

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable J. Mark Hayes, Circuit Court Judge

THE STATE,

V.

ALEXANDER RASHEEN MATTHEWS,

RESPONDENT

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SC Court of Appeals

APPELLANT

APPELLATE CASE NO 2018-000170

RECORD ON APPEAL

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

3 The State,)
4 -vs-) TRANSCRIPT OF RECORD
5 Alexander Rasheen Matthews,) 2016-GS-42-3026;3027;3028
6 Defendant.) January 23 - 25, 2018
7 Spartanburg, South Carolina

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9
10 B E F O R E:

11 HONORABLE J. MARK HAYES, II, JUDGE
12

13
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Alexander Rasheen Matthews
Examination by the Court

1 (Proceedings January 23, 2018)

2 THE COURT: All right. We'll go on the record on the
3 matter of the State vs. Matthews.

4 I've got that this is three charges of burglary in the
5 first degree under Indictment 2016-GS-42-3026; indictment
6 for murder under Indictment 16-GS-42-3028; indictment of
7 arson in the third degree under Indictment 16-GS-42-3027.

8 Yes, sir.

9 MR. WHELCHER: Your Honor, my client goes by Rasheen
10 Matthews, and to those indictments he enters a plea of not
11 guilty, Your Honor.

12 And he informs me again this morning -- and we've had
13 conversations about this -- and he does not want a trial by
14 a jury. He wants a bench trial.

15 THE COURT: All right. Mr. Matthews, if you will,
16 please raise stand.

17 ALEXANDER RASHEEN MATTHEWS,
18 having been first duly sworn, testified as follows:

19 THE COURT: Mr. Matthews, you might know, but we are
20 make a recording of everything that happens, so please
21 speak up loud enough so that both the court reporter and I
22 can hear you. And if ever during this process you can't
23 hear me, let me know as well. Okay?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Mr. Matthews, your lawyer informs me that

Alexander Rasheen Matthews
Examination by the Court

1 you wish to waive your right to a jury trial. Is that
2 correct?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Mr. Matthews, do you understand that you
5 have that right to waive it? But I need to make a record
6 of the fact that you have been advised of your right to a
7 jury trial, because normally what we would do in cases like
8 this is we would bring in 12 members of the jury. We'd
9 impanel them in that jury box. We'd allow the lawyers to
10 conduct a trial. And the state would have to convince all
11 12 members of the jury that you're, in fact, guilty beyond
12 a reasonable doubt of these charges.

13 But it is your intent to waive your right to that jury
14 trial?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: All right. And that would mean that we
17 will have a nonjury trial on these cases. And then I would
18 sit both as the finder of fact. Also, I'm the judge of the
19 law. Is that what you wish?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Okay. All right. Anything from the
22 state?

23 MR. GRAY: Your Honor, I apologize. I don't know the
24 appropriate time to start to say this. I know we're not
25 having a jury trial in this matter.

1 All right. Given the hour that it is and the fact
2 that I've held the jury this morning, what I would like to
3 do is go ahead and dismiss the jury until -- have them to
4 call back later.

5 I would suggest -- my understanding is that the state
6 has produced some photographs that are being reviewed to --
7 let's get all of the "I's" dotted and "T's" crossed, and
8 let's reconvene at, say, 1:15 to begin the trial of the
9 case.

10 MR. WHELCHEL: Okay.

11 MR. GRAY: Your Honor, one more.

12 There was an offer expressed in this matter. My
13 understanding -- it was an offer of voluntary manslaughter.
14 As of the beginning of this trial --

15 MR. WHELCHEL: It was a straight-up plea to --
16 straight up Alford, Your Honor, to plead to voluntary
17 manslaughter.

18 I discussed that with my client, and he has rejected
19 that offer.

20 Is that correct, sir?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Involuntary manslaughter carries zero
23 to --

24 MR. GRAY: Voluntary.

25 THE COURT: Voluntary carries --

1 MR. GRAY: Two to thirty.
2 THE COURT: Two to thirty.
3 Okay. All right. Will that offer stand until 1:15?
4 MR. GRAY: Yes, sir.
5 THE COURT: All right. Offer still stands until
6 1:15 when we reconvene.
7 MR. WHELCHER: I understand.
8 THE COURT: Okay. All right. We will reconvene at
9 1:15.
10 (Whereupon, a recess was taken.)
11 (C.D. marked State's Exhibit No. 1 for Identification;
12 photographs marked State's Exhibits No. 2 through 33 for
13 Identification; copy of sentence sheet marked State's
14 Exhibit No. 34 for Identification; copy of sentence sheet
15 marked State's Exhibit No. 35 for Identification;
16 fingernail scrapings marked State's Exhibit No. 36 for
17 Identification; sexual assault kit marked State's Exhibit
18 No. 37 for Identification; scene diagram marked State's
19 Exhibit No. 38 for Identification; prescription bottle for
20 Spencer Middleton marked State's Exhibit No. 39 for
21 Identification; buccal swab of defendant marked State's
22 Exhibit No. 40 for Identification; buccal swab consent to
23 search marked State's Exhibit No. 41 for Identification;
24 pre-interrogation waiver form of defendant marked State's
25 Exhibit No. 42 for Identification; phone records marked

1 State's Exhibit No. 43 for Identification; statement of
2 Sandra Brewton marked State's Exhibit No. 44 for
3 Identification; safe marked State's Exhibit No. 45 for
4 Identification.)

5 MR. WHELCHER: Your Honor, one matter for the
6 housekeeping.

7 I neglected to inform the Court. Two of these charges
8 are direct presentments -- the burglary and the arson.
9 I've spoken with my client concerning whether or not he
10 wants to be arraigned on those charges, and we're waiving
11 arraignment, Your Honor.

12 THE COURT: All right. Thank you, sir.

13 MR. WHELCHER: In addition, I spoke to my client
14 concerning the extension of the offer to voluntary
15 manslaughter. He is not interested, Your Honor.

16 THE COURT: Okay. State ready to proceed?

17 MR. GRAY: Yes, sir, Your Honor.

18 THE COURT: Yes, sir.

19 MR. GRAY: I guess in this situation probably waive
20 openings unless --

21 THE COURT: Do you feel the need to want to open?

22 MR. WHELCHER: I didn't know if Your Honor would
23 require us to open or not.

24 THE COURT: I do not require it.

25 MR. WHELCHER: Okay. May I beg the Court's

Adam Bailey
Direct examination by Mr. Gray

1 indulgence?

2 THE COURT: Yes, sir.

3 (Pause.)

4 MR. WHELCHER: We don't need an opening, Your Honor.

5 THE COURT: Yes, sir.

6 MR. GRAY: Thank you, Your Honor.

7 The state would like to proceed at this point on all
8 three charges against -- all of the indictments against
9 Mr. Matthews.

10 The first witness in this matter is Mr. Adam Bailey.

11 ADAM BAILEY, having been first
12 duly sworn, testified as follows:

13 MR. GRAY: May it please the Court, Your Honor.

14 THE COURT: Yes, sir.

15 DIRECT EXAMINATION BY MR. GRAY

16 Q Mr. Bailey, where do you work?

17 A I work for Spartanburg Police Department.

18 Q How long have you worked there?

19 A For approximately a little over four years.

20 Q At this point what are your primary duties and
21 responsibilities?

22 A I was assigned to uniform patrol. I basically would
23 respond to calls for service.

24 Q And you've been doing that since you've been working
25 at Spartanburg Police Department?

Adam Bailey
Direct examination by Mr. Gray

1 A Up until the last probably six or seven months. I
2 just transferred over from there.

3 Q All right. Back in -- I'm going to take you back to
4 June of 2014. I believe the date was June 17th of 2014.

5 A Yes, sir.

6 Q Were you working there?

7 A Yes, sir, I was.

8 Q On patrol.

9 A Yes, sir.

10 Q Did you get a call that day to [REDACTED] Overbrook Circle?

11 A Yes, sir, I did.

12 Q What was that in response to?

13 A Initially, it was a call to assist fire department at
14 [REDACTED] Overbrook Circle.

15 Q Once you got there, what did you see or observe?

16 A Once I got on the scene I saw the house. The
17 firefighters were actually in the yard and it looked --
18 they appeared to be trying to revive a victim, female
19 victim, laying in the front yard.

20 Q Now, that address, again, that's [REDACTED] Overbrook Circle.

21 A Yes, sir.

22 Q Is that in the city of Spartanburg?

23 A Yes, sir, it is.

24 Q County of Spartanburg.

25 A City limits of Spartanburg.

Adam Bailey
Direct examination by Mr. Gray

1 Q County of Spartanburg, correct?

2 A Yes, sir.

3 Q Thank you.

4 Now, you say they were trying to revive a female. Did
5 you know who that female was at the time?

6 A No, sir, I did not.

7 Q What did you do once you saw them trying to revive the
8 female? Specifically, what did you do?

9 A Once I saw them trying to revive the female, I
10 actually saw E.M.S. pulling up shortly after I did. I went
11 over to E.M.S., and I advised them that they were needed at
12 the front of the residence where the firefighters were at
13 with the victim.

14 Q Did you do anything to try to revive the female?

15 A No, sir.

16 Q Did you collect any evidence or anything at the scene?

17 A No, sir.

18 Q What did you do?

19 A At that point I helped contain the crime scene until
20 other officers arrived that were able to help contain the
21 crime scene as well to make sure no one came into the crime
22 scene and disturbed anything. There were a couple of
23 people milling around outside in the street.

24 Q You say contain the crime scene. Exactly what area do
25 you mean, the house only or the yard or what?

Adam Bailey
Cross-examination by Mr. Wheelchel

1 A The house is -- surroundings, the yard, the
2 surrounding curtilage of the residence.

3 Q How did you contain the crime scene?

4 A Just kept anyone from coming inside, from coming into
5 the yard or into the residence.

6 Q Did you put up any tape or any barriers?

7 A Yes, sir. There was actually police tape put up.

8 Q And what was the location of the victim when you were
9 containing the crime scene?

10 A She was laying in the front yard at the front of the
11 residence.

12 Q And, again, your purpose was to make sure that no
13 one -- I guess for lack of a better word -- contaminated
14 the crime scene.

15 A Yes, sir.

16 Q That was not law enforcement or fire department.

17 A Yes, sir. That's correct.

18 Q I don't have any further questions at this time.
19 Please, sir any questions Mr. Wheelchel may have.

20 CROSS-EXAMINATION

21 BY MR. WHEELCHEL

22 Q Ms. Gray was already outside of the residence when you
23 arrived, is that correct?

24 A Did you say Ms. Gray?

25 Q Yes.

Adam Bailey
Cross-examination by Mr. Whelchel

1 A Yes, sir.

2 Q Okay. While they were putting out the fire --
3 firefighters -- you didn't go in, is that right?

4 A Yes, sir. That's correct.

5 Q Did you go in at all?

6 A No, sir, I did not.

7 Q Did you go around the house at all?

8 A No, sir.

9 Q Okay. So essentially all you did was respond to the
10 scene, set up the perimeter.

11 A Yes, sir.

12 Q Okay. That's all you know about this case?

13 A Yes, sir.

14 Q Thank you, sir.

15 THE COURT: Any redirect limited to what he went into?

16 MR. GRAY: No, sir, Your Honor.

17 THE COURT: Thank you, sir. You may step down. Watch
18 your step.

19 THE WITNESS: Thank you, Your Honor.

20 THE COURT: Any reason why the witness cannot be
21 excused?

22 MR. GRAY: No, sir.

23 MR. WHELCHER: No, sir.

24 THE COURT: Thank you, sir. You may be excused as
25 well.

Bethany Taylor Harvey
Direct examination by Mr. Gray

1 (whereupon, the witness was excused.)

2 MR. GRAY: The state calls Bethany Harvey.

3 BETHANY TAYLOR HARVEY, having
4 been first duly sworn, testified as follows:

5 DIRECT EXAMINATION BY MR. GRAY

6 Q Please state your full name, ma'am.

7 A Bethany Taylor Harvey.

8 Q Bethany Taylor Harvey, Ms. Harvey, I believe your
9 former maiden name was Ms. Tetter, correct?

10 A Yes, sir.

11 Q And you worked at Spartanburg Fire Department under
12 that name?

13 A Yes, sir.

14 Q How long did you work there?

15 A I worked there for approximately two and a half years.

16 Q And what were your primary duties and
17 responsibilities?

18 A I was a firefighter.

19 Q Now, you heard the incident that was discussed at [REDACTED]
20 Overbrook Circle in Spartanburg, correct?

21 A Yes, sir.

22 Q Did you respond to that fire?

23 A Yes, sir.

24 Q When you responded to that fire, what did you do?

25 A That evening I responded on the ladder company. I was

Bethany Taylor Harvey
Direct examination by Mr. Gray

1 assigned upon arrival to pull utilities. So I began my
2 walk around the house to the meter box, which is typically
3 at the back of the house, and pulled the meter. Continued
4 around the house to the front, walking around the house. I
5 heard the radio traffic that there was a victim found
6 inside.

7 When coming around back to the front of the house I
8 was immediately told to assist with patient care. After
9 getting gloves off of a unit I returned to the patient, and
10 immediately she presented with obvious facial trauma.

11 Q Let me hold you on for a second. Excuse me.

12 A Okay.

13 Q You say she. Is that Ms. Gray, the victim?

14 A The victim, yes, sir.

15 Q Please continue.

16 A When I approached the victim she had obvious facial
17 trauma.

18 My partner at the time and other firefighters had
19 already began chest compressions. I started getting out
20 airway supplies. Another firefighter had pulled out a bag
21 valve mask to begin giving breaths.

22 I pulled out a device that is made to go into the
23 patient's airway and hold the tongue back so that those
24 breaths can actually go in. It holds the airway open.

25 Q was this inside the residence --

Bethany Taylor Harvey
Direct examination by Mr. Gray

1 A No. This was --

2 Q -- or outside the residence?

3 A This was after the -- this was after the victim had
4 been brought out into the yard.

5 Q Did you help bring the victim out into the yard?

6 A I did not.

7 Q Other firefighters did that?

8 A Other firefighters had brought the victim out into the
9 yard. And that's when I was instructed to begin assisting
10 with resuscitation efforts.

11 Q Please continue.

12 A I attempted to put that device, which is called an
13 O.P.A., into the victim's mouth, and it was met with
14 resistance. I could not put that in.

15 So we continued on. I began to get out the A.E.D.,
16 which is your standard A.E.D. that you would find here in
17 the courthouse.

18 Q I'm sorry. What's an A.E.D.?

19 A It's -- you put it on somebody who is having a heart
20 attack or in cardiac arrest in attempts to give them
21 electrical shock in order to revive them.

22 Q Automatic panels?

23 A Yes.

24 Q All right.

25 A While I was getting that out paramedics from a

Bethany Taylor Harvey
Direct examination by Mr. Gray

1 neighboring fire department came up, and they said that we
2 needed to stop, that the -- the victim was obviously
3 deceased.

4 And about that time E.M.S. came up. And they had a
5 bigger, more advanced machine that they are able to put the
6 patient on and that actually shows the heart waves and the
7 electricity around the heart to tell if the patient has a
8 heartbeat or, you know, basically is alive or deceased.
9 They hooked the victim up to that and they ran a stroke,
10 and it showed that the victim was deceased.

11 Q Did you go into her house at all?

12 A After we ended the resuscitation efforts I, myself, my
13 partner and two -- two firefighters from a neighboring
14 department did pack out and go into a separate part of the
15 house to attempt to overhaul and search for extension of
16 the fire. But we never entered the area in which the
17 victim was found.

18 Q You never recovered any evidence from the scene?

19 A No, sir.

20 Q And, unfortunately, I understand that your
21 resuscitation efforts of Ms. Gray were unsuccessful.

22 A They were unsuccessful, yes, sir.

23 Q No further questions at this time. Please answer any
24 questions Mr. Welchel may have.

25 A Yes, sir.

Bethany Taylor Harvey
Cross-examination by Mr. Wheelchel

1 CROSS-EXAMINATION

2 BY MR. WHEELCHEL

3 Q Did you find a pulse, ma'am?

4 A There was no pulse. No, sir.

5 Q Have you read all of the reports from the other
6 firefighters over there?

7 A Yes, sir. I've read over the other reports. We
8 done -- it's standard to -- you know, for everybody to do,
9 like, an after-action report to sit down and go over, you
10 know, what was good and what was bad and what could be
11 improved on after a scene like that.

12 Q Is that what's called a first-responder incident
13 review? Let me show it to you.

14 A Okay.

15 Q Is that you?

16 A Yes, that's me.

17 Q Okay. That's what I was asking about.

18 A Yeah. That's -- that's a little different. That's
19 where they just kind of go back and they're asking other
20 questions of us to kind of get additional statements that
21 we may have not thought of initially when we wrote our
22 initial reports.

23 Q It's essentially an assessment or a wrap-up of
24 everything that you did or tried to do in this case, is
25 that correct?

Bethany Taylor Harvey
Cross-examination by Mr. Welchel

1 A Yes, sir.

2 Q Okay. It says in item eight that you would enter the
3 building through the front door in order to perform
4 overhaul.

5 A Yes, sir. And we went and done the overhaul. It was
6 in one of the front left rooms of the house. It's more
7 detailed in this statement where we went. But we did enter
8 and go to the front left of the house. I believe it was
9 the kitchen area.

10 Q This is after.

11 A This was afterwards.

12 Q After your efforts.

13 A Yes, sir.

14 Q Okay. Item 12 says meter was pulled on first walk
15 around.

16 A Yes. The electrical meter in the back of the house.
17 It's standard to pull the meter. It helps cut the
18 electricity off to the house so that if it is for some
19 reason an electrical fire that pulls the electrical source
20 and helps --

21 Q Stops the source.

22 A Yes.

23 Q Okay. Thank you, ma'am.

24 THE COURT: Any redirect limited to what he went into?

25 MR. GRAY: No, sir, Your Honor.

Perry Wesley Gosnell
Direct examination by Mr. Gray

1 THE COURT: Thank you, ma'am. You may step down.

2 Any reason why the witness could not be excused?

3 MR. WHELCHER: No, sir.

4 MR. GRAY: Not from the state, Your Honor.

5 THE COURT: Thank you, ma'am. You may also be
6 excused.

7 (Whereupon, the witness was excused.)

8 MR. GRAY: The state calls Perry Gosnell.

9 PERRY WESLEY GOSNELL, having
10 been first duly sworn, testified as follows:

11 DIRECT EXAMINATION BY MR. GRAY

12 Q Please state your full name, sir.

13 A Perry Wesley Gosnell.

14 Q And where do you work, sir?

15 A I now work for B.M.W. fire department.

16 Q At the time of this incident in June of 2014 where did
17 you work?

18 A I worked for the City of Spartanburg Fire Department.

19 Q How long had you worked there?

20 A At that time 13 years.

21 Q And what were your primary duties and responsibilities
22 at that time?

23 A I was lieutenant on shift at station three, north side
24 of town. And so I was in charge of an engine company on a
25 24-hour shift.

Perry Wesley Gosnell
Direct examination by Mr. Gray

1 Q You were, I guess, the boss of an engine company.

2 A Yes, sir, of that -- of that station.

3 Q For the response to [REDACTED] Overbrook Circle on June 17th
4 of 2014, were you in charge of that engine company that
5 responded?

6 A Yes, sir.

7 Q Did you get a call or what? How did this begin?

8 A We received a call. I believe it was shortly after
9 midnight. Received a call for a residential structure fire
10 at the intersection of Elliott and Overbrook.

11 We were part of a 3-station response -- or I'm
12 sorry -- 4-station response at that time. And so we went
13 en route from, again, the north side of town here off
14 Magnolia Street and responded to that area.

15 We were the first arriving engine company when we
16 arrived at the same time as the rescue truck or squad,
17 which called light smoke showing or like smoke and fire
18 showing from the front side or the street side of the
19 residence. And at that point in time I -- I took command
20 of the incident being the officer on scene.

21 Q And what -- what were you trying to do once you saw
22 the residence? What was the state of the residence when
23 you got there?

24 A Again, we had a light smoke showing from the front
25 side of the structure indicating we had a fire.

Perry Wesley Gosnell
Direct examination by Mr. Gray

1 At that time I told my firefighter to deploy an inch
2 and three quarter attack line to the front door. I asked
3 the rescue truck to gain entry into the structure so we
4 could do a search.

5 I began to do a walk-around on the outside of the
6 structure looking for any other signs of the fire, any
7 location of the fire without entering just yet.

8 At that time I was on the right side of the structure.
9 The neighbor told us that the victim was still inside the
10 house.

11 Our chief officer arrived on the scene. I transferred
12 command to him advising him of possible entrapment.

13 We then went in a rescue mode. I completed my
14 walk-around of the structure looking for any signs of open
15 windows or any smoke showing or any fire showing from
16 there.

17 And as I returned to the front side of the house the
18 rescue crew and my firefighter had opened the door. They
19 began entry to do a search. I then made my way to the
20 door. And as I entered the building Sergeant Tate from the
21 rescue truck indicated they had found a victim. And at
22 that time I ordered them to remove her from the building.

23 Q That would be Ms. Gray.

24 A Yes, sir.

25 Q Did you see the condition of Ms. Gray at that time?

Perry Wesley Gosnell
Direct examination by Mr. Gray

1 A I saw her laying on -- on her back, did see blood in
2 the area. And they removed her out of the building.

3 I continued the search of the structure for any other
4 victims, then made my way back to the front of the
5 structure. When we advanced the hose line to the fire, to
6 the fire area, and extinguished what fire was -- what was
7 still present in the -- in the room on the outside -- or
8 the front side of the structure.

9 Q Now, which rooms were burning on the front side of the
10 structure?

11 A I don't recall the actual room. I recall it being to
12 the left of the front door.

13 We entered in that area and entered into a smaller
14 room there where we extinguished the fire. I know there
15 was a room beyond that we also searched as well for any
16 signs of any other victims and did what very little
17 overhaul, just make sure there was no immediate fire
18 extension. And then we exited the structure, and our crew
19 did not reenter the structure.

20 Q Do you know what structures, items, had been burned in
21 the -- in the home at [REDACTED] Overbrook Circle?

22 A No, sir. I don't recall that. We just -- again, we
23 just extinguished fire, and then we just checked the fire
24 extension and then exited. I don't recall the -- all of
25 the details of that room.

Perry Wesley Gosnell
Direct examination by Mr. Gray

1 Q All right. Now, to extinguish this fire, we've had
2 some discussion about a meter being pulled. Did you
3 determine or attempt to determine how this fire originated
4 or where it originated?

5 A I did not, sir.

6 Q Okay. Do you have any idea where it originated in
7 this home?

8 A No, sir, I do not.

9 Q And what was your primary function at this point?

10 A Upon extinguishment of the fire? Mine was to show up,
11 do a search of the house, find any victims, extinguish the
12 fire. And that was my primary function.

13 Q And that's exactly what you did.

14 A And that's exactly what we did.

15 Q Now, as far as the victim, you said there was a pool
16 of blood that you found. Your -- your firefighters moved
17 the victim from inside of the home to the outside of the
18 home, correct?

19 A Yes, sir.

20 Q Was that at your direction?

21 A Yes, sir, it was.

22 Q To your knowledge was anything done to the victim
23 besides moving her from where she was found with the blood
24 to the -- I guess, the front -- was it the front lawn of
25 the home?

Perry Wesley Gosnell
Cross-examination by Mr. Wheelchel

1 A Yes, sir. It would have been the front lawn.

2 Q Was anything done to her between -- during her
3 transport from the inside of the home to the outside of the
4 home?

5 A No, sir. They just took her in straight to the front
6 door and passed her out to -- or transferred her care over
7 to those outside.

8 Q Did you assist at all in trying to revive Ms. Gray at
9 this time?

10 A No, sir.

11 Q Nothing further at this time. Please answer any
12 questions Mr. Wheelchel may have.

13 MR. WHEELCHEL: Beg the Court's indulgence, Your Honor.

14 (Pause.)

15 CROSS-EXAMINATION

16 BY MR. WHEELCHEL

17 Q Did you also walk around the house, sir?

18 A Yes, sir, the exterior of the house.

19 Q And did you notice doors, windows, anything of that
20 nature?

21 A There was a window that was open on the back of the
22 house.

23 Q Is that it?

24 A That was the only one, on the back side of the house.

25 And we had opened a window on the -- once the fire had been

John Bradley Hall
Direct examination by Mr. Gray

1 knocked down we actually opened the window on the front
2 side of the house to perform ventilation and try to remove
3 any other smoke.

4 Q Get the smoke out.

5 A Yes, sir.

6 Q Okay. And the window on the back side was the only
7 thing that was open.

8 A Yes, sir. That's what I recall.

9 Q Thank you, sir.

10 THE COURT: Thank you, sir. You may step down.

11 Any reason why the witness cannot be excused?

12 MR. GRAY: No, sir.

13 MR. WHELCHER: No, sir.

14 THE COURT: Thank you. You may also be excused.

15 Watch your step, please.

16 THE WITNESS: Thank you, sir.

17 (Whereupon, the witness was excused.)

18 MR. GRAY: The state calls Brad Hall, Your Honor.

19 JOHN BRADLEY HALL, having been
20 first duly sworn, testified as follows:

21 DIRECT EXAMINATION BY MR. GRAY

22 Q Please state your full name, sir.

23 A John Bradley Hall.

24 Q Where do you work, sir?

25 A The Spartanburg Fire Department.

John Bradley Hall
Direct examination by Mr. Gray

1 Q What are your primary duties and responsibilities
2 there now?

3 A Fire marshal. I have been for the last seven years.
4 I oversee fire inspections; I oversee public fire
5 education, safety education; and I also conduct fire
6 investigations.

7 Q And I guess during June 17th of 2014 you were the fire
8 marshal at that time also.

9 A Yes, sir.

10 Q You're the fire marshal for the City of Spartanburg?

11 A Yes, sir.

12 Q Now, you conduct fire investigations. Have you had
13 any training in that area?

14 A Yes, sir.

15 Q What type of training?

16 A I'm a certified fire investigator by the International
17 Association of Arson Investigators. I'm a certified fire
18 explosive investigator by the National Association of Fire
19 Investigators. I attend annual conferences. I trained at
20 the National Fire Academy, online training, quarterly
21 trainings. Many, many hours of training, sir.

22 Q And you've done this type of arson investigation how
23 many times in the past?

24 A Probably over -- I know for sure over 350 fire
25 investigations.

John Bradley Hall
Direct examination by Mr. Gray

- 1 Q How many, sir?
- 2 A 350.
- 3 Q 350 arson investigations?
- 4 A Fire investigations.
- 5 Q Fire investigations.
- 6 A Yes, sir.
- 7 Q You say you're a certified arson investigator?
- 8 A I'm a certified fire investigator.
- 9 Q Fire investigator.
- 10 A Yes, sir.
- 11 Q Okay. Please forgive me.
- 12 what exactly is a certified fire investigator?
- 13 A It's -- so the International Association of Arson
- 14 Investigators is sort of a misnomer by the arson title.
- 15 They're an international organization that promulgates
- 16 training, education for fire investigators really across
- 17 the world. And they're sort of marque credential is a
- 18 certified fire investigator. And you obtain that by a
- 19 combination of years of experience, hours of training.
- 20 You have to be either -- testified as an expert
- 21 witness or taken a course in expert-witness testimony. You
- 22 have to have a certain level of education to get you to a
- 23 point total that allows to you qualify to take an exam,
- 24 that thereby if you pass you become a certified fire
- 25 investigator.

John Bradley Hall
Direct examination by Mr. Gray

1 I also serve as the proctor for the Certified Fire
2 Investigator Test for South Carolina.

3 Q As a certified fire investigator do they give you any
4 different qualifications than the average firefighter?

5 A Yes, sir.

6 Q How so?

7 A So we're trained on a myriad of different topics --
8 fire behavior, fire chemistry, fire patterns, observations,
9 interview.

10 So we're trained how to collect evidence of arson or
11 fires that may be specified to a fire that -- in other
12 words, not a fingerprint, not blood, anything like that.
13 This is more like ignitable liquids. It could be
14 containers that contained ignitable liquids that may or may
15 not have been used to start the fire, things like that,
16 devices that might have been used to start a fire. We're
17 trained to identify those, collect those.

18 We're trained to sort through fire debris looking for
19 items that may or may not have fallen to fire, identifying
20 those, those items. We're trained in electrical
21 identification. So we're looking for either incorrect
22 wiring techniques, overload conditions, marking on wiring
23 that may have indicated electrical presence. Just many,
24 many topics that the typical fire fighter will not receive.

25 Q Have you ever testified as to fire origin before in

John Bradley Hall
Direct examination by Mr. Gray

1 court?

2 A Yes, sir.

3 Q How many times?

4 A One time, sir.

5 Q One time.

6 A Yes.

7 Q You've testified as an expert in fire origin?

8 A Yes, sir.

9 Q And what court was that?

10 A It was Hannah Dayle Manning. South Carolina vs.

11 Hannah Dayle Manning, 2015, I believe. I actually have it

12 here. Yes. February of 2015.

13 MR. GRAY: At this time, Your Honor, we'd like this
14 gentleman qualified as an expert in fire origin.

15 THE COURT: In fire what?

16 MR. GRAY: Origin.

17 THE COURT: In fire origin.

18 Any objection?

19 MR. WHELCHER: No, sir.

20 THE COURT: Thank you, sir. You may proceed as
21 requested.

22 MR. GRAY: Thank you.

23 BY MR. GRAY

24 Q Now, if you could, please, tell me what are different
25 types of fire origins.

John Bradley Hall
Direct examination by Mr. Gray

1 A So the classified really -- four ways. You'd have an
2 accidental, or sometimes referred to as unintentional, fire
3 that somebody's cooking and starts a fire. That's somebody
4 knocks over a heater and starts a fire. That's an
5 electrical fire, something like that.

6 There's an intentionally set fire which is commonly
7 called arson or incendiary type fire where somebody doesn't
8 act intentionally to start a fire in a place it should not
9 be.

10 There is what's called an act of God, which lightening
11 strike, something like that.

12 And there's a category called undetermined, and that
13 means there's not enough evidence remaining or observable
14 to make a determination upon the fire cause.

15 Q Now, you did a fire origin investigation involving [REDACTED]
16 Overbrook Circle, correct?

17 A Yes, sir.

18 Q That's the June fire from 2014 involving the victim,
19 Ms. Willie Mae Gray, correct?

20 A Correct.

21 Q What did you do as part of your investigation of the
22 fire origin involving [REDACTED] Overbrook Circle?

23 A There's a number of things. So we talked to the
24 firefighters just verbally getting their information and
25 their feedback upon the location of the victim, what was

John Bradley Hall
Direct examination by Mr. Gray

1 done to the victim, that sort of things.

2 The victim was examined to determine if there were any
3 fire or burns upon her body, if there was possibly any --

4 Q Were there any burns on her body?

5 A No, sir.

6 Q Please continue. I'm sorry.

7 A Yes, sir. To see if there was any soot in her nasal
8 nares or her mouth or anything that would indicate she was
9 breathing in soot and -- and smoke.

10 Q Was that present?

11 A Not that we could observe at the time, keeping in mind
12 it was dark and we're out in the front yard and --

13 Q Yes.

14 A So didn't observe any obvious signs of fire on her
15 body. Then proceeded into the house itself working
16 systematically through the house. We try to work least
17 burn to most burn through the house to try to find, you
18 know, where the fire may have burned the longest or the
19 worst.

20 Working through this house, the house had sort of an
21 unusual layout. It appeared to have maybe an addition on
22 the left side that caused you to have to go through a
23 kitchen area to get to the rest of the house, which is why
24 it was a little bit unusual.

25 The fire was actually located in a room adjacent to

John Bradley Hall
Direct examination by Mr. Gray

1 the kitchen that the other side of this -- what I call
2 living room or den -- was another bedroom. So fire was
3 basically in this living room.

4 As we've heard, had that fire extinguished already, so
5 we won't go into that necessarily.

6 So we're looking at the amount of fire damage in the
7 room trying to observe possible flow with the fire where it
8 burned, looking for low points of fire burn, looking for
9 depth of fire burn on materials, patterns on the walls,
10 patterns on the ceilings, patterns on the floors to just
11 try to see where the fire started, where it burned and how
12 it would have moved throughout the room.

13 Q All right.

14 MR. GRAY: Beg the Court's indulgence, Your Honor.

15 (Pause.)

16 Q I want to show you what's been marked as State's
17 Exhibits 9 through 16 and ask you if you recognize any of
18 these scenes.

19 A Yes, sir. I recognize all of them.

20 Q Now, my understanding is part of your investigation,
21 you did a number of things. I am assuming you would also
22 try to document the scene as closely as possible,
23 especially trying to determine your origin and things of
24 that nature. Nine through 16, what do those pictures
25 depict, sir?

John Bradley Hall
Direct examination by Mr. Gray

1 A These depict the kitchen area and what I refer to as
2 the living room or the den at ■ Overbrook Circle
3 postfire.

4 Q Are those accurate representations of the house as you
5 saw it after the fire was put out --

6 A Yes, sir.

7 Q -- by Spartanburg Fire Department?

8 A Yes, sir.

9 MR. GRAY: At this time, Your Honor, I'd like to admit
10 photos Exhibits 9 through 16.

11 THE COURT: Any objection?

12 MR. WHELCHER: No, sir.

13 THE COURT: Without objection they'll be admitted.

14 MR. GRAY: Thank you.

15 (Photographs marked State's Exhibits Nos. 9 through
16 16.)

17 Q Now, looking at those, again, could you try to explain
18 to me what you're talking about with your flow patterns?

19 A Sure. So can we go through one by one?

20 Q Yes, please.

21 A So photo No. 9 here depicts the kitchen area. You can
22 see a fair amount of soot sort of higher on the cabinets
23 and then relatively clean cabinets down below. This would
24 indicate that the level of smoke in that area was higher,
25 which is lower.

John Bradley Hall
Direct examination by Mr. Gray

1 Fire typically, just like we need to breath, it needs
2 to breath as well. So fire has to get a certain amount of
3 air flow, oxygen, to continue burning. So a lot of times
4 you'll see smoke going one direction and air being
5 entrained into the fire room from other available sources.
6 Sometimes that might be a window; it could be an open door.
7 It meets the other areas in the house.

8 As we see here on the second photo -- I'd also like to
9 point out in this first photo that the stove has no
10 apparent fire damage at all on it. All of the knobs are in
11 the off position indicating it was not the cause of the
12 fire.

13 The second photo, again, it shows the -- the window of
14 the kitchen here. Again, the high sooted area and low soot
15 down below.

16 Had this window been opened this fire most likely
17 would have been pulled into this kitchen area, the living
18 room being around this corner from the stove over here.

19 We seen a lot of fire movement through this window.
20 This window is relatively intact. It has some just like
21 smoke and heat damage to it. The window did not appear to
22 fail at all during the fire. I believe one of our
23 firefighters, as previously mentioned, actually opened this
24 fire in an attempt to get some smoke out as the fire -- or
25 after the fire was extinguished.

John Bradley Hall
Direct examination by Mr. Gray

1 Photo 11 here was taken as if we were standing with
2 our back to that window and looking backwards towards the
3 refrigerator and, I believe, a pantry door there.

4 Again, you see the high smoke and soot damage. No
5 damage really at all or just some light sooting to the
6 lower areas.

7 Looking to our right would have been the front room of
8 the house, and then the bedroom is towards the back where
9 the deceased victim was -- was originally found. And back
10 to the left here would be the fire room. So you had to
11 transition through this room to get to the rest of the
12 house.

13 Q I have to ask a question.

14 A Sure.

15 Q You said to the left was the fire room.

16 A Yes.

17 Q What do you mean by that?

18 A So that is the room, really in this case, where all of
19 the fire was located and extinguished. There really was
20 not any true burning in either the kitchen or the bedroom
21 on the other side of the fire room. It was all pretty
22 well -- the fire itself was contained to that living room
23 or den area, if you will.

24 Although there was a -- a fair amount of smoke and
25 heat traveled through those rooms, there did not really

John Bradley Hall
Direct examination by Mr. Gray

1 appear to be open combustion or fire burning.

2 Q Thank you.

3 A Sure.

4 This next photo, again, shows -- you can clearly see
5 here the bottom of the refrigerator, what we call a line of
6 demarcation here, which means it was a change in
7 temperature or the soot level, smoke level, in the room.
8 So you can see that.

9 You know, it was kinda low, but, again, very clean
10 below. There's nothing burnt on the floor; there's nothing
11 burnt on the countertops or nothing burned on the stove;
12 nothing burned on this table. So thereby we can fairly
13 well, rule out there was any fire ever in this room based
14 upon the -- the burning or lack of burning, if you will, in
15 this room.

16 The next photo here you can actually see a little more
17 of the table very clear. But moving back into this -- this
18 den-living room area you can see the -- well, even in the
19 room you can see some fire damage. But you could see the
20 soot level was lower, lines of demarcation. You could
21 almost see the smoke would have traveled and kind of made a
22 line here.

23 Up top we see nice sooted areas but, again, no real
24 fire damage other than maybe just a little bit on the edge
25 of this door where the fire had been progressing from

John Bradley Hall
Direct examination by Mr. Gray

1 the -- the den-living room area into the kitchen.

2 Q All right. And finally?

3 A Okay. So Exhibit 14 here is a view of the fire room
4 itself, the living room. So we're still standing in the
5 door of the kitchen, if you will, looking into the living
6 room.

7 Towards the back area you see a door that is opened.
8 There was a small laundry room there and then an exterior
9 door that went out back.

10 You can make out here. There was a couch, a coffee
11 table. There were some end tables, at least on the right
12 end here. And we may see in another photo. Yeah.

13 Correction.

14 To our left here was a large stuffed chair. The
15 window that was -- was commented upon being damaged and
16 burned was on the front side. And then there was a door
17 into the bedroom to the left of this couch.

18 You can see this room had paneling in it. The
19 paneling is actually wilted over in this case on top of the
20 couch. It's burned along its upper corners.

21 We have extreme fire damage along the ceiling point.
22 The ceiling's actually collapsed and falling in, down with
23 stuff. We have a lot of burning across the top surface of
24 the couch.

25 The bottom of the couch is relatively intact. So that

John Bradley Hall
Direct examination by Mr. Gray

1 means based upon the other furniture in the room, looking
2 at it, there was no low fire. In other words, the fire was
3 not set on the floor. It was set probably on the elevated
4 surface, just looking at this picture. And of course our
5 fire investigation, I'll move into that. But that is --
6 this picture.

7 Q Excuse me. Is that the fire room?

8 A This would be the fire room, yes, sir.

9 Q Where the fire started in the house.

10 A Yes.

11 Q Thank you.

12 A This next photo is just showing moving into the room a
13 little more.

14 Again, the door to the laundry room you had -- I
15 believe it was a table with a T.V. on it, this corner here.
16 You can see more of the couch. You can see like where the
17 ceiling is falling down, so you don't have the ceiling up
18 there. And you just see tremendous fire damage in this
19 room along the doorjambs, the walls, the paneling.

20 Here is an intact piece of paneling. The top surface
21 is burnt away from the ceiling, which mimics this piece
22 that I pointed out to be burned and rolled down.

23 And then this final room -- or correction -- photo of
24 this room --

25 Q What exhibit is that, sir?

John Bradley Hall
Direct examination by Mr. Gray

1 A Sixteen here.

2 Q Thank you.

3 A The last one.

4 Again, you see the couch with some damage here. You
5 see this paneling rolled down. You can see an intact piece
6 of paneling here. You can even see the lines, the vertical
7 lines, on it where the paneling's at. And we were able to
8 put this back, kinda roll it back in place and see that
9 there was a pattern that was -- what I would explain as a
10 U-looking pattern. So it's literally just -- sort of looks
11 like a "U" on the wall. That indicates a fire impact to
12 that wall and caused that burn.

13 So we can use that large pattern and other patterns in
14 the room to sort of triangulate potential location of where
15 the fire would have ignited.

16 Based upon several things in this room -- the top of
17 the couch, the cushions on the couch were burned and sort
18 of deeply burned. If I recall from my notes, looking at
19 the couch it'd be more towards the left side of the couch
20 but not all the way on the end.

21 When you roll that, those panels, back to the wall you
22 again see that "U" which sort of lines up and sort of
23 points back down to the couch.

24 The stuffed chair, which was not in that particular
25 set of photos, had -- had burning across sort of the top

John Bradley Hall
Direct examination by Mr. Gray

1 surfaces of it here. But, again, that -- that was from a
2 heat that was traveling across the room. That heat
3 radiates down and begins to break down that top surface
4 there.

5 So had it been exposed to fire for a longer period of
6 time it would have ignited as well. But because we had
7 sort of a limited air situation in this room -- we had one
8 window and we had limited air movement in the house. It's
9 kinda the way this room was added on. We had what we call
10 a ventilation limited fire, which means it sort of
11 suffocated. It'd be like putting a lid on a pot that's
12 about to catch on fire or is on fire. You put that lid on
13 there and it runs out of air and the fire goes out.

