

VOLUME II OF III

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Orangeburg County

Honorable R. Knox McMahon, Circuit Court Judge

RECEIVED

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

COURTNEY LEOLA PRICE,

APPELLANT

APPELLATE CASE NO. 2016-000528

RECORD ON APPEAL

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**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
STATE'S EXHIBIT #73 (CD OF DEFENDANT'S STATEMENTS)**

1 and they shouldn't do it in this particular case. So I'm
2 asking you to order that the bond will stay in place
3 because she is on electronic monitoring. You can know
4 every minute, every second, the State can know of the day
5 where she is at all times.

6 And for that reason, Judge, I would ask that you
7 not take her into custody. I know it's unusual, but that
8 you not take her into custody, let her go home with her
9 family tonight and let them take care of her and make sure
10 she has what she needs medically. That's going to be in
11 the best interest of her as well as the best interest of
12 the State.

13 THE COURT: All right. Just stand right there just
14 a minute, Mr. Grant.

15 MR. GRANT: Yes, sir.

16 THE COURT: Ms. Price.

17 Anything further as to the bond, Solicitor?

18 MS. CORNWELL: No, Your Honor.

19 THE COURT: All right. Ms. Price, I will advise
20 you -- I'm going to allow you to remain out on bond
21 considering the terms and conditions. And I would advise
22 you that should you fail to appear tomorrow as directed by
23 the Court at 9:30 in the morning, as you know, the jury has
24 been sworn, witnesses have been called, they have been
25 examined, cross-examined. Your trial will continue without

1 you being here, outside of your presence and you will be
2 tried in your absence. And if that were to happen, the
3 State could potentially view the fact that you failed to
4 appear against you.

5 I do not find that you're a danger to the
6 community, nor did the judge in issuing the bond; nor that
7 you are a flight risk. And of course, you are on
8 electronic monitoring. But do you understand should you
9 fail to appear, your trial would continue?

10 THE WITNESS: Yes.

11 THE COURT: Do you have any questions you would
12 like to ask me about that?

13 THE WITNESS: No.

14 THE COURT: All right. I'll allow her to remain on
15 her bond. Now, let me ask you this, Mr. --

16 And you may return to your seat, Ms. Price.

17 MR. GRANT: Yes, sir.

18 THE COURT: Let me ask you this, Mr. Grant.

19 MR. GRANT: Yes, sir.

20 THE COURT: Do you have the bondsman who is Glover
21 and Bonding -- Glover's bonding to confirm to you by letter
22 to you to be turned over to the clerk that he or she or
23 that company will remain on her bond during the duration of
24 her trial?

25 MR. GRANT: Yes, sir. Sometimes they mix oranges

1 and apples. Sometimes you've got a bond company doing one
2 thing and then you've got a monitoring company doing
3 another.

4 Is it the same company?

5 THE COURT: I'm not concerned about the monitoring
6 company --

7 MR. GRANT: Okay.

8 THE COURT: As long as the electronic monitoring is
9 in place.

10 MR. GRANT: Oh, yes, sir.

11 THE COURT: And I'm just reading it like it was
12 presented to me, that they would remain on the bond
13 throughout the course --

14 MR. GRANT: Hillary's bail bonds, yes, sir. That's
15 who I'm told is the bondsman. That should not be a
16 problem.

17 THE COURT: All right. Do that for me, Mr. Grant.

18 MR. GRANT: Yes, sir.

19 THE COURT: And you can present that first thing
20 tomorrow.

21 MR. GRANT: Yes, sir.

22 THE COURT: Anything further from the defense,
23 Mr. Grant?

24 MR. GRANT: No, Your Honor.

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

1 Court will be in recess until 9:30; 0930 hours in
2 the morning.

3 Thank you very much hope y'all have a pleasant
4 evening.

5 (Court was in recess for the evening.)

6 WEDNESDAY, FEBRUARY 24, 2016

7 THE COURT: Solicitor and Mr. Grant, the juror we
8 were discussing after court yesterday afternoon, would that
9 be -- do y'all have her number?

10 MS. CORNWELL: Your Honor, I believe it was Juror
11 Number 36.

12 THE COURT: 36.

13 MS. CORNWELL: Ms. Creech.

14 THE COURT: What I thought I'd do is bring her out
15 and we will talk with her at the podium.

16 MR. GRANT: Yes, sir.

17 THE COURT: Would you bring me, please, Juror
18 Number 36, Ms. Creech.

19 MS. CORNWELL: And Your Honor, bringing her out and
20 talking to her, we're just going to ask the same simple
21 questions from --

22 THE COURT: Ma'am?

23 MS. CORNWELL: We're going to ask her the same
24 simple voir dire questions from before?

25 THE COURT: Yes. Well, I may ask her -- well, let

1 me come down.

2 (The juror entered the courtroom for a bench
3 conference on the record.)

4 THE COURT: Could you stand right there for me.

5 THE COURT REPORTER: Do you want this on the
6 record?

7 THE COURT: Yes, ma'am.

8 THE COURT REPORTER: Okay.

9 THE COURT: I have a couple of questions if you
10 don't mind.

11 THE JUROR: No.

12 THE COURT: And I had asked a number of questions
13 of about whether you and the other members of the jury
14 panel knew certain individuals and such like that. Do you
15 know Sara Ford?

16 THE JUROR: She's a friend of my daughters.

17 THE COURT: So you know her as a friend of your
18 daughter?

19 THE JUROR: Right.

20 THE COURT: Do you know her -- do you personally
21 know her?

22 THE JUROR: Not really.

23 THE COURT: Okay. And do you know her occupation?

24 THE JUROR: I know she's an attorney.

25 THE COURT: Okay. Do you know where she works?

1 THE JUROR: No, sir.

2 THE COURT: No. You don't know where she works.

3 Okay. She's employed with the solicitor's office.

4 THE JUROR: Okay.

5 THE COURT: Not involved with this case, but she is
6 employed with the solicitor's office.

7 Given the fact that she's a friend of your
8 daughters and now you know, I've told you she's employed
9 with the solicitor's office, would that affect your ability
10 to be fair and impartial in --

11 THE JUROR: Well --

12 THE COURT: -- the trial of this case for both
13 Ms. Price and the State?

14 THE JUROR: No, sir.

15 THE COURT: Any doubt in your mind?

16 THE JUROR: No, sir.

17 THE COURT: And you have no personal relationship
18 with Ms. Ford?

19 THE JUROR: No, sir.

20 THE COURT: So if I had called the name, Sara Ford,
21 which I think I did, you wouldn't even know that was the
22 Sara Ford that was a friend of your daughter.

23 THE JUROR: I recognized her.

24 THE COURT: Oh, you recognized her. But you don't
25 have any relationship with her whatsoever?

1 THE JUROR: No, sir.

2 THE COURT: Thank you. You may return to your jury
3 room. Thank you. Thank you very much.

4 (Juror went back to the jury room.)

5 THE COURT: I didn't want to bring her out in front
6 of the entire courtroom. That's why I do it here.

7 MR. GRANT: Yes, sir.

8 THE COURT: Your position.

9 MR. GRANT: My position is, my only concern is that
10 you did call Ms. Ford's name and she -- admittedly, she did
11 recognize the name.

12 THE COURT: Right.

13 MR. GRANT: But she did not stand up.

14 MS. CORNWELL: But --

15 MR. GRANT: I'm not finished.

16 MS. CORNWELL: I apologize.

17 MR. GRANT: So it makes me think as a defense
18 attorney for my client that the juror might have some --
19 this juror might have some kind of hidden agenda. She
20 admits she knows her, and now she admits that she knows she
21 works for the solicitor's office.

22 THE COURT: Only because I told her because I
23 did -- I did want to direct that to her to make sure it
24 wouldn't be an issue.

25 MR. GRANT: Yes, sir. It also could be an issue on

1 admissions made by the juror. She also admits that
2 Ms. Ford is a friend of her daughters. She knows her. She
3 knows who she is. And Ms. Ford has and will continue to be
4 sitting at the prosecutor's table.

5 MS. CORNWELL: She's not been at the prosecutor's
6 table during the trial.

7 MR. GRANT: Then I'm seeing things. She's
8 obviously not here now.

9 MS. CORNWELL: She hasn't ever been. She wasn't at
10 the table yesterday and wasn't at the table during
11 testimony.

12 MR. GRANT: It seems to me she's been speaking to
13 Sara in this courtroom. So I mean they obviously have a
14 right if they want to call upon any prosecutor that saw
15 them talking to her to help with this case. Ms. Ford, I
16 would recommend to the Court, and Ms. Cornwell are probably
17 friendly. They work closely together. So I'll respect
18 that they're going to be share strategies and ideas.
19 They're for the same team.

20 MS. CORNWELL: Could I interrupt you for a second,
21 please.

22 THE COURT: Ma'am?

23 MS. CORNWELL: I think the question was asked if it
24 was a close personal relationship. She's already said that
25 she does not have a close relationship. She's friends with

1 her daughter. The question was asked of the jurors, are
2 you related by blood or marriage, close personal
3 relationship with any of the following individuals and she
4 does not have one. She said she can be fair and impartial.
5 We have other members of the jury that knew witnesses, that
6 know people associated with this case and they're still on
7 this jury. I don't think it's an issue. I thought quite
8 frankly on Mr. Grant's part, he's being -- she said she can
9 be fair and impartial.

10 MR. GRANT: Can I have another opportunity?

11 THE COURT: Sure. Put what you want on the record.

12 MR. GRANT: Thank you, Judge, I wasn't finished.

13 My concern is what I've already said and we're talking
14 about -- there may be people know my people, but not
15 someone who works for the prosecutor's office. That's my
16 concern. I think caution should be taken to be sure that
17 the defendant's right under the Sixth Amendment of the
18 Constitution is preserved for a fair trial. I would ask
19 that an alternate take her place.

20 THE COURT: Well, I'm going to deny your motion as
21 far as an alternate. I think State versus -- I'm not sure
22 whether it's one, two or three, would cover that situation
23 and I was fixing to look up another case and I will when I
24 get the opportunity to do it, but I wanted to put this on
25 the record. I don't think -- given the facts that have

1 been presented to me both in general voir dire and now
2 talking individually to Ms. Creech that she can in any way
3 be -- would in any way not be a fair and impartial juror
4 for both Ms. Price and to the State. I would further say
5 Ms. Ford may have been out here generally prior to the case
6 being called for trial as was Mr. Bell and others employed
7 with the solicitor's office. I have not seen her a time at
8 the prosecutor's table since the case has been called for
9 trial. I have only seen Assistant Solicitor Cornwell and I
10 saw another kind of light blonde headed lady -- I don't
11 know she's --

12 MS. CORNWELL: Craven.

13 THE COURT: I don't know if she's an attorney or
14 not. But I have not seen Ms. Ford.

15 MR. GRANT: I understand; and in light of your
16 ruling, I would ask that as a precautionary measure that
17 you order that Ms. Ford is not allowed to sit at the
18 prosecution table during this case considering the juror
19 knows her.

20 THE COURT: And I don't have any objection to that.
21 I mean I think that would be prudent and so that you don't
22 have to tell Ms. Ford don't come in here. I'll order her
23 not to come in.

24 MS. CORNWELL: Your Honor, I think she's in the
25 back room observing and she's not --

1 THE COURT: You have any objection to that?

2 MR. GRANT: I don't have an objection to that. I
3 don't want her to sit at the prosecution table and
4 participate in the prosecution of the case.

5 THE COURT: And like I say, where she doesn't think
6 you've made that call that you can't come to the
7 prosecutor's table. I'll order it.

8 MR. GRANT: I just want to make sure the record is
9 clear now.

10 THE COURT: Sure.

11 MR. GRANT: I am not waiving my objection and other
12 motions that might be made in light of your ruling because
13 I ask that she's not sitting at the table. I'm not
14 conceding that the juror should remain.

15 THE COURT: You know a trial is a fluid, changing
16 thing.

17 MR. GRANT: Yes, sir.

18 THE COURT: You know if I have to revisit it
19 several times, whatever it may be.

20 Now, my court reporter brought to my attention
21 yesterday that during your cross-examination of Officer
22 Kuck, you used Defense 11 and 12. I do not think that they
23 have formally been offered into evidence.

24 MR. GRANT: No.

25 THE COURT: Two photographs perhaps of bloody

1 hands.

2 MR. GRANT: Okay.

3 THE COURT: I'm not exactly sure. Do you want
4 these in?

5 MR. GRANT: I do, Your Honor.

6 THE COURT: And do you have objections to that,
7 Solicitor?

8 MS. CORNWELL: No, sir.

9 MR. GRANT: We do have a very good kind working
10 relationship and we said some things can be brought in
11 without the chain of custody people. We're not worried
12 about that. All these pictures, we understand were
13 introduced in the hearing and at trial as well. That's
14 what I was kind of --

15 MS. CORNWELL: He needs to put them in trial in
16 front of the jury.

17 THE COURT: And the court reporter said they hadn't
18 been formally offered, 11 and 12 Defense. And they were
19 displayed to the jury and we just want to play it safely.
20 So Defense Exhibits 11 and 12 are in evidence without
21 objection.

22 (Defendant's Exhibit Number 11 and Number 12 were
23 entered into evidence.)

24 THE COURT: All right, sir.

25 MR. GRANT: I may offer them again.

1 THE COURT: I just want to make sure we're all
2 tracking it.

3 MR. GRANT: Yes, sir, Your Honor. I appreciate
4 that.

5 THE COURT: Thank y'all, thank you very much.
6 (Bench conference over.)

7 THE COURT: All right. Anything additional before
8 we bring in our jury, Solicitor?

9 MS. CORNWELL: Nothing from the State, Your Honor.

10 THE COURT: From the defense?

11 MR. GRANT: No, Your Honor.

12 (The jury entered the courtroom at 9:52 a.m.)

13 THE COURT: Good morning, ladies and gentlemen of
14 the jury panel. I hope you all had a pleasant evening.
15 Welcome back. I apologize for the delay in getting you out
16 here, but I've already warned you I can't tell time. I did
17 say 9:50 this morning; correct? So we're on time.

18 As you know, we're continuing the trial of the case
19 by the presentation of evidence and testimony and witnesses
20 by the State in its case in chief. I would ask you to
21 please give all the parties, your complete and undivided
22 attention as you have done throughout the trial of this
23 case.

24 Solicitor, you may call your next witness.

25 MS. CORNWELL: Thank you, Your Honor, the State

William Griffith - Direct Examination by Ms. Cornwell

1 would call William Griffith.

2 THE COURT: All right. Mr. Griffith, if you would
3 come around and join us, please.

4 WILLIAM GRIFFITH,
5 having been duly sworn, testified as follows:

6 THE CLERK: Thank you. You may have a seat.
7 Please state your name again for the record; please spell
8 your first and last name for the record.

9 THE WITNESS: William Griffith, W-I-L-L-I-A-M
10 G-R-I-F-F-I-T-H.

11 DIRECT EXAMINATION

12 BY MS. CORNWELL:

13 Q Mr. Griffith, how are you doing today?

14 A All right.

15 Q Where do you currently work?

16 A I'm currently self-employed as a farmer.

17 Q Okay. And prior to being a farmer, what did you
18 do?

19 A I worked for Orangeburg Department of Public Safety
20 as a crime scene investigator.

21 Q And were you working in that capacity on September
22 27th, 2014?

23 A Yes, ma'am.

24 Q Do you recall being dispatched to [REDACTED] Crossing
25 Circle that night?

William Griffith - Direct Examination by Ms. Cornwell

- 1 A That morning.
- 2 Q That morning, I'm sorry.
- 3 And what County is that in?
- 4 A Orangeburg County.
- 5 Q What were you dispatched there in reference to?
- 6 A Dispatch said murder.
- 7 Q Okay. And can you explain to the jury what a
- 8 forensic investigator does when he arrives on a scene of a
- 9 crime?
- 10 A I was tasked with securing the area and preserving
- 11 evidence and then collection of evidence.
- 12 Q And through that collection of evidence, do you
- 13 take photographs as well?
- 14 A Yes, ma'am.
- 15 Q And did you do that in this case?
- 16 A We did.
- 17 Q Walk me through this particular case. What did you
- 18 do when you arrived on scene?
- 19 A I arrived on scene, began photographing from the
- 20 outside. I spoke with one of the corporals on the scene,
- 21 Corporal Kuck, who told me that the suspect was on the back
- 22 porch with PSO Bellinger. There was also an infant on the
- 23 back porch. I photographed the lower level of the
- 24 apartment and then moved to Suspect Price and photographed
- 25 her. She was apparently a diabetic and asked to go to the

William Griffith - Direct Examination by Ms. Cornwell

1 restroom. The only restroom that was useable in the
2 apartment was upstairs. So I went upstairs, photographed,
3 examined all that. She was allowed then to use the
4 restroom.

5 And then I moved upstairs and photographed the
6 upstairs as well. Also, we collected several items around
7 including what was identified as the weapon that was used,
8 a steak knife.

9 Q Okay. And in photographing the defendant, did you
10 also photograph her child?

11 A I did not photograph the child. The child had been
12 photographed by PSO Bellinger or Corporal Kuck before I got
13 there.

14 Q Okay. And did you have -- did you take photographs
15 of the victim in the case?

16 A Yes.

17 Q When you were downstairs taking photographs, did
18 you notice any signs of a struggle or anything that would
19 indicate a physical altercation had occurred in that
20 residence?

21 A In the downstairs?

22 Q In the downstairs.

23 A In the downstairs no stains of a struggle, no.

24 Q Okay. So there were no lamps or chairs knocked
25 over?

William Griffith - Direct Examination by Ms. Cornwell

1 A No, everything was in place. It was actually
2 really neat.

3 Q Okay. So there was nothing at all that you could
4 see that indicated there had been an altercation downstairs
5 that night?

6 A Not an altercation.

7 Q When you photographed the defendant, were you able
8 to see any visible injuries on her?

9 A No.

10 Q Did she have any bruises around her neck?

11 A No bruises.

12 Q Okay. Did she have any cuts on her neck, wrists or
13 arm?

14 A I didn't see any injuries.

15 Q Any black eyes, busted lip, or nose?

16 A No, ma'am.

17 Q Did her hair appear to be pulled or out of place?

18 A No.

19 Q Were any of her nails broken?

20 A No.

21 Q Okay. And while you were photographing the
22 defendant, did she make any statements to you that night?

23 A Not to me, no.

24 Q Okay. And I'll go through -- we've been through a
25 lot of these photos with the jury already, so, I just want

William Griffith - Direct Examination by Ms. Cornwell

1 to touch on a few of them with you.

2 Looking at State's 7 and 8, in the kitchen. Did
3 you take those photographs?

4 A Yes, ma'am.

5 Q And those show a little bit of blood, I believe, in
6 the kitchen?

7 A Right.

8 Q What is your opinion on how -- I'm sorry, not your
9 opinion, but, do those appear to be bloodstains from the
10 victim or transfer from the suspect?

11 A It appears to be transfer from the suspect.

12 Q And it looks like eventually she goes over to the
13 sink?

14 A Yeah. I couldn't tell you which one she went to
15 first, but there was transfer from both.

16 Q And while you were downstairs photographing, did
17 you find any evidence that the defendant may have wiped her
18 hands off before you arrived on scene?

19 A There was a tissue on the couch which had blood on
20 it.

21 Q Okay. How much --

22 A And I was also told before I got there that she had
23 washed her hands because of the frequent bathroom use.

24 Q Okay. I want to show you what's been marked as
25 State's Exhibit 74. Is that a photograph of that tissue?

William Griffith - Direct Examination by Ms. Cornwell

1 A It is.

2 MS. CORNWELL: Your Honor, I believe we don't have
3 any objections to photographs, but at this time, I would
4 move 74 into evidence.

5 MR. GRANT: No objection, Your Honor.

6 THE COURT: All right. Now, tell me the number,
7 again, Solicitor.

8 MS. CORNWELL: State's Exhibit, 74, Your Honor.

9 THE COURT: State's 74 is in evidence without
10 objection.

11 (State's Exhibit Number 74 was entered into
12 evidence.)

13 BY MS. CORNWELL:

14 Q And 74 is, again, just that tissue where she wiped
15 her hands.

16 All right. And when we look at her hands in
17 State's 50 and 51, those are the photographs of her hands?

18 A Yes, ma'am.

19 Q Any -- and like you said, I don't see any nails
20 that are broken or anything like that. Her hands are
21 fairly clean?

22 A Very.

23 MR. GRANT: Objection to the leading nature of the
24 prosecutor's question as to her hands are clean.

25 BY MS. CORNWELL:

William Griffith - Direct Examination by Ms. Cornwell

1 Q Are her hands dirty or clean in this photograph?

2 A They would be extremely clean.

3 Q And what would her hands being so clean after such
4 a bloody scene indicate?

5 A Well, that she had washed her hands.

6 Q Okay. And turning your attention to the scene
7 upstairs, tell the jury what you observed when you were
8 upstairs?

9 A On the way upstairs, the handrail and the wall in
10 the stairwell, I saw blood smears. Upstairs the bathroom
11 upstairs was actually clean. I didn't see any transfer or
12 signs of struggle in that bathroom.

13 Q And that's a good point. You said you didn't see
14 any blood or transfer in the bathroom upstairs. That
15 bathroom upstairs -- how many bathrooms were in that
16 apartment?

17 A That was the only bathroom that was functional.

18 Q Okay. And would that lead you to believe that when
19 she washed her hands, it was downstairs in the kitchen?

20 MR. GRANT: Objection to the leading nature of the
21 question.

22 BY MS. CORNWELL:

23 Q Where would you believe that the hands were washed?

24 A Since all the blood transfer that I saw was
25 downstairs, it would be in the kitchen, in the sink.

William Griffith - Direct Examination by Ms. Cornwell

1 Q I didn't mean to interrupt you. Keep --

2 A Directly adjacent to the upstairs bathroom door is
3 the bedroom door of the master bedroom. On the floor, on
4 the wall at that entrance was a large serpentine blood
5 trail, a thick blood trail. In the bedroom, there was
6 blood pooled on the bed, on the blinds, cast off and
7 spatter on the walls. The victim was laying on the ground
8 on the floor, carpeted floor, between the bed and the
9 dresser.

10 On the dresser, there was an extremely thick pool
11 of blood on the end of that dresser, a great deal of blood
12 on the floor and approximately three or four feet from the
13 victim's head, the steak knife was in the corner, also had
14 blood on it. Kids clothes, sippy cup.

15 Q Was there blood on the ceiling?

16 A There was blood on the ceiling and on the ceiling
17 fan itself.

18 Q And what about the bed? Was there blood in the
19 bed?

20 A There's a great deal of blood in the bed.

21 Q And I'm going to show you what's been marked as
22 State's Exhibit 28?

23 A Yeah.

24 Q And what is that a photograph of?

25 A That is the bed in the master bedroom.

William Griffith - Direct Examination by Ms. Cornwell

1 Q Okay. And in the photograph, the sheets are black.
2 Can you describe for the jury whether or not there was any
3 blood on the sheets?

4 A Yeah, I -- may be hard to see, especially on a
5 paper copy. From the footboard all the way, half way back
6 to the bed, there was blood pooled, basically toward the
7 bottom of the bed on those black sheets, on that comforter,
8 and on the side of the bed right about where the -- the
9 sheet, where it ends was close to where the blood trail
10 ended on that bed itself.

11 Q And those sheets and that comforter crumpled up on
12 the bottom of the bed, correct.

13 A Right.

14 Q And you stated that there's also the dresser in the
15 bedroom?

16 A Yes.

17 Q And there was blood on the dresser?

18 A Yes, ma'am.

19 Q Looking at State's 25 and 26. Other than the blood
20 on the dresser, is there anything knocked over or out of
21 place on that dresser to indicate that a struggle had
22 occurred in that room?

23 A No, ma'am.

24 Q And when you photographed the victim, were you able
25 to see any visible injuries on the victim?

William Griffith - Direct Examination by Ms. Cornwell

1 A The only injury that I could see was a single
2 puncture wound to the chest.

3 Q Did you see any scratch marks, nicks, bruises or
4 anything like that on his hands, on his arms or on his
5 wrists?

6 A No, ma'am.

7 Q And even in this full body photograph, did you see
8 any bruises, cuts, anything on that?

9 A No.

10 Q I'm going to show you State's 34, 35, 36, and 37.
11 And just make sure that those are the photographs of the
12 victim as you remember him?

13 A (Looking) Yes, ma'am.

14 Q And I believe the jury's seen these, but nothing to
15 indicate that the victim had suffered any type of injury
16 other than the stab wound, correct?

17 A Correct.

18 Q And when you located the knife, I believe you
19 said -- where did you say you located it?

20 A It was in the corner of the bedroom beside a diaper
21 box, three to four feet away from the victim's head and
22 hands.

23 Q And looking at State's 27, is that the diaper box
24 that you found --

25 A Yes.

William Griffith - Direct Examination by Ms. Cornwell

1 Q -- the knife behind.

2 Did you collect that knife?

3 A Yes, ma'am.

4 Q I'm going to show you what's been marked as State's
5 69. Guess we need something to open that.

6 (Getting scissors from the clerk.)

7 BY MS. CORNWELL:

8 Q If you will open that and let me know if you
9 recognize that item.

10 A (Opening.) Yes, ma'am. That is the steak knife
11 that was in the floor in that bedroom.

12 Q And the handwriting on here, is that your
13 handwriting?

14 A Yeah.

15 Q Okay. And so that's what you would have used that
16 to identify the item in here?

17 A Correct.

18 MS. CORNWELL: Your Honor, at this time, the State
19 would move State's 69 into evidence and request to show it
20 to the jury.

21 MR. GRANT: No objection, Your Honor.

22 THE COURT: In evidence, without objection.

23 (State's Exhibit Number 69 was entered into
24 evidence.)

25 BY MS. CORNWELL:

William Griffith - Direct Examination by Ms. Cornwell

1 Q And this is the knife that was used that night; is
2 that correct?

3 A Yes, ma'am.

4 Q And you stated that you collected the knife. Did
5 you collect any other items of evidence that night?

6 A Yes, ma'am. The -- the clothes from her and from
7 the child. I'm not actually a hundred percent sure about
8 everything that was collected. I believe there were eight
9 items that were collected that morning and then a cell
10 phone after that.

11 Q Okay. And I'm going to show you what's been marked
12 as State's 70 and 71. Would those be the cell phones that
13 you collected at the scene?

14 A It would appear to be so. This was the cell phone
15 that was in the master bedroom.

16 Q Okay. I actually believe that State's 75 goes
17 along with State's 72?

18 A Is it a pink case?

19 Q It is.

20 A That would be the one --

21 THE COURT REPORTER: I'm sorry I didn't --

22 THE WITNESS: The cell phone from outside, the pink
23 case was on it whenever I --

24 Q I'm going to open it up just to make sure that's
25 what that is.

William Griffith - Direct Examination by Ms. Cornwell

1 A Okay. Yes.

2 Q So I believe State's 71 is the cell phone outside
3 that was used that you had collected?

4 A Right.

5 Q And the photographs, we notice it's got a pink cell
6 phone case covering it?

7 A Yes, ma'am. And I believe there was blood on
8 there.

9 Q There is a bit -- quite a bit on it actually. And
10 that case was covering --

11 A The cell phone.

12 Q And then State's 70, was the phone that was located
13 upstairs?

14 A In the bedroom, yes, ma'am.

15 Q And was there any case or anything on it?

16 A I don't remember. I was thinking that it did have
17 a black case, but...

18 Q Yeah.

19 MS. CORNWELL: Your Honor, I apologize, I think --
20 I got ahead of myself, but we would move State's 70, 71,
21 and 75 into evidence.

22 MR. GRANT: No objection, Your Honor.

23 THE COURT: 70, 71, and 75 is in evidence without
24 objection.

25 (State's Exhibits Number 70, Number 71, and Number

William Griffith - Direct Examination by Ms. Cornwell

1 75 were was entered into evidence.)

2 MS. CORNWELL: Yes, Your Honor.

3 BY MS. CORNWELL:

4 Q And you also collected clothes at the scene?

5 A Right.

6 Q Are those clothes accurately depicted in those
7 photographs?

8 A Yes, ma'am.

9 Q And that bedroom where all this blood evidence was
10 found, how big is that bedroom? Was there a lot of room to
11 move around in it?

12 A No, no, about three feet between the dresser and
13 the bed, another five feet from the footboard to the wall,
14 half a footboard.

15 Q And so other than the blood in that small of a
16 room, was there anything knocked over in the room or any
17 signs that there was any struggle in that room?

18 A No, ma'am, not a struggle, just a lot of blood.

19 Q And that's likely from who?

20 A From the victim.

21 Q You didn't notice any injuries or anything on the
22 defendant that would have indicated that she was bleeding
23 anywhere?

24 A No injuries on her on or the baby.

25 Q And let me ask you this, as a forensic

William Griffith - Direct Examination by Ms. Cornwell

1 investigator, in somebody's bedroom, is it likely that
2 you're going to find hairs, fibers, things like that inside
3 a bedroom?

4 A Sure.

5 Q Really, anywhere in the bedroom. Where all could
6 you find things like hair and things like that?

7 A Pretty much the entire room. I mean it's normal
8 for that to happen in a bed, on carpet, people brush there
9 hair in front of a mirror, so...

10 Q And so with that amount of blood, if there were
11 hair on the floor, could that stick to somebody's hand if
12 it was bloody?

13 A Possibility.

14 Q And in photographs of the defendants's hand, you
15 didn't -- did you collect any hairs or any fibers or
16 anything?

17 A I don't believe I collected hair.

18 Q Okay. And didn't see anything in the hand?

19 A Nothing of significance.

20 Q Okay.

21 A Or that wouldn't normally have been there.

22 Q All right. Did you collect the bed sheets and the
23 comforter?

24 A No, ma'am.

25 Q Why not?

William Griffith - Direct Examination by Ms. Cornwell

1 A The sheer amount of blood that was on it.
2 Statements that -- that I had heard while I was there,
3 the -- and not only, but also the time of preservation that
4 they have to be kept, depending on the outcome of the
5 event.

6 Q And based on the blood that was in the room and
7 everything, and it being the defendant's house, you would
8 expect -- or would you expect for her DNA to be in those
9 sheets and on those comforters?

10 A Absolutely.

11 Q And would you expect his DNA to be in those sheets
12 and in those comforters?

13 A Yes, ma'am.

14 Q And so was there really any purpose in selecting
15 them to send them off --

16 A No.

17 Q -- to confirm that?

18 A As far as identification of who would have been in
19 the bed, not at all.

20 Q Okay. After you selected the evidence and
21 photographed the scene, what did you do?

22 A Everything was taken back and cataloged into
23 evidence.

24 Q And you cataloged it into evidence?

25 A Right.

William Griffith - Direct Examination by Ms. Cornwell

1 Q And who did you give it to once you cataloged it.

2 A They were transferred to the evidence locker and
3 then Ms. Debbie Byrd would have moved everything into its
4 appropriate location.

5 Q Okay. And after doing that, what did you do?

6 A Until Monday morning, I was -- that was everything.

7 Q All right. Did you --

8 A After that, it began paperwork.

9 Q Did you attend the autopsy?

10 A I did.

11 Q And did you take photographs at autopsy as well?

12 A I did.

13 Q Okay. And in looking at State's Exhibits or
14 actually, before I get there, I'm sorry. When you took
15 photographs of the blood, did you also take some scaled
16 photographs?

17 A Yes, ma'am.

18 Q And what's the point of that?

19 A I myself am not an expert on blood spatter, but in
20 order for someone who is to accurately make any
21 conclusions, we take scaled photos.

22 Q And that would be State's 60 through 67, just
23 briefly glance through those and make sure that those are
24 the photographs that you took of your scales.

25 A (Looking.) Yes, ma'am.

William Griffith - Direct Examination by Ms. Cornwell

1 Q I won't go too much into these with this witness,
2 but these are the scaled photographs that he took of the
3 blood spatter. And these will go back into evidence.

4 Once you went to autopsy, I believe you said you
5 took some photographs?

6 A Yes, ma'am.

7 Q Looking at State's 57, what is that a photograph
8 of?

9 A That is the single chest wound.

10 Q Okay. And is State's 56, that's just a close up?

11 A Yes, ma'am.

12 Q Okay. And in looking at State's 58 and 59, what
13 are those?

14 A Those are the victim's arms.

15 Q And in looking at 58 and 59 after they are cleaned
16 up, do you see any signs of injury, any scratches, any cut
17 marks?

18 A No.

19 Q Anything of that nature?

20 A No.

21 Q And in looking at the injury location, do you see
22 any other apparent injuries, cut marks, stab marks around
23 the injury?

24 A No.

25 Q And in your experience as a forensic investigator

William Griffith - Cross-Examination by Mr. Grant

1 does that appear to be a clean entry wound or...

2 A Oh, yes.

3 Q And again, State's 58 and 59 would just be the arms
4 cleaned up.

5 Just to reiterate Investigator Griffith, when you
6 went downstairs and photographed the scene, did you see any
7 signs of struggle?

8 A Not downstairs, no, ma'am.

9 Q When you were upstairs, other than the blood, did
10 you see any signs of struggle?

11 A No, ma'am.

12 Q Anything to indicate that any physical type of
13 confrontation would have occurred either upstairs or
14 downstairs?

15 A No, ma'am.

16 Q After you attended autopsy, did you have any
17 further involvement in this case?

18 A No, ma'am. Aside from doing paperwork, that was
19 it.

20 Q Thank you investigator, please answer any questions
21 defense counsel may have.

22 THE COURT: Thank you, Solicitor.

23 Mr. Grant.

24 MR. GRANT: Thank you, Your Honor.

25 CROSS-EXAMINATION

William Griffith - Cross-Examination by Mr. Grant

1 BY MR. GRANT:

2 Q Investigator Griffith, is it?

3 A Yes, sir.

4 Q You are the CSI; is that correct?

5 A I was.

6 Q You were. Now, what do you do now?

7 A I farm.

8 Q Sir?

9 A I farm.

10 Q You're a farmer now?

11 A Yeah.

12 Q Okay. So -- but when you were on this particular
13 case, you were the crime scene investigator?

14 A Yes, sir.

15 Q And that was your duty and that was your
16 responsibility on September 27, 2014 for this case; is that
17 right?

18 A I believe so.

19 Q Was it your primary responsibility to gather the
20 evidence for this case to determine what happened?

21 A Yes, sir.

22 Q And as a trained crime scene investigator, is it
23 your responsibility to gather the evidence, take all the
24 photographs to pretty much tell the story?

25 A Yes, sir.

William Griffith - Cross-Examination by Mr. Grant

1 Q All right. Now, the prosecutor has asked you
2 several questions about whether or not you saw any signs of
3 a struggle downstairs. For instance, she asked you whether
4 or not any lamps were overturned or anything knocked over
5 downstairs. She asked you that, didn't she?

6 A Right.

7 Q Now, did you take any pictures of the downstairs
8 area?

9 A Yes, sir.

10 Q And where are those pictures? Take a look and look
11 through them. I've got a bunch of them here?

12 A Sure.

13 Q As to your photographs, I want you to look for me.

14 A All right.

15 Q And when you see a lamp in those photos, please
16 show me a lamp that's standing up. That wasn't knocked
17 down.

18 A (Looking.) I believe the pictures are out of
19 order.

20 Q Okay. Take your time, there's no rush.

21 A Okay.

22 Q Have you come to any of the photographs of the
23 downstairs area yet, sir?

24 A Yes, sir.

25 Q Okay.

William Griffith - Cross-Examination by Mr. Grant

- 1 A I haven't found a lamp yet.
- 2 Q Okay. Take your time?
- 3 A (Looking.) I'm still looking for a lamp.
- 4 Q Okay. You looked through the photographs?
- 5 A I haven't -- I have looked through the photographs.
- 6 Q Oh, that's my question. You looked through the
- 7 photographs?
- 8 A Yes, sir.
- 9 Q And you didn't see a lamp, did you?
- 10 A No, sir.
- 11 Q And you took these photographs?
- 12 A Right.
- 13 Q All right. Now, sir, would one explanation of why
- 14 you didn't see a lamp downstairs that could have been
- 15 knocked over is because there was no lamp in the first
- 16 place?
- 17 A Sure.
- 18 Q All right, sir. And is it fair then to say, well a
- 19 lamp wasn't knocked down to indicate a struggle and there
- 20 was no lamp to be knocked down in the first place. Would
- 21 that be fair?
- 22 A Sure.
- 23 Q That would be fair?
- 24 A If there --
- 25 Q To blame somebody for not having a lamp knocked

William Griffith - Cross-Examination by Mr. Grant

1 down that wasn't even there to get knocked down?

2 A I think you're just playing on the ambiguity of the
3 statement, but, sure.

4 Q So you're telling me as a witness, trained police
5 officer, sworn to tell the truth --

6 A Yes, sir.

7 Q That if a lamp is not knocked down, that's a
8 sign -- no sign of a struggle, but there's no lamp there in
9 the first place, so still hold that against the defendant?
10 You think that's fair testimony?

11 A That was not my understanding of the question that
12 was asked.

13 Q Well, do you understand it now?

14 A It would be the same, in my opinion, as saying a
15 tree was not knocked over. It was simply any item out of
16 place.

17 Q No, no, no, you were asked about a lamp by that
18 prosecutor. And you looked in the photographs and you
19 didn't see a lamp, did you?

20 A No, sir.

21 Q All right. And in fact, the only thing you saw
22 downstairs were two couches; am I not correct on that?

23 A Couches, playpen, highchair, cans.

24 Q But in the area where people would sit, there was
25 only couches there, is that correct?

William Griffith - Cross-Examination by Mr. Grant

1 A There was a couch. There was a playpen, there was
2 a highchair all in that living room, yes, sir.

3 Q All right. And Ms. Price informed you all -- now,
4 first of all as a CI officer, are you required to read the
5 reports and understand what everybody else is saying about
6 this matter so you can get a grasp of this entire case?

7 A On the -- at the time that I was there. There
8 hadn't been a report generated yet.

9 Q Hadn't been a report generated. Well, did you
10 become familiar with this case to the fullest extent that
11 you could before you got on this witness stand, here the
12 testify before this jury?

13 A Yeah.

14 Q Did you do that? That's what I'm asking.

15 A Yes.

16 Q Okay. And in the process of doing that, did you
17 come across anything in any of the reports where Courtney
18 Price may have said that she scratched Sam at any time; and
19 therefore, could possibly have broken her nail?

20 A No, sir.

21 Q Did you come across anything at any time where
22 Courtney Price said she cut Sam at any time with the knife
23 other than stabbing him?

24 A No.

25 Q The prosecutor asked you, did you see anything that

William Griffith - Cross-Examination by Mr. Grant

1 indicated he was scratched and a nail broken, but you
2 wouldn't see that, because you would not expect to see that
3 based upon your review of the information; isn't that
4 correct?

5 A Correct.

6 Q All right. Now, let's talk about the loose hair
7 from the hand?

8 MR. GRANT: Please mark this as Defendant's Exhibit
9 next in order for identification, please.

10 THE COURT REPORTER: This is Number 28 for ID, Your
11 Honor.

12 MR. GRANT: Let me show this to the prosecution.

13 Let the record reflect I'm showing what has been
14 marked as Defense Exhibit Number 10 for identification.

15 BY MR. GRANT:

16 Q Well, let me ask you, did you collect -- you
17 testified about hair from the hand. Did you collect any of
18 the hair from the hand of Samuel Simmons?

19 A No.

20 Q So, wait a minute, you didn't collect it, yet you
21 gave an opinion of how it could have gotten there when you
22 didn't even see where it was; is that your testimony?

23 A The possibility of it could have been there, yes.

24 Q Okay. Sir --

25 A That was my testimony, sir.

William Griffith - Cross-Examination by Mr. Grant

1 Q All right. So you just testified about
2 possibilities; is that correct?

3 A That was the question.

4 Q But with regards to your personal knowledge as a
5 witness, you don't know that this loose hair that we're
6 talking about was actually in Samuel Simmons' hand, do you?

7 A At the time of autopsy, there was a hair that the
8 forensic pathologist during autopsy got. Couldn't tell you
9 if it was there before or during transport.

10 Q When you say the autopsy, they got the hair out of
11 the hand during autopsy while you were there; is that
12 right?

13 A Yes.

14 Q Okay. And did you see the hair that they pulled
15 from the hand?

16 A No. I was just told.

17 Q You were just told. You don't know what color the
18 hair was because you didn't see it?

19 A No, sir.

20 Q All right. But if there was a -- there was a
21 hair -- I want to make sure what you were informed by the
22 autopsy folks. They retrieved a hair from his hand; is
23 that what they told you?

24 A All I know is that there was a hair.

25 Q There was a hair?

William Griffith - Cross-Examination by Mr. Grant

1 A I was told afterwards it was in the hand, yes, sir.

2 Q Okay. Now, the tissue with the blood on it, you
3 remember you talked about that?

4 A Yes, sir.

5 Q This tissue with the blood on it, are you making a
6 point of that to try to say to this jury that she wiped the
7 blood off of her?

8 A No point.

9 Q Is that the point of your testimony?

10 A Just the fact that there was a tissue there that
11 had blood on it.

12 Q Just a fact that there was a tissue there. And
13 you've seen the pictures of the very bloody clothing that
14 resulted from this incident; is that correct?

15 A Sure.

16 Q So clearly, you would agree with me she was not
17 trying to wipe all that blood off with that small piece of
18 tissue?

19 A I would agree with that.

20 Q Okay. All right. Is this a photograph that you
21 took?

22 A Yes, sir.

23 Q Okay. And this's State's Exhibit 28?

24 A Okay.

25 Q Is that right?

William Griffith - Cross-Examination by Mr. Grant

- 1 A I'd have to see the number on it.
- 2 Q Okay.
- 3 A Yes.
- 4 Q And take a look at it with me for a minute. You
- 5 see this tiger colored spread or whatever?
- 6 A Right.
- 7 Q You see the heavy blood at the foot of the bed?
- 8 A Right.
- 9 Q And based upon the pictures that you took, does it
- 10 appear that there was a lot of activity as far as bleeding
- 11 going on near the foot of the bed, considering that this
- 12 photograph, State's Exhibit 28?
- 13 A There was.
- 14 Q Okay. And do you also see the blinds in State's
- 15 Exhibit Number 28 to the right of the foot of the bed?
- 16 A Yes, sir.
- 17 Q And those blinds also had blood on them, correct?
- 18 A Correct.
- 19 Q Let the jury see what I have been talking about.
- 20 Did you take any pictures of the downstairs
- 21 reflecting alcoholic beverages in the house?
- 22 A There were.
- 23 Q All right. I'm showing you what is marked as
- 24 State's Exhibit Number 6.
- 25 A Yes, sir.

William Griffith - Cross-Examination by Mr. Grant

1 Q There on the back, you see that?

2 A Yes, sir.

3 Q Is that a photograph that you took?

4 A Yes.

5 Q And what do you see in State's Exhibit 6 that looks
6 like alcoholic beverages?

7 A Raspberitta and bottle of, it appears to be
8 Hennessy.

9 Q Now Raspberitta, is that a beer?

10 A It is a malt beverage, yes, sir.

11 Q A malt beverage. Okay. Is malt beverage a little
12 stronger than beer?

13 A I really couldn't tell you.

14 Q Okay. But Hennessy, that's liquor?

15 A Right.

16 Q All right. Do you know how the Raspberitta and the
17 Hennessy liquor got in the house as part of your
18 investigation?

19 A No, sir.

20 Q And you made a point about the fact that the only
21 wound that you saw on the body of Samuel Simmons was that
22 one stab wound; is that correct?

23 A That's correct.

24 Q And, in fact, that's the only wound that Courtney
25 mentioned that would have been caused by the one time she

William Griffith - Cross-Examination by Mr. Grant

1 stabbed him; is that correct?

2 A Yes, sir.

3 Q Okay. Now, you were asked whether or not there was
4 any other indications of a struggle. I want to show you
5 what is marked as Defendant's Exhibit Number 42. Take a
6 look at that, please, sir.

7 A Yes, sir.

8 Q And tell the jury what is that again?

9 A That is a picture of the defendant's rear.

10 Q The back of the defendant?

11 A Yes, sir.

12 Q Do you see the very heavy stain on the back of her
13 clothing?

14 A Yes, sir.

15 Q Are there also marks on the back of her clothing
16 appear that they could have been there from somebody
17 hugging or holding onto her around her back? Fingerprints?

18 A I think you'd have to make your own inference on
19 that. I don't see anything as far as on her back that
20 appears to be fingerprints, no, sir.

21 Q Do you see anything on the back of her clothing?
22 Any blood on the back of her clothing?

23 A Oh, absolutely.

24 Q Okay. And the heavy stain and the blood on the
25 back of her clothing, would that indicate to you as a crime

William Griffith - Cross-Examination by Mr. Grant

1 scene investigator transfer blood?

2 A Being that it's not hers, it would have been
3 transferred in some way.

4 Q Okay.

5 A As far as the method of transfer, you'd have to
6 defer to someone who is actually an expert on that to give
7 you a better answer.

8 Q Okay. But one thing is certain -- may I have that
9 back, please, sir.

10 A Sure.

11 Q As blood being transferred wouldn't you have to
12 admit, it would certainly seem to indicate she had to be
13 close enough to Mr. Simmons with his blood getting on the
14 back of her body to cause that to have a heavy stain, based
15 upon your training?

16 A She would have to be close enough for it to be
17 transfer, yes, sir.

18 Q Okay. And based on the heavy stains in -- let's
19 look at State's Exhibit Number 40, take a look at those.
20 Would you come to the same conclusion that she had to be
21 close enough for that amount of blood to be on her body to
22 be transferred from his?

23 A Yes, sir.

24 Q And -- before you hand it to me, let me see it a
25 second. Do you see redness around the front part of her

William Griffith - Cross-Examination by Mr. Grant

1 neck?

2 A It's a different shade, yes, sir.

3 Q Okay. And does it appear to be redness that could
4 be consistent with hands, bloody hands, being put around
5 her neck from what you see?

6 A A bloody, anything, yes, sir.

7 Q A bloody anything?

8 A Right.

9 Q Okay. But around her neck. You see blood around
10 her neck in this photo?

11 A Around her neck, yes, sir.

12 Q Okay. And in this particular picture, State's
13 Exhibit Number 41, take a look at it for me, please, sir.
14 Do you see the same blood under her neck consistent -- look
15 at that now, please sir.

16 A Uh-huh.

17 Q -- with someone merely grabbing her with a bloody
18 hand consistent with this in this area of her neck?

19 MS. CORNWELL: I'm going to object to this
20 question. He's already said he's not a blood pattern
21 expert.

22 MR. GRANT: He's a crime scene investigator.

23 THE COURT: If you can answer the question, you may
24 do so. If not --

25 THE WITNESS: Right. Like I said, it's a bloody

William Griffith - Cross-Examination by Mr. Grant

1 something. I can't tell you what it was.

2 BY MR. GRANT:

3 Q Okay. But do you see blood on her neck right --

4 A There is blood on her neck, yes.

5 Q Where, just touch it on this?

6 A Sure.

7 Q All right. And, in fact, that's a closer upshot
8 showing blood. And, again, look at it for the record,
9 please show me the back for the number of the exhibit to
10 make sure I cover that for the record?

11 A 45.

12 Q State's Exhibit 45. Is that a closer up shot?

13 A Yes, sir.

14 Q Showing blood up under her neck? What side of her
15 neck is that based upon that photograph and that angle?

16 A Right side.

17 Q Right side of the neck. May I have that, please.

18 And as far as State's Exhibit Number 49, did you
19 take that picture of Courtney's hair?

20 A Yes, sir.

21 Q And I don't know if the picture properly reflects
22 it, but what color do you remember Courtney's hair to be?

23 A Sort of a multi-tone between darker brown, lighter
24 brown.

25 Q Could it be described as some sort of blonde?

William Griffith - Cross-Examination by Mr. Grant

1 A Parts of it, sure.

2 Q Yes, sir. And again, regarding the amount of blood
3 and the heavy blood in the area of the foot of the bed,
4 would you please take a look at State's Exhibit Number 14.

5 A Yes, sir.

6 Q And that's a closer up shot of the tiger print
7 spread?

8 A Yes, sir.

9 Q All right, sir. I'll show the jury State's 49 and
10 14.

11 Now, I'll continue with these pictures, but I do
12 have a question for you. You -- you went upstairs and did
13 you say Courtney went to the bathroom and washed her hands;
14 is that what she did?

15 A I -- I was told that prior to me getting there she
16 had used the bathroom and she had washed her hands and
17 while I was there she also went to the restroom, yeah.

18 Q Okay. And you went upstairs and you took pictures
19 of the bathroom and you didn't see any blood, is that
20 correct?

21 A I saw no signs up there.

22 Q Okay. And I think your sworn testimony was that as
23 the crime scene investigator your job is to take pictures
24 that pretty much show everything?

25 A Right.

William Griffith - Cross-Examination by Mr. Grant

1 Q Is that right? That was your responsibility?

2 A Right.

3 Q All right, sir. And are you aware -- I think you
4 said -- well, first, before I ask that, did you testify
5 that there was only one bathroom upstairs?

6 A One -- yes.

7 Q That's all you saw?

8 A Upstairs.

9 Q Okay. Are you aware that there were two bathrooms
10 upstairs?

11 A No.

12 Q Okay. If there was a second bathroom and you only
13 took pictures of one, clearly you wouldn't have pictures or
14 knowledge of what may or may not have been in the second
15 one; is that correct?

16 A That's true.

17 Q Okay. So you if you took pictures of a wrong
18 bathroom, the blood could have been in the other bathroom;
19 is that correct?

20 A Sure.

21 Q Would it have been difficult to just walk to the
22 next bathroom to take photographs.

23 A I'm not aware of there actually being a second
24 bathroom up there.

25 Q Okay. Now, this picture right here, State's

William Griffith - Cross-Examination by Mr. Grant

1 Exhibit Number 20, what is State's Exhibit Number 20 and
2 why did you take that picture. What evidentiary value do
3 you think it had?

4 A Again, I am not a blood spatter expert.

5 Q Uh-huh.

6 A However, someone who is would need a photograph
7 like that.

8 Q Okay. All right. Well, let me give you a better
9 one. Number 21, take a look at that, please, sir. State's
10 Exhibit 21?

11 A Yes, sir.

12 Q Now if there's a struggle between people, let's say
13 a man and a weaker woman and he's pushing her back and she
14 has blood on her body as a result of the struggle, would
15 there necessarily, and could possibly be blood on the wall
16 where he's pushed her into the wall?

17 A Sure. Yes.

18 Q Okay. And that picture you have in your hand, what
19 number is it again? State's Exhibit?

20 A 21.

21 Q 21. And is there blood on that particular wall in
22 that room?

23 A Yes, sir. This is in the hallway right outside the
24 master bedroom, there's blood on the wall.

25 Q Okay. And the prosecutor has asked you numerous

William Griffith - Cross-Examination by Mr. Grant

1 questions as to whether you saw this and whether you saw
2 that that indicated a sign of struggle in that room. And
3 I'm asking you, in your opinion, as a crime scene
4 investigator, in all fairness to both sides, does that, in
5 your opinion indicate a struggle in that room?

6 A No, sir.

7 Q It doesn't. Let me have it, please, sir.

8 Well, there's blood on the wall, in your opinion,
9 it does not indicate that there's a struggle in the room?
10 That's your sworn testimony to this jury; is that correct?

11 A Are you referring to a struggle as being between
12 two people or a single persons struggling.

13 Q I'm talking about a struggle as being between two
14 people?

15 A No.

16 Q It doesn't indicate that to you?

17 A No.

18 Q Okay. And State's Exhibit Number 17, what does
19 that picture show again, sir?

20 A Those are the blinds at the foot of the bed.

21 Q At the foot of the bed?

22 A Right.

23 Q And is that a close up of those blinds?

24 A Yes, sir.

25 Q And does it show blood on those blinds?

William Griffith - Cross-Examination by Mr. Grant

1 A It does.

2 Q Let me have that back, please. And as I show the
3 jury State's Exhibit Number 17, a close up of blood on the
4 blinds, as a crime scene investigator, what evidentiary
5 value did you think this particular photograph had?

6 A It shows the location of someone that had blood on
7 their hands.

8 Q All right, sir. Blood on their hands or --

9 A To me it appeared to be a hand print, yes, sir.

10 Q Okay. And take a look, if you will at State's
11 Exhibit Number 22. What is depicted in State's Exhibit
12 Number 22?

13 A That is an overall from the doorway of the master
14 bedroom all the way to the blinds.

15 Q And that's what you saw when you got there?

16 A Right.

17 Q And what's on the floor in that picture?

18 A The sheet that covers the victim, several pieces of
19 clothing, a shoe, and blood.

20 Q Okay. Several pieces of clothing?

21 A Right.

22 Q And Sam was nude when you arrived; is that correct?

23 A He was.

24 Q Okay. And does it appear that these are the
25 clothes that Sam may have disrobed from and where he left

William Griffith - Cross-Examination by Mr. Grant

1 them when he got nude?

2 A Right.

3 Q Okay. And that's why you took that picture for
4 evidentiary value?

5 A That was the -- the picture was taken as an overall
6 of the room and what was in there, yes, sir.

7 Q Okay. And those -- excuse me, those clothing from
8 the angle of the photographs, they are located at the foot
9 of the bed; is that correct?

10 A In the empty area between the foot of the bed and
11 the closet, yes, sir.

12 Q Okay. So from the photographs that you took in
13 this particular case, the clothes at the foot of the bed,
14 most of the blood at the foot of the bed, blood on the
15 blinds, did you make any kind of assessments as to where
16 most of the activity occurred in this room?

17 A Most of the activity would have been between the
18 bed and the doorway to the room.

19 Q And you were also asked whether or not anything was
20 knocked off of the dresser because you were shown a picture
21 of some, I don't know, items on the dresser that appear to
22 be still standing up?

23 A Right.

24 Q Is that right?

25 A (Witness nodded head.)

William Griffith - Cross-Examination by Mr. Grant

1 Q And again, now, in preparing to testify and
2 becoming familiar with this case, did you see any statement
3 in any form filed from anybody that indicated Courtney said
4 Sam slammed her into the dresser?

5 A No, sir.

6 Q This is pretty -- let me just say this: Look at
7 State's Exhibit Number 24. Again, is that a picture that
8 you took?

9 A Yes, sir.

10 Q Let me come around just a second, please, sir. You
11 see that stain right there?

12 A Which one.

13 Q Right here. The dark --

14 A Yes, sir.

15 Q What's that?

16 A Just transfer.

17 Q But that is blood?

18 A It would appear to be blood.

19 Q It would appear the be blood. And this is the door
20 leading into or out of the room?

21 A That's the only door.

22 Q That's the only door?

23 A The only entrance and exit to the room, yes, sir.

24 Q Okay. That -- I guess what I'm asking, is that
25 picture of the blood appears to be as you're leaving the

William Griffith - Cross-Examination by Mr. Grant

1 room or the inside of the door?

2 A It is outside -- just outside the door.

3 Q Just outside of the door?

4 A Uh-huh.

5 Q Okay. Look at State's Exhibit Number 48 for me,
6 please, sir. And you see the left -- excuse me, that would
7 be the right side of Courtney's face.

8 A That's the right side.

9 Q You see that?

10 A I do.

11 Q What is that?

12 A It's a very small, could be a very small finger.

13 Q Could it be an abrasion?

14 A No.

15 Q Could it be any kind of bruise or trauma at all?

16 A No, that was transfer.

17 Q Okay. So you think this is transfer?

18 A Right.

19 Q Even though you're not a blood expert, you're
20 certain that's transfer?

21 A Well, you said abrasion.

22 Q I'm just asking.

23 A It's not an abrasion.

24 Q It's not abrasion. Could it be any kind of trauma
25 as to why you took that picture?

William Griffith - Cross-Examination by Mr. Grant

- 1 A The lighting in that photo is just not 100 percent
2 of what it ought to be.
- 3 Q All right. Who put the settings on the camera?
- 4 A That's me.
- 5 Q Okay. So whether the lighting was good on the
6 camera or not, that was solely up to you, correct?
- 7 A Yes, sir.
- 8 Q Let me ask you about State's Exhibit Number 34, did
9 you take that photograph?
- 10 A No, sir.
- 11 Q You did not take that one?
- 12 A No.
- 13 Q Hold on a minute. You're a crime scene
14 investigator?
- 15 A I was, yes, sir.
- 16 Q Okay. You still got your certifications?
- 17 A They're good.
- 18 Q Okay. Let me ask you to look at it, please, sir.
19 Look at State's number -- did I say 34?
- 20 A You did say 34.
- 21 Q That's a nude picture of Sam; is that correct?
- 22 A Right, sir.
- 23 Q And do you see any blood on the bottom of his feet?
- 24 A Yes, sir.
- 25 Q All right. And as a crime scene investigator or

William Griffith - Cross-Examination by Mr. Grant

1 former, would that have any evidentiary value in your
2 opinion that there's blood on the bottom of the feet?

3 A Sure.

4 Q Okay. And you would agree that a man can't get
5 blood on the bottom of his feet unless his feet are
6 standing on the top of the blood?

7 A Well, no, I wouldn't say that, but --

8 Q You think somebody splashed it on his feet?

9 A Well, you asked if it was possible. I'm not trying
10 to be rude, but yes, there are other ways it could happen.
11 This does appear that he was stepping in blood.

12 Q Okay. That's my question.

13 A Yes.

14 MR. GRANT: Your Honor, before I go any further,
15 are all of these exhibits already admitted? Is this stack
16 been admitted, counsel?

17 MS. CORNWELL: It has.

18 MR. GRANT: They have. All right.

19 BY MR. GRANT:

20 Q How did you become aware that Courtney was a
21 diabetic?

22 A I was told.

23 Q All right. I'm just about finished, Officer, I may
24 have a few more questions for you.

25 (There was a pause in the proceedings.)

William Griffith - Redirect Examination by Ms. Cornwell

1 BY MR. GRANT:

2 Q And, again, we've established that there was no
3 lamp downstairs, but there was really no other chairs in
4 that area other than those two couches; is that correct?

5 A Yes, in the living room.

6 Q Yes, sir, that's what I mean.

7 MR. GRANT: That's all. I have no further
8 questions of the witness.

9 THE COURT: Thank you, Mr. Grant.

10 Redirect, Solicitor?

11 MS. CORNWELL: Thank you, Your Honor.

12 **REDIRECT EXAMINATION**

13 BY MS. CORNWELL:

14 Q Defense first questioned you about this lamp or
15 anything. I believe the generalized question was, was
16 there any sign of struggle downstairs?

17 A No, ma'am.

18 Q Okay. In looking at the photographs that you took
19 of the downstairs, where those couches, this is State's 2
20 and 4, playpen and the highchair, they're right in front of
21 and right beside that couch, correct?

22 A They're beside the love seat, yes, ma'am.

23 Q Love seat. Okay. And in the carpet, is there any
24 indication in that that would show that that playpen had
25 been moved or bumped or anything.

William Griffith - Redirect Examination by Ms. Cornwell

- 1 A No, ma'am.
- 2 Q The highchair that's at the end of that love seat,
3 are there items on that highchair?
- 4 A Yes, ma'am.
- 5 Q And are those items knocked over to indicate that
6 that highchair had gotten bumped in any way?
- 7 A No, ma'am.
- 8 Q Anything to indicate that there had been a struggle
9 that occurred on that love seat?
- 10 A No, ma'am.
- 11 Q This is State's 2 and 4. And that love seat, how
12 big is that?
- 13 A Standard two-seater love seat.
- 14 Q Okay. And obviously with the cans, if somebody was
15 sitting on that drinking next to it --
- 16 A That would be an assumption. I can say whoever put
17 the cans there, carefully lined them up.
- 18 Q Okay. All right.
- 19 Next, you were asked about a hair. And we've seen
20 pictures of the hands. You never collected a hair --
- 21 A No, ma'am.
- 22 Q -- from his hands.
- 23 Did you see a hair on his hands when you
24 photographed them?
- 25 A No.

William Griffith - Redirect Examination by Ms. Cornwell

1 Q When the body was transported to autopsy, what was
2 it transported in.

3 A The County Coroner's vehicle.

4 Q The actual body itself, what --

5 A In a zipped-up body bag.

6 Q Okay. And do you know -- do you have personal
7 knowledge of those body bags getting washed or cleaned out
8 often?

9 A I sure don't.

10 Q So when this hair was collected at autopsy, it
11 could have come -- where could it have come from?

12 A It could have come from anywhere between that bed,
13 the floor, the bag, all the way up to the room of the
14 autopsy.

15 Q Okay. And I believe we talked about her hair. How
16 was her when you arrived on scene? Was it loose or was it
17 tightly braided.

18 A It was cornrows and then pulled up into a bun.

19 Q Okay. And I believe you had testified that it was
20 multiple colors?

21 A Right.

22 Q It wasn't the blonde that she has right now, was
23 it?

24 A Not entirely, no.

25 Q Okay. And you were asked about the neck and

William Griffith - Redirect Examination by Ms. Cornwell

1 transfer and questions of that nature. Let me ask you
2 this: Do you have children?

3 A Yes.

4 Q And when your child was one-year old, and you held
5 that child, where was that child's arms and hands?

6 A Usual --

7 MR. GRANT: Objection. That goes beyond the scope
8 of the cross.

9 THE COURT: I would allow it under 611. You may
10 ask the question.

11 BY MS. CORNWELL:

12 Q Where were your son's hands at the age of one year
13 old?

14 A Either on my shoulders or around my neck.

15 Q Okay! And I believe we've indicated that --
16 through the picture of the child, you would agree -- how
17 was the child's appearance?

18 A The limbs and clothing all had blood on him.

19 Q And looking at State's 53 and 54; is that the
20 child's arms?

21 A Right.

22 Q Okay. And you've testified to transfer. Would it
23 also be possible for blood to be transferred from a child
24 around the neck and on the face?

25 A Sure.

William Griffith - Redirect Examination by Ms. Cornwell

1 Q And then you were asked about the scene. I believe
2 when you testified on direct. You talked about a
3 serpentine pattern?

4 A Right.

5 Q And was that inside or outside the doorway?

6 A It was at the threshold and outside the doorway.
7 Bleeding pretty much the entire doorway area.

8 Q And in looking at State's 21 and 23, does that show
9 that serpentine pattern?

10 A Yes, ma'am.

11 Q And what was your indication of what caused that
12 serpentine pattern?

13 A It was spilling blood.

14 Q And then you were asked about this mark on the wall
15 and whether a struggle could have occurred?

16 A Right.

17 Q And you asked a specific question in follow up to
18 that, I believe it was are you asking if one person was
19 struggling or if there was a struggle between two people?

20 A Right.

21 Q Based on what you saw with the serpentine pattern
22 on that, what does that indicate to you?

23 A Again, like I said, I'm no expert; however, it
24 looks like somebody was walking out, leaned on the wall,
25 and turned around.

William Griffith - Recross-Examination by Mr. Grant

1 Q And if that person had been stabbed, would you
2 assume that they would have been struggling?

3 A Yes, ma'am. I mean, just with life itself.

4 Q Thank you, Mr. Griffith. I have no further
5 questions.

6 THE COURT: Mr. Grant?

7 MR. GRANT: Yes, sir.

8 **RECROSS EXAMINATION**

9 BY MR. GRANT:

10 Q Well, let's talk about that hair a little bit more.
11 Again, you are a CSI or at least you were, am I right?

12 A Right.

13 Q And as a CSI, cannot a hair be examined with DNA
14 allowances if it's part of the collection of the evidence
15 so we'll know who it came from?

16 A Potentially it could, if there's enough of it to be
17 tested, yes, sir.

18 Q You telling me, sir, that a hair follicle cannot be
19 DNA analyzed?

20 A Oh, sure. But we're talking about an actual hair.

21 Q Yeah. Well couldn't it have been examined for DNA
22 purposes?

23 A I can't answer that question.

24 Q You can't answer that question?

25 A I haven't seen the hair. I don't know what was

William Griffith - Recross-Examination by Mr. Grant

1 there. So I don't know if it would be a candidate for DNA
2 testing or not. I mean for that matter, if there was blood
3 on there, or --

4 Q Okay. All right. But if the hair is actually in
5 the hands of the victim and the color of the hair matches
6 is hair of the defendant, would you think that would be
7 something that might be worth looking into to determine if
8 the victim grabbed the defendant's hair?

9 A If I had seen it, yes.

10 Q Yeah. Now, you were asked on redirect about the
11 way you normally carry your child if you have a small
12 child; is that right?

13 A Right.

14 Q You have no personal knowledge or are competent to
15 testify how Courtney was holding C.D.S. on this tragic
16 morning of this incident, do you?

17 A I don't know how she was holding him.

18 Q Because you didn't see it, did you?

19 A No, sir.

20 Q And you didn't take any pictures of it, did you?

21 A No, sir.

22 Q So for you to imply in any kind of way that C.D.S.
23 might have had his hands around her neck, you don't know
24 that for sure, do you?

25 A I made no implication.

William Griffith - Recross-Examination by Mr. Grant

1 Q Okay. And let's talk about the playpen for a
2 second. You said it looked like the playpen might have
3 been moved?

4 A Might have been?

5 Q Imagine that's the playpen. If you came in this
6 room right now, never seen that pen before, you wouldn't
7 know whether it was there before or after anything happened
8 in this room, would you?

9 A No, sir.

10 Q Okay. And the same logic with the playpen, you
11 wouldn't be able to tell whether the playpen was moved or
12 moved around in any kind of way just because of what you
13 saw when you got there; is that correct?

14 A Well, what I said was that it did not appear to
15 have been moved, but not knowing where it would have been,
16 no.

17 Q Okay. And you would agree that a parent can move a
18 child's playpen any kind of way they want to, any time to
19 play with the kid?

20 A Sure.

21 Q Okay. So you wouldn't know -- and I want to make
22 sure we're straight on this, when you testified that it
23 appeared to be moved, you don't know that?

24 A I did not say that it had been moved.

25 Q Well, what did you say?

William Griffith - Recross-Examination by Mr. Grant

1 A I said it had not been moved.

2 Q Well, let's --

3 A I was answering the question of do I see indentions
4 or indications, no I didn't.

5 Q And you -- like you said, you couldn't say it had
6 not been moved and you can't say that it had been moved.
7 In other words, you can't really give any kind of opinion
8 or not, can you?

9 A Based on what I see, that's all I can say.

10 Q Thank you, sir.

11 MR. GRANT: No further questions.

12 THE COURT: Thank you, thank you very much,
13 Mr. Griffith. You may step down.

14 THE WITNESS: Yes, sir.

15 MS. CORNWELL: Your Honor, the State would call
16 Investigator Latisha Walker.

17 THE COURT: All right. If you would come around,
18 please and be sworn.

19 LATISHA WALKER,

20 having been duly sworn, testified as follows:

21 THE CLERK: Thank you, you may have a seat. State
22 your name and spell your name for the record.

23 THE WITNESS: My name is Latisha Walker, that's
24 L-A-T-I-S-H-A, last name W-A-L-K-E-R.

25 THE CLERK: Thank you.

Latisha Walker - Direct Examination by Ms. Cornwell

DIRECT EXAMINATION

BY MS. CORNWELL:

Q I keep calling you Investigator Walker. I believe it's Agent Walker.

A Yes.

Q I'm sorry. It's Agent Walker, correct?

A Yes.

Q Where do you currently work?

A I work for SLED, South Carolina Law Enforcement Division.

Q How long have you worked at SLED?

A I have been there since July.

Q Prior to working at SLED where did you work?

A The Orangeburg Department of Public Safety.

Q And how long have you worked in law enforcement totally?

A June, I will have 18 years.

Q Okay. And when you worked with Orangeburg Department of Public Safety, what was your position and rank?

A I was a sargent in the investigation division.

Q Okay. How long did you work as an investigator?

A Total?

Q Yes.

A Probably -- I would estimate about 15 and a half,

Latisha Walker - Direct Examination by Ms. Cornwell

1 16 years.

2 Q Okay. And during that time, approximately, how
3 many domestic disputes have you investigated?

4 A Hundreds. Domestics, burglaries, and alarms are
5 our kind of calls.

6 Q Okay. Approximately how many homicides have you
7 investigated?

8 A About ten.

9 Q And were you working as an investigator for the
10 Department of Public Safety on September 27th, of 2014?

11 A Yes.

12 Q Do you recall being dispatched to [REDACTED] Crossing
13 Circle that night?

14 A That morning, yes.

15 Q I keep saying night. I apologize. What County is
16 that in?

17 A That's in Orangeburg County.

18 Q What were you dispatched in reference to?

19 A To a homicide.

20 Q When you arrived on scene, what did you observe?

21 A I observed -- I spoke with officers who were
22 outside of the apartment initially.

23 Q Okay. And when you come on scene as an
24 investigator, is it typical for you to speak to officers to
25 get an idea of what was going on?

Latisha Walker - Direct Examination by Ms. Cornwell

1 A Yes.

2 Q And you did that in this case?

3 A Yes.

4 Q And after you spoke with those officers outside,
5 did you enter the house?

6 A Yes.

7 Q And what did you see when you entered the house?

8 A I saw Ms. Price, her baby, and Officer Bellinger in
9 the living room area of the apartment.

10 Q Okay. And who was holding the baby?

11 A Officer Bellinger was.

12 Q Okay. And how did the baby appear?

13 A He was bloody. He had on bloody clothes.

14 Q And when Officer Bellinger was holding him, how did
15 she appear?

16 A She had blood on her as well.

17 Q Okay.

18 A And I actually said something about it because with
19 the blood transfer and she didn't have gloves on at the
20 time.

21 Q Okay. But logically, that blood that was on her
22 came from where?

23 A The baby.

24 Q And when you looked around downstairs, how did
25 everything appear?

Latisha Walker - Direct Examination by Ms. Cornwell

1 A It was neat.

2 Q Okay. Did you see any signs of a struggle?

3 A No, I did not.

4 Q And in looking at some of these photographs,
5 particularly the playpen and stuff -- do you have children?

6 A I have three daughters.

7 Q You've had experiences with playpens and things of
8 that nature?

9 A Yes.

10 Q When you're -- when they're set in carpet, how does
11 the carpet look -- the wheels, do they cause anything in
12 the carpet?

13 A It would be an indentation there.

14 Q Okay. And if that playpen would have been kicked
15 or moved in any way, would you be able to tell based on
16 those carpet indentations?

17 A Yes.

18 Q And in that photograph and when you arrived on
19 scene, were you able to see any indications that that
20 playpen had been moved in any way?

21 A No, ma'am.

22 Q Kicked or knocked out of the way in any way?

23 A No.

24 Q And that highchair at the end of that, was there an
25 indication that it had been moved or kicked or knocked over

Latisha Walker - Direct Examination by Ms. Cornwell

1 in any sort of struggle?

2 A No, and there's also beer, well Margarita -- well,
3 Raspbarita cans sitting on it, so if it would have been
4 moved it was most likely they would have been knocked over.

5 Q Okay. And then -- actually, looking back at
6 State's Exhibit 2, is there also a can on the other side?

7 A Yes.

8 Q And was that can knocked over?

9 A No, it's standing upright.

10 Q Okay. Anything at all that indicated that there
11 had been a struggle downstairs at any time that night?

12 A No.

13 Q When you looked at the defendant, did she have any
14 bruises or cuts on her neck?

15 A No.

16 Q On her arms or on her wrists?

17 A No.

18 Q Any indication that she had been choked in any way?

19 A No.

20 Q Okay. And we see the defendant sitting at the
21 table, but what is her skin tone?

22 A She's very light skinned.

23 Q Okay. And as an investigator, would you think if
24 there had been signs of choking or struggle, you would have
25 been able to see those on her?

Latisha Walker - Direct Examination by Ms. Cornwell

1 MR. GRANT: Objection to the leading nature of the
2 question.

3 THE COURT: Restate the question, Solicitor.

4 MS. CORNWELL: I don't believe it was leading.

5 BY MS. CORNWELL:

6 Q Given the nature of her skin tone, did you see
7 anything that would indicate there was signs of a struggle
8 on her neck?

9 A And actually it would have been -- it would have
10 showed up even more because of her skin tone.

11 Q Thank you. Did she have any black eyes, busted
12 lip, or nose?

13 A No.

14 Q Was her hair pulled out of place?

15 A No.

16 Q And how was her hair at the time?

17 A It was in braids, long braids that kind of went up
18 into a bun as Officer Griffith stated and it came down the
19 back.

20 Q And it was in that bun when you arrived?

21 A Yes.

22 Q Have you seen some photographs where it may have
23 been down as well?

24 A The back came down. It went up and then the back
25 came down.

Latisha Walker - Direct Examination by Ms. Cornwell

1 Q Okay. And any of those braids pulled or messed up
2 in any way?

3 A No.

4 Q Nothing to indicate a struggle with the hair?

5 A No.

6 Q Were her nails broken?

7 A No, her nails were not broken. And we looked and I
8 checked specifically for her nails being broken.

9 Q Okay. Was there anything that you could see that
10 she had been assaulted or that there had been any physical
11 confrontation with her that night?

12 A No.

13 Q After you went downstairs, what did you do?

14 A I went upstairs.

15 Q And when you went upstairs, what did you observe?

16 A When I exited out of the staircase going upstairs,
17 I made a right turn and you could see the wall to my left
18 had like blood scrapings on it; and I would say scrapings
19 because I'm not crime scene personnel and I don't know the
20 correct verbiage. But it appeared that someone was rubbing
21 up against the wall.

22 Q Okay. All right. And did you get to view the
23 victim at this time?

24 A I did.

25 Q And did the victim have any cuts or scratches on

Latisha Walker - Direct Examination by Ms. Cornwell

1 his arms or on his body anywhere?

2 A No.

3 Q Did he have any bruising anywhere?

4 A No.

5 Q Anything to indicate that he had been involved in a
6 struggle other than a stab wound?

7 A No.

8 Q All right. Now, you've been in the courtroom for
9 this entire trial, correct?

10 A Yes.

11 Q Okay. We've heard a lot about the indications --
12 did Courtney ever indicate to you in any of the
13 statements -- and we'll get to her statements in a
14 minute -- that she had scratched the victim or done
15 anything like that to him?

16 A No.

17 Q Did she indicate to you whether or not she had been
18 scratched or anything of that nature?

19 A No.

20 Q So why are you checking her nails and his body and
21 all that for indications of injuries?

22 A I checked her nails because when someone is choked,
23 normally, you'll be clawing at the person trying to get
24 their hands from around your neck and in situations of
25 domestic assault, when you're clawing, if you have long

Latisha Walker - Direct Examination by Ms. Cornwell

1 nails as she does in the courtroom today, they would most
2 likely break.

3 Also, the victim, as he was laying on the floor
4 deceased, I checked him because if she was clawing to get
5 his arms from around her neck, she would have scratched him
6 as well and there were no signs of any -- anything.

7 Q And when somebody's getting choked, are they just
8 standing in one spot or is there movement all around the
9 room?

10 MR. GRANT: I object to this line of questioning.
11 This victim is not an expert on how people react when
12 they're being choked.

13 THE COURT: I would overrule that. I would
14 overrule that.

15 MS. CORNWELL: Thank you.

16 BY MS. CORNWELL:

17 Q You can answer.

18 A When someone's being choked, I don't -- no one's
19 going to stand still and just stand there and be choked,
20 you're going to be fighting trying to get that person's
21 hands from around your neck.

22 Q And would that include moving around a room?

23 A Yes.

24 Q And did you see any indication of that either
25 downstairs or upstairs when you looked at the scene?

Latisha Walker - Direct Examination by Ms. Cornwell

1 A No.

2 Q Was there anything knocked over on the dresser or
3 anything when you went upstairs?

4 A No.

5 Q Other than the blood upstairs, was there anything
6 to indicate that a struggle had occurred upstairs?

7 A No.

8 Q And after you went upstairs, what did you do?

9 A After I went upstairs, I spoke with crime scene
10 personnel and I then went back downstairs and at that
11 point, someone had -- the grandmother had been called to
12 pick up the baby.

13 Q Okay. And why did the grandmother need to come
14 pick up the baby?

15 A Because Ms. Price was going to be transported to
16 the Public Safety's headquarters to be interviewed.

17 Q Okay. And were you at the residence when the
18 grandmother drove up?

19 A Yes.

20 Q Where were you when she drove up?

21 A I was standing outside.

22 Q Okay. And as you were standing outside and she
23 drove up, when she got out of her car, did she make any
24 excited utterances to you?

25 MR. GRANT: I object to that, Your Honor. Matter

1 of fact, matter of law to take care of outside the presence
2 of the jury.

3 THE COURT: All right. Thank you. Thank you,
4 Mr. Grant.

5 Ladies and gentlemen of the jury, if you'd please
6 step to your jury room while we take up this matter of law.
7 Thank you, thank you very much.

8 (The jury left the courtroom at 11:10 a.m.)

9 THE COURT: Give me just a minute.

10 MR. GRANT: Yes, sir.

11 (There was a pause in the proceedings.)

12 THE COURT: All right. Yes, sir.

13 MR. GRANT: Yes, Your Honor. May I have one
14 moment?

15 THE COURT: Certainly.

16 (There was a pause in the proceedings.)

17 MR. GRANT: Well, naturally, Your Honor, we object
18 to this particular testimony coming in on the basis that it
19 is indeed hearsay under Rule 801 of the South Carolina
20 Rules of Evidence. It is an out-of-court statement truly
21 being offered to prove the truth of the matter asserted.
22 Number one, for the officer to -- using the prosecutor's
23 term that she's often used in this trial -- to use the
24 self-serving characterization of it being an excited
25 utterance, I don't think it excuses the fact and gets them

1 out of the fact that this is indeed hearsay. And number 1,
2 it's also -- let me -- if I may step up, Counsel. It's
3 also not relevant under Rule 401, I think it is under the
4 rules of evidence.

5 Relevant evidence is evidence that has any tendency
6 to prove or disprove a fact that is of consequence to the
7 Court. The elements of the crime of murder are obviously
8 that the defendant is charged with unlawfully killing the
9 victim with malice aforethought. It is not relevant what
10 mom may have said or thought when she rolled up to the
11 scene and the prosecutor does not need this evidence to
12 prove the elements of the crime.

13 Mom has no idea what may have happened before she
14 got there. And to allow this jury to consider that her mom
15 may or may not -- and I would tell the Court, I've spoken
16 with the mom who tells me she denies even saying that. But
17 to allow this jury to consider that mom may have said
18 something when she rolled up to the scene about killing the
19 man or the man being good to the child because that's where
20 they're going with this, that would be totally prejudicial
21 and much more prejudicial than probative on the issue of
22 whether the defendant actually committed the crime under
23 Rule 403 of the Rules of Evidence.

24 So it's not logically relevant because it has no
25 tendency to prove the guilt or innocence of the defendant,

1 since mom has no personal knowledge as to what happened.
2 And it is legally not admissible, legally relevant under
3 403 once you do the balancing test. And I think that to
4 guarantee that Ms. Price receives a fair trial and to
5 maintain her rights under the Sixth Amendment to the United
6 States Constitution that this prosecution has to prove
7 their case with competent evidence, competent evidence, not
8 evidence that clearly is in violation of the rules of
9 evidence and that is inflammatory and that is prejudicial.

10 And that's our position.

11 THE COURT: Thank you. Thank you, Mr. Grant.
12 Solicitor?

13 MS. CORNWELL: Again, Your Honor, under Rule 803,
14 this is an exception to the hearsay rule. 803(1) present
15 sense impression and 803(2) excited utterance. Your
16 Honor's already ruled that excited utterances have been
17 allowed in this case. Furthermore it is probative.
18 Mr. Grant, even in his opening brought character into this
19 trial discussing how the -- you know, that Courtney had to
20 ask her mother to provide for the child because this
21 defendant didn't provide for the child.

22 That was an excited utterance. It was given as
23 soon as she walked out of the car. Her present sense
24 impression and under the rules of evidence, I believe that
25 it should be allowed in under 803(1) and (2).

1 As far as argument that it's more prejudicial than
2 probative, again the State feels that it's extremely
3 probative particularly given characterization that
4 Mr. Grant portrayed in his opening and as he's portrayed
5 through this trial.

6 THE COURT: All right. Thank you, Solicitor.

7 Any response, Mr. Grant?

8 MR. GRANT: No, Your Honor. It's just -- it's just
9 to me, it just seems like anyone who walks up on a crime
10 scene -- I'm talking about any crime scene, they may
11 express their opinion. They may just say some off-the-cuff
12 remark about what they think. Does that really qualify
13 them to -- their statement to be used as evidence in a
14 trial the of defendant who may have committed the crime?

15 Oftentimes in every situation, there are crimes
16 that are committed throughout society, people walk up to
17 the scene, man that's messed up. I can't believe Joe did
18 that. Now, the guy that says that, does he become a
19 witness for the prosecution just because he thinks that Joe
20 killed Sam? He didn't see the crime. He has not seen the
21 crime scene, he doesn't know anything about what went on,
22 but his comment can be used as evidence against the
23 defendant? I really think, Judge, that that would be
24 incredible and I think it would truly violate my client's
25 right to a fair trial.

1 They have a duty to use competent evidence. That's
2 not competent evidence and is not worthy of this case to
3 prosecute the defendant for murder.

4 THE BAILIFF: Your Honor, may I approach?

5 THE COURT: Yes, ma'am, certainly.

6 (The bailiff had a bench conference with the
7 Court.)

8 THE COURT: All right. Well, the analysis
9 certainly becomes looking at the -- this particular
10 statement and this particular declarant, the analogy that
11 it's just someone coming upon a crime and saying, Oh, I
12 can't believe Joe did this, kind of falls because as I
13 understand it, it is the mother of the defendant that has
14 come to a crime scene to pick up her grandchild. So it's
15 not just someone that may casually come upon a crime scene
16 and she has evidently been notified to come to that
17 location because of an exigent circumstance.

18 So as I reviewed the -- the first analysis is it or
19 is it not hearsay. As I recall Rule 803, the following are
20 not excluded by the hearsay rule even though the declarant
21 is available as a witness: First, present sense
22 impressions, a statement describing or explaining an event
23 or condition made by the declarant, was perceiving the
24 event or condition or immediately thereafter. Second,
25 excited utterance, a statement relating to a startling

1 event or condition made while the declarant was under the
2 stress of excitement caused by the event or condition.

3 State versus Gilliam our Supreme Court analyzed res
4 gestae which is a combination of one and two, discussing
5 State versus Adams, One of the excepted basis of
6 admissibility of evidence as concerning a full presentation
7 under the res gestae theory.

8 So I would state initially that it would fall under
9 803(1) and (2).

10 The next analysis would be 401, the definition of
11 relevant evidence. Relevant evidence means evidence having
12 any tendency to make the existence of any fact, any fact,
13 that is of consequence to the determination of the action
14 more probable or less probable than it would be without the
15 evidence.

16 Based on the presentation of the evidence in this
17 case as to the character of the victim in this case, I
18 believe that the excited utterance by the maternal
19 grandmother receiving the event or immediately thereafter
20 would be relevant.

21 The third analysis -- this then goes to Rule 403
22 objection, Rule 403 states that although relevant, evidence
23 may be excluded if it's probative value is substantially
24 outweighed by the danger of unfair prejudice, confusion of
25 the issues, or misleading the jury, or by consideration of

1 undue delay, waist of time or needless presentation of a
2 cumulative evidence. Although the Court of Appeals case
3 was reversed by the Supreme Court, Judge Few had an
4 excellent discussion -- I believe it's State versus
5 Collins, but it's the mauling case by the pit bulls up in
6 Dillon County and it's unfair prejudice -- probative value
7 is outweighed by unfair prejudice.

8 I do not think this testimony, in my mind, meets
9 that threshold. I think it is probative. I think it is
10 highly probative and I think there is not -- it is not
11 outweighed by the danger of unfair prejudice. And,
12 therefore, the statement by the maternal grandmother is
13 admissible.

14 MS. CORNWELL: Thank you, Your Honor.

15 THE COURT: I have been informed by the bailiff
16 that two jurors need to talk with the Court. I do not know
17 why. I think it's some scheduling matter, I'm not sure.
18 I'm selling it like I bought it, as is. So why don't we
19 talk with the jurors and then since the jury is out, we'll
20 take a break before we continue with the examination of
21 Agent Walker.

22 MS. CORNWELL: Thank you, Your Honor.

23 THE COURT: Because there's no telling how long it
24 will take.

25 MS. CORNWELL: There isn't.

1 THE COURT: Let me find my jury list. Just a
2 moment.

3 Bring me, please, Juror Number 97, Mr. Johnson.

4 THE BAILIFF: Yes, Your Honor.

5 THE COURT: And, Agent Walker, if you want to step
6 down, you may do so.

7 THE WITNESS: Thank you.

8 THE COURT: Do not discuss your testimony during
9 this break.

10 THE WITNESS: Yes, sir.

11 (Juror Number 97 enters the courtroom.)

12 (There was a bench conference with the juror and
13 the attorneys on the record.)

14 THE COURT: I'll come down there and talk to him.
15 Good morning.

16 THE JUROR: Good morning.

17 THE COURT: Are you Mr. Johnson?

18 THE JUROR: Yes, sir.

19 THE COURT: And the bailiff informed me you would
20 like to talk to me.

21 THE JUROR: Yeah, I'm eating a cookie, I'm sorry.

22 THE COURT: That's all right. Did you bring me
23 some? (Laughter.)

24 THE JUROR: What it is, I got a friend. We spoke
25 about the subject a few years back when it first happened.

1 His daughter --

2 THE COURT: His daughter what now?

3 THE JUROR: Is real close. I don't know if I need
4 to stay here or step out. He was saying something about
5 both parties.

6 THE COURT: All right. So this was back when it
7 happened?

8 THE JUROR: Uh-huh.

9 THE COURT: And your daughter's friend's
10 daughter --

11 THE JUROR: My friend's daughter and Ms. Price are
12 close.

13 THE COURT: Your friend's daughter and Ms. Price
14 are close friends.

15 THE JUROR: Uh-huh.

16 THE COURT: And you and your friend spoke about it
17 back when it happened in 2014?

18 THE JUROR: Yeah, I'm pretty sure. I can't talk to
19 him now, so I just wanted to make you aware.

20 THE COURT: Can you share with me what y'all's
21 conversations were.

22 THE JUROR: He just said she was a nice girl and he
23 knew the guy that got stabbed. So I don't know if I need
24 to stay or not.

25 THE COURT: Well, did you -- when did you realize,

1 I guess is my question.

2 THE WITNESS: Yesterday after -- when it started
3 coming around and I wondered if this was the same -- I'm --

4 THE COURT: So you're assuming it's the same case.

5 THE JUROR: I'm assuming. But I didn't want to --
6 he said she's a nice girl I'm just not sure I can put that
7 aside.

8 THE COURT: Well, let's say it is the same person
9 that your friend was talking with you about and said she
10 was a nice girl. Given that fact, can you put that aside.

11 THE JUROR: I think so, but I just wanted to make
12 sure because --

13 THE COURT: How close are you and your friend?

14 THE WITNESS: Our kids play tag. We eat out
15 together.

16 THE COURT: You trust your friend?

17 THE JUROR: Yeah.

18 THE COURT: Do you believe him?

19 THE JUROR: Pretty much.

20 THE COURT: I mean he's truthful with you, you
21 believe what he says?

22 THE JUROR: He's going on what he really know. The
23 guy he was talking about what his daughter told him. So --

24 THE COURT: When I asked you -- and there's no
25 right or wrong answer.

1 THE JUROR: Yeah, I understand that, yeah.

2 THE COURT: When I asked you, Mr. Johnson, if you
3 could be a fair and impartial juror I believe your
4 indication was I think so. That's a little hesitancy.

5 THE JUROR: Yeah, I mean, I know I can be fair, I
6 just want to make sure -- we're talking about someone's
7 life in your hands and that's a big obligation.

8 THE COURT: Sure and it's going to be taken
9 seriously.

10 THE JUROR: Yeah, and it would have -- I just
11 wanted to bring it to your attention and make sure. I want
12 to be fair to everybody.

13 THE COURT: Absolutely. Absolutely. Because that
14 was our goal in selecting a jury; and of course, we have
15 alternates. That's why we have alternates.

16 THE JUROR: Yes, sir.

17 THE COURT: And some people get on a jury and say,
18 Oh, I recognize so and so. I mean it's not being
19 untruthful with the Court upfront at all.

20 THE JUROR: But personally, I don't know either
21 side. I don't know her. I don't know him. I'm going to
22 try to be honest with everybody.

23 THE COURT: Sure. Would you mind momentarily just
24 stepping over with our bailiff, just momentarily.

25 MS. CORNWELL: May I ask him one question, Your

1 Honor?

2 THE COURT: I'm going to talk with you.

3 MS. CORNWELL: Okay.

4 THE COURT: So if you could just step over there
5 just one moment, Mr. Johnson. Thank you thank you very
6 much.

7 (There was a bench conference out of the hearing of
8 the juror.)

9 MS. CORNWELL: And the only question I was going to
10 ask is can he set aside whatever he may or may not have
11 heard and base his decision on the facts and testimony as
12 he --

13 THE COURT: Sure.

14 MS. CORNWELL: -- as it appears up here.

15 MR. GRANT: I agree with that. I would ask that
16 the question be asked by you, not one of us.

17 THE COURT: Absolutely. And I don't mind -- quite
18 frankly, with him coming forward, I think obviously he's
19 figured out that -- he just thought I'll give it up, I
20 believe he's very honest.

21 MS. CORNWELL: Exactly. And like I said, he
22 doesn't know for certain it's the same parties and all
23 that, so I think you can ask him not knowing for certain,
24 can you still be fair and impartial and base your decision
25 of what he hears in the courtroom.

1 THE COURT: All right.

2 MR. GRANT: I'm with you.

3 THE COURT: All right. Step back over here with me
4 please, Mr. Johnson.

5 (There was a bench conference with the juror and
6 the attorneys on the record.)

7 THE COURT: And I failed to ask you this question..
8 And you understand that as a member of the jury, you make
9 your decision based on the evidence and the testimony you
10 hear from the witnesses testifying under oath in this
11 courtroom and the law as I tell you the law is, correct?

12 THE JUROR: Uh-huh.

13 THE COURT: You could do that?

14 THE JUROR: Yes, sir.

15 THE COURT: And knowing that, can you set aside
16 whatever your friend said and it would not affect your
17 opinion one way or the other? Can you set it aside for
18 both Ms. Price and the State and be fair and impartial,

19 THE JUROR: Yes, sir, I can do that. Absolutely.
20 I just wanted to bring that to your attention because I
21 don't want to -- there's two different parties and I can be
22 fair to both parties.

23 THE COURT: And finally, do not say anything about
24 this conversation between you and your friend or whoever
25 they may be or what you overheard to any of your fellow

1 jurors.

2 THE JUROR: I can't talk because I'm pretty sure
3 it's the same person, but I can't say for sure.

4 THE COURT: You can't talk with anybody. You can't
5 talk with anybody about the case. You can't talk to me
6 again unless you bring us a cookie. (Laughter.)

7 THE COURT: No, you can talk to me any time you
8 have an issue -- any time you have an issue during the
9 course of the trial, you do exactly what you've done now,
10 okay?

11 THE JUROR: All right.

12 THE COURT: Thank you.

13 MS. CORNWELL: Can we just make sure this
14 conversation --

15 THE COURT: That's what I said, do not say anything
16 about this conversation, anything whatsoever goes back in
17 the jury room.

18 THE BAILIFF: Two more.

19 THE COURT: And Madam Bailiff, there was another
20 juror.

21 THE BAILIFF: Yes, sir, there was two more. There
22 was three that came up to me.

23 Ms. Hayes, she has a class question. She has to
24 take a class and she didn't know that this wouldn't be over
25 by Friday so wanted to you to speak with her.

1 And Mr. Dyson.

2 THE COURT: Whatever order, just bring them to me.

3 THE BAILIFF: Okay.

4 (Juror Number 79 entered the courtroom.)

5 (There was a bench conference with the juror and
6 the attorneys on the record.)

7 THE COURT: Good morning. Tell me your number and
8 name again.

9 THE WITNESS: Daynora Hanes.

10 THE COURT: You're Ms. Haynes, you wanted to speak
11 with me.

12 THE JUROR: Sir --

13 THE COURT: Speak up just a little bit so my court
14 reporter can hear.

15 THE JUROR: I wanted to speak to y'all as it
16 related to the fact that Friday at 1:30, I have a class
17 that I have to take. It's call from one of my coaches and
18 this is my last class and if I don't take that call for 30
19 minutes, I fail the class because I scheduled for that. I
20 thought I would be at work.

21 THE COURT: All right. Well, what kind of class?

22 THE JUROR: It's a coaching session class. I'll be
23 graduating with a master in management leadership.

24 THE COURT: And it's 30 minutes?

25 THE JUROR: Yes, sir, just 30 minutes, but I've got

1 to catch that call because that's part of my class. It's
2 from 1:30 to two o'clock on Friday.

3 THE COURT: And where is it at? Is it local.

4 THE WITNESS: No, sir, I just have to go and
5 counsel myself. I can get in my car and I have to have
6 people at work and discuss it with them.

7 THE COURT: All right. So if we work to say one
8 o'clock -- if the trial's not over, say we took a break at
9 one o'clock.

10 THE JUROR: Uh-huh.

11 THE COURT: And you would not come back until
12 2:30 --

13 THE JUROR: 1:30 to two o'clock --

14 THE COURT: You would be able to take your class at
15 1:30 to two and be back here at 2 o'clock?

16 THE JUROR: Before that. Yes. I just have a talk
17 to them on my phone. I have all my stuff in my car.

18 THE COURT: All right. Todd, will you write down I
19 need the make sure she has access to a phone between 1:30
20 and two o'clock Friday.

21 THE JUROR: They're going to call my cell phone.

22 THE COURT: Okay. Access to her cell phone. And
23 I'll -- I just want to make sure I don't forget and of
24 course, I know you won't let me forget and he won't let me
25 forget.

1 Any objections to that solicitor? Mr. Grant?

2 MR. GRANT: No, Your Honor.

3 MS. CORNWELL: No, Your Honor.

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

5 MS. CORNWELL: Could you just tell me your Juror
6 Number again.

7 THE JUROR: 79.

8 MS. CORNWELL: 79.

9 THE COURT: Thank you.

10 THE JUROR: You're welcome.

11 THE COURT: That was easy.

12 (The juror returned to the jury room.)

13 (Juror Number 41 entered the courtroom.)

14 (There was a bench conference with the juror and
15 the attorneys on the record.)

16 THE COURT: Good morning, Mr. Dyson?

17 THE JUROR: Yes.

18 THE COURT: And your Juror Number?

19 THE JUROR: I was the first one chosen. I don't
20 know my number -- my number is 41.

21 THE COURT: 41. All right. And you wanted to talk
22 with me?

23 THE JUROR: Yeah, I have a convention Friday,
24 Saturday, and Sunday; and I was actually scheduled to go
25 tomorrow afternoon, tomorrow evening and I apologize that I

1 didn't mention this earlier, maybe I was thinking it was a
2 case that may be over and I could serve and go, but that is
3 my situation.

4 THE COURT: And tell me about your convention.

5 THE WITNESS: It's in Myrtle Beach, it's a
6 convention for the Gideons. And it will be starting
7 Thursday night, Friday, Saturday, and Sunday.

8 THE COURT: Have you previously already made
9 reservations and you're lined up to go?

10 THE JUROR: Yes. And I will say I apologize for
11 not mentioning it.

12 THE COURT: No, you don't owe me an apology. If
13 you did, I would accept it, but you certainly don't. Let
14 me ask you kind of directly, can you miss it?

15 THE JUROR: I'm not --

16 THE COURT: I don't know how else I could ask you
17 rather than directly. Tell me what burden it places on you
18 so I can sort of balance it.

19 THE JUROR: Okay. Realistically, I'm not on the
20 program on Friday, but I am -- or I'll be given an
21 assignment on Saturday.

22 THE COURT: So I guess -- well, then my question is
23 tell me what burden it places on you if you're not able to
24 make it Thursday or Friday?

25 THE JUROR: Well my wife would have to go down by

1 herself and I may -- well, I'll just miss -- Thursday is
2 not much of a problem as Friday. I can miss Thursday with
3 no problem. But Friday I would be part of the program.

4 THE COURT: Let me ask you to step over to our fine
5 bailiff just momentarily. Let me talk with the attorneys.

6 (There was a bench conference out of the hearing of
7 the juror.)

8 THE COURT: Somebody say something. I'm up in a
9 tree.

10 MR. GRANT: Jury duty is by definition is having
11 personal --

12 THE COURT REPORTER: I can't hear.

13 MR. GRANT: I'm sorry. Jury duty by definition is
14 a week long. I don't think this man has stated a -- he has
15 a personal convention to go to, but he has a civic duty to
16 serve as a qualified juror.

17 THE COURT: You say he can stay?

18 MS. CORNWELL: I would agree with that.

19 THE COURT: Ma'am?

20 MS. CORNWELL: I would agree with that. It sounds
21 like a social engagement. He's on the program Saturday so
22 he can squeak on over. It's not a business conference,
23 it's not -- I think that Myrtle Beach isn't too far away
24 that he's cancelling tickets or anything like that. So I
25 believe that jury duty, you know, his civic duty is what it

1 is.

2 THE COURT: Well, it's y'all's case. And you know,
3 I don't certainly -- I don't know how long it takes lawyers
4 to try their case. It's their case and I don't tell them
5 how to manage it. My concern is that quite frankly,
6 although it's a Gideon, it's Christian, but somebody would
7 have to pay for it. If he told me up front he had a
8 preplanned, paid trip, we could have transferred him.

9 MS. CORNWELL: Yes, sir.

10 THE COURT: And I agree it's a -- it's a sacrifice.
11 Everyone should pay. It disrupts their personal lives and
12 I just don't want it to mess with y'all. He seems like a
13 very fine gentleman, but it may be on his mind.

14 MR. GRANT: He seems like an intelligent guy.

15 THE COURT: Oh yeah, he's a real estate broker.
16 But I have been considering him as foreperson. I'm
17 probably going to let them choose there on, quite frankly,
18 but --

19 MS. CORNWELL: I don't have an objection to -- we
20 do have alternates we can go ahead and place the numbers in
21 a hat and just pull a number.

22 THE COURT: If y'all don't have any objection to
23 him staying.

24 MS. CORNWELL: I have no objection to him staying.

25 THE COURT: Mr. Grant?

1 MR. GRANT: I don't mind him staying.

2 THE COURT: All right. Step back over here for me,
3 please.

4 (There was a bench conference with the juror and
5 the attorneys on the record.)

6 THE COURT: I'm in a position now -- not blaming
7 anybody, but I would ask you to stay with us. I would ask
8 you to please stay with us. And I know you take your civic
9 duty very, very seriously. Not only that, I know you take
10 your other duties seriously considering the conference,
11 other life's responsibility considering the conference
12 you're going to or perhaps not going to. But I would like
13 to ask you to stay with us.

14 THE JUROR: Do you know the duration of the trial?

15 THE COURT: That's a hard -- quite frankly that's
16 hard to say. I've already told -- because other judges
17 told me when I would try cases out here, in the pit so to
18 speak, good trial lawyers can't tell time. I'm also of the
19 belief that trial judges can't tell time. I think it will
20 take the entire week. Again, like I told y'all at the
21 beginning, it's not a judicial marathon. I want the
22 lawyers to be able to present their cases as full and
23 completely and have as much time as they need because of
24 the importance of the case. I don't anticipate we'll
25 finish tomorrow. I do not. So, I'm going to ask you to

1 stay with us.

2 THE JUROR: Okay.

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

4 (There was a bench conference with the attorneys on
5 the record.)

6 MR. GRANT: I think we ought to be finished by
7 Friday.

8 THE COURT: We'll kind of keep an eye on him.

9 MS. CORNWELL: Maybe we can talk about that at
10 5:30. We'll be more in a way to --

11 THE COURT: Well, we'll talk about that back in
12 chambers.

13 Thank you. Thank you very much, Solicitor.

14 Thank you, Mr. Grant.

15 All right. While our jury is out, why don't we
16 just take about a 15 minute recess and we'll start back up
17 with Agent Walker. Thank you. Thank you very much.

18 (A brief recess was observed.)

19 THE COURT: Anything additional before we bring in
20 our jury, Solicitor.

21 MS. CORNWELL: Your Honor, would you like Agent
22 Walker to come to the stand?

23 THE COURT: Yes.

24 Mr. Grant? Anything additional before we bring in
25 our jury.

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1 MR. GRANT: No, Your Honor. Thank you.

2 THE COURT: Come back around and join us, Agent
3 Walker.

4 (The jury entered the courtroom at 12:03 p.m.)

5 THE COURT: All right. Welcome back, ladies and
6 gentlemen of the jury panel. I would reiterate before we
7 start back up, I realize the sacrifices that y'all are
8 making and the disruption that jury service can cause in
9 both your personal and professional lives. And again,
10 thank you, thank you for being here.

11 We're going -- the lawyers are moving the case
12 along and, of course, giving it the attention that it
13 clearly, clearly deserves. And I would ask you to please
14 continue to give the parties your complete and undivided
15 attention as you have done throughout the trial of the
16 case.

17 With that being said, Solicitor, you may continue
18 your direct examination of Agent Walker.

19 MS. CORNWELL: Thank you, Your Honor.

20 **DIRECT EXAMINATION CONTINUED**

21 BY MS. CORNWELL:

22 Q And Agent Walker, just to refresh -- I think we'd
23 gotten to the point where you had already been downstairs,
24 upstairs, you'd looked at the victim and the defendant, and
25 y'all were waiting to transport the defendant, correct?

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1 A Yes.

2 Q And you were standing outside waiting for the
3 maternal grandmother to arrive?

4 A Yes.

5 Q When you were standing outside, how did the
6 maternal grandmother arrive?

7 A I saw her walking up and as she was walking up, she
8 looked over toward where I was standing with some other
9 officers and said, I know Courtney --

10 MR. GRANT: Objection, Your Honor. Just
11 contemporaneous objection to preserve the record.

12 THE COURT: Yes, sir. Thank you. So noted. I'll
13 affirm my previous trial ruling.

14 You may continue, Solicitor.

15 MS. CORNWELL: Thank you.

16 BY MS. CORNWELL:

17 Q And what was that statement that she made to you as
18 she approached you?

19 A I know Courtney did not kill that boy after all he
20 does for that baby. She also asked me if I was going to
21 notify Mr. Simmons' family. She went onto state that it
22 would only be right for me to notify them because they had
23 a right to know what happened.

24 Q And this was the defendant's mother that made these
25 comments?

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- 1 A Yes.
- 2 Q Did y'all turn the baby over to her custody at that
3 time?
- 4 A Yes.
- 5 Q And after you did that, what did you do?
- 6 A I had Ms. Price transported to the Orangeburg
7 Department of Public Safety's headquarters to be
8 interviewed.
- 9 Q Okay. Was she placed under arrest at that time?
- 10 A No.
- 11 Q Why was she being taken back to headquarters?
- 12 A Give a formal interview?
- 13 Q Did you ride back the headquarters with the
14 defendant?
- 15 A I did not.
- 16 Q Where did you meet up with the defendant?
- 17 A At Public Safety in the interview room.
- 18 Q Okay. And when you met up with her in the
19 interview room, what did you do?
- 20 A I read her her Miranda warnings.
- 21 Q And do you do that verbally or do you have a piece
22 of paper that you go over with them?
- 23 A We have a piece of paper; and I also do it
24 verbally.
- 25 Q I'm going to show you what's been marked as State's

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1 Exhibit 68. Do you recognize that document?

2 A Yes.

3 Q And what is that document?

4 A This is the Miranda warning form that we use.

5 Q And did you read this form to the defendant?

6 A Yes, I did.

7 Q And did she understand what that form was?

8 A Yes, she did. There's a -- after I read the
9 warning, the Miranda warning to her, there's a line that
10 says, I understand my rights; and she signed it.

11 Q Okay. And can you go ahead and tell the jury what
12 those Miranda Rights were that you read to her that night?

13 A I ask her, I said, Before we ask you any questions,
14 you must understand your rights. You have the right to
15 remain silent. Anything you say can be used against you in
16 court. You also have the right the talk to a lawyer for
17 advice before we ask you any questions and have him with
18 you during questioning.

19 If you cannot afford a lawyer, one will be
20 appointed for you before any questioning, if you wish. If
21 you decide to answer questions now without a lawyer
22 present, you will still have the right to stop answering at
23 any time. You also have the right the stop answering at
24 any time until you talk to a lawyer.

25 Q And, again, you indicated that she signed saying

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1 that she acknowledged those?

2 A Then it says, I understand my rights and she signed
3 it, acknowledging them.

4 Q And then underneath those rights is there any
5 additional wording?

6 A There's also a waiver of rights. The waiver of
7 rights says that I have read this statement of my rights
8 and I understand what my rights are. I am willing to make
9 a statement and answer questions. I do not want a lawyer
10 at this time. I understand and know what I am doing. No
11 promises or threats have been made to me and no pressure or
12 coercion of any kind has been used against me. And she
13 also signed that portion of the Miranda form.

14 Q And when you read her those rights and that waiver,
15 did she seem to fully understand what you were telling her
16 and what she was signing?

17 A Yes.

18 Q Did she give you any indication that she was in any
19 sort of distress and would be unable to understand those
20 rights?

21 A No.

22 Q Okay. After waiving her rights, did she make a
23 statement to you as to what occurred that night?

24 A Yes, she did. She made an audio recorded
25 statement.

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1 Q Okay. And what did she tell you happened that
2 night?

3 A She said that she was in bed --

4 MR. GRANT: Again, a contemporaneous objection to
5 preserve the record --

6 THE COURT: All right. So noted --

7 MR. GRANT: -- subject to previous pretrial
8 motions.

9 THE COURT: -- I reaffirm my previous ruling.

10 MS. CORNWELL: Thank you.

11 THE WITNESS: She said that she was at her home in
12 bed with her baby at about -- and at about three o'clock,
13 she heard her phone vibrating, at which time she looked at
14 the phone and she saw that it was Sam, the deceased party.
15 She said she, at that time, when she answered the phone, no
16 one was on the phone. So she kept calling the phone back,
17 continuous times and -- but she didn't get in touch with
18 him until approximately thirty minutes later.

19 At which time, he told her to open the door. She
20 said she went downstairs and turned on the television to
21 wait on him, but he didn't arrive until approximately
22 another thirty minutes.

23 She said he then came in and they began talking,
24 although they were not on the best of terms.

25 BY MS. CORNWELL:

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1 Q Okay. And did she indicate to you, I guess, the
2 specific incident that happened that night?

3 A Yes.

4 Q And what did she tell you -- how did she tell you
5 that that occurred?

6 A Well --

7 Q In the first statement?

8 A Okay. In the first statement Ms. Price said that
9 we argued and he had his hands around my neck, but it just
10 teed me off. I went downstairs, and I guess he figured it
11 was nothing, so I got the knife, we argued and I hit him, I
12 stabbed him.

13 Q Okay. And when she was telling you how she got the
14 knife, did she indicate to you how she carried it up the
15 stairs?

16 A Yes, she did.

17 Q And how was that?

18 A (Standing) She said that she got the knife and she
19 carried it upstairs with it behind her leg.

20 (Demonstrating)

21 Q Okay.

22 A So he couldn't see it. She also said that she
23 didn't use any hand gestures or anything. She just went
24 upstairs with the knife behind her right leg.

25 Q And let me back up for a second. Prior to you

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1 taking her statement, you had said that you spoke to other
2 officers on the scene. Were you aware of any statements
3 that she gave to officers on the scene about what happened
4 that night?

5 A The summary of what the officers told me was that
6 she killed her boyfriend because she found out he was
7 cheating on her.

8 Q All right. And did they indicate to you whether
9 she had said whether he was awake or asleep at that time?

10 A She told Officer Bellinger that he was sleeping.

11 Q Okay. And then fast forward again to this first
12 formal statement that you took. You said it was audio
13 recorded?

14 A Yes.

15 Q I'm going to show you what's been marked as State's
16 Exhibit 73. Is that -- have you listened to this tape
17 before?

18 A Yes, and that's my handwriting on the CD.

19 Q Okay. And is this a true and accurate depiction of
20 a recording of how that conversation went that night?

21 A Yes.

22 MS. CORNWELL: Your Honor, at this time, State
23 would move State's 73 into evidence and ask to publish it
24 to the jury.

25 THE COURT: State's 73 is in evidence, subject to

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1 previous objection, Mr. Grant.

2 MR. GRANT: Yes, sir.

3 (State's Exhibit Number 73 was entered into
4 evidence.)

5 (The solicitor was playing the first audio
6 statement for the jury.)

7 BY MS. CORNWELL:

8 Q Agent Walker, after you got that statement from
9 her, what did you do?

10 A I had her transported back to the jail.

11 Q And why did you go back to the crime scene?

12 A Because some of what she said just didn't make
13 sense to me.

14 Q Okay. And what was that based on?

15 A Based on the fact that she's been choked. I looked
16 at her neck at the time, like I said, she's very light
17 skinned, I would have seen, or I was looking for some
18 indications of her being choked.

19 Q And did what she told you happened match up with
20 what your recollection of the crime scene and the blood
21 evidence showed? Did it seem to match up to you?

22 A Well, her saying that she stabbed him, yes.

23 Q Okay.

24 A But the other -- as far as the altercation of her
25 being choked, I didn't see anything at all that indicated

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1 an altercation.

2 Q Okay. And when you went back and looked at the
3 crime scene again, did it corroborate what she was saying
4 or did it seem to not match?

5 A It didn't match.

6 Q And why do you say that?

7 A I spoke with crime scene personnel and also
8 looked -- she said that they were standing up face to face,
9 then she said he was standing up over here. It just didn't
10 match where the actual blood was in this room.

11 Q Okay. And after you left the crime scene for the
12 second time, what did you have done?

13 A I had her transported back to Public Safety's
14 headquarters to be re-interviewed.

15 Q Okay. And when you spoke to her a second time, did
16 you again remind her of her Miranda Rights?

17 A I did.

18 Q And did she waive those rights and agree to speak
19 with you again?

20 A Yes.

21 Q And when she gave you this second statement, was it
22 consistent with her first statement?

23 A No.

24 Q What was different about this statement?

25 A This time, she said that he had gone upstairs to

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1 rock the baby to sleep. She described him laying in the
2 bed with his hand on the baby.

3 Q Okay. And then what did she say happened?

4 A She said that before they argued, she went
5 downstairs to put milk in the baby's cup. He stayed
6 upstairs with the baby with his hand on him rocking him to
7 sleep. Both phones were downstairs from earlier and her
8 intuition told her to look in it. This's when she looked
9 at the phone and she saw everything, so she got the knife.
10 She said she had it in her right hand and went upstairs.
11 Mr. Simmons was laying by C.D.S. She asked him about it
12 and he replied, What. This time she said he kind of pushed
13 her off of him. She got back on top of him and put it in
14 him.

15 He stood up and when he realized he was bleeding,
16 he said WTH.

17 Q And was that statement also recorded?

18 A Yes.

19 Q Okay. And when she's giving you this second
20 statement, what was her demeanor?

21 A She smirked and she laughed a little bit sometimes
22 throughout the statement when answering questions and
23 describing things.

24 Q Okay. And you said that this was audio recorded?

25 A It was.

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1 MS. CORNWELL: And this will be continuing on with
2 State's 73, Your Honor.

3 THE COURT: All right.

4 (Playing the second audio statement for the jury.)

5 BY MS. CORNWELL:

6 Q Sargent Walker, after that second statement was
7 given to you, she had indicated -- where did she indicate
8 that the baby was?

9 A In the bed laying beside Mr. Simmons.

10 Q Okay. And would that be consistent with blood
11 being on the baby?

12 A Yes.

13 Q Okay. And based on your investigation of the
14 victim and the scene, did it appear to corroborate more of
15 the defendant's second statement?

16 A It did.

17 Q Okay. Are you aware of a third statement that has
18 been given by Ms. Price in this case?

19 A Yes, on Monday.

20 Q And I'm going to give you what's been marked
21 State's Exhibit 76.

22 MS. CORNWELL: This is for identification purposes
23 only.

24 MR. GRANT: I don't have any problems with it being
25 admitted. No objection to it being admitted. It's

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1 transcript of her testimony.

2 MS. CORNWELL: It's simply identification purposes
3 at this moment.

4 THE COURT: All right.

5 (State's Exhibit 76 was entered for
6 identification.)

7 BY MS. CORNWELL:

8 Q In that testimony, did the defendant give another
9 version of what happened that night?

10 A Yes.

11 Q And if you'll turn to page 28, and you can refer to
12 this if you need to. When she gave that third version, was
13 it consistent with either one of her first statements?

14 A No.

15 Q Okay. What did she say in this third statement?

16 A This time she stated that --

17 Q And you don't have to use that if you don't --

18 A Okay. This time she stated that he had pulled her
19 hair; she'd asked him to leave and he choked her after he
20 was stabbed.

21 Q Before that, did she talk about any sort of sexual
22 relations that they had?

23 A She did on Monday.

24 Q Okay.

25 A But she didn't tell me that --

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1 Q Okay.

2 A -- in the interview.

3 Q And on Monday, what did she say regarding that?

4 A She said that they had watched TV, they had some
5 drinks, they had sex.

6 Q Okay. And then, tell the jury a little bit more
7 about what she said on Monday happened that night?

8 A And I can -- I'll need to take a look at that
9 again.

10 Q And I believe there's some questions, parts of that
11 testimony?

12 A Yes.

13 Q You know, actually, we don't have to go through all
14 of it.

15 A All right.

16 Q Once he arrived, turning to -- it looks about page
17 35. Down there, Mr. Grant, I believe asks, Sam came in,
18 tell what part of the apartment you were in and when he
19 first came in the house?

20 A She said that they were downstairs in the living
21 room.

22 Q Okay. And what were they doing?

23 A She said watching TV.

24 Q Did she ever indicate whether the topic of child
25 support came up?

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1 A She said that on Monday.

2 Q Okay. And how long after he arrived did she claim
3 she brought up child support?

4 A As soon as he came in.

5 Q Okay. And what did she say occurred when she
6 brought that childcare up?

7 A She said he got angry because she had brought up
8 the topic of child support.

9 Q Okay. Did she state that any sort of violent
10 confrontation occurred downstairs?

11 If you'll turn to page 37?

12 A Yes. She said when she brought up the topic he
13 began choking her.

14 Q Okay. And where was he choking her?

15 A On the couch, according to her.

16 Q Okay. And how did she claim she responded after he
17 choked her?

18 A She said she cried and she told him to leave.

19 Q In any of previous statements, did she ever tell
20 you that she asked the victim to leave?

21 A No, she did not.

22 Q And so the first time you heard her say she asked
23 the victim to leave was when?

24 A On Monday.

25 Q Okay. And if we go a little farther, does she

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1 state whether or not she was drinking that night?

2 A On Monday she said she was.

3 Q And is that confirmed with what you saw at the
4 scene?

5 A Yes..

6 Q That day?

7 And did she also say that the victim was drinking?

8 A She did.

9 Q So they were downstairs drinking together?

10 A Yes.

11 Q And at some point she stated that the argument
12 downstairs defused?

13 A Uh-huh.

14 Q And that she went upstairs?

15 A Yes.

16 Q And what did she say happened when she went
17 upstairs?

18 A She said she went to the restroom.

19 Q Okay. And when she came out of the restroom, where
20 was the victim?

21 A He was sitting on the foot of the bed.

22 Q And what did she say happened with them upstairs?

23 A She said he started kissing her on her neck, made
24 her feel good and they had sex.

25 Q Okay. And after they had sex, what did she say she

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1 did? She bring up daycare again?

2 A She said she did. She said she brought up the
3 issue of child support.

4 Q Okay. And how does she claim he reacted that time?

5 A She said he shoved her and he pushed her and then
6 he choked her again.

7 Q Okay. And after saying that, what did she say she
8 did?

9 A She said she told him to leave.

10 Q Okay. Did she mention that in either the first or
11 second statement?

12 A Never. I didn't hear that until Monday.

13 Q Okay. And after she did that, what did she claim
14 she did?

15 A She said she cried and she went downstairs and --
16 she went downstairs to get away from him and to fix the
17 baby a bottle.

18 Q Okay. And then she talks about the phone. How
19 does she claim at this point that she gets to the phone?

20 A She said it was lighting up as if a message or call
21 had came through.

22 Q Okay. And what did she do?

23 A She said she looked at it because she didn't know
24 if it was an emergency or someone was trying to contact him
25 because of an emergency.

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1 Q And what did she see in the phone?

2 A She said she noticed it was another female on the
3 phone talking about a daycare deposit for a child.

4 Q Okay. And if you turn to page 43, the question was
5 After you saw what was on his phone and you called him,
6 what did you do?

7 A I got a knife out of the cabinet.

8 Q And what did she do with the knife?

9 A She said that she was going to confront him about
10 daycare expenses for another child when they had just had
11 two arguments and he violently choked me in my house over
12 the same topic for our child.

13 Q Okay.

14 A So, she --

15 Q And is that why she told you she got the knife in
16 the first two statements?

17 A No.

18 Q Okay.. Why did she tell you she got the knife in
19 the first two statements?

20 A Because she was tired of his shit.

21 Q Okay. And in this statement, where does she claim
22 the defendant was when she went upstairs?

23 A This time, I think she said he was sitting on the
24 foot of the bed.

25 Q Okay. And what did she say happened when she

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1 confronted him about this other woman?

2 A She said he jumped up and said -- he jumped up and
3 said WTH.

4 Q Okay. And then what did he apparently do?

5 A He -- according to her she said he choked her and
6 pulled her hair.

7 Q Okay. And she said that at that point in time, was
8 that when she claimed she stabbed him?

9 A She said she stabbed him while he was choking her.

10 Q Okay. Did she say they struggled?

11 A Yes.

12 Q And that he was continuing to choke her?

13 A Yes.

14 Q And then what did she say even after she stabbed
15 him that he did?

16 A She said that he was still holding onto her and he
17 was pulling and holding onto her hair.

18 Q And the question was asked, Was he also still
19 choking you.

20 A She said yes.

21 Q Okay. And did she tell you any of this in her
22 first two statements?

23 A Neither time.

24 Q In fact, in one of her statements, what did she say
25 Sam did after she stabbed him?

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1 A She said he jumped up and said WTH because he
2 realized he was bleeding.

3 Q Okay. And the --

4 A And then he fell to the ground.

5 Q And at no time did she ever indicate in the first
6 two statements that he assaulted her in any way after that,
7 correct?

8 A Never.

9 Q Okay. As an officer, does it concern you when you
10 get several statements that are that inconsistent?

11 A It does.

12 Q What does it generally indicate to you?

13 MR. GRANT: Objection, relevance.

14 THE COURT: I'll overrule that objection.

15 You may answer the question.

16 THE WITNESS: It indicates that the person is lying
17 and has something to cover up.

18 BY MS. CORNWELL:

19 Q Okay. Now, as an investigator -- I'll take that --
20 someone who's investigated homicides and domestic violence,
21 what are you generally looking for when you hear a
22 statement that someone was being violently choked and
23 dragged around by the hair -- what signs are you looking
24 for to corroborate that?

25 A Defensive wounds.

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1 Q Okay. And what are defensive wounds?

2 A As I previously stated, there are wounds where
3 you're trying to fight somebody off of you. As I stated,
4 if your being choked, the average person, intuition would
5 have that person, you know, pulling -- trying to pull those
6 hands from around their neck. So when you're fighting to
7 get that person off of your neck, man or woman, your most
8 likely going to scratch that person when you're trying to
9 claw at them to try to get their hands from around your
10 neck.

11 Q Okay. And in addition to that, going back to her
12 third statement on Monday, does she indicate how she
13 stabbed the defendant?

14 A On Monday, this time, she stated she stabs him in
15 an upward motion through his hands as he was stabbing -- he
16 was choking her.

17 Q And did she say she stabbed him under his arms or
18 coming over his arms?

19 A She said she went up under.

20 Q Okay. And as someone who investigates crime
21 scenes, when somebody's being stabbed and struggling like
22 that, is it generally a clean wound that you see or do you
23 generally see other signs of evidence that there was a
24 struggle?

25 A You can see signs that there's a struggle.

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1 Q And particularly with the knife, what kind of
2 things would you normally see if somebody was struggling
3 over a knife?

4 A It would have most likely -- he would have been
5 cut, you know, in different places, or he would have
6 been -- it wouldn't have been a clean wound like that.
7 Just, you know, it wouldn't have been a clean puncture. It
8 would have been more of a jagged.

9 MR. GRANT: I object, Your Honor, the witness is
10 not a pathologist.

11 THE COURT: I'll allow it. And I'll put in the
12 record why because that would be commenting on the facts if
13 I do it now. And it goes to the weight of the -- whatever
14 the jury wants to give to it.

15 Thank you.

16 MS. CORNWELL: Thank you, Your Honor.

17 BY MS. CORNWELL:

18 Q And when you investigate -- have you investigated
19 prior stabbings before?

20 A I have.

21 Q In addition to having different nicks and wounds on
22 the victim, are there usually any injuries with the knife
23 on a defendant or on the person who does the stabbing?

24 A Yes.

25 Q And what kind of injuries do you usually see on

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1 those?

2 A With it being blood, blood is slippery, and as we
3 know, a knife -- with the blood getting on the knife, the
4 hands of the defendant sometimes gets cut if the knife
5 slips and the blade cuts their hand.

6 Q Particularly if it hits something hard I would
7 imagine?

8 A Yes.

9 Q All right. So based on the fact that you saw no
10 defensive injuries and there were no injuries on the victim
11 or the defendant, the blood scene and the bed and all that,
12 where did this stabbing take place?

13 A In a bed.

14 Q And is there any indication that the victim was
15 awake when the stabbing occurred?

16 A No.

17 Q And why do you say that?

18 A Because when, if you see someone coming at you with
19 a knife and they're on top of you for that matter, you
20 would have been trying to fight them off and he should have
21 been cut more so than a clean cut directly into his chest.

22 Q And on the morning after this incident occurred,
23 after you got, after you got the second statement, did you
24 do any further investigation?

25 A I did. I obtained a search warrant for cell

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1 phones. Had the text messages dumped to the phone. Spoke
2 to co-workers, reviewed her medical records and I tracked
3 down the other child's mother.

4 Q Okay. And did you also look and see if there were
5 any prior incidents involving this defendant and the
6 victim?

7 A I did.

8 Q And were there any?

9 A There were two previous incidents.

10 Q And did you look into those previous incidents?

11 A I did.

12 Q And in those incidents, who seemed to be the
13 primary aggressor in each incident?

14 A Ms. Price was.

15 Q All right. And were either of those cases where
16 she appeared was the victim charged in either of those?

17 MR. GRANT: Rule 404(b) information that obviously
18 should not -- well, that's my objection, you know the rule.

19 THE COURT: I thought this question -- I thought
20 this question was the victim charged previously.

21 MR. GRANT: She was asking about other incidents
22 involving my client, uncharged misconduct. That's what
23 she's trying to get into.

24 THE COURT: I thought she was asking about the
25 victim. Maybe I misunderstood.

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1 MR. GRANT: Maybe I missed it too, Judge.

2 MS. CORNWELL: I'll ask the question again if you'd
3 like, Your Honor.

4 THE COURT: Restate the question. Perhaps I
5 misunderstood.

6 BY MS. CORNWELL:

7 Q In either of those prior two incidents that you
8 found, was the victim charged in either of those instances?

9 A No, he was not.

10 MR. GRANT: I still object and move to strike any
11 information before the jury about other instances not
12 related to this particular case.

13 THE COURT: Step over here for just a minute,
14 Mr. Grant, Solicitor.

15 (There was a bench conference out of the hearing of
16 the jury and the Court Reporter.)

17 THE COURT: Thank you. Thank you, Solicitor.

18 Thank you, Mr. Grant.

19 BY MS. CORNWELL:

20 Q And Agent Walker, after looking into those
21 incidents, I believe you said you went through other
22 records as well?

23 A Yes.

24 Q You went through phone records?

25 A Yes.

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1 Q And in going through those phone records, when was
2 the last time that the victim received a text message?

3 A One moment. (Looking.) I need to step down one
4 second and get my bag.

5 (Witness is retrieving her bag.)

6 Q Would this assist you? Are these the records that
7 you pulled?

8 A Yes, ma'am. I have it.

9 Q Okay.

10 A The last time that the victim received a text
11 message was at 4:16 a.m.

12 Q And then -- and who was that text message from?

13 A I believe it was from Sharee -- I'm sorry --

14 Q At four o'clock in the morning, who was the last
15 text message from?

16 A Let me refer to my book.

17 Q If you'd like, I've got the text messages here.

18 A Thank you. (Looking)

19 At 4:16, it was from Courtney.

20 Q Okay. Did any incoming text messages come in after
21 4:46?

22 A Incoming came in at 7:01, I believe it says.

23 Q And who is that from?

24 A Unknown.

25 Q Okay. May I hold that?

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1 A Yes.

2 Q And when you were going through the messages, is
3 the woman that is alleged to have the other baby's child,
4 is her name and number listed as a contact in those
5 messages?

6 A Yes.

7 Q So if that would have come -- and I'm sorry, that's
8 actually -- the last incoming text was at what time?

9 A (Looking) Incoming was at 4:16.

10 Q And then that next message that you referred to at
11 7:01, was that an incoming or outgoing text message?

12 A That was out going.

13 Q Okay.

14 A At 7:01 a.m.

15 Q And based on what you know about the incident this
16 morning, could Sam have sent that text message at 7:01?

17 A No.

18 Q Okay. So the last text message he received was
19 from the defendant?

20 A Yes.

21 Q Okay. Did you look in to see when the last time
22 Sam received a message from Sharee was?

23 A Yes, the last time he received a message from her
24 was September 21st of 2014.

25 Q So there was no text message that morning about

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1 daycare or a baby?

2 A No.

3 Q Okay. And when you were going through the phone
4 records, what is the reason that you were going through
5 those phone records?

6 A To see if there was a baby and to corroborate
7 Ms. Price's motive for killing him.

8 Q Were you also -- were you ever interested in trying
9 to figure out the terms of their relationship?

10 A Yes.

11 Q And in going through the records, were you able to
12 determine who was the more aggressive one in the
13 relationship?

14 A Ms. Price was.

15 MR. GRANT: Object to that characterization also.

16 THE COURT: I would sustain that objection.

17 MS. CORNWELL: Okay.

18 BY MS. CORNWELL:

19 Q Were you able to find any messages from the victim
20 that were threatening towards the defendant?

21 A No.

22 Q After going through the phone records, did you
23 do -- actually let me go back. Were you ever able to find
24 any messages from the defendant threatening the victim?

25 A All the time. That was -- it was -- it appeared

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1 that she was obsessed with him.

2 THE COURT: It appeared what, Agent?

3 THE WITNESS: That she was obsessed. She
4 threatened him all the time.

5 BY MS. CORNWELL:

6 Q And after going through the phone records, what did
7 you do?

8 A After I got the -- went through the phone records,
9 then I made contact with Ms. Sharee.

10 Q Okay. And in not saying exactly what she said, did
11 she indicate to you that she'd ever had a violent
12 relationship with the victim?

13 A No.

14 Q Did she have a child by the victim?

15 A She did.

16 Q And how old was that child?

17 A I believe her daughter was three.

18 Q So older than --

19 A Older than Ms. Price's child.

20 Q And again, does she indicate that her and the
21 victim had a violent relationship in any way?

22 A No, she did not.

23 Q Did she indicate that the victim assisted with
24 child support in that way?

25 A She said he helped her out with his baby.

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1 Q All right. After going through phone records and
2 meeting with the other woman, what else did you do? Did
3 you look -- I believe you said you looked in the medical
4 records?

5 A Yeah, I did so much.

6 Q Those medical records, did you pull medical records
7 from the time that they met to the time of this incident?

8 A Yes.

9 Q And in going through those medical records, were
10 you able to find any evidence of any injuries that would
11 have occurred as a result of the victim assaulting the
12 defendant?

13 A No.

14 Q Did you also meet with employers of the defendant?

15 A I contacted previous employees an employers --

16 Q Okay.

17 A -- who worked with Ms. Price.

18 Q And did that indicate that they's ever seen signs
19 of abuse on the defendant?

20 A No.

21 Q And in reviewing the crime scene, speaking to the
22 officers -- and let me ask you this: Why would you look
23 into medical records and talk to employers and track down
24 phone records? What was your purpose of doing all that?

25 A Because as my job, I can have someone's freedom

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1 taken away. I wanted to make sure I dotted all T's and
2 crossed all I's. And if she was indeed a victim who was
3 being assaulted in her home, I wanted to make sure that she
4 was not prosecuted wrongly. I have children myself and I
5 would not want that to happen to any of my children or
6 myself.

7 Q Okay: An has there ever been an instance where
8 you've had a similar situation and did not charge?

9 MR. GRANT: Objection, totally irrelevant.

10 THE COURT: I will sustain the objection.

11 MS. CORNWELL: Yes, Your Honor.

12 BY MS. CORNWELL:

13 Q After reviewing the crime scene, speaking to the
14 other officers, getting the multiple statements and
15 everything that you did, were you able to find any evidence
16 at all that would suggest that this incident -- what does
17 all the evidence show you that this incident is?

18 A It's a murder.

19 MR. GRANT: Objection to that characterization.
20 That's the ultimate question to be decided by that jury.

21 THE COURT: I would sustain the objection.

22 BY MS. CORNWELL:

23 Q What did you get a warrant for?

24 A I got a warrant for murder.

25 Q Thank you. Please answer any questions the defense

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1 counsel may have.

2 THE COURT: How long do you think you'll be,
3 Mr. Grant?

4 MR. GRANT: It's going to be a while, Judge.

5 THE COURT: Why don't we take our lunch recess now.

6 MR. GRANT: Yes, sir.

7 THE COURT: Ladies and gentlemen of the jury panel,
8 momentarily, we'll take our luncheon recess. Of course,
9 during the recess, do not discuss the case with anyone,
10 your fellow jurors, lunch mates, family, friends, anyone
11 else. Do not watch, read, listen to any news accounts
12 about the case. Do not do any independent research or any
13 independent -- or any research on the internet. You decide
14 the case based on the evidence and the testimony of the
15 witnesses testifying before you under oath and the law as I
16 tell you the law is.

17 I'm going to ask you upon your return -- we'll go
18 until about 2:20. Be back about 2:20, an hour and 15
19 minutes. I would like for the primary jury panel to select
20 one of your number to serve as foreperson of this jury.
21 Whatever criteria basis you want to use in making that
22 selection, the foreperson, you may consider -- it could be
23 someone that has prior jury experience, or perhaps someone
24 that doesn't. As I say, it's entirely up to you, but one
25 of your number. It can be any member of the primary jury,

1 of course, our alternates, Ms. Aiken and Ms. Tucker --
2 although I'm sure either one of them would make a fine jury
3 foreperson, being in the status of alternates, they would
4 not be authorized to serve.

5 Once you've made the selection, if you would write
6 the number of the juror down and the name of the juror
7 done, knock on the jury room door, give it to our bailiff
8 and she will give it to me and we'll receive you right back
9 into the courtroom.

10 All right. Any questions?

11 (No response.)

12 THE COURT: All right. Until 2:30 then -- excuse
13 me, 2:15 -- I said an hour and 15 minutes; 2:20 then. Hope
14 y'all have a pleasant lunch.

15 (The jury left the courtroom at 1:05 p.m.)

16 THE COURT: All right. Agent Walker, you may
17 certainly step down during the luncheon recess. I would
18 remind you you're subject to cross-examination and perhaps
19 redirect, recross-examination, and you may not discuss your
20 testimony with anyone during this recess.

21 THE WITNESS: Yes, sir.

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

23 Anything further from the State before we take our
24 recess?

25 MS. CORNWELL: No, Your Honor.

1 THE COURT: From the defense, Mr. Grant.

2 MR. GRANT: No, Your Honor.

3 THE COURT: All right. Until 2:20, then. Thank
4 you, thank you very much. Hope y'all have a very pleasant
5 lunch.

6 (A recess for lunch was observed.)

7 THE COURT: Anything from the State before we bring
8 in our jury?

9 MS. CORNWELL: Nothing from the State, Your Honor.

10 THE COURT: The defense?

11 MR. GRANT: No, Your Honor.

12 THE COURT: All right. Juror Number 136,
13 Mr. Nightingale has been selected as the foreperson of our
14 jury by the members of the jury.

15 Bring us our jury.

16 THE BAILIFF: Yes, Your Honor.

17 Agent Walker, you can come back around.

18 (The jury entered the courtroom at 2:25 p.m.)

19 THE COURT: Welcome become, ladies and gentlemen of
20 the jury panel, I hope you all had a pleasant lunch.

21 Mr. Nightingale, thank you, thank you very much for serving
22 as our jury foreperson.

23 As you recall the State had completed the direct
24 examination of Agent Walker.

25 Now, cross-examination by Mr. Grant, if you'd

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1 please continue to give the parties your complete and
2 undivided attention.

3 Mr. Grant.

4 MR. GRANT: Please the Court, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. GRANT:

7 Q Special Agent Walker; is that correct?

8 A Yes.

9 Q And you are now employed with SLED?

10 A Yes.

11 Q And on the day of September 27th 2014, you were
12 working with the Orangeburg Department of Public Safety?

13 A Yes.

14 Q And what was your rank at that time?

15 A I was a sergeant.

16 Q How long had you been a law enforcement officer as
17 of that date?

18 A As of that date, it was probably around maybe 16
19 years, 15 and-a-half, 16 years.

20 Q 16 years. And how long had you been involved in
21 investigating alleged homicides on that date?

22 A I'm not sure.

23 Q Can you give us a rough estimate since we are
24 talking about your career.

25 A Probably around -- it was over 10 years.

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1 Q Over 10 years?

2 A Yes.

3 Q Were you assigned to the homicide division some
4 places else or always with the Orangeburg Department of
5 Public Safety?

6 A No,.I was employed with the Orangeburg County
7 Sheriff's Office.

8 Q Also the sheriff's office?

9 A Yes.

10 Q Were you with the homicide division there?

11 A No, I was in investigations there.

12 Q Investigations there.

13 A Yes.

14 Q Well, tell me the time you were assigned to
15 investigate homicides in your career. How many years would
16 you say you've had that experience?

17 A The time that I was assigned to investigate
18 homicide?

19 Q Yes, ma'am.

20 A I have never been specifically assigned to
21 investigate homicide.

22 Q So the Orangeburg Department of Public Safety did
23 not have a homicide division?

24 A Neither does the sheriff's office.

25 Q Neither does the sheriff's office?

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1 A No.

2 Q Okay. So they just got a bunch of investigators
3 who go out and investigate whatever the alleged crimes are?

4 A Yes.

5 Q And nobody's assigned -- like your homicide, your
6 white collar crimes, no division like that?

7 A Well, they have investigators assigned to
8 white-collar crimes specifically, but not homicide
9 division, the department is not big enough for a homicide
10 division.

11 Q Is that a little peculiar that white-collar crimes
12 got their own investigations, but homicides do not?

13 A No, it's not.

14 Q Not? Okay. Well, let me ask you this: Are you
15 aware that normal blood sugar ranges between 80 to 110, you
16 have any knowledge of that?

17 A I'm not a medical person, no, I don't.

18 Q Okay. Are you aware that Courtney Price was and
19 still is a diabetic?

20 A Yes, I was told that.

21 Q Okay. And are you aware that on the day in
22 question, that the September 27th, 2014, she tested less
23 than one hour after you had her sign her rights warning
24 waive certificate, with a blood sugar level of 461?

25 A Yes, it was after she'd waived her rights.

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1 Q Okay. Let me show you just a few documents to get
2 started. I'm showing you what has already been admitted as
3 State's Exhibit Number 68.

4 A Okay.

5 Q Is that Courtney Price's signature on State's
6 Exhibit 68?

7 A It is.

8 Q And tell the jury once again, what is State's
9 Exhibit Number 68?

10 A It's the Miranda warning where she waived her
11 rights and spoke with me.

12 Q Okay. Now, I'm showing you --

13 MR. GRANT: What I now offer into evidence, Judge,
14 for this -- for purposes of this trial, Defendant's Exhibit
15 Number 6.

16 MS. CORNWELL: I don't have any objection to the
17 document coming in. I don't know that she could testify as
18 to the medical relevance of it.

19 THE COURT: All right. Defendant's 6 is in
20 evidence.

21 (Defendant's Exhibit Number 6 was entered into
22 evidence.)

23 MR. GRANT: Okay.

24 BY MR. GRANT:

25 Q I'm showing you what is now being offered into

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1 evidence as Defendant's Exhibit Number 6. And what is the
2 title at the top of that document, ma'am?

3 A It says a medical staff screening form.

4 Q And whose signature is at the bottom of that
5 medical staff screening form?

6 A Courtney Price.

7 Q And does it indicate here what her blood sugar was
8 at 9:50 a.m.?

9 A Yes, it says 461.

10 Q 461; is that correct?

11 A Yes.

12 Q And when you compare the time of 8:55, when she
13 signed the right warning certificate at 9:50, would you
14 agree with me that that's less than an hour after she
15 signed your document?

16 A Yes.

17 Q Okay. Thank you.

18 Now, as far as sequence of events and people being
19 involved in this investigation, Bellinger, the young
20 officer testified -- might have been the first witness --
21 she was there when you got there; is that correct?

22 A Yes.

23 Q And Bellinger had actually spoken to Courtney
24 before you did?

25 A I later learned that, yes.

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1 Q Okay. And in fact, when Courtney spoke to Officer
2 Bellinger, she told Officer Bellinger, did she not, that
3 Sam was choking her?

4 A Let me refer to my report.

5 Q Please do.

6 A Yes.

7 Q Okay. So before you did any interviewing, took any
8 statements, Courtney had already told and reported
9 officially to a police authority involved in this case that
10 Sam was choking her; is that correct?

11 A She did.

12 Q Okay.

13 A But she also told --

14 Q Ma'am, there's no question before --

15 A -- Officer Bellinger that --

16 THE COURT: Wait a minute, ma'am.

17 She can explain her answer.

18 MS. CORNWELL: Thank you, Your Honor.

19 THE WITNESS: She told -- also told Officer
20 Bellinger that she was tired of his shit and that she had
21 had enough.

22 BY MS. CORNWELL:

23 Q But my question to you, ma'am, is did she tell
24 Officer Bellinger that Sam was choking her?

25 A She did --

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1 Q Okay.

2 A -- but she also said that she was tired of his shit
3 as well.

4 Q I didn't ask you that.

5 A Okay.

6 Q Are we going to go around that circle back and
7 forth, I'm just asking did --

8 THE COURT: No, no --

9 MR. GRANT: You see what I'm doing, Judge, I'm just
10 trying to get the witness to respond. That's all.

11 THE COURT: Ask your next question, Mr. Grant.

12 MR. GRANT: Yes, sir. All right.

13 BY MR. GRANT:

14 Q So we've already admitted that she told her that
15 Sam was choking her. Here's the next question for you.
16 And when you got there, Officer Bellinger was holding the
17 baby; is that correct?

18 A Yes.

19 Q It wasn't Courtney Price?

20 A No.

21 Q All right. Therefore, you then, would have no
22 personal knowledge as to where the baby's hands may or may
23 not have been around Courtney's neck before she handed the
24 baby to Officer Bellinger, would you?

25 A I would not have any personal knowledge, but just

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1 knowing where -- of how a one-year-old acts -- I don't have
2 any personal knowledge. I have children, so I can speak on
3 how my children --

4 Q Ma'am, I'm not asking you about generalities, I'm
5 asking you about evidence for this particular case which
6 comes before this particular jury. Do you have any
7 knowledge, personal knowledge. That's the only way --

8 A I have no personal knowledge, no.

9 Q Thank you, ma'am.

10 Now, did Courtney ever tell you or anybody involved
11 in this case that the playpen was moved or the highchair
12 was moved when Sam choked her downstairs?

13 A No, she didn't, but she also said that an
14 altercation didn't happen downstairs.

15 Q She said he choked her downstairs, did she not?

16 A That was Monday.

17 Q I'm just asking whether she said that?

18 A She didn't tell us that initially. That was on
19 Monday.

20 Q But didn't you say that she told Officer Bellinger
21 before you even got involved that --

22 A Yes, she told Officer Bellinger that --

23 Q Okay.

24 A -- but the choking and all that didn't come in with
25 downstairs until Monday -- with it being on the couch and

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1 all that. That didn't come in until Monday.

2 Q But she told Bellinger before you even got involved
3 in this thing and arrived at the scene, that she he choked
4 her?

5 A Yes.

6 Q Okay. Now, as far as the furniture downstairs,
7 there are two couches downstairs, did you notice that?

8 A I recall one.

9 Q You recall one?

10 A Yes.

11 Q So you don't remember two?

12 A Not off of memory, no.

13 Q Well, let me ask you this: When you went upstairs
14 in the house, did you notice two bathrooms?

15 A There was a room that had a bunch of clothes in it
16 and it was a baby room that hadn't been set up and then I
17 noticed the bathroom in the hallway. But I didn't notice
18 two bathrooms.

19 Q So you only noticed one bathroom?

20 A Yes.

21 Q Did you look around the house to see whether or not
22 there was any other evidentiary value in any other room?

23 A I did -- well, when we went in the room with the
24 clothes, there was clothes everywhere, so it was basically
25 like a junk room, so I didn't see where anybody had been in.

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1 the room because considering how the upstairs was with
2 blood everywhere, if we had gone in that room, there most
3 likely would have been blood in there as well, and it
4 wasn't.

5 Q If a man and woman, sitting on a couch and the man
6 decides to choke the woman, can he choke the woman on the
7 couch without moving the couch?

8 A I'm sure he can.

9 Q And with regards to some of the testimony various
10 theories that have come out about Sam's arms not being
11 scratched or his face or whatever not being scratched, did
12 Courtney ever tell you or ever tell Bellinger or anybody
13 involved in this investigation that she scratched Sam?

14 A No.

15 Q All right. She never said that, so therefore,
16 sense she said that -- she didn't tell you that she
17 scratched him, logic says there should be no scratch marks
18 on him; is that correct?

19 A No, that's not correct.

20 Q Well, she -- but she didn't tell you that she
21 scratched --

22 A No, she didn't. You asked me logically.

23 Logically, no, that's not correct.

24 Q All right. Courtney also never said anything to
25 you or anybody else involved in this investigation that Sam

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1 punched her in the eye and had her eye swollen in any way,
2 did she?

3 A Never did.

4 Q So when you do your little demonstration and all
5 this stuff for this jury, you are assuming that that when
6 somebody is choked they might respond that way; is that
7 correct?

8 A Sure.

9 Q Okay. And that's speculation. That's not
10 evidence, is it?

11 A I showed them what is most likely to occur.

12 Q But do you have any evidence that she did that for
13 this jury?

14 A No.

15 Q And, in fact, if a man is choking you and you have
16 a knife in one hand -- I know you demonstrated with the
17 right hand, are you aware that Courtney's left-handed?

18 A Yes, but she told me at one point that she carried
19 the knife upstairs with the right hand. Then she switched
20 stories with the numerous versions that she gave and then
21 she said she didn't remember which hand she had the knife
22 in.

23 Q I'm just asking whether you know she's left-handed.
24 Are you aware of that?

25 A No, I'm not -- oh, I saw her using her left hand at

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1 the table today.

2 Q Okay. Going back to my initial question, a man is
3 checking you and you have a knife in one hand while he's
4 choking you, okay? And then you stab him, clearly you,
5 can't be fighting with both hands like that if you're
6 stabbing about the same time; isn't that logical?

7 A If someone's choking you and you stab, then, yes.

8 Q Okay.

9 A But --

10 Q Well, isn't that what she said? I'm just asking,
11 did she say that he was choking her when she stabbed him.
12 Ma'am, that's all I'm asking.

13 A That was during one story.

14 Q I don't care what number story, did she say that?
15 Yes or no?

16 A During one version, she did, on Monday.

17 Q Okay. And we're going to talk about things you
18 said on Monday too a little bit? Okay?

19 A Okay.

20 THE COURT: Was that a question?

21 MR. GRANT: It was.

22 THE COURT: That we're going to --

23 MR. GRANT: Okay. I ended with an inflection,
24 "okay ma'am?"

25 THE COURT: Let's move on.

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1 MR. GRANT: All right.

2 BY MR. GRANT:

3 Q Now, let me take you --

4 THE COURT: The witness doesn't have a choice to
5 say okay or not okay. She's sworn to answer the questions.

6 BY MR. GRANT:

7 Q Let me take you through the interview of Courtney
8 Price. We've got the recording, but I want to ask you
9 whether or not you remember certain portions of this
10 recording, ma'am.

11 A Uh-huh.

12 Q She said on the recorded statement heard by this
13 jury when you took her statement, he had his hands around
14 my neck for a couple of seconds and it teed me off; isn't
15 that what she said?

16 A Yes, she did.

17 Q And you remember her saying these words, to the
18 question -- your question. This is what you asked her:
19 Where was he when you stabbed him? Answer: Standing up on
20 me. We was arguing face to face. That's what she told
21 you, did she not?

22 A No, she did not. She said he was standing up over
23 her.

24 Q Okay.

25 MR. GRANT: Your Honor, I had a court reporter,

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1 certified court reporter, prepare a transcript of that
2 exact statement and I'd like to approach the witness with
3 it.

4 THE COURT: All right. You may do that.

5 MR. GRANT: Thank you.

6 BY MR. GRANT:

7 Q Ma'am, I'm showing you a transcript of the
8 recording that the jury has just heard and can you read
9 these lines, stopping with that period? Read it out loud
10 for us.

11 A Where was he when you stabbed him? Standing up on
12 me.

13 Q Standing up on me. That's what she said, right?

14 A That's what she said.

15 Q Okay.

16 A That time.

17 Q And she called 9-1-1; is that correct?

18 A Yes.

19 Q And are you aware that the police arrived very
20 shortly, within minutes of her calling 9-1-1?

21 A Yes.

22 Q And are you aware that when they got there, that
23 Sam was actually still moving?

24 A I believe corporal Kuck said that he was moving --
25 slightly moving, but he was still alive, faintly.

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1 Q And are you also aware that EMS didn't get there
2 until 15 minutes later?

3 A According to the officers previous statements.

4 Q And when a person normally calls 9-1-1 for
5 emergency medical help, do you think the intention is to
6 get help for somebody who might have been injured?

7 A No -- well.

8 Q No?

9 A Not necessarily. And I can explain. When she
10 stabbed him, she called 9-1-1, what else was she supposed
11 to do? Just leave him there? I mean how could she cover
12 up a dead body being in her apartment.

13 Q Well, if she was trying to kill him, I can tell you
14 what else she could have done, not called 9-1-1 and let him
15 die?

16 A But if she was trying to help him, she could have
17 also applied pressure to that wound and stayed in the
18 apartment. Applied pressure to the wound and not tell
19 dispatch that she got her baby and came outside.

20 Q Are you -- do you have any knowledge that Courtney
21 Price is trained as a paramedic or EMS on this idea of
22 applying pressure to a wound?

23 A No, but you asked me if she was trying to help him
24 and as I previously stated, she said she grabbed her baby
25 and she came outside.

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- 1 Q No, what I actually asked you was logically if
2 somebody calls 9-1-1, doesn't that denote they're trying to
3 help an injured person? That's what I asked you.
- 4 A No, not at all times.
- 5 Q All right. And Courtney told you that she was in
6 the bed for the night. She wasn't even expecting Sam to
7 show up, right?
- 8 A Yes.
- 9 Q Yes, that's correct?
- 10 A Yes, that's correct.
- 11 Q Okay. And he started calling her around three
12 o'clock in the morning, correct?
- 13 A That's correct. That's what she told me.
- 14 Q And she said she reached out to his mother and
15 asked her can you please tell Sam to send me my key; is
16 that what she said?
- 17 A Are you speaking of that night.
- 18 Q I'm talking about on the statement that she gave.
19 I'm referring to this recording that was played to you by
20 the prosecutor.
- 21 A Well, can I see it, because she told me so many
22 versions --
- 23 Q Sure. I'm asking you whether --
- 24 A -- I'm confused.
- 25 Q -- what this statement says that -- see where I

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1 underlined right there?

2 A Okay. She said I was in the bed for the night. He
3 called me around 3:30 and I even asked his mama and I know
4 she still got these messages on her phone, can you pull up
5 my cell phone records. When we was going through all this
6 shit last week, I said can you please tell Sam to send my
7 key.

8 Q Okay. And if a woman is asking for a man's key
9 back, logic says -- and you tell me now, doesn't that
10 normally mean she's finished with him. She's through with
11 a relationship. Give me my key back, it's over.

12 A It could, but she also said that Sam called her and
13 asked her to open the door. So if he had the key, he
14 wouldn't have had to do that.

15 Q She asked his sister about giving her his key back
16 as well and getting it from Sam; is that correct?

17 A That's what she said.

18 Q Okay. And this is part of the recorded statement
19 now, she told you, quote, I've called the police on him
20 before from his parent's home; isn't that what she told
21 you?

22 A She did.

23 Q Well, did you investigate that particular
24 allegation and statement to find out what went on at his
25 parent's home that necessitated her to call the police?

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1 A I did.

2 Q And did you find out that actually on that day at
3 his parent's home he grabbed her around the neck, choked
4 her and pulled her by her hair and his own daddy had to
5 pull him off of her?

6 A Okay --

7 Q Did you find that out?

8 A No, I did not. What I found out was that she came
9 to the door and asked to use the phone. And that's
10 according to her statement. There was no witness to that.
11 That's what she said. But she also said a lot of other
12 things that we now come to with different statements.

13 Q She told you using her vernacular, I tried to end
14 this shit. I swear to God, you can ask his mom and sister.
15 Isn't that what she told you on the recorded statement?

16 A She did.

17 Q And with regards to intent, as far as her intent to
18 kill, did she not say in the recorded statement that you
19 took from her and I'd like for you to read the statement
20 that I have in quotes, what did she say?

21 A She said I did not mean for him to die.

22 Q No, no, no, I'm talking about where the first word
23 beginning with I?

24 A I swear to God, I did not mean for him to die.

25 Q She said I swear to God, I did not mean for him to

Latisha Walker - Cross-Examination by Mr. Grant

1 die. That's what she said?

2 A That's what she said.

3 Q Okay. All right. And, in fact, I think you asked
4 her, Why did you let him in when he came; and what did
5 Courtney say, beginning with the word, because?

6 A Because, stupid, stupid. I wasn't all the way
7 finished with him. She still loved him.

8 Q Still loved him. She said she still loved him.
9 Even after the allegations of choking her by the neck and
10 the reports that she gave you about previous incidents, she
11 said she still loves him; is that correct?

12 A She still loved him, yes.

13 Q Yeah. Do you know how tall Sam was and how much he
14 weighed?

15 A One moment, I think I have it in here. According
16 to his driving record, he was 5'8" and 195 pounds.

17 Q 195 pounds?

18 A Yes.

19 Q And do you have a driving record -- or do you have
20 any idea how much Courtney weighed and how tall she was?

21 A According to her driving record, she was 5'2" and
22 she was 125 pounds.

23 Q 195 versus 125, man versus woman; is that correct?
24 Weight and height, 125 pound woman who's 5'1"; 5'2",
25 whatever you said, versus a 5'8", 195 pound man; is that

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- 1 correct?
- 2 A What are you asking me?
- 3 Q I'm asking you to compare it to the analysis that
- 4 you just read. Is that what you just read?
- 5 A Yes, I did.
- 6 Q Okay. And we're talking about not only a much
- 7 smaller woman, but we're talking about a woman whose also a
- 8 chronic diabetic; is that correct?
- 9 A Yes.
- 10 Q And would you agree that people of those
- 11 dimensions, one would expect that the man would be
- 12 substantially stronger than the woman.
- 13 A If he's awake, yes. But if you're laying down in a
- 14 bed, then, no.
- 15 Q Well, let's assume that he is awake.
- 16 A Uh-huh.
- 17 Q Would he not be substantially stronger than the
- 18 woman?
- 19 A Possibly.
- 20 Q Possibly?
- 21 A Possibly.
- 22 Q Has it been most of your experiences in life that
- 23 195 pound man is not stronger than a 125 pound woman?
- 24 A I never had to compare it.
- 25 Q And Courtney told you -- correct me now if I don't

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1 get it right. I can show you the transcript. She said,
2 quote, I've been going to church and stuff with my baby. I
3 pay my tithes and I thank God every morning. Is that what
4 she told you?

5 A In one of the statements, yes.

6 Q Okay. And once again she said I tried to avoid
7 this shit. I texted his mama and his sister and told them,
8 please tell Sam to give me my house key. Like, I tried to
9 avoid this. Is that what she told you, Officer?

10 A That's what she told me, but here and again, if she
11 told him to send her the keys then, he didn't -- she let
12 him in, so he didn't have the keys on the night of the
13 incident when he was killed.

14 Q In your professional training, have you ever come
15 across the term battered woman syndrome?

16 A I have.

17 Q And I know you're not an expert in that, but I just
18 wanted to make sure you're aware of the term.

19 A Uh-huh.

20 Q Now, I want to ask you this: And you asked her
21 whether he was laying and she said he was kind of slouched
22 up, like I'd already woken him up. You remember her
23 telling you that?

24 A That's what she said.

25 Q Okay.

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1 A But she also told me that after she stabbed him he
2 pushed her off and said what the F. So if he saw the knife
3 coming, he would have reacted prior to. I mean, who's
4 going to lay there and see somebody coming down on them
5 with a knife and just let it happen?

6 Q Let me ask you this question, officer. You see the
7 part that I have underlined? In the recorded statement the
8 prosecutor played for the jury, what do those words say
9 from the word I to the word asleep?

10 A She said, I knew he wasn't asleep because we
11 just --

12 Q That's my question --

13 A I mean it's a complete sentence, I'm going to
14 finish it. It says, I knew he wasn't asleep because we
15 just went up there like five minutes ago.

16 Q Okay. So she said she knew he wasn't asleep?

17 A That's what she said.

18 Q And, in fact, they had sex?

19 A Prior to.

20 Q Can't have sex with a sleeping man, can you?

21 A That's prior to. Because she also said they had
22 sex downstairs, on Monday.

23 Q That they had sex downstairs on Monday?

24 A She said they had sex downstairs.

25 Q You got a transcript that shows that, that she said

Latisha Walker - Cross-Examination by Mr. Grant

1 that had sex downstairs?

2 A When she was questioned, they asked her did she
3 have sex in the bed and she said we were downstairs.
4 Because they had watched TV, according to her, went back
5 upstairs, mixed the baby some milk and came downstairs and
6 they had sex downstairs.

7 Q All right.

8 A It should be in the transcript.

9 Q Well, I don't have the transcript; but if you've
10 got a transcript, we'll deal with it. You can be
11 approached with it on redirect if necessary.

12 Now, here's the question: You asked her two
13 different statements; is that correct? You took two
14 different statements from her?

15 A Yeah.

16 Q Now, this was a homicide investigation, correct?

17 A Yes, sir.

18 Q Isn't it true, ma'am, that the very first statement
19 or interview last, I should say, lasted really about 16
20 minutes?

21 A Yes.

22 Q Sixteen minutes. So therefore, you had as much
23 time as you needed to answer, excuse me, to ask any
24 question that you wanted, correct?

25 A That was a preliminary interview or statement that

Latisha Walker - Cross-Examination by Mr. Grant

1 was taken. So there's not a length of time. I was just
2 trying to find the basics as what had happened according
3 to her. Because Mr. Simmons was dead and quite naturally,
4 he couldn't tell me.

5 Q I'm simply asking you, could you have not taken as
6 much time as you wanted to, to ask Ms. Price as many
7 questions as you wanted to in the first interview? Yes or
8 no?

9 A I could have, but at that point, as I stated, it
10 was preliminary. I didn't know what had happened. I was
11 actually at home and was called out to that scene, so I was
12 trying to find out what happened.

13 Q But you were in charge of the interview determining
14 the length and the content of the questions; is that
15 correct?

16 A Yes, but there's no --

17 Q And you --

18 A -- specific time frame as to how long an interview
19 has to be conducted.

20 Q But my point is, isn't it a fact that you
21 determined what questions were asked and not asked?

22 A Yes.

23 Q All right. And you decided to ask those questions
24 not Courtney because, again, you're the one doing the
25 interview; is that correct?

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1 A Yes, but when I asked questions, she had the right
2 to answer and add on as she did throughout the statement.

3 Q If you go to a job interview and the interviewer is
4 asking you a question, isn't the person conducting the
5 interview, the one asking the questions; and an interviewee
6 is answering the questions?

7 A Well, since we're speaking of a job interview, when
8 they ask the questions, your job at that time is to sell
9 yourself, so you're not going to do yes or no answers.
10 You're going to ask and you're -- you're going to answer
11 and you're also going to ask to sell yourself. So in the
12 terms of her being asked about the homicide, if there was
13 anything else that she felt was relevant, then I should
14 have been told. I didn't have to pull it out of her.

15 Q Well, here's the big point. You did not ask
16 Courtney at any time during the interview that you decided
17 should only last 16 minutes, whether or not she ever asked
18 Samuel Simmons to leave her apartment, did you?

19 A No. But she could have told me she asked him to
20 leave and she never said anything about asking him to leave
21 until Monday.

22 Q You never asked her anything about whether she
23 asked Samuel Simmons to leave her apartment during this
24 second interview, did you?

25 A No, I did not. As I previously stated, I didn't

Latisha Walker - Cross-Examination by Mr. Grant

1 know that she said she asked him to leave until she gave
2 her third statement on Monday.

3 Q And on Monday was the first time she was asked that
4 question as far as you know; is that correct?

5 A She was asked the question by you.

6 Q And that is the point. You did not ask her that
7 question on September 27, 2014, did you?

8 A There was no need for me to ask that question
9 because as I previously stated, if there was something that
10 she needed me to know, as she added in the other stuff
11 about him messing with the bitches and she don't have time
12 for that shit and she's not the one. If that was relevant
13 to her at that point and relevant to the investigation,
14 something I needed to know, she could have shared that with
15 me. I shouldn't have had to ask her.

16 Q Courtney was covered in blood during the time of
17 this interview, wasn't she?

18 A The initial one?

19 Q I'm still talking about the initial one right now.
20 Yes, ma'am.

21 A Yes.

22 Q And she was crying, wasn't she?

23 A Somewhat, yes.

24 Q Well, I think you testified on direct that she
25 might have been smirking and laughing?

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1 A For the second interview.

2 Q Oh, the second interview. Another question: Did
3 the Orangeburg Department of Public Safety -- that's where
4 you were working at that time, right?

5 A Yes.

6 Q Did they have camcorders where they could use to
7 video tape the interview so the jury could have the benefit
8 of seeing what the person looks like during the interview?

9 A No, we did not have camcorders. But as you can
10 clearly hear, she was laughing and smirking during the
11 interview.

12 Q It is your testimony that the police department
13 didn't have camcorders to video tape people?

14 A It is my testimony.

15 Q In 2014?

16 A Yes.

17 Q But could you have gotten it from the sheriff's
18 department if you needed it?

19 A I don't know if the sheriff's department has any.

20 Q Could you have gotten one from SLED if you needed
21 it?

22 A No, I did not contact SLED. We were conducting the
23 investigation and SLED is an investigating agency.

24 Q Were you aware that Courtney was a diabetic during
25 the process of either one of these statements?

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1 A No, sir, I was not.

2 Q Therefore, since you didn't know, you certainly
3 didn't offer her anything to drink or eat, did you?

4 A I know where you're going. I mean as you
5 previously stated the interview was very short, there was
6 no need.

7 Q Did you ask her whether she had any medical
8 conditions that may impair her ability to understand what
9 she's doing and understand what you're asking her, for
10 instance diabetes? Did you ask her that or not? If she
11 had any medical conditions that would impair her ability
12 the understand what was going on?

13 A No, she appeared to understand what she was doing
14 very well and as you showed me the Miranda warning, she
15 signed it and acknowledged that she understood.

16 Q All right. Now, let's see, I think you testified
17 on direct examination that you did some research on
18 previous police incident reports. Tell me, did you say you
19 didn't find any pertaining to this incident -- not
20 pertaining to this incident -- pertaining to Ms. Price and
21 Samuel Simmons? I'm just -- help me out, what did you say?

22 A I did find two.

23 Q You did find two?

24 A Yes.

25 Q All right. Did you find the one where deputy Mack

Latisha Walker - Cross-Examination by Mr. Grant

1 was involved, involving Courtney Price when Samuel Simmons
2 threw the phones on the ground and he scratched her on the
3 neck? Did you find that one?

4 A Yes, I did.

5 Q Okay. And you actually -- according to the report
6 that you read or reviewed, he actually saw scratches on her
7 neck; is that correct?

8 A He said he saw a scratch.

9 Q Said he saw a scratch. Well, how many scratches
10 does it need for a man to injure a woman?

11 THE COURT: Ask your next question.

12 MR. GRANT: All right.

13 BY MR. GRANT:

14 Q Now, you said he saw a scratch on her neck, well I
15 should --

16 MR. GRANT: I can impeach the witness on the other
17 answer.

18 BY MR. GRANT:

19 Q Take a look, if you will at the incident report.
20 You see that word -- one second now. Right there. Let me
21 get the phrase in, that you had noticed some -- what's the
22 word?

23 THE COURT: No, sir, you can't, you can't --

24 Step out, please, Mr. Foreman and ladies and
25 gentlemen. Step out, please.

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1 (The jury left the courtroom at 2:58 p.m.)

2 MS. CORNWELL: I was about to object.

3 THE COURT: Ma'am?

4 MS. CORNWELL: I was actually going to object.

5 He's not allowed to read somebody else's statement.

6 THE COURT: Well, you can't impeach a witness by
7 hearsay statement by another witness that is not testifying
8 before this jury.

9 MR. GRANT: Well, Your Honor, she indicated that
10 she had read the report. She did her research and she was
11 aware as to the substance of the report and she testified
12 that the report that she read or reviewed indicated, quote,
13 a scratch, but, in fact, the report indicates that the
14 words some scratches; and naturally, I'm entitled to show
15 the witness the error of her ways and the error of the
16 information she's presented to the jury.

17 THE COURT: So you're presenting it --
18 Go ahead, Solicitor.

19 MR. GRANT: I'm presenting it to show a prior
20 inconsistent statement, really.

21 THE COURT: Go ahead, Solicitor.

22 MS. CORNWELL: Your Honor, I believe the rules
23 state that you can intentionally impeach a witness with
24 evidence, but they are to recollect the evidence as they
25 had it. So he's not allowed to pit the statement against

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1 what she's stating. He can ask and she can say how she
2 remembers it. He can, you know, show her a report, and if
3 she says that's how she remembers it, that's as far as he
4 gets to go with it.

5 MR. GRANT: May I respond? If the witness is
6 making a statement based upon the report, is it Counsel's
7 position that the witness's version of the report
8 supercedes the actual report itself, as to its accuracy.

9 MS. CORNWELL: No, the State's position is, if you
10 want to bring in this report and bring in challenges, then
11 Officer Mack is the one who needs to respond to that. She
12 stated that she reviewed the report. That her recollection
13 of that report is that there was a scratch and that's where
14 it ends. That's what her recollection of the report is.
15 You can't impeach her with another man's report. You can
16 bring that man on the stand.

17 MR. GRANT: Well, I can refresh her recollection as
18 to what she read, Judge.

19 MS. CORNWELL: And if she testifies that that's not
20 what she recollected, then it's over.

21 MR. GRANT: Well, I disagree with that.

22 THE COURT: Well, you just testing her memory?

23 MR. GRANT: Yes, sir.

24 THE COURT: Of course Officer Mack did not testify
25 Monday to a scratch.

Latisha Walker - Cross-Examination by Mr. Grant

1 MR. GRANT: Oh, yes, sir, I believe he actually
2 did.

3 THE COURT: No, sir, he did not.

4 MR. GRANT: Yes, sir.

5 THE COURT: Officer Mack testified that he saw a
6 small abrasion on her neck.

7 MR. GRANT: Well, Your Honor, whether it's an
8 abrasion or a scratch.

9 THE COURT: Well, whether there's an S on the end
10 of scratch or not an S on the end of scratch, that's not
11 what he testified to. He had his report and he was a fine
12 witness.

13 MR. GRANT: I'm not going to belabor the point,
14 Judge, I feel I made my position on it and I'll stand by
15 the Court's ruling. Clearly, we will be calling Deputy
16 Mack and I'm sure he'll testify consistently what is
17 written in his report.

18 So I'll finish with it, Judge, and I'm ready for
19 your ruling.

20 THE COURT: Well, if your point is that it goes to
21 the quality of the investigation and the memory of the
22 detective from whenever she read Detective Mack's report,
23 which the testimony has been, I did the investigation, I
24 located that report. It happened, I believe at [REDACTED] Rio
25 Street at the Simmons' residence on 22, January of '12. If

Latisha Walker - Cross-Examination by Mr. Grant

1 you want to ask her if it says scratch or scratches, I'll
2 allow you to do that.

3 Bring the jury in, please.

4 THE BAILIFF: Yes, Your Honor.

5 (The jury entered the courtroom at 2:59 p.m.)

6 THE COURT: All right. Our jury is back in place.

7 Thank you, Mr. Grant.

8 Thank you, Solicitor.

9 You may continue, Mr. Grant.

10 MR. GRANT: Thank you. Your Honor.

11 BY MR. GRANT:

12 Q And Special Agent Walker, upon your further review
13 of the report prepared by Deputy Mack, do you agree that it
14 says some scratches on her neck as opposed to a scratch?

15 A That's what the report says, but my notes only
16 recall a scratch.

17 Q All right. Now, did you investigate whether or not
18 Sam had -- well, whether Sam's name was on the lease to
19 that apartment?

20 A No, it was not.

21 Q Okay. I'm showing what is marked, actually it's
22 Defense Exhibit Number 1. Would you please look at the
23 last page of Defendant's Exhibit Number 1. Does it have a
24 signature on the tenant, the person who's renting the
25 apartment?

Latisha Walker - Cross-Examination by Mr. Grant

1 A Yes.

2 Q And whose name is on Defendant's Exhibit Number 1?

3 A Courtney Price.

4 Q And do you see Samuel Simmons' name listed anywhere
5 as a tenant?

6 A No.

7 Q Not even as an co-tenant?

8 A No.

9 MR. GRANT: Your Honor, I offer Defendant's Exhibit
10 Number 1 into evidence for purposes of this trial.

11 MS. CORNWELL: No objection, Your Honor.

12 THE COURT: Defendant's 1 is in evidence without
13 objection.

14 (Defendant's Exhibit Number 1 was entered into
15 evidence.)

16 BY MR. GRANT:

17 Q So no doubt about it then, this home, the
18 residence, the apartment, belonged to Courtney Price and
19 only Courtney Price; is that correct?

20 A Yes.

21 Q And if we believe Courtney Price's version of her
22 story, she was being choked in her home; is that correct?

23 A If we believe it.

24 Q Is that correct that she was being choked in her
25 home?

Latisha Walker - Cross-Examination by Mr. Grant

- 1 A If we believe it. That's what she said.
- 2 Q That's what she said?
- 3 A That's what she said.
- 4 Q And if -- if a person is choking you in your own
5 house, as you're a law enforcement agent from SLED, are you
6 able to defend yourself under the law?
- 7 A Yes.
- 8 Q Okay. And did your investigation reveal that Sam
9 had a blonde-colored hair pulled from his hand?
- 10 A I learned that on Monday.
- 11 Q Learned that on Monday?
- 12 A Yes.
- 13 Q And it was pulled from his right hand; is that
14 correct? Did you learn that on Monday too?
- 15 A I can't remember which hand it was in, but I
16 learned about it here on Monday.
- 17 Q All right. Did you -- excuse me, did you see Sam's
18 body when you walked in?
- 19 A I did.
- 20 Q I want to show you what -- just in case it's not,
21 I'm showing you what is Defendant's Exhibit Number 12.
- 22 A Okay.
- 23 Q All right. Will you take a look at that
24 photograph, please. And that is a nude picture -- a
25 picture of Sam in the nude?

Latisha Walker - Cross-Examination by Mr. Grant

1 A Yes.

2 Q Okay. And do you see blood on the bottom of his
3 feet?

4 A Yes.

5 Q All right. And with regards to --

6 MR. GRANT: And, Your Honor. I offer Defendant's
7 Exhibit Number 12 into evidence as Defendant's Exhibit 12.

8 MS. CORNWELL: No objection.

(9 THE COURT: What is that item?

10 MR. GRANT: It might be identical to prosecution
11 34, Your Honor, I believe, Judge, but we want to make sure
12 we have it offered.

13 BY MR. GRANT:

14 Q I want to show you what is 50 --

15 MR. GRANT: Well, is this already in, then?

16 MS. CORNWELL: 50 is in.

17 MR. GRANT: Okay.

18 BY MR. GRANT:

19 Q State's Exhibit 54 --

20 MR. GRANT: Can we confirm that that's in evidence?

21 THE COURT REPORTER: It's in.

22 MR. GRANT: Yes, ma'am, okay.

23 BY MR. GRANT:

24 Q Look at State's Exhibit Number 54, for me, please.

25 Do you see the hands of little **C.D.S.** there?

Latisha Walker - Cross-Examination by Mr. Grant

1 A I do.

2 Q Okay. And does that -- is that the way you
3 remember the hands looked when you saw -- did you ever see
4 the hands yourself?

5 A I did.

6 Q And is that the way his hands looked with that
7 picture showing?

8 A It does, about -- yeah, it does.

9 Q All right. Thank you, ma'am.

10 All right. And again --

11 MR. GRANT: Madam Court Reporter, can you please
12 confirm that State's Exhibit 50 is in evidence.

13 THE COURT REPORTER: It is.

14 THE COURT: I think yesterday she offered --
15 yesterday she offered State's 1 through 67 as a group.

16 They're all in without objection, correct,
17 Solicitor.

18 MS. CORNWELL: Yes, sir.

19 MR. GRANT: Yes, sir. Thank you, Judge. All
20 right.

21 BY MR. GRANT:

22 Q Look at State's Exhibit Number 50. And that
23 picture shows Courtney with some nails. I don't know if
24 you call them artificial nails or false nails or -- what do
25 you call those nails?

Latisha Walker - Cross-Examination by Mr. Grant

1 A Nails.

2 Q Nails. Okay. And again from your investigation in
3 charge of this case, did Courtney ever tell anybody that
4 she scratched Sam?

5 A No, she did not. Courtney did not tell a lot of
6 things until Monday.

7 Q But did she tell anybody that she scratched Sam?

8 A Not at that time, she did not.

9 Q Okay. And as part of your investigation, did you
10 ever become aware that Samuel Simmons was under the
11 influence at Courtney's home?

12 A I learned that Samuel Simmons drank alcohol on
13 Monday. Like I said, I learned a whole new version on
14 Monday.

15 Q Well, now, you didn't learn about the alcohol from
16 Courtney on Monday. You learned that from some special
17 agent or SLED agent themselves testified about that on
18 Monday? As far as the alcohol content? You were in here.

19 A Well, we talked about the alcohol content, but
20 you're saying the alcohol itself.

21 Q Yeah, but you can't have alcohol content unless you
22 consumed alcohol; is that correct?

23 A But on Monday, she said that he brought the alcohol
24 in. Prior to that, she had not given me a statement about
25 alcohol.

Latisha Walker - Cross-Examination by Mr. Grant

1 Q Okay. But one thing is certain, you are aware now,
2 through personal knowledge, sitting in that chair, that
3 Samuel Simmons was under the influence of alcohol, more
4 than twice the legal limit when he was in Courtney's house
5 that night?

6 A Yes.

7 Q Did your investigation reveal how he got there?

8 A He drove.

9 Q So he was driving drunk to get to her house?

10 MS. CORNWELL: Objection, Your Honor.

11 THE COURT: Yeah, that's not relevant. You may ask
12 your next question.

13 BY MR. GRANT:

14 Q I'm showing you what is now marked as State's
15 Exhibit Number 22, which apparently is already in evidence.
16 You see that exhibit, ma'am?

17 A I do.

18 Q And do you see those clothes in the floor in the
19 exact location as depicted in that picture? Did you see
20 that with your own eyes?

21 A Yes.

22 Q Okay. Let me have that back, please.

23 And I want to show you what is marked as State's
24 Exhibit 21. Can you see bloodstains on the wall there in
25 State's Exhibit 21?

Latisha Walker - Cross-Examination by Mr. Grant

1 A I do.

2 Q Let me have that back, please.

3 The picture that you saw and the bloodstains on the
4 wall, could it be consistent with a struggle going on in
5 the room?

6 A I wouldn't say it's consistent with a struggle.

7 Q My question is could it be considered?

8 A Anything is possible. But I can't say it's
9 consistent.

10 MS. CORNWELL: Your Honor.

11 THE COURT: Excuse me a minute.

12 Solicitor?

13 MS. CORNWELL: I'm just going to object again, this
14 witness isn't a blood-spatter expert and her testifying or
15 speculating as to whether or not that could or could not be
16 is probably outside of her --

17 MR. GRANT: Neither was Crime Scene Investigator
18 Griffith.

19 MS. CORNWELL: I object to that.

20 THE COURT: We don't make new rules just because
21 there's two kinds of evidence, what the attorney's don't
22 object to and what the judge says is admissible. If it
23 wasn't objected to before, it's in evidence so I sustain
24 the objection.

25 MR. GRANT: Okay. It's in evidence, anyway. Thank

Latisha Walker - Cross-Examination by Mr. Grant

1 you, Judge.

2 BY MR. GRANT:

3 Q And the blood on the spread near the foot of the
4 bed, is that what you also saw when you entered the room?

5 A I did.

6 Q May I have that back, please.

7 Didn't Courtney also say that Sam was grabbing her
8 arms at one point? Did she say that? Do you remember
9 that?

10 A Did she tell me that?

11 Q That's what I'm asking you.

12 A No.

13 Q Okay. And on the issue of whether or not when Sam
14 was choking her, whether she stabbed him underhanded or
15 overhanded, do you remember her testifying or saying or
16 making a statement earlier that she could not remember?

17 A She said that she couldn't remember a lot of stuff.
18 She didn't remember even talking to me and giving me the
19 statement.

20 Q But I'm asking whether you remember her saying
21 whether it was over the arm or under the arm or straight
22 ahead?

23 A She said she couldn't remember a lot.

24 Q Yeah. And as far as defensive type injuries, isn't
25 it true that sometimes there are defensive-type injuries

Latisha Walker - Cross-Examination by Mr. Grant

1 and sometimes they're not. It depends upon the
2 circumstances of what happened; is that correct?

3 A If you're being choked, the chances are, there are
4 going to be defensive wounds.

5 Q But doesn't it depend upon the circumstances as to
6 what happened? There's not absolute rule; is that correct?

7 A Circumstances as far as what?

8 Q As far as what --

9 THE COURT: The court reporter can't get -- as good
10 as she is, she can't get two people talking at the same
11 time. Ask your question, Mr. Grant.

12 MR. GRANT: Thank you, Judge.

13 BY MR. GRANT:

14 Q Isn't it a fact, ma'am, that whether or not there
15 are defensive injuries to a person who has been stabbed
16 depends upon the circumstances of the entire incident?

17 A It's not a fact, no.

18 Q That's not a fact?

19 A No, it's not.

20 Q So every time somebody's been stabbed, regardless
21 of how it happened, there should be defensive injuries to
22 that man? Every time?

23 A No. I'm not saying there should be every time, but
24 you're asking me about facts. If he was sleeping or in the
25 bed sleeping, then he didn't see it coming so he didn't

Latisha Walker - Cross-Examination by Mr. Grant

1 have a chance to defend himself.

2 Q Well, let's turn your attention to this notion of
3 him being asleep in the bed?

4 A Uh-huh.

5 Q It's one thing certain, you were not there at the
6 time the incident occurred, were you?

7 A I was not.

8 Q And since you were not there, you cannot swear
9 under oath to this jury that he was asleep at the time it
10 happened, can you?

11 A I cannot, but what Ms. Price -- according to what
12 Ms. Price said and how she described, your word, as far as
13 speculation would lead a reasonable person to believe that
14 he was sleeping.

15 Q And you are a SLED agent, are you not?

16 A I am.

17 Q You're trained to be a professional officer who
18 comes to court the tell the truth and only the truth; is
19 that correct?

20 A That's right.

21 Q And to tell you like you seen it; is that correct?

22 A That's right.

23 Q And certainly as a fair witness to report the truth
24 to the jury, you should not speculate; is that correct?

25 A No, I should not speculate, but you have been using

Latisha Walker - Cross-Examination by Mr. Grant

1 that term, you know, the entire trial.

2 Q And I've been using that term to describe the
3 nature of your testimony, am I not?

4 A You've been using that throughout. I don't know if
5 it was in reference to my testimony, but you've been using
6 it throughout the time of the trial.

7 Q And, in fact, there is no objective physical
8 evidence from any of those pictures that any crime scene
9 expert can testify about -- people, legitimate crime scene,
10 that he was stabbed in the bed while he was sleeping, is
11 there?

12 A Ask the question again.

13 Q Yes, ma'am. There's no objective physical evidence
14 from the photographs we see on this table and have been
15 admitted by this prosecutor when a crime scene expert can
16 tell you that Sam was sleeping in the bed at the time he
17 was stabbed?

18 A I can't testify to what crime scene did.

19 Q Any reason why you were the only ones asking
20 questions when there were two deputies there?

21 A Because it was actually my investigation.

22 Q Well --

23 A I just asked someone to sit in.

24 Q Again, this is a homicide investigation; is it not?

25 A It is.

Latisha Walker - Cross-Examination by Mr. Grant

1 Q And you want to try to do the best that you can,
2 aren't you? Is that what you're trying to do?

3 A Yes.

4 Q Trying to be as thorough as you can possibly be; is
5 that correct?

6 A Yes.

7 Q And if you're trying to be as thorough as you can
8 possibly be, wouldn't more input and more questioning to
9 get to the details of what happened -- wouldn't it be a
10 wise idea to have more than just one person asking
11 questions?

12 A It's not a common practice on my investigations.

13 Q And the prosecutor asked you some questions about
14 previous testimony of Courtney. And in that previous
15 testimony, Courtney told you -- I say told you -- Courtney
16 stated that she was downstairs and Samuel Simmons -- she
17 approached him about child support, that he choked her
18 downstairs on the couch. Is that what she said on a
19 previous statement?

20 A That's what she said on Monday.

21 Q Didn't she also say after he had choked her
22 downstairs, she asked him to leave her home; isn't that
23 what she said?

24 A That's what she said on Monday.

25 Q And she also said -- after she told him to leave

Latisha Walker - Cross-Examination by Mr. Grant

1 her home, he did not leave, he stayed at her home; is that
2 correct?

3 A According to the statement --

4 MS. CORNWELL: Your Honor, could she finish her
5 statement.

6 THE COURT: Let her answer the question.

7 THE WITNESS: According to the recorded interviews,
8 at no time did she tell me anything about asking him to
9 leave the home.

10 BY MR. GRANT:

11 Q Well, let's just focus on Monday, then?

12 A Monday.

13 Q And on Monday, she said, did she not, that Sam,
14 after he choked her stayed at her home and she went
15 upstairs to use the bathroom; is that correct?

16 A That's what she said on Monday.

17 Q And she also said that she went in the bathroom to
18 use the bathroom and unsuspected to her, Sam came upstairs
19 and he was in the bedroom; is that correct?

20 A Yes.

21 Q And she also said on Monday that when she came out
22 of the bathroom, Sam at this point, is in his boxers and
23 his tank top t-shirt and he started kissing on her, the
24 next thing you know, they had sex, is that correct?

25 A Yes, she did.

Latisha Walker - Cross-Examination by Mr. Grant

1 Q And then she also said, but she brought up the
2 issue of child support again; is that what she said?

3 A That's what she said on Monday.

4 Q Because she said sex don't pay the bills, it still
5 wasn't being paid and that's why I brought it up again, or
6 words to that effect?

7 A On Monday, she did.

8 Q Yes, ma'am. And she also said when she brought it
9 up again, he choked her again, correct?

10 A That's what she said on Monday.

11 Q And she said she cried and she went downstairs,
12 number one, to get away from him choking her; is that what
13 she said?

14 A I don't recall her saying that she went downstairs
15 to get away from him. I don't recall that.

16 Q But she said, he choked her upstairs right? Before
17 she went downstairs?

18 A She said a lot of things. I'm confused.

19 Q And she said she was crying; is that correct?

20 A Yes.

21 Q And when she went downstairs, that's when she said
22 she was going to get a bottle for the baby and that's when
23 she noticed his phone lit up; is that correct?

24 A That's what she said.

25 Q All right. Now, do you have a smart phone?

Latisha Walker - Cross-Examination by Mr. Grant

1 A I do.

2 Q All right. And is it not true that if a smart
3 phone is laying here face up, even though somebody might
4 not be texting you, it could be a notification, it could be
5 some type of alert, it could be many different reasons why
6 the screen of your smart phone might light up. Even though
7 nobody's texting you; is that correct?

8 A Yes.

9 Q Okay. So if nobody's texting you and the phone
10 lights up and you pick it up to inspect it and you go
11 through it, you can possibly see what messages are there;
12 is that correct?

13 A Well, considering that the last text message from
14 Ms. Scott was in September, she would have had to go
15 through numerous messages to get to that one.

16 Q She could scroll --

17 A She examined the phone.

18 Q Right. She could scroll through and see those
19 messages, right?

20 A Yes.

21 Q But the point I'm making, though is it would not be
22 necessary to receive a text message from Ms. Scott in order
23 for the phone to light up, would there?

24 A No.

25 MR. GRANT: If I may have one moment, Your Honor.

Latisha Walker - Cross-Examination by Mr. Grant

1 THE COURT: Yes, sir, certainly, of course.

2 (There was a pause in the proceedings.)

3 MR. GRANT: Oh, I'm sorry, I've got a few more
4 questions for the witness, Judge; if I may?

5 THE COURT: Yes, sir.

6 MR. GRANT: Thank you, Judge.

7 BY MR. GRANT:

8 Q You were asked about some -- some text messages and
9 phone records and everything.

10 A I was.

11 Q I got a little confused at the evidence but here's
12 the point. Look at this record for me and I've got it as
13 Sam's records incoming and then Courtney outgoing from Sam.
14 Did I interpret that right?

15 A Incoming, yes.

16 Q Okay. And outgoing, Sam?

17 A Yes.

18 Q Okay. All right. Now, let's discuss these text
19 messages a bit and then I'll be finished.

20 Looks like message 2671 -- and I think we said the
21 incoming is Courtney, right?

22 A Yes.

23 Q That's what we agreed to?

24 A Yes.

25 Q All right. Do you have that? You want to take

Latisha Walker - Cross-Examination by Mr. Grant

1 time to find that?

2 A No, you can go ahead.

3 Q Okay. Yes, ma'am. Can you read to the jury what
4 I've highlighted in that particular text message?

5 A She said, Leave my key under the mat, thank you.

6 Q Leave my key under the mat.

7 Once again, she's trying to get her key; is that
8 correct?

9 A She said leave my key under the mat.

10 Q All right. Well, let's see, text message number
11 2677, I have that highlighted, what does she say in that
12 text message?

13 A I just want my key and you can go back where you
14 were. Please bring me my key.

15 Q So I ask a second time on this page alone that
16 she's asked for her key back, right?

17 A Yes.

18 Q All right. And look at text message -- the very --
19 let's see, text message -- the very next text message --
20 2677, what does that say right there is a text message?

21 A I just read that one.

22 Q No, no. Didn't you just read, I just want my key?

23 A Yeah. That's 2677.

24 Q You're right. Okay. 2678 then, the very next text
25 message, what does it say?

Latisha Walker - Cross-Examination by Mr. Grant

- 1 A Bring my key and we can both move on.
- 2 Q Bring my key and we can both move on. All right.
- 3 And what about 2679?
- 4 A You can take your TV. Please bring me my key
- 5 because this is too much. I can't do it again.
- 6 Q And what does she say in 2681?
- 7 A Sam, please give me my key.
- 8 Q And what does she say in 2683?
- 9 A Bring me my key.
- 10 Q And what does she say in 2684?
- 11 A I want to be done. Tired of these feelings, please
- 12 return my key.
- 13 Q And in 2686, what does she ask him again?
- 14 A Are you bringing it.
- 15 Q Okay. In this one page of text messages, I have
- 16 shown you -- oh, first of all, let's talk about the date
- 17 that -- the first date of that particular text message,
- 18 when did that come in?
- 19 A September 20th.
- 20 Q What year?
- 21 A 2014.
- 22 Q 2014. So all this demanding for this key to be
- 23 given back took place about seven days before this
- 24 incident?
- 25 A Uh-huh. Yes.

Latisha Walker - Cross-Examination by Mr. Grant

1 MR. GRANT: Your Honor, I offer this document --
2 the prosecution may have it.

3 MS. CORNWELL: I think you're trying to put that in
4 evidence?

5 MR. GRANT: I'd like to.

6 MS. CORNWELL: I'm going to object to it coming
7 into evidence. She can testify to it, it hasn't been
8 authenticated or anything of that nature. So I would
9 object to the actual record going back to the jury. She
10 has testified to it though, I think the testimony is in.

11 THE COURT: Have it marked for identification.

12 MS. CORNWELL: And, Your Honor, if I may, the
13 reason I don't want one page to be moved in. We've got, as
14 you can see, a plethora of text messages for the
15 completeness of the record, but we weren't going to send a
16 single page back. I think that's an abundance of
17 information to give back there and all that and that's the
18 only reason I didn't want just a single page to go in, for
19 the expediency of the Court. She's testified to it, they've
20 heard it, we don't need to send a whole stack of text
21 messages as a complete record.

22 MR. GRANT: Your Honor, I withdraw the request.
23 It's withdrawn.

24 THE COURT: That's the best ruling I've made all
25 day.

Latisha Walker - Cross-Examination by Mr. Grant

1 THE WITNESS: Mr. Grant --

2 THE COURT: Can you keep it marked for ID?

3 THE WITNESS: Mr. Grant on the same day --

4 THE COURT REPORTER: Wait, please.

5 (Defendant's Exhibit Number 31 was marked for
6 identification.)

7 BY MR. GRANT:

8 Q Yes, ma'am? So you've answered my questions about
9 the text messages; is that correct?

10 A Yes, but I would like to add something to the text
11 messages because it happened on the same day in reference
12 to the key. On the same day, she said, You can leave his
13 diapers and daycare money on my counter. Thanks.

14 Q Okay.

15 A So how was he going to get in the house if he
16 didn't have a key?

17 Q Because he was ignoring her commands to give the
18 key back; is that correct?

19 A But at that point, she's inviting him to use that
20 same key she so diligently wanted.

21 Q She kept asking him for the key based upon what you
22 read; is that correct or not?

23 A That's what she said. But she also invited him in
24 the house to use that same key.

25 MR. GRANT: No further questions of this witness,

Latisha Walker - Redirect Examination by Ms. Cornwell

1 Judge.

2 THE COURT: Redirect, Solicitor?

3 MS. CORNWELL: Yes, Your Honor, just briefly.

4 REDIRECT EXAMINATION

5 BY MS. CORNWELL:

6 Q And actually since we're going on those text
7 messages, I think you said on message 2686, you named a
8 bunch of them, she said, Are you bringing it. What does
9 message 2687 say?

10 A He said, Sure.

11 Q And what is her response?

12 A Thank you.

13 Q Okay. And just briefly, you were asked about the
14 medical treatment and all that you were shown on Defense
15 Exhibit with some medical records and stuff, the second
16 statement that she gave that we heard then, about what time
17 did that statement take place and end?

18 A That statement happened, I believe it was one
19 o'clock in the afternoon.

20 Q Okay. And according to this medical report, it was
21 administered at what time?

22 A At 9:50 a.m.

23 Q So she had received medical treatment or at least
24 been reviewed by medical personnel prior to giving the
25 second statement?

Latisha Walker - Redirect Examination by Ms. Cornwell

1 A Yes.

2 Q And in that second statement, did she seem to be
3 coherent and understanding of what she was saying?

4 A Yes, she was.

5 Q And in looking at Defense Exhibit 6 as well, down
6 towards the bottom of the page, does it indicate whether or
7 not the defendant had been drinking any alcohol?

8 A It doesn't.

9 Q The defendant --

10 A Well, she told them that she hadn't drank any.

11 Q Does it indicate whether or not she was drinking
12 that night?

13 A She said that she had drank four beers.

14 Q Okay. Thank you. And she had received medical
15 treatment. Is there anywhere on here that indicates that
16 she had any physical injuries when she was admitted?

17 A No, it does not.

18 Q And when I say admitted. This is being admitted to
19 the jail, correct?

20 A Yes.

21 Q And do you have experience with the Orangeburg
22 County Detention Center?

23 A Yes, ma'am.

24 Q If they had a concern of somebody needing medical
25 attention, what is their procedure?

Latisha Walker - Redirect Examination by Ms. Cornwell

1 MR. GRANT: Objection, Your Honor. She doesn't
2 work there now.

3 THE COURT: I will allow that.

4 MS. CORNWELL: Thank you.

5 THE COURT: If she knows the answer.

6 THE WITNESS: If someone comes into the detention
7 center the first question is, Do you need medical
8 treatment. Then they would have that person transported to
9 the regional medical center.

10 BY MS. CORNWELL:

11 Q Okay. Would they accept somebody that needed
12 medical treatment and attempt to treat them at the jail?

13 A No.

14 Q Okay. All right. And you were asked about her
15 statement, I didn't mean for this to happen or something to
16 that effect, correct?

17 A Yes.

18 Q Did she intend to stab him?

19 A Yes.

20 Q And when she was on the stand discussing how she
21 stabbed him, what was the -- how did she demonstrate how
22 she stabbed him? What motion did she make?

23 A This time she made an upward motion.

24 Q Can you please show the jury?

25 A She said she did like that.

Latisha Walker - Recross-Examination by Mr. Grant

1 Q Thank you.

2 MS. CORNWELL: No further questions, Your Honor.

3 THE COURT: Recross?

4 MR. GRANT: Yes, sir.

5 **RECROSS EXAMINATION**

6 BY MR. GRANT:

7 Q You mention about a text message where she said

8 bring my key or something to that affect.

9 A I said well how would he get in without the key --

10 access to leave the diapers --

11 MR. GRANT: She brought up the key.

12 THE WITNESS: No, you did.

13 THE COURT: Under 611, I'll allow it.

14 MR. GRANT: Thank you, Judge.

15 BY MR. GRANT:

16 Q You remember that question that was asked -- hold

17 on one second.

18 MR. GRANT: One second, Your Honor.

19 (There was a pause in the proceedings.)

20 BY MR. GRANT:

21 Q Okay. I know what it was now. It was the thing

22 about him bringing some pampers and I think you read a

23 message where Courtney said, Leave the key under my mat; is

24 that what she said?

25 A Yes.

Janice Ross - Direct Examination by Ms. Cornwell

1 Q Okay. Thank you.

2 MR. GRANT: That's all I have.

3 THE COURT: Thank you. Thank you very much, Agent
4 Walker, you may step down.

5 MS. CORNWELL: State would call Dr. Janice Ross to
6 the stand.

7 JANICE ROSS,
8 having been duly sworn, testified as follows:

9 THE CLERK: Thank you. You may have a seat.
10 Please state your name for the record.

11 THE WITNESS: Janice Edwards Ross.

12 THE CLERK: Thank you.

13 DIRECT EXAMINATION

14 BY MS. CORNWELL:

15 Q Dr. Ross, where do you work?

16 A In Newberry South Carolina for Newberry Pathology
17 Associates.

18 Q And what is your position there.

19 A I'm presently the CEO and a forensic pathologist.

20 Q How long have you been a forensic pathologist?

21 A Since -- I've doing autopsies for a coroner since
22 1992 and I was board certified in forensic pathology in
23 1985.

24 Q And can you tell the jury a little bit about your
25 education and training.

Janice Ross - Direct Examination by Ms. Cornwell

1 A Yes, I am a doctor. I had four years of medical --
2 of undergraduate degrees at the University of South
3 Carolina where I got a BS degree. I got my MD from Upstate
4 Medical Center in Syracuse, New York where I did further
5 training in the field of pathology as opposed to surgery or
6 pediatrics.

7 In pathology, we learn how to identify diseases by
8 looking at tissue using a microscope and by doing
9 laboratory tests. We also learn how to do an autopsy to
10 find the cause of death.

11 I did further training in the field of forensic
12 pathology, where we learn how to do a more specific autopsy
13 in identifying patterns of injury and collecting certain
14 specimens for the court of law and documenting those
15 injuries and any evidence.

16 Q And are you a member of any specialized medical or
17 scientific forensic associations?

18 A Yes.

19 Q What are those?

20 A College of American Pathologists, the American
21 Association of Forensic Sciences, the National Association
22 of Medical Examiners.

23 Q Okay. And are you certified with the American
24 Board of Pathology?

25 A Yes.

Janice Ross - Direct Examination by Ms. Cornwell

1 Q Approximately how many autopsies have you performed
2 in your career?

3 A Close to 10,000.

4 Q Have you ever testified in court as an expert in
5 the field of pathology?

6 A Yes.

7 Q Approximately how many times?

8 A In the State of South Carolina, 200.

9 MS. CORNWELL: Your Honor, at this time, the State
10 would move to enter Dr. Ross in the field of pathology.

11 MR. GRANT: No objection; Your Honor.

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

13 Mr. Foreman, ladies and gentlemen of the jury,
14 normally a person cannot give opinion testimony. Normally
15 when a person testifies, they must testify as to either
16 what they saw, heard, or sensed by smell or something of
17 that nature. However there is an exception when someone is
18 qualified because of education or experience. They are
19 permitted to give their opinion in certain areas, if the
20 Court qualifies them in that way.

21 This witness, Dr. Janice Ross, will be qualified in
22 the area of forensic pathology to give opinion testimony in
23 that area. That does not mean that you must accept the
24 opinion, but it is evidence for you, the jury, to use in
25 any way you deem appropriate.

Janice Ross - Direct Examination by Ms. Cornwell

1 Thank you, Solicitor.

2 MS. CORNWELL: Thank you, Your Honor.

3 BY MS. CORNWELL:

4 Q Dr. Ross, were you working as a pathologist in
5 September of 2014?

6 A Yes.

7 Q And do you recall performing an autopsy on the
8 victim in this case, Samuel Simmons?

9 A Yes.

10 Q What day did you perform that autopsy?

11 A September 28th, 2014.

12 Q And you haven't been in here. We've heard a lot of
13 testimony about height and weight and things of that
14 nature. Can you tell me how tall the victim was?

15 A We measured him at 66-and-a-half inches, which is 5
16 feet 6-and-a-half inches. We don't have a scale in the
17 morgue, but we estimated his weight as 180 pounds.

18 Q Thank you. And before we go too much into the
19 autopsy, can you tell the jury what an autopsy is and what
20 you're looking for in an autopsy?

21 A Yes, an autopsy includes review of the entire body
22 outside and inside. In order to find any kind of evidence
23 of disease like heart disease or cancer and also especially
24 externally to find causes of patterns of injury, such as
25 knife wounds, gunshot wounds, blunt-force injury, like

Janice Ross - Direct Examination by Ms. Cornwell

1 being beaten from a bat. Those kind of things.

2 Q And is that what you did with the victim in the
3 case?

4 A Yes.

5 Q Please tell the jury what procedures you performed
6 and what your findings were.

7 A We receive the body in a body bag. We open the
8 body bag and look at kind of externally. We received him
9 nude. He didn't have any clothes on when we got him. We
10 took photographs externally and found that there was a stab
11 wound in the chest. And then we did an internal
12 examination.

13 Q Okay. And when you examined that stab wound, were
14 you able to tell the trajectory of that wound?

15 A Well, from the outside, all I can say is it entered
16 the left chest, middle chest just a little bit above the
17 level of the nipple and once we got inside, we could see
18 that the wound went through part of the left lung and part
19 of the blood vessels that serve blood to that lung and it
20 caused hemorrhage, so the wound went -- the stab wound went
21 front to back and slightly downward.

22 Q Okay. And would that be consistent with a motion
23 going upward like that?

24 A No.

25 Q Okay. I believe you just testified about the

Janice Ross - Direct Examination by Ms. Cornwell

1 artery and all that, what were the exact injuries that you
2 found with this wound?

3 A There were several perforations, stab wounds into
4 the upper lobe of the left lung. The upper level of the
5 left lung is not only in the upper part of the chest, it
6 kind of continues down, dips into the lower chest. And the
7 blood vessels would be in the midchest.

8 Q Okay. And you just mentioned that there were four
9 parts. Was an outside of the wound -- did you find four
10 injury points?

11 A There were four wounds in the lung.

12 Q All right. But on the outside of the body, how
13 many entry points were there?

14 A One.

15 Q So the knife kind of moved around inside the body?

16 A There was some motion there, yes.

17 Q Okay. And do you know when that motion occurred?

18 A It would be while the knife was in him.

19 Q Okay. And then where that wound is, would any of
20 the ribs have been affected?

21 A Yeah, the wound -- the knife was kind of up and
22 down as opposed to sideways. Vertical as opposed to
23 horizontal, the blade was; and it went through part of the
24 cartilage of the Rib Number 3 on the left and also in the
25 space between Ribs 3 and 4, which is called the intercostal

Janice Ross - Direct Examination by Ms. Cornwell

1 space.

2 Q Okay. And is that a pretty hard area?

3 A Cartilage is harder than say muscle, so it's firm.
4 It's not as hard as bone, but it's more -- it's firmer than
5 muscle.

6 Q And if someone were to -- and in looking at that
7 wound -- let me ask this first: How deep was that wound?

8 A I don't directly measure the length of the wound
9 because of the elasticity of tissue and -- but there was
10 several inches.

11 Q All right. In looking at -- I'm trying to find one
12 of the photographs I have here.

13 The size of this entry wound, looking at State's
14 56, would that indicate, based on your viewing the autopsy
15 that this knife would have gone to the hilt?

16 A Very likely, yes.

17 Q Okay. And in order to go that deep and hit, I
18 believe you said the pulmonary artery, the left lung going
19 through the cartilage of Rib 3 -- (the power went out.)

20 (There was a pause in the proceedings.)

21 THE COURT: All right. Madam Bailiff, Sheriff,
22 would you escort the jury to the jury room, please.

23 Everyone else please stay in place.

24 Everyone else, please remain in your seats.

25 (The jury left the courtroom at 3:44 p.m.)

Janice Ross - Direct Examination by Ms. Cornwell

1 (The power came back on.)

2 THE COURT: Doctor, you may step down, we'll take
3 about a 10 minute recess.

4 (A brief recess was observed.)

5 THE COURT: All right. Anything from the State
6 before we bring in our jury?

7 MS. CORNWELL: No, Your Honor.

8 THE COURT: Defense.

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

10 (There was a bench conference out of the hearing of
11 the jury and the Court Reporter.)

12 MS. CORNWELL: Thank you, Your Honor.

13 THE COURT: Thank you thank you very much,
14 Mr. Grant.

15 (The jury entered the courtroom at 3:57 p.m.)

16 THE COURT: All right. Welcome back, ladies and
17 gentlemen. I had the sheriff check on that. They tell me
18 it's the high winds. There's some of that not only here
19 but in other locations around town. Potentially, we could
20 experience it again or again. So that's what my
21 understanding is.

22 As you know, the solicitor was on direct
23 examination of Dr. Ross. If you'd please continue to give
24 the parties your complete and undivided attention as you
25 have done throughout the trial of the case.

Janice Ross - Direct Examination by Ms. Cornwell

1 Solicitor.

2 MS. CORNWELL: Thank you Your Honor.

3 DIRECT EXAMINATION CONTINUED

4 BY MS. CORNWELL:

5 Q And Dr. Ross, I believe we were examining the
6 knife. With that type of wound going through cartilage and
7 all that, a small victim, someone that's 5'1", to go
8 through that much, all the way up to the hilt of the knife,
9 how much force would be needed to create that type of
10 injury?

11 A Well, it's just what tissue it went through. As I
12 say, the cartilage is not as hard as bone, but it's firmer
13 than muscle. It's hard to give you an example, but, for
14 instance if you have a one and a half steak and you push a
15 knife through it, it would take more force than that,
16 because cartilage is firmer.

17 Q Would you say it would take a significant amount of
18 force?

19 MR. GRANT: Objection, leading.

20 THE COURT: Rephrase the question, Solicitor.

21 BY MS. CORNWELL:

22 Q Can you give a description of what type of force it
23 would take?

24 A All I can say is significant. I --

25 Q Okay. And based on your view of the wound and

Janice Ross - Direct Examination by Ms. Cornwell

1 everything, if the victim is 5'6", 5'6 and a half and the
2 defendant is 5'2" and there standing up", would that wound
3 path make sense of it being backward and downward?

4 A If -- well, if the person who's doing the stabbing
5 put the hand up and came down.

6 Q Okay.

7 A But the direction of the stab wound doesn't tell me
8 exactly the positions of each body.

9 Q Would that stab wound be consistent with possibly
10 somebody laying down and the person stabbing being on top
11 of them?

12 A Yes.

13 Q And when you were examining the victim's body, were
14 you able to see any other injuries on the victim other than
15 the stab wound?

16 A No.

17 Q Were there any scratches, cuts, or lacerations on
18 his hands or arms?

19 A No, there were not.

20 Q Any other injuries to shoulders, side, stomach,
21 back, legs?

22 A No.

23 Q And based on your findings, were you able to form
24 an expert opinion concerning the cause and manner of death
25 in this case?

Janice Ross - Cross-Examination by Mr. Grant

1 A Yes.

2 Q What was the cause of death?

3 A It's calls exsanguination, which means to bleed out
4 due to the wound of the lung and the artery from the stab
5 wound of the chest.

6 Q And what was the manner of death?

7 A Homicide.

8 Q Thank you, Dr. Ross. Please answer any questions
9 the defense counsel may have.

10 MR. GRANT: May I proceed, Your Honor?

11 THE COURT: Yes, Mr. Grant.

12 MR. GRANT: Thank you, Judge.

13 CROSS-EXAMINATION

14 BY MR. GRANT:

15 Q Dr. Ross if somebody is 5'1" and somebody else is
16 '5,6", there's only 5 inches in height between them; is
17 that correct?

18 A Correct.

19 Q And if they're 5'2" and 5'6", then that's only 4
20 inches in height, correct?

21 A Correct.

22 Q As far as the trajectory of this wound -- I think I
23 wrote down what you said is, The direction of the stab
24 wound is not necessarily give you any position of the body?

25 A It doesn't tell me the exact positions of the two

Janice Ross - Cross-Examination by Mr. Grant

1 people involved.

2 Q It doesn't tell you the exact position of the
3 people. So really, as far as the trajectory of the wound
4 and all that, that could have occurred between the people
5 standing up or between -- somebody lying down. You can't
6 really say which way or no.

7 A That's correct.

8 Q So standing up and stabbing is just as consistent
9 with any argument that he was standing or lying down; is
10 that correct?

11 A Correct.

12 Q Thank you very much.

13 MR. GRANT: Nothing further.

14 THE COURT: Redirect, solicitor?

15 MS. CORNWELL: No, Your Honor. Thank you.

16 THE COURT: Thank you very much, Doctor. Thank you
17 for being with us this afternoon.

18 Any objection to the doctor being excused.

19 MR. GRANT: No objection from the defense, Your
20 Honor.

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

22 All right. Solicitor, you may call your next
23 witness.

24 MS. CORNWELL: The State would call Kenny Kinsey.

25 THE COURT: All right. Mr. Kinsey, if you'd come

Kenneth Kinsey - Direct Examination by Ms. Cornwell

1 around and be sworn.

2 KENNY KINSEY,

3 having been duly sworn, testified as follows:

4 THE CLERK: Thank you. You may have a seat and
5 please state your name again for the record.

6 THE WITNESS: Kenneth Kinsey, K-I-N-S-E-Y.

7 THE CLERK: Thank you, sir.

8 DIRECT EXAMINATION

9 BY MS. CORNWELL:

10 Q Chief Kinsey, where do you currently work?

11 A Currently I'm employed by the Orangeburg Sheriff's
12 Office.

13 Q And what is your position with the Orangeburg
14 Sheriff's Office?

15 A I'm a chief of staff.

16 Q How long have you held that position?

17 A Since 2012.

18 Q And prior to holding that position, what position
19 did you hold?

20 A I was the major of administration at the sheriff's
21 office.

22 Q Going back, what are your duties as chief of staff?

23 A Everything really. I'm not the elected official,
24 but I'm one step under the elected official, which is the
25 sheriff. So I am with day-to-day operations to include the

Kenneth Kinsey - Direct Examination by Ms. Cornwell

1 different divisions at the sheriff's office.

2 Q And would that include crime scene investigations?

3 A Yes, ma'am, it does.

4 Q And homicides?

5 A That's my background, yes, ma'am.

6 Q Okay. And prior to -- what's your position?

7 A Directly prior, I was an investigator with the
8 solicitor's office in Dorchester.

9 Q Okay.

10 A First Circuit.

11 Q Okay. And how long did you work with the First
12 Circuit?

13 A Approximately one year.

14 Q And what were your duties as investigator for the
15 First Circuit?

16 A I reviewed major crimes, case files, and prepped
17 for trial.

18 Q Okay. And then prior to that, where did you work?

19 A I was a special agent with the South Carolina Law
20 Enforcement Division, commonly known by the acronym SLED.

21 Q And what were your duties at SLED?

22 A I was assigned to the crime scene and latent print
23 unit. We responded to calls for service to assist local
24 agencies throughout South Carolina in all 46 Counties. I
25 was a fingerprint examiner, a footwear and tire track

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1 examiner, bloodstain pattern analyst, fabric impression
2 analyst and there's a few more, but I basically worked
3 crime scenes and when I wasn't on the road working a crime
4 scene, I was processing evidence.

5 Q Okay. And how many total years have you worked in
6 law enforcement?

7 A 25 years.

8 Q Okay. Can you tell the jury a little bit about
9 your educational background?

10 A Well, I'm a certified police officer first and
11 foremost. I hold a bachelor of science degree from Clemson
12 University. I also hold a Master of Science Degree from
13 Troy University and I'm currently pursuing my PhD at Walden
14 University and hopefully by August, November, at the
15 latest, I'll be a PhD candidate.

16 Q Okay. And in looking at your -- it's called a CV.
17 I think in layman's terms, it's kind of a resume of sorts,
18 it looks like you've got a bunch of training,
19 certifications. I'm not going to ask you to name all of
20 them, but could you name a few of them?

21 A Well, I've been certified two times
22 internationally, once as a crime scene investigator and
23 once as a crime scene technician. I've also attended
24 various courses, classes and seminars, in excess of 2,000
25 hours of training in crime scene and crime scene related

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1 disciplines.

2 Q Okay. And would that include blood-patten
3 analysis?

4 A Yes, ma'am, it does.

5 Q Have you ever testified as an expert witness?

6 A I have.

7 Q How many times?

8 A Combined all the disciplines, around 50 times.

9 Q Okay.

10 A I don't add them up, but it's there on the CV.

11 Q And what were you qualified as an expert for in
12 some of those cases?

13 A The different disciplines in crime scene. Mostly,
14 if I remember correctly, crime scene investigation,
15 fingerprint examination, footwear examination and
16 bloodstain pattern analysis.

17 MS. CORNWELL: Your Honor, for purposes of this
18 trial, the State would submit Chief Kinsey as an expert in
19 crime scene investigation and blood-patten analysis.

20 MR. GRANT: No objection, Your Honor.

21 THE COURT: All right. Again, ladies and
22 gentlemen, you just heard me state just a moment ago that
23 normally a person cannot give opinion testimony. Normally
24 when a person testifies, they must testify as to what they
25 sense by what they saw, heard, or sensed by smell, or

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1 something of that nature. However, there is an exception
2 to that if the Court qualifies a witness based on training,
3 experience, education, they are permitted to give their
4 opinions in such areas, if the Court qualifies them that
5 way.

6 This witness Kenneth Kinsey will be qualified in
7 the areas of crime scene investigation and blood-patten
8 analysis --

9 Is that correct Solicitor?

10 MS. CORNWELL: Yes, Your Honor.

11 THE COURT: -- to give opinion testimony. And the
12 basis for his opinions in those areas. That does not mean
13 that you must accept the opinion, but it is evidence for
14 you, the jury, to use in any way you deem appropriate.

15 Thank you. Thank you, Ms. Cornwell.

16 MS. CORNWELL: Thank you, Your Honor.

17 BY MS. CORNWELL:

18 Q And Chief Kinsey, first of all, was the Orangeburg
19 Sheriff's Office involved in a homicide at [REDACTED] Crossing
20 Circle on September 14th of 2014?

21 A No, ma'am, not at all.

22 Q And were you ever asked by Public Safety to assist
23 in an investigation or assist in any way?

24 A No, ma'am, I was not.

25 Q In fact, you weren't contacted until my office

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1 contacted you, correct?

2 A That is correct.

3 Q And what were you contacted in respect to?

4 A Looking at the bloodstains and see if I could
5 interpret the bloodstains in this crime scene.

6 Q Okay. And are you being paid for your testimony
7 here today?

8 A Not a nickel. As a matter of fact, I'm taking an
9 annual leave day so it doesn't conflict with my job.

10 Q And in reviewing this case, what materials did you
11 review?

12 A I reviewed, I believe, photographs I believe taken
13 by two different individuals, plus the autopsy photographs,
14 the incident report, and the statements of the defendant.

15 Q Okay. And if you could, just tell the jury how
16 you -- about how you investigate the case from the forensic
17 perspective. Basically what you do when you arrive on
18 scene and what you're looking for forensically. In
19 general, not as --

20 A If I work a case?

21 Q Yes, sir.

22 A Or are you asking me -- okay.

23 When I work a crime scene, upon first response I
24 try to find the person there that knows the most about the
25 scene so I can get a briefing or an idea of what went on.

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1 That doesn't mean I'm going to form my theory on their
2 idea, but I have to have somewhere to start. The crime
3 scene investigator's job is to identify, document, and
4 collect evidence and try to figure out what happened and
5 try to put the pieces back together.

6 So after speaking with that person, whoever has the
7 most knowledge -- usually, it's going to be either the
8 witness or the first officer on the scene, then I'm going
9 to do an initial walk through where I identify certain
10 areas, I try to be indirect as possible and not take a
11 direct path to the big items of evidence or to the victim
12 as I want to prevent contamination or destroying any
13 evidence.

14 In some cases, you've got one way in, one way out,
15 you can't do that. But after my initial walk through when
16 I document things, I will follow up with photography. I
17 will do three types of photography, general photography,
18 which is just an overall panoramic view. I'll come back
19 with midrange photography and then I'll come back with
20 close-up photography, where I catch those items of evidence
21 that I deemed important and I will classify them and
22 document them with a number so that if I have to come back
23 and reconstruct that crime scene, with measurements, I
24 could possibly put it back where it needs to be if there
25 was a question.

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1 Q Okay. And in reviewing the materials from the
2 case -- from this specific case, were you able to form any
3 opinions about what happened in the house that night based
4 on the blood evidence that you saw?

5 A Yes, ma'am, I did.

6 Q And what were those opinions?

7 A I don't exactly know where to start. Well, there
8 was a bloodletting in the bedroom. It was confined to the
9 bedroom. The blood -- there's a couple different kind of
10 bloodstains. You can have a wipe, where there's a puddle
11 of blood and something goes through it. You can have a
12 swipe, where you have an object that has blood on it and it
13 comes across something. You can have projected blood,
14 which is sometimes referred to as medium, high, or low
15 velocity spatter. That has to do with the size of the
16 individual blood droplets; and the speed at which it
17 impacted.

18 The laws of physics, an object in motion is going
19 to stay in motion until it's counteracted by another force.
20 Well, in the case of blood, a blood drop is held together
21 by surface tension and it's in a sphere, shape, or circle.
22 When it comes out of the body or comes off of an object,
23 it's going to stay that way until it impacts another
24 object. And depending on the angle, it will have a tail.
25 If it's perfectly circular, it's what we call 90 degrees or

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1 close to 90 degrees. If I drop a drop of blood from here,
2 gravity will be that force that's acting on it. It will
3 bring it down and I'll have almost a circular pattern. But
4 if I threw it, for instance, at an angle on that wall, it's
5 going to show directionality. It's going to tell me which
6 way the force came from.

7 You can also have blood pooling, which is where
8 blood in your body is liquid, but as soon as it hits the
9 outside of the body, it starts drying, unless you have a
10 disease or some kind of illness, hemophilia, or something
11 of that sort. It's going to start clotting and that's what
12 keeps us from bleeding to death when we cut ourselves.
13 Well, that acts the same way when it's on an object and it
14 will usually dry from the inside out. The lighter areas
15 are going to dry first and then the outside or the real
16 thick areas is going to be the last to dry. And all these
17 stains in this particular incident from the stairway down
18 are all transfers. None of that is in direct relation with
19 an assault of any kind or any kind of incident. They're
20 all transfers that have been placed there by someone.

21 Q Okay. And I'm going to go through some of those
22 photographs with you so you can explain in a little bit
23 better detail exactly what it is that you're talking about.

24 MS. CORNWELL: Your Honor, can I have him step
25 down?

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1 THE COURT: Of course, you may step down. Please
2 keep you're voice up.

3 THE WITNESS: Yes, sir.

4 THE COURT: You can move around as well, Mr. Grant.

5 MR. GRANT: Yes, sir, of course.

6 (The witness stepped in front of the jury.)

7 BY MS. CORNWELL:

8 Q In examining State's 12 as well as 21, I believe
9 those are kind of the same. Can you tell the jury what you
10 can see in the blood patterns just coming from out of the
11 bedroom.

12 A There's a pattern here. You can see a whole lot.
13 On the wall, you see that projected blood coming from the
14 wound on the defendant coming out at a downward angle.
15 Like I said, you've got gravity working on it and that's
16 what you see down here at the bottom by that bottom hinge.
17 Like I said, that's no more than gravity.

18 You also see some transfer on the wall and what I
19 believe this here to be is the defendant's -- excuse me,
20 the victim's left arm on the wall, but other than that, I
21 don't see a lot of remarkable bloodstains on that wall.

22 Like I said, they're all transfers in my opinion.
23 No assault took place there.

24 Q Thank you.

25 And you've heard various statements from the

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1 defendant, correct?

2 A Yes, sir, I have.

3 Q And in looking at State's 28, I believe that's the
4 bed.

5 A Uh-huh.

6 Q And then in looking just a little bit closer at 13
7 and 14, those will be the foot of the bed?

8 A Uh-uh.

9 Q Tell the jury what you see in those photographs.

10 A Here it's a zebra -- I guess what was described as
11 a zebra-print comforter. It is bundled up at the foot of
12 the bed. It's been pushed down to the foot of the bed and
13 it has some blood on it.

14 Q And what kind of -- does that look like the
15 transfer or the spatter blood that you were referring to
16 earlier?

17 A That is saturated blood. You can't really see a
18 pattern type. It's a quantity of blood. When there's a
19 breach in the circulatory system, a big breach, a massive
20 breach, it's just like turning on a water faucet, the blood
21 is going to come out real fast and in high volume until the
22 blood pressure starts dropping and then you'll see it slow
23 down and it won't go as far and the volume will diminish.
24 And this is a pretty fair amount of blood on this bedspread
25 and on the sheet to the bed itself; much more than I found

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1 anywhere else in the room.

2 Q And you heard statements from the defendant. With
3 this blood evidence, where would you -- what is your
4 opinion of where this stabbing occurred?

5 A My opinion is that the stabbing happened in the
6 bed, but I'm not just basing that on the defendant's
7 statements.

8 Q What else are you basing it on?

9 A I'm also basing that on the free-pouring blood in
10 one of those shots that comes over the side of the bed and
11 impacts the side rail of the bed. You can actually see
12 that. That's not spatter, that is blood that run down off
13 the sheet and it's a quantity of blood. It was very wet
14 when they took these photographs.

15 Q Let me see if I can find that for you.

16 A It's like over the victim's hand. That's it.

17 Q And this is State's 35. Does that better help
18 explain it?

19 A That's it. If you look right here, you can see
20 very red, very wet, and a quantity of blood that has run
21 down that black sheet and you can actually see the mark
22 where it's run down over the sheet. That is not replicated
23 by throwing the blood. That's gravity working on it and
24 it's pouring off of the mattress.

25 Q And we talked about in State's 28 and 14, the blood

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1 on the comforter at the foot of the bed.

2 A Uh-huh.

3 Q When people are in bed, generally speaking, where
4 are the covers on them?

5 A They're up.

6 Q Okay. And when they get out of the bed, where do
7 the covers go?

8 A To the foot of the bed.

9 MR. GRANT: Object to that, Your Honor.

10 Speculating.

11 THE COURT: I sustain that objection.

12 BY MS. CORNWELL:

13 Q So in your expert opinion, the stabbing in this
14 incident took place in the bed?

15 A Yes, ma'am, that is my opinion.

16 Q Okay. And in looking at the areas at the foot of
17 the bed, State's Exhibit 15, it's a little bit farther
18 away, I'm going to give you a couple of closer ups so you
19 can discuss that.

20 In looking at State's 16 and 17, can you show those
21 to the jury and kind of let them know how you formed your
22 opinion to those?

23 A Uh-huh. This on the blind is medium velocity, but
24 this big area right here is a transfer. All right. That
25 is probably from a hand, but there is no ridge detail in

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1 it, so I can't say that with any real scientific certainty.

2 But what I pay attention to is the blood here. And once

3 again it's free-pouring blood. And my opinion -- my

4 opinion is that that is the victim's left hand touching

5 that blind and that's a quantity of blood dripping off his

6 left elbow. And I do not form that only on this

7 photograph. I also formed it on two footwears that I found

8 in the photograph, two bloody footwear impressions.

9 Q And in looking at State's 78 --

10 MS. CORNWELL: And Your Honor, I don't believe that

11 one's been moved into evidence yet. So I'm --

12 BY MS. CORNWELL:

13 Q Is this the photograph that you're referring to?

14 A That is the photograph.

15 Q And you used this photograph in your analysis?

16 A As the totality of my analysis, yes, ma'am.

17 MS. CORNWELL: Your Honor, at this time, the State

18 would move State's 78 into evidence.

19 MR. GRANT: No objection.

20 THE COURT: Without objection, State's 78 is in

21 evidence.

22 (State's Exhibit Number 78 was entered into

23 evidence.)

24 BY MS. CORNWELL:

25 Q All right. I'll let you --

Kenneth Kinsey - Direct Examination by Ms. Cornwell

1 A All right. This is right below that line that I
2 just mentioned an you can clearly see two footwear
3 impressions, including the toes that is directly
4 underneath -- that's directly underneath that blind, two
5 bloody footwear impressions.

6 And also, one more thing in the totality of the
7 circumstances, the absence of spatter on this wall here,
8 that's what tells me -- or what helps me form my opinion is
9 that there was no altercation over in that corner because
10 there's no blood evidence on that sheetrock. It's all
11 drip-down evidence on the window sill and the impression on
12 the blinds.

13 Q And you spoke about medium velocity; and I'll show
14 you State's 18 as well. I think that's the other side of
15 the window?

16 A Yes, ma'am.

17 Q In medium velocity, we've heard testimony regarding
18 the injuries that this defendant received. Can you explain
19 how this defendant could have projected that
20 medium-velocity blood pattern?

21 A Yes, ma'am, there's a couple of ways. Can I
22 explain the velocities?

23 Q Of course.

24 A You've got high velocity, which is a millimeter or
25 less. And high velocity is usually caused by gunshot wound

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1 or high speed machinery. If you have an injury with a
2 circular saw and you cut yourself, it's moving faster than
3 100 feet per second, it's going to throw that blood and
4 you're going to have really, really fine drops, like mist.

5 When you go up to medium velocity, that is more --
6 you see medium velocity more, that is 2 millimeters to 4
7 millimeters and it's usually between 5 feet per second and
8 100 feet per second. And it's going to be a little bit
9 larger.

10 And then you go to low velocity, you're going to
11 have a big blood droplet and it's going to be more than 4
12 millimeters and it's going to travel at only 1 to 5 feet
13 per second. So medium velocity is what you've got there in
14 the middle and these blood droplets on the wall all have a
15 directionality going down, which tells me that's the chest
16 wound that the victim suffered; and as his blood pressure
17 is decreasing, that blood is going down. There's no other
18 force acting on that blood except gravity. And every
19 substantial bloodstain I saw on any of the walls was going
20 down.

21 I would think or I would theorize that if there was
22 a lot of activity with the arms going on, you would have
23 blood spatter going in many different directions, but you
24 don't have that. They're all level, a little bit higher
25 than that middle hinge on the door and all of them are in

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1 some kind of downward angle.

2 Q And was that -- that blood pattern is that from --
3 and this is my -- an arterial spray or is that what you
4 call aspirations?

5 A I didn't see any arterial spray. I did listen to
6 the doctor's testimony and I definitely would not disagree
7 with the doctor. She knows what she's talking about in my
8 opinion. But that artery wasn't spurting. It wasn't
9 blowing blood like we do see in some cases.

10 In some cases when you cut an artery completely,
11 when your heart pumps, it will squirt and when your heart
12 pumps again, it was squirt, it will get a little bit lower.
13 When your heart pumps again, it will squirt a little bit
14 lower. We don't have that here. But I don't believe the
15 artery was cut all the way on her testimony.

16 So you don't really have arterial spurt, but you
17 have blood coming out of the artery and as his heartbeats
18 and he coughs or he strangles, it's blowing that blood back
19 out of that chest wound because he's got lung damage.
20 Lung's filling up with blood and as he breathes and
21 struggles to breathe, it's blowing it back out of that
22 wound. And a lot of this expired blood is from that.

23 You can blow it up. I have blown it up and it has
24 little air bubbles in it, which is consistent with
25 expired blood.

Kenneth Kinsey - Direct Examination by Ms. Cornwell

1 Q And you -- you just said that you've blown it up.

2 Were you given these photographs in digital format?

3 A On a disk, yes, ma'am.

4 Q So you were able to really thoroughly examine it.

5 A Yes, ma'am, I was. Every square inch of it.

6 Q And looking at State's 19 and 20, are those -- is
7 that also what you're discussing as far as the aspiration?

8 A Yes, ma'am. An the expired blood that --
9 specifically that I'm talking about, I was able to blow
10 this up. This was the best photograph out of the disk. I
11 didn't take the photograph. This is the best I had to work
12 with. When I would blow it up, you could actually see the
13 air bubbles in the blood.

14 Q And we've got some scaled pictures as well that
15 have been submitted into evidence. And do these
16 corroborate what you're saying with the downward
17 trajectory, looking at State's 63, State's 64, and 65, 66,
18 and 67?

19 A Yes, ma'am. And when I say downward, downward
20 is -- this is the doorknob, it all went down. I'm not
21 saying there's not a few satellite droppings here and
22 there, I can't run an analysis on spray drops, it has to be
23 the abundance of the pattern itself.

24 Q And State's 61 and 62, are those kind of the medium
25 velocity you were talking about the millimeters and --

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1 A Yes, ma'am, and you can see the measurement right
2 here. You can actually see they're 4 millimeters. They
3 are bigger than 1 millimeter, but they're between 1 and 4.

4 Q Thank you. And did you also have an opportunity to
5 view -- actually, one other one that I wanted to show you.

6 In the large photograph of the bed, there was a
7 cup. Do you recall that?

8 A Yes, ma'am.

9 Q Were you able to zoom in and examine that cup in
10 the bed?

11 A I did zoom in it, yes, ma'am.

12 Q Was there any blood on it?

13 A None that I could see.

14 Q And then looking at State's 26, what type of blood
15 is that?

16 A That is free-pouring blood. That's not a transfer.
17 That is pouring out of the body, as I mentioned earlier.
18 That is very, very red, bright, very wet, high quantity of
19 blood that has come out of the victim and onto the dresser.
20 There's no in between, that's not a transfer.

21 Q And just a little out of that, State's 25, is
22 anything on that dresser knocked over or anything?

23 A No, ma'am. But I did find something odd on the
24 dresser.

25 Q Okay. Please point that out.

Kenneth Kinsey - Direct Examination by Ms. Cornwell

1 A Some items on this dresser had been moved since the
2 original incident. I don't have an explanation for it, but
3 I did notice that. There's a bloody document underneath
4 three relatively clean diapers. Blood doesn't work that
5 way. It had to be moved -- there's a child's pair of socks
6 right here and then no blood on top of it, but there's a
7 large quantity of blood under it and around it. So, I
8 don't have an explanation for that, but there has been some
9 items disturbed or moved on this dresser. After -- after
10 the blood was placed there.

11 Q So it looks like somebody got the diapers and the
12 baby socks?

13 A Yes, ma'am.

14 Q Okay. And would that be consistent with somebody
15 going up and taking a baby after this incident occurred?

16 A I can only speculate. But that stuff has been
17 moved. It was not there when this blood made contact with
18 the dresser.

19 Q Okay. And were you also able to view photographs
20 of the defendant in this case?

21 A I was. Yes, ma'am.

22 Q And were you able to come up with any opinions on
23 how she got all of this blood on her?

24 A Well, once again, I see a lot of bloody transfer.
25 But I see more to the right half of her body than the left

Kenneth Kinsey - Direct Examination by Ms. Cornwell

1 half. Now, when I'm -- when I'm talking about transfers,
2 I'm talking about anything that can touch it. But I also
3 see something that struck my interest -- I've got a lot of
4 void patterns. I see white patterns that have no blood on
5 it, that's commonly referred to as a void pattern. If I
6 take my pant leg and I crumple it up and I have contact
7 with very, very, very voluminous blood -- see, it's like a
8 tie dyed t-shirt. It's not going to cover my pant leg.
9 When I let go of it, I'm going to see streaks.

10 Well, I see that throughout the defendant's pajamas
11 or sleeping garments, which tell me they were crumpled up.
12 They wasn't -- like she's standing here and they're laying
13 flat, they weren't laying flat when this blood come in
14 contact with her clothing. The second thing I look at, is
15 the large volume of blood on her stomach area, her right
16 hip area. And there's the left side, you don't see any of
17 that on the left side. You see some transfer, but no large
18 volume.

19 Now, I come to her back and you see that large
20 volume again. Can everybody -- all right. It's a large
21 volume of blood and here you see gravity coming down again.
22 That's super saturation. That's if you've got a flow of
23 blood and I stick something in it and the clothing sweeps
24 it up like a sponge. Right side again, a lot of blood.
25 Large quantity. Left side, not so much. I found no red

Kenneth Kinsey - Direct Examination by Ms. Cornwell

1 detail that would make me think that it was a hand print a
2 fingerprint or a palm print anywhere on her shirt. But I
3 was -- I would expect a little bit more blood because of
4 the height difference. I would expect more blood. And as
5 I mentioned, when the blood started pouring out of that
6 wound, the blood would have impacted the defendant if she
7 was in close proximity to the victim and I don't see that
8 up here on the straps. I only see that saturation on the
9 shirt.

10 And my explanation for that would be when the
11 victim pushed her off and then she exited the bed, she
12 rolled in that drenched through his blood to get up off of
13 the bed. This's why you don't see it on the left side.
14 You see it here, here, and on the back of the right side.

15 Q And based on where the blood is on the shirt and
16 everything, would that be consistent with somebody standing
17 over her, choking her or pulling of her hair?

18 MR. GRANT: Objection to the leading nature of the
19 question.

20 THE COURT: He's an expert. She can ask that.

21 THE WITNESS: Ma'am, I can't tell you what was
22 going on with her hair. This is saturated blood. This is
23 not projected blood. That did not -- that did not project
24 off of the victim onto her. She sat in blood somewhere.
25 She rolled over blood somewhere and I can't find a quantity

Kenneth Kinsey - Direct Examination by Ms. Cornwell

1 of blood in that room that in my opinion would make that
2 pattern except what was on top of the mattress, on the bed
3 itself.

4 BY MS. CORNWELL:

5 Q And if the defendant were bleeding from that wound
6 and standing face to face with her, kind of over here
7 because he would be taller than her, would you expect --
8 where would you expect to find --

9 A Initially, initially, I would expect to find a
10 large volume of blood on her chest and in the area of the
11 straps on her shirt, but I don't have any of that.

12 Q And in looking at State's 44, does that corroborate
13 your opinion that she was in the bed? And if so, how?

14 A It does. You see the void here on her thighs? Not
15 a lot of blood, there's some blood there. There's some
16 transfer on her thighs, but a larger quantity on the knees,
17 which tells me that the defendant was kneeling in the blood
18 and that once again, like I told you about the gravity
19 working, you can see where that blood from her knees is
20 running down her shins.

21 Once again that's not projected blood. You can see
22 a volume on her knees and you can see where she has been
23 down on her knees. And when she stood up, gravity works
24 and pulled that blood down.

25 Q Okay. And we've seen -- you're aware that there

Kenneth Kinsey - Direct Examination by Ms. Cornwell

1 was a child that had some blood on him, correct?

2 A Yes, ma'am, I recall some photographs.

3 Q And in looking at State's 46, the blood on her face
4 and around her neck, how was that likely to have gotten
5 there? Or do you have an opinion on how it could have
6 gotten there?

7 A It's some type of transfer.

8 Q Could it have transferred from a child?

9 A I guess it could have, yes, ma'am. Or any other
10 object.

11 Q Okay. All right. In looking at State's -- I've
12 got two of them -- State's 51 are the palms of her hands.
13 Do you see any blood on the palms of her hands anywhere?

14 A No, ma'am.

15 Q What does it look like has occurred to her hands
16 before that photograph was taken?

17 A They have been scrubbed.

18 Q Okay. And did you also observe the other side of
19 her hands? The photograph of the other side of her hands?

20 A Yes, ma'am, I did.

21 Q And did you notice anything of significance in
22 those photographs? Was there any blood in the nail beds,
23 under the nail beds or any place like that?

24 A No, ma'am, I did not see any.

25 Q And what is your -- I mean what is the opinion that

Kenneth Kinsey - Direct Examination by Ms. Cornwell

1 you have on that -- I assume with this stab wound and this
2 much blood, her hands would have also gotten bloody,
3 correct?

4 A That's generally the case, yes, ma'am.

5 Q And so to not even have it in the nail beds and all
6 that, she would have had to scrub her hands pretty good,
7 wouldn't she?

8 A Yes, ma'am.

9 Q All right. So let's go just to kind of conclude
10 and cover everything up here. In your opinion, you've
11 heard the defendant's second statement of her being in the
12 bed, getting on top of him -- you heard that statement?

13 A Yes, ma'am.

14 Q And is this -- are the photographs that you viewed
15 more or less consistent with that statement?

16 A I think it corroborates it real strong. I cannot
17 say she was straddling him. The only way I can make it
18 work out, she was beside him on her knees.

19 Q Okay. And it is your opinion that -- let me ask
20 you this: You saw pictures of the victim as well?

21 A Yes, ma'am.

22 Q Did you see any wounds or anything that would
23 indicate any type of defensive wound that he would have
24 incurred?

25 A I did not.

Kenneth Kinsey - Direct Examination by Ms. Cornwell

1 Q And as somebody who's investigated crime scenes and
2 been as extensive as you have, when there's a stabbing
3 involved, are there generally injuries on the victim and
4 the defendant?

5 A It's a high propensity to have injuries, number
6 one, to the person who would be stabbing. A knife of this
7 sort doesn't have a hand guard or, a pommel, is what they
8 call it. And usually when you hit something that's hard
9 that hand will slip and go down the blade. The flip side
10 of that coin is, the victims are usually, especially when
11 the blade is pulled back out, that have no, no where to
12 grab, so they grab the blade and you'll usually find a cut
13 on the victim's hands as well if they fought it off or
14 attempted to fight it off. That's not to say in every
15 case.

16 Q Sure.

17 A But I've seen that a lot out of 850 death scenes I
18 have investigated.

19 Q Sure. And out of these 850 death scenes, in your
20 experience, if somebody is coming at you with a knife,
21 would you expect to find any injuries on the hands, the
22 forearms, the wrists, or anything of that nature?

23 A That's called a defensive wound. And yes, ma'am,
24 we do see those a lot.

25 Q Okay. So this -- and none of those were apparent

Kenneth Kinsey - Direct Examination by Ms. Cornwell

1 on this defendant or on the victim; correct?

2 A I did not see any in any of the photographs.

3 Q Okay. So in the bed, I believe you said he rolls
4 out and then what is the path that he appears to take
5 inside the room? Can you kind of explain to the jury --

6 A This one here and there -- if -- if he is laying
7 this direction, and like I showed you, the blood on the
8 side board, once he leaned up and the knife was pulled out
9 of his chest and he started pouring, he went normally over
10 the side of the bed because you can see that free-pouring
11 blood coming down. In my opinion, he stood up, he went
12 around the bed.

13 He was probably -- he didn't know what was going on
14 at that point in time, or didn't understand. He's feeling
15 a little bit different. Body parts are not working the way
16 they normally do. He made it over to the window. He stood
17 there for a minute. You've got 90 degree blood again in
18 the window frame, which tells me he's moving slowly or he
19 stopped.

20 He comes on around the room out the door. Probably
21 by that time he's falling into things. And he left these
22 impressions here. I would not pay a lot of attention to
23 these impressions. They're all secondary except for that
24 drip pattern. You can follow his pattern. That's
25 free-flowing blood; comes out, makes a circle -- and I

Kenneth Kinsey - Cross-Examination by Mr. Grant

1 can't tell you which direction he circled, but I can tell
2 you he made a circular motion. He projected blood out of
3 the wound onto this wall. Here we've got transfers and I
4 can make out an arm. I would assume it's his left arm. He
5 goes back in the room, collapses on the dresser and that's
6 where they find him.

7 Q Thank you Chief Kinsey. Please answer any
8 questions the defense counsel may have for.

9 A Yes, ma'am.

CROSS-EXAMINATION

10
11 BY MR. GRANT:

12 Q You want to have a seat, please?

13 A Yes, sir.

14 (The witness returned to the stand.)

15 Q All right. Chief Kinsey, where do you work now,
16 again?

17 A The Orangeburg County Sheriff's Office.

18 Q And what is your position there?

19 A I'm the chief of staff.

20 Q You're the chief of staff?

21 A Yes, sir.

22 Q For Sheriff Ravenel?

23 A Yes, sir.

24 Q And is working as a bloodstain analyst, crime scene
25 interpretation, is that part of your job duties for the

Kenneth Kinsey - Cross-Examination by Mr. Grant

1 sheriff's department?

2 A It is.

3 Q It is?

4 A Yes, sir.

5 Q And does Orangeburg, the City of Orangeburg, do
6 they have a person who works in that capacity for the City
7 of Orangeburg?

8 A They do not.

9 Q They do not.

10 A Currently.

11 Q So the reason then why you do what you do for the
12 City of Orangeburg is because Orangeburg does not have
13 anybody else to carry out those responsibilities, correct?

14 A To my knowledge, they do not.

15 Q All right. So you had to do this because of the
16 fact that Orangeburg didn't have anybody else and
17 therefore, you, being the person with the sheriff's
18 department, you had to do it for them; is that correct?

19 A Well, I didn't have to do it, Mr. Grant. I've also
20 helped SLED out because they currently don't have a lot of
21 people that interpret bloodstains. I mean, I'll help any
22 agency or anyone that asks.

23 Q But as part of your job description, I think you
24 said it is to serve in that capacity, that's what you get
25 paid to do?

Kenneth Kinsey - Cross-Examination by Mr. Grant

1 A Well, I supervise our crime scene unit. Like I
2 said, I'm not getting paid today, nothing, not even my
3 regular salary.

4 Q , I understand. But -- and working for the
5 sheriff's department, you do get paid.

6 A Yes, sir. That is part of my responsibility at the
7 sheriff's department.

8 Q Yes, sir. All right. So we don't want the jury to
9 think that you're just here because you don't have payment
10 in any kind of capacity whatsoever, you are paid by the
11 sheriff's department; is that correct?

12 A Yes, sir, that is my full time job.

13 Q All right. Now -- all right.

14 What is the -- I didn't hear you talk about this
15 term when it came to bloodstain analysis, what does the
16 term cast off mean?

17 A Cast off is when you have a weapon and you load it
18 up, per se. It's -- once you have had the bloodletting, if
19 you get -- if a person's been hit -- let me see how I can
20 explain this to you.

21 If you've got four cast-off patterns, you had the
22 have at least five blows because you have to have the
23 initial bloodletting and your actual cast off is when that
24 object comes in contact with the blood again, it is
25 reloaded for another blow and that blood is cast off of

Kenneth Kinsey - Cross-Examination by Mr. Grant

1 whatever that object is.

2 Q If a man's hand's soaked in blood -- okay?

3 A Uh-huh.

4 Q And he's swinging at a woman trying to get to her
5 and trying to grab her and he's swinging them, could that
6 hand cast blood off into the directions in which the hand
7 is being swung?

8 A It could, but not in this case. Not the way you
9 just demonstrated.

10 Q Well, now you didn't talk about blood on the
11 ceiling in that room, did you?

12 A No, sir.

13 Q Did you see that, though?

14 A I sure did, yes, sir.

15 Q All right. And the blood on the ceiling in that
16 room, couldn't that have come from casting your arms and
17 swinging your arms, bloody hands?

18 A No, sir.

19 Q Or his arm?

20 A No, sir, not at all.

21 Q Okay.

22 A There's no area of convergence, no points and no
23 discernible pattern to that. You can't have a cast off
24 pattern with one or two drops. You have to have a pattern
25 and they're distinct and you can see them and what you

Kenneth Kinsey - Cross-Examination by Mr. Grant

1 demonstrated just now, as I explained to the jury, all of
2 the bloodstains in this case are at a downward angle, so if
3 I've got blood on my hands an I'm swinging up and down, I
4 would expect to see patterns going up in different angles.

5 Q Okay. Considering the logical law of gravity --

6 A Yes, sir.

7 Q -- anything that is liquid, that is above, will
8 eventually come down; is that correct?

9 A That is true, yes, sir.

10 Q And that would include blood; am I correct?

11 A Well, not in that distance. Not that distance.
12 Remember, medium velocity blood, which is what most of
13 these measurements are, are from 5 foot to 100 feet per
14 second. It's going to travel farther than the distance you
15 have before gravity starts acting on it and it starts
16 coming down.

17 Q That comforter that you referred to in direct
18 examination --

19 A Sir?

20 Q The comforter, the tiger print --

21 A Yes, sir.

22 Q Comforter spread or whatever you call it --

23 A Yes, sir.

24 Q -- you can't tell when that comforter was placed
25 there?

Kenneth Kinsey - Cross-Examination by Mr. Grant

1 A I cannot, no, sir.

2 Q You would not know that because you don't know
3 whether it was there before the couple alledgedly had sex,
4 after they had sex, you would have no idea; is that
5 correct?

6 A I have no idea, no, sir.

7 Q All right. And based upon the bloodstain that we
8 see in State's Exhibit Number 14, a close up of that
9 comforter, which we've established is located at the foot
10 of the bed in State's Exhibit Number 28, is it fair to say
11 there was a lot of blood going on in the area of the
12 comforter -- a lot of bleeding, I should say, going on in
13 the area of the comforter?

14 A I -- I see some blood transfer. I wouldn't
15 describe it as a lot of blood. I know some investigators
16 who do not see a lot of violent, violent scenes would
17 describe that as a lot of blood, but I see some transfer,
18 but I don't see -- matter of fact, I see more blood pooling
19 on the dresser than I see on that comforter.

20 Q You said -- and correct me, now, but I thought you
21 said on direct examination that you saw the most blood in
22 the area of the comforter.

23 A As a collective whole.

24 Q But that's what I'm talking about, as a collective
25 whole.

Kenneth Kinsey - Cross-Examination by Mr. Grant

1 A Yes, sir, as a collective whole.

2 Q All right.

3 A But I can't see in any one area where that blood is
4 pooling on that comforter.

5 Q Well, let's make sure we're clear. As a collective
6 whole, you saw more blood at the area of the comforter at
7 the foot of the bed than at any place else in the room?

8 A Not the foot of the bed, the whole bed.

9 Q The whole bed?

10 A Yes, sir.

11 Q All right. Well, take a look at it. Do you see --
12 based on the pictures now, that were taken of the crime
13 scene, from what you can see in the pictures that I'm
14 showing you, isn't it true that there's more blood,
15 apparently on the picture of the comforter or the tiger
16 spread, than anywhere else that you can see in these
17 pictures?

18 A Well, I base my pictures of the run down, right
19 here, and the drips on the side board and the comforter as
20 a whole.

21 Q All right. Look at this picture right here, for
22 me, please. That's State's Exhibit Number 28.

23 A Uh-huh.

24 Q I imagine if you're looking at the bed as it's
25 depicted in this photograph, are you referring to the right

Kenneth Kinsey - Cross-Examination by Mr. Grant

1 edge of the bed?

2 A Middle ways, yes, sir, on the right side.

3 Q All right, sir. And isn't it also the relative
4 location where Samuel Simmons' blood -- bloody body was
5 found that is between the side of that bed and the chest of
6 drawers?

7 A On the floor, yes, sir.

8 Q On the floor, yes, sir. In fact, is that -- is
9 that some kind of body bag or something right there? That
10 orange --

11 A It's some kind of blanket they covered him with.

12 Q Some kind of blanket they covered him with. So the
13 area that you're talking about with the blood on the right
14 edge of the bed, is really very close to where the bloody
15 body of Samuel Simmons is lying; is that correct?

16 A It is directly over his left hand.

17 Q Directly over his left hand. Isn't it possible
18 that the blood that you're referring to here could have
19 come from Samuel Simmons falling down on the edge of that
20 bed before landing with his body between the bed and the
21 chest of drawers?

22 A In my opinion, no, sir.

23 Q So the bloody man that was here that we saw the
24 naked pictures of, you're saying that blood right there
25 couldn't have come from that bloody man?

Kenneth Kinsey - Cross-Examination by Mr. Grant

1 A I think if it would have happened in the way you
2 just described, he would have collapsed over farther in the
3 room. He wouldn't have collapsed with his feet level with
4 the door jam.

5 Q And isn't it -- let me ask you, a lot of what
6 you're testifying to is about your theories; is that right?

7 A Well, it's what I've been taught and it's on the
8 properties of the way blood moves.

9 Q Okay. And reasonable experts in your field can
10 disagree with you; is that correct?

11 A I guess, they probably -- they could, yes, sir.

12 Q Uh-huh. You talked about the blood on the blinds
13 and I think you said that it is your opinion that it is a
14 fingerprint?

15 A That's a transfer from a hand.

16 Q Okay.

17 A I saw no ridge detail to tell me it's a fingerprint
18 or anything of that nature.

19 Q So without ridge detail, to say that it truly was a
20 fingerprint, you cannot testify conclusively that it was
21 indeed a hand print; is that correct? Or fingerprint, is
22 that correct?

23 A I can't tell you with a degree of scientific
24 certainty, it looks like the shape of the hand on that
25 blind. But did I develop any ridge detail on it, no, sir,

Kenneth Kinsey - Cross-Examination by Mr. Grant

1 I did not.

2 Q Yes, sir.

3 A And to my knowledge no one else did.

4 Q All right. Are there other stains that can be
5 caused in a room that may look like the shape of the hand
6 but not be a hand?

7 A Certainly. Like I said the only thing I can tell
8 you definitively about that is it's a transfer, it's not
9 projected blood.

10 Q Okay. Let's look at Prosecution's Exhibit Number
11 78. Well -- you remember talking about -- and I'll keep
12 looking as I question you -- you remember talking about the
13 footprints in the carpet, the bloody footprint stains you
14 saw in the carpet?

15 A Yes, sir, right below the window sill.

16 Q Yes, sir. And I think you said you were pretty
17 confident that those were indeed footprints; is that
18 correct?

19 A Yes, sir, you can see the outline.

20 Q There it is. Let's take a look at that again, sir.
21 It's Defendant's Exhibit Number 78 (sic). Look at it for
22 me, please sir.

23 A Yes, sir.

24 Q Yes, sir. And describe what you see in that
25 exhibit again?

Kenneth Kinsey - Cross-Examination by Mr. Grant

1 A I see two footwear -- not footwear, foot
2 impressions in the carpet from bloody feet.

3 Q Okay. And that's what you see in that photograph
4 that I'm showing the jury right now?

5 A Yes, sir.

6 Q And I want you to take a look, if you will, at
7 State's Exhibit Number 38.

8 A Yes, sir.

9 Q Do you see the nude body of Samuel Simmons?

10 A I do.

11 Q Do you see his bloody feet?

12 A I do.

13 Q Do you see the bottom of his bloody feet?

14 A I do.

15 Q Is there blood on the bottom of his feet?

16 A Yes, sir, they're bloody.

17 Q And is it your opinion that the bloody feet photo
18 we see in State's Exhibit Number 78 came from the bloody
19 feet of Samuel Simmons, depicted in State's Exhibit Number
20 34?

21 A It is, but it was a collective opinion, it's not
22 just because of the footprint impressions. It's also from
23 the free-pouring blood on the window sill.

24 Q Okay. But you believe that these footprints came
25 from this bloody man?

Kenneth Kinsey - Cross-Examination by Mr. Grant

1 A Yes, sir.

2 Q All right. Would you also believe then that this
3 man had to be alive and standing in that blood to get that
4 blood on the bottom of his feet that we see in State's
5 Exhibit Number 34?

6 A I do, yes, sir.

7 Q Okay. You saw the pictures of Courtney, is that
8 correct? My client?

9 A Yes, sir, I did.

10 Q And you saw how bloody her clothes were?

11 A I did.

12 Q And did I hear you say in your direct examination
13 that she didn't have a lot of blood on the straps of her
14 shirt?

15 A I said she didn't have a volume of blood. She has
16 transfers all over her shirt.

17 Q Okay.

18 A But that is just that, that's transfer. It could
19 have come off of anything. I would expect to see a large
20 volume of blood if she was in direct proximity to that
21 chest wound that the victim had.

22 Q So I show you defendant's -- excuse me, State's
23 Exhibit Number 47, take a look at that. And does it show
24 the left strap of her tank top?

25 A Yes, sir, it does.

Kenneth Kinsey - Cross-Examination by Mr. Grant

1 Q And let me have that back, please, sir. And you
2 believe the blood that's on the left strap of her tank top
3 came from something other than being in close proximity or
4 even been grazed willfully or un-willfully by the victim?

5 A I'm telling you that it's not a large volume and
6 it's not a large projected bloodstain.

7 Q Well, can I get a little bit of blood on you by
8 trying to hug you as opposed to a lot depending upon how
9 hard or close I get to you?

10 A You could. And you could also with a blowing chest
11 wound could blow that spatter on the shirt also.

12 Q And with regards to State's Exhibit Number 21, you
13 see that -- you see that exhibit right there, State's
14 Exhibit Number 21?

15 A Yes, sir, I do.

16 Q And you see that there's blood on the wall depicted
17 in that exhibit?

18 A I do.

19 Q And I think you said you thought it might be the
20 victim's arm on the wall?

21 A I see what appears to be a left arm impression, the
22 whole arm from the shoulder to the wrist.

23 Q Okay. Left arm impression from the shoulder to the
24 wrist?

25 A Yes, sir.

Kenneth Kinsey - Cross-Examination by Mr. Grant

1 Q All right. Could it be other blood sources other
2 than his left arm?

3 A Well, it's got to be something large enough to
4 cover that large of an area and I can't think of anything
5 that would be that high that could have that blood on it
6 and transfer it to the sheetrock.

7 Q Well, let me ask you this, then, could this,
8 State's Exhibit Number 43, take a look at that, please,
9 sir. And State's Exhibit Number 42. Take a look at that,
10 please, sir. You see those?

11 A Yes, sir.

12 Q Now, those exhibits depict the bloody clothes of my
13 client, Courtney; is that correct?

14 A That is correct.

15 Q All right. Now, you see how much blood is on these
16 clothes; is that correct, sir?

17 A Yes.

18 Q And is it possible or reasonable that if Courtney,
19 with that much blood on her clothes is pushed back into
20 that wall, that she could have caused that blood on the
21 wall that's depicted in State's Exhibit Number 21? Is that
22 a reasonable conclusion?

23 A In the absence of projected blood that I know came
24 from the victim in the middle of that print, it's not
25 reasonable. If I didn't have that projected blood to tell

Kenneth Kinsey - Cross-Examination by Mr. Grant

1 me the blood was standing there, I would say it would be
2 possible.

3 Q Now, you looked at one of the exhibits about blood
4 from Courtney's knee coming down to her ankle. I think you
5 talked about that and might have been -- well, let's have
6 you look at State's Exhibit 44. You see that, sir?

7 A Yes, sir.

8 Q All right. Is that a picture that shows her bloody
9 knees her bloody knees and on down?

10 A Yes, sir.

11 Q I think you said that -- let me have the exhibit
12 back. I think you had some concern that there didn't seem
13 to be enough blood above her knee or some white areas that
14 made you think she might have been on her knees; is that
15 correct?

16 A Well, I think she's on her knees because you can
17 see that's where the drip pattern originates. It's running
18 down from her knees, but I was concerned that there's a
19 void pattern on both thighs, or I don't see as much blood
20 there as I see on her knees.

21 Q Well, did you -- I'll show it to you before I show
22 it to the jury. Would you look at the right side of her
23 thigh, upper thigh, right below where the cloth ends on the
24 shorts?

25 A Yes, sir.

Kenneth Kinsey - Cross-Examination by Mr. Grant

1 Q You see blood all the way up there?

2 A Right next to that saturation on her pants that I,
3 believe she caused when she rolled to the right on the bed.

4 Q All right. But that blood up here is certainly
5 above the knee; am I correct?

6 A Yes, sir.

7 Q And we've already established that gravity causes
8 blood to go down; is that correct?

9 A That is a transfer, that's not -- that's not blood
10 running down there.

11 Q Okay. And the blood that we see in State's Exhibit
12 Number 50, take a look at that, please, sir.

13 A Uh-huh.

14 Q That blood is also above the knee; is that correct?

15 A It is.

16 Q And that blood that you see in State's Exhibit
17 Number 50 that is above the knee, due to the law of gravity
18 could also, possibly, and reasonably transferred down her
19 thigh like we saw in this exhibit and end up on her knee ;
20 is that correct?

21 A Blood does not transfer in that way. Blood will
22 run if it's a lot of blood, but once blood is on an object,
23 it will not transfer without another object coming in
24 contact with it. It doesn't just move.

25 Q Let me ask the question in a more precise way. And

Kenneth Kinsey - Cross-Examination by Mr. Grant

1 I know I'm using your terminology. Maybe it didn't
2 transfer, but is it possible that the blood could have run
3 down from the shorts and down the thigh and down the knee
4 as we see in this picture, considering the law of gravity,
5 that causes everything to go towards the ground?

6 A In that picture, what you see on the side of her
7 right side that you are referring to, that is a transfer.
8 There's not blood there to run down. That come off of an
9 object. What you see running down from her knees is a
10 quantity of blood she has knelt in that is now running down
11 because of gravity, two different things.

12 Q You mentioned about the -- her hands being clean;
13 is that correct?

14 A Yes, sir.

15 Q And you may expect to see blood on her hands
16 because of the incident occurred and what she's accused of?

17 A Yes, sir.

18 Q Is that correct?

19 Sir, did you have an opportunity to view is case
20 file and all an evidence and prepare yourself to testify
21 here today?

22 A I did.

23 Q All right. Are you aware then that Courtney was
24 told to wash her hands at one occasion before these
25 photographs were taken?

Kenneth Kinsey - Cross-Examination by Mr. Grant

1 A Well, I know that now.

2 Q Okay.

3 A Yes, sir.

4 Q Therefore, if she washed her hands, then her hands
5 would be expected to not have blood on them; is that
6 correct?

7 A Well, it takes some effort to get all the blood
8 off. My hands have been submerged in blood many, many,
9 many, times and it's not just as easy as washing your
10 hands. You have to scrub them to get blood off.

11 Q Do you have any idea how long or how much she
12 washed her hands?

13 A I do not, no, sir.

14 Q Okay. All right. And a young woman, 23 years old,
15 covered in blood, who had never been arrested before or
16 charged with anything, do you think this might be a
17 traumatic experience where she might be motivated to get
18 the blood off?

19 A Mr. Grant, I can't speculate to that.

20 Q I understand. All right, sir.

21 And I think you testified you can't say she
22 straddled him; is that correct?

23 A No, sir, I can't say if she did or she didn't.

24 Q Okay.

25 A She was in proximity to the middle of his body on

Kenneth Kinsey - Cross-Examination by Mr. Grant

1 the bed. On her knees, that's --

2 Q That's your opinion?

3 A Yes, sir.

4 Q Okay. And this concept of defensive wounds; I
5 think you testified about that?

6 A Yes, sir.

7 Q All right, sir. If I have a knife and you know I'm
8 about to stab you and you see the knife, right; there then
9 is an opportunity to engage if defensive wounds to stop it;
10 is that correct?

11 A Yes, sir.

12 Q Is that the logic of a defensive wound knowing that
13 you're about to get injured and you take defensive steps to
14 prevent the injury?

15 A Yes, sir.

16 Q That's the logic of it; is that correct?

17 A Yes, sir.

18 Q All right. But if a man who's in a rage comes to
19 choke someone and oops, he didn't know the person was armed
20 and ready to defend herself there'd be no opportunity for
21 defensive wounds; is that correct?

22 A Yes, sir, it could be.

23 Q Okay. Yes, sir, it could or --

24 A I mean it would work either way. I'm saying that
25 every stab wound does not have defensive wounds, but in my

Kenneth Kinsey - Redirect Examination by Ms. Cornwell

1 career I have seen it a lot of times.

2 Q But every stab wound does not have defensive
3 wounds, but everybody that's been stabbed did not know the
4 stabbing was going to occur; is that correct?

5 A I agree. If you don't know it's coming, you cannot
6 throw your hands up.

7 Q And if you don't know that somebody's about to
8 defend themselves by stabbing you, you wouldn't have an
9 opportunity to throw your hands, as you put it; is that
10 correct?

11 A If you were unaware, yes, sir.

12 Q Thank you, sir.

13 MR. GRANT: Your Honor, that's all I have of this
14 witness.

15 THE COURT: Thank you, Mr. Grant.

16 Redirect, Solicitor?

17 MS. CORNWELL: One question.

18 REDIRECT EXAMINATION

19 BY MS. CORNWELL:

20 Q If someone's asleep, can they tell that something's
21 coming down at them; and would you expect to find defensive
22 wounds then?

23 A I wouldn't think so, and no.

24 MS. CORNWELL: No further questions.

25 THE COURT: Recross examination?

Kenneth Kinsey - Recross-Examination by Mr. Grant

1 MR. GRANT: Yes, sir.

2 RECROSS EXAMINATION

3 BY MR. GRANT:

4 Q And if somebody is about to choke someone and not
5 aware that they're about to be -- that they're about to be
6 stabbed by the person they're choking, would you expect to
7 see defensive wounds?

8 A Well, expect and could they possibly be or not be
9 would probably be two different things. I've seen it both
10 ways. I've seen it both ways, Mr. Grant.

11 Q But if you don't know it's coming --

12 A If you don't know it's coming, I can't throw the
13 choking part in there, but if you don't know it's coming, I
14 wouldn't see how you can defend against it.

15 Q Yes, sir. Thank you.

16 MR. GRANT: No further questions.

17 THE COURT: Thank you. Thank you very much, Chief.

18 THE WITNESS: Thank you. Thank you, Judge.

19 THE COURT: You may step down. Thank you for being
20 with us here today.

21 THE WITNESS: Yes, sir.

22 THE COURT: All right. Solicitor, you may call
23 your next witness.

24 MS. CORNWELL: Your Honor, at this time, the State
25 rests.

1 THE COURT: All right. Thank you, thank you very
2 much. Perhaps now, Mr. Foreman and ladies and gentlemen of
3 the jury, would be a good time to take our evening recess.
4 Again, I remind you, you perhaps can repeat it back to
5 me -- do not discuss this case with anyone. That includes
6 your family members, friends, or anyone else. Do not read,
7 watch, or listen to any news accounts about the case. Do
8 not use your computers, cell phone, electronic device,
9 any communication capabilities to obtain or disclose any
10 information about the case when you're not in court.

11 Information about the case includes, but is not
12 limited to the following: Information about a party, a
13 witness, an attorney, or a court officer; news accounts
14 about the case, past or present; information collected
15 through juror research on any topics raised from the
16 testimony offered by any witness or information collected
17 through juror research on any other topic the juror might
18 think would be helpful in deciding the case. In other
19 words, don't do any independent investigation or any
20 investigation on the internet or other.

21 Q With that being said, if you'd please be back
22 promptly at 9:30 in the morning, promptly at 9:30 in the
23 morning. Any questions?

24 (No one responded.)

25 THE COURT: Thank you. Thank you very much, you're

1 now released. I hope you all have a pleasant evening.

2 (The jury left the courtroom at 5:03 p.m.)

3 THE COURT: All right. Any motions, Mr. Grant?

4 MR. GRANT: Yes, Your Honor.

5 **MID-TRIAL MOTIONS**

6 MR. GRANT: Your Honor, may it please the Court, at
7 this time the defense moves for a directed verdict on the
8 charge before the Court of murder, as a matter of law.
9 Once again, Your Honor, even if you look, as you are
10 required to do, at the evidence in the light most favorable
11 to the State, it is our position that there is no competent
12 evidence in this record before the Court to establish the
13 elements of the offense. Murder is defined as an unlawful
14 killing of another with malice aforethought. This record
15 is replete with evidence that Courtney Price did not
16 unlawfully kill Samuel Simmons. In fact, the record
17 establishes, if anything, that Courtney Price was in her
18 own home, going about her own business and since she was in
19 her own home, she had the right to defend herself in her
20 own home while she was being choked by the victim.

21 The defense of habitation applies and in South
22 Carolina if you have someone in your home who attacks you,
23 even if you invite them to come to your home and you ask
24 them to leave if they do not leave, you can take whatever
25 measures are necessary to remove the person from your home

1 even to the point of taking their life. Courtney told the
2 police authorities this from day and moment one.

3 The very first officer to speak to Courtney was
4 Officer Bellinger. She told Officer Bellinger that Sam was
5 choking her. You remember, Your Honor, through the wealth
6 of information we put up in the castle doctrine motion --
7 and I would ask you to take judicial notice of that for
8 purposes of my argument of all the witnesses who talk about
9 the history of Samuel beating and abusing Courtney, but I
10 believe it's the record before the Court for this
11 particular hearing, what has been heard from this witness
12 stand at this trial, that is indeed controlling.

13 It is our position that there is no evidence, even
14 of malice. Malice is the killing of another without
15 justification, without mitigation and without excuse. That
16 is the legal definition of malice. How do we know there
17 was no malice, Courtney said through teary eyes and a teary
18 voice, I pray -- I swear to God, I did not intend for this
19 to happen. I did not mean for this to happen. There's no
20 evidence to rebut any of the arguments that I made, not to
21 come from this witness stand or from the record, so we make
22 our motion, Judge, that you dismiss this case, as a matter
23 of law, grant our motion for a directed verdict and find
24 Courtney not guilty as a matter of law. Again even when
25 you look at the evidence in the light most favorable to the

1 prosecution, I think that we win. I do have two or more
2 motions.

3 THE COURT: All right.

4 MR. GRANT: The second, Judge, and I will be brief
5 with this, but I would ask the Court to reconsider and
6 renew our motion -- our castle doctrine motion for this
7 reason: The Court in its findings of fact and relying upon
8 the order and decision of the Court made a finding that
9 Samuel Simmons was indeed asleep in his bed. But in the
10 Court's finding, the record will establish that Courtney
11 testified, un refuted testimony that when she went
12 downstairs to get the bottle and she saw Sam's phone, she
13 actually yelled up, Samuel; and he said, What. Which
14 clearly by definition means that he was awake.

15 And also she said it was less than one minute. I
16 mean she was right back upstairs and he was awake. No
17 person testified against that. No one contradicted that
18 and I would simply and respectfully ask that you reconsider
19 that ruling because the evidence clearly was that we were
20 entitled to immunity from prosecution in this case as a
21 matter of law.

22 The third motion, Judge, is a motion for a
23 mistrial. We move for a mistrial on the basis that the
24 Court has let the testimony -- I should say the statement,
25 not the testimony, the statement of Beverly Price,

1 Courtney's mother. We think that that was hearsay. We
2 believe that that testimony -- again I say testimony --
3 that statement being admitted is inflammatory. It is
4 extremely prejudicial and violates Rule 403 when you do the
5 balancing test. It is substantially more prejudicial than
6 it is probative before the Court.

7 We believe that it is irrelevant, it has no
8 tendency to prove or disprove the facts that are of
9 consequence to the Court. The prosecution did not need it
10 and does not need it to establish the elements of the
11 crime. Beverly Price would have no personal knowledge as
12 to whether Courtney killed the defendant because she was
13 not there. She would not know the circumstances.

14 Regardless of what she may have said. And I
15 believe that that ruling deprives Courtney Price of her
16 Sixth Amendment right to a fair trial under the United
17 States constitution and I believe that the Court should
18 either do one of two things: Either grant our motion and
19 dismiss the case as a matter of law or grant us a new trial
20 and let us start all over again.

21 That's my respectful motions, Judge.

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

23 Solicitor?

24 MS. CORNWELL: Your Honor, in response to the
25 directed verdict motion, as the Court knows the ruling on a

1 directed verdict motion, you're concerned with the
2 existence or the nonexistence of the evidence, not the
3 weight of the evidence. I believe that in this case there
4 is clearly evidence both direct and circumstantial
5 evidence, in regards to the murder charge. We've heard
6 testimony that is unrefuted that Courtney Price stabbed
7 Samuel Simmons.

8 As far as the unlawfulness or with malice
9 aforethought, I believe that we've heard testimony both
10 directly from Courtney herself through her statements, as
11 well as through officers, that she hid the knife when she
12 went upstairs. Prior to that, she stated they were arguing
13 and she was ticked off, that she went downstairs, she
14 looked through his phones. When she found that there was
15 another woman, she got the knife out of the kitchen, went
16 upstairs while hiding the knife with the intent to confront
17 him about that.

18 I believe that that evidence alone shows malice.
19 Just because she states after she's killed him, I didn't
20 mean for that to happen, she clearly intended to stab him
21 and that's what she did. His death was a result thereof.

22 The argument for the castle doctrine, I believe
23 that motion has already been determined -- and actually
24 I'll go back on my directed verdict motion.

25 On the blood evidence that's been placed into

1 evidence, the testimony of Detective Kinsey, the testimony
2 of Dr. Ross as to the wound pattern, the trajectory of the
3 wound and the testimony of all of the officers that
4 admitted that she stated, you know, I stabbed him, he was
5 asleep, I was looking through his phones.

6 I think she gives several statements. One
7 statement she was on her knees on the bed. She climbed on
8 top of him first with the knife. He pushed her off, she
9 climbed back on top of him and that's when she stabs him.
10 I believe that there is sufficient evidence, both
11 circumstantial and direct that would allow this case to go
12 to the jury.

13 The renewed castle motion, I believe, Your Honor,
14 has already ruled on that. And again we would respectfully
15 request that that ruling be upheld. I think that there is
16 plenty of evidence in the record regarding that motion
17 based on argument that Mr. Simmons was an invited guest.
18 He was a social guest. As a result and for that fact, the
19 castle doctrine would not apply given the fact that he was
20 invited in. There's no evidence other than Ms. Price's
21 uncorrob -- or testimony that was contradicted that she may
22 or may not have asked him to leave. I don't believe that's
23 relevant. There's also testimony that they reconciled,
24 that they had sex. So I do not believe that there's any
25 reason to re-rule on the castle doctrine motion that you've

1 already ruled on after hearing the evidence.

2 As for the motion for a mistrial, again the State
3 would respectfully request that you deny that motion. Your
4 Honor took careful consideration in defense's objection.
5 We went through the thorough analysis under 803, 401, and
6 403 in reading all those rules as well as the case law.
7 Your Honor made his ruling based on his understanding of
8 the rules and we would ask that you stand by that ruling
9 and deny the motion for a mistrial.

10 THE COURT: Thank you. Solicitor.

11 Mr. Grant?

12 MR. GRANT: Brief rebut, Your Honor. Thank you,
13 sir.

14 I didn't say this was my authority, but it's on my
15 record for my motion for reconsideration on the castle
16 doctrine: State versus Martin, State versus Bryant, those
17 cases I cited earlier on if you are indeed an invited guest
18 and you're asked to leave and you don't leave and you start
19 choking someone in their own home, the law says the
20 homeowner, the tenant can take deadly force and take your
21 life. That's the law in South Carolina.

22 Now, here's my amendment to my previous argument,
23 very briefly. I truly believe the Court should grant my
24 motion for a directed verdict. I want to make sure that
25 it's clear, if however, in the interest of justice, the

1 Court decides to not grant my motion, then I would ask the
2 Court to at least grant the motion to direct a verdict on
3 the charge of murder and only let the charge of voluntary
4 manslaughter go before this jury considering all of this
5 evidence -- all of this evidence of classic heat of passion
6 kind of discussion.

7 That's how I want to amend my motion, but I want to
8 make sure that it's clear for the record, that although I'm
9 making that amendment to my motion, I am not -- I am not
10 conceding that the Court should deny my motion in any way.
11 I stand by the fact that the case should be -- the motion
12 for directed verdict should be granted and the charge of
13 murder should absolutely be dismissed.

14 THE COURT: All right. Thank you. Thank you very
15 much, Mr. Grant.

16 All right in applying the standard I must apply at
17 this point at the directed verdict stage, I'm to review the
18 evidence in the light most favorable to the State. The
19 Court's review is limited to considering the existence or
20 nonexistence of the evidence, not its weight. When the
21 evidence admitted raises a suspicion that the accused is
22 guilty, a directed verdict should be granted because
23 suspicion implies a belief of guilt based on facts or
24 circumstances which do not amount to proof.

25 Nevertheless, the Court is not required to find

1 that the evidence confirmed guilt to the exclusion of any
2 other reasonable hypothesis. Based on the evidence and
3 testimony in this case of both Officer Bellinger, Officer
4 Muck, EMS -- Officer Kuck, I'm sorry; Bellinger, Kuck,
5 Brown from EMS, 9-1-1; the various and conflicting
6 statements of the defendant that have been placed into
7 evidence; the testimony of Dr. Ross as to the significant
8 force that had to be used; the injuries that were
9 sustained, that the deadly weapon would have gone to the
10 hilt, the -- Mr. Kinsey and the interpretation of the crime
11 scene, blood spatter; it appears that I would respectfully
12 have to deny the motion for a directed verdict.

13 Additionally, as far as to reconsider my ruling
14 under the castle doctrine, I would -- if I were to
15 reconsider, I do not think I need to, I would not grant
16 Ms. Price immunity under the castle doctrine. I denied
17 that motion and as to my ruling on the testimony of
18 Ms. Beverly Price being offered through Agent Walker, I
19 would stand by my previous trial rulings and further would
20 state a mistrial is for manifest necessity. There is no
21 manifest necessity. There is not undue prejudice. All
22 evidence is prejudice to one side or the other. There is
23 not undue prejudice in the testimony considering the record
24 as a whole.

25 All right. Mr. Grant, do I need to advise

1 Ms. Price of her right to testify or not to testify.

2 MR. GRANT: Just for the record, Judge, I think so.

3 THE COURT: If you would have her come around,
4 please.

5 Madam Clerk, will you police Ms. Price under oath
6 for me.

7 COURTNEY LEOLA PRICE,
8 having been duly sworn, testified as follows:

9 THE CLERK: Thank you.

10 THE COURT: Give me just a moment.

11 QUESTIONING OF THE DEFENDANT BY THE COURT

12 THE COURT: Tell me your full name, please.

13 THE DEFENDANT: Courtney Leola Price.

14 THE COURT: And how old are you, Ms. Price.

15 THE DEFENDANT: 24.

16 THE COURT: And how much education do you have.

17 THE DEFENDANT: I'm right now in grad school for an
18 MBA in Agribusiness.

19 THE COURT: Today are you under the influence of
20 any medication, drugs, or alcohol?

21 THE DEFENDANT: Just insulin right now.

22 THE COURT: Are you aware of any physical, mental,
23 or nervous problem that keeps you from understanding what
24 you're doing today?

25 THE DEFENDANT: No.

1 THE COURT: All right. I need to go over some
2 things with you. I do this with everyone who is on trial
3 and I had you placed under oath because your responses must
4 be under oath.

5 We've reached the stage of the trial where the
6 State has rested. And your side, the defense now has the
7 opportunity to present evidence for the jury to consider.
8 Do you understand where we're at?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: In that regard, you, through your
11 attorney may call witnesses to testify on your behalf and
12 if you choose to testify yourself, you may do so; do you
13 understand?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: No one can force you to testify. You
16 have an absolute right to remain silent. And if you choose
17 not the testify, I will tell this jury that they cannot
18 hold your silence against you in any way. I will tell them
19 that they are not to even discuss that in the jury room; do
20 you understand?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: If your side offers no evidence at all,
23 in other words, if either you nor anyone on your behalf
24 testifies or offers any exhibits, although I believe
25 exhibits have been offered, then your attorney will get to

1 make the last argument to the jury. Otherwise, the
2 prosecutor gets to make the last argument to the jury. Do
3 you understand?

4 THE DEFENDANT: I think so.

5 THE COURT: All right. Well, I realize after I
6 started questioning you in that regard, I think the status
7 of the law right now, because I do not believe that new
8 rule has yet been adopted by the legislature that since
9 evidence has already been presented in the form of exhibits
10 for the defense, that the prosecutor will get to make the
11 last argument.

12 Do you agree with that?

13 MR. GRANT: I do, Your Honor.

14 THE COURT: All right. Thank you.

15 She has no record; is that correct, Solicitor --

16 MS. CORNWELL: Correct --

17 THE COURT: -- that would subject her to
18 impeachment?

19 MS. CORNWELL: No, Your Honor, there's no prior
20 record.

21 THE COURT: All right. Thank you. Thank you very
22 much.

23 The decision about whether you testify or not is
24 your decision to make, your call and yours alone. I expect
25 that you have conferred with your attorney and with others

1 whose opinions you value on very important life's
2 decisions. But the decision about whether you testify or
3 not is your call, your decision; do you understand?

4 THE DEFENDANT: Yes. Yes, sir.

5 THE COURT: Has anyone exercised any undue
6 influence over you to get you to choose to testify or not
7 testify?

8 THE DEFENDANT: No, sir.

9 THE COURT: Do you have any questions you would
10 like to ask me about your right to testify or not testify
11 or anything we have just been over?

12 THE DEFENDANT: I can't think of any right now.

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

14 I will allow her the overnight recess and address
15 the issue again unless there's anything you would like to
16 ask me to ask her additionally.

17 MR. GRANT: Nothing else, Your Honor.

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

19 Thank you, Ms. Price.

20 MR. GRANT: Yes, sir.

21 THE COURT: All right. I assume that if you intend
22 to present any evidence or testimony, Mr. Grant, you will
23 have your witnesses available in the morning.

24 MR. GRANT: Yes, sir. I have several of them
25 available now --

1 THE COURT: All right.

2 MR. GRANT: And I've already talked to Ms.
3 Cornwell -- relatively brief witnesses, Judge, with your
4 permission we'd like to call them now. I know we talked
5 about 5:30.

6 THE COURT: The jury's been released.

7 MR. GRANT: Oh, the jury's been released. I'm
8 sorry. Okay.

9 THE COURT: All right.

10 MR. GRANT: Then tomorrow morning, Judge.

11 THE COURT: Thank you. Thank you very much.
12 Anything from the State?

13 MS. CORNWELL: No, Your Honor.

14 THE COURT: Court will be in recess until 9:30.
15 (Court was in recess for the day.)

16 THURSDAY, FEBRUARY 25, 2016

17 MR. GRANT: Thank you for your patience, Your
18 Honor.

19 THE COURT: Certainly.

20 MR. GRANT: Representative Govan is now ready.

21 THE COURT: All right. Thank you.

22 (The jury entered the courtroom at 9:49 a.m.)

23 THE COURT: Mr. Foreman, ladies and gentlemen of
24 the jury, good morning.

25 THE JURY: Good morning.

1 THE COURT: I hope you all had a pleasant evening.
2 Is everyone in their assigned seats? I'm trying to track
3 it. I think it's pretty close.

4 Be that as it may, as you know, the State has
5 rested. You've heard all the evidence, all the testimony
6 you're going to hear from the State in its case in chief.
7 The defendant may now present evidence and testimony if the
8 defendant chooses to do so. As I have told you previously,
9 the State has the burden of proving its case beyond a
10 reasonable doubt. A criminal defendant in South Carolina
11 never has to prove herself or himself innocent. They have
12 no burden of proof whatsoever. They are presumed to be
13 innocent regardless of the serious nature of the crime that
14 is charged; however, a criminal defendant may present
15 evidence and testimony if he or she chooses to do so.

16 So we will turn our attention to Mr. Grant and ask:
17 Mr. Grant, does the defendant intend to present any
18 evidence or testimony?

19 MR. GRANT: Absolutely, Your Honor.

20 THE COURT: All right. If you would, please, then,
21 call your first witness.

22 MR. GRANT: Thank you, Your Honor.

23 Your Honor, at this time we would call State
24 Representative Jerry Govan to the stand.

25 THE COURT: All right. Representative Govan, if

Jerry N. Govan, Jr. - Direct Examination by Mr. Grant

1 you would please come around and be sworn for us.

2 JERRY GOVAN,

3 having been duly sworn, testified as follows:

4 THE CLERK: Thank you, you may have a seat. And
5 please state your name again for the record. Thank you.

6 THE WITNESS: My name is Jerry N. Govan, Jr.

7 THE CLERK: Thank you.

8 **DIRECT EXAMINATION**

9 **BY MR. GRANT:**

10 Q Mr. Govan, are you affiliated with the State
11 legislature in any way?

12 A Yes, I am.

13 Q And what is your title, sir, with the State
14 legislature?

15 A I'm a State representative. I represent House
16 District 95, here in Orangeburg.

17 Q And what is your hometown, Mr. Govan?

18 A I'm a resident here in Orangeburg. Born here in
19 Orangeburg and spent most of my life here.

20 Q Did you attend the public schools of Orangeburg?

21 A Yes, sir, I did.

22 Q What high school did you graduate from?

23 A Orangeburg-Wilkinson.

24 Q And what college did you graduate from?

25 A South Carolina State University.

Jerry N. Govan, Jr. - Direct Examination by Mr. Grant

1 Q And do you have any additional education other than
2 the South Carolina State University degree?

3 A Yes, sir. I have both a bachelors degree and a
4 master's of arts in teaching with a focus in early
5 childhood education and I am approximately 69 hours away
6 from an ed specialist degree.

7 Q And sir, what type of work do you do now other than
8 the service in the State legislature?

9 A I also serve as County Attendant Supervisor for
10 Orangeburg Consolidated School Districts 3, 4 and 5.

11 Q Where do you attend church?

12 A I'm a member at Olive Grove Missionary Baptist
13 Church where my family and I have been members since the
14 90's.

15 Q Representative Govan, do you know my client,
16 Courtney Price?

17 A Yes, sir, I do.

18 Q Would you please point to her, sir, and call her
19 name and describe what she's wearing.

20 A Courtney is sitting at your desk there; and she is
21 wearing a blue outfit and she has blonde hair.

22 MR. GRANT: Let the record please reflect that the
23 witness has identified Courtney Price in the courtroom,
24 Your Honor.

25 THE COURT: So reflected.

Jerry N. Govan, Jr. - Direct Examination by Mr. Grant

1 MR. GRANT: All right.

2 BY MR. GRANT:

3 Q And Representative Govan, how long have you known
4 Courtney Price?

5 A I've known Courtney Price practically from the time
6 that she was born. I've known the family for many, many,
7 years and she is also a member of Olive Grove Missionary
8 Baptist Church and I have a daughter that's about her age.

9 Q And please tell the jury under what circumstances
10 have you had an opportunity to observe Courtney Price?

11 A Well, as I indicated, I am -- I've known the family
12 for many, many, years. I've known her mother. We're also
13 members of the same church, so I've known her from primary
14 a community and also from that -- the perspective of being
15 a member of the same church and also from the fact that,
16 you know, like I said, I have a daughter about her age, so
17 they've been engaged in a lot of the same kinds of church
18 activities: Dance, choir, et cetera. So we've had a
19 chance to see her on many occasions.

20 Q And do you hold any title in the church that you're
21 referring to?

22 A Yes, sir, I'm also a minister.

23 Q Okay. And as a minister and a person who attends
24 that church regularly, and you said that you know
25 Courtney's church activities even with your own daughter,

Jerry N. Govan, Jr. - Direct Examination by Mr. Grant

1 would you tell the jury exactly what church activities that
2 Courtney participated in at your church?

3 A Well, she, like many of the youth of our church,
4 participated in the youth choir and I think she also -- she
5 also participated in dance along with my daughter Lawanda.

6 Q And did Courtney, in your opinion, from what you
7 observed, does she attend church regularly?

8 A Yes.

9 Q Do you think, then, sir, based upon the time that
10 you've known Courtney Price and based upon the
11 circumstances and conditions from which you have had an
12 opportunity to observe her, do you think that you have had
13 an adequate opportunity to establish an opinion as to her
14 truth and voracity.

15 A Yes, sir. I think I've had an adequate opportunity
16 to establish an opinion.

17 Q And would you please tell the jury what your
18 opinion is as to Courtney Price's truth and voracity?

19 A Well, in my opinion, I believe that Ms. Price is a
20 truthful person. I've never seen anything to demonstrate
21 to me otherwise. She is very cordial, very polite and, you
22 know, from what I've been able to observe and the
23 environment that I've seen her in, she's a truthful person.

24 Q Has she ever told you anything that you later found
25 to be untrue?

Jerry N. Govan, Jr. - Direct Examination by Mr. Grant

1 A No, sir.

2 Q All right, sir. And again, considering the times
3 and opportunities and circumstances for which you had an
4 opportunity to observe Courtney Price, do you think you've
5 had an adequate opportunity to establish that opinion as to
6 her law-abidingness and her peacefulness?

7 A An opinion, sir.

8 Q Yes, sir. And would you please tell the jury what
9 your opinion is as to whether Courtney Price is a
10 law-abiding person and a peaceful person from what you have
11 observed?

12 A From all that I know, she is, sir.

13 Q Okay. And, you know that Courtney Price is charged
14 with murder; is that right?

15 A Yes, sir.

16 Q And based upon the person that you know and you
17 have observed, does the charge of murder seem to be
18 inconsistent about what you know about Courtney Price?

19 MS. CORNWELL: I object to that question, Your
20 Honor.

21 THE COURT: Yes, I would sustain the objection.

22 MR. GRANT: Thank you, I have no further questions
23 Representative Govan.

24 THE COURT: Thank you. Thank you very much,
25 Mr. Grant.

Jerry N. Govan, Jr. - Cross-Examination by Ms. Cornwell

1 Solicitor?

2 CROSS-EXAMINATION

3 BY MS. CORNWELL:

4 Q Good morning, Representative how you doing this
5 morning?

6 A Good morning.

7 Q I appreciate you being here. You testified that
8 you've had an opportunity to view Courtney at church and
9 through church activities. Would you agree that sometimes
10 people represent themselves in a different light in a
11 church atmosphere than they sometimes would out in public?

12 A It -- base on my experiences with people -- and
13 you're just asking my opinion?

14 Q Yes, sir.

15 A I think that in a close environment like a church,
16 that on the sort term perhaps so, but in terms of the long
17 term, over the years you get to pretty well get a good feel
18 for people that are part of the church body.

19 Q Okay. And you feel that you've gotten to know
20 Courtney in that sense?

21 A Yes. And as I testified in that sense, yes.

22 Q Okay. You testified that you felt that she was a
23 truthful person.

24 A Based on what I know.

25 Q Based on what you know?

Jerry N. Govan, Jr. - Cross-Examination by Ms. Cornwell

1 A Yes, ma'am.

2 Q Are you aware that she attempted to get a hotel
3 room at one point. She couldn't fulfill the obligation of
4 going and registering at that hotel, wanted to get a
5 refund, had some problems getting a refund and finally, she
6 actually was laughing about it with a friend and said, Hey,
7 I finally got my refund from the hotel. I had to lie to
8 get it, but I got it, laugh out loud.

9 Would you agree that if she's admitting to lying
10 for her own benefit to get money back, that would not be a
11 truthful thing to do?

12 A Yes, that would.

13 Q And you also testified to her peacefulness. You
14 know her as a peaceful person, obviously, when she's around
15 church; and church, she's probably not going to act too
16 crazy, you would agree with that?

17 A Well, it is church, but, you know, we're all pretty
18 much -- if you're asking me whether that I assume to know
19 everything that everyone does on a day-to-day minute, then
20 I -- it would be impossible for anybody in here to say that
21 they absolutely know any of us to that extent.

22 Q Absolutely.

23 A Unless you're the person upstairs.

24 Q And I am definitely not Him. And you agree with

25 Me: You never know anybody's full person. You only know

Jerry N. Govan, Jr. - Cross-Examination by Ms. Cornwell

1 what they've shown you. And you've testified as to what
2 Courtney's shown you. And she probably has shown you as
3 being a peaceful person. But if I told I that Courtney
4 told the victim in this case on several occasions to go
5 kill himself, that she hoped he died, that she hopes he
6 burns in hell. If I told you that she text messaged his
7 sister that if -- and these are her words and I apologize
8 for the language that if, I fuck his shit up, he's going
9 the cry like a little bitch. That's not very peaceful, is
10 it?

11 A Well, that would sound totally out of context to
12 the person that I know.

13 Q And the person that you know, obviously, you've
14 testified is peaceful, but the type of person that would
15 say that, you would agree that that's not a peaceful
16 statement?

17 A Well, I would submit to you that just since you're
18 asking my opinion, and I interact with a lot of different
19 circumstances. I think you would also have the look at
20 that within the context of what it was said.

21 Q Okay. And I would agree with you on that. If I
22 also told you -- and this is not even in relation to the
23 victim in this case, but that she had threatened other
24 people where she's said things such as, you know how I
25 roll, bitch, I can run up on you, run up on me any time you

Jerry N. Govan, Jr. - Redirect Examination by Mr. Grant

1 want. Ask your girl Trina how I run when I break those
2 windows out. That would be a -- an aggressive and violent
3 statement, would you agree with that?

4 A It would, but again, that would be totally out of
5 context to the person. I've never heard her articulate in
6 that way at all, you know, in all the years I've known her,
7 so again, I couldn't attest for what she wouldn't say
8 around me. But I can only attest to the person that I know
9 and have interacted with.

10 Q Of course. Thank you.

11 MS. CORNWELL: No further questions.

12 THE COURT: Redirect, Mr. Grant?

13 MR. GRANT: Yes, sir.

14 REDIRECT EXAMINATION

15 BY MR. GRANT:

16 Q Representative Govan, again, with as long as you've
17 been knowing Courtney, have you ever heard of her being
18 arrested or charged with breaking anybody's windows out?

19 A No.

20 Q Have you ever heard of her being arrested or
21 charged with any crime at all?

22 A No.

23 Q In the time that you've known her prior to being
24 charged with this?

25 A No.

Breanna Tilley - Direct Examination by Mr. Grant

1 Q Okay. Thank you.

2 MR. GRANT: Nothing further.

3 THE COURT: Recross examination, Solicitor?

4 MS. CORNWELL: No recross, Your Honor.

5 THE COURT: Thank you. Thank you so much for being
6 with us this morning, Representative Govan.

7 THE WITNESS: Thank you, Your Honor.

8 THE COURT: Thank you for your service.

9 All right. Mr. Grant.

10 MR. GRANT: Your Honor, yes, sir. At this time we
11 will call Breanna Tilley to the stand.

12 THE COURT: All right. Ms. Tilley, if you would
13 come around and be sworn for us, please.

14 BREANNA TILLEY,
15 having been duly sworn, testified as follows:

16 THE CLERK: All right. You may have a seat. And
17 please state your name for the record. And will you please
18 spell your first and last name.

19 THE WITNESS: Breanna Tilley, B-R-E-A-N-N-A,
20 T-I-L-L-E-Y.

21 THE CLERK: Thank you.

22 **DIRECT EXAMINATION**

23 BY MR. GRANT:

24 Q Ms. Tilley, where do you live?

25 A I live in Orangeburg.

Breanna Tilley - Direct Examination by Mr. Grant

1 Q And how long have you been living in Orangeburg?

2 A All my life.

3 Q And do you know Courtney Price?

4 A Yes, sir.

5 Q And would you please point to her and call her name
6 and describe what she's wearing.

7 A (Pointing.) Courtney Price, light skinned, blonde
8 hair, blue suit.

9 Q All right.

10 MR. GRANT: Please let the record reflect that the
11 witness has identified Courtney Price.

12 THE COURT: So reflected.

13 BY MR. GRANT:

14 Q All right. Now, Ms. Tilley, tell the jury if you
15 will how is it that you know Courtney Price?

16 A I know Courtney Price because we went to Pre K
17 together at Trinity.

18 Q Pre K together at Trinity?

19 A Uh-huh.

20 Q All right. And did you go the high school together
21 as well?

22 A Yes.

23 Q And did you graduate together?

24 A Yes, we did.

25 Q From Orangeburg-Wilkinson High?

Breanna Tilley - Direct Examination by Mr. Grant

- 1 A Yes, sir.
- 2 Q Did you go the college?
- 3 A Yes, sir.
- 4 Q And where did you go to college?
- 5 A We went to South Carolina State University.
- 6 Q And who was your roommate during your freshman year
- 7 at South Carolina State?
- 8 A Courtney Price was my suite mate.
- 9 Q Tell the jury -- your suite mate. Tell the jury
- 10 whether or not you ever had an opportunity during the time
- 11 when you were Courtney Price's suite mate to meet her
- 12 boyfriend, Samuel Simmons?
- 13 A Yes, I did meet him.
- 14 Q You did have a chance to meet him?
- 15 A Uh-huh.
- 16 Q All right. And in meeting Samuel Simmons and
- 17 knowing that she -- he and Courtney were dating, did you
- 18 ever have an opportunity to observe any exchanges between
- 19 Courtney Price and Samuel Simmons that bothered you and you
- 20 considered disturbing?
- 21 A Yes, I did.
- 22 Q Tell the jury if you will what you observed and
- 23 what you saw.
- 24 A Well, there were always verbal altercations. I
- 25 always heard verbal altercations. As I stated on Monday it

Breanna Tilley - Direct Examination by Mr. Grant

1 was becoming a ritual. I always heard it. But it was one
2 particular incident where I had to get involved. I heard
3 them verbally arguing and I heard something knocking on the
4 wall. I don't know what was going on because my door was
5 still closed at the time.

6 But what made me come out of my room was she was
7 calling my name and when I went out of my room, he was
8 pulling her by her hair, dragging her on the floor and I
9 intervened.

10 Q Samuel Simmons was doing this?

11 A Yes.

12 Q And you heard Courtney call your name?

13 A Yes.

14 Q Can you describe the tone and your perception of
15 the manner in which she was calling your name?

16 A Like she needed help.

17 Q Like she needed help. And when you saw her and saw
18 Sam pulling her by her hair and dragging her across the
19 room, what did you conclude as to whether she needed help
20 or not?

21 A I concluded she needed help.

22 Q And tell the jury again, what did you do to provide
23 the help?

24 A I pulled her legs so that he could stop dragging
25 her and I pushed him aside.

Breanna Tilley - Direct Examination by Mr. Grant

1 Q Now, you said you heard a lot of verbal exchanges
2 and I think you said it was becoming a ritual?

3 A Yes.

4 Q Can you tell me -- tell the jury some of the words
5 that you may have heard coming from Samuel Simmons towards
6 Courtney that may have concerned you?

7 A Profanity. Basically.

8 Q Now, I don't want you to use the profanity, but can
9 you abbreviate, knowing what the profanity means with this
10 jury? Or spell it?

11 A I heard a lot of B-I-T-C-H.

12 Q Okay. So did you hear Samuel calling Courtney
13 B-I-T-C-H?

14 A Yes.

15 Q And how often would you say you heard Samuel
16 calling her a B-I-T-C-H?

17 A It was often.

18 Q Often. And from what you observed during that
19 relationship with Courtney and Samuel, considering what
20 Courtney was going through with him, did it appear to you
21 that Courtney was afraid of him?

22 A Yes.

23 Q Okay. All right. And did you ever have
24 opportunities to observe Courtney considering her
25 complexion as was pointed out earlier, did you ever have an

Breanna Tilley - Cross-Examination by Ms. Cornwell

1 opportunity to observe Courtney as to whether or not she
2 had any bruises on her?

3 A I noticed she had dark marks on her arm.

4 Q Dark marks on her arm?

5 A Uh-huh.

6 Q Did you ever see Courtney crying at any time?

7 A Uh-huh.

8 Q In response to what she'd been going through with
9 him?

10 A Yes.

11 Q How often would you see on her body?

12 A I can't say how many times I saw marks on her, but
13 it was quite a few times.

14 Q Quite a few times. All right. Thank you, Ms.
15 Tilley.

16 MR. GRANT: No further questions of this witness.

17 THE COURT: All right. Solicitor?

18 MS. CORNWELL: Thank you, Your Honor.

19 **CROSS-EXAMINATION**

20 BY MS. CORNWELL:

21 Q Good morning, Ms. Tilley?

22 A Good morning.

23 Q Appreciate you being here. I know this can't be
24 easy for you?

25 A Yes.

Breanna Tilley - Cross-Examination by Ms. Cornwell

- 1 Q You stated that you've known Courtney since
2 preschool, y'all have grown up together. High school,
3 college suite mates?
- 4 A Yes.
- 5 Q So y'all are great friends, aren't you?
- 6 A We're not that close, but, yeah.
- 7 Q All right. And you don't want to see anything bad
8 happen to her; you'd do anything for her, wouldn't you?
- 9 A I wouldn't do anything for her, but...
- 10 Q Good friend. You obviously have some concerns for
11 her and you have helped out in the past?
- 12 A Yes.
- 13 Q I want to talk about a couple of things that you
14 had mentioned, you said that you had some concerns over
15 the -- over Ms. Price's relationship with the victim in
16 this case?
- 17 A I did.
- 18 Q And that you had heard some verbal altercations.
19 Did you ever do anything about that? Those concerns? Did
20 you ever try to tell her not to be involved with him
21 anymore?
- 22 A I did not.
- 23 Q Didn't go to her family and express any concerns?
- 24 A I did not.
- 25 Q You never talked to a counselor or anybody about

Breanna Tilley - Cross-Examination by Ms. Cornwell

1 the concerns?

2 A No, ma'am.

3 Q And then let's talk about this time that you said
4 you saw the victim, Mr. Simmons, drag Ms. Price by her
5 hair.

6 A Uh-huh.

7 Q I believe you stated that you had heard a verbal
8 altercation, something coming from her room, some knocking
9 around?

10 A Uh-huh.

11 Q But you don't know what happened until --

12 A No, my door was closed.

13 Q So for all you know, Ms. Price could have attacked
14 Mr. Simmons in her room and you wouldn't have known that,
15 right?

16 A My door was closed.

17 Q Because your door was closed.

18 Okay. And then talking about these bruises.
19 Obviously, she has light skin?

20 A Uh-huh.

21 Q And are you aware that she's diabetic?

22 A Yes.

23 Q And that can sometimes affect circulation?

24 A I'm aware.

25 Q So she would probably bruise pretty easily

Breanna Tilley - Redirect Examination by Mr. Grant

1 sometimes?

2 A Uh-huh.

3 Q Okay. And you never asked her about what those
4 bruises were from, did you?

5 A I did not.

6 Q So you have no idea where these bruises were from?

7 MS. CORNWELL: No further questions.

8 THE COURT REPORTER: I didn't get her answer.

9 THE WITNESS: No.

10 THE COURT REPORTER: Thank you.

11 THE COURT: Redirect, Mr. Grant?

12 REDIRECT EXAMINATION

13 BY MR. GRANT:

14 Q You were asked whether or not you would do anything
15 to help Courtney. Would you commit perjury and risk the
16 possibility of going to prison?

17 A Oh, no, sir.

18 Q Okay. Now, going back to your hearing and
19 observing the incident between Samuel and Courtney on that
20 particular day.

21 A Uh-huh.

22 Q And when you heard Courtney's voice, again, what
23 was your impression as to what was happening to her when
24 she yelled for you?

25 A I assumed it had to be pretty serious because she

Jamal Scott - Direct Examination by Mr. Grant

1 never called me out before.

2 Q It seemed like she was calling you because she was
3 getting beat up?

4 A Yes.

5 Q Thank you.

6 MR. GRANT: No further questions of this witness.

7 THE COURT: Recross examination, Solicitor?

8 MS. CORNWELL: No, Your Honor.

9 THE COURT: Thank you. Thank you very much, Ms.
10 Tilley, you may step down. Thank you for being with us.

11 All right. Mr. Grant.

12 MR. GRANT: Thank you, Your Honor. Jamal Scott,
13 Your Honor.

14 THE COURT: All right.

15 JAMAL SCOTT,

16 having been duly sworn, testified as follows:

17 THE CLERK: Thank you, you may have a seat. Please
18 state your name again for the record.

19 THE WITNESS: Jamal Scott.

20 **DIRECT EXAMINATION**

21 BY MR. GRANT:

22 Q Mr. Scott, where do you live now, sir?

23 A In Charlotte, North Carolina.

24 Q And you came all the way from Charlotte, North
25 Carolina to testify in this particular case?

Jamal Scott - Direct Examination by Mr. Grant

- 1 A Yes, sir.
- 2 Q And Mr. Scott, how old are you today?
- 3 A I'm 24.
- 4 Q And what type of work do you do?
- 5 A I'm a bartender in Charlotte.
- 6 Q A bartender?
- 7 A Yes, sir.
- 8 Q Do you know Courtney Price, my client?
- 9 A I do.
- 10 Q Would you please point to her, call her name and
- 11 describe what she's wearing?
- 12 A (Pointing.) That's Courtney Price, light skin,
- 13 blonde hair, blue suit.
- 14 Q All right, sir.
- 15 MR. GRANT: Your Honor, again, please let the
- 16 record reflect the witness has identified Ms. Price.
- 17 THE COURT: So reflected.
- 18 MR. GRANT: Thank you, Judge.
- 19 BY MR. GRANT:
- 20 Q And Mr. Scott, how long have you known Courtney
- 21 Price?
- 22 A Since elementary school.
- 23 Q Since elementary school?
- 24 A Yes, sir.
- 25 Q All right. Did you also know a fellow by the name

Jamal Scott - Direct Examination by Mr. Grant

1 of Samuel Simmons?

2 A I did.

3 Q And what is your understanding as to the
4 relationship was between Courtney Price and Samuel Simmons?

5 A They were boyfriend and girlfriend.

6 Q They were boyfriend and girlfriend?

7 A Yes, sir.

8 Q Did you ever have occasion to witness a physical
9 altercation between Samuel Simmons and Courtney Price?

10 A Not physical, a verbal, yes.

11 Q A verbal altercation?

12 A Right.

13 Q Okay. And during that verbal altercation, what did
14 you hear being said?

15 A Going back and forth and a whole bunch of cursing.

16 Q Whole bunch of cursing.

17 A Yes.

18 Q And what type of language was Samuel using toward
19 Courtney?

20 A Definitely vile. It was an argument, so it wasn't
21 very simple.

22 Q And I know you don't curse, but I'm just asking you
23 would you please spell the foul language that you heard?

24 A B-I-T-C-H and you get on my fucking nerve and stuff
25 like that.

Jamal Scott - Direct Examination by Mr. Grant

1 (Laughter.)

2 Q I didn't think you did.

3 All right, sir. But that's what he said,

4 Mr. Scott?

5 A Yes, sir.

6 Q Okay. And he was directing that language toward

7 Courtney?

8 A He was.

9 THE COURT: That wasn't directed toward Mr. Grant,
10 was it?

11 (Laughter.)

12 BY MR. GRANT:

13 Q All right. Now, in your observations of Courtney,
14 have you ever seen any types of scratches or bruises upon
15 her?

16 A Yes, I have.

17 Q And tell the jury where would you see those
18 scratches and bruises upon Courtney? What part of her
19 body? That's what I'm asking.

20 A On her arm. One time it was like a big scratch on
21 her leg.

22 Q On her leg?

23 A Or some on her arm.

24 Q Did you discuss with Courtney where these bruises
25 come from?

Jamal Scott - Direct Examination by Mr. Grant

1 A I didn't.

2 Q And do you know anything about Samuel Simmons'
3 drinking habits at the time? Whether or not he drank
4 alcohol?

5 A Yes.

6 Q And tell the jury if you will what you personally
7 observed when it comes to him drinking alcohol? How would
8 he change or how would he react?

9 A Well, we actually never drank alcohol together, but
10 he was more -- it was more so casual than anything, but he
11 definitely became more aggressive toward Courtney when he
12 drank. For what reason, I don't know.

13 Q So when he drank he became more aggressive toward
14 Courtney than anybody?

15 A Right.

16 Q That's your testimony?

17 A That's right.

18 Q Did his temper also seem to get short when he
19 drank?

20 A Occasionally.

21 Q Okay. Did you ever notice anything about
22 Courtney's eyes on any occasion as to whether or not they
23 were swollen?

24 A Not swollen, but when she would cry, it would get
25 real puffy.

Jamal Scott - Direct Examination by Mr. Grant

- 1 Q So you've actually seen her crying?
- 2 A Uh-huh.
- 3 Q Was she crying as a result of what was going on
- 4 between her and Sam?
- 5 A Yes.
- 6 Q From what you observed of that relationship, did
- 7 Sam -- well, from what you observed during that
- 8 relationship, how did it appear to you that Sam treated
- 9 Courtney with regard to whether he was nice to her or mean
- 10 to her?
- 11 A Both.
- 12 Q Both. But certainly he had opportunities and times
- 13 when he wasn't mean to her?
- 14 A Right.
- 15 Q And you saw that for yourself?
- 16 A Yes.
- 17 Q And again, you said the B word and something about
- 18 the F word -- I don't want to repeat it; but whatever you
- 19 said and you described; is that right? You get on my F'ing
- 20 nerve; is that right?
- 21 A Uh-huh.
- 22 Q All right. Thank you, sir.
- 23 MR. GRANT: No further questions of this witness.
- 24 THE COURT: Thank you, Mr. Grant.
- 25 Solicitor?

Jama1 Scott - Cross-Examination by Ms. Cornwell

CROSS-EXAMINATION

1
2 BY MS. CORNWELL:

3 Q Good morning, Mr. Scott.

4 A Good morning.

5 Q I appreciate you being here. UNC Charlotte?

6 A Yes, ma'am.

7 Q 49er's?

8 A 49ers.

9 Q Doing pretty good this year, aren't they.

10 A They are. They are.

11 Q Right. I just wanted to talk to you about a couple
12 of things. You stated that you heard verbal arguments and
13 we've gone through some of the language that you've heard
14 the victim saying to Ms. Price. You also agree that it was
15 a verbal argument. Ms. Price was also using some profanity
16 towards the victims as well, correct?

17 A It was an argument.

18 Q Okay. And I believe you said that Sam became
19 mildly aggressive if he would drink?

20 A Yeah, somewhat.

21 Q Have you ever been around Ms. Price when she was
22 drinking?

23 A Yes.

24 Q It's true that she would get somewhat mildly
25 aggressive when she drank too?

Jamal Scott - Redirect Examination by Mr. Grant

1 A I never witnessed her getting aggressive towards
2 him.

3 Q Okay. Okay. If she would talk to people about
4 going out and getting white girl wasted and being crazy up
5 in the bar and the club, would that kind of go along with
6 what you know of her drinking?

7 A Not that I can testify -- I mean, I'm not sure of
8 it. I don't --

9 Q And if you don't know, I don't want --

10 A I don't know.

11 Q And then, again, you said that you sometimes saw
12 bruises. You never asked her how she got those bruises?

13 A I don't know.

14 Q And are you aware that she has diabetes?

15 A Yes, I am.

16 Q And with that blood condition, she can bruise
17 easily, can't she?

18 A Yes, ma'am.

19 Q Thank you.

20 MS. CORNWELL: That's all the questions I have,
21 Your Honor.

22 THE COURT: Redirect, Mr. Grant?

23 MR. GRANT: Yes, Your Honor, thank you.

24 REDIRECT EXAMINATION

25 BY MR. GRANT:

Jamaal Scott - Redirect Examination by Mr. Grant

1 Q Mr. Scott, going back to what you observed with
2 this relationship with Courtney and Sam, was there ever an
3 occasion when you had to take Sam home after an altercation
4 with Courtney?

5 A Yes.

6 Q All right. And why did you take him home?

7 A Because they were arguing and me being her friend
8 and he being Courtney's friend I just wanted to, like,
9 excuse him from the situation and I didn't want to have him
10 take her home or him find another ride being there and we
11 knew each other. So me being the bigger person, I took him
12 home.

13 Q So you took him home to get him away from Courtney?

14 A Right. Or to get them away from each other, yeah.

15 Q Okay. Thank you, sir.

16 MR. GRANT: No further questions of this witness.

17 THE COURT: Solicitor?

18 MS. CORNWELL: No further questions, Your Honor.

19 THE COURT: Thank you. Thank you very much,
20 Mr. Scott. Thank you for being with us this morning.

21 MR. GRANT: Your Honor, we would call Dominique
22 Price to the witness stand.

23 THE COURT: All right. Ms. Price if you would come
24 around and be sworn, please.

25 DOMINIQUE PRICE,

Dominique Price - Direct Examination by Mr. Grant

1 having been duly sworn, testified as follows:

2 THE CLERK: Thank you. You may have a seat.

3 Please state your name and spell your name for the record,
4 please.

5 THE WITNESS: My name is Dominique Price.

6 D-O-M-I-N-I-Q-U-E, P-R-I-C-E.

7 THE CLERK: Thank you.

8 **DIRECT EXAMINATION**

9 BY MR. GRANT:

10 Q Ms. Price, where do you live, Ms. Price?

11 A [REDACTED] Jernigan, Orangeburg, South Carolina.

12 Q All right. And where do you live?

13 A With my sister, my mother and my nephew.

14 Q And your sister's name is?

15 A Courtney Price.

16 Q All right. I don't need you to point and call her
17 name because she's your sister; is that correct?

18 A Right. Right.

19 Q All right. And so, you know your sister obviously
20 well, as a sister; is that correct?

21 A Correct.

22 Q All right. Now, how old are you today?

23 A 31.

24 Q Okay. And do you have any other sisters other than
25 Courtney?

Dominique Price - Direct Examination by Mr. Grant

1 A No, it's just the two of us.

2 Q And is it fair to say that you and Courtney have a
3 close relationship?

4 A Yes.

5 Q Are you aware of the boyfriend/girlfriend
6 relationship that Courtney had with a gentleman named
7 Samuel Simmons?

8 A Yeah.

9 Q And how long were you aware of that relationship
10 and Courtney was dating him? How long were they dating as
11 far as you know?

12 A They dated for a while. They were teenagers when
13 they got together.

14 Q Teenagers when they got together?

15 A Yeah.

16 Q Do you know of any type of difficulties involving
17 Courtney and Sam that may have -- or that may have -- or
18 that, not may have -- that involved physical cruelty by Sam
19 upon Courtney?

20 A Yes.

21 Q Please tell the jury what you know.

22 A One incident was when I got home from work. I was
23 working at Regents Salon in the mall. So I would get home
24 between 7 and 9 p.m. and I remember getting there and Sam
25 and his brother were in his father's pick-up truck. And so

Dominique Price - Direct Examination by Mr. Grant

1 they were chasing her --

2 Q Okay. Now what's Samuel's brother's name?

3 A Donte Garvin.

4 Q And is that gentleman in the courtroom today?

5 A No, I don't see him.

6 Q You don't see Donte in court today?

7 A Huh-huh.

8 Q All right. But Donte Garvin, Samuel Simmons'
9 brother, they were in the truck together?

10 A Right.

11 Q All right. Start from there and tell us what you
12 saw and what happened.

13 A My sister was driving her white Honda sedan and so
14 she was trying to get away from him and he was chasing her,
15 like they was on a high speed chase in my mother's yard.
16 And so he ran into the light pole on the side of our home
17 trying to get to her. And so when he wrecked into the
18 light pole, that was her way to get away from him. So once
19 he pulled the truck back in reverse to get off the light
20 pole, he then ran into one of our family friend's cars that
21 was parked in the yard. He went to slam into the car.

22 So then he got out of the car and I said what is
23 going on, what is wrong with you. And his words was -- can
24 I curse?

25 Q Yes, you can say exactly what it is because it's

Dominique Price - Direct Examination by Mr. Grant

1 that important.

2 A I'm going to pistol whip that bitch.

3 Q That's what he told you?

4 A Yeah.

5 Q And what else did you observe about his demeanor
6 and state of sobriety when he got out of that truck?

7 A Well, when he got out of the truck, he got out with
8 a 12-pack of Bud Lite and I think a pint of gin. I don't
9 know if his brother had the gin or he had it. But both of
10 them had alcohol.

11 Q So he was chasing your sister, actually around your
12 mother's house?

13 A Right.

14 Q From what you observed, how -- can you please
15 describe from what you observed the manner and the urgency
16 of which your sister was trying to get away from Samuel
17 Simmons?

18 A What you mean like?

19 Q Yeah, how fast was she going? Just describe it --

20 A Oh, it was like a roller derby in my mother's yard.
21 Like I didn't understand what was going on. But it was
22 ridiculous.

23 Q And from what you observed, your impressions at
24 that time, and what he said, and observing him, do you
25 believe that if he had caught up with her that he would

Dominique Price - Direct Examination by Mr. Grant

1 have pistol whipped her?

2 A Oh, yeah, because he was pissed. Now at what, I
3 don't know. But he was upset.

4 Q Did you tell Courtney that Sam said he was going to
5 pistol whip that B?

6 A Yeah. And she was embarrassed because of the fact
7 that he felt comfortable enough to tell me that and I'm her
8 sister.

9 Q And the period of Samuel and Courtney dating, were
10 there occasions where you had opportunities to observe
11 bruises to your sister?

12 A Yeah. And then it was like with her, when it came
13 to me and my mom, it seems to me, you know, when you in
14 love with someone and they're abusing you, it's
15 embarrassing to let your family in on what's really going
16 on. So it was like I would notice things, but I wouldn't
17 always be going -- because I wanted her to come out, you
18 know, and talk to me about it.

19 Q And tell the jury what you noticed on her.

20 A Bruises.

21 Q And where did you notice these bruises, Dominique?

22 A Different places: Neck area, arms. And just the
23 odd part of wearing long sleeves when the temperature is
24 80, 90 degrees in South Carolina summer.

25 Q And why did you think Courtney was doing that based

Dominique Price - Direct Examination by Mr. Grant

1 on what you observed and now know about?

2 A To hide it.

3 Q You ever see any bruises to her face or eyes?

4 A More puffiness to her eyes.

5 Q Did you or anybody else ever talk to Samuel about
6 this? About what you felt and observed him doing to your
7 sister? Particularly on the chase night.

8 A That night, I wanted to know what was going on and
9 I did mention to him, I said you and Courtney need to just
10 leave each other alone.

11 Q And tell me, once again, the truck that Samuel was
12 driving, the truck came into contact with how many
13 vehicles?

14 A One.

15 Q And then it backed up and hit another vehicle, you
16 said?

17 A No, it hit the one parked vehicle in my mother's
18 yard, but he ran into my mom's light pole.

19 Q The utility pole in your mom's yard?

20 A Yeah.

21 Q And was the utility pole damaged?

22 A Yeah.

23 Q Did it have to be repaired or did it have to be --
24 and when I say repaired, I'm really talking about repaired
25 as opposed to replaced.

Dominique Price - Cross-Examination by Ms. Cornwell

1 A Yeah, it had to be repaired.

2 Q Okay. How much damage was done to that truck from
3 what you observed?

4 A It had a dent in it. And then when he hit the
5 other car, it broke the headlight on the challenger.

6 Q And that other car that it hit, did that belong to
7 you or a member of your family?

8 A Yeah; a member of our family. A family friend.

9 Q Okay. From what you observed and what you know,
10 did Courtney seem to be afraid of Sam?

11 A Very much so. But she loved him, though.

12 Q She was very much afraid of him and she loved him
13 at the same time?

14 A Right.

15 Q That's what you observed?

16 A Uh-huh.

17 Q Thank you very much.

18 MR. GRANT: No further questions of this witness.

19 THE COURT: Thank you, Mr. Grant.

20 Solicitor?

21 **CROSS-EXAMINATION**

22 **BY MS. CORNWELL:**

23 Q Good morning, Ms. Price?

24 A Good morning.

25 Q You're Courtney's older sister?

Dominique Price - Cross-Examination by Ms. Cornwell

1 A I'm her only sister.

2 Q Her -- but are you older or younger?

3 A I'm the oldest.

4 Q Thank you. I'm sorry.

5 And you love your sister, right?

6 A Uh-huh.

7 Q And you're the big sister, you're the protector and
8 if you wanted -- you came to help her out, would that be a
9 fair assessment?

10 A Yeah.

11 Q And this incident you were talking about, where you
12 said that you saw him chasing her she was driving her white
13 sedan and he hit the light pole and then hit the family
14 car?

15 A Friend, uh-huh.

16 Q And you stated that he got out of the car and made
17 this statement about pistol whipping and I believe you told
18 me before that after you saw them get out with the drinking
19 that they sat around for a while?

20 A They sat around for a little bit, not too long.

21 Q And then got another call and they left?

22 A Uh-huh.

23 Q So after you've seen this, what you described as a
24 roller derby event in your mother's yard and him getting
25 out and threatening your sister the way she did (sic) why

Dominique Price - Cross-Examination by Ms. Cornwell

1 would you let them stay at the house and continue drinking.

2 A Because whether or not you know it or not, before
3 all this came about, we were kind of close to their family.

4 Q Uh-huh.

5 A So that played a big part too in a lot of things.

6 Q So you were close to his family, but you never
7 expressed any concerns to his family --

8 A They know.

9 Q Did you personally ever express --

10 A No, because that wasn't may place.

11 Q Okay. And you also stated that you didn't really
12 talk to Courtney about any of this, that you didn't want to
13 bring it up to her, you wanted her to bring it up to you?

14 A Yeah.

15 Q Okay. So even though you saw bruises and you saw
16 the roller derby and Sam threatening to pistol whip her, as
17 her big sister who wants to protect her, you still never
18 called the police, discussed things with his family, pulled
19 her aside and tried to convince her to leave him, you never
20 did any of that?

21 A Like I said, I told him that night that y'all need
22 to leave each other alone if y'all can't get along.

23 Q But that's the only time you ever said anything to
24 them about --

25 A Right because in another sense, you can't make two

Dominique Price - Cross-Examination by Ms. Cornwell

1 people leave each other alone.

2 Q But --

3 A Because if a person is going to leave -- they're
4 going to leave that person when they're done and they're
5 fed up. As far as calling the police though, I didn't do
6 it because like I said, at the time, we were close to his
7 family. Most of the time when you call the police on a
8 domestic dispute, they don't do anything until someone is
9 dead like in this situation.

10 Q But in saying that -- I mean, again, if you thought
11 that she was in such grave danger of such immense violence,
12 you wouldn't -- I mean, you didn't think it was necessary
13 to call the police, to confront his family, to even tell
14 your family, we've got to keep Courtney away from him,
15 he's threatening -- he just threatened to, I think in your
16 words, pistol whip her?

17 A Yeah, I did say that.

18 Q And that didn't raise red flags of, Hey, we've got
19 to get her away from him now?

20 A Because I knew the nature of their relationship and
21 I knew at the same time as much as she loved him, she was
22 going to go right back.

23 Q And with the nature of this relationship, you would
24 agree that Courtney can be jealous and aggressive as well?

25 A As aggressive as what?

Dominique Price - Cross-Examination by Ms. Cornwell

1 Q Just aggressive in confronting people and going
2 after people and standing up for what she believes is
3 wrong --

4 A Going after people, I can't vouch for that. But
5 standing up for what she believe, yes.

6 Q And so, if she had threatened to break out
7 somebody's window, things like that, is that consistent
8 with the aggressive --

9 A I never knew anything of her saying that or even
10 witness her breaking out anyone's windows.

11 Q Okay. Okay. If she texted to somebody from her
12 phone, you wouldn't know thing about that?

13 A I wouldn't.

14 Q Okay. And Courtney was also fairly jealous, wasn't
15 she?

16 A Not to my knowledge.

17 Q Not about financial or anything?

18 A What you mean, financial?

19 Q She wasn't jealous about people getting money or
20 getting gifts that she didn't get or that she wasn't --

21 A No, not at all.

22 Q No? Y'all didn't get into an argument about you
23 receiving a bunch of things from your mom and it not being
24 fair because your mom buys you all this stuff and doesn't
25 buy her anything?

Dominique Price - Cross-Examination by Ms. Cornwell

1 A We sisters, we argue --

2 MR. GRANT: Objection --

3 THE WITNESS: -- all the time.

4 MR. GRANT: -- relevance to that line of questions.

5 THE COURT: Overruled.

6 BY MS. CORNWELL:

7 Q So in texts where she says, I'm feeling real salty
8 and jealous, Mom's buying Dominique all this stuff and not
9 buying me anything. She doesn't pay for anything on me. I
10 have to pay all my stuff by myself while Dom gets new
11 bedding and a new dresser. That's not true?

12 A Well, if she texts somebody that, I don't know
13 about that, she never mentioned it to me.

14 Q Okay. Just one second?

15 (There was a pause in the proceedings.)

16 BY MS. CORNWELL:

17 Q So when she was upset with you and texted you, it's
18 no need for you to be telling anyone that I'm mad at Mom
19 about your car. She need to stop calling me telling me how
20 she tired of paying your rent. She fuss about you not
21 being able to make payments on a car for 380 something but
22 bragging about 365, what's the \$25 dollar. We both know
23 she do more for you, so no need to play it off like I'm
24 upset for no reason. According to her she bought you a
25 bedroom set as well as other things, but she can't name one

Dominique Price - Cross-Examination by Ms. Cornwell

1 thing she bought me, let alone help me buy my place,
2 realistically speaking, we both know she's going to pay
3 your rent payments on that car. But don't expect me to
4 just give her gas money and lunch money when I'm left to
5 take care of myself, by myself. Shaking my head.

6 MR. GRANT: Your Honor, I don't mean to interrupt
7 Counsel, but I want to state a continued objection for the
8 record to this narrative and also is there a question
9 coming and to the line of questioning in and of itself.

10 THE COURT: And I -- I don't label it as a
11 narrative if she's reading texts, but you are protected on
12 the record, Mr. Grant.

13 MR. GRANT: Yes, sir.

14 MS. CORNWELL: Thank you, Your Honor.

15 BY MS. CORNWELL:

16 Q Shaking my head, if she go do -- if she's doing all
17 she claim for you, you should be sending her money, because
18 she's clearly helping you more than me. That's not -- that
19 wasn't a jealous text that she had about getting mad about
20 people buying stuff for you and not her?

21 A She had a right to feel that way because that's our
22 mother, you know.

23 Q Okay. So she would get jealous at times?

24 A All women get jealous at times.

25 Q Of course. And then with the bruises and things

Dominique Price - Redirect Examination by Mr. Grant

1 Like that that you saw, given your sister's medical
2 condition, she bruised quite frequently, didn't she?

3 A Yeah, but she never bruised from diabetes. My
4 sister was a diabetic since she was 14.

5 Q And so she would bruise easily and with her light
6 skin you would see bruises pretty easily?

7 A When she would be in a physical altercation, she
8 would bruise.

9 Q And people also bruise from bumping up against
10 things, running up against corners of tables, things like
11 that. I mean there's a number of ways to get bruises. You
12 would agree?

13 A Yeah.

14 MS. CORNWELL: Thank you, Your Honor. I have no
15 further questions.

16 THE COURT: Redirect, Mr. Grant?

17 **REDIRECT EXAMINATION**

18 BY MR. GRANT:

19 Q Do you have any doubt that the physical -- that the
20 bruises that you saw on Courtney came from the hands of
21 Samuel Simmons?

22 A No doubt.

23 Q None whatsoever?

24 A (Witness shook head.)

25 Q Is that correct?

Dominique Price - Recross-Examination by Ms. Cornwell

1 A (Witness shook head.)

2 Q Okay. Thank you.

3 MR. GRANT: No further questions of this witness.

4 THE COURT: Recross, Solicitor?

5 RECROSS EXAMINATION

6 BY MS. CORNWELL:

7 Q You never actually saw Sam put his hands on her?

8 A Yes, I have.

9 Q You've never testified to anything --

10 A Because it wasn't asked. He asked me about one
11 incident that happened at my mother's home. But I seen him
12 yolk her off of our back step.

13 Q This is the first time you've ever --

14 A And whenever my mom called the police. He left and
15 I ended up getting arrested.

16 Q Okay. And the incident you're talking about when
17 your mom called the police, your mom actually said that
18 Courtney started that fight?

19 A My mom didn't see the whole thing.

20 Q Okay.

21 MS. CORNWELL: Nothing, further, Your Honor.

22 THE COURT: Thank you. Thank you very much,
23 Ms. Price, you may step down.

24 MR. GRANT: Your Honor, we'd call Ms. Latoya Felder
25 James to the stand.

Latoya Felder James - Direct Examination by Mr. Grant

1 THE COURT: All right. Ms. James if you'd come
2 around and be sworn for us, please.

3 LATOYA FELDER JAMES,
4 having been duly sworn, testified as follows;

5 THE CLERK: Thank you. You may have a seat.
6 Please state your name again for the record.

7 THE WITNESS: Latoya Felder James.

8 THE CLERK: Thank you.

9 **DIRECT EXAMINATION**

10 BY MR. GRANT:

11 Q Good morning, Ms. James.

12 A Good morning.

13 Q How old are you today?

14 A 29.

15 Q 29 years old?

16 A Yes.

17 Q And where did you go the school?

18 A Orangeburg-Wilkinson High and Claflin University.

19 Q And are you employed right now?

20 A I am.

21 Q Where are you employed?

22 A At Pecan Grove Child Development Center in
23 Orangeburg.

24 Q And do you live in Orangeburg -- so you obviously
25 live in Orangeburg now?

Latoya Felder James - Direct Examination by Mr. Grant

1 A Yes.

2 Q Okay. And do you know my client Courtney Price?

3 A I do.

4 Q And please point to her and call her name and
5 describe what she's wearing if she's in the courtroom?

6 A (Pointing.) Courtney Price, blonde hair, light
7 skinned, blue suit.

8 MR. GRANT: And let the record, please, Judge,
9 reflect that the witness has identified Ms. Price in the
10 courtroom.

11 THE COURT: So reflected.

12 MR. GRANT: All right.

13 BY MR. GRANT:

14 Q And Ms. -- should I call you Ms. Felder James or
15 Ms. James, which one?

16 A Ms. James will be all right.

17 Q All right. And Ms. James, please tell us how is it
18 that you know Courtney Price?

19 A I know her. Her child attends my center.

20 Q Her child --

21 A C.D.S. her and Sam's child, attends my center.

22 Q Little C.D.S. the baby boy?

23 A Yes.

24 Q He attends your center?

25 A He does.

Latoya Felder James - Direct Examination by Mr. Grant

1 Q Okay. And have you ever had any instances to
2 witness what you saw on Courtney Price and that you thought
3 was a bruise and considered to be a bruise?

4 A Yes. There were three different physical type of
5 bruises I've noticed and I've heard verbal abuse.

6 Q Let's talk about the first physical, the second
7 physical, and the third and then we'll get to the verbal.
8 So let's take them one at the time.

9 A Okay. Well, I can't tell you what the exact date
10 was, but I do know how the weather was because that kind of
11 raised a concern to see her with these type of clothing on
12 and type of weather.

13 Q Well, let's talk about that. Let me ask you
14 specifically, what type of weather was it: Well, the first
15 time, it was a verbal and physical at the same time?

16 A Okay. First time she came to pick up her child and
17 she was on the phone while she was getting him. Like I say
18 being a professional, I don't meddle in the parent's
19 business, but if it's the children I notice anything on,
20 I'm going to interfere because that's my child. I take
21 care of their child. If I notice anything on the child, I
22 have to report it. That's with any children that attend
23 the center.

24 But when she came in, she was on the phone and she
25 was getting her child, so I helped her -- I was getting her

Latoya Felder James - Direct Examination by Mr. Grant

- 1 bag and getting her baby to go and she had a jacket on and
2 it was pretty hot outside. And I didn't say anything to
3 her about the jacket because she's on the phone, obviously,
4 but I did hear the person on the other line was a male and
5 he was saying hurry and get your A home.
- 6 Q And when you say A are you referring to the word
7 A-S-S?
- 8 A Yes.
- 9 Q All right. Go ahead:
- 10 A And he said he's tired of this S and there was some
11 other words --
- 12 Q And when you say S are you referring to the word
13 spelled S-H-I-T?
- 14 A Yes, sir.
- 15 Q Okay. Just got to get it straight for the record.
16 Go ahead.
- 17 A And he was just -- I could hear because he was
18 yelling. And she was still crying like she was kind of
19 crying and I heard her, she was saying, Okay, Sam; so I'm
20 thinking it may have been Samuel.
- 21 Q So person that was on the phone using the word get
22 your A home and S-H-I-T, you heard her refer to that person
23 in response as Sam?
- 24 A Yes, sir.
- 25 Q All right. Go ahead. Tell the jury what else.

Latoya Felder James - Direct Examination by Mr. Grant

1 A And as she was bending down to pick up her child
2 and pull him back up with the phone on her ear her jacket
3 kind of fell off of her a little and she hurried and put it
4 back up, but I already seen the bruise that was on her arm.

5 Q So from what you saw, and the bruise that you saw
6 on her and the manner in which she was trying to put the
7 jacket back on, was it your impression at that time that
8 she was trying to hide the bruise?

9 A Yes.

10 Q Okay. And let me know a little bit more about the
11 weather. In your opinion, being out at that scene and at
12 that point on that day, did it appear to you to be too hot
13 for her to have on that kind of jacket?

14 A Yes, sir. It was pretty hot. Her child had on a
15 little short set along with other children in the center
16 and I didn't think to put a jacket on him, so...

17 Q Right. All right.

18 A And, as she was leaving, she got off the phone, I
19 heard her tell C.D.S. she just said, C.D.S. your daddy
20 getting on my nerves and that's the -- they were leaving at
21 this time.

22 Q So she further confirmed that it was Sam that she
23 was talking to because she told C.D.S. that his daddy,
24 which is Sam, was getting on her nerves; is that correct?

25 A Yes.

Latoya Felder James - Direct Examination by Mr. Grant

1 MS. CORNWELL: Your Honor, I'm going to make an
2 objection at this point just in general, but the defense
3 counsel is testifying once the witness gives her answer, if
4 we could not reiterate her answer and have the defense
5 counsel testify to it as well.

6 THE COURT: All right. Well, you can certainly
7 track --

8 MR. GRANT: Yes, sir.

9 THE COURT: -- the information. You can't testify,
10 obviously, Mr. Grant.

11 MR. GRANT: And I'm not trying to testify.

12 THE COURT: I understand. And as I told the jury
13 before, the questions are a frame work by which the
14 witness -- the evidence is extracted from the witnesses
15 testifying under oath.

16 Thank you. Thank you, Solicitor.

17 Mr. Grant.

18 MR. GRANT: Thank you, Judge.

19 BY MR. GRANT:

20 Q And on another day, did you ever see Ms. Price with
21 shades inside the building that gave you some concern?

22 A At that -- this particular day, I opened the door
23 and I know it was cold outside and I noticed she had on
24 dark shades but they weren't as large as the bruise that I
25 seen on her eye. It was a -- she had a black eye. It was

Latoya Felder James - Direct Examination by Mr. Grant

1 dark.

2 Q How big was the frame on the shades?

3 A I know they were circular, but that weren't large
4 enough to hide the dark eye.

5 Q I want to make sure I'm straight on this and
6 tracking your testimony. The bruise was so big that it
7 couldn't -- that the shades couldn't even hide it?

8 A No, sir.

9 Q Okay. All right. And --

10 A She was also -- seemed like she was crying, just in
11 her tone. And I did, on that particular day ask her if she
12 was okay. And she's like, I'm all right.

13 Q Can you describe -- say it again what she said?

14 A She -- I asked her if she was okay on this
15 particular day and she just said she was all right.

16 Q And describe the manner in which she said again,
17 like you just did?

18 A She sounded like she was crying. You know, when we
19 open the door, we greet the parents. Hey, how you doing.
20 She sound like -- I couldn't see if her eyes were red or
21 anything because she had shades. Obviously, I just seen
22 the dark bruise on her eye.

23 Q And what color was the bruise?

24 A It was black.

25 Q And is a black bruise on the eye, did you see

Latoya Felder James - Cross-Examination by Ms. Cornwell

1 anything around her neck?

2 A I did not look at her neck at the time because the
3 eye kind of took my distraction from it.

4 Q Okay. Was there any other incidents where you felt
5 that you noticed bruises on Courtney?

6 A Another time she came to the center, she was
7 wearing shorts and she had a bruise on her leg.

8 Q A bruise on her leg?

9 A Yeah.

10 Q Was it -- and what about her arms? Did you see any
11 kind of bruises on her arms?

12 A The time that she had the jacket on and the jacket
13 kind of fell off.

14 Q Okay. Okay. From what you saw, what you've heard
15 and observed with regards to hearing Sam on the phone and
16 the things that you saw, what impression did you have at
17 that time as to what Courtney Price might have been going
18 through in her relationship with Sam?

19 A I believe it was an abusive relationship.

20 Q Okay. Thank you, ma'am.

21 MR. GRANT: No further questions of the witness.

22 THE COURT: Thank you, Mr. Grant.

23 Solicitor?

24 MS. CORNWELL: Thank you, Your Honor.

25 CROSS-EXAMINATION

Latoya Felder James - Cross-Examination by Ms. Cornwell

1 BY MS CORNWELL:

2 Q Good morning, Ms. James, how you doing?

3 A Good morning.

4 Q You keep -- you kept the defendant's son at
5 daycare?

6 A Yes, ma'am.

7 Q So you've known them for about a year?

8 A Yes.

9 Q And the defendant pays, correct?

10 A She does.

11 Q All right. I'm going to kind of go over some of
12 these bruises you witnessed. You never inquired into how
13 she received any of these injuries, correct?

14 A No.

15 Q And you never made any reports to authorities or
16 anything like that on being concerned of an abusive
17 relationship, did you?

18 A No, ma'am, my concern, like I said is with the
19 child.

20 Q Sure. And the child never presented with any
21 injuries other than I think a bug bite I saw a conversation
22 about?

23 A No. He's just, you know, a typical little boy. Of
24 course, they get -- well, boys love -- he did get quite a
25 few mosquito bites. We had to take him outside, though.

Latoya Felder James - Cross-Examination by Ms. Cornwell

1 Q As somebody with fair skin, I think bugs are just
2 attracted to fair skin.

3 A I think they may be.

4 Q These bruises that you witnessed, the one day you
5 talk about she was wearing a coat but it wasn't hot
6 outside --

7 A No, it was hot outside.

8 Q I'm sorry, it was hot outside. And she would
9 always come and pick up her son after work, correct? Most
10 of the time?

11 A Most of the time.

12 Q And you're aware that she worked at a bank and
13 South Carolina State University?

14 A I am.

15 Q And those are professional places?

16 A Yes, ma'am.

17 Q So even in the summer when the weather is warm
18 outside and a lot of times it's required to wear a jacket
19 of some sort. You can't just wear spaghetti straps and
20 tops, things like that?

21 A I'm not sure on this particular day if she was
22 working or not. I didn't ask that question. It looked
23 like she may have been at work.

24 Q Okay.

25 A But she did have on long sleeves, something you

Latoya Felder James - Cross-Examination by Ms. Cornwell

1 would wear to like a job.

2 Q Okay. And you said that she was on the phone and
3 you heard him talking about hurry up and get our A home?

4 A Yes, ma'am.

5 Q And I'm tired of this S. Are you aware that the
6 victim and the defendant didn't live together?

7 A Well, now, I know.

8 Q And are you also aware that the victim in the case,
9 Sam, actually lived in Myrtle Beach and he worked Monday
10 through Friday, early into Saturday and would only get to
11 come home about over other weekend?

12 A I believe I did hear that one time.

13 Q And you obviously kept C.D.S. Monday through
14 Friday, correct?

15 A Yeah.

16 Q So now, you also discussed seeing her come in with
17 shades on and saw a black eye. You don't know how she got
18 that black eye, do you?

19 A I just asked if she was okay and she didn't really
20 say -- she didn't tell me anything, she just said she was
21 okay.

22 Q Okay. So for all you know if she had gotten into
23 an altercation with another female, she could have gotten
24 the black eye that way?

25 A I'm sure.

Latoya Felder James - Redirect Examination by Mr. Grant

1 Q It's possible?

2 A It could have been possible.

3 Q You don't know because you never asked?

4 A I didn't ask.

5 Q And then the bruise on the leg. Obviously, again,

6 we know that she's light skinned. She has a medical

7 condition so she could probably -- she bruises pretty

8 easily, correct? Or she could bruise pretty easily?

9 A I couldn't say that or not.

10 Q I had to look it up myself.

11 A Okay.

12 Q But because you never asked about the bruises, you

13 don't know how she got those bruises, correct?

14 A (Witness shook head.)

15 Q So you can't actually say whether or not she was in

16 an abusive relationship, can you?

17 A No, ma'am, not based on, you know, those

18 circumstances, no, ma'am.

19 MS. CORNWELL: No further questions.

20 REDIRECT EXAMINATION

21 BY MR. GRANT:

22 Q But based on the totality of what you observed, I

23 think you testified hearing him curse at her, seeing the

24 bruises, seeing her crying. Your testimony was you believe

25 that was your opinion from what you saw, your profession

Latoya Felder James - Redirect Examination by Mr. Grant

1 was --

2 MS. CORNWELL: Objection, Your Honor, totally
3 leading.

4 THE COURT: I would sustain the objection.

5 BY MR. GRANT:

6 Q What was your impression based on what you thought
7 based on what you saw and observed?

8 MR. GRANT: Yes, sir, I'm asking it different.

9 THE COURT: All right.

10 MR. GRANT: She said I was leading, so I'm trying
11 to not lead.

12 THE WITNESS: I -- I thought --

13 THE COURT: Let me hear his question, again.

14 MR. GRANT: Thank you, yes, sir.

15 THE COURT: I apologize for the interruption.

16 MR. GRANT: Thank you, Judge.

17 BY MR. GRANT:

18 Q And based upon what you saw and observed, what was
19 your impression -- what was your impression at this time as
20 to what you believed about the relationship between Sam and
21 Courtney? Tell us that again.

22 A I -- in my opinion, I thought they were maybe in an
23 abusive relationship.

24 Q Okay. Thank you. Now, you were in charge of the
25 daycare. You were asked if you were in charge of the

Latoya Felder James - Recross-Examination by Ms. Cornwell

1 daycare?

2 A Yes, sir.

3 Q And being in charge of the daycare, who did you
4 receive money from to pay the daycare?

5 A Courtney.

6 Q And was there ever any difficult in paying the
7 money to the daycare?

8 A Yes, quite a few times she actually had to beg me
9 the keep him in there so he wouldn't lose his spot because
10 sometimes she couldn't pay me.

11 Q You ever receive any kind of money from Samuel
12 Simmons toward daycare?

13 A No, sir.

14 Q Thank you.

15 MR. GRANT: Nothing further.

16 **RECROSS EXAMINATION**

17 BY MS. CORNWELL:

18 Q On the daycare payments, are you aware that Sam
19 would give direct -- money directly to Courtney so that
20 Courtney could pay you?

21 A Well, the time that she was late giving me the
22 money, she would let me know that he didn't pay her
23 anything, he didn't give her any money so that's why she
24 couldn't do it at that time. So I would tell her, you just
25 have to pay the appropriate late fee and just catch up with

Latoya Felder James - Recross-Examination by Ms. Cornwell

1 it when you can.

2 THE COURT: Answer the solicitor's question.

3 THE WITNESS: No, ma'am, I didn't know if he gave
4 her any money or not.

5 BY MS. CORNWELL:

6 Q Okay. And all this that you just said, that's just
7 stuff that Courtney told you. You don't know whether Sam
8 actually gave her money and she just spent it somewhere
9 else, do you?

10 A No, ma'am.

11 MS. CORNWELL: That would be all, Your Honor.
12 Thank you.

13 THE COURT: Thank you. Thank you, Ms. James. You
14 may step down. Thank you for being with us this morning.

15 MR. GRANT: Your Honor, we'd call Deneishia Brown
16 to the stand.

17 THE COURT: All right. Ms. Brown, if you'd come
18 around and be sworn for us, please.

19 DENEISHIA BROWN,
20 having been duly sworn, testified as follows:

21 THE CLERK: Thank you. You may have a seat.
22 Please state your name for the record. Spell your first
23 name.

24 THE WITNESS: Deneishia Brown. Deneishia,
25 D-E-N-E-I-S-H-I-A.

Deneishia Brown - Direct Examination by Mr. Grant

1 THE CLERK: Thank you.

2 DIRECT EXAMINATION

3 BY MR. GRANT:

4 Q Ms. Brown, where do you live?

5 A Columbia, South Carolina.

6 Q And where did you go the school?

7 A Claflin University.

8 Q You have a degree from Claflin?

9 A I do.

10 Q And what is your degree in?

11 A It's in accounting, business administration with a
12 concentration in accounting.

13 Q All right. How old are you right now?

14 A 25.

15 Q Do you know my client, Courtney Price?

16 A I do.

17 Q Is she in the courtroom today?

18 A She is.

19 Q Please point to her and call her name and describe
20 what she's wearing.

21 A Courtney Price, light skin, blonde hair, blue suit.

22 Q All right. And how is it that you know Courtney
23 Price?

24 A I know her -- I met Courtney through my son's
25 father. They worked at Walgreens together and we were

Deneishia Brown - Direct Examination by Mr. Grant

1 pregnant at the same time. So he kind of wanted us to get
2 in common with each other.

3 Q Were you ever aware that Courtney Price was dating
4 a fellow by the name of Samuel Simmons?

5 A I did.

6 Q And did you ever have any occasion to observe or
7 hear any discussions that concerned you between Samuel
8 Simmons and Courtney Price that made you concerned about
9 her and her safety?

10 A I did.

11 Q Okay. Tell the jury what that was that you heard
12 or that you observed?

13 A There was just a couple of occasions, probably
14 about two occasions where she was at my house and they were
15 arguing on the phone. I know that I couldn't understand
16 what he was saying, but I know he was yelling by the tone
17 of his voice and how she'd got off the phone upset.

18 Q Tell the jury how it is that you know it was Samuel
19 Simmons that she was talking to?

20 A When she would get off the phone, she said, I can't
21 do this anymore. I -- I can't, I'm done.

22 Q And how do you know she was talking about Samuel
23 Simmons when she said that?

24 A That's the only person that she was in a
25 relationship with.

Deneishia Brown - Cross-Examination by Ms. Cornwell

1 Q Okay. Now, that was one occasion. I think you
2 said there were two?

3 A Yeah. They -- it ended the same way. I think the
4 last one she was crying when she got off the phone then and
5 she was saying the same thing, I can't do this no more.
6 She was telling me how he's not owning up to his part, she
7 was just tired.

8 Q Could you ever hear whether or not there was any
9 profanity being on the -- profanity being used on the phone
10 between Sam and Courtney?

11 A I couldn't hear.

12 Q And did you have any occasion to witness whether or
13 not there was any marks on Courtney's body that you
14 observed?

15 A I saw a mark on her neck.

16 Q And what color was the mark that you saw on her
17 neck?

18 A It was a reddish, reddish mark on her neck, about
19 right here. And when she knelt down to get my son, it
20 showed through her hair.

21 Q Okay. Thank you.

22 MR. GRANT: No further questions of this witness.

23 THE COURT: All right. Solicitor?

24 MS. CORNWELL: Thank you, Your Honor.

25 CROSS-EXAMINATION

Deneishia Brown - Cross-Examination by Ms. Cornwell

1 BY MS. CORNWELL:

2 Q Ms. Brown, I think you said that you heard Sam and
3 Courtney arguing on the phone on two occasions, but you
4 couldn't hear what was being said?

5 A No, I couldn't hear what was being said.

6 Q And Courtney was arguing back with him a little
7 bit, wasn't she?

8 A Yes, ma'am.

9 Q And then the red mark that you saw on Courtney's
10 neck, you didn't ask her about it or ask her about how she
11 got it?

12 A I didn't.

13 Q So you don't know anything about that mark other
14 than you saw her neck a little red at one point in time?

15 A Yes, ma'am.

16 Q Thank you.

17 MS. CORNWELL: That's all, Your Honor, thank you.

18 THE COURT: Redirect, Mr. Grant?

19 MR. GRANT: No redirect.

20 THE COURT: Thank you. Thank you very much,
21 Ms. Brown. You may step down. Thank you for being with us
22 this morning.

23 MR. GRANT: The defense would call Officer Kelvin
24 Mack to the stand.

25 KELVIN MACK,

Kelvin Mack - Direct Examination by Mr. Grant

1 having been duly sworn, testified as follows:

2 THE CLERK: Thank you. You may take your seat.

3 Please state your name for the record. And spell your last
4 name.

5 THE WITNESS: My name is Officer Kelvin Mack.

6 THE CLERK: Thank you.

7 **DIRECT EXAMINATION**

8 BY MR. GRANT:

9 Q Officer Mack, you, sir, are now a police officer
10 with Holly Hill City; is that correct?

11 A Yes, sir.

12 Q Okay. Did you at one point used to work for the
13 Orangeburg County Sheriff's Department?

14 A Yes, sir, I did.

15 Q Okay. And in your capacity in working for the
16 Orangeburg Sheriff's Office, your job was to go out to
17 calls when they called you?

18 A Yes, sir.

19 Q And investigate the allegations of crime?

20 A Yes, sir.

21 Q All right, sir. And when you were a deputy with
22 Orangeburg, did you have occasion on January 22, 2012 -- if
23 you need to refresh your recollection, I will -- to go out
24 to discuss a matter pertaining to Courtney Price and
25 another individual?

Kelvin Mack - Direct Examination by Mr. Grant

1 A Yes, sir, I did.

2 Q All right. Tell the jury what you remember the
3 call was about; and what you went to do; and what you
4 observed when you got there.

5 A On January 22, I received a call from dispatch.
6 They advised me that a young lady had called stating that
7 she was assaulted by her boyfriend.

8 Q And what was the young lady's name?

9 A Courtney Price.

10 Q And what was the boyfriend's name?

11 A They didn't give the boyfriend's name.

12 Q They didn't give the boyfriend's name?

13 A No.

14 Q All right, sir. And did you go out to the location
15 where this incident occurred?

16 A Yes, I did.

17 Q And do you remember the address where you went to?

18 A I believe it was [REDACTED] Rio Drive and it's Orangeburg.

19 Q Yes, sir. Okay. And when you got there, who did
20 you see when you arrived?

21 A When I pulled up in the yard, I observed a young
22 lady and an older lady embraced, standing in the yard, in
23 the front yard.

24 Q So there was an older lady embracing a younger lady
25 at the yard?

Kelvin Mack - Direct Examination by Mr. Grant

- 1 A Correct.
- 2 Q Now, do you see the younger lady in the courtroom?
- 3 A Yes, sir, I do.
- 4 Q And can you point to her and describe what she's
5 wear?
- 6 A (Pointing.) The young lady sitting right here with
7 a blue suit, light skinned, long blonde hair.
- 8 Q Okay. And you know that person's name now?
- 9 A By the name of Courtney Price.
- 10 Q Courtney Price?
- 11 MR. GRANT: Let the record please reflect that this
12 officer has identified Courtney Price in the courtroom,
13 Your Honor.
- 14 THE COURT: So reflected.
- 15 BY MR. GRANT:
- 16 Q All right. And do you see the older lady in the
17 courtroom who was embracing her?
- 18 A Right now, I really couldn't --
- 19 Q Couldn't --
- 20 A -- describe what she looked like.
- 21 Q All right. Did you later assess though, who that
22 older lady was that was embracing her?
- 23 A Not at that particular time, my focus was on the
24 actual caller.
- 25 Q And when the lady was embracing Courtney, can you

Kelvin Mack - Direct Examination by Mr. Grant

1 describe what was going on with Courtney that required the
2 lady to embrace her?

3 A It appeared -- it appeared to me that she was upset
4 and distraught.

5 Q Okay. She was upset and distraught?

6 A Yeah.

7 Q Now, did I have an opportunity to observe Courtney
8 and talk to her yourself?

9 A Yes, I did.

10 Q And what did Courtney tell you happened to her?

11 A She -- well, prior to me interviewing her, she told
12 me that she had picked her boyfriend up from the County --

13 Q Okay.

14 A From the County Administration Building.

15 MS. CORNWELL: Object, Your Honor.

16 BY MR. GRANT:

17 Q Okay. She had picked her boyfriend up?

18 A She picked her boyfriend up.

19 THE COURT: Wait just a minute, let me rule. I
20 would sustain the objection.

21 MR. GRANT: Okay.

22 THE COURT: If you would rephrase the question.

23 And I would strike that response from the record.

24 MR. GRANT: All right.

25 MS. CORNWELL: Thank you, Your Honor.

Kelvin Mack - Direct Examination by Mr. Grant

1 BY MR. GRANT:

2 Q She went to pick her boyfriend up?

3 A Right.

4 Q And what did she say happened after she picked her
5 boyfriend up?

6 A She -- when they arrived at the house, he got out
7 of the vehicle and threw her phone on the concrete and
8 destroyed it.

9 Q And did she -- did she indicate or did you see
10 anything to indicate that she might have been injured,
11 physically injured as well?

12 A I saw a small abrasion on her neck.

13 Q Okay. Now, you do remember doing a report on this?

14 A Yes.

15 Q You might want to refresh your recollection on what
16 you actually wrote in your report, okay?

17 MR. GRANT: May I approach to refresh the witnesses
18 recollection?

19 THE COURT: Of course, yes, sir.

20 BY MR. GRANT:

21 Q Just take a look at that report, Deputy, the
22 narrative in there, just take your time.

23 A Okay.

24 Q And is that the report you wrote?

25 A Yes, sir.

Kelvin Mack - Direct Examination by Mr. Grant

- 1 Q Okay. I want to point to a couple of words.
- 2 A Uh-huh.
- 3 Q This unit noticed.
- 4 A Yes.
- 5 Q Okay. And what does it say after that?
- 6 A Just that I noticed a scratch on the side of her
- 7 neck.
- 8 Q After the word notice, what does it say?
- 9 A It says some scratches.
- 10 Q Some scratches, okay. So that's what you wrote
- 11 back then?
- 12 A Right.
- 13 Q And is it fair to say that your memory and
- 14 recollection would have been better when you wrote this
- 15 report than it is now?
- 16 A Correct.
- 17 Q Okay. So are you more convinced that you actually
- 18 witnessed, based on what you wrote and signed your name to
- 19 as the official report, some scratches on her neck?
- 20 A That's correct.
- 21 Q Okay. And did you ask Courtney Price with these
- 22 scratches on her neck, being embraced by the older woman,
- 23 whether she wanted to prosecute Samuel Simmons?
- 24 A I did, sir.
- 25 Q And what did Courtney decide?

Kelvin Mack - Direct Examination by Mr. Grant

1 A She said that basically she did not want to pursue
2 any charges, so what I did is I went and obtained a Consent
3 to Disregard Prosecution form out of my vehicle.

4 Q And take a look at this form, please, sir.

5 A Yes, this is the form.

6 Q Okay. And is that Courtney's signature on the
7 form?

8 A Yes, it is.

9 MR. GRANT: Your Honor, I would offer the form
10 signed by Courtney as Defense Exhibit next in order.

11 THE COURT REPORTER: It's marked over there.

12 THE COURT: The form to not prosecute?

13 MS. CORNWELL: No objection, Your Honor.

14 THE COURT: What number is that, Madam Court
15 Reporter?

16 THE COURT REPORTER: I believe it's Number 8 -- or
17 9, Your Honor.

18 THE COURT: 9?

19 THE COURT REPORTER: I believe so.

20 THE COURT: All right. Defendant's 9 is in
21 evidence.

22 MR. GRANT: And I would offer Defendant's Exhibit 9
23 into evidence, Judge.

24 THE COURT: 9 is in evidence without objection.

25 (Defendant's Exhibit Number 9 was entered into

Kelvin Mack - Cross-Examination by Ms. Cornwell

1 evidence.)

2 MR. GRANT: No further questions of Officer Mack.

3 THE COURT: Thank you very much, Mr. Grant.

4 Solicitor?

5 CROSS-EXAMINATION

6 BY MS. CORNWELL:

7 Q Good morning Officer Mack.

8 A Good morning.

9 Q You've been with the Holly Hill Police Department
10 for about seven months?

11 A Yes, ma'am.

12 Q Before that you were at the Orangeburg County
13 Sheriff's Office for about six years?

14 A Yes, ma'am.

15 Q All right. How much law enforcement experience
16 total do you have?

17 A Total of fourteen years.

18 Q Okay. All right. And you've investigated quite a
19 few domestics since then?

20 A Yes, ma'am.

21 Q When you met up on this particular occasion, I
22 believe you stated that the victim was driving -- I'm sorry
23 the defendant was driving her car and it seems to me was at
24 Mr. Simmons' house?

25 A Correct.

Kelvin Mack - Cross-Examination by Ms. Cornwell

1 Q And you indicated that when he got out of the car,
2 he broke her phone?

3 A Correct.

4 Q So in order for the defendant to get attacked in
5 the way that she claimed she did, she would have had to get
6 out of her car, run around and confront him, correct?

7 A Correct.

8 Q And in your experience with domestic disputes,
9 fights usually go both ways, don't they?

10 A Yes, ma'am.

11 Q And when you got your report, there was no
12 statement ever given that Mr. Simmons' father had to drag
13 him off her -- the defendant, is there?

14 A No, I never spoke with the father.

15 Q Okay. And that allegation was never made to you,
16 correct?

17 A Not ever.

18 Q And when you indicated, I think today, you had
19 stated and maybe previously stated that there was a small
20 abrasion in your report, you note some scratches, minor
21 scratches?

22 A Yes, ma'am.

23 Q Nothing of the serious type of injury?

24 A No blood, just scratches.

25 Q And was Mr. Simmons, the victim in the case, was he

Kelvin Mack - Cross-Examination by Ms. Cornwell

1 on the scene when you arrived?

2 A No, ma'am.

3 Q Were you able to get a -- did you ever follow up
4 and get a statement from him or find out his side of what
5 happened?

6 A No, ma'am, I wasn't able to get any kind of
7 information on him.

8 Q And -- but your report was at his house, his
9 family's there?

10 A Correct.

11 Q And she declined to prosecute so there really
12 wasn't a necessity for it?

13 A Correct.

14 Q If this would have been a serious injury or there
15 was some concern over the safety and well being of
16 Ms. Price at the time, you would have further investigated
17 that, wouldn't you?

18 A Yes, ma'am, what I would have done is I would have
19 took that report and presented that to the judge and -- to
20 obtain a warrant.

21 Q Okay. And in your experience, even when people
22 fill out decline to prosecute forms, oftentimes an arrest
23 is still made based on the incident, correct?

24 A Based on the physical mentality of the crime, yes,
25 ma'am.

Kelvin Mack - Recross-Examination by Ms. Cornwell

1 Q And in this case, you did not feel that that was
2 necessary?

3 A Correct.

4 Q You did not think that this was a very serious
5 incident?

6 A Correct.

7 Q Thank you.

8 MR. GRANT: Redirect?

9 THE COURT: Yes, sir. Of course.

10 REDIRECT EXAMINATION

11 BY MR. GRANT:

12 Q Considering there was evidence of physical injury,
13 some scratches, as you testified --

14 A Right.

15 Q -- if Samuel Simmons did not leave, would you have
16 arrested him on the spot?

17 A Yes, I would have.

18 Q Thank you.

19 MR. GRANT: Nothing further.

20 THE COURT: Recross, Solicitor?

21 RECROSS EXAMINATION

22 BY MS. CORNWELL:

23 Q You would have arrested somebody on the spot simply
24 based on the statement given by somebody else or you would
25 have talked with him first and made an assessment after you

Kelvin Mack - Recross-Examination by Ms. Cornwell

1 spoke to him?

2 A I would have talked to him first and then made an
3 assessment.

4 Q And if in that statement he told you that she
5 assaulted him first and he was -- she obtained to injury
6 while he was trying to defend himself by pushing her off of
7 him, would you have made an arrest on both subjects at that
8 time?

9 A No, what I would have done is I would have
10 presented that to the judge and then go from there.

11 Q Okay. So at this time, neither party would have
12 been arrested and you would have presented it to a judge?

13 A Correct.

14 MS. CORNWELL: That's all, Your Honor.

15 THE COURT: Thank you.

16 Thank you very much, Officer Mack. Thank you for
17 being with us this morning.

18 THE WITNESS: Thank you, Your Honor.

19 MR. GRANT: Your Honor, may we have a brief recess?

20 THE COURT: Of course.

21 Mr. Foreman, ladies and gentlemen of the jury,
22 we'll take about a 15 minute recess. Do not discuss the
23 case during this brief recess. Thank you. You may go with
24 your bailiff.

25 (The jury left the courtroom at 11:03 a.m.)

Stacy Matthew - Direct Examination by Mr. Grant

1 THE COURT: All right. Court will be in recess 15
2 minutes.

3 MR. GRANT: Thank you, Your Honor.

4 (A brief recess was observed.)

5 THE COURT: All right. Anything from the State
6 before we bring in our jury?

7 MS. CORNWELL: No, Your Honor.

8 THE COURT: Defense.

9 MR. GRANT: No, Your Honor.

10 (The jury entered the courtroom at 11:22 a.m.)

11 THE COURT: All right. Our jury is back in place.
12 Solicitor, Mr. Grant.

13 Mr. Grant, you may call your next witness.

14 MR. GRANT: Thank you, Your Honor. At this time
15 the defense calls Stacy Matthew to the stand.

16 THE COURT: All right. Ms. Matthew, if you would
17 come around, please.

18 STACY MATTHEW,
19 having been duly sworn, testified as follows:

20 THE CLERK: Thank you, you may have a seat. Please
21 state your name for the record.

22 THE WITNESS: Stacy Matthew.

23 DIRECT EXAMINATION

24 BY MR. GRANT:

25 Q Ms. Matthew, where do you work?

Stacy Matthew - Direct Examination by Mr. Grant

1 A I work for the State Law Enforcement Division, more
2 commonly known as SLED.

3 Q And how long have you been working there?

4 A I've been working there for three years.

5 Q And what is your title and job at SLED?

6 A I'm a forensic toxicologist.

7 Q Tell the jury how is it that one becomes a forensic
8 toxicologist.

9 A Education-wise, I have a bachelor's of science
10 degree in chemistry from the University of New Haven, as
11 well as a bachelor's degree in forensic science from the
12 University of New Haven. In addition to that, I have been
13 certified by SLED in the analysis and interpretation of
14 body fluids.

15 This included a series of classroom and practical
16 training. The classroom training involved, lectures,
17 written law tests and the practical training involved
18 running over over 500 samples and learning how to use the
19 instruments. In addition to that, I've attended the Robert
20 S. Borkenstein course in Alcohol and Highway Safety. I've
21 attended courses at the South Carolina criminal justice
22 academy and I've also participated in a peer review study
23 hosted by Presbyterian College, School of Highway Safety.

24 Q All right. And are you a member of any
25 professional organizations in your field?

Stacy Matthew - Direct Examination by Mr. Grant

1 A The Society of Toxicologists.

2 Q And how long have you been a member of that
3 society?

4 A About a year.

5 Q Do you have to attend conferences and CLE's, I
6 guess, continuing education courses?

7 A I do.

8 Q Okay. And how often are you required to attend
9 those?

10 A At least once a year.

11 Q And are you current in your certification?

12 A Yes.

13 Q And are you current in your qualification as a
14 forensic toxicologist?

15 A Yes.

16 Q Have you ever testified in any courts in South
17 Carolina and maybe in federal court as a forensic
18 toxicologist.

19 A Besides a preliminary hearing, this would be the
20 first time.

21 Q All right. So you're kind of new to testifying in
22 court?

23 A I am.

24 Q All right.

25 MR. GRANT: Your Honor, at this time, I would offer

Stacy Matthew - Direct Examination by Mr. Grant

1 Ms. Stacy Matthew as a forensic toxicologist in the field
2 of testing blood for ethenol and also for testing blood --
3 ethenol in ocular fluid.

4 THE COURT: All right. Thank you, Mr. Grant.
5 Solicitor, any voir dire?

6 MS. CORNWELL: No, Your Honor. We have no
7 objection to Ms. Matthews -- Ms. Matthew, I apologize,
8 being an expert in blood alcohol.

9 THE COURT: All right. Ladies and gentlemen of the
10 jury panel, you've heard this instruction previously in
11 this trial. Normally a person cannot give opinion
12 testimony. Normally when a person testifies, they must
13 testify as to either what they saw, heard, or sensed by
14 smell, or something of that nature. However, there is an
15 exception when someone is qualified because of education,
16 training, experience in a particular art, science,
17 profession or craft. They are permitted to give their
18 opinions in certain areas and the basis of those opinions
19 if the Court qualifies them that way.

20 This witness, Agent Stacy Matthew, will be
21 qualified in the area of forensic toxicology to give
22 opinion testimony in that area. That does not mean that
23 you must accept the opinion, but it is evidence for you,
24 the jury, to use in any way you deem appropriate.

25 Thank you, Mr. Grant. You may continue.

Stacy Matthew - Direct Examination by Mr. Grant

1 MR. GRANT: Thank you, Judge.

2 BY MR. GRANT:

3 Q And Ms. Matthew, in your capacity as forensic
4 toxicologist, did you have an opportunity and a
5 responsibility to perform blood testing for alcohol in this
6 particular case on Samuel Simmons' blood?

7 A I did.

8 MR. GRANT: And may I approach the witness, Your
9 Honor?

10 THE COURT: Certainly, of course.

11 MR. GRANT: Thank you, Judge.

12 BY MR. GRANT:

13 Q I'm showing you what is marked as Defendant's
14 Exhibit Number 27.

15 A Sure.

16 Q Please review that exhibit for me.

17 (There was a pause in the proceedings.)

18 BY MR. GRANT:

19 Q And does that exhibit have -- first of all, what is
20 it?

21 A It is a copy of the report that I issued for this
22 case.

23 Q That you issued for this case?

24 A Uh-huh.

25 Q And does it have your signature on it?

Stacy Matthew - Direct Examination by Mr. Grant

1 A It does.

2 Q And what exactly did you test when it comes to
3 Samuel Simmons, when it comes to his blood?

4 A I tested Samuel Simmons blood for ethenol,
5 methanol, and Acetone and Isopropanol which are the main
6 volatiles that we test for. The result was positive for
7 ethenol at 0.187.

8 Q Now ethenol, is that simply alcohol?

9 A Ethenol is the type of alcohol you find in drinking
10 alcohol, yes.

11 Q All right. And what did you test the amount to be?

12 A 0.187.

13 Q And what is your understanding in your field as to
14 what the presumptive level is for intoxication in South
15 Carolina?

16 A That level of intoxication impairment for driving
17 is 0.08.

18 Q And this level is approximately how many times that
19 limit?

20 A Approximately twice.

21 Q Maybe a little more?

22 A A little bit more, yes.

23 Q Okay. And what about ocular fluid as far as
24 testing that for alcohol level? You see the section -- I
25 don't know if it's Item 3 or Number 4?

Stacy Matthew - Direct Examination by Mr. Grant

1 A That would be Item 3, yes.

2 Q Okay.

3 A Item 3 is ocular fluid and that was at a 0.211.

4 And --

5 Q So it was --I'm sorry, it was what?

6 A Ocular was a 0.211 and I was going to say that
7 ocular is your eye fluid.

8 Q Okay. So there was one level of alcohol in his
9 blood --

10 A Uh-huh.

11 Q -- but in the eyes is a little bit higher?

12 A A little bit, yes.

13 Q Okay. And again, when was this test done?

14 A The exact day of the test, I'm not sure. But the
15 report is November 24, 2014.

16 Q Okay. And did that report result from blood that
17 was drawn from the body of Samuel Simmons?

18 A Yes.

19 Q Okay. Now, let's talk about the effects of alcohol
20 and how that works. And your a forensic toxicologist?

21 A Uh-huh.

22 Q If somebody has a .187 level of blood alcohol in
23 their blood, in your opinion, does that tend to make them a
24 little more aggressive than they would normally be without
25 the alcohol?

Stacy Matthew - Direct Examination by Mr. Grant

1 A So ethenol is a central nervous system depressant.
2 It does not pharmacologically cause someone to become
3 aggressive. When you consume alcohol, when you start, it
4 lowers your inhibition and as you continue to consume
5 alcohol, it impairs your judgment, your perception on
6 events are declined, your decision making abilities are
7 becoming impaired and the way that you respond to
8 situations becomes declined.

9 So aggression is not necessarily in everyone
10 because if that was a case, everyone would become angry
11 when they drank, but it's possible that someone may or may
12 not have become a little more aggressive after consuming
13 alcohol.

14 Q But it impairs your judgment and your perceptions;
15 is that your testimony?

16 A Because of your judgment and your ability to assess
17 the situation and the events around you, you may not be
18 able to properly react as you would if you were in a sober
19 state of mind.

20 Q In your professional experience, have you ever
21 heard people say, I didn't realize I was doing that because
22 I was drunk?

23 A I've heard it in a regular day, yes.

24 Q Even as a regular person?

25 A Yes.

Stacy Matthew - Direct Examination by Mr. Grant

1 Q Okay. And if a person is, let's say choking
2 someone and they're drunk compared to them being sober --

3 A Uh-huh.

4 Q -- since alcohol impairs your judgment, is it
5 possible that they could continue to choke that person
6 longer and harder because they're drunk and don't even
7 perceive of it because they're intoxicated as opposed to
8 being sober and recognizing what they're doing? In your
9 opinion.

10 MS. CORNWELL: I would object to that, Your Honor.

11 THE COURT: I would sustain the objection.

12 MR. GRANT: Your Honor, may I get into opinions of
13 the expert?

14 THE COURT: Step out, please, ladies and gentlemen.
15 Do not discuss the case during this brief recess.

16 (The jury left the courtroom at 11:32.)

17 THE COURT: All right. Your objection, Solicitor?

18 MS. CORNWELL: Your Honor, the objection is based
19 on one, the leading nature of the question. The second
20 objection would be based on, she can testify as to blood
21 alcohol and how it reacts in the blood, but how it acts
22 with a person in a specific situation, choking somebody and
23 all that I believe is outside of her expertise and what
24 she's been qualified in.

25 THE COURT: All right.

Stacy Matthew - Direct Examination by Mr. Grant

1 MR. GRANT: My response, Judge?

2 The witness just testified that alcohol impairs
3 one's judgment and perception. And naturally -- and
4 inhibitions for that matter. And naturally, I was giving
5 the witness of an example of a scenario, where in that
6 scenario, could alcohol impair somebody's judgment or
7 perception? And she's entitled to give her opinion as an
8 expert.

9 THE COURT: I do not think she's an expert in the
10 behavioral patterns of individuals that maybe under the
11 influence of alcohol. And I think it's speculative. I
12 think each and every individual reacts to alcohol
13 differently. It's a depressant of the central nervous
14 system. It does lower inhibitions; therefore, it does
15 affect your judgment. It doesn't necessarily affect your
16 strength. You may think you're 10-foot tall and bullet
17 proof, but you may not be. So it doesn't necessarily
18 affect your strength or the pressure that you may bring to
19 bear on another party that you may be aggressive toward.
20 So I think that's outside of -- respectfully, I think
21 that's outside of Agent Matthew's area of expertise.

22 Anything further?

23 MR. GRANT: No, sir.

24 MS. CORNWELL: Thank you, Your Honor.

25 THE COURT: Yes, ma'am.

Stacy Matthew - Direct Examination by Mr. Grant

1 (The jury entered the courtroom at 11:34 a.m.)

2 THE COURT: Thank you, thank you, ladies and
3 gentlemen. I hate to have you jogging back and forth, but
4 I forewarned you.

5 With that being said, Mr. Grant, you may ask your
6 next question.

7 MR. GRANT: Thank you, Judge.

8 BY MR. GRANT:

9 Q Ms. Matthew, the Defendant's Exhibit Number 27 says
10 ileac blood. What's the significance of ileac blood? Is
11 that where the blood came from or --

12 A That's just the site of where the blood was drawn.

13 Q And where is the ileac blood? Explain that to us.
14 Where is it drawn from? Where is the ileac vein, or
15 whatever?

16 A The ileac vein is like closer to -- well, it's not
17 really a central, but it's up here. It's just like your
18 femoral, so...

19 Q Okay. And the testing procedures and everything
20 that was used, were they used in accordance of the accepted
21 methods of testing blood by SLED?

22 A Yes.

23 Q And pretty much accepted across the country?

24 A Yes.

25 Q Thank you.

Stacy Matthew - Cross-Examination by Ms. Cornwell

1 MR. GRANT: Your Honor, at this time I offer
2 State's Exhibit Number 27 into evidence. I think we had
3 already agreed on that.

4 MS. CORNWELL: No objection, Your Honor.

5 THE COURT REPORTER: It's defense.

6 THE COURT: All right. State's --

7 MR. GRANT: I misspoke.

8 THE COURT: Excuse me. Defense 27 is in evidence
9 without objection.

10 MR. GRANT: Thank you, Judge, Defendant's Exhibit
11 27.

12 (Defendant's Exhibit Number 27 was entered into
13 evidence.)

14 MR. GRANT: Thank you, no further questions of this
15 witness, Your Honor.

16 THE COURT: All right. Madam Solicitor?

17 MS. CORNWELL: Thank you, Your Honor.

18 **CROSS-EXAMINATION**

19 BY MS. CORNWELL:

20 Q Good morning Ms. Matthew, how are you?

21 A Good, how are you?

22 Q Good. You discussed some of the reactions that
23 alcohol can have on the body. Alcohol is a depressant, you
24 said?

25 A Yes, ma'am.

Stacy Matthew - Cross-Examination by Ms. Cornwell

1 Q And so it slows down your reaction time?

2 A It does.

3 Q And I believe you testified that had one of the
4 effects that alcohol can have on a body is that it can, you
5 know, lower inhibitions and make somebody more aggressive.

6 In that same sense, is the opposite true that being a
7 depressant, slowing down your system, it can cause somebody
8 to pass out or fall into a deep sleep?

9 A If you -- once you consume more alcohol, then, yes,
10 because it's a depressant. You would end up becoming more
11 sluggish, more drowsy and eventually you'll fall asleep.

12 MS. CORNWELL: No further questions, Your Honor.

13 Actually -- I'm sorry.

14 THE COURT: All right. Certainly.

15 BY MS. CORNWELL:

16 Q And alcohol reacts in different ways with different
17 people, correct?

18 A The -- alcohol is a depressant to everyone, but the
19 way your outward symptoms are presented is different in
20 every single person.

21 Q So if somebody who is 5'2", had about four
22 alcoholic beverages, that could affect them differently
23 than it would on a --

24 MR. GRANT: Objection, Your Honor, she can't give
25 an opinion.

Stacy Matthew - Redirect Examination by Mr. Grant

1 THE COURT: I would sustain the objection, based on
2 my previous ruling.

3 MR. GRANT: Yes, sir.

4 MS. CORNWELL: That would be all the questions I
5 have, Your Honor.

6 REDIRECT EXAMINATION

7 BY MR. GRANT:

8 Q Talking about inhibitions or aggressive, I think
9 that's word you used?

10 A Uh-huh.

11 Q Do you ever go to barbecues and see somebody that's
12 just drunk and every time he's drunk he wants to fight?
13 You ever seen that?

14 MS. CORNWELL: Objection, Your Honor.

15 THE COURT: I have.

16 (Laughter.)

17 THE COURT: But everybody at the barbecue is drunk.
18 So I would sustain the objection.

19 MR. GRANT: Then I have no further questions of the
20 witness.

21 THE COURT: Re -- well, I'm not sure there is any
22 recross because I don't think he redirected.

23 MR. GRANT: No further questions, Your Honor.

24 MS. CORNWELL: I'm pretty sure, I'm not going to
25 touch that, Your Honor.

Jessica Herring Stowe - Direct Examination by Mr. Grant

1 THE COURT: Thank you, Ms. Matthew, thank you so
2 much for being with us this morning. You may step down.

3 Any objections to the agent being excused.

4 MR. GRANT: No, sir, Your Honor.

5 MS. CORNWELL: Not from the State.

6 THE COURT: Thank you.

7 MR. GRANT: Your Honor, at this time, we'd call
8 SLED Agent Jessica -- to the stand.

9 THE COURT: Jessica.

10 MR. GRANT: She'll give me her last name in a
11 minute.

12 THE COURT: All right. Thank you, Mr. Grant.

13 MR. GRANT: Herring, Jessica Herring, yes.

14 THE COURT: Harrison?

15 MR. GRANT: Herring, Your Honor.

16 THE COURT: All right, sir.

17 All right. Come around and be sworn for us,
18 please.

19 JESSICA HERRING STOWE,
20 having been duly sworn, testified as follows:

21 THE CLERK: Thank you. You may have a seat.
22 Please state your name for the record and spell your last
23 name.

24 THE WITNESS: My name is Jessica Herring Stowe.

25 DIRECT EXAMINATION

Jessica Herring Stowe - Direct Examination by Mr. Grant

1 BY MR. GRANT:

2 Q Yes, ma'am. You recently got married; is that
3 correct?

4 A I did, yes.

5 Q All right. Yes, ma'am. Congratulations to you
6 again?

7 A Thank you.

8 Q And you work at SLED; is that correct?

9 A I do.

10 Q And how long have you been working at SLED?

11 A Almost four years.

12 Q And what is your job at SLED?

13 A I am a forensic serologist.

14 Q And what does a forensic serologist do? Can you
15 describe your daily activity and responsibilities?

16 A Sure. As a forensic serologist, we examine items
17 of evidence for body fluids, such as blood, semen, and
18 saliva, as well as looking for hair analysis. Once we
19 identify a body fluid for DNA for DNA analysis, we take
20 small samples. We forward these to the DNA section, to
21 develop a DNA profile. We generate a report based off our
22 findings and then we testify in court.

23 Q Okay. And you're trained as a serologist.

24 A I am. I participated in SLED's in-house training
25 program by a Court Qualified DNA Analyst and an Evidence

Jessica Herring Stowe - Direct Examination by Mr. Grant

1 Processing Technician.

2 Q And how long have you been working in the job you
3 have?

4 A How long have I been a serologist?

5 Q Yes.

6 A Almost four years.

7 Q Almost four years. All right. And are you a
8 member of any type of professional organizations?

9 A I am not, no.

10 Q Now, are you supposed to get any type of specific
11 credentials to be in that job other than the SLED training?

12 A Yes, educationally, I have a bachelor of sciences
13 in biological sciences from the University of South
14 Carolina, along with a minor in chemistry. I've also taken
15 numerous courses through places such as West Virginia
16 University, DNA.gov, DNA Initiative, in courses such as
17 evidence handling, laboratory safety, biological evidence,
18 as well as a graduate level course from the University of
19 Florida in biological evidence and serology.

20 Q As part of your job responsibilities and
21 professional capacity, are you capable of testing hair
22 follicles for DNA?

23 A No, I do not test them for DNA.

24 Q You don't test them yourself?

25 A No, I do not.

Jessica Herring Stowe - Direct Examination by Mr. Grant

1 Q Can they be tested?

2 A Yes, they can be tested.

3 Q Okay. They can be tested. So the serology
4 department can or cannot test hair follicles for DNA?

5 A Okay. Regarding hair as in the serology capacity,
6 we examine hair to determine if that hair is eligible for
7 DNA analysis.

8 Q All right. And before we get to this, let me make
9 sure I offer you as an expert in the field of forensic
10 serology and -- based upon your training.

11 THE COURT: Any objections, Solicitor?

12 MS. CORNWELL: No, Your Honor.

13 THE COURT: Again, ladies and gentlemen, I won't
14 repeat that entire charge, but this agent, Jessica Herring;
15 is that correct?

16 MR. GRANT: Last name again?

17 THE WITNESS: That sounds good.

18 MR. GRANT: Okay. All right.

19 THE COURT: Will be qualified in the field of
20 forensic serology.

21 MR. GRANT: Yes, sir.

22 THE COURT: You may continue, Mr. Grant.

23 MR. GRANT: Thank you, Judge.

24 BY MR. GRANT:

25 Q Now, Ms. Herring Stowe, when you look at the hair

Jessica Herring Stowe - Direct Examination by Mr. Grant

1 to determine whether it is capable of being DNA tested,
2 what are you looking for?

3 A We are looking for a root.

4 Q And a root makes a hair capable of being DNA
5 tested?

6 A The -- if you were to pull -- or if I were to pull
7 one of my hairs out right now --

8 Q Uh-huh.

9 A -- I would look at it under a fancy microscope,
10 it's called a stereoscope. I would look for, just to give
11 you a visual example, kind of like a bulb at the end of
12 this hair. And if I see a bulb, tissue, fleshy material,
13 I'm going to forward that for DNA analysis. So that would
14 be the part that would contain the nuclear material
15 potentially that could develop a DNA profile.

16 Q Now, is there a method that -- where hair can be
17 tested, even if there is no root attached to the hair
18 follicle?

19 A Regarding DNA?

20 Q Yes, ma'am.

21 A I am not a DNA expert so that would be outside of
22 my scope.

23 Q But are you aware of the term called -- and I'm
24 going to mess it up -- mitochondrial DNA, something you
25 told me about?

Jessica Herring Stowe - Direct Examination by Mr. Grant

1 A I am, yes. Mitochondrial DNA.

2 Q What type of DNA is that?

3 A That would be DNA from your mother, but, again,
4 this is outside my scope.

5 Q Well, I understand. But it's your [?] understanding as
6 a serologist though that that hair can be tested for
7 mitochondrial DNA on the shaft, even if there is no root?
8 Is that your professional training?

9 MS. CORNWELL: Your Honor, I'm going to object now,
10 she's said twice that that's outside of her scope, that
11 that's discussing DNA and she is qualified as a serologist.

12 THE COURT: Mr. Grant?

13 MR. GRANT: Well, just that if she knows, Your
14 Honor, the capacity of testing the hair. Not that she
15 tested it, or can test it herself, but she knows that a
16 hair follicle can be tested. Apparently, they've sent just
17 hair follicles to the testers before. I'll ask her whether
18 she is.

19 THE COURT: I don't -- not being an expert in the
20 field of DNA analysis, I think she can testify to -- within
21 her field of expertise as a forensic serologist and that
22 based on the criteria from serology, they determine whether
23 it should or should not be passed onto DNA --

24 MR. GRANT: Yes, sir.

25 THE COURT: -- for analysis.

Jessica Herring Stowe - Direct Examination by Mr. Grant

1 MR. GRANT: All right.

2 BY MR. GRANT:

3 Q And did you have an opportunity to receive a hair
4 follicle in this particular case pertaining to evidence
5 retrieved that I'm showing you there in your hand there?
6 You see that evidence package?

7 A I did. And --

8 Q And you -- I'm sorry, I didn't mean to cut you off.
9 Please go ahead.

10 A That's okay. I did receive this piece of evidence.

11 Q Okay. And was a hair follicle in that particular
12 container?

13 A Yes.

14 Q And after examining that particular hair follicle,
15 did it indeed have a root?

16 A It did, but it was not forwarded for DNA analysis.

17 Q It was not forwarded for DNA analysis, even though
18 it had a root?

19 A That would be correct.

20 Q All right. Now, you remember seeing this hair
21 follicle?

22 A Do I remember the actual hair?

23 Q Yes, ma'am, I'm asking you.

24 A No.

25 Q But you do remember receiving this hair follicle

Jessica Herring Stowe - Cross-Examination by Ms. Cornwell

1 with a root and it was not tested, is that correct?

2 A The only reason I can tell you that I remember
3 receiving it aside from my report, would be because of
4 the -- our SLED specific case number, the item number, as
5 well as my initials on this pouch.

6 Q And does your report that you created, did it
7 indicate where that hair follicle came from?

8 A It was submitted to us labeled, Loose hair from
9 right hand of Samuel Simmons.

10 Q From Samuel Simmons right hand?

11 A Yes.

12 Q Okay. All right.

13 MR. GRANT: Your Honor, I would offer this hair
14 follicle that's already been -- re-enter, I should say.
15 Enter into evidence as Defense Exhibit 25.

16 THE COURT: Solicitor?

17 MS. CORNWELL: No objection, Your Honor.

18 THE COURT: Defendant's 25, in evidence without
19 objection.

20 (Defendant's Exhibit Number 25 was entered into
21 evidence.)

22 MR. GRANT: No further questions of this witness,
23 Your Honor.

24 THE COURT: Thank you, Solicitor?

25 CROSS-EXAMINATION

Jessica Herring Stowe - Cross-Examination by Ms. Cornwell

1 BY MS. CORNWELL:

2 Q And I have it down as Ms. Herring, but you just
3 recently got married?

4 A Yes, that would be why my name is different now.

5 Q And tell me what it is again?

6 A Stowe, S-T-O-W-E.

7 Q Great. Well, Ms. Stowe, and congratulations again
8 on the marriage. When you received this hair --

9 A Uh-huh.

10 Q -- when you tested it, how was it described to you?

11 A All I know is how it was logged in as was, Hair
12 from right hand of Samuel Simmons.

13 Q So you don't know if that hair came from inside his
14 hand, from outside his hand, or where it came from, do you?

15 A I would have no idea.

16 Q And in doing serology, isn't it true that a person
17 loses between 50 and 100 hairs per day?

18 A Each person is definitely going to shed hair each
19 day. It's going to depend on that person how many hairs
20 are shed, but you're definitely shedding hair each day.

21 Q So for a hair to come out of your head, it doesn't
22 necessarily have to be pulled from your head, does it?

23 A No, no, huh-huh.

24 MS. CORNWELL: No further questions, Your Honor.

25 MR. GRANT: No redirect, Your Honor.

Deborah Byrd - Direct Examination by Mr. Grant

1 THE COURT: Thank you. Thank you, so much Agent
2 Stowe --

3 THE WITNESS: Thank you.

4 THE COURT: -- for being with us today. You may
5 step down.

6 Any objections to this officer being excused?

7 MR. GRANT: Your Honor, at this time, we'd call Ms.
8 Debbie Byrd to the stand.

9 THE COURT: All right. Ms. Byrd, please come
10 around and be sworn.

11 DEBORAH BYRD,
12 having been duly sworn, testified as follows:

13 THE CLERK: Thank you. You may have a seat. And
14 please state your name for the record and please spell your
15 last name, Ms. Byrd.

16 THE WITNESS: My name is Deborah Byrd. Last name
17 is B-Y-R-D.

18 THE CLERK: Thank you.

19 **DIRECT EXAMINATION**

20 **BY MR. GRANT:**

21 Q Ms. Byrd, where do you work?

22 A Orangeburg Public Safety.

23 Q And how long have you been working there?

24 A In this capacity? As evidence --

25 Q No, real. Discard that.

Deborah Byrd - Direct Examination by Mr. Grant

- 1 A Eleven years.
- 2 Q Eleven years?
- 3 A Yes, sir.
- 4 Q And how much total time you have in law
5 enforcement?
- 6 A Sixteen years.
- 7 Q Sixteen years in law enforcement. Where did you
8 work before Orangeburg?
- 9 A I had worked with the sheriff's department.
- 10 Q The sheriff's department and then you came over to
11 the city in?
- 12 A Well, I originally started off with the city in
13 1995 as a Public Safety Officer.
- 14 Q Okay.
- 15 A And then I transferred to the sheriff's
16 department --
- 17 Q And as --
- 18 A -- as a deputy.
- 19 Q Yes, ma'am. And as the evidence custodian, did you
20 have to go through any special training for that particular
21 position?
- 22 A No.
- 23 Q No, they just assigned you to the job?
- 24 A Yes, sir.
- 25 Q Okay. All right. And as an evidence custodian, do

Deborah Byrd - Direct Examination by Mr. Grant

1 you remember when -- we've already offered Defense Exhibit
2 Number 25 into evidence and it's in the evidence. Do you
3 remember when I came over to the evidence room to take a
4 look at the evidence in this case?

5 A I do.

6 Q And to you remember you pulled that particular
7 exhibit out?

8 A Yes, sir.

9 Q And -- you remember that you and I talked about the
10 reason I was there because there was some indication in the
11 evidence that there was a hair follicle that came from the
12 right hand of Samuel Simmons; do you remember that?

13 A I do.

14 Q And you had to call someone to get authority to
15 actually open the packet. You remember that?

16 A I do, yes.

17 Q Okay.

18 MS. CORNWELL: Objection. You know, ask a
19 question. If he will just give it a question.

20 MR. GRANT: Well, I'll ask the question.

21 THE COURT: All right.

22 MR. GRANT: I'm just trying to get her to --

23 THE COURT: Well, I guess my response is cut to the
24 chase as to both of you. That's not by way of complaint
25 whatsoever.

Deborah Byrd - Direct Examination by Mr. Grant

1 MR. GRANT: Yes, sir. Thank you, Judge.

2 BY MR. GRANT:

3 Q All right. Well, when I came over there, you
4 opened that particular packet, did you not?

5 A I did.

6 Q And when you opened that particular packet, did you
7 pull the hair follicle from the packet?

8 A I pulled a piece of yellow paper which contained a
9 piece of hair, like a strand of hair.

10 Q Yes, ma'am. And when you looked at that hair and
11 you pulled it out and I asked you describe it for me, what
12 description did you give of the hair that's in that packet?

13 A It's a blondish in color.

14 Q And should we -- are you confident that that
15 blondish in color hair is in this packet as we -- since you
16 resealed it?

17 A It should be.

18 Q Okay.

19 A No one else has messed with it since I sealed it
20 back.

21 Q Okay. All right. And did you reseal it there
22 while I was there with you?

23 A I did.

24 Q Okay. Thank you, ma'am.

25 MR. GRANT: Your Honor, we'd offer this -- I think

Deborah Byrd - Cross-Examination by Ms. Cornwell

1 it's already admitted.

2 THE COURT REPORTER: Uh-huh.

3 MR. GRANT: Defendant's Exhibit Number 25 already
4 admitted.

5 Thank you, no further questions of this witness.

6 THE COURT: All right. Thank you, Mr. Grant.
7 Solicitor?

8 (The witness started to leave the stand.)

9 THE COURT: Just a minute, Ms. Byrd.

10 MS. CORNWELL: I get my chance with you too,
11 Ms. Byrd.

12 THE WITNESS: Oh, excuse me.

13 CROSS-EXAMINATION

14 BY MS. CORNWELL:

15 Q Very briefly, when you received that hair, that was
16 collected at autopsy?

17 A It was.

18 Q And you have no indication of where that hair came
19 from? Whether it was inside his hand, on the outside of
20 his hand?

21 A I have no idea.

22 Q All right.

23 MS. CORNWELL: No further questions, Your Honor.

24 THE COURT: Redirect, Mr. Grant?

25 MR. GRANT: None, Your Honor.

Jesse R. Robinson - Direct Examination by Mr. Grant

1 THE COURT: Thank you. Thank you, Ms. Byrd, for
2 being with us. You may step down.

3 MR. GRANT: Your Honor, we'd call Reverend Jesse
4 Robinson to the stand.

5 THE COURT: All right. Reverend Robinson, if you'd
6 come around for us, please.

7 JESSE ROBINSON,
8 having been duly sworn, testified as follows:

9 THE CLERK: Thank you. You may have a seat. Will
10 you please state your name again for the record.

11 THE WITNESS: Jesse, J-E-S-S-E, Ray, R-A-Y,
12 Robinson, R-O-B-I-N-S-O-N.

13 THE CLERK: Thank you.

14 **DIRECT EXAMINATION**

15 BY MR. GRANT:

16 Q Hello, Mr. Robinson.

17 A How are you?

18 Q All right, sir. And Mr. Robinson, where you do
19 live, sir?

20 A I live in Orangeburg, South Carolina.

21 Q And how long have you lived in Orangeburg? I don't
22 want to speak up, but I'm aware that you have a hearing
23 impairment; is that correct?

24 A Yes.

25 Q How long have you lived in Orangeburg, South

Jesse R. Robinson - Direct Examination by Mr. Grant

1 Carolina?

2 A Since 1981.

3 Q And have you ever worked at South Carolina State
4 University?

5 A Yes.

6 Q And what capacity did you work over there?

7 A English.

8 Q You were an English professor at State?

9 A Yes.

10 Q All right, sir. And where do you go the church?

11 A Olive Grove Missionary Baptist Church, here in
12 Orangeburg.

13 Q That's the same church where Representative Govan
14 goes to?

15 A Yes.

16 Q And does the Price family attend that church as
17 well?

18 A Yes.

19 Q Sir, do you know my client, Courtney Price?

20 A Yes.

21 Q And please tell -- first of all can you point to
22 her and call her name?

23 A Yes.

24 Q Please do that.

25 A That is she.

Jesse R. Robinson - Direct Examination by Mr. Grant

1 Q Okay. Is she -- okay. Thank you, sir.

2 And tell the jury, if you will how it is that you
3 know Courtney Price.

4 A I know Courtney Price as a youngster who seemed to
5 have assumed a role in sharing, primarily. Even the back
6 seat of the church. If one or two people didn't sit -- if
7 all the others were children, I would expect Courtney to
8 make some reservation for those two people to be with the
9 other children.

10 However, we at Olive Grove never had the discipline
11 Courtney.

12 Q You never disciplined Courtney?

13 A No discipline whatsoever.

14 Q Yes, sir.

15 A The Sunday school classes, the choir and as I just
16 indicated, the seating arrangement because many of the
17 children wanted to sit on the very last pew --

18 Q Yes, sir.

19 A -- was seemingly what I referred to as Little
20 Sister Price's job.

21 Q And have you known her as she's become a young
22 adult now? Because -- she's 24 years old now. Have you
23 been observing her through the years to become a young
24 adult?

25 A Not wholeheartedly.

Jesse R. Robinson - Direct Examination by Mr. Grant

1 Q Uh-huh.

2 A But I would expect to see her every Sunday. I
3 would expect to see her with the choir. When we started
4 the J. R. Robinson scholarship program, I expected to see
5 Courtney participating in that program. That was a
6 scholarship that I began at Olive Grove. And I was well
7 pleased when she attended South Carolina State University
8 on a scholarship.

9 Q She attended State off of what type of scholarship?

10 A It was an academic scholarship.

11 Q And how long did that scholarship last?

12 A One year.

13 Q One year. All right, sir.

14 And do you think then, based upon your observations
15 and your knowledge of Courtney Price, Mr. Robinson, do you
16 think you had an adequate opportunity to establish an
17 opinion about Courtney Price's truth and voracity?

18 A Most definitely. I guess my primary concern was
19 the passing of her father and I worried about the two
20 children and the mother and their attitude toward
21 education.

22 THE COURT: Let me stop you a minute. I apologize
23 for interrupting you. Mr. Grant, can you focus him on
24 being responsive.

25 MR. GRANT: Yes, sir.

Jesse R. Robinson - Direct Examination by Mr. Grant

1 THE COURT: Respectfully.

2 MR. GRANT: I'll do that, sir.

3 THE COURT: Thank you.

4 BY MR. GRANT:

5 Q And Reverend, I appreciate your concern for the mom
6 and the two children without the father, but I want to make
7 sure I get you to answer this specific question.

8 A Okay.

9 Q You've indicated that you think you had an adequate
10 opportunity to establish an opinion about Courtney's truth
11 and voracity. You said yes to that; is that correct?

12 A Yes, yes.

13 Q All right. Now, here's what I want to know, since
14 you've had the opportunity to establish that opinion, the
15 question now is what is your opinion regarding her truth
16 and voracity?

17 A My opinion of truth is that she will tell the
18 truth. She's, I think, an honest individual who has been
19 taught to be heaven minded and hell scared.

20 Q Okay. And do you think, Reverend -- I'm sorry.
21 You're not a minister are you?

22 A Yes.

23 Q You are? Do you think, Reverend, that you have
24 also had an adequate opportunity to establish an opinion
25 about Courtney regarding her law-abidingness and peaceful

Jesse R. Robinson - Cross-Examination by Ms. Cornwell

1 attitude?

2 A Yes.

3 Q Have you had that opportunity as well?

4 A Yes.

5 Q Okay, sir. And Reverend, please tell us what is
6 that opinion?

7 A I think Courtney believes in giving an individual a
8 fair chance to prove a person's worth or his worth or her
9 worth. And there again, I think she's honest. I think she
10 faces challenge, if I may; I think she is willing to assume
11 her role as an adult.

12 Q Yes, sir. But do you -- but my question is, how do
13 you feel as to whether Courtney is a law-abiding citizen in
14 your mind.

15 A I think she's law-abiding, along with her honesty.

16 Q Thank you, Reverend.

17 MR. GRANT: That's all the questions I have for the
18 Professor.

19 THE COURT: Solicitor?

20 MS. CORNWELL: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MS. CORNWELL:

23 Q Reverend, you doing all right today?

24 A Yes.

25 Q Good I appreciate you being here with us?

Jesse R. Robinson - Cross-Examination by Ms. Cornwell

1 A You're very kind, thank you.

2 Q Now, you've known Courtney for a long time through
3 the church, correct?

4 A Yes, her entire life.

5 Q And would you agree with me that there's a
6 different kind of manners that people show at church than
7 outside. I think my Nana called it my church manners;
8 always fussed at me, You put your church manners on when we
9 go in here. And there's a certain type of manners that
10 people have when they're in church?

11 A Well, we can say that.

12 Q Yes, sir. And you said that Courtney was a
13 truthful, good person, and I think that's the person she's
14 presented herself to you as. But if I told you that
15 Courtney has admitted in the past to lying to get things,
16 would you have any reason to dispute that?

17 A I think she'd tell the truth.

18 Q Okay. She's told the truth to you before?

19 A Yes.

20 Q Okay. And then you said she's peaceful and
21 law-abiding. Would you agree that breaking out somebody's
22 windows is not peaceful or law-abiding?

23 A Oh, yes.

24 Q Okay. And would you agree that threatening to --
25 and I'm going to phrase this in my words, threatening to

Samuel Simmons - Direct Examination by Mr. Grant

1 beat somebody up, is not law-abiding, is it?

2 A No.

3 Q All right. Thank you, Reverend, I really
4 appreciate you being here.

5 A Thank you.

6 MR. GRANT: No redirect, Your Honor.

7 THE COURT: Thank you. Reverend, thank you so much
8 for being with us this afternoon.

9 MR. GRANT: Your Honor, at this time, we'd call
10 Mr. Sam Simmons, Sr. to the stand.

11 THE COURT: All right. Mr. Simmons, if you would
12 come around and be sworn for us, please.

13 SAM SIMMONS, SR.,

14 having been duly sworn, testified as follows:

15 THE CLERK: Thank you. You may have a seat.
16 Please state your name again, for the record.

17 THE WITNESS: Samuel Simmons.

18 **DIRECT EXAMINATION**

19 **BY MR. GRANT:**

20 Q Mr. Simmons, first of all, sir, I'm sorry for your
21 loss. You are the father of Samuel Simmons, Jr., correct?

22 A Correct.

23 Q Mr. Simmons, you know Courtney Price?

24 A Yeah, yes, sir.

25 Q Okay. And are you aware that she was having a

Samuel Simmons - Examination In-Camera by Mr. Grant

1 relationship with your son?

2 A Yes, sir.

3 Q Okay. I want to turn your attention immediately
4 then to January 22nd or somewhere around January of 2012.
5 Was there ever an occasion at your house on that day where
6 you saw Courtney and your son?

7 A Never did.

8 Q Never did? Do you own a pick-up truck?

9 A Yes, I do.

10 Q What color pick-up truck is it?

11 A Black and grey.

12 MR. GRANT: Your Honor, may we approach, a second?

13 THE COURT: Yes, sir, if y'all would come around
14 here, please.

15 (There was a bench conference out of the hearing of
16 the jury and the Court Reporter.)

17 THE COURT: Mr. Foreman, ladies and gentlemen of
18 the jury, if you'd step to your jury room, please. Do not
19 discuss the case during this recess.

20 (The jury left the courtroom at 12:16 p.m.)

21 THE COURT: All right. Mr. Grant.

22 MR. GRANT: Yes, Your Honor, I was going through
23 my -- excuse me -- my examination of Mr. Simmons.

24 EXAMINATION - IN CAMERA

25 Q Mr. Simmons.

Samuel Simmons - Examination In-Camera by Mr. Grant

1 A Yes, sir.

2 Q In January of 2012 --

3 A Okay.

4 Q -- did you have an occasion to give your phone to
5 Courtney Price for her to call the police about an incident
6 with your son?

7 A Yes, I did. I --

8 Q Okay. And --

9 THE COURT: Let him respond.

10 THE WITNESS: Yes, I did. I was inside the house
11 in my room. She knocked on the door and said Mr. Sam, I
12 need is use your phone. I give her my phone and she walked
13 on back out and that was it.

14 BY MR. GRANT:

15 Q All right. Did she tell you why she needed to use
16 your phone?

17 A She didn't tell me why because I didn't ask.

18 Q Did you ever come out of the house to observe Sam
19 pulling her across the yard and dragging her by the hair?

20 A I never came out the house. I went back into my
21 room.

22 Q So she just wanted to use your phone and you said,
23 okay, here. Here's my phone?

24 A That 's what I did.

25 Q What was going on with her phone? Where was her

Samuel Simmons - Examination In-Camera by Mr. Grant

- 1 phone?
- 2 A I don't know nothing about her phone.
- 3 Q Do you know who she called?
- 4 A I didn't know, I had no idea.
- 5 Q Were you standing there when she used the phone?
- 6 A No.
- 7 Q Did your wife come out to console her also?
- 8 A I didn't see my wife outside. I stayed in the
- 9 house the whole time.
- 10 Q Was your wife home that day?
- 11 A No, she wasn't home during the time I was home.
- 12 Q With regards to -- also with Courtney, was there
- 13 ever an occasion where you approached Courtney and seen
- 14 bruises to her, pulled her to the side and asked her,
- 15 quote, Did my son do this to you?
- 16 A Never did.
- 17 Q That's never happened, either?
- 18 A Never happened.
- 19 Q Going back to the pick-up truck that you said you
- 20 had, did you ever become aware of an incident when that
- 21 pick-up truck was wrecked at Courtney's mama's house by
- 22 hitting a utility pole?
- 23 A Never did.
- 24 Q Never did?
- 25 A Nothing.

Samuel Simmons - Examination In-Camera by Mr. Grant

1 Q And was the truck ever repaired as a result of some
2 kind of damage to the front of it as a result of that
3 incident?

4 A Never did.

5 Q Never did. Who was your insurance company in 2012?
6 Do you know?

7 A I think it was All State.

8 Q Do you ever remember filing -- well, do you ever
9 remember filing any claims or property damage to that
10 vehicle, to the front of that vehicle in 2012 until -- from
11 2012 to 2014?

12 A No, because I didn't have full coverage.

13 Q So you never filed any property damage?

14 A Right.

15 Q Was the front of that truck ever repaired for any
16 reason whatsoever between January 2012 to September 27,
17 2014?

18 A Not as I know of.

19 Q Not as you know of? It was your truck, right?

20 A Correct.

21 Q Okay. Wouldn't you know whether you're truck was
22 being repaired, the front of the truck?

23 A No, because my son, he drive it all the time.

24 Q Whose name was the truck in?

25 A I was the owner of the truck.

Samuel Simmons - Examination In-Camera by Mr. Grant

1 Q How often would you see the truck?

2 A Not too often.

3 Q So it wouldn't be unusual for your son to drive
4 that truck because you said he drives it all the time even
5 though it was your truck?

6 A Basically.

7 Q Okay.

8 MR. GRANT: That's all I have of the witness,
9 Judge.

10 THE COURT: You have any objections to or -- I
11 guess, first, Solicitor, do you have any questions?

12 MS. CORNWELL: I don't have any questions at this
13 time, Your Honor.

14 THE COURT: And objections?

15 MS. CORNWELL: The only objection I would have
16 would be to the one leading question of did you ever see
17 bruises on Courtney and ask her if my son did that to you
18 and I would object to that under leading. I think he can
19 say, have you ever seen bruises on my client. And if he
20 says no, that's where he has the end it.

21 MR. GRANT: I think I should be able to ask the
22 question the way I proposed it to the witness, Judge and if
23 the witness denies it then the witness denies it.

24 MS. CORNWELL: I would just object to the
25 leadingness of it.

1 THE COURT: I think -- I think you could ask -- I
2 think it's two questions at once. Did you ever see any
3 bruises on Ms. Price. That would, of course, be during the
4 period of time in which Ms. Price and Mr. Simmons, Jr. were
5 together. And the answer to that is yes or no.

6 Obviously, his answer here has been no.

7 Then the next question would be, therefore, never
8 having seen any bruises, if the answer to that is still no
9 in front of the jury, he never had a conversation with her
10 about them. Because he's not going to have a conversation
11 with her if he's never seen bruises.

12 I just don't see where it's relevant -- quite
13 frankly, I don't see where it's relevant beyond the
14 question of whether he has or -- if he says I've never seen
15 bruises, then there's never a conversation.

16 MR. GRANT: Well, I hear your point, Judge, but my
17 point is this. This defendant's one of her main defenses
18 is, of course, battered person's syndrome, battered woman's
19 syndrome, self-defense, defense of habitation, we'll go
20 down the list; this gentleman, according to my client is
21 going to testify that he actually pulled his own son off of
22 her while his son was beating her and I think I should be
23 able to ask him and confront him with that exact scenario,
24 not just some general question of --

25 THE COURT: That's not the question she's objecting

1 to. She didn't object to that question, Mr. Grant.

2 MR. GRANT: Well, I understand, you're talking
3 about the truck incident.

4 THE COURT: No, sir. She hadn't objected to that.
5 She's objected to you asking -- I think now, the solicitor
6 is, you asking him, have you ever seen bruises on Ms. Price
7 and pulled her aside and --

8 MR. GRANT: Well, that was --

9 THE COURT: -- and asked her did my son do this. I
10 understand that was the question you were objecting to,
11 Solicitor.

12 MS. CORNWELL: Correct, Your Honor. I was
13 objecting to the leading nature of that question. I
14 believe that he can ask the non-leading question, have you
15 ever seen bruises on Ms. Price and if he says no, that's
16 the end of it.

17 MR. GRANT: If that's the third part of the prong
18 that's fine, but I do intend to ask him about the other two
19 parts of that prong that we talked about.

20 THE COURT: I don't think she's objecting to those.
21 I don't think --

22 MS. CORNWELL: As long as they're asked the way
23 they were asked here and not in a leading way.

24 THE COURT: Of course.

25 MR. GRANT: Well, that's --

1 THE COURT: I don't think she's objecting to your
2 questioning about 12, January -- excuse me, 22 January of
3 '12, which is the Officer Mack response incident.

4 MR. GRANT: Yes, sir.

5 THE COURT: And I don't think she's objecting to
6 the pick-up truck --

7 MS. CORNWELL: No, Your Honor.

8 THE COURT: -- based on the questioning that has
9 been presented to you now.

10 MS. CORNWELL: No, as long as the questioning --
11 like I said, the only one I have is the one leading he did
12 in there. He wants to say, did you see them together and
13 Mr. Simmons can answer that. And did Courtney ever come to
14 use your phone. And he can answer that. Those were all
15 non-leading questions and I have no objections to those.

16 The only one that I would ask is that he rephrase
17 the one leading question in there.

18 MR. GRANT: Well, you were supposed to make a
19 ruling, Your Honor, as to whether or not I can lead because
20 of the nature of this gentleman to this case. And, of
21 course, I ask that you -- it's a legal term of art, not
22 hostile, legitimately hostile, but I just ask that you
23 treat him as a hostile witness for the purpose of the
24 manner in which I can question him.

25 THE COURT: I think he's been forthright. Now,

Samuel Simmons - Direct Examination by Mr. Grant

1 that, I'm not giving my opinion on Mr. Simmons'
2 credibility, because that's not my job. That's not what I
3 do. But I think he has responded to every question. He
4 has not shown any hostility in that regard; therefore, at
5 this time I would just kind of take the objections as they
6 come towards me.

7 MR. GRANT: Yes, sir.

8 THE COURT: I think -- and when I say forthright,
9 again, Mr. Grant, I'm not giving my opinion of credibility
10 because that's not my job, but I think he has been
11 responsive to the questions.

12 Things can change, of course. All right.

13 MR. GRANT: Yes, sir.

14 THE COURT: You ready for the jury?

15 MR. GRANT: I am, Your Honor.

16 THE COURT: You ready, Solicitor?

17 MS. CORNWELL: Yes, Your Honor.

18 THE COURT: All right.

19 (The jury entered the courtroom at 12:18 p.m.)

20 THE COURT: All right. Thank you. Thank you,
21 again, ladies and gentlemen.

22 Mr. Grant --

23 MR. GRANT: Thank you, Judge.

24 THE COURT: You may continue.

25 DIRECT EXAMINATION - CONTINUED

Samuel Simmons - Direct Examination by Mr. Grant

1 BY MR. GRANT:

2 Q Mr. Simmons, where did you live on January 22nd
3 2012?

4 A [REDACTED] Rio Drive.

5 Q And is that Orangeburg, South Carolina?

6 A Correct.

7 Q And is that where you live now, also?

8 A Yes.

9 Q And who lived with you at [REDACTED] Rio Drive on January
10 22, 2012?

11 A Me, my wife, my son.

12 Q And what's your wife's name?

13 A Tammy Simmons.

14 Q And was it Samuel, Junior that lived there at that
15 time? Or which son are you talking about?

16 A Samuel.

17 Q Samuel. So Samuel lived with you at that address
18 at that time?

19 A Correct.

20 Q Okay. And on that particular day, January 22nd,
21 2012, at [REDACTED] Rio Drive, did you have a reason or occasion
22 to give your cell phone to Courtney Price?

23 A No, basically I didn't have a reason, she asked me
24 to use my phone.

25 Q Okay. She asked you -- but your phone was handed

Samuel Simmons - Cross-Examination by Ms. Cornwell

1 to her; is that correct?

2 A Correct.

3 Q And then she made her phone call?

4 A Yes, she did, I reckon.

5 Q And you saw her make the call?

6 A No, I didn't.

7 Q You never did?

8 And was your wife home on that particular day?

9 A No, she wasn't home.

10 Q Do you remember a Deputy Kelvin Mack coming to the
11 home on that day?

12 A No.

13 Q You didn't see the police on that day?

14 A No.

15 Q Thank you.

16 MR. GRANT: No further questions.

17 THE COURT: Solicitor, any cross?

18 MS. CORNWELL: Yes, Your Honor, briefly.

19 THE COURT: Certainly.

20 CROSS-EXAMINATION

21 BY MS. CORNWELL

22 Q The day that Courtney asked to use your phone,
23 where did she come to get your phone?

24 A She came to the door.

25 Q Okay. Knocked on the door?

Samuel Simmons - Cross-Examination by Ms. Cornwell

1 A Yeah.

2 Q And you opened the door?

3 A Yeah, give her my phone.

4 Q Okay.

5 A And went back to the bedroom.

6 Q And once you gave her the phone, you went back

7 inside the house?

8 A I didn't never went outside.

9 Q Okay.

10 A I just went back to my room.

11 Q Okay. So you didn't see anything that happened

12 outside?

13 A No, I did not.

14 Q So if your wife would have pulled up at some point

15 in time and talk today Courtney outside, you wouldn't have

16 known about that?

17 A I never came out. I was in the house in my room.

18 Q Okay.

19 MS. CORNWELL: That's all the questions I have,

20 Your Honor.

21 THE COURT: Redirect?

22 MR. GRANT: None, Your Honor.

23 THE COURT: I'm sorry.

24 MR. GRANT: I'm sorry, none Your Honor.

25 THE COURT: All right. Thank you. I just couldn't

Sandra Glover - Direct Examination by Mr. Grant

1 quite hear you.

2 MR. GRANT: That's fine.

3 THE COURT: Thank you. Thank you, Mr. Simmons, you
4 may step down.

5 MR. GRANT: Our next witness is Dr. Sandra Glover,
6 Your Honor.

7 THE COURT: All right. Dr. Glover, please come
8 around and be sworn.

9 SANDRA GLOVER,
10 having been duly sworn, testified as follows:

11 THE CLERK: Thank you. You may have a seat.
12 Please state your name again for the record.

13 THE WITNESS: Sandra Glover.

14 THE CLERK: Thank you.

15 DIRECT EXAMINATION

16 BY MR. GRANT:

17 Q Good afternoon Dr. Glover.

18 A Good afternoon.

19 Q All right. Dr. Glover, where you do live now?

20 A Orangeburg, South Carolina.

21 Q And how long have you been living in Orangeburg,
22 South Carolina?

23 A 26 years.

24 Q And in the 26 years that you've been living in
25 South Carolina, have you gotten an opportunity to meet and

Sandra Glover - Direct Examination by Mr. Grant

1 know Courtney Price?

2 A Yes.

3 Q And is Courtney Price in the courtroom today?

4 A Yes.

5 Q Can you please point to her, call her name, and
6 describe what it is she's wearing.

7 A (Pointing.) Courtney Price is wearing a navy suit,
8 white blouse, blonde hair, sitting right there.

9 Q All right.

10 MR. GRANT: Your Honor, please let the record
11 reflect that the witness has identified Courtney Price.

12 THE COURT: So reflected.

13 BY MR. GRANT:

14 Q All right. And Dr. Glover, tell the jury if you
15 will -- first of all, where are you employed?

16 A Bamberg-Erhardt Middle School.

17 Q And what's your capacity at that middle school?

18 A I am the principal.

19 Q You're the principal of the school. How long have
20 you been the principal?

21 A At this school, only a year.

22 Q Only a year. And, Doctor, tell the jury if you
23 will how is it that you got to know Courtney Price?

24 A I have been an educator in Orangeburg Consolidated
25 School District 5 at that time that I knew Courtney. I've

Sandra Glover - Direct Examination by Mr. Grant

1 been an educator for 27 years. Courtney was a former
2 student, an excellent student. I was able to help her to
3 pull out her excellence as an educator and she got a full
4 scholarship to South Carolina State University.

5 With that scholarship, she got a laptop, a printer
6 and a stipend. She worked every summer in the program,
7 Agribusiness. She went on every conference the department
8 had. The mentor that she worked under was one of my
9 mentors when I was at the university and I was a student
10 there.

11 Courtney was an exceptional student. Anybody that
12 knows me and my husband knows that we are extremely
13 protective of our children. I have a child, my oldest
14 daughter is in her first year of law school at the
15 University of South Carolina. Courtney mentored her. I
16 have a younger daughter who's 16 who is a student at the
17 high school for health professions and I have a middle son,
18 who is 17 -- well, 18. Anybody that knows my children know
19 that as an educator, they're straight A. Students. I do
20 not allow them to be around anybody that I feel
21 questionable and I do not have visitors at my home.

22 Courtney is one of the few students that I've had
23 that I have basically taken in as a daughter. She has been
24 exceptional with my students in the school to help them.
25 She's been awesome with my children, especially my

Sandra Glover - Direct Examination by Mr. Grant

1 daughters. I have -- I have never known her character to
2 be anything other than exceptional.

3 She's well mannered. I'm 51 years old. She
4 still -- she says yes, ma'am, yes -- no, ma'am, to this
5 day. I am a Christian. I love God. I believe in the
6 power of His presence in my life and I know that he is in
7 her life. She was raised in a church. I know her family.
8 I don't know that she could ever harm anybody.

9 I just -- the Courtney I know is a person that I
10 would easily take in as one of my own children.

11 Q Yes, ma'am.

12 A I simply adore her.

13 Q Yes, ma'am.

14 And, Doctor, since you know her so well and in the
15 capacities that you have just described, do you think that
16 you have had an adequate opportunity to establish an
17 opinion as to Courtney's truth and voracity?

18 A I do.

19 Q And what is your opinion as to whether Courtney is
20 a truthful person?

21 A I think she's a very truthful person.

22 Q And do you also think that you've had an adequate
23 opportunity to establish an opinion as to Courtney's law
24 abidingness?

25 A Yes.

Sandra Glover - Cross-Examination by Ms. Cornwell

1 Q And what is your opinion with regards to whether
2 she is a law-abiding citizen?

3 A I think that she is absolutely a law-abiding
4 citizen.

5 Q And going back to truthfulness, in all the times
6 you've known her, all of the various instances and
7 circumstances upon which you have observed her and being
8 involved with her, has she ever told you anything that you
9 found later to be untrue?

10 A No, never.

11 Q Do you know of any time in being involved with
12 Courtney and knowing her daily dealings of her ever being
13 arrested or charged with any crime?

14 A No.

15 Q Okay. Thank you, Doctor.

16 MR. GRANT: That's all the questions I have of this
17 witness, Your Honor.

18 THE COURT: Thank you, Mr. Grant.

19 Solicitor? (Witness started leaving the stand.)

20 THE COURT: Just a minute, Doctor.

21 CROSS-EXAMINATION

22 BY MS. CORNWELL:

23 Q Doctor, I just have a couple of questions for you.
24 And you say that you've known Courtney for a while?

25 A Uh-huh.

Sandra Glover - Cross-Examination by Ms. Cornwell

1 Q You think very highly of her. You think -- feel
2 she's a very honest person?

3 A I do.

4 Q So if she were to have admitted to other people
5 that she has lied in order to benefit herself, you'd have
6 to take that at face value, wouldn't you?

7 A I don't understand your question.

8 Q If Courtney -- if I told you that Courtney has told
9 other people, other social people, that she's lied in order
10 to benefit herself, that would not be her being a truthful
11 person, would it?

12 A Well, that would be your opinion of what she has
13 told other people.

14 THE COURT: No, ma'am, no, ma'am, it's not her
15 opinion. It's your response.

16 THE WITNESS: My opinion is that I don't see her as
17 the type of person that would lie to another person.

18 BY MS. CORNWELL:

19 Q So if she said that she has lied to get things to
20 benefit her, you would take that response to be a truthful
21 response?

22 A If she said that she has done it, then I have no
23 choice but to take it as a true response.

24 Q Okay. And in -- I'm not trying to approach you in
25 any way.

Sandra Glover - Redirect Examination by Mr. Grant

1 A I understand.

2 Q I know this is how you know her.

3 A Right.

4 Q And you would also agree -- and I know that you
5 believe her to be a peaceful and law-abiding person, that
6 you obviously would let your people around her if you
7 didn't feel that way. But would you agree with me that
8 busting somebody's windows out is not a peaceful or
9 law-abiding action?

10 A Depending on the circumstances.

11 Q Would you agree with me that threatening to beat
12 someone up if they don't do what she wants them to do,
13 would you agree that that is a not -- non-peaceful or
14 non-law-abiding --

15 A I would agree that that is a non-peaceful action.

16 Q Thank you.

17 MS. CORNWELL: Those are all the questions I have
18 Your Honor.

19 THE COURT: Thank you. Redirect, Mr. Grant?

20 MR. GRANT: Your Honor, yes, sir.

21 REDIRECT EXAMINATION

22 BY MR. GRANT:

23 Q Based upon the questions that the prosecutor has
24 asked you, does that change your opinions that you gave on
25 direct examination about Courtney Price?

1 A Not at all.

2 Q Okay. Thank you.

3 THE COURT: Anything further, Solicitor?

4 MS. CORNWELL: No, Your Honor.

5 THE COURT: Thank you, thank you for being with us
6 today, Doctor.

7 MR. GRANT: Your Honor, may we approach one second?

8 THE COURT: Sure.

9 (There was a bench conference out of the hearing of
10 the jury and the Court Reporter.)

11 MR. GRANT: Your Honor, just one second.

12 (There was a pause in the proceedings.)

13 MR. GRANT: Your Honor, I talked with the -- I
14 almost said trial counsel. I talked with the prosecutor.

15 THE COURT: Yes, sir.

16 MR. GRANT: And there's no objection to the
17 admission of Defense Exhibit Number 21.

18 THE COURT: All right. Solicitor?

19 MS. CORNWELL: No, objection, Your Honor.

20 THE COURT: All right. Defense 21 is in evidence
21 without objection.

22 (Defendant's Exhibit Number 21 was entered into
23 evidence.)

24 THE COURT: All right. Ladies and gentlemen, based
25 on the potential length of the next witness and not wanting

1 to break up direct and the cross, after talking with the
2 attorneys, I'm going to -- we're going to take our luncheon
3 recess at this time.

4 I remind you during this recess, please do not
5 discuss this case -- you may not discuss this case with
6 others; that includes your fellow jurors, lunch mates,
7 family, friends, or anyone else. You may not read, watch,
8 or listen to any news accounts about the case. You may not
9 do any independent research or any research on the
10 internet.

11 Please recall my prohibitions concerning the
12 various areas, but, of course, the end game on that is
13 don't do any research because you know you decide the case
14 based on the evidence and testimony presented in the
15 courtroom from the witnesses testifying under oath and the
16 law as I tell you the law is.

17 Any questions besides me advising you what time to
18 return? Any questions?

19 (No one responded.)

20 THE COURT: All right. I would like you to be back
21 promptly at two o'clock. Promptly at 2 p.m. I hope you
22 all have a pleasant lunch. Thank you. Thank you very
23 much.

24 (The jury left the courtroom at 12:31 p.m.)

25 MR. GRANT: What time did you say we needed to be

1 back from lunch, Judge?

2 THE COURT: Two, two o'clock.

3 MR. GRANT: Yes, sir.

4 THE COURT: Anything further from the State,
5 Solicitor?

6 MS. CORNWELL: No, Your Honor.

7 MR. GRANT: No, Your Honor, nothing from the
8 defense.

9 THE COURT: All right. Thank you, thank you very
10 much. Court will be in recess until 2 p.m.

11 (A recess for lunch was observed.)

12 THE COURT: Anything from the State before we bring
13 our jury in?

14 MS. CORNWELL: No, Your Honor.

15 THE COURT: Defense?

16 MR. GRANT: No, Your Honor.

17 (The jury entered the courtroom at 2:05 p.m.)

18 THE COURT: Welcome back, ladies and gentlemen, I
19 hope y'all had a pleasant lunch. As you recall, we are
20 continuing the trial of the case by the presentation of
21 evidence and testimony by the defense. Please continue to
22 give the parties your complete and undivided attention as
23 you have done throughout the trial of this case.

24 Mr. Grant --

25 MR. GRANT: Yes, Your Honor.

Tammy Simmons - Direct Examination by Mr. Grant

1 THE COURT: -- you may call your next witness.

2 MR. GRANT: Please the Court, Your Honor. At this
3 time we'd call Tammy Simmons to the stand.

4 TAMMY SIMMONS,

5 having been duly sworn, testified as follows:

6 THE CLERK: Thank you. You may have a seat.
7 Please state your name again for the record.

8 THE WITNESS: Tammy Simmons.

9 THE CLERK: Thank you.

10 DIRECT EXAMINATION

11 BY MR. GRANT:

12 Q Good afternoon, Ms. Simmons.

13 A Good afternoon.

14 Q You are the mom of Samuel Simmons, Jr.; is that
15 correct?

16 A Samuel Simmons?

17 Q Yes, ma'am.

18 A Yes.

19 Q Okay. Is he Samuel Simmons, Jr.?

20 A No.

21 Q But that was your son?

22 A Yes.

23 Q And I'm sorry for your loss, but I have a few
24 questions that I must ask you. Okay?

25 A Okay.

Tammy Simmons - Direct Examination by Mr. Grant

1 Q All right. Ms. Simmons, did you live at [REDACTED] Rio
2 Drive on January 22, 2012?

3 A Yes, I did.

4 Q And do you remember whether or not you were
5 actually home on January 22, 2012 at around 1330 or
6 sometime that afternoon?

7 A No, I wasn't.

8 Q Did you see Courtney at your home that day?

9 A Yes, when I got back.

10 Q When you got -- so you -- when you got back to the
11 home that day?

12 A Yes.

13 Q So it was that day though that you did see
14 Courtney?

15 A Yes.

16 Q All right. Was there any time when you saw
17 Courtney that you had to put your arms around her to
18 console her for any reason?

19 A When I pulled up, she was in the yard. Looked like
20 she had been crying, so I walked over to her and I put my
21 arms around her and asked her what was wrong. She said she
22 broke her cell phone and she called the police.

23 Q She said she broke her phone and called the police?

24 A Uh-huh. Well, she said her cell phone was broke.
25 I didn't ask her how it got broke.

Tammy Simmons - Direct Examination by Mr. Grant

1 Q Were you able to find out later on how it got
2 broke?

3 A No, I didn't.

4 Q Okay. And did you see deputy Kelvin Mack on that
5 particular day come to your house?

6 A There was some deputies. I'm not sure who they
7 were.

8 Q All right.

9 MR. GRANT: Deputy Mack, you're at the back of the
10 courtroom. Would you please stand up.

11 BY MR. GRANT:

12 Q Does that deputy -- well, that's a deputy back
13 there. Does that officer look familiar as the man that
14 came to your house that day?

15 A I think it were.

16 Q Okay. And did Courtney tell you again why she was
17 crying?

18 A She said something about she was bringing Sam home
19 and his cell phone rang and she got angry, I guess. I'm
20 not saying -- she didn't tell me this, but she said
21 somebody was calling his cell phone.

22 Q And was Sam there with you when you were consoling
23 Courtney?

24 A No.

25 Q And is there any reason why you felt the need to

Tammy Simmons - Direct Examination by Mr. Grant

1 console her merely because of a broken cell phone?

2 A Because it looked like she was upset. So if it's
3 my daughter, I would hope someone would find out what she
4 was upset about.

5 Q And when you were consoling Courtney, did you
6 notice any type of scratches or abrasions on her neck?

7 A I did see a little nick on her neck, but it wasn't
8 bleeding.

9 Q Did you make any assessment as to where that nick
10 came from?

11 A No, I did not.

12 Q And at the moment that you saw the nick on her
13 neck, where was your son at the time?

14 A He was not at home.

15 Q Thank you, ma'am.

16 MR. GRANT: No further questions of this witness.

17 THE COURT: Solicitor?

18 MS. CORNWELL: I don't have any questions,
19 Ms. Simmons.

20 THE COURT: Thank you. Thank you very much,
21 Ms. Simmons. You may step down.

22 THE COURT: All right. Mr. Grant.

23 MR. GRANT: Yes, sir, Your Honor, we call Officer
24 Steven Kuck to the stand.

25 STEVEN KUCK,

Steven Kuck - Direct Examination by Mr. Grant

1 having been duly sworn, testified as follows:

2 THE CLERK: Thank you, you may have a seat. Please
3 state your name again for the record and please spell your
4 last name.

5 THE WITNESS: Steven Kuck. My last name is spelled
6 K-U-C-K.

7 THE CLERK: Thank you.

8 **DIRECT EXAMINATION**

9 BY MR. GRANT:

10 Q Are you a deputy with Orangeburg County Sheriff's
11 Department, sir?

12 A Yes, sir.

13 Q And how long have you worked there?

14 A Approximately 5 months now.

15 Q And I want to turn your attention to September 27,
16 2014. Where were you employed that day?

17 A With the Orangeburg Department of Public Safety.

18 Q And what was your title then?

19 A Patrol Shift Corporal.

20 Q Patrol Shift Corporal?

21 A Yes, sir.

22 Q Did you have the opportunity to go to the
23 apartment, residence of Courtney Price on September 27,
24 2014?

25 A Yes, I was dispatched there.

Steven Kuck - Direct Examination by Mr. Grant

1 Q And do you know the approximate time that you
2 arrived?

3 A I don't.

4 Q Let me, just for identification sake?

5 (Defendant's Exhibit Number 30 was marked for
6 identification.)

7 THE COURT REPORTER: That's defense 30, Your Honor.

8 BY MR. GRANT:

9 Q Please look at it, look at your report to refresh
10 your memory -- if it does.

11 A It says here around 0715, which would be 7:15 in
12 the morning.

13 Q Yes, sir. And when you got there, did you have an
14 opportunity to see the body or the person of Samuel
15 Simmons?

16 A Yes, sir, I did.

17 Q And tell the jury what you heard coming from Samuel
18 Simmons when you got there?

19 A It was like a -- more of a moaning sound. He
20 wasn't speaking. It was more of a limb --

21 Q Was he moving when you got there?

22 A He was moving, but kind of like side to side.

23 Q Side to side? And -- so when you got there, is it
24 fair to say that he was still alive?

25 A When I got there, he still had some life, yes, sir.

Steven Kuck - Cross-Examination by Ms. Cornwell

1 Q Okay. Thank you sir?

2 MR. GRANT: That's all the questions I have of this
3 witness, Your Honor.

4 THE COURT: Solicitor?

5 CROSS-EXAMINATION

6 BY MS. CORNWELL:

7 Q When you arrived at the scene, and saw the
8 defendant standing outside, she was covered with blood?

9 A Yes, ma'am.

10 Q Did that blood appear to be wet blood or dried
11 blood?

12 A It appeared to be dry.

13 MS. CORNWELL: No further questions, Your Honor.

14 MR. GRANT: No redirect, Your Honor.

15 THE COURT: Thank you. Thank you very much,
16 officer. You may step down.

17 MR. GRANT: Your Honor the next witness we will
18 call --

19 MS. CORNWELL: Your Honor, do you mind if Officer
20 Kuck is excused for the day.

21 MR. GRANT: Oh, yes, he's excused.

22 THE COURT: Yes, sir, you may be excused.

23 MR. GRANT: The next witness we will call Your
24 Honor will be Officer Jay Hawkins.

25 THE COURT: Mr. Jay Hawkins?

Kevin Dukes - Direct Examination by Mr. Grant

1 THE OFFICER: Your Honor, if I may, Mr. Hawkins, I
2 think spoke with Mr. Grant yesterday and they excused him
3 yesterday.

4 MR. GRANT: That's a mistake. You're absolutely
5 right. Withdrawing the request to call that witness.
6 Officer Kevin Dukes.

7 Officer Hawkins is indeed released from his
8 subpoena, Your Honor.

9 THE COURT: Thank you, Mr. Grant.

10 KEVIN DUKES,
11 having been duly sworn, testified as follows:

12 THE CLERK: Thank you. You may have a seat.
13 Please state your name again, for the record.

14 THE WITNESS: My name the Kevin Dukes, D-U-K-E-S.

15 **DIRECT EXAMINATION**

16 BY MR. GRANT:

17 Q All right. Your -- are you undercover or do you --

18 A Well, not today I'm not, but I normally work
19 narcotics, yes.

20 Q Oh, okay. Yes, sir. And you're with the
21 Orangeburg Department of Public Safety?

22 A Yes, sir.

23 Q How long have you been working there?

24 A About nine years.

25 Q So then you were working there on September 27,

Kevin Dukes - Direct Examination by Mr. Grant

1 2014?

2 A Correct.

3 Q And did you have a need or occasion to report to
4 the residence of Courtney Price on that particular day or
5 early morning hours?

6 A I did.

7 Q And when you arrived at the scene there, did you
8 see the body of one Samuel Simmons?

9 A I did.

10 Q And can you tell us whether or not -- well, tell us
11 what you saw.

12 A You want to know from the time I got there?

13 Q Yes, sir.

14 A All right. When I got there, I made contact
15 actually with Officer Kuck. He was on the outside. He
16 pointed out a cell phone that was on the ground. I think
17 that was Ms. Price's cell phone. When I immediately
18 entered the residence, immediately to my right, the
19 stairwell leading up, you could see, I guess blood transfer
20 where somebody had either come down or went up the stairs
21 with blood. Also in the downstairs portion, there was
22 blood transfer on a countertop and close to a sink. No
23 indication of a struggle. I --

24 Q Did you see -- I'm sorry, did you finish your
25 answer, sir?

Kevin Dukes - Direct Examination by Mr. Grant

1 A You want me to go throughout from what I saw?

2 Q Well, I just wanted to know what you saw when it
3 came to Samuel Simmons?

4 A Okay. As far as the body is concerned?

5 Q Yes, sir.

6 A When I got there, I think EMS had already arrived
7 and pronounced him -- he was not living, he was already
8 deceased.

9 Q Okay. And did you see my client, Courtney Price?

10 A I did.

11 Q And was she -- well, how did she look? As far as
12 the amount of blood on her?

13 A She had a lot of blood -- a lot of blood on her
14 person and, of course, I arrived probably just a little
15 after eight because they called me out. I was out working
16 on a shift. They actually called me out and I was actually
17 in the secondary capacity, so I was not the first person
18 that they called.

19 Q So you got there pretty much after the first crew
20 got there?

21 A Correct. And the blood on Ms. Price and on the
22 child had already started to dry.

23 Q Okay. Thank you, sir.

24 MR. GRANT: No further questions of this witness.

25 THE COURT: Solicitor?

Kevin Dukes - Cross-Examination by Ms. Cornwell

CROSS-EXAMINATION

1
2 BY MS. CORNWELL:

3 Q When you arrived on scene, did you see any signs of
4 struggle?

5 A No.

6 Q Anything that would have indicated that any
7 physical confrontation occurred?

8 A No.

9 Q Either downstairs or upstairs?

10 A No.

11 Q Other than the obvious stabbing.

12 A No.

13 Q When you arrived on scene and saw the defendant,
14 Ms. Price, did you observe any physical injuries on her?

15 A No, I did not.

16 Q Okay. And what -- what was her demeanor? Was she
17 showing much emotion?

18 A To me, it was not a whole lot of emotion. And I
19 guess everybody in that circumstance maybe act differently,
20 but she wasn't showing a whole lot of emotion. Under her
21 eyes were a little puffy as if maybe she had been crying.
22 She was not crying when I was there. But I assumed that
23 she did cry before I got there.

24 Q Okay. And when you observed the victim, did --
25 other than the stab wound, did you see any noticeable

Kevin Dukes - Redirect Examination by Mr. Grant

1 injuries on him?

2 A No, and I was actually assisting the crime scene
3 personnel. That was my capacity there that day. I was
4 just there to assist them if they needed me. So I did,
5 inspect Ms. Price. I did inspect the child. I did inspect
6 the deceased, or the victim, in this case.

7 And there were no other injuries visible on his
8 person except in the chest area.

9 Q Okay. So other than the chest wound, there were no
10 injuries on the victim, no injuries on the defendant. And
11 were there any injuries on the child?

12 A No.

13 MS. CORNWELL: No further questions, Your Honor.

14 THE COURT: Redirect.

15 MR. GRANT: Yes, sir.

16 REDIRECT EXAMINATION

17 BY MR. GRANT:

18 Q At any time in your gathering information about
19 this case --

20 A Yes, sir.

21 Q -- investigating it, was there any allegation made
22 by Ms. Price that she scratched the victim?

23 A I didn't -- I didn't speak with Ms. Price. I was
24 there in a secondary capacity. I did visibly -- I think
25 Officer Bellinger -- while Officer Bellinger was engaging

Kevin Dukes - Redirect Examination by Mr. Grant

1 Ms. Price, I had the opportunity to look over Ms. Price's
2 person and the small child that was there, I think C.D.S.
3 that was her son; didn't see any injuries on her person.
4 As a police officer, you're not just going to look at, you
5 know, the face, you're going to look at hands, both sides
6 of the hands and stuff and there were no injuries about her
7 person or the defendant -- or the victim in this case.

8 Q Did Ms. Price, since you were looking for injuries
9 on her, did Ms. Price, again, based upon your knowledge of
10 this case, was there any allegation from Ms. Price that she
11 was punched by Sam?

12 A Not -- not that was made to me.

13 Q Okay. Was there any allegation by Ms. Price that
14 she was scratched by Sam in the face in any way?

15 A Not that was made to me.

16 Q And with regards to signs of struggle, did you go
17 downstairs and see the downstairs area of the house?

18 A I did.

19 Q How many sofas or couches were there in the house?

20 A I believe -- to the best of my memory, there was a
21 couch and a love seat. And I think there was also a
22 highchair and maybe a playpen.

23 Q Okay. But no lamps?

24 A No.

25 Q Okay. So there were no lamps to get knocked down;

Kevin Dukes - Redirect Examination by Mr. Grant

1 is that correct? Is that correct, sir?

2 A Sure.

3 Q Okay. And a couch and a love seat, if there is a
4 choking that occurs on a couch, can it occur without the
5 person moving the couch?

6 A I can't speculate that. I mean -- I don't know. I
7 don't know how to answer that question.

8 Q Okay. Well, when you say you looked for signs of
9 struggle and you didn't see any, then tell the jury what
10 was it --

11 A Are you asking me what I'm looking for when I look
12 for signs of struggle.

13 Q Yes, sir, yeah, what are you looking for?

14 A Normally when we look for signs of a struggle,
15 normally what you're looking for are household items that
16 would be out of -- seem to be out of place.

17 Q Right.

18 A Or knocked over or overturned. And I did not see
19 any signs throughout the house that there was any type of
20 struggle.

21 Q And again, did Ms. Price, from the information you
22 gathered in the case, did she make any allegations that
23 Mr. Simmons slammed her around the house downstairs?

24 A No.

25 Q Okay. But you do know, as far as your gathering

Kevin Dukes - Redirect Examination by Mr. Grant

1 information in this case, that --

2 MS. CORNWELL: I'm going to object at this point,
3 Your Honor, he's leading.

4 THE WITNESS: And, Mr. Grant, let me explain
5 something --

6 THE COURT: Let me rule, please.

7 THE WITNESS: Sure.

8 THE COURT: Rephrase your question.

9 MR. GRANT: Yes, sir.

10 THE COURT: Thank you.

11 BY MR. GRANT:

12 Q Is it your information -- or do you have any
13 information that Ms. Price made any other allegations than
14 being choked downstairs?

15 A No.

16 Q Okay. Thank you, sir.

17 MR. GRANT: No further questions.

18 THE COURT: Recross examination, Solicitor?

19 MS. CORNWELL: No, Your Honor.

20 THE COURT: Thank you. Thank you very much,
21 Officer Dukes.

22 THE WITNESS: Thank you, Your Honor.

23 THE COURT: We appreciate you being here with us
24 this afternoon. You may step down.

25 MS. CORNWELL: May he be released, Your Honor?

Courtney L. Price - Direct Examination by Mr. Grant

1 THE COURT: Any objections to Officer Dukes being
2 released, Mr. Grant?

3 MR. GRANT: No objection, Your Honor.

4 THE COURT: Thank you. Thank you, again. You may
5 be released.

6 You may call your next witness.

7 MR. GRANT: Your Honor, at this time we'd call
8 Courtney Price to the stand.

9 THE COURT: All right. Ms. Price, if you would
10 come around and be sworn, please.

11 COURTNEY LEOLA PRICE,
12 having been duly sworn, testified as follows:

13 THE CLERK: Thank you. You may be seated. Please
14 state your name again for the record.

15 THE WITNESS: Courtney Price.

16 THE CLERK: Thank you.

17 DIRECT EXAMINATION

18 BY MR. GRANT:

19 Q Good afternoon, Courtney.

20 A Good afternoon.

21 Q Courtney, how old are you?

22 A I'm 25.

23 Q And when is your birthday?

24 A [REDACTED], 1991.

25 Q And where were you born?

Courtney L. Price - Direct Examination by Mr. Grant

- 1 A Orangeburg, South Carolina.
- 2 Q And where were you educated?
- 3 A Orangeburg, South Carolina.
- 4 Q Where did you go the middle school?
- 5 A Rob B. Howard middle School.
- 6 Q And what about high school?
- 7 A Orangeburg-Wilkinson.
- 8 Q And what year did you graduate from
- 9 Orangeburg-Wilkinson?
- 10 A 2009.
- 11 Q And when you graduated from OW in 2009, did you go
- 12 onto college?
- 13 A Yes.
- 14 Q Now, let's -- before we get you to college, in high
- 15 school, did you have an opportunity to meet a young man by
- 16 the name of Samuel Simmons?
- 17 A Yes.
- 18 Q And tell the jury if you will, when did you and
- 19 Samuel Simmons begin dating?
- 20 A We began dating in 2008.
- 21 Q 2008?
- 22 A Uh-huh.
- 23 Q About how old were you then?
- 24 A 17.
- 25 Q And you started college, how old were you then?

Courtney L. Price - Direct Examination by Mr. Grant

1 A 18.

2 Q And when you went to college what was your major at
3 South Carolina State?

4 A Agribusiness.

5 Q And did you receive any type of scholarships to go
6 to school?

7 A Yes, I received a USDA that paid tuition all four
8 years and paid for books.

9 Q And when you graduated from high school, how were
10 you ranked as far as scholastics in your class?

11 A I was in the top 20 percent.

12 Q All right. And when you went to South Carolina
13 State, would you please tell the jury who your freshman
14 year suite mate was?

15 A Breanna Tilley.

16 Q The same Breanna Tilley that got on this witness
17 stand?

18 A Yes.

19 Q And when you got to South Carolina State and
20 Breanna Tilley being your roommate, were you still dating
21 Samuel Simmons?

22 A Yes.

23 Q And let me turn your attention then to August,
24 2009. Were you a student at South Carolina State on that
25 day.

Courtney L. Price - Direct Examination by Mr. Grant

1 A Yes, that was my first semester.

2 Q Your first semester in college?

3 A Uh-huh.

4 Q Okay. And did you have any occasion to have any
5 experience with Samuel Simmons in August, 2009, that was
6 unpleasant?

7 A Yes.

8 Q Tell the jury what that occasion was and what
9 happened?

10 A It was a situation where some pictures on Facebook
11 came up with him and another female and I asked him about
12 it and he told me to shut up and mind my business and the
13 altercation got physical because he began to choke me.

14 Q So he began to choke you in 2009?

15 A Uh-huh.

16 Q Where did the choking take place, Ms. Price?

17 A In my suite, New Guinea Suites.

18 Q And was anybody else present when this happened?

19 A No.

20 Q Or around?

21 A Not at that one, no.

22 Q Not at that particular incident?

23 A No.

24 Q And did you tell anybody about what happened in
25 August of 2009?

Courtney L. Price - Direct Examination by Mr. Grant

1 A I told my roommate, my suite mate.

2 Q Which one did you tell?

3 A Breanna Tilley.

4 Q Did you have a -- did you have a close relationship
5 with Breanna Tilley?

6 A Not when it came to our personal relationships, I
7 was just -- you know, when stuff would happen, I was like
8 that's what happened, stuff like that, but.

9 Q Okay. All right. How did Sam respond or talk to
10 you about what happened with that incident? Did he talk to
11 you at all about whether he was sorry or anything like
12 that?

13 A Yeah, we made up.

14 Q You made up?

15 A He would like to say what is worth keeping if it
16 didn't take a fight, so...

17 Q That was his words?

18 A Uh-huh. And at that time, you know, we'd never
19 gotten into a physical altercation, so I felt no need to
20 just leave him completely alone because at the same time, I
21 loved him and we were close, so.

22 Q Let me turn your attention to August -- excuse me,
23 November, 2009. Was there another incident with Sam where
24 you alleged that he became physical with you?

25 A Yes.

Courtney L. Price - Direct Examination by Mr. Grant

1 Q Please take your time, relax, and tell the jury
2 what happened on that particular month and incident?

3 A My suite mates and I and the suite mates across the
4 hall, we were all chilling in our suite. Sam got dropped
5 off and we got into an altercation and he began to drag me
6 to my room and that's when it went into my suite and my
7 friend Jamal Curry who was up on the stand, he end up
8 taking Sam home to defuse the situation before it got any
9 worse.

10 Q And did anybody witness that particular incident?

11 A Yes. Jamal, some of the suite mates who lived
12 across the hall and then Breanna Tilley.

13 Q And Breanna Tilley?

14 A Uh-huh.

15 Q Did anybody have to get involved in that particular
16 incident to help pull him off of you?

17 A Well, everybody who was in there kind of helped but
18 like I said Jamal end up taking him home that night.

19 Q Okay. And when he was getting physical with you on
20 that particular incident, tell the jury exactly what he was
21 doing to you?

22 A He was choking me and pulling my hair.

23 Q So this is the second time he choked you?

24 A Uh-huh.

25 Q All right. Now, here's the question. After he

Courtney L. Price - Direct Examination by Mr. Grant

1 choked you a second time and pulled your hair, how did you
2 feel about that and did you become afraid?

3 A I did. We actually didn't talk for like maybe two
4 weeks. We got back in touch around Thanksgiving of that
5 year.

6 Q And again, I'm asking you what did he say so you,
7 the type of language he used towards you?

8 A He was always calling me a bitch and stay in my
9 place and don't worry about what's in his phone or what
10 somebody else put on social media.

11 Q And how did that make you feel Courtney?

12 A That's the -- if we're together, how can you be
13 disrespectful and post -- you don't let other people post
14 pictures of you guys together and we're supposed to have
15 this relationship and you get mad if I talk to someone, so
16 it should be both ways and be mutual.

17 Q Has Sam ever slapped you ever?

18 A Yes.

19 Q Tell the jury when the first time he slapped you?

20 A It could have been that night in November on
21 campus. It was a long-winded night.

22 Q When you say it could have been, what do you mean
23 by that?

24 A Because there were so many incidents on campus.
25 That was my first time being away from home, so he didn't

Courtney L. Price - Direct Examination by Mr. Grant

1 have to worry about my mom or my sister.

2 Q Let me turn your attention now to a period between
3 January and May of 2010. Do you remember a period where
4 Sam accusing you of doing something that you did not do and
5 him getting physical with you? And I don't want you to get
6 into the particulars, or what led to him accusing you of
7 that, but accused you of doing something that you did not
8 do and him getting physical with you. Do you remember that
9 incident?

10 A I remember him getting dropped back off on campus
11 and -- because he didn't want to go through the security
12 checkpoint and I wouldn't get in my car to get him to drive
13 him on campus with me, so by him trying to sneak on campus,
14 campus security --

15 Q Well, here's the thing -- and I don't want to get
16 into the particulars of what happened to him with the
17 campus police, I'm asking you, did he accuse you of
18 something that you did not do and if so, how did he respond
19 and accuse you of doing that?

20 A He accused me of not picking him up and driving him
21 on campus myself.

22 Q And as a result of him -- of that, what did he do
23 with you when he got upset about it?

24 A Once I got him out of jail, he slapped me in the
25 car.

Courtney L. Price - Direct Examination by Mr. Grant

1 MS. CORNWELL: Objection, Your Honor.

2 THE COURT: I would sustain the objection and, Mr.
3 Foreman, ladies and gentlemen, as far as the last part of
4 her statement, her response, that would be stricken from
5 the record and it may not be any part of your
6 deliberations. Thank you. Thank you very much.

7 Mr. Grant.

8 BY MR. GRANT:

9 Q And I don't want to know where you got him from.
10 The question is what happened to you. You understand that?

11 A Uh-huh.

12 Q Okay. What happened to you?

13 A I got slapped.

14 Q Okay. All right. And how did you respond to
15 getting slapped?

16 A I cried, because if you didn't have a proper
17 identity to get on campus, then it's not that serious that
18 you come and stay the night on campus.

19 Q Okay. All right. And Courtney, again, you told us
20 incidences of him slapping you and even choking you,
21 pulling your hair. And any time, at least at this extent,
22 did you call the police or do any kind of police reports on
23 him?

24 A No, the first incident, the police report didn't
25 come until 2012.

Courtney L. Price - Direct Examination by Mr. Grant

1 Q Okay. Well, we'll get to that. All right. Let me
2 turn your attention now to around October 2010 (sic)?

3 A Uh-huh.

4 Q Did you have an incident with Samuel on that
5 particular month and year?

6 A Yes.

7 Q All right. Take your time, please and tell the
8 jury what happened.

9 A That night we were supposed to make plans to go the
10 Columbia, but he kept telling me that he couldn't do it
11 because he was busy. So we had company in town, family in
12 town from Atlanta so when they came, we were on our way to
13 get some ice and as he was coming down the road and he saw
14 my car, you know, I'm trying to slow down and stop him,
15 like, Hey, where you going, I'm right here. He just saw
16 people in my car and he immediately turned around and
17 started -- as I'm -- he turned around and he hit the back
18 of my car, so I'm driving off and he's constantly bumping
19 into the back of my car all the way down Highway 301, back
20 up Highway 301, continuously bumping into my car until I
21 finally go back home. He's chasing me all throughout our
22 yard. I come around the back of the yard and on the side
23 of our house is a DPU light pole. He hits that pole and
24 that stops him and when I see that he's stopped and can no
25 longer chase me, I continued to drive off and I never went

Courtney L. Price - Direct Examination by Mr. Grant

1 back to my mom's house that night.

2 Q Okay. Courtney, when you say Sam was hitting your
3 car in the rear, what vehicle was Sam driving?

4 A His dad's black pick-up truck.

5 Q And was there anybody in the car with Sam when this
6 was happening?

7 A Yes.

8 Q Who was in the car with him?

9 A His brother.

10 Q And again who was in the car with you.

11 A Our cousins from Atlanta.

12 Q Okay. And tell the jury if you will approximately
13 how fast you were driving when he was hitting your car with
14 the truck?

15 A I was going 60, 65 in a 45 speed zone.

16 Q And why were you going that fast?

17 A Because he was chasing me, bumping into my car.

18 Q And tell the jury, if you will, how many times do
19 you estimate or remember him hitting your vehicle while
20 you're trying to get away from him?

21 A About 15.

22 Q Did you ever lose control of the car?

23 A I swerved a few times.

24 Q And what made you decide to go back home to try to
25 get away from him?

Courtney L. Price - Direct Examination by Mr. Grant

1 A Because I knew my sister was going to be home.

2 Q And when you went back to the house, tell the
3 jury -- got back to the yard of your sister or your mom's
4 house, tell the jury where you drove your vehicle, in what
5 direction?

6 A I was continuing to come into the yard and when I
7 noticed he wasn't slowing down, I drove to the back of the
8 yard and he was still following me. So as I'm coming up to
9 the backyard, that's when the light pole was there and
10 that's when he rammed into the pole.

11 Q When you were going about 60 to 65 miles per hour
12 and Sam ramming your car, 15 times or more that your
13 describing, what kind of feelings did you have going on
14 about your own personal safety?

15 A Death. People get in accidents all the time from
16 swerving and all kinds of stuff and it's at night, you
17 know. Anything could have happened?

18 Q Okay. And the pole in your mother's yard, was it
19 damaged?

20 A It was. It was bent and the wire had to be
21 replaced. It actually knocked the lights out.

22 Q And do you know who replaced the pole?

23 A My uncles. They had some friends at DPU who gave
24 them the wire to fix the pole because DPU said they would
25 turn her lights off if she didn't get the pole fixed.

Courtney L. Price - Direct Examination by Mr. Grant

1 Q Did you have an occasion, court in January, 2011
2 for an incident involving you and Sam as well?

3 A Yes.

4 Q Tell the jury about that, please.

5 A Got into a car accident and my car was totaled and
6 he let me drive his car for a while. And it was a
7 situation where someone had been arrested and he was at a
8 frat house and they were getting robbed and the person
9 knocked on the door for him thinking it was him trying to
10 rob him?

11 MS. CORNWELL: Objection, Your Honor.

12 THE WITNESS: And when I was told about that --

13 MR. GRANT: Hold on.

14 THE COURT: Basis for the objection?

15 MS. CORNWELL: Our previous discussion in chambers.

16 THE COURT: All right.

17 MR. GRANT: Okay.

18 BY MR. GRANT:

19 Q Well, without going into what, his background, tell
20 me whether or not there was any incident that he did
21 something to you that was unpleasant in January 2011?

22 A Yeah, he shoved me and told me to mind my business
23 when it came to his personal life with his family.

24 Q Now, I'm asking you, Ms. Price, were you afraid of
25 Samuel Simmons?

Courtney L. Price - Direct Examination by Mr. Grant

1 A Yes.

2 Q How afraid were you of him?

3 A I was very afraid when he was jealous and when he
4 would get aggressive.

5 Q Okay. All right. Now, let me turn your attention
6 to between March and April of 2011. And again, I'm not
7 going to ask you about anybody else's background, but do
8 you remember an incident between March and April of 2011?

9 A Uh-huh.

10 Q And did Sam have an occasion to do anything
11 physical to you during that period?

12 A Yeah, he shoved me real hard to the ground.

13 Q So he pushed you to the ground. Did he use any
14 towards you as he was shoving you.

15 A He said, B don't worry about what we got going on,
16 just mind your business.

17 Q So when you say B are you referring to the word
18 B-I-T-C-H?

19 A Yes.

20 Q And how did that make you feel?

21 A Like how can you call someone you claim you love
22 that, you know, when they're trying to have your best
23 interest so that you don't end up in the same situation
24 someone so close to you in.

25 Q Now, when did you get pregnant?

Courtney L. Price - Direct Examination by Mr. Grant

1 A 2012, Labor Day.

2 Q 2012. Okay.

3 A Uh-huh.

4 Q All right. Let me turn your attention now to
5 January, 2012. I know we just talked about March and
6 April, but I'm going the back up a little bit to March and
7 April of two eleven, so I am moving forward -- to January
8 of 2012, do you remember having an experience with Sam that
9 gave you some concern during that period?

10 A Yes.

11 Q All right. Take your time. Do you actually
12 remember the specific date?

13 A I believe it was around the end of the month maybe
14 the 21st, 22nd.

15 Q Okay. Around January 22nd 2012?

16 A Uh-huh.

17 Q All right. Tell the jury, if you will what exactly
18 happened with you and Sam on that particular day?

19 A Well, on that particular day, he got arrested the
20 previous --

21 MS. CORNWELL: Objection, Your Honor.

22 BY MR. GRANT:

23 Q No, you can't say what anybody else -- I'm asking
24 what happened to you.

25 THE COURT: Give me just a moment.

Courtney L. Price - Direct Examination by Mr. Grant

1 Again, ladies and gentlemen, strike that from the
2 record. It should not be any part of your deliberations
3 and your consideration in this case.

4 MR. GRANT: Okay.

5 BY MR. GRANT:

6 Q All right. Now, let's go back to January 22nd,
7 2012?

8 A Okay.

9 Q And my question is, what happened with you and to
10 you involving you and Sam on January 22nd, 2012?

11 A Well, I was giving him a ride home from picking him
12 up. His vehicle got towed and he needed a ride home. How
13 can I explain without explaining the whole situation,
14 though?

15 Q Well --

16 A Because it started at the complex.

17 Q I understand. But all I'm saying is this: Let's
18 start where he put his hands on you and go from there. How
19 about that?

20 A Well, as I was dropping him off, you know, I
21 informed him about the situation that happened previously
22 that day and I said, you know, it's not cool to be taking
23 advantage of me because at the end of the day, I have to
24 look out for you. I have your best interest and when
25 you're in trouble, it's me you call. And he -- I told him,

Courtney L. Price - Direct Examination by Mr. Grant

1 you know, from that point, like, I can't do it. And that's
2 when he grabbed my phone because he knew I wasn't going to
3 leave without my cell phone. He grabbed my phone and threw
4 it on the concrete at his parent's house and then he
5 dragged me out the car.

6 And from there, he was dragging me in my (sic)
7 parent's yard and his dad opened the door and saw what was
8 going on. He came out and he helped me up off the ground
9 and he gave me his phone because he knew that Sam had
10 cracked my phone and he said, Call the police on him. And
11 that's just what I did. And I was on the phone with the
12 police, they were trying to get the address and that's when
13 his dad confirmed the address and the ZIP code of the
14 residence for the police to come out and Sam had already
15 walked up the street and called a ride to pick him up.

16 Q And by his dad, are you referring to Mr. Samuel
17 Simmons, who testified earlier?

18 A Yes.

19 Q And is that the man that came out and gave you the
20 phone for you to --

21 A Yes.

22 Q -- for you to call the police?

23 A Yes.

24 Q And he's the one you're talking about that
25 confirmed the address?

Courtney L. Price - Direct Examination by Mr. Grant

1 A Yes.

2 Q Okay. All right. Now, when you say he grabbed you
3 around your neck and pulled you across the yard?

4 MR. GRANT: Your Honor --

5 Step down one moment, please, ma'am.

6 THE COURT: Keep your voice up, please, Ms. Price.

7 BY MR. GRANT:

8 Q Keep your voice up. You've got a light voice.

9 A Okay.

10 Q Can you grab me around my neck in the manner in
11 which he grabbed you around yours.

12 A He came to the side of my car where I was and he
13 grabbed me by my neck and threw me out of the car. And I
14 was on the ground the whole time.

15 Q Thank you. Take your seat again.

16 And how did that make you feel emotional when that
17 happened to you, Ms. Price?

18 A Distraught because that was the first time he'd
19 attacked me in front of either one of our parents. You
20 know, it was always between colleagues our same age who
21 could understand, you know, how it is to be young and in
22 love. But the fact that he did that at his parent's house
23 with his dad right there coming out the door, I just felt
24 like held do anything at this point.

25 Q And did you see his mother on that day?

Courtney L. Price - Direct Examination by Mr. Grant

1 A Yes, she came shortly after the police arrived.

2 Q And did she do anything to you to help you through
3 your emotional distress?

4 A Yeah, she said she wished I had called her because
5 he knows not to put his hands on a woman.

6 Q What did she do, if anything, to console you?

7 A She was hugging me as I was talking to Deputy Mack.

8 Q And are you talking about the same lady who just
9 testified a few minutes ago?

10 A Yes.

11 Q And Courtney, did Deputy Mack show up at the
12 similar mono's residence that day to talk to you?

13 A He did.

14 Q And is Deputy Mack the fellow --

15 MR. GRANT: Stand up again Deputy Mack, please,
16 sir.

17 BY MR. GRANT:

18 Q And is that the officer that showed up to the
19 address [REDACTED] Rio Drive on January 22nd, 2012?

20 A Yes.

21 Q And is that the same officer who talked to you and
22 Sam's mother?

23 A Yes.

24 Q And did you have any injuries to your neck?

25 A Yes, there was an abrasion that he listed in the

Courtney L. Price - Direct Examination by Mr. Grant

1 report.

2 Q Did Deputy Mack ask you whether you wanted to press
3 any charges?

4 A He did.

5 Q And what did you decide to do?

6 A I said no because I didn't want him to get in
7 anymore trouble. He had just got out of trouble that same
8 day.

9 THE COURT: Again, ladies and gentlemen, you cannot
10 take into account whatever occurred that same day as to
11 Mr. Simmons and I'll strike that from the record.

12 MS. CORNWELL: Thank you, Your Honor.

13 BY MR. GRANT:

14 Q And you signed a form agreeing to the -- not
15 prosecute Sam; is that correct?

16 A Yes.

17 Q This has been admitted as Defendant's Exhibit
18 Number 9. Is that the form that you signed, Courtney?

19 A Yes.

20 Q Okay. All right. Now, Courtney, did you tell your
21 mom about what happened in January 2012?

22 A No.

23 Q And why didn't you tell your mother?

24 A She's so strongly opinionated and, you know, when
25 you're in a relationship with someone that you love, once

Courtney L. Price - Direct Examination by Mr. Grant

1 you tell people you're close to about that, you don't want
2 them to look at this other person in the sense that you
3 wouldn't want him to because at the same time, you love
4 them. You don't want them judging them and talking cruel
5 on someone you love.

6 Q Okay. Let me turn your attention now, to April to
7 May, 2012. Did you have an experience with Sam between
8 April and May of 2012 something involving preparing to go
9 to bike week?

10 A Yes.

11 Q All right. Would you please tell the jury what
12 that incident was about?

13 A It was on a Friday. It was bike weekend and we
14 were -- well, he was in the process of going back to the
15 beach with his cousins and I was in the process of going
16 with my friends from school. I was dropping -- on my way
17 to his aunt's house, he was driving my car and I was on
18 the passenger side and he made a big deal about me going to
19 bike week and I'm saying, Well, why can't I go if you're
20 going, like -- so, an argument ensued in the car over that.
21 So I said just pull over to the side. Get out, we're close
22 to your aunt's house. You can walk the rest of the way.
23 So he pulled over, slowly, as if he was about to come to a
24 complete stop on the side of the road. Soon as I opened
25 the door and got my right foot out the car, he drove off

Courtney L. Price - Direct Examination by Mr. Grant

1 and my foot got scraped up on the pavement and I had to
2 seek medical help from a foot clinic because I had juvenile
3 diabetes and the wound was deep. It was actually deeper
4 than I thought.

5 I went to my job and my manager said, you know, you
6 have diabetes and if that gets infected, you can risk
7 amputation and once it was cleaned off and I saw how deep
8 it was and the pavement still in my the foot, I had to seek
9 medical help.

10 Q And you went to the foot clinic?

11 A Yes.

12 Q And you ultimately had to get -- well, let me --
13 you ultimately had to get this medical boot or shoe?

14 A Yes.

15 Q And you had this in your possession since then?

16 A Yes.

17 Q Okay.

18 MR. GRANT: Your Honor, I'm offering this as
19 Defendant's Exhibit next in order.

20 THE COURT: It's marked. What's the number?

21 THE COURT REPORTER: 7.

22 MR. GRANT: 7, Your Honor.

23 THE COURT: Any objection, Solicitor.

24 MS. CORNWELL: No objection, Your Honor.

25 (Defendant's Exhibit Number 7 was entered into

Courtney L. Price - Direct Examination by Mr. Grant

1 evidence.)

2 BY MR. GRANT:

3 Q How long did you have to wear this boot?

4 A I think about two weeks.

5 Q Now, when you went to the foot clinic and they
6 asked you how this happened, what did you tell them?

7 A I told them that I scraped my foot trying to get
8 out of the car.

9 Q And why did you tell them something -- to clean it
10 up, if you will, about what really happened?

11 A Because if I told them what really happened,
12 normally when you go to the hospital for blood work and
13 they do incident reports, they'll get the law involved
14 themselves.

15 Q So even after all you've been through, were you
16 still trying to protect Sam?

17 A I was. I still loved him.

18 Q All right. Let me turn your attention now, then,
19 to September 2012, labor Day weekend. You remember that
20 weekend?

21 A I got pregnant that weekend.

22 Q You got pregnant that weekend. And who did you get
23 pregnant from?

24 A Samuel Simmons.

25 Q Okay. And were you still living with your mother

Courtney L. Price - Direct Examination by Mr. Grant

1 at the time?

2 A I was.

3 Q Tell the jury if you will what happened in February
4 of 2013?

5 A We were on our way to the beach for my birthday --
6 well, every time we were together he always drove. We were
7 in my car. He was driving. He was on the phone with his
8 brother and he told me his brother wanted to talk to me
9 before my birthday. So I said okay. So he gave me his
10 phone and I was talking to his brother and he got a beep.
11 And it was another female.

12 So I'm like who is this and he's immediately trying
13 to grab the phone from me and while he's trying to grab the
14 phone, he's choking me and my head is up against the
15 window, like, Give me my phone; give me my phone. I remind
16 you I'm five months pregnant and we're on the two-way road
17 on the way to Myrtle Beach. It was late at night. And he
18 was choking me until he eventually pulled over and that was
19 in.

20 Q How did you react emotionally to your father's
21 child choking you while your five months pregnant?

22 A I was hurt. I wanted to know what female calling
23 your phone is so important that you feel that the only way
24 to defuse the situation is to choke me to not talk about
25 it.

Courtney L. Price - Direct Examination by Mr. Grant

1 Q And what happened in May of 2013?

2 A That's when C.D.S. was born.

3 Q And in September, 2013, was that also Labor Day
4 weekend?

5 A It was close to it, either right before it or right
6 behind it.

7 Q And were you supposed to -- or did you go to
8 Summerville for that weekend with Sam's family?

9 A That was the plan. But the topic of childcare came
10 up and a big argument ensued and it got physical.

11 Q And when you say it got physical, tell the jury
12 exactly what he did to you.

13 A He shoved me on the ground.

14 Q Did he do anything else to you other than shove
15 you?

16 A He pulled my hair.

17 Q Did you call the police that time?

18 A No, but the next day, I decided to go to family
19 court and file for child support since we could no longer
20 seem to get along together. I figured if you can't do what
21 you're supposed to do as an co-parent, we'll just go
22 through the court system and I filed for child support.

23 Q Did you tell anybody about what happened in that
24 incident?

25 A I did. I told my mama.

Courtney L. Price - Direct Examination by Mr. Grant

1 Q Okay. What about your sister?

2 A I'm sure she probably knew, but I know I definitely
3 told my mama because she paid for the application fee for
4 the child support.

5 Q Now, again, with all this going on that you just
6 described for this jury, how did you feel about Sam with
7 regards to whether you had any fear of him?

8 A I still feared him because at this point, it was a
9 child involved in the situation and you just had -- you had
10 no limit on what you would do to the mother of your child.

11 Q All right.

12 A Regarding your child.

13 Q All right. Ms. Price, let me continue and turn
14 your attention now to October 2013. Did Sam come to your
15 house on that particular day and it's when your pictures in
16 your phone came up?

17 A Yes.

18 Q All right. Now take your time and tell the jury
19 what happened on that month, 2013, October 2013.

20 A We were sitting in my den, me and him on the love
21 seat and our son, C.D.S.'s sitting in front of us in his
22 bouncer. Sam asked for my phone because we took plenty of
23 pictures together and with the child. So he's going
24 through my phone and he's selecting pictures of all of us,
25 one by one, one by one.

Courtney L. Price - Direct Examination by Mr. Grant

1 So he's selecting the pictures. I'm under the
2 assumption he's about to send the pictures to his phone so
3 he can have them as well. Instead, he selects all the
4 pictures and deletes them and I'm like, why would you
5 delete those memories, those photographic memories, like,
6 our child -- you know, at this point our child is three or
7 four months years old. Why would you go and delete those
8 pictures? And he mushed my head into the couch.

9 And by that time, my mom was walking into the den
10 and I swung back on him and at that point once my mom came
11 in, he opened the side door and dragged me outside and
12 continued to fight me outside until I had a black eye and
13 the police were called.

14 Q So he fought you at your own mother's house?

15 A Yes.

16 Q When you say the black eye, tell the jury how it is
17 that you got this black eye?

18 A From him dragging me and he punched me in the eye
19 when I was on the ground.

20 Q Did you file a child support petition and, if so,
21 what did you decide to do about it?

22 A I did. The child support petition was already
23 filed before that incident. Our court date was actually
24 coming up, I believe, the first week in November. And then
25 that same night, I called her mom and told her what

Courtney L. Price - Direct Examination by Mr. Grant

1 happened and she said that don't worry about it because she
2 was planning like a baby shower/cookout for her side
3 because none of them were able to come to my baby shower.
4 And she said we're going to, you know, take care of C.D.S.
5 make sure he has all his things for the fall and winter.
6 And that following Saturday, that's when we were at his
7 parent's house and all of their family brought gifts for
8 C.D.S.

9 Q Now, you heard the daycare lady talk about you
10 having what she saw as a dark eye or a black eye under
11 shades?

12 A Uh-huh.

13 Q Did you have a black eye?

14 A I did.

15 Q Tell the jury where that black eye came from that
16 she saw?

17 A From the altercation at my mom's house where he
18 punched me in my eye.

19 Q And you've heard other witnesses testify about
20 bruises and marks that they saw on your body.

21 A Uh-huh.

22 Q Tell the jury where each of those bruises that they
23 testified about, just go ahead and reveal it. Where did
24 that come from?

25 A The hands of Sam.

Courtney L. Price - Direct Examination by Mr. Grant

1 Q Did you ever bruise yourself by just bumping into a
2 table or bumping into a chair and, therefore, getting a
3 bruise simply because you're diabetic.

4 A No, I've never had complications from diabetes up
5 until now, the recent complications.

6 Q Okay. Now, in May of 2014, what happened then?
7 Did you move out of your mama's house?

8 A Yes.

9 Q And tell the jury where you -- where did you move
10 to?

11 A I got my own apartment for me and my son in Dogwood
12 Crossing Apartments here in Orangeburg.

13 Q How did that feel to have your own apartment, being
14 a single mother, moving out of mama's house?

15 A It felt good. I felt things were falling into
16 place. I had a good job and you know, me and my son, we
17 had our own place, I didn't have to worry about being at my
18 mama's house with a child and, you know, putting a burden
19 on her with a small child coming up in the house.

20 Q And where were you working at the time again?

21 A SCPM Federal Credit Union.

22 Q And what did you do for them?

23 A I was a financial representative, teller.

24 Q So you were a teller?

25 A Yes.

Courtney L. Price - Direct Examination by Mr. Grant

1 Q So you were entrusted with money every day as a
2 teller?

3 A Yes.

4 Q Anybody ever accuse you of stealing anything
5 working there?

6 A No.

7 Q Okay. And in July 2014, were you still seeing Sam?

8 A I was.

9 Q And did you have an occasion to give Sam a key to
10 your apartment?

11 A Yes, for his birthday -- because for the most part
12 there for a year, we were pretty much on good terms, so,
13 you know, I felt like, you know, things were finally
14 falling into place with both of us. We hadn't had any
15 physical altercations to begin with that year. And you
16 know, besides the daycare issues, I felt like, you know, we
17 might have a chance at a family. We'd been talking since
18 high school, you know, things potentially are getting
19 better, so I gave him a key for his birthday to show like,
20 this is the key, you're welcome here any time, you know.

21 Q How badly did you hope to have a future with Sam?

22 A Really bad. I really loved him.

23 Q And what did you want to be to Sam considering he
24 is the father of your child?

25 A After all the years we built, I hoped we would have

Courtney L. Price - Direct Examination by Mr. Grant

1 eventually gotten married.

2 Q All right. Let me turn your attention now to
3 September of 2014. And then we'll get to September 27th,
4 2014. Was there a time when Sam came to your apartment
5 around midnight in the early part of September 2014?

6 A Yes.

7 Q And tell the jury about that, please.

8 A He came in -- it was -- he always got in Orangeburg
9 late coming from the beach most of the time once he got
10 off. And he came and C.D.S. was upstairs sleeping. There
11 was a verbal argument about some things that had been going
12 on in the recent weeks of the relationship, so while I was
13 upstairs in the restroom, he left and he left the door
14 slightly open and remind you, the child is upstairs asleep,
15 it's after midnight and I called and texted him, like, why
16 would you leave the house open, you have a key. That's the
17 purpose of you having a key so you can you know lock the
18 door and lock it as needed. Like, your child was upstairs
19 sleeping, it's late.

20 And at that point, things were getting rocky
21 because he was falling back behind on daycare, the bill
22 that we took care of biweekly, I pay one week, he pay one
23 week. He was falling behind on that and I -- I mean, I
24 felt like he took advantage of having a key to my house,
25 so, you know, things were continuing to worsen around that

Courtney L. Price - Direct Examination by Mr. Grant

1 time, around in cement because I just felt like he got too
2 comfortable with me after all the years, he felt like he
3 could do whatever and know that I would always come back
4 and have his back.

5 Q Did you finally make a decision to call it off?

6 A I did.

7 Q And did you ask for your key back?

8 A Several times.

9 Q Did you send him text messages asking for your key
10 back?

11 A Several.

12 Q And did you tell his mother to have him give you
13 your key back?

14 A Yes.

15 Q What about his sister?

16 A I did.

17 Q All right. And did he return the key back to you
18 in reply to your demand?

19 A No.

20 Q And again, the apartment where you stayed was he a
21 tenant in that apartment?

22 A No.

23 Q And again, I ask you to take a look at Defendant's
24 Exhibit 1, that's already been admitted in evidence. Take
25 a look at that for me, ma'am. And whose name is on the

Courtney L. Price - Direct Examination by Mr. Grant

1 page signing as a tenant to that apartment.

2 A My name.

3 Q Okay. Only your name?

4 A Yes.

5 Q And what was your address in September of 2014?

6 A [REDACTED] Crossing Circle, Orangeburg, South Carolina
7 29915.

8 Q And was that your home?

9 A It was.

10 Q All right. Now, let me turn your attention then to
11 a transitional period, September 26, going into September
12 27, 2014?

13 A Uh-huh.

14 Q Let's go back to the night of September 26th --

15 MR. GRANT: And, Your Honor, if we need to take a
16 break, I will, but -- whatever you say.

17 THE COURT: All right. I think you can press on.

18 MR. GRANT: Thank you, Judge.

19 BY MR. GRANT:

20 Q Let's go back to September 26, the night of.

21 A Uh-huh.

22 Q Do you remember that night, what time you and

23 C.D.S. went to bed?

24 A I remember C.D.S. went to bed around eight. He was
25 in bed before I was and then I went a short while later

Courtney L. Price - Direct Examination by Mr. Grant

1 about ten.

2 Q About ten. And when you went to bed, were you
3 expecting any guests to show up at your house that night?

4 A No.

5 Q Were you expecting Samuel Simmons to show up at
6 your house considering you wanted your key back and you
7 were pretty much through with him?

8 A No. I knew it was a possibility because he often
9 popped up, but it wasn't planned.

10 Q All right. And did you go the sleep and after --
11 what time did you go the sleep, roughly?

12 A Between ten and 10:30, maybe.

13 Q Okay. And that's on September 26th?

14 A Uh-huh.

15 Q Naturally after night, it went to September 27th,
16 correct?

17 A Uh-huh.

18 Q Well, tell the jury what started happening around
19 three o'clock, 3:30 in the morning on September 27th?

20 A My phone started vibrating. It was under my pillow
21 so it woke me up. I saw it was him, so I answered. I
22 answered the phone and I heard laughing or something on the
23 other end of the phone, so I'm constantly saying hello,
24 hello, just making sure he didn't pocket dial me or
25 anything. I didn't hear anything so I continued to try the

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1 call back. Still got nothing.

2 So by that time, I end up calling his sister to
3 see, you know, if she knew what was going on, because I
4 hasn't spoken to him, I didn't know he was on his way to
5 Orangeburg. And she said, no she hadn't spoken to him and
6 this and that, so I was like, well, okay.

7 So we were continuing to playing phone tag with
8 each other and he finally text or called and said open the
9 door. So I went downstairs and looked out the window
10 because he had the tendency to tell me he was outside if
11 he's like five minutes away, he wouldn't really be outside
12 yet. So when I saw that he wasn't outside yet, I just
13 stayed downstairs and continued to watch TV and he finally
14 arrived, I think about thirty minutes later, maybe around
15 four o'clock. And I saw the lights pulling up and he said
16 he had stuff to bring in the house. He told me he had
17 diapers for C.D.S. so I unlocked the door and he came in.

18 When he came in, he had a case of beer, a bottle of
19 Hennessy. He put that down and then he went back to the
20 car to get the diapers that he had for C.D.S.

21 Q All right. Let me show you what has been admitted
22 as Defendant's Exhibit Number 21. You see any alcoholic
23 beverages in that exhibit?

24 A Yes.

25 Q What do you see in Defendant's Exhibit 21?

Courtney L. Price - Direct Examination by Mr. Grant

1 A His bottle of Hennessy and the Raspbarita.

2 Q And is that the alcohol that Sam brought into your
3 home that particular morning?

4 A Yes.

5 Q Now, describe for the jury what you observed as far
6 as Sam's state of sobriety when you saw him?

7 A He was still drinking when he came in. He also had
8 his red cup with him. So I could tell he was, quote,
9 unquote, feeling good, you know, because he'd already been
10 drinking.

11 Q Okay. And could you smell anything coming from his
12 person?

13 A When he spoke I could. I could smell the alcohol
14 on him.

15 Q Now, naturally, the question is, if all of this had
16 been going on between you and Sam and if you were finished
17 with him and wanted your key back, explain to the jury why
18 you decided to let him in and at the same time?

19 A I was afraid of what would happen next time we did
20 see each other and I didn't let him in, so...

21 And we would always reconcile. So it was natural,
22 it was going on for seven years at the time, so...

23 Q And when Sam came in, what part of the house or I
24 should say apartment, did you all sit in?

25 A Downstairs.

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1 Q All right. And I want you to explain to the jury,
2 describe for the jury how the downstairs area to your home
3 is furnished.

4 A There are two couches, a playpen, and then the --
5 across the living room, there's a TV stand and a TV on it.

6 Q And are there any lamps downstairs?

7 A There's nothing downstairs, no lamps, no pictures,
8 nothing.

9 Q And as far as the playpen in relationship to the
10 love seat or the couch, what is the playpen closest to.

11 A It was closer to one of the couches. I don't
12 recall -- I don't remember which couch was where, but it
13 was closer to one of the couches.

14 Q Do you remember which one you and Sam sat on when
15 he came in?

16 A We sat closer to the window so we could see the TV
17 better.

18 Q Did you sit -- okay. And which couch is closest to
19 the love seat -- excuse me, which couch is closest to the
20 playpen when you're sitting on the couch?

21 A It could with been the love seat because the couch
22 was longer, so they would have covered the window sill.

23 Q Okay. And again, I think you said you were sitting
24 on the couch as opposed to the love seat?

25 A Uh-huh, we started out on that couch, on the long

Courtney L. Price - Direct Examination by Mr. Grant

1 couch.

2 Q Okay. All right. And when you started out on that
3 couch and you were talking with Sam, what discussion or
4 subject matter came up?

5 A Childcare.

6 Q Childcare?

7 A Uh-huh.

8 Q And what did you say to Sam and what was his
9 response?

10 A I told him it wasn't fair that, you know, he wasn't
11 paying his share of daycare that whole month, like I was
12 paying his share and my share along with my bills in my
13 house for gas that it takes to take C.D.S. to daycare. I
14 was carrying the full load and I told him that wasn't fair.
15 I mean diapers are nice, but it's nothing for me to buy
16 diapers and, you know, C.D.S. still had plenty of diapers
17 at my mom's house if he ran out of the diapers at my house,
18 so I wasn't too concerned about diapers. I needed him to
19 pay his weeks of daycare.

20 Q And you heard the daycare provider, testified, the
21 daycare lady, what was her name again?

22 A Latoya.

23 Q Latoya. The problems with paying Latoya and her
24 business, how does that relate to him not paying his share?

25 A Well, I would have to wait, you know, until when I

Courtney L. Price - Direct Examination by Mr. Grant

1 get paid to pay double, but I would also accumulate late
2 fees for not paying on time.

3 Q Did you ever have to borrow any money from anybody
4 to pay the daycare and catch up?

5 A I borrowed money from my mom, but I didn't tell her
6 why I needed to borrow the money.

7 Q You didn't tell her why?

8 A Huh-huh.

9 Q All right. And when the discussion came up and you
10 all continued to talk about daycare, how did he respond to
11 that?

12 A He choked me because I mentioned going through with
13 putting him on child support and not dropping the case this
14 time.

15 Q And what did he say to you when he choked you.

16 A He said, B-I-T-C-H, your not going to put me on
17 child support.

18 Q And tell the jury again emotionally how did you
19 react to that.

20 A I was hurting because this was the child you say
21 you loved so much and you should understand that this child
22 has to go to daycare so I can go to work so I can continue
23 to provide for him as his mother as well.

24 Q And after he choked you, did you ask him to leave
25 your home?

Courtney L. Price - Direct Examination by Mr. Grant

- 1 A I did.
- 2 Q And how did he respond to that?
- 3 A He said he didn't want to leave and he wanted to
4 see his son.
- 5 Q Did that incident eventually calm down or defuse
6 itself.
- 7 A It did. I went in the kitchen and I got one of the
8 Raspberitta that he brought over.
- 9 Q All right. And was he drinking some of the beer
10 and the liquor too?
- 11 A Yeah. He did. By that point, we moved onto the
12 love seat because we used the highchair to hold some of the
13 cans.
- 14 Q All right.
- 15 A So we wouldn't have to keep going back and forth to
16 the kitchen.
- 17 Q Now, is there some point in the morning after this
18 thing calms down and you all have a little alcohol, do
19 y'all watch a movie or anything?
- 20 A We continued to watch VH1. It was videos on.
- 21 Q And at some point after that, do you decide to go
22 upstairs?
- 23 A I did. After drinking. I had to use the restroom
24 and both of the bathrooms were upstairs. So I went
25 upstairs to use the restroom.

Courtney L. Price - Direct Examination by Mr. Grant

1 Q And let me make sure I'm clear on this. How many
2 bathrooms did you have in that house?

3 A Two.

4 Q And where are they located?

5 A Both upstairs between the bedrooms.

6 Q Okay. And when you went upstairs to use the
7 restroom, did you -- the bathroom, did you tell Sam to come
8 upstairs?

9 A No.

10 Q Did you expect him to come upstairs?

11 A No.

12 Q And after you used the bathroom and came out of the
13 bathroom, where was Samuel Simmons?

14 A He had already you know dressed and he was sitting
15 on the foot of my bed.

16 Q And as he was sitting on the foot of your bed,
17 explain to the jury what happened next.

18 A He pulled me in and he said come here and he
19 started kissing me and started kissing on my neck and we
20 had sex.

21 Q When Samuel Simmons would want sex from you in your
22 relationship what would you normally do?

23 A Give it to him.

24 Q And after you all finished having sex, did the
25 issue of child support come up again?

Courtney L. Price - Direct Examination by Mr. Grant

1 A It did.

2 Q Now, tell us why would you still bring up the issue
3 of child support if you just got finished having sex?

4 A Because this fact that we had sex didn't change the
5 fact that he still needed to pay his portion when he was
6 supposed to the pay his portion. You -- us having sex had
7 nothing to do with C.D.S.'s childcare.

8 Q And again, how did Samuel Simmons react to that?

9 A He choked me again. And this time, he choked me
10 longer than he did when we were downstairs. So once he
11 choked me I told him to leave and get out. I went
12 downstairs and started to straighten back up and -- I went
13 downstairs to straighten back up and to fix C.D.S. a bottle
14 because by now it's almost six o'clock.

15 Q Okay. Hold on a second. Let me just ask you this:
16 I want to make sure I'm understanding this. He choked you
17 a second time after you asked him about child support and
18 what did you say to him about remaining in your home?

19 A I told him to leave.

20 Q And what did he say to you?

21 A He said no.

22 Q And emotionally, how did you react to this man
23 choking you for a second time in your home?

24 A Hurt because we just -- I thought we -- I thought
25 it was -- you know, we both drank and well, we just had sex

Courtney L. Price - Direct Examination by Mr. Grant

1 and you put your hands after me after sex. You know, so
2 it's like, it just doesn't mean anything to you, nothing.
3 Nothing about this relationship, this family means anything
4 to you.

5 Q And when you went downstairs, why did you go
6 downstairs after he choked you?

7 A Because he said no. And I was hurt, so I was
8 crying, just to get away from him.

9 Q And while you were downstairs, and by the way, did
10 you also have intentions of getting the baby a bottle?

11 A Yes.

12 Q And while you were downstairs, what did you notice
13 about the phones?

14 A His phone lit up.

15 Q All right. Now imagine this was a smart phone and
16 do smart phones -- first of all, do you have a smart phone?

17 A I do.

18 Q Do smart phones sometimes light up even though
19 somebody's not texting?

20 A Yeah.

21 Q Okay.

22 A Could be anything.

23 Q Okay. So the phone lit up?

24 A Uh-huh.

25 Q And when the phone lit up, what did you do at that

Courtney L. Price - Direct Examination by Mr. Grant

1 time?

2 A Well, I noticed for the first time in seven years,
3 he didn't have a lock on his phone. He always had a lock
4 on his phone and this one particular night, he didn't have
5 a lock on his phone, so that's when I picked the phone up
6 and I went to his messages and that's when I saw some text
7 messages about a daycare deposit or -- it was something
8 about daycare with a child.

9 Q And what did you discover for the first time after
10 going through those text messages?

11 A I discovered he had another child.

12 Q Did you know anything at all about this other child
13 the entire time you were having this relationship with
14 Samuel Simmons?

15 A Not at all.

16 Q Did you know anything at all, when you had hopes,
17 as you put it, to have a future with him and, I guess,
18 everyone get married?

19 A Not at all.

20 Q Did you know anything at all about this other
21 woman?

22 A Nothing.

23 Q And considering that you've asked him twice now to
24 get out of your house and he told you he wasn't leaving; am
25 I correct?

Courtney L. Price - Direct Examination by Mr. Grant

1 A Uh-huh.

2 Q And knowing what you just testified to about how he
3 reacts when you ask him about another woman?

4 A Uh-huh.

5 Q Tell us what you decided to do and the reasons why
6 you decided to do it?

7 A Well, right after I saw the text, I said Sam. He
8 said, What.

9 Q Okay. Let me make sure I'm straight on that. So
10 when you saw the text, where was Sam?

11 A He was still upstairs.

12 Q Still upstairs?

13 A Uh-huh.

14 Q And yell out for me the same volume -- I know your
15 voice is not as strong as mine, it's a little weaker, yell
16 out for me how you yelled out to Sam?

17 A I said Sam.

18 Q And what did Sam say?

19 A He said, What.

20 Q He said what. And did Sam -- obviously if he said
21 what, does that -- does that mean you knew he was awake?

22 A Yeah, I know he was.

23 Q All right. And was he wide awake when you went
24 downstairs?

25 A Just as wide awake as he was when I came back up.

Courtney L. Price - Direct Examination by Mr. Grant

1 Q Okay. And when you went downstairs. And, you
2 know, he's already choked you, according to you, and you
3 saw these text messages, tell the jury once again, what you
4 decided to do when he said what?

5 A I decided to ask him about it. I decided like
6 that's not a woman I'm asking you about, this is a whole
7 other life, so. I said if he choked me over a woman or a
8 daycare deposit, what would he do if I know his deepest
9 darkest secret.

10 Q Uh-huh.

11 A So I got a knife so I could ask him about it.

12 Q Why did you get a knife considering what happened
13 to you in your home?

14 A Because if he choked me over his infidelity and he
15 choked me about money for daycare, I could only imagine
16 what he would do if I found out he had a child.

17 Q So did you get it to defend yourself in case?

18 A I did.

19 Q Okay. And considering he would not leave your
20 home, what else did you have in mind about going back
21 upstairs.

22 A Fear. I mean...

23 Q What else did you have in mind about getting him
24 out of your house?

25 A Well, I had already told him twice, but I was going

Courtney L. Price - Direct Examination by Mr. Grant

1 to ask him about it and was he going to leave -- tell him
2 to leave.

3 Q And did you have desires to have him leave your
4 home when you went back upstairs again?

5 A Yeah, I already told him twice.

6 Q Okay. All right. And you went back upstairs with
7 the knife; is that correct?

8 A Yes.

9 Q And I think they showed the knife earlier. I don't
10 need to show you that. I tell you what, imagine this pen.
11 Step down for me, please. Use that pen?

12 A Uh-huh.

13 Q Imagine that pen is the knife in question. Just
14 sort of explain where you had the knife as you came
15 upstairs?

16 A Down by my side.

17 Q Okay. And you came upstairs to -- imagine this is
18 indeed the bed in the room?

19 A Uh-huh.

20 Q When you came upstairs, tell me where Sam was if
21 that's -- the bed would be -- hold on one second. For
22 purposes of a very short bed, end of the bed that
23 direction, foot of the bed this direction. Tell us where
24 Sam is in relation to the bed when you come into the room?

25 A This way.

Courtney L. Price - Direct Examination by Mr. Grant

1 Q Is it this way?

2 A It was the footboard, he wouldn't -- he was at the
3 foot of the bed --

4 Q Uh-huh.

5 A His leg, his right leg was touching the foot of the
6 bed, the foot board.

7 Q Okay. Okay. And am I facing the direction Sam was
8 when you came in?

9 A If you're on the bed, you have to move that way.

10 Q If I'm in the bed, my head is this way?

11 A Like I said, it's a footboard on the bed.

12 Q Okay.

13 A So his feet were hanging off of the bed. He was
14 this way, the TV is this way.

15 Q Okay. All right.

16 A And I'm coming in toward him.

17 Q And when you came upstairs, what did you say to
18 Sam?

19 A I said, Sam you got another child.

20 Q And when you said that, describe to the jury what
21 look he had in his eyes?

22 A His eyes got huge and he said, What the fuck and he
23 came at me. I guess he knew that I'd already been through
24 his phone to find out.

25 Q And let me have my pen back. Well, actually, you

Courtney L. Price - Direct Examination by Mr. Grant

1 know what, hold onto the pen. Hold onto the pen. Step
2 back down for a second.

3 So he said W T F; is that correct?

4 A Uh-huh.

5 Q Come back down for a second, please, ma'am. Take
6 your time.

7 All right. He said WTF. And what did he do then?

8 A He plunged at me. He came at me and he started
9 choking me.

10 Q He started choking you?

11 A Because he knew that I had already been through his
12 phone.

13 Q And when he started choking you, what did you do?

14 A I got the knife and I stabbed him.

15 Q You stabbed him?

16 A Uh-huh.

17 Q Now, here's the question: When you went back
18 upstairs, did you have the purpose of, number one, asking
19 him about the phone message?

20 A Yes.

21 Q And did you also have the purpose of getting him
22 out of your house because he wouldn't leave?

23 A Yes.

24 Q Okay. Now, imagine, if you will that Samuel
25 Simmons would have responded as follows: I'm sorry

Courtney L. Price - Direct Examination by Mr. Grant

1 Courtney, I'm wrong and let's talk about this. What would
2 you have done?

3 A I would have said okay and I would have keep the
4 knife hidden, went back downstairs and put it up.

5 Q Would you have stabbed him?

6 A Absolutely not.

7 Q And when you did stab him, tell us and tell the
8 jury why did you stab him?

9 A Because he was choking me and that was the third
10 time that night he was choking me and he still hadn't left
11 my house.

12 Q And what did you think was going to happen to you
13 while he was choking you?

14 A I thought with him finding out that I found out his
15 deepest, darkest secret that he hid from everybody. I felt
16 like he would have killed me or done anything to keep me
17 shut from exposing it.

18 Q Were you afraid for your own life the moment you
19 stabbed Samuel Simmons?

20 A Yes.

21 Q And after you stabbed Samuel Simmons, did he grab
22 onto you?

23 A He was.

24 Q What was he doing when he grabbed hold of you?

25 A He grabbed my arms and he kept saying, What the

Courtney L. Price - Direct Examination by Mr. Grant

1 fuck. He was shaking me.

2 Q And did you get in close proximity to Mr. Simmons?

3 By close proximity, I mean did your bodies touch?

4 A Yes.

5 Q Because he was grabbing you?

6 A Because he was grabbing me.

7 Q And was he also grabbing your -- I'm sorry, go

8 ahead.

9 A And he was grabbing me and as I was trying to get
10 away, he yanked my braids. I had long braids on.

11 Q All right. Let me show you what is marked as
12 Defendant's Exhibit Number 17. You see Defendant's Exhibit
13 17? And are those the long braids that Mr. Simmons yanked?

14 A Yes.

15 Q And you see the marks on the back of that shirt?

16 A Uh-huh.

17 Q All right. The blood marks?

18 A He was trying to come at me.

19 Q All right. Did he put his hands around your back
20 and try to pull you in?

21 A He was pulling my hair, so --

22 Q All right. But that's -- you said it's from him
23 coming at you?

24 A Uh-huh.

25 Q All right. And after the stabbing incident

Courtney L. Price - Direct Examination by Mr. Grant

1 occurred, what did you decide to do and why did you decide
2 to do it as far as leaving your own home. What did you do?
3 You went outside, did you not?

4 A I went outside once he fell.

5 Q Yes. But what did you do before you went outside?
6 Who did you get to go out with you?

7 A I went on the bed to grab my son.

8 Q Got on the bed to grab your son? And were you as
9 bloody as depicted in these photographs and everything?

10 A Yes.

11 Q Okay. And did you get your son?

12 A I did.

13 MR. GRANT: Madam Court Reporter, is Defense
14 Exhibit 17 admitted.

15 THE COURT REPORTER: No.

16 MR. GRANT: It's not? All right. At this time,
17 Your Honor, I offer Defendant's Exhibit Number 17 into
18 evidence.

19 MS. CORNWELL: No objection.

20 THE COURT: Defendant's 17 is in evidence without
21 objection.

22 (Defendant's Exhibit Number 17 was entered into
23 evidence.)

24 BY MR. GRANT:

25 Q Now, you indicated that he choked you at the moment

Courtney L. Price - Direct Examination by Mr. Grant

1 of the stabbing, did he ever continuing choking you or try
2 to choke you?

3 A After he was stabbed, like I said, he was grabbing
4 my arms and he kept shaking me and saying, What the fuck.

5 Q Okay. I want to show you what is marked as
6 Defendant's Exhibit Number 5, Defendant's Exhibit Number 3
7 and Defendant's Exhibit Number 4. Okay. Do you see the
8 blood around your neck and facial area in those
9 photographs?

10 A I do.

11 Q Tell the jury if you will how did that blood get
12 around your neck?

13 A From his hands being around my neck.

14 Q Old onto those for me, please. And this is
15 Defendant's Exhibit Number 11?

16 MR. GRANT: Madam Court Reporter, I think this is
17 in.

18 BY MR. GRANT:

19 Q From his bloody hands being around your neck; is
20 that correct?

21 A Yes.

22 Q Okay. All right. Now, I ask you Defense Exhibit
23 Number 5, Defense Exhibit Number 3, and Defense Exhibit
24 Number 4, if any of this blood around your neck come from
25 your baby, C.D.S.'s hands?

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1 A No.

2 Q All right. And please describe for the jury, if
3 you will, how is it you were holding C.D.S.

4 A I was barely holding him. Like the police officer
5 said, I was about to drop him. He was low on my hip.

6 Q Low on your hip?

7 A Uh-huh.

8 Q Do you ever have his hands or arms around your
9 neck?

10 A No.

11 Q Okay.

12 MR. GRANT: I'm offering into evidence, Your Honor,
13 Defendant's Exhibit 5, 4, and 3.

14 MS. CORNWELL: No objection, Your Honor.

15 THE COURT: Defendant's 3, 4, and 5 is in evidence
16 without objection.

17 (Defendant's Exhibit Number 3, Number 4, Number 5
18 was entered into evidence.)

19 BY MR. GRANT:

20 Q Now, Ms. Price, you -- I think you said you're a
21 diabetic?

22 A Uh-huh.

23 Q And what category and how serious is your diabetic
24 condition?

25 A I have juvenile diabetes, insulin base. I have to

Courtney L. Price - Direct Examination by Mr. Grant

1 take insulin.

2 Q Do you have to have an insulin pump?

3 A I did at that time.

4 Q Okay. And when your blood sugar is extremely low,
5 what happens to you? How do you normally react, your body?

6 A I get shaky, jittery, cold sweat.

7 Q What about when your blood sugar is extremely high,
8 how does your body formally act.

9 A Your loopy. You know, your in and out.

10 Q Loopy and in and out?

11 A Uh-huh.

12 Q And I'm going to show you what is marked as
13 Defendant's Exhibit Number 6.

14 A Uh-huh.

15 Q That's the test that they did at the detention
16 center of your blood sugar.

17 A Uh-huh.

18 Q Do you see the number on that exhibit that they
19 said your blood sugar was when they tested your blood on
20 that date, that morning in it would be at the bottom. The
21 very bottom. Let me help you.

22 A Yeah.

23 Q Okay. And is that your signature acknowledging
24 that you received that document?

25 A Uh-huh.

Courtney L. Price - Direct Examination by Mr. Grant

- 1 Q What does it say was your blood sugar?
- 2 A 461.
- 3 Q At any time in your life that you can remember was
- 4 your blood sugar ever that high?
- 5 A Not since I've been diagnosed.
- 6 Q And what was the time that they filled this form
- 7 out?
- 8 A 9:50 a.m.
- 9 Q 9:50 a.m.?
- 10 A Uh-huh.
- 11 Q Did the testing obviously occur before they filled
- 12 the form out?
- 13 A Yes.
- 14 Q Okay.
- 15 MR. GRANT: Your Honor, I offer Defendant's Exhibit
- 16 6 --
- 17 THE COURT REPORTER: It's in.
- 18 MR. GRANT: It's already in. Okay. Defendant's
- 19 Exhibit 6. Thank you.
- 20 BY MR. GRANT:
- 21 Q I am showing you what has been marked as
- 22 Defendant's Exhibit Number 14. You see that exhibit?
- 23 A Uh-huh.
- 24 Q And whose clothes are those on the floor?
- 25 A Sam's clothes.

Courtney L. Price - Direct Examination by Mr. Grant

1 Q And is that where he put his clothes after he
2 disrobed?

3 A Uh-huh.

4 Q Okay. And is that near the foot of the bed?

5 A It is.

6 Q When you went outside, you called 9-1-1, didn't
7 you?

8 A I did.

9 Q And why did you call 9-1-1?

10 A Because at that point, he's crawling and at the
11 same time just in case he got back up, you know, he
12 couldn't attack us again after being stabbed.

13 Q So you were afraid he was going to attack you,
14 possibly, again?

15 A Uh-huh.

16 Q And were you also hoping to get him some help in
17 light of the stabbing?

18 A Yeah.

19 Q And that's why you called?

20 A Uh-huh.

21 Q And when you called 9-1-1 and they asked you after
22 a little confusion, who was it that stabbed him, tell the
23 jury what you told him?

24 A Sam.

25 Q No, who was it that stabbed Sam?

Courtney L. Price - Direct Examination by Mr. Grant

1 A Oh, I told him that I did it.

2 Q Okay. And you gave them your full name?

3 A Yes:

4 Q And did you stay right there and wait for police
5 and EMS to show up?

6 A I did.

7 Q Okay. And as of that moment, while you're standing
8 there waiting for the police and EMS to show up, did you
9 have anything in your mind that you'd done something wrong
10 that you needed to worry about anything?

11 A No.

12 MR. GRANT: Is Defendant's 2 in yet?

13 THE COURT REPORTER: No.

14 BY MR. GRANT:

15 Q Okay. Going back to the beer and the liquor, this
16 is Defendant's Exhibit Number 2, showing the beer and the
17 liquor. Okay. Now, Ms. Price?

18 MS. CORNWELL: Are you going to move that in.

19 MR. GRANT: Yes, I move Defendant's Exhibit Number
20 2 in.

21 MS. CORNWELL: Without objection, Your Honor.

22 MR. GRANT: Okay.

23 THE COURT: Defendant's 2 is in evidence without
24 objection.

25 (Defendant's Exhibit Number 2 was entered into

Courtney L. Price - Direct Examination by Mr. Grant

1 evidence.)

2 BY MR. GRANT:

3 Q Ms. Price, you remember Officer Bellinger coming to
4 talk to you?

5 A Yeah.

6 Q And you --

7 A She got C.D.S. from me.

8 Q Yes, sir -- excuse me, yes, ma'am.

9 And when she talked to you, did you mention to her
10 that Sam was choking you?

11 A I told her I was fighting back, I was tired of
12 fighting back with him.

13 Q Do you remember telling her that Sam was choking
14 you? Do you remember saying that?

15 A Probably at some point, yeah. I don't remember the
16 sequence. My nerves were all shaken up, though.

17 Q Okay. And that was the first person to talk to you
18 about why you did what you did; is that correct?

19 A Uh-huh.

20 Q Okay. And you hadn't talked to a lawyer that the
21 point; am I correct?

22 A I didn't think I needed one.

23 Q Okay. And you didn't -- you didn't talk to your
24 mom or anybody?

25 A Huh-huh.

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1 Q Okay. Now, let me show you what is marked as
2 Defendant's Exhibit Number 23. Take a look at that, for
3 me, please.

4 A Uh-huh.

5 Q You see those beer cans on top of that -- what's
6 that called again?

7 A Highchair.

8 Q Yes, ma'am. On top of that highchair?

9 A Uh-huh.

10 Q Okay. And you see there not knocked over or
11 anything?

12 A Uh-huh.

13 Q All right. Let me have that back. And please
14 explain to me why these beer cans appear to be so neatly
15 aligned in this picture?

16 A Because him choking me on the couch, it didn't
17 escalate over to the highchair.

18 Q So there was no contact with the highchair?

19 A Correct.

20 Q Did you ever tell any of the police officers that
21 you scratched Sam at any time?

22 A No.

23 Q Did you ever tell any of the police officers that
24 you cut Sam on the arm or sliced him in any kind of way at
25 any time?

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1 A No.

2 Q Did you ever tell any of the police officers that
3 Sam punched you at any time?

4 A No.

5 Q Did you ever tell them anything other than the fact
6 that he choked you he was holding onto you and then he
7 choked you, that's the moment that you stabbed him in order
8 to save your life?

9 A That's it.

10 Q Let me show you --

11 MR. GRANT: And I don't know if I offered this into
12 evidence.

13 THE COURT REPORTER: No.

14 MR. GRANT: I now offer Defendant's 23 into
15 evidence.

16 MS. CORNWELL: No objection, Your Honor.

17 THE COURT: Defendant's 23 is in evidence without
18 objection.

19 BY MR. GRANT:

20 Q Let me now show you what is Defendant's Exhibit
21 Number 13. Take a look at Defendant's Exhibit Number 13.

22 Okay. You saw what's on Defendant's Exhibit 13,
23 right?

24 A Uh-huh.

25 Q Okay. And you saw where the blood is located?

Courtney L. Price - Direct Examination by Mr. Grant

1 A (Witness nodded head.)

2 Q You saw that?

3 A Uh-huh.

4 Q I'm sorry. Okay. Can you explain to the jury how
5 this blood got on this wall on Defendant's Exhibit 13?

6 A I was weak at that point after what just happened,
7 you know, I had C.D.S. with me. I was weak and that's the
8 blood from him shaking me. It could have come from
9 anywhere, but it's from the stab wound.

10 Q Okay. You believe the blood on this wall came from
11 you being on the wall or from Sam's arm being on the wall?

12 A His arm was on the arm, but his left arm was facing
13 the wall.

14 Q But it wasn't on the wall?

15 A His left arm would have been facing the wall while
16 he was shaking me.

17 Q Okay. All right. And you went to the complex --
18 they took you there and you were interviewed by Sergeant
19 Walker; is that correct?

20 A Correct.

21 Q And when she interviewed you, how were you feeling
22 then, considering your blood sugar level?

23 A Just a little stage of shock and not understanding,
24 know what was going on. Just in a state of shock, loopy,
25 dazed out.

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1 Q When you say loopy, kind of explain to us what that
2 term means for you medically?

3 A It's like I'm here, but I don't know that I'm here.
4 You know. My mind is -- gone, you know, just...

5 Q So even though we heard your voice talking and the
6 speakers there with Sergeant Walker, you're telling us that
7 you were loopy at the time?

8 A Right. Spaced out.

9 Q Okay. All right. And then you were brought back
10 to give a second statement; is that correct?

11 A Uh-huh.

12 Q Now, some may say that one statement is a little
13 different than the other. Explain to the jury what your
14 explanation is as to whether or not or why they are
15 different and also whether or not you've got a recollection
16 of them being really different?

17 A I don't have a recollection of being difference
18 until I heard them, but at the same time, my anxiety is up
19 to here and my blood sugar's fluctuating a whole day going
20 from one extreme to the next and still not understanding
21 and coping and accepting the situation.

22 Q Okay. And the big question, when you went in the
23 room to confront Samuel Simmons about getting out of your
24 house and asking him whether he had another woman, was
25 Samuel Simmons lying on his back asleep in the bed?

Courtney L. Price - Direct Examination by Mr. Grant

1 A No. He had his cup in his hand, same cup that they
2 talked about the other day on the bed.

3 Q He had his cup in his hand?

4 A Uh-huh. They mentioned a cup on the bed. That was
5 his cup. Uh-huh.

6 Q And when you asked him the question, what did he do
7 with the cup and how did he react?

8 A I don't -- it just happened so fast, I just
9 remember him plunging at me.

10 Q Okay. All right.

11 MR. GRANT: Your Honor, may I have just a five
12 minute recess.

13 THE COURT: All right. Yes, sir. Five is hard to
14 get people back together. So we'll take about a ten.

15 Ms. Price, you may step down during this recess.

16 Mr. Foreman, ladies and gentlemen, you may step to
17 your jury room. Do not discuss the case during this brief
18 recess. Thank you, thank you very much.

19 (WHEREUPON the jury left the courtroom at 3:33.)

20 THE COURT: Anything from the State before we take
21 your recess?

22 MS. CORNWELL: No, Your Honor.

23 THE COURT: Defense.

24 MR. GRANT: No, Your Honor.

25 THE COURT: All right. We'll take about a 10

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1 minute recess. Thank you. Thank you very much.

2 (A brief recess was observed.)

3 THE COURT: All right. Anything from the State
4 before we bring in our jury?

5 MS. CORNWELL: Your Honor, the State does have one
6 matter. Obviously, when we broke and you spoke to --

7 THE COURT: Wait just a minute.

8 Mr. Grant, I can't quite see the solicitor.

9 MR. GRANT: I'm sorry, Judge.

10 THE COURT: I just need to see her.

11 MS. CORNWELL: When we took a break, I believe in
12 any case the witness isn't allowed to talk to anybody
13 during the course of her testimony. And during the entire
14 break, the defense counsel was discussing -- I don't know
15 what they were discussing, because I wasn't over there. It
16 just gives the impropriety that they were discussing
17 testimony, things that could come up and the State would
18 just like to make that noted for the record.

19 THE COURT: And I debated giving that instruction.

20 Anything you'd like to say, Mr. Grant.

21 MR. GRANT: No, sir, other than the fact that I
22 will represent and she will confirm, we were having general
23 conversation. The last thing I told her before she got
24 back to the witness stand, just continue to tell the truth.

25 THE COURT: Solicitor, I guess I show my age a

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1 little bit. Maybe a lot, perhaps. I debated that,
2 Solicitor, about giving Ms. Price those instructions.
3 However, I am familiar with a case that's probably 45 years
4 old where the trial judge between direct -- it was between
5 direct and cross had the defendant taken into custody and
6 not allowed to speak to his attorney and at some point in
7 time, some federal court -- it's a South Carolina case,
8 reversed that in violation of the right to counsel. So
9 that's why I didn't give that instruction, quite frankly.
10 Like I say I kind of debated it in my mind and I have not
11 researched that particular issue of the law since -- in
12 many, many, years because it doesn't come up often. You
13 know what I'm saying? So --

14 MS. CORNWELL: And I don't -- in relation to that
15 case, I don't think there's a problem with her discussing
16 with her attorney between cross and direct, but in this
17 particular instance, it was direct. She comes off, he's
18 now going to get her back up on the stand and clarify
19 anything or go through things with her and that gives
20 off -- I just feel that that gives off a little bit of a --
21 and I'm not accusing him of anything, I just, for the
22 record needed it to be noted. I don't believe there's any
23 curative -- anything to cure it with.

24 THE COURT: And I will say this, I don't think it
25 should be presented in front of the jury by either defense

Courtney L. Price - Direct Examination by Mr. Grant

1 or the State. I just don't think it should go before the
2 jury that you told her to continue telling the truth
3 because that's a comment on her credibility that you think
4 she's being truthful. And I know you wouldn't put a
5 witness up on the stand that you didn't think was being
6 truthful, Mr. Grant, nor do I think there should be any
7 inference that Mr. Grant may have said something to her to
8 influence her testimony. So -- you're protected on the
9 record. And I'm going to research that issue this weekend.
10 I do see that distinction.

11 MS. CORNWELL: Thank you, Your Honor.

12 THE COURT: Thank you. Thank you, Solicitor.
13 Anything, Mr. Grant.

14 MR. GRANT: No, Your Honor. We are ready to
15 proceed.

16 (The jury entered the courtroom at 3:49 p.m.)

17 THE COURT: All right. Our jury is back in place.
18 Mr. Grant, you may ask your next question.

19 MR. GRANT: Thank you, Your Honor.

20 BY MR. GRANT:

21 Q Ms. Price, I want to ask you just a few more
22 questions. At any time in your life have you ever broken
23 anybody's car windows out?

24 A No.

25 Q Okay. And as far as any kind of text messages that

Courtney L. Price - Cross-Examination by Ms. Cornwell

1 say that you did, what would be your response to that?

2 A I didn't -- I never insinuated that I did. I said
3 that I would if it led to that, but if you can also see the
4 messages in the phone, there was some threatening messages
5 that were sent to me in that same conversation.

6 Q From who?

7 A One of Sam's friends.

8 Q And have you ever been arrested for breaking any
9 windows out?

10 A No.

11 Q Have you ever been arrested for anything prior to
12 this particular case?

13 A No.

14 Q Thank you, ma'am.

15 MR. GRANT: That's all the questions I have for
16 Ms. Price.

17 THE COURT: Thank you. Thank you, Mr. Grant.
18 Solicitor.

19 MS. CORNWELL: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MS CORNWELL:

22 Q Good afternoon, Ms. Price.

23 A Good afternoon.

24 Q I'm going to start back from -- I guess from the
25 beginning of your testimony when you were going through the

Courtney L. Price - Cross-Examination by Ms. Cornwell

1 incidents that you had alleged happened between you and
2 Mr. Simmons. And you stated today that in August of 2009
3 when he told you to mind your own business, he choked you
4 when he said that?

5 A Uh-huh.

6 Q And there were --

7 A It could have been more.

8 Q I'm sorry?

9 A It could have been more that he did.

10 Q Okay. But you would agree with me that Monday when
11 you testified about that, all you said was that he shoved
12 you away from him and said mind your own business?

13 A Right. It was never just the choking. He always
14 would shove me or choke me.

15 Q But you didn't mention the choking when you
16 testified about this before?

17 A Probably not.

18 Q And there was never a report -- you didn't file a
19 report with the police?

20 A Not from that incident.

21 Q And there were no witnesses to this incident?

22 A No.

23 Q And then in November of 2009, you talked about him
24 slapping you. Again there was no report to that, no
25 witnesses?

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- 1 A No, that was also on campus in my sweet.
- 2 Q Is that the one you're referring that Breanna
3 Tilley testified to?
- 4 A No, that's the one that Jamal took him home that I
5 testified to on Monday.
- 6 Q But you would agree that Jamal testified that he
7 never saw Sam assault you?
- 8 A He just testified Monday when he took him home that
9 night.
- 10 Q That's not my question. You would agree, you were
11 sitting here when he testified correct -- today, correct?
- 12 A Correct.
- 13 Q And he stated that he has never seen anybody
14 assault you?
- 15 A That's what he said today.
- 16 Q Okay. And then we talked about this incident of a
17 car and we heard your sister talk about it as well.
- 18 A Uh-huh.
- 19 Q You claimed he was bumping the back of your Honda
20 at 65 to 70 miles per hour.
- 21 A Uh-huh.
- 22 Q Ten to fifteen times?
- 23 A Uh-huh.
- 24 Q And there was no accident, you never reported it to
25 police. You said your cousins were in the car with you?

Courtney L. Price - Cross-Examination by Ms. Cornwell

1 A Uh-huh.

2 Q They didn't report it to police?

3 A Huh-huh. They didn't because one of them had a gun
4 on them that wasn't registered. That's why they were
5 saying, Slow down, let's go back to the house.

6 Q Okay. So you were riding around with your cousins
7 with an illegal gun in the car?

8 A They were riding with me, yeah.

9 Q Okay. And you had a Honda sedan?

10 A Uh-huh.

11 Q And it got bumped going 60 to 70 miles an hour 10
12 to 15 times in the back?

13 A Uh-huh.

14 Q Did you file any insurance reports to get it fixed?

15 A No, I only had the paint peel due to that.

16 Q Okay. So after he hit you ten to fifteen times in
17 the back going 65 to 70 miles an hour, the only damage that
18 was done to your car was a paint scraped off?

19 A The paint, uh-huh.

20 Q Okay. Then we talked about an incident where you
21 confronted him about his brother and he shoved you?

22 A Uh-huh.

23 Q Again, there are no witnesses to that and you never
24 filed any reports.

25 A Right. We were alone.

Courtney L. Price - Cross-Examination by Ms. Cornwell

1 Q January of 2012, there's a police report that you
2 made at his house?

3 A Uh-huh.

4 Q And we've heard from Officer Mack and we heard
5 Officer Mack state that there were no witnesses to this,
6 the father didn't give a statement about anything.

7 A But he saw it.

8 Q He saw it?

9 A He did.

10 Q Uh-huh, but now he just saw it. Before he --

11 A Yeah, because he came out there and he got his son
12 off of me and that's what I initially said. He denied
13 that.

14 Q You told that to Officer Mack?

15 A No.

16 Q You didn't tell Officer Mack about the father
17 dragging you off -- dragging Sam off of you?

18 A No, but I told him that his father gave me his
19 phone. I believe that once he has father got him off of
20 me, he went up the road. His father came and got me we
21 went in the house and I used his phone to call 9-1-1.

22 Q So now, he went up the road and then his father
23 came and got you?

24 A He went off then. When he saw his dad come and
25 beak us up, he left the scene.

Courtney L. Price - Cross-Examination by Ms. Cornwell

1 Q But you would admit that the dad didn't give a
2 statement to Officer Mack. Officer Mack didn't get a
3 statement from the dad?

4 A Right.

5 Q And we heard Mr. Simmons receive that while he did
6 give you his phone, you came to his door, knocked on his
7 door, he gave you the phone and he went back inside and
8 that's when his wife came up and saw you in the yard?

9 A And he also said she wasn't home but she just said
10 that she --

11 THE COURT: No, ma'am, you can't -- answer the
12 question. You can't start talking about other testimony.
13 This isn't a debate. Answer the question.

14 BY MR. GRANT:

15 Q Is that correct?

16 A Say it again.

17 Q That he was in the house when you were talking to
18 police and his mother was outside talking to you?

19 A Correct.

20 Q And the mother wasn't home, she actually pulled up
21 after the incident occurred and saw you outside.

22 A (Witness nodded head.)

23 Q And then in September, I believe you said September
24 of 2013, that was when you got in the fight at your mom's
25 house?

Courtney L. Price - Cross-Examination by Ms. Cornwell

1 A Right.

2 Q And you said that he -- actually before that, you
3 talked about when you were pregnant --

4 A Uh-huh.

5 Q -- and you were in the car and you saw a girl was
6 calling on his phone and he tried to get his phone back
7 from you?

8 A Right because he gave me his phone because I was on
9 his phone talking to his brother.

10 Q And today you're saying he was choking you and
11 choked you so much he had to pull over the car?

12 A Uh-huh.

13 Q But before --

14 A Because he wanted his phone. I still had his
15 phone. I wouldn't give him his phone because he was trying
16 to get me from answering the beep.

17 Q Okay. But again when you testified on Monday, you
18 didn't say anything about him choking you that day, you
19 said he mushed your face.

20 A Into the window of the car.

21 Q So and when you say mush, that's kind of an open
22 handed --

23 A Right.

24 Q -- kind of like that?

25 A And he checked me because he wanted to stop me from

Courtney L. Price - Cross-Examination by Ms. Cornwell

1 answering the beep to talk to the other person who was
2 calling.

3 Q But again --

4 A Just a mush wasn't going to stop me from answering
5 the phone.

6 Q But, again, and similar to other prior incidents,
7 today is the first day that you've testified now that a
8 checking occurred at that time?

9 A No, I'm pretty sure I spoke about it to my lawyer.
10 We're talking about seven years. I don't remember word for
11 word each date and each sequence of events that happened.
12 I know key points because they stand out the most that I
13 remember.

14 Q Okay. And then we had the incident in 2013 at your
15 mom's house, where you called law enforcement on that
16 occasion as well?

17 A Uh-huh.

18 Q And in that case, officers did take a statement
19 from the parent that was at the house, didn't they?

20 A Uh-huh.

21 Q They took a statement from your mom?

22 A Right.

23 Q And your mom gave a statement that said that she
24 saw you start the fight when you punched Sam in the face
25 with a closed fist.

Courtney L. Price - Cross-Examination by Ms. Cornwell

- 1 A Uh-huh. And like I said, she saw -- she reported
2 what she saw when she was walking back in the den at that
3 time. He knew not to hit me at my mom's house in front of
4 our child, in front of my mom. He knew what he was doing.
5 Sam wasn't a dummy and mama --
- 6 Q So Sam -- I'm sorry. I didn't mean to interrupt
7 you.
- 8 A Like I say, my mama told the police what she saw.
- 9 Q So Sam cleverly masterminded how he was going to
10 assault you to get him to assault you back while your
11 mother was coming into the room so she could see you
12 attacking him?
- 13 A My mom didn't know what was going on until she came
14 in the room. She didn't know that he had already mushed my
15 head into the couch.
- 16 Q Okay.
- 17 A She was in the kitchen and we were right there in
18 the den with the baby.
- 19 Q And in that particular instance, nobody got charged
20 because the judge determined that --
- 21 A We never took it to court. I never heard anymore
22 once the police left my house.
- 23 Q Are you aware that Officer Mack testified and a lot
24 of times they'll take that to a judge and a judge determine
25 whether a warrant should be issued?

Courtney L. Price - Cross-Examination by Ms. Cornwell

1 A Uh-huh.

2 Q And are you aware that that happened in this case
3 and the judge determined that the warrant should not be
4 issued?

5 A Probably so, uh-huh.

6 Q Okay. And we've heard a lot of testimony about
7 daycare and the reality on this daycare is that Sam and you
8 split it every other week?

9 A Uh-huh.

10 Q One would pay one week, the other would pay the
11 next week?

12 A Uh-huh.

13 Q And Sam was doing that for the most part?

14 A Up until August or September.

15 Q Up until the end of August or September. And Sam
16 got angry with you around this time?

17 A Uh-huh.

18 Q Because he found out you were telling people that
19 he wasn't doing his part and paying his child support, that
20 you were being a single mom and doing it all on your own.

21 A Because I reached out to his sister and his mother.

22 Q Okay. But that wasn't true. He was paying daycare
23 at that time?

24 A No, he wasn't. He wasn't paying his share.

25 Q So on September 14th of 2014, when he says to you

Courtney L. Price - Cross-Examination by Ms. Cornwell

1 in a text, when I didn't payday care? You and -- these are
2 how he spells it, you a FCKN and your response to him was,
3 No, I said you don't be wanting to pay daycare?

4 A Yeah, because he would pay late and that's what I
5 said. But I would have to go ahead and cover for the weeks
6 that he wouldn't pay and by him not paying on time, when I
7 would pay I would have to accumulate those late fees. If
8 he was paying on time, we wouldn't have that issue. And in
9 September he was behind.

10 Q But you would agree that when he would give you
11 money, it was basically to your account and you were the
12 one that was supposed to pay daycare?

13 A Money wouldn't come from him a lot.

14 Q And up until September 14th of 2014, at least,
15 based on the text messages, Sam disagreed that he hadn't
16 been paying daycare.

17 A Right.

18 Q And you said, No, I didn't say that, I said you
19 didn't want to pay it?

20 A Because he didn't pay on time.

21 Q So that Sunday on the 14th, he said, You're telling
22 everybody I'm not paying, why should I pay. I'm not going
23 to pay now, you can do it on your own. Because he was
24 angry?

25 A Uh-huh. As always.

Courtney L. Price - Cross-Examination by Ms. Cornwell

1 Q And then on September 15th, you texted him your
2 account number four times in a row?

3 A Uh-huh.

4 Q And on the last text, you said, If you know what's
5 good for you, you'll do what's right?

6 A Uh-huh.

7 Q And when he didn't respond, you said, You just
8 don't say shit to us anymore. I hope you burn in hell.

9 A (Witness nodded head.)

10 THE COURT: Did you answer that? I didn't hear
11 that answer.

12 THE WITNESS: Yes.

13 MR. GRANT: I'm going to ask Counsel form the
14 questions in the form of a question, Your Honor.

15 MS. CORNWELL: I'm sorry, thought my inflection
16 indicated it was a question. I'll do that.

17 BY MS. CORNWELL:

18 Q All right. And in the weekends before that was
19 9/15 and then starting 9/16 to 9/17, you were angry with
20 him because he didn't pay the daycare?

21 A I wouldn't say I was angry but --

22 Q You wouldn't say you were angry?

23 A I was agitated.

24 Q Okay. So when you texted him, Bitch die, my sorry
25 ass do more for your son than you, you making this shit so

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1 easy with your stupid ass. You just don't know what you're
2 doing. Laugh out loud, get the fuck on through, Bitch?

3 A Uh-huh.

4 Q That was not you being angry?

5 A That was me being agitated and irritated.

6 Q Okay.

7 A Like any single mother would be.

8 Q If that's not you being angry, what does it sound
9 like when you're angry?

10 A You don't want to make me angry.

11 Q Oh, really bad things happen?

12 A It takes a lot for me to get angry, but that's
13 frustration and that's aggravation.

14 Q Because when you do finally get angry, that's when
15 bad things happen?

16 A I very seldomly get angry.

17 Q Okay. And then a little while later, you said,
18 when he was texting you about C.D.S. Get off my line and
19 send me my key or I swear on everything I love, you'll
20 regret it. That's what you sent?

21 A If that's what the phone records show.

22 Q Okay. And after that, you sent a message to his
23 sister that says, Can you please get my house key off of
24 Sam's key chain. I'm sick and tired of his shit. If he
25 return my key we'll be good. If I fuck his shit up, he's

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1 going to cry like a bitch. Please tell him to send me my
2 key.

3 Was that the text you sent his sister?

4 A Yes.

5 Q So you were threatening him even to his own sister?

6 A And I was also asking for my key through his sister
7 as well.

8 Q Okay. And you would agree that you texted him
9 about your key on September 21st of 2014. I believe
10 Investigator Walker testified to the back and forth of, Are
11 you bringing my key? Bring me my key?

12 A Uh-huh.

13 Q Okay. And you would also agree at the end of that,
14 you texted him on September 21st of 2014, Please return my
15 key, are you bringing it. And his answer was, Sure. And
16 you said, Thank you?

17 A Right. But he never returned it.

18 Q Well, let me ask you this, September 21st, he
19 works, you said five so six days a week and the next time
20 you saw him was the night of September -- or the early,
21 early morning of September 27th. So that would be when he
22 worked, the next time he was able to see you to bring you
23 your key, isn't it?

24 A But he didn't bring me my key.

25 Q He came to your house and he called you to let you

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1 know he was coming over, so he wasn't going to just use the
2 key to open it?

3 A But he did not -- he still did not return my key.

4 MR. GRANT: Objection, Your Honor. If she could
5 let the witness answer the question, please.

6 MS. CORNWELL: I'm sorry, Judge.

7 THE WITNESS: He still did not return my key..
8 Every time he came home, if we were on good terms, we could
9 always make up and get back on track. He never returned my
10 house key.

11 BY MS. CORNWELL:

12 Q Okay. But you would agree with me that between
13 9/21 and the early morning of 9/27, the only time you saw
14 him, the only time he had the opportunity to return your
15 key would have been when he came to your house the morning
16 of 9/27?

17 A Right.

18 Q And when he came to your house the morning of 9/27,
19 he called you to let you know he was coming?

20 A Right. But he said open the door, but he wasn't
21 outside yet.

22 Q Okay. And leading up to that, the -- between 9/21
23 and 9/27, around the weekend of 9/21, you sent him a text
24 because you thought he was cheating on you, right.

25 A Yeah.

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1 Q And you texted him, I know you fucking around, I
2 can feel it?

3 A Uh-huh.

4 Q And then you texted him again because I believe he
5 told you he was out riding that night, correct?

6 A Correct.

7 Q And you said Sam, I still don't believe you were
8 riding. Where did you go -- where did you stop after you
9 got beer?

10 A Uh-huh.

11 Q And then you told him again, to say I called you
12 near a hundred times with no answer or text back ain't
13 adding up. Where were you riding?

14 So you really wanted to know where he was; what he
15 was doing; who he was with?

16 A Yes, because that was the same night he left the
17 house and didn't lock the door back.

18 Q Okay.

19 A He just walked out the house and it was late and he
20 left my door open and unlocked.

21 Q And that was a problem for you because -- in
22 another one of your texts, you talking about his phone lit
23 up, he moved away from you to start answering texts and
24 that's why you thought he was cheating on you because he
25 left as soon as he got those messages?

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1 A Right. And he left with the door open.

2 Q Okay. And you continued to harass him about it,
3 even though he kept telling you, I was just out riding.
4 I'm not answering these questions anymore. I've done told
5 you the answer.

6 You kept harassing him about it?

7 A I wasn't harassing him, but I wanted to know why
8 was getting beer so important that you couldn't lock the
9 door with your child upstairs asleep that time of morning.

10 Q And you would agree that you probably sent him
11 about fifteen to twenty text messages about -- in that week
12 about where he was, who he was with, what cousin he talked
13 to. I believe in another one of your text messages, you
14 told him that called him every minute for an hour and he
15 wouldn't pick up. And you were angry about that. So you
16 sat there in your apartment and you dialed his phone number
17 every minute on the minute for over an hour trying to get
18 him?

19 A The phone records indicate that, but I probably
20 called a lot because, like I said, it's late and he just
21 left out the house to get beer, why not lock the door? Why
22 not close it like, what was so important you couldn't do
23 that.

24 Q Okay. And let's go onto the early morning when
25 this incident occurred. You said that you were laying in

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1 bed with C.D.S. and he called your phone about three
2 o'clock in the morning and you answered, but I believe you
3 said that nobody spoke back. You thought you could hear
4 something in the background, but nobody spoke to you?

5 A Uh-huh.

6 Q And that made you angry didn't it?

7 A No, it made me concerned at that time of the
8 morning. I can hear movement on the other end, but I can't
9 hear -- he's not saying anything.

10 Q So you'd just gotten through accusing him of
11 cheating on you, but now when he's calling and not
12 answering, you're not angry, you're concerned?

13 A I am.

14 Q Okay. So when you sent him a text message, Why the
15 fuck call then not say anything, then don't answer. Get
16 your shit together, don't know what you got going on, but
17 I'm losing all trust?

18 A Uh-huh.

19 Q That was concern, not anger?

20 A It was because I felt like if he was okay he would
21 have just texted back or replied when I was trying to call
22 to see what was going on.

23 Q And then a couple of minutes later, you texted him
24 again and you said, Look, Bitch, I don't know who's got
25 your phone, but y'all dumb bitches better get it together

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1 calling and not saying shit then can't text back. You
2 better get it right because you know I'm not the one?

3 A Uh-uh.

4 Q And that text message was indicating kind of what
5 you told me earlier, you're not the one to get angry, are
6 you?

7 A Right.

8 Q We don't want to make you angry?

9 A Not at that time morning when I'm home asleep with
10 my child not bothering a soul.

11 Q But that wasn't you being angry and that was you
12 being concerned?

13 A And frustrated.

14 Q Okay. And you texted him again, Who had your
15 fucking phone? That was your concern, not your anger?

16 A Uh-huh.

17 Q Okay. And then you texted him again and I think he
18 managed to send out a text, I do. This phone's FCK up?

19 A Read the whole reply that he said because I think
20 he said more than that.

21 Q I think at one point his text message after you
22 said, Look, Bitch, I don't know whose got your phone, but
23 y'all dumb bitches better get it together. Calling and not
24 saying shit, then can't text back, you better get right
25 because I'm not the one. He texted you back and says open

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1 the door, dis, D-I-S, phone, F-N-E and then he spells it
2 F-C-K-E-D up, jackass?

3 A Right.

4 Q And then you text him back, Who had your fucking
5 phone? And he answered you, Who the fuck you think? Me.

6 A Uh-huh.

7 Q But that's your concern, in those text messages?

8 A And as you can see, that's how we spoke to each
9 other. He calls me names as well.

10 Q Okay. And then after he let you know that his
11 phone was messed up he still hadn't got to your house, so
12 you texted him, Damn, Bitch you rode that far, ain't shit
13 open, so you did more than ride around. That's what you
14 sent him?

15 A Uh-huh.

16 Q So again, you're concerned about where he is,
17 you're angry that he hasn't come immediately to your house
18 and you don't know who he's with; is that why you were
19 angry?

20 A You just saw the message where he said open the
21 door and all that time had elapsed, so why would I unlock
22 the door and be ready for him if he's thirty minutes away
23 still.

24 Q Okay. And then again, you said, Ain't no fucking
25 way you ride this long of a time of the morning with a

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1 fucked up phone?

2 A Uh-huh.

3 Q Because you were still assuming that he's cheating
4 on you and he's with somebody at this point?

5 A Possibly.

6 Q Okay. So when he got to your house early that
7 morning, you were angry?

8 A No.

9 Q You weren't angry?

10 A No.

11 Q Okay. And you said that he called you, told you to
12 open the door. He got here -- or got to your house and
13 y'all got into an argument about a minute into him getting
14 there?

15 A Uh-huh.

16 Q As soon as he walked in the door, you jumped on him
17 about childcare, correct?

18 A I did.

19 Q Okay. And you started that fight?

20 A I didn't start that. But I didn't want him to
21 think he could just come whenever he wanted and think he
22 can drink and chill and he not do what he was supposed to
23 do for our child. That doesn't excuse anything.

24 Q Sure it doesn't, but -- but there was an argument
25 that ensued over it?

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1 A Right.

2 Q And you started the argument?

3 A I didn't -- by asking a question about our child?
4 That's the way he took it.

5 Q Okay. And then you claimed at that point, he
6 started choking you and you told him to leave?

7 A Yes.

8 Q But you never told that to police, did you?

9 A And they never asked. It was a lot of stuff in the
10 statements that I didn't tell them that happened. I didn't
11 tell them about the sex. I didn't -- it's a lot.

12 Q Uh-huh. But you did tell them about the sex. You
13 told Officer Bellinger you had sex with him?

14 A But they also said that I said we had sex
15 downstairs.

16 Q Okay. But you never told police that you asked him
17 to leave?

18 A Correct.

19 Q And then you talked about going upstairs and after
20 you had sex with him that he choked you again and you told
21 him to leave again?

22 A Uh-huh. Because I brought up daycare again.

23 Q But, again, you never told that to police?

24 A No.

25 Q And then in your first statement that we heard that

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1 was recorded, you state that you went downstairs, that you
2 were going to get some milk for C.D.S. -- well, first, said
3 you were arguing upstairs, that he put his hands around
4 your neck and it ticked you off or it teed you off?

5 A Uh-huh.

6 Q And so you went downstairs and you guess he thought
7 the argument was over. And so you went downstairs to get
8 some milk in the cup and when you were downstairs woman's
9 intuition told you to look in his phone?

10 A Once it lit up.

11 Q Because you're still angry and you still can't
12 figure out why he won't tell you who he was with last week.
13 You feel like he's been cheating on you; he -- you're angry
14 about with calls from three o'clock this morning, so you
15 were going to check up on him to see exactly what he was
16 doing, weren't you?

17 A I was angry at myself because I had just had sex
18 with him and, you know, I was vulnerable and the fact that
19 it was still going on and on and I was angry at myself for
20 just allowing it to happen over and over and over and over
21 again.

22 Q So you weren't angry at him, you were angry with
23 yourself?

24 A Right. Because I felt like I should have known
25 better, I should have been smarter about it.