: Ladies and gentlemen of the jury
15 panel who were not selected for the trial of the
16 case, momentarily I'm going to release you for the
17 remainder of the day. I will ask you to please call
18 back your juror information number after 6:00, after
19 1800 hours tonight. It will instruct you and give
20 you guidelines concerning your jury service for
21 tomorrow and perhaps for the remainder of the week.

22 It has been my pleasure and privilege to be
23 with y'all this morning. Again, thank you very much
24 for your civic service. Are there any questions?
25 Please call back after 6:00 tonight. Thank you.

1 Thank you very much. And you're protected,
2 Mr. Davis, for tomorrow.

3 (Jury pool excused.)

4 THE COURT: All right. I take it we're going
5 to release the jury panel for the remainder of the
6 day and bring them back at 9:30 in the morning. Is
7 that your understanding, Solicitor and Mr. Stitely?

8 MR. GRAHAM: Yes, Your Honor.

9 MR. STITELY: I don't think there's a ton of
10 pretrial. But if that's the plan, we're good,
11 Judge, whatever you say.

12 THE COURT: All right. Well, I told them about
13 ten minutes, so let me take a quick recess, I'll
14 bring them back out, release them, and we'll take
15 our luncheon recess, and start back about 2:30.
16 I'll be right back out. Thank you very much.

17 (Short break.)

18 THE COURT: All right. Bring the jury in,
19 please.

20 (The jury enters the courtroom at 1:21 PM.)

21 THE COURT: All right. Welcome back, ladies
22 and gentlemen. Momentarily I'm going to release you
23 from your jury service for the remainder of the
24 afternoon and evening.

25 This case is like most cases that are called

1 before the Court: There are certain pretrial
2 matters that I must hear outside of your presence
3 before the case gets off the ground, so to speak,
4 before the State starts calling its witnesses, and I
5 must hear these issues, as I say, outside of your
6 presence and make certain rulings with regard to
7 that.

8 Given that, it's always very difficult to
9 estimate how much time that will take, so I wouldn't
10 want to say, well, go to lunch for 30 or 45 minutes
11 and y'all come back, you know, this afternoon and I
12 still have to deal with matters outside of your
13 presence. So rather than hold y'all captive this
14 afternoon, I'm going to release you and have you
15 come back promptly at 9:30 in the morning.

16 I must give you certain instructions, however,
17 prior to releasing you. During your service on this
18 case, throughout that jury service, you shall not --
19 as you heard me even before this recess, you shall
20 not discuss this case with others, that includes
21 your fellow jurors, family, friends, or anyone else.
22 If anyone does try to speak with you about the case,
23 please report that to me.

24 You may not read, listen to, or watch any news
25 reports about the case, should there be any, radio,

1 television, internet, what have you. You may not
2 use your computer, cellular phone, or other
3 electronic device with communication capabilities
4 while in attendance at trial or during
5 deliberations.

6 As you heard me tell the entire panel earlier,
7 those will be secured while you're in the courtroom,
8 of course, and while you're in the jury room by the
9 bailiffs or by the clerk. And you certainly have
10 access to them at lunch, at recess, or over the
11 evening hours, obviously. You may not use these
12 devices to obtain or disclose information, which is
13 prohibited.

14 Information which is prohibited includes but is
15 not limited to the following: Information about a
16 party, an attorney, a witness, or a court officer;
17 news accounts of the case past, if there were any,
18 or present; information collected through juror
19 research on any topics that were raised during the
20 testimony by a witness or any information collected
21 through juror research on any other topic that the
22 juror might think would be helpful in deciding the
23 case.

24 You decide the case based on the evidence and
25 the testimony you hear in this courtroom from the

1 witnesses testifying under oath before you and from
2 this witness stand, any physical items of evidence
3 that may be introduced, and any inferences that you,
4 the jury, think may be properly drawn from the
5 evidence, and the law as I tell you the law is.

6 With all that being said, you know, it also
7 comes down to don't do any independent investigation
8 and don't do any investigation on the internet.
9 This is where you will hear the testimony, this is
10 where you will determine what the facts are based on
11 your evaluation of the evidence as you find it to be
12 from those witnesses, following the law as I tell
13 you the law is. Are there any questions?

14 All right. So be back promptly at 9:30 in the
15 morning. You're now excused. I hope you have a
16 pleasant afternoon and evening. Thank you. Thank
17 you very much.

18 (The jury exits the courtroom at 1:26 PM.)

19 THE COURT: Any objections to anything I told
20 the jury, Solicitor?

21 MR. GRAHAM: No, Your Honor.

22 THE COURT: Mr. Stitely?

23 MR. STITELY: No, sir.

24 THE COURT: And, let's see, our motions are
25 Jackson vs. Denno?

1 MR. GRAHAM: Yes, Your Honor. And we also
2 filed a third-party-guilt motion and rape shield
3 motion.

4 THE COURT: All right.

5 And do you have any additional motions,
6 Mr. Stitely?

7 MR. STITELY: No, sir, Your Honor.

8 THE COURT: Do you have any research I need to
9 look at, Solicitor and Mr. Stitely?

10 MR. STITELY: Not at this time, Judge.

11 MR. GRAHAM: No, sir.

12 THE COURT: All right. 2:30. Like I say, I
13 got that status conference at 2:00, so we'll say
14 2:30.

15 MR. STITELY: We'll be here.

16 THE COURT: Court is in recess until 2:30.

17 (Luncheon recess 1:27 PM - 2:35 PM.)

18 THE COURT: All right. Solicitor, Mr. Stitely,
19 how do y'all want to proceed with the motions?

20 MR. GRAHAM: My thought, Your Honor, would be
21 to do the Jackson vs. Denno hearing; we've got three
22 witnesses for the State, and that way we can free
23 them up if the other motions take a while.

24 THE COURT: All right. That will be fine. You
25 can call your first witness.

1 MR. GRAHAM: The State would call Detective Joe
2 Andaloro.

3 THE COURT: Come around to be sworn, please.

4 JOSEPH ANDALORO

5 being first duly sworn, testified as follows:

6 THE WITNESS: I do.

7 THE CLERK: Thank you. Have a seat and state
8 your name for the record, please.

9 MR. GRAHAM: Just for clarification, you want
10 us to actually go into the contents of the statement
11 or around the time --

12 THE COURT: I've never seen that to be
13 necessary for purposes of Jackson vs. Denno. Many
14 times it will come along bootstrapped to the things
15 you want -- that the State or the Defense may want
16 redacted. But I don't know that the statement
17 itself is relevant as to whether or not it's freely
18 and voluntarily given, unless there's things in the
19 statement that are relevant.

20 MR. GRAHAM: Thank you, Your Honor.

21 THE COURT: Yes, sir.

22 DIRECT EXAMINATION

23 BY MR. GRAHAM:

24 Q. State your full name for the record.

25 A. Joseph Michael Andaloro.

1 Q. Would you spell your last name.

2 A. A-N-D-A-L-O-R-O.

3 Q. And how long have you been in law enforcement?

4 A. Law enforcement for 12 years.

5 Q. And how long have you been a major crimes
6 detective?

7 A. Been in investigations for coming up on three
8 years.

9 Q. August 7th, 2015, what was your involvement in
10 the investigation regarding the murder and rape of
11 Decedent [REDACTED] ?

12 A. I was notified by, at the time, Sergeant Lint
13 to respond to [REDACTED] in reference to a
14 deceased female who was found at that location.

15 Q. And did you respond there?

16 A. Yes, sir, I did.

17 Q. What date was that?

18 A. That would have been on August 9th, 2015.

19 Q. Once you got -- that was where Decedent [REDACTED]'s
20 body was found; correct?

21 A. Correct.

22 Q. What was your understanding at that time of her
23 manner of death?

24 A. As far as?

25 Q. How she died.

1 A. By being struck or hit in the face with some
2 type of an object.

3 Q. At some point while you were on scene at [REDACTED]
4 [REDACTED] on August 9th, did the name Peter Coffey
5 come up as a potential suspect or a person of
6 interest?

7 A. It did.

8 Q. Based on that, where, if anywhere -- where did
9 you go and who with?

10 A. Yes. I went to [REDACTED] [REDACTED] in Gaston,
11 South Carolina.

12 Q. And is that the residence of Mr. Coffey?

13 A. It is.

14 Q. Who lived there with him?

15 A. Jonathan Coffey and Carolyn Coffey, his brother
16 and his mother.

17 Q. Do you remember approximately what time you
18 arrived at [REDACTED]?

19 A. I believe a little bit after midnight.

20 Q. So we're now moving to the early morning hours
21 of the 10th?

22 A. That's correct.

23 Q. When we're talking about Peter Coffey, do you
24 see Mr. Coffey in the courtroom?

25 A. I do.

1 Q. Is that the gentleman sitting at the defense
2 table next to Mr. Williams?

3 A. Yes, sir, it is.

4 Q. Can you tell me about your first contact with
5 Mr. Coffey.

6 A. Yes, sir. We went to the front door, or it may
7 be the side door, but what appears to be the main
8 door to the residence, and made contact with
9 Mr. Coffey there at that location.

10 Q. At the time -- and who was with you?

11 A. Detective Booth was with me.

12 Q. At the time that you and Detective Booth made
13 contact with Mr. Coffey, did you find him in his
14 residence?

15 A. Did we find him in his residence? Yes, sir, he
16 was inside his residence.

17 Q. And did you have an arrest warrant with you at
18 the time?

19 A. We did not.

20 Q. Were you going to place him under arrest?

21 A. We were not.

22 Q. So what was your purpose in going there?

23 A. Our purpose in going there was to make contact
24 with him in and interview him in reference to the
25 investigation that we were doing.

1 Q. Can you describe how you began interviewing
2 him. Did you read him his rights -- well, where did
3 it happen? Tell me about your meeting him and where
4 the actual interview happened.

5 A. Yeah. Myself and Detective Booth had been
6 invited inside the residence, that's where we made
7 contact with Peter Coffey. Detective Booth had
8 asked him if he was going to come talk with
9 Detective Booth and I in his vehicle.

10 Q. Did you tell him -- did you or Detective Booth
11 tell him whether he was under arrest at that time?

12 A. Detective Booth actually told him he was not
13 under arrest and told him he was free to stop
14 talking at any time if he wanted.

15 Q. After you had that conversation with
16 Mr. Coffey, did he then proceed to go to the vehicle
17 and speak with you and Detective Booth?

18 A. He did.

19 Q. What was the purpose of going into the vehicle?

20 A. The purpose of going in the vehicle was just to
21 be able to talk to him separately away from his
22 brother and his mother and other people that were
23 around.

24 Q. What was the temperature outside?

25 A. It was hot outside. I don't remember the exact

1 temperature, being 2015, but I know Detective Booth
2 mentioned sitting in the air conditioning in his
3 car.

4 Q. Where did everybody sit?

5 A. Detective Booth sat in the driver's seat, Peter
6 Coffey sat in the front passenger's seat, and I sat
7 in the back passenger's seat directly behind Peter
8 Coffey.

9 Q. And how was everybody dressed? How were you
10 dressed, how was the defendant dressed, how was
11 Detective Booth dressed?

12 A. Detective Booth and I were in khaki's or cargo
13 pants with polos and guns and badges and -- may I
14 refer to my notes for a second?

15 Q. Sure.

16 A. I believe he was shirtless.

17 Q. At some point did you or Detective Booth read
18 Mr. Coffey his rights?

19 A. Detective Booth did.

20 Q. And if he wasn't in custody, do you know why
21 his rights were read?

22 A. I think just to advise him and so he was aware
23 of what his rights are.

24 Q. What, if anything, did Detective Booth use to
25 advise Mr. Coffey of his rights?

1 A. Detective Booth actually pulled a card out of
2 his pocket that he had prior to questioning about
3 anything about the investigation that we were
4 conducting in reference to the [REDACTED] and the
5 body that was found. He read it directly off of his
6 card to Mr. Coffey.

7 Q. And do you remember what rights were on the
8 card that Mr. Coffey was advised of?

9 A. I do. They were his Miranda rights or his
10 Miranda warnings.

11 Q. Do you know specifically or can you tell me
12 about how Detective Booth gave those rights to
13 Mr. Coffey?

14 A. Yeah. He read each right to him and then made
15 sure that he understood each right after he read
16 them, giving conformation that he understood that
17 right.

18 Q. Do you remember the specific rights? Do you
19 know what card he used?

20 A. Yeah. He used the same card that I carry in my
21 wallet.

22 Q. Do you have that with you?

23 A. I do.

24 Q. Can you pull that out and tell the Court how
25 Detective Booth advised Mr. Coffey of his rights and

1 where this actually occurred. Were you in the car
2 at the time?

3 A. Yes. We were in Detective Booth's Crown Vic,
4 his patrol vehicle.

5 He let him know that he was going to read him
6 his rights. He read that you have the right to
7 remain silent, anything you say can and will be used
8 against you in a court of law; you have the right to
9 talk to an attorney and have him or her present with
10 you while you're being questioned; if you cannot
11 afford to hire an attorney, one will be appointed to
12 represent you before any questioning, if you want;
13 you can decide at any time to exercise these rights
14 and not answer any questions or make statements. Do
15 you understand these rights I've explained to you?
16 Having these rights in mind, do you wish to talk to
17 us now?

18 Q. And those were the rights that were read to
19 Mr. Coffey?

20 A. That is correct.

21 Q. Did he have any questions about those rights?

22 A. He did not.

23 Q. Did he appear to understand them?

24 A. He did.

25 Q. And the last question was, I believe,

1 understanding these rights, do you wish to talk to
2 us, or something along those lines?

3 A. Having these rights in mind, do you wish to
4 talk to us now?

5 Q. And what was Mr. Coffey's response to that?

6 A. His answer was yes.

7 Q. Did he appear to be under the influence of
8 alcohol?

9 A. No, sir.

10 Q. Did he appear to be under the influence of
11 drugs?

12 A. No, sir, not to me.

13 Q. Did you-all make any promises to get him to
14 speak with you?

15 A. No.

16 Q. Did you make any threats to get him to speak to
17 you.

18 A. No.

19 Q. His decision to speak with you, in your
20 opinion, was that given freely and voluntarily on
21 his part?

22 A. Absolutely.

23 Q. And was it made knowingly and intelligently,
24 understanding the rights that were given to him?

25 A. Yes, sir, I believe so.

1 Q. Any reason to believe otherwise?

2 A. No, sir.

3 Q. And after those rights were read, then the
4 interview began; is that correct?

5 A. That's correct.

6 Q. Questions were asked and answers were given?

7 A. That's correct.

8 Q. At some point did you or Detective Booth try to
9 go from an oral statement to a written statement?

10 A. Yes, sir, that's correct.

11 Q. And in the process of doing that, did you
12 re-advise or did Detective Booth re-advise
13 Mr. Coffey of his rights?

14 A. Detective Booth did.

15 Q. What, if anything, did Detective Booth use to
16 do that?

17 A. He used a Lexington County Sheriff's Department
18 statement form.

19 Q. And do you have the original?

20 A. I do.

21 Q. May I see that? Do you also have a copy?

22 A. I do.

23 MR. GRAHAM: Your Honor, the original has
24 yellow highlights on it which I put on there
25 mistakenly, so I thought we'd make the original a

1 Court's exhibit. And I have a clean copy that is a
2 Xeroxed copy without any highlights.

3 MR. STITELY: Judge, he brought that to our
4 attention. We have no problem with that.

5 THE COURT: All right.

6 (Court's Exhibit No. 3 marked for
7 identification.)

8 BY MR. GRAHAM:

9 Q. Court's Exhibit No. 3, you said that's the
10 original?

11 A. Correct.

12 Q. And can you describe how that form was used,
13 referring to Court's Exhibit 3, to advise Mr. Coffey
14 of his rights.

15 A. From what I recall, after Detective Booth read
16 off the card that I just spoke about and did an oral
17 interview with him, he then was going to ask him if
18 he wanted to do some questions on paper, so he
19 wanted to re-advise him of his rights to make sure
20 they were still clear and we were still on the same
21 page. So that's why he used this form; he pulled
22 this form out to go over with him.

23 Q. Specifically, what were the rights that this
24 form was used by Detective Booth and yourself to
25 advise Mr. Coffey of his rights?

1 A. As far as reading the actual rights on the
2 form? Yes, sir. The first right says: I have the
3 right to remain silent --

4 Q. Let me interrupt you just for a second.

5 A. Yes, sir.

6 Q. After that right on Court's Exhibit No. 3,
7 there's a space and two initials. Whose initials
8 are those?

9 A. The PC, Peter Coffey.

10 Q. Is that in his handwriting or --

11 A. It is.

12 Q. And what is the purpose of having him initial
13 that?

14 A. To show that they've read that and/or that
15 we've read it to them and they understand it.

16 Q. Okay. Continue.

17 A. I have read -- I have the right to remain
18 silent, anything I say can and will be used against
19 me in a court of law; I have a right to talk to a
20 lawyer for advice before asked any questions and to
21 have him or her present with me during questioning;
22 if I have no money for lawyer fees, the Court will
23 appoint one to represent me without cost if I wish;
24 if I decide to answer questions now without a lawyer
25 present, I will still have the right to stop

1 answering questions at any time; I also have the
2 right to stop answering questions at any time until
3 I talk to a lawyer.

4 Q. On Court's Exhibit 3, those rights which you
5 just read were broken down into 1, 2, 3, 4, and 5;
6 correct?

7 A. That is correct.

8 Q. And after each one of those, there's a place
9 for initials and there is a P and a C; correct?

10 A. That's correct.

11 Q. And whose initials are those?

12 A. Peter Coffey's.

13 Q. And whose handwriting are those?

14 A. His handwriting.

15 Q. Okay. It goes on then to say: I've read the
16 statement of my rights and I understand what my
17 rights are, and it's blank. And it says: I make
18 the following statement. Why is it blank there?

19 A. At that point he told us he thinks he needed a
20 lawyer.

21 Q. So he asked for a lawyer at any time when
22 you -- after the oral interview, then you and
23 Detective Booth used Court's Exhibit 3 to advise him
24 of his rights in writing?

25 A. Correct.

1 Q. And then prior to him continuing with the
2 interview at that time, he asked for a lawyer?

3 A. Correct.

4 Q. And did y'all interview him any more at that
5 point?

6 A. We did not.

7 Q. Thank you. Please answer any questions the
8 Defense has.

9 THE COURT: Thank you, Solicitor.

10 Mr. Stitely?

11 CROSS-EXAMINATION

12 BY MR. STITELY:

13 Q. So there was no statement taken regarding
14 anything that night?

15 A. I'm sorry, Counselor?

16 Q. There was no statement taken from Mr. Coffey
17 that night?

18 A. That's correct.

19 MR. STITELY: I guess that's my point of
20 clarification, that -- I guess I'm trying to figure
21 out what you intend to offer at trial from this
22 testimony, is that what I'm trying to get to.

23 MR. GRAHAM: That's what I asked his Honor
24 earlier, whether he wanted to go into the actual
25 statement, and he said no. So I was going through

1 the advisement of rights and not the content of
2 the --

3 MR. STITELY: Because I intend to object if
4 they want to offer to the jury that he asked for a
5 lawyer at any point in time. I don't think that
6 would be -- I guess I just -- I want to know what
7 they intend to offer to know whether or not he -- to
8 dispute it.

9 THE COURT: What do y'all intend to offer?

10 MR. GRAHAM: All the statements that have been
11 turned over in either supplements or handwritten
12 notes of the officers are what we intend to offer.
13 As far as him invoking his rights to an attorney, my
14 plan, I guess, at this time would be to go -- that
15 they went over the rights again, he appeared to
16 understand them at that point, the interview ended.
17 That's the truth of --

18 MR. STITELY: I guess -- I guess then, for the
19 point of this hearing, we, of course, acknowledge
20 that's how it went down. We just want to know what
21 the State intended to offer to see if those
22 statements were gotten freely and voluntarily.

23 I don't know what they intend to offer, Judge.
24 I guess it would be helpful, I think, if he told us
25 what he intended to elicit from this officer,

1 because the only thing he asked was did he want to
2 do a written statement he said, no, I think I want a
3 lawyer. I don't think that should come in front of
4 a jury, the fact that he said I want a lawyer.

5 MR. GRAHAM: I didn't plan to comment on his
6 invocation of his rights to a lawyer.

7 MR. STITELY: I guess the Defense -- we just
8 don't know what they intend to offer to see whether
9 or not we intend to object to it.

10 THE COURT: Well, the purpose, as you know,
11 Mr. Stitely, and all the attorneys know, of a
12 Jackson vs. Denno is the voluntariness of the
13 statement. That's the whole issue that I'm focused
14 on. If it's -- I mean, I don't have any objection
15 to the solicitor telling you what he intends to
16 offer, but, as I said earlier, unless the content of
17 it has some issue in it that goes to voluntariness,
18 it's not really relevant for purposes of the Jackson
19 vs. Denno hearing.

20 For example: The statement out of that Horry
21 case where the officers threatened to report or call
22 DSS to take the children. I can't think of the name
23 of the case right off. And, of course, the officers
24 admitted that. But the real focus -- and that
25 wasn't in the statement. But, for example, if there

1 was something in the statement that says, you know,
2 they said they were going to take my children or
3 they said they were going to -- you know, they
4 threatened me with the death penalty, those types of
5 cases.

6 But as far as the advisement of the rights and
7 the understanding of the rights, then, as I
8 understood the testimony, there were no alcohol or
9 drugs, according to the officer's testimony, no
10 promises, no threats, his opinion was given freely
11 and voluntarily, knowingly and intelligently,
12 advised orally, advised in writing -- informed
13 orally by the card that the officers carry and
14 advised verbally by the form.

15 Obviously, you can't bring up the implication
16 of right to counsel to use against him. I'm not
17 prohibiting you from going into it, I'm just saying
18 I -- you know, I was born today as far as this case
19 is concerned. I don't know what the statement is.

20 MR. STITELY: I just want to make sure they
21 don't intend to offer any statements allegedly made
22 by Mr. Coffey after he invoked his rights to this
23 officer that night. If that's where we're ending
24 it, I think we're good, I don't have any other
25 questions.

1 MR. GRAHAM: I don't believe that he made any
2 statements to the officers after he invoked his
3 rights that night. I don't see anything in their
4 reports that state that.

5 MR. STITELY: If we're limited to just the
6 things the three of them talked about in the car, I
7 don't think we're going to have any objections going
8 forward on this part.

9 MR. GRAHAM: Talked about...

10 MR. STITELY: What the three of them talked
11 about in the car.

12 THE COURT: What they talked about and/or was
13 written?

14 MR. STITELY: There were no written statement,
15 Judge.

16 THE COURT: Okay.

17 MR. STITELY: We won't have any objections
18 then. If that's the only conversation with
19 Mr. Coffey that the State is looking to make sure is
20 okay to go with the Jackson vs. Denno hearing, I
21 don't think we have any objections.

22 MR. GRAHAM: This is all we have to offer at
23 this time, Your Honor.

24 THE COURT: With just the caveat, as I say, I
25 was born today as far as this case is concerned.

1 That statement to these officers?

2 MR. STITELY: Yes, sir.

3 THE COURT: I don't know if there are any
4 others, I don't know if there's any to non-law
5 enforcement, I don't have a clue. But, just so I
6 understand, to Detective Booth and Detective
7 Andaloro; is that right?

8 MR. STITELY: That -- Judge, we have no
9 objection, I guess, to the potential entry of the
10 statements that he made to Detective Andaloro and
11 Detective Booth that night.

12 THE COURT: All right. Thank you. So I guess
13 since there's no cross, there's no redirect.

14 Thank you, Detective Andaloro. You may step
15 down.

16 THE WITNESS: Thank you, Your Honor.

17 THE COURT: You may call your next witness.

18 MR. POGUE: Your Honor, the State calls Ben
19 Booth to the stand.

20 THE COURT: All right. Detective Booth, come
21 around, please.

22 BENJAMIN BOOTH

23 being first duly sworn, testified as follows:

24 THE WITNESS: Yes, ma'am.

25 THE CLERK: Thank you. Have a seat and state

1 your name, please, for the record.

2 THE WITNESS: Yes, ma'am. Benjamin Booth,
3 B-O-O-T-H.

4 DIRECT EXAMINATION

5 BY MR. POGUE:

6 Q. Mr. Booth, where are you currently employed?

7 A. Lake Murray Environmental.

8 Q. On the dates --

9 THE COURT: Say that again for me.

10 THE WITNESS: Lake Murray Environmental.

11 BY MR. POGUE:

12 Q. On the dates of August 7th through the months
13 following that, where were you employed at that
14 time?

15 A. Lexington County Sheriff's Department.

16 Q. Okay. And in what capacity?

17 A. Major crimes detective on the special victims
18 unit.

19 Q. And how long did you serve on major crimes?

20 A. Three years.

21 Q. Prior to that, do you have any law enforcement
22 experience?

23 A. I do; seven years prior to being in major
24 crimes.

25 Q. Where were you employed in law enforcement the

1. previous seven years -- or the years prior to being
2. on major crimes, where were you employed?

3. A. Six and a half years were at Lexington County
4. Sheriff's Department and three and a half years
5. prior to that were with Richland County Sheriff's
6. Department.

7. Q. In what capacity were you employed with the
8. Richland County Sheriff's Department?

9. A. Road patrol.

10. Q. All right. How did you become involved in the
11. murder investigation of **Decedent** on August 9th
12. of 2015?

13. A. I was contacted by phone by Sergeant Lint. He
14. advised me that there was a deceased subject --
15. deceased female subject, and I needed to respond.

16. Q. Did you respond?

17. A. I did.

18. Q. And what happened when you arrived on scene?
19. What did you do?

20. A. I was advised that the deceased subject was
21. inside. Lieutenant Frier at the time was watch
22. commander. He had walked me to the -- or he had
23. walked me through what he had learned previous to me
24. getting there as far as mother of the victim was not
25. able to make contact with her for some time, had

1 called a family friend to go to the residence and to
2 attempt to make contact.

3 Q. Okay. And through the course of your
4 investigation on scene, did y'all develop any
5 suspects or persons of interest?

6 A. We did.

7 Q. Okay. Who?

8 A. Peter Coffey.

9 Q. Okay. And did you attempt to make contact with
10 Peter Coffey the evening of August 9th when you were
11 on scene?

12 A. We did.

13 Q. Okay. And did you ever travel -- did you find
14 out where Mr. Coffey lived at the time?

15 A. Yes. Sergeant Lint advised me of where he
16 resided.

17 Q. Okay. And where did he reside?

18 A. I don't want to get the numerics wrong. It was
19 on [REDACTED].

20 Q. Okay. That's in Gaston?

21 A. It is. And that's where we responded to.

22 Q. Okay. And when you say you, who are you
23 referring to? Who responded to [REDACTED]?

24 A. Myself and Detective Andaloro.

25 Q. Okay. And what happened when you arrived on

1 scene at [REDACTED]?

2 A. We then walked up to the residence. It
3 appeared to be the main door, what's on the side
4 front corner of the residence. We then approached,
5 we knocked. His brother came to the door, spoke
6 with us -- that was Jonathan Coffey -- we said, is
7 Peter here, can we speak with him? And he said,
8 yeah, I'll go get him. And then Peter Coffey, with
9 his mother, came to the door. She invited us just
10 inside. We didn't ask to come inside; she invited
11 us just in.

12 I then asked Peter if he'd like to step outside
13 and talk with us and if he wouldn't mind sitting in
14 the car because it was a little muggy outside.

15 Q. And did he agree to come speak with you?

16 A. He did.

17 Q. Okay. So where did y'all go to speak with
18 Mr. Coffey?

19 A. My patrol vehicle.

20 Q. And was Mr. Coffey under arrest at this time?

21 A. He was not.

22 Q. Okay. Did you advise him as to whether he was
23 under arrest at that time?

24 A. I advised him that he was not under arrest --

25 Q. Okay. All right.

1 A. -- and that he was free to leave at any time.

2 Q. Okay. So you all -- the three of you -- you,
3 Andaloro, and Mr. Coffey got into your vehicle --

4 A. Correct?

5 Q. -- or your patrol car?

6 A. Yes, sir.

7 Q. Okay. And who was sitting where?

8 A. I was in the driver's seat, Detective Andaloro
9 was in the back seat, and Peter Coffey was in the
10 front passenger's seat.

11 Q. And prior to any questioning -- well, let me
12 ask you this question: Did you ever advise him of
13 his Miranda rights?

14 A. I did.

15 Q. Okay. Did that take place prior to or after
16 any questioning?

17 A. Prior to.

18 Q. Okay. And how did you advise him of Miranda
19 rights, orally or in written form?

20 A. It was orally.

21 Q. Okay.

22 A. Read it from a card.

23 Q. You read it from a card.

24 Do you have the card with -- or let me ask you
25 this: Do you have the language that was on the card

1 that you read to him?

2 A. I do.

3 Q. Okay. How do you have the language? Do you
4 have the card with you today?

5 A. I do. I commonly carry it in my chest pocket.

6 Q. Is that the same card that you had that
7 evening?

8 A. Not the exact same. It is not the card I used,
9 but it is identical; same verbiage, same color,
10 same --

11 Q. Same language?

12 A. -- pictures on it, same language.

13 Q. Okay. And what were the rights that you read
14 to Mr. Coffey from the card?

15 A. I went line by line.

16 Q. You can read it.

17 A. You have the right to remain silent. Anything
18 you say can and will be used against you in a court
19 of law. You have the right to talk to an attorney
20 and have him or her present with you while you're
21 being questioned. If you cannot afford to hire an
22 attorney, one will be appointed to represent you
23 before any questioning if you want.

24 You can decide at any time to exercise these
25 rights and not answer any questions or make any

1 statements. Do you understand these rights as I
2 have explained them to you? Having these rights in
3 mind, do you wish to talk to us now?

4 And then I reiterated: You're still free to
5 leave, we're just here to talk to you.

6 Q. Did he indicate whether he understood the
7 rights that you read to him?

8 A. He did.

9 Q. Okay. Did he indicate whether he wished to
10 speak to you?

11 A. He did.

12 Q. Okay. Did you believe that he understood the
13 rights that you read to him?

14 A. I do, yes, sir.

15 Q. He appeared to have understood them?

16 A. Yes, sir.

17 Q. Okay. Did you have your service weapon on you
18 at the time?

19 A. I did.

20 Q. Did you ever put your hand on your service
21 weapon while you were asking him questions?

22 A. Not to my knowledge, no, sir.

23 Q. Okay. Did you ever un-holster your weapon?

24 A. No, sir.

25 Q. Did Detective Andaloro?

1 A. No, sir.

2 Q. Did you or Detective Andaloro ever make any
3 promises during the course of your questioning
4 Mr. Coffey?

5 A. No, sir.

6 Q. Did you ever make any threats?

7 A. No, sir.

8 Q. Okay. Did Mr. Coffey give the statements that
9 he gave to you on the evening of August 9th, 2015,
10 freely and voluntarily?

11 A. Yes.

12 Q. Knowingly and intelligently?

13 A. I believe so, yes, sir.

14 Q. Did he appear under the influence of drugs?

15 A. No, sir.

16 Q. Did he appear under the influence of alcohol?

17 A. No, sir. Didn't smell of any odor either, of
18 either one of those.

19 Q. After you finished asking questions orally, did
20 you ever ask him if he wished to give a written
21 statement?

22 A. I did.

23 Q. And did he indicate whether he wished to give a
24 written statement?

25 A. After I pulled out the form, I asked him to

1 fill out the top portion and just give me his
2 information. And then I re-read him Miranda and had
3 him initial by each line, and then he stopped.

4 MR. POGUE: Permission to approach the witness,
5 Your Honor?

6 THE COURT: Yes, sir.

7 BY MR. POGUE:

8 Q. Mr. Booth, I'm handing you what's marked as
9 Court's Exhibit No. 3. Do you recognize that
10 document?

11 A. I do.

12 Q. What is it?

13 A. It is a Lexington County Sheriff's Department
14 statement form.

15 Q. Okay. And other than the highlighting that's
16 on it, does it appear to be in the same condition it
17 was the evening of August 9th?

18 A. Yes, sir.

19 Q. All right. Is this the form that you used to
20 attempt to take a written statement from Mr. Coffey?

21 A. It is.

22 Q. Okay. Did you read through the form with
23 Mr. Coffey?

24 A. Yes, sir. I have to slow down the beginning
25 portion just for clarification of his name, date of

1 birth, address, stuff like that. But, yes, sir.

2 Q. In the interest of brevity, instead of going
3 through the form again as we did with Detective
4 Andaloro, is that what Detective Andaloro described,
5 and I think you were in the courtroom, as the
6 process of going through the form and having him
7 initial beside each line?

8 A. Yes, sir.

9 Q. Was it Mr. Coffey that initialed beside each
10 line indicating he understood that particular right?

11 A. Yes, sir.

12 Q. All right. Did he ever actually give a written
13 statement?

14 A. He did not.

15 Q. What happened? Why did he not?

16 A. He asked for a lawyer.

17 Q. Okay.

18 A. We then stopped.

19 Q. Okay. Did you ever ask any questions or elicit
20 any information from him through interrogation after
21 he had invoked his right to a lawyer?

22 A. No, sir.

23 Q. Okay. Detective Booth, I'm going to skip
24 forward about ten days to August 19th, 2018 [sic].
25 Do you recall what happened that day in regard to

1 this particular case?

2 A. Yes, sir.

3 Q. Okay. What took place on August 19th?

4 A. Myself and Sergeant Barr, we responded to [REDACTED]
5 [REDACTED] to another residence and located Peter
6 Coffey.

7 Q. Why were you attempting to locate Peter Coffey?

8 A. To serve the arrest warrants on him.

9 Q. And what arrest warrants did you have? What
10 charges?

11 A. The murder and the CSC.

12 Q. Okay. They were signed executed arrest
13 warrants?

14 A. Yes, sir.

15 Q. Okay. And when you responded to [REDACTED]
16 [REDACTED], were y'all able to locate Mr. Coffey at that
17 residence?

18 A. Yes, sir, we were.

19 Q. And was he placed under arrest?

20 A. Yes, sir, he was.

21 Q. Okay. When he was placed under arrest, was he
22 advised of his Miranda rights?

23 A. Yes, sir, he was.

24 Q. Who advised him of his Miranda rights?

25 A. Sergeant Barr.

1 Q. And I should clarify, who all was on scene in
2 regards to law enforcement on this day?

3 A.. I don't believe I remember every single name
4 that was there. But it was myself, Sergeant Barr,
5 and the fugitive task force. There were at least
6 five or six of them.

7 Q. And who primarily interacted with the defendant
8 in are regards to Miranda?

9 A. Sergeant Barr.

10 Q. Okay. Prior to any questioning or eliciting
11 any information from Mr. Coffey, were his Miranda
12 rights read to him?

13 A. Yes, sir.

14 Q. And how were his Miranda rights given to him?

15 A. Sergeant Barr read them to him.

16 Q. She read them from a card like you did or --

17 A. No, sir.

18 Q. How did she --

19 A. She recited them from her memory.

20 Q. All right. And did Mr. Coffey acknowledge he
21 understood his rights?

22 A. He did.

23 Q. And did he -- did y'all attempt to ask him any
24 questions or interrogate him about the events of the
25 charges that he was arrested for?

1 A. Not on scene, sir.

2 Q. Okay. So what happened after that? Was he
3 transported?

4 A. He was. Well, the warrants were read to him
5 and then signed, and then Sergeant Barr asked him if
6 he'd like to speak with us. He said yes. He was
7 placed into the rear of Deputy Treaster's patrol
8 car. He was escorted to headquarters where he met
9 myself and Sergeant Barr, and then we escorted him
10 into the interview room.

11 Q. Was he advised of Miranda rights again in the
12 interview room?

13 A. Yes, sir, he was.

14 Q. And how was he advised of those rights?

15 A. The same manner as before.

16 Q. Okay. And did he indicate that he understood
17 those rights?

18 A. He did.

19 Q. Did he indicate whether he wished to give these
20 statements to y'all or answer any questions?

21 A. He said he'd talk to us.

22 Q. All right. And did he appear to be -- when he
23 acknowledged his rights, did he appear to be under
24 the influence of any drugs or alcohol?

25 A. No, sir.

1 Q. Did he appear to be given any statements that
2 he made freely and voluntarily?

3 A. Yes, sir.

4 Q. Knowingly and intelligently?

5 A. Yes, sir.

6 Q. Okay. Who was in the interview room when he
7 gave the statements that he gave?

8 A. Just he, myself, and Sergeant Barr.

9 Q. Okay. Were you and Sergeant Barr both in the
10 room the entire time he was being questioned?

11 A. Yes, sir.

12 Q. Did you or detective -- or Sergeant Barr, I
13 should say, make any promises to the defendant?

14 A. No, sir.

15 Q. Did you ever make any threats?

16 A. No, sir. Offered him ice water, but -- I was
17 thirsty.

18 MR. POGUE: No further questions, Your Honor.

19 THE COURT: Thank you, Solicitor.

20 Mr. Stitely?

21 MR. STITELY: May it please the Court.

22 CROSS-EXAMINATION

23 BY MR. STITELY:

24 Q. Detective -- Mr. Booth, do you have like a
25 report that you generated following your

1 conversation with Mr. Coffey on the night of the 9th
2 or into the morning of the 10th?

3 A. As far as the supplemental?

4 Q. Sure. Yes.

5 A. I do have a supplemental.

6 Q. Can I see what you've been referring to?

7 MR. STITELY: May I approach, Your Honor?

8 THE COURT: Yes, sir.

9 A. You said in reference to the 9th?

10 Q. Yes, sir. And your conversation specifically
11 with Mr. Coffey on the evening of the 9th/morning of
12 the 10th. This would be the only report. Do you
13 have any other notes, anything else you did?

14 A. That's all I have.

15 Q. Thank you. You took him to your patrol
16 vehicle, is what you stated?

17 A. Yes, sir.

18 Q. Is your patrol vehicle equipped with audio or
19 video recording?

20 A. It is not.

21 Q. Did you carry any type of microphone or tape
22 recorder of your own?

23 A. No, sir, I don't.

24 Q. As part of your uniform or anything else?

25 A. No, sir.

1 Q. And to be very clear, at some point you're
2 talking that night, the night of the 9th, he said he
3 wanted to talk to a lawyer; correct?

4 A. Correct.

5 Q. And you terminated the conversation with him at
6 that point?

7 A. Yes, sir.

8 Q. When you go back, I guess, nine or ten days
9 later with the arrest warrant, you were still the
10 officer; correct?

11 A. I was still present, yes.

12 Q. Along with Detective Barr?

13 A. Yes, sir.

14 Q. You served him the arrest warrants and you gave
15 Miranda and then took any statements?

16 A. After Miranda and the warrants were read, he
17 said he was willing to speak. We went back to
18 headquarters and we did speak, yes, after Miranda,
19 again.

20 Q. That was done in the interrogation room or
21 interview rooms at the sheriff's department?

22 A. It was.

23 Q. Is there any audio or video recording of that?

24 A. There is not. It was not equipped at the time.

25 Q. Were there any written statements taken?

1 A. I'm not aware.

2 Q. Did you produce a report specifically detailing
3 any conversations that you had with Mr. Coffey that
4 day?

5 A. Notes.

6 Q. Once again, can I look at what you have?

7 MR. STITELY: Sorry, Judge. May I approach
8 again?

9 THE COURT: Yes, sir.

10 A. It was the same supplemental. Do you want to
11 see that again?

12 Q. So it would be on that same supplemental report
13 as those handwritten notes?

14 A. There's another page of notes.

15 Q. Did you go through one of those Lexington
16 County Sheriff's Department statement forms that
17 day?

18 A. I did not.

19 MR. STITELY: I have no further questions at
20 this time, Judge.

21 THE COURT: Redirect?

22 REDIRECT EXAMINATION

23 BY MR. POGUE:

24 Q. Detective Booth, on scene, did -- on scene
25 being on August 19th of 2015 on [REDACTED],

1 prior to being transported to the sheriff's
2 department, did the defendant, Mr. Coffey, make any
3 voluntary statements in regard to any actions that
4 y'all took on scene there that day with him?

5 A. He did.

6 Q. Tell me about that.

7 A. He made a statement -- excuse me. I just don't
8 want to misquote what he said. But he described to
9 us -- he described to me that he was in a fight, you
10 know, at the bar.

11 Q. Just to add a little more context, what was
12 taking place when he gave this statement? What
13 actually were you or Detective Barr taking?

14 A. Sergeant Barr was -- at the time she had just
15 read the arrest warrants to him --

16 Q. Okay.

17 A. -- and that was uttered. He stated that on his
18 own. Sergeant Barr was taking that --

19 THE COURT: What did he say again?

20 THE WITNESS: I wrote it down. He stated -- he
21 stated he was in a fight, you know, at the bar at
22 Little Rock. I have the exact quote in my notes.

23 BY MR. POGUE:

24 Q. Would this refresh your recollection?

25 A. Yes, sir. That's the one.

1 Q. And what was said?

2 A. I was in a fight at the bar, you know, Little
3 Rock. And that was while we were on scene, shortly
4 after --

5 Q. What were you doing when he made that
6 statement?

7 A. We were walking him around from the hood of the
8 patrol vehicle and we were taking him to the
9 passenger's side of Deputy Treaster's patrol
10 vehicle.

11 Q. Did you take any photographs of him that day?

12 A. We did.

13 Q. Okay. What did you take photographs of?

14 A. Of his full body and his hands.

15 Q. Okay. Did you take anything -- any photographs
16 of anything in particular on his hands?

17 A. Sergeant Barr did. I believe he noted some
18 scratches and cuts.

19 Q. The statement that he made about being in a
20 fight, was that before, during, or after her taking
21 photographs of the defendant's hands?

22 A. Before and after.

23 Q. Okay. Just to be clear, Detective Booth, was
24 the statement that he gave in regard to this fight
25 that took place at the Little Rock, was it in

1 response to any questioning or interrogation in any
2 manner?

3 A. No, it was not.

4 Q. And also, Detective, did -- on -- when you took
5 him back to the sheriff's department and put him in
6 the interview room and read him his Miranda rights,
7 at any point during your questioning of your -- you
8 and Sergeant Barr's questioning of the defendant,
9 did he ever invoke his right to counsel at that
10 point?

11 A. He did at some point and we stopped.

12 Q. Okay. And did any questioning take place after
13 that?

14 A. No, sir. We then escorted him to the booking
15 area.

16 Q. Okay. And you have -- did you have notes that
17 you took from this case that you then condensed to a
18 report?

19 A. I do have some notes from this case.

20 Q. And just to clarify, during the investigation
21 of this case and the pendency of this case in
22 general sessions, did you cease employment with
23 Lexington County Sheriff's Department?

24 A. Yes, sir, I did, four and a half months ago.

25 Q. Four and a half months ago. No further

1 questions.

2 THE COURT: Thank you, Solicitor.

3 Mr. Stitely?

4 MR. STITELY: Sorry. Briefly, only in followup
5 to what he asked, Judge.

6

7

RECROSS-EXAMINATION

8 BY MR. STITELY:

9 Q. It was that night on the 20th that you guys
10 took all those pictures that showed up in discovery
11 of Mr. Coffey? There's a whole bunch of pictures of
12 his torso, hands, body. That was the night you
13 arrested him that you took those pictures?

14 A. They were two separate dates. The -- after we
15 had talked to him while on scene, he was
16 photographed by a CSI.

17 Q. Okay.

18 A. Sergeant Barr took him in the interview room
19 and we asked him and he said yes.

20 Q. All right. Let me just clarify real quick.
21 And I apologize.

22 MR. STITELY: May I approach, Judge?

23 THE COURT: Yes, sir.

24 MR. POGUE: May I see those?

25 MR. STITELY: Sure.

1 BY MR. STITELY:

2 Q. Do you recognize these sets of pictures of him?

3 Were those the ones on the 9th or the 19th?

4 A. When we were first out with him on the 9th.

5 Q. So you had already talked to him about these
6 cuts on his hands?

7 A. I wasn't in that part of the conversation.

8 Q. Who took the pictures on the 9th?

9 A. If I'm not mistaken, it was, I believe, CSI
10 Sprinkle.

11 Q. And did you take the pictures on the 19th or
12 did Detective Barr or do you know who did?

13 A. Sergeant Barr.

14 MR. STITELY: I don't have any other questions,
15 Judge. Thank you.

16 THE COURT: All right. Thank you.

17 You may step down.

18 MR. GRAHAM: State calls Traci Barr.

19 THE COURT: All right. Come around, please.

20 TRACI BARR

21 being first duly sworn, testified as follows:

22 THE WITNESS: I do.

23 THE CLERK: Thank you. Have a seat, please.

24 State your name, spell your last for the record.

25 THE WITNESS: Traci Barr, B-A-R-R.

1 DIRECT EXAMINATION

2 BY MR. GRAHAM:

3 Q. Ms. Barr, where are you currently employed?

4 A. The 11th Circuit Solicitor's Office.

5 Q. What do you do for the 11th Circuit Solicitor's
6 Office?

7 A. I'm an investigator.

8 Q. When did you start employment here?

9 A. November of 2017.

10 Q. Back in August of 2015, what were you doing?

11 A. I was the sergeant over the major crimes
12 division and supervisor of the special victims unit.

13 Q. How long had you been in law enforcement back
14 in 2015?

15 A. About 18 years.

16 Q. And how long --

17 A. Well, I'm sorry, at that time it was around 17
18 years.

19 Q. How long have you been a sergeant?

20 A. I was a sergeant for three years.

21 Q. The major crimes was initially called out to
22 begin their investigation on homicide when they
23 found **Decedent** 's body on the night of
24 August 9th, 2015. You did not respond though; is
25 that correct?

1 A. Correct.

2 Q. Why is that?

3 A. I was not initially involved in that
4 preliminary investigation.

5 Q. During the time from the August 9th to the
6 August 19th when the arrest warrants were obtained
7 for Mr. Coffey, did you become involved?

8 A. I did.

9 Q. What was your involvement on August 19th, 2015?

10 A. On August 19th, Detective Booth and I with the
11 fugitive task force responded to [REDACTED]. I
12 believe it was -- I'd have to refer to my notes. It
13 was [REDACTED] where we attempted to locate
14 Peter Coffey.

15 Q. Did you, in fact, locate Mr. Coffey?

16 A. We did.

17 Q. Would you tell the Judge how that came about?

18 A. Yes, sir. On August 19th, 2015, the fugitive
19 task force and I and Detective Booth arrived at the
20 location. We began to set up an initial perimeter
21 once we responded.

22 As I pulled into the front yard with Detective
23 Booth, the fugitive task force pulled in behind me.
24 I approached the front door, which I noticed was
25 open at the time. Detective Booth went around to

1 the back and the fugitive task force came in behind
2 us.

3 Upon approaching the front door, which was
4 open, I noticed two gentlemen sitting on the sofa,
5 an unidentified black male and a white male I knew
6 to be Peter Coffey. I was up on the deck portion at
7 the front door and called out Peter Coffey's name,
8 clearly identified myself. I was clearly dressed in
9 a -- what we call a rig vest. It's a bulletproof
10 vest marked as Sheriff on the vest.

11 Immediately went into the doorway once I
12 identified it was Peter Coffey, asked him to put his
13 hands behind his back, encountered him and placed
14 him under arrest.

15 Q. So you had your gun drawn, you had arrest
16 warrants --

17 A. Correct.

18 Q. -- you placed him under arrest --

19 A. Yes.

20 Q. -- and he complied with your orders?

21 A. Correct.

22 Q. And did you put handcuffs on him?

23 A. I did.

24 Q. After putting handcuffs on him, did you remove
25 him from the house?

1 A. I did. I escorted Peter Coffey without
2 incident from the to our vehicles parked in the
3 front yard.

4 Q. And what if anything did you do as far as
5 advising Mr. Coffey of his rights after you placed
6 handcuffs on him as you taking him to your patrol
7 vehicle so that he could be transported out?

8 A. Detective Booth and I escorted him through the
9 front yard. I gave him verbal Miranda from memory.

10 Q. Let me interrupt you. Do you remember
11 specifically what you advised him of?

12 A. Yes, sir.

13 Q. Would you tell the Court what that was?

14 A. You have the right to right to remain silent.
15 Anything you say can and will be used against you in
16 a court of law. You have the right to an attorney.
17 If you cannot afford an attorney, one will be
18 appointed to you at no cost to you if you wish. If
19 you wish to waive your rights to an attorney and
20 answer questions now, you have the right to stop
21 answering questions at any time until you have a
22 chance to speak with a lawyer.

23 Do you understand these rights as I have them
24 to you? And he indicated yes. And I said, would
25 you like to speak with us? And he indicated yes.

1 Q. Let me stop you right there. Did you have any
2 reason to believe that he was under the influence of
3 alcohol at that time?

4 A. No, sir.

5 Q. Drugs?

6 A. No, sir.

7 Q. What time of day was this?

8 A. I believe this was in the -- it was daylight.
9 Not exactly sure of the time. It was afternoon,
10 midmorning.

11 Q. Did he appear to understand his rights?

12 A. He did.

13 Q. Did have any questions about his rights?

14 A. No.

15 Q. Did he agree to waive his rights and speak to
16 you?

17 A. Yes.

18 Q. Did you-all interview him at that time and --

19 A. No, sir. We didn't feel that was appropriate
20 out in the front yard at that location.

21 Q. So what was your plan?

22 A. At that point in time, I executed the -- I
23 served the arrest warrants on Mr. Coffey. I then --
24 Detective Booth and I were standing there with
25 Deputy Treaster and other individuals, deputies with

1 it the fugitive task force. Because Coffey
2 indicated he would like to speak with us, Deputy
3 Treater transported Coffey to the interview room
4 rather than going ahead and booking him into the
5 detention center.

6 Q. And when he was brought to the interview room,
7 who was present?

8 A. Detective Booth and I and were and Deputy
9 Treater was standing there with us.

10 Q. And he was under arrest?

11 A. Correct.

12 Q. He's got handcuffs on?

13 A. Yes.

14 Q. And what if anything did you to advise him of
15 his rights again?

16 A. I reiterated the fact that he didn't have speak
17 with us and clearly wanted to make sure he
18 understood his Miranda rights, and he agreed that he
19 did. While in that room with him, Deputy Treaster
20 left, so Detective Booth and I were in the room with
21 him.

22 He gave consent for me to photograph injuries I
23 noticed about his body. During that time, at some
24 point in the initial phase, I believe it was after I
25 was photographing those injuries, Detective Booth

1 asked him if he wanted some water, and he went to
2 the water fountain out in the hallway and then
3 stepped back in.

4 Q. Did Mr. Coffey appear to understand his rights?

5 A. He did.

6 Q. Did he --

7 A. He was coherent.

8 Q. Did he voluntarily waive those rights?

9 A. Yes, he did.

10 Q. And your opinion is that he knew what he was
11 doing?

12 A. Yes.

13 Q. And that he understood his rights?

14 A. Yes.

15 Q. After you photographed his injuries, what
16 happened next?

17 A. At that point in time what we do in the
18 beginning phase of an interview is to build rapport.
19 So I ask him where he's from, you know, just small
20 talk. After photographing those injuries, he
21 indicated he was from another state, I believe it
22 Tennessee. He spoke about his siblings. I think he
23 talked about living in another area, North Carolina,
24 where his father is living.

25 And after that point in time, I just cut to the

1 chase and confronted him about the injuries I
2 noticed on his body, pointed out which injuries I
3 saw. And at that point in time, he asked for an
4 attorney.

5 Q. Prior to him asking for an attorney, did you
6 ask him about any specific injuries and did he make
7 any comments about those injuries?

8 A. I did. During that conversation, once I
9 confronted him, he said he had been working
10 construction like he had been at Carl's house, and
11 then also he indicated that there was a fight that
12 took place where he was in a fight at a bar.

13 Q. Did he indicate -- was that in response to a
14 specific question by you about a specific injury?

15 A. Yes. There were marks on his hands. There
16 were -- and I indicated in my supplemental, if I can
17 refer to it, on Mr. Coffey's right hand, there was
18 a -- on his fourth finger and his knuckle, I
19 observed an injury which appeared to be healing.

20 On his left hand on the knuckle of his middle
21 finger I saw a tiny cut and noticed his thumb nail
22 was bruised. On his right lower leg around the
23 shin, I noticed several scratches. And then also
24 there was an injury to his lower-lip area.

25 Q. So the very first injury you discussed with him

1 was which one?

2 A. I'm sorry?

3 Q. If the injury that you discussed with him first
4 that he answered to was that he worked
5 construction --

6 A. Right. That was --

7 Q. -- and had been in a fight --

8 A. -- an injury to his --

9 Q. -- what was that in response to?

10 A. -- hand.

11 Q. To his hand?

12 A. Yes, sir.

13 Q. And then you asked her to ask about other
14 injuries to his lip and other places and he asked
15 for an attorney at that point?

16 A. Correct.

17 Q. Prior to him asking for an attorney, did you or
18 Detective Booth or anyone in your presence make any
19 threats to him?

20 A. No.

21 Q. Did you make any promises?

22 A. No.

23 Q. Thank you, Ms. Barr.

24 THE COURT: All right. Mr. Stitely?

25 CROSS-EXAMINATION

1 BY MR. STITELY:

2 Q. Ms. Barr, were you there on the 10th -- or
3 9th/10th when they first interviewed Mr. Coffey?

4 A. No, sir.

5 Q. Your pictures, do you have a copy with you?

6 A. I do not. There were 11 photos that I took.

7 Q. And two different supplemental reports from
8 you?

9 A. Yes, sir.

10 Q. When was the second supplemental created?

11 A. That was created, I believe, in February.

12 Q. Did you create a report that day back -- or
13 close to that day back in 2015 after your initial
14 investigation?

15 A. Yes. I believe it was written on the 11th of
16 August during the initial part that I had in the
17 investigation.

18 Q. I see that one. Did you do another
19 supplemental that details the interview you had back
20 at the sheriff's department?

21 A. Yes, sir; the additional supplemental, which
22 was back in February.

23 Q. Okay. So there wasn't one between your initial
24 work that you did back on August 11th and the one
25 you produced in February?

1 A. No, sir.

2 Q. Okay. I just wanted to make sure I had
3 everything. And 11 pictures you said you took?

4 A. Yes.

5 Q. Were you aware that Mr. Coffey had asked for an
6 attorney when he was interviewed on the 10th before
7 you spoke to him on the 20th?

8 A. Yes.

9 Q. Thank you. That's all the questions I have.

10 THE COURT: Redirect?

11 MR. GRAHAM: No, Your Honor.

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

13 MR. GRAHAM: Those are all the witnesses from
14 the State on this matter.

15 THE COURT: Thank you, Solicitor.

16 Mr. Stitely, does the Defense intend to present
17 evidence or testimony?

18 MR. STITELY: Not to this issue, Judge. We'd
19 have argument, if it's appropriate.

20 THE COURT: All right..

21 Solicitor, I'll be glad to hear from you.

22 MR. GRAHAM: Your Honor, regarding the August
23 9th, August 10th statement that was made at [REDACTED]
24 [REDACTED], at the defendant's residence, the
25 witnesses state that he was read his rights, he

1 understood his rights, he waived his rights; he
2 wasn't under the influence of alcohol or drugs,
3 there were no threats or promises. And the State
4 would say that any statements made at that time
5 prior to the invocation of his rights when they went
6 over his rights a second time would be admissible.
7 I don't know whether you want me to go ahead and
8 address the second one or stop there.

9 THE COURT: Yes, sir.

10 MR. GRAHAM: As to the second, Your Honor,
11 August 19th, upon his arrest he had previously
12 invoked his right to an attorney, but he was not in
13 custody at that time. And I don't think there's any
14 law in South Carolina that says that you can, in
15 advance, invoke your right to an attorney.

16 He was placed under arrest, he was advised of
17 his rights orally, he acknowledged what his rights
18 were, and he waived his rights. According to
19 Detective Booth, there was a spontaneous statement
20 made on the scene not in response to any
21 questioning, which we believe would be admissible.

22 And then moving on to the interview room with
23 Detective Barr and Detective Booth there, all of the
24 testimony is that he was again given his rights, not
25 under the influence of alcohol or drugs, he

1 understood his rights, waived his rights; there were
2 no promises or threats, and we believe that any
3 statement or conversation up until the point where
4 he again invokes his rights at that time would also
5 be admissible in the State's case in chief, if we so
6 chose.

7 MR. STITELY: May it please the Court.

8 THE COURT: Yes, sir.

9 MR. STITELY: Judge, we have no problem with
10 the initial contact they had on August 9th. I think
11 that was an encounter, that he was advised of his
12 rights, and whatever comments he made in the car, I
13 think they potentially elicit at the appropriate
14 time.

15 Judge, at that point though, when he does
16 invoke his right to an attorney, Solicitor Graham
17 indicated he was never in custody. I would
18 disagree. I think it was a custodial situation; he
19 had two armed police officers putting him in a cop
20 car. He obviously was aware of his rights. And he
21 spoke to them at that time, but he became
22 uncomfortable with the situation and invoked his
23 rights.

24 There's some comments about an extraneous
25 comment he made when they're out there arresting him

1 a couple days later. Clearly from the testimony of
2 Investigator Booth, they took his picture and looked
3 at his hands and talked to him about injuries he had
4 sustained on August 9th prior to him asking for an
5 attorney. And then they're obviously doing
6 something to take more pictures and look at him at
7 that point.

8 Their position was it was a statement for no
9 real reason. Judge, we'd argue the contrary; they
10 had already asked about all these questions and then
11 you're out arresting and doing it again. We would
12 ask the Court to find that any statements made after
13 he initially says he would like an attorney on
14 August 9th be inadmissible.

15 I think it's kind of an end-around way by
16 sending a different detective out as well to start
17 asking questions once again. That would just be our
18 position, as far as any statements made either at
19 the scene of his arrest or at the sheriff's
20 department, that those would be inappropriate where
21 he'd already been questioned, invoked his right to
22 an attorney. We think it should stop there.

23 THE COURT: Aren't there Court's exhibits?

24 MR. GRAHAM: The -- yes, Your Honor.

25 THE COURT: May I see them, please.

1 MR. GRAHAM: Yes, sir. Court's Exhibit 3.

2 THE COURT: And the timeline is August 10th of
3 '15, first contact by law enforcement at --

4 MR. GRAHAM: I think it's [REDACTED] --

5 THE COURT: I want to make sure I'm tracking.

6 At [REDACTED]?

7 MR. GRAHAM: Right, Your Honor.

8 THE COURT: And the second contact is on [REDACTED]

9 [REDACTED]?

10 MR. GRAHAM: Correct, Your Honor.

11 THE COURT: Okay. And as I understand it --
12 and make sure I'm tracking this right, Mr.
13 Stitely -- as far as August 10th, 2015, you do not
14 question the voluntariness of any statements that
15 are given?

16 MR. STITELY: Judge, I believe it's a custodial
17 interrogation. But, no, we do not question the
18 voluntariness. We would maintain it's a custodial
19 interrogation, it's two officers in a patrol car
20 with guns, but the statements were given voluntarily
21 at that point, would be our position, Judge.

22 THE COURT: Even if it were a custodial
23 interrogation, the officers gave the rights both
24 orally and in writing. This one form, Lexington
25 County Sheriff's Department statement form, appears

1 to have Mr. Coffey's initials on it one, two, three,
2 four, five, six times; it appears he was given his
3 Miranda rights both orally and by initials
4 indicating that he understood his rights; the
5 testimony, obviously, there was no alcohol, no
6 drugs, no threats, no promises; that the officers'
7 opinions was that whatever statements he gave were
8 given freely and voluntarily, knowingly and
9 intelligently made. Whatever that would comply, I
10 find that by a preponderance of the evidence, the
11 totality of the circumstances.

12 The form further indicates he has a 12th grade
13 education and he can read and write. I would
14 further note, I take this into account though it
15 doesn't change my opinion that he has indicated on
16 this form -- that it was indicated on this form that
17 his place of birth being the 10th day of August,
18 2015, which is not correct. 10th of August 2015 is
19 when the statement was prepared.

20 As to the statements of [REDACTED] -- I'm
21 not sure of the exact address on [REDACTED] --
22 the testimony of Detective Brown in the statement
23 concerning the fight at a bar was clearly
24 spontaneous and was not in regard to any custodial
25 interrogation. Although he may have been in

1 custody, it's both custody and interrogation, the
2 testimony before the Court it was no interrogation.

3 Further, the switching of -- like, Detective
4 Andaloro not being present on the 9th, 10th and not
5 Sergeant Barr, and then Sergeant Barr and Detective
6 Booth present on both events, that there's a
7 switching officers is of no moment to this Court,
8 but as the testimony is, there was an arrest warrant
9 to be executed and arrest warrant is a Court order,
10 in effect, signed by a magistrate judge or, perhaps,
11 sometimes a circuit judge to arrest that person and
12 bring him into the system -- him or her for further
13 processing as far as the bond processing.

14 So that can't be couched as some type of -- I
15 don't know if you'd call it a bait-and-switch. I
16 don't know if that's a good analogy or not. But
17 that -- that, as I say, is of no moment to this the
18 Court. The testimony is he's advised of his rights,
19 again, at the scene on [REDACTED] by Sergeant Barr,
20 agrees to talk, go to the Lexington County Sheriff's
21 Department, further no indication of alcohol or drug
22 s, threats, or promises, advised and asked to give
23 consent as far as photographs are concerned.

24 At some point during the photographing and
25 conversations about the various injuries to various

1 parts of his body, he invokes his right to counsel.
2 I think officers -- it was custodial interrogation,
3 obviously, the officer complied with Miranda,
4 there's no bootstrapping from the 9th to the -- or
5 from the 10th, I should say, to the 19th as far as
6 the continuing indication of the right to counsel.
7 In fact, I think the officers meticulously took the
8 steps not only to advise him, but make sure that
9 whatever statements he did give were freely and
10 voluntarily given.

11 So, obviously, the spontaneous is admissible,
12 and the others also. And basically my rulings fall
13 under the standards which are laid out in State vs.
14 Rodney Lee Parker. That's 381 S.C. 61.

15 All right. Any -- you want to take a break
16 before our next motion, Solicitor?

17 MR. GRAHAM: Yes, Your Honor, that would be
18 great.

19 THE COURT: What motion do you want to take up
20 next?

21 MR. GRAHAM: We have two, whichever order, Your
22 Honor. We don't have any witnesses to offer, I
23 don't believe. There's a third-party guilt motion
24 to prevent statements, questioning, comments on it
25 by the defendant until they meet the threshold and

1 offer proof to Your Honor. And also a rape shield
2 statute motion, which is the same, that I don't
3 believe they filed anything at this time saying
4 they're going to do that.

5 THE COURT: Are you trying to get in evidence
6 that you say would be admissible under rape shield,
7 Mr. Stitely?

8 MR. STITELY: Judge, I --

9 THE COURT: And you don't have to tell me the
10 whole thing now, I just want to know if that's --

11 MR. STITELY: You're fine. This should be
12 relatively short. Judge, you, of course, as you
13 said, are taking this from square one, you don't
14 know a thing about this case.

15 One of the allegations, obviously, that the
16 criminal sexual conduct warrant deals with a sexual
17 battery through the discovery maintained. There are
18 multiple persons' DNA included during their
19 analysis, so there wouldn't be specifically any
20 problem with rape shield talking about other or
21 unknown partners previous, making allegations along
22 that.

23 But through the evidence that will come in in
24 this trial, there are multiple persons' DNA found in
25 a sexual situation involved in this case, not

1 necessarily all belonging to our client, but to
2 other individuals, if you follow. They do a DNA
3 analysis on a -- on the foreign object and find
4 other people's DNA.

5 THE COURT: There's DNA analysis on the foreign
6 object?

7 MR. STITELY: That was located inside of her.
8 So there wouldn't be any about saying, like, six
9 months ago she was out in the streets doing this,
10 but there will be questions involving --

11 THE COURT: There's no vaginal swabs with
12 foreign DNA or is there vaginal swabs of any DNA? I
13 don't know.

14 MR. GRAHAM: If I can, Your Honor, a rape kit
15 was done. The oral swabs, I believe, were negative,
16 the vaginal swab showed the presence -- and I could
17 be a little off, showed the presence of semen. The
18 rectal swab showed, I believe, the presence of
19 semen. They did a Y-STR in -- I don't remember the
20 exact number -- 1 in 270 people, the defendant was a
21 match or associated with the rectal swab..

22 Inside when they did the autopsy, when they did
23 the Y incision and opened her up, up inside of her
24 abdominal cavity, a cucumber had been shoved up her
25 rectum, perforated her rectum, and gone all the way

1 up into her cavity. When they pulled that out, they
2 sat it down on the white sheet that the body
3 transport company uses, it did not go directly into
4 a bag. It was then taken from the white sheet and
5 put into a bag and frozen.

6 At some point, Your Honor, I asked for the
7 cucumber to be analyzed, so, the cucumber was taken
8 to Richland County, they did swabs of the cucumber
9 itself. And I don't have the exact numbers in my
10 head, but it was a match, of course, to our victim,
11 **Decedent** [sic], and also a match to the
12 defendant, Peter Coffey, as far as DNA.

13 There were three hair strands or pieces of hair
14 that were also found in the bag with the cucumber.
15 On one of the -- I believe that one of them may have
16 had a follicle. They weren't able to develop any
17 DNA on the follicle.

18 On the longer strand of hair, which was
19 approximately five to six inches of long, it was
20 described as a Coke bubble -- dried syrup Coke
21 bubble in the middle of that hair strand that's DNA
22 matter. The analyst can't say what kind of DNA
23 matter it was or is. They analyzed that DNA matter
24 and it came back to the major contributor being an
25 unknown female and the minor contributor -- a

1 mixture of two people, the minor contributor being
2 an unknown male. They did Y-STR on that, developed
3 a Y-STR profile on the male.

4 Both the major contributor for the female and
5 the minor for the Y-STR male profile that was
6 developed has been submitted into CODIS without
7 results. That's the DNA evidence as far as what
8 Mr. Stitely is referring to with the unknown DNA.

9 THE COURT: Is that tracking it right?

10 MR. STITELY: For the most part, Judge. As far
11 as the rape shield, there's no other allegations
12 that at this point, from what we've seen, we would
13 anticipate getting into, except for, obviously, it's
14 some issues with multiple people's DNA being present
15 at that moment in that place.

16 THE COURT: And that's your argument on the
17 rape shield?

18 MR. STITELY: Yes, sir. So, like I said, I
19 don't believe I have anything else that would be
20 impacted by the rape shield in this case as far as
21 from our presentation at this point.

22 THE COURT: All right. We'll take about 15
23 minutes.

24 (Short break.)

25 THE COURT: All right. Who would like to go

1 first? Solicitor?

2 MR. GRAHAM: Yes, sir. On the -- the first
3 motion from the State, Your Honor, was a motion in
4 limine asking the Defense to comply with the rape
5 shield statute. We have filed this motion which
6 basically says that they can't -- other than going
7 into prior consensual sex with the defendant, they
8 can't go into her sexual relationships with other
9 people and can't offer opinion testimony or her
10 reputation.

11 And we're just filing this motion because I
12 don't want statements made -- if those are allowed,
13 they need to be heard pretrial by Your Honor before
14 they're mentioned in opening statement or asked of a
15 witness or used in closing or any testimony they
16 plan to offer. So that's the basis of that motion
17 on the rape shield.

18 THE COURT: All right.

19 Mr. Stitely?

20 MR. STITELY: Judge, I don't think we're going
21 to run into any problems aside from what you already
22 heard dealing with that specific issue. There are
23 statements that we intend to ask about through other
24 witnesses potentially or through Detective Booth who
25 did the interviews about another man who allegedly

1 was moving in to live with her. I don't think
2 they're going to talk about sexual relationship, but
3 there is a man who --

4 THE COURT: That -- that -- I don't mean to cut
5 you off just to cut you off. That doesn't have
6 anything to do with the rape shield statute. That
7 may be a separate and distinct issue I need to rule
8 on, but as far as the rape shield statute you're
9 going to comply with -- and I know you are, with not
10 going into opinion testimony of the victim's sexual
11 conduct, reputation, evidence, or specific instances
12 of the victim's sexual conduct. You're not going
13 into any of that.

14 MR. STITELY: Wasn't planning on it unless
15 they -- there was one witness, Judge, I will tell
16 you, a Mr. Michael Scarborough, who is on the
17 witness list, who was a partner of hers who says he
18 had relations with her two weeks before and was
19 thinking about moving in with her.

20 We can avoid that, probably, and just talk
21 about how he -- I'm not sure if he's the same
22 individual or different individual from their other
23 interviewees. But I wouldn't go into, specifically,
24 any allegations. That's not part of this case,
25 Judge.

1 MR. GRAHAM: I guess that's -- my understanding
2 of the rape shield is that that wouldn't be an
3 appropriate question to ask. Whether they had --
4 whether they were sexually intimate was not a
5 question that would be relevant to whether
6 Mr. Coffey was guilty.

7 THE COURT: I understood the question was did
8 they live together or were they -- I don't know.
9 What's the question?

10 MR. GRAHAM: There was -- my understanding,
11 factual-wise, was they had seen each other for a
12 brief period of time. I believe that they were
13 sexually -- had sexual relationships, according to
14 Mr. Scarborough, twice. There was a discussion of
15 him moving in. He ultimately did not move in.

16 MR. STITELY: That's two weeks before the day
17 of her demise. I don't think we need to talk about
18 their sexual relationships so much as there was
19 another man. Three other witnesses make reference
20 to her hanging out with another man; one of them,
21 two days before the police show up at her house said
22 the other man was riding -- driving her truck.

23 So I may want to ask Mr. Scarborough if he, in
24 fact, is that other man who is driving her truck,
25 but I don't know that I have to get into their

1 sexual relationship just so much as one of their
2 witnesses says two days before the police showed up,
3 another man was at her house driving her truck.

4 THE COURT: But she was still alive. That
5 takes us back to the 5th.

6 MR. STITELY: Judge, she says two days or three
7 days before the police were at her house --

8 THE COURT: So that still takes --

9 MR. STITELY: -- which is August 12th. She
10 allegedly died --

11 THE COURT: The police show up at the house the
12 night of the 9th, morning of the 10th --

13 MR. STITELY: No. They interview Mr. Coffey
14 the night of the 9th, or the 10th. They show up at
15 Decedent's house the morning of the 9th. And they
16 have a witness --

17 THE COURT: No, sir, that's not the way I get
18 it. Is my timeline not correct? When did the
19 police respond to Decedent's house?

20 MR. GRAHAM: My understanding is that the 911
21 call was 8:11 PM on the 9th.

22 THE COURT: On the 9th.

23 MR. GRAHAM: And the police respond on the 9th
24 and eventually go and interview Mr. Coffey.

25 THE COURT: So she -- we know she's dead on the

1 9th.

2 MR. GRAHAM: Correct. She's found dead on the
3 9th -- the evening of the 9th.

4 THE COURT: So give me your timeline again,
5 Mr. Stitely.

6 MR. STITELY: Their witness -- Detective Booth
7 interviews a Kristen Sharp, and this is August 12th,
8 and she says: "The last time I saw Decedent was three
9 days before the police were at her house."

10 THE COURT: All right. So that takes us back
11 to the 6th.

12 MR. STITELY: I don't know if she's referencing
13 her house or Decedent's house. And then she says:
14 "Two days before, she called me." And then she
15 says: "Early last week or the end of the week
16 before --" and this was a Friday-Saturday
17 timeframe -- "there was another man, a guy friend,
18 driving a truck. He was gray-haired. Driving
19 Decedent's truck."

20 I just wanted -- I just didn't ask about that.
21 I don't think that has anything to do with their
22 sexual relationship, Judge.

23 THE COURT: Well, I'm not sure it's got
24 anything to do with the relevant timeframe from -- I
25 understood Mama, the mother, couldn't get in touch

1 with her as for the welfare check. I understand the
2 mother last heard from her on the 7th -- last
3 contact on the 7th.

4 MR. GRAHAM: That's a little confusing, Your
5 Honor. She has dementia. She's not going to be
6 able to testify. My understanding is she probably
7 has dementia. And then she gave about four
8 different statements to different people by the time
9 it got reported to police of exactly when she last
10 spoke with her daughter. Whether it was the late
11 hours of the 7th or early hours of the 8th is
12 probably unknown, to be honest.

13 THE COURT: Well, when we get to that point,
14 let me listen to the testimony. I just don't
15 have -- I don't have any dots to connect right now.

16 MR. STITELY: I guess my only comment, Judge,
17 is -- and not in a sexual nature. But say in
18 opening statements I want to make reference to the
19 fact that there was another man talked to be
20 living -- moving into her house two weeks before
21 this incident by multiple witnesses, who was driving
22 her truck maybe the 6th, maybe the 7th, depending on
23 this individual's recollection. I guess it's more
24 to the second motion they made about third-party
25 guilt.

1 THE COURT: It's more what?

2 MR. STITELY: To the second motion they intend
3 to make about third-party guilt, trying to exclude
4 me from discussing other potential individuals. And
5 that's going to come in, of course, with the DNA you
6 already heard about, other individuals who might
7 have been there, other individuals who, according to
8 witnesses, she owed money to, all kinds of other
9 stuff, Judge.

10 THE COURT: All right. So we're kind of -- we
11 kind of meandered into third-party guilt. Is that a
12 true statement? And that's not a bad word, I don't
13 think, but that's kind of where we're headed down.

14 MR. GRAHAM: I think that's correct, Your
15 Honor.

16 THE COURT: All right.

17 MR. GRAHAM: Which is why the State filed that
18 third-party guilt motion.

19 Looking at State vs. Gregory, which is 16 SE
20 2d 5- --

21 THE COURT: That's the classic case?

22 MR. GRAHAM: Correct, Your Honor. And then you
23 also have State vs. Williams, which is --

24 THE COURT: Luke Williams, III.

25 MR. GRAHAM: Yes, sir. And then Alamine is

1 another case as well.

2 THE COURT: Alamine. I think I prosecuted
3 Mr. Alamine in Richland County. That's the one that
4 did something with armed robbery, also about -- at
5 any rate, go right ahead.

6 MR. GRAHAM: Those line of cases, basically,
7 Your Honor, the standard is that once this motion is
8 made by the State, the Defense has to proffer
9 evidence before Your Honor -- for Your Honor to rule
10 on whether they can make comments in opening
11 statements or, again, ask questions of witnesses or
12 offer evidence themselves.

13 It has to be, as Your Honor is aware, limited
14 to facts as to raise a reasonable inference or
15 presumption as to their client's, the defendant's,
16 innocence. Evidence which can have no other effect
17 than to cast a suspicion upon another or to raise a
18 conjectural inference as to the commission of the
19 crime is not admissible.

20 It has also been held that evidence of
21 third-party motive and an opportunity to kill is
22 properly excluded where the Appellant nonetheless
23 failed to show that the evidence is inconsistent
24 with his guilt. So some of the things that I would
25 say that Mr. Stitely referred to would be that she

1 had another man in her life that was there with her,
2 whether it was three days before or a week or two
3 weeks before. It's not relevant and it's not
4 admissible.

5 The fact that they had sex, of course, would
6 not be admissible under the rape shield. The fact
7 that there is another man who may or may not have
8 been in the house is not inconsistent with the
9 defendant's guilt. And until and such point they
10 prove that by either our evidence, as the State
11 offers it, or their own, I don't believe that it's
12 inconsistent.

13 The fact that -- I think the other thing that
14 was mentioned was rumors about a drug dealer or
15 money owed, I think is what Mr. Stitely said.
16 That's a possible motive for another person that
17 they want to cast suspicion that maybe somebody else
18 killed her. But, again, that's exactly the kind of
19 evidence that the third-party guilt motion is
20 supposed to stop.

21 THE COURT: Thank you.

22 MR. GRAHAM: Those are the kind of things. So
23 I guess before -- I'm not even sure, in all honesty,
24 what to do about the foreign DNA that's on there.
25 There's not -- it's not proof of sex, necessarily,

1 because it's not -- my understanding is it's not
2 semen or sperm or anything related to that; it's
3 some unidentified DNA matter to an unknown female
4 and an unknown male, which, of course, the Defense's
5 contention is going to be that it was on the
6 cucumber when it was inserted inside our victim. Of
7 course our contention would be that it most likely
8 came from contamination, which would be a jury
9 question.

10 But I don't think that -- I'm not even sure
11 that the fact that there's foreign DNA means it's
12 inconsistent in the presentation that it is. But
13 regardless, starting to go down conjectural things
14 about all these other men or other people that may
15 have a motive is exactly what the third-party guilt
16 is meant to stop.

17 THE COURT: All right.

18 Mr. Stitely?

19 MR. STITELY: I think the solicitor is kind of
20 overlooking the Holmes case, which is a supreme
21 court case --

22 THE COURT: I think Holmes is very different,
23 because Holmes is founded on State vs. Gay.

24 MR. STITELY: Which it also --

25 THE COURT: That had to do with the focus --

1 Bobby Holmes. That had to do with the focus of the
2 forensic evidence because the charge in Gay left
3 that little bit of wiggle room -- which they never
4 reversed Gay -- left that little bit of forensic
5 wiggle room, in my opinion. Go right ahead.

6 MR. STITELY: In this one, Judge, you heard the
7 way the solicitor was phrasing. He wants to call it
8 foreign material. It's two other people's DNA.

9 THE COURT: I'm not -- let me focus first on
10 third-party guilt --

11 MR. STITELY: Yes, sir.

12 THE COURT: -- and then I'll --

13 MR. STITELY: All right. And, Judge, I would
14 ask --

15 THE COURT: I will refocus on the DNA.

16 MR. STITELY: Judge, I would ask the Court to
17 take a look -- I know it's an unpublished opinion.
18 But this year, just last month -- it came out less
19 than a month ago -- actually, it came out three
20 weeks ago. It looks like they may have filed -- you
21 could at least consider it as -- what the Court's
22 looking at today, and that's State vs. Green. It
23 was filed on February 21st of 2018. And it pretty
24 much says Holmes is going to become our standard,
25 for the most part.

1 It was another case where the State had
2 disallowed some hearsay testimony dealing with
3 third-party guilt and they overturned and reversed
4 and sent it back. I know it's not binding on this
5 Court and it's probably going to go on up, but this
6 was just last week -- or three weeks ago. And this
7 was some hearsay testimony.

8 And it says, once again: If there is any
9 indicia the burden can't be flipped against the
10 defendant because it hurts their opportunity to put
11 forward every single possible thing they have. It
12 goes on to say: All relevant evidence is
13 admissible. That's State vs. Pagan. It goes on to
14 cite State v. Schmidt.

15 It also talks a great deal about the Holmes
16 case, specifically saying that that is now our
17 controlling body when we're talking about
18 third-party guilt. The supreme court has held that
19 the exclusion of defense evidence of third-party
20 guilt -- on the grounds of proffered evidence does
21 not raise a reasonable inferences as to the
22 defendant's own guilt -- denies the defendant a fair
23 trial.

24 If there is any evidence we can present, Judge,
25 either through an inference or more, that has any

1 possible bearing on potential guilt -- and there's a
2 lot in this case and I'll go into the specifics if
3 we need to -- he's denied his right to a fair trial.
4 Judge, I'll pass up a copy of this up. Like I said,
5 Judge, it says -- you can take a look at it. Your
6 Honor, may I approach?

7 THE COURT: Yes, sir.

8 MR. STITELY: And this is the Green opinion
9 that just came out a couple weeks ago. Chances are
10 that's going up to the Supreme Court and is probably
11 why they're holding on to it.

12 THE COURT: The only unpublished decisions I
13 read are my own. However -- and I knew I'd -- I
14 know we're not to follow unpublished opinions'
15 precedent, but generally it gives you the reasoning
16 of the court. And when you look at, at least the
17 boilerplate standards and such like that as that
18 thread that goes through the published decision, I
19 always find it interesting also when you have an
20 appellate decision and Justice Per Curiam is the
21 author. I don't know what that means. He or she
22 writes a lot of opinions. That's all I meant.

23 Fascinating facts in Green, fascinating. It's
24 clearly a dying declaration when the victim of the
25 homicide says Douglas -- the victim of the homicide.

1 So the victim of the homicide is the eyewitness --
2 unless he or she is shot in the back, this was a
3 shooting with an eyewitness to the homicide --
4 clearly knows that he's dying, and actually somewhat
5 of a fascinating officer because the officer,
6 Sergeant Wells, doesn't ask him who shot him.

7 "I never asked him who shot him, there was
8 another officer who asked him who shot him. But I
9 was there, I asked him did he believe in God. And
10 at that time he spoke clearer than I ever heard him
11 speak during the whole confrontation. His response
12 was, 'Yeah. Yeah, yeah, yeah, yeah, yeah. Yeah'
13 that's what he said when I asked him does he believe
14 in God."

15 But the sergeant heard another officer ask him:
16 "Did he answer the question of who killed him?" And
17 his answer, the sergeant says: "The name I heard
18 him say at that time was Douglas." And Mr. Green's
19 first name was -- started with a D, but it was
20 Dalonte.

21 I wouldn't think this needed to be analyzed
22 under third-party guilt, quite frankly. That's not
23 critical of any judge or anything whatsoever. I
24 think that's a clear evidentiary issue on whether or
25 not that's a dying declaration. Dying declaration,

1 I mean, dude, we all know they're pretty serious
2 things when someone knows and comprehends they're
3 going to die, you usually wouldn't be lying at that
4 point in your life because you're fixing to go to
5 the afterlife. I wouldn't want -- I got enough
6 baggage to drag up there, I wouldn't want to be
7 dragging that up there too.

8 At any rate, let me reread Holmes. I think
9 it's got flavors -- and I go straight to Gregory. I
10 mean, I think Gregory is clearly the standard. I
11 think Holmes quotes Gregory. And that's the
12 riding-around testimony, the riding-around
13 testimony. That's kind of -- I call it the
14 other-men testimony.

15 The DNA, what I'd like to see is a copy of
16 reports or the body fluid, whatever it's called.
17 I'd just like to see a copy of the reports so I can
18 process that. Anything you want me to see, I mean,
19 any cases or anything like that. And I'll let you
20 know before, as far as -- I'll try to let you know
21 both. I don't know if you -- you just mentioned the
22 other men for opening but not the DNA.

23 MR. STITELY: Well, obviously I intend to argue
24 about DNA, Judge. It's just -- and I guess it's
25 kind of hard -- this is speaking -- when you do

1 motions in limine in general. There are so many
2 different things in this case that play in; DNA is
3 definitely part of it, the fact that there's
4 people's -- there's other people DNA all over the
5 house too though. It's not -- it's a house. I
6 mean, you can imagine there's more than one DNA.

7 There's a pair of boots that are found that
8 they try to link to our client, but it's someone
9 else's DNA on it. And it's a really hard -- but
10 clearly it's not the murder weapon, but an item that
11 you associate with the murder is collected with
12 other people's DNA.

13 THE COURT: And that separates it in relevancy
14 from the crime itself, but, you know, need to
15 analyze it on items --

16 MR. STITELY: Yes, sir.

17 THE COURT: -- that are on the body, so to
18 speak.

19 MR. STITELY: And as far as in general -- and
20 I'll get to it. This case, it's a -- what I would
21 call a motive in this case. There's no -- we have
22 yet to see where they have established any kind of
23 motive to claim our client did this. Two of their
24 all-star witnesses in this case, one that they're
25 going to use, we believe, to place Mr. Coffey at the

1 scene is a known drug dealer; the other person who
2 says that she's missing or she's supposed to be
3 somewhere the next day, also big-time drug dealers,
4 both of which provided her with drugs, both of which
5 would answer the question that she owed them
6 substantial amounts of money.

7 So there are two of the State's witnesses, two
8 they, I think, will rely on to place the defendant
9 at the scene at the times they want them there are
10 drug dealers that she owed money to. So I --
11 there's a lot of elements that go into why this may
12 have went down, especially what I would determine,
13 and the State may have some theory we haven't heard
14 yet, as -- there's no clear motive in this case that
15 they're going to be able to put forward as the
16 driving this is why it was done.

17 So third-party guilt is particularly important
18 when you have all those other factors on top of
19 really weird DNA analysis results that point
20 multiple different fingers multiple different
21 places. I guess it's kind of like an amalgam of
22 many things, Judge. It's not a straightforward
23 case, I guess would be the best way to say it.

24 MR. GRAHAM: For clarification, there was --
25 the only other unknown DNA, I believe, was found on

1 boots at the defendant's house. There was blood
2 that was not related to anybody that we know. As
3 far as what was collected from the house or on our
4 victim, the only unknown DNA that exists that I'm
5 aware of is that DNA matter on the hair that came
6 off the cucumber which is an unknown female and an
7 unknown male.

8 THE COURT: So the other DNA on the boots was
9 found on -- at the [REDACTED] address?

10 MR. GRAHAM: Correct, Your Honor.

11 MR. STITELY: And it was unknown DNA on a
12 number of other objects at her house that they don't
13 put anyone's results to.

14 THE COURT: Well, I want to see the DNA
15 reports.

16 MR. GRAHAM: I'll give you a copy of the DNA
17 report. We actually prepared a summary for
18 Dr. Amick --

19 THE COURT: Do you object if I have a summary
20 to --

21 MR. STITELY: No. No objection.

22 THE COURT: Let Mr. Stitely look at it.

23 MR. GRAHAM: I'll give him a copy again of what
24 we're providing Your Honor. Then I was also -- I'll
25 also provide pictures of the cucumber and the hairs

1 that were supplied to us and --

2 THE COURT: Yes, sir. Whatever you give me,
3 show it to Mr. Stitely. Have you got any objection
4 to any of them -- for me to see any of this?

5 MR. STITELY: Your Honor, I think it's
6 in-camera, you can see whatever you'd like to see,
7 Judge.

8 THE COURT: All right. Thank you.

9 All right. Anything further before we take our
10 recess, Solicitor?

11 MR. GRAHAM: No, Your Honor. Thank you.

12 THE COURT: All right. Thank you. 9:30 in the
13 morning.

14 (Trial in recess for the evening at 4:30 PM.)

15 (The following proceedings were held March 13,
16 2018.)

17 (State's Exhibit Nos. 1 - 75 marked for
18 identification.)

19 THE COURT: I have not made a decision on the
20 DNA. With that being said, I know Mr. Stitely
21 indicated he wanted to refer to it in opening, I
22 believe. And perhaps the solicitor does also, I
23 don't know. I'm going to slice that pretty thin
24 right now because I want to hear some testimony
25 about it before I make my ultimate decision on the

1 DNA.

2 You can certainly reference generally that
3 there's scientific evidence in the case in the
4 nature of DNA and you can both certainly ask them to
5 pay very close attention to that. But the details
6 of it, at this time I want to hear some testimony
7 about it before I make that decision. And it is a
8 motion in limine, which is, A, this isn't even my
9 ruling ultimately on the motion in limine. It's a
10 limited motion in limine ruling, I guess I'd say,
11 and I'll take it up after I hear some testimony.
12 You understand, Solicitor?

13 MR. GRAHAM: Yes, sir.

14 THE COURT: You understand, Mr. Stitely?

15 MR. STITELY: Yes, sir.

16 THE COURT: As far as the third-party guilt,
17 the way I understand it right now having read
18 Holmes -- and Justice Leto used a word that I
19 couldn't spell, so Judge McLeod looked it up for me,
20 abrogating State vs. Gay, 343 S.C. 543. I reviewed
21 Gay.

22 And that's why I've always been of an opinion
23 that Gay was -- looked at more of the forensic
24 evidence. The victim in Gay, a Patricia
25 Huffstetler, a 55-year-old female, was discovered in

1 a tunnel under I-26 coming out of Columbia on
2 Elmwood, having been stabbed, also Ms. Huffstetler
3 was raped and had been murdered.

4 There was a video of Ms. Huffstetler and Gay
5 from the Exxon station at Park and Elmwood very late
6 that night, the night before. I think it was -- she
7 was discovered on New Year's Eve. And then there
8 was some forensic evidence that they found blood on
9 the victim's body and semen inside the victim's body
10 and blood on the defendant's shirt, all of which was
11 matched up with the appellant.

12 The third-party guilt in there was that
13 Ms. Huffstetler named Louis Metz and they tried to
14 introduce evidence in several directions as to
15 Ms. Metz. A prior boyfriend of the victim had
16 testified in-camera that the victim and Metz lived
17 together and that Metz told him many times that he
18 was going to kill the victim.

19 Further, the previous boyfriend stated that
20 Metz related this threat to him, even on the date of
21 the victim's death. However, the former boyfriend
22 recalled that Metz said he was going to kill the
23 victim in phone conversations at 5:30 PM, at
24 8:30 PM, all on December 31st, and the victim's body
25 had been discovered at approximately 4:00 PM. So

1 there was that. If there were threats to kill the
2 victim by the current boyfriend, the victim's body
3 was found before those threats were made, according
4 to the timeline.

5 Further, police testified that Metz admitted he
6 argued with, hit, and had sex with the victim on
7 December 31st. Another witness stated that Metz hit
8 the victim during an argument on December 31st
9 because the victim had taken \$300 from him and that
10 she, the witness, saw Metz's knuckles were swollen
11 on January 1. None of the evidence matched Metz.
12 And there were other statements made. And this went
13 to third-party guilt. And, of course, the court in
14 State vs. Gay cited, at length, Gregory.

15 In Holmes it went to the United States Supreme
16 Court. It appears that having abrogated Gay,
17 although I think he is still in the penitentiary,
18 said that the trial judge in Holmes focused too much
19 on the overwhelming evidence of guilt offered by the
20 prosecution.

21 So I think, and you can certainly offer it
22 in-camera at the appropriate time, Mr. Stitely, if
23 it's just that the victim had been seen with men or
24 a man in vehicles days prior to the homicide, I
25 don't think that leads to the reasonable inference

1 of third-party guilt nor do I think it's
2 inconsistent, from what I know now.

3 You know, I'm making the assumption it's
4 inconsistent with the guilt of the defendant.
5 That's just an assumption now because I hadn't heard
6 any testimony. All right? So if you think there's
7 a point you need to revisit that in-camera, I'll
8 certainly do so.

9 MR. STITELY: Well, I guess, Judge, before we
10 open, I'd like to put on the record the items I
11 envision potentially touching on.

12 THE COURT: All right.

13 MR. STITELY: And a lot of it comes through the
14 officers' investigation reports and notes -- I
15 apologize. I didn't know if that was requesting me
16 to go ahead and tell you what I had in mind now or
17 you want me to wait a second.

18 THE COURT: No, you can go right ahead.

19 MR. STITELY: A couple of things in particular
20 in this case, Judge, of course, is those questions
21 about the other gentleman who was there and driving
22 her vehicle that day. One of their people talks
23 about something to do with him wanting to move in
24 and her being -- trying to make people jealous. And
25 that all happens six, seven -- we can't tell exactly

1 because she says two or three days earlier.

2 They have another statement in Officer Booth's
3 notes, and it's noted with multiple incident reports
4 that are filed earlier, from the neighbor, including
5 that night when he interviews someone who says,
6 well, you better look into the guy who lives across
7 the street, he had a real vendetta against her.
8 That's the officer's words in his report.

9 And, Judge, that's supplemented by police
10 reports where the officer -- where **Decedent**, the
11 victim, had called -- I don't know if she called 911
12 or called dispatch -- and made reports that her
13 neighbor was threatening to kill her, the same
14 person who is referenced in Officer Booth's notes as
15 having a vendetta and as someone he should look
16 into.

17 There's, of course, the DNA that matches some
18 male who is excluding my client that's found inside
19 the victim in what I would argue and I think the
20 State would argue is part of the -- best way to say
21 it is, it's obviously part and parcel to the murder
22 is the sexual assault and there's DNA that excludes
23 my client but includes another male found there.

24 Additionally, Judge, the murder weapon it
25 itself, I don't know if you noticed that, does not

1 contain any DNA belonging to my client. They have
2 not put forward in any of their reports or anything
3 that's going to look like any kind of motive. My
4 client has not denied the fact that he had an
5 intimate relationship with the victim, so the
6 State's case, for the most part, is predicated on
7 the fact that his DNA is there. He doesn't deny
8 that. And according to several witnesses, he spent
9 the night there frequently and had a relationship
10 with the victim. Once again, not something we're
11 denying.

12 The whole point of this case becomes the murder
13 weapon does not have our client's DNA, you got other
14 people's DNA present in a very intimate portion of
15 this murder case, you've got neighbors with
16 vendettas and, again, as I said yesterday, Judge,
17 their two witnesses, at least one of their key
18 witnesses who intends to place our client at the
19 scene the next day, is the victim's drug dealer, as
20 well as another witness who is another drug dealer
21 who supplied the victim who they intend -- at least
22 in the officer's statements was going to talk about
23 what she did with her door and how she locked her
24 door.

25 Additionally, Your Honor, in a statement that

1 was just received last week by them, they go out and
2 interview the neighbor who hears two distinctive
3 door slams that night, which is also kind of
4 interesting in that if the theory is that the door
5 was locked and our client was the only one there,
6 why there are two distinctive door slams is kind of
7 unique, Judge.

8 There are a lot of questions in this case, and
9 when you combine that with the fact that there's no
10 discernable motive in this case, by all accounts in
11 all the other reports, my client and the victim were
12 friends, partners at times, they worked together.
13 It's a lot of -- he was there. We don't deny he was
14 there the night before, he admits to being there.
15 His DNA is there. He admits they have had previous
16 sexual encounters. None of that is new.

17 What we have is -- we jump to the murder and we
18 have a lot of other neighbors who have been
19 involved, another individual who was there where
20 there's talking about jealousy, and an ex-wife,
21 actually, which is really interesting because
22 there's female that hair that came out of her.

23 So you have a male and a female, not my client,
24 and an ex-wife who -- apparently **Decedent** is maybe
25 stealing a husband. That's all in the report. I

1 guess we can ask them about it specifically when
2 they take the stand. You got a next-door neighbor
3 saying they heard two distinctive door slams that
4 night like two people were leaving the residence at
5 different times, and the witness who is going to put
6 our client at the scene the next morning, allegedly,
7 is her known drug dealer.

8 There's a lot of stuff here, Judge, I think
9 more than -- more than a straightforward he had this
10 vendetta against a woman by all the reports and
11 accounts that they were good friends. So I -- I
12 guess there's a lot of things, Judge. And when you
13 take all that with the only real evidence that he
14 was involved is they find his DNA present -- and he
15 even tells them he took a shower there that night.
16 I don't think that's disputed, if there's DNA on the
17 shower.

18 So it's all circumstantial. There's no direct
19 evidence putting him as the person who did the
20 murder except for fingers being pointed. So I think
21 when you look at all the other things, it's very
22 plausible, Judge, that he was not the one who did
23 it, not more than just a scintilla of evidence and
24 then is backed up by forensics.

25 THE COURT: Thank you, Mr. Stitely.

1 Solicitor?

2 MR. GRAHAM: Just briefly, Your Honor. I don't
3 know whether the defendant is going to testify or
4 not, I don't know if we're going to put his
5 statements in or not. So that's just a warning to
6 them when they do their opening statements about
7 what their client says.

8 We deny that he ever told anybody in law
9 enforcement that he took a shower, we deny he told
10 anybody that he ever had intercourse with her. All
11 he told -- and it's the -- what he said -- he said
12 that she had given him hand jobs in the past, but he
13 denied to the police that he had had sex with her.
14 He never told the police that he took a shower there
15 that night. He did admit that he was there, but he
16 changes the timeline from when we think he was
17 there.

18 The whole purpose of our third-party guilt
19 motion, Your Honor, is, one, a lot of the things of
20 what Mr. Stitely says was, is he's going to -- he
21 wants to ask these officers about what other people
22 said. Well, one, that's hearsay, so it doesn't come
23 in. If he wants to offer that -- that's the whole
24 purpose of this motion, is they need to call those
25 witnesses, they need to let Your Honor hear that,

1 and then Your Honor makes a ruling of whether it
2 meets the criteria of Gregory and the progeny off of
3 it. That's the State's position on all that, Your
4 Honor.

5 MR. STITELY: To an extent, Judge, and then we
6 get into the content of burden shifting. These are
7 all clearly indicated in the reports as leads that
8 the officers followed up on; vendettas, other
9 individuals.

10 I guess at trial it's kind of -- my argument
11 would be, if it's something they investigated, if
12 the officers considered it, followed down those
13 leads, I can absolutely ask about what leads did you
14 follow down. If I don't get into specifically what
15 they said, you know, I could still ask, did you go
16 develop the next-door neighbor as a potential
17 suspect after your investigation. It's burden
18 shifting. I think that's really what Holmes is
19 concerned about in that you can't shift a burden to
20 the defendant to prove anything.

21 And as Mr. Graham is saying, we need to put up
22 our case, it's not our burden to put up anything.
23 And these are clearly indicated in their reports,
24 and we can go through them, I guess, if they want to
25 have a double trial. And we can go ahead and call

1 all of their witnesses pretrial. I'll call every
2 single witness on the list pretrial and ask them
3 what they intend to say so Your Honor can hear where
4 we're going to go when I go to question them.

5 I mean, I -- I think the idea is the State
6 carries the burden. This stuff is indicated
7 throughout the case that there are a lot of
8 questions and a lot of holes, and I don't think it's
9 fair to cut a defendant off by saying, well, you got
10 to wait until your case in chief, put all your
11 witnesses up, because that's a burden shift. That's
12 not a -- the jury considers evidence in the record,
13 things that are offered and things that are omitted.

14 And as the solicitor says, well, we don't know
15 if we're going to use his statement, I think I have
16 every right to ask the officer about his interview
17 with my client.

18 THE COURT: There's cases called State vs.
19 Sweet, State vs. Terry. You know, I'm shooting from
20 the hip. I don't know what anybody is going to ask,
21 but you can't offer self-serving hearsay, even of
22 the defendant. That's self-serving if he says he
23 was somewhere else. And, you know, I'm -- I'm not
24 even flying on instruments, I'm flying blind.

25 You know, I think it was Terry, I'm not sure it

1 was Terry, but it was a case where Solicitor Duffy
2 Stone was the defense lawyer, I think. They had the
3 Jackson vs. Denno hearing and then -- that was a
4 death penalty case in Lexington County.

5 The Court, most likely in that timeframe, Judge
6 Westbrook, ruled that it was by a preponderance of
7 the evidence it was admissible under Miranda and
8 such, I know what I'm talking about. Well, then it
9 was admissible, but not questioning the officers
10 about the statement the defendant made by the
11 defense because it was self-serving hearsay.

12 And I think that's the name of the case. It's
13 in the era. It's in that -- State vs. South, death
14 penalty case out of West Columbia, was the same way
15 where the defendant gave the third-party guilt
16 statement, as a matter of fact, and said, quote,
17 Sport did it, unquote, and South never testified.
18 And the officers, the two officers that took that
19 statement, were called to testify to what
20 Mr. South -- the statement he made about Sport did
21 it, and it wasn't admissible.

22 So I'm not saying you got to pre-try your case,
23 but, you know, typically the solicitor calls a
24 witness and you object; you cross-examine a witness,
25 the solicitor objects. I don't mind hearing it

1 in-camera, but, I mean, y'all are good trial
2 lawyers, experienced trial lawyers, y'all know how
3 to try cases.

4 You know, some of this, I wrote down ten
5 points, and there were probably more that you made,
6 just sitting up here, like I say, running blind, not
7 on instruments. I can't imagine that an ear witness
8 about door slams wouldn't be admissible. I can't
9 imagine the objection if, you know, someone could
10 hear an argument or a bump or whatever, a door
11 slamming. I can't imagine that that's not
12 admissible. You say you got a drug dealer, a drug
13 dealer. I don't know what their records are. Their
14 records may be such that they're impeachable upfront
15 because they have drug convictions of more than a
16 year.

17 Motive. Of course motive is typically argued
18 and, of course, it doesn't have to be proven. But I
19 don't know what the murder weapon is, I don't think.
20 I don't think it was referred to yesterday. And I
21 don't know a case I've ever tried where there was a
22 murder weapon and didn't have -- like a gun, didn't
23 have fingerprints on it, didn't have DNA on it,
24 didn't have blood on it. I've never tried one to
25 where I excluded that testimony. I don't know if

1 anybody objected to it, but I didn't exclude it.

2 And I understand your argument, number four.

3 I've marked it unknown male DNA. And I do want to
4 hear testimony on that before I rule on it. And I
5 analogize that to a fingerprint. If you had an
6 unknown fingerprint in a -- associated with a crime
7 scene, I want to hear that testimony. I don't know
8 the timeframe of the vendetta testimony, don't know
9 if the neighbor is going to testify. Clearly I
10 don't -- I mean, I don't want to say what I clearly
11 think about whether it's hearsay or not. I don't
12 know who it's going to be presented or attempted to
13 be presented through.

14 The victim's call concerning the neighbor,
15 another person driving the vehicle. And I don't
16 know what to make of someone saying she tried to
17 make people jealous. You're getting me way out of
18 my area of expertise there. I have no area of
19 expertise, as a matter of fact. So I'm not trying
20 to bootstrap you. I don't know.

21 And then you got the solicitor over there
22 saying there saying he never told us he took a
23 shower, he never told us he had sex, he only told us
24 they engaged in hand-to-hand noncombat or whatever
25 you want to call it.

1 Anything further before we bring in our jury,
2 Solicitor?

3 MR. GRAHAM: State is ready, Your Honor.

4 MR. STITELY: Defense is ready.

5 THE COURT: All right. And any time,
6 Mr. Stitely, you've tried cases in front of me, you
7 know all you have to say to me is, Judge, I got a
8 matter of law to take up, and I'm going to take it
9 up.

10 MR. STITELY: Yes, sir.

11 THE COURT: You know that. Me and Mr. Williams
12 learned that from Judge Timmerman.

13 (The jury enters the courtroom at 10:04 AM.)

14 THE COURT: Good morning, ladies and gentlemen
15 of the jury panel. I hope y'all had a pleasant
16 evening. I apologize for the delay in getting you
17 out into the courtroom. I assure you it was not
18 caused by either of the parties in this case. They
19 were not here on time, they were early and working
20 very diligently to move the case forward.

21 If you were, and I know you won't, hold it
22 against anyone, I know you won't hold it against the
23 State nor Mr. Coffey, please hold it against me.
24 Your time is very valuable to me, we couldn't do
25 this without you, and I will certainly try to manage

1 it in a more efficient manner. Remember that and
2 remember my apologies and they won't have to be as
3 long as we go through the trial of the case.

4 Do I have a Juror No. 33? This is Ms. Coker.
5 Ms. Coker, I had an election and I have elected you
6 to serve as jury foreperson of our jury panel.
7 Thank you for volunteering, number one, and number
8 two, there's no recount or recall, it will always
9 come out. If you would, take the seat right here on
10 the end closest to the bench for me, please, and if
11 you would, always maintain that seat.

12 And my two alternates? Who are my two
13 alternates? I would ask y'all, if you would, please
14 take these two seats where this young lady and this
15 gentleman -- I know that's the weather service man.
16 I've never had a weatherman on the jury; I need to
17 discuss some issues with him too. If y'all would
18 take these two seats on this end. I need to keep up
19 with -- I'm sorry for all this jury chair dancing,
20 so to speak, but that's -- I have to process. I'm
21 set in my ways up here.

22 All right. Madam clerk, would you swear our
23 jury, please.

24 THE CLERK: Please stand and raise your right
25 hand.

1 (Jury sworn)

2 THE COURT: Ladies and gentlemen of the jury
3 panel, the case we're about to try is the case of
4 the State vs. Peter Lynn Coffey. What I will now
5 say is intended to serve as an introduction to the
6 trial of the case. These remarks are not an
7 instruction on the law. I will instruct you fully
8 and completely on the law during the course of the
9 trial and at the end of the case before you retire
10 to consider your verdicts. This is merely an
11 explanation of the procedure that we will follow in
12 the trial of this case so that you may better
13 understand what may be happening.

14 The defendant, as you know, is charged by two
15 indictments filed in this court; one, with the crime
16 of murder and, two, with the crime of criminal
17 sexual conduct in the first degree, the full and
18 complete elements of which will be explained to you
19 later.

20 Again, ladies and gentlemen, these
21 indictments -- these indictments are the formal
22 charging document by which an individual is placed
23 on notice of the charges that have been brought
24 against him or her and they are not in any sense
25 evidence of any of the allegations that they

1 contain.

2 The defendant has pled not guilty to these
3 indictments. The State, the party to my front right
4 closest to the jury panel, therefore has the burden
5 of proving each of the elements of each of the
6 indictments beyond a reasonable doubt, and the State
7 will bear that burden throughout the trial of this
8 case. And it will be your duty, ladies and
9 gentlemen, to decide whether the State has met that
10 burden of proving its case beyond a reasonable
11 doubt.

12 Your purpose as jurors is to find and determine
13 the facts of the case. You, ladies and gentlemen,
14 are the sole judges of the facts. If at any time I
15 make any comment regarding the facts of the case,
16 you must disregard it. You are to determine the
17 facts from the sworn testimony you hear from the
18 witnesses testifying under oath from this witness
19 stand and any other evidence that may be introduced
20 in court.

21 It is up to you to determine what inferences
22 you feel may properly be drawn from the testimony
23 and the evidence presented. It is especially
24 important that you perform your duties of
25 determining the facts diligently and conscientiously

1 because, ordinarily, there's no way to correct an
2 erroneous determination of the facts by a jury.

3 On the other hand and with equal emphasis, the
4 same law that makes you, the jury, the judges of the
5 facts makes me the judge of the law. The law given
6 by the Court is the only law you may consider. You
7 must accept it, you must follow it, even though you
8 may disagree with it. I cannot tell you what the
9 facts are; you cannot disagree with me about what
10 the law is or what the law should be.

11 Your job is to take the law as I give it to
12 you, apply it to the facts as you find the facts to
13 be from the testimony of the witnesses and any other
14 evidence that is introduced. After doing that, you
15 will render your verdicts, true and just verdicts,
16 under the solemn oath that you have just taken as
17 jurors.

18 It is important, ladies and gentlemen, that you
19 keep an open mind and not decide any issue in the
20 case until all of the evidence has been presented,
21 the parties have made their closing arguments to
22 you, I've instructed you on the law of the case, and
23 then instructed you to begin your deliberations with
24 your fellow jurors in your jury room.

25 It is your solemn responsibility to determine

1 whether the State has met its burden of proving its
2 case beyond a reasonable doubt of the guilt of the
3 defendant, and your verdicts must be based solely on
4 the evidence as it is presented in this trial and,
5 again, on the law as I instruct you during and at
6 the close of the trial.

7 Now in just a moment, the solicitor will make
8 what's called an opening statement in which the
9 solicitor will explain to you the issues in the case
10 or at least what the solicitor thinks the issues are
11 in the case. Thereafter, Mr. Stitely, Mr. Williams,
12 one of the attorneys for Mr. Coffey, may also make
13 an opening statement although he's not required to
14 do so. He's not required to do so because a
15 criminal defendant in South Carolina, A, has no
16 burden of proof, the State always has the burden of
17 proof beyond a reasonable doubt, and B, a criminal
18 defendant in South Carolina, regardless of the
19 seriousness or the nature of whatever the charges
20 may be, is always, always presumed to be innocent
21 until such time as there may be a finding of guilt
22 beyond a reasonable doubt by the factfinders.

23 Now, ladies and gentlemen, what the attorneys
24 tell you during their opening statements is not
25 evidence in the case. They're not sworn witnesses.

1 Listen closely to the attorneys, but it's not
2 evidence in the case. What they tell you during
3 their closing arguments is not evidence in the case.
4 The questioning by the attorneys, the questions
5 themselves, are not evidence in the case, it is the
6 responses of the witnesses that is the evidence in
7 the case.

8 That's the form, that's the procedure by which
9 the evidence, the testimony, is extracted, so to
10 speak, from the witnesses. However, please pay
11 close attention to the attorneys, whether opening,
12 closing, or questioning of the witnesses. But
13 remember, it's that sworn testimony from those
14 witnesses and any physical items of evidence and
15 such like that, that's the evidence in the case.
16 Please keep that in your mind. That's how the
17 evidence is presented: Sworn witnesses from the
18 witness stand and/or by any exhibits that may be
19 introduced in the evidence.

20 From time to time during the trial, ladies and
21 gentlemen, you may hear one of the attorneys say
22 something like, Your Honor, I believe we have a
23 question of law or a matter of law to discuss with
24 you or, Your Honor, may we approach the bench, or
25 sometimes I myself might find it necessary to excuse

1 you from the courtroom for a short while so the
2 attorneys and I can discuss a matter of law. That's
3 not to hide anything from you.

4 The reason for this is because you, again, are
5 the judges of the facts in this case. And sometimes
6 when I'm discussing matters of law with the
7 attorneys, it may be necessary for me to make some
8 comment as to the facts in connection ruling whether
9 or not a particular law applies. I am not supposed
10 to tell you what I think the facts are, so I will
11 excuse you from the courtroom while these
12 discussions take place so that in no way will you be
13 influenced by anything that I might say or that I
14 might do in connection with the facts.

15 In determining what the true facts are in this
16 case, you must decide whether or not the testimony
17 of the witnesses is believable. It will be my
18 responsibility to rule as a matter of law as to
19 whether certain testimony is admissible in court at
20 all or not. But once the testimony is admitted,
21 whether or not you believe it is solely for you to
22 determine.

23 In deciding whether to believe a witness, in
24 using your foundation of your good judgment and your
25 common sense individually and collectively, good

1 judgment, common sense, you have the right to
2 consider the interest, if any, of any witness, the
3 bias, if any, of any witness, the prejudice, if any,
4 of any witness, the opportunity for the witness to
5 have seen the matters or things about which the
6 witness may testify, and the way the witness may
7 act, the demeanor of the witness while on the
8 witness stand.

9 You may consider whether the witness' testimony
10 is corroborated by another witness, made stronger,
11 or impeached by another witness, weaker, or whether
12 or not there is internal consistency within witness'
13 testimony itself. As I say, you have the right to
14 consider anything that is in this record to help you
15 evaluate the testimony, the credibility, the
16 believability of the witnesses.

17 That means it will be your duty to pay close
18 attention to these witnesses, to observe them, to
19 listen to them, and to pay close attention to the
20 Court and the attorneys. Don't let your thoughts
21 wander, but give strict attention to the testimony
22 in this case so that at the end of all the
23 testimony, after the closing arguments by the
24 attorneys, the full and complete instruction on the
25 law by the Court, you will then be in a position to

1 determine what the facts are, the true facts, and to
2 apply the law to those facts and thus render true
3 and just verdicts.

4 It will be your added duty, Madam Forelady, to
5 preside in the jury room and be the jury
6 spokesperson here in court. It will also be your
7 duty to write the verdicts, but I will give you
8 further instructions on that at the conclusion of
9 the trial.

10 Just a few things administratively, ladies and
11 gentlemen: There is a speaker system in this
12 courtroom, however, those of you who are further
13 away from the witness stand cannot hear or see a
14 particular witness, just get my attention, the
15 attention of the clerk or one of the bailiffs, and
16 we'll certainly try to have them sit up or speak up.
17 I try to do that so that I can make sure I can track
18 and hear.

19 Another thing, from time to time -- of course
20 we have all this technology in the courtroom
21 nowadays, which when I tried cases I never used it,
22 and for several reasons: My grandson wouldn't show
23 me how to use it and, B, I didn't know how to use
24 it. But part of those times it didn't exist, I
25 guess. Sometimes though, items, photographs,

1 documents or something may be handed to the
2 foreperson and passed amongst the members of the
3 jury while you're out here in your jury box. You
4 may look at those items all you wish, take whatever
5 time you need.

6 Remember, if I allow an item into evidence, you
7 also have that with you in the jury room at the time
8 of your deliberations. So seeing it in the
9 courtroom will not be the only opportunity you get
10 to look at whatever exhibits or diagrams or the like
11 that may be introduced. Again, look at it all you
12 wish in the jury box, just keep that in mind if you
13 will.

14 From time to time you may see me on my
15 computer. I tell you this because a juror in a
16 previous case complained that I was on my computer.
17 I don't tweet, I don't repeat, I don't know what
18 hashrag is, I'm faceless. I don't do any of that.
19 This is an important case; it's important to the
20 State of South Carolina, it's important to
21 Mr. Coffey.

22 These are good trial lawyers, and you'll figure
23 that out yourself. I may look down that dusty,
24 bumpy trail of legal precedent and see what I
25 perceive as a legal issue maybe coming up, and I do

1 research. That's all I do. If it annoys you, which
2 it did that particular juror, just please let me
3 know. And if anything I do on the bench annoys you,
4 let me know, because I want you to be focused, I
5 don't want to divert your attention from the solemn
6 duty that you have.

7 Another thing, and I know I had y'all dance
8 around in those seats, it's been my experience
9 during my time on the bench that jurors are very
10 territorial, they like to sit in the same seat each
11 and every time, they like to have the same view of
12 the witness stand, same view of the courtroom. Hey,
13 I'm the same way, I like sitting up here. You may
14 sit wherever you'd like in the jury box, you may
15 maintain the seat that you have. I do need to keep
16 up with 14 folks, that's why I have the foreperson
17 seated closest to the bench and I have my two
18 alternates there; otherwise, you may sit wherever
19 you'd like in the jury box, same seat, different
20 seat, what have you.

21 Finally, administratively, breaks. I think you
22 will find, although I don't know all of your
23 occupations, I do have that list, it can be very
24 difficult to sit and just listen. It can be an
25 effort to just sit and listen. I have a real simple

1 rule about taking breaks: If I want to take a
2 break, I take a break, everybody is happy. Right?

3 This is not a judicial marathon. This is an
4 important case. If at any time any of you needs a
5 break, just raise your hand. Number one, you're
6 probably not the only one who needs a break. If you
7 sit out here too long, just raise your hand. Please
8 do that and y'all will take your break and we will
9 take our break.

10 Any objections to anything I've told the jury
11 from the State, Solicitor?

12 MR. GRAHAM: No, Your Honor.

13 THE COURT: From the Defense, Mr. Stitely?

14 MR. STITELY: Nothing from the Defense.

15 THE COURT: Thank you very much. We'll now
16 begin the trial of the case by the opening
17 statements by the solicitor.

18 MR. POGUE: Thank you, Your Honor. May it
19 please the Court.

20 THE COURT: Yes, sir.

21 MR. POGUE: Blood doesn't lie. Blood doesn't
22 lie. People can lie. People do lie. People can
23 stretch the truth. Heck, people can flat out run
24 from the truth. But blood does not lie. It's
25 incapable of lying.

1 As you're aware, the defendant, Peter Coffey,
2 is charged with murder and criminal sexual conduct
3 in the first degree. We, as the State prosecutors,
4 bear the burden of proving him guilty beyond a
5 reasonable doubt, again, as the Judge has told you.
6 This is a burden that we welcome and that we invite.

7 We have complete confidence that when you hear
8 the evidence that's presented before you today,
9 tomorrow, potentially into Thursday, that you will
10 be compelled at the close of this trial to find the
11 defendant guilty of the brutal murder and rape of
12 Decedent .

13 On August 7th, 2015, Decedent was 60, 60
14 years old. She lived by herself with three dogs at
15 in the Gaston area of Lexington
16 County, South Carolina. During the course of this
17 case you'll hear evidence that will be presented to
18 you that she was alive on August 7th, 2015, around
19 10:20 PM.

20 You'll hear evidence that the defendant is
21 believed to have been at the victim's residence on
22 in the late evening, early morning
23 hours of August 7th, August 8th. You'll also hear
24 evidence that the victim, prior to, had spoken -- or
25 had used her telephone all the way leading up

1 until -- from August 7th through August 9th.

2 Now, you will also be presented with evidence
3 that the defendant used [Decedent] 's phone around
4 2:00 AM and again at 8:48 AM the morning of August
5 8th. You'll hear evidence that Robert White, a
6 friend of [Decedent], after numerous friends and
7 family try to attempt to contact [Decedent] on
8 August 8th and August 9th goes over to her house,
9 breaks the window to her bedroom, and finds her
10 laying dead on her bed. She has a pillow over her
11 face and her shirt is pulled up and she is
12 completely naked from her waist down.

13 You'll also hear evidence that seminal fluid
14 matching the defendant, Peter Coffey, was found in
15 [Decedent] 's rectum. You'll hear evidence that
16 blood matching [Decedent] as well as blood
17 matching Peter Coffey was found on the victim's
18 shower curtain. Blood doesn't lie.

19 The blood -- you'll also hear evidence that the
20 blood matching [Decedent] was found on five
21 different places on both the front and the back of
22 the tan shorts that the defendant was believed to
23 have been wearing the night of the 7th that were
24 found in the washing machine at the defendant's
25 house on [redacted] in Gaston. Again, blood

1 doesn't lie.

2 You'll also hear evidence that blood matching
3 Decedent 's was found on both the front and the
4 back of the boxers that the defendant was believed
5 to have been wearing the night of August 7th also in
6 the washing machine in the defendant's house. Every
7 single item of blood or DNA that was tested that we
8 know came from inside the victim's house either
9 matches one of two people; it matched either Decedent
10 , the victim, or it matched the defendant,
11 Peter Coffey.

12 Again, we as prosecutors, we chose you folks
13 because you struck us as people who possess good,
14 old fashioned common sense, and we appreciate very
15 much the sacrifices that you've made to be here away
16 from your family, away from work. We try to respect
17 your time as much as possible, so I'm not going to
18 sit up here -- it's not my job to convince you of
19 the defendant's guilt by slick legal reasoning or
20 fancy word oratory.

21 My job as a prosecutor, our job as the State,
22 is to convince him of his guilt using compelling
23 evidence that you hear from this stand or is
24 introduced through visual exhibits. So we intend to
25 get to the order of doing that and spare you as much

1 time as we possibly can away from your family. You
2 as the jury have a duty to render a verdict.

3 The word verdict actually means, in Latin, to
4 speak the truth. In other words, you have a duty to
5 speak the truth. At the close of this trial, after
6 the prosecution, the State, is done presenting all
7 the evidence, we believe that you will be very much
8 compelled to find the defendant guilty of both
9 murder and criminal sexual conduct in the first
10 degree. We believe that you will be compelled to
11 render a verdict that speaks the truth, which is
12 that that male sitting at the table over there with
13 defense counsel brutally murdered and raped Decedent

14

15 THE COURT: Thank you, Solicitor.

16 Mr. Stitely?

17 MR. STITELY: May it please the Court.

18 Good morning. My name is Ben Stitely, that's
19 Theo Williams, he's my law partner. You'll hear
20 from both of us as this trial is going on. Our
21 office is right there across the street. And we
22 defend Mr. Coffey.

23 I know a lot of y'all probably haven't sat in a
24 criminal trial before, but it's a unique
25 perspective. What we're doing right now is just

1 kind of giving you the lay of the land; we're
2 telling you where the trial is going to go and then
3 there will be witnesses who are going to testify.
4 What I say, what Mr. Pogue says, this isn't the
5 evidence, this is simply how the trial is going to
6 go.

7 It's interesting that he ran with this theme of
8 blood won't lie. We live in a fascinating world
9 today where, luckily, our science has advanced quite
10 extensively. He said that they're going to prove
11 beyond a reasonable doubt what happened. That's
12 your job to consider the facts, what is given and
13 what is omitted.

14 You're going to hear testimony regarding DNA,
15 multiple different people's DNA found there that
16 night; you're going to hear testimony about a
17 proposed murder weapon that does not contain
18 fingerprints or DNA of our client; you're going to
19 hear testimony about cell phone records and you're
20 going to hear about phones that were lost during the
21 investigation that belonged to our client.

22 You're going to hear testimony from a number of
23 witnesses. Consider what bias they may have.
24 Solicitor got up here and told you you're going to
25 hear that the phone was used that night twice and

1 that you're going to hear testimony from a witness
2 who was going to say who was on the other line, her
3 drug dealer. He will admit that he was her drug
4 dealer.

5 You're going to see forensic evidence talk
6 about the toxicology of the victim and what she'd
7 been doing that night before. You're going to hear
8 testimony from a number of witnesses. Consider what
9 their stake is. Who has something to gain? Who has
10 something to lose? Consider the forensics very
11 carefully. Blood doesn't lie, neither does DNA.

12 You're going to hear from multiple different
13 doctors who are going to talk about the DNA they
14 found. Listen to what they have to say. Listen to
15 what they can say they can prove or what they can
16 only hypothesize. Criminal trials are difficult, and
17 you'll have no idea what you're going to hear until
18 you hear it from that stand. We just ask you to
19 keep an open mind.

20 As you're sitting there, think: What's going
21 on with this murder? Why did it happen? What's the
22 weapon? Where are the phones? Who's got the
23 phones? Where are the phone records? Why is this
24 witness saying that? Why would this witness not say
25 that?

1 When you look at the crime scene photos, look
2 at the door. Notice the door is locked. Listen to
3 the neighbor next door who says she heard multiple
4 door slams that night and the door was locked.
5 Small facts are very important. Blood doesn't lie,
6 but the facts are the facts, and you have to look to
7 every single one of them.

8 The burden is beyond a reasonable doubt. The
9 Judge will explain to you what that means. Every
10 single fact has to be proved to you beyond a
11 reasonable doubt and, luckily, this case goes
12 further, fingerprints and DNA. Listen carefully to
13 what the witnesses have to say and keep an open
14 mind. At the end of the day you get to make that
15 choice on what you've heard and what has been
16 omitted as far as evidence. Thank you.

17 THE COURT: Thank you, Mr. Stitely.

18 Solicitor, you may call your first witness.

19 MR. POGUE: Thank you, Your Honor. The State
20 calls Scottie Frier.

21 SCOTTIE FRIER

22 being first duly sworn, testified as follows:

23 THE WITNESS: Yes, ma'am, I do.

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

1 THE WITNESS: My name is Scottie Rice Frier,
2 F-R-I-E-R.

3 DIRECT EXAMINATION

4 BY MR. POGUE:

5 Q. Good morning, Lieutenant.

6 A. Good morning.

7 Q. Where are you currently employed?

8 A. I work for the Lexington County Sheriff's
9 Department.

10 Q. How long have you been with the sheriff's
11 department?

12 A. I've been there 30 years. I'm in my 33rd year
13 of law enforcement.

14 Q. Okay. Where did you work before the sheriff's
15 department?

16 A. I was a city policeman in Clemson, South
17 Carolina, and then came to work for the sheriff's
18 department in 1987.

19 Q. Okay. In what capacity are you employed with
20 the sheriff's department?

21 A. I currently as what's called the watch
22 commander. I serve as basically the evening shift
23 operations commander for the sheriff's office.

24 Q. What exactly is a watch commander? What are
25 your duties?

1 A. Sometimes they jokingly refer to it as the
2 night sheriff. I'm -- 4:00 PM to 6:00 AM, I'm
3 responsible for the operations of the sheriff's
4 office.

5 Q. Prior to becoming watch commander, what other
6 positions have you held with the sheriff's --

7 A. I had, for 25 years, either been in or
8 supervised the violent crimes unit, the major crimes
9 unit of the sheriff's office.

10 Q. And were you employed as the watch commander on
11 the evening of August 9th, 2015?

12 A. Yes, sir, I was.

13 Q. Okay. Tell me what happened that evening.

14 A. We had gotten a call to respond to -- our
15 deputies had gotten a call to respond to [REDACTED]
16 [REDACTED], which is in the Gaston area of
17 Lexington County, just outside the city limits of
18 Gaston near the Diamond dog food plant and the Food
19 Lion that's there in Gaston, if you're familiar with
20 that part of Lexington County.

21 We responded there basically on a -- a welfare
22 check been conducted by a gentleman who was checking
23 on the wellbeing of a lady on behalf of her mother.
24 He was unable to get a response to the door and had
25 shattered a window out and then seen what he

1 believed to be a lifeless body and, therefore,
2 summonsed the sheriff's office.

3 MR. POGUE: Permission to approach the witness,
4 Your Honor?

5 THE COURT: Yes, sir.

6 BY MR. POGUE:

7 Q. I'm handing you what's marked as State's
8 Exhibit No. 1 for ID purposes. Do you recognize
9 that document?

10 A. Yes, sir. That's a map of that general area I
11 just discussed.

12 MR. POGUE: And, Your Honor, I believe, by
13 stipulation, State's Exhibit 1 would come into
14 evidence. The State would move to --

15 MR. STITELY: No objection.

16 THE COURT: State's 1 in evidence without
17 objection.

18 MR. POGUE: Permission to publish, Your Honor?

19 THE COURT: Yes, sir.

20 (State's Exhibit No. 1 admitted into evidence.)

21 BY MR. POGUE:

22 Q. Can you see that, Lieutenant?

23 A. Yes, sir.

24 Q. Okay. I believe I handed you up a laser
25 pointer, if you could indicate where it was that you

1 responded to that evening.

2 A. [REDACTED], right here. This is
3 Highway 321 in Lexington County, South Carolina, the
4 West Columbia area, would be here. Gaston would be
5 just south of that area. And the Diamond dog food
6 plant, that's a pretty substantial landmark for that
7 area, you can see it at nighttime. And there's a
8 Food Lion grocery store there.

9 Q. And describe the scene when you arrived. Was
10 the scene secured?

11 A. Yes, sir. Some deputies had arrived before I
12 arrived. They kind of had the area corded off,
13 realized we had a problem inside. They had already
14 started establishing what we call a crime scene;
15 they had began putting tape up and getting that area
16 secure from any other entrances or anyone trying to
17 walk inside.

18 Q. I'm handing you what's marked as State's
19 Exhibit 2 for ID purposes. Do you recognize that
20 photo?

21 A. Yes, sir. That's the front of the home as we
22 had identified as [REDACTED].

23 MR. POGUE: Your Honor, the State would move
24 State's Exhibit No. 2 into evidence.

25 MR. STITELY: No objection.

1 THE COURT: State's 2 is in evidence without
2 objection.

3 (State's Exhibit No. 2 admitted into evidence.)

4 BY MR. POGUE:

5 Q. Lieutenant, does that kind of give a fair
6 depiction of the residence at [REDACTED] on
7 August 9th?

8 A. Yes, sir. That's the front of the residence.
9 That's a front entrance area of the home. There's
10 another entrance at the back side of that home.

11 Q. Okay. When you arrived on scene, I believe you
12 indicated that the scene was secure.

13 A. Yes.

14 Q. What exactly did you take as watch command?

15 A. After getting briefed on what had been obtained
16 prior to my getting there, I walked around one of
17 the other deputies to that window that we had been
18 instructed had been broken out by the individual
19 that was looking for the woman who lived in the
20 home.

21 There was dog activity in the house. We knew
22 there were multiple dogs in the house, at the time I
23 don't think we knew exactly how many there were.
24 Any time that you approached that window, one of the
25 dogs got pretty territorial, got pretty protective,

1 and would actually jump up on the bed and wasn't
2 really interested in anybody coming through that
3 window.

4 We were -- there was two concerns: One, we
5 wanted to see exactly what we had, but two, with the
6 dogs jumping on the bed, we didn't want to disturb
7 any more evidence than we had to. So as quickly as
8 we could, we moved a curtain just enough to where we
9 could see inside. You could see -- as we looked
10 inside at the back of someone's head, you couldn't
11 immediately tell that it was male or female. It was
12 a very, very short distance from that window.

13 There was some blood visible. It was obvious
14 that the person had been deceased. There was a
15 slight odor of decomposition. And with that said,
16 at that point in time, because of the dog activity,
17 we kind of backed away from that window and
18 basically set up a plan for how we were going to get
19 into that house.

20 Q. Lieutenant, who was it that initially
21 discovered Decedent ?

22 A. I'm sorry? Say that. --

23 Q. Who was it that initially discovered the
24 victim, Decedent ?

25 A. That would have been Mr. White.

1 Q. Okay. And was he on scene when you arrived?

2 A. He was.

3 Q. Okay. Did he indicate to you -- or was he the
4 one, from what you understood, the reason why you
5 responded to the scene?

6 A. Yes.

7 Q. All right. Through the course of your
8 investigation -- well, let me ask you this: Was the
9 window broken or were you able -- was Mr. White able
10 to open the window? How did you get access to see
11 the body?

12 A. No, sir. The window was broken out, so we were
13 able to actually reach through the broken part of
14 the window and move the curtain just enough that we
15 could see the victim.

16 Q. Was there a reason why -- was there any other
17 point of access to the residence other than that
18 broken window?

19 A. No, sir. At that point, prior to the window
20 being broken, the home was secure, both of the doors
21 on the front and back were locked.

22 Q. They were locked?

23 A. Yes, sir.

24 Q. Did you obtain a search warrant for the
25 property?

1 A. Yes, sir. I reached out to Sergeant Robbie
2 Lint who, at the time, was the supervisor of the
3 major crimes unit working that night, informed him
4 what we had, asked him to send the appropriate
5 investigators and crime scene technicians there.
6 And then I, through an e-mail, sent him the
7 information that he needed to obtain the search
8 warrant for the residence.

9 Q. Was he able to get a search warrant?

10 A. Yes, sir, he did.

11 Q. And when you obtained the search warrant, what
12 action did y'all take next?

13 A. Well, because of the dogs that were in the
14 house, we were able to figure out that there were
15 three dogs in the house. There was one rather large
16 dog and, I'll tell you, we were pretty uncomfortable
17 about whether or not we needed to go in the house
18 with that dog. It was a -- if I remember right, it
19 was like a Pit Bull-Mastiff mix. It was a very
20 large dog.

21 So we called animal control to the scene and
22 explained to them that we had two things we needed
23 to do: We needed to get in that home, do a
24 protective sweep of the residence to see if there
25 were any other victims inside, but we also needed to

1 secure the dogs too.

2 We didn't -- one, we didn't want to get anybody
3 hurt and, two, we didn't know how much evidence that
4 they were messing as they moved about the home. So
5 after animal control, once we knew the search
6 warrant was secure, we entered the house to
7 accomplish those things.

8 Q. And how did you gain entry to the home?

9 A. We had to -- I say break into the back door.
10 We had to force the back door open. It was not a --
11 the doorjamb itself was not that sturdy, so we -- it
12 didn't require us to kick it or use any kind of door
13 ram. We were just able to kind of push it hard
14 enough that it forced open.

15 Q. And was the dead bolt engaged on that?

16 A. It was, sir. Yes, sir.

17 Q. And was the dead bolt the type that you had to
18 use a key to be able to turn it on both sides or
19 does it have a lever where you can kind of turn
20 the --

21 A. If I remember correctly, it required a key.

22 Q. On both sides?

23 A. On both sides.

24 Q. So the only way, from what you could tell, to
25 lock the dead bolt was to use a key?

1 A. Yes, sir, from the inside of the house. Yes,
2 sir.

3 Q. Okay. And based upon -- well, let me ask you
4 this: So you made entry into the home. What did
5 you do next when you entered the home?

6 A. We were -- actually, the large dog ended up
7 being the most passive one. He was actually more
8 scared of us than we were scared of him. So we were
9 able -- animal control was able to secure those
10 three dogs and then we were able to do -- and when I
11 say protective sweep, it is very quick.

12 This is not for us to search for any evidence,
13 this is just to make sure that we don't have any
14 other victims. And I think the term was used a
15 second ago, to kind of get the lay of the land of
16 what I'm going to need to pass on to the detectives
17 and CSI guys to say, hey, this is what we got
18 inside, this is what we're going to be working on.

19 Q. And had the CSI team and/or detectives or
20 investigators arrived at that point?

21 A. Yes. As we were waiting on the search warrant,
22 they had responded. They had began some of the
23 early cursory duties of the investigation.

24 Q. Other than the three dogs, was there anybody
25 else in the house other than Decedent, the victim?

1 A. No, sir, just the victim -- the victim lying on
2 the bed and the three dogs.

3 Q. How many exterior doors, entry doors, are there
4 to this property?

5 A. If I remember correctly, it's only two, front
6 door and the back.

7 Q. One on the front and one on the back?

8 A. That's correct, sir.

9 Q. This is the front of the house here?

10 A. Yes, sir, it is.

11 Q. Okay. So did you make entry at the front of
12 the house or the rear of the house?

13 A. There was -- there was some clutter and stuff
14 on the front door, and some information obtained as
15 we were waiting on the search warrant was that the
16 back door to the residence was the entry and exit
17 point, that was how people went in and out of the
18 house.

19 Q. Did it appear possible at all to gain either
20 egress or ingress through that front door?

21 A. I'm sorry, sir?

22 Q. Did it seem possible to you by the clutter --
23 you said that the front door -- that door -- that
24 entrance appeared to even have been --

25 A. We had kind of gotten that information, but you

1 saw the obvious evidence of that when you got
2 inside. Clearly we were going to have to go in and
3 out that back door.

4 Q. Again, the broken window, was that on the front
5 of the house or -- the bedroom window, was that at
6 the front of the house or --

7 A. On the rear. If you're actually at the rear of
8 the home, if you're facing the rear of the home,
9 it's just over to the right of the back door and the
10 back porch.

11 Q. Okay. During the course of your investigation
12 on scene and securing the scene and speaking with
13 neighbors, were you able to develop any leads or
14 persons of interest that you wished to speak to?

15 A. There -- there was some information obtained
16 that there was a Mr. --

17 MR. STITELY: Judge, I'm going to object to
18 hearsay at this point if he's not the one who is
19 discovering this himself.

20 THE COURT: As far as hearsay, that objection
21 is sustained.

22 BY MR. POGUE:

23 Q. What did -- during the course of your
24 investigation, did you develop any leads that you
25 wished to pursue or persons of interest that you

1 wished to --

2 MR. STITELY: Judge, I'm going to again object.
3 Unless he is the one -- because he is actually
4 calling for some kind of hearsay as to how this
5 officer got it.

6 THE COURT: You can rephrase the question,
7 Solicitor.

8 MR. POGUE: Your Honor, it would be the
9 State's --

10 THE COURT: Don't argue in front of me on the
11 law. If you want to argue on the law -- I've ruled
12 on it. You can rephrase the question. If you want
13 to argue the law, I'll send the jury out.

14 MR. POGUE: Your Honor, I'll rephrase the
15 question.

16 BY MR. POGUE:

17 Q. When you were on the scene, did the
18 investigators or detectives ever leave the scene and
19 go to another residence in Gaston?

20 A. Yes, sir.

21 MR. STITELY: Your Honor, I'm going to object
22 once again --

23 THE COURT: It's overruled.

24 MR. STITELY: -- this is wrong witness.

25 MR. POGUE: Thank you, Your Honor.

1 BY MR. POGUE:

2 Q. What was the residence that the detectives on
3 scene went to?

4 A. They went to [REDACTED], which was a
5 fairly short distance geographically from the
6 residence at [REDACTED].

7 Q. Why did they go to [REDACTED]? Who
8 were they trying to speak to?

9 A. There was a Mr. Coffey that lived there. The
10 information obtained indicated it was an
11 acquaintance of the victims and that may have been
12 at the home within the past couple days and had some
13 interaction with the victims.

14 MR. POGUE: I beg the Court's indulgence.

15 No further questions, Your Honor.

16 THE COURT: Thank you, Solicitor.

17 Mr. Stitely?

18 MR. STITELY: May it please the Court.

19 CROSS-EXAMINATION

20 BY MR. STITELY:

21 Q. Lieutenant Frier, just a couple questions.

22 A. Sure.

23 Q. You say you responded eventually. Who were the
24 deputies, detectives, whoever were out at the scene
25 when you got there?

1 A. Deputy Kirkham was there and Deputy Burnett
2 were there that I remember when I first got on
3 scene.

4 Q. And maybe Officer Richardson?

5 A. Yes, sir. I forgot about him being there.
6 That's right. Yes, sir.

7 Q. Now, you said they were already in the process
8 of securing the scene. What do you mean by that, in
9 just a little bit more detail if you don't mind?

10 A. Just making sure we don't have any more people
11 coming into what we consider to be the crime scene
12 area. We call it taping it off. They just run
13 crime scene tape around what we determine to be the
14 perimeter. We don't want anyone inside this area
15 until we start processing it for the collection of
16 evidence. It's, for the lack of a better term, a
17 way for us to secure an area where we believe that
18 evidence may be found.

19 Q. And let me just ask you this, and if you don't
20 know specifically it's this case, just -- you're the
21 watch commander that oversees what's going on?

22 A. That's right, sir.

23 Q. Would it have been the process of any of the
24 responding deputies to change the scene in any way,
25 like to lock or unlock doors or do anything like

1 that?

2 A. No, sir. That -- no, sir. You would hope
3 something like that would not happen.

4 Q. Okay. So it wouldn't have been a situation
5 where they would have taken the dogs out, played
6 with the dogs and then put them back, or anything
7 like that?

8 A. No, sir. Matter of fact, until we got animal
9 control there, we were a little uneasy about going
10 in the house.

11 Q. Okay. No reason to think that they would have
12 walked in or walked back out until the scene was
13 secured?

14 A. I was never given any information anything like
15 that took place. No, sir.

16 Q. Okay.

17 A. And we did have to force that door when it was
18 time to go inside.

19 Q. And no way in the front door either?

20 A. No, sir.

21 Q. Okay. The large dogs, did you end up going
22 into the house that night or morning -- what time
23 did you respond? I guess that question wasn't
24 asked.

25 A. It was in the evening hours. It was, you know,

1 after dusk. I don't remember exactly what time it
2 was. I want to say it was dark when -- at the time
3 that we went inside the house, it was already dark.
4 I believe that picture may have been taken at
5 another time.

6 Q. Okay. So that wasn't when you first got there?

7 A. No, sir. No, sir.

8 Q. Okay. Did you actually go in the home?

9 A. I did, sir.

10 Q. Did you go in it that night?

11 A. Yes, sir.

12 Q. Okay. After the animal control guys had
13 cleared it?

14 A. Well, we kind of went in it together. But,
15 yes, sir, at the same time.

16 Q. Did you take any pictures at that time when you
17 went in?

18 A. I did not, no, sir. My initial entry into that
19 crime scene with Mr. Kirkham was a very quick just
20 peripheral search of that house to make sure there
21 was no one else in there and to be able to let the
22 crime scene technicians and the detectives know this
23 is what you got ahead of you.

24 Q. And just -- and if you don't know, please tell
25 me.

1 A. Yes, sir.

2 Q. Were there any other locked doors inside the
3 house, areas where cordoned off by -- where the
4 animals couldn't have got to?

5 A. I'm going to tell -- I don't remember having to
6 step over, like, a doggy gate or anything. I
7 just -- I do not remember off the top of my head of
8 that.

9 Q. Ah. What was the condition of the house, just
10 generally, with the dogs in there?

11 A. I mean, it was cluttered. You could tell the
12 dogs had an ability to move around. They weren't,
13 like, locked in a bedroom or locked in one certain
14 room.

15 Q. Can you just describe the dogs for me? You
16 said one of them was large. What were the other
17 two?

18 A. They were all three mix breeds. It was like a
19 tan-white, one of them had a little darker color, a
20 blacker dog. In fact, I remember Shelby Derrick,
21 our crime scene technician, is a dog lover, and
22 she's got extensive descriptions of all three of
23 them.

24 Q. Okay. So she'll be able to tell us about that?

25 A. Very much so, yes, sir.

1 Q. Very good. And that pretty much extended your
2 part of the investigation of this case?

3 A. Yes, sir. We actually had another major
4 incident that happened that night, so I'm working
5 kind of two things at one time. So, basically, at
6 that point in time as the watch commander, I make
7 sure the resources are there, people have what they
8 need, and then I'll get briefed as updates, as
9 information is compiled. But I don't investigate it
10 as I used to.

11 Q. And so, as you describe, when other officers
12 went and did the investigating, they'll be the ones
13 to testify about that, not you?

14 A. That's correct, sir.

15 Q. Thank you, Lieutenant. That's all I have.

16 THE COURT: Redirect, Solicitor?

17 MR. POGUE: No questions, Your Honor.

18 THE COURT: Thank you, Lieutenant. Thank you
19 for being with us today.

20 All right. You may call your next witness,
21 Solicitor.

22 MR. GRAHAM: Thank you, Your Honor. The State
23 calls the Honorable Margaret Fisher.

24 THE COURT: All right. Coroner, if you would,
25 come around and join us, please.

1 MARGARET FISHER

2 being first duly sworn, testified as follows:

3 THE WITNESS: I do.

4 THE CLERK: Have a seat, please, ma'am. Once
5 you're seated, state your full name spelling your
6 last, please, ma'am.

7 THE WITNESS: Margaret Fisher, F-I-S-H-E-R.

8 DIRECT EXAMINATION

9 BY MR. GRAHAM:

10 Q. Ms. Fisher, what do you do for a living?

11 A. I'm the coroner for Lexington County.

12 Q. And when were you elected that position?

13 A. In November of 2014.

14 Q. Prior to that, what have you done relating to
15 law?

16 A. I was a law enforcement officer in Richland
17 County for a little over eight years.

18 Q. Back on August 9th of 2015, did you respond to

19 [REDACTED]?

20 A. Yes, sir.

21 Q. And that's in Lexington County?

22 A. Yes, sir, myself and another deputy coroner.

23 Q. What was the purpose of y'all responding there?

24 A. There was a deceased person that had been
25 found.

1 Q. What is the coroner's role as far as when a
2 deceased person is found?

3 A. We're in charge of cause and manner. We have
4 to determine cause and manner. We're responsible
5 for the body.

6 Q. When you got on scene, what was going on?

7 A. When I arrived, I think we were still waiting
8 on a search warrant at that point and, of course,
9 what you were speaking of earlier with the dog
10 situation. So at the point that I arrived, we were
11 waiting on the search warrant, so we didn't actually
12 go in the crime scene right away.

13 Q. And after the search warrant was obtained and
14 the dogs were removed from the scene, did you and
15 law enforcement enter the residence?

16 A. Yes.

17 Q. In general terms would you tell the jury what
18 you saw?

19 A. When I entered the scene, it was just a, you
20 know, single-wide trailer, if I'm not mistaken. It
21 was somewhat cluttered. It was apparent that, you
22 know, dogs had been locked in the house for some
23 period of time. There were, you know, urine and
24 feces and lots and lots of hair apparent, and,
25 obviously, the deceased body of **Decedent**. She was

1 identified as Decedent , you know, laying in the
2 bed in the bedroom in the condition that was stated
3 earlier.

4 Q. And how long did you remain there?

5 A. We were probably there for maybe two, three
6 hours.

7 Q. And were you there until Decedent 's body was
8 removed?

9 A. Yes.

10 Q. Can you describe to the jury how the body is
11 removed and how the -- so once the crime scene
12 investigator for the sheriff's department collected
13 whatever they were going to collect, photographed,
14 whatever they were going to photograph, what
15 happened to Decedent 's body?

16 A. Right. Of course we work collectively with the
17 sheriff's department to make sure all evidence is
18 preserved, all the photographs that are needed are
19 taken. And at that point when we decide that we
20 have all the evidence that we need, it is our
21 protocol for the pathology office that all bodies
22 are put into a white sheet.

23 And so we placed Decedent 's body into a white
24 sheet. And at that point she was placed into the
25 body bag and the body bag is then zipped and sealed

1 and locked so that no evidence can be tampered with,
2 and then the body is transported over to Lexington
3 Medical Center where it is under 24/7 security until
4 it can be transported to the -- I think in this case
5 it was the next day or the morning of, actually, for
6 the autopsy at Newberry Pathology.

7 Q. The white sheet that you talked about, where
8 does that come from?

9 A. It comes from -- we use a transport company to
10 remove -- to do our removals. And the transport
11 company provides the white sheets. And they're not
12 sterile white sheets, they're just nice, clean white
13 sheets that are kept in their vans, not in our
14 possession, but kept in their vans.

15 So we -- you know, we use them for other things
16 as well; we use them to cover bodies and that kind
17 of thing. But we always use a clean white sheet on
18 every body removal that we do. And they were
19 provided by the transport company.

20 Q. So did you go to the autopsy as well?

21 A. I did attend the autopsy. Uh-huh.

22 Q. And that was over -- Dr. Ross at Newberry
23 Pathology?

24 A. Correct. Uh-huh.

25 Q. And that would have been -- if you'd left

1 Decedent's house, I think, the early morning hours of
2 the 10th, that would have been later the same day,
3 as you said?

4 A. Yes. It was early morning hours when he left
5 Decedent's house. So the autopsy was that same
6 morning.

7 Q. And who do you remember being present in the
8 room while the autopsy was conducted?

9 A. As far as I can recall there were Dr. Ross,
10 Dr. Ken Garvin, Nate, I think Shelby Derrick,
11 myself, Robert Johnson, my deputy coroner was there,
12 and then there were -- there was a -- some personnel
13 from the Newberry Pathology office. I think TJ in
14 the room. And I'm not sure if Melanie was in the
15 room, but there could have been another possibility
16 that Melanie was in that room.

17 Q. As part of the autopsy that Dr. Ross conducted
18 on Decedent, did she collect a toxicology kit?

19 A. Yes, she did.

20 Q. And do you have that toxicology kit?

21 A. Yes, I do.

22 Q. Do you have it with you?

23 A. Yes, I do.

24 Q. And do you recognize that as being the
25 toxicology kit that was taken from the autopsy of

1 Decedent ?

2 A. Yes.

3 MR. GRAHAM: Your Honor, the State would offer
4 this into evidence at this time.

5 MR. STITELY: Judge, I'm going to object on the
6 foundation she's not the one who collected this
7 exhibit, I doubt she's the one who put it in the bag
8 and marked it. There's just no foundation on that.

9 THE COURT: Can I see what you're referring to,
10 Solicitor?

11 MR. GRAHAM: Yes, Your Honor.

12 THE COURT: Is the coroner's testimony that
13 this -- she was present when this was collected --

14 THE WITNESS: Correct.

15 THE COURT: -- at autopsy of Decedent ?

16 MR. GRAHAM: If I didn't ask that question, I
17 will. But, yes, Your Honor, that is her testimony.

18 THE COURT: And your objection, Mr. Stitely?

19 MR. STITELY: I guess just to the foundation
20 without the person who actually collected it to say
21 what exactly it is and what it went into before we
22 put it into evidence.

23 THE COURT: I'll mark it State's 3 for
24 identification purposes only.

25 Thank you, Coroner.

1 (State's Exhibit No. 3 marked for
2 identification.)

3 MR. GRAHAM: Your Honor, I have a matter of
4 law, if we could discuss that.

5 THE COURT: All right. Thank you.

6 Ladies and gentlemen, I'll tell y'all 15
7 minutes so y'all can take a morning recess. Do not
8 discuss the case during this brief recess. Thank
9 you very much.

10 (The jury exits the courtroom at 11:01 AM.)

11 THE COURT: All right. Solicitor?

12 MR. GRAHAM: Thank you, Your Honor. Two
13 things: My understanding from previous discussions
14 from the Defense was that we were not going to have
15 a problem with chain of custody, we only had to have
16 the people who collected the items and who -- the
17 people who analyzed the items.

18 If I didn't ask the question properly, the
19 question for Ms. Fisher was, did you see the fluids
20 that were in are there taken from **Decedent** 's body
21 put in there and did you take possession of them?
22 That would be the next question that I would ask
23 her. And I can proffer that now if Your Honor would
24 like to hear her answer.

25 MR. STITELY: And, Judge, just for

1 clarification, I have no problem, once the person
2 who collected it is here to say she collected it.

3 And, Judge, where this is going, the State
4 intends to argue contamination. That's going to be
5 part of their defense here. That's what they -- or
6 part of their, I guess, game in defending against
7 what I'm going to argue, and that's why they went
8 into the non-sterile sheet thing.

9 They intend to argue contamination, so when
10 they want to put forward contamination, I have no
11 problem -- and I'm sure that item is going to come
12 in -- as soon as the person who collected it
13 explains exactly how they collected it and what it
14 is.

15 And I have no objection once Dr. Ross, if
16 Dr. Ross did it, gets up here and says, this is how
17 I did it, this is the procedure that I did it, here
18 it is. I'm not going to object how it got from
19 point A to point B to point C to point D, but I do
20 want the person who collected the sample,
21 particularly if the State intends to argue that my
22 defense is beaten by contamination.

23 They do intend to argue that, Judge. They're
24 trying to do an end around here to say, well, we
25 want it in, but we're not going to talk about the

1 process of getting it. I have no problem with the
2 chain as long as they give the witness who collected
3 it and secured it. I don't need the four people who
4 transported it. But we still need the collector of
5 the samples.

6 THE COURT: You know, I started to let it in
7 under State vs. Khan, which is a bloody bathrobe and
8 evidence locker in Florence County many years ago
9 where Mr. Khan -- evidently they didn't have a very
10 good Christmas and he killed his wife.

11 And there wasn't a good chain of custody. And
12 that's why I asked if the witness testifies this is
13 what it is, you know, that's sufficient if you go
14 back to Khan and go back to Benton vs. Pellum. But
15 there's a difference in those cases when it talks
16 about bodily fluids. Like, I think it's State vs.
17 Williams, I think that's the case out of
18 Spartanburg, I'm not sure.

19 I guess for the purposes now though,
20 Mr. Stitely, I assume Dr. Ross is going to testify.

21 MR. STITELY: As do I.

22 THE COURT: Although I know Judge Harris told a
23 prosecutor one time: Why are you putting up the
24 pathologist? It's a murder case; everybody knows
25 the person is deceased. He didn't use those words

1 exactly or quite that tone, but that was his
2 question.

3 So with that being said, I can't -- I can't
4 track in my mind -- I mean, I understand your
5 objection. Is it a pyrrhic victory?

6 MR. STITELY: Judge, I just don't -- my --

7 THE COURT: You don't have -- defense lawyers
8 don't have to worry about putting up a defense
9 anymore to maintain the final argument, Beaty said
10 all that. Clearly, the way we have to follow that
11 rule, I think Beaty said it all, that although you
12 don't get the final final, the State only gets
13 rebuttal or reply, whatever they call it.

14 MR. STITELY: And, Judge, I --

15 THE COURT: I guess that's my point. I didn't
16 know. And I didn't know the chain of custody.

17 MR. STITELY: Judge, once again, I don't have a
18 problem with the chain specifically, but I would
19 like the individuals who collected it to be the
20 person to say, I collected the sample. I don't --

21 THE COURT: I understand.

22 MR. STITELY: I don't care where it happens. I
23 don't believe that they messed with it once it was
24 collected and I don't need the transport people in
25 the chain. And, as Mr. Graham said, I said as long

1 as the person who takes the sample's here and the
2 person who tests the sample's here, that's what I'd
3 like to be able to cross-examine them.

4 And I just -- this witness didn't take that
5 sample, so she can't necessarily speak to the
6 procedures, safeguards, or anything else that went
7 into the taking of that sample.

8 THE COURT: You can, of course,
9 cross-examination the coroner.

10 MR. STITELY: Yes, sir.

11 THE COURT: I'm not trying to talk you out of
12 your objection, I'm just trying to track it.

13 MR. STITELY: Yes, sir. And like I said,
14 Judge, I think it's going to come in ultimately. I
15 just -- I think that we need to have the person who
16 collected the sample to say she's the one who
17 collected the sample and this is what it is. Thank
18 you, Mr. Stitely.

19 Solicitor?

20 MR. GRAHAM: My argument is twofold, Your
21 Honor. One is an argument and one is a comment.
22 She was present at the autopsy, she saw Dr. Ross or
23 her staff take those bodily fluids out, put them in
24 those, watched it until she took possession of it.
25 I think that, in and of itself, makes it admissible.

1 Secondly, Dr. Ross will testify -- if we have
2 to bring her multiple times, obviously we will.
3 She's under subpoena --

4 THE COURT: I might not be part of that.

5 MR. GRAHAM: Me neither. But --

6 THE COURT: I will be. I'm just saying she --

7 MR. GRAHAM: She will testify and there will be
8 a chance for them to cross-examine her about
9 anything they want to talk to her about.

10 THE COURT: And is Dr. Ross the individual that
11 collected the sample?

12 MR. GRAHAM: I don't know whether it was her or
13 Dr. Garvin or somebody under her control.

14 THE COURT: But whoever -- I'm going to let it
15 in. Everything can't be proved on a pencil point.
16 However, if the person that collected it does not
17 testify, I'll have a subpoena issue for that person
18 to testify, whether the solicitor calls him or her,
19 you call him or her, or I call him or her.

20 MR. STITELY: Thank you, Judge.

21 THE COURT: Okay?

22 MR. STITELY: Yes, sir.

23 THE COURT: Why don't we take a recess while
24 the jury is out? Let's take about a 15-minute
25 recess.

1 (Brief recess.)

2 THE COURT: Anything before we bring in our
3 jury, Solicitor?

4 MR. GRAHAM: No, sir, Your Honor.

5 THE COURT: Mr. Stitely?

6 MR. STITELY: No, Judge.

7 THE COURT: All right. The last exhibit I
8 announced was State's 3. It's actually now State's
9 3A. I'm going to let it in subject to that caveat
10 concerning that witness.

11 (State's Exhibit No. 3A admitted into
12 evidence.)

13 (The jury enters the courtroom at 11:26 AM.)

14 THE COURT: All right. Welcome back, ladies
15 and gentlemen. We're continuing the trial of case
16 by the presentation of evidence and testimony
17 through the continuing direct examination of Coroner
18 Fisher. If you would, please continue to give the
19 parties your complete and undivided attention.
20 Thank you.

21 Solicitor?

22 MR. GRAHAM: Thank you, Your Honor.

23 CONTINUED DIRECT EXAMINATION

24 BY MR. GRAHAM:

25 Q. Ms. Fisher, let me ask you a question. You

1 attended the autopsy of Decedent ?

2 A. Yes, sir.

3 Q. You were present in the room when the
4 dissection occurs and when Dr. Ross is doing her
5 examination?

6 A. Yes, sir, during the complete autopsy.

7 Q. As part of that examination, did she collect
8 bodily fluids for a toxicology kit?

9 A. Correct. She does.

10 Q. Did you see her or her staff or somebody under
11 her direction actually withdraw bodily fluids from
12 Decedent ?

13 A. Yes, sir.

14 Q. And put them in containers?

15 A. Yes, sir.

16 Q. And put those containers in a bag?

17 A. Correct. Uh-huh.

18 Q. And did you take possession of that bag?

19 A. Yes, sir.

20 Q. Do you know that those items that we're talking
21 about were taken from Decedent 's body because
22 you saw it?

23 A. Yes, I do.

24 MR. GRAHAM: Your Honor, at this time the State
25 would offer that into evidence as 3A.

1 THE COURT: State's 3A in evidence, subject to
2 in-camera hearing.

3 BY MR. GRAHAM:

4 Q. Ms. Fisher, 3A, the toxicology kit that we're
5 talking about, did you personally take that item out
6 to SLED?

7 A. Correct. Yes, sir.

8 Q. What is the purpose of a toxicology kit and why
9 do you take it to SLED?

10 A. The purpose of a toxicology kit is just to see
11 if -- what exactly was going on with the deceased
12 individual. We look at toxicology kits for medical
13 reasons, for possible drug use, for -- sometimes
14 toxicology can give us signs of what may have caused
15 the death.

16 It's all related back to the cause and manner
17 that I'm responsible for. And since I'm responsible
18 for the body of **Decedent**, as well as any other
19 person that dies in Lexington County, it's my
20 responsibility to see that that toxicology kit is
21 taken over to the correct authorities to have it
22 tested. And those results are disseminated back to
23 the coroner's office and used for the purpose of
24 cause and manner in my investigation.

25 Q. In addition to a toxicology kit, did Dr. Ross

1 and her staff also collect what is known as a rape
2 kit?

3 A. Yes, sir.

4 Q. And that would have things like a swab of her
5 mouth for identification; is that correct?

6 A. Correct.

7 Q. As well as there would be an oral swab of her
8 mouth?

9 A. Yes.

10 Q. A vaginal swab and slides?

11 A. Yes, sir.

12 Q. And rectal swabs and slides?

13 A. Yes, sir.

14 Q. And were you present and did you observe all of
15 those items being collected by Dr. Ross or her
16 staff?

17 A. Yes, sir.

18 Q. And did you take possession of all those items?

19 A. I did.

20 Q. Let me show you an item and ask if you
21 recognize this.

22 A. Yes. This is the -- this is called the CSC kit
23 that was taken that day during the autopsy.

24 MR. GRAHAM: Your Honor, the State would offer
25 this into evidence at this time.

1 MR. STITLEY: Subject to the same objection,
2 Judge.

3 THE COURT: All right. That would be State's
4 4A in evidence, subject to previous ruling.

5 (State's Exhibit No. 4A admitted into
6 evidence.)

7 BY MR. GRAHAM:

8 Q. Now, Ms. Fisher, Item 4A, the rape kit, what if
9 anything did you do with this? Who did you give
10 this to?

11 A. That was turned over to the CSI Shelby Derrick
12 with Lexington County Sheriff's Department.

13 Q. And she was also present at the autopsy as
14 well?

15 A. Yes.

16 MR. GRAHAM: Your Honor, I believe that's all
17 the questions I have at this time, but ask that she
18 be subject to recall, potentially, on another
19 matter.

20 THE COURT: Thank you, Solicitor.
21 Mr. Stitley?

22 MR. STITLEY: Thank you, Judge.

23 CROSS-EXAMINATION

24 BY MR. STITLEY:

25 Q. Coroner Fisher, just a couple questions. When

1 you arrived at the scene, when was that?

2 A. The exact time?

3 Q. Sure.

4 A. I would have to see the crime scene log to see
5 exactly what time I arrived there. Hold on. I can
6 get it off my report. Should have been
7 approximately somewhere around 9:30. My deputy
8 corner probably arrived right before I did. So he
9 has his time as around 9:30. I'll have to look at
10 crime scene log to see exactly what time.

11 Q. Is that on August 9th?

12 A. Correct.

13 Q. When you got there, who all was there?

14 A. I could probably not recall everyone that was
15 there. I know Lieutenant Frier with the sheriff's
16 department, my deputy coroner Robert Thompson, there
17 were several investigators with the sheriff's
18 department. I do not recall everybody that was at
19 the scene.

20 Q. Can you ballpark around how many people? If
21 not, you don't have to.

22 A. I mean, there were numerous people that maybe
23 were -- knew **Decedent**. I don't know who all the
24 people were that were there. I have no idea.

25 Q. Whose job is it to secure a crime scene?

1 A. The sheriff's department.

2 Q. Okay. So that's not your office who does that?

3 A. No. By the time I arrive, the scene is always
4 secured.

5 Q. And the collection of evidence, who does that
6 fall to?

7 A. Well, it depends on the evidence. The evidence
8 on the scene, of course, would fall to the sheriff's
9 department.

10 Q. Okay. So that was not your office that
11 collected evidence at the scene in this case?

12 A. No, sir.

13 Q. Okay. And Dr. Ross, who we've heard talked
14 about, she's a pathologist. Is she employed by the
15 County or is she like an independent contractor?

16 A. She's an independent contractor. She performs
17 all our forensic autopsies for Lexington County.

18 Q. And you said one of the things that you took
19 into possession was State's 3A, a toxicology kit?

20 A. Yes, sir.

21 Q. And you said, and correct me if I'm wrong, you
22 use toxicology to find out what's going on with your
23 person.

24 A. Right.

25 Q. Okay. Did you get back a report on that

1 toxicology?

2 A. Yes, sir. Uh-huh.

3 Q. Okay. Were there specifically cocaine and
4 crack metabolites found in the decedent's blood?

5 A. I can look at the toxicology report. This
6 toxicology report came back from the South Carolina
7 Law Enforcement Division that was based on the
8 toxicology kit that was turned in. It does show a
9 small amount of cocaine and a metabolite of cocaine,
10 yes.

11 Q. And ethyl alcohol as well?

12 A. A small amount. It could be related to
13 decomposition.

14 Q. Okay. And you didn't have anything to do with
15 the 4A. You handed that over to Officer Derrick,
16 you said?

17 A. Correct.

18 Q. Thank you, Coroner. That's all the questions I
19 have.

20 THE COURT: Redirect?

21 MR. GRAHAM: Nothing, Your Honor.

22 THE COURT: Thank you. Thank you very much,
23 Solicitor.

24 Thank you, Coroner. You may step down. As the
25 solicitor said, you may be subject to recall.

1 THE WITNESS: Okay. Thank you.

2 THE COURT: All right. Solicitor, you may call
3 your next witness.

4 MR. GRAHAM: The State calls Mike Phipps.

5 THE COURT: All right. Mr. Phipps, come
6 around, please.

7 MICHAEL PHIPPS

8 being first duly sworn, testified as follows:

9 THE WITNESS: I do.

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

13 THE WITNESS: Michael Stewart Phipps,
14 P-H-I-P-P-S.

15 DIRECT EXAMINATION

16 BY MR. GRAHAM:

17 Q. Mr. Phipps, where are you employed and what do
18 you currently do?

19 A. I'm employed with the Lexington County
20 Sheriff's Department. I'm currently assigned to the
21 South Carolina electronic crimes task force where my
22 job responsibilities include inspecting digital
23 items for evidence, such as cell phones and
24 computers.

25 Q. How long have you been in law enforcement?

1 A. I'm sorry?

2 Q. How long have you been in law enforcement?

3 A. Twenty years.

4 Q. Prior to your current job, what did you do?

5 A. Fourteen years in the crime scene unit at the
6 sheriff's department.

7 Q. Briefly, what do you do as a crime scene
8 investigator?

9 A. We respond to any incident you can imagine,
10 everything from a mailbox vandalism to a homicide,
11 and we're responsible for documenting the scene,
12 collecting any evidence, and then processing that
13 evidence.

14 Q. [REDACTED] on the night of August the
15 9th of 2015, did you respond to that location?

16 A. Yes, sir.

17 Q. In what capacity did you respond?

18 A. That particular night I was what we consider
19 our backup crime scene investigator. Any time we
20 have a serious incident such as a death
21 investigation, we respond to crime scene officers.
22 So I responded at the request of my sergeant at the
23 time to be the backup person for that scene.

24 Q. Who was the primary investigator?

25 A. Crime Scene Investigator Shelby Derrick.

1 Q. When you arrived on scene, what, if anything,
2 did you do?

3 A. Initially -- my recollection is we arrived on
4 scene, they were still in the process of obtaining a
5 search warrant for the scene. We just waited
6 outside, photographed the exterior of the residence,
7 and wait on a search warrant to be issued.

8 Q. And, ultimately, was the search warrant
9 obtained and did you and Investigator Derrick go in
10 the house?

11 A. We did.

12 Q. And tell me what happened when you-all went in.
13 What's the first thing you do?

14 A. Again, my capacity was assisting CSI Derrick.
15 I was basically her backup person handing her things
16 that she needed, pointing things out that I may have
17 observed that she didn't see, and doing just a
18 general walkthrough to determine the scope of the
19 scene and what may or may not be relevant to the
20 case.

21 Q. After the general walkthrough, was there a
22 specific area of the house that you were tasked to
23 focus on by Investigator Derrick?

24 A. Yes. I was given the bathroom area to process.

25 Q. Let me show you a set of photographs and ask if

1 you recognize these. And these have been premarked
2 as 55 to 70.

3 A. I do recognize these as being the bathroom of
4 the residence on [REDACTED].

5 Q. And those are photographs you took?

6 A. Yes, sir.

7 Q. And do they accurately reflect what you saw at
8 the time of the search warrant when you took these
9 photos?

10 A. Yes, sir.

11 MR. GRAHAM: Your Honor, the State would offer
12 55 through 70 into evidence.

13 MR. STITELY: No objection, Judge.

14 THE COURT: State's 55 through 70 in evidence
15 without objection.

16 (State's Exhibit Nos. 55 - 70 admitted into
17 evidence.)

18 BY MR. GRAHAM:

19 Q. Are you able to see the overhead? On there is
20 State's 55. Can you see that from the witness
21 stand?

22 A. Yes, sir, I can.

23 Q. Generally, what are we looking at? Can you
24 tell the jury what you're seeing?

25 A. It's the shower enclosure in the bathroom, just

1 a walk-in shower with a curtain enclosure. And what
2 brought our attention to that particular area, that
3 there were multiple red in color stains throughout
4 that area.

5 Q. I'm going to hand you a laser pointer and see
6 if you're able to discuss what you -- what -- when
7 you say something caught your attention.

8 A. It's hard to see.

9 Q. Is it not working?

10 A. It's not working.

11 MR. GRAHAM: Your Honor, can I ask the witness
12 to step down from the stand?

13 THE COURT: Yes, sir. You may step down, just
14 keep your voice up since you're away from the
15 microphone.

16 THE WITNESS: Yes, sir.

17 BY MR. GRAHAM:

18 Q. Stand here and face the court reporter and keep
19 your voice up, please.

20 A. This area right here on the shower curtain,
21 there were multiple red stains and further back
22 along the midline of the shower curtain, as well as
23 several stains within the interior of the shower
24 enclosure itself.

25 Q. State's No. 56 is a close-up of an area.

1 A. Right. You can see what appears to be a darker
2 coloration here, multiple colorations right through
3 this area.

4 Q. State's 57?

5 A. In this particular one, my focus was on this
6 stain here. It had some characteristics that were
7 very apparent to be what appeared to be blood to me,
8 through my training and experience.

9 Q. State's 58?

10 A. Again, this area right in here, these stains
11 right there, as well as the side of the enclosure
12 opening.

13 Q. State's 59?

14 A. There's a little bit of area down in this
15 region as well as the lower section of this
16 enclosure and fiberglass.

17 Q. State's 60?

18 A. Again, I think that's maybe turned. I'm not
19 sure of the correct orientation. But you can see an
20 area through here and then, of course, this one
21 right there.

22 Q. State's 61?

23 A. This is the lower left-hand corner of the
24 enclosure. You can see multiple reddish stains on
25 the fiberglass enclosure as well as some stains over

1 on the wood area.

2 Q. 62?

3 A. That -- turn it clockwise. That's just a
4 closer depiction of the area we were just looking
5 at. There's the opening to the shower on the top.
6 You can see several stains here and here, and, of
7 course, a larger one right there.

8 Q. State's 63?

9 A. At this point we had identified several stains
10 that we were going to ultimately take swabs from, so
11 I've placed the letter A here just above this stain
12 you see indicating that that would be a location
13 that we want to take a swab of that stain.

14 Q. And did you, in fact, take a swab of that?

15 A. I did.

16 Q. And what did you do with that swab?

17 A. The swab was turned over to Crime Scene
18 Investigator Derrick on scene.

19 Q. 64, what is that?

20 A. It's the same area, just showing it a little
21 closer. You can see the two multiple points.

22 Q. When we talk about taking a swab, what does
23 that mean?

24 A. We have sterile swabs that are packaged similar
25 to a medical device, the way it would shipped to a

1 doctor and then opened up on scene. It's in a
2 sterile state at that point. We open it. If we
3 have to use moisture to re-wet the stain, we have
4 sterile water available; if it's already damp enough
5 of a stain that it will adhere to the cotton swab on
6 its own, we just go ahead and just swab the stain.

7 Q. I'll hand you a pointer and you can stay down
8 here. State's 65?

9 A. This is the showerhead in that same enclosure.
10 Again, we used the letter B to indicate the next
11 item that we were going to take a swab of. It's
12 hard to see in that image, but there's a stain next
13 to that B that we ultimately swabbed.

14 Q. State's 66?

15 A. A little closer image. In there you can see
16 the area we were interested in.

17 Q. And from my understanding, you took a swab from
18 that on scene and gave it to lead Investigator
19 Shelby Derrick on scene?

20 A. Yes, sir, I did.

21 Q. 67?

22 A. This would be the right-hand -- or, actually,
23 the back wall of the enclosure, I believe. I would
24 have to look at it further. C would be the next
25 area that we swabbed, this stain right here.

1 Q. 68?

2 A. A closer up showing that area we were
3 interested in that we ultimately swabbed.

4 Q. And, again, you yourself took that swab and
5 handed it to Investigator Derrick on scene?

6 A. Correct.

7 Q. Thank you. You can have a seat.

8 State's 69 and 70, what do those photographs
9 show?

10 A. They're photographs of the sink in that same
11 bathroom.

12 Q. And what are they? Why did you take
13 photographs of those two?

14 A. They appeared to also have some reddish stains
15 along the edge or lip of the sink and into the bowl.

16 Q. The shower curtain itself that we saw in the
17 various pictures, what if anything did you do with
18 that?

19 A. We physically collected the entire shower
20 curtain, folded it up, and placed it in a bag for
21 transport back to headquarters.

22 Q. And did you assist or how did that get taken
23 into evidence between you and --

24 A. Yes. I took it down off the shower rod, folded
25 it up, put it in a bag, and then turned the bag over.

1 to Investigator Derrick.

2 Q. On scene?

3 A. On scene, yes.

4 Q. Let me show you two items and ask if you
5 actually recognize either one of these items.

6 A. Yes. The heat-sealed bag has three swabs
7 labelled A, B, and C. They're the three swabs that
8 I collected from the shower enclosure. There's also
9 a sample hair that was also collected from that same
10 shower. And then there's an additional swab that I
11 didn't have any association with, it was submitted
12 in this packaging for analysis.

13 Q. So the three swabs that we talked about, A, B,
14 and C, these are the swabs that you took and that
15 you gave to Investigator Derrick on scene?

16 A. Yes, sir.

17 MR. GRAHAM: Your Honor, the State would offer
18 these into evidence.

19 MR. STITELY: No objection.

20 THE COURT: Number?

21 THE COURT REPORTER: It will be 76, Judge.

22 THE COURT: State's 76, without objection.

23 (State's Exhibit No. 76 admitted into
24 evidence.)

25 BY MR. GRAHAM:

1 Q. The other item that's in front of you, do you
2 recognize that next item?

3 A. Yes. It's the shower curtain that was removed
4 from the bathroom at [REDACTED].

5 Q. That was the shower curtain that we had the
6 pictures of?

7 A. Yes, sir.

8 Q. That was removed by yourself and Investigator
9 Derrick and given to Investigator Derrick to take
10 from the scene?

11 A. It was.

12 MR. GRAHAM: Your Honor, the State would offer
13 this into evidence at this time as well.

14 MR. STITELY: Likewise, no objection.

15 THE COURT: State's 77 in evidence without
16 objection.

17 (State's Exhibit No. 77 admitted into
18 evidence.).

19 BY MR. GRAHAM:

20 Q. Let me show you four photographs that are
21 premarked as 71, 72, 73, and 74, and ask if you
22 recognize those.

23 A. I do. They're photographs of the shower
24 curtain that were taken at the time that forensic
25 analysis was performed on the shower curtain.

1 Q. Looking at those four pictures, have you been
2 able to identify, compared to when the items
3 collected by yourself, which is shown to be outside
4 towards the room, which is shown to be inside, and
5 the right and left?

6 A. I have, yes.

7 Q. And have you indicated the orientation of that
8 shower curtain as to the way you found it at the
9 scene by writing on there?

10 A. I have. On the right-hand margin here, I've
11 labeled whether it's the inside or outside of the
12 curtain, and in these particular images, the shower
13 curtain is folded in half, so there's a photograph
14 that just shows the left half of the curtain on the
15 outside and the right half. So they're labeled
16 appropriately.

17 MR. GRAHAM: Your Honor, the State would offer
18 71, 72, 73, and 74 as identification at this time.

19 THE COURT: I thought I had already ruled. Did
20 I not rule on those? 71 through what? I'm sorry.

21 MR. GRAHAM: 71 through 74, Your Honor.

22 THE COURT: 71 through 74?

23 MR. GRAHAM: Yes, Your Honor.

24 THE COURT: Mr. Stitely?

25 MR. STITELY: I think he's offering them as ID,

1 he said, Judge.

2 MR. GRAHAM: They'll be offered into evidence
3 with the analyst.

4 THE COURT: All right. Thank you.

5 MR. GRAHAM: Your Honor, at this time that is
6 all the questions the State has for Mr. Phipps. He
7 will be recalled on another matter later on in the
8 trial.

9 THE COURT: Thank you, Solicitor.

10 Mr. Stitely?

11 MR. STITELY: Thank you, Judge.

12 CROSS-EXAMINATION

13 BY MR. STITELY:

14 Q. Investigator Phipps?

15 A. Yes, sir.

16 Q. You said you were back-up CSI, part of a
17 two-man team?

18 A. Yes, sir.

19 Q. Is it just random luck who gets called, the
20 first person who gets called backup?

21 A. No. We -- it's assigned for the week, so we
22 know when we're going to be backup.

23 Q. But you could be the lead one the next week?

24 A. Correct.

25 Q. I thought the last time we talked to you, you

1 were the lead investigator, so I was just wondering.

2 Okay. The pictures you took, when did you go
3 take these pictures? What day was it?

4 A. It was the early morning hours of the 10th or
5 the evening of the 9th. I'm not sure exactly of
6 time that the photos were taken. But I arrived
7 there the evening of the 9th. I think around 11:20
8 or so is when we entered the crime scene to start
9 processing, and then it spanned several hours into
10 the next morning.

11 Q. Okay. Did you take all the pictures that night
12 or was someone else taking pictures as well?

13 A. No. Investigator Derrick was also taking
14 photographs.

15 Q. Okay. Do you have dogs?

16 A. Not anymore. I used to, yes.

17 Q. Okay. And you didn't do any of the testing on
18 any of these samples, you just collected?

19 A. That's correct.

20 Q. Pointed out things you wanted Investigator
21 Derrick to also take a look at?

22 A. Well, yeah. As a back-up person, anything that
23 I find I'll bring her around and bring her attention
24 to it and then we'll collaborate on the best way to
25 approach as far as collecting what we're going to

1 collect, that type of thing.

2 Q. Who ultimately decides what evidence is
3 important when you're collecting evidence?

4 A. It's a group effort and -- in the case of the
5 team. The process goes a little bit further beyond
6 our initial collection. Once we're finished, as far
7 as crime scene investigators, we then bring in the
8 case investigators who have been out interviewing
9 people. They may have some additional piece of
10 information that we weren't aware of at that point
11 in time and they may see something that needs to be
12 collected at that point as well.

13 Q. Okay. Who, generally speaking in this case,
14 was the collaborate team that you referenced? Would
15 that have been you and Investigator Derrick?

16 A. Yes.

17 Q. Okay. Like, if there was a pair of bloody
18 shoes in the bathroom, who would have decided to
19 collect and test those?

20 A. Again, it would have been a group effort as far
21 as acknowledging the fact that we recognize that as
22 a bloody pair of shoes and deciding, if it truly was
23 blood, whether it needed to be collected or how,
24 whether the shoes needed to be collected or just a
25 swab needed to be collected.

1 Q. I'm going to show you some pictures. And I
2 don't know if they're yours or not. If they're
3 yours, please let me know.

4 MR. STITELY: May I approach, Judge? I'm
5 sorry.

6 THE COURT: Yes, sir, of course.

7 BY MR. STITELY:

8 Q. Are those your pictures?

9 A. No, sir.

10 Q. Okay. Then I won't ask you about it.

11 But if Investigator Derrick would have asked
12 you to collect anything, you would have collected
13 it?

14 A. Yes, sir.

15 Q. Okay. Thank you for your answers. That's all
16 I have at this time.

17 THE COURT: Redirect, Solicitor?

18 MR. GRAHAM: No, Your Honor. Thank you.

19 THE COURT: Thank you. Thank you very much,
20 Detective. You may step down and you're subject to
21 recall.

22 Solicitor, you may call your next witness.

23 MR. GRAHAM: State calls Shelby Derrick.

24

25

SHELBY DERRICK

1 being first duly sworn, testified as follows:

2 THE WITNESS: Yes, ma'am.

3 THE CLERK: Have a seat, please. Once you're
4 seated, state your full name spelling your last,
5 please.

6 THE WITNESS: Shelby Derrick, D-E-R-R-I-C-K.

7 DIRECT EXAMINATION

8 BY MR. GRAHAM:

9 Q. Ms. Derrick, where are you employed, ma'am?

10 A. At the Lexington County Sheriff's Department.

11 Q. How long have you worked for the Lexington
12 County Sheriff's Department?

13 A. I've been with the sheriff's department since
14 2006.

15 Q. And what have you done in the course of your
16 employment with the sheriff's department?

17 A. First, in 2006 through 2008, I was a road
18 patrol deputy in the south region of the county;
19 from the end of 2008 till right here at the
20 beginning of 2018, I was a crime scene investigator
21 with the Lexington County Sheriff's Department. And
22 for the last three months, I've actually gone back
23 to the road and I'm actually patrolling in the north
24 region.

25 Q. The Chapin area of the county?

1 A. Yes.

2 Q. So how long were you a crime scene
3 investigator?

4 A. Approximately nine and a half years.

5 Q. Back on August 7th to 8th of 2015, did you
6 respond as lead investigator -- crime scene
7 investigator to [REDACTED]?

8 A. I did.

9 Q. Could you tell the jury, in general terms, what
10 happened when you arrived on scene and what you did?

11 A. I responded -- I was actually at my house on
12 call, and I responded to that phone call and I
13 responded to the address of [REDACTED]. When I
14 got there, I was told that a search warrant was
15 being obtained for the search warrant -- for the
16 residence there at the house and stayed outside the
17 house. And I basically just got my stuff prepared
18 and talked to the investigators and everybody that
19 was on scene.

20 Q. When the search warrant was actually obtained
21 and entry was made into the house, were you present
22 for that?

23 A. Yes, sir.

24 Q. So after the house was -- after the door was
25 forced in, the dogs were taken under control, and

1 there was a sweep done, what's the next thing that
2 happened?

3 A. You want me to discuss that or no?

4 Q. No. Starting after that.

5 A. Starting after that. Okay. Starting after
6 that, due to the circumstances, I notified my backup
7 at the time, which was Investigator Phipps. He
8 arrived on scene and we did an initial walkthrough,
9 basically, seeing what all -- what all, I guess, we
10 had and what actions to actually take and stuff like
11 that and getting our cameras and everything ready.
12 And I started processing, which means photographing,
13 basically, photographing the outside of the house
14 and the interior of the house and everything.

15 Q. While -- Investigator Phipps just testified
16 before you, and I believe you were in the courtroom.

17 A. Yes.

18 Q. What was your understanding of his involvement
19 as far as the collection of evidence or
20 photographing of that crime scene?

21 A. Exactly what he said. I mean, he assisted me.
22 And I gave him the task of the bathroom, basically,
23 and I focused in on the bedroom.

24 Q. The photographs that we saw earlier on the
25 screen through Detective Phipps, that's what you saw

1 as well?

2 A. Yeah. That's what he took on his camera and
3 that's what he was doing while I was doing other
4 things, actually.

5 Q. State's No. 76, which is evidence, do you
6 recognize those as being -- as containing the swabs
7 A, B, C that were shown in the photographs that were
8 collected from the shower stall itself?

9 A. Yes, sir.

10 Q. And those were the items that Investigator
11 Phipps collected and that you took possession of on
12 scene?

13 A. Yes, sir.

14 Q. And then you --

15 A. And then I sealed them and everything and
16 locked them into our evidence.

17 Q. And eventually those were sent to Richland
18 County to be analyzed?

19 A. I do believe so, yes.

20 Q. State's 77, Investigator Phipps testified that
21 that was a shower curtain that was shown in the
22 photographs and that he collected from the scene and
23 transferred to you. Do you recognize that as being
24 the shower curtain from [REDACTED]?

25 A. Yes. It's in a bag with my initials and

1 everything, yes, and labeled on top, everything, so,
2 yes.

3 Q. Things that are -- when we're looking at 76,
4 we're seeing some things that say red tape
5 biohazard, but we're also seeing a lot of other
6 red-and-white tape with initials on it. What's the
7 purpose of that?

8 A. When we seal the evidence, we date and initial
9 it as we seal it. So those are actually my initials
10 and everything from the night I sealed it -- or the
11 day I sealed it.

12 Q. So as Investigator Phipps is working on the
13 bathroom area, what are you doing?

14 A. I was actually in the bedroom area taking
15 photographs and processing them there.

16 Q. Let me show you photographs 3 through 43 and
17 ask if you recognize those as being photographs that
18 you took of [REDACTED] on August 9th or 10th,
19 2015.

20 A. Yes, sir, these are all photographs I took.

21 Q. Do they fairly and accurately depict what you
22 saw on scene that night or later? I believe there's
23 a picture or two that goes to a lab as well. But
24 those are all things that you collected and they
25 fairly and accurately represent what you saw?

1 A. Yes, sir.

2 MR. GRAHAM: Your Honor, the State would offer
3 3 through 43 into evidence.

4 MR. STITELY: No objection to those.

5 THE COURT: In evidence without objection.

6 (State's Exhibit Nos. 3 - 43 admitted into
7 evidence.)

8 BY MR. GRAHAM:

9 Q. I'm going to hand you a laser pointer, looks
10 like it's going to work this time, and see if you
11 can step us through what you found inside and
12 outside. State's No. 3?

13 A. I'm actually standing in the front yard off to
14 the right side of the residence, and that's a
15 photograph to the front.

16 Q. Do you remember the approximate time that you
17 arrived on scene?

18 A. Let me see my report. I received the call at
19 2045, which is 8:45, on the 9th. I arrived on scene
20 at 9:35, or 2135. I entered the scene at 11:21, or
21 2321.

22 Q. So the 11:21 would have been shortly after the
23 search warrant was obtained and the protective sweep
24 was done and the animals were taken under control?

25 A. Yes.

1 Q. What time did you actually arrive on scene?

2 A. I actually arrived on scene at 2135.

3 Q. Which is 9:35 --

4 A. 9:35 PM. Yes.

5 Q. And at that time nobody had gone in the house
6 from law enforcement?

7 A. Not at that time, no.

8 Q. The porch light is on.

9 A. Yes.

10 Q. Is that the way it was when you got there?

11 A. Yes.

12 Q. State's No. 4. What are we looking at there?

13 A. This is the right corner of the house.
14 Basically I'm walking around the right side of the
15 house.

16 Q. So going back to State's No. 3 --

17 A. That's the front side of the house, right
18 corner. So I'm walking around, so you can see that
19 little -- yes. Sorry. You gave me this for a
20 reason. Sorry.

21 Q. State's 4 has that little wooden porch. And
22 then what are we seeing on the right side of the
23 back of the trailer?

24 A. This is the back corner and this is the power
25 pole supply for the house, back porch area, and the

1 back yard, basically.

2 Q. State's No. 5?

3 A. This is further on the back side. I've
4 actually walked all the way around, so this is
5 looking back at the back house. This is the back
6 door with the back porch area and this is going to
7 be the back right corner.

8 Q. State's No. 6?

9 A. Still looking at the back of the house. The
10 actual back door is going to be over here. And this
11 is just right of the back door. There's a little
12 crawl space and a small little window and another
13 little window.

14 Q. Is that window broken or unbroken?

15 A. That's a broken window. That's going to
16 actually be the bedroom area.

17 Q. Looking back at State's No. 6, can you show the
18 jury where that broken window is.

19 A. Yes, sir. This is the back door. There's a
20 window right here. This is going to be the kitchen
21 area, this is over the sink. And these two small
22 little windows, this one is the crawl space, this is
23 the broken window, this is the nonbroken window.
24 Both of these are in the bedroom area.

25 Q. State's No. 7?

1 A. This is another picture from the backyard.
2 This is the back porch, the back door. You can see
3 the little small window over the kitchen, the two
4 small windows of the bedroom area.

5 Q. State's 8?

6 A. Basically I just walked on further around.
7 This is direct onto the back porch and the back
8 door.

9 Q. And, again, the porch light is on and that's
10 the way you found it prior to --

11 A. Yes, yes.

12 Q. State's No. 9?

13 A. I'm actually standing up on the back porch, and
14 this is the back door.

15 Q. And all those pictures were prior to entry?

16 A. Yes, sir.

17 Q. State's No. 10?

18 A. This is the back door. This is after entry had
19 been made by our first officers who actually did our
20 protective sweep and the three dogs had been removed
21 from the residence for us to gain access.

22 Q. This item down here at the bottom, what is
23 that?

24 A. That's actually part of the door frame. You
25 can see, like, the door latch, I believe it's

1 called, is from right here in this area from where
2 the door locks, where a dead bolt locks and a
3 doorknob locks.

4 Q. State's No. 11?

5 A. This is a picture of the actual door. This is
6 the doorknob and this is the dead bolt lock.

7 Q. And was the dead bolt lock, was it keyed on
8 both sides or is it keyed on both sides with a thumb
9 twist on the other?

10 A. It's keyed on both sides, actually.

11 Q. Can you show the jury where you're talking
12 about?

13 A. Yes. This is the outside and this is the
14 interior. The lock is out, which means it was
15 locked, and it's keyed on both ends and then no key.

16 Q. As you enter into the house, State's No. 12,
17 what do you see?

18 A. This is going in the back door, so I'm actually
19 standing in the threshold of the back door. This is
20 looking into the kitchen area.

21 Q. Would you describe the general condition of the
22 house?

23 A. Well, there's a large plastic, like, I guess
24 barrier right here on this side basically separating
25 the house. And it was -- I mean, I would consider

1 it cluttered to a certain extent. There was a lot
2 of things in the kitchen and everything like that.
3 It seems like she was only living in one or two
4 rooms, basically.

5 Q. State's No. -- well, this right here, that
6 is...

7 A. That's the refrigerator. I'm sorry. That's
8 the two-door refrigerator. It's a
9 refrigerator-freezer.

10 Q. State's 13, what is that?

11 A. This is a picture of the refrigerator. This is
12 the door of the refrigerator and the inside of the
13 refrigerator.

14 Q. And what is inside the refrigerator?

15 A. Miscellaneous food items and jars and stuff, I
16 mean, produce.

17 Q. Were you able to determine when those items
18 were bought?

19 A. I don't -- honestly, I don't really know when
20 they were bought. I do know that there were bananas
21 that were on the counter that were yellow, they
22 weren't bruised or anything, so probably within a
23 couple days.

24 Q. State's 14?

25 A. This is another shot of the kitchen area just

1 showing the barrier that I was talking about.

2 Basically this plastic was, I guess -- I'm not sure
3 if it was nailed or thumb-tacked, like, with
4 pushpins, but it basically was sealed from the walls
5 up into the ceiling, all the way around the walls,
6 basically sealed off the one side of the house.

7 Q. As far as -- how many doors were there on the
8 house?

9 A. There was a front door and a back door, but we
10 only had access to that back door because the front
11 door had -- the rest of the house had furniture and
12 a bunch of stuff on the other side of that barrier,
13 basically. There was a lot of stuff blocking it.
14 You couldn't get through it.

15 Q. So is the front door on the other side of that
16 barrier?

17 A. Yes.

18 Q. Was it able to be used?

19 A. No, it was not. Yeah, it was blocked by
20 furniture and stuff like that, other stuff. We
21 couldn't gain access to it.

22 Q. State's 15?

23 A. This is -- I'm basically standing in the middle
24 of the kitchen getting another shot back at that
25 barrier.

1 Q. State's 16?

2 A. Same area, I'm just taking shots of the floor
3 and everything. And there's, like, tools and stuff,
4 and then that's the refrigerator.

5 Q. State's 17, how is the orientation of that
6 compared to 16 where the refrigerator was?

7 A. I'm sorry?

8 Q. State's 17, where is this in relation -- when
9 we look at 16 and you talk about where you're
10 standing and that's the refrigerator --

11 A. Okay.

12 Q. -- continue with the picture. Where is 17?

13 A. I'm basically standing in the same spot, I've
14 just, like, moved my head over to the right, I guess
15 you'd say. This was the floor area over, the
16 refrigerator is over here, there's a small gap
17 between the refrigerator and this wall that's like a
18 little hallway, and then this is the other side of
19 the kitchen and the kitchen counter. And the
20 bananas I was talking about are actually right there
21 behind that little lamp.

22 Q. So this is all what you're seeing when you
23 first step in --

24 A. Yes, sir. This is all the kitchen area or what
25 I would describe as the kitchen area.

1 Q. This right here, what is that?

2 A. That's a little black trash can and then like,
3 I guess, a white trash can, a couple Rubbermaid
4 containers and stuff with stuff in them.

5 Q. State's 18?

6 A. That's an overtop shot of that little black
7 trash can.

8 Q. State's 19?

9 A. This is just showing you exactly what I was
10 just talking about. Here's the refrigerator, the
11 small little hallway, and that corner wall in the
12 kitchen area.

13 Q. What time did you leave the scene, do you
14 remember?

15 A. Let me see. I signed out of the scene at 4:22
16 on the 10th. So I signed in at 11:30, or 11:21, on
17 the 9th and signed out at 4:30, basically, 4:22.

18 Q. The pictures we've seen so far are part of your
19 initial observation of the scene after you do a
20 walkthrough; is that correct?

21 A. Yes.

22 Q. Prior to collection of any evidence?

23 A. Yes. Yeah. A lot of times we're taking
24 photographs while we're walking through.

25 Q. State's No. 21?

1 A. This is the refrigerator here on the left, that
2 wall, and the little hallway I was talking about.
3 And this is, like, a baby gate or a dog gate and a
4 couple -- I think like a table, one of those folding
5 tables. I don't know what they're called.

6 Q. This item up here, what is that?

7 A. A box fan.

8 Q. And it's sitting on top of a?

9 A. A table.

10 Q. State's 22?

11 A. I'm basically standing in the threshold or in
12 the hallway. This is -- that's the little table
13 with the little box fan on it and it's holding the
14 door open. This is the bedroom area. I'm entering
15 the bedroom area.

16 Q. Looking at this item up here, are you able to
17 tell what that item is? Let me show it to you.

18 A. Yeah. I mean, yeah, I know -- well, I know
19 what's there.

20 Q. Looking at State's 22, the item that you can
21 see that looks like it's above the box fan, what is
22 that?

23 A. It's a -- well, there's a blue-handled vacuum
24 cleaner and then there's, like, a pair of boxers on
25 a cardboard box, or a pair of shorts, boxers.

1 Q. What drew your attention to those boxers?

2 A. Just kind of out of the ordinary. I didn't
3 find any clothes up until that point, basically, and
4 they were kind of just sitting there.

5 Q. State's No. 23, what is that?

6 A. When you walk directly into the bedroom,
7 there's kind of like a -- I would call it a trundle
8 bed. There's a little metal bed frame with a twin
9 size bed on it and there's boxes and blankets and
10 everything on the other end, magazines and stuff
11 like that, a little cardboard box, there's that
12 little pair of boxers.

13 The blue-handled vacuum cleaner is on the floor,
14 or standing on the floor or at the end of it, and
15 there's more clothes and stuff down here at the end,
16 but they're more folded and whatnot.

17 Q. In the background there's, like, a window and a
18 mirror. What is that?

19 A. That's -- you have a wall here and a wall here,
20 and that's going to be the bathroom area.

21 Q. Do you know where the commode is and where the
22 shower is?

23 A. Yes. Behind this wall is -- it's like a little
24 hallway going into where the bathroom -- where the
25 commode or toilet is, and then you have a two-sink

1 area right here and then the shower is on the right.

2 Q. State's 24, where are you at in the room and
3 what are we looking at?

4 A. I'm sort of basically in the same area. I'm
5 standing with that trundle bed to my left right
6 here. This is the pile of clothing, the bathroom is
7 right here, the two sinks, the shower.. This is the
8 wall, this is one of the small little windows, the
9 non-broken window, and this is the edge of a -- like
10 a futon-style bed with a mattress on it. And the
11 victim was on that bed right there. And the broken
12 window is over here on this side.

13 Q. Are those the victim's feet that we see right
14 there?

15 A. Yes.

16 Q. The TV itself, can you tell whether that's on
17 or off?

18 A. The TV was on and it's a blue screen and it
19 said, like, no signal, like the cable box had been,
20 I guess, powered off or turned off or lost signal.
21 It just had no signal running across the screen.

22 Q. State's No. 25?

23 A. That's just an over -- over -- over --
24 a-little-bit-further-over-to-the-right photo with
25 the TV and everything the same, the small window,

1 more of the bed, and then the other window's on this
2 edge.

3 Q. Would you describe to the jury how you found
4 Decedent's body?

5 A. She was laying on the bed just as she is.
6 Basically, she was diagonally on the bed with her
7 feet facing, I guess, the bathroom area with her
8 head the right corner, kind of leaning off the bed a
9 little bit.

10 Q. As far as clothing, what was she wearing?

11 A. The only clothing the victim had on was, like,
12 a tank top, like, a blue-in-color ripped tank top.

13 Q. So on this photograph, there's a couple areas
14 that are blacked out. That is not how you found Ms.
15 Decedent that was just for modesty reasons for us in
16 court?

17 A. Yes.

18 Q. The tank top, would you describe how the tank
19 top was on Decedent's body?

20 A. Yeah. I mean -- okay. When you normally put
21 on a tank top, you put your arms through the
22 sleeves. The back of this tank top was pulled up
23 over and sitting on top, and so the front was top
24 and the back was on top, but her arms were still in
25 the sleeves.

1 Q. Were her breasts exposed or were they covered
2 by the tank top?

3 A. They were exposed.

4 Q. As far as her face, when you first came in,
5 could you see her face or was there something
6 obstructing your --

7 A. Not at first. She had the pillow, basically,
8 on top of her face, or what I could tell was on top
9 of her face.

10 Q. State's No. 26, what are we looking at there?

11 A. I'm at the foot of the bed, so the TV is back
12 behind me and I'm facing the bottom or facing
13 towards her. And that's her right foot -- or left
14 foot and right foot.

15 Q. This area here, what does that appear to be?

16 A. That's the sheet on the area of the bed.

17 Q. So the sheet is what color?

18 A. The sheet is blue. I'm sorry.

19 Q. This area that's white, what is that?

20 A. It was that mattress cover or mattress
21 protector, I guess.

22 Q. And that's the way that you found it?

23 A. Yes.

24 Q. State's 27 -- well, you collected the sheet as
25 evidence, didn't you?

1 A. I did.

2 Q. State's 27, what is that?

3 A. That's going to be what was underneath the
4 sheet, I guess, mattress protector or mattress
5 cover, or mattress.

6 Q. Above the -- what does this appear to be to
7 you, from your education, experience, and training,
8 as far as what we're seeing on the bed and what
9 we're seeing on the wall over there?

10 A. Well, we usually call them brown stains until
11 we can test them or anything like that. But from my
12 experience and everything, that's consistent with
13 blood.

14 Q. This above the top of State's 27, what area
15 is --

16 A. That's going to be the small little window
17 that's on the outside that was broken.

18 Q. Her head would have been where in relation to
19 State's 27 when you found her?

20 A. Right here, right where it's bunched up.
21 Because we had kind of moved the curtain away when
22 we broke the window -- well, when the window was
23 broke, not we.

24 Q. State's No. 28, what is that?

25 A. This is -- basically, I just kind of leaned

1 down and took underneath the bed that she was on.

2 Q. The item back here where my finger is on,

3 State's 28?

4 A. That is actually like a small-handled

5 sledgehammer.

6 Q. That's where you found it as you were making

7 your observations and --

8 A. Yes. When I dropped down to take that

9 photograph is when I saw it.

10 Q. State's No. 29, what does that show?

11 A. The victim in this would be right here, so this

12 would be the upper top right-hand corner of the bed

13 that she was on and that would -- is a purse. We

14 assume it was hers.

15 Q. State's No. 30, what does that show?

16 A. This is just another angle of the top of the

17 bed. This is the victim right here. And the purse

18 that we were just looking at is over here on this

19 side. These are the two pillows. This is the

20 pillow I was talking about that was on top of her

21 face. And this is the corner of the little window.

22 Q. So when we earlier talked about not being able

23 to see her face because of the pillow and we talked

24 about the tank top, does this show her how you found

25 her before you removed the pillows --

1 A. Yes.

2 Q. -- or before you removed the sheet?

3 A. Yes.

4 Q. The tank top, where is the tank top in this
5 picture?

6 A. It's right here. It's, like, high up above
7 right here.

8 Q. The sledgehammer would be where in relationship
9 to this picture?

10 A. This is like the edge of, like, the little
11 closet area, and it's right down here on the floor
12 between the bed and the wall.

13 Q. State's No. 31?

14 A. This is looking into the bedroom area -- I
15 mean, the bathroom. I'm sorry. This is the toilet
16 area and the sinks. And then the shower and
17 everything would be in this right side.

18 Q. State's No. 32?

19 A. Just another picture of the bathroom area where
20 the sinks were and then showing the shower and
21 everything on that side.

22 Q. State's No. 33?

23 A. Another photo of the two sinks in the middle.

24 Q. The item that's on top of the sink where I have
25 my picture, do you remember what that item is?

1 A. I believe it's a pair of shorts, like jean
2 shorts.

3 Q. State's No. 34?

4 A. The power box or breaker box.

5 Q. The area down below the power box, which was
6 then above the mattress, what did it appear to be to
7 you?

8 A. This is going to be blood.

9 Q. State's 25, where are we at now and what is it
10 that we're seeing?

11 A. Okay. How do I explain it? This is going back
12 out the hallway towards the kitchen. So the --
13 let's see. The bed is on here -- or on this side.
14 That little -- the closet area is right here.
15 There's a little nightstand table. And then you go
16 out and that's the hallway -- where the box fan was,
17 that's the hallway going back out to the kitchen.

18 Q. This area, why did you take this photograph?

19 A. I took this photograph because of this area
20 right here, because we could see a little bit of the
21 faint smudges and stuff and the brown substance and
22 stuff that I would call blood.

23 Q. State's 36, is that a close-up of that area?

24 A. Yes. That's another, just a different angle
25 shot of the area.

1 Q. Have you had any education or training as far
2 as trying to collect fingerprints?

3 A. Yes. Well, I've had over 500 hours of advanced
4 CSI training in my nine years -- or approximately
5 nine years of crime scene investigations. But I am
6 a certified AFIS operator and latent print
7 comparison operator.

8 Q. When you say -- when we say an AFIS operator,
9 what does that mean?

10 A. Well, I'm latent comparison -- I can do direct
11 comparisons and I can also enter them into our AFIS
12 system and do direct comparisons on that.

13 Q. So what does AFIS stand for?

14 A. Let me see if I can get it right, because it's
15 kind of difficult. Automated Fingerprint -- wait.
16 I'm sorry. Automated Fingerprinting Identification
17 System. I'm sorry.

18 Q. So if you were able to collect an unknown
19 fingerprint of sufficient quality, what does AFIS
20 allow you to do?

21 A. Well, we have to do -- first of all, we have to
22 do it manually. It's not like they show on TV or
23 anything like that, you can't just log into a system
24 and then they go through and show you. Basically we
25 can put it into the computer and we can tell it what

1 to look for. We can tell it what finger to look
2 for, how many ridges to look for, anything like that
3 that we know more about the finger that we're
4 actually looking at.

5 If there are fingerprints on file, meaning that
6 someone has been arrested or if they've had their
7 fingerprints taken for any reason and they're in the
8 system, then sometimes it will shoot back probably
9 your first 10 or 20, depending on how many you tell
10 it to look for. And it will shoot back all those
11 that are possible matches and then you have to go
12 through all them and look at them and compare each
13 one.

14 Q. So for a fingerprint to be submitted to AFIS or
15 to be used for a direct comparison, what clarity
16 does it have to be?

17 A. Well, you have to see significant ridge detail
18 and it has to be -- I mean, to actually see the
19 ridges and everything like that and different
20 levels.

21 Q. When you say ridge detail, what does that mean?

22 A. The actual, like, ridges and stuff in your
23 fingerprint.

24 Q. This area here, did you see what you thought
25 looked like fingerprints or handprints?

1 A. Both. I could tell that there was palm prints
2 or partial palm prints and their smudging and
3 everything like that. But I did chemically process
4 them on scene to, basically, enhance that and take
5 photographs of that and then get -- when we take
6 photographs of it, then we can actually blow them
7 up, basically enhance them and look at them and see
8 the more detail inside of them.

9 Q. How much -- you said you had 500 hours in what?

10 A. Advanced crime scene -- I mean, anything from
11 crime scene -- I've taken crime scene classes on how
12 to process things, how to collect things; I've taken
13 explosive classes, I've taken fingerprint classes,
14 blood stain analysis classes, firearm classes.

15 Q. You had mentioned that you're AFIS certified
16 and direct comparison certified.

17 A. Yes.

18 Q. What does that mean?

19 A. That I've had enough training that I can
20 actually take a fingerprint and compare it and
21 identify the person.

22 MR. GRAHAM: Your Honor, the State would offer
23 Investigator Derrick as an expert in the field of
24 latent print collection and examination.

25 MR. STITELY: Judge, I have a couple of voir

1 dire questions about this qualification.

2 THE COURT: Yes, sir, you may ask.

3 VOIR DIRE EXAMINATION

4 BY MR. STITELY:

5 Q. Investigator Derrick, who gives that
6 certification out?

7 A. SLED.

8 Q. Okay. So is the only agency that certifies you
9 as a fingerprint examiner SLED?

10 A. Well, you have to have so many certain hours
11 and -- like, shadowing hours, basically on-the-job
12 training. And then the actual AFIS qualification
13 test is done through SLED.

14 Q. Do you have, like, a card that says I --

15 A. I do have a certificate, but I don't have it
16 with me.

17 Q. And what does the national standard for
18 identifying fingerprints contain? What is the
19 standard? What is the marker level or what do you
20 have to prove to be certified by SLED?

21 A. You have to take an eight-hour class and
22 identify at a-hundred-percent accuracy all
23 fingerprints that they give you.

24 Q. And you took that through SLED?

25 A. Yes.

1 Q. And when did you take that?

2 A. I believe it was 2016. I'm not sure of the
3 actual month.

4 MR. STITELY: I have no other questions for
5 her, Judge. And we'll stipulate to the
6 qualifications.

7 THE COURT: All right. Thank you. Thank you
8 very much.

9 Ladies and gentlemen of the jury panel,
10 normally a witness is not allowed to testify to
11 opinion testimony. Normally a witness must testify
12 as to either what they saw, heard, sensed by smell,
13 or something of that nature; however, there is an
14 exception for witnesses that are designated as
15 expert witnesses.

16 If a person has a particular expertise based on
17 training, experience, or the like in a particular
18 profession, field, art, science, craft, or what have
19 you, they are permitted to give their opinion
20 testimony and the bases for their opinions, if
21 they're qualified this way.

22 This witness, Detective Derrick, will be
23 qualified in the area of latent print analysis as an
24 expert to give opinion testimony in that field and
25 the basis for holding those opinions. Again, you,

1 the jury, are the determiner of the credibility of
2 all the witnesses, including any witnesses
3 designated as an expert. You give the testimony the
4 weight that you deem fit and appropriate.

5 Thank you, Solicitor. You may continue.

6 MR. GRAHAM: Thank you, Your Honor.

7 CONTINUED DIRECT EXAMINATION

8 BY MR. GRAHAM:

9 Q. Investigator Derrick, did you attempt to
10 develop the palm or fingerprints or thumb prints
11 that you found there?

12 A. I did.

13 Q. And how did you attempt to do that?

14 A. I did a chemical processing called amino black.

15 Q. And in general terms, what does that mean?

16 A. Basically it's a black or blue substance, and
17 we can put it on any type of surface, whether it be
18 a wall, skin, a table, anything like that, to --
19 basically it sticks to the amino acids you leave in
20 your fingerprints, which is in your sweat and your
21 oils and stuff that you leave making your
22 fingerprint. And, basically, it enhances the
23 quality or the ridge detail. It makes it more
24 visible, if that makes sense. It doesn't change it
25 or alter it, it just makes it more visible.

1 Q. And when you did that process on the area that
2 we're seeing on 36, what did you find?

3 A. I have some photographs of it. Basically,
4 you'll see it turns it blue, it turns the blood
5 substance blue. And then I photograph it.
6 Basically I didn't find any fingerprints in that
7 area that were quality enough to actually identify.
8 They're basically smudges.

9 Q. In addition, did you also use amino black on
10 the victim herself?

11 A. I did.

12 Q. What was your purpose in doing that?

13 A. On the victim's legs I did apply the same
14 chemical process. And that was for the same thing,
15 to see if there was fingerprints and everything
16 because you can leave fingerprints on skin as well.
17 And I wasn't able to find any fingerprints of any
18 detail or anything like that on that.

19 Q. Were there any other items that you
20 performed -- other than photographing and
21 collecting, that you performed analysis on as far as
22 amino black?

23 A. No. On the wall and legs, no.

24 Q. Moving back then to the next photograph,
25 State's 37. Now we have -- there's a placard and it

1 says number 1. What's the purpose of a placard?

2 A. Once we've, I guess, established what we will
3 be collecting or what we find that we think is
4 imperative to the case as far as evidence that we're
5 actually going to collect, then we number it, assign
6 it numbers and photograph it a little bit more in
7 detail and collect it.

8 Q. Can you tell the jury why your attention was
9 drawn to that?

10 A. I was drawn to the little trash can area just
11 because it was a -- I mean, it kind of was a little
12 out and it spoke out to me because there was no
13 trash bag in it. There was flip-flops in it and a
14 mop head and stuff like that and, like, a soap
15 dispenser and some other stuff that just kind of
16 looked out of place. And there was also what
17 appeared to be blood in the trash can.

18 Q. Do you remember what your observations were as
19 far as blood in that area?

20 A. Well, you could see brown drops and stuff in
21 the trash can as far as, like, on the shoes, the
22 flip-flops, and stuff that were actually in the
23 trash can.

24 Q. State's No. 38, what is that?

25 A. That's the pair of boxers that I was talking

1 about previously. When you're walking into the
2 bedroom to the left side, that extra bed or whatnot
3 that was on the left side of the room, there's a
4 little cardboard box with a couple other cardboard
5 boxes and stuff, and then the vacuum handle and then
6 this pair of boxers that was right here. And it has
7 some brown-reddish substance that appears to be
8 blood as well.

9 Q. Let me show you a box and ask if you recognize
10 that?

11 A. Yes. It's my little box. I have written on it
12 blue boxers, item number 2, and the case number, and
13 it's got my initials and the date and everything.
14 And that would be my item number 2.

15 Q. Let me ask you to open that box.

16 MR. STITELY: I stipulate that is what she
17 collected.

18 MR. GRAHAM: Your Honor, the State would offer
19 this item into evidence.

20 THE COURT: What's the number?

21 THE COURT REPORTER: It will be 78, Judge.

22 THE COURT: State's 78 in evidence.

23 Without objection?

24 MR. STITELY: Yes. Correct, Judge.

25 (State's Exhibit No. 78 admitted in evidence.)

1 MR. GRAHAM: With the Court's permission, Your
2 Honor, I'm going to ask her to open that and show it
3 to the jury.

4 THE COURT: All right. Yes, sir.

5 BY MR. GRAHAM:

6 Q. You're having to cut through on the box and
7 multiple red seals with initials on it. What's the
8 purpose of all that?

9 A. Actually, all of these are all my initials.
10 Any time it's opened or any time it's examined and
11 it's opened and it's resealed, or if it's sealed to
12 begin with, we tape it and seal it with our initials
13 and everything with evidence tape.

14 Q. Does it appear to be properly sealed at this
15 time?

16 A. Yes, sir. And those are actually all my
17 initials and dates.

18 Q. Looking inside the paper that you're unwrapping
19 from the box, are those the boxer shorts that are
20 shown in the photograph where you have the marker
21 number 2 that is State's No. 38 on the overhead?

22 A. Yes, sir, they are.

23 MR. GRAHAM: Your Honor, I would ask her to
24 step down and show the jury what she found.

25 THE COURT: You may step down. Yes, ma'am.

1 THE WITNESS: Hold them in the paper or out of
2 the paper?

3 BY MR. GRAHAM:

4 Q. Out of the paper.

5 So what was it about these shorts that caught
6 your attention and why did you collect it?

7 A. You'll see at the top the brown-reddish
8 substance I'm talking about when we're looking at
9 something. That's what we usually see and what we
10 usually identify as blood. Also, you can see that
11 there's a ripped hole in the side and there's a
12 ripped hole right up here at the top.

13 Q. The ripped hole, is the material gone or is the
14 material there?

15 A. The material is there, it's just ripped.

16 Q. It's just ripped. And that's the condition
17 that you found them?

18 A. Yes, sir.

19 Q. What brand and what size are those?

20 A. These are Fruit of the Loom and I'm not
21 sure what size -- mediums.

22 Q. Are you able to tell whether those are men or
23 female's?

24 A. Unisex, I guess. I don't know. I wear guys'
25 and girls'.

1 Q. Is there a fly on it or --

2 A. Yes, there's a fly. I'm sorry.

3 Q. If you could step down here and let the jury
4 see it as well.

5 The reddish-brown stains that you're talking
6 about, where did you notice those?

7 A. Well, they're all over. They're up here at the
8 top, mainly. Might be some at the bottom, right
9 here on the sides.

10 Q. If you'll flip it over on the back side. I'm
11 sorry. Flip it back to the front. There's ink
12 writing on there.

13 A. Yes.

14 Q. That's not your ink writing?

15 A. That is not my ink writing. That's actually
16 done by who we sent it to for testing.

17 Q. So the ink with any handwriting on there was
18 not on there when you recovered them?

19 A. No. Yeah, you can see the Sharpie marker with
20 the initials and everything like that, that was done
21 by the examiner after I collected it. So that was
22 not on there when I collected it.

23 Q. If you would flip it over to the back. Is
24 there any area missing on the back?

25 A. No, it does not appear to be.

1 Q. Is there any writing that you see?

2 A. Not on the back. There's some on the inside
3 here and then on the front.

4 Q. Now, there's some handwriting on the waistband
5 on the inside. Is that -- was that present when you
6 collected it?

7 A. I don't believe so.

8 Q. If you could step down and show the other end
9 of the jury the back side and the waistband.

10 A. That's the waistband and --

11 MR. STITELY: Judge, can I have her show me
12 real quick too?

13 THE COURT: Of course.

14 Before you put them back up, please step up
15 here and show me what you're referring to.

16 THE WITNESS: This is, like, the brown-reddish
17 substance and you can see the Sharpie marker with
18 initials on it. That's actually done by the
19 examiner that would take samples of the actual
20 clothing that we sent it to.

21 THE COURT: Show me the tag.

22 THE WITNESS: This is the tear in it, the
23 crotch area or the front. That was there. That was
24 not done by the examiner.

25 THE COURT: And other brown stains?

1 THE WITNESS: All on this side here, on there,
2 and then I don't think there's anything on the back
3 side.

4 THE COURT: And in the band?

5 THE WITNESS: And then the band.

6 THE COURT: And that's the size -- that's the
7 examiner?

8 THE WITNESS: Yes, that initial. And it's a
9 size medium, Fruit of the Loom.

10 THE COURT: Thank you.

11 BY MR. GRAHAM:

12 Q. Investigator Derrick, if you could package that
13 back up.

14 A. (Witness complies).

15 Q. Back to the overhead. State's No. 39, you see
16 markers 3 and 4. Can you tell us where we're at in
17 the room, what we're looking at, and why you
18 photographed those and why you collected these
19 objects?

20 A. I'm sorry. Okay. The hallway into the kitchen
21 is back behind me, and I'm basically standing in the
22 hallway. This is that trundle bed. The boxers and
23 everything were over here, the vacuum and
24 everything. There's a table right here on the
25 floor. I'm labeling number 3 as this cell phone

1 here and number 4 as another cell phone that's right
2 here.

3 Q. In addition to the cell phone under number 4,
4 the one you have, what is that silver object?

5 A. Right here is actually a remote control. It
6 appears that this was like a little round table that
7 was either knocked over by possibly the dogs or
8 possibly in a struggle or possibly by us when we
9 entered the house to clear it, if we didn't see
10 anything.

11 But there's a remote control here, cell phone,
12 pair of glasses, a little, like, box cutter, razor
13 blade, I believe, a piece of paper, a glass case
14 for -- for glasses, and there's another set of
15 glasses right here.

16 Q. So that item right there, what is that?

17 A. That is a set of keys. Is that what you're
18 talking about right there?

19 Q. Yes, ma'am.

20 A. Yes. That's a Ford key for the Ford truck in
21 the drive.

22 Q. Let me show you a couple items -- well, items 3
23 and 4 on the photograph, those are two phones,
24 correct?

25 A. Yes.

1 Q. How did you find them? What condition were
2 they in?

3 A. I believe -- well, number 3 is a black LG cell
4 phone. It was actually powered on. And what we
5 usually do, depending on the actual condition of the
6 phone, we either -- if it's, like, a smart-phone
7 type, we put it on airplane mode and power it off,
8 that way it preserves everything, that way we can
9 examine it or send it off to be examined.

10 If it's powered off or whatnot, we don't try to
11 power it back on or anything. So number 3 was
12 actually powered on and number 4 was actually
13 powered off and wouldn't -- I don't think it had a
14 battery. I don't think it was able to power back on
15 at all.

16 Q. Let me show you two packages and ask if you
17 recognize these.

18 A. That's going to be the cell phone. I believe
19 that's a TracFone. Yeah, black TracFone, which is
20 number 4. And this is going to be the LG black
21 phone that was number 3.

22 MR. GRAHAM: Your Honor, the State would offer
23 these two items she's identified from the crime
24 scene as phone labeled number 3 in the photo and
25 phone labeled number 4 in the photo as evidence.

1 THE WITNESS: It's also got my case number,
2 name -- or initials and date and item number placed
3 on them.

4 MR. STITELY: Clarify which one is going to be
5 what number.

6 THE COURT: Don't know. I guess it's 79 and
7 80.

8 THE COURT REPORTER: They'll be 79 and 80.

9 MR. STITELY: Which one will be 79?

10 THE COURT: Which one's going to be which?

11 MR. GRAHAM: Item number 3, Your Honor, will be
12 79.

13 MR. STITELY: No objection, Judge.

14 THE COURT: State's 79 and State's 80 in
15 evidence without objection.

16 MR. GRAHAM: Crime scene item number 4 will be
17 80, Your Honor.

18 (State's Exhibit Nos. 79 and 80 admitted in
19 evidence.)

20 BY MR. GRAHAM:

21 Q. So if I'm understanding correctly, have you
22 verified through your report which phone was on and
23 which was off and are you sure about that?

24 A. Let me check again. I believe the LG was
25 powered on, which is number 3.

1 Q. Looking at State's Exhibit No. 79, that is your
2 item 3?

3 A. Yeah. The cell phone was found powered on and
4 photographs of the screen were taken. Item number 4
5 was actually powered off.

6 Q. So State's No. 79 is your item 3, correct?

7 A. Yes.

8 Q. That is the LG phone?

9 A. Yes.

10 Q. Now, in the package here, the battery is not in
11 the phone?

12 A. Yes.

13 Q. Why is that?

14 A. Well, you see there's actually another initial
15 and tape on there because it's been examined by
16 Investigator Phipps, I believe. Yes.

17 Q. Okay. Item 3 is the phone that was on at the
18 scene that you collected?

19 A. Yes.

20 Q. Which is State's 79.

21 State's 80, which is your item number 4 in that
22 picture --

23 A. Was powered off.

24 Q. -- is a TracFone and it was powered off?

25 A. Yes.

1 Q. In addition to items 3 and 4 and the photograph
2 that we still have on the overhead, which is State's
3 No. 39, did you also collect the remote control?

4 A. I did.

5 Q. Why did you collect the remote control?

6 A. Actually, after I left the scene, I attended
7 the autopsy and I actually returned back to the
8 scene, which is usually normal practice. Usually we
9 wait to close out the scene until after the autopsy
10 in case we find anything else that we need to look
11 for or anything else shows up.

12 In this case, depending if somebody's already
13 talked to somebody or as far as the investigations
14 are concerned, the detectives are talking to people,
15 so if we find out more information, more things are
16 collected. And when I returned back to the scene, I
17 was requested to collect the remote control as well.

18 Q. Let me show you an item and ask if you
19 recognize that item?

20 A. And that would be the remote control. And I
21 collected it as item number 11, which is another
22 photo.

23 Q. You talked about going to the autopsy and
24 coming back, but the scene is still secured by
25 deputies; is that correct?

1 A. Yes. Yeah, we still had officers on scene or
2 whatnot securing it.

3 Q. And you still had authorization to go back in
4 under the search warrant?

5 A. Yes, under the search warrant.

6 MR. GRAHAM: Your Honor, the State would offer
7 this remote control into evidence.

8 MR. STITELY: Judge, can I ask, for
9 clarification, when it was she went back?

10 THE WITNESS: Yep. Just a second. I went back
11 to the scene on the 10th. I arrived and signed in
12 at 1650, which would be 4:50. So I collected it at
13 that time.

14 MR. STITELY: No objection, Judge.

15 THE COURT: What day?

16 THE WITNESS: On the 10th. August the 10th.

17 THE COURT: Thank you.

18 State's 81 in evidence without objection.

19 (State's Exhibit No. 81 admitted in evidence.)

20 BY MR. GRAHAM:

21 Q. Ms. Derrick, you said you went back to the
22 scene at 1650. What time is that, for the rest of
23 the world?

24 A. 4:50.

25 Q. State's No. 40, the photograph on the overhead

1 with the marker 5, what is that?

2 A. That is the purse that was on the corner of the
3 bed, and I itemed it number 5. And I just took
4 another photograph with my placard in it.

5 Q. Why did you collect that?

6 A. I'm sorry?

7 Q. Why did you collect that?

8 A. Well, at that time we assumed that was her
9 purse. And also you can see it appeared to be that
10 someone rummaged through it because there's actually
11 blood or brown substance in there, in the purse, all
12 on the papers and everything like that. So it
13 looked like somebody had gone through it.

14 Q. Let me show you a box and ask you if you
15 recognize the outside of the box.

16 A. It says purse with contents. It's got the case
17 number, my initials, and my item number 5.

18 Q. Can you open that, please, and verify if that's
19 the purse with the contents you collected?

20 A. Take it out or --

21 Q. Is that the purse and the contents?

22 A. Yes.

23 Q. And the photograph that we look on the
24 overhead, that's the condition you found it in?

25 A. Yes, sir.

1 Q. And did you do any processing on the purse or
2 its contents?

3 A. Yeah. There's several papers in the actual
4 purse that I actually processed back at the -- at
5 headquarters at the sheriff's department. And those
6 being paper products, I actually processed those
7 with a chemical called Ninhydrin. And that's
8 looking for fingerprints as well.

9 Q. Were you able to develop usable prints?

10 A. No. No prints were able to be found.

11 MR. GRAHAM: Your Honor, the State would offer
12 the purse and contents into evidence.

13 MR. STITELY: Judge -- is this the same second
14 time you went back?

15 THE WITNESS: No. This was actually collected
16 the first time. My apologies.

17 MR. STITELY: No objection.

18 MR. COURT: State's 82 in evidence without
19 objection.

20 (State's Exhibit No. 82 admitted in evidence.)

21 BY MR. GRAHAM:

22 Q. State's 41 is a photograph on the overhead.
23 What is it we're seeing there?

24 A. This is after I got back to the Sheriff's
25 Department in our crime lab and I laid everything

1 out because it was still kind of wet and stuff. So
2 I laid everything out to let everything dry and to
3 inventory everything, photograph it, and to list it
4 and everything like that. So this is the purse and
5 the contents that were actually found inside the
6 purse once I was able to go through it all.

7 Q. And can you point out what you believe to be
8 areas of suspected blood for the reason you
9 collected the purse and the contents?

10 A. All this paper product right here, you can see
11 all the brown and red substance that appears to be
12 blood on pretty much everything that was in the
13 purse.

14 Q. State's No. 43, do you recognize that?

15 A. That is a driver's license of the victim.

16 Q. That driver's license, going back to State's
17 41, did you find that in the contents of her purse.

18 A. I did. It's right here. That was just a
19 close-up of it. But that's it laid out in between
20 the papers and everything in there.

21 Q. What is the date of birth for **Decedent** listed
22 on there? Can you see it or do you want me to bring
23 it to you?

24 A. I can't see it.

25 Q. Let me bring it to you.

1 A. It's listed as [REDACTED], which is [REDACTED], 1955.

2 Q. So on August 9th and 10th when you found

3 [REDACTED] 's body, how old would she have been?

4 A. Sixty.

5 Q. Sixty?

6 A. Yes.

7 Q. State's No. 42, what do we see there?

8 A. This is back in the bedroom. Basically, I just
9 moved the bed that the victim was located on. This
10 is the closet and the power box. And this is the
11 sledgehammer that was on the floor between the bed
12 and the wall..

13 Q. And why did you collect that sledgehammer?

14 A. It kind of stood out to me being right there, I
15 guess, between the bed and the wall and close to the
16 victim. And it was -- possibly could have been used
17 as the weapon.

18 Q. When you looked at [REDACTED] 's body, what, if
19 any, obvious injuries did you observe when you were
20 at her house?

21 A. She had severe trauma to her face. I don't
22 know how much you want me to go in --

23 Q. What was it that made you think that you needed
24 to collect that?

25 A. There was also blood on that as well.

1 Q. Let me show you an item and ask if you
2 recognize this as being the sledgehammer that you
3 collected on scene. Again, you're cutting through
4 multiple seals of blue and red with other people's
5 initials, right?

6 A. Yes. Actually, I believe it was probably
7 reboxed in evidence, but this is the actual box I
8 put it in. You want me to go ahead and open it?

9 Q. You can go ahead and open it, might as well.
10 And is that the hammer that's depicted in item 6
11 placard on State's Photo No. 42 that's on the
12 screen?

13 A. It is.

14 Q. And that's the hammer that you collected from
15 the house?

16 A. Yes.

17 MR. GRAHAM: Your Honor, the State would offer
18 the hammer and the boxes into evidence at this time.

19 MR. STITELY: No objection.

20 THE COURT: State's 83 in evidence without
21 objection.

22 (State's Exhibit No. 83 admitted in evidence.)

23 MR. GRAHAM: And, Your Honor, I ask that she be
24 allowed to step down and show the jury the hammer.

25 THE COURT: Yes, ma'am. Officer, you may step

1 down.

2 THE WITNESS: Now, prior to me collecting it,
3 this was after examining had been done, so it didn't
4 have the markers on it. And the white substance
5 actually is for fingerprinting. It wasn't found
6 with the white stuff. That's actually a super glue,
7 I believe. I think super glue was used.

8 BY MR. GRAHAM:

9 Q. And you said the white stuff is --

10 A. Actually, processing it for fingerprints.

11 Q. But you did not attempt to --

12 A. I did not do that, no.

13 Q. Did you notice any areas on the hammer that you
14 believed to be blood?

15 A. Yeah. There was around the actual -- the head
16 of the hammer, I guess you'd say. Yeah, the head.
17 That's what you call the head of the hammer? Sorry.

18 Q. You're good. Have a seat.

19 THE COURT: Show it to me, please.

20 THE WITNESS: Around the head of the hammer on
21 this part and a little bit on this. This was
22 actually put on by somebody else doing the actual
23 exam.

24 THE COURT: Thank you.

25 THE WITNESS: Uh-huh.

1 BY MR. GRAHAM:

2 Q. Ms. Derrick, one more item from the house.

3 Back in the earlier photos we were talking about the
4 sheet that was found on the bed. Looking at State's
5 25, this was the way that you found the sheet that
6 you've been referring to?

7 A. Yes, sir.

8 Q. Let me show you another box and ask if you
9 recognize this.

10 A. I labeled the sheet -- and I'm not sure if you
11 have that photo or not up there. But I labeled it
12 as item placard number 10, and this is that box.

13 Q. And the sheets you collected are inside that
14 box?

15 MR. STITELY: I'll stipulate to that, Judge.

16 MR. GRAHAM: If you'll stipulate, we'll just
17 offer this into evidence, Your Honor.

18 THE COURT: Any objection?

19 MR. STITELY: No, sir.

20 THE COURT: 84 in evidence without objection.

21 (State's Exhibit No. 84 admitted in evidence.)

22 BY MR. GRAHAM:

23 Q. After leaving the crime scene at [REDACTED]
24 [REDACTED] where Decedent [REDACTED]'s body was found, did you
25 go to her autopsy?

1 A. I did.

2 Q. What's the purpose of you going to an autopsy?

3 A. Along with us and the coroner's office, we go
4 in case there's any actual evidence or anything
5 that's actually collected off the body, as well as
6 take photographs and relay information, basically,
7 from the scene to the actual pathologist doing the
8 autopsy because they need to see -- basically we're
9 their liaison to the actual scene, because they need
10 to know what happened at the scene, what we found at
11 the scene, in order to do their physical exam.

12 Q. So were you actually in the room when
13 **Decedent** 's body was autopsied by Dr. Ross and her
14 staff?

15 A. I was.

16 Q. And who was present, to the best of your
17 memory, in that room?

18 A. Others present at the scene, according to my
19 report, were myself, Coroner Fisher and, actually,
20 crime scene Keith Sprinkle was actually present in
21 the morgue, but he was actually attending another
22 autopsy. He was not there for that autopsy, but he
23 was there for another autopsy.

24 Q. So from the sheriff's department, were you the
25 only representative?

1 A. For that case, yes.

2 Q. From the coroner's office, Coroner Fisher?

3 A. I believe so.

4 Q. As far as Dr. Ross and her staff, do you
5 remember which of her staff was there?

6 A. I do not know. I know Dr. Ross was there and
7 the actual assistant that was working on this case,
8 on this victim was Nate Bernardo, I believe is his
9 last name. Other than that, as far as the staff in
10 the room, I'm not quite sure who everybody's name is
11 or who was actually present at that time.

12 Q. Earlier there was testimony about a toxicology
13 kit and a rape kit. Were you present when the
14 fluids or samples were taken from Decedent's body?

15 A. I was.

16 Q. Do you remember who took them, specifically?

17 A. It was either Dr. Ross herself or her
18 assistant, actually.

19 Q. And you saw those samples or bodily fluids
20 removed and placed into appropriate containers?

21 A. Yes.

22 Q. For the toxicology kit, did you see them and
23 keep an eye on them from the time they were taken
24 from her body until they were transferred to Coroner
25 Fisher?

1 A. Yes, sir.

2 Q. As to the rape kit, did you also see those
3 removed from her body and keep track of them until
4 they were transferred to Coroner Fisher?

5 A. Yes, sir.

6 Q. Did anybody manipulate them, mess them up, do
7 anything they shouldn't have?

8 A. No, sir.

9 Q. Let me show you what's been marked as 4A into
10 evidence and ask if you recognize that.

11 A. This is going to be -- well, it's going to be
12 swabs and stuff, part of the CSC kit or the rape
13 kit.

14 Q. There's actually two bags. The outer bag is a
15 Richland County Sheriff's Department evidence bag --

16 A. Yes.

17 Q. -- because, ultimately, that's --

18 A. We sent it to be actually analyzed and tested.

19 Q. The interior, there's another bag.

20 A. And that's my initials and date and time.

21 Q. So the initials that you're referring to, is
22 that where my thumb is?

23 A. Yes.

24 Q. So that bag and your initials and the other
25 handwriting showing the date and the case number,

1 what does that signify?

2 A. That's the actual bag when I log it into our
3 evidence.

4 Q. All right. When did you get possession of this
5 bag and who from?

6 A. I collected that from Coroner Fisher on the
7 10th at 1530, which would be 3:30, so, basically,
8 directly after the autopsy.

9 Q. And then you would have entered that into
10 evidence with the sheriff's department, as we
11 discussed, and ultimately goes to Richland County
12 for analysis?

13 A. Yes.

14 Q. During the course of the autopsy, was a foreign
15 object found inside **Decedent** ?

16 A. Yes.

17 Q. Can you tell the jury what you saw during the
18 autopsy?

19 A. While I was taking photographs and everything
20 and the autopsy has started, they make an incision
21 or whatnot to go internally. When the actual
22 incision was made, there was a cucumber --

23 Q. Let me show you --

24 A. -- found --

25 Q. Let me show you -- once the cucumber was found,

1 do you know what happened to it?

2 A. The cucumber is actually basically, like,
3 sitting on top of the intestine. And it was
4 actually taken, photographed as-is, and it was
5 removed by the medical assistant that was assisting
6 Dr. Ross -- or Dr. Ross -- I can't remember who
7 actually removed it -- basically set it on the sheet
8 or on the table right beside her so we could
9 actually scale it and photograph it.

10 Q. Let me show you two photographs, 44 and 45, and
11 ask if those are pictures that you took dealing with
12 the cucumber.

13 A. Yes. That's after they've been removed and my
14 scale that I put beside it.

15 MR. GRAHAM: Your Honor, the State would offer
16 44 and 45 into evidence.

17 MR. STITELY: No objection.

18 THE COURT: State's 44 and 45 is in evidence
19 without objection.

20 (State's Exhibit Nos. 44 and 45 admitted in
21 evidence.)

22 MR. GRAHAM: Your Honor, if I could ask
23 Investigator Derrick to step down.

24 THE COURT: Yes, you may step down.

25 BY MR. GRAHAM:

1 Q. Investigator Derrick, looking at State's 44,
2 can you explain to the jury what this is and what we
3 see? Stand over here and face the court reporter.

4 A. This is actually like the autopsy table and
5 this is the -- I guess the black you see in the
6 picture is the black -- the body bag. This is the
7 white sheet that she was laying on inside the body
8 bag. And we just do that for actually
9 transportation so nothing's lost when we transport
10 her into the body bag. This is the side of her,
11 this is the left hand, and this is the actual
12 cucumber that was removed and sat right beside her.
13 So it's, like, this area of her.

14 Q. State's No. 45, what is that?

15 A. That is going to be her fingers and the side of
16 the cucumber, and appears just a close-up shot of
17 the sheet.

18 Q. What if anything do you notice between the
19 cucumber and her fingers?

20 A. There is a piece of hair. There was actually
21 several pieces of hair all throughout the house, all
22 throughout the sheet and everything like that.

23 Q. On State's 44, you talk about hair being on the
24 sheet. Do you see --

25 A. There's a longer hair here. There's actually a

1 couple hairs right here, a couple hairs up here.

2 Q. Step down and repeat that down here.

3 A. There's actually a longer hair that's right

4 here. And that's actually that photo closer up.

5 Then there's a couple hairs here, hairs here on the

6 sheet. And that's --

7 Q. You can have a seat.

8 A. Okay.

9 Q. Thank you.

10 MR. GRAHAM: I can't remember. These are in
11 evidence, I believe?

12 THE COURT: Yes, sir, without objection.

13 BY MR. GRAHAM:

14 Q. In a perfect world, looking back in hindsight,

15 if a DNA analysis was going to be done on that

16 cucumber, how should it have been handled?

17 A. If we were going to do a DNA analysis on that

18 or if we were thinking about that at the time, it

19 would have probably been removed directly from the

20 body and placed in a sterile plastic bag or

21 something like that to be transported or

22 photographed instead of sat down on the sheet.

23 Q. In this case, after it was removed by Dr. Ross

24 or her staff and placed on that sheet, did you take

25 possession of it?

1 A. I did. Well, I photographed it and it was
2 placed in a bag at that point and sealed and
3 everything by their staff and then it was
4 transferred into my custody.

5 Q. And do you know the -- how that item was
6 stored?

7 A. When I transferred it, I transferred it
8 directly back to the Sheriff's Department and it was
9 placed in a freezer at the sheriff's department in
10 our evidence.

11 MR. GRAHAM: Your Honor, it's my understanding
12 from talking to the Defense that they'll stipulate
13 as to that item, its existence. In the chain of
14 custody on it, I didn't -- it's frozen and I didn't
15 think it appropriate to put it in --

16 MR. STITELY: That's correct, Judge.

17 THE COURT: Thank you, Solicitor.

18 Thank you, Mr. Stitely.

19 BY MR. GRAHAM:

20 Q. Do you remember what color your hair was at
21 this time?

22 A. Actually, I believe it was blonde.

23 Q. What's your natural hair color?

24 A. This color.

25 Q. How about the length of your hair at that time?

1 A. It was probably this length, or maybe shorter.

2 Q. Coroner Fisher, do you know whether she dyes
3 her hair?

4 A. She may. But it was pretty much the same. I
5 think she pretty much keeps it blonde if she dyes
6 it.

7 Q. How about Dr. Ross?

8 A. Dr. Ross, pretty much the same. Her hair is
9 short and gray or white, whatever.

10 Q. Were there any other people that you remember
11 either at the scene that have hair longer than, say,
12 five inches other than I believe yourself --

13 A. In the actual scene, no. The only people with
14 longer hair or than four or five inches at the scene
15 or, even dealing with it in the autopsy would have
16 been me and Coroner Fisher probably.

17 Q. How about the autopsy itself when the cucumber
18 was found inside **Decedent**?

19 A. I probably had the longest. But it was just me
20 and Coroner Fisher probably and Dr. Ross at that
21 point.

22 Q. Thank you, Ms. Derrick.

23 A. Yes.

24 MR. GRAHAM: Please answer any questions the
25 Defense has.

1 MR. STITELY: Judge, it will probably take a
2 while.

3 THE COURT: Step up here just a minute,
4 Mr. Stitely and Solicitor.

5 (Sidebar conference.)

6 THE COURT: All right. Ladies and gentlemen,
7 as you heard Mr. Stitely state, it may take a while.
8 With that being said, we've been at it a while, so
9 perhaps now would be a good time to take our midday
10 recess.

11 Please remember, during this recess, do not
12 discuss this case with others, including your fellow
13 jurors or anyone else, do not read, watch, listen to
14 any news reports about the case from any source
15 whatsoever, should there be any, do not do any
16 independent research or any research on the internet
17 or otherwise concerning information which is
18 prohibited, which includes but not limited to the
19 following: Information about a party, an attorney,
20 a witness or a court officer, news accounts of the
21 case, past or present, information collected through
22 juror research on any topics raised or testimony
23 offered by any witness, or information collected
24 through juror research on any other topic the juror
25 might think would be helpful in deciding the case.

1 Remember, you decide the case based on the
2 evidence and the testimony presented before you in
3 the courtroom and the law as I tell you the law is.
4 With that being said, why don't we -- if you would
5 be back promptly, say, at 1430 hours, 2:30. If you
6 would please be back promptly at 2:30. Hope y'all
7 have a pleasant break. Thank you very much. You're
8 now excused.

9 (The jury exits the courtroom at 1:14 PM.)

10 THE COURT: All right. Officer, you may
11 certainly step down and refresh yourself during this
12 recess. You may not discuss your testimony with
13 anyone because you're subject to cross-examination,
14 perhaps redirect and recross. Thank you very much.

15 THE WITNESS: Yes, sir.

16 THE COURT: Anything further before we take our
17 recess, Solicitor?

18 MR. GRAHAM: No, sir.

19 MR. STITELY: Nothing from the Defense.

20 THE COURT: All right. 2:30. Thank you, thank
21 you very much.

22 (Luncheon recess 1:14 PM - 2:42 PM.)

23 THE COURT: Solicitor, anything before we bring
24 in our jury? Solicitor?

25 MR. GRAHAM: No, Your Honor.

1 THE COURT: Mr. Stitely?

2 MR. STITELY: No, sir, Your Honor.

3 (The jury enters the courtroom at 2:43 PM.)

4 THE COURT: All right. Welcome back, ladies
5 and gentlemen. I hope you had a pleasant break.
6 We're continuing the trial of the case with
7 cross-examination of Officer Derrick by Mr. Stitely.

8 Mr. Stitely --

9 Yes?

10 THE JUROR: Are we allowed to take notes?

11 THE COURT: Yes, ma'am.

12 Madam Clerk, will you make arrangements to give
13 whatever member of the jury panel would like notes
14 and pencils or pads.

15 But I must give you instructions concerning
16 that. You are welcome to take notes during the
17 course of the trial. You cannot take them back to
18 the jury room nor take them home in the evening
19 hours. If you just place them upsidedown on your
20 chair when we take breaks in the evening, the
21 clerk's office will secure them.

22 Further, please remember that one juror's notes
23 is no better than another juror's recollection, so
24 give it no greater weight or value because it's the
25 written word as opposed to the spoken word.

1 Also, I would remind you that you may use
2 demeanor, appearance of a witness in your evaluation
3 of that witness' testimony, the way he acts or she
4 acts, the manner on the witness stand, and in taking
5 notes, you could miss some certain nuances in that
6 regard.

7 I'm a note-taker, I take notes, a lot of notes,
8 and then at the end, I realize so many of them I
9 can't read anyway. But I am a note-taker. And some
10 people are note-takers, some people are not. But
11 you're welcome to take them under those
12 instructions. And at the time you begin your
13 deliberations, you would have your notes with you.
14 All right.

15 THE JUROR: Thank you.

16 THE COURT: All right. Everybody got pen and
17 paper that wants it?

18 All right. Mr. Stitely?

19 MR. STITELY: Thank you, Judge.

20 CROSS-EXAMINATION

21 BY MR. STITELY:

22 Q. Is it still Investigator Derrick or is it --

23 A. It's actually deputy now.

24 Q. Deputy Derrick, I know we had a brief break,
25 but I'm going to jump you back a couple hours to

1 where we started. Your job in this case was to be
2 the lead CSI, correct?

3 A. Yes, sir.

4 Q. And you were in the courtroom when Mr. Phipps
5 testified, your luck of the draw, this was your week
6 to be lead?

7 A. Yes, sir.

8 Q. You work in tandem with Officer Phipps?

9 A. Yes.

10 Q. And in this case, it was the two of you, but
11 there are other CSIs in the county as well?

12 A. Yes.

13 Q. How many people in the department?

14 A. Then or now or -- I think then, we may have had
15 four or five, and I think there's maybe four or five
16 now.

17 Q. And you said you came from home. So you would
18 have been the on-call CSI?

19 A. I did.

20 Q. When you first arrived on the scene, you said
21 you were waiting on the search warrant as well?

22 A. Uh-huh.

23 Q. Yes or no?

24 A. Oh, yes. I'm sorry.

25 Q. So when you're waiting for the search warrant,

1 you're outside with the other officers?

2 A. I am.

3 Q. Have you been in the courtroom the whole time?

4 A. Not the whole time.

5 Q. There was testimony that some dogs were there.

6 Are you aware of that?

7 A. I was.

8 Q. What did you figure out about these dogs? What
9 kind of dogs were they? What was the situation with
10 those?

11 A. We just knew that there was probably three to
12 four dogs inside the house and that we needed animal
13 control to come to the scene location to help secure
14 them so we could gain access to the house.

15 Q. And I don't want to put you on the spot, but
16 Lieutenant Friar said you were the inherent dog
17 expert I can ask dog questions to.

18 A. Okay.

19 Q. What kind of dogs were they?

20 A. I think I notated in my notes that I think
21 there was two smaller dogs, like terrier mixes, I
22 believe I listed, and, like, a pit-bull mix, a
23 bigger dog.

24 Q. If you could just kind of spitball with your
25 hands, are we talking little, like, two-foot dogs

1 and a big dog, like 50 pounds, 60 pounds?

2 A. I mean, I can't remember. I didn't write
3 weights or anything. But when I wrote terrier
4 mixes, what I'm thinking -- I have Jack Russell
5 terriers, so I would think probably anything from a
6 10- to 20-pound dog would be the smaller, the two,
7 and the larger one probably about 60 to 70 pounds.

8 Q. So a pretty big dog?

9 A. Yeah, at least one of them. Yeah.

10 Q. And he described as maybe some kind of pit-bull
11 Mastiff looking?

12 A. Yeah. I mean, it was a larger dog. Yes.

13 Q. Okay. Who was the first person -- and if you
14 don't know, please tell me. But you said you were
15 the CSI, so you're usually one of the leads. Who
16 was the first person in the house, as far as the
17 sheriff's department goes?

18 A. I'm not sure if that was Lieutenant Frier or if
19 that was Deputy Kirkham. I don't know who actually
20 set foot in the house first.

21 Q. Would you have been there when the initial push
22 into the dwelling happens?

23 A. No, I was not. I was actually around front
24 when they actually entered to do their protective
25 sweep.

1 Q. Did you bear witness to the breaking open of
2 the door?

3 A. I heard it. I didn't actually see it. But,
4 yes, I was out in the yard.

5 Q. And one thing that you said during your direct,
6 you said, we broke the window. What do you know
7 about that window being broken?

8 A. Well, the window was broken before I arrived on
9 scene, and I was told it was broken by either -- I
10 don't know if it was Lieutenant Frier that broke it
11 or if it was the person checking on Decedent.

12 Q. So that happened outside your purview?

13 A. Yes, that was outside.

14 Q. Now, you took a bunch of pictures?

15 A. I did.

16 Q. Correct?

17 A. Yes.

18 Q. And that's pretty much a standard procedure for
19 you?

20 A. Yes.

21 Q. Did anything catch your eye on the outside of
22 the house?

23 A. Not that I can recall.

24 Q. Do you have all your pictures with you?

25 A. No, I don't.

1 Q. In one of the pictures -- and I'll get the
2 exact number -- there's a truck, correct?

3 A. Yes.

4 Q. What was that truck?

5 A. I believe it was a Ford Ranger or Ford pickup,
6 little small pickup truck.

7 Q. To your recollection, it was located where?

8 A. It was in the back yard parked right beside the
9 back porch.

10 Q. Okay. Seen on State's No. 7?

11 A. Yes, sir.

12 Q. Did you do any forensic examination on the
13 truck?

14 A. No, sir, I did not. I just took photographs of
15 it.

16 Q. Did you check it for blood or DNA?

17 A. Visual inspection. But no other processing,
18 no.

19 Q. Fingerprints?

20 A. Not, like, chemical or anything like that
21 processing, no.

22 Q. I asked -- Deputy Solicitor Graham asked you
23 about some keys in one of the pictures and you said
24 those -- it's picture number 39.

25 A. Yes.

1 Q. You said those are to the truck. Are you
2 sure --

3 A. Yeah. Those are a Ford -- well, they say Ford
4 on them. So...

5 Q. I'll show you a picture and make sure we're on
6 the same page. Did you go and put them in the
7 vehicle?

8 A. No, I did not.

9 Q. And I'll walk up because it's going to be hard
10 to see.

11 A. Yeah, that's fine.

12 MR. STITELY: May I approach, Judge?

13 THE COURT: Yes, sir.

14 Q. Is it more than one key?

15 A. Yeah. I think there's, like, two or three keys
16 there maybe.

17 Q. Maybe two of them look like those Quickset,
18 like a door key?

19 A. They could be.

20 Q. Did you check them in any of the doors or make
21 sure they ran the truck?

22 A. I physically? No, I did not.

23 Q. Do you know if anyone at the sheriff's
24 department did?

25 A. That, I do not know.

1 Q. Okay. Also on the outside of the house, was
2 there another vehicle?

3 A. I do not recall another vehicle or -- there's a
4 camper, but --

5 Q. Let's talk about the camper.

6 A. Okay.

7 Q. That's like a travel trailer like someone would
8 sleep in?

9 A. Yes.

10 Q. What forensics were done on the camper?

11 A. Other than photographs, nothing, and visual
12 inspection, nothing.

13 Q. Do you have pictures of the inside of the
14 camper?

15 A. No. We didn't get inside the camper. It
16 didn't appear to be any damage or anything or
17 anything related to the actual incident with the
18 actual camper, so we didn't get inside the camper.

19 Q. Was it locked?

20 A. I do not recall.

21 Q. Do you know who lived in the camper?

22 A. I don't know if anybody lived in the camper or
23 not.

24 Q. Did it have -- did you even go in it at all?

25 A. Not that I can recall, no.

1 Q. Okay. Generally, would you say -- what was its
2 condition?

3 A. I would not pull it behind my vehicle.

4 Q. Looked like it had been there for a minute?

5 A. Yeah.

6 Q. Let me talk to you a little bit about the entry
7 into the home. So you said you would have followed
8 shortly after the protective sweep, correct?

9 A. After -- yeah, after we secured it.

10 Q. Okay. Secured it? Give me what that means to
11 you when you say that, because several officers say
12 secured and they've all been talking about different
13 things. In your mind, what do you mean when you're
14 saying secure?

15 A. The officers, they went in, did a protective
16 sweep to make sure there was nobody else in there
17 and nobody needing aid, to render aid. The dogs
18 were -- actually came out of the house and were
19 secured by animal control. At that point, that's
20 what I deem secure. And we had officers on the
21 outside making sure no one was going in and out
22 other than us who were signing in and out at that
23 point.

24 Q. And when we're talking about secured, that's so
25 they don't mess with your crime scene, correct?

1 A. Yes.

2 Q. Because at the end of the day, who's pretty
3 much responsible for the crime scene and the way it
4 is?

5 A. We are. Yes.

6 Q. We being?

7 A. Yeah. Crime scene investigators and the
8 investigators on the scene. Yes.

9 Q. So you don't want a lot of people running in
10 your crime scene?

11 A. Exactly.

12 Q. As far as egress into the house, the only one
13 was the back door; is that correct?

14 A. That's the only one we went in and out of.
15 Yes.

16 Q. Was the front door operable?

17 A. I would not call it operable because there was
18 a bunch of furniture and stuff blocking it.

19 Q. So there was no easy way in or out that door?

20 A. Not that door, no.

21 Q. When you described the house to investigator --
22 to Deputy Graham, you said it was cluttered was your
23 description. This is number 23. How much stuff was
24 in this house?

25 A. There was a good amount of stuff, but when I

1 actually said that, it was a picture of the kitchen.

2 Q. Okay.

3 A. Because there was a bunch of tools and other
4 stuff. But yeah.

5 Q. Number 19?

6 A. Yeah.

7 Q. So that was the kitchen?

8 A. That's one of the photos, yeah, of the kitchen.

9 Q. And there's blankets, dolls --

10 A. Yeah. That's, like, a little -- like a -- I
11 guess you'd call it maybe like a table or center
12 island.

13 Q. Okay. Was this pretty much indicative of the
14 condition of the house that you saw?

15 A. Yes.

16 Q. Talk to me about the screen or the plastic wrap
17 that you said.

18 A. The best way to describe it is kind of like a
19 thick trash-bag-type material. And it was lining, I
20 guess, maybe half of the kitchen or the end of the
21 kitchen. And it was tacked on the wall either by
22 nails or thumbtacks, push tacks.

23 Q. Number 14?

24 A. Yeah. And it was a large plastic barrier, I
25 guess, like, maybe, like, painters use or something.

1 It's like a thick, like, garbage-bag-type material.

2 And it was lining the hall, basically a divider
3 making a separate wall.

4 Q. Now, did it -- you said it made a separate
5 wall. Did it completely stop off a portion of this
6 trailer?

7 A. Yes.

8 Q. Did it appear to be perforated or passed
9 through or did it look to be pretty intact?

10 A. Oh, no, it was intact.

11 Q. Did y'all end up going into the other side of
12 the house?

13 A. Yeah. We pulled it down but we couldn't walk
14 through, so we just kind of leaned over and took
15 photographs because there was no clear path in.

16 Q. What was in there?

17 A. Furniture and just other pieces of furniture
18 items.

19 Q. So it was definitely not part of the livable
20 portion of the house?

21 A. No, sir.

22 Q. How big was the livable portion of this house?

23 A. I don't know the actual dimensions, but it was,
24 basically, just a kitchen and the bedroom and the
25 bathroom area, just those three rooms.

1 Q. And you described it as a single-wide trailer?

2 A. Yes.

3 Q. Do you have any idea how far wall to wall? Do
4 y'all measure that kind of stuff?

5 A. I don't recall the actual trailer size, no.

6 Q. But it was limited to what you would call the
7 kitchen --

8 A. That kitchen area and the bedroom area where I
9 photographed and then the bathroom area, those were
10 really the only three livable areas.

11 Q. Yes, ma'am. And the dogs would have been
12 located loose in those areas?

13 A. Yes.

14 Q. They weren't back behind that black screen?

15 A. No. I mean, the dogs are smaller than I am, so
16 they probably could root through there. But I don't
17 know if they were or not.

18 Q. And you said the screen was intact though when
19 y'all got there?

20 A. Yeah.

21 Q. Okay. When you take pictures of a crime scene,
22 you're looking for any and everything that you think
23 could be evidence; is that fair?

24 A. Yeah.

25 Q. Okay. Now, one of the things that was talked

1 about briefly was in State's No. 18, this garbage
2 can bucket.

3 A. Uh-huh.

4 Q. What was it?

5 A. I mean, I called it a garbage can or a trash
6 can, but I guess it could be used as a bucket. It
7 was a plastic container.

8 Q. And in number 17, it was the one right there in
9 front of the white one?

10 A. Yes, the little black one.

11 MR. STITELY: May I approach, Your Honor?

12 THE COURT: Yes, sir.

13 Q. What kind of items were located in that trash
14 can/bucket?

15 A. There was a, like, soap pump nozzle, there was
16 a couple flip-flops, mop head, like, sponge mop
17 head, a couple washcloths.

18 Q. Cleaning supplies?

19 A. There's a Jergen's lotion bottle and a soap
20 dispenser. But, I mean, there's not a bottle of
21 Clorox or something.

22 Q. And you said a mop head though?

23 A. Yes.

24 Q. Now, your specialty is the forensic side of
25 collecting evidence, correct?

1 A. Uh-huh.

2 Q. The solicitor said blood doesn't lie. In your
3 direct you said there was blood in this trash can;
4 is that correct?

5 A. There is blood on the flip-flops in the trash
6 can. Yes.

7 Q. How much blood on the flip-flops in the trash
8 can?

9 A. A couple drops or so. I'm not really sure.

10 Q. I'm going to show you some pictures and ask if
11 these are yours.

12 A. Okay. Yes, those are mine.

13 Q. And you said there were a couple drops of blood
14 on the sandals?

15 A. Well, a couple, yeah, a good amount.

16 Q. Did you collect that for testing?

17 A. I collected the flip-flops, yes.

18 Q. Were they tested?

19 A. I don't know if they were or not, actually.

20 Q. Did you notice any other items that could have
21 been important forensically on those flip-flops?

22 A. The blood could have been.

23 Q. Any other items?

24 A. I think there was another pair of flip-flops
25 and a lotion bottle that I think I did collect swabs

1 from.

2 Q. You collected swabs off of that?

3 A. I believe so.

4 Q. How about off of the towel?

5 A. Towel?

6 MR. STITELY: May I approach again, Judge? I'm
7 sorry.

8 THE COURT: Yes, sir.

9 THE WITNESS: I think there were two
10 washcloths. Okay. Yeah, two washcloths.

11 BY MR. STITELY:

12 Q. A bar of soap?

13 A. There's a bar of soap, yes.

14 Q. And multiple different sandals?

15 A. Yes.

16 Q. And your recollection is they were collected to
17 be sampled or tested?

18 A. If we wanted to, yes, we could have, I guess.

19 I mean, I collected them, yes, so we had them if we
20 needed to test them or not.

21 Q. To your knowledge, were they ever tested?

22 A. To my knowledge, I don't know if they were or
23 not.

24 Q. And you mentioned a lotion bottle?

25 A. Yes, lotion bottle.

1 Q. Did the lotion bottle have blood on it as well?

2 A. I'm not sure if I was swabbing for blood or
3 not, actually. I don't know if I was swabbing it to
4 see if there was any either DNA other than blood or
5 not on the lotion bottle.

6 Q. Okay. Let me talk to you briefly about the
7 blood that you did find in the house.

8 A. Okay.

9 Q. Now, Investigator Phipps put some pictures in
10 from the bathroom.

11 A. Uh-huh.

12 Q. Did you see them though, the stains or the
13 blood spots?

14 A. I did.

15 Q. Now, in your direct examination he went through
16 the hours that you spent at the academy in your
17 trainings.

18 A. Uh-huh.

19 Q. Five hundred hours plus in CSI, you said?

20 A. About, yes, sir.

21 Q. What's your background in making determinations
22 regarding blood patterns, how it's placed places, et
23 cetera?

24 A. I've had a couple 80-hour courses or so, at
25 least, two or three, so 116-plus hours on blood.

1 Q. And I guess the term I'm looking for is, like,
2 blood spatter. Is that a term you're familiar with?

3 A. Yes, sir. Blood stain analysis. Yes.

4 Q. Is that something you have a little bit of
5 background in?

6 A. Yes, sir.

7 Q. The items such as in number 64, you would have
8 seen this at the scene, correct?

9 A. Yes.

10 Q. Did y'all conduct a blood spatter analysis to
11 determine whether they were drips, streaks, stains,
12 smears, anything like that?

13 A. It depends on the amount of the actual stain on
14 how it's developed. That one we would just consider
15 probably a transfer or a drop.

16 Q. A drop? Did you do an analysis, though, like a
17 full markup to take a look like on number 62?

18 A. You can't really do a full work-up on a drop
19 when it's by itself.

20 Q. How about like that one on number 62?

21 A. That's a drip. You don't do a work-up. I
22 don't know what you mean by work-up.

23 Q. To make a determination of how it got placed
24 there.

25 A. You can tell by gravity how it was placed

1 there. It was dropped off something else. It was
2 transferred off something else and it's dripped by
3 gravity.

4 Q. Okay.

5 A. And that would be the extent of your analysis.

6 Q. Did anyone examine the dogs?

7 A. For?

8 Q. Anything. Indications of blood?

9 A. Not that I know of. I don't know.

10 Q. Now, I know that you weren't part of the
11 investigator as far as the investigation of the
12 actual crime. But to your understanding, how long,
13 allegedly, were these dogs in this house before you
14 go in?

15 A. That, I do not know.

16 Q. Okay. You said you have dogs?

17 A. I do.

18 Q. If you were to leave your dogs alone in your
19 house for a couple days, and you're talking about
20 now doing a forensic examination of the place, would
21 you expect that there might be some issues with
22 where things ended up after having those dogs in the
23 house?

24 A. Well, every dog is different. I can't put a
25 timeframe on that.

1 Q. Talking about food and water, was there food
2 and water out for the dogs?

3 A. I believe so.

4 Q. So the dog bowls were full?

5 A. I think there was a bag in the kitchen,
6 actually. I don't know if the actual bowls were
7 full or not.

8 Q. How about water for the dogs?

9 A. I don't recall. I don't know.

10 Q. But there were definitely three dogs cooped up
11 in this space?

12 A. Yes. There were three dogs in the house.

13 Q. I guess to put a dimension on it, if you were
14 to say from the wall where the bathroom started to
15 the kitchen entry, and we were to use the back of
16 the courtroom, how deep was this house?

17 A. How deep? Like, what do you mean?

18 Q. Say I was to start --

19 MR. STITELY: Your Honor, may I approach her?

20 THE COURT: Yes, sir.

21 BY MR. STITELY:

22 Q. If I was to start and say that this is the back
23 wall where we saw those windows --

24 A. Uh-huh.

25 Q. -- and we were going to go all the way to where

1 the kitchen was with that wall, about how far would
2 I have to go?

3 A. Probably three or four rows back in the
4 courtroom, maybe three or four rows back.

5 Q. Okay. One of the things that you talked about
6 briefly is that you are an expert in fingerprint
7 collecting; is that correct?

8 A. Yes, sir.

9 Q. And you saw the one picture of the wall smear
10 and said you tried to pull prints, correct?

11 A. No, sir, I didn't try to pull prints.

12 Q. What did you try to do with the wall?

13 A. I just tried to develop prints. I didn't try
14 to pull anything off the wall. I stained them with
15 amino black and took photographs of them.

16 Q. So you couldn't pull prints because you
17 couldn't develop them?

18 A. No. You can't pull bloody prints because
19 they're stuck in the impression. So you photograph
20 them, that's how you collect them.

21 Q. Okay. I guess I'm using a bad word. I
22 apologize.

23 A. That's okay.

24 Q. You could not get prints that you could
25 examine? You couldn't make them rise to where you

1 could examine them?

2 A. No. You could clearly see that there was
3 prints there. They weren't clear enough to actually
4 make an identification on them.

5 Q. Did you test things like in number 11,
6 doorknobs?

7 A. No.

8 Q. And tell me if I'm wrong, but when you're doing
9 fingerprinting, it's a lot harder to pull off of a
10 non-smooth surface than a smooth surface; is that
11 fair?

12 A. That's fair.

13 Q. So things like, if you had to pull prints,
14 you'd much rather pull it off a pane of glass than
15 off a tree branch?

16 A. Yes.

17 Q. It's possible you might get prints off a tree
18 branch?

19 A. Yeah, I guess.

20 Q. But the ideal scenario is a smooth object --

21 A. Yes.

22 Q. -- that their hand could touch? Is there any
23 reason why you didn't swab or test or print the
24 doorknob?

25 A. Simple for the traffic going in and out. We

1 had all been in and out and I didn't know who had
2 touched it and who not as far as us entering it.

3 Q. One of the things that you said you went
4 through was her purse, correct?

5 A. Yes, sir.

6 Q. There were a number of items that you pulled
7 out?

8 A. Yes, sir.

9 Q. And the purse -- I guess I can ask you this
10 too: Number 29 was a picture of the purse?

11 A. Yes, sir.

12 Q. Was that where it was when you walked in or did
13 someone put it up there?

14 A. That's where I found it, yes.

15 Q. Okay. And when you emptied its contents, you
16 kind of laid them out on a table. Did you do that
17 back at your --

18 A. At headquarters in the lab.

19 Q. And there were a number of items, to include a
20 driver's license and credit cards, correct?

21 A. Yeah, there was a couple of cards.

22 Q. Number 41?

23 A. Yeah. They're business cards, envelopes,
24 driver's license.

25 Q. Did y'all pull any prints or attempt to pull

1 prints off of the bank cards?

2 A. On the paper items, I did try to fingerprint
3 those with Ninhydrin -- it's another chemical that
4 we use for paper -- and I wasn't able to get any
5 clear good prints off of those to identify.

6 Q. What was this thing here?

7 A. I believe it was an inhaler or type of
8 medicine, if I can recall. I don't really know,
9 honestly.

10 Q. Did you do any further analysis on it?

11 A. I don't think so.

12 Q. Now I'm going naked-eye here: You said you
13 would assume this stuff was blood. Did you ever
14 test it and have it run by a lab to see whose blood
15 it was?

16 A. I'm not sure, actually, what was sent and what
17 has not been sent, honestly.

18 Q. Your job is to collect it, not to test it?

19 A. At that point, yes.

20 Q. Okay.

21 A. I mean, if I'm there and they needed to collect
22 it to go to testing, then I'll collect it and go to
23 testing as far as swabbing. But analyzing it, no,
24 that's not my job.

25 Q. So the swabs -- and Mr. Graham showed you

1 something that was marked as 3A and 4A. 3A was
2 exactly what it sounds like, it said swabs and hair
3 samples.

4 A. Okay.

5 Q. I'm sorry. I apologize, it's number 76. My
6 bad. Detective Phipps collected this or you did?

7 A. This is the actual stuff from the shower and
8 stuff?

9 Q. Yeah.

10 A. He actually physically collected it. And then
11 he transferred it to me on scene and I put it in all
12 the containers and sealed it up.

13 Q. So if it says hair swabs, you would know that's
14 what in here, correct?

15 A. Yes.

16 Q. Do you know why they didn't test the hair?

17 A. I do not.

18 Q. Because that's someone else's department?

19 A. Yes, someone else's call.

20 Q. One of the other things I missed on my list
21 when I was going down it. You said the lights were
22 on when y'all arrived, correct, porch lights?

23 A. Yeah. The front light over the door and the
24 back flood light.

25 Q. Did y'all look for prints on the light

1 switches?

2 A. I don't recall.

3 Q. Or any DNA evidence on the light switches?

4 A. No.

5 Q. Those bank cards that I asked you about, did
6 anyone ever go back and look into the banking
7 records to see if she was missing any money?

8 A. That's not something I do.

9 Q. Not part of your investigation?

10 A. Yeah.

11 Q. What would have happened to all of these items
12 after you're done with them?

13 A. I believe they're still in the purse, actually,
14 in the box right here.

15 Q. Is there a sheet that would say if anyone else
16 took them out and messed with them?

17 A. Oh, yeah, we have a chain of custody. If
18 someone else went and logged it out of evidence,
19 there would be a chain of custody in if there was
20 any more processing or anything like that that
21 needed to be done.

22 Q. Can you tell by looking at the box the purse
23 came in whether or not someone else pulled it out to
24 test anything?

25 A. It looks like it went to Richland County. And

1 I don't know if they did any testing or not.

2 Q. But that would have been someone else, not you?

3 A. Yes.

4 Q. Any swabs taken of the blood on the trash can?

5 A. On the actual trash can itself, not that I
6 recall, no.

7 Q. One thing you did state, you say the boxers
8 seemed out of the ordinary. And we pulled them out,
9 they were marked as number 78. The brand on those
10 was Fruit of the Loom you said, correct?

11 A. Yes.

12 Q. And that was written clearly on the label?

13 A. Yes.

14 Q. The two phones that you uncovered, you called
15 them numbers 79 and 80, the first one being an LG
16 that was powered on, the second being a powered off
17 phone with no battery that you describe as a
18 TracFone; is that correct?

19 A. Yeah. Actually, there is a battery in the
20 package. I didn't know if there was a battery or
21 not, but it was powered off. The TracFone was my
22 number 4.

23 Q. Did you conduct any DNA, printing, hair
24 analysis on these devices?

25 A. No.

1 Q. Did you take swabs to see if anyone else had
2 used the phone; for example, if there was any other
3 DNA present on the phone?

4 A. No, I did not.

5 Q. This is a question, and if you don't know,
6 please tell me. How would my DNA end up on
7 something like a cell phone?

8 A. Well, I mean, how DNA is normally processed, I
9 mean, we shed skin cells. If we're speaking on a
10 phone, if we're touching a phone, it could come off
11 for various reasons.

12 Q. So if I was to pick up a cell phone and dial a
13 number with my hands, chances are --

14 A. You could possibly leave touch DNA.

15 Q. Okay. Touch DNA. Okay. We'll go down a
16 different rabbit hole here. When you're talking
17 about DNA, there are a number of different kinds of
18 DNA that can be tested, correct?

19 A. Yes.

20 Q. And you're not the tester, so if I go outside
21 of your area of background here, please tell me.

22 A. Okay.

23 Q. It doesn't necessarily matter what kind of DNA
24 it is to develop a profile; is that correct?

25 A. That's out of my scope. I don't know that.

1 Q. Okay. Different question, different person?

2 A. Yes, sir.

3 Q. But to your knowledge, you did not conduct any
4 swabbing, swiping, testing to look for DNA particles
5 on either of those cell phones?

6 A. No. I took photographs and collected them
7 as-is and kept them that way.

8 Q. I said DNA. No blood, no prints, okay. Sorry,
9 I didn't let you answer.

10 A. No, that's fine.

11 Q. You said you went back and took more pictures,
12 slash, samples?

13 A. After the autopsy, yeah, I went back to the
14 scene to close out the search warrant because the
15 search warrant was still, basically, what we call
16 open, and it was still waiting for me to come back
17 with finding. So when we went back in, yes, at the
18 direction of Lieutenant Lint, there was a couple
19 items that he wanted me to collect that he saw or
20 that he came into knowledge of that he thought was
21 possibly necessary.

22 Q. One of those was number 81, a remote?

23 A. A remote control, yes.

24 Q. It was in the picture that we looked at
25 earlier?

1 A. Yes.

2 Q. Same place as the cell phones?

3 A. Yes.

4 Q. If you can't tell me, don't. Did it appear to
5 have things like blood on the remote?

6 A. Yes. It's packaged exactly as I collected it
7 with evidence still on it.

8 Q. Did you run any swabs or testing for the blood
9 on this remote?

10 A. No. I collected it just like that and sealed
11 it in case we needed to.

12 Q. Okay. Well, from looking at this packaging,
13 has anyone bothered to test it?

14 A. I can't see it.

15 Q. Sorry.

16 A. There is somebody else's initials and stuff
17 like that, so I'm not sure whose that is. And, yes,
18 it was opened by somebody else, so I'm guessing some
19 other --

20 Q. Can you tell who opened it or just that it was
21 opened?

22 A. I don't know. I don't know the initials.
23 So...

24 Q. Okay.

25 A. They're not mine.

1 Q. Fair enough. One of the other items that you
2 recovered was -- you called it a light sledgehammer?

3 A. Yes. Small sledgehammer, small handle.

4 Q. And we saw picture -- you actually took it out
5 and you said that you thought you saw what you would
6 have estimated to be blood on the head of the
7 hammer?

8 A. Yes.

9 Q. Did you do the swabbing or collecting of the
10 that sample or did you just send it along in one
11 piece?

12 A. I'm not sure. Hang on one second. I think I
13 sent it as one piece or I had it packaged as one
14 piece and somebody else swabbed it, I believe. I'm
15 not sure.

16 Q. But you don't recall specifically being the one
17 who swabbed the end of this hammer?

18 A. No, sir.

19 Q. And one of the other things that you said
20 during direct was the white powder that was on it,
21 you said you didn't do that, but it was someone
22 looking for prints?

23 A. Yes. It was another processor or another
24 examiner.

25 Q. What's that process?

1 A. I'm not quite sure exactly what that
2 actually -- they did. But usually that white
3 substance comes from -- I can't say that word, but
4 it's super-gluing.

5 Q. So super-gluing?

6 A. Yes.

7 Q. Like, literally, you put something sticky on
8 it to pull off --

9 A. You heat super glue and it becomes a gas. And
10 the fumes -- it's in a chamber and you heat the
11 liquid -- not heat the liquid. You heat the super
12 glue and it forms a gas. And the gas comes in and
13 it sticks and makes everything hard, and so it
14 preserves it. So you don't pour the super glue on
15 it, it's not sticky.

16 Q. Is that test a lab test, I guess, as you've
17 described it?

18 A. Yes.

19 Q. Is that something you can do in the field or
20 that requires greater time with the object in a more
21 controlled environment?

22 A. That's in a controlled environment.

23 Q. Is it a better method of pulling -- I keep
24 using the word pulling, and that's my word. Is it a
25 better method of developing prints?

1 A. I wouldn't say it's better or anything else.
2 You usually can visually see stuff if you need to.
3 So it's a technique that we use if we need to.

4 Q. But that wasn't you on that, that was someone
5 else?

6 A. No, that was not me.

7 Q. And you wouldn't know who did that?

8 A. I honestly don't know.

9 Q. Okay. When you went to the autopsy, what is
10 your purpose in being there?

11 A. My purpose in there is, basically, I'm the
12 liaison for the doctor, the pathologist. I tell the
13 pathologist what we had on scene, what the scene
14 looked like, how we found the victim, anything that
15 we may have come across or relay any kind of
16 information that we learned during the investigation
17 up to that point.

18 Q. You don't actually conduct the -- I guess we're
19 going to use the word forensic again at this point.
20 But you don't do that version of the forensic
21 testing on the --

22 A. No.

23 Q. -- decedent? You're just there as kind of the
24 liaison and to --

25 A. And take photographs --

1 Q. -- collect evidence?

2 A. Yes. And collect evidence, if needed.

3 Q. And that's Dr. Ross' show?

4 A. Yes.

5 Q. Once you deliver someone to Dr. Ross, who is
6 then in charge of the contents?

7 A. Well, the Coroner's Office actually is in
8 charge of the body or the victim, and they deliver
9 it there. And I'm just there to take photographs
10 and collect evidence.

11 Q. So at some point as far as the sheriff's
12 department goes, once the coroner takes possession,
13 it's their office --

14 A. Yeah. They're technically in custody, and then
15 they bring it to the autopsy and they remain in
16 custody.

17 Q. They remain in custody even while Dr. Ross is
18 working and then it goes back to the coroner's
19 office?

20 A. I believe so. Or they actually -- I don't know
21 if it goes back to the coroner's office, but they're
22 in charge of that part of it. They tell it where to
23 go.

24 Q. But it's outside of you at this point?

25 A. Yes.

1 Q. And I say you as you being the Sheriff's
2 Department.

3 A. Yes.

4 Q. This is number 20. Did y'all -- I say y'all,
5 and I'm only asking if it was you or someone else on
6 your team -- do things like investigate the contents
7 of the trash cans?

8 A. We took photographs and made sure anything else
9 possibly may or may not have been in there.

10 Q. This was number 22. You described that as,
11 like, a second bed in the bedroom?

12 A. Yeah. It's like a small little trundle-type
13 bed frame with a, like, twin-size little bed on it
14 onto the left side.

15 Q. Did y'all test those sheets to see who had been
16 sleeping on them or anything like that?

17 A. No. They were made up and they had clothes and
18 boxes and stuff on top of them, so they didn't seem
19 to be disheveled.

20 MR. STITELY: Beg the Court's indulgence one
21 second.

22 THE COURT: Yes, sir.

23 BY MR. STITELY:

24 Q. Detective Derrick -- deputy, sorry. The actual
25 search warrant that was done in this case -- and I

1 guess I'll kind of start by explaining. You do
2 what's called a return; is that correct?

3 A. Yes, sir.

4 Q. And a return is a list of the stuff you got,
5 correct?

6 A. Yes, sir.

7 Q. Do you have a copy of the return that you
8 signed in this case?

9 A. I do.

10 Q. Okay. And it was a return that was done on
11 August 9th of 2015 some point that evening? It says
12 2230, so 10:30 that night?

13 A. Yes. 2230 is when I actually started filling
14 everything out.

15 Q. And this was the search warrant of the actual
16 contents of the home that Decedent was --

17 A. Yeah. This is a, yeah, a list of the stuff we
18 were collecting.

19 Q. Just a couple items in particular. You make
20 reference to a rifle and bullet casings. Was any
21 kind of analysis done on those?

22 A. Not to my knowledge. I don't know.

23 Q. And by casings, you mean spent shells?

24 A. Yeah. I think there was two -- maybe one or
25 two spent shells and one bullet.

1 Q. Okay. But to your knowledge --

2 A. Maybe the other way around, I'm not sure.

3 Q. I apologize.

4 A. That's fine.

5 Q. To your knowledge, you didn't test those or
6 anything like that?

7 A. Test them for?

8 Q. DNA, fingerprints.

9 A. No.

10 Q. Fire patterns?

11 A. I did not, no.

12 Q. Sent them off to SLED to see if they matched
13 anything?

14 A. No.

15 Q. You talk about a razor blade box cutter.

16 A. Yes.

17 Q. Was any analysis done on this razor box cutter
18 as to DNA, fingerprints, anything along those lines?

19 A. Not that I know of. I don't know. Not by me.

20 Q. And then you say plastic bottle. What was the
21 plastic bottle?

22 A. I believe that's actually like a Gatorade-style
23 plastic bottle.

24 Q. How about the plastic bottle? Any testing on
25 the bottle for DNA, fingerprints, blood, anything

1 that would have been sent on to be tested?

2 A. Not by me.

3 Q. And a bottle would be potentially relevant
4 because somebody probably put their mouth on it?

5 A. It could be, yes.

6 Q. And as far as going for DNA, the best place
7 you're collecting raw DNA comes from where?

8 A. It could be on the bottle itself, it could be
9 on the rim.

10 Q. But if you were going to collect a standard,
11 you'd do it by getting it from the inside of your
12 mouth, correct?

13 A. Like a buccal swab, yeah, we do swabs inside
14 the mouth.

15 Q. And that's because we shed a lot of skin out of
16 the inside of our mouth?

17 A. I don't know why we collect it. That's out of
18 my scope. Sorry.

19 Q. No problem. I hate to do that to you if you
20 don't know.

21 A. I guess that's the easiest way. I don't know.

22 Q. And I guess the last question, and I kind of
23 hit it earlier, the keys that we talked about that
24 was in that pile of stuff, you described it as it
25 might have been on the table, got knocked over,

1 fallen off. Was that manipulated in any way, shape,
2 or form by a sheriff's deputy employee to your
3 knowledge?

4 A. Not that I know of. I was just giving an
5 example of that table because the table was on the
6 ground and that stuff kind of, like, was off the
7 side, so it looked like it could have possibly been
8 on that table at one point in time. But I don't
9 know how it ended up on the ground; it could have
10 been dogs or whoever.

11 Q. So the items, as far as you recall, would have
12 been sitting exactly how you photographed them when
13 you got to the scene?

14 A. Yes, they were. They were sitting exactly how
15 they were when I photographed them. Yes.

16 Q. And this is number 8, once again. You said
17 this is the back door, but the entryway into the
18 home?

19 A. Yes. That's the hood of the truck, that's the
20 back porch area, and the back door that we entered.

21 Q. And this might have been before they kicked --
22 pushed --

23 A. Yes.

24 Q. You described it as pushing it open?

25 A. Yes. This is before.

1 Q. Did y'all do any testing to look for any kind
2 of latent prints, footprints, blood trails or
3 anything leaving the home?

4 A. Just visual other than photographs, no. I
5 mean, that's what we're doing when we're taking
6 photographs.

7 Q. But no further in-depth analysis was done
8 outside?

9 A. No.

10 Q. Thank you. That's all I have at the moment.

11 THE COURT: Redirect, Solicitor?

12 MR. GRAHAM: Briefly, Your Honor.

13 REDIRECT EXAMINATION

14 BY MR. GRAHAM:

15 Q. Deputy Derrick, the return that Mr. Stitely
16 talked about is everything you took from the house?

17 A. Yes.

18 Q. Could you have packed up the entire house and
19 taken it with you?

20 A. That would be ideal. But, no, we can't do
21 that.

22 Q. So why do you pick the items you pick?

23 A. Usually it's because of what we're actually
24 being told at the time of the investigation or
25 what's coming to light or based on what the actual

1 scene says to us, basically.

2 Q. So as far as things containing blood that you
3 took from the house, you picked and chose some items
4 and you left some items behind?

5 A. Yes.

6 Q. Swabs from the wall, you took swabs in the
7 bathroom, right?

8 A. Yes.

9 Q. The swabs in the bedroom and the pictures that
10 showed what looks like a swipe of the back of her
11 head would be on a wall there?

12 A. Yes.

13 Q. Did y'all collect swabs there?

14 A. No. I did not.

15 Q. Why not?

16 A. It's pretty much give and tell that that's her
17 blood.

18 Q. The gun, was there any evidence that the rifle
19 was used in this case?

20 A. No.

21 Q. Did you see any bullet holes in the house?

22 A. No. And it was stood up on its end between the
23 bed and not messed with in any way.

24 Q. Did you see any blood on the gun?

25 A. No.

1 Q. The razor blade, did you see any blood on the
2 razor blade?

3 A. I don't recall.

4 Q. The plastic bottle?

5 A. I don't recall.

6 Q. You pick and choose and do your best?

7 A. Pretty much.

8 Q. Thank you.

9 THE COURT: Recross?

10 MR. STITELY: Just very briefly on those
11 issues, Judge.

12 May I approach the witness?

13 RE CROSS-EXAMINATION

14 BY MR. STITELY:

15 Q. When you were picking and choosing, you didn't
16 think that the flip-flops were relevant and not to
17 choose to send out?

18 A. Well, there was actually two sets of
19 flip-flops --

20 MR. GRAHAM: Objection, Your Honor. She's
21 already answered it wasn't her decision.

22 THE COURT: I'll allow it. Go right ahead.

23 THE WITNESS: Well, there was actually two sets
24 of flip-flops. And, like you said, at that point,
25 it was not my decision whether or not it got sent

1 out or not.

2 BY MR. STITELY:

3 Q. But you would have collected them?

4 A. I had collected them at that point, yes. So
5 they are in our evidence.

6 Q. That's all.

7 THE COURT: All right. Thank you very much,
8 Deputy Derrick.

9 THE WITNESS: You're welcome.

10 THE COURT: All right. Solicitor, you may call
11 your next witness.

12 MR. GRAHAM: The State calls Sergeant Keith
13 Sprinkle.

14 THE COURT: All right. Yes, sir. If you'd
15 come around and join us, please.

16 KEITH SPRINKLE
17 being first duly sworn, testified as follows:

18 THE WITNESS: I do.

19 THE CLERK: Have a seat, sir. Once you're
20 seated, state your name, spelling your last, please.

21 THE WITNESS: Keith Allen Sprinkle,
22 S-P-R-I-N-K-L-E.

23

24

25

DIRECT EXAMINATION

1 BY MR. GRAHAM:

2 Q. Sergeant Sprinkle, currently, what do you do
3 for the Lexington County Sheriff's Department?

4 A. I'm employed with the Lexington County
5 Sheriff's Department. I am currently a road patrol
6 sergeant in the west region of the county.

7 Q. Just for general information, what does the
8 west area of the county cover?

9 A. It covers the Lexington, the west Lexington
10 side of the county down into Batesburg-Leesville,
11 Gilbert, and pretty much everything north of I-20,
12 and also down into Red Bank.

13 Q. And prior to becoming a road supervisor
14 sergeant for the west region, what did you do?

15 A. Prior to being a road patrol, I was a crime
16 scene investigator for the sheriff's department for
17 three years prior to that.

18 Q. Back in August of 2015, what were you doing?

19 A. Back in August of 2015, I was a crime scene
20 investigator for the sheriff's department.

21 Q. On the -- did you have an occasion to respond
22 to a request for crime scene investigator at [REDACTED]

23 [REDACTED] in Gaston, South Carolina?

24 A. Yes.

25 Q. When did you respond out there?

1 A. I received a phone call on August 10th, 2015,
2 at approximately 2:50 in the morning. I was
3 actually clearing from another scene that I was
4 already out for a CSI call-out and I received the
5 phone call at approximately 2:50 in the morning on
6 the 10th to respond out to [REDACTED] for
7 this case.

8 Q. Did you, in fact, respond out there?

9 A. I did.

10 Q. And pursuant to a search warrant, did you
11 conduct a search of that residence?

12 A. I did.

13 Q. Who did you determine lived at that residence?

14 A. Initially, whenever I got on scene and spoke to
15 the detectives on the scene, I was, one, advised
16 that it the residence of Caroline Coffey, Jonathan
17 Coffey and, also, Peter Coffey.

18 Q. And you say Peter Coffey. Do you see him in
19 the courtroom?

20 A. Yes.

21 Q. Where is he at?

22 A. Over there sitting at the table.

23 Q. Next to Mr. Williams? The defendant?

24 A. Yes, sir.

25 Q. So you had a search warrant to go in the

1 residence. Tell the jury about what you did.

2 A. Okay. So like I said, responding out to [REDACTED]
3 [REDACTED], I was advised that a search warrant
4 was being obtained and then was obtained for that
5 residence, that it was a point of interest in the
6 investigation of that case.

7 Me, being a crime scene investigator at that
8 time, was called to go to that location to process
9 for evidence of that scene. Whenever I got to that
10 scene and the search warrant was in hand, meaning
11 that it's been signed by a judge, typed up and
12 signed by a judge and is sent over to that scene,
13 has to be physically in hand. I spoke to the
14 investigators. They advised me some key facts of
15 this case so that I know what to look for to
16 determine as evidence whenever I go into that crime
17 scene or in that residence or that scene.

18 Starting off, once I -- once the search warrant
19 is in hand, then I can continue -- start with my
20 processing, initially taking photographs of the
21 outside, 360 around the residence, and then starting
22 inside the residence prior to any kind of
23 identification or collection of evidence.

24 Q. Specifically, what kind of things are you
25 looking for?

1 A. Well, that all determines on every case. For
2 this case, I was advised that this was a -- a
3 homicide involving a blunt force, that blood was
4 involved. And that's pretty much the basis of what
5 I'm looking for. So whenever I go into this house,
6 I'm looking for any kind of bloody clothing,
7 anything that might have blood on it, whether it
8 might be items or clothing, shoes, boots, anything
9 like that.

10 And also, it's very typical in any kind of
11 search warrant, especially in a case like a
12 homicide, we look for electronics, cell phones,
13 iPads, computers, because that stores information
14 that can be vital to a case.

15 Q. So as you're looking through there, do you
16 photograph what you're seeing?

17 A. I do.

18 Q. And also items you collect?

19 A. Yes.

20 Q. Let me show you a stack of photographs and ask
21 if you recognize those.

22 A. I do. I recognize all these photographs.

23 Q. Those are photographs you took?

24 A. Those are photographs I took at that scene,
25 yes.

1 Q. Do they fairly and accurately reflect what you
2 saw that night?

3 A. They do.

4 MR. GRAHAM: Your Honor, the State would offer
5 these into evidence. And I have not had these
6 premarked or numbered yet. Defense counsel has
7 looked at them. I believe they're okay with them.

8 MR. STITELY: No objection, Your Honor.

9 THE COURT: And what numbers will those be,
10 Madam Court Reporter?

11 THE COURT REPORTER: I need a few minutes to
12 count them, Judge.

13 (Brief pause in the proceedings.)

14 THE COURT REPORTER: Judge, it will be 85
15 through 116.

16 THE COURT: State's 85 through 116 is in
17 evidence without objection.

18 Is that correct, Mr. Stitely or Mr. Williams?

19 MR. WILLIAMS: That's correct, Your Honor.

20 (State's Exhibit Nos. 85 through 116 admitted
21 in evidence.)

22 BY MR. GRAHAM:

23 Q. Sergeant Sprinkle, as you looked through the
24 house, you took photographs of things you found of
25 interest?

1 A. I did.

2 Q. State's No. 85. What is that?

3 A. That is a photograph of the washing machine in
4 the laundry room.

5 Q. State's 86?

6 A. That is a photograph prior to any kind of
7 manipulation or movement of any kind of evidence or
8 of anything on scene. So this is as I found it and
9 this is a photograph photographing from above down
10 into the washing machine.

11 Q. State's No. 87?

12 A. That is after I start manipulating or moving
13 items inside that washing machine. I identified or
14 pulled out a pair of -- those khaki shorts that you
15 see in the photograph, pulled them out. I did
16 observe some reddish-brown stains I believed
17 consistent with blood, so I singled that out and I
18 photographed that as I was pulling it out of the
19 washing machine.

20 Q. Is there a laser pointer up there?

21 A. Yes.

22 Q. On State's 87 that's on the overhead, can you
23 point out to the jury where you saw what you
-24 believed to blood?

25 A. Specifically what caught my eye right away is

1 that area right there.

2 Q. State's No. 88, what is that?

3 A. That is a photograph of the field presumptive
4 test, phenolphthalein test that was actually
5 conducted on the scene to test for blood on those
6 pants.

7 Q. So the spot that we see right here where my
8 finger is on 88, is that the spot you were referring
9 to when you were talking about this spot on 87 you
10 thought was blood?

11 A. Yes, sir. That spot right there is the area of
12 the pants, the stain that was field tested for blood
13 on scene.

14 Q. So you -- a couple of words: Presumptive and
15 phenolphthalein. Can you tell the jury what that
16 means?

17 A. Yes. So on a scene we have very limited
18 options of what we can do to do any kind of
19 processing, especially whenever it comes to blood.
20 The one thing that we can do is a field test and --
21 for blood. In this case, a phenolphthalein. And
22 what it is, is we swab the area of stain that we
23 believe is blood through a process using a couple
24 chemicals. And it tests for hemoglobin showing
25 positive -- if it is blood or not on scene. And

1 that right there is the results of that test.

2 Q. So the results on this test were positive or
3 negative?

4 A. Positive.

5 Q. State's No. 89 -- we'll go through these
6 quickly. What is that showing?

7 A. That is the same pair of shorts, just in a
8 different position.

9 Q. 90?

10 A. Again, same pair of shorts, just in a different
11 position showing different kind of stains on the
12 shorts. There were multiple areas of the shorts
13 that I observed reddish-brown stains consistent with
14 blood.

15 Q. 92?

16 A. Same thing. Same pair of shorts, just a
17 different positioning of the shorts and
18 photographing the stains.

19 Q. So if I understood you correctly, you found
20 what you believed were several reddish-brown stains
21 that you thought were blood, but you only did
22 presumptive test on one?

23 A. Correct.

24 Q. But you did take those into custody; is that
25 correct?

1 A. Yes.

2 Q. When we're looking at State's 91, there's a 1
3 marker. What does that say?

4 A. That identification marker is what I identified
5 that piece of evidence as number 1, the first piece
6 of evidence in a series for that scene as I collect
7 them. So if I place that number 1 for that pair of
8 shorts, number 1 will not be used again. And for
9 that scene, that is referenced as evidence ID number
10 1, which is the pants, the shorts.

11 Q. Let me show you an item and ask if you
12 recognize that.

13 A. My apologies. Yes. This is the evidence ID
14 number 1, the tan pair of shorts from the scene.

15 Q. And the handwriting that's on the outside with
16 the case number and 1 and description, is that you?

17 A. Yes, sir. My handwriting has the case number,
18 evidence ID number 1, and the description of the tan
19 shorts, bloody. And that's my handwriting, case
20 number, signature -- or initials and date.

21 Q. On the bag there's evidence tape. Do you
22 recognize any of that? When you had it, you would
23 have sealed it shut?

24 A. Yes.

25 Q. At this point do you know whether those were

1 sent somewhere to be analyzed?

2 A. It was to my understanding that it was and that
3 seal right there is not mine. That's not the
4 original seal.

5 MR. GRAHAM: The State would offer those into
6 evidence, Your Honor.

7 MR. WILLIAMS: Without objection, Your Honor.

8 THE COURT: 117 in evidence without objection.

9 (State's Exhibit No. 117 admitted in evidence.)

10 BY MR. GRAHAM:

11 Q. In addition to the tan shorts, were there other
12 items that you saw in the washer that piqued your
13 interest?

14 A. There were.

15 Q. Let's me show you State's 93. What is that?

16 A. It's a pair of boxer shorts, Hanes boxer
17 underwear that I observed inside the washing machine
18 with reddish-brown stains, again, consistent with
19 blood and that caught my attention. I identified
20 that piece of evidence as evidence number 2 and I
21 collected that as well from the scene.

22 Q. Did you do a phenolphthalein presumptive test
23 on this item number 2 in the picture?

24 A. I did not.

25 Q. You just visually observed reddish-brown stains

1 that you thought was blood and so you collected
2 them?

3 A. I did.

4 Q. Let me show you an item and ask if you
5 recognize this as being item number 2, the Hanes
6 boxers?

7 A. Yes. It has my handwriting, the case number,
8 evidence ID number 2, Hanes boxers, my initials, my
9 handwriting. And, again, this is not the original
10 seal. It's not my signature on that seal, but that
11 is my packaging for this item.

12 MR. GRAHAM: The State would offer this into
13 evidence, Your Honor.

14 MR. WILLIAMS: Without objection, Your Honor.

15 THE COURT: All right. That's 118 in evidence
16 without objection.

17 (State's Exhibit No. 118 admitted in evidence.)

18 BY MR. GRAHAM:

19 Q. Were there any other items in the washer that
20 you thought were of evidentiary value that you
21 collected?

22 A. I looked through the rest of the items in the
23 washer, but nothing else stood out or appeared to
24 have any kind of blood stains on it, so no other
25 items were collected.

1 Q. State's No. 94, what do we see there?

2 A. Those are a pair of tan-colored Timberland
3 boots that as soon as you walk into the residence
4 from the kitchen side door, directly to the floor
5 are those boots located on top of some newspapers or
6 ads or whatnot. That's where I located these boots.
7 And I identified those as evidence ID number 3 from
8 that scene because I observed what to be some
9 reddish-brown stains on the outside of those boots.

10 Q. And did you do a presumptive phenolphthalein
11 test on the boots?

12 A. I did.

13 Q. What were the results of those?

14 A. The results were negative on the boots.

15 Q. But you went ahead and took them anyway?

16 A. Correct. There were multiple reddish-brown
17 stains on the boots, and I only swabbed one stain.
18 They all were pretty consistent with each other. I
19 attempted to test one -- I field-tested one of the
20 stains and it came back negative for blood.

21 Q. Let me show you an item and ask if you
22 recognize this.

23 A. Yes. That is -- this is the packaging for
24 those boots right there, the evidence ID number 3.
25 Again, case number evidence ID number 3, pair of

1 brown Timberland boots, and it's my handwriting.

2 MR. GRAHAM: Your Honor, the State would offer
3 these into evidence.

4 MR. WILLIAMS: Without objection, Your Honor.

5 THE COURT: State's 119 is in evidence without
6 objection.

7 (State's Exhibit No. 119 admitted in evidence.)

8 BY MR. GRAHAM:

9 Q. You also collected item 4, which is shown on
10 95. What is that?

11 A. A pair of white tube socks that were located in
12 the kitchen as well on top of a chair. That stood
13 out that people don't normally have clothing just
14 out in the open. There were no other clothes out in
15 the kitchen except the pair of socks on the surfaces
16 of the chair. So I also did visually observe some
17 brownish stains on those, potentially could be
18 blood. I identified those as item number 4 and
19 collected those as well.

20 Q. Did you do a presumptive test on them?

21 A. I did.

22 Q. The results?

23 A. Negative for blood on those socks.

24 Q. But you took them because why?

25 A. Because, one, it stood out that there were no

1 other clothes, had boots, socks, and then clothing
2 in the laundry room. And they did have some other
3 brownish stains, so I went ahead and collected it.

4 Q. Let me show you an item and ask if you
5 recognize that.

6 A. Yes. This is my handwriting, case number,
7 evidence ID number 4, pair of white socks with brown
8 stains.

9 MR. GRAHAM: Your Honor, the State would offer
10 the socks into evidence.

11 MR. WILLIAMS: Without objection, Your Honor.

12 THE COURT: State's 120 is in evidence without
13 objection.

14 (State's Exhibit No. 120 admitted in evidence.)

15 BY MR. GRAHAM:

16 Q. State's No. 96, what is that?

17 A. That is a South Carolina identification card
18 belonging to a Peter Lynn Coffey at [REDACTED]

19 [REDACTED]. It says ID that was located in a bedroom
20 believed to be his bedroom.

21 Q. How many bedrooms were in the house?

22 A. There were three bedrooms.

23 Q. And this was found in a bedroom that you
24 believed to be Mr. Coffey's?

25 A. Correct.

1 Q. Is it a driver's license or identification
2 card?

3 A. It says South Carolina identification card, not
4 a driver's license.

5 Q. What is Mr. Coffey's height and weight?

6 A. It says height is approximately -- I believe
7 that says 5'6" and 170 pounds.

8 Q. One more thing. How old -- what's his date of
9 birth?

10 A. His date of birth is [REDACTED], 1974.

11 Q. So how old would Mr. Coffey have been at the
12 time you executed the search warrant on August 10th
13 of 2015?

14 A. Should have been 40 -- 41.

15 Q. Now, earlier when we were talking about the
16 general things that you located, you talked about
17 electronics; is that correct?

18 A. Yes.

19 Q. Look at State's 97. There's markers 5, 6, 7,
20 and 8.

21 A. Correct.

22 Q. What are those?

23 A. These items were located in that same bedroom
24 that the South Carolina ID belonging to Peter Coffey
25 was located. And this was a small table with

1 multiple cell phones located on top. That's the
2 South Carolina identification card I was
3 referencing. And all these 5, 6, 7, 8
4 identification placards are referencing four
5 different cell phones that I observed.

6 Q. Let's go through those quickly. State's 98,
7 your marker 5, what are we seeing?

8 A. Evidence ID number 5 is referencing a
9 black-and-silver-in-color LG cell phone. I got the
10 serial number as well from that. But I'd say cell
11 phone collected from that table.

12 Q. All right. Is that how you found the phone,
13 the way it is in this picture?

14 A. Yes. That was prior to any kind of
15 manipulation movement. I photographed that before I
16 collected the items, so it was facedown without a
17 battery or a backing. There are batteries and
18 pieces of cell phones about that table, but I can't
19 say if that battery belonged to that phone
20 specifically or not. But that's how I found it, was
21 just like that.

22 Q. The next picture, State's 99, still is your
23 marker 5. What are we looking at now?

24 A. After I take that initial photograph as I found
25 it, then I manipulated it by turning it over so I

1 can see the front of the cell phone. Again, that is
2 still the same item number 5, and I photographed it
3 on the other side as well.

4 Q. Photograph 100, your item number 6?

5 A. Item number 6 is referencing a black-in-color
6 Samsung cell phone. I got the serial number for
7 that one as well. I collected it on that table --
8 tabletop just like that before I -- before any kind
9 of movement, found it facedown with no battery
10 inside.

11 Q. Picture 101?

12 A. That is that same Samsung cell phone. After I
13 took the initial photograph, I flipped it over and
14 took a photograph of the front of it.

15 Q. 102 --

16 A. 102 --

17 Q. -- your item 7?

18 A. Evidence ID number 7 is referencing a
19 black-and-silver-in-color Samsung cell phone with a
20 different serial number, the same location on that
21 table. And, again, that's how I initially found it,
22 facedown without any kind of a battery installed.

23 Q. 103?

24 A. And same cell phone. Just after I take that
25 initial photograph, flipped it back over and took a

1 photograph of it.

2 Q. 105, number 8 in the drawer?

3 A. Number 8 is referencing a black-in-color

4 Samsung cell phone with a separate serial number.

5 That one was actually located inside the drawer of

6 that same table, and that one was actually located

7 face-up. And that's photographed prior to any kind

8 of manipulation.

9 Q. Photograph 104?

10 A. And that is the same cell phone with -- after I

11 took the initial photograph, flipped over on the

12 back this time and photographed showing that there's

13 no battery and getting the identification with a

14 serial number.

15 Q. Were there any other cell phones in the house?

16 A. Not to my knowledge. Those were the only cell

17 phones that I observed.

18 Q. And these four that we just looked at were

19 found in the room where you found Peter Coffey's ID?

20 A. It was.

21 Q. You took those into evidence?

22 A. I did. I collected them on scene.

23 Q. None of them have batteries?

24 A. None of them had batteries.

25 Q. Now, did you do any testing or checking to see

1 if they worked or whether they were active?

2 A. No. That's not something that we -- that's not
3 standard. We do not turn on any kind of electronics
4 that are turned off. They were found powered off,
5 no battery, collected them as-is. And if we needed
6 to do any kind of testing down the road, then we
7 could have done it properly at that time.

8 Q. In preparing for this trial, did you go through
9 your evidence?

10 A. Yes, I did. I requested --

11 Q. Go ahead.

12 A. I requested from the Lexington County evidence
13 custodians the evidence for this case to be
14 pulled -- my evidence from this case to be pulled so
15 I could review.

16 Q. The phones, the four phones we just talked
17 about, your 5, 6, 7, and 8, when you went back to
18 review these, was the Sheriff's Department able to
19 produce those phones for you?

20 A. They produced every -- all the other evidence I
21 collected minus these four cell phones.

22 Q. Do you have any idea where these cell phones
23 are?

24 A. I have no clue.

25 Q. Last time you saw them, what did you do with

1 them?

2 A. Excuse me?

3 Q. The last time you saw them, what did you do
4 with them?

5 A. The last time I saw them, which was August
6 20th, 2015, at approximately 3:12 in the afternoon
7 whenever I submitted those cell phones into
8 Lexington County Sheriff's Department evidence, and
9 I turned it over to an evidence custodian at that
10 time. Since then, I have not handled, viewed those
11 cell phones. I didn't have any reason to as a crime
12 scene investigator after I collected them and turned
13 it into evidence. And that's -- that was the last
14 time I had any dealings with those items of
15 evidence.

16 Q. In addition to the items you took from the
17 house and photographs we just looked at, did you
18 also take photographs of Mr. Coffey at the time of
19 the search warrant as well?

20 A. Yes. Upon arrival on that scene, the residents
21 of that house was standing outside. Mr. Peter
22 Coffey was one of them, and I did take photographs
23 of Peter Coffey on scene.

24 Q. State's 106, what is that?

25 A. That is a photograph I took of Peter Coffey.

1 MR. GRAHAM: Your Honor, if I could have
2 Sergeant Sprinkle step down from the stand.

3 THE COURT: Yes, sir. You may step down, just
4 keep your voice up.

5 THE WITNESS: Yes, sir.

6 BY MR. GRAHAM:

7 Q. State's No. 6, can you tell the jury what this
8 is a picture of?

9 A. This is a photograph of Mr. Peter Coffey
10 standing outside of the residence at that location,
11 [REDACTED]. I observed some injuries to
12 him, visible injuries to him, and we document that.
13 That's something that we typically do on any kind of
14 a -- any kind of an assault. Whether it's as
15 violent as this as a homicide or as simple as a
16 minor assault, a simple assault, we take photographs
17 of both parties, victim and offender. And this is
18 something that -- this individual is a person of
19 interest of this case. I did observe injuries to
20 him on the scene, so I photographed.

21 Q. What, if any, injuries are visible on State's
22 106?

23 A. It is apparent right here on his right hand
24 that there is a laceration right above his -- I
25 believe that's his ring knuckle. And, in addition,

1 if you look at the two hands and compare them, you
2 can tell that the right hand does appear to be a
3 little bit more swollen, as it's more rounded. You
4 do not have the linear veins and all the structure
5 that you have on this hand, it's more rounded. It's
6 a little bit puffier as well.

7 Q. Step down here and re-say that.

8 A. Okay. Again, this hand, you notice right here,
9 the top part of the hand is rounder, it's a little
10 bit puffier than this hand. In addition, you have
11 the laceration that's right above the ring knuckle.

12 Q. You're not able to say when the laceration
13 occurred, are you?

14 A. No, I am not.

15 Q. State's 107, what is that?

16 A. These are close-ups of the outside of
17 Mr. Coffey's hands, right hand and left hand, again,
18 showing that swelling -- that swelling of his right
19 hand, the laceration to his right hand as well.

20 Q. Down here, repeat it again.

21 A. Again, close-up of his hands, his right hand,
22 swelling, puffy. You have the laceration to the
23 hands right above the right knuckle.

24 Q. State's No. 108, what is that?

25 A. This is a photograph of his left hand. And --

1 Q. Do you need your report?

2 A. Yes, sir, if you don't mind.

3 Q. On the top of the left hand in State's 108, did
4 you observe what you believed to be any physical
5 injuries that you documented?

6 A. Yes. The photographs that are presented on
7 here is you have -- on one, he has a laceration to
8 his left middle finger, which is right there. And
9 there's also a piece of skin missing from his left
10 thumb, can't quite tell in that photograph. But
11 that's something we do as we're photographing hands,
12 person has both hands far and a close-up on each
13 hand. That's typical.

14 Q. State's 109, does that document something you
15 just discussed?

16 A. Yes. Like I said, on the left hand you have
17 the laceration right there on the outer side of his
18 middle finger. And that did appear to be fresh as
19 the flesh underneath was still pink, appeared to be
20 fresh, consistent with being fresh. And, also, that
21 piece of skin missing on his inner left thumb.

22 Q. Step down here and repeat that for the jury.

23 A. Again, the laceration right there on the inner
24 side of his middle finger. And that did appear to
25 be fresh as the inside of that was light pink, was

1 consistent with being fresh. And, also, a missing
2 chunk of skin on the inner side.

3 Q. 110, is this going to be a repeat of the hand?

4 A. Yes, that's correct.

5 Q. 111, what are we looking at there?

6 A. This is a photograph of his -- that's going to
7 be his left hand, that laceration, just with a scale
8 photograph. After I take that initial photograph, I
9 identify any kind of an injury. In this case, a
10 laceration, placed the scale like it is in the
11 photograph.

12 Q. And this is the incision that you've already
13 described; is that correct?

14 A. Yes. That's not a new injury, that's the same,
15 just with the scale.

16 Q. 112?

17 A. That is on his right hand. Like I said, the
18 swelling, and then that laceration right above the
19 ring knuckle.

20 Q. 113?

21 A. Same injury with the laceration, in addition to
22 the redness to his hand as well on those two
23 photographs that -- these two.

24 Q. This one has a scale on it as well?

25 A. Yes, same injuries, just with the scale.

1 Q. In addition to what you saw on his hands, did
2 you see some other injuries that you documented as
3 well?

4 A. Yes, I did, on his back.

5 Q. What did you see on his back?

6 A. As I had him turn around, I observed some
7 abrasions. Specifically, at that time, could make
8 out three different linear abrasions going across
9 the mid-top left area of the back. And then three
10 linear abrasions going down, almost at an angle
11 linear, going downward on the mid-lower part of the
12 right back.

13 Q. Looking at State's No. 115, what is that?

14 A. That is -- this is going to be -- his head is
15 going to be up here, going down the arm, you have
16 the linear abrasions. And I took that as
17 consistent possibly with a --

18 MR. WILLIAMS: Objection, Your Honor;
19 speculation.

20 THE COURT: Sustained.

21 THE WITNESS: So as I observed these linear
22 abrasions going across the back, I took photographs
23 with the scale.

24

25 BY MR. GRAHAM:

1 Q. State's 116, is that a repeat?

2 A. I'll be honest, I'm not quite sure if those
3 are. I'd have to go back in my original photos and
4 see where that is placed at.

5 Q. 114, what does that show you?

6 A. This is showing the -- there is a laceration
7 and multiple linear abrasions on the upper left part
8 of the back.

9 Q. So does 114 show all of the back injuries that
10 you observed?

11 A. That does not show all of them, that shows just
12 that one area.

13 Q. So where is this in relation to the linear
14 abrasion? If you were to use me, where was this at
15 on Mr. Coffey?

16 A. This is going to be right here, at the shoulder
17 blade right there. And a linear abrasion going -- a
18 laceration, actually, going horizontal on the back.

19 Q. What's the difference between a laceration and
20 an abrasion?

21 A. An abrasion is something that is abrasive to
22 the skin. It's going to -- like a redness, like a
23 scratch. A laceration is an actual physical cut of
24 the skin.

25 Q. Come back down here and explain again to this

1 side of the jury what we're looking at in State's
2 114.

3 A. This is going to be -- I'm sorry. This is
4 going to be the left shoulder blade. You have a
5 laceration and you have linear abrasions above that.

6 Q. Using my back, if you would, demonstrate where
7 you saw that on Mr. Coffey.

8 A. Right in this area.

9 Q. You can have a seat. Thank you.

10 MR. GRAHAM: That's all the questions I have
11 for Sergeant Sprinkle.

12 Thank you.

13 THE COURT: Ladies and gentlemen, let's take
14 about a 15-minute recess. Please do not discuss
15 this case during the recess. Remember, leave your
16 notes upsidedown in your chairs. Thank you very
17 much. You may now go with the bailiff.

18 (The jury exits the courtroom at 4:11 PM.)

19 THE COURT: All right. Court will be in recess
20 15 minutes.

21 MR. GRAHAM: Judge, if we can approach just a
22 second about scheduling?

23 THE COURT: Yes, sir.

24 (Short break.)

25 THE COURT: You know, I might be able to

1 address this DNA without the testimony. Perhaps we
2 can visit it at the end of the day today.

3 Anything before we bring in the jury?

4 MR. GRAHAM: No, Your Honor. State's ready.

5 THE COURT: Mr. Stitely?

6 MR. WILLIAMS: Nothing from the Defense, Your
7 Honor.

8 THE COURT: Excuse me, Mr. Williams.

9 (The jury enters the courtroom at 4:28 PM.)

10 THE COURT: All right. Welcome back, ladies
11 and gentlemen. As you recall, cross-examination of
12 the officer by Mr. Williams. If you'll please
13 continue to give the parties your complete and
14 undivided attention.

15 Mr. Williams.

16 MR. WILLIAMS: May it please the Court.

17 CROSS-EXAMINATION

18 BY MR. WILLIAMS:

19 Q. Officer Sprinkle, your rank now is sergeant
20 now?

21 A. Yes, sir.

22 Q. How long have you been with the sheriff's
23 department?

24 A. Almost seven and a half years.

25 Q. And how long have you been with CSI?

1 A. Three of those years.

2 Q. And in 2015, how long had you been with CSI?

3 A. 2015? Approximately, a year, give or take.

4 Q. All right. And did you have to go to any
5 particular school to do this?

6 A. Yes.

7 Q. Which school did you go to?

8 A. Well, through my time in CSI, I took -- we have
9 an inhouse training where we are FTO'd, field
10 training by a senior CSI. In addition, we take
11 several other forensic-related classes. And that
12 can be anywhere from the Criminal Justice Academy
13 here in South Carolina or, say Sirchie, that is a
14 huge forensic-based school up in North Carolina,
15 took several classes there, kind of all over.

16 I mean, other federal agencies will host
17 classes and whatnot, but during my time at CSI, I
18 took 11 different forensic-related classes, totaling
19 right at 369 hours of training and went to 165 crime
20 scenes.

21 Q. So essentially you got a bunch of information
22 about how to secure evidence that may be helpful in
23 terms of use for trial and for analysis of crimes,
24 correct?

25 A. Correct.

1 Q. Now, those included photography, blood
2 sampling?

3 A. Blood stain analysis, yes.

4 Q. Footprints?

5 A. Yes.

6 Q. Cell phones?

7 A. Cell phone extraction?

8 Q. Yes.

9 A. Yes, sir.

10 Q. Just about everything you could possibly name,
11 don't they?

12 A. There's a lot involved, yes, sir.

13 Q. Because your sole purpose is to gather evidence
14 for usage in solving questions in regards to crimes,
15 correct?

16 A. Correct.

17 Q. So let me take you back to those cell phones
18 that we talked about. You said that there were four
19 cell phones that were seized as a result of the
20 search warrant that were found in a room that
21 Mr. Coffey -- you assumed Mr. Coffey was staying; is
22 that correct?

23 A. Correct, I did.

24 Q. And those pictures that we've looked at
25 included those four phones that we referenced,

1 right?

2 A. They did.

3 Q. And is it your testimony that there were no
4 other cell phones in that residence except those
5 four phones?

6 A. I did not note or locate any other cell phones
7 in that residence. And I certainly didn't collect
8 any other cell phones in that residence, no.

9 Q. So what type of information were you seizing
10 those cell phones for? Why was it important that
11 you seize those cell phones?

12 A. That's very standard what we do. Like I said,
13 especially any kind of homicide-type case,
14 electronics, like I said, cell phones, tablets,
15 computers are something that is, one, covered under
16 the search warrant itself, and if we have the
17 ability to -- and if we have the lawful right to
18 take that, seize it as evidence, we're certainly
19 going to do that because every time -- because cell
20 phones is a means of communication, and if we have a
21 potential suspect, homicide, murder (suspect, we're
22 definitely going to take their cell phone. There's
23 an unknown type of evidence potentially in the cell
24 phones, and we'd rather seize it than it be
25 destroyed or not collected.

1 Q. So you could get information such as texting?

2 A. Yes.

3 Q. Pictures?

4 A. Correct.

5 Q. Perhaps phone numbers of persons who would call
6 the cell phone and numbers that the cell phone had
7 called?

8 A. Hopefully. That's what -- that's why we
9 collect it, in hopes that we get some sort of
10 information off of the cell phone.

11 Q. And would that information on the cell phones
12 indicate where a person was at particular times
13 during the day?

14 A. It very well could.

15 Q. So those cell phones could indicate if -- if
16 they were my client's, they could indicate where my
17 client was at a particular time or something like
18 that?

19 A. If they were your client's and if he had that
20 cell phone on him at the time and it was activated
21 and -- yes. If all those were in play, potentially
22 that could be collected, yes.

23 Q. So when you seized those cell phones, you
24 secured the serial numbers of those cell phones; is
25 that correct?

1 A. Yes, I do.

2 Q. And in seizing those serial numbers for those
3 cell phones, did you use that to determine maybe
4 what type of service he had, whether it's Sprint or,
5 I don't know what other types of services there
6 might be, iPhone or AT&T or any of those things?

7 A. I gotcha. I document what's on scene and I
8 collect it from there. Collection, again, as you
9 stated, that I'm there to properly collect and
10 preserve that evidence. From there, that's going to
11 be either sent off or -- that information, as far as
12 a serial number, would be sent off by the
13 investigating officer; not CSI, but the
14 investigating officer, potentially on a case like
15 this.

16 Q. So the investigating officer could use that
17 serial number and could send it off and find out
18 which numbers that, perhaps, those cell phones had
19 called, the location where the person was when the
20 cell phone was in operation? Because he could get
21 records from the company too, couldn't he?

22 A. Yes. And again, I'm not 100 percent sure
23 because that's not -- that's actually not my scope
24 of knowledge as far as what information you can get
25 off simply a serial number. I don't know if you

1 need, say, other -- if you need the phone number or
2 IMEI number or any other kind of information from
3 that cell phone. I'm not exactly sure what you can
4 get from just that serial number, but there's
5 potential you can locate possibly.

6 Q. Might be something in that cloud that we hear
7 about all the time, right?

8 A. I'm not sure. That's something that would
9 be -- if that cell phone has the potential to have
10 that capability and if it's even there.

11 Q. Do you have a cell phone?

12 A. I do; not on me..

13 Q. But you possess one? You own one?

14 A. I do.

15 Q. Do you back up your cell phone to iTunes or
16 something like that or do you back it up to the
17 Cloud or something like that?

18 A. I do.

19 Q. And the reason you do that is why?

20 A. So you don't lose your information.

21 Q. So that information might be somewhere, right?

22 A. Correct. And, like I said, on a scene we look
23 for not just cell phones, we look for computers,
24 tablets, things like that, because you don't know
25 where that information could possibly be.

1 Q. So you turned in on August the 10th of 2015
2 those four phones; is that right?

3 A. No, sir. I collected them on August 10th,
4 2015, at that residence, and I -- from clearing from
5 that scene, went to Lexington County Sheriff's
6 Department, as normal procedure. We have a crime
7 lab, which is a lab for the crime scene
8 investigators, and the only people that have access
9 to that lab is crime scene investigators.

10 In there, we have our private lockers. And I
11 stored these items in my locker that I had a key to
12 until I had time to package and submit those, which
13 is -- it's all documented on where these items of
14 evidence is. That's very important. And I stored
15 it in a locker, in a particular locker that I
16 documented, and I turned it in to Lexington County
17 evidence custodian on the 20th of that month. So
18 August 20th, 2015, at approximately 3:12 in the
19 afternoon.

20 Q. Who did you turn it in to?

21 A. I do not recall. It was one of the evidence
22 custodians.

23 Q. You don't document in your paperwork the person
24 that you turned those phones in to?

25 A. No. Whenever we submit evidence, in the

1 evidence module that we have on the computer the
2 options are a locker number, because at night,
3 evidence custodians aren't there, and we can
4 identify what locker that locks only on --
5 completely, that no one else can gain access until
6 the evidence custodians do, or we can turn it over
7 to -- and it just says, turn over to evidence
8 custodian.

9 I dropped down that turn over to evidence
10 custodian there on the other window, other side of
11 the window, and I turn it over to them. So I
12 physically turned them over to an evidence custodian
13 of the Lexington County Sheriff's Department. We
14 have two of them. Honestly, at that time, I don't
15 recall which one of the two ladies -- evidence
16 custodians that were there that actually physically
17 pulled it over from the other side of the window,
18 but I did turn that evidence over to an evidence
19 custodian.

20 Q. Okay. Let me ask you about your visit at
21 Carolyn Coffey's house. When you pulled up there,
22 who was with you at the time?

23 A. Whenever I arrived on scene, there was --
24 initially it was myself and, I believe, Lieutenant
25 Frier, Captain Golarian, Sergeant Novak and, shortly

1 after, Detective Booth, Detective Andaloro. CSI
2 Derrick, and CSI Phipps showed up a little bit
3 later. And also on scene were the residents of the
4 house.

5 Q. Okay. So you had a bunch of CSI people. You
6 had the watch commander and you had the
7 investigating officer. Essentially all the main
8 players in this particular case were there with you
9 when you showed up?

10 A. Not exactly when I show up. Like I said, there
11 were, I believe, three of those. None of the other
12 CSI -- primary CSI were -- of this case were there
13 at that residence at the time. Actually, those
14 two -- the other CSI, Shelby Derrick and Mike
15 Phipps, did not show up until I was halfway through
16 processing the inside of the residence. But they
17 did show up at some point while I was there.

18 Q. So your job was to process the inside of the
19 Coffey residence; is that correct?

20 A. I was there to process the scene as I -- as I
21 see fit as a crime scene investigator and identify
22 and locate evidence and collect. Yes.

23 Q. Let me just ask you how many pictures you took.
24 How many pictures did you take?

25 A. I'm not sure. I'll have to look at the photo

1 server at the sheriff's department and see how many
2 photographs I took while on scene.

3 Q. Well, you took pictures inside his bedroom,
4 didn't you?

5 A. Yes, I did.

6 Q. How many pictures do you think you took inside
7 his bedroom?

8 A. I couldn't take a guess.

9 Q. How many pairs of khaki shorts did you find on
10 his bed?

11 A. I don't recall how many.

12 MR. WILLIAMS: May I approach the witness, Your
13 Honor?

14 THE COURT: Yes, sir.

15 Q. So would it be safe to say that khaki was the
16 color of the day with Peter Coffey? He had a bunch
17 of khaki shorts, didn't he?

18 A. There are -- he has a couple of pair of khaki
19 shorts, but of that day, he wasn't wearing. These
20 did not stand out to me. They did not have any kind
21 of blood stains or anything, like I said from the
22 very beginning. What I'm looking for is -- I was
23 told there was a violent crime, homicide with lots
24 of blood. I'm looking for clothing with blood
25 stains or what are consistent with blood stains.

1 And, yes, there are a couple of pairs of khakis
2 at the foot of the bed there. And I did take
3 photographs of those, did not observe any kind of
4 reddish-brown stains consistent with blood on those
5 clothing.

6 MR. WILLIAMS: May I approach, Your Honor?

7 THE COURT: Yes, sir.

8 Q. So of the items that you actually seized would
9 be the khaki shorts that were located inside the
10 washing machine; is that correct?

11 A. Yes. The pair that I collected from the scene
12 were found inside the washing machine.

13 Q. But they weren't washed?

14 A. No. Actually, there was no water inside the
15 washing machine. And, again, this is something I
16 noted, was the washing machine door was open. You
17 had clothes inside the washing machine and there was
18 actually dried -- again, I didn't test this, but
19 what appeared to be chemical powder for detergent on
20 top of some of the clothing. And, actually, in one
21 of the photographs presented, you can actually see
22 that detergent on -- I believed to be detergent, on,
23 actually, those boxers.

24 Q. Now, what day of the week did you come out
25 there with the search warrant?

1 A. I was on scene on the 10th.

2 Q. Do you know what day of the week that was?

3 A. I don't recall off the top of my head.

4 Q. Well, if the 8th would have been a Saturday,
5 then the 10th would have been maybe a Monday?

6 A. If you're saying that the 8th was a Saturday,
7 then the 10th would be a Monday, if that's the case.

8 Q. All right. You clearly went out there at least
9 two days to three days after the last time which you
10 had a report that anyone had seen the deceased,
11 correct? At some point in time, you were out there
12 at least one to two days after the body had been
13 found, correct?

14 A. No, sir. The only time I was out at that
15 residence at [REDACTED] was on August 10th.

16 Q. All right. When you have a search warrant, you
17 normally have probable cause issuance before you
18 have a search warrant, right?

19 A. Correct.

20 Q. So you were not out there to execute a search
21 warrant on the same day in which the body was found,
22 were you?

23 A. I was notified by major crimes that a homicide
24 had just occurred and that a lawful search warrant
25 for this residence was obtained lawfully by a judge

1 and for me to go process that scene for evidence, in
2 which I did that.

3 Q. So you didn't know when the body had been
4 found?

5 A. I was told it just occurred, that we just found
6 the body. I don't know if it was the 10th, because
7 at the time I was notified, it was 3:04 in the
8 morning, late hours of the morning. I don't know if
9 it was on the 10th or the 9th at that time for me.
10 I wasn't --

11 Q. All right. But in any event, no one was
12 washing any clothes with the clothes that were in
13 the washing machine?

14 A. They were not being washed. They weren't wet.

15 Q. They weren't even wet?

16 A. Correct.

17 Q. So on those khaki shorts, there appeared to be
18 some sort of blue on the shorts as well as other
19 colors on the shorts. Did you -- you indicate you
20 thought the red was the blood. What did you think
21 the blue and the other colors on the shorts were?

22 A. I didn't test what the blue -- and there was a
23 very bright red. I believed it was -- it was
24 consistent with paint, but I didn't test that for
25 paint. I know what -- through my experience and

1 training, I know what blood looks like on clothing
2 and carpet and items. That was consistent with what
3 I actually tested for.

4 Q. You knew what paint looked like, right?

5 A. Yes.

6 Q. So having determined that there was, at least,
7 a bunch of paint on these shorts, did you have some
8 idea that these might have been work shorts or
9 something of that nature?

10 A. They could be whatever kind of shorts. Yes.

11 Q. I gotcha. So when you seized the shorts, did
12 you send any notes to anybody in regards to what to
13 check about the shorts?

14 A. I'm sorry. Can you --

15 Q. Could you tell how old the blood was on the
16 shorts?

17 A. Oh, no. Whenever you have a dried blood stain
18 and there's -- you can't -- there's no age -- you
19 can't age a stain like that, unless it's wet and
20 that gives you reason to believe it's fresh. But it
21 wasn't wet at that time. So...

22 Q. Could have been days, could have been weeks?

23 A. It's possible.

24 Q. Could have been years?

25 A. That's possible as well.

1 Q. All right, sir. Now -- so you seize the shorts
2 and you seize the boots, because on the boots you
3 thought that there was evidence of blood; is that
4 correct?

5 A. On the boots and the -- the other items of
6 clothing that I observed on that scene, I collected
7 and I field tested because I did believe that there
8 was potential blood on those items.

9 Q. So it's -- the item that you used to test for
10 the presence of blood on the boots is called what?

11 A. The phenolphthalein test?

12 Q. Yes.

13 A. Yes.

14 Q. Phenolphthalein?

15 A. Phenolphthalein.

16 Q. So if the phenolphthalein test shows that
17 it's -- turns blue -- does it turn blue or purple?
18 What does it turn?

19 A. Pink.

20 Q. Pink. If it turns pink, that's an indication
21 of blood, correct?

22 A. Yes.

23 Q. So what happens if it's sent to the lab and it
24 comes back as not being blood? What does that mean?

25 A. Well, we take a presumptive test on the field.

1 That's the only field test that we use at the
2 sheriff's department. And that's a three-step
3 process on a test for us to test on scene to see if
4 what the stain that we observed is, indeed, blood or
5 not. And that's the test that I performed at the
6 scene.

7 Q. So what does it mean if it subsequently comes
8 back as not being blood? What does this mean about
9 this stuff that you use to test for blood? Does it
10 mean that it doesn't test for blood?

11 A. I gotcha. On scene, like I said, presumptive
12 test -- to my knowledge, sending it off to a lab
13 later and if there are other tests done, they
14 have -- I don't want to say more -- more decisive
15 tests that they take -- that they can perform on
16 that, but the test that we have is pretty accurate.
17 I don't know the number of that, but it's pretty
18 accurate. And that's what we presumptive just to
19 see on a scene if it is or is not blood.

20 Q. So what about socks that you took? Did you use
21 that phenolphthalein on the socks?

22 A. I did.

23 Q. And did it test positive for blood on the
24 socks?

25 A. No. It tested negative.

1 Q. So of all the items that you tested positive,
2 what were they? Were they the shorts and one shoe?
3 Is that correct?

4 A. I tested the socks and the boots first, and
5 then I -- then we tested the -- the shorts. And I
6 didn't get to the underwear because I hit negative,
7 hit negative, and then I hit positive and I stopped
8 right there. Once I hit a positive indicator of
9 blood on the clothing that I collected, stopped
10 there.

11 Again, there's no need for me to continue
12 swabbing. I certainly don't want to exhaust all the
13 stain that's there or anything. I don't want to
14 take any chances of exhausting that. So once I hit
15 a positive, I know what I have and I collect it from
16 there.

17 Q. So what would happen if the chemist tested
18 something and it tested positive for blood but your
19 test was negative? What would that indicate?

20 A. That there would be positive for blood.

21 Q. So are you saying that your test is less
22 accurate than what the other test would be?

23 A. It's also what exact stain. You have to get a
24 certain amount. That's why we -- that's why we wet
25 the Q-tip during the test, like you observed

1 earlier, the test results on the field test with the
2 two Q-tips. One was white because it was a -- that
3 was a standard without any kind of stain. The one
4 that had the pink on it, that was with the stain
5 showing the difference that the test reaction to the
6 stain actually turned it pink.

7 That was -- you have to have a certain amount
8 of stain on that Q-tip for it to have some sort of
9 reaction. It's potential that I might have
10 collected enough or not enough sample that it may
11 have tested negative. I mean, the options and
12 possibilities go on and on. I mean, I'm just giving
13 you one potential --

14 Q. Let me get you to another line. You talked
15 about photographs that you took of my client..

16 A. Yes.

17 Q. Now, on the photographs that you took of my
18 client -- and let me see -- do you have those with
19 you? Sergeant Sprinkle --

20 MR. WILLIAMS: Can I ask Sergeant Sprinkle to
21 stand down a minute, Your Honor?

22 THE COURT: Yes, sir.

23 You may step down, Sergeant. Keep your voice
24 up, please, when you're away from the microphone.

25 THE WITNESS: Yes, sir.

1 BY MR. WILLIAMS:

2 Q. Sergeant Sprinkle, can I ask you to open your
3 hands up?

4 A. (Witness complies).

5 Q. And if you'll just kind of show the jury your
6 hands?

7 A. (Witness complies).

8 Q. Go slow now so they can see them.

9 A. Normal pair of hands.

10 Q. Normal pair of hands. Okay. Now, let me show
11 you what appears to be State's Exhibit No. 109.

12 What do you notice about -- that's a left that you
13 talked about a piece of skin that was missing?

14 A. Yes, sir.

15 Q. And you said there's a piece of skin missing.
16 So that's an injury to the hand, right?

17 A. It is.

18 Q. What else do you notice about the hands on
19 Exhibit 109?

20 A. There's a couple things that I observed on this
21 photograph of this hand, is, like I said, the piece
22 of skin that is missing from the inner part of the
23 thumb. You also have a fresh laceration to the
24 inner part of the left finger. The hand is
25 obviously dirty and has some calluses on it.

1 Q. How many calluses do you think are on that
2 hand?

3 A. Quite a few. I mean, anyone can look at a
4 callused hand and you can see that there's calluses.
5 The thing that stands out for me though and why, as
6 a crime scene investigator, that I take this
7 photograph and why I documented it the way I
8 document it is, again, what is the anomaly, what's
9 standing out, whereas you have a fresh cut that's
10 not a callus.

11 You have a piece of skin that's missing, but
12 there's nowhere else on his hand that I see any kind
13 of piece of skin missing. You have other calluses,
14 but no other calluses that have rubbed off or
15 another, you know, piece of skin missing. But you
16 do have that one, so I'm going to document it
17 because that does stand out to me.

18 Q. So this guy obviously uses his hands a good
19 little bit, doesn't he?

20 A. Yes.

21 Q. Probably not a piano player?

22 A. He could be -- that's going to be -- I have no
23 idea.

24 Q. Probably not working for CSI either, is he? So
25 you were showing and you were describing the fact

1 that -- referring to State's Exhibit No. 107, you
2 were saying that the right hand was substantially
3 swollen than the left hand?

4 A. Yes.

5 Q. Well, there's a cut right there where the
6 swelling is too, right?

7 A. Yes, sir. There's a laceration in that area.

8 Q. All right. And you have no idea how long that
9 cut's been there? You can't tell from that cut if
10 it's been there a week and gotten infected or
11 anything like that, can you?

12 A. No. I cannot tell exactly how long that cut
13 has been there. But I definitely noted that there
14 was a decent laceration to that right hand with
15 swelling and some redness.

16 Q. Well, when you take the pictures, like in
17 State's Exhibit 106, can you tell me why you have
18 the right hand going forward more than the left hand
19 when you take that picture?

20 A. That was Mr. Peter Coffey's choice of position.
21 I didn't tell him exactly -- I told him to stand
22 straight and raise his hands out so I could take
23 photographs of his hands.

24 Q. No question that his right shoulder is forward.
25 So he's actually extending that right arm further

1 than his left arm?

2 A. I see his right shoulder is up. I can't
3 exactly say -- his hands look pretty on the same
4 level, you know. But regardless, you can see what
5 is a swell -- what is a swollen hand.

6 Q. Would having that closer to your face than this
7 make my left hand look bigger than my right hand?

8 A. Yes, because that's depth perception.

9 Q. You can have your seat back, Sergeant Sprinkle.

10 A. (Witness complies).

11 Q. So you essentially go in and you take some
12 photographs outside and inside of Coffey's
13 residence, right?

14 A. Yes, I photograph outside and in.

15 Q. And you do -- you seize some things out of the
16 washing machine and you seize some socks that were
17 on the stool. They were not in Peter Coffey's room,
18 were they?

19 A. Correct.

20 Q. Did you ask his brother if they were his socks?

21 A. I did not.

22 Q. Well, wouldn't it make a difference in regards
23 to which socks you're actually seizing if they're
24 Peter Coffey's socks versus his brother's socks?

25 A. Honestly, the answer to that is no. I mean,

1 living in a house with brothers, I've swapped socks
2 with my brothers and grabbed their socks. And it's
3 all on who's wearing that pair of socks at that
4 time. You know, I'm looking for blood and whose
5 blood is on that pair of socks.

6 Q. So even shorts, maybe y'all swapped shorts too?

7 A. Yeah. I have with my brother. I mean, same
8 size, wearing each other's clothes sometimes. So,
9 again, that's irrelevant to me whose -- whose blood
10 and DNA is on whose clothing.

11 Q. Okay. So the way you determine that that was
12 Peter Coffey's bedroom was because his driver's
13 license was on the desk, is that correct, or his ID
14 or driver's license, whatever it was?

15 A. Yeah. Because of the male clothing and his ID
16 on -- in that room along -- that would lead me to a
17 good assumption that that's his bedroom, along with
18 the other two bedrooms -- the other bedroom with
19 male clothing had medication with his brother's name
20 on that medication would lead me to believe that
21 that's his brother's bedroom. And the women's
22 clothing in the other bedroom would lead me to
23 believe that's his mother's bedroom. So, yes, I --

24 Q. So did you get that pair of socks and go into
25 his brother's room to see if they looked just like

1 the socks in his brother's room or did you just say,
2 these are out here, so I'm seizing them?

3 A. I did not in his brother's room. Going through
4 his -- in what I believed Peter Coffey's bedroom and
5 in the photographs that you presented to me that you
6 can actually see white tube socks in Peter Coffey's
7 sock drawer.

8 Q. But now the shorts that you found were in the
9 laundry room, weren't they?

10 A. Yes, they were.

11 Q. So was it more than one washing machine in that
12 house?

13 A. No, sir.

14 Q. So whatever laundry that came from those three
15 individuals staying there would have been washed in
16 that same washing machine, wouldn't it?

17 MR. GRAHAM: Objection; speculation.

18 THE COURT: Sir?

19 MR. GRAHAM: I object to the speculation.

20 THE COURT: Rephrase your question.

21 BY MR. WILLIAMS:

22 Q. Was there any other location to wash for the
23 three individuals who lived there besides that one
24 washing machine?

25 A. It was one washing machine located in that

1 residence.

2 Q. Did you even check to see that the shorts that
3 you turned in were the same size as the shorts that
4 were actually found in Peter Coffey's room?

5 A. I did not.

6 MR. WILLIAMS: Just one more minute, Your
7 Honor.

8 THE COURT: Yes, sir.

9 Q. Sergeant Sprinkle, as of this date, today's
10 date, you don't have any idea where those phones
11 are, do you?

12 A. I do not.

13 MR. WILLIAMS: Thank you, Sergeant Sprinkle.

14 THE COURT: Thank you, Mr. Williams.

15 Redirect, Solicitor?

16 MR. GRAHAM: Maybe, Your Honor. I'd just like
17 to glance at those photos real quick.

18 REDIRECT EXAMINATION

19 BY MR. GRAHAM:

20 Q. Sergeant, how familiar are you with cell
21 phones?

22 A. Excuse me?

23 Q. How familiar are you with cell phones?

24 A. With cell phones?

25 Q. Yes.

1 A. I've got some working knowledge with cell
2 phones, in general.

3 Q. The phones you collected, which you labeled as
4 5, 6, 7, and 8, I think, do you know whether they
5 were smart phones?

6 A. I do not. I do not know if they were smart
7 phones or not. They had a SIM card for cell phones,
8 which gives access to the carrier and may or may not
9 contain data. I don't know if they were actually
10 smart phones. If you can give me one second,
11 please.

12 THE COURT: Is that smart compared to unsmart?

13 BY MR. GRAHAM:

14 Q. Sergeant, what's the difference between an
15 unsmart phone and a smart phone?

16 A. I consider a smart phone having access to the
17 internet.

18 THE COURT: Thank you. I will take judicial
19 notice of that. Thank you.

20 THE WITNESS: Based on just the photographs
21 themselves, I cannot tell if they are smart phones
22 having access to internet or not. I would have to
23 have the cell phone activated to see if it has the
24 options or not.

25 BY MR. GRAHAM:

1 Q. Each of the photographs you took, do they
2 depict the model number, the serial number, and then
3 something that -- some of them show an IMEI number.
4 What are those?

5 A. Those are all different identification numbers
6 for that cell phone. And they can be used to
7 identify that cell phone and used with the carrier
8 to collect data -- or certain or limited data from a
9 carrier.

10 Q. When the battery is not in a phone, is there
11 any information stored that would allow you to track
12 the movement of the phone, whether it's smart or not
13 smart?

14 A. If the battery is out, say, in a -- say, in a
15 phone that does have an internal battery, it can
16 be -- you cannot take that battery out and it can be
17 controlled or activated externally from another
18 location. If a phone like this -- like these have a
19 battery out, then you cannot access it or have
20 any -- it's not reading anything or any kind of data
21 going on with it.

22 Q. So even if these phones were current, active
23 phones under a plan, without the battery, would it
24 receive calls?

25 A. No.

1 Q. Would it receive texts?

2 A. No.

3 Q. Would it communicate with the internet if it
4 had the capability to?

5 A. No. It has to have a power source for that to
6 be active.

7 MR. GRAHAM: Thank you, Sergeant.

8 RE CROSS-EXAMINATION

9 BY MR. WILLIAMS:

10 Q. Sergeant, you can put batteries back into those
11 phones and they'll work just fine, can't you?

12 A. Sure, if they are able to. Yes.

13 MR. WILLIAMS: That's all the questions I have,
14 Your Honor.

15 THE COURT: Thank you. Thank you, Solicitor.

16 Thank you, Mr. Williams.

17 Thank you, Sergeant. You may step down.

18 Solicitor, you may call your next witness.

19 MR. POGUE: Thank you, Your Honor. The State
20 calls Jamie Johnson.

21 JAMIE JOHNSON

22 being first duly sworn, testified as follows:

23 THE WITNESS: I do.

24 THE CLERK: Have a seat. Once you're seated,
25 state your full name, spelling your last, please.

1 THE WITNESS: My name is Jamie Johnson,
2 J-O-H-N-S-O-N.

3 DIRECT EXAMINATION

4 BY MR. POGUE:

5 Q. Good afternoon, Ms. Johnson. Where are you
6 employed?

7 A. Currently employed with the Lexington County
8 Sheriff's Department.

9 Q. And in what capacity? What is your rank?

10 A. I'm a crime scene investigator.

11 Q. Okay. And what are your duties as a crime
12 scene investigator?

13 A. We respond when we're, essentially, called out,
14 whether that's during the day or the night. And we
15 respond to collect evidence, take photographs. We
16 take a series of notes, possibly prepare sketches
17 with measurements, and you can process evidence on
18 scene or collect evidence and bring it back to the
19 crime lab.

20 Q. And how much experience do you have as a crime
21 scene investigator?

22 A. Approximately five and a half years.

23 Q. How much experience do you have in law
24 enforcement in general?

25 A. Approximately five and a half years.

1 Q. Where were you employed previously to the
2 Lexington County Sheriff's Department?

3 A. Prior to this, I worked for the South Carolina
4 Law Enforcement Division, which is SLED.

5 Q. And what did you do for SLED?

6 A. With them I was a special agent in their crime
7 scene unit.

8 Q. Okay. Did you ever take any evidence in this
9 particular case that was collected and submitted
10 into the evidence -- to the evidence custodian?

11 A. Yes, I did.

12 Q. What did you collect?

13 A. I was asked to take a buccal swab or a DNA
14 standard from Mr. Coffey.

15 MR. POGUE: I beg the Court's indulgence.

16 (State's Exhibit No. 121 marked for
17 identification.)

18 MR. POGUE: Permission to approach the witness,
19 Your Honor?

20 THE COURT: Yes, sir.

21 BY MR. POGUE:

22 Q. Investigator Johnson, I'm handing you what is
23 marked as State's Exhibit 121 for ID purposes. Do
24 you recognize that particular item?

25 A. Yes, I do.

1 Q. What is it?

2 A. This is going to be the sealed envelope of the
3 DNA standard that I took.

4 Q. When you say DNA standard, is that the buccal
5 swab that you took?

6 A. Yes, it is.

7 Q. And you said you took that from the defendant
8 in this case?

9 A. I did.

10 Q. Do you see the person in this room that you
11 took the buccal swab from?

12 A. I do.

13 Q. Could you point him out?

14 A. In the khaki shirt (indicating).

15 MR. POGUE: Let the record reflect that the
16 witness has pointed to the defendant, Peter Coffey.

17 BY MR. POGUE:

18 Q. After you took the buccal swab, what did you do
19 with the swabs -- first of all, how many did you
20 take?

21 A. Two buccal swabs. Two sterile swabs come
22 standard to a package for swabbing purposes.

23 Q. Okay. Is one just kind of a backup in case
24 something happens to the other one?

25 A. That's correct.

1 Q. What did you do with the swabs?

2 A. The swabs were then logged in and transferred
3 to our evidence control.

4 Q. Okay. After that, did you have anything to do
5 with the swabs?

6 A. I did not.

7 Q. Okay.

8 MR. POGUE: Your Honor, at this time the State
9 would move -- and I don't believe there's any
10 objection. The State would move the buccal swabs
11 into evidence.

12 MR. STITELY: No objection, Judge.

13 THE COURT: What number is it?

14 MR. POGUE: Exhibit 121.

15 THE COURT: I think it's 122, isn't it?

16 MR. POGUE: It was written 121. I don't know
17 if it's supposed to be 122, Your Honor.

18 THE COURT: Tell me, Madam Court Reporter.

19 THE COURT REPORTER: I have it as 121, Judge.

20 THE COURT: All right. Thank you.

21 121 is in evidence without objection.

22 (State's Exhibit No. 121 admitted into
23 evidence.)

24 THE COURT: All right, Mr. -- are you finished?

25 MR. POGUE: I have a few more questions, Your

1 Honor. Not too much.

2 THE COURT: Yes, sir.

3 BY MR. POGUE:

4 Q. Investigator Johnson, did you perform any other
5 tests or analysis on any evidence in this particular
6 case?

7 A. Yes, I did.

8 Q. What did you do?

9 A. I was asked to process a sledgehammer for
10 fingerprints.

11 Q. And is that the sledgehammer that was recovered
12 from the scene, from [REDACTED] in Gaston?

13 A. Yes, that's correct.

14 Q. Now, when you were asked to process it, were
15 you the first person to perform any analysis on this
16 particular hammer or had it been processed or had
17 tests performed on it prior to you attempting to?

18 A. It was my understanding that it had been
19 previously swabbed for DNA by Richland County
20 Sheriff's Department.

21 Q. Okay. And at the time was the hammer in the
22 custody of Richland County or was it in the custody
23 of Lexington County?

24 A. When it was swabbed or when I processed it?

25 Q. When you were asked to process it.

1 A. It was in Lexington County custody.

2 Q. All right. Explain to us -- explain to the
3 Court and jury what it is that you did, the process
4 that you go about trying to identify or develop
5 prints off the sledgehammer.

6 A. The first thing I did was visually examine the
7 sledgehammer. I didn't observe to the naked eye any
8 ridge detail or fingerprints. After that, it was
9 placed into a cyanoacrylate fuming chamber, which is
10 just a really fancy way of saying super glue tank.
11 It was a lot to go through the fuming process and
12 then it was visually examined again to see if there
13 were any fingerprints on the hammer.

14 Q. And were you able to determine whether there
15 was any prints that you could potentially photograph
16 for analysis?

17 A. I noted two areas on the handle of the
18 sledgehammer that had characteristics of a
19 fingerprint. And those were the two areas that I
20 took photographs of.

21 Q. Other than those two areas, was there any other
22 area that you were able to determine there was any
23 sort of partial print?

24 A. No.

25 Q. What did you do after that?

1 A. I photographed both fingerprint areas and then
2 the photographs were given to our latent print
3 examiner for review.

4 MR. POGUE: Beg the Court's indulgence.

5 THE COURT: Yes, sir.

6 (State's Exhibit Nos. 122 through 125 marked
7 for identification.)

8 MR. POGUE: Permission to approach, Your Honor?

9 THE COURT: Yes, sir.

10 BY MR. POGUE:

11 Q. Investigator, I'm handing up what's marked as
12 State's Exhibits 122 through 125. Do you recognize
13 these photo arrays?

14 A. Yes, I do.

15 Q. Are these the photos that you took of the
16 prints that you were able to develop?

17 A. Yes, they are.

18 MR. POGUE: Your Honor, at this time, the State
19 would move State's Exhibits 122 through 125 into
20 evidence.

21 MR. STITELY: No objection.

22 THE COURT: State's 122 through 125 in evidence
23 without objection.

24 MR. POGUE: Thank you, Your Honor.

25 (State's Exhibit Nos. 122 through 125 admitted

1 into evidence.)

2 BY MR. POGUE:

3 Q. Investigator, did you perform any other
4 analyses on these -- or let me ask you this
5 question: What did you do after you took the
6 pictures? What did you do with the photos?

7 A. At that time the photos had been left on my
8 desk with the intention of having to log them into
9 our evidence control.

10 Q. Are you the person that would analyze the
11 prints and determine whether they matched either the
12 defendant in this case or a particular profile that
13 would be, like, in AFIS, for example, or would
14 someone else in your department do that?

15 A. Somebody else in my department does that.

16 Q. Who else in your -- who is it in your
17 department that does that?

18 A. That would be latent print examiner Jim
19 Hickman.

20 Q. Did you submit them to Mr. Hickman?

21 A. I did.

22 Q. After you submitted the photos for his
23 analysis, did you do any other tests on the
24 sledgehammer?

25 A. I'm sorry. Can you repeat that question one

1 more time?

2 Q. After you submitted the photos for analysis to
3 Mr. Hickman, did you do any other sort of analyses
4 on the -- or did you do any sort of processing,
5 further processing, to try to get any other prints
6 or another method of some sort?

7 A. I did. The same sledgehammer, I went back and
8 processed with a chemical. It's called a
9 fluorescent dye stain. It has the ability to kind
10 of enhance or bring out ridge detail that's already
11 there or a fingerprint that's already there. I used
12 a specific chemical called MBD to see if the
13 fingerprints looked any better, but they looked the
14 same as they did before.

15 Q. Okay. So this -- the -- the additional
16 processing you did didn't allow you to develop any
17 better prints?

18 A. No, they didn't.

19 Q. Was there anything else you could have done to
20 possibly develop other prints on the hammer that you
21 didn't pursue?

22 A. No.

23 MR. POGUE: Your Honor, no further questions at
24 this time.

25 THE COURT: Thank you, Solicitor.

1 Mr. Stitely?

2 CROSS-EXAMINATION

3 BY MR. STITELY:

4 Q. Deputy? Investigator? What's the best way?

5 A. Investigator is fine.

6 Q. Investigator Johnson, couple questions. The
7 swabs you took, you said they were buccal swabs,
8 swabs?

9 A. Yes, I did.

10 Q. We didn't go through this, but would you
11 explain to the jury what that means?

12 A. Buccal swab, essentially, is just kind of a
13 fancy way of saying mouth swab or cheek swab. If
14 you've ever seen where somebody takes two swabs and
15 kind of -- (demonstrating) -- the inside of both
16 cheeks, that's a buccal swab.

17 Q. And you did that for Mr. Coffey?

18 A. I did.

19 Q. And he willingly gave you those swabs?

20 A. I was provided the day before I took those
21 buccal swabs a signed consent form.

22 Q. That means he agreed to taking the samples?

23 A. That's correct. Yes, sir.

24 Q. You sent those off, you don't have anything to
25 do with the testing?

- 1 A. I don't.
- 2 Q. The prints on the hammer?
- 3 A. Yes.
- 4 Q. You said that a Mr. Hickman is the analyst?
- 5 A. That's correct.
- 6 Q. You said you've been a CSI for five and a half
- 7 years?
- 8 A. Approximately, yes.
- 9 Q. Did you go through all the same classes as the
- 10 other CSIs, or is it possible you've hit different
- 11 ones than the other ones who have testified so far
- 12 today?
- 13 A. I've probably had some different ones since I
- 14 came from a different agency.
- 15 Q. Investigator Derrick said that she had some
- 16 form of certification in fingerprint analysis. Do
- 17 you carry that same certification?
- 18 A. I do not.
- 19 Q. Okay. Do you know why this item wouldn't have
- 20 been tested on scene and done in a lab instead?
- 21 A. I don't.
- 22 Q. And, I guess, one other thing about that hammer
- 23 while I'm there: You said Richland had it. When
- 24 did Richland get it?
- 25 A. I'm not sure. I just know that it had been

1 previously swabbed by another agency.

2 Q. When did you check it for prints?

3 A. I checked it in January of this year, January
4 19th.

5 Q. And the alleged crime took place in August of
6 '15?

7 A. That's correct.

8 Q. So nobody bothered to test the hammer for
9 prints in the two years between the two?

10 A. I don't believe so.

11 Q. And you know that it was handled by, at least,
12 one other entity?

13 A. That's correct.

14 Q. When you say swab, what kind of things could
15 that entail?

16 A. I believe it was a swab for touch DNA. But
17 that's essentially all I know from what another
18 agency would have done with it.

19 Q. But someone else would have at least picked it
20 up and handled it?

21 A. I believe so, yes.

22 Q. Okay. Is there any indication in your reports
23 why it wasn't tested before January of this year for
24 fingerprints?

25 A. No indication.

1 Q. What did you do at SLED as a CSI?

2 A. When I was there for approximately five years,
3 the same thing I do now, only all over the state as
4 opposed to one county.

5 Q. When did you come to Lexington County?

6 A. In September of 2017.

7 Q. So recently?

8 A. Yes.

9 Q. We haven't met before?

10 A. Right.

11 Q. Do you do all the other things that the CSIs
12 do? Could you potentially be called out to a crime
13 scene?

14 A. Yes.

15 Q. So that is your job description now?

16 A. Yes.

17 Q. Have you reviewed this case at all?

18 A. Not really, no. I kind of was called in on the
19 back end just, hey, we need wrong-place-wrong-time
20 person to take a buccal swab.

21 Q. Yes, ma'am. I'll show you a picture real
22 quick. And, I don't know, have you seen any of
23 these pictures from August of 2015?

24 A. No.

25 Q. Okay. If you were collecting information at a

1 crime scene, specifically blood evidence, what kind
2 of quantities of blood would you be looking for as
3 potentially relevant in a case? Like, if you saw a
4 good, fair amount of blood, would you want to
5 collect that?

6 A. I would.

7 Q. What kind of items are common with the transfer
8 of blood around a crime scene? Like, if you were
9 looking to see how blood moved around a crime scene,
10 what kind of things would you be looking for?

11 A. There are a number of different ways that blood
12 could be transferred from one location to another;
13 shoes, hands, feet, those types of things are
14 common. But if really any object has blood on it
15 and comes into contact with an object that doesn't
16 have blood on it, that would result in a blood
17 transfer.

18 Q. So, like, a pair of sandals would be important?

19 A. If they had blood on them and came into contact
20 with a nonbloody surface that was something that may
21 be probative to the case, it would potentially be
22 important.

23 Q. How about a trash can full of items covered
24 with blood and hair? Would that be relevant to you?

25 A. It could potentially be relevant.

1 Q. What about a crime scene that involved multiple
2 animals being contained within it for a number of
3 days? What do you think that would cause as far as
4 your crime scene investigation goes?

5 A. I would say depending upon the movement of the
6 animals, if they came into contact with the blood,
7 they could potentially transfer blood throughout a
8 crime scene.

9 Q. What about a limited space, say, the size of
10 half of a single-wide mobile home and three dogs
11 locked in it? Do you expect some transfer?

12 A. If they came into contact with a blood source
13 and then continued moving afterwards, there could
14 potentially be blood transferred from one location
15 to another.

16 Q. And you didn't have anything to do with the
17 collection of any of the data, of course, back in
18 2015, or any of the samples?

19 A. No.

20 Q. Thank you, ma'am.

21 THE COURT: Redirect?

22 MR. POGUE: Just very briefly, Your Honor.

23 REDIRECT EXAMINATION

24 BY MR. POGUE:

25 Q. Investigator Johnson, if you intend to test and

1 do an analysis for both DNA and for latent prints,
2 what would be the order that you would do them in?

3 A. It really depends upon the surface of what it
4 is that you're looking at. Sometimes you have to
5 choose one over the other. If you don't need to
6 choose and you're doing both, you would swab for DNA
7 first and then process for fingerprints afterwards.

8 Q. And is that the order that it's typically done
9 in?

10 A. Usually, yes.

11 Q. No further questions.

12 THE COURT: Recross?

13 MR. STITELY: Just briefly.

14 RE CROSS-EXAMINATION

15 BY MR. STITELY:

16 Q. And you weren't called to print test any of the
17 other items collected in this case?

18 A. No, just the sledgehammer.

19 MR. STITELY: Thank you.

20 THE COURT: Thank you very much, Agent
21 Johnson -- or Detective Johnson. You may step down.

22 All right. I think now would be, perhaps, a
23 good time to take our evening recess. Ladies and
24 gentlemen of the jury panel, I remind you you're not
25 to discuss this case with anyone, including your

1 fellow jurors, family, friends or anyone else.

2 Please do not watch, listen to, or read any
3 news reports about the case, whether on television,
4 radio, newsprint, or the internet. Do not do -- and
5 you've heard this several times: Do not do any
6 independent investigation or any investigation on
7 the internet on those items that I have
8 laundry-listed to you previously, which is not an
9 exhaustive list.

10 Remember, you decide the case based on the
11 evidence and testimony you hear from the witnesses
12 testifying under oath in the courtroom before you
13 and any physical items of evidence that are also
14 introduced and any inferences you may think can be
15 properly drawn from that.

16 With that being said, if you would please leave
17 your notes on your chair -- you may want to write
18 your juror number on there -- and the clerk will
19 secure them over the evening hours. If you would
20 please be back prompt at 9:30 in the morning, 9:30
21 in the morning. You're now excused. I hope you all
22 have a pleasant evening. Thank you very much.

23 (The jury exits the courtroom at 5:25 PM.)

24 THE COURT: Do y'all want to visit the DNA now?

25 MR. STITELY: Judge, whatever you want to do.

1 There might be some interesting questions involving
2 that once we get the DNA expert up here. I'm
3 guessing that's not too far down the line.

4 THE COURT: Well, I'm assuming those experts
5 would be testifying perhaps tomorrow morning?

6 MR. GRAHAM: Yes, sir.

7 THE COURT: Is there specific items on the
8 report that you provided to me or the outline that
9 you provided to me, Solicitor, and also to
10 Mr. Stitely? In other words, I take it -- and maybe
11 I take it wrong, that there's certain items on there
12 that, perhaps, neither side objects to. But are
13 there specific items on this outline report that you
14 object? In other words, can I focus it? That's
15 what I'm trying to ask.

16 MR. GRAHAM: The State is planning on offering
17 that summary charge that you have into evidence with
18 the testimony of Dr. Amick. So obviously,
19 everything on there, Your Honor, we believe is
20 appropriate.

21 THE COURT: So you're going to offer the --
22 basically, all the results?

23 MR. GRAHAM: Yes, Your Honor.

24 THE COURT: On Pages 1, 2, and 3?

25 MR. GRAHAM: Right.

1 MR. STITELY: We're good to go on that, Judge.

2 THE COURT: I appreciate reading those eight
3 cases, Solicitor. No. That's all right.

4 Then I'm not sure I have to -- is there
5 anything left then of your -- on the motion under
6 the rape shield statute?

7 MR. STITELY: Judge, we're going to get into
8 that as to the DNA.

9 THE COURT: As far as the DNA?

10 MR. GRAHAM: As far as the DNA, Your Honor, I
11 feel like they probably have the right to go into
12 the unknown male and female as part of the rape
13 shield and third party. Anything else -- if they
14 want to start talking about anything else, I would
15 object.

16 THE COURT: Opinion, reputation, such as that?

17 MR. GRAHAM: Yes, Your Honor, or pointing the
18 finger at a particular person or somebody else
19 having motive or opportunity. I don't think the
20 third-party guilt allows that.

21 THE COURT: The only thing I kind of addressed
22 on the third-party guilt -- and we can revisit that
23 now. I've reread Holmes, Gay, and Williams, Parker,
24 some of the others, but primarily Holmes and Gay.
25 And I listed the areas that Mr. Stitely had listed

1 yesterday -- I thought I did it on my white pad --
2 no, here it is. Wrong color. And I don't know how
3 to rule on those without hearing that testimony.

4 MR. STITELY: And I don't think we've gotten to
5 a point, Judge, where I feel the door's been opened
6 yet at all. Those witnesses haven't gotten on the
7 stand yet, Judge. I think it will be more relevant
8 once they start putting those witnesses up.

9 THE COURT: Solicitor?

10 MR. GRAHAM: I would just ask Your Honor before
11 he starts asking questions to try to implicate
12 somebody else as having motive or opportunity or
13 reason to be the killer, that any question that he
14 plans on making be done outside the presence of the
15 jury.

16 So, for instance, I call a witness and he goes
17 to cross him, he wants to start going down that
18 road, I would ask that we address it before he
19 begins his cross when the jury is not in here.

20 MR. STITELY: I think that's fair, Judge. Once
21 we get those witnesses here --

22 THE COURT: Just give me the opportunity to
23 hear it and rule on it. I agree with that,
24 Solicitor, and I think Mr. Stitely does too.

25 All right. Then 9:30 --

1 Anything further, Solicitor?

2 MR. GRAHAM: No, Your Honor.

3 MR. STITELY: No, sir.

4 THE COURT: All right. Thank you very much.

5 9:30 in the morning.

6 (Trial in recess for the evening at 5:30 PM.)

7 (The following proceedings were held March 14,
8 2018.)

9 THE COURT: Anything before we bring in our
10 jury from the State, Solicitor?

11 MR. GRAHAM: No, Your Honor.

12 THE COURT: Defense?

13 MR. STITELY: No, sir.

14 (The jury enters the courtroom at 9:32 AM.)

15 THE COURT: Good morning, ladies and gentlemen
16 of the jury. Welcome back. I hope y'all had a
17 pleasant evening. As you recall, we're continuing
18 the trial of the case by the presentation of
19 evidence and testimony by the State in its case in
20 chief. If y'all would please continue to give the
21 parties your complete and undivided attention.

22 All right. Solicitor, you may call your next
23 witness.

24 MR. POGUE: Thank you, Your Honor. May it
25 please the Court. The State calls Elizabeth Kay

1 Thompson.

2 THE COURT: If you would just come around here
3 for us, please, ma'am, and be sworn for us, please.

4 ELIZABETH KAY THOMPSON

5 being first duly sworn, testified as follows:

6 THE WITNESS: Yes, ma'am.

7 THE CLERK: Have a seat right up there. Once
8 you're seated, ma'am, state your full name, spelling
9 your last, please.

10 THE WITNESS: Elizabeth Kay Thompson.

11 DIRECT EXAMINATION

12 BY MR. POGUE:

13 Q. Good morning, Ms. Thompson. I know you're
14 nervous this morning. If you would, just talk up
15 just as clearly and slowly and as loud as you can so
16 this lady -- this lady sitting right here, the court
17 reporter, can take everything down and the jurors
18 can hear what you have to say. Okay?

19 A. Okay.

20 Q. You mind if I call you Kay?

21 A. Uh-huh.

22 Q. Kay, did you know **Decedent** ?

23 A. Yes. About 30 or 40 years.

24 Q. You've known her 30 or 40 years?

25 A. Uh-huh.

1 Q. How did you first meet Decedent ?

2 A. She used to deliver phonebooks.

3 Q. And that's how you first met her?

4 A. Yeah.

5 Q. And talk to me about your relationship. Did
6 y'all spend a lot of time together over those 30 or
7 40 years?

8 A. Yeah. I mean, her kids and my kids hung out
9 together and stuff. And we do family cookouts and
10 stuff and she come all the time, you know.
11 That's -- she's a very good person, very good
12 person.

13 Q. Would you say that she was a close friend?

14 A. Yes. Yes.

15 Q. Did you have any friends that were closer than
16 her?

17 A. No.

18 Q. Are you married, Ms. Thompson?

19 A. No. Fiance.

20 Q. Fiance. Who's your fiance?

21 A. Robert White.

22 Q. Do you live with him now?

23 A. Yes.

24 Q. Did you live with him back in August of 2015 as
25 well?

1 A. Yes.

2 Q. What was your relationship like with Decedent

3 [REDACTED] in August of 2015?

4 A. Like I said, we was close. She was coming by
5 the house every other day because she's, you know,
6 going to take care of her ex-husband and stuff, you
7 know.

8 Q. How often did y'all talk on the phone?

9 A. Every day.

10 Q. Every day?

11 A. Uh-huh.

12 Q. Did you ever call her and her not answer or --

13 A. No.

14 Q. Any time she wouldn't answer you for a couple
15 days?

16 A. No. No.

17 Q. Okay. I want to focus on, for a second,

18 Decedent [REDACTED]'s mother. Did you know her,

19 Dorothy White?

20 A. Yes.

21 Q. Tell me about Ms. White.

22 A. She stay with me now.

23 Q. She lives with you?

24 A. Yes. She had dementia and got a little worse,
25 so she stay with me.

1 Q. You say she's got dementia?

2 A. Uh-huh.

3 Q. So she has trouble with her memory?

4 A. Uh-huh.

5 Q. Recalling exactly what happened?

6 A. Uh-huh.

7 Q. She has that now?

8 A. Yep.

9 Q. Did she have that condition back in August of
10 2015?

11 A. She had it, but it wasn't that bad.

12 Q. So it's gotten worse since then?

13 A. Yeah.

14 Q. But she had it then though?

15 A. Yeah.

16 Q. And you said she lives with --

17 A. Me.

18 Q. You and Robert?

19 A. Yeah, me and Robert.

20 Q. Does she take care of herself or do y'all take
21 care of her?

22 A. No, we take care of her.

23 Q. How old is Ms. White?

24 A. Ninety-two.

25 Q. Why is Ms. White living with you-all now?

1 A. Because she can't take care of herself and DSS
2 custody got her and then they gave her to me.

3 Q. Okay.. Was she staying with you-all in August
4 of 2015?

5 A. She was in her own home.

6 Q. Where did she live?

7 A. Across town in Columbia.

8 Q. Did she live with anybody else? Did she live
9 by herself?

10 A. By herself.

11 Q. Okay. All right. Let's shift back to **Decedent**
12 for a second. How about **Decedent**? Did she live by
13 herself? Did she have a husband? Did she have --

14 A. She stayed by herself.

15 Q. She lived by herself?

16 A. Uh-huh. Her and her dogs.

17 Q. She had dogs?

18 A. Uh-huh.

19 Q. How many dogs did she have?

20 A. Four, five. Uh-huh.

21 Q. At the time of her death, do you know how many
22 dogs did she have?

23 A. I think about four.

24 Q. Four?

25 A. Uh-huh.

1 Q. Are you a dog person? Do you like dogs?

2 A. Yes. I got a little Chihuahua.

3 Q. Did you ever go over to her house when she
4 was -- did she keep the dogs in the house or outside
5 the house?

6 A. In the house. Outside, inside. But I'm scared
7 of them.

8 Q. So you're scared of them?

9 A. Yeah, of her dogs. If they don't know you,
10 they're going to bite you.

11 Q. What kind of dogs did she have?

12 A. I don't know what kind of dogs she had, but I
13 know one was a Pit.

14 Q. So if it was a Pit Bull, one was a pretty big
15 dog?

16 A. Uh-huh.

17 Q. Did that one stay inside as well normally?

18 A. Sometimes, and sometimes she take them on the
19 outside.

20 Q. She would sometimes keep them outside?

21 A. Uh-huh.

22 Q. Okay. I want to shift now to the time period
23 of Saturday, August 8th and Sunday, August 9th of
24 2015. Without telling me what she said, did
25 Ms. Dorothy White try to contact either you --

1 MR. STITELY: Judge, I'm going to object to
2 this line of questioning. He's clearly calling for
3 hearsay.

4 MR. POGUE: Your Honor --

5 THE COURT: I haven't even heard the question.
6 Let me hear the question, please.

7 BY MR. POGUE:

8 Q. Kay, without telling me what she said, did
9 Ms. White contact you --

10 MR. STITELY: Judge, we have a matter of law to
11 take up before we head into this line of
12 questioning.

13 THE COURT: All right. Thank you, Mr. Stitely.

14 Ladies and gentlemen, please step to your jury
15 room. Do not discuss the case during this brief
16 recess. Please leave your notes. Thank you very
17 much.

18 (The jury exits the courtroom at 9:40 AM.)

19 THE COURT: Yes, sir, Mr. Stitely?

20 MR. STITELY: And, Judge, I may be jumping a
21 little bit ahead of where I anticipate this going,
22 but I just want to make sure I'm not objecting to
23 every word.

24 In her statement she talks about having phone
25 conversations with Ms. White where Ms. White's

1 relaying information and she's making phone calls to
2 her daughter. It's going to be double hearsay. She
3 was not with her, so these would be phone
4 conversations she had with someone who's not going
5 to be here to testify that he's trying to elicit
6 information about.

7 THE COURT: A, that's not hearsay that she had
8 phone calls with Ms. --

9 MR. STITELY: White. I don't disagree with
10 that.

11 THE COURT: Decedent. Didn't we amend the
12 indictment --

13 MR. POGUE: You talking about the mother or the
14 victim, Your Honor?

15 THE COURT: I'm talking about the victim.

16 MR. POGUE: The victim is Decedent.

17 MR. STITELY: That's not where the testimony's
18 going, Judge. She -- and I apologize --

19 THE COURT: No. That's all right. I'm trying
20 to track you.

21 MR. STITELY: I don't disagree that if she just
22 said she had phone conversations with Ms. White that
23 would not be hearsay. But the content of those
24 phone calls, which is, I believe, what they're
25 trying to establish because Ms. White's not going to

1 be made available to testify, would be hearsay.

2 And my guess, just without saying what she was
3 saying, he's going to ask was she able to get in
4 touch with her daughter and the answer is going to
5 be no because that's the phone calls that she had
6 with a third party.

7 THE COURT: What do you call Ms. White? What
8 do you call her?

9 THE WITNESS: Mama White.

10 THE COURT: So Mama White? That's the question
11 you're asking: Did she have phone conversations
12 with Mama White?

13 MR. POGUE: That was going to be my first
14 question.

15 THE COURT: I was tracking it that it was
16 **Decedent**.

17 See, I was thinking you were going to answer
18 that question Ms. Dorothy, but you didn't. It's
19 Mama White.

20 THE WITNESS: Mama White.

21 THE COURT: All right. Well, he can clearly
22 ask her that.

23 MR. POGUE: Before we bring the jury back in
24 here, Judge, the follow-up question was going to be
25 in this line -- and, Your Honor, I'll tell you the

1 question and then I'll give you my argument, if
2 that's the way Your Honor wishes to hear it. The
3 question --

4 THE COURT: Well, ask Ms. Kay the question.

5 IN-CAMERA EXAMINATION

6 BY MR. POGUE:

7 Q. Ms. Kay, on August 8th and August 9th of 2015,
8 did Dorothy White, Mama White, did she ever try to
9 contact you or Robert?

10 A. She did.

11 Q. Okay. Again, without telling me exactly what
12 it was that she said, what was it that she was
13 concerned with? What did she want you to do, if
14 anything?

15 A. Check on **Decedent**

16 MR. POGUE: That's the extent that we're trying
17 to offer, Judge. That's it, and then what they did
18 based upon that. We're not even offering it for the
19 truth of the matter, just explain their actions.

20 MR. STITELY: By definition, it's still
21 hearsay. And they are offering it for the truth of
22 the matter.

23 MR. POGUE: Your Honor --

24 THE COURT: Let Mr. Stitely finish.

25 MR. STITELY: That's all, Judge. I mean, it's

1 clearly still hearsay. He's asking for -- he's
2 asking pretty much what her conversation was. If he
3 was just going to say what did you do on August 9th,
4 I have no problem with it. But without Ms. White
5 being here to cross-examine, I'm going to have some
6 problems with this line of questioning.

7 I mean, if his question was simply, did you
8 speak to **Decedent** on Saturday, she says, no,
9 and on Sunday my husband went to check on her, I
10 don't have a problem with that either. But he's
11 trying to use an intermediary witness who relayed
12 information while I'm not going to have an
13 opportunity to cross-examine.

14 THE COURT: Well, the question becomes that she
15 had telephone conversations with Mama White. As a
16 result of those conversations, what did you do?
17 What did you do, Ms. Kay?

18 THE WITNESS: Go check on her.

19 THE COURT: That's the question that you would
20 ask --

21 MR. STITELY: I'm okay with that, Judge.

22 THE COURT: Does that about cure it?

23 MR. POGUE: Judge, that's perfect. We're just
24 trying to use that to explain, again, the reasoning
25 for why they went over there to check with **Decedent**

1 THE COURT: All right. Anything before we
2 bring in the jury?

3 MR. STITELY: No, Judge.

4 (The jury enters the courtroom at 9:45 AM.)

5 THE COURT: Thank you, Mr. Stitely.

6 Solicitor, you may ask your next question.

7 MR. POGUE: Thank you, Your Honor.

8 CONTINUED DIRECT EXAMINATION

9 BY MR. POGUE:

10 Q. Kay, as I was going to ask you, on the days of
11 August 8th, 2015 -- Saturday, August 8th and Sunday,
12 August 9th, 2015, did Mama White try to contact you
13 or Robert?

14 A. Yes.

15 Q. Okay. And, again, without telling me what it
16 was that she said, was she upset?

17 A. Yes.

18 Q. Okay. And what did you do based upon -- after
19 speaking with her, what actions did you and Robert
20 take?

21 A. We went to Decedent's.

22 Q. What date was that?

23 A. On Sunday.

24 Q. Sunday, August 9th?

25 A. Yes.

1 Q. About what time was it that y'all went over
2 there?

3 A. I done forgot what time it was.

4 Q. Well, let me back up just one second. Where
5 did you and -- you lived with Robert, right?

6 A. Yes.

7 Q. Where did y'all live?

8 A. [REDACTED] [phonetic].

9 Q. And you knew where [REDACTED] lived, right?

10 A. Uh-huh.

11 Q. How long did it take you to get from your house
12 to [REDACTED]'s?

13 A. About five, ten minutes.

14 Q. So did y'all walk there? Did y'all drive
15 there?

16 A. Drive.

17 Q. You rode with Robert?

18 A. Uh-huh.

19 Q. Do you remember whether it was nighttime, dusk,
20 middle of the day?

21 A. It was middle of the day.

22 Q. Could it have been another time or --

23 A. No.

24 Q. So you know it was still daylight when you went
25 over there?

1 A. Yeah.

2 Q. When you get there, what do y'all do -- or, let
3 me ask you this: What do you do?

4 A. I called Mama White and I told her we was in
5 the yard.

6 Q. Okay.

7 A. And then --

8 Q. Were you with Robert?

9 A. Yeah.

10 Q. What did Robert do?

11 A. I gave him the phone and let him talk to Mama
12 White.

13 Q. Did you stay in the truck?

14 A. Uh-huh.

15 Q. You were still with him?

16 A. Yeah.

17 Q. So you didn't see what he was doing when he got
18 out of the truck and you stayed in the truck?

19 A. I could still see him.

20 Q. Oh, you could still see him?

21 A. Uh-huh.

22 Q. Well, what was he doing?

23 A. Checking the doors and the windows.

24 Q. What were y'all trying to do?

25 A. Get in the house.

- 1 Q. Why were y'all trying to get in the house?
- 2 A. 'Cause Mama White told us to get in the house.
- 3 Q. Okay. Without telling me --
- 4 A. Okay. Okay. I'm sorry.
- 5 Q. Why were y'all wanting to get into the house?
- 6 A. To see where **Decedent** was.
- 7 Q. Were you concerned about **Decedent**?
- 8 A. Yes.
- 9 Q. Let me ask you this question: Had you tried to
- 10 contact **Decedent** at all on August 8th or August 9th?
- 11 A. Yes.
- 12 Q. Okay. One time? Two times?
- 13 A. Several times.
- 14 Q. Okay. Did you text her?
- 15 A. Yes.
- 16 Q. What did you text her?
- 17 A. I'm trying to get in contact with you for two
- 18 days.
- 19 Q. Okay.
- 20 A. If you don't call me, I'm dialing 911.
- 21 Q. Okay. Was it unusual for her not to answer
- 22 your calls?
- 23 A. Yes.
- 24 Q. Or call you back quickly?
- 25 A. Yes, because that's not like her.

1 Q. So were you concerned as well?

2 A. Yes.

3 Q. Was that the reason you were trying to get in
4 the house?

5 A. Yes. Yes.

6 Q. Okay. So you could see Robert. What was
7 Robert doing?

8 A. Checking the windows and the doors.

9 Q. Okay. Let me ask you about her windows and
10 doors. Do you know whether **Decedent** typically left her
11 house unlocked when she was there by herself?

12 A. No, no. **Decedent** keep her doors bolt down, her
13 windows nailed down, and her front door was
14 bolt-locked down.

15 Q. You said her windows were nailed down?

16 A. Uh-huh.

17 Q. So you couldn't open them?

18 A. No.

19 Q. Okay. Did she keep -- when she was there by
20 herself at the house, especially at night, did she
21 keep the door locked or unlocked?

22 A. Locked.

23 Q. How about -- who had -- as far as you knew, who
24 did you know to have a key to her house other than
25 **Decedent**?

1 A. Decedent

2 Q. So nobody?

3 A. Nobody.

4 Q. Not even you?

5 A. No.

6 Q. And you were her best friend?

7 A. Yeah.

8 Q. And you didn't have a key?

9 A. No.

10 Q. Would Decedent open the door for somebody she
11 didn't know --

12 A. No.

13 Q. -- if they came to her house at night?

14 A. No.

15 Q. Okay. So could Robert -- with the window shut,
16 was Robert able to get any of the windows open?

17 A. He bust the window with a PVC pipe.

18 Q. PVC pipe?

19 A. Uh-huh.

20 Q. Did he try to open the window without breaking
21 the window before he broke it?

22 A. Uh-huh.

23 Q. And he wasn't able to?

24 A. Huh-uh.

25 THE COURT: Ms. Kay, I don't mean to correct

1 you, but would you say yes or no instead of uh-huh.

2 I understand that, but the court reporter needs to
3 write it -- or transcribe it.

4 THE WITNESS: Okay.

5 MR. POGUE: I apologize, Judge.

6 BY MR. POGUE:

7 Q. Just to clarify for the court reporter, he
8 tried to open the windows?

9 A. Yes.

10 Q. And he was unable?

11 A. Yes.

12 Q. Okay. After he broke the window?

13 A. Yes.

14 Q. You said he had a PVC pipe in his hand?

15 A. Yes.

16 Q. Could you see him when he was doing this?

17 A. Yes.

18 Q. What did he do after breaking the window?

19 A. He broke the window and then took the PVC pipe,
20 wasn't a big one, and pulled the curtain back. If
21 he put his hand in it, it's going to cut it, so he
22 pulled the curtain back.

23 Q. Just to clarify it also for the jury so they
24 can orient themselves, y'all are at the front of the
25 house or back of the house?

1 A. Back of the house.

2 Q. Okay. Did you know which room that window that
3 he broke was to?

4 A. Her bedroom window.

5 Q. Was that to the left or the right of the back
6 door?

7 A. To the right.

8 Q. So if you're looking at the door, it's to the
9 right of the door?

10 A. Left -- excuse me. The left.

11 Q. If you're standing at the backyard and you're
12 facing the rear door? You're looking at the rear
13 door?

14 A. Right.

15 Q. It's on the right?

16 A. Yeah, right.

17 Q. So he breaks that window, her bedroom window?

18 A. Yes.

19 Q. He pulls the curtain back. And what does he --
20 what do you see and what does he do after that?

21 A. He came to me and I seen the tears in his eyes.
22 And he say, Babe, I don't want to say -- Babe, they
23 really -- somebody really beat her. And he said,
24 she got a big old hole in her head.

25 Q. What did y'all do after that, after Robert saw

1 her?

2 A. I was talking -- he was talking to Mama White,
3 then he gave me the phone. I told her let me call
4 the police and I'll call her right back. And I was
5 so hysterical, I couldn't think of the address, so I
6 gave him the phone, then he called the police again.
7 And I tried to call Mama White and she was hollering
8 and screaming, you know. And she said let her call
9 her son. And I told her, just calm down. It was
10 just a mess.

11 Q. Okay. So after Robert found **Decedent** y'all
12 obviously told Mama White what y'all had seen?

13 A. Uh-huh.

14 Q. And called 911?

15 A. Uh-huh.

16 Q. Did you call 911 or Robert?

17 A. I did.

18 Q. Did you share a phone with Robert or did y'all
19 each have a different cell phone?

20 A. We have different cell phones.

21 Q. Did you call 911 from your phone?

22 A. Yeah.

23 Q. What was your phone number at the time?

24 A. **[REDACTED]**-1094.

25 Q. **[REDACTED]** - --

1 A. 1094.

2 Q. 1094. You got the same phone number now? Did
3 you ever see Pete around the dogs -- well, let me
4 ask you this question: Where were the dogs that
5 day?

6 A. In the house.

7 Q. They weren't outside, they were inside the
8 house? Could you hear them barking? Mr. Coffey,
9 Pete --

10 THE COURT: You need some water?

11 MR. POGUE: Just take a second if you need a
12 second.

13 BY MR. POGUE:

14 Q. Ms. Kay, I appreciate you being here. I don't
15 have too much more for you. I just have a few more
16 questions. Did you ever see Pete Coffey around her
17 dogs at all? Were you aware of whether the dogs got
18 along, so to speak, with him or would they try to
19 bite Pete or were they okay with Pete?

20 A. They was okay with him.

21 Q. Ms. Kay, to your knowledge, being her best
22 friend, what was her relationship, if any, that
23 **Decedent** had with the defendant, Pete Coffey?

24 A. Like a son. He was -- she treated him like a
25 son.

1 Q. Okay. As far as you knew, was it a sexual
2 relationship at all?

3 A. No.

4 Q. It was strictly a platonic friendship or
5 mother-son relationship?

6 A. Yes. Yes.

7 MR. POGUE: No further questions, Your Honor.

8 THE COURT: Thank you, Solicitor.

9 Mr. Stitely?

10 MR. STITELY: May it please the Court.

11 CROSS-EXAMINATION

12 BY MR. STITELY:

13 Q. I'm sorry for the loss of your friend. I
14 didn't know her.

15 I have to ask you just a couple questions, if
16 you don't mind. The first thing you talked about is
17 you said you knew **Decedent** for about 30 to 40
18 years. Did you call her **Decedent**? Is that what
19 you called her?

20 A. No. I called her my sister.

21 Q. And you said y'all's kids hung out together?

22 A. Yes.

23 Q. Where were her kids at this time?

24 A. They were deceased.

25 Q. When did that happen?

1 A. I couldn't tell you when that happened. It's
2 been a while ago..

3 Q. How many children?

4 A. Two.

5 Q. And you said that she had how many dogs? Do
6 you remember?

7 A. About four, five.

8 Q. And you said that if they didn't know you, they
9 might bite you?

10 A. Yeah.

11 Q. And you said that they were okay with Pete?

12 A. Yeah.

13 Q. Let me ask you a couple of other people just to
14 see if they were okay with the dogs. Do you know a
15 guy that was one of Decedent's friends,

16 Mr. Coleman?

17 A. No.

18 Q. How about Mr. C.J.?

19 A. No.

20 Q. Who would have taken care of her dogs when she
21 would go places; do you know?

22 A. No.

23 Q. And you said you lived about five to ten
24 minutes away?

25 A. Yes.

1 Q. Did you go by the house on the 7th or the 8th,
2 those two days before the 9th, that afternoon when
3 you went over there?

4 A. That was on a Sunday.

5 Q. Right. Did you go by on either Friday or
6 Saturday?

7 A. No.

8 Q. One thing you said, I was going to ask you
9 about just briefly. You said that she kept the
10 windows nailed shut.

11 A. Yes.

12 Q. Why did she nail her windows shut?

13 A. Why did she nail them shut? Because she said
14 that the neighbors was breaking in her house.

15 Q. Okay. Do you know which neighbors?

16 A. The ones behind her.

17 Q. Do you know their names?

18 A. No.

19 Q. Do you know anything about them?

20 A. No.

21 Q. Were they white? Black?

22 A. I couldn't tell you.

23 Q. How long had she kept her windows nailed shut?

24 A. I couldn't tell you that neither.

25 Q. Have you ever been inside of her house?

- 1 A. Yes.
- 2 Q. Could you describe it for me?
- 3 A. It was a nice trailer. She was remodeling it.
- 4 Q. Was she a generally neat person?
- 5 A. She was a pack rat because she was remodeling
- 6 it.
- 7 Q. Did they ever steal anything when they broke
- 8 into her house?
- 9 A. Say that -- I don't know.
- 10 Q. Tell me a little bit about the doors. What
- 11 kind of doors did the trailer have on it? You
- 12 remember? Like a front and back door?
- 13 A. What you mean?
- 14 Q. Did the trailer have a front door and a back
- 15 door?
- 16 A. Yeah.
- 17 Q. How would you typically enter into the trailer?
- 18 A. With two keys.
- 19 Q. What do you mean by that?
- 20 A. She had a bolt lock and a regular lock.
- 21 Q. Was that on the front door or the back door?
- 22 A. The back door.
- 23 Q. Could you get in through the front door?
- 24 A. No, because she had it locked with a lock.
- 25 Q. Like a padlock or something?

1 A. Yes.

2 Q. Okay. Do you know if she had any other kind of
3 security?

4 A. No.

5 Q. You don't know or you know she didn't?

6 A. No, I don't know.

7 Q. I'm sorry. It was a bad question.

8 A. Uh-huh.

9 Q. Did anyone else frequently go over to **Decedent's**
10 that you knew of?

11 A. No.

12 Q. Do you know what she did for a living?

13 A. Carpenter work. She was a woman of all trades.

14 Q. Thank you, ma'am. Once again, I'm sorry for
15 your loss.

16 A. Thank you.

17 THE COURT: Redirect, Solicitor?

18 MR. POGUE: Just very briefly, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. POGUE:

21 Q. Ms. Kay, I believe you said that **Decedent** had two
22 sons.

23 A. Yeah.

24 Q. They passed?

25 A. Yeah.

1 Q. Did she have any -- after those two sons
2 passed, did she have any living children anymore at
3 that time in 2015?

4 A. No.

5 Q. Just so I understand it, is it your testimony
6 that she treated Pete like a son?

7 A. Yes.

8 Q. Was she grieving her sons?

9 A. Yes.

10 MR. POGUE: No further questions.

11 THE COURT: Recross, Mr. Stitely?

12 MR. STITELY: No, sir, Judge.

13 THE COURT: Thank you very much, Ms. Kay.

14 Thank you for being with us this morning. You may
15 step down.

16 All right. Solicitor, you may call your next
17 witness.

18 MR. POGUE: Thank you, Your Honor. The State
19 calls Jim Hickman.

20 JAMES HICKMAN

21 being first duly sworn, testified as follows:

22 THE WITNESS: I do.

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

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

DIRECT EXAMINATION

BY MR. POGUE:

Q. Good morning, sir. What is your official rank with the Lexington County Sheriff's Department? Are you a detective?

A. No, sir. I'm a latent print examiner and AFIS operator.

Q. Mr. Hickman, how long have you been in law enforcement?

A. Pretty close to 46 years.

Q. Okay. And that entire time have you been with the Lexington County Sheriff's Department or did you work other places?

A. No, sir. I started my career in Orangeburg Police Department in 1970, and then I came to Lexington County Sheriff's Department in 1985. And in '88, I believe it was, I went to Camden Police Department, and then back in '89 to the sheriff's department. I've been with the sheriff's department ever since.

Q. You said that you're a latent print examiner at the Lexington County Sheriff's Department?

A. Yes, sir.

Q. How long have you been employed in that capacity?

1 A. Since 19 -- 1912 -- excuse me.

2 Q. You're not that old?

3 A. Excuse me.

4 THE COURT: I better check your driver's
5 license.

6 THE WITNESS: Since 2012. I retired in 2009
7 and I came back to the sheriff's department as a
8 latent print examiner in 2012.

9 BY MR. POGUE:

10 Q. Prior to the Lexington County Sheriff's
11 Department, did you serve as a latent print examiner
12 or something in that similar capacity with other law
13 enforcement agencies?

14 A. Yes, sir. I was a crime scene officer with the
15 Orangeburg Police Department for 13 years, and in
16 that capacity I was latent print examiner there.
17 When I went to Camden, I was in charge of the
18 investigations. In Lexington County, I was a --
19 when I retired, I was a senior crime scene officer,
20 and one of my duties was a latent print examiner.

21 Q. Have you had any training -- may seem like a
22 dumb question. But have you had any training with
23 regard to latent print examination?

24 A. Yes, sir. I received basic training with South
25 Carolina Law Enforcement Association which included

1 some latent print examiners. And I got an
2 Associate's Degree with Midlands Tech. I attended a
3 fingerprint recognition class with Midlands Tech.

4 I've completed the basic latent fingerprint
5 class with South Carolina Criminal Justice Academy,
6 the advanced latent print examiners with the
7 Criminal Justice Academy, and the advanced
8 administration latent print examiners course with
9 the FBI in Quantico, Virginia. I also completed a
10 criminal investigation course through Institute of
11 Applied Science out of Chicago, which included the
12 basic training.

13 Q. How many hours of training would you reckon
14 you've had over the course of your career in latent
15 print examination; at least, how many?

16 A. Probably 3- or 400 -- latent -- the FBI course
17 was three weeks long, so that's probably about 200
18 hours there. So probably 3-, 400 hours.

19 Q. Do you teach latent print examination or
20 development at all or have you ever?

21 A. Yes, sir, I do.

22 Q. Where do you teach at?

23 A. I teach all the incoming officers with
24 Lexington County Sheriff's Department on how to
25 develop and process for latent fingerprints. I also

1 have an inhouse OJT program on fingerprint
2 identification with the crime scene officers. I
3 have completed three of them and I have two -- three
4 more that's in the process of training now.

5 MR. POGUE: Your Honor, at this time the State
6 would move to have Mr. Hickman qualified as an
7 expert in the area of latent print examination and
8 analysis.

9 MR. STITELY: Yes, sir, we agree.

10 MR. POGUE: Thank you.

11 THE COURT: All right.

12 Again, ladies and gentlemen of the jury, you've
13 heard me state this previously: Normally a witness
14 cannot testify to opinion testimony. Normally when
15 a witness testifies, they must testify as to either
16 what they saw, heard, sensed, touched, smelled, or
17 something of that nature. However, there is that
18 exception for witnesses that are designated as
19 expert witnesses in a particular certain field, art,
20 craft, or profession, if they're qualified that way.

21 This witness, Detective James Hickman, will be
22 qualified as an expert in the field of latent print
23 examination and analysis to give opinion testimony
24 in that area and the basis for holding those
25 opinions. Again, you, the jury, as the judges of

1 the credibility of the witness, will give that
2 testimony whatever weight and value you deem
3 appropriate and fit.

4 Thank you very much, Solicitor and Mr. Stitely.

5 You may continue, Solicitor.

6 MR. POGUE: Thank you, Your Honor. I beg the
7 Court's indulgence while I locate photos of the
8 prints entered into evidence.

9 BY MR. POGUE:

10 Q. Were you ever asked to do any analysis on
11 prints related to this particular case with the
12 sheriff's department?

13 A. Yes, sir, I was.

14 Q. Okay. And do you know who it was that sent you
15 prints to analyze in this case?

16 A. Yes, sir.

17 Q. Who was that?

18 A. That was Jamie Johnson.

19 Q. Did she send you the actual object that she
20 pulled? How does that work? Explain a little about
21 the process when she pulls the prints. What happens
22 after that?

23 A. Whenever a crime scene officer photographs a
24 latent print, they send me the original digital
25 image. In this case, the digital image was on a

1 flash card that comes out of the camera itself, the
2 memory card in the camera.

3 MR. POGUE: Permission to approach, Your Honor?

4 THE COURT: Yes, sir, you may approach.

5 BY MR. POGUE:

6 Q. Mr. Hickman, I'm handing you up what's been
7 entered into evidence as State's Exhibits 122
8 through 125. Do you recognize these images on those
9 contact sheets?

10 A. Yes, I do.

11 Q. And what are they?

12 A. Those are the latent images that I received
13 from Jamie Johnson.

14 Q. Okay.

15 MR. POGUE: Permission to publish, Your Honor?

16 THE COURT: Yes, sir, you may publish.

17 BY MR. POGUE:

18 Q. Mr. Hickman, I'm just going to put this first
19 contact sheet down. This is State's Exhibit 125,
20 and it's zoomed it right now. Do you know -- were
21 you aware or did you know where these prints came
22 from, these images here?

23 A. Yes, sir, I was.

24 Q. Where did they come from?

25 A. They came off the handle of a hammer.

1 Q. That was collected as evidence in this case?

2 A. Yes, sir.

3 Q. And how many prints were pulled -- or were they
4 whole prints? Let me ask you that first. Were they
5 whole prints? Partial prints? And how many were
6 there?

7 A. They were partial prints. On the memory card I
8 got, there were 12 images of two latent prints.
9 There was only two latent prints there.

10 Q. Were they full prints? How does that work? I
11 mean, is it a fingerprint or a palm print? Are you
12 able to tell that when you look at them?

13 A. Sometimes you can, sometimes you can't. In
14 this incidence, I believe both of them were palm
15 prints.

16 Q. Okay. Based upon your analysis -- I guess I
17 should ask you, did you conduct an analysis? Did
18 you try to find a match for these partial prints
19 based upon either the defendant's or any other
20 latent prints that y'all had in AFIS?

21 A. Yes, sir, I did.

22 Q. Okay. Well, were the prints that were pulled,
23 do you believe that they were of a high quality? In
24 other words, do you believe that the -- Ms. Johnson
25 could have done a better job of pulling those prints

1 off or was this a good job, a not good job in regard
2 to the quality that she did --

3 THE COURT: That's about three questions.

4 MR. POGUE: I apologize, Your Honor.

5 THE COURT: How about let's stick to one.

6 MR. POGUE: I apologize, Your Honor.

7 THE COURT: That's all right.

8 BY MR. POGUE:

9 Q. Do you believe Jamie Johnson did a quality job
10 in pulling the print off of the hammer?

11 A. Yes, I do.

12 Q. That being said, was there enough of the print
13 there for you to be able to determine a match for
14 it?

15 A. No, sir, there was not.

16 Q. Okay. For either print?

17 A. On neither print.

18 Q. And why is it that you weren't able to
19 determine a match for the prints, the partial
20 prints?

21 A. The prints themselves weren't of good quality.
22 There was very few points of identification that I
23 could recognize or see. About the only thing I
24 could see on either latent print itself was some
25 ridge detail, so I could tell there was ridges

1 there.

2 Q. Just for my sake, Mr. Hickman, and the jury's,
3 what do you mean when you say ridge detail?

4 A. If you look at the latent here -- and I can't
5 read which number it is. But you'll see these lines
6 running through here, the dark lines, these are
7 ridges. And if you'll look at your hand or your
8 feet or anything like this, you can see the lines
9 running through them. These are called ridges.

10 And the area in between them, which is the
11 white area here, is furrows. The ridges are where
12 your sweat pores come out at. And I know all of you
13 have had your hands sweating before, so that's --
14 the stuff that comes out, comes out of those sweat
15 pores there. These are why we leave prints because,
16 basically, we sweat. And when you take something,
17 the sweat stays there and forms these ridges.

18 You can see, all along here, you can see these
19 ridges here, but there's -- basically, all you can
20 see is just lines. Whenever I make an
21 identification, I start out by just looking at them
22 to see if there's ridges, which there are in this
23 case, and then I look for ridge detail, which is the
24 minutia points, where a ridge ends and where a ridge
25 comes along and forks. It bifurcates either in two

1 or three little areas where the ridges form a circle
2 around little islands. I look for these things.
3 And when I find a sufficient amount of them to make
4 me happy, basically I go on to the next level, which
5 is the level three. And then I make the
6 identification.

7 If you'll look at this, you'll see you can't
8 see any of these formations. You'll see a ridge
9 ending right about here. There is another one here,
10 there's a bifurcation here, it's just not enough
11 there for any identification.

12 Q. Is that the same image there?

13 A. Yes, sir, it is.

14 Q. There was a question yesterday to Jamie Johnson
15 in regard to the hammer being in storage for two
16 years. Would the fact that a hammer was in storage
17 for two years, if it was stored properly, affect the
18 ability at all to develop and analyze a print that
19 was on the hammer?

20 A. No, it wouldn't. If the print is there and
21 it's stored properly and, basically, kept out of the
22 sunlight and environmental conditions, potentially a
23 fingerprint can stay on there indefinitely.

24 Q. So two years wouldn't be a problem at all?

25 A. No, sir. I think the FBI has developed some

1 that was 50 years old from documents that have been
2 stored in filing cabinets and things like that;
3 brought them out and they're 50 years old and they
4 developed prints then.

5 Q. Just so I understand and the jury understands
6 your testimony, you could find nothing in either of
7 these prints that was unique enough to give you any
8 sort of confidence whatsoever as to who they
9 belonged to?

10 A. Yes, sir, that's correct.

11 MR. POGUE: I beg the Court's indulgence.

12 THE COURT: Yes, sir.

13 MR. POGUE: No further questions, Your Honor.

14 THE COURT: Thank you.

15 Mr. Stitely?

16 MR. STITELY: Judge, briefly, Your Honor. May
17 it please the Court.

18 CROSS-EXAMINATION

19 BY MR. STITELY:

20 Q. Mr. Hickman, how are you today?

21 A. Pretty good.

22 Q. Just a couple brief questions. You can maybe
23 clarify this: You did two different reports,
24 correct; one dated on 1/24 of '18, and one dated on
25 2/5 of '18? Is that correct?

1 A. Yes, sir.

2 Q. And on the one dated on 1/24/18, you talk about
3 a CD containing 13 images of one latent print. Do
4 you have that report in front of you?

5 A. Yes, sir.

6 Q. And it says in the results that latent print is
7 not that of Peter Coffey. Where did that come from?

8 A. That came from another case. Whenever she gave
9 me the information I needed to do these, to get the
10 latent prints, she handed me a -- or she gave me a
11 CD, which she had put the wrong case number on it.

12 Q. So it had nothing to do with this one?

13 A. Had nothing to do with this.

14 Q. I just wanted to clarify that.

15 A. Okay.

16 Q. Just one brief question about State's No. 25.
17 And you were talking to Mr. Pogue about when you see
18 the ridges and the valleys, that's where the sweat
19 comes off, correct?

20 A. Yes, sir.

21 Q. Okay. Do you have any background in any other
22 CSI collections or is fingerprints your only jam?
23 Like DNA, blood, or anything like that?

24 A. I have -- other than collecting swabs for DNA,
25 that's basically it. Most crime scene officers can

1 do that. I have a -- I've been trained in blood
2 spatter and that's about it.

3 Q. If you had a print like this and you were to
4 swab it, could you swab something like that looking
5 for DNA potentially?

6 A. Yes, sir.

7 Q. Clearly there was an imprint on the handle of
8 the hammer, you just couldn't identify it?

9 A. Yes, sir.

10 Q. Was there enough for you to compare it to
11 anybody or you couldn't make any proper comparison
12 at all?

13 A. No, sir. There was not enough to compare it to
14 anyone.

15 Q. Thank you, Mr. Hickman. I believe that's all I
16 have.

17 THE COURT: Redirect, Solicitor?

18 MR. POGUE: Just one question, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. POGUE:

21 Q. Were you aware of whether this hammer was sent
22 off to be analyzed or swabbed for DNA or not?

23 A. No, sir.

24 THE COURT: You weren't aware? Is that a no,
25 sir?

1 THE WITNESS: No, sir, I was not aware.

2 THE COURT: Recross?

3 MR. STITELY: No, sir.

4 THE COURT: Thank you for being with us today.

5 You may step down.

6 All right. Solicitor, you may call your next
7 witness.

8 MR. GRAHAM: State calls Ashley Dixon.

9 ASHLEY DIXON

10 being first duly sworn, testified as follows:

11 THE WITNESS: Yes, ma'am.

12 MR. GRAHAM: Actually, Your Honor, I need to
13 put up another witness before her. I called the
14 wrong witness. My bad.

15 THE COURT: All right. Thank you, Ms. Dixon.

16 You may return to your seat in anticipation of being
17 called.

18 MR. GRAHAM: The State calls Mike Phipps back
19 to the stand.

20 MICHAEL PHIPPS

21 having been previously sworn, testified as follows:

22 THE WITNESS: I do.

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

25 THE WITNESS: Michael Stuart Phipps,

1 P-H-I-P-P-S.

2 REDIRECT EXAMINATION

3 BY MR. GRAHAM:

4 Q. Mike, before, you were under oath. You were a
5 CSI person and now you do phones as well; is that
6 correct?

7 A. Yes, sir.

8 Q. In addition to this case, let me show you an
9 item and ask if you recognize it.

10 A. Yes, sir, I do.

11 Q. Let me show you State's No. 79 in evidence,
12 which is an LG cell phone found powered on at the
13 victim's house, and ask if you recognize that.

14 A. Yes, sir, I do.

15 Q. Okay. The new item that I showed you, did you
16 create this item?

17 A. I did.

18 Q. What is it?

19 A. It is a swab for DNA purposes that I collected
20 August 12th, 2015. At that time, I received a
21 request to examine the phone, which I signed out
22 from our evidence unit, opened the sealed packaging,
23 and before conducting my exam, I took a forensic
24 swab of the phone.

25 Q. So the new item I showed you is a forensic swab

1 to try to collect DNA on State's No. 79; is that
2 correct?

3 A. That is correct.

4 MR. GRAHAM: Your Honor, the State would offer
5 the swab into evidence at this time.

6 MR. STITELY: No objection.

7 THE COURT: Next number, 126; is that right?

8 THE COURT REPORTER: Yes, sir, 126.

9 (State's Exhibit No. 126 admitted into
10 evidence.)

11 BY MR. GRAHAM:

12 Q. Very briefly, can you describe -- when you got
13 the phone, was everything sealed like it was
14 supposed to be?

15 A. It was.

16 Q. Didn't appear to be tampered with?

17 A. It had not been.

18 Q. So you opened it up and you say you created a
19 swab, which is the new item in evidence which is
20 126. Very briefly, tell the jury what 126 is, how
21 you know it's yours, and what is it.

22 A. Okay. We have sterile swabs in our crime scene
23 unit that we use for collection of DNA purposes.
24 They're sterilized by the manufacturer, sealed in a
25 protective outer covering. When we know that we're

1 going to collect DNA, we glove up, open the item of
2 evidence that we're going to collect DNA from in a
3 clean field, and then we take the swabbing of that
4 item or point of interest.

5 In this case, I returned it to the same
6 packaging that it was originally in, folded over the
7 end, taped it, and I initialed it. So my initials
8 and the date that I collected it are visible on the
9 swab.

10 Q. The same process that you would have conducted
11 in collecting the swab from the shower stall at
12 **Decedent** 's house?

13 A. Yes, sir.

14 Q. Thank you, Mr. Phipps. Please answer any
15 questions the Defense has.

16 THE COURT: Thank you, Solicitor.

17 Mr. Stitely?

18 MR. STITELY: Just briefly.

19 RECROSS-EXAMINATION

20 BY MR. STITELY:

21 Q. Mr. Phipps, can you tell me what happened to
22 Peter's phones?

23 A. No, sir.

24 Q. Just disappeared from evidence?

25 A. I'm not involved with evidence. I don't know.

1 Q. I just asked you and you said you were the
2 phone guy down at the sheriff's department.

3 A. Right. Whenever requests comes in, there are
4 several of us that do exams on phones. And I
5 received some requests for phone examinations.

6 Q. You can't tell me what happened to the other
7 pieces of evidence?

8 A. No, sir.

9 THE COURT: Redirect?

10 MR. GRAHAM: No, Your Honor, but he is subject
11 to recall in one more matter.

12 THE COURT: Thank you.

13 Thank you, Detective Phipps. You may step
14 down, subject to recall.

15 Solicitor, you may call your next witness.

16 MR. GRAHAM: We're going to try Ms. Ashley
17 Dixon again.

18 THE COURT: Officer Dixon, come around and be
19 sworn for us, please.

20 ASHLEY DIXON

21 being first duly sworn, testified as follows:

22 THE WITNESS: Yes.

23 THE CLERK: Have a seat. Once you're seated,
24 state your name, spelling your last, please.

25 THE WITNESS: Ashley Dixon, D-I-X-O-N.

DIRECT EXAMINATION

BY MR. GRAHAM:

Q. Ms. Dixon, where are you currently employed?

A. Richland County Sheriff's Department DNA lab.

Q. What do you do for the Richland County Sheriff's Department DNA lab?

A. I am a DNA serologist.

Q. What is a DNA serologist?

A. So I pick up evidence and assist analysts in casework and I screen items for biological materials such as semen and blood.

Q. Okay. How long have you been a serologist?

A. A serologist, one year. But previously I was a DNA technician in the same lab.

Q. How long have you worked in the DNA field then?

A. Six years.

Q. All that time, was it with Richland County?

A. Yes, sir.

Q. Okay. So you have six years as a DNA technician. What are the roles of a DNA technician?

A. Same thing: Pick up evidence, assist analysts in casework, process evidence, and pass that evidence on to the analysts.

Q. Were you involved in processing and photographing evidence involving this case?

1 A. Yes, sir.

2 Q. Now, my understanding is that items have been
3 submitted to Richland County DNA lab multiple times
4 on this case; is that correct?

5 A. Yes, sir.

6 Q. You did not touch each and every item, but you
7 touched some of them; is that correct?

8 A. Yes.

9 Q. So the first item that I see from your
10 report -- or the report for Richland County would
11 have been what you-all referred to as item number
12 14, which is a swab from an LG phone. Is that
13 something that you processed?

14 A. Yes, sir.

15 Q. State's 126, do you recognize that as being the
16 swab that you processed?

17 A. Yes, sir.

18 Q. Can you tell the jury -- this is the swab from
19 the LG that Mr. Phipps just put into evidence. When
20 it says you processed this, what does it mean?

21 A. I took a cutting from it and put it in a tube
22 and put extraction buffer on it and pass it on to
23 the analyst for further analysis.

24 Q. So, what is it, you take a cutting from the
25 swab, you put it in a tube, and then what happens?

1 A. I put buffer on it, it's like detergent to try
2 to get the pure DNA from the item, and then extract
3 it, that gives a little bit of liquid, that's the
4 pure DNA, and then pass it on to the analyst for
5 further analysis.

6 Q. And you did that with the buccal swab from the
7 LG phone that we just talked about?

8 A. Yes, sir.

9 Q. Did you receive your item 15, which is a remote
10 control?

11 A. Yes.

12 Q. Let me show you State's No. 81 and ask if you
13 recognize that.

14 A. Yes, sir.

15 Q. Is that properly -- when you received it, was
16 it properly sealed? Didn't look like it had been
17 tampered with?

18 A. Yes, sir.

19 Q. Now, that item, did you photograph?

20 A. Yes, sir.

21 Q. Let me show you a photograph and ask if you
22 recognize that.

23 A. Yes.

24 Q. Did you take that?

25 A. Yes, sir.

1 Q. Does it fairly and accurately depict the
2 condition of the remote control that you saw when
3 you opened it up?

4 A. Yes, sir.

5 MR. GRAHAM: Your Honor, the State would offer
6 that into evidence at this time.

7 MR. STITELY: No objection.

8 THE COURT: State 127 in evidence without
9 objection.

10 (State's Exhibit No. 127 admitted into
11 evidence.)

12 BY MR. GRAHAM:

13 Q. So the remote control, what did you see and
14 what did you do with it?

15 A. I saw there were reddish-brown stains, so I
16 took a sterile swab, put sterile water on it, and
17 took a swab of the stain.

18 Q. Did you do any presumptive test for the
19 presence of blood?

20 A. Yes, sir.

21 Q. Tell me what that means and what you do and
22 what you found.

23 A. It's a reagent phenolphthalein, so I swabbed
24 the remote control, put the reagents on it, and it
25 turned pink. It was positive for blood.

1 Q. So in addition to it being positive for blood,
2 did you do anything as far as trying to develop DNA
3 off of this for the analyst?

4 A. I took a cutting of the swab.

5 Q. And went through the process, again, of using
6 the buffer and doing the extractions trying to
7 isolate?

8 A. Yes, sir.

9 Q. Item 18 is a buccal swab from Peter Coffey.
10 Let me show you what's been marked as State's 121
11 and ask if you recognize that as being your item 18.

12 A. Yes.

13 Q. Okay. This was properly sealed when it came to
14 you as well?

15 A. Yes, sir.

16 Q. All right. What's the purpose of a buccal
17 swab?

18 A. Just to -- it's for an elimination.

19 Q. All right. So for the buccal swabs that were
20 in here, they collect two at a time, I think; is
21 that right?

22 A. Sometimes they do, sometimes they don't.

23 Q. Were with -- what did you do in preparation for
24 the analyst regarding State's 121, which is Richland
25 County Sheriff's Department No. 18, the buccal swab

1 from the defendant?

2 A. I took a cutting off it, placed it in a tube,
3 extracted it, and sent it forward to the analyst for
4 further analysis.

5 THE COURT: What is the exhibit here? Is that
6 in evidence?

7 MR. GRAHAM: That's State's 121, the
8 defendant's buccal swab, Your Honor.

9 THE COURT: Thank you.

10 BY MR. GRAHAM:

11 Q. The next item that you touched, I believe, was
12 your item 19 from the Richland County report; is
13 that correct?

14 A. Yes, sir.

15 Q. And that is a pair of boxers?

16 A. Yes, sir.

17 Q. Let me show you State's No. 78 and ask if you
18 recognize that. And if you need gloves --

19 THE COURT: Tell me that number again.

20 MR. GRAHAM: State's No. 78.

21 THE WITNESS: Yes, sir.

22 BY MR. GRAHAM:

23 Q. Can you describe to the jury what type of
24 boxers those are in color.

25 A. A plaid.

1 Q. And the color?

2 A. Bluish plaid.

3 Q. Before you put them back in there, did you
4 conduct any phenolphthalein test on those?

5 A. Yes, sir.

6 Q. Can you pull them out and let's show the jury
7 where you conducted those tests.

8 MR. GRAHAM: Your Honor, if I can have her step
9 down to show the jury?

10 THE COURT: You may step down. Please keep
11 your voice up when you're away from the microphone,
12 please.

13 BY MR. GRAHAM:

14 Q. All right. If you could step down here. On
15 the front of the boxers -- well, for the description
16 of the boxers, can you tell the brand and the size?

17 A. Fruit of the Loom, size medium.

18 Q. Now, your -- I see initials there on the band,
19 ABD. Is that you?

20 A. Yes, sir.

21 Q. The crotch area, did you do anything there or
22 is that the way it was when you received it?

23 A. That's the way it was when I received it.

24 Q. So when you're looking at these pair of boxers,
25 what is it you're looking for as far as conducting

1 the phenolphthalein test?

2 A. Any reddish-brown stains.

3 MR. STITELY: Judge, I have a matter of law I'd
4 like to address, if we may.

5 THE COURT: All right. Ladies and gentlemen,
6 step out, please, momentarily. Do not discuss the
7 case during this brief recess.

8 (The jury exits the courtroom at 10:34 AM.)

9 THE COURT: Yes, sir, Mr. Stitely?

10 MR. STITELY: Judge, just briefly. It may be
11 that I just don't have it. But the only analysis
12 that I have from the Richland County Sheriff's
13 Department regards a Hanes boxer shorts. There is
14 no analysis report for a Fruit of the Loom boxer
15 shorts. I was just wondering if I can get a copy of
16 it.

17 (Off-the-record discussion.)

18 MR. STITELY: Okay. I just wanted to make
19 sure. Thank you.

20 THE COURT: Did I rule on this?

21 MR. STITELY: I apologize, Judge. I just
22 wanted to verify --

23 THE COURT: That's all right. That's probably
24 the best ruling I made all day. But here's my
25 question: On the outline of the documents y'all

1 gave me previously, I have that same question. Is
2 there -- and I assume Dr. Amick conducted the DNA
3 testing. Is that right?

4 MR. GRAHAM: Correct, Your Honor.

5 THE COURT: This is not a copy of his report,
6 this is an outline.

7 MR. GRAHAM: That is a summary of his report to
8 explain -- because of complications, to explain to
9 the jury.

10 THE COURT: Just so I know what's coming then,
11 does the report indicate -- isn't Hanes a brand of
12 boxers?

13 MR. GRAHAM: Yes, Your Honor.

14 THE COURT: And then Fruit of the Loom is a
15 different brand?

16 MR. GRAHAM: Correct, Your Honor.

17 THE COURT: Just so I'm clear in my mind,
18 what's --

19 MR. GRAHAM: Yes, Your Honor. The item -- the
20 one we're talking about now is Richland County
21 Item No. 19.

22 THE COURT: Richland County Item No. 19, yes,
23 sir.

24 MR. GRAHAM: Per the way they did it at the
25 time, they just labeled them as boxers. We're just

1 using their language.

2 THE COURT: So let me see, 8, 13 --

3 MR. GRAHAM: 8 is the other pair of boxers.

4 THE COURT: And that doesn't have the brand on
5 the summary?

6 MR. GRAHAM: Number 19 does not have the brand
7 on the summary.

8 THE COURT: Oh, okay. All right.

9 MR. STITELY: And, Judge, I apologize. I just
10 wanted to have clarification as well because I got
11 confused.

12 THE COURT: Yeah, I was trying to track that
13 also. Okay. That wasn't so much about the law, it
14 was clarification.

15 MR. STITELY: And I just didn't want it to
16 become a mess in cross.

17 THE COURT: Yes, sir.

18 All right. Anything further?

19 (The jury enters the courtroom at 10:38 AM.)

20 THE COURT: All right. Officer, you may step
21 back down.

22 BY MR. GRAHAM:

23 Q. Ms. Dixon, again, I think we were showing the
24 front of Richland County Sheriff's Department item
25 19, which was State's No. 78, which are the boxers

1 that came from the victim's house. One of the first
2 things you do, if I understand, is you are looking
3 for the presence of blood?

4 A. Yes, sir.

5 Q. Can you describe to the jury on the front where
6 you saw what you thought was blood?

7 A. I noticed that there were reddish-brown stains,
8 so that's when I screened one area for blood.

9 Q. So how many areas did you actually see that
10 looked like they had blood?

11 A. There's numerous areas. Maybe -- approximately
12 five areas.

13 Q. Of those five areas, did you conduct any
14 phenolphthalein presumptive tests for the presence
15 of blood?

16 A. Yes, sir.

17 Q. Can you show the jury how you know you did it
18 and what part of this?

19 A. I screened this area right here. And I know
20 that it was positive for blood because I put a PH
21 positive plus sign, PH for phenolphthalein. Also,
22 right here, I tested for blood and there's a
23 positive PH for phenolphthalein. Down here in this
24 whole area, tested it for blood and it was positive
25 for phenolphthalein. Yes, that was it.

1 Q. Okay. So the ink writing from a Sharpie in
2 black where there's circles or where there's a
3 positive sign, that's your handwriting indicating
4 where you did the presumptive test?

5 A. Yes, sir.

6 Q. In addition to the presumptive test, did you
7 collect -- let's flip it over. Actually, let's move
8 down here. And if you would just repeat to them
9 what you said there about what you saw and the
10 observations of your tests.

11 A. Sure. I saw reddish-brown stains, so I circled
12 the areas, swabbed the areas with the sterile swab
13 and sterile water, and then put our phenolphthalein
14 on it. It came up positive. So the areas that say
15 positive PH is what was positive for blood.

16 Q. And then the back?

17 A. I did look at the back and I didn't see any
18 stains. I didn't indicate any stains.

19 Q. Going back to the front real quick, we talked
20 about the area around the crotch. There's also a
21 torn area around the band. Is that how it was when
22 you received it?

23 A. No. That's where I took my cutting.

24 Q. Before we go there, did you test the band or
25 the inside of the band?

1 A. Yes, sir.

2 Q. What, if anything, did you see and what did you
3 find?

4 A. To me, it looked like bleed-through from the
5 outside -- bleed-through from the stains.

6 Q. Did you do any further testing on the band or
7 the inside of the band?

8 A. No, sir.

9 Q. So after you did your visual examination and
10 conducted the presumptive test for blood, did you do
11 anything to collect anything to prepare it for the
12 analyst?

13 A. I took a cutting of the waistband here, put it
14 in the tube, extracted it, and sent it over to the
15 analyst for further analysis.

16 Q. The area you took the cutting, is that an area,
17 in your opinion, had blood or did not have blood?

18 A. In my opinion, it did have blood.

19 Q. Is that why you chose that area?

20 A. Yes, sir.

21 Q. You can have a seat. Thank you.

22 So, Ms. Dixon, when you describe that you took
23 the cutting and prepared it for DNA, can you tell
24 the jury what that means and, again, what you did?

25 A. I just took -- using sterile scissors, took a

1 cutting from the material, placed it in a tube, put
2 the buffer on it, extracted it, and sent it over for
3 further analysis.

4 Q. All right. Let me show you an item that's in
5 evidence as State's No. 82 labeled as purse with
6 contents and ask if you recognize that item.

7 A. Let me put my gloves back on.

8 May I stand up?

9 THE COURT: Yes, ma'am, of course.

10 Q. Do you recognize that item as being an item
11 that you analyzed?

12 A. Yes, sir.

13 Q. When it came to you, it was properly sealed?

14 A. Yes, sir.

15 Q. No evidence of tampering?

16 A. No, sir.

17 Q. Let me show you some photographs and ask if
18 these are photographs that you took. I'm handing
19 you five photographs.

20 A. Yes, sir.

21 Q. These are photographs that you took of the
22 purse and some of the contents?

23 A. Yes, sir.

24 MR. GRAHAM: Your Honor, the State would offer
25 these five photographs into evidence.

1 MR. STITELY: No objection.

2 THE COURT: 128, is that right?

3 THE COURT REPORTER: Yes, sir.

4 THE COURT: State's 128 is in evidence without
5 objection.

6 THE COURT REPORTER: It will be 128 through
7 132.

8 (State's Exhibit Nos. 128 through 132 admitted
9 into evidence.)

10 MR. GRAHAM: Your Honor, if I could have
11 Ms. Dixon step down again.

12 THE COURT: Yes, you can step down.

13 BY MR. GRAHAM:

14 Q. Just very briefly to go over the photographs
15 that you took. State's 128, what is that?

16 A. A purse with the contents.

17 Q. 129?

18 A. A closer look of the purse with the contents in
19 it.

20 Q. As you start looking closer, what do you begin
21 to see? What do you notice?

22 A. There's numerous items with what appears to be
23 blood on it.

24 Q. State's 130 is another view of the contents of
25 the purse?

1 A. Yes, sir.

2 Q. What are we seeing here?

3 A. A green book with stains on it.

4 Q. Those stains appear to be what to you?

5 A. Blood.

6 Q. Now, on this item specifically, there's
7 handwriting, again that looks to be in Sharpie.

8 Will you tell the jury, was that there when you
9 received it or is that something you did?

10 A. That's something I did.

11 Q. What was it that you did?

12 A. I swabbed the stain for blood and it came up
13 positive for phenolphthalein.

14 Q. So, again, the presumptive test for blood?

15 A. Yes, sir.

16 Q. Did you collect -- State's 131, what is that?

17 A. It's an item that was inside the purse.

18 Q. And what did you notice about it and what did
19 you do with it?

20 A. It had numerous reddish-brown stains on it, so
21 I swabbed it with a swab and tested it with our
22 phenolphthalein.

23 Q. What were the results of that?

24 A. It was positive for blood.

25 Q. State's 132, is that the same or different item

1 from what was in 131?

2 A. This item was in the purse.

3 Q. State's 132, was that also in the purse?

4 A. Yes, sir.

5 Q. Do you remember whether that is the same item
6 as 131 or different?

7 A. This is a different item.

8 Q. State's 132 is some kind of piece of paper?

9 A. Yes, sir.

10 Q. What, if anything, did you notice about the
11 item in 132?

12 A. It had numerous reddish-brown stains on it. So
13 I swabbed it again, tested it with phenolphthalein,
14 and it was positive for blood.

15 Q. Were these the only reddish-brown stains that
16 you found in the purse or were there more?

17 A. There were more stains.

18 Q. Do you have any idea how many?

19 A. I'm not sure.

20 Q. You can have a seat again. Looking at the
21 purse that you have in front of you, if you would
22 glance through it quickly to give the jury -- my
23 question to you is, how much blood or what you
24 believe to be blood is in there and on how many
25 different items and how it was spread throughout it?

1 A. There appears to be a good amount on the top,
2 basically, not further down into the purse.

3 Q. Now, you only -- so there's more items in the
4 purse -- there was more blood than just these items
5 that we just discussed, right?

6 A. Yes.

7 Q. You chose these three items why?

8 A. The analyst on the case asked me to just take a
9 random selection of what stains were in the purse.

10 Q. In addition to conducting the phenolphthalein
11 presumptive test on these items, did you then
12 collect items to look for the presence of DNA to
13 give to the analyst?

14 A. Yes, sir.

15 Q. Specifically looking at State's No. 130, what
16 you described, I think, as a green book, did you
17 create what's in the Richland County reports as item
18 20.1, which would represent a stain on a green book?
19 Did you create something for DNA purposes from that?

20 A. Yes, sir.

21 Q. What did you do?

22 A. I swabbed it and took a cutting from the swab
23 and placed it into the tube and extracted it and
24 passed it on to the analyst.

25 Q. State's No. 131, which was the smaller receipt,

1 I think is how it was referred to as a 20.2 stain on
2 receipt, correct?

3 A. Correct.

4 Q. Did you create something from the DNA analyst
5 from this?

6 A. Yes, sir. I took a swab from the stain, took
7 the cutting from the swab, placed it in the tube and
8 extracted it and passed it on for further analysis.

9 Q. Looking at State's No. 132, does that
10 correspond to the 20.3 designation of a stain on an
11 envelope?

12 A. Yes, sir.

13 Q. And did you do the same thing with this stain
14 and create a swab to collect DNA and do an
15 extraction and prepare it for the analyst?

16 A. Yes, sir.

17 Q. In addition to the purse, did you also look at
18 what you have labeled as Richland County Sheriff's
19 Department No. 21, which is the shower curtain?

20 A. Yes, sir.

21 Q. Let me show you State's 77 and ask if you
22 recognize that. And if you would, put that back in
23 the bag. So looking at State's 77, do you recognize
24 that?

25 A. Can I lay this here?

1 Q. I can hold it for you and help you open it, if
2 you'd like.

3 MR. GRAHAM: Your Honor, can she step down?

4 THE COURT: Yes, sir, she may step down.

5 THE WITNESS: Yes, I recognize this.

6 BY MR. GRAHAM:

7 Q. Do you recognize this as being the shower
8 curtain that you looked at, which is known as
9 Richland County Sheriff's Department 21?

10 A. Yes, sir.

11 MR. GRAHAM: Your Honor, the State would
12 offer -- well, I guess this is already in evidence.

13 BY MR. GRAHAM:

14 Q. Was it properly sealed when it came to you?

15 A. Yes, sir.

16 Q. When you went to --

17 MR. GRAHAM: I guess, Bradley, if you can come
18 here, you and I will hold it and let her talk about
19 it.

20 Your Honor, if I can get her to explain to the
21 jury what she did.

22 THE COURT: Of course.

23 THE WITNESS: I noticed that there were several
24 stains on this, so I took a swab, a sterile swab,
25 put sterile water on it, swabbed a little bit of

1 each area of the stain, and tested it with our
2 phenolphthalein.

3 BY MR. GRAHAM:

4 Q. So when you got this, you didn't know how this
5 curtain was oriented at this crime scene, correct?

6 A. Correct.

7 Q. So on the side that we're looking on, if you
8 would walk us through the areas. I see again black
9 Sharpies and numbers and circles. If you would tell
10 us what that means.

11 A. So 21 is our item number. So when we have
12 numerous items that we're testing, we subdivide it.
13 So that's what -- the 21.1 would be the first item I
14 swabbed. So I swabbed this area to test for blood.
15 It was positive for blood, so positive
16 phenolphthalein. As well as item 21.2, I swabbed it
17 for blood, it was positive with the phenolphthalein.
18 21.3, it was -- I swabbed it for blood, positive
19 phenolphthalein.

20 Q. Let me ask you a question. So, for instance,
21 on 21.1, positive phenolphthalein, so presumptive
22 test for blood positive. You circled this whole
23 area. Does that mean that you tested every piece in
24 that area?

25 A. No, sir. I just swabbed one area. If it looks

1 like it came from the same area, I'll just swab one
2 area of it.

3 Q. If you would continue on. That was 21.1. I
4 think we did 21.2 and 21.3.

5 A. 21.4 was a small stain. I swabbed it, tested
6 it also with phenolphthalein, and it was positive.
7 21.5, a small stain. I swabbed it, tested it with
8 phenolphthalein, it was positive. There's a stain
9 up here I tested for blood, and it was negative for
10 blood.

11 Q. Okay. So the -- when it says positive PH, that
12 means it was presumptively positive for blood?

13 A. Yes, sir.

14 Q. When it's an equal sign, that actually means
15 there was no blood present?

16 A. Correct.

17 Q. Step down and we'll repeat this for the jury at
18 the other end.

19 A. So 21.1, I swabbed it with a sterile swab and
20 tested it with our phenolphthalein. It was positive
21 for blood. 21.2, I did the same, swabbed it and
22 tested it with our phenolphthalein. It was positive
23 for blood. 21.3, swabbed it and tested it with
24 phenolphthalein. It was positive for blood. 21.4,
25 swabbed it and tested it with phenolphthalein. It

1 was positive for blood. 21.5, swabbed it and tested
2 it with phenolphthalein. It was positive for blood.

3 And there was a stain up here I tested with the
4 phenolphthalein, and it was negative for blood. And
5 there was a stain down here, 21.6, swabbed it,
6 tested it, and it was positive for blood.

7 Q. Will you tell the jury down here what you did.

8 A. There was a stain down here, 21.7. I swabbed
9 it and it was positive for blood. 21.8, I took a
10 swab and tested it for blood, and it was positive.
11 And 21.9, a stain, I swabbed it and tested it with
12 phenolphthalein, and it was positive for blood.

13 This is 21.7. There was a stain. I swabbed it
14 and tested it with phenolphthalein. It was positive
15 for blood. 21.8, I swabbed the stain, tested with
16 phenolphthalein. It was positive for blood. And
17 21.9, I swabbed it and tested it with the
18 phenolphthalein. It was positive for blood.

19 Q. So from your observations and presumptive tests
20 for phenolphthalein, you found nine spots that were
21 positive for blood which you labeled as 21.1 through
22 21.9?

23 A. Yes, sir.

24 Q. There was one that you thought might be blood.
25 You checked it and it was negative?

1 A. Correct.

2 Q. Did you create nine swabs for DNA out of this
3 or did you actually only create four?

4 A. I created nine.

5 Q. How many of those got passed on -- not
6 presumptive swabs for DNA. How many DNA swabs did
7 you create to pass on to the analyst?

8 A. Can I look at my notes?

9 Q. You sure can.

10 A. Four swabs.

11 Q. All right. Can you go through to the jury and
12 identify which swabs you created for DNA? And I
13 think we'll switch.

14 A. So I took a swab from item 21.1 and took a
15 cutting, put it in a tube, extracted it, and passed
16 it on to the analyst for further analysis. 21.2,
17 took a swab, cut it out, put it in a tube, extracted
18 it, and passed it on for further analysis. 21.6, I
19 took a swab of this stain, cut it out, put it in a
20 tube, passed it on for further analysis. And then
21 21.8, took a swab of it, cut it out, put it in a
22 tube, and passed it on for further analysis.

23 Q. So of the nine presumptive tests that were
24 positive, you collected four swabs to attempt to
25 extract DNA to pass on to the analyst?

1 A. Yes, sir.

2 Q. You can have a seat. Thank you, ma'am.

3 Now, inside the box that is labeled 77, there
4 were numerous swabs or numerous gold envelopes; is
5 that correct?

6 A. Yes, sir.

7 Q. What do these represent?

8 A. These are the swabs from the other stains that
9 I did not cut out for further analysis.

10 Q. Okay. So those were DNA swabs that you
11 collected that weren't analyzed or those were
12 presumptive tests?

13 A. These are positive for the blood. And I saved
14 them in case there needed to be further analysis on
15 it.

16 Q. And you recognize those because of your
17 handwriting and your initials?

18 A. Yes, sir.

19 Q. Let me show you a few photographs that are
20 previously marked for identification as State's 71,
21 72, 73, and 74. Do you recognize those photos?

22 A. Yes, sir.

23 Q. Those are photos you took?

24 A. Yes, sir.

25 Q. That would have been photos you took of the

1 shower curtain after you did the presumptive
2 testing?

3 A. Yes, sir.

4 Q. Showing -- what we just showed the jury is also
5 photographed there showing the item number and where
6 they were positive or negative?

7 A. Yes, sir..

8 MR. GRAHAM: Your Honor, the State would move
9 these into evidence at this time.

10 MR. STITELY: No objection.

11 THE COURT: State's 71, 72, 73, and 74 in
12 evidence without objection.

13 (State's Exhibit Nos. 71 through 74 admitted
14 into evidence.)

15 BY MR. GRAHAM:

16 Q. In addition to that item, did you also process
17 what you refer to as number 13 at Richland County,
18 which is a cucumber?

19 A. Yes, sir.

20 Q. Now, by agreement of the Defense, we don't
21 actually have the cucumber in here. And they're
22 stipulating to the chain, so I don't actually have
23 the cucumber to show you. I do have two photographs
24 that are in evidence, 44 and 45. Does that appear
25 to be the cucumber that you were asked to process?

1 A. Yes, sir.

2 Q. Can you describe how you received the cucumber
3 that is labeled as Richland County No. 13?

4 A. It was in a heat-sealed bag properly sealed.
5 When I opened it up, it was frozen.

6 Q. Okay. What, if anything, did you do with the
7 cucumber when you -- tell me what happened.

8 A. So I opened up the bag, took a sterile swab and
9 used sterile water to put on the swab, then I
10 swabbed the cucumber.

11 Q. And the purpose of swabbing the cucumber was
12 what?

13 A. To potentially get DNA off of it.

14 Q. And did you -- once you created the swab, what,
15 if anything, did you do to prepare it for the
16 analyst?

17 A. I took a cutting of the swab, put it in the
18 tube, put the extraction buffer on it, extracted it,
19 and then passed it on for further analysis.

20 Q. 13.1 in the Richland County report, that's the
21 swab we're talking about?

22 A. Yes, sir.

23 Q. There's also an item called 13.2. What was
24 13.2?

25 A. It was a brown hair with a root that was on the

1 cucumber.

2 Q. That was in the same bag with the cucumber?

3 A. Yes, sir. It was wrapped around the cucumber.

4 Q. Were there other hairs as well?

5 A. Yes, sir.

6 Q. Let me show you a photograph and ask if you
7 recognize this photograph.

8 A. Yes, sir.

9 Q. And is that a photograph you took of the hairs
10 that you found either on the cucumber or in the bag?

11 A. Yes, sir.

12 MR. GRAHAM: Your Honor, the State would offer
13 this into evidence at this time.

14 MR. STITELY: Let me see this one real quick,
15 Judge.

16 No objection.

17 THE COURT: What number is that?

18 THE COURT REPORTER: It will be 133.

19 (State's Exhibit No. 133 admitted into
20 evidence.)

21 MR. GRAHAM: Your Honor, if she can step down
22 again for this?

23 THE COURT: Yes, ma'am, you may step down.

24 BY MR. GRAHAM:

25 Q. Ms. Dixon, looking at State's 133, would you

1 describe to the jury, we were talking about the hair
2 you found with the cucumber?

3 A: Well, there's three hairs here. I can't tell
4 which one had the root on it at this point. But
5 those were the hairs that were in the bag with the
6 cucumber.

7 Q. When you talk about a root, what does that
8 mean?

9 A. Tissue on the end of a hair.

10 Q. A follicle?

11 A.. Yes, sir.

12 Q. What did you do with the hair follicle or the
13 hair root?

14 A. I took a cutting of the root and put it in a
15 tube, put buffer on it, extracted it, and passed it
16 on to the analyst.

17 Q. To try to find DNA from the --

18 A. Root.

19 Q. -- root of the hair.

20 You don't remember which one of those three
21 hairs had the root on it?

22 A. No, sir.

23 Q. All right. That would be 13.2, I believe --

24 A. Yes, sir.

25 Q. -- from Richland County that says hair. That's

1 the DNA extraction from the root of one of these
2 three hairs?

3 A. Yes, sir.

4 Q. All right. In addition, the next item you have
5 is 13.3, which is an unknown substance on a hair.

6 When this photograph was taken, is the unknown
7 substance still visible?

8 A. No, sir.

9 Q. Why is that?

10 A. Because I consumed the whole unknown substance
11 to try to get as much DNA from it as I could.

12 Q. The DNA substance, do you remember which hair
13 it was on?

14 A. No, sir.

15 Q. Do you remember what it looked like?

16 A. I do.

17 Q. Would you describe what the substance appeared
18 to be to you?

19 A. It appeared to be -- it didn't look like blood,
20 it didn't -- it just looked kind of syrupy-looking.

21 Q. How about the approximate size?

22 A. Very tiny, maybe a millimeter.

23 Q. Visible to the naked eye?

24 A. Yes, sir.

25 Q. And did the analyst -- I keep saying the

1 analyst. That's actually Dr. Amick, correct?

2 A. Yes, sir.

3 Q. Did he have an opportunity to observe that
4 matter as well?

5 A. Yes, sir.

6 Q. So you found the matter on one of these hairs.
7 Did he see the matter before you removed it from the
8 hair?

9 A. Yes, sir.

10 Q. And you took that matter. Did you do any
11 presumptive test on it?

12 A. No, sir.

13 Q. So you saw matter that looked syrupy,
14 approximately a millimeter on one of the hairs, and
15 you attempted to develop DNA for Dr. Amick to look
16 at?

17 A. Yes, sir.

18 Q. Please have a seat.

19 Now, as far as any other items, did you prepare
20 any other items for Dr. Amick?

21 A. An additional swab, buccal swab.

22 Q. All related to the defendant, Mr. Coffey,
23 though; is that correct?

24 A. Yes, sir.

25 Q. Did you do any type of -- other than the

1 presumptive tests we talked about, did you do any
2 other kind of serology test looking for sperm or
3 semen?

4 A. No, sir.

5 Q. So if those were done -- any other tests for
6 blood, sperm, semen, or developing DNA on other
7 items, Dr. Amick himself did?

8 A. Yes, sir.

9 Q. Thank you, Ms. Dixon. Please answer any
10 questions the Defense has.

11 THE COURT: Ladies and gentlemen, I think now
12 would be a good time for us to take our morning
13 recess. We'll take about 15 minutes. Please leave
14 your notes. Do not discuss the case during this
15 brief recess. Thank you very much.

16 (The jury exits the courtroom at 11:11 AM.)

17 THE COURT: All right. Officer Dixon, you may
18 certainly step down and refresh yourself during this
19 recess. You may not discuss your testimony with
20 anyone. Thank you very much.

21 Anything before we take our recess, Solicitor?

22 MR. GRAHAM: No, Your Honor.

23 THE COURT: All right. Thank you. Thank you
24 very much.

25 MR. GRAHAM: Well, Your Honor, something to

1 consider: I do plan on offering that summary chart
2 in evidence. At one time Mr. Stitely said he
3 objected to it, yesterday he sounded like he didn't.
4 So I don't know whether he still does and Your Honor
5 wants to proffer anything from the next witness.

6 MR. STITELY: Judge, I don't have a problem
7 with the contents of the chart. I think the chart
8 ends up as demonstrative and should not be entered
9 into evidence. If he wants to use it to refer to
10 it, I don't think that's a problem, but I don't
11 think it's a matter of evidence. It was prepared by
12 the solicitor's office, not Dr. Amick.

13 THE COURT: Would you change your mind if it's
14 all in one color? I'm just curious.

15 MR. STITELY: My only concern with that, Judge,
16 is it does not contain other items that were not
17 tested on it, so it's only a partial chart. If this
18 chart contained -- I guess I'm speaking out of turn
19 here. But there are a number of items which they
20 did not perform analysis on. They are not included
21 on here, so I think it's kind of a half omission of
22 some of the things that were sent to the lab that
23 weren't done up.

24 THE COURT: Okay.

25 MR. STITELY: Like there's a number 3 that the

1 doctor's report says no DNA done. It's not on this
2 chart. I don't think it's a complete chart, so I
3 don't think it's fair.

4 MR. GRAHAM: If I can, Your Honor?

5 THE COURT: Well, it's hard to track DNA and
6 it's hard -- no criticism with Dr. Amick or
7 Ms. Dixon. It's even hard to track it in their
8 reports if you don't do a chart of some type. And,
9 of course, what is that rule, 1006, about summaries
10 or something like that?

11 What were you going to say, Solicitor?

12 MR. GRAHAM: I was going to add that, actually,
13 Dr. Amick asked us to prepare the chart. So we
14 prepared it and we sent it to him for review to make
15 sure it was correct.

16 THE COURT: Well, Dr. Amick is a very
17 experienced, qualified DNA analyst, and has
18 testified many times in that regard.

19 MR. GRAHAM: What items specifically --

20 THE COURT: Why don't y'all talk about it and
21 see if you can work it out? I think it's helpful to
22 the jury, but I understand your point.

23 (Short break.)

24 THE COURT: Anything before we bring in our
25 jury from the State, Solicitor?