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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
In the Court of General Sessions

Thomas L. Hughston, Jr., Circuit Court Judge

Appellate Case No. 2018-000561
Lower Court Case No. 2016-GS-10-02883

The State Respondent,

v.

General T. Little.....Appellant.

RECORD ON APPEAL – VOLUME 2

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State v General Theophilus Little
Eddie Haselden-Direct Examination by Mr. Sowards
March 19, 2018

1 THE COURT: No indications. All right. Go ahead.

2 [Whereupon, Mr. Haselden comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please have a seat sir. And once
6 you get situated for us, speak into the microphone and
7 say your whole name for the record spelling your last
8 name for us. Thank you.

9 THE WITNESS: Edward Haselden, Jr. H-A-S-E-L-D-E-N.

10 - - - - -

11 EDWARD HASELDEN,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. SOWARDS:

16 Q. Good afternoon Mr. Haselden, where do you work?

17 A. I work for the Charleston County Clerk of Court's
18 Office.

19 Q. And what is your role there?

20 A. I'm the Chief Deputy Clerk of Court.

21 Q. And what does that entail?

22 A. I assist the Clerk of Court, Julie Armstrong, in the
23 managing of the Circuit Court and the Family Court.

24 Q. And are documents filed with the Circuit Court and
25 Family Court?

1 A. Yes, they are.

2 MR. SOWARDS: May I approach the witness?

3 THE COURT: You can.

4 Q. [Ms. Sowards] Mr. Haselden, I'll show you what has
5 been marked for I.D. as state's exhibit 105.

6 [Whereupon, the witness is shown document]

7 Q. Are you able to determine just based on looking at
8 that document what it is?

9 A. It is a clerk's affidavit for a child support Rule
10 or a Rule.

11 Q. And is that all it is?

12 A. It's a -- it looks like a certificate of service.
13 It is, again, another notice for the hearing date and it
14 spells out what Rule 24 is with the clerk's affidavit and
15 then the clerk's affidavit itself.

16 Q. And are you able to determine just looking at that
17 whether that document was filed with the Family Court?

18 A. It was.

19 Q. And how are you able to determine that?

20 A. There is a file stamped at the top of the document.
21 And then each one of the documents have an attest to true
22 copy with our seal.

23 MR. SOWARDS: Your Honor, at this time, the State
24 would seek to admit exhibit 105 and publish it to the
25 jury?

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March 19, 2018

1 MR. SCHWARTZ: No objection, Your Honor.

2 THE COURT: Thank you.

3 [Whereupon, State's exhibit number 105 is entered
4 into evidence by the Court]

5 [Whereupon, document is shown]

6 Q. [Ms. Sowards] If you could, could you just please
7 tell us the parties involved if you're able to, please?

8 A. Barbara E. Little, plaintiff and General T. Little,
9 defendant.

10 Q. And does it indicate what document this is?

11 A. It says right there at the Rule 24, it's a clerk's
12 affidavit.

13 Q. And where it says -- I'll zoom in a little bit --
14 child support and/or spousal support. What does it say
15 there?

16 A. You talking about the second paragraph there?

17 Q. Correct.

18 A. Child support and/or spousal support was ordered on
19 2014, June 13. And as of 2015, 8/18, there is a total
20 arrears of \$68,115 with \$17,750 to comply with the last
21 order.

22 Q. And on what date was this filed?

23 A. On August 21st of 2015.

24 Q. And you indicated that it has a seal?

25 A. Right.

1 Q. Is that this right here [indicates]?

2 A. It's an attest true copy meaning that that's a copy
3 of the original that we have and then it's certified by
4 one of our deputy clerks with a seal.

5 Q. And what does this document tell us?

6 A. It's a notice that's told or sent out to say when
7 the hearing date's going to be.

8 Q. And what date was that hearing?

9 A. October 7th of 2015 was when it was scheduled at 11
10 o'clock.

11 Q. And finally, what is this document here [indicates]?

12 A. It's a sheriff's affidavit of service.

13 Q. All right. And what does that mean affidavit of
14 service?

15 A. It means that proof of service meaning that the
16 sheriff's office went out to try to serve.

17 Q. And does this document indicate what date; on what
18 date it was served?

19 A. Let's see. It says on the 25th day of August, 2015
20 and that I served the same on the 22nd day of September,
21 2015 at the hour of 1:45 p.m.

22 Q. And does it tell you who it was served on?

23 A. It says person served is General T. Little.

24 Q. And what does it say under that?

25 A. It says served [REDACTED] daughter.

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1 Q. And then finally, down here at the bottom does it
2 indicate how much is owed, how much the Rule to Show
3 Cause is for?

4 A. It says the Rule amount of \$68,115.

5 Q. I'll now hand you what has been marked for I.D. as
6 State's 130.

7 [Whereupon, the witness is shown document]

8 Q. And are you able to determine by looking at what
9 that document is?

10 A. The caption is an order dismissing the Rule to Show
11 Cause.

12 Q. And does it tell you who the parties are?

13 A. Barbara E. Little, plaintiff, General T. Little,
14 defendant.

15 Q. And does it state on which day that it was filed?

16 A. It's filed on October 9th, 2015.

17 Q. And does it indicate who filed it?

18 A. I would have to read to see what...

19 [Whereupon, the witness reviews document]

20 A. It says it is so moved by Anthony O'Neil, Attorney
21 for the defendant, General T. Little.

22 Q. Does that document bear a seal similar to the one we
23 saw on Exhibit 105?

24 A. It does.

25 Q. So, again, that indicates that document was filed

1 and that is a true and accurate copy of what was filed?

2 A. Yes, sir.

3 MR. SOWARDS: Your Honor, at this time, the State
4 would seek to admit 130 and publish it for the jury?

5 THE COURT: Any objection?

6 MR. SCHWARTZ: Your Honor, I just would like to see
7 it one more time.

8 [Whereupon, Mr. Sowards and Mr. Schwartz confer]

9 MR. SCHWARTZ: It's okay, Your Honor.

10 THE COURT: Thank you.

11 [Whereupon, State's exhibit number 130 is entered
12 into evidence by the court]

13 [Whereupon, the document is shown]

14 Q. [Ms. Sowards] On what date was this filed?

15 A. On October 9th, 2015.

16 Q. And I think I just stated it is an order dismissing
17 a rule to show cause?

18 A. Correct.

19 Q. Filed by the Defendant, General T. Little?

20 A. Uh-huh.

21 Q. Could you read the first paragraph for me?

22 A. This matter was scheduled to come before the Court
23 on a Rule to Show Cause directed to the defendant,
24 General T. Little, to show why he should not be held in
25 contempt of court for failing to pay spousal support

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1 according to the directive of an ordered entered August
2 25th, 1998.

3 Q. And how about the second?

4 A. It has been made to appear that the plaintiff above
5 named met an untimely demise on September 22nd, 2015.

6 MR. SOWARDS: I beg the Court's indulgence.

7 [Whereupon, Mr. Sowards and Ms. Baldwin confer]

8 MR. SOWARDS: Your Honor, I just wanted to clarify
9 that this was, in fact, admitted; I know that defense
10 counsel said no objection.

11 THE COURT: Yes, it is.

12 MR. SOWARDS: Thank you. No further questions from
13 the State, Your Honor.

14 MR. SCHWARTZ: Briefly, Your Honor.
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CROSS-EXAMINATION

1
2 BY MR. SCHWARTZ:

3 Q. Mr. Haselden?

4 A. Yes, sir.

5 Q. Just generally speaking, you know, we throw out the
6 word rule to show cause ---

7 A. Uh-huh.

8 Q. --- in Family Court the Judge tells you to make
9 payments of spousal support?

10 A. Uh-huh.

11 Q. Yes?

12 A. Yes.

13 Q. And if you don't pay them, the only way to get
14 people to do what they're ordered to do is to fine them?
15 You can be fined in Family Court?

16 A. The rule is intended because we're supposed to do a
17 review and if a case is behind, then we're supposed to
18 schedule the Rule. Then that's up to the Judge to
19 decide.

20 Q. Sure. And if the Judge decides that you haven't
21 done what you're told to do, they can throw you in jail,
22 correct?

23 A. They can order you to pay something and if you
24 can't, then you can go to jail. But there is usually a
25 purge payment that goes along with it.

1 Q. Okay. And that's what I'm getting to next. I'm
2 going to put this on this projector for the record
3 showing what was State's exhibit 105.

4 Now, you would agree with me that the total arrears
5 amount that Dr. Little owed at this point in time in
6 spousal support was 68,115 dollars?

7 A. That's what's listed. Yes, sir.

8 Q. And then right after that it says with a money
9 amount 17,750 dollars to comply with the last order?

10 A. Yes, sir.

11 Q Okay. And those are two different numbers?

12 A. That's correct.

13 Q. So would you agree with me that 17,750 dollars if he
14 was able to come up with that amount, he would have been
15 in compliance with this Rule?

16 A. If that's what the Judge would have ordered. This
17 is just an affidavit saying that's what it was at the
18 time that the Rule was issued. But the Judge could have
19 done a number of different things.

20 MR. SCHWARTZ: No further questions of this
21 witness.

22 THE COURT: Thank you very much. You can return to
23 your job.

24 [Whereupon, the witness is excused and exits the
25 witness stand]

State v General Theophilus Little
Matthew Colburn-Direct Examination by Ms. Baldwin
March 20, 2018

1 THE COURT: Cal your next witness.

2 MS. BALDWIN: Thank you, Your Honor. The State
3 calls Deputy Matthew Colburn.

4 [Whereupon, Matthew Colburn comes forward]

5 [Whereupon, the witness is duly sworn by the Clerk
6 of Court]

7 CLERK OF COURT: Please have a seat, sir. Once you
8 get situated state your full name for the record spelling
9 your last name for us. Thank you.

10 THE WITNESS: Matthew Colburn, C-O-L-B-U-R-N.

11 - - - - -

12 MATTHEW COLBURN,

13 Having been first duly sworn,

14 Was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MS. BALDWIN:

17 Q. Deputy, where do you work?

18 A. Charleston County Sheriff's Office, ma'am.

19 Q. And in what capacity?

20 A. As a patrol deputy.

21 Q. And what sort of duties do you have as a patrol
22 deputy?

23 A. Answering calls for service, enforcing state and
24 local laws.

25 Q. What's a call for service? Educate us.

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1 A. Anything that somebody would call 9-1-1 for or the
2 admin line of the sheriff's office.

3 Q. And did you respond to a call at 2317 West Palmer
4 Drive on September 22nd, of 2015?

5 A. Yes, ma'am.

6 Q. Is that location in Charleston County?

7 A. Correct.

8 Q. And what did you do when you got there?

9 A. Upon my arrival, myself and a fellow deputy, Deputy
10 Haslip, and a City of Charleston Police Officer entered
11 the residence for a reported deceased person.

12 Q. You entered the residence. What did you see?

13 A. Upon entering the residence, I immediately noticed
14 large quantities of blood on the foyer floor and walls of
15 the foyer.

16 Q. And why did you go inside the house?

17 A. There was a reported deceased party. We went inside
18 to make sure there was somebody inside the residence. If
19 there was a deceased party to attempt to render aid or to
20 look at any other persons inside.

21 Q. Besides the blood in the foyer and on the walls,
22 what else did you observe? Did you mention towels?

23 A. No, ma'am. There were towels and a blanket that
24 were in the foyer as well that appeared that they were
25 used to try and clean up some of the blood.

1 Q. And what else did you see in there?

2 A. There were -- throughout the residence as we were
3 maneuvering through the residence to make sure there were
4 no persons inside or to find the deceased party, through
5 the hallway there was blood, in the living room there was
6 blood. There was blood smears on the wall leading back
7 towards the back of the residence.

8 Q. Did you make contact with the possible or did you
9 locate the possible deceased party?

10 A. Yes, ma'am, in the bathroom of the residence.

11 Q. And what did you see when you saw her?

12 A. Upon entering the bathroom of the residence there
13 was an elderly black female that was laying on the
14 bathroom floor. Her leg was -- I believe it was her left
15 leg if I can...

16 Q. What are you referring to?

17 A. Her left leg was propped up on the edge of the
18 bathroom. She was nude from the waist down with her head
19 towards the sink of the bathroom.

20 Q. And you looked like you were reading something.

21 What are you looking at?

22 A. Referring to my report, ma'am.

23 Q. That you generated in regards to this?

24 A. Yes, ma'am.

25 Q. Okay. What did you do after you saw the victim?

State v General Theophilus Little
Matthew Colburn-Direct Examination by Ms. Baldwin
March 20, 2018

1 A. Again, just finished looking through the residence
2 to ensure there were no other persons or suspects or
3 anything inside the residence.

4 Q. Who else was on scene with you at that time?

5 A. There was Deputy Haslip and an Officer Courchere I
6 believe his last name is. I'm not sure how to pronounce
7 it.

8 THE COURT REPORTER: What is it?

9 THE WITNESS: Courchere.

10 THE COURT REPORTER: Courchere?

11 THE WITNESS: Yes, ma'am.

12 Q. [Ms. Baldwin] How do you spell that for the court
13 reporter?

14 A. C-O-U-R-C-H-E-S-N-E [sic].

15 Q. And what agency was he with?

16 A. The City of Charleston Police Department.

17 Q. Why was he there?

18 A. He responded as well as there were only two units
19 available at that time to go to the residence to check on
20 the call for service. So he responded as a backup
21 officer for them as well.

22 Q. Who else besides the three of you were on scene?

23 A. Upon my arrival there was a gentleman there who I do
24 not have his name. That was, I guess, the original
25 complainant, and also a Kimberly Little Armstrong.

1 Q. What else did you do while you were at the scene?

2 A. Upon that, I exited the residence, secured the
3 residence itself with crime scene tape as it was a crime
4 scene at that point. And then met with Kimberly and
5 obtained a written statement for detectives.

6 Q. What other involvement did you have with the case?

7 A. I was instructed later on to respond to 223 Burnham
8 Court in regards to making contact with a General Little
9 for detectives.

10 Q. Okay. And what did you do when you got there?

11 A. Upon my arrival I observed a vehicle that I was told
12 by Kimberly that Mr. Little is known to drive, which was
13 a silver Toyota Sequoia parked half in the driveway and
14 half into a grassy area.

15 Q. Okay. And what did you do?

16 A. There were several other vehicles that were on the
17 scene as well. Parked my vehicle, went up the driveway.
18 Went to the vehicles themselves to make sure that there
19 were no persons inside before I walked passed them to go
20 to the residence.

21 MS. BALDWIN: Court's indulgence.

22 Q. [Ms. Baldwin] Deputy, I'm going to show you what's
23 been marked as State's exhibit 24 for I.D.

24 [Whereupon, the witness is shown photograph]

25 Q. Can you tell me what that is?

1 A. That is a photograph of the vehicle that I observed.

2 Q. Okay. And where is it parked?

3 A. It is parked partially in the driveway and partially
4 in the I guess you can call it the yard of the residence.

5 Q. Of which residence was that?

6 A. Of 223 Burnham Court.

7 Q. Okay.

8 MS. BALDWIN: Your Honor, at this time I'd like to
9 admit State's exhibit 24 into evidence.

10 MR. WEST: No objection.

11 [Whereupon, State's exhibit number 24 is entered
12 into evidence by the court]

13 MS. BALDWIN: Can we publish it to the jury?

14 [Whereupon, the photograph is shown]

15 Q. [Ms. Baldwin] Deputy, trace with us briefly your
16 path to the residence. Where's the front door, first of
17 all?

18 A. The front door would be towards this side.

19 Q. Okay. And what was the purpose of you going to the
20 residence?

21 A. To make contact with a General Little for
22 detectives.

23 Q. Where did you park your car approximately?

24 A. It would be back past the driveway on this side
25 [indicates].

1 Q. And you referred to it a silver car? A silver?

2 A. Yes ma'am, a silver Toyota Sequoia.

3 Q. Where is that?

4 A. Right here [indicates].

5 Q. What did you do as you left your car?

6 A. I proceeded to walk up the driveway in between the
7 vehicles, as I said to make sure there were no persons
8 inside before making contact with the front door for
9 officer safety reasons.

10 Q. What did you notice about the Silver Toyota SUV?

11 A. Upon my approach, driving past the residence to
12 where I parked my vehicle. As I stated I observed the
13 vehicles. It was parked awkwardly and the front
14 passenger-side window was rolled down.

15 Q. Did anything about that stick out to you?

16 A. Well, it just seemed odd to me at the time with
17 there being plenty of room to park in the driveway.

18 Q. What time of day was this that you were going over
19 there?

20 A. It was approximately 23:20 hours so 11:20 p.m.

21 Q. And what did you do with that Silver Toyota?

22 A. After clearing that side of it and clearing the
23 other vehicles that were there to make sure no persons
24 were inside, I came back through around the front of the
25 Toyota Sequoia and, again, I observed the front window

1 was rolled down. The center console was raised to the
2 right-hand side. And on the center console there's a
3 dark brown stain that could have been possibly blood as
4 well as a burgundy hand towel that was on the front seat.

5 Q. And what happened next?

6 A. At that point Mr. Little exited the residence. I
7 approached him, made contact with him, identified myself
8 and advised him that I was there to see if he would come
9 to the law enforcement center to speak with detectives?

10 Q. Did he say anything to you before you came up to him
11 or as you walked up to him?

12 A. No ma'am, not before.

13 Q. Okay. Did he say anything to you at all?

14 A. He did when I made contact and explained the reason
15 I was there. Mr. Little advised that he knew it was in
16 regards to Barbara's murder.

17 Q. Okay. Did he say anything else besides that?

18 A. When I asked him if he could come to the law
19 enforcement center and speak with detectives, he asked if
20 they could come meet him at his residence. And I
21 explained to him that they were already awaiting his
22 arrival at the law enforcement center.

23 Q. What was his demeanor when you were speaking with
24 him?

25 A. He was calm, very calm.

1 Q. Okay. And what did you do with -- what happened
2 next?

3 A. He voluntarily agreed to come with me to the law
4 enforcement center. He asked if he could leave his cell
5 phone and cash at the residence with his current wife,
6 which I advised him he may need it in order to call for a
7 ride to come back or anything like that. But he wanted
8 to leave it so he left it there. And he consented to a
9 search of his person before he entered my vehicle.

10 Q. Okay. And did you find anything on his person?

11 A. No, ma'am.

12 Q. What happened next?

13 A. He was transported to the law enforcement center
14 from his residence. Upon there, we met Detective Turner.
15 Before I let Mr. Little out of the rear of my patrol car,
16 I advised Detective Turner of the findings that I saw at
17 the residence and then turned Mr. Little over to
18 Detective Turner.

19 Q. When you say findings at the residence, what are you
20 referring to?

21 A. As far as the way the vehicle was parked, the window
22 rolled down, the possible bloodstain on the center
23 console and the hand towel.

24 Q. Did you say that in front of the defendant?

25 A. No, ma'am.

1 Q. When you said you transported him to the sheriff's
2 office, how did you transport him? Obviously in your
3 vehicle, but...

4 A. Correct. He was in the rear of my vehicle, not
5 handcuffed.

6 Q. What would you have done if he didn't want to go
7 with you?

8 A. He'd have stayed at the residence and I'd have
9 advised detectives.

10 Q. What further involvement did you have with this
11 case?

12 A. After dropping Mr. Little off with Detective Turner
13 I was heading back towards the original incident location
14 when I received a phone call to go back to 223 Burnham
15 Court and meet Detective Muirheid.

16 Q. And what did you do at Burnham Court?

17 A. Arrived back at Burnham Court with Detective
18 Muirheid, advised him of the findings. We secured the
19 residence and the vehicle pending a search warrant.

20 MS. BALDWIN: Court's indulgence.

21 [Whereupon, Ms. Baldwin and Mr. Sowards confer]

22 Q. [Ms. Baldwin]. I have no further questions for you at
23 this time. Please answer any of the defense, please.

24

25

CROSS-EXAMINATION

1
2 BY MR. WEST:

3 Q. Good afternoon, Officer Colburn. How are you today?

4 A. Good afternoon, sir. Good. Yourself, sir?

5 Q. Doing fine. Thank you for asking. The Solicitor
6 began asking you some questions. You took an oath. You
7 took an oath to tell the whole truth and nothing but the
8 truth; is that correct?

9 A. Correct.

10 Q. Would you agree with me that the truth doesn't come
11 in sizes, shapes or colors? The truth is the truth no
12 question about that, correct?

13 A. Correct.

14 Q. You've been employed with the Charleston County
15 Sheriff's Office for about thirteen years?

16 A. Yes, sir.

17 Q. And your agency is proud to be an internationally
18 accredited one by the Commission on Accreditation of Law
19 Enforcement Agencies. They call that CALEA, C-A-L-E-A.
20 Would you agree with me on that?

21 A. Correct.

22 Q. Okay. The primary purpose of the commission is to
23 improve law enforcement service by creating a national
24 body of standards developed by law enforcement
25 professionals, would you agree?

1 A. Correct.

2 Q. Furthermore, it recognizes professional achievements
3 by establishing and administering an accreditation
4 process through which a law enforcement agency can
5 demonstrate that it meets those standards, correct?

6 A. To the best of my knowledge, yes, sir.

7 Q. Okay. And the Charleston County Sheriff's Office
8 Mission Statement says to serve our community by helping
9 to provide a safe environment for citizens to live, work,
10 raise families and enhance the quality of life by
11 providing excellent law enforcement services and always
12 seeking to promote mutual trust and respect, true?

13 A. Correct.

14 Q. You've been a patrol deputy for about nine years?

15 A. Yes, sir.

16 Q. The patrol division provides efficient and effective
17 patrol operations for the citizens of Charleston County
18 in order to create a deterrent to crime detect and
19 apprehend offenders and respond to the needs and
20 expectations of the community; is that correct?

21 A. Yes, sir.

22 Q. As a patrol deputy your vehicle is equipped with a
23 dash camera; is that correct?

24 A. Correct.

25 Q. Okay. This dash camera has audio that can be

1 recorded as well as a microphone that can record sounds
2 on the video recording system; is that correct?

3 A. Yes, sir.

4 Q. The purpose of the dash cam, of you would agree with
5 me, is that so Charleston County Sheriff's Office can be
6 open and transparent to the citizens of the community, is
7 that correct?

8 A. Possibly. Yes, sir.

9 Q. Possibly. Please explain what other scenarios or
10 reasons you could have for the dash cam videos?

11 A. It is to record anything when the lights are
12 activated.

13 Q. Okay. And that's because the recordings can be
14 important for when somebody comes to court, say; is that
15 correct?

16 A. Possibly. Yes, sir.

17 Q. Okay. In fact, there are many examples in our laws
18 where the law requires you to actually turn on your
19 camera when you make an arrest; is that correct?

20 A. The only one I know of is DUI, yes sir.

21 Q. Okay. Were you aware that the City of Charleston
22 Police Department, who you testified came to the scene,
23 had issued and implemented body cameras at the time of
24 this incident?

25 A. No, sir.

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Matthew Colburn-Cross-Examination by Mr. West
March 20, 2018

1 Q. You're not aware of that?

2 A. No, sir.

3 Q. Okay. Would you agree with me that body cameras as
4 well as dash cams are used for the protection not only of
5 the officers but also the accuracy of the officers
6 involved in the incident?

7 A. Yes, sir.

8 Q. Okay. Now you had earlier indicated that the dash
9 cams are initiated by blue lights or if you wanted to
10 actually manually initiate them that that is possible as
11 well?

12 A. Correct.

13 Q. You can turn on and off the body mics attached to
14 the cameras; is that correct?

15 A. Correct.

16 Q. If you don't turn on your camera then nothing is
17 preserved for the later review; is that correct?

18 A. Correct. It's not recorded.

19 Q. Okay. And according to the Charleston County
20 Sheriff's Office and CALEA policies, it is preferable
21 that once the videotaping has begun the officer must
22 maintain the recordings in a continuous running mode
23 until the scene has been fully recorded. Would you agree
24 with me on that?

25 A. If it states that in there, yes sir.

1 Q. If you don't preserve those dash cameras and
2 everything that happens on them, you can't prosecute that
3 charge, the DUI, as you gave an example of; is that
4 correct?

5 A. Correct.

6 Q. And we know that as a patrol deputy in this county
7 you've made several DUI arrests; is that correct?

8 A. No, sir.

9 Q. How many DUI arrests have you made?

10 A. I guess a handful off the top of my head.

11 Q. Okay. In those DUI arrests did you turn on your
12 dash cam video?

13 A. It's automatic; yes sir, as the blue lights come on.

14 Q. And in those DUI videos, did you also turn on your
15 body mic?

16 A. It's automatic as well, yes sir, with the blue
17 lights.

18 Q. You were working the night of 9/22/15; is that
19 correct?

20 A. Yes, sir.

21 Q. And you ran code to the scene?

22 A. Yes, sir.

23 Q. Okay. Describe to the jury what it means to run
24 code?

25 A. Running lights and sirens.

1 Q. Blue lights where video is automatically activated;
2 is that correct?

3 A. Correct.

4 Q. You did not preserve your camera video in this case,
5 in this incident, did you?

6 A. From the initial time that the blue lights were
7 activated until the crime scene at West Palmer, yes sir.

8 Q. You did?

9 A. Yes, sir.

10 Q. Okay. Is that in evidence today?

11 A. I don't know.

12 Q. You don't know?

13 A. I did not place it into evidence myself. No, sir.

14 Q. Okay. Who would have placed it into evidence?

15 A. That would be our evidence technician if it was
16 requested through them.

17 Q. If you were to put it into evidence the case agent
18 that is sitting right here [indicates] would be
19 responsible for turning that into the Solicitor's office?

20 A. I do not know how that operates, no sir.

21 Q. Okay. Would it surprise you to learn that I've
22 never seen your video?

23 A. Surprising, yes.

24 Q. Since you did not or I have not seen this video and
25 you don't know whether it has been preserved, then we are

1 forced to rely on the reports that you have written;

2 would you agree with that?

3 A. Correct.

4 Q. Okay. You documented your observations in those
5 reports; is that correct?

6 A. Correct.

7 Q. So the reports were later used by your supervisors.
8 And those reports are later used by attorneys in the
9 courtroom; is that correct?

10 A. Correct.

11 Q. And they also use as part of the testimony you're
12 giving, as we saw on your direct, you directly referenced
13 your report so that you could give this jury accurate
14 information as to what you did; is that correct?

15 A. Correct.

16 Q. Now, you submitted two pages, about two paragraphs
17 each of the reports of your involvement in this case.
18 Would you agree with me on that?

19 A. Yes, sir.

20 Q. As one of the first responding officers, you along
21 with Deputy Haslip and Officer Courchere conducted a
22 preliminary survey at after securing the scene. You
23 would agree with me on that?

24 A. What's your definition of a preliminary survey, sir?

25 Q. You tell me? What did you do when you first got

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1 there?

2 A. Entered the residence to ensure there were no
3 persons inside or to locate a possible deceased party,
4 which we were called for.

5 Q. Okay. And it was you and Deputy Haslip that went
6 inside the house?

7 A. Correct.

8 Q. Did Officer Courchere go inside the house?

9 A. Correct.

10 Q. He did?

11 A. Correct.

12 Q. Are you familiar with whether Deputy Haslip turned
13 in his videos?

14 A. No, sir. I'm not.

15 Q. Are you familiar with whether Officer Courchere
16 turned in either his in-car cameras or department policy
17 issued body cameras in this case?

18 A. I'm not, no sir.

19 Q. Okay. You provided a description of the original
20 condition of the scene as found by law enforcement in
21 your reports.

22 You document or identified potential forensic
23 evidence. That can be extremely helpful for this jury,
24 wouldn't you agree?

25 A. Correct.

1 Q. And also can be helpful in identifying who the
2 culprit is; wouldn't you agree with that?

3 A. Yes, sir.

4 Q. Okay. And your testimony today is that everything
5 in your reports are true as to how the events occurred
6 that night?

7 A. Correct.

8 Q. They're accurate as to how the events occurred that
9 night?

10 A. Correct, to my knowledge, yes sir.

11 Q. Nothing needs to be added or supplemented to those
12 reports?

13 A. Not that I'm aware of, no sir.

14 Q. Now, you've testified previously at pretrial
15 hearings on February the 12th and 13th in this matter; is
16 that correct?

17 A. No, sir.

18 Q. You did not?

19 A. Yes, I did. Actually you're right; sorry.

20 Q. Clarify it for the record. You have testified in a
21 pretrial ---

22 A. Yes. Yes.

23 Q. --- on the dates of February 12th and 13th; is that
24 correct?

25 A. I did. I apologize.

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1 Q.. Under oath?

2 A. Correct.

3 Q. Okay.. Have you added anything to your report since
4 that time?

5 A. No, sir.

6 Q. So the three of you went to the crime scene, went
7 inside the house. And I'm going to show you some
8 pictures, okay?

9 [Whereupon Mr. West and Ms. Baldwin review
10 photographs]

11 MR. WEST: I'm going to show the witness what's been
12 marked as defendant's 7, 11, 12, 13, 14, 15, 16, 17, 18,
13 21, 22, 23, 24, 25, 26, 27, 28, and 29..

14 Q. [Mr. West] I just want you to flip through these and
15 tell me whether you recognize these?

16 [Whereupon, the witness views photographs]

17 THE COURT: By the way I'll tell the jury anytime
18 anything such as photographs or documents or anything
19 like that, if they're introduced into evidence they can
20 pass them around and let you look at them now, but you'll
21 also have those with you in the jury room at the end of
22 the case when you consider your verdict.. So don't think
23 that this is the only chance you'll get to look at them.
24 You'll have anything that introduced into evidence with
25 you in the jury room at the end of the case.

1 Q. [Mr. West] Have you had a chance to review those
2 photos?

3 A. Yes, sir.

4 Q. Are they true and accurate depictions of the scene
5 as you saw them?

6 A. As far as I know, yes sir.

7 THE COURT: Do you want to introduce them or?

8 MR. WEST: Yes, I'm about to.

9 MS. BALDWIN: I don't have any objection to them.

10 THE COURT: Okay. They are in without objection.

11 MR. WEST: Thank you.

12 [Whereupon, defendant's exhibit numbers 7, 11, 12,
13 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28
14 and 29 are entered into evidence by the court]

15 Q. [Mr. West] I'm going to show the witness defendant's
16 Exhibit 7.

17 [Whereupon, the photograph is shown]

18 Q. This is a picture of the foyer as soon as you enter
19 the house; is that correct?

20 A. Yes, sir.

21 Q. And you testified on direct from the State that
22 there was blood all over the walls. This is an accurate
23 depiction of the blood on the walls; is that correct?

24 A. Yes, sir.

25 Q. Defendant's exhibit number 11. This is the same

1 foyer with a depiction of the floor entering the house,
2 correct?

3 [Whereupon, the photograph is shown]

4 A. Correct.

5 Q. This is a picture of that same foyer.

6 [Whereupon, the photograph is shown]

7 Q. You can see somebody's walking in, in that
8 photograph and the large amounts of blood as the house
9 was entered, is that correct?

10 A. Correct.

11 Q. You said you walked down the hallway. This is
12 Exhibit 13.

13 [Whereupon, the photograph is shown]

14 Q. As you would enter the hallway, the foyer turns into
15 the hallway where the hardwood floor is depicted on the
16 bottom of this photograph; is that correct?

17 A. Correct.

18 Q. So if you were to enter the house, you'd be coming
19 from the left side of this photograph, turning down the
20 hallway and that's how you entered the home?

21 A. Yes, sir.

22 Q. Exhibit 14.

23 [Whereupon, the photograph is shown]

24 Q. Again, this is the large amounts of blood as you
25 immediately entered the home?

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1 A. Correct, towards the hallway. Actually, that might
2 be the front room.

3 Q. The front room? The den?

4 A. Yes, sir.

5 Q. You went in the den?

6 A. Correct.

7 [Whereupon, the photograph is shown]

8 Q. Defendant's 17, we just learned that once the foyer
9 turns into a hallway it became hardwood flooring. You
10 would agree with me that this is a depiction going down
11 the hallway towards the bathroom where you eventually
12 found Ms. Little, is that correct?

13 A. It possible is. I can't tell from this angle that
14 that is the hallway.

15 Q. Okay. But there's blood on the walls?

16 A. Correct.

17 Q. Okay. Now, when you first went into the scene,
18 these markings on the wall that look like tape, those
19 were not on the walls at that time, correct?

20 A. No, sir.

21 [Whereupon, the photograph is shown]

22 Q. Defendant's 18 is a depiction again from the foyer
23 leading down the hallway. Ultimately, the side that's
24 closest to you in the picture from the photographer's
25 viewpoint is where the bathroom would be?

1 A. Correct.

2 [Whereupon, the photograph is shown]

3 Q. Exhibit 21. Again the depiction down the hallway
4 with large amounts of blood on the wall?

5 A. Correct.

6 Q. And do you know which room that is?

7 A. No, sir. Not off the top of my head, I do not.

8 Q. Okay. You would agree with me that that is down the
9 hall towards the bathroom?

10 A. From this angle, I couldn't tell you. I don't know,
11 sir.

12 Q. Well, the hardwood floors wouldn't have continued
13 towards the foyer, so it would have to be, by logic,
14 towards the bathroom, wouldn't you agree?

15 A. Potentially.

16 [Whereupon, the photograph is shown]

17 Q. Defendant's 23, is this the scene that you saw it
18 entering the bathroom?

19 A. Yes, sir.

20 [Whereupon, the photograph is shown]

21 Q. Defendant's 24, you had indicated in your direct
22 testimony that her leg was propped up on the bathtub. Is
23 this a depiction of that same thing?

24 A. Correct.

25 Q. After you exited the bathroom, did you -- you

1 indicated that you went into the den area; is that
2 correct?

3 A. There I believe were other rooms past the bathroom.

4 Q. Okay. Eventually you circled back to the den?

5 A. Correct.

6 [Whereupon, the photograph is shown]

7 Q. In Exhibit 25, is this a depiction of the den as you
8 would have seen it?

9 A. Yes, sir.

10 Q. Television on?

11 A. I don't recall, but if in the picture it is yes,
12 sir.

13 Q. Exhibit 26, this is a depiction of the seating area
14 in the den, would you agree?

15 [Whereupon, the photograph is shown]

16 A. Correct.

17 Q. Now, that crime scene that you just saw and this
18 jury was able to view those photographs clearly was large
19 amounts of blood, correct?

20 A. Correct.

21 Q. Did you bother to wear gloves when you went into the
22 scene?

23 A. No, sir.

24 Q. Did you bother to wear any shoe coverings when you
25 went into the scene?

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1 A. No, sir.

2 Q. Your report notes that upon entering the house you
3 immediately observed a large amount of blood on the
4 floor, walls of the foyer with several towels and
5 blankets, which appear to have been used to try and clean
6 up.

7 Now, if this was immediately observed upon your
8 entry into the home, your testimony today is that you
9 still did not wear covers for your shoes or gloves?

10 A. That is correct.

11 Q. Now, I know you weren't in here earlier, but you
12 noted in your report a cigarette lighter on the floor
13 with blood on it as well a cigarette; is that correct?

14 A. Correct.

15 Q. I believe the defendant has already entered
16 Defendant's Exhibit Number 9.

17 [Whereupon, the photograph is shown]

18 Q. At the bottom right-hand corner, is that a depiction
19 of the lighter that you noted?

20 A. Yes, sir.

21 Q. Defendant's exhibit number 19 shows the cigarettes
22 that you noted; is that correct?

23 [Whereupon, the photograph is shown]

24 A. Correct. Yes, sir.

25 Q. At the bottom right-hand corner of defendant's

1 exhibit 19. You noticed a pair of house slippers as it
2 was down the hall; is that correct?

3 A. Correct.

4 Q. And you walked over this blood-covered floor and you
5 saw the body. She was in the bathroom and you stepped
6 over all of that blood in that crime scene; is that
7 correct?

8 A. To the best of my ability, yes sir.

9 Q. Your reports indicate that at 23:20 you were
10 instructed to respond to 223 Burnham Court to make
11 contact with General Little, Doctor General Little, my
12 client.

13 In your previous testimony, the pretrial hearings we
14 discussed, you stated that you did not believe that it
15 was important enough to document or note who instructed
16 you to go to 223 Burnham Court; do you recall that
17 testimony?

18 A. Yes, sir.

19 Q. Is that still your testimony today that it's not
20 important enough for this jury to understand who would
21 have instructed you to go to my client's house?

22 A. That's correct, sir.

23 Q. Now, your supervisors on the scene would have been
24 Sergeant Euper with the Charleston County Sheriff's
25 Office, is that correct?

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- 1 A. Correct.
- 2 Q. Was Lieutenant Plunkett also on the scene?
- 3 A. He may have been, sir. I do not recall.
- 4 Q. Would it surprise you to know that I have never
- 5 received a report from Sergeant Euper?
- 6 A. That has no bearing on myself, sir.
- 7 Q. Your supervisor's instructions to you and what he
- 8 did on the scene has no bearing on you?
- 9 A. That's correct.
- 10 Q. Okay. Lieutenant Plunkett is within your chain of
- 11 command, is that correct?
- 12 A. He would have been at that time.
- 13 Q. Okay. Would it surprise you that I've never
- 14 received a report from Lieutenant Plunkett?
- 15 A. Again sir, that's out of my realm.
- 16 Q. No bearing on you?
- 17 A. Not on me.
- 18 Q. It doesn't matter to you one bit?
- 19 A. I have my report, sir.
- 20 Q. On the dash cam video that is without audio provided
- 21 by Sergeant Euper, we can see him writing things and
- 22 talking to people and you see you on that dash cam as
- 23 well. You speak with him. Do you know what he was
- 24 writing?
- 25 A. No, sir.

1 Q. Do you recall watching Sergeant Euper making those
2 notes or writing papers on the hood of his car?

3 A. I do not.

4 Q. Do you believe that it would be important for the
5 defense of this case to have those writings today?

6 A. I do not; I don't know what was written.

7 Q. If it was written by a supervisor on the scene at a
8 crime scene, would you agree with me that it was
9 important to note?

10 A. Possibly.

11 Q. Do you believe Lieutenant Plunkett has always
12 followed proper protocol and procedure when performing
13 his job?

14 A. Yes, sir.

15 MS. BALDWIN: Objection, Your Honor.

16 THE COURT: I'll sustain the objection unless you
17 want to be heard.

18 MR. WEST: I'd like to be heard, Judge.

19 THE COURT: The jury panel needs to go to the jury
20 room, please.

21 [Whereupon, the jury exits at 3:15 p.m.]

22 THE COURT: I think the question was something like
23 do you believe it's important for somebody to follow the
24 rules or something like that?

25 MR. WEST: No, my question directly Judge is do you

1 believe Lieutenant Plunkett always followed proper
2 protocol and procedure when performing his job?

3 THE COURT: And why is that -- why should he be able
4 to answer that?

5 MR. WEST: He was within his chain of command. He
6 was directed to do his job by this particular lieutenant
7 and sergeant that I mentioned.

8 THE COURT: But you're asking him for his opinion.

9 MR. WEST: I'm asking him if he believed that
10 Lieutenant Plunkett followed ---

11 THE COURT: --- that's an opinion. I sustain the
12 objection to that question.

13 MS. BALDWIN: Thank you, Your Honor.

14 THE COURT: And all this stuff about whether he
15 followed or whether or not there were reports somebody
16 else did and so forth should have been given to you and
17 all it's only what is required to be given to you under
18 the rules and you haven't shown me where that was
19 required to be given to you under the rules. I hate to
20 see somebody bring in something unfairly like that, in my
21 opinion.

22 MR. WEST: Judge, I believe that, again, the
23 supervisor on the scene, one of the things that we had
24 plenty of pretrial discussion about, he's the supervisor
25 on the scene. He's shown on the video making notes and

1 writing on ---

2 THE COURT: --- and you're entitled to everything
3 under the rules. If it's in that report, they're
4 supposed to give it to you. But you're not entitled to
5 it unless it's covered by the rule.

6 MR. WEST: Well, again, Judge that's sort of like
7 arguing a negative. How do you argue ---

8 THE COURT: --- well, I agree with that. You know,
9 I understand the position you're in. But to suggest that
10 you should have gotten something unless it's covered by
11 the rules is not, in my opinion, good lawyering. Bring
12 the jury back in.

13 MS. BALDWIN: Thank you, Your Honor.

14 MR. WEST: Judge, while the jury's out can we
15 address one thing?

16 THE COURT: Go ahead.

17 [Whereupon, Ms. Baldwin and Mr. West confer]

18 MR. WEST: Judge I think while the jury's out is an
19 appropriate time to address the fact that this officer
20 has testified he turned in his in-car video and that was
21 not one of the videos that was disclosed after our prior
22 order.

23 THE COURT: I'm not sure I understand what you're
24 saying?

25 MR. WEST: You gave a prior order of this Court

1 after the preliminary hearing, the pretrial hearing to
2 direct the State to turn over the in-car videos that were
3 in their possession. This officer has testified he
4 turned it in. I have not received it.

5 MS. BALDWIN: Your Honor, we have asked them ad
6 nauseam for any and all video to include Deputy Colburn's
7 video and they say it doesn't exist. I don't know if it
8 was inadvertently destroyed or not saved somehow from his
9 car. I'm not aware of it.

10 It doesn't exist. And that point has been made over
11 and over again. It was made earlier. It's been made now
12 in front of the jury. The jury's aware that he saved his
13 that he hasn't seen the video.

14 MR. WEST: Judge, again for the record I understand
15 that there's been a prior ruling of this Court. My
16 position for the record is that this is a direct
17 violation of Maryland v. Brady [phonetic], and I was
18 entitled to this information and I have not received it.

19 THE COURT: I appreciate the position but I don't
20 think that's -- it's not in violation of Maryland v.
21 Brady unless it contains exculpatory evidence and we
22 don't know that.

23 MR. WEST: Well, again, Judge, we found from the
24 video ---

25 THE COURT: --- well, I know what you found as far

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1 as that one statement was concerned but, you know...

2 MR. WEST: We're put into an impossible situation
3 where we do not have the entirety of the case when we are
4 trying to defend my client.

5 THE COURT: Well, you can certainly ask him, you
6 know, did you make a video? What happened to it? I'll
7 let you do that, you know. You can explore the absence
8 of it but as far as implying that there's something wrong
9 with it by, you know, there's something on there that
10 they're hiding from you, I think you know -- bring the
11 jury in.

12 [Whereupon, the jury enters at 3:21 p.m.]

13 [Whereupon, Mr. West has discussion with court
14 reporter regarding exhibits]

15 MR. WEST: I apologize for the delay, Judge.

16 Q. [Mr. West] How long was it in between the time you
17 left 2317 West Palmer and went to 223 Burnham?

18 A. Approximately ten to fifteen minutes, maybe.

19 Q. You were only at the scene of the crime for ten to
20 fifteen minutes?

21 A. No, sir. We were dispatched at 10:00 p.m. and I
22 left West Palmer at 11:20 hours, thereabouts.

23 Q. I'm sorry. Could you state those times again?

24 A. I was dispatched to West Palmer at 10:00 p.m.

25 Q. All right.

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1 A. And left for Burnham around 11:20 p.m.

2 Q. Okay. When you left for Burnham you didn't have a
3 search warrant with you at that time, is that correct?

4 A. Correct.

5 Q. At that time you considered Doctor Little a suspect
6 in the case?

7 A. No, sir.

8 Q. Was it they explained to you why you were being
9 instructed to go to 223 Burnham?

10 A. To my knowledge, Mr. Little was supposed to show up
11 at West Palmer and he failed to do so.

12 Q. Were you instructed that this was my client's
13 private residence?

14 A. Not personally instructed, no, sir, but this was the
15 residence that he was known to live at.

16 Q. Your testimony is that you did not understand that
17 this to be the private property of my client?

18 A. I understood this was the residence he was supposed
19 to be at.

20 Q. Okay. Were you instructed to look for anyone else?

21 A. No, sir.

22 Q. Okay. You would agree with me at that time that
23 Doctor Little was the target of your search, correct?

24 A. It was not a search, no sir.

25 Q. You going to look for my client is not considered a

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1 search?

2 A. Correct. I was going to make contact for
3 detectives. That is correct.

4 Q. Were you on the radio that night?

5 A. Yes, sir.

6 Q. Were you listening to radio traffic?

7 A. Yes, sir.

8 Q. Okay. What was being said about Doctor Little to
9 your knowledge?

10 A. I don't recall.

11 Q. Would that have been information important enough to
12 document in your report?

13 A. No, sir.

14 Q. You have also indicated that you spoke with Kim at
15 the scene. Do you know who else she spoke with?

16 A. To my knowledge I believe she made a phone call to
17 her uncle.

18 Q. Did she speak with anybody else from law
19 enforcement?

20 A. I do not know.

21 Q. When you spoke with Kim who was around?

22 A. To my knowledge it was just her and I.

23 Q. All right. Was that inside the house, outside the
24 house, in the driveway? Where were you located when you
25 spoke with her?

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1 A. In the street of West Palmer.

2 Q. You said in your direct testimony that Kimberly gave
3 a written statement for detectives, is that correct?

4 A. Correct.

5 Q. Did you implement the taking of that statement?

6 A. Correct.

7 Q. Okay. Describe for the jury what you did at that
8 time?

9 A. We have a statement form from Charleston County
10 Sheriff's Office. It was explained to her how to fill
11 out the top portions, her personal information. And then
12 from there on, it's a narrative. I explained to her that
13 she needs to be as detailed as possible in her narrative.

14 Q. Because it's important to be as detailed as possible
15 in any report, wouldn't you agree?

16 A. Correct.

17 Q. When you went to 223 Burnham Court the Charleston
18 City Police Department assisted you, correct?

19 A. Correct.

20 Q. And you didn't even bother to figure out who was
21 helping you, did you?

22 A. I do not have his name. That's correct.

23 Q. Okay. In fact, the only description you could
24 provide at the previous testimony was that he was a white
25 male, is that correct?

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1 A. Correct.

2 Q. You didn't ask his name?

3 A. I did not.

4 Q. You did not document whether he had cameras in his
5 car or a body camera?

6 A. Correct.

7 Q. In fact, your earlier testimony was that you didn't
8 believe that type of information was important enough for
9 the Solicitor to have in her case file, isn't that
10 correct?

11 A. Correct.

12 Q. You also testified that you did not believe that it
13 was important enough information to document who arrived
14 first to my client's house, is that correct? And it's
15 still your testimony today?

16 A. That's correct. As I stated before, I believe we
17 arrived together.

18 Q. Let's go back to that. Would it refresh your
19 recollection to look at that testimony?

20 A. Yes, sir.

21 Q. I'm showing the witness a transcript of the prior
22 testimony to refresh his recollection, specifically page
23 63 of the transcript. Can you review that?

24 [Whereupon, the witness reviews document]

25 Q. Have you had ample time to review that document?

1 A. Correct.

2 Q. Does it refresh your recollection?

3 A. Yes, sir.

4 Q. In that testimony my specific question to you was
5 who arrived first. Your response is I do not recall, is
6 that correct?

7 A. That's correct.

8 Q. And then I follow-up with a question. Would that be
9 important enough information to document in your report?
10 And your response was no, sir.

11 A. Correct.

12 Q. Your prior testimony was that you had no reason to
13 believe Doctor Little was armed and dangerous at the time
14 you went to his house. Is that still your testimony
15 today?

16 A. Correct.

17 Q. When did you arrive at 223 Burnham?

18 A. Shortly after 11:20 hours. I don't have a specific
19 time, sir.

20 Q. Could you describe the neighborhood?

21 A. Normal neighborhood.

22 Q. Get a little bit more descriptive than that?

23 A. Houses, streets, cars. It's a normal neighborhood,
24 sir.

25 Q. When you approached the house, can you describe the

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1 house?

2 A. Not off the top of my head, no sir.

3 Q. Were the lights on in the house?

4 A. Do not recall.

5 Q. Was the yard dark?

6 A. I do not recall, sir.

7 Q. How did you park the car?

8 A. On the street, past the residence.

9 Q. Were your lights on?

10 A. They were at the time. Not when I parked, no, sir.

11 Q. You turned your headlights off after you parked your
12 car?

13 A. Correct.

14 Q. What would you project as the average visibility
15 from your headlights in your cruiser?

16 A. I don't know sir, fifteen, twenty feet, thirty feet,
17 maybe. I don't know.

18 Q. You would agree with me that at the time you arrived
19 you did not have a warrant. You did not have probable
20 cause to search the defendant's property, is that
21 correct?

22 A. That's correct.

23 Q. Your report indicates that when you arrived you
24 observed the vehicle General was known to drive and that
25 Kimberly told you that: And you earlier testified that

1 you're not sure what else she told you, other than giving
2 you the statement?

3 A. Correct.

4 Q. You said that you walked over to the vehicle because
5 you were unsure if anyone was inside ---

6 MS. BALDWIN: --- objection, Your Honor. It's all
7 hearsay I think he can ask him.

8 THE COURT: I'm sorry?

9 MS. BALDWIN: He's testifying right now, Your Honor.
10 I think he needs to ask more questions.

11 THE COURT: I thought it was okay. I didn't hear
12 anything objectionable. Go ahead.

13 Q. [Mr. West] My previous question was you walked over
14 to the vehicle and you said that you were unsure if
15 anyone was inside. Did you see any headlamps on in the
16 car?

17 A. No, sir. There were no headlamps on.

18 Q. Were the lights on inside of the house?

19 A. I do not recall.

20 Q. I asked you in your previous testimony if the
21 neighbor's lights were on. Do you recall?

22 A. I do not, but I'm sure there were lights on.

23 Q. You also previously testified there's no bushes
24 around the garage for a person to hide, is that true?

25 A. To the best of my knowledge, I believe there were

1 bushes to the left side of the driveway.

2 Q. You've seen some photographs and you were the person
3 who was actually at the scene, so you'd be able to
4 testify whether the mulch area where my client's car was
5 parked was worn down as if the parking spot was in the
6 norm; is that correct?

7 A. I do not recall if it was worn down. No, sir.

8 Q. Do you recall the sidewalk barrier being knocked
9 down as if somebody had driven over it several times?

10 A. From the previous picture, yes sir.

11 Q. You at that time had no reason to believe that
12 Doctor Little would be hiding did you?

13 A. I honestly sir, you do not know.

14 Q. You didn't have any information that Doctor Little
15 was actually in his car, did you?

16 A. No.

17 Q. Would you agree with me that if you -- if we had the
18 video that you spoke of, we'd be able to see the searches
19 that we're describing at this point?

20 A. No, sir.

21 Q. Explain.

22 A. The video would have been turned off either upon my
23 arrival or shortly thereafter on West Palmer.

24 Q. You would have manually turned the video off as you
25 approached a suspect in the case?

1 A. No, the video was never recording at that point,
2 sir.

3 Q. Well, I understand that. But my question to you was
4 if that video was on, would it have shown how you looked
5 in the car ---

6 MS. BALDWIN: --- objection, Your Honor.

7 THE COURT: Why?

8 MS. BALDWIN: Speculation.

9 THE COURT: No, I'll allow it.

10 A. No, it would not because it would have been pointing
11 to the left side of the residence on the street.

12 Q. [Mr. West] So you would have deliberated parked it
13 in a way that nobody could see the video?

14 A. No, sir. It's a safety concern to park away from a
15 residence before you approach, not park directly in front
16 of it.

17 Q. Now, your prior testimony was that you walked around
18 the car and saw no one through the driver's window or the
19 windshield, is that correct?

20 A. Correct.

21 Q. But you continued to look in the car?

22 A. As I walked back past the open window, correct?

23 Q. You approached the vehicle from the left side, is
24 that correct?

25 A. Initially, yes sir.

1 Q. Now, just for edification for the jury, I'd like to
2 -- since we described these events show you some
3 photographs.

4 THE COURT: Anybody need a break? Everybody okay?

5 [Whereupon, the jury responds affirmatively]

6 THE COURT: Okay.

7 Q. [Mr. West] I'm going to show the witness defendant's
8 33, 34, 35, and 36.

9 [Whereupon, the witness is shown photographs]

10 Q. Do you recognize these photographs?

11 A. Yes, sir.

12 Q. Are they true and accurate depictions of the vehicle
13 as you saw it?

14 A. Correct.

15 MR. WEST: At this time, the defendant would move
16 33, 34, 35, and 36 into evidence.

17 THE COURT: Any objection?

18 MS. BALDWIN: No objection.

19 THE COURT: All right.

20 [Whereupon, defendant's exhibit numbers 33, 34, 35,
21 and 36 are entered into evidence by the court]

22 Q. [Mr. West] This is defendant's 33.

23 [Whereupon, the photograph is shown]

24 Q. Is this an accurate depiction of the vehicle as it
25 was parked as you approached?

1 A. Correct.

2 Q. Okay. You can see in that picture that that vehicle
3 is beyond the walkway to the home, is that correct?

4 A. Correct.

5 Q. Your testimony today is that you walked beyond the
6 normal walking path to enter a residence?

7 A. That is correct.

8 Q. Defendant's 34.

9 [Whereupon, the photograph is shown]

10 Q. I'm going to ask you to use the smart screen again
11 if you don't mind?

12 A. Yes, sir.

13 Q. Can you show the jury how you first approached the
14 cars in the driveway?

15 A. As I stated earlier, coming from this side
16 [indicates] up to clear all three vehicles to make sure
17 there are no persons inside.

18 Q. Did you view the Sequoia first?

19 A. Probably if it's the first vehicle I came across.

20 Q. Okay. And you then you went to look in the other
21 two vehicles as well?

22 A. Correct.

23 Q. It can't really be seen in this particular exhibit,
24 but you've indicated in prior testimony that there was
25 actually three cars in the driveway?

- 1 A. Correct.
- 2 Q. As you approached the Sequoia, could you see into
3 the back window of the Sequoia?
- 4 A. Yes, sir.
- 5 Q. Could you see into the driver's side back window?
- 6 A. Correct.
- 7 Q. And you could see in the driver's window itself?
- 8 A. Correct.
- 9 Q. And you could see in the windshield?
- 10 A. Correct.
- 11 Q. And you could tell through viewing in all of those
12 sites that you just described that there was no one
13 inside the car.
- 14 A. Besides the floorboard of the passenger side.
- 15 Q. So your testimony here today is that despite not
16 seeing an individual in the back window, the driver's
17 side back window, the driver's side window, or the
18 windshield, you still had reason to believe there was
19 someone hiding in the passenger floorboard?
- 20 A. Potentially, yes sir, which is the reason I looked.
- 21 Q. That's the reason you looked into the car?
- 22 A. Absolutely.
- 23 Q. Exhibit number 36.
- 24 [Whereupon, the photograph is shown]
- 25 Q. Is this an accurate representation of the view you

1 would have had inside of the Toyota Sequoia?

2 A. From that angle, yes, sir.

3 Q. Did you ever stick your flashlight inside the car?

4 A. Stick it inside the vehicle? No, sir.

5 Q. Did you stick your head inside the window?

6 A. No, sir.

7 Q. Your testimony was that you thought it was important
8 enough to document the towel in the front seat; is that
9 correct?

10 A. Correct.

11 Q. And that is a part of the information you relayed as
12 part of the probable cause in this case?

13 A. Correct.

14 Q. To search the vehicle?

15 A. Correct.

16 Q. Your prior testimony indicates that I walked up the
17 driveway to the left side of the vehicle, initial
18 clearing of that vehicle with a flashlight looking inside
19 the windows to make sure there were no persons or
20 anything inside the vehicle.

21 Would you agree with me that that testimony
22 indicates that you were looking for something more than
23 someone?

24 A. No, sir. It was someone.

25 Q. Your testimony is that you immediately recognized

1 the brown tacky substance on the center console as blood,
2 is that correct?

3 A. No, sir.

4 Q. No, you did not immediately recognize it as blood?

5 A. No, sir.

6 Q. You would agree with me that your search and that
7 view is a key component to the State's case, would you
8 agree?

9 A. I observed a brown stain that I thought might be
10 blood.

11 Q. Would you agree that that particular spot is central
12 to the State's presentation?

13 A. Potentially. Yes, sir.

14 Q. Are you aware that no police agency has ever tested
15 this particular spot for the presence of DNA?

16 A. No, sir.

17 Q. You previously testified that you relayed the
18 information for the probable cause to Detective Turner at
19 the police station, is that correct?

20 A. Correct.

21 Q. You also testified that you have no knowledge, no
22 personal knowledge of who actually swore the probable
23 cause, which you reportedly found, is that correct?

24 A. That is correct.

25 Q. Is it your testimony today that when you talked with

1 Detective Turner that you relayed the information about
2 the towel in the car?

3 A. Correct.

4 Q. Now, let's go back to my client's house. You
5 indicated that he was cooperative with you when you first
6 encountered him; is that correct?

7 A. Yes, sir.

8 Q. When you asked him to come with you to the
9 Charleston County Sheriff's Office, he asked that y'all
10 just interview him at his house, is that not correct?

11 A. He inquired if a detective could come.

12 Q. But you wouldn't allow it?

13 A. I advised him that there was already a detective
14 waiting for him at the law enforcement center.

15 Q. In fact, he also asked you if he could drive his own
16 vehicle, is that correct?

17 A. I do not recall that.

18 Q. You made him get in the back of your caged car, is
19 that not correct?

20 A. No, sir. He voluntarily went.

21 Q. Okay. Is your car caged?

22 A. Correct.

23 Q. You made him sit in the back?

24 A. He was sitting in the back. Yes, sir.

25 Q. At this point, you still did not turn on your in-car

1 video?

2 A. Correct.

3 Q. Is your car equipped with video that would show the
4 back passenger seat as it travels?

5 A. Yes, sir.

6 Q. But you didn't bother taping the transport?

7 A. Correct.

8 Q. Your previous testimony was that he was quiet and
9 calm. Is that still your testimony?

10 A. Yes, sir.

11 Q. When you arrived to the Charleston County Sheriff's
12 Office, was it dark outside?

13 A. It was nighttime. Yes, sir.

14 Q. Would you say that the Charleston County Sheriff's
15 Office is a particularly well-lit lot?

16 A. To the best of my recollection, yes, sir.

17 Q. Were the doors to your car locked?

18 A. They automatically lock from the inside.

19 Q. Okay. So my client is sitting in a cage during
20 transport and a locked vehicle in the middle of the night
21 and you have to let him out of your car; is that not
22 correct?

