

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CRIMINAL

Appeal from Chester County

Paul M. Burch, Circuit Court Judge

RECEIVED
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SC Court of Appeals
RESPONDENT,

THE STATE,

V.

JERMAINE MARQUEL BELL,

APPELLANT

APPELLATE CASE NO. 2017-001500

RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
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1 STATE OF SOUTH CAROLINA
2 COURT OF GENERAL SESSIONS
3 COUNTY OF CHESTER
4 2016-GS-12-00173

5 State of South Carolina

6 vs.

7 Jermaine M. Bell

8

9 Chester, South Carolina

10 June 26-30, 2017

11 Before the Honorable Paul M. Burch

12

13 APPEARANCES

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15 For the Defendant: William Frick, Justin Jones

16

17 Reported by: Michael C. Watkins

18 Official Court Reporter

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1 is about all I need to tell you at this time and I'll let
2 the attorneys get started with their presentation, but one
3 thing, let me mention to you, and this applies more after
4 lunch, please don't fall asleep on me. If you feel like
5 you're going to dose off, get my attention or get the court
6 staff's attention and we will take a break and you can try
7 to get some coffee or some Coca Cola or Pepsi, something
8 with a little caffeine to try to perk you up, so please
9 don't do that to me. All right, that's all I have to say
10 at this time. The State having the burden of proof, they
11 get to begin the opening statement if they so desire.

12 MR. NEWMAN: Thank you, Your Honor. May it please the
13 Court?

14 THE COURT: Yes, sir.

15 MR. NEWMAN: Ladies and gentlemen, this case is about
16 the senseless violent murder of Judy Lindsay, an innocent
17 wife, mother and grandmother. She was strangled to death
18 outside of her home on Fifth Street by Jermaine Bell. On
19 Sunday morning, September 13th of 2015, Mitchell Mayfield,
20 her husband, woke up and before he could get his family
21 ready for church he realized he can't find his wife. So he
22 was looking around for her and he realizes something is not
23 right when he's outside and he finds her clothing, when he
24 finds that clothing he stops what he's doing and he calls
25 911. Soon law enforcement arrives, they eventually call in

OPENING STATEMENTS

1 the K-9 unit, or the tracking dog, that tracking dog would
2 soon find the naked body of Judy Lindsay just two doors
3 down lying face down in some brush behind an abandoned
4 house. Law enforcement through their investigation quickly
5 developed Mr. Bell, this so-called family friend, as their
6 suspect. After a full investigation by SLED and the
7 Chester County Sheriff's Office Mr. Bell was charged with
8 murder, and that's why we're here today, ladies and
9 gentlemen. I want to thank you for your willingness to
10 serve and thank you for being here, because I know that
11 while I'm here and I'm doing a job that I love I know
12 that's not the case for you guys, I know that there's a
13 million other places you would rather be and I thank you
14 for being here. You're here for a very important reason
15 and that's to bring justice into this courtroom. This case
16 is for you to decide. Myself and Ms. Lively, we'll put up
17 evidence and we'll put witnesses on that stand and we have
18 to prove to you beyond a reasonable doubt that Mr. Bell is
19 guilty of murder, and that evidence will show that Jermaine
20 Bell is a murderer. He brutally attacked Ms. Judy Lindsay
21 at her home, he strangled her to death and he drug her
22 lifeless body from her home through a neighbor's yard and
23 into the yard of an abandoned house where he dumped her
24 naked body behind an outbuilding in some brush. The
25 evidence will show that Mr. Bell was there on the night

