

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2017-002531

ORIGINAL

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SC Court of Appeals

State of South Carolina,

.....

Respondent

v.

ANGELITA WRIGHT

.....

Appellant.

RECORD ON APPEAL (VOL. 2)

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Dr. John David Wren
Direct examination by Ms. Albee

1 Dr. Wren has been doing these autopsies since I was
2 their age and had their job. We don't have any problem
3 with his qualifications, Your Honor.

4 THE COURT: They'll stipulate he's an expert.

5 MS. ALBEE: Thank you, Your Honor, in forensic
6 pathology.

7 THE COURT: In forensic pathology.

8 Ladies and gentlemen, normally a person cannot give --
9 can only -- cannot give opinion testimony. But when a
10 person is qualified as an expert due to their education,
11 experience, skill and training they are permitted to give
12 an opinion.

13 He is qualified as an expert in forensic pathology?

14 MS. ALBEE: Yes, sir.

15 THE COURT: In forensic pathology.

16 Now, that does not mean that you must accept his
17 opinions. You are to give it whatever weight that you deem
18 appropriate. Thank you.

19 MS. ALBEE: Thank you, Your Honor.

20 Q Dr. Wren, did you perform the autopsy on Brent
21 Tessnear?

22 A Yes. I did a -- I did a complete autopsy on Brent Lee
23 Tessnear identified by the coroner's office in the
24 Spartanburg Medical Center Autopsy Room on December the
25 27th of 2015. And I began that autopsy at approximately

Dr. John David Wren
Direct examination by Ms. Albee

1 1:40 p.m.

2 Q And, if you could, describe to us what the body
3 visually looked like when you first saw it.

4 A He was clothed, although resuscitation attempts had
5 been made.

6 He had on a short-sleeve pullover t-shirt, teal
7 colored with some dried vomitus along the front, and a pair
8 of dark gray knee-length shorts with gray stripes down the
9 side and along the bottom. And he had medical equipment on
10 him, which routine type medical resuscitation. I can list
11 them. They are listed.

12 And the major thing I saw was an irregular torn area
13 in the right midchest that covered about 13 by
14 5 centimeters, which is about 5 by 2 inches. And there was
15 a pattern area along the left shoulder of the shirt near
16 the seam with linear marks separated by about half an inch
17 and covering an area of about 2 by 1 inch, which looked
18 like a tire mark to me.

19 Q And this was on the clothing?

20 A Yes.

21 Q And, if you could, explain to us the autopsy of
22 Mr. Tessnear.

23 A Well, at a forensic autopsy, it's a complete autopsy
24 to be act -- to be thorough.

25 Usually, we take a small -- a sketchy history or what

Dr. John David Wren
Direct examination by Ms. Albee

1 is basically known so it will remind us of when we get
2 ready to finish signing out the case and later what was
3 known at the time. I paraphrase what the coroner tells me
4 usually.

5 I usually don't listen to the police authorities who
6 usually come to some of the forensic autopsies,
7 particularly those that are trauma related, and I ask any
8 questions that I might. But I don't record all of those.

9 Then I examine the body as received describing any
10 clothing and any medical apparatus and any identifying
11 marks on them.

12 And once that's done we remove the clothing, wash the
13 body and describe any injuries externally that we see. And
14 then -- well, sampling any evidence that might be
15 present -- present. For instance, there might be -- you
16 might examine for hair or -- stuck on the body or scraped
17 fingernails if there's been an altercation and things like
18 that.

19 Then once that all is done we then do a complete
20 internal examination by reflecting the skin off of the
21 front of the body from the neck down and examine for any
22 internal injuries under the skin.

23 Sometimes one cannot see injuries until that is done
24 and actually sometimes not until the blood settles
25 afterwards. So we do that.

1 Then we remove the chest plate and examine and open
2 the abdomen up and examine the internal organs and describe
3 those to see what kind of injuries might have caused the
4 death if there was trauma involved.

5 Then we also examine the scalp and the brain the same
6 way.

7 Q And, Dr. Wren, you stated that you first kind of look
8 for external injuries. Were there any external injuries on
9 Mr. Tessnear?

10 A Yes. Rather than confuse everybody, I'll -- I'll just
11 go through the -- some of the things.

12 He had some abrasions about his face; he had some chip
13 marks, I thought, on his front teeth; he had a contusion of
14 his lip; he had some abrasions of his right side of his
15 face and little lacerations in those areas.

16 And then he had some abrasions and contusions
17 scattered over his body that were more -- some of them were
18 consistent with road-rash abrasions, they call it, where if
19 a person slides across a rough surface, then they will have
20 abrasions to the skin that are usually like scratch marks
21 that are closely approximated together and actually look
22 like road rash, they call it. Anybody that was slid on a
23 concrete surface, that would be the way it would look.

24 Q Dr. Wren, do you remember where these road rash
25 injuries were about Mr. Tessnear's body?

1 A Some of them were on his shoulders and back.

2 Q And what about any internal injuries on Mr. Tessnear?
3 Did you find any of those?

4 A Well, the worst injuries he had internally -- he did
5 have some resuscitation-associated injuries, I thought, to
6 his chest, because if someone is resuscitated and they do
7 chest compressions, they will fracture the sternum
8 sometimes. They'll fracture the ribs. I thought those
9 were probably secondary to the resuscitation attempts.

10 But he did have -- he had a little bit of blood in his
11 plural cavities, but not very much.

12 His major problem was his liver had actually ruptured
13 open from a pressure type injury or extreme blow to the
14 abdomen, although I didn't see anything externally. His
15 liver was actually fractured in half, if you want to use
16 the word fracture. It was a deep laceration that actually
17 separated the right lobe of the liver.

18 His right kidney also had a laceration across the top
19 that completely separated the top portion of the kidney
20 from the bottom.

21 Then he had extensive internal hemorrhage in the back
22 of the abdominal wall extending all the way from the
23 diaphragm down into the pelvis or -- and across the midline,
24 I mean, to the midline of the abdomen.

25 There were no lacerations to the liver, I mean, to the

Dr. John David Wren
Direct examination by Ms. Albee

1 aorta or any large vessels that I could see, although with
2 someone not bleeding at the time of autopsy it takes
3 meticulous dissection to try to find arteries that we can
4 see grossly with a naked eye.

5 But his liver definitely had some arteries that were
6 ruptured, because, like I said, the whole liver was
7 separated and macerated, we call it, where we just -- like
8 you'd taken it and -- and pulverized it. His liver was
9 loose within the abdominal cavity. That was the major
10 injury he had. He didn't have any to his scalp.

11 Q Is it easy to masterate a liver, what you're
12 describing to us, or does that take a lot of force?

13 A It takes a good -- it -- it takes either constant
14 pressure force or an extreme blow to cause a liver to
15 lacerate like that. Like, if you can imagine taking a -- a
16 balloon that's -- or anything that's filled with a liquid,
17 and if you press on it hard enough it'll eventually
18 rupture. And that's basically what happened. Or you can
19 hit it extremely hard and it can rupture.

20 Q Were you able to determine a cause of death in this
21 case?

22 A Yes. I assigned a cause of death in this case as --
23 read you exactly what I wrote.

24 "Internal hemorrhage secondary to lacerated liver and
25 kidneys, secondary to blunt force trauma." And I put

1 consistent with a pedestrian versus vehicle encounter.

2 Q Can you --

3 A It's consistent with it. It doesn't say absolutely,
4 but it was consistent with it, which I found out later that
5 it was most likely a runover, which fit everything I saw.

6 Q And, Dr. Wren, you said that there were some
7 resuscitation attempts. Is there any way to determine how
8 long Mr. Tessnear would have survived after sustaining
9 these injuries?

10 A You mean the ones that were real, the ones that
11 occurred, not from recitation?

12 Q Yes, sir. The internal hemorrhaging that you were
13 talking about. Would that have caused his death
14 immediately or --

15 A Well, you -- you essentially bleed to death. And it
16 probably took about 20 to 30 minutes if nothing else had
17 been done.

18 MS. ALBEE: Your Honor, may I have one second?

19 (Pause.)

20 MS. ALBEE: Your Honor, I have no further questions
21 for Dr. Wren at this time.

22 THE COURT: Yes, sir.

23 CROSS-EXAMINATION

24 BY MR. WHELCHER

25 Q Dr. Wren, your report shows that there were

1 amphetamines in the deceased's system, is that correct?

2 A Well, that's what SLED said, yes.

3 Q In addition to that there was, I think, a
4 181-milligram per deciliter alcohol, is that correct?

5 A That's correct.

6 Q That'd be the equivalent of .18, is that right?

7 A That's correct.

8 Q Okay. Would -- would the drugs in the system have an
9 effect on the body's ability to withstand or prolong in any
10 way this 30-minute period you were talking about?

11 A Amphetamines would speed it up. The alcohol probably
12 wouldn't do anything.

13 Q Okay. And some of the -- some of the injuries to this
14 particular individual, Mr. Tessnear, when you and I were
15 talking earlier -- some of these injuries, not the liver or
16 the kidney injury and not the broken bone, I mean, not the
17 broken ribs from resuscitation effects, but some of the
18 other injuries that you noted, those could be as the result
19 of an assault, is that correct?

20 A The ones that I defaced possibly could have been. He
21 didn't have any injuries to any of his hands. So if he
22 were assaulted, he didn't fight back.

23 Q Okay. You don't know or you can't tell if he was hit
24 by a vehicle while walking or run over by a vehicle while
25 he was already in the road, is that correct?

1 A I don't think he was run over? I think it was more
2 likely he was -- that a vehicle would have pressed up
3 against him, against something, and because I didn't see
4 any evidence that the vehicle completely rolled over him,
5 because usually when people are hit and run over actually
6 the -- you'll get grease from under the car and it'll toss
7 you around and you'll find more -- more -- you'll find
8 grease and dirt on your clothes, which he didn't have any
9 of that that I remember.

10 Q But he had tire marks.

11 A He had what I thought was a tire mark on his
12 shoulder -- shirt, yeah -- and a lac -- and a torn area
13 there.

14 Now, he could have been actually hit hard enough --
15 with blunt force unless -- an injury from blunt force -- if
16 I hit someone with a two by four that injury -- that side
17 of a two by four or even the other side, the longer, the
18 wider side, if someone hits somebody with that it can break
19 bones. But what happens is when the -- when the -- when
20 the force hits the body it presses the blood away from the
21 middle and it blanches it out. So you can see the outline
22 of the force as it hits, and then you'll have hemorrhage on
23 either side of it.

24 Now, it can hemorrhage into the middle. But most of
25 the time you can tell that it was -- it was an object like

1 that that hit. And if you hit with a sharp edge it'll do
2 the same thing but it'll lacerate the skin under that. You
3 can tell a laceration from an incised wound by the fact
4 that when the skin is torn away the tissues down inside,
5 they aren't cut real easily. They have tissue bridging
6 between there where it has not completely separated.

7 So to answer your -- your question, I don't think he
8 was completely run over. He could have been run up against
9 and pressed up against. Or more improbable was that he
10 could have been hit standing up and it could have hit him
11 hard enough to where the force was over enough distance of
12 the body that I didn't see any injuries like that. But it
13 could have pressed his side in far enough to cause him
14 to -- his liver to rupture and his spleen to -- his kidney
15 to be lacerated.

16 Q And regardless of which way we -- beg whether or not
17 or how he may have been killed that day or that night --
18 you still believe that you saw tire tracks on some --

19 A It was a patten injury. I couldn't tell what it was
20 from. If you had a vehicle and -- and we have had people
21 that were hit by a vehicle and you could actually holding
22 the -- the clothing up to a light and illuminating in some
23 way, you can actually see the outline of a bumper or a
24 light around it. And-but I didn't see anything like that.

25 Q Now, in this case you didn't see anything like that.

Michael Sean Nix
Direct examination by Ms. Albee

1 A I didn't see anything, no.

2 Q All right.

3 A But I did see what I thought could have been tire
4 marks on his -- on his shirt.

5 Q Thank you, sir.

6 MS. ALBEE: Your Honor, I have no further questions.

7 THE COURT: Dr. Wren, you may step down. Please be
8 careful.

9 MS. ALBEE: And, Your Honor, we'd ask that Dr. Wren be
10 excused from his subpoena.

11 MR. WHELCHER: No objection, Your Honor.

12 THE COURT: Sir, you may stay or go, whichever you
13 choose.

14 THE WITNESS: I've got to go.

15 (Whereupon, the witness was excused.)

16 MS. ALBEE: Your Honor, at this time the state calls
17 Sean Nix to the stand.

18 MICHAEL SEAN NIX, having been
19 first duly sworn, testified as follows:

20 THE COURT: Sir, once you're comfortable there, adjust
21 your microphone and tell us your full name. And spell your
22 last name for the court reporter.

23 THE WITNESS: Yes, sir.

24 Michael Sean Nix. And it's N-I-X.

25 THE COURT: Yes, ma'am.

Michael Sean Nix
Direct examination by Ms. Albee

1 MS. ALBEE: Thank you, Your Honor.

2 DIRECT EXAMINATION BY MS. ALBEE

3 Q Mr. Nix, are you currently employed?

4 A Yes, ma'am.

5 Q Where at?

6 A Spartanburg County Sheriff's Office.

7 Q And what is your current position at the Spartanburg
8 County Sheriff's Office?

9 A I work in the crime scene unit.

10 Q And what's your title or your position?

11 A My title is investigator in the crime scene unit.

12 Q And explain to us what an investigator in the crime
13 scene unit does.

14 A We are tasked with photographing or -- excuse me --
15 documenting by photographing and collecting evidence at
16 crime scenes.

17 Q And how long have you been involved in the crime scene
18 unit?

19 A Since 2006. So that'll be 11 years.

20 Q How long have you been in law enforcement?

21 A Sixteen years, since 2001.

22 Q Now, explain to us all how you were involved in this
23 case.

24 A I came to be involved in this case on the 27th of
25 December of 2015. I'd received a call from one of my

Michael Sean Nix
Direct examination by Ms. Albee

1 fellow crime scene investigators early in the morning in
2 reference to -- they had a -- had a death call in the city
3 of Cowpens. And they wanted me to get in touch with one of
4 the coroners or coroner investigators in reference to it.

5 Q Now, did you respond to any scene?

6 A Not at the actual incident location at first. My
7 first response was to the Spartanburg County Morgue.

8 Q Okay. And what did you do while you were at the
9 morgue?

10 A I met with Coroner Investigator Burnett at the morgue
11 and she wanted to know -- she wanted me to look at the
12 victim in this case and kind of give me or give her an idea
13 of what I thought might have happened to him. And based on
14 just looking over -- and it was only my opinion -- but I
15 thought that he had been struck by a vehicle.

16 Q Now, did you ultimately respond out to Oakland and
17 Cemetery streets in Cowpens?

18 A Yes, ma'am.

19 Q Now, if you could, explain to us what you did while
20 you were there.

21 A I met up with the officers with the Cowpens P.D. and
22 also investigators with our unit that were already on the
23 scene, and I went about, you know, photographing the scene
24 and collecting evidence that was on the scene.

25 Q Now, did you go anywhere else and photograph anything

1 other than a scene?

2 A After the scene was done I went -- did go back for the
3 autopsy later that day.

4 Q And were you there during that as well?

5 A Yes, ma'am.

6 Q Did you take those photos?

7 A Yes, ma'am.

8 MS. ALBEE: Your Honor, may I approach?

9 THE COURT: Yes, ma'am.

10 MS. ALBEE: Your Honor, I've shown opposing counsel
11 what's been previously marked as State's Exhibits 5 and 6.
12 May I approach the witness?

13 THE COURT: Yes, ma'am.

14 Q Investigator Nix, I'm handing you what's been marked
15 as State's Exhibits 5 and 6. Do you recognize those?

16 A Yes, ma'am.

17 Q And what are those?

18 A Exhibit 5 appears to be a southward view of Cemetery
19 Street going toward the railroad crossing. Exhibit 6
20 appears to be a northward view of Cemetery Street going
21 back up toward North Main Street.

22 Q Now, did you take those photos?

23 A Yes, ma'am.

24 Q On which day?

25 A On the day of question, 27th of December 2015.

Michael Sean Nix
Direct examination by Ms. Albee

1 Q And is that a fair and accurate representation of the
2 scene as you saw it that day on December 27th?

3 A Yes, ma'am.

4 MS. ALBEE: Your Honor, at this time the state seeks
5 to enter Exhibits 5 and 6 into evidence.

6 MS. WHITE: Without objection, Your Honor.

7 THE COURT: Without objection, they are admitted.

8 (Photograph marked State's Exhibit No. 5; photograph
9 marked State's Exhibit No. 6.)

10 MS. ALBEE: Permission to publish to the jury, Your
11 Honor.

12 THE COURT: Yes, ma'am.

13 Q Investigator Nix, I'm going to first show you State's
14 Exhibit No. 5. If you could, explain to us what we're
15 looking at here.

16 A As I -- no -- excuse me. As I stated earlier, that is
17 a southward view of Cemetery Street going back toward the
18 railroad crossing, which you can see in the distance.

19 Q And what did you do in this area?

20 A I was just -- I was taking a photo to show, number
21 one, the street itself and the railroad crossing, but also
22 there's a rail crossing paint -- painting I guess you'd
23 call it -- symbol on the roadway. And there was supposed
24 to be an item of evidence located on that crossing stripe.

25 Q And what was that item of evidence?

1 A It appeared to be a -- appeared to be a little spot of
2 blood.

3 Q And did you swab that?

4 A Yes, ma'am, I did.

5 Q And when you see the "X" painted, is this the area on
6 the middle of the photo that I'm pointing to?

7 A Yes, ma'am, the one with the little red cone setting
8 on it.

9 Q I'm now going to show you State's Exhibit No. 6.
10 Explain to us what we're looking at here.

11 A That's -- that's a northward view on Cemetery Street,
12 and it's the same view as the one you saw except being
13 northward, obviously, but that's the same railroad
14 crossing. It's just from a different angle.

15 Q Now, are you aware of what this building is right
16 here?

17 A If I remember correctly, I believe that is a Hardee's.

18 Q And is this your understanding of where the body was
19 located prior to you arriving?

20 A That was my understanding, it was in that area, yes,
21 ma'am.

22 MS. ALBEE: Your Honor, I have no other questions for
23 this witness.

24
25

1 CROSS-EXAMINATION

2 BY MS. WHITE

3 Q Investigator Nix, did you collect some evidence while
4 you were at the scene or just take photos?

5 A I collected some evidence at the scene, yes, ma'am.

6 Q Okay. And were you able to determine where the
7 victim's wallet was located?

8 A I collected a wallet on Cemetery Street, yes, ma'am.

9 Q And did that wallet contain the I.D. of Brent
10 Tessnear?

11 A If I remember correctly, yes, ma'am, it did.

12 Q Okay. And do you recall where in the frame of -- and
13 I can pull -- you did a diagram, didn't you?

14 A Yes, ma'am.

15 Q Would it help if I brought you up the diagram?

16 A Yeah, because it's not going to make much sense to
17 explain it.

18 Q Okay. And what I'm going to do is bring your diagram
19 up and let you look at that. But then I will put that
20 photo back up for you to look at.

21 A Yes, ma'am.

22 Q Are these the diagrams that you completed with
23 measurements?

24 A Yes, ma'am, it is.

25 Q Okay. I'm going to let you look at those.

Michael Sean Nix
Cross-examination by Ms. White

1 A I have my own to view, ma'am.

2 Q Okay. Thank you.

3 A You're welcome, ma'am.

4 Q And this is the northward view, is that correct?

5 A Yes, ma'am.

6 Q Okay. And from your understanding the body was
7 located close to the railroad marks?

8 A Somewhere in that area, yes, ma'am.

9 Q Okay. And we're looking at -- farther up here is Main
10 Street, is that right?

11 A Yes, way up in the distance.

12 Q Okay. Approximately with your measurements and your
13 examination, about how far was that distance, do you
14 recall?

15 A Distance to Main Street from this area?

16 Q Correct.

17 A No. I don't have that, because with the separation of
18 the other evidence collected to this point to where this
19 possible blood was collected was a very far distance. And
20 so I felt it was a better idea to measure the other item of
21 evidence from North Main Street and this particular item of
22 evidence from the railroad crossing to make it kind of
23 easier.

24 Q And so you said that from the railroad crossing to
25 where some of the other evidence was located was a pretty

1 good distance.

2 A Yes, ma'am.

3 Q And where was the first piece of evidence located
4 closest to where Mr. Tessnear's body was found?

5 A Closest to him?

6 Q Closest to him.

7 A As we're heading back north?

8 Q Correct, if we're headed back north.

9 A Okay. well, one item of evidence, which was labeled
10 item No. 7, which was onion chip bag, however, that wasn't
11 measured because on the scene it was very windy and rainy
12 that day. And that bag had moved prior to me being able to
13 get to it.

14 So in reference to your question, that would be the
15 item listed as No. 4, which was a fudge dipped coconut
16 granola wrapper.

17 Q Okay.

18 A And that would have been the closest one to him.

19 Q Okay. And what was the farthest item that you located
20 from the railroad crossing area?

21 A That would have been the cigarette pack.

22 Q And cigarette pack. was it an open cigarette pack or
23 brand new?

24 A I can't recall.

25 Q Okay. what was the next item?

Michael Sean Nix
Cross-examination by Ms. White

1 A That would have been from the cigarette pack as we're
2 traveling south, that would have been the wallet.

3 Q And how far away was the wallet?

4 A From -- according to the measurements I have from the
5 edge of the stop stripe at North Main Street and Cemetery
6 Street, the wallet being item two, would be 185 feet and
7 6 inches.

8 Q Okay. So it's a distance from Main Street.

9 A Yes, ma'am.

10 Q And then what was the location of where the body was
11 located from Main Street?

12 A Well, I can't give you that measurement because he'd
13 already been moved.

14 Q Okay. Do you have an approximate measurement of where
15 to your understanding the blood spot then was if that'll --

16 A Well, as I said, I measured that from the railroad
17 tracks. From the railroad tracks to the blood spot would
18 have been 219 feet and 3 inches.

19 Q Okay. So you didn't actually measure any distance
20 from where the body was located to where his wallet was
21 found closer up to Main Street?

22 A No, ma'am. But if I had to guesstimate just -- and
23 this is roughly on memory -- I'd say it's probably, you
24 know, probably somewhere between 100 to 200 more feet.

25 Q Okay. So it's a pretty good distance away from where

1 Mr. Tessnear was located.

2 A Yes, ma'am, yes, ma'am.

3 Q All right. Do you recall if there was anything in the
4 wallet other than his I.D.?

5 A I do not recall if there was anything else besides
6 I.D. I know there was, but I just don't know what it was.

7 Q Okay.

8 MS. WHITE: Beg the Court's indulgence.

9 (Pause.)

10 Q Is it possible -- when you were examining did you
11 observe any tire marks or vehicle parts in the roadway or
12 in the side of the roadway?

13 A I did not re -- I did find any kind of vehicle parts
14 in the roadway or anything like that. And I did not
15 observe any kind of tire marks, of what you would say, yes,
16 ma'am.

17 Q Okay. Now, at the time was it -- had it been raining
18 some, or what was the weather like in the morning?

19 A If I recall, it had been raining some the night prior
20 to me getting the call. And if I also recall correctly, it
21 had been kind of raining off and on all morning. Not like
22 a hard rain, but just a very light rain.

23 Q Okay. When you took the wallet into evidence had it
24 been protected at all from this weather?

25 A Cowpens P.D. officers had placed a plastic -- piece of

Michael Sean Nix
Redirect examination by Ms. Albee

1 plastic over it, or something like that, yes, ma'am.

2 Q Okay. And to your understanding were there any tests
3 performed, any fingerprint tests or anything on the wallet?

4 A No, ma'am.

5 Q Okay. You also did some nail scrapings, is that
6 right?

7 A Yes, ma'am.

8 Q Nothing came back indicating any evidence of D.N.A.
9 from anyone else, is that right?

10 A I don't know, ma'am, because those are sent off to
11 SLED. And they would be the ones to give you an answer on
12 that.

13 Q Okay. You actually performed it, but you didn't do
14 the test.

15 A No, ma'am.

16 Q Okay. I think that's all the questions I have at this
17 time, Investigator Nix.

18 MS. ALBEE: Very, very briefly, Your Honor.

19 REDIRECT EXAMINATION

20 BY MS. ALBEE

21 Q Investigator Nix, Ms. White just asked you about the
22 fingerprinting of the wallet. Do you know whether or not
23 you can fingerprint leather?

24 A You can, but I have never in my years of doing this,
25 have lifted a fingerprint off of a leather wallet.

Eric Edgins
Direct examination by Mr. Kozak

1 Q Okay. And do you know how much time passed between
2 the wallet being on the road and Cowpens putting it in
3 plastic?

4 A I do not, ma'am.

5 MS. ALBEE: No further questions, Your Honor.

6 THE COURT: Anything at all?

7 MS. WHITE: Nothing.

8 THE COURT: Officer, you may step down. Please be
9 careful.

10 THE WITNESS: Thank you. May I be excused?

11 THE COURT: Any objection?

12 MS. WHITE: No objection.

13 MS. ALBEE: No objection, Your Honor.

14 THE COURT: Sir, you may stay or go, whichever you
15 choose.

16 THE WITNESS: Thank you, Your Honor.

17 THE COURT: Thank you.

18 (Whereupon, the witness was excused.)

19 MR. KOZAK: State calls Eric Edgins.

20 ERIC EDGINS, having been first
21 duly sworn, testified as follows:

22 THE COURT: Sir, once you're situated if you'll pull
23 close to that microphone -- thank you. And if you'll tell
24 us your full name and spell your last name for the court
25 reporter.

Eric Edgins
Direct examination by Mr. Kozak

1 THE WITNESS: Eric Eugene Edgins, thirty --
2 E-D-G-I-N-S.

3 THE COURT: Thank you.

4 MR. KOZAK: Thank you, Your Honor.

5 DIRECT EXAMINATION BY MR. KOZAK

6 Q How old are you, Mr. Edgins?

7 A Thirty-two.

8 Q How do you know Brent Tessnear?

9 A Through mutual friends.

10 Q Who are those mutual friends?

11 A My sister and -- and a couple of other people.

12 Q How do you know the defendant, Angelita Wright?

13 A Through Brent.

14 Q Through Brent.

15 Okay. Did you have any contact with the defendant on
16 December 26th of 2015?

17 A I did.

18 Q What contact did you have?

19 A A text message.

20 Q In what regard?

21 A I really don't remember everything, but my phone was
22 off and I turned it on and text messages come through my
23 phone about Brent being dead.

24 Q Okay. Now, were those on December 27th or
25 December 26th?

Eric Edgins
Direct examination by Mr. Kozak

- 1 A I have no idea.
- 2 Q About what time did those text messages come through?
- 3 A Probably about 7:00 in the morning.
- 4 Q In the morning?
- 5 A 6:30 or 7:00, something like that.
- 6 Q And that's in the morning, correct? Okay. What did
- 7 the text message say that came in at 7:00 in the morning?
- 8 A That Brent was dead.
- 9 Q And what did you do after you received that text?
- 10 A Showed it to one of his family members.
- 11 Q And who was that family member?
- 12 A Amy Cudd.
- 13 Q Is she also known as Amy Padgett?
- 14 A Correct.
- 15 Q Did you have contact with her after that day?
- 16 A Just that day.
- 17 Q So you had no -- did you get any text messages later
- 18 that day or the next day from her?
- 19 A Uh-uh.
- 20 Q Okay. Oh, sorry. From Angelita. Did you receive any
- 21 text messages from Angelita that next day?
- 22 A Nah. I think the only time we talked was that day,
- 23 that day I turned my phone on.
- 24 Q So you didn't receive any text messages in the next --
- 25 the days following that?

Eric Edgins
Direct examination by Mr. Kozak

1 A I don't think so.

2 Q Okay.

3 MR. KOZAK: May I approach, Your Honor? Going to show
4 opposing counsel what's been marked as State's Exhibits 10
5 and 11. Showing the witness Exhibits 10 and 11.

6 Q Can you read that name?

7 A That's my name, Eric Edgins.

8 Q And what am I showing you?

9 A Text messages.

10 Q Okay. Can you read this name?

11 A Angelita.

12 Q Okay. And what's the date?

13 A 12/29/15.

14 MR. KOZAK: At this time I'd like to move State's
15 Exhibits 10 and 11 into evidence and publish to the jury.

16 MS. WHITE: Without objection, Your Honor.

17 THE COURT: Without objection, they're admitted.

18 (Photograph marked State's Exhibit No. 10; photograph
19 marked State's Exhibit No. 11.)

20 Q Putting up here State's Exhibit 11. Is this -- is
21 that your name?

22 A It is.

23 Q All right. And what date? This is a -- same picture,
24 but it's too big for one picture. So I'm going to show you
25 the bottom. Whose name is that?

Eric Edgins
Cross-examination by Ms. White

1 A Angelita.

2 Q And what's the date on this?

3 A The 29th.

4 Q About what time?

5 A 6:20.

6 Q Will you read the text message you received?

7 A "I see you believe in me so much you -- you think I
8 murdered Brent. I wasn't even the" -- I can't see that.
9 Something, life insurance policy.

10 Q All right. Thank you.

11 MR. KOZAK: No further questions.

12 CROSS-EXAMINATION

13 BY MS. WHITE

14 Q Mr. Edgins, you had talked to Angelita after this
15 incident and after you got the text saying that Brent was
16 dead, right?

17 A I did.

18 Q And you talked with her, and she told you that she had
19 nothing to do with this, didn't she?

20 A That's correct.

21 Q Okay. And she told you that she thought maybe it was
22 over a cell phone that Brent had taken from somebody?

23 A Yeah.

24 Q Okay. At the time what was your perception of how
25 she -- I guess her -- her demeanor at the time when she was

Eric Edgins
Redirect examination by Mr. Kozak
Recross-examination by Ms. Albee

1 talking to you?

2 A Honestly, I don't think she did it. That's my
3 opinion.

4 Q Was she upset? Was she --

5 A She was very upset.

6 Q Was she crying?

7 A Yeah.

8 MS. WHITE: I think that's all the questions I have at
9 this time, Your Honor.

10 THE COURT: Anything at all?

11 MR. KOZAK: Briefly, Your Honor.

12 REDIRECT EXAMINATION

13 BY MR. KOZAK

14 Q Mr. Edgins, is it -- did you have a romantic
15 relationship with Ms. Wright?

16 A I did.

17 MR. KOZAK: No further questions.

18 MS. WHITE: Just briefly, Your Honor.

19 RECROSS-EXAMINATION

20 BY MS. WHITE

21 Q Are you currently involved in or have you recently
22 been involved in a relationship also with Carol Barzilay?

23 A I was.

24 Q Okay. And that was after this incident?

25 A Correct.

1 Q Okay. Thank you.

2 MR. KOZAK: That's all I have, Your Honor.

3 THE COURT: All right. Sir, you may step down.
4 Please be careful.

5 MR. KOZAK: Your Honor, may we approach briefly?

6 (Bench conference held off the record in the presence
7 of the jury but out of the hearing of the jury.)

8 THE COURT: Madam Forelady and ladies and gentlemen, I
9 understand from the lawyers they have to set up some audio
10 so that you can hear the next pieces of evidence that are
11 going to be offered. It will take a few minutes for them
12 to do that.

13 Rather than have you sit there they suggest, and I
14 agree, that we take a break at this point. I know it's a
15 little bit early, but we'll go and break. There's no
16 reason for you to sit there while they take five or eight
17 or ten minutes to do that.

18 So with that, the case is not ended. Please do not
19 discuss the case. Don't talk about it. Once again, you're
20 at work now. You're on break, so don't talk about work.

21 Madam Forelady.

22 (The following takes place outside the presence of the
23 jury.)

24 THE COURT: All right. We'll be in recess for 15
25 minutes.

Jeanie Ruth Burnett
Direct examination by Ms. Albee

1 (Whereupon, a recess was taken.)

2 THE COURT: Ready for the jury?

3 MS. ALBEE: Yes, Your Honor.

4 MS. WHITE: Yes, Your Honor.

5 THE COURT: Have the jury.

6 (The following takes place in the presence of the
7 jury.)

8 THE COURT: Madam Forelady, jury okay?

9 THE FOREPERSON: Yes, sir.

10 THE COURT: All right.

11 MS. ALBEE: Thank you, Your Honor.

12 At this time the state calls Jeanie Burnett to the
13 stand.

14 JEANIE RUTH BURNETT, having
15 been first duly sworn, testified as follows:

16 THE COURT: Good morning.

17 THE WITNESS: Good morning.

18 THE COURT: As soon as you're situated if you'll
19 adjust the microphone, please. Tell us your full name, and
20 spell your last name for madam court reporter.

21 THE WITNESS: Okay. Jeanie Ruth Burnett.

22 B-U-R-N-E-T-T.

23 THE COURT: Thank you.

24 Yes, ma'am.

25 MS. ALBEE: Thank you, Your Honor.

Jeanie Ruth Burnett
Direct examination by Ms. Albee

1 DIRECT EXAMINATION BY MS. ALBEE

2 Q Are you currently employed?

3 A Yes, ma'am.

4 Q Where at?

5 A Spartanburg County Coroner's Office.

6 Q And what do you do at the Spartanburg County Coroner's
7 office?

8 A I am an investigator.

9 Q And explain to us what an investigator with the
10 coroner's office does.

11 A We go out to scenes and determine the cause and manner
12 of death. We collect evidence, photograph.

13 Q Can you tell us how you became involved in this case?

14 A I got a call to the hospital, the E.R., and I went in.
15 And once I saw the decedent on the table I was told that he
16 collapsed in the road. And I wasn't satisfied with that,
17 so I wanted to go out and see the scene.

18 Q Now, does the coroner's office investigate every
19 death?

20 A Not a hospice, but if it's not a natural death we do.

21 Q And what hospital did you respond to?

22 A Spartanburg Medical Center.

23 Q And when you got there, who else was there?

24 A A deputy with the Cowpens Police Department, Ruth
25 wolfe, and of course nurses and technicians.

Jeanie Ruth Burnett
Direct examination by Ms. Albee

1 Q Now, were you able to see Brent Tessnear's body when
2 you got there?

3 A Yes, ma'am.

4 Q And if you could, describe to us what that looked
5 like.

6 A He had a couple of abrasions on his body that was not
7 consistent with falling out in the road, bruises on his
8 ankles. On his shoulder blades he had some scuff marks --
9 on his legs. And he had a place. I think it was above his
10 right eye.