23 A. Correct.

24 Q. In an unfamiliar place. Would you agree with me?

25 A. I do not know if he's familiar with the law

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1 enforcement or not, sir.

2 Q. Okay. And then when you arrived to the law
3 enforcement center, describe how you entered the
4 facility?

5 A. I parked my vehicle towards the detective's
6 entrance. Of course, Detective Turner was already
7 outside awaiting my arrival.

8 I exited my vehicle, spoke with Detective Turner and
9 then had Mr. Little exit the vehicle and he was walked
10 into the law enforcement center by myself and Detective
11 Turner.

12 Q. Do you recall any particular smells on my client?

13 A. No, sir, not that I can recall.

14 Q. Did you notice any scrapes or bruises on Doctor
15 Little?

16 A. Not that I recall, sir. However, I did not look.

17 Q. Was there any evidence that you would have viewed
18 when you transported Doctor Little that he would have
19 been in any sort of struggle or fight?

20 A. Not to my recollection, no sir.

21 THE COURT: How much longer are you going to be?

22 [Whereupon, Mr. West and Ms. Zmroczek confer]

23 MS. ZMROCZEK: Probably about ten minutes.

24 MR. WEST: About ten minutes.

25 THE COURT: Go ahead then. I don't want to limit

1 you. I'm just trying to decide whether to take a break,
2 but I'd like to go ahead and finish the witness.

3 MR. WEST: Judge, you know, coming into this we knew
4 I'm a long-winded guy.

5 Q. MR. WEST: I'm going to show you exhibit 30, 31,
6 and 32.

7 [Whereupon, the witness is shown photographs]

8 Q. I'm showing the witness defendant's 30, 31, and 32.
9 You recognize these photographs?

10 A. That's the first time I've seen them.

11 Q. Are you in those photographs?

12 A. Correct.

13 THE COURT: You want those into evidence?

14 MS. BALDWIN: Your Honor, I may have an objection.
15 I know he said he was in one of the photographs, but he
16 didn't seem to indicate whether he recognized the other
17 two.

18 Q. Are you were in all three.

19 A. Let me double check. No, the first one I am.

20 THE COURT: Any objection.

21 MS. BALDWIN: I'm not sure. If he recognizes them,
22 Your Honor, then no objection.

23 MR. WEST: At this time defendant would move 30, 31,
24 and 32.

25 THE COURT: In evidence without objection.

1 [Whereupon, defendant's exhibit numbers 30, 31, and
2 32 are entered into evidence by the court]

3 Q. [Mr. West] You've indicated to this jury that you
4 have taken an oath to tell the truth, the whole truth,
5 and nothing but the truth no matter what the topic. Do
6 you wear glasses or contacts?

7 A. I wear reading glasses.

8 Q. Reading glasses. Do you recall previously being
9 asked under oath if you wore glasses or contacts?

10 A. Yes.

11 Q. Do you recall that the answer to your question was,
12 no?

13 A. I advised reading glasses.

14 Q. Okay. Let's look at that. I'm going to show the
15 transcript again to refresh your recollection.

16 [Whereupon, the witness is shown document]

17 Q. Page 69 of the transcript. Do you mind going
18 through that to see if it would refresh your
19 recollection?

20 [Whereupon, the witness reviews document]

21 A. Okay.

22 Q. Did that help your memory?

23 A. Yes, sir.

24 Q. Do you recall the question specifically being posed
25 to you do you wear glasses or contacts? And your answer

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1 was no, sir?

2 A. Correct.

3 Q. Do you recall a specific question how would you
4 describe your vision to the court and your response was
5 good.

6 A. Correct.

7 Q. No further questions ---

8 A. --- I also advised I wear reading glasses though.
9 It's on there.

10 THE COURT: Anything on redirect?

11 MS. BALDWIN: Yes, Your Honor.

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1 REDIRECT EXAMINATION

2 BY MS. BALDWIN:

3 Q. Deputy Colburn to start with that last point that

4 Mr. West made, do you always wear your reading glasses?

5 A. No, ma'am.

6 Q. You don't wear them every single day?

7 A. No, ma'am.

8 Q. On occasion maybe?

9 A. Nights.

10 Q. Nighttime?

11 A. Yes, ma'am.

12 Q. Okay. Like to see the screen I put this on and then

13 I take them off?

14 A. Correct. I wear them at night to read license

15 plates.

16 Q. All right. You asked the defendant to come down to

17 the station that evening?

18 A. Yes, ma'am.

19 Q. And he was cooperative?

20 A. Yes, ma'am.

21 Q. You didn't have your in-car video on?

22 A. No, ma'am.

23 Q. Okay. Did the defendant say anything to you in the

24 car?

25 A. No, ma'am.

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1 Q. Would you think it important if he had said anything
2 to you in the car?

3 A. Yes, ma'am.

4 Q. Would you have documented that in your report?

5 A. Absolutely. Yes, ma'am.

6 Q. Okay. Do you have any idea how many officers were
7 on the scene that evening and involved in some way that
8 evening with this case?

9 A. I'm going to say at least twenty.

10 Q. At least twenty officers?

11 A. Yes, ma'am.

12 Q. Were things quite busy?

13 A. Yes, ma'am.

14 Q. Would you characterize them as slightly chaotic?

15 A. Yes, ma'am.

16 Q. Okay. Were lots of people talking to each other?

17 A. Yes, ma'am.

18 Q. Okay. Have you been trained as a CSI?

19 A. No, ma'am.

20 Q. Okay. So when you said you thought it was blood,
21 you thought it was blood in the car?

22 A. Correct.

23 Q. Were you positive it was blood?

24 A. No, ma'am.

25 Q. Did it look like blood to you?

1 A. It appeared to be a bloodstain. Yes, ma'am.

2 Q. Okay. At the time you -- let me start here. When
3 you respond to a scene, do you really know what's been on
4 that scene as a first responder?

5 A. No, ma'am.

6 Q. What is your primary purpose when you get to that
7 scene?

8 A. Check for persons, render aid and then secure a
9 crime scene.

10 Q. Check for persons and render aid you said?

11 A. Yes, ma'am.

12 Q. Okay. So when you entered that house did you know
13 for sure if the victim was alive or dead?

14 A. No, ma'am.

15 Q. I want to go back to your in-car video. The in-car
16 video you said -- how was your car parked?

17 A. Which time, ma'am?

18 Q. I'm sorry. When you were at Burnham Court?

19 A. It would be parked on the street. It's probably
20 facing towards the residence, before the residence itself
21 on the street.

22 Q. Okay. Does the camera have 360, 360 degree
23 capabilities?

24 A. No, ma'am. It's a straight line of site.

25 Q. Straight line of site. So if you went up to the

1 front door with the car parked like this [indicates],
2 would you be able to see me standing over here
3 [indicates]?

4 A. No, ma'am?

5 Q. Okay. Had you ever been to 223 Burnham before?

6 A. Not to my knowledge. No, ma'am.

7 Q. Okay. Did you know how the cars was typically
8 parked there?

9 A. No, ma'am.

10 Q. And you took a written statement from Kim that
11 night?

12 A. I initiated the statement. Yes, ma'am.

13 Q. When you say initiated, you initiated the statement,
14 what do you mean?

15 A. I explained to her how to fill the statement form
16 out and advised her to fill the form out. Be as detailed
17 as possible. And then it would have been turned over to
18 the detective that would be investigating or one of the
19 detectives that are on the scene.

20 Q. Do you know if she put every single detail from that
21 evening in there?

22 A. I do not.

23 Q. I believe there were some questions that the defense
24 had about body-worn cameras. Did the sheriff's office
25 have them at the time?

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1 A. Not to my knowledge, no, ma'am.

2 Q. Did you have one at the time?

3 A. No, ma'am. I did not.

4 MS. BALDWIN: Court's indulgence.

5 [Whereupon, Ms. Baldwin and Mr. Sowards confer]

6 Q. [Ms. Baldwin] There were some questions about some
7 other officers assisting, with the sheriff's office
8 assisting you, some CPD officers?

9 A. Yes, ma'am.

10 Q. Were they the point people on the scene?

11 A. I believe just a patrol officer.

12 Q. Okay. Whose case was this?

13 A. Charleston County Sheriff's Office.

14 MS. BALDWIN: No further questions, Your Honor.

15 THE COURT: Thank you very much. You can return to
16 your place in the courtroom or be excused.

17 [Whereupon, the witness is excused and exits the
18 witness stand]

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1 THE COURT: We're going to take a short break at
2 this time, about a five or ten minute break. Go to the
3 jury room for a five to ten minute break.

4 [Whereupon, the jury exits at 3:54 p.m.]

5 [Whereupon, court in recess from 3:54 p.m. until
6 4:04 p.m.]

7 THE COURT: All right, what?

8 MS. BALDWIN: Judge, our next witness is Detective
9 Michael Thompson. Among other things, he did interviews
10 with the daughter, Kim Little and A.J. McConnell the
11 night of the incident. My indication from Mr. West is
12 that he wants to just put in those -- it was one of those
13 interviews; I wasn't sure if it was both. The State's
14 position is that those don't come in unless Detective
15 Thompson denies making statements that they asked him
16 about. It's hearsay evidence.

17 THE COURT: Well, I'm not sure I understand. Okay.
18 So your next witness is who?

19 MS. BALDWIN: Detective Michael Thompson.

20 THE COURT: Okay. I see him on here. All right.
21 And so what about him?

22 MS. BALDWIN: One of the things that he did during
23 the course of his investigation is he interviewed the
24 defendant's daughter, Kim Little, the night of the
25 incident, and then also A.J. McConnell. My understanding

1 from Mr. West is that during their cross-examination they
2 want to introduce into evidence the actual interview and
3 play for the jury the interview that Detective Thompson
4 did that evening. It's the State's position that that's
5 actually hearsay. They're putting it in for the truth of
6 the matter asserted. There's no exception that applies.

7 I think that they could perhaps put it in the
8 portion, they could ask Detective Thompson if he made
9 certain statements to the victim -- I'm sorry -- to Kim
10 or to A.J., and if he denies making those statements to
11 them, he could play that relevant portion of the
12 statement. But the entire interview doesn't come in just
13 because they want it in. It is hearsay.

14 THE COURT: Well, what's your position in regards?

15 MR. WEST: My position is that under evidence Rule
16 801[d][1][b] prior to ---

17 THE COURT: --- what does that say?

18 MR. WEST: It says prior consistent statements of
19 witnesses are not inadmissible hearsay if the declarant
20 testifies at the trial or the hearing and is subject to
21 cross-examination concerning the statement.

22 Obviously, A.J. McConnell and Kim Little have
23 testified already. They've been subject to cross. I
24 don't feel like this is inadmissible hearsay. It is the
25 statement that was recorded at the scene that shows the

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1 presence sense impression of the people that were
2 interviewed.

3 THE COURT: Well, what is it that you want in?

4 MR. WEST: The actual recording?

5 THE COURT: Well, what is it that they say that you
6 want in?

7 MR. WEST: They've made several statements that ---

8 THE COURT: --- what is it?

9 MR. WEST: I'd have to go through the actual ---

10 THE COURT: --- well, tell me ---

11 MR. WEST: --- recordings. But they made several
12 statements about things that they saw when they came to
13 the scene. Relationships with the defendant, just -- and
14 it just gives a better picture of how everybody reacted
15 at the scene and what they would have described when they
16 saw it.

17 I think it's a better picture than what's been
18 testified to. There were several examples where Ms. Kim
19 Little said that she didn't recall several things. And
20 it's just going to give a better picture of everything to
21 the jury. I don't see what the harm in this is, Your
22 Honor. Obviously, all we're doing is just trying to
23 introduce an interview.

24 MS. BALDWIN: Your Honor, if I may respond to that.
25 First of all, I think that they're not just trying to

1 give a better picture. What they're trying to do is
2 imply that they sought out Mr. Little from the beginning
3 and that they were solely focused on him. And that's
4 what they're going to point out. The cross of Kim
5 indicated that. Kim said, okay, if that's in the
6 interview, that's fine. She didn't deny making those
7 statements.

8 The rule that they're citing, 801[d][1][b], that
9 actually says that that statement would be admissible if
10 it is consistent with the declarant's testimony and it's
11 offered to rebut an expressed or implied charge against
12 the declarant of recent fabrication or improper influence
13 or motive.

14 I don't know that that applies here. I think they
15 can question Detective Thompson on it and depending on
16 his response it may or may not come in. But I just want
17 to address it up front because I don't know that it comes
18 in just flat off the bat.

19 THE COURT: Well, what is the question that I have
20 to decide at this point?

21 MS. BALDWIN: Whether or not Detective Thompson's --
22 the recording of Detective Thompson's interview ---

23 THE COURT: --- well, y'all are going to call him,
24 right?

25 MS. BALDWIN: We are calling him. Yes, sir.

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1 THE COURT: So he's going to testify?
2 MS. BALDWIN: Yes, sir.
3 THE COURT: So it comes up when y'all get ready to
4 cross-examine him, right?
5 MS. BALDWIN: Yes, sir.
6 MR. WEST: Correct..
7 THE COURT: Bring the jury in.
8 [Whereupon, the jury enters at 4:10 p.m.]
9 THE COURT: All right.. Call your next witness.
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1 MS. BALDWIN: Thank you, Your Honor. The State
2 calls Detective Michael Thompson.

3 [Whereupon, Mr. Thompson comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: Once you get situated, speak into
7 the microphone for us so we can hear you. State your
8 full name for the record, spell your last name. Thank
9 you.

10 THE WITNESS: Michael Thompson, T-H-O-M-P-S-O-N.

11 - - - - -

12 MICHAEL THOMPSON,

13 Having been first duly sworn,

14 Was examined and testified as follows:

15 DIRECT EXAMINATION:

16 BY MS. BALDIWN:

17 Q. Detective Thompson, where do you work?

18 A. The Charleston County Sheriff's Office.

19 Q. And it might seem obvious, but in what capacity?

20 A. I'm a detective.

21 Q. How long have you worked for the sheriff's office?

22 A. Since '98 and I was with the City Police for about
23 nine years before that.

24 Q. How long have you been a detective?

25 A. Since 2012?

1 Q. And how did you become involved in this case?

2 A. I was called out to assist by Sergeant Bryant. He
3 called me and a few more people.

4 Q. Where did you go when you were called out?

5 A. My first assignment was to meet Sergeant Bryant at
6 the scene on Palmer, and then he asked me to interview a
7 couple of witnesses that were already on scene.

8 Q. And what did you do when you got to the scene?

9 A. I checked in with Sergeant Bryant and then
10 interviewed -- made contact with Mr. McConnell and Ms. --
11 I think her name is Little-Armstrong or Armstrong and did
12 some interviews with them.

13 Q. Okay. Do you know who they were? How they were
14 related to the victim?

15 A. I think it was explained to me that one was the
16 victim's daughter and the other one was the victim's
17 brother.

18 Q. When you met with them, what was their demeanor?

19 A. Well, Mr. McConnell, he was -- obviously he was -- I
20 think he told me that he -- they told me that he had
21 found the victim. He was upset, a little rattled, but he
22 was -- he's a retired police officer so he was, you know,
23 he was upset but he wasn't completely off -- he was
24 upset.

25 Q. And what was the daughter's emotional state?

1 A. She was destroyed. She was very rattled.

2 Q. Okay. What else did you do with the daughter and
3 with Mr. McConnell besides interview them?

4 A. Well, you know, for each interview they were done
5 separately in my vehicle. I did a, you know, an audio
6 record, us talking to each other. I think I took their
7 buccal swabs, read them Miranda, took pictures of them.
8 And I think I took some shoes from them.

9 Q. Okay. Detective Thompson, I'm going to show you
10 State's 1 through 6.

11 [Whereupon, the witness is shown photographs]

12 Q. Can you tell me what those are?

13 A. Just describe these pictures?

14 Q. Yeah.

15 A. This is a picture of Kim McConnell [sic] sitting in
16 my passenger-side seat. That's number 1. Number 2 is
17 another picture of Kim and it shows -- you can see her
18 hands and her arms and her face and her shirt. Her
19 pants, the first picture you can see her pants.

20 Picture number 3. You can see the tops of her
21 hands. And then picture number 4 is Mr. McConnell. You
22 can see his pants and his -- some of his shirt. And in 5
23 you can see the rest of his shirt and his face. And in 6
24 you can see his hands.

25 MS. BALDWIN: Your Honor, at this time I'd like to

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1 admit State's 1 through 6 into evidence.

2 MR. WEST: No objection from the defense, Your
3 Honor.

4 [Whereupon, State's exhibit numbers 1 through 6 are
5 entered into evidence by the court]

6 Q. [Ms. Baldwin] Okay. So which one is that one?
7 That's State's 1?

8 [Whereupon, the photograph is shown]

9 A. Yes, ma'am. That's Kimberly in the passenger-side
10 seat of my car.

11 Q. Okay. And State's 2?

12 [Whereupon, the photograph is shown]

13 A. That's Kimberly showing her hands and her arms and
14 her shirt sitting in the passenger-side seat.

15 Q. State's 3?

16 [Whereupon, the photograph is shown]

17 A. The tops of her hands.

18 Q. And State's 4?

19 [Whereupon, the photograph is shown]

20 A. Mr. McConnell's pants and some of his shirt and one
21 of his hands.

22 Q. I see there he's wearing his socks there. What's
23 going on with that?

24 A. I'd asked him for his shoes and so he's shoeless.

25 Q. State's 5?

1 [Whereupon, the photograph is shown]

2 A. That's Mr. McConnell's shirt.

3 Q. Okay. And State's 6?

4 [Whereupon, the photograph is shown]

5 A. His hands.

6 Q. Okay. And why did you take all those pictures?

7 A. Just when you interview somebody for something like
8 this, you know, you want to document how they appear, how
9 they look. Also, you know, I think that Mr. McConnell
10 said that he had found the victim so we wanted to
11 document, either the absence of blood or the presence of
12 blood or any injuries that they may have or markings they
13 may have.

14 Anything; obviously, you know, just document. You
15 can hear us but you can't see us and this was before we,
16 had any body cameras or anything like that. So you might
17 as well -- if you're going to listen to us talk, you
18 might as well have something to look at to see how they
19 looked when we're talking.

20 Q. Did you know all the details of what happened with
21 the victim?

22 A. Just that they had -- Just Sergeant Bryant had
23 briefed me that they'd found her and that she was
24 deceased and there was blood on the scene and just to
25 conduct these interviews.

1 Q. Besides taking of the shoes and taking the pictures
2 and doing the interview, did you do anything else with
3 Kim and A.J.?

4 A. Did I tell you I took their buccal swabs from them?

5 Q. You mentioned that. Did you do anything else?

6 A. Just interviewed them and took their statements.

7 Q. Okay. What did you do after you did all of that?

8 A. We finished up with that. Mark's next assignment
9 was to go to the address on Burnham Court to meet up with
10 Detective Muirheid.

11 Q. You said Mark's next assignment?

12 A. Sergeant Bryant's next assignment, the next thing he
13 had for me.

14 Q. He had you go to Burnham Court?

15 A. Yes, ma'am.

16 Q. For what?

17 A. To meet up with Detective Muirheid and to see what
18 he needed help with over there. We were going to do a
19 search warrant.

20 Q. Okay. So what did you do when you got there?

21 A. Waited for the search warrant for a while.

22 Q. Okay. Why were you waiting for the search warrant?

23 A. They were preparing one and we'd made contact with
24 the homeowner, that was the defendant's wife, and told
25 her that a search warrant was on the way and that if she

1 wouldn't mind waiting while we had it, while we prepared
2 it and got it signed and brought it over.

3 Q. And what was her demeanor with you?

4 A. We talked to her. I introduced myself and I told
5 her what I was there for. And she wasn't excited or
6 rattled, you know. And she wasn't -- she didn't -- she
7 was just normal. We told her that we were going to wait
8 for a while.

9 Normally, when we do a search warrant, we will get
10 everyone out of the house. But I know that -- from
11 talking with her, she had some children there that were
12 asleep and there was no need in waking them up, keep them
13 in place. And as long as me and her could just sit
14 quietly and she didn't mind waiting with me inside, so we
15 sat in the living room and waited.

16 Q. Was there anything dramatic that happened while you
17 were waiting?

18 A. The dog barked at us a few times. We talked for a
19 while.

20 Q. Did the search warrant eventually arrive?

21 A. Yes, ma'am.

22 Q. Was a search conducted on the house?

23 A. Yes, ma'am.

24 Q. Okay. What was your involvement with the search
25 warrant?

1 A. Well, our procedure in the Sheriff's office in the
2 detective unit, the FSU Investigator basically controls
3 the search warrant and we document -- we take photographs
4 of everything before we move anything.

5 And so she will, Erin she'll take pictures, overall
6 pictures outside, inside. And then once that's
7 completed, then we will go from room to room and just
8 whatever we're searching for. You know, and that's what
9 we did.

10 Q. [Ms. Baldwin] Okay. And who is Erin again?

11 A. Erin Meyer. For that scene she was the -- FSU, is
12 an acronym for Forensic Services Unit and she was the FSU
13 investigator assigned to that case.

14 Q. And what did y'all find within the house?

15 A. Okay. So what I found -- we went into the bedroom,
16 the master bedroom, I noticed a Rule to Show Cause from
17 the Family Court laying face-up on the dresser. And then
18 another item that I located was a pair of shoes in a
19 Walmart bag in the foyer.

20 And I showed those to Erin. She took a look at them
21 and she identified a substance that she thought may have
22 been blood. So she tested for human blood and it was
23 positive for human blood so we took those as evidence as
24 well.

25 Q. Okay. Did you take them as evidence or did Erin?

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1 A. Erin. Erin takes them as evidence. I found them
2 and showed them to her.

3 Q. I'm going to show you State's 103.

4 [Whereupon, the witness is shown photograph]

5 A. Yes, ma'am.

6 Q. Can you tell me what that is?

7 A. That's the Rule to Show Cause that was laying on the
8 dresser in the master bedroom.

9 Q. Okay. And who took that picture?

10 A. I did.

11 Q. Okay.

12 MS. BALDWIN: At this time, I'd like to introduce
13 State's 103 into evidence.

14 MR. WEST: I have no objection.

15 [Whereupon, State's exhibit number 103 is entered
16 into evidence by the court]

17 Q. [Ms. Baldwin] And that's the Rule to Show Cause that
18 you saw?

19 A. Yes, ma'am.

20 Q. Where was it lying again?

21 A. There was like an armoire or a dresser in the master
22 bedroom and it was laying on top.

23 Q. What was your next involvement in the case?

24 A. After completion -- as far as the search warrant was
25 concerned?

1 Q. Yes?

2 A. When we completed that task, a few days later I -- I
3 don't know exactly when. I have my reports and I can
4 give you the exact date. But I was curious about this
5 rule to show cause.

6 So I wanted to know, you know, when it was served.
7 So I went to the Family Court and took a look Doctor
8 Little's file, his Family Court file.

9 Q. And you can refer to your report if you need to. Do
10 you know when that was?

11 A. I think I got the -- around October the 19th, I
12 actually got the copy of the last two correspondences
13 between him and his wife. And I found that there was a
14 Rule to Show Cause hearing on August 28th that was ruled
15 in her favor.

16 And then I found that on November the 3rd a bench
17 warrant was issued for his arrest for not complying with
18 paying his alimony. But the bench warrant was rescinded
19 on January the 13th because they settled the matter by him
20 paying her legal fees.

21 But there was another -- there was a garnishment
22 from his paycheck that was supposed to take place, was
23 supposed to start on August the 19th of 2015, but the
24 Clerk's office had received two requests for that to
25 happen and it hadn't happened yet. And so the Rule to

1 Show Cause shows that you owe -- you're this much, is
2 you're out of compliance and then you're actually owe the
3 total amount. And so by a certain date, how Family Court
4 works, you have to pay your out of compliance amount at
5 that hearing and if you don't do that, you could be found
6 in contempt. Which he actually -- the actual whole
7 amount is what's owed on the account, which is the whole
8 back.

9 So the out of compliance was 17,750 dollars and his
10 total -- his whole out of compliance amount was 68,115.
11 And so -- and the court date was approaching for him to
12 appear and actually have that money or he could be found
13 in contempt of court. And so ---

14 Q. --- what can happen if you're found in contempt of
15 court?

16 A. The Family Court Judge can arrest you.

17 Q. Okay.

18 A. And so I found that the -- what I was looking for
19 that service, that Deputy Decocker had served that notice
20 that day, the 22nd of September, the day that this
21 incident happened.

22 Q. Did you do anything on September 24th of 2015?

23 A. Oh, that may have been when we went to get some
24 video from the restaurant, the IHOP restaurant.

25 Q. Why did you go to -- who's we, first of all?

1 A. Me and Erin.

2 Q. Okay.

3 A. Part of what Kim, when Kim's interview was, her Dad
4 had asked her to meet him for dinner at an IHOP. And she
5 waited for an awful long time and he didn't show up. And
6 then he wanted her to meet him at another restaurant.

7 And she either did go or didn't go or was on her way
8 there and got turned around with a phone call from her
9 uncle. So we went to the IHOP to get the video to verify
10 that she was there like she said she was.

11 Q. I'm going to show you State's 106 for I.D.

12 [Whereupon, the witness is shown exhibit]

13 A. Yes, ma'am.

14 Q. What's that?

15 A. The IHOP video.

16 Q. Is that the IHOP video you obtained?

17 A. Yes, ma'am?

18 Q. A copy of that.

19 MS. BALDWIN: At this time, I'd like to admit
20 State's exhibit 106 into evidence.

21 MR. WEST: No objection from the defense.

22 [Whereupon, State's exhibit number 106 is entered
23 into evidence by the court]

24 MS. BALDWIN: Your Honor, if it's admitted may I
25 publish it?

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1 THE COURT: Sure.

2 MS. BALDWIN: Thank you.

3 Q. [Ms. Baldwin] Now, to your recollection is the video
4 short or long?

5 A. It's a lot of footage.

6 THE COURT: It's what?

7 THE WITNESS: A lot of footage.

8 Q. [Ms. Baldwin] So if I just publish a part of it
9 would you be offended?

10 A. No. No.

11 Q. Is this the video you obtained?

12 A. Yes, ma'am.

13 Q. Do you recall about what time Kim left?

14 A. The time she left the IHOP? I don't recall exactly
15 what time it was. It would be on the -- you can see her
16 walk out and you can see on the counter what time the
17 clock says.

18 [Whereupon, the video plays]

19 Q. [Ms. Baldwin] So who's that?

20 A. That's Kimberly.

21 Q. Okay. What does it look to you like she's doing?

22 A. She's waiting. She's looking.

23 Q. Looking?

24 A. You can see how she's scanning like -- that right
25 there where she's standing is where you pay for your

1 food. And there's a foyer right there and there's a lot
2 of glass windows that face the parking lot. That's the
3 IHOP on Savannah Highway where they have the car lots and
4 stuff.

5 And those windows face out towards where the old K-
6 Mart used to be. And that's where all the cars -- when
7 you go to that business, that's the only place to park;
8 that's part of the parking lot. So she's just looking
9 and scanning.

10 Q. What else is she doing?

11 A. She's on the phone. She's making some phone calls.

12 Q. [Ms. Baldwin] What is getting in her hands there?

13 A. Food.

14 Q. Did it look like it was for one person or two
15 people?

16 A. It was more than one box there.

17 [Whereupon, the video ends]

18 MS. BALDWIN: Court's indulgence.

19 [Whereupon, Ms. Baldwin and Mr. Sowards confer]

20 Q. [Ms. Baldwin] I have no further questions. Please
21 answer any of the defense's.

22 A. Yes, ma'am.

23

24

25

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CROSS-EXAMINATION

BY MR. WEST:

Q. First of all you were notified was by Sergeant Bryant?

A. Yes, sir.

Q. Okay. And you went to 2317 West Palmer Drive. Was Sergeant Bryant there when you arrived?

A. Yes, sir.

Q. What other detectives or road officers were there?

A. I can't give you a list of all of the road officers that were there. I met with Sergeant Bryant.

Q. How would that be documented?

A. Whether Sergeant Bryant was there or not?

Q. No, who was there from the Sheriff's Office?

A. A CAD report from the dispatch center could probably give you that information.

Q. Would there be a crime scene log as well?

A. Sure.

Q. Okay. Sergeant Bryant, what was he doing when you arrived?

A. Supervising, shot calling. He was giving assignments.

Q. So he was the one running the scene?

A. Well, he's the one that told me, gave me an assignment.

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1 Q. How many sergeants were on the scene, do you know?

2 A. Just I -- Sergeant Bryant was there.

3 Q. Okay. Sergeant Euper?

4 A. He's a road supervisor.

5 Q. So describe to the jury how that works, interplay
6 between you and the road if y'all are working in
7 conjunction on the same case. Who calls the shots?

8 A. Got the detective office that would come from
9 Sergeant Bryant, the detective supervisor.

10 Q. Okay. And who's Mark Ryan?

11 A. Mark Bryant is Sergeant Bryant.

12 Q. Mark Bryant is Sergeant Bryant?

13 A. Yes, sir.

14 Q. Is there not a Sergeant Ryan in the office as well?

15 A. A Sergeant Ryan?

16 Q. R-Y-A-N?

17 A. No, we don't have a ---

18 Q. --- he may not be a sergeant but is there a Ryan in
19 the Charleston County Sheriff's Office?

20 A. I don't know.

21 Q. Okay. And how about Lieutenant Plunkett, is he
22 somebody that would give directions?

23 A. He's a road lieutenant. At the time, he was a road
24 lieutenant.

25 Q. Do you recall if he was at the scene?

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1 A. I had contact with Sergeant Bryant, sir.

2 Q. You didn't talk to anybody from the road?

3 A. Sergeant Bryant. I'm a detective. I responded and
4 spoke to him and took his direction.

5 Q. Well, I understand you took his direction. I'm just
6 trying to figure out who you talked to because obviously
7 you took some key interviews in this case. And I'm just
8 trying to get a full picture of what you did when you
9 arrived?

10 A. Right. I can remember -- I can tell you that I
11 spoke to Sergeant Bryant because he called me there. But
12 you asked me if I spoke to Plunkett or anybody else I
13 can't recall that.

14 Q. Okay. So you talked to Sergeant Bryant and then you
15 immediately went and -- how did you recognize who Kim
16 was?

17 A. They introduced me to her as the lady standing over
18 there in the Wonder Woman shirt.

19 Q. Okay. Again, I'm sorry. I'm going to ask you to be
20 specific. You said they introduced you to her?

21 A. That would be the bosses, Sergeant Bryant and
22 whoever he was with. He said these are the people I want
23 you to interview.

24 Q. Okay. And then you did it?

25 A. Yes, sir.

1 Q. And that was recorded?

2 A. Yes, sir.

3 Q. Okay. Did you put that into evidence?

4 A. I did.

5 Q. Have you had a chance to review that as part of your
6 preparation for your testimony today?

7 A. No. I haven't listened to it since I recorded it.

8 Q. Would it refresh your recollection to review that
9 video?

10 A. It's an audio ---

11 Q. --- or audio? I'm sorry.

12 A. You can play it. I mean, it's into evidence. I
13 mean, I haven't listened to it since then.

14 Q. Okay.

15 MR. WEST: At this time, Judge, we'd like to play
16 the video or the audio.

17 THE COURT: Any objection?

18 MS. BALDWIN: Your Honor, I object.

19 THE COURT: Members of the jury panel, I need to
20 discuss it with the lawyers. As a matter of fact, this
21 is a good time for us probably take our break and stop
22 for the evening considering how long we've been going
23 today. With what the weather's like out there and
24 everything, if you haven't looked out, it's pretty
25 severe, you know. So I'm going to give you a chance to

1 get on the road and we'll be back tomorrow morning at
2 9:30. Leave your notepads with the bailiffs as you
3 leave. We'll lock those up. And do not discuss the
4 case, of course, with family, friends. Don't do any
5 research or try to find out anything else. As I've told
6 you, you're to decide this case based on the evidence
7 presented to you here in this courtroom and nothing else.

8 So when family and friends or anyone else wants to
9 know what you're doing, you tell them that you're
10 involved in common pleas and if you want to blame it on
11 me. Tell them the Judge specifically instructed you not
12 to talk about the case and you can tell them all about it
13 once it's over but until it is over you should not
14 discuss the case with anyone. So keep that in mind. Be
15 back tomorrow morning at 9:30. Have a nice evening.

16 [Whereupon, the jury exits at 4:31 p.m.]

17 MS. BALDWIN: Your Honor, if I may make a
18 suggestion, we might be able to solve an immediate
19 problem. If we break for the evening and we just have
20 Detective Thompson listen to it, the interview, and then
21 he can ask him again tomorrow morning.

22 THE COURT: Okay.

23 MR. WEST: Judge, my position is that on his direct
24 testimony he specifically testified that A.J. McConnell
25 was upset, which would be an excited utterance. And then

1 ---

2 THE COURT: --- well, what is it that he said that
3 you want to get in?

4 MR. WEST: I want to get in the depth of his
5 investigation and the statements ---

6 THE COURT: --- well, the depth of investigation,
7 he said McConnell was upset and so forth and everything,
8 but.

9 MR. WEST: Right. But the State's objection is
10 because they don't want the jury to hear the testimony of
11 Kim and A.J. And if the hearsay that they say is on this
12 video is what has been said by Kim and A.J., then there
13 is ---

14 THE COURT: --- it's not a video is it?

15 MR. WEST: It's an audio. It's an audio recording.
16 I keep referencing a video. I apologize.

17 THE COURT: But I mean I really don't understand the
18 situation as far as really why y'all don't want to let it
19 in and everything to a certain extent. But I don't
20 understand why you think it might help either.

21 MS. BALDWIN: I will say -- Your Honor, first of
22 all, we may be able to solve the problem overnight.

23 THE COURT: Okay.

24 MS. BALDWIN: However, immediately, my objection
25 would be yes, I can agree that their specific statements

1 would possibly be able to come in under excited
2 utterance. However, Detective Thompson ---

3 THE COURT: --- well, what did they say that makes
4 any difference?

5 MS. BALDWIN: I think the implication is going to
6 be, as I've stated before, based on my understanding of
7 the cross-examination of Kim earlier today, that they are
8 going to try to make it seem like the Sheriff's office
9 were focused on one guy, ignored all the other evidence
10 and just went after their client.

11 THE COURT: Well, what other evidence is there in
12 there that makes it...

13 MS. BALDWIN: I guess Your Honor ---

14 THE COURT: --- if there's some other evidence in
15 there that might be a big difference, but, you know, what
16 other evidence is there in there? What did they say that
17 you think is going to help you?

18 MR. WEST: Judge, it's about a forty minute
19 interview, so I'll have to go through that and ---

20 THE COURT: --- well, I thought really -- okay. My
21 feeling is about it at this point is, it doesn't help or
22 hurt anybody. And if you want to let it in, if you want
23 it, I'll play it, you know. The video that I watched of
24 the questioning and all was very interesting from the
25 standpoint of how well it was done and so forth and

1 everything to me. So I was thrilled to be able to see
2 that video and everything. It really didn't, you know,
3 point a finger at anybody or anything like that. I was
4 thrilled to see how they conducted it and everything. So
5 I think that the same thing might apply to this.

6 MS. BALDWIN: I just don't know that under the rules
7 of evidence it would come in, Your Honor.

8 THE COURT: Well, it's going to be under my rule.

9 MS. BALDWIN: Yes, sir. Fair enough.

10 THE COURT: I don't mean that as a joke. I'm just
11 saying I don't think -- just out of an abundance of
12 caution and to let everybody know everything that went on
13 and so forth and so on, I think it'd be a good idea to
14 let them hear it than rather him being able to argue to a
15 certain extent well, we didn't hear this or whatever and
16 everything.

17 MS. BALDWIN: Well, as I stated ---

18 THE COURT: --- well, as long as he can listen to it
19 over the evening recess and it doesn't hurt, you know, I
20 say let it in.

21 MS. BALDWIN: Yes, sir.

22 THE COURT: All right. We'll be in recess then
23 until tomorrow morning at 9:30.

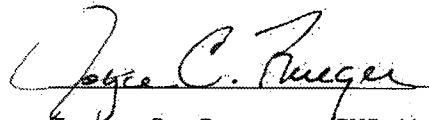
24 [Whereupon, court adjourns at 4:36 p.m.]
25

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 20th day of March, 2018.

I do further certify that I am neither of kin,
counsel, nor interest to any party hereto.

July 31, 2018


Joyce C. Rueger, CVR-M
Court Reporter

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2016-GS-10-2883
	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
	)	
vs.	)	
	)	
GENERAL THEOPHILUS LITTLE	)	
	)	
Defendant	)	
	)	
	)	
	)	TRANSCRIPT OF RECORD

March 21, 2018
Charleston, South Carolina

Volume 3 (of 5)

B E F O R E:

THE HONORABLE THOMAS L. HUGHSTON, JR., JUDGE

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STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>
78	Photo	
79	Photo	
80	Photo	
81	Photo	
82	Photo	
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85	Photo	
86	Photo	
87	Photo	
88	Photo	
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104	Photo	
105	Family Court Documents	

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106	IHOP video	
107	Defendant's handwritten timeline	
108	Kangaroo Video	400.
109	Walmart Video	
110	Defendant's typed timeline	
111	Report from Defendant's iPhone	
112	Report from HP Pavilion	
113	Cell phone records	
114	Cell phone tower report	
115	Victim's blood spot from autopsy	
116	Blood swab front porch	
117	Blood swab driver's side door	
118	Blood swab passenger seat	
119	Swab from interior of left shoe	
120	Men's wedding ring	
121	Photo	
122	Photo	
123	Photo	
124	Photo	
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128	Photo	
129	Photo	
130	Certified copy of Order	
131	Phone call detail	
132	Phone log	
133	Power point presentation	

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134	Google map		
135	(withdrawn)	367	
136	Shoes		
137	C.D.		400
138	Photo-satellite image	405	405
139	Docs-Kim's husband's whereabouts	412	
140	Photo		
141	Photo		
142	Report-Samsung cell phone extraction		
143	C.D. photos		
144	Blown-up photos of shoes		
145	Autopsy photos		

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1	C.D.-911 call	
2	Phone map	
3	FBI documents	
4	Photo	
5	Photo	
6	Photo	
7	Photo	
8	C.D.	
9	Photo	
10	Photo	
11	Photo	
12	Photo	
13	Photo	
14	Photo	
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23	Photo	
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38	Search warrant	431
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40	(withdrawn)	
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73	Photo	
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80	Photo	
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98	Photo		
99	Photo		
100	Crime scene log		420
101	Gun-S&W .38	433	433
102	Alarm system log		
103	SLED lab report		
104	Cell phone log report	441	442
105	Photo		
106	Photo		
107	Photo		
108	(withdrawn)		
109	Photo		
110	(withdrawn)		
111	(withdrawn)		
112	Document-items from autopsy		
113	(withdrawn)		
114	(withdrawn)		
115	Hair-autopsy		
116	Oral swab-autopsy		
117	Nail clippings-autopsy		

PROCEEDINGS

THE COURT: All right. We're still waiting on some jurors but we can discuss whatever it is we need to discuss before we get the jury in here. Who wants to go first?

MR. WEST: Judge, my intention is -- again from the understanding yesterday that we're going to be allowed to introduce the interview in which Detective Thompson interviewed Kim and A.J. And that's sort of the next step in my cross-examination.

THE COURT: What's your position?

MS. BALDWIN: Your Honor, I understand your position on it. We would still object to under hearsay but I do think it's possible that it could come in under excited utterance if Your Honor lets it in.

THE COURT: How long -- what is it? What's in it? What's in it that says anything about anything?

MR. WEST: Well, it's an interview of what the witnesses said ---

THE COURT: --- well, what did they say?

MR. WEST: Well, it's a multitude of questions about Kim and what she observed or knew from the day of. And, you know, I think that that's important for the jury to hear.

THE COURT: Well, what does it point to one way or

1 the other?

2 MR. WEST: The interview is taking place nine
3 minutes after the initial 911 call. Our position is that
4 there was a rush to judgment.

5 THE COURT: Well, I understand that but what does
6 she say that points to anything?

7 MR. WEST: It's not what she says. It's what they
8 ask. And it's the manner of questions in which they're
9 asking.

10 THE COURT: And how long is this interview?

11 MR. WEST: Well, Judge I don't intend on playing the
12 full thing but it should be twenty, thirty minutes.

13 MS. BALDWIN: Your Honor, I would ask that if they
14 play the interview the entire interview is played and
15 it's about an hour.

16 MR. WEST: Okay.

17 MS. BALDWIN: And thirteen minutes.

18 MR. WEST: It's an hour and thirteen minutes then.

19 THE COURT: Out of an abundance of caution for
20 everybody and considering everything, I'm going to let it
21 be played.

22 MR. WEST: Okay. Thank you, Judge.

23 [Whereupon, Ms. Baldwin and Mr. West confer]

24 THE COURT: I'd rather get reversed for letting
25 something in than keeping something out.

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1 MR. WEST: Well, I appreciate it, Judge. I think
2 this is important for the totality of the investigation.

3 MS. BALDWIN: And, Your Honor, we were going to play
4 it yesterday while Detective Thompson was on the stand.
5 Should we have him be on the stand during the playing of
6 it? Would you like us to get him on there now?

7 THE COURT: Well, we've got to wait on the jury,
8 whenever they get here.

9 MS. BALDWIN: Okay. I'll get him up there when the
10 jury gets here.

11 THE COURT: I mean you can bring him in now if he
12 wants to come in.

13 MS. BALDWIN: Okay.

14 [Off the record momentarily waiting on jurors to
15 arrive]

16 THE COURT: Thank you. We've got the jury here now
17 so we're ready to go. Bring the jury in.

18 [Whereupon, Mr. Thompson comes forward and retakes
19 the stand]

20 [Whereupon, the jury enters at 9:58 a.m.]

21 THE COURT: All right. We have the jury back with
22 us and the parties are present along with their
23 attorneys. I'm glad everybody made it back safe and
24 sound, although there were some little difficulties this
25 morning. We'll resume now with the trial. I believe we

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1 had Michael Thompson on the stand. You're still under
2 oath. You may proceed.

3 MR. WEST: Thank you, Your Honor. May it please the
4 Court?

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1 MICHAEL THOMPSON,
2 Having been previously duly sworn,
3 Was examined and testified as follows:
4 CROSS-EXAMINATION (resumes)

5 BY MR. WEST:

6 Q. Good morning Detective Thompson.

7 A. Good morning.

8 Q. Before we broke I was trying to establish who some
9 of the people you saw at the scene were. And you
10 indicated that Sergeant Bryant was present.

11 A. [Nods affirmatively]

12 Q. Lieutenant Plunkett?

13 A. [Nods affirmatively]

14 Q. Is that a yes?

15 A. Yes, sir. You asked about a crime scene log and the
16 reviewing of an audio recording.

17 Q. Sure.

18 A. And, yes. They were all there. I think Plunkett's
19 squad was the crew that responded to the initial
20 emergency.

21 Q. Okay. And Sergeant Bryant was there that you
22 directed you to be there?

23 A. Yes, sir.

24 Q. Lieutenant Plunkett was over the squad of the road
25 patrol?

1 A. Yes, sir.

2 Q. Sergeant Euper was there?

3 A. Yes, sir.

4 Q. Okay. And Deputy Biggs was there; is that correct?

5 A. Yes. I mean, I interviewed those two people. So I
6 mean, I don't recall having direct contact with Deputy
7 Biggs or those people, you know those people that you've
8 mentioned. I remember Bryant called me there to do those
9 interviews.

10 Q. I understand. But what I'm trying to do is
11 establish were you aware that Kimberly Little had made
12 some statements to the people that I'm naming prior to
13 your interview?

14 A. No.

15 Q. Okay.

16 A. When I met Kim was the first time I'd spoken to her
17 or heard anything that she'd said.

18 Q. Okay. So you didn't know that she had talked to
19 Deputy Haslip?

20 A. Oh, no, sir.

21 Q. Okay. Were you aware that there was an in-car
22 recording of the conversation with Deputy Haslip?

23 A. No, sir.

24 Q. Okay. So when you got there, you're tasked with
25 interviewing Kim and you recorded that interview?

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1 A. Yes, sir.

2 Q. Okay. Have you had a chance to review that
3 interview?

4 A. We listened to it when we left here last night.

5 Q. Okay. At this time I'm going to show you
6 defendant's exhibit 37. It's a CD.

7 [Whereupon, the witness is shown exhibit]

8 Q. Would you say that this is the interview that you
9 recorded?

10 A. Sure. I mean, you played when we were talking.

11 Q. All right.

12 MR. WEST: I'd like to introduce Exhibit 37.

13 THE COURT: All right your position is maintained
14 but I'm going to allow him.

15 MS. BALDWIN: Thank you, Your Honor.

16 [Whereupon, defendant's exhibit number 37 is entered
17 into evidence by the court]

18 A. It's about forty minutes. It's long.

19 THE COURT: Take a deep breath.

20 Q. I'm not going to ask you to talk during it. We're
21 just going to listen to it.

22 A. Sure.

23 Q. And then we'll follow-up with some questions, okay?

24 A. Yes, sir.

25 THE COURT: Get the volume up loud so everybody can

1 hear it.

2 [Whereupon, the audio plays]

3 [Whereupon, the audio ends]

4 [Not taken down]

5 MR. WEST: May I proceed, Judge?

6 THE COURT: Go ahead.

7 Q. [Mr. West] That interview we just listened to
8 accurately reflects the interview you took of Kimberly
9 Little?

10 A. That's it.

11 Q. Several times in that interview you heard references
12 to Kim speaking with a female officer. Do you know who
13 that was?

14 A. You're telling me it's Officer Biggs. I didn't
15 witness her speaking to anybody, but that's who she spoke
16 to.

17 Q. Do you know if Officer Biggs made any recordings?

18 A. No, sir.

19 Q. Did Officer Biggs have the capability to record?

20 A. Not that I know of.

21 Q. So her car would not have been equipped with a video
22 camera?

23 A. When I was on the road, I had a car that had a
24 camera in it, but that was a long time ago ---

25 Q. --- did it have a microphone?

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1 A. It did.

2 Q. Okay. Would it be your testimony still that she did
3 not have the ability to record or would have the ability
4 to record?

5 A. She would have the ability if she had the same car
6 that I had in 1998.

7 Q. Okay. You would agree with me that some non-law
8 enforcement personnel were also on the scene, correct?

9 A. Non-law enforcement personnel?

10 Q. Non-law enforcement people were on the scene, lay
11 persons?

12 A. Like citizens.

13 Q. Citizens?

14 A. People from the neighborhood, Kim and A.J.

15 Q. Sure?

16 A. Okay.

17 Q. Would you agree with me?

18 A. I would. Sure.

19 Q. Did you interview them?

20 A. No. I was directed to do those two interviews?

21 Q. Only those two people?

22 A. Yes, sir.

23 Q. Did you ever go into the house?

24 A. No, sir.

25 Q. Do you know who went in the house?

1 A. Crime scene, but I can't give you specifics.

2 Q. Do you know which detectives did?

3 A. No, sir.

4 Q. Do you know which road deputies entered?

5 A. No, sir.

6 Q. And then after you concluded your interviews, was
7 there anything else you did at the crime scene prior to
8 going to Doctor Little's house at 223 Burnham?

9 A. I think we may have assisted with looking in the
10 yard for a weapon. We didn't find anything.

11 Q. Okay. You said we. Who would have helped you look?

12 A. The other deputies on scene.

13 Q. Do you know who they were?

14 A. Without, you know -- I can't give you specifics.
15 Whoever is on the crime scene log; you know, crime scene
16 deputies. I think, -- he isn't with us anymore,
17 Bolander.

18 Q. Bolander?

19 A. Oh, no, not Bolander -- I can't remember his name.
20 If you can give me the log, I can tell you his name but
21 he's not with us any longer.

22 Bolander is in metro but I'm trying to think of this
23 crime scene guy that was with us and now he's not with us
24 anymore. He started his own business and left the
25 Sheriff's office.

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1 Q. Okay. Do you know if that person would have created
2 a report?

3 A. They might have wrote a crime scene report.

4 Q. Did you note in your reports that you looked for a
5 weapon around the house?

6 A. No.

7 Q. You did not mention that?

8 A. No.

9 Q. Do you think that would be important information to
10 notate in a report?

11 A. It would be if we found something.

12 Q. So the fact that you didn't find something is not
13 important?

14 A. Sir?

15 Q. The fact that you did not find a weapon when my
16 client is charged with murder is not important to your
17 investigation?

18 A. If that's what you're saying?

19 Q. No, I'm asking you.

20 A. Well, we didn't find anything. I documented the
21 interviews that I made.

22 Q. Okay. And then you went to my client's house
23 directed by Sergeant Bryan; is that correct?

24 A. Yes, sir. Bryant.

25 Q. Bryant... And you arrived at 223 Burnham?

1 A. Yeah.

2 Q. Doctor Little's address?

3 A. Yes, sir.

4 Q. And you testified that Detective Muirheid was the
5 only detective that you remember being on the scene at
6 that time; is that correct?

7 A. Specifically, yes.

8 Q. Okay. Do you know if anybody else was at the scene
9 at that time?

10 A. I was specifically -- if you're asking specifics,
11 the only important person I remember was talking to Will.
12 Got there and you know, I met with him and then met with
13 Ms. Little -- Washington.

14 Q. And you went into Doctor Little's house prior to
15 getting a search warrant; isn't that correct?

16 A. If you listen to that recording, I knocked on the
17 door and introduced myself to her and asked permission to
18 come inside and told her what I was there for and she
19 invited me. And she voluntarily asked me to sit with her
20 while we waited. That's recorded as well.

21 Q. Who else was there with you at that time?

22 A. While we waited?

23 Q. Yes.

24 A. Myself and her and her dog.

25 Q. Was there anybody outside of the house?

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1 A. Not that I'm aware of.

2 Q. Okay. Prior to Carla, Doctor Little's wife,
3 receiving the search warrant, you would agree with me
4 that detectives and other law enforcement personnel began
5 searching the car; is that correct?

6 A. No, I would not agree with you on that because I did
7 not see that.

8 Q. Okay. Now, you went inside the house and you looked
9 for evidence and you say you found some shoes?

10 A. That was after the search warrant was signed.

11 Q. Okay. But during the search you found some shoes?

12 A. Yes, sir.

13 Q. And you testified that you found them in a Walmart
14 bag in the hallway?

15 A. I recognized them, identified them in a Walmart bag
16 and alerted Erin that they were there.

17 Q. Did you pick the bag up?

18 A. I may have told her about the bag and hey, look at
19 this. You know and let's leave that there and let's
20 photograph it and let's take a look at it.

21 Q. So you did not pick it up prior to it being
22 photographed?

23 A. Like I said, there's a recording. Whatever, you
24 know; this is like asking me what I had for lunch three
25 years ago. How it happened step by step, you can listen

1 to that recording and you'll know exactly what happened.

2 Q. Well Detective, I'm simply trying to paint the
3 picture of the steps of your investigation for this jury?

4 A. Sure.

5 Q. Okay. And don't you agree with me that your
6 testimony should be detailed in the steps of your
7 investigation?

8 A. Well, you're asking me to recall something from two
9 and a half years ago, minute by minute. We have what I
10 wrote and we have what I recorded. You can listen to an
11 hour and a half recording if you want to and you'll know
12 exactly what happened.

13 Q. Okay.. Did you note everything that happened in your
14 report?

15 A. Sure.

16 Q. But you didn't note that?

17 A. Didn't note what?

18 Q. Didn't note whether you picked the bag up?

19 A. You want me to read what I wrote?

20 Q. Why don't you just refresh your memory by reading
21 your report?

22 A. I observed a grey in color Walmart plastic bag on
23 the floor of the foyer entranceway going into the
24 residence next to the staircase. Inside the bag, I
25 observed a pair of black in color, adult-sized men's

1 shoes. Upon close inspection of those shoes, I could see
2 that a red/brown in color substance on the exterior of
3 the shoes. I showed them to Investigator Meyer and they
4 were tested for presence of human blood.

5 I was advised by Investigator Meyer that the shoes
6 tested presumptive positive for the presence of human
7 blood. The search of the residence was concluded and all
8 evidence and audio recordings and samples were placed
9 into evidence --

10 Q. Was the bag closed when you first saw it?

11 A. I don't recall, sir. I mean, it's a bag. It's a
12 Walmart bag and, you know, it has two hoop handles, you
13 know. It's not something like a Ziploc bag. It's a
14 Walmart bag?

15 Q. Sure. And you just read from your report that you
16 inspected the shoes, which would indicate that you picked
17 them up?

18 A. No, probably -- like I said, I'm not going to commit
19 myself to second-by-second movements. I'm telling you
20 what -- there's a recording of it. You can listen to it.
21 You know, when I saw the shoes...

22 Q. Do you have a problem with me asking you detailed
23 questions?

24 MS. BALDWIN: Your Honor, objection.

25 THE COURT: Ask another question.

1 Q. [Mr. West] Were you wearing gloves when you
2 inspected the shoes?

3 A. You would have -- when we serve a search warrant, we
4 put on rubber gloves. So there's photographs of -- I
5 think there's a photograph of me standing there. I don't
6 know if you can see my hands or not.

7 THE COURT: I didn't understand you. Did you say
8 when we do a search we ---

9 THE WITNESS: --- we put the gloves on. I've got a
10 picture. I've got gloves on.

11 THE COURT: Okay.

12 THE WITNESS: Yes, sir.

13 THE COURT: Move on.

14 MR. WEST: Thank you.

15 A. Like I said, you're asking me to tell you what I had
16 for lunch that day, I mean, minute-by-minute. It's been
17 two and a half years.

18 Q. [Mr. West] After you inspected the shoes, did you
19 put both of them back in the same bag?

20 A. I don't know. I don't think I would pull them both
21 out of the bag. Erin probably would have once I alerted
22 her to the presence of them.

23 Q. Okay. So Erin is -- you're referencing Erin Meyer?

24 A. Yes, sir.

25 Q. She would be better suited to testify about that?

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1 A. Sure.

2 Q. Is that your testimony?

3 A. Yes, sir.

4 Q. Okay. Yesterday you testified about some Family
5 Court paperwork that you found. Do you recall that?

6 A. One paper, this court order [indicates] on his
7 dresser.

8 Q. Your reports indicate that the investigating
9 detective found that on January 13th, 2015 the bench
10 warrant for General Little was rescinded according to a
11 letter from Michael DeTreville.

12 A. That's what's in my report. Like I said this is
13 what -- this is after I reviewed the file and what I got
14 from it.

15 Q. You would agree with me that your report in the case
16 the actual garnishment of wages started on August the 19th
17 of 2015 is that correct?

18 A. That's correct. And in that same sentence it says
19 following two requests from the Family Court to do so.
20 One was sent on January the 9th and another one was sent
21 on July the 2nd.

22 Q. Okay. So the request would have been nine months
23 prior to September the 22nd, 2015; is that correct?

24 A. Yeah, I mean. That's a calendar, it's time. You're
25 adding it up. I mean, that ain't rocket science.

1 Q. Sure it ain't rocket science. Now, let's go through
2 those dates, January 9th, 2015 correct, that's one of the
3 letters you indicated?

4 A. That's what I wrote in this report, sir.

5 Q. Okay. July the 2nd of 2015; is that correct?

6 A. Yes, sir.

7 Q. And then the garnishment actually started over one
8 month prior to the incident we're here for today; is that
9 correct?

10 A. That's what I wrote in this report, sir.

11 Q. Thank you. Now, you testified that Erin Meyer the
12 investigator was with you during the search warrant?

13 A. Yes, sir.

14 Q. And she would have been the one that photographed
15 everything during the search warrant?

16 A. Yes, sir.

17 Q. Okay. After searching the house you went and y'all
18 searched my client's car; is that correct?

19 A. I didn't -- I wasn't to participate in the search of
20 the car. The only thing I did with the car was that they
21 were ready to move the car. The alarm went off. And so
22 I assisted with taking the battery loose so it would stop
23 beeping.

24 Q. You helped Investigator Meyer to get inside the car,
25 is that correct?

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- 1 A. I helped turn the alarm off.
- 2 Q. Okay. Did you watch her get inside the car?
- 3 A. No. I just remember just hearing the alarm going --
- 4 the horn honking and then someone asking me, hey, can you
- 5 come and do this.
- 6 Q. Okay. So you disarmed the alarm. Who was outside
- 7 by the car?
- 8 A. I was there with Meyer.
- 9 Q. She's the only one that was with you?
- 10 A. I was with Deputy -- Detective Sharpe. He was with
- 11 me.
- 12 Q. Sharpe?
- 13 A. Uh-huh.
- 14 Q. What unit is he in?
- 15 A. He has been promoted and he now works on the street.
- 16 Q. Was he part of the forensic scene unit like you?
- 17 A. He was a detective that came to help with the
- 18 search.
- 19 Q. So he was in general investigations like you were?
- 20 A. Yes, sir.
- 21 Q. Oh, okay.
- 22 A. Well, I do auto theft.
- 23 Q. Do you know if he ever created a report in this
- 24 case?
- 25 A. No. His involvement wasn't of any significance. He

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1 didn't find anything. He just assisted.

2 Q. He was on scene, wasn't he?

3 A. He came to the house. Once the warrant got signed,
4 he showed up there sometime later.

5 Q. Do you know if he was ever at the crime scene?

6 A. No.

7 Q. So the only involvement he had based on your
8 knowledge, is that he was at my client's house?

9 A. He came there to help us towards the end.

10 Q. And your testimony today is that you did not watch
11 Erin Meyer crawl into my client's car?

12 A. I don't recall, no, sir. I remember -- I remember
13 them asking me to take the battery loose. I got a lot of
14 tools and stuff in the back of my car because of my job.
15 And they needed to get the battery to stop beeping so I
16 helped them with that.