OPENING STATEMENTS

1 before on September 12th at the home of Ms. Lindsay, and
2 though he had spent the night with the family before this
3 particular night he was asked to leave. The evidence will
4 show that Ms. Lindsay was last seen along with Mr. Bell on
5 her porch. The evidence will show that Judy Lindsay was
6 strangled to death and his DNA is found on her neck. The
7 evidence will show that her body was drug for several yards
8 in an effort to hide what he had done and his DNA is found
9 up under her arms where you would put your arms to drag
10 someone. The evidence will show that he dumped the body of
11 Judy Lindsay nearby in that brush behind an old shed near
12 that abandoned house, and the evidence will show, ladies
13 and gentlemen, that Jermaine Bell murdered Ms. Judy Lindsay
14 during the early morning hours of September 13th. But that
15 evidence, it won't be like you see on TV so I'm asking you
16 to be patient with us. Unfortunately unlike those TV shows
17 we're not going to wrap it all up in 60 minutes, it's not
18 going to be like Law and Order and CSI, those are for
19 entertainment. This is not TV, this is the real deal.
20 You're going to hear from several witnesses, you'll see a
21 bunch of pictures, photos, videos, and you'll see some
22 evidence that we collected. Not one person will get on
23 that stand and tell you the entire story from start to
24 finish, you're going to have several witnesses and you'll
25 hear snippets from each other and they'll tell you little

OPENING STATEMENTS

1 snippets of what they found and what they saw. Each of
2 those snippets will be like a piece of a puzzle, and at the
3 end when we finish this week you'll see this horrible
4 picture this puzzle puts together, this horrible brutal
5 killing of Judy Lindsay at the hands of Jermaine Bell, and
6 when we finish you'll know beyond a reasonable doubt that
7 Jermaine Bell is guilty of murder. Thank you.

8 THE COURT: Thank you, Solicitor. Mr. Frick?

9 MR. FRICK: Thank you, Your Honor, Solicitor. Mr.
10 Foreman, ladies and gentlemen of the jury, y'all didn't
11 know it but yesterday morning when you came in here you
12 were coming for a job interview, and you were interviewed
13 by defense counsel and the State. That's a job you didn't
14 ask for, it's a job you didn't apply for, and that's a job
15 that if we asked you if you wanted to do you would probably
16 would say, "No thanks, I would rather do something else
17 this week." But it's an important job, and it's a job that
18 folks like yourselves have been doing for centuries in our
19 country and all of the way back to about 1215 when this
20 system of justice was formed back during the Magna Carta in
21 England where our system originally comes from. It's
22 important because what happens is we have disputes much
23 like we have here and a determination of the facts has to
24 be made, and y'all are the folks to make that
25 determination. Now, lawyers will stand up here and

OPENING STATEMENTS

1 pontificate and gesticulate and elaborate, but y'all get to
2 cut through the chase and look at the evidence that's
3 presented to you and determine whether or not the State
4 meets their burden. And as you've heard the State has
5 accused Jermaine Bell of murder, the unlawful killing with
6 malice aforethought of Ms. Judy Lindsay, more to the point
7 the State says that he violently and brutally strangled her
8 and left her naked body behind some shrubbery. Folks, they
9 have to prove that to you beyond a reasonable doubt. Now,
10 I'm not going to comment on the facts at this point, I'm
11 going to let you hear it and I'll tell you about it in my
12 summation at the end of this case. But what I will leave
13 you with is because you're at a place and because you have
14 a so-called DNA match, and you'll see why I'm calling it a
15 so-called DNA match, does not mean that you have proved a
16 case. Now, how does this happen? Briefly I will tell you,
17 the State has got to call their witnesses and put up their
18 evidence. And what's going to happen is folks are going to
19 get on this very witness stand and you're going to hear
20 their testimony, and because you are what we call the judge
21 of the facts you get to determine the weight of their
22 evidence, how much stock you want to put in it. No one can
23 take any of your right to do that away. And you can look
24 at somebody on this stand, you can say, "I believe
25 everything they're telling me," or you can say, "I think

OPENING STATEMENTS

1 they might have been right about part of that but I don't
2 believe everything they're telling me," or you can look at
3 that person and say, "I don't believe a blame thing they
4 had to say." That's your purview and your purview alone
5 and no one can take that away from you, so we all have
6 different roles. The State is an advocate for their
7 position prosecuting the case, I and Mr. Jones are the
8 advocate for Mr. Bell in this process, and y'all determine
9 the facts of the case based on what you hear. The judge is
10 going to tell you what the law is and is kind of the
11 referee in the situation. The State has to show you beyond
12 a reasonable doubt. Now, briefly I will say, what that
13 means is you can't sit there and say, "Well, I've been
14 watching Jermaine sitting over there and he kind of looks
15 like maybe he did this," or, "maybe it's possible he did
16 this," or -- no. There's no other reasonable explanation.
17 Now, that's a tough job. As I said, you have been hired
18 for this job, we chose you because we got all of the
19 information we can, both sides, all that we're allowed to
20 find out so we can make a determination of whether we found
21 12 folks who can objectively listen to a case, put emotion
22 aside and seek the facts and render a verdict. It's a
23 tough job. You're going to hear things you don't want to
24 hear, you're going to see things you didn't want to see.
25 It's a death of a person, it's going to be emotional. But