11 Q Now, how long have you been an investigator with the
12 coroner's office?

13 A I started January of 2013.

14 Q And approximately how many cases have you
15 investigated?

16 A Hundreds. I mean, I can't tell you. It's a lot.

17 Q So what was the first thing you did after you decided
18 to start investigating this case?

19 A I asked Deputy wolfe to take me to the place where the
20 decedent was found on the road.

21 Q Where was that?

22 A In Cowpens behind Hardee's on the railroad track, near
23 the railroad track.

24 Q And did you observe that area?

25 A I did.

Jeanie Ruth Burnett
Direct examination by Ms. Albee

1 Q What else did you do?

2 A I asked her where he was located at. And when she
3 told me I asked why it wasn't roped off. They didn't feel
4 a need in it. So I asked for investigate -- I mean, I
5 asked for the area to be roped off so that I could find out
6 what happened to him, because I just didn't think he fell
7 out in the road.

8 Q Did you speak with anyone at that point in time?

9 A As far as deputies, Deputy Wolfe. And a Deputy
10 Burnett came from the Cowpens Police Department.

11 Q Now, as an employee of the coroner's office did you
12 ever speak with the defendant?

13 A Yes.

14 Q When did you speak with her?

15 A I called her on the phone from the side of the road.
16 When I left the hospital they did not have any information
17 for a relative of the decedent. But when I got there the
18 hospital called me and gave me her name and number and said
19 she was a possible relative.

20 Q When you got where?

21 A To the scene in Cowpens.

22 Q So did you call her before or after you roped off that
23 area?

24 A It was before the area was roped off.

25 Q And approximately what time was that?

Jeanie Ruth Burnett
Direct examination by Ms. Albee

1 A Between 5:00 and 6:00 o'clock in the morning. I'm not
2 sure.

3 Q If you need your report, let me know. I can --

4 A It was between 5:00 and 6:00 o'clock in the morning.

5 Q And you said that's normal. Is it normal for you to
6 contact his next of kin?

7 A Yes, it is.

8 Q And what do you remember the defendant saying during
9 this phone conversation?

10 A When I asked her who she was, she told me. And the
11 first thing she said was is he alive or is he okay.

12 Q Now, had you identified yourself yet as being with the
13 coroner's office?

14 A I did not. I said I was with Spartanburg County.

15 Q And did you ever meet with the defendant in person?

16 A Yes, I did.

17 Q And when?

18 A At the hospital. I asked her where she was and I
19 asked her -- she said she was home, and she said she wasn't
20 home. And then I asked her to meet me because I needed to
21 speak with her about something. I did not tell her that he
22 had passed away.

23 Q Where did you meet with her at?

24 A At the hospital in the E.R. waiting room, the family
25 waiting room.

Jeanie Ruth Burnett
Direct examination by Ms. Albee

1 Q And if you could, describe to us what her demeanor was
2 like at that time.

3 A She was -- to me she was more frightened than she was
4 upset. I mean, she just didn't seem genuinely upset to me.

5 Q And these phone or this phone conversation that you
6 had with her between 5:00 and 6:00 in the morning, the
7 first time you spoke with her, did you record that?

8 A I did.

9 MS. ALBEE: Your Honor, may I approach?

10 (Pause.)

11 MS. ALBEE: Showing opposing counsel what's been
12 marked as State's Exhibit No. 9. May I approach the
13 witness?

14 THE COURT: Yes, ma'am.

15 Q Investigator Burnett, I'm handing you what's been
16 marked as State's Exhibit No. 9. Do you recognize that?

17 A Yes, ma'am.

18 Q Okay. And what is that labeled?

19 A Notification phone call.

20 Q And did you turn these phone calls over to the state?

21 A I did.

22 Q And are they a fair and accurate representation or
23 recording of the phone calls as -- you had with him, with
24 the defendant?

25 A Yes, ma'am.

1 MS. ALBEE: Your Honor, at this time the state moves
2 Exhibit No. 9 into evidence.

3 MS. WHITE: Without objection.

4 THE COURT: Without objection, it's admitted.
5 (D.V.D. marked State's Exhibit No. 9.)

6 MS. ALBEE: Permission to publish to the jury.

7 THE COURT: Yes, ma'am.

8 Q Now, Investigator Burnett, do you know whether or not
9 anybody else was with the defendant when you spoke with
10 her?

11 A There was someone in the car with her. It sounded
12 like a female. She said it was either her sister or his
13 sister. But I heard her say sister. And there was a
14 female in the car with her.

15 Q And who was with you when you made this phone call?

16 A Deputy Wolfe was standing outside my car window.

17 MS. ALBEE: At this time I'm going to play State's
18 Exhibit 9. This is that first phone call that you made to
19 the defendant.

20 (Whereupon, State's Exhibit No. 9 was played for the
21 jury.)

22 Q Now, Investigator Burnett, you asked where she was.
23 And her response was, "I'm at home and haven't seen him."
24 Where did she say home was?

25 A Pacolet.

Jeanie Ruth Burnett
Direct examination by Ms. Albee

1 Q Okay. Where was she actually at that point in time?

2 A Asheville Highway or Pine Street, somewhere. I don't
3 know. She said she was on the Asheville Highway.

4 Q How long did it take you to get to the hospital?

5 A Took me about 20 minutes.

6 Q And when you got to the hospital was she already
7 there?

8 A Yes, ma'am.

9 MS. ALBEE: Your Honor, may I have a second?

10 THE COURT: Yes, ma'am.

11 (Pause.)

12 MS. ALBEE: Your Honor, I have no further questions
13 for this witness at this time.

14 MS. WHITE: Beg the Court's indulgence.

15 (Pause.)

16 CROSS-EXAMINATION

17 BY MS. WHITE

18 Q Deputy Burnett, the initial conversation you had with
19 her, I think originally you said her first question was is
20 he alive. But isn't it more accurate that she said,
21 "Please tell me he's okay"?

22 A Well, we all just heard it. I do believe that's what
23 she said.

24 Q Okay. So it's accurate that she said, "Please tell me
25 he's okay," as the first thing in response to you calling.

Jeanie Ruth Burnett
Direct examination by Ms. Albee

1 A Yes, ma'am.

2 Q Okay. And you answered you didn't -- when you called
3 her you said you were with Spartanburg County, right?

4 A Yes, ma'am.

5 Q Okay. So at that point she didn't know if you were
6 with the sheriff's office; she didn't know if you were with
7 the hospital; she didn't know if you were with the morgue
8 or anything, right?

9 A I don't know what she thought. I mean, I can tell you
10 I said I was with Spartanburg County.

11 Q Okay. In addition, after she said please tell me he's
12 okay, she asked again, "Is he okay? I want to make sure
13 he's all right." Didn't she?

14 A Again, you heard it. I guess she did.

15 Q And I'm asking you. You had the conversation --

16 A Yes, ma'am.

17 Q -- with her, Ms. Burnett.

18 A Yes, ma'am.

19 Q Okay. Thank you.

20 The other person that was in the car with her at the
21 time was her sister or said sister, is that right?

22 A Correct.

23 Q Okay. And she's the one that ultimately -- one of
24 them said actually we're at the Hardee's on Garner Road, is
25 that right?

Jeanie Ruth Burnett
Direct examination by Ms. Albee

1 A Correct.

2 Q Okay. So, obviously, there was a little confusion, it
3 seems, as to where they were. There was one person saying
4 we could be at Pacolet in 20 minutes, we could be there in
5 20 minutes, we're on 176; one person saying we're at the
6 Hardee's on Garner Road, we can be there in a minute. Is
7 that a fair and accurate description of the conversation?

8 A Yes, ma'am. She also said she was at home first too.

9 Q Right. Okay. Now, when you talked you said you got
10 to the scene and they had not roped off the scene.

11 A Correct.

12 Q Had they done anything in regards to protecting
13 evidence that you could see?

14 A No, ma'am.

15 Q Okay. You also talked to Officer Wolfe and tried to
16 get some information from her as to if she had seen the
17 victim that night, is that right?

18 A Correct.

19 Q And isn't it true that there was some confusion on her
20 part as to whether or not she had seen the victim before?

21 A She told me she had not.

22 Q Okay. And didn't you find out later when she told you
23 later that that actually was not true, that she had seen
24 him earlier that night?

25 A Correct.

Jeanie Ruth Burnett
Direct examination by Ms. Albee

1 Q And in your report and investigation, part of that is
2 determining the last time someone was seen alive, is that
3 right?

4 A Yes, ma'am.

5 Q Okay. And in talking with Officer wolfe, is she the
6 one that you spoke with about trying to get that timeframe?

7 A Yes, ma'am.

8 Q And do you recall in your report what you put as the
9 last time Mr. Tessnear was seen alive?

10 A She said she saw him walking across the parking lot.
11 well, the vacant area.

12 Q The area maybe behind the Hardee's?

13 A Yes, ma'am.

14 Q And what time was that?

15 A Shortly before he was discovered.

16 Q Could it be accurate that in your report it says
17 2:30 a.m.?

18 A Yes, ma'am.

19 Q Okay. And if you put that in your report --

20 A Then that's what she told me.

21 Q That's what she told you.

22 A Yes, ma'am.

23 Q Because you're taught to put things accurately, right?

24 A Yes, ma'am.

25 Q Okay. Deputy wolfe also talked with you enough to put

Murray Brandon Letterman
Direct examination by Mr. Kozak

1 the information in where you said he appeared to be under
2 the influence of some drugs or alcohol.

3 A Yes, ma'am.

4 Q Okay.

5 MS. WHITE: Beg the Court's indulgence.

6 (Pause.)

7 Q That's all I have at this time.

8 MS. WHITE: Thank you, Your Honor.

9 THE COURT: Anything at all?

10 MS. ALBEE: Nothing from the state, Your Honor.

11 THE COURT: Ma'am, you may step down. Please be
12 careful.

13 Is she excused? Is she under subpoena?

14 MS. ALBEE: We have no objection to her being excused,
15 Your Honor.

16 MS. WHITE: No objection, Your Honor.

17 THE COURT: You may stay or go.

18 THE WITNESS: Thank you.

19 (Whereupon, the witness was excused.)

20 MR. KOZAK: The state calls Brandon Letterman.

21 MURRAY BRANDON LETTERMAN,
22 having been first duly sworn, testified as follows:

23 THE COURT: Sir, once you adjust the microphone tell
24 us who you are. And spell your last name, please.

25 THE WITNESS: Murray Brandon Letterman,

1 L-E-T-T-E-R-M-A-N.

2 THE COURT: Thank you.

3 Yes, sir.

4 DIRECT EXAMINATION BY MR. KOZAK

5 Q where do you currently work?

6 A Spartanburg County Sheriff's Office.

7 Q And what do you do there?

8 A I'm a computer/cell phone forensics analyst.

9 Q Have you always been the cell phone analyst?

10 A No.

11 Q what did you do before that?

12 A My prior assignment before that was sergeant over
13 violent crimes division.

14 Q Okay. And how long have you worked at the sheriff's
15 office?

16 A I've been employed at the Spartanburg County Sheriff's
17 Office for 11 and a half years.

18 Q Okay. And how long have you been in the computer
19 forensics or phone forensics?

20 A I've been in the current position for seven months.

21 Q Okay. So what was your position at the time of this
22 incident in 2015?

23 A At the time of the incident in 2015 I was a senior
24 investigator over the cold case homicide investigations.

25 Q And how did you become involved in this investigation?

1 A Any time an investigation like this occurs all of the
2 violent crimes investigators normally come together and
3 work together on this, on a death investigation. And I was
4 requested to assist in the capacity on this investigation.

5 Q Were you there when the vehicle was processed?

6 A Yes.

7 Q The white truck.

8 MR. KOZAK: May I approach, Your Honor?

9 THE COURT: Yes, sir.

10 MR. KOZAK: Showing what's been marked as State's
11 Exhibits 7 and 8.

12 Q I'm handing you what's been marked as State's
13 Exhibits 7 and 8. Can you identify what these are?

14 A Yes.

15 Q And what are they?

16 A Photographs of a South Carolina driver's license
17 belonging to Angelita.

18 Q What about State's Exhibit 8?

19 A State's Exhibit 8 is a photograph of the
20 identification in the side door of the vehicle.

21 Q And when processing a vehicle is it typical to
22 photograph personal items found in the vehicle?

23 A Yes.

24 Q All right.

25 MR. KOZAK: At this time I'd like to move State's

1 Exhibits 7 and 8 into evidence and publish to the jury.

2 THE COURT: Any objection?

3 MS. WHITE: No objection, Your Honor. I'm just -- I'm
4 sorry. We didn't have Investigator Letterman in any of our
5 documents. So I know that that was taken. That's -- we
6 don't object to that.

7 THE COURT: Okay. Without objection, it's admitted.

8 MR. KOZAK: Thank you, Your Honor.

9 (Photograph marked State's Exhibit No. 7; photograph
10 marked State's Exhibit No. 8.)

11 MR. KOZAK: Publishing to the jury what's been marked
12 as State's Exhibit 7.

13 Q Will you, once again, identify what this is?

14 A South Carolina driver's license belonging to --
15 correct -- South Carolina identification card belonging to
16 an Angelita subject.

17 Q And this was taken after the license was discovered in
18 the truck?

19 A Correct.

20 Q And I'm showing you now State's Exhibit 8. Will you
21 identify what this is?

22 A That's a photograph of the same identification card
23 taken in the place of where it was located in the vehicle.

24 Q And where was it located in the vehicle?

25 A The driver's side door.

Murray Brandon Letterman
Direct examination by Mr. Kozak

1 Q Did you do anything else involved in this case?

2 A Yes. That day was all I did there was -- there with
3 them whenever they searched the vehicle. I also executed a
4 search warrant to take some photographs of some call logs
5 on a phone.

6 Q All right. Did you review -- so did you review the
7 defendant's phone in this investigation?

8 A I did.

9 Q What did you photograph from her phone?

10 A Photographed from her phone was the call log.

11 MR. KOZAK: May I approach, Your Honor? At this time
12 I'm showing opposing counsel Exhibit 3-A.

13 Q What am I showing you?

14 A These are photos that I took of her call log, phone
15 call log on the phone.

16 Q Is this every photo of her call log that you took?

17 A Correct, yes, sir.

18 Q And it includes every call that she made, that was on
19 her phone that she made?

20 A Correct.

21 Q All right.

22 MR. KOZAK: At this time I'd like to move State's
23 Exhibit 3-A into evidence.

24 MS. WHITE: Without objection, Your Honor.

25 THE COURT: Without objection.

1 (D.V.D. marked State's Exhibit No. 3-A.)

2 Q what is -- what date is the first phone call that
3 still remains on her phone?

4 A I believe it's December 28th at 4:26 p.m.

5 Q So there were no phone -- no calls on her phone before
6 that date.

7 A None that were on the call log, correct.

8 Q Okay. Did you photograph anything else involved in
9 this or did you extract anything else from her phone?

10 A Correct. Yes. I did an extraction, a forensic
11 examination, using Cellebrite that extracted the contact
12 list on her phone.

13 MR. KOZAK: May I approach, Your Honor? Showing
14 opposing counsel what's been marked as State's Exhibit 3-B.
15 Showing the witness what has been marked as State's
16 Exhibit 3-B.

17 Q Can you identify what that is?

18 A Yes. This is a P.D.F. report of the forensic
19 examination's conclusion of the results of the items
20 extracted from the cell phone.

21 Q All right.

22 MR. KOZAK: At this time I'd like to move State's
23 Exhibit 3-B into evidence.

24 MS. WHITE: Without objection, Your Honor.

25 THE COURT: Without objection, it's admitted.

1 (D.V.D. marked State's Exhibit No. 3-B.)

2 Q Did you have a chance to review this phone's settings?

3 A Yes.

4 Q Is this how the phone -- or feature that would
5 automatically delete texts or calls?

6 A No. There's a feature you have to set up on the phone
7 to automatically delete texts, and it was not. And I spoke
8 with the manufacturer of the phone, and you have to
9 manually delete call logs.

10 Q Okay. Do you happen to know how much storage space
11 this model of phone that Angelita owned had?

12 A That particular phone has a storage capacity for 256
13 megabites.

14 Q About how much memory space does an average text take
15 up?

16 A An average S.M.S. text -- you've got two types of text
17 messages. You have an M.M.S., which is a multimedia
18 message, which would include attachments for videos,
19 pictures, stuff like that. Then you have your S.M.S.,
20 which is your standard messaging text messages, which is
21 what this phone was capable of. An average S.M.S. text is
22 roughly 140 bites.

23 Q All right. And so about how many texts could
24 Angelita's phone hold before it ran out of space?

25 MS. WHITE: Your Honor, I'm sorry. I would object. I

1 think he's offering an expert opinion without being
2 qualified as an expert.

3 THE COURT: well, let's see. we'll go over this.

4 (Bench conference held off the record in the presence
5 of the jury but out of the hearing of the jury.)

6 Q So about how many texts could a phone with 256
7 megabites of memory hold before it ran out of memory space?

8 A It's a very simple calculation if you just take the
9 phone's memory -- storage capacity with just text messages
10 only. If you calculate 140 bites average of an S.M.S. text
11 message, 256 megabites of storage would be roughly
12 1,828,571 texts messages.

13 Q All right. And about how many in-box messages did she
14 have on her phone?

15 A I think she about 30. She had 35 in-box messages.

16 Q And how many out-box messages did she have on her
17 phone?

18 A She had 92.

19 Q So how many total messages did she have?

20 A That was a total of 127.

21 Q All right. Did you review Angelita's call log?

22 A I did.

23 Q All right.

24 MR. KOZAK: May I approach, Your Honor?

25 I am going to show opposing counsel what's been marked

1 as State's Exhibits 3-C, 3-D and 3-E.

2 Q I'm showing what's been marked as Exhibits 3-C, 3-D
3 and 3-E. Will you identify what these are?

4 A These are photographs I took of the call log.

5 Q All right.

6 A Of this phone.

7 Q The same. They're just individual photos of the same
8 call log you already saw?

9 A Correct, yes.

10 Q All right.

11 MR. KOZAK: At this time I'd like to move Exhibits
12 3-C, 3-D and 3-E into evidence.

13 MS. WHITE: Without objection, Your Honor.

14 THE COURT: Without objection, they're admitted.

15 (D.V.D. marked State's Exhibit No. 3-C; D.V.D. marked
16 State's Exhibit No. 3-D; D.V.D. marked State's Exhibit No.
17 3-E.)

18 Q I'm going to show you Exhibit 3-C. I see a call on
19 here to 1-800-849-4521. Now, there's a little icon next to
20 this. What does that mean?

21 A Can you slide the photo down a little bit?

22 Q Oh, I'm sorry.

23 A That's good.

24 Q What does that mean?

25 A That means it's on outgoing call.

- 1 Q That means a call from that phone to someone.
- 2 A Correct.
- 3 Q All right. what time of day was this call made?
- 4 A 4:26 p.m.
- 5 Q And on what day?
- 6 A That was December the 28th.
- 7 Q Now, in your investigation did you get a chance to
- 8 call this number?
- 9 A I did.
- 10 Q And what -- who was the defendant calling?
- 11 A Tindall Corporation.
- 12 Q All right. Now, I see a call to phone number
- 13 1-800-995-6230. when? what day was that made?
- 14 A That was made Monday, December the 28th.
- 15 Q Do you know what time?
- 16 A 4:30 p.m.
- 17 Q In your investigation did you have a chance to call
- 18 this number?
- 19 A I did.
- 20 Q And who was it to?
- 21 A Come back to the United of Omaha Life Insurance
- 22 Company.
- 23 Q All right. I see another call to this same number.
- 24 what time?
- 25 A 4:48 p.m.

Murray Brandon Letterman
Cross-examination by Ms. White

1 Q And on what day?

2 A The same day, Monday, December the 28th.

3 Q And is that call also to the same company?

4 A It's that same company, yes.

5 Q And finally I see a call. Is this --

6 A Yeah, the Tindall Corporation, yes, sir.

7 Q All right. And what time was that made?

8 A 3:36 p.m.

9 Q Okay. And what day?

10 A That was on Tuesday, December the 29th.

11 MR. KOZAK: Thank you, Your Honor. No further
12 questions.

13 THE COURT: Yes, ma'am.

14 MS. WHITE: Thank you, Your Honor.

15 CROSS-EXAMINATION

16 BY MS. WHITE

17 Q Investigator Letterman, you didn't do any reports as
18 to your involvement in this case, did you?

19 A I did a report on the 21st of this month whenever I
20 was requested to execute a search warrant for the
21 photographs of the phone.

22 Q Okay. And so you got involved in this case a week
23 ago.

24 A I initially got involved in it when it first occurred,
25 but my first report was, correct, this week.

1 Q Okay. And that was at the state's request to look at
2 the cell phone, is that right?

3 A Yes, ma'am.

4 Q In your understanding how long had they had that cell
5 phone?

6 A I'm not sure when it was taken into custody, but I
7 would imagine shortly after the death.

8 Q So almost two years, is that right, if we --

9 A Yes.

10 Q Okay. And so you were the first to pull up call logs,
11 look into the contacts or retrieve that information, is
12 that right?

13 A I think Investigator Lindsey McGraw had actually
14 executed a search warrant on that earlier for forensic
15 examination.

16 The Cellebrite program did not at that point support
17 that model phone for an extraction. Cellebrite, which is
18 the software and hardware that we use, continually updates.
19 So over two years an update had been installed that would
20 allow a forensic examination of just the contact list.

21 Q And you said you've been doing forensic examinations
22 of phones for how long?

23 A Right at seven months.

24 Q Seven months. How long were you a law enforcement
25 officer before that?

1 A I've been in law enforcement for 13 years.

2 Q Okay. So you understand the importance of completing
3 an investigation and doing a thorough investigation before
4 making any kind of decisions about anything, right?

5 A Well, every investigation, yes, requires a thorough
6 investigation, yes, ma'am.

7 Q Okay. And you would generally as an investigator want
8 to make sure you had followed up on all information that
9 you received, whether it was to confirm a witness statement
10 or to contradict a witness statement.

11 A Yes. The investigation requires follow up, yes,
12 ma'am.

13 Q Okay. In regards to the cell phone and storage -- and
14 I may have misheard you -- you said that a standard flip
15 phone with 256 megabites of storage could hold 1 million
16 text messages?

17 A Not just a regular standard flip phone, just this flip
18 phone model. They vary from what their capacity is, but
19 the storage capacity for this model is 256 megabites. And
20 if you do the calculations, roughly a text message, instant
21 message, 140 bites. You just take 256 megabites and do the
22 calculations and that will turn out to be -- if it was just
23 256 megabites of storage, then it would take roughly
24 1,828,571 S.M.S. messages at an average of 140 bites to
25 fill up that 256 megabites.

1 Q You've never seen a phone with a million text messages
2 that's a flip phone, have you?

3 A No, ma'am.

4 Q Okay. And to your understanding flip phones do have
5 to be manually deleted before for additional information to
6 come on there once they hit capacity, right?

7 A Once they hit capacity, yes.

8 Q Okay. And when you're giving us this number, this is
9 based on calculations as to a particular amount of text
10 message. That doesn't include pictures that are on the
11 phone; that doesn't include calls made; that doesn't
12 include videos; that doesn't include the S.M.S. messages or
13 anything, does it?

14 A No. That's correct. That's just taking a calculation
15 of 256 megabites with 140 bites. That does not take into
16 account any other items stored on that storage, correct.

17 Q So it's really not an accurate number to be able to
18 give us when you don't know the other information that
19 would be on a phone.

20 A It's only an accurate number if you just take 256
21 megabites and divide it by the 140 bites.

22 Q Okay. So it's simply a math calculation.

23 A Correct, yes.

24 Q Okay.

25 MS. WHITE: Beg the Court's indulgence.

Brett Tessnear
Direct examination by Ms. Albee

1 THE COURT: Yes, ma'am.

2 (Pause.)

3 MS. WHITE: That's all I have for this witness.

4 THE COURT: Anything at all?

5 MR. KOZAK: Nothing further from the state.

6 THE COURT: Sir, you may step down. Please be
7 careful.

8 MS. ALBEE: Your Honor, the state calls Brett
9 Tessnear.

10 BRETT TESSNEAR, having been
11 first duly sworn, testified as follows:

12 THE COURT: Tell us your name, please, and spell your
13 last name.

14 THE WITNESS: Brett Tessnear, T-E-S-S-N-E-A-R.

15 THE COURT: Thank you.

16 Yes, ma'am.

17 MS. ALBEE: Thank you, Your Honor.

18 DIRECT EXAMINATION BY MS. ALBEE

19 Q Brett, how old are you?

20 A I'm 21.

21 Q What do you do for a living?

22 A I'm in the U.S. Army.

23 Q Where are you currently stationed?

24 A Fort Story, Virginia Beach.

25 Q How long have you been in the Army?

Brett Tessnear
Cross-examination by Ms. White

1 A About a year and a half.

2 Q How were you related to Brent Tessnear?

3 A That's my father.

4 Q Now, Brett, we've heard some conversation about a life
5 insurance policy. Do you know who the beneficiary to your
6 dad's life insurance policy was?

7 A I was.

8 Q And do you know what company that was through?

9 A It was Mutual of Omaha Life Insurance.

10 MS. ALBEE: Your Honor, I have no further questions.

11 THE COURT: All right.

12 CROSS-EXAMINATION

13 BY MS. WHITE

14 Q Brett, just real briefly.

15 The time shortly after your father's death, the day or
16 two after, was there a lot of planning going on trying to
17 figure out to figure out his funeral?

18 A Yes, ma'am.

19 Q Okay. Thank you.

20 MS. WHITE: That's all I have at this time, Your
21 Honor.

22 THE COURT: Sir, you may step down. Please be
23 careful.

24 MS. ALBEE: Your Honor, we'd just like to confirm that
25 Exhibit 2-A -- I don't believe was ever entered into

1 evidence formally. It is the depiction of a -- actually
2 what's on disc two. I just want to make sure and confirm
3 that it has been actually moved into evidence.

4 (Pause.)

5 THE COURT: Are you introducing it into evidence?

6 MS. ALBEE: Your Honor, at this time I would like to
7 move 2-A into evidence.

8 MS. WHITE: Without objection, Your Honor.

9 THE COURT: All right. It's stipulated to. 2-A is
10 in.

11 (D.V.D. marked State's Exhibit No. 2-A.)

12 MS. ALBEE: Your Honor, at this time the state rests.

13 THE COURT: The state rests.

14 Madam Forelady and ladies and gentlemen of the jury --
15 well, let me do this. Let me see -- let me see the
16 lawyers.

17 (Bench conference held off the record in the presence
18 of the jury but out of the hearing of the jury.)

19 THE COURT: Ladies and gentlemen -- Madam Forelady and
20 ladies and gentlemen, the trial is not at an end.

21 The state has now rested. And what that means is when
22 I first told you on Monday there would be times when I
23 needed to talk with the lawyers outside of your presence,
24 what's called legal matters -- and this is one of those
25 times -- so I'm going to excuse you because it may be

1 necessary for me to make a comment on a fact in this case
2 when applying the law. And that would be improper for me
3 to do in your presence. I'm prohibited from doing that.

4 So I'm going to remove you from the courtroom just for
5 a few minutes while we take up a couple of matters, and I
6 also discuss with the lawyers about the next witness and so
7 forth to get a timeline on that. And they're now going to
8 notify somebody to be here.

9 So expect to be back in 15 minutes. Don't talk about
10 the case. It's not at an end at this time. We'll have a
11 couple of more witnesses, and then we'll break for lunch.

12 Madam forelady.

13 (The following takes place outside the presence of the
14 jury.)

15 THE COURT: Matters from the state?

16 MS. ALBEE: Nothing from the state, Your Honor.

17 THE COURT: From the defense?

18 MS. WHITE: Your Honor, we have a couple of matters.

19 First, we'd, obviously, renew our motion that we made
20 at the beginning of the trial in regards to quashing the
21 subpoena based on what we feel like is inconsistent
22 elements regarding the accident required in the hit and run
23 resulting in death and the specific intent of felonious
24 malice aforethought that's included in the murder
25 indictment, Your Honor.

1 we, obviously, would argue that those two are mutually
2 exclusive, and therefore we move and renew our motion to
3 quash the murder indictment based on that.

4 MS. ALBEE: Your Honor, standing by the same argument
5 that we made at the beginning of this trial.

6 Malice aforethought does not negate whether or not
7 there was, in fact, some sort of car accident, Mr. Tessnear
8 being hit by a car and the defendant leaving the scene.
9 Therefore we would contend that it is proper to go forward
10 on both the murder indictment, as well as the leaving the
11 scene of an accident resulting in death.

12 THE COURT: Okay. For the reasons previously stated
13 by the Court that motion is denied. But you're protected
14 on the record.

15 MS. WHITE: Thank you, Your Honor.

16 THE COURT: Yes, ma'am.

17 MS. WHITE: Next we would make a motion for a directed
18 verdict, first, on the -- the indictment of hit and run
19 resulting in death.

20 Your Honor, even in the light most favorable to the
21 state they're required to prove each and every element.
22 With the testimony that has been presented, specifically
23 the testimony they presented from Mr. Blackwood, this has
24 not been anything that indicates that there was any kind of
25 accident at all, that there was a motor vehicle accident.

1 The testimony presented appears to indicate purely
2 that this was something with malice aforethought, is what
3 he testified to. And, Your Honor, we don't think there's
4 been any testimony presented that this was simply a hit and
5 run resulting in death.

6 I don't think there's anything that could be presented
7 to the jury that could cause them to think that this was
8 not anything other than that. And so we would ask that the
9 directed verdict be granted on that indictment, Your Honor.

10 MS. ALBEE: Your Honor, hit and run, the term
11 accident, it all comes down to construction. The bottom
12 line is that there has been testimony that there was a hit,
13 that Brent Tessnear was hit with a motor vehicle, and that
14 there was a fleeing after that or a running and that it
15 did, in fact, result in his death.

16 That in and of itself is a motor vehicle accident,
17 Your Honor. Therefore we contend there is a question of
18 fact to the jury as to whether or not there has been a hit
19 and run resulting in death, that there is sufficient
20 evidence in the record to support that indictment going
21 forward to the jury. There is a question of fact for them
22 to determine.

23 MS. WHITE: Just one more brief statement, Your Honor.

24 In the statute for the motor vehicle statute, Your
25 Honor, it does include a section for definitions. It

1 defines many of the words in the statute.

2 Accident is not one of those. In lieu of a definition
3 the legislature has said look to the plain and ordinary
4 meaning.

5 In this case when you look at Black's Law Dictionary
6 accident is an unintentional event. And I think that that,
7 again, contradicts the murder indictment and therefore a
8 directed verdict should be granted based on the fact that
9 there is no -- no evidence that was presented that this was
10 unintentional event.

11 THE COURT: The Court is not concerned with weighing
12 any of the evidence as to whether or not there's any
13 evidence in the record for the finder of fact. So
14 therefore the -- and viewing it in the light most favorable
15 to the nonmoving party, which is the state, the motion is
16 denied.

17 MS. WHITE: Thank you, Your Honor. Beg the Court's
18 indulgence.

19 (Pause.)

20 MS. WHITE: Your Honor, I'm sorry. Beg the Court's
21 indulgence -- or excuse me. May it please the Court.

22 We would also make a motion for a directed verdict,
23 obviously, on the murder indictment.

24 In regards to evidence that's presented, there has to
25 be substantial circumstantial evidence. Obviously, all the

1 circumstantial evidence that we think was presented does
2 not rise to the level of circum -- excuse me -- substantial
3 circumstantial evidence.

4 The state would argue, I'm sure, that the testimony of
5 Brandon Blackwood consists of direct evidence in regards to
6 this. But, obviously, with his testimony and the
7 credibility, or the lack thereof with his testimony, we
8 would argue that that is not sufficient to present this to
9 the jury, and we would ask for a directed verdict on that
10 as well.

11 THE COURT: Yes, ma'am.

12 MS. ALBEE: Thank you, Your Honor.

13 Again, viewing this light -- or viewing this motion in
14 the light most favorable to the nonmoving party, which is
15 the state, we would, again, contend that there is a
16 question of fact. Even by defense counsel's own statements
17 and her previous argument, there has been direct evidence
18 that the defendant was, in fact, driving the car that ran
19 over Brent Tessnear.

20 Now, the credibility of that witness and the witness
21 that says that she did, in fact, did that, that is, in
22 fact, a question for the jury. Therefore, there is a
23 question of fact for the jury to determine the credibility
24 of that witness, as well as whether or not the defendant
25 did this.

1 The fact that there has been malice established
2 throughout the witnesses, throughout the night, with the
3 defendant's own statement that's in the record as well, so
4 we would content that there is, in fact, enough evidence
5 presented in the record for the jury to have a question of
6 fact. And we would ask that you deny the motion at this
7 time.

8 THE COURT: Okay. And, once again, the Court is not
9 concerned with the weight of the evidence. It does not
10 weigh credibility. The Court is only concerned with
11 whether there's any evidence at all to go before the Court.
12 And so therefore the motion is denied.

13 MR. WHELCHER: Beg the Court's indulgence again, Your
14 Honor.

15 THE COURT: Yes, sir.

16 (Pause.)

17 MS. WHITE: Your Honor, this is another issue that I'm
18 not sure how to address.

19 Obviously, we had -- during testimony Investigator
20 Clark mentioned that they had done mapping. I did ask. I
21 had never received any mapping from the state in discovery
22 that they had done. I did ask them.

23 They informed me that they did this recently in
24 response to our indications that we would have someone.

25 So we would ask that we be allowed to have that

1 information so that we can review and prepare for
2 cross-examination, if necessary, and allow our expert to
3 review that.

