

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Benjamin H. Culbertson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RICKEY WADDELL WILSON,

APPELLANT

APPELLATE CASE NO. 2018-000146

RECORD ON APPEAL

ROBERT M. DUDEK
Chief Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

DONALD J. ZELENKA
Chief Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

ATTORNEY FOR APPELLANT

WILLIAM EDGAR SALTER, III
Senior Assistant Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

JIMMY A. RICHARDSON
Solicitor, Fifteenth Judicial Circuit
Post Office Box 1276
Conway, SC 29526

ATTORNEYS FOR RESPONDENT

RECEIVED

AUG 30 2019

SC Court of Appeals

INDEX

INDEX	i
TRIAL TRANSCRIPT (JANUARY 22 – 25, 2018)	1
MOTION IN LIMINE TO SUPPRESS VIDEO	2
COURT’S RULING	17
OPENING STATEMENT BY MR. DEBUSK	22
OPENING STATEMENT BY MR. STANKO	30
TESTIMONY	
ALLISON HARDIN	
Direct Examination by Mr. Oskin.....	36
Cross Examination by Mr. Stanko	45
CHRISTOPHER SMOYER	
Direct Examination by Mr. DeBusk	46
Cross Examination by Mr. Stanko	58
RONNIE EVANS	
Direct Examination by Mr. DeBusk	59
Cross Examination by Mr. Stanko	74
JOHN KEEP	
Direct Examination by Mr. DeBusk	77
Cross Examination by Mr. Stanko	83
EDNA FRASER	
Direct Examination by Mr. Oskin.....	85
LOGAN COOPER	
Direct Examination by Mr. Oskin.....	89
Cross Examination by Mr. Stanko	93
PETER WOODS	
Direct Examination by Mr. DeBusk	97
Cross Examination by Mr. Stanko	103
Redirect Examination by Mr. DeBusk.....	113
RENEWAL OF MOTION IN LIMINE.....	118

COURT'S RULING	119

TESTIMONY

JAMES BARFIELD

Direct Examination by Mr. DeBusk	121
Cross Examination by Mr. Stanko	134
Redirect Examination by Mr. DeBusk	142

JILL SANDERSON

Direct Examination by Mr. Oskin	143
Cross Examination by Mr. Stanko	152

JADE ROY

Direct Examination by Mr. DeBusk	154
Cross Examination by Mr. Stanko	188
Redirect Examination by Mr. DeBusk	197

DOUGLAS FURLONG

Direct Examination by Mr. DeBusk	200
Cross Examination by Mr. Stanko	204
Redirect Examination by Mr. DeBusk	210

WILLIAM STAIR

Direct Examination by Mr. Oskin	211
Cross Examination by Mr. Stanko	219
Redirect Examination by Mr. Oskin	221

EDWARD PROCTOR

Direct Examination by Mr. DeBusk	222
Cross Examination by Mr. Stanko	235
Redirect Examination by Mr. DeBusk	237

NATHAN HOWITT

Direct Examination by Mr. Oskin	239
Cross Examination by Mr. Stanko	250
Redirect Examination by Mr. Oskin	253

SCOTT WILLIAMSON

Direct Examination by Mr. DeBusk	255
Cross Examination by Mr. Stanko	285
Redirect Examination by Mr. DeBusk	289

ANTHONY HUMES	
Direct Examination by Mr. DeBusk	290
Cross Examination by Mr. Stanko	295
Redirect Examination by Mr. DeBusk.....	299
MALINDA SHADONE	
Direct Examination by Mr. DeBusk	300
Cross Examination by Mr. Stanko	312
JAZMINE RUIZ-YI	
Direct Examination by Mr. DeBusk	319
Cross Examination by Mr. Stanko	342
Redirect Examination by Mr. DeBusk.....	346
SARAH GREGGERSON	
Direct Examination by Mr. Oskin.....	348
Cross Examination by Mr. Stanko	356
JENNIFER CLAYTON	
Direct Examination by Mr. DeBusk	357
Cross Examination by Mr. Stanko	388
Redirect Examination by Mr. DeBusk.....	403
TONYA ROOT	
Direct Examination by Mr. DeBusk	407
Cross Examination by Mr. Stanko	410
PAIGE ROACH	
Direct Examination by Mr. Oskin.....	411
IRENE MILLER	
Direct Examination by Mr. Oskin.....	415
Cross Examination by Mr. Stanko	434
Redirect Examination by Mr. Oskin	437
ALLEN AMICK	
Direct Examination by Mr. Oskin.....	439
Cross Examination by Mr. Stanko	448
Redirect Examination by Mr. Oskin	456
TIFFANY WHITMIRE	
Direct Examination by Mr. Oskin.....	460
Cross Examination by Mr. Fox.....	525
Redirect Examination by Mr. DeBusk.....	559
THE STATE RESTS	564

MOTION FOR A DIRECTED VERDICT	565
COURT'S RULING	566
COLLOQUY ON FIFTH AMENDMENT RIGHTS	566
THE DEFENSE RESTS	576
CLOSING ARGUMENT BY MR. OSKIN.....	577
CLOSING ARGUMENT BY MR. STANKO.....	595
CHARGE ON THE LAW	605
VERDICT	634
SENTENCING	637
INDICTMENT.....	638
CERTIFICATE OF COUNSEL	640

THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

- State's Exhibit 2 (CD of appellant's statement)
- State's Exhibit 15 (USB drive video from Days Inn)
- State's Exhibit 17 (USB drive video from Victory Motel)
- State's Exhibit 41 (Rodeway Inn video)
- State's Exhibit 82 (Victory Motel edited video)
- State's Exhibit 83 (Days Inn edited video)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

State of South Carolina) Court of General Sessions
) 2016-GS-26-04145
County of Horry)

State of South Carolina)
)
 vs.) Transcript of Record
)
Rickey Waddell Wilson)

January 22 - 25, 2018
Conway, South Carolina

BEFORE:

Honorable Benjamin H. Culbertson, Judge.

APPEARANCES:

George DeBusk, Esq.
Seth Oskin, Esq.
Attorneys for the State

James Stanko, Esq.
Eric Fox, Esq.
Attorney for the Defendant

Teresa J. F. Bautz, RPR
Official Court Reporter

1 MR. OSKIN: Nothing further from the State at this
2 time, Your Honor.

3 THE COURT: All right. Any motions from the
4 Defense?

5 MR. STANKO: Your Honor, having nothing to do with
6 the Jackson v. Denno, we do have a motion in limine to
7 take up regarding a video.

8 THE COURT: All right. Let me hear from you on
9 that.

10 MR. STANKO: Thank you, sir. This is a case, as
11 you heard, about a situation that occurred at a hotel.
12 There's a video from across the parking lot, a
13 different hotel, the Days Inn. When investigators
14 first obtained that video, their reports state that
15 they gathered all relevant video, brought it back to
16 their police annex. And they watched from Friday, the
17 20th, at about 3 p.m. all the way through until the
18 morning of the 22nd, Saturday [sic] morning, at about
19 11 a.m. when the body is discovered.

20 They downloaded the video, provided that to us.
21 Come to find out that the actual video that was
22 provided was Friday, 3 p.m. through midnight on the
23 Saturday. There's 11 hours missing. We have -- now,
24 we do have a statement from the officer claiming that
25 he did download it. And in their reports they do say

1 that they watched it.

2 The problem here obviously being a large portion
3 of this case turns upon what is on that video. We have
4 a couple officers saying that they watched it. But we
5 have not had an opportunity to see that. We don't know
6 what it is that they saw beyond what they put in the
7 record. He was not provided that in discovery. It
8 simply no longer exists. For whatever reason, whether
9 it was a download problem, it simply wasn't obtained
10 from the hotel. Whatever it is, it's not there.

11 Now, it's our understanding and probable
12 conclusion that the police will try to testify as to
13 what it is that they saw on that video from the
14 midnight portion up to and including when the body is
15 discovered, those 11 hours.

16 Now, Your Honor, in light of the fact that we
17 never got an opportunity to see that video to make a
18 determination for ourselves as to what's on there, Your
19 Honor, we are asking for an order preventing the police
20 from testifying as to what they saw on the portion of
21 the video that we did not receive. We believe that,
22 you know, whether one officer saw it or eight officers
23 saw it, the fact remains, myself and the Defendant, we
24 never had an opportunity --

25 THE COURT: So you're moving to suppress the 11

1 hours of video that were not produced?

2 MR. STANKO: Correct.. And prevent them from being
3 able to testify as to what's on there.

4 THE COURT: What they saw during those 11 hours?

5 MR. STANKO: Just out of fundamental fairness, we
6 do not believe it's right testify to something on a
7 video that we were not provided.

8 THE COURT: All right.

9 MR. DeBUSK: Thank you, Your Honor. South
10 Carolina Rules of Evidence no. 1004, section 1,
11 provides that an original is not required and other
12 evidence of the contents of a writing, recording or
13 photograph is admissible if all originals are lost or
14 have been destroyed unless the proponent lost or
15 destroyed them in bad faith.

16 So unless the Defense can demonstrate --

17 THE COURT: No. You got to prove beyond a
18 reasonable doubt. What happened to it?

19 MR. DeBUSK: We have a witness to testify as to
20 why it was not preserved.

21 THE COURT: Why was it not; where is it, where is
22 the 11 hours?

23 MR. DeBUSK: Your Honor, the State would call SLED
24 Agent Jade Roy.

25 THE COURT: Well, tell me. Tell me, what is he

1 going to say?

2 MR. DeBUSK: Oh. When they downloaded the video,
3 that portion didn't download, and nobody noticed it
4 until too late. Don't know why it didn't download,
5 there was no bad faith involved, Your Honor.

6 THE COURT: Well, I don't know. You're going to
7 have to prove that there was no bad faith. What is he
8 going to testify was on those 11 hours?

9 MR. DeBUSK: That no one else went in the room
10 until the body was discovered by hotel staff.

11 THE COURT: Did they review the tape before they
12 turned it over to the Defense?

13 MR. DeBUSK: They reviewed before it -- yes, three
14 officers watched the tape.

15 THE COURT: Okay. Three officers watched the
16 tape. Then they download it. Do they review what
17 they've downloaded, when did they find out that those
18 11 hours were missing.

19 MR. DeBUSK: It was sometime later when it was too
20 late to go back and get it.

21 THE COURT: Why didn't they -- they didn't look at
22 the video when they downloaded it to make sure they
23 downloaded everything?

24 MR. DeBUSK: They watched it before they
25 downloaded it, Your Honor. And then when they

1 downloaded it onto the disc drive of the Myrtle Beach
2 Police Department, that portion was lost.

3 THE COURT: And they didn't look at that disc that
4 they were going to hand over saying -- in other words,
5 I'm assuming they had a video. They watched it, it had
6 the 11 hours.

7 MR. DeBUSK: Yes, sir.

8 THE COURT: I'm assuming they downloaded that onto
9 another video, another disk?

10 MR. DeBUSK: They downloaded it onto a USB drive,
11 yes, sir.

12 THE COURT: Okay, they downloaded it. They gave
13 that to the Defense, and they said this is everything
14 that we just watched on this video?

15 MR. DeBUSK: No, Your Honor. They downloaded what
16 was on that USB drive, which the USB drive is now lost,
17 onto the server at Myrtle Beach. And when they
18 downloaded the contents of that USB drive, that's when
19 the portion in question didn't download.

20 THE COURT: Okay. But --

21 MR. DeBUSK: But they provided it to the -- to our
22 office.

23 THE COURT: And they said, this is what we
24 watched?

25 MR. DeBUSK: To their knowledge, that's what

1 they had --

2 THE COURT: Well, no. Did they say, to my
3 knowledge, this is what we watched, or did they say,
4 here's the video?

5 MR. DeBUSK: Well, they provided it to us, Your
6 Honor.

7 THE COURT: Okay, they provided it to you. Did
8 they ever check it to insure that they were giving you
9 what they watched?

10 MR. DeBUSK: Apparently they didn't check it after
11 they downloaded it onto the server.

12 THE COURT: All right, I'm going to take this
13 under advisement. I don't know what I'm going to do
14 yet.

15 MR. DeBUSK: All right.

16 THE COURT: I do think you're going to have to
17 show there was no bad faith.

18 MR. DeBUSK: We would like to present a witness
19 for that, Your Honor. We would also would like to, the
20 case State v. Halcomb which is 382 South Carolina 432,
21 State v. Halcomb. In that case there was a letter
22 which had been lost. And in that particular case the
23 Court refused to allow testimony of the contents of
24 that letter. And the Court found -- the Supreme Court
25 find that that was an abuse of discretion by the trial

1 Court for not allowing testimony about that lost letter
2 under Rule 1004(1). So we would --

3 THE COURT: Well, there is a difference between
4 saying, here's a letter that we lost, and saying,
5 here's the video that we just watched, we downloaded it
6 for you and we're producing it without even checking
7 what you downloaded.

8 MR. DeBUSK: Your Honor, we would just ask that
9 you examine that case as well under the...

10 THE COURT: So you'll acknowledge, though, that
11 there is cases out there that have ruled that it's
12 inadmissible?

13 MR. DeBUSK: I don't have personal knowledge of
14 cases where that says it's inadmissible except under
15 bad faith.

16 THE COURT: Okay.

17 MR. DeBUSK: I have no knowledge of such cases.

18 THE COURT: All right.

19 MR. DeBUSK: I'm only concerned with ones that
20 follow Rule 1004.

21 THE COURT: So you're saying it's not bad faith
22 just because it's an honest mistake. They didn't check
23 the drive that they gave. They just assumed that it
24 had downloaded correctly without double checking it.
25 They said, this is what we watched.

1 MR. DeBUSK: Yes, Your Honor.

2 THE COURT: And it's not on there, but now they
3 want to testify as to what was on there that they
4 watched.

5 MR. DeBUSK: Yes, Your Honor. And that's the
6 definition of bad faith. Bad faith would be if having
7 done with --

8 THE COURT: Yeah, but a police officer is never
9 going to stand up here and say, I purposely erased
10 those 11 hours so the defense doesn't get it. Of
11 course the police are going to say, it's a mistake, we
12 downloaded it, it didn't download, and we don't know
13 it. That's why I want to know is why aren't they
14 checking what they are turning over to make sure
15 they've downloaded it correctly.

16 MR. DeBUSK: Your Honor, we would like to present
17 evidence of --

18 THE COURT: Just ask him, why did they wait, why
19 didn't they double check it before.

20 MR. DeBUSK: That's what we would like to --

21 THE COURT: Ask him right -- go ask him right now.
22 If they are here, ask him and then you tell the Court.

23 (Discussion off the record.)

24 MR. DeBUSK: Your Honor, they said that when they
25 download the video, the folder was created that would

1 have contained that section of video.

2 THE COURT: So they could have brought it up and
3 reviewed it?

4 MR. DeBUSK: Yes, Your Honor. But that was a
5 video that was very long. And they checked to make
6 sure each part was there, and they -- they were unable
7 to check every bit of it, and they didn't check that
8 part of it.

9 THE COURT: So they skipped over 11 hours?

10 MR. DeBUSK: Well, Your Honor, it was like a
11 46-hour -- 40-hour tape, they couldn't watch the whole
12 thing. But they checked to make sure each folder was
13 there.

14 THE COURT: Now, I'm assuming they watched the
15 whole thing the first time?

16 MR. DeBUSK: They did. They watched it, multiple
17 officers watched the whole thing to review it for
18 purposes of establishing probable cause.

19 THE COURT: All right. I'm going to take your
20 motion under advisement. I don't know what I'm going
21 to rule yet.

22 MR. DeBUSK: Thank you, Your Honor.

23 THE COURT: All right.

24 MR. DeBUSK: Would you allow us to just for the
25 purpose of the record to present the testimony that

1 there was no bad faith?

2 THE COURT: Well, I mean, I guess he's going to
3 just stand up here and say, it was no bad faith, it was
4 an honest mistake. Is that correct?

5 MR. DeBUSK: Yes.

6 THE COURT: And I'm assuming the Defense will
7 stipulate that that's what the officer is going to
8 testify to, that it was an honest mistake.

9 MR. STANKO: Your Honor, I would be very surprised
10 if it was anything else.

11 THE COURT: I agree. I can pretty much assure you
12 he's not going to take the stand and say, we
13 intentionally deleted this to keep it from the Defense.
14 I know he's not going to testify to that. So you got a
15 record that says they are going to say it's a mistake.

16 Number one, it was a mistake; number two, we
17 didn't know it wasn't downloaded; number three, we did
18 not check it to make sure it was accurate when we
19 turned it over; and number four, we found out after we
20 turned it over that there was 11 hours deleted and it
21 was too late to go back and grab the original because
22 it had been erased.

23 MR. DeBUSK: Your Honor, it wasn't deleted. They
24 thought it downloaded, it did not download. They
25 thought it was on the server. It turned out not to be

1 on the server.

2 THE COURT: I mean, is this like 11 hours in the
3 middles, or is it 11 hours at the end?

4 MR. STANKO: No. It's from midnight to 11 a.m.

5 MR. DeBUSK: Here at the end, the last 11 hours of
6 the tape.

7 THE COURT: So the last 11 --

8 MR. DeBUSK: The last part didn't download.

9 THE COURT: It downloaded everything except for
10 the last 11 hours?

11 MR. DeBUSK: It did make the folder, it just
12 didn't put the video in the folder.

13 THE COURT: Okay. Okay.

14 MR. OSKIN: It's like 12 hours, midnight to noon.

15 MR. DeBUSK: Midnight to noon, 12 hours.

16 THE COURT: All right. I mean, is there something
17 unique about this; is it like stop and switch recording
18 devices at that time?

19 MR. STANKO: Your Honor, it was just the date. We
20 have -- what we got on our thumb drive that we received
21 from them, we had one file that was May 20th, 2016,
22 that contained 3 p.m. to midnight. We got another file
23 that said May 21st, 2016, that was midnight to
24 midnight, 24 hours worth of video.

25 But then that's where it ended, it ended right at

1 midnight. And actually, Your Honor, it was our office
2 that brought it to the attention of the State. It's
3 like, hey, this video ends at midnight, where is the
4 rest of it.

5 And the State, the police, they have a duty, a
6 continuing duty, to preserve all evidence. And the
7 fact that they did not preserve this --

8 THE COURT: So what did they download it, where --
9 what happened to the original?

10 MR. DeBUSK: The original was on a DVR which was
11 at the hotel, Days Inn hotel, and it was recycled.

12 THE COURT: Wait a minute. So they went to the
13 hotel and watched it there and downloaded it from the
14 hotel?

15 MR. DeBUSK: Yeah. And they actually brought the
16 DVR to the crime scene and downloaded it there, and
17 then returned the DVR, and the DVR was recycled.

18 THE COURT: Wait a minute. They brought what?

19 MR. DeBUSK: They downloaded it twice, Your Honor.
20 They downloaded it once --

21 THE COURT: At the hotel, at the Days Inn hotel?

22 MR. DeBUSK: Once at the Days Inn onto a USB
23 drive.

24 THE COURT: Right.

25 MR. DeBUSK: And then they brought the whole DVR

1 to the -- it's my understanding -- to the crime scene
2 lab and downloaded again. And it was between those
3 two, the last portion never -- like I say, it created
4 the folder, but it didn't create the --

5 THE COURT: So what happened to the DVR that they
6 brought to the crime scene? I mean?

7 MR. DeBUSK: It was returned to the hotel and it
8 was --

9 THE COURT: Even before?

10 MR. DeBUSK: Well, at that point they thought they
11 had it downloaded.

12 MR. OSKIN: Your Honor, the DVR --

13 THE COURT: Yeah. But, I mean, were they
14 acknowledging that you didn't have to have the
15 original? I mean, if this was the original DVR from
16 the hotel, wouldn't that be the best evidence that you
17 would need to maintain as part of the evidence?

18 MR. DeBUSK: Well, Your Honor, they thought that
19 by saving the digital recording they would have saved
20 all the contents of the DVR.

21 THE COURT: I know they thought that. But what if
22 the Defense wanted to investigate the DVR and wanted to
23 -- I mean, it's like, I don't know, any other
24 recording. Say it was a letter. This, what you're
25 telling me is they brought it back to the crime scene,

1 they made a copy of the letter and then gave the letter
2 back to the hotel to do with as they please.

3 MR. DeBUSK: Essentially, Your Honor.

4 THE COURT: Okay, all right. Well, I'm going to
5 need to take this under advisement and decide. Because
6 I don't understand why they wouldn't have kept, number
7 one, the original DVR, because that's the evidence that
8 they are relying on.

9 During this 11 hours, is this when they are saying
10 that the crime took place?

11 MR. DeBUSK: No, Your Honor. The portion where we
12 say the crime took place was provided. That was
13 approximately 8 o'clock on the 21st.

14 THE COURT: So what is the relevancy of this?

15 MR. DeBUSK: That no one else went in or out of
16 the room during that time until the body was discovered
17 by housekeeping, or by hotel staff.

18 THE COURT: I see.

19 MR. DeBUSK: Actually was the assistant manager.

20 THE COURT: Okay. All right. I'll take it under
21 advisement, and I'll let you know. All right.
22 Anything else?

23 MR. STANKO: Your Honor, just one minor thing as
24 well. We received a witness list this morning from the
25 State. There are three names on here who, and it's

1 entirely possible it's in here, I'm just wanting to
2 verify. We have a James Barfield, we have a Steve
3 Carter and a Paige Roach. Just wanting to make sure
4 that there are no statements or any information from
5 those people that has not been provided at this point.

6 THE COURT: All right. All the statements been
7 provided?

8 MR. DeBUSK: I don't think there were any recorded
9 statements by those individuals, Your Honor?

10 MR. OSKIN: First name, Jim?

11 MR. STANKO: We got James Barfield.

12 MR. OSKIN: That's the Days Inn video surveillance
13 staff that will also authenticate the Days Inn video.

14 MR. STANKO: Okay. Steve Carter.

15 MR. OSKIN: Steve Carter is from PNC Bank, a local
16 bank she used.

17 MR. STANKO: Oh, okay. And Paige Roach.

18 MR. OSKIN: Same thing, we'll use one of them.

19 THE COURT: Okay.

20 MR. STANKO: That's all with that, sir.

21 THE COURT: All right. Anything else?

22 MR. STANKO: I think that concludes everything for
23 today, Your Honor, unless -- did you guys have anything
24 else?

25 MR. OSKIN: Nothing from the State, Your Honor.

1 THE COURT: Al right. I'll take it under
2 advisement and I'll let you know.

3 MR. OSKIN: Thank you.

4 THE COURT: Thank you. We'll be in recess until
5 9:30 tomorrow.

6 (The hearing adjourned at approximately 4:06 p.m.)

7 (WHEREUPON, the hearing resumed on Tuesday,
8 January 23rd, 2018, at approximately 9:36 a.m.)

9 THE COURT: Thank you very much, please be seated.
10 All right. When we broke yesterday, I had taken a
11 matter under advisement on the Defendant's motion in
12 limine to suppress reference or testimony regarding the
13 Days Inn video. I've researched it pretty thoroughly.
14 And basically the State is correct. I disagree with a
15 lot of the rulings, but the law is what it is.

16 It says, to establish a due process violation, the
17 Defendant must demonstrate, one, that the State
18 destroyed the evidence in bad faith, or two, that the
19 evidence possessed and exculpatory value apparent
20 before the evidence was destroyed, and the Defendant
21 cannot obtain other evidence of comparable value by
22 other beings.

23 I think that's burden shifting, but that's the
24 law. That's what the Supreme Court has held, that's
25 what the Court of Appeals has held. I think it's

1 burden shifting, but I got to follow the law as they
2 put it down.

3 MR. STANKO: Your Honor, just briefly, which of
4 the cases that you saw, just for the record.

5 THE COURT: Well, it's pretty much all of them,
6 State versus Breeze, State versus Cheeseboro. I didn't
7 log them all down because they all basically cite the
8 line of cases as references.

9 So at this point in time, is there anything the
10 Defense wants to present on that issue? In other
11 words, you have the right to proceed if you want to put
12 up anything that shows that the State did destroy the
13 evidence or lost it in bad faith, or that the evidence
14 possessed an exculpatory value. I mean, I agree,
15 that's burden shifting to me, but the appellate
16 decisions are what they are.

17 MR. STANKO: Your Honor, just briefly on that and
18 in response to the memo that was filed last night,
19 first off, we don't believe that this is a Brady issue
20 so much as it's Rule 5 in general. It's any evidence
21 that they may have had.

22 Your Honor, the failure of the State to preserve
23 that 12 hours worth of video is denying Mr. Wilson the
24 right to a fundamentally fair trial. He simply cannot
25 get that video any other way. The only way that we

1 could have gotten the video to begin with was from the
2 State. They did not -- they simply did not preserve
3 that.

4 Now, with regards to bad faith, and obviously we
5 are not going to be able to show any bad faith, and so
6 I believe that at least a portion of that would be
7 negligence. Because otherwise anytime anything goes
8 missing, anything simply isn't provided, the State can
9 just say, sorry, we made a mistake, and they are going
10 to be able to get away with that. And we'll just move
11 on, and they will be able to testify to what they saw.

12 Your Honor, that video would have been material to
13 our preparation for the case. If we had had the video,
14 if we could have seen exactly what was on it, we would
15 have been able to perhaps prepare differently, could
16 have explained it to Mr. Wilson differently. It's
17 entirely possible this case wouldn't have even gone to
18 trial if we had seen exactly what was on there and
19 could have made that value decision based on what we
20 saw.

21 And with regards to the video itself, I mean, it's
22 clear that it was material in the preparation of the
23 case, and it's obvious that it's going to be made part
24 of the State's case in chief.

25 Your Honor, one of the cases they cite, Moses, was

1 distinguishable from this in that the State took
2 additional steps. They took screen shots of a video
3 that was not able to be downloaded to be made
4 available. They provided yearbook pictures.

5 Your Honor, we believe that ultimately this all
6 comes down to fundamental failures. The State did not
7 provide the video, and it has prejudiced Mr. Wilson in
8 not being able to make a full and complete preparation
9 for his defense.

10 THE COURT: Mr. Stanko, I agree with you
11 100 percent, but the Supreme Court and Court of Appeals
12 doesn't. That's where I am in this juncture. I've got
13 to follow the appellate decisions. They rule on the
14 law, and I have to follow that and apply the law. The
15 Supreme Court, the Court of Appeals say exactly
16 opposite of what you're saying, and I agree with you.
17 But that's not the law. So they get to come in.

18 Now, the appellate decisions also say even though
19 spoliation of evidence has never been charged in a
20 criminal case, as I read the appellate decisions, it's
21 still kind of left to the discretion of the trial
22 judge. So I haven't decided whether or not I'm going
23 to charge that yet or not. I'm going to have to see
24 how this plays out.

25 But they -- I'm going to deny your motion in

1 limine to suppress the video or to suppress the
2 testimony of the video, unless you have anything you
3 want to present at this time that shows a due process
4 violation or rule. I mean, I agree, Rule 5, they are
5 supposed to preserve it, they are supposed to turn it
6 over. They didn't do that. But all of the appellate
7 decisions that guide my decision says they don't have
8 to do that. All right.

9 MR. STANKO: And, Your Honor, we have nothing
10 further on that then.

11 THE COURT: All right. Anything from the State
12 before we bring the jury in?

13 MR. OSKIN: Nothing from the State, Your Honor.
14 We would ask that if the Defense wants to make the
15 motion to sequester witnesses that they do that now.

16 THE COURT: Well, I mean, anything from the
17 Defense before we bring the jury in?

18 MR. STANKO: Your Honor, at this time we would ask
19 for sequestering of witnesses.

20 THE COURT: All right.

21 MR. STANKO: And any if the State believes they
22 are not victims in the case.

23 THE COURT: Anybody who is -- anybody who is going
24 to testify in this case, we'll sequester them with the
25 exception of the Defendant. Who's the lead

1 the attorneys. And as I told you, these opening
2 statements are not evidence. It is just simply the
3 attorneys' contention as to what they think the issues
4 are in this case. All right.

5 MR. DeBUSK: Thank you, Your Honor. May it please
6 the Court.

7 THE COURT: Yes, sir.

8 OPENING STATEMENTS

9 MR. DeBUSK: Ladies and gentlemen, we are here
10 today because of Virginia Eakers. Virginia Eakers, she
11 was in her early eighties, she was kind of a fixture in
12 Myrtle Beach. She was the lady in black often seen
13 walking the streets, walking the streets because she
14 was on the verge of homelessness. Probably was
15 homeless, you know, the definition.

16 She had a small world from the PNC Bank on Oak
17 Street to about 29th North, down to the post office
18 about 7th South, a few of the less expensive motels and
19 hotels on the south end, friend's house, small world.
20 She didn't have a home, but she would usually have a
21 place to stay. Sometimes she would stay with a friend,
22 sometimes she would stay in the local homeless shelter,
23 one or the other.

24 Sometimes she would use some of her limited funds
25 to get herself a hotel, inexpensive hotel. That's what

1 happened the night we're going to be talking about.
2 Ms. Virginia, she was fiercely independent. She liked
3 to make her own way. She probably could have had a
4 permanent home somewhere with family, but Ms. Virginia
5 wanted to take care of herself. She wanted to pay her
6 own bills. Sometimes she borrowed money from people,
7 but she was religious about paying that money back,
8 whether it be a person or a bank, even the City.

9 But in May of 2016, things weren't going so well
10 for Ms. Virginia. She was walking with a cane, and you
11 get to see this in some videos we present. And that
12 was new for her, she usually was able to get around
13 quite well. But her ability was impaired. She was
14 deep in debt, and that probably wasn't anything new for
15 her because she was trying to make her way on a very
16 small income.

17 She had other problems. That night, talking about
18 the night of May 20th, it was going to be cold and she
19 couldn't get into the homeless shelter, they wouldn't
20 take her. There was some disagreement between her and
21 the shelter, so she was going to be out in the cold.

22 But most of all, she had lost her most important
23 companion, a little cat she carried around in a cat
24 carrier. That was her pet, her world. Her friends say
25 she took better care of that cat than she took of

1 herself. I can understand it, it's a lonely world out
2 there without a home, she had to have a companion.

3 But the City had taken her cat away because they
4 felt she couldn't take care of it because she -- well,
5 she was homeless. So she was a bit at the end of her
6 rope in May of 2016, and decided to do something that
7 she probably wouldn't otherwise have done. She brought
8 a stranger into her life.

9 That day it was going to be cold, she couldn't get
10 into the shelter. A friend gave her the name of some
11 inexpensive hotels that she might be able to afford
12 with what little money she had. And she picked one,
13 the Rodeway Inn, about 14th South in Myrtle Beach.

14 And she has heading there on the bus, and she met
15 a man. Apparently they must have struck up a
16 conversation, talked a little bit. He seemed helpful.
17 At some point the two of them got together and decided
18 they were going to get a place together. They were
19 both going to improve their position by pooling their
20 resources. Sounds like a great idea.

21 We know this because Ms. Virginia, she gave the
22 name of a friend, Irene Miller, as a reference. I
23 lived with Ms. Irene for a while, so she can tell you
24 about me. And this man, he called Ms. Irene and said
25 that they're going to get a place together. They

1 seemed to have some misconceptions about Ms. Virginia's
2 situation. He thought she was getting a whole lot more
3 money than she was. Didn't realize she was quite as
4 far in debt as she actually was.

5 And that man was the Defendant, Rickey Wilson.
6 And you'll actually be able to see some of the actions
7 in this case because they are captured by video.
8 Ms. Irene [sic] went to that hotel, the Rodeway Inn,
9 and she checked in. The Defendant went with her. So
10 Ms. Irene [sic], being the independent person she was,
11 she carried her own bags. She probably wouldn't have
12 even let him carry the bags if he wanted to, she
13 wouldn't let him. And you could see the two of them
14 walk up there together.

15 And he goes up to the room with her, and they
16 visit for a while. And he leaves, and he gives his
17 name, Rickey Wilson, to the guy at the front desk.
18 You'll also see this on the video.

19 The next morning, the 21st, it was a Saturday. He
20 came back in the morning, spent a couple hours. In
21 fact, Ms. Virginia had to change rooms because her room
22 she was in had been rented out to someone else, so she
23 had to go to another room. But it was lower down in
24 the hotel so it probably made her happier. And you
25 could see her on the video come down to the office and

1 return to her room. That's the last time anybody
2 except the Defendant saw Ms. Virginia alive.

3 Later on that tape you can see the Defendant come
4 back for about 45 minutes that night, leaving about
5 8 o'clock. And after he comes back his behavior
6 changes. No longer walks in and out the front way like
7 he did every other time he came to that hotel. He
8 snuck down around the hotel and snuck out through the
9 other hotel next door. You can see all this on the
10 video cameras.

11 He goes home. You see other video cameras that
12 shows the place he lived, the Victory Hotel. It's
13 about 12 blocks north of the Rodeway. You get to see
14 him again see what he does after that -- after that
15 incident that night.

16 Now, Ms. Virginia, like I said, she wasn't seen
17 alive again. Next time anybody saw her was about
18 11 o'clock on Sunday the 22nd. Hotel staff goes in
19 there. She hasn't checked out yet and she is supposed
20 to check out. So they have to go in there and see why
21 she's not checked out. And they go in there and they
22 hear the water running.

23 And they don't know what to do. So one of the
24 housekeepers, she walks up there to see if she's taking
25 a shower or something. And she's in the tub, she's not

1 moving, she's dead. They call the police, they call
2 the ambulance, nothing could be done.

3 They sent her for an autopsy. She's been badly
4 beaten. Broken ribs on the right, broken ribs on the
5 left, broken sternum. Eyes, the bones around the eyes
6 beaten so badly the eyes swelled shut, she couldn't
7 see. Bleeding on her brain where her head was hit,
8 bruises on her arms, a vicious, terrible beating.

9 But that beating wasn't enough. She was also
10 strangled. Hear the testimony of the autopsy
11 physician. That's how Ms. Virginia went from being a
12 vital fixture of the community walking the streets to a
13 corpse on a table of the autopsy that you have to see
14 today.

15 That's why the Defendant is charged with murder,
16 the highest offense in the State of South Carolina.
17 And the judge will instruct you that the State has the
18 burden to prove the Defendant guilty. He's presumed
19 innocent until we prove him guilty. Because the State
20 has that burden.

21 Mr. Oskin here and I, we are solicitors. That
22 means we are the State, we represent the State, that's
23 our burden. Because it's our burden, it's very
24 important to us that you understand just what it is,
25 that important constitutional protection of presumption

1 of innocence. It's important that you know exactly
2 what we have to prove to prove him guilty of murder.

3 The judge at the end, he's going to instruct you
4 on the law. And like he says, he tells you what the
5 law is. And there are some issues we need to talk
6 about. Murder is the killing of another with malice
7 aforethought. Most of that's pretty obvious, killing
8 another.

9 Malice aforethought means ill will. One thing we
10 do not have to prove is premeditation. Aforethought
11 means that you had malice at the time the blow was
12 struck that killed the person, at the time the assault
13 killed the person. Doesn't mean you had it for any
14 particular time ahead of time. So if he's coming up on
15 the moment saying, I'm going to strangle this person to
16 death, that's murder, that's malice aforethought.

17 And the evidence is going to come from the stand
18 here. You hear a lot of evidence. You're going to
19 hear a lot of evidence about the crime scene and about
20 the DNA, DNA analysis. And it's important that you got
21 to listen to all of it, because there are important
22 bits in that DNA case.

23 But by and large, this case isn't about DNA. It's
24 about that video and the video from the apartment where
25 he lived that shows not only did he go in her room with

1 her when she was alive twice, but nobody else came and
2 left that room until her body was found. He was the
3 only one who had the opportunity to kill Virginia
4 Eakers.

5 But there's more to it. You have to look at what
6 he did after the -- after that last visit on the late
7 afternoon or early evening of the 21st. How did he
8 act, what did he do, where did he go. When he got
9 home, what did he do. Did he act like something had
10 happened in that room? What happened to the clothes he
11 was wearing, were they ever found? When he was
12 questioned by the police, what did he do; did he tell
13 the truth or did he lie? Did he admit to being over
14 there when the camera was watching him?

15 Listen to the witnesses carefully. It's going to
16 be a lot of witnesses, fairly long case, two or three
17 days to present. And at the end, the judge is going
18 tell you, you have to find the facts. He's going to
19 give you the law, you have to take the law he gives you
20 and fit those facts to it. You have to render a
21 verdict.

22 You are the finders of fact. We present the
23 evidence, you find the facts, the judge tells you the
24 law. And he's also going to tell you about the burden
25 of proof.. The burden of proof in any criminal case is

1 beyond a reasonable doubt, a very high burden, the
2 highest burden you have in a court of law.

3 Just to give you an idea of what proof beyond a
4 reasonable doubt is, it's proof that leaves you firmly
5 convinced of the Defendant's guilt. But he can't draw
6 you a picture. Because proof beyond a reasonable doubt
7 is something that comes from you. That's a cross
8 section of the community. You decide whether there has
9 been sufficient proof provided to punish the Defendant
10 for the brutal murder of Virginia Eakers.

11 But for now, all we ask is your attention. Listen
12 carefully to the evidence as it comes from the stand,
13 watch every witness carefully, listen to them, judge
14 their credibility. Remember what they say. At the end
15 they are going to ask to render a verdict. What we
16 will be asking for is a just verdict. Thank you in
17 advance for your attention, and I look forward to
18 working with you. Thank you.

19 THE COURT: Does the Defense wish to make an
20 opening statement?

21 MR. STANKO: We do, sir.

22 THE COURT: All right.

23 MR. STANKO: Ladies and gentlemen, May 20th, 2016,
24 just about two years ago, Mr. Wilson leaves his room at
25 the Victory Motel down by the beach, goes to Wal-Mart

1 to buy some groceries, takes the bus there, takes the
2 bus back. On his way back, sees a woman sitting near
3 the front of the bus having a conversation with the bus
4 driver.

5 The woman gives the bus driver what he believes is
6 an incorrect address, she asks where [REDACTED] Ocean Highway
7 is. Now, he realizes it's actually Ocean Boulevard, so
8 he recognizes she might not really be familiar with the
9 area, volunteers to help. Realizes that on that bus
10 route that she's taking it's entirely possible that she
11 is going to have to walk several blocks from the
12 closest stop to where she's going. She has some bags
13 with her, he volunteers to help.

14 Gets off the bus with her. There is even a video
15 of him helping her across the street and actually
16 helping her check into the hotel. He's standing there
17 with her at the front of the hotel when she checks in,
18 even provides his name, address, phone number to the
19 hotel clerk. Certainly not the actions of somebody
20 who's trying to hide, who's trying to conceal his
21 identity or anything like that.

22 Goes with her to her room, helps her get checked
23 in. While in there, she explains to him that she's
24 likely going to need some help in her housing
25 situation, asks him to come back the next day.

1 So the next morning he gives her a call early on
2 in the morning. They agree to meet up. He goes back
3 to her hotel, gets there somewhere around 10 a.m.,
4 spends a while with her. And as you heard from the
5 solicitor, she wants to change rooms. So he helps her
6 with that.

7 Once again, goes with her down to the -- down to
8 the hotel clerk, helps in the change and even walks
9 back again with her to her new room on a lower floor.
10 The main reason behind that, she had told them she was
11 afraid of heights. She wanted to be on a lower floor
12 simply because it would make her feel more comfortable.
13 He helped her do that.

14 So he stays in her room after she gets moved in
15 for another hour, an hour and a half. She asks him to
16 call, as you heard, a Ms. Irene Miller. Now,
17 Ms. Miller was a former landlord of Ms. Eakers. He was
18 trying to, once again, improve her housing situation.
19 This was someone who she might have been able to stay
20 with in the future. One way or another, he placed
21 several calls for her, left her room probably about
22 12:45, 1 o'clock in the afternoon.

23 Middle of the afternoon he once again calls
24 Ms. Miller, again, trying to help her with her
25 situation. After their conversation, he goes back to

1 Ms. Eakers' hotel room. As you heard, he stays there
2 for 45 minutes. There is video showing the hotel room
3 door, and you do see him walk in and stay for about 45
4 minutes.

5 Now, what happened in that room, we have
6 absolutely no idea. When he leaves, once again, on the
7 video, he's calm, he doesn't -- he doesn't throw open
8 the door, slam it and run away. He takes his time,
9 opens the door, closes it behind him, walks on down the
10 hallway. Not the actions of somebody who's trying to
11 conceal themselves, once again, trying to hide.

12 Now, there is video of that hotel room door all
13 the way up until midnight. There is no other video
14 after midnight. Now, you'll hear supposedly that this
15 video existed. You'll hear that some people viewed the
16 video. But we do not have that.

17 The State, the police department, whether they
18 made an error, whether it simply did not get
19 downloaded, the fact of the matter remains there is no
20 actual physical evidence that you people can view to
21 confirm for yourselves that anybody else went in that
22 room. We simply do not know. We have potentially the
23 word of some other people that no one was there.

24 Now, I want you to pay attention to everything you
25 hear this week. More importantly, I want you to pay

1 attention to what you don't hear. You are not going to
2 hear a motive for why Mr. Wilson might have killed
3 Ms. Eakers. He met her not even two days prior to what
4 happened. Now, helped her off a bus, helped her in her
5 hotel room.

6 When her body was discovered 11 hours after the
7 last video, police talked to the front clerk and are
8 immediately able to determine Mr. Wilson was the last
9 one who was seen when she checked in Friday night and
10 again on Saturday morning. It was very easy to find.
11 So police go and knock on his door, he goes with them
12 willingly. They take him down to the police annex. He
13 answers their questions, they allow him to leave.

14 Next day, they believe they have enough to charge
15 him with murder and he's arrested, once again, without
16 incident. He doesn't run, he doesn't fight them. He
17 goes along with them.

18 Now, what you're going to hear, the standard they
19 have to meet is beyond a reasonable doubt. What that
20 means is they have to convince you firmly, that
21 Mr. Wilson killed Ms. Eakers. There is a standard that
22 goes along with reasonable doubt. See, in our courts
23 here, two different kinds of courts we have, there's
24 civil court, there's criminal court.

25 Civil court would be you get in a car wreck, you

1 have a slip and fall. If you take someone to court in
2 that, the standard is a lot different. If you'll
3 imagine the scales of justice, you know, lady justice
4 with the blindfold, has the two scales on either side.
5 In a civil case, in order to win your burden of proof
6 is ever so slight, you just have to tip the scales a
7 little bit on your side and you win.

8 But this is different, this is criminal court.
9 And as you heard, Mr. Wilson is charged with the most
10 serious charge there is, he's charge with murder. To
11 be firmly convinced, they have to tip those scales
12 virtually all the way to their side.

13 Now, reasonable doubt is the level of doubt that
14 would cause you to hesitate to act. If you're sitting
15 there and thinking about this case, and you pause, and
16 you think it's entirely possible there is a completely
17 different explanation for what really happened, you
18 cannot find Mr. Wilson guilty.

19 Think of it like a puzzle. Maybe it was stick
20 puzzles when we were young, some of us have children
21 that we do puzzles with now. What was the most
22 aggravating thing, missing pieces, because if there are
23 pieces missing out of the puzzle, you don't get the
24 full picture.

25 And that's going to be the case here, you are not

1 going to be able to see the full picture. And if they
2 have not convinced you, you must find Mr. Wilson not
3 guilty. Thank you.

4 THE COURT: All right. Ladies and gentlemen,
5 we'll begin the trial of the case with the evidentiary
6 portion of the trial with the State's first witness.

7 MR. OSKIN: Thank you, Your Honor. At this time
8 the State would call Ms. Allison Hardin to the stand,
9 please. All right.

10 ALLISON HARDIN, after being duly sworn, testified
11 as follows:

12 THE CLERK: State your full name and spell your
13 last name for the Court.

14 THE WITNESS: My full name, Allison Hardin,
15 H-A-R-D as in David, I-N.

16 DIRECT EXAMINATION

17 BY MR. OSKIN:

18 Q Good mornings Ms. Hardin.

19 A Good morning.

20 Q How old are you, ma'am?

21 A Oh. 48.

22 Q Are you employed?

23 A I am.

24 Q Who is your employer, ma'am?

25 A The City of Myrtle Beach.

1 Q And what part, which department?

2 A The planning department.

3 Q Okay. How long have you been in that capacity?

4 A I've been with the planning department since 2007.

5 I've been with the City since 1999.

6 Q Okay. Ms. Hardin, did you ever meet a lady named
7 Virginia Eakers?

8 A Yes.

9 Q How did you meet her?

10 A She came in to City Hall where my office is
11 located and asked our receptionist for me.

12 Q Okay. About when did you meet her?

13 A About five years prior. About five years ago.

14 Q Five years prior to the incident or five years
15 from 2018, that would be 2013?

16 A About five years from here -- from now.

17 Q Okay.

18 A Let me think.

19 Q Roughly five years, that's your answer?

20 A Two -- yeah, roughly five years.

21 Q Okay. Why did she ask for Allison Hardin; any
22 idea?

23 A We have debated that many times. I have no clue.

24 My office is located near other offices that help find

25 housing for the homeless or find support for folks. My

1 secretary said she thought it was God that had sent her
2 to us. Because there is nothing in my office that I do
3 that pertains to -- directly to assistance to the
4 public and the way that she came to me.

5 Q Okay.

6 A She came and asked if I knew of anyplace that
7 would offer her a loan to help pay off some debts.

8 Q What type of demeanor did she have?

9 A Quiet, and she was asking for help. So she was --
10 she came with her hands out.

11 Q Okay. Did you conduct any type of transactions
12 with her at that time or any other time?

13 A I did. I looked at her paperwork. She brought in
14 a bag of her bills, explained to me how she had
15 accounted for her bills for several years. She had a
16 running tab of all of her receipts and records and said
17 that she had let them slip away from her and needed a
18 loan of \$500 in order to help pay off some of her
19 credit card.

20 Q That was at the initial meeting?

21 A Yes.

22 Q Okay. Did you lend her \$500 at that time?

23 A I did.

24 Q Okay. Was she ever able to pay you back that
25 amount?

1 A She did.

2 Q Did you ever conduct any other small loans to her?

3 A I did.

4 Q Okay. Was she able to pay most of those back, did
5 she make efforts to pay them back?

6 A Yes.

7 Q Was there ever a time that she asked to borrow
8 money from you that you couldn't give it to her at that
9 time?

10 A Yes.

11 Q Did she ever stay with you at your residence?

12 A No.

13 Q Okay. How would she respond when you didn't lend
14 her?

15 A She would say, that's okay, I understand.

16 Q At any point while you had her acquaintance, did
17 she ever get angry or did you ever see her in a mood
18 that would -- you know, that would make her seem -- did
19 you ever see her upset, simply speaking? I apologize.

20 A I did see her upset.

21 Q How did she act when she was upset?

22 A She'd twist her mouth. Her mouth would get a
23 little (indicating), and her eyebrows would go down and
24 she'd fuss. But that was it. Whenever she left the
25 office, typically she left with a smile and with a hug.

1 Q Did you ever become aware of where she kept her
2 personal belongings on her?

3 A Yes.

4 Q On her, I'm speaking about on her body, where
5 exactly on her body would she keep her belongings?

6 A Well, it depends on which belongings you're
7 talking about. She would keep a wallet on a chain and
8 would tuck it into her shirt.

9 Q Okay.

10 A And the chain was connected somewhere around her
11 waist.

12 Q Any idea what was in that wallet?

13 A I never got a chance to look fully in it, but that
14 was where she would pull out the money that she would
15 pay me back from.

16 Q Okay. And in your dealings with her, is it fair
17 to say that she was homeless, or relatively homeless?

18 A She was moving from hotel and hotel and did not
19 have a permanent residence that I was aware of.

20 Q Did she ever stay with anyone else, to your
21 knowledge, any other citizens that were looking out for
22 her such as yourself?

23 A Yes. Ms. Irene.

24 Q Was Irene Miller ever her landlord, to your
25 knowledge?

1 A No.

2 Q Okay. Do you recall seeing her around May 20th,
3 2016?

4 A Yes.

5 Q Okay. To your knowledge, do you remember what day
6 of the week that was by chance?

7 A I remember seeing her on a Thursday and a Friday,
8 those are the last two days that I saw her.

9 Q Okay. What was the basis for her coming to see
10 you that day?

11 A She was out of money and/or close to being out of
12 money and needed a place to stay because the weather
13 was turning cold.

14 Q Okay. What were -- how were you able to assist
15 her in finding a place, what happened a little bit more
16 with regards to that?

17 A I did not have enough money to loan her at that
18 time, and I had company. So I had eliminated the
19 opportunity to provide her with housing that way. The
20 best that I could do for her at the time was to help
21 her find a reasonable accommodation for the weekend and
22 start looking for a shelter place. We had tried to put
23 her in a shelter, the shelter had not accepted her for
24 whatever reason, which they did not give to me and I've
25 not been able to find out.

1 Q Going back to her belongings real quick, to your
2 knowledge did she have any other items or possessions
3 or anything --

4 A Um-hum.

5 Q -- with her that was very dear to her?

6 A Yes. She had bags of her belongings with her
7 those days. And we offered to let her keep them in the
8 office over the weekend until we could help find her a
9 place and a shelter.

10 Q Did she have any animals?

11 A She used to. She had a cat named Kit.

12 Q Okay.

13 A That was her baby.

14 Q And when you saw her, what is she ever with
15 someone or was she more like a loner?

16 A I never saw her with anybody except Ms. Irene.

17 Q Did -- was she ever dressed a particular way?

18 A She dressed often and most often I saw her in a
19 black blouse and a black skirt with a black head scarf.

20 Q This may be uncomfortable answering, but I need
21 you to. When she was in your presence, did she have
22 any distinctions, you know, whether it be --

23 A Yes.

24 Q Okay. What were those?

25 A About her physical distinctions and the like. She

1 dyed her hair up until the last few months that I knew
2 her, it was always jet black. . . She had -- she'd always
3 put on pan-cake makeup and dark lipstick, so she always
4 tried to look nice.

5 But there was an -- she often smelled of body odor
6 and like she'd been out in the heat. And especially in
7 the summertime when she was walking back and forth from
8 the post office to the -- either the -- to where the
9 taxi was or where the bus was or wherever she was going
10 next. So I often I noticed that she had an odor about
11 her. But it wasn't pungent, it was kind of dry heat.

12 Q Okay. Simply speaking, again, not trying to make
13 you uncomfortable, did she appear that she bathed
14 regularly?

15 A No.

16 Q Focusing back on around May 20th when she was
17 there for -- did you testify that you helped her find a
18 hotel?

19 A What I did was I went online to a website that
20 shows the prices of hotels in the area, and I sorted by
21 the least amount of money.

22 Q Okay.

23 A And I showed her the top three and said, you need
24 to pick one.

25 Q Was Rodeway Inn one of those hotels?

1 A I believe it was.

2 Q And why did she choose the hotel that she chose?

3 A Price. She did not have much money left, and I
4 had none to offer at that time.

5 Q At that time did she have her cat with her?

6 A No, sir.

7 Q You aware of what had happened to her cat?

8 A Yes, sir.

9 Q What's that?

10 A In the years that the staff had tried to help her
11 find shelter or find a program for her to enroll in,
12 one of the hardships was that nobody wanted to take a
13 cat along with Ms. Virginia, and Ms. Virginia would not
14 let go of the cat.

15 So I believe it was during one of the times that
16 she was being taken care of elsewhere that the cat was
17 taken away from her due to her inability to keep him
18 up. And the cat was subsequently adopted out of the
19 animal shelter.

20 Q What news did you hear next about Ms. Eakers after
21 you'd seen her prior to that weekend?

22 A I believe that I -- the next I heard was that she
23 had been killed.

24 Q Did she have any belongings with you at your
25 office at the time of her death?

1 A Yes, she did.

2 Q Why did she have -- why were those there?

3 A She didn't want to have to haul them around all
4 weekend.

5 Q So if police went to your office to find her
6 belongings afterwards --

7 A Yeah.

8 Q -- they would have been in your office?

9 A They were.

10 Q And that's why?

11 A They stayed in my office. I told her I would take
12 care of them, and I tried my best to take care of her.

13 MR. OSKIN: Ms. Allison, I thank you. Please
14 answer any questions from Defense counsel.

15 THE COURT: Cross-examination.

16 CROSS-EXAMINATION

17 BY MR. STANKO:

18 Q Just one thing very quickly. You mentioned that
19 Ms. Miller was not Virginia's landlord; correct?

20 A I beg your pardon?

21 Q You said that Ms. Miller, Irene Miller, was not
22 Ms. Eakers' landlord?

23 A Not to my knowledge, no.

24 Q Okay. Did she ever tell you that she had stayed
25 with her at any point?

1 A Yes.

2 Q Okay. Do you recall about how many times she
3 stayed with Ms. Miller?

4 A No.

5 MR. STANKO: Nothing further, Your Honor.

6 THE COURT: All right. Anything on redirect?

7 MR. OSKIN: Nothing from the State, Your Honor.

8 The State asks that Ms. Hardin be released from her
9 subpoena.

10 THE COURT: All right. Any objection?

11 MR. STANKO: No objection, sir.

12 THE COURT: All right. You may step down, you're
13 free to go.

14 (Witness excused.)

15 THE COURT: State can call your next witness.

16 MR. DeBUSK: Your Honor, State calls Christopher
17 Smoyer.

18 CHRISTOPHER SMOYER, after being duly sworn,
19 testified as follows:

20 THE CLERK: Please state your full name, and spell
21 your last name for the Court.

22 THE WITNESS: Christopher Smoyer, S-M-O-Y-E-R.

23 DIRECT EXAMINATION

24 BY MR. DeBUSK:

25 Q Mr. Smoyer, who is your employer?

1 A What's that?

2 Q Who is your employer?

3 A My employer, Tropical Resorts, LLC. Rodeway Inn.

4 Q What other properties do they own besides the
5 Rodeway?

6 A Econo Lodge, Days Inn.

7 Q Where is the Days Inn relative to the -- excuse
8 me -- the Rodeway Inn?

9 A Right next door.

10 Q Okay. Where is the Rodeway Inn located?

11 A [REDACTED] South Ocean Boulevard, Myrtle Beach.

12 (WHEREUPON, State's Exhibit No. 3 was marked for
13 identification only.)

14 Q I show you what's been marked as State's Exhibit 3
15 for identification purposes. I ask you, is the Rodeway
16 Inn indicated on that map?

17 A Yes, sir.

18 Q Is that the correct location?

19 A Yes, sir.

20 Q Okay.

21 MR. DeBUSK: That's for identification at this
22 time, Your Honor. We'll admit it with a subsequent
23 witness.

24 Q Tell me about the Rodeway Inn, who was managing it
25 in May of 2016?

1 A I was. I'm the property manager.

2 Q How many rooms do you have there?

3 A 75.

4 Q Okay. Let me show you -- let me get them marked
5 first.

6 (WHEREUPON, State's Exhibit Nos. 4 through 6 were
7 marked for identification only.)

8 Q Let me show you now what's been marked as
9 State's-4, 5 and 6 and ask if you recognize those
10 photos.

11 A Yes, I do.

12 Q What are they?

13 A This picture here is the front of the building.

14 THE COURT: Wait a minute, we have to put them
15 into evidence.

16 Q Please don't show them to --

17 THE COURT: Don't show them, just look at them
18 yourself.

19 Q Tell us what they are and then...

20 A Oh, I'm sorry.

21 Q That's all right.

22 A The one picture is the front of the building where
23 the office is located. The next one is the side of the
24 building that faces Days Inn. And the next one is a
25 picture of the front office where the parking lot.

1 Q Are those fair and accurate representations of how
2 that hotel appeared in May of 2016?

3 A Yes, sir.

4 MR. DeBUSK: Your Honor, we would offer these into
5 evidence at this time?

6 THE COURT: Any objection?

7 MR. STANKO: Without objection.

8 THE COURT: All right. Four, five and six are
9 admitted into evidence without objection.

10 (WHEREUPON, State's Exhibit Nos. 4 through 6 were
11 admitted in evidence.)

12 MR. DeBUSK: Your Honor, may the witness approach
13 the jury to indicate things in the photos?

14 THE COURT: Yeah, as long as he's near a
15 microphone where the court reporter can pick up his
16 testimony.

17 Q If you could, Mr. Smoyer, step down here. Be
18 careful so you don't trip over that cord. What does
19 this photo, State's-4, show?

20 A That's the front office and the front line of the
21 office.

22 Q Would you show where the office is.

23 A Located -- is located right here (indicating).

24 Q Those glass windows and doors?

25 A That's correct.

1 Q Okay. Skip ahead to State's-6; what does this
2 show?

3 A This is the upper deck (indicating), this is the
4 office right here (indicating).

5 Q What's up above the office?

6 A This is a room.

7 Q Okay. Who stayed there at that time?

8 A I'm not sure if anyone was in there at that time,
9 I can't remember.

10 Q It's a rental room?

11 A It's a rentable room.

12 Q Okay. How about State's-5, what does this show?

13 A This is the side of the building that faces, and
14 Days Inn is right here (indicating).

15 Q So this is the side of the faces Days Inn?

16 A That's correct.

17 Q Okay. How many rooms on each floor of that
18 particular part of the building?

19 A There is 14 -- 14 rooms on each floor.

20 Q And how many are visible on this side?

21 A So you got...

22 Q Go ahead. Look closer.

23 A You got 210, 211, 12, 13 and 14.

24 Q Okay. So there is a single door on the end
25 closest to this side of the picture; right, and that's

1 the 210?

2 A That would be 210.

3 Q And then 211 and 212 are next to each other?

4 A 211, 212, 213, 214 is on the end.

5 Q Okay. Are rooms 211 and 314 shown in this photo,
6 or the doors to them?

7 A Yes. Excuse me, yes.

8 Q Could you, I have a Sharpie in my hand, write 211
9 over room 211 and 314 over room 314.

10 A (Indicating.)

11 Q Which one is 211; is it here or here (indicating)?

12 A This is 14 (indicating), 14.

13 THE COURT: All right. We got to be able to pick
14 up his testimony. The Court reporter cannot get what
15 he's saying.

16 THE WITNESS: (Indicating.)

17 Q You've got 210 written here and 211 written here
18 (indicating)?

19 A Yes.

20 Q Okay. So once again, would you point to the jury
21 where 211 is.

22 A 211 is located right here (indicating).

23 Q Okay, thank you. Please return to the stand. Did
24 there come a time when you -- well, let me start with
25 something else. How many phone numbers were there for

1 the Rodeway Inn at that --

2 A There was three phone numbers.

3 Q I show you --

4 MR. DeBUSK: Well, let me get it marked.

5 (WHEREUPON, State's Exhibit No. 7 was marked for
6 identification only.)

7 Q Let me show you what's been marked now as
8 State's-7 and ask if you recognize that.

9 A This is correct.

10 Q What are those?

11 A The three phone numbers for the hotel.

12 Q So those would have been the phone numbers for the
13 Rodeway Inn in May of 2016?

14 A That is correct.

15 MR. DeBUSK: Your Honor, we would offer this into
16 evidence at this time.

17 THE COURT: How is it identified?

18 MR. DeBUSK: It is marked as State's Exhibit 7.

19 THE COURT: Any objection?

20 MR. STANKO: Without objection, sir.

21 THE COURT: All right, State's Exhibit 7 admitted
22 into evidence without objection.

23 (WHEREUPON, State's Exhibit No. 7 was admitted in
24 evidence.)

25 Q Did there come a time when you became aware of an

1 elderly guest at your hotel named Virginia Eakers?

2 A Yes.

3 Q When was that?

4 A When she checked in, I was not there.

5 Q Okay.

6 A My front desk clerk checked her in. He did call
7 me to let me know that she checked in, that he was kind
8 of concerned.

9 Q Okay. Well, so he did inform you of that?

10 A Yes.

11 Q Okay. Did there come a time when you dealt with
12 Ms. Eakers?

13 A I did on the following day.

14 Q Do you remember what date that would be?

15 A I don't remember exactly.

16 MR. DeBUSK: Let me get this marked.

17 (WHEREUPON, State's Exhibit No. 8 was marked for
18 identification only.)

19 Q Let me show you what's been marked as State's-8
20 and ask if that helps you.

21 A Yes, this is correct.

22 Q Okay. What -- does that help you recall what date
23 it was that you dealt with her?

24 A Yes.

25 Q What date was that?

1 A This was on May 20th.

2 Q Was that original check-in date, or is that the
3 date that you --

4 A The original check-in date was May 20th, and I
5 extended her on May 21st.

6 Q For what reason did you deal with her?

7 A They were in one room before. And then they
8 wanted to stay over. So I told her they had to move
9 rooms, so I had moved them to the second floor.

10 Q Why did she have to move rooms?

11 A Somebody was scheduled for that room that they
12 had. And then they had cable issues.

13 Q The room had already been booked?

14 A Yes.

15 Q How did you become aware that she wanted to move?

16 A The gentleman called down the front desk, stated
17 his cable wasn't working. And I explained to him it
18 was checkout time. And he said, no, we were staying
19 over. And I explained to him at the time that somebody
20 was scheduled for that room, that we had to move them
21 down to a different room.

22 Q What room did you move them to?

23 A 211.

24 Q Okay. What was involved in moving her from the
25 prior room to 211?

1 A They both came down to the front desk. And
2 Ms. Eakers came in, and I explained to her that she
3 would have to move rooms, and she said that was fine.
4 I printed a new -- the reg card.. She gave me her card
5 and I swiped it, and she signed the reg car.

6 Q Okay. Is that when this record was created?

7 A That is correct.

8 Q Okay.

9 MR. DeBUSK: We would offer State's Exhibit 8 into
10 evidence.

11 THE COURT: Any objection?

12 MR. STANKO: No objection, sir.

13 THE COURT: State's Exhibit No. 8 admitted into
14 evidence without objection.

15 (WHEREUPON, State's Exhibit No. 8 was admitted in
16 evidence.)

17 Q So for what period did she book room 211? Or I
18 guess, what was her check-out date for room 211?

19 A Would have been on May 22nd.

20 Q The next day?

21 A Yes.

22 Q So it was one night?

23 A Correct.

24 Q Okay. So and what, again, what was the check-out
25 time that...

1 A 11 a.m.

2 Q So it was about 11 a.m. when you gave her the new
3 room or booked her into the new room?

4 A That's correct.

5 Q Okay. And someone was already scheduled for the
6 other room, is that why you moved her?

7 A That is correct.

8 Q Okay. Who did you deal with, her or the gentleman
9 that was with her?

10 A What's that?

11 Q Who did you deal with; her?

12 A I dealt with her.

13 Q And do you remember, was she walking
14 independently, or did she use a device?

15 A She uses a cane.

16 Q Okay. What do you remember about her appearance?

17 A She was like five feet, five-one.

18 Q Um-hum.

19 A Elderly lady. Came in with a cane, very nice
20 lady.

21 Q Was she polite?

22 A Very polite.

23 Q Did you pay much attention to the man with her?

24 A What's that?

25 Q Did you pay much attention to the man that was

1 with her?

2 A I seen him out of the corner of my eye.

3 Q Did you know him?

4 A No.

5 Q Did you know her before this?

6 A No, sir.

7 Q Okay. Did you see either one of them, either the
8 lady or the gentleman, again that day?

9 A No, sir.

10 Q Did you see them again at all?

11 A No.

12 Q Okay. Would you recognize that man if you saw him
13 again today?

14 A Yes.

15 Q Is he present in the courtroom?

16 A Yes, sir.

17 Q Where is he?

18 A Sitting over here in the corner.

19 Q Are you indicating the Defendant sitting at the...

20 A That is correct.

21 Q Thank you.

22 MR. DeBUSK: Please answer any questions Defense
23 might have.

24 THE COURT: Cross-examination.

25 CROSS-EXAMINATION

1 BY MR. STANKO:

2 Q Did Ms. Eakers ask you to call 911 at any point?

3 A No, sir. I was not there the morning that the
4 body was found.

5 Q I mean, on the 21st when you checked her into the
6 new room.

7 A No, sir.

8 Q Okay. She did not to you appear fearful of the
9 man she was with?

10 A What's that?

11 Q She didn't appear fearful of the man she was with?

12 A No, sir, not at all.

13 Q Okay. So you had at that point no indication that
14 anything was going wrong with them?

15 A It seemed like a normal day. They came in, they
16 extended, and they went on their way.

17 MR. STANKO: Okay. Nothing further, sir.

18 THE COURT: Redirect?

19 MR. DeBUSK: No, Your Honor. We would ask that
20 Mr. Smoyer be released from his subpoena.

21 THE COURT: Any objection?

22 MR. STANKO: No, sir.

23 THE COURT: All right. You may step down, you're
24 free to go.

25 (Witness excused.)

1 MR. DeBUSK: Your Honor, the State calls Ronnie
2 Evans.

3 RONNIE E. EVANS, after being duly sworn, testified
4 as follows:

5 THE CLERK: Please be seated. Please state your
6 full name, and spell your last name for the Court.

7 THE WITNESS: My name is Ronnie Edward Evans.
8 Last name is Evans, E-V-A-N-S.

9 DIRECT EXAMINATION

10 BY MR. DeBUSK:

11 Q Mr. Evans, excuse me, I got to talk to you from
12 over here to stand close to the microphone, I don't
13 talk very loud. Who is your employer now?

14 A Currently, Publix Supermarkets.

15 Q How about in May of 2016, who were you working
16 for?

17 A Rodeway.

18 Q Okay. Did you work specifically at the Rodeway
19 Inn or any of the associated properties?

20 A Rodeway only.

21 Q Okay. Where did you live?

22 A At that time I lived at the property.

23 Q Oh, you lived at Rodeway?

24 A Yes.

25 Q Have you ever been arrested or convicted of any

1 crimes?

2 A No, sir.

3 Q Okay. Tell me about the Rodeway. I'm going to
4 show you --

5 MR. DeBUSK: Well, let me get it marked again.

6 (WHEREUPON, State's Exhibit No. 9 was marked for
7 identification only.)

8 Q I show you what's been marked as State's
9 Exhibit 9, ask if you recognize that.

10 A Yes, that's the Rodeway Inn property.

11 Q How is the Rodeway Inn indicated on that map; is
12 there a label?

13 A Oh, yeah. By the address.

14 Q Okay. And also, has -- that's not a sign on the
15 roof, that's a label; correct?

16 A Right.

17 Q Okay. So is that placed on the right building?

18 A Yes.

19 Q That is the Rodeway Inn?

20 A Yes.

21 MR. DeBUSK: Your Honor, I would move State's-9
22 into evidence.

23 THE COURT: Any objection?

24 MR. STANKO: No objection.

25 THE COURT: State's Exhibit 9 admitted into

1 evidence without objection.

2 (WHEREUPON, State's Exhibit No. 9 was admitted in
3 evidence.)

4 Q Did you work on May 20th, 2016?

5 A I'm not sure what -- yes.

6 Q Okay. Well, let me show?

7 (WHEREUPON, State's Exhibit No. 10 was marked for
8 identification only.)

9 Q Let me show you State's Exhibit 10 and ask if you
10 recognize that.

11 A Yes. This is the registration card for checking
12 in a guest.

13 Q Okay. Tell me, tell the jury, if you would, about
14 how you check in a guest at the Rodeway Inn.

15 A Whenever they arrive at the hotel?

16 Q Yes.

17 A So upon arrival if they have a reservation, you
18 just look it up with their name. If they don't have a
19 reservation, then you just use their ID and get their
20 credit or debit card information and make the
21 reservation.

22 Q So you create the reservation on the spot
23 essentially?

24 A Right..

25 Q Do you recall a guest named Ms. Virginia Eakers?

1 A Yes, sir.

2 Q Which was she, was she a preexisting reservation
3 or one that you made up on-site?

4 A She was one that we made up on-site which we would
5 consider a walk-in reservation.

6 Q Okay. Is that indicated by the paper in your
7 hand?

8 A No, sir.

9 Q But you do recall that she was specifically a
10 walk-in?

11 A Yes, sir.

12 Q Okay. What room did you assign her to?

13 A Originally whenever she checked in would be room
14 314.

15 Q The floor that the office is on, if you walk
16 directly through the rooms, what floor would that be?

17 A From street level it would be the first floor, but
18 it's actually the second floor of the hotel.

19 Q So what's the first number of the rooms, 200 or
20 100?

21 A 200.

22 Q So on the office levels would be 200?

23 A Yes.

24 Q 300 would have been one level up?

25 A Yes, sir.

- 1 Q When she checked in, was anyone with her?
- 2 A Yes. A gentleman.
- 3 Q Did you know Ms. Virginia Eakers before this?
- 4 A No, sir.
- 5 Q Had you ever seen that gentleman before?
- 6 A Just from living in the area, I thought maybe he
- 7 had looked familiar. But I couldn't say for sure, no.
- 8 Q You didn't know a name, he wasn't an acquaintance?
- 9 A Right.
- 10 Q Okay. Did she say how she chose your hotel?
- 11 A She said that she was sent there by somebody from
- 12 City Hall.
- 13 Q Again, when you checked her in, this State's
- 14 Exhibit 10 was created; is that correct?
- 15 A Yes.
- 16 Q Who would have signed it, who would have made that
- 17 signature?
- 18 A This would have been the guest checking in, the
- 19 one paying for the room.
- 20 Q Okay. Do you know who made that notation?
- 21 A I do not.
- 22 Q That was not made by you or by the guest?
- 23 A No.
- 24 Q Okay. But other than that, that is the paper that
- 25 would have been created to indicate that she was

1 checked in?

2 A Yes, sir.

3 Q What is stapled to it?

4 A Stapled to this is the guest identification.

5 Q Did you copy the identification of every guest?

6 A Well, at one point we used to do it for every
7 guest, and recently before this we changed it to just
8 anybody who was 18 or younger who had to pay a security
9 deposit.

10 Q Why did you copy Ms. Virginia's?

11 A Just out of habit. Because it was what we had
12 done for so long, and it had just recently changed.

13 Q But that is the ID she provided to you?

14 A That is correct.

15 MR. DeBUSK: Your Honor, we would move State's-10
16 into evidence.

17 THE COURT: Any objection?

18 MR. STANKO: Without objection.

19 THE COURT: State's Exhibit 10 admitted into
20 evidence without objection.

21 (WHEREUPON, State's Exhibit No. 10 was admitted in
22 evidence.)

23 Q Do you recall whether Ms. Eakers was able to walk
24 independently, or did she require some sort of
25 assistance?

1 A She was walking by -- she wasn't having assistance
2 from the person that was with her, she was walking
3 independently.

4 Q Was she using any device to her help?

5 A She had a cane with her.

6 Q Okay. What about the man with her, when they left
7 did they leave together to go to the room?

8 A Yes.

9 Q Did you see the man again that day?

10 A Yeah. Probably within approximately the time
11 after she had settled into her room, he stopped back by
12 the office.

13 Q What happened when he stopped back by the office?

14 A He said that his -- he stated his name and his
15 phone number and said that he lived in the area, if she
16 needed any help that to contact him, he would be more
17 than happy to come by and help her.

18 Q Let me show you what is going to be marked as
19 State's-11.

20 (WHEREUPON, State's Exhibit No. 11 was marked for
21 identification only.)

22 Q And ask if you recognize that.

23 A Yeah. This was the name and phone number that he
24 provided after she had settled into the room.

25 Q Who wrote that on the note, him or you?

1 A The black handwriting is my handwriting.

2 Q Okay. Do you know anything about the blue
3 handwriting?

4 A No.

5 Q Do you know what it even means?

6 A No.

7 Q But the black handwriting was where you wrote down
8 what he told you?

9 A Right.

10 Q Okay.

11 MR. DeBUSK: Your Honor, we would move State's-11
12 into evidence.

13 THE COURT: Any objection?

14 MR. STANKO: Without objection, Your Honor.

15 THE COURT: State's Exhibit 11 admitted into
16 evidence without objection.

17 (WHEREUPON, State's Exhibit No. 11 was admitted in
18 evidence.)

19 Q What name did he give you?

20 A Rickey Wilson.

21 Q What phone number did he give you?

22 A [REDACTED]-7264.

23 Q Thank you.

24 (WHEREUPON, State's Exhibit No. 12 was marked for
25 identification only.)

1 Q Showing you what's been marked as State's-12 and
2 ask if you recognize that.

3 A Yes. This is Ms. Eakers and Mr. Wilson.

4 Q Okay. Is that the way they were dressed that
5 first day when you saw them?

6 A Yes, sir.

7 Q That's a fair and accurate representation of their
8 clothing?

9 A Yes.

10 MR. STANKO: Without objection.

11 MR. DeBUSK: State's-12, Your Honor, admitted into
12 evidence?

13 THE COURT: All right, State's Exhibit 12 admitted
14 into evidence without objection.

15 (WHEREUPON, State's Exhibit No. 12 was admitted in
16 evidence.)

17 Q Does that also show the bags that Ms. Eakers was
18 carrying?

19 A Yes, sir.

20 Q And the cane she was using?

21 A Yes, sir.

22 Q Thank you. What was your shift on the day she
23 checked in, the 20th?

24 A The day she checked in would have been 3 p.m. to
25 11 p.m.

1 Q Okay. Did you work the next day?

2 A No. The following day I was off.

3 Q That would have been the 21st?

4 A Yeah.

5 Q Okay. You worked --

6 A No, I'm sorry. I did work the second day. It was
7 a 3 p.m. to 11 p.m. shift as well.

8 Q But you didn't work in the morning?

9 A I didn't work in the morning, no.

10 Q Okay. Now, how about the third day, the Sunday?

11 A The third day was my scheduled day off, but I did
12 work.

13 Q Why did you work?

14 A Because my manager had called, said that he was
15 having a heart attack. And he called the ambulance to
16 come get him, and he needed coverage.

17 Q Who was your manager?

18 A Chris Smoyer.

19 Q Okay. On the 21st, the Saturday after she checked
20 in, did you see the Defendant or the victim that day?

21 A The Defendant walked past the office going toward
22 the victim's room. But he never came in the office, he
23 just waved as he walked by.

24 Q About what time was that?

25 A I would say between five and 7 p.m.

1 Q Okay. What were you engaged in doing at that
2 time?

3 A Nothing, just in the office.

4 Q Watching the desk?

5 A Right, yes.

6 Q Okay. So you had no real reason other than
7 noticing him to write down anything or make a note of
8 anything?

9 A Correct.

10 Q But you do recall him walking by on the evening of
11 the 21st of May, 2016?

12 A Yes, sir.

13 Q Did you see him leave?

14 A No, sir.

15 Q Now, let's go back to the Sunday, the day you had
16 to work for Mr. Smoyer when he had the health crisis.

17 A Um-hum.

18 Q What time did you work?

19 A 9 a.m. to 3 p.m.

20 Q Okay. Did you see the victim that day,
21 Ms. Eakers?

22 A No, sir.

23 Q Okay. Was she scheduled to check out that day?

24 A Yes. She would have been scheduled to check out
25 11 o'clock that day.

1 Q Did she check out at 11?

2 A No, sir.

3 Q What do you do when someone is scheduled to check
4 out but they do not?

5 A At 11 o'clock we usually start calling the rooms
6 that have not checked out. And then housekeeping goes
7 around and checks the ones that do not answer.

8 Q What did you do with Ms. Eakers?

9 A Well, first I called the room a few times, and
10 there was no answer. With her being an older lady, we
11 give her a little extra time. And then one of the
12 housekeepers went to the room, and they couldn't get --

13 Q Who was that, was the housekeepers that went to
14 the room?

15 A I don't recall her name.

16 Q Okay. But one of the housekeepers, I'm sorry,
17 let's -- one of the housekeepers checked the room; what
18 happened?

19 A They couldn't get in with their key.

20 Q Okay.

21 A So they came back to the office to get me --

22 Q Okay.

23 A -- to use my master key.

24 Q What did you do?

25 A I locked the office, went with the housekeeper,

1 knocked on the door of the room, nobody answered. Used
2 the master key to open the door and heard water running
3 in the shower. At that time I yelled for the head
4 housekeeper, Ms. Edna, to come.

5 Q What's Ms. Edna's name, full name?

6 A Edna Fraser.

7 Q Thank you.

8 A Sorry.

9 Q Okay. So Ms. Edna comes with her -- why did you
10 ask Ms. Edna to come check?

11 A With me being a male, I didn't want to enter the
12 room with water running in the bathroom.

13 Q Right. What happened next? What did you see when
14 you walked in the room?

15 A Well, I waited outside the door till Ms. Edna got
16 there. She went into the room first. She probably
17 only took about five steps into the room, turned around
18 and said some -- you know, you need to come see this, I
19 think there is something wrong. I went in past her.

20 As I entered the room I seen a mess of a room.

21 Q What specifically did you see that was out of
22 order?

23 A Everything. Both of the beds were torn up, there
24 was a stain on the floor. There was -- at the time I
25 didn't know it was blood, but there was stains all over

1 the sheets.

2 Q How big was the stain on the floor; was it small
3 one or was it --

4 A No. I would say two feet wide.

5 Q Okay. That would not be expected on that carpet?

6 A No, not in that room. That was actually a room
7 that had just recently had its carpet replaced that
8 year.

9 Q Okay. What happened next after you noticed these
10 things amiss?

11 A As soon as I went past that, I looked in the
12 bathroom and I seen Ms. Eakers in the bathtub
13 unresponsive.

14 Q Could you tell if she was alive or dead?

15 A Yeah, you could tell she was dead.

16 Q Okay. Was the water running?

17 A Yes.

18 Q Was it running a little bit or a lot?

19 A It was running full blast.

20 Q Okay. Was the tub filled or was --

21 A No. There was no water in the tub.

22 Q Okay. But the water was running full blast?

23 A Yes, sir.

24 Q Okay. Did you notice evident injuries?

25 A Yeah, you could tell she -- she had injuries to

1 her head.

2 Q Okay. What did you do?

3 A I immediately left the room, went back to the
4 office to call 911. But being in the situation I was
5 in, I was unable to get my key to get in the office, so
6 I called 911 from my cell phone outside of the office.

7 Q Did the EMS and police respond?

8 A Yes, sir.

9 Q About how long did it take them to get there; do
10 you recall?

11 A Less than 20 minutes.

12 Q Did you tell the police what you saw and what you
13 heard?

14 A Yes.

15 Q Okay. That man who was with her when she checked
16 in and who walked by your office on the evening of the
17 21st, is he present in the courtroom today?

18 A Yes, sir, Mr. Wilson.

19 Q Thank you.

20 MR. DeBUSK: Please answer any questions the
21 Defense might have.

22 THE COURT: Cross-examination.

23 MR. STANKO: Thank you, sir.

24 CROSS-EXAMINATION

25 BY MR. STANKO:

1 Q You said Mr. Wilson left his phone number and his
2 name with you; correct?

3 A Yes, sir.

4 Q Okay. Did anything about his demeanor at that
5 point appear out of sorts for you?

6 A No, sir.

7 Q When he checked in, did it appear that he was
8 helping her?

9 A Yes, absolutely. He was very helpful for her.

10 Q Did it look like she had anything valuable on her?

11 A No.

12 Q Okay. Did it appear there was any animosity
13 between the two of them; that is, did she appear afraid
14 of him in any way?

15 A No, sir.

16 Q Okay. Now, you said you worked the night of the
17 21st; correct?

18 A Um-hum.

19 Q And what time was it that you said you saw Mr.
20 Wilson go by?

21 A It would have been somewhere between five and
22 7 p.m.

23 Q Okay. You worked three to eleven that night?

24 A Yes, sir.

25 Q Okay. What are your duties when you work for the

1 hotel?

2 A Run, operating the front desk.

3 Q Okay. Are you seated at the desk the whole time?

4 A No. Sometimes we leave the desk if a guest needs
5 assistance or anything.

6 Q Okay. When you're seated at the desk, is there a
7 computer there?

8 A Yes.

9 Q Do you have -- I assume you have a cell phone?

10 A Yes, sir.

11 Q When you're on shift, are you ever on your cell
12 phone?

13 A Yes, sir.

14 Q You use it to text, to get on Facebook, to do
15 whatever one would do with a smartphone?

16 A Yes, sir.

17 Q Okay. So it's fair to say that on any given shift
18 you are not looking at the door the whole time;
19 correct?

20 A Not the entire time, correct.

21 Q Okay. So it's possible that Mr. Wilson walked
22 past your door and you just didn't see him; correct?

23 A I seen him walk past the door to go to the hotel.

24 Q Correct.

25 A But I never seen him leave.

1 Q That's what I was asking. When he left, it is
2 possible that he went by that door and you just didn't
3 see him?

4 A It is. But I did not see him.

5 Q Okay, all right. At the time that you saw him go
6 towards room 211 there, did you see him carrying
7 anything?

8 A No, sir.

9 Q Okay. Did he appear to have any blood on him?

10 A No, sir.

11 Q All right. He appeared friendly?

12 A Yeah. He actually -- he waved as he went past the
13 office.

14 Q Okay.

15 MR. STANKO: Your Honor, nothing further.

16 THE COURT: Redirect?

17 MR. DeBUSK: Nothing, Your Honor. We would ask
18 Mr. Evans be excused from his subpoena.

19 THE COURT: Any objection?

20 MR. STANKO: No objection.

21 THE COURT: All right, you may step down, and
22 you're free to go.

23 (Witness excused.)

24 THE COURT: Let's go ahead and take a short break.

25 MR. OSKIN: Yes, sir, Your Honor.

1 your memory as to what was testified or to remember
2 what you felt was important.

3 But I caution you, don't try to write everything
4 down, you're not going to be able to write everything
5 down, number one.. And number two, you won't adequately
6 observe the witness while the witness is testifying.
7 So you're not required to take notes. You're permitted
8 to take notes, but your notes are private to you. You
9 cannot share them with any other juror, and you must
10 leave your notepads in the jury box when you leave the
11 courtroom. All right.

12 State can call your next witness.

13 MR. DeBUSK: Ryan Keep.

14 JOHN RYAN KEEP, after being duly sworn, testified
15 as follows:

16 THE CLERK: State your full name and spell your
17 last name for the Court.

18 THE WITNESS: Yes. My full name is John Ryan
19 Keep, K-E-E-P.

20 DIRECT EXAMINATION

21 BY MR. DeBUSK:

22 Q Who is your employer?

23 A Sprint.

24 Q What is Sprint?

25 A We are a wireless provider for cell phones.

1 Q Cell phones. Where is your office?

2 A Overland Park, Kansas.

3 Q So you traveled hearing today?

4 A Yes.

5 Q What's your role in court?

6 A I'm a custodian of records.

7 Q That means you have access and control over the
8 records of the phone calls handled by Sprint?

9 A That is correct.

10 Q As part of your duties, as a records custodian of
11 Sprint, did you review some records for phone numbers

12 [REDACTED]-7264?

13 A That is correct.

14 Q Let me show you what's been marked as State's-13
15 and 14 and ask if you recognize these.

16 A 13 is call detail record for cell number

17 [REDACTED]-7264. And Exhibit 14 is subscriber record
18 for the same telephone number.

19 Q Let's start with the subscriber record. What does
20 it show you?

21 A This shows the subscriber history of this
22 telephone number, and --

23 Q Just to be clear, subscribers is the person who
24 owns the phone?

25 A That is correct.

1 Q Okay. That phone number, in May of 2016, who was
2 that -- who did Sprint according to Sprint's records,
3 who was that phone number registered to?

4 A The number was registered to Rickey Wilson.

5 Q Okay. And that's indicated again by State's-14?

6 A Correct.

7 Q Okay, thank you. Tell us about State's-13, what
8 is --

9 MR. DeBUSK: Your Honor, we would offer State's-14
10 into evidence.

11 THE COURT: Any objection?

12 MR. STANKO: Without objection, sir.

13 THE COURT: All right. State's Exhibit 14
14 admitted into evidence without objection.

15 (WHEREUPON, State's Exhibit No. 14 was admitted in
16 evidence.)

17 Q State's-13, what does that show?

18 A This is call detail records for said telephone
19 number.

20 Q What period does it cover?

21 A Records I'm holding go from 5/19/2016 through
22 5/23/2016.

23 Q Okay. So that would be March of 2016 -- I'm
24 sorry, May of 2016, the 19th to the 23rd?

25 A Correct.

1 Q Okay. Are those fair and accurate representations
2 of the records maintained by Sprint?

3 A Yes.

4 MR. DeBUSK: Your Honor, at this time we would
5 offer State's-13 into evidence.

6 THE COURT: Any objection?

7 MR. STANKO: No objection, sir.

8 THE COURT: All right. State's Exhibit 13
9 admitted into evidence without objection.

10 (WHEREUPON, State's Exhibit No. 13 was admitted in
11 evidence.)

12 Q Let me ask you first about the colored
13 highlighting on there. Does that have nothing to do
14 with Sprint and their record keeping?

15 A No.

16 Q Let's talk about the actual black print on there
17 which Sprint maintains is its record. You have a
18 newspaper of columns; correct?

19 A Yes.

20 Q What is calling number?

21 A Calling number is the number placing the phone
22 call.

23 Q So if I dial someone on my cell phone, I would be
24 the calling number and the other one would be the
25 receiving number?

1 A Correct.

2 Q And that is and the receiver number here is
3 called, called number. Calling number and called
4 number?

5 A The called number is the number that received the
6 call.

7 Q Okay. Why is there a separate column for dialed
8 digits?

9 A Dialed digits could be the number that you dialed
10 and then the number was routed to another phone, so if
11 you have call forwarding set.

12 Q So the called number might not necessarily be what
13 you dialed if it was routed?

14 A Correct.

15 Q What does routed mean, for the jury?

16 A A routed call could -- if you had routing turned
17 on on your phone, it could send your phone call on
18 another phone or it could be a phone that -- or a phone
19 call that was routed to voice mail.

20 Q Is that the primary reason a call would be called
21 a routed call?

22 A That's the most common, yes.

23 Q So if I call my own number to talk to voice mail,
24 I dialed my own number but I get the voice mail?

25 A Or if somebody is calling you and it goes to voice

1 mail.

2 Q Right. And, of course, start date and end date
3 are for the phone call when it started and ended;
4 right?

5 A Correct.

6 Q In most cases that's going to be the same date?

7 A Most likely.

8 Q Yeah. But you do have the times on there as well
9 which tells you the time the call started, the exact
10 time?

11 A That is correct.

12 Q Duration in seconds, what does that tell us?

13 A That is how long the phone call is active on the
14 Sprint network in seconds.

15 Q Is that connected time, or does that include the
16 time it takes to connect?

17 A That is as best as I can describe it, once it is
18 initiated on the Sprint network. So if it comes in
19 from another company's service, as soon as it hits
20 Sprint that timer starts.

21 Q Got you. What does call type mean?

22 A The call type will be either text detail, or voice
23 text detail means that it's a text message.

24 Q Right.

25 A Voice means a voice phone call.

1 Q When you hear somebody talking versus when you
2 type something in?

3 A Correct.

4 Q First cell and last cell, what in general is that?

5 A Those are the -- the first cell is the initial
6 cell tower that started the call, and the last cell is
7 the last cell tower that the phone is connected to when
8 the call was terminated.

9 Q That's just about what tower, technical
10 information?

11 A Right. Those were the actual physical cell
12 towers.

13 Q We're not worried about that. Basically what we
14 have is the -- you have the calling number, the number
15 that received the call, and the digits that the person
16 who was calling dialed, and then basically the time of
17 the call and how long it lasted?

18 A Yes, those will be on this.

19 MR. DeBUSK: Thank you. Please answer any
20 questions Defense might have.

21 THE COURT: Cross-examination?

22 MR. STANKO: Yes, sir.

23 CROSS-EXAMINATION

24 BY MR. STANKO:

25 Q So there is a difference on that first cell and

1 last cell between where it says 20572 and 30572?

2 A Those are different sides of that same tower.

3 Q All right. But that is the same tower?

4 A It is.

5 Q And how far away can you be, like what is the max
6 distance you can be from a tower and still be basically
7 transmitting with that same tower?

8 A It really depends on several factors, but it's
9 common to be from two to ten miles for that maximum
10 range.

11 Q Okay. So you can be -- in a general sense, you
12 can be about ten miles away from a tower and still be
13 pinging off that exact same tower?

14 A Potentially, yes.

15 MR. STANKO: Your Honor, nothing further.

16 THE COURT: All right. Redirect? Recross, I
17 mean.

18 MR. DeBUSK: No, Your Honor. We would ask
19 Mr. Keep be excused from his subpoena so he can return
20 to his duties.

21 THE COURT: Any objection?

22 MR. STANKO: Nothing further, sir.

23 THE COURT: All right. You may step down and
24 you're free to go.

25 THE WITNESS: Thank you, Your Honor.

1 THE COURT: Thank you.

2 (Witness excused.)

3 MR. OSKIN: Your Honor, at this time the State
4 would call Ms. Edna Fraser.

5 EDNA FRASER, after being duly sworn, testified as
6 follows:

7 THE CLERK: Please be seated. State your full
8 name, and spell your last name for the Court.

9 THE WITNESS: Edna Marie Fraser, F-R-A-S-E-R.

10 DIRECT EXAMINATION

11 BY MR. OSKIN:

12 Q Is that a Georgetown County Fraser, Ms. Edna?

13 A Yes, sir.

14 Q And how old are you, ma'am? I hate to ask.

15 A 58.

16 Q Are you currently employed?

17 A Yes, sir.

18 Q Where at, ma'am?

19 A At the Rodeway Inn at this time, but it's closed.
20 I'm at the Days Inn across from Rodeway.

21 Q Is that the same -- is that located close to the
22 Rodeway?

23 A Yeah, same owner.

24 Q Okay. Is it proximity wise, though?

25 A Yes, sir.

1 Q Okay. And how long have you been employed with
2 that bunch of hotels?

3 A Going on 30 years.

4 Q Okay. What's your position there, Ms. Edna?

5 A Supervisor.

6 Q Supervisor of what?

7 A Housekeeping.

8 Q Okay. What are some of your duties as the
9 supervisor of housekeeping?

10 A Everything.

11 Q Tell this jury a little bit more. I'm sure they
12 can infer, but --

13 A Checking rooms, doing anything. If the
14 housekeeper wants something, I go and do. And if I
15 don't have somebody come in, I have to do the rooms.

16 Q Okay. Were you working around the weekend of
17 May 21st?

18 A Yes.

19 Q 2016?

20 A Yes.

21 Q Are you able to remember working that weekend?

22 A Yes.

23 Q Ms. Edna, how are you able to remember that
24 weekend?

25 A Because it was time for checkout, and my

1 housekeeper came to me, said, Ms. Edna, said 211 didn't
2 checkout not yet. And so I said, well, just give me a
3 few minutes, and I'll come and check it out. And when
4 I went and check it out, I knock on the door and I said
5 housekeeping. And nobody came in, nobody answered.

6 So I take my key and I went in there. And I could
7 hear the water running. But -- and I had gone close by
8 the TV, and all I can see is a brown shirt in the tub.
9 So I went back out and closed the door, and I went to
10 the office and get Ronnie Evans.

11 Q Okay. Who was Ronnie Evans at that time?

12 A He was at the -- working at the front desk
13 manager.

14 Q Okay. He was the manager?

15 A Um-hum.

16 Q Did you return to that room at any point?

17 A Yeah. Me and him came back. But I tell him, I'm
18 not going in there. So I went back where I been, and
19 he went and see what's going on. The water still was
20 running. So we came back up and Ron said, Edna, she
21 gone, she gone. So I left him in the room, and I went
22 back to the office. So that was it.

23 Q That was the conclusion of -- did you see anything
24 in the bathroom of the room itself?

25 A I didn't go in the bathroom at all. All I see was

1 the brown shirt was laying in the tub like a clothes or
2 something. So I didn't even went in there, I just
3 stepped back out.

4 Q I understand. Okay. After you left the room, if
5 you were able to, were you able to just continue your
6 workday? What happened next, was that your involvement
7 to that room specifically?

8 A Well, we didn't -- actually, we couldn't go back
9 in the room. When I went back as far as the thing, I
10 did went back and there was blood on the telephone,
11 blood on the bed, blood on the floor. It was
12 everything, everywhere. So I went back out and I tell
13 Ronnie, I'm not going back in there. And then the
14 policeman came, and we start talking to the policeman,
15 and that was it.

16 Q No other involvement in this case until this
17 preparation for trial; that's correct?

18 A Yes.

19 MR. OSKIN: Ms. Edna, nothing else from me.
20 Please answer any questions from defense counsel.

21 THE WITNESS: Okay.

22 MR. STANKO: Your Honor, we have no questions for
23 this witness.

24 THE COURT: Okay. You may step down.

25 THE WITNESS: Thank you.

1 (Witness excused.)

2 MR. OSKIN: Your Honor, the State would request
3 that she be released from her subpoena.

4 THE COURT: Any objection?

5 MR. STANKO: Without objection, sir.

6 THE WITNESS: She is free to go.

7 MR. OSKIN: The State would next call Mr. Logan
8 Cooper of the Myrtle Beach Police Department.

9 LOGAN COOPER, after being duly sworn, testified as
10 follows:

11 THE CLERK: Please state your full name and spell
12 your last name for the record.

13 THE WITNESS: Officer Logan Cooper, C-O-O-P-E-R.

14 DIRECT EXAMINATION

15 BY MR. OSKIN:

16 Q Officer Cooper, who's your employer, sir?

17 A City of Myrtle Beach Police Department.

18 Q Okay. How long have you been employed at the
19 Myrtle Beach Police Department?

20 A Almost four years.

21 Q Do you have any prior law enforcement experience?

22 A No, sir.

23 Q So everything you've done is with Myrtle Beach
24 police?

25 A Yes, sir.

1 Q Okay. Please briefly describe to this jury the
2 nature of your work.

3 A Sir?

4 Q Describe the nature of your work, your daily
5 duties.

6 A Answering calls for service, patrolling the area
7 that I'm assigned to for the day, and pretty much
8 answering calls for service.

9 Q Generally speaking you're a road officer?

10 A Yes, sir.

11 Q How long have you been working in that capacity?

12 A A little over three years.

13 Q Okay. Were you working in that capacity on
14 May 22nd, 2016?

15 A Yes, sir.

16 Q Same duties?

17 A Yes, sir.

18 Q Were you on duty that day?

19 A Yes, sir.

20 Q Did you respond to a call with regards to a
21 location in [REDACTED] South Ocean Boulevard located in the
22 city of Myrtle Beach?

23 A Yes, sir.

24 Q What was that location, what type of location was
25 that?

- 1 A It was the Rodeway Inn.
- 2 Q Okay, sir. That's a hotel, then?
- 3 A Yes, sir.
- 4 Q Located in Myrtle Beach?
- 5 A Yes, sir.
- 6 Q In the county of Horry?
- 7 A Yes, sir.
- 8 Q Okay. Would you be able to recognize that area on
- 9 a map?
- 10 A Yes, sir.
- 11 Q Officer Cooper, I'm showing you what's been
- 12 premarked as State's Exhibit No. 3; are you able to
- 13 recognize that?
- 14 A Yes, sir. It's the Rodeway Inn at 14th South and
- 15 Ocean Boulevard.
- 16 Q What is that map of in the larger picture?
- 17 A The Rodeway Inn and the city of Myrtle Beach.
- 18 Q That's okay. Is that a fair and accurate
- 19 depiction of the city of Myrtle Beach as you know it
- 20 from your patrol?
- 21 A Yes, sir.
- 22 Q It's not been anything added, altered to it,
- 23 deleted from it, added to it to influence it in any
- 24 way?
- 25 A No, sir.

1 MR. OSKIN: Your Honor, at this time the State
2 would seek to move State's Exhibit No. 3 into evidence.

3 THE COURT: Any objection?

4 MR. STANKO: Your Honor, without objection.

5 THE COURT: State's Exhibit is 3 admitted into
6 evidence without objection.

7 (WHEREUPON, State's Exhibit No. 3 was admitted in
8 evidence.)

9 Q What did you see when you responded to the scene
10 at [REDACTED] South Ocean Boulevard?

11 A When I responded, I was met by Ms. Fraser and
12 Mr. Evans outside of the room. They informed me that
13 there was a deceased female in the bathtub. When I
14 entered the room I noticed some blood on the bed and a
15 pool of blood on the floor. And when I made it to the
16 bathroom, I saw the victim in the bathtub, and she did
17 appear deceased.

18 Q Were you able to locate any other witnesses other
19 than Edna or Ronnie Evans?

20 A No, sir, not at that time.

21 Q Okay. Were you -- in the course of your action in
22 this investigation, were you able to learn who the
23 deceased victim was?

24 A I was. I believe her ID was in the room.

25 Q Okay. Do you recall which detectives responded to

1 the scene?

2 A It was Detective Whitmire and Detective Roy, and
3 that's the only one I can remember. There was quite a
4 few. I know there was, I think Lieutenant Furlong
5 responded along with a few other command staff.

6 Q Did you do anything else in regards to the
7 investigation of this case other than preparation for
8 trial?

9 A No.

10 Q About how long were you at the scene that day?

11 A Not sure, but probably a few hours.

12 MR. OSKIN: Officer Cooper, that's all for me.
13 Please answer any questions from Mr. Stanko.

14 THE COURT: Cross-examination.

15 CROSS-EXAMINATION

16 BY MR. STANKO:

17 Q Officer Cooper, you did do something else at the
18 scene; correct? You kept the crime scene log?

19 A Oh, yes, sir.

20 Q You were the one who was responsible for keeping
21 track of who came, who went and when they were there;
22 correct?

23 A Yes, sir.

24 Q Okay. Now, you weren't the first person there;
25 right?

1 A EMS was there.

2 Q Okay. As well as the witnesses from the hotel?

3 A Yes, sir.

4 Q Okay. I noticed that on the crime scene log you
5 are listed fifth and it's -- you got there 11:45?

6 A If that's what I put, then that's what time I got
7 there.

8 Q Okay. And you kept the log until your shift
9 ended; correct?

10 A Yeah. I kept the log the whole time.

11 Q Okay. So you were still there approximately 16:30
12 or 4:30 p.m.; correct?

13 A I assume so, yes. Because I kept up with the log.

14 Q I notice on the log you listed a hotel employee
15 named Kisor Rahm, do you recall that?

16 A No, sir.

17 Q You listed their purpose being there as lock
18 interrogation; do you recall that?

19 A Yeah. In order to do the lock interrogation for
20 the room keys.

21 Q Okay. And that was completed by someone from the
22 hotel?

23 A It would be completed by him, I assume.

24 Q Okay. Once they -- once they fulfilled that lock
25 interrogation, did they provide you a copy of that?

1 A That I don't recall. Because I know they have to
2 go back and print it off in their lobby.

3 Q Okay. Well, let me back up a step. You know what
4 a lock interrogation is?

5 A Yes, sir.

6 Q Could you please explain what a lock interrogation
7 is to the jury.

8 A Lock interrogation is when the management from the
9 hotel, they come and they'll read the lock to see if a
10 guest key or a housekeeping key or whoever's key has
11 opened the door for however many days you request them
12 to do it for.

13 Q So every time a key is put into that lock, there
14 will be a register of that, there'll be a log?

15 A Yes, sir.

16 Q Okay. And you stayed on-scene until 18:20, so
17 6:20 p.m.?

18 A Yes, sir.

19 Q Okay.

20 MR. STANKO: Your Honor, nothing further for this
21 witness.

22 THE COURT: All right. Redirect?

23 MR. OSKIN: Briefly, Your Honor.

24 REDIRECT EXAMINATION

25 BY MR. OSKIN:

1 Q Officer Cooper, if a door is opened from the
2 inside of that room in the hotel, based off your
3 knowledge of lock interrogation, would that show up,
4 does the lock interrogation show up from the inside of
5 the room?

6 A Some of them do, some of them don't. I'm not very
7 familiar with which one Rodeway does, but some hotels
8 do and some do not.

9 Q Okay. And with regards to this investigation,
10 that wasn't your responsibility; correct?

11 A No, sir.

12 Q That would be for an investigator?

13 A Yes, sir.

14 MR. OSKIN: Nothing further.

15 THE COURT: All right. You may step down.

16 (Witness excused.)

17 MR. OSKIN: Your Honor, the State would request
18 that he be released from his subpoena.

19 THE COURT: Any objection?

20 MR. STANKO: Without objection.

21 THE COURT: All right. He's free to go. State
22 can call your next witness.

23 MR. DeBUSK: Thank you, Your Honor. The State
24 calls Detective Peter Woods.

25 (WHEREUPON, State's Exhibit No. 15 was marked for

1 identification only.)

2 PETER WOODS, after being duly sworn, testified as
3 follows:

4 THE CLERK: State your full name and spell your
5 last name for the Court.

6 THE WITNESS: Peter Woods, W-O-O-D-S.

7 DIRECT EXAMINATION

8 BY MR. DeBUSK:

9 Q Detective Woods, who is your employer?

10 A City of Myrtle Beach.

11 Q How long you been with the City of Myrtle Beach?

12 A Approximately ten years.

13 Q What are your duties?

14 A I'm a detective, investigator, I'm a master
15 corporal assigned to the investigative unit.

16 Q Okay. Does that mean you're like a supervisor?

17 A I have the rank of supervisor, yes.

18 Q What were your duties on May 22nd of 2016?

19 A I came in for a 5 p.m. to 3 a.m. shift.

20 Lieutenant Furlong briefed me on an incident that
21 happened on the day shift and instructed me to go down
22 to the Days Inn to recover -- to relieve Detective Roy
23 who had already been on-scene who was in the process of
24 recovering video.

25 I was instructed by Lieutenant Furlong to stand by

1 and after the material was recovered, bring that down
2 to the annex.

3 Q Again, where was this video located?

4 A The video was at the Days Inn motel which is just
5 south of [REDACTED] South Ocean Boulevard.

6 Q State's Exhibit 4, there are labels on Days Inn
7 and Rodeway Inn. Is this the Days Inn you're referring
8 to?

9 A Yes. That was the Days Inn I went to that day.

10 Q And that's right there at 14th Avenue South?

11 A Yes, it is.

12 Q Okay. What was the video of?

13 A The video is -- the cameras from this
14 establishment faced the Rodeway Inn. I was viewing
15 video that showed room 211 and that structure. Most
16 all of the cameras that I was watching were focused on
17 the Rodeway Inn.

18 Q Okay. Were you looking for something specific at
19 that time?

20 A I was looking to see who was entering and exiting
21 room 211.

22 Q Okay. Was there one camera angle that showed room
23 211?

24 A Yes, there was.

25 (WHEREUPON, State's Exhibit Nos. 16 through 20

1 were marked for identification only.)

2 Q Showing you what's been marked as State's-16 and
3 ask if you recognize that.

4 A Yes. This is the camera angle that I was watching
5 most of that evening.

6 Q Is there a person in a white shirt visible on
7 that?

8 A Yes, there is.

9 Q Where is room 211 relative to that person with the
10 white shirt?

11 A It's the closest room to where he's standing.

12 Q Okay.

13 MR. DeBUSK: Your Honor, we would offer State's-16
14 into evidence at this time.

15 THE COURT: Any objection?

16 MR. STANKO: No objection, sir.

17 THE COURT: All right. State's Exhibit 16
18 admitted into evidence without objection.

19 (WHEREUPON, State's Exhibit No. 16 was admitted in
20 evidence.)

21 MR. DeBUSK: Your Honor, may I publish it to the
22 jury?

23 THE COURT: All right.

24 Q So you're able to see the door of room 211 on that
25 video; is that correct?

1 A Yes, I was.

2 Q What's the significance of room 211?

3 A That was the room that I was instructed is where
4 the incident occurred.

5 Q Okay. For what period did you watch that tape?

6 A I watched it from at the -- when I was on property
7 at the Days Inn because the clerk didn't know how to
8 work the machine, I watched that for approximately an
9 hour because the machine would jump from different
10 cameras angles. So I watched it there. And pretty
11 much that was the sole thing was trying to focus on
12 that one camera. When it was recording when we were
13 trying to download it would switch back constantly.

14 Q Did you download it?

15 A Yes, we did.

16 Q Okay. Did you view it again?

17 A I took it back down to the Myrtle Beach annex
18 which is down in Market Common, started to view it
19 again and saw that it again would cut off at 6 a.m. on
20 that Sunday.

21 Q Okay. Did you watch the period of video indicated
22 on the -- I'm sorry. To make it clear, what period did
23 you watch?

24 A I watched -- I watched most of Saturday, Saturday
25 day into Sunday morning. And the times on the screen

1 seemed to be off, but it appeared to be -- I watched
2 from approximately 5 p.m. on Saturday.

3 Q The 21st?

4 A Yes, on the 21st, Saturday the 21st. And it would
5 cut off at 6 a.m. on Sunday, the 22nd.

6 Q 6 a.m. on the tape? 6 a.m. on the tape?

7 A On the tape, yes.

8 Q Right. But the time was off?

9 A Yes, it was.

10 Q Okay. During that period, did you see anyone go
11 in or out of that room?

12 A The only person I saw go in and out of that room
13 was Mr. Wilson.

14 Q Okay. On the video that -- the still from the
15 video that is being published to the jury, well, it has
16 been published to the jury. State's-16, is he visible
17 on that?

18 A Yes, he is.

19 Q Other than him as seen on that still, did you see
20 anyone else go in or out of that room --

21 A No, I did not.

22 Q -- during the evening of the 21st?

23 A On the evening of the 21st, no.

24 Q Or the morning of the 22nd?

25 A On the morning of the 22nd up until 6 a.m.

1 Q Okay.

2 A Because then it would -- the glitch or whatever
3 was wrong with the system would bounce back.

4 Q All right. How did you watch that video; did you
5 watch it in real time, or did you fast forward through
6 it?

7 A At the hotel at the Days Inn, I watched it on fast
8 forward. At the Market Common, I watched it slow,
9 regular speed.

10 Q Okay. And there was no one else that went in or
11 out of that room?

12 A None that I saw.

13 Q Okay. Did you -- what efforts did you make to
14 secure that video?

15 A After the -- it was apparent that the thumb drive,
16 there was something that was off. I returned to the
17 Days Inn and took the whole DVR system back down to
18 Market Commons for the crime scene unit, Sergeant
19 Cozene, to handle it and see if he could see why it
20 would constantly jump.

21 Q I show you what's been marked as State's
22 Exhibit 15 and ask if you recognize this.

23 A Yes. It's a -- it's a thumb drive.

24 Q Do you know what's on that thumb drive?

25 A It's labeled, Days Inn unedited.

1 Q Did you review --

2 A Yes, sir.

3 Q What is on there?

4 A That is the footage that I described that was from
5 the time period I saw.

6 Q Did it have footage from multiple cameras?

7 A Yes, it did.

8 Q Including this point of view that showed the door
9 to room 211?

10 A Yes.

11 Q And that's what you base your testimony that
12 nobody went in that room except the Defendant that
13 evening?

14 A Yes, that's correct.

15 Q Or the morning up until 6 o'clock indicated on the
16 tape?

17 A Yes.

18 Q Okay.

19 MR. DeBUSK: Thank you. Please answer any
20 questions Defense has.

21 THE COURT: All right. Cross-examination.

22 MR. STANKO: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. STANKO:

25 Q So you said no video exists at all after 6 a.m.

1 on the 22nd; correct?

2 A No, I did not. I said that the video would jump
3 back. There was video that I could see, but it somehow
4 was not downloading and the system would cut back. The
5 video I saw consistently was from the 5 p.m. Saturday
6 to 6 a.m. Sunday.

7 Q Okay. And what about any time beyond 6 a.m. on
8 the Sunday?

9 A I saw video at the hotel of housekeeping going in
10 and then the police arriving later on that Sunday
11 morning.

12 Q Okay. And you said that when you watched the
13 video at the hotel, you watched that on fast forward?

14 A Most of it was on fast forward, yes.

15 Q Okay. So that's, you said, from 5 p.m., and we're
16 talking all the way to 11 a.m.?

17 A No. 6 a.m. was what we -- when I downloaded, and
18 that's -- when the clerk had put the -- it in, he said
19 everything was downloaded. When I got back to the
20 annex, I was able to see further. But then it would
21 jump back again.

22 Q All right. Let me ask you this. At the Days Inn
23 when you're sitting there with the Days Inn clerk
24 watching the video there, what times exactly did you
25 watch at the Days Inn?

1 A 5 p.m. to 6 a.m.

2 Q That's it?

3 A Yes.

4 Q Okay. So where were you when you watched 6 a.m.
5 to 11 a.m.?

6 A I was at Market Commons.

7 Q Okay. So it at least downloaded as far as getting
8 to Market Common?

9 A Yes, it did.

10 Q Okay. The video that you have right there in
11 front of you, that thumb drive that the solicitor
12 provided you, how much video is on that?

13 A I do not know the exact.

14 Q Okay. But everything that you downloaded, as far
15 as you know, was provided to the State and provided to
16 the Defense; correct?

17 A Everything from that first -- yes. Everything
18 from that first night, the thumb drive that I had had
19 everything there. But when I went back to play, it
20 wasn't consistent. It was something -- there was
21 something, I can't understand what it was, which led me
22 to go back and say -- to take the whole DVR because the
23 thumb drive was not -- it seemed to be jumping for -- I
24 don't have the technical background to tell you why.

25 Q Okay. But as far as you know, and as far as you

1 were able to download, as far as you were able to save,
2 there is no video that presently exists at least beyond
3 6 a.m. the morning of Sunday, May 22nd; correct?

4 A I'm not aware of it.

5 Q Okay. Now, you said you watched this video on
6 fast forward; correct?

7 A At the Days Inn, yes.

8 Q Okay. And that's what, about like an 8X, like
9 eight times as fast, obviously faster than normal
10 speed?

11 A We -- because I was in the lobby of the place, I
12 couldn't tell you the speed. Because the clerk was
13 manipulating it, I didn't do any of the controls.

14 Q Okay. But when you went back to the annex, you
15 watched it on regular speed?

16 A Yes, I did.

17 Q And how many hours worth of video was that?

18 A It was -- what was consistent was the 5 p.m. to...

19 Q 6 a.m.?

20 A 6 a.m. And at points when it was nothing and I
21 had already seen, I would speed up, yes.

22 Q Okay. So that's 13 hours worth of video?

23 A Yes.

24 Q Okay. Now, because you watched that on real
25 speed, you know about how long it took Rickey when he

1 went to that room that one time. You know it took him
2 right around six seconds to get from the doorway -- to
3 get from the stairwell straight to the doorway;
4 correct?

5 A I'm not -- I did not focus on the time. I
6 couldn't tell you whether it was six -- any seconds, I
7 don't know.

8 Q Okay. Well, let me ask you this. Was it a
9 lengthy amount of time or are we talking 15 or 20
10 seconds, or are we talking a few?

11 A My recollection of the -- of seeing him walk in,
12 is that what, would seem at a leisurely pace, I
13 don't -- I couldn't put an exact how many seconds on
14 it.

15 Q Okay. Well, you watched the video, and you know
16 at least that the door in question at room 211, that's
17 the second door from the stairwell; correct?

18 A Yes.

19 Q You have 210, and then you have 211?

20 A I remember this, that's pretty much how I
21 remembered it, yes.

22 Q Okay. So even a person walking at a casual pace
23 will cover that distance in only a few seconds;
24 correct?

25 A It's fair to say.

1 Q Okay, all right. And when you're watching this
2 video, eyes glued to the screen the whole time?

3 A For most -- when that camera shot was on the main
4 screen, yes. I would watch because that was the --
5 that door -- when the footage was there, my focus was
6 more on that door and who was in and out of that door,
7 yes.

8 Q Okay. If you're watching on fast forward,
9 somebody could cover that distance in a second; could
10 they not? If it's sped up to 4X, to 8X, in that short
11 distance, somebody could cover that distance in
12 virtually no time?

13 A It's possible.

14 Q Okay.

15 A But my focus was just on that door.

16 Q All right. At what point did you discover that
17 there was video missing?

18 A I -- you mean on the 20 -- when I went back to the
19 annex that night, I knew there was something wrong with
20 the thumb drive. So that had to be eight, 9 o'clock,
21 and I went back to get the DVR.

22 Q Okay. And you returned to the Days Inn to get the
23 DVR?

24 A Yes.

25 Q Okay. What did you do with it after you recovered

1 that from the Days Inn?

2 A I brought it down to the annex. I secured it on
3 Detective Whitmire's desk, and I notified -- I left
4 notification -- I let it be known that it needed to go
5 to crime scene first thing in the morning.

6 Q Okay. And were they able to pull any video from
7 that DVR?

8 A I'm not -- I don't know what they did with it once
9 I gave it to them. That was the -- pretty much the end
10 of my handling of the DVR and the thumb drive, that was
11 it.

12 Q Okay. And, again, you did not take any further
13 steps after securing the DVR and bringing it to
14 Detective Whitmire to try to get the video after that?

15 A I had no connection with the video after that.

16 Q Okay, all right. Were you the only one who was
17 tasked with getting video from the Days Inn?

18 A On that day, on that Sunday, Detective Roy was
19 already on-scene, I relieved him. He was -- he was the
20 first one had been starting the download of it.

21 Q Now, do you happen to know if there was anybody
22 else in any of the other rooms on that floor? You have
23 210, 211, 212, 213, 214; was anybody staying in any of
24 those other rooms?

25 A I'm not aware of that. I was -- I was the --

1 Detective Whitmire, Detective Roy, Detective Fullwood,
2 Detective Amick were the day shift. I was the sole
3 nighttime detective, and I had no -- my involvement was
4 just the retrieving of that video and then going to the
5 Victory Motel to meet with Mr. Wilson.

6 Q Okay. But you watched the video?

7 A Which? I need clear. There was -- what video,
8 though?

9 Q Well, let's see, the 5 p.m. to 6 a.m.. You watched
10 that video?

11 A That was one video. I watched others too.

12 Q Okay. Let's focus on that one. I believe it was
13 camera number nine, the one that was focused on room
14 211. In the frame on that video, you can see at least
15 three other rooms; correct? You have 210, 211, 212;
16 213?

17 A You can see that walkway, yes.

18 Q Okay. At any point during that night, does
19 anybody come in or out of any of those other rooms?

20 A In that time period there was traffic downstairs,
21 upstairs, above. But into 211, the only person I saw
22 was Mr. Wilson.

23 Q Understood on that point. But you can't say
24 whether you saw somebody going into any of those other
25 rooms?

1 A I didn't focus on that. My whole focus was that
2 room and seeing if someone went into or exited. I
3 didn't -- when there was motion, I would have them slow
4 it down, have the clerk slow it down, to verify that it
5 wasn't someone going into 211. But there was people up
6 on the floor below a lot, and I did not -- I didn't --
7 it was not my focus. My focus was that room, the
8 second floor.

9 Q Okay. You saw Mr. Wilson go into room 211 at, I
10 believe on the timestamp it said, 18:21?

11 A That's correct.

12 Q So that would really be 19:21, which would be
13 7:21 p.m.?

14 A I believe so.

15 Q Okay. Well, you said the timestamp was about an
16 hour off; correct?

17 A Yes. But from the time when I was in the Days Inn
18 the system seemed to be every time it switched it -- it
19 was not consistent. But yes, that would be
20 approximate.

21 Q Okay. He left again by that timestamp at 19:06?

22 A Yes.

23 Q Which would be 20:06 or 8:06 p.m.?

24 A Yes.

25 Q So he was in the room for 45 minutes?

1 A Approximately.

2 Q Okay, all right. When he left the room, did he
3 throw open the door and take off running down the
4 hallway?

5 A He just came out of the door and walked.

6 Q Okay. Just casually walked out, didn't look like
7 he was trying to conceal himself, didn't look like he
8 was trying to hide, didn't look like he was trying to
9 run away from anything; correct?

10 A It just seemed he was walking out of -- my -- he
11 seemed he was just walking out of the room.

12 Q Okay. And from what you saw on video, did he
13 appear to -- did he appear to have any blood on him?

14 A With the quality of that video, I couldn't tell.

15 Q Okay. Was he carrying anything?

16 A With the quality -- it looked like he was, but I
17 couldn't tell you what it was. The video, the video,
18 it was not the highest of definition and quality. But
19 it seemed like he had something.

20 Q Okay. What did it seem like he had?

21 A I couldn't tell whether it was a bag or clothing,
22 but it was something like he had something in his hand.

23 Q Okay.

24 MR. STANKO: Your Honor, nothing further.

25 THE COURT: Redirect?

1 REDIRECT EXAMINATION

2 BY MR. DeBUSK:

3 Q Detective Woods, just to be clear, did you watch
4 the video from 6 a.m. to 11 a.m.?

5 A I watched footage of that, yes, down at the annex.

6 Q From 6 a.m. to 11 a.m. on the 22nd?

7 A Yes, sir.

8 Q Did anybody go in our out of the room during that
9 period?

10 A The only person I saw go in was housekeeping, and
11 then I saw later police response.

12 Q And then you also watched it from about 5 p.m. on
13 the 21st until 6 a.m. on the 22nd; right?

14 A Yes.

15 Q During that period did anybody go in or out?

16 A Just Mr. Wilson.

17 Q So can you say definitively from when Mr. Wilson
18 left, around 8 o'clock, until housekeeping went in, did
19 anybody else go in or out of that room?

20 A No.

21 Q Are you certain of that?

22 A I'm certain of that.

23 Q Was your attention focused solely on room 211?

24 A 211 was my only focus. Because the footage on
25 Saturday night, there were people on the third floor,

1 and that was not --

2 Q Were you paying attention to the people on the
3 third floor?

4 A I had no -- nothing of contact with the people on
5 the third floor. I focused just on that second floor
6 door.

7 Q Were you focused on the people on the fourth floor
8 or the first floor?

9 A No.

10 Q Just the second floor?

11 A Just the second floor.

12 Q And just room 211?

13 A Just 211.

14 Q So you watched that one room carefully?

15 A Yes.

16 Q When there wasn't any traffic, did you fast
17 forward between?

18 A Yes, I did.

19 Q Did you miss anything during those fast forward
20 periods?

21 A I believe I didn't.

22 Q Why can you be certain; did you...

23 A Because the way the system was bouncing from
24 camera to camera, every time it got back to that shot,
25 all I looked at was the door and focused on the door

1 because it was so -- the system wasn't -- it wasn't
2 anywhere near state of the art, it was an old system.

3 The clerk didn't know how to work the system. I
4 didn't know any -- no one knew how to work it, and it
5 was -- so I focused on 211 because that's where I know
6 everything happened.

7 Q And you had been told ahead of time 211 is the
8 target?

9 A Yes.

10 Q So you went there believing 211 is the room I need
11 to watch?

12 A Yes.

13 Q You weren't searching around the video to see what
14 you needed to watch?

15 A No. I was focusing on 211.

16 Q So you can say definitively from when the
17 Defendant left from around 8 o'clock on the 21st until
18 housekeeping went in there on the 22nd, no one else
19 went in or out of that room?

20 A That's correct.

21 MR. DeBUSK: Thank you.

22 THE COURT: All right. You may step down.

23 MR. STANKO: Just very briefly, Your Honor.

24 THE COURT: No, we don't have re -- no recross.

25 All right, you can step down.

1 THE WITNESS: Am I excused, judge?

2 MR. OSKIN: The State would request that Detective
3 Woods be released from his subpoena.

4 THE COURT: Any objections?

5 MR. STANKO: Without objection.

6 THE COURT: All right, you're free to go.

7 (Witness excused.)

8 MR. STANKO: Your Honor, what was the reasoning
9 for no recross on that?

10 THE COURT: Recross is within the discretion of
11 the Court.

12 MR. STANKO: Very well.

13 THE COURT: Redirect, you can only bring up issues
14 that you've addressed on cross but he did not address
15 on direct. All right, you're free to go.

16 All right. Let me see the attorneys.

17 (WHEREUPON, a bench conference was held off the
18 record in the presence of the jury but out of the
19 hearing of the jury.)

20 THE COURT: All right, ladies and gentlemen, we're
21 going to go ahead and break for lunch. I'm going to
22 allow you to go to lunch on your own today. I'm going
23 to ask that you please be back in the jury room at
24 1:45. That will give you about an hour and a half to
25 eat lunch; okay?

1 I caution you again, do not discuss the case even
2 among yourselves, don't conduct any independent
3 investigations into the case. Leave your notes here in
4 the jury box, you'll be given your notepads back. Make
5 sure your name is written on the first page, so that
6 you get your own notepad back. Hope everybody has a
7 good lunch, and we'll see you back at 1:45.

8 (WHEREUPON, the jury exited the courtroom at 12:16
9 p.m.)

10 THE COURT: All right. To clarify, I'll allow
11 direct examination, cross-examination, redirect only as
12 to matters addressed on cross that was not addressed on
13 direct. So if they exceed that, I don't think they did
14 in this case, but if they do exceed that, raise your
15 objection and I'll sustain it. We don't have any
16 recross, okay.

17 Anything from the State before we recess for
18 lunch?

19 MR. OSKIN: Nothing from the State, Your Honor.

20 THE COURT: Anything from the Defense?

21 MR. STANKO: Nothing here, Your Honor.

22 THE COURT: All right. I've got them coming back
23 at 1:45, I'll try to take the bench at 2 o'clock; okay?

24 (WHEREUPON, a luncheon recess was taken at
25 approximately 12:16 p.m.)

1 THE COURT: Thank you very much, please be seated.
2 All right. Anything from the State before we bring the
3 jury in?

4 MR. OSKIN: Very briefly, Your Honor. Speaking
5 with Defense counsel before Your Honor took the bench,
6 witness number 33 on the witness list is Tonya Root.
7 She's employed with our office. She's here strictly
8 for assistance in video and technical matters. They've
9 agreed to stipulate to letting her be present during
10 the course of when she's needed to play the videos.

11 THE COURT: Okay. Is she testifying or anything,
12 or she's just playing the video?

13 MR. OSKIN: She would be available to testify
14 about editing the videos, yes, sir, Your Honor.

15 THE COURT: I see. Any objection?

16 MR. STANKO: Your Honor, we have no problem with
17 that.

18 THE COURT: All right. That'll be fine.

19 MR. OSKIN: Thank you, sir. Nothing further from
20 the State.

21 THE COURT: Anything from the Defense?

22 MR. STANKO: Yes, Your Honor, just briefly. We
23 intended to do it before Detective Woods testified, but
24 we would just like to make sure that for the record we
25 renew our objection to anyone being able to testify

1 about the video that began from midnight onward.

2 THE COURT: Yeah.

3 MR. STANKO: We just want to make sure that that
4 was made part of the record.

5 THE COURT: Yeah. That was in your motion in
6 limine. I ruled against it. That's preserved.

7 MR. STANKO: Yes, sir. Thank you, sir.

8 MR. DeBUSK: Your Honor, the next witness and the
9 witness after the one down from there, they are also
10 going to testify about it. So if he wants to renew his
11 objection.

12 THE COURT: All right.

13 MR. DeBUSK: That's fine.

14 THE COURT: So they are going to be testifying as
15 to the video or the -- I guess the contents of the lost
16 portion of the video as well?

17 MR. STANKO: Yes, Your Honor. We can either renew
18 our objection with each subsequent witness, or if my
19 objection now just carries forward through each of
20 those witnesses, whichever way you would prefer, sir.

21 THE COURT: Well, I'm assuming your objection is
22 based upon the same grounds --

23 MR. STANKO: It's the exact same objection for
24 each one of them.

25 THE COURT: -- as expressed in the motion in

1 limine?

2 MR. STANKO: Yes, sir.

3 THE COURT: Okay. I'm going to overrule your
4 objection, I'll allow it. All right. Anything further
5 from the Defense before we bring the jury in?

6 (Discussion off the record.)

7 MR. OSKIN: Our next witness has a criminal
8 record, Your Honor. We turned the NCIC over to Defense
9 counsel, we intend to bring it up through his
10 testimony.

11 THE COURT: All right. Do we need -- anything the
12 Court needs to address?

13 MR. STANKO: Your Honor, if they are bringing in
14 the whole thing, then we have nothing to address.

15 THE COURT: Okay. All right, let's go ahead and
16 bring the jury in.

17 (WHEREUPON, the jury came into open court at
18 approximately 2:07 p.m.)

19 THE COURT: All right, ladies and gentlemen,
20 welcome back. I hope everybody had a good lunch.
21 We're ready to resume the trial of the case. First of
22 all, make sure you have your own notepads and you don't
23 have anyone else's notepads.

24 Number two, I failed to do it this morning, but I
25 want to thank you for being prompt and returning on

1 time. It is a great assistance to the Court when
2 jurors return on time, and I want to thank you for
3 being on time this morning as well as returning on time
4 after lunch.

5 All right, state can call your next witness.

6 MR. DeBUSK: Thank you, Your Honor. The State
7 calls James Douglas Barfield.

8 THE COURT: All right.

9 JAMES BARFIELD, after being duly sworn, testified
10 as follows:

11 THE CLERK: Please be seated. Please state your
12 full name, and spell your last name for the Court.

13 THE WITNESS: James Douglas Barfield,
14 B-A-R-F-I-E-L-D.

15 DIRECT EXAMINATION

16 BY MR. DeBUSK:

17 Q Mr. Barfield, you live here in Horry County?

18 A Yes, sir.

19 Q Okay. What's your occupation, what do you do for
20 a living?

21 A Communications technician.

22 Q Okay. Who do you work for?

23 A Myself.

24 Q I take it by that you do contracts for various
25 businesses?

1 A Yes, sir.

2 Q What kind of businesses do you generally work for?

3 A Hotels, motels, any kind of place that has cameras
4 or have -- needs Internet.

5 Q Did you ever work for the Rodeway Inn or the
6 adjacent Days Inn in Myrtle Beach?

7 A Yes, sir.

8 Q Is that the hotel at 14th Avenue South?

9 A Yes, sir.

10 Q You're familiar with Myrtle Beach?

11 A Yes, sir.

12 Q This here on State's Exhibit 3, that would be the
13 one marked next to the one marked [REDACTED] South Ocean
14 Boulevard?

15 A That's correct.

16 Q Okay. What did you do for that hotel?

17 A I do the telephone work, I do the Internet and
18 install the cameras.

19 Q Tell us about the cameras, especially what cameras
20 they had in May of 2016.

21 A They had a Samsung system.

22 Q Okay. Where were they located?

23 A They were located on Days Inn. They had them
24 overlooking --

25 Q Okay.

1 A -- both properties.

2 Q Let me show you what's been marked as State's
3 Exhibits 18 and 20 and ask if you recognize those.

4 A Yes, sir.

5 Q What's shown on those?

6 A These are looking down at the parking lot for Days
7 Inn and also Rodeway.

8 Q What are they, though, that are looking at the
9 parking lot?

10 A What do you mean?

11 Q What are the items that you're referring to as
12 looking down in the parking lot?

13 A The cameras.

14 Q Okay. So who put those cameras up there?

15 A I did.

16 Q Okay. Did you maintain them?

17 A Yes, sir.

18 Q Were they in working order on May 20th to 23rd of
19 2016?

20 A Yes, sir.

21 MR. DeBUSK: We're going to offer 18 and 20 into
22 evidence, Your Honor.

23 THE COURT: Any objection?

24 MR. STANKO: Without objection, sir.

25 THE COURT: State's Exhibit 18 and State's

1 Exhibit 20 admitted into evidence without objection.

2 (WHEREUPON, State's Exhibit Nos. 18 and 20 were
3 admitted in evidence.)

4 Q And just to be clear, the cameras are those little
5 objects at the top of each column in the views?

6 A Yes, sir.

7 MR. DeBUSK: Your Honor, may we publish these to
8 the jury?

9 THE COURT: All right.

10 Q The Days Inn and the Rodeway Inn, do they have
11 common ownership?

12 A Yes, sir.

13 Q Were there any cameras on the Rodeway Inn?

14 A No, sir.

15 Q Were the Days Inn cameras used to monitor the
16 Rodeway Inn as well?

17 A Yes, sir, on one side of it.

18 Q Did you intentionally place them so they would
19 look at the Rodeway Inn?

20 A Yes, sir.

21 Q Let me show you what's already in evidence as
22 State's Exhibit 16 and ask, do you recognize that.

23 A Yes, sir.

24 Q What is that?

25 A That's the parking lot that is -- links the

1 Rodeway and Days Inn together.

2 Q What's the source of that photograph?

3 A That's from the camera -- one of the cameras on
4 top of the motel.

5 Q And is that one of the cameras that was
6 intentionally placed to --

7 A Yes, sir.

8 Q -- monitor the property next door?

9 A Yes, sir.

10 Q Okay. How were these cameras recorded?

11 A On a hard drive.

12 Q Where was that hard drive located?

13 A In the Days Inn office.

14 Q Okay. Who took care of that hard drive?

15 A I do.

16 Q Okay. How much time would the hard drive be able
17 to cover?

18 A A couple weeks.

19 Q Okay. How many cameras can you have recorded to
20 that hard drive?

21 A 16.

22 Q 16. Were all of them looking at the Rodeway Inn,
23 or were some of them looking at other parts of the --

24 A Some of them were looking at Beachcomber next door
25 because they were buying it, and some looked at Days

1 Inn.

2 Q Okay. So they were placed on one hotel but placed
3 to --

4 A Observe both.

5 Q -- view all three of those?

6 A Yes, sir.

7 Q And all three of those properties were owned by
8 the same people?

9 A Yes, sir.

10 Q And those are the people that hired you?

11 A Yes, sir.

12 Q Okay. What kind of background and training did
13 you have to do this kind of work?

14 A I was trained working for Vertech Plus.

15 Q Okay. So you had worked for a company before and
16 learned the business?

17 A Yes, sir.

18 Q Did you respond to the Days Inn at the request of
19 police on May 22nd of 2016?

20 A They called me, and I was in Hemingway.

21 Q Okay.

22 A And I got back there, but they had already taken
23 the DVR, but they brought it back and asked me to get
24 the whole thing on there for them.

25 Q Okay. Was that DVR the one that covered all those

1 cameras?

2 A Yes, sir.

3 Q Did you examine the video on this USB drive
4 labeled, video Days Inn, and numbered as State's
5 Exhibit 15?

6 A Yes, sir.

7 Q What is on that?

8 A That shows the camera footage.

9 Q And is that the camera footage that was taken from
10 your DVR?

11 A Yes, sir.

12 Q And did you do that or did the Myrtle Beach police
13 do that?

14 A That one was Myrtle Beach. I gave them another
15 one.

16 Q Okay. And you give them another USB drive, or you
17 gave them --

18 A A hard drive.

19 Q You gave them the whole hard drive?

20 A A big one, yes, sir.

21 Q Okay. But this is a fair and accurate
22 representation of what was on those --

23 A Yes, sir.

24 Q -- on the DVR from those video cameras?

25 A Yes, sir.

1 Q And does it include just one angle, or does it
2 include all of those 15 angles that you talked about?

3 A It includes all of them.

4 MR. DeBUSK: Your Honor, we would offer State's-15
5 into evidence at this time.

6 THE COURT: Any objection?

7 MR. STANKO: No objection.

8 THE COURT: All right, State's Exhibit 15 admitted
9 into evidence without objection.

10 (WHEREUPON, State's Exhibit No. 15 was admitted in
11 evidence.)

12 Q After you provided this to the police, did you at
13 any point watch it?

14 A Yes, sir.

15 Q Why did you watch it?

16 A Curiosity.

17 Q What did you watch?

18 A I watched it from when he first came on the
19 property to when Edna had actually found and came out,
20 and then Ronnie and them, everybody else was over
21 there.

22 Q Edna and Ronnie being employees of the hotel?

23 A Yes, sir.

24 Q Of the Rodeway?

25 A Yes, sir.

1 Q Okay. Did you watch the particular angle
2 reflected in State's-16?

3 A Yes, sir.

4 Q Did you know which room it was that the victim was
5 found dead in?

6 A Yes, sir. 211.

7 Q Did you watch room 211's door during that time
8 period?

9 A Yes, sir.

10 Q Did anyone go into that room or leave from that
11 room besides the Defendant and the victim?

12 A No, sir.

13 Q Did you watch the portion from the last time the
14 Defendant left until housekeeping and the management
15 from about 11 o'clock on Sunday, did you watch all of
16 that?

17 A Yes, sir.

18 Q During that period did anyone come or go from this
19 hotel room?

20 A No, sir.

21 Q Did you watch that whole thing? Did you watch it
22 on fast forward or did you watch it real time?

23 A I had it on like four speed, but it's not --

24 Q Could you tell --

25 A Oh, absolutely, you can't miss.

1 Q You could tell when it's on four speed whether
2 anybody is coming?

3 A Yes, sir. You can actually tell on eight or even
4 faster.

5 Q All right. Is it fairly easy to fast forward on
6 that system?

7 A Yes, sir.

8 Q Okay. And it's easy to stop when you see
9 something happening?

10 A Yes, sir.

11 Q Okay. You said that they -- at one point they
12 actually took the DVR?

13 A Yes, sir.

14 Q Did you get it back?

15 A Yes, sir.

16 Q Is that when you watched it?

17 A Yes, sir.

18 Q Okay. So after you got back you watched it. And
19 then you put it back into service?

20 A Yes, sir.

21 Q Once it goes back in service, would it overwrite
22 old --

23 A It's set to overwrite it at -- the oldest part is
24 where it's rewriting.

25 Q So after, I think you said, about two weeks, it

- 1 would start overwriting what would --
- 2 A Yes, sir.
- 3 Q And you couldn't retrieve it after that?
- 4 A No, sir.
- 5 Q Not once it's been overwritten?
- 6 A No, that's correct.
- 7 Q When you watched that tape, did you already know
- 8 it was room 211?
- 9 A Yes, sir.
- 10 Q And you watched specifically room 211?
- 11 A Yes, sir.
- 12 Q And you can say during that whole time you watched
- 13 it, nobody went in there?
- 14 A Nobody went in there.
- 15 Q Except the Defendant and the victim?
- 16 A That's correct.
- 17 Q Who were the individuals that you saw go in the
- 18 room when the body was found?
- 19 A Housekeeping and the front desk guy.
- 20 Q What are their names?
- 21 A Edna and Ronnie.
- 22 Q Okay. Would that be Ronnie Evans and Edna Fraser?
- 23 A That's correct.
- 24 Q You just have to be honest about this, that you've
- 25 had some run-ins with law enforcement before; right?

1 A Yes, sir.

2 Q Got a little bit of a criminal record?

3 A Unfortunately.

4 Q How old were you in 1987?

5 A Well, about 19.

6 Q Okay. And at that time when you were 19, 18, 19,
7 did you have a strong-arm robbery conviction?

8 A Yes, sir.

9 Q Okay. And then 1993, possession of illegal
10 fireworks?

11 A Yes, sir.

12 Q And 1993, same year, manufacturing of an illegal
13 bomb?

14 A Yes, sir.

15 Q And that was all here in Horry County; right?

16 A Yes, sir.

17 Q Or the City of Conway, Horry County?

18 A Yes, sir.

19 Q 1996, you had a little shoplifting?

20 A Yes, sir.

21 Q '97, possession of explosives?

22 A Yes, sir.

23 Q That was actually a federal charge; right?

24 A Yes, sir.

25 Q 2001, another shoplifting?

- 1 A Yes, sir.
- 2 Q 2010, unlawful use of a telephone?
- 3 A Yes, sir.
- 4 Q 2012, resisting arrest?
- 5 A Yes, sir.
- 6 Q And 2012, possession of schedule two?
- 7 A Yes, sir.
- 8 Q And you actually have a charge pending now; don't
- 9 you?
- 10 A Yes, sir.
- 11 Q Possession of meth?
- 12 A Yes, sir.
- 13 Q That occurred -- that arrest happened on the
- 14 April 17th of 2017; right?
- 15 A Yes, sir.
- 16 Q That was well after this happened?
- 17 A Yes, sir.
- 18 Q Well after you watched that tape; right?
- 19 A Yes, sir.
- 20 Q Okay. Have you been promised or offered anything
- 21 in return for your testimony today?
- 22 A No, sir.
- 23 Q Again, why did you watch that video?
- 24 A Curiosity, to see.
- 25 Q Did you watch it carefully?

1 A Yes, sir.

2 Q And you're certain that no one else went in and
3 out of that room except the Defendant?

4 A Positive.

5 MR. DeBUSK: All right. Please answer any
6 questions the Defense may have.

7 THE COURT: Cross-examination.

8 MR. STANKO: Thank you, sir.

9 CROSS-EXAMINATION

10 BY MR. STANKO:

11 Q Mr. Barfield, what is the time period that you
12 watched on that video?

13 A Couldn't tell you right offhand. It was the
14 entire scene from wherever they had -- they got there.
15 Because the front desk told me when they actually came
16 in, so that's when I started watching it. I can't
17 remember off the top of my head.

18 Q Okay. I guess what I'm asking you is, did you
19 watch Friday as well?

20 A I watched it from when they went in the room
21 originally, when they checked into that room, I watched
22 it then until --

23 Q When they checked into 314 or when they checked
24 into 211?

25 A 211.

1 Q 211, okay. Do you know about what time that was
2 that they first checked in?

3 A I couldn't tell you right this second, no, sir.

4 Q Okay. Probably somewhere around 11, 12, late
5 morning?

6 A Yes, sir.

7 Q Okay. So that would be 24 hours worth of video;
8 right?

9 A At least.

10 Q Okay. And you said at most times you watched that
11 on fast forward?

12 A Yeah. But it's really -- it's not really that
13 fast on the fast forward.

14 Q Right. You said it was 4X?

15 A Yeah.

16 Q All right. So that's four times as fast as normal
17 speed?

18 A Yes, sir.

19 Q Okay.

20 A But nobody -- nobody can get -- there's no way
21 they can actually go and get in there without being
22 seen.

23 Q Okay. Well, let me ask you this. If it was four
24 times faster than regular speed, then that would have
25 taken you at least six hours; correct?

1 A Yes, sir.

2 Q 24 hours worth of video divided by four?

3 A Well, yes, sir.

4 Q And there were places that you played it normal
5 speed?

6 A Only whenever I seen the parts where they went --
7 they actually went in.

8 Q Okay. But at four times as fast, anything that
9 takes four seconds will be dropped down to only taking
10 one second; correct?

11 A Yes, sir.

12 Q Okay. Now, while you were watching all of this,
13 were you at work?

14 A I was actually sitting there, yeah, I didn't have
15 anything to do that day.

16 Q Okay. And were you at the Days Inn, or were you
17 at your office or where were --

18 A I was at the Days Inn.

19 Q Okay. Did you have a computer there at the desk
20 as well, I assume?

21 A Not for me to mess with. It's the front desk
22 computer.

23 Q Okay. What about a cell phone, do you have a cell
24 phone that you regularly use?

25 A Yes, sir. I normally use a Bluetooth at all

1 times.

2 Q Okay. At any point while you were watching this
3 video, take your phone out?

4 A No. I had a few calls, but I used the Bluetooth.

5 Q Okay. So what you're saying is your eyes never
6 left that screen?

7 A Not enough time for somebody to go and do
8 anything, no, sir.

9 Q Okay. Well, you said that something that takes
10 about four seconds would go by in a second if you're
11 watching it four --

12 A Ain't nobody going to come up to there into that
13 room on that video. You'll see somebody, if somebody's
14 going by and even close to it, I would start looking
15 even more.

16 Q Okay. Now, you said that you got a call out from
17 the police the morning of May 22nd; correct?

18 A Yes, sir.

19 Q Okay. But you were out in Hemingway?

20 A Yes, sir.

21 Q Did anybody access that video prior to you getting
22 there?

23 A Yes, sir.

24 Q Okay. Who was that?

25 A Myrtle Beach police.

1 Q Okay. Was there a Days Inn employee who
2 facilitated that?

3 A I gave them the password and stuff, but they
4 didn't know how to use the system yet.

5 Q Okay.

6 A People actually work there.

7 Q Well, then, so there was no Days Inn employee who
8 was watching the video with police prior to you getting
9 there; correct?

10 A I don't know, I wasn't there for that. I can't
11 tell you all that. But I know that they actually asked
12 for the password, but the police were the ones that
13 were actually doing the hands-on part of it.

14 Q Okay. But it wasn't the Days Inn employee who
15 asked you for the password?

16 A Yeah, the Days Inn employee asked me. They gave
17 it to him because I was on the phone with him.

18 Q Okay. Who was that employee?

19 A Trying to remember what -- I believe it was
20 Mickey, but I ain't sure.

21 Q Okay. Do you know what their role was?

22 A The front desk.

23 Q Just the front desk person?

24 A Yes, sir.

25 Q Okay, all right. But you didn't get there until

1 the DVR was already gone?

2 A That's correct.

3 Q Okay. So by the time you got there, there was no
4 footage for you to watch?

5 A Right.

6 Q When did you get that footage back?

7 A Day after.

8 Q Day after. So that would have been Monday, the
9 23rd?

10 A Yes, sir.

11 Q Okay. Were you responsible at any point for
12 downloading any of the video footage?

13 A Yes, sir. They asked -- then they asked me to
14 copy it again, and I did.

15 Q Okay. And how did you provide that?

16 A On a 500-gig hard drive, external drive.

17 Q All right. And what days worth of video were
18 actually encompassed on that thumb drive?

19 A All the way up till the -- everything that was up
20 through that recording. I had it from like 30 minutes
21 before they got there to 30 minutes after they found
22 her.

23 Q All right. So that would have been beyond noon on
24 the 22nd?

25 A Yes, sir.

1 Q Okay. Did you -- after you downloaded that
2 onto -- on the thumb drive --

3 A No, it was a hard drive.

4 Q It was a hard drive, excuse me. Did you verify
5 that the video was working on the new disk that you had
6 created it on?

7 A Yes, sir.

8 Q Okay. You opened that up and watched all that
9 video?

10 A Not the whole thing, but I opened it up and I made
11 sure it worked.

12 Q Okay. So there were places that you skipped ahead
13 to just to make sure every single spot had video that
14 was functioning?

15 A I made sure it started playing is all. I know it
16 was all on there.

17 Q Okay. You knew Friday was on there?

18 A Yeah. Because I knew from the time --

19 Q Do you know if Saturday was on there?

20 A Yes, sir.

21 Q Okay. But you said you just started it from the
22 very beginning, you didn't skip to anything?

23 A Yeah, when you program it to download it to you,
24 you have the -- the time is set in there. So when I
25 seen that it started, I knew it was on there.

- 1 Q Okay. How long is a work shift for you?
- 2 A Eight, ten hours a day.
- 3 Q Okay. You hourly, salaried?
- 4 A No, sir.
- 5 Q Which one?
- 6 A Hourly.
- 7 Q Hourly, okay. So watching this video, this 12, 13
- 8 hours worth of video, this encompassed almost an entire
- 9 shift for you; correct?
- 10 A No. I wasn't doing nothing that day.
- 11 Q Okay. But what I'm saying is you were on the
- 12 clock?
- 13 A No, I weren't charging them, no, sir.
- 14 Q So you just came in on your day off?
- 15 A I work for myself, so I come and go as I please.
- 16 Q I see, okay. Now, we just heard from the
- 17 solicitor that you have a pending charge; is that
- 18 correct?
- 19 A Yeah.
- 20 Q It's a possession of meth, second offense?
- 21 A Yes, sir.
- 22 Q Okay. That's a felony; isn't it?
- 23 A Yes, sir.
- 24 Q There is a possibility of jail time; isn't there?
- 25 A Yes, sir.

1 Q You would say just about anything, you'd do just
2 about anything to avoid jail time; wouldn't you?

3 A That has nothing to do with this. Believe me,
4 they ain't offered me anything.

5 Q Okay. You had no conversation with the
6 solicitor's office?

7 A And it has nothing.-- the reason I'm here is for
8 my own conscience sake. There no way I can let
9 somebody I know did that get away with it.

10 Q Okay. So you had no communication with the
11 solicitor's office regarding your pending charge or how
12 it relates to your testimony here today?

13 A No, sir.

14 Q Okay.

15 MR. STANKO: All right. Your Honor, nothing
16 further for this witness.

17 THE COURT: All right. Redirect?

18 MR. DeBUSK: Just one thing to clear up.

19 REDIRECT EXAMINATION

20 BY MR. DeBUSK:

21 Q You don't remember the times of the video you
22 watched, but you remember the events; right?

23 A I remember the events, yes, sir.

24 Q So you watched it from when they checked in to
25 when Ronnie and Edna came?

1 A Yes, sir.

2 Q And during that time, no one went in and out of
3 that room except the Defendant and the victim?

4 A Yes, sir. That's the reason I'm here.

5 MR. DeBUSK: Thank you.

6 THE COURT: All right. You may step down.

7 (Witness excused.)

8 THE COURT: State can call your next witness.

9 MR. OSKIN: Your Honor, the State does request
10 that Mr. Barfield be released from his subpoena. And
11 we would next call Ms. Jill Sanderson to the stand.

12 THE COURT: Any objection?

13 MR. STANKO: No objection, sir.

14 THE COURT: All right. He's free to go.

15 JILL SANDERSON, after being duly sworn, testified
16 as follows:

17 THE CLERK: Please state your first name, and
18 spell your last name.

19 THE WITNESS: Jill Sanderson, S-A-N-D-E-R-S-O-N.

20 DIRECT EXAMINATION

21 BY MR. OSKIN:

22 Q Ms. Sanderson, are you currently employed?

23 A Technically, I don't get a paycheck. I manage a
24 property.

25 Q Okay. And what property is that?

1 A It's [REDACTED] South Ocean Boulevard, Victory Motel.

2 Q Okay. And if you would further just elaborate for
3 the jury what that position is, what all that entails.

4 A We manage a property so we collect rent from the
5 tenants. We rent out units, screen people to move in
6 and out. My husband does general maintenance.

7 My part is I get a three-bedroom house, so that is
8 my compensation. And my husband gets compensated also.

9 Q I understand. So you work for them, they give you
10 a place to stay. He makes a little spending money for
11 you?

12 A Exactly.

13 Q So you're the manager of the property?

14 A Right.

15 Q You get some help from your husband here and there
16 if need be?

17 A Yes, sir.

18 Q How long have you been the manager of that
19 establishment?

20 A Since it was about April of 2011.

21 Q Okay. And you might have just explained that,
22 just your day-to-day duties. Is it what it seems like
23 on hotel motel duties?

24 A Because we are long-term rental, I'd see each one
25 of the 16 tenants once a week.

1 Q Okay.

2 A Answer any questions they have, tend to the
3 laundry facility if it needs to be taken care of or
4 just normal routine.

5 Q Okay.

6 A Answering the tenants arguments or questions.

7 Q I understand, thank you so much. During your time
8 as manager of that property, was the Defendant Rickey
9 Wilson, was he ever a tenant at your place?

10 A Yes.

11 Q Was there a particular room, or what was his
12 arrangement setup like?

13 A He was in Apartment [REDACTED].

14 Q Okay. Is Apartment [REDACTED] comparable to the rest of
15 your apartments?

16 A No.

17 Q Okay. How is that?

18 A It's a very tiny room. It's probably maybe eight
19 by eight.

20 Q Okay.

21 A It accommodates a bed, a refrigerator, a very
22 small mini refrigerator and maybe a microwave. And you
23 can barely walk around.

24 Q Okay. About how long was Mr. Wilson a tenant?

25 Did you -- was he there when you started managing the

1 property in 2011, or did you meet him and then rent him
2 out a room?

3 A We moved in in 2010.

4 Q Okay.

5 A And he was already a tenant there. There was a
6 different manager. When he left my husband was already
7 employed full-time with the owners. So we just took
8 over managing the property.

9 Q As part of your duties as manager of that
10 property, is there a security system equipped with
11 video surveillance --

12 A Yes.

13 Q -- that you monitor when you do your time to time?

14 A Yes.

15 Q Was there a camera that overlooks the room, if
16 that's what we're going to call it, where the Defendant
17 was staying?

18 A Yes. It's about 18 inches above his door, and it
19 faces straight down and then down to the hallway.

20 Q Okay.

21 MR. OSKIN: Your Honor, if I may approach madam
22 court reporter.

23 THE COURT: All right.

24 MR. OSKIN: Premark that, please, would you.

25 (WHEREUPON, State's Exhibit Nos. 21 was marked for

1 identification only.)

2 Q Ms. Sanderson, I'm asking you to look at what's
3 been premarked as State's Exhibit No. 21. Do you
4 recognize that?

5 A Yes.

6 Q What is that?

7 A That's Rickey Wilson's door.

8 Q Okay. And how do you know?

9 A The numbers on the door are very odd.

10 Q Okay. Is this -- is that because the makeshift
11 room that it is?

12 A Yeah.

13 Q In your opinion? This is something you inherited;
14 correct?

15 A Yes.

16 Q Okay. Is that a fair and accurate representation
17 of that camera angle from above his room?

18 A Yes.

19 Q Nothing added to it, deleted from it, altered in
20 any way?

21 A No.

22 Q Okay.

23 MR. OSKIN: Your Honor, at this time the State
24 would seek to move into evidence State's Exhibit 21.

25 THE COURT: Any objection?

1 MR. STANKO: No objection, sir.

2 THE COURT: All right. State's Exhibit 21
3 admitted in evidence without objection.

4 (WHEREUPON, State's Exhibit No. 21 was admitted in
5 evidence.)

6 MR. OSKIN: May I approach the witness again, Your
7 Honor?

8 THE COURT: Yes.

9 MR. OSKIN: And I'll have madam court reporter
10 premark this.

11 (WHEREUPON, State's Exhibit No. 22 was marked for
12 identification only.)

13 Q Ms. Sanderson, I'm going to have you look at
14 what's been marked as State's Exhibit No. 22. Are you
15 able to recognize that?

16 A That's Rickey Wilson leaving his room.

17 Q His room at your establishment?

18 A Yes. That's the highway that goes down, and his
19 room is on the very end.

20 Q And how are you able to tell from that angle?

21 A The camera is up above his door, so it faces down.
22 So if he's facing this way (indicating), he's facing
23 into the camera.

24 Q Is that a particular camera itself, how many
25 cameras are in the system?

1 A Eight. There's -- there was at that time a total
2 of seven cameras.

3 Q Okay. Has anything been added, edited, deleted
4 from that photo?

5 A No.

6 Q That was pulled from your video surveillance that
7 you monitor?

8 A Yes.

9 Q Is that just a still shot of the surveillance
10 that's under your control?

11 A Yes.

12 MR. OSKIN: Your Honor, at this time the State
13 would seek to move State's Exhibit 22 into evidence.

14 THE COURT: Any objection?

15 MR. STANKO: No objection.

16 THE COURT: State's Exhibit 22 admitted into
17 evidence without objection..

18 (WHEREUPON, State's Exhibit No. 22 was admitted in
19 evidence.)

20 MR. OSKIN: Your Honor, at this time I would
21 respectfully request that we be allowed to publish it
22 to the jury.

23 THE COURT: All right.

24 Q Along that same line of the photos right there, at
25 any point were you asked to pull video surveillance by

1 the Myrtle Beach Police Department?

2 A Yes.

3 Q At what point; do you remember?

4 A It was a Sunday afternoon about 2:30 in the
5 afternoon. Two detectives arrived on the property and
6 asked if I knew where -- if Rickey Wilson was still in
7 Apartment ■■■, and I said, yes. And they walked away
8 from me. When they came back from what they were
9 doing, they asked if I -- if they could see my
10 security.

11 Q Ms. Sanderson, I'm showing you what's been
12 premarked as State's Exhibit 17. Are you able to
13 recognize that?

14 A It's the jump drive. I don't know what the
15 technical term is, I know it as a jump drive which they
16 took off of my security system.

17 Q In your presence?

18 A Um-hum.

19 Q Of the system you monitored?

20 A It's in my home.

21 Q Okay. And when they were pulling that data from
22 your establishment, did you make any additions,
23 deletions, edit it in any way, change anything other
24 than what was on your surveillance video?

25 A Fortunately, we have a really good system, and you

1 can't -- you can't edit it.

2 Q Okay.

3 A You can't delete it or edit it. It runs on a
4 90-day loop.

5 Q Okay. So it's true and correct?

6 A Yes.

7 MR. OSKIN: Your Honor, at this time the State
8 would seek to move into evidence State's Exhibit
9 No. 17.

10 THE COURT: Any objection?

11 MR. STANKO: No objection, sir.

12 THE COURT: State's Exhibit 17 admitted into
13 evidence without objection.

14 (WHEREUPON, State's Exhibit No. 17 was admitted in
15 evidence.)

16 MR. OSKIN: Court's indulgence, please, Your
17 Honor.

18 THE COURT: All right.

19 Q Ms. Sanderson, you were the manager of the Victory
20 Inn for how long while he was a resident?

21 A I believe four years.

22 Q Okay. Any personal dealings with him other than
23 just the basic he pays his rent, you collect it?

24 A He pays his rent, I collect it. There were times
25 that I wasn't comfortable with his presence on the

1 property.

2 Q Okay.

3 MR. OSKIN: Nothing further from the State,
4 please.

5 THE COURT: All right. Cross-examination.

6 MR. STANKO: Thank you, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. STANKO:

9 Q Just very briefly, the timestamp at the bottom of
10 the most recent photo that he showed you, the one that
11 shows 10 o'clock with Mr. Wilson on the frame?

12 A Um-hum.

13 Q You mentioned that you have a very good system
14 that virtually runs itself; correct?

15 A Um had.

16 Q Is the time --

17 THE COURT: Excuse me, you need to answer yes or
18 no.

19 THE WITNESS: Oh, yes. I'm sorry, yes.

20 THE COURT: All right, go ahead.

21 Q Is the timestamp at the bottom, is that the
22 correct time, then?

23 A Yes.

24 Q What I'm asking is does the system set that time?

25 A The system sets that time, and every once in a

1 while it can be off by maybe ten minutes.

2 Q Okay. But it's not like an hour off?

3 A I don't -- I don't believe so, no.

4 Q Okay. So to the best of your knowledge, the
5 timestamp on the bottom is as close to the actual time
6 at the point that it's recording that it could be?

7 A Yes. I'd say within maybe a half an hour
8 sometimes it loses a little bit of time here and there.
9 The security -- our security professional comes down
10 and fixes it.

11 Q Okay. But as far as you know, May 20th, 21st,
12 22nd of 2016, it was showing as close to an accurate
13 time as you know?

14 A I would assume, yes.

15 Q Okay. Thank you.

16 MR. STANKO: Nothing further, Your Honor.

17 THE COURT: All right. Redirect?

18 MR. OSKIN: Your Honor, nothing further from the
19 State. And we would ask that Ms. Sanderson be released
20 from her subpoena.

21 THE COURT: Any objection?

22 MR. STANKO: None, Your Honor.

23 THE COURT: All right. You may step down, and
24 you're free to go.

25 THE WITNESS: Thank you.

1 (Witness excused.)

2 THE COURT: Thank you. The State can call your
3 next witness.

4 MR. DeBUSK: Thank you, Your Honor. The State
5 would call Agent Jade Roy of South Carolina Law
6 Enforcement Division.

7 JADE ROY, after being duly sworn, testified as
8 follows:

9 THE CLERK: Please be seated.

10 THE WITNESS: Thank you.

11 THE CLERK: Please state your full name, and spell
12 your last name for the Court.

13 THE WITNESS: Yes, ma'am. First name is Jade,
14 last name is Roy, R-O-Y.

15 DIRECT EXAMINATION

16 BY MR. DeBUSK:

17 Q Agent Roy, who is your current employer?

18 A South Carolina Law Enforcement Division.

19 Q How long have you been with them?

20 A Since November of last year.

21 Q What are your duties currently?

22 A I'm currently assigned to the narcotics, alcohol
23 and vice services division where I operate as an
24 alcohol enforcement and vice services agent.

25 Q Now, what were you doing back in May of 2016; did

1 you have the same employer?

2 A No, sir. In May of 2016, I worked for the Myrtle
3 Beach Police Department. I was a detective assigned to
4 the violent crimes unit.

5 Q Okay. How long were you a detective in Myrtle
6 Beach?

7 A Approximately a year and a half.

8 Q What were your duties when you were a detective
9 there?

10 A So it started basically crimes against persons,
11 anything from shootings, sexual assaults, stabbings,
12 and any crime of violence where a victim would have
13 been, you know, suffered injury to their self.

14 Q So you're an investigator essentially?

15 A Yes, sir.

16 Q How long had you been with the Myrtle Beach Police
17 Department?

18 A Six and a half years, sir.

19 Q Okay. Were you on patrol before then?

20 A Yes, sir, assigned as a supervisor. And before
21 that I was on patrol, yes, sir.

22 Q Did you participate in the investigation of the
23 killing of Virginia Eakers?

24 A Yes, sir, I did.

25 Q What was your role?

1 A I responded on the day of the incident or the day
2 that she was found deceased, the 22nd.

3 Q Let me ask you so the jury knows, what is it
4 you're referring to, you're looking at?

5 A I'm sorry, I'm referring to my notes from the
6 incident. Being that it happened some time ago, I want
7 to make sure that I get the correct dates and times.

8 Q Okay.

9 A Precise for you.

10 Q That's why you write reports; right?

11 A Yes, sir, it is.

12 Q Okay, thank you. Please continue.

13 A Yes, sir. So on the 22nd of May at approximately
14 11:45 myself and Detective Whitmire were the two
15 violent crimes detectives working. We overheard radio
16 traffic that patrol units had responded to a deceased
17 person. With the Myrtle Beach Police Department it's
18 protocol that when a deceased person is found deceased
19 that investigations is called in to investigate for
20 things that may appear suspicious and things of that
21 nature.

22 So Detective Whitmire went to the incident
23 location. I stayed back at our office to ensure that
24 if a search warrant would have been needed that I would
25 be more prepared to obtain that search warrant. She

1 called shortly thereafter to advise that a search
2 warrant was needed, that the only individual in the
3 room was the deceased, and that a search warrant would
4 be needed to conduct a thorough investigation.

5 So I then obtained a search warrant for the room,
6 presented it to the municipal court in Myrtle Beach. I
7 mean, it was signed and I presented it at the hotel
8 room with Detective Whitmire.

9 Q Okay. What did you do when you got there; did you
10 look around?

11 A Yes, sir, I did.

12 Q What did you see?

13 A When I first arrived on-scene, of course I backed
14 my patrol vehicle in, immediately start making
15 observations when I exit my vehicle. Approached the
16 building from the front side of the building, didn't
17 make any observations that anything seemed to be out of
18 place or anything like that, went through the corridor
19 to access the rooms on the ground level.

20 Q Let me step you there just a second.

21 A Yes, sir.

22 Q Do you recognize State's Exhibit 9?

23 A Yes, sir.

24 Q What -- which building did you respond to?

25 A The Rodeway Inn, sir.

1 Q Okay. Where did you park?

2 A Parked immediately up here on the south side of
3 the parking lot (indicating), backed in.

4 Q Is that parking lot a little raised above the
5 neighboring parking lots?

6 A Yes, sir, it is raised. It's level with Ocean
7 Boulevard, but it is raised.

8 Q Okay. So please continue.

9 A So I immediately parked, exited my vehicle,
10 started walking towards the front of the building,
11 observed the office to the left. And the corridor that
12 leads to the main hotel room is on that level
13 immediately straight ahead, underneath an awning.

14 Continued up to the stopping point where you would
15 have to make a left or a right to go to the rooms. Was
16 directed to the right, of course, to where the room 211
17 was. Noticed a trash can at the end of the corridor,
18 checked that trash can which it appeared to be empty at
19 the time we checked it, it being open to the public and
20 on that property.

21 And then immediately turned left and made contact
22 with Sergeant Dorio who at the time was standing
23 outside the room and securing the room for the search
24 warrant.

25 Q All right. What room was it?

1 A It was room 211.

2 Q What did you do -- did you look at the inside of
3 room 211?

4 A Yes, sir, I did.

5 Q What did you see?

6 A Immediately upon entering the room, notice of the,
7 door frame appeared to be intact.

8 Q What does that tell you?

9 A It told us that or generally speaking that there
10 would have been no forced entry into the room. The
11 frame was intact, the locking mechanisms for the
12 room -- or for the door were intact leading us to
13 believe that entry would not have been forced, or
14 someone would not have been forcing their way into the
15 room.

16 Q Okay.

17 A Proceeded into the room and immediately started
18 making observations. To the left on the left-handed
19 wall, if you will, were two full size beds. There was
20 a small chair immediately in the door to the left. And
21 in between the two beds was a nightstand.

22 Q Um-hum.

23 A Entering the room and to the right immediately
24 inside the room was a coffee table. And on that coffee
25 table was a silver pair of sunglasses. It was the only

1 item that appeared to be on that table, and a mirror
2 was hanging just above that table.

3 Proceeded further into the room, noticed a TV on
4 the right-hand side of the right-handed wall, which
5 appeared to be on. On the floor -- on the floor in
6 between the two full size beds at the end of the beds
7 appeared to be a pool of blood with a smaller pool of
8 blood just next to it.

9 On the -- the first bed when you enter the room
10 was well-kept, it was made. The second bed appeared to
11 be folded back as if somebody had potentially been in
12 the bed or been sleeping at some point, yes, sir.

13 Q Let me stop you just a moment while I get a couple
14 of exhibits numbered. I want to ask you about them.

15 (WHEREUPON, State's Exhibit Nos. 23 and 24 were
16 marked for identification only.)

17 Q Let me stop you just a minute and ask you if you
18 recognize State's-24.

19 A Yes, sir, I do.

20 Q What is it?

21 A It's the picture of the silver sunglasses that
22 were laying on the coffee table just on the coffee
23 table as you enter the room right on the right-hand
24 side.

25 Q What's that big yellow number next to it?

1 A A number ten.

2 Q I mean, what is it?

3 A Oh, it's -- I'm sorry. It's generally used as a
4 crime scene or a marker on a crime scene, so that when
5 we get the situations like this we are able to readily
6 identify and match it up with our crime scene logs and
7 chain of custody and things of that nature.

8 Q Is that a fair and accurate representation of the
9 sunglasses as you saw them when you walked in that
10 room?

11 A Yes, sir, it is.

12 MR. DeBUSK: The State moves Exhibit 24 into
13 evidence.

14 THE COURT: Any objection?

15 MR. STANKO: No objection, sir.

16 THE COURT: State's Exhibit 24 admitted into
17 evidence without objection.

18 (WHEREUPON, State's Exhibit No. 24 was admitted in
19 evidence.)

20 Q Let me step back a moment in numbers to No. 23 and
21 ask if you recognize that.

22 A Yes, sir, I do.

23 Q What is that?

24 A It is a picture of the two full size beds on the
25 left-handed wall with a nightstand in between showing

1 several markers, if you will, that were marked by our
2 crime scene technicians.

3 Q Is that a fair and accurate representation of the
4 State of that room when you walked in?

5 A Yes, sir, it is.

6 MR. DeBUSK: State moves Exhibit 23 into evidence.

7 THE COURT: Any objection?

8 MR. STANKO: None, sir.

9 THE COURT: State's Exhibit 23 admitted into
10 evidence without objection.

11 (WHEREUPON, State's Exhibit No. 23 was admitted in
12 evidence.)

13 MR. DeBUSK: May I publish 23 and 24 to the jury,
14 Your Honor?

15 THE COURT: Yes, you can.

16 Q Agent Roy, please continue with your narrative.

17 A Yes, sir. So after observing a TV on the
18 right-hand wall that appeared to be on, observed the
19 two pools of blood at the end of the bed in the center
20 sort of closer to the second bed as you go into the
21 room, also on the second bed's comforter appeared to be
22 what we believe or what I believe to be handprints in
23 blood on that comforter, as well as more blood that was
24 scattered about on that comforter.

25 We then proceeded further into the room. We

1 observed or I observed several personal items laying on
2 the second bed that appear to be bagged up and secure.
3 On the nightstand was a room phone or a hotel phone
4 that appeared have blood on it.

5 Proceeding past the beds, you immediately --

6 MR. STANKO: Your Honor, if we may address
7 something just real quick, if we may approach?

8 THE COURT: All right.

9 (WHEREUPON, a bench conference was held off the
10 record in the presence of the jury but out of the
11 hearing of the jury.)

12 Q Just to be clear, Agent Roy, you're taking many of
13 these details from your report; is that correct?

14 A From my supplemental report, yes, sir.

15 Q And the reason you write all those details out is
16 so you can remember them later; right?

17 A Yes, sir.

18 Q Okay. Please continue.

19 A All right. So proceeding further into the room,
20 as you move straight ahead in the room is the sink
21 area, a vanity, it's actually outside the area where
22 the bathtub and toilet are. On that sink area we
23 observed a walking cane that appeared to be wrapped in
24 a white towel.

25 Q Um-hum.

1 A Then immediately turn left and enter the bathroom
2 area. Prior to doing that, we or I observed blood at
3 the door frame on the bottom left-hand corner.
4 Proceeding into the bathroom, the only items inside
5 that room are a bathtub, of course the towel rack and
6 the bath -- or the toilet, I'm sorry.

7 Then when we get into that room, we observe
8 Ms. Harris, Ms. Eakers laying in the bathtub. Her head
9 is facing away from the main drain of the bathtub. She
10 is turned to where her back is facing the doorway, so
11 that she's facing away from us.

12 Q But in the bathtub?

13 A In the bathtub.

14 Q Completely in the bathtub?

15 A Completely in the bathtub, yes, sir.

16 Q At the time was the water on?

17 A The water was not on when I made entry into the
18 bathroom there.

19 Q Did you observe any physical injury to the victim?

20 A Yes, sir, absolutely. Ms. Eakers was, again,
21 facing away from us, she was fully clothed. She
22 appeared to be, of course, turned away from us and in
23 sort of a fetal position, her legs drawn up towards her
24 chest, and severe trauma and swelling to her face.

25 Q Okay. Needless to say, was she expired at that

1 time?

2 A Yes, sir, she was.

3 Q So those were your observations at the scene.

4 What did you do as far as investigation after you
5 examined the scene?

6 A So immediately after making those observations,
7 shortly thereafter our crime scene technicians
8 responded to the incident location to process the
9 scene. I exited the room. Upon exiting the room, we
10 did our best to start checking the area for video
11 surveillance. Just outside of her room and looking up
12 to the left, we observed a video camera or camera
13 facing the direction of her doorway.

14 Q State's-20 in evidence, do you recognize that?

15 A Yes, sir.

16 Q What is that?

17 A The picture on the left-hand side is looking
18 immediately to the left outside of her room on the
19 balcony in that corridor showing a video surveillance
20 camera, two of them, on the corner of the building just
21 at the south of the Rodeway Inn.

22 Q Okay.

23 A Which is the Days Inn.

24 Q Okay. What did you do when you saw those cameras?

25 A Once we realized that those cameras may, in fact,

1 be helpful in this investigation, we made contact, or I
2 made contact, with the front desk staff at that hotel.
3 We realized that the hotels were owned by the same
4 people. Immediately made contact with their staff and
5 requested to start observing or start looking at some
6 of their video surveillance that would have been
7 helpful in this investigation.

8 Q Were you able to watch the video at the Days Inn
9 there?

10 A No, sir.

11 Q What happened?

12 A I immediately started going back to retrieve some
13 of the video that would have been from previous time
14 periods. And I was relieved by Detective Woods at that
15 location to start to -- so that he could begin the
16 download and observing the video.

17 Q So you were just relieved of that duty to --

18 A Yes, sir, I was relieved of that duty.

19 Q Now, I'm going to come back later to what you did
20 after you left that. But let's talk about that video.
21 Did there come a time when you worked that video more?

22 A From the Days Inn?

23 Q From the Days Inn.

24 A Yes, sir.

25 Q Tell me about that.

1 A So Monday morning following our initial
2 response --

3 Q Your initial response was Sunday?

4 A Sunday the 22nd, yes, sir. So Monday morning, the
5 23rd when I returned to duty at 7 a.m., I immediately
6 responded to our office at the Myrtle Beach police
7 annex where we, or I, started to obtain the video. I
8 made contact with Detective Woods who was getting off
9 duty at that point.

10 Detective Woods relayed to me that the video
11 surveillance system was not cooperating at the
12 location. They did, in fact, download video from the
13 Days Inn onto a flash drive. The video that was
14 downloaded onto that flash drive was for the time
15 period from midnight the 21st going into the 22nd, to
16 noon, which would be Sunday, at noon on the 22nd.

17 Q Okay.

18 A That was downloaded on a flash drive.

19 Q What about video before that, did you have to do
20 anything to obtain that?

21 A Yes, sir. So Detective Woods, once he realized
22 that that was the only video that was obtained and
23 download onto that flash drive, realized that that was
24 not in fact all the video that was needed, he went back
25 to the incident location, secured the DVR system from

1 the hotel or from the Days Inn and brought it to the
2 police annex for download.

3 Q Okay.

4 A So I relieved him from that duty, immediately took
5 the DVR system down to our crime scene lab and began to
6 download the video from the time period from 3 p.m. on
7 the 20th.

8 Q What was the significance of 3 p.m. on the 20th?

9 A 3 p.m. on the 20th would have been at or near the
10 time that she would have checked into the hotel that
11 afternoon is what we learned.

12 Q So you went before check-in?

13 A Yes, sir.

14 Q And when did you stop the download?

15 A The download was -- the video that was downloaded
16 was from 3 p.m. on the 20th through 12 a.m. or
17 midnight, the 21st going into the 22nd.

18 Q Okay. So you had video in one form or another
19 from 3 o'clock on the 20th until noon on the 22nd;
20 correct?

21 A Yes, sir, that's correct.

22 Q But they were on two different -- did you watch
23 those videos?

24 A Yes, sir, I did.

25 Q For what purpose did you watch those videos?

1 A Basically we watched the video to see the comings
2 and goings from Ms. Eakers' hotel room from the time
3 that she checked in until the time that she was found
4 deceased.

5 Q So was that part of the investigation?

6 A Yes, sir, it is.

7 Q Okay. At this point did you know you were dealing
8 with a homicide?

9 A We knew that we were dealing with a crime of
10 violence based on the fact that the trauma that was
11 caused to her person certainly did not appear that it
12 could have been caused by herself.

13 Q Okay. So you were -- I guess you were at a
14 heightened state of investigative attention --

15 A Yes, sir.

16 Q -- when you were doing this?

17 A Absolutely.

18 Q Okay. What did you see when you watched the
19 videos?

20 A When watching the videos from the Days Inn, we
21 learned through the investigation as we were starting
22 to watch the videos that Ms. Eakers, in fact, checked
23 into a different room prior to moving to room 211.

24 Q Okay.

25 A So what we observed on the video on the day that

1 she moved to room 211 was that the Defendant and
2 Ms. Eakers come into view on the camera going to room
3 211 at 10:10 a.m. on the video surveillance --

4 Q Okay.

5 A -- captured from the Days Inn. We did learn that
6 the Days Inn video surveillance was off by an hour --

7 Q Okay.

8 A -- and that that video surveillance realtime would
9 have been 11:10 a.m. and not 10:10 a.m.

10 Q An hour ahead or an hour behind?

11 A The time on the camera system was an hour behind,
12 so it would show 10:10. In reality it would have been
13 11:10.

14 Q So as if it had not been adjusted forward for
15 daylight savings time?

16 A Yes, sir.

17 Q Okay. Okay, please continue.

18 A So at approximately 11:10 a.m., she moved to room
19 211. We see her and the Defendant enter that room.
20 And she stays in the room and at approximately on the
21 camera system at 12:02, which in real time is 1:02, the
22 Defendant exits that room and leaves to go about his
23 business.

24 Q Did you see him again?

25 A Yes, sir.

1 Q In the video?

2 A Yes, sir, we did.

3 Q When was that?

4 A We saw him reenter the camera view on the same --
5 out of the same camera. Give me one second. He
6 reenters the camera view at the Days Inn at 19:06.

7 Q What that would be in realtime?

8 A Which in realtime would have been 8:06 p.m.

9 Q So was he leaving the room at 8:06 p.m.?

10 A He was living the Days Inn, I apologize. He
11 arrived at the Days Inn coming into camera view at
12 7:21 p.m.

13 Q So you've adjusted for the error in the camera
14 time?

15 A Yes, sir, I have.

16 Q So real time is 7:21 until 8:06. Was he inside
17 the room?

18 A Yes, sir, he was.

19 Q Did you watch the video continuing after he left
20 at 8:06?

21 A Yes, sir, we did.

22 Q Given that it was in two parts, the part that you
23 had downloaded from the DVR system --

24 A DVR system.

25 Q -- and part was from that USB drive? Did you

1 watch it at all?

2 A Yes, sir, we did.

3 Q Between 8:06 and the time that the staff from the
4 hotel discovered the body, did anyone else enter or
5 leave that room?

6 A No, sir.

7 Q Okay. Let me show you what's been marked as
8 State's Exhibit 15 and ask if you recognize that.

9 A Yes, sir, I do.

10 Q Did you review that today?

11 A Yes, sir, I have.

12 Q What's on there?

13 A This is the video that was captured or downloaded
14 by myself from the Days Inn starting on the 20th
15 through the 22nd.

16 Q Okay. So it ends at midnight between the 21st and
17 22nd?

18 A Yes, sir, it does.

19 Q What about the video from midnight 21st, 22nd
20 until noon on the 22nd, when the body was discovered?

21 A Yes, sir. The video that was downloaded from
22 midnight until noon the 22nd was downloaded, as I said,
23 on a thumb drive from the incident location by
24 Detective Woods.

25 Q By thumb drive, you mean a USB drive?

- 1 A Yes, sir, I apologize.
- 2 Q Similar to that one?
- 3 A Yes, sir.
- 4 Q But not that one?
- 5 A No, sir, it was not.
- 6 Q Okay.
- 7 A So it was downloaded onto a drive such as that and
- 8 brought back to the police annex where we observed or
- 9 we watched that video. I immediately started to
- 10 download that video that morning on the 23rd which was
- 11 Monday.
- 12 Q What were you downloading it to?
- 13 A Downloading it to our network drive at the police
- 14 annex onto our computer system.
- 15 Q That's just a place to store electronic
- 16 information?
- 17 A Yes, sir.
- 18 Q Okay. Did it successfully download?
- 19 A No, it did not.
- 20 Q Did you know at that time it had not successfully
- 21 downloaded?
- 22 A No, sir.
- 23 Q Did anybody check to make sure it had downloaded
- 24 properly?
- 25 A Unfortunately not, no, sir.

1 Q Okay. So what happened to that USB drive?

2 A I'm not sure.

3 Q But it wasn't -- you believed it to be on the
4 server; is that correct?

5 A Yes, sir, we believed it to be on the server. And
6 I've checked every drive that I've ever owned since
7 then to insure that I don't have it in my possession.

8 Q Did you find that missing section of the video?

9 A No, sir, we did not.

10 Q But you did watch that entire missing section of
11 video?

12 A Yes, sir, I did.

13 Q Did you watch it in realtime, or did you fast
14 forward through sections of it?

15 A We did fast forward through sections of it, given
16 the length of the video.

17 Q On the system that you watched that on, is it
18 pretty easy to fast forward?

19 A Yes, sir, it is. The video from the Days Inn,
20 you're basically it's a one click on a mouse for a
21 computer, holding it down to fast forward or to
22 immediately -- once things come in and out of camera
23 view, we would immediately go back to realtime so to
24 ensure that we weren't missing anything. And we would,
25 in fact, back it up quite a bit by several minutes to

1 ensure that if there was anything that would have been
2 necessary to capture, we would have seen it.

3 Q But when you were watching it on increased speed,
4 on fast forward speed, would you have missed it?

5 A No, sir.

6 Q Did you pay specific attention to room 211 and the
7 door of 211?

8 A That's exactly where I was looking.

9 Q And, once again, I think we've seen it, but to
10 reiterate, was this the camera angle you watched?

11 A Yes, sir, it is.

12 Q That's State's Exhibit 16?

13 A Yes, sir.

14 Q Where is room 211 on that picture?

15 A 211 is --

16 Q Please show the jury.

17 A I'm sorry. 211 is basically the Defendant is here
18 (indicating), the doorway to 211 is directly to the
19 left where I'm pointing.

20 Q So you could see that doorway and tell whether
21 anybody went in or out?

22 A Yes, sir.

23 Q Based on your watching of that video, did you
24 watch it once or more than once?

25 A More than one occasion, sir.

1 Q Based on your multiple watches of that video, did
2 anyone enter or leave that room between the time the
3 Defendant left at 8:06 and the time hotel staff found
4 the body at about 11?

5 A No, sir.

6 Q Are you certain of that?

7 A Yes, sir, absolutely.

8 Q Okay. Let's step back in time now that we've
9 talked about that video. When you left the Days Inn
10 after, I think you said you were relieved by Detective
11 Woods?

12 A Yes, sir, I was.

13 Q What did you do next?

14 A I was relieved by Detective Woods from the Days
15 Inn motel to respond to the Victory Motel where we had
16 learned that the Defendant had been living for several
17 years in an attempt to retrieve that video and to speak
18 to anybody that would have known him at that time.

19 Q So you were investigating at the Victory Motel.
20 While you were there, did you check for video
21 surveillance?

22 A Yes, sir, we did.

23 Q Was there video surveillance?

24 A Yes, sir.

25 Q Did you recover any data from that video system?

1 A Yes, sir, we did.

2 Q I show you what's been marked as State's
3 Exhibit 17 and ask if you recognize that.

4 A Yes, sir, I do.

5 Q What is that?

6 A This is the data that was collected from the video
7 surveillance system at the Victory Motel.

8 Q And you reviewed that today to --

9 A Yes, sir, I have.

10 Q -- make sure it was -- okay.

11 A Yes, sir.

12 Q And you recognize it as what was on the system at
13 the...

14 A Yes, sir, absolutely.

15 Q Okay. I show you what's been marked State's
16 Exhibit 22 and ask if you recognize that.

17 A Yes, sir, I do.

18 Q Actually, I think that's in evidence as
19 State's-22. What is that?

20 A This is the camera that shows surveillance
21 pointing directly down and into the corridor where the
22 Defendant's room was directly to the left. In fact, we
23 learned that his room was the first door on the left
24 pointing directly down to the --

25 Q State's-21 in evidence, is that the room?

1 A Yes, sir, it is.

2 Q Okay.

3 A We learned that his room number was 18, and that's
4 the room numbers that were depicted on the door itself.

5 Q The data you retrieved from the Victory
6 surveillance system, do they contain multiple camera
7 angles?

8 A Yes, sir, it did.

9 Q Was that particular angle the only one that showed
10 the Defendant's room?

11 A Yes, sir. The other camera angles did not. We
12 learned very quickly that this was the only point of
13 egress and entrance for the Defendant to come in and
14 out of.

15 Q And so is that camera 06, that's the one you were
16 looking at?

17 A Yes, sir, it is.

18 Q Okay. Do you recall -- I don't know where I put
19 it -- the sunglasses? Did you notice anything in
20 significance to those sunglasses?

21 A Yes, sir. When I was reviewing -- when I returned
22 to duty on Monday, the 23rd, and began reviewing the
23 video surveillance for these two particular locations,
24 I immediately realized that when we observed the
25 Defendant leave his room at approximately 10:53 in the

1 morning prior to him going to the victim's room or
2 Ms. Eakers' room on the first occasion, he was wearing
3 the white hat, the silver sunglasses, a cream colored
4 shirt and blue jeans and a white -- white shoes.

5 Q Was he also wearing the glasses when he went in
6 the evening?

7 A Yes, sir, he was.

8 (WHEREUPON, State's Exhibit No. 25 was marked for
9 identification only.)

10 Q Let me show you what's been marked as State's
11 Exhibit 25 and ask if you recognize that.

12 A Yes, sir, I do.

13 Q What is that?

14 A This shows the depictions of the still images that
15 were captured from the video surveillance at the time
16 that the Defendant left his room leaving in the
17 direction towards the Rodeway Inn.

18 Q Is that from the video at the Victory?

19 A Yes, sir. This is the video at the Victory from
20 camera number six that points directly down to the
21 Defendant's room and the area right outside of his
22 room.

23 Q Well, let me do a little bookkeeping here.

24 MR. DeBUSK: We would offer State's-25 into
25 evidence.

1 THE COURT: Any objection?

2 MR. STANKO: No objection, sir.

3 THE COURT: All right, State's Exhibit 25 admitted
4 in evidence without objection.

5 (WHEREUPON, State's Exhibit No. 25 was admitted in
6 evidence.)

7 MR. DeBUSK: May I publish 25 and 24 to the jury,
8 Your Honor?

9 THE COURT: Yes.

10 Q Before we get too far along, we've been talking
11 about the Victory, and we've been talking about the
12 Days Inn. Where is the Days Inn on State's Exhibit 3,
13 the large map?

14 A So the Days Inn is directly to the south of the
15 Rodeway Inn.

16 Q So it would be the next building down from the one
17 marked [REDACTED]?

18 A Yes, sir.

19 Q Where is the Victory?

20 A All the way up 2nd Avenue South and Ocean
21 Boulevard.

22 Q So it's [REDACTED] South Ocean Boulevard?

23 A Yes, sir, it is.

24 Q The two being because it's 2nd Avenue?

25 A Correct.

1 Q And 14th Avenue would be [REDACTED]?

2 A Yes, sir.

3 Q And they are basically all along South Ocean
4 Boulevard; is that correct?

5 A I'm sorry, what?

6 Q They are both basically off of South Ocean --

7 A Yes, sir, they're both on Ocean Boulevard. The
8 Victory Motel is on the west side of the boulevard, and
9 the Rodeway Inn is on the east side on the oceanfront
10 side..

11 Q Okay. After you retrieved the video from Victory,
12 did you check for correspondence between the Victory
13 video and the Days Inn video?

14 A Yes, sir, in terms of the times, yes, sir.

15 Q Did you notice anything about the clothing or
16 manner of dress of the Defendant?

17 A Yes, sir. They appeared to be the same.

18 Q Okay. Is that the manner of dress depicted in
19 State's-22?

20 A Yes, sir, it is.

21 Q And also in the one that is with the jury now,
22 24 -- 25, I mean?

23 A Yes, sir.

24 Q Same state of dress.

25 A The only significant difference would be the hat.

1 Q Okay. Did you pass that information on to the
2 other investigators?

3 A Yes, sir, I did.

4 Q Okay. What else did you do in furtherance of the
5 investigation?

6 A Continued to watch the video surveillance from the
7 Victory Motel, which shows the Defendant returning to
8 the Victory Motel at approximately 8:36 p.m. where he's
9 seen coming back to his room, entering his room. He
10 stays inside his room for a short time and then exits
11 his room at 8:54 p.m. When he --

12 Q Was his clothing the same when he exited the room?

13 A It was different.

14 Q Okay.

15 A When he exited the room he, appeared to be
16 carrying several bags that appeared to be full of
17 personal belongings, I would assume. He leaves the
18 area for some time and then is seen coming back into
19 that same camera view, camera number six, right outside
20 of his room at 9:33 p.m., where he appeared to have
21 gotten rid of some of the belongings, did not have them
22 in his personal possession but did, in fact, have a
23 blue bag, what appeared to be sort of a small personal
24 luggage bag, if you will, that also appeared to be
25 empty or not as full as it once had been when he left

1 previous.

2 (WHEREUPON, State's Exhibit No. 26 was marked for
3 identification only.)

4 Q Let me show you what's now been marked as State's
5 Exhibit 26 and ask if you recognize this.

6 A Yes, sir, I do.

7 Q Okay. What do they show?

8 A So the top picture depicts a still image of the
9 Defendant from the video surveillance camera number six
10 where he is seen exiting his room at 8:54 p.m., and
11 then coming back to his room at 9:39 p.m., where he is
12 depicted with his shoes off, no shirt on and carrying
13 just the blue -- or the blue bag.

14 Q Fewer bags than he left with?

15 A Yes, sir, absolutely.

16 MR. DeBUSK: State's Exhibit 26 we would offer
17 into evidence.

18 THE COURT: Any objection?

19 MR. STANKO: No objection, sir.

20 THE COURT: State's Exhibit No. 26 admitted into
21 evidence without objection.

22 (WHEREUPON, State's Exhibit No. 26 was admitted in
23 evidence.)

24 Q So basically he changed his clothes, left the room
25 with bags and came back with -- without the bags and

1 without a shirt and without shoes?

2 A Yes, sir.

3 Q What else did you do in furtherance of your
4 investigation?

5 A So prior to leaving the evening of the 22nd going
6 into the morning of the 23rd, Monday, it was relayed to
7 me that the Defendant's room needed to be secured
8 because they would be executing the search warrant
9 shortly thereafter.

10 So I remained at the Rodeway Inn after downloading
11 the video -- or excuse me, the Victory Motel after
12 downloading the video surveillance and remained outside
13 of the Defendant's room to secure it for a search
14 warrant.

15 Q Right.

16 A At some point during the course of that evening
17 into the morning hours the Defendant returned to the
18 room.

19 Q Do you know where he had been, to your personal
20 knowledge?

21 A Yes, sir. He had been at the police annex for --
22 to conduct -- to further the investigation, I believe
23 he was interviewed.

24 Q Okay. And what -- did he go back in the room
25 before the search warrant was secured and the room

1 searched?

2 A No, sir. He approached me at the room door. I
3 advised him at the time that the room was secured for a
4 search warrant and that he would need to wait patiently
5 prior to reentering his room so that that warrant could
6 be executed.

7 Q Okay. So after you -- the warrant was executed,
8 did you leave the scene?

9 A I actually left the scene prior to the warrant
10 being executed to go home for a couple hours before
11 returning to duty at 7 a.m. on Monday.

12 Q And that's when you started with the videos?

13 A Yes, sir, it is.

14 Q And after you watched the video and everything,
15 did that complete your involvement in this?

16 A Just about. Once we realized that we were -- we
17 probably needed to be looking for the blue bag that he
18 had been carrying once he exited his room and then
19 returned, we obtained a second search warrant to look
20 for some of those personal belongings that we had
21 observed on the video surveillance that we had not seen
22 prior to the first search warrant on his room.

23 Q Did you find the characteristic shirt in the room?

24 A Not to my recollection.

25 Q Well, did you actually execute that search

1 warrant? Who would have executed the search warrant?

2 A The second search warrant was executed by myself
3 and a crime scene technician. The crime scene
4 technician entered the room as I kept the chain of
5 custody of the evidence that was being brought out, if
6 any.

7 Q So the crime scene technician was working --

8 A Yes, sir absolutely.

9 Q Okay. Well, let me back up.

10 MR. DeBUSK: Your Honor, may I publish State's-26
11 to the jury?

12 THE COURT: All right.

13 Q After that, were your duties for this
14 investigation complete?

15 A I remained in the area with the Detective Whitmire
16 at that point. Shortly thereafter an arrest warrant
17 was obtained for the Defendant. We attempted to make
18 contact with the Defendant as we had his cell phone
19 number in an attempt to take him into custody. And he
20 was located on 3rd Avenue South near Kings Highway,
21 just to the east of that, where he was located and
22 taken into custody.

23 Q Okay. What was your role in it; were you lead
24 investigator, assisting, what was your role?

25 A Assisting, generally speaking as a co-lead

1 investigator. Detective Whitmire was certainly the
2 lead investigator.

3 Q And you're talking about Tiffany Whitmire who is
4 sitting here as the lead investigator?

5 A Yes, sir, I am.

6 Q Thank you.

7 MR. DeBUSK: Please answer any questions the
8 Defense may have.

9 THE COURT: Let's go ahead and take a break right
10 quick, all right. All right, ladies and gentlemen,
11 we've been at it for awhile, I'm going to go ahead and
12 we're going to go ahead and take about a 15-minute
13 break. I caution you again, don't discuss the case
14 even among yourselves. Leave your notepads in the jury
15 box, give you an opportunity to stretch your legs, get
16 something to drink and we'll bring you back in about 15
17 minutes. Thank you very much.

18 (WHEREUPON, the jury exited the courtroom at 3:14
19 p.m.)

20 THE COURT: All right. Agent Roy, we are still in
21 the middle of your testimony. So the law mandates that
22 you cannot discuss your testimony with anyone, even
23 with the State's attorneys, whether that be what you
24 testified to thus far or what you anticipate testifying
25 to in the future; okay?

1 don't have anyone else's pads. All right.

2 Cross-examination.

3 MR. STANKO: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. STANKO:

6 Q Agent Roy, you said when you first got to the
7 scene you observed a trash can in the hallway; correct?

8 A Yes, sir.

9 Q Where was that?

10 A Probably ten feet away from the door at 211.

11 Q Okay. Was it further away from the office, or was
12 it closer to the office?

13 A It was between the office and the room itself.

14 Q Okay. So somebody who was leaving to head back
15 out to Ocean Boulevard would pass by that trash can;
16 correct?

17 A Yes, sir, that's true.

18 Q Okay. Now, you said you didn't see any of the
19 Days Inn video at least initially; correct?

20 A While at the Days Inn, no, I did not.

21 Q Okay. It was downloaded by someone else, and then
22 you observed it at the police annex?

23 A Yes, sir.

24 Q Okay. Now, how did you first determine that there
25 was a problem with the video?

1 A You'll have to specify, I'm sorry.

2 Q You said earlier that you were contacted, and
3 someone told you there was a problem; correct?

4 A That there was -- that the last part of the video
5 was missing?

6 Q Yes, sir.

7 A Yes, sir.

8 Q Okay, all right. When the video was downloaded at
9 least initially, you said that Detective Woods had the
10 Sunday midnight to noon video on a thumb drive;
11 correct?

12 A Yes, sir, that's correct.

13 Q Okay. As a general rule, what is supposed to
14 happen with that thumb drive?

15 A That video would be downloaded onto our network
16 drive, so that all the case documents would be
17 together.

18 Q Okay. And after it was downloaded because it was
19 a still a tangible thumb drive which I assume would
20 continue to have the video, what would happen to that
21 thumb drive afterwards?

22 A Go into evidence.

23 Q Okay. Instead of that happening, what did happen
24 with that thumb drive?

25 A Couldn't tell you, sir. At this point I would

1 imagine that it's been misplaced. But to my
2 recollection, I can't tell you what happened to that
3 specific thumb drive.

4 Q Okay. But at some point that video was downloaded
5 and it did exist?

6 A Yes, sir, it did.

7 Q Okay. However, as of right now, the only video
8 that exists stops at midnight on Saturday night;
9 correct?

10 A That's correct.

11 Q And to the best of your knowledge, that's the only
12 video that the Defense has been able to view; correct?

13 A I wouldn't be able to speak for the Defense, sir.

14 Q Okay. Let me go back. You went to South Carolina
15 Criminal Justice Academy; correct?

16 A Yes, sir, I did.

17 Q The one in Columbia?

18 A That's where it is, yes, sir.

19 Q What year did you go?

20 A 2011.

21 Q All right. So you've been an officer now for
22 close to seven years?

23 A Yes, sir.

24 Q All right. How long have you been an
25 investigator?

- 1 A Three years.
- 2 Q Okay. You've attended formal training to be an
3 investigator?
- 4 A Yes, sir, I have.
- 5 Q As part of that training, they taught you the
6 importance of safeguarding and securing evidence?
- 7 A Absolutely.
- 8 Q They taught you how important that could be in a
9 trial?
- 10 A Yes, sir.
- 11 Q How without safeguarding evidence, a jury is not
12 fully able to get a complete picture of the case?
- 13 A Potentially.
- 14 Q Okay. And going back real quick, thumb drive,
15 that was obtained by Detective Woods; right?
- 16 A Yes, sir.
- 17 Q At some point he gave that you to?
- 18 A Yes, sir.
- 19 Q All right. Where did you watch that?
- 20 A At his desk on his computer in the work bay at the
21 Myrtle Beach Police Department annex.
- 22 Q Okay. You both watched that together?
- 23 A No. He was working night shift, I was working day
24 shift.
- 25 Q He just -- he left it on the desk for you?

1 A Yes, sir.

2 Q Okay. When you watched it, did you watch it
3 regular speed?

4 A Not initially, no, no, sir.

5 Q All right. That's 3 p.m. on Friday all the way
6 through what you said was noon on Sunday?

7 A Correct.

8 Q Okay. So there were portions of it you watched
9 normal speed, there were portions you fast forwarded?

10 A Yes, sir, that's correct.

11 Q Do you recall which portions you watched normal
12 and which portions you fast forwarded?

13 A Yes, sir. The portions that were watched at a
14 normal speed were just prior to the Defendant arriving
15 at the location each time he arrived at the location.
16 And then at normal speed during the duration that he
17 would have been there up until the point that he's seen
18 exiting her room at room 211 and then leaving the
19 location.

20 Q Okay. So after 8:06 p.m. the night of May 21st,
21 Saturday, 2016, you fast forwarded from there until
22 body was discovered?

23 A That's correct.

24 Q How long did it take you to watch that video?

25 A I don't recall, sir.

- 1 Q Okay. You watched it all in one sitting?
- 2 A The first time that I watched it, yes, sir.
- 3 Q Okay. So that would have been what, probably
- 4 close to 16 hours worth of video?
- 5 A Yes, sir.
- 6 Q All right. So even if you watched that on 8X
- 7 which is the fastest fast forward speed that there was
- 8 on that video, it would still take you close to two
- 9 hours to do that; correct?
- 10 A I wouldn't be able to specify for that, sir.
- 11 Q Okay. Well, let me ask you this. If you're
- 12 watching a video on 4X or on 8X, obviously those are
- 13 fast forwarding speeds, they just get faster the higher
- 14 the number goes up, if something is on 4X, then
- 15 whatever happened in four seconds would only happen in
- 16 one second; would that make sense to you?
- 17 A Potentially. But I'm not sure of the difference,
- 18 I apologize, between four and 8X.
- 19 Q No, no, it's fine. All I'm saying is when you
- 20 watched that video, down at the bottom when you hit
- 21 fast forward it lists, you know, 2X, 4X 8X. Basically
- 22 the 8X would be you're watching it eight times faster
- 23 than normal speed; correct?
- 24 A I guess so, yes, sir.
- 25 Q Okay. And if you were watching a video eight

1 times faster than normal, something that took place at
2 normal speed for eight seconds would be dropped all the
3 way down to a second; correct?

4 A Sounds correct, yes, sir.

5 Q Okay. And you watched -- you watched Mr. Wilson
6 at normal speed go from the stairwell to room 211;
7 correct?

8 A Yes, sir, from the corridor on that main floor to
9 room 211, yes, sir.

10 Q Would you think that this path from the stairwell
11 to that door, bearing in mind that it's the second door
12 you come to on the left, would you say it took about
13 five, six seconds?

14 A I wouldn't be able to tell you, sir, I didn't time
15 it.

16 Q Okay. Well, I mean, do you think it took 15, 20
17 seconds, or do you think it was faster than that?

18 A Well, generally speaking and at a normal walking
19 pace from, you know, ten feet away to a door, I would
20 imagine it wouldn't take him very long to get into the
21 door.

22 Q Okay. So if somebody was traveling that short of
23 a distance and it only took them -- say it even only
24 took them eight seconds, if you're watching something
25 at full fast forward, 8X, that whole thing would only

1 happen in one second; correct?

2 A Sounds correct, yes, sir.

3 Q Okay. Now, getting back to this video, you were
4 -- when you watched it, you were the only one and you
5 were sitting at Detective Woods' desk?

6 A Yes, sir.

7 Q Okay. And you said earlier, once it was
8 discovered that that was missing, nobody checked
9 afterwards to find out where it was?

10 A I wouldn't be able to specify for that, sir. My
11 employment with the police department was expired.

12 Q Okay. You said you've had training related to
13 evidence; correct?

14 A Yes, sir.

15 Q Now, you understand in your police duties over the
16 past seven years that the police have a duty to
17 disclose all of the evidence that they have; correct?

18 A Absolutely.

19 Q Whatever you've got. Whether it's something
20 minor, whether it's something major, if you have it
21 you're required to turn it over; correct?

22 A Yes, sir.

23 Q You don't get to pick and choose, you don't get to
24 say, well, we'll give them this and we'll give them
25 this but not necessarily that?

1 A Correct.

2 Q Okay, all right. However, there is a significant
3 amount of video, 12 hours worth of video, that was
4 never turned over?

5 A That's correct.

6 Q Okay. I'd like to ask you just one thing real
7 quick. You got the milestone video as well -- excuse
8 me, not the milestone video. You got the video from
9 the Victory Motel?

10 A Yes, sir.

11 Q Okay. You spoke with one of the managers there?

12 A Yes, I did.

13 Q Okay. And you've been shown a couple of basically
14 still shots from that video by the solicitor; correct?

15 A Yes, sir.

16 Q The timestamp down at the bottom, now, I
17 understand from your testimony earlier you believe that
18 the timestamp on the Days Inn video was actually off by
19 an hour?

20 A Correct.

21 Q Right. So what we really saw as 19:06, or 7:06,
22 was really 8:06 p.m., it was actually --

23 A Correct.

24 Q So all of those were an hour behind. Now, with
25 regards to the one at the Victory Motel, you believe

1 that that's -- that that timestamp was accurate?

2 A Yes, sir.

3 Q Okay, all right. So once again, we are left with
4 -- we have the complete Victory Motel video, we have
5 still shots from that as well that have been submitted
6 into evidence. However, with regards to all of this
7 Days Inn video, because of your negligence or because
8 of that of Detective Woods, this jury is not going to
9 be able to see the full video, they are not going to be
10 able to get a complete picture; is that correct?

11 A That's correct. Human error was made, absolutely.

12 MR. STANKO: All right. Nothing further, Your
13 Honor.

14 THE COURT: All right. Redirect?

15 MR. DeBUSK: Thank you, Your Honor.

16 REDIRECT EXAMINATION

17 BY MR. DeBUSK:

18 Q That trash can the Defendant referred to, did you
19 check to see what was in there?

20 A Yes, sir.

21 Q Was there anything in there?

22 A Nothing.

23 Q Now, you did download the video from the DVR;
24 right?

25 A Yes, I did.

1 Q You just didn't download the one onto the USB
2 drive?

3 A Correct.

4 Q And that's that USB drive that was misplaced or
5 lost?

6 A Correct.

7 Q When you left that USB drive, did you think it was
8 preserved on the --

9 A Yes, I did.

10 Q -- network?

11 A Yes, sir, I did.

12 Q The network hard drive. And you did not find out
13 until later that it was not?

14 A Correct.

15 Q Okay. When you were watching those videos even at
16 the fast forward speed, could you see if someone was
17 coming or going from the room?

18 A Yes, sir. I'm a reasonable enough person to slow
19 down the speed in which I would be watching a video so
20 that I could accurately depict a subject or a person
21 walking through a corridor at a hotel to ensure that I
22 was watching the correct video.

23 Q So if someone had gone by or into that room on
24 fast forward, you would have seen it, stopped and
25 backed up and watched it?

1 A That's exactly what I did, yes, sir.

2 Q Did you see anyone go into that room from when the
3 Defendant left at 8:06 until the staff came in the next
4 morning?

5 A No, sir.

6 Q Would you have seen it even on fast forward?

7 A Yes, sir.

8 Q Did you?

9 A No, I did not.

10 Q So no one went into that room?

11 A No.

12 MR. DeBUSK: Thank you.

13 THE COURT: All right, you may step down.

14 THE WITNESS: Thank you, sir.

15 (Witness excused.)

16 THE COURT: State can call your next witness.

17 MR. OSKIN: Court's indulgence, Your Honor.

18 THE COURT: All right.

19 (Discussion off the record.)

20 MR. DeBUSK: State calls Lieutenant Douglas

21 Furlong from the Myrtle Beach Police Department, Your
22 Honor.

23 THE COURT: All right.

24 MR. DeBUSK: Oh, Your Honor, now that Agent Roy
25 has testified because he was co-counsel on this, could

1 he stay in the courtroom now?

2 THE COURT: If he's not testifying any further.

3 MR. DeBUSK: I'm not calling him again.

4 MR. STANKO: Your Honor, we have no plans of him
5 testifying again, he can stay.

6 THE COURT: All right, that will be fine.

7 MR. DeBUSK: Lieutenant Douglas Furlong.

8 DOUGLAS FURLONG, after being duly sworn, testified
9 as follows:

10 THE CLERK: Thank you, please be seated. Please
11 state your full name and spell your last name.

12 THE WITNESS: Douglas Furlong, F-U-R-L-O-N-G.

13 (WHEREUPON, State's Exhibit No. 27 was marked for
14 identification only.)

15 DIRECT EXAMINATION

16 BY MR. DeBUSK:

17 Q Lieutenant Furlong, who is your employer?

18 A Myrtle Beach Police Department.

19 Q How long you been with them?

20 A Going on 32 years.

21 Q 32 years. At this time what are your duties?

22 A I supervise the investigative division along with
23 the narcotics unit.

24 Q Were you involved in the investigation of the
25 killing of Virginia Eakers?

1 A Yes. I was overseeing that from an administrative
2 perspective.

3 Q Okay. Did you go to the scene?

4 A Yes, I did.

5 Q Okay. Was your role to collect evidence or
6 anything?

7 A No.

8 Q Did you respond to the area of the Victory Motel
9 during that investigation?

10 A Yes, I did.

11 Q Was that on the 22nd of May?

12 A Yeah, the 22 and 23rd, I believe.

13 Q Okay. What did you do while you were there; did
14 you aid and help with the investigation?

15 A No, the 22nd I just pretty much was overseeing
16 what was taking place, and I was there for support for
17 the people on the ground. The 23rd, which was that
18 following morning, I went by and we were going to
19 canvass the area which we normally do.

20 Q By canvass what do you mean?

21 A Looking at the exterior, basically looking through
22 the parking lot, bushes, whatever we may -- wherever we
23 may attempt to find or luckily find some evidence.

24 Q Did you find anything?

25 A Yes, yes, I did, sir.

1 Q What did you find?

2 A Approximately maybe 15 to 20 yards from the
3 entrance area to the Victory on the south side of the
4 Victory Motel itself, there was a cement type trash can
5 in the parking lot of the business adjacent to the
6 Victory. I noticed that, I walked over, removed the
7 top to that trash can. There was a plastic trash -- or
8 top affixed to it. I took the top off and I noticed
9 immediately that there was pine straw thrown on top of
10 it, which just caught me to be strange.

11 I removed the pine straw, and then I noticed a --
12 my recollection, a Food Lion bag, and then underneath
13 that there was kind of a material type bag. As I moved
14 that stuff out, I noticed that in one of the bags there
15 was a pair of jeans, and there was some other material.
16 I believe there was a bag with beer and a few other
17 things. I removed it from the trash can, immediately
18 secured it, and called for our crime scene.

19 Q Let me show you what's been marked as State's
20 Exhibit 27 and ask, do you recognize that?

21 A Yes, sir, that's it.

22 Q What is that?

23 A You'll see the cloth type bag with a blue bag
24 inside of it. You'll also see the jeans where I had
25 sat them with a brown belt.

1 Q Had those been in the main bag?

2 A Yes, yeah. They were in the bag itself. And then
3 you will see the trash can itself with the top sitting
4 off to the left.

5 Q And there's also even, what's that?

6 A Excuse me, sir.

7 Q I'm sorry.

8 A That looks to be another Food Lion bag, but it
9 also had pine straw in it.

10 Q Okay. That's the pine straw that you're referring
11 to?

12 A Yes, sir.

13 MR. DeBUSK: We would offer State's-27 into
14 evidence.

15 THE COURT: Any objection?

16 MR. STANKO: No objection.

17 THE COURT: All right. State's Exhibit No. 27
18 admitted into evidence without objection.

19 (WHEREUPON, State's Exhibit No. 27 was admitted in
20 evidence.)

21 MR. DeBUSK: May I publish it to the jury, Your
22 Honor?

23 THE COURT: Yes.

24 Q Do you recall what crime scene technician you
25 summoned?

1 A I believe Stair responded to the scene.

2 Q And he would have taken over processing that from
3 you?

4 A Oh, yes, he would, sir.

5 Q Thank you. Did you alter or change the contents
6 of that bag in any way while you were keeping it safe?

7 A I'm sorry, I didn't...

8 Q Did you alter or change the contents of that bag
9 in any way while you were keeping it safe?

10 A No. Just what I removed out, and I set it to
11 verify what it was. And then I secured it.

12 Q Okay. And turned it over to crime scene?

13 A Yes, sir.

14 MR. DeBUSK: Thank you. Please answer any
15 questions Defense may have.

16 THE COURT: All right. Cross-examination.

17 MR. STANKO: Court's indulgence, Your Honor.

18 THE COURT: All right.

19 CROSS-EXAMINATION

20 BY MR. STANKO:

21 Q This trash can that you found, how far was it from
22 Victory Motel?

23 A I could only estimate, but I would probably say 15
24 yards, maybe 30, 35 feet. In giving more detail, there
25 was like an alley that you would pull in next to the

1 Victory Motel, like a dirt road. The Victory would be
2 to the right, the dirt road, then to the left of the
3 dirt road, probably about another ten feet is where the
4 curbing and that trash can was located.

5 Q Okay. And this trash can, it was in the parking
6 lot of some type of like a beachwear shop?

7 A It's a beachwear convenience store shop.

8 Q Now, the trash can itself, you said there's kind
9 of a dirt driveway and then the Victory Motel is
10 like -- so you have trash can, dirt driveway, and then
11 the Victory Motel is right there; correct?

12 A Yes.

13 Q Okay, all right. Now, when you -- that first
14 entry into the Victory Motel, there's basically a
15 breezeway that you first come to; correct?

16 A Yes.

17 Q When you enter that breezeway, Mr. Wilson's room
18 was the first one to the left after you get in?

19 A Yes.

20 Q Room number 18?

21 A Yes.

22 Q Okay. Did you have an opportunity to look into
23 Mr. Wilson's room?

24 A When they were processing it, I looked into the
25 room at that point that night, but that was it. I

1 pretty much leave scenes secured as much as possible.

2 Q Okay. For whatever time that you did observe
3 inside Mr. Wilson's room, did you happen to notice a
4 trash can?

5 A I can't recall.

6 Q Okay. Well, the Victory Motel, does it seem like
7 the sort of place that has maid service?

8 A I wouldn't know. I don't know if -- I don't know
9 if the management cleans it, so a dedicated maid
10 service, I don't know.

11 Q Okay. Well, let me ask you this. You had an
12 opportunity to observe the perimeter of this hotel;
13 correct?

14 A Yes.

15 Q Okay. Would it be fair to say that the trash can
16 where you located these bags, was that the closest
17 trash can, like a public trash can, to Mr. Wilson's
18 room?

19 A I would say yes.

20 Q Okay. And if he does not have trash service, if
21 nobody cleans that out for him. Would it be at least
22 fair for you to assume that when he throws away his
23 trash, that's where he throws it away?

24 A It's possible, yes, sir.

25 Q Okay. So it's even likely that everyday or every

1 other day he is visiting that trash can anyway?

2 A He may have to walk back and forth that way, but

3 I -- you know, I would just surmise that.

4 Q Okay, all right. Now, you mentioned that you
5 found pine straw on top of these bags; correct?

6 A Yes.

7 Q Was the pine straw loose?

8 A Yes. And kind of in one of the bags, it looked
9 like.

10 Q So the majority of the pine straw was actually in
11 a garbage bag?

12 A Well, it was in a garbage bag, but there was also
13 stuff on top. That was the first thing I noticed.

14 Q Okay, all right. Now, what is your rank with the
15 police department?

16 A Lieutenant.

17 Q Okay. And back in 2016, you were lieutenant then?

18 A Yes.

19 Q So that puts you in a supervisory role?

20 A Yes.

21 Q I'd actually just like to ask you very brief
22 question related to your duty as a supervisor?

23 A Yes.

24 Q I assume you're fairly familiar with the facts of
25 this case.

1 A (Nodding.)

2 Q If a video comes in, and again, this is mainly
3 hypothetical, but if a video comes in on a thumb drive,
4 what is the proper procedure for an evidence tech or
5 someone within the police department to use in order to
6 preserve that video?

7 A To preserve the video --

8 MR. OSKIN: Object, it's outside the scope of
9 direct examination, Your Honor. It's obvious what he's
10 trying to do.

11 THE COURT: This is cross-examination, it's
12 permissible. Overruled.

13 THE WITNESS: Would you ask that part of the
14 question again, sir.

15 Q Yes, that's fine. And again, this is just -- this
16 is related to your supervisory duties.

17 A I understand.

18 Q If a video is saved on a thumb drive, they bring
19 it back to the police annex or to wherever evidence is
20 stored, what is the proper procedure for police under
21 you to preserve any video that might appear on that
22 thumb drive?

23 A We normally try to get it uploaded onto a thumb
24 drive itself, especially if there is a server or
25 something that the original data was being stored on.

1 So it would be transferred at that point.

2 Q Okay. And after the video is uploaded to that
3 server, what happens to the thumb drive?

4 A When I say server, if we were to take video from a
5 location and pursuant to a search warrant, in some
6 cases we can go to that location and upload data off of
7 that server. In some cases we have to take the server
8 and upload from the crime scene area itself. At that
9 point, then we transfer that data, and it would be
10 secured.

11 Q Okay. And, again, to your knowledge, in this case
12 do you believe that all procedures were followed as
13 they were supposed to?

14 A I would say that we could have possibly tried to
15 confirm that that video had transferred over. But at
16 that time, we were going in so many different
17 directions that obviously -- and I hate that that
18 occurred. It's something that we spent a lot of time
19 searching for, but...

20 Q But ultimately that video was never found?

21 A No, sir.

22 Q Okay.

23 MR. STANKO: Your Honor, nothing further for this
24 witness.

25 THE COURT: All right. Redirect.

1 MR. DeBUSK: Just briefly.

2 REDIRECT EXAMINATION

3 BY MR. DeBUSK:

4 Q Lieutenant Furlong, did you have set procedures
5 for securing videos at that time?

6 A Basically what I had mentioned is we would bring
7 that in depending upon how we gain that data, because
8 there are so many different versions of how to get
9 that, depending upon if you have the server, if you
10 have the codes to the server. I don't have all the
11 technical background on that, though.

12 Q If it was downloaded onto the Myrtle Beach police
13 server --

14 A Yes.

15 Q -- would you consider it to be secured at that
16 time?

17 A Yes.

18 Q Thank you.

19 MR. DeBUSK: No further questions, Your Honor.

20 THE COURT: All right. You may step down.

21 (Witness excused.)

22 MR. OSKIN: We would ask that Detective Furlong be
23 released from his subpoena, Your Honor.

24 THE COURT: Any objection?

25 MR. STANKO: No objection.

1 THE COURT: All right, he's free to go. Thank
2 you. The State can call your next witness.

3 MR. OSKIN: Thank you, Your Honor. The State
4 would next call Bill Stair of the Myrtle Beach Police
5 Department. And if I may approach madam court reporter
6 to premark these exhibits.

7 THE COURT: All right.

8 (WHEREUPON, State's Exhibit Nos. 28 to 32 were
9 marked for identification only.)

10 WILLIAM STAIR, after being duly sworn, testified
11 as follows:

12 THE CLERK: Can you state your full name and spell
13 your last name for the court.

14 THE WITNESS: Name is William Stair, it's
15 S-T-A-I-R.

16 DIRECT EXAMINATION

17 BY MR. OSKIN:

18 Q Officer Stair, who is your current employer, sir?

19 A The City of Myrtle Beach.

20 Q How long have you been employed with them?

21 A 11 and a half years.

22 Q All right. What was your job title in May 20th of
23 2016?

24 A I was assigned to the crime scene unit.

25 Q Okay. Were you involved in the investigation of

1 the killing of Virginia Eakers at all?

2 A Yes, I was.

3 Q What was your role?

4 A For crime scene I responded to the autopsy as well
5 as to a location on Ocean Boulevard to recover some
6 evidence that other detectives had located.

7 Q When you went to the autopsy, did you collect any
8 sort of evidence at either location?

9 A Yes, I did.

10 Q What did you collect?

11 A At the autopsy, I collected nail clippings from
12 the victim, DNA swabs as well as a sexual assault kit
13 and X-rays.

14 Q What about from the search warrant, that search
15 warrant was where, what location?

16 A There was a location of the Victory Motel. It was
17 actually a trash can located in a parking lot between
18 that hotel and a little grocery store. There's a pair
19 of jeans as well as a bag full of miscellaneous items,
20 a vodka bottle, a beer bottle, newspapers, receipts.

21 MR. OSKIN: May I approach madam court reporter
22 again? I apologize.

23 THE COURT: Yes.

24 MR. OSKIN: Trying to be more efficient. If
25 you'll premark those as well.

1 (WHEREUPON, State's Exhibit Nos. 33 to 35 were
2 marked for identification only.)

3 Q Officer Stair, I'm going to have you look at
4 what's premarked as State's Exhibit No. 33, 34 and 35.
5 Beginning with No. 33, are you able to recognize what
6 that is?

7 A This appears to be the fingernail scrapings that
8 were collected at the autopsy.

9 Q That's what you collected?

10 A They've been repackaged. Here's -- I put them --
11 we did the clippings, they were put into a --

12 Q You're the first one with the clippings?

13 A Yes. They were put into separate vials when we
14 were collecting them.

15 Q I understand. Anything change -- other than the
16 packaging as far as the chain of custody goes, anything
17 else change? Those are the clippings that you
18 retrieved from the body.

19 A Yeah, these are -- yeah, the packaging has
20 changed.

21 Q How about State's Exhibit No. 34, are you able to
22 recognize what that is?

23 A This would be the buccal swabs I collected from
24 the victim at the autopsy.

25 Q Okay. That's obviously in SLED packaging now. So

1 the packaging has changed, but the contents?

2 A The envelope inside the packaging is the initial
3 packaging I placed the swabs in.

4 Q Okay. Please tell this jury what State's Exhibit
5 No. 35 is.

6 A This would be the sexual assault kit that was
7 collected at the autopsy by Dr. Proctor.

8 Q And that autopsy occurred where?

9 A At Grand Strand hospital.

10 Q And you were there?

11 A Yes.

12 Q And that's the kit?

13 A Yes.

14 Q And all the contents in it are what was collected
15 from you?

16 A This was collected by Dr. Proctor, and then he
17 handed it off to me. And the chain of custody is
18 signed on the back, my signature.

19 Q Thank you, sir.

20 MR. OSKIN: The State would seek to move tagged
21 for further identification from the chain of custody,
22 Your Honor.

23 THE COURT: Say that again.

24 MR. OSKIN: Beginning the chain of custody which
25 we'll have witnesses testify.

1 THE COURT: So you were just -- I thought you were
2 moving to introduce something into evidence?

3 MR. OSKIN: I am not, no, sir.

4 THE COURT: Oh, okay. All right.

5 MR. OSKIN: I'm just identifying for his role in
6 the chain.

7 THE COURT: All right.

8 Q Officer Stair, what did you do with those items
9 after you collected those items? Just go in order if
10 that will help the jury.

11 A Once the items are collected they are packaged,
12 stored in our crime scene storage. We have an evidence
13 room to secure it just for crime scene personnel. The
14 items when they're put in there, they are sealed. And
15 after that point they are brought up to the main police
16 station and handed over to our property and evidence
17 department.

18 Q Mr. Stair, I'm showing you what's been premarked
19 State's Exhibit No. 28, 29, 30, 31, and 32. Are you
20 able to recognize those beginning with number 28? If
21 you're able to recognize, tell the jury what that is.

22 A Yes. That's the pair of jeans that were recovered
23 from the trash can next to the Victory Motel.

24 Q And 29? Just go in order.

25 A That's another photo of the jeans at the scene.

1 And the third photo is the top of a Food Lion bag that
2 was with the jeans, has a newspaper that had red stains
3 inside the bag. And the fourth photo is a Gifts Liquor
4 Store receipt. And the last one is the back of another
5 receipt that has a handwritten note on it, all of which
6 were located in the bag.

7 Q That you originally were talking about?

8 A Yes. They are all in the Food Lion bag.

9 MR. OSKIN: I have two more for the court
10 reporter.

11 (WHEREUPON, State's Exhibit Nos. 36 and 37 were
12 marked for identification only.)

13 Q Showing you what's been premarked as State's
14 Exhibits 36 and 37. Would you examine those.

15 A This one will be swabs I collected from the
16 newspaper that was in the Food Lion bag.

17 Q That coincides with what premarked exhibit?

18 A That would be Exhibit No. 30.

19 Q Okay.

20 A And there is also a cutting from the back right
21 leg of the jeans that were in -- which would be Exhibit
22 Nos. 28 and 29.

23 Q That coincides with which photo? I apologize.

24 A Numbers 28 and 29. And then the other bag has
25 another cutting from the left cuff of the same pair of

1 jeans.

2 Q Why and when did you collect those cuttings from
3 the jeans?

4 A When I got back to our lab I used an alternate
5 light to go over the pair of jeans. Located, I
6 believe, six different locations on the jeans that had
7 a red stain on the cuffs of the jeans -- well, it's the
8 back of the legs and inside the pocket. I swabbed each
9 of the locations and performed what's called a hemoten
10 test on the swab which detects the presence of blood.
11 That gave a presumptive positive that it was blood.

12 So then the spots were very minute, so I then just
13 cut the area around the jeans and stored them separate
14 to be sent off, be analyzed at SLED.

15 Q Would you explain to this jury what the alternate
16 light setting is.

17 A The alternate light source, basically it's
18 ultraviolet lights, different way of lights that could
19 be used to help locate the presence of bodily fluids
20 such as blood.

21 Q Those jeans that you took the cutting from, did
22 they appear to be badly worn, were they a new pair of
23 jeans; what kind of condition were the jeans in?

24 A They were -- when I arrived on scene, they were
25 laying on top of an empty Food Lion bag that were in

1 that trash can. The jeans had been worn or appeared to
2 have been. They had a belt buckle -- a belt and a
3 buckle attached to them. They appeared wrinkled and
4 dirty. And the cuffs at the bottom had been rolled up.

5 Q Were they torn at all or badly worn?

6 A They were worn. Like I said, they had a belt and
7 the cuffs were rolled up on them.

8 Q The reason for the cutting were the cuttings you
9 took?

10 A The cuttings were -- yeah, the six locations I cut
11 out so that I could store them since the amount of
12 blood was so minute, I didn't want to do additional
13 swabs.

14 Q What did you do next with the swabs and cuttings?

15 A The swabs from the newspaper as well as the
16 cuttings from the jean, they were placed into -- the
17 swabs into an envelope, each cutting was placed into a
18 small box. They were sealed and placed in our crime
19 scene storage and then transported up to the Myrtle
20 Beach Police Department property and evidence
21 department.

22 MR. OSKIN: Nothing further at this time. Please
23 answer any questions from Defense counsel.

24 THE COURT: All right. Cross-examination.

25 MR. STANKO: Just very briefly.

CROSS-EXAMINATION

1
2 BY MR. STANKO:

3 Q You attended the autopsy; correct?

4 A Yes, I did.

5 Q And I apologize, I must have been writing at the
6 time, what were the items that you recovered from the
7 autopsy?

8 A The sexual assault kit. There was an X-ray,
9 buccal swabs or DNA standard from the victim, and the
10 fingernail and toenail clippings.

11 Q Okay. And that was it?

12 A If I can refer to my notes, I can give you an
13 exact list.

14 Q Please.

15 A And there was also her hands were bagged, so there
16 was also two hairs stuck in the tape on one of the
17 bags.

18 Q Okay. And those were sent off for testing as
19 well?

20 A I collected them, they were packaged and sent. I
21 did not send any of the items to SLED. Case officer in
22 this case would have handled. That way there is one
23 point of contact for anything being sent.

24 Q Okay. Now, you were not the one who found the
25 jeans in the trash can; correct?

1 A That is correct.

2 Q Somebody else had already laid those out by the
3 time you got there?

4 A Yes.

5 Q Okay. You said the pants don't look new?

6 A No.

7 Q They looked fairly well worn?

8 A They looked -- appeared to have been worn, yes.

9 Q They were pretty dirty?

10 A They're -- yes, they had been worn. They were not
11 a new pair of jeans.

12 Q Fair enough. The spots that you cut, you said
13 those were extremely small?

14 A Yes.

15 Q Okay. Are we talking a drop here and there?

16 A Yes.

17 Q Okay. Now, based upon your own experience and
18 training, are you able to tell how old blood stains
19 are?

20 A No.

21 Q Okay. So that could have been a day old?

22 A I could not tell you how old it was. It was into
23 the fabric of the jeans, so...

24 Q Okay. So it could have been a week, a month --

25 A Yeah.

1 Q -- two hours?

2 A I do not know the timeframe, no.

3 Q Don't know, okay. All right.

4 MR. STANKO: Your Honor, I have nothing further
5 for this witness.

6 THE COURT: All right. Redirect.

7 MR. OSKIN: Very briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY MR. OSKIN:

10 Q Let's kind of simplify this for the jury a little
11 bit. Officer Stair, did those pants look like that
12 they needed to be thrown away in any manner, in your
13 opinion?

14 A They were not that dirty, no.

15 MR. OSKIN: Thank you.

16 THE COURT: All right, you may step down.

17 THE WITNESS: Thank you.

18 (Witness excused.)

19 MR. OSKIN: The State would request Officer Stair
20 be released from his subpoena.

21 THE COURT: Any objection?

22 MR. STANKO: Without objection.

23 THE COURT: All right, he's free to go.

24 THE WITNESS: Thank you.

25 THE COURT: All right. State can call your next

1 witness.

2 MR. DeBUSK: Thank you, Your Honor. State calls
3 Dr. Edward Proctor.

4 (WHEREUPON, State's Exhibit Nos. 38 through 40
5 were marked for identification only.)

6 EDWARD L. PROCTOR, after being duly sworn,
7 testified as follows:

8 THE CLERK: Please be seated. Please state your
9 full name and spell your last name.

10 THE WITNESS: I'm Edward Leroy Proctor,
11 P-R-O-C-T-O-R, Jr.

12 DIRECT EXAMINATION

13 BY MR. DeBUSK:

14 Q Dr. Proctor, are you a licensed physician and
15 surgeon?

16 A Yes, I am.

17 Q In which states?

18 A I'm licensed in the states of South Carolina and
19 North Carolina.

20 Q How long have you been licensed to practice?

21 A Oh. Got my license in 1982.

22 Q Okay. Are you presently engaged in the practice?

23 A Yes, I am.

24 Q Where do you work?

25 A I am a pathologist. I practice at Grand Strand

1 Medical Center in Myrtle Beach.

2 Q Could you tell the jury about your medical
3 training.

4 A Yes, sir. I went to medical school at the Medical
5 University of South Carolina. I got my medical degree
6 in 1978, did a residency in anatomic and clinical
7 pathology at Walter Reed Army Medical Center in
8 Washington DC, finished my residency 1982, became board
9 certified, anatomic clinical pathology. Served as
10 chief of clinical pathology at Womack Army Hospital in
11 Fort Bragg, North Carolina for four years, during which
12 time I met the requirements set for and became
13 subspecialty certified in forensic pathology.

14 Q That training and during the time you have been
15 with Grand Strand, did that include performance of
16 autopsies?

17 A Yes.

18 Q About how many have you performed?

19 A Probably between five and 6,000.

20 Q Okay. I think you've told us this already, but
21 what's your -- you specialize in any particular field
22 of medicine?

23 A I am subspecialty certified in forensic pathology.

24 Q Can you tell the jury what forensic pathology is.

25 A Forensic pathology is the medical legal

1 investigation of death. I am contacted by, in this
2 county, a coroner, and the coroner gives me information
3 regarding a death under unusual or suspicious
4 circumstances. And with that in mind we do an
5 investigation, a medical investigation, to include
6 external examination, internal examination, microscopic
7 examination, toxicologic evaluation. And we take all
8 of this information, put it together and render a cause
9 and manner of death.

10 Q Okay. Are you certified by the American Board of
11 Pathology?

12 A Yes, I am.

13 Q What is the American Board of Pathology?

14 A The American Board of Pathology is the certifying
15 institution that certifies all pathologists in their
16 field. We have to sit for a board exam. I sat for
17 anatomical, clinical and forensic.

18 Q So you've be qualified in all three areas?

19 A That's correct.

20 Q Okay. In your long career, have you ever been
21 qualified as an expert in a court of law?

22 A Yes, I have.

23 Q In forensic pathology?

24 A Yes, I have.

25 Q About how many times?

1 A Several hundred.

2 Q Okay.

3 MR. DeBUSK: Your Honor, we offer Dr. Proctor as
4 an expert in forensic pathology.

5 THE COURT: Any questions or challenges?

6 MR. STANKO: Your Honor, we are well familiar with
7 his qualifications, we do not object.

8 THE COURT: All right. I find this witness to be
9 an expert in the field of forensic pathology. Now,
10 ladies and gentlemen of the jury, I will charge you on
11 expert testimony when I charge you on the law in this
12 case. But all you need to know at this point in time
13 is typically a witness can only testify as to what they
14 personally observed, what they smelled, what they
15 tasted, what they felt, things of that nature.

16 There is an exception for witnesses who are
17 qualified as expert witnesses, which means that in
18 addition to his personal observations, this witness
19 will be allowed to render an opinion in the field in
20 which he is qualified as an expert. All right.

21 Q Dr. Proctor, did you have occasion to perform an
22 autopsy on Virginia Eakers?

23 A Yes, sir, I did.

24 Q Where and when was that done?

25 A This examination was performed at the request of

1 the Horry County deputy coroner, Michelle McSpadden and
2 was performed on May 23, 2016, at Grand Strand Medical
3 Center.

4 Q Were you able to establish a time of death?

5 A Time of death was pretty much established by the
6 investigation of the law enforcement people and the
7 coroner's office. And I was told that the time of
8 death was sometime between 8 o'clock May 21st, 8 p.m.
9 May 21st, to approximately 6 a.m. on the 22nd of May.
10 And that corresponded.

11 Q Were there other forensic features that would
12 allow you to estimate --

13 A Other than the presence and loss of rigor and
14 those kind of things, really not. When I saw the
15 deceased, she'd been in refrigeration and that kind of
16 stuff. So it would be pretty hard for me to have told.

17 Q Would the body being exposed to water, water
18 poured on it, complicate that?

19 A With bodies being exposed to water, it can cause a
20 lot of wrinkling of the skin. And depending on the
21 temperature of the water, cold water slows things down.
22 Hot water, hot air speeds it up.

23 Q That's -- it would be very difficult to estimate
24 that?

25 A It would, yes, sir.

1 Q What was the condition of the body when you
2 observed it?

3 A This lady, let's see, the condition of the body,
4 other than significant injury was not badly decomposed
5 or anything.

6 Q As a matter of course, when you're doing an
7 autopsy like this, do you take what's called the CSC
8 kit?

9 A I did a -- I did complete that CSC kit, that's
10 correct.

11 Q Can you explain to the jury what that is.

12 A A CSC kit is actually a sexual assault kit where
13 we take swabs from all body orifices, we take
14 fingernail clippings, hair samples and placed in that
15 box. And it is sent to, in this case, I think it goes
16 to State Law Enforcement Division lab in Columbia, if
17 I'm not mistaken, and they perform a complete
18 evaluation.

19 Q What's been marked as State's Exhibit 35, do you
20 recognize that?

21 A Yes, sir. That is the kit.

22 Q What did you do with it after you collected the
23 items in it?

24 A After I collect the items, I place them in that
25 box, I seal the box, put my initials on it, and I give

1 it to the law enforcement officers on-scene. Or if the
2 SLED agents are there, directly to them.

3 Q When you took the samples, did you alter them or
4 change them in any way, or just preserve the samples as
5 is?

6 A Samples were placed in the appropriate specimen
7 holders in that kit and sealed in the kit.

8 Q And then turned over to law enforcement?

9 A That's correct.

10 Q Okay. Were there some external injuries to the
11 victim?

12 A Yes, sir. This woman had extensive blunt force
13 trauma, significant trauma basically to the face and
14 neck. There were was edema and hemorrhage within the
15 muscles of the neck consistent with strangulation.
16 There were contusions of the neck with what appeared to
17 be fingernail imprints in the neck.

18 Q Let me stop you for just a minute.

19 A Okay.

20 Q And ask you about the one of these exhibits,
21 State's Exhibit 39, and ask if you recognize that.

22 A Yes, sir.

23 Q What is that?

24 A That's a photograph of the back of this woman's
25 neck with what appears to be fingernail imprints.

1 MR. DeBUSK: Your Honor, we would move State's-39
2 into evidence.

3 MR. STANKO: No objection.

4 THE COURT: All right. State's Exhibit No. 39
5 admitted into evidence without objection.

6 (WHEREUPON, State's Exhibit No. 39 was admitted in
7 evidence.)

8 Q What did that tell you about the nature of the
9 injuries to her?

10 A Well, that's pretty evident that there was
11 evidence of strangulation with force strong enough to
12 cause abrasions with disruption of the skin surface
13 there by fingernails.

14 Q To skip ahead a bit before we go back, were there
15 other signs of strangulation externally or internally?

16 A Yes. There were -- there was -- there were
17 contusions with edema about the eyes.

18 Q I'm speaking specifically to the strangulation.

19 A Yeah, this is --

20 Q Okay.

21 A Strangulation with the pressure of the neck will
22 cause blood to accumulate in the organs and tissues up
23 here without return (indicating). So you will get
24 edema, you'll get contusions into the areas that are
25 easiest for fluid to get to, predominantly around the

1 eyes, the cheeks.

2 Q Tell the jury what edema is.

3 A Edema is swelling.

4 Q Okay, thank you. Okay. Internally were there
5 signs of...

6 A Yes. There was periorbital edema, which is around
7 the eyes. There were -- there was -- there were
8 contusions of the right and left cheeks, could be from
9 accumulation of blood in the soft tissues from
10 strangulation as well as possibly from blunt force
11 trauma, hitting or striking that area.

12 There were petechial hemorrhages on the tissue,
13 the brain itself, which is increased pressure for blood
14 trying to come back but not allowed due to the
15 strangulation.. And --

16 Q What are petechial hemorrhages?

17 A Just small, tiny little splinter type pinpoint red
18 spots.

19 Q And, again, that's caused by the blood --

20 A That can be caused -- that can be caused by two
21 things, strangulation or blunt force trauma with the
22 brain moving back and forth.

23 Q Okay. So those are the signs of strangulation?

24 A Yes, sir.

25 Q The bruises on the neck, fingernails marks --

1 A That's correct.

2 Q -- the edema and the petechial hemorrhages?

3 A Um-hum.

4 Q What other indications of head injuries were they?

5 A Well, as I've already said, there was the
6 contusions on the cheeks, the edema and swelling around
7 the eyes. There were the petechial hemorrhages on the
8 meninges which is the covering of the brain and
9 actually the brain tissues itself. There was swelling
10 of the brain, and that's about the face. And there
11 were other injuries as well.

12 Q Was there any bleeding in the brain?

13 A There was hemorrhage within the meninges around
14 the brain.

15 Q What would cause that?

16 A Two things, blunt force trauma and increased
17 pressure due to the accumulation of blood.

18 Q Due to strangulation?

19 A Strangulation, yes, sir.

20 Q Possible strangulation?

21 A Yes, sir.

22 Q Was there clear indications of both strangulation
23 and of blunt force trauma to the head?

24 A Yes, sir.

25 Q Okay. In fact, how badly swollen were the eyes,

1 would they have been open?

2 A The eyes, let's see. Just large contusions and
3 edema periorbital areas. I did not describe if they
4 were completely shut or not, but they were significant.

5 Q What other injuries were there on the body?

6 A Other significant injuries were there were
7 extensive abrasions and contusions about the arms.

8 Q Let me show you what's been marked as State's-38
9 and 40 and ask if you recognize these.

10 A Yes, sir, these are contusions and actually an
11 abrasion with sloughage of skin on the extremities.

12 Q Extremities being?

13 A The arms..

14 Q Sloughage of skin?

15 A That means it's just grabbed and pulled until it
16 abrades.

17 Q Okay. Sort of the skin breaks because of the
18 pressure?

19 A Skin breaks, yes, sir.

20 MR. DeBUSK: Your Honor, we would offer
21 State's-38, 39 and -- oh, sorry, 38 and 40 into
22 evidence.

23 THE COURT: Any objection?

24 MR. STANKO: No objection, sir.

25 THE COURT: All right. State's Exhibit 38,

1 Q All right. What is blunt force trauma?

2 A Blunt force trauma is any injury sustained with an
3 instrument such as fists, bat, anything, it's not an
4 incised wound. Blunt force trauma is an object that
5 just causes contusions and bodily injury.

6 Q An incised would be like a knife?

7 A An incised wound would be a knife, that's correct.

8 Q Now, the performance of your autopsy, do you do
9 toxicological --

10 A Yes, sir.

11 Q -- exam of the victim?

12 A We did.

13 Q Did you do one in this case?

14 A Yes.

15 Q Was there any alcohol or drugs in her system?

16 A No. We do a complete tox screen on all of our
17 cases which is a blood ethanol and toxicology to
18 include drugs of abuse. And they were both negative.

19 Q So your examination showed broken ribs, broken
20 sternum, bruising on the neck muscles with fingernail
21 marks, petechial hemorrhages and edema as well as
22 signes of blunt force trauma to the head?

23 A That's correct.

24 Q And swelling. And bleeding of the brain?

25 A Yes, sir.

1 Q What did this indicate to you about the origin of
2 these injuries?

3 A The origin of these injuries is any instrument
4 which could cause bruising.

5 Q Would that include fists?

6 A And that -- and that could have been fists. These
7 the only patterned area of injury we saw are the
8 fingernail imprints in the neck which I can say with
9 pretty good accuracy that that is strangulation.

10 Any of these other injuries they are not
11 patterned, so it could have been any object to include
12 fist, elbow, any kind of instrument held in the hand
13 that could hit someone and cause that.

14 Q So what was your opinion to reasonable degree of
15 medical certainty about the cause of death here?

16 A This woman's cause of death was extensive blunt
17 force trauma with strangulation and brain injury.

18 Q Just to be clear to the jury, does blunt force
19 trauma mean a beating?

20 A Blunt force trauma, it -- in this case based upon
21 this pattern of injuries, yes.

22 Q Okay. And by strangulation, can you tell which
23 one was immediately fatal?

24 A No. No. It was a combination of all of the
25 above. The actual anoxic brain injury with the

1 petechial hemorrhages and the hemorrhages in the
2 meninges and the swelling of the brain is the actual
3 mechanism of death. The things that cause that are
4 both the blunt force injury and the strangulation with
5 lack of blood flow.

6 Q So a combination of the two?

7 A Combination.

8 Q Or can you tell which one occurred first?

9 A No, I can't.

10 Q One or the other or both together?

11 A Consequence of each.

12 Q Thank you.

13 MR. DeBUSK: Please answer any questions the
14 Defense may have.

15 THE COURT: Cross-examination.

16 MR. STANKO: Thank you, sir.

17 CROSS-EXAMINATION.

18 BY MR. STANKO:

19 Q Was there any fracture to her skull?

20 A No, sir.

21 Q Okay. And you said you were not able to determine
22 at least definitively whether a weapon was used in any
23 way?

24 A Well, blunt force trauma to be induced like this,
25 there was a weapon, whether it be a fist or any other

1 blunt force object.

2 Q Okay. So --

3 A If you're referring to like was there a bat or a
4 bar, I cannot tell you that. But I can tell you there
5 was an instrument of force used to cause these
6 injuries, be it fists or whatever.

7 Q Okay. But, again, no fractures to the top of the
8 skull?

9 A There were no patterned injuries or fracture to
10 the skull, no.

11 Q Okay. So if a weapon was used, something other
12 than personal weapons like fists, elbows, that would
13 have all been directed straight to the face; correct?

14 A Well, it could have been directed to the face, the
15 cheeks. Certainly if it was not a hard weapon but a
16 more softer weapon that would dissipate force, it could
17 have been directed to the head and may not have caused
18 an injury but could have certainly caused the traumatic
19 petechial injury to the brain with the brain moving
20 around and being shaken.

21 Q Okay. With regards to the strangulation, based
22 upon the fact that you observed what appeared to be
23 fingernail marks on the neck, is it then very unlikely
24 that a ligature or a garrote or something was used
25 different than hands?

1 A There was no patterned injury to suggest that any
2 rope, garrote, belt or anything had been pulled.
3 Because usually when something like that is pulled
4 tightly around the neck, you'll see a pattern of the
5 weapon. And there was none.

6 Q Okay. And you testified and we observed in
7 pictures there would appear to be fingernail marks that
8 broke the skin; correct?

9 A That's correct.

10 Q Now, possibly not a hundred percent of the time,
11 but is it fair to conclude that it is at least likely
12 that someone who did that would retain some of the
13 victim's DNA under their fingernails?

14 A It's certainly possible, yes, sir.

15 Q Okay.

16 MR. STANKO: Your Honor, I have nothing further
17 for the doctor.

18 THE COURT: All right. Anything on redirect?

19 MR. DeBUSK: Briefly, Your Honor.

20 REDIRECT EXAMINATION

21 BY MR. DeBUSK:

22 Q Is it also possible that someone might wash and
23 lose the trace of the victim on their fingernails?

24 A That's also possible, yes, sir.

25 Q Thank you.

1 MR. DeBUSK: Thank you, no further questions.

2 THE COURT: All right. You may step down.

3 THE WITNESS: Thank you, Your Honor.

4 (Witness excused.)

5 MR. DeBUSK: Your Honor, we'd ask that Dr. Proctor
6 be released from his subpoena.

7 THE COURT: Is there any objection?

8 MR. STANKO: Without objection, sir.

9 THE COURT: All right. He's free to go. Thank
10 you.

11 MR. STANKO: Your Honor, if we may approach just
12 very briefly.

13 THE COURT: All right... Come on up.

14 (WHEREUPON, a bench conference was held off the
15 record in the presence of the jury but out of the
16 hearing of the jury.)

17 THE COURT: All right. State can call your next
18 witness.

19 MR. OSKIN: Thank you, Your Honor. At this time
20 the State would call Nate Howitt with the Myrtle Beach
21 Police Department.

22 NATHAN HOWITT, after being duly sworn, testified
23 as follows:

24 THE CLERK: Please be seated.

25 MR. OSKIN: Your Honor, I would ask for the

1 Court's indulgence as we bring the television screen
2 for the jury for the presentation of evidence that will
3 be admitted through this witness.

4 THE COURT: All right. Go ahead.

5 THE CLERK: State your full name, and spell your
6 last name for the Court..

7 THE WITNESS: ' Yes, ma'am. Nathan Howitt,
8 H-O-W-I-T-T.

9 DIRECT EXAMINATION

10 BY MR. OSKIN:

11 Q Officer Howitt, who are you employed by, sir?

12 A City of Myrtle Beach Police Department.

13 Q How long have you been with them?

14 A Approximately ten years.

15 Q Okay. Which portion of Myrtle Beach Police are
16 you currently assigned to?

17 A Investigations division and crime scene unit.

18 Q Have you been with crime scene unit for a while
19 now?

20 A About three years, yes, sir.

21 Q Were you assigned to that unit on May 22, 2016?

22 A Yes, sir.

23 Q Were you involved in the investigation of the
24 killing of Virginia Eakers?

25 A I was.

1 Q What was your role in that investigation?

2 A I was the initial responding officer to the scene.
3 The Myrtle Beach Police Department investigates all
4 death, natural, vehicle or even homicides. We go, that
5 particular day I showed up thinking it was a natural
6 event, after what I observed in the room determined
7 that it was a homicide. And I notified my supervisor
8 of homicide, and additional units were dispatched to
9 assist me with the scene.

10 Q When you say responding officer, do you mean the
11 responding officer for the whole case or the responding
12 officer for the crime scene unit?

13 A Just for the crime scene unit.

14 Q Okay. Did you go in the room --

15 A Yes, sir.

16 Q -- where this incident happened at?

17 A Yes, sir.

18 Q Okay. What did you observe once you got in there?

19 A The Hallmark Channel was on, there was no sign of
20 forced entry. There was dried possible pooling of
21 blood in front of the bed, transfer of blood patterns
22 on the bed closest to the bathroom. Then inside the
23 bathroom, inside the bathtub was the victim.

24 Q Okay. Did you take any photos of the room once
25 you were in there?

1 A I did. I did, I did a panorama 360.

2 Q About how many photos consisted to make up the
3 panorama?

4 A I took enough for a couple different panoramas,
5 each one between eight and ten photos for a whole
6 panorama.

7 (WHEREUPON, State's Exhibit No. 41 was marked for
8 identification only.)

9 Q Officer Howitt, I'm showing you what's been marked
10 as State's Exhibit No. 41. Are you able to recognize
11 that, sir?

12 A I do.

13 Q What is that?

14 A That's panoramas from the scene.

15 Q That's the disk of the panoramas of the scene?

16 A The disc of the panoramas, yes, sir.

17 Q How do you know that's the one?

18 A Because I reviewed it before Court today and
19 initialed it.

20 Q Did you make any changes to it --

21 A No, sir.

22 Q -- alter it, change it from the way it was
23 originally turned over?

24 A No, sir.

25 MR. OSKIN: Your Honor, at this time the State

1 would seek to move State's Exhibit No. 41 into
2 evidence.

3 THE COURT: Any objection?

4 MR. STANKO: No objection, sir.

5 THE COURT: All right. State's Exhibit 41
6 admitted into evidence without objection.

7 (WHEREUPON, State's Exhibit No. 41 was admitted in
8 evidence.)

9 MR. OSKIN: At this time, Your Honor, the State
10 would seek to publish State's Exhibit No. 41 to the
11 jury.

12 THE COURT: All right.

13 MR. OSKIN: Apologize to the Court for standing
14 behind the television.

15 Your Honor, if the witness may leave the stand
16 staying in microphone distance to explain the panorama?

17 THE COURT: I mean, he can't see it from where's
18 he sitting like that?

19 MR. OSKIN: I don't know that the whole entire
20 jury will be able to see it as he's testifying about
21 it.

22 THE COURT: Wait a minute. Can the jury see that
23 now?

24 MR. OSKIN: If you would like to ask them, yes,
25 sir.

1 THE COURT: Okay. Can everybody see it?

2 (WHEREUPON, all jurors affirmatively respond.)

3 THE COURT: All right. Can you see that from the
4 witness stand?

5 THE WITNESS: Yes, sir.

6 THE COURT: All right.

7 MR. OSKIN: Yes, sir. Thank you, Your Honor.

8 Q Officer Howitt, is this a portion of the 3-D
9 panorama here?

10 A It is.

11 Q And does this panorama include 360 degrees?

12 A It does.

13 Q Okay. And we notice here it's broken up into
14 three portions?

15 A That's three different files.

16 Q Three different files?

17 A Three different panoramas. I took multiple ones
18 in case one didn't come out, we'd have other ones.

19 Q In your report you listed four; correct?

20 A I did.

21 Q Why do we not have that fourth one?

22 A The fourth one was by the bathroom door which is
23 in the corner of the room, it's difficult to stitch
24 together. In a panorama you take multiple photos
25 overlapping photos, then you overlap them together.

1 For some reason in corners it has difficulty stitching
2 together.

3 Q So you never kept it on the original file because
4 it didn't take; is that what you're saying? It didn't
5 accumulate, it was not worth using?

6 A No. The -- I didn't create a panorama --

7 Q Okay.

8 A -- because it was unable to by the bathroom. The
9 photos weren't stitched together.

10 Q That's noted in your report, though, out of an
11 abundance of caution?

12 A What's that?

13 Q The fact that there was four photos taken in the
14 room?

15 A The reason why it says there's four in the report
16 is because at the time I was planning to create four
17 panoramas. However, when you go back to the CSI lab
18 and start doing it, the photos don't stitch together,
19 so only three were created.

20 Q Certainly not an effort of bad faith if someone
21 were to bring that up?

22 A No, sir.

23 Q Okay. What angle was this portion of the panorama
24 taken from?

25 A I believe same one as before, by the bed closest

1 to the front door of the room.

2 Q Did you have other involvement in this case?

3 A Yes, sir.

4 Q Were you involved in the discussion of the search
5 warrant on the Defendant's residence at the Victory
6 Inn?

7 A I was.

8 Q Who accompanied you to that?

9 A Detective Tiffany Whitmire.

10 Q Okay. When you got there, what were the
11 conditions of the Defendant's room, if it was in fact
12 even a room?

13 A The room was secured, it was sealed up with wooden
14 doors. Once I got inside the room, there was a large
15 infestation there. I had to suit up in a Tyvek suit
16 from head to toe to protect me from insects.

17 Q They were inside the --

18 A Inside the room.

19 Q Okay. So you were in a hazmat suit?

20 A It was a Tyvek, yes, a hazmat suit.

21 Q Okay. What did you photograph once in that room?

22 A All of the contents inside the room.

23 (WHEREUPON, State's Exhibit Nos. 42 to 44 were
24 marked for identification only.)

25 Q Showing you what's been premarked as State's

1 Exhibit No. 42, 43 and 44. Take a look at those in
2 sequential order, please. I know there's a lot of
3 stuff up here. Beginning with 42, are you able to
4 recognize that?

5 A Looks to be the bathroom, the room.

6 Q Is that in the room of the residence?

7 A Yes.

8 Q Or the Defendant? I apologize.

9 A Yes.

10 Q That's a photo you took?

11 A Yes.

12 Q All right. What is in that photo?

13 A Just wadded up paper, couple buckets.

14 Q Okay. What about the next exhibit?

15 A It's going to be a day planner.

16 Q Okay. Whose day planner?

17 A It was in the Defendant's room.

18 Q Okay. Next?

19 A Two bins of Tidy Cat. I guess he was using it for
20 storage, they were inside the room as well.

21 Q Okay. Are those photos accurate representations
22 of the contents of that room as you saw them, that's
23 the photos you took?

24 A Yes, sir.

25 Q Have those photos been altered, edited, anything

1 deleted from them, materially changed at all?

2 A No, sir.

3 MR. OSKIN: Your Honor, at this time the State
4 would move at this time move State's Exhibit 42, 43 and
5 44 into evidence.

6 THE COURT: Any objection?

7 MR. STANKO: No objection, sir.

8 THE COURT: State's Exhibits 42, 43 and 44 are
9 admitted in evidence without objection.

10 (WHEREUPON, State's Exhibit Nos. 42 through 44
11 were admitted in evidence.)

12 MR. OSKIN: Your Honor, and I would ask that the
13 State be allowed to publish these to the jury.

14 THE COURT: All right.

15 MR. OSKIN: Your Honor, if I may please ask for
16 the Court's indulgence as the computer resets.

17 THE COURT: All right.

18 (WHEREUPON, there was a pause in the proceedings.)

19 THE COURT: Are we going to be able to get it?

20 MR. DeBUSK: It's loading, Your Honor.

21 Q Officer Howitt, I apologize for the delay and the
22 awkward silence. Are you able to recognize this?

23 A Yes.

24 Q It's the same three, the panorama view you were
25 just testifying to as well?

- 1 A Of the victim's room, yes, sir.
- 2 Q The data going into that disc, that's an extreme
3 amount of data; correct, to create the panorama?
- 4 A It's a large number of photos, yes, sir.
- 5 Q Slows down some processes on a computer perhaps?
- 6 A Yes, sir.
- 7 Q Okay. This is the room of the incident where the
8 body was found?
- 9 A Yes, sir.
- 10 Q Would you please explain to the jury what angle --
11 I know you said it earlier, like I said, we had that
12 long break.
- 13 A I'm near the front door.
- 14 Q Okay.
- 15 A That's the vanity and to the left is going to be
16 the bathroom.
- 17 Q Is your reflection in the mirror with the flash?
- 18 A That's my reflection, yes, sir.
- 19 Q Okay.
- 20 A This is going to be the front door of the room.
- 21 Q That was your initial standing point in that when
22 you're taking these photos; correct?
- 23 A Yes, sir.
- 24 Q Roughly right there, does that complete the 360?
- 25 A Yes, sir.

1 Q For the first angle taken? Moving along to the
2 second view at which point were you standing
3 approximately in the room when this was taken?

4 A Approximately in the same spot.

5 Q Anything different stand out to you from the first
6 one that you just testified about?

7 A The only difference, I believe I bumped up the ISO
8 which makes it a little bit lighter.

9 Q What's ISO stand for?

10 A On the old camera it used to be the film grain
11 between indoor and outdoor. On a digital camera it
12 just lightens up the digital photo.

13 Q Okay. Is that the Hallmark Channel on the TV that
14 you said?

15 A That is the Hallmark Channel.

16 Q Now on the table here, that item, what do those
17 appear to be to you?

18 A They are a pair of gray sunglasses.

19 Q Why are they cut in half here on this angle?

20 A With panorama photos you take multiple photos.

21 And sometimes when the computer stitches it together,
22 they don't overlap quite right. So sometimes you get a
23 little distortion where it's stitched at.

24 Q Those were, in fact, gray sunglasses?

25 A They were gray sunglasses.

1 Q Does that complete the 360 review for that
2 portion?

3 A Yes, sir.

4 Q And there's a third view; correct?

5 A There's a third panorama.

6 Q That's what I mean, I apologize for the confusion.
7 Roughly the same spot as the prior two?

8 A In the middle of the room, yes, sir.

9 Q Okay. Does that explain why the TV looks like
10 it's --

11 A It's a little off. Where it has trouble stitching
12 them together it kind of guesses.

13 Q And there is a clear picture of the sunglasses you
14 just testified to; correct?

15 A Yes, sir.

16 Q Does that complete the view of the third panorama
17 submitted?

18 A Yes, sir.

19 MR. OSKIN: Officer Howitt, I sincerely thank you
20 for your patience. Please answer any questions from
21 Mr. Stanko.

22 THE COURT: Cross-examination.

23 CROSS-EXAMINATION

24 BY MR. STANKO:

25 Q Was taking those pictures, was that the only act

- 1 that you performed while you were in that room?
- 2 A I was there from start to finish, sir.
- 3 Q Okay. So in addition to pictures, you also were
- 4 observing things in the room?
- 5 A Yes, sir.
- 6 Q Okay. During the course of your time in the room,
- 7 did you observe a fingerprint on a faucet in the room?
- 8 A I did.
- 9 Q And you were the one who lifted that fingerprint?
- 10 A I was.
- 11 Q Okay. Were you the one who tested that in AFIS?
- 12 A No. That would be Scott Williamson.
- 13 Q Okay. So you do not know the result of that
- 14 fingerprint test?
- 15 A I do not know. That would be a question for
- 16 Scott.
- 17 Q Very well, okay. You looked through -- you were
- 18 the one who conducted the warrant search of
- 19 Mr. Wilson's hotel room; correct?
- 20 A I did.
- 21 Q Okay. Just a couple questions on that. While you
- 22 were inside, did you observe any trash cans?
- 23 A Not that I recall, sir.
- 24 Q Okay. But you saw several -- you said several
- 25 buckets inside?

1 A There were buckets inside, yes, sir.

2 Q They were cat litter buckets; weren't they?

3 A Yes.

4 Q Do you happen to recall what he was using those
5 buckets for?

6 A Storage.

7 Q Okay. And just various items?

8 A Various items, yes, sir.

9 Q Okay. One of the pictures that you observed
10 showed a day planner of Rickey's; correct?

11 A Yes, sir.

12 Q And written inside that day planner on one of the
13 lines was, I believe, meet with Ms. Harris?

14 A Yes, sir.

15 Q Okay. So he kept a documentation of the fact that
16 he went over there?

17 A Yes, sir.

18 Q Okay. He didn't -- that wasn't in a trash can
19 anywhere?

20 A No, sir. That was on the desk.

21 Q Okay. Going back to the Days Inn just real quick,
22 in your observations did you observe room keys in
23 there?

24 A I don't recall. It's possible, but I don't
25 remember.

1 Q Okay, all right. Well, did you find any hotel
2 room keys in Rickey's room?

3 A I don't recall. I don't remember if there were or
4 weren't.

5 Q Right. You took pictures inside Rickey's room at
6 the Victory Motel?

7 A Yes, sir.

8 Q All right. Do you happen to recall finding
9 anything that's believed to belong to Ms. Harris?

10 A No, sir.

11 Q Okay. He didn't have any money stashed there?

12 A No, sir.

13 Q You didn't observe any jewelry?

14 A No, sir.

15 Q All right. Nothing that you believed belonged to
16 the victim?

17 A No, sir.

18 Q Okay.

19 MR. STANKO: Your Honor, we have nothing further.

20 THE COURT: All right. Redirect.

21 REDIRECT EXAMINATION

22 BY MR. OSKIN:

23 Q When you went to -- was part of the execution of
24 the search warrant on the Defendant's residence, you
25 testified that you weren't able to find any belongings

1 of hers; is that correct?

2 A That's correct.

3 Q Were you able to find the clothing that the search
4 warrant was executed for in the first place that belong
5 to the Defendant?

6 A You talking about blue jeans or T-shirts or what?

7 Q A shirt with a floral print on it, commonly
8 referred to as a Hawaiian shirt, did you find that in
9 that room?

10 A I don't recall. I'd have to look in my photos.

11 Q So what you're saying and what you're telling this
12 jury is your role was to take the photos in the hotel
13 room and to take photos from the search warrant, that
14 was your role and that was essentially?

15 A That's correct. Detective Whitmire was with me,
16 and she made decisions on what to collect.

17 Q Thank you.

18 MR. OSKIN: Nothing further from the State.

19 THE COURT: All right.

20 MR. OSKIN: The State would ask that he be
21 released from his subpoena.

22 THE COURT: Any objection?

23 MR. STANKO: Without objection, sir.

24 THE COURT: You may step down and you're free to
25 go.

1 Hope everybody had a good evening.. Again, I want to
2 thank you for being prompt. I wish we were a little
3 bit more prompt, I apologize for keeping you back in
4 your jury room for so long, but we did have to tend to
5 some matters, it was unavoidable, mark some exhibits
6 and things of that nature.

7 But I appreciate you being on time and showing up
8 promptly this morning. That's a great assistance to
9 the Court. Please make sure you have your own
10 notepads, you don't have anybody else's notepads. And
11 we'll go ahead and continue with the trial of the case.
12 State, can you call your next witness.

13 MR. DeBUSK: Thank you, Your Honor. State calls
14 Scott Williamson.

15 SCOTT WILLIAMSON, after being duly sworn,
16 testified as follows:

17 THE CLERK: Please be seated. Please state your
18 full name, and spell your last name for the Court.

19 THE WITNESS: Scott Williamson,
20 W-I-L-L-I-A-M-S-O-N.

21 DIRECT EXAMINATION

22 BY MR. DeBUSK:

23 Q Good morning, Mr. Williamson. Who is your
24 employer?

25 A City of Myrtle Beach Police Department.

1 Q And what's your position?

2 A Police officer in the crime scene division.

3 Q Okay. Could you tell the jury what that entails,
4 what is a crime scene --

5 A I'm responsible for documenting, collecting,
6 processing and safely handling and preserving evidence.

7 Q How long you been doing that?

8 A That particular job, about nine years.

9 Q How long you been in law enforcement?

10 A Approximately 23.

11 Q Were you on duty on May 22nd, 2016?

12 A I was called in to -- early for extra duty, yes,
13 sir.

14 Q So you were on-call?

15 A I was on-call.

16 Q And you came in when called?

17 A Yes.

18 Q Were you involved in the investigation of the
19 killing of Virginia Eakers?

20 A Yes, sir.

21 Q What was your role?

22 A I was called in to assist in processing the crime
23 scene at the motel room.

24 Q As you processed the crime scene, what role did
25 you take, what did you do?

1 A. Initially, I performed a videotape walk through of
2 the scene before we performed any kind of a search.
3 Then I took overall digital still photographs of that,
4 then proceeded to search the room for evidence and
5 collect it.

6 Q Let's talk about the photographs first. Let me
7 show you a few exhibits and ask you -- well, let's go
8 through them one by one. Without showing the jury,
9 what's State's-45?

10 A That's a picture of the victim laying in the
11 bathtub.

12 Q Okay. Did you take that picture?

13 A Yes, sir.

14 Q Does that reflect the scene as you saw it?

15 A Yes, sir.

16 MR. DeBUSK: Your Honor, we would move this into
17 evidence, State's Exhibit 45.

18 THE COURT: Any objection?

19 MR. STANKO: Your Honor, we would take objection
20 to this one photograph.

21 THE COURT: Okay. All right, ladies and
22 gentlemen, let me excuse you back to the jury room. I
23 have to take up a matter of law with the attorneys.
24 And as I told you, and I'll explain to you why we
25 excuse you back to the jury room while we address these

1 THE COURT: Anything further from the Defense?

2 MR. STANKO: Nothing, sir.

3 THE COURT: All right. Let's bring the jury in.

4 (WHEREUPON, the jury came into open court at
5 approximately 10:02 a.m.)

6 THE COURT: Ladies and gentlemen, welcome back.

7 Please make sure you have your own notepads.

8 Mr. DeBusk, you can continue with your direct
9 examination.

10 MR. DeBUSK: Thank you, Your Honor.

11 Q What position was the body found in?

12 A Laying on the right side.

13 Q Where?

14 A In the bathtub in the motel room.

15 Q Okay. Were there any evident injuries?

16 A Yes, sir.

17 Q What was that?

18 A Her face was swollen, appeared to have been hit,
19 bruising on her arm.

20 Q And did you take pictures of the entire room?

21 A Yes, sir.

22 Q Okay. Let me show you a number of exhibits. If
23 you could, using the exhibit number, tell the jury what
24 is on each.

25 A Exhibit No. 46 is a scarf laying under a bed.

1 Exhibit 47 is a light wash rag with what appears to be
2 blood stains on it.

3 Q Can I ask you, did you collect that?

4 A Yes, sir.

5 Q Okay.

6 A Exhibit No. 48 is a telephone, again, with what
7 appears to be blood stains on the handset.

8 Q Was that collected?

9 A Yes, sir.

10 Q Let me ask you just as you're going through, what
11 are the yellow numbers?

12 A The yellow numbers are photo evidence markers.
13 That way we can relate a piece of evidence in a
14 photograph to a description on paper, so we can
15 remember later what it is we're taking a photograph of.

16 Q Is that to keep track of it while it's in
17 evidence?

18 A Yes, sir. Exhibit No. 49 is a pair of, I would
19 call them ladies' shoes, like sandal type shoes.
20 Exhibit No. 50 is a aluminum walking cane wrapped in a
21 towel.

22 Q Where was that walking cane located?

23 A That was found laying on the sink on the far side
24 of the sink away from the bathroom, to the right.

25 Q And let me ask you, if you can go back one to the

1 shoes, where were the shoes found?

2 A The shoes, I believe, were in front of the
3 nightstand that's in between the two beds. Generally
4 in a hotel room you have two beds with a night stand in
5 between. So they were laying on the floor right in
6 front of the nightstand.

7 Exhibit 51 is an overall photograph of the inside
8 of the room looking to the right back corner of the
9 room and standing in the front left corner.

10 Q Go ahead.

11 A Okay. Exhibit 52 is -- would be the opposite of
12 that photo, it would standing in the back, an overall
13 photo standing in the back left corner facing the front
14 right corner of the room.

15 Evidence -- State's Exhibit No. 53 would be the
16 front door of the motel room with the number 211 on the
17 door.

18 Q Was that the number of the room that you...

19 A Yes, sir.

20 Q Thank you.

21 A State's Exhibit 54 is the balcony, I call it a
22 breezeway walk in front of the motel that you use to
23 access the front of the room. And it displays crime
24 scene tape where we had secured the area to not allow
25 any people to come and go through that area.

1 State's Exhibit 55 will be the opposite photo of
2 what I just described facing the other direction in the
3 breezeway, again, showing crime scene tape to where we
4 weren't allowing any people to come and go in the front
5 of the room down that hallway.

6 Exhibit 56 is going to be a spot of blood on a bed
7 comforter in the room. And 57, I believe that's a
8 repeat picture. That's the same as the -- same towel
9 with what appears to be blood stains on as photo number
10 four.

11 MR. DeBUSK: The State withdraws 57, it's a
12 duplicate, Your Honor.

13 THE COURT: All right.

14 MR. DeBUSK: The remainder, Your Honor, we would
15 move into evidence at this time?

16 THE COURT: Any objection?

17 MR. STANKO: Your Honor, we have reviewed those
18 photos and have no objection.

19 THE COURT: All right, State's Exhibits 46 through
20 56 are admitted into evidence without objection.

21 (WHEREUPON, State's Exhibit Nos. 46 through 56
22 were admitted in evidence.)

23 Q Officer Williamson, using 51 and 52, could you
24 indicate to the jury where the shoes were found and
25 where the cane was found.

1 A May I show the photos?

2 Q Yes.

3 A Okay. On State's Exhibit 52, this is the scene
4 that shows the two beds with the nightstand in between.
5 The shoes would be on the floor right in front of that
6 nightstand.

7 And then in 51, this shows the back corner of the
8 room. The bathroom is behind this wall (indicating).
9 This is the sink, and the cane is laying on the far
10 right side of the sink with a towel wrapped around it
11 right there. It's kind of hard to see, it's there and
12 it's white.

13 MR. DeBUSK: Your Honor, may I publish these two
14 exhibits, 51 and 52, to the -- I'm sorry, 51 and, yeah,
15 52 to the jury?

16 THE COURT: Right. That will be fine.

17 Q Let me step back a minute. Before you started
18 taking photos, did you have a search warrant before you
19 went in the room?

20 A Yes, sir.

21 Q After you took the photos, what did you do next?

22 A After we took the photos, CSC -- or CSS Howitt who
23 was my partner at the time came in and used a digital
24 scanner to take scans of the room to render it into a
25 three-dimensional digital model.

1 Q Did he also do panoramas?

2 A Panorama and photos also, sir, yes.

3 Q What did y'all do next?

4 A At that point we did an initial walk-through
5 looking for very obvious pieces of evidence, things
6 with blood on them, weapons, the victim herself, and
7 began placing those yellow photo evidence markers down
8 as areas of interest that we were going to focus on
9 once we started actually collecting evidence.

10 Q What did you do after that?

11 A We began to slowly work through the room starting
12 at the doorway photographing, collecting individual
13 pieces of evidence. There were obvious that we call
14 patent evidence, things that you can see without any
15 kind of testing.

16 Q All right, I'll come back to those items you
17 collected in a minute. After you collected the obvious
18 evidence, what did you do next?

19 A At that point we dusted for fingerprints using
20 silk powder and attempting to find latent fingerprints
21 on any of the surfaces that are normally touched in a
22 motel room.

23 Q Did you recover any prints that were...

24 A A print was recovered by Officer Howitt on the
25 faucet in the bathroom.

1 Q Was that one able to be identified?

2 A No, sir, it wasn't.

3 Q Okay. After you did the prints, what did you do?

4 A Once the latent prints are done, we use a chemical
5 called BlueStar reagent, it reacts with chemicals in
6 the blood and it glows a bright blue. That way you can
7 see areas of blood that maybe aren't visible to the
8 naked eye. And then we photograph and take samples
9 from various parts of that.

10 Q Let me talk about a few items you collected.

11 While we're recovering the items of evidence, we have
12 one that's already -- a photo that's already in
13 evidence, if I may.

14 (Discussion off the record.)

15 Q State's Exhibit 24 already in evidence, what does
16 that show?

17 A That shows a pair of silver-framed sunglasses
18 laying on the table to the immediate right of the
19 entrance of the room.

20 Q What did you do with those sunglasses?

21 A Collected them and placed them in an evidence
22 container and sealed it.

23 Q There we go, I'm showing you --

24 MR. DeBUSK: -- what I'll get marked.

25 (WHEREUPON, State's Exhibit No. 84 was marked for

1 identification only.)

2 Q Now marked as State's Exhibit 84 and ask if you
3 recognize that.

4 A May I open it?

5 Q Yes.

6 A I do recognize the container, I want to make sure
7 what's inside it. They do package it well. Yes, those
8 are the same sunglasses.

9 Q Okay. After you collected them, what did you do
10 with them?

11 A We sealed them into this container. And then I
12 present everything I've collected to the head or, well,
13 the lead crime scene officer, that was Officer Howitt.
14 And he and the detectives make a decision on what gets
15 sent for testing.

16 Q When you collect an item like that, do you take
17 any precautions to make sure you don't tamper with it
18 or leave DNA on it or anything?

19 A Yes. With each item of evidence that we collect
20 we change our gloves out. So there's no way that when
21 I pick up one evidence, if it had blood or some other
22 form of evidence on it that I wouldn't transfer that to
23 another item. So as each item is picked up, we change
24 out latex gloves.

25 Q Thank you.

1 MR. DeBUSK: Your Honor, we would offer State's-84
2 into evidence.

3 THE COURT: Any objection?

4 MR. STANKO: Without objection, sir.

5 THE COURT: All right, State's Exhibit 84 admitted
6 in evidence without objection.

7 (WHEREUPON, State's Exhibit No. 84 was admitted in
8 evidence.)

9 (WHEREUPON, State's Exhibit No. 85 was marked for
10 identification only.)

11 Q I'll start with this item, State's-85, and ask if
12 you recognize that.

13 A Yes. Yes, sir, it's a bag, and it's labeled as
14 the towel from the cane from the bathroom. And it's
15 incredibly well-packaged, and it has blood on it, so I
16 really don't want to handle it unless I have gloves.

17 Q That is the packaging that you placed it in?

18 A Yeah, yes, sir. I recognize my handwriting.

19 Q And it was secured for evidence. And what did you
20 do with it after you secured it and labeled the
21 package?

22 A It gets placed in property and evidence for
23 potential future processing.

24 Q So it went to property and evidence?

25 A Yes, sir.

1 Q Thank you.

2 MR. DeBUSK: This one I will get marked.

3 (WHEREUPON, State's Exhibit No. 86 was marked for
4 identification only.)

5 Q That one is marked biohazard, so I'm not going to
6 ask you open it, but State's-86, I ask if you recognize
7 that packaging.

8 A Yes, sir, I do. I recognize my handwriting.

9 Q What number is that?

10 A What item number or?

11 Q Yeah, when you had collected, what was your
12 number?

13 A Item number 55. I'm sorry, photo evidence marker
14 or item number, because those aren't...

15 Q Yeah, photo evidence.

16 A Okay, all right. Where are my notes. I believe
17 it's photo evidence marker number four.

18 Q Would that be what's shown in State's Exhibit 47?

19 A Yes. Yes, sir.

20 Q Okay. You collected that item and you created
21 that packaging; correct?

22 A Yes, sir.

23 Q Is that the packaging you created?

24 A Yes, sir.

25 Q What did you do with the item once you packaged it

1 in that container?

2 A It gets placed into property and evidence. That's
3 how these bar code stickers get generated, they were
4 taken to property and evidence and are generated there.

5 Q And when you took it there, they were in a sealed
6 condition?

7 A Yes, sir.

8 Q Thank you. Continue with the next exhibit on
9 here. Ask you about the telephone. Here we go.
10 Telephone is shown as State's-48.

11 A Yes, sir.

12 Q While you were processing the scene, did you take
13 any samples from that phone?

14 A Yes, sir, I did.

15 Q Why?

16 A For just for purposes of sending to SLED. And
17 sometimes it's easier to send a small Q-tip swab for
18 analysis as opposed to an entire item.

19 Q What drew your attention to that particular phone?

20 A The blood on the handset.

21 Q How do you take a swab from that bloody handset?

22 A We have sterile swabs. They are from the
23 hospital. And they also have a plastic cap on that
24 protects them. We open that up, and then we have a
25 small vial of sterile water, the kind you would use in

1 a nebulizer, some along those lines for home use.
2 Moisten the swab with that vial. Then you would scrape
3 until you get a visible sample from the handset, cap it
4 and then place it in an envelope, seal it with evidence
5 tape.

6 Q Once you did that, and you have the sealed
7 envelope with the swab in it, what did you do with it?

8 A It goes to property and evidence.

9 Q Okay. Who is Malinda Shadone?

10 A She's one of our property and evidence
11 technicians.

12 Q Okay. Another item on here shown in the photos,
13 let me get to the right one. Did you take any further
14 sample from that?

15 A Item 12. Yes, sir, we did.

16 Q What did you do?

17 A We took a cutting rather than taking the entire
18 bedspread comforter which is really large. We'll take
19 a sterile scalpel, like a surgeon's scalpel, cut out
20 around a large section of it, and then, again, place
21 that into an envelope, seal it up at the scene.

22 Q And what would have been done with that envelope?

23 A And then that goes to property and evidence.

24 Q So you could possibly go back to Rodeway Inn today
25 and find a comforter with a hole in it?

1 A It's possible, sir.

2 Q Each of those items that you collected at the
3 scene would have been packaged as per these and sent to
4 property and evidence?

5 A Yes, sir.

6 Q Okay. And you found no identifiable prints?

7 A That's correct.

8 Q Did you take other items of evidence as well that
9 we didn't go through today?

10 A Yes, sir, I believe we took quite a bit of
11 evidence.

12 Q Okay. And, again, who decides on what is sent
13 for...

14 A That's a decision made between the investigators
15 and the lead crime scene person who has a compiled list
16 of all the evidence that we do take.

17 Q And that was who in this case?

18 A That was Officer Howitt.

19 Q Do you recall who the lead investigator was?

20 A I believe it was Jade Roy and Tiffany Whitmire.

21 Q Thank you. Now, obviously all of these items that
22 you collected were in your control. Did you alter or
23 change them in any way?

24 A No, sir.

25 Q Did you protect them from contamination?

1 A Yes, sir.

2 Q And you handed them off to property and evidence
3 in a sealed condition?

4 A Yes, sir.

5 Q All right, okay. Now, after you processed the
6 scene that day, did you return at a later date?

7 A To that scene, no, sir, I didn't.

8 Q Did you collect -- what do they call the sink
9 thing -- the trap pipes?

10 A Yes, sir. Now, that was at that same -- on that
11 same day.

12 Q That same day?

13 A Um-hum, yes, sir.

14 Q So you collected them. What was the purpose of
15 collecting the trap pipes?

16 A As the victim was found in the tub with the water
17 running, we felt that perhaps evidence had been washed
18 off the body down into the sink trap. And sinks have a
19 trap underneath them that heavy things will fall and
20 stay there.

21 So I got a key to the room directly underneath
22 that room, went up in the ceiling and cut the trap and
23 also drained the fluid out of it and packaged that into
24 a container.

25 Q Did you find anything of evidentiary value?

1 A No, sir, we didn't.

2 Q Okay. Did you respond to any other scenes that
3 day?

4 A Not on that day -- oh, yes, sir. Yes, sir, I did.

5 Q Okay. Where did you go?

6 A I was given another search warrant around
7 11 o'clock that night to go to the Victory Motel, which
8 I was told was Mr. Wilson's residence at the time.

9 Q State's Exhibit 3, are you familiar with the
10 layout of Myrtle Beach?

11 A Yes, sir.

12 Q What is down here at [REDACTED] South Ocean Boulevard?

13 A That's the Rodeway Inn, that's in the initial
14 scene.

15 Q And what was the second scene you went to?

16 A The second scene was up here at [REDACTED] South Ocean
17 Boulevard. It's the Victory Motel.

18 Q Okay. When you went there, did you have a search
19 warrant?

20 A Yes, sir. I was provided one at the scene when I
21 arrived.

22 Q Okay. By other officers of the Myrtle Beach
23 Police Department?

24 A Yes, sir. Lieutenant Furlong provided it for me.

25 Q Did you have instructions to look for anything

1 specific?

2 A Yes, sir. We were looking for clothing,
3 specifically a white ball cap style hat, a tan shirt
4 with a floral print. And also he had asked us to check
5 the sink trap in that room in case any evidence had
6 been cleaned up in the room. And then anything with
7 blood evidence on it is obviously blood evidence.

8 Q Okay. I'm going to show you State's Exhibits 58
9 through 65 and State's-70, and ask if you could
10 recognize these, go through them. State the number
11 when you go through.

12 A State's Exhibit 70 is the front of the Victory
13 Motel. State's Exhibit 58 is an initial photo of
14 inside of Rickey Wilson's room just as you're standing
15 in the doorway and looking straight into the room.
16 State's Exhibit 59 is an overall photograph of the
17 interior of the room. It would be to the immediate
18 left of the door as you walk in.

19 State's Exhibit 60 is a picture below that picture
20 showing a lower area of food storage and a television,
21 small dresser. State's Exhibit 61 is a picture of what
22 would be the window, but that's closed off. And it's
23 covered up with litter boxes full of -- like Tidy Cat
24 litter buckets full of different objects.

25 Q Would that be cat litter?

1 A Yeah, Tidy Cat cat litter.. State's Exhibit 62 is
2 the back right-hand corner of the room showing like a
3 drying rack and items associated with being near a
4 sink. A pair of rubber gloves are hanging from a rack.
5 63 is another overall photo which is general things
6 being stored to the immediate left of the door as you
7 walk in the door.

8 Q State's Exhibit 64 is a picture of the floor of
9 the bathroom including a bucket underneath the sink and
10 a toilet and a trash can. And then State's Exhibit 65
11 is a picture of the floor of the shower in that same
12 bathroom.

13 MR. DeBUSK: Your Honor, the State would move
14 State's Exhibit 58 through 65 and 70 into evidence.

15 THE COURT: Any objection?

16 MR. STANKO: Your Honor, we've seen these
17 photographs as well, without objection.

18 THE COURT: All right, State's Exhibits 58 through
19 65 and State's Exhibit 70 admitted into evidence
20 without objection.

21 (WHEREUPON, State's Exhibit Nos. 58 to 65 and
22 State's Exhibit No. 70 were admitted in evidence.)

23 Q Specifically as to 64, did you collect the trap
24 from that sink?

25 A There is no trap on that sink. There was a bucket

1 underneath it being used to catch the water.

2 Q - Okay. How would you characterize this room; was
3 it cluttered?

4 A It was very cluttered. It's very small,
5 approximately a ten-foot-by-ten-foot room about with a
6 very small bathroom next to it.

7 Q But despite being cluttered, was it sort of
8 organized?

9 A It was very organized, but there was a lot of
10 things crammed into a small space.

11 Q Now, did you search it thoroughly?

12 A Yes, sir.

13 Q Did you find the white hat?

14 A I did not.

15 Q Did you find the white or tan shirt with the
16 floral pattern on it?

17 A I did not.

18 Q Did you find any of the items that you were told
19 in the search warrant to search for?

20 A One item we did since -- as we observed the victim
21 in the room, we felt that there was some sort of
22 violence of blunt trauma at how she was injured. So we
23 were looking for anything that could possibly have been
24 used to strike her as a weapon. I did find two claw
25 hammers, claw style hammers underneath the desk in the

1 room.

2 Q Okay. Did you collect those?

3 A Yes, sir. I tested it with the BlueStar reagent
4 again, perhaps there was blood on there that I couldn't
5 see. One hammer did react positively, that as we
6 looked further into it and sampled and tested it, it
7 was not blood. Blue Star will sometimes react to iron.
8 And it was a rusty hammer, so I believe that the
9 BlueStar reacted to the iron spots on the rusty hammer.

10 Q And there, of course, would be iron in hammers?

11 A Yes.

12 Q By definition sort of. Okay. But you didn't find
13 those other items. Tell the jury again, what were the
14 specific items you were looking for?

15 A We were looking for a white ball cap style hat, a
16 shirt, tan-colored shirt with a floral print on it and
17 any kind of blood evidence.

18 Q Okay. Did you find evidence of -- did you find
19 some bloody clothing?

20 A Yes, sir, I did.

21 Q Let me ask you, did you see any sign of insect
22 activity in that room?

23 A Yes, sir.

24 Q What was that?

25 A I was warned before I went in there that there was

1 bed bug activity in the room. I suited up
2 appropriately in a Tyvek suit to avoid any kind of
3 contamination.

4 Q And when you're sleeping in a bed bug infested
5 room, would it be unusual to have spots of blood on
6 clothing?

7 A That would be completely normal.

8 Q But you did collect the clothing just nonetheless?

9 A Yes, sir.

10 Q After searching that room for the clothing, what
11 did you do next?

12 A At that point that was the end of the day, we
13 transported all of our evidence back to the crime scene
14 laboratory, photographed it, patched it appropriately.

15 Q Okay. Let me show you a few more pictures,
16 State's-66 through 77 with the exception of 70, and ask
17 you what these are.

18 A I believe these to be -- these are personal
19 items -- I'll start with Exhibit 66 -- these are
20 personal items that were taken from the bed at the
21 Rodeway Inn. There were several Food Lion type
22 shopping bags there filled with personal items and
23 several duffel bags there. So we collected all those
24 and at a later point individually photographed all of
25 the items in a room.

1 So item 66 is a yellow, I would say, a Dollar
2 Store, Dollar General type bag containing lots of
3 personal items, paperwork, correspondence. State's
4 Exhibit 67 is a PNC Bank receipt -- or, I'm sorry, a
5 bank statement. And it's made out to Virginia Eakers
6 with an account in her name.

7 State's Exhibit 68 is a blue duffel bag style bag.
8 It says Coastal Geo Tools on it, has an emblem..
9 State's Exhibit 69 is a small piece of jewelry, I
10 believe it's an earring. State's Exhibit 41 is a towel
11 with what appears to be blood stains on it.

12 THE COURT: Excuse me, State's Exhibit what?

13 THE WITNESS: 71.

14 THE COURT: 71, okay.

15 THE WITNESS: I'm sorry.

16 Q Now, let me ask you, the towel, was that found in
17 the bag, or was that something else that was collected
18 at the scene?

19 A That it was something that was collected at the
20 scene.

21 Q So the other items were contents of the bag, but
22 that particular towel was --

23 A Right.

24 Q Was that the one we already discussed? Get these
25 marked. Number four on State's-47?

1 A Yes, sir, it's the same towel.

2 Q So 47, and what's the number there?

3 A This is 71.

4 Q 41 and 71 were the same towel?

5 A State's Exhibit 72 is going to be -- there's
6 actually two towels on top of the microwave, one was a
7 washcloth and one was a towel. This is a photograph of
8 the towel, the initial one was a picture of a
9 washcloth.

10 Q Well, were they together in State's-47?

11 A They were wrapped up in a ball, yes, sir.

12 Q So both of them were in this picture, and you've
13 got them separately in those two pictures?

14 A Yes, sir. These are separate photographs of the
15 two different items. State's Exhibit 73 is a cat bowl,
16 just kind of general can openers and things that you
17 would -- personal hygiene objects, things like that.

18 Q And that was in one of the bags?

19 A That was in one of the bags on the bed.

20 Q Right.

21 A State's Exhibit 74 is sort of a lavender-colored
22 bag. It's a drawstring bag, I guess, that's how you
23 describe it. State's Exhibit 75 are items of
24 identification. There is a State of North Carolina
25 identification card, numerous receipts, PNC Bank debit

1 card.

2 State's Exhibit 76 is more identification items, a
3 social security card, North Carolina identification
4 card to Virginia Eakers. There is a key.

5 Q Sorry.

6 A And State's Exhibit 77 is what I describe as a
7 small woman's change purse with a lavender strap tied
8 to it, or a piece of ribbon.

9 Q Let me ask you about these two, specifically
10 State's-76 and 75 are the two that show the cards.

11 A Yes, sir.

12 Q And that little change purse, number 77, what was
13 the relationship with these two?

14 A They were all found in the same area on the bed.

15 Q Was that the contents of the purse?

16 A Yeah. Yes, sir.

17 Q Okay. And where was the small purse and the
18 contents found?

19 A They were found, I believe, in the lavender
20 colored drawstring bag.

21 Q And everything except the towels there were found
22 in one of those two bags?

23 A Yes, sir, out of those pictures, yes, sir.

24 MR. DeBUSK: Your Honor, State offers 73 through
25 77 -- sorry -- 66 through 77 with the exception of No.

1 70 into evidence at this time.

2 THE COURT: Any objection?

3 MR. STANKO: Your Honor, we've seen those photos,
4 without objection.

5 THE COURT: All right. State's Exhibits 66
6 through 69 and 71 through 77 are admitted into evidence
7 without objection.

8 (WHEREUPON, State's Exhibit Nos. 66 to 69 and 71
9 to 77 were admitted in evidence.)

10 Q Item 77 is a change purse with the chain and its
11 contents?

12 A Yes, sir.

13 Q Again, was found in one of those two bags?

14 THE COURT: Yes.

15 Q Okay.

16 MR. DeBUSK: Your Honor, may I publish 77 and 76
17 and 75 to the jury?

18 THE COURT: All right.

19 Q And again, it's 74 and 68 are the two bags that
20 were --

21 A Correct.

22 MR. DeBUSK: Your Honor, may I also publish 68 and
23 74?

24 THE COURT: All right.

25 Q After you processed those items in the lab, what

1 did do you with them?

2 A They were returned to their original packaging and
3 resealed, and I put my initials and a date on it, on
4 the next piece of tape that seals the bag.

5 Q While you were processing them from the lab, did
6 you alter or change them in any way?

7 A No, sir.

8 Q What was done with them after you packaged them?

9 A They would be taken to property and evidence.

10 Q That would be the -- would that be at the same
11 place or would that be somewhere else?

12 A That's at the main police department.

13 Q Where is your lab?

14 A Our lab is located on the old Air Force base,
15 Mustang Street.

16 Q Market Commons?

17 A Market Commons there, yes, sir.

18 Q And the main evidence repository is where?

19 A It's at 1101 Oak Street at our main police
20 department.

21 Q Did there come a time in your work on this
22 investigation where you dealt directly with the
23 Defendant?

24 A Yes, sir.

25 Q What was that?

1 A On the 23rd of May that year, I was given another
2 search warrant to go up and collect forensic evidence
3 from Mr. Wilson at the jail.

4 Q Did you have a search warrant?

5 A Yes, sir. I was provided one at the jail.

6 Q What's a buccal swab?

7 A A swab of the buccal cells, the cells in the
8 lining of your cheek.

9 Q How do you take one of those?

10 A I collect them with the same sterile swabs that
11 you collect blood evidence with, same type of swabs.

12 (WHEREUPON, State's Exhibit No. 87 was marked for
13 identification only.)

14 Q What's the purpose of a buccal swab?

15 A That contains DNA that can be used as a known
16 standard to identify the person that they are taken
17 from.

18 Q State's-87, I ask if you recognize that.

19 A Yes, sir, I do recognize it.

20 Q What is it?

21 A It's a package containing the two swabs that I
22 took pursuant to that search warrant.

23 Q After you took the swab, what did you do with
24 them?

25 A I packaged them in this container, and I took them

1 to the property and evidence.

2 Q And okay. Did you alter them or change them in
3 any way while you had them in your possession?

4 A No, sir.

5 Q Okay. Did you do anything else in furtherance of
6 the investigation in this case?

7 A Yes, sir.

8 Q What did you do?

9 A Speaking of the search warrant we were just
10 speaking of, I collected a hair sample from Mr. Wilson
11 to compare it against hair found in the hand of Ms.
12 Eakers while she was in the bathtub. And then several
13 days later I was asked to go down -- I'm sorry, the
14 23rd, which is the same day I was asked to go back to
15 the Victory Motel. We had obtained video of Mr. Wilson
16 touching certain parts of the door frame on the outside
17 of the door. And I was asked to collect samples from
18 those two areas where his hands touched.

19 Q Did that conclude your work in the case?

20 A Yes, sir.

21 Q And, again, all of these items that you collected,
22 while you had them in your possession, did you alter or
23 change them in any which?

24 A I did not.

25 Q And where did you take them after you finished

1 your processing and analysis?

2 A Once everything is finished, it all goes to
3 property and evidence for secure storage.

4 MR. DeBUSK: Thank you. Please answer any
5 questions Defense may have.

6 THE COURT: Cross-examination.

7 MR. STANKO: Thank you, sir.

8 CROSS-EXAMINATION

9 BY MR. STANKO:

10 Q What hotel was Ms. Eakers recovered at?

11 A At the Rodeway Inn.

12 Q Okay. And do you happen to know who found the
13 body?

14 A I do not.

15 Q Okay. You were never briefed on anything like
16 that regarding how she was located?

17 A No, sir.

18 Q Okay. Are you aware that the Rodeway Inn has a
19 maid service?

20 A I would assume all motels do, yes, sir.

21 Q Okay, all right. So are you aware that Ms. Eakers
22 entered that room for the first time the day prior?

23 A I don't have any idea about that, sir.

24 Q Okay, all right. Getting to what you recovered in
25 her room, you said that someone else who was with you

1 located a single fingerprint in there; correct?

2 A Yes, sir.

3 Q Okay. And if a maid service had been in there
4 prior to that, is it fair to say that that fingerprint
5 would likely have only been there for a day?

6 A I really can't answer to that. It's depends on
7 how well the room's cleaned and...

8 Q But it is possible --

9 A It's possible, yes, sir.

10 Q -- that it had only been there a day? Okay. All
11 right. Now, when that fingerprint was recovered, did
12 you test that fingerprint?

13 A I manually compared it against Mr. Wilson's
14 fingerprints, known fingerprints.

15 Q Where did you get Mr. Wilson's fingerprints?

16 A They were on a ten print card from being arrested.
17 They were taken at the jail.

18 Q All right. That was taken by a detention officer
19 out at --

20 A Yeah.

21 Q Okay. And you said that was negative for
22 Mr. Wilson?

23 A They did not match, yes, sir.

24 Q Okay. You were not able to determine whose
25 fingerprint it was?

1 A I was not.

2 Q All right. So it's possible we have no idea whose
3 fingerprint was on that --

4 A Yes, sir. That fingerprint may not be on file in
5 any database that I have access to.

6 Q Okay, all right. You also went over to
7 Mr. Wilson's room; correct?

8 A Yes, sir.

9 Q And while you were conducting your search of
10 Mr. Wilson's room related to your search warrant, did
11 you happen to recover any items that belonged to
12 Ms. Eakers?

13 A I did not, sir.

14 Q Okay. Nothing with her name on it?

15 A Nothing that I could identify that belonged to
16 her, no, sir.

17 Q Okay. Now, you mentioned that you recovered a
18 couple hammers from his room; correct?

19 A One hammer, yes, sir.

20 Q Okay. And when you tested that later, you
21 determined there was no blood on those?

22 A Correct, correct.

23 Q Okay. So you do not believe that a hammer was, in
24 fact, the murder weapon in this case?

25 A I don't believe there's any evidence on that

1 particular hammer of being used in this case, yes, sir.

2 Q Okay, all right. Now, you mentioned right at the
3 end there that you swabbed the outside of his door.

4 What were you looking for there?

5 A Possible transfer of evidence, blood, anything
6 that would not belong to Mr. Wilson.

7 Q Okay. And were those swabs tested?

8 A I don't know, sir. I wasn't responsible for
9 sending those to be analyzed.

10 Q Okay. So your role there, you took the swabs,
11 packaged them up and just sent them off for someone
12 else to test?

13 A I notify Officer Howitt of everything that I've
14 collected, and he gets together with the investigators
15 and decides what's the most important things to send
16 first.

17 Q Okay. Now, related to your search both at the
18 Rodeway Inn and at the Victory Motel, did you have any
19 problems securing any of this evidence?

20 A No, sir.

21 Q Okay. You followed the procedure that your
22 training told you to follow?

23 A Yes. Yes, sir.

24 Q Okay. You were as careful as you could possibly
25 be; correct?

1 A Yes, sir.

2 Q Why were you that careful?

3 A We try to get to the truth of the matter and make
4 sure that the evidence is not tainted, so it can be
5 used in court either to prove or disprove the case.

6 Q So everything that you collected you believed had
7 the potential to at some point be presented at a trial?

8 A Yes, sir.

9 Q Okay. And it would have been improper for you to
10 go against the procedures, the training that you have
11 received; correct?

12 A Yes, sir.

13 Q Okay.

14 MR. STANKO: Your Honor, nothing further for this
15 witness.

16 THE COURT: All right. Anything on redirect?

17 REDIRECT EXAMINATION

18 BY MR. DeBUSK:

19 Q Did you test that fingerprint against Ms. Eakers'
20 fingerprints?

21 A I did not.

22 Q So it could have been her fingerprints?

23 A It's possible.

24 Q Would it be surprising that a maid might not wipe
25 the faucet when she processes a room?

1 A I don't know about surprising, yes.

2 Q Thank you.

3 A I can't speak to how thorough they are, sir.

4 MR. DeBUSK: Thank you. Your Honor, I have no
5 further question.

6 THE COURT: You may step down.

7 THE WITNESS: Thank you.

8 (Witness excused.)

9 MR. DeBUSK: Your Honor, can crime scene
10 specialist Williamson be excused from his subpoena?

11 THE COURT: Any objection?

12 MR. STANKO: Without objection, sir.

13 THE COURT: All right, he's free to go.

14 THE WITNESS: Thank you, sir.

15 MR. DeBUSK: The State calls Anthony Humes.

16 ANTHONY T. HUMES, after being duly sworn,
17 testified as follows:

18 THE CLERK: Please be seated. State your full
19 name, and spell your last name for the Court.

20 THE WITNESS: Anthony Thomas Humes, H-U-M as in
21 Mary, E-S.

22 DIRECT EXAMINATION

23 BY MR. DeBUSK:

24 Q Officer Humes, who is your employer?

25 A The City of Myrtle Beach Police Department.

1 Q How long you been with them?

2 A Almost ten years.

3 Q Okay. What are you -- what is the nature of your
4 work now?

5 A Currently assigned to the crime scene unit.

6 Q Okay. And you do sort of the same thing Officer
7 Williamson does?

8 A Yes, sir.

9 Q Okay. Were you on duty on May 22nd, 2016?

10 A Yes, sir.

11 Q Okay. Were you involved in the investigation of
12 the killing of Virginia Eakers?

13 A Yes, sir.

14 Q What was your role?

15 A I was requested to obtain the Defendant's clothing
16 and to swab his hands.

17 Q Okay. What did you collect?

18 A I collected his shirt, his pants, his shoes and
19 his socks. And then I also obtained swabs from both
20 his left hand and his right hand.

21 Q Let's first talk about the swabs. What did you
22 swab?

23 A I swabbed the top portion of his hand, the palm of
24 his hand and the fingernails of his hands on both
25 hands.

1 Q Okay. Let me get an item marked here if I could.
2 (WHEREUPON, State's Exhibit No. 88 was marked for
3 identification only.)

4 Q I show you what's been marked State's Exhibit 88
5 and ask if you recognize that.

6 A Yes, sir. That is the swabs from his right hand
7 fingernail area.

8 Q Let me just ask you, you collect those the same
9 way that any other swab is collected?

10 A Yes, sir. We use -- on this case I used sterile
11 distilled water, two drops on the swabs. And then use
12 the swabs and then swab around the hand.

13 Q And around the hand and the fingernail area?

14 A Yes, sir.

15 Q And then what did you do with the swabs after you
16 finished them?

17 A I put them in these envelopes and sealed the
18 envelopes and then placed them in the secured search.

19 Q And where do they go from there?

20 A To property and evidence.

21 Q Did you take them over there?

22 A Yes, sir.

23 Q Okay. And so while you had them until you turned
24 them over to property and evidence, did you alter them
25 or change them in any way?

- 1 A No, sir.
- 2 Q Were they as they were when you collected them?
- 3 A Yes, sir.
- 4 Q Thank you. Let's go back, you said you collected
- 5 socks?
- 6 A Yes, sir.
- 7 Q Let me show you -- it's a biohazard again, so I'm
- 8 not going to ask you to open this, but --
- 9 A Okay.
- 10 Q -- State's Exhibit --
- 11 MR. DeBUSK: Not marked yet.
- 12 (WHEREUPON, State's Exhibit No. 89 was marked for
- 13 identification only.)
- 14 Q State's Exhibit 84 -- wait a minute.
- 15 THE COURT REPORTER: 89.
- 16 Q 89.
- 17 A Okay.
- 18 Q Ask if you recognize that.
- 19 A Yes. These are the pair of socks that I collected
- 20 from Mr. Wilson and placed in this evidence bag.
- 21 Q Okay. After you collected them what did you do
- 22 with them?
- 23 A I placed them in this bag and then placed them in
- 24 secured storage.
- 25 Q Was it sealed when you put in?

1 A Yes, sir.

2 Q The red evidence tape, is that how you seal these
3 evidence bags?

4 A Yes, sir.

5 Q Okay. What did the -- where did it go from secure
6 storage?

7 A And then went to P and E, property and evidence.

8 Q Okay. Was it sealed the whole time?

9 A Yes, sir.

10 Q Did you alter them or change them in any way after
11 you collected them?

12 A No, sir.

13 Q Okay.

14 (WHEREUPON, State's Exhibit No. 90 was marked for
15 identification only.)

16 Q State's Exhibit 90, inside a box from SLED. Ask
17 if you recognize what's in there.

18 A These are the shoes from the Defendant.

19 Q Okay. You collected them that same day?

20 A Yes, sir.

21 Q Okay. And did you alter them or change them in
22 any which after you collected them?

23 A No, sir.

24 Q Did you package them as they are in that box?

25 A I put them in the paper bag, I didn't put them in

1 the box.

2 Q The paper bag. The box is not yours, but the
3 paper bag is yours?

4 A Yes, sir.

5 Q Sealed with the red evidence tape?

6 A Yes, sir.

7 Q What did you do with it then?

8 A It went into secured storage.

9 Q And then?

10 A Property and evidence.

11 Q Thank you. Again, where did you go to collect the
12 items from Defendant?

13 A The Defendant was in an interview room at the
14 annex.

15 Q And what day and time was that?

16 A That was May 22nd at approximately 8 o'clock at
17 night.

18 MR. DeBUSK: Thank you. Please answer any
19 questions Defense may have.

20 THE COURT: Yes, sir.

21 CROSS-EXAMINATION

22 BY MR. STANKO:

23 Q So you had a opportunity to look at Mr. Wilson's
24 hands; correct?

25 A Yes, sir.

1 Q You tested those on what day?

2 A The 22nd.

3 Q 22nd, okay. So the same day that the body was
4 located?

5 A Yes, sir.

6 Q Okay. When you were looking at his hands, did he
7 have any significant bruises on either of his hands?

8 A No bruising.

9 Q Did he have any significant cuts on there?

10 A Not significant, no. He did have minor cuts on
11 his right hand.

12 Q Okay. One, two?

13 A I believe there was one on the side, some small
14 little cuts on his wrist, and then maybe a red knuckle,
15 I believe, on the top.

16 Q Okay. When you say a red knuckle, was the skin
17 broken?

18 A No, sir.

19 Q Okay. Now, how long have you been an officer?

20 A Ten years.

21 Q Ten years, okay. I assume prior to being an
22 investigator you were patrol?

23 A Yes.

24 Q And respond to the scene of several fights, maybe
25 bar fights, maybe just regular assaults?

1 A Assaults.

2 Q Okay. When people get in a fight, if they -- you
3 know, if you punch somebody, typically you're going to
4 at least either break the skin or have some -- have
5 some type of discoloration, maybe bruising typically?

6 A Yeah. I believe it depends on the circumstance,
7 but yeah.

8 Q Okay. Well, if somebody just gets in a fight,
9 hits somebody with a normal force, even if they just
10 hit them once you're going to see that; correct,
11 typically?

12 A Yeah, you would see some redness.

13 Q If something hits somebody with enough force say
14 to kill them, you're most certainly going to see that
15 on the hands; correct?

16 A I don't know what it would take to kill somebody
17 by punching them so...

18 Q Okay. Well, you have to say that it would take
19 more force to kill someone than just simply hitting
20 them once, perhaps knocking them down?

21 A It depends.

22 Q Okay, all right.

23 A Yeah.

24 Q Now, you took swabs of, you said, his hands, both
25 sides; correct?

1 A Yes, sir.

2 Q Along with the area under his fingernails?

3 A Yes, sir.

4 Q Did you do each fingernail?

5 A No. I did one -- two swabs for all fingernails on
6 the left hand and two swabs on the right hand for the
7 fingernail area. And then there was two swabs for the
8 top of the hand, and then two swabs for the palm.

9 Q Okay. Now, how long have you been an
10 investigator?

11 A Six years.

12 Q Six years, okay. Had you ever worked a murder
13 case where the suspect was accused of strangling
14 someone to death?

15 A I don't believe so.

16 Q Okay. Well, let me ask you this. If someone has
17 their hands around someone's throat --

18 A Okay.

19 Q -- obviously most of their hand would be up here
20 (indicating); is it fair to say that whoever is being
21 attacked would at least try to scratch, try to claw at
22 their attacker?

23 A Presumably, yeah.

24 Q Presumably. And you would certainly or at least
25 typically see signs of that, maybe not necessarily on

1 the hands but just slightly further up the arm?

2 A Yes.

3 Q Okay. Did you happen to observe any marks at all
4 like that on Mr. Wilson's hands or arms?

5 A No, sir.

6 Q Okay.

7 MR. STANKO: Your Honor, that's all I have for
8 this officer.

9 THE COURT: Redirect.

10 MR. DeBUSK: Yes, Your Honor.

11 REDIRECT EXAMINATION

12 BY MR. DeBUSK:

13 Q Now, if a person was frail and elderly, somebody
14 in her early eighties, would it take more or less force
15 to beat them badly?

16 A Less, I would --

17 Q So -- and would that be more or less likely to
18 leave marks on the hands?

19 A Less.

20 Q Okay. If someone was already beaten into
21 unconsciousness when they were strangled to death,
22 would they be able to make marks on somebody's hands?

23 A No, sir.

24 MR. DeBUSK: Thank you. No further questions.

25 THE COURT: All right. You may step down. You

1 may step down.

2 THE WITNESS: Thank you.

3 (Witness excused.)

4 MR. DeBUSK: State calls Malinda Shadone. Oh, can
5 Officer Humes be excused from his subpoena?

6 THE COURT: Any objection?

7 MR. STANKO: No objection, sir.

8 THE COURT: He's free to go. Thank you.

9 MALINDA SHADONE, after being duly sworn, testified
10 as follows:

11 THE CLERK: Please be seated.

12 MR. DeBUSK: Court's indulgence, Your Honor.

13 (Discussion off the record.)

14 DIRECT EXAMINATION

15 BY MR. DeBUSK:

16 Q Good morning, Officer Shadone. Who is your
17 employer?

18 A City of Myrtle Beach Police Department.

19 Q Obvious by your patches there. What do you do?

20 A I am the property and evidence technician for the
21 City.

22 Q Could you tell the jury what that involves.

23 A We house all of the evidence that comes in from
24 different crimes along with all of the lost and found
25 of the City. And we secure them in a location that is

1 only designated to me and maybe three other people.

2 Q Okay. Is that a secure facility?

3 A It is.

4 Q Okay. Did you handle any evidence in relation to
5 the murder charge against this Defendant, Rickey
6 Wilson?

7 A I did.

8 Q Okay. Let me ask you, how do you keep track of
9 items in your evidence facility?

10 A When they come in either by hand or in an evidence
11 locker that's secured, we then what's called intake it
12 and process it. We put a label on there that's called
13 a property record number, and each one is
14 individualized. Each one has their own unique number.
15 So we have track of it, so we can figure out where
16 exactly it is and the location that it's needed to be
17 in.

18 Q Let me ask you about a few items. First is item
19 35 which has been already authenticated as a
20 criminal -- a sexual assault kit. Did that come
21 through you evidence facility?

22 A It did.

23 Q When?

24 A Can I refer to my notes?

25 Q Yes, you may. That's why you keep notes; right?

1 A Yes. It came into us on May 26th of 2016, at
2 approximately 10:52 in the morning.

3 Q When did it leave you?

4 A It left my care and custody on August 31st, 2016
5 at 12:05 when I took it to SLED.

6 Q When you take an item to SLED, what do they do
7 with it when they take it in?

8 A First of all, they take it and make sure that any
9 kind of evidence tape was not tampered with. At that
10 point, then they will take it and package it in their
11 own packaging if need be. And then they will secure it
12 in their own location before it goes to the analyst who
13 is going to be assigned to that case.

14 Q Okay. So when it leaves your possession, it will
15 already be sealed either in your own packaging or
16 sealed in a SLED --

17 A Absolutely, yes.

18 Q And did you sign all this evidence in at SLED?

19 A Yes, I did.

20 Q Okay. So that was State's-35. State's-36 and 37,
21 unfortunately, I don't know if you'll be able to see
22 your sticker on it --

23 A Yeah, okay.

24 Q -- but you can see the packaging.

25 A Okay. This particular one right here was -- do

1 you want me to tell you who took it in?

2 Q Yes.

3 A This is the cutting from the side of cuff of left
4 leg. And it was turned into my evidence room on
5 May 26th, 2016 at 11:02.

6 Q By whom?

7 A That was crime scene Stair.

8 Q Okay. And how did it -- how did that leave
9 your...

10 A I had taken it to SLED on December 29th, 2016 at
11 10:45 in the morning, I took it to SLED myself. And
12 then --

13 Q I'll ask you about --

14 A Go ahead.

15 Q Go ahead, I'm sorry.

16 A They put it in that packaging and sealed it
17 themselves, yes.

18 Q So this is, this outer plastic bag is a SLED
19 packaging?

20 A It is. And they do that in front of me.

21 Q When they seal it, do they do anything in
22 particular to -- do you put any markings on it
23 yourself?

24 A I do. I put my name, initials on there as well to
25 show that I was there when they sealed it with the date

1 as well.

2 Q So this one has your initials as well as from
3 other openings?

4 A It does. When they do open it and they have to do
5 any type of analysis on it, then they will go ahead and
6 initial it when they seal it as well.

7 Q But this is the one that was sealed with that seal
8 when you --

9 A Right. That was the only one at that point.

10 Q Okay. Please continue.

11 A Sure. In this package there are swabs from the
12 newspaper and the cutting from the back of the upper
13 leg. The swabs came in from the newspaper on the same
14 date, May 26th, 2016 at 11:02. And it went to SLED on
15 July 7th, 2017 where I took it to SLED myself.

16 And then the cutting from the upper leg, same
17 date, May 26, 2016, at 11:02, it was turned in to my
18 room. And I also took it at the same time on July 7,
19 2017 to SLED.

20 Q So since were taken to SLED together, they were
21 put in the same SLED packaging?

22 A Same packaging, yes.

23 Q Okay. And it's the same thing, they sealed it in
24 your presence and you signed it?

25 A Yes.

1 Q Okay. Let me step back in the exhibit numbers a
2 moment. 33, State's-33, ask if you recognize that.

3 A Looks like they've been taken out of the packaging
4 to probably take it to SLED. I just don't know what
5 group number that would be.

6 Q Okay.

7 A It was because we had a couple different ones. I
8 don't know. There was nail clippings from the right
9 hand, from the left hand, the right to the foot and the
10 left foot.

11 Q They are all in there.

12 A Okay, so they're all in there, okay. They just
13 come in individualized. And all of them came in the
14 same date of May 26th, 2016, at 10:52 in the morning.

15 Q Okay. And how do they leave your...

16 A They went to SLED on August 31st, 2016. And I
17 took them to SLED as well all together.

18 Q Okay. State's-34.

19 A Sorry, bear with me. Okay. This one is the
20 buccal swab for the victim, Virginia Eakers. And it
21 was turned in to my evidence room on the same date of
22 May 26th, 2016, at 10:52 in the morning. Went to SLED
23 by me, August 31st, 2016, at 12:05 in the afternoon.

24 Q Thank you. State's -- well, yeah, State's-85.

25 A This is one of the towels. This one actually came

1 in on June 2nd, 2016, at 9:17 in the morning, and it
2 was sent to SLED by me on July 7th, 2017, at 11:07.

3 Q Let me show you State's-86. How is that labeled?

4 A That is another -- I believe another towel. Yes.
5 We have group numbers on them, that's group number 55
6 on my end. And that's just what I'm looking for the
7 property sheet for. That came in on June 2nd, 2016, at
8 9:17 as well in the morning. And I took this one to
9 SLED myself on July 26th, 2017, at 11:35.

10 Q Okay. This one doesn't have the SLED packaging;
11 is that correct?

12 A No. It was -- I want to say it was in a box.

13 Q Right.

14 A Yeah. The smaller one, I believe.

15 MR. DeBUSK: I guess now that they are separated,
16 I probably better mark this one separately.

17 (WHEREUPON, State's Exhibit Nos. 91 through 93
18 were marked for identification only.)

19 Q State's-91.

20 A That's the box that would come back into -- they
21 had sealed it in front of me. Of course my initials
22 and dates are on their SLED yellow seal. When I get it
23 back, I do not open it. But I would put that same
24 sticker that I put on the brown paper bag in the
25 beginning.

1 Q They are separate, I'm going to keep them together
2 here. And, again, when you got to SLED, they would
3 have put it in the box?

4 A They did right in front of me, yes.

5 Q And you would have signed it?

6 A Yes.

7 Q State's-87?

8 A This is the buccal swab of Rickey Wilson. This
9 one came into our evidence room on June 2nd, 2016, at
10 9 a.m.; and it looks like I took it to SLED on
11 August 31st, 2016 at 12:05.

12 Q Again, still in the SLED plastic bag?

13 A That's correct.

14 Q State's-88.

15 A Okay. There's two inside this packaging. There's
16 swabs from the left hand fingernails of Rickey Wilson
17 and swabs from the right hand fingernails of Rickey
18 Wilson. I believe both of them were at the same time.
19 These were into my evidence room on July 5th, 2016, at
20 8:44, whereas then I took it to SLED on December 29th,
21 2016, at 10:45.

22 And let me verify that that was the same time for
23 the other one. Yes, same dates and times for the other
24 one as well, both in the SLED packaging together.

25 Q Okay. So again, which items were in here, the

1 swabs from?

2 A The fingernails of Rickey Wilson, both left hand
3 and right hand.

4 Q Got you. State's-89.

5 A These are a pair of socks from Rickey Wilson.
6 These were turned in to my room on July 5th, 2016, at
7 8:44 in the morning. Then I also took these to SLED on
8 the same date of July 7, 2017 at 11:07.

9 Q Okay. I have State's-89.

10 A These are a pair of sunglasses turned in to my
11 room on June 2nd, 2016, at 9:17 in the morning. And
12 same date for SLED was July 7th, 2017, at 11:07. And I
13 believe they were in that same box.

14 Q They were in the box, this box?

15 A Right.

16 Q What else was in that box? That's State's
17 Exhibit 90, your sticker is on top.

18 A There are a pair of shoes from Rickey Wilson.
19 They were turned in to the evidence room on July 5th,
20 2016, at 8:44. And I took these to SLED myself on
21 December 29th, 2016 at 10:45 in the morning.

22 Q I'm sorry, Officer Shadone, we've been doing so
23 many, did we already talk about the swabs from the
24 telephone?

25 A We did not. Those are currently at SLED, that's

1 why you can't find them.

2 Q Okay. Did you take in a set of swabs from the
3 telephone?

4 A I did.

5 Q From whom did you take them?

6 A That was from crime scene Williamson. And I took
7 them in on June 2nd, 2016, at 9:17 in the morning,
8 whereas then I took them to SLED on October 20th, 2017,
9 at 10:44, and they are still currently there.

10 Q How about a cutting from a sheet?

11 A Same deal on that one, they're still at SLED.

12 Q Who gave them to you and...

13 A That would be crime scene analyst Scott
14 Williamson. And that was on June 2nd, 2016, also at
15 9:17 in the morning.

16 Q And finally, there's some swabs from the
17 newspapers?

18 A I think we did that already.

19 Q We did that one already?

20 A We did that.

21 Q Okay. So --

22 A Yes, we did that one.

23 Q So now that we've gone through it formally, let me
24 go through it quickly to make sure we covered it all.

25 A Yes.

- 1 Q You got a CSC kit?
- 2 A We did.
- 3 Q Some finger -- cuttings from fingernails?
- 4 A Correct.
- 5 Q Buccal swab from the Defendant?
- 6 A Yes.
- 7 Q A cutting from the left pant legs of some jeans?
- 8 A Yes.
- 9 Q The shoes of the Defendant?
- 10 A Correct.
- 11 Q Swabs from the Defendant's left hand?
- 12 A Correct.
- 13 Q Right hand?
- 14 A Right.
- 15 Q Cutting from the right upper leg of those jeans?
- 16 A Correct.
- 17 Q Swabs from the newspaper?
- 18 A Yes.
- 19 Q Sunglasses?
- 20 A Yes.
- 21 Q Socks?
- 22 A Correct.
- 23 Q Two towels labeled, choice and dolphin?
- 24 A Correct.
- 25 Q A swab from a phone?

1 A Correct.

2 Q And a cutting from a sheet?

3 A Yes.

4 Q Okay. Now, all these items were in your custody,
5 control and taken to SLED by you?

6 A They were.

7 Q While you had them in your custody and control,
8 did you alter them or change them in any way?

9 A Absolutely not.

10 Q Did you secure them from anyone else altering or
11 changing them in any way?

12 A Did I -- I'm sorry.

13 Q Did you secure them from anyone else?

14 A I did, yes.

15 Q Okay. And they were safely in your facility until
16 taken to --

17 A Yes, absolutely.

18 Q And some of them have been returned, and some of
19 them are still at SLED?

20 A Correct. There's only two that are still at SLED.

21 Q Okay.

22 MR. DeBUSK: Thank you. Please answer any
23 questions Defense may have.

24 THE COURT: Cross-examination.

25 MR. STANKO: Your Honor, we've been going about an

1 before we recess?

2 MR. OSKIN: Nothing, Your Honor.

3 THE COURT: Anything from the Defense?

4 MR. STANKO: Nothing, sir.

5 THE COURT: All right let's take about a 15-minute
6 recess.

7 (WHEREUPON, a brief recess was taken at
8 approximately 11:08 a.m.)

9 THE COURT: Thank you very much, please be seated.
10 Anything from the State before we bring in the jury?

11 MR. OSKIN: Nothing from the State, Your Honor.

12 THE COURT: Anything from the Defense.

13 MR. STANKO: Nothing sir.

14 THE COURT: All right. Let's bring the jury in.

15 (WHEREUPON, the jury came into open court at
16 approximately 11:33 a.m.)

17 THE COURT: Okay, ladies and gentlemen, welcome
18 back. We're ready to continue with the trial of the
19 case. Please make sure you have your own notepad and
20 do not have anyone else's notepad.

21 Mr. Stanko, cross-examination.

22 MR. STANKO: Thank you, sir.

23 CROSS-EXAMINATION

24 BY MR. STANKO:

25 Q You were the one who received all of the evidence

1 related to this case?

2 A It was in my room currently, yes.

3 Q But everything that had to be checked in came
4 through you?

5 A I'd have to look at all of the rest of them, but
6 yes, most of them came through me, if anything, for
7 sure.

8 Q Okay. Do you ever watch any of the video evidence
9 that comes in?

10 A No, never. It's all in --

11 Q Your only job is to collect it, put a sticker or
12 whatever on it, and put it in the evidence room?

13 A House it in my current location, yes.

14 Q Okay, all right. And now, and when you get those
15 things, whether it's a CD, whether it's, I mean, back
16 in the olden days, a VHS --

17 A Um-hum.

18 Q -- a thumb drive, whatever it is, that's labeled;
19 correct?

20 A Correct.

21 Q And it tells you exactly what's on whatever that
22 device happens to be?

23 A It would be a -- it wouldn't be specific as to
24 times or dates or whatnot. It would just tell you
25 video footage of such and such.

1 Q Okay. So, for example, if it came from -- if it
2 came from a hotel, it would say, surveillance footage
3 from Days Inn?

4 A Sure.

5 Q Okay, all right. And when you were collecting
6 evidence on this case, you received video from the Days
7 Inn?

8 A I'd have to look at my notes and see if I did; do
9 you mind?

10 Q Yes. Yes.

11 A Is that what would have been categorized as, I
12 mean --

13 Q It should have been, yes.

14 A Okay.

15 Q Either Days Inn video, Days Inn surveillance. It
16 would have Days Inn on it.

17 A There's four pages, bear with me. I have where it
18 says, scene HD video. And I have a CD with body worn
19 camera footage. I don't have anything that specifies
20 Days Inn, unless it was specified in the notes section,
21 which wouldn't show up on my list.

22 Q Okay. So there is other evidence that was turned
23 in to you that wouldn't be on that list?

24 A No, sir. On this particular list it only shows me
25 the field description of what they initially put. They

1 can add additional notes into it. But I wouldn't have
2 that on my evidence list. So if it said Days Inn on
3 another one, I wouldn't know on this list.

4 Q So let me ask you this. If it was just a thumb
5 drive, that could just say thumb drive, and then the
6 notes would say --

7 A Correct.

8 Q Okay.

9 A Yes.

10 Q If you would, and I don't mean to take up too much
11 of your time here --

12 A That's fine.

13 Q -- but if you could go back through that list, do
14 you see CD or a thumb drive or anything that would
15 indicate some type of a media storage device?

16 A Other than photos; correct?

17 Q Other than photos, yes.

18 A Okay. I have a CD, a 911 recording. DVD of
19 footage for Victory. Excuse me, I didn't see that
20 before.

21 Q Okay.

22 A There again is the scene HD video. I have a DVD-R
23 scan data that might be for a phone, I'm not a hundred
24 percent sure. And then the body cam footage, and
25 that's it.

1 Q Okay, all right. So most likely it's that HD
2 video that you were talking about that we were
3 referring to?

4 A Okay.

5 Q Does that give you the dates that things were
6 turned in to you?

7 A That's actually back in the sequester room. But I
8 have -- would have the dates over there if I needed to
9 go get it.

10 Q Okay. It's all right, just making sure that you
11 keep records of --

12 A I do.

13 Q -- when things are...

14 A Yeah.

15 Q Okay. And if somebody was turning in a media
16 storage device such as a thumb drive to you, what is
17 the -- what's the procedure that they have to go
18 through in order to insure that the bag is entered into
19 the evidence room?

20 A They would put it in a manila envelope like you
21 saw some of them, packaged with red evidence tape on
22 them that would seal it, so it would be tamper free.

23 And there they would put their initials and their --
24 the date of when they actually package it and vouchered
25 it to put into my evidence room.

1 Q Okay. Now, if they have video, do they upload it
2 onto a central drive first before giving it to you?

3 A I wouldn't know that.

4 Q All right.

5 A That's above my --

6 Q So you just deal with tangible items?

7 A Correct.

8 Q They hand you something, you put it in where you
9 keep things?

10 A Correct.

11 Q Okay, all right. Now, did you at any point
12 receive either a disc or a thumb drive that had a
13 recording of the interview with Mr. Wilson?

14 A Can I go back to the notes?

15 Q Sure.

16 A I didn't see any thumb drive of anything. And it
17 would be an interview? I'm sorry, interview?

18 Q It was an interview with Defendant, Mr. Wilson.

19 A Okay. No, sir.

20 Q Okay. So that was -- that recording was never
21 provided to you?

22 A It's not in my evidence room, as far as I see.

23 Q Okay. What about the recording of any interview
24 with a witness to this case named Cassie Dalton?

25 A I don't see anything that says interview at all.

1 Q Okay. So there is also not an interview with
2 someone named Jeff Lewis?

3 A Not in the field description. Again, I didn't see
4 anything that said interview DVD or CD.

5 Q Okay.

6 MR. STANKO: Your Honor, nothing further.

7 THE COURT: All right. Redirect?

8 MR. DeBUSK: Nothing further, Your Honor.

9 THE COURT: All right. You may step down.

10 THE WITNESS: Thank you.

11 (Witness excused.)

12 THE COURT: State can call your next witness.

13 MR. DeBUSK: Your Honor, can Officer Shadone be
14 released from her subpoena?

15 THE COURT: Any objection?

16 MR. STANKO: Without objection.

17 THE COURT: She's free to go. Thank you.

18 MR. DeBUSK: The State calls Jasmine Ruiz-Yi.

19 JASMINE RUIZ-YI, after being duly sworn, testified
20 as follows:

21 THE CLERK: Please state your name and spell it
22 for the Court.

23 THE WITNESS: Okay. My name is Jasmine Ruiz-Yi,
24 J-A-S-M-I-N-E, R-U-I-Z, hyphen Y-I.

25 DIRECT EXAMINATION

1 BY MR. DeBUSK:

2 Q Ms. Ruiz-Yi, who is your employer?

3 A I currently work at SLED.

4 Q What's SLED?

5 A SLED is the South Carolina Law Enforcement
6 Division.

7 Q Okay. Where do you work?

8 A I work in the DNA department as a forensic
9 serologist.

10 Q Where is that located geographically?

11 A I'm sorry, sir. It's in Columbia, South Carolina.

12 Q Okay. What are your duties?

13 A I work as a forensic serologist. My duties are to
14 examine items of evidence for blood, semen and saliva
15 and to scrape items of evidence for touch DNA and
16 ownership DNA.

17 Q And what does serologist mean?

18 A A serologist is someone who works in the field of
19 serology, which is the identification of -- excuse me,
20 bodily fluids such as blood, semen and saliva.

21 Q Now, when you do that, do you analyze it for DNA
22 or does someone else do it?

23 A No. I am not a DNA analyst. Someone else does
24 those duties.

25 Q Okay. Tell me how evidence at SLED is handled.

1 A When evidence comes to SLED from outside agencies,
2 it first goes to our evidence control technicians who
3 take the evidence, make sure that it's sealed,
4 initialed and dated by the submitting agency and will
5 then give it a lab number and a unique item number.

6 And from then it's stored in evidence control.
7 And then us technicians or analysts will then request
8 the items of evidence which -- and then it will go into
9 an evidence control technician's custody. And then
10 they will then transfer it to us.

11 Q When it comes into SLED, is it packaged,
12 repackaged?

13 A When it comes into SLED, the evidence control
14 technicians make sure that it is properly sealed.

15 Q Were they put in new SLED packaging like a box or
16 a heat-sealed pouch?

17 A It depends on how the evidence is packaged. If
18 it's already in a box and sealed and initialed and
19 labelled, they don't need to put additional packaging.
20 Whereas if it's not that way, then they'll then put it
21 in a heat-sealed pouch which they will then make sure
22 that the submitting agency initials and dates.

23 Q Now, you referred to evidence technicians. When
24 they handle those items of evidence, do they unseal
25 them?

1 A No, they do not. That is not part of their
2 duties.

3 Q It's maintained in a sealed condition all the time
4 they have it?

5 A Yes, sir.

6 Q Okay. With your job did you need to unseal the
7 evidence?

8 A Yes, I do need to unseal the evidence.

9 Q I want to go through the items in these -- this
10 case one by one. When you get an item, is there a
11 number assigned to it?

12 A Yes. That's part of the evidence control duties.

13 Q Now, the whole case will have a number; right?

14 A Yes, sir.

15 Q That's called a lab number?

16 A Yes, sir.

17 Q Okay. And each individual item will get numbers
18 like one, two, three; right?

19 A Yes.

20 Q Let me ask you about what was item one when you
21 dealt with it. Now State's-35, what is that?

22 A This is a sexual assault evidence collection kit.
23 It's a specialized kit that contains collection swabs
24 that medical personnel will use to collect from the
25 victim.

1 Q Did you receive that kit in this case?

2 A May I open it?

3 Q Yes.

4 A Yes, I did, sir.

5 Q Okay. How can you tell?

6 A I can tell this a couple different ways. First, I
7 look and see the lab number and the item number. And
8 then I can also see where I sealed the package and
9 initialled and dated it. And on the other side I can
10 also see where I did the same onto the actual
11 collection kit.

12 Q Now, there were some loose items that weren't
13 sealed in that kit that are in the bottom of the box?

14 A Yes, sir.

15 Q One of which has been separately identified as
16 State's-33. What are those?

17 A These are fingernail scrapings. And these were
18 outside of this packaging, sir.

19 Q Okay. When you received the sexual assault kit,
20 was it sealed?

21 A Yes, sir.

22 Q What would you have done if it had not been
23 sealed?

24 A I would have contacted evidence control as well as
25 the agency and asked them why it's not sealed.

1 Q And if you didn't have a good explanation, would
2 you have processed it?

3 A No, I would not.

4 Q Okay. But in this case it was sealed?

5 A Yes, sir.

6 Q Okay. What did you do with it? And, again, this
7 was item one; right?

8 A Yes, sir. Upon receiving a sexual assault
9 collection kit, I'll open -- I'll make sure that the
10 seals aren't compromised, and then I'll proceed to open
11 it, inventory all of the items that are in the kit, and
12 then from there I would then begin testing the items to
13 see which items would need to move on to DNA.

14 Q If you find an item in this whole -- the whole
15 thing is item one, if you find an individual item that
16 you want to send, do you give it a new number?

17 A Yes. Part of inventorying the kit is going
18 through all of the individual items that were actually
19 collected inside the kit and giving them an item -- a
20 sub-item number so that when a report goes out, each
21 item can get its own result.

22 Q What would be the numbering structure, what would
23 you do?

24 A The whole item if it is, item one, the next
25 sub-item would be 1.1 and then 1.2, and then so on and

1 so forth.

2 Q When you opened this and worked with the contents
3 of the sexual assault kit, what did you create as item
4 1.5?

5 A My I refer to my notes?

6 Q Yes. That's why we keep notes.

7 A 1.5 is the nail clippings.

8 Q Okay. What did do you with those items?

9 A For the nail clippings, I cut a representative
10 sample from what was collected, placed it into a tube,
11 and then that tube is forwarded to the DNA analyst.

12 Q Did you do it separately for each hand?

13 A Yes. They are collected separately, and so they
14 are given separately.

15 Q So did you have four numbers or four sub-numbers,
16 I guess?

17 A I yes, I did.

18 Q So what were they?

19 A 1.5.1 is the left hand, 1.5.2, the right hand nail
20 clippings, 1.5.3, the left foot nail clippings, and
21 1.5.4 is the right foot nail clippings.

22 Q So you sent four separate items to DNA?

23 A I sent -- sub-items, four items, but I only sent
24 two items. I only prepared two items for DNA.

25 Q What do you mean?

1 A I cut the left hand nail clippings and the right
2 hand nail clippings, and then I forward them to DNA.
3 But I did not do the same for the foot nail clippings.

4 Q Thank you. What was item 1.6 when you...

5 A 1.6 was the pubic hair combings.

6 Q Okay. Did you send any of those to DNA?

7 A Yes. I forwarded three sub-items to DNA.

8 Q Okay. What were those, then? Probably obvious
9 but...

10 A Right. 1.6.1 is hair, 1.6.2 hair and 1.6.3 is
11 hair.

12 Q Okay. What was item 1.7?

13 A 1.7 was the victim buccal swabs. And this was
14 also forwarded to the DNA section.

15 Q State's-34, a separate package, and ask you if you
16 recognize that.

17 A Yes. This is the buccal swabs from Virginia
18 Eakers. I did have this in my custody.

19 Q Okay. And was that sent to DNA for...

20 A I used the standard collected from her from the
21 kit.

22 Q Okay.

23 A So this was not actually forwarded to --

24 Q They are the same?

25 A Yes, sir.

1 Q The same source. Now, this kit was handled as
2 sort of a unit before you opened it; right?

3 A Yes, sir. It's all together.

4 Q Who handled it before you at SLED?

5 A At SLED?

6 Q After Officer Shadone checked it in.

7 A Okay. One moment. It was first given to the
8 evidence control technician.

9 Q Who was that?

10 A It was Jackie Davis.

11 Q And did anyone else handle it before it got to
12 you?

13 A I don't have records of that.

14 Q Do you have -- do you keep records of the chain of
15 custody?

16 A The chain of custody only dictates where the
17 location of the item is within SLED.

18 Q Okay. From the time it was checked in by Officer
19 Shadone until you got it, would any of those
20 technicians have altered or changed it in any way?

21 A No, they would not.

22 Q Would they have unsealed it?

23 A No, they would not.

24 Q Would you have done anything with it if it had
25 been unsealed?

1 A No, sir, I would not.

2 Q And when you send the item off to DNA, did you
3 reseal them all?

4 A Yes, sir.

5 Q And they maintained a sealed condition as they
6 went to DNA?

7 A Yes, sir.

8 Q Okay. Let me go next to -- let's get this out of
9 your way.

10 A Would you like this back?

11 Q Yes, please. I'll take that as well. Never goes
12 back into the box. Let me show you what's been marked
13 as State's-87, ask if you recognize that.

14 A I do.

15 Q What is it?

16 A These are the buccal swabs from Rickey Wilson.

17 Q Okay. Did you receive that?

18 A Yes, sir, I did.

19 Q Did you do anything to it?

20 A I cut the swabs and forwarded them to the DNA
21 section.

22 Q What would you have cut?

23 A They come in what are referred to as buccal swabs,
24 essentially Q-tips, similar to Q-tips.

25 Q Okay. So you cut off the...

- 1 A Yes, the cotton portion at the top.
- 2 Q And you put that in a tube or something?
- 3 A Yes, sir.
- 4 Q And then you sent that to DNA for analysis?
- 5 A Yes, sir.
- 6 Q Would you have resealed it?
- 7 A Yes, sir.
- 8 Q Okay. Before it got to you, was it maintained in
- 9 a sealed condition?
- 10 A Yes, sir, it was.
- 11 Q And would you have handled it if it had not been
- 12 sealed when you received it?
- 13 A No, I would not.
- 14 Q Okay. So that was State's-87. And, again, what
- 15 was its number when it went to...
- 16 A It is item three.
- 17 Q What is item five?
- 18 A Item five is the cutting from side cuff of the
- 19 left pant leg.
- 20 Q State's Exhibit 36, ask if you recognize that.
- 21 A I do.
- 22 Q What is it?
- 23 A It is the cutting from side cuff of the left pant
- 24 of the leg.
- 25 Q Okay. What's that little tube in there with it,

1 the little plastic tube?

2 A This appears to have been created by the DNA
3 analyst.

4 Q Okay, so it has to do with the DNA analyst?

5 A Yes, sir.

6 Q Did you do anything with that cutting?

7 A When it goes to the DNA analyst, it would have the
8 tube that I placed my cutting in.

9 Q So you took a smaller cutting from a big cutting?

10 A Yes, sir.

11 Q And you put it in a different tube; did you seal
12 it again?

13 A Yes, sir, I did.

14 Q And sent in a sealed condition to the DNA analyst?

15 A Yes, sir.

16 Q Okay. That was your item five, our Exhibit 36.

17 Did you examine a pair of shoes?

18 A Yes, sir, I did.

19 Q The packages have been opened. Let me show you
20 State's-90 and ask if you recognize this.

21 A Yes, I do.

22 Q What is it?

23 A It is the shoes.

24 Q When you received those, were they still in a
25 sealed condition?

1 A Yes, sir.

2 Q What did you do with them?

3 A I -- they were previously treated by the
4 submitting agency, so I requested the photos that they
5 used with their treatment. And using those photos, I
6 then swabbed the areas where they had a positive
7 reaction and proceeded to do a card test to test them
8 and see if there were any blood on the shoes.

9 Q Did you find blood on the shoes?

10 A No, I did not, sir.

11 Q After that negative test, did you do anything
12 further with the shoes?

13 A No, sir, I did not.

14 Q Were the shoes sent to DNA?

15 A No, they were not.

16 Q So the shoes were sort of out of the analysis?

17 A Yes, sir.

18 Q What was item eight and nine?

19 A Item eight was the swabs from Rickey Wilson's left
20 hand fingernails, and item nine was swabs from Rickey
21 Wilson's right hand fingernails.

22 Q I'm sorry, I have so many. What was done with
23 those -- when you received those, what did you do with
24 them?

25 A I cut them and then forward them for DNA.

1 Q Did you reseal them when you sent them to DNA?

2 A Yes, sir.

3 Q So the swabs from the fingernails of the left hand
4 and the right hand both went to DNA as numbers eight
5 and nine?

6 A Yes, sir.

7 Q Okay. Again, in a sealed condition?

8 A Yes, sir.

9 Q So these were the various items that were in your
10 custody and control. What date did you handle these
11 items that we've just been through?

12 A Okay. One moment, sir. I received the sexual
13 assault kit on March 15, 2017, and created all the
14 sub-items from that kit on March 15th, 2017. I also
15 received the buccal swab for Virginia Eakers on
16 March 15th, 2017 as well as the buccal swabs for Rickey
17 Wilson.

18 I received the cutting from side cuff of left pant
19 on February 27, 2017. I received the hair from
20 victim's fist on 2/27/2017. And I also received these
21 shoes from -- Rickey Wilson's shoes on that same date,
22 February 27th, 2017 and created the sub-items from
23 those shoes on that same day.

24 Excuse me, I did that on March 2nd, 2017. And
25 lastly, I received the swabs from Rickey Wilson's left

1 hand and right hand on February 27, 2017.

2 Q Just before you mentioned hair from the victim's
3 hand?

4 A Yes, sir.

5 Q Was anything further done with that hair?

6 A The method of collection made it difficult to
7 examine that. So no, sir, no analysis was performed.

8 Q No analysis was performed on that hair. The time
9 you had those items in your custody and control, other
10 than taking sub-samples to send on to DNA or do blood
11 tests, did you alter them or change them in any way?

12 A No, sir, not after the initial testing and
13 prepping them for DNA.

14 Q Okay. When you do a test for blood or bodily
15 fluids, what do you do?

16 A Depending on the item, if it's a larger piece of
17 evidence, usually presumptive testing will be done.
18 However, in the case of the shoes, the presumptive
19 testing that was done by the outside agency interferes
20 with the presumptive testing that we do in our lab.

21 So I had to swab the item and do a card testing
22 instead for those items. But typically for blood
23 testing on larger items we do a presumptive test which
24 is a two-part chemical test that if it is positive will
25 show a bright color change.

1 Q Okay. Does that test that you do for the presence
2 of blood, does it change the DNA in any way?

3 A No, sir, it does not.

4 Q Okay. And you received all of these items in a
5 sealed condition?

6 A Yes, sir, I did.

7 Q And you relinquished it in a sealed condition?

8 A Yes, sir.

9 Q With your opening of the package you indicated by
10 the initialing on the resealing; right?

11 A Yes, sir.

12 Q Let's go on to another set of items you worked
13 with, items 10 and 11. I show you State's-37 and ask
14 if you recognize that.

15 A Yes, sir, I do.

16 Q What was that?

17 A This is the cutting from back of right upper leg.

18 Q What was done with that?

19 A This was tested for the presence of blood. And
20 then as it was positive, it was forwarded to DNA.

21 Q Again, received in a sealed condition?

22 A Yes, sir.

23 Q And other than that test and three bags for DNA,
24 did you alter it or change it in any way?

25 A No, I did not.

1 Q And did you send the whole thing off in a sealed
2 condition to SLED?

3 A Yes, sir.

4 Q What about item 11?

5 A Yes. They were packaged together in one
6 container, so yes.

7 Q What was that?

8 A The item 11 was swabs from newspaper.

9 Q And what did you do with that?

10 A I also tested them for blood and then forward them
11 for DNA as they were positive.

12 Q Okay. Same thing, were they a sealed condition
13 when you received them?

14 A Yes, sir.

15 Q And did you send them off in a sealed condition?

16 A Yes, sir.

17 Q And other than your tests, did you alter them or
18 change them in any way.

19 A No, I did not.

20 Q Let me ask you about item 13.

21 (WHEREUPON, State's Exhibit No. 94 was marked for
22 identification only.)

23 Q This one is separated from the box. So the box is
24 item 94, and the item is State's Exhibit 89.

25 A Okay.

1 Q Ask if you recognize these items.

2 A Yes, I do.

3 Q What is that item in your hand?

4 A The item in my hand is item 13, the sunglasses
5 found on-scene.

6 Q Okay. What did you do with those?

7 A I swabbed the sunglasses and forwarded the swabs
8 to DNA.

9 Q How do you do a swab?

10 A When we have an item that is hard and nonporous --
11 I'm sorry. You take a wet -- a swab that's been wet
12 with sterilized water and then rub it on the item
13 collecting -- trying to collect any DNA that might be
14 on the item. And then I go behind you with a dry swab
15 and go back on those wet areas and collect any possible
16 left over DNA.

17 Q Did that swab get a new number?

18 A Yes. It is a sub-item off of the larger item.

19 Q What was that?

20 A Swabs from the sunglasses.

21 Q I mean what was the number?

22 A I'm sorry. 13.1.

23 Q Okay. When you sent the swab off, did you seal
24 it?

25 A Yes, sir.

1 Q Same way you sealed the other items?

2 A The swabs are packaged in what is called a coin
3 envelope which is sealed with tape, initialed and
4 dated, and then placed into a heat seal pouch, which is
5 also then sealed, initialed and dated.

6 Q I show you what's been marked as State's-92 and
7 ask you, is item 13.1 in there?

8 A Yes, it is.

9 Q So it just would have gone as a swab ready for DNA
10 analysis?

11 A Yes, sir.

12 Q Thank you.

13 A You're welcome.

14 Q What was item 14?

15 A Item 14 was socks.

16 Q I show you what's been marked as State's Exhibit
17 89. It too has been separated from its packaging, but
18 I ask you if that item came into your possession.

19 A Yes. I also write the case number, the item
20 number, my initials and dates on the outer agency
21 packaging.

22 Q When you received those socks, were they sealed?

23 A Yes, sir.

24 Q When you unsealed them and opened them up, what
25 did you do with them?

- 1 A I put -- I observed them to see whether or not
2 there is any staining indicative of blood and proceeded
3 to test it presumptively with the two solution chemical
4 test I mentioned earlier.
- 5 Q I'm sorry. And did you get a positive result?
- 6 A Yes, I did.
- 7 Q Did you send anything on to DNA?
- 8 A Yes, sir, I did.
- 9 Q Okay. So item 14.1 and 14.2, those were your
10 swabs, or your cuttings?
- 11 A Yes. They were cuttings off of the socks.
- 12 Q Okay. And did you, again, seal them when you sent
13 them to DNA?
- 14 A Yes, sir.
- 15 Q So you received them in a sealed condition and
16 sent them in a sealed condition?
- 17 A Yes, sir.
- 18 Q Let me step back out of order and ask you back
19 about section -- sorry, items, SLED items eight and
20 nine and State's Exhibit 88 there, and ask if you
21 recognize State's Exhibit 88.
- 22 A Yes, I do.
- 23 Q What are those?
- 24 A These are items eight and nine which are the swabs
25 from Rickey Wilson's left hand fingernail scrapings and

1 his right hand fingernail scrapings.

2 Q And I think you already testified that you sent
3 those in a sealed condition; correct?

4 A Yes, sir.

5 Q To DNA?

6 A That is correct.

7 Q For analysis. Let me go on to State's Exhibit 91
8 and 86, 86 is the contents, 91 is the box, ask if you
9 recognize these items.

10 A Yes, sir, I do.

11 Q What are they?

12 A These are the towels.

13 Q There were two towels in the --

14 A Yes, sir. They were sub-itemed out into two
15 towels.

16 Q What was your main item number?

17 A The main item number is 15.

18 Q Okay. And so obviously the towels are 15.1 and
19 15.2?

20 A Yes, sir.

21 Q How did you distinguish them apart?

22 A Since they were both the same color, I
23 distinguished them by the brand name indicated on the
24 tags.

25 Q And what were those brand names?

1 A 15.1 was towel Choice Hotels International, and
2 59.2 was towel Dolphin Dobby.

3 Q What did you do with those towels?

4 A These towels were tested for blood. And once I
5 received a positive result, I created a cutting, 15.1.1
6 from the Choice Towels International towel. And then I
7 also received a positive result on towel 15.2, towel
8 Dolphin Dobby and created a cutting from that towel.

9 Q So that would have been 15.1.2, 15.1.1?

10 A 15.1.1 was the cutting from the first towel, and
11 15.2.1 is the cutting from the second towel.

12 Q Was there a 15.2.2?

13 A Yes, sir.

14 Q What was that?

15 A This was swab from scraping the towel Dolphin
16 Dobby. It was -- the request made on the item was for
17 touch DNA. So I found a area on the towel that didn't
18 have any staining on it and used a sterilized plastic
19 scraper to scrape that area, and then proceeded to swab
20 that area and the scraper for any possible touch DNA.

21 Q Okay. So you sent one cutting from Choice Hotels,
22 15.1.1?

23 A That is correct.

24 Q One cutting from Dolphin Dobby, 15.2.1, and then
25 that scraping swab from 15.2.2?

1 A That is correct.

2 Q Did you package each of those separately?

3 A They are packaged in separate coin envelopes but
4 packaged in the same container, the heat seal pouch.

5 Q And what did you do with them?

6 A They are -- they were all forwarded to the DNA
7 section.

8 Q If you can see the number on this, this is
9 State's-93, ask if you recognize that.

10 A I do.

11 Q What are they?

12 A They are items 15.2.2, 15.2.1 and 15.1.1.

13 Q Okay. And those were the ones you just testified
14 about?

15 A Yes, sir.

16 Q Is this how they were sealed as they were sent on
17 to DNA?

18 A Yes, sir.

19 Q Did you receive them in a sealed -- did you
20 receive the towels in a sealed condition?

21 A Yes, sir, I did.

22 Q And you created the swabs and the scrapings;
23 correct?

24 A Yes, sir.

25 Q And you didn't send the towels to DNA, you sent

1 the items you created; right?

2 A Yes, sir.

3 Q Thank you.

4 A You're welcome.

5 Q All of these items that you handled and took
6 careful notes about would have been sealed when they
7 came into SLED; correct?

8 A That is correct.

9 Q And you would have received them in a sealed
10 condition?

11 A Yes, sir.

12 Q And if they had been tampered with in any way, you
13 wouldn't have processed them?

14 A There would have been no processing, you're right,
15 sir.

16 Q And the only people to handle them in between
17 would have been the evidence technicians who worked for
18 SLED?

19 A Yes, sir.

20 Q And you sent these items onto DNA or certain of
21 these items onto DNA?

22 A That is correct.

23 Q The ones that, one, you found evidence there could
24 be DNA on them, or two, that you created from the items
25 that you received because you believe there was

1 evidentiary value?

2 A Yes.

3 Q After that would you have had any involvement in
4 the case?

5 A No. My part is finished once that's complete.

6 Q Who was the analyst that received these items?

7 A The analyst who received these items is Jennifer
8 Clayton.

9 MR. DeBUSK: Okay. Thank you. Please answer any
10 questions Defense may have.

11 THE COURT: Cross-examination.

12 CROSS-EXAMINATION

13 BY MR. STANKO:

14 Q So you tested the shoes that were presented to
15 you; correct?

16 A That is correct.

17 Q Okay. And no blood was found on any portion of
18 it?

19 A No, sir.

20 Q What portions of the shoes did you test?

21 A One moment. I created a sub-item 7.1, swabs from
22 exterior front and sides including tongue and laces of
23 left shoe; 7.2, swabs from exterior heel of left shoe;
24 7.3, swabs from entire sole of left shoe; 7.4, swabs
25 from exterior outer side tongue and lace of right shoe;

1 and 7.5, swabs from entire sole of right shoe.

2 Q Okay. And none of those came back positive for
3 any type of blood?

4 A That is correct.

5 Q Okay. Now, you're aware of the date all of these
6 were collected; correct?

7 A Yes.

8 Q Do you recall what date that was?

9 A One moment, sir. The date that the shoes were
10 collected, sir, or the date that the sub-items were
11 created?

12 Q All of them. Well, not the sub-items that you
13 created. I'm talking about when they were first
14 created -- well, when they were first collected.

15 A When they were first sent to SLED?

16 Q Yes.

17 A Okay. The item seven shoes was first submitted to
18 SLED on December 29, 2016.

19 Q Okay. So that would have been about seven months
20 after the -- well, after Ms. Eakers' body was found?

21 A From the incident date approximately, yes.

22 Q Okay, all right. Let me ask you about this. The
23 first item that you testified about, item one, what was
24 that?

25 A It was the sexual assault collection kit from

1 Virginia Eakers.

2 Q Okay. And was any analysis performed on items
3 within that kit?

4 A Yes, sir.

5 Q Okay. Now, the solicitor did not ask you about
6 this, but I will. What were the results of those
7 tests?

8 A Would you like me to go through one by one for
9 each item?

10 Q Well, if the results were all the same, in the
11 interest of time, you can just state it that way.

12 A Okay. 1.1, smears, vaginal, oral and rectal, no
13 spermatozoa identified. Items 1.2, 1.3 and 1.4 which
14 are the vaginal swabs, the oral swabs and the rectal
15 swabs, were all -- the results were examinations for
16 components of semen, P-30 and spermatozoa were
17 negative, no semen identified.

18 The nail clippings, 1.5, from which 1.1, 1.2, 1.3,
19 1.4 were created. 1.1 and one. 1.5.1, 1.5.2 were
20 forwarded to the DNA section. And 1.5.3 and 1.5.4, no
21 analysis was performed. 1.6, the pubic hair combings
22 from which hair 1.6.1, 1.6.2 and 1.6.3 were created.
23 All of these were forwarded to the DNA section. The
24 victim buccal swab, 1.7, was forward to the DNA section
25 as well.

1 Q Okay. So based on the information that you have,
2 and I realize you did not examine the body or anything
3 like that, but based on your analysis, you did not find
4 any evidence of a sexual assault in this case?

5 A That is correct.

6 Q Okay. When you first began testifying this
7 morning, you mentioned one of your areas of specialty
8 is touch DNA; is that correct?

9 A That is correct.

10 Q Okay. Could you explain touch DNA.

11 A Touch DNA is when an item has been in brief
12 contact with someone, there's always the possibility
13 that skin cells might have been left from that person.
14 And so that's what encompasses touch DNA.

15 Q Okay. So the desk you're sitting at right now,
16 your hand is on the table, it's possible that if
17 someone were to come by after you they would find your
18 DNA on that surface?

19 A It is a possibility.

20 Q Okay, all right. And that could be pretty much
21 any surface, you could touch a shirt, you could touch a
22 towel, you could touch a bed spread, anything, just
23 simply touching it would be enough to leave your DNA on
24 it; correct?

25 A Yes, sir.

1 Q So this doesn't have to be a significant area, you
2 don't have to bleed on a surface to leave your DNA?

3 A That is correct.

4 Q Okay. Now, say you were to be in the area of that
5 desk there, maybe you don't even touch it, if you were
6 to cough, if you were to even speak, I mean, obviously
7 we expel at least a little bit of saliva at some point
8 when we're speaking. If you were to cough, sneeze,
9 speak while you're sitting there even if you don't
10 touch that surface, it's possible that your DNA would
11 be left on that surface as well?

12 A That is correct.

13 Q Okay.

14 MR. STANKO: Your Honor, I have nothing further
15 for her.

16 THE COURT: All right. Redirect.

17 REDIRECT EXAMINATION

18 BY MR. DeBUSK:

19 Q Touch DNA, is it left every time?

20 A I'm sorry?

21 Q Is touch DNA left every time someone touches a
22 surface or coughs or sneezes?

23 A It all depends on the person.

24 Q If a person washes, would that tend to destroy
25 touch DNA? I mean, if it's on their hands or -- if DNA

1 traces are on a person and they wash, could that remove
2 the DNA traces from another person?

3 A Yes.

4 Q Okay. And of course if a piece of evidence is
5 lost or destroyed, it couldn't be tested for DNA;
6 right?

7 A That is correct.

8 Q Thank you.

9 MR. DeBUSK: No further questions, Your Honor.

10 THE COURT: All right. You may step down.

11 MR. DeBUSK: We would ask Ms. Ruiz-Yi be released
12 from her subpoena.

13 MR. STANKO: Without objection, sir.

14 THE COURT: She's free to go. Thank you, ma'am.

15 THE WITNESS: Thank you.

16 (Witness excused.)

17 THE COURT: All right. May we approach, please.

18 (WHEREUPON, a bench conference was held off the
19 record in the presence of the jury but out of the
20 hearing of the jury.)

21 MR. OSKIN: Apologize, Your Honor.

22 THE COURT: That's all right.

23 MR. OSKIN: Trying to be efficient as possible.

24 The State would next call Ms. Sarah Greggerson, please.

25 THE COURT: All right.

1 SARAH GREGGERSON, after being duly sworn,
2 testified as follows:

3 THE CLERK: Please be seated. Please state your
4 name and spell your last name for the Court.

5 THE WITNESS: Sarah Greggerson. Last name is
6 G-R-E-G-G-E-R-S-O-N.

7 DIRECT EXAMINATION

8 BY MR. OSKIN:

9 Q Ms. Greggerson, are you currently employed?

10 A I am.

11 Q Who is your employer, ma'am?

12 A PNC Bank National Association.

13 Q How long have you been employed there?

14 A Nearly 14 years.

15 Q What's your official job title with PNC Bank?

16 A I'm an officer of the bank, and my title is a
17 default litigation specialist senior.

18 Q So you're an attorney?

19 A I'm not an attorney.

20 Q Okay. What are some of the duties of your
21 position?

22 A I review individual loan files in preparation for
23 providing testimony. Could be notes, mortgages,
24 respondents, things like that, system notes.

25 Q How long have you been in that position?

1 A Almost three years.

2 Q Some of your duties include keeping transactions
3 that the bank has participated in?

4 A Yes.

5 Q Are records of these transactions kept in the
6 ordinary course of business?

7 A Yes, they are.

8 Q In your position with PNC would you have access to
9 former customer Virginia Eakers' banking statement for
10 May 22nd, of 2016?

11 A Yes.

12 Q Okay. Are you aware of what her account balance
13 was for May 22nd, 2016?

14 MR. STANKO: Your Honor, we would object to this.
15 We received no information related to Ms. Eakers'
16 account at any point prior to the trial.

17 THE COURT: Hold for a second. All right, ladies
18 and gentlemen, I need to take up a matter of law, so
19 I'm going to excuse you back to the jury room for just
20 a few minutes. Don't discuss the case even among
21 yourselves. Thank you very much.

22 (WHEREUPON, the jury exited the courtroom at 12:22
23 p.m.)

24 THE COURT: All right. Mr. Stanko, let me hear
25 from you.

1 MR. STANKO: Yes, Your Honor. Under Rule 5 and
2 under Brady we're required to get everything 30 days
3 before trial. Apart from the one receipt in a bag in
4 Ms. Eakers' room, in her hotel room that the officer
5 testified to a little while ago, we had no indication
6 that she even had a PNC bank account or what evidence
7 there was related to a loan, whether it was a past
8 customer or current. And simply nothing was provided
9 to us.

10 THE COURT: All right.

11 MR. OSKIN: All right. Very easily, simply
12 something was provided. The account balance, the
13 credit card, none of that was ever in the State's
14 custody or control. Her PNC account receipt was turned
15 over in discovery. From there, we've reached out to
16 Ms. Greggerson in further explanation of the records
17 from --

18 THE COURT: Yeah, but the question is, did you
19 advise the Defendants? You can't ambush them, you got
20 to let them know what you're going to present. Did you
21 present it to the Defendant?

22 MR. OSKIN: We didn't have anything to present
23 other than her testimony here today that she's subject
24 to cross-examination of.

25 THE COURT: All right. And did you notify them

1 that she was a witness in this case?

2 MR. OSKIN: Yes, sir.

3 MR. STANKO: Your Honor, we received that notice
4 Monday morning.

5 THE COURT: This past Monday?

6 MR. STANKO: Two days ago.

7 THE COURT: Is that when y'all notified her, two
8 days ago when we started the trial?

9 MR. OSKIN: Per the witness list. Nothing -- no
10 evidence she is testifying today was ever in our
11 custody or control, that's not a --

12 THE COURT: Yeah, but still. You're giving them a
13 witness on the date of trial that now you're asking for
14 some financial information from the victim in this
15 case. And that's -- how is that not a Rule 5 or a
16 Brady violation, how is that not ambushing them?

17 MR. OSKIN: They have notice of it through the PNC
18 account and the statement, Your Honor, that's
19 what she's testifying to.

20 THE COURT: Wait, wait, wait, wait. So what did
21 you give them?

22 MR. OSKIN: PNC statement account notice balances
23 were -- PNC knowledge of her PNC statement.

24 THE COURT: Wait a minute. Show me what you gave
25 them.

1 MR. OSKIN: Yes, sir.

2 THE COURT: And then you're going to need to show
3 me how they could decipher this information from what
4 you provided to them.

5 MR. DeBUSK: I have it on my computer, Your Honor.
6 It's -- one was a photograph of the PNC statement with
7 the balance.

8 THE COURT: You talking about a bank statement?

9 MR. OSKIN: Yes, sir.

10 MR. DeBUSK: Yes, Your Honor.

11 THE COURT: Okay. You can question her on that
12 bank statement.

13 MR. OSKIN: Yes, sir..

14 THE COURT: All right? All testimony is limited
15 to that bank statement, what you produced to the
16 Defendant.

17 MR. FOX: Your Honor, may we have just one quick
18 moment to see exactly what we got to.

19 THE COURT: All right.

20 (Discussion off the record.)

21 MR. STANKO: We're ready, Your Honor.

22 THE COURT: All right. So what -- there is a bank
23 statement?

24 MR. STANKO: There is a credit card statement, I
25 believe, from the PNC Bank.

1 MR. OSKIN: Testimony will be limited to that,
2 Your Honor.

3 THE COURT: All right. All right, so I'll sustain
4 the Defendant's objection to the extent that any
5 testimony from Ms. Greggersen will be limited to what
6 was produced to the Defense.

7 MR. STANKO: Yes, sir.

8 THE COURT: Pursuant to Rule 5 and Brady; okay?

9 MR. STANKO: Yes, sir.

10 MR. OSKIN: Yes, sir.

11 MR. STANKO: And we did get a copy of that
12 particular receipt, yes, sir.

13 THE COURT: All right. Anything from the State
14 before we bring the jury in?

15 MR. OSKIN: No, sir, Your Honor. We understood,
16 and the question will be very limited.

17 THE COURT: All right. Anything from the Defense?

18 MR. STANKO: Nothing, sir.

19 THE COURT: All right. Let's bring the jury in.

20 (WHEREUPON, the jury came into open court at
21 approximately 12:29 p.m.)

22 THE COURT: All right. Mr. Oskin, you may
23 continue.

24 MR. OSKIN: May it please the Court, Your Honor.

25 THE COURT: Yes, sir.

1 Q Ms. Greggerson, I apologize for the inconvenience.
2 So you're with PNC Bank; correct, just to recap for the
3 jury since we had that break?

4 A Correct.

5 Q And you're custodian of records for the bank
6 transactions; that what you testified?

7 A That's true, correct.

8 Q Okay. And Virginia Eakers was a customer of PNC
9 Bank?

10 A Yes, she was.

11 Q All right. Are you aware through your duties in
12 the ordinary course of business what her credit card
13 balance was for May 22nd, 2016?

14 A Offhand, I don't know, but if I had the document
15 in front of me.

16 MR. OSKIN: Court's indulgence, Your Honor.

17 THE COURT: All right.

18 (Discussion off the record.)

19 MR. OSKIN: Your Honor, I appreciate your
20 patience. If I may approach madam court reporter.

21 THE COURT: All right.

22 MR. OSKIN: Could you mark this, ma'am.

23 (WHEREUPON, State's Exhibit No. 95 was marked for
24 identification only.)

25 MR. OSKIN: Permission to approach the witness,

1 Your Honor.

2 THE COURT: All right.

3 MR. OSKIN: Thank you.

4 Q Ms. Greggerson, I'm showing you what's been
5 premarked as State's Exhibit No. 95. Does that
6 document look familiar to you at all?

7 A Yes, it does.

8 Q What type of document is that?

9 A It's a credit card statement, shows that the
10 period ends March 29th, 2016.

11 Q For PNC Bank?

12 A For PNC Bank, correct.

13 Q And who's the customer on that?

14 A The customer listed is Virginia H. Eakers.
15 There's a PO box for the address.

16 Q Okay. What's her credit card balance on that
17 sheet of paper?

18 A The balance is \$6,295.63.

19 Q What's the minimum payment due on that sheet?

20 A The minimum amount due would be \$731.79 due by
21 April 24th, 2016.

22 Q And just to be clear, where are you located out of
23 PNC Bank?

24 A I'm located in Miamisburg, Ohio.

25 Q And she conducted this business locally?

1 A That's correct.

2 Q Okay.

3 MR. OSKIN: Nothing further from me,
4 Ms. Greggerson. Please answer any questions Defense
5 may have.

6 THE COURT: Cross-examination.

7 CROSS-EXAMINATION

8 BY MR. STANKO:

9 Q The account on that was already closed; correct?
10 I believe I saw on the back of the form.

11 A It does say, "Your account is currently closed."

12 Q Okay. So no one would have been able to use that
13 card if they had had that in their possession; correct?

14 A That's correct.

15 MR. STANKO: Nothing further, Your Honor.

16 THE COURT: Anything on redirect?

17 MR. OSKIN: Your Honor, at this time the State
18 would seek to move State's Exhibit No. 95 into
19 evidence.

20 MR. STANKO: Your Honor, we have not seen it.
21 Without objection.

22 THE COURT: All right. State's Exhibit 95
23 admitted in evidence without objection.

24 (WHEREUPON, State's Exhibit No. 95 was admitted in
25 evidence.)

1 bring the jury in.

2 (WHEREUPON, the jury came into open court at
3 approximately 2:03 p.m.)

4 THE COURT: All right, ladies and gentlemen,
5 welcome back. The State can call your next witness.

6 MR. DeBUSK: Thank you, Your Honor. The State
7 calls Jennifer Clayton.

8 THE COURT: All right.

9 JENNIFER CLAYTON, after being duly sworn,
10 testified as follows:

11 THE CLERK: All right, please be seated. State
12 your name, and spell your last name for the Court.

13 THE WITNESS: Jennifer Clayton, C-L-A-Y-T-O-N.

14 DIRECT EXAMINATION

15 BY MR. DeBUSK:

16 Q Ms. Clayton, who is your employer?

17 A I am currently employed by the South Carolina Law
18 Enforcement Division, also known as SLED.

19 Q What department do you work?

20 A I work in the DNA department.

21 Q And what is your role, what do you do?

22 A I'm a forensic DNA analyst.

23 Q So you actually do DNA analysis; right?

24 A Correct.

25 Q Okay. Could you explain to the jury what your

1 training and qualifications are.

2 A I earned a bachelors of science in biology from
3 the University of North Carolina at Chapel Hill. I've
4 also taken courses at NC State and USC. My course work
5 includes molecular biology, genetics, biochemistry and
6 statistics.

7 I completed an internship with the North Carolina
8 State Bureau of Investigations, which is the equivalent
9 of -- with their molecular genetics department, which
10 is the equivalent of SLED's DNA department.

11 I originally hired on with SLED as a forensic
12 technician in the DNA department. And I worked as a
13 technician for two years before I was hired as an
14 analyst. Once I was hired as an analyst, I completed a
15 one-year training program under another qualified
16 analyst and did case work under his supervision before
17 I was allowed to do case work on my own.

18 Q How long have you been doing case work?

19 A Approximately 13 years.

20 Q And going back to your time of SBI, how long have
21 you been doing DNA analysis?

22 A Well, the S Bureau was only an internship, so it
23 would be the 13 years. And then one year of training
24 would make it 14, and then the two years as a
25 technician would be the 15 years that I've been

1 employed with SLED.

2 Q Have you been qualified as an expert in DNA
3 analysis before?

4 A Yes, I have...

5 Q About how many times?

6 A Approximately 50 times.

7 MR. DeBUSK: Your Honor, we would offer Agent
8 Clayton as an expert in DNA analysis.

9 THE COURT: Any questions or challenges?

10 MR. STANKO: Your Honor, we do not have a
11 challenge to her qualifications.

12 THE COURT: All right. I find this witness to be
13 an expert in the field of forensic DNA analysis.

14 MR. DeBUSK: Thank you, Your Honor.

15 Q Agent Clayton, what's DNA?

16 A DNA is a long chain chemical and it's found in
17 every cell in the body with the exception of red blood
18 cells. And we inherit half of our DNA from our mother
19 and half of our DNA from our father. So from this is
20 where we develop DNA profiles. And with the exception
21 of identical siblings, no two individual are born with
22 the same DNA profile.

23 Q How many chromosomes does a person have?

24 A They have 23 pairs of chromosomes, so they have
25 46.

1 Q Okay. And when you say pairs, are those identical
2 pairs? Are the two chromosomes in a pair identical or
3 are they...

4 A Well, the chromosomes will be different because
5 one of each pair is inherited from the mother, and the
6 other is inherited from the father.

7 Q Okay. How about the Y chromosome, is this
8 different from other ones?

9 A Yes. The Y chromosome is what's considered a sex
10 chromosome. There is the X chromosome and the Y
11 chromosome. And for individuals that are genetically
12 female they have two X chromosomes, and for individuals
13 that are genetically male, they have an X chromosome
14 and a Y chromosome.

15 So the Y chromosome is passed down through the
16 paternal line from father to son. And so because the
17 father only has the one Y chromosome, the same Y
18 chromosome is passed from generation to generation.

19 Q So basically you have assortment of all of the
20 other chromosomes, except the Y chromosome is going to
21 be only from the father, not one from the mother and
22 one from father?

23 A Correct. The Y chromosome will always be from the
24 father, and only males in a family will have a Y
25 chromosome.

1 Q Is there a difference between somatic and Y
2 chromosome analysis?

3 A Yes, there is. Because the -- because of the
4 combination in the somatic chromosomes, we can
5 develop -- that would be the unique DNA profile that I
6 was referring to earlier. The Y chromosome, because
7 all of the locations that we test in our Y chromosome
8 testing came from the same chromosome, that profile
9 barring mutations would be expected to be the same from
10 one generation to the next, as long as passed down
11 through the same paternal line.

12 Q So when you make a match between two DNA profiles,
13 would the numbers be -- the likelihood of matching be
14 higher or lower with a Y chromosome?

15 A With Y chromosomes you would expect there to be,
16 as long as there is other male individuals in the
17 family, you would expect there to be more than one
18 individual with the same YSTO profile. So, yes,
19 it's -- you will not get the same statistics with a Y
20 profile that you would with a -- the standard testing
21 that we do.

22 Q Okay. Now, did you perform an analysis on a case
23 involving the death of Virginia Eakers?

24 A Yes, I did.

25 Q I want to go through the items you looked at one

1 by one. Let me talk about item 1.7, that's SLED item
2 number, that you've heard testimony about already, a
3 buccal swab from Virginia Eakers. Did you handle that
4 item?

5 A Yes, I did.

6 Q Does SLED keep a record of everyone who handled
7 that item?

8 A Yes, we do.

9 Q How is that kept?

10 A It's kept electronically.

11 Q Okay. In a computer?

12 A Correct.

13 Q Okay. And it's tracked by -- how do you track the
14 item itself? Let me take as an example what's been
15 marked as State's-93, has SLED markings on it.

16 A When evidence is submitted to SLED, it is assigned
17 a lab number which is unique to that particular case.
18 And it is also given either an item number on the bar
19 code or a container number. In this case the container
20 number is F. And for container numbers it means that
21 it contains multiple items. In this particular case it
22 contains three items. So this bar code is used to
23 track the evidence.

24 It's entered into the system, and it is recorded
25 that container F contains these three items in this

1 pouch. So anytime it is transferred from one location
2 to another, that bar code is scanned. And the transfer
3 from one location or from a location to an individual
4 is tracked in the system.

5 Q Do you have a copy of the so-called chain of
6 custody for these items?

7 A Yes, I do.

8 Q Can you tell us for item 1.7 -- I'll give you a
9 moment to get it out.

10 A Yes.

11 Q Who handled that item while it was at SLED?

12 A The item 1.7 was part of a sexual assault kit, so
13 the chain of custody begins with the sexual assault
14 kit. The sexual assault kit was originally submitted
15 to SLED on August 31st of 2016. And Jackie Davis in
16 our evidence control department took custody of that
17 item of evidence and placed it on the DNA intake shelf
18 in our evidence control department.

19 Q / Would it have been in a sealed condition at that
20 point?

21 A Yes, it would have been in a sealed condition at
22 that point. The submitting agency, whoever the
23 evidence custodian is that brings the evidence, would
24 seal the evidence. And then the seal would be verified
25 before the evidence technician took custody of the

1 evidence.

2 It was placed on the DNA intake shelf.. And then
3 on March 15th of 2017, it was retrieved by Jackie Davis
4 to be transferred to Jasmine Ruiz-Yi, who is our
5 serologist?

6 Q We heard Ms. Ruiz-Yi's testimony already. Did
7 anyone handle it after Ms. Ruiz-Yi?

8 A Yes. When she was finished with her part of the
9 analysis, it was taken into custody by Amy
10 Stephens-Black. She would not have done any analysis
11 or opened the pouch, she simply transferred it to a DNA
12 intake shelf until it was ready to be analyzed by a DNA
13 analyst. It was then retrieved from Charlotte Crowe on
14 April 26th, 2017, to be transferred to me for analysis.
15 Charlotte Crowe also did not open the evidence or do
16 any analysis. She simply transferred it from the DNA
17 intake shelf to my custody.

18 Q So Ms. Davis, Ms. Crowe, Ms. Stephens-Black, they
19 would not have unsealed that evidence?

20 A That is correct. They just transferred it from
21 one location to another.

22 Q Would Ms. Ruiz-Yi or you have analyzed it if it
23 had been unsealed?

24 A No. If there was evidence of tampering, we would
25 have had to have stopped and follow up to determine if

1 it truly was tampering. And obviously if it appeared
2 the evidence had been tampered with, we couldn't do
3 analysis on it.

4 Q All right. What did you do with that -- what is a
5 buccal swab?

6 A A buccal swab is a -- it's basically just a
7 standard wooden stick with some cotton on the end, kind
8 of like a Q-tip but a little longer, only has cotton on
9 one end. And you take it and rub it on the inside of
10 the cheek, and it collects the loose skin cells or
11 buccal cells that are on the inside of the mouth. And
12 that's what's used to collect a DNA standard from an
13 individual.

14 A DNA standard is a sample that's taken directly
15 from an individual, so we know that the DNA profile
16 developed from that item came from that particular
17 individual.

18 Q Sort of a known profile?

19 A Yes.

20 Q Let me ask you about item number three, SLED item
21 number three, another buccal swab. Who handled that
22 item through SLED?

23 A That one was taken into custody from Malinda
24 Shadone.

25 Q Right.

1 A By Jackie Davis. It was placed on a DNA intake
2 shelf. And then Jackie Davis retrieved it from the
3 shelf and gave it to Jasmine Ruiz-Yi for her analysis.
4 It was then returned back to Amy Stephens who put it on
5 a DNA intake shelf. And then Charlotte Crowe retrieved
6 it and gave it to me.

7 Item three was actually returned to the submitting
8 agency and then returned back to SLED. So once I
9 completed my analysis with it -- of it, it was taken
10 into custody by Sherry Brown to be returned to evidence
11 control. Evidence control then put it on an intake
12 shelf until it could be retrieved by the submitting
13 agency or a return bin.

14 Amy Black then took it off of that bin, out of
15 that bin and returned it to the submitting agency. And
16 then on August 31st of 2017, it was resubmitted to SLED
17 and placed on a DNA intake shelf by Amy Stephens. And
18 then Dotie Yarborough or Doris Yarborough retrieved it
19 from the DNA intake shelf and gave it to me for further
20 analysis.

21 Q Okay. Again, that's a buccal swab from Rickey
22 Wilson; right?

23 A Correct.

24 Q Same purpose as the buccal swab for Ms. Eakers, to
25 have a standard; right?

1 A Correct.

2 Q What about items 1.51, 1.52, 1.53 and 1.54?

3 A All of the items from the sexual assault kit would
4 have had the same chain of custody as item 1.7. So
5 that item was -- those items were all taken into
6 custody originally by Jackie Davis and put on intake
7 shelf, and then retrieved from the intake shelf and
8 given to Jackie Davis, by Jackie Davis and given to
9 Jasmine Ruiz-Yi.

10 She would have then opened the sexual assault kit
11 and created those sub-items of 1.5, 1.6, 1.7. When she
12 was finished with her analysis, she returned it to Amy
13 Black who put it on the DNA intake shelf. And then
14 Charlotte Crowe retrieved it from the DNA intake shelf
15 and transferred it to me for analysis.

16 Q And again, Ms. Davis, Ms. Black and Ms. Crowe
17 wouldn't have unsealed the package?

18 A That's correct.

19 Q How about the items 1.61, 1.62 and 1.63?

20 A That would be the same chain of custody.

21 Q Same chain of custody from the sexual assault kit?

22 A Right.

23 Q How about item 5, cutting from left pants leg?

24 A Five. Item 5 was submitted on December 29th of
25 2016. Doris Yarborough took it into her custody and

1 placed it on a DNA intake shelf. It was then retrieved
2 by Amy Stephens-Black and given to Jasmine Ruiz-Yi for
3 her analysis. She then returned it to Jackie Davis in
4 the evidence control department who placed it on a DNA
5 intake shelf. And then Charlotte Crowe retrieved it
6 from the DNA intake shelf for me to take into my
7 custody for a DNA analysis.

8 Q And, again, it would have remained in sealed
9 condition except for Ms. Ruiz-Yi or you?

10 A Correct.

11 Q Let me ask you about two that probably go
12 together, eight and nine, swabs from Rickey Wilson's
13 fingernails, left hand and right hand.

14 A Okay. Yes. They were submitted together in a
15 container, container A. They were submitted on
16 December 29th, 2016. And they were taken into custody
17 by Doris Yarborough, they were put on a DNA intake
18 shelf. They were then retrieved by Amy Stephens-Black
19 and given to Jasmine Ruiz-Yi. Jasmine Ruiz-Yi returned
20 it to Jackie Davis and put it on a DNA intake shelf in
21 our evidence control department. It was then retrieved
22 by Charlotte Crowe who gave it to me for DNA analysis.

23 Q Okay. And how about item 10?

24 A Item 10 is described as cutting from back or right
25 upper leg. It was submitted to July 7th of 2017 in

1 container C. It was taken into custody by Amy
2 Stephens-Black who put it on a DNA intake shelf. It
3 was then retrieved by Charlotte Crowe and given to
4 Jasmine Ruiz-Yi. And Jasmine Ruiz-Yi gave that item
5 directly to me.

6 Q Okay. And 11, swabs from a newspaper?

7 A Okay. That item was also submitted on July 7th,
8 2017. It was placed on a DNA intake shelf. It was
9 retrieved by Charlotte Crowe and given to Jasmine
10 Ruiz-Yi who then gave the item directly to me.

11 Q And as with all of them, it would have remained in
12 sealed condition except when Ms. Ruiz-Yi or you opened
13 them for work?

14 A Correct.

15 Q Let me ask you about item 13, which is also
16 State's Exhibit 89.

17 A Okay. I never actually saw the original item 17.
18 However, I do recognize the lab number and the item
19 number written on the side by the serologist that did
20 the analysis.

21 Q Does your chain tell you who handled the item
22 before it got to Ms. Ruiz-Yi?

23 A Yes, it does. It was submitted on July 7th, 2017.
24 It was taken into custody by Amy Stephens-Black who put
25 it on an evidence processing intake shelf. It was then

1 retrieved by Charlotte Crowe who gave it to Jasmine
2 Ruiz-Yi, who then --

3 Q Now this -- tell me about item 13.1.

4 A Okay. 13.1 is swabs that were taken from the
5 sunglasses. That was an item that was created by
6 Jasmine Ruiz-Yi. And she transferred item 13.1
7 directly to me when she was finished with her analysis.

8 Q Now, item 14, again, until it got to Ms. Ruiz-Yi,
9 who handled it?

10 A Item 14?

11 Q Yes.

12 A It was taken into custody by Amy Stephens and
13 placed on the intake shelf. And then it was retrieved
14 by Charlotte Crowe to be given to Jasmine Ruiz-Yi.

15 Q Okay. What did -- Ms. Ruiz-Yi, I think I've
16 already testified, she created sub-items 14.1 and 14.2.
17 What happened to those?

18 A Correct. Those items were put in a separate
19 container, and they were transferred directly to me.

20 Q Okay. And item 15 which is now State's Exhibit
21 91, let me ask if you...

22 A Okay. That item was submitted on July 26th of
23 2017. It was taken into custody by Jackie Davis who
24 put it on an intake shelf. Charlotte Crowe retrieved
25 it and gave it to Jasmine Ruiz-Yi. It was then

1 returned to Jackie Davis and put on a return bin.

2 Q Let me ask you about what -- Ms. Ruiz-Yi already
3 testified about making sub-items. Let me ask you about
4 those, 15.1.1.

5 A 15.1.1 was re-containerized into container F, and
6 that item was transferred directly to me.

7 Q 15.2.1?

8 A That item was also placed in container F and
9 transferred directly to me.

10 Q And 15.2.2?

11 A That item was also placed in container F and
12 transferred directly to me.

13 Q Finally, two items, 16 and 17, from a phone and
14 cuttings from sheet?

15 A Those items were both submitted on October 20th of
16 2017. They were taken into custody by Doris Yarborough
17 and placed on the DNA intake shelf. Was then retrieved
18 from the intake shelf by Amy Stephens-Black and
19 transferred directly to me on November 6th of 2017.

20 Q Okay. All the time anyone except you or Jasmine
21 Ruiz-Yi handled these items, would they have been in a
22 sealed condition?

23 A Yes.

24 Q When you received the items, if they had not been
25 in a properly sealed condition, would you have analyzed

1 them?

2 A No. I would have had to stop at that point and
3 determine if the evidence had been tampered with. And
4 if there had been any sign of tampering I would not
5 have been able to continue with analysis.

6 Q And using State's Exhibit 93 just as an example,
7 how are these items sealed?

8 A The items are placed in a heat-sealed pouch. An
9 individual that originally places them in there places
10 the heat seal across the top, and then they add their
11 initials and the date. And the container is
12 identified, as I said before, with a bar code.

13 Along the side here you can see where I cut into
14 the heat-sealed pouch, and then resealed it, and
15 initialed and dated it. And I actually cut into it
16 twice, so there are actually two seals with my initials
17 and my date.

18 Q Okay. And that's good enough. Okay, so that's
19 the chains. Now, what did you do with all of these
20 items? Get to the good part. Oh, one housekeeping
21 thing.

22 MR. DeBUSK: Your Honor, now the chain's been
23 proven, we would offer State's-91 into evidence.

24 THE COURT: Any objection?

25 MR. STANKO: We don't object, Your Honor.

1 THE COURT: All right, State's Exhibit 91 admitted
2 into evidence without objection.

3 (WHEREUPON, State's Exhibit No. 91 was admitted in
4 evidence.)

5 Q I'm sorry. What did you do with these items once
6 you received them?

7 A I performed DNA analysis on the items.

8 Q What does that entail?

9 A It entails isolating the DNA from the item of
10 evidence. So item -- the DNA typically comes on
11 various things. In this particular instance, I had
12 fingernail clippings, I had swabs of some items, I had
13 cuttings of fabric.

14 So for DNA analysis we want to separate the DNA
15 from those items of fabric, from other parts of the
16 cells, so that what we have is a tube with just DNA
17 diluted in a liquid. And then we need to test to
18 determine how much DNA is present, because there is a
19 target amount of DNA that we want for instrument. If
20 we have too much DNA present, it overwhelms the
21 instrument and gives unintelligible results. If there
22 is too little DNA present from the item in the sample,
23 then it falls below the detection threshold of our
24 instrument.

25 Once the amount of DNA has been determined that

1 amount is necessary, is the concentration is adjusted.
2 And then we use a standard kit to test particular
3 locations on the DNA and develop what is known as the
4 DNA profile.

5 Q Okay. Let me talk to you specifically about items
6 1.7 and 3, two buccal swabs, buccal swabs. Did you
7 develop your profiles from those?

8 A Yes, I did.

9 Q And those were your standards for comparison?

10 A Correct.

11 Q You get full profiles from those two?

12 A Yes, I did.

13 Q Okay. How about item -- I'm sorry, 1.5.1, 1.5.2,
14 1.5.3 and 1.5.4, which would be the nail and toe
15 clippings from Virginia Eakers. What did you find on
16 those?

17 A The DNA profile developed from items 1.5.1, 1.5.2
18 and 1.5.3 as well as the partial DNA profile developed
19 from 1.5.4, those profiles are all attributable to
20 Virginia Eakers.

21 Q So nothing but her DNA in her nails?

22 A Correct.

23 Q Okay.

24 A Or that's -- the only DNA profile developed is for
25 her.

1 Q Let me ask you, why would you get a partial
2 profile?

3 A Due to insufficient amount of DNA in a sample.

4 Q Okay.

5 A There can also be other factors such as
6 degradation.

7 Q Okay. Let me ask you about 1.6.1, 1.6.2 and
8 1.6.3, hairs from the CSC kit; did you get any results
9 on those?

10 A For the first hair, 1.6.1, the partial DNA profile
11 developed from item 1.6.1 is insufficient for
12 interpretation. So a small amount of -- small amount
13 of information was developed for the profile, but it
14 wasn't enough information to be able to use it for
15 comparison.

16 For item 1.6.2, the partial DNA -- oh, no, it was
17 a complete profile, excuse me. The DNA profile
18 developed from item 1.6.2 is attributable to Virginia
19 Eakers. And for item 1.6.3, no DNA profile was
20 developed.

21 Q So what DNA you found that was interpretable was
22 Ms. Eakers'?

23 A It was attributable to Ms. Eakers, correct.

24 Q Let me ask you about two items that are not
25 together on the list but they are related. Item 5,

1 cutting from cuff of left pants leg, and item 10,
2 cutting from back of leg of pants leg?

3 A The DNA profile developed from items 5 and 10
4 matches the DNA profile of Rickey Wilson. And the
5 probability of randomly selecting an unrelated
6 individual having a DNA profile matching these items is
7 approximately one in 49 octillion.

8 So what that means is that if you were just to go
9 out anywhere in the population and choose one
10 individual at random, the probability that they would
11 just by chance happen to have the same DNA profile as
12 the evidence is approximately one in 49 octillion.

13 Q Which is several thousand times more -- I mean,
14 ten of thousands times more than people than there are
15 on Earth; correct?

16 A Yes. I believe it's approximately 4 quadrillion
17 times, thereabout.

18 Q That's right. So it's a match?

19 A So octillion, it's a very large number, but one in
20 49 octillion is a very, very small probability that you
21 would choose someone at random that would just happen
22 to have the same DNA profile.

23 Q So that's pretty much a match?

24 A It is a match, that's correct.

25 Q So the blood from the pants legs was from Rickey

1 Wilson?

2 A In my opinion, assuming he doesn't have an
3 identical sibling then that DNA profile came from
4 Rickey Wilson.

5 Q Okay. Does anyone have identical DNA except
6 identical siblings?

7 A There are some rare medical conditions that can
8 lead to individuals having the same DNA profile. For
9 instance, one is a bone marrow transfer can actually
10 cause an individual to produce the DNA profile in their
11 blood as the same one as the donor of the bone marrow.

12 Q But other than that, it's --

13 A But typically, no. Other than identical siblings
14 you would not expect the same DNA profile between two
15 individuals other than identical siblings.

16 Q What about items eight and nine, the swabs from
17 Rickey Wilson's fingernails on his left and right
18 hands?

19 A The DNA profile developed from item eight and the
20 partial DNA profile developed from item nine are
21 attributable to Rickey Wilson.

22 Q If you would touch someone else's bodily fluids or
23 other DNA sources and then washed your hands, would it
24 be possible that you didn't find that other person's
25 DNA on the hands?

1 A Certainly if you wash your hands thoroughly, you
2 could remove DNA from the hands.

3 Q Other people's DNA. I mean, your DNA would still
4 be there.

5 A Right, you're still going to have your DNA on
6 there certainly. But, yes, you could remove other DNA.
7 That's obviously the point of washing your hands, to
8 remove bacterial cells and other cells from your hands.

9 Q That's like foreign DNA?

10 A Right, foreign DNA.

11 Q Okay. Let's talk about number 11, swab from the
12 newspaper.

13 A The DNA profile developed from item 11 matches the
14 DNA of Rickey Wilson. And, again, the probability of
15 randomly selecting an unrelated individual having a DNA
16 profile matching that item is approximately one in 49
17 octillion.

18 Q So, again, that's a match?

19 A The DNA profile does match, correct.

20 Q What about the 13.1, the swabs from the
21 sunglasses?

22 A No DNA profile was developed from item 13.1.

23 Q An item like that which is wearable like my
24 glasses on my face all the time, wouldn't you expect to
25 find someone's DNA, touch DNA on there?

1 A It just -- it just depends.. It really varies from
2 item to item. It depends on how long an item was
3 handled. It depends on certain people leave behind
4 more DNA than others. They found that the same
5 individual leaves different amounts of DNA behind at
6 different times..

7 So the results with touch DNA vary greatly. It's
8 very common to develop no profile or a very low level
9 profile that's not suitable for comparison, or possibly
10 a mixture of numerous individuals that all handled that
11 item, a level that can't be used for analysis..
12 Sometimes, though, we get beautiful single source
13 profiles for comparison. It just varies greatly from
14 sample to sample.

15 Q So touch DNA is sort of a matter of luck,
16 sometimes you get it, usually you don't?

17 A Right. Whereas blood the majority of time, you
18 would expect to be able to get -- develop a good DNA
19 profile, with touch DNA sometimes it happens.. A lot of
20 times you don't get anything usable.

21 Q While we're at it talking about blood, you said
22 earlier that red blood cells don't have DNA, they're
23 anucleate; right?

24 A Right, correct.

25 Q How do you get DNA from blood?

1 A White blood cells.

2 Q Thank you. Item 14, cutting from sock A, 14.1,
3 and 14.2, cutting from sock B, what did your results
4 show there?

5 A The DNA profile developed 14.1 and 14.2 matches
6 the DNA profile of Rickey Wilson. And the probability
7 of randomly selecting an unrelated individual having a
8 DNA profile matching these items is approximately one
9 in 49 octillion.

10 Q So it is his blood on the socks?

11 A Again, in my opinion, assuming he doesn't have an
12 identical sibling, I would say that that profile came
13 from Rickey Wilson.

14 Q Let me ask you about items 15.1.1, 15.2.1 and
15 15.2.2, related to State's Exhibit 91.

16 A Okay. Item 15.1.1 is a cutting from a towel that
17 is labeled as a Choice Hotels International towel.
18 15.2.1 is a cutting from a towel that's labeled as a
19 Dolphin Dobby as the identification of the towel. Item
20 15.2.2 is a swab from the scraping the end of the
21 towel. Again, it's the Dolphin Dobby labeled towel.
22 The DNA profile developed from item 15.1.1, which is
23 the Choice Hotels International marked towel matches
24 the DNA profile of Virginia Eakers.

25 The probability of randomly selecting an unrelated

1 individual having a DNA profile matching this item is
2 approximately one in 3 octillion.

3 Q Let me ask you a quick question. When Ms. Ruiz-Yi
4 was getting you cuttings from that towel, would she
5 have picked a spot that appeared to have blood and
6 tested that to make sure there was blood?

7 A Yes. If they were looking for blood on the items,
8 she would have cut an area that looked like blood and
9 performed presumptive testing on that item for the
10 possible presence of blood.

11 Q So the Choice Hotels International towel matched
12 Ms. Eakers?

13 A The DNA profile from that cutting did, correct.

14 Q How about 15.2.1?

15 A The DNA profile developed from item 15.2.1 which
16 is a cutting from the towel that's marked Dolphin Dobby
17 matches the DNA -- sorry. The DNA profile developed
18 from item 15.2.1 is a mixture from at least two
19 individuals. The DNA profile of the major contributor
20 matches the DNA profile of Virginia Eakers. The
21 probability of randomly selecting an unrelated
22 individual having a DNA profile matching this item is
23 approximately one in 3 octillion.

24 Q So since you found a mixture there, did you do any
25 further analysis after doing the regular DNA analysis?

1 A I did. With a mixture, a mixture means that more
2 than one individual contributed DNA to the item. And
3 in this particular instance, one individual contributed
4 more DNA than the other individual or individuals. And
5 they're designated the major contributor.

6 So in this particular instance the DNA profile
7 developed from the major contributor matches Virginia
8 Eakers. However, since there was a minor contributor
9 and it appeared to be from a male individual, I did
10 YSTR testing, which because, as I said before, it's
11 male -- the Y chromosome is passed down only among
12 males. It allows us to kind of ignore the female DNA
13 and only test the male Y chromosome.

14 And so we're sometimes able to get usable
15 information from the Y profile that when we weren't
16 able to use it, get it from the minor contributor from
17 the mixture, which was the case here. Due to the
18 inability to calculate a statistic, no comparison could
19 be offered for the minor contributor or contributors.
20 So YSTR testing was performed.

21 Q What did your YSTR testing show?

22 A The partial YSTR profile developed from item
23 15.2.1 matches the YSTR profile of Rickey Wilson.
24 Paternal male relatives of Rickey Wilson may not be
25 excluded as a contributor of this profile. The

1 probability of randomly selecting an unrelated
2 individual having a -- an unrelated male individual
3 having a YSTR profile matching this item is
4 approximately one in 900.

5 Q One in 900 is a much lower number than the other
6 matches?

7 A That's correct. Because a YSTR profile, barring
8 mutation is expected to be the same for a paternal
9 line. It's not unique like a full profile from our
10 standard testing would be. So you would expect to find
11 more than one individual with the same YSTR profile.

12 Q So your number here is one in 900 instead of, what
13 is it, octillions just because you don't have the --

14 A Correct.

15 Q -- random sorting you have with the somatic
16 chromosomes; you're just looking at one chromosome?

17 A Right, you're just testing one chromosome. And so
18 the statistic for that is always going to be lower than
19 a multilocus standard STR test.

20 Q But what was there matched the Defendant, Rickey
21 Wilson?

22 A Yes, the partial YSTR profile that was developed
23 from that item did match the YSTR profile of Rickey
24 Wilson.

25 Q Okay. Did your results up to what we've been

1 talking about, were they put in a report?

2 A Yes, they were. I actually issued three reports
3 on this case.

4 Q Does your second supplemental report include the
5 analysis from the first report?

6 A Yes, it does.

7 Q Let's talk about that second supplemental report.
8 Does that include all of the results we just went
9 through?

10 A It would be -- the second report is the first
11 supplemental report.

12 Q I'm sorry. Yes, the first supplemental.

13 A Yes, it does include all of the results that we
14 discussed so far.

15 MR. DeBUSK: I'll have this marked.

16 (WHEREUPON, State's Exhibit No. 96 was marked for
17 identification only.)

18 Q Showing you what's been marked as State's
19 Exhibit 96 and ask if you recognize that.

20 A Yes, this is a copy of the first supplemental
21 report which would be my second report.

22 Q Is it a fair and accurate copy?

23 A Yes.

24 Q All right. Identical to the one you submitted?

25 A Yes.

1 Q Does it reflect the results that you just
2 testified about?

3 A Yes, it does.

4 MR. DeBUSK: Your Honor, the State would move
5 State's-96 into evidence.

6 THE COURT: Any objection?

7 MR. STANKO: No objection, sir.

8 THE COURT: State's Exhibit 96 admitted into
9 evidence without objection.

10 (WHEREUPON, State's Exhibit No. 96 was admitted in
11 evidence.)

12 Q Now, did you analyze a couple of other items?

13 A Yes, I did.

14 Q Specifically item 16, swabs from the phone?

15 A Yes.

16 Q What did you find on item 16?

17 A There was a request for the possible presence of
18 blood, so I performed a presumptive test for blood.

19 And that test was positive. I then did DNA analysis,
20 and the DNA profile matched the DNA of Virginia Eakers.

21 And the probability of randomly selecting an unrelated
22 individual having a DNA profile matching this item is
23 approximately one in 3 octillion.

24 Q So that was Ms. Eakers' blood on the phone?

25 A Assuming she does not have an identical sibling, I

1 would said the profile came from her, yes.

2 Q Okay. How about number 17, a cutting from a
3 sheet?

4 A Again, there was a request for the possible
5 presence of blood, presumptive testing was performed,
6 and it was positive, presumptive testing for blood was
7 positive on that item. The DNA profile matches the DNA
8 profile of Virginia Eakers.

9 And, again, the probability of randomly selecting
10 an unrelated individual having a DNA profile matching
11 that item is approximately one in 3 octillion. I also
12 performed YSTR testing on this item. A partial YSTR
13 profile was developed. However, due to the limited
14 information obtained, no comparisons could be offered
15 for this item.

16 Q Is that because there wasn't much DNA there, not
17 much DNA there to produce a result?

18 A Correct. Only partial information was developed.
19 And it wasn't enough information to be confident that
20 it all came from one individual and that it was
21 suitable for comparison.

22 Q And this being a hotel sheet, you never know what
23 you're going to get; correct?

24 A That's true.

25 Q On 16 and 17 you did the serology and the DNA

1 test?

2 A That's correct.

3 Q Okay. That's not unusual; is it?

4 A No. We do that sometimes with smaller items that
5 come in. The DNA analyst will just go ahead and
6 perform the serology and the DNA analysis both.

7 Q Your results on those last two items, was that
8 reflected in the report?

9 A Yes, it is.

10 Q Pardon me while I...

11 (WHEREUPON, State's Exhibit No. 97 was marked for
12 identification only.)

13 Q Let me show you what's now been marked State's-97
14 and see if you recognize that.

15 A Yes. This is a copy of the second supplemental
16 report that I issued.

17 Q Does that reflect the results of those last two
18 items that you just testified about?

19 A Yes, it does.

20 Q Thank you.

21 MR. DeBUSK: Your Honor, we would offer State's-97
22 into evidence.

23 THE COURT: Any objection?

24 MR. STANKO: No objection.

25 THE COURT: State's Exhibit No. 97 admitted into

1 evidence without objection.

2 (WHEREUPON, State's Exhibit No. 97 was admitted in
3 evidence.)

4 MR. DeBUSK: Please answer any questions the
5 Defense might have.

6 THE COURT: Cross-examination.

7 CROSS-EXAMINATION

8 BY MR. STANKO:

9 Q All right. So you were the one who performed all
10 of the DNA analysis, everything that was sent up in
11 this case; correct?

12 A I did all the DNA that was performed, correct.

13 Q Okay. And I don't know what order you tested them
14 in, but the order on your report, the one through
15 whatever number it ends with, we'll just go through
16 those.

17 A Okay.

18 Q Now, 1.5.1 through four, those were all of the
19 nail clippings from Ms. Eakers; correct?

20 A 1.5.1 through 1.5.4 were the fingernails and
21 toenail clippings.

22 Q Okay. And the DNA that you were able to get from
23 those clippings, all four of those came back to
24 Ms. Eakers; correct?

25 A Yes. The DNA profile was attributable to Eakers,

1 correct, Ms. Eakers.

2 Q Okay. And 1.6.1, two and three were all hairs
3 that were recovered from Ms. Eakers; correct?

4 A That's correct.

5 Q They were in her fist?

6 A I don't believe so. I believe they were collected
7 from the -- I need to refer to another note.

8 Q Absolutely.

9 A No. Items 1.6.1, 1.6.2 and 1.6.3 were from the
10 pubic hair combings that were collected at autopsy as
11 part of the sexual assault kit.

12 Q All three of those came from the sexual assault
13 kit?

14 A Correct.

15 Q Okay. And the one hair that you were able to
16 actually get a DNA result from, that came back to
17 Ms. Eakers?

18 A Correct. The one that -- that was sufficient for
19 comparison was attributable to Ms. Eakers, correct.

20 Q Okay. The next item on your report looks like
21 item number five, that was a cutting from the side cuff
22 of Rickey's left pant leg; correct?

23 A I have it as a side cuff of a left pant leg. I
24 don't have it in my notes here if those belonged to
25 Rickey Eakers but it did come back to Rickey Eakers --

1 or sorry, Rickey Wilson. I apologize.

2 Q Okay. And item number ten was a cutting from the
3 same pants, just the other pant leg?

4 A It was submitted as cutting from back of right
5 upper leg, so I actually don't know if it's from the
6 same pair of pants or not. But that item, the DNA
7 profile developed from that item also came back to
8 Rickey Wilson. The DNA profile developed from that
9 item matches the DNA profile of Rickey Wilson.

10 Q Okay. And then after that, eight and nine were
11 both swabs that came from under Rickey's fingernails;
12 correct?

13 A Correct.

14 Q And you were able to get a result on both of
15 those?

16 A Correct. A complete profile from one item and a
17 partial profile from the other. And both of those were
18 attributable to Rickey Wilson.

19 Q Okay. And you said earlier that it's possible to
20 wash away somebody else's DNA from under your
21 fingernails?

22 A That's correct.

23 Q But it's also possible that even if you washed
24 that it could still remain under there?

25 A That's possible also, correct.

1 Q Okay. Now, later on, actually towards the end of
2 the last year, you conducted further tests on a swab
3 from the telephone in the hotel room as well as a
4 cutting from a sheet on the bed in that same hotel
5 room; correct?

6 A Correct.

7 Q And that was the room at -- to the best of your
8 knowledge, that was the room at Rodeway Inn where the
9 body was discovered?

10 A To the best of my knowledge, yes.

11 Q Okay. And both of those, the swab of the phone
12 and the cutting from the sheet on the bed, both of
13 those the DNA profile that you were able to determine
14 both came back to Virginia Eakers; correct?

15 A Yes. The DNA profile developed from both of those
16 items matches the DNA profile of Virginia Eakers.

17 Q And neither of those came back to Rickey Wilson?

18 A No. I do not have anything matching Rickey Wilson
19 on either of those items.

20 Q Okay, all right. Now, you also performed tests on
21 two socks, 14.1 and 14.2; correct?

22 A They were the cuttings from the socks, correct.

23 Q Okay. Both of those were Rickey Wilson's socks?

24 A I just know they were submitted as socks. I don't
25 know if they were Rickey Wilson's. Let me check the

1 chain to see if that will tell me if they are Rickey
2 Wilson's socks. They were submitted as clothing
3 described as socks with blood. So I don't know who the
4 socks are attributable to.

5 Q Okay. All right. 14.1 and 14.2 were both socks;
6 different socks?

7 A Yes. They were designated as sock A and sock B.

8 Q Okay. And the blood that was on those socks, who
9 did that come back to?

10 A The DNA profile developed from those items matched
11 the DNA profile of Rickey Wilson. I would have to
12 double check my notes to see if they were tested for
13 blood or not. Because that would have been done by
14 Jasmine Ruiz-Yi.

15 Q Okay. But the DNA that the profile that you
16 developed did come back to Rickey Wilson?

17 A Correct.

18 Q Okay. Now, just as an aside real quick, you
19 mentioned you weren't necessarily able to determine if
20 it was blood, if it was something else. When you do
21 your analysis are you able to determine whether it's
22 saliva, whether it's blood, whether it's -- or do you
23 just develop a DNA profile from whatever swab you're
24 given and figure out whose that came from?

25 A Well, in this particular instance, because these

1 items went to the serology department first, the
2 serology testing would have been done by Jasmine
3 Ruiz-Yi. I most likely have a note in my comments or
4 my evidence worksheet that says what her results were.
5 I would have to pull those out to look at it. And in
6 some instances like in 16 and 17, I perform the
7 serology testing myself.

8 So I can pull the other notes out, if you would
9 like me to look and see if they tested positive for
10 possible presence of blood?

11 Q Well, actually, let me ask you this. If you
12 have -- say you get a sample that comes back saying
13 there is blood there. If there is a combination of
14 fluids, say, for example, one person contributes blood,
15 the other person contributes semen, maybe a third
16 person contributes saliva, are you able to say whether
17 all three contributed blood or all three contributed --
18 like are you able to pinpoint like only -- blood only
19 came from one person, the other person had a different
20 bodily fluid, are you able to make that distinction?

21 A No. We can determine that the presence of blood
22 is indicated, or we can run a confirmatory test and
23 confirm the presence of blood.

24 However, if the sample is a mixture and we develop
25 a DNA profile that is a mixture from multiple

1 individuals, we cannot determine if all of the
2 contributors contributed blood or if only one of the
3 contributors contributed blood. We can simply tell
4 blood is indicated or is not indicated.

5 Q Okay. Now, 15.1.1; that's the cutting from the
6 towel that said, Choice Hotels International. Have you
7 conducted a test on that?

8 A Yes.

9 Q Okay. And who's profile did that come back to?

10 A The DNA profile developed from item 15.1.1 matches
11 the DNA profile of Virginia Eakers.

12 Q Okay. And that was the probability of finding
13 somebody else who that could have been is one in 3
14 octillion?

15 A The probability of choosing someone at random from
16 the population that would happen to have that same DNA
17 profile is approximately one in 3 octillion.

18 Q Which is as we heard way more than the population
19 of Earth?

20 A Yes. And the 3 octillion is way more. The
21 probability is a very, very tiny probability, correct.

22 Q Understood. Okay. And it was only the profile of
23 Ms. Eakers that came from that one towel.

24 A There was a single source profile developed,
25 that's correct.

1 Q Okay. Turning to the next item, 15.2.1, that was
2 the cutting from the towel that was labeled, Dolphin
3 Dobby?

4 A Correct.

5 Q You said that there is a mixture on that one;
6 correct?

7 A That's correct.

8 Q Okay. And I have your report right here. It
9 lists, it's a mixture from at least two individuals?

10 A Correct.

11 Q What does it mean, at least two?

12 A It means that there is enough evidence to
13 determine at least two individuals contributed DNA.
14 However, with the low level of the other contributors,
15 it's possible that the minor contributor is one
16 contributor or that there's actually DNA from more than
17 one contributor in the mixture. But I was able to
18 determine that at least two individuals contributed DNA
19 to the mixture.

20 Q Okay. So that could be three, that could be five,
21 you're not able to determine how many other than it's
22 more than one?

23 A Correct.

24 Q Okay. All right. Now, the major contributor
25 there was who?

1 A The DNA profile developed from the major
2 contributor matches Virginia Eakers.

3 Q Okay. And that was an item that came back where
4 they said there was definitely blood present on that
5 towel?

6 A There was, yes. That item blood was indicated.
7 They performed a presumptive test. I don't believe she
8 performed a confirmatory test, but yes, blood was
9 indicated on that test.

10 Q Okay. And the probability that at least that
11 initial or major profile was Virginia Eakers, what was
12 the probability of randomly selecting someone else?

13 A The probability of randomly selecting an unrelated
14 individual from the population having a DNA profile
15 matching the contributor, the major contributor is
16 approximately one in 3 octillion.

17 Q Okay. So the major contributor on that towel was
18 Virginia Eakers?

19 A In my opinion, assuming that she doesn't have an
20 identical sibling, the DNA profile from the major
21 contributor came from Virginia Eakers.

22 Q Okay. Now, you also stated that you were able to
23 at least come up with a partial YSTR profile on that;
24 correct?

25 A Correct.

1 Q Okay. And who did that come back to?

2 A The partial YSTR profile, the DNA profile
3 developed from item 1. -- I'm sorry, 15.2.1 matches the
4 YSTR profile of Rickey Wilson. Again, paternal male
5 relatives of Rickey Wilson cannot be excluded as the
6 contributor of this profile.

7 Q Okay. And what was the probability of selecting
8 someone else that that could have been?

9 A Well, it's not the probability of selecting
10 someone else, it's the probability of selecting an
11 individual at random from the population, in this case
12 a male individual at random from the population. And
13 the probability of randomly selecting an unrelated male
14 individual having a YSTR profile matching this item is
15 approximately one in 900.

16 Q Okay. And as we heard, that's a much lower
17 probability than the one in three octillion that other
18 samples have come back to; correct?

19 A Correct.

20 Q Okay. So you had stated you've done this for a
21 while, you're certainly well-versed in probabilities?

22 A I have been doing DNA analysis for a while,
23 correct.

24 Q Okay. So basically the likelihood there is
25 exactly as it sounds, out of every 900 people, at least

1 one of those would come back potentially as having this
2 same profile?

3 A Statistically, if you tested 900 random male
4 individuals, statistically it's -- you would expect one
5 of those individuals to have the same YSTR profile.
6 But, again, that's an approximation. It could be --
7 you could have two or could have none in that 900
8 individuals.

9 Q Okay. So, again, statistics being almost a
10 ballpark on that, because 900 seems a very solid
11 number, it's not like one in 867 or one in 1,040. Is
12 the one in 900, is that -- how certain is that number?

13 A Well, it's an approximation. So what we use is a
14 confidence interval which indicates that there's strong
15 confidence that the profile is at least that rare.
16 It's -- there's a slight possibility that it could be
17 more common, but there's a 95 percent confidence that
18 it's at least that rare. So the probability report is
19 one in 900. However, that's an approximation. All
20 frequencies are approximations because to have an exact
21 number, you would have to test every single male
22 individual in a population to have the exact frequency.

23 Q Okay. But with one in 900, even the population of
24 the United States, at least the male population, I
25 mean, that's somewhere in the neighborhood of 150.

1 million; is it not?

2 A That would probably be a good approximation, given
3 that the estimated population of United States is
4 approximately 300 million.

5 Q Okay. So there's at any given time, if we're --
6 you know, you had the one in 900, if we blow that up to
7 the population of the US, now we're talking 167,000
8 people roughly that it also could have been?

9 A I'm afraid I can't do that math in my head, I
10 apologize.

11 Q I did it beforehand with a calculator, of course.

12 A Okay. Thank you.

13 Q So 167,000 people out of 150 million that it also
14 could have been. Again, that's just taking one in 900
15 and enhancing it up to the male population of the
16 United States. Does that sound accurate to you?

17 A Statistically that is a possibility.

18 Q Okay, all right. Now, there was one other towel
19 that you tested; correct?

20 A Yes, the --

21 Q Actually, excuse me, this was the same towel?

22 A Yes, correct, that was the same. Oh, you're
23 referring to item 15.2.2?

24 Q I am.

25 A That was the Dolphin Dobby towel as well, yes.

1 That was a swab taken from scraping the end of a towel.

2 Q Okay. And what profile came from that scraping?

3 A The DNA profile developed from item 15.2.2 is a
4 mixture from at least three individuals. Due to the
5 inability to calculate a statistic, no comparisons will
6 be offered. So in that instance, I know at least three
7 individuals donated DNA to that sample.

8 However, the sample was not of suitable quality to
9 be able to do a statistic, and according to our
10 protocol, if we can't do a statistic to put weight to
11 an inclusion or exclusion, we cannot do a comparison to
12 standards and offer any type of conclusion. So that
13 sample was deemed not suitable for comparison for
14 reporting purposes.

15 Q Okay. So there was no profile that was able to be
16 pulled from that regardless of statistics?

17 A Correct. There was a profile developed that was a
18 mixture of at least three individuals. However, unlike
19 the other sample, item 15.2.1, there was no major
20 contributor to be able to pull it out and say this
21 contributor matches so and so. It was just a mixture
22 of three individuals that couldn't be compared.

23 Q Okay. Let me ask you this, you had mentioned
24 right at the beginning touch DNA.

25 A Correct.

1 Q That's sort of DNA that we heard earlier basically
2 you touch a surface and you leave skin cells there;
3 correct?

4 A Correct.

5 Q You had said it varies by the surface whether any
6 DNA will actually be left?

7 A It can depend on the surface, how long an
8 individual is in contact with the surface, how much DNA
9 that individual happens to be shedding in that
10 particular time, how much friction occurs. There is a
11 lot that goes into how much DNA is left behind on an
12 item.

13 Q Okay. So in our day-to-day lives, fair to assume
14 that each of us just without even realizing it is
15 leaving DNA behind?

16 A Yes, correct. Because we touch things all day
17 long. We leave small amounts of DNA on most of the
18 things that we touch.

19 Q So if I cough on the table over here, if I sneeze
20 over here, fair likelihood that I've at least left some
21 DNA behind at some point?

22 A Yes.. Yes, it's definitely possible. Whether or
23 not it's a detectible level or not is going to depend
24 on how much you've left behind.

25 Q Understood. So I touch a table, I sneeze near a

1 towel, I do anything like that, there is at least a
2 possibility that I have left some part of my DNA behind
3 on that?

4 A It's possible, correct.

5 Q Now, say, for example, someone does something like
6 that, you sneeze next to a desk, next to a table, near
7 a towel, and then later on that towel is used to wipe
8 up blood. If I have already left my DNA on that towel
9 for something as innocuous as sneezing near it, and
10 then blood is on that, when someone goes to swab that,
11 is it reasonable to conclude that it is at least
12 possible that my DNA along with the blood that's there
13 will be collected?

14 A It's a possibility. If DNA is collected -- is
15 left on an item and then at a later date a second
16 source of DNA is also deposited on the same item, it's
17 possible that both items -- both DNA sources would be
18 detected during testing.

19 Q And as you said earlier, you would not be able to
20 determine whether what the first person left was blood
21 or even that the second person. You would just know
22 that blood is there. Whether it's blood and saliva or
23 two sources of blood, you would not be able to
24 determine that; correct?

25 A Correct. I could determine that blood was

1 indicated, but I couldn't determine who was the donor
2 of blood and if both parties were donors of blood.
3 Sometimes the amount of DNA can be an indication of
4 that if there is a lot of DNA present and there is
5 blood indicated, it's a strong indication that that
6 individual donated blood. But for other donors that
7 didn't donate as much, it's much harder to make a
8 determination as to whether they donated blood or it's
9 saliva or touch DNA on that item.

10 Q Okay.

11 MR. STANKO: Nothing further, Your Honor.

12 THE COURT: Redirect?

13 REDIRECT EXAMINATION

14 BY MR. DeBUSK:

15 Q Which item were you referring to that had the
16 mixture of three?

17 A The item 15.2.2 which was a swab from the end of
18 the Dolphin Dobby towel.

19 Q I hate to be gross, but this being a hotel towel,
20 would it be unusual to have multiple people's DNA on
21 it?

22 A Well, that would be -- well, that would depend on
23 how thoroughly the hotel washes their towels. It is
24 also, they've done studies and found that DNA can
25 actually remain on items during washing. And so it

1 wouldn't be terribly surprising to find DNA on a towel
2 even after it had been washed, if it were, you know, a
3 hotel towel that was in with a bunch of other towels.

4 Q So DNA can sort of be hit or miss. Sometimes you
5 have like sunglasses that sit around someone's face and
6 don't get touch DNA, and sometimes it can last through
7 a washing, it just depends on the circumstances?

8 A It just depends on the circumstances, correct.

9 Q Now, from the match to the Dolphin Dobby towel or
10 the Y chromosome profile you developed from that towel,
11 were all of the alleles -- did all alleles in that
12 match Rickey Wilson?

13 A For the results that were developed, yes. All of
14 the locations that yielded results matched the profile
15 from Rickey Wilson. If one of the locations did not
16 match, then it would be an exclusion.

17 Q And so the statistic, the one in 900 statistic, is
18 more a matter of how common that profile is than
19 whether it matched directly to Rickey Wilson or not?

20 A The -- yes, the statistic is based on the profile
21 itself that's developed from the evidence, it's not
22 dependent on the match. So I can actually calculate
23 that statistic with no standard for comparison. And
24 it's just a calculation of what the probability is that
25 if you chose an individual from the population at

1 random, they would just by chance happen to have the
2 same DNA profile as the DNA profile developed from the
3 item of evidence. So it's independent of any standard
4 submitted for comparisons.

5 Q So it's not a matter of whether the DNA there
6 matches Rickey Wilson's Y chromosome DNA, it's a matter
7 of how common that particular profile is?

8 A Correct. The statistic is a reflection of how
9 common the YSTR profile is.

10 Q But it does match, the forensic sample to the
11 standard from Rickey Wilson?

12 A Yes. The YSTR profile developed from item 15.2.1
13 does match the YSTR profile of Rickey Wilson.

14 MR. DeBUSK: Thank you.

15 THE COURT: All right, you may step down.

16 MR. DeBUSK: Your Honor, may Agent Clayton be
17 relieved from her subpoena?

18 THE COURT: Any objection?

19 MR. STANKO: Without objection, sir.

20 THE COURT: All right. She is free to go.

21 (Witness excused.)

22 THE COURT: All right, ladies and gentlemen, we're
23 going to take about a 15-minute break, give you an
24 opportunity to stretch your legs, get something to
25 drink. Do not discuss the case even among yourselves.

1 Leave your pads in the jury box. We'll take a
2 15-minute recess and we'll be back very shortly.

3 (WHEREUPON, the jury exited the courtroom at 3:04
4 p.m.)

5 THE COURT: All right. Anything from the State
6 before we recess?

7 MR. OSKIN: Nothing, Your Honor.

8 THE COURT: Anything from the Defense?

9 MR. STANKO: Nothing, sir.

10 THE COURT: All right. Let's take about a
11 15-minute recess. We'll be back.

12 (WHEREUPON, a brief recess was taken at
13 approximately 3:05 p.m.)

14 THE COURT: Anything from the State before we
15 bring the jury in?

16 MR. OSKIN: Nothing other than what we just
17 brought to your attention, Your Honor.

18 THE COURT: All right. From the Defense?

19 MR. STANKO: Nothing, sir.

20 THE COURT: All right. Let's bring the jury in.

21 MR. DeBUSK: Your Honor, I'm sorry, we have three
22 witnesses before that are on their way. So we'll
23 probably be okay.

24 THE COURT: Okay.

25 MR. DeBUSK: Thank you, Your Honor.

TONYA ROOT-DIRECT BY MR. DeBUSK.

499

1 THE COURT: And I talked with Nancy Livesay. This
2 is the only thing we've got going on this week, so
3 we're good to go.

4 (Discussion off the record.)

5 (WHEREUPON, the jury came into open court at
6 approximately 3:32 p.m.)

7 THE COURT: Ladies and gentlemen, welcome back. I
8 apologize for keeping you in the jury room for so long,
9 but we're ready to resume the trial now. Please make
10 sure you have your own notepads. State can call your
11 next witness.

12 MR. DeBUSK: Thank you, Your Honor. The State
13 calls Tonya Root.

14 TONYA ROOT, after being duly sworn, testified as
15 follows:

16 THE CLERK: Please be seated. State your full
17 name and spell your last name.

18 THE WITNESS: Yes. Tonya Root, R-O-O-T.

19 DIRECT EXAMINATION

20 BY MR. DeBUSK:

21 Q Ms. Root, who is your employer?

22 A The Fifteenth Circuit Solicitor's Office.

23 Q What are your duties?

24 A I'm the public information specialist, and I also
25 handle all of our media and technology information.

1 Q As part of that, do you sometimes edit videos and
2 audio tapes?

3 A Yes, sir.

4 Q Did you edit some videotapes -- were you requested
5 to edit some videotapes in this case?

6 A Yes, sir.

7 Q I'm showing what's been marked as State's 82 and
8 83 and ask if you recognize these.

9 A Yes, sir. These are the ones that I edited.

10 Q What was the raw material from which you edited?

11 A It was a video surveillance system from a motel,
12 it appeared.

13 Q Was one of the them from the Days Inn?

14 A Yes.

15 Q In Myrtle Beach?

16 A Yes.

17 Q And was one of them the Victory?

18 A Yes.

19 Q Okay. What did you do?

20 A I took clips from that video surveillance.

21 Q Clip being a short portion of the total video?

22 A Yes.

23 Q Okay.

24 A That showed the Defendant and victim on the screen
25 and put those together into one video to shorten the

1 amount of time needed to view their movements.

2 Q Did you alter or change what appeared on the video
3 in any way?

4 A No, sir.

5 Q You just cut out the sections that -- of interest.
6 Were you given a number of times to make the clips?

7 A Yes, sir.

8 Q So you have a list of times, you took the clips
9 and you edited them together?

10 A Yes, sir.

11 Q Did you have to convert them to do that, convert
12 them from one form to another?

13 A I did. I used an iPad and played the actual
14 surveillance video on my computer and recorded it with
15 my iPad to be able to get those clips.

16 Q Okay. And -- but that still did not change what
17 was being shown on the video?

18 A No.

19 Q And those discs represent the product of your
20 work?

21 A Yes, sir.

22 Q Okay.

23 MR. DeBUSK: Your Honor, these have been shared
24 with Defense previously.

25 MR. STANKO: We've seen them. Without objection,

1 sir.

2 MR. DeBUSK: We move these into evidence.

3 THE COURT: All right.

4 MR. DeBUSK: State's-82 and 83.

5 THE COURT: State's Exhibit 82 and 83 admitted
6 into evidence without objection.

7 (WHEREUPON, State's Exhibit Nos. 82 and 83 were
8 admitted in evidence.)

9 MR. DeBUSK: Thank you, Your Honor. No further
10 questions.

11 THE COURT: All right. Cross-examination.

12 CROSS-EXAMINATION

13 BY MR. STANKO:

14 Q Now, Ms. Root, you didn't actually watch the whole
15 video; did you?

16 A No, sir.

17 Q Okay. So you just stitched together several
18 videos based on times that you were told about?

19 A Yes, sir.

20 Q Who told you what times to put those together?

21 A Solicitor DeBusk.

22 Q Okay, thank you.

23 MR. STANKO: Nothing further, sir.

24 THE COURT: Redirect?

25 MR. OSKIN: Nothing, Your Honor.

1 THE COURT: All right, you may step down.

2 (Witness excused.)

3 THE COURT: State can call your next witness.

4 MR. OSKIN: Thank you, Your Honor. The State
5 would call Ms. Paige Roach.

6 THE COURT: All right.

7 MR. OSKIN: As a matter of housekeeping, I believe
8 Defense had already stipulated to agreeing to let Ms.
9 Root off her subpoena since she's employed with us. Is
10 that correct, Mr. Stanko?

11 THE COURT: All right. Yeah, that was my
12 understanding.

13 MR. STANKO: It is, sir.

14 MR. OSKIN: Thank you, sir.

15 PAIGE ROACH, after being duly sworn, testified as
16 follows:

17 THE CLERK: State your full name, and spell your
18 last name for the Court.

19 THE WITNESS: Paige Roach. It's R-O-A-C-H.

20 DIRECT EXAMINATION

21 BY MR. OSKIN:

22 Q Ms. Roach, who is your current employer?

23 A PNC Bank.

24 Q At which location?

25 A Oak Street.

1 Q Oak Street where?

2 A Myrtle Beach.

3 Q In Horry County?

4 A Um-hum.

5 Q How long have you been employed there?

6 A 23 years.

7 Q Okay. What are some of your duties?

8 A Little bit of everything. Work on the teller
9 line, lending.

10 Q Would it be more appropriate to ask what's your
11 title there?

12 A I am a branch banking service associate.

13 Q Okay. In the course of your employment, did you
14 have an opportunity to meet Virginia Eakers?

15 A Yes, sir.

16 Q How did you meet her?

17 A She was a client there.

18 Q Was she a frequent client of the bank?

19 A Yes, sir.

20 Q About how often would you see her?

21 A At least once, sometimes twice a month.

22 Q Okay. And for what purposes did she come in
23 there?

24 A Just to do her everyday banking.

25 Q Did you -- during her banking did you have a,

1 chance to speak with her, see her, get to know her at
2 all?

3 A Yes, sir.

4 Q What was her demeanor like?

5 A She was a very timid lady, very apologetic every
6 time she came in, didn't want to bother anybody.

7 Q Did she seem like she was a patient person?

8 A Yes, sir.

9 Q Did she ever seem like she was prone to any anger?

10 A No, sir.

11 Q Did she seem to understand what she was doing
12 financially? Without talking about any specific
13 statements or anything like that, I'm not asking that.

14 A Right. Yes, sir, she knew.

15 Q You may have already answered this. About how
16 long was she a customer of yours?

17 A I've known Ms. Eakers for approximately 15 years.

18 Q Okay. During the course of those 15 years, what
19 was her attire like, what type of person did she seem
20 like she when she came into the bank?

21 A As far as her clothing?

22 Q Yes, ma'am.

23 A She would wear a lot of loose clothing, dark
24 clothing. In the last couple few years it had been a
25 little different, she wore skirts all the time.

1 Q In your transactions with her, did you become
2 aware of where she kept her personal belongings?

3 A She kept them on herself.

4 Q The belongings that I'm asking about would be
5 anything to do with regard to the banking purposes.

6 A Um-hum. She would keep them mostly in her under
7 garments.

8 Q Did you ever see like a wallet or a purse or a bag
9 or anything like that?

10 A She had a small like a zipper bag sometimes that
11 she would have it in there.

12 Q And where was that at on her person?

13 A Usually in her bra area.

14 Q So close to her person?

15 A Um-hum.

16 MR. OSKIN: Nothing further from me at this time.

17 Ms. Roach, please answer any questions from the
18 Defense.

19 THE WITNESS: Okay.

20 MR. STANKO: Your Honor, we have nothing for this
21 witness.

22 THE COURT: All right. You may step down.

23 MR. OSKIN: We ask that Ms. Roach be excused from
24 her subpoena.

25 THE COURT: Any objection?

1 MR. STANKO: No objection.

2 THE COURT: All right, she is free to go.

3 (Witness excused.)

4 MR. OSKIN: The State would next call Ms. Irene
5 Miller.

6 THE COURT: All right.. Ma'am, if you would come
7 forward right up here. Yes, thank you.

8 IRENE MILLER, after being duly sworn, testified as
9 follows:

10 THE CLERK: Please be seated.

11 THE WITNESS: Where do I sit?

12 THE CLERK: Right here (indicating). Please state
13 your full name, and spell your last name for the Court.
14 State your full name and spell your last name.

15 THE WITNESS: Irene Miller, M-I-L-L-E-R.

16 DIRECT EXAMINATION

17 BY MR. OSKIN:

18 Q Good afternoon, Ms. Miller. Are you currently
19 employed?

20 A Yes.

21 Q Where are you employed?

22 A Sunrise Motel.

23 Q All right. What do you do there?

24 A Housekeeping and front desk.

25 Q Okay. How long have you been there at that -- did

1 you say hotel or motel? I apologize.

2 A I think it's hotel, I'm sorry.

3 Q How long have you been working there?

4 A Going on six years.

5 Q Okay. Did you ever have the opportunity to meet
6 the victim in this case, Virginia Eakers?

7 A Yes.

8 Q How did you meet her?

9 A Several times she came to stay there.

10 Q At the -- at your place of work?

11 A At the Sunrise -- Sunrise Motel.

12 Q Okay. During her times staying there, did she
13 become your friend?

14 A I would say so.

15 Q What did you call her?

16 A Ms. Virginia.

17 Q Okay. Would she stay at your -- how long would
18 she stay at that hotel at a time, if you remember?

19 A She wouldn't stay long. Maybe a couple weeks, and
20 leave and come back, leave and come back.

21 Q Did she ever meet your family?

22 A Not all.

23 Q Let me back up. Did she ever -- in the course of
24 your friendship, did she ever stay with you at your
25 residence?

- 1 A Yes.
- 2 Q Okay. Who lives with you?
- 3 A My -- well, I call him my son, my nephew and my
4 husband.
- 5 Q Okay. Did they meet Ms. Eakers?
- 6 A Yes.
- 7 Q What was -- not asking for anything they said.
8 Did they approve of your friendship with Ms. Eakers?
- 9 A Yes. Yes.
- 10 Q Okay. Did you ever assist her with anything other
11 than housing?
- 12 A Maybe take her to the store or to the bank,
13 library.
- 14 Q Transportation stuff?
- 15 A Yes, like that.
- 16 Q Any other ways to help her transportation wise?
- 17 A Other ways? No. Just in my car.
- 18 Q Okay. About how long would she stay with you at a
19 time, at a single time?
- 20 A The first time was a couple of months. Then,
21 again, it was probably about a month and a half, last
22 time only a few weeks.
- 23 Q So three times total, give or take?
- 24 A Um-hum.
- 25 Q And that's over the course of the past couple

1 years of knowing her?

2 A That I've known her, um-hum.

3 Q Okay. Are you familiar with what a landlord is?

4 A Yeah. A landlord is somebody you got to pay rent
5 to --

6 Q Okay.

7 A -- monthly or yearly or whatever.

8 Q Okay. And at any point in time were you ever
9 Ms. Virginia's landlord?

10 A I was her friend, not a landlord.

11 Q Okay. You never accepted money from her --

12 A No.

13 Q -- when she would stay with you? Okay. Did you
14 ever accept money from her?

15 A Not money. But sometimes, you know, she would
16 say, let me treat you to lunch.

17 Q Okay.

18 A But not money, money.

19 Q Right. Would you ever feed her?

20 A As much as she would let me.

21 Q Let's focus on that. What do you mean, as much as
22 she would let you? Was she an independent woman?

23 A Very.

24 Q Was she a strong-willed woman?

25 A Very.

1 Q Was she kind of set in her ways?

2 A Very..

3 Q And about how old was she; do you remember?

4 A I would say early eighties.

5 Q Okay. How did she dress? Her clothes, what type
6 of cloths did she wear?

7 A Kind of tattered, kind of bag lady-ish.

8 Q Okay. In the course of your friendship, did you
9 come to find out that there was any particular purpose
10 for that?

11 A Yes.

12 Q What was that purpose?

13 A She said at one point she was robbed and stolen of
14 all of her nice things. So if she dressed that way or
15 looked that way, then no one would bother her, she
16 wouldn't draw attention to herself.

17 Q Is it safe to say at times she was a little bit
18 paranoid?

19 A Yes.

20 Q What was her personality like in general?

21 A Sweetest little being you ever want to meet, just
22 a sweet lady.

23 Q Was she an aggressive woman?

24 A No. No.

25 Q So what was her demeanor? Just expanding on that.

1 A She was quiet. And once she got to know you, she
2 kind of came out of her shell some. But as far as too
3 talkative, never.

4 Q Was she the type of lady that would easily let
5 people into her life?

6 A No. Nu-uh.

7 Q Why do you say it with such conviction there?

8 A Because when she stayed at our motel, excuse me,
9 she would have to -- you know, you come in and clean
10 the room, the housekeeper would, you couldn't get into
11 her door. She would ask -- she would say, I need
12 nothing today, need nothing today.

13 And over the course of time, I would say maybe a
14 month or so, two months, then she would start saying,
15 well, can you exchange my towels for me or something
16 like that. But you couldn't get in that room just like
17 that.

18 Q After two months of staying at the hotel or just
19 after two months of knowing you?

20 A Knowing you.

21 Q Okay. Is modest a good word for her?

22 A Very modest.

23 Q Did she have any possessions that you're aware of?

24 A (Nodding.)

25 Q What type of possessions did she -- I need you to

1 answer yes or no before, I apologize.

2 A Yes. I'm sorry.

3 Q Okay. What type of possessions are those, were
4 they?

5 A Well, she thought her driver's license was like a
6 million bucks to her, although she didn't use it.

7 Q Okay.

8 A It was in mint condition. She had a ring and a
9 watch and a bracelet that she said that she had years,
10 years back that she kept wrapped in a little napkin.
11 And she had some pictures of herself.

12 Q Did she have any other possessions, any extra --

13 A Her cat.

14 Q Her cat. What was her cat's name?

15 A Oh, shoot. Kit.

16 Q Kit. What was her relationship like with that
17 cat? I don't mean for that to sound weird, I mean, how
18 did she take care of the cat?

19 A Yeah. Well, it would be like your relationship
20 with your wife, that's how much she loved that cat.

21 Q Okay. So she took care of that cat?

22 A Very, very, very good care.

23 Q Would she ever take care of that cat better than
24 she would take care of herself?

25 A Better than herself.

1 Q Okay. When she was transitioning from place to
2 place, what was that cat doing?

3 A She would have that cat in that thing, that
4 carrier.

5 Q To transport the cat?

6 A Yeah.

7 Q Okay.

8 A In that carrier.

9 Q Okay. Did she ever -- did there ever come a time
10 whenever anything happened to that cat?

11 A When the City got it.

12 Q Okay. The City of what?

13 A Myrtle Beach.

14 Q Okay. When you say they got it, who -- did they
15 take it from her, did they take the cat somewhere; what
16 happened?

17 A I think that -- well, from what I can gather from
18 her and from another city worker, they had to take the
19 cat because it was sick.

20 Q Okay.

21 A And it needed some care. And they took it to
22 wherever, an animal thing or something.

23 Q Okay. You said that she would stay at hotels, she
24 would stay with you, would she stay with anyone else
25 that you knew of?

1 A I wouldn't have known that because she wouldn't
2 say that.

3 Q Okay. Did you come to find out after the fact
4 that she had stayed with other people as she made her
5 rounds?

6 A After the fact, nu-uh.

7 Q After the incident.

8 A Wait, wait, I'm sorry, let me back up. She did
9 stay with one lady in Conway.

10 Q Okay. Are you familiar with the Defendant in this
11 case, Rickey Wilson?

12 A No. I mean, as far as looking at him, no.

13 Q Okay. Have you ever spoken to him, though?

14 A Yes.

15 Q On a telephone device?

16 A Yes.

17 Q Okay. Did you initiate that telephone call, or
18 did he?

19 A Well, he had --

20 Q Who called who first?

21 A I called him because at work they told me he had
22 called several times.

23 Q So he was trying to get ahold of you before you
24 called him?

25 A Yes.

1 Q Okay. About how many times did he try to call
2 you?

3 A Well, she said -- at work she said two or three.

4 Q When you're talking about your work, you talking
5 about the hotel, the Sunrise?

6 A Yes, the Sunrise.

7 Q Is it Sunrise or Sun Fun? I apologize.

8 A It's the same, they own both.

9 Q Okay.

10 A So Sun --

11 Q So you called him back?

12 A Um-hum.

13 Q From your personal number?

14 A Yes.

15 Q Okay.

16 MR. OSKIN: If I may approach the court reporter.

17 THE COURT: All right.

18 Q I'm showing you what's been marked in evidence as
19 State's Exhibit No. 13. Do you recognize your
20 telephone number on that sheet?

21 A On this first so I can -- oh, there I'm at, yes.

22 Q What is your telephone number?

23 A [REDACTED]-0204.

24 Q And what's the area code for that?

25 A Mine, [REDACTED].

1 Q Yes, ma'am. Are you aware of the telephone number
2 of the hotel you work at? Do you know what it is
3 before I have you look at that?

4 A Yes, I know what it is.

5 Q Are you able to find it on that sheet?

6 A Um-hum, yeah.

7 Q Have you found it?

8 A Yes.

9 Q And what is that number, ma'am?

10 A [REDACTED]-7966.

11 Q Okay. If you would, Ms. Irene, I'm going to have
12 you write your initials by your personal telephone
13 number, and I'm going to have you put a H by the hotel
14 you work at. We'll begin with your personal number.

15 A This is -- I don't have my glasses, it's real
16 blurry. Okay. And by the hotel number?

17 Q You can just put SF, whatever, Sun Fun. Why don't
18 you write that in by the hotel.

19 A (Indicating). Okay, I think that's it.

20 Q Did you eventually end up talking with Rickey
21 Wilson on the phone?

22 A Yes.

23 Q What did he say to you?

24 MR. STANKO: Objection, Your Honor. That's
25 hearsay.

1 MR. OSKIN: It's a statement of party opponent,
2 Your Honor.

3 THE COURT: It's a statement. Overruled, I'll
4 allow it.

5 Q What did he say to you on the telephone call? How
6 many times did you speak to him on the telephone?
7 Let's start there.

8 A I want to say three.

9 Q Okay. What did he say to you the first time you
10 spoke to him?

11 A Do I know Ms. Virginia.

12 Q Okay. And you responded?

13 A Yes.

14 Q What else did he ask?

15 A He -- what did he ask me, or what was he saying?

16 Q However the conversation went, tell this jury.

17 A Okay. He said, she's trying to find a room, she's
18 trying to find a place to put her cat.

19 Q Okay.

20 A And something to the effect of, she should be an
21 actor, she shouldn't be in Myrtle Beach, she should be
22 in Hollywood.

23 Q I'm going to have you speak into the microphone.

24 A Oh, I'm sorry, I'm low. He said that she should
25 be an actor. She shouldn't be in Myrtle Beach, she

1 should be in Hollywood.

2 Q Why is that?

3 A Because she cries.

4 Q Okay. What else did he say?

5 A Then he said, she's looking for a place for her
6 cat. And I said that, this is not her first rodeo from
7 place to place, leave her alone. Just let her go, you
8 know.

9 Q Okay. Did he ever indicate to you that he was
10 catching feelings for Ms. Virginia, as far as like
11 romantically speaking?

12 A No.

13 Q Did he ever ask about any of her money?

14 A I don't know if that was the first conversation or
15 the second.

16 Q Let's not worry about the specific phone calls, I
17 apologize for confusing you. Let's -- in any
18 conversation with him, did he ever ask or talk about
19 Ms. Virginia's money?

20 A Yeah. He said that she get three something, and
21 he get 700 and some dollars, and why was that.

22 Q When you say three something, what do you mean; is
23 it hundreds, thousands?

24 A I'm sorry, I'm sorry. 3,000 something.

25 Q He said that Ms. Virginia got \$3,000 a month

1 income?

2 A Um-hum.

3 Q And he got how much?

4 A Seven maybe 68 or something of that affect.

5 Q \$68?

6 A Seven -- I'm sorry, 768.

7 Q Okay. Did that concern you that he was talking
8 about her money?

9 A Yeah. And I said that was very personal to her.
10 That's something she never discussed.

11 Q Did you, in fact, even know her money situation?

12 A No. No. She -- at one point she wanted me to
13 look at this statement or something, see if she got a
14 raise.

15 Q Okay.

16 A And she said that it was saying \$3,600. I said,
17 well, I can't see it because I don't have my glasses.

18 Q Kind of like this afternoon?

19 A Just like here.

20 Q It happens?

21 A I can't see it.

22 Q Okay, all right. That's no problem. When he kept
23 -- what else was he saying about money? Did he say --
24 was he concerned what she was going to do with that
25 money?

1 A Nu-uh, no.

2 Q He was just confused why he got an amount and she
3 got an amount?

4 A Right. Yeah, yeah. And then --

5 Q Did he give any explanation as to why she got that
6 amount of money?

7 A He said something about her husband was a pilot.

8 Q Okay. Did that raise some concerns with you,
9 though, just in general?

10 A Yeah.

11 Q And you told him?

12 A Just leave her alone.

13 Q Just leave her alone?

14 A Just she been doing this for years, you know, she
15 know what she doing.

16 Q By doing this for years, you mean?

17 A Traveling around, looking for a place for her cat.

18 Q Different homes. Was Ms. Virginia homeless?

19 A Well, she had so many places she went, I wouldn't
20 call it homeless.

21 Q I understand. But she -- her belongings were all
22 on her person at one time; correct?

23 A Yeah. She wouldn't leave those.

24 Q She didn't have a primary residence, a house she
25 owned, a place she stayed at consistently; did she?

1 A Didn't want one.

2 Q Okay. She lived how she wanted to?

3 A How she wanted.

4 Q Did you ever know her to walk around with other
5 people that were similarly situated to her, or did she
6 remain by herself and with the cat?

7 A By herself with the cat.

8 Q Okay. Did she ever talk to you about her family,
9 did she have a family?

10 A Yeah. Yes.

11 Q What did she say, did she have kids?

12 A She said she had one -- at first she would say no,
13 she didn't. When she was showing me an article that
14 says she resides with her son, from Lee's Department
15 Store or something, she was employee of the month.

16 Then she changed it later on and said she didn't
17 have a son. Then she said she did have a son and a
18 daughter.

19 Q Okay, a son and a daughter. When she stayed with
20 you, did you ever know her to bathe regularly?

21 A No.

22 Q Any reason why she didn't do that?

23 A She was afraid that somebody was always looking at
24 her or holding rays on her, light, some type of light
25 on her.

1 Q Was she ever afraid of anything else, or just
2 people in general.

3 A She didn't like crowds.

4 Q Okay.

5 A And she didn't like people just looking at,
6 staring at her, you know.

7 MR. OSKIN: Court's indulgence, please.

8 THE COURT: All right.

9 Q Finishing up, her clothing, did she wear any
10 accessories with her -- do you need a moment?

11 A I'm good.

12 Q Okay. Did she wear any accessories, scarves,
13 jewelry, did she wear anything like that?

14 A She always wore a scarf on her head and two tied
15 around her to hold her little purse.

16 Q Okay. She had a purse. When you say to keep it
17 in, what do you mean?

18 A She had a little chain on this little crocheted
19 shade purse, and she would kind of hook it around her
20 top. And by tieing these two scarves she could hold it
21 on her in the middle. You know, it wouldn't slide down
22 and it wouldn't slide up.

23 Q Okay. But she did have -- she wore scarves, she
24 wore that over those chains, over that chained wallet?

25 A Yes. It held it in and under her clothes.

1 Q Was she trying to accomplish anything else other
2 than just holding it to herself?

3 A Just keeping it there, yes.

4 Q Had you seen her around the time that you got the
5 phone call from the Defendant?

6 A No.

7 Q Okay.

8 A No.

9 Q During the course of those three telephone
10 conversations -- during the course of the three
11 telephone conversations with Rickey Wilson, about how
12 long were those conversations in total, how long did he
13 try to talk to you?

14 A I think the longest one was around ten minutes or
15 so, I can't really -- I was just so into the
16 conversation that I would say around ten minutes.

17 Q And, again, why did you tell the Defendant to stay
18 away from Virginia?

19 A Because what I knew of her, she really didn't like
20 being around people for certain lengths of time. And
21 it just became odd.

22 Q Were you concerned for her safety?

23 A Exactly.

24 Q Did he seem overly interested in her?

25 A I would say.

1 Q For a person that had just met her?

2 A That she just met, yeah.

3 Q That's against everything's you knew of

4 Ms. Eakers; correct?

5 A Everything.

6 Q But you do know that she had lost her cat?

7 A I knew, yeah, that.

8 Q Any idea about her health, or you hadn't seen her?

9 A Ms. Virginia's health?

10 Q Um-hum.

11 A When I last seen her, she was in good health.

12 Compared to her age, she was in good health.

13 Q Okay. Did you ever know her to walk with or use a
14 cane?

15 A She would use an umbrella sometime, you know,
16 especially if it was wet, to hold onto and keep her
17 from slipping or something like that.

18 Q Okay. Would she walk with it, use it to assist
19 her?

20 A Hung around her arm she -- you know where the hook
21 part is on the umbrella?

22 Q Okay..

23 A It would basically be on her arm.

24 Q Would she put it on the ground, though, and use it
25 to help her walk, or would she just walk around with an

1 umbrella on her arm?

2 A On her arm unless she had to step up --

3 Q Okay.

4 A -- you know, on the curb.

5 Q She didn't need it to walk is what you're saying,
6 she just kept it --

7 A I never saw her walk with one, something.

8 Q All right.

9 MR. OSKIN: Ms. Irene, nothing further from me.

10 Please answer any questions from Defense counsel.

11 THE COURT: Cross-examination.

12 MR. STANKO: Thank you, sir.

13 CROSS-EXAMINATION

14 BY MR. STANKO:

15 Q How many times did Ms. Eakers stay with you?

16 A Around three.

17 Q Around three. Did she -- every time did she wind
18 up leaving on her own?

19 A On her own.

20 Q Okay. Did you ever have any problems with her?

21 A No. Just finding her sometime.

22 Q Okay. Did you ever have any problems with her
23 cat?

24 A Nu-uh.

25 Q Okay. The cat never made any messes?

- 1 A No. She was careful about that.
- 2 Q Okay. You didn't tell police when they were
- 3 talking to you when they first got ahold of you, that
- 4 you had had issues with Ms. Eakers' cat in the past?
- 5 A Not that I know of, I never had any problems with
- 6 the cat.
- 7 Q Okay, all right. Did you ever know Ms. Eakers to
- 8 carry any money with her?
- 9 A Yeah. But not large sums.
- 10 Q Okay. She would carry cash?
- 11 A I would say around 20, \$25 at a time.
- 12 Q Okay. Do you know where she kept that?
- 13 A In that little thing, in her little pouch.
- 14 Q Okay. And how would she secure that pouch?
- 15 A With the two scarves.
- 16 Q Okay. Where did she keep the scarves?
- 17 A Around her.
- 18 Q Okay. That was below her dress?
- 19 A Under, yeah, under her -- um-hum.
- 20 Q You said you talked to Mr. Wilson a few times;
- 21 correct?
- 22 A Yes.
- 23 Q When he first got ahold of you, you said he was
- 24 trying to find Ms. Eakers a place to stay along with
- 25 her cat?

1 A Yeah. He said she wanted a place with him.

2 Q Okay. And he asked you about her money?

3 A Um-hum, yes.

4 Q Is it at least possible that the reason he was
5 asking about her money was to try to figure out what
6 type of residence might be available to her?

7 In other words, if you found out that somebody
8 made 2,000 a month, wouldn't you at least want to be
9 able to point them towards housing that they could
10 afford?

11 A Yes.

12 Q Couldn't that certainly have been a reason why he
13 was at least trying to confirm with you what her salary
14 might have been or what her checks might have been?

15 A It could have been.

16 Q Okay. And, again, when was the last time
17 Ms. Eakers stayed with you?

18 A Oh, boy. Around March, I think.

19 Q That would be March of 2016?

20 A Yes.

21 Q Okay.

22 A Before she was murdered, killed, whatever.

23 MR. STANKO: Your Honor, we have nothing further
24 for this witness.

25 THE COURT: All right. Excuse me, redirect?

1 MR. OSKIN: Very briefly, Your Honor.

2 REDIRECT EXAMINATION

3 BY MR. OSKIN:

4 Q Let's focus back on those personal belongings tied
5 close to her chest. When she stayed the night at your
6 house, she slept overnight; correct?

7 A Yes.

8 Q Would she keep those items tied close to her chest
9 while she was sleeping?

10 A Always.

11 Q All the time?

12 A Always.

13 Q 24/7?

14 A Always.

15 Q And Mr. Wilson asked about her getting a room with
16 him?

17 A A place with him.

18 Q And to your knowledge, if she lost that cat, would
19 it surprise you that she would be crying around that
20 time that she had lost the cat?

21 A Crying. I mean, yes.

22 Q Cat was priority number one; correct?

23 A Her life.

24 Q And then her independence?

25 A Yes.

1 Q Lastly, Ms. Irene, why are you so emotional this
2 afternoon?

3 A She was my friend.

4 MR. OSKIN: Nothing further, Your Honor.

5 THE COURT: All right. You may step down.

6 (Witness excused.)

7 MR. OSKIN: The State would ask that Ms. Miller be
8 excused from her subpoena, Your Honor.

9 THE COURT: Any objection?

10 MR. STANKO: No objection, sir.

11 THE COURT: All right, she's free to go. Thank
12 you.

13 MR. OSKIN: Your Honor, briefly, as a matter of
14 housekeeping, we could take a brief recess to set up
15 technology for our last witness of the day.

16 THE COURT: All right. Let me see the attorneys
17 for a second.

18 MR. OSKIN: Yes, sir.

19 (WHEREUPON, a bench conference was held off the
20 record in the presence of the jury but out of the
21 hearing of the jury.)

22 THE COURT: All right, ladies and gentlemen, I
23 understand they need to set up some things before the
24 next witness testifies, so we'll take about a
25 five-minute break, ten-minute break, give you an

1 THE COURT: All right, ladies and gentlemen,
2 welcome back. We're ready to continue the trial of
3 this case. State can call your next witness.

4 MR. OSKIN: Thank you, Your Honor. The State
5 would next call Allen Amick of the Myrtle Beach Police
6 Department.

7 THE COURT: All right.

8 ALLEN AMICK, after being duly sworn, testified as
9 follows:

10 THE CLERK: Please be seated. Please state your
11 name and spell it.

12 THE WITNESS: Allen Amick. A-L-L-E-N, A-M-I-C-K.

13 DIRECT EXAMINATION

14 BY MR. OSKIN:

15 Q What's your current occupation, sir?

16 A I'm a detective sergeant with the Myrtle Beach
17 Police Department.

18 Q Okay. How long have you been in law enforcement?

19 A Since March of 2000.

20 Q Okay. How long with Myrtle Beach?

21 A Since March 2000, the whole time.

22 Q Okay. What's your current assignment?

23 A I am the sergeant over violent crimes.

24 Q Okay. What was your assignment in May of 2016?

25 A In May of 2016 I was a master corporal detective

1 in the violent crimes division also.

2 Q Okay. What are some of your duties -- what were
3 some of your duties as a detective?

4 A We would respond to various incidents, mostly of
5 a -- usually a serious or suspicious nature. We'll
6 conduct interviews with victims, witnesses. We also
7 interrogate suspects on-scene. We do search warrants,
8 arrest warrants and basically oversee a case from start
9 to finish.

10 Q Did you have any involvement with regard to the
11 case State South Carolina versus Rickey Wilson, charged
12 with murder?

13 A Yes, I did.

14 Q What was your role in this case?

15 A I was called at home to respond in reference to a
16 deceased person. Upon arrival I met with Detective
17 Whitmire, we spoke very briefly. A short time later I
18 was notified that Mr. Wilson had been detained and was
19 needing to be interviewed. I then responded to the
20 Myrtle Beach Police Department annex to conduct an
21 interview.

22 Q Do you have an idea of how old the Defendant is?

23 A I think, sixties.

24 Q Okay. Do you have any idea how much of an
25 education that he has?

1 A It was a GED.

2 Q In your conversation with the Defendant, did he
3 appear that he understood the English language?

4 A Yes, he did.

5 Q Did he have any trouble understanding the
6 questions that you were asking him?

7 A Not to my knowledge.

8 Q Did he appear to respond appropriately to what you
9 were asking? By that I mean if you asked him a
10 specific question, did he answer that question?

11 A Yes. Yes, he did.

12 Q In your experience in law enforcement, have you
13 had the chance or opportunity to come across people who
14 are -- they seem intoxicated or influenced by alcohol
15 or any type of drugs or other inhibitors?

16 A Yes, I have.

17 Q What are some of the symptoms those people might
18 express while under the influence?

19 A Slurred speech, inability to follow detail,
20 inability to stand in some instances, basically unable
21 to, you know, fully comprehend some things.

22 Q Did this Defendant do anything to show you that he
23 was under the influence of anything like that?

24 A No, he did not.

25 Q Did he slur his words or his speech at all?

1 A No, he did not.

2 Q Did he have trouble following along with you?

3 A No, sir.

4 Q Did he mention anything about having any alcohol
5 that day?

6 A He mentioned he had 12 ounces.

7 Q 12 ounces. Would that probably be a can, single
8 can?

9 A A single can, yes.

10 Q Did he say of liquor or beer?

11 A I don't recall exactly. I know he said 12 ounces.

12 Q Okay. You said he -- did he give a statement, did
13 you interview him?

14 A Yes, he -- yes, I did.

15 Q Did you give him any information with regard to
16 his rights?

17 A Yes. We would have read him his Miranda rights.

18 Q Okay. Do you have a form that you use --

19 A Yes, sir.

20 Q -- like when you're going over the Miranda rights
21 with the Defendant?

22 A Yes, sir, we do.

23 MR. OSKIN: My I approach the witness, Your Honor?

24 THE COURT: All right.

25 Q Detective Amick, I'm showing you what's been

1 marked as State's Exhibit No. 1. Does that look
2 familiar to you?

3 A Yes, it does.

4 Q What is that?

5 A That is a City of Myrtle Beach Police Department
6 Miranda form that we use. And that I use specifically.

7 Q Okay. Who did you use it specifically for?

8 A Mr. Rickey Wilson.

9 Q Has it been changed, edited, altered in any way?

10 A No, sir.

11 Q Did he indicate on that sheet that by any -- with
12 any mechanism?

13 A Yes. He signed the form.

14 Q You didn't sign his name for him?

15 A No, I did not.

16 Q You haven't added it since?

17 A No, I have not.

18 Q You took it prior to his statement?

19 A Correct.

20 Q Okay.

21 MR. OSKIN: Your Honor, at this time the State
22 would seek to move State's Exhibit No. 1 into evidence.

23 THE COURT: Any objection?

24 MR. STANKO: Without objection, sir.

25 THE COURT: State's Exhibit 1 admitted into

1 evidence without objection.

2 (WHEREUPON, State's Exhibit No. 1 was admitted in
3 evidence.)

4 Q Detective Amick, why did you read the Defendant
5 his rights?

6 A It's part of the process when we interrogate or
7 interview people.

8 Q Did you go over that form with him?

9 A Yes, I did.

10 Q Does that form tell him that he had the right to
11 remain silent and refuse any questions?

12 A Yes, it does.

13 Q Does it say that anything he say could be used
14 against him in a court of law?

15 A It says can be used in a court of law.

16 Q Okay. Does it tell him, does it notify him that
17 he has the right to an attorney?

18 A Yes, it does.

19 Q Does it let him know that if he can't afford one,
20 one would be appointed for him?

21 A Yes, it does.

22 Q You stated that he signed -- signed that sheet in
23 acknowledgement of his rights; correct?

24 A Yes, sir.

25 Q And that's a protocol of Myrtle Beach Police

1 Department to have defendants sign those?

2 A Yes, sir, that is our protocol.

3 Q In case you end up at a hearing such as this?

4 A Very, very true, yes.

5 Q Did the Defendant at any time state that he did
6 not wish to speak with you?

7 A At the very end of our interview or close to the
8 end of our interview.

9 Q Okay. At any time did he request a lawyer?

10 A Close to the very end.

11 Q Okay. Does that go along the same lines with him
12 insinuating that he at any time wished to end the
13 conversation with you?

14 A He asked for a lawyer, therefore we would not ask
15 any further questions of him.

16 Q Okay. So he invoked his rights later in the
17 statement after originally being Mirandized?

18 A Correct.

19 Q Is the Miranda warning what it sounds like? Would
20 you explain in common terms what the Miranda warning
21 is.

22 A In common terms, you do not have to talk to the
23 police. You can refuse to answer any questions that we
24 ask you. Yes, anything you say can be used in a court
25 of law, such as today.

1 Q Did you threaten him or promise him anything to
2 get him to cooperate or to tell you something?

3 A No, I did not.

4 Q And did you tell him anything about what he needed
5 to tell you or try to influence his testimony or
6 statement to you in any shape, form or fashion?

7 A No, sir.

8 Q Detective Amick, I'm showing you what's been
9 marked as State's Exhibit No. 2. Are you able to
10 recognize that?

11 A Yes, sir, I am.

12 Q What is that?

13 A That is a DVD -- DVD-R recording of Mr. Wilson's
14 interviews.

15 Q That he took with you?

16 A True, yes.

17 MR. OSKIN: Your Honor, the State would seek to
18 enter into evidence State's Exhibit No. 2.

19 THE COURT: Any objection?

20 MR. STANKO: No objection, sir.

21 THE COURT: State's Exhibit 2 admitted into
22 evidence without objection.

23 (WHEREUPON, State's Exhibit No. 2 was admitted in
24 evidence.)

25 MR. OSKIN: At this time, Your Honor, the State

1 would wish to publish the statement to the jury.

2 THE COURT: All right.

3 (WHEREUPON, the audio recording was played at 4:38
4 p.m.)

5 Q Detective Amick, who is that other voice in the
6 interview with you?

7 A Detective John Fullwood.

8 Q And he's your partner, or he's just working with
9 you that day?

10 A Working with me that day.

11 Q He obviously assisted you in that interview;
12 correct?

13 A That is correct.

14 Q All right. You stopped the conversation at this
15 time. Is there -- why did you stop the interview at
16 that time, other than him saying he wanted to go home?

17 A We were going to start working on getting him a
18 ride, and then just to kind of go over any notes that
19 we had taken at that point.

20 Q Okay. After that you decided to ask just a few
21 more questions?

22 A Yes, we did.

23 Q And that's proper, right, because he had not
24 invoked Miranda or anything like that at this time?

25 A That is correct.

1 Q Okay.

2 (WHEREUPON, the audio recording was played at 5:09
3 p.m.)

4 Q Was transportation made for him at the end of
5 that?

6 A Yes, it was.

7 Q To get back to where he was going?

8 A Yes, sir.

9 Q That was the final -- that was the end of the
10 conversation?

11 A That was the end of it, yes.

12 MR. OSKIN: Please answer any questions Defense
13 counsel may have, sir.

14 (Discussion off the record.)

15 CROSS-EXAMINATION

16 BY MR. STANKO:

17 Q All right. So you told Mr. Wilson before the
18 interview started that the reason that you guys were
19 having the conversation was because somebody had been
20 injured; correct?

21 A That is correct.

22 Q Okay. When you told him that someone was injured,
23 how did he respond to that?

24 A Someone was injured. I mean, just he asked a
25 question of us to my recollection, so --

1 Q Okay.

2 A -- we just went forward.

3 Q Where did you first meet him?

4 A At the Myrtle Beach Police Department annex.

5 Q Okay. So you weren't the one who actually picked
6 him up and took him to the annex?

7 A No, I was not.

8 Q Okay. Based on what you heard, what you've
9 observed, did he go along willingly?

10 A To my knowledge.

11 Q Okay. He didn't fight with officers?

12 A Not to my knowledge.

13 Q He didn't try to run?

14 A Not that I know of.

15 Q Okay. You guys had what sounded like, was that
16 about a 25-minute conversation there?

17 A Give or take, yes.

18 Q Okay. Throughout most of it he seemed very
19 willing to answer all of your questions?

20 A He actually led most of it. We didn't ask a whole
21 lot of questions.

22 Q So you just asked him about his day, and off he
23 told you everything that happened?

24 A Everything that was -- yes.

25 Q Okay. Now, as we heard right towards the end

1 there, Detective Fullwood, or it might have been you, I
2 couldn't distinguish the voice, someone told Mr. Wilson
3 that she was dead; correct?

4 A That would be Detective Fullwood.

5 Q That was Fullwood, okay, all right. And then at
6 that point, did he appear to already know that?

7 A He verbalized that, she's dead?

8 Q Did he seem to you that he was surprised?

9 A I guess you could say that.

10 Q Okay. And immediately after that, he requested a
11 lawyer; correct?

12 A Correct.

13 Q Okay.

14 A Or shortly after -- shortly after that, yes.

15 Q All right. But, again, up until that point he had
16 been very forthcoming, he had answered all of the
17 questions that were presented to him?

18 A That's correct, yes.

19 Q Okay, okay. Now, he told you right at the
20 beginning of the interview that he had consumed one
21 beer earlier that day; correct?

22 A 12 ounces of beer.

23 Q 12 ounces, that's right. And after that you read
24 him his Miranda warnings?

25 A I did, yes.

- 1 Q Proceeded to have a conversation with him?
- 2 A Yes, we did.
- 3 Q Okay. And he told you took the bus back from the
- 4 Wal-Mart?
- 5 A That's where he said he got on the bus at, yes.
- 6 Q And then at some point on that bus ride back to
- 7 his place, he met Ms. Harris?
- 8 A At some point.
- 9 Q Okay. Told you that he helped her, helped her off
- 10 the bus?
- 11 A I believe he said -- at one point he said he had
- 12 to, and he said she got off the bus --
- 13 Q Okay.
- 14 A -- herself.
- 15 Q From what I recall hearing, he helped her actually
- 16 onto a different bus and then to her stop?
- 17 A I thought --
- 18 Q It sounded like he said --
- 19 A I thought they got off of just one bus.
- 20 Q Okay.
- 21 A They were talking about taking a different bus.
- 22 Q Okay, all right. And there is a still shot from
- 23 Milestone Video of him actually walking in a crosswalk
- 24 with her; have you seen that?
- 25 A I recall seeing that, yes.

1 Q You do see that. He's not kind of egging her
2 along?

3 A I believe they were walking side by side.

4 Q Okay. So he wasn't pulling on her or anything?

5 A If you could show me the photo if it's, I don't
6 know if it's...

7 Q I don't believe I have that photo, it's...

8 A Sorry.

9 Q No, that's fine.

10 (Discussion off the record.)

11 Q All right, yes. This is the photo I'm talking
12 about. You had seen that one?

13 A Yes, I have seen that one.

14 Q Okay. Do you happen to know where that was taken?

15 A Not off the top of my head, no, I don't remember.

16 Q Okay. There's not a whole lot in there that would
17 indicate what street that might have been or anything
18 like that?

19 A No. All I could say is there's a crosswalk there.

20 Q Okay. And in that picture, he's not -- it doesn't
21 appear that he's forcing her anywhere; does it?

22 A No, it does not.

23 Q Okay. Just looks like the two of them are walking
24 kind of side by side?

25 A That is correct.

1 Q Okay, all right. Now, he tells you that he goes
2 and helps her check in to the Rodeway Inn; correct?

3 A Correct.

4 Q All right. Says that they give her the room keys?

5 A That is correct.

6 Q Okay. To the best of your knowledge, he is not
7 given a room key himself?

8 A To the best of my knowledge, no.

9 Q Okay. All right. But he also told you, walked
10 with her to her room on the third floor?

11 A Yes.

12 Q Even said that when he got in, the room was really
13 cold, and he actually helped her by adjusting the
14 thermostat?

15 A Yes.

16 Q The air conditioning?

17 A Yes, sir.

18 Q Okay. And then says that he leaves. But he also
19 told you that he received a call from her the next
20 morning; correct?

21 A Yes.

22 Q Okay. And after he receives that phone call, goes
23 over to her hotel room?

24 A That's what he told us, yes.

25 Q Okay, all right. Do you happen to recall what it

1 was that he told you he was going over there for?

2 A I remember Ms. Miller, but I believe that was when
3 he got there. So I don't know why, I don't really
4 recall why he exactly went over there. I know she
5 called him --

6 Q Okay, all right.

7 A -- is what he told us.

8 Q All right. Now, you heard him tell you he helped
9 her move from the third floor down to the second floor?

10 A Yes.

11 Q Do you remember why he said he was wanting to help
12 her move from the third down to the second?

13 A Feeble. I recall that, that mentioned.

14 Q I think we might have heard she said she was
15 afraid of heights?

16 A She was, yes, I do remember that.

17 Q So this would have at least brought her 10,
18 12 feet at least lower to the ground?

19 A Correct.

20 Q Okay. Now, he also told you that he placed a few
21 phone calls for -- from his -- excuse me, for
22 Ms. Harris?

23 A Yes, for Ms. Harris.

24 Q Okay. And you were able to verify that he made
25 those calls?

- 1 A I did not verify that.
- 2 Q You did not. Do you happen to know who did?
- 3 A I do not.
- 4 Q Okay, all right. That's fine. Now, once again,
5 all of the questions that you asked him, start to
6 finish, well, up until the time he was advised that
7 Ms. Harris was dead, he was very willing to speak?
- 8 A He was speaking, yes. He was willing.
- 9 Q Okay, all right. And he didn't get angry with
10 you?
- 11 A No, sir.
- 12 Q He didn't attempt to stand up and just leave?
- 13 A No, no, he did not.
- 14 Q Okay. So based upon your observations of him, he
15 appeared to be cooperating as much as he possibly
16 could?
- 17 A He stayed with us, yes, so if that's him
18 cooperating, then yes.
- 19 Q Okay. Well...
- 20 A It was -- he didn't -- I mean, cooperated up until
21 he said he wanted a lawyer.
- 22 Q Okay. And people are allowed to ask for lawyers;
23 correct?
- 24 A That is true.
- 25 Q Okay.

1 MR. STANKO: Your Honor, nothing further.

2 THE COURT: Redirect?

3 MR. OSKIN: Thank you, Your Honor. If I may
4 approach the bench real quick.

5 REDIRECT EXAMINATION

6 BY MR. OSKIN:

7 Q I'm going to have you take a look at that photo,
8 Detective Amick, if you hold that up. Looking at that
9 photo, in your opinion does Ms. Virginia look a little
10 frail, a little feeble, a little maybe elderly walking
11 with the cane?

12 A Yes.

13 Q Did Mr. Wilson look like that at all?

14 A Not in this photo, no.

15 Q Does he got anything in his hands?

16 A Looks like a bag of some sort.

17 Q Okay.

18 A Dark in color.

19 Q I understand. Now, as defense counsel asked you,
20 you said you just barely asked questions, and he just
21 told you about his whole day. That's what you were
22 asked just now; correct?

23 A That's correct.

24 Q And along those lines, this was a man that told
25 you he had a 17-and-a-half-minute walk; correct?

1 A That is correct.

2 Q It's also the same man that almost forgot his own
3 telephone number for a brief amount of time, right,
4 when asked about that?

5 A That is correct.

6 Q Compared to the calls made to people that knew
7 Ms. Virginia; is that correct?

8 A Yes, sir.

9 Q Did you think he was faking it when he said, she's
10 dead?

11 A Yes, sir.

12 Q Now, being afraid of heights, you -- defense
13 counsel got you to say that Virginia was afraid of
14 heights. Did you learn that from Ms. Virginia or did
15 you learn that from what the Defendant said? Did you
16 ever personally meet Ms. Virginia Harris Eakers?

17 A I did not meet her, no.

18 Q Okay. Did this Defendant tell you that he did not
19 go back -- or that he did not go back to that hotel
20 after roughly 12 o'clock that Saturday?

21 A That is correct.

22 Q Did you inform him of, you and your partner
23 Fullwood, did you inform him of video that showed him
24 at the hotel later than the 12:30 that he mentioned he
25 was not there?

1 A Yes, sir. We -- Detective Fullwood did.

2 Q Is that about the time he started forgetting his
3 number and other things like that?

4 A That's when -- yes.

5 Q Anytime in that interview with him, did he
6 remotely seem angry, slightly impatient, did he ever
7 down talk the victim?

8 A No. I mean, he said she was old, feeble and -- or
9 and then she -- she's crazy. I mean, he said he
10 learned that from Ms. -- I believe, Ms. Miller.

11 Q So that's not down talking?

12 A Not really down talking, I mean.

13 MR. OSKIN: Nothing further from the State,
14 please.

15 THE COURT: All right. You may step down.

16 (Witness excused.)

17 THE COURT: All right. Ladies and gentlemen, it's
18 about 5:40 [sic], we're going to go ahead and break for
19 the evening, let you go home for the evening. Make
20 sure you leave your notebooks here in the jury box,
21 we'll give them back to you tomorrow morning.

22 Be back in the jury room at 9:30 tomorrow morning,
23 give you a little extra time tomorrow morning before we
24 get started. Hope everybody has a good evening, don't
25 discuss the case, don't conduct any independent

1 MR. OSKIN: Thank you, sir.

2 THE COURT: Thank you.

3 (WHEREUPON, the hearing adjourned at approximately
4 5:25 p.m.)

5 (WHEREUPON, the hearing resumed on Thursday,
6 January 25, 2018, at approximately 9:58 a.m.)

7 THE COURT: Thank you very much, please be seated.
8 Anything from the State before we bring the jury in?

9 MR. DeBUSK: No, Your Honor.

10 THE COURT: Anything from the Defense?

11 MR. STANKO: Just waiting on our client.

12 THE COURT: All right. Let's go ahead and bring
13 the jury in.

14 (WHEREUPON, the jury came into open court at
15 approximately 9:59 a.m.)

16 THE COURT: Ladies and gentlemen, welcome back.
17 Hope everyone had a good evening. Please make sure you
18 have your own notepads. And, again, I want to thank
19 you for being prompt and returning on time this
20 morning. We're now ready to resume the trial of this
21 case. The State can call your next witness.

22 MR. DeBUSK: Thank you, Your Honor. The State
23 calls Detective Tiffany Whitmire of the Myrtle Beach
24 police.

25 TIFFANY WHITMIRE, after being duly sworn,

1 testified as follows:

2 THE CLERK: Please be seated. Please spell your
3 last name and state your full name.

4 THE WITNESS: Tiffany Whitmire, W-H-I-T-M-I-R-E.

5 DIRECT EXAMINATION

6 BY MR. OSKIN:

7 Q Detective Whitmire, who is your employer?

8 A City of Myrtle Beach Police Department.

9 Q How long have you been with the City of Myrtle
10 Beach?

11 A 15 years.

12 Q What's your duties at this time?

13 A I'm a violent crimes investigator.

14 Q How long have you been doing that?

15 A I've been an investigator for around three years,
16 violent crimes around two and a half.

17 Q Okay. What are your duties as a violent crimes
18 investigator?

19 A We respond to scenes of serious nature, suspicious
20 nature, when called by shift supervisors. We're
21 assigned cases, obviously violent crimes cases,
22 robberies, assaults, shootings, stabbings, homicides,
23 and we investigate those cases and then see them
24 through to trial.

25 Q Let me ask you about May 22nd, 2016. Were you on

1 duty then?

2 A Yes, sir.

3 Q Were you involved in the investigation of the
4 death of Virginia Eakers?

5 A Yes, sir.

6 Q How did you find out about it?

7 A I was called by the shift supervisor that day,
8 Sergeant Dorio, to respond to a deceased elderly person
9 in the bathtub.

10 Q Shift supervisor, that means patrol?

11 A Yes, sir.

12 Q Okay. What was your role in this investigation?

13 A I was the lead investigator.

14 Q Okay. What did you do when you received notice of
15 Ms. Eakers' body?

16 A I responded to the scene. At that time I was not
17 notified that there was anything suspicious, I was just
18 simply told there was an elderly female in the bathtub.
19 So when I arrived on the scene, it was briefed that she
20 was the only occupant of the room, we would need to get
21 a search warrant. I contacted Detective Roy, provided
22 him the information to obtain the search warrant. I
23 then began --

24 Q That's Detective Jade Roy who already testified;
25 right?

1 A Yes, sir. I then began to interview the hotel
2 staff.

3 Q Who all did you -- well, what people did you
4 interview?

5 A Initially I interviewed Ronnie Evans from the
6 front desk and Edna Fraser, the housekeeper. And when
7 I finished those interviews, Detective Roy had obtained
8 the search warrant. And that's what we entered the
9 room.

10 Q Before we enter the room, let me ask you, did you
11 interview anybody else or have anyone else in the hotel
12 interviewed?

13 A Not prior to entering the room.

14 Q Later?

15 A Later, yes.

16 Q Who did you talk to later?

17 A I talked to different people that were staying in
18 the hotel, the ones in the rooms next door and just
19 another individual as I saw him walk up that had been
20 staying on the opposite side of the hotel, I believe,
21 on another floor.

22 Q Did you find out any information pertinent to the
23 case talking to those people?

24 A No, sir.

25 Q Tell us about what you saw when you entered the

1 room.

2 A When I entered the room, immediately to my right
3 there was a table with a pair of gray silver-ish color
4 sunglasses. There was a bed --

5 Q Let me stop you just a moment and ask you. We
6 have so many exhibits in this case, I apologize.
7 State's-24, do you recognize those?

8 A Yes, sir. Those are the sunglasses that were on
9 the table as soon as I entered the room.

10 Q Okay. What else did you see?

11 A There was a bed to my left, and I noticed what
12 appeared to be a droplet of blood on the bed. As I
13 walked forward, there were various things on the floor,
14 some crumpled up tissues, a towel. And then there was
15 blood pooling at the foot of the second bed that was
16 farthest from the door. There was a large blood pool
17 and then a smaller blood pool immediately on that bed,
18 kind of on the lower side of the bed.

19 Q On the bedding itself or on the floor?

20 A On the bedding. Above the bed skirt on that
21 sheet, there was blood on the bed and what appeared to
22 be like hand marks in the blood on the bed.

23 Then there appeared to be some on the bed skirt
24 also, but --

25 Q Let me ask, State's-23, is that -- do you

1 recognize that?

2 A Yes, sir.

3 Q Does that show the pools of blood you've been
4 talking about?

5 A Yes, sir. Has it been...

6 Q It's in evidence.

7 A Okay.

8 Q Let me ask you, what numbers correspond to the
9 pools you -- or the blood you've been -- spoke about?

10 A Marker six is sat next to the large blood pool.

11 The smaller blood pool is to the right, there is a not
12 separate marker next to that one.

13 Q Okay. And what about the one on the bed?

14 A The one on the bed is marker five. And then the
15 crumpled up tissue I was talking about is marker seven.

16 Q Five, six and seven?

17 A Yes, sir.

18 MR. DeBUSK: Your Honor, may I publish this to the
19 jury?

20 THE COURT: All right.

21 THE WITNESS: Between the beds there was a pair of
22 woman's shoes, sandal shoes, like they are black. And
23 on the nightstand there was a telephone. It appeared
24 to have blood on it. And it also, the cord was pulled
25 out of the wall. So like if you took the phone and

1 walked somewhere in the room with it, the cord was
2 pulled all the way out.

3 Q Was it still plugged in?

4 A Yes.

5 Q It was just the plug -- the cord was out of its
6 normal place?

7 A Yes. On top of the bed the sheets were folded
8 back as if someone would have laid there, sat there.
9 There were two pillows up against the headboard. And
10 then the victim's bags were sitting closer to the
11 pillows and headboard with various belongings on top of
12 the bed.

13 As you proceeded further, the television was on
14 your right, it was on. There was a microwave, and
15 there were some balled up -- at that time we didn't
16 know if they were towels or washcloths, we could just
17 tell it was balled up, appeared to have blood on, it
18 was wet.

19 On top of the sink there was a walking cane, and
20 it was wrapped in a towel. And then as you turn to
21 your left the bathroom was there. There appeared to be
22 some -- a small amount of blood on the door frame. The
23 bathroom floor and tub area were wet from the water
24 running, and the victim was laying in the bathtub with
25 her back to the door on her right side facing away from

1 me.

2 Q Did she have obvious injuries?

3 A Very obvious injuries.

4 Q Where about, what part of her body?

5 A She was laying on her side when you looked at her.
6 I noticed her shirt on her right arm was ripped down at
7 the bottom. Her left wrist was swollen horribly,
8 almost disfigured, bruised badly. Her hand had a very
9 small laceration. Her right wrist was also bruised and
10 swollen. Her face and head where undistinguishable,
11 they were -- it was badly bruised, swollen and bloody.

12 Q Were her eyes open?

13 A Her eyes were swollen completely shut, and very
14 large swelling around her eyes. Her neck, you could
15 also see, was bruised, kind of darker bruising. And
16 then you could see what appeared to be fingernail marks
17 in the side of her neck. And her ears were swollen so
18 bad, they appeared to almost be swollen shut. And
19 there was blood. And there was blood and water in the
20 bottom of the bathtub.

21 Q After you did the walk through the scene, what did
22 you do next?

23 A I immediately contacted my chain of command. We
24 were called to the scene on a Sunday. On that Sunday
25 it was myself and Detective Roy working. We had one

TIFFANY WHITMIRE-DIRECT BY MR. DeBUSK

561

1 crime scene working, and we had one property crimes
2 detective working. We also called him to respond to
3 our crime scene. And I called my sergeant and ended up
4 at various times briefing my sergeant, my lieutenant
5 and my captain. And additional detectives and crime
6 scene were all called in along with our chain of
7 command.

8 Q So you were spending your time marshalling the
9 troops, as it were?

10 A Yes, sir.

11 Q After you marshalled the troops, what was your
12 next task?

13 A I stayed at the scene the majority until we
14 cleared that scene.

15 Q By the scene, you mean at the Rodeway?

16 A At the Rodeway.

17 Q Did you go over to the Days Inn at that time?

18 A I did not.

19 Q Other detectives were responsible for that?

20 A Yes. Detective Roy responded to the Days Inn
21 initially.

22 Q Did you become aware of any surveillance or
23 possibility of surveillance while you were checking out
24 the scene?

25 A Yes, sir. Detective --

1 Q Is that why Detective Roy went to the...

2 A Yes, sir.

3 Q Thank you. Please continue, what did you do next?

4 A Detective Roy went to that scene. I stayed on
5 that scene and was constantly coordinating with other
6 detectives and my supervision getting various
7 detectives in and assigned to do various tasks,
8 coordinating with the coroner that was on-scene and
9 various things of that nature.

10 Q When did your time at the scene end?

11 A I would have to look at the crime scene log. I'm
12 really not sure. But I was there --

13 Q Well, what did you do next?

14 A -- for the duration. We made a to-do list that
15 night and tasked different detectives on who was
16 getting what video and doing what interviews, reviewing
17 interviews and things of that nature.

18 Q During your time at the scene, did you become
19 aware of the name of a person of interest?

20 A Yes, sir.

21 Q How did you?

22 A When I responded to the scene, the shift
23 supervisor actually had the piece of paper from Ronnie
24 Evans.

25 Q Are you referring to State's Exhibit 11?

1 A Yes, sir, I am. He had this piece of paper and
2 advised that the -- when he obtained the paper it had
3 the name of Rick Wilson and the phone number
4 [REDACTED]-7264.

5 When he was trying to obtain more information to
6 identify and locate Mr. Wilson so we could follow up
7 with him, he is the one that made all the notes about
8 the address and the additional information through our
9 RMS report system.

10 Q But Rickey Wilson and the phone number were
11 already on there?

12 A Yes, sir.

13 Q Okay. What did you do next?

14 A Detectives, and I can't tell you which ones
15 exactly, but went to the location to try and locate
16 Mr. Wilson. And Detective Fullwood and Detective Amick
17 were tasked with interviewing him at our annex.

18 Q So he was located. He went along willingly?

19 A Yes, sir.

20 Q Okay. Was that interview that was played in court
21 yesterday the results of Detective Amick and -- that
22 was their interview?

23 A Yes, sir.

24 Q Okay. Did you receive the results of that
25 interview?

1 A Yes, sir.

2 Q Okay. What did you do next?

3 A That evening we dispersed and got a couple hours
4 of sleep to come back the next morning. I came in and
5 went straight to Grand Strand Regional Medical Center
6 and attended the autopsy. When I -- at the autopsy I
7 documented along with Dr. Proctor as he went through
8 the injuries and what his findings were.

9 Q Did you become aware of further injuries?

10 A Yes, sir.

11 Q Okay. Did you become aware of the fact of the
12 strangulation?

13 A Yes, sir.

14 Q What did you do after the autopsy?

15 A And various injuries that we couldn't see with her
16 clothing on, like on the shoulders and arms and chest
17 area.

18 Then I responded to the annex, and they had
19 already begun downloading the DNA system and reviewing
20 the video they had obtained from the Victory. I was
21 notified that the video from Sunday, Detective Woods
22 had been tasked with obtaining that after Detective Roy
23 went to the Victory.

24 Q Which video from Sunday?

25 A The video from the Days Inn from Sunday.

- 1 Q Okay. So what did they download from the DNA?
- 2 A They downloaded Friday and Saturday.
- 3 Q Okay. And Detective Woods had Sunday?
- 4 A Yes, sir.
- 5 Q Okay. What did you do next?
- 6 A The thumb drive with the Sunday video was plugged
- 7 into Detective Woods computer. I thought it was
- 8 downloading on his computer, so I sat down there to
- 9 view it instead of taking it to my desk. I sat down
- 10 and viewed that video. When I finished with that
- 11 video, I left the hard drive in because I thought it
- 12 was downloading on that computer.
- 13 Q Let me ask you, what was the room number where
- 14 Ms. Eakers' body was found?
- 15 A 211.
- 16 Q Did you view a video that had the point of view
- 17 showing in State's Exhibit 16?
- 18 A Yes, sir.
- 19 Q Was room 211 visible on that?
- 20 A Yes, sir.
- 21 Q Could you see who came and went from 211?
- 22 A Yes, sir.
- 23 Q Could you tell when anybody went in or out?
- 24 A Yes, sir.
- 25 Q If it was on fast forward, could you tell if

1 anybody went in or out?

2 A Yes, sir.

3 Q Did you watch the video for, we said, midnight to
4 -- what timeframe did it show on the video that
5 Detective Woods had?

6 A It showed from 12 to when we responded, after we
7 responded actually.

8 Q Was that 12 o'clock correct?

9 A It was actually -- it would have been 1 a.m.
10 because the times were off on the camera.

11 Q Well, was it just it hadn't been adjusted for
12 daylight savings?

13 A Correct.

14 Q Okay. So what did you see on the video starting
15 at 1 o'clock that was on Detective Woods' computer?

16 A From 1 o'clock till our response, I saw no one
17 enter or exit that room until housekeeping and front
18 desk went to that room.

19 Q Okay. Did you watch it carefully?

20 A Yes, sir.

21 Q For what purpose did you watch it?

22 A To establish probable cause and to try and
23 identify suspects in this case.

24 Q So were you going to have to testify to a judge to
25 get a warrant?

- 1 A Yes, sir.
- 2 Q Is that the purpose you watched it for?
- 3 A Yes, sir.
- 4 Q Did you watch any more of the Days Inn video?
- 5 A Yes, sir.
- 6 Q What did you watch?
- 7 A I watched the DNA, the footage we removed from the
- 8 DNA. Detective Woods had advised me that he had
- 9 watched and what times that people were seen entering
- 10 and exiting. So I started around -- oh, goodness, I
- 11 started watching it probably 30 minutes to an hour
- 12 earlier than he said just to be safe when I was
- 13 initially doing it.
- 14 Q 30 minutes prior to the time they checked in; is
- 15 that what you're?
- 16 A No, sir. When that initial day?
- 17 Q Right.
- 18 A I watched it -- hold on, I'll tell you exactly
- 19 what time it was.
- 20 Q Do you have notes?
- 21 A Yes, sir.
- 22 Q You keep careful notes when you did that?
- 23 A Yes, sir.
- 24 Q You keep those notes so you'll know when you
- 25 testify what you did?

1 A Yes, sir. There's a large amount of footage and
2 phone records and different things in this case, so
3 there are a lot of different times in this case. So I
4 am going to have to refer to my notes to make sure I'm
5 right. It's been a decent period of time since this
6 case.

7 When I started watching the footage for the 21st,
8 I started it around 18:00 hours, give or take.

9 Q What's that in civilian talk?

10 A I apologize. 6 p.m., sorry. And then I watched
11 it through till, I'm trying to think, to the very end
12 on the Saturday footage for the DNA.

13 Q So that would be 6 p.m. on the DNA to midnight on
14 the DNA or?

15 A Well, it was till midnight, but the time really
16 would have been 1 a.m.

17 Q So really you watched it from about seven until
18 one in the morning?

19 A Yes, sir.

20 Q Okay. Did you see anyone go into the room?

21 A I saw Rickey Wilson go in and out of the room.

22 Q And that was on this section of the video that we
23 have, video Days Inn unedited, State's Exhibit 15?

24 A Yes, sir.

25 Q Okay. After Rickey Wilson entered and then exited

1 the room, how long did he stay?

2 A He entered the room at 7:21 and left the room at
3 8:06.

4 Q And that is corrected for the error in time?

5 A Yes, sir. Yes, sir.

6 Q So realtime, not video time?

7 A Correct.

8 Q Okay, 7:21 to 8:06. After 8:06 until the end of
9 that tape, did anyone else enter or exit that room?

10 A No, sir.

11 Q And you had already watched the section from
12 midnight on the tape, 1 o'clock in reality, until the
13 staff came?

14 A Yes, sir.

15 Q No one else entered during that time?

16 A No one.

17 Q What did you do next?

18 A After I watched all the video and I listened to
19 the interview also, I worked on preparing a warrant for
20 Rickey Wilson's arrest.

21 Q Let's before we leave the subject of the video, we
22 know and have the section for Friday and Saturday, the
23 20th and 21st. What happened to the section for
24 Sunday, the 22nd?

25 A Yes, sir. As I --

1 Q And that is the section that was on Detective
2 Woods' hard drive?

3 A Yes, sir. As I said, when it was plugged into
4 that computer, I thought it was downloading. When we
5 were working this case, we had a large number, almost
6 everyone in our division, working on this case. So
7 each person had an individual task and were responsible
8 for different portions.

9 So I thought that the person assigned to that was
10 downloading that video. And that's why I actually
11 watched it at that computer and left it there. I knew
12 Detective Roy had downloaded the DNA down in our crime
13 scene lab. After that point, I'm not sure exactly what
14 day I transmitted the case.

15 What we do to transmit a case is we take
16 everything that we have in relation to a case, and in a
17 case of this size we have to use like a larger hard
18 drive. And we move all those files from our system and
19 copy them to the hard drive and bring them to the
20 solicitor. And then it's provided to everyone
21 reference the case.

22 When I was doing that transmittal, we had had
23 another homicide four days after this one that I was
24 also assigned. And I was working both of those
25 homicides. And when I transmitted the case and moved

1 everything over, I did not take the time to go through
2 every single folder. I looked at the main folder and
3 that there was data in it, and I moved it over to the
4 hard drive. In hindsight I really wish I would have
5 opened each of those folders, because I would have
6 noticed in time to go get that data from the Days Inn.

7 I did not find out that that data for Sunday was
8 not on the drive until the solicitor called me and
9 asked me where it was on my days off. I drove into the
10 office to copy it and provide it because I thought we
11 had it because I'd watched it. And that's when I
12 realized it did not download, and we did not have it.

13 Q What was your procedure for videos in
14 investigation at that time?

15 A It's the same as it is currently right now. When
16 we get video on any case, we get a hard drive, a thumb
17 drive, whatever, we transfer it on, we bring it to the
18 office and we put it in our server or our drive that we
19 use for our case files.

20 We do that with our videos, our interviews, any
21 data that we do. And we put it in there. And then we
22 return the DVDs or the hard drives we've used or we
23 recycle our hard drives to transmit cases to the
24 solicitor's office.

25 Q Have you discussed with your superiors changing

1 that procedure in any way based on what happened in
2 this case?

3 A I have.

4 Q What's the new plan?

5 A We haven't firmed the plan.

6 Q Okay.

7 A But I have suggested saving those items and
8 property in evidence to hopefully have this never
9 happen again.

10 Q Understood. So did there come a point where
11 Mr. Wilson was arrested?

12 A Yes, sir.

13 Q And some things were taken from him like DNA
14 samples and clothes and things?

15 A Yes, sir.

16 Q What did you do next?

17 A I continued to try and interview different people
18 that might have known Ms. Virginia. I interviewed
19 numerous individuals. And in the course of that I
20 learned that there were some items that we did not find
21 in the room that we should have found.

22 Q What specifically?

23 A An antique watch that she had and an antique
24 bracelet with red stones. They also said she would
25 always have a ring, but we did -- she was wearing a

1 ring and we found a ring in her property that had
2 missing stones. I'm not sure if those were the rings
3 that they were referring to.

4 Q Did you ever find the watch or the bracelet?

5 A No, sir.

6 Q Okay. Did you make any efforts to locate them in
7 the room where Mr. Wilson was living?

8 A Yes, sir. In addition to that real quick, though,
9 they had -- I had also learned in those interviews that
10 the victim always kept her wallet right here on her
11 chest (indicating). And she would usually use two
12 serves to tie the wallet to her body, and she would use
13 the chain to chain it to her clothing.

14 Q Where was the wallet found?

15 A Inside the bottom of a purse, in one of the bags
16 on the bed.

17 Q Um-hum.

18 A And I was told during those interviews it would
19 never have been there. She refused to take it off, she
20 refused to bathe, she refused to sleep without it. She
21 always had it tied to her body with those scarves.

22 Q Now, just to be clear, that person that told you
23 that, have they testified?

24 A Yes.

25 Q Was it Ms. Irene Miller?

1 A She was one of the many that told me that.

2 Q In the bag where the wallet was found, was it also
3 found with State's Exhibit 95, the bank statement?

4 A Yes, sir.

5 Q Showing her to be over 6,000 and with a closed
6 credit card account?

7 A Yes, sir.

8 Q Thank you. I'm sorry, 6,000 in debt. What
9 efforts did you make to locate these items?

10 A We -- first I reviewed our evidence that we had
11 seized from the scene and all the crime scene photos
12 and the lab photos and talked with our crime scene to
13 make sure that none of them were in those belongings.
14 I looked for the scarves and for the jewelry.

15 Q And you were at the autopsy, so you know they
16 weren't on her person?

17 A Correct, yes, sir. During that review there was
18 one scarf that was located. It had blood on it, and
19 tied like it -- like you would imagine it would be tied
20 to go around your body. And it was actually found
21 pushed up underneath that second bed where all the
22 blood was. But we did not find the other scarf.

23 Q Was Ms. Virginia Harris Eakers, was she a slight
24 woman or a large woman?

25 A She was a very small woman.

1 Q Okay. That scarf was visible in the crime scene
2 photos; right?

3 A Yes. There is a photo of it.

4 Q Too many exhibits to find it right now, but there
5 was a photo of it.

6 A Yes, sir. So I then drafted another search
7 warrant for the Defendant's residence to see if we
8 would be able to --

9 Q Where was that?

10 A The Victory, the Victory Inn.

11 Q We'll talk about that in a minute. Go ahead, and
12 what did you do next?

13 A Crime scene Howitt and I responded. And what we
14 would do because of the infestation of bed bugs, I did
15 not go into the room. We --

16 Q Was it a serious infestation?

17 A Yes.

18 Q Okay.

19 A He put on the suit, as he described in his
20 testimony, and we laid out a sterile sheet or I don't
21 even remember what it was he laid out that he brought.
22 But he would bring every single item from the room out
23 to me and lay it down, and we would photograph it and
24 see if it had any evidentiary value.

25 And then if it did not, he would take those items

1 back in that room. And he worked around the room doing
2 that while we were on-scene.

3 Q Before we talked about what you found --

4 A Yes, sir.

5 Q -- was this the second time that room had been
6 searched?

7 A Yes.

8 Q So it had been searched once on the 22nd; right?

9 A Yes, sir.

10 Q That was testified to by Officer Williamson?

11 A Yes, sir.

12 Q And this is a second time?

13 A Yes, sir. At that time we were only looking for
14 evidence of the murder and the clothing and items that
15 Rickey Wilson was wearing. We did not have knowledge
16 of her belongings at that time, specific belongings at
17 that time.

18 Q When you went back, were you still looking for
19 that clothing?

20 A Yes.

21 Q As well as these other specifics items?

22 A Yes, sir.

23 Q What clothing specifically were you looking for?

24 A The light colored patterned shirt, any dark pants
25 that might be the ones in the video, the white hat and

1 shoes.

2 Q With the videos, I take it you had many views of
3 the Defendant in his clothing?

4 A Yes, sir.

5 Q What's on State's-22, does that show the items you
6 were looking for?

7 A Yes, sir.

8 Q So is that the shirt with the floral pattern, the
9 white hat and dark jeans?

10 A Yes, sir.

11 Q And the white shoes?

12 A Yes, sir.

13 Q Okay.

14 MR. DeBUSK: May I publish State's-22 to the jury?

15 THE COURT: All right.

16 Q Did you find any of those clothing items?

17 A No, sir.

18 Q Did you find any of Ms. Eakers' property?

19 A No, sir.

20 Q Okay. Did you search the room thoroughly?

21 A Yes, sir.

22 Q Okay. What did you do next?

23 A Well, we did find items while we were on-scene
24 that we did seize. We seized his day planner he had
25 written on the 21st that he met with Ms. Harris. We

1 also seized -- there was some, I don't know if it was
2 stationery, but it had the Rodeway Inn, and it had, I
3 believe, what was written on it -- I think it had
4 written, room 211 on it, I believe.

5 Q So you did find some information?

6 A Yes, sir.

7 Q Okay. When you finished the search warrant and
8 searched the room, what did you do next? I notice
9 you've got lots of notes there, Detective Whitmire.
10 Did you do a lot of work on this case?

11 A Yes, sir.

12 Q Put many hours in?

13 A I was still working this case and reviewing
14 things, and I planned to do additional investigation
15 when we had another homicide that Thursday. And I was
16 pulled from what I was doing and told to go back to it
17 later.

18 Q Right.

19 A And work the current homicide.

20 Q So you put a lot of hours into this?

21 A Yes, sir.

22 Q And that's why you have so many notes?

23 A Yes, sir.

24 Q Thank you.

25 A After that I, actually, let's -- in addition to

1 that, I respond -- I did respond to City Hall and go
2 through her belongings that were left at City Hall to
3 make sure that those items were not in her belongings
4 that she had left with Ms. Hardin at City Hall. And
5 they were not.

6 Q What did she leave at City Hall?

7 A She had some clothing, some toiletries and a lot
8 of old pictures from where it appeared she modeled when
9 she was a lot younger.

10 Q Right. Okay. After you -- and did you visit Ms.
11 Hardin and interview her?

12 A She was not there the day that I went. Someone
13 had to let me into her locked office. But I had
14 interviewed her twice. I had interviewed her the day
15 we located Ms. Virginia, and I also interviewed her
16 again after I spoke with and interviewed Ms. Irene.

17 Q Okay. Was that the end of your involvement during
18 the initial investigation, or did you do anything else?

19 A Other than just reviewing, like I said, all of the
20 interviews that I had done and the ones I had not
21 participated in and reviewing all of the photographs
22 and everything, that was...

23 Q When you were reviewing all the video, did you
24 review the Days Inn video?

25 A Yes.

1 Q And the Victory video?

2 A Yes.

3 Q Was there another source of video?

4 A There was -- we have -- we have cameras throughout
5 the city, it's called Milestone, the program we use.
6 It is Internet based.. That's how we access it, it's a
7 program that's on our computers. So we sign in and
8 pull it up and then we can access the cameras that are
9 throughout the city.

10 Q Did you look for evidence or pictures of the
11 individuals involved?

12 A Yes, sir.

13 Q Let me show you what's been marked as State's-12
14 and ask if you recognize that. It's already in
15 evidence.

16 A Yes, sir. It's a screen shot or snapshot that I
17 created off of the Milestone video.

18 Q So that's from the street cameras?

19 A Yes, sir. It's from the intersection of 13th
20 South and Kings Highway.

21 Q Okay. Did you also obtain some phone records?

22 A Yes, sir. I did that at a later date, though.

23 Q Okay. What did you have to do to get phone
24 records; did you just call them and ask them, and they
25 send them to you?

- 1 A No. I had to draft a search warrant and send it
2 to the company.
- 3 Q Okay. State's-13, are these the phone records you
4 received?
- 5 A Yes, sir.
- 6 Q Phone records from what number?
- 7 A [REDACTED]-7264.
- 8 Q The same number on State's Exhibit 11?
- 9 A Yes, sir.
- 10 Q Okay. Did there come a time when you reviewed
11 this case some more?
- 12 A Yes, sir.
- 13 Q Did you review all of the videos?
- 14 A Yes, sir.
- 15 Q And the phone records?
- 16 A Yes, sir.
- 17 Q Did you create a timeline?
- 18 A Yes, sir.
- 19 Q Okay. I want to show you --
20 (WHEREUPON, State's Exhibit No. 98 was marked for
21 identification only.)
- 22 Q -- State's Exhibit 98 and ask if you recognize
23 this.
- 24 A Yes, sir.
- 25 Q What is it?

1 A It's a timeline.

2 Q What's the source of the data in that timeline?

3 A It's the timeline of the phone calls and the video
4 that we see at the Victory and at the Rodeway for May
5 20th through May 23rd -- no, 22nd, I apologize.

6 Q That's all right. Have you reviewed -- just to be
7 clear, State's-15 and 17 were the original videos that
8 were preserved from the Victory and Rodeway; right?

9 A Yes, sir.

10 Q Did you review some edited versions that are now
11 in evidence as State's-82 and 83?

12 A Yes, sir, I did.

13 Q Did those show the times when either the Defendant
14 or the Defendant and the victim left -- came and left
15 from either the Rodeway or the Victory?

16 A Yes, sir.

17 Q Okay. And did you review the phone records as
18 well?

19 A Yes, sir.

20 MR. DeBUSK: Your Honor, at this time I would like
21 to publish State's-82 and 83 to the jury.

22 THE COURT: All right.

23 MR. DeBUSK: Your Honor, may the witness approach
24 the television so she can point out items?

25 THE COURT: The television can't block her from

1 the court reporter, and she's got to be at a microphone
2 so the court reporter can pick up everything she says.

3 MR. DeBUSK: Will standing over here by this
4 microphone suffice?

5 THE COURT: Okay, that will be fine.

6 Q Okay, please stand over here by this microphone.
7 Please start with the -- oh, turn it on.

8 (Discussion off the record.)

9 Q Before we start playing the video, I'd ask you,
10 this first view, where are we looking at on, this is
11 State's-9 so I can authenticate it as a video of the
12 hotel, this is the beach (indicating); is that correct?

13 A Yes, sir.

14 Q This is South Ocean Boulevard (indicating); right?

15 A Yes, sir.

16 Q This is the Rodeway Inn area we were looking at
17 for this particular view?

18 A Yes, sir. With that view to the right, that
19 parking lot that you see is this right here for the
20 Rodeway (indicating). And then to the left of the
21 screen is the Days Inn. That overhangs that office to
22 the Days Inn.

23 Q The office would be over here (indicating)?

24 A Well, the office for the Days Inn is on this side
25 that is walking up to the office for the Rodeway

1 (indicating). Again, if you keep in mind that the
2 video is off by an hour, so the timestamp up in the top
3 corner says 3:30 on the 20th, but it's 4:30.

4 Q Coming into view behind the tree here, could you
5 confirm who that was?

6 A The victim and Mr. Wilson. And you can see her
7 walking, carrying her two bags that were located in the
8 room and him walking beside her.

9 Q Is she using a cane?

10 A Yes, sir. That blue awning is over the doorway to
11 the office at the Rodeway. And you'll see them
12 approaching from the left of the screen.

13 Q Is that the office where Mr. Evans and Mr. Smoyer
14 was there?

15 A Yes, sir.

16 Q Did you determine that she had checked into the
17 Rodeway at this time?

18 A Yes, sir.

19 Q To what room was she initially assigned?

20 A 314.

21 Q When in relation to this video we're watching was
22 State's-12 taken?

23 A That picture was prior to this. It was as they
24 were walking from the bus stop to the hotel.

25 Q Same general time?

- 1 A Yes, sir.
- 2 Q Who is that exiting the offices now?
- 3 A Sorry, a glare on the TV. Mr. Wilson and the
- 4 victim, Ms. Virginia.
- 5 Q Where does that breezeway or that opening go to?
- 6 A It goes straight onto the second floor. And that
- 7 bottom, you'll see them come into view, but that bottom
- 8 hallway is these.
- 9 Q Is this the second floor?
- 10 A I'm trying to -- this is actually the first, and
- 11 then that's right -- hold on, I apologize. This is the
- 12 second floor and this is the third floor (indicating).
- 13 Q That's them walking on the third floor?
- 14 A Yes.
- 15 Q Is room 314 on this view, or isn't it?
- 16 A No.
- 17 Q Just off that view?
- 18 A Yes. Room 314 doesn't show up on any of the
- 19 cameras.
- 20 Q So how long did --
- 21 MR. DeBUSK: Could you pause for a minute.
- 22 Q How long did he stay in?
- 23 A I would have to refer to my timeline.
- 24 Q Go ahead.
- 25 A I apologize. I'll bring it over here with me.

1 Q Yes.

2 A Sorry.

3 Q So let's start, what time did they check in?

4 A They arrived, as we saw in the video,
5 approximately 4:30 real time. And they walked to the
6 room at 4:46, and he stayed until 5:12. And that's all
7 real time.

8 Q So this where it says 4:11, almost 4:12 here,
9 that's the time on the camera?

10 A Correct.

11 Q Please proceed. That's him leaving the room?

12 A Yes, sir.

13 Q And who is this going into the office here?

14 A Mr. Wilson.

15 Q Okay. What time did he enter that office?

16 A It's at 4:12 on the camera, which is 5:12.

17 Q And what time did he depart there?

18 A Around 4:14, which is four -- or 5:15.

19 Q 4:14 -- 5:15? Too many times.

20 A Too many numbers.

21 Q But it's written on the...

22 A Yes, sir, it is.

23 Q After he departed, do you know where he went after
24 he departed?

25 A He walks up on that camera and up 14th Avenue.

1 Q Up 14th?

2 A 14th Avenue South, which is right across from the
3 Rodeway, and then heads up to Kings.

4 Q The road that's basically directly across from the
5 Rodeway?

6 A Yes.

7 Q And it's [REDACTED] South Ocean Boulevard?

8 A Yes, sir. You'll see him across the street just
9 on the other side right there in the crosswalk.

10 Q Is he carrying the same bag he came in with?

11 A Yes.

12 Q Now, this was, again, Friday, the 20th of May;
13 correct?

14 A Yes, sir.

15 Q Did he appear on the Rodeway Inn video the
16 remainder of Friday?

17 A No.

18 MR. DeBUSK: Excuse me, move on to the 21st, and
19 just hold it, if you would.

20 Q Based on the phone records, were there any calls
21 made from the Defendant's cell phone to the Rodeway Inn
22 hotel?

23 A Yes.

24 Q When was that?

25 A First on May 21st, there was a number from a call

1 from the Rodeway Inn first to Mr. Wilson at 9:26 a.m.,
2 and it was routed to voice mail.

3 Q How long did that call last?

4 A 32 seconds.

5 Q Okay.

6 A Then at 9:27, Mr. Wilson called his voice mail for
7 a minute and nine seconds. And then he called the
8 Rodeway Inn at 9:30 for almost three minutes, two
9 minutes and 42 seconds.

10 Q Based on your timeline, what did Mr. Wilson do
11 next?

12 A At 10 a.m. he left the Victory Motel.

13 Q Now, we have video of that; right?

14 A Yes, sir.

15 Q We'll see that in a while. For now, after he left
16 the Victory where did he go?

17 A To the Rodeway.

18 Q On the way did he make a calls or receive any
19 calls?

20 A Yes. At 10:14, he received another call from the
21 Rodeway but routed it to voice mail.

22 Q Did there come a time he arrived at the Rodeway?

23 A Yes, sir.

24 Q Okay. Are we on the 21st yet?

25 A That's p.m., not a.m.

- 1 Q Oh, we want the a.m., not p.m. Here we are, it
2 says 9:30 on the counter; what time is it actually?
- 3 A 10:30.
- 4 Q So when Mr. Wilson left the Victory, when we see
5 that video, did he have a full bag in his hand?
- 6 A I would have to look at it again.
- 7 Q All right.
- 8 A I don't remember.
- 9 Q But on arriving, he does appear to have -- well,
10 we'll see when he walks up here. Does he appear to
11 have a full bag when he arrived?
- 12 A He does.
- 13 Q Is that Mr. Wilson walking back and forth carrying
14 the black bag?
- 15 A Yes, sir.
- 16 Q Was he wearing the same clothes as the day before?
- 17 A Yes, with the exception of the pants. The first
18 day he had on what appeared to be brown or khaki pants,
19 then he had the dark pants on May 21st. Same shirt and
20 hat and glasses.
- 21 Q Were those the shirt and hat that you searched for
22 in his room and did not find?
- 23 A Correct.
- 24 Q He seems to be walking along at a brisk pace;
25 correct?

- 1 A Yes, sir. That's him walking down the hallway.
- 2 Q Again, this is towards the area where room 314 is?
- 3 A Yes, sir.
- 4 Q What time did he walk down?
- 5 A It was on the camera 9:32, and that would be
- 6 10:32.
- 7 Q So what time did he leave the room?
- 8 A He left the room, and they walked to the office.
- 9 Q So this is both her and him?
- 10 A Yes. They together walked to the office at 11:03.
- 11 Q Okay. Did she have with her her luggage or the
- 12 bag she carried in with her the previous day?
- 13 A Yes, sir.
- 14 Q Did you determine in your investigation that she
- 15 had been reassigned rooms at this time?
- 16 A Yes.
- 17 Q That's her coming up behind him there?
- 18 A Yes, sir.
- 19 Q So at what time did they leave the office?
- 20 A They left the office around 11:09, which is 10:09
- 21 on the camera.
- 22 Q Okay. In your investigation, did you determine
- 23 what room she was reassigned to?
- 24 A 211.
- 25 Q Is that them leaving now?

- 1 A Yes, sir. That's them coming into the frame on
2 the second floor. And they are at the door of 211 and
3 entering it.
- 4 Q Is that her moving more slowly than him?
- 5 A Yes.
- 6 MR. DeBUSK: Can we pause it for a moment.
- 7 Q So he went in, I think you said, about 11:10?
- 8 A Yes, sir.
- 9 Q Or just after. The new room, room 211?
- 10 A Yes.
- 11 Q While he was in there, were there any phone calls
12 made by his phone?
- 13 A Yes, sir. At 12:36 p.m. he calls the Sunrise or
14 some motel four times. And they were just real short
15 second phone calls.
- 16 Q Are those on State's Exhibit 13 phone records, are
17 they highlighted yellow?
- 18 A Yes, sir.
- 19 Q Okay. Thank you.
- 20 A And then after that at 1:01 he calls the Rodeway
21 Inn. The Rodeway has the several numbers. And he
22 calls a different line than the one he had previously
23 called when she was in room 314.
- 24 Q Okay.
- 25 A And it was just a two-second phone call like you

1 would do to save a number on your phone.

2 Q What did he do next?

3 A He left her room at 1:02 p.m.

4 Q So this says 12:02 on the counter, it was actually
5 1:02?

6 A Correct.

7 Q Is that him leaving, the brisk walk there?

8 A Yes, sir.

9 Q He still has the full bag he came in with?

10 A Yes, sir.

11 Q Now, which way did he leave when he walked out
12 when you were watching him?

13 A 14th or south.

14 Q That he goes across the...

15 A Yes, sir.

16 Q After he left the Rodeway, did he make or receive
17 any calls?

18 A Yes, sir. He received a call back from Irene
19 Miller at 2:08 p.m., and they talked 8 minutes and 55
20 seconds.

21 Q On State's Exhibit 13 -- well, I'll walk around
22 this side -- State's Exhibit 13, the numbers
23 highlighted in blue, whose number is that?

24 A Irene Miller.

25 Q Now, the one highlighted in pink, just for the

1 record, what are those?

2 A Those are the Rodeway.

3 Q How long did he talk to Irene Miller?

4 A 8 minutes and 55 seconds.

5 Q After that, did he make any more phone calls?

6 A Yes, sir. He called the Rodeway Inn at 4:16 p.m.,
7 and the call lasted 15 minutes and 33 seconds.

8 Then he called Irene Miller again at 4:37 p.m.

9 That call lasted 13 minutes and 46 seconds. Then at
10 6:31 p.m., he called the Rodeway Inn again. That call
11 lasted 4 minutes and 46 seconds. At 6:43 p.m., he
12 called the Rodeway Inn again. That call lasted five
13 minutes and six seconds.

14 Q After that call -- where was he when that call was
15 made?

16 A I would imagine at the Victory Motel because of
17 very -- within minutes he left the Victory Motel.

18 Q Was he -- when we get to the video, was he visible
19 doing that?

20 A Yes.

21 Q Okay. We'll talk about that in a minute. Is it
22 still him walking out all along 14th here?

23 A Yes, sir.

24 Q Okay. He continued on down 14th?

25 A Yes, sir.

1 MR. DeBUSK: You can go ahead on to the evening of
2 the 21st.

3 Q Now, after he left the Victory Motel, where did he
4 go?

5 A We're not able to see on the -- exactly where he
6 went. I'm not sure where he went.

7 Q Where did he end up?

8 A At some point he was back at the Victory Motel.

9 Q What time did he get back to the Victory Motel?

10 A I'm not sure, because the video at the Victory --

11 Q No, I'm sorry. What time did he get back to --
12 we're talking about the Days Inn.

13 A Okay. You said the Victory.

14 Q I did, and I misspoke. I apologize. When he left
15 the Victory --

16 A Yes, sir.

17 Q -- he departed the Victory 6:53?

18 A Yes, sir, he did.

19 MR. DeBUSK: Can you pause for a sec.

20 Q Let me go back and clear that up.

21 A Okay.

22 Q You have a video of the Victory; right?

23 A Yes.

24 Q We'll talk about that when we get back to the
25 Victory and why that particular point. But let me ask