OPENING STATEMENTS

1 folks, you're doing a job, you have got to put all of that
2 aside and objectively look at the situation and weigh
3 what's presented to you and make the determination. I will
4 tell you one quick story and then I'm going to hush, but
5 this kind of points to what I'm talking about in putting
6 emotion aside and personal feeling aside and doing your
7 job. I'm from Fairfield and 102 years and about three
8 weeks ago there was a guy named Jewel Smith who was being
9 brought up to Fairfield for trial, he was charged with an
10 assault. It was -- the victim of the assault was from a
11 very prominent family. There was such outrage in the
12 community that Mr. Smith had to be held in Columbia because
13 they couldn't hold him in Winnsboro because folks were
14 ready to take care of him before he got to court. The
15 sheriff, the elected sheriff of Fairfield and his deputy
16 brought Jewel Smith to the Fairfield County Courthouse on
17 that day, June 14th, 1915. And if you've ever seen our
18 courthouse in Winnsboro you know we've got steps that go up
19 the front, there's a little portico up front and as you go
20 in that top door that's the entrance to the courtroom, it's
21 really the only way to get in the courtroom, and it
22 particularly was in 1915 the only way to get in that
23 courtroom. At the top of the stairs is the family of the
24 victim with guns, a prominent family, elected sheriff and
25 his deputy facing a portico full of armed people. The

OPENING STATEMENTS

1 easiest thing in the world would be for this sheriff to go,
2 "Jewels, buddy, you're on your own." No, he didn't do that
3 nor did his deputy. They climbed the steps through a hail
4 of gunfire returning fire themselves but they were severely
5 outgunned. The sheriff was mortally wounded, the deputy
6 was mortally wounded but they got Mr. Smith to the
7 courtroom. Why? Because the deputy and the sheriff
8 believed more in duty than personal feelings and what they
9 were facing at the top of those stairs. Now, ain't nobody
10 going to be standing at the top of the stairs here shooting
11 at you this week but there may be points where you kind of
12 feel like that because this is a difficult case. But what
13 I'm asking you to do is no less than Sheriff Hood and
14 Deputy Boulware did in 1915 and face what you face, put
15 emotion and personal feelings aside and do your duty to
16 listen to this case and render the correct verdict. And I
17 feel confident that once you've done that you will see that
18 the State has not met their burden and you will find
19 Jermaine Bell not guilty of murder. Thank you very much.

20 THE COURT: Thank you, Mr. Frick. Solicitor?

21 MS. LIVELY: Yes, Your Honor. The State would call
22 Mitchell Mayfield to the stand.

23 The witness, MITCHELL MAYFIELD, was first duly sworn
24 and testified as follows:

25 DIRECT EXAMINATION

MITCHELL MAYFIELD - DIRECT

1 BY MS. LIVELY:

2 Q Good morning, Mr. Mayfield, how are you?

3 A Fine.

4 Q Are you okay? If you don't mind, will you pull the
5 microphone closer to you so that we can make sure -- the
6 jury has to hear everything you say so when you answer,
7 answer out loud yes or no, okay?