4 MS. ALBEE: Your Honor, again, specifically, just like
5 Ms. White said.

6 This was prepared in response to their expert. Ms.
7 White did share with us some slides that her expert intends
8 to use. Therefore, we had it prepared in rebuttal to that.
9 If they want to look at it, we have no problem with it.
10 That's fine.

11 THE COURT: Okay. When are you going to give it to
12 them?

13 MS. ALBEE: I've got it in my bag.

14 MS. WHITE: Thank you, Your Honor.

15 And, Your Honor, that's all the defense has at this
16 time.

17 THE COURT: Okay. Ready to go forward?

18 MS. WHITE: We are, Your Honor.

19 THE COURT: Okay. We'll have the jury.

20 (The following takes place in the presence of the
21 jury.)

22 THE COURT: Madam Forelady, is all well with the jury?

23 THE FOREPERSON: Yes, sir.

24 THE COURT: Thank you.

25 Yes, ma'am.

Spenser Holloran Smith
Direct examination by Ms. White

1 MS. WHITE: Thank you, Your Honor. May it please the
2 Court.

3 THE COURT: Yes, ma'am.

4 MS. WHITE: The defense would call Spenser Smith to
5 the stand.

6 THE COURT: Okay.

7 SPENSER HOLLORAN SMITH, having
8 been first duly sworn, testified as follows:

9 THE COURT: Sir, once you're situated will you tell us
10 who you are? And spell your last name for the court
11 reporter.

12 THE WITNESS: My name is Spenser Smith, S-M-I-T-H.

13 THE COURT: Thank you.

14 MS. WHITE: Thank you, Your Honor.

15 DIRECT EXAMINATION BY MS. WHITE

16 Q Mr. Smith, tell us your current position.

17 A I work at the solicitor's office as an assistant
18 solicitor prosecuting violent crimes and felony D.U.I.s.

19 Q Okay. And how long have you been here at the
20 solicitor's office?

21 A A little over three years.

22 Q Just as a basic, you went to law school. And in
23 addition to the oath you took today, what kind of oaths do
24 you take as a lawyer?

25 A Well, prosecutors have a special oath to do justice

1 beyond what all other attorneys have, basically, that if we
2 know things are false or things like that, we have to make
3 disclosures, obviously, because we're in the business
4 potentially of putting people in prison, or fines or other
5 things like that, that are more restrictive than other
6 attorneys deal with. So we actually have a -- we're the
7 only set of attorneys that has a higher standard of ethics
8 than all others.

9 Q And are you familiar with the case that we're here
10 today with?

11 A I am. I actually was assigned this case initially.
12 It was handled by our office before eventually going over
13 to the attorney general's office. And that transition
14 happened after the January 5th of 2017 meeting with Brandon
15 Blackwood.

16 Q And tell me why that transition occurred.

17 A Well, I had met with Brandon Blackwood, I'd say, at
18 least, I think, two times previously, at least one time
19 prior to the January 5th. We were scheduled to go to trial
20 January 9th, the following Monday, against Ms. Wright.

21 At that point Brandon was not charged. He was merely
22 a witness. I was sitting, as I think most attorneys do
23 prior to cases, going over testimony with witnesses.

24 I usually try to save my biggest confrontational type
25 questions towards the end, more like where I would be

1 playing the role that you would have played having gone to
2 trial. And that was kind of what I had planned for that
3 meeting that day.

4 As I know they've heard from, he confessed. I'm sure
5 we'll get into that. And that caused our office to step
6 away, because potentially I could be a witness because I
7 was involved in that conversation with him prior to the
8 confession but did see, I believed where it was going, and
9 then because of the relationship with his grandfather being
10 a retired sheriff's deputy. Both of those issues caused us
11 to step away from the case and hand it over to the attorney
12 general.

13 Q Okay. Just to go back a little bit, you said his
14 grandfather was a retired sheriff's deputy. And that was
15 Ronnie Parris, is that right?

16 A That's correct.

17 Q At the time that this incident occurred and began the
18 investigation wasn't it true that everyone knew that his
19 grandson was the gentleman that was supposedly in the car
20 at the time?

21 A You ask -- did law enforcement know about the
22 connection between Brandon?

23 Q Correct.

24 A I believe so. He was from -- I don't know his full
25 history. He actually was a Wofford security guard when I

Spenser Holloran Smith
Direct examination by Ms. White

1 was at Wofford. But I believe he's been at law enforcement
2 for his entire career and was retired at this point. So I
3 think it was known.

4 Q Okay. And did you understand as well that the truck
5 that was actually used was registered to Ronnie Parris?

6 A I did.

7 Q Okay. But at that point for that next year there was
8 not deemed to be a conflict with any investigation involved
9 with him, even though he had worked at the sheriff's
10 office?

11 A No.

12 Q Okay.

13 A I -- I didn't see anything that I thought. I did not
14 know Ronnie Parris, and his connection with Brandon
15 Blackwood did not affect how I was handling the case.

16 Q Tell me about the day that you did meet with Mr.
17 Blackwood. Did he come alone?

18 A No. He came with his grandfather. I don't know who
19 drove. I didn't see them pull up, but when he came back to
20 our conference room his grandfather stayed in the lobby.

21 Q And who met with him in the conference room?

22 A It was me, Detective Tommy Clark and Detective Andy
23 Lawson.

24 Q And when you started talking with him about the
25 testimony, what were you basing that off of? Was that

1 based off his original statement?

2 A Yes, and previous conversations I'd had with him,
3 just, which I started the conversation just by asking to go
4 through the story as we had been over it before, and he
5 did. He essentially told me the same thing that we had
6 talked about in previous meetings.

7 And then I shifted to asking questions that I would
8 anticipate you asking if we were going to go to trial. And
9 that's when things began to change a little bit.

10 Q What was his demeanor? How did he act to you?

11 A Apathetic. I was -- I became frustrated because it
12 didn't seem like he was taking it seriously that he was
13 testifying next week against somebody on a murder charge
14 and that he, you know, assuming his story was correct, was
15 a witness to it and had gone through obviously a traumatic
16 event. He did not seem to -- what I would have -- be
17 appropriate affect for the seriousness of the situation.

18 Q And, in fact --

19 A Lethargic. His hair was disheveled and greasy.
20 Yawning a lot initially before things got a little bit more
21 confrontational. But initially just looked like he would
22 rather be a lot of other places than talking with me.

23 Q And at that point had you had conversations with him
24 before and had he had a similar affect?

25 A This was a little bit different than previous.

1 Q I'm sorry?

2 A Yeah. Just sloppier in appearance.

3 Q At this point, this was about a year, is that right,
4 after the incident occurred?

5 A Yeah, about a year and a month, I guess.

6 Q Okay. And Mr. Blackwood up until that point had told
7 you a fairly consistent story, is that right?

8 A He had. I know you've seen his written statements.
9 There were periods always in his statement where he went in
10 and out of consciousness or fell asleep, whichever one.
11 But the parts that he remembered had stayed consistent.

12 Q And, in fact, there was some incredible detail in some
13 of the stories he provided, right?

14 A He did -- he remembered specific conversations between
15 individuals at the different locations that they were in in
16 Cowpens and Pacolet.

17 Q Even kind of put them in quotes to distinguish them?

18 A Yes, that -- yes, direct quotes.

19 Q So on the day that you were meeting with him at this
20 point, you said you began to get concerned because of his
21 attitude or because of how he was handling himself.

22 what -- how -- how did you begin to speak with him?

23 A Well, one concern I had always had and that I
24 obviously knew that the defense would ask about would be
25 the 3-day delay between the incident and his reporting it.

1 And so I just asked him why, or I said when did you
2 remember that this incident happened, because in his
3 written statement and in previous statements to me he said
4 he remembered when the police came to talk to him on the
5 29th. And so I asked him, and he told me the same thing,
6 that he remembered the day that the police came to talk to
7 him on the 29th.

8 And I said just confronting him, "That sounds like you
9 made a story up when the police caught up with you." He
10 denied that. And then he changed his story and said that
11 he remembered being in the car that hit Mr. Tessnear the
12 next morning, the morning after it had happened, is when he
13 became aware that he had been involved in this collision.

14 Q And that would be the morning of December 28th or the
15 27th after it happened.

16 A Yeah. I know it happened in the early morning hours,
17 yeah, but, basically, the -- the next morning from when all
18 of the incidents occurred the previous day.

19 I then asked him, you know, why he didn't tell the
20 police. Just going further down that line of questioning,
21 the same questions, I thought you would probably ask
22 would -- you know, then why didn't you tell the police at
23 the point that you became aware. He said he was -- because
24 he was scared. And I said scared of what. He said that he
25 was scared of going to jail.

1 And I asked him what about the story that you have
2 told me today would make you think that you're going to
3 jail. The story that you told me from day one, you've
4 never been arrested for it, you know, why would you think
5 you're going to jail. He said he didn't know.

6 I -- I even pointed out, you know, your grandfather is
7 retired law enforcement, you could talk with him, you know,
8 maybe he could explain the roles of guilt or criminal
9 responsibility. At that point he told me that he was
10 scared of the defendant.

11 Q And let me stop you right there.

12 A Sure.

13 Q Was that the first time he had ever mentioned that?

14 A Yes.

15 Q Okay.

16 A When -- she was incarcerated at the time, but, I mean.

17 Q So she -- she was -- he was saying she was scared, but
18 she had been in jail this whole time.

19 A Yes.

20 Q Did his demeanor change at any point as you started
21 conversing with him at that point?

22 A It did. I've never -- truly, I've never seen anybody
23 really act like kind of what this was, but I also -- I'm
24 not a police officer who actually goes out and -- although
25 we do investigate cases somewhat, I'm usually not dealing

1 with people shortly after an incident's happened trying to
2 get to the bottom of it. I'm taking work that the police
3 officer's done and trying to present it. But he started, I
4 call it, burping or something. He started having, like,
5 physical manifestations that something was like coming out
6 of him. He was coughing and just it seemed like he was in
7 great distress, what I would say.

8 Q Okay. During this conversation with him were you
9 yelling at him?

10 A I did yell at him at a certain point.

11 Q Was this at the beginning or was this at a point that
12 you felt that he was being untruthful?

13 A At the point of him being untruthful. It was -- and
14 I'll -- to put context into it, I would say it was like an
15 exasperated what's-happening type of yelling, not a -- not
16 yelling at him to say anything specific. But we've been
17 over this multiple times before. Why -- why are you, I
18 mean, there's more -- we went, had a little bit further
19 discussion with more details coming up. But why are you
20 struggling on the most basic details of a story that we've
21 been over multiple times when, you know, the reality of it
22 is the following Monday I was presenting this case in front
23 of a jury potentially. And so it was more frustration and
24 just exasperation of what was happening rather than yelling
25 at him to do a specific thing or to say a specific thing.

Spenser Holloran Smith
Direct examination by Ms. White

1 Q At that point he was the only witness you had to place
2 Ms. Wright in the truck or doing anything with the truck
3 that night to kill Mr. Tessnear.

4 A Yeah. At the time of the collision there are -- were
5 other witnesses that would place her in that truck
6 throughout the night driving it too.

7 Q Hours before but not at the time of the collision.

8 A Yes. There's no -- as far as I'm aware there's no eye
9 witnesses other than those two.

10 Q So when Mr. Blackwood began doing this physical kind
11 of manifestation, coughing, burping, looking as if he was,
12 I guess, getting sick, what -- what was your response to
13 that?

14 A I'll look at my notes. Well, so the initial thing was
15 about the delay. And then I asked him about a couple of
16 other things that I knew that I could prove or I knew
17 objectively to be true but that he may not because he's not
18 reviewed the file.

19 I asked him about speaking with the Padgetts who I
20 think have testified earlier. And I don't know how much
21 that's gone into at the trial here. But if he'd ever had a
22 conversation with the Padgetts. He denied that he had. I
23 don't -- I mean a conversation with the Padgetts after the
24 incident. He denied that he had.

25 I showed him the written statement from, I think, Amy

1 Padgett talking about a very long conversation that they
2 had at the gas station.

3 At that point he did -- he said that he did remember
4 that conversation. And I asked him if he'd spoken to
5 Angelita after the incident had happened, and he denied
6 that.

7 I had text messages between, I think, both of them,
8 that they had had communication. I asked him about that,
9 and he said that the investigators told him to do that.
10 And Detective Clark and I asked him what investigator,
11 because I believe it wasn't Tommy that told him to do that.
12 And he said that it was Chief Makupson who was the chief of
13 police for Cowpens at the time this incident happened that
14 had told him to do that.

15 So at that point Tommy Clark stepped out to go call
16 Chief Makupson to verify if he had, in fact, instructed him
17 to test -- to text Angelita during some sort of
18 interrogation or interview with Mr. Blackwood.

19 while he's making that call I stayed inside with Andy
20 and continued to talk with Mr. Blackwood -- Andy Lawson,
21 the other investigator who -- and -- and Andy has no
22 connection with this case other than he came with Tommy as
23 a witness, is basically. He didn't have any involvement in
24 any of the investigation, knew very, very little.

25 I continued to talk with him. He continued to have

1 these burping things almost to the point where he went --
2 there was a trash can behind his seat. Almost like he was
3 going to vomit in that. And he said that he felt like he
4 was about to go to jail. And -- and Andy said something
5 about, you know, I don't know much about this case but I --
6 from what you're saying and what I'm seeing right now it
7 seems like that could be a thing that happens.

8 At that point I stepped outside my office and went and
9 found Tommy, who was calling Chief Makupson. And I
10 suggested to him that I did not know exactly what was
11 happening in the room but I had very strange feelings and
12 that I thought that he should go in there and Mirandize him
13 and treat it like day one and go after him either that he
14 did it or was a coconspirator like a defendant in the case.

15 And I then removed myself from the office. I went
16 down the hall three offices to Jennifer Jordan's office.
17 And I actually told her that I thought that he was about to
18 confess.

19 Q Okay. And during that time you said you yelled kind
20 of an exasperated way. Did you come to him and get in his
21 face and, you know, shake -- shake the table at him?

22 A I'll describe the conference -- the conference room in
23 the solicitor's office is kind of like these two tables in
24 front of the defense and the prosecution pushed together
25 with chairs all around it, probably about that length.

1 And he was sitting -- and there's two on the end.
2 Tommy was on the end. I was on one side and Brandon was on
3 the other side. And it's a wide enough table. I was not
4 in his face.

5 Q So the table was between you about at least three feet
6 probably.

7 A Yeah. He was closer to Tommy.

8 Q Okay. And at any point did you coerce him into
9 changing his statement?

10 A No.

11 Q Did you threaten him?

12 A No. Well, he didn't actually change his statement
13 until I was -- I was gone. But I did not threaten him.

14 Q Okay. And while you were outside of the room -- or
15 let me back up.

16 From your interactions with Tommy Clark, Investigator
17 Clark, do you -- had you seen him doing any kind of
18 coercion with him or Investigator Lawson during any of
19 their meetings?

20 A No. I would say, truthfully, that I was angrier and
21 raised my voice and possibly even used some profanity at
22 him much more than Tommy did.

23 Andy, like I said, did not really know much. He's
24 just kind of a witness in case he's needed. He didn't say
25 much at all other than he's kind of a -- a good old boy

1 type guy. And he did do some encouraging -- you know, the
2 truth, you need to let it out, man, because he could tell
3 something was occurring, I think.

4 Q And Mr. Blackwood wasn't in custody at this point?

5 A No. He had not been arrested for this. He'd come
6 voluntarily. He was subpoenaed to be there the next week,
7 but that doesn't obligate him to talk to me.

8 Q And while you were in Ms. Jordan's office, three
9 offices down, did you hear anything that concerned you that
10 made you think that there was any kind of coercion or
11 threatening of him?

12 A No. I couldn't hear anything.

13 Q Okay.

14 MS. WHITE: One brief moment, Your Honor.

15 (Pause.)

16 Q That's all we have at this time, Your Honor.

17 MS. ALBEE: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MS. ALBEE

20 Q Mr. Smith, you said that you met with Brandon
21 Blackwood before this January of 2017 meeting, right?

22 A At least one time that I remember.

23 Q And during that meeting his story was consistent in
24 him staying with the original statement that he gave,
25 correct?

Spenser Holloran Smith
Cross-examination by Ms. Albee

- 1 A It was.
- 2 Q And it wasn't until this January of 2017 meeting that
- 3 his story changed, is that right?
- 4 A Yeah. This was the first sign of any real wavering.
- 5 Q And in that room was you, right?
- 6 A That's correct.
- 7 Q Brandon.
- 8 A Correct.
- 9 Q Investigator Clark.
- 10 A Correct.
- 11 Q And then Investigator Lawson, right?
- 12 A Yeah. I didn't put him in the seat. He was on the
- 13 other side of Brandon.
- 14 Q And you said that he came in and he looked different
- 15 than he had before, right?
- 16 A I would say so.
- 17 Q And I believe -- I believe you described him as being
- 18 apathetic, right?
- 19 A Very much.
- 20 Q Lethargic.
- 21 A Yes.
- 22 Q Disheveled.
- 23 A Yes.
- 24 Q And he was yawning.
- 25 A Yes.

1 Q And then you said that some things changed and he
2 started coughing, right?

3 A He did.

4 Q And that he looked as if he was in great distress.

5 A Yes. He was.

6 Q And you even described him as something you had never
7 seen before, right?

8 A Yeah. I've not seen it since.

9 Q And you said at one point in time he reached to grab
10 maybe the trash can for vomiting, right?

11 A Yes.

12 Q And you said that it was at this point in the meeting
13 that you kind of switched your style of speaking with him,
14 right?

15 A Well, I would say that the apathy and the general lack
16 of desire to be there started from the get-go.

17 The more burp, that stuff, I don't know what it was.
18 Gastrointestinal issues happened when I started pressing
19 him about the story.

20 when he -- when he initially told the story -- because
21 he started with him just telling the story to me one time
22 through and me not asking any questions, just letting him
23 say it out.

24 It -- he was very disinterested while he told it to
25 me, but he told it to me fine. It was just really -- it

1 was really hard to describe. He just seemed like he did
2 not want to be there and didn't really care at all about
3 what happened.

4 Q Okay. So when you're just letting him tell the story,
5 that's when he's apathetic and just doesn't really seem to
6 care, right?

7 A Yes.

8 Q And then his demeanor changes when you start being
9 more confrontational with him, right?

10 A Yes. That's when the nervousness and whatever,
11 anxiety, started manifesting, I thought.

12 Q And when you were doing that you were preparing like a
13 cross-examination, right?

14 A Yes.

15 Q Were you using leading questions?

16 A I don't know. I wasn't necessarily cross-examining.
17 It was just touching -- I mean, it was really, was that.

18 I asked him why did it take you two days or three
19 days, whatever, to tell the authorities, because I -- I
20 knew that question was coming. I mean, there's no way that
21 he's going to get by without getting asked that. And that
22 was kind of where things started falling apart and new
23 details got added that I had never heard of and Detective
24 Clark had never heard of.

25 Q And that's when you told us that that's when he said

1 that he was scared, right?

2 A Yes. He said that he was scared first of going to
3 jail and then of the defendant.

4 Q Okay. So two different things he says he's scared of,
5 right?

6 A Yes.

7 Q The first is going to jail, right?

8 A Yes.

9 Q And in all of his previous stories he said that he was
10 with Angelita in the car when she ran -- ran Brent Tessnear
11 over, right?

12 A Yes.

13 Q And you know people can be prosecuted for that, don't
14 you?

15 A For -- well, I mean.

16 Q I believe you even said possibly a coconspirator. And
17 you've used that word.

18 A Yeah. I mean, I think objectively when -- you know,
19 say, there are two people inside of the car, it's certainly
20 possible that a passenger could be charged depending on
21 what conversations and things happened prior to.

22 There's also a factual situation in which, you know,
23 being in the car when somebody decides to run over somebody
24 would not make you anything more than just a witness, wrong
25 place, wrong time.

1 So it -- it would depend on the facts. And obviously
2 the facts are only known between the people that were in
3 the car.

4 Q But it's possible.

5 A It's possible.

6 Q And so aside from saying he was scared of jail, he
7 also said he was scared of the defendant, right?

8 A He did.

9 Q And at this point in time you decided to step out,
10 didn't you?

11 A I asked a couple -- after -- after him saying he's
12 scared, I asked the question about the meeting with the
13 Padgetts and communicating with Angelita via text. And
14 then I stepped out.

15 Q And during this time, those questions, is this the
16 exasperated yelling that you're doing?

17 A I mean, to be honest, I'll tell you what I said.

18 It was basically can you act like somebody got run
19 over and is dead and that next week we're going, you know,
20 to try her for murder for doing what she did and that you
21 are a witness to the -- you know, can you just act like
22 this is what it actually is, a very, very, very serious
23 situation. And it was -- it was exasperation at how he was
24 just coming apart, was what it was.

25 Q And then after that you left, right?

Spenser Holloran Smith
Redirect examination by Ms. White

1 A Yeah. I -- I walked outside and I spoke with Tommy.
2 And I said that I thought he should Mirandize him and
3 question him.

4 Q And you didn't go back into the conference room, did
5 you?

6 A Not -- not while he was there. He -- I walked down,
7 and it was like 15 minutes later. And Tommy came out and
8 said that he had confessed. And then he -- he was taken
9 out of the back.

10 Q And you have no personal knowledge as to what was said
11 during that 15 minutes, right?

12 A No. I couldn't -- I didn't hear anything and I wasn't
13 looking in or anything like that. It's 20 -- 20 feet or so
14 down the hall. Something like that.

15 MS. ALBEE: I have no further questions, Your Honor.

16 THE COURT: Anything at all?

17 MS. WHITE: Just briefly, Your Honor.

18 REDIRECT EXAMINATION

19 BY MS. WHITE

20 Q Is it fair to say that the way Mr. Blackwood was
21 presenting himself to you was these, any details, changes
22 in stories that he appeared less than credible?

23 A I was -- I mean, when I'm saying I was exasperated
24 it's because, you know, as she pointed out, is the only
25 witness that we have, and as far as the actual incident

1 itself. And, you know, he's -- was struggling with the
2 most basic details. And I knew that, you know, when you go
3 to trial you get asked questions by the other side. I was
4 very worried about what was going to happen next week. And
5 then, obviously, it changes when he confessed. But, yeah,
6 I was very worried about -- I was confused. I mean,
7 honestly, I was very confused as to what was happening.

8 Q And in regards to him possibly being charged, he had
9 acknowledged being in the car with Ms. Wright for over a
10 year and had not faced any charges, is that right?

11 A That's correct.

12 Q Okay.

13 MS. WHITE: I think that's all I have at this time.

14 THE COURT: Anything?

15 MS. ALBEE: No, Your Honor.

16 THE COURT: Sir, you may step down. Please be
17 careful.

18 THE WITNESS: Thank you.

19 MS. WHITE: We'd ask that he be released from his
20 subpoena.

21 MR. KOZAK: No objection.

22 THE COURT: You are released from your subpoena.

23 THE WITNESS: Thank you.

24 (Whereupon, the witness was excused.)

25 MS. WHITE: Your Honor, at this time the defense could

Thomas Clark
Direct examination by Ms. White

1 call Investigator Tommy Clark to the stand.

2 THOMAS CLARK, having been
3 previously duly sworn, testified as follows:

4 THE COURT: Investigator, you were previously sworn.
5 You remain under oath.

6 THE WITNESS: Yes, sir.

7 DIRECT EXAMINATION BY MS. WHITE

8 Q Investigator Clark, while we're talking about this I'm
9 going to ask you a few questions about your interview with
10 Brandon on January 5th, 2017.

11 A Yes, ma'am.

12 Q Do you recall that?

13 A Yes, ma'am.

14 Q And when you brought him in he was not in custody, was
15 he?

16 A No, ma'am.

17 Q Okay. And, in fact, tell me what he was there for.

18 A He actually arrived -- if memory serves correct, he
19 was there before I got there.

20 Investigator Lawson was a new investigator to our
21 unit, so I was -- he was shadowing me to -- for training to
22 come to our unit. So we had -- I told him we had court
23 prep so we had to be at the solicitor's office, and that's
24 why we were there. And Brandon and his grandfather and
25 people were already in place when I got there.

Thomas Clark
Direct examination by Ms. White

1 Q Do you recall what time of the day that was?

2 A It was in the early morning, but I don't recall the
3 exact time.

4 Q We're not talking like 6:00 or 7:00, but we're not
5 talking 11:00 or 12:00.

6 A No.

7 Q So somewhere maybe in the 9:00 to 10:00 range?

8 A Yes, ma'am.

9 Q Okay. And had you met with him -- other than when he
10 gave his initial statement, had you met with him or talked
11 with him any time in that intervening year?

12 A Not that I recall.

13 Q Okay. When you sat down, can you describe how you
14 felt his demeanor was?

15 A He was -- his hair was messy. He was disheveled. He
16 at times would yawn and seemed tired.

17 You know, when I had talked to him before it was a
18 different person, seemed like a different person. But he
19 was -- Solicitor Smith was going over his statement with
20 him. And at that point he seemed able to go through the
21 statement with -- with -- over the statement and recounts
22 with Solicitor Smith pretty -- pretty easily.

23 Q So the first -- as you met with him initially he gave
24 his story. It came through fairly accurate or consistent
25 with what he had said before.

Thomas Clark
Direct examination by Ms. White

1 A Yes.

2 Q Okay. At any time prior to this meeting had he
3 indicated to you that he had ingested any kind of drugs or
4 alcohol?

5 A Not that I recall.

6 Q Could you --

7 A I'd -- I would have noted that, but he did not, not
8 that I recall.

9 Q As an investigator if he had smoked weed in the car on
10 the way or at any time -- could you smell any weed on him?

11 A No.

12 Q okay. Could you smell any alcohol?

13 A No.

14 Q okay. As you were talking with him -- Mr. Smith
15 indicated that there were some changes in his -- in his
16 demeanor and his physical manifestations.

17 A Yes, ma'am.

18 Q Did you acknowledge -- did you observe those as well?

19 A As -- as Solicitor Smith did, yes, I did.

20 Q And -- and to you -- you've been practicing or been
21 involved in law enforcement for over 20 years. What was
22 that concerning to you or how did that -- how did that
23 concern you?

24 A Because as Solicitor Smith asked him questions there
25 were some inconsistencies, because he was asking him

Thomas Clark
Direct examination by Ms. White

1 questions that he felt you were going to ask in trial, and
2 he was not answering them as -- there were prior court
3 preps between Solicitor Smith and Brandon that I was not a
4 part of.

5 And so Solicitor Smith had indicated to me that this
6 was not how the prior preps had gone or the prior
7 conferences had gone with him. And Brandon just seemed to
8 become -- you know, as Solicitor Smith said, the coughing
9 and the -- and the -- and then he -- he just became very --
10 I want to -- I would say upset. You could see that there
11 was something wrong with him. I couldn't put my finger on
12 it, but I could -- you could see that there was something
13 going on.

14 Q You were in here when he testified yesterday, weren't
15 you?

16 A Yes.

17 Q Did you see any of those same physical acts of the
18 coughing and the yawning and the burping during his
19 testimony yesterday?

20 A I did not.

21 Q You didn't. As you talked to him did you threaten him
22 in any way to change his story?

23 A No, ma'am.

24 Q Did you coerce him or promise him anything?

25 A No, ma'am.

Thomas Clark
Direct examination by Ms. White

1 Q When investigator -- or excuse me -- when Solicitor
2 Smith left he said he had you go in there to Mirandize him.

3 A I actually left first to go talk to Chief Makupson,
4 call Chief Makupson. And then Solicitor Smith came out
5 after I had been out of the conference room for a few
6 minutes to talk to me. And at that point he asked. His
7 question to me was basically what is going on.

8 Q And at that point what was your thought as a seasoned
9 investigator?

10 A I told him that I wanted to go back and interview him
11 again and I wanted to Mirandize him and reinterview him.

12 Q Okay. And that was based on your concern of what?

13 A The inconsistencies in the cross-examination questions
14 that Solicitor Smith was posing to him.

15 Q That perhaps he was not telling the truth to y'all.

16 A Correct.

17 Q Okay. So when you were in there was Investigator
18 Lawson also in there?

19 A Yes, ma'am.

20 Q And this was during the interview with him when he
21 gave the statement where he ultimately confessed to being
22 the one to drive the vehicle that hit Brent Tessnear.

23 A Yes, ma'am.

24 Q During that interview did you become threatening to
25 him during that part of it?

Thomas Clark
Direct examination by Ms. white

1 A I wasn't threatening. I did raise my voice because I
2 told him, as solicitor Smith did, how important this was
3 and did explain to him the necessity for him to be honest
4 and how important that was.

5 There were also some moments where, you know, there
6 was softer talking and trying to, you know -- you know,
7 let -- just conversation with him. But -- but it was --
8 that was basically the gist of the -- there was no yelling
9 or no -- no threatening of any kind.

10 Q No in your face inches away --

11 A No, ma'am.

12 Q -- pointing --

13 A No, ma'am.

14 Q -- and asking them to tell the truth.

15 A No, ma'am.

16 Q Okay.

17 A I did ask him to tell the truth.

18 Q Okay.

19 A But I was not threatening him.

20 Q Okay. In regards to the talking to him, obviously, we
21 talked during your prior testimony about you even calling
22 him at one point baby trying to kind of be gentle with him,
23 I think, is what you said.

24 A Yes.

25 Q Is that your standard practice?

Thomas Clark
Direct examination by Ms. White

1 A That's the way I was raised. I -- I have two sons
2 that are his age. So I call my sons baby, and I call their
3 friends that come over baby. And if it's a young lady I'll
4 call them sunshine or something like that. It's just
5 because I don't remember a lot of names. So it's just kind
6 of like my standard. And that's how I was raised from my
7 father and my grandfather.

8 Q And is that a way that investigators use to disarm
9 people to make them more comfortable?

10 A Sometimes they will just to make them feel more
11 comfortable and feel more relaxed, yes.

12 Q All right. And did you do any of that during your
13 talk with Mr. Blackwood on the 5th?

14 A I did.

15 Q Okay. How long -- I'm sorry.

16 A No. Go ahead. I'm sorry.

17 Q I was going to say how long did that interview last.

18 A I don't remember the exact. As I testified earlier,
19 that's the one that was recorded that my recorder broke.

20 Q Okay.

21 A I want to say it was around 15 or 20 minutes, but I
22 don't remember the exact timeframe.

23 Q Okay. So we're not -- he wasn't in there for hours
24 without --

25 A No, ma'am, no, ma'am.

Thomas Clark
Direct examination by Ms. White

1 Q Without lunch, without something to drink.

2 A No, ma'am.

3 Q Okay. At that point when you left had you arrested
4 him or charged him with anything at the end of that
5 interview?

6 A No. We asked him to go over to the sheriff's office
7 to give an additional written statement, and he went,
8 agreed to go over to the sheriff's office to give an
9 additional written statement.

10 Q And at that point I think, as we discussed, he added
11 new details in that statement, didn't he?

12 A Yes, ma'am.

13 Q And indicated that it was an accident at one point and
14 he swerved and just suddenly he was on the hood. That was
15 new, you said, during that interview mthat you had never
16 heard that.

17 A That is part of it, yes, ma'am.

18 Q Okay. So there were new details even added hours
19 after this.

20 A Yes, ma'am.

21 Q At that point from your understanding of the
22 investigation he was the main witness to the physical event
23 that led to Mr. Tessnear's death, is that right?

24 A Yes.

25 Q Okay. Y'all didn't have any D.N.A. on the truck?

Thomas Clark
Direct examination by Ms. White

1 A No, ma'am.

2 Q On his truck?

3 A No, ma'am.

4 Q You didn't have any -- any fibers that connected that
5 truck to the death of Mr. Tessnear.

6 A No, ma'am.

7 Q So the only connection of that vehicle to the death of
8 Mr. Tessnear was by Mr. Blackwood's statement, is that
9 right?

10 A Correct.

11 Q Okay.

12 MS. WHITE: One moment please, Your Honor.

13 (Pause.)

14 Q Just for some clarification, Investigator Clark. When
15 you say you Mirandize somebody, can you explain to us what
16 that involves?

17 A We -- we were kinda -- I -- I was caught off guard by
18 this situation. I generally -- I carry, generally carry, a
19 Miranda card in my wallet. I had left my wallet in my car.

20 We have what we call a pre-interrogation waiver form.
21 So I Mirandized him from one of those that we already had
22 in the file. And it just basically goes over his rights,
23 that he has the right to remain silent, that anything he
24 says can be and will be used against him in a court of law.
25 He has the right to talk to an attorney and have one

Thomas Clark
Direct examination by Ms. White

1 present with him while he's being questioned. And at the
2 bottom section it says, you know, he -- waive and give up
3 your rights and agree to talk to me at this time in
4 reference to this case. You've not been threatened or
5 intimidated or anything of that and -- and how far you
6 finished in school and that you're able to read and write
7 the English language.

8 Q And Mr. Blackwood voluntarily signed that?

9 A We didn't have one for him to sign, so I had to read
10 him one.

11 Q Okay.

12 A But he agreed.

13 Q So but orally he agreed --

14 A Yes, ma'am, yes, ma'am.

15 Q -- to that. So during that he orally confessed to
16 being the driver of the vehicle that killed Mr. Tessnear?

17 A Yes, he did.

18 Q And then hours later in his written statement he also
19 confessed to being the driver of the vehicle.

20 A Yes, he did.

21 Q Okay. Thank you.

22 MS. WHITE: That's all I have at this time.

23 MS. ALBEE: Thank you, Your Honor.

24

25

Thomas Clark
Cross-examination by Ms. Albee

1 CROSS-EXAMINATION

2 BY MS. ALBEE

3 Q Investigator Clark, when Brandon Blackwood came to the
4 solicitor's office it was just for what you felt was trial
5 prep, right?

6 A Yes, ma'am.

7 Q And so when he walked in and sat down in a conference
8 room you didn't ask him if he had gotten high before,
9 right?