17 Q. Do you remember the doors to the car being locked?

18 A. I don't know, sir. Like I said, there's a recording
19 you can listen to.

20 Q. Sure. Did you ever get a search warrant for Carla
21 Little's phone?

22 A. That would be something that Will would have done.

23 Q. On October the 29th of 2015 investigating detective,
24 along with Detective Turner responded to 223 Burnham
25 Court, Charleston, South Carolina upon the request of

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1 Detective Will Muirheid for the purpose of securing the
2 residence for the service of a search warrant that
3 Detective Muirheid was in the process of obtaining from
4 the judge. You were involved with the service of the
5 search warrant on October 29th, 2015, is that correct?

6 A. Yeah. I went to Burnham under his direction to help
7 him retrieve a phone from there.

8 Q. Okay. So, again, you were involved with a search
9 warrant in getting Carla Little's phone?

10 A. Sure.

11 Q. Thank you. On the topic of search warrants, let me
12 show you defendant's exhibit 39.

13 [Whereupon, the witness is shown document]

14 Q. defendant's 39, do you recognize that document?

15 A. It says Jason Bowen search warrant for the house.

16 Q. Okay.

17 A. And a return and then another return, and the
18 warrant itself.

19 Q. Okay. Is that a true and accurate reflection of the
20 search warrant that was issued for my client, Doctor
21 Little's, house?

22 A. It is the search warrant for his house.

23 MR. WEST: At this time, the defense would like to
24 enter defendant's exhibit 39 into evidence.

25 THE COURT: No objection, right?

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1 MS. BALDWIN: No objection.

2 [Whereupon, defendant's exhibit number 39 is entered
3 into evidence by the Court]

4 [Whereupon, the search warrant is shown for the
5 jury]

6 Q. [Mr. West] This is just the cover page for the
7 search warrant?

8 A. Sure.

9 Q. The first page.

10 A. That's a return.

11 Q. This is a return. And it listed by Detective
12 Thompson received the attached search warrant on
13 September 23, 2015 and have executed it as follows: Is
14 this your handwriting?

15 A. Uh-huh.

16 Q. Okay.

17 THE COURT REPORTER: Is that a yes?

18 A: Yeah.

19 Q. [Mr. West] The inventory from this search warrant
20 was made in the presence of Detective Thompson and
21 Investigator Meyer?

22 A. Uh-huh. Yes.

23 Q. Okay. So your testimony has been consistent that it
24 was you and Investigator Meyer searching the house?

25 A. Yes, sir.

1 Q. The items that you listed as seized were men's shoes
2 and digital photographs. That's the extent of the list
3 that you included on this return, is that correct?

4 A. Yes, sir.

5 Q. Okay. At the bottom of this return is where you
6 return to a Magistrate Judge under oath, under penalty of
7 perjury, that you have listed all of the inventory that
8 was taken from the house, is that correct?

9 A. Yes, sir.

10 Q. Okay. The extent of your swearing of your testimony
11 was the men's shoes and digital photographs, correct?

12 A. There's another return, Mr. West.

13 Q. Okay. Let's turn to that.

14 A. And nobody's perjuring anything so I don't know what
15 you're getting at.

16 Q. Well, I'm just asking you what the warrant says at
17 this point. Okay?

18 A. Okay.

19 Q. This is a typed version of the return?

20 A. Yes, sir.

21 Q. Okay. And you would agree with me that your
22 signature was on the bottom of that?

23 A. Yes, sir. I went and got that signed by the
24 Magistrate also. That -- go ahead with your question.

25 Q. I swear that this inventory is true and a detailed

1 accounting of all the property taken by me on the
2 warrant, is that correct?

3 A. Yes, sir.

4 Q. Okay. The list of the inventory on this return
5 says 'digital photographs, 2005 Toyota Sequoia, and two
6 DNA blood swabs. That is the extent of the inventory
7 listed on this return?

8 A. Yes, sir.

9 Q. And this is the search of the same house?

10 A. The search of the vehicle that left the house.

11 Q. This is the search warrant for the vehicle is what
12 your testimony is?

13 A. Those items -- I know we went over this before in
14 another hearing. But those items are things that Erin
15 had direct contact with when the vehicle was searched.

16 So she prepared a second one on her computer in her
17 office to explain to you why there's two because you
18 would probably think why isn't there just one. So you're
19 questioning me why there are two.

20 That's why there are two of them. All that left the
21 house at the same night and I signed for the Magistrate
22 that that's the evidence we collected. Yes, sir.

23 Q. Okay. Your signature's on it?

24 A. Yes, sir.

25 Q. Okay.

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1 MR. WEST: No further questions for this witness at
2 this time.

3 THE COURT: Anything on redirect?

4 MS. BALDWIN: Yes, sir.
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1 REDIRECT EXAMINATION

2 BY MS. BALDWIN:

3 Q. Detective Thompson, did you know everything about

4 the case when you interviewed Kim?

5 A. No, ma'am.

6 Q Okay. What was Kim's tone when you were

7 interviewing her?

8 A. She was -- like I said yesterday she was destroyed.

9 I felt -- I felt -- I wanted to show her empathy but, you

10 know, when somebody's just lost their mother and you've

11 got to put a Q-tip in their mouth and dab metal -- a

12 sticker on her hand, you know, I felt bad doing it but I

13 had to do my job. It is -- I felt bad for her.

14 Q. What was the metal -- you mentioned a metal sticker.

15 What was that about?

16 A. The GSR. It collects particles of metal.

17 Q. So you did a buccal swab and a GSR on her?

18 A. Yes, ma'am.

19 Q. Okay. Who brought up the defendant first -- we just

20 listened to the interview -- you or Kim?

21 A. She did.

22 Q. Who else besides the defendant did you -- related to

23 Kim did you talk about? What other people related to

24 Kim?

25 A. Her uncle, A.J.

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1 Q. Okay. Who else?

2 A. She made references to her husband in Texas, her
3 Mom.

4 Q. So you talked to her about multiple people?

5 A. Yes, ma'am.

6 Q. Okay. Do you have a specific -- actually, I'm
7 going to rephrase that. Let me show you -- I'll show you
8 what's been marked for I.D. as State's exhibit 31.

9 [Whereupon, the witness is shown photograph]

10 Q. Can you tell me what that is?

11 A. That's the area of the foyer in there where the
12 shoes are in the bag.

13 Q. Okay.

14 MS. BALDWIN: Your Honor, at this time I'd like to
15 admit State's 31.

16 MR. WEST: No objection from the defense.

17 THE COURT: All right.

18 [Whereupon, State's exhibit number 31 is entered
19 into evidence by the Court]

20 [Whereupon, the photograph is shown to the jury]

21 Q. [Ms. Baldwin] Just point out on that board where
22 those shoes are. You can circle them. You can actually
23 use the board in front of you. It's a smart board.

24 A. What, you want me just to touch the screen?

25 Q. Yes. You can actually mark on the screen?

- 1 A. That's the bag of shoes right there [indicates].
2 Q. All right. That's the bag of shoes?
3 A. Yes, ma'am.
4 Q. How was that bag positioned?
5 A. It's like a Walmart, you know, a hoop bag, a Walmart
6 bag, a grocery store bag. It's like its standing
7 straight up.
8 Q. Was it opaque?
9 A. Opaque? What's that mean?
10 Q. Can you see into the bag a bit?
11 A. Oh, kind of transparent?
12 Q. Yes?
13 A. It's kind of like a gray color. You could look --
14 you could see through it, yeah.
15 Q. Are you familiar with wage garnishment at all?
16 A. Only from, you know when I worked with Judge
17 Garfinkel in the Family Court. They'd take a court order
18 and they could take your pay out of your check.
19 Q. How often does that pay come out?
20 A. Every time you get paid.
21 Q. Okay.
22 A. It depends on what kind of -- what you set up with
23 the courthouse, what the order say.
24 Q. And you mentioned turning the alarm off of the
25 defendant's car?

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1 A. Uh-huh.

2 Q. Were you inside or outside the car?

3 A. Outside.

4 Q. Okay. Go in the car at all?

5 A. No.

6 Q. Okay.

7 A. It's a Toyota Sequoia. I own a Toyota Forerunner so
8 the Toyota security system is installed by the dealer or
9 by the company; it's not an aftermarket thing.

10 So if you open that year make Toyota without the key
11 or the fob, then the horn will honk and the lights will
12 flash. And so the best way to stop is just to take the
13 battery loose.

14 Q. Okay. Which you can do from outside the car?

15 A. Yes.

16 Q. All right. Now, I'm going to put back up this
17 defendant's exhibit 39, okay?

18 [Whereupon, defendant's exhibit number 39 is shown]

19 A. Yes, ma'am.

20 Q. And what was your understanding of what the search
21 warrant was supposed to cover?

22 A. The house and the vehicles and the outbuildings and
23 whatever.

24 Q. Okay. So the house and the vehicles?

25 A. Right.

1 Q. Okay. This first return on there -- okay, what does
2 that say right there [indicates]?

3 A. Residence.

4 Q. Okay. What does this whole line say right here
5 [indicates]?

6 A. The residence at 223 Burnham Court in Charleston,
7 South Carolina to include any vehicles within the
8 boundaries of the residence, the property, yard or
9 garage.

10 Q. Where did you actually recover items from?

11 A. Well, the bag of shoes was in the foyer and the car
12 was out in the driveway.

13 Q. Okay. And were items recovered from both of those
14 places?

15 A. Yes, ma'am.

16 MS. BALDWIN: Court's indulgence.

17 [Whereupon, Ms. Baldwin and Mr. Sowards confer]

18 Q. I have no further questions.

19 THE COURT: Thank you very much. You can return to
20 your place in the courtroom.

21 [Whereupon, the witness is excused and exits the
22 witness stand]

23

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25

1 THE COURT: We're going to take a short break at
2 this time, about a ten-minute recess.

3 [Whereupon, the jury exits at 11:18 a.m.]

4 [Whereupon, court is in recess from 11:18 a.m. until
5 11:34 a.m.]

6 THE COURT: Thank you. Be seated. The jury's on
7 the way.

8 MR. SCHWARTZ: Judge, we wanted -- if you don't mind
9 we have just -- we want to talk to you about something.

10 THE COURT: Hold them outside right there until we
11 see what we're going to talk about.

12 MR. SCHWARTZ: Just for scheduling purposes, you
13 know, we're going to want through Detective Turner --
14 we're going to want to introduce a part of the interview
15 of Doctor Little by law enforcement up until the point
16 that you ruled it would be not admissible. We would like
17 to play that through Detective Turner and that's going to
18 take, you know an hour and a half ---

19 THE COURT: --- well, what was it? It was three
20 hours, wasn't it?

21 MR. SCHWARTZ: Well, total.

22 MS. BALDWIN: And, Your Honor, actually I would
23 object. We are not planning on introducing it after
24 reviewing things since our pre-trial hearing. And I
25 would offer that as them introducing it -- they cannot

1 introduce it because it's hearsay. I mean they're
2 offering it for the truth of the matter asserted.
3 There's no exception to it. So I don't think that they
4 can introduce it.

5 THE COURT: Well, I'll have to think about that.

6 MR. SCHWARTZ: Well, for the record, Your Honor, I
7 think it's a statement against a party opponent and ---

8 MS. BALDWIN: --- well, we're not a party -- it's
9 not our statement. It's his statement so it wouldn't be
10 against a party opponent. That's why it's inadmissible
11 hearsay.

12 THE COURT: Well, quite frankly, I think it should
13 come in just because -- like I say, I think the jury
14 ought to know everything that went on basically.

15 MS. BALDWIN: I understand that, Your Honor. I just
16 would like to make my position known that it is hearsay
17 and should be ---

18 THE COURT: --- that's fine. But I think we need to
19 have three hours to play it. So what are you going to do
20 next?

21 MR. SCHWARTZ: Well, Your Honor, I think there was a
22 pretrial ruling that this only goes up until a point
23 where Doctor Little ---

24 THE COURT: ---well, that's three hours, isn't it?
25 I mean, you're talking about the last five minutes.

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1 MS. BALDWIN: Your Honor, if I may propose something
2 in terms of scheduling, we don't plan on introducing the
3 statement. I don't believe that -- we plan ---

4 THE COURT: --- well, you don't plan on introducing
5 the timeline?

6 MS. BALDWIN: We don't plan on introducing any of
7 that, Your Honor. We reviewed things after our pretrial
8 hearing and we decided against it. And I don't think
9 that they can get it in because that is hearsay coming
10 from their side.

11 THE COURT: If they don't want the timeline in I
12 think that makes a big difference.

13 MR. SCHWARTZ: I mean, I think it's still, you know,
14 trial strategy on our part. I'm not going to sit here
15 and tell ---

16 THE COURT: --- well, I'm not going to allow it at
17 this time.

18 MR. SCHWARTZ: I'm sorry?

19 THE COURT: I'm not going to allow you to do it at
20 this time. If you want to revisit it later on, but I'm
21 not going to allow you to do it at this time.

22 MS. BALDWIN: Thank you, Your Honor.

23 MR. SCHWARTZ: All right.

24 THE COURT: So what's next from the State?

25 MS. BALDWIN: It would be Detective Turner, Your

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1 Honor.

2 THE COURT: All right. Bring the jury in.

3 [Whereupon, the jury enters at 11:37 a.m.]

4 THE COURT: Good. All right. Refreshed and ready
5 to go for another hour and a half about or something like
6 that. All right. Call your next witness.

7 MS. BALDWIN: Thank you, Your Honor.

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State v General Theophilus Little
Dustin Turner-Direct Examination by Ms. Baldwin
March 21, 2018

1 MS. BALDWIN: The State calls Detective Dustin
2 Turner.

3 [Whereupon, State's exhibit number 135 is marked by
4 the court reporter]

5 [Whereupon, Mr. Turner comes forward]

6 [Whereupon, the witness is duly sworn by the Clerk
7 of Court]

8 CLERK OF COURT: Please have a seat, sir. Please
9 speak into the microphone so we can hear you. State your
10 full name for the record spelling your last name. Thank
11 you.

12 THE WITNESS: Dustin Turner, T-U-R-N-E-R.

13 - - - - -

14 DUSTIN TURNER,

15 Having been first duly sworn,

16 Was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MS. BALDWIN:

19 Q. Detective Turner, where do you work?

20 A. The Charleston County Sheriff's Office.

21 Q. And in what capacity?

22 A. For about the last six years I've been in detective
23 office and I mainly do fraud and white-collar cases.

24 Q. Okay. How did you become involved in this case
25 then?

1 A. I believe I was on the call-out team. Once a month
2 we're assigned a call-out team. Anything major comes up
3 we go and assist the other detectives.

4 Q. Okay. And what was your involvement in this case
5 initially?

6 A. Initially, I was directed by my supervisor Sergeant
7 Bryant to go to the scene on Palmer. I was only there
8 for a short time. Then I was asked to go to the
9 Sheriff's Office because Mr. Little was coming for an
10 interview.

11 Q. Okay. Did you meet with him?

12 A. I did.

13 Q. How did he appear?

14 A. He appeared calm. That's -- I guess he was -- he
15 came in a -- I think Deputy Colburn brought him. He was
16 in the back seat. I brought him in and had him sit down
17 in one of the interview rooms.

18 Q. Can you tell me what that is Detective Turner?

19 [Whereupon, the witness is shown photograph]

20 A. It is a still-frame shot from the recorded interview
21 that I initiated with Mr. Little.

22 MS. BALDWIN: Your Honor, at this time I'd like to
23 admit State's 135 into evidence.

24 MR. SCHWARTZ: We're going to object, Your Honor.

25 THE COURT: The jury panel I need you to leave for a

1 few minutes, please?

2 [Whereupon, the jury exits at 11:40 a.m.]

3 MS. BALDWIN: And Your Honor if they are objecting
4 you might bring the jury back. I'll just withdraw that
5 picture ---

6 THE COURT: --- all right. Bring the jury back.
7 Bring them back. False start.

8 [Whereupon, the jury reenters at 11:40 a.m.]

9 [Whereupon, State's exhibit number 135 is withdrawn]

10 THE COURT: All right.

11 MS. BALDWIN: Thank you, Your Honor.

12 Q. [Ms. Baldwin] How did Mr. Little -- what was -- you
13 mentioned his demeanor. What was he wearing?

14 A. As I recall like a black shirt and dark in color
15 pants and like loafers.

16 Q. Any socks?

17 A. I don't remember that.

18 Q. Was he wearing any jewelry?

19 A. Not that I can recall.

20 Q. After the interview, what did you do with him?

21 A. After I interviewed him, I drove him back to his
22 house.

23 Q. Okay. What else did you do in this case?

24 A. Well, after the interview I drove him to the house;
25 I had limited involvement in the search warrant of his

1 house. And I pulled some financial records and got some
2 bank statements from Mr. Little.

3 Q. And when you reviewed the financial records, what
4 did you learn?

5 A. The financial records showed almost all the money
6 going in, going out. So there's usually not a whole lot
7 of money.

8 A lot of local purchases, a lot of eating out at
9 restaurants around Charleston and Beaufort. A lot of --
10 obviously, due to the commute a lot of gas purchases, ATM
11 withdrawals.

12 Q. Do you recall reviewing any other financial records
13 besides just his ATM statement?

14 A. I pulled his credit report.

15 Q. Okay. What did that show?

16 A. Well, it showed a lot of delinquencies, a lot of
17 accounts past-due.

18 Q. Do you remember notating that specifically in your
19 report?

20 A. Yes, I do.

21 Q. Can you recall it off the top of your head?

22 A. No, I can't.

23 Q. Would it help refresh your recollection if you
24 reviewed your report?

25 A. It would.

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1 Q. Do you have a copy of it with you?

2 A. I do, ma'am.

3 Q. Okay. Please review it.

4 [Whereupon, the witness reviews document]

5 A. Okay.

6 Q. Okay. So what specifically did you learn?

7 A. According to the credit report on Mr. Little's thing
8 he had twenty payments behind, thirty days or more.
9 Sixteen different payments were behind sixty days or
10 more. And seventy-one payments were behind ninety days
11 or more. That's a typo on the report; it says sixty but
12 it's supposed to be ninety.

13 Total debt on the report was 11,316 dollars a tax
14 lien of 2,900 dollars, and a federal lien of 11,420, and
15 a second federal lien of 288,000. And so as the history
16 shows two accounts past due.

17 Q. Did you discover any information about his vehicles?

18 A. Yes. I did a search through the Department of Motor
19 Vehicles and noticed a 2005 Toyota Sequoia that's
20 registered to Mr. Little had a lien, a title loan lien
21 through Title Max of South Carolina.

22 MS. BALDWIN: Court's indulgence.

23 [Whereupon, Ms. Baldwin and Mr. Sowards confer]

24 MS. BALDWIN: No further questions.

25

CROSS-EXAMINATION

1
2 BY MR. SCHWARTZ:

3 Q. Detective Turner, good afternoon?

4 A. Good afternoon. How you doing?

5 Q. I'm all right. How are you?

6 A. I doing well.

7 Q. All right. Now, Detective Turner, you were one of
8 three detectives to interview Doctor Little in this case
9 down at the law enforcement center, correct?

10 A. That is correct.

11 Q. Okay. And as part of your job as a detective, you
12 write reports, right?

13 A. Yes.

14 Q. And you do that because, you know, these cases take
15 a long time to get to trial if they do get to trial,
16 right?

17 A. Yes.

18 Q. And so you write these reports to refresh your, you
19 know, your memory because I'm sitting here working on
20 dozen of cases at any one time.

21 A. Yeah, as a white-collar investigator I have the
22 highest case load, so I go through more cases that
23 probably anybody else.

24 Q. Okay. So what you put in your report, you try to do
25 the best you can to make it accurate and true?

1 A. We try to. Yes.

2 Q. And you did a report in this case?

3 A. Correct.

4 Q. And that report is complete and accurate and true?

5 A. Well, like I said, I did notice the one mistake
6 where it was supposed to be ninety instead of sixty, but,
7 yeah.

8 Q. We'll get to that. All right. Would you like to
9 supplement or retract anything in your report that you've
10 got here today?

11 A. No, nothing I can recall.

12 Q. All right. I want to go back to that night of -- I
13 guess it was early in the morning when you first met
14 Doctor Little around 12:15 a.m. on the 23rd?

15 A. Yes.

16 Q. Okay. Like I said, you were the first detective to
17 interview him?

18 A. Correct.

19 Q. And he came down to the law enforcement center
20 willingly?

21 A. Correct.

22 Q. Okay. And you described his demeanor to the jury
23 earlier, but I want to go to kind of his physical
24 appearance. Do you recall at some point looking at
25 Doctor Little's back or chest, having him lift up his

1 shirt?

2 A. I remember -- I believe we asked to like look at his
3 hands. I don't recall having him lift up his shirt, but
4 I'm pretty sure we looked for any kind of signs of any
5 struggle or if he'd been in anything that we could do.
6 But I don't remember seeing anything.

7 Q. Okay. Well, let's talk about. And the reason that
8 y'all look at people's hands, palms, arms when there's
9 been a physical altercation because it's typical to find
10 signs of a struggle, correct?

11 A. Well, not always.

12 Q. Sure ---

13 A. --- if you use your hands to punch something there's
14 often redness or swelling, but if you didn't use your
15 hands then there probably isn't going to be anything.

16 Q. Okay. Like for instance if somebody used a gun,
17 obviously you're not going to see a scratch break?

18 A. Sure.

19 Q. But if there was a -- you know, it's typical in,
20 let's say, a knife attack for the attacker to actually
21 injure himself?

22 A. I haven't had many of that kind of cases so ---

23 Q. Okay.

24 A. --- you know, if it's a one-on-one fight maybe. It
25 just depends. I mean, every case is different.

1 Q. Sure. But in this case you had an opportunity to
2 see his hands. You didn't see any blood?

3 A. Correct.

4 Q. No bruising?

5 A. No, we did not see any.

6 Q. No cuts?

7 A. The best that I can recall, no.

8 Q. Okay. No signs of any kind of physical altercation
9 or violent altercation that you could tell at that point?

10 A. Correct, there was no signs.

11 Q. Okay. You spent a decent amount of time with
12 Doctor Little in that room?

13 A. Correct.

14 Q. Okay. You didn't see any blood on him, in his hair
15 or anything like that, right?

16 A. No.

17 Q. Okay. Because you would have mentioned that in your
18 report?

19 A. Yes.

20 Q. Okay. Now, the State got into your involvement with
21 looking at Doctor Little's bank statements and credit
22 reports?

23 A. Correct.

24 Q. And I'm assuming that you actually do that because
25 you're a white-collar guy?

1 A. Correct.

2 Q. And the reason that you started looking at the money
3 that night would you agree is because y'all believed that
4 money was the motive in this instance?

5 A. We -- I don't know if money was a motive but it was
6 certainly a factor.

7 Q. Okay. Is it true that you had suspicions because
8 y'all had information that he'd been served with
9 paperwork on the 22nd to come into Family Court for
10 failing to pay?

11 A. That is correct. We did.

12 Q. Okay. So you would agree that having evidence to
13 back up that theory makes your case stronger, right?

14 A. The financial records is a theory for the case,
15 yeah. Plus during the interview he did say that they
16 were -- you know, things were tight, so.

17 Q. Okay. And we would call that corroborating
18 evidence, right?

19 A. Yes.

20 Q. For example, if you're looking for a bank robber and
21 you go talk to him and he says well, it couldn't be me.
22 I was at work.

23 So actually you'd go to work -- his job and look at
24 time cards to see whether he's telling the truth or not,
25 right?

1 A. Right.

2 Q. And that corroborate for his alibi or the fact that
3 he's not telling the truth?

4 A. Right.

5 Q. Okay. Now, when you interviewed Doctor Little some
6 of the preliminary questions you asked him, you asked
7 about himself. And you found out that he was a doctor?

8 A. Correct.

9 Q. You found out that he worked at the V.A. Hospital in
10 Beaufort?

11 A. Correct.

12 Q. You learned that he drove early that morning -- I
13 think he got up -- said he got up at 4:30 in the morning?

14 MS. BALDWIN: Objection, Your Honor. This is all
15 hearsay. He's testifying.

16 MR. SCHWARTZ: Your Honor, he asked these questions
17 in the interview.

18 THE COURT: Members of the jury panel I need you to
19 step out for a few minutes, please?

20 [Whereupon, the jury exits at 11:52 a.m.]

21 THE COURT: Well, I think it is hearsay.

22 MR. SCHWARTZ: Your Honor, I'm asking ---

23 THE COURT: --- it's an out of court statement that
24 you're wanting to get in for your client through this
25 witness for the truth of the matter asserted.

1 MR. SCHWARTZ: To preserve the record, Your Honor
2 I'm asking Detective Turner specifically what he learned
3 in his investigation.

4 THE COURT: Yeah, but you're saying through what --
5 what did you learn from, the only person he could learn
6 from was from him. Now, I'll sustain the objection to
7 that. Bring the jury back in.

8 MS. BALDWIN: Thank you, Your Honor.

9 [Whereupon, the jury enters at 11:54 a.m.]

10 THE COURT: Next question.

11 MR. SCHWARTZ: Thank you, Your Honor.

12 Q. [Mr. Schwartz] Detective Turner, you testified
13 earlier that the report you provided everybody was true
14 and accurate, correct?

15 A. Correct.

16 Q. And it was complete with information that you had in
17 this case?

18 A. To the best of my knowledge, yes it is.

19 Q. Okay. And you knew that Doctor Little had this -- a
20 bunch of his payments were whatever?

21 A. Correct.

22 Q. Okay. And you knew that he had, you know, title
23 liens on his Toyota?

24 A. Correct.

25 Q. Okay. I mean, I think you could agree with me he

1 was in a bad financial position?

2 A. Yeah. He said it was tight and, you know.

3 Q. Okay. Did you have the opportunity to investigate
4 any of Doctor Little's 401K's or savings plans?

5 A. There was some records attached to Wells Fargo, but
6 that's the only bank records I pulled. I didn't pull
7 every single financial asset he had. I didn't do
8 anything like that. So there's other money out there
9 probably, but we did not go into that.

10 Q. Okay ---

11 A. --- because there was other -- it looks like there
12 was transfers from in and out of other funds.

13 Q. Okay. Were you able through your investigation to
14 get the loan document that Doctor Little had applied for
15 through his Thrift Savings Plan twelve days prior to
16 being served with a Rule to Show Cause?

17 A. A loan application? I do not believe so.

18 Q. You are not familiar with that?

19 A. A loan application?

20 Q. Yes, sir.

21 A. I don't believe that I have that.

22 Q. Okay. Is it fair to say that if you had found an
23 independent source of money that Doctor Little had, that
24 that would cut against your motive and the State's motive
25 that he did this because of money?

1 A. Well, as I said, I don't think money was the actual
2 motive. It was just part of it. We all have a little
3 piece of the pie and unfortunately, since I do white
4 collar they said, you know, see what you can find out
5 about the money, so.

6 Q. Okay. All right. Do you recall that night Doctor
7 Little giving a buccal swab of his DNA?

8 A. I don't believe I took it but I -- to the best of my
9 knowledge I think one was asked of him.

10 Q. Okay.

11 A. But I did not take a buccal swab.

12 MR. SCHWARTZ: Court's indulgence, Your Honor.

13 [Whereupon, Mr. Schwartz, Mr. West and Ms. Zmroczek
14 confer]

15 MR. SCHWARTZ: No further questions of this witness,
16 Your Honor.

17 THE COURT: Anything on redirect?

18 MS. BALDWIN: Court's indulgence, Your Honor.

19 [Whereupon, Ms. Baldwin and Mr. Sowards confer]

20 MS. BALDWIN: I don't have anything.

21 THE COURT: Thank you very much. You can return to
22 your place or be excused.

23 [Whereupon, the witness is excused and exits the
24 witness stand]

25 THE COURT: Call your next witness.

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1 MS. BALDWIN: Your Honor, our next witness will be
2 rather lengthy. This might be a good lunch break.

3 MR. WEST: I would agree, Judge.

4 THE COURT: All right. So it's 12 o'clock now. Be
5 back at 1:15. We'll resume at 1:15. Take your notepads
6 with you. Leave them in the jury room. Be back at 1:15.
7 Have a nice lunch.

8 [Whereupon, the jury exits at 11:58 a.m.]

9 MR. WEST: Judge, before you leave sort of just to
10 get to some scheduling matters. One of the things I
11 think we need to clarify is who -- what the schedule is
12 going to be like. I understand the pathologist is
13 scheduled for tomorrow. If that is towards the end of
14 the State's presentation, we're going to need to prepare,
15 have our witnesses ready for tomorrow morning, early mid
16 morningish.

17 MS. BALDWIN: I mean, I would say the way things are
18 going so far today that at best the State's presentation
19 will finish by lunchtime tomorrow.

20 MR. WEST: Okay.

21 MS. ZMROCZEK: And here's our Judge is that --
22 actually, they don't want to tell us which witnesses
23 specifically they want to call. They put a list of
24 witnesses under subpoena. We need to know if we need to
25 have those witnesses. If they're not going to call them,

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1 we need to have them available. And if -- they're like
2 well, you'll know when we call them or we don't call
3 them. Well, in fact, I completely agree. However, just
4 for judicial economy, you know, we're going to get those
5 served because we're not going to be able to have our
6 witnesses here because we don't know which ones we need
7 to have here. So if that's fine with the Court that's
8 fine with us. But just understand that when that time
9 comes and the jury has to sit and wait is because we
10 tried to deal with it ahead of time.

11 MS. BALDWIN: I will work with them as best as I
12 can, Your Honor.

13 THE COURT: I trust you.

14 MS. BALDWIN: Thank you.

15 MR. WEST: Thank you, Judge.

16 [Whereupon, court is in recess from 12:00 p.m. until
17 1:10 p.m.]

18 THE COURT: Bring the jury in -- the jury's coming
19 in. Who's next?

20 MS. BALDWIN: Detective Muirheid. He's sitting
21 right here.

22 THE COURT: Good. You can come on up if you want
23 to?

24 THE WITNESS: Yes, sir.

25 THE COURT: And your last name is what?

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1 THE WITNESS: Muirheid.

2 [Whereupon, the jury enters at 1:15 p.m.]

3 THE COURT: The jury is with us. The parties are
4 present along with their attorneys. Call your next
5 witness.

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1 MS. BALDWIN: The State calls Detective Will
2 Muirheid.

3 [Whereupon, Mr. Muirheid comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: Please speak into the microphone so
7 we can hear you. State your full name for the record,
8 spelling your last name for us. Thank you, sir.

9 THE WITNESS: My name is Will Muirheid. My last
10 name is spelled M-U-I-R-H-E-I-D.

11 - - - - -

12 WILL MUIRHEID,

13 Having been first duly sworn,

14 Was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MS. BALDWIN:

17 Q. Detective Muirheid, where do you work as a
18 detective?

19 A. The Charleston County Sheriff's Office.

20 Q. And how long have you been doing that?

21 A. I've been with the Charleston County Sheriff's
22 Office; I believe it will be eleven years in May.

23 Q. And how long as a detective?

24 A. About five or six years.

25 Q. How did you become involved in this particular case?

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1 A. I was called to the scene by Sergeant Mark Bryant
2 and I was assigned as the lead detective.

3 Q. How did you get assigned as the lead detective?

4 A. It was my turn.

5 Q. I guess you rotate?

6 A. Yeah. That particular night, the testimony you've
7 already heard from Detective Turner, we have call-out
8 teams. And the call-out teams normally handle any major
9 situations and obviously a murder or any kind of violent
10 offense like this is one of those.

11 This particular night we actually had another event
12 that occurred and that call-out team was essentially
13 spent, meaning our manpower was down. So I was called
14 out to respond to West Palmer so that I could assist.

15 Q. And what did you do when you arrived at West Palmer?

16 A. I was advised by Sergeant Bryant of the situation,
17 that there was a deceased female inside the residence at
18 2317 West Palmer.

19 I remember getting there right around 10:30 p.m. on
20 September 22nd. After I was advised of that, I spoke to
21 Kimberly Little-Armstrong and Mr. A.J. McConnell.

22 Q. Did you speak to the defendant while you were at the
23 incident location?

24 A. No, I did not.

25 Q. Why not?

1 A. He was not present.

2 Q. Did you expect him to show?

3 A. Yes. I was advised that he would be coming to the
4 scene.

5 Q. Did you go into the house?

6 A. Briefly, I did go into the house. I went into the
7 foyer area, which was -- my path would have been through
8 the front door. The first thing I notice in a situation
9 like this is, is there any kind of forced entry or
10 something where I could see that someone forced their way
11 in, a door jamb broke, the striker plate removed, any
12 kind of damage. I did not see that.

13 Inside the foyer I did see that there was what I
14 would consider to be a significant amount of blood. I'm
15 not a blood pattern expert by any means, but it did
16 appear to be very chaotic.

17 That being said, the forensic investigator, Erin
18 Meyer was in charge of the scene as far as that goes.
19 And it was thought best that my movement, so that I did
20 not contaminate the scene, be limited to that small area
21 in the foyer.

22 Q. So you mentioned that the defendant never showed to
23 the scene?

24 A. No, ma'am.

25 Q. What was done as a result of that?

1 A. Deputy Colburn was tasked with going over to the
2 residence believed to be the defendant's and in an effort
3 to locate him.

4 Q. Was the defendant arrested that evening?

5 A. No.

6 Q. What else did you do that evening?

7 A. That evening, prior to -- well, the defendant was
8 consequently located. Deputy Colburn took him back to
9 our headquarters, CID headquarters, which is just an
10 acronym for our Criminal Investigations Division. He was
11 brought back there.

12 During that time that I was at 2317 West Palmer, I
13 was advised that the information that Deputy Colburn
14 potentially observed what he believed may be blood inside
15 the vehicle that was described as the defendants; a
16 silver Toyota Sequoia.

17 That being said, I went to that location, which was
18 223 Burnham Court, approximately a five-minute drive for
19 me from the incident location to the defendant's
20 residence.

21 At that time, Deputy Colburn came back to that scene
22 and I secured that location confirming what Deputy
23 Colburn had advised he saw.

24 Q. What do you mean by that?

25 A. Anytime a situation like that comes up, we want to

1 make sure that the scene is not contaminated, it's not
2 manipulated, nothing's changed from what Deputy Colburn
3 saw to when I saw it. So just to essentially be able to
4 say that I was there, and while I was there nothing had
5 changed.

6 Q. Was a search warrant eventually obtained?

7 A. For that residence, yes.

8 Q. Okay. How was it obtained?

9 A. I relayed the information to Detective Bowen with
10 the probable cause that was necessary to go into the
11 search warrant. He wrote that down. He took the search
12 warrant to the Magistrate. It was signed and then later
13 executed.

14 Q. Did you immediately get the search warrant signed?

15 A. Immediately?

16 Q. Was it within minutes?

17 A. No. It has to be constructed, meaning authored,
18 written. You want to put in there what you're looking
19 for in the search warrant, what buildings or premises,
20 vehicles that you'll also be looking so that takes some
21 time.

22 Plus, at that time of night -- and I do not know the
23 exact time -- but it obviously was past business hours.
24 We had to make sure that a Magistrate was available, so
25 it took a little time.

1 Q. What did you do while you were waiting for the
2 search warrant?

3 A. I made contact or met with the defendant's wife, Ms.
4 Carla Little.

5 Q. And what, if anything, did you do while you were
6 with her, while you were meeting with her?

7 A. I essentially explained the reason that we were
8 there. In doing that, I asked for and received consent
9 to do a walk-through, through the residence, which if I
10 remember correctly, she was with me while I was doing
11 this. We went to different portions in the house to
12 include the master bedroom.

13 Q. Okay. Did you notice anything during your walk-
14 through of the house?

15 A. Yes, I did. Once we got to the master bedroom, in
16 the bathroom I immediately smelled a strong odor of a
17 cleaning solution, that I would describe as almost like a
18 bleach, which I thought was odd because the bathroom
19 didn't look like it was recently cleaned.

20 Q. What do you mean by that?

21 A. Well, there -- if I remember correctly, there were
22 like towels on the floor. Not to be crass but I believe
23 the toilet seat didn't look clean. It just -- it didn't
24 -- there was no reason when I smelled that odor, which
25 makes me think that the bathroom would be clean and it

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1 wasn't.

2 Q. Did Carla give you anything?

3 A. Yes, she did.. She gave me the defendant's cell
4 phone.

5 Q. Do you recall what type of phone it was?

6 A. No, I don't.

7 Q. Was the search warrant served before you went to go
8 meet with the defendant?

9 A. No. What happened was, like I have previously
10 mentioned about manpower, we obviously -- we had a
11 significant scene at 2317 West Palmer. And then now we
12 have another scene over at 223 Burnham Court.

13 So in order to correlate and, you know, get
14 collaborative efforts, it takes a little bit of time. So
15 what I did was I secured that area. Deputy Colburn was
16 with me during that time so that we had two people for
17 safety reasons.

18 And then Detective Thompson, who you've already
19 through his testimony, he came and relieved me, thus
20 allowing me to leave and go back to our CID headquarters
21 so that I may have the opportunity to speak with the
22 defendant.

23 Q. What else did you do that evening?

24 A. After everything happened and the search warrant was
25 executed and it was passed onto me that there may be some

1 potential blood evidence, mainly shoes inside a Walmart
2 bag, Detective Thompson and I left CID headquarters after
3 the defendant had already been given a ride home by
4 Detective Turner.

5 We left and we immediately went over to the Walmart
6 closest to the defendant's house, which is the Walmart --
7 I don't know how familiar you are -- off of Bees Ferry,
8 very close to his neighborhood. It would be the logical
9 choice.

10 When we got there, unfortunately -- and we were
11 looking for discarded clothing, weapons; anything like
12 that, that could provide any kind of evidence. But
13 unfortunately the trash receptacles had been cleaned for
14 that night and they were empty.

15 Q. Why were you looking for discarded clothing?

16 A. Based on the scene and what I would consider a
17 significant amount of blood, I thought there was a pretty
18 good potential that there may be some transfer or spatter
19 on any suspect or defendant's clothing, not to mention
20 that it was advised me that, at that point, we did not
21 have an actual murder weapon.

22 Q. What was your next involvement?

23 A. Obviously, this goes into the morning of the 23rd. I
24 went home, got a little rest, got back to work. The next
25 thing that I did that was of significance -- if you don't

1 mind if I refer to my report?

2 Q. Will that help refresh your memory?

3 A. It would.

4 Q. Then go ahead.

5 A. On the 23rd, I met with the children of the deceased,
6 Ms. Barbara Little. I met with Chris Little, her son; I
7 met with Adrienne Little Jackson, her daughter; and
8 again, with Kimberly Little-Armstrong again, at our CID
9 headquarters to speak with them. The interview was
10 recorded.

11 Q. Okay. Did you do anything else that day?

12 A. That particular day it was brought to my attention
13 that Detective Thompson had -- this may have been the
14 24th; I don't know if it was the 23rd or the 24th but it
15 was brought to my attention that Detective Thompson had
16 obtained a video from the International House of
17 Pancakes, the IHOP, that we've been hearing so much about
18 -- during the timeframe that Ms. Kim and her testimony
19 advised that she was there.

20 Q. Do you recall what that timeframe was?

21 A. Yeah. Because I reviewed the video footage and it
22 was time stamped. I was able to discover that between
23 8:44 p.m. and 9:47 p.m. -- so roughly about one hour on
24 September 22nd the day that Ms. Little was murdered.

25 Q. Let me back you up a little bit. You've mentioned

1 that you obtained the defendant's cell phone from his
2 wife?

3 A. Yes.

4 Q. What did you do with that cell phone?

5 A. In response to that, I secured a search warrant for
6 the contents that were on that phone. Again, I'm not an
7 expert in that so I won't get into how that's done too
8 much.

9 But basically, my limited knowledge and the way it's
10 explained to me so that I understand, they hook it up to
11 a machine and you're able to get a lot of stuff off of
12 the inside of that phone. So I did execute a search
13 warrant on the defendant's phone.

14 Q. Let me bring you to September 25th. What did you do
15 then?

16 A. On September 25th I did a couple of things, but the
17 main thing I did that day was I was part of a search
18 warrant that was executed on the Toyota Sequoia. And
19 when I say a part of, I was in and out. I wasn't in
20 charge of it. I wasn't there the entire time.

21 But during the time that I was there, I was able to
22 observe a burgundy towel in the front passenger's seat
23 area of the vehicle that appeared to be fairly new. I
24 also observed a balled-up Walmart bag, kind of like the
25 bag that the shoes were located in on the 22nd. As part

1 of the search warrant, I also observed bags that were in
2 the back of the vehicle. There were three trash bags.
3 One was already ripped open and appeared to have
4 miscellaneous clothing in it.

5 Q. Did you notice anything missing from the car that
6 would typically be there?

7 A. Yeah. Obviously, during the search warrant the
8 portion that I was there, they checked in the back
9 compartment where normally a lug wrench and like a jack
10 to help change the tire would be located in a vehicle.

11 That was never located in the vehicle or ever
12 located, period. So the lug wrench and the accoutrements
13 that whatever you would need to put in to use to change
14 tires were not inside the vehicle.

15 Q. What else happened that day?

16 A. In addition to doing a search warrant on the actual
17 cell phone content, which -- excuse me; I received the
18 results of that search warrant.

19 And I was able to see that on the date that Ms.
20 Barbara Little was murdered on September 22nd, starting
21 about 1:51 p.m. to 2:07 p.m. there were text messages,
22 communications between the defendant and the wife. I
23 noted that at 1:51 the ---

24 MR. WEST: --- Your Honor, I'm going to object to
25 this line of questioning.

1 THE COURT: Why?

2 MR. WEST: I'd like to address it outside the
3 presence of the jury.

4 THE COURT: Members of the jury panel I need you to
5 go out in the hallway for a little while, please.

6 [Whereupon, the jury exits at 1:32 p.m.]

7 THE COURT: So what were you about to say?

8 THE WITNESS: I was about to say between 1:51 and
9 2:07 there were text messages that were received between
10 the defendant and his wife. And I also noted that it was
11 several minutes prior to that, that on the Rule to Show
12 Cause was signed as being served at that residence at 223
13 Burnham Court.

14 MR. WEST: Judge, particularly my objection is he is
15 going into details about the phone reports. They have
16 not laid a proper foundation about how those reports were
17 obtained. Specifically, there's other detectives
18 involved that would have done the actual phone dumps.
19 They have not testified.

20 And because of that, I don't think Detective
21 Muirheid can testify as to what was done on these phones,
22 because he's not testified nor does he have knowledge of
23 any of the ability of his counterparts to do the phone
24 searches. And if the State wants to get into this, they
25 need to lay the proper foundation.

1 MS. BALDWIN: Your Honor, he's merely testifying to
2 what he reviewed as part of his job.

3 THE COURT: So tell me what it is that you reviewed?
4 Where you got it?

5 THE WITNESS: What happens is and what I believe Mr.
6 West is talking about, Deputy McManigal is in charge of
7 doing the actual phone dump. What happens is a report is
8 generated. It's placed on a CD. That CD is given to me
9 and I've looked over a hundred of these phone dumps so
10 I'm able to kind of navigate where I need to go and what
11 I need to do. I'm not familiar with how they actually do
12 it, but I can go over the files and go through them and
13 review them.

14 THE COURT: I appreciate your position and I
15 overrule your objection. Bring the jury back in.

16 [Whereupon, the jury enters at 1:35 p.m.]

17 THE COURT: All right. You may continue to examine
18 the witness.

19 MS. BALDWIN: Thank you, Your Honor.

20 Q. [Ms. Baldwin] Would you repeat your answer?

21 A. As part of reviewing the document from the phone
22 dump analysis of the executed search warrant on the
23 defendant's phone, I was able to locate a set of text
24 messages that were between the defendant and his wife
25 that started at or around 1:51 p.m. into 2:07 p.m. on

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1 September 22nd, the day that Ms. Barbara was murdered. I
2 noted that the specific time 1:51 was important to me
3 because it was minutes after the Rule to Show Cause for
4 the alimony payments was signed as served by the deputy
5 that served those papers.

6 Q. What else did you notice?

7 A. There was a phone call according to the call log
8 that's also a part of this report that the defendant did
9 receive or -- excuse me -- did make a phone call to his
10 daughter Kimberly at around 8:00 p.m. as she had advised.

11 Q. What ---

12 A. --- I also -- I'm sorry.

13 Q. Go ahead.

14 A. As part of this, the call log, the same call log, I
15 also observed the fact that on September 22nd between 9:20
16 and 9:48 that there were ten missed calls from various
17 people, five being from Ms. Kim; four from the
18 defendant's wife, Carla; and, one from the defendant's
19 daughter with Ms. Carla, Callie.

20 Q. How did you know who these calls were from?

21 A. Part of the phone extraction report will list the
22 contacts and the phone numbers associated to them. So
23 kind of like if you went through your favorites, and like
24 in mine, my wife's name is Heather. Heather is there. I
25 hit Heather, her phone number comes up.

1 Q. Did you know what Kim's phone number was?

2 A. I do not know it off the top of my head but as part
3 of this report -- we'd do a supplement, the phone number
4 that I had for her was area code [REDACTED]

5 Q And Carla's phone number?

6 A. Ms. Carla's number -- excuse me. I do not have Ms.
7 Carla -- well, that's Callie. I would probably have to
8 look at the actual report to get that. I don't know that
9 one off the top of my head. It doesn't seem to be in
10 my...

11 Q. Did you note in your supplemental the victim's phone
12 number?

13 A. Ms. Barbara's. Ms. Barbara's listed phone number
14 that I had that was available to me was [REDACTED]
15 And I do have Carla's phone number, if you'd like me -- I
16 apologize.

17 Q. Sure.

18 A. It's [REDACTED]

19 Q. What else did you do on this case?

20 A. In addition to service of a -- execution of a search
21 warrant on the phone, the actual phone, I also made sure
22 that a search warrant was executed on the phone records
23 for the defendant.

24 Q. And did you receive those records?

25 A. I did receive those records. And upon review of

1 them I did note several phone calls. Essentially the
2 same way that Special Agent Simmonds from the FBI
3 advised; although I'm not trained like he is and I'm
4 certainly not an expert on it, but I am able to navigate
5 the phone records just through experience and doing it a
6 couple of times; many times, actually.

7 But I did notice that on September 22nd, 2015 that
8 between 10:28 p.m. and 10:35 p.m., there was -- the
9 defendant's phone utilized towers that were in the
10 Ravenel area of Charleston County.

11 Q. Okay. Did that mean anything to you?

12 A. Yeah, it did. Based on the fact that, again,
13 depending on how familiar you are, the incident location
14 happened in West Ashley. You'd have to go down Bees
15 Ferry, turn right onto Savannah Highway and start heading
16 like you're going to Beaufort. You'd eventually pass
17 through Hollywood and run into Ravenel.

18 You would come to a fork in the road, which is
19 Highway 162 and Savannah Highway. You would pass that
20 and go on to the next intersection, which would be
21 Highway 165 and Savannah Highway.

22 Through my investigation it was discovered that the
23 defendant advised of getting gasoline after the incident
24 had occurred, after the murder had occurred on the date.

25 Q. Okay. And so what did you do?

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1 A. There's a gas station that's in the close proximity
2 to where this tower would be at Highway 165 and Savannah
3 Highway. I don't know the actual address off the top of
4 my head, but it's right there at the intersection. Video
5 footage was obtained around that time on that date of
6 that actual gas station.

7 Q. Did you review that video?

8 A. Yes, I did.

9 Q. I'm going to show you what's been marked as State's
10 exhibit 108 and 137 for I.D.

11 [Whereupon, the witness is shown exhibits]

12 Q. Can you tell me what those are?

13 A. These are the videos or the video of the security
14 footage from the gas station that I mentioned. It is
15 marked 6303 Savannah Highway, which is right there at the
16 intersection. And it's also a CD containing clips from
17 that video.

18 MS. BALDWIN: Your Honor at this time I'd like to
19 admit and publish State's 108 and 137.

20 THE COURT: Any objection?

21 MR. WEST: No objection, Your Honor.

22 THE COURT: All right.

23 [Whereupon, State's exhibit numbers 108 and 137 are
24 entered into evidence by the Court]

25 [Whereupon, the video plays]

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1 Q. [Ms. Baldwin] Detective Muirheid if you want to
2 describe what we are seeing during this video, you can
3 feel free to.

4 A. Yeah. From this angle, I believe, well, that's a
5 Toyota Sequoia that's entering the picture there, going
6 to the pump. I don't know the pump number. I believe
7 that to be the defendant, the defendant's vehicle and the
8 defendant should be stepping out here shortly.

9 It's hard to make out that for sure being the
10 defendant, but you'll see from him leaving that area
11 going inside. I note the clothing that he's wearing. It
12 looks like a white shirt, dark pants.

13 Q. [Ms. Baldwin] Please bear with us. We're having
14 some technical difficulty.

15 [Off the record momentarily]

16 [Whereupon, the video resumes playing]

17 A. This would be the front entrance.

18 Q. Okay.

19 A. If I've got my angles correctly, right out front of
20 us would be Savannah Highway. 165 would be running
21 across to the right as we're looking out.

22 Q. Do you know approximately what time of evening this
23 is or night?

24 A. The time of night would be based on the phone
25 records. It would be, like I had mentioned earlier,

1 between 10:28 and 10:35 p.m. on September 22nd.

2 Q. What do we see here?

3 A. The defendant walking through, going to the counter.
4 I believe this is just a different angle of the front
5 door.

6 A. Again, that's the defendant walking through the
7 front door. This -- it looks like a side angle to me,
8 facing into the -- is it Food Lion there, the Food Lion
9 parking lot?

10 Q. What are you referring to, Detective?

11 A. Just that actual footage. I don't think the
12 defendant would be seen in that. I don't know. I don't
13 remember that.

14 MS. BALDWIN: Your Honor, I'm having a bit of
15 technical difficulty. Could we have a moment just to
16 sort it out?

17 THE COURT: Yes.

18 MS. BALDWIN: Thank you.

19 [Off the record momentarily]

20 [Whereupon, the video resumes playing]

21 Q. [Ms. Baldwin] All right. What are we looking at
22 there?

23 A. That looks like the front counter area of the inside
24 of the gas station.

25 Q. What's that at the bottom? You see cam one, what

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1 else is that?

2 A. That's a timestamp. It's military, September 22nd,
3 2015 22:35, which obviously is 10:35 p.m. It's the same
4 time that the phone records indicate communicating with
5 that tower near the area.

6 [Whereupon, video malfunction]

7 Q. Well, it should be playing but what would we see in
8 there?

9 A. That's the defendant.

10 MS. BALDWIN: Your Honor, may we have five minutes?

11 THE COURT: Sure.

12 MS. BALDWIN: We're going to need some help here.
13 It was playing yesterday.

14 THE COURT: Okay. Walk up and down the hall if you
15 want to, whatever you want to do out there. We'll be
16 back with you just as soon as we can.

17 [Whereupon, the jury exits at 1:55 p.m.]

18 [Whereupon, court is in recess from 1:55 p.m. until
19 2:05 p.m.]

20 THE COURT: Keep your seats. Are you ready?

21 MS. BALDWIN: We're ready enough, Your Honor.

22 THE COURT: Bring the jury in.

23 [Whereupon, the jury enters at 2:05 p.m.]

24 THE COURT: You may continue to ask questions.

25 MS. BALDWIN: Thank you, Your Honor. It appears we

1 solved our technology issue. So we'll press play.

2 [Whereupon, the video resumes playing]

3 Q. [Ms. Baldwin] What do you see here, Detective?

4 A. Again, that's the front area counter of the store,
5 actually behind it where the cashier would stand. That's
6 the defendant walking towards the front there..

7 Q. Okay.

8 A. The counter.

9 Q. So what are we seeing here?

10 A. It looks like the defendant walking towards the
11 front door. He appears to be hailing someone, an
12 employee there. He's holding some kind of white -- I
13 don't know what that is. It doesn't look like cash to
14 me. It looks like some kind of envelope that he
15 retrieved from his back pocket.

16 I'm noticing that the cashier doesn't appear to open
17 up the drawer. That normally would be done during a cash
18 purchase procedure. She looked like she was shaking her
19 head.

20 Q. Does it appear to you that he ever paid for anything
21 there?

22 A. No.

23 Q. In your review of the video does he ever appear to
24 pump any gas or get any gas?

25 A. No. No, ma'am.

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1 Q. Okay.

2 [Whereupon, State's exhibit number 138 is marked by
3 the court reporter]

4 Q. [Ms. Baldwin] Detective, I'm going to show you
5 what's been marked for I.D. as State's 138.

6 [Whereupon, the witness is shown exhibit]

7 A. Okay.

8 Q. What is that?

9 A. That is an aerial view or photograph of the Kangaroo
10 Gas Station there. It's 16303 Savannah Highway. The gas
11 station we just looked at.

12 MS. BALDWIN: Your Honor, at this time I'd like to
13 admit and publish State's 138.

14 MR. WEST: No objection from the defense.

15 THE COURT: Thank you.

16 [Whereupon, State's exhibit number 138 is entered
17 into evidence by the Court]

18 [Whereupon, the photograph is shown]

19 Q. [Ms. Baldwin] So Detective, where is Highway 17 on
20 this map?

21 A. Highway 17 is right here [indicates].

22 Q. Okay. Which direction would be West Ashley?

23 A. [Whereupon, the witness indicates on map]

24 Q. Where's Highway 165?

25 A. [Whereupon, the witness indicates on map]

1 Q. And you mentioned a Food Lion or something. Where
2 is that?

3 A. This is the Food Lion parking lot [indicates]. The
4 Food Lion should be over here [indicates].

5 Q. Okay. In your review of the video, which direction
6 does the defendant enter the gas station parking lot
7 from?

8 A. Enter?

9 Q. Yes.

10 A. It appears to me that I'll use -- coming through
11 this way [indicates].

12 Q. And in your review of the video, which direction
13 does he leave?

14 A. The pumps are right here [indicates]. He appears to
15 leave, if I remember correctly, going out this way
16 [indicates]. I don't remember seeing him actually exit
17 out this way [indicates].

18 Which when I frequent -- when I'm down in that area
19 and I leave the gas station and I'm going back towards
20 West Ashley, which is the direction that our Sheriff's
21 office would be, I would turn right there; here
22 [indicates].

23 Q. Okay. Approximately how many gas stations are in
24 between that gas station and the defendant's home?

25 A. Back in 2015, because the number has increased at

1 this point, there is the one at Walmart, Dodge's Chicken,
2 if you're familiar with that. That's a gas station. 162
3 is a gas station; that's three. There were, I believe in
4 2015 there were three gas stations at the intersection of
5 Highway 17 and Main Road.

6 High 17 meaning Savannah Highway, so several.
7 That's about the farthest one that you could go to and
8 still be in the County of Charleston, heading that way
9 towards Beaufort.

10 Q. Heading towards Beaufort?

11 A. Yeah.

12 Q. Okay. When was the defendant eventually arrested?

13 A. He was arrested on October 14th, 2015.

14 Q. Did you stop your investigation after he was
15 arrested?

16 A. No, ma'am.

17 Q. What did you do after the arrest?

18 A. I looked at the phone records from Ms. Kim as well.
19 I got a search warrant for those, got the report back
20 from the phone company, looking through those. And I
21 noted that nothing remarkable that was not out of what
22 she said she was doing.

23 Meaning, her phone calls and the towers that were
24 being utilized I felt were in the same area that she
25 advised she had been. I did note that there was a phone

1 call made to her estranged husband at the time. I think
2 they're divorced now. But at the time, Mr. Armstrong, I
3 think his first name is Travaris. But anyways, I did see
4 a phone call to Mr. Armstrong. I contacted Mr.
5 Armstrong. He advised that ---

6 MR. WEST: --- objection, Your Honor, hearsay.

7 THE COURT: I sustain it.

8 Q. [Ms. Baldwin] Continue without saying what he said?

9 A. I confirmed that Mr. Armstrong ---

10 MR. WEST: --- objection. Hearsay.

11 THE COURT: Ask another question.

12 Q. [Ms. Baldwin] How did -- without speaking to Mr.
13 Armstrong, how did you confirm his whereabouts?

14 MR. WEST: Objection.

15 THE COURT: You can tell us what you did next or
16 whatever if you want to.

17 A. I received an email.

18 MR. WEST: Objection.

19 THE COURT: No, ask another question.

20 Q. [Ms. Baldwin] What else did you do as part of this
21 investigation, physically?

22 A. I confirmed that ---

23 THE COURT: --- no, no, no. Members of the jury
24 panel go out in the hallway for a minute, please?

25 [Whereupon, the jury exits at 2:12 p.m.]

1 THE COURT: All right. So what were you about to
2 say?

3 THE WITNESS: I confirmed through an email that Mr.
4 Armstrong was in Texas on September 22nd, 2015.

5 THE COURT: From an email from him?

6 THE WITNESS: I don't -- he's in the Army. I
7 believe it was from his commanding officer.

8 THE COURT: I sustain the objection to that.

9 MS. BALDWIN: Your Honor, while the jury is out this
10 might be a good -- I was going to address it once we
11 finished the majority of Detective Muirheid's testimony,
12 or at least his direct, but while the jury is out I think
13 -- I'd like to revisit the issue of the Walmart video. I
14 believe during our pretrial hearing we had discussed the
15 possibility of getting it in through or bringing it in
16 through inevitable discovery.

17 THE COURT: I don't recall doing anything with that?

18 MS. BALDWIN: You had suppressed the collection of
19 the defendant's clothing at the time.

20 THE COURT: Correct.

21 MS. BALDWIN: And recall that there was a Walmart
22 receipt that was in his clothing to ---

23 THE COURT: --- we didn't discuss that I remember,
24 but anyway, go ahead.

25 MS. BALDWIN: Well, I believe you had said the ---

1 THE COURT: --- I just said that -- what I ruled was
2 the clothes and the shoes out.

3 MS. BALDWIN: Okay. My understanding would be as a
4 result -- the receipt as a result of that as well. But
5 you did leave open the possibility of establishing
6 inevitable discovery of the Walmart video.

7 THE COURT: I declare, I don't recall dealing with
8 any of that, except for clothes and the shoes. That was
9 all I was dealing with.

10 MS. BALDWIN: Well, Your Honor, then I guess I'll
11 ask him, maybe proffer some testimony. I believe you
12 also suppressed the ring that was found in his pants
13 pocket.

14 THE COURT: I may have. I may have. I don't
15 recall. Anything that was in the clothes, I guess,
16 would be covered by the suppression.

17 MR. WEST: That is ---

18 MS. BALDWIN: --- exactly, Your Honor. And we're in
19 agreement with that. We're not arguing that.

20 THE COURT: All right.

21 MS. BALDWIN: However, there was a video that was
22 obtained from Walmart and what -- at that time the result
23 of them obtaining a receipt from his clothes, from his
24 pants pocket. However, it is the State's position that
25 that video would have been obtained anyway through the

1 doctrine of inevitable discovery.

2 THE COURT: Now, why is that?

3 MS. BALDWIN: You have heard Detective Muirheid
4 testify as to there were several Walmart bags in the cup
5 holder soon after. There was the Walmart bag that the
6 shoes were in. They went into the pull-over by Walmart
7 because it's very nearby to the house. They were
8 searching for whatever they can. So I think they
9 eventually would have come across the video. They may
10 not have known the exact time but ---

11 THE COURT: --- what you want to say about that?

12 MR. WEST: Judge, the testimony is going to be they
13 went to Walmart because they found a receipt in his pants
14 and ---

15 THE COURT: --- Well, that's not going to be the
16 testimony.

17 MR. WEST: Well, Judge, what they have testified to
18 at this point is that they went into the trash pull and
19 never said anything about I was going to go inside and
20 get video as well. They actually left the Walmart and
21 then several days, maybe even weeks. I'm not sure of the
22 exact time of when they discovered the ring and the
23 receipt. But at that point, that's the only reason they
24 went back to Walmart. To suggest otherwise is
25 preposterous.

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1 THE COURT: I do think it's a stretch. I agree.. I
2 would not allow that.

3 MS. BALDWIN: Thank you, Your Honor. That's all I
4 have.

5 THE COURT: Bring the jury in.

6 [Whereupon, the jury enters at 2:17 p.m.]

7 MR. WEST: Judge, I think ---

8 THE COURT: Members of the jury panel I need you to
9 go back out in the hallway. Another issue has come up.

10 [Whereupon, the jury exits at 2:18 p.m.]

11 [Whereupon, State's exhibit number 139 is marked by
12 the court reporter]

13 THE COURT: So what do we have now?

14 MS. BALDWIN: Your Honor, this is a document that
15 Detective Muirheid obtained regarding Kim Little's
16 husband, Travaris Armstrong establishing his location in
17 Houston in Texas until 5:00 in the evening on September
18 22nd. I was merely going to ask Detective Muirheid if he
19 obtained this document, if he recognizes it.

20 THE COURT: I appreciate the position. I sustain
21 the objection.

22 MS. BALDWIN: All right.

23 THE COURT: Bring the jury back in.

24 [Whereupon, the jury enters at 2:18 p.m.]

25 THE COURT: Any other questions?

1 MS. BALDWIN: Just briefly, Your Honor.

2 Q. [Ms. Baldwin] Besides what we were talking about
3 before, what did you do as regards to A.J. McConnell post
4 the defendant's arrest?

5 A. I confirmed his whereabouts during the time of the
6 murder as well.

7 Q. And how did you do that?

8 A. I spoke with several people that confirmed his
9 advisement that he was at Buffalo Wild Wings in
10 Summerville, I believe.

11 Q. Okay. Did you review any other phone records?

12 A. I reviewed Carla Little's phone records, again,
13 Kimberly's. I reviewed Ms. Barbara's phone records as
14 well, I believe.

15 Q. What was the last phone she received?

16 A. It looks like the last time her phone was active was
17 -- well, through the actual -- there was also a phone
18 dump done on her phone.

19 And through that it was discovered on September 22nd,
20 starting about 9:18 she never received another call. Her
21 last known activity through phone records appeared to be
22 September 22nd, 2015 at 3:40 p.m.

23 MS. BALDWIN: Court's indulgence.

24 [Whereupon, Ms. Baldwin and Mr. Sowards confer]

25 MS. BALDWIN: I have no further questions at this

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1 time.

2 THE COURT: Cross-examination.

3 MR. WEST: Thank you, Judge. May it please the
4 Court?

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CROSS-EXAMINATION

BY MR. WEST:

Q. Detective Muirheid, at any time during this lengthy and detailed investigation, did you ever determine that anyone other than Doctor Little was a suspect in this murder?

A. No.

Q. Was this by process of elimination?

A. I don't know if process of elimination is the proper terminology I would use. I would say there was no one else.

Q. You created reports in this case, correct?

A. Yes, sir.

Q. Everything in those reports is true and accurate and detailed?

A. To the best of my ability.

Q. They're complete.

A. Sir?

Q. They are complete?

A. To the best of my ability.

Q. Would you add something or retract anything from those reports as you testified here today?

A. No, sir.

Q. You actually dated your report November the 13th of 2015, two months after this incident; isn't that correct?

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1 A. Yes, sir.

2 Q. Okay. Did you have any other writings along the
3 way?

4 A. Other reports you mean?

5 Q. Other notes, before you wrote your report?

6 A. My final report is always a culmination of my notes
7 through.

8 Q. Okay. In fact, when you took the interview of Kim,
9 Chris and Adrienne, you can be seen writing in a
10 notebook, isn't that correct?

11 A. If you say so.

12 Q. Do you have your notebook here with you today?

13 A. The notebook?

14 Q. Yes?

15 A. No, I do not.

16 Q. Would that be in your case file?

17 A. No.

18 Q. Those notes are taken in real time as opposed to
19 putting together at the end; isn't that correct?

20 A. Yes, I took them during the interview if I was
21 writing.

22 Q. So they would be essentially more accurate because
23 they're closer in time than the actual report itself?

24 A. Any notes I take like that are summarized into a
25 report form like this and I keep a running report as I go

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1 along. If on my report it says September 23rd, then nine
2 times out of ten on September 23rd, I would have wrote
3 what I did that day. So it's a running log.

4 Q. Did you turn those notes over to the Solicitor's
5 office?

6 A. Those notes were put into my report.

7 Q. Okay. A one Jason Zeilberg [phonetic] signed off on
8 your reports, correct?

9 A. Yes, sir.

10 Q. You're the case agent in this. It means if
11 something was done, it was at your direction, correct?

12 A. Not necessarily.

13 Q. Okay. Would you be in charge of the detectives that
14 were involved in this investigation?

15 A. No. Not in charge of them, no.

16 Q. Okay. So describe to me what the responsibilities
17 of the case agent are in regards to the other detectives
18 or patrol units as it relates to the investigation of the
19 case.

20 A. Sure. I'm the lead detective. What I would be
21 responsible for is I always compare it or make the
22 analogy of being like a quarterback. I might sometimes
23 call the play, my coach, bosses; they might sometimes
24 call the play. In that, each individual detective or
25 player has their specific assignment to do. I do not

1 direct them, you do this. You do that. You do this
2 every time. They do -- they can operate in some sense of
3 autonomy because they're detectives as well. My job is
4 after they come in I have to trust them to do their job.

5 If there's anything of significance or anything I
6 need to know to kind of put that all together to get the
7 final product. So that is what I do as the lead
8 detective.

9 Q. All right. You said you went to the scene.
10 Lieutenant Plunkett was on scene, correct?

11 A. I don't recall that.

12 Q. Sergeant Euper?

13 A. If I wouldn't have seen the video, I wouldn't have
14 recalled him being there either.

15 Q. What video are you referencing?

16 A. The one that we showed earlier with -- I don't know
17 if the jury was in so I don't want to comment on that.

18 Q. You collected some videos as part of your
19 investigation is this case?

20 A. Did I collect them?

21 Q. Yes?

22 A. No.

23 Q. Okay. Was Deputy Biggs on scene?

24 A. Yes.

25 Q. Detective Bowen?

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1 A. No.

2 Q. He was not on scene?

3 A. Detective Bowen was not on scene.

4 Q. It's your testimony that Detective Bowen never went
5 to the crime scene?

6 A. That is not my testimony. My testimony is that when
7 I was there I did not see him on scene.

8 Q. Okay. But there's a crime scene log?

9 A. Yes, I believe so.

10 Q. Is that made a part of your investigatory file?

11 A. I believe it is part of the file.

12 Q. I'm going to show you Exhibit Number 100, okay?

13 [Whereupon, the witness is shown exhibit]

14 Q. Please identify this document.

15 A. It is marked major crime scene log.

16 Q. Is that the same crime scene log that you reference?

17 A. Yes. This would be the log.

18 Q. Is it a true and accurate representation of the
19 crime scene log as you have it in your investigatory
20 file?

21 A. To the best of my knowledge.

22 Q. Okay.

23 MR. WEST: At this time defense would like to enter
24 exhibit number 100 into evidence.

25 MS. BALDWIN: No objection.

1 THE COURT: Any objection?

2 MS. BALDWIN: No, sir.

3 THE COURT: Defendant's 100.

4 [Whereupon, defendant's exhibit number 100 is
5 entered into evidence by the Court]

6 [Whereupon, exhibit is shown]

7 Q. [Mr. West] This is a crime scene log and it details
8 when people go into a crime scene. And this is the
9 sheriff's office way of having some accountability as to
10 who can enter and exit, correct?

11 A. As far as accountability, I don't -- it is a log and
12 it's made to show who goes in and out of the scene.

13 Q. Okay. Everybody that goes in and out of the scene,
14 it is sheriff's office policy to be documented on this
15 log?

16 A. They should be.

17 Q. Okay. So we have Deputy Colburn, Deputy Haslip,
18 Deputy Biggs, A.J., Kim, Sergeant Euper, Sergeant Bryant,
19 the coroner, Ms. Dottie, yourself, Deputy Balzano, Meyer,
20 Turner, and McManigal, is that correct?

21 A. Yes, sir.

22 Q. To the best of your knowledge this is everybody that
23 was on the crime scene?

24 A. If you're referring to the crime scene as being -- a
25 lot of times when we set up a crime scene there'll be an

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1 interior and a secondary and then out. The interior in
2 this case, would most likely include the property, the
3 residence. There may be some supervisors or other
4 deputies that are on the peripheral, that even though
5 they're surrounded by crime tape, it's not considered, at
6 least by me, to be the crime scene, if that makes sense.

7 Q. Okay. So there's some parameters as to what you
8 define as a crime scene. You heard Detective -- or
9 Deputy Colburn testify that he had a Charleston City
10 Officer with him when he went into the house; isn't that
11 correct?

12 A. Yes.

13 Q. Is that person notated on this crime scene log?

14 A. No, he is not.

15 Q. No, he's not. Are you aware if that person would
16 have had body cams at that time?

17 A. No, I am not.

18 Q. Would that be something that you would investigate
19 as your role as the case agent in this?

20 A. If I would have known he had a body camera?

21 Q. Sure?

22 A. Yes.

23 Q. Okay. Did you ever try to collect that?

24 A. No.

25 Q. Did you ever try to collect any in-car cameras from

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1 the Charleston City Police Department?

2 A. I didn't know they existed.

3 Q. Did you know they were on scene?

4 A. I knew they were on scene from reading supplemental
5 reports.

6 Q. Okay. When did you read those supplemental reports?

7 A. As they would come in. I don't know specifically

8 Q. Okay. And you still didn't go get those videos?

9 A. I didn't know they existed.

10 Q. Where were you immediately prior to going to 2317
11 West Palmer?

12 A. My home.

13 Q. Okay. So you were called from your home by Sergeant
14 Bryant, correct?

15 A. Yes.

16 Q. And do you know what he was doing when you arrived?

17 A. Him specifically?

18 Q. Yes? How did you meet up with him?

19 A. At the scene.

20 Q. Was it inside the house or outside the house?

21 A. Outside.

22 Q. What time did you arrive?

23 A. My report states around 10:30 p.m.

24 Q. Okay. And Sergeant Bryant is the person that would
25 have decided your role as case agent. We talked about

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1 sort of the on-call system, correct?

2 A. Yes.

3 Q. So he's your boss. He's who you are ---

4 A. --- he's one of them.

5 Q. Okay. Who else do you report to?

6 A. At that time, the way our office is set up, it's two
7 sergeants, a lieutenant, a captain, and then right on up
8 the chain of command.

9 Q. Okay. I will say that I only remember Sergeant
10 Bryant being there that day. He would be referred to as
11 my immediate supervisor.

12 Q. Sergeant Bryant is who briefed you on the situation
13 when you arrived?

14 A. Yes.

15 Q. So he had information to give you?

16 A. Yes.

17 Q. Okay. Do you remember which road deputies were
18 there as well?

19 A. I know that Deputy Colburn was there. I know that
20 Deputy Biggs was there?

21 THE COURT REPORTER: Deputy?

22 THE WITNESS: Biggs.

23 THE COURT REPORTER: Biggs?

24 THE WITNESS: Yes, ma'am.

25 Q. [Mr. West] I apologize for speaking over you. Did

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1 you talk to Deputy Biggs?

2 A. I don't recall speaking specifically to her.

3 Q. Okay. Are you familiar with who would have had in-
4 car cameras from the Charleston County Sheriff's Office?

5 A. No.

6 Q. You're not?

7 A. No.

8 Q. You've already testified you never tried to collect
9 them, isn't that correct?

10 A. Charleston City or Charleston County?

11 Q. Charleston County.

12 A. I did not try to collect video footage from
13 Charleston City or Charleston County.

14 Q. Okay. Now when you went into the crime scene, you
15 just told the jury that you were limited to the foyer
16 area, is that correct?

17 A. Yes.

18 Q. And you saw large amounts of blood?

19 A. Significant amounts, yes.

20 Q. Okay. Were you wearing gloves?

21 A. I did not have on gloves. I do believe I had on the
22 little booties. I don't ---

23 Q. --- shoe coverings?

24 A. Sir?

25 Q. You had on shoe coverings is what you trying to say?

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1 A. Yeah. Sorry. Shoe coverings.

2 Q. Okay. You say that you noticed no forced entry.

3 Did you take any pictures of the windows or doors
4 surrounding the house?

5 A. Me personally?

6 Q. Yes?

7 A. No, sir.

8 Q. Do you know if Investigator Meyer or anybody with
9 crime scene would have done that as well?

10 A. I believe they did if I remember looking at the
11 crime scene photos.

12 Q. Your testimony is that there's pictures of all the
13 windows, and the back doors, garage doors and everything?

14 A. I don't know if it's all of them. I remember
15 reviewing the crime scene photos and seeing several
16 doors, several windows. I wouldn't say that it was every
17 one; I don't know.

18 Q. Do you know -- I'm sorry; continue.

19 A. They would have to answer that question.

20 Q. The crime scene people?

21 A. Yes.

22 Q. Okay. Were the crime scene people with you when
23 you went to look for forced entry?

24 A. I didn't really go to look for it through the front
25 door. Like I said, that's the only place I went. It's

1 just the first thing you come across. I don't remember
2 who was with me. I know I was never in the home alone.

3 Q. So when you say you examined the house for forced
4 entry, you're saying that you only looked at the front
5 door?

6 A. I didn't -- the front door is the way I went into
7 the residence. It was the only place that I went based
8 on me not contaminating anything. At that point, I
9 noticed that there was no forced entry through that front
10 door.

11 Q. Did you check the windows?

12 A. No.

13 Q. You never checked the windows to the house?

14 A. I did not check the windows to the house.

15 Q. Did you ever check the back doors?

16 A. That wasn't my job at that point. I limited myself
17 and forensic services limited me to the foyer based on me
18 contaminating -- not wanting to contaminate.

19 Q. So your statement to this jury is you did not want
20 to contaminate the crime scene so you didn't check any
21 other entryways?

22 A. I personally did not.

23 Q. Okay. You're the case agent?

24 A. I'm the lead detective, yes.

25 Q. Okay. Reports indicate that Deputy Colburn was

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1 tasked with locating Doctor Little, my client. Why
2 wouldn't the detectives try to go and speak with him?

3 A. Deputy Colburn was sent to locate the defendant so
4 that a detective could speak with him.

5 THE COURT REPORTER: What was that? I'm sorry.

6 A. So that a detective could speak with him. I
7 apologize. I'll speak up.

8 Q. [Mr. West] I guess what I'm trying to get at is why
9 wouldn't a detective just go over there instead of a road
10 deputy?

11 A. The detectives were probably doing something else.
12 He may have been available at the time. I don't think
13 there is a rhyme or reason. It's a manpower issue.

14 Q. Sure. What made you personally decide to leave 2317
15 West Palmer?

16 A. I was advised of the information that Deputy Colburn
17 had potentially seen what could be blood inside the
18 defendant's vehicle.

19 Q. Your prior testimony was that you needed to go
20 secure the scene, but the defendant had already left for
21 the Charleston County Sheriff's Office, isn't that
22 correct?

23 A. Yes. He was gone by the time I arrived there.

24 Q. You say that you looked into the car and saw this
25 spot that Deputy Colburn observed. Did you or anybody

1 with the Charleston County Sheriff's Office ever bother
2 to test that spot for DNA?

3 A. It's my understanding that that spot, which I guess
4 you're referring to the one that's on the...

5 Q. The one for the probable cause for the search of my
6 client's residence?

7 A. Which would be the one that was on the console of
8 the vehicle?

9 Q. Right.

10 A. It's my understanding that that was not human blood.

11 Q. It's not human blood?

12 A. That's my understanding.

13 Q. The reason you searched my client's property was
14 what kind of substance?

15 MS. BALDWIN: Objection, Your Honor. I believe he's
16 getting argumentative.

17 THE COURT: I'm going to allow it.

18 A. Could you repeat the question?

19 Q. [Mr. West] Sure. Did you ever try to figure out
20 what kind of substance it was?

21 A. Me, personally, no.

22 Q. Anybody at the sheriff's office?

23 A. I'm not sure if forensics did that.

24 Q. As the case agent, would this be something you
25 followed up on?

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1 A. If they completed the analysis of what it was?

2 Q. Sure.

3 A. I was advised that it was not human blood and at
4 that point there was no reason to test any further.

5 Q. You've also testified that you were part of the
6 relay for the probable cause to the Magistrate. I don't
7 believe we've really gotten into this. Why don't you try
8 to describe for the jury what a search warrant actually
9 is?

10 A. It's a legal binding document signed by a judge that
11 gives you the legal right to enter a residence, search
12 person, place or thing, based on probable cause.

13 Q. In order to get one of those documents somebody has
14 to go before a judge under oath and testify to certain
15 aspects that give them a reason to search, correct?

16 A. That is correct.

17 Q. You've previously indicated that the relay of
18 information to you came from Sergeant Euper?

19 A. If you're referring to testimony from the motion
20 hearings we had earlier, I believe my testimony was I
21 assumed that it was through Sergeant Euper.

22 Q. Would you please reference the reports that are in
23 front of you and indicate to me who the relay was from?

24 A. I don't remember reading that I indicated who it was
25 from.

1 Q. Would it refresh your recollection to see my version
2 of the report?

3 A. I may have it here if you want to look over my
4 shoulder with me.

5 Q. How about I just stand next to you?

6 A. That's fine. You can stand right next to me.

7 [Whereupon, the witness reviews document]

8 A. It says FTI Colburn advised Sergeant Euper of this
9 and I went to that residence. In this context I believe
10 this to be the potential blood spot that was located in
11 the defendant's vehicle.

12 Q. So the relayed information came from Colburn to
13 Euper to you?

14 A. Again, I'm assuming that it came from Euper,
15 Sergeant Euper to me, based on what I read.

16 Q. You're assuming that?

17 A. I'm assuming that.

18 Q. You described the scene at 2317 and 223 as kind of
19 chaotic. Is that your own words?

20 A. 2317 West Palmer was chaotic. There were a lot of
21 people there trying to figure out what happened to Ms.
22 Barbara.

23 Q. Okay. Isn't it true that you routinely receive
24 training on how to deal with situations that are, in
25 fact, chaotic?

1 A. That's fair.

2 Q. Okay. How often would you receive those sorts of
3 training?

4 A. I mean, the training is mostly going to be
5 experience from doing the job. I don't know if there is
6 a specific class or a training module that is dealing
7 with chaotic scenes. That specifically I have not
8 received, I do not believe.

9 Q. I'm going to show the witness what's been marked as
10 defendant's Exhibit 38.

11 [Whereupon, the witness is shown document]

12 Q. Do you recognize this document?

13 A. This is a search warrant for the defendant's Toyota
14 Sequoia.

15 Q. Is that a true and accurate copy of the search
16 warrant as you know it?

17 A. Yes.

18 MR. WEST: At this time defense would like to enter
19 defendant's exhibit 38.

20 MS. BALDWIN: No objection.

21 [Whereupon, defendant's exhibit number 38 is entered
22 into evidence by the court]

23 Q. [Mr. West] Previously you have seen what was entered
24 as a search warrant for 223 Burnham Court identified as
25 defendant's exhibit 39. Can you read that?

1 [Whereupon, the document is shown on screen]
2 A. Yes.
3 Q. Can you see it on your screen?
4 A. Yes.
5 Q. You would agree with me that in the search warrant
6 as indicated that there is a reference to the towel
7 observed in plain view through the vehicle window, is
8 that correct; part of the probable cause affidavit?
9 A. Yes. Sorry. I was getting to the bottom. Yes.
10 Q. That's okay. So you thought the towel was
11 important?
12 A. That information was relayed to Detective Bowen who
13 authorized this and had it signed, yes.
14 Q. You relayed the information to Detective Bowen?
15 A. Yes, I did.
16 Q. Defendant's 38, reading that probable cause
17 affidavit, you'd agree with me that there's no mention of
18 a red towel, wouldn't you?
19 A. There is not.
20 Q. When you searched the Toyota Sequoia, isn't it true
21 you located a loaded Smith & Wesson .38?
22 A. Yes.
23 Q. Do you have that here today in the courtroom?
24 A. I do not know.
25 MS. ZMROCZEK: Your Honor, they're making sure it

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1 is rendered safe.

2 MR. SCHWARTZ: Court's indulgence.

3 MR. WEST: For the record, Your Honor, the next
4 exhibit has been inspected for its safety.

5 [Whereupon, defendant's exhibit number 101 is marked
6 by the court reporter]

7 Q. [Mr. West] We're marking this as defendant's exhibit
8 101. Do you recognize this?

9 [Whereupon, the witness is shown exhibit]

10 A. Are you going to have me handle this?

11 Q. Yeah. You want some gloves?

12 A. Please.

13 [Whereupon, the witness is supplied gloves]

14 A. Yes, this appears to be the weapon that was located
15 in the vehicle.

16 MR. WEST: I'd introduce defense exhibit 101.

17 MS. BALDWIN: No objection.

18 [Whereupon, defendant's exhibit number 101 is
19 entered into evidence by the court]

20 MR. WEST: Actually, I'm going to make sure all the
21 jury saw. I'm just going to have the witness publish the
22 exhibit to the jury.

23 A. What would you like me to do?

24 Q. [Mr. West] Just hold it up so everyone can see.

25 A. All Right.

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1 [Whereupon, the gun is shown to the jury]
2 Q. Thank you. And that was located in the Sequoia
3 during the search, correct?
4 A. Yes, sir.
5 Q. And it was fully loaded at the time?
6 A. Yes, sir. That's my recollection.
7 Q. And y'all did, as part of your investigation, of
8 course, try to check and see who this gun was registered
9 to, correct?
10 A. Registered to? Yes.
11 Q. Okay. And back when it was registered was during a
12 period of time in which Barbara Little and my client were
13 still married?
14 A. That's my understanding of the report.
15 Q. Okay. Part of your investigation you learned that
16 the alarm system was turned off all day, isn't that
17 correct?
18 A. To the best of my memory, yes.
19 Q. At 8:44 a.m.?
20 A. I don't remember the exact time. I think there was
21 a document.
22 Q. [Mr. West] I show the witness defendant's exhibit
23 102.
24 [Whereupon, the witness is shown document]
25 Q. Do you recognize that document?

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1 A. Yes.

2 Q. Is it a true and accurate reflection of the document
3 you just referenced?

4 A. Yes. This is the one that I was referring to and it
5 does appear -- it says 8:44 a.m. September 22nd off.

6 Q. Okay.

7 MR. WEST: At this time defense would move into
8 evidence defendant's exhibit 102.

9 THE COURT: No objection, right?

10 MS. BALDWIN: No objection.

11 [Whereupon, defendant's exhibit number 102 is
12 entered into evidence by the court]

13 Q. [Mr. West] Isn't defense exhibit 102 a log of the
14 alarm system from Barbara Little's house?

15 A. Yes.

16 Q. As the case agent you're aware that a fingerprint
17 was also collected from the door, isn't that correct?

18 A. I am aware that there was a latent print. I believe
19 it was from the storm door, the glass door at the front.

20 Q. Okay. And you're aware that that fingerprint
21 specifically came back as someone other than my client?

22 A. I would have to look at the report again. I do
23 remember reading that it was not of AFIS quality if I'm
24 remembering properly, which means that we were unable to
25 really identify who it was. The wording was funny to me,

1 but I think it said something along the lines -- and if
2 you have the document I'd be able to...

3 Q. Sure.

4 A. I apologize. But I think it was from the inside
5 interior of the storm door, not on the handle, if I
6 remember correctly.

7 [Whereupon, Mr. West reviews documents]

8 Q. You said the fingerprint was located on the interior
9 of the door?

10 A. That's my recollection. Not on the handle. I think
11 it was like the glass part of it. Again, if I could look
12 at the report I think it was more detailed.

13 Q. Okay. Would you like to look at the report?

14 A. Sure if that'll help me answer accurately.

15 MR. WEST: Court's indulgence.

16 [Whereupon, defendant's exhibit number 103 is marked
17 by the court reporter]

18 Q. [Mr. West] I'm going to show you defendant's exhibit
19 103 for I.D.

20 [Whereupon, the witness is shown document]

21 Q. Do you recognize exhibit 103?

22 A. Yes. This is a forensic service laboratory report
23 from SLED, which is South Carolina Law Enforcement
24 Division. One latent lift indicated as coming from
25 interior of glass storm door. It says results, no value

1 for comparison. Do you want me to read them all...

2 Q. Please reference 10.1?

3 A. Okay. So after item 9.2, item 10, then 10.1, latent
4 impression represented on item 10, which is again the
5 interior of the glass storm door, inconclusive based on
6 the quality of item 16, which refers to a known
7 fingerprint card from Ms. Barbara, the victim.

8 And then it says not identified with item 17,
9 Little, General Theophilus, AFIS suitable; item 17 being
10 known fingerprint card bearing the name, General Little.
11 From reading that, I would say that the fingerprint was
12 -- it excluded the defendant as his print.

13 Q. That was located on the interior of the house?

14 A. It's my understanding it was the interior glass
15 storm door there at the front.

16 Q. Did you ever try to figure out whose fingerprint
17 that was?

18 A. Unable to do so.

19 Q. You're also aware that inside the victim's vagina
20 the pathologist located a white substance. You didn't
21 bother to test that for DNA, did you?

22 A. That substance was not tested for DNA based on the
23 fact I had no indication that a sexual assault had
24 occurred.

25 Q. Despite white fluid being in the vagina of the

1 victim?

2 A. I had no indication that a sexual assault had
3 occurred. There was no reason to test that. And any
4 substance that was described to me from the pathologist,
5 through the coroner's office was as a vaginal fluid.

6 Q. You took fingernails clippings from the decedent in
7 the case, collected those. Did you ever have those
8 tested for DNA?

9 A. Those were taken and they're -- every murder case
10 I've worked, every death investigation I've worked, those
11 are always taken as a part of protocol. They were not
12 tested in this case either based on the fact that you are
13 only allowed to send up so many items to SLED. And as
14 part of that, it was prioritized.

15 Some of the items that we did send took precedent
16 over those fingernail clippings. There were no markings
17 on the defendant in my brief time that I had with him on
18 the night of the incident that indicated any kind of
19 altercation. I didn't see any scratching on him or
20 anything like that.

21 Q. You found some hair in the victim's hand; is that
22 not correct?

23 A. I did not.

24 Q. You did not? If a photograph showed hair in the
25 victim's hand, would you agree that there was hair in her

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1 hand?

2 A. I don't know if -- I don't know what it was.

3 Q. Well, do you think that Investigator Meyer would be
4 more suited for that?

5 A. Potentially, yes.

6 Q. If there was hair located in the victim's hands, did
7 you ever test that for DNA?

8 A. I don't believe that was tested for DNA.

9 Q. How many areas in the house were swabbed?

10 A. I don't know. That's a question more suited for
11 Investigator Meyer.

12 Q. Okay. How many times did you interview Kim?

13 A. At least twice.

14 Q. How many times -- were you present when she was
15 interviewed with the Solicitor's office?

16 A. With the Solicitor's office?

17 Q. Right.

18 A. Never.

19 Q. You're aware that Kim disclosed to the Solicitor's
20 office a suspicious tan vehicle that pulled into
21 Barbara's driveway the day of the incident. Did you ever
22 try to locate any suspicious tan vehicles?

23 A. I remember a conversation with Kim. I don't believe
24 it was on the night of the incident, but as the
25 investigation went along, that she had mentioned

1 something about a car -- the description wasn't as in-
2 depth as what she advised or disclosed to the Solicitor's
3 office.

4 Through canvassing the area and talking to or at
5 least attempting to talk to residents in the
6 neighborhood, we were unable to locate any kind of
7 suspicious vehicle or anything to get traction on that
8 lead to go forward.. So no vehicle was ever located.

9 Q. Since learning of that disclosure have you since
10 tried to locate the suspicious tan vehicle?

11 A. I'm sorry. Could you repeat that?

12 Q. Since learning of the suspicious tan vehicle, did
13 you ever try to locate that since Kim's most recent
14 disclosure?

15 A. From a week ago? No.

16 Q. Yes?

17 A. No. No, sir. I'm sorry; no.

18 Q. You and detectives canvassed the neighborhood, is
19 that correct?

20 A. Detective Goldstein mostly was tasked with that.

21 Q. You never learned of anybody that saw my client at
22 the house during the time of the incident?

23 A. No one saw anything, your client being there or
24 anyone being there or not being there. They didn't have
25 anything remarkable.

1 Q. Earlier you testified about Doctor Little's phone.

2 I'm going to show you some records.

3 MR. WEST: I'm going to mark defendant's exhibit...

4 [Whereupon, defendant's exhibit number 104 is marked
5 by the court reporter]

6 Q. [Mr. West] I show you defendant's Exhibit 104.

7 [Whereupon, the witness is shown document]

8 Q. Do you recognize this document?

9 A. This looks like a -- it's highlighted Doctor
10 Little's phone, but without me knowing that it -- with
11 the phone number. I'm sure it's in here somewhere but it
12 ---

13 Q. --- can you reflect back on your reports to see the
14 phone number that's associated with those reports? You
15 testified earlier to what Doctor Little's phone number
16 was.

17 A. Yeah, correct, but I'm not seeing the phone number
18 on here. I'm going to take it at face value, obviously,
19 but I believe this to be a -- the PDF file with the
20 printout of what the forensic phone dump is, and this
21 would be for Doctor Little's phone.

22 Q. To the best of your inspection, this is a true and
23 accurate copy of those phone records?

24 A. To the best of my knowledge. Yes, sir.

25 Q. Okay.

1 MR. WEST: I'd like to introduce exhibit 104?

2 MS. BALDWIN: I'd object, Your Honor, only because
3 it's a highlighted copy. If he could put a clean copy
4 into evidence, that would be -- I have no objection.

5 THE COURT: Well, what's highlighted?

6 MR. WEST: There's some things that I was going to
7 get him to testify to, Judge. We can certainly
8 supplement a clean copy.

9 MS. BALDWIN: We can print it out later if he wants
10 to talk about it now.

11 THE COURT: All right. Go ahead.

12 MR. WEST: Okay. So for the record, I'm going to
13 enter 104. And at a later time we'll supplement with an
14 un-highlighted copy.

15 THE COURT: All right. Okay.

16 [Whereupon, defendant's exhibit number 104 is
17 entered into evidence by the court]

18 MS. BALDWIN: I'd object to it being published to
19 the jury.

20 MR. WEST: I realized that.

21 MS. BALDWIN: Thank you.

22 Q. [Mr. West] I'm not going to publish it but I just
23 want to talk about it.

24 THE COURT: I think this would be a good time to
25 take an afternoon break and everything and all. So let's

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1 go to the jury room for about a ten minute break.

2 Remember where you were, okay, Mr. West?

3 MR. WEST: Thank you, Judge.

4 [Whereupon, the jury exits at 3:03 p.m.]

5 [Whereupon, court is in recess from 3:03 p.m. until
6 3:15 p.m.]

7 THE COURT: Thank you. Bring the jury in.

8 [Whereupon, Mr. Muirheid comes forward and retakes
9 the witness stand]

10 [Whereupon, the jury enters at 3:17 p.m.]

11 THE COURT: All right. You've got the jury back with
12 us. You may continue to examine the witness.

13 MR. WEST: Thank you, Your Honor.

14 CROSS-EXAMINATION (resumes)

15 BY MR. WEST:

16 Q. Just to refresh where we were, I was getting you to
17 look at exhibit 104. It's the phone records of Doctor
18 Little's phone?

19 A. Yes, sir.

20 Q. During your direct you specifically referenced the
21 text messages from September 22nd, 2015 about 1:51 p.m. I
22 don't think you went through what those text messages
23 actually said. The call detail reports indicate that
24 these messages were sent but not replied to; can we
25 agree?

1 A. According to this, yes.

2 Q. Okay. So at 1:51 p.m. a message came in that said
3 I'm not giving her a nickel if she sues your estate. At
4 14:05, the only asset you have close to that amount is
5 your mom's house. And the only asset you have -- and it
6 looks like there are two versions of that specific text.

7 I'm not giving her a nickel from the life insurance.
8 She will never come before my kids. She's trying to give
9 you a heart attack. Would you agree with me that that's
10 the phone records that you testified about that we're
11 talking about?

12 A. I agree with you.

13 Q. Okay. And during your examination it was revealed
14 to you that those messages came from my client's wife,
15 Carla?

16 A. Yes.

17 Q. Okay. You also stated that you examined Kim's phone
18 records in your previous testimony. And you would agree
19 with me that they indicate that she was located at 2151
20 Pinehurst Drive for several hours prior to going to IHOP?

21 A. I'd have to -- do you have that report?

22 Q. Did you ever go to 2151 Pinehurst Drive?

23 A. No.

24 Q. Did you ever try to figure out who lived there?

25 A. I'm uncertain if it's a residence or if it was a

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1 location of an actual phone tower. I do not know.

2 Q. Okay. You heard Agent Simmonds come testify about
3 some phone records. Did you ever learn if he did any
4 investigations into those records and the whereabouts of
5 that phone?

6 A. I do not know.

7 Q. Did you ever get SLED or the FBI to do a wound
8 examination in order to try to narrow down the type of
9 weapon that would have been used?

10 A. Are you talking about on Ms. Little's -- the wounds
11 from her head?

12 Q. Yes?

13 A. No.

14 Q. You testified that you interviewed Chris, Kim, and
15 Adrienne on September 23rd about 2:00 p.m. that afternoon,
16 round about that time. Do you recall when Kim asked you
17 if there was a second person involved you replied there
18 could have been five?

19 A. I don't recall that, but it was recorded. If you're
20 saying that that's accurate then I'm sure you're telling
21 the truth.

22 Q. In that interview about fifty-eight minutes in do
23 you recall stating at this point I have one suspect,
24 okay? I have to be very careful not to -- because,
25 believe it or not, this kind of shit, this crazy kind of

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1 stuff has happened before and I've been totally wrong.

2 A. I believe that that was said. The context of that
3 would have been in that situation my attempt to explain
4 to the family not to jump to conclusions that it was
5 their father that murdered their mother.

6 I was also trying to be as real with them as I
7 possibly could be in answering their questions because
8 obviously, there's some things that I cannot divulge to
9 them while the -- during the course of the investigation.

10 Q. You never want to jump to conclusions, do you?

11 A. No, you do not.

12 Q. Thank you.

13 MR. WEST: No further questions of this witness.

14 THE COURT: Anything on redirect?

15 MS. BALDWIN: Yes, sir.

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REDIRECT EXAMINATION

BY MS. BALDWIN:

Q. Detective Muirheid, why did you arrest the defendant?

A. I arrested the defendant because of the preponderance of the evidence. There was no other person that committed this crime. The defendant killed Barbara Little. That's why he was arrested.

Q. I believe there was some questions about 2151 Pinehurst Drive and Kim's phone. Is that the location of her or of the tower; do you recall?

A. I don't know the answer to that without looking at the records. In the past other records I've looked at, any kind of address like that has been the actual tower not a location like a person's residence or whatever your house number is.

Q. I believe Mr. West was making a deal about some of the comments you made to the family when you interviewed them. What was the context of those comments?

A. It was like I said. It was the next day. They'd found out their mother was murdered, regardless of who it was by. It's a very delicate conversation that you're having with these people. I wanted them not to jump to conclusions that it was their father. I wanted them to keep an open mind the same as I was keeping an open mind

1 as much as I could. But what would be referred to as
2 tunnel vision is actually, in the way I operate, it's a
3 funnel. Meaning the information comes in and then you
4 eventually have to get to somebody.

5 And if all the information that you have is pointing
6 to the defendant, then that is the person that is guilty
7 of murder. That is the person that you arrest and that
8 is what was done in this case. And I was just -- any
9 kind of language like that, I'm just trying to relate
10 with people. It's just a tough conversation to have.

11 Q. Continuing with that interview, I believe Mr. West
12 mentioned a notebook that you were writing in.

13 A. Okay.

14 Q. That interview was recorded?

15 A. The interview's recorded.

16 Q. Okay. To your knowledge, was there any indication
17 that there was -- to the victim and her attacker there
18 was any fighting or any mutual combat or anything like
19 that?

20 A. I have no way of knowing that.

21 Q. Okay. Who was that gun registered to that he had
22 you show?

23 A. If I remember correctly it was registered to Barbara
24 Little.

25 Q. And there were some references to text messages from

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1 Carla?

2 A. Yes.

3 Q. Before that, are there some missed calls?

4 A. Missed calls from Carla?

5 Q. Yeah?

6 A. I don't know -- I'd have to look at the report
7 exactly.

8 Q. Do you have that report in front of you still?

9 A. No, I don't.

10 Q. Okay. I'm showing you defendant's exhibit 104.

11 [Whereupon, the witness is shown exhibit]

12 Q. Okay. Mr. West pointed out, I believe, these text
13 messages?

14 A. Yes.

15 Q. What immediately precedes the I'm not giving her a
16 nickel if she sues your estate.

17 A. Staring at 13:46, which is 1:46 p.m. on to 13:49,
18 which is 1:49 p.m. on the day that Ms. Barbara was
19 murdered, it looks like there are two missed calls from
20 Ms. Carla. And then it looks, from what I'm seeing that
21 two calls were completed with the time stamp off to the
22 right. That's usually the duration.

23 Q. And when it says message from recovers on the text
24 messages, what does that mean; do you know?

25 A. That means they were deleted.

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1 Q. Do you recall what time that Rule to Show Cause was
2 served on the defendant's household?

3 A. The specific time, I do not. But I know it was
4 within minutes that those phone calls that were shot off
5 from Ms. Carla to the defendant.

6 MS. BALDWIN: Court's indulgence.

7 [Whereupon, Ms. Baldwin and Mr. Sowards confer]

8 MS. BALDWIN: I have no further questions.

9 THE COURT: Thank you very much. You can return to
10 your place.

11 [Whereupon, the witness is excused and exits the
12 witness stand]

13 THE COURT: Call your next witness.

14 MR. WEST: Thank you, Your Honor. We call
15 Investigator Erin Meyer.

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1 MR.. WEST: Judge, I believe there's an issue of law
2 that needs to be addressed.

3 THE COURT: All right. Members of the jury panel, I
4 need you to go out in the hallway for a little while.

5 [Whereupon, the jury exits at 3:30 p.m.]

6 THE COURT: All right. Mr. West, what would you
7 like to say?

8 MR. WEST: Judge, I believe before this witness
9 testifies we might need to proffer some testimony. I
10 believe that there are some substantial issues in the
11 chain of custody of some of the evidence in the case.

12 THE COURT: Okay. What do you think those issues
13 are?

14 MR. WEST: Well, specifically, the evidence,
15 particularly where there's blood evidence, which is noted
16 in our laws as fungible, evidence was not turned in for
17 several days after it was collected.

18 THE COURT: All right. Well, I guess we have to go
19 through it.

20 MS. BALDWIN: If Your Honor would like to proffer
21 her testimony, I'm more than happy.

22 THE COURT: All right. Let's go ahead and swear
23 her.

24

25

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1 CLERK OF COURT: Sure.
2 [Whereupon, Ms. Meyer comes forward]
3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: State your full name for the
6 record spelling your last name and speak into the
7 microphone so we can hear you.

8 THE COURT: You'd better take this jury down to
9 their jury room for awhile.

10 - - - - -

11 ERIN MEYER,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 PROFFER DIRECT EXAMINATION

15 BY MS. BALDWIN:

16 Q. Investigator Meyer, where did you work in 2015?

17 A. I think she needs me to state my name and spell it.

18 Q. Oh, I thought you already did that.

19 A. I'm sorry. I haven't yet.

20 THE WITNESS: My name is Erin Meyer. My last name
21 is spelled M-E-Y-E-R.

22 Q. [Ms. Baldwin] And where you working in September of
23 2015?

24 A. The Charleston County Sheriff's Office in the
25 forensics division.

1 Q. Okay. Did you collect some evidence in this case?

2 A. Yes ma'am, I did.

3 Q. What exactly did you collect regarding blood
4 evidence for the purpose of this hearing?

5 A. I collected -- I can go off the top of my head for
6 the first part -- I collected blood swabs from the
7 vehicle. I collected blood swabs from other items ---

8 Q. --- do you need to refer to your report?

9 A. Sure. I collected blood swabs from the shoes, from
10 the vehicle, from jewelry.

11 Q. And when you say swabs from the vehicle, what
12 vehicle are you referring to?

13 A. The defendant's vehicle.

14 Q. Okay.

15 A. The Toyota, Sequoia.

16 Q. Okay. Swabs from shoes; what shoes are you
17 referring to?

18 A. The defendant's shoes.

19 Q. Okay. Where did you observe those shoes?

20 A. In the defendant's residence.

21 Q. There are several in this bag, but I'll show you --
22 I'm going to show you what's been marked for I.D. only as
23 State's Exhibit 117, 118, and 119. They're also in a bag
24 with State's Exhibit 116.

25 [Whereupon, the witness is shown exhibits]

1 Q. What are these?

2 A. Item 162104 is a blood swab from the front right
3 shoulder area of the front passenger seat of the Toyota.

4 Q. Continue.

5 A. And the second item that is in this package is item
6 number 162048, is a blood swab from the interior side of
7 the driver door of the Toyota. The third item in this
8 package is item number 162004, a blood swab from the
9 front lower step of the porch.

10 And the fourth item inside this bag is item number
11 162050, a blood swab from the front interior left -- from
12 interior side of left shoe.

13 Q. And how did you collect -- did you collect any of
14 those swabs?

15 A. Yes ma'am.

16 Q. Okay. How do you go about collecting those items?

17 A. Once we identify what we -- these particular ones or
18 just a swab in general?

19 Q. In general and those in particular?

20 A. Okay. Once we've identified there possibly being a
21 sample or something that you want to collect with a swab,
22 you switch out gloves. If it requires sterile saline put
23 on the end of the swab, then you would use saline and you
24 swab it. And then it immediately goes inside of what we
25 call a swab box and then that box gets put inside of an

1 envelope, which gets sealed, packaged, transported back
2 to evidence, entered in the computer.

3 Q. And is that what you did in this particular case?

4 A. Yes ma'am.

5 Q. Okay. How do you preserve that evidence?

6 A. There's -- it goes on and on. You keep it in a
7 temperature controlled environment. They're packaged
8 separately from anything else that can have cross
9 contamination.

10 They're packaged in an area -- they were packaged in
11 an area when I was in forensics where swabs got put into
12 a refrigerator, so they were controlled. There was no
13 need to go back into the packaging for any reason nothing
14 -- you don't have to ever open it again. Once it's
15 sealed, it's done. There's several, numerous steps that
16 we take to preserve evidence.

17 Q. When did you collect those items?

18 A. I believe that -- I think I collected two of the
19 four out of this package?

20 Q. Would it help you if you opened it up and looked at
21 them?

22 A. Maybe. But I'm pretty sure that there's nothing --
23 two of them were collected from the scene that I wasn't
24 on. These two [indicates] were the ones that I
25 collected.

1 Q. What about the interior side of the driver's door?

2 A. Yeah. I'm sorry. The ones in the Toyota are the
3 ones that I collected.

4 Q. Okay.

5 A. And then the shoes. The one from the lower step of
6 the porch, I did not.

7 Q. So there are four items in there. Three of them you
8 collected, one you did not?

9 A. Correct.

10 Q. Those items that you collected, were they packaged,
11 collected and packaged pursuant to the procedure you
12 articulated?

13 A. Yes ma'am.

14 Q. Okay. What did you do with them when you collected
15 them? You brought them to your?

16 A. They're taken back to the forensics department and
17 transported and in chronological order we get them
18 entered into the computer, submitted into evidence so if
19 they need further processing or storage, it can be done.

20 Q. Okay. What was done with those particular items?

21 A. From what I recall, the blood swab, item 162104, the
22 blood swab that I collected from the front passenger seat
23 of the Toyota was packaged that evening in an envelope
24 and a swab box and transported back to evidence, along
25 with the rest of the evidence we collected. The second

1 one, the interior side of the driver door of the Toyota
2 same thing; it was packaged individually, put with our
3 evidence and was transported back to forensics as I
4 recall that morning since we were out there all night.

5 And the swabs from the interior left side of the
6 shoe -- I can check because this may be the one that I
7 collected the night on scene.

8 [Whereupon, witness views the exhibit]

9 A. Yeah. Item number 162050 is the swab that I
10 collected from the shoe on scene. And it got -- well, I
11 actually collected two swabs. One was used for field
12 testing; the other one was preserved for evidence. And
13 it got packaged and taken back to evidence and was listed
14 in the computer.

15 Q. A sterile environment?

16 A. Yes ma'am. It's a protected, controlled
17 environment. We use -- we switch out gloves between
18 swabs if there's any handling of initial evidence and
19 it's packaged separately and sealed and carried back to
20 -- we transport that evidence back to the evidence
21 compound.

22 Q. And it's a secured location?

23 A. Yes. There's only -- only the investigators inside
24 that facility have access to that facility.

25 Q. What was done with those swabs?

1 A. I think -- these swabs went back. And what we do is
2 we have a temporary holding area. It's like what we call
3 validation room number 2. When we come back from scenes
4 and we have an immense amount of evidence it gets
5 actually stored inside the facility inside that room
6 locked until, you know, if we're going home for the
7 evening or for the afternoon or something and come back,
8 then we have time to go back through it and enter it in
9 the computer.

10 All this evidence was brought in and it was put
11 down on the counter because I knew there was stuff we
12 still had to photograph and process further. So
13 everything was put in that room.

14 And then I think as we got through it, we did enter
15 it in the computer. Everything in there is a temperature
16 controlled environment. It's secured. It's secured by a
17 key code and a badge and a key. And you have to punch in
18 a lock.

19 Q. Where were those items eventually transported to?

20 A. I believe that several of the items were transported
21 to SLED.

22 Q. Okay. By whom? Do you recall?

23 A. I believe -- I think -- I had a guy in training with
24 me, Balzano, and I think Jason Riley went with him. They
25 went together. And I think there were numerous trips

1 made and I'm not sure which ones went on which trip, but
2 I think Jason took some, Balzano took some and maybe
3 Kathy took some.

4 THE COURT REPORTER: I'm sorry; who?

5 A. Kathy.

6 Q. [Ms. Baldwin] Would SLED have accepted those items
7 if they'd been contaminated or damaged in any way to your
8 knowledge?

9 A. No. You cannot submit items that are not sealed or
10 suspicious in any way to SLED. Everything has to be
11 sealed, initialed and dated.

12 MS. BALDWIN: Court's indulgence?

13 [Whereupon, Ms. Baldwin and Mr. Sowards confer]

14 Q. [Ms. Baldwin] Do you recall what day the items were
15 entered into the computer?

16 A. The three that I collected I can tell you.

17 [Whereupon, witness views the exhibit]

18 Q. And when I say entered into the computer, what are
19 we talking about?

20 A. Well, if you go by the evidence sheet it can be kind
21 of confusing because on occasion you'll have an officer
22 that will submit items into evidence and they go on the
23 computer and they log it in. And then it gets put into a
24 locker or a locked central facility. And then when the
25 officers -- the investigators come and get it out, it's

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1 then validated. I think on here it looks like it's
2 entered -- submitted by entered, but that's actually like
3 validated. So this 162104, I submitted into evidence --
4 that means I just entered it in the computer on 9/28 of
5 2015.

6 Q. All right. Please continue?

7 A. Oh, okay. And 162048 entered into the computer on
8 9/25 and validated at the same time. And then 050
9 entered in the computer on 9/25 and validated the same
10 day.

11 Q. Does that mean that's when it was collected?

12 A. No, ma'am. There's a collection date and time in
13 the chain of custody underneath that.

14 Q. Okay. So what are the dates of collection for those
15 items?

16 A. Okay. On 050 collection date was 9/23/2015 at 04:15
17 in the morning. And then on 048, collection was on
18 9/23/2015 at 3:00 in the morning. Item 104 was also
19 collected on 9/23/2015 at 03:00 in the morning.

20 What happens a lot of times is there's other
21 evidence that gets submitted by -- it might be detectives
22 or other people. And so in order to try and keep just
23 one person handling evidence, you know, if we've worked a
24 certain amount of hours, we're required to go home. And
25 we may not be back the next day to enter in our own

1 evidence that we've collected from the scene. So
2 sometimes there's a delay of a day or two in processing
3 that we have to submit those things into evidence.

4 THE COURT: Let me see if I can help you. You
5 collected these three things, as you said on the 23rd.
6 You took them back to your headquarter or whatever. What
7 did you do with them when you got there?

8 THE WITNESS: They went into a locked room into a
9 controlled environment.

10 THE COURT: All right. Okay. And then when did
11 they come out?

12 THE WITNESS: Well, they're in there with us.

13 THE COURT: I understand that.

14 THE WITNESS: Okay. They come out -- you mean like
15 they get put up for storage?

16 THE COURT: You sent them to SLED?

17 THE WITNESS: Oh, right.

18 THE COURT: When did you send them to SLED?

19 THE WITNESS: They went to SLED on the 29th.

20 THE COURT: All right. Did anybody have anything to
21 do with them between the 23rd and the 29th when you sent
22 them to SLED?

23 THE WITNESS: Yes, sir.

24 THE COURT: What? Who?

25 THE WITNESS: Me, when I validated it. So it would

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1 have required me taking this envelope out, entering it in
2 the computer ---

3 THE COURT: --- what do you mean by validated?

4 THE WITNESS: So officers make a submission into
5 evidence and it prints out this form. So we print out
6 this form. And then once the actual forensic
7 investigators in the unit have physical custody of that
8 item, it's validated. It's now in my custody and this
9 label goes on it.

10 THE COURT: Did anybody have custody of it, anything
11 to do with it, other than you?

12 THE WITNESS: No sir, just me.

13 THE COURT: How about cutting to the chase.

14 MS. BALDWIN: Well, I think that was about it Your
15 Honor, I was just finishing up my questions.

16 MR. WEST: Judge, I have a brief, a couple of brief
17 follow up questions.

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PROFFER CROSS-EXAMINATION

BY MR. WEST:

Q. So just to clarify, the testimony is that the two swabs from the Toyota were put into evidence on the night of the incident, but not submitted into the computer until two days after?

A. Correct.

Q. Okay. Now, the Toyota itself was put in when?

THE COURT: What do you mean put into evidence?

MR. WEST: Well, that's what I'm trying to figure out, Judge.

THE WITNESS: There's a ---

Q. [Mr. West] They collected the Toyota Sequoia, correct?

A. Uh-huh.

Q. And where was it stored once you confiscated it?

A. We bring vehicles into the evidence compound and they are stored in a bay, locked environment, gate, chain link fence.

So it was transported that night of the -- I guess the 23rd, to the forensic evidence division. And it was locked inside those gates. It looks like I entered it in the computer on the 28th, 9/28.

Q. So what did you testify was entered on October the 5th?

1 A. [No response]

2 Q. Based on your previous testimony one of the objects
3 that you're about to testify to was entered October the
4 5th? Is that shoes?

5 MS. BALDWIN: Your Honor, maybe it's something that
6 actually has been excluded. Are you referring to the
7 rings?

8 A. I don't recall what I referred to as being something
9 on October 5th?

10 Q. Its 162269, swab number 1, top of left shoe,
11 submitted 10/5?

12 A. I'm sorry?

13 Q. 162269, swab number 1, top of the left ---

14 A. --- that's not any of the three that I've been
15 referring to.

16 Q. Okay.

17 A. So I don't ---

18 Q. --- so they're different swabs?

19 A. I don't know what.

20 Q. Of the same shoes?

21 A. Correct. That's why I gave you -- the swab off the
22 shoe I'm referring to is 050.

23 Q. 050 is the ones you intend on testifying to?

24 A. I don't -- I know I collected additional swabs but
25 those were -- that was for processing -- we did further

1 processing on those items. Like I said, some things are
2 ready to be stored, entered and or sent off. And then
3 other things require additional processing.

4 So at some point I collected the additional swabs
5 after everything was already in evidence. Could that --
6 you want me to talk about that; but that's not one of
7 these.

8 Q. Okay. Would you mind if I see the exhibit that the
9 Solicitor passed up?

10 A. Sure.

11 [Whereupon, Mr. West reviews exhibit]

12 Q. And your testimony is that Balzano submitted the
13 swab from the front porch and you could not testify as to
14 that one?

15 A. Right. I know I returned back on scene that morning
16 and I'm pretty sure I can -- I mean, that's what they
17 have documented. What's the barcode on the item number,
18 the item number?

19 Q. Number 162004.

20 A. Yes. On 9/23 Balzano collected at 03:55 hours. And
21 then he submitted it into evidence on the 24th. And then
22 he validated it at the same time. The computer does it
23 at the same time if it's us.

24 Q. Okay.

25 MR. WEST: Thank you, Your Honor. I think that's

1 all the questions we have on this.

2 THE COURT: All right. Bring the jury back in.

3 [Whereupon, the jury enters at 3:51 p.m.]

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1 THE COURT: All right. We've got the jury with us.
2 And this is the next witness. Swear her in, please.

3 [Whereupon, the witness was duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please state your full name for the
6 record spelling your last name for us, please?

7 THE WITNESS: My name is Erin Meyer. My last name
8 is spelled M-E-Y-E-R.

9 - - - - -

10 ERIN MEYER,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MS. BALDWIN:

15 Q. Ms. Meyer, where do you currently work?

16 A. I currently work for the Charleston County
17 Solicitor's Office as an investigator.

18 Q. Okay. Where did you work at in September of 2015?

19 A. The Charleston County Sheriff's Office as a forensic
20 investigator.

21 Q. What does a forensic investigator do?

22 A. It's a crime scene unit. We process crime scenes,
23 preserve evidence, investigate scenes and process
24 fingerprints and stuff like that.

25 Q. Okay. Just generally speaking, how does one go

1 about processing a scene?

2 A. We arrive on scene and this is done throughout. We
3 arrive on scene. We speak with detectives or officers,
4 whoever's on scene and we go through a series of, I
5 guess, details.

6 And then we start photographing. We photograph
7 everything involved the scene that we know about prior to
8 manipulating, touching or moving anything. But then
9 during that process of photographing, we start to look
10 for and identify things that we want to process; weapons,
11 and stuff like that.

12 And then there's a collection process that we do and
13 a preservation part and package it and then it's
14 transported and taken back to the forensic services unit
15 evidence compound where things are stored or processed
16 further.

17 Q. And when you process a scene, what are you wearing?

18 A. Uniforms.

19 Q. Okay. Do you have any protective gear on?

20 A. Yes, ma'am. If it's needed we have face masks, but
21 we are always wearing gloves and boots, pants.

22 Q. And why do you do that?

23 A. Well, it's to keep from any kind of cross
24 contamination or anything that you may leave or you may
25 be subjected to. It just preserves the evidence.

1 Q. How did you become involved in this particular case?

2 A. I was on call that week and this was our second
3 call-out that day. So we got called out myself and I had
4 a trainee with me when we got called to process this
5 scene.

6 Q. Who was that trainee?

7 A. Stephen Balzano.

8 Q. How long had he been on the job?

9 A. Two weeks.

10 Q. What did you do when you first arrived at the scene?

11 A. When we arrived on scene we spoke with the
12 detectives and officers that were there, command that was
13 there, supervisors were there, in reference to what they
14 needed and what was going on and what was going to
15 happen.

16 Q. Did you go inside the scene?

17 A. We did. The coroner was on scene. She had not been
18 in yet but we were told that there was a deceased
19 individual inside and that there was a lot of blood. And
20 so she and I made the decision to walk through together
21 and photograph everything prior to going in.

22 So as we moved through I photographed, and then she
23 and I walked through it together, and then from that
24 point tried to develop a game plan and how you're going
25 to handle it and process the scene. Traditionally, the

1 deceased on a scene is processed first so they can be
2 transported to MUSC, and then we'll start processing the
3 scene itself.

4 Q. Why do they get transported to MUSC?

5 A. That's where the -- they're going to the, I guess,
6 deceased area prior to having an autopsy or the medical
7 examiner conducting an autopsy on them.

8 Q. Okay. Ms. Meyer, I'm going to show you State's
9 exhibits 10 through 22. 10 is already admitted but 11
10 through 22 are for I.D.

11 [Whereupon, the witness is shown photographs]

12 Q. Can you tell me what those are?

13 A. These are photographs from the scene.

14 Q. At 2317 West Palmer?

15 A. Yes, ma'am.

16 MS. BALDWIN: At this time I'd like to admit State's
17 11 through 22 into evidence.

18 MR. WEST: No objection from the defense.

19 THE COURT: No objection.

20 [Whereupon, State's exhibit numbers 11 through 22
21 are entered into evidence by the Court]

22 [Whereupon, photographs are shown individually on
23 screen]

24 Q. [Ms. Baldwin] Let's start with State's Exhibit 10.
25 What's that?

1 A. These are part of the -- when I'm talking about we
2 do overall photographs before we touch or move anything.
3 This is the exterior of the residence standing at the
4 roadway or close to the roadway, photographing the front
5 of the residence.

6 Q. And as we go through instead of me asking what's
7 that several times, why don't you just tell us, if you
8 don't mind, what we're looking at.

9 A. Yes, ma'am.

10 Q. What about State's 11?

11 A. This is the approach to the front door with the
12 front porch concrete, front door, storm door and the
13 bloody towel.

14 Q. Okay. Can you point out on there what the bloody
15 towel is that you're talking about?

16 A. I mean, you can see several inside there
17 [indicates]. We're photographing our approach,
18 documenting items in case they get moved when we go
19 through.

20 So this -- we photographing that the towels
21 partially coming out of the door and then you've got
22 bloody towels in the front that you can see through the
23 front storm door. There's some blood drops here
24 [indicates] on the front porch.

25 Q. State's Exhibit 12?

1 A. This is the front foyer once you enter the storm
2 door. I'm photographing the blood soiled towels.
3 There's a blanket here [indicates] that's got blood on
4 it.

5 We've got some spots of blood that looks like its
6 maybe being cleared up, attempt to clean up, but there's
7 some kind of lost in the crevices. That's flagstone and
8 it's kind of got some deep crevices in it and you've
9 blood spatter back here [indicates] and you've got blood
10 smears on the walls.

11 Q. And State's 14?

12 A. This is the front door right here. You come in the
13 front door so this was going to be on your left. And
14 this [indicates] is a dining area. You've got blood
15 smears and the bloody towels, coagulated blood, blood
16 spots, blood spatter.

17 Q. Let's go back to State's 13 real quick. Where is
18 that in relation to what we were just looking at?

19 A. It's right here [indicates].

20 Q. Okay. That's where we were just looking?

21 A. Yeah. We're standing at the front door. So we
22 would come in the front door and the photograph was from
23 the other direction, pointing back towards the front
24 door.

25 Q. What's there?

1 A. Blood, blood, blood smear, blood spatter on the
2 walls. You've got blood on the plastic of the shutters,
3 blood drops, blood transfer.

4 Q. When you saying smear, spatter, transfer, what are
5 you talking about?

6 A. Transfer is if you have blood on the surface of
7 something and you rub up against something, you transfer
8 that blood to that wall, tile, blanket. The blood soiled
9 you know, and then you've got spatter.

10 It's a lot like when you jump in a puddle. You
11 stomp in a puddle the little drops that come off of the
12 puddle that land on things, we call that spatter. It's
13 what happens when there's a pool of blood and something
14 gets dropped in it or, you know, for some reason it's on
15 an object and it gets projected somewhere. It lands on
16 the walls and you get little drops of spatter.

17 You've got coagulated pools down here [indicates],
18 thick pools that have started to dry. Something like
19 when you get a bloody nose it coagulates. And then we've
20 got drips on the tiles.

21 We've got some that was absorbed up into the quarter
22 round down there [indicates] at the bottom of that wall.
23 All of it is transfer. It's no longer on its original
24 source. It's been transferred to another surface.

25 Q. Okay. State's exhibit 15?

1 A. You've got spatter on the walls over here
2 [indicates]. You've got some smudge marks that you can
3 see just under the mark, the red mark that I put there.

4 You've got what appears to be was a pool that's
5 partially been cleaned up and there's still some blood
6 left down the side. You've got drips. You've got the
7 stuff that's seeped into the crevices of areas and you've
8 got a lighter here.

9 Q. And State's 16?

10 A. That's for the most part all spatter. And we've got
11 like transfer a smudge down here [indicates]. These are
12 on the walls and the floor. And drips and drops of
13 spatter on the floors and on the wall.

14 Q. Okay. Drips and drops are just like what they sound
15 like?

16 A. Yeah. You've got drips onto the floor off of
17 something. And you've got spatter that's been projected
18 onto the wall.

19 Q. And State's 17? Where are we now?

20 A. This is -- can we go back to the other one?

21 Q. Sure. What about State's 15?

22 A. Okay. So you see this little white -- this white
23 box over here [indicates]? That's a cigarette pack. So
24 the front door would be behind this [indicates] and we're
25 going to move forward to the foyer and you can turn right

1 and go down the hall. So the next picture showed the
2 doorway into the, I guess, living area.

3 Q. Okay. What's on the left there [indicates]?

4 A. Yeah. So there's [indicates] the white pack of
5 cigarettes that would be in the living area. This
6 [indicates] is the hallway, headed down the hallway to
7 the bathroom. And you can see you've got blood drops on
8 the floor and you've got some spatter on the walls and on
9 the door trim.

10 Q. State's 18?

11 A. So we're still headed down the hall. We've got some
12 transfer and some smudges on the walls. We've got some
13 drips here [indicates] on the floor. And you've got --
14 we got ---

15 Q. --- how high -- I'm sorry. Go ahead.

16 A. Once you get around this [indicates] corner, the
17 bathroom is right over here [indicates] on your right.

18 Q. And about how high up off the floor are those marks
19 along the sides?

20 A. These ones [indicates]?

21 Q. Yeah ---

22 A. --- well, I guess if you figure those are four-inch
23 -- I wasn't on scene for the measurements. But if you
24 figured out it's a four-inch baseboard or 4 or 5 inch
25 baseboard and maybe within 9 or 10 inches. And they're

1 on the baseboard on the other side, so it would be 3 to 4
2 -- 2 to 4 inches.

3 Q. So pretty low to the ground?

4 A. Yeah.

5 Q. State's 19? What were you trying to capture there?

6 A. You've got some blood drops, and then you've got a
7 drop here [indicates] in the center. And then you've got
8 what we call a shoe wear print that has been transferred
9 in blood. So it was on the bottom of a shoe when they
10 stepped in blood and then left this print on the floor.

11 Q. State's 20?

12 A. This is -- when you go around the corner, here's
13 [indicates] the bathroom on your right and this
14 [indicates] is where we found the victim, the deceased.
15 And we've got blood on the door jamb, blood on the floor,
16 blood on her, blood on her hands, blood drops.

17 Then we've got some smears and some -- like look up
18 underneath her head and she's got smears from her elbow
19 from blood being transferred or drug or smeared in the
20 bathroom.

21 Q. And State's 21, what is that?

22 A. This is her knee and she's got blood here and she's
23 got blood here [indicates] and she's got blood that has
24 been transferred in one way or another.

25 Q. Did you take more pictures than this at the scene?

1 A. Oh, yes.

2 Q. Does this give you an overview of the scene?

3 A. Pretty good, yes.

4 Q. State's 22, what is that?

5 A. It is a photograph of the front porch. We were just
6 photographing the blood drops on the front steps onto her
7 porch.

8 Q. Now, you mentioned you weren't there for the
9 measurements of the scene. So did you finish processing
10 it?

11 A. No, we had to call out another investigator. We had
12 -- the lieutenant on the scene mentioned that they needed
13 a search warrant executed -- they needed a search warrant
14 executed at the ex-husband's residence. And I had a
15 trainee with me and this scene clearly needed processing,
16 so we contacted -- the lieutenant contacted and called
17 out an additional investigator.

18 My trainee was left on that scene with Paul
19 McManigal who was called out because it was going to be a
20 very intense learning experience dealing with that kind
21 of scene. And so I went to go do the search warrant and
22 left Balzano there with Paul McManigal and they
23 continued, they processed the entire scene.

24 Q. Okay. Where did you go?

25 A. I proceeded to 223 Burnham Court to the suspect's

1 residence.

2 Q. And what did you do when you got there?

3 A. When I arrived on scene I spoke with the detectives
4 that were there in reference to what needed to be done.

5 You know, did we have a search warrant? What was going
6 on? What did we have here? What are we looking for?

7 So when I got on scene I spoke with, I think,
8 several detectives and a deputy was on scene. And I
9 spoke with them about what they had and what we needed to
10 do.

11 Q. So what did you do?

12 A. They mentioned -- first off they mentioned -- my
13 first question is are we getting a search warrant. They
14 mentioned they were getting a search warrant and what all
15 it would include. Sometimes it includes specific garages
16 or stuff like that.

17 This one included vehicles and they made mention
18 that they had located and found something inside the
19 vehicle that looked like -- that they believed to be
20 blood, looked like blood. The vehicle was parked in the
21 driveway so once we established the search warrant was
22 signed we began processing.

23 Again it starts with a series of overall
24 photographs, interior, exterior, driveway, garages, all
25 that kind of stuff. In this particular situation we had

1 decided to -- there was reason to believe the Toyota
2 Sequoia belonged to the defendant, the suspect and we had
3 decided that we would take it and transport it back to
4 the forensic services division. We would have it stored
5 where we could conduct a more thorough search warrant on
6 it.

7 It was going to need to be processed with chemicals
8 and stuff that aren't -- don't do well when you have to
9 do them out in the environment. You need to do them in a
10 closed area and it needs to be dark and that kind of
11 stuff. So better processing is going to happen at
12 forensics.

13 So there was the initial processing of the vehicle
14 and the collection of swabs from inside the vehicle of
15 the substance that they believed to be blood so nothing
16 got destroyed during transport. And then we went on to
17 process the house. The vehicle got towed and went on to
18 execute the search warrant of the house.

19 Q. So I'm going to show you what's been marked for I.D.
20 as State's exhibit 118 and 117.

21 [Whereupon, the witness is shown exhibits]

22 Q. Tell me what those two items are?

23 A. 117 is a blood swab collected from the interior side
24 of the driver door, the Toyota Sequoia and that is bar
25 code, item number 162048. And State's exhibit 118 is a

1 blood swab from the front-right shoulder area of the
2 front passenger seat of the Toyota Sequoia. Its item
3 number is 162104.

4 Q. You mentioned those bar code numbers. What are
5 those?

6 A. Those are identifying numbers that get assigned by
7 computer when do that submission process. And when we
8 take evidence back to the evidence compound in the
9 forensics division and it's submitted into the computer,
10 it's assigned that identifier, that bar code number. And
11 it just refers to that particular piece of evidence.

12 Q. Are those the swabs that you collected from the car?

13 A. Yes, ma'am.

14 Q. How do you know?

15 A. I can tell from my chain of custody in my evidence
16 list and I can match up with the barcode that's inside
17 the package, the bar code outside, to the bar code on my
18 evidence list, and it's documented in my report that
19 those are the items that I collected.

20 Q. And how exactly do you collect those swabs?

21 A. Well, you switch out gloves. So if you're in the
22 process of getting something and you know you have to
23 collect the swab, you need to switch out gloves. If the
24 collection of the sample -- if the sample itself is dry
25 then we need to use sterile saline on your swab. If it's

1 wet, you don't have to wet your swab. But you swab in a
2 manner -- I personally don't like to swab the whole
3 substance. I like to leave some there. If I don't need
4 the entire sample, I'm not going to collect the entire
5 sample.

6 So when you swab it, it goes in its own individual
7 box called the swab box. That box is closed and then
8 it's placed inside one of these type envelopes. The
9 envelope is sealed on the back with tape.

10 Q. And then what was done with those swabs?

11 A. In that manner those swabs were collected prior to
12 the vehicle being transported. So I was -- the
13 passenger-side window was down and I was afraid -- I just
14 didn't want anything to contaminate because there was
15 very little of the substance inside that vehicle that we
16 were able to see.

17 So I went ahead and collected it prior to transport.
18 But each swab went into its own individual box, in its
19 own individual envelope and then went into the package,
20 the big box, to go with us for evidence to go back to the
21 compound.

22 Q. And they went back with you to the compound?

23 A. Yes, ma'am.

24 Q. Okay. What eventually happened with those swabs?

25 A. They were sent to SLED.

1 Q. By whom? Who brought them up there?

2 A. I believe Jason and Balzano went together because he
3 was in training?

4 Q. Who is Jason?

5 A. Jason Riley another forensic investigator with the
6 agency. Balzano took them and I believe Jason went with
7 him.

8 Q. Were they kept secure the entire time?

9 A. Yes, ma'am.

10 Q. If they had been contaminated in any way, would they
11 have been accepted by SLED?

12 A. SLED will not accept them.

13 Q. Okay. Besides the two swabs that you do did, what
14 else did you see in the car?

15 A. If I can recall, I believe there were bags of
16 clothing in the back, in the back seat in the back hatch
17 area. Where the hatch comes up in the back there were
18 several bags, garbage bags sized clothing, filled with
19 clothing.

20 And there was clothing on the front passenger seat.
21 I remember there being a burgundy towel on the front
22 seat, some other spots where we saw blood.

23 Q. I'm going to show you what are State's 23, and then
24 25 through 30; 24 has already been admitted into
25 evidence.

1 [Whereupon, the witness is shown photographs

2 Q. What are those?

3 A. These are again part of the overall photographs that
4 we take initially before we go in. Exterior of the
5 residence, this is the exterior from the yard. The
6 driveway would be on my left, but this is 223 Burnham
7 Court where we executed the search warrant.

8 MS. BALDWIN: Your Honor, at this time I'd like to
9 admit State's 23 and 25 through 30 into evidence]

10 THE COURT: Any objection?

11 MR. WEST: Court's indulgence.

12 [Whereupon, Mr. West, Mr. Schwartz, and Ms. Zmroczek
13 confer]

14 MR. WEST: No objection.

15 THE COURT: All right.

16 [Whereupon, State's exhibit number 23 and 25 through
17 30 are entered into evidence by the Court]

18 Q. [Ms. Baldwin] Let's start with State's 23.

19 [Whereupon, the photograph is shown]

20 A. This is the overall photograph I was telling you
21 about of the residence to 223 Burnham, driveway on my
22 left.

23 Q. Can you mark on there where the driveway is?

24 A. [Whereupon, the witness complies]

25 Q. And State's 24?

1 [Whereupon, the photograph is shown]

2 A. This is the driveway to the residence. And for this
3 picture I was standing over here [indicates] in the
4 grass, photographing the house, driveway on the left.

5 Q. Now, did you do anything to that car before
6 executing the search warrant on it?

7 A. These [indicates] are the vehicles that were parked
8 in the driveway. This [indicates] is the Toyota Sequoia
9 that I've been mentioning. The passenger side window was
10 down and the vehicle was locked. So I knew that the
11 minute I tried to unlock it and open there was probably
12 an alarm that was going to go off on it.

13 So we had to -- I basically -- I photographed
14 everything that I could from the window prior to opening
15 the door. Once we opened -- once I could get the door
16 unlocked, open the door and then I had to make sure I
17 wasn't going to touch or contaminate anything and I
18 stayed near the floorboard.

19 I had to reach all the way over. And I think I used
20 the tip of my flashlight to unlock the interior hinge.
21 And I believe one of the detectives, Michael Thompson on
22 the outside who opened the door.

23 And he had to unlatch the hood so he could get
24 underneath to disengage the battery because the alarm on
25 the vehicle started going off when I opened the

1 passenger-side door. So we had to basically enter the
2 vehicle, open the doors and disengage the lock on the
3 hood so we could undo the battery.

4 Q. Did you touch any of the seats?

5 A. No. I mean, I mean, I may have brushed up against
6 the front of the passenger side seat but, no. I got in
7 there and I could just barely reach across just to pull
8 the latch on the interior side of the driver's side door.

9 Q. When you say you brushed up against the passenger
10 side seat, were you -- did you have any stains or
11 markings on your uniform when you did that?

12 A. No. No. There was nothing transferred. There was
13 nothing where I touched. It was just the front where the
14 back of your calf would touch the seat. I was on the
15 floorboard, crawling across.

16 Q. And are you careful to make sure you don't
17 contaminate?

18 A. Yes. That would make all of my work unproductive if
19 I wasn't. I mean, you have to be. It's delicate. You
20 don't want to transfer or cross-contaminate anything.
21 The integrity of what I do and the evidence itself would,
22 you know, come into question.

23 Q. Were you brushing up against everything in the house
24 at 2317 West Palmer?

25 A. No. No. And I say that because we are very

1 careful. We switch out gloves and we use hospital grade
2 spray on the bottoms of our boots. We are very careful
3 not to transfer. We are very careful where we walk,
4 where we step.

5 And we go into a lot of different areas. And we are
6 very careful about -- like our boots come off when we get
7 in our vehicles. It's just -- we're very careful. And
8 we're very careful not to touch anything because it can
9 create a problem if you -- I can't remember, other than
10 having to go in water, the last time I had anything on my
11 uniform.

12 And it happens but you usually notice it because
13 it's been accidental, falling in a lake or something,
14 trying to get somebody out or something. It's not -- you
15 just don't obviously step in something and transfer it.
16 You can't.

17 Q. So when you say other than water, you mean, you fell
18 into ---

19 A. --- like you fell in a pool of blood and it ended up
20 on your uniform. When you know it's there, you need to
21 go change your uniform before you do anything else.

22 I mean, it's -- I mean, you change gloves if you get
23 blood on your gloves or, you know, you go out and you
24 clean off your boots. You spray your boots before you
25 enter back in. I mean, it's -- we're very careful.

1 Q. I show you State's 25.

2 [Whereupon, the photograph is shown]

3 A. This is the passenger side of the Toyota. This
4 [indicates] is the spot on the passenger side seat on the
5 left shoulder where I collected the swab of blood from.
6 You can see the window's down, the doors are locked.

7 Q. Why do you contend about processing the car
8 initially there as opposed to bringing it back and doing
9 it all at the station?

10 A. Well, the quality of your evidence can be, I guess,
11 changed by several things; one is the environment. If it
12 rains and it rains on that seat where that window's open,
13 then it's liable to wash off that blood.

14 So prior to transport, I want to collect whatever
15 evidence may be, you know, may be destroyed,
16 contaminated, lost, you know, transferred, relocated.
17 You know, I mean, I just -- you want to preserve what you
18 can before you transport a vehicle.

19 Q. Do you recall what time of day this was that you
20 were collecting it?

21 A. No. I think we were out there -- this was 2:30 in
22 the morning, 2:45 in the morning.

23 Q. And State's 26, what's that?

24 [Whereupon, the photograph is shown]

25 A. This is the spot I'm referring to. That's the spot

1 of blood that we collected prior to transport.

2 Q. Did you put that there?

3 A. Did I put that blood? I put that circle there.

4 Q. Okay. Did you put that spot there?

5 A. No. Uh-uh. No.

6 Q. Okay.. Just checking. State's 27?

7 [Whereupon, the photograph is shown]

8 A. That's actually ---

9 Q. We can go back to 26.

10 [Whereupon, the photograph is shown]

11 A. That actually was pointed out to me, I think, by
12 another one of the detectives. But that's the blood that
13 they saw in the vehicle when I got there and they
14 mentioned to me they believed they saw blood in the
15 vehicle, that's one of the spots that they showed me.

16 Q. State's 27, what's that?

17 [Whereupon, the photograph is shown]

18 A. I know it looks like my flashlight's shined kind of
19 on the lower part of the door right here [indicates] but
20 in order to be able to see this without having a
21 reflection if you can see the smudge right there
22 [indicates].

23 I'm attempting to photograph that smudge on the
24 interior side of the driver door. Putting your
25 flashlight directly on it, you won't capture it, because

1 it'll reflect. So I had to, I guess move the light so
2 you could see it so I could photograph it.

3 Q. State's 29?

4 [Whereupon, the photograph is shown]

5 Q. I'm sorry, State's 28? State's 28, if you can look
6 at that?

7 A. This is the blood I was referring to on the inside
8 of the driver's side door.

9 Q. That you were trying to shine your light on?

10 A. Earlier, yeah. I didn't have to once you get zoomed
11 in, you don't have to use your flashlight anymore.

12 Q. And State's 29?

13 [Whereupon, the photograph is shown]

14 A. This is the -- oh, I was photographing -- this
15 [indicates] looks like a doctor's coat in the back seat.

16 Q. And where are you standing when you're taking these
17 photographs?

18 A. I am standing with the door open, the passenger seat
19 behind the front passenger seat. So it's the passenger
20 seat, the driver is...

21 Q. Back passenger seat ---

22 A. --- back passenger seat, exterior of the vehicle
23 with the door open.

24 Q. Okay. And State's 30?

25 [Whereupon, the photograph is shown]

1 A. Those are those trash bags that were in the back
2 hatch area that I referred to earlier that were filled
3 with clothes and the hole ripped open.

4 Q. I'm sorry. I didn't hear that?

5 A. Oh, the bag that was ripped open and the clothes.
6 We could see at that time that it had clothes in it.

7 Q. What happened after you processed the car ---

8 THE COURT: --- I think that's a good place for us
9 to stop. This has been a long afternoon from 1:00 to
10 now. So you've finished with those photographs, I think
11 that's a good place to stop, all right?

12 MS. BALDWIN: Yes, sir.
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State v General Theophilus Little
Proceedings
March 21, 2018

1 THE COURT: Okay. Members of the jury, I'll you go
2 home. Again, I'll remind you not to discuss the case
3 with family or friends or anyone else. Leave your
4 notepads with the bailiff as you leave. Be back tomorrow
5 morning by 9:30. Have a nice evening.

6 [Whereupon, the jury exits at 4:26 p.m.]

7 THE COURT: All right. 9:30 tomorrow morning.

8 MS. BALDWIN: Thank you, Your Honor.

9 MR. WEST: Judge, the only thing I think needs to be
10 addressed is I need to know when we need to have our
11 witnesses here for the defense. How many other witnesses
12 are there?

13 MS. BALDWIN: The problem is the time and not the
14 number.

15 MR. WEST: Well, it would help me ---

16 MS. BALDWIN: --- you know I'm ---

17 MR. WEST: --- I could give you a speculation as to
18 what my cross-examination is depending on which witnesses
19 they're going to call. So I'd like to know who they're
20 calling.

21 MS. BALDWIN: Well, we have a couple of chain
22 witnesses and that depends on what they're willing to
23 stipulate to. We've discussed that. We have, including
24 Ms. Meyer, eight to ten depending on what they stipulate
25 with the chain.

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1 MR. WEST: Okay. All right.

2 [Whereupon, court in recess at 4:30 p.m.]

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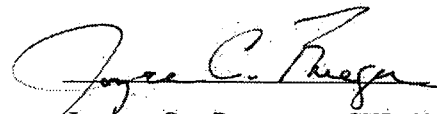
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C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 21st day of March, 2018.

I do further certify that I am neither of kin,
counsel, nor interest to any party hereto.

July 31, 2018


Joyce C. Rueger, CVR-M
Court Reporter

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PROCEEDINGS

[Whereupon, defendant's exhibit numbers 105 through 111 are marked by the court reporter]

THE COURT: Thank you. Please be seated. The jury's on the way.

MR. WEST: Before the jury ---

THE COURT: --- what's next?

MR. WEST: Before the jury comes in, I'd like to put some things on the record. I'd like to ---

THE COURT: --- tell them to stand out there in the hall...

MR. WEST: This next witness is going to be used to establish some of the blood evidence which has been heavily discussed in this case.

THE COURT: I couldn't understand you.

MR. WEST: I'm sorry, Judge.

THE COURT: No, it was noise.

MR. WEST: This next witness is going to be used to establish some of the blood evidence that's been heavily discussed in this case. In light of the testimony of Office Colburn, Detective Muirheid and what this witness has testified to so far, I'd like to make a motion to reconsider your ruling from pretrial that this search warrant evidence was obtained lawfully. The testimony from Detective Muirheid yesterday was he did not test the

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1 spot on the center console, because he didn't believe it
2 to be blood. And if the impetus of the entire search was
3 that they believed that this spot to be blood, therefore,
4 they got a search warrant is how they got to the
5 remainder of the evidence in this case. And I think that
6 directly contradicts ---

7 THE COURT: --- that he didn't believe it to be
8 blood when he saw it?

9 MR. WEST: Judge, we may have to go directly back to
10 the record, but the question I asked him was did he test
11 the spot for blood. And he said no because he didn't
12 believe it to be blood when he inspected it.

13 MR. WEST: Well, once he saw it yes.

14 MR. WEST: Right.

15 THE COURT: But Colburn said that's what he thought
16 it was, right?

17 MR. WEST: Well, I believe there was portions of his
18 testimony where he said he wasn't sure.

19 THE COURT: Well, okay. I understand. Okay. I
20 appreciate your position but I stand by my previous
21 ruling.

22 MR. WEST: Thank you, Judge.

23 THE COURT: Okay. Bring the jury in. Who's next?

24 MS. BALDWIN: We're going to continue with the
25 direct of Investigator Meyer.

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1 THE COURT: Come on up.

2 [Whereupon, Ms. Meyer comes forward]

3 [Whereupon, the jury enters at 9:51 a.m.]

4 THE COURT: All right. We have all the jurors with
5 us. The parties are present, along with their attorneys.
6 We appreciate your efforts getting here as promptly as
7 you did and we'll continue now with the trial. And I
8 believe Investigator Meyer was on the stand and you're
9 still under oath. You may examine the witness.

10 MS. BALDWIN: Thank you, Your Honor.

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1 ERIN MEYER,
2 Having been previously duly sworn,
3 Was examined and testified as follows:
4 DIRECT EXAMINATION (resumes)
5 BY MS. BALDWIN:
6 Q. Investigator Meyer, do you recall where we last left
7 off yesterday?
8 A. [No response]
9 Q. If I showed you a photo, would that help refresh
10 you?
11 A. Yes, ma'am.
12 Q. I'm going to show you State's exhibit 30 that has
13 already been admitted.
14 [Whereupon, the photograph is shown]
15 A. Yes, ma'am.
16 Q. Okay. And do you recall what that is?
17 A. Yes, ma'am. Those are the large trash bags that
18 have clothing I referred to that was located in the back
19 of the Toyota.
20 THE COURT: Keep your voice up.
21 THE WITNESS: I'm sorry, Your Honor.
22 Q. [Ms. Baldwin] Are you a bit ill?
23 A. Well, I'm recovering. Yes, ma'am.
24 Q. Okay. So what did you do after you took the
25 photographs of the Sequoia?

1 A. I have to look at it, but we proceeded on with
2 executing the search -- furthering the search warrant
3 execution of the house.

4 Q. Okay.

5 A. And this vehicle was then -- once it was
6 photographed and we collected the swabs from the front,
7 it was secured and escorted and towed and transported to
8 forensic services.

9 Q. Okay. So what did you do when you executed the
10 search warrant on the house?

11 A. We began with the set of overall pictures, then once
12 you go in you start photographing left and right and
13 photographed the interior and exterior. And then we
14 began searching for the items that are described in the
15 search warrant.

16 Q. Who was present during the search warrant?

17 A. I'm not -- I know Detective Thompson was with me,
18 but I'm not sure who may have still been outside. I
19 think Colburn escorted the vehicle, so I think he was
20 gone.

21 But I think there was, maybe another detective
22 outside. Usually somebody stays on the perimeter when
23 we're executing a search warrant.

24 Q. Just you and Detective Thompson inside however?

25 A. That's what I can recall.

1 Q. And were any members of the defendant's family
2 present?

3 A. Yes, ma'am. I believe Carla was there and there
4 were two children there, maybe three children there.

5 Q. Where were they?

6 A. There was -- one of them was downstairs, I believe
7 on the couch. And I think there were two upstairs in the
8 bed.

9 Q. What did you find in the residence?

10 A. Based on what I had observed on the incident
11 location, and there are certain items listed in the
12 search warrant that we would be looking for as evidence
13 at that point.

14 So we go through. And we're looking for clothing
15 that may have blood on it. We're looking for -- I
16 noticed the shoe wear prints at the incident scene.
17 We're looking for shoes with similar tread pattern on the
18 bottom.

19 We're looking for weapons, I mean, just for the most
20 part anything that we could consider relevant or
21 potential evidence for the case. I think we started
22 photographing and then I went to the master bedroom and
23 Mickey and I -- sorry -- Detective Thompson and I both
24 began just looking for any kind of evidence or clothes
25 that pertained to the search warrant; looking at the

1 bottoms of shoes, taking photographs. We went into the
2 bathroom, looked around for any signs of cleaning up or,
3 you know, destroying any kind of evidence. Noticed some
4 Scrubbing Bubbles in the bathroom. The bathroom smelled
5 a little bit like bleach cleaner kind of thing.

6 After that, I think Mickey brought to my attention
7 that he had noticed a bag in the hallway, in the foyer
8 area, that had a pair of shoes in it that he wanted me to
9 look at. And so I went back and took a look in the bag,
10 saw some shoes ---

11 MR. WEST: --- Judge, I'd like to renew my previous
12 objection to this...

13 THE COURT: You mean what you previously stated this
14 morning?

15 MR. WEST: And those pre-trials, Judge, just for the
16 record.

17 THE COURT: I appreciate your position and your
18 position is maintained throughout however I sustain --
19 stay with my decision.

20 MR. WEST: Thank you, Judge.

21 Q. [Ms. Baldwin] Please continue.

22 A. Once I went in the hallway and looked in the bag, I
23 noticed it was a pair of shoes and I -- we photographed
24 I took additional photographs at that point. And then I
25 took the shoes and I moved them to the dining room table

1 and asked Detective Thompson to stay with them there.
2 until I got back to do the presumptive OBTI.

3 COURT REPORTER: A presumptive?

4 A. Presumptive OBTI.

5 Q. What's that?

6 A. It's a human specific field blood test that we can
7 do to determine if something is blood. After that I --
8 at some point I know I -- we cleared some other rooms,
9 searched some other rooms. One of them was the laundry.
10 She was doing -- they were doing a load of laundry.

11 We searched the garage, went upstairs. Throughout
12 the whole time we were there, I ended up doing some
13 processing on the shoes there at the house. And took
14 photographs of that stuff and the test.

15 Q. I'm going to show you State's 31 that's already been
16 admitted into evidence and then State's 32 through 36,
17 which are for I.D.

18 [Whereupon, the witness is shown photographs]

19 Q. Can you tell me what those are?

20 A. These are photographs that I took inside the
21 residence of the bag, the shoes and the bathroom.

22 MS. BALDWIN: Okay. Your Honor, at this time I'd
23 like to admit State's 32 through 36 into evidence.

24 THE COURT: Without objection.

25 MS. BALDWIN: Thank you, Your Honor.

1 [Whereupon, State's exhibit numbers 32 through 36
2 are entered into evidence by the court]

3 Q. [Ms. Baldwin] I believe we've seen it earlier in
4 this trial, but could we publish State's 31, please?

5 [Whereupon, the photograph is shown]

6 Q. What are we looking at here?

7 A. This is the front door where I came in, and then I
8 began photographing. And eventually, you turn back
9 around and you photograph the other direction.

10 So this right here [indicates] is the foyer, front
11 door, dining room is this way [indicates]. Living room
12 is out here [indicates]. Master bedroom is this way
13 [indicates] and there's the bag with the shoes in it.

14 Q. Did you photograph the shoes as you found them?

15 A. Yes, ma'am.

16 Q. Okay. And State's 32?

17 [Whereupon, the photograph is shown]

18 Q. What are we looking at?

19 A. This is the bag with the shoes right here
20 [indicates].

21 Q. How did you get that photograph?

22 A. Oh, I mean, we don't -- when I say we photograph
23 them prior to manipulating stuff, understand that we
24 don't open and photograph everything that we come across.
25 If we find that something's relevant, then I would open

1 the bag and see that it's a pair of shoes and photograph
2 it prior to doing any further examination. So I probably
3 -- I had not picked up the bag. I probably just opened
4 up the top and photographed down inside it.

5 Q. And State's 33?

6 [Whereupon, the photograph is shown]

7 A. Now I'm holding the bottom of the shoe and I'm
8 photographing the tread on the bottom with my camera and
9 I'm holding the shoe inside with my other hand and I have
10 gloves on, to photograph the pattern that I recognized to
11 be similar to the pattern, the shoe impression from the
12 scene.

13 Q. And State's 34?

14 [Whereupon, the photograph is shown]

15 A. I photographed from the side of the shoe. We found
16 multiple areas on the shoes where there was, there were
17 smudges of blood or drops of blood on the shoes and
18 that's what I'm photographing.

19 When I talk about taking a swab, that's what I'm
20 referring to. The swabs that I would take of a small
21 area like that might actually -- I might have to consume
22 the whole sample so then we would photograph it so you
23 could see where the blood was prior to me taking a
24 sample.

25 Q. I'm going to show you what's been marked as State's

1 136 for I.D.

2 [Whereupon, the witness is shown exhibit]

3 A. I recognize these to be the shoes that I'm referring
4 to as coming from the Walmart bag in these photos. This
5 is the SLED box it's shipped in. This is our packaging
6 and storage bag and as you can see, they're individually
7 packaged inside for preservation.

8 Q. I'm going to also show you what's been marked as
9 State's exhibit 119 for I.D.

10 [Whereupon, the witness is shown exhibit]

11 A. 119 is the blood swab collected from the interior
12 side of the left shoe, item number 162050.

13 Q. And where was that swab taken?

14 A. From the interior side of the left shoe that -- from
15 these photos, from the Walmart bag.

16 Q. Okay. It was done at the house that evening?

17 A. Yes, ma'am.

18 Q. And what did you do with that swab after you took
19 it?

20 A. Once it is collected you put it in a swab box, and
21 put it in the envelope, seal it and then it goes with us
22 for evidence. It is collected as evidence and it
23 eventually then went to SLED.

24 Q. And do you know who took it to SLED?

25 A. On 9/29, Officer Balzano transported it to SLED.

1 Q. Would SLED have accepted it had it been tampered
2 with in any way?

3 A. No, ma'am.

4 Q. What did you do with the shoes, State's exhibit 136?

5 A. Well, when I was done at the scene?

6 Q. Yes.

7 A. Okay. They got -- like I showed you, they were
8 individually packaged and then placed in a bag to get
9 transported back to the evidence compound.

10 Once back at the evidence compound I think maybe
11 several days later, I took additional photographs and did
12 some additional processing of the shoes.

13 Q. I'm going to show you State's exhibit 35.

14 [Whereupon, the photograph is shown]

15 A. Yes, ma'am. That's one of the pictures I took of
16 the master bedroom bathroom.

17 Q. Okay. And what did you notice about the bathroom?

18 A. It smelled like cleaning solution, bleach.

19 Q. How did it appear to you?

20 A. Well, I mean, that's a personal opinion, but I mean,
21 it seemed fairly clean.

22 Q. What about State's 36?

23 [Whereupon, the photograph is shown]

24 A. That's another photograph I took of the other side
25 of the bathroom. You've got the shower on the right, the

1 toilet and the second sink. You've got some towels on
2 the floor, laundry basket and some Scrubbing Bubbles and
3 alcohol -- its Purex hand pump alcohol next to the sink.

4 Q. Okay. What else next to the sink?

5 A. You've got a red solo cup, some deodorant. That's a
6 -- I guess there's only a little bit left but it's a
7 bottle of rubbing alcohol with the green solution on the
8 back right here [indicates].

9 Q. And did you notice anything in particular about the
10 shower and the toilet?

11 A. I don't recall if I -- the shower -- when we do a
12 search and we're looking for maybe possibly trying to
13 destroy evidence, a lot of times suspects will wash their
14 hands or take a shower and try and wash evidence off. It
15 did appear as the shower was moist, maybe somebody had
16 just taken a shower, but I did not find any blood in the
17 shower.

18 I mean, other than -- I guess you could always find
19 blood because there's always going to be blood in your
20 shower, whether it's from shaving your legs or something.
21 But the obvious of it being having been there just within
22 the last, you know four or five hours, I did not find
23 any.

24 Q. It smelled as if it had been ---

25 A. --- yes. I walked into the bathroom and you could

1 smell it. I mean, I can't tell you what had just been
2 cleaned, but you could smell bleach and -- I mean, I know
3 what -- I use Scrubbing Bubbles so I know what Scrubbing
4 Bubbles smells like. So I know it smells clean and it
5 smells, you know, bleachy smell.

6 Q. After you -- what else did you do in this case
7 besides the search warrant on the house and on the car
8 that night? What was next for you?

9 A. I finished up processing and searching the house,
10 the residence.

11 Q. Okay.

12 A. After the shoes, we went -- I think we looked at
13 several, multiple pairs of shoes that were in the master
14 bedroom. And I took some other photographs of some
15 documents. And then I went on, I think, to search the
16 laundry room.

17 And I went through the load of laundry that was in
18 the washing machine, it was a bleached load in the
19 laundry room. I took multiple pictures. Went upstairs
20 finished the rest of the search warrant, searched areas
21 for evidence.

22 Q. Okay. What was your next involvement in the case?

23 A. We collected our evidence and put it in my vehicle
24 and I cleared from the scene. I actually went back to
25 West Palmer, the incident location to check on Balzano

1 and Paul McManigal to see if they needed assistance with
2 something.

3 Q. Did they?

4 A. No, they were finishing up. I just helped to pack
5 up the rest of the evidence into the car and helped pick
6 up the processing items and the supplies that I had
7 dropped off for them to use there on that scene.

8 Q. What happened the next day?

9 A. That night -- that morning, rather we went back and
10 dropped all the evidence off at the evidence compound and
11 per our hours were kind of mandated to go home at that
12 point. We had been out for twenty-eight hours, I think,
13 straight.

14 We went home, rested and when we came back the next
15 day that's when we start putting stuff into the computer.
16 We start taking additional photographs. If anything
17 needs more processing we'll go through the processing and
18 then start putting things in storage or getting stuff
19 logged to go to SLED.

20 Q. Okay. What else besides processing that evidence
21 right in there did you do? Did you help Detective
22 Thompson with anything on the 24th?

23 A. [No response]

24 Q. If you refer to your report, would it help you?

25 A. Yes.

1 [Whereupon, the witness reviews document]

2 A. Oh. Yes, ma'am. Yes. That morning, I think, or
3 the next morning, I went with him out to IHOP to obtain
4 surveillance video of whether or not the suspect had
5 arrived or shown up at IHOP and if we could confirm that
6 his daughter had gone there to meet him.

7 Q. And what did you do on September 25th?

8 A. We continued processing evidence that we had
9 collected. And I believe we began executing an
10 additional search warrant on the Toyota.

11 Q. Okay. And when you executed that additional search
12 warrant on the Toyota what did you do?

13 A. When we execute a search warrant on a vehicle, we
14 start with photographs, interior and exterior. And then
15 you attempt to locate -- you always want to do your
16 collection for fingerprints or DNA prior to doing any
17 searching so you don't disturb anything.

18 So we processed it for DNA, for blood. We use a
19 chemical called Blue Star. It's similar to Luminol.
20 It'll locate any blood that you can't see with the naked
21 eye. You spray it on there, you turn the lights out and
22 the -- it'll turn Blue. If it reacts to the hemoglobin
23 in blood, it will glow. And we take photographs of it.

24 Q. Why would you not be able to see blood with the
25 naked eye?

1 A. Sometimes it's -- well, I mean, sometimes it's just
2 too small of an amount. Sometimes it's been diluted too
3 much. Sometimes, it's been cleaned off where just very
4 little remnants are left and it's hard to see.

5 If you've got it on a carpet, it's going to be hard
6 to see sometimes if you've got dark carpet and you've got
7 blood on your carpet, it would be very difficult to see.

8 Q. I'm going to show you what's been marked for I.D. as
9 State's 37 through 47.

10 [Whereupon, the witness is shown photographs]

11 Q. Could you tell me what those are?

12 A. These are photographs that I took from processing
13 the search warrant on the vehicle and of the items that
14 we searched inside the vehicle.

15 Q. Okay.

16 MS. BALDWIN: Your Honor, at this time I'd like to
17 admit State's 37 through 47 into evidence.

18 MR. WEST: Subject to previous objections.

19 THE COURT: All right.

20 [Whereupon, State's exhibit numbers 37 through 47
21 are entered into evidence by the court]

22 Q. [Ms. Baldwin] I'll publish then State's exhibit 37.

23 [Whereupon, the photograph is shown]

24 Q. What are we looking at here?

25 A. These are the three trash bags that were filled with

1 clothing that were located in the back of the vehicle.

2 Q. Okay. What type of clothing were back there?

3 A. It was a -- it appeared to be women's and men's,
4 various sizes. I want to say maybe they were -- it was
5 old clothing, maybe a donation for something somewhere.

6 They didn't appear to have been -- nothing had any
7 blood on them. We didn't find any evidentiary value to
8 any of the items that we located or searched inside the
9 bags.

10 Q. State's 38; what are you trying to capture here?

11 [Whereupon, the photograph is shown]

12 A. This is the center console of the front passenger
13 area and driver area of the vehicle, of the Toyota. Is
14 there a picture following this one? Is this the...

15 Q. There is another picture. Can you see there's a
16 mark on the center console, what is that?

17 A. It's a mark. It's not blood. It was tested and I
18 think it came back it wasn't blood. It has two dark --
19 it has a dark, had a dark kind of sticky sense to it. I
20 don't know, coffee, candy bar. I don't what it was. I
21 know it wasn't blood.

22 Q. You tested it?

23 A. Yes, I know it wasn't blood.

24 Q. Okay. Did you find blood inside the car, though?

25 A. Yes. Yes.

1 Q. State's 39? What are we looking at there?

2 [Whereupon, the photograph is shown]

3 A. This is a Walmart bag scrunched up inside the cup
4 holder of the center console.

5 Q. And State's 40?

6 [Whereupon, the photograph is shown]

7 A. This is the passenger seat, the back passenger seat
8 area.

9 Q. Okay. Do you recall processing the back passenger
10 seat area with Blue Star?

11 A. Yes, ma'am.

12 Q. Okay. So I show you State's 41.

13 [Whereupon, the photograph is shown]

14 Q. You have to help us out a little bit. Can you tell
15 me what we're looking at and circle it for us?

16 A. [Witness complies]

17 Q. All right. What is that?

18 A. That's what you see when you spray Blue Star and it
19 has a chemical reaction with the hemoglobin proteins in
20 the iron in human blood.

21 Q. Is that in the back passenger seat?

22 A. Yes, ma'am.

23 Q. So let's go back to State's 40.

24 [Whereupon, the photograph is shown]

25 Q. Where would we be looking at?

1 A. This is the back passenger seat. It would be behind
2 the driver. And you took it away.

3 Q. The circle that you did earlier?

4 A. Yeah, the circle that I just did. It's in this area
5 [indicates]. And it's very difficult to photograph. The
6 more you spray the more diluted it gets and the less
7 bright it is.

8 So if we spray, we have to turn the lights out
9 really quick and get our camera adjusted to where we can
10 get a photograph of it glowing. So with smaller amounts
11 it becomes more difficult to capture it.

12 When we do our photographs, you photograph the area
13 you're going to spray and then you spray, because
14 obviously in the next photograph you're not going to see
15 where it's at on the seat. So...

16 Q. Okay. So I show you State's 42.

17 [Whereupon, the photograph is shown]

18 Q. What are we looking at here?

19 A. This is the interior side of the driver's side door.
20 So we spray and it glowed. You can almost see the
21 moisture marks running down/ from right here [indicates],
22 right above the line.

23 So we sprayed, it glowed. We turned the lights back
24 on. I photographed and then the next photograph would be
25 it glowing indicating there was a reaction to there being

1 blood.

2 Q. So I show you State's 43?

3 [Whereupon, the photograph is shown]

4 THE COURT: Back up a minute if you would to that
5 one.

6 [Whereupon, the photograph is shown again]

7 THE COURT: Does any of the jury want to come up
8 closer to look and see what she's talking about. I don't
9 know whether -- I couldn't see it from over there. And
10 if you want to come up and look closer, you can.

11 [Whereupon, jurors come forward to review the
12 photograph]

13 Q. [Ms. Baldwin] And State's 43 will be the next photo.

14 [Whereupon, the photograph is shown]

15 Q. So what are we looking at?

16 A. This glow right here [indicates] is the blue start
17 reacting to the hemoglobin in blood.

18 Q. Okay. Was that the location that we saw that you
19 pointed out previously?

20 A. Yes, ma'am. We tried it -- it's difficult. We set
21 our camera up on a tripod, so there should not be any
22 manipulation. But it's difficult.

23 You've got to get your zoom right. Otherwise, it
24 just looks like a foggy blur. So you've got to kind of
25 adjust your zoom. So if you go back to the other

1 picture, I think that it may not be exactly lined up, but
2 in order to get it to focus, you've got to put it on the
3 tripod -- and it's tricky.

4 Q. And State's 44?

5 [Whereupon, the photograph is shown]

6 A. This is a photograph of the driver's area and then
7 the center console. You can see where -- it's pretty
8 moist.

9 You can almost see the moisture marks throughout the
10 center console right there [indicates] on the arm. And I
11 believe there was a very, very small spot that reacted.
12 I think on the front area of the black area I just...

13 Q. I show you State's 45 so you can point that out for
14 us?

15 [Whereupon, the photograph is shown]

16 Q. Can you see it on there?

17 A. Yeah, you're going to have to zoom...

18 Q. Okay. Right in there [indicates]? We'll go back to
19 State's 44?

20 [Whereupon, the photograph is shown]

21 A. Yep.

22 Q. Okay. And State's 46?

23 [Whereupon, the photograph is shown]

24 Q. What are we looking at?

25 A. Again, it's moist and it looks like we've sprayed

1 maybe in here [indicates]. I'd have to look at the next
2 picture.

3 Q. Okay. State's 47?

4 [Whereupon, the photograph is shown]

5 A. It's right there [indicates]. So it's the, again,
6 center console just near the cup holders, the black area
7 right there [indicates]. It had a reaction to locating
8 the hemoglobin in blood.

9 Q. Are you trained to locate those spots?

10 A. I'm sorry?

11 Q. Are you trained to locate those spots and photograph
12 them?

13 A. Yes.

14 Q. So you're capable of seeing those tiny spots?

15 A. Yes. Okay. You've got to kind of get in there and
16 look around but, yeah.

17 Q. So we talked about you collecting the shoes. Did
18 you process the shoes from the scene again later?

19 A. Yes. On 9/25 we did -- it looks like I took
20 additional photographs of the shoes and I know I took
21 additional swabs of the shoes also. I'd have to look at
22 the evidence list, which is the items in evidence.

23 Q. I'm going to show you State's 53 through 58.

24 [Whereupon, the witness is shown photographs]

25 A. These are the additional photographs that I took on

1 the 29th of the shoes from the Walmart bag.

2 Q. Okay.

3 MS. BALDWIN: Your Honor, at this time, I'd like to
4 admit State's 53 through 58 into evidence.

5 MR. WEST: Please note for the record ---

6 THE COURT: I'm sorry?

7 MR. WEST: Please note our previous objection.

8 THE COURT: Okay.

9 [Whereupon, State's exhibit numbers 53 through 58
10 are entered into evidence by the court]

11 Q. [Ms. Baldwin] I show you State's 53.

12 [Whereupon, the photograph is shown]

13 A. It's the label that gets assigned to the package
14 with the identifying number that identifies that
15 particular item in evidence as being -- you have to
16 separate stuff. So it was assigned a label and I'm
17 photographing that label to show you that the next
18 picture, that's what I'm photographing, so...

19 Q. State's 54?

20 [Whereupon, the photograph is shown]

21 A. Another photograph that I took with a scale of the
22 shoes from the Walmart bag.

23 Q. State's 55?

24 [Whereupon, the photograph is shown]

25 A. This is the left shoe and I'm showing you with a

1 swab where I'm going to collect what's believed to be
2 blood.

3 Q. And 56?

4 [Whereupon, the photograph is shown]

5 A. And this is the photograph. You can see the blood
6 on the side of the shoe. That's my hand. I'm holding
7 the shoe and photographing.

8 Q. 57?

9 [Whereupon, the photograph is shown]

10 A. This is the right shoe and I'm pointing with my swab
11 where I'm going to collect the sample from.

12 Q. 58?

13 [Whereupon, the photograph is shown]

14 A. And this is a photograph of the tread on the bottom
15 of the shoes.

16 Q. Okay. And why did you take a photograph of that?

17 A. Because it was similar. It was very if not the same
18 pattern as the shoe print; the shoe wear impression that
19 I found from the scene.

20 Q. What did you do with the shoes when you were done
21 with them?

22 A. They get packaged individually and I believe we pre-
23 logged them to go to SLED.

24 Q. Okay. Did somebody bring them to SLED?

25 A. Yes.

1 Q. Who was that?

2 A. Just a second, let me check.

3 [Whereupon, the witness reviews document]

4 A. Please understand we don't -- we take multiple trips
5 to SLED every month and items go from all different
6 cases. Jason Riley, another investigator in forensics
7 took them to SLED on 10/21, 2015.

8 MS. BALDWIN: Your Honor, at this time I'd move to
9 admit State's 136 into evidence.

10 THE COURT: 136?

11 MR. WEST: Can I approach?

12 THE COURT: Sure.

13 [Whereupon, an off the record bench conference is
14 held]

15 THE COURT: All right. So the previously maintained
16 position maintained.

17 MR. WEST: Thank you.

18 THE COURT: So that same objection carries forward
19 but I continue to rule as I have in the past.

20 [Whereupon, State's exhibit number 136 is entered
21 into evidence by the Court]

22 Q. [Ms. Baldwin] Were any pictures sent to SLED?

23 [Whereupon, the witness reviews document]

24 A. Yes, ma'am. I left the agency shortly after this
25 and that's why I'm having to double check to see if -- I

1 don't know what may have been, you know, sent after I
2 left. But when you request certain analysis be done from
3 SLED, you have to provide them with the evidence to do it
4 with.

5 We had to provide them with the photographs of the
6 shoe wear print that was on scene and the shoes for them
7 to do the comparison. So we have to create a CD of those
8 photographs from the scene to go with the shoes.

9 And so there was a CD of just the photos, I think of
10 the shoes and the shoe print that we created and put in
11 evidence. And it went with the shoes to SLED to be
12 compared to each other.

13 Q. Who took those?

14 A. Who took the pictures?

15 Q. Who took the CD to SLED?

16 [Whereupon, the witness reviews document]

17 A. Jason Riley transported that item to SLED on 10/21,
18 2015.

19 MS. BALDWIN: Court's indulgence.

20 [Whereupon, Ms. Baldwin and Mr. Sowards confer]

21 MS. BALDWIN: Your Honor, just to clarify, State's
22 136, the shoes, are into evidence pursuant to a standing
23 objection?

24 THE COURT: Yes.

25 MS. BALDWIN: Okay. I have no further questions.

CROSS-EXAMINATION

1
2 BY MR. WEST:

3 Q. Good morning Investigator Meyer. How are you today?

4 A. I'm good. How are you?

5 Q. I am under the weather, but I'm making it through.

6 A. That's good.

7 Q. You testified about the importance of the integrity
8 of a crime scene, correct?

9 A. Yes, sir.

10 Q. And you testified that you took all precautions
11 necessary prior to entry into the home?

12 A. Yes, sir.

13 Q. You even entered the crime scene with hospital
14 booties and gloves, etcetera?

15 A. Yes.

16 Q. Very careful before your entry into the home?

17 A. Yes.

18 Q. Let's go through your report, if you don't mind.
19 You list a Deputy Biggs as the first deputy on scene?

20 A. Yes, sir.

21 Q. Okay. And you also list a supervisor on the scene
22 as a Sergeant Euper?

23 A. Yes, sir.

24 Q. Okay. And you list the detective on the case as
25 Detective Goldstein, not Muirheid, correct?

1 A. Yes.

2 Q. Okay. You go on to say that you were requested to
3 process the scene by Sergeant Bryant?

4 A. Yes, sir.

5 Q. Your report indicates that you never made a sketch
6 of the scene, correct?

7 A. Correct.

8 Q. Your report also indicates you ---

9 A. --- well, I mean, actually I didn't fill out the box
10 but I don't recall making a sketch.

11 Q. Okay. And you previously testified you never took
12 any measurements of the scene, correct?

13 A. Correct. I didn't do the entire processing of that
14 scene.

15 Q. I understand.

16 A. Okay.

17 Q. You also mention a Lieutenant Antonio [phonetic] in
18 your report, is that correct?

19 A. Yes, sir.

20 Q. When you arrived to 2317 West Palmer, where were you
21 immediately prior to?

22 A. We had -- Investigator Balzano and I had just left
23 another scene. I think it was on James Island.

24 Q. Okay. So you went from one crime scene^v to another?

25 A. Yes.

1 Q. Okay. Were y'all riding together?

2 A. No.

3 Q. Okay. And when you arrived, which detectives did
4 you see on the scene? The best you can remember?

5 A. I'll be honest with you. I think -- I think they
6 had to wait on us for a little while. And I'm going to
7 tell you there was -- and if you see in my report where
8 it says others on scene, it says see CAD.

9 That's because I believe everybody was there through
10 the Sheriff. We had the entire command staff was there.
11 We had captains, lieutenants. We had patrol. We had the
12 CID. There was a number of individuals on scene. I
13 can't tell you. I get out and I go to the individual, my
14 lieutenant and get the information.

15 Q. I understand.

16 A. Okay.

17 Q. And I guess my point of my question is to figure
18 out, when you first arrive to a scene and you get out of
19 your car and you go talk to who?

20 A. Most of the time it's detectives who are already
21 there or a detective sergeant or lieutenant.

22 Q. And in this case you would have spoken to who?

23 A. When I got out and I think I went and spoke with
24 Lieutenant Antonio [phonetic].

25 Q. Okay. And you're aware that the City of Charleston

1 Police Department was also there?

2 A. It doesn't surprise me, but I wouldn't have -- it
3 wouldn't have -- I wouldn't have drawn my attention to
4 it. I mean, it's not -- I mean, it's not uncommon that
5 we end up backing each up for staff or helping or
6 assisting them.

7 Q. And one of your focuses is to maintain the integrity
8 of a crime scene, so it would be good to know who went in
9 the house before you, right?

10 A. Yes.

11 Q. Okay. Would it surprise you to know that some City
12 of Charleston police detective or police officers went
13 into the crime scene before you did?

14 A. That doesn't surprise me.

15 Q. Okay. Were you aware that they have body cameras or
16 whether they had body cameras at that time?

17 A. I don't -- 2015, I don't know if they had body
18 cameras and I'm not aware if they did or didn't. I don't
19 know if they have video.

20 Q. Okay. So you never talked to any City of Charleston
21 Police Department?

22 A. No.

23 Q. That's fine.

24 A. Yeah, I have very -- our jobs, we have very little
25 communication with people in general. We are there to

1 process a scene. We speak to our detectives and our, I
2 guess, my lieutenant, but we don't have a lot of
3 communication with civilians, victims, witnesses or
4 anybody else outside of who's giving me information. A
5 lot of that interviewing is done through CID or through
6 deputies that might be on scene.

7 Q. Sure. You would agree with me that one of the ways
8 to keep an accurate account of the crime scene is to keep
9 a detailed and accurate crime scene log, is that correct?

10 A. It is.

11 Q. That wouldn't be part of your responsibilities?

12 A. No. Frequently we show up and we're the last ones
13 there because we're ---

14 Q. --- were you aware if that was the responsibility of
15 Deputy Biggs in this case?

16 A. I don't know. It's usually -- once the supervisor
17 shows up, he starts assigning jobs to people. I don't
18 know whose responsibility that was to do the crime scene
19 log. But the -- you understand the crime scene log isn't
20 just for the house.

21 Q. I understand.

22 A. Okay.

23 Q. Please explain what you mean for the jury.

24 A. We have -- usually when we get there, for the most
25 part we try to set up two sets of barrier tape, crime

1 scene tape. And one is pretty far back. And then you'll
2 have -- hopefully, we'll have another section that's a
3 little bit closer so to try, you know, to keep
4 individuals from -- it's for everybody's safety. And
5 it's for preservation.

6 We don't want anybody running through or too close
7 or we find out later that something was tracked out into
8 the roadway or, you know, we end up -- at least at that
9 point we've preserved it. So anybody who enters the tape
10 gets put on the log.

11 Q. Okay.

12 A. That doesn't necessarily mean that they entered the
13 house or our focused area. That just means they came in
14 the tape.

15 Q. Would you agree with me that everybody that went in
16 the house should be on the crime scene log?

17 A. Oh, sure.

18 Q. Now, I'm going to apologize for the amount of
19 pictures I'm about to show you. We have to go through a
20 lot. I've already previously shown these to the
21 Prosecutor. I want you to go through Defendant's Exhibit
22 61 [sic] through 99? Tell me if you recognize those
23 photographs.

24 [Whereupon, the witness reviews photographs]

25 A. I got them out of order; is that all right?

1 Q. That's okay. They've got stickers on them.

2 A. Yes. I recognize these to be photographs that
3 either I took or Balzano or Paul McManigal took from the
4 incident, from the scene.

5 Q. At 2317 West Palmer Drive?

6 A. Yes, sir.

7 Q. And these are true and accurate representations of
8 the crime scene?

9 A. Yes. I mean, I didn't photograph ---

10 Q. --- I understand ---

11 A. --- some I didn't take but, yes.

12 Q. But these are accurate representations of what you
13 saw?

14 A. Yes. It's safe for me to assume that. The
15 processing that goes on, some of those photographs were
16 taken during the processing. I never entered back into
17 the scene when I returned back to the scene.

18 You understand what I'm saying. So I don't know, if
19 that's what it looked like when I was there the second
20 time because I never entered back in.

21 Q. Okay.

22 A. But I will assume that I have -- I've had those
23 pictures in my case file as pictures that Paul and
24 Balzano took while they were processing. So I can
25 testify that based on them being there, photographing it,

1 yes. And they are in my case file as being accurate
2 representations of what they processed and how they
3 processed it of the scene.

4 Q. Well ---

5 A. --- I just can't -- I can't confirm that because I
6 didn't go back. You know what I'm saying, I didn't go
7 back in because they did the processing and those are
8 they photographs that ---

9 Q. --- I understand.

10 A. Okay.

11 Q. And are you aware of whether they're going to be
12 available to testify?

13 A. I don't know, you'll have -- I don't ---

14 Q. Regardless ---

15 MR. WEST: I'd like to introduce the pictures of the
16 crime scene, Judge.

17 MS. BALDWIN: I don't have any objection to them
18 except for Defendant's Exhibit 77 and my objection is
19 relevance.

20 THE COURT: What is 77? Let me look at it.

21 [Whereupon, the court views the photograph]

22 THE COURT: Members of the jury panel, I need you to
23 step out in the hallway for a few minutes.

24 [Whereupon, the jury exits at 10:43 a.m.]

25 THE COURT: All right. I'm looking at this. Why do

1 you think this is relevant?

2 MR. WEST: Judge, there's been ample testimony about
3 the health of the victim in the case. I think this sort
4 of corroborates not only where she would have been
5 sitting immediately prior to the incident, but also ---

6 THE COURT: --- the health of the victim?

7 MR. WEST: That's correct.

8 THE COURT: I don't really recall that being --
9 anything particularly said about her health.

10 MR. WEST: Judge, what I'm trying to establish is
11 they went to the crime scene. Certain things were found
12 in certain places at the house. We're trying to
13 establish where the victim possibly could have been
14 immediately prior to the incident.

15 There's been testimony about where she sits normally
16 and those sorts of things and this is just a picture
17 about where she sits normally. This is right next to,
18 sort of a blanket and an iPad and a phone and that sort
19 of thing; sort of an impression of the ---

20 THE COURT: --- you're going to have to show me what
21 you're talking about in this picture because I don't see
22 anything there.

23 MR. WEST: Sure. I think if you take that in
24 combination with...

25 [Whereupon, Ms. Baldwin and Mr. West confer]

1 MR. WEST: Judge, if you look at Exhibits 25 and
2 26...

3 [Whereupon, the court reviews the photographs]

4 MR. WEST: 26 has already been admitted into
5 evidence without objection and it's just a closer up.

6 THE COURT: Maybe you should have objected.

7 MS. BALDWIN: Maybe I should have.

8 THE COURT: No him. I don't know what all of this
9 has to do with anything. I'll let it in then. And I
10 don't know what it has to do with anything, but I'll let
11 it in.

12 MS. BALDWIN: Yes, sir.

13 [Whereupon, defendant's exhibit numbers 41 through
14 99 are entered into evidence by the Court]

15 THE COURT: Bring the jury in.

16 [Whereupon, the jury enters at 10:48 a.m.]

17 MR. WEST: And I believe I may have misspoke about
18 the numbering. I think it's 41 through 99.

19 THE COURT: 41 through 99; is that what you said?

20 MR. WEST: That's correct. One of the pictures was
21 out of order on the top of the stack.

22 THE COURT REPORTER: 41 through 99.

23 MR. WEST: Can I proceed?

24 THE COURT: Sure.

25 MR. WEST: Have they been entered into evidence?

1 THE COURT: Yes.

2 MR. WEST: Okay. May I publish?

3 THE COURT: Yes.

4 [Whereupon, the photograph is shown]

5 Q. [Mr. West] Defendant's Exhibit 42, would you mind
6 pointing out to the jury in this exhibit where you see
7 blood on the porch?

8 A. Can you erase that? Sorry.

9 Q. So I guess it's safe to say there's a pretty wide
10 area on the porch that has blood ---

11 A. --- well, I can't circle --, I can't circle each
12 individual drop without ---

13 Q. Sure. Isn't it true later in the pictures that
14 they're actually individually marked?

15 A. Yes. They're assign placards, each drop. Yes.

16 Q. And this is an accurate representation of the
17 entryway to the home. There's a towel in the doorway?

18 A. Yes sir.

19 Q. Okay. Do you know prior to your entry whether this
20 towel had ever been moved or picked up?

21 A. I don't.

22 Q. I'm show Exhibit 46.

23 [Whereupon, the photograph is shown]

24 Q. Part of your testimony earlier when the solicitor
25 was asking some questions about the height of the blood

1 down the hallway. Do you know if was ever measured, the
2 height of the blood entering the doorway of the bathroom?

3 A. Measured to scale? No, I don't know.

4 Q. Okay. How about on the cabinets in the bathroom?

5 A. I don't know.

6 Q. Exhibit 47.

7 [Whereupon, the witness is shown photograph]

8 Q. The hair located in the victim's hand in this
9 picture; did you ever test that for DNA?

10 A. I don't know that -- I'm not sure that we got it. I
11 think it probably would have been collected during
12 autopsy. And I'm not sure if they collected it. But I
13 don't recall sending a hair to SLED for processing.

14 Q. Okay. So to your knowledge that hair has never been
15 tested?

16 A. I can look at the list and see if it was sent, if we
17 have it?

18 Q. Well, from your involvement, not other's involvement
19 you never personally sent it to SLED?

20 A. From my involvement, I don't even know that it was
21 collected.

22 Q. Okay. All right. Exhibit 48.

23 [Whereupon, the photograph is shown]

24 Q. You'd agree with me that the pinky finger located on
25 this hand is partially missing?

1 A. Correct.

2 Q. Okay. Evidence of a struggle?

3 A. Left up to interpretation, yes.

4 Q. Okay. And how about the length of the fingernails
5 in this picture? They'd be readily available to collect
6 and clipped and processed for DNA wouldn't they?

7 A. Yes.

8 Q. Exhibit 49.

9 [Whereupon, the photograph is shown]

10 Q. You testified previously about the injury to the
11 knee. You can't say when or how this injury was
12 inflicted upon the victim in this case?

13 A. Correct.

14 Q. Exhibit 50?

15 [Whereupon, the photograph is shown]

16 Q. A large contusion or bruise on the victim's face.
17 You cannot testify as to how that was -- how the victim
18 received that injury?

19 A. Correct.

20 Q. Exhibit 52?

21 [Whereupon, the photograph is shown]

22 Q. Seem to be a large pool of blood in the bottom left
23 corner and onto the cabinets there's several drip marks.
24 Do you know if any of those were ever measured or were
25 processed?

1 A. Measured and photographed? I know they did measure
2 some things. But, I mean, there's hundreds of photos. I
3 think the ones you showed me -- I don't know if that was
4 one of the photographs you showed me. I know they
5 measured some things. I don't recall whether it was this
6 or not.

7 Q. Okay. That'd be more suited for Investigator
8 Balzano?

9 A. Probably Paul McManigal.

10 Q. McManigal? 53?

11 [Whereupon, the photograph is shown]

12 Q. This looks like the hallway entering from the foyer.

13 A. Yes, sir.

14 Q. And the blood is all the way up the wall?

15 A. Yes, sir.

16 Q. Exhibit 58?

17 [Whereupon, the photograph is shown]

18 Q. We had previously discussed the fact that part of
19 the crime scene analysis is oftentimes individually
20 marked blood spots when they're found. Is this what this
21 is a depiction of?

22 A. Yes, sir. We call these -- we place placards on
23 evidence that either we're going to collect or need
24 processing. And the little letters represent the placard
25 and I think he has identified with numerous because

1 sometimes we don't do all the blood drops because there
2 are just too many.

3 Q. Sure.

4 A. But he's obviously placarded some for some reason,
5 either collection or just photography documentation for
6 some reason.

7 Q. And what is in the cardboard box to the left of the
8 picture?

9 A. That may have been -- it's a box from forensic
10 services. That may have been the box that I used to
11 bring supplies.

12 Q. Okay. What about the Gatorade bottle?

13 A. I believe that's probably one of ours, one of ours
14 that we would have had, one of the investigators that
15 would have been working on the scene. I may have ---

16 Q. --- is that a guess or is that a ---

17 A. --- I was -- you understand, I was not here on this
18 scene at this point right here.

19 Q. Okay.

20 A. Okay. So I know that box is probably the box that
21 had the supplies in it that I brought, but the Gatorade,
22 sometimes they bring us something to drink.

23 Q. Okay.

24 A. It may have belonged to one of the investigators.

25 It wasn't in my pictures when I first showed up,

1 documenting the front porch area.

2 Q. I'm trying to ---

3 A. --- if I can look at that maybe I can tell you if
4 it...

5 Q. Okay. Exhibit 70?

6 [Whereupon, the photograph is shown]

7 Q. You're looking at fingerprints on the doorway.

8 A. Yes, sir.

9 Q. Okay. Would you have marked that on the glass or is
10 that another investigator?

11 A. Investigator Balzano and Paul McManigal processed
12 this. It appears to have been with black powder. I did
13 not -- if you want me to circle -- I didn't do this
14 processing. I wouldn't be comfortable doing that. They
15 identified, I think, and photographed certain prints on
16 there that are shown later.

17 Q. You weren't involved in the collection of the
18 fingerprints?

19 A. I don't recall that, no. Uh-uh. They'd already
20 done that when I -- after I returned. I mean prior to my
21 return.

22 Q. Exhibit 88?

23 [Whereupon, the photograph is shown]

24 Q. At the placard J, you -- there might be a little
25 glare of it -- but there is hair located in the blood

1 spot, is that correct?

2 A. It looks like hair. Again, I didn't process the
3 scene, so I don't know.

4 Q. Maybe I'll just ask another investigator, but my
5 impression was you were in charge of the crime scene?

6 A. Paul McManigal was in charge of this scene once I
7 left.

8 Q. Do you know whether this hair was ever tested for
9 DNA?

10 A. I don't know that that hair was ever collected.

11 Q. Okay. You are aware that blood spatter analysis is
12 often used by experts in order to form an opinion as to
13 the movements in a particular crime scene?

14 A. Yes. That was one of the reasons I requested Paul
15 McManigal come out.

16 Q. Okay. SLED has a specific blood spatter analysis
17 department, is that correct?

18 A. I don't know.

19 Q. You don't know if SLED has the particular
20 capabilities to do blood spatter analysis?

21 A. I don't. I've never used them.

22 Q. How about the FBI?

23 A. I assume they do.

24 Q. Okay. After you left 2317 West Palmer you went to
25 Doctor Little's house, is that correct?

1 A. Yes.

2 Q. And I apologize to have to sort of go through all of
3 this but Detective Thompson had a hard time recalling
4 some details about how he went into the house. So I'm
5 going to have to ask you because he told me I'd have to
6 ask you. When did you arrive?

7 A. I'm going to say it was approximately 2:30 a.m.

8 Q. Okay. Who was there when you got there?

9 A. Colburn was there. I think -- I know Detective
10 Thompson was there. I recall Detective Bowen being
11 there. I don't know that I saw Detective Bowen initially
12 when I got there; I remember seeing him there.

13 And there may have been -- there may have been
14 another detective there, but I definitely remember
15 Thompson and Colburn and Bowen being there.

16 Q. Okay. And who is Bowen?

17 A. He's a detective.

18 Q. He's in the detective division?

19 A. Yes, sir.

20 Q. Okay. Where was Detective Thompson when you first
21 arrived; inside or outside?

22 A. I don't -- you know, I don't recall. I know we had
23 people inside the residence.

24 Q. Okay.

25 A. When I show up to a scene, I expect my scene to be

1 secure. I want everybody out of it. I don't want
2 anybody touching or moving anything. We take into
3 consideration sometimes we can't always remove people
4 from the scene because of the weather outside or we don't
5 have cars to put them so they could stay comfortable,
6 they've got children in bed.

7 So sometimes we take into consideration and a
8 detective may remain inside with the family so he can
9 keep an eye until I can get there and begin processing.
10 I don't recall where Detective Thompson was when I
11 arrived.

12 But I would think that one of the detectives was
13 probably inside with the family because the family was in
14 the house and we weren't going to ask them to come stand
15 outside in the middle of the night.

16 Q. Sure. And when you first got there, your first task
17 was to do what?

18 A. I was called there to execute the search warrant on
19 the house. The first thing I do when I get there, I get
20 out and I speak to detectives or whoever's on scene.
21 Figure out what I'm needed for, what we're doing here.
22 Figure out what's on the search warrant and what we're
23 looking for.

24 Q. Okay. And did you process the house or the car
25 first?

1 A. The car.

2 Q. Okay. So you went over to the car and there was a
3 little bit at-length discussion of how you got into the
4 car, but I'm just a little confused as to how you got --
5 you said the window -- the passenger window was down?

6 A. Front passenger window was down.

7 Q. Okay. An alarm was going off? Was it because you
8 opened the passenger door?

9 A. No, the doors are locked.

10 Q. So the doors are locked.

11 A. So I knew the minute that I stuck my hand inside the
12 window to unlock the door, the minute I opened it, the
13 alarm was going to sound and it's 2:30 in the morning.

14 Q. Sure. Inconvenience your neighbors, right?

15 A. Yes, sir.

16 Q. So you unlock the passenger door, and you need to
17 open the driver's side door, correct?

18 A. To get to the hood release, yes.

19 Q. Okay. And you crawl into the car.

20 A. Crawl, yes. Dramatic, but yes ---

21 Q. --- well, you ---

22 A. --- I lean in, I lean in. I stay -- I have already
23 identified that there is a spot on the passenger's side
24 seat and the passenger-side shoulder. I'm attempting to
25 stay as far away from it as I can. I don't want to touch

1 anything on the console. I am trying to figure out where
2 the lock is, where the hood release is, which one is
3 easier to get to. And I lean in; my knees were down on
4 the floorboard. I tried to stay on the floorboard and
5 not touch anything.

6 Q. Sure.

7 A. And reach over and then we have to pull the lever
8 back on the door.

9 Q. And then when you did that, Detective Thompson was
10 able to disarm the alarm?

11 A. Yes.

12 Q. Okay.

13 A. I don't know that -- I'm a bit obsessive compulsive
14 and most of my detectives know that I'm one of the ones
15 that they don't get in front of me on any of my search
16 warrants. So I don't know that he would have opened the
17 door.

18 I think he's kind of -- I don't want to touch
19 anything so I probably went around and opened the door,
20 released the hood. He had some tools and he had to
21 disengage the alarm.

22 Q. Okay. And Detective Bowen is standing outside
23 where?

24 A. Not my focus. I don't know where he is.

25 Q. Right.

1 A. I'm not focused on -- I have perimeter guys there,
2 whether they be deputies, marked units, detectives. My
3 focus is on what I'm doing. I don't -- I can't keep tabs
4 on...

5 Q. None of my questions are to trick you. I'm just
6 trying to ---

7 A. --- yeah, I don't know where Detective Bowen was.
8 He may have been inside with the family.

9 Q. Okay. When did you notice the spot on the center
10 console?

11 A. I think that was -- I can check the report, but I
12 think that was one of the -- I remember them showing me
13 or pointing out to me the spot on the interior side of
14 the driver's side door because it was almost very
15 difficult to see. It's dark outside and like I showed
16 earlier with the flashlight, it's kind of hard to see
17 with the reflection.

18 But I know they showed me this spot on the
19 passenger's seat. And I think the console was mentioned,
20 but I don't know that I felt confident at that point that
21 that particular spot was blood. I could look at the one
22 on the shoulder and feel very confident about it. Having
23 worked crime scenes for ten years, I can pretty much spot
24 that.

25 Q. Sure.

1 A. But the one on the center console -- and I think it
2 was -- I don't think it was just one of the detectives.
3 I think it was -- I think Colburn mentioned it to me and
4 maybe Mikey mentioned it -- I'm sorry, Detective Thompson
5 mentioned it to me.

6 Q. Okay. But it's safe to say from that testimony that
7 the spot on the center console was not immediately
8 recognizable as blood.

9 A. For me.

10 Q. For you?

11 A. For me. I mean, I have guys turn in fingernail
12 polish because sometimes it looks like -- some of the
13 deputies, you know. Some guys that don't -- haven't --
14 don't look at it every day, don't see it every day may
15 not recognize something, a spot of blood from ketchup or,
16 you know, it's -- there's a lot of things that are
17 similar in nature that can be mistaken.

18 Q. Sure. And you say you went in the house and met
19 Carla Little?

20 A. I did.

21 Q. Okay. She's much younger than my client, Doctor
22 Little?

23 A. I'll be honest with you, I don't know. I don't know
24 dates of birth -- I don't ---

25 Q. --- I'm not asking dates of birth ---

1 A. --- I don't associate myself with the people -- I'm
2 there about evidence ---

3 Q. --- sure. But from her appearance, she appeared
4 much younger than my client.

5 A. I don't remember. I don't recall.

6 Q. Do you recall, any particulars of her height,
7 weight, anything like that?

8 A. [No response]

9 Q. How did she appear to you?

10 MS. BALDWIN: Your Honor, objection.

11 THE COURT: Ask another question.

12 Q. [Mr. West] I'm simply trying to paint a picture of
13 who you met.

14 THE COURT: Trying to do what?

15 MR. WEST: Paint a picture of who she met. She
16 met...

17 MS. BALDWIN: Your Honor, I've got to continue to
18 object. She says she doesn't know.

19 THE COURT: All right. Well, do you remember what
20 she looked like, other than being a female, black female,
21 approximate height, weight something like that? Would
22 you recognize her if she walked in the door?

23 THE WITNESS: No, sir. I mean, I -- maybe
24 approximately 5-9. She had maybe dark hair. She may
25 have been light-skinned. I don't recall what she was

1 wearing.

2 Q. [Mr. West] Okay.

3 A. Yeah, I don't ---

4 Q. --- I'm not asking you specifically.

5 A. Yeah, I don't...

6 Q. All right. Moving past that who is Sergeant James?

7 A. Sergeant Shawn James. He was the forensic services
8 sergeant at that time.

9 Q. Okay. And he handled some evidence in this case,
10 isn't that correct?

11 A. He may have. I wouldn't be surprised. I mean,
12 handling, can you be more specific?

13 Q. Sure. When you turned in evidence you collected,
14 who did you turn it over to?

15 A. I carried all the evidence with -- Investigator
16 Balzano and I carried all the physical evidence to the
17 compound. I don't really understand what you mean by
18 turn it over.

19 Q. Sure.

20 A. Once you get inside the forensic services division,
21 the evidence compound is located inside; they're all kind
22 of one entity where we're submitting, entering, sealing.
23 At some point he may have handled...

24 Q. Sure. Could you look please -- do you have your
25 report in front of you?

1 A. Sure. Yes.

2 Q. Refer to page two?

3 A. Uh-huh.

4 Q. Paragraph two? Sergeant James took custody of the
5 vehicle.

6 A. The vehicle.

7 Q. Sure?

8 A. He took custody of the vehicle after Colburn
9 escorted it to forensic services and he secured it inside
10 of the bay.

11 Q. Okay. All right. I was trying to establish what
12 role Sergeant James ---

13 A. --- I didn't turn the vehicle over to him. Colburn
14 did.

15 Q. Okay. All right. And you found some shoes in my
16 client's house?

17 A. Yes, sir.

18 Q. Detective Thompson had a hard time recalling how the
19 shoes were found, appearance, location and those sorts of
20 things. And, in fact, this is one of the things he told
21 me I'd have to ask you about as well. These shoes were
22 in a Walmart bag?

23 A. Yes, sir.

24 Q. Okay. And you testified about that. Do you
25 remember whether the bag was opened or closed when you

1 found it?

2 A. I don't -- the bag wasn't closed. The bag is
3 standing upright. You can see it in one of my initial
4 pictures of the walk-through. You can see it.

5 Q. Okay.

6 A. I know I was in the other room. I can assure you
7 that Detective Thompson knows better than to touch
8 anything. If he thinks something is relevant, he'll come
9 and get me.

10 Q. Okay.

11 A. And I almost want to say -- I haven't looked at the
12 picture -- you can actually look down inside the bag.
13 The bag was kind of -- it wasn't crumpled up, I guess.
14 You could see somewhat inside the bag if not through the
15 bag.

16 Q. All right. And then did you take the shoes out both
17 together or were they individually taken out of the bag?

18 A. We went through my photographs earlier and when I
19 photographed it they were both in the bag. And then I
20 believe I took one out individually and photographed it
21 and looked at it.

22 And believe at that point I may have set them on the
23 dining room table to finish what I was doing prior to
24 coming -- and I was going to come back to them.

25 Q. And you put both of the shoes back in the same bag?

1 A. Yes. Yeah.

2 Q. Did you note any substances on the bottom of the
3 shoe?

4 A. Not to my -- not to my -- no.

5 Q. And I believe your direct testimony was that you had
6 left the forensics unit, went to the Solicitor's office
7 prior to most of the submissions to SLED?

8 A. I think out of five submissions I think two of them
9 happened after I left, one or two happened after I left.

10 Q. Do you know when the shoes and this analysis was
11 sent to SLED?

12 A. I believe they may have gone up twice. I think they
13 went up once and came back with no analysis done. And I
14 believe we just recently made arrangements for them to go
15 back up?

16 Q. Why wouldn't there have been an analysis done?

17 A. I don't know. I don't know that anybody has the
18 answer as to why, other than the SLED person that maybe
19 they were assigned to when they got there. I don't know
20 why they would have come back without analysis.

21 Q. Okay. Does anybody from the sheriff's office make
22 that call?

23 A. When cases get disposed of sometimes there's
24 evidence still up at SLED or something that doesn't need
25 analysis done anymore. It saves them the time so we've

1 had Solicitors call and say we don't need this anymore.
2 We've called and said we don't need this anymore. Any
3 number of law enforcement entities, as long as it's
4 relevant to the case, you know, could make that call.

5 Or sometimes we've received calls from SLED saying
6 we've got this backlog, do you still need this stuff
7 done. So, I mean, it can happen a number of different
8 ways.

9 Q. But you don't know what happened in ---

10 A. No, I don't. I don't know. I would not have made
11 that call.

12 Q. Everything would be pure speculation on your part?

13 A. Yes.

14 Q. Okay. Now, you went at length about the processing
15 of the car with this Blue Star substance. The State
16 failed to ask you about the negative tests that were in
17 the car. And I'm going to go into that, okay?

18 A. Yes, sir.

19 Q. There were some false positives in those tests,
20 correct?

21 A. Uh-huh. Yes, sir.

22 Q. Okay. So not everything ---

23 A. --- well, one. One.

24 Q. One? Okay. And you can swear to that?

25 A. Yes, sir.

1 Q. Okay. How many spots did you test in the car?

2 A. Oh, my gosh?

3 Q. Two correct? Two were actually sent for DNA?

4 MS. BALDWIN: Your Honor, objection. Can he please
5 let her finish answering his questions?

6 THE COURT: Go ahead. Go ahead. Ask the question
7 again?

8 Q. [Mr. West] Two spots were tested for DNA, correct?

9 A. Tested? Are you meaning swabs collected and sent to
10 SLED or are you meaning I spray tested ---

11 Q. --- how many spots were sent to SLED for DNA
12 analysis and actually tested?

13 [Whereupon, the witness reviews document]

14 A. So, two swabs from the vehicle were sent to SLED for
15 processing.

16 Q. Two were sent for processing?

17 A. Two swabs.

18 Q. And there were false test positives your Blue Star,
19 correct?

20 A. No.

21 Q. There were no false positives with your Blue Star?

22 A. Those two swabs that we sent ---

23 Q. --- not with those two swabs, but the rest of the
24 swabs?

25 A. I'm sorry. I thought that was what you asked me.

1 Q. No, the rest of the car. You had false positives
2 with the Blue Star tests?

3 A. No.

4 Q. All right. Tell the jury what happened with the
5 umbrella in the backseat?

6 A. Okay. That -- right. When you say false positives,
7 the only thing that we got a false positive from that I
8 tested inside the vehicle was a large umbrella. It was
9 in the floorboard of the back passenger seat.

10 Q. Close to where the Blue Star reading that were shown
11 by the Solicitor in the back seat of the car, right?

12 A. Well ---

13 Q. ---- the Solicitor went through some back seat
14 pictures with the Blue Star; is that correct?

15 A. The Solicitor showed me pictures of the seat area
16 where the seatbelt is -- area --

17 Q. Sure ---

18 A. -- which luminesced for the reaction of blood. The
19 umbrella was on the floorboard. I'm sorry if you call
20 those close. Me, in a forensic world, I don't -- with
21 the amount of stuff that luminesced it wasn't like the
22 car was -- there was not a whole lot of blood in the car.
23 So to me that's not close.

24 Q. Okay. The positioning of the umbrella was on the
25 back driver's side floorboard, correct?

1 A. Yes.

2 Q. The pictures you saw was the seating in the back
3 driver's side, correct?

4 A. Correct.

5 Q. Okay. And in my world, that's close to each other,
6 correct? Would you say?

7 A. I can't say for what you consider close in your
8 world. It's not close in my world.

9 Q. Let me show you exhibits 105, 106 and 107.

10 [Whereupon, the witness is shown photographs]

11 Q. Do you recognize these photographs?

12 A. Yes. Yes, sir. These are photographs that I took.

13 Q. Okay. Are they true and accurate representations of
14 the photographs you would have taken on that night?

15 A. Yes, sir.

16 Q. All right.

17 MR. WEST: I would like to introduce Defendant's
18 Exhibits 105, 106, and 107.

19 MS. BALDWIN: No objection.

20 [Whereupon, defendant's exhibit numbers 105, 106 and
21 107 are entered into evidence by the court]

22 [Whereupon, the photograph is shown]

23 Q. [Mr. West] Defense Exhibit 106, this is just another
24 angle of the shoes that were taken into evidence, is that
25 correct? Is that the shoes there ---

1 A. --- it's difficult. Yeah, it's difficult to see on
2 here because it looks like the picture's been damaged
3 somehow. But, yes, that appears to be shoe that came out
4 of the Walmart -- one of the shoes that came out of the
5 Walmart bag that I took into evidence.

6 Q. Okay. And 107, defense exhibit 107?

7 [Whereupon, the photograph is shown]

8 A. Yes, sir.

9 Q. Another angle of the shoes?

10 A. Yes; the shoes that came out of a Walmart bag that I
11 took into evidence.

12 MR. WEST: No further questions.

13 THE COURT: Anything on redirect?

14 MS. BALDWIN: Briefly, Your Honor.

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1 REDIRECT EXAMINATION

2 BY MS. BALDWIN:

3 Q. Ms. Meyer, Mr. West was making a big deal about the
4 umbrella versus the other spots in the car. So what
5 happened when that umbrella was sprayed?

6 A. You can get -- sometimes you can get a false
7 positive when using Blue Star. It happens rarely, but
8 there was some certain kind of ink or printing or
9 something. It was a large umbrella.

10 I think we have photographs of it; a large umbrella.
11 And it was just like the printing on it was luminescing,
12 like it was a -- it had a college emblem on it or
13 something and just that certain part of that emblem was
14 luminescing.

15 So when you turn on the light, I could see that it
16 was specifically reacting to that particular item on the
17 umbrella. It was -- we examined it closely. We did not
18 find anything that indicated to us there was any blood
19 residue or anything on the umbrella.

20 Q. How did that emblem luminescing compare with the
21 other spots that we went through earlier?

22 A. I would have to look at my pictures but I recall it.
23 It was -- the glowing was, almost in a shape, I guess, in
24 a pattern. And when we looked at the umbrella and
25 extended the umbrella we started to see that it was

1 matching what was printed on the umbrella. So it was
2 something that it reacted to, the ink, or the material,
3 the fiber or something.

4 Q. Did you find that to be the case in the other spots
5 you found in the car?

6 A. No. The other spots I had already collected samples
7 and doing the Blue Star was just confirming the location
8 and the sample that I had collected. The samples that I
9 had already collected prior to spraying, I believe those
10 came back from SLED as being blood.

11 Q. And those spots that luminesced, why didn't you send
12 those to SLED?

13 A. Once you spray it with the Blue Star, it dilutes it.
14 So you lose the quality of your sample you lose a lot of
15 quality. The first part, I'm dealing with a small
16 sample. The smaller the sample, the less chance of
17 getting a quality profile, DNA profile from it to be able
18 to compare it to anything else.

19 Once you start diluting it with liquids or Blue Star
20 processing chemicals and stuff like that, the integrity
21 of the sample and the quality of the sample is not as
22 good.

23 So I collected a sample just in case we needed it at
24 some point, but in evidence it's clearly -- it's clearly
25 described as a Blue Star blood sample. So when I swab it

1 with the swab, it's going to contain some of that Blue
2 Star chemical in it, which is going to, again, dilute it
3 and reduce the quality of the sample.

4 Q. The swab from the interior of the left shoe that you
5 took, when -- just to reiterate, when was that taken,
6 what date and time?

7 [Whereupon, the witness reviews document]

8 A. Left shoe, correct?

9 Q. Yes, ma'am?

10 A. The blood swab from the interior side of the left
11 shoe was sent to SLED -- it went to SLED on 9/29 of 2015
12 by Investigator Balzano.

13 Q. And you collected that?

14 A. I collected that on 9/23 of 2015 at 04:15 in the
15 morning.

16 Q. Okay. And where was that collected?

17 A. From on the left side of the interior part of the
18 shoe?

19 Q. Where were you ---

20 A. --- oh, location ---

21 Q. --- yes; sorry.

22 A. We were at 223 Burnham. The search warrant scene --
23 not the incident location, but the search warrant we
24 executed at Mr. Little's house.

25 Q. Do you recall who obtained the search warrant for

1 the house?

2 A. I'm sorry. I don't. I can look at it and tell you
3 who signed the bottom of that.

4 Q. If I showed you the search warrant ---

5 A. --- sure ---

6 Q. --- would that help you remember it?

7 A. Yes, ma'am.

8 Q. Okay? I'm going to show you Defendant's Exhibit 39..

9 [Whereupon, the witness is shown exhibit]

10 A. This is Detective Bowen.

11 Q. Okay. So Detective Bowen obtain the search warrant
12 for the house?

13 A. For 223 Burnham the house, yes.

14 Q. As regards 2317 West Palmer, I believe defense
15 showed you a picture. Defendant's 53, I believe.

16 [Whereupon, Ms. Baldwin reviews photographs]

17 [Whereupon, the witness is shown photograph]

18 Q. Defendant's 53. And I think he had you point out
19 there was blood up the walls?

20 A. Yes, ma'am.

21 Q. What -- earlier in your direct testimony you talked
22 about drops and drips and spatter and whatnot. What do
23 you see in there?

24 A. Again, this is the processing that Investigator
25 Balzano and Paul McManigal did. You've got some blood

1 spatter up the walls. Transferring with smeared or
2 touched, you've got a smear over here [indicates].
3 You've got a lot of drops and spatter up the wall, down
4 on the baseboard and the floor you've got more blood. I
5 can't tell you it's gone up the wall, but I can only...

6 Q. State what ---

7 A. --- testify to what I observed. I'd have to look at
8 my pictures from that particular location to be able to
9 but yes, I can see the blood is extended up the wall and
10 it's been photographed with a scale, so they can identify
11 how large those drops are.

12 Q. Did you notice when you -- they showed you some
13 pictures of the victim's body earlier?

14 A. Yes, ma'am.

15 Q. Did you notice anything regarding her position as to
16 how she got into the bathroom?

17 A. I mean, there was ---

18 MR. WEST: Objection. Speculation.

19 THE COURT: Well, just describe what you saw.

20 THE WITNESS: Yes, sir.

21 THE COURT: Outside the bathroom, in the bathroom,
22 whatever.

23 A. Her nightgown was scrunched up to the mid-section of
24 her body. She had -- she did not have any clothing on
25 from the waist down. The bathmat underneath her was

1 rolled up underneath the lower portion of her back. Her
2 right leg was propped up on the tub. Her arms were
3 extended out a little bit above her head.

4 THE COURT: Was her head going into the bathroom per
5 se or vice versa?

6 THE WITNESS: Her head was towards the door. Her
7 feet were further in with her right leg up on the
8 bathtub.

9 Q. [Ms. Baldwin] And did you notice anything about the
10 blood in the hallway?

11 A. I mean, there was some -- there were some areas on
12 the wall and the baseboard that appeared as though there
13 had been some transfer, maybe a -- like I mentioned
14 earlier, if you have it on the back of your hand, you
15 touch the wall, it looks like something bloody had been
16 resting up against some of those areas. And I think
17 there were some smudge marks and some swipe marks, maybe
18 were fingerprints and smudged on the wall.

19 And then I think there was some in the bathroom that
20 looked like they'd been -- I guess they're consistent in
21 the bathroom with when you're touching something,
22 something bloody is touching a solid stationary surface
23 and it slides you've got what we call a drag or a swipe
24 or a smudge. I mean, it's something that's in motion, I
25 guess, for the most part versus something stationary.

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1 Q. So it's something like that?

2 [Whereupon, Ms. Baldwin indicates on the photograph]

3 A. Yes, ma'am.

4 MS. BALDWIN: Court's indulgence.

5 [Whereupon, Ms. Baldwin and Mr. Sowards confer]

6 MS. BALDWIN: I have no further questions.

7 THE COURT: Thank you very much. You can return to
8 your place in the courtroom or be excused.

9 [Whereupon, the witness is excused and exits the
10 witness stand]

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1 THE COURT: We'll take our morning break, about a
2 ten-minute recess. Let you go to the jury room about ten
3 minutes.

4 [Whereupon, the jury exits at 11:31 a.m.]

5 THE COURT: So let's have a serious discussion
6 about the scheduling.

7 MS. BALDWIN: Yes, sir. We have two more crime
8 scene people.

9 THE COURT: For how long?

10 MS. BALDWIN: From our end they won't be very long
11 at all. I think our next witness 20 minutes, 20 to 30
12 minutes at the most; the very most. Mr. Sowards is doing
13 the other crime scene person. [To Mr. Sowards] How long
14 do you think he will take?

15 MR. SOWARDS: Probably about the same.

16 THE COURT: So that's pretty much the rest of the
17 morning at least. What after that?

18 MS. BALDWIN: We have two SLED people. And
19 depending on what they're willing to stipulate to
20 regarding chain maybe two quick chain people and then our
21 pathologist.

22 THE COURT: So that's the rest of the day.

23 MR. WEST: Judge, I would suggest we work well past
24 4:30 today.

25 THE COURT: Well, that ain't going to happen. I've

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1 been working on -- anyway, that's not going to happen
2 from the standpoint of quality of what is sitting up here
3 so that leaves tomorrow so that means we're got to go
4 into Saturday or next week.

5 MR. WEST: That's how it would seem, Judge.

6 THE COURT: Judge Dennis -- I am informed Judge
7 Dennis told the jury that there was no way they were
8 going to be here beyond this week. So we're going to
9 have to break the news to this jury tell them to start
10 making plans for next week.

11 MS. BALDWIN: Yes, sir.

12 MS. ZMROCZEK: Your Honor, would you be giving them
13 the option if they wanted to work on Saturday or next ---

14 THE COURT: --- maybe. I've got to check with the
15 Clerk's office about how much trouble it is.

16 CCSO DEPUTY: If I may, sir? Saturday would present
17 a problem with our agency. We have a training program
18 that everybody down here is going to ---

19 THE COURT: --- so Saturday is out.

20 [Whereupon, the court takes a brief recess]

21 THE COURT: Let's do some more talking about
22 scheduling. So we're looking at going to Monday of next
23 week at least. Can we finish up Monday?

24 MS. BALDWIN: I think we could finish up Monday,
25 Your Honor.

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1 THE COURT: When are you going to finish?

2 MS. BALDWIN: I hope we finish today. If not it
3 will be first thing tomorrow morning.

4 THE COURT: Tell me what your best estimate is.

5 MR. WEST: Our presentation could take probably
6 half a day.

7 THE COURT: Okay. So then it looks like we can
8 finish up Monday.

9 MS. BALDWIN: Yes, sir.

10 THE COURT: So tell me again. You're going to
11 finish up when?

12 MS. BALDWIN: Either today or first thing tomorrow
13 morning.

14 THE COURT: So let's try to shoot for today.

15 MS. BALDWIN: I am.

16 MR. WEST: Judge, we've actually instructed our
17 witnesses to be here today.

18 THE COURT: Good, good, good. Well, I've already
19 broken the news to the jury and all so there were three
20 people who had job problems basically. But none of them
21 were life threatening or anything of that sort. So I
22 told them to start making plans over the lunch or evening
23 to be here. And we've got two alternates so we possibly
24 can make a decision tomorrow about letting somebody go or
25 not letting somebody go or whatever. So bring the jury

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1 back in. Who's the next witness?

2 MS. BALDWIN: Investigator Balzano.

3 THE COURT: Come on up.

4 [Whereupon, Mr. Balzano comes forward]

5 [Whereupon, the jury enters at 11:50 a.m.]

6 THE COURT: All right. Call your next witness.

7 MS. BALDWIN: The State calls Stephen Balzano.

8 THE COURT: By the way, let me tell you we're
9 working on the problem that I just told you about. We're
10 doing everything we can to solve that, so keep your hopes
11 -- keep your spirits up. We're working on that as much
12 as we can. Come on up.

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1 [Whereupon, Stephen Balzano comes forward]

2 [Whereupon, the witness is duly sworn by the Clerk
3 of Court]

4 CLERK OF COURT: I need you to speak into the
5 microphone so we can hear you. State your full name for
6 the record, spelling your last name. Thank you.

7 THE WITNESS: Stephen Balzano, last name is B-A-L-Z-
8 A-N-O.

9

10 STEPHEN BALZANO,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MS. BALDWIN:

15 Q. Mr. Balzano, where do you currently live and work?

16 A. I live in Woodruff, South Carolina. I own a power
17 washing company.

18 Q. Where did you work in September of 2015?

19 A. I was with the Charleston County Sheriff's Office.

20 Q. And in what capacity?

21 A. An investigator in the crime scene forensics area.

22 Q. Okay. How long had you been there when this
23 incident occurred?

24 A. Two weeks. I was still in training.

25 Q. Okay. Had you worked at the sheriff's office in any

1 other capacity prior to crime scene?

2 A. Yes, ma'am.

3 Q. In what capacity?

4 A. I was working as patrol for almost three years.

5 Q. Did you respond to 2317 West Palmer Drive on
6 September 22nd of 2015?

7 A. I did.

8 Q. Who did you respond with?

9 A. Erin Meyer.

10 Q. And what did you do when you arrived there?

11 A. I met with the deputies on scene, the detectives and
12 the coroner.

13 Q. What did you do besides meeting with people?

14 A. We had submitted earlier, they had submitted for a
15 warrant and until the warrant was secured I took outside
16 photographs of the scene.

17 Q. Okay. Was Investigator Meyer there the entire time?

18 A. No.

19 Q. Okay. Were you there by yourself?

20 A. No.

21 Q. Who was with you?

22 A. Erin Meyer and then when she had to go to another
23 address, Paul Manigal [sic] took her place?

24 Q. Excuse me, who?

25 A. Paul Manigal [sic].

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1 Q. Okay. And what did you do with Investigator
2 McManigal?

3 A. Assisted him with processing the scene.

4 Q. Do you recall specifically what you did?

5 A. Took blood swabs and photographs.

6 [Whereupon, Ms. Baldwin reviews photographs]

7 [Whereupon, State's exhibit numbers 140 and 141 are
8 marked by the court reporter]

9 THE COURT: So that's what number?

10 MS. BALDWIN: These are State's 59, 61 through -- 61
11 through 78, 126 through 129 and State's 140 and 141.

12 Q. [Ms. Baldwin] Just briefly glance through those and
13 tell me generally what we're looking at. Are those the
14 pictures that you too?

15 [Whereupon, the witness views photographs]

16 A. Yes.

17 Q. Okay.

18 MS. BALDWIN: At this time I'd like to admit those
19 exhibits into evidence.

20 THE COURT: Any objection?

21 MR. WEST: Nothing from defense.

22 THE COURT: No objection. All right.

23 [Whereupon, State's exhibit numbers 59, 61 through
24 78, 126 through 129 and 140 through 141 are entered into
25 evidence by the court]

1 THE COURT: Now, hold it right there. Members of
2 the jury panel, I need you to go out in the hallway just
3 for a moment if you would, please? We're going to take
4 care of some other business. I'm going to order your
5 lunch. That's what we're doing, ordering lunch.

6 [Whereupon, the jury exits at 11:52 a.m.]

7 MS. BALDWIN: And, Your Honor, for the record I said
8 I believe 61 through 78. State's 71 is not in there and
9 it's not admitted.

10 THE COURT REPORTER: So 61 through 70 and then 72
11 through 78.

12 [Whereupon, off the record momentarily]

13 THE COURT: Are y'all ready for the jury?

14 MS. BALDWIN: Yes, sir.

15 THE COURT: Bring the jury in.

16 [Whereupon, the jury enters at 12:04 p.m.]

17 THE COURT: Good. All right. Now, what we're
18 going to do is I'm keeping all of the essential people
19 within the rail here and getting some boxed lunches for
20 everybody. So we'll keep everybody as close as we can.
21 We'll have as quick a lunch as we possibly can but it'll
22 probably be about 1:30 before the lunch gets here but
23 we'll work until then. Go ahead.

24 MS. BALDWIN: Thank you, Your Honor. I believe I
25 just admitted several photographs. May I publish them to

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1 the jury?

2 THE COURT: Go ahead.

3 Q. [Ms. Baldwin] I show you State's 59.

4 [Whereupon, the photograph is shown]

5 Q. What are we looking at here?

6 A. It is a bedroom.

7 Q. Okay. Do you know which bedroom?

8 A. Without reference, I don't recall which one that is.

9 Q. Do you recall which side of the house it was in
10 reference to the bathroom where the victim was?

11 A. I believe it was the front right. I don't recall
12 without looking.

13 Q. The front right?

14 A. I don't recall without records.

15 Q. And State's 61.

16 [Whereupon, the photograph is shown]

17 A. That is in the hallway looking into the living room,
18 the back den. That is looking from the hallway into the
19 back den.

20 Q. And State's 62?

21 [Whereupon, the photograph is shown]

22 A. That is the front living room looking into the
23 foyer.

24 Q. Okay. I'm going to skip over real quick. I show
25 you State's 140.

1 [Whereupon, the photograph is shown]

2 Q. What's that?

3 A. That is an entry, exterior entry door.

4 Q. All right. And can you tell what room that's
5 located in?

6 A. The back den.

7 Q. State's 141?

8 [Whereupon, the photograph is shown]

9 A. That's an exterior entry door as well.

10 Q. And what room is that in, can you tell?

11 A. The kitchen eat-in area.

12 Q. State's 63?

13 [Whereupon, the photograph is shown]

14 A. That is the foyer area as you're about to go down
15 the hallway.

16 Q. 64?

17 [Whereupon, the photograph is shown]

18 A. That is the foyer looking from the front door into
19 the home.

20 Q. And what are those certain white strips that we see
21 on the wall?

22 A. Those are measuring tapes to gauge the size of
23 items.

24 Q. All right. And 65?

25 [Whereupon, the photograph is shown]

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1 A. That is the door leading from the hallway into the
2 back den.

3 Q. 66?

4 [Whereupon, the photograph is shown]

5 A. Those are the front steps to the residence.

6 Q. What are you trying to document there?

7 A. Some blood spots on the front porch and step.

8 Q. And 67?

9 [Whereupon, the photograph is shown]

10 A. A close up of the blood spots on the front porch
11 leading into the home.

12 Q. Okay. 68?

13 [Whereupon, the photograph is shown]

14 A. More blood spots on the floor inside.

15 Q. Let's go to State's 70?

16 [Whereupon, the photograph is shown]

17 A. And that's the foyer leading to the back of the
18 house, to the bedroom.

19 Q. Okay. To the bedroom. Is that the bedroom that we
20 saw earlier?

21 A. Yes, to the right. Yes, ma'am.

22 Q. Okay.

23 A. That's the front.

24 Q. And State's 72?

25 [Whereupon, the photograph is shown]

1 A. That is the front living room?

2 Q. And what is that sort of bluish, blackish stuff

3 that's on the ground?

4 A. That is -- the method that we use is called --

5 something Black. I'm sorry. It's been several years

6 since I've been in this line.

7 Q. When did you leave the sheriff's office?

8 A. 2016.

9 Q. Okay. Do you remember what month?

10 A. No.

11 Q. Early or late 2016?

12 A. It was mid, I guess. Oxy black --

13 Q. What's it used for?

14 A. To bring up blood. It actually is attracted to the

15 proteins in the blood.

16 Q. Did you spray that?

17 A. No.

18 Q. Who sprayed that?

19 A. Paul Manigal [sic].

20 Q. Okay. And State's 73?

21 [Whereupon, the photograph is shown]

22 A. That is the hallway leading from the foyer into the

23 home.

24 Q. 74?

25 [Whereupon, the photograph is shown]

1 A. That is a shoeprint.

2 Q. And 75?

3 [Whereupon, the photograph is shown]

4 A. That is the bathroom the deceased was discovered in.

5 Q. Okay. And we're seeing that bluish and blackish
6 stuff. Is that the same spray?

7 A. That's the same. Yes, ma'am.

8 Q. And State's 76?

9 [Whereupon, the photograph is shown]

10 A. That is the same bathroom the deceased was found in.

11 Q. State's 77?

12 [Whereupon, the photograph is shown]

13 A. That is before the bathroom the deceased was found
14 in.

15 Q. Okay. What's being photographed here?

16 A. It's the footprints, shoe ---

17 Q. --- and that's a smart screen so if you need to
18 circle or touch anything you can do it on the screen and
19 it'll show up for everybody. So what are you trying to
20 show there?

21 A. Right there [indicates] some shoe impressions.

22 Q. Shoe impressions? State's 78?

23 [Whereupon, the photograph is shown]

24 A. That is the light switch plate as you come into the
25 home on the left side.

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1 Q. And 126?

2 [Whereupon, the photograph is shown]

3 A. Another shoe impression.

4 Q. 127?

5 [Whereupon, the photograph is shown]

6 A. Another shoe impression.

7 Q. 128?

8 [Whereupon, the photograph is shown]

9 A. Another shoe impression.

10 Q. Now, we see these little markers beside them in 127
11 and 128. It both says P. Does that indicate -- what
12 does that indicate?

13 A. That's the placard P. It indicates which print it
14 is when we put it in the system; so we indicate which
15 one.

16 Q. Would different markers -- different prints have
17 different markers?

18 A. Yeah.

19 Q. So both of those are P. Is it the same or different
20 prints?

21 A. They're the same print.

22 Q. And 129?

23 [Whereupon, the photograph is shown]

24 Q. What is that?

25 A. This is a shoe impression on a tile floor.

1 Q. So besides the shoe prints -- besides the pictures
2 that you took, what other involvement did you have with
3 this scene?

4 A. I obtained blood swabs and also -- let me look at my
5 notes here.

6 [Whereupon the witness reviews documents]

7 A. I collected the victim's blood spot from MUSC and
8 transported the items to SLED.

9 Q. I'm going to show you what's been marked for I.D. as
10 State's Exhibit 116. It's bagged in with some other
11 ones, but I want to ask you just about that one.

12 [Whereupon, the witness is shown exhibit]

13 Q. What is it?

14 A. It's a blood swab from the front lower step of the
15 porch.

16 Q. Okay. Who collected that?

17 A. I did. Placard A.

18 Q. It was Placard A?

19 A. Yes.

20 Q. Okay. And what did you do with that swab?

21 A. I placed the swab into a -- it's like a little box
22 just for swabs. I swabbed the blood, put in the box and
23 secured and labeled it.

24 Q. And what did you do with the swab once you placed it
25 in this box?

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1 A. I labeled the time it was collected, my initials,
2 the OCA numbers, the case number and secured it.

3 Q. And when you say secured it, what do you mean?

4 A. I placed it into another bag and after everything
5 was collected from the front, I placed it in my vehicle
6 and secured the vehicle.

7 Q. Okay. And then where did it go?

8 A. It went straight to the forensics office at
9 Charleston County Sheriff's office.

10 Q. And how -- was it secured there?

11 A. Yes.

12 Q. Okay. And you mentioned you took several other
13 items to SLED?

14 A. Yes.

15 Q. Do you recall what items you took to SLED?

16 A. I'd like to reference my notes here.

17 [Whereupon, the witness reviews document]

18 A. On September 29th I took the buccal swab, number one,
19 item 161948. I took item number 161993, which is a blood
20 spot from autopsy from the victim, Barbara Little. I
21 took item number 162004, the blood swab placard A from
22 the lower step of the porch.

23 Item number 162048 a blood swab from the interior
24 side of driver's side door of the Toyota, item number
25 162050, blood swab from interior side of left shoe. And

1 the left shoe was item number 162049. Another thing I
2 took up there was 162104, which was a blood swab from
3 right shoulder area in the passenger seat of the Toyota.

4 Q. I'm going to show you what's still I.D. as State's
5 Exhibit 115 and then 116 through 119. What are all of
6 these?

7 [Whereupon, the witness is shown exhibits]

8 A. These are the items that I took up to SLED.

9 Q. Okay. Were they tampered with in any way when you
10 took them up there?

11 A. No, ma'am.

12 Q. Okay. What did you do with them when you got there?

13 A. O proceeded straight into SLED and signed them over
14 to Jennifer Aycock [phonetic].

15 Q. Who is Jennifer Aycock [phonetic]?

16 A. She is the forensics -- let me look back at my notes
17 and make sure I get the terminology correct, please?

18 [Whereupon, the witness reviews document]

19 A. She's the forensic technician there.

20 Q. At SLED?

21 A. Yes.

22 Q. And when you're referring to notes, what notes are
23 you referring to?

24 A. The South Carolina Law Enforcement Division notes.

25 Q. Is that the chain of custody from SLED?

1 A. Yes. Yes, it is.

2 Q. Okay. You've reviewed that?

3 A. Yes, ma'am.

4 Q. Okay. Does SLED keep that in the ordinary course of
5 their business?

6 A. Yes.

7 Q. Okay. How do you know that those are the items that
8 you took to SLED?

9 A. Because it's all documented on the chain of custody.

10 Q. And if it's documented on the chain of custody, are
11 there numbers on here that indicate that those are the
12 items that are on the chain of custody?

13 A. That is correct.

14 Q. Okay.

15 MS. BALDWIN: Court's indulgence.

16 [Whereupon, Ms. Baldwin and Mr. Sowards confer]

17 Q. [Ms. Baldwin] I have no further questions for you.

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Stephen Balzano-Cross-Examination by Mr. West
March 22, 2018

1 CROSS-EXAMINATION
2 BY MR. WEST:
3 Q. Good afternoon.
4 A. Good afternoon.
5 Q. I guess is just mister now, not investigator
6 anymore, right?
7 A. Yes, sir.
8 Q. All right. You left the sheriff's office in 2016 is
9 what your testimony was. Did you create any reports in
10 this case?
11 A. Say that one more time?
12 Q. Did you create a report in this case?
13 A. No, I did not.
14 Q. Okay. So when you're referencing notes -- do you
15 mind if I see what you're looking at?
16 A. Sure.
17 [Whereupon, Mr. West reviews document of witness]
18 A. Investigator...
19 Q. Is this Investigator Meyer's report?
20 A. That is correct.
21 Q. Is it routine for you to have to reference somebody
22 else's reports in order to go through what you did on a
23 crime scene?
24 A. It is. It is two and a half years ago. That is
25 correct.

1 Q. Why didn't you create a report?

2 A. Because I was still in training. I was only over
3 there two weeks.

4 Q. Okay. Your supervisor on the scene would have been
5 who?

6 A. At the time it was -- let me look back.

7 [Whereupon, the witness reviews document]

8 Q. McManigal would have helped you with this?

9 A. That is correct but he was not my supervisor.

10 Q. Okay. Did y'all work the scene together?

11 A. No.

12 Q. All right. Help me understand who you went through
13 the scene with?

14 A. Erin Meyer.

15 Q. Okay. But Erin Meyer left the scene?

16 A. That is correct.

17 Q. Okay. So who were you with when you were doing the
18 scene?

19 A. I was there with Erin Meyer initially and then she
20 had to go to another address so Paul Manigal [sic] took
21 over while I was there.

22 Q. That's what I'm getting at. It was you and Paul
23 McManigal?

24 A. No.

25 Q. No?

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- 1 A. Initially, it was myself and Erin Meyer.
- 2 Q. Right?
- 3 A. She had to go to another address to process.
- 4 Q. Right.
- 5 A. At that point Paul Manigal [sic] came in and took
- 6 over for her while I was there.
- 7 Q. Okay. What I'm trying to figure out is did you and
- 8 Paul McManigal work this scene together?
- 9 A. Yes.
- 10 Q. Okay; simple enough. You and Paul McManigal are
- 11 there together. Did he create a report?
- 12 A. I believe he did not.
- 13 Q. Okay. Would you agree with me that it would be
- 14 helpful to have a report so that I could go through those
- 15 things ahead of this trial?
- 16 A. I would assume so, sir.
- 17 Q. Okay. But you didn't do one?
- 18 A. Because I was still in training, two weeks in; that
- 19 is correct.
- 20 Q. Okay. I'm going to go through some crime scene
- 21 photos with you?
- 22 A. Okay.
- 23 Q. I show you defendant's exhibit 109.
- 24 [Whereupon, the witness is shown photograph]
- 25 Q. Do you recognize that photograph?

1 A. I'll have to reference.

2 Q. What do you mean you have to reference it?

3 A. I have to look at my log here to see which one it
4 is. I don't have a reference point. I can't tell you
5 exactly what it is.

6 Q. Does it look like a photograph you would have taken?

7 A. It looks like a lot of photographs I would have
8 taken at a crime scene.

9 Q. You took a lot of photographs on the crime scene?

10 A. That is correct.

11 Q. Okay. If I were to have photographs as part of my
12 file ---

13 A. Uh-huh.

14 Q. --- wouldn't you agree they would have come from
15 you?

16 A. Most likely.

17 THE COURT: I don't think he can answer that.

18 Q. [Mr. West] Well, most likely?

19 A. Yeah. I was not the only investigator on the scene
20 taking photographs.

21 Q. Okay. Does this look like a picture from the crime
22 scene?

23 A. I can't dictate -- what I see is a piece of blood on
24 an object. I don't know -- I cannot tell you it came
25 from the scene.

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1 MS. BALDWIN: Your Honor, I'm going to have to
2 object. He obviously doesn't have the knowledge.

3 THE COURT: Well, can you maybe -- look at them and
4 see if you can agree that that's what that is. I don't
5 know where it is. I guess you -- somebody gave that to
6 him, I'd presume from the ---

7 THE WITNESS: --- it could have come from any crime
8 scene; I don't know.

9 Q. [Mr. West] You put placards next to some of the
10 blood spots ---

11 A. --- that is correct ---

12 Q. --- at the crime scene?

13 A. That is correct.

14 Q. Okay. And it's your testimony to this jury today
15 that you can't tell which pictures you took. Did you
16 review any of the evidence prior to you testifying?

17 A. You asked me to look at that picture and tell you
18 what it was. It's a blood -- I believe it looks like a
19 blood spot. You didn't ask me where it came from, sir.
20 You asked me to tell you what it was.

21 Q. All right. Do you understand that part of my job is
22 to try to get a reconstruction of this crime scene? And
23 you're the one that took the photographs?

24 A. Uh-huh.

25 Q. Okay. So in order for me to introduce them into

1 evidence ---

2 A. Uh-huh ---

3 THE COURT: --- some photographs. He doesn't know
4 if that's one of his photographs. He's told you that.

5 THE WITNESS: That is correct, sir.

6 Q. [Mr. West] All right. These photographs have
7 already been admitted into evidence. Can you look
8 through these, 42 through, what I believe is 99. Take a
9 minute and look at those?

10 [Whereupon, the witness views photographs]

11 Q. Have you had a chance to review those exhibits?

12 A. I went through them.

13 Q. Do these accurately reflect the crime scene as you
14 remember it?

15 A. Yes, sir.

16 Q. Does that refresh your memory about the crime scene
17 some?

18 A. Yes, sir.

19 Q. Exhibit 47 shows a picture of some hair in the
20 victim's hand.

21 Q. Did you ever have that tested for DNA?

22 A. I did not pull that.

23 Q. Did you collect it at all?

24 A. I'll have to look back in my log.

25 Q. Please do.

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1 [Whereupon, the witness reviews document].

2 THE COURT: Is that your log that you made or
3 something?

4 THE WITNESS: This is our evidence log from the
5 Sheriff's office.

6 THE COURT: Is that something that you made
7 individually or is that just a compilation from a lot of
8 people?

9 THE WITNESS: Yeah, this is everything that was in
10 the evidence, sir.

11 THE COURT: A compilation from a lot of people?

12 THE WITNESS: Yes, sir.

13 THE COURT: Well, did Meyer already testify that
14 there was no DNA made on that?

15 MR. WEST: She, she ---

16 THE COURT: Y'all agree with that, correct?

17 MR. WEST: She said she could testify because she
18 didn't collect it. And she said ---

19 MS. BALDWIN: That is what she testified to.

20 MR. WEST: --- I'd have to ask him.

21 THE COURT: Oh, okay. Move on.

22 MR. WEST: Can I get an answer to the question.

23 THE COURT: Well, you just got it.

24 A. No, I didn't collect it.

25 Q. [Mr. West] Didn't collect it. I'm going to show you

1 defendants exhibit 59 in conjunction with defendant's
2 exhibit 109.

3 [Whereupon, the witness is shown photographs]

4 A. Okay.

5 Q. Would that refresh your memory as to whether that
6 that would be a picture you would have taken?

7 A. It does, yes.

8 Q It does?

9 A. Yes.

10 Q. Okay. Is that 109 an accurate reflection of the
11 pictures you would have taken at the scene?

12 A. That is correct.

13 Q. Okay.

14 MR. WEST: At this time, I'd like to move in
15 defendant's exhibit 109.

16 MS. BALDWIN: No objection.

17 THE COURT: How about the other one?

18 MS. BALDWIN: It was already in.

19 MR. WEST: It was already in.

20 THE COURT: Okay.

21 [Whereupon, defendant's exhibit number 109 is
22 entered into evidence by the court]

23 Q. [Mr. West] This is a spot on the porch labeled with
24 placard E. Did you collect the hair that is contained in
25 that blood spot?

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1 A. No.

2 Q. You processed the light switch labeled with placard
3 R in exhibit 99.

4 [Whereupon, the witness is shown photograph]

5 Q. Did you ever test that for touch DNA?

6 A. I did not. The only thing I collected was blood
7 swabs and took photographs of that scene.

8 Q. Defendant's exhibit 88?

9 [Whereupon, the witness is shown photograph]

10 Q. It's labeled with placard J. Did you collect and
11 test the hair located in that blood spot for DNA?

12 A. I did not.

13 MR. WEST: I'm going to show the witness what's been
14 marked as Defendant's Exhibit 112.

15 [Whereupon, the witness is shown document]

16 Q. Do you recognize this document?

17 A. I do.

18 Q. And what is it?

19 A. This is the evidence and personal effects transfer
20 sheet from the MUSC autopsy.

21 Q. Is that a document you would have kept as part of
22 your role in the investigations unit in the ordinary
23 course of business?

24 A. Yes.

25 MR. WEST: At this time I'd move defendant's exhibit

1 112 into evidence.

2 THE COURT: Any objection?

3 MS. BALDWIN: No objection.

4 THE COURT: All right.

5 [Whereupon, defendant's exhibit number 112 is
6 entered into evidence by the court]

7 Q. [Mr. West] I apologize but I'm going to show you a
8 couple more exhibits. Defendant's exhibit 112.

9 [Whereupon, the witness is shown exhibit]

10 Q. Would you agree with me that fingernail clippings
11 were taken as part of evidence in this case?

12 A. Yes, sir.

13 Q. Do you know if those were ever tested for DNA?

14 A. I do not.

15 Q. Okay. Now, there's also a reference to combed pubic
16 hair. Do you know if those were ever tested for anything
17 in this case?

18 A. I did not take it there, no sir. They may have. I
19 don't know personally.

20 Q. Now, there's reference to a sexual assault kit on
21 this document. Do you know if one was ever examined?

22 A. I have no knowledge of that.

23 Q. Okay. There's also pulled pubic hair. What's the
24 significance of having combed pubic hair versus pulled
25 pubic hair?

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1 A. The follicles in the hair is different from just
2 when you comb through the hair versus the actual follicle
3 from the hair.

4 Q. So when you comb it, you're looking for other DNA?

5 A. Semen and whatnot, yes sir.

6 Q. Okay.. Any of that located in this case?

7 A. I don't know.

8 Q. Ever tested?

9 A. I did not personally test it, no.

10 Q. Did you ever send it for testing?

11 A. I will have to look back and see if I sent it off.

12 I don't know if the Sheriff's office did or -- I did not.

13 Q. I'm going to show the witness defendant's exhibit

14 115, 116 and 117.

15 [Whereupon, the witness is shown exhibit]

16 Q. Do you recognize what those items are?

17 A. These are from MUSC autopsy.

18 Q. How can you track whether those are the items
19 themselves that were collected?

20 A. Say that one more time?

21 Q. How can you track whether those are the items
22 themselves that were collected as part of the evidence in
23 the case ---

24 A. --- with the evidence numbers.

25 Q. Okay.

1 A. And the -- numbers.

2 Q. Okay. Are those the items that you collected or
3 would have received from MUSC?

4 A. I'm going to double check my list here and compare
5 the list.

6 [Whereupon, the witness reviews document]

7 A. Yes.

8 MR. WEST: I'll just have those marked for I.D. at
9 this time. No further questions for this witness at this
10 time.

11 THE COURT: Did you say that's all?

12 MR. WEST: That's all, Judge.

13 MS. BALDWIN: Just briefly.

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1 REDIRECT EXAMINATION

2 BY MS. BALDWIN:

3 Q. Mr. Balzano, you were a trainee at the time, right?

4 A. That is correct.

5 Q. So were you expected to generate any reports?

6 A. No.

7 Q. Okay. Was it sort of -- you were expected to sit

8 there, learn, do what you were told?

9 A. Basically, yeah. You are to observe and do basic

10 blood collection and photographing.

11 Q. Does the Sheriff's office or did they at that time

12 process any DNA within their lab?

13 A. No.

14 Q. I'm going to show you once again State's 115 for

15 I.D.

16 [Whereupon, the witness is shown exhibit]

17 Q. There was some mention about a blood spot collected

18 from MUSC. What is that? It's State's 115?

19 A. This is the blood spot autopsy from MUSC --

20 Q. Okay. And how do you know that?

21 COURT REPORTER: From? I'm sorry, what was the last

22 word ---

23 A. --- MUSC.

24 Q. [Ms. Baldwin] How do you know that?

25 A. Because it states here MUSC autopsy, Charleston,

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1 South Carolina blood spot, autopsy photo.

2 Q. Okay. It's the OCA on there?

3 A. Yes, ma'am.

4 Q. Does it have a number like chains of custody?

5 A. Correct.

6 Q. Okay. How about State's 116 through 119, do those
7 also?

8 A. Yes. They have the same OCA number with the
9 reference number.

10 Q. Okay. They match up with the chain of custody for
11 the Sheriff's office?

12 A. Yes, ma'am.

13 Q. And with the items that you brought up to SLED?

14 A. Yes, ma'am.

15 Q. Okay.

16 MS. BALDWIN: Court's indulgence.

17 [Whereupon, Ms. Baldwin and Mr. Sowards confer]

18 MS. BALDWIN: I have no further questions.

19 THE COURT: Thank you very much. You can return to
20 your place in the courtroom or go back to Woodruff.

21 THE WITNESS: Thank you. Sounds good.

22 [Whereupon, the witness is excused and exits the
23 witness stand]

24 THE COURT: Call your next witness.

25

State v General Theophilus Little
Paul McManigal-Proffer-Direct Examination by Mr. Sowards
March 22, 2018

1 MR. SOWARDS: The State calls Paul McManigal.

2 [Whereupon, Mr. McManigal comes forward]

3 MR. WEST: Judge, may we approach?

4 THE COURT: Sure..

5 [Whereupon, an off the record bench conference is
6 held]

7 THE COURT: Members of the jury panel, I need you to
8 go to the jury room, please?

9 [Whereupon, the jury exits at 12:37 p.m.]

10 THE COURT: Raise your right hand.

11 [Whereupon, the witness is duly sworn by the Court]

12 THE COURT: And you're Paul Manigal, M-A-N-I-G-A-L;
13 is that correct?

14 THE WITNESS: M-C-M-A-N-I-G-A-L.

15 THE COURT: What?

16 THE WITNESS: McManigal.

17 THE COURT: Oh, okay. McManigal. All right. Have
18 a seat.

19 THE COURT: Tell us what you do for a living?

20 THE WITNESS: I am a computer forensic examiner.

21 THE COURT: For?

22 THE WITNESS: I work for Charleston County Sheriff's
23 Office. I am assigned to the United States Secret
24 Service.

25 THE COURT: All right.

1 PAUL MCMANIGAL,
2 Having been first duly sworn,
3 Was examined and testified as follows:
4 DIRECT EXAMINATION PROFFER
5 BY MR. SOWARDS:
6 Q. Mr. McManigal, did you examine any computers as far
7 as your investigation in this case?
8 A. I did.
9 Q. And in particular did you examine a computer
10 belonging to the defendant?
11 A. I believe so. If you could tell me which computer
12 that was, I could verify.
13 Q. I can give you the number as it appears in the log
14 or ---
15 A. --- that'd be fine.
16 Q. It's 163465 an HP Pavilion serial number 15-9091NR.
17 A. I have that as 162785?
18 Q. Yes. That's the actual computer?
19 A. Yes.
20 Q. And I guess the 163465 is your report?
21 A. Okay. Yes, correct.
22 Q. And could you please describe the process of
23 examining a computer such as a laptop computer?
24 A. The first step is for me to remove the battery and
25 take the hard drive out of the computer itself, at which

1 time I connect the hard drive to my forensic computer
2 using a write blocker, so that no evidence is changed on
3 the hard drive itself. I make a bit by bit image of that
4 hard drive and then import that to my forensic software
5 so that I can analyze the data from that hard drive.

6 Q. And is that what you did in this case?

7 A. It is.

8 Q. And did you create a report as part of your
9 examination?

10 A. I did.

11 Q. And what was the result of your report? I'm
12 specifically referring to kind of what you documented in
13 your incident report that you created?

14 A. Primarily I found history files for Google Chrome
15 and ---

16 THE COURT: I'm sorry ---

17 COURT REPORTER: --- I'm sorry; I can't hear you
18 either.

19 A. I'm sorry. I found some internet history files.

20 Q. And what, specifically, did you find in the internet
21 history?

22 A. Internet Explorer showed history from USA Jobs dot
23 com on September the 22nd, 2015. The search terms were a
24 medical records location in Charleston Air Force Base;
25 secretary in Charleston, South Carolina; clerical in

1 Charleston, South Carolina; MSA, Charleston, South
2 Carolina. There is another job here at usajobs.gov.
3 These website lists jobs for a medical records technician
4 with the U.S. Air Force. The position was open from
5 April 1st to September 30th and listed the Charleston Air
6 Force Base as one of the locations.

7 Then on September 23rd, 2015 there was a Bing dot com
8 search for forensic science blood detection and forensic
9 tests for blood. Later that morning there was another
10 Bing dot com search for false positive tests for blood.
11 And a short time after that was another Bing dot com
12 search for tests for presence of blood.

13 Q. And did you say, again, the item number for that
14 particular computer?

15 A. The item number for that computer is -- just one
16 moment -- 162785. The report has a different number.

17 Q. So the computer itself went into evidence and then
18 the report that you generated also went into evidence
19 under a different number?

20 A. That's correct.

21 Q. Is there a chain of custody for 162785?

22 A. I believe there is.

23 Q. Who submitted that item into evidence?

24 A. Wait one moment, please?

25 [Whereupon, the witness reviews document]

1 Q. The one that I have is page twenty-six.

2 A. 162875 was submitted by Detective Turner on October
3 27, 2015.

4 Q. And when did you conduct your analysis of that
5 computer?

6 A. My analysis was conducted between November 9th, 2015
7 and November 13th, 2015.

8 Q. And when you do an image of a hard drive, does that
9 -- is it essentially just taking a picture of what's on
10 the computer, taking a snapshot?

11 A. That's one way of putting it. Yes, sir.

12 Q. Does it alter the computer and the hard drive at all
13 when you conduct that analysis?

14 A. It does not because I connect the hard drive to my
15 computer through a write blocker, which prevents any
16 writes from occurring to that hard drive.

17 Q. Okay.

18 COURT REPORTER: Are you saying write blocker?

19 THE WITNESS: Write blocker. Yes, ma'am.

20 MS. BALDWIN: That's all the questions that I have
21 Judge.

22 MS. ZMROCZEK: Thank you, Your Honor.
23
24
25

1 CROSS-EXAMINATION PROFFER

2 BY MS. ZMROCZEK:

3 Q. The searches the USA gov searches, those were prior
4 to -- what were the times on those?

5 A. The USA Jobs dot com search occurred on September
6 22nd between 8:29 p.m. and 8:41 p.m.

7 Q. 8:29 to 8:41?

8 A. Correct.

9 Q. Okay. And then you said there was an additional
10 search or that encompassed all of the USA job searches
11 that you --

12 A. That encompasses the USA job searches.

13 Q. Okay. And when is the search for the forensic blood
14 detection false positives?

15 A. Those occurred on September 23rd starting at 5:54
16 a.m.

17 Q. Can you say who was doing these searches?

18 A. I cannot.

19 Q. And have you been qualified as an expert in digital
20 forensics?

21 A. I have in the past.

22 Q. Okay.

23 MS. ZMROCZEK: So, Your Honor, at this point I don't
24 have any more questions for him. This is what -- so we
25 were objecting to the searches for false positive tests

1 for blood because that search occurred after six hours of
2 questioning. He can't say who conducted that search. So
3 that's the part that we were arguing was inadmissible,
4 irrelevant. At this time, the crime's already happened.
5 He would have already been -- blood has already been
6 collected so we feel like that that was irrelevant,
7 especially since he can't place who did that search at
8 this computer. So that would be our reason ---

9 THE COURT: --- I understand it was on the computer
10 that was linked to the defendant.

11 MS. ZMROCZEK: To the house of the defendant.

12 THE COURT: Okay. I appreciate that. Any other
13 objection?

14 MS. ZMROCZEK: That's our only objection, Your
15 Honor. If they do intend to put -- if you allow this
16 testimony in and they do intend to put it in, we would
17 ask that he be qualified as an expert if you can qualify
18 him.

19 THE COURT: Ask him questions, Solicitor.

20 MS. ZMROCZEK: Okay.

21 MR. SOWARDS: You want me to ask him questions
22 regarding --

23 THE COURT: About his qualifications to testify.

24 MR. SOWARDS: Okay.

25 THE COURT: I mean you did it a little bit

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PROFFER-EXAMINATION

1
2 THE COURT: Tell us about your background as far as
3 computers analysis and tell us what you think makes you
4 qualified to give this testimony today?

5 THE WITNESS: Yes, sir. I began computer forensics
6 in 2011 after being passed by the United States Secret
7 Service. They have sent me through training at the
8 National Computer Forensics Institute in Hoover, Alabama.

9 COURT REPORTER: In where?

10 THE WITNESS: Hoover, Alabama. The classes I have
11 attended I have been through basic computer evidence
12 recovery training in 2011, followed by advanced forensics
13 training in 2014. I went through AccessData certified
14 examiner training, Oxygen forensics sweep. The National
15 Computer Forensics Institute also trained me in Mac
16 forensics. And also as a certified black light examiner,
17 advanced mobile device examiner.

18 I am Cellebrite certified logical operator and have
19 attended XRY certification training. The National White
20 Collar Crime Center has trained me in McIntosh triage and
21 imaging as well as Apple iDevice forensics. And most
22 recently I have been certified by Cellebrite to perform
23 advanced J-tag extraction on cell phones.

24 THE COURT: Any other questions you want to ask
25 him?

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1 COURT REPORTER: I'm sorry. What type of
2 extractions?

3 THE WITNESS: I'm sorry; advanced J-tag, J-T-A-G.
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1 PROFFER CROSS-EXAMINATION (resumes)

2 BY MS. ZMROCZEK:

3 Q. Are you a member of any organizations?

4 A. I am a member of -- I'm certified by Cellebrite as a
5 certified physical examiner, also by Oxygen Forensics as
6 a certified Oxygen examiner and by XRY as a certified XRY
7 examiner.

8 Q. And is your work peer-reviewed?

9 A. My work is not peer-reviewed.

10 MS. ZMROCZEK: Those are the questions I have, Your
11 Honor.

12 THE COURT: All right. Bring the jury back in.

13 MS. ZMROCZEK: And just for the record, Your Honor,
14 we would -- I assume that you're overruling the
15 objection?

16 THE COURT: Yes.

17 MS. ZMROCZEK: And we'd just state that...

18 THE COURT: You don't agree?

19 MS. ZMROCZEK: We certainly don't agree but I don't
20 need to -- I'm just going to note the objection so we
21 don't have to keep interrupting.

22 THE COURT: All right.

23 [Whereupon, the jury enters at 12:50 p.m.]

24 THE COURT: All right. Swear the next witness.

25

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1 [Whereupon, Paul McManigal comes forward]

2 [Whereupon, the witness is duly sworn by the Clerk
3 of Court]

4 CLERK OF COURT: Once you get situated, speak into
5 the microphone so we can hear you and state your full
6 name for the record spelling your last name for us.
7 Thank you.

8 THE WITNESS: Paul David McManigal. M-C-M-A-N-I-G-
9 A-L.

10 - - - - -

11 PAUL MCMANIGAL,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. SOWARDS:

16 Q. Good afternoon, where do you work?

17 A. I currently work for the Charleston County Sheriff's
18 Office as a computer forensic examiner and I'm assigned
19 to the United States Secret Service.

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

21 A. Approximately thirty years.

22 Q. And could you -- this may take a while, but could
23 you please describe to the jury your training, background
24 and experience as it relates to law enforcement.

25 A. In law enforcement, I started in 1988 and I worked

1 nine years in the patrol division. The last seven of
2 those as a field training officer. Then I moved into the
3 crime scene unit as a crime scene investigator for the
4 next nine years, until I took over as the supervisor of
5 the unit for the next nine years.

6 In 2011, I was assigned a collateral duty of being a
7 computer forensic examiner for the United States Secret
8 Service. And in 2015, that became my full-time position.

9 Q. And did you have the occasion to become involved in
10 the investigation of this case, State versus General
11 Little?

12 A. I did.

13 Q. And how did you first become involved in this case?

14 A. Initially, I was called to assist with a crime scene
15 that another crime scene investigator was out on. As the
16 supervisor of the unit, I was typically called out on all
17 major scenes.

18 Q. And what did you do when you arrived at the scene?
19 And do you recall where that was?

20 A. It was West Palmer Drive in Charleston. Upon my
21 arrival, Investigator Meyer and Investigator Balzano were
22 already on scene, had completed their initial assessment
23 and I'd responded to assist with the processing of that
24 residence.

25 Q. And how did you assist with the processing of the

1 residence?

2 A. Well, when I got there, they had already taken the
3 initial photographs, so they walked me through the scene
4 to show me what the evidence was. And at that time, I
5 assisted with putting scale tape on certain areas on the
6 wall so that we could take scale photographs of some
7 blood spatter. I also assisted with processing the
8 residence with a chemical we call Amido Black.

9 COURT REPORTER: Called?

10 A. Amido Black, A-M-I-D-O. So we use Amido Black to
11 stain the protein in blood. It is specific to blood and
12 fatty oils. And that revealed certain marks in the blood
13 that we photographed after that.

14 Q. The answer I want to go back to where you talk about
15 scale tape. The answer to this may be obvious, but why
16 do you apply the scale tape?

17 A. For photography in order to produce any image back
18 to an actual size image, there has to be a scale in the
19 photograph. If there is a scale in the photograph, we
20 can reproduce that image to an actual size image so it
21 can be better interpreted later.

22 Q. And I'll show you a picture. That may help assess
23 just a little bit.

24 [Whereupon, the photograph is shown]

25 Q. Is there a scale tape in this photograph?

1 A. There's actually two versions of the scale tape.
2 The tape that is seen above the light switches is
3 continuous scale tape that we use commonly. And then to
4 the right of it, the letter marker also has a two
5 centimeter scale on it.

6 Q. And you applied that?

7 A. I applied the long tape.

8 Q. I'd like to ask you a few questions about Amido
9 Black. You said it's a substance that you apply. How
10 is it applied?

11 A. It is a three-step process. The first step is the
12 actual chemical called Amido Black. It's a dark blue
13 colored liquid and we spray it from a spray bottle.

14 And then it's followed up with what we call a rinse
15 solution, which is a combination of sulfosalicylic acid
16 and methanol. And the rinse removes the excess Amido
17 Black from the surface. And then the final spray is just
18 plain water, which we use to stop the reaction
19 altogether.

20 Q. And I'll just show you a few photographs and then
21 you can just tell us kind of what you see and maybe as
22 well explain the Amido Black solution.

23 [Whereupon, the photograph is shown]

24 Q. But do you see that solution in this picture?

25 A. You can. At the bottom of the image the dark blue

1 area is the area that was stained by the Amido Black.

2 Q. And just why again are you applying this solution?

3 A. Amido Black can detect traces of blood that are not
4 visible to the naked eye. And in some cases we can get
5 fingerprint detail or shoeprint detail out of the surface
6 by applying the Amido Black to the blood stain.

7 Q. So even if it's not visible necessarily to the naked
8 eye, applying the Amido Black solution can help you see?

9 A. That is correct.

10 Q. It would allow you to find something like this?

11 A. That is correct. In many cases the blood is not
12 visible to the eye but it will be stained by the Amido
13 Black making it visible.

14 Q. And did you apply the scale tape in this picture as
15 well?

16 A. I did.

17 Q. And tell us why you applied it like this?

18 A. To get an accurate photograph that would be
19 reproduced to scale, it has to be taken at an exact
20 ninety degree angle. All the scales had to be
21 proportional and level.

22 If I took it at a different angle, then one scale
23 would appear to be farther away than the other. And
24 getting an accurate to-scale image would be impossible.
25 By placing it on all sides of the tape, I can get an

1 accurate measurement that can be verified by more than
2 one scale.

3 Q. And I think, again, the answer to this may be
4 obvious. But what are you trying to capture within the
5 scale tape on this picture?

6 A. In this photograph there are impressions of a shoe
7 print.

8 Q. And what else did you do on the scene that evening?
9 Did you have any further involvement?

10 A. That evening I do not believe there was anything
11 beyond that.

12 Q. And did you create a report setting forth the fact
13 that you applied Amido Black and scale tape in this case?

14 A. I did not. Investigator Meyer was the primary
15 investigator in this case, and so she was tasked with
16 doing the initial report.

17 Q. Now, did you have any further involvement in this
18 case after you assisted in the processing of the 2317
19 West Palmer Drive scene?

20 A. I did. I received several electronic devices that
21 were submitted for examination.

22 Q. And you alluded earlier to your current position,
23 which is digital forensic examination. Could you just
24 describe for the jury what exactly that means?

25 A. I process many types of electronic devices to

1 retrieve the electronic data from them and examine it to
2 produce meaningful results. I'm able to process cell
3 phones, tablets, computers, laptops, GPS systems, even
4 infotainment systems from cars using special equipment
5 and software.

6 Q. And could you describe your training as it relates
7 to cell phones and computers?

8 A. I have been through several courses at the National
9 Computer Forensics Institute, which is where the Secret
10 Service trains the majority of its computer forensic
11 examiners. I have been trained in basic computer
12 evidence recovery.

13 I've been trained as an AccessData certified
14 examiner. I've gone through advanced forensics training
15 in Hoover, Alabama. I've been trained on the Oxygen
16 forensics suite, Mac forensics training.

17 I'm a certified BlackLight examiner, which is for
18 cell phones. I have been through the advanced mobile
19 device examiner program. I am a Cellebrite certified
20 logical operator, which is also for cell phones. I have
21 been certified by XRY to operate their software.

22 And I've been -- National White Collar Crime Center
23 training includes McIntosh, triage and imaging as well as
24 Apple iDevice forensics. And most recently I was
25 certified to perform what we call J-tag extractions from

1 cell phones, which is where we remove the memory board
2 and the memory chip from the cell phone and process it
3 directly.

4 Q. This training you received, is it a one-time deal or
5 do you receive continuous training?

6 A. I receive continuous training throughout the year.

7 Q. Approximately how many times have you analyzed a
8 smart device like a phone or an iPad or a computer?

9 A. My best estimate, I've probably examined over a
10 thousand devices in my career.

11 Q. And have you ever testified about digital forensic
12 examinations in court before?

13 A. I have.

14 MR. SOWARDS: At this time, Your Honor, the State
15 would move to admit Mr. McManigal as an expert in the
16 area of digital forensic examination.

17 THE COURT: Any questions you'd like to ask him
18 about his qualifications.

19 MS. ZMROCZEK: Just brief voir dire, Your Honor.
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1 VOIR DIRE

2 BY MS. ZMROCZEK:

3 Q. Mr. McManigal, do you have a degree in psychology?

4 A. I do.

5 Q. So you picked up this computer training afterwards?

6 A. I did.

7 Q. And you've done lots of programs to learn how to get
8 into these computers and gather important information,
9 right?

10 A. That's correct.

11 Q. Okay. I've seen from your resume that you also have
12 some training and certification in photography?

13 A. I do.

14 Q. Crime scene investigation training?

15 A. Yes, ma'am.

16 Q. And then computer forensics training?

17 A. That's correct.

18 MS. ZMROCZEK: Your Honor, we -- sorry.

19 Q. [Ms. Zmroczek] Have you published any articles about
20 this?

21 A. Computer forensics?

22 Q. Correct?

23 A. No, I have not.

24 Q. Okay, have you had -- has anybody, when you complete
25 your work, do you have anybody that reviews or does a

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March 22, 2018

1 peer review of your work?

2 A. I do not.

3 Q. Okay.

4 MS. ZMROCZEK: Your Honor, those are all the
5 questions I have and that we maintain our previous
6 objection.

7 THE COURT: All right. I'm going to allow him to
8 testify. Go ahead.

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1 DIRECT EXAMINATION (resumes)

2 BY MR. SOWARDS:

3 Q. I'm going to start with computers. Did you examine
4 any computers in this case?

5 A. I did.

6 Q. And did you examine any computers, the one to the
7 defendant General?

8 A. Could you please identify that with a bar code
9 number?

10 Q. I'm specifically referring to -- I can give you the
11 model number....

12 A. That'd be fine.

13 Q. It's HP Pavilion 15-N091NR?

14 A. That is correct. I have that identified as bar code
15 16275.

16 Q. And was that a laptop or a desktop?

17 A. That was a laptop.

18 Q. And could you describe the process of forensically
19 examining a laptop computer?

20 A. I start by removing the battery from the device, and
21 then I open up the computer and physically remove the
22 hard drive from it.

23 I connect the hard drive to one of my forensic
24 computers, using a write blocker so that no data is
25 changed on that hard drive. I create a forensic image,

1 which is a bit for bit copy of all the data on that hard
2 drive, and then I work from that image. I pull that
3 image into forensic software. That puts it into a
4 readable format.

5 Q. When you create -- is that what you did in this case
6 with this computer?

7 A. That is.

8 Q. And when you do that examination, does it give you
9 more information about the computer, who it's registered
10 to, things like that?

11 A. It will give me certain information about the
12 software that's installed on it, primarily the operating
13 system and often the users that are assigned to that
14 system will be in the data.

15 Q. Did you obtain any registry information as it
16 relates to this specific computer?

17 A. I did.

18 Q. And what did that registry information tell you?

19 A. Registry information gave me the information about
20 the users that were in the system. In this case, there
21 were three users. One was the administrator, which is
22 the default account. The other was a guest, which is
23 another default account, and then a user generated user
24 was General.

25 Q. Were you able to determine kind of like the

1 breakdown of how frequently one user used the computer
2 over the other?

3 A. I can. There is a log-on account that is stored in
4 the Windows operating system. So the administrator had
5 logged on a total of twelve times. The guest had never
6 logged on, and the General account had logged on 347
7 times.

8 Q. And did the computer have a -- did it have a name?

9 A. This computer -- the computer name was General T and
10 then the registered owner was General.

11 Q. Now, when you do your examination, do you create a
12 report?

13 A. I do.

14 MR. SOWARDS: May I approach the witness, Your
15 Honor?

16 THE COURT: Sure.

17 Q. [Mr. Sowards] Mr. McManigal, as a part of this
18 report did you do any searches on the computer?

19 A. I did.

20 Q. And what were you searching for?

21 A. I was primarily searching for internet history.

22 Q. And what did you find?

23 A. In this case I found several job searches on
24 September 22nd, primarily from USA Jobs dot com for
25 medical records in Charleston Air Force Base. And then

1 on September 23rd, I found several Bing dot com searches
2 for forensic science blood detection, forensic tests for
3 blood, and also for false positive tests for blood, and
4 tests for presence of blood.

5 Q. I'm sorry. On what date and times were the last few
6 searches that you mentioned? When did those occur?

7 A. That was September 23rd starting at 5:54 a.m. and
8 ranging to 6:03 a.m.

9 Q. Did you just go and search or were you searching for
10 specific things?

11 A. In this case, I had just physically gone through the
12 internet chat files and the history files for Google
13 Chrome and Microsoft Internet Explorer and found those.

14 Q. Did you examine any cell phones as far as your work
15 in this case?

16 A I did.

17 MR. SOWARDS: May I approach the witness, Your
18 Honor.

19 THE COURT: What are you looking for?

20 MR. SOWARDS: A cell phone report that was admitted
21 by the Defense.

22 [Whereupon, Mr. Sowards reviews documents]

23 Q. [Mr. Sowards] I'm going to hand you what has been
24 previously admitted as Defense Exhibit 104.

25 [Whereupon, the witness is shown exhibit]

1 Q. Does that look familiar to you?

2 A. It does.

3 Q. And is that a report that was created by you?

4 A. It is.

5 Q. Or at your request? Did you use any software to
6 create that report?

7 A. For this report, which is for a cell phone, I used
8 software called Katana Lantern.

9 Q. And could you describe sort of how that software
10 works?

11 A. Similar to doing computers, I plug the device into a
12 computer. In this case it's an Apple MacBook. And the
13 software that I used, Katana Lantern in this case will
14 pull all the data from the cell phone and then organize
15 that data into something that's usable.

16 Q. So the program kind of analyses the phone and
17 creates a report through you?

18 A. That is correct.

19 Q. Does it tinker with the data at all? Does it
20 destroy the data as part of its examination process?

21 A. It does not.

22 Q. I'm going to direct your attention specifically to
23 and I'll put this up on here so the jury can see.

24 [Whereupon, the document is shown]

25 Q. Does the Katana program have the capability to

1 recover text messages or other items on a phone that have
2 been deleted?

3 A. In some cases depending on the device and the
4 software that's installed on it.

5 Q. And were you able to do that in this case?

6 A. Deleted messages, yes.

7 Q. And I want to point specifically to this series of
8 messages on 9/22 starting at 13:51, which 1:51 eastern,
9 going down to here, the last one at 2:07 eastern. Had
10 those text messages been deleted?

11 A. 9/22 starting at 13:51, yes. The messages that
12 state that they are from recovered were deleted messages.

13 Q. And so when it says recovered that means those
14 messages have been deleted from the phone?

15 A. That is correct.

16 Q. And did the computer program do that?

17 A. The computer recovered the data that was associated
18 with those messages. They had not yet been overwritten.

19 Q. Now, I turn your attention to the next page. You
20 see a phone call at 9:35 and it's a call from Kimberly.
21 Missed. Subsequent text message, message from recovered
22 -- was that text message also deleted and have been
23 recovered by that software?

24 A. That is correct.

25 Q. And then just going down a little bit more we see

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1 call from Kimberly missed. Call from Callie missed. And
2 then they close at 10:00. And that message had also been
3 deleted?

4 A. That is correct.

5 [Whereupon, State's exhibit number 142 is marked by
6 the court reporter]

7 Q. I'll show you what's been marked for I.D. as State's
8 Exhibit 142.

9 [Whereupon, the witness is shown exhibit]

10 Q. Is that a report that you created?

11 A. It is.

12 Q. And how do you know that?

13 A. My information is listed in the summary on the top.

14 Q. And what is that a report of?

15 A. This is another cell phone extraction report for a
16 Samsung Gusto 2 flip phone.

17 Q. And that is a true and accurate copy of the report
18 that you generated?

19 A. It is.

20 MR. SOWARDS: Your Honor, at this time the State
21 would seek to admit 142 into evidence.

22 MS. ZMROCZEK: No objection, Your Honor.

23 THE COURT: All right.

24 [Whereupon, State's exhibit number 142 is entered
25 into evidence by the court]

1 Q. [Mr. Sowards] Now, just briefly. You said this is a
2 Samsung Gusto flip phone?

3 A. That's correct.

4 Q. I just want to ask you just a couple of questions.
5 As part of the examination, does the computer program
6 extract the call log if it's available?

7 A. It does.

8 Q. Just looking here on this particular call log, call
9 one to 611, when was that call made?

10 A. That call was made on February 10th, 2013 at 12:38
11 a.m.

12 Q. And then finally the last call outgoing to 843-696-
13 2923, when was that call made?

14 A. October the 7, 2013 at 12:22 p.m.

15 MR. SOWARDS: I beg the Court's indulgence.

16 [Whereupon, Mr. Sowards and Ms. Baldwin confer]

17 Q. And just briefly, I'd like to direct your attention
18 to item 162047 on the chain, evidence chain list.

19 [Whereupon, the witness reviews document]

20 A. Yes, sir.

21 Q. Is that the item that you examined?

22 A. That is correct.

23 Q. And could you state -- what's the description of
24 that item?

25 A. In the evidence system it's listed as Samsung cell

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1 phone passenger floorboard of the victim's car.

2 Q. And who recovered that item?

3 A. That item was submitted by Investigator Meyer.

4 Q. Does it state from where it was located or
5 recovered?

6 A. The physical location is 2317 West Palmer Drive,
7 Charleston.

8 Q. Just one last thing. I'll show you what's been
9 marked as State's 112.

10 [Whereupon, the witness is shown exhibit]

11 Q. There's a disk inside could you open it and see if
12 you recognize it?

13 A. I do.

14 Q. And what is that?

15 A. This is my report for the HP Pavilion 15.

16 Q. Is that the computer that you and I talked about
17 earlier?

18 A. That is correct.

19 MR. SOWARDS: Your Honor, at this time we would seek
20 to admit State's 112.

21 MS. ZMROCZEK: No objection, Your Honor.

22 THE COURT: All right. 112.

23 [Whereupon, State's exhibit number 112 is entered
24 into evidence by the court]

25 MR. SOWARDS: The State has no further questions at

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1 this time.

2 THE COURT: Any cross-examination?

3 MS. ZMROCZEK: Just a little, Your Honor.
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CROSS-EXAMINATION

1
2 BY MS. ZMROCZEK:

3 Q. Good afternoon, Mr. McManigal.

4 A. Good afternoon.

5 Q. I've got to start off the opposite of Mr. Sowards
6 and let's talk about that cell phone report that you were
7 holding the, the Samsung that was found where Meyers
8 found in the victim's car?

9 A. Yes, ma'am.

10 Q. And these are already admitted into evidence, this
11 is Defendant's 6?

12 [Whereupon, the photograph is shown]

13 Q. The items are photographed before they're collected,
14 correct?

15 A. That is correct.

16 Q. And do you notice -- let me get it a little closer
17 up, defendant's 4.

18 [Whereupon, the photograph is shown]

19 Q. Is it fully charged?

20 A. In this photograph it is.

21 Q. Okay. And that was -- and that photograph was taken
22 -- can you see -- here's defendant's 5 and I'll zoom in a
23 little bit closer.

24 [Whereupon, the photograph is shown]

25 Q. And actually, it's probably too grainy. I'll hand

1 you the pictures and see if you can answer the questions.

2 That way...

3 [Whereupon, the witness is shown photographs]

4 Q. Can you see if it's charged as well as it sits in
5 the vehicle?

6 A. I can't tell as it sits in the vehicle.

7 Q. Okay. So the photos were taken in succession.
8 Somebody wouldn't have charged the phone and then taken a
9 picture of it, would they?

10 A. I wouldn't think so.

11 Q. Okay. So -- and this phone was found in the black
12 Ford car that was in the driveway of 2317 West Palmer,
13 correct?

14 A. That's how I have it listed, yes.

15 Q. And the numbers that he had you in the phone calls,
16 that he had you look at [REDACTED] do you know who
17 that belongs to?

18 A. I do not.

19 Q. Okay. And I wanted to talk about you collected
20 several, several electronic devices, right?

21 A. I didn't collect them. I processed them.

22 Q. You processed several electronic devices?

23 A. Correct.

24 Q. Electronic devices can provide us information about
25 when things were used, who used them, when was the last

1 time somebody was maybe active on it?

2 A. I'm sorry. Say that again?

3 Q. Electronic devices when they're analyzed can be used
4 to provide us information such as who was on it, what
5 were they looking up, when was the last time it was used?

6 A. Correct.

7 Q. You processed several iPads and iPhones from 2317
8 West Palmer, did you not?

9 A. I did.

10 Q. And you notice that all of these items that were in
11 -- connected to Ms. Barbara Little had no activity after
12 15:49 military time, correct?

13 A. I'd have to go through my reports. Can you tell me
14 which devices in particular you're interested in or...

15 Q. Sure; her phone.

16 A. Which would be? I apologize. I only have them
17 listed as barcode numbers and make and model. I don't
18 know who the owner of each one is...

19 Q. That's okay. We'll come back to that.

20 Q. [Ms. Zmroczek] We'll come back to that. I'm going
21 to show you what's been marked as defendant's exhibit 8
22 and see if you recognize that?

23 [Whereupon, the witness is shown exhibit]

24 A. No, I do not.

25 Q. That's not your handwriting?

1 A. No, it is not.

2 Q. Do you know whose handwriting that would be?

3 A. I do not know.

4 Q. So someone else processed phone records in addition
5 to you?

6 A. I'm not aware of that.

7 Q. Okay. So you have no idea who processed these AT&T
8 mobility usage cell phone records?

9 A. That may have come from the service provider. I do
10 not know where that came from.

11 Q. Okay. And you said that the computers that you
12 looked up, you testified that there was a report about
13 false positive blood searches on a computer?

14 A. Correct.

15 Q. And what time was that search done?

16 A. Those searches were on September the 23rd between
17 5:54 a.m. and 6:03 a.m..

18 Q. So that was after Doctor Little spent six hours with
19 the police custody?

20 A. I believe so.

21 Q. Okay. So there were no blood searches or how to
22 hide blood, or how to kill somebody or how to cover it up
23 that you found on the computer, were they?

24 A. Say that again?

25 Q. There were no searches about how to kill somebody,

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1 how to cover up blood, how to hide a murder on the
2 computer that you found, were there?

3 A. Just what I've mentioned already.

4 Q. Just that false positives?

5 A. Correct.

6 Q. And you're familiar that there was false positives
7 of blood indicated in this case, correct; in the vehicle?

8 A. I'm not familiar with that?

9 Q. Okay. You said Investigator Meyer was the lead
10 investigator?

11 A. Correct.

12 Q. She did the report?

13 A. Correct.

14 Q. Did you review her report at all?

15 A. I do not believe I did.

16 Q. Let me hand you her report and ask you to look at
17 the highlighted section.

18 [Whereupon, the witness is shown exhibit]

19 A. Yes, ma'am.

20 Q. Does that indicate that you did a report in this
21 case?

22 A. I did not do a report.

23 Q. I understand. Does the report indicate that you did
24 a report?

25 A. This report does, yes.

1 Q. Okay. So her report indicates you did a report but
2 you didn't do a report?

3 A. Correct.

4 Q. All right. The reason that you look at computers
5 and the reason that you take all these measurements and
6 photographs of crime scenes is to help recreate, try to
7 help recreate -- understand and recreate what happened,
8 right?

9 A. That's a portion of it. Yes, ma'am.

10 Q. Okay. And so you want to get to the bottom of
11 what's occurred?

12 A. Ideally, yes.

13 Q. Okay. And a lot of that investigation depends on
14 the integrity of the crime scene, you would agree?

15 A. Yes.

16 Q. So that means when people go into a crime scene,
17 they should be wearing protective gear?

18 A. Correct.

19 Q. They should have their -- their feet should be
20 covered?

21 A. Correct.

22 Q. They should have the gloves on?

23 A. Correct.

24 Q. And if anything has been moved, towels, bodies,
25 etcetera, then the crime scene has been manipulated.

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1 Maybe not maliciously but it has been manipulated, you
2 would agree with me?

3 A. Yes.

4 Q. Okay. So sometimes things get moved, people walk
5 places and then evidence gets changed?

6 A. Correct.

7 Q. In fact, you described you had to spray that Amido
8 Black. Is that what it's called?

9 A. Amido Black.

10 Q. Amido Black. You had to spray the Amido Black to
11 develop some footprints, right?

12 A. That's correct.

13 Q. So sometimes you can't even see footprints with the
14 naked eye?

15 A. That's correct.

16 Q. So if you're even walking carefully through a crime
17 scene, you don't know what you're destroying or what
18 you're leaving, do you?

19 A. That's correct.

20 Q. If you're not wearing the protective gear?

21 A. That's correct.

22 Q. And that messes up your crime scene, right?

23 A. It does.

24 Q. One of the other things that you want to do is try
25 to -- like I said, build a back story and figure out what

1 happened, to figure out when people were active, when
2 people were there, what could have happened, right?

3 A. That is the detective's purpose.

4 Q. But they do that using the information you gather in
5 forensics, right?

6 A. Partially. In forensics we try to gather the
7 physical evidence and the detectives will speak to the
8 people and get their statements and take that, in
9 consideration with our evidence, to try to determine the
10 back story.

11 Q. Okay, right. Because forensics helps corroborate or
12 provide explanations as to where people are, right?

13 A. That's correct.

14 Q. So if somebody says that they're supposed to meet
15 their daughter for dinner, and they do -- and they're
16 supposed to do a job check for her, and then your report
17 says there were job searches, right?

18 A. Yes.

19 Q. That would be a corroborating statement, right?
20 That would corroborate what that person said?

21 A. Yes.

22 Q. All right. And what times were those searches done?

23 A. The searches for the jobs were on September the 22nd.

24 Q. At what time?

25 A. Between 8:29 p.m. and 8:41 p.m.

1 Q. So 8:29 p.m. and 8:41 p.m. the computer that Doctor
2 Little used three hundred plus times, was looking up jobs
3 in medical records?

4 A. Correct.

5 Q. Okay. That computer was located at his home,
6 correct?

7 A. I believe so.

8 Q. I want to show you defendant's exhibit 60.
9 Actually, I'm going to start with 62.

10 [Whereupon, the photograph is shown]

11 Q. This would be the front porch, right?

12 A. It appears to be, yes.

13 Q. Okay. And right now we don't see any labels or
14 stickers on there, do we

15 A. That is correct.

16 Q. Okay. But then on defendant's 60, we now see labels
17 and stickers, right?

18 [Whereupon, the photograph is shown]

19 A. That's correct.

20 Q. And tell the jury why you put those there?

21 A.. That's to mark potential evidence so that we can
22 photograph it and document it.

23 Q. Okay. And so when you're documenting and
24 photographing blood droplets or blood spatter, you do
25 that so that detectives can then analyze blood spatter,

1 right?

2 A. The detectives wouldn't analyze it. That would be

3 ---

4 Q. --- or somebody could?

5 A. Correct.

6 Q. SLED. You're from the -- I mean, you work with the
7 FBI right?

8 A. I work for -- well, I work for the Charleston County
9 Sheriff's Office and the United States Secret Service.

10 Q. Okay. So you work for Charleston County Sheriff's
11 Office?

12 A. Correct.

13 Q. Do you ever send stuff to SLED for blood spatter
14 analysis or does anybody?

15 A. I'm sorry. Say that again?

16 Q. Does anybody ever send stuff to SLED for blood
17 spatter analysis?

18 A. Yes, ma'am. That's who we primarily use for DNA.

19 Q. Okay. That's who you use, right?

20 A. Correct.

21 Q. Because the directions of the blood droplets can
22 tell you kind of where somebody was standing when they
23 were hit, who hit; kind of what happened, right?

24 A. That's correct.

25 Q. And, in fact, if you see blood spatter on the front

1 porch and that's the entryway that you approach, then
2 that would indicate that's possibly where a fight could
3 have started, correct?

4 A. It indicates that there's blood on the porch.

5 Q. Okay. Did you ever check any of the other doors?

6 A. I believe we checked the whole residence.

7 Q. Okay. Did you take photographs of the ground in
8 front of them?

9 A. Investigator Meyer had taken all the photographs
10 prior to my arrival.

11 Q. Okay. And did Investigator Balzano take any
12 photographs?

13 A. I believe he did. Yes.

14 Q. Okay. So if there are photographs that showed other
15 areas of entryways and exit ways of doors, we would have
16 those, right?

17 A. Correct.

18 Q. Okay. Because sometimes pictures like this can help
19 us see footprints of who is leaving or who is staying or
20 if somebody's going in or coming out, right?

21 A. Correct.

22 Q. Okay. In defendant's 63, you have a tiny little
23 marker here [indicates] of another blood drop, right?

24 [Whereupon, the photograph is shown]

25 A. Correct.

1 Q. And so you want to test those items or you want to
2 swab those items so that they can be tested by the people
3 at SLED who test that stuff, right?

4 A. Yes.

5 Q. And you see these towels or that towel in the door.
6 I think there were some others in the photographs, right?

7 A. In the doorway. Yes, ma'am.

8 Q. Okay. And it appeared that maybe some of the blood
9 was smeared. Maybe somebody had tried to clean something
10 up, right?

11 A. Correct.

12 Q. So when I'm on the ground or I'm touching a towel
13 and I'm smearing -- is my DNA going to be on that towel?

14 A. Potentially.

15 Q. Potentially. So by gathering and swabbing that
16 evidence that helps us figure out who was there, right?
17 It could?

18 A. There's a small chance it could.

19 Q. Okay. Then what's the other reasons that you're
20 swab and take all these pictures?

21 A. Well, so DNA has -- it's very strong in blood,
22 whereas touch DNA is nearly in-detectible. So the act of
23 actually swabbing with a towel really is not going to
24 transfer a significant amount of DNA to the towel.

25 Q. But the actual swabbing of the blood could, right?

1 A. The blood would, yes.

2 Q. And also fingerprints, right?

3 A. Correct.

4 Q. And you and Investigator Balzano were in charge of
5 collecting fingerprints?

6 A. Correct.

7 Q. And you did that in this case, right?

8 A. That's correct.

9 Q. Because fingerprints actually have been around
10 longer than DNA, right?

11 A. They have.

12 Q. Okay. And that is -- I'm showing you a picture of
13 defendant's 66.

14 [Whereupon, the photograph is shown]

15 Q. So tell the jury what they're seeing here?

16 A. That is with the storm door closed. The storm door
17 was glass and you can see the black fingerprint powder on
18 the glass.

19 Q. And so those are from inside the door?

20 A. I can't tell whether that was inside or outside. We
21 did process both sides of the door.

22 Q. You processed both sides?

23 A. Correct.

24 Q. Okay. Defendant's 67?

25 [Whereupon, the photograph is shown]

1 A. That's more fingerprint powder on the doorway.

2 Q. Okay. Defendant's 68?

3 [Whereupon, the photograph is shown]

4 A. More fingerprint powder with two areas of interest
5 that we marked for collection.

6 Q. Okay. Two areas of interest. So those are helping
7 to identify, right?

8 A. We would hope so, yes.

9 Q. That's why you're interested in it?

10 A. Correct.

11 Q. All right. And then you put markers and you
12 identify other things that are items of interest, to use
13 your words, right?

14 A. That's correct.

15 Q. So I'm showing you defendant's 88.

16 [Whereupon, the photograph is shown]

17 Q. Let me zoom in there for you. Tell the jury why you
18 put a placard there and took that picture?

19 A. It appears to be coagulated blood with hair embedded
20 in it.

21 Q. Okay. So that could be potentially identifying
22 information as well, right?

23 A. That's correct.

24 Q. Was that collected to your knowledge?

25 A. I do not know.

1 [Whereupon, the witness reviews document]

2 A. It was.

3 Q. And was that submitted for testing to your
4 knowledge?

5 A. I'm sorry?

6 Q. Was it submitted for test -- submitted for testing?

7 A. Not to my knowledge.

8 Q. Okay. I want to talk to you -- you talked a little
9 bit about footprints and sometimes you can't see things
10 and the places are sprayed with the stuff. So there are
11 potentially a lot of footprints in there, in a residence,
12 correct?

13 A. Correct.

14 Q. And so especially if there have been first
15 responders, EMS, three of them, a clerical -- or excuse
16 me, a clergy member, coroner, several officers, you would
17 want to get all of their shoes if they didn't have feet
18 coverings on, right?

19 A. Potentially, yes.

20 Q. Because otherwise, we don't know what their foot
21 patterns look like do we?

22 A. That's correct.

23 Q. And so we have nothing to compare all the other
24 people that were in the house to?

25 A. That's correct.

1 Q. Okay. And sometimes when there's blood on the floor
2 and you step on it, what happens to it?

3 A. It gets transferred.

4 Q. It gets transferred. And does it squish out or is
5 it possible to step on something and have it -- the blood
6 just not move at all?

7 A. I wouldn't expect it to do that.

8 Q. All right. I'm going to show you Defendant's 72.

9 [Whereupon, the photograph is shown]

10 Q. What was the reason for taking defendant's 72?

11 A. It appears to be a footprint in blood.

12 Q. Okay. And then it appears to be a blood spot on top
13 of it, right?

14 A. Correct.

15 Q. Okay. The problem is, is that we don't know who
16 these footprints belong to or even when they got there,
17 right?

18 A. Correct.

19 Q. So if someone was in a residence and left these
20 footprints, we don't know when that occurred?

21 A. That's correct.

22 Q. Okay. Defendant's 78.

23 [Whereupon, the photograph is shown]

24 Q. Now, let me ask you this. As a scene -- as a crime
25 scene forensics person, aren't you trained by the

1 academy? Do you receive training by the academy?

2 A. In certain areas, sure ---

3 Q. --- law enforcement. Have you ever received any
4 training in crime scene investigation?

5 A. Yes.

6 Q. Okay. In fact, that's on your resume, right?

7 A. Yes.

8 Q. And so one of things that they train you is to do a
9 sketch of an area?

10 A. Correct.

11 Q. Do we have a sketch in this area?

12 A. I do not believe so.

13 Q. Okay. Would that not have been your job?

14 A. It would have been if it was necessary.

15 Q. Okay. But the academy tells you to do it all the
16 time?

17 A. No, they don't.

18 Q. Okay. When do they tell you not to do it?

19 A. They tell us to do it as needed in case location and
20 scale is important.

21 Q. Okay. So let's talk about location and scale. This
22 is as you walk inside. So what we have first is some
23 blood spatter and blood droplets on the front porch,
24 right?

25 A. Correct.

1 Q. And then we have some fingerprints inside the glass
2 door?

3 A. Correct.

4 Q. Right. And then we walk into the foyer and we have
5 this bloody disaster?

6 A. Correct.

7 Q. It was an extremely bloody crime scene?

8 A. It was.

9 Q. How did that blood get on the wall?

10 A. Blood spatter from blunt force trauma probably.

11 Q. Okay. Blood spatter from blunt force trauma. So
12 possibly somebody could be hitting somebody and then when
13 they come back it sprays, right?

14 A. That's one method, yes.

15 Q. And that's why you measure it so that we can help
16 answer some of the unknown questions, right?

17 A. Correct.

18 Q. Okay. Who did you submit these measurements to?

19 A. Which measurements?

20 Q. All of them? For example, 76?

21 [Whereupon, the photograph is shown]

22 Q. So you take these measurements. Why do you take
23 those?

24 A. Those were taken in case we needed to analyze the
25 blood spatter at a later date.

1 Q. Okay. Why would you want to analyze the blood
2 spatter?

3 A. In case there was a question about how the wounds
4 were received?

5 Q. Correct.. That could give us answers, right?

6 A.. I'm sorry?

7 Q. That could give us answers, correct?

8 A. Yes, ma'am.

9 Q. Okay. Now, sometimes it looks like in defendant's
10 84 ---

11 [Whereupon, the photograph is shown]

12 Q. --- there's a table there, but there's no blood on
13 the table. And the table's been moved a little bit. Do
14 y'all have to move and manipulate items to take pictures?

15 A. Occasionally.

16 Q. Okay. Defendant's 85 ---

17 [Whereupon, the photograph is shown]

18 Q. It indicates a measurement of maybe a smear on the
19 wall?

20 A. Correct.

21 Q. And also, if you look a little closer, is there
22 another substance that you see there?

23 A. Yes, ma'am.

24 Q. Okay. Was that tested? Do we know what that is?

25 A. We do not.

1 Q. Okay. And also, there's one slipper there, right?

2 A. Correct.

3 Q. So what you're doing is when you're taking these
4 pictures is you're trying to help whoever's job it is to
5 investigate or determine what happened, figure out how
6 this crime occurred, right?

7 A. To a certain extent.

8 Q. Okay.

9 A. We take the pictures to document the evidence.

10 Q. Because documenting the evidence will help someone
11 determine what happened?

12 A. Correct.

13 Q. For example, if somebody's dragged down the hallway
14 there would be bloody drag marks, right?

15 A. Correct.

16 Q. Or if somebody was running down the hallway and
17 bumped into the wall that could be this [indicates],
18 right?

19 A. Correct.

20 Q. So that's why you take those pictures, right?

21 A. Correct.

22 Q. Defendant's 86.

23 [Whereupon, the photograph is shown]

24 Q. Again, measurements of blood spatter. And that's
25 inside of a different room, right?

1 A. Correct.

2 Q. In fact, there was evidence of a struggle of some
3 sort?

4 A. There appeared to be, yes.

5 Q. There appeared to be. There were blinds -- or
6 excuse me -- shutters that were on the ground and big
7 chunks of blood were on them?

8 A. Correct.

9 Q. And then there were other items with big puddles of
10 blood right underneath them?

11 A. Correct.

12 Q. Could those have been any weapon?

13 A. Could those have been?

14 Q. Weapons?

15 A. Weapons? Possibly.

16 Q. Do you show where they were collected in this case?

17 A. They weren't.

18 Q. Okay. I'm almost done. I'm showing you Defendant's
19 87.

20 [Whereupon, the photograph is shown]

21 Q. And your photographing -- it appears to be a box, a
22 cigarette box, right?

23 A. I believe it's a photograph of the door.

24 Q. Of a door? Okay. How about if I hand it to you so
25 you can see it a little bit closer?

1 [Whereupon, the witness is shown photograph]

2 A. Well, there may be a cigarette pack in the picture,
3 but the photograph primarily is of the door.

4 Q. It was just of the door; it just happened to catch
5 the cigarette pack, is that right?

6 A. Yes, ma'am.

7 Q. Okay. When you examine -- I'm showing you
8 defendant's 57.

9 [Whereupon, the photograph is shown]

10 Q. When you examined the front porch and you took
11 pictures of the droplets prior to identifying them,
12 certainly you were looking for shoeprint analysis there,
13 right?

14 A. Not first and foremost but that is one
15 consideration.

16 Q. Okay. Because if somebody -- if there's bloody --
17 if there are bloody footprints inside of the house, it
18 would stand to reason that there would be bloody
19 footprints on the way out, right?

20 A. Correct.

21 Q. So that would help us determine who or what shoes
22 entered or exited the residence, right?

23 A. Correct.

24 Q. But we didn't do any spray with Amido Black on this,
25 did we?

1 A. Not on the concrete.

2 Q. Okay. And there's a close up on Defense 109 of a
3 blood droplet that also appears to have hair in it,
4 correct?

5 [Whereupon, the photograph is shown]

6 A. Correct.

7 Q. Okay. And that also is for documentation but also
8 so that somebody later on could check that and find out
9 who that belonged to, right?

10 A. Correct.

11 Q. Okay. Other clues that you see at crime scenes, for
12 example, you took a very close up picture of Defendant's
13 48 of Ms. Little's hands with her very nice manicured
14 fingernails, right?

15 [Whereupon, the photograph is shown]

16 A. Correct.

17 Q. And you notice a larger bulging on her pinky?

18 A. Yes.

19 Q. She's missing some skin, right?

20 A. Correct.

21 Q. It is indicating that she was either in a fight or
22 somehow something hit her and she lost that finger?

23 A. Correct.

24 Q. And so you wanted to document that because that
25 could be important, right?

1 A. Correct.

2 Q. When somebody's in a fight and they scratch and
3 they're clawing, that would leave some potential
4 evidence?

5 A. That is correct.

6 Q. All right. Again, with 47 ---

7 [Whereupon, the photograph is shown]

8 Q. The close up of Ms. Little's hand, her other hand
9 now -- this is the one without the bulging. This is the
10 right hand. And it's got a clump of hair in it, right?

11 A. It appears to be, yes.

12 Q. So she's grabbing somebody or pushing or pulling or
13 something. And if she pulled that off of somebody, we
14 could test that, right?

15 A. Correct.

16 Q. If it were collected?

17 A. Correct.

18 Q. All right. You talked about the integrity of the
19 crime scene, right?

20 A. Yes.

21 Q. And how it can get -- it can get manipulated either
22 intentionally or not intentionally?

23 A. Correct.

24 Q. But that the crime scene, when you get there, you
25 take control?

1 A. Correct.

2 Q. All right. And you tell people, back out of our
3 area and stay away, right?

4 A. Yes, ma'am.

5 Q. And certainly you don't let them smoke or drink or
6 do anything that would again contaminate the crime scene,
7 right?

8 A. Correct.

9 Q. So I'm going to show you Defendant's 58.

10 [Whereupon, the photograph is shown]

11 Q. Can you identify that bottle in the top corner?

12 A. That's one of our investigator's bottles.

13 Q. It's one of your investigator's bottles. Do you
14 know who?

15 A. Not off the top of my head.

16 Q. Do you know when it got there?

17 A. It was there that night when we brought it there.

18 Q. You don't what time?

19 A. I do not.

20 Q. Okay. And that's not maintaining your pristine
21 crime scene is it?

22 A. Well, the box on the left there is our supplies.
23 That's where we had our staging area.

24 Q. Right. But by putting things into the crime scene,
25 that messes them up, right? It's not the way we found

1 them.

2 A. We considered that to be the edge of the crime scene
3 so we did not think we were manipulating anything.

4 Q. Okay. Even though there are markers past that where
5 that bottle is, right?

6 A. Which markers?

7 Q. I'm talking this far one right here [indicates].

8 A. We don't have anything on that marker.

9 Q. You don't have anything on that marker? You don't
10 indicate blood on that marker?

11 A. I mean, that marker is indicating blood, but we
12 don't have anything around that marker.

13 Q. Okay. And again, Detective Colburn, Detective
14 Haslip, the CPD officers; all of these people were in the
15 crime scene without protective gear and we didn't get
16 their footprints did we?

17 A. We did not.

18 Q. You didn't get the EMS?

19 A. No.

20 Q. You didn't get the clergy?

21 A. No.

22 Q. Okay.

23 MS. ZMROCZEK: I beg the Court's indulgence.

24 [Whereupon, Ms. Zmroczek, Mr. West and Mr. Schwartz
25 confer]

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1 MS. ZMROCZEK: Thank you.

2 THE COURT: Anything on redirect?

3 MR. SOWARDS: Just a few questions, Your Honor.
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REDIRECT EXAMINATION

BY MR. SOWARDS:

Q. When first responders arrive at the scene, whether it's EMS or law enforcement are they expected to wait outside and put booties on and gloves or are they expected to go inside, especially when they're being called out on a homicide, to go inside and check for victims?

A. The first consideration is for medical care.

Q. Now, you were shown a picture of, sort of the foyer area that concrete foyer area and asked about whether any shoeprints were found out front?

A. We did not observe any.

Q. Would as you stepped out of the crime scene if you were to rub your feet on a towel as you're leaving, could that effect whether you find a shoe print on the concrete?

A. It's possible.

[Whereupon, the photograph is shown]

Q. And you were shown a picture, the victim's hand and what looks like a cut, contusion. And you were asked whether that could indicate the victim was involved in a struggle and you said possibly.

Would it be possible for that to occur if, say, you put your hand up in front of your face and were hit with

1 a blunt instrument?

2 A. Correct.

3 Q. So if you were defending yourself or recoiling and
4 you put your hand up, the instrument could cause that
5 injury?

6 A. It's what we would call defensive wounds, yes.

7 Q. And, again, on that concrete patio I count seven
8 placards showing blood spots and that's just on the
9 outside. We saw the inside, lots of blood. Does every
10 bit of blood found on a crime scene get sent to SLED for
11 analysis?

12 A. It does not. We're only allowed to send five items
13 at a time.

14 Q. Do the scale rulers that you talked about, are those
15 just for blood spatter analysis?

16 A. It's just for documentation.

17 Q. And I think you were asked about sending blood to
18 SLED for blood pattern analysis, blood spatter. Blood is
19 sent to SLED for DNA analysis, right?

20 A. That is correct.

21 MR. SOWARDS: I beg the Court's indulgence.

22 [Whereupon, Mr. Sowards and Ms. Baldwin confer]

23 Q. [Mr. Sowards] You've been in law enforcement for
24 thirty years, right?

25 A. Correct.

1 Q. Do you know what a utility, the sole of a utility
2 boot looks like?

3 a. I do.

4 Q. Would you be able to look at a scene and footprints
5 found on a scene and be able to determine that's a boot
6 print like the one I wear and like other law enforcement
7 wear?

8 A. For the most part.

9 MS. ZMROCZEK: Your Honor, I'm going to object.
10 He's already testified that he had no idea what
11 everybody's shoes looked like that night. So for him to
12 speculate what is print belongs to an officer and can
13 contaminate a crime scene is inappropriate.

14 THE COURT: I'll allow him to ask that question.

15 Q. [Mr. Sowards] And I have one last question for you.
16 Speaking specifically about this print ---

17 [Whereupon, the photograph is shown]

18 Q. --- does that look like the sole of the boots that
19 you wear?

20 MS. ZMROCZEK: Objection, Your Honor.

21 THE COURT: I'm going to allow that.

22 A. No, they do not look like the soles of the boots I
23 wear.

24 Q. [Mr. Sowards] Thank you.

25 MR. SOWARDS: No further questions.

State v General Theophilus Little
Paul McManigal-Redirect Examination by Mr. Sowards
March 22, 2018

1 THE COURT: Thank you very much. You can return
2 your place in the courtroom or be excused.

3 [Whereupon, the witness is excused and exits the
4 witness stand]

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State v General Theophilus Little
Proceedings
March 22, 2018

1 THE COURT: I believe they have the lunches here, is
2 that correct?

3 CLERK OF COURT: It's on its way up right now, Your
4 Honor.

5 THE COURT: It's on the way?

6 CLERK OF COURT: It's like, yes, here in the
7 building.

8 THE COURT: Downstairs on the way up?

9 CLERK OF COURT: Yes, sir.

10 THE COURT: So we're going to stop at this time. So
11 let's go to the jury room and have your lunch. And if
12 you want to walk up and down the hall, you know, go ahead
13 and do that and everything, either before or after,
14 whenever. Feel free to move around out there, okay?

15 [Whereupon, the jury exits at 1:51 p.m.]

16 [Whereupon, court is in recess from 1:52 p.m. until
17 2:25 p.m.]

18 [Whereupon, State's exhibit numbers 143 and 144 are
19 marked by the court reporter]

20 MS. ZMROCZEK: Your Honor, we may have a matter of
21 law with the next witness.

22 THE COURT: What is that?

23 MS. ZMROCZEK: Are they -- I think -- are you
24 calling Claycomb?

25 MS. BALDWIN: Claycomb. Yes, Your Honor. I'm

State v General Theophilus Little
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March 22, 2018

1 calling the SLED footwear analyst.

2 THE COURT: The what?

3 MS. ZMROCZEK: SLED footwear analyst.

4 THE COURT: Okay.

5 MS. ZMROCZEK: And this is one of the pretrial ---

6 THE COURT: --- stop the jury. Send them back to
7 the room for a while. Bring him on up.

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State v General Theophilus Little
Dawn Claycomb-Proffer-Direct Examination by Ms. Baldwin
March 22, 2018

1 [Whereupon, Ms. Claycomb comes forward]

2 [Whereupon, the witness is duly sworn by the Clerk
3 of Court]

4 CLERK OF COURT: Once you get situated, please speak
5 into the microphone so we can hear you. State your full
6 name for the record, spelling your last name for us.
7 Thank you.

8 THE WITNESS: Dawn Marie Claycomb, last name is C-L-
9 A-Y-C-O-M-B.

10

11

DAWN CLAYCOMB,

12

Having been first duly sworn,

13

Was examined and testified as follows:

14

PROFFER DIRECT EXAMINATION

15

BY MS. BALDWIN:

16

Q. Ms. Claycomb, where do you work? What do you do?

17

A. South Carolina Law Enforcement Division and I'm
18 employed in the crime scene department.

19

Q. Okay. And how long have you been at SLED in crime
20 scene?

21

A. A little over five years.

22

Q. What kind of areas do you do your case work with
23 your position at SLED?

24

A. Crime scene and footwear examination.

25

Q. Explain to us what footwear examination is?

1 A. Basically if there are any unknown impressions of
2 footwear or shoe impressions at a scene, we basically
3 obtain those unknown impressions or photographs,
4 depending what they are, and we do an examination between
5 those and the known shoes if there are any shoes
6 collected.

7 Q. And how do you conduct that examination?

8 A. Basically, we get, depending -- in this situation it
9 was photographs from the initial scene of unknown
10 footwear impressions.

11 Those photographs are then printed and they are --
12 we basically get these shoes, the known shoes. We do an
13 ink test impression of those and we compare them to each
14 other.

15 Q. And what specific training in footwear examination
16 do you have?

17 A. Throughout my crime scene training, at least eight
18 months to a year of crime scene training, that consists
19 of recovery, collection, enhancement and preservation of
20 footwear evidence. On top of that, I completed
21 approximately three years of footwear training that
22 consist of in-house training, which is multiple reading,
23 research and also written tests, hands-on supervised
24 casework under a qualified footwear examiner. Like I
25 said, it took me approximately three years to complete

1 that. And we also do a competency test at the end in a
2 mock court to qualify us, actually to deem us competent
3 to complete a footwear examination.

4 Q. Okay. Is your work peer-reviewed?

5 A. It is. Once we complete a report it's sent to
6 another qualified examiner who also does a peer review of
7 the case.

8 Q. And have you ever been qualified as an expert
9 witness?

10 A. In crime scene.

11 Q. Okay. Did you examine some items in this case?

12 A. Yes, ma'am.

13 Q. Do you recall what those are?

14 A. Yes, ma'am. There was a pair of shoes and also
15 unknown footwear impressions. They were actually photos
16 on a DVD from the scene.

17 Q. I'll show you State's 136. It's already been
18 admitted.

19 [Whereupon, the witness is shown exhibit]

20 A. This is labeled as item 7. These are the shoes.

21 Q. The shoes that you were sent?

22 A. Yes, ma'am. This is the left shoe and I also have
23 the lab number, item number and my initials on the shoe
24 showing that I did the examination. And that's the left
25 shoe and this is the right shoe, which also has my lab

1 number, item number and my initials as well.

2 Q. You can go ahead and put them back. And what was
3 done with these shoes?

4 A. The footwear examination.

5 Q. Okay. And I show you State's 143 for I.D.

6 [Whereupon, the witness is shown exhibit].

7 A. Item 15 is of the DVD that contained the photos from
8 the scene.

9 Q. Okay. And State's 144?

10 [Whereupon, the photograph is shown]

11 A. These are the actual photos from that DVD and they
12 are printed.

13 Q. And printed how? Obviously, they're a lot bigger
14 than the photos that we've seen earlier?

15 A. Correct. They're printed to natural size. They are
16 basically -- once I review them from the DVD they are
17 sent to the photography department where they are printed
18 to natural size, basically, one inch is one inch and
19 that's the photo. You want me to go through these?

20 Q. You can just leave them in there?

21 A. Okay.

22 MS. BALDWIN: Court's indulgence.

23 [Whereupon, Ms. Baldwin and Mr. Sowards confer]

24 MS. BALDWIN: Your Honor, for purposes of this
25 hearing, I have no further questions.

1 PROFFER CROSS-EXAMINATION

2 BY MS. ZMCROZEK:

3 Q The State didn't ask you what your results were so

4 I'm going to go ahead and do that, okay?

5 A. Yes, ma'am.

6 Q. Were you able to positively identify these shoes?

7 A. No, ma'am. Basically, my result is corresponding

8 overall tread design and no further examination could be

9 conducted.

10 Q. Right. So you couldn't connect these shoes to those

11 footprint?

12 A. Correct.

13 MS. ZMROCZEK: Your Honor, I mean, I can go on

14 but...

15 THE COURT: Well, I mean, I think that's admissible.

16 MS. ZMROCZEK: That she can't connect the shoes?

17 THE COURT: If she's saying that these -- that the

18 footprints there are -- I don't know what the word you

19 want to use are like a tread on both shoes, right?

20 THE WITNESS: Yes, sir. Corresponding tread design

21 just means they are similar in the tread design.

22 THE COURT: Okay.

23 MS. ZMROCZEK: So, Your Honor, the problem is that

24 and the Court -- in one and two which I had a chance to

25 participate in all three times, as well as -- or excuse

1 me the second and third time -- as well as Chesebrough
2 [phonetic] they all say that the Court is the gatekeeper.
3 And that when you look at this kind of evidence in this
4 case, when you look at this kind of evidence in this
5 case, that there are certain things that you have to look
6 at, starting out with 401 analysis. Is it relevant?
7 What relevant information does this expert provide?

8 Well, is it relevant that the same type of shoe
9 could be found, you know, at our guy's home or anybody's
10 home? They also say after -- even if you find that it's
11 relevant, then you have to go through the gate keeping
12 analysis. She's never been qualified as an expert in
13 footwear impressions. She's been qualified one time as a
14 crime scene investigator. And, I mean, I guess if I need
15 to develop for the record her, you know, ---

16 THE COURT: --- you can say anything you think you
17 want to say.

18 MS. ZMROCZEK: Okay.

19 Q. [Ms. Zmroczek] How many shoes correspond or could
20 correspond in out sole design; how many different types
21 of shoes?

22 A. I don't have a number for that being that shoes are
23 produced mass production. I can't say an actual number
24 as to how many. But several -- another shoe could
25 possibly make that impression, but I can't go further to

1 say a number of any kind of statistic as to how many
2 shoes could or could not make that impression. I can
3 just say it has a similar overall tread design and that's
4 all.

5 Q. Right. And did you receive any tread designs from
6 any of the more than fifteen people that went into this
7 house?

8 A. No, ma'am. Just one pair of shoes.

9 Q. Okay. And you said that you listed William Bosniaz
10 [phonetic] is one of the person whose training you
11 attended, and that he's the foremost ---

12 A. --- William Broziak [phonetic], yes ma'am.

13 Q. Okay. Okay. And so you're familiar that his
14 research from last year shows fundamental patterns of
15 line segments, there are 3,397 different shoes that could
16 match a linear segment outsole?

17 A. Like I said ma'am, I can't give a number or a
18 statistic. I can just say similar overall tread design.

19 Q. Were there any outstanding class characteristics
20 that identified these shoes?

21 A. No, ma'am. Basically, we look at class
22 characteristics, the overall wear on the sole of the shoe
23 and the individual characteristics. In this case I could
24 not know a class characteristic. I could just say the
25 overall tread design. Class characteristics mean the

1 physical shape, size, and tread design. I can only go as
2 far as to say overall tread design, not the size.

3 Q. So you couldn't even say what size they were?

4 A. No, ma'am. The original photographs were not taken
5 at ninety degrees. That could lead to some perspective
6 issues, so I can't even go as far to say as far as size
7 if that was similar. I can only go to overall tread
8 design.

9 Q. Because what your testing is based on, it starts
10 with the evidence collection, right?

11 A. Correct. Which we did not do; however, it starts at
12 that point with evidence collection, yes, ma'am.

13 Q. And they are trained how they are supposed to
14 document and collect this impression to submit to you?

15 A. Yeah. I can't say how they're trained but it needs
16 to be parallel to the impression and ninety degrees to
17 have a good examination.

18 Q. So to even begin with, it wasn't done correctly?

19 A. It was not taken at ninety degrees, correct.

20 Q. Right. So you shouldn't have -- at that point you
21 shouldn't have even run a comparison. According to your
22 standards, right?

23 A. It's possible. We can still do a comparison;
24 however, further examination past that point cannot be
25 conducted.

1 Q. And also you can't say who these shoes belong to.

2 You can't say ---

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

4 Q. Or when they got there?

5 A. No, ma'am. I can just testify to the footwear exam
6 that I did.

7 Q. And, in fact, you can't even say that it was the
8 entire shoe; there are only portions of the shoe that you
9 could match, correct?

10 A. They were partial impressions as far as the unknowns
11 is what I've examined. Yes, ma'am.

12 MS. ZMROCZEK: Your Honor, again, for this reason,
13 this testimony coming from an expert witness would be
14 [a], I believe not relevant, but if the Court finds it
15 relevant, I still think you have to do the gate keeping
16 function.

17 The reason that they have these requirements set out
18 in photography and identifications so they can do their
19 job. Even if the Court thinks that that's good enough
20 and that she can still testify that they have similar --
21 a portion of these shoes had similar characteristics,
22 then we'd have to do a 403 analysis.

23 Your Honor, this testimony in this case would be
24 extremely, substantially, more prejudicial than
25 probative. What they're trying to do is they -- you know

1 you sat there for days listening to how people went in
2 and out of this crime scene. And finally you had the
3 last witness who admitted that, you know, that people
4 stomping, and not intentionally, but the crime scene was
5 contaminated. And now we have what they want to put up
6 as a witness who says we'll we've got these shoes and
7 they match this match this. Well, they don't match ---

8 THE COURT: --- they don't say that. You know, I
9 mean, I understand what you're saying.

10 MS. ZMROCZEK: Right.

11 THE COURT: And I appreciate the position. Go ahead
12 and say what you think you want to say but I mean, I'm
13 going to let it in.

14 MS. ZMROCZEK: Okay. Thank you, Your Honor.

15 THE COURT: All right. Can I give you this back?
16 Okay. Let her step down and we'll bring the jury in.

17 MS. BALDWIN: Thank you, Your Honor.

18 [Whereupon, the witness is excused and exits the
19 witness stand]

20 [Whereupon, the jury enters at 2:46 p.m.]

21 THE COURT: All right. Bring the next witness up.
22
23
24
25

State v General Theophilus Little
Dawn Claycomb-Direct Examination by Ms. Baldwin
March 22, 2018

1 MS. BALDWIN: Thank you, Your Honor. The State
2 calls Dawn Claycomb.

3 [Whereupon, Ms. Claycomb comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: Once you get situated please speak
7 into the microphone, state your full name for the record
8 spelling your last name. Thank you.

9 THE WITNESS: My full name is Dawn Marie Claycomb.
10 Last name is C-L-A-Y-C-O-M-B.

11

- - - - -

12

DAWN CLAYCOMB,

13

Having been first duly sworn,

14

Was examined and testified as follows:

15

DIRECT EXAMINATION

16

BY MS. BALDWIN:

17

16:03:22

18

Q. Ms. Claycomb, what is your occupation?

19

A. I work with the South Carolina Law Enforcement

20

Division.

21

Q. And in what capacity?

22

A. I work within the crime scene department there at

23

SLED.

24

Q. And what does that mean?

25

A. I'm basically a crime scene agent. We respond to

1 several counties throughout the State of South Carolina.
2 Any crime scene request relating to major crimes,
3 anything from homicides, officer involved shootings,
4 child fatalities, even to a large scale burglaries or
5 bank robberies, things like that.

6 Q. And how long have you been at SLED?

7 A. A little over five years.

8 Q. And what categories do you do case with your
9 position at SLED?

10 A. Crime scene is my main function and I also have an
11 extra duty. Footwear is my extra duty.

12 Q. What were different roles you had at SLED up until
13 now?

14 A. Since I started at SLED I have been within the crime
15 scene department the entire time. The first two years
16 was just crime scene, starting in it would have been
17 August of 2014, I began my footwear training. And since
18 that time, I have been doing footwear examination as my
19 additional duty.

20 Q. And what does footwear impression evidence mean?

21 A. Basically impression evidence deals with anything
22 that an object comes into contact with another object,
23 latent impressions, footwear, tire impressions. So
24 footwear examination is basically the examination of a
25 shoe coming in contact with the ground or an object.

1 Q. And how many cases of footwear have you analyzed?

2 A. Casework sent to the lab, approximately 15 to 20
3 actual casework. That's not including all of the
4 training that I've had under a qualified examiner and all
5 of those cases that I have had to complete in order to
6 get signed-off in footwear.

7 Q. Well, why don't you tell us a little bit about your
8 education and training in general and then also as
9 regards to footwear?

10 A. I got my Bachelor of Science degree in forensic
11 science at Williamsburg University. Once I graduated
12 with my bachelor's degree I started my occupation at
13 Richland County Sheriff's Department. It was uniform
14 patrol.

15 I worked on the road for approximately three years,
16 got my law enforcement experience, which I then obtained
17 a position at South Carolina Law Enforcement Division in
18 2012 as a crime scene agent. And I've been in crime
19 scene since.

20 Q. And what training have you received regarding
21 footwear?

22 A. Footwear, I've had my basic training -- as far as
23 being a crime scene agent you deal with footwear. Mostly
24 every crime scene you respond to you search for footwear
25 on the crime scenes. I've had that basic training as far

1 as looking for footwear, collecting it, enhancing it and
2 preserving it for an examination. So, up to the point
3 where I became a footwear examiner that was my basic
4 training.

5 Once I became a footwear examiner that training
6 consisted of at least three years of supervised casework
7 under a qualified examiner. That consisted of many
8 written tests, reading research, external training. I
9 have done a week with Dwane Hilderbrand who's a well-
10 known footwear examiner internationally, completed a week
11 of training with that. That was more additional
12 casework-style training.

13 I also did an external training class with the IAI
14 Conference. That was another weeklong training at the
15 IAI Conference. That stands for the International
16 Association of Identification -- basically a week of
17 lectures, workshops, and more training on additional
18 footwear.

19 And towards the end of my footwear training we had
20 to complete a mock court. We had to complete a
21 competency test, which basically showed you are deemed
22 competent. You understand the footwear examination, what
23 the results can be and what you need to do to do a
24 footwear examination.

25 Q. Have you ever testified in court before?

1 A. I have.

2 Q. How many times?

3 A. Approximately eleven times and that was in crime
4 scene for my crime scene.

5 Q. Okay. When you examine footwear, does it get peer
6 reviewed?

7 A. Yes ma'am, it does. Once I complete my examination
8 and I finish my report, I send it to another qualified
9 footwear examiner who also peer reviews what I've done.

10 It's kind of like a secondary check to say hey, you
11 know, maybe you should look at this? Did you miss this?
12 Or no, I agree with your results and the report is
13 finalized.

14 MS. BALDWIN: Your Honor at this time I'd like to
15 offer Agent Claycomb as an expert in footwear
16 examination.

17 THE COURT: Any questions you want to ask about her
18 qualifications?

19 MS. ZMROCZEK: Yes, Your Honor.
20
21
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25

1 VOIR DIRE

2 BY MS. ZMROCZEK:

3 Q. Ms. Claycomb, who was your peer reviewer?

4 A. In this case?

5 Q. Yes?

6 A. Melinda Worley.

7 Q. And how many times has Ms. Worley reviewed your

8 work?

9 A. Several.. She was actually my trainer during my

10 footwear training, so she has reviewed everything that I

11 have looked that. She has peer reviewed that.

12 Q. Okay. And you turned your CV over to the

13 Solicitor's office who gave it to us, right?

14 A. Yes, ma'am.

15 Q. And in there you indicate that you have been

16 qualified as an expert one time?

17 A. In crime scene. Yes, ma'am.

18 Q. One time in crime scene?

19 A. Uh-huh.

20 Q. And nothing else, right?

21 A. Correct. Normally, it's just testimony and unless

22 they need an expert opinion, we basically -- we testify

23 and aren't qualified as an actual expert.

24 Q. Okay. And you mentioned the IAI?

25 A. Yes, ma'am.

1 Q. Are you a member of that?

2 A. I am not.

3 Q. You are familiar that they have a certification for
4 footwear examiners?

5 A. Yes, ma'am.

6 Q. Do you have any certification in footwear
7 examination?

8 A. I do not. That's not required to be a footwear
9 examiner. That's just an international recognized
10 association and you don't have to actually be certified
11 to do footwear examination for that.

12 Q. All right. Are you a member of any organizations?

13 A. No, ma'am.

14 Q. How much training do you receive annually?

15 A. We actually have to do a proficiency test annually.
16 Once we're signed-off in footwear you have a yearly
17 proficiency test that you have to complete in order for
18 you to continue to do footwear examination.

19 Q. And part of that proficiency test asks you the
20 proper way to receive and identify evidence, right?

21 A. Yes, ma'am, that's part of the proficiency. Yes,
22 ma'am.

23 Q. And you've never testified in court about any
24 footwear?

25 A. Not footwear examination. Footwear collection, as

1 far as the crime scene goes. That's about all.

2 Q. And did you ever publish any documents or ---

3 A. No, ma'am.

4 Q. --- any article?

5 A. No, ma'am.

6 Q. Do you read any articles? Do you keep up with ---

7 A. Yes, ma'am.

8 MS. ZMROCZEK: I beg the court's indulgence.

9 [Whereupon, Ms. Zmroczek, Mr. West and Mr. Schwartz
10 confer]

11 MS. ZMROCZEK: Your Honor, that's all we have at
12 this time.

13 THE COURT: All right. I'm going to allow her to
14 testify. Members of the jury panel, let me explain to
15 you what they're talking about an expert witness, what
16 that means. The normal witness testifies only to facts
17 that he or she saw, heard, felt, smelled, testimony
18 that's based on the physical senses. That's what a
19 normal witness testifies about.

20 When we talk about somebody being qualified as an
21 expert, what that means is not only can they testify
22 about the facts, what they saw, felt, heard, all that
23 sort of stuff, they can also give opinions based on their
24 education, their training, their background, that sort of
25 thing. Like a doctor can tell us, you know, about well,

1 this is a broken bone. Or this was an appendicitis or an
2 accountant can tell you about, you know, how you go about
3 figuring debits and credits and balancing the balance
4 sheets, things that a normal -- things that most people,
5 common everyday folks that don't have that education and
6 training can't tell you about.

7 So that's what an expert witness is. It's just a
8 person who's qualified by reason of their education,
9 training, experience and so forth to give opinions about
10 things, not just testify about facts. That doesn't mean
11 you have to accept it as true. You have to decide
12 whether to believe what she's going to tell you now, just
13 like you have to -- whether it's true or how much weight
14 you want to give it, all those kind of things, just the
15 same as you are going to have to evaluate every other
16 witness's testimony in this case.

17 So I wanted to explain to you about what we mean
18 when we say someone is qualified as an expert. It just
19 means we let them give you opinions about things because
20 of who they are in terms of their education, experience,
21 and so forth. All right. Go ahead.

22 MS. BALDWIN: Thank you, Your Honor.
23
24
25

1 DIRECT EXAMINATION (resumes)

2 BY MS. BALDWIN:

3 Q. So explain to the jury what it means when we're
4 talking about footwear evidence?

5 A. So basically, I kind of explained the footwear
6 impression. When a shoe comes into contact with the
7 ground, or clothing, a door, a counter, anything like
8 that, it creates an impression. It comes into contact
9 and actually makes an impression of the outsole of the
10 bottom of the shoe.

11 From that, we can look at that impression actually
12 made on the counter, the floor, clothing and we can say,
13 hey, what was the source of this impression. Basically,
14 we look at that and look at a possibly known shoe that we
15 suspect it to be from. And we can say whether they're
16 similar, not similar; it was made by this shoe, or not
17 made by this shoe.

18 Q. And how does this exactly work?

19 A. Basically, on a crime scene if you happen to have
20 suspected footwear impressions, you can photograph that,
21 collect it directly, whether if you can cut the floor
22 out, the door, depending on what it's on.

23 Otherwise, if you can't collect the actual item, you
24 can photograph it and that actual unknown impression can
25 be compared to the shoe. In this particular case, it was

1 photographed and those photographs can be printed to
2 size, meaning it's to scale and an actual, natural size.
3 You can't just go to a store, print it out on 4x6 and
4 look at the photo. You actually have to have it printed
5 to size, saying hey, one inch is one inch according to
6 this photo.

7 We then look at that photo. I looked at that photo
8 and also the shoes. The actual shoes are photographed,
9 the soles of them. And I actually create an inked
10 impression from those known shoes. We basically roll
11 black ink on the bottom of the outsole of the shoe and we
12 create a test impression onto a clear transparency.

13 So that shows me that this known shoe, this is what
14 the impression would look like if this shoe were to come
15 into contact with anything.

16 At that point, I can compare the unknown impression
17 to that actual inked impression that was created by the
18 shoe and I can say whether they're similar, not similar,
19 have similar characteristics or not.

20 Q. When photographs are taken, is there a scale in that
21 process?

22 A. Yes, ma'am. Typically, when we get the unknown
23 impressions at the scene for collection, it's best to
24 have a scale in the photo. That's showing, like I said,
25 one inch is one inch and we can size that actual

1 impression. So unknown impressions collected at the
2 scene, typically when you photograph them, they have to
3 be taken ninety degrees, just meaning if I have an
4 impression here, that camera has to be ninety degrees to
5 that impression. It has to be parallel to the surface.

6 And that scale within the photo when we print it
7 that shows me it's the correct size. And I can actually
8 look at that actual scale in the photo and put a scale
9 next to it and say hey, one inch is actually one inch.
10 It's the right size. It's correct. The perspective is
11 right in it.

12 Q. So you're saying there are some limitations to the
13 analysis?

14 A. Yes, ma'am. There's oftentimes -- at SLED when
15 evidence is submitted with unknown impressions, sometimes
16 we have where there's not a scale in the photo. That's
17 difficult because looking at the size that can change
18 things.

19 So it's oftentimes we might not get a scale in the
20 photo. There's oftentimes that it's not quite ninety
21 degrees and that can change your perspective, which could
22 possibly effect the size that you're looking at.

23 So a scale is very important when documenting a
24 footwear impression. And, yes, that could affect my
25 examination to be conducted when I look at it.

1 Q. If it's not ninety degrees how far off could it be
2 before you say I can't fully make a comparison?

3 A. It depends. Certain situations where it's really
4 not ninety degrees, if I have an impression by the door
5 over there and I take it from here, clearly my
6 perspective is going to be off much worse than if I were
7 stand over the top of it and take a photograph.

8 Even standing over the top of it and thinking you're
9 close to ninety degrees could greatly affect it. You
10 really need a tripod and it needs to be ninety degrees to
11 ensure that it's a flat surface and it's not going to
12 affect my perspective size when I'm doing my examination.

13 Q. Does it make a difference if it's a millimeter off?

14 A. It does. It can be anywhere from a millimeter off
15 to a whole inch, inch and a quarter, inch and a half, and
16 that could make a whole difference. Even a small
17 millimeter could change things.

18 Q. So how hard is to compare these things?

19 A. It can be very difficult. Like I said depending how
20 it's collected and the actual unknown impressions, what
21 we're looking at could affect my examination greatly
22 depending on how it's collected.

23 Q. Now, did you have occasion to examine some footwear
24 or analyze some footwear evidence in this case?

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

1 Q. Okay. What did you receive?

2 A. I received -- it was a DVD containing photographs
3 said to be from the crime scene and also a box of shoes.
4 It was one pair of shoes, dress shoes that I obtained.

5 Q. And what did you do with that CD?

6 A. That CD -- so once I obtained the CD and the shoes,
7 I reviewed the photos on the CD and there were several
8 photos from the scene. I have to look at those photos
9 and say hey, these are the photos that I choose I'm going
10 to print to do my examination, because they're the best
11 of these photos that I have been given.

12 Once I review those and pick the photos they are
13 sent to the photography department where they print the
14 photos. When they print the photos they just basically
15 pull the digital photographs from the DVD and print them
16 from a printer. And that's when I can get the photos
17 that are made to size.

18 And like I said, they just ensure that one inch is
19 one inch and the scale is correct and it's printed to
20 natural size. The shoes were also sent. The shoes, just
21 the bottom of the soles of the shoes are photographed.
22 And those photographs are also sent to me.

23 Q. I'm going to show you what's been admitted as
24 State's 136.

25 [Whereupon, the witness is shown exhibit]

1 Q. I want you to just tell us what those are.

2 A. This is the box of shoes. You can see here it says
3 -- upside down, but it says item 7 right here
4 [indicates]. These are the -- this is the box that I
5 obtained the shoes in.

6 It comes to me sealed and you can see the seal tape.
7 I open them. Inside was a bag with two smaller bags and
8 the shoes -- I had the left and the right shoe. So I
9 basically just opened this box. I review what the shoes,
10 what they look like. I can review, just look over the
11 shoes that it actually -- outsole of the shoes.

12 And like I said, these are actually sent to the
13 photography department. They're placed on a stand and
14 the photography department can photograph the sole of the
15 shoe so I can review on the photos what the shoes look
16 like. But it's also helpful sometimes having the actual
17 shoes.

18 And this [indicates] is the right shoe. So this is
19 the pair of shoes that I obtained that I obtained that
20 was sent to the photography department to be documented.

21 Q. I show you what's been marked for I.D. as State's
22 143.

23 [Whereupon, the witness is shown exhibit]

24 Q. What is this?

25 A. This was the additional item that I obtained. You

1 can see this is item 15. This was the ????. This is the
2 DVD that I obtained as evidence, along with the shoes.
3 And as you can see there's still tape. I still have to
4 open this. Inside was another smaller envelope, again,
5 sealed, that I need to open.

6 And inside is a DVD. These are what contained the
7 digital photographs from the unknown shoes, the
8 impressions at the scene. And as you can see, the lab
9 number, the item number and my initials that I reviewed
10 this DVD.

11 Q. And those were received from whom?

12 A. Charleston County. I believe it was someone from
13 the Solicitor's Office.

14 Q. I show you State's 144?

15 [Whereupon, the witness is shown photographs]

16 A. And these are -- so once I review this DVD. And
17 like I said, I review all the photos, picked the best
18 ones I think for my examination and those are sent to the
19 photography department.

20 And these are the actual photos that are printed
21 once I send it to them. So they actually print these
22 photos here -- let me just make sure I have them in
23 order. So these are basically ---

24 MS. ZMROCZEK: --- Your Honor, I would object ---

25 MS. BALDWIN: --- they haven't been admitted yet.

1 Your Honor, may I -- I'd like to admit State's 143 and
2 144.

3 THE COURT: Go ahead.

4 MS. BALDWIN: I'd like to admit State's 143 and 144.

5 THE COURT: What numbers are they?

6 MS. BALDWIN: 143 and 144.

7 THE COURT: 143 and 144. Have you seen them?

8 MS. ZMROCZEK: Over my objection, Your Honor.

9 THE COURT: Okay, over your objection to the entire
10 thing.

11 [Whereupon, State's exhibit numbers 143 and 144 are
12 entered into evidence by the court]

13 THE COURT: Go ahead.

14 A. And these are the enlarged photos. These are
15 basically -- the photographs that were on this DVD are
16 printed from a printer and, like I said, to size. So
17 this was the actual size of what was photographed.

18 And you can see the way that they were photographed
19 -- these were photographed, I believe, by Charleston
20 County. They have two scales in this particular
21 photograph and you can see they labeled it as impression
22 N.

23 And I believe they go through N through Q. And then
24 you can see O. This is the enlarged photograph. You can
25 see O and the scales within this photograph and the

1 impression within that photograph. This ---

2 Q. --- oh, continue; I'm sorry.

3 A. This is another enlarged photograph. This is
4 impression P and you can see there are several
5 impressions in this photograph.

6 And this is the last one, impression Q and you can
7 see they marked it there with the scales in the
8 photograph. And these were the -- like I said these
9 printed photographs from the disk.

10 Q. And do those photos match what was on the CD?

11 A. Yes, ma'am.

12 Q. What did you do first when you were analyzing the
13 photos?

14 A. Basically, I review the photographs, and in each
15 photograph, like I said, determine -- there's several
16 things we look at when we're looking at a footwear
17 impression, class characteristics. That is the initial
18 thing we look at and say hey, the size, shape and the
19 tread design is similar.

20 So we look at -- like here you can see -- you can
21 see these linear lines with an arched pattern in the
22 middle. And it's surrounded in an eggshell type circular
23 pattern. Here you can see the squared-off edge. And
24 this is actually one impression right here [indicates].
25 I review these photographs and make notes as to what is

1 the pattern that I actually see. In this case, you see a
2 linear arched pattern that is outlined in a squared edge
3 in this particular photograph.

4 Q. And that's the pattern that you were observing on
5 those impressions?

6 A. Yes, ma'am. Throughout all these photos they were a
7 similar pattern or tread design.

8 Q. And what sort of pattern was on the outsole of that
9 shoe, the shoes that you received?

10 A. This is the actual outsole of the shoe that I
11 received. And you can see in this shoe the linear arched
12 pattern ---

13 THE COURT: --- do you want to get over closer where
14 the jury can see what you're talking -- looking at?

15 THE WITNESS: Sure.

16 Q. [Ms. Baldwin] You can come down by me if that's
17 helpful.

18 [Whereupon, the witness steps down]

19 [Whereupon, the shoes are shown to the jury]

20 A. You can see an outsole of the shoe. And you can see
21 it's outlined in a circular pattern. And then there's a
22 linear arched pattern within it. And it's a similar one
23 in the heel of the shoe as well. It's just squared off
24 with a kind of horseshoe edge on it. So that's what we
25 actually look like, the overall tread design just means

1 the pattern that we see. Are there circles? Are there
2 squares? Are there triangles? In this particular shoe
3 there's linear -- it's a linear pattern with an arch and
4 the circular and then a horseshoe with a squared edge.

5 [Whereupon, the witness retakes the stand]

6 Q. And you generated a report?

7 A. Yes, ma'am.

8 Q. Summarizing what your results are, your examination
9 was?

10 A. Yes, ma'am.

11 Q. What were the results of your report?

12 A. The result of my report was corresponding tread
13 design. However, due to the photographs and the quality
14 of them, I could not conduct a further examination.

15 Q. And when you say the quality of them, what do you
16 mean?

17 A. That basically means -- so this photograph right
18 here [indicates] like I said, you can see the scale
19 within the photograph. If I take an actual ruler or
20 scale and put that up against -- I'll show you.

21 [Whereupon, the witness demonstrates]

22 A. If I put that up against the scale, the lines should
23 like up with the scale in the photograph and with my
24 actual ruler. If that's not -- if one inch is not
25 showing an inch that means that my photograph was not

1 taken at ninety degrees.. So that could, again, affect my
2 perspective or my size of the actual unknown impression.
3 So I can look -- like I said, I look at typically, first
4 few things are class characteristics, the size, shape and
5 overall tread design. Like I said, similar tread design,
6 I can see that right off the bat.

7 The actual size though, I have to compare and say
8 hey, my size with the scale in the unknown impression and
9 the actual photo and with an actual ruler is slightly
10 off. That means to me that my photograph was not taken
11 ninety degrees. Therefore, it could affect my
12 perspective size.

13 Q. So the conclusion is outsole design similar. You
14 can't say it's the same shoe?

15 A. Correct.

16 Q. Okay. And how accurate is that conclusion?

17 A. Like I said, that's peer reviewed. An additional
18 qualified footwear expert also looks at that. And
19 whether they say no, I think this does look -- the size
20 is right. You need to look at it again or yes, I agree
21 you're right. The perspective is off. It may affect
22 your size and your examination.

23 Q. Okay. And in this case they said no, you were
24 right?

25 A. Correct.. Yes. They agreed and said obviously the

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1 photograph was not taken ninety degrees; your size may be
2 off. We can't conduct a further examination past the
3 tread design.

4 MS. BALDWIN: Court's indulgence.

5 [Whereupon, Ms. Baldwin and Mr. Sowards confer]

6 Q. [Ms. Baldwin] I have no further questions for you.

1 CROSS-EXAMINATION

2 BY MS. ZMCROZEK:

3 Q. You said you received these from the Solicitor's

4 office?

5 A. Yes, ma'am.

6 Q. Not anybody from the investigating team, the ---

7 A. No, ma'am.

8 Q. And what was the date that you received these

9 photographs?

10 A. I first received them February 15th of 2018.

11 Q. February 15th of 2018?

12 A. Yes, ma'am.

13 Q. So, over a month ago?

14 A. Yes, ma'am.

15 Q. Like five weeks ago?

16 A. Yes, ma'am.

17 Q. You received evidence and you're here to give an

18 expert opinion?

19 A. Yes, ma'am.

20 Q. Five weeks ago. And your expert opinion, correct me

21 if I'm wrong, is you can't tell this jury that that

22 matches those shoes, right?

23 A. Correct. I cannot officially say yes or no this was

24 made because of the photos not being taken ninety

25 degrees.

1 Q. Right. You can't even in fact in your report, you
2 can't even decide if it's a left shoe or a right shoe?

3 A. It depends on the actual impression. It's partial.
4 If I have the ball and the heel area of the shoe, I can
5 clearly say whether left or right. But if it's just the
6 heel area of the shoe, because the shoe had those similar
7 patterns, the left and right, the toes kind of point in.

8 So if I have the actual ball area of the shoe, I can
9 possibly say left or right. If I only have the heel of
10 the shoe, I can't clearly say that's a left or right shoe
11 from an impression.

12 Q. And, in fact, you can't say that. You can only say
13 in one it was possibly a left shoe or a right shoe,
14 right?

15 A. It's possible.

16 Q. Right. But you couldn't even identify which shoes.
17 You just said similar to these patterns?

18 A. Correct. I can only say overall tread design is
19 similar.

20 Q. And you have trained essentially with the lead
21 researcher in this area, right?

22 A. Yes, ma'am.

23 Q. And you follow his research?

24 A. Yes, ma'am.

25 Q. And he says that erosion of the shoe's outsole is

1 influenced by manufacturers, the way a person walks, what
2 they step in; all of these things contribute to being
3 able to identify?

4 A. Yes, ma'am.

5 Q. So -- and here again, you're not here to identify
6 those with any shoes?

7 A. Correct.

8 Q. And you received no shoes from the EMS guy?

9 A. No, ma'am.

10 Q. No shoes from any of the officers?

11 A. No, ma'am.

12 Q. No shoe or shoe pictures from any of the clergy?

13 A. No, ma'am; just this one pair of shoes.

14 Q. Just one pair of shoes?

15 A. Uh-huh.

16 Q. And you're familiar with Mr. Bozniak [phonetic] and
17 his associate Mr. Hildebrand's research regarding the
18 distribution of geometric patterns in footwear outsole
19 prints?

20 A. I'm familiar with it. Yes, ma'am.

21 Q. Okay. And, in fact, when they do a fundamental
22 pattern, they break it up, line segments, line and
23 circles, line and ellipses, only circles slash arc, line,
24 circles and ellipses, only ellipses, circle and ellipses,
25 and textures. That's how they break down the different

1 characterizations, right?

2 A. Yes, ma'am.

3 Q. And so if I take off my shoe right now, it'll have
4 some sort of pattern on the bottom of it?

5 A. Correct.

6 Q. And it could be what used to be linear, right?

7 A. Correct.

8 Q. Okay. And so if they were measured they could
9 possibly match those outsoles impressions.

10 A. If what was measured?

11 Q. The ---

12 A. I could take your shoes and compare them to these,
13 yes, any shoe. Yes, ma'am.

14 Q. All right. Any shoe?

15 A. Uh-huh.

16 Q. And, in fact, the fundamental pattern the number of
17 shoes with just line segments as you were given, the
18 number of possible shoes provided is 3,397 prints; is
19 that right?

20 A. Right. I can't give an actual number. I can't
21 place it into statistics and probability basically
22 because shoes are made in a mass production.

23 You have off-brand shoes. You have some that aren't
24 even actually produced. They're kind of a knock-off of
25 the national brand like a Nike shoe. So you can't

1 actually put that into a number as far as probability and
2 statistics.

3 Q. So this giant picture with the Q, and this giant
4 picture here, can you even tell me what direction that's
5 facing?

6 A. Like I said, yes. With this one over here
7 [indicates], I can show you -- so this one has multiple
8 impressions within it. Over here, I can say this is
9 possibly a left shoe being that the -- right here is the
10 circular ball area of the shoe. Here's the heel area.
11 And this actually points inward so it's possibly a left
12 shoe.

13 Q. Possibly a left shoe?

14 A. Yes, ma'am.

15 Q. And what about this one? Can you tell us about Q?

16 A. Q, I actually have two impressions in this one.
17 This [indicates] would be the ball area and this
18 [indicates] would be the heel area. That's one
19 impression. And I could say that's possibly a right shoe
20 being that it points in that way.

21 That's possibly a right shoe. Being that this -- as
22 I spoke of earlier, that it's just the heel area, I don't
23 I don't see a ball area to that. I can't definitively
24 say that's a left or right shoe. I can just say it's the
25 heel area.

1 Q. Can you even say it's the same shoe?

2 A. Like I said, with the size being possibly the
3 perspective is off, I can't say whether or not yes or no,
4 that is the shoe.

5 Q. You can't tell us what size shoes these are?

6 A. I can't tell you from the unknown impression. I can
7 just say the size that I obtained the actual shoes.

8 Q. Right. But you can't match those, Right?

9 A. Correct.

10 Q. And when you look at these shoes and you look at
11 them they were nice and clean when you got them?

12 A. As you see them now, that's how I obtained them.

13 Q. That's how they came to you, right?

14 A. Correct.

15 Q. And there are lots of crevices in these shoes,
16 right?

17 A. Correct.

18 Q. And, in fact, a lot of substances, including blood
19 can get stuck in here, right?

20 A. That's possible. Yes, ma'am.

21 Q. And in order to clean that, it takes -- I mean
22 blood's hard to get off sometimes, right?

23 A. I can't answer to that. I just -- I can just say
24 the pattern on the shoe.

25 Q. All right. And even on these little ---

1 MS. BALDWIN: --- Your Honor, I'm sorry to interrupt
2 but I'd like to ask the witness or the attorney to use
3 gloves if she's handling the evidence.

4 THE COURT: That's up to her as far as I'm
5 concerned. Go ahead.

6 MS. ZMROCZEK: Thank you.

7 Q. [Ms. Zmroczek] What about the little markers on the
8 outside. Are those areas that debris could get
9 collected?

10 A. It's possible. Rocks can get stuck in your shoe.
11 I'm sure walking you can always -- whether you have small
12 pebbles, rocks, nails, tacks, anything can get stuck in
13 the crevice of a shoe.

14 Q. Blood?

15 A. That's possible.

16 Q. Animal excrement?

17 A. Sure.

18 Q. Okay. And so just to be sure -- you're sitting here
19 as an expert. And your expert opinion here today is that
20 you can't say that these shoes match those pictures?

21 A. Correct. I can just say overall tread design.

22 MS. ZMROCZEK: Thank you.

23 THE COURT: Anything on redirect?

24 MS. BALDWIN: Just very briefly, Your Honor.

25

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REDIRECT EXAMINATION

BY MS. BALDWIN:

Q. So I believe the defense went into what could be on the bottom of your shoes. If you wipe your shoes off are you going to lose some of that stuff that's on the bottom?

A. Yes. That's possible.

Q. If you scrape them against stuff, you're going to lose some of that stuff that's on the bottom?

A. Correct. That's also possible.

Q. All right. And I believe you made this very clear, but just one more time. To be clear, the pictures from the crime scene that you received that outsole impression is similar to the shoes that you received from the defendant's house?

A. Correct.

MS. BALDWIN: No further questions.

THE COURT: Thank you very much. You may return to your place in the courtroom or be excused. We appreciate you coming.

[Whereupon, the witness is excused and exits the witness stand]

THE COURT: Call your next witness.

1 MS. BALDWIN: The State calls Paul Meeh.

2 [Whereupon, Mr. Meeh comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Once you get situated, please speak
6 into the microphone so we can hear you. State your full
7 name for the record spelling your last name. Thank you,
8 sir.

9 THE WITNESS: My name is Paul Meeh, that's M-E-E-H.

10 - - - - -

11 PAUL MEEH,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MS. BALDWIN:

16 Q. Mr. Meeh, where are you employed?

17 A. I'm employed at the South Carolina Law Enforcement
18 Division commonly known as SLED in Columbia.

19 Q. And how long have you been employed by SLED?

20 A. Ten years, almost to the day.

21 Q. And what is your job?

22 A. I'm a forensic scientist in the DNA department.

23 Q. What does a forensic scientist in the DNA department
24 do?

25 A. I isolate DNA. So DNA is in every cell of your

1 body, except for your red blood cells. And I isolate it,
2 amplify it and I try to pick out to whom it belongs. So
3 each person, except for identical twins, has their own
4 unique DNA fingerprint.

5 Q. And what is your educational background?

6 A. I got my biology degree from the University of South
7 Carolina in 2001. I got my Masters from the University
8 of South Carolina in 2003, and that was in biomedical
9 science, which was molecular biology of breast cancer and
10 of colon cancer.

11 And then I did three years of Ph.D. work but I did
12 not finish my Ph.D. SLED hired me way before I finished
13 that and that was, I guess in 2007, I guess, or 2008.

14 Q. And have you ever been qualified -- well, what
15 specialized training have you actually had in the area of
16 forensics?

17 A. So, after I got hired away by SLED, I did a year and
18 a half of training under a qualified analyst there. That
19 was in serology, which is like identifying blood or body
20 fluids. And then I also did DNA under them.

21 Q. Have you ever been qualified as an expert in the
22 field of forensic serology and DNA analysis before?

23 A. Yes, I have, many times.

24 Q. Many times; about how many do you think?

25 A. I'd say about thirty-five right now, probably

1 approaching forty.

2 Q. Any in General Sessions Court?

3 A. Yes, mostly.

4 Q. Okay.

5 MS. BALDWIN: Your Honor, at this time I'd like to
6 offer Mr. Meeh as an expert in DNA analysis and forensic
7 serology.

8 MS. ZMROCZEK: We have no questions for him.

9 Q. [Ms. Baldwin] Could you tell the jury exactly what
10 DNA is?

11 A. Yeah. So DNA is in every cell of your body. It's
12 the blueprint of your body, and it's how your body
13 defines itself. And like I said, you get half of it from
14 your mother, half of it from your father and each
15 individual has their own set of DNA.

16 I don't test the entire genome. It's quite large, 3
17 billion base pairs. We only test small snippets of it
18 and we measure the length of those snippets and then we
19 compare them to a standard.

20 So I get evidence in a case. Let's say, blood, or
21 semen or something and I test that and say it has these
22 certain markers, these certain links. And then I compare
23 that to people until I figure out to whom it belongs.
24 And the second part of my job is to tell you how sure I
25 am that it belongs to that person. So it's not only

1 identifying to whom it belongs, it's telling you how sure
2 I am of that measurement.

3 Q. And did you receive some evidence in this case?

4 A. I did.

5 Q. And what did you receive?

6 A. As far as the standard -- if you'd like, I can go
7 item by item.

8 Q. Sure. Yeah. Just go item by item on your October
9 14, 2015 report.

10 A. Okay. So item one is a buccal swab from General
11 Little, which is the standard I would compare the
12 evidence to. Item two is a blood spot from a Barbara
13 Little. That's also a standard so it's a known thing.

14 Item three is a swab from the front lower step of
15 the porch. Item four is a swab from the interior side of
16 a driver door of a Toyota SW. I don't know what SW
17 means.

18 Item five is a swab from the interior side of a left
19 shoe and it's got an item number, which is 162049. Item
20 six is a swab from the right front shoulder area of a
21 passenger seat in a Toyota.

22 Q. And from whom did you receive those items?

23 A. I don't have a copy of the chain of custody. I'm
24 sorry.

25 Q. And you mentioned the chain of custody. What are

1 you referring to?

2 A. So the way we receive evidence at SLED is it comes
3 from an outside agency. I guess in this it was probably
4 Charleston County Sheriff's Office. So they bring it to
5 the downstairs of our building where we have evidence
6 receiving. And it's handed off to a person there.

7 They put it into a heat sealed pouch so that we can
8 tell if anybody tampers with or anything. And it usually
9 goes onto a storage shelf for a little while. I'll
10 request the evidence whenever I get assigned the case.

11 So I just email down and tell them I need the
12 certain evidence, you know, container A, let's say. And
13 then I go down and they give it to me. And I scan for it
14 -- we have a little bar card, each of us do that
15 identifies us inside the laboratory. So we can tell day
16 to day who has had that evidence in their custody.

17 Q. Okay. It would help refresh your recollection if
18 you refer to the chain of custody?

19 A. Definitely, thank you.

20 [Whereupon, the witness is shown document]

21 A. So item one I got from Jennifer Aycock, who is in
22 our evidence receiving department on 9/25/15.

23 Q. And does Ms. Aycock still work for SLED?

24 A. I'm not sure if she does or not.

25 Q. Okay. But that's who you received it from?

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1 A. That's correct.

2 Q. How were those items packaged?

3 A. They come in a heat sealed pouch, like I said.
4 Sometimes they come in a box like that, but it's always
5 with tape on it with initials and the date.

6 Whoever sealed it needs to initial and date it so we
7 can make sure nobody's cut into it or tampered with it at
8 all.

9 Q. I'll show you what's been marked as State's Exhibit
10 115 and then 116 through 119 for I.D.

11 [Whereupon, the witness is shown exhibits]

12 Q. What are these?

13 A. You can see my green initials here. I use a green
14 pen in the laboratory. You can see the date right there
15 [indicates] is 9/30/15. This is item number two, which
16 would be the blood spot from a Barbara Little. And like
17 I said, I definitely handled that as you can see my
18 initials and date there.

19 This is still sealed with my initials and date.
20 This is container A. Like I said if you have to get
21 multiple pieces of evidence and if they're stored
22 together they put them in a container. So you see
23 container A there. And I did receive that. And this is
24 number three.

25 Q. You can open it up if you need to?

1 A. Well, I just -- its probably I assume it's three,
2 four, five, and six in here. There are four of them and
3 my initials on the number three are on this back one, but
4 I can't just see it through the package.

5 And I don't have anything really -- and you're sure
6 it's okay -- I don't want to I don't want to cut through
7 your State's Exhibit 119 sticker

8 Q. I think you can cut at the bottom right there
9 [indicates]. Just enough so you can see what's in there.
10 I'll just make sure.

11 A. So there's number six. It's got my initials which
12 is a swab from the right shoulder area of front passenger
13 seat in a Toyota. There's item number five that also has
14 my initials. That's the swab from the interior side of
15 the left shoe.

16 There's number four, which is the swab from interior
17 side of driver door. And like I said, number three and
18 that's the front lower step of porch.

19 Q. Okay. And were those items tampered with in any way
20 before you received them?

21 A. They didn't appear to be, not when I received this
22 package, no. It looks just as if, you know, when I sent
23 it away.

24 Q. And had it been tampered with, would you have tested
25 the item?

1 A. Oh, no. When I received the first time? No,
2 definitely not. Yeah. I wouldn't have tested them had
3 they been tampered with in any way.

4 MS. BALDWIN: Your Honor, at this time I'd like to
5 admit State's 115 through, I believe, it's 119?

6 MS. ZMROCZEK: Subject to our previous objection,
7 Your Honor.

8 THE COURT: All right.

9 MS. BALDWIN: Into evidence.

10 THE COURT: In evidence.

11 [Whereupon, State's Exhibits Number 115 through 119
12 are entered into evidence by the Court]

13 MS. BALDWIN: All right.

14 Q. [Ms. Baldwin] What analysis did you perform on those
15 items?

16 A. I tested them for blood, which is a card-based test.
17 Well, this is on three, four, five, and six. They were
18 all tested for the presence of human blood and they were
19 all positive.

20 Q. Okay. Did you perform any DNA analysis?

21 A. I did. So once I identified blood on them, I
22 continued through the DNA analysis.

23 Q. Now referring to item two and in item two you tested
24 a buccal swab for General Little, but specifically item
25 two, what was the purpose of testing that? What did you

1 do?

2 A. Well, it's a standard so that's what you use to
3 compare to evidentiary samples. That's what you use to
4 compare down the road.

5 So you have to get somebody's DNA fingerprint to
6 compare to any evidence because if I -- to say I
7 generated a DNA fingerprint, I wouldn't know to whom it
8 belongs. I need to compare it to people of interest in
9 the case to see to whom it belongs.

10 Q. And what were your results with regards as to items
11 three, four, five, and six?

12 A. They all had the same result. And that result is
13 the DNA profile developed from items three, four, five,
14 and six matches the DNA profile of Barbara Little.

15 The probability of randomly selecting an unrelated
16 individual having a DNA profile matching these items is
17 approximately one in 24 quintillion.

18 Q. And how many people are on earth?

19 A. There are only 7 billion, about 7.4 billion.

20 Q. So more people than there are on earth?

21 A. Many, many more. 24 quintillion is a huge number.
22 You can be very assured that that match is very solid.

23 MS. BALDWIN: Court's indulgence.

24 [Whereupon, Ms. Baldwin and Mr. Sowards confer]

25 Q. [Ms. Baldwin] And just real quickly -- you speak

1 kind of fast. I do too.

2 A. I'm sorry, yeah. I was trying to read slowly for
3 her sake. I know how bad that can be.

4 Q. It's all right.

5 THE COURT: Or for everybody's sake.

6 Q. [Ms. Baldwin] I have to remind myself as well. Item
7 three, the swab from the lower front step of the porch,
8 what were the results of your initial examination?

9 A. There was human blood there and that blood matched
10 the DNA profile -- or the DNA profile developed from that
11 blood matched Barbara Little.

12 Q. Okay. And how about item four?

13 A. The same result. There was human blood there and
14 the DNA profile matches Barbara Little.

15 Q. And item four is the swab from the interior side of
16 the driver door?

17 A. Correct.

18 Q. Okay. Item five, the swab from the interior side of
19 left shoe?

20 A. Same result. There was human blood and it matched
21 Barbara Little.

22 Q. And item six, swab from front right shoulder area of
23 front passenger seat, Toyota?

24 A. Same result.

25 Q. It was human blood?

1 A. It was human blood and it matched Barbara Little.

2 MS. BALDWIN: No further questions.

3 MS. ZMROCZEK: Thank you, Your Honor.
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State v General Theophilus Little
Paul Meeh-Cross-Examination by Ms. Zmroczek
March 22, 2018

1 CROSS-EXAMINATION

2 BY MS. ZMROCZEK:

3 Q. Is it agent?

4 A. Agent, Mr. ---

5 Q. --- Makins?

6 A. Meeh.

7 Q. Meeh?

8 A. Yeah.

9 Q. Thank you. Agent Meeh, you're an expert in DNA,

10 right?

11 A. Correct.

12 Q. Tell this jury, how often can you get DNA. How can

13 you test DNA from what sources?

14 A. From what sources?

15 Q. Sure.

16 A. It can be anything in your body besides red blood

17 cells, I mean, from the inside of your cheek, anything

18 you touch, pretty much anything. I mean you ---

19 Q. --- so let's say could you get DNA from a combed

20 pubic hair?

21 A. Not necessarily. So the hair itself doesn't contain

22 any DNA. It's the root material at the bottom of the

23 hair that you have to test for that. You can sometimes

24 get come mitochondrial DNA, but it's a different type of

25 testing.

- 1 Q. So if you had a root pubic hair from a sexual
2 assault kit, you could test that, right?
- 3 A. We could attempt it.
- 4 Q. Okay. And what about fingernail scrapings?
- 5 A. We do those often. We attempt them often.
- 6 Q. Right. Because that's evidence that's collected at
7 the autopsy typically and then often sent to your lab for
8 testing, right?
- 9 A. Yes, correct.
- 10 Q. Because when people are in a struggle or in a fight
11 and they grab and they are resisting or defending, it's
12 possible to identify a perpetrator; isn't it?
- 13 A. Sometimes, yes.
- 14 Q. And vaginal fluid, can you get DNA from that?
- 15 A. It's unlikely to come from the fluid itself. The
16 vagina sheds so many cells that you can get a tremendous
17 amount of DNA from a vaginal swab. I'm not sure exactly
18 from the fluid itself, though. I'm sorry.
- 19 Q. So but if there were a white fluid that were taken?
- 20 A. We could definitely attempt it.
- 21 Q. You can definitely attempt it, right? And even if
22 something doesn't have sperm, does that mean it doesn't
23 have DNA?
- 24 A. No.
- 25 Q. Okay. And then you said vaginal swabs you could?

1 A. Correct.

2 Q. And rectal swabs you could?

3 A. Absolutely.

4 Q. What about items of evidence that, let's say are
5 found in a victim's hand, for example? Not just the nail
6 clippings, but let's say there's like a clump of hair or
7 a clump of material. Is that something you could
8 possibly test?

9 A. We would look to see if it was hair and if there
10 were any roots present we could possibly test that.

11 Q. Okay.

12 A. We could possibly test anything.

13 Q. And even if it's blood -- if there's blood, you
14 could find out who that is, right?

15 A. Correct.

16 Q. And now there's several different kinds of DNA, it's
17 not just the regular DNA, right? We have touch DNA from
18 standing and leaning on this sucker all day. It's
19 possible that I have DNA on here?

20 A. Yeah. So it's the same DNA that we'd be testing,
21 but it's just different methods of transfer. So from
22 blood or saliva or something, you get a lot more DNA.
23 Touch DNA, you don't get that much but we can do it. It
24 is doable.

25 Q. Can you get DNA from if I sweat on a towel?

1 A. Probably.

2 Q. Okay. Let me ask you this. As an expert in DNA
3 analysis, that requires you to understand how DNA gets on
4 places, right?

5 A. Somewhat.

6 Q. Okay. And you have you have a -- you almost
7 completed your Ph.D., right?

8 A. Correct.

9 Q. So you've done some studies them? Or I think you've
10 read some studies, not done.

11 A. In DNA transfer?

12 Q. Yes?

13 A. Yes, I mean but that was part of my training at
14 SLED, not as a Ph.D. student.

15 Q. Okay. So it was part of the training at SLED, DNA
16 transfer. So that means if I'm somewhere and I brush
17 against something I don't see that there's blood, but I
18 brush against something, and then I brush against
19 something else. Could I transfer that?

20 A. Yes.

21 Q. If I open a door with my shoe or with another part
22 of my body and I have something on there, could I
23 transfer that?

24 A. Yes.

25 Q. And when you receive items from extremely bloody