8 A Yes, ma'am.

9 Q All right. Now, tell the jury what your relationship
10 was with the victim in this case, Judy Lindsay.

11 A She was my wife.

12 Q Were you legally married?

13 A No.

14 Q How long have y'all been together?

15 A About 35 or 40 years.

16 Q Thirty-five or 40 years?

17 A Yeah.

18 Q Do y'all have any children together?

19 A Yeah, we've got three, two girls and a boy.

20 Q What are their names.

21 A Jessica, Teonia and Elton.

22 Q What are their ages?

23 A Thirty-two -- my son is 32, my oldest daughter is 31,
24 Jessica is 28 or 27.

25 Q Do you have any grandchildren?

MITCHELL MAYFIELD - DIRECT

- 1 A Yes.
- 2 Q How many?
- 3 A Whew, I couldn't tell you how many.
- 4 Q Okay. Fair enough. Now, where did you live with Judy
- 5 in 2015?
- 6 A [REDACTED].
- 7 Q [REDACTED]?
- 8 A Uh-huh.
- 9 Q Is that in the City of Chester?
- 10 A No, it's in the county.
- 11 Q It's in the county? All right. And how long had
- 12 y'all lived there together?
- 13 A I'm going to say three years, might have been four.
- 14 Q And at the time in 2015 whenever y'all were living
- 15 there, was anyone else living with you?
- 16 A No, no one but my daughter, Jessica, and two grands,
- 17 I think.
- 18 Q All right. So Jessica and her two children, you and
- 19 Judy were living there in 2015.
- 20 A Yeah.
- 21 Q Now, Mr. Mayfield, where did your other daughter,
- 22 Teonia McCrory, live?
- 23 A She lived in Richburg.
- 24 Q Did she visit often?
- 25 A Yes.

MITCHELL MAYFIELD - DIRECT

1 Q And then your younger son, Elton, where did he live?

2 A He had a trailer on Liggins Street. He wasn't

3 staying with us then but he would come by everyday.

4 Q Tell the jury what the neighborhood is like where

5 y'all lived on Fifth Street.

6 A It was a quiet neighborhood. All of the neighbors

7 got along pretty good to me, we didn't have no problem

8 with them.

9 Q And how about Ms. Judy?

10 A She didn't have no problem with them either.

11 Q Do you know if she had anybody on the street that she

12 had argued with or ever fought with?

13 A No.

14 Q How about you?

15 A No.

16 Q What about your front porch, was that a popular place

17 for people to drop by?

18 A Yeah.

19 Q Tell the jury about that.

20 A Well, just about every other weekend we was all

21 gathered there.

22 Q On the porch?

23 A On the porch.

24 Q Have you ever turned someone away from your home?

25 A Yes.

MITCHELL MAYFIELD - DIRECT

1 Q You have? Who?

2 A Jermaine Bell.

3 Q Tell the jury why that is.

4 A Well, a lot of times he will come there, my wife will
5 get mad at him for some reason or another and she'll run
6 him off. And my daughter, Teonia, he had said some things
7 to her about Judy that she didn't like and every time she
8 came she would run him away.

9 Q Was Jermaine friends with your daughter, Jessica?

10 A Yeah, and Elton.

11 Q And Elton, all right, your son.

12 A Yeah.

13 Q So would he still come back, the defendant, would he
14 still come back around even though you had told him to
15 leave?

16 A Yeah. He would kind of wait until later on that
17 night until after he figured they wanted something to
18 drink and he'll bring them something to drink and they'll
19 let him back in.

20 Q When you say something to drink, are you talking about
21 tea or alcohol?

22 A Alcohol.

23 Q Did Ms. Judy drink alcohol?

24 A No.

25 Q Did she use any type of drugs?

MITCHELL MAYFIELD - DIRECT

1 A No.

2 Q How about cigarettes?

3 A Yes, she smoked cigarettes.

4 Q All right. Now, Mr. Mayfield, you said that the
5 person that you turned away was the defendant, Jermaine
6 Bell. Did you have any reasons to ask him to either leave
7 or not come back?

8 A No, really I didn't get involved with that. I
9 always -- I let her did that and her decide that because
10 that was their friend, it wasn't mine so I would just let
11 them handle that.

12 Q Let them handle it? All right. So you weren't
13 friends with Mr. Bell then.

14 A No, not like that.

15 Q Did you have any kind of problems with him other than
16 what Judy and your daughters had said?

17 A No.

18 Q Now, getting closer to the time of September 2015, had
19 any other problems arose regarding the defendant, Jermaine
20 Bell, between you and your wife, Judy?