10 A No, ma'am.

11 Q You didn't ask him if he had been drinking alcohol.

12 A No, ma'am.

13 Q You just sat there and let Spenser start asking his
14 questions, right?

15 A Yes, ma'am.

16 Q And you said that this Brandon Blackwood that came in
17 was a different person than you had seen before, right?

18 A Yes.

19 Q You said that he looked disheveled, right?

20 A Yes.

21 Q Sorry?

22 A Yes.

23 Q I think I spoke over you. I'm sorry.

24 A Yes, ma'am.

25 Q And that he also was yawning throughout it.

Thomas Clark
Cross-examination by Ms. Albee

1 A Yes, ma'am.

2 Q Pretty apathetic, right?

3 A Yes, ma'am.

4 Q And you said that Spenser was there to do court prep,
5 right?

6 A Yes, ma'am.

7 Q And I believe he even said he was there to ask some
8 cross-examination questions, right?

9 A Yes.

10 Q To prepare for Angelita Wright's trial that was
11 supposed to start just a week later.

12 A Yes.

13 Q And then when the more confrontational questions came
14 out, this is when his demeanor changed again, right?

15 A Yes.

16 Q And did you observe this burping that was going on?

17 A Yes.

18 Q And at one point you left, right?

19 A Yes.

20 Q And then it was shortly after that that Spenser left,
21 right?

22 A Yes.

23 Q And he came and met with you.

24 A Yes.

25 Q And he asked you to go in and Mirandize Brandon,

Thomas Clark
Cross-examination by Ms. Albee

1 right?

2 A It was -- he asked me if -- he -- it was my -- he
3 asked me what -- what we should do. And I -- that's when I
4 told him I wanted to go back in and Mirandize him and I
5 wanted to interview him.

6 Q Okay. So you Mirandized him, right?

7 A Yes, ma'am.

8 Q Now, at this point Spenser hasn't come back into
9 the -- into the conference room, right?

10 A No, ma'am. He does not.

11 Q It's you.

12 A Yes, ma'am.

13 Q Investigator Lawson.

14 A Yes, ma'am.

15 Q And Brandon Blackwood.

16 A Yes, ma'am.

17 Q And you're in that conference room about 15 minutes,
18 right?

19 A Yes, ma'am.

20 Q And during that 15 minutes is when Brandon Blackwood,
21 you said, confessed, right?

22 A Yes, ma'am.

23 Q And you said that during that 15 minutes you had to
24 raise your voice at some point, right?

25 A Yes.

Thomas Clark
Cross-examination by Ms. Albee

1 Q And you were frustrated with him not taking it
2 seriously, right?

3 A Yes.

4 Q And then you also said there was some softer talking
5 as well, right?

6 A Yes.

7 Q Now, this confession -- this is the one we don't have
8 the recording of, right?

9 A Correct.

10 Q Okay. So this is the one that you thought you were
11 recording but we don't have it to listen to today.

12 A The recorder broke.

13 Q And then after this you took him to the police
14 station, right?

15 A Yes.

16 Q Was he in handcuffs at that time?

17 A I do not recall.

18 Q You led him out the back of the solicitor's office,
19 right?

20 A Yes, we did.

21 Q He didn't leave through the front, right?

22 A Correct.

23 Q He didn't ride with his grandfather to the police
24 station.

25 A No.

Thomas Clark
Cross-examination by Ms. Albee

- 1 Q Right?
- 2 A No.
- 3 Q He rode with you.
- 4 A Yes.
- 5 Q And then it was there that you had him write his
- 6 statement, correct?
- 7 A Yes.
- 8 Q And when you had him write his statement you did
- 9 record this one, right?
- 10 A It's video and audio recorded.
- 11 Q And you've been in law enforcement for 20-ish years?
- 12 A Just over 20 years.
- 13 Q And how long have you been an investigator?
- 14 A A month shy of 15 and a half years.
- 15 Q And being an investigator you go through different
- 16 types of training schools or classes, right?
- 17 A Yes.
- 18 Q And some of these are on interrogation tactics, right?
- 19 A Yes.
- 20 Q And you know that there are some interrogation tactics
- 21 where you're aggressive with whoever the suspect is, right?
- 22 A Correct.
- 23 Q And this is the fist-banging on the table, right?
- 24 A Yes.
- 25 Q The raising of the voice.

Thomas Clark
Cross-examination by Ms. Albee

1 A Yes.

2 Q But there's also another type, right?

3 A Yes.

4 Q And it's to build rapport with the suspect, right?

5 A Yes.

6 Q To have maybe softer talking.

7 A Yes.

8 Q And to have some sort of rapport built with him,
9 right?

10 A Yes.

11 Q And make them think that y'all are on the same team,
12 right?

13 A Yes.

14 Q And this could be calm words like baby, right?

15 A Yes.

16 Q And you were using -- or you were speaking with
17 Brandon in a softer tone, right?

18 A Yes.

19 Q And you were calling him phrases like baby, right?

20 A Right.

21 Q And throughout the time of him writing his statement
22 you came in and out of that room a couple of times, right?

23 A Yes.

24 Q And you were reading his statement as he wrote it,
25 correct?

Thomas Clark
Cross-examination by Ms. Albee

1 A Yes.

2 Q Okay. And if you left something out, you went in and
3 you told him what he needed to add back in that statement,
4 right?

5 A I told him -- I would tell him that he needed to tell
6 the truth as to what he told me earlier.

7 Q Okay. And that's the earlier conversation that we
8 don't have the recording of any more.

9 A Correct.

10 MS. ALBEE: Your Honor, I have no further questions.

11 THE COURT: Anything at all?

12 MS. WHITE: Nothing on -- on redirect, Your Honor.

13 THE COURT: Sir, you may step down. Please be
14 careful.

15 MS. WHITE: Your Honor, if we can approach about time.

16 (Bench conference held off the record in the presence
17 of the jury but out of the hearing of the jury.)

18 THE COURT: Madam Forelady, ladies and gentlemen, I
19 conferred with the lawyers about time. We're looking at
20 the clock here. We've got some folks who are witnesses to
21 be here, and one or two of them are coming from Greenville
22 and some other places. They're going to be here about
23 1:30.

24 So with that we're going to break until 1:45. And
25 that way that will get them here and them get set up

1 without you having to waste any time. So we're going to
2 reconvene at 1:45. So that's a good long lunch hour
3 today -- 1:45. All right. Don't talk about the case.

4 Once again, we have the media with us, and we're
5 always glad to have the media with us. But I use that to
6 remind you please don't watch any news account, read
7 anything about this case, listen to anything or likewise.
8 Just it's -- it's important that you not do that. Okay.
9 Don't talk about the case.

10 Madam Forelady, take the jury out for lunch.

11 (The following takes place outside the presence of the
12 jury.)

13 THE COURT: Anything from the state?

14 MR. KOZAK: Nothing from the state.

15 THE COURT: From the defense?

16 MS. WHITE: Nothing, Your Honor.

17 THE COURT: Okay. We'll be in recess until 1:45.

18 Anybody needs me, you know where I'll be.

19 (Whereupon, a recess was taken.)

20 MR. WHELCHER: Your Honor, we have a matter of law
21 that needs to be taken up at this time outside the presence
22 of the jury.

23 We have a proffer that I think we need to try, we need
24 to inform the Court of and take it from there, Your Honor.

25 THE COURT: Okay. Is it something we need to talk

1 about?

2 MR. WHELCHER: I don't know if you want -- if you want
3 us all to talk about it or if you want me to put it on the
4 record. I mean, it doesn't -- I don't mind either way.

5 THE COURT: Let me see the lawyers and see what we've
6 got.

7 (Bench conference held off the record.)

8 THE COURT: Mr. Whelcher.

9 MR. WHELCHER: Your Honor, Brandon Blackwood in his
10 testimony earlier during this trial claimed that he was
11 coerced by, I believe, Investigator Clark and Solicitor
12 Smith.

13 At the conclusion of his testimony I approached
14 Attorney General Albee and asked her if that was the first
15 time that they had heard him claim that he was coerced by
16 those two individuals. Of course that's the first time
17 they had -- she had heard those words coming from him, and
18 she told me or indicated that it was.

19 Based on my understanding of his testimony and the
20 fact that that is entirely different from what -- what has
21 been told to them prior to that, we would seek to use them
22 or to call Ms. Albee and/or Mr. Kozak -- I haven't talked
23 to him specifically about this -- as potential witnesses in
24 this case to impeach Mr. Blackwood.

25 And I want to make it clear, Your Honor. I am not

1 claiming in any way, shape or form that Mr. Kozak or
2 Ms. Albee have done anything unethical or wrong or any of
3 the bad words like that. I've known them both for years,
4 and good friends.

5 But as counsel for my client when that particular
6 witness gets on the stand and all of a sudden says -- in
7 particular reference to Investigator Clark and the
8 solicitor who was prosecuting the case at the time that
9 they coerced him, I think we need to be able as counsel for
10 my client, our client, to explore that avenue and to
11 impeach his testimony with their testimony. And that would
12 be my proffer, Your Honor.

13 MS. ALBEE: Thank you, Your Honor.

14 Obviously, we oppose being witnesses in our own trial
15 considering we are representing the state, so then become
16 witnesses. Obviously, it poses some sort of
17 disqualification that we would be in at that time.

18 Aside from just opposing us being witnesses, Your
19 Honor, there is, in fact, a disc that was turned over to
20 the defense in discovery, is the polygraph that Brandon
21 Blackwood, with him, with Lieutenant Woodcock.

22 Ms. White for the defense counsel actually played
23 portions of that to impeach Brandon Blackwood while he was
24 on the stand.

25 During that video he specifically had asked why he

1 would have said that he did it if he didn't do it. But
2 first, Your Honor, polygraph examinations, he states that
3 he was not driving. So the -- the investigator there
4 specifically asked them why he would change his story then.

5 At that point he goes into describing being coerced,
6 even stating that he would have said whatever they wanted
7 him to at that point in time, referring to the
8 investigators taking his confession or what was perceived
9 to be his confession at that time.

10 So that information was, in fact, turned over to the
11 defense. In my discussion with Mr. Whelchel, came over as
12 we knew he was going to say that. And I said what,
13 coercion, and he said yes. And I thought he was
14 specifically talking about the word coercion. That's not a
15 word that I've heard Brandon Blackwood use before. It
16 doesn't sound very germane to the language that he uses.
17 So I laughed and said no.

18 And then we also even spoke about another word that he
19 used that didn't seem very natural to his language. So as
20 far as that goes, that's what that conversation was in
21 reference to.

22 However, there is that disc that was in their
23 possession that was turned over throughout this -- or
24 throughout the course of this investigation, Your Honor,
25 where we does state that he did feel that they were -- and

1 I'm paraphrasing at this point -- but somewhat attacking
2 and that he would have said whatever the investigators
3 wanted him to at that point in time. And that is in their
4 possession.

5 Therefore, we contend they had that prior to the
6 cross-examination of Brandon Blackwood. They chose not to
7 go into it at that point in time.

8 Your Honor, it would be improper for us to be
9 witnesses in our trial for that specific purpose since they
10 did have that information prior to Mr. Blackwood
11 testifying.

12 THE COURT: Anything?

13 MR. WHELCHER: No, sir.

14 THE COURT: I'm not going to -- I'm not going to allow
15 the lawyers to be called as witnesses and that would --
16 to -- to impeach him.

17 That may well cause a mistrial, which would be drastic
18 in nature in this -- in this trial. It would also be
19 cumulative because without objection, and actually with the
20 consent, it's been stipulated to the audio and the video
21 and all of the phone records that have already been put in.

22 So there's already ample evidence for which to impeach
23 that particular witness. He himself -- and we're outside
24 the presence of the jury -- but he himself made several
25 conflicting comments and statements, as well as solicitor

Tom Slovenski
Direct examination by Ms. White

1 Smith when he was on the stand earlier also offered up
2 conflicting statements that he gave along with Investigator
3 Tom Clark.

4 So you're protected on the record, but it's denied.

5 MR. WHELCHER: Thank you, Your Honor.

6 THE COURT: Thank you.

7 Anything further?

8 MS. ALBEE: Nothing from the state, Your Honor.

9 THE COURT: We'll have the jury.

10 (The following takes place in the presence of the
11 jury.)

12 THE COURT: Madam Forelady, jury ready to go?

13 THE FOREPERSON: Yes, sir.

14 THE COURT: All right. Yes, ma'am.

15 MS. WHITE: Thank you. May it please the Court.

16 The Court the defense could call Tom Slovenski to the
17 stand.

18 TOM SLOVENSKI, having been
19 first duly sworn, testified as follows:

20 THE COURT: Sir, once you're situated there if you'll
21 adjust that microphone, tell your -- tell us your name, and
22 spell your last name for my court reporter, please.

23 THE WITNESS: Sure. It's Tom Slovenski,
24 S-L-O-V-E-N-S-K-I.

25 THE COURT: Thank you.

Tom Slovenski
Direct examination by Ms. White

1 MS. WHITE: Thank you, Your Honor.

2 DIRECT EXAMINATION BY MS. WHITE

3 Q Mr. Slovenski, I want to start off by asking you a
4 little bit about your background. Tell me what you do
5 right now for a living.

6 A I am a SLED licensed digital forensics examiner.

7 Q And what does that encompass?

8 A I specialize in mobile phone forensics and cell tower
9 acquisitions, the reading of the C.D.R.s and the
10 interpretation and analyzation of them in court testifying.

11 Q Okay. Tell me a little bit about your educational
12 background if you wouldn't mind.

13 A I'm a graduate from Bob Jones University, 1986. I was
14 a police officer for 15 years. I went through the academy
15 in Columbia. I was also a police officer in Midlothian,
16 Texas, right below Dallas. I did 15 years as a police
17 officer, retired out and then started my own company.

18 Q And how long have you been doing that?

19 A For cellular forensics, I've been doing that ten
20 years. Before that I was a private investigator for five.

21 Q Okay. And what kind of training do you do to learn
22 how to do the cellular forensics and the cell tower
23 mapping?

24 A Yes, ma'am. In 2007 mobile forensics, as we call it,
25 was just making a start, a head way. The federal agencies

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1 were doing it, but a lot of the smaller police agencies
2 were not. And I noted of no one in South Carolina that was
3 doing mobile phone forensics.

4 So I went up to Purdue University on my own dime and
5 learned from one of the premiere trainers, Dr. Richard
6 Misslin of Purdue University. And I was taught mobile
7 forensics, the basics.

8 Back then it's not as pronounced as it is now. So we
9 were just learning from scratch.

10 And from there I learned it on my own. I produced my
11 own course in it, certification course, and certified
12 officers in the state. I was the very first private entity
13 in South Carolina to bring mobile forensics to this state.

14 Q I imagine as the years go by and technology increases
15 you have to continue to do training, is that right?

16 A Yes, ma'am. In 2009 we started to get inquiries, not
17 just from private or defense counsel or -- or the
18 prosecution but from police agencies and other attorneys as
19 to cell towers and how to interpret the records.

20 At that time I went to Minnesota and was trained by
21 Brent Bailey who was a premier trainer at that time and
22 then got recertified in 2011.

23 And then last year I was certified as a -- as a
24 subject matter expert by the Zetx Corporation in their
25 program, which I will show you, and also in cell tower

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1 records, analysis and mapping.

2 Q And is that -- you referenced a program that you're
3 going to show us. Is that a software tool that you use?

4 A Yes, ma'am. The program that I'm going to show the
5 Court and the jury and the judge is one that's called Trax,
6 T-R-A-X. It's produced by the Zetx Corporation out of
7 Arizona.

8 The Zetx Corporation was founded by also a retired
9 police officer who worked with the marshals and A.T.F. and
10 developed his own mapping program.

11 It's very -- how should I say? It's very complicated
12 if you don't know what you're doing, but it is also very
13 easy to present for settings such as this. And it is very,
14 very accurate.

15 Q Okay. Tell me about what kind of licensing you have,
16 or certifications.

17 A Yes, ma'am. In South Carolina to be a forensics
18 examiner, a private one, you have to be licensed by SLED.
19 That or you have to be a police officer. They have said
20 anyone else, that does not count. So I've been licensed
21 with them since 2002. I was a certified police officer. I
22 was certified S.R.O.

23 And then on the forensics side I've been certified as
24 a mobile forensic examiner. Also, been certified as a cell
25 tower records analyst and examiner. And also I trained in

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1 it. I've trained literally hundreds and hundreds of police
2 officers throughout the world.

3 Q What areas or what facilities or groups have you
4 provided training for?

5 A I recently provided training for the circuit court
6 judges at the annual South Carolina Bar Conference. This
7 one was held in Greenville. And I presented there.

8 I've also traveled around the state and presented
9 training in cell tower forensics and mobile phone forensics
10 to numerous public defender agencies.

11 I used to work with the state department and was with
12 them for a couple of years and traveled abroad and taught
13 mobile forensics to foreign allied police departments.

14 Q Have you developed any course work or any kind of
15 programs, I guess, that would help others even if you
16 weren't there?

17 A Yes, ma'am. I've also for the South Carolina Bar
18 produced eight training videos that were used on their own
19 demand network of training.

20 I've also taught in other conferences, other
21 attorney-judge conferences, as well as wrote a book, the
22 very first one for police officers, back in 2013 called
23 "Cellular Forensics for First Responders."

24 It's published on Amazon. And we have sold hundreds
25 of those, and even they have been used abroad. It's used

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1 presently for a D.O.J. training. And we're quite proud of
2 it.

3 Q And that's department of justice, is that right?

4 A Yes, ma'am. I'm sorry.

5 Q Just to clarify.

6 A Yes, ma'am.

7 Q In addition to that, any other additional publications
8 or programs you've been involved with that you think are
9 important to know?

10 A Yes, ma'am. I've written 14 different articles on
11 mobile forensics, which are published on my website.

12 I've also, like I said, have produced my own
13 certification program, which I utilized. I've taught
14 throughout the United States police officers on mobile
15 forensics. And that's pretty much the extent of it.

16 Q Now, have you testified for defense or prosecutors
17 prior to today?

18 A Yes, ma'am, I have.

19 Q Have you been qualified as an expert in the circuit
20 court?

21 A Yes, ma'am, I have.

22 Q And is that here in South Carolina?

23 A Yes, ma'am, I have.

24 Q And have you worked for both sides of the fence, I
25 guess?

Tom Slovenski
Direct examination by Ms. White

1 A Yes, ma'am, I have.

2 Q Okay.

3 MS. WHITE: Your Honor, at this time the defense would
4 move to qualify Mr. Slovenski as an expert in cell phone
5 forensics and cell tower mapping.

6 MR. KOZAK: No objection from the state.

7 THE COURT: Ladies and gentlemen of the jury, this
8 witness is now qualified as an expert in cell phone
9 forensics and cell phone mapping.

10 Once again, normally a person cannot give an opinion
11 unless they have been qualified as an expert by education,
12 training or experience. This, again, does not mean you
13 must accept his opinions. You must give whatever weight
14 you deem appropriate to his opinion.

15 Yes, ma'am.

16 MS. WHITE: Thank you, Your Honor.

17 Q Mr. Slovenski, I know that you have some information
18 that you have produced that is on a computer. We can start
19 that up I think.

20 You also indicated you wanted a white board. Do you
21 need us to set that up for you now?

22 A No, ma'am, not at this time.

23 Q All right. It may take a minute to warm up.

24 A That's fine.

25 Q We didn't have it on earlier, so. While that's

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1 warming up I am going to grab. I believe we see some
2 lights coming up there.

3 MS. WHITE: Can we cut off some lights in the
4 courtroom, Your Honor to -- I think it's a little -- can
5 everybody see that fairly clearly on the jury?

6 Okay. Definitely can see it now.

7 A Okay.

8 Q Just to kind of give us an idea, Mr. Slovenski, tell
9 us a little bit about what we're looking at, just this
10 screen.

11 A Sure. Okay. This is google earth, and on it we are
12 imposing the cell tower records of a particular device.
13 Those records -- if I may show what they look like.

14 Q Certainly.

15 A Okay. Y'all just hang with me.

16 Q And tell us how you received these records.

17 A Yes. I received these records through your office,
18 which I was told came straight from the prosecution.

19 what you'll see up here, this is a T-mobile C.D.R.
20 C.D.R. means call detail record. It's not billing records.

21 Okay. These are engineering records that are produced
22 by each of the cell service providers -- AT&T, T-Mobile,
23 Verizon, Sprint, P.C. -- Metro P.C.S., etc.

24 Okay. So what happens is T-Mobile comes to us in two
25 formats. They'll come to us in a P.D.F. format and also in

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1 an Excel format.

2 Okay. Now, every provider is different. AT&T will
3 give it to you in P.D.F. and text. Sprint'll give it to
4 you in just Excel, and so will Verizon.

5 Okay. But one of the things that's particular about
6 T-Mobile is, okay, first of all, you'll have the date here.
7 And what I'm going to call these just for clarification
8 purposes are transactions, whether it's a text, whether
9 it's a phone call, whether it's a call forwarded. We're
10 just going to call it a transaction, okay, for want of a
11 better term.

12 All right. Each transaction that comes from that
13 device -- now, as you'll see right here if I can point that
14 out -- right there -- that's the mobile telephone number of
15 these records.

16 Okay. So the phone that was used in this mobile
17 telephone number, the traffic of that device is in these
18 records and is listed per line.

19 You have the date of the transaction; you have the
20 time of the transaction; you have the duration; you have
21 what kind is it, is it incoming or outgoing; who's calling
22 who; who called.

23 And we are going to go over here a little bit. Now,
24 you have what's called the IMSI. That is the sim card
25 number. That's a number. It's not what you see on the

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1 outside. It's actually on the inside. Stands for the
2 international mobile subscriber identity, also known as a
3 sim card, because T-Mobile is what's called a G.S.M.
4 network.

5 You take Verizon. They're a C.D.M.A. G.S.M. is
6 global system for mobility. C.D.M.A., code division
7 multiple access.

8 So, anyway, but they handle calls differently. Okay.
9 So T-Mobile has a sim card. Well, when the transaction
10 goes through and hits the tower, T-Mobile registers, okay,
11 this device bearing this number has this sim card in it.
12 And, by the way, also here then has the serial -- well,
13 we'll call it the serial number. It's the international
14 mobile equipment identification number. That's the handset
15 social security, for want of a better way to put it. Okay.
16 It's not necessarily the serial number. This is a code 15
17 digits IMSI. I mean, I'm sorry. IMEI. And the other one
18 is an IMSI.

19 Now, they'll also tell you was the transaction
20 completed or did they get knocked off, did something
21 happen, was it answered. Sure enough. Yes or no.

22 Okay. And it says the disconnecting party. It'll
23 tell you who stopped it.

24 All right. Then you have what's called the switch
25 name and the first LAC and the first I.D. And then you

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1 have the first azimuth right here.

2 Now, how that works is this. Maybe I do need that
3 white board after all, because I want to show you what this
4 means if it's all right with Your Honor.

5 THE COURT: Yes, sir.

6 (Whereupon, the witness left the stand.)

7 A The best way to do is just draw it out.

8 THE WITNESS: Let me know if you can see it.

9 Your Honor, how would you like -- would you like for
10 me to just put it over there? How would you like that?

11 Q You can angle so that the court reporter hear you and
12 the jury can see.

13 A I've got a big mouth. I'm sure she'll hear me.

14 Okay. Okay. Here is what we've got. A tower when
15 you're looking at it, you notice how you'll see different
16 sides to it. It's not straight up. It has on top what
17 would be basically sides like this. Metallic sides. As we
18 get into it I'll show you a metallic.

19 Okay. What happens is most towers are three sided.
20 Now, you have omnidirectional towers, which means if you
21 just see a cell tower and it's straight up and it's just
22 got a little thing on top, that means it covers 360
23 degrees, all around. But most of the towers you're going
24 to see, including the one that's right down the street
25 here, okay, is going to have sides to it.

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Direct examination by Ms. White

1 Now, this is if you were a bird looking over the top
2 of it. And they have what's called a site -- alpha, beta,
3 gamma. Don't ask me why they do that, because I really
4 don't know why they get those designations. That's just
5 the way they are.

6 Now, these sides cover usually a 120-degree mark.
7 Okay. So if I may, we're just going to do this this way.
8 I'm sorry. Went the wrong way. Okay. We're going to take
9 that off.

10 Now, when it says sector or the first LAC, the first
11 cell I.D., it may say this is tower No. 1, 2, 3. And it
12 may say this is sector one, and then they have sector two,
13 and then they'll say sector three. So far?

14 Okay. Now, when you're talking and your call is
15 hitting this side of the tower, for instance, we're just
16 going to say side one. And, by the way, they all aren't
17 situated like this. What they do is they have to turn
18 them. The engineers get up there, and there's a lot of
19 work. They have to turn these sides to get what's called
20 due north. And how do they know that? By the azimuth.

21 Azimuth is the middle of the sector. So that way
22 there's an evenness on the side. In this case you would
23 have 60 degrees here, 60 degrees here.

24 So if the records say that the defendant made a call
25 on side three and this side was mapped, something would

Tom Slovenski
Direct examination by Ms. White

1 have been wrong. It would had to have been on this side.

2 Now, there's a misconception that has been going on
3 for years about cell towers, and I want to correct that
4 right here, right now.

5 cell towers and how far they can reach depends on a
6 lot of different items. We call it attenuation. Okay.
7 Attenuation. Big word. What does it mean? Stuff gets in
8 the way -- stuff gets in the way. Buildings, trees, a
9 forest, topography, geography, a hill, water, weather. All
10 of these have a bearing on the reception of that tower and
11 that side as you're making your call.

12 Now, another thing that is -- a lot of people have
13 been told, and it got thrown out by the Supreme Court -- is
14 what's called granulitization. And that is because I'm
15 closest to that tower therefore I'm hitting that tower.
16 That's not necessarily true, because you have, again,
17 attenuation.

18 Look at the time of day. How many people was on --
19 were on that one side that time of day you made that call.
20 And/or was the tower being worked on. They may have taken
21 the tower down to fix it, to update it. So you got
22 switched over to another tower.

23 So the theory of granulitization, which was the
24 nearest tower is the one you're going to be on, has been
25 thrown out as unscientifically reliable.

Tom Slovenski
Direct examination by Ms. White

1 The program I'm going to show you has passed
2 Dabert-Frye standards here in the United States.

3 Q Okay.

4 A But when they say the azimuth, what they're talking
5 about, ladies and gentlemen, is that degree, okay, in
6 between here. In this case it would be 60 degrees, and
7 that's the middle of the tower. That kind of helps point
8 you in the right direction. Does that make sense?

9 Q It does.

10 A Okay.

11 Q Now, Mr. Slovenski --

12 A Yes.

13 Q -- as you're sitting down -- are you finished with the
14 board?

15 A Yes, ma'am. I was going to put it away.

16 Q Okay. We'll get it. I'll have somebody get it.

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

18 Q Is that, what you just described, is that why when
19 you're doing cellular mapping you don't see a perfect
20 circle?

21 A That is correct, yeah, because most of the time you're
22 dealing with three sides.

23 Now, also remember that as you're moving, you're
24 moving from one sector then usually to another sector.
25 It's called handoff. And many times you will see calls

Tom Slovenski
Direct examination by Ms. White

1 that are mapped where it looks like one's right over the
2 top of the other.

3 what happens is that person was probably moving, and
4 as they moved the tower changed. You don't hear it because
5 it's a millisecond. But you -- when you get switched over
6 you're being moved by the provider from one tower to
7 another.

8 That's why they overlap, because the last thing they
9 want you to do is to go to another provider, because, hey,
10 they dropped my calls all of the time and I don't like
11 that.

12 So service is of utmost importance, and so that's why
13 you will see many times where things are overlapping each
14 other.

15 Q Okay. Now, tell me. The records that you received
16 from us and that phone number, were you informed as to who
17 those records applied to or whose phone those applied to?

18 A Yes, ma'am.

19 Q And can you tell us who these records are for?

20 A Ms. Wright, the defendant.

21 Q And did you have the opportunity -- tell us a little
22 bit, first, before we go into -- about how T-Mobile when
23 they deliver the information, the time that they give you.

24 A Yes, ma'am. I'm glad you brought that up. I meant to
25 bring that right there to the Court's attention.

Tom Slovenski
Direct examination by Ms. White

1 You will notice, ladies and gentlemen, and, Your
2 Honor, that it says here that the records below are
3 reflected in universal time code, also known as U.T.C.

4 Okay. This can be a real pain because the way it
5 works is this. We're in Eastern Standard Time. Has
6 anybody ever heard of Greenwich Mean Time or U.T.C.? Okay.
7 We're off from that time, depending on daylight savings
8 time or not, anywhere from four to five hours. So we have
9 a minus four or a minus five.

10 So in this case whenever you see the time on the
11 T-Mobile record you have to minus five hours. Now, to show
12 you what that looks like would be here, because this is
13 what we did for the defense. We were able to go ahead and
14 translate, for want of a better term, the U.T.C. time into
15 Eastern Standard Time. And so you will notice right there
16 it says Eastern.

17 Now, when we get looking into the records, these lines
18 right here, the line number that you're seeing right here
19 on the left-hand side, that's going to be important. Just
20 keep that in mind, because I'll show you exactly how that
21 works.

22 Q Okay. And tell me what else you look at when you, I
23 guess, convert records or you look at the records they've
24 sent to be able to get them into a place that they can be
25 used in a situation like this.

Tom Slovenski
Direct examination by Ms. White

1 A Right. What I look at a lot of times is, now,
2 these -- this was copied because I leave the originals back
3 at the lab, okay, on the master hard drive. So what I'm
4 bringing here is a copy of what I've got.

5 So what I will look at are the names. If it says
6 C.D.R. meditations, I know that that was from T-Mobile.
7 And usually when it comes that way I'm already knowing,
8 okay, I know who the provider is even before I open it up.

9 And then, number two, it doesn't look like it got
10 messed with.

11 So these look to be true and accurate records. And
12 then as I look more and more in there I look for anything
13 that's missing where it normally would be. And in this
14 case everything seemed to be fine.

15 Q Okay.

16 A So I took these records as valid.

17 Q Now, tell me this. Specifically, without -- I guess
18 without getting into specifics, if there's a gap in time,
19 what could that mean?

20 A A gap in time could mean many things. It could mean
21 that the handset lost power, somebody turned it off, that
22 they proceeded into an area where there was no coverage.

23 Some people turn -- like myself, I turn my phone off
24 at night. So, you know, between 11:00 o'clock and
25 7:00 a.m. there's going to be nothing coming out of my

Tom Slovenski
Direct examination by Ms. White

1 phone. If you turn power off, it's not hitting the tower.

2 Q So if a phone has died it's not going to reflect any
3 tower location.

4 A You are correct.

5 Q Okay. In regards to the information we talked about
6 and what we were looking for, can you share what our
7 discussion was in regards to what -- what we're looking
8 for, I guess, as to Ms. Wright's phone records
9 specifically?

10 A You were -- from what I understand of our -- of our
11 conversations and correspondence, you were looking to see
12 where was Ms. Wright's device between the hours of
13 2:00 a.m. and 3:00 a.m. on December 27th of 2015.

14 Q Okay. And were you able to -- to look at that and
15 determine? Could you pull up, I guess, the map for us?

16 A Sure.

17 Q And go ahead and kind of show us that to begin with.

18 A Okay. This here are the entire -- is a map of the
19 entire records. Would you like to see that or just the two
20 to three?

21 Q Sure. The entire records. That would give us an
22 idea.

23 A What -- what I use, ladies and gentlemen, is what's
24 called Trax. Trax is used by over 350 law enforcement
25 departments right now across America including the secret

Tom Slovenski
Direct examination by Ms. White

1 service who just signed on, as well as the internal revenue
2 department.

3 Trax has been a godsend to us mappers and
4 investigators. Before we would have to take every line and
5 map it by hand.

6 What Trax has done is it takes a lot of that from us
7 and we're able then to concentrate more on the actual
8 content and as to see as to someone's movement,
9 approximately where they were or their device was, that
10 sort of thing.

11 In fact, I am the corporate partner with Zetx, and so
12 I speak as an expert for other cases to validate the
13 program since I've been through all of their training and
14 have gotten their expert certification.

15 This has been used in many, many cases, one very
16 locally that I'm not going to give you the name. If I were
17 to tell it to you, you'd know it instantaneously. But
18 let's just say it found a lost girl. And it was used by a
19 police department. The detective I know personally. He
20 and I were both training together up in Hickory. And they
21 were -- it was also on T-Mobile records at that. And I'll
22 just leave it at that.

23 But what I can tell you is, ladies and gentlemen, this
24 thing is the most accurate program out there. And a lot of
25 the police departments are jumping on it. I'm, in turn,

Tom Slovenski
Direct examination by Ms. White

1 responsible for any public defenders, any attorney offices,
2 any insurance agencies. Anything that's non-law
3 enforcement, then I'm given to it to follow up on.

4 Q Okay. Now, what time range did you receive records
5 for Ms. Wright?

6 A Okay. They range anywhere -- I'm sorry. They started
7 right here at actually Christmas Day 2015 at 7:03 p.m.

8 Now, that time you see right there, ladies and
9 gentlemen, is the converted Eastern Standard Time. Okay.
10 That's not U.T.C. We've already done the hard work there.

11 Q And, obviously, it's in military time, so we're
12 checking our 12 hours.

13 A That is correct.

14 Q Okay.

15 A And it ends on December 27th of 2015 at 6:59 p.m.

16 Q Okay.

17 A Now, I was given the charge of mapping certain key
18 locations, one of which was Cleveland Street.

19 Q And do you recall what Cleveland Street represented?

20 A If I remember correctly that is supposed to be the
21 home address of Ms. Wright.

22 Q Okay.

23 A Okay. And then I was given Oakland Street and
24 Cemetery Road, I believe is what it is called.

25 Q Yes.

Tom Slovenski
Direct examination by Ms. White

1 A So I placed that. And then I was given, as you can
2 see right there, something over, Cowpens. And then I was
3 given the Scotchman.

4 And what I like to do just be on the safe side is I
5 like to drag my little guy down here and just show
6 everybody. See, there's the Scotchman right there. So,
7 and then if we go back around --

8 Q And if you could, stop for a minute.

9 A Sure.

10 Q Just go back to the left a little bit. That's a -- it
11 looks like a cigarette from some kind of little convenience
12 store over there on the left where it says for sale.

13 A Over here?

14 Q Yes. That white building.

15 A Here.

16 Q I guess the one in the middle with all of the signs,
17 yeah.

18 A The one for sale.

19 Q Yes.

20 A Tobacco outlet.

21 Q Okay. And then to the right of that, what do you see
22 there?

23 A That appears to be some sort of cafe, it's labeled --

24 Q Okay.

25 A -- at the time google went through.

Tom Slovenski
Direct examination by Ms. White

1 Q All right. And as if you were to move on across the
2 street, is that the Hardee's?

3 A Yes, ma'am, it sure is.

4 Q Okay. All right. We're trying to just get ourselves
5 oriented to where we are with that.

6 A Sure. I was going to say if we come down here, you
7 know, we'll hit a road.

8 Q And to the left right there, that is Oakland Street --

9 A Yes, ma'am.

10 Q -- or Cemetery Road. Excuse me.

11 A Uh-huh. What I can do is show you very quickly right
12 there. That's Cemetery Road, Cemetery Street.

13 Q Thank you very much.

14 A Yes, ma'am.

15 Q Now, can you go ahead and show us for the hours of
16 2:00 to 3:00 what we can -- or what you come up with with
17 locations for Ms. Wright's cell phone?

18 A Sure. What -- what I'll do is -- please bear with me.

19 What this is, ladies and gentlemen, is a little
20 timeline, and I can go through. And as you see the time's
21 changed up at the top. That's where I can show you exactly
22 where the device --

23 Q Well, and let me back up then.

24 Let's -- let's start, if we can, with about 9:00 p.m.
25 on the 26th.

Tom Slovenski
Direct examination by Ms. White

1 A Got it. 9:00 p.m. That's about -- it's really
2 sensitive. Is that cool right there?

3 Q That's perfectly -- 8:59 is perfect.

4 A Okay. Let me pull it back out a little bit.

5 Now, do you want me to explain how this coverage works
6 first?

7 Q Sure. Please.

8 A Okay. Ladies and gentlemen, what you see here, this
9 is what's called radio frequency coverage.

10 okay. A cell tower puts out its signals by radio
11 waves. Radio waves aren't necessarily flat. As you'll
12 know from school days when you -- you had to take science
13 classes and they did all of those sorts of things, radio
14 waves jump around. They can move.

15 Okay. They almost breathe. And I call this a cloud,
16 which is totally different than what is being used as Your
17 Honor may have seen in other cases, which was the older
18 method where all they did was take a tower and they just
19 put two lines out of it.

20 A cell tower goes -- it -- it bleeds over past those
21 lines like I showed you right there. So this is a more
22 accurate portrayal of how a cell tower covers an area.

23 This one here, as you'll see, that is the defendant's
24 home location, and this here is where there was numerous
25 bits of traffic. And each one, as you'll see, is labeled

Tom Slovenski
Direct examination by Ms. White

1 here.

2 These are the lines I told you about on the excel
3 sheet, and I said just kind of keep them in line. So this
4 way we're able to verify date, time. It says up here on
5 the map -- let's go back to our excel sheet -- verification
6 all across the board for accuracy.

7 Q If you were to click on one of those numbers, that
8 would then correlate to a date and time and some kind of
9 transaction on the phone records.

10 A Excellent. Like I did right there. This one here,
11 you'll see this is who the provider was, T-Mobile. Here's
12 the time. And we put start time and sometimes we have end
13 times. It depends on the provider, whether they'll give us
14 that information or not.

15 As you can see here, this one was 12/25/15 at 7:37:54.
16 All right. The target number ended in 5645. It was an
17 incoming call from 9062. Well, actually it wasn't an
18 incoming call. It was an incoming text message, S.M.S.
19 Gave the duration.

20 Now, T-Mobile no matter if that text message was five
21 seconds or whatever, they're only going to -- they're going
22 to put 60 seconds because that's how they charge out if you
23 were on a per text basis. They just charge you out a
24 minute. AT&T used to do that a lot.

25 Here's the IMSI; here's the LAC. Okay. Then whoever

Tom Slovenski
Direct examination by Ms. White

1 the examiner was, this here being myself, that's then
2 showing who performed this. And that's how each one is
3 now.

4 Like here, that's how many transactions was going on
5 up there, basically, between the hours of 7:35 p.m. and
6 8:59 p.m. So there was a lot of traffic going on.

7 And as you can see, the tower covers the area of the
8 defendant's home and goes out only to a particular amount
9 of range.

10 Now, you'll hear some people say, well, if you go
11 anywhere from two miles to fifteen miles. Yeah. If you're
12 in Montana. Okay. But when you've got buildings and
13 you've got forestry, things like that can get in the way.

14 This one here basically goes as far as six miles,
15 which is pretty good. Okay. But not all of them are going
16 to do that amount.

17 If you were to go downtown Greenville right now to the
18 skating rink, the ice skating rink, face the skating rink
19 and look at the upper right-hand side on the side of the
20 building, and you will see a cell tower. Yeah. I know. I
21 live a boring life. And that is because it's sandwiched in
22 between two big buildings. Nothing can get into it. So
23 the provider wants to keep service to that area so they
24 don't lose subscribers. So they put up a little cell
25 tower.

Tom Slovenski
Direct examination by Ms. White

1 So that's how the providers will put the towers out to
2 meet a need. And then throughout your contract with them
3 they are always monitoring your phone to see how far away
4 you are and to bring you even better service. Okay. I'm
5 sorry.

6 Q No. That's fine. I appreciate the information. It's
7 more than I could ever imagine or figure it out on my own.
8 So thank you.

9 A Now, you said between 2:00 and 3:00.

10 Q Let's see. Let's -- let's go ahead and look at the
11 2:00 and 3:00, yes.

12 A Okay. When --

13 Q And this will be on the 27th.

14 A 27th, yes, ma'am.

15 Okay. Now, as you can see how the phone is moved
16 around, okay, I'm going to put the N-1 at about 3:07. And
17 what I can do is I can look here. Let me bring it in just
18 a little more so that you can see. Okay. Right there.
19 Okay. 2:07 to 3:07. Is that good?

20 Q That's right.

21 A Okay. There is the coverage area. As you can see,
22 the tower is situated right here. And I always like to
23 show so everyone knows I'm not making it up. And you
24 know -- don't want to work with us. There we go. There
25 she is right there.

Tom Slovenski
Direct examination by Ms. White

1 Q And so that is the tower located near the defendant's
2 home that most of these calls were used on.

3 A Yes. All of these.

4 Q All of these.

5 A All of this traffic between 2:00 and 3:00 was on that
6 tower. If there was another tower, it would be seen.

7 Q Okay. Now, can you show us, zoom out the map?

8 A Sure.

9 Q Show us in relation to the Scotchman and the Cowpens
10 location.

11 A Yes, ma'am.

12 Q Where that is.

13 A Okay.

14 Q So in your expert opinion from the hour of two -- I
15 think you said 2:08 to 3:07 a.m. the defendant's phone was
16 located in what area?

17 A In this area that's portrayed -- in this estimated
18 area portrayed by the map.

19 Q Okay. And that is near Cleveland Street in Pacolet.

20 A It encompasses Cleveland Street in Pacolet.

21 Q In and around that area.

22 A Yes, ma'am.

23 Q Okay. And it's not located in Cowpens or at or near
24 the Scotchman.

25 A No, ma'am. That would be under another tower.

Tom Slovenski
Direct examination by Ms. White

1 Q Okay. Let's go and look if you wouldn't mind for me
2 and go back a little bit earlier in that evening maybe
3 starting at -- just to kind of give us a range of how the
4 phone moved from 8:00 p.m. earlier that evening.

5 A On the 26th?

6 Q On the 26th, yes, sir.

7 A Okay. So basically when we say 8:00 p.m., we're
8 actually looking here at 6:47, because what I did is I put
9 a little space in here so we can catch everything in that
10 hour.

11 Q Within an hour. Okay. So everything we're looking at
12 encompasses an hour, right?

13 A Yes, ma'am, uh-huh. Everything you see will be within
14 an hour's time. Okay. As we move -- okay. I'll go back a
15 little bit because if I'm not careful this thing will move
16 here.

17 Okay. So there's 7:47, is where it ends. Okay. Then
18 8:10.

19 Q So that's -- area seems to reflect that the phone does
20 show that it's in the Cowpens area closer to the 8:45 time
21 period.

22 A Correct, between 7:47 and 8:46. If you wanted to be
23 more exacting, what I can do is I can look here. And 4:29,
24 4:26, 4:23. So at 8:35.

25 Q Okay.

Tom Slovenski
Direct examination by Ms. White

1 A So within that hour space this is where that phone
2 was.

3 Q Okay. Take us a little bit further on that evening.
4 Now, tell me. The phone seems to go towards downtown at
5 some point. And at one point it seemed like it was located
6 on Highway 9 in between downtown and Pacolet.

7 A Are you talking about right here?

8 Q Right there and then if there was another time -- I
9 think with another little bubble. We'll find that there.
10 Right there. The one where 4:55 was.

11 A Yes, ma'am.

12 Q Yes.

13 A Uh-huh. Let me just pull this out a little bit. Try
14 to get that all for you. There you go.

15 Q And that shows an area near downtown Spartanburg, is
16 that correct?

17 A It's what it appears to me, yes, ma'am.

18 Q Okay. And about the 10:30 range.

19 A Yes, ma'am. It would would've been -- let's try to
20 grab one of these for you. Very good.

21 Q Okay. And from that point on can you show us where
22 the phone traveled?

23 A Okay. What I'm going to do is I'm going to really
24 serr it up right here so we can get this individual. Okay.
25 You'll see. All right. First it's going toward downtown.

Tom Slovenski
Direct examination by Ms. White

1 Now, you notice the -- the numbers are -- are getting
2 bigger. Okay. 468, 470, 471, 472. That shows me
3 movement. Okay. And you'll notice how -- you remember I
4 said how the clouds -- I call them clouds for want of a
5 better term -- will overlap each other.

6 Q Right.

7 A That's how a cell phone works. It's based on cells.
8 Hence, the word cell phone.

9 Q So just indicating, the cell phone is not static in a
10 location setting there. It's potentially in a car being
11 mobile.

12 A Yes, ma'am. In this case you could see that within
13 this little space of time it's in downtown Spartanburg and
14 then heading back toward the Pacolet area.

15 Q Okay.

16 A Proceed?

17 Q A little more. That'll be fine. Yes.

18 A Sure.

19 Q Now, there's no time right there. There's no showing.
20 Does that mean the phone was potentially off?

21 A Could have been off.

22 Q Okay. So there's no records for this time period.

23 A Could have been off. Somebody could have gone to bed.
24 Attending to --

25 Q Right.

Tom Slovenski
Direct examination by Ms. White

1 A -- or going to the restroom. It could be of anything.

2 Q But the phone prior to, immediately, these gaps
3 appeared to be traveling from downtown Spartanburg down
4 Highway 9 toward Pacolet.

5 A That is correct, ma'am.

6 Q Okay.

7 A Right there. Okay. What'll happen is that the
8 only -- transactions are only registered when the phone is
9 utilized.

10 Q Right.

11 A Either incoming or outgoing.

12 Q And so it picks up again around the 2:00 a.m.
13 timeframe, as we said, in around the Pacolet area.

14 A Yes, ma'am.

15 MS. WHITE: If you'll allow me, beg the Court's
16 indulgence for just a moment.

17 THE COURT: Yes, ma'am.

18 (Pause.)

19 Q Just if you would indulge me just a little more.

20 A Sure, sure.

21 Q And show us after this 3:00 a.m. timeframe of the
22 phone being in Pacolet, where did -- what additional time
23 do we have?

24 A Sure. Okay. Let me pull back a little bit here and
25 just give a little bit more space. Okay. So we're at

Tom Slovenski
Direct examination by Ms. White

- 1 2:19, moving, 2:43. Okay. It's now moved from Pacolet
2 over to -- toward back downtown.
3 Q Downtown Spartanburg.
4 A And that's at 3:08 a.m.
5 Q Okay. All right.
6 A Do you want to go further?
7 Q Just a little more, yes, until about 5:00 a.m., or
8 6:00, timeframe.
9 A Okay. There's 5:00 a.m. right there.
10 Q Okay.
11 A And there's no activity.
12 Q No activity.
13 A Yes, ma'am.
14 Q Take us up to about 6:00.
15 A Yes, ma'am. Okay. 5:55.
16 Q Okay.
17 A Downtown area. I don't know the Spartanburg area
18 well.
19 Q Right.
20 A So I'm -- I'm just assuming.
21 Q Yes.
22 A Okay. And --
23 Q And really that's -- that's all I need right there.
24 A Okay.
25 Q I appreciate it.

Tom Slovenski
Cross-examination by Mr. Kozak

1 So the phone in your expert opinion between the hours
2 of about 10:00 and 11:00 to 5:00 a.m., can you give us an
3 overview of where it seemed to travel if you can recall
4 that? That might be jumping a little bit more but --

5 A Right. Well, I can remember it being downtown and
6 then heading back toward her residence.

7 Q Right.

8 A And then later -- early, early morning -- coming back
9 to the downtown Spartanburg area.

10 Q But at no point during the 11:00 p.m. to 5:00 a.m.
11 time period do we see the phone in Cowpens, do we?

12 A No, ma'am. We see it at 10:33, and then it's --
13 there's nothing after that.

14 Q Okay. Thank you.

15 MS. WHITE: That's all at this time I have for this
16 witness, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. KOZAK

19 Q Mr. Slovenski -- am I saying that correctly?

20 A Yes.

21 Q Mr. Slovenski, you're being paid for your work here
22 today with the defense, aren't you?

23 A By indigent defense.

24 Q Okay. How much are you being paid to be here today?

25 A I've been paid just the regular standard rate.

Tom Slovenski
Cross-examination by Mr. Kozak

1 Q What is that?

2 A \$250 an hour.

3 Q All right. So about how many hours have you worked on
4 this?

5 A I've worked already ten hours on it.

6 Q Okay. So that's about \$2,500?

7 A Yes, sir.

8 Q You wouldn't say T-Mobile, probably isn't in the
9 business of tracking people, correct?

10 A They say they're not.

11 Q Right. They're in the cell phone business, right?

12 A That is correct.

13 Q Is it true that all of the information that you
14 gathered here today -- I believe you called it engineering
15 records -- is designed to better improve their networks?

16 A It's to -- it's to validate and establish certain
17 calls, the transactions, as well as provide for the police
18 officers and the courts the established records for the
19 tracking of a phone in historical fashion.

20 Q So what -- the information you reviewed and you spoke
21 on is to track cell phones hitting on towers, correct?

22 A Cell phone hitting the towers.

23 Q Not the actual phone itself moving.

24 A Well, the phone would have to be on the tower as it's
25 moving. Do you see what I'm saying?

Tom Slovenski
Cross-examination by Mr. Kozak

1 Q Uh-huh.

2 A That's why you'll see the movement on the screen.

3 Q The cell phone only hits on the cell tower when it's
4 in use, correct?

5 A That is correct. There are other records, but they
6 were not produced.

7 Q And used would mean an incoming call?

8 A Could be an incoming call.

9 Q Outgoing call?

10 A Yes, sir, uh-huh.

11 Q Incoming text?

12 A Yes, sir.

13 Q Outgoing text.

14 A Yes, sir.

15 Q This phone did not have a G.P.S. tracking software,
16 did it?

17 A I do not know.

18 Q You did not receive any G.P.S. tracking software for
19 this phone, correct?

20 A I did not get anything on the phones other than what
21 you see here.

22 Q What is a switching center?

23 A Switching center will be a location where when the
24 call comes down it'll hit that little shack that's at the
25 bottom of each tower. We call them radio shacks. And then

Tom Slovenski
Cross-examination by Mr. Kozak

1 it will sent -- be sent to a central area. It could be
2 located nearby; it could be located far away. And that's
3 where they -- it's switched and then diverted, okay, which
4 way is it going to go, because you could be, say, in
5 Pacolet and judge could be in Simpsonville, and that's how
6 it gets relayed.

7 Q And the switching center depends on all sorts of
8 factors, correct?

9 A I'm sorry? Could you say that again?

10 Q These switching centers, they depend on all sorts of
11 factors.

12 A Yes.

13 Q What are some of the factors that they take into
14 account?

15 A Well, they're going to take into account where the
16 call came from, where the call was going, what is the
17 shortest, best route for the transaction to take place.

18 Q Isn't it true that the software these switching
19 centers use is mostly proprietary?

20 A I don't know that part -- that part, sir.

21 Q What does proprietary mean?

22 A Proprietary means it is established for a particular
23 use and is usually not given out to the public.

24 Q Is it not true that this software decides on which
25 tower the cell phone will connect to?

Tom Slovenski
Cross-examination by Mr. Kozak

1 A No. It shows which -- which tower the cell phone
2 connected to.

3 Q Okay. Is it true that this software takes into
4 account single strength, atmospheric conditions and
5 maintenance schedules?

6 A It takes into account the medidata that was given to
7 it on the records and looks at the particular area to
8 establish what would be the estimated range.

9 Q And how does software calculates all of these
10 different factors will affect which cell phone tower you
11 actually connect to, correct?

12 A Okay. Say that one again.

13 Q In the way this software factor calculates all of
14 these different factors will cause which tower you will
15 connect to, correct?

16 A No. The software has -- our software has no bearing
17 on her phone. Our software just reads what the records
18 told us.

19 Q Not your software, the software that attaches to the
20 cell tower.

21 A That's for T-Mobile to tell you. You'd have to get a
22 T-Mobile rep.

23 Q You don't actually know how that works.

24 A No. I just do historical readings.

25 Q Okay. Isn't it true that the range of any given cell

Tom Slovenski
Cross-examination by Mr. Kozak

1 tower is proprietary information?

2 A Not necessarily. See, we have -- we're able to, if
3 we're in an area, do a driveby. In this case there was no
4 driveby done by the police on the tower. So that's why
5 everything's estimated.

6 Q But the cell tower, you don't actually know what the
7 range of these cell towers is unless you did your own
8 driveby, correct?

9 A Yes, that is correct.

10 Q So you don't what the range of these towers in this
11 case are.

12 A This -- that's why it's estimated, looking at the
13 topography, geography and the area and any other medidata
14 that we receive from T-Mobile.

15 Q What's the range of a normal cell tower, I mean,
16 average? Where can they go?

17 A I can't even give you that.

18 Q Can't give me the minimum to the maximum?

19 A No. Oh, minimum could be, you know, a half a mile.
20 Maximum, it could be, like, in I believe it's Montana where
21 we had one that we covered, and it is 40 miles.

22 Q Forty miles. So if you made a call here it could hit
23 a cell tower 40 miles away.

24 A No, no, no. You got to look at the factors that are
25 here.

1 See, what happens is when they put the tower up they
2 have a particular area that they want covered. Okay.
3 There wouldn't be the need. And I could show you all the
4 other T-Mobile towers in this area within a 20-mile range.
5 But the fact is you wouldn't need those other towers if a
6 tower could go 40 miles. You'd just put one tower up and,
7 by golly, you wouldn't have to put another tower up for
8 another 40 miles.

9 Q Right.

10 A But that's not the case.

11 Q But you yourself don't know the range of these towers.

12 A I know the estimated range.

13 Q Okay. So let's talk through some of the terms on the
14 record I'm going to switch to.

15 A I probably have it if you want me to put it up on the
16 screen.

17 Q I'm going to use mine.

18 A Okay.

19 Q Smaller. It's a smaller version.

20 A Okay.

21 Q There we go. Let's just run through some of the terms
22 that I saw on some of the records.

23 A Uh-huh.

24 Q What does M.S. originating mean?

25 A Mind if I pull it up so I can see it?

Tom Slovenski
Cross-examination by Mr. Kozak

1 Q Yes. It's already up there, so.

2 A It's not going to get up there? Do you want to pull
3 this out and put it in?

4 Q Do your thing.

5 A Well, I can show it to you right here.

6 Q Yes.

7 A Okay. We were just looking at it, I believe. You're
8 talking about the original T-Mobile records?

9 Q Yes, sir.

10 A Okay. M.S. terminating, M.S. originating?

11 Q Yeah. What does M.S. originating mean?

12 A Originating.

13 Q Yes.

14 A It's originating from her device, hence that's why
15 it's called outgoing.

16 Q So it's an outgoing voice call.

17 A Depends on whichever one you're looking at.

18 Q What is -- M.S. terminating mean?

19 A Terminating means that it was incoming, and her
20 device. It ends on her device.

21 Q Okay. What is M.S. originating S.M.S. and M.S.C.
22 mean?

23 A Okay. S.M.S. It's an S.M.S. text message.

24 Q Would that be outgoing or ingoing?

25 A It depends on whatever they're saying in the direction

Tom Slovenski
Cross-examination by Mr. Kozak

1 column.

2 Q okay.

3 A I took it off.

4 Q okay. It says originating. Does originating in that
5 word mean anything to you?

6 A Originating. It's coming from the outside.

7 Q okay.

8 A It's originating from the outside.

9 Q What does M.S. terminating, S.M.S.M.N.S.C. mean?

10 A Terminating means that it was incoming to her device.

11 Q okay. What about call forwarding? what does that
12 mean?

13 A Call forwarding is that someone tried calling the
14 device and it was -- either the line was busy or for some
15 reason it got forwarded to either another number. Usually
16 it's voice mail.

17 Q okay. And let me show opposing counsel what's been
18 marked State's Exhibit 12.

19 (Pause.)

20 Q I'm showing you what's been marked State's Exhibit 12.

21 A Uh-huh.

22 Q This is just a condensed version. Can you tell me
23 what that is?

24 A Yeah. It's --

25 Q I can blow it up for you.

Tom Slovenski
Cross-examination by Mr. Kozak

1 A Oh, this is the same, yes. Okay. This appears to be
2 the same thing as what we have here that I showed the jury,
3 the originating.

4 Q All right. And what is the first number on it, the
5 excel for you?

6 A Right here 478.

7 Q And what's the last number?

8 A 500.

9 Q Right.

10 MR. KOZAK: At this time I'd like to move State's
11 Exhibit 12 into evidence and publish to the jury.

12 THE COURT: Any objection?

13 MS. WHITE: Without objection, Your Honor.

14 THE COURT: State's 12 is admitted without action.

15 (Defendant's cell phone records marked State's Exhibit
16 No. 12.)

17 Q This is going to be small.

18 A Wow. That row number was 478.

19 Q 478 to -- let's concentrate on 478 to 486 right now.

20 A Got it.

21 Q All of this -- what is this word right here?

22 A Let me see what you're saying. Call forwarding, it
23 appears.

24 Q I'll just refer to the number because you have it on
25 your list, right?

Tom Slovenski
Cross-examination by Mr. Kozak

1 A Okay. Go ahead.

2 Q Okay. 478 says call forwarding. What does that mean?

3 A From what we know from the --

4 Q From the records.

5 A From the records. Call forwarding just means that,
6 something got forwarded.

7 Q Okay.

8 A It didn't -- it -- they didn't connect. It got
9 forwarded somewhere else.

10 Q A phone being turned off could cause a call forwarding
11 response, correct?

12 A That could be.

13 Q And that would mean that that voice call was sent to
14 voice mail, correct?

15 A Could be.

16 Q So if a phone's records had a phone -- had a phone in
17 call forwarding for, let's say, three hours would that mean
18 the phone could have been turned off for three hours?

19 A Could be.

20 Q And while that phone is turned off it can't receive
21 phone calls, correct?

22 A No, sir.

23 Q Or make phone calls, correct?

24 A No, sir.

25 Q Or send text messages, correct?

Tom Slovenski
Cross-examination by Mr. Kozak

- 1 A No, sir.
- 2 Q Or receive text messages, correct?
- 3 A Correct.
- 4 Q So if a text is sent to a phone while it's turned off
- 5 the phone won't receive that text until it's turned back
- 6 on, correct?
- 7 A That's correct.
- 8 Q All right. Actually the phone will receive all the
- 9 texts that were sent to it while it was turned off soon
- 10 after it was turned off -- it's turned back on, correct?
- 11 A Depends on the network.
- 12 Q Okay. So in the records you reviewed beginning on
- 13 line 478 --
- 14 A Uh-huh.
- 15 Q -- where I was pointing to --
- 16 A Uh-huh.
- 17 Q -- the phone says call forwarding, correct?
- 18 A Yes, sir.
- 19 Q What time do the records indicate that began? This is
- 20 in U.T.C. so --
- 21 A That would be approximately 11:19 on the 26th.
- 22 Q Okay. And the call forwarding continues at 11:55, or
- 23 I'm sorry. Yeah.
- 24 A Line 479?
- 25 Q Yeah.

Tom Slovenski
Cross-examination by Mr. Kozak

- 1 A That's what -- that's what the records say.
- 2 Q And again at 12:22 a.m., correct?
- 3 A That's what it says.
- 4 Q And again at 12:22 a.m.?
- 5 A Yeah.
- 6 Q And again at 12:23 a.m., correct?
- 7 A Hang on just a second. I want to look at something
8 here. Okay. Please repeat your last question.
- 9 Q And again at 12:22 a.m., correct?
- 10 A 12:22 a.m, that appears to be call forwarded.
- 11 Q And then again at 12:23 a.m.
- 12 A Correct.
- 13 Q And again at 12:55 a.m.
- 14 A Correct.
- 15 Q And again at 1:11 a.m.
- 16 A Correct.
- 17 Q And again at 2:01 a.m.
- 18 A Correct.
- 19 Q And lastly at 2:04 a.m.
- 20 A Correct.
- 21 Q And these are all forwarded incoming calls because
22 they're going straight to voice mail, correct?
- 23 A Actually they're outgoing calls. If you'll look at
24 column E there --
- 25 Q Uh-huh.

Tom Slovenski
Cross-examination by Mr. Kozak

1 A -- they're all -- a lot of them that you would --

2 Q would that be the phone call being outgoing to her
3 voice mail?

4 A Let me do one thing here. Let me. I've got to try to
5 see here. Okay. It appears in some of these that she was
6 trying to call out. 478, correct, or line 478? That was
7 one of the ones in question.

8 Q Yeah.

9 A Okay. Line 478 is call forwarding. It's an outgoing
10 call. I can only tell you what the records say. And if
11 it's saying it's outgoing and it got call forwarded, that's
12 what it's -- that's what it's saying.

13 Q Okay. All right. There is no clomit [sic] of voice
14 mail to forwarded text, correct? Like you can't forward a
15 text to a voice mail box or a text.

16 A No, sir, not to my knowledge.

17 Q So any texts received during this time if the phone
18 was off wouldn't be received until the phone was powered
19 back on, correct?

20 A That is correct.

21 Q And when they did come through the phone it'd be in --
22 probably in quick succession to one another kind of like --

23 A Possibly.

24 Q And the records you reviewed beginning on line 487, it
25 says M.S. terminating, M.S.M. and M.S.C. right here. I

- 1 think it's line 487.
- 2 A Yeah. I got it right here in front of me.
- 3 Q Okay. That means an incoming text, correct?
- 4 A Yes.
- 5 Q All right. And when do the records say that text was
6 received?
- 7 A Says it was received -- okay. It says 7:09. So we
8 take five away from us, and that would be 2:09 a.m.
- 9 Q And the text message, that was received at 2:09:38,
10 a.m., correct?
- 11 A Yes.
- 12 Q So two seconds later.
- 13 A Yes.
- 14 Q And the text after that was one second later.
- 15 A Yes.
- 16 Q And then two seconds after that the next text comes
17 through, correct?
- 18 A Yes.
- 19 Q And two seconds after that the next text comes
20 through, correct?
- 21 A Yes.
- 22 Q And two seconds after that the next text comes
23 through, correct?
- 24 A Yes.
- 25 Q And one second after that the next text comes through.

Tom Slovenski
Cross-examination by Mr. Kozak

- 1 A Actually two.
- 2 Q And then -- okay.
- 3 A Okay. I know what you're saying though, yes.
- 4 Q Included in this group of texts are two texts at
- 5 2:09 a.m. from the number (864)606-2580.
- 6 A Okay. You're looking at --
- 7 Q 2:09, line 488.
- 8 A 488, 489.
- 9 Q I think it's -- my number's a little off -- 488 and
- 10 489, yeah. That looks about right.
- 11 A 488, 489, yes, sir. I got it.
- 12 Q What number were those texts from?
- 13 A Calling number was ending in 2580.
- 14 Q 2580. All right. Just a moment. I put State's
- 15 Exhibit 3-B, which has already been put into evidence.
- 16 Will you look at -- read that number I'm pointing to,
- 17 please.
- 18 A The last four are 2580.
- 19 Q Is that the number that sent those messages that
- 20 arrived at 2:09?
- 21 A Let me see. (864)606-2580. Those numbers match.
- 22 Q And who is the person who sent that text?
- 23 A I really don't know. I've never seen those records
- 24 before.
- 25 Q Okay. Will you just read what name that is?

Tom Slovenski
Cross-examination by Mr. Kozak

1 A Brandon Dip -- ditch --

2 Q Okay. Thank you.

3 Did you also review the phone report for Brandon
4 Blackwood?

5 A No.

6 Q Okay. On line 498 of the phone records, she received
7 a text from (864)376-4810. Do you know this number belongs
8 to?

9 A No, sir. I sure don't.

10 Q Also, you did not review Brandon Blackwood's records
11 to corroborate any of this information you had?

12 A I was never provided them.

13 Q Okay. So you were not given records for the number
14 4810, ending in 4810.

15 A No, sir.

16 Q So you're not aware of who that number belongs to.

17 A No, sir. I sure don't.

18 Q All right. What time did this last text message
19 occur --

20 A You talking about --

21 Q -- at 498, line 498?

22 A No. 498 happened at 2:18 a.m. on the 27th of December
23 of 2015.

24 Q This causes the phone to ping off a Pacolet tower,
25 correct?

Tom Slovenski
Cross-examination by Mr. Kozak

- 1 A Ping is kind of a --
- 2 Q Well, it's called a hit? What word would you use?
- 3 A There was -- there -- the defendant's device was
- 4 utilizing that tower, the Pacolet one that I showed you.
- 5 And from it came this incoming text message.
- 6 Q And what time was that?
- 7 A 2:18 a.m.
- 8 Q The next activity on her phone is at 3:08 a.m.,
- 9 correct?
- 10 A That is correct.
- 11 Q And this causes her phone to ping off or to utilize
- 12 the Spartanburg tower, correct?
- 13 A I'd have to go back and look. It's one to the west --
- 14 Q Right.
- 15 A -- toward -- going toward Spartanburg. I can pull up
- 16 a map.
- 17 Q Looks like 499 at 3:08.
- 18 A I'd have to look on the map.
- 19 Q Okay. Cool.
- 20 A Okay. Yep. Okay. Okay. I got it.
- 21 Q All right. So and this causes her phone to ping off
- 22 the Spartanburg tower, correct?
- 23 A It's tower 499.
- 24 Q All right. And where is that located?
- 25 A It looks like it's located more toward downtown

Tom Slovenski
Redirect examination by Ms. White

1 Spartanburg.

2 Q Okay. So between 2:18 a.m. and 3:08 a.m. there was no
3 activity on her cell phone, correct?

4 A That is correct.

5 Q Between 2:18 a.m. and 3:08 a.m. she could be anywhere,
6 correct?

7 A I can't agree with that. That's too --

8 Q According to her cell phone records for 50 minutes
9 between 2:18 and 3:08 a.m. you have no idea where she is.

10 A Correct.

11 Q All right.

12 MR. KOZAK: No further questions.

13 MS. WHITE: Thank you, Your Honor. Just brief
14 redirect.

15 REDIRECT EXAMINATION

16 BY MS. WHITE

17 Q The government was asking you about the fact that she
18 received a number of text messages, it seemed like, at
19 2:09 a.m.

20 A Uh-huh.

21 Q And the implication was, was that her phone had been
22 off and they all came in in amass time.

23 Even if they all came in at amass time, what tower was
24 her phone located or utilizing at the time she received
25 those text messages at 2:09 a.m.?

Tom Slovenski
Redirect examination by Ms. white

1 A I'll give you -- it would be -- it would be that
2 Pacolet tower, the one that we showed you previously and
3 zoomed in on.

4 Q Okay. So whether or not she received text messages as
5 a result of a phone being cut off and all coming in a group
6 or not, the tower at the time of 2:09 that those came in
7 was in Pacolet.

8 A Yes, ma'am.

9 Q Okay. In regards to -- they were talking about some
10 call forwarding. I just wanted to verify. When we said
11 something about column E --

12 A Uh-huh.

13 Q -- being outgoing --

14 A Uh-huh.

15 Q -- that references the defendant's phone making an
16 outgoing call, is that right?

17 A Correct, that is correct.

18 Q Okay. So where it references call forwarding, it's
19 your expert opinion that she had made phone calls that went
20 to -- it could be voice mail. It could be the phone had
21 been turned off.

22 A Right.

23 Q Okay.

24 MS. WHITE: Your Honor, that's all we have at this
25 time.

Tom Slovenski
Recross-examination by Ms. Kozak

1 THE COURT: Anything at all?

2 MR. KOZAK: Briefly, Your Honor.

3 RECROSS-EXAMINATION

4 BY MR. KOZAK

5 Q You showed on your map that time period during the
6 call forwarding between 4:19 which is -- which is
7 11:19 p.m.

8 A 11:19 p.m.

9 Q The call forwarding section.

10 A On the 26th?

11 MS. WHITE: Your Honor, I think this is outside the
12 scope of redirect.

13 THE COURT: I don't know yet. Let's see.

14 A 26th, sir?

15 THE COURT: Keep it within the scope, now.

16 MR. KOZAK: Yes, sir.

17 Q 478 where she was referring to the call forwarding
18 calls.

19 A Okay.

20 Q From 11:19 to 2:08, all of those call forwardings. On
21 your map --

22 A Yeah. I'm trying to find them right here.

23 Q That phone showed no activity, correct?

24 A That is correct.

25 Q So any texts received during that time would not have

Tom Slovenski
Recross-examination by Ms. Kozak

1 come through until later, correct?

2 A Okay. Say that one more time.

3 Q Any texts she would have received during that time
4 would not have come through, correct?

5 A That is correct. The phone would have been --

6 Q Including the two texts from 2580.

7 A If it's part of those right there.

8 Q Okay.

9 MR. KOZAK: No further questions.

10 THE COURT: Thank you. Sir, you may step down.
11 Please be careful.

12 Madam Forelady and ladies and gentlemen, we've been
13 working hard here for about an hour and a half. We're
14 going to take our afternoon break at this point in time.
15 It'll be a good 15, maybe 20, minutes or so while you
16 refresh yourselves and get some ice water and whatever you
17 need. Let the bailiffs know. They'll be happy to help
18 you.

19 Don't talk about the case. It's certainly not at an
20 end. Thank you.

21 Madam forelady.

22 (The following takes place outside the presence of the
23 jury.)

24 THE COURT: Let's be in recess for about 15 or 20
25 minutes.

Gail Moffitt
Direct examination by Mr. Whelchel

1 (whereupon, a recess was taken.)

2 THE COURT: Ready for the jury?

3 MS. WHITE: I think so, Your Honor, yes, sir.

4 MS. ALBEE: Yes, Your Honor.

5 THE COURT: Let us have the jury.

6 (The following takes place in the presence of the
7 jury.)

8 THE COURT: Madam Forelady, any matters from the jury?

9 THE FOREPERSON: We're good.

10 THE COURT: Good.

11 All right. Yes, ma'am.

12 MR. WHELCHER: The defendant calls Gail Moffitt.

13 GAIL MOFFITT, having been
14 first duly sworn, testified as follows:

15 THE COURT: Good afternoon. Tell us your name for the
16 record, and spell your last name, please.

17 THE WITNESS: Gail Moffitt, M-O-F-F-I-T-T.

18 THE COURT: Thank you.

19 Yes, sir.

20 MR. WHELCHER: Thank you, Your Honor.

21 DIRECT EXAMINATION BY MR. WHELCHER

22 Q Gail Moffitt, you are the deputy clerk of court for
23 Spartanburg County?

24 A That's correct.

25 Q And how long have you been deputy clerk of court for

Gail Moffitt
Direct examination by Mr. Whelchel

1 Spartanburg County now?

2 A I can't remember exactly how many years I've been
3 deputy. I've been employed for 50 years, but I can't
4 remember how long I've been deputy.

5 Q A good long while.

6 A A long while.

7 Q At my direction did you pull the file in the clerk of
8 court's office for Mark Blackwood -- Mark Brandon
9 Blackwood?

10 A I did.

11 Q Okay. And do you have that with you?

12 A I do.

13 Q Okay. Does that file reflect an arrest warrant for
14 murder in January of 2017?

15 A Ask me that question again. I'm sorry.

16 Q Does the file reflect an arrest warrant for murder --

17 A Right.

18 Q -- for Mark Brandon Blackwood in January of this year?

19 A That was when it was filed in our office, January the
20 6th of 2017.

21 Q And it was served when?

22 A It was served according to this January the 5th of
23 2016.

24 Q Okay. And in that file you have only an arrest
25 warrant, is that correct?

Gail Moffitt
Direct examination by Mr. Whelchel

1 A I have a copy of the arrest warrant. I don't have the
2 whole file with me.

3 Q Okay. And do you have an indictment, ma'am?

4 A According to the computer there is not an indictment.

5 Q Okay. So the case has not been indicted yet.

6 A According to our computer, it has not.

7 Q And in order for a person to be tried in this
8 courtroom there has to be an indictment, is that correct?

9 A That's correct.

10 Q Okay. How many times has the grand jury met since he
11 was arrested, ma'am?

12 A Bear with me a minute.

13 Q Sure.

14 (Pause.)

15 A Nineteen.

16 Q Okay. Thank you, ma'am.

17 Answer any questions either of the attorneys for the
18 government might have.

19 MS. ALBEE: Your Honor, we have no questions.

20 THE COURT: All right. Ma'am, you may step down.
21 Please be careful.

22 THE WITNESS: Can I be excused?

23 THE COURT: You may be excused.

24 (Whereupon, the witness was excused.)

25 MS. WHITE: Your Honor, according to our schedule we

1 may need to approach, I think, to talk about our additional
2 witnesses.

3 (Bench conference held off the record in the presence
4 of the jury but out of the hearing of the jury.)

5 THE COURT: Madam Forelady and ladies and gentlemen of
6 the jury, I'm told that there's probably only two, or
7 possibly three, more witnesses in this case. And the --
8 and the -- one of them is a law enforcement officer who,
9 again, is tied up on another matter and cannot be here.
10 It's 4:00 o'clock. Cannot be here today. Can get here
11 first thing in the morning. So you would anticipate
12 hearing from that officer tomorrow morning.

13 With that, we are at a stopping point. Once again, I
14 caution you. Please don't pay attention to any of the news
15 media. Again, we have them with us today, and we're always
16 happy to have them with us.

17 But don't read anything, try to do any research or
18 listen to anything. Certainly as I told you earlier, you
19 know, my wife was telling me that she thought there was a
20 singer that had died, and she saw it on the internet and it
21 turned out not to be true. He did die about two days
22 later, but he was not dead when she saw it. So I just say
23 that to remind you that what we see sometimes is -- is not
24 exactly accurate, and you must -- it must be accurate.

25 So please don't -- don't try to do any research.

1 Please don't read any information about -- or any media
2 coverage.

3 Don't talk about it yet. It's not at an end. After
4 you have rendered a verdict in this case you can talk as
5 much or as little about the case as you choose, but not at
6 this point in time.

7 With that, we're going to excuse you again for the
8 evening. Once again, I'm going to ask you to be here at
9 9:00 o'clock ready to go. If you need to be here at
10 8:30 or any time between 8:30 and 9:00, I'm going to
11 already be here as I always am. And I'll be taking the
12 bench promptly at 9:00. I'm assured that the investigator
13 will be here first thing in the morning. You should expect
14 to hear from.

15 Am I right, he'll be the first one?

16 MS. WHITE: Yes, Your Honor.

17 THE COURT: He'll be the first witness up.

18 Okay. So we'll do that at 9:00 o'clock tomorrow
19 morning.

20 All right. Madam forelady, if you'll take your jury
21 out and be excused for the evening, have a good evening.

22 (The following takes place outside the presence of the
23 jury.)

24 THE COURT: Any matters from the state?

25 MR. KOZAK: Nothing from the state.

Angelita N. Wright
Examination by the Court

1 THE COURT: From the defense?

2 MS. WHITE: No, Your Honor.

3 I know that we've discussed my client testifying,
4 whether or not. And I know that you generally have
5 something that you'll share. I didn't know if you want to
6 go ahead and do that before we break for the evening since
7 we'll be discussing that perhaps overnight.

8 THE COURT: I'll be happy to do that while we have a
9 few minutes.

10 Ma'am, I'm going to ask you to stand, please, and be
11 sworn.

12 ANGELITA N. WRIGHT, having
13 been first duly sworn, was voir dired as follows:

14 THE COURT: Ma'am, I'm going to let you stand where
15 you are, but I'm going to ask you to speak loudly so that
16 you can be heard by my court reporter. Okay?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Now, you are Angelita Nicole Wright.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Ms. Wright, instead of this time -- my
21 notes say at this time -- but probably tomorrow morning at
22 some point I'm going to explain to you certain rights that
23 you have because you have a choice to make, and that choice
24 is to be whether or not you testify. Do you understand you
25 have a decision to make in the morning? Do you understand?

Angelita N. Wright
Examination by the Court

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Ma'am, you have the right to claim
3 protections given to you by the Fifth Amendment to the
4 Constitution of the United States, which states in part:
5 No person shall be compelled in any criminal case to be a
6 witness against herself.

7 Also, you have the right to claim the protections
8 given to you by Article I, Section 12, of the South
9 Carolina Constitution, which states in part no person shall
10 be compelled in any criminal case to be a witness against
11 herself.

12 This means you cannot be required to testify in this
13 case. You have the right to testify on your own behalf,
14 but no one can make you do so. This is a personal right,
15 and no person can waive this right except you.

16 If you decide to testify you will be subject to the
17 same rules that govern other witnesses, and you may be
18 examined and cross-examined on any relevant issue in this
19 case.

20 Additionally, if you have any convictions involving
21 dishonesty or false statement or for crimes punishable by
22 imprisonment for more than one year and this Court
23 determines the probative value of admitting the evidence
24 outweighs its prejudicial effect to you, the solicitor --
25 or in this case the attorney general's office -- will be

Angelita N. Wright
Examination by the Court

1 able to introduce your record to attack your credibility.

2 If you decide to testify the decision on your part
3 must be freely, intelligently and voluntarily made --
4 voluntarily made with the knowledge of the protections
5 given to you by the constitutions of the United States and
6 the state of South Carolina and the consequences of your
7 decision.

8 If you decide not to testify I will instruct the
9 jurors they cannot give the fact that you did not testify
10 any consideration whatsoever and that there is to be
11 absolutely no prejudice to you because you did not testify.

12 Ma'am, it is entirely up to you as to whether or not
13 you testify.

14 We're going to break for the evening. During that
15 break I encourage you to speak with both of your lawyers
16 about your decision as to whether to testify or not
17 testify. But tomorrow I will ask you at the appropriate
18 time for your decision. They cannot answer for you. Do
19 you understand?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Thank you, ma'am.

22 Anything further?

23 MS. WHITE: Nothing further from the defense, Your
24 Honor.

25 THE COURT: We'll be in recess until 9:00 o'clock

1 tomorrow morning. If anybody needs me, you know where I
2 am.

3 END OF PROCEEDINGS NOVEMBER 29, 2017
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Michael Gregory Woodcock
Direct examination by Ms. White

1 (Proceedings November 30, 2017)

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: Okay. Are we ready for the jury?

5 MS. WHITE: Yes, Your Honor.

6 THE COURT: Ready for the jury?

7 MR. KOZAK: Yes, we're ready.

8 THE COURT: Have the jury.

9 (The following takes place in the presence of the
10 jury.)

11 THE COURT: Good morning, ladies and gentlemen.

12 Madam forelady, is the jury ready?

13 THE FOREPERSON: Yes, sir.

14 THE COURT: All right.

15 MS. WHITE: Thank you, Your Honor. May it please the
16 Court. The defense would call Lieutenant Mike Woodcock to
17 the stand.

18 MICHAEL GREGORY WOODCOCK,
19 having been first duly sworn, testified as follows:

20 THE COURT: Sir, once you are situated if you'll
21 adjust the microphone and then tell us your name, and spell
22 your last name for madam court reporter, please.

23 THE WITNESS: My name is Michael Gregory Woodcock,
24 W-O-O-D-C-O-C-K.

25 MS. WHITE: Thank you, Your Honor.

Michael Gregory Woodcock
Direct examination by Ms. White

1 DIRECT EXAMINATION BY MS. WHITE

2 Q Lieutenant Woodcock -- isn't it?

3 A Yes, ma'am.

4 Q Okay. I want to make sure I'm right on that.

5 Tell us. Are you employed with the sheriff's office?

6 A Yes, I am.

7 Q How long have you been working for them?

8 A I have been working in the sheriff's office for 15
9 years.

10 Q Okay. Were you in law enforcement prior to that or
11 has that been --

12 A Yes. I've been a law enforcement officer since 1988.

13 Q Okay. And during that time is there any way to
14 estimate how many interviews you have done with witnesses?

15 A It would be thousands.

16 Q Okay. And during those interviews what -- are there
17 methods that you use to talk with them? Is it the same
18 kind of standard mode of operation for you, or what does it
19 depend on as to how you interact with that?

20 A Yeah. I have a great deal of experience and a sense
21 of training in standard interviewing techniques, and that's
22 what I do. I do a standard interviewing technique in
23 support of other investigators.

24 Q Okay. Do you recall interviewing Brandon Blackwood in
25 this case?

Michael Gregory Woodcock
Direct examination by Ms. White

1 A Yes.

2 Q And would it be accurate to say that the interview was
3 on January the 11th of 2017?

4 A Yes.

5 Q And at that point what was your understanding of
6 the -- the place of the investigation, I guess, and what
7 Mr. Blackwood's role in this was?

8 A It was my understanding that he had given a statement
9 to Detective Clark in which he admitted driving a vehicle
10 which struck some people. And I was asked to do a
11 confirmatory interview about that.

12 Q Okay. And when you met with him -- you're a tall
13 gentleman. Were you standing up?

14 A Yes.

15 Q Okay. Were you sitting down?

16 A We sat down after we got into my room, yes.

17 Q And what -- what kind of interaction did you have with
18 him? Was it a volatile, I guess, reaction -- interaction?
19 Was it a fairly calm interaction?

20 A It was very calm.

21 Q Okay. Did you feel like you were able to develop a
22 rapport with him?

23 A Yes.

24 Q Okay. During your interview with him did anything
25 change in his story from what you understood it to be at

1 that point?

2 A Yes. Initially, he told me that -- in fact, he said
3 he was not driving the vehicle, that a woman was driving
4 the vehicle, which was completely opposite of what I
5 understood to be the case.

6 Q Okay. And you continued with some interview with him,
7 is that right?

8 A Yes, I did.

9 Q All right. And during that interview did he
10 ultimately then change his story again?

11 A Yes, he did.

12 Q And changed it back to he was driving the vehicle?

13 A Yes.

14 Q During your interviews with him or your interview with
15 him, tell me about the kind of information he was providing
16 to you. Was it very vague; was it very detailed?

17 A It went back and forth in some areas of his discussion
18 with me. He would be very detailed about the events of the
19 evening, and then he'd get closer to the actual event.

20 Then he'd become very vague. And he mentioned he had
21 ingested a great deal of alcohol during that time period,
22 but/and he was back and forth.

23 Q Had you asked him at this time if he had taken any
24 kind of substance prior to your interview?

25 A I spoke to him about that, and he was under nothing

Michael Gregory Woodcock
Cross-examination by Ms. Albee

1 that I could tell.

2 Q Okay. And did he indicate at some times that he
3 didn't remember what happened?

4 A Yes, he did.

5 Q And that he didn't remember if the woman was even in
6 the vehicle at one point?

7 A That's correct.

8 Q Okay. Lieutenant Woodcock, at any time during your
9 interview with him did you coerce him or intimidate him?

10 A No.

11 Q You didn't threaten him to make a statement that he
12 hit Brent Tessnear?

13 A No.

14 Q Thank you.

15 MS. WHITE: That's all I have at this time, Your
16 Honor.

17 THE COURT: Yes, ma'am.

18 MS. ALBEE: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MS. ALBEE

21 Q Lieutenant Woodcock, you said that he appeared to not
22 be under the influence of anything when you met with him,
23 right?

24 A Correct.

25 Q And you met with him on January the 11th.

Michael Gregory Woodcock
Cross-examination by Ms. Albee

1 A Correct.

2 Q But he did say that he had smoked previously about a
3 week ago, right?

4 A That's correct.

5 Q Okay. And are you aware of when he was arrested?

6 A I can't recall.

7 Q And at first when he came in he told you that he
8 wasn't driving, right?

9 A Correct.

10 Q And you did have some sort of an understanding of the
11 facts of the case, right?

12 A Yes, ma'am.

13 Q Okay. Because you said it was your understanding that
14 he was, in fact, driving, right?

15 A That's correct.

16 Q And during your interview with him you began to
17 question him about that, right?

18 A Correct.

19 Q And would you say that you confronted him about him
20 being the driver of the vehicle?

21 A I pointed out inconsistencies with the story, yes,
22 ma'am.

23 Q And after you confronted him with those
24 inconsistencies, that's when he changed his story, right?

25 A Yes, ma'am.

1 MS. ALBEE: Your Honor, I have no further questions.

2 THE COURT: All right. Anything at all?

3 MS. WHITE: Nothing more from the defense, Your Honor.

4 THE COURT: Sir, you may step down. Please be
5 careful.

6 MS. WHITE: I ask that he released from the subpoena.

7 MS. ALBEE: No objection, Your Honor.

8 THE COURT: Sir, you may stay or go, whichever you
9 choose.

10 THE WITNESS: Thank you, Your Honor.

11 THE COURT: Thank you.

12 (Whereupon, the witness was excused.)

13 MS. WHITE: Your Honor, at that point the defense
14 would rest.

15 THE COURT: The defense rests.

16 MS. WHITE: Yes, Your Honor.

17 THE COURT: All right. Let me see the lawyers.

18 (Bench conference held off the record in the presence
19 of the jury but out of the hearing of the jury.)

20 THE COURT: Madam Forelady and ladies and gentlemen of
21 the jury, the defense has now rested, which means they
22 don't intend to call any more witnesses at that point.

23 I understand that the state may -- may call another
24 witness at this time. However, this is one of those
25 moments where I told you yesterday -- and you've already

1 seen it one time -- where I have to take up a couple of
2 legal matters outside of your presence. I won't be but
3 just a few minutes.

4 But, Madam Forelady, if you will, take your jury out.
5 Don't talk about the case yet.

6 (The following takes place outside the presence of the
7 jury.)

8 THE COURT: Matters from the state?

9 MR. KOZAK: Nothing from the state, Your Honor.

10 THE COURT: From the defense?

11 MS. WHITE: Your Honor, at this point the defense
12 would just simply renew our motions for a directed verdict
13 based on the arguments that we made yesterday at the close
14 of the state's case.

15 THE COURT: Yes, ma'am.

16 MS. ALBEE: And, Your Honor, the state stands by their
17 arguments that were made yesterday at the mid-trial point.

18 THE COURT: And you also are renewing your motion to
19 quash the indictment for the murder and the hit and run.

20 MS. WHITE: Yes, Your Honor.

21 THE COURT: Okay. And for the -- and the state's
22 position remains the same.

23 MS. ALBEE: Yes, sir, Your Honor.

24 THE COURT: All right. And for the same reasons
25 already explained by the Court, those motions are denied

1 once again.

2 MS. WHITE: Thank you, Your Honor.

3 THE COURT: All right. Anything else?

4 MR. KOZAK: Nothing else.

5 THE COURT: You've got a rebuttal witness?

6 MR. KOZAK: Yes, sir, Your Honor. Just one.

7 THE COURT: And is that witness here and ready to go?

8 MR. KOZAK: He is. He's here.

9 THE COURT: Okay. We'll have the jury.

10 Do you want a minute?

11 MS. ALBEE: He can push it now. That's fine. You can
12 go ahead and get them. It'll just take a second.

13 THE COURT: All right. We'll have the jury.

14 (The following takes place in the presence of the
15 jury.)

16 THE COURT: All right. Ready?

17 MR. KOZAK: Yes, Your Honor.

18 (Bench conference held off the record in the presence
19 of the jury but out of the hearing of the jury.)

20 MR. KOZAK: The state calls Brandon Letterman.

21 THE COURT: Sir, you were previously sworn. You
22 remain under oath.

23 THE WITNESS: Yes, sir.

24

25

Brandon Letterman
Direct examination by Mr. Kozak

1 BRANDON LETTERMAN, having been
2 previously duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. KOZAK

4 | Q Please state your name.

5 A Murray Brandon Letterman.

6 Q And where do you currently work?

7 A Spartanburg County Sheriff's Office.

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

9 A Be 14 years in February.

10 | Q And what is your current position?

11 | A cell phone and computer forensic analyst.

12 Q And how long have you been in your current position?

13	A	Seven months.
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14 Q How many cell phone forensic exams have you performed?

15 A close to, I would estimate, right around between 75 to
16 80.

17 Q Okay. And how many cell phones -- how many times have
18 you analyzed cell tower information?

19 A Over my career as an investigator, probably 30 or 40
20 times.

21 | 0 And does this include cell tower mapping?

22 | A Yes.

23 | 0 Have you had any training in this field?

24 | A Yes.

25 | 0 what kind?

Brandon Letterman
Direct examination by Mr. Kozak

1 A For the cell phone tower map -- mapping we use a
2 program called GeoTime, and I've received training through
3 that company on how to use the software.

4 Q All right. So, as you said, what software are you
5 familiar with to perform these cell phone exams?

6 A We use two types of software for the forensic
7 examination. We use Cellebrite, and for the cell phone
8 data records for mapping we use GeoTime.

9 Q And how long have you been using those programs?

10 A Cellebrite I've been using for seven months; GeoTime
11 for about the last three months.

12 Q Okay. What training did you go through to use this
13 software?

14 A Through Cellebrite, I'm a certified cell-phone
15 forensic analyst and a certified Cellebrite operator.
16 That's a class that is presented through Cellebrite to be
17 certified to use their software and their hardware. And
18 through GeoTime I received training on how to utilize their
19 software with the call data records.

20 Q And did you shadow anyone prior to entering this
21 position?

22 A I did.

23 Q And was it in the same field that you're in now?

24 A Yes.

25 Q And who was that?

Brandon Letterman
Voir dire by Ms. White

1 A That was Senior Investigator Lindsey McGraw.

2 Q And how long did you shadow him?

3 A I shadowed him for about a month before he retired.

4 MR. KOZAK: At this time I would like to tender
5 Brandon Letterman as an expert in cell phone forensics and
6 cell tower mapping.

7 MS. WHITE: I've got some voir dire, Your Honor.

8 THE COURT: Yes, ma'am.

9 VOIR DIRE EXAMINATION

10 BY MS. WHITE

11 Q And tell me again. Sergeant Letterman?

12 A Yes, ma'am.

13 Q Okay. You said that you got training in these
14 programs -- Cellebrite and GeoTime -- as training in
15 particular software, is that right?

16 A Correct.

17 Q How many days for training did you go through for the
18 Cellebrite program?

19 A It was a week long.

20 Q Okay. So five days?

21 A Yes, ma'am.

22 Q Okay. How many days of training did you receive for
23 the GeoTime software?

24 A That was a 1-day.

25 Q Okay. So you've had six days of training on how to

Brandon Letterman
Voir dire by Ms. White

1 use software to do cell phone mapping and forensic exams?

2 A That's correct.

3 Q And you've been in this for seven months now. Have
4 you testified in any trial at this point?

5 A No, ma'am.

6 Q And have you been qualified as an expert?

7 A No, ma'am.

8 Q Have you produced any kind of publication in this
9 area?

10 A As far as?

11 Q In regards to any research that you've done or
12 anything that you've researched and published --

13 A No, ma'am.

14 Q -- as response to that? Have you presented to any
15 agencies or any -- any folks as an expert in this field?

16 A I would say -- I wouldn't say an expert. A couple of
17 weeks ago I presented at a national homicide conference in
18 Dallas, Texas, on a homicide case that involved cell phone
19 mapping.

20 Q And you presented at the case. But were you yourself
21 involved in the cell phone mapping?

22 A No, ma'am.

23 Q Okay. So you presented based on information you
24 gained after.

25 A Correct. During the investigation, yes, ma'am.

Brandon Letterman
Voir dire by Ms. White

1 Q And that was during the six days of training you have
2 on these software programs.

3 A I beg?

4 Q I'm saying you presented information based on
5 information you gleaned during your seven months in this
6 area and your six days of training on this software,
7 correct?

8 A Correct, yes, ma'am.

9 MS. WHITE: Your Honor, the defense would object to
10 his qualifications as a cell phone forensic examiner and
11 mapping. Your Honor, specifically, as well he -- his prior
12 was -- prior -- previously called as a witness.

13 I don't believe he's received any additional training
14 since that point that he was called as a witness that would
15 allow him to be deemed an expert to come in as a rebuttal
16 witness to our expert, Your Honor. So we would object to
17 his qualifications as an expert and his testimony.

18 MR. KOZAK: Thank you, Your Honor.

19 I'll address the earlier calling of the witness first.

20 He was earlier called as a fact witness because he was
21 involved in this case as a fact witness. Now he's an
22 expert. He was later after he changed positions involved
23 as a cell phone examiner in this case.

24 The qualifications under Rule 702 are knowledge,
25 skill, experience, training or education. There is no

Brandon Letterman
Direct examination by Mr. Kozak

1 qualification for him having testified before a court.
2 Every expert has to have their first time testifying in
3 court. It is for these reasons that we think he is
4 qualified as an expert and tender him as a witness.

5 THE COURT: The Court's going to qualify him over
6 objection that he's a cell phone forensic examiner in
7 examination and mapping.

8 Ladies and gentlemen of the jury, once again, a
9 witness may give an opinion as an expert due to their
10 skill, training or education. It is up to you to give
11 whatever weight to his testimony that you deem appropriate.

12 MS. WHITE: Your Honor, just briefly for the record,
13 are you also ruling on my motion to not allow him as a
14 rebuttal witness?

15 THE COURT: I am -- I am going to allow him as a
16 rebuttal witness. He was a fact witness previously. He's
17 a rebuttal witness at this time.

18 MS. WHITE: Thank you, Your Honor.

19 THE COURT: All right. Yes, sir.

20 DIRECT EXAMINATION

21 BY MR. KOZAK

22 Q Are you a sergeant -- lieutenant? What's your --

23 A Sergeant.

24 Q Sergeant Letterman, did you by any chance review
25 Brandon Blackwood's cell phone records?

Brandon Letterman
Direct examination by Mr. Kozak

1 A Yes.

2 MR. KOZAK: At this point I'm showing opposing counsel
3 what's marked as State's Exhibit 1-A and 1-B.

4 Q Showing you what's been marked as Exhibits 1-A and
5 1-B. Can you identify what these are, first with 1-A?

6 A These appear to be Verizon wireless call data records.

7 Q Is that 1-A?

8 A I'm sorry. 1-A, correct. Yes. It appears to be
9 ingoing and outgoing phone calls from Verizon wireless.

10 Q And what is Exhibit 1-B?

11 A 1-B appears to be ingoing and outgoing text messages.

12 Q All right.

13 MR. KOZAK: At this time I'd like to move State's
14 Exhibit 1-A and 1-B into evidence. And I'm going to
15 publish to the jury later.

16 MS. WHITE: Without objection, Your Honor.

17 THE COURT: Without objection, they're admitted.

18 (D.V.D. marked State's Exhibit No. 1-A; D.V.D. marked
19 State's Exhibit No. 1-B.)

20 Q Okay. I am showing you the same exhibit that was used
21 earlier in trial with their witness. Can you identify what
22 this is real fast?

23 A It's the call data records from T-Mobile.

24 Q Okay. And whose phone was T-Mobile?

25 A Angelita Wright.

Brandon Letterman
Direct examination by Mr. Kozak

1 Q If you look at lines -- all right. If you look at
2 lines 478 all the way down to, I believe it's 486 it says
3 call forwarding. What does that mean?

4 A Call forwarding on that means either the phone was
5 off, either the phone was busy, someone attempted to make a
6 phone call to that handset and then that call was forwarded
7 to voice mail.

8 Q If it's going to voice mail, then why does it say
9 outgoing right here?

10 A Because whenever -- with T-Mobile whenever you call in
11 and the phone is busy or off it automatically changes it to
12 an outgoing because it is now sending that message to the
13 voice mail.

14 Q And what is this number, the call number,
15 1-805-637-7249?

16 A That number is the default forwarding number to
17 T-Mobile's voice mail.

18 Q So that means all of these calls are going to voice
19 mail?

20 A That's correct.

21 Q And none of them have any activity off any cell phone
22 towers.

23 A That's correct.

24 Q Does this mean her phone is off?

25 A That -- it's a possibility, yes, that it's off.

Brandon Letterman
Direct examination by Mr. Kozak

1 Q What is the last activity on her phone prior to the
2 beginning of the call forwarding?

3 A I think the last activity before the call
4 forwarding -- I'm not exactly sure I know that. Do you
5 have the page to it?

6 Q It is sometime before 11:02 p.m., correct? That's
7 E.T.C. time.

8 A Correct, correct, yes. I believe the -- yes. That's
9 E.T.C. time, so you subtract five from that. The 11:19 is
10 the first activity where it goes to call forwarding.

11 Q Okay. And the first time -- so the 11:19 is the first
12 time a call is forwarded?

13 A Correct.

14 Q So her phone was turned off sometime between the time
15 prior to this and 4:19.

16 A That is correct.

17 Q According to her phone records what time was her phone
18 turned back on?

19 A I believe her phone receipt -- the first activity
20 after it was from call forwarding would be 7:09 E.T.C.
21 time. So if you subtract it would be 2:09.

22 Q Okay. So what does that one line right before the --
23 where her phone is turned back on, what time is that?

24 A That's 7:04 E.T.C. time, but you subtract five. That
25 would be 2:04.

Brandon Letterman
Direct examination by Mr. Kozak

1 Q So sometime between 2:04 and 2:09 her phone is turned
2 back on.

3 A That's correct.

4 Q And according to the phone records exactly how long
5 was her phone turned off?

6 A From going from -- you have to scoot it down. I
7 believe that first -- from 11:19 until 2:04.

8 Q So about three hours.

9 A Roughly, yes.

10 Q Now, when her phone is turned back on does she receive
11 a group of texts all at once?

12 A It appears that way, yes.

13 Q Between 2:09:36 and 2:09:50 she received about how
14 many incoming texts?

15 A That would be one, two, three, four, five, six, seven,
16 eight. I believe nine.

17 Q And so she received nine texts in 14 seconds.

18 A That's what it appears, yes.

19 Q Are two of those texts from 1-864-606-2580?

20 A Yes. You've got two of those. That's 7:09:38 and
21 7:09:39.

22 Q Whose number is that?

23 A That belongs to Brandon Blackwood.

24 Q And what time did the phone -- what time did the
25 defendant's phone records indicate those texts arrived at

1 her phone?

2 A They arrived at her phone at 2:09:38 and 2:09:39.

3 Q Now, I'm going to put up Brandon Blackwell's [sic]
4 phone records.

5 All right. So what exactly does this row right here
6 indicate?

7 A That's the -- what they call the seizure date and time
8 of the activity on that handset when the activity occurred.

9 Q And when is the last activity on Brandon Blackwell's
10 phone?

11 A Keeping in mind these are Verizon, yesterday was
12 explained that T-Mobile sends you records in U.T.C. time,
13 so you have to subtract five hours. Verizon wireless
14 actually sends them in Eastern Standard Time as you
15 request. So his active is actually depicted correctly
16 there. His last activity is at -- it shows there, I
17 believe, 10:57.

18 Q Okay. Now, what -- this Exhibit 1-A is what part of
19 his records?

20 A Those are the incoming and outgoing phone calls.

21 Q I'll put up his last page of incoming and outgoing
22 texts. And at what time does he send his last two text
23 messages on this phone?

24 A You have to slide it down.

25 (Pause.)

Brandon Letterman
Direct examination by Mr. Kozak

1 A The last two times that he sends the outgoing text
2 message is at 11:17 and 11:26.

3 Q And what number were those texts sent?

4 A Those -- that was -- that's fine -- (864)540-5645.

5 Q And who does that number belong to?

6 A Angelita Wright.

7 Q The defendant.

8 A Correct.

9 Q According to Brandon's phone records was his phone
10 active at 2:09 a.m.?

11 A No, it was not.

12 Q After this large group of texts the defendant received
13 at 2:09, there's a text at -- after this large group of
14 texts you received at 2:09, there's a text 2:10:28. what
15 does that say there that?

16 A That's an outgoing.

17 Q what does that mean?

18 A That means that the handset is sending it out. It's
19 actually sending a text message.

20 Q Does someone have to be operating a phone to send an
21 outgoing text?

22 A Yes.

23 Q So at this time according to her phone records someone
24 is using her phone.

25 A Correct.

1 Q After the outgoing text, what is the next activity on
2 the cell phone?

3 A It's an incoming text.

4 Q All right. What time did the defendant receive that
5 text?

6 A That incoming is at 7:10:31 U.T.C. time. It's track
7 five -- correction. 2:18:32 is whenever that text is. It
8 is an incoming text. I'm sorry.

9 Q Okay. And what number is that text from?

10 A Let me correct that.

11 Q Okay.

12 A You're talking about the first incoming after the
13 outgoing?

14 Q Yes.

15 A Okay. The first incoming after the outgoing is going
16 to be 2:10:11.

17 Q Okay. And what is the next text after that?

18 A The next text after that is at 2:18:32.

19 Q Okay. And what number is that text?

20 A The incoming text?

21 Q Yes, at 2:18.

22 A At 2:18 is going to be the (864)376-4810.

23 Q And do you know who that number belongs to?

24 A It belongs to Brent Tessnear.

25 Q And when is the next cell phone activity after that

Brandon Letterman
Cross-examination by Ms. White

1 text was received?

2 A It's going to be at 3:08:31.

3 Q So for 15 minutes after she receives a text from Brent
4 Tessnear according to her cell phone records, we don't know
5 where the defendant is.

6 A Correct. We don't know where the cell phone is.
7 There's no way to tell where the defendant's at.

8 Q Thank you.

9 MR. KOZAK: No further questions.

10 CROSS-EXAMINATION

11 BY MS. WHITE

12 Q Sergeant Letterman, a couple of different things I
13 want to ask you about.

14 One is when the state was asking you about all of
15 those times that said call forwarding, they said something
16 about the phone being off. You don't know that the phone
17 was off, right?

18 A No. That's a possibility.

19 Q It could be that the phone had died?

20 A Correct. The phone would be off if it died. Correct.

21 Q If the phone is off and charging?

22 A Correct, yes.

23 Q Okay. So we don't know actually why the calls were
24 going to forwarding at that point.

25 A Correct, yeah. There's no way to tell. There's

Brandon Letterman
Cross-examination by Ms. White

1 just -- the phone -- the -- the message could not reach
2 that phone. So there was some reason that phone was off or
3 busy or what have you. It was -- that's a possibility.

4 Q When -- you got these records last week. Is that the
5 first time you reviewed them?

6 A Yes, ma'am.

7 Q Okay. And you're aware that they had them for over a
8 year and a half at this point.

9 A Yes, ma'am.

10 Q Okay. And you reviewed them last week. Were you able
11 to do the mapping for these?

12 A Yes.

13 Q And did your mapping also show that at 2:09 when the
14 incoming texts were coming in that it was in or around
15 Pacolet?

16 A On my mapping program the text messages were not able
17 to be mapped off of the tower information for whatever
18 reason. So it showed as what they call an interpolated
19 event, which means it didn't capture the cell tower in that
20 software. But the phone activity around that time was,
21 yes, showing off the tower in Pacolet.

22 Q Okay. So not in Cowpens.

23 A Correct.

24 Q All right. So the time that Ms. Wright was receiving
25 or sending texts messages in and around 2:09 a.m. up to

Brandon Letterman
Cross-examination by Ms. White

1 2:18 a.m. she was in the Pacolet area from what we
2 understand.

3 A That's correct.

4 Q In regards to the text messages that Mr. Blackwood
5 gave, you said that his phone stopped at -- let me see if I
6 am correct. The last phone call was 10:57, is that right?

7 A That's correct.

8 Q Okay. And that the last text message was around
9 11:17 p.m. on the 26th.

10 A I believe there was 11:17 and 11:26, was his last cell
11 -- text message activity.

12 Q Okay. Now, did you do the actual extraction on these
13 phones?

14 A The actual forensic extraction, no, ma'am, I did not.

15 Q And I think we heard that Detective McGraw had done
16 this -- or Investigator McGraw.

17 A That's my understanding, yes, ma'am.

18 Q Okay. And he told us about two different types of
19 examinations that can be done, logical and physical.

20 A Correct.

21 Q Can you explain for us again the difference between
22 logical and physical?

23 A Logical will extract a smaller amount than a physical.

24 A physical extraction will attempt to extract everything
25 off the cell phone. Logical is mainly, just recovers text

Brandon Letterman
Cross-examination by Ms. White

1 messages, call logs, contacts, things along those nature.

2 It's a smaller scope extraction.

3 Q And from what I understand from his testimony, doesn't
4 recover anything that might have been deleted.

5 A That's correct. Not a logical.

6 Q Okay. And from your understanding on Brandon's phone
7 a logical examination was done, is that right, or
8 extraction?

9 A I've never seen the extraction that was done on his
10 phone.

11 Q Okay. If a logical extraction was done if text
12 messages or phone calls or phone numbers or anything had
13 been deleted, we wouldn't have recovered those, would we?

14 A Not a logical, no, ma'am.

15 Q Okay. Had they done a physical extraction it's
16 possible that we could have gotten text messages or phone
17 calls or records that may or may not have been deleted.

18 A That is possible, yes, ma'am.

19 Q Okay.

20 MS. WHITE: That's all I have at this time, Your
21 Honor.

22 THE COURT: Anything at all?

23 MR. KOZAK: Briefly, Your Honor.

24

25

1 REDIRECT EXAMINATION

2 BY MR. KOZAK

3 Q The record you just reviewed, those were not from the
4 extraction, correct?

5 A No. Those -- those are call detail records that were
6 sent from the -- the cell phone company.

7 Q Okay. So the cell phone providers of these two phones
8 provided this, these records.

9 A That's correct.

10 Q Thank you.

11 MR. KOZAK: No further questions.

12 THE COURT: Anything at all about that one question?

13 MS. WHITE: No, Your Honor.

14 THE COURT: Sir, you may step down. Please be
15 careful.

16 Anything at all?

17 MR. KOZAK: The state rests, Your Honor.

18 THE COURT: Anything at all?

19 MS. WHITE: No, Your Honor.

20 THE COURT: Madam Forelady and ladies and gentlemen of
21 the jury, all of the testimony and evidence that you're
22 going to receive in this trial is now before you.

23 Now, let me tell you what's going to happen next.
24 we're going to take a break here. When I finish speaking
25 here we're going to take a break. Don't begin to talk

1 about the case. It's not proper for you to do that at this
2 time.

3 when you take the break I'm going to ask the lawyers
4 to come up and make sure that all of the exhibits here are
5 in order. You have seen madam court reporter label those.
6 I'm going to ask them to come up and make sure that they're
7 all here and everything is accounted for.

8 I have a few words with them. When you return to the
9 courtroom I'm going to ask you to give your attention to
10 the lawyers because they will make what's known as the
11 closing statements to you, after which I will then charge
12 you on the law, and after which you will retire to your
13 jury room to begin deliberations.

14 So kindly give us about 10 or 12 minutes here. We'll
15 be right back with you. And at that point you can
16 expect about -- well, we'll take about 15 minutes because
17 it takes about an hour and a half to charge -- argue and
18 charge, about 90 minutes or so.

19 Okay. So take your break. Get some water, use the
20 facility or whatever. When you return I'm going to ask you
21 to give your attention to the lawyers.

22 Madam forelady.

23 (The following takes place outside the presence of the
24 jury.)

25 THE COURT: Matters from the state?

1 MR. KOZAK: Nothing from the state, Your Honor.

2 THE COURT: From the defense?

3 MS. WHITE: Nothing from the defense, Your Honor. I'm
4 sorry. Beg the Court's indulgence.

5 (Pause.)

6 MS. WHITE: Your Honor, just to ensure that we've
7 preserved the record correctly, since the state has
8 produced an additional witness we would like to renew our
9 motions again to quash the indictments, as well as renew
10 the motions for a directed verdict.

11 MR. KOZAK: The state stands on previous argument.

12 THE COURT: The motion is denied for the reasons that
13 the Court has enunciated previously. You are protected.
14 Anything else?

15 MR. KOZAK: Nothing from the state.

16 THE COURT: All right. Let's take about -- let's take
17 a good 15 minutes here.

18 Let me see the lawyers up here.

19 (Bench conference held off the record.)

20 THE COURT: Anything?

21 MS. WHITE: Your Honor, we do want -- the defense does
22 want to make a motion.

23 THE COURT: Okay.

24 MS. WHITE: At this point, obviously, we have
25 expressed our concern about the indictments and mentioned

1 that. We have talked to Your Honor at the bench.

2 Your Honor, the defense would make a motion to ask the
3 state to elect which indictment they're going forward on.

4 At this point we believe that the indictments are
5 contrary to each other. They're mutually exclusive, Your
6 Honor, in our view.

7 The murder indictment requires malice aforethought or
8 requires a specific intent to commit that crime.

9 If you look at the indictment for the
10 leaving-the-scene-of-an-accident-resulting-in-death it says
11 that she was the driver of a car involved in an accident
12 resulting in the death of Brent Tessnear.

13 Again, the definitions' section of the statute for
14 these motor vehicles does not define the word accident.
15 And whenever there's not a definition for a specific word
16 the legislature has held that you look to the plain and
17 ordinary meaning. Black's Law Dictionary defines accident
18 as an unintentional act.

19 Your Honor, their only witness has testified that
20 Ms. Wright saw the victim, had a smile and gunned for him
21 basically. That is an intentional act.

22 We would argue that if they're going to proceed
23 without causing an issue with a potentially compromised
24 verdict, Your Honor, and for a clean record, we feel that
25 they should be forced to elect which indictment they're

1 going to proceed on so that we cannot run the risk of the
2 jury being confused and resulting in an issue that would
3 then cause a compromise verdict.

4 THE COURT: All right. Yes, sir.

5 MR. KOZAK: Thank you, Your Honor.

6 As we previously argued, the state's position on this
7 is that the term accident is not what defines that statute.
8 The term accident defines what happens before the illegal
9 activity happens.

10 An accident happens, and then they leave the scene.
11 The illegal portion of that is leaving the scene.

12 The specific intent of murder, malice aforethought,
13 does not come into play in that. You can be guilty of
14 leaving the scene of an incident, as well as murder.

15 Actually a case tried here awhile ago -- Sandy
16 Westmoreland -- in the Court of Appeals, the Court of
17 Appeals doesn't even use the term accident when they're
18 defining the statute for leaving the scene of an accident.
19 They use the term incident. They say South Carolina
20 requires the driver of any vehicle involved in an incident
21 resulting in injury or death to give his name, address and
22 vehicle registration over to the other driver.

23 They don't even use the word accident. They use the
24 word incident because they are saying that he can be guilty
25 of both.

1 Further -- sorry -- further, she's not charging that
2 it was an accident. She's not using accident as a defense
3 in this case. She's saying she wasn't there, Your Honor.

4 THE COURT: Anything further?

5 MS. WHITE: Just briefly if I may, Your Honor, just to
6 distinguish the State vs. Westmoreland case, Your Honor.

7 Obviously, we don't know what arguments were made by
8 counsel presented to the Court. That was not the issue on
9 appeal as to whether or not those were mutually exclusive
10 or whether or not that was an issue.

11 However, I do believe the facts in that case are
12 distinguishable from ours. In that incident the gentleman
13 hit an individual, acknowledged that he hit that person,
14 returned to check on the person, saw that he was either
15 injured or already dead and chose to leave the scene, Your
16 Honor.

17 At that point it's two separate incidents. And we
18 would argue that, yes, that would be perhaps an incident
19 that that would cause. But in this case, Your Honor,
20 they're alleging one act. They're alleging one act, an
21 intentional act to hit and kill Brent Tessenar. But yet
22 they've got the indictment. And their indictment doesn't
23 say incident. The indictment says leaving the scene of an
24 accident with death, that she was involved in an accident
25 resulting in death.

1 We argue again that they're mutually exclusive and
2 they should be forced to elect.

3 THE COURT: Okay. Well, the -- I appreciate the
4 arguments, but the Court is going to deny the motion, as I
5 previously stated. And -- and I appreciate the arguments.
6 I really do. But I think that I have fashioned the jury
7 verdict form in such a manner as to -- as to take care of
8 that. So we can make that part of the record if we need
9 to.

10 MS. WHITE: Thank you, Your Honor.

11 MR. KOZAK: Thank you, Your Honor.

12 THE COURT: Okay. Let's also put on the record in
13 case somebody wants to read it later, State vs. Lee from
14 the Supreme Court, 147 S.C. 480, the parallel cite at 145
15 S.E. 2d. at 285. It's a 1928 case regarding election. And
16 it appears that that would support the ruling of the Court.

17 Are we ready for the jury? Ready?

18 MS. ALBEE: Yes, Your Honor.

19 THE COURT: We'll have the jury.

20 (The following takes place in the presence of the
21 jury.)

22 THE COURT: Madam forelady, is the jury ready?

23 THE FOREPERSON: Yes, sir.

24 MS. ALBEE: Thank you, Your Honor. May it please the
25 Court.

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1 THE COURT: Yes, ma'am.

2 MS. ALBEE: I'm going to kill him. He doesn't deserve
3 the ground that he walks on and he does not deserve the air
4 that he breathes.

5 Those were the words said by the defendant just hours
6 before her husband was run over by a car and left in the
7 road to die, bleeding internally, hoping that his body was
8 found, while she gets behind the wheel of a white truck,
9 drives back to her house in Pacolet and gets out of the car
10 with a grin on her face and leaves her driver's license in
11 the driver's side of that door.

12 Now, we're at the point in the trial where Judge Kelly
13 is about to instruct you on the law and ask you to return a
14 verdict of guilty or not guilty.

15 We're asking that you find the defendant, Angelita
16 Wright, guilty of the crimes of murder and leaving the
17 scene of an accident resulting in death. And in order to
18 do that we had to prove certain things to each of you
19 beyond a reasonable doubt.

20 For murder, we have to prove to you that the defendant
21 intentionally caused the death of Brent Tessnear with
22 malice aforethought.

23 Now, what does that mean? Malice aforethought doesn't
24 mean that she had this plan in her mind for years or for
25 months or for days or for even hours. It means that the

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1 killing was intentional, that it was willful, that it was
2 purposeful, that she didn't have any justification for
3 doing it.

4 Leaving the scene of an accident resulting in death
5 means just that. There was some sort of a car accident
6 that somebody died and that the defendant, she left.

7 And in order to prove those things to you we called
8 several witnesses to the stand throughout this week, and
9 each of them had a small piece of the puzzle, a small
10 glimpse into the night of December the 26th of 2015 and the
11 early morning hours of December the 27th.

12 And we heard the defendant -- and she was married to
13 Brent Tessnear and that they had a history together. But
14 at this point in time there were estranged. They weren't
15 together any more. And we heard that she wanted to go from
16 her place in Pacolet to his place in Cowpens to get the
17 kids' Christmas presents. But she didn't have a ride, so
18 she needed somebody to take her there. And she depended
19 upon Brandon Blackwood.

20 And so for the first time that night she gets in
21 Brandon Blackwood's white truck and they go over to Cowpens
22 over to Brent's house. And you hear that this exchange is
23 not pleasant.

24 This comes not only from Brandon's testimony but when
25 Investigator Clark read you parts of Angelita's statement.

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1 she said that she goes up and Brent's high and she's
2 crying. She's trying to get the kids' Christmas presents
3 but he says that he sold them for dope.

4 So she comes back to the car, and she's upset. She
5 tells Brandon that Brent doesn't deserve the ground he
6 walks on or the air that he breathes. And then she gets in
7 the driver's side of the car for the first time that night.
8 And they drive to pick up cigarettes and liquor -- Malibu
9 Rum. And Brandon's sitting in that passenger seat, takes
10 that Malibu Rum and he starts drinking it.

11 That encounter with Brent earlier in the night wasn't
12 the first thing that Brent did, because you heard that then
13 the defendant found out that Brent posted some pictures on
14 facebook, some pictures of some female body parts. And
15 this -- this made her mad. This made her angry. She was
16 tabbing them.

17 And so she drives over to Carol Barzilay's house, and
18 at Carol Barzilay's house is Carol and Hannah Padgett and
19 Amy Padgett. And they tell you that she comes speeding
20 into the driveway driving that white truck, slams on the
21 brakes, that she opens up that car door and mini bottles
22 fall to the ground and it looks like she's been drinking.

23 And she is upset. She's yelling about what Brent did,
24 yelling about the photos on facebook. She goes and she
25 grabs Hannah Padgett's phone. She texted on facebook,

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1 looks at it.

2 And even according to what Investigator Clark told us,
3 Angelita said she posted on his facebook page going to whip
4 your butt if you don't take that down.

5 Then she grabs her phone and she talks to Brent.
6 She's telling him I'm going to kill you, you need to take
7 these down off facebook, you've got two minutes to take
8 these down. She gets off the phone with him.

9 And Carol and Hannah and Amy, they tell you that when
10 she leaves she gets back in the driver's side of that car
11 but not before Brandon Blackwood asked her, hey, do you
12 want me to take care of this for you. And she says, no, I
13 can handle my own. And she gets back in the driver's side
14 of that car again and they leave. Still angry, still
15 upset.

16 And then for the second time she goes back to Brent
17 Tessnear's house. She goes there, and she's knocking on
18 the door trying to figure out where he is. He's not there.
19 And Johnathan Sellars pulls up, and she starts asking him,
20 hey, do you know where Brent is, call somebody, see if you
21 can figure out where he is, because she's hunting him down.
22 She's trying to find him. She's trying to confront him.
23 So she's knocking on the door, and she's having people
24 call. She can't find him.

25 So she gets back in the driver's side of that white

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1 truck with Brandon Blackwood and Johnathan Sellars and
2 Johnathan's girlfriend. They go to a trailer in Pacolet
3 looking to see if that's where Brent is. And they don't
4 find him there.

5 Brent [sic] tells us that they then drive to another
6 place, and she's looking for someone to help her beat up
7 Brent.

8 They then go back to Brent's house again for a third
9 time that night. They go to Johnathan's, and they just
10 walk right down the road to Brent's.

11 She's trying to get in through the front door, and she
12 can't. She's on a mission. So she goes to the back door
13 and somehow gets in there. And she's inside for a little
14 bit. She comes out with a bike for her kid and she takes
15 that bike and she puts it in the back of that white truck
16 that she's been depending on to get her everywhere she
17 needs to go all night long.

18 And according to Investigator Clark, this is where
19 Angelita's statement changes a little bit from everyone
20 else's. According to what he told us, she said that she
21 then goes and hangs out with her friends Robert and Marie
22 and then meets up with Bridget, Brent's sister.

23 But you heard from Marie. You heard from Bridget.
24 Marie told you that they weren't hanging out between the
25 hours of 11:00 and 1:00 and 2:00, that it was a little

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1 after 3:00. But she's finally with the defendant.

2 And then Bridget gets up on the stand and tells you
3 that she sees her earlier in the night at the Spinx and the
4 Arby's but that she doesn't pick her up until it's closer
5 to 5:00. They're going to the flea market. And she's with
6 her in her car when the coroner calls at 5:57. She just
7 picked her up. They were driving to go get breakfast.

8 She wants you to think that she was with these people
9 during the time that Brent died and her timeline's off,
10 because she wasn't with them until after Brent had already
11 died.

12 Now, the burden of proof in this case has rested here
13 at this table the entire trial. The defense doesn't have
14 to prove a single thing to you. They didn't have to give
15 any opening statements; they didn't have to question any
16 witnesses. They surely didn't have to call any witnesses
17 of their own. The burden rests with us.

18 But when they do, when they do put up witnesses, when
19 they do question witnesses, you get to ask yourself if what
20 they're saying makes sense. So let's walk through some of
21 the points that have been made throughout this trial.

22 It's been said that Brandon Blackwood was some sort of
23 mastermind behind all of this, that he's the one that said
24 Angelita did it and that he did it to get himself out of
25 trouble -- Brandon, the kid that you saw sit here for a

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1 couple of hours. You got to listen to him speak. You got
2 to watch how he reacted. Not really what you would think
3 of as some sort of mastermind.

4 And if Brandon is making this up to somehow exonerate
5 himself or to say Angelita did it, then why isn't he
6 screaming it at the top of his lungs? Why didn't he sit
7 here on this stand and say, yeah, absolutely, I remember
8 Angelita did this. You're right. I was completely
9 coherent inside of that car. I saw her pour it, run him
10 over. She did it a hundred percent, no fumbling. If he
11 was making it up, if he was trying to exonerate himself, if
12 he was trying to set her up, that's how that goes.

13 That's not how it went. He fumbled; he stumbled. He
14 didn't remember everything. What he does know is that he
15 had no reason to be in Cowpens that night.

16 What he does know is that he didn't know Brent
17 Tessnear, didn't know he walked up and down Cemetery
18 Street. What he does know is that every time he was in
19 Cowpens that night he was with the defendant. What he does
20 know is he wasn't driving that white truck when it left the
21 Li'L Cricket and he wasn't driving it when it went down
22 Cemetery Street.

23 Now, did Brandon's story change over time? Yes. And
24 he got up here and he told you why. And even Investigator
25 Clark and the assistant solicitor on the case prior to us

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1 got up here and told you that they had seen Brandon before,
2 that they had met with him before and that this Brandon was
3 completely different. Right. He was lethargic; he was
4 apathetic; he was yawning; he was disheveled. Completely
5 different Brandon. He was coughing, coughing so much it
6 looked like he was going to throw up. He was high. Tells
7 you that he smoked before coming in to speak that day.

8 And then he even told Investigator Woodcock when he
9 met with him six days after he was arrested that he'd
10 smoked about a week ago when he met with him in the
11 solicitor's office.

12 And, yes, his story changed. Did you notice how it
13 changed completely in only a matter of 15 minutes?
14 Investigator Clark is in that room with Brandon Blackwood
15 for 15 minutes, and that's how long it takes to get a
16 murder confession.

17 We don't know what was said in that conference room.
18 It's not recorded. We don't have it. We don't know what
19 was said; we don't know how it was said.

20 But what we know is when Brandon then goes to the
21 police station to write his statement Investigator Clark
22 has to keep coming up and saying, no, no, don't forget,
23 remember you told us this at the solicitor's office,
24 remember you told us that at the solicitor's office. And
25 he goes, yeah, and writes it down. It's because he can't

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1 even remember what he'd said just a few minutes prior.

2 It's because he's high.

3 And so does the story change? Yeah. But his story
4 changed because he didn't have any recollection of what
5 happened with him driving, because he wasn't driving.

6 He even goes and tells Investigator Woodcock when he
7 meets with him, no, no, no, I wasn't driving. Angelita was
8 driving. That's his first story. And then Investigator
9 Woodcock tells you that as he confronts him he gets more
10 confrontational with him again similar to how Investigator
11 Clark was, similar to how Assistant Solicitor Smith was.
12 That's when the story changed.

13 In order to not believe Brandon Blackwood means you
14 can't believe any of the witnesses that were on the stand,
15 because so many witnesses that night match up perfectly
16 with Brandon's story.

17 Brittany Bridges who tells you about being in Gaffney
18 together. Hannah, Amy, Carol who tell you that they came
19 rolling in to Carol Barzilay's house liquor bottles falling
20 out. Johnathan Sellars who tells you that he saw them over
21 at Brent's house. Bridget Miller who told you that she saw
22 them at the Arby's and the Spinx. These are other
23 witnesses that aren't Brandon Blackwood whose stories are
24 lining up perfectly with what he said.

25 The only time somebody doesn't corroborate his story

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1 is when he's alone with the defendant at the Li'L Cricket
2 in Cowpens.

3 Do they want you to think that there's absolutely no
4 way that they were together after 2:00 o'clock in the
5 morning because of these texts, these 2:09 texts that are
6 sent from Brandon's phone? If they were together why would
7 he be texting her at this point in time? Hoping that
8 became real clear, right.

9 Previously in the night from time before 11:19 all the
10 way down to 2:04 that phone is in call forwarding. She's
11 not receiving anything. She's receiving no texts; she's
12 receiving no phone calls; she's not making any phone calls;
13 she's not sending out any texts because the phone is either
14 charging or it's off or something is happening where she's
15 not receiving anything.

16 And we know from Brandon's phone logs that you saw
17 just earlier today that his two texts that he sent Angelita
18 were a little after 11:00 during this timeframe when her
19 phone's in call forwarding.

20 During that exact same timeframe that the defense
21 pointed out to you he's texting his mom saying, hey, I'm
22 going to grab some food at Wendy's, the Wendy's that they
23 told you is by that Spinx, the Wendy's that's across from
24 the Arby's where Brandon tells you that that's when and
25 Angelita separated on the night, that he drove his car over

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1 to the Arby's to wait on her. That's when those text
2 messages are sent, during that timeframe. And they're
3 received by her phone at 2:09.

4 And when you look as these they're two seconds apart,
5 one second apart, two seconds apart, two seconds apart, two
6 seconds apart. Seventeen seconds she gets nine text
7 messages because her phone's back on. So these text
8 messages weren't sent from Brandon to her at 2:09. They
9 were received at 2:09. They were sent at 11:17 and 11:23.

10 Now, do we know what these text messages said? No.
11 And we don't know what any text messages said on the
12 defendant's phone from that night because they're deleted.
13 And they want you to think that she's got some sort of old
14 school flip phone that doesn't hold a lot of memory,
15 doesn't hold a lot of text messages and you'd have to
16 delete the text messages to be able to have new messages
17 come in.

18 But what you heard, the phone's got a lot more memory
19 than you think. And although it's not fifteen, not a
20 hundred, not a thousand, but we're talking about just
21 standard text messages alone in the millions.

22 But there are other things on the phone, right, other
23 programs and stuff like that. But how many text messages
24 did she have on her phone? 127. That includes inbox; that
25 includes outbox.

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1 We know the auto delete feature on the phone, the
2 thing that deletes text messages when you need more space,
3 is turned off. So those text messages are manually
4 deleted. And that phone logs, phone calls that were made,
5 they have to be manually deleted.

6 And we know that absolutely everything from December
7 the 26th and before in the early morning hours of
8 December the 27th when Brent is killed, when he's run over,
9 all of that is deleted from her phone manually.

10 Now, they put up an expert who told us a lot of
11 things. He came up here and explained to us all about cell
12 phone towers and how everything works. And he looked at
13 each of you in the eye and said that from the hours of
14 2:00 o'clock in the morning until 3:00 o'clock in the
15 morning she was in Pacolet.

16 That's what their paid expert told you from the stand,
17 but he's wrong. He doesn't have that information. He
18 doesn't have the ability to be able to tell us that because
19 cell phone companies aren't in the business of tracking
20 people. They track the phones.

21 And he even told you that granular station, right, the
22 tracking of people's cell phones based on the towers that
23 they're pinging off of, to use his words, scientifically
24 unsound. That's what their expert said.

25 And he said that the amount of area that a cell phone

Closing arguments

1 tower covers ranges depending on where you are, if there's
2 buildings and there's trees. And so all he could give you
3 was an estimate. He doesn't know. He didn't drive out to
4 that tower to see how far it actually covered. He
5 estimated six miles.

6 So let's just assume. Just assume that the cell phone
7 actually is telling us where Angelita is. It's still wrong
8 to say that she is in Pacolet from 2:00 to 3:00, because
9 what we know is that there's a text sent at 2:18 right
10 here. It's five hours 7:18, 2:18. It is an incoming text,
11 and that puts her in Pacolet, or it puts her pinging off
12 Pacolet tower and however far out it reaches. It doesn't
13 mean she's at her house. It just means she hit that tower.

14 And what we know is that from 2:18 to 3:08 there is no
15 cell phone activity, no texts in, no texts out, no phone
16 calls in, no phone calls out. Nothing pinged off any tower
17 to tell us where she is for 50 minutes -- 50 minutes.
18 Between the hours of 2:18 in the morning to 3:08, no idea,
19 exactly what their expert said, that these records don't
20 tell us where she was between the hours of 2:18 and 3:08,
21 50 minutes, 50 minutes after she gets that 2:18 text.

22 That text is from Brent. Fifty minutes after she gets
23 that text from Brent we have no idea where she is at.

24 That is one hell of a coincidence. It is a
25 coincidence that there is all of this phone activity.

Closing arguments

1 You've got the logs in evidence. All of this phone
2 activity all night long, all of these texts in, all of
3 these texts out, all of these phone calls in, all of these
4 phone calls out.

5 But when she gets that text from Brent at 2:18,
6 suddenly nothing -- nothing. That's a hell of a
7 coincidence, y'all.

8 And we know that Brent left to walk to that store
9 around 1:55 in the morning. That's what Margo told us.
10 You remember Margo Kirk? She said they were going to the
11 store. And she said I wish I had gone with him. I needed
12 some cigarettes too. He faced with me around 1:55 and said
13 he was walking to the store.

14 We know from Officer Ruth wolfe that he was in that
15 store at about 2:00 o'clock in the morning. There's been
16 some talk about him leaving around 2:02 and walking.

17 We know he's alive at 2:06. He called Sherry Riley.
18 Called to ask about that pig tail for the dryer. We know
19 his phone sent the text, 2:18, that texted the defendant.
20 We know his body was found around 2:55 in the morning. And
21 E.M.S. is dispatched onto the scene. And there's
22 resuscitation attempts, right, attempts to keep him alive.

23 And Dr. Wren got on the stand and told you that with
24 those types of injuries, with the blunt force trauma that
25 he had and that internal bleeding, he would have lived for

Closing arguments

1 20 to 30 minutes -- 20 to 30 minutes -- and that with the
2 amount of methamphetamine in his system would have sped up
3 that process. He would have died sooner.

4 So resuscitation attempts were being made after the
5 ambulance is dispatched at 2:55, that 20 to 30 minutes from
6 there. We know he's alive after 2:18 because he would have
7 been dead on arrival. No.

8 Now, Brandon told you that he saw the defendant and
9 Brent fighting in the parking lot. He told you that lasted
10 somewhere along ten minutes. But he also told you that he
11 had no idea if Brent had been in that Li'L Cricket earlier
12 in the night. He didn't know if he'd been there just a few
13 minutes earlier. He had no idea.

14 And the store clerk got up here and she told us that
15 she didn't see anyone fighting in the parking lot. She
16 also told us that from inside that store she can see
17 everything, absolutely everything.

18 And yesterday when the cell phone analyst was going
19 through the map he gave us that street view. Right. Did
20 you notice that the gas station was an all-glass building?
21 There weren't windows on all four sides. It's a cylinder
22 building. The last one is on the front.

23 They want you to think somehow that that store clerk
24 inside working could see everything. But you know what?
25 We know she's the one that ran him over, and we know that

Closing arguments

1 because her demeanor and what she's saying throughout the
2 night changes after Brent dies.

3 All throughout the night she's talking about how she's
4 going to kill Brent, he doesn't deserve the ground he walks
5 on, he doesn't deserve the air that he breathes. She's mad
6 about the kids' Christmas presents; she's mad about
7 facebook.

8 She's telling everybody all of this stuff about Brent
9 until after Brent's dead. And she's with Marie and she's
10 with Bridget. She's concerned. She starts telling them
11 reasons why Brent might be dead, about how people might
12 want -- wanted to have beat him up.

13 She even tells Bridget maybe you should check on your
14 brother. Complete change. And it's because at that point
15 in time Angelita Wright already knows Brent Tessnear's
16 dead. And that's why she lies about the coroner's phone
17 call.

18 Jeanie Burnett got up on the stand, and you got to
19 hear the phone call, the phone call at roughly 5:55 in the
20 morning to Angelita's cell phone. She picks it up, and
21 Jean Burnett goes is this Angelita Tessnear, and there's a
22 pause. Yes. Who's this? She says, well, this is Jeanie
23 Burnett with Spartanburg County. That's it. Not
24 Spartanburg County Coroner's Office, not the hospital, not
25 the police, just Spartanburg County.

Closing arguments

1 And then she says are you the wife of Brent Tessnear.
2 The defendant goes, yes, why, is he okay, is everything all
3 right. That's her first reaction.

4 But then something really interesting happens in that
5 phone call, because the next thing she says, Jeanie Burnett
6 asked, well, I'm trying. That's why I'm trying to figure
7 out who you are. Are you the wife of Brent Tessnear? And
8 for the first time in this phone call she lies. She says,
9 well, I'm at home. I haven't seen him.

10 We know that's not true because we know she saw him
11 earlier in the night when she said he was high. We know
12 she's talking with him. We've got the phone records. So
13 that's the first lie.

14 And then Jeanie says I need to come out and see where
15 you are, I need to speak with you. And she lies a second
16 time. She says, well, I'm at my home in Pacolet. Two lies
17 in under the first one minute of that phone call.

18 This is somebody who apparently thinks that her
19 husband is hurt, doesn't know if he's alive or dead, if
20 he's okay or not, if he's in the hospital, if he's at the
21 police station. She doesn't know where he is. And her
22 first reaction's to lie not once but twice?

23 And when you listen to that phone call she's not even
24 the one that finally tells Jeanie Burnett where they are.
25 It's Bridget. Bridget is the one that said we're over by

Closing arguments

1 Hardee's or an Arby's or near the flea market. What's
2 going on? Right. Because Bridget told you she was
3 concerned. She didn't know what was going on with her
4 brother. She wasn't lying. Angelita did. She already
5 knew what that phone call was about.

6 So she's going to the hospital, and Bridget tells you
7 that when they arrived at the hospital she's calling her
8 brother or her cousin. Right. She's not calling whoever
9 has their kids. She's not calling his kids. She's not
10 calling other family members to say something might be
11 wrong with Brent and I'm meeting somebody from Spartanburg
12 County at the hospital. She calls her brother. She asks
13 him what does this mean and what should I do.

14 So let's look at what she did after she found out
15 Brent was dead. After she found out Brent was dead what
16 she decided to do was to get in the car with Amy and Hannah
17 Padgett and go to Brent's house and try to break in and get
18 his cell phone.

19 She then gets on her phone and makes all sort of texts
20 to people about how Brent's dead, about how he was
21 definitely murdered, how she didn't do it, how she needs
22 to, quote, get me a dress for the funeral. That's what she
23 decides to do.

24 What she decides to do is to get on the phone and call
25 the good job that she knows that Brent has now to figure

Closing arguments

1 out who the life insurance company is and then call them.
2 And when she finds out that she's not the beneficiary she
3 starts using that as an excuse as to why she wouldn't have
4 killed Brent.

5 I see. You believe in me so much you think I murdered
6 Brent. I wasn't even the benefit -- the benefee on his
7 life insurance policy. Just another reason as to why she
8 thinks she shouldn't be accused of murder. But notice
9 that's not sent till after she's already made those phone
10 calls to Mutual of Omaha and the Tindall Corporation.

11 What she decides to do less than 24 hours after her
12 husband has been run down by a car and murdered is to make
13 a joke about it. This is the caring, concerning wife. She
14 makes a joke about it, and not just to anyone. To Brandon
15 Blackwood. Sent him a text message less than 24 hours
16 after her husband is murdered, says you in town. I was
17 walking to the store. L.O.L. Brent Tessnear died walking
18 from the store.

19 Now, I know this case has not been perfect. It's not
20 been a perfect investigation. Not every witness is
21 perfect. That's because we're dealing with real people
22 here. Right.

23 And when Judge Kelly instructs you on the law he's not
24 going to tell you that it had to be a perfect
25 investigation. He's not going to tell you that every

Closing arguments

1 witness had to be perfect. What he's going to describe to
2 you is that our burden is beyond a reasonable doubt.

3 Now, reasonable doubt isn't some doubt that's
4 imaginary or fanciful or something you or the defense can
5 make up in their head. It's based on reason. It's based
6 on common sense.

7 If you are firmly convinced that she ran her husband
8 down, you can find her guilty. If you can stand here with
9 your two feet planted on the ground and say, yeah, she did
10 it, then we've met our burden of beyond a reasonable doubt.

11 Sometimes the most complicated questions have the
12 easiest answers. She said she was going to kill him all
13 night long, and she did. Find Angelita Wright guilty.

14 MS. WHITE: Thank you, Your Honor. May it please the
15 Court. We're going to take a second just to move that out
16 of the way.

17 (Pause.)

18 MS. WHITE: I'm going to start off talking to you over
19 here because I want you to look at Angelita Wright.
20 Angelita Wright has been waiting for two years to prove her
21 innocence, two years for a jury of 12 people to hear the
22 evidence and listen and know what she's known all along, is
23 that she's innocent of these charges.

24 The state has the burden of proof. That means they
25 have to show to you beyond a reasonable doubt that this

Closing arguments

1 woman intentionally and with malice ran over her estranged
2 husband, killed him and left him on the ground. That means
3 that a reasonable person -- a reasonable doubt is something
4 that would cause a reasonable person to hesitate to act.
5 And I want to talk to you about some of the reasonable
6 doubts we've got in this.

7 The very first thing I want to mention is one thing.
8 There's a murder warrant for Mark Brandon Blackwood. After
9 he spoke with police the state issued a murder warrant for
10 him alleging in that that he purposefully drove his truck
11 and killed Brent Tessnear. Reasonable doubt.

12 They don't even know who drove the truck and killed
13 Brent Tessnear. Their star witness has said I did it, I'm
14 the one that was driving the truck, I killed Brent.
15 Reasonable doubt.

16 When you look at the witnesses that have come forward,
17 we have a lot of witnesses about what happened five hours
18 before Brent was found.

19 She was angry. She told Investigator Clark. She told
20 everybody. He'd put some nude photos on facebook and
21 tagged me in them. I want them down. The mother of three
22 young children. Take them down in two minutes or I'm going
23 to come up there and whip your butt. I swear I'm going to
24 kill you.

25 Words alone cannot convict somebody of murder. She

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1 said these things five hours before. She was riding around
2 with Brandon in the truck five hours before. There's never
3 been a question. She told Investigator Clark. Yeah. We
4 were riding around. We went to the house. We went and we
5 got my kid's bike because Brent -- Brent had sold the other
6 toys. I wanted my kids' Christmas back.

7 This was a relationship, obviously, that's
8 complicated, back and forth for eight years. At the time
9 this happened Angelita was 25. Brent was about ten years
10 older than her. He had three older children. She had very
11 young children. The oldest was five; the youngest was
12 still in diapers.

13 Doesn't have much, and their Christmas gifts had
14 gotten sold. So, yeah, she wanted them back. She was
15 upset. She's a mom. It was the day after Christmas and
16 their Christmas gifts were gone.

17 But is being angry about that and being upset about
18 something on facebook enough to convict somebody of murder?
19 No. There has to be evidence and proof beyond a reasonable
20 doubt.

21 Let's talk about Mark Brandon Blackwood. Now, the
22 state alleged that we tried to craft him as a criminal
23 mastermind. I would beg to differ. I think everyone knows
24 he's not a criminal mastermind. There's no doubt.

25 I don't believe he had any grand scheme; I don't

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1 believe he had any plans in his mind. I don't know what he
2 had in his mind. To be honest, I don't know if he knows
3 what he had in his mind.

4 For the last year his story has changed multiple
5 times. He has told the police. Now, granted, this was
6 three days after this incident happened. You know, someone
7 was traumatized riding in this vehicle, saw a man hit and
8 killed but didn't say anything for three days.

9 In fact, I think he told police I just remembered
10 about the guy this morning, just remembered about him this
11 morning. That's how much he cared about him.

12 They show up. He gives them incredible detail. We
13 went here, we went there, somebody said this. He put it in
14 quotes. He described where they went, what they drank, who
15 they talked to up and down the street, back and forth from
16 Pacolet to Cowpens.

17 And then when it comes to the point of Brent's death
18 everything gets fuzzy for him.

19 The one thing he does say -- and he says over and
20 over. He's adamant. He said Angelita and Brent argued
21 right outside the Li'L Cricket as he walked out. He said,
22 in fact, it was so close that he thought Angelita was
23 walking into the store to buy something.

24 This is the time he was -- we know he walked out to
25 purchase some items at 2:02 a.m. He says this was right

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1 before Brent was killed, minutes before. And he sat in the
2 car and listened while they argued, flailed hands, yelled,
3 make a big scene. One time he said five minutes; one time
4 he said 20 minutes.

5 But you've got an officer who was in that store. She
6 didn't see anything; she didn't hear anything. There were
7 no people out in the parking lot, no other cars in the
8 parking lot. Reasonable doubt.

9 His story hinges on things he's saying being true.
10 You cannot count on any word he says as true he has told so
11 many stories.

12 Odessa Erwin was the clerk. She has a wall of windows
13 to look out. The parking lot is at an angle. The largest
14 part is the store. She can see the parking lot from where
15 she is. She can certainly see the front door and if
16 somebody was coming near the front door.

17 She didn't see anybody. 2:00 a.m., nobody was there.
18 Nobody got into an argument; nobody got into a fuss.
19 Brandon made that up. That's just one more of his stories
20 that he's told, one more reasonable doubt.

21 He said at one point he never drank before, just
22 blackout drunk. We know that's a lie. You heard a
23 recording, talking to his girlfriend. The Malibu Rum
24 tasted weird. I'd had that before. I thought it tasted
25 weird. Let's claim I was rubid [sic].

Closing arguments

1 He's thinking. He's thinking about what's best for
2 Brandon, what's going to get Brandon out of this trouble,
3 because at this point he's confessed and he's arrested for
4 murder.

5 During all of his interviews he keeps saying am I
6 going to go away for life, what am I going to get charged
7 with, I just hope I don't go away for life.

8 He's worried about himself. So he came up here and
9 did the same thing he did with Investigator Clark, with
10 Investigator Woodcock, Assistant Solicitor Spenser Smith,
11 and he lied. He made up a story to what he thought was
12 going to benefit him. Reasonable doubt.

13 He's charged with murder. I don't see him at a
14 defense table. He's not here facing trial on murder. He
15 has confessed to driving a truck. But Angelita Wright is
16 the one that they are prosecuting for murder in this case.
17 Angelita Wright is the one that has said I did not do this,
18 who talked with the police, who told them everything she
19 did.

20 Now, they claim her timeline doesn't match up.
21 Investigators didn't follow up on their phone records.
22 They've had them for a year and a half, almost two years.

23 Marie Dalton, Frances Marie Dalton, says we talked to
24 her about 3:00. My client says earlier in the evening.
25 Did they check her phone records to see if it matched what

Closing arguments

1 Marie said or what my client said? No. Because at that
2 point they'd made their decision.

3 Brandon Blackwood had told them she did it. They
4 heard she was mad at him that night. It's easy; it's
5 convenient.

6 She was the one that one person said I saw her do it,
7 and she's been arrested for murder. One person. These
8 other people saw her five hours before. She was driving
9 the truck earlier. She admits that. She was riding around
10 with him. She bought him alcohol. She admits that.

11 He also claims he was blackout drunk around this time
12 they were at the Arby's and the Spinx, 10:30 or 11:00. You
13 saw his text messages or heard his text messages to his
14 mom. Hey, I'm going to go to Wendy's and pick something up
15 to eat. I think I'm going to stop by papa's and get those
16 clothes. Doesn't sound like somebody that's blackout
17 drunk. I don't know about you, but blackout drunk to me is
18 not someone that can complete a sentence in a text message,
19 make a phone call, have a conversation, send multiple text
20 messages that makes sense.

21 That's around 11:00 or 11:15. He told you from there
22 they rode to Cowpens where they got into a fight.
23 11:00 p.m., 12:00 p.m., 1:00 a.m., 2:00 a.m. Doesn't make
24 sense.

25 If they were at the Arby's and the Spinx at 11:00 p.m.

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1 and then he said the next thing they did was go to the
2 Cowpens -- Cowpens gas station, it doesn't make sense. One
3 more reasonable doubt.

4 You've also got the investigation. The state's right.
5 It doesn't have to be perfect. Nobody is perfect. We
6 understand that. We're all human. But once they arrested
7 Angelita that was pretty much it. They had somebody. They
8 felt they knew who did it, and they had somebody that said
9 she did it.

10 There was no D.N.A. found on the truck to corroborate
11 what Brandon said. No items of clothing, no fibers, no
12 hairs, nothing to corroborate what he said. That's all
13 right.

14 They get the phone records. Did they do the mapping?
15 No. A year and a half goes by. In fact, their own witness
16 testified they mapped it, or tried, to last week. This has
17 been going on for two years.

18 She has been charged with murder and faces that charge
19 for two years, and they don't bother worrying about the
20 cell phone. They've got the person they arrested. They've
21 got the person they felt like was the one who did it. So
22 they stopped.

23 Investigator Wolfe didn't cover any of the items on
24 the scene. Wallet, 200 feet from the body. Is that
25 normal? Didn't investigate that. Reasonable doubt.

Closing arguments

1 You've had at least three people that said he had
2 actually been threatened the day or two before this. Man
3 with a metal wand showed up wanting to beat him up, trying
4 to break in his house.

5 Several people mentioned it to them. Any
6 investigation to check into this gentleman, to check into
7 where he was that night? No. why? They'd arrested
8 Angelita, and because she had been upset that night about
9 some facebook postings and kids' Christmas gifts and
10 because Brandon Blackwood said she did it, that was enough
11 for them.

12 You've also got the telephone. Now, much has been
13 said about her phone being off, call forwarding. Okay.
14 That's fine. That's fine with me. Phone's off.

15 Whether or not his text messages were sent 2:00 a.m.
16 or not, okay, maybe they did come later. The fact is you
17 heard her expert show you 2:09, 2:18 a.m. Her phone was in
18 Pacolet. It was being used, outgoing and ingoing, Pacolet,
19 not Cowpens, not with Brandon in Cowpens fighting Brent in
20 front of a store minutes before he was killed. Pacolet.
21 where my client said to the officers that she was.

22 Now, then you've got the other witnesses. She said I
23 talked with Marie and Robert and we hung out before like
24 probably from 11:30 to 1:00. Marie says, no, it's 3:00.

25 3:18 her phone's already headed to Spartanburg. She's

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1 not hanging out in Pacolet with Robert and Marie. She's
2 already in Spartanburg. She's with Bridget Miller, Brent's
3 sister. They're heading to the flea market. They're
4 heading to get breakfast. Phone doesn't leave from that
5 point anywhere else. It stayed in Spartanburg. So when
6 she gets the phone call she's in Spartanburg.

7 Now, there's much ado about nothing essentially in
8 regards to her being, saying, where she was. That's not
9 evidence to prove her guilty of murder. They have to prove
10 her guilty of murder beyond a reasonable doubt. Her
11 telling a story or saying I was in Pacolet and then having
12 sister say, no, we're in Spartanburg, we can be there soon,
13 we don't know what was going on. We don't know what was
14 being said.

15 And they're also talking a lot about her attitude.
16 She's angry, estranged wife earlier, but then they're upset
17 because at the -- at the hospital they don't think she's
18 sufficiently upset. They don't think she's sufficiently
19 being the crying, dodging wife.

20 They've just said she's estranged from Brent. She
21 doesn't know what to do. She is in a position where she is
22 considered the next of kin. She's asking people what do I
23 do.

24 She's being told got to get stuff for a funeral.
25 She's making calls to check on life insurance. She doesn't

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1 have the money to pay for a funeral. But that's all right.
2 She didn't -- she didn't deal with that. His family. He
3 has older kids, and they were able to help with that.
4 That's fine.

5 Reasonable doubt. If you have a reasonable doubt as
6 to whether or not Angelita Wright purposefully and
7 maliciously killed Brent Tessnear, then you have to find
8 her not guilty.

9 And, in fact, as the judge said before, as she sits
10 before you right now she is innocent. Before you go
11 deliberate you see her, and she is an innocent woman. The
12 only time that changes is if -- and if -- you think they
13 have produced enough evidence to prove beyond a reasonable
14 doubt that she was the driver of that truck that killed
15 Brent Tessnear.

16 I want to touch back on Brandon Blackwood again
17 because he played such a large part in this. He didn't
18 testify for long, but he's the witness. He is the only
19 witness that puts her in the truck at the time of Brent's
20 death.

21 It's your job to determine credibility. It is your
22 job to determine whether or not you believe any or all of
23 what any witness says.

24 You heard from the folks that interviewed him. He's
25 claiming coercion. Number one, he said he smokes weed all

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1 of the time, so a claim of smoking a little weed before he
2 goes into an interview to me doesn't seem like it's that
3 big of a deal for him.

4 He says he was threatened. He says he felt upset,
5 uncomfortable. So he confesses to murder because they were
6 talking to him and asking him to tell the truth. That is
7 what the coercion was. Tell the truth. You're not telling
8 us something. Tell the truth. And he did. He told them I
9 was the one driving. I, Brandon Blackwood, hit Brent
10 Tessnear and killed him. He said that.

11 Now, when he realized he was getting charged with
12 murder, we're backpedaling a little bit. Maybe I didn't
13 really do it. Maybe they coerced me. Maybe I was high.
14 Maybe I didn't know what I was talking about.

15 But a week later he meets with Investigator Woodcock,
16 tries to change his story again and says, no, it wasn't me,
17 it was Angelita. Talked to him some more. Tell the truth.
18 That was when Brandon Blackwood, I drove the car, I hit
19 Brent Tessnear.

20 But, again, he's not at the defense table. They've
21 chosen to prosecute Angelita Wright based on the word of a
22 man who can't even sit up here and be questioned by me
23 without physically getting uncomfortable.

24 Assistant solicitor Smith talked about him getting
25 uncomfortable. Looked like he was burping; looked like he

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1 was going to vomit. Coughing. He did that Tuesday.
2 Perfectly fine when he was answering questions from the
3 state. When he starts being questioned about what he said,
4 he's coughing, he's moving around, he's burping. He's
5 looking uncomfortable.

6 Guilty conscience is what I would call that, because
7 he knows he's having to try to cover up the truth, which is
8 that he is the person that killed Brent Tessenear.

9 Reasonable doubt. If there is anything in your mind
10 that causes you to hesitate to act, it's reasonable doubt.

11 Their rebuttal witness came forward and talked about
12 timing, call forwarding this text. But the one thing he
13 did say, 2:18, her phone was in Pacolet.

14 Now, I think our expert's testimony may have been a
15 little mischaracterized. He never said that from 2:18 to
16 3:08 she was in Pacolet. He acknowledged he couldn't say
17 that. He acknowledged that at 2:18 it showed in Pacolet
18 and at 3:08 showed that she was headed to Spartanburg. But
19 you have common sense.

20 Brandon Blackwood claimed that they were arguing
21 around that time in Cowpens. Two people say no. Phone
22 records say no. Reasonable doubt.

23 And we would ask that you listen to all, take the
24 evidence that has been presented, look at the witnesses
25 that have testified. You decide for yourselves whether you

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1 believe them or not.

2 And if anything they have said or anything that has
3 been put forth would cause you to hesitate to act and think
4 that maybe Angelita Wright is not guilty of murder and not
5 guilty of a hit and run resulting in death, then you should
6 find her not guilty. And that is what we are asking you to
7 do today. Thank you.

8 MS. ALBEE: Thank you, Your Honor.

9 I get a brief opportunity right now to address some of
10 the things that Ms. White said. That's what I want to talk
11 about just very briefly.

12 She said that words alone cannot convict somebody.
13 We're not just dealing with words alone. We're dealing
14 with her words and her actions, her driving the car, her
15 drinking, her texting, her trying to find Brent, that text
16 from Brent, the deleted texts on her phone. We're dealing
17 here with a whole lot more than just words.

18 And I want to talk about Brandon Blackwood only
19 briefly, because they wanted you to believe that Brandon is
20 at the Arby's and the Spinx around the 11:30 timeframe.
21 And then they want you to think about what his testimony
22 was, is that they went straight to the Li'L Cricket in
23 Cowpens losing hours of time. Right. That doesn't make
24 sense.

25 You remember what Brandon said? The question was

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1 where is the next place you remember being. He said the
2 Li'L Cricket.

3 Remember right before that he says she says she has to
4 drive because I'm too drunk. I'm in the passenger seat.
5 I'm tired. I want to go home. That's not saying they went
6 straight to the Li'L Cricket. He's saying that's the next
7 place he remembers them being. God only knows how much
8 time passed with him asleep in that front seat.

9 And they want to talk about how Officer wolfe saw him
10 in the gas station and then walked out and didn't see a
11 fight. That's the wrong timeframe. That is the wrong
12 timeframe, because we know Brent is sending her a text at
13 2:18.

14 Is that confrontation? Isn't it when Officer wolfe
15 walks out of that gas station around 2:02, drives down and
16 sees someone walking in the distance, that's not that
17 confrontation. It happens later in the night during that
18 50-minute time period when her cell phone is dead or has no
19 activity.

20 And they talked about no D.N.A. on the truck.
21 Remember Investigator Sean Nix got up here on the stand.
22 And Ms. white asked him what were the weather conditions
23 like. He said it'd been raining off and on all day.

24 She pointed out that Brandon Blackwood wasn't even
25 spoken to until three days later. So the rain on the day

Closing arguments

1 of, off and on, and then they didn't even speak with him
2 until three days later. That's time passing.

3 They talked about checking up on a person that had
4 come over there with a pipe to try to beat him. That's not
5 how Brent Tessnear died.

6 Dr. Wren told you that he died from internal bleeding
7 secondary to blunt force trauma consistent with a
8 pedestrian-on-vehicle collision. He's run over just like
9 Brandon told you.

10 And they talked just briefly about her being in
11 Spartanburg at 3:18. And her phone is there. Then they
12 said she's already there with Bridget getting breakfast, is
13 heading for the flea market. That's not 3:08. Because we
14 know that coroner's call is at 5:55. That's closer to 5:00
15 o'clock in the morning when Bridget tells you that she
16 first sees Angelita that night or I guess technically the
17 next morning.

18 Ms. White said that we don't know who killed Brent
19 Tessnear, but we do. We know that it was Angelita Wright.
20 And she sits here before you now crying, but right after it
21 happened she was laughing. So not only do we know who
22 killed Brent Tessnear, but now you do too. So find
23 Angelita Wright guilty.

24

25

1 (Whereupon, a recess was taken.)

2 THE COURT: Are you ready? They will need to bring
3 whatever they want played.

4 (Whereupon, the jury returned to the courtroom at
5 1:03 p.m.)

6 THE COURT: Madam Forelady, if you'll tell us what it
7 is you want to hear.

8 THE FOREPERSON: The notification phone call, and then
9 also we have the D.V.D. of the phone records between Wright
10 and Blackwell.

11 THE COURT: Okay. Mr. Bailiff, hand those. Can you
12 cue those up?

13 MS. ALBEE: Your Honor, the phone call we can play.
14 The records are spreadsheets that we can -- we'll have to
15 tee this up and pull them. I know some of them have been
16 put in -- but yeah.

17 THE COURT: Okay.

18 THE FOREPERSON: And with the notification phone call,
19 would we be able to listen to that to its entirety through
20 the whole conversation?

21 THE COURT: The entire conversation is in evidence.

22 MS. ALBEE: To 36.

23 MS. WHITE: To the point that --

24 MS. ALBEE: The conversation between the defendant and
25 the officer ends.

1 THE COURT: It's two minutes and 36 seconds?

2 MS. ALBEE: Yes.

3 THE COURT: Okay. We can hear two minutes and 36
4 seconds.

5 THE FOREPERSON: Excuse me. Can I ask another
6 question?

7 There's been some question too about the defense had
8 played a conversation between Brandon and, I guess, his
9 fiancée at the time or -- and there's no, like -- can we
10 not listen to that conversation? Because she only played
11 like I snippet, so. I guess some of us would like to
12 listen to the entire conversation.

13 MS. ALBEE: Your Honor, it's my understanding that was
14 impeachment. So it'd be played into the record of
15 Mr. Blackwood's testimony to replay that. But the actual
16 phone call was never entered into evidence.

17 THE COURT: I got you.

18 It was not entered into evidence but we can play back
19 for -- we can do that.

20 (Pause.)

21 MS. WHITE: I think, Your Honor, she was asking about
22 the whole phone call. So I -- just to verify, they would
23 only be able to hear the portion that we played into
24 testimony.

25 THE COURT: Because it -- the whole thing was never

1 introduced. So we can play back what was introduced.

2 THE FOREPERSON: No. We wanted to hear the whole
3 conversation. Thank you.

4 THE COURT: It's not in evidence.

5 THE FOREPERSON: Thank you.

6 MS. ALBEE: Your Honor, are we ready for the phone
7 call?

8 THE COURT: Yes.

9 (Whereupon, the D.V.D. was played for the jury.)

10 MS. ALBEE: Your Honor, can we approach on the other
11 disc?

12 (Bench conference held off the record in the presence
13 of the jury but out of the hearing of the jury.)

14 THE COURT: The other one is a spreadsheet. Do you
15 want to see the spreadsheet?

16 THE FOREPERSON: If it's the same spreadsheet that we
17 already have. No. We're good.

18 THE COURT: It's not the call. It's the spreadsheet
19 on that disc.

20 MS. WHITE: Right. There's no audio.

21 THE COURT: There's no audio.

22 MS. ALBEE: Phone records of Brandon Blackwell are the
23 spreadsheets that we looked at.

24 THE COURT: Okay.

25 THE FOREPERSON: That's good.

Verdict

1 THE COURT: Okay. Anything else, Madam Forelady?

2 THE FOREPERSON: No, sir.

3 THE COURT: Okay. If you will, retire and resume your
4 deliberations.

5 (Whereupon, the jury retired to deliberate at
6 1:10 p.m.)

7 THE COURT: Any objections or anything from the state?

8 MR. KOZAK: Nothing from the state.

9 THE COURT: From the defense?

10 MS. WHITE: Nothing, Your Honor.

11 THE COURT: All right. We'll be in recess until we
12 hear back from the jury.

13 (There was no written question from the jury to be
14 marked.)

15 THE COURT: Okay. Now, everyone's been on the best
16 behavior, and we're going to continue. Do you understand?
17 If you cannot control your emotions, I'm going to ask that
18 you leave quietly now.

19 Any outbursts -- this is not a sporting event. This
20 is a courtroom. And these officers will take you into
21 custody, anyone who has an outburst. Do you understand?

22 It's not a time to celebrate. Not going to be any
23 cheering in my courtroom. I'll deal with it appropriately,
24 and it may be after the first of the year when I do that.

25 We'll have all 14.

Verdict

1 (Whereupon, the jury returned to the courtroom at
2 2:20 p.m. to report its verdict.)

3 THE COURT: Madam Forelady, has the jury reached its
4 verdict?

5 THE FOREPERSON: Yes, sir.

6 THE COURT: You kindly give that to the bailiff.
7 Madam Clerk.

8 THE CLERK: In the Court of General Sessions, Case
9 No. 2016-GS-42-5200, 2016-GS-42-6461, the State of South
10 Carolina vs. Angelita N. Wright.

11 We, the jury, unanimously find the defendant, Angelita
12 N. Wright, on the charge of murder guilty. This is signed
13 and dated --

14 (Outburst in courtroom.)

15 THE COURT: In custody.

16 THE CLERK: -- by the foreperson.

17 Ladies and gentlemen of the jury, if this is your
18 verdict and still your verdict, please raise your right
19 hand.

20 (Whereupon, all jurors responded in the affirmative.)

21 THE CLERK: So say you all.

22 THE COURT: Polling of the jury by the state?

23 MR. KOZAK: No, Your Honor.

24 THE COURT: By the defense?

25 MS. WHITE: Please, Your Honor.

Verdict

1 THE CLERK: Ladies and gentlemen of the jury, I will
2 pose a question to you, after which I will call your name
3 individually and ask that you stand and answer my question,
4 the question being is this your verdict and still your
5 verdict.

6 No. 35, Julie Davis.

7 THE JUROR: Yes, ma'am.

8 THE CLERK: No. 8, Bagwell.

9 THE JUROR: Yes, ma'am.

10 THE CLERK: No. 33, Daugherty.

11 THE JUROR: Yes, ma'am.

12 THE CLERK: No. 50, Fernanders.

13 THE JUROR: Yes, ma'am.

14 THE CLERK: Sixty-seven, Griffin.

15 THE JUROR: Yes, ma'am.

16 THE CLERK: Eighty-eight, Hill.

17 THE JUROR: Yes, ma'am.

18 THE CLERK: 105, Lear-walker.

19 THE JUROR: Yes, ma'am.

20 THE CLERK: Eighty-two, Hazen.

21 THE JUROR: Yes, ma'am.

22 THE CLERK: No. 1, Abernathy.

23 THE JUROR: Yes, ma'am.

24 THE CLERK: Seventy-six, Hardy.

25 THE JUROR: Yes, ma'am.

Verdict

1 THE CLERK: 125, Porter.

2 THE JUROR: Yes, ma'am.

3 THE CLERK: And 137, Rooney.

4 THE JUROR: Yes, ma'am.

5 THE CLERK: Your Honor, the jury has been polled.

6 THE COURT: Matters from the state?

7 MR. KOZAK: Nothing from the state, Your Honor.

8 THE COURT: Anything at this time?

9 MS. WHITE: Nothing, Your Honor.

10 (Whereupon, the trial jury was excused.)

11 THE COURT: Matters from the state?

12 MR. KOZAK: Your Honor, we just need a second to go
13 get a sentencing sheet, but nothing from the state.

14 THE COURT: Let's hear from the defense.

15 Yes, ma'am.

16 MS. WHITE: Obviously, Your Honor, we would renew any
17 of our motions that we made previously -- directed verdict,
18 the motion to quash the subpoena, or, excuse me, quash the
19 indictments, Your Honor.

20 Also, in support of the motion to elect, obviously, we
21 will take issue with both of the charges being presented to
22 them. And we think that that would -- that created some
23 issues. So we would argue that that should be enough for a
24 motion for a new trial to be granted at this time.

25 THE COURT: Yes, ma'am.

1 MS. ALBEE: And, Your Honor, of course we stand by the
2 same arguments that we've made previously to this Court
3 about the indictments being proper and appropriate and
4 going forward on both and then just again standing by
5 whatever arguments we made previously to the Court.

6 THE COURT: All right. The Court denies the motions
7 for the same grounds, the same reasons, as heretofore
8 enunciated by the Court.

9 I think I will make that jury verdict form a court's
10 exhibit in the record in the event that someone wants to
11 look at that later.

12 Anything further?

13 MR. KOZAK: Nothing from the state.

14 THE COURT: Okay.

15 MS. WHITE: Nothing at this time, Your Honor.

16 THE COURT: All right. We'll take a few moments while
17 you prepare a sentencing sheet.

18 MS. ALBEE: Thank you, Your Honor.

19 (Verdict form marked Court's Exhibit No. 1.)

20 (Whereupon, a recess was taken.)

21 THE COURT: Ready? All right. Yes, ma'am.

22 MS. WHITE: Thank you, Your Honor.

23 I'm here before you today on behalf of Ms. Angelita
24 Wright. I'm going to go ahead and apologize if I sound
25 emotional. I've represented Ms. Wright for two years, and

Sentence

1 this was a very hard verdict for her to hear. It's hard
2 for me because I have worked on this with her and come to
3 know her and feel close to her at this point.

4 She is a mother of three. Obviously, tragically Brent
5 Tessnear closed his life. The children lost their father.
6 Now they're losing their mother. And they're eight, five
7 and -- eight, six and five, Your Honor.

8 Currently they're living with Ms. Wright's
9 grandparents who are elderly. They're taking care of them,
10 and they have been able to be with them. They've been able
11 to spend time with Mr. Tessnear's family. So they've been
12 able to see both of the families.

13 Your Honor, we would ask for any consideration.
14 Obviously, we feel like the evidence that was presented,
15 the witness that was the main witness against her, we felt
16 like, obviously, was not very credible from the various
17 stories and from the various things he said, Your Honor,
18 from the evidence we had about cell phones and things. We
19 think, obviously, that there was reasonable doubt.
20 Obviously, the jury disagreed with us.

21 But we're asking for your mercy. This is a woman with
22 no criminal history. She was in jail for a year and a
23 half, and I'd have to get the exact dates for you -- a year
24 and a half. Pending this trial she was able to get out and
25 then spend another, I believe, three months on home

Sentence

1 detention. Obviously, we ask for all of that credit, Your
2 Honor.

3 We understand that there is a minimum that has to be
4 given. We ask that you consider that minimum to give
5 Ms. Wright a chance to be able to have time that she will
6 be able to see her children when they're older and when
7 she's older.

8 I'm not sure what else -- what else we can say, Your
9 Honor, other than this is clearly a tragedy for the
10 Tessnear family. I feel like it is a tragedy for
11 Ms. Wright and her family as well now. And we just ask
12 that you take what you heard into consideration, take her
13 age, the age of her children, the lack of criminal record,
14 Your Honor, and allow her to have the minimum of 30 years.

15 THE COURT: Ma'am, would you like to speak?

16 THE DEFENDANT: Just... (crying)

17 THE COURT: Thank you, ma'am. Anything from the
18 state?

19 MR. KOZAK: Your Honor, you sat through the whole
20 trial. You saw the facts. We'll leave the sentencing in
21 your discretion. But at the appropriate time I think a few
22 of the members of the victim's family would like to speak
23 if you deem it appropriate.

24 THE COURT: I'll be happy to hear from them at this
25 point.

Sentence

1 sir, tell me your name for my court reporter, please.

2 BEN EARL PADGETT, JR.: My name is Ben Earl Padgett,
3 Jr.

4 THE COURT: Yes, sir, Mr. Padgett.

5 BEN EARL PADGETT, JR.: I just want to say just like
6 she, the defense attorney, said. It's tragic on both ends,
7 but no one knows the pain that went through them that we
8 seen in the baby's eyes every day. They didn't have their
9 father to hold his children that's over there with us, the
10 agony and pain that we didn't have every Thanksgiving or
11 every Christmas that we used to have him there picking
12 music with us or having him. It's gone. We have him no
13 more. And no matter what the sentence really hands down,
14 we can't get him back. We just ache on the part of the
15 kids and the family. I just ask that she gets the maximum.
16 That's all I have to say.

17 THE COURT: Thank you, sir.

18 Tell me your name, please.

19 PATRICIA GREGG: Patricia Gregg.

20 THE COURT: Yes, Ms. Gregg.

21 PATRICIA GREGG: I just want to read this. I just
22 wanted to say a few words on behalf of Brent and all of the
23 people that loved him.

24 First, what you've heard have been the horrible
25 circumstances surrounding his death. You should also hear

Sentence

1 the joys and struggles that make up his life.

2 He was born with a natural talent. Even as a little
3 boy he could sing and play drums with little instruction.
4 He was a natural musician, was very important. And he
5 always had a deep love and respect for his parents. He
6 loved his younger sisters; he loved his friends; and he
7 loved life. But most of all he loved his children.

8 He had an infectious smile and he was always smiling.
9 He made people happy just being around him. His life was
10 not without struggles, but he never stopped trying. He
11 could always find the good in a situation. He could always
12 find a reason to keep trying. He deserved better than what
13 he got.

14 His absence has left an emptiness in the lives of all
15 of us who knew and loved him, and his absence leaves his
16 six children to grow up without a daddy.

17 He was robbed of his life and his children were robbed
18 of a father. The only thing you can give him now is
19 justice.

20 THE COURT: Thank you, ma'am.

21 MR. KOZAK: I believe that's it, Your Honor.

22 THE COURT: Madam, the general assembly has set aside
23 a sentencing range which is from 30 years to life no part
24 of which this Court is able to suspend.

25 2016-6461, confined to the state department of

Sentence

1 corrections for 30 years. Give you credit for time that
2 you have served. Best of luck to you.

3 END OF REQUESTED TRANSCRIPT OF RECORD
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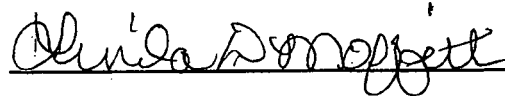
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CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 27th through the 30th days of November 2017.

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

March 22, 2018

A handwritten signature in cursive script, appearing to read "Linda D. Moffitt", is written over a horizontal line.

Linda D. Moffitt
Circuit Court Reporter

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

State of South Carolina,

v.

Angelita N. Wright,

Defendant.

IN THE COURT OF GENERAL SESSIONS
SEVENTH JUDICIAL CIRCUIT

2016-GS-42-5200

2016-GS-42-6461

Verdict Form

1. We the jury, unanimously find the Defendant, Angelita N. Wright, on the charge of Murder,

____ Not Guilty
☒ Guilty

If you find the Defendant Guilty, please stop here and sign below. If and only if you find the Defendant "Not Guilty" to Question 1, then please answer Question 2.

2. We the jury, unanimously find the Defendant, Angelita N. Wright, on the charge of Leaving The Scene Of An Accident With Death,

____ Not Guilty
____ Guilty



I certify this decision was the unanimous decision of the jury.

[Handwritten Signature]

Foreperson

November 30, 2017

Spartanburg, SC

WITNESSES

Spartanburg Sheriff's Office

Jimmy W. Davis

ARREST WARRANT NUMBER

DIRECT INDICTMENT

ACTION OF GRAND JURY

True Bill

DEC 09 2015

Foreperson of Grand Jury
Date:

VERDICT

Guilty
Selina Davis 11/30/17

Foreperson of Petit Jury
Date:

DOCKET NO. -

16-GS-42-6461

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

DEC 12 2016

TERM

THE STATE
vs.

Angelita N Wright

Indictment for

MURDER

SC Code 16-03-0010, 0020

CDR Code 116

Class FEL-EXM

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2016 DEC 16 PM 2:50
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

DEC 09 2016

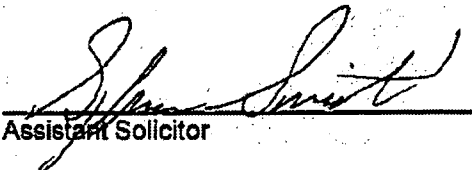
At a Court of General Sessions, convened on _____, the

Grand Jurors of Spartanburg County present upon their oath:

MURDER

The Defendant, Angelita N Wright, did in Spartanburg County on or about December 27, 2015, feloniously, willfully, and with malice aforethought, kill one Brent Lee Tessnear, by running over him with a truck and the victim died as a proximate result thereof, all in violation of Section 16-3-0010, 0020, Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Assistant Solicitor

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

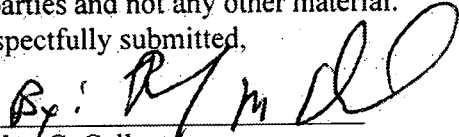
Appellate Case No. 2017-002531

State of South Carolina, ... Respondent
v.
Angelita Nicole Wright, ... Appellant.

CERTIFICATE OF COUNSEL

Pursuant to Rule 210(g), SCACR, Appellant's counsel certifies that the Record on Appeal contains all material proposed to be included by the parties and not any other material.

Respectfully submitted,

By: 
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Attorneys for Appellant

Columbia, South Carolina
July 26, 2019

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2017-002531

State of South Carolina, ... Respondent

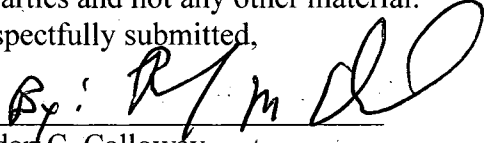
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Columbia, South Carolina
July 26th, 2019