14 So that's really what happened here. We didn't have a
15 very -- truly, a very large fire. Certainly a lot of
16 damage. But because we had a limited air supply we didn't
17 get a fully burning structure where we had every room in
18 the house on fire or transitioning to an attic area or the
19 like.

20 Q Now, based upon your investigation, your expertise in
21 fire origin --

22 A Yes, sir.

23 Q -- which type of origin was this particular fire?

24 A It was intentionally set fire.

25 Q Intentionally set fire.

John Bradley Hall
Direct examination by Mr. Gray

1 A Yes, sir.

2 Q Was not accident.

3 A No, sir.

4 Q Was not electrical.

5 A No, sir. We actually looked at electrical sources in
6 the room approximate to the couch. All the outlets were
7 nice and clean and unburned. All of the wiring was clean,
8 did not show any signs of electrical activity or arcing or
9 sparking, if you will. So electrical was ruled out as a
10 cause of the fire based upon that.

11 Q And you spoke once before about presence or
12 nonpresence of soot or whatever in or on the victim in this
13 case.

14 A Correct.

15 Q She did not set this fire?

16 A She would have passed away prior to the fire occurring
17 or getting to any size where she would be exposed to the
18 fire products, which we didn't know on site, but after the
19 medical examiner did his autopsy we were able to determine,
20 yes, she, in fact, did not have any C.O. or soot or
21 anything in her body. So we could make that assumption.

22 Q All right. You said something about this being a
23 limited whatever area.

24 A So it was sort of a limited access. It's kind of cut
25 off funny from the rest of the house because you just had

John Bradley Hall
Direct examination by Mr. Gray

1 that one doorway into the kitchen, which they have one
2 doorway in the rest of the house. So we didn't have a lot
3 of opportunity for air exchange and air movement in the
4 house.

5 Q Bad spot to start a fire.

6 A Relatively speaking, yes, sir, yes, sir.

7 Q If you want to burn down the house, I'm guessing.

8 A Right. So part of the fire investigation and things
9 that were taught in the classes and things is you kind of
10 look at the -- the total information you have available.
11 You know, you're looking at interviews. You're looking at
12 your observations. You're looking at electrical things.
13 You're looking at the fact there's a victim in the house
14 and what affect that victim may or may not have had upon
15 the fire and what affect it had upon the victim.

16 So you're looking at sort of the sum of the evidence,
17 if you will, the lack of electrical. While normally we
18 would always say you shouldn't have a fire in the middle of
19 a couch, in this case we did.

20 So you have to begin looking at why we would have had
21 a fire in the middle of a couch. And also we have a victim
22 that was not exposed to the fire in another part of the
23 house.

24 MR. GRAY: One moment, Your Honor.

25 (Pause.)

John Bradley Hall
Cross-examination by Mr. Wheelchel

1 MR. GRAY: Beg the Court's indulgence, Your Honor.

2 (Pause.)

3 Q Did you do that?

4 A I did not do this diagram, no.

5 Q You didn't do that diagram?

6 A No. I did these diagrams. I can work off this
7 diagram if that helps you.

8 Q Hold on one second.

9 A Okay.

10 Q What number is that?

11 A Thirty-eight.

12 Q Thirty-eight.

13 (Pause.)

14 MR. GRAY: No further questions, Your Honor.

15 Q Please answer any questions that Mr. Wheelchel may
16 have.

17 CROSS-EXAMINATION

18 BY MR. WHEELCHEL

19 Q Is this you?

20 A That's me, sir.

21 Q Okay. And this is incident case No. 140-1016. That's
22 the number you guys give it for your investigation.

23 A Yes. That is our fire incident number.

24 Q Do you have this with you?

25 A I believe I do, yes, yes.

John Bradley Hall
Cross-examination by Mr. Wheelchel

- 1 Q Okay. Let me back up.
- 2 The four different types of fires were?
- 3 A Intentional.
- 4 Q Yes, sir.
- 5 A Unintentional, act of God or nature, and undetermined.
- 6 Q Okay. Now, on page -- I think it would be page six --
- 7 A Okay.
- 8 Q -- right here starts detail interior observations.
- 9 A Yes, sir.
- 10 Q Okay. The origin of the fire was the room next to the
- 11 kitchen.
- 12 A Yes.
- 13 Q In close proximity.
- 14 A The living room-den area described.
- 15 Q And the origin of the fire you believe is the couch
- 16 that was in that room or the top of the couch that was in
- 17 that room, is that correct?
- 18 A Yes, yes.
- 19 Q Okay. Now, at the bottom of that page I just brought
- 20 your attention to it says based on the observed fire
- 21 patterns fire originated on the couch and moved towards the
- 22 alfa wall. What's the alfa wall?
- 23 A So if you're looking at -- like a bird's-eye view of
- 24 the house, in the fire service we call the front of the
- 25 house, the street-address side, the alpha. And the moving

John Bradley Hall
Cross-examination by Mr. Welchel

1 clockwise, it's the bravo, the charlie, and the delta being
2 the right side of the house.

3 Q You march around the house essentially.

4 A March, yeah. So that -- they use that in the report
5 to sort of orient my mind about where I'm talking about.

6 Q I understand. But, anyway, it originated on the couch
7 and moved across toward the alpha wall and across the
8 stuffed chair and out that window, is that correct?

9 A Correct.

10 Q Okay. And you say that the ignition source is most
11 probably the application of open flame to available
12 materials on the couch, correct?

13 A Correct.

14 Q Okay. Possible ignition sources that could not be
15 excluded are discarded cigarettes, candles or incense.

16 A Yes, sir.

17 Q You don't know which one it was?

18 A So, N.F.P. 921 is a guide to explosive -- fire and
19 explosive investigations.

20 That's where the four types of fire causes sort of
21 comes from. And in that it talks about determining cause
22 of a fire, and it speaks to probability and possibility of
23 a fire occurring.

24 Probability being -- the preponderance of the evidence
25 indicates that this caused the fire. The possibility

John Bradley Hall
Cross-examination by Mr. Welchel

1 meaning it could have happened but, you know, I could have
2 a mouse smoking a cigarette on the front porch, carried it
3 on the couch and lit the couch on fire. I can't say that
4 didn't happen but...

5 Q You don't know that it did; you didn't know that it
6 didn't.

7 A I can't rule it out.

8 Q Because the cat was burned up in the fire.

9 A Yeah. I can't rule that out. However, the evidence
10 does not support that. It just doesn't rule it out.

11 Q You can't rule out the cat though because that would
12 have burned up in the fire.

13 A Correct. In the case of this we found no evidence of
14 a candle, glass or melted wax, but there were other candles
15 in other areas of the house.

16 Q Yeah.

17 A So that is a possibility, although not highly likely.

18 Q And there were cigarette butts outside the house.

19 A Yes.

20 Q But none inside the house.

21 A Correct. No evidence.

22 Q No cigarette butts that you could find on the --

23 A No cigarettes, no ashtrays.

24 Q -- couch to burn it up.

25 A Correct.

John Bradley Hall
Cross-examination by Mr. Welchel

1 Q On the top of the couch, I mean.

2 A Well, there is likelihood if it had been a cigarette
3 butt that it could have -- the butt itself -- the filter
4 could have survived a fire. This was not a very intense
5 fire. However, we were not able to find that.

6 Q So you don't know.

7 A It could have existed and we're not able to find it.

8 Q Okay.

9 A It could have not existed, so we didn't find it. It's
10 possible.

11 Q You also said it's unknown if the candle could have
12 been on the shelf above the couch and fallen onto the
13 couch.

14 A Correct. As I spoke earlier, there were other candles
15 located in the house.

16 Q Yes, sir.

17 A We did not find evidence.

18 Q I understand. And you couldn't rule out incense,
19 although you didn't find any incense anywhere else in the
20 house.

21 A Correct.

22 Q And if there was incense you're not going to be able
23 to smell it because of the smoke smell.

24 A Right.

25 Q Okay. There were no storms and it wasn't electrical.

John Bradley Hall
Cross-examination by Mr. Whelchel

1 A Correct.

2 Q Correct?

3 A Correct.

4 Q Okay. Mr. Hall, can you show me in your report --
5 because I can't find it in mine -- where it says that this
6 is an intentionally started fire?

7 A "The fire is determined to be intentional."

8 Q Okay. But that's based on the observed fire patterns.
9 That's after you've gone through all of the items we just
10 went through, is that correct?

11 A Correct.

12 Q So even though you don't know if a cigarette started
13 it or a candle or incense, you don't really know how the
14 fire started, is that correct?

15 A No.

16 Q You just know where it started, essentially, on the
17 top of the couch.

18 A My -- my professional opinion based upon my experience
19 and based upon the evidence provided in some of the case
20 and looking through the potential cause of the fire and
21 most probable cause of the fire is an open application of
22 flame.

23 Q Yeah. I understand that.

24 A There is a possibility all of these many things could
25 have started the fire.

John Bradley Hall
Cross-examination by Mr. Whelchel

1 As I mentioned, maybe we had a mild smoking that
2 started the fire. I can't rule that out because there's no
3 evidence to include or exclude that as a cause of the fire.
4 However, there is nothing found in the fire debris to
5 support any of these other potential causes.

6 Q You don't know that somebody was in the house earlier
7 and had been smoking and dropped that either intentionally
8 or accidentally on the couch, is that correct?

9 A I believe -- and it's not in my case report -- but I
10 believe in talking with the police department -- and did
11 the interviews -- there was nobody that had been at the
12 house for many hours prior to the fire except for the
13 victim.

14 Q There's a lady next door that went in the house. Did
15 you know about her?

16 A I don't particularly recall that, no. However, I
17 didn't conduct the interviews.

18 Q The next-door neighbor that went in the house when
19 the -- Ms. Gray.

20 A Okay.

21 Q Took her to the store and went in the house and
22 retrieved something from the house.

23 A Okay.

24 Q It could have started then and we just don't know it.

25 A We would have to know if she smoked.

John Bradley Hall
Cross-examination by Mr. Whelchel

1 Q She didn't have to smoke for anything like that to
2 happen.

3 A So she didn't have to smoke to start a cigarette -- to
4 catch the house on fire.

5 Q No. I don't smoke, but I can have a cigarette in my
6 hands, is what I'm saying.

7 A Okay.

8 Q And it could be accidental; it could be unintentional,
9 correct?

10 A No, sir.

11 Q It can't.

12 A No, sir.

13 Q You can't tell me how the fire started, correct?

14 A I've told you how the fire started, sir.

15 Q What with?

16 A Open application of flame.

17 Q What kind of flame, a cigarette?

18 A No.

19 Q Candle?

20 A Cigarette does not produce a flame.

21 Q Okay. Cigarettes. It's not a cigarette.

22 A Uh-huh.

23 Q You say cigarette couldn't start this?

24 A I didn't say it couldn't start the fire. I said a
25 cigarette cannot produce a flame, sir.

John Bradley Hall
Cross-examination by Mr. Whelchel

1 Q Okay. All right. So you can't tell me -- let me back
2 up. I'm just trying to understand. You can't tell me how
3 the fire started.

4 A I've already --

5 Q what the ignition source is.

6 A I's already explained that to you, sir.

7 Q No. Can you tell me what the ignition source was?

8 A Yes, sir.

9 Q what?

10 A An open flame in the kitchen.

11 Q An open flame. Other than that, you can't tell me
12 what open flame -- candle, flame thrower, what.

13 A I understand where you're going with this, sir.

14 Q Okay.

15 A My opinion as a fire investigator is that an open
16 flame was applied to available materials on the couch and
17 started the fire.

18 Q But if the candle fell off the wall, like you said
19 there, it -- that could have done it and that would burn
20 up.

21 A Had there been a candle present, had we had evidence
22 of a candle being present, had the candle been lit and
23 happened to fall off the fire at the same time or
24 approximately to the victim being murdered --

25 MR. GRAY: Objection, Your Honor.

John Bradley Hall
Redirect examination by Mr. Gray

1 A -- and had the candle not fallen off --

2 Q Let me ask you a question.

3 A Yes, sir.

4 Q What evidence do you have as a fire marshal
5 investigating a fire that this victim was murdered?

6 A I attended the autopsy and --

7 Q Excuse me?

8 A I attended the autopsy.

9 Q I understand that.

10 A Yes, sir.

11 Q I'm talking about your investigation.

12 A No, sir. I don't have a [sic] opinion upon that.

13 Q Okay. Thank you.

14 MR. GRAY: Brief, Your Honor.

15 THE COURT: Yes, sir.

16 MR. GRAY: Sorry.

17 (Pause.)

18 THE COURT: Is that it?

19 MR. WHELCHER: Yes, sir.

20 THE COURT: Limited to what he went into.

21 REDIRECT EXAMINATION

22 BY MR. GRAY

23 Q Was this fire intentionally set?

24 A Yes, sir.

25 Q Thank you.

Courtney Burgess
Direct examination by Mr. Gray

1 MR. GRAY: Nothing further from the state, Your Honor.

2 THE COURT: Thank you, sir. You may step down. Watch
3 your step as you step down.

4 Any reason why the witness cannot be excused?

5 MR. GRAY: No, sir. Nothing further.

6 THE COURT: Thank you, sir. You may be excused as
7 well.

8 (Whereupon, the witness was excused.)

9 MR. GRAY: May we approach, Your Honor?

10 (Bench conference held off the record.)

11 THE COURT: We're going to step down just for a few
12 moments.

13 (Whereupon, a recess was taken.)

14 MR. GRAY: Thank you for the Court's indulgence. Your
15 Honor, the state's ready to proceed. The state calls
16 Courtney Burgess.

17 COURTNEY BURGESS, having been
18 first duly sworn, testified as follows:

19 DIRECT EXAMINATION BY MR. GRAY

20 Q Ma'am, please state your full name.

21 A Courtney Burgess.

22 Q And where do you work, ma'am?

23 A Currently I work for Spartanburg County Sheriff's
24 Office.

25 Q You've been in law enforcement a long time?

Courtney Burgess
Direct examination by Mr. Gray

1 A Yes, sir.

2 Q How long, ma'am?

3 A Since 2006.

4 Q Give me your back -- law enforcement background,
5 please.

6 A In 2006 I started working at Spartanburg --
7 Spartanburg City Police Department as a crime scene
8 technician.

9 Prior to that I had a bachelor of science in forensic
10 identification from West Virginia University, as well as
11 many, many hours of on-the-job training in forensics and
12 crime scene.

13 I worked at Spartanburg City until March of 2015, and
14 then I started working at the sheriff's office as a latent
15 fingerprint examiner.

16 Q You said you're a forensic technician?

17 A Yes.

18 Q What are your duties and responsibilities as a
19 forensic technician?

20 A Just to respond to crime scenes, document the crime
21 scenes, collect evidence, preserve the evidence.

22 Q And how would you document the evidence?

23 A Photographing, taking measurements, creating crime
24 scene diagrams and, of course, collecting evidence, just
25 noting the location and the condition that the evidence was

Courtney Burgess
Direct examination by Mr. Gray

1 in.

2 Q And how would you preserve this evidence?

3 A Collecting it, packaging it properly and taking it to
4 the property and evidence at Spartanburg City, city hall,
5 where it would be kept in a secure location.

6 Q Now, I want to show you some pictures. And I
7 apologize. Some of these are out of order. If you could
8 just -- these are State's Exhibits 2, 3, 4, 5, 6, 7, 8,
9 No. 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28.
10 would you please review those, ma'am?

11 (Pause.)

12 Q Thank you.

13 Now, you're familiar with the incident we've been
14 speaking about here today at [REDACTED] Overbrook Circle?

15 A Yes, sir.

16 Q On June 17th of 2014 did you respond to that
17 particular crime scene?

18 A I did. I was contacted at about 1:15 in the morning
19 by Lieutenant McDonald. She asked me to respond to a
20 fatality involving a house fire. I got there at
21 approximately 2:05 in the morning.

22 Q Now, as part of your job as forensic tech you recorded
23 the crime scene.

24 A Yes.

25 Q And this incident was one of those ways you recorded

Courtney Burgess
Direct examination by Mr. Gray

1 it, through photographs.

2 A Yes. It was.

3 Q Do you recognize the photographs I've just shown to
4 you in those exhibit numbers?

5 A I do.

6 Q Are those photographs indicative of the crime scene as
7 it was the day that you arrived there and recorded
8 different aspects of the crime scene?

9 A They are.

10 MR. GRAY: At this time I would like to move those
11 items into evidence, Your Honor, as previously stated.

12 THE COURT: Give me the number ranges again. Are
13 what?

14 THE WITNESS: Okay. I've got No. 2, 3, 4.

15 MR. GRAY: I apologize. It's 2 through 8 and 17
16 through 28.

17 THE WITNESS: Okay.

18 THE COURT: Any objection?

19 MR. WHELCHER: Seventeen through --

20 MR. GRAY: Twenty-eight.

21 MR. WHELCHER: No, sir.

22 THE COURT: All right. Without objection, they'll be
23 admitted.

24 (Photographs marked State's Exhibits Nos. 2 through 8
25 and 17 through 28.)

Courtney Burgess
Direct examination by Mr. Gray

1 Q Also, I'd like for you to pay close attention, please,
2 to Exhibit No. 21. What is that a picture of, ma'am?

3 A No. 21 is a picture of a fire safe that was found in
4 the far left bedroom of the house.

5 Q And you took a picture of that fire safe.

6 A Yes.

7 Q Was there anything in that fire safe that you took a
8 picture of?

9 A There was not. There may -- there was a little bit of
10 water and soot in it most likely from the fire -- fire
11 department putting -- putting the fire out.

12 Q And it was completely opened once you arrived?

13 A Yes. It was open and empty.

14 Q And that's the way you photographed it.

15 A Yes.

16 Q And my understanding is you -- as part of your duties
17 you took that fire safe into evidence, is that correct?

18 A I did. I believe I processed the safe there on the
19 scene for any possible fingerprints prior to transporting
20 it.

21 Q But no fingerprints were found.

22 A No. Nothing was found on the safe.

23 Q But nothing was found in the safe either.

24 A Correct.

25 Q Let me show you what's been marked State's Exhibit 45.

Courtney Burgess
Direct examination by Mr. Gray

1 Come down here, please.

2 (Whereupon, the witness left the stand.)

3 Q You can open it.

4 A Possibly.

5 Q And this is the safe that you recovered from [REDACTED]

6 Overbrook Drive?

7 A It is.

8 Q Thank you.

9 MR. GRAY: At this time I'd like to move item State's
10 Exhibit No. 45 into evidence, Your Honor.

11 MR. WHELCHER: No objection.

12 THE COURT: Without objection.

13 (Safe marked State's Exhibit No. 45.)

14 Q Now, also as part of your -- the photographs that were
15 taken it shows some other items in the house -- drawers,
16 furniture, things of that nature. What did -- what did the
17 drawers or furniture, any items, look like?

18 A Mainly in that left, far left, bedroom there were two
19 dressers in there. And all the drawers had been pulled
20 open.

21 There were also several jewelry boxes containing just
22 like costume jewelry in them. They had all been opened and
23 looked like some contents had been pulled out and gone
24 through.

25 Q Thank you.

Courtney Burgess
Cross-examination by Mr. Wheelchel

1 MR. GRAY: No further questions at this time.

2 Q Please answer any questions of Mr. Wheelchel.

3 CROSS-EXAMINATION

4 BY MR. WHEELCHEL

5 Q You were a forensic tech at the time, is that correct,
6 ma'am?

7 A Correct.

8 Q Okay. Is that yours?

9 A Yes, it is.

10 Q Okay. This goes along with that, is that correct,
11 ma'am?

12 A Yes, yes.

13 Q Both of those. All right. In addition to the items
14 you just testified about you lifted prints, is that
15 correct, ma'am?

16 A I believe some were lifted from the front door
17 possibly.

18 Q Here. Might speed things up.

19 A Okay.

20 Q This shows where fingerprints were -- were taken --

21 A Yes.

22 Q -- that C. Burgess -- that's you.

23 A That's me.

24 Q Okay. Fingerprints were taken from the front storm
25 door, and a palm print also.

Courtney Burgess
Cross-examination by Mr. Whelchel

- 1 A Yes.
- 2 Q Only one of those prints was actually a useable print,
3 is that correct?
- 4 A According to her -- this is Lou Jones' report.
- 5 Q I understand.
- 6 A Let me look at it here. Yes. Only one was
7 sufficient, had sufficient ridge detail which means --
- 8 Q And no identification was made.
- 9 A Correct.
- 10 Q Okay.
- 11 MR. WHELCHER: Beg the Court's indulgence, Your Honor.
12 (Pause.)
- 13 Q I'm showing you what's been given to me by the
14 prosecutors, and I need for you to determine if -- I want
15 to make sure this is you. This is Courtney Burgess here.
- 16 A That's me.
- 17 Q Submitted the item. That's submitted by you.
- 18 A Yes.
- 19 Q So you took a Doral cigarette butt --
- 20 A Yes.
- 21 Q -- from the scene.
- 22 A Yes.
- 23 Q And put it into the locker.
- 24 A Yes.
- 25 Q For evidence.

Courtney Burgess
Cross-examination by Mr. Welchel

1 A Yes.

2 Q And that was ultimately sent to SLED, is that correct?

3 A That I'm not sure. Yes. It looks like it did go to
4 SLED.

5 Q Okay. And that was item two.

6 A Yes.

7 Q Okay. Item three was also taken by you, is a swab
8 from the hallway floor.

9 A Yes.

10 Q Okay. And that was turned in to Mr. Beach who at that
11 time was the -- one of the evidence techs.

12 A Yes. He was.

13 Q He has since retired.

14 A Yes.

15 Q Okay. Why did you take that swab from the hallway
16 floor?

17 A Typically, in a crime scene if you -- if you mark
18 something -- I marked several areas where there may be what
19 appeared to be blood or some other substance.

20 We -- if I mark it and photograph it, I want to take a
21 sample of it just to either determine what it is or who it
22 may have come from.

23 Q Okay. But the item two swab was placed into evidence
24 but never tested.

25 A Okay.

Courtney Burgess
Cross-examination by Mr. Whelchel

- 1 Q Is that correct? Oh, excuse me. I'm sorry. The item
2 three swab.
- 3 A Three swab.
- 4 Q I'm sorry.
- 5 A It doesn't show that it went to SLED. But without
6 seeing the SLED reports I wouldn't know if it went or not.
- 7 Q Okay. And let me do it this way. Item four is a swab
8 that you took from the hallway, item 2.2.
- 9 A Okay.
- 10 Q In your pictures and things, is that right?
- 11 A Let me look at my report. Yes. Item -- it would be
12 evidence item four, but my item 2.2, is a swab from
13 possible blood on the wall. It's a stain.
- 14 Q Okay. And that item was never tested.
- 15 A According to the evidence chain of custody it doesn't
16 show going to SLED, but, again, I don't know.
- 17 Q Okay. Let me see if we can speed this up.
- 18 A Okay.
- 19 Q Item five is a swab, 2.3 --
- 20 A Yes.
- 21 Q -- that you took.
- 22 A Yes.
- 23 Q And it wasn't tested.
- 24 A It doesn't show going to SLED there.
- 25 Q But these are -- these are the evidence sheets.

Courtney Burgess
Cross-examination by Mr. Whelchel

1 A Yes.

2 Q Okay. Now, item six, pair of underwear. This does
3 show that that was tested right here.

4 A Yes, yes.

5 Q Okay. So some of the stuff was tested. Some of the
6 stuff was --

7 A Some of it was sent to SLED. Whether it was tested
8 there, I -- I'm not sure.

9 Q Some of it wasn't even -- wasn't even sent.

10 A Yes.

11 Q Okay. And you took -- I'm just going to try to speed
12 this up. Took a blue ink pen.

13 A Yes.

14 Q And that was never tested, correct?

15 A No. It was processed for fingerprints.

16 Q Had no fingerprints.

17 A No fingerprints.

18 Q A letter to Ms. Gray.

19 A Yes.

20 Q You also took an empty bottle of wintergreen rubbing
21 alcohol.

22 A Yes. In the hallway, in the area where the victim was
23 found by the firemen, there was several little items kinda
24 strewn throughout the hallway there.

25 There was a -- the bottle of rubbing alcohol. It was

Courtney Burgess
Cross-examination by Mr. Welchel

1 almost empty but it still had a little bit left in it.

2 There was also a -- like a small plastic washtub that
3 it had some green tinted liquid in it, which we assumed was
4 probably from the alcohol bottle and water. It was almost
5 all the way full.

6 Q You took a set of keys. I believe those are car keys,
7 is that right, or car and house keys?

8 A Yes.

9 Q Okay. Those are ultimately, according to this,
10 returned to the owner.

11 A Okay.

12 Q Item 11, green and white bandanna.

13 A Yes. That was also in the hallway area.

14 Q You just took it because it was there.

15 A Yeah, just the way the items were. The house for the
16 most part was pretty clean, and they just seemed out of
17 place there in the hallway. So that's why they were
18 collected.

19 Q Okay. You took several small pieces of glass, item
20 13.

21 A Yes. Let me see where those were from. Let me look
22 at the diagram again.

23 Q Oh, sure. Is that what you need?

24 A Yes. Okay. The glass came from below that back
25 window.

Courtney Burgess
Cross-examination by Mr. Welchel

1 Q Okay.

2 A Yeah. The window that was open.

3 Q Just keep that over there in case you need it.

4 A Thanks.

5 Q All right. And those are item 13. And according to
6 this they were never tested.

7 A No.

8 Q Okay. I'm going to try to speed this up.

9 A Okay.

10 Q Item 14, a section of green clothesline. You took
11 that.

12 A Yes. I did.

13 Q Okay. It wasn't tested.

14 A The clothesline. Let's see. The clothesline was
15 swabbed for possible touch D.N.A. evidence. The swabs were
16 submitted to evidence.

17 Q That's all you know.

18 A That's all I know.

19 Q Okay. You did, according to item 17 you did touch
20 D.N.A. swab from a bottom cinder block in the back yard.

21 A Yes.

22 Q Would that be --

23 A These -- there were two cinder blocks below the open
24 window.

25 Q Uh-huh.

Courtney Burgess
Cross-examination by Mr. Whelchel

1 A I guess -- I called it the middle bedroom of the
2 house. There was an open window.

3 Q Is that the window that the blinds were hanging out
4 of?

5 A Yes, yes.

6 Q Okay.

7 A There were two cinder blocks stacked up on the ground
8 below that window, because that window was pretty high off
9 the ground. There were two cinder blocks stacked on the
10 ground below that window.

11 Q Okay. Item 25. You took a funeral program for Billy
12 James Gray. That was the deceased husband of Willie Gray,
13 is that correct, if you --

14 A I believe so, but I'm not -- I'm not a hundred percent
15 sure.

16 Q Why did you take that, ma'am?

17 A I believe there were other investigators there that
18 asked.

19 Q Told you to take it?

20 A Yeah. Asked for it to be collected.

21 Q And a lot of times you act on what the chief
22 investigators tell you to do. I mean, you're the forensic
23 tech. If they say get a picture of that --

24 A Yes.

25 Q -- swab that.

Courtney Burgess
Redirect examination by Mr. Gray

1 A Yes.

2 Q Okay.

3 A Usually if -- if we haven't already done it and it's
4 just something that, you know, they may have a different
5 way of thinking what's -- what's going to be important to
6 the case, so they may point something out to be collected
7 or photographed or...

8 Q Okay. Item 27. You took that. No. I'm sorry. You
9 didn't.

10 A No.

11 Q Or you turned it in to Mr. Beach on 5/29/15.

12 A That's not me.

13 Q Oh, I'm sorry. Forgive me.

14 A That's okay.

15 Q Item 38 scene diagram, documents. Is that those
16 three?

17 A That's this, yes.

18 Q Okay. Thank you, ma'am.

19 THE COURT: Any redirect limited to what he went into?

20 MR. GRAY: Yes, sir. May we approach briefly?

21 (Bench conference held off the record.)

22 REDIRECT EXAMINATION

23 BY MR. GRAY

24 Q Ms. Burgess, I'd like for you to look at State's
25 Exhibit No. 38. See if you recognize it.

Courtney Burgess
Redirect examination by Mr. Gray

1 A Yes.

2 Q Is that a diagram Mr. Whelchel and you just went over?

3 A Yes, it is.

4 MR. GRAY: At this time, Your Honor, I'd like to enter
5 that into evidence.

6 MR. WHELCHER: No objection.

7 THE COURT: Without objection, it will be State's 38.

8 (Scene diagram marked State's Exhibit No. 38.)

9 Q Just briefly. The first item he references was a
10 cigarette butt?

11 A Yes.

12 Q Where was that found?

13 A That cigarette butt was found in the front yard off of
14 the porch.

15 Q Were they found anywhere near the origin -- the point
16 of origin of the fire?

17 A No. It was not.

18 Q Thank you.

19 MR. GRAY: Nothing further, Your Honor.

20 THE COURT: Thank you, ma'am. You may step down.

21 Any reason why the witness cannot be excused?

22 MR. GRAY: Not from the state, Your Honor.

23 MR. WHELCHER: No, sir, Your Honor.

24 THE COURT: Ma'am, you may be excused as well. Thank
25 you for coming.

Willie James Miller
Direct examination by Mr. Gray

1 (Whereupon, the witness was excused.)

2 MR. GRAY: The state calls Willie Miller, Your Honor.

3 WILLIE JAMES MILLER, having
4 been first duly sworn, testified as follows:

5 DIRECT EXAMINATION BY MR. GRAY

6 Q Mr. Wood -- Mr. Miller, please state your full name.

7 A Willie James Miller.

8 Q Mr. Miller, I hate to do this to you, but what's your
9 nickname, Mr. Miller?

10 A Charlie Brown.

11 Q I understand some people around here may have called
12 you that from time to time. That's so as not to confuse
13 the Court and myself.

14 A Yes, yes, sir.

15 Q Mr. Miller, who was Ms. Gray in relation to you?

16 A That is my mother.

17 Q How old were you when Ms. Gray passed?

18 A I was 45 years old.

19 Q That was June 17th of 2014.

20 A Yes, sir.

21 Q Were you in the home when this incident occurred?

22 A No, sir.

23 Q Where were you when this incident occurred?

24 A At my friend girl's house.

25 Q Your mother, what was her address?

Willie James Miller
Direct examination by Mr. Gray

- 1 A [REDACTED] Overbrook Circle.
- 2 Q Overbrook Circle. I apologize for calling it
- 3 Overbrook Drive. It's Overbrook Circle.
- 4 A Yes. Circle.
- 5 Q Thank you, sir.
- 6 Now, how long had your mother lived at that address?
- 7 A We was there approximately, around 32 years.
- 8 Q You grew up in that home.
- 9 A Yes.
- 10 Q Who else grew up in that home with you?
- 11 A At the time just me and my mother.
- 12 Q At the time. Anyone else move in eventually?
- 13 A No, sir.
- 14 Q Did your mother ever get remarried?
- 15 A No, sir.
- 16 Q Who was she married to?
- 17 A She was once married to Billy James Gray.
- 18 Q Billy Gray?
- 19 A Yes, sir.
- 20 Q Did he have a nickname?
- 21 A Tree.
- 22 Q Tree. Did you live in the house with your mother and
- 23 Mr. Gray?
- 24 A Yes, sir.
- 25 Q Now, tell me a little bit about Mr. Gray.

Willie James Miller
Direct examination by Mr. Gray

1 A well, he was a -- he was a known drug dealer around
2 the Spartanburg County area.

3 Q Did he -- was he a type of individual to have a lot of
4 money?

5 A Yes, sir.

6 Q A lot of cash?

7 A Yes, sir.

8 Q Now, what did your mother do for a living?

9 A She worked at Upstate Linen Service for 44 years.

10 Q Now, during this time did your mother ever have to
11 take a second job?

12 A No, sir.

13 Q All the bills were being paid?

14 A Yes, sir.

15 Q Was Mr. -- I hate to put it like this. Was Mr. Gray
16 good at what he did, unfortunately?

17 A Yes, sir.

18 Q What kind of money was he bringing in?

19 A Thousands of dollars.

20 Q Now, was he ever arrested for these illegal
21 activities?

22 A Yes, sir.

23 Q And do you remember at least one of these times?

24 A Yes, sir.

25 Q When was that, sir?

Willie James Miller
Direct examination by Mr. Gray

- 1 A April 1st, 1987.
- 2 Q What happened in that instance?
- 3 A SLED came in with a search warrant.
- 4 Q What happened?
- 5 A And they found drugs.
- 6 Q Was that the only thing they found?
- 7 A And money.
- 8 Q How much money?
- 9 A \$150,000.
- 10 Q Now, Mr. Gray -- did he have any children of his own?
- 11 A Yes, sir.
- 12 Q All right. Did you know these children?
- 13 A Yes, sir.
- 14 Q You know at least one of them.
- 15 A No. I know all three of them.
- 16 Q You know all three of them.
- 17 A Yes, sir.
- 18 Q Are you familiar with someone named Little Tree?
- 19 A Yes, sir.
- 20 Q Who is that?
- 21 A That's -- that's one of his oldest sons.
- 22 Q And what's his name?
- 23 A James Gray.
- 24 Q James Gray.
- 25 A Uh-huh.

Willie James Miller
Direct examination by Mr. Gray

1 Q Now, did you and he or any members of your family have
2 disagreements about alleged money?

3 A No, sir.

4 Q Were there any discussions that you know of about
5 alleged money in the home?

6 A No. I have no idea, it being any money in the house.

7 Q There's no idea -- you don't know of any money in the
8 house.

9 A Yes.

10 Q Were there any discussions about it --

11 A No, sir.

12 Q -- by Mr. Little Tree?

13 A Well, yeah. I hear he was saying that they got money
14 that my dad left me.

15 Q Thank you.

16 And Mr. Gray, the senior, he was your stepfather. Did
17 he die in prison?

18 A Yes, sir.

19 Q And when did he die, sir?

20 A In 2005.

21 Q 2005. Did your mother continue to work?

22 A Yes, sir.

23 Q And did she have any problem paying any of the bills?

24 A No, sir.

25 Q Even though the type of job she had, there was no

Willie James Miller
Direct examination by Mr. Gray

1 money issues ever.

2 A Nah, nah. She saved her money and she paid all of
3 her -- she paid her bills.

4 Q I understand. Now, there was -- there was a safe in
5 the home.

6 A Yes, sir.

7 Q Did you put that safe in the home?

8 A No, sir.

9 Q Do you know who put that safe in the home?

10 A Yes, sir.

11 Q who was that?

12 A My stepfather.

13 Q Mr. James?

14 A Mr. Gray.

15 Q Big Tree.

16 A Yes, sir.

17 Q The drug dealer.

18 A Uh-huh.

19 Q He put that safe in the home.

20 A Yes.

21 Q The big gray safe?

22 A Uh-huh.

23 MR. GRAY: One moment, Your Honor.

24 (Pause.)

25 Q Thank you, sir, for answering my questions. Please

Willie James Miller
Cross-examination by Mr. Wheelchel

1 answer any questions Mr. Wheelchel may have.

2 CROSS-EXAMINATION

3 BY MR. WHEELCHEL

4 Q Your father passed away when, sir?

5 A 2005.

6 Q He was in prison, I think you said, when he passed
7 away.

8 A Yes.

9 Q Okay. Safe was purchased when, do you know?

10 A No, sir.

11 Q Okay. Did you ever look in the safe?

12 A No, sir.

13 Q Okay. Did you ever see the safe open?

14 A No, sir.

15 Q Did you ever see your mother using the safe?

16 A No, sir.

17 Q Okay. Tell us how to get to [REDACTED] Overbrook Circle from
18 here.

19 A You would -- you would take Daniel Morgan and you'd
20 get on -- you'll come into Reidville Road, which is John
21 White Boulevard. And then you take a left on Elliott
22 Street and then you make a right to [REDACTED] Overbrook Circle.

23 Q Left on Elliott off of?

24 A Off Reidville Road.

25 Q Okay. Is that past the Park Hills intersection?

Willie James Miller
Cross-examination by Mr. Wheelchel

1 A No. You won't go to the intersection. You -- you
2 turn right there before where it's a Li'L Cricket right
3 there on the left. Next road to the left.

4 Q I understand. It's back up in behind where Sky City
5 used to be.

6 A J.M. Field.

7 Q Crafts Drug store and all of that.

8 A Yes.

9 Q Okay. And I used to work at that drug store.

10 You said that Ms. Gray's stepson had some problems that
11 he didn't think he got his fair share of the money, his
12 father's money.

13 A Yes, sir.

14 Q Okay. Are you aware of the fact that he came to your
15 mother's house asking for money just hours before?

16 A Well, I don't -- I don't recall, he coming there, but
17 he have came and asked for money, and which she would give
18 you a few dollars if you asked for it.

19 Q But you weren't home that day.

20 A No, sir.

21 Q Okay. You were -- I think you were with your
22 girlfriend.

23 A Yes.

24 Q Okay. You know Ms. Wheeler, the next-door neighbor?

25 A Ms. Wheeler?

Willie James Miller
Cross-examination by Mr. Welchel

1 Q Yeah.

2 A No. I'm not recalling that name.

3 Q Okay. And your mother had a boyfriend.

4 A Yes.

5 Q What was his name?

6 A Well, they called him -- his last name Hollis. I
7 can't recall his first name right now.

8 Q Felix Hollis?

9 A Yes, yeah.

10 Q Call him Cat Man.

11 A Yeah.

12 Q He and your mother had a good relationship.

13 A Oh, yes.

14 Q Okay. Are you aware of the fact that he had been to
15 your mother's house the same night and given her money?

16 A No. I'm not aware of that.

17 Q Okay. Had you talked to your family and neighbors
18 about this after it happened?

19 A No, sir, no.

20 Q Okay. Did you end up -- you ended up moving out of
21 the house, moving away?

22 A Yes.

23 Q You're still in Spartanburg.

24 A Yes.

25 Q Okay. Did you look at your mother's jewelry and items

Willie James Miller
Cross-examination by Mr. Welchel

1 like that to determine if anything was missing?

2 A No, I didn't -- no. I didn't look at no jewelry and
3 see if anything missing.

4 Q Let's be honest, sir. You wouldn't know if your
5 mother had a particular ring or anything like that.

6 A Oh, she wore rings.

7 Q Oh, I understand that. But men don't look at those
8 things the way women do.

9 A No, sir.

10 Q Yeah. So even if you -- somebody showed you a ring,
11 would you be able to say that was my mama's ring?

12 A Oh, yes. I could say.

13 Q Has anybody shown you any kind of jewelry or rings or
14 anything of that nature that was recovered from your
15 stepbrother?

16 A No, nobody showed me nothing that was recovered, no.

17 Q Nobody involved in this case has shown you the ring
18 that was recovered within a matter of days.

19 A No, sir.

20 Q Okay. Did you know that a ring had been recovered --

21 A No, sir.

22 Q -- from him?

23 A No. I didn't.

24 Q You didn't know before I told you?

25 A No.

1 Q Okay. Thank you, sir.

2 THE COURT: Any redirect limited to what he went into?

3 MR. GRAY: No, sir, Your Honor.

4 THE COURT: Thank you, sir. You may step down. Watch
5 your step.

6 THE WITNESS: Yes, sir.

7 MR. GRAY: The state had previously discussed with
8 Your Honor and with counsel about a potential breaking
9 point, Your Honor.

10 THE COURT: All right. Lawyers want to approach a
11 moment?

12 (Bench conference held off the record.)

13 THE COURT: All right. We'll reconvene. I've got
14 that hearing at 9:30 if y'all could maybe start gathering
15 up at 9:45, because it might go faster.

16 MR. GRAY: Yes, sir.

17 THE COURT: I told them no more than 30 minutes.

18 (Search warrant marked State's Exhibit No. 46 for
19 Identification.)

20 END OF PROCEEDINGS JANUARY 23, 2018
21
22
23
24
25

Louis Maceo Nelson
Direct examination by Mr. Gray

1 (Proceedings January 24, 2018)

2 THE COURT: State ready to call your next witness?

3 MR. GRAY: Yes, sir, Your Honor. The state calls
4 Investigator Louis Nelson.

5 LOUIS MACEO NELSON, having
6 been first duly sworn, testified as follows:

7 DIRECT EXAMINATION BY MR. GRAY

8 Q Please state your full name, sir. Please state your
9 full name.

10 A Louis Maceo Nelson.

11 Q Where do you work, sir?

12 A Spartanburg Police Department.

13 Q How long have you worked there?

14 A I've been working for Spartanburg Police Department
15 since 2007.

16 Q And what are your primary duties and responsibilities?

17 A I'm a criminal investigator. I'm assigned to the
18 criminal investigations division.

19 Q What does that mean exactly?

20 A Basically, I do follow-up investigations related to
21 different -- different types of crimes, various crimes.

22 When a report is made a case will be assigned, and I
23 just go out and follow up and see where the case leads me,
24 if there's enough probable cause to make an arrest or if
25 it's not enough, insufficient evidence. Then the case is

Louis Maceo Nelson
Direct examination by Mr. Gray

1 closed.

2 Q All right. How many of these cases have you had?

3 A Hundreds.

4 Q Hundreds.

5 A Hundreds.

6 Q How long have you been in law enforcement?

7 A Been in law enforcement now 25 years, going on 25
8 years.

9 Q Now, in the case involving Ms. Willie Mae Gray of [REDACTED]
10 Overbrook Circle, did you investigate that situation?

11 A Yes, sir, I did.

12 Q For -- in layman's terms for me personally, would you
13 be called the lead detective on this case?

14 A Yes, sir. That's correct.

15 Q And as the lead detective did it give you any
16 additional responsibilities or duties?

17 A Yes, sir. Basically, when you're the lead -- lead
18 detective, lead investigator, on a case you see through it
19 from beginning to end. You work the case. You try to
20 develop leads. You follow up on leads.

21 Q All right. And with this situation, this occurred
22 what, on what day?

23 A It was June 17th of 2014.

24 Q All right. Were you called out to the incident site?

25 A Yes, sir, I was.

Louis Maceo Nelson
Direct examination by Mr. Gray

1 Q And how did you start your investigation?

2 A Basically, we receive a call from our supervisor. The
3 supervisor just tells us -- that they may call and
4 basically gives -- gives us the scenario based on the
5 information that they have at that time. I was told that
6 there was a house fire and there was a fatality involved.

7 Q And who was the fatality?

8 A The fatality, the decedent, was Ms. Willie Mae Gray.

9 Q And when you arrived on the scene, what did you do at
10 that time?

11 A Well, once I arrived on the scene -- usually I'm
12 briefed by the supervisor or an officer that pretty much
13 has been there from the beginning.

14 Basically, information I was provided with was that
15 there was someone that was passing by on their way to work.
16 They saw smoke coming from one of the front windows on the
17 house, and at that point they called 9-1-1.

18 9-1-1 dispatched the fire department, and at that
19 point once the fire department -- once they arrived on the
20 scene, they do what they do. They -- they go in and try to
21 do search and rescue, suppress the fire, extinguish the
22 fire. And then they came across the decedent.

23 Q Okay. Let's try to for trial purposes. Was it
24 ascertained if this was an accidental situation or
25 intentional situation?

Louis Maceo Nelson
Direct examination by Mr. Gray

1 MR. WHELCHER: Objection, Your Honor. That'll be
2 hearsay.

3 THE COURT: Do you want to rephrase the question?

4 MR. GRAY: Yes, sir, Your Honor.

5 Q Based upon your investigation was it determined if the
6 fire was accidental?

7 MR. WHELCHER: I would object to that, Your Honor.
8 He's an investigator, but he's not a fire investigator.
9 We've already had the testimony of the fire investigator.

10 THE COURT: Well, I'll let him answer. You can
11 cross-examine him on the credibility of his statement.

12 MR. WHELCHER: Yes, sir.

13 A Yes, sir. I -- I am -- I have received arson training
14 and I work, I guess you could say, side by side with the
15 fire marshals in the investigation of arsons. That's one
16 of my primary tasks, is to investigate and follow up with
17 arsons.

18 Q After that situation, what happened to the body of the
19 decedent, Ms. Gray?

20 A When I -- when I arrived I observed the -- I observed
21 the body that was on the scene. From what I was -- the
22 information I was provided, that they attempted to revive
23 or give life-saving techniques to the victim and they were
24 not successful. And at that point the ambulance arrived on
25 the scene and transported -- transported the body to the

Louis Maceo Nelson
Direct examination by Mr. Gray

1 morgue at Spartanburg Regional.

2 Q Was an autopsy performed?

3 A Yes, sir, an autopsy was performed.

4 Q Did you attend that autopsy?

5 A Yes, sir.

6 Q And who performed that autopsy?

7 A Dr. David Wren was the pathologist.

8 Q Now, at that time did you have any idea whether or not
9 this was accidental or an intentional fatality?

10 A At that -- at that particular time the fire marshals
11 were still reviewing their information. It was determined
12 to be intentionally set by the fire marshal.

13 Q What about the death of Ms. Gray?

14 A Ms. -- Ms. Gray's death --

15 MR. WHELCHEL: Your Honor, I don't know what his basis
16 is for this. I object. I assume it's hearsay because he's
17 going to tell us what the pathologist said.

18 THE COURT: I haven't heard the answer, so I'm going
19 to let him answer.

20 Go ahead.

21 THE WITNESS: Yes, sir.

22 A While I was there at the -- the autopsy -- basically,
23 the autopsy report says that the cause of death was
24 respiratory insufficiency secondary to manual
25 strangulation.

Louis Maceo Nelson
Direct examination by Mr. Gray

1 Q Thank you.

2 Based upon that what was your next step or course of
3 action?

4 A Was to begin to develop leads and try to follow up on
5 leads as I did that particular night.

6 I began to speak with some of the neighbors. A
7 canvass in the immediate area was conducted with some of
8 the houses, the neighboring houses, next door, and maybe
9 one or two houses away and across the street. We did a
10 very brief canvass of the area. And being that time of the
11 morning, there wasn't -- there wasn't many people out,
12 because it was around midnight or 1:00 o'clock in the
13 morning.

14 Q That day did you develop any suspects?

15 A That particular day?

16 Q Yes, sir.

17 A No, sir. Not that -- not at that time, we didn't.

18 Q All right. Well, how soon after the -- Ms. Gray's
19 death did you develop any suspect?

20 A Based on an interview with the neighbor who lived
21 right next door they were, as she described, very, very
22 close friends, because they lived next door to one another.
23 They would often sit outside with one another and talk
24 during the day.

25 Ms. Charlene Wheeler -- she -- she gave us information

Louis Maceo Nelson
Direct examination by Mr. Gray

1 that on the day of the fire that a Mr. James Fitzgerald
2 Gray -- he's also known as Tree or Little Tree -- that he
3 had been by the residence.

4 He had stopped by and spoke with Ms. Gray sometime
5 around maybe 3:00, 3:30 in the afternoon. And I think he
6 asked for some money.

7 She had some general conversation. Ms. Gray had
8 general conversations with him, and he asked her for some
9 money.

10 James Gray is her stepson based on marriage to James
11 Gray's father.

12 So he stopped by on his way and just asked for some
13 money. And I think she gave him a couple of dollars. And
14 at that point that he left, but supposedly he -- he uttered
15 or made -- made some comments to the fact that just because
16 she only gave him a couple of dollars that he was upset
17 with the amount of money that he got, and he made the
18 comment that, "Half of this is mine anyway."

19 Q Did you develop anyone else as a potential suspect at
20 that time?

21 A Yes, sir, later on in the investigation.

22 Q Okay. What was the one other individual?

23 A One other individual would have been Mr. Alexander
24 Matthews.

25 Q Besides Mr. Matthews was Mr. Miller.

Louis Maceo Nelson
Direct examination by Mr. Gray

1 A Yes. Well, Mr. Miller was, I guess you would say --
2 we had to go through a process of elimination with
3 Mr. Miller because he lived in the residence.

4 I wanted to make that we started on the ground level
5 and worked our way out to make sure that there was no
6 ongoing issues or no problems within the household.

7 Q All right. Mr. Miller is the son of the decedent?

8 A Yes, sir.

9 Q All right. And you said you wanted to eliminate
10 Mr. Willie Miller. How did you do that?

11 A Basically, we brought him in. Mr. Miller was very
12 cooperative at that -- at that time, you know, given the
13 situation.

14 He came in. We conducted an interview with Willie
15 Miller. And I asked him if he would agree to take a
16 polygraph just -- just to be certain that there were no
17 agendas or anything to that -- to that nature that we
18 weren't aware of or anything that could possibly come up.
19 And he agreed, and he came in and took a polygraph
20 examination.

21 Q What was the result?

22 A He passed the polygraph.

23 MR. WHELCHER: Objection, Your Honor.

24 THE COURT: I sustain the objection.

25 Q But you did eliminate Mr. Miller as a suspect.

Louis Maceo Nelson
Direct examination by Mr. Gray

1 A Yes, sir.

2 Q Thank you.

3 Now, after Mr. Miller was there any other persons that
4 you developed?

5 A As is standard, I also spoke with Felix Hollis. They
6 call him -- he has a nickname Cat Man.

7 I spoke -- spoke with him because he was a very close
8 associate. I think he was the boyfriend to Ms. Gray at the
9 particular time. He had also been at her residence on that
10 day, earlier that day.

11 And after speaking with him and reviewing some of his
12 phone records, based on the information that he gave me I
13 was able to confirm that he was -- he was at home during
14 the time in which this incident occurred.

15 Q Now, you previously mentioned Mr. Alexander
16 Matthews --

17 A Yes, sir.

18 Q -- as another person of interest, slash, suspect. How
19 did you develop him as a suspect?

20 A Well, without any information the case, it kinda went
21 cold for a brief period.

22 Q How long was that period?

23 A Maybe 8 months, 8 to 12 months, somewhere in there.
24 I'm not exactly sure right off the top of my head, but
25 somewhere in that neighborhood.

Louis Maceo Nelson
Direct examination by Mr. Gray

1 We -- we pulled -- we looked at the case again. We --
2 we were always -- felt like it was solvable. So, we went
3 back and we decided to do another, a more extensive, and
4 very detailed neighborhood canvass. And what's what we
5 did.

6 We picked a day, and we had basically everyone in the
7 investigative division. And we went back to the
8 neighborhood, the Park Hills community, and we went to
9 every single house in that community, in the Park Hills
10 community. Not just within the immediate area of the
11 incident but the entire community. I think it was over 255
12 homes. Somewhere in that area. So we canvassed a very
13 large area.

14 During that canvass we received information from
15 someone who said that they didn't want to get involved.
16 They provided an anonymous tip, and they said that they had
17 heard some information --

18 MR. WHELCHER: Objection, Your Honor.

19 THE COURT: I sustain the objection.

20 Q Okay. As a result of your investigation did you ever
21 talk to a Samantha Brewton?

22 A Yes, sir.

23 Q And a Sandra Brewton?

24 A Yes, sir. I did.

25 Q Do you know anything about a relationship between

Louis Maceo Nelson
Direct examination by Mr. Gray

1 Samantha Brewton and the decedent?

2 A Samantha Brewton?

3 Q Yes.

4 A Samantha Brewton -- she lived directly across the
5 street from Ms. Gray, and they had a neighborly, I guess
6 you could say, just a neighborly relationship. I think
7 there were a couple of occasions when some -- some
8 allegations were made but, yes, sir. She lived directly
9 across the street.

10 Q Do you know her nickname?

11 A Piggy-Pig -- Pinky-Pig.

12 Q All right. And Samantha Brewton, her sister. Is that
13 Sandra Brewton?

14 A Yes, sir. Sandra Brewton.

15 Q Do you know anything about the relationship between
16 Sandra Brewton and the decedent, Ms. Willie Gray -- Willie
17 Mae Gray?

18 A I think she -- in speaking with her, she basically
19 knew Ms. Gray through her sister, through affiliation with
20 her sister, when she would come to visit her sister who
21 lived directly across the street. Ms. Gray -- they would
22 sometimes have interactions or, you know, just social
23 interaction.

24 Q Did Ms. Sandra Brewton have any relationship to
25 Mr. Matthews?

Louis Maceo Nelson
Direct examination by Mr. Gray

1 A Sandra Brewton?

2 Q Sandra Brewton.

3 A At the time when we were conducting an investigation
4 or when we -- when we met Ms. Brewton she had a past
5 relationship with Mr. -- Mr. Matthews was residing with her
6 at her residence on 554 Crescent Avenue. So they lived
7 together basically as boyfriend and girlfriend, fiancée or
8 something to that effect.

9 Q Did you ever go interview Ms. Sandra Brewton?

10 A Yes, sir.

11 Q Did you go to her home to do this interview?

12 A Yes, sir.

13 Q During the course of this interview did you search the
14 home for any -- did you search her home at all?

15 A No, sir, we didn't conduct a search. We stepped.
16 There was a -- one day that we stepped basically inside to
17 the living room area, which is the first area as you enter
18 the house. And we were speaking with Ms. Brewton. We
19 never did a search.

20 Q Was there anything there in the home that belonged to
21 the defendant?

22 A Ms. Brewton -- she retrieved a brown or orange colored
23 prescription bottle. And she stated that she found this in
24 her house after Mr. Matthews had left. And she said that
25 it -- she knew what it was used for and she didn't want it

Louis Maceo Nelson
Direct examination by Mr. Gray

1 in her house and she wanted to get rid of it.

2 Q Would you please open State's Exhibit No. 39? I ask
3 if you recognize that.

4 A That's -- that's what Ms. -- Ms. Brewton gave to us on
5 that particular --

6 Q And what -- what is -- could you describe that,
7 please?

8 A It is a prescription bottle with a label. The label
9 has the name of Spenser Middleton and instructions for
10 taking the medication, which is Doxepin, 75 milligrams,
11 capsules.

12 Q And that's what she said belonged to Mr. Matthews.

13 A Yes, sir.

14 Q And was in her home.

15 A Yes, sir. And in it -- in its current configuration
16 this -- this is -- will be considered drug paraphernalia
17 with a tinfoil --

18 MR. WHELCHER: Objection, Your Honor.

19 THE COURT: I'm going to allow him to answer.

20 MR. WHELCHER: The question wasn't asked. He's just
21 volunteering stuff at this point.

22 THE COURT: Go ahead, sir.

23 A In its current configuration with the aluminum foil
24 being wrapped over the top and secured with several small
25 holes punched in it and another hole in the side, based on

Louis Maceo Nelson
Direct examination by Mr. Gray

1 my training and experience as a police officer that's
2 what's commonly used to smoke crack or different powered
3 substances, illegal substances.

4 Q Thank you.

5 MR. GRAY: At this time, Your Honor, the state would
6 like to move State's 39 into evidence, Your Honor.

7 MR. WHELCHER: If I may, Your Honor.

8 I've never heard when we received this. There has
9 just been -- there's just been a visit to this lady's
10 house.

11 Q Could you please state the date and time you received
12 this?

13 (Pause.)

14 A The date -- the date this is -- would have been
15 recovered would have been on April the 14th of 2015 at 554
16 Crescent Avenue.

17 THE COURT: I'll allow it to be admitted as
18 State's 39.

19 MR. GRAY: Thank you, Your Honor.

20 (Prescription bottle for Spencer Middleton marked
21 State's Exhibit No. 39.)

22 Q After talking with Ms. Brewton and Ms. Brewton did you
23 then go talk to Mr. Middleton?

24 A Yes, sir. After we -- after we spoke with both of
25 them, based on the information that they --

Louis Maceo Nelson
Direct examination by Mr. Gray

1 Q I'm sorry. Mr. Matthews.

2 A Based on the -- based on the information that we
3 obtained while speaking with the Brewton sisters we decided
4 to go speak with Mr. Matthews about conversations we had
5 had with Sandra and Samantha Brewton.

6 Q And where was Mr. Matthews located?

7 A At this particular time he was at the Evans
8 Correctional Institute or Institution in Bennettsville,
9 South Carolina.

10 Q And that's when you went to speak to him?

11 A Yes, sir. I -- each -- each institution, they have a
12 different protocol. You can't just go down.

13 So we had to submit a letter on letterhead and request
14 an interview appointment. So we scheduled an interview
15 appointment, and we went down to speak with Mr. Matthews
16 about the conversations that we had had with Samantha and
17 Sandra. That would have been on July the 15th of 2015.

18 Q Did you go by yourself to this interview?

19 A No, sir.

20 Q Who else?

21 A Investigator Chris Taylor also accompanied me.

22 Q During this interview with Mr. Matthews was it
23 recorded by hand, audio, video?

24 A We -- we have a voice recording, basically just a
25 small digital recorder that we use when we're in the field.

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1 And we -- we took that with us. It just records audio, not
2 video. So we had an audio recording of that interview.

3 Q Now, at this time was Mr. Matthews a suspect?

4 A No, sir.

5 Q Did you Mirandize him at all?

6 A No, sir.

7 Q Did he appear comfortable during this conversation?

8 A Yes, sir, he did.

9 Q Were there any threats made to Mr. Matthews during
10 this conversation?

11 A No, sir.

12 Q Any promises made to Mr. Matthews during this
13 conversation?

14 A No, sir.

15 Q And this conversation was for him strictly as a person
16 of interest at this time, correct?

17 A Yes, yes, sir, just based on the information that
18 we -- from speaking with the Brewton sisters.

19 Q I'm going to show you what's been marked as State's
20 Exhibit No. 1 and ask you if you recognize that.

21 A Yes, sir. It appears to be a copy of the audio
22 recording of that interview that we -- we had with
23 Mr. Matthews.

24 Q And that's a complete copy of that audio recording
25 that you had with Mr. Matthews. Do you remember what date

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1 that occurred?

2 A July the 15th of 2015.

3 Q Approximately how long was that recording?

4 A It's a little over an hour, probably close to an hour
5 and a half.

6 MR. GRAY: Beg the Court's indulgence, Your Honor.

7 (Pause.)

8 Q During this conversation with Mr. Matthews was there
9 any information given regarding Ms. Gray or the situation
10 involving her or the fire, anything at all, that led you to
11 believe that he might be a suspect?

12 A During the conversation we -- I guess the highlighted
13 portion of it, I guess you could say, was when we -- when I
14 asked. I asked him if there was any involvement on his
15 part that would have caused, or did he have any knowledge
16 about the death of, Ms. Gray. And he said that he didn't
17 know her and that he didn't have anything to do with it.

18 I also asked him based on information received during
19 the interview with Ms. Brewton if she had -- if he recalled
20 her ever asking him about coming into the house smelling
21 like smoke, and he -- he said no. He said she never said
22 that to him, that he had been in the residence, he had been
23 home with her all of that night and that later Cassandra,
24 Pinky-Pig, called. He called -- she called later in the
25 night and said that there had been a fire across the street

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1 and that Ms. Gray -- Ms. Gray was the victim of the fire.

2 And he also -- he also stated that her reply, her
3 response, was that, you know, that's not her people, that's
4 not my family, so, you know, I'm not going down there.

5 He was saying that he -- Mr. Matthews was saying that
6 he thought that she might want to go down because that
7 Ms. Gray, you know, was a friend of hers but --

8 Q Now, briefly. The gentleman you talked to, the one
9 that you -- I think -- did you eventually sign the warrants
10 against Mr. Matthews?

11 A Yes, sir.

12 Q Do you see Mr. Matthews in the courtroom today?

13 A Yes, sir.

14 Q Will you please identify him?

15 A Mr. Gray is seated at the defense table with the tie
16 and the glasses, shirt and tie.

17 Q Now, as far as Mr. Matthews being a suspect, during
18 this interview did he say anything about a Spencer
19 Middleton?

20 A I'm sorry? Can you repeat that question again?

21 Q Did he say anything about Spencer Middleton?

22 A Yes, sir, he did. He said that he was taking
23 different types of medication -- different types of
24 medication -- and that they were generic. And he said that
25 once he -- once he was released he would get the real

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1 medication instead of the generic. And he said he had --
2 had to take his medication as a condition of -- I think he
3 said it was judge -- it was one judge that was in this
4 court. I can't remember the judge's name.

5 Q That's fine. But as far as Mr. Middleton is
6 concerned, how did his name come up?

7 A Spencer Middleton?

8 Q Yes, sir.

9 A Spencer Middleton based on what Alexander Matthews
10 told us, he said that that was his cousin's name from
11 Charleston and that's a name that he sometimes used.

12 Q As an alias.

13 A Yes, sir.

14 Q Now, at this time did you have any D.N.A. from the
15 victim during this interview with Mr. Matthews?

16 A There were -- there were fingernail scrapings that we
17 had.

18 Q And you had those fingernail scrapings.

19 A Yes, sir, we had those fingernail scrapings.

20 Q After -- after this interview did you later develop,
21 further develop, Mr. Matthews as a suspect?

22 A Yes, sir. The -- the -- and the reason being the
23 fingernail scrapings were submitted to SLED for analysis,
24 fingernail scrapings during the autopsy or just prior to
25 the autopsy beginning.

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Direct examination by Mr. Gray.

1 Q And the fingernail scrapings were from who?

2 A From Ms. Willie Mae Gray.

3 Q The decedent.

4 A Yes, sir.

5 Q Okay.

6 A They'll -- they'll scrape underneath the fingernails
7 just for any particular findings that may they, you know,
8 may come across, something that may pertain, evidence, in
9 particular D.N.A. evidence. And those fingernail scrapings
10 were submitted to --

11 MR. WHELCHER: Objection, Your Honor. Excuse me. I
12 thought he was going to testify about the results of the
13 test, which he cannot do.

14 THE COURT: Go ahead, sir.

15 THE WITNESS: Yes, sir.

16 A Those -- those fingernail scrapings were submitted to
17 SLED for analysis.

18 Q And as part of your investigation did you attempt to
19 get or did you think it would be wise to get D.N.A. from
20 the defendant?

21 A At -- at a certain point. If SLED -- if there's
22 enough to -- I guess if there's enough material to get a
23 D.N.A. analysis to confirm it or if there's enough evidence
24 underneath the fingernails that would lead to what we call
25 a D.N.A. hit or CODIS hit where a person's D.N.A. is

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1 already contained in the state D.N.A. pool. And that's --
2 that's what happened. We got a hit as a result of SLED
3 conducting and doing their analysis.

4 Q Was the CODIS hit for the name Alexander Matthews?

5 A I think it was Spencer Middleton.

6 Q All right. Thank you.

7 Now, later did you attempt to get D.N.A. evidence from
8 Mr. Matthews?

9 A Yes, sir, I did.

10 Q And I'm going to show you what's been marked as
11 State's Exhibit 41 and ask if you recognize that. Could
12 you open that, please?

13 A Yes, sir.

14 Q And what is that, sir?

15 A This is a consent-to-search authorization. This is
16 what we commonly use in order to obtain written consent,
17 not a verbal consent. But it's a written consent. And it
18 explains your rights.

19 The first at the very top of the page it explains your
20 rights. And then we place the person's name, who it
21 concerns, which is on a blank line. And then we state what
22 it is that we're searching for on the three blank lines
23 below that.

24 Q Now, this was obtained from Mr. Alexander Matthews?

25 A Yes, sir, it was.

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1 Q And what day was that?

2 A This was on the 12th of February 2016.

3 Q And where was that obtained?

4 A This -- this was obtained -- the buccal swabs were
5 obtained at the city hall, 145 West Broad Street, where --
6 in our interview room where we were having a conversation,
7 where we were interviewing Mr. Matthews again.

8 Q And who signed that consent to search?

9 A Mr. Matthews. He signed it. I witnessed the form and
10 Investigator Taylor also witnessed the form.

11 Q One moment.

12 (Pause.)

13 MR. GRAY: At this time, Your Honor, the state would
14 like to move State's 41 into evidence.

15 MR. WHELCHER: Without objection.

16 THE COURT: Without objection, State's 41.

17 (Buccal swab consent to search marked State's Exhibit
18 No. 41.)

19 Q As a result of that consent form was genetic material
20 taken from Mr. Matthews?

21 A Yes, sir, utilizing a buccal swab.

22 Q Now, was that the only method you used to get the
23 genetic material from Mr. Matthews?

24 A No, sir. We weren't certain that Mr. Matthews -- we
25 didn't know if he would be cooperative in providing a

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1 written consent or verbal consent. So just to make sure we
2 were able to obtain the D.N.A. buccal swab, a search
3 warrant was drafted by myself just, you know just, for all
4 certainty that we could obtain a buccal swab.

5 Q And that would be State's Exhibit No. 46, correct?

6 A Yes, sir.

7 MR. GRAY: One moment, Your Honor.

8 (Pause.)

9 Q And finally also I want to show you State's Exhibit
10 No. 42. Can you tell me what that is, when that was
11 executed and where?

12 A This is a pre-interrogation waiver form that our
13 department uses when we are about to speak with someone who
14 has been deemed a suspect.

15 We want to make sure that they understand their rights
16 prior to us doing any type of questioning. So we fill out
17 the top portion of the form with name, address, social
18 security number, date of birth and the date and time.

19 And then we go down and we read the statement of
20 rights and explain them. And as long as they understand
21 them, they initial beside each one of the rights. They
22 sign it. And then we explain what waiving your rights,
23 what that means, and read a block statement to them. And
24 we fill in the blocks, and they'll sign that. And, you
25 know, that just lets us know that they understand their

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1 rights and also that they have voluntarily waived their
2 rights.

3 Q So in addition to the consent form and search warrant
4 you also obtained a waiver of rights from the defendant, is
5 that correct?

6 A Yes, sir.

7 MR. GRAY: One moment, Your Honor.

8 (Pause.)

9 MR. GRAY: At this time, Your Honor, the state would
10 like to enter State's 42 into evidence.

11 THE COURT: Any objection?

12 MR. WHELCHER: No, sir.

13 THE COURT: Without objection, it will be State's 42.

14 (Pre-interrogation waiver form marked State's Exhibit
15 No. 42.)

16 Q Who took the sample from Mr. Matthews?

17 A That would have been our forensics investigator,
18 Christy Norket.

19 Q We've talked before about you being the lead
20 investigator. And my question is do you make certain
21 decisions about what gets sent down to SLED for testing.

22 A I have some -- yes, sir, I do have some input in that.
23 Our supervisors -- our supervisors and investigators
24 working the case, we generally sit down and make a decision
25 on what -- what needs to be sent, what's the priority of

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Direct examination by Mr. Gray

1 what needs to be sent down.

2 Q Okay. Who -- what was the priority on what needed to
3 be sent down in the case involving Mr. Matthews and
4 Ms. Gray?

5 A Fingernail scrapings.

6 Q From Ms. Gray?

7 A From Ms. Gray, yes, sir. The fingernail scrapings and
8 the D.N.A. sample that was taken from Mr. Matthews.

9 Q Was anything else sent down to SLED, or what did you
10 send? Please take your time and refer to your notes.

11 (Pause.)

12 A There was a green and white bandanna, I believe.
13 We -- there was also recovered from the scene a pair of
14 lady's underwear.

15 Well, I would -- I would need to look at a list. I
16 don't have my list with me to tell you exactly because I
17 can't -- I can't remember exactly everything that we sent.

18 MR. GRAY: May the witness step down, Your Honor, and
19 get his notes?

20 THE COURT: Yes, sir.

21 (Whereupon, the witness left the stand.)

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

23 Q Detective Nelson, do you have what you need now?

24 A Yes, sir, I believe I do.

25 Q Thank you, sir.

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1 Could you please tell the Court what you determined was
2 priority to be sent down to SLED for testing?

3 A Of course, like I said, previously mentioned,
4 priorities were the fingernail scrapings that were obtained
5 from Ms. Willie Mae Gray.

6 The buccal swabs that were taken from Mr. Alexander
7 Matthews.

8 We also sent a pair -- the pair of underwear, a Doral
9 cigarette butt.

10 There was a silver ring with a pearl type stone
11 setting on top.

12 We also sent a buccal swab from James Gray and I
13 believe another buccal swab from Mr. Willie Miller. I
14 think that's -- that's everything that we sent.

15 Q State's Exhibit No. 1. You said there was an audio
16 recording of your conversation with Mr. Matthews at
17 Bennettsville, is that correct?

18 A Yes, sir, that's correct.

19 Q That's State's Exhibit No. 1.

20 A Yes, sir.

21 MR. GRAY: At this time the state would like to move
22 State's Exhibit No. 1 into evidence, Your Honor.

23 MR. WHELCHER: Your Honor, there are items or
24 conversation bits on that tape that were we having a jury
25 trial I would object to it and have it redacted. But in

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1 order for Your Honor to hear what it is that needs to be
2 redacted, you're going to have to hear it, obviously.

3 So at this point if they want to put the tape in that
4 would be my only objection, if we were at a jury trial.
5 But, quite frankly, having a motion for you not to hear
6 what you have to hear to determine whether or not you're
7 going to hear it doesn't seem to be in any way effective at
8 this point.

9 THE COURT: All right. What we'll do, I'm going to
10 allow it to be admitted. I have not yet heard a reason for
11 it to be published to me, okay, because so far the
12 witness -- well, I'll just leave it at that for right now.
13 But it's admitted.

14 (Photograph marked State's Exhibit No. 1.)

15 MR. GRAY: Well, Your Honor, in this situation,
16 obviously, we would like -- we'll request permission to
17 publish this item, because it's a full accounting of the
18 conversation between the officer and the defendant, and it
19 gives all details, not just a summary we've had here today
20 but discusses details the officer alluded to that the
21 certain witnesses talked to him about the alias of
22 Mr. Matthews being Mr. Middleton, also his knowledge of the
23 victim and whether or not they had any interactions.

24 But as Mr. Welchel alluded to, we think also that
25 it's necessary for the conversation to be heard at this

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1 time. There's no -- nothing that the officer said that the
2 victim would -- excuse me -- the defendant's promised
3 anything, is scared, coerced. It was a conversation of him
4 as a person of interest and that led to further
5 investigation involving the defendant.

6 So we request that that piece of evidence be published
7 to the Court, Your Honor.

8 THE COURT: The witness testified that when the audio
9 tape -- after the audio tape was given that he was not
10 developed as a suspect.

11 MR. GRAY: I'm sorry. I apologize.

12 THE COURT: I thought that the witness had testified
13 that as a result of the audio tape that he was not at that
14 time developed as a suspect, that that was -- and that
15 since he wasn't a suspect when he gave the audio tape he
16 was not Mirandized and he wasn't made any promises.

17 MR. GRAY: Sir, he was a person of interest at that
18 time and that was part of his investigation to lead further
19 on.

20 I asked him which steps he took, and one of those
21 steps was once he talked to these -- the Brewton sisters he
22 went and talked to the defendant down at -- in
23 Bennettsville in this situation and recorded that
24 conversation as a means of making sure that everything was
25 accurate.

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1 And, yes, he was not a suspect but he was a person of
2 interest in that, those conversations, that led him further
3 into his investigation.

4 It's not a situation where -- it isn't -- parts of
5 that statement against interest potentially, but it's not a
6 situation where he was a suspect. But it shows the steps
7 the investigator took to develop any potential suspects,
8 including Mr. Matthews. And this was part of that
9 situation to develop him as a suspect.

10 Also, if -- if published to the Court there has been
11 some testimony about Mr. Middleton being an alias of the
12 defendant. That's discussed also. And there's also
13 evidence that Mr. Middleton's name and the pill bottle was
14 found in the girlfriend's house. And she turned that over
15 to the police.

16 I can go further into the details on the -- this, Your
17 Honor.

18 (Pause.)

19 THE COURT: All right. Lawyers approach a moment.

20 (Bench conference held off the record.)

21 MR. WHELCHER: If I may, Your Honor.

22 Based on the testimony of this witness my client was
23 not a suspect at the time. He was not Mirandized at the
24 time. He was not a suspect when they concluded this
25 interview or whatever it was. And they were trying to put

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Direct examination by Mr. Gray

1 in a statement, I guess, of somebody that has not been
2 Mirandized and is not a suspect either before they took the
3 statement or after they took the statement.

4 Him maybe becoming a suspect at some point in the
5 future doesn't allow them to back up and put this statement
6 in. I would be opposed to its admission, Your Honor.

7 THE COURT: Due to its publication, I've already
8 allowed it to be admitted, just haven't published it.

9 Okay. All right. Y'all approach.

10 (The following takes place at the bench.)

11 THE COURT: What we're going to do is I have allowed
12 it to be admitted.

13 I'm not going to listen to it yet. I don't -- with
14 the -- with it being a bench trial and that the objections
15 that you have if it were not a bench trial, I will -- I am
16 erring on the side of caution. I don't want to play it to
17 me yet.

18 MR. GRAY: Uh-huh.

19 THE COURT: The arguments that the state has put
20 forth, I had heard the witnesses testify to those things
21 anyway, and so I have not heard that there was anything new
22 that would be presented to the Court that is on the tape.

23 I feel like the tape -- the state would hope that I
24 would use the tape for what would be duplicative of other
25 things that have already been testified to.

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Direct examination by Mr. Gray

1 Now, with that being said, I think the state is
2 correct that if the defendant does testify the tape will
3 become very important in the establishment of inconsistent
4 statements that might be made by the defendant on the stand
5 compared with what that he had said in this interview.

6 It may be that the state presentation during the rest
7 of their case presents other things that might persuade me
8 that I need to listen to it --

9 MR. GRAY: Yes, sir.

10 THE COURT: -- even if the defendant did not testify.
11 But I'm going to right now not -- I'm not going to publish
12 it to myself. I'm going to proceed because I just -- I
13 think that's the proper thing to do right now.

14 MR. WHELCHER: Yes, sir.

15 THE COURT: So if the state presents other things, of
16 course their presentation and they want the same thing, or
17 this is another reason that you need to look at it, I'll be
18 more than happy to hear from it.

19 MR. GRAY: Yes, sir.

20 (End of proceeding at the bench.)

21 MR. GRAY: Your Honor, I have no further questions for
22 this witness.

23 Q Please answer any questions that Mr. whelchel may
24 have.

25 MR. WHELCHER: I beg the Court's indulgence, Your

Louis Maceo Nelson
Cross-examination by Mr. Wheelchel

1 Honor.

2 (Pause.)

3 CROSS-EXAMINATION

4 BY MR. WHELCHER

5 Q As the lead investigator during the course of your
6 investigation you review all of the statements that are
7 made, is that correct?

8 A Yes, sir.

9 Q Okay. And you reviewed the statement of Charlene
10 Wheeler, the next-door neighbor.

11 A Yes, sir.

12 Q Okay. And as a result of your investigation,
13 reviewing that statement, you found out that Willie James
14 Gray, the stepson of the decedent, Ms. Willie Gray, came to
15 see her that night, is that correct?

16 A Willie James Miller or Gray?

17 Q Gray. Mr. Gray.

18 A James Gray.

19 Q Yeah.

20 A The one they call Little Tree.

21 Q Little Tree.

22 A Yes, sir, yes, sir.

23 Q We'll call him Little Tree for now.

24 A Okay. All right.

25 Q There was a little confusion.

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Cross-examination by Mr. Whelchel

1 Little Tree came to see her that night and asked for
2 money.

3 A Yes, sir. Sometime that afternoon.

4 Q Yeah. That's the fellow you were talking about on
5 direct examination --

6 A Yes, sir.

7 Q -- when you said that he asked for money and then
8 uttered or said or something of the nature that half of
9 this is mine anyway.

10 A Yes, sir. That's what she --

11 Q Okay. Little Tree is the fellow that was subsequently
12 arrested a day or two later. I'm not sure.

13 A Yes, sir. I think it was the following day, or it
14 wasn't long.

15 Q Okay. And when he was arrested by officers they made
16 out a report, and you have that report in your
17 investigation, is that correct?

18 A I think he was just arrested basically on --

19 Q Some other charge.

20 A -- a warrant, yes, sir. I think it was an arrest
21 warrant.

22 Q And when he was arrested he was found to be in
23 possession of a woman's ring.

24 A Yes, sir.

25 Q And that's the woman's ring that you had sent to SLED.

Louis Maceo Nelson
Cross-examination by Mr. Wheelchel

1 A Yes, sir. That's correct.

2 Q Okay. And nothing came back. They couldn't find any
3 D.N.A. on that woman's ring at SLED.

4 A Yes, sir. If my memory serves me correct, yes.

5 Q If the woman's ring if it was costume -- it was
6 costume jewelry, is that correct?

7 A That's what I would call, yes, sir.

8 Q I understand we don't know the difference but...

9 A Yes, sir.

10 Q And there was costume jewelry that was in the house of
11 Ms. Gray, is that correct?

12 A Yes, sir.

13 Q Okay. So within 24 hours?

14 A I'm pretty sure it was within 24, definitely 24 to 48
15 hours.

16 Q Little Tree, the stepson of the decedent, is arrested
17 and found to have in his possession this costume jewelry.
18 And it was women's jewelry, correct?

19 A Yes, sir.

20 Q Okay. He told your investigators he found it.

21 A Yes, sir. And during the interview with him he told
22 me that he found it on the ground at a house on Burke
23 Avenue. I believe it was Burke Avenue.

24 Q Uh-huh. But regardless of where he is alleged to have
25 found it, that piece of costume jewelry, women's costume

Louis Maceo Nelson
Cross-examination by Mr. Whelchel

1 jewelry, was in his possession --

2 A Yes, sir.

3 Q -- less than 24 hours after Ms. Gray was killed.

4 A Yes, sir. That's correct.

5 Q And after her house was burglarized.

6 A Yes, sir. That's correct.

7 Q In addition to that matter you review all of the
8 statements by anybody and everybody that's there, is that
9 correct? All of the fire marshals, all of the people
10 that -- anybody that gave a statement as to what they did
11 on the scene.

12 A Well, I'll get them and I'll look at them. Some of
13 them I'll skim through them and see if there's anything.
14 Some of them can be lengthy, and if it's anything that has
15 any interest, that draws my interest, yes, sir.

16 Q Let me put it this way. If it's been given to me in
17 discovery, you would have reviewed it, is that correct?

18 A For the most part, yes, sir.

19 Q Okay. So the front door was opened. You determined
20 that the front door was opened actually. Unlocked. Excuse
21 me. Not open. Front door of the house.

22 A I believe, yes, sir. I think they forced it, but I
23 believe the door was unlocked.

24 Q Okay. In the course of your investigation you also
25 learned that there was a history of disagreements between

Louis Maceo Nelson
Cross-examination by Mr. Whelchel

1 Samantha Brewton and Ms. Gray.

2 A That's correct. That's -- Ms. Brewton that lived
3 across the street.

4 Q Samantha Brewton.

5 A Yes, sir.

6 Q And the police had been called because of that.

7 A Yes, sir.

8 Q And there were allegations of theft, is that correct?

9 A That's correct, sir.

10 Q Okay. By Ms. Gray --

11 A Yes, sir.

12 Q -- against Samantha Brewton.

13 A Yes, sir.

14 Q And there was evidence that you received about an
15 altercation. There had been altercations between these
16 ladies too.

17 A Based on police -- I think there was one police report
18 that was done, and then there was another incident where
19 Ms. Gray accused Pinky-Pig -- because I keep getting them
20 confused.

21 Q I understand.

22 A Lived across the street. She --

23 Q Piggy-Pig is Samantha. Is it Pink Pig?

24 A Pinky-Pig, yes, sir.

25 Q Pinky-Pig.

Louis Maceo Nelson
Cross-examination by Mr. Whelchel

- 1 A Yes, sir.
- 2 Q That's Samantha Brewton.
- 3 A Yes, sir, that lived right across the street.
- 4 Q She lived directly across the street from Ms. Gray.
- 5 A Basically, yes, sir.
- 6 Q Okay. And had for several years.
- 7 A I think she said it was about three and a half years
- 8 at the time.
- 9 Q Okay. All right. And this woman is the sister of
- 10 Sandra Brewton.
- 11 A That's correct.
- 12 Q Okay. And Sandra Brewton is the woman that gave you
- 13 this.
- 14 A Yes, sir.
- 15 Q Okay. And when did you say Ms. Gray died? Or when
- 16 did the investigation start?
- 17 A June 17th.
- 18 Q 2014.
- 19 A 2014, yes, sir.
- 20 Q Okay. And you got this in April of 2015, April 14th,
- 21 2015.
- 22 A Yes, sir.
- 23 Q And you testified earlier that you wanted to eliminate
- 24 people. And part of the process of the investigation is to
- 25 eliminate people as a suspect.

Louis Maceo Nelson
Cross-examination by Mr. Welchel

1 A Yes, sir.

2 Q So that's when you talked to her son, Mr. Willie James
3 Miller.

4 A Yes, sir.

5 Q I get the name right?

6 A Yes, sir.

7 Q Okay. As a result of your investigation you
8 determined that he wasn't going to be a suspect.

9 A Yes, sir. That's correct.

10 Q As a result of your investigation, your conversations
11 and your review you also found out that the house had been
12 broken into prior to this particular evening.

13 A Yes, sir. There had been some other break-ins in the
14 past.

15 Q There had been some other burglaries to that house.

16 A Yes, sir, there had.

17 Q Okay. And, in fact, one of those was quite recent,
18 within the month or week or two weeks or something like
19 that, whatever you remember.

20 A Yes, sir. That sounds -- I think that sounds about
21 right.

22 Q Okay. The break-ins, the prior break-ins, had
23 happened so much that there was damage to the back door
24 that Mr. Miller didn't bother to repair, is that right?

25 A I think there was some minor repairs, maybe not -- not

Louis Maceo Nelson
Cross-examination by Mr. Whelchel

1 as sufficient as it should have been.

2 Q I understand.

3 A Yes, sir.

4 Q And these concrete blocks that were underneath the
5 window?

6 A Yes, sir. Two standard cinder blocks.

7 Q Yeah. They had been there for a good while according
8 to Mr. Miller, is that right? They were actually --

9 A I -- my memory on -- on that question I --

10 Q He told you that they were there from the other
11 burglary or they had been there since the prior burglary.

12 A I know he -- I do recall, I do remember, that he said
13 that they were in the back yard, they were back there. But
14 as far as saying exactly what he told me, it's been a
15 while.

16 Q I understand. You also found out in your
17 investigation that Charlene Wheeler, the next-door
18 neighbor --

19 A Yes, sir.

20 Q -- and Samantha Brewton, Pig-Pig, and someone else --
21 I forget who it was -- were allowed to smoke in Ms. Gray's
22 home, is that correct?

23 A I think they had to smoke outside. She didn't allow
24 people to smoke, from what I remember what the family told
25 me.

Louis Maceo Nelson
Cross-examination by Mr. Wheelchel

1 Q Do you remember him telling you that he didn't like
2 people smoking in the house?

3 A Who?

4 Q Mr. Miller. He hid the ashtrays. Remember?

5 A I don't -- I don't remember him saying that.

6 Q Okay. If it's in the investigation that you have and
7 I have --

8 A Yes, sir.

9 Q -- you're not saying it's not there.

10 A Sir? I don't --

11 Q If it's in the statements that were given to me --

12 A Yes, sir.

13 Q -- through the discovery process --

14 A Yes, sir.

15 Q -- you're not telling me that that's not in there, is
16 that -- is that what you're saying? You just don't
17 remember..

18 A I don't remember, no, sir.

19 Q Okay.

20 MR. WHEELCHEL: Beg the Court's indulgence, Your Honor.

21 (Pause.)

22 Q At any point -- well, let me back up.

23 Prior to your conversation with Sandra Brewton in April
24 of 2015, had you talked to her before that?

25 A One moment.

Louis Maceo Nelson
Cross-examination by Mr. Whelchel

- 1 Q I understand.
2 (Pause.)
3 A You said that was before April 14th?
4 Q Yes, sir.
5 A If I had a conversation.
6 (Pause.).
7 A No, sir. We spoke. We spoke to Ms. --
8 Q I'm sorry. I didn't hear you.
9 A We spoke with Samantha Brewton.
10 Q I'm talking about Sandra Brewton.
11 A Sandra Brewton. No, sir. I believe that was the
12 initial conversation --
13 Q So --
14 A -- on the 14th.
15 Q -- nine months after Ms. Gray died approximately --
16 A Yes, sir.
17 Q -- is the first time you talked to Sandra Brewton.
18 A Yes, sir.
19 Q Okay. Did you tell the solicitor before that you
20 talked to her four times?
21 A Four times?
22 Q Yes, sir. That's what I thought I heard.
23 A We spoke several, several times but...
24 Q Okay. When was the next time after April the 14th of
25 2015?

Samantha Renee Brewton
Direct examination by Mr. Gray

1 (Pause.)

2 A I don't have the dates written down.

3 Q You don't know.

4 A No, sir. I don't have the dates written down.

5 MR. WHELCHER: That's all I have, Your Honor.

6 THE COURT: Any redirect limited to what he went into?

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

8 THE COURT: Thank you, sir. You may step down.

9 Lawyers approach, please.

10 (Bench conference held off the record.)

11 THE COURT: We're going to step down. We'll be at
12 lunch break. We'll reconvene at 1:15.

13 (Whereupon, a recess was taken.)

14 THE COURT: State ready to call their next witness?

15 MR. GRAY: Yes, sir, Your Honor. The state calls
16 Samantha Brewton.

17 SAMANTHA RENEE BREWTON, having
18 been first duly sworn, testified as follows:

19 MR. GRAY: May it please the Court, Your Honor.

20 DIRECT EXAMINATION BY MR. GRAY

21 Q Please state your full name, ma'am.

22 A Samantha Renee Brewton.

23 Q Ma'am, where do you live?

24 A 8511 Anchor Street.

25 Q In 2014 is that where you were living?

Samantha Renee Brewton
Direct examination by Mr. Gray

- 1 A No, sir.
- 2 Q where did you live in 2014?
- 3 A 109 Overbrook Circle.
- 4 Q Is that near the home of Ms. Willie Mae Gray?
- 5 A Yes, sir.
- 6 Q How close was that to her home?
- 7 A walking distance.
- 8 Q Did you know Ms. Gray?
- 9 A Yes, sir.
- 10 Q Before she passed how long had you known Ms. Gray?
- 11 A Prior to that I stayed on Overbrook Circle about three
- 12 and a half years, close to four years.
- 13 Q Did you two become friendly together?
- 14 A Yes. We was close. I considered her as my best
- 15 friend.
- 16 Q what type of things did you two do together?
- 17 A A lot of times we would like hang out together, go to
- 18 church together, go to funerals. She helped me out with my
- 19 kids. we helped each other a lot of times.
- 20 Q Now, you say she helped you out with your children.
- 21 A Yes, sir.
- 22 Q How was that, ma'am?
- 23 A She would babysit my kids sometimes. Sometimes when I
- 24 had an emergency or something she would put my son on the
- 25 school bus.

Samantha Renee Brewton
Direct examination by Mr. Gray

1 Q And my understanding, your son had some difficulties
2 physically?

3 A He was going to Head Start. He's -- he's like
4 autistic.

5 Q And she would help you out with him sometimes as far
6 as transportation?

7 A Yes, sir.

8 Q Now, do you remember June 17th of 2014?

9 A Yes.

10 Q Was that the day of the fire, ma'am?

11 A Yes.

12 Q Where were you when you found out about the fire?

13 A At my best friend Patricia's house.

14 Q Now, how far away was that from your home?

15 A It was like within walking distance.

16 Q But you weren't at home during the fire?

17 A No, sir.

18 Q How long after the fire was over did you find out
19 about it?

20 A I got home about 11:00 something, something to 12:00,
21 that night from my best friend's house.

22 When I got home I got ready to lay down and go to bed,
23 and I seen fire trucks and ambulances and stuff outside,
24 out there. And I got up and looked out my window. It was
25 at Willie Mae's house. And I was like, Oh, Lord, have

Samantha Renee Brewton
Direct examination by Mr. Gray

1 mercy. You know, I was -- I was real upset.

2 Q Now, did you see her around the scene that night of
3 the fire at all? Did you see her at all?

4 A Willie Mae?

5 Q Yes, ma'am.

6 A When -- when the fire -- when it happened, like,
7 everybody was out there and stuff. And I was like, oh,
8 Lord, what happened, because I'm thinking that she had done
9 cooked something to set the house on fire, because I used
10 to help out, you know, like cook for her and everything
11 like that.

12 So I ran to my neighbor's house on the hill right
13 there, and I stopped. And I seen her laying in -- in her
14 yard. And I was screaming and hollering. I was hollering.
15 I was hollering -- I was hollering so loud. I was upset.
16 I didn't know that that was her, but I kind of figured that
17 it was because she stayed there.

18 Q Now, you said the two of you were good friends. Did
19 you ever have any disagreements with her?

20 A Yes, sir, on one incident.

21 Q Now, was it just verbal or was it actually physical,
22 physical disagreement?

23 A Verbal.

24 Q Verbal.

25 A Yes, sir.

Samantha Renee Brewton
Direct examination by Mr. Gray

1 Q Did you ever have a fight with her at all physically?

2 A No, sir.

3 Q Was there ever an instance where Mr. Matthews had to
4 come and break you up from a fight?

5 A No, sir.

6 Q Do you know Mr. Matthews? would you recognize
7 Mr. Matthews?

8 A Yes, sir.

9 Q Do you know him before the passing of Ms. Gray?

10 A Yes, sir.

11 Q How do you know him?

12 A He was my sister's boyfriend.

13 Q Do you know how long before Ms. Gray's passing that
14 Mr. Matthews and your sister were dating?

15 A Well, about -- I can't be for sure because it took her
16 a while to bring him around to meet me. I think, I guess,
17 it was about five or six months.

18 Q And the person you know as Alexander Matthews, is he
19 in the courtroom, ma'am?

20 A Yes, sir.

21 Q Would you point him out, please?

22 A Right there.

23 Q Making reference to the gentleman in the blue shirt
24 and stripe tie that's next to Mr. Welchel. That's
25 Mr. Matthews.

Samantha Renee Brewton
Direct examination by Mr. Gray

1 A Yes, sir, right there, sir.

2 Q Have you had any contact with Mr. Matthews since the
3 passing of Ms. Gray?

4 A No, sir.

5 Q Have you talked to him at all?

6 A No, sir.

7 Q Nothing whatsoever.

8 A No, sir.

9 Q When was the last time you saw Ms. Gray alive before
10 her passing?

11 A Well, I used to see her. I seen her on the porch that
12 week, but I can't tell you what day because I stayed away
13 from her house for almost a couple of weeks.

14 Q Why is that?

15 A Because she had called the police on me.

16 Q She called the police on you?

17 A Yes, sir.

18 Q Why did she call the police on you?

19 A She accused me of taking stuff from her.

20 Q Did you?

21 A No, sir.

22 Q Before she passed did you and she ever patch things
23 up?

24 A No, because I didn't go down there, sir.

25 Q I understand. Thank you, ma'am. No further

Samantha Renee Brewton
Cross-examination by Mr. Wheelchel

1 questions. Please answer any questions Mr. Wheelchel may
2 have.

3 CROSS-EXAMINATION

4 BY MR. WHEELCHEL

5 Q Ms. Brewton, do you remember talking to me before --

6 A Yes, sir.

7 Q -- when my investigator and I came out to your house?

8 A Yes, sir.

9 Q You weren't home when the fire started.

10 A No, sir.

11 Q Okay. And you were at your best friend's sister's
12 house?

13 A No. My best-friend house.

14 Q Okay. I thought you said best friend's sister's
15 house.

16 A No, sir.

17 Q Who would that be?

18 A Patricia.

19 Q Patricia?

20 A Rice.

21 Q Rice?

22 A Uh-huh.

23 Q Is there a gentleman that lives with you named Dennis?

24 A Dennis Layton.

25 Q Was there?

Samantha Renee Brewton
Cross-examination by Mr. Whelchel

- 1 A At the time.
- 2 Q Okay. What is his last name?
- 3 A Layton.
- 4 Q Excuse me?
- 5 A Layton.
- 6 Q Dennis Layton.
- 7 A Uh-huh.
- 8 Q Can you spell that last name for me? Is it
- 9 L-A-Y-T-O-N?
- 10 A Yes, sir.
- 11 Q Okay. And you talked to Mr. Nelson?
- 12 A Excuse me?
- 13 Q Have you talked to Mr. Nelson before?
- 14 A Yes, sir.
- 15 Q Okay. You say that there were disagreements and
- 16 altercations between you and Ms. Gray, Peewee. Isn't that
- 17 what y'all called her?
- 18 A Yes, sir. Sometimes it was.
- 19 Q Okay. And she had actually accused you of stealing
- 20 things from her, is that right?
- 21 A Yes, sir.
- 22 Q Okay. Were you one of the people -- do you smoke,
- 23 ma'am?
- 24 A Yes, sir.
- 25 Q Okay. Were you one of the people that were allowed to

Samantha Renee Brewton
Cross-examination by Mr. Whelchel

- 1 go into her house and smoke by Ms. Gray -- Peewee?
- 2 A She didn't like nobody smoke in her house.
- 3 Q I know that. But were you allowed to smoke in her
- 4 house? Did you smoke in house, ma'am?
- 5 A I smoked on the porch.
- 6 Q Okay. Never in the house.
- 7 A I smoked on the porch, sir.
- 8 Q Okay. What did she claim you stole?
- 9 A A hundred-dollar bill.
- 10 Q Do you work, ma'am?
- 11 A No, sir.
- 12 Q You disabled?
- 13 A Yes, sir.
- 14 Q Okay. Ms. Brewton, you were convicted of shoplifting
- 15 in 1998, is that correct?
- 16 A Yes, sir.
- 17 Q Okay. And in 2009 you were convicted of malicious
- 18 burning, is that correct?
- 19 A Of who?
- 20 Q Malicious burning.
- 21 A Yes, sir.
- 22 Q Okay. You were charged with arson but convicted of
- 23 malicious burning, is that correct?
- 24 A I was convicted of arson, sir.
- 25 Q Okay. And then in 2012 you were convicted of

Sandra Marie Brewton
Direct examination by Mr. Gray

1 financial identity fraud, is that correct, ma'am?

2 A Yes, sir.

3 Q Okay. And then in 2016 you were convicted of felony
4 driving under the influence with bodily injury, is that
5 right?

6 A Yes, sir.

7 MR. WHELCHER: Beg the Court's indulgence, Your Honor.
8 (Pause.)

9 Q Thank you, ma'am.

10 THE COURT: Any redirect limited to what he went into?

11 MR. GRAY: No, sir, Your Honor.

12 THE COURT: Thank you, ma'am. You may step down.
13 Watch your step.

14 Any reason why the witness cannot be excused?

15 MR. GRAY: No, sir. None from the state.

16 THE COURT: Ma'am, you may be excused as well. Thank
17 you.

18 (Whereupon, the witness was excused.)

19 MR. GRAY: The state calls Sandra Brewton.

20 SANDRA MARIE BREWTON, having
21 been first duly sworn, testified as follows:

22 DIRECT EXAMINATION BY MR. GRAY

23 Q Please state your full name, ma'am.

24 A Sandra Marie Brewton.

25 Q Where do you live, ma'am?

Sandra Marie Brewton
Direct examination by Mr. Gray

1 A 508 Franklin Street.

2 Q In 2014 is that where you lived?

3 A No, sir.

4 Q Where did you live in 2014?

5 A 554 Crescent Avenue.

6 Q Did you live there alone, ma'am?

7 A No, sir.

8 Q Who lived with you?

9 A It was me and my two children, my two boys.

10 Q Anyone else stay there with you?

11 A It was Alexander Matthews.

12 Q Alexander Matthews.

13 A Yes, sir.

14 Q How long did Mr. Matthews live with you?

15 A It was no more than about a couple of months, maybe
16 about five, five going on six months, he was there.

17 Q Do you recognize Mr. Matthews in the courtroom?

18 A Yes, sir.

19 Q Point him out, please. The jacket and the blue shirt
20 and the stripe tie?

21 A Yes, sir.

22 MR. GRAY: Let the record reflect that Ms. Brewton
23 pointed out the defendant, Your Honor.

24 Q Ms. Brewton, you said that Mr. Matthews lived with you
25 for a short time. How did he come to live with you?

Sandra Marie Brewton
Direct examination by Mr. Gray

1 A Well, first of all, I met him at a church that I was
2 attending at the time, and we started talking at the church
3 and we started talking on the phone. And he started coming
4 by, coming by the house. And all of a sudden where he was
5 staying at before that, the man that owned the place, he
6 asked the man to bring his clothes by while we were sitting
7 in the living room talking. And he just started staying
8 there.

9 Q He just started doing what?

10 A Staying -- staying there.

11 Q Staying at your residence.

12 A Yes, sir.

13 Q As Mr. Matthews stayed with you did you and he ever go
14 visit the decedent, Ms. Willie Mae Gray?

15 A I might've -- might've went up there. We might've
16 went up there probably once or twice.

17 Q Now, Ms. Samantha Brewton, that's your sister?

18 A Yes, sir.

19 Q And she knew Ms. Gray, correct?

20 A Yes, sir.

21 Q Now, were you friends with Ms. Gray or was your sister
22 friends with Ms. Gray?

23 A My sister was friends with her, but then, again, we
24 became friends.

25 Q Now, did you and your -- did you have any issues with

Sandra Marie Brewton
Direct examination by Mr. Gray

1 Ms. Willie Mae Gray?

2 A No, sir.

3 Q Any fights, any verbal altercations?

4 A No, sir.

5 Q Any physical altercations?

6 A No, sir.

7 Q Now, as far as your sister, did you and she have any
8 fights or anything around Mr. Matthews?

9 A No, sir.

10 Q No verbal altercations?

11 A No, no, sir.

12 Q No physical altercations that he had to break up
13 between the two of you?

14 A No, sir.

15 Q And there was nothing that he had to break up between
16 you and Ms. Willie Mae Gray?

17 A No, sir.

18 Q Did he ever break up a fight between your sister and
19 Ms. Willie Mae Gray?

20 A Not that I know of.

21 Q Okay. June 14th -- excuse me -- June 17th of 2014, I
22 believe is the incident of the burning of Ms. Gray's house.

23 A Uh-huh.

24 Q Where were you when this happened?

25 A I was at home.

Sandra Marie Brewton
Direct examination by Mr. Gray

1 Q Now, did you ever go up to the residence of Ms. Gray
2 during that day?

3 A That day, no, sir.

4 Q When -- when did you find out about the burning of
5 Ms. Gray's home?

6 A That night.

7 Q About what time?

8 A It was around about 11:00 or 12:00 that night.

9 Q And how did you find out about it?

10 A My sister called me.

11 Q Was Mr. Matthews at home during the call from your
12 sister?

13 A Uh-huh, yes, sir.

14 Q Did he come home before that call or after that call?

15 A He came home before.

16 Q Before the call.

17 A Yes, sir.

18 Q What was his demeanor when he came home that night?

19 A It was -- I was in bed, so I was kind of half sleepy.

20 So I couldn't really understand his demeanor. He was
21 fighting, like he didn't have nothing to say, smelling like
22 smoke.

23 Q He smelled like smoke?

24 A Yes. And I asked him why he smelled like smoke. He
25 say he don't smell like smoke. He went in the bathroom and

Sandra Marie Brewton
Direct examination by Mr. Gray

1 took a shower with all of his clothes on, even his shoes.

2 Q He immediately came in the home and got in the shower
3 fully clothed.

4 A Yes.

5 MR. WHELCHER: Objection, Your Honor. Leading.

6 THE COURT: Watch the leading.

7 MR. GRAY: Yes, sir, Your Honor.

8 Q Did you speak to him after he got in the shower?

9 A Yes. He got in the bed. When I got in the bed, he
10 also got in the bed. I got up to go in the bathroom and
11 see what he did with his clothes and everything, if they
12 was wet.

13 Q what happened to the clothes?

14 A He left them in the bathroom. His shoes he brought in
15 there in the bedroom and put them on the floor. They was
16 wet. He got in the bed with no nothing on.

17 When my sister did call me I was half asleep, and she
18 told me about it, about Willie Mae's death, that she was --
19 she died, she passed away in a fire.

20 Q what was Mr. Matthews' reaction?

21 A He asked me to go up there. I said I'm not going up
22 there. I said I'm asleep. I'm not going up there.
23 She's -- I don't mean no harm. I said she ain't even my
24 family or nothing.

25 Well, the next morning when I awoke I asked my son to

Sandra Marie Brewton
Direct examination by Mr. Gray

1 ride his bike up there to see was it really true, did she
2 pass away. My son came back and told me yes.

3 Q Now, after this incident did Mr. Matthews continue to
4 stay with you?

5 A He -- he left that morning after my sister told me,
6 but he left and came back. He continued to stay there.

7 Q How long did he continue to stay at your home?

8 A A couple of weeks.

9 Q At any time did you ask Mr. Matthews to leave your
10 home?

11 A Yes.

12 Q How long after the incident with Ms. Gray did you ask
13 him to leave?

14 A It was, might have been, about two weeks, two or three
15 weeks after that. We kept getting in arguments.

16 Q Did Mr. Gray -- excuse me -- Mr. Matthews finally
17 leave your home?

18 A No. He wouldn't leave.

19 MR. GRAY: One moment, Your Honor.

20 (Pause.)

21 MR. GRAY: May we approach, Your Honor?

22 (Bench conference held off the record.)

23 Q Did Mr. Matthews finally leave your home for good?

24 A Yes, sir, he did.

25 Q What happened?

Sandra Marie Brewton
Direct examination by Mr. Gray

1 A It was an incident where we --

2 MR. WHELCHER: Objection, Your Honor.

3 I know, I believe I know, what the solicitor is trying
4 to get out of this particular witness. It involves an
5 incident between my client and this woman. It has nothing
6 to do with the allegations in this particular trial. And I
7 would object to it, Your Honor.

8 THE COURT: All right. I'm going to let her answer
9 for the limited purpose of their relationship.

10 Go ahead.

11 A It was an incident one morning where he tried to start
12 an altercation with me. He paid my son to leave. My other
13 son was gone with his father. So I had my grand --

14 MR. WHELCHER: Objection, Your Honor.

15 Your Honor, this will be hearsay -- "He paid my son to
16 leave." She would have to have that information from the
17 son.

18 THE COURT: All right. You can cross-examine her on
19 the credibility of the statement.

20 MR. WHELCHER: Thank you.

21 THE COURT: All right.

22 A Well, anyway, I had my granddaughter down there at the
23 time with me. She was eating breakfast. I had just gotten
24 out of the shower getting ready to go somewhere. And my
25 granddaughter did not want the cereal. He kept coming in

Sandra Marie Brewton
Direct examination by Mr. Gray

1 there trying to start with me. I was getting ready to wash
2 up the dishes to leave before I left. He kept feeling on
3 me, feeling on me. And I was like I don't want you
4 touching me.

5 So he went in there and laid on the bed. He was,
6 like, he said something about if you don't do this I do
7 something to you. When he said that I left the dishes
8 there. Me and my granddaughter -- I walked up the street
9 to my sister's house and just left him in there.

10 He was accusing me of having sex or fooling with
11 someone else. I never did.

12 So I goes up there and tell my sister what happened.
13 She had some friends at her house. Even one friend that I
14 knew from childhood was there. And I told him about it.

15 Q Did you go back to your house?

16 A Yes, I did.

17 Q Was Mr. Matthews still there?

18 A When I went back to the house he wasn't there. I came
19 back to the house. My T.V. was missing. I had a
20 touchscreen, a flat, a 24-inch T.V. It was gone. The
21 door, I mean, the window was pulled up and my
22 granddaughter -- I said what happened. I told my
23 granddaughter. I said, "Don't touch nothing. I'm going to
24 call the police."

25 Q Did you call the police?

Sandra Marie Brewton
Direct examination by Mr. Gray

1 A Yes, I did.

2 Q Did Mr. Matthews ever come back before the police
3 arrived?

4 A He came back when the police was there. He came back
5 with a beer bottle in his hand. And I told them that we
6 had got into it -- the police officers and everything. I
7 told them all of that.

8 And I told them I think that he might have done it.
9 He was up there saying that he didn't do it, that my son
10 might have did it because my son needed the money because
11 my son was on probation. I said, no, my son didn't do
12 that.

13 Q Did Mr. Matthews ever touch you?

14 A Yeah.

15 MR. WHELCHER: Your Honor --

16 A He touched me before.

17 MR. WHELCHER: She's talking about what her son told
18 her that he did. And this is fully hearsay basically.
19 Ongoing objections, Your Honor.

20 THE COURT: All right. I think I can sort through
21 this.

22 MR. WHELCHER: Yes, sir.

23 THE COURT: Yes, sir.

24 Q Now --

25 THE COURT: Well, let's don't get too far off.

Sandra Marie Brewton
Direct examination by Mr. Gray

1 MR. GRAY: Yes, sir, Your Honor. I understand.

2 Q In this situation this time was Mr. Matthews arrested?

3 A Yes, he was. They gave him a trespassing. The police
4 gave him a trespass to leave. He left, but he came back
5 down the street with no clothes on, with just his boxers
6 on. He come --

7 Q He came back to your home after he was trespassed.

8 A Yes.

9 Q Did he have a key to your home?

10 A No, no, sir.

11 Q When he came back with just his boxers on was there
12 another altercation?

13 A As far as I know he was in the back yard trying to get
14 me to talk back to him, because I kept telling him to
15 leave. I didn't want him.

16 He was trying to get back in with me to go back
17 together with him. And I said, no, go back from where you
18 come from, I don't want you here.

19 Q Did you call the police again?

20 A It didn't happen that way.

21 Q What happened?

22 A I left, went to go get some medication from the C.V.S.
23 Pharmacy.

24 When I come back -- when I was at the pharmacy my
25 daughter called me and told me that the police officers was

Sandra Marie Brewton
Direct examination by Mr. Gray

1 trying to get in touch with me because he had got in my
2 house. He broke a window out, a bedroom window out, trying
3 to get into my home. He was in there.

4 The police officer told me that I needed to come
5 home --

6 MR. WHELCHER: Your Honor --

7 A -- so they can get in to get him out.

8 MR. WHELCHER: -- I have to object to that daughter
9 telling her what the police officer told her. I don't know
10 what the point in all of this --

11 A And the officer also called me too.

12 THE COURT: I have to sustain the objection at this
13 time. This is getting into collateral issues --

14 MR. GRAY: Yes.

15 THE COURT: -- that we need to move on.

16 MR. GRAY: Yes, sir.

17 Q Once the relationship was finally over did you ever
18 talk to the police about Mr. Matthews?

19 A No, sir.

20 Q Did the --

21 A The police took him to jail that day.

22 Q Okay. Did Investigator Nelson ever come and speak to
23 you about Mr. Matthews?

24 A Yes, sir.

25 Q Is that when you gave him the pill bottles?

Sandra Marie Brewton
Direct examination by Mr. Gray

1 A Yes, sir.

2 Q Pill box -- excuse me -- that was in the home?

3 A Yes.

4 Q Was that the only thing that Mr. Matthews left behind
5 at your home?

6 A No, sir. He had clothes and some stuff there, but I
7 called the people from the definitive care [sic] to come
8 and get that.

9 Q Now, did you ever call the police after Mr. Matthews
10 was out of your home about the pill bottles or clothes or
11 anything like that?

12 A No.

13 Q About how long between the time -- how long was it
14 between the time that he was finally removed from your home
15 and the time that officer Nelson came by and got the pill
16 bottle?

17 A This probably was a couple of weeks after.

18 Q A couple of weeks after?

19 A Uh-huh.

20 MR. GRAY: One moment, Your Honor.

21 (Pause.)

22 MR. GRAY: Nothing further at this time, Your Honor.

23 Q Ma'am, please answer any questions Mr. Welchel may
24 have.

25 A Okay.

Sandra Marie Brewton
Cross-examination by Mr. Wheelchel

1 CROSS-EXAMINATION

2 BY MR. WHELCHER

3 Q Is that the pill bottle you gave the investigator?

4 A Yes.

5 Q Okay. Will it surprise you to know you gave it to the
6 investigator on April the 14th of 2015?

7 A That's on there.

8 THE COURT: I can't hear you.

9 THE WITNESS: Yes.

10 Q Okay. Ma'am, you need to speak up so the judge and
11 this lady can hear you.

12 A Okay.

13 Q Me too for that matter.

14 So Ms. Gray passed away in June of 2014, correct?

15 A I think it was June the 17th. I don't know if I'm
16 not --

17 Q June 17th of 2014.

18 A Yeah. Somewhere around in there, sir.

19 Q And the first time you talked to the police about
20 Rasheen Matthews was the day you gave them that, is that
21 correct?

22 A His name is Alexander Matthews.

23 Q Alexander Rasheen Matthews, yeah.

24 The first day you talked to the police, this
25 investigator here --

Sandra Marie Brewton
Cross-examination by Mr. Whelchel

1 A I know -- I knows him.

2 Q That's what I'm asking you.

3 A Uh-huh.

4 Q The first day that you talked to them about him and
5 that bottle was nine months after that lady passed away, is
6 that correct?

7 A I don't know how many months it'd been. It's been
8 four years since this happened.

9 Q Okay. Well, she passed away in June of 2014.

10 A Uh-huh.

11 Q So that would be July, August, September, October,
12 November, December, January, February -- August. Would
13 that be nine months, ma'am?

14 A I wouldn't know.

15 Q Okay.

16 A It's been three and a half years, sir. I tried to get
17 over this. This man tried to kill me.

18 MR. WHELCHER: Move to strike, Your Honor.

19 THE COURT: Any position from the state?

20 MR. GRAY: Your Honor, I -- I don't understand why
21 this would need to be stricken. If he wants her to clarify
22 her answer, he can.

23 MR. WHELCHER: Your Honor, it's unresponsive. I
24 didn't ask her about anybody trying to kill her.

25 THE COURT: If we had a jury I might consider it

Sandra Marie Brewton
Cross-examination by Mr. Wheelchel

1 stricken but it's --

2 MR. WHEELCHEL: Thank you, Your Honor.

3 Q Now, you talked to the investigators on multiple
4 occasions, is that correct?

5 A Yes, sir.

6 Q Okay. On the 14th you talked to the investigators,
7 and they made a tape of that.

8 A On what month?

9 Q The 14th of April of 2015.

10 A Okay.

11 Q Do you remember that?

12 A Yes.

13 Q You went down to the city. They video-taped it.

14 A Yes.

15 Q These two investigators.

16 Okay. And you testified -- or excuse me -- you told
17 those investigators that you went to Ms. Gray's house with
18 Mr. Matthews. Do you remember that?

19 A Yes.

20 Q Okay.

21 A I visited her house before.

22 Q Okay. You also testified -- or excuse me -- you also
23 told them that Ms. Gray had accused your sister of taking
24 money from her. Do you remember that?

25 A Yes.

Sandra Marie Brewton
Cross-examination by Mr. Whelchel

1 Q Okay. Do you know if she did it more than one time
2 or --

3 A No. I don't.

4 Q Okay. But you know that she accused your sister.

5 A Yes. I do.

6 Q And she accused other people of robbing her, taking
7 money.

8 A I don't know about other folks.

9 Q You just know about your sister, correct?

10 A Yes.

11 Q Okay. Who told you? Were you there when she accused
12 your sister?

13 A No.

14 Q Okay. So your sister told you?

15 A Yes.

16 Q Now, you also told the investigators that Ms. Gray was
17 known for accusing people of taking stuff from her house,
18 is that right?

19 A No. I didn't tell them. I don't think I told them
20 that.

21 Q I've got a tape up here and I can put it on.

22 A If I told them that, I don't remember it, sir.

23 Q Okay. But you're not denying that you said that, are
24 you?

25 A Like I said, I don't remember saying anything like

Sandra Marie Brewton
Cross-examination by Mr. Whelchel

1 that.

2 Q Now, Ms. Gray came to your house too, didn't she?

3 A She done visited my house before. We just sat there
4 and talked.

5 Q She would drive to your house. That's what you told
6 the investigators.

7 A Yeah. She done drove to my house before.

8 Q And when you were talking to the investigators on
9 April the 14th you denied asking Mr. Matthews if he smelled
10 like smoke.

11 A No. I didn't deny anything like that.

12 Q You didn't deny that.

13 A No.

14 Q Okay.

15 MR. WHELCHER: Beg the Court's indulgence, Your Honor.

16 (Pause.)

17 Q Now, you told the investigators in this April the
18 14th interview that your sister had called the night that
19 Peewee died and told you that she was dead and that she had
20 been killed in a fire or something like that, is that
21 right, ma'am? That's how you found out about it?

22 A That's how I found out about it, through my sister
23 when she called.

24 Q Samantha. The one that just testified.

25 A Yes.

Sandra Marie Brewton
Cross-examination by Mr. Whelchel

1 Q Okay. And Mr. Matthews was already home when your
2 sister called?

3 A Yes.

4 Q Okay. Now, in this interview you had in April with
5 the investigators you denied a second time asking
6 Mr. Matthews if he smelled like smoke. Do you remember
7 that?

8 A You said I denied it?

9 Q Yeah.

10 A No. I didn't deny it, sir.

11 Q Okay. Did you tell him not to go to his sister's
12 house -- to your sister's house alone?

13 A I told him several times not to go up there. That's
14 when me and him was together.

15 Q Okay. You told these investigators on the 14th of
16 April that your son smelled like smoke.

17 A No, I didn't.

18 Q Not Mr. Matthews.

19 A No, I didn't.

20 Q You said he smelled like weed.

21 A No, I didn't, sir.

22 Q Okay.

23 A I have two sons.

24 Q And do you remember telling the officers that on the
25 14th, that Peewee, Ms. Gray, called the cops on her -- on

Sandra Marie Brewton
Cross-examination by Mr. Wheelchel

1 your sister?

2 A Do I remember telling them that?

3 Q Yeah.

4 A No, no, I don't.

5 Q Do you remember them telling you that they had looked
6 it up and confirmed that she had called the cops on your
7 sister?

8 A If she did, I had nothing to do with that. I was at
9 home.

10 Q I understand that, ma'am. I'm talking to you about
11 what you said to the officers.

12 (Pause.)

13 (Bench conference held off the record.)

14 THE COURT: We're going to take a short break.

15 Ma'am, you're in the process of giving your testimony.
16 So when you step down don't talk to anybody about the
17 substance of your testimony. Okay. You can step down.

18 THE WITNESS: Okay.

19 THE COURT: We'll come right back.

20 (Whereupon, a recess was taken.)

21 MR. WHELCHER: Your Honor, I'm ready to proceed.

22 THE COURT: All right.

23 BY MR. WHELCHER

24 Q Ma'am, could you step down here, please?

25 THE COURT: Now, Ms. Brewton, you're stepping away

Sandra Marie Brewton
Cross-examination by Mr. Whelchel

1 from the microphone. So when you go over there, turn
2 around and face over here because this lady is the court
3 reporter. She's got to be able to hear everything you say.
4 okay. So really speak up.

5 THE WITNESS: Yes, sir.

6 THE COURT: Thank you.

7 (Whereupon, the witness left the stand.)

8 Q You step up here. Is that you in the screen?

9 A Yes.

10 Q okay. All right.

11 (Whereupon, the C.D. was played.)

12 MR. GRAY: Objection, Your Honor.

13 THE COURT: All right. What are we doing?

14 MR. WHELCHER: Your Honor, I'm playing the statement
15 that she gave earlier in order to impeach her testimony.
16 This is the only -- the statement was not reduced to
17 writing. It's a video statement. It's the only way I can
18 impeach her.

19 MR. GRAY: Your Honor, if he wants to impeach her
20 using her video statement, I believe that needs to be
21 entered into evidence if he wants to. And then, basically,
22 he's publishing the statement because it's being heard by
23 the trial court, as a matter of fact, while he's playing it
24 to impeach her allegedly. So I believe this needs to be in
25 evidence at this time if he wants to use this piece of

Sandra Marie Brewton
Cross-examination by Mr. Wheelchel

1 evidence to impeach her.

2 THE COURT: Do you have any objection to having it
3 placed in evidence?

4 MR. WHELCHER: I've never been required to place it
5 into evidence prior.

6 THE COURT: Well, that's what his objection is.

7 MR. WHELCHER: Prior to this.

8 THE COURT: The -- I understand your wanting to use
9 prior inconsistent statements to impeach her in-court
10 testimony. I get that.

11 Go back, if you would, so that I can understand what
12 you're impeaching. Ask her the question again. Didn't you
13 tell me X, Y, Z that on the tape it wasn't A, B, C? That
14 may I've got some focus as to what you're doing.

15 MR. WHELCHER: Yes, sir.

16 Q Ma'am, I asked you earlier if you denied asking my
17 client, Mr. Matthews, why he smelled like smoke.

18 A I don't deny it. I asked him that.

19 Q You did ask him that.

20 A Yes.

21 Q But you denied asking him that when you were talking
22 to the officers. That's what I'm trying to find out. Do
23 you deny asking Mr. Matthews why he smelled like smoke?

24 A No, sir.

25 Q You don't deny it. I'm confused, ma'am.

Sandra Marie Brewton
Cross-examination by Mr. Whelchel

1 A I don't deny asking him. I asked him.

2 Q That's not what I'm asking you.

3 You denied telling these officers that you didn't ask
4 him, Mr. Matthews, why he smelled like smoke.

5 A No, sir.

6 Q You didn't. Now you're saying that you didn't.

7 A No, sir. They asked me and I told them.

8 Q Okay. Now, is that you on this screen?

9 A Yes, sir.

10 Q And is that your statement that you gave to them that
11 day?

12 A I didn't hear the whole thing.

13 Q Well, I know. But is that you on the screen? You
14 gave them that statement.

15 A Yeah. I gave them a statement.

16 Q Okay.

17 MR. WHELCHER: All right. Well, I'll play what she
18 said at this time, Your Honor.

19 THE COURT: All right. You'll be able to hear it.

20 (Whereupon, the C.D. was played.)

21 Q All right. Is that you again, ma'am?

22 A Yes, that's me.

23 Q Okay. Now, 142650.

24 A second time in this interview, ma'am, the
25 investigators asked you about your son -- excuse me -- about

Sandra Marie Brewton
Cross-examination by Mr. Wheelchel

1 you asking my client, Mr. Matthews, why he smelled like
2 smoke.

3 A Yes. I did ask him that.

4 Q Okay. You deny telling them that you didn't ask him
5 that?

6 A On the tape, I did.

7 Q Excuse me?

8 A On the tape, I did.

9 Q Okay. Both times?

10 A I don't remember about both.

11 Q We've already heard it one time.

12 A I don't remember about both times.

13 Q Okay. Do you want to hear it?

14 MR. WHEELCHEL: Play it.

15 (Whereupon, the C.D. was played.)

16 Q Okay. Ma'am, that was you saying, no, I didn't say
17 anything like that.

18 A Yeah. That's me saying that.

19 MR. WHEELCHEL: Is that right? Okay. Now, go to 1450
20 -- go to the last one.

21 Q I asked you earlier, ma'am, if you told these
22 investigators that same day during that statement that your
23 son smelled like smoke.

24 A No. I didn't say my son smelled like smoke.

25 Q You didn't say that?

Sandra Marie Brewton
Cross-examination by Mr. Whelchel

1 A I don't remember telling them that my son smelled like
2 smoke.

3 Q Okay. Watch this, please, ma'am.

4 (Whereupon, the C.D. was played.)

5 MR. WHELCHER: That's good.

6 Q Go back to the witness chair, ma'am.

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

8 Q You gave a second statement to these officers, is that
9 correct?

10 A Yes, sir.

11 Q Can we depend on the truthfulness of that second
12 statement the way we can depend on the truthfulness of your
13 first statement, ma'am? Which one were you lying on?
14 That's what I'm asking you.

15 A I'm not lying, sir. I just don't remember.

16 Q Okay. Well.

17 A Just didn't remember.

18 Q You saw on the tape where you denied saying that my
19 client smelled like smoke. Did you see that?

20 A Yes.

21 Q Okay. Thank you, ma'am.

22 THE COURT: Any redirect limited to what he went into?

23 MR. GRAY: Yes, sir, Your Honor.
24
25

Sandra Marie Brewton
Redirect examination by Mr. Gray
Recross-examination by Mr. Wheelchel

1 REDIRECT EXAMINATION

2 BY MR. GRAY

3 Q Did you sign a written statement?

4 A Yes, sir.

5 Q In that written statement did you say the night of the
6 fire that Mr. Matthews was acting strange?

7 A Yes, sir.

8 Q That he smelled like something burned?

9 A Yes.

10 Q That he got into a shower with all of his clothes on?

11 A Yes, sir.

12 Q Came to bed naked?

13 A Yes, sir.

14 Q And you signed that statement.

15 A Yes.

16 Q That wasn't an oral statement.

17 A Uh-uh.

18 Q Thank you.

19 MR. GRAY: Nothing further, Your Honor.

20 RECROSS-EXAMINATION

21 BY MR. WHELCHER

22 Q Anybody ask you to sign a statement when you gave that
23 one? Did they reduce it to writing?

24 A I don't remember.

25 Q Okay. So not until they get what they want do they

Sandra Marie Brewton
Recross-examination by Mr. whelchel

1 put it in writing for you to sign, is that right?

2 MR. GRAY: Objection, Your Honor. Speculation.

3 THE COURT: Sustain the objection.

4 Q Did you write the statement, do you remember?

5 A The officer wrote the statement and asked me was
6 everything truthful in it, and I said yes. And they told
7 me to sign it.

8 Q So this one's true. That one's not?

9 A I'm not saying nothing's not true. I'm saying about
10 that video, I does not remember everything that I said.

11 Q well, it's obvious that you said on the video when
12 they talked to you that he didn't smell like smoke. You
13 didn't ask him if he smelled like smoke, is that correct,
14 on the video?

15 A On the video, that's me. Yes. That is me.

16 Q Okay. Thank you.

17 MR. GRAY: Nothing further.

18 THE COURT: Thank you, ma'am. You may step down.
19 watch your step as you're stepping down.

20 THE WITNESS: Yes, sir.

21 MS. MABBS: Your Honor, the state would call John
22 Burgess.

23

24

25

John David Burgess
Direct examination by Ms. Mabbs

1 JOHN DAVID BURGESS, having
2 been first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MS. MABBS

4 Q Officer Burgess, can you give us your full name for
5 the record?

6 A It's John David Burgess.

7 Q And where are you employed, Officer Burgess?

8 A I work for the Spartanburg County Sheriff's Office.

9 Q And where were you working back in 2014?

10 A I worked for the City of Spartanburg Police
11 Department.

12 Q How long were you at the police department?

13 A Twelve or fourteen years. Something like that.

14 Q Do you recall working at the police department back on
15 June -- or in June of 2014?

16 A I do.

17 Q And do you recall being involved in this case?

18 A I do.

19 Q And what was your involvement?

20 A This case, I was limited in the scope. I just went
21 out and followed up with a couple of neighbors and also
22 attended the autopsy on Ms. Gray.

23 Q And at this time at the police department what were
24 your general duties?

25 A At that time I was still in the criminal

John David Burgess
Direct examination by Ms. Mabbs

1 investigations division. I had been there for some time
2 and followed up on crimes.

3 Q Now, you mentioned that you attended the autopsy. Was
4 that the autopsy of Ms. Willie Mae Gray?

5 A That's correct.

6 Q And where was that autopsy conducted?

7 A It was done at Spartanburg Regional.

8 Q And who -- who conducted that autopsy?

9 A Dr. Wren.

10 Q While you were at the autopsy were you able to collect
11 any evidence for this case?

12 A Yes.

13 Q And what did you collect?

14 A I collected a C.S.C. kit, which is criminal sexual
15 conduct kit, and also took some photographs. I think I
16 placed those items into evidence.

17 Q And when you say a C.S.C. kit, what all does that
18 entail?

19 A They're specific. I'd have to look and see what
20 actually was collected on there.

21 Q I have here what's been marked as State's 37 and 36.
22 Do you recognize those?

23 A This is a C.S.C. box that I collected with -- signed
24 and dated with my name on there.

25 Q Do you need to open that?

John David Burgess
Direct examination by Ms. Mabbs

1 A This is the SLED lab number. They probably need to
2 open that because they might have separated it on that part
3 of it.

4 Q But as a part of a C.S.C. kit you said there was in
5 that box, would that have included things like fingernail
6 scrapings or --

7 A Yes, fingernail scrapings, vaginal swabbing, D.N.A.
8 evidence, other hair, fibers, things of that nature on
9 the -- on the body.

10 Q Now, when you say you were there to collect them, does
11 that mean you physically took the scrapings, or took them
12 in from someone else?

13 A Dr. Wren actually done the -- the collection and then
14 I took it from him.

15 Q And once you take those items, including the
16 fingernail scrapings in the collection kit, what do you do
17 with them at that point?

18 A They're logged into our evidence. And they were
19 signed over to evidence.

20 Q And before you sign them over to evidence are they
21 sealed in any way or protected in any way from tampering?

22 A Yeah. They should have been seals put on here. That
23 seal's already been broke for SLED's part of testing and
24 everything. But, yes, they would have been sealed.

25 Q And are they sealed -- I know you said the box -- the

John David Burgess
Direct examination by Ms. Mabbs

1 seal on the box has been broken. Are there individual
2 items within the box also separately sealed and separated,
3 I guess?

4 A Yes.

5 Q And when you seal and separate those and log them into
6 evidence how -- how would someone be able to determine
7 whether that's the kit from this case versus, say, another
8 case?

9 A There's some information on here. It gives the name
10 on here and then it gives -- this particular case, I assume
11 it's the autopsy report number. But there's some other
12 evidence, and it'll be our case number associated with it.
13 So our case number would be associated with the victim.

14 Q And what was the case number for this kit?

15 A 06041914.

16 Q And that's, I guess, the city's case number that's
17 associated.

18 A That's correct.

19 Q And would that case number also be included on the
20 individual pieces of evidence that were placed inside of
21 that box like the fingernail scrapings?

22 A I'd have to look at the packaging. I can't remember
23 if it all just goes in the box and it's sealed or not.

24 (Pause.)

25 MS. MABBS: Your Honor, we can go ahead.

John David Burgess
Direct examination by Ms. Mabbs

1 Q Since this is here and on the record, if you wouldn't
2 mind opening that.

3 A Yeah. This is signed, sealed, looks like by the SLED
4 agents also. And it gives their lab number. Yeah. It
5 appears Dr. Wren is the one that initialed this, and then
6 he turned it over to me. But, yes, it would have been
7 sealed.

8 Q And I can't see. Does that also have the lab number
9 or case number on that?

10 A It's for SLED's lab numbers. I would have took this
11 item and put it directly into the box and sealed the box.
12 So when they separate and do their testing, they assign
13 them a lab number.

14 Q I'm sorry. Did you number the -- the scrapings
15 separately?

16 A They're -- they are labeled separately with the
17 coroner's office case number. And, yes, with the coroner's
18 office case number. So then the whole package goes into
19 the kit itself.

20 Q Thank you.

21 MS. MABBS: I have no further questions of this
22 witness, Your Honor.

23 Q Please answer anything Mr. Whelchel may have for you.

24 A Yes, ma'am.

25

John David Burgess
Cross-examination by Mr. Wheelchel

1 CROSS-EXAMINATION

2 BY MR. WHELCHER

3 Q The case number, you said, was 06041914?

4 A Yes, sir.

5 Q Okay. That's the SLED number, that 06041914, right?

6 A No, sir. That's the City of Spartanburg case number.

7 Q Okay. Do you know how that number is derived?

8 A Month -- excuse me. Month, and then the case number
9 itself, and then the year. So June, whatever case number
10 it is, and then the year, '14.

11 Q So that'd be June and then '04.

12 A They go zero zero one to whatever the case number is
13 for that month to 14 for the year.

14 Q Okay. But this isn't '14. This is '04.

15 A It'd be '14 on the end. So it'd be June, whatever the
16 case number is for that month, and then '14, the year.

17 Q So it's 06, and then the case number's 0419. Should
18 be a dash between the 19 and the -- and the 14. That's
19 what's throwing me off.

20 A I've got you.

21 Q Okay. If you remember --

22 A Yes.

23 Q -- were both of these in this -- in this pouch?

24 A Yes. All of this was together.

25 Q That's fine. And the contents of the box -- did you

John David Burgess
Cross-examination by Mr. Welchel

- 1 open the box too?
- 2 A No, sir. It was already open.
- 3 Q But the box had been opened.
- 4 A Yes, sir.
- 5 Q Is there anything in it now?
- 6 A I think some stuff that wasn't done for the kit.
- 7 Q Okay. That's the way a number is supposed to be done,
- 8 correct?
- 9 A Correct.
- 10 Q Okay. All right. And you were at the autopsy. Did
- 11 -- did Dr. Wren take these samples before he started the
- 12 autopsy?
- 13 A Yes.
- 14 Q Okay. Was everything already boxed up or packaged up
- 15 before you got there?
- 16 A No, sir.
- 17 Q Did you see him take the samples?
- 18 A Yes, sir.
- 19 Q And after he took the samples, he gave those --
- 20 everything was boxed up and packaged and given to you?
- 21 A He initials it and signs it and gets it to me, yes,
- 22 sir.
- 23 Q And you took it to the city.
- 24 A Yes, sir.
- 25 Q Thank you, sir.

Christy Denise Norket
Direct examination by Ms. Mabbs

1 Did you do anything else on this case?

2 A Interviewed a couple of neighbors, but nothing much.

3 Q All right. Thank you, Mr. Burgess.

4 A Thank you.

5 Q Any redirect limited to what he went into?

6 MS. MABBS: No redirect, Your Honor. I just ask so I
7 don't -- yeah. Put everything back in the bag.

8 THE WITNESS: These two items are distinct. So do you
9 want to leave them out?

10 THE COURT: Any reason why the officer cannot be
11 excused?

12 MS. MABBS: No, Your Honor.

13 THE COURT: Thank you, Officer. You may be excused.

14 THE WITNESS: Thank you, Your Honor.

15 (Whereupon, the witness was excused.)

16 MS. MABBS: The state calls Chris Norket.

17 CHRISTY DENISE NORKET, having
18 been first duly sworn, testified as follows:

19 DIRECT EXAMINATION BY MS. MABBS

20 Q Officer Norket, would you please state your full name
21 for the record?

22 A Christy Denise Norket.

23 Q And, Officer Norket, where are you currently employed?

24 A Spartanburg Police Department.

25 Q And how long have you been there?

Christy Denise Norket
Direct examination by Ms. Mabbs

1 A This month will be 19 years.

2 Q So you worked there in 2014?

3 A Yes, ma'am, I did.

4 Q And I guess also in 2015.

5 A Yes.

6 Q And what was -- what are some of your duties at the
7 police department?

8 A I'm currently assigned to the forensics and
9 investigation division.

10 Q And were you assigned there back in 2014 and 2015?

11 A No. I was on patrol at that point.

12 Q Now, do you recall your involvement in this case?

13 A Yes.

14 Q And can you explain just how you became involved?

15 A Due to being in the forensics, I did the buccal swab.

16 Q And when you say you did the buccal swab, who -- whose
17 swab was that from?

18 A From Alexander Matthews.

19 Q Do you recall what date you took that swab?

20 A I took it on February the 12th of 2016.

21 Q 2016. Okay. And were you in forensics at that point
22 in time?

23 A Yes.

24 Q And when you take a buccal swab, what -- what do you
25 have to do for that?

Christy Denise Norket
Direct examination by Ms. Mabbs

1 A I put rubber gloves on so that I don't contaminate the
2 sample and I ask the person to open their mouth. And then
3 I take a swab, a long cotton swab basically, and go in
4 between the cheek and the gums and rub around for just a
5 second and then put it into a sterile box and seal it in an
6 envelope so it can be sent to SLED.

7 Q And where do you get this, the cotton swab in the box?
8 where did this come from?

9 A They are sent to us from a distributing company for
10 those types of materials. I keep them in my office or in
11 my truck.

12 Q And are those sterile or are they --

13 A Yes. They're sterile. They're individually wrapped.
14 And we don't touch them even to put them anywhere without
15 having on protective gloves or anything so that our D.N.A.
16 doesn't get on it as well if at all possible.

17 Q And in this case or in general when you get -- when
18 you take those swabs is anything required before then,
19 signature forms or anything like that?

20 A A consent to search or a warrant, yes.

21 Q And do you recall if you had either or both of those
22 in this case?

23 A I do believe both were involved. I -- I executed the
24 search warrant.

25 Q And when you executed that search warrant and took the

Christy Denise Norket
Direct examination by Ms. Mabbs

1 swabs, where? where was that?

2 A It was in the interview room for the investigation
3 division upstairs at city hall, 145 West Broad Street.

4 Q I'm handing you what's been premarked as State's
5 Exhibit 40. Do you recognize that?

6 A Yes, I do.

7 Q And what is that?

8 A That's going to be the return for the swab that I took
9 from Mr. Matthews.

10 Q And when you -- do you explain how you went? You took
11 the swab. And after you had taken the swab, you said you
12 put it back in the box.

13 A Yeah. I put in it a box, yes.

14 Q And you get it ready to go to SLED?

15 A Yes. I put it in the envelope that is sealed so
16 nobody can tamper with it until SLED gets it. And then
17 they can open it at that point.

18 Q And when you put that box in is it marked in any
19 specific way?

20 A The box itself has the information of the case number,
21 the date, the time that I took the swab, where I got the
22 swab from as far as buccal swab from Mr. Matthews. And
23 give that information.

24 Q And if you don't mind opening that envelope and making
25 sure that that's still --

Christy Denise Norket
Direct examination by Ms. Mabbs

1 A That's my handwriting on the -- on the envelope that I
2 sealed for the buccal swab for Mr. Matthews, yes.

3 Q And I assume at this point the seal has been broken if
4 it was tested.

5 A From what I can tell, yes, ma'am.

6 Q And what on that envelope if you can read it, what
7 were the identifying information that you mentioned that's
8 supposed to be on there?

9 A The case number is there, the victim's name and the
10 description of the -- of the swab and where I got it from.

11 Q And what is the case number on that?

12 A Case number is 06041914.

13 Q And the -- who does that say that it was collected
14 from?

15 A From Alexander Rasheen Matthews.

16 Q And what was the date on that?

17 A The date on that was -- what did I say -- 2/12/16.

18 Q And who else was present when you collected that swab
19 from Mr. Matthews?

20 A I don't know that anybody else was in the room with
21 me. I don't remember being there, because it was videoed.

22 Q And were there any problems or anything at all with
23 collecting the sample?

24 A No, sir, no, ma'am. I'm sorry. He was -- he was
25 fine.

Christy Denise Norket
Cross-examination by Mr. Wheelchel

1 Q Okay. He was cooperative.

2 A Yes. Apologize.

3 Q No further questions. Please answer anything
4 Mr. Wheelchel may have.

5 A Okay.

6 CROSS-EXAMINATION

7 BY MR. WHELCHER

8 Q Is that all you did with this case, Officer Norket?

9 A Absolutely.

10 Q Okay. Thank you, sir.

11 THE COURT: Thank you, ma'am. You may step down.
12 Watch your step as you're stepping down.

13 MS. MABBS: May the witness be excused, Your Honor?

14 THE COURT: Any reason?

15 MR. WHELCHER: No, sir.

16 THE COURT: Thank you, ma'am. You may also be
17 excused.

18 THE WITNESS: Thank you.

19 (Whereupon, the witness was excused.)

20 MS. MABBS: Your Honor, the state next calls Jessica
21 Stowe.

22 JESSICA HERRON STOWE, having
23 been first duly sworn, testified as follows:

24 DIRECT EXAMINATION BY MS. MABBS

25 Q Ms. Stowe, can you please state your full name for the

Jessica Herron Stowe
Direct examination by Ms. Mabbs

1 record?

2 A My name is Jessica Herron Stowe.

3 Q Is Herron a maiden name?

4 A It is.

5 Q Did that switch from Stowe -- from Herron to Stowe
6 during the pendency of this case?

7 A Yes.

8 Q So some of your reports would have said Herron and
9 some say Stowe?

10 A That is correct.

11 Q And, Ms. Stowe, where do you work?

12 A I work for the South Carolina Law Enforcement
13 Division, often referred to as SLED.

14 Q And how long have you been at SLED?

15 A I'm going on six years.

16 Q And what is your role at SLED?

17 A I am a forensic serologist within the D.N.A.
18 department.

19 Q And what does that mean?

20 A Serology is the identification of body fluids such as
21 blood, semen and saliva.

22 Within those body fluids potentially is D.N.A. So
23 it's my job to screen the evidence, kinda figure out where
24 the D.N.A. is potentially and then forward that to the
25 D.N.A. department.

Jessica Herron Stowe
Direct examination by Ms. Mabbs

1 Q And before -- what kind of training did you get to
2 become a serologist? Am I saying that correctly?

3 A You are. I participated in SLED's in-house training
4 program. I was trained by a court-qualified D.N.A. analyst
5 and evidence processing technician at that time.

6 Q And do you recall, were you involved in this case?

7 A Yes, I was.

8 Q And can you briefly explain generally what your
9 involvement was?

10 A First, there was two rounds of screening that I
11 performed.

12 The first was screening the sexual assault evidence
13 collection kit from Willie Mae Gray; and the second round
14 was screening underwear, a ring and a bandanna.

15 Q And included in, you said, the sexual assault kit,
16 would that be that box that's on the witness stand in front
17 of you?

18 A Yes. When the C.S.C. kit is submitted to SLED it
19 comes in this box, but we only get this portion. Can I
20 refer to the evidence that's in front of me?

21 Q Yes.

22 A Okay. So yes. This gets brought in, and then we only
23 get that portion.

24 Q Okay. And you say that portion.

25 A The --

Jessica Herron Stowe
Direct examination by Ms. Mabbs

1 Q State's Exhibit -- let me make sure I'm referring
2 correctly -- 40.

3 A Yeah.

4 Q Okay. And so when you get it, it's not in the box.
5 It's just in the bag?

6 A Yes. That's typically how they come.

7 Q And when you get something like Exhibit 40, the
8 fingernail scrapings, has it been -- is it still in the
9 same packaging that would have been when it was delivered
10 to SLED?

11 A So when -- when we get this -- it's kind of in
12 disarray currently, but this part right here is sealed.
13 All of those little envelopes are inside it.

14 I am the first person who sees that, and then I
15 inventory it and see what's present. Within that was
16 fingernail scrapings. I assign that an item number and
17 goes on from there.

18 Q So you are the first person at SLED who would break
19 the seal, for lack of a better term?

20 A That is correct, yes.

21 Q So you'd be the person who would assign the
22 individual -- I don't know if y'all prefer numbers or
23 subnumbers -- of the items within the larger kit.

24 A That is correct, yes.

25 Q And in this case did you have an opportunity to divide

Jessica Herron Stowe
Direct examination by Ms. Mabbs

1 those items out in this particular kit?

2 A I did. Would you like for me to list them?

3 Q Yes, please.

4 A Item one is the sexual assault kit; 1.1 are smears --
5 vaginal, oral and rectal; 1.2 is vaginal swabs; 1.3, oral;
6 1.4, rectal swabs; 1.5 are the fingernail scrapings which
7 were divided into left-hand fingernail scrapings and
8 right-hand fingernail scrapings, which each contain their
9 own separate item as well. And pubic hair combings were
10 submitted.

11 Q Now, to go back to the fingernail scrapings,
12 specifically, what did you do? I believe you referred to
13 them as you prepare them or I forgot --

14 A Uh-huh. So, like I mentioned before, serology is
15 identifying body fluids.

16 So for fingernail scrapings you don't typically look
17 for body fluid. Those are just cells that potentially may
18 be collected under the fingernails of the kit, who it
19 belongs to.

20 So those just get prepared for D.N.A. They get -- I
21 cut the tips, put them into the sterile tubes and then
22 forward those on to the analyst. It just helps the analyst
23 out.

24 Q And when you say the tips, what are --

25 A So it's a stick. When the -- whoever collects the kit

Jessica Herron Stowe
Direct examination by Ms. Mabbs

1 off of who the kit belongs to, they just scrape to my
2 knowledge under the fingernails. So there's a tip of it,
3 and that's the tip that I cut off, the tip that would
4 contain potentially the foreign D.N.A. to a victim.

5 Q So you're just cutting off basically the -- the rest
6 of the wooden stick that wouldn't have --

7 A I'm cutting the -- the portion that would potentially
8 have something.

9 Q I'm sorry.

10 A Uh-huh.

11 Q You're excluding the part that doesn't have anything.

12 A Right.

13 Q And after you prepare those items, what happens to
14 them?

15 A They at this point, gets returned to evidence control.
16 That's the area where our evidence is stored until a D.N.A.
17 analyst. It comes up on their radar to do that, and that's
18 what happens. It just stays there until they're ready.

19 Q So you don't actually -- at least with the finger -- I
20 understand with bodily fluids -- but for fingernail
21 scrapings you personally don't do any actual testing.

22 A No. It's just simply preparation to help out the
23 D.N.A. analyst.

24 Q And at SLED do you all use, for example in this case,
25 the city department's case number or do y'all have your own

Jessica Herron Stowe
Cross-examination by Mr. Wheelchel

1 numbering system?

2 A We do have our own numbering system. Every time
3 evidence gets brought we're assigned -- we assign it its
4 own case number for us specifically. But the agency that
5 submits it, their agency number is on our paperwork as
6 well.

7 Q Okay. And in this case what was the, I guess the,
8 SLED number?

9 A The SLED number is L14-07705.

10 Q And then according to SLED's database, what was the
11 case number for the city that's associated with that lab
12 number?

13 A 06041914.

14 Q And so your SLED number, is that kind of equivalent of
15 another law enforcement agency's number where everything
16 associated with that case has that same lab number?

17 A That's correct, yes.

18 Q Okay. I have no further questions at this time.
19 Please answer anything Mr. Wheelchel may have.

20 CROSS-EXAMINATION

21 BY MR. WHEELCHEL

22 Q I'm not sure I heard you correctly. L14-0775?

23 A 05.

24 Q You -- you call it out, I'm going to write it down.
25 L14 what?

Jessica Herron Stowe
Cross-examination by Mr. Whelchel

1 A L14-07705.

2 Q Missed a zero.

3 Okay. You didn't actually do the analysis?

4 A I did not do the D.N.A. analysis. I performed
5 serological analysis.

6 Q Okay. May I? That means you would have done all of
7 the analysis on page one, is that correct?

8 A I screened those items for spermatozoa and semen.

9 Q Was it negative?

10 A Yes.

11 Q Okay. Thank you, ma'am.

12 THE COURT: Any redirect limited to what he went into?

13 MS. MABBS: No, Your Honor.

14 THE COURT: Thank you, ma'am. You may step down.

15 Please watch your steps.

16 Any reason why the witness cannot be excused?

17 MS. MABBS: No, Your Honor.

18 MR. WHELCHER: No, sir.

19 THE COURT: You may be excused, ma'am.

20 THE WITNESS: Thank you.

21 (Whereupon, the witness was excused.)

22 MS. MABBS: The state calls Teresa Hines.

23

24

25

3 DIRECT EXAMINATION BY MS. MABBS

6 | A It's Teresa Hines.

7 | 0 And where do you work, Ms. Hines?

10 | Q And what is your role at SLED?

11 A I'm a D.N.A. analyst in the D.N.A. database
12 department.

13 Q And what are some of your duties in the D.N.A.
14 database department?

15 A In the D.N.A. database department I'm responsible for
16 analyzing reference samples from certain individuals. I
17 perform searches within our CODIS software system, as well
18 as reporting out CODIS identification letters.

19 Q So how is it that you would get something to -- to
20 look up?

21 A So the way the CODIS works, it's basically a
22 repository of behave profiles. It's used to aid in cases
23 or provide a lead, if you will.

24 So the casework department would analyze evidence from
25 a case with -- you know, there could be a suspect, there

Teresa Hines
Direct examination by Ms. Mabbs

1 couldn't be a suspect. Basically, it just aids. It can
2 help develop a lead. And what they do is they put that
3 profile into CODIS. The search is performed, and any
4 potential hits would be reported back.

5 Q And so you keep referring to CODIS. Can you explain
6 to us briefly what CODIS is?

7 A Sure. CODIS is an acronym for the combined D.N.A.
8 index system. It's basically a repository of D.N.A.
9 profiles that can be shared or compared electronically at
10 the local, state and federal level. And it's used for an
11 investigative tool.

12 Q So with your work in the -- in the database system
13 you're not physically touching any of the evidence, is that
14 true?

15 A That's correct. We do not handle evidence.

16 Q So how is it that the D.N.A. that gets -- forgive me
17 if I'm using the wrong terminology -- run through CODIS,
18 how does that D.N.A. profile get, I guess, entered into
19 that system?

20 A The D.N.A. casework analyst would enter any eligible
21 profiles into CODIS. It would be the analyst in that, in
22 the casework department, assigned to particular cases.
23 That would be the one entering the profile.

24 Q So by the time, I guess, you would get involved in
25 that, would that be after there's a hit? Is that the

Teresa Hines
Direct examination by Ms. Mabbs

1 correct --

2 A We refer to them as a match. It's a -- it reports it
3 back as a match detailed report. They're not considered
4 hits until it's a positive association.

5 Q And when you say a positive association, is that kinda
6 something that gets, I guess -- something like a buccal
7 swab or something like that to compare?

8 A A positive association would be -- there's different
9 stringencies of hits within CODIS. You can have a high
10 stringency hit; you can have a moderate stringency, or a
11 low.

12 with a high stringency hit, that means that everything
13 matches at every single location. A moderate doesn't mean
14 that it's not a match. It just means that you could
15 potentially have a partial profile or a profile that's a
16 mixture. And with that you just have to -- you know,
17 there's a little bit more that goes into it whenever you're
18 talking moderate stringencies. Generally we do not have
19 low stringencies come through. But the positive
20 association occurs whenever we know that it is a good
21 match, if you will.

22 Q So then to take a step back, when you first get that
23 CODIS match, what steps do you personally take to verify or
24 confirm that?

25 A So whenever a hit occurs, first we evaluate that hit.

Teresa Hines
Direct examination by Ms. Mabbs

1 And we have to pull the collection card.

2 We have differences in agencies throughout South
3 Carolina it could be. In this particular case it was the
4 South Carolina Department of Corrections that actually
5 collected the reference sample.

6 And what we do is we pull that sample. We have to
7 reanalyze that sample to ensure that there were no mistakes
8 made in-house.

9 There are also latent prints that are submitted on
10 that collection card. Those latent prints are sent to our
11 latents department to verify against a tenprint card, as
12 well as pulling a rap sheet. So we do have to pull the
13 individual's rap sheet based off the S.I.D. number that's
14 on the collection card.

15 Q And do you recall your involvement in this case?

16 A I do. There was a CODIS hit to item 1.5.2 and
17 offender Spencer Middleton.

18 Q And what did you do when you got that initial
19 information?

20 A The reanalysis occurred of the sample. Pretty much
21 the hit confirmation process started. So the reanalysis of
22 the sample had to be performed. The latent prints had to
23 be performed. A CODIS hit letter had to be written up, as
24 well as the data had to be tech reviewed, admin reviewed,
25 and then it was reported out.

Teresa Hines
Direct examination by Ms. Mabbs

1 Q And are -- do you know what -- when you said item

2 1. -- 1.5 -- 1 --

3 A 1.5.2.

4 Q Thank you. And do you know what that item is?

5 A I will have to refer to the D.N.A. casework
6 department's report to tell you that because, again, we
7 don't handle evidence. 1.5.2 is right-hand fingernail
8 scrapings.

9 Q And so once you're able to verify this match -- is
10 that the right terminology?

11 A Match, hit.

12 Q What do you do with that information?

13 A That information is reported back to the investigator
14 that submitted the evidence.

15 Q So you would send a letter to, example in this case
16 to, someone from the city police department here in
17 Spartanburg?

18 A In this particular case the CODIS hit notification
19 letter was to a Dana Dillard with the Spartanburg
20 Department of Public Safety.

21 Q And for your purposes in this, is there still a SLED
22 lab number that is attached to this case?

23 A Yes, there is.

24 Q And what is that lab number?

25 A The SLED lab case number is L14-07705.

Teresa Hines
Cross-examination by Mr. Wheelchel

1 MS. MABBS: I have no further questions of this
2 witness.

3 Q Please answer anything Mr. Wheelchel has.

4 CROSS-EXAMINATION

5 BY MR. WHEELCHEL

6 Q When you program -- well, program may not be the right
7 word. When you put this information into a computer is
8 that -- well, is correct, ma'am?

9 A Can you be a little bit -- I don't enter profiles from
10 evidence into the computer. That's not something -- not
11 from evidence samples.

12 Q It's already entered in by someone else.

13 A With evidence samples, yes, it is.

14 Q Okay. And what you do is -- correct me if I'm
15 wrong -- when you have a sample or whatever it is that you
16 have it's put into that CODIS system and you get a match or
17 a hit. Which one?

18 A Again, whenever it -- a preliminary hit is called a
19 match detailed report. We don't refer to them really as
20 hits until it's reported out.

21 Q It's a match first and then it's a hit if -- if it
22 follows through.

23 A You can have matches that -- so what you can have is
24 you can have an evidence profile go into CODIS hit against
25 offenders. But because of the nature of the profile or

Teresa Hines
Cross-examination by Mr. Whelchel

1 because of how partial it is it may not be a positive
2 association.

3 You could potentially have no matches. You could have
4 a high stringency hit or you can even have a hit from case
5 to case where it's investigative information. It's not
6 referred to as a hit until you're reporting something out.

7 Q Until it's confirmed.

8 A That's correct. The match detail report still resides
9 within the CODIS software.

10 Q Okay. And that's when you do the 10-point card and
11 contact D.O.C. and things of that -- or get the information
12 from the D.O.C.

13 A We -- once the hit occurs and it's a positive, say a
14 good positive, association, you're going to start that
15 process over again with the actual sample that was
16 submitted from the individual.

17 Q In this case from D.O.C.

18 A In this case it was the South Carolina Department of
19 Corrections.

20 Q Yes, ma'am.

21 A We don't contact them at all unless we have to verify
22 some other information. But in this particular case what
23 would have happened is the sample from Department of
24 Corrections that was submitted with Spencer Middleton's
25 information on it would have been reanalyzed in-house to

Jennifer Lynn Bartman
Direct examination by Ms. Mabbs.

1 ensure that there were no mistakes made.

2 The tenprint card would have been pulled by our
3 latents department, which is out of my area. And they
4 would have ensured that the fingerprints on our collection
5 card matched the tenprint card with the S.I.D. number
6 associated to the individual.

7 Q All right, ma'am. Thank you.

8 THE COURT: Any redirect?

9 MS. MABBS: No, Your Honor.

10 THE COURT: You may step down. Watch your step if you
11 would.

12 THE WITNESS: Thank you.

13 THE COURT: Any reason why the witness cannot be
14 excused?

15 MS. MABBS: Not from the state, Your Honor.

16 THE COURT: Thank you. You may be excused as well.
17 (Whereupon, the witness was excused.)

18 MS. MABBS: Your Honor, the state calls Jennifer
19 Bartman.

20 JENNIFER LYNN BARTMAN, having
21 been first duly sworn, testified as follows:

22 DIRECT EXAMINATION BY MS. MABBS

23 Q Ms. Bartman, would you please state your full name for
24 the record?

25 A My name is Jennifer Lynn Bartman.

Jennifer Lynn Bartman
Direct examination by Ms. Mabbs

1 Q And where are you employed, Ms. Bartman?

2 A I am employed with the South Carolina Law Enforcement
3 Division, commonly referred to as SLED.

4 Q And what is your role at SLED?

5 A I am a D.N.A. analyst in the D.N.A. casework
6 department.

7 Q Can you explain to us what some of those duties
8 entail?

9 A Yes. We receive evidence from crimes that occur
10 across the State of South Carolina, as well as known
11 standards from known individuals.

12 We generate D.N.A. profiles from the evidence and the
13 standards and make comparisons. And then we generate a
14 report to our findings.

15 Q And before you went to SLED, can you tell us a little
16 bit about your educational background?

17 A Yes. I have a bachelor's of science degree in biology
18 from Hope College in Michigan. I also have a master's of
19 science degree in forensic science with a concentration in
20 forensic biology from Virginia Commonwealth University in
21 Virginia.

22 And at SLED I completed approximately a year of
23 on-the-job training with a court-qualified analyst in the
24 proper techniques and procedures of a laboratory.

25 Q And in your time at SLED approximately how many D.N.A.

Jennifer Lynn Bartman
Direct examination by Ms. Mabbs

1 analyses have you performed?

2 A I've been at SLED for just over five years. So I
3 don't know the exact number -- hundreds.

4 Q Hundreds?

5 A Hundreds of cases.

6 Q And have you ever had to testify in court before?

7 A Yes, I have.

8 Q Do you know about how many times?

9 A Twenty-one times.

10 Q And in those 21 times have you ever been qualified as
11 an expert?

12 A Yes, I have.

13 Q And do you know how many times you've been qualified
14 as an expert?

15 A Every time.

16 Q Every time. In what field are you generally qualified
17 in?

18 A Forensic D.N.A. analysis.

19 MS. MABBS: Your Honor, at this time the state would
20 offer Ms. Bartman as an expert in D.N.A. analysis.

21 MR. WHELCHER: No objection.

22 THE COURT: You may proceed as requested.

23 MS. MABBS: Thank you, Your Honor.

24 Q Now, Ms. Bartman, what is the general procedure
25 performed by SLED when y'all receive a piece of evidence

Jennifer Lynn Bartman
Direct examination by Ms. Mabbs

1 for D.N.A. testing?

2 A When we receive an evidence for D.N.A. testing it's
3 typically a cutting or a swab. We will cut that for --
4 to -- for the extraction of the D.N.A. We extract the
5 D.N.A. from that.

6 We then quantify it to determine how much D.N.A. that
7 we have from that item.

8 We then will make billions of copies of certain
9 sections of the D.N.A., and then we will separate out those
10 sections into a D.N.A. profile.

11 Q And do you know if there was a specimen submitted to
12 SLED to the forensic lab for this case?

13 A Yes. There was.

14 Q And do you know who sent in that, those specimens?

15 A I can refer to our chain of custody.

16 Q Or just generally. What agency, I guess.

17 A The Spartanburg Department of Public Safety.

18 Q And do you know, are there certain standards that SLED
19 requires for items that are submitted for D.N.A. analysis,
20 about the condition those would arrive in?

21 A Yes. They must be sealed and no tampering must be.

22 Q And how would you be able to tell if something had
23 been tampered with?

24 A We, basically, look to see if the seal's intact and
25 that it is sealed.

Jennifer Lynn Bartman
Direct examination by Ms. Mabbs

1 Q And what would happen if someone did submit something
2 that there was evidence of any kind of tampering or it
3 wasn't within a sealed envelope or something?

4 A We would not do any analysis on that item until we
5 contacted the submitting agency.

6 Q And, Ms. Bartman, I believe on your right there is
7 between those kind of two sections, is Exhibit -- State's
8 Exhibit No. 40. Do you recognize?

9 A This one?

10 Q Yes.

11 A Yes. I do recognize this.

12 Q Okay. And I know that you were in the courtroom when
13 Officer Burgess had to cut into it. But other than that
14 how do you recognize that item?

15 A This item is a known standard that was submitted from
16 Alexander Rasheen Matthews, also known as Spencer
17 Middleton.

18 Q And that outer bag, would that be the bag that you put
19 on? Is that from SLED?

20 A This outer bag is from SLED. This is done in our
21 evidence control department.

22 Q And is that still sealed?

23 A Yes, it is.

24 Q Okay. The right case number. Sorry. That is
25 Exhibit 4. I wanted to confirm. Did you perform the

Jennifer Lynn Bartman
Direct examination by Ms. Mabbs

1 analysis on that swab?

2 A Yes, I did.

3 Q And actually let's back up before that swab.

4 The other item that's here in the plastic, State's
5 Exhibit 36, do you recognize that item? That's the one I
6 explained to you earlier that was cut into.

7 A Yes, I do.

8 Q And how do you recognize that item?

9 A I recognize it by the yellow bar code, which has the
10 SLED lab number and item number. I also have my initials
11 and the date on -- on two of the seals.

12 Q And speaking of it, what was the lab number associated
13 with that item?

14 A It is L14-07705.

15 Q And did you have an opportunity to test that sample?

16 A I tested portions of item one, yes. So items of item
17 one.

18 Q Okay. And would one of those include items 1.151 and
19 1.152, fingernail scrapings?

20 A They would be 1.5.1 and 1.5.2, which are the
21 fingernail scrapings, yes.

22 Q And did you prepare a report in this case?

23 A Yes, I did.

24 Q Based off those. And based off your testing, I assume
25 that those results are in your report.

Jennifer Lynn Bartman
Direct examination by Ms. Mabbs

1 A Yes.

2 Q And what -- well, let me back up a step first.

3 MS. MABBS: Your Honor, state would move to enter
4 Exhibit 36, the fingernail scrapings.

5 MR. WHELCHER: I'd object to that, Your Honor. I
6 don't have a full chain of custody developed.

7 THE COURT: What are you lacking?

8 MR. WHELCHER: We haven't heard from Dr. Wren. That's
9 where the clippings came from.

10 MS. MABBS: I'd say, Your Honor, John Burgess
11 testified earlier that he was present when Dr. Wren did
12 those. He personally saw Dr. Wren seal them and saw that
13 they had not been tampered with.

14 Dr. Wren will testify later as to it, but he was
15 present and assured that that had not been tampered with.
16 His initials were on the bags.

17 THE COURT: All right. I'm going to allow it. If by
18 chance Dr. -- when you cross-examine Dr. Wren and it breaks
19 the chain, then we can reconsider.

20 Q Ms. Bartman, can you tell us a little bit about the
21 analysis on those fingernail scrapings?

22 A From item 1.5.1, which were the left-hand fingernail
23 scrapings, no D.N.A. profile foreign to Willie Mae Gray was
24 developed.

25 From item 1.5.2, which were the right-hand fingernail

Jennifer Lynn Bartman
Direct examination by Ms. Mabbs

1 scrapings, I developed a mixture which was consistent with
2 being a mixture of two individuals.

3 The D.N.A. profile foreign to Willie Mae Gray matched
4 the D.N.A. profile of Alexander Rasheen Matthews, also
5 known as Spencer Middleton.

6 The probability of randomly selecting an unrelated
7 individual having a D.N.A. profile matching the foreign
8 profile is approximately one in one quintillion.

9 D.N.A. attributable to Willie Mae Gray is present in
10 this mixture.

11 Q Now, to back up a little bit. When you initially
12 tested the fingernail scrapings did you have the sample
13 from Mr. Matthews at that time?

14 A No, I did not. I generated two reports in this case.

15 Q So after that first -- when you first tested it, if
16 I'm understanding you correctly, the scrapings contained
17 D.N.A. from Willie Mae Gray who was the victim who the
18 scrapings were actually collected from her nails --

19 A That's correct.

20 Q And then a second, I guess, at that time unspecified
21 individual?

22 A On my first report I reported that out as it being
23 from an unidentified male individual.

24 Q So at that point would you have entered that into the,
25 I guess the, CODIS system?

Jennifer Lynn Bartman
Direct examination by Ms. Mabbs

1 A Yes. I did. It was entered into CODIS at that time.

2 Q And so then later you received Exhibit 40 in front of
3 you, the buccal swab from Mr. Matthews?

4 A That's correct.

5 MS. MABBS: Your Honor, at this time the state would
6 move Exhibit 40 into evidence.

7 MR. WHELCHER: No objection.

8 THE COURT: Without objection will be State's 40.

9 (Buccal swabs of defendant marked State's Exhibit No.
10 40.)

11 Q And then you personally also tested that buccal or
12 buccal swab as well.

13 A That's correct.

14 Q And what was the result of that buccal swab analysis?

15 A In reference to item 1.5.2, which were the right-hand
16 fingernail scrapings, the D.N.A. profile foreign to Willie
17 Mae Gray matched the D.N.A. profile of Alexander Rasheen
18 Matthews, also known as Spencer Middleton.

19 Q Handing you what's been marked as State's Exhibit 47.
20 Do you recognize that document?

21 A Yes, I do.

22 Q And can you please explain to us what that is?

23 A This is the second report that I generated for this
24 case.

25 Q And would it be fair to say that the information in

Jennifer Lynn Bartman
Direct examination by Ms. Mabbs

1 the first report is also contained in the information from
2 the second report? The second report contains additional
3 information?

4 A That's correct.

5 Q And that report includes the comparison of the D.N.A.
6 between the scrapings and the referenced samples including
7 that from Mr. Matthews?

8 A That's correct.

9 Q And if the -- I think on the third page of that report
10 if I'm remembering correctly -- is that your signature on
11 the report?

12 A My signature appears on page two, yes.

13 Q On page two. Thank you. And so that report reflects
14 the results of your analysis?

15 A Yes, it does.

16 MS. MABBS: Your Honor, at this time the state would
17 move Exhibit 47 into evidence.

18 MR. WHELCHER: Your Honor, I would object to what's
19 being proposed to be entered.

20 Her signature's on page two, and there are other items
21 on page three and four that to my knowledge have not been
22 testified about, Your Honor.

23 MS. MABBS: And, Your Honor, I'm happy to lay more
24 foundation first.

25 THE COURT: All right.

Jennifer Lynn Bartman
Direct examination by Ms. Mabbs

1 Q Ms. Bartman, on pages three and four of the report,
2 can you explain what -- what that chart means?

3 A Yes. On page three I have table one, and that is a
4 chart of the D.N.A. profiles that were developed in this
5 case using the identifier plus kit. And on the second page
6 is table two, which is a D.N.A., partial D.N.A., profile
7 that I developed using a mini filer kit.

8 Q Let's start with table one.

9 Now, I guess in that first column under case items it
10 lists several different items. Specifically, let's talk
11 about the first ones with the first one, two, three, four,
12 five, six items in there that have various numbers and
13 letters in those. Can you explain to us what that is?

14 A Yes. So when we develop a D.N.A. profile we do a type
15 of testing at SLED called S.T.R. testing, which stands for
16 short tandem repeats. So we're looking at different
17 sections of the D.N.A. that are known to differ between
18 individuals. So on my report the first row lists all of
19 the different locations that we look, I have looked at in
20 this case.

21 MS. MABBS: Any objection to me handing one for the
22 judge to see what she's talking about?

23 MR. WHELCHER: No.

24 Q This is fairly technical. I'm sorry. Please
25 continue.

Jennifer Lynn Bartman
Direct examination by Ms. Mabbs

1 A And the first column is the items of evidence that I
2 tested.

3 So at each location there is typically two numbers.
4 If there is only one number that means that they inherited
5 the same number of repeats from their mom and their dad, so
6 when a D.N.A. profile of a child is half of the D.N.A. from
7 the mom and half of the D.N.A. from the dad.

8 Q Now, I notice in several of those there's individuals'
9 names.

10 A That's correct. Those are the known standards that I
11 received in this case.

12 Q So those would have been either some kind of D.N.A.
13 you knew or where there's a buccal swab or something else
14 that was from a specific individual?

15 A It's from a known individual, yes.

16 Q And so in this case that would include Willie Mae
17 Gray, Alexander Matthews, Willie Miller, James Gray.

18 A That's correct.

19 Q Okay. And then can you explain to us how those -- for
20 example, can we go through briefly Mr. Willie Miller and
21 Willie Mae Gray? At least when I look at it I notice that
22 some of the numbers are similar.

23 A Yes. I was informed that Willie Miller is the son of
24 Willie Mae Gray. And, like I said earlier, half of the
25 D.N.A. comes from your mom and half of the D.N.A. comes

Jennifer Lynn Bartman
Direct examination by Ms. Mabbs

1 from your dad.

2 So if you look at the table, if you look at the
3 numbers that are associated with Willie Miller, at least
4 one of those numbers for each location will correspond with
5 a number found at that location for Willie Mae Gray.

6 Q And then can you explain to us the comparison from
7 item 1.5.2 compared to the D.N.A. profiles -- if I'm saying
8 that correctly -- of the individuals listed on that table?

9 A Yes. Item 1.5.2, like I mentioned, was a mixture.
10 When we develop D.N.A. profiles from evidence they can be
11 single source, which is similar to a known standard, or
12 they can be from multiple individuals.

13 And in this case it was a mixture. It was from -- the
14 mixture looked consistent like it was being from two
15 individuals. And then I conduct my comparisons.

16 In this case this item of evidence was an intimate
17 sample, which we referred to as an item taken off of
18 someone's body. So that is why the terminology in my
19 report refers to the D.N.A. profile foreign to Willie Mae
20 Gray.

21 Q And based off of that table and the rest of your
22 report who was the other individual? Whose D.N.A.? Who
23 did the foreign D.N.A. belong to?

24 A The D.N.A. profile foreign to Willie Mae Gray matched
25 the D.N.A. profile of Alexander Rasheen Matthews, also

Jennifer Lynn Bartman
Direct examination by Ms. Mabbs

1 known as Spencer Middleton.

2 Q And was that the name that was given on the CODIS hit?

3 A I --

4 Q Or do you get that information?

5 A I did not get that information.

6 MS. MABBS: Now, at this time, Your Honor, the state
7 would move Exhibit 47.

8 MR. WHELCHER: No objection.

9 THE COURT: Without objection.

10 (SLED D.N.A. report marked State's Exhibit No. 47.)

11 Q Now, Ms. Bartman, earlier you said the match was --
12 was it one in one quintillion?

13 A That's correct.

14 Q And I'm not that great at math. How many zeros are in
15 one quintillion?

16 A Eighteen zeroes.

17 MR. WHELCHER: How many?

18 THE WITNESS: Eighteen.

19 MR. WHELCHER: Thank you.

20 Q How many people -- Ms. Bartman, to your knowledge
21 about how many people are on earth today?

22 A In the world I think it's approximately seven and a
23 half billion.

24 Q Okay. So how does seven and a half billion compare to
25 one quintillion?

Jennifer Lynn Bartman
Cross-examination by Mr. Whelchel

1 A It is -- it's less than one billion or one
2 quintillion. I'm sorry.

3 Q I have no further questions at this time. Please
4 answer anything Mr. Whelchel may have.

5 CROSS-EXAMINATION

6 BY MR. WHELCHER

7 Q Bartman? Is that it -- Ms. Bartman?

8 A That's correct.

9 Q Okay. Is there a shelf life for D.N.A.?

10 A D.N.A. --

11 Q For lack of a better term.

12 A D.N.A. can last on a variety of different -- as you
13 referred to them -- shelf lives depending on the type of
14 surface that the D.N.A. is put on and the conditions of the
15 storage of the item.

16 Q So it can last a long time, is that correct?

17 A It can under the correct conditions, that's correct.

18 Q Okay. Does your test tell me or you how that D.N.A.
19 got there?

20 A No, it does not.

21 Q When it got there?

22 A No, it does not.

23 Q Any of the circumstances of how it got there?

24 A No, it does not.

25 Q How long it's been there?

Christopher Everette Taylor
Direct examination by Mr. Gray

1 A No.

2 Q Thank you, ma'am.

3 THE COURT: Any redirect limited to what he went into?

4 MS. MABBS: No, Your Honor.

5 THE COURT: Thank you, ma'am. You may step down. Be
6 careful when you're stepping down.

7 Any reason why the witness cannot be excused?

8 MS. MABBS: No, Your Honor.

9 MR. WHELCHER: No, sir.

10 THE COURT: You may be excused. Thank you.

11 (Whereupon, the witness was excused.)

12 MR. WHELCHER: Can we take a break, Your Honor?

13 THE COURT: Short recess. We'll come right back.

14 (Whereupon, a recess was taken.)

15 THE COURT: Is the state ready to call their next
16 witness?

17 MR. GRAY: Yes, sir, Your Honor. The state calls
18 Detective Chris Taylor.

19 CHRISTOPHER EVERETTE TAYLOR,
20 having been first duly sworn, testified as follows:

21 DIRECT EXAMINATION BY MR. GRAY

22 Q Please state your full name, sir.

23 A Christopher Everette Taylor.

24 Q Where do you work, sir?

25 A The City of Spartanburg Police Department.

Christopher Everette Taylor
Direct examination by Mr. Gray

1 Q How long have you worked there?

2 A Two to three years.

3 Q What are your primary duties and responsibilities now?

4 A Investigations.

5 Q How long have you been doing that?

6 A Probably most of my career. I probably spent maybe
7 one year on the road.

8 Q Investigations. What do you investigate exactly?

9 A Major crimes, violent crimes, crimes against persons.

10 Q Murders, arsons, armed robbery?

11 A Sexual assaults, armed robberies, yes.

12 Q Now, were you involved in the investigation of the
13 fatality of Ms. Willie Mae Gray?

14 A Not the initial portion. I started working this case
15 in February of 2015.

16 Q Now, when did this occur?

17 A June of 2014.

18 Q The case was still open in 2015?

19 A Oh, the case had went cold, but it was a case that I
20 understand what they say there was a possibility of being
21 solvable. So I was asked to look into it.

22 Q Okay. There was a possibility of being solvable. Why
23 was that the situation?

24 A To give you a good answer is the fact that when they
25 initially started working on the case it went cold because

Christopher Everette Taylor
Direct examination by Mr. Gray

1 they had suspects that didn't pan out.

2 Q I understand.

3 Now, once you got involved did Mr. Matthews become a
4 person of interest in this situation?

5 A Yes, sir.

6 Q Now, before he became a person of interest did you do
7 anything else as far as investigation? I don't know what
8 you would do on a cold case. What type of things would you
9 do?

10 A On a cold case the first thing we did was back in
11 February, February 4th of 2015. We did a canvass of the
12 total community, which is Park Hills, because this house is
13 in front of Overbrook. All of the neighborhoods, little
14 residences through there. Then we went out to Crescent
15 Avenue. So it was extensive camps.

16 Q Crescent Avenue. You mean Spartan Terrace?

17 A All the way down that way, yes, sir.

18 Q All right. All the way up to Dee Traxx?

19 A Yes, sir.

20 Q During that extensive canvass did you talk to anyone
21 who gave you additional leads?

22 A Yes, sir. Initially we got leads from different
23 people. They said, well, they heard this, they heard that.
24 And we followed those leads and come up dead-ends on them.
25 But something that became interesting to us was the fact

Christopher Everette Taylor
Direct examination by Mr. Gray

1 that we talked to Samantha Brewton that lived across the
2 road from --

3 Q Samantha?

4 A -- Ms. Willie Mae Gray, yes.

5 Q Samantha Brewton was, I guess, somewhat of a friend of
6 Ms. Willie Mae Gray.

7 A Yes, supposed to have been a friend.

8 Q But they had had difficulties in the past, correct?

9 A Yes.

10 Q Now, Ms. Samantha Brewton had a sister, Sandra
11 Brewton.

12 A Sandra Brewton.

13 Q Now, did you talk to Samantha Brewton first, or Sandra
14 Brewton?

15 A I talked to Samantha first.

16 Q After talking to Samantha did you talk to different
17 people or from Samantha to Sandra?

18 A Well, we talked to Samantha. Then I talked to her
19 boyfriend, Dennis Layton, who also lived with her across
20 the road from Ms. Willie Mae Gray's house.

21 Q Also, one thing I just want to show you that's been
22 marked as State's Exhibit 29. Could you explain what this
23 is?

24 A Okay. State's Exhibit No. 29, the first part is
25 reward for arson hot line. Because this was a fire at this

Christopher Everette Taylor
Direct examination by Mr. Gray

1 residence, it was put out as arson initially. And on the
2 back it shows a \$3,000 reward, unsolved homicide, arson,
3 the victim being Willie Mae Gray. And it shows the front
4 of her house.

5 Q Now, is this part of your plan to just get out
6 information or get as many leads and possibilities as
7 possible? I don't understand. What is the purpose of
8 that?

9 A The purpose is to try to entice the community, people
10 that have a closed mouth, to want to come out and talk,
11 because usually you put a reward, like it's a \$3,000 cash
12 reward, where information lead to, information, unsolved
13 homicide and arson investigation.

14 Q Did you get any additional information?

15 A Correct.

16 Q And did that information lead to Mr. Matthews, or just
17 did it lead to just Mr. Matthews or other people also?

18 A Other people's names came up as far as the
19 investigation. Like I said, we just ran down the leads
20 from place to place. That's why it took us so long for us
21 to get to Mr. Matthews.

22 Q So it wasn't a situation of -- was it a situation of
23 Mr. Matthews was one of your initial suspects and you guys
24 then got a little bit lazy?

25 A No, sir, no, sir. As far as I could tell you, when we

Christopher Everette Taylor
Direct examination by Mr. Gray

1 started out -- well, like I said, in February when I
2 started helping with this case we did canvass. And then we
3 started talking to different people, started getting
4 different information, started running down different
5 leads, different people as far as in the community that
6 supposedly had told someone they heard this, they saw this.
7 It didn't pan out.

8 We got to the point with Samantha Brewton, which, as I
9 said, I remember Investigator Nelson calling her Pink Pig,
10 her nickname. She was nervous during the interviews and
11 stuff. She was very withdrawn as far as the information.
12 She said her sister had a boyfriend.

13 MR. WHELCHER: Objection, Your Honor. It's hearsay.
14 This is new testimony from somebody.

15 THE COURT: The witness has been called.

16 MR. WHELCHER: I understand that.

17 THE COURT: You can recall the witness.

18 MR. WHELCHER: Excuse me?

19 THE COURT: Can't you recall the witness? I mean,
20 it's not -- the witness has already testified.

21 MR. WHELCHER: She didn't testify to this.

22 MR. GRAY: She testified she has a sister.

23 THE COURT: Yeah. I'm going to let him go for a
24 while, for a few rounders.

25 A When I spoke to Samantha Brewton she said she had a

Christopher Everette Taylor
Direct examination by Mr. Gray

1 sister named Sandra. She said her sister Sandra had a
2 boyfriend who came around also with her. She was just
3 naming a list of people that came over to the house
4 visiting as far as Ms. Willie Mae Gray, along with her.

5 Q And you spoke to Sandra after that?

6 A Well, we located Sandra on Crescent Avenue. I noticed
7 the yellow house. It's a bright yellow house, which is 554
8 Crescent Avenue.

9 Q When you spoke to Sandra was Mr. Matthews there? Was
10 he present?

11 A Uh-uh, no, sir.

12 Q Did you ever find Mr. Matthews?

13 A Not at that residence, no.

14 Q Not at that residence.

15 A No.

16 Q Now, once -- I know Mr. Whelchel played part of the
17 interview. Was that your interview with Sandra Brewton?

18 A Yes.

19 Q The girlfriend of Mr. Matthews.

20 A Yes.

21 Q And that was also where you reduced part of her
22 interview to writing, correct?

23 A Yes.

24 Q Is that where she indicated that Mr. Matthews came in
25 the house smelling of smoke?

Christopher Everette Taylor
Direct examination by Mr. Gray

1 A Yes. The first time we talked to her -- I just want
2 to make something clear. The first time I ever met
3 Ms. Sandra Brewton, she wasn't cooperative at all. She
4 said she had a boyfriend no longer with her, he was from
5 Florida. She would not provide his name or anything to us.

6 Q All right. You talked to her how many times?

7 A We spoke to her numerous times, different -- different
8 times. Sometimes she would talk to us and sometimes she
9 wouldn't.

10 Q All right. Was there ever a discussion of an incident
11 involving Ms. Brewton, Sandra Brewton, and Mr. Matthews, a
12 physical altercation?

13 A Yes. Let me look back at my notes.

14 MR. WHELCHEL: I'm objecting again, Your Honor. It
15 doesn't have anything to do with my client. We've gone far
16 afield. I objected to this when it was testified before.
17 I'm objecting again.

18 MR. GRAY: Your Honor, I'm not going so much as to
19 what happened between two -- just have to get to where they
20 talked to Mr. Matthews where he was.

21 We talked about this in item number -- State's Exhibit
22 No. 1, that it may or may not be able to be published.
23 This individual can talk more about what he talked to
24 Mr. Matthews about and where he talked to Mr. Matthews.
25 I'm not really that concerned about --

Christopher Everette Taylor
Direct examination by Mr. Gray

1 MR. WHELCHER: You just asked if he talked to
2 Mr. Matthews --

3 MR. GRAY: That's fine with me. I can do that, Your
4 Honor.

5 THE COURT: Okay. I'm viewing it as he's laying some
6 foundation for what police work was done as part of the
7 investigation.

8 BY MR. GRAY

9 Q Just without detail, was Mr. Matthews later convicted
10 of some crime involving Ms. Brewton?

11 A Yes, sir.

12 Q Where was Mr. Matthews located after that incident,
13 after that interview?

14 A Officers caught him in the house.

15 Q I mean, where. What correctional facility?

16 A Oh, me and Investigator Nelson went and talked to him.
17 It was back in -- it was in July of 2015. He was at Evans
18 Correctional Institution in Bennettsville.

19 Q And that was part of your investigation, to talk to
20 Mr. Matthews --

21 A Yes.

22 Q -- about Ms. Willie Mae Gray.

23 A Yes.

24 Q And you went to Bennettsville.

25 A Yes, sir.

Christopher Everette Taylor
Direct examination by Mr. Gray

1 Q You traveled from Spartanburg to Bennettsville to talk
2 to Mr. Matthews about Ms. Willie Mae Gray.

3 A Yes, sir.

4 Q Did you record that situation?

5 A Yes, it was recorded.

6 Q Now, my understanding, that's State's Exhibit No. 1.
7 You and I and Detective Nelson listened to that audio
8 recording, correct?

9 A Yes, sir.

10 Q That's the one that's what, about an hour and
11 something?

12 A It's a little over an hour long.

13 Q When you were talking and Officer-Detective Nelson
14 were talking to Mr. Matthews, what about Ms. Willie Mae
15 Gray -- what was his demeanor?

16 A Mr. Matthews -- his behavior changed back and forth.

17 Q Howso?

18 A When we brought up information as far as about him
19 being accused of being involved with Ms. Gray's murder, he
20 would have -- he would get up from the table and stand up,
21 and his voice would go up and go back down.

22 Then he would start -- he would become agitated when
23 we talk about the Brewton sisters mentioning his name. He
24 would get agitated about it. He was back and forth, his
25 demeanor back and forth.

Christopher Everette Taylor
Direct examination by Mr. Gray

1 Q Were there any threats made to Mr. Matthews during
2 this time?

3 A No, not at all.

4 Q Now, you say he was back and forth. Did his demeanor
5 actually change as far as you're concerned?

6 A Oh, he become -- he became very agitated when you
7 talked about Sandra Brewton saying that he was -- came in
8 the house smelling like smoke. He became very agitated,
9 said he was trying to get his money from -- she was
10 trying to -- just trying to get his money from him, trying
11 to trick him into taking his money from him.

12 Q At any time did he ever want to stop talking to you or
13 Detective Nelson about this situation?

14 A No, no, sir.

15 Q He always -- you asked him a question, he answered the
16 question.

17 A He would talk to us, yes.

18 Q But, as you stated, his demeanor would change over
19 time depending on the particular question or the subject
20 matter.

21 A Yes, sir.

22 Q What conclusions did you derive from that?

23 A We needed to look at him closer. When the interview
24 time was over we needed to look at him closer.

25 At one point he volunteered to call me if he had any

Christopher Everette Taylor
Direct examination by Mr. Gray

1 more information about the case. He made note of Little
2 Tree being in the same facility with him.

3 Q Little Tree, James Gray?

4 A Yes.

5 Q The son of Ms. --

6 A Stepson of Willie Mae Gray, yes.

7 Q Stepson of Willie Mae Gray.

8 A Uh-huh, yes.

9 Q So Big Tree was the drug dealer who was deceased.

10 A Right.

11 Q His son was in Bennettsville with the defendant.

12 A Same correctional facility.

13 MR. WHELCHEL: Could we ask a question here? I'm
14 objecting to the form of the question.

15 THE COURT: All right.

16 MR. GRAY: Yes, sir, Your Honor.

17 THE COURT: Thank you.

18 MR. GRAY: Thank you.

19 Q Did you get any information from Mr. Matthews about
20 Spencer Middleton?

21 A He told us that he was convicted of a homicide as
22 Mr. Spencer Middleton. Spencer Middleton is his cousin
23 also. He used that name.

24 Q Thank you. That's all. Please answer any questions
25 Mr. Wheelchel may have.

Christopher Everette Taylor
Cross-examination by Mr. Whelchel

1 CROSS-EXAMINATION

2 BY MR. WHELCHER

3 Q You stated on your direct examination Sandra Brewton
4 gave you a written statement, is that correct?

5 A Yes, sir.

6 Q Okay. And the date of that written statement is 29
7 December 2015, is that right?

8 A Yes, sir.

9 Q Okay. And your original video-taped interview with
10 her was conducted on April the 14th of 2015, correct?

11 A At 1347 hours.

12 Q You're better. And that's when you got this from her,
13 State's Exhibit 39, is that right?

14 A You saying I got it or Investigator Nelson got it from
15 her? Which one?

16 Q This.

17 A Yes.

18 Q Okay. So your earlier testimony that she gave you the
19 written statement the same day that she talked to you on
20 that is incorrect, is that right?

21 A On this statement, yes, because that was for December.

22 Q You went to canvass the neighborhood or you went to
23 talk to Samantha and Sandra because the suspects that you
24 had didn't pan out, is that right?

25 A That's correct.

Christopher Everette Taylor
Cross-examination by Mr. Whelchel

1 Q Okay. And you told Mr. Matthews in that interview
2 that each time Sandra tells us a little bit something
3 different, is that right?

4 A Yes, sir.

5 Q Okay. You also told him that you thought it was Tree
6 all of the time, correct?

7 A Are you asking me did I tell him that or Investigator
8 Nelson tell him that?

9 Q You were acting in tandem. Both of you were
10 interviewing him, correct? It was two of you and --

11 A Both was interviewing, but keep in mind I didn't start
12 in this case until February of 2016.

13 Q I understand. You went with Investigator Nelson to
14 the correction facility.

15 A Yes, sir.

16 Q And interviewed my client.

17 A Yes, sir.

18 Q Okay. And at that time one of you told him that all
19 of this time you thought it was Tree, Little Tree, correct?

20 A I'm not even sure of that.

21 Q Okay. Well, if it's on that tape, you wouldn't have
22 any reason to deny it, would you?

23 A Not at all. Are we going to play the tape?

24 Q Okay. As a matter of fact, it was my client that told
25 the two of you where Little Tree was. Do you remember

Christopher Everette Taylor
Cross-examination by Mr. Whelchel

1 that?

2 A Now, that's correct. I got that document.

3 Q Okay. Y'all didn't know that the fellow that you
4 liked for this homicide was in the Department of
5 Corrections, is that right?

6 A I didn't know that.

7 Q Okay. But you can check on the computer, right?

8 A If we're looking for you, yes, sir.

9 Q Okay. Was the reward paid?

10 A Reward paid for who, from this here?

11 Q Yes.

12 A I didn't sign any what you call it handing money over.

13 Q That's not what I asked you. Do you know if the
14 reward was paid on this flyer?

15 A Not to my knowledge.

16 Q Okay. Can you find out? I mean, is there a way for
17 you to find out?

18 A Yes, sir.

19 Q Okay. You're one of the chief investigators on this
20 case.

21 A No, sir.

22 Q One of the two, am I correct?

23 A One of the several investigators.

24 Q Okay. All right. And you haven't found out or
25 attempted to find out prior to today if anybody received

Christopher Everette Taylor
Cross-examination by Mr. Whelchel

- 1 this \$3,000.
- 2 A No, sir.
- 3 Q We don't know that Sandra Brewton got that money --
- 4 A No, sir.
- 5 Q -- for making different statements.
- 6 A I couldn't tell you.
- 7 MR. WHELCHER: Beg the Court's indulgence, Your Honor.
- 8 (Pause.)
- 9 Q Did you tell my client you'd put money on his account
- 10 if he'd keep his ears open on Tree?
- 11 A Put money on his account?
- 12 Q Yeah. His account at the Department of Corrections.
- 13 A Not to my knowledge.
- 14 Q Investigator Taylor, there was three people in the
- 15 room, is that right?
- 16 A Yes, sir. Like I said, during that time -- and we
- 17 played a recording of them -- I may remember if I hear it.
- 18 Q Okay. Did you ask my client to contact you and to
- 19 keep -- try to get any information he could while he was
- 20 down there at the same location as Little Tree and get that
- 21 back to you?
- 22 A Okay. Let me read what I got. This is fresh.
- 23 Q Let me ask you to answer my question.
- 24 A I'm answering your question. As far as in the context
- 25 of this incident, you know, exactly what was said.

Christopher Everette Taylor
Cross-examination by Mr. Whelchel

1 Q Go ahead.

2 A "Matthews stated that he heard that James Gray had
3 killed Ms. Gray. He stated he lived close to where his
4 cell --"

5 Q Who said that?

6 A "Matthew stated he heard that James Gray had killed
7 Ms. Gray. He said he lived close to where his cell was.
8 We told him that we are trying to chase down any and all
9 leads involving the death of Ms. Gray. I told Mr. Matthews
10 that we'd appreciate any information that he may get from
11 James Gray about this homicide. Matthews stated he don't
12 have any money to use the phone. I told him he can call us
13 collect if he gets any information. Matthews told us he
14 will call us if he finds out anything. We got up from the
15 table, shook his hand and we left the facility after the
16 officer took custody of him to escort him back to his
17 area."

18 Q So you did attempt to get him to assist you in the
19 investigation of the case.

20 A We -- we always do.

21 Q Well, I understand that.

22 A Yeah.

23 Q I mean, that's what you're supposed to do, right?

24 A Absolutely.

25 Q Okay. And that would include the \$3,000 reward,

Christopher Everette Taylor
Cross-examination by Mr. Wheelchel

1 correct?

2 A \$3,000 reward to who?

3 Q I don't know. I'm trying to find out.

4 A I didn't sign off any money for anybody, so I couldn't
5 tell you.

6 Q Are you responsible for that? I mean, you sign off on
7 the money or does it --

8 A I have signed off on money on cases that I am primary
9 investigator on. I have if it's my case.

10 Q But you're not the primary investigator.

11 A No, sir.

12 Q Okay. Ms. Brewton, Sandra Brewton.

13 A Okay.

14 Q When you talked -- when you interviewed her -- and it
15 was videotaped we saw here -- you heard -- I guess you were
16 in here when she testified.

17 A Yes, sir.

18 Q And you heard her say on here that she didn't tell
19 y'all that he smelled smoke. She denied saying that he
20 smelled like smoke. You heard that?

21 A Yes, sir.

22 Q Okay. And that was when she's in charge of what she
23 says. When you write the statement suddenly she says he
24 smell like smoke, is that correct, when the statement was
25 written for her?

Christopher Everette Taylor
Cross-examination by Mr. Wheelchel

1 A Mr. Wheelchel, by looking at that statement, that was
2 by Investigator Nelson.

3 Q Okay. But you were there?

4 A I was there.

5 Q Okay.

6 A Those --

7 Q But my question is this.

8 A The question is is her words what's said, what she
9 said he wrote down.

10 Q Let me ask the question.

11 When the statements were written for her she said,
12 according to you guys, he smelled like smoke. But when she
13 spoke for herself here in the investigation room she didn't
14 say that, is that right?

15 A Yes, sir.

16 Q You said that my client was agitated when you
17 mentioned Ms. Brewton. Their relationship ended on less
18 than amiable grounds, is that correct?

19 A Repeat that question, sir.

20 Q He ended up in prison because of what she said,
21 correct?

22 A No. Repeat the whole question. I missed something
23 for some reason.

24 Q You said my client became agitated, correct, when you
25 mentioned Ms. Brewton when you were talking to him?

Christopher Everette Taylor
Cross-examination by Mr. Whelchel

1 A "Mr. Matthews became agitated when he was asked if he
2 knew who killed Ms. Gray. He became aggressive. He stood
3 up out of his chair from the table and his voice changed.
4 We told him that we were there to gather information about
5 that is name had came up in an investigation."

6 Q Mr. Taylor, I understand that. I'm asking you did he
7 become agitated when you talked to him about Ms. Brewton.

8 A We talked about Ms. Gray's case, anything about
9 Ms. Gray. As far as Ms. Brewton being talked about, yes.

10 Q Okay. And he denied what she said, is that correct?

11 A Yes, sir.

12 Q Okay. And he was agitated when he denied what she
13 said.

14 A Yes, sir.

15 Q Okay. Thank you.

16 THE COURT: Any redirect limited to what he went into?

17 MR. GRAY: No, sir.

18 THE COURT: Thank you, sir. You may step down. Watch
19 your step as you step down.

20 THE WITNESS: Thank you, sir.

21 THE COURT: Do y'all want to approach?

22 (Bench conference held off the record.)

23 THE COURT: All right. I've had a brief bench
24 conference with the attorneys on scheduling.

25 We're going to conclude the taking of the testimony

1 for the day. The potential last witness for the state is
2 not available until in the morning. So we will reconvene
3 for that witness and then also receive any other witnesses
4 that the state may have that's on their witness list and
5 then also move to any witnesses that the defense may call,
6 if any.

7 After hearing the rest of the testimony this afternoon
8 I've come to the conclusion I need to listen to State's
9 Exhibit 1. It's on disc, and I can play the disc privately
10 in the back.

11 I won't -- that way I don't force everybody just to
12 sit in here watching me listen to an audio tape. But I
13 wanted to put that on the record so that we're clear that
14 that is going to be done, because I had previously
15 indicated that I would allow it into evidence but I would
16 not listen to it. But I changed my mind.

17 MR. WHELCHER: I've spoken with my client, Your Honor,
18 and told him what we had talked about before and what you
19 just put on the record. He understands that you're going
20 to listen to Exhibit 1 in chambers, and he's fine with
21 that, Your Honor.

22 THE COURT: All right. Then we will stand -- stand
23 down until 9:30.

24 MR. GRAY: Thank you, Your Honor.

25 END OF PROCEEDINGS JANUARY 24, 2018

Dr. John David Wren
Direct examination by Ms. Mabbs

1 (Proceedings January 25, 2018)

2 THE COURT: Is the state ready to call their next
3 witness?

4 MS. MABBS: Yes, sir, Your Honor. The state calls
5 Dr. John David Wren.

6 DR. JOHN DAVID WREN, having
7 been first duly sworn, testified as follows:

8 DIRECT EXAMINATION BY MS. MABBS

9 Q Good morning, Dr. Wren. Can you please state your
10 full name?

11 A John David Wren.

12 Q And where are you employed, Dr. Wren?

13 A I'm employed by Carolinas Pathology Group. And as an
14 employee I work at Spartanburg Medical Center.

15 Q And what is your profession?

16 A I'm a board certified anatomic and clinical
17 pathologist, and I do mainly autopsy pathology, a little
18 bit of surgical pathology. And a majority of my time is
19 done with -- in the hospital at Regional, as well as
20 Restorative Care in Northgrove Medical Center as the
21 laboratory medical director.

22 Q So I assume that means you're licensed in South
23 Carolina to practice medicine.

24 A Yes, and North Carolina.

25 Q And can you tell us a little bit about your

Dr. John David Wren
Direct examination by Ms. Mabbs

1 educational background and any certifications you may have?

2 A. Yes.

3 MR. WHELCHER: Your Honor, I may be able to save us
4 some time this morning.

5 Dr. Wren was performing autopsies when I was a young
6 prosecutor here in Spartanburg. I think they're going to
7 try to get him qualified as an expert.

8 MS. MABBS: That's it.

9 MR. WHELCHER: I have no problems with his
10 qualifications, Your Honor.

11 THE COURT: And the area of expertise?

12 MS. MABBS: Would be in forensic pathology, Your
13 Honor.

14 THE COURT: Without objection, you may proceed as
15 requested.

16 MS. MABBS: Thank you, Your Honor.

17 Q Dr. Wren, do you recall the body of a 63-year-old
18 woman by the name of Willie Mae Gray being brought to
19 Spartanburg Regional back in June of 2014?

20 A I remember some of the facts. That's been probably
21 close to a thousand autopsies ago, but I can remember some
22 of the things.

23 Q Okay. And did you have a chance to perform an autopsy
24 on Ms. Gray?

25 A Yes. I did that autopsy in the Regional Medical

Dr. John David Wren
Direct examination by Ms. Mabbs

1 Center Autopsy Room on June the 14th. I began that autopsy
2 at approximately 1:25 p.m.

3 Q And can you tell us a little bit about your findings
4 from that autopsy?

5 A Yes. She had -- she was fully dressed but she --
6 well, with her nightgown, and it had been cut or torn along
7 the anterior aspect to expose the chest where there were
8 E.K.G. patches present. And there were some on the lateral
9 thighs, the E.K.G. patches too.

10 That was what E.M.S. usually does when they go to a
11 scene, even though it's -- some of the time it's obvious a
12 person is deceased. They do that routinely. So I thought
13 they had probably cut it themselves but -- but based on the
14 history you'd have to ask the E.M.S.

15 They usually ask the body be received as it is seen or
16 it gets to the E.R. if it comes to the E.R. first.

17 She was normally developed, slightly overweight. She
18 appeared a little bit older than stated weight -- age. And
19 her -- she was 60 inches long and weighed 144 pounds.

20 She had a little bit of rigor mortis of the lower
21 extremities remaining and some posterior mildly blanching
22 livor mortis.

23 Her -- she had trauma about her head and neck, and the
24 back of her head had a palpable contusion that was shown to
25 be about -- I think it was 14 centimeters in diameter,

Dr. John David Wren
Direct examination by Ms. Mabbs

1 which is about 5 inches in maximum diameter. It was in the
2 right occipital area.

3 She had abrasions and contusions about her face. She
4 had a contusion of the right upper forehead and the lateral
5 left eyebrow and a trailing superficial abrasion from the
6 left -- from the left corner of the eye.

7 She had four superficial abrasions about the nose, and
8 she had an irregular abrasion of the midportion of her chin
9 that measured about a little over -- probably about an inch
10 and two-tenths in maximum diameter, or an inch and a
11 quarter.

12 Then she had a deep abrasion of the left neck inferior
13 to the ear, measured four by eight-tenths of a centimeter,
14 and it had a trailing extremely superficial laceration in
15 the midportion.

16 At the posterior lateral border on the side there was
17 a puncture wound that extended medially and deep into the
18 neck. That puncture type wound measured about six-tenths
19 of a centimeter in diameter, which was about a quarter of
20 an inch. It was undermined, like I said, toward the
21 abraded area medially.

22 There were two other puncture wounds relatively close.
23 One was slightly larger above the midportion of the abraded
24 area that I described, and it was a half a centimeter from
25 the border, and it measured a half a centimeter in

Dr. John David Wren
Direct examination by Ms. Mabbs

1 diameter. It had an abrasion from 11:00 to 1:00 o'clock,
2 and it measured a half a centimeter along the border as if
3 it were abraded as the puncture wound went in or it came
4 out, depending on how the person was positioned when that
5 happened.

6 Then -- let's see. There were two other puncture
7 wounds. One was slightly above the midportion of the
8 abraded area, and it was a half centimeter from the border,
9 as I said, and a half a centimeter in diameter. I've
10 already described that one.

11 The more posterior wound was posterior to the ear
12 vertically if you drew an imaginary line from the ear down
13 vertically.

14 Now, it was triangular, more triangular, in shape
15 because when that was inflicted the person probably was
16 moving more when that happened. It measured four-tenths of
17 a centimeter in diameter. It was a little bit smaller.
18 But wounds when they are inflicted, depends on the skin
19 tension at the time. If the tension is -- is -- is tight
20 when a wound is -- is made and it relaxes, it looks
21 smaller. But if it's loose and it's made and you pull it
22 out, it'll be bigger.

23 So when you get a -- like if you had a one-inch or a
24 one-centimeter-diameter wound or long then if -- the rule
25 of thumb is you can add 25 percent to the -- to the

Dr. John David Wren
Direct examination by Ms. Mabbs

1 dimension you've got. And it could be within those two
2 limits.

3 So if you had one that was a -- say an inch in
4 diameter, a quarter of that is -- is 25 hundredths. So it
5 could be from three-quarters of an inch in diameter as in
6 the wound -- I mean, the instrument that made it, or it
7 could be up to one point -- one and a quarter inch in
8 diameter. That's about all you can tell about it. But if
9 you had the weapon you could say, well, that is consistent
10 by measuring the weapon itself.

11 Now, that one was triangular in shape, as I said, and
12 it was four-tenths of a centimeter in diameter. And the
13 abrasion -- there was an abrasion extending from -- if you
14 look at the wound as if the person were a clock with the
15 head at 12:00 o'clock and the feet at 6:00 o'clock, it was
16 from 7:00 o'clock around to 12:00 o'clock on the wound.
17 And that abrasion was a third of a centimeter in width.
18 And on the superior area there was some uninvolved skin
19 without abrasion. So that place was spared when the wound
20 was inflicted.

21 And then there was a linear, a more linear, abrasion
22 below that a little bit away from it, and it measured
23 1.2 centimeters long and four-tenths of a centimeter in
24 width. It was superficial but deep.

25 That wound actually would be about a half-inch long

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1 and less than two-tenths of an inch in width, transposing
2 centimeters to inch.

3 Now, the right neck also had an abraded area that was
4 pale centrally without puncture of the skin. That measured
5 about half-inch by a quarter of an inch. And there was a
6 second similarly oriented triangular abrasion more
7 laterally measuring about a third of an inch by a quarter
8 of an inch in overall dimensions.

9 And then there was a contusion in the area that
10 measured six by two centimeters, which is about a little
11 over two inches by a little less than an inch itself.
12 2.54 centimeters is equal to one inch. I was just doing
13 those in my head.

14 Then she had some superficial abrasions toward the
15 posterior border of that area. And she had -- her neck was
16 loose, didn't have any crepitus. There was some scars
17 around.

18 And I checked her vaginal vault. I was asked to do a
19 sexual assault kit. I didn't see any evidence of
20 contusions or abrasions. No evidence of actual trauma.

21 She did have some abrasions of the left buttocks which
22 were -- may have been secondary to whatever movement they
23 had done.

24 And she had an abrasion of the left elbow and some
25 discoloration of her biceps. Usually we don't cut into

Dr. John David Wren
Direct examination by Ms. Mabbs

1 those because it -- it is -- unless there's a real question
2 as to what an injury was and whether there was an obvious
3 abrasion or contusion or we need to sample something. So I
4 didn't cut into it. But it looked like it was probably a
5 little contusion.

6 And then she had a six-tenths-centimeter long, which
7 is about a quarter of an inch long, incised wound that
8 looked like of a fingernail, the midportion of the thumb,
9 like it might have been a defense wound.

10 She also had a contusion along the proximal lower
11 portion of the leg near the knee and a contusion of the
12 posterior right thigh, which was about one inch by
13 eight-tenths of an inch in overall dimension.

14 The major internal injury she had was hemorrhage
15 around those puncture wounds and then her -- and there was
16 severe hemorrhage bilaterally toward the mandible as if
17 there was a lot of -- there was trauma up in that area with
18 some laceration of the smaller vessels.

19 It's hard to tell unless it's a large vessel which one
20 might have been lacerated. We usually check the carotid
21 artery and the internal jugular vein, which are larger
22 vessels. And we can actually probe those, but we can't
23 find these small ones because there's no blood pressure and
24 they're not bleeding and it's -- and with all the
25 hemorrhaging one can't -- can't isolate those very well.

Dr. John David Wren
Direct examination by Ms. Mabbs

1 we just know from the amount of hemorrhage how much that
2 something has been lacerated and bleeding.

3 And then she had hemorrhage all the way to the
4 vertebral tissues, which is the tissues right in front of
5 the vertebral columns. So at least one of these puncture
6 wounds went deep into the neck.

7 And her hyoid bone was fractured, which is almost
8 pathognomonic of strangulation, manual strangulation. You
9 can get it from other reasons, but that would necessitate
10 an extremely hard blow with a contusion and probably
11 calcification of the bone itself.

12 As one gets older they do calcify. So they're easier
13 to break. For instance, in a young child the hyoid bone is
14 made of three parts. And those joint, little joint, like
15 areas don't fuse together until you're adolescent and
16 older. And then they start calcifying. But that's what
17 does happen.

18 Then she had some internal chronic pathology that I
19 can go over, but it was not -- I don't think it was
20 pertinent except maybe leading to a slightly quicker death.

21 She aspirated blood, and from the bleeding, and those
22 were the major things I found.

23 Q Now, Dr. Wren, did you find any smoke or soot or
24 anything in her either navel cavities, mouth, lungs,
25 anything?

Dr. John David Wren
Direct examination by Ms. Mabbs

1 A No. There was none there. We did a carbon monoxide
2 level. I don't have the exact value. I didn't record it.
3 But, nevertheless, it was within normal range for a person.
4 We do have a little bit of carbon monoxide. Depends
5 on whether you smoke or not. But even if you don't smoke
6 you will have a little bit.

7 Q So would it be fair to say that if there -- if she was
8 near a fire around the time of her death that she would
9 have passed away before --

10 A She'd have been dead before the fire. In my opinion
11 she was passed away before the fire, or not breathing.

12 Q And, Dr. Wren, you also mentioned that you did a
13 sexual assault kit.

14 A Yes, sir.

15 Q Did that include taking fingernail scrapings?

16 A Yes.

17 Q And what did you do with those scrapings and the kit?

18 A I transferred those to Officer John D. Burgess with
19 the Spartanburg, I think, County Police Department. That's
20 what I recorded it at.

21 He actually -- they usually sign for it. He did sign
22 for it. I don't know exactly who he works for. Sometimes
23 in city cases the county comes too.

24 Q Dr. Wren, I'm going to show you what's been marked as
25 State's Exhibit 30. Can you tell us what that is a photo

Dr. John David Wren
Direct examination by Ms. Mabbs

1 of?

2 A That's the laceration I described to the thumb.

3 Q Okay. And I believe you referred to it as a defensive
4 wound.

5 A It's consistent with a defense wound, yes.

6 Q And would that have been one of the nails that you
7 would have taken a scraping from?

8 A Sure.

9 Q Is that a fair and accurate depiction of the thumb as
10 you saw it at the time of autopsy?

11 A Yes.

12 MS. MABBS: Your Honor, at this time the state would
13 move Exhibit 30 into evidence.

14 MR. WHELCHER: No objection, Your Honor.

15 THE COURT: Without objection.

16 (Photograph marked State's Exhibit No. 30.)

17 Q And then, Dr. Wren, you also mentioned some other
18 contusions, for example, State's Exhibit 32. Can you tell
19 us what those are?

20 A Those are consistent with the abrasions and
21 discoloration I talked about --

22 Q And --

23 A -- of her pretibial area, which is the wider bone in
24 the lower portion of the leg.

25 Q Is that a fair and accurate depiction of Ms. Gray's

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Direct examination by Ms. Mabbs

1 legs as you saw them at the time of autopsy?

2 A Of what I described, yes.

3 MS. MABBS: Your Honor, at this time the state moves
4 Exhibit 32 into evidence.

5 MR. WHELCHER: I would object to those, Your Honor. I
6 don't know what the purpose it is being entered for, and
7 they're obviously not the cause of death.

8 MS. MABBS: Your Honor, it's about overall body
9 condition at the time of autopsy.

10 THE COURT: I'll allow it.

11 (Photograph marked State's Exhibit No. 32.)

12 Q Now, Dr. Wren, State's Exhibit 31. You discussed
13 previously some neck injuries and abrasions.

14 A Yes.

15 Q Is that a fair and accurate depiction of Ms. Gray's
16 neck from the time of autopsy?

17 A Yes. This is the left neck. It has the long
18 superficial abrasion with a little superficially incised
19 wound in the longer one with the puncture wound along the
20 right -- well, the posterior border toward the left side of
21 her neck and back. That would be posterior, and actually
22 lateral if you got to be real technical.

23 There's a puncture wound above it, like I said, about
24 a half a centimeter above and has an abrasion from -- on
25 it. And then inferior to the midportion of her ear,

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1 posterior to that last stab puncture wound, is the other
2 one I described and slight -- just below it is the deep
3 abrasion that I described.

4 There also is a reddish area in her hairline that --
5 that shows. It looks like -- I don't think it's connected
6 with the others.

7 I think that was something that happened later because
8 it's brighter red. I mean, I think it was just bleeding,
9 or we actually abraded it and it had some blood in it. I
10 didn't describe that one.

11 Q And, Dr. Wren, is that a fair and accurate depiction
12 of the left side of Ms. Gray's neck?

13 A Yes, the one -- ones that I described, yes.

14 MS. MABBS: Your Honor, at this time the state would
15 move Exhibit 31 into evidence.

16 MR. WHELCHEL: Same objection as before, Your Honor.

17 THE COURT: I'll allow it.

18 (Photograph marked State's Exhibit No. 31.)

19 Q Now, Dr. Wren, you -- when you went through your
20 general findings you noted head contusions, some wounds on
21 the face, the neck wounds and bruising, elbow and bicep
22 bruising, the defensive wound, as well as some injuries to
23 the knee and thigh.

24 Overall, Dr. Wren, what -- were those contributing to
25 the cause of death?

Dr. John David Wren
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1 A The -- the neck wounds were. The others, she would
2 have survived those more than likely. There was nothing
3 that was so traumatic that -- like the contusions. They --
4 they could have, later could have, but not -- not at the
5 time of death.

6 Q Then, Dr. Wren, based on your autopsy within a
7 reasonable degree of medical certainty are you able to form
8 an opinion as to the actual cause of Ms. Gray's death?

9 A I attributed that to respiratory insufficiency
10 secondary to manual strangulation. And then I called the
11 contributing factors aspirated blood with sharpened blunt
12 force trauma to the head and neck.

13 Q And, Dr. Wren, just for my sake, when you say manual
14 strangulation, does that mean with your hands or --

15 A Yes.

16 Q And, Dr. Wren, you did mention that the wound to her
17 thumb -- and I believe it was State's Exhibit 30 or 32 --
18 as a defense wound, can you explain to us what you mean by
19 a defensive wound?

20 A As this altercation was going on she probably put her
21 hand up and -- and the object was drawn across there and --
22 and tore her thumb or the nail itself.

23 Q And would that be enough to transfer some D.N.A.
24 underneath to be underneath that fingernail?

25 A I don't think the object would have done it unless the

Dr. John David Wren
Cross-examination by Mr. Wheelchel

1 person had gotten an injury and actually got blood on it,
2 but as part of the grabbing of her neck as these things
3 were going on she could have gotten some from the
4 perpetrator.

5 Q Thank you, Dr. Wren. I have no further questions.
6 Please answer anything Mr. Wheelchel may have.

7 CROSS-EXAMINATION

8 BY MR. WHEELCHEL

9 Q Do you have your autopsy with you, your report with
10 you, Dr. Wren?

11 A Sir?

12 Q Do you have your report with you?

13 A Yeah. I have a copy of the report and a black and
14 white, as well as a color, photograph of the neck. And I
15 have my -- I have a toxicology report that I eventually
16 received, and I have my autopsy worksheet appended to it,
17 which is not provided to the coroner.

18 Q Yes, sir.

19 A Usually.

20 Q Okay. The date of her death, do you have that, sir?

21 A Sir?

22 Q Do you have the date of her death?

23 A They can't -- it was shortly after midnight, was when
24 the fire was reported. And I usually do them the next day.
25 So I would assume her date of death was around midnight on

Dr. John David Wren
Cross-examination by Mr. Welchel

1 the 13th or the 14th, I mean, midnight a.m. on the 14th or
2 late on the -- or late on the 13th or shortly before
3 midnight. That's the best I can tell.

4 Q Shortly before midnight on the 13th or just after
5 midnight on the 14th.

6 A On the 14th, yes.

7 Q June?

8 A Pardon?

9 Q 14th of June of 20 --

10 A Yes, unless there was circumstances that I didn't do
11 the autopsy until later. They didn't -- they usually don't
12 tell me exactly. I mean, I don't record exactly when they
13 die. I do try to get enough history to tell when they did.

14 Q The date of the autopsy, according to your report, is
15 June the 14th at about 1:25 p.m., is that correct?

16 A Yes. That's correct.

17 Q Okay. Would it surprise you to know, sir, that the
18 fire was not called in and all of the officers who
19 responded were not called in until June the 17th?

20 A Well, actually I don't understand. My worksheet says
21 the 17th, was when the autopsy was done.

22 Q But the report that you've been testifying from --

23 A Pardon? The report I testified from was transcribed
24 as the 14th, yes.

25 Q Okay.

Dr. John David Wren
Cross-examination by Mr. Welchel

1 A And I just used the front of that sheet to do -- I
2 didn't look at the -- I did not look at the worksheet until
3 just now.

4 Q And the worksheet would be those two pages --

5 A Yes.

6 Q -- on top that are written in hand?

7 A Pardon?

8 Q That are written by you in hand, is that correct?

9 A No. That's not my writing. That's whoever did the
10 assisting. We don't -- sometimes they don't put it down
11 who assisted, but it was made out by whoever recorded all
12 that.

13 Q Okay.

14 A Now, some of the writing on this page is mine. For
15 instance, the external observations and the samples
16 obtained and the -- the vitreous analysis and the urine
17 analysis that we do, actually that was sampled at 5:35 a.m.
18 on the 17th of June. And I was the one that wrote down,
19 "Received one sexual assault kit."

20 And the person I transferred it to actually was the
21 John D. Burgess. I always ask them to sign their name,
22 because I usually can't read it, and print their name.
23 That must -- that has to be in his handwriting.

24 And then the second page, none of that writing is
25 mine, because usually the person that's helping the

Dr. John David Wren
Cross-examination by Mr. Whelchel

1 coroner's case, we call out the weights as we record them.
2 And they were the ones that write those in. I check those
3 right afterwards. But I definitely made a mistake on the
4 dictation date evidently.

5 Q When you say you received the sexual assault kit, does
6 that mean you received it from someone else?

7 A No, no. I -- I did the entire kit myself.

8 Q You do that first.

9 A Yeah, before I -- before I do the autopsy, yes.

10 Q Okay.

11 A And I fill out, usually fill out, everything.

12 Sometimes I ask the morgue attendant to write the time I
13 sampled it and the name of the thing. But I package them
14 all up myself as I'm doing them. Then I put them in the
15 kit itself.

16 And what I did was on the -- on this page rather than
17 have a separate evidence thing, I always write in received
18 by who or what they received and get them to sign it.

19 Q You say this fingernail wound is a possible defensive
20 wound, is that correct?

21 A Yes.

22 Q But you can't tell when that defensive wound -- if it
23 was a defensive wound, you can't tell when it was
24 inflicted.

25 A Not exactly, no. You can't tell when the -- when the

Dr. John David Wren
Cross-examination by Mr. Whelchel

1 abrasions were inflicted time-wise to each other either.

2 Q Okay.

3 A You can surmise sometimes. You know, if somebody got
4 shot with two bullets and one hit the other one, you could
5 tell which one probably came first. That happens rarely,
6 but it has happened.

7 Q Can you see that scratch, sir?

8 A Sure.

9 Q Okay. But you can't tell if that was a defensive
10 wound?

11 A No, I can't tell that.

12 Q Okay. You can't tell when that wound was inflicted.

13 A Well, it wasn't two weeks ago.

14 Q You're right about that. You can't tell me who
15 inflicted that wound.

16 A No. I can't.

17 Q Okay.

18 A Could have been a cat.

19 Q Could have been a human too, is that right?

20 A Pardon?

21 Q Could have been a human too, is that right?

22 A Sure. Well, yeah, probably.

23 Q Thank you, sir.

24

25

Dr. John David Wren
Redirect examination by Ms. Mabbs

1 REDIRECT EXAMINATION

2 BY MS. MABBS

3 Q Just very briefly, Dr. Wren.

4 Dr. Wren, I believe you stated that your worksheets
5 list the date of June 17th, is that correct?

6 A Yes.

7 Q Okay. So would it be fair to say that the date of
8 June 14th on the front of the report is a scribner's error?

9 A That's an error, I guess.

10 Either -- well, usually when I dictate the thing, the
11 autopsy, I usually look at the date autopsied. And of
12 course I look up to dictate. And I probably remembered the
13 14 from the year, of course, except a 14, and I probably
14 just said that.

15 Now, I don't know why the lady that does the
16 transcribing for me -- she usually looks at these pretty
17 closely. And this is the first time I've ever seen
18 anything like this happen.

19 But it does say that -- that in the toxicology thing,
20 it says that the incident date was 6/17/2014 on the
21 toxicology report.

22 And the worksheet that I have -- I don't have a copy
23 of the report from the laboratory where we do the vitreous,
24 where we sample the eye fluids. They usually -- some
25 of the -- some of the components that are measured in

Dr. John David Wren
Redirect examination by Ms. Mabbs

1 blood, of course, are in the vitreous. And once a person
2 dies some of them stay the same. Others will change over
3 time.

4 For instance, in what's called a basic metabolic
5 profile of blood we do sodium chloride, potassium, carbon
6 dioxide, calcium, glucose, B.U.N., which is blood urea
7 nitrogen, and creatinine, as well as an alcohol. Those --
8 well, an alcohol is a separate test, but those six tests
9 are done on blood as a basic metabolic profile.

10 All of those are present in the eye fluid. The sodium
11 stays the same. It doesn't change very much. The chloride
12 doesn't change hardly any after death. The potassium does.
13 The potassium at one was the -- was the component of the
14 eye fluid where you can actually as time goes by, you can
15 actually do a correlation as to what the potassium will be.

16 However, the potassium in the blood normally is three
17 and a half to five and a half units. And -- and so when a
18 person dies if it's in equilibrium with the blood it could
19 be three and a half and be normal. It could be five and a
20 half or five and be normal. So you don't know where it
21 started out. You just know that it linear increases after
22 death.

23 So occasionally I have done when there was a question,
24 a real question, as to when that person died, I will take
25 the vitreous from one eye and maybe 20 hours later or

Dr. John David Wren
Redirect examination by Ms. Mabbs

1 sometime later. -- I just did one recently -- I'll take the
2 other eye later. And you can -- you can tell how much it's
3 changing linearly over time. Then you can extrapolate back
4 to the normal area and get some kind of indication as to
5 when it happened.

6 In the case that I'm talking about, the example, the
7 shorter the time after death the more error you can have.
8 But I was within -- actually it's the case up at one of the
9 murders up here -- there was a question as to what
10 happened. And so I did that one. And I got between
11 8:30 and -- and 1:00 a.m. for that death, which correlated
12 real well with what they think happened.

13 But those -- the potassium increases linear after
14 death, and it can get up to 30. I've seen it up to 30.
15 CO2 decreases after death, but it does give you an
16 indication of what it was.

17 Glucose actually decreases all the time. As soon as
18 one person dies it starts going down. So if it's -- if
19 it's below normal limits or essentially zero, one cannot
20 tell unless you took it right after death as to whether
21 that person was hypoglycemic. But if it was 600, then you
22 could tell that they were -- had an increase glucose before
23 they died and they were diabetic. And that would give you
24 an indication they might have died from diabetic
25 ketoacidosis.

Dr. John David Wren
Redirect examination by Ms. Mabbs

1 The calcium stays the same; the B.U.N. stays the same;
2 and the creatinine stays the same. So we do those to give
3 us an indication as to their state of hydration also,
4 because in her case her sodium was 141, and a normal sodium
5 in you or me or anybody in this room would be normally
6 about 135 to 145. Everybody has a set point.

7 Now, mine might be 144 and somebody else's might be
8 136. But once it's disturbed for any reason the body will
9 reset it back to about what it's supposed -- what it was
10 before then. Everybody has a homeostatic set point for
11 that just like temperature.

12 Q Okay. And, Dr. Wren, I know Mr. Welchel was asking
13 you about the defensive wounds. When you refer to
14 something as defensive, is that based off of your
15 experience and training?

16 A Yes.

17 Q And --

18 A We look for any type of wound that might be associated
19 with what they have on their hands. Or sometimes when
20 people are stabbed they'll grab the weapon and they'll get
21 incised wounds inside their fingers.

22 Recently I had one where the person got hit with
23 probably a hatchet or something like that, and it actually
24 went through his -- it was more like a sharp pointed
25 hatchet, like a -- like a battle ax, something like that --

Dr. John David Wren
Redirect examination by Ms. Mabbs

1 went through his hand, broke his -- broke his bone in his
2 thumb and came out the other side. So no doubt that was a
3 defensive wound.

4 Q So while you weren't there to personally see if it was
5 or was not, this is based off of the literally thousands
6 of --

7 A It's consistent with it, yes.

8 Q -- autopsies you've done.

9 A I couldn't say. You know, she could have -- she could
10 have caught it on, I guess, a bad place on a door and torn
11 it but -- but it's evidence that might be pertinent.

12 Q And while you can't say exactly when a wound might
13 have been inflicted, whether it's the contusions or the --
14 the puncture wounds that you mentioned to her neck, for
15 example, the puncture wounds --

16 A They weren't postmortem. That's for sure. And they
17 were severe enough to where they weren't done several hours
18 before she passed away.

19 Q And so, Dr. Wren, just to make sure that we're on the
20 same page, what was her actual date of death?

21 A Well, I'm pretty sure based on that vitreous where I
22 do have the time it was taken -- it was sampled in her
23 case. I wrote down the actual time of death, I mean, the
24 time it was taken was 6:17 at 5:35 a.m. I've got that
25 written down here on the copy.

Dr. John David Wren
Recross-examination by Mr. Wheelchel

1 Also, when -- sometimes when the evidence officers
2 take the -- sign for these they'll put the time and date,
3 but they didn't do it in this case. He just signed it
4 acknowledging he did it. But, nevertheless, the date of
5 autopsy written at the top is 6/17/14 and the time at
6 1:25 p.m. I just made a mistake in my dictation evidently,
7 and she did not catch it.

8 Q Thank you, Dr. Wren. I have no further questions.

9 RECROSS-EXAMINATION

10 BY MR. WHELCHER

11 Q This scribe's error, sir --

12 A Sir?

13 Q This scribe's error that we're talking about --

14 A It's probably my error. I take responsibility. I
15 didn't see it either evidently.

16 Q Nobody else saw it either. Thank you, sir.

17 A Shows I'm human.

18 Q Yes, sir.

19 THE COURT: Thank you, sir.

20 Any reason why the witness cannot be excused?

21 MS. MABBS: Not from the state, Your Honor.

22 MR. WHELCHER: No, sir.

23 THE COURT: Thank you, sir. You may be excused as
24 well.

25 (Whereupon, the witness was excused.)

1 MR. GRAY: The state rests, Your Honor.

2 THE COURT: Is the defense ready to proceed?

3 MR. WHELCHER: The defense would have motions at this
4 time, Your Honor.

5 THE COURT: All right. I'll be more than happy to
6 entertain the motions.

7 MR. WHELCHER: Your Honor, dealing with Indictment
8 No. 16-3027, arson third degree, the state claims that my
9 client did on June the 17th wilfully and maliciously set
10 fire to, burn, cause to be burned -- cause to be burned a
11 burning that resulted in damage to the dwelling house of
12 the victim, Willie Mae Gray, in violation of 16-11-110.

13 There has been no testimony submitted in this
14 courtroom that places my client inside that particular
15 home. There's been no witness that testified that they saw
16 him in that home or that they saw him going in that home or
17 that they saw him leaving that home.

18 There is no question but the fire had to start inside
19 the home, but there's no testimony putting him inside the
20 home.

21 That, I believe, is a serious lack of evidence,
22 serious enough to require that this case's directed-verdict
23 motion be granted, Your Honor.

24 Indictment No. 16-3026, an indictment for burglary in
25 the first degree, alleges my client did in Spartanburg

1 County on the 17th of June of 2014 enter a dwelling located
2 at [REDACTED] Overbrook Circle with the intent to commit a crime
3 in the dwelling.

4 At -- I don't know which allegation that they're going
5 with, Your Honor, in all of this.

6 But, again, just like the arson indictment, there's
7 been no testimony from any of the witnesses produced by the
8 state that my client was seen going in or leaving that
9 particular residence.

10 There's been no evidence presented to this Court of
11 any fingerprints. It's exactly the opposite. They dusted
12 for prints, found a print on the front door, and that print
13 did not match my client, Your Honor.

14 For those reasons I would make the motion for a
15 directed verdict of not guilty.

16 Finally, Your Honor, Indictment 30 -- excuse me --
17 16-3028, the indictment for murder, alleges that on the
18 same date, June the 17th, my client did feloniously,
19 wilfully and with malice aforethought kill one Willie Mae
20 Gray by strangulation, blunt force trauma to her head. The
21 victim died as a proximate result thereof in violation of
22 16-3-10.

23 And while there may be testimony from Dr. Wren that
24 this lady unfortunately met her demise through a
25 strangulation, there is no evidence submitted at this time

1 by the state, again, that my client was in that home and
2 strangled this lady.

3 They have not produced any evidence to this court to
4 put my client in that house starting that fire, breaking
5 into that house or assaulting Ms. Gray that led to her
6 death.

7 The pathologist just testified that the possible
8 defensive wound, he can't be sure when it was inflicted or
9 where it was inflicted or under what circumstances it could
10 be inflicted.

11 For all of those reasons, Your Honor, I'm making a
12 motion for a directed verdict of not guilty.

13 THE COURT: Yes, sir.

14 MR. GRAY: Yes, sir, Your Honor.

15 In this case we have never alleged any direct evidence
16 in this situation involving this defendant. It is a purely
17 circumstantial case, but the circumstances do add up in
18 this situation.

19 Dr. Wren testified that this is a -- the victim had
20 defensive wound to her hand, finger, most likely coming
21 from scratching or fighting off the defendant while she was
22 being assaulted, as she was being choked. And that's where
23 that came from. As to the expert, that's what he testified
24 to, that this was a defensive wound.

25 The D.N.A. under the victim's fingernails places the

1 defendant in her home at [REDACTED] Overbrook Circle.

2 There was no testimony that he was ever there in her
3 house. The only time he was there was when he was
4 committing this crime as the D.N.A. showed. He was present
5 at [REDACTED] Overbrook Circle committing this murder against Ms.
6 Willie Mae Gray.

7 That circumstance backs up to testimony you heard
8 about, unfortunately, Ms. Gray's deceased husband who had
9 allegedly had cash in the house who may -- who may not have
10 believed it. But you could see through the photos, again,
11 the house was ransacked. There was an open safe in the
12 house.

13 The D.N.A. from the victim places the defendant in the
14 home. He was there doing whatever he was going to do.
15 Circumstantially, the state's case is he was there to get
16 money. There was no money there.

17 There was a choking of the victim. After the victim
18 was choked, after the victim was killed, after the
19 ransacking, you heard fire marshals and firemen testify
20 that this was not the opportune place for anyone to set a
21 fire.

22 A fire was set and, again, circumstantially, that the
23 state's presentation is that to -- the fire was set to
24 cover up the murder in this situation, which was not
25 effective at all according to the fire marshal, Brad Hall,

1 and Fireman Gosnell.

2 They came there. They put out the fire. There is
3 testimony about some cigarette butts outside the home.
4 Only two people in the home during the burglary, during the
5 murder and during the fire were the defendant and the
6 victim -- the defendant and the victim.

7 You heard from a D.N.A. analyst who said there was a
8 mixture of just two. Has to be the D.N.A. of the victim
9 and the defendant.

10 CODIS. It came back to a Spencer Middleton, an alias
11 he acknowledges. Detectives went back and got a search
12 warrant and a consent form from Mr. Matthews, a/k/a
13 Mr. Middleton, for his D.N.A.

14 They didn't just take the CODIS hit. They went back
15 to get more, a deeper, verification that Mr. Matthews was
16 the only one in that house with the victim.

17 Again, Your Honor, we're not saying that there is
18 direct evidence and direct testimony. Circumstantially, in
19 this situation with the D.N.A. and with the burglary where
20 he comes into the house with the intent to commit a crime
21 and injures, or actually in this case murdered, the victim,
22 sets the fire to cover it up.

23 we never alluded to Mr. whelchel or anyone that
24 there's going to be someone hiding in the shadows who
25 watched this attack there, but circumstantially it links up

1 and adds up.

2 There's a chain of facts and circumstances indicating
3 that Mr. Matthews came into the home. He says on his
4 interview he's never been there. Came to the home,
5 murdered the victim, ransacked the house and found nothing,
6 tried to start a fire to cover it up, went to his
7 girlfriend's house smelling of smoke, took a shower full of
8 clothes.

9 All of these circumstances, Your Honor, taken in the
10 light most favorable to the state in this situation, in
11 this directed-verdict motion, I believe all three causes of
12 action survive a directed verdict, Your Honor.

13 MR. WHELCHER: Your Honor, the state is required when
14 they bring a case to be tried in this court if they're
15 relying on circumstantial evidence, the state has to bring
16 a case with substantial circumstantial evidence.

17 Ultimately, the trier of fact determines whether or
18 not there is substantial circumstantial evidence. Actually
19 if there was -- if this were a jury trial the judge would
20 determine before it went to the jury whether there was
21 substantial circumstantial evidence to begin with.

22 Now, I disagree with Mr. Gray's characterization of
23 this evidence that they allegedly have.

24 There has been some disputed testimony of the smell of
25 smoke. Your Honor heard that for probably longer than he

1 wanted to.

2 There is testimony of D.N.A. under the lady's
3 fingernail. Both the coroner -- excuse me -- both the
4 pathologist and the expert from SLED testified that they
5 can't tell when that was placed there, under what
6 circumstances that was placed there, how long it's been
7 there.

8 I asked the lady who was testifying -- I forget her
9 name, Your Honor -- how long that it had been there and
10 what is the shelf life of D.N.A. And we all know that it
11 has no shelf life. Providing test, doing things with
12 dinosaurs or what may have been dinosaurs ever how many
13 million or billion years ago through D.N.A.

14 It is incumbent upon the state to present to the
15 Court, especially in a circumstantial case, evidence that
16 is substantial, substantial enough to allow the case to go
17 to the jury.

18 Now, I of all people understand painting with broad
19 strokes. I've said that myself on numerous occasions. In
20 this case these strokes are too broad as to be accepted.

21 The only thing that we have is speculation. They want
22 the Court to make the jump that because there's D.N.A. that
23 my client was there, because there was D.N.A. my client set
24 the fire, because there was D.N.A. my client committed the
25 burglary, because there was D.N.A. my client committed the

1 murder. But they don't have evidence of that.

2 They have evidence of D.N.A., and D.N.A. in and of
3 itself does not -- does not prove when or where or how or
4 why or even if. And if is the biggest question, because
5 they have to prove through substantial evidence,
6 substantial circumstantial evidence, in these cases when
7 they have no direct evidence.

8 And there is no question that there is no direct
9 evidence. Nobody saw him in or out of the house. Nobody
10 heard him make any statements concerning I killed her, I
11 didn't kill her, any of that. And nobody saw him commit
12 any kind of fire. There's nothing from the testimony of
13 the fire marshal who testified that relates to my client.

14 For all of those reasons, Your Honor, I believe that
15 the state has made insufficient evidence in this case.
16 They have not met the burden of providing to the court
17 substantial circumstantial evidence that would allow this
18 case to go forward past this point. And I would renew my
19 motion for a directed verdict of not guilty on all three
20 charges.

21 THE COURT: All right. I'm going to step down just
22 for a moment. I'll come right back.

23 (Whereupon, a recess was taken.)

24 THE COURT: All right. This is a stage of the trial
25 where the defense has made the appropriate motions.

1 At this stage of the trial the Court -- the standard
2 of which this Court plus apply in reviewing the evidence is
3 that it has to view it in the light most favorably to the
4 state and draw inferences in a light that's also favorable
5 to the state.

6 While the defense counsel, I think, makes a correct
7 statement of the law at this stage, I would have to deny
8 all motions based upon the standard of review this Court
9 has to apply to the evidence that has been presented.

10 All right. Is the defense ready to proceed?

11 (Pause.)

12 MR. WHELCHER: The defense calls Rasheen Matthews,
13 Your Honor.

14 THE COURT: Do you want me to review with him his
15 right to testify and get him on the record that he does, in
16 fact, wish to exercise that right?

17 MR. WHELCHER: I would, Your Honor. And if I may, I
18 would like to inquire, and I think my client wishes to too.
19 Has Your Honor already reviewed the tape, that item?

20 THE COURT: Not in full.

21 MR. WHELCHER: Okay. All right.

22 THE COURT: All right.

23

24

25

Alexander Rasheen Matthews
Examination by the Court

1 ALEXANDER RASHEEN MATTHEWS,
2 having been first duly sworn, testified as follows:

3 THE COURT: All right, sir. I tell you what.
4 why don't you have a seat in the red chair and just
5 pull the red chair up to the microphone. Watch your step
6 up.

7 All right. Mr. Matthews, at this time I'm going to
8 review with you issues involving your right to testify or
9 your right not to testify under the constitution. I've
10 just got a few questions for you.

11 Now, at this time I'm going to explain to you certain
12 of your rights. If you do not understand anything that I
13 say to you, please let me know. And if you want me to
14 explain anything in more detail, please let me know that as
15 well. Okay?

16 THE WITNESS: Yes, sir.

17 THE COURT: All right. We have now reached the stage
18 of the trial where you may present your defense.

19 You have the right to claim the protections given to
20 you by the Fifth Amendment to the Constitution of the
21 United States.

22 This amendment states, in part, no person shall be
23 compelled in any criminal case to be a witness against
24 himself.

25 This means that you cannot be required to testify in

Alexander Rasheen Matthews
Examination by the Court

1 this case. You have the right to testify on your own
2 behalf. However, no one can make you testify. This is a
3 personal right, and no one can waive this right except you.

4 If you decide to testify you will be subject to the
5 same rules that govern other witnesses, and you may be
6 examined and cross-examined on any relevant issue in the
7 case.

8 In addition, if you have any convictions involving
9 dishonesty or false statements or for crimes punishable by
10 imprisonment for more than one year and this Court
11 determines that the probative value of admitting this
12 evidence outweighs the prejudicial effect to you, the
13 solicitor will be able to introduce your record to attack
14 your credibility.

15 Now, if you decide to testify this decision on your
16 part must be freely, voluntarily and intellectually made
17 with knowledge of the protections given to you by the Fifth
18 Amendment and the consequences of your decision to testify.

19 If you decide not to testify I, as the finder of fact,
20 will not give that fact any consideration whatsoever and
21 there will be absolutely no prejudice to you because you
22 did not testify. But it is left entirely up to you whether
23 or not you will testify.

24 Now, you may talk with your lawyer, your family, your
25 friends, or anyone else, but the final decision will be

Alexander Rasheen Matthews
Examination by the Court

1 left up to you whether or not you testify.

2 Now, do you understand what I've just explained to
3 you?

4 THE WITNESS: Yes, sir.

5 THE COURT: All right. And do you have any questions
6 about anything that I've just explained to you, or do you
7 feel you need to want to speak with your lawyer about
8 anything that I've just explained to you?

9 THE WITNESS: No, sir.

10 THE COURT: All right. Have you discussed this issue
11 of your right to testify or not to testify with your
12 lawyer?

13 THE WITNESS: Uh-huh.

14 THE COURT: And you don't wish to speak with him any
15 more about this.

16 THE WITNESS: No, sir.

17 THE COURT: All right. And, Mr. Matthews, do you wish
18 to testify or not testify in this case?

19 THE WITNESS: I want to testify.

20 THE COURT: All right. Are you satisfied with the
21 work that your lawyer has done so far?

22 THE WITNESS: Yes, sir.

23 THE COURT: Has anybody threatened you in any way or
24 promised you anything in order to get you to make the
25 decision to testify?

Alexander Rasheen Matthews
Direct examination by Mr. Whelchel

1 THE WITNESS: No, sir.

2 THE COURT: Am I correct to conclude that your
3 decision to testify in this case, that it is a free and
4 voluntary decision by you?

5 THE WITNESS: Yes, sir.

6 THE COURT: Then we will proceed.

7 Yes, sir.

8 MR. WHELCHER: I would like to add additional matters,
9 Your Honor, just a couple of things.

10 DIRECT EXAMINATION BY MR. WHELCHER

11 Q Mr. Matthews, it is my position that you should not
12 testify. And I have told you that, is that correct?

13 A Yes, sir.

14 Q And you decided to do that anyway.

15 A Yes, sir.

16 Q It was my position earlier that you should have a jury
17 trial and not a bench trial. And I told you that, is that
18 correct?

19 A Yes, sir.

20 Q But you decided to have a bench trial anyway.

21 A Yes, sir.

22 Q All right. Thank you, sir.

23 Now, Mr. Matthews, how old are you?

24 A Forty-eight.

25 Q Where are you from, sir?

Alexander Rasheen Matthews
Direct examination by Mr. Whelchel

1 A Charleston, South Carolina.

2 Q Okay. How far did you go in school, Mr. Matthews?

3 A All the way.

4 Q Did you graduate high school?

5 A Yes, sir.

6 Q Okay. Tell us how you came to live in Spartanburg and
7 when that happened.

8 A I was in prison. I committed a crime. Somebody
9 sexually assaulted my wife. I stabbed him. He died.

10 When I was getting out my uncle, Mr. Mitchy Johnson
11 who lived in Spartanburg, he owned a halfway house. He
12 told me to come live with him. It changed my life and
13 everything.

14 Q You need to speak up a little bit because she's taking
15 down everything you say. You know I'm wearing hearing
16 aids.

17 A Okay.

18 Q And you're kind of hoarse.

19 A All right.

20 Q So speak up a little bit.

21 Go ahead and continue, sir.

22 A And I went to church. I met this young lady, Sandra
23 Brewton.

24 My uncle told me do not go there, it'll be a bad
25 thing, because I don't know nothing about Spartanburg. I

Alexander Rasheen Matthews
Direct examination by Mr. Whelchel

1 didn't listen to him. I went anyway.

2 So I moved in with her. She started acting crazy and
3 wanted my money and stuff like this right here.

4 Q What money?

5 A My social security money and stuff like this. I get
6 disability.

7 Q Okay.

8 A I have seizures.

9 Q How long have you had seizures, sir?

10 A All of my life.

11 Q Do they know what caused them?

12 A No.

13 Q You take medication for those seizures?

14 A Yes, sir.

15 Q You were living with Samantha Brewton -- excuse me --
16 Sandra Brewton. I'm sorry.

17 A Yes, sir.

18 Q And at some point about two weeks after Ms. Gray died
19 you and Sandra Brewton broke up, is that correct?

20 A Right.

21 Q Okay. And then that would have been in late June of
22 2014, is that correct, sir?

23 A Right.

24 Q And then in April of 2015 Sandra Brewton gave --
25 excuse me -- this to investigators, is that correct?

Alexander Rasheen Matthews
Direct examination by Mr. Welchel

- 1 A Correct.
- 2 Q Did you put that tinfoil on there?
- 3 A No.
- 4 Q Okay. But that is a prescription for you, is that
- 5 correct, sir?
- 6 A Yes, sir.
- 7 Q Okay. Did you meet while you were living with Sandra
- 8 Brewton -- did you meet Ms. Gray?
- 9 A By her.
- 10 Q Okay. Did you come to know her sister, Samantha
- 11 Brewton?
- 12 A Yes.
- 13 Q And Samantha Brewton lived directly across the street
- 14 from Ms. Gray, is that correct?
- 15 A Yes, sir.
- 16 Q Okay. Had you ever been in her house -- Ms. Gray's
- 17 house?
- 18 A No, sir.
- 19 Q But you knew Ms. Gray.
- 20 A Yes, sir. I know of her.
- 21 Q Okay. You didn't know her for a long period of time,
- 22 is that correct?
- 23 A Correctly.
- 24 Q You met her through the Brewton sisters, is that
- 25 correct?

Alexander Rasheen Matthews
Direct examination by Mr. Wheelchel

1 A Correctly.

2 Q Okay. And tell me how you met Ms. Gray.

3 A Well, she had come to Ping-Ping house.

4 Q When you say Ping-Ping, not everybody knows who you're
5 talking about.

6 A Okay. Samantha.

7 Q Samantha Brewton.

8 A Samantha.

9 Q Okay.

10 A And she be with Samantha's sister sometime, and they
11 will borrow money from her. They don't like to pay the
12 lady money back. Sometimes she gets upset and say she's
13 going to call the cops. Then they be wanting to pay the
14 money back.

15 Sometimes when I get paid I pay the money back for
16 them. One sister say this is the hit on drugs; the other
17 sister say this one on drugs. Me, I'm saying I'm getting
18 ready to get out of this family because they crazy. One
19 night --

20 Q Where were you working when all of this took place,
21 sir?

22 A Well, I wasn't working. I do a little work for my
23 Uncle Fred with Face to Face Cleaning Company.

24 Q Okay.

25 A And sometime he'll take me with them. So one night me

Alexander Rasheen Matthews
Direct examination by Mr. Whelchel

1 and Sandra went walking.

2 Q Wait a minute. What kind of work did you do for this
3 cleaning company?

4 A Oh, I just wiped down windows.

5 Q Did you do pressure washing?

6 A Sometime.

7 Q Okay. Now, going back to how you met Ms. Gray, how
8 did that happen?

9 A Sometimes she had come to Sandra's house. They'll go
10 places. When I'm chilling -- excuse me -- I won't say
11 chilling. But just being home and looking at T.V. and
12 everything like this right here, she'll come and pick up
13 Sandra and take her places. Sometime bring her to the
14 county jail. She could put money on a key, books and stuff
15 like this right here because she don't have transportation,
16 because I can't drive because I have seizures.

17 Q Sandra doesn't have a car?

18 A No. So I don't have one neither because I can't drive
19 because I have seizures, right.

20 Q Yes, sir.

21 A So Ms. Peewee will come and pick her up. They'll go
22 places. They be gone for a while. Sometime three or four
23 hours. They might go to the flea market and everything
24 like this right here. Come back, because I take care of
25 Ms. Brewton's son till she come back.

Alexander Rasheen Matthews
Direct examination by Mr. Whelchel

1 So sometimes Ping-Ping'll come over. Ms. Brewton
2 don't like Ping-Ping to come to her house all of the time
3 because she got a drinking problem.

4 Q Ms. Gray or Ms. Brewton?

5 A Ms. Brewton.

6 Q Okay. Now, did you have an occasion to witness an
7 altercation between Samantha Brewton and Ms. Gray?

8 A Yes. I do.

9 Q Okay. And did you get involved in that altercation?

10 A Well, I had to break it up.

11 Q Okay. And when you broke it up, what happened?

12 A Okay. This is how it went down. Tell you the whole
13 thing.

14 Me and Sandra went walking to the store one night. It
15 was Monday, June 16th, 2014. We went and got some
16 cigarettes and beer.

17 So as we coming back, we stopped at Ping-Ping house.
18 That's when I see Peewee there getting on her about owing
19 her some money and stuff like this right here.

20 Q When you say Peewee, you talking about Ms. Gray.

21 A Yes.

22 Q Okay. Go ahead.

23 A She had owed her some money. She supposed to do
24 the -- pay her light bill because she had give her a money
25 order for about \$400. She be taking the money order and

Alexander Rasheen Matthews
Direct examination by Mr. Whelchel

1 don't put it in.

2 So Peewee said, "That's my shirt you got on too," and
3 tried to rush her and get the shirt and stuff like this
4 right here.

5 They acted like they wanted to gang the young lady,
6 right, so I stepped in and said don't do that to her. You
7 understand what I'm saying? They start cussing and all of
8 this right here. I said, "Man, you leave the woman alone.
9 Leave the woman alone. You owe her her money, give her her
10 money." She said stay out of it. So she was drinking.
11 Peewee wasn't drinking there at times the day. She just
12 wanted her money. They be tricking the woman, keep
13 tricking her and tricking her. Said, man, I'm getting
14 ready to go. She said she was going to call the cops.

15 After that me and Sandra went back to her house. I
16 lay, chill, for a while. I said, "Why you didn't help the
17 lady get the money back from your sister?" She said mind
18 my damn business.

19 MR. GRAY: Objection. Hearsay, Your Honor.

20 THE COURT: All right. I will sustain the objection.
21 Go ahead.

22 A So.

23 Q Did you in the process of breaking this fight up
24 between these ladies get scratched?

25 A Yes, I did.

Alexander Rasheen Matthews
Direct examination by Mr. Welchel

- 1 Q By who?
- 2 A Ms. Peewee.
- 3 Q Okay.
- 4 A It just suppose to nick, but it brought a little
- 5 blood. This right here. One little nick.
- 6 Q Okay. Go ahead, sir.
- 7 A And after that I went to sleep. Next thing I know the
- 8 sister called -- Sandra -- and said --
- 9 MR. GRAY: Objection.
- 10 A Ms. Peewee --
- 11 THE COURT: I will sustain the objection.
- 12 A And said Ms. Peewee --
- 13 THE COURT: I sustained the objection.
- 14 Q You can't say what somebody else said. That's
- 15 hearsay.
- 16 A Oh, okay.
- 17 Q Okay. While you were at Sandra's house where you were
- 18 living did she receive a phone call?
- 19 A Yes.
- 20 Q Did you hear the person on the other end of the phone?
- 21 A Yes, I did.
- 22 Q Okay. Can you identify that person's voice?
- 23 A Yes.
- 24 Q Who was it?
- 25 A Ping-Ping.

Alexander Rasheen Matthews
Direct examination by Mr. Whelchel

1 Q Samantha Brewton.

2 A Yes.

3 Q Okay. And without saying what Samantha Brewton said,
4 did you obtain knowledge that Ms. Gray had been in a fire
5 or there was a fire at her house?

6 A Yes.

7 Q And you had a conversation with Sandra Brewton after
8 that.

9 A Correct.

10 Q You asked Sandra Brewton if she was going up to there?

11 A Well, I asked her just to go up there. She said, no,
12 that's not my family, I ain't got nothing to do with that.

13 Q All right. Did she send somebody else up there the
14 next day?

15 A Not to my knowledge because I went to work.

16 Q What time did you go to work the next morning?

17 A About 7:30 to 8:00 o'clock every morning. The ride
18 come and pick me up in front of her house.

19 Q Let me ask you a question.

20 Before you got home that night had you been to
21 Ms. Gray's house?

22 A No.

23 Q Did you go into Ms. Gray's house and start a fire?

24 A No.

25 Q Did you go into Ms. Gray's house and burglarize the

Alexander Rasheen Matthews
Direct examination by Mr. Whelchel

1 house?

2 A No.

3 Q Did you take anything from the house?

4 A No.

5 Q Nobody has ever made the claim that you took anything
6 from the house.

7 A No.

8 Q Okay. Did you strangle Ms. Gray?

9 A No. Only one have a key to her house sometime is
10 Ping-Ping. She the only one go in there and wash her
11 clothes and stuff like this right there.

12 Q The lady that lived across the street --

13 A Yeah, Ms. Peewee.

14 Q -- had a key to the house.

15 A No. Ping-Ping got a key to her house.

16 Q That's who I'm talking about. Samantha Brewton,
17 Ping-Ping --

18 A Uh-huh.

19 Q -- had a key to Ms. Gray's house.

20 A Yeah.

21 Q And she would wash her clothes there?

22 A Yeah, Ms. Peewee would let her wash the clothes there.

23 Q Okay. And these are the two people that you broke up
24 the fight between.

25 A Yeah.

Alexander Rasheen Matthews
Cross-examination by Mr. Gray

1 Q Okay.

2 A Shanna wasn't going to do nothing. She acted like she
3 was trying to help it.

4 MR. WHELCHER: Beg the Court's indulgence, Your Honor.
5 (Pause.)

6 Q Now, these two officers came to see you when you were
7 in Evansville [sic], correct?

8 A Correctly.

9 Q Okay. And you talked with them.

10 A Yes.

11 Q Correct?

12 A Yes, sir.

13 Q And you told them about your relationship with all of
14 these people involved.

15 A Correctly.

16 Q And they made a recording of it.

17 A Yes, they did.

18 Q Okay. Answer any questions Mr. Gray -- Mr. Gray might
19 have.

20 A Yes.

21 CROSS-EXAMINATION

22 BY MR. GRAY

23 Q Now, you say you broke up with Ms. Brewton. Is that
24 exactly what happened?

25 A Correctly.

Alexander Rasheen Matthews
Cross-examination by Mr. Gray

1 Q Isn't it true that you went to prison?

2 A Yes.

3 Q And what did you go to prison for involving
4 Mr. Brewton?

5 A Well, she was stealing my medication and stuff like
6 this right her.

7 MR. WHELCHEL: Your Honor, if he has a prior
8 conviction that he wants to use to impeach my client, he
9 needs to ask him about that. He can't just ask him what
10 did you go to prison for.

11 THE COURT: Well, he has put -- the door was opened
12 about the relationship with Ms. Brewton in a prior witness.
13 He's further opened that door with the relationship about
14 the prior witness. His question is directly related to
15 that relationship, so I think the question as it's stated
16 is proper right now.

17 MR. GRAY: Thank you.

18 Q Wasn't there a situation involving you and Ms. Brewton
19 where you went to prison for burglary? Is that correct?

20 A No, no.

21 Q You didn't go to prison for burglary?

22 A Yeah, but I wanted my medication outta the house, and
23 I throwed a brick through the window to get my clothes and
24 stuff outta there.

25 Q Excuse me, sir. I was just asking that question.

Alexander Rasheen Matthews
Cross-examination by Mr. Gray

1 Did you go to prison involving Ms. Sandra Brewton?

2 A Yes, I did.

3 Q Thank you.

4 Now, you characterize your relationship as a breakup.

5 Is that what you said to Mr. Whelchel? Correct?

6 A Correct.

7 Q All right. Now, during your interview with the
8 officers at Bennettsville you repeatedly denied going in
9 the home of the victim, right -- Ms. Gray?

10 A Correctly.

11 Q And this story about the scratching, did you tell the
12 officers that?

13 A I did.

14 Q In Bennettsville?

15 A Yes, I did.

16 Q You say you told them in Bennettsville --

17 A I told them that, and they told me about the money
18 order. And I let them know about the money order.

19 Q Excuse me. I was just asking about the --

20 MR. WHELCHER: Your Honor --

21 THE COURT: Hang on. Let me.

22 Mr. Matthews, again, this lady is taking down
23 everything that's said.

24 When you and the solicitors talk at the same time she
25 cannot take down what's said. So the solicitor knows he

Alexander Rasheen Matthews
Cross-examination by Mr. Gray

1 needs to wait for you to finish your answer. But don't --
2 let him finish his questions before you start answering.
3 Okay?

4 THE WITNESS: Okay, sir.

5 THE COURT: Thank you.

6 MR. WHELCHER: That was my objection, Your Honor. I
7 want the solicitor to let him answer because he's entitled
8 to answer for him, even though the solicitor doesn't like
9 what he's hearing.

10 THE COURT: All right. Okay.

11 Yes, sir. Go ahead, Mr. Gray.

12 MR. GRAY: Thank you, Your Honor.

13 Q Now, as far as this story you allegedly told, wasn't
14 the first time you told the story about the scratch during
15 the admission of your swab?

16 A No.

17 Q No.

18 A No.

19 Q That was not the first time.

20 A No. That was the second time.

21 Q That's your testimony here today, that you told the
22 officers in Bennettsville when they came and interviewed
23 you about this alleged scratch from the victim, Ms. Willie
24 Mae Gray.

25 A I told them I broke up the fight.

Alexander Rasheen Matthews
Cross-examination by Mr. Gray

- 1 Q You broke. Where did this fight occur?
- 2 A At Ping-Ping house.
- 3 Q Okay. What was the date?
- 4 A June the 16th of 2014 on a Monday.
- 5 Q On Monday, June 16th of 2014. What time?
- 6 A Around a little after, around about 10:00.
- 7 Q And this scratch, did you get medical attention for
- 8 it?
- 9 A Put some ointment on it. It's right here.
- 10 Q You put some appointment on it?
- 11 A Yes.
- 12 Q Okay. Did you tell anybody else about this scratch?
- 13 A I didn't have to.
- 14 Q You didn't have to. But it was a scratch. And do you
- 15 know who scratched you?
- 16 A Ms. Peewee.
- 17 Q How do you know it was her?
- 18 A Because she said, "Excuse me, baby, and thank you for
- 19 helping me."
- 20 Q That's what she said?
- 21 A Yes, because I broke up the fight.
- 22 Q Before today have you ever told anybody -- these
- 23 officers, detectives, anybody -- that Ms. Peewee said thank
- 24 you? Before you got on the stand today did you tell
- 25 anybody this story you're telling today?

Alexander Rasheen Matthews
Cross-examination by Mr. Gray

1 A Yeah. I told the investigator that when he came to
2 visit me, and they let me know about the money order and
3 everything, and I told them about the money order. Ask
4 them.

5 Q And this story you're telling today about Ms. Peewee
6 saying thank you, that was recorded on your audio?

7 A Yeah.

8 Q Okay.

9 A He was playing with the little device.

10 Q I understand.

11 Now, this, you said, placed this fight, breakup,
12 whatever, took place near the victim's home, is that
13 correct?

14 A Correct.

15 Q Did you ever go into the victim's house?

16 A No.

17 Q Never.

18 A No.

19 Q Now, was this -- this -- this scratch to you, do you
20 know if Ms. -- you say Ms. Peewee. That's Ms. Gray,
21 correct?

22 A Uh-huh.

23 Q If she got hurt in the process.

24 A After that right there, I don't know what happened
25 when I break up the fight and left. So I don't know what

Alexander Rasheen Matthews
Cross-examination by Mr. Gray

1 happened. The only thing I happen to know next after that
2 right there, she passed away. That's it.

3 Q That's all you know.

4 A Right.

5 Q How did you come home smelling like smoke?

6 A I never did came home smelling like smoke. That's
7 what I said the whole time. It never happened.

8 Q You never came home smelling like smoke. Did you ever
9 get a shower fully clothed?

10 A No, I have not.

11 Q You did not do that on June 17th --

12 A No.

13 Q -- of 2014?

14 A No, sir.

15 Q Okay. These seizures, you talked about a previous
16 conviction where you killed someone, correct?

17 A Yes, sir.

18 Q Did you have those seizures then?

19 A Yes.

20 Q Were you taking medication then?

21 A Yes, sir. I have took it my whole life.

22 Q Under whose name?

23 A Alexander Rasheen Matthews.

24 Q Not Spencer Middleton?

25 A No. They got it mixed up when I went to prison.

Alexander Rasheen Matthews
Cross-examination by Mr. Gray

1 Q How did they mix up your name and your cousin's name?

2 A Just got it mixed. He's my twin cousin.

3 MR. GRAY: May I approach the witness, Your Honor?

4 THE COURT: Yes, sir.

5 (Pause.)

6 MR. GRAY: May we approach, Your Honor?

7 (Bench conference held off the record.)

8 Q All right. Sir, I ask you to look at State's Exhibits
9 Nos. 34 and 35 and ask if you recognize those.

10 A No.

11 Q You don't recognize these?

12 A No.

13 Q You just made a testimony before about some --

14 MR. WHELCHER: Your Honor, I would object at this
15 point.

16 The solicitor I believe is going to attempt to
17 introduce evidence of prior convictions in the name of
18 Spencer Middleton. My client's just testified he didn't
19 recognize it.

20 Those convictions are outside of the 10-year period
21 that's allowable. I have received notice of the 609 motion
22 in this matter, but the convictions in my opinion are
23 prejudicial, and they're prejudicial, so prejudicial, that
24 they outweigh the probative value.

25 were we having a jury trial I would have already had

Alexander Rasheen Matthews
Cross-examination by Mr. Gray

1 this taken care of, but because we're in the unusual
2 situation of having a bench trial in this matter I'm asking
3 you to disregard something that you're going to have to
4 hear and then disregard.

5 MR. GRAY: Yes, sir. And the state is going into this
6 matter basically as impeachment purposes right now.

7 We did file a 609 motion for Mr. Wheelchel and
8 Mr. Matthews.

9 He's already opened the door talking about his
10 previous convictions for somebody being killed by his hand,
11 so to speak. So he's saying that a mistake was made.

12 I would like to review these documents with
13 Mr. Matthews to impeach him basically but also to get into
14 evidence about the previous situation.

15 MR. WHELCHER: Okay. I just need to look at them.

16 MR. GRAY: Yes, sir.

17 MR. WHELCHER: I didn't mean to interrupt you.

18 (Pause.)

19 THE COURT: All right. Am I -- my understanding is
20 that it was going to be used for the issue of clearing up
21 is -- was there any confusion between the alias that was
22 used and also linking the alias to Mr. Matthews.

23 MR. GRAY: Yes, sir, Your Honor.

24 THE COURT: All right. I will allow it for that
25 limited purpose. I would not consider it for any other

Alexander Rasheen Matthews
Cross-examination by Mr. Gray

1 purposes.

2 MR. WHELCHER: Thank you, Your Honor.

3 MR. GRAY: Thank you.

4 Q Now, State's Exhibits 34 and 35, did you have a trial
5 for these charges?

6 A No.

7 Q Did you plead guilty to these charges?

8 A Yes, sir.

9 Q And what charges did you plead guilty to?

10 A Manslaughter.

11 Q And what else?

12 A That's it.

13 Q You didn't plead guilty also to a burglary charge?

14 A No. They didn't discuss none of that with me.

15 Q They didn't discuss any of that with you.

16 A No.

17 Q would you please read over this?

18 A The whole time I was at the hospital we had --

19 Q would you please read over this, Mr. Matthews, the
20 entire document, please? Read it for me. You don't have
21 to read it out loud. Just read it for me.

22 (Pause.)

23 Q Anywhere on that document does it say Alexander
24 Matthews? Does it say Alexander Matthews on that -- on
25 that document, State's Exhibit 34?

Alexander Rasheen Matthews
Cross-examination by Mr. Gray

- 1 A No.
- 2 Q Whose name is on there?
- 3 A It says Spencer Middleton.
- 4 Q Thank you.
- 5 Let me see that please.
- 6 State's Exhibit No. 35. Would you please read that,
- 7 the one you said you pled guilty to?
- 8 (Pause.)
- 9 Q Sir, anywhere on that document does it say Alexander
- 10 Matthews?
- 11 A No.
- 12 Q And you pled guilty to this charge of voluntary
- 13 manslaughter, correct?
- 14 A Correct.
- 15 Q And which name does it say on there?
- 16 A It says Spencer Middleton.
- 17 Q So there was no mistake made, was there?
- 18 A That is not my signature.
- 19 Q I understand that, sir, but you pled guilty under
- 20 Spencer Middleton's name, correct?
- 21 A No. I didn't plead guilty under Spencer Middleton --
- 22 Alexander Rasheen Matthews.
- 23 Q This is a certified criminal conviction involving you,
- 24 correct?
- 25 A They messed up.

Alexander Rasheen Matthews
Cross-examination by Mr. Gray

1 Q They messed up.

2 A They messed up.

3 Q You just read that and said that there was -- never
4 mind. I'm done -- I'm done.

5 This -- let me go back to this fight again. How many
6 women were involved in the fight?

7 A Two, three.

8 Q Three women were involved in the fight.

9 A Uh-huh.

10 Q So your story now is it's three women, not two women.

11 A There was three womans, you know.

12 Q I'm just asking, Mr. Middleton -- I mean Mr. Matthews.
13 Put your arms out to stop all three women?

14 A Just like this right here. They come -- understand
15 what I'm saying? Ms. Peewee trying to go at her. She
16 wanted her money and stuff like this right here. I got in
17 between just to break it up, cut it out, cut it out.

18 Q All three of them.

19 A Just like this right here. I pushed them like this
20 right here, and I got scratched, pointblank.

21 Q You got scratched?

22 A Yes, sir.

23 Q By Ms. Peewee?

24 A Ms. Peewee.

25 Q Which hand did she scratch you with?

Alexander Rasheen Matthews
Cross-examination by Mr. Gray

- 1 A She had to scratch me with her right hand. I got
2 scratched right here. I was bleeding just like this right
3 here.
- 4 Q She scraped with her right hand?
- 5 A Had to scrape just like this right here.
- 6 Q Just like that right there.
- 7 A Right.
- 8 Q And that's when she scraped you on the --
- 9 A This right here.
- 10 Q On your wrist.
- 11 A Right, little nick right here.
- 12 Q All right. Did she receive any injuries?
- 13 A No.
- 14 Q She didn't.
- 15 A No. She was crying because she wanted her money.
- 16 Q I understand. But she didn't receive any injuries
17 from you putting your hand out.
- 18 A No.
- 19 Q All right. What -- what about the other women
20 involved in the fight?
- 21 A They wouldn't give her her money back.
- 22 Q No. What about the other women involved in the fight?
23 Did they get injured? Did they scratch?
- 24 A No.
- 25 Q How is it she's the only one that scratched you if

Alexander Rasheen Matthews
Cross-examination by Mr. Gray

1 you're breaking up an actual physical fight? How is only
2 one woman who can't speak or anything, how is she the only
3 one scratch you out of three women fighting?

4 A Well, you know how they get in between, how a woman
5 can be fighting sometime. Do you understand what I'm
6 saying?

7 Q No, sir, I don't.

8 A The woman wanted her stuff back from her, pointblank.

9 Q How was she the only one to scratch you out of three
10 women?

11 MR. WHELCHEL: Your Honor, he's already asked. It's
12 already been answered. I would ask --

13 THE COURT: Object to it?

14 MR. WHELCHEL: -- that he move on.

15 THE COURT: You might want to move on.

16 Q Did you ever have a physical fight that day with
17 Ms. Sandra Brewton?

18 A No.

19 Q But she was there, correct?

20 A Yes.

21 Q What about Ms. Samantha Brewton?

22 A No.

23 Q She was there also.

24 A Sir?

25 Q She was there also, correct?

Alexander Rasheen Matthews
Redirect examination by Mr. Wheelchel

1 A Yes.

2 Q And, again, the only one -- never mind.

3 MR. GRAY: Nothing further, Your Honor.

4 THE COURT: Any redirect limited to what he went into?

5 MR. WHELCHER: Briefly, Your Honor.

6 REDIRECT EXAMINATION

7 BY MR. WHELCHER

8 Q Mr. Matthews, this scratch that you received --

9 A Yes.

10 Q -- that was accidental. It was not intentional.

11 A Correctly.

12 Q You were breaking up the fight.

13 A Correctly.

14 Q And the injury to Ms. Gray's thumb, is that because of
15 her breaking or you breaking up the fight between her and
16 sisters?

17 MR. GRAY: Objection, Your Honor.

18 THE COURT: I sustain the objection.

19 MR. WHELCHER: Excuse me?

20 THE COURT: I sustain the objection.

21 MR. WHELCHER: I didn't hear any objection, Your
22 Honor. I apologize.

23 MR. GRAY: Objection, Your Honor. Speculation in this
24 matter and also outside the scope of injury to her thumb.

25 Q Did you notice the injury prior to that day?

Alexander Rasheen Matthews
Redirect examination by Mr. Whelchel

1 A No.

2 Q Okay. And after you broke up the fight you didn't see
3 her again.

4 A No.

5 Q Okay. And you didn't have any contact with her prior
6 to that fight between the three women that would result in
7 an injury to you.

8 A No.

9 Q Okay. And you didn't have any contact with Ms. Gray
10 after that fight.

11 A No. I didn't know her like that.

12 Q Okay.

13 A I mean, I told investigators about the fight. They
14 ran off with it, because they never know it was a fight
15 until I told them.

16 Then when my uncle told me I had a warrant for my
17 arrest in Spartanburg, I turned myself in in Charleston.
18 Then I seen the investigators again.

19 Q And you were transported from Charleston up to here,
20 and that's when you saw the investigators.

21 A Yeah, again. That's when I turned myself in in
22 Charleston.

23 Q Okay. Thank you, sir.

24 MR. WHELCHER: That's all the questions I have, Your
25 Honor.

1 THE COURT: Thank you, sir. You may step down. Watch
2 your step as you're stepping down.

3 Defense ready to call their next witness?

4 MR. WHELCHER: Defense rests, Your Honor.

5 THE COURT: State intends to call any reply?

6 MR. GRAY: No, sir, Your Honor.

7 THE COURT: Lawyers approach.

8 (Bench conference held off the record.)

9 THE COURT: We'll come back in about five minutes.

10 (Whereupon, a recess was taken.)

11 MR. WHELCHER: Before we begin, Your Honor, now that
12 the defense has closed its case and rested I would renew my
13 motions for a directed verdict based on the previous
14 arguments, Your Honor.

15 THE COURT: And the Court would still have to apply
16 the same standard of review of the evidence. That has not
17 changed, so I would have to continue to deny those.

18 MR. WHELCHER: Understood.

19 MR. GRAY: Thank you, Your Honor.

20 The state is going to close now. We're going to open
21 on the law.

22 The defendant in this case is charged with three
23 crimes -- murder, burglary first and arson third.

24 This is a circumstantial case. We believe that the
25 law states in a circumstantial case there has to be proof

1 of a chain of facts or circumstances to prove the facts.
2 And in this case, these cases, what we're trying to prove
3 on the murder is killing of another person with malice
4 aforethought.

5 The state is alleging that Mr. Matthews killed
6 Ms. Willie Mae Gray with malice aforethought, not that this
7 malice was sometime in the past, two days before,
8 necessarily a minute before, but that there was some malice
9 in his heart or recklessness concerning her life or safety,
10 that he strangled her and killed her.

11 As far as the burglary in this situation, the
12 allegation is that he came to the home of Ms. Willie Mae
13 Gray without permission to basically harm her.

14 You heard Dr. Wren. Well, we'll get into that later,
15 but basically to harm her. Ultimately, unfortunately, that
16 harm turned from superficial injury to blunt force trauma,
17 strangulation and eventually ended with the death of
18 Ms. Willie Mae Gray.

19 Last we have arson third. The state is alleging under
20 the law on arson third there is some willful, intentional
21 burning of her property, in this case a dwelling belonging
22 to Ms. Willie Mae Gray in Spartanburg, in Spartanburg
23 County.

24 All three incidents, we allege, occurred on June 14th,
25 excuse me, June 17th of 2014. And this intentional burning

1 occurred inside the home of Ms. Willie Mae Gray, and state
2 alleging that Mr. Matthews caused this intentional, willful
3 burning of the property of Ms. Willie Mae Gray. Thank you.

4 THE COURT: I beg your pardon?

5 MR. GRAY: Sir?

6 THE COURT: What about the law on lesser included
7 offenses?

8 MR. GRAY: I apologize, Your Honor.

9 A lesser included offense in this situation, we
10 believe there is some testimony of potentially voluntary
11 manslaughter situation.

12 There was either a scuffle or an outright fight in
13 this situation which would lead to a charge of manslaughter
14 that will be appropriate against the defendant in this
15 case, Your Honor.

16 THE COURT: And no lesser included offenses of the
17 burglary or the arson third?

18 MR. GRAY: No, sir, Your Honor.

19 THE COURT: All right. Thank you.

20 MR. WHELCHER: Your Honor, I will attempt to be brief.

21 I would remind the Court that there is no evidence of
22 a breaking whatsoever, which would be one of the initial
23 elements of any level of a burglary.

24 As a matter of fact, there is more evidence that
25 points towards Samantha Brewton because of the prior

1 problems between this victim and Samantha Brewton.

2 Samantha Brewton had a key. It was determined through
3 evidence or testimony from one of the fire personnel that
4 the front door was unlocked. So Samantha Brewton could
5 have just as easily gone over there, committed this crime,
6 let herself in and walked out, because she does have a
7 prior record that would affect her credibility. She does
8 have a prior conviction similar to the arson charge in this
9 case.

10 When the fire investigator testified, Your Honor, he
11 said the fire was intentional but he couldn't name the
12 source. He claimed it came from an open flame, but when I
13 asked him how, the source of the open flame he had no idea.
14 I don't know how you can determine there was an intentional
15 fire when you can have so little information about the
16 origin of the fire or how it started.

17 And then Courtney Burgess testified. A print was
18 lifted off the front door, did not belong to my client.
19 Cigarette butts from the scene outside did not belong to my
20 client.

21 They swabbed the hallway floor, a blue pen, a
22 bandanna, an empty bottle of rubbing alcohol, glass pieces
23 from the window and touch D.N.A. from the cinder blocks and
24 a clothesline. None of that comes back to my client.

25 Then we find out that she's been visited in the hours

1 before her demise by Willie James Gray, Little Tree.

2 Now, if there's anybody that might believe this story
3 about there being gold in their heels or lots of money in
4 that safe, which was, again, found empty and dusted and had
5 my client's fingerprints nowhere on it -- if there's
6 anybody going to believe that story, it would be Little
7 Tree. If there's anybody who believes he's got something
8 coming to him, it would be Little Tree.

9 There's even been testimony that Little Tree got the
10 money from Ms. Gray. He made some kind of statement to the
11 effect that, well, this is half mine anyway.

12 I believe Little Tree was not satisfied with the way
13 the probate court divided the proceeds from his father's
14 death.

15 Oh, and I forgot to mention. Little Tree's the only
16 person that's ever mentioned in any of this process who's
17 in possession of costume jewelry. None of that costume
18 jewelry -- that costume jewelry that Little Tree was in
19 possession of -- now, they make a big deal. I think it was
20 brought out in testimony that it was swabbed and there was
21 no D.N.A. Even though we know Little Tree had it, his
22 D.N.A. wasn't on it. We don't need D.N.A. when it comes
23 out of your pocket.

24 Little Tree has that, and in the course of the three
25 and a half years since they've begun investigating this

1 case nobody took that ring -- members of the family -- and
2 said is this your mother's ring, could this be some of your
3 mother's property. I can see why the investigation went
4 cold.

5 And lest we forget, they liked Little Tree from the
6 very beginning. Not until we get the magic of the D.N.A.
7 does my client become the major suspect here.

8 And, again, Samantha Brewton has been in the home many
9 times. She knows about the safe. Found out she's got a
10 key. That's uncontested, Your Honor. That she was accused
11 by the victim of stealing money. There was an altercation
12 between those two. That is also uncontested.

13 Ms. -- the other Ms. Brewton, Sandra Brewton, was in
14 bed half asleep when he came in. They, ultimately, a
15 couple of weeks later ended up in a bitter breakup.

16 She said twice in her interview that I took great time
17 trying to get her to understand. She said twice in that
18 interview that she never said anybody smelled like smoke.
19 And then she said the third time that she said her son
20 smelled like smoke. And then when they reopened the case
21 or when they get another statement from her, this one where
22 they boil it down to writing, it's written by someone other
23 than herself. And all of a sudden here we are with smoke
24 again.

25 We get Mr. Taylor testifying about all of this new

1 information that they allegedly got from Sandra. Then it
2 turns out he thought that she made the statement, the
3 written statement, at the same time that she made the tape.
4 They were months apart.

5 I'm sure Your Honor was making notes of these dates,
6 but one occurred in April. The other did not occur until
7 December.

8 They have given to Your Honor no reason for this
9 assault, no reason for this murder, no reason for this
10 arson and no reason for the burglary. They've given you no
11 evidence that any of these actually happened and linked to
12 my client.

13 I have no doubt that there was a murder and a burglary
14 and arson. The question is has the state given to this
15 Court with evidence so strong and so convincing as to
16 remove the presumption of innocence from my client -- so
17 strong and so convincing as to remove the presumption of
18 innocence from my client. That presumption of innocence
19 exists regardless of any prior record. And to this point
20 and up until Your Honor is convinced of my client's guilt
21 beyond a reasonable doubt my client is not guilty.

22 As Your Honor knows, I've been doing this a while. I
23 believe that my case for a directed verdict probably is the
24 strongest one I've ever had.

25 I'm trying to remember to be fair. What evidence

1 there is that can put my client in that house starting that
2 fire, in that house committing a burglary, in that house
3 committing murder, and I don't come up with any.

4 And I know that the solicitor, the state, they were
5 going to put great emphasis on D.N.A. Well, D.N.A. doesn't
6 prove elements of burglary; D.N.A. does not prove elements
7 of murder; and D.N.A. does not prove the elements of arson
8 or elements of voluntary manslaughter.

9 It proves that at some point there was contact between
10 these two individuals prior to the scrapings being taken.

11 An allegation of smelling like smoke coupled -- and
12 let me back up, Your Honor. I'm sorry. An allegation of
13 my client smelling like smoke, a discredited allegation of
14 my client smelling like smoke, right here in this
15 courtroom, it was obvious that Sandra Brewton did not want
16 to admit that she never told those guys when she was being
17 interviewed, and it's obvious from the interview that she
18 corrected them -- I never said he smelled like smoke. She
19 did it twice. And then the third time she said it was my
20 son I'm telling you about.

21 The smell of smoke, coupled with the alleged smell of
22 smoke, I would say, coupled with D.N.A. is what the state
23 relies on in this case to attempt to convict my client.

24 As I stated earlier in my motion, when the state
25 relies on substantial circumstantial evidence they have to

1 prove -- or when they rely on circumstantial evidence it
2 has to be substantial circumstantial evidence and it has to
3 point to his guilt and nobody else's.

4 Samantha Brewton. Former arson conviction; lady lives
5 across the street; and everybody, investigators, also
6 admitted that they knew when they were in the course of
7 their investigation, they found out that there had been
8 allegations of theft against Samantha Brewton by the
9 decedent, Ms. Gray, and they had an altercation the morning
10 before. Nobody has denied that altercation the morning
11 before.

12 Based on the lack of evidence provided by the state in
13 this case, Your Honor, we believe that the proper verdict
14 and the verdict that speaks the truth would be not guilty
15 on all three indictments and not guilty on the lesser
16 included offense of voluntary manslaughter. Thank you,
17 sir.

18 THE COURT: Thank you, sir.

19 MR. GRAY: May it please the Court, Your Honor.

20 I will try to be brief in this matter.

21 Murder, arson third, burglary. It's a situation we
22 have here where I can understand why we had to open the
23 law, because nowhere in the law does it say the state has
24 to provide motive for anything in this situation.

25 we have to provide proof. Circumstantial proof has

1 been provided all three instances involving Mr. Matthews
2 and the murder of Ms. Willie Mae Gray.

3 Now, June 17th of 2014 fire was set. You heard the
4 arson investigator, the expert arson investigator, fire
5 chief, say this was an intentional fire, not set by the
6 victim, not set by some cigarette found outside, some flame
7 source, some heat source. Set intentionally.

8 Now, what we, the state, has presented is proof of the
9 murder that tied the defendant to the arson and also to the
10 burglary.

11 He comes into the home, and we say to the Court he
12 knows that Ms. Gray has been helping out Ms. Brewton in the
13 past. He knows about the money. He knows about the money
14 that's supposed to be there. Ms. Gray has money.

15 MR. WHELCHER: Your Honor, as much as I hate to
16 interrupt the solicitor, there might be proof of their
17 theory that this was known throughout the neighborhood
18 about Ms. Gray -- well, of money from the 90s that was
19 supposed to still be there, but there's been no proof
20 provided to this Court that my client knew anything about
21 that.

22 THE COURT: All right. And I believe that the Court
23 understands what the purpose of closing arguments are. And
24 the Court as fact-finder has the ability to disregard
25 arguments that is not supposed by the evidence that's been

1 presented to it.

2 MR. WHELCHER: Thank you, Your Honor.

3 THE COURT: Go ahead, sir.

4 MR. GRAY: Thank you.

5 He knew that the deceased gave Ms. Brewton money on
6 multiple occasions. That's what he testified to.

7 But also we heard from Dr. Wren in this situation that
8 the injuries to Ms. Gray were defensive wounds, not
9 accidental wounds, not some type of happenstance. It was
10 defensive, a struggle.

11 She was being choked. Fresh wounds, fresh D.N.A.
12 from scratching the person who was choking her, who was
13 trying to end her life.

14 That D.N.A. came back to Mr. Spencer Middleton.
15 Spencer Middleton is the alias of Mr. Matthews. That
16 places him in the scene; that places him in the home; that
17 places him as the murderer of the decedent in this case.

18 There may have been some discussion, some argument,
19 some disagreement, however Mr. Matthews said. I don't know
20 what he did in that situation, why he choked the victim.

21 I know there was an intentional act of arson in this
22 situation. We know that Mr. Matthews was in the home
23 because of his D.N.A. We know Mr. Matthews was most
24 likely -- circumstantially understand -- but most likely
25 the person who set the fire.

1 You heard some testimony from the firemen, fire
2 marshal, says this was the wrong place to start a fire.
3 The fire went out. The firemen were able to detain it.

4 And Ms. Gray was not killed by this fire. There was
5 no soot in her eyes. We heard from Dr. Wren talking
6 exactly how she died in this situation. It was not
7 accidental.

8 One in one quintillion chance that the D.N.A. under
9 Ms. Gray's fingernail did not belong -- excuse me -- her
10 fingernails that were caused by the defensive wound by
11 defending herself from Mr. Matthews, one in one quintillion
12 they did not belong to Mr. Matthews. Hundreds of times the
13 population of this planet.

14 Mr. Matthews after he kills her comes home. You heard
15 from his girlfriend at the time, Ms. Brewton. Comes in the
16 house smelling like smoke, immediately jumps in the shower
17 fully clothed.

18 After that there's some problems between the two of
19 them. They break up. Her statement to the police was
20 reduced to writing, and it's consistent with her testimony
21 under oath -- under oath. She gave that testimony in this
22 courtroom saying he came in the house smelling like smoke
23 after she found out about the arson and murder -- excuse
24 me -- the fire and murder, passing of Ms. Willie Mae Gray.

25 We've heard a lot today about should've, could've,

1 would've, who possibly could do this, who could do that. I
2 believe Mr. Whelchel mentioned Ms. Brewton, Mr. James Gray,
3 Little Tree. That's Mr. Whelchel's job.

4 What we do have here is evidence, Your Honor. We
5 don't have any evidence of D.N.A. or otherwise linking
6 Ms. Brewton, Sandra Brewton, or Samantha Brewton to this
7 crime. We don't have any fingerprints with anything else
8 linking Mr. James Gray to this crime.

9 What we have, officers who investigated over three
10 years to make sure that the proper person was arrested for
11 this crime.

12 Interviews of Ms. Samantha Brewton, Sandra Brewton,
13 interview of Mr. Willie Miller, the son of the victim. He
14 was cleared as a suspect.

15 Officers took their time to try to do this correctly.
16 And once they interviewed the defendant they took the next
17 step, get the D.N.A. from him so it will be not Spencer
18 Middleton, his alias, but him, Mr. Matthews.

19 Little tree was cleared by D.N.A. because it was the
20 defendant's D.N.A. that was on the deceased's body as a
21 defensive wound.

22 Went there to the home of Ms. Gray without permission
23 for burglary, attempt to cause -- commit a crime. We are
24 not alleging that anything was taken. The intent was to
25 get something.

1 There was an open safe found, ransacked drawers,
2 ransacked clothing, the house was turned over. He was
3 looking for something.

4 The burglary led to a murder, led to the arson -- the
5 burglary led to the murder, led to the arson.

6 Based upon circumstantial evidence, which carries the
7 same weight as direct evidence in this case, I believe the
8 state was -- Mr. Matthews is guilty of murder, burglary and
9 arson. And murder -- and if there is testimony or some
10 evidence leading to some type of scuffle or fight between
11 the victim and defendant, possibly voluntary manslaughter
12 also as a lesser included of the murder charge. But the
13 burglary led to the murder and/or -- excuse me -- or
14 manslaughter which led to the arson in this case.

15 Thank you for your time, Your Honor.

16 THE COURT: All right. My intention is to go back and
17 work until I've made a decision.

18 If y'all leave the building be sure that we have your
19 numbers and try not to go too far away. But we will step
20 down. Give the clerk your numbers or something if you do
21 leave.

22 (Whereupon, a recess was taken at 12:17 p.m. The
23 evidence was submitted to the judge at 12:25 p.m.
24 Proceedings in the courtroom resume at 2:00 p.m.)

25 THE COURT: We'll go back on the record on the matter

1 of the State vs. Matthews.

2 What we've done is I have taken the indictments and I
3 have now executed the indictments on the verdict forms. So
4 I'll announce the verdicts in the case.

5 As to the burglary in the first degree, that is a
6 not-guilty verdict.

7 As to the murder indictment, that is a guilty verdict
8 as to voluntary manslaughter.

9 And arson in the third degree, that is a guilty
10 verdict as to that one as well.

11 Do you wish to proceed with the sentencing?

12 MR. GRAY: Yes, sir. One moment, Your Honor.

13 (Pause.)

14 MR. GRAY: May it please the Court, Your Honor. This
15 situation we talked about at length during this trial.

16 Mr. Matthews has been found guilty in the situation of
17 the arson third and the voluntary manslaughter.

18 His criminal history consists of a prior voluntary
19 manslaughter from Charleston and a burglary also.

20 One of the witnesses in the case, Sandra Brewton,
21 accused him of a burglary and assault and battery, and he
22 was convicted of that also post this incident involving
23 Ms. Willie Mae Gray.

24 We do have one family member who would like to address
25 the Court at the appropriate time, Your Honor.

1 (Pause.)

2 MR. WHELCHER: The defense is ready, Your Honor.

3 THE COURT: All right. Just come right up here,

4 Mr. Matthews.

5 Mr. Matthews, I just have some preliminary questions
6 that I ask everybody.

7 How old are you?

8 THE DEFENDANT: Forty-eight.

9 THE COURT: Sir, how far did you go in school? I
10 believe you have a high school diploma.

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And presently are you married, single,
13 divorced or widowed?

14 THE DEFENDANT: Single.

15 THE COURT: And do you have children?

16 THE DEFENDANT: Ten.

17 THE COURT: How old is your oldest?

18 THE DEFENDANT: Thirty-three.

19 THE COURT: And your youngest?

20 THE DEFENDANT: Twenty-two.

21 THE COURT: And prior -- I believe you said that you
22 were disabled, is that correct?

23 THE DEFENDANT: Yes, sir. I have seizures.

24 THE COURT: Ever serve in the military?

25 THE DEFENDANT: No, sir.

1 THE COURT: And on these charges how long have you
2 been in jail? I need to indicate how much credit you're
3 entitled to.

4 THE DEFENDANT: I been in jail since February the
5 8th of 2016. I turned myself in in Charleston.

6 THE COURT: February 8th of 2016.

7 All right. And the prior record, again, was a
8 voluntary manslaughter and burglary and assault and
9 battery?

10 MR. GRAY: Yeah. Voluntary manslaughter, assault and
11 battery in Charleston and then -- and a burglary -- excuse
12 me -- in Charleston and a burglary and assault and battery
13 here.

14 MR. WHELCHER: It was a burglary second here, Your
15 Honor, and a second degree assault and battery. He
16 received a recommended sentence of two years.

17 THE COURT: All right. And did you say you did have
18 someone who wished to address the Court on behalf of the
19 victim?

20 MR. GRAY: Yes, sir. The victim's son in this case,
21 Mr. Willie Miller.

22 THE COURT: Mr. Miller, again, we are making a
23 recording of everything that happens here, so please speak
24 up loud enough so that both the court reporter and I can
25 hear you. And I'll be more than happy to hear from you,

1 sir.

2 WILLIE MILLER: Yes. I just want to say that -- that
3 he broke the circle of a good family and that she was the
4 backbone of the family, kept everyone in check including
5 myself. And like my family members fall out with their
6 mother, their child come to my mom's house. She would get
7 them right to go back home to their mom and tell them, you
8 know, that they're sorry that they stepped out of line.

9 And just coming up she always told me I work for
10 y'all, to put clothes on y'all's back. Things that I
11 wanted she couldn't buy. And she always told me when you
12 get old enough to work you can buy what you want. And she
13 pushed me to now that this year, October 30th, I been on
14 one job for 30 years, and it was because of her, not
15 because of me. Because of her.

16 And she retired. She was only retired for one year
17 before the accident happened, which I had plans with her
18 after retirement to do certain things with her for working
19 44 years on one job.

20 I don't feel ashamed that that should have happened to
21 her. I don't feel like a person that does someone like
22 that should have the right to be in society, because he's
23 two years younger than I am. He grew up probably hard like
24 I did. So he knows what he should have done, is go to work
25 and make your own money to do whatever you want.

1 If you do drugs, that's your business. If you work to
2 do drugs, that's your business. But when you have to harm
3 someone for your habit, that's not a good thing.

4 Your Honor, I don't have any more things to say, but I
5 will take your plead at this case.

6 THE COURT: Thank you, sir.

7 WILLIE MILLER: You're welcome.

8 MR. GRAY: Just briefly, Your Honor, along those
9 lines, the state.

10 There is -- with regard to this individual as a
11 violent individual based upon his past history, and we
12 request the maximum sentence in this situation, Your Honor.
13 Thank you.

14 MR. WHELCHER: Your Honor has heard the evidence
15 presented in this case and a directed verdict of burglary.
16 My client, as you know, was offered voluntary to begin
17 with. He's been convicted of voluntary and the arson, Your
18 Honor.

19 He's 48. You have a good understanding of his
20 background. I would ask that Your Honor be as lenient as
21 possible under these circumstances and hear Mr. Matthews in
22 case he has anything he would like to add.

23 THE COURT: Mr. Matthews, do you agree with the
24 statements just made by your lawyer?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Mr. Matthews, is there anything else that
2 you would like to say or want me to know or consider?

3 THE DEFENDANT: I did not harm that old lady. I
4 defended her. And if I had to do it again, I'd do it
5 again. I did not harm her. The only thing I did was try
6 to protect her from two sisters stealing from her and about
7 to harm her.

8 THE COURT: Thank you, Mr. Matthews.

9 On the voluntary manslaughter charge, that is a
10 25-year sentence at the state department of corrections.

11 He'll receive credit for the 718 days. That will run
12 concurrent with his 15-year sentence on the arson in the
13 third degree, which he's also entitled to 718 days worth of
14 credit.

15 Good luck to you, sir.

16 END OF REQUESTED TRANSCRIPT OF RECORD
17
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21
22
23
24
25

WITNESSES

City of Spartanburg

1. SERVICE MADE

2. REPORT MADE

3. CHECKED WARRANT

4. CHECKED SIGNATURE

5. CHECKED WARRANT

6. CHECKED SIGNATURE

7. CHECKED WARRANT

8. CHECKED SIGNATURE

9. CHECKED WARRANT

10. CHECKED SIGNATURE

11. CHECKED WARRANT

12. CHECKED SIGNATURE

13. CHECKED WARRANT

14. CHECKED SIGNATURE

15. CHECKED WARRANT

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24. CHECKED SIGNATURE

25. CHECKED WARRANT

26. CHECKED SIGNATURE

27. CHECKED WARRANT

28. CHECKED SIGNATURE

29. CHECKED WARRANT

30. CHECKED SIGNATURE

ACTION OF GRAND JURY

True Bill

JUN 17 2016

Forperson of Grand Jury

Date:

VERDICT

12/5/18

Forperson of Petit Jury

Date:

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUN 20 2016

TERM

THE STATE

vs.

Alexander Matthews

Indictment for

ARSON

THIRD DEGREE

SC Code: 16-11-110 (C)

CDR Code: 3435

Class: FEL/D

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2016 JUN 21 AM 8:56
M. HOPE BLACKLEY

DOCKET NO. 16-GS-42-3027

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

JUN 17 2016

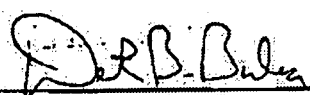
At a Court of General Sessions, convened on _____ the

Grand Jurors of Spartanburg County present upon their oath:

ARSON, THIRD DEGREE

That Alexander Matthews did in Spartanburg County on or about June 17, 2014 wilfully and maliciously set fire to, burn, or caused to be burned a burning that resulted in damage to the dwelling house of the victim, Willie Mae Gray, in violation of 16-11-110(C), Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

WITNESSES

City of Spartanburg

1. SENTENCE MADE

2. PROSECUTOR

3. COURT CLERK

4. DEFENSE

5. CHECKED WARRANTS

6. CHECKED SIGNATURE

7. PROSECUTOR

ARREST WARRANT NUMBER

TRAFFIC TICKETS COST

2016A4210100786

ACTION OF GRAND JURY

True Bill

JUN 17 2016

Foreperson of Grand Jury

Date:

VERDICT

Guilty, Voluntary Manslaughter

J. M. Hope 1/25/18

Foreperson of Petit Jury

Date:

DOCKET NO.

16-GS-42-3028

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUN 20 2016

TERM

THE STATE

vs.

Alexander Rasheen Matthews

Indictment for

MURDER

SC Code 16-03-0010, 0020

CDR Code 116

Class FEL-EXM

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2016 JUN 21 AM 8:56
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

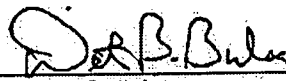
INDICTMENT

At a Court of General Sessions, convened on JUN 17 2016, the
Grand Jurors of Spartanburg County present upon their oath:

MURDER

The Defendant, Alexander Rasheen Matthews, did in Spartanburg County on or
~~about June 17, 2014, feloniously, willfully, and with malice aforethought, kill one Willie~~
Maw Gray, by strangulation and blunt force trauma to her head and the victim died as a
proximate result thereof, all in violation of Section 16-3-0010, 0020, Code of Laws of
South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such
case made and provided.


Deputy Solicitor

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF SPARTANBURG
STATE VS.

Alexander Matthews

AKA: SPENSER MIDDLETON

Race: BLACK Sex: M Age: 40

Address:

DL#: SID#

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Arson/ Arson - Third Degree (effective 06-02-2010)

INDICTMENT/CASE#: 2016GS4203027

A/W#: 2016GS4203027

Date of Offense: 6/17/2014

S.C. Code §: 16-11-0110(C)

CDR Code #: 3435

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-11-0110(C) of the S.C. Code of Laws, bearing CDR Code # 3435

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTORNEY:

GRAY, ABEL

SC Bar# 12164

Defendant

Attorney for Defendant

SC Bar# 6057

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 718 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 61.6 (Public Def/Probation)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$ 3.75

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel. Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code:

Sentence Date:

7/25/18

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG
STATE VS.

Alexander Rasheen Matthews

AKA: SPENSER MIDDLETON

BLACK Sex: M Age: 48

Address:

DL#: Spartanburg SC 25303 SID#:*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Manslaughter / Voluntary manslaughter

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS4203028

A/W#: 2016A4210100786

Date of Offense: 6/17/2014

S.C. Code § 16-03-0050

CDR Code #: 0217

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0050 of the S.C. Code of Laws, bearing CDR Code # 0217

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTES: Gray, Abel
GRAY, ABELSC Bar#

Defendant

Attorney for Defendant6057
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 25 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. File☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:	\$	
§ 14-1-206 (Assessments 107.5%)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (DUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$ <u>3.75</u>

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter: L. Moffitt

SCCA/217 (07/2016)

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees

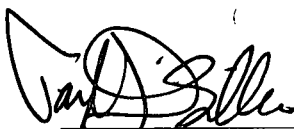
Presiding Judge

Judge Code: 2132Sentence Date: 1/25/18

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Taylor D Gilliam
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 29th day of April, 2019.

RECEIVED
APR 29 2019
SC Court of Appeals