21 A No. Now, at a point in time they -- Judy had told me
22 Jermaine was stealing.

23 Q Someone was stealing?

24 MR. FRICK: Objection, Your Honor.

25 MS. LIVELY: Goes to the state of mind, Your Honor.

MITCHELL MAYFIELD - DIRECT

1 MR. FRICK: 404-B.

2 THE COURT: I'm going to give her a little leeway on
3 it, I will overrule the objection. Go ahead.

4 MS. LIVELY: Thank you, Your Honor.

5 Q So she believed that the defendant was stealing.

6 A Yes.

7 Q Stealing what?

8 A Her glasses, money, cigarettes, clothes.

9 Q But you didn't have any proof of this; is that
10 correct?

11 A Not then.

12 Q Did you call the police?

13 A Well, no.

14 Q All right. But this was something that Ms. Judy had
15 mentioned to you.

16 A Yeah.

17 Q So after Ms. Judy mentioned that to you what did you
18 do?

19 A Well, I told her she would have to see Evette about
20 that, because I always let them did that. I don't know if
21 she did tell Evette -- well, matter of fact she did tell
22 Evette because Evette was the one that didn't want him
23 there period.

24 Q Evette is also Teonia, your daughter, right? You call
25 her Evette and Teonia?

MITCHELL MAYFIELD - DIRECT

1 A Yeah.

2 Q Mr. Mayfield, on the weekend of September 11th of
3 2015, was the defendant at your home that Friday night?

4 A I don't know, I was asleep.

5 Q I'm going to show you your prior statement, I know it
6 has been awhile, just to refresh your memory. This might
7 help a little bit. Let me ask you another way, do you
8 remember whether or not on the morning of September 12th
9 the defendant woke up at your home? That would be the
10 morning of the night Ms. Judy went missing.

11 A No.

12 Q Okay. I'm going to show you your statement then,
13 okay, to refresh your memory, all right?

14 A All right.

15 MS. LIVELY: If I may approach, Your Honor?

16 THE COURT: Yeah.

17 Q If you'll just look here. Don't read it out loud,
18 just read it to yourself.

19 A (Witness complies.)

20 Q So I'm going to ask you again, on the night of
21 September 11, 2015, had Jermaine Bell, the defendant, spent
22 the night at your house?

23 A Yes.

24 Q And I know it has been a long time, it's okay. I'm
25 going to grab that back from you. Now, you mentioned

MITCHELL MAYFIELD - DIRECT

1 earlier you didn't remember or you didn't know because you
2 were asleep.

3 A Yeah.

4 Q All right. But when you woke up on September the 12th
5 that morning, you've read your statement, was Mr. Bell
6 there?

7 A No.

8 Q How do you know that he spent the night then?

9 A Well, I really didn't know until after I went in
10 there and talked to my daughter, Jessica.

11 Q Okay. All right. And so after you talked to your
12 daughter, Jessica, about Jermaine spending the night that
13 Friday night, what happened next?

14 A I got up that morning to get ready to go to work, and
15 usually when I get up I fix my coffee and go outside and
16 burn my trash. So this particular morning I went out and
17 I seen her shoes, I seen her scarf, I seen her socks
18 laying in the yard.

19 Q Okay. And I'm gong to stop you right there, Mr.
20 Mayfield, because I think we need to back up so that you
21 can kind of understand the dates, I know it's been a long
22 time. On Friday night, September 11th, you testified that
23 the defendant, Mr. Bell, had spent the night, right?

24 A Yeah.

25 Q Then that Saturday, September 12, did your wife have a

MITCHELL MAYFIELD - DIRECT

1 church event or a funeral to go to that Saturday?

2 A Yes.

3 Q All right. Tell the jury about what she did on that
4 Saturday before she went missing.

5 A She -- me and Judy was -- she was supposed to be
6 going to something and I was supposed to go but I wasn't
7 going and me and her got in an argument about what I
8 should wear or whatever or not.

9 Q So y'all argued about what you should wear to go to
10 some event. When was that event going to be? Was it going
11 to be that Saturday or that Sunday?

12 A It was that Saturday, I believe.

13 Q Okay. What day did you wake up and your wife was
14 missing?

15 A Saturday.

16 Q How do you explain the 911 call came on Sunday,
17 September 13th?

18 A I guess it was on Sunday.

19 Q All right, I know. Are you nervous, Mr. Mayfield?

20 A Not really, no.

21 Q Well, focus with me here a little bit, okay? All
22 right. Now, on Saturday, September 12th, you woke up and
23 your wife was still there at the house; isn't that right?

24 A Yeah.

25 Q Now, that Saturday did your wife leave and go

MITCHELL MAYFIELD - DIRECT

1 somewhere with some friends and family?

2 A Yes.

3 Q Where did she go?

4 A Well, we went to church up there or something.

5 Q Okay. So she was gone for most of that day, right?

6 A Yes.

7 Q Now, we get a little bit later that afternoon close to
8 early evening, what did you do that day?

9 A I worked that day.

10 Q So you were at work, all right. So when was the next
11 time you saw your wife, Judy, on that Saturday?

12 A That morning.

13 Q Okay. You've already told us you went to work that
14 morning.

15 A I didn't see her no more that day.

16 Q So you didn't see her when she came back from the
17 church event that Saturday night?

18 A No.

19 Q All right. What were you doing that night by the time
20 she had gotten home?

21 A I was in the bed.

22 Q You were in the bed. And who all was staying with you
23 at that time that weekend, do you remember?

24 A Me, my grand kids and Jet.

25 Q Jet, which is Jessica?

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1 A Yeah.

2 Q Now, were there any extra grandkids there?

3 A Yes.

4 Q And that would be Teonia's?

5 A That would be Teonia's.

6 Q And where did that grandchild sleep?

7 A He slept in the bed with me.

8 Q All right. So he's in the bed with you and you go to
9 bed that Saturday night, is that what you're telling this
10 jury?

11 A Yes.

12 Q All right. Now, when you go to bed that night you
13 haven't seen Judy since she'd left earlier that day?

14 A No.

15 Q So now we're on Saturday night which is September
16 12th. Mr. Mayfield, did you get up anytime during that
17 evening up until the next Sunday morning and see your wife?

18 A No.

19 Q And you were in the bed with your grandson?

20 A Yes.

21 Q Now, after you went to bed and you had not talked to
22 Judy, right?

23 A Yes.

24 Q Tell the jury what time you woke up on that Sunday
25 morning, September 13th.

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- 1 A It must have been between 6:00 -- 5:00 or 6:00.
- 2 Q So early?
- 3 A Yeah.
- 4 Q Do you normally wake up that early?
- 5 A Yes.
- 6 Q Tell the jury what your normal routine is whenever you
- 7 get up.
- 8 A Fix me some coffee and go out outside and see what's
- 9 going on and empty my trash and burn it.
- 10 Q And how many burn barrels do you have in your yard?
- 11 A One.
- 12 Q So that morning did you see anything unusual whenever
- 13 you got up to burn the trash?
- 14 A Yes.
- 15 Q Tell the jury what you saw.
- 16 A That's when I saw the scarf and the socks and the
- 17 shoes in the yard.
- 18 Q And why was that unusual?
- 19 A Because that didn't seem right.
- 20 Q Did you know whose shoes and scarf and socks those
- 21 were at the time?
- 22 A Yes.
- 23 Q Whose were they?
- 24 A They was Judy's.
- 25 Q What did you do once you saw those items in the yard,

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1 what did you do next?

2 A Well see, at first I thought my grandkids had them,
3 and I said, "Well, I ain't going to pick them up, I'm
4 going to get in here and tell Jet --"

5 Q Jessica.

6 A -- "to make the child pick the stuff up out the
7 yard," so that's when I went back in the house told her.
8 And she asked me, says, "You seen my mama?" No." And I
9 said, "You better get up and see where she's at."

10 Q That's when Jessica or Jet got up.

11 A Jet, yeah.

12 Q Jet is her nickname.

13 A Uh-huh.

14 Q Now, so you see these shoes and socks and a scarf in
15 the side -- in the yard.

16 A In the side of the yard.

17 Q And you kind of get a little mad because you think
18 maybe the grandkids had taken them out there. Is that yes?

19 A Yes.

20 Q So you go back inside. Had you at any point when you
21 got up looked for Judy or thought to look for Judy at that
22 point?

23 A Yes.

24 Q And did you see her anywhere once you got out of the
25 bed with your grandson?

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1 A No.

2 Q Where was she supposed to sleep that night, did you
3 know?

4 A Well, I figured she had went in the room with Jet.

5 Q With Jessica.

6 A And I don't go in her home when I gets up so I didn't
7 even check in there.

8 Q All right. So at the time you didn't see Judy, you
9 walk outside, you see these items, you get a little
10 irritated with the grandkids, you go inside and then you go
11 into Jessica's room, Jet.

12 A Yeah.

13 Q Jet. And when you go there, tell the jury again what
14 exactly you learned at that point.

15 A That she wasn't there.

16 Q She being Judy was not there.

17 A Yeah.

18 Q So what did you do next?

19 A Well, Jet went to calling somebody, I don't know who
20 all she called, and that's when we noticed she wasn't
21 there.

22 Q So no one knew -- were you able to find out where she
23 was that morning?

24 A Not right then.

25 Q Not then. Had Judy ever just left the house without

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1 telling you or Jessica or someone else in the home?

2 A No.

3 Q So did you believe this to be odd?

4 A Yeah.

5 Q What did you do after that?

6 A Well, after that I went back outside and I went to
7 thinking something ain't right. I went to looking then at
8 the shoes and the scarf and the socks, you could see drag
9 marks and I went to try to follow them, but after I got so
10 far in that grass you couldn't tell.

11 Q So how did you know there were drag marks?

12 A Well, I could tell by the way they was going around
13 in the mud around the house.

14 Q So the soil or the dirt around there was a little bit
15 muddy?

16 A Yeah.

17 Q So you could actually yourself see the drag marks?

18 A Yes.

19 Q So when you saw that, how much further did you
20 actually go?

21 A I probably went from here to that door, it might not
22 have been that far, and I couldn't see no more. But I did
23 go on around and as I poked around the next house that's
24 when I spotted the keys and the shirt.

25 Q What keys and what shirt?

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1 A Judy's keys and shirt.

2 Q When you saw that, Mr. Mayfield, what did you do?

3 A I come out of there and I went and told Jet I was
4 calling the police, I need to call the police then.

5 Q And how did you feel at that point?

6 A I was pretty upset.

7 Q So you called 911, and what did you do after that?

8 A After I called 911? Well, I waited on the police.

9 Q Did they get there pretty quick?

10 A Yes.

11 Q After they got there, did you show them what it was
12 that you had seen that morning?

13 A Yes.

14 Q Now, Mr. Mayfield, who all was up in your home by that
15 time? Who all was there?

16 A Well, wasn't no one there but me and Jet and my
17 grandkids when I woke up, wasn't no one else there.

18 Q Now, had Jermaine ever been living with y'all like
19 full-time?

20 A Yes.

21 Q And that's the defendant, Jermaine Bell?

22 A Yes.

23 Q About how long did he actually live there?

24 A Well, it was just -- when he got there they got drunk
25 and he couldn't go home and he stayed, my son would let

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1 him stay with him some nights when he couldn't go home.

2 Q And did he have clothes and other items that he owned
3 at your home?

4 A No.

5 Q So sometimes he would just stay over.

6 A Yeah.

7 Q So did he actually live --

8 A No.

9 Q So he never actually lived in your home.

10 A No.

11 MS. LIVELY: Your Honor, this is State's Number 94,
12 it's my understanding it's going to be entered into
13 evidence without objection from the defense.

14 MR. FRICK: That's correct, Your Honor.

15 THE COURT: In without objection.

16 (The disc was received as State's 94.)

17 MS. LIVELY: At this time, Your Honor, the State would
18 publish the 911 call made by Mr. Mayfield.

19 (The 911 call was played.)

20 Q That was you, Mr. Mayfield, on that morning? And you
21 call back. Mr. Mayfield, how many times did you call 911
22 that morning?

23 A Once that I thought. I don't think -- I don't know.

24 (The disc was played.)

25 Q So Mr. Mayfield, whenever the police got there, did

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1 you cooperate with them?

2 A Yes, ma'am.

3 Q And did you actually provide a statement to them as to
4 what you recall from that whole weekend up until the time
5 you called the police?

6 A Yes, ma'am.

7 Q Mr. Mayfield, I'll back you up a little bit. Was your
8 wife, Judy, having any type of a relationship, romantic
9 relationship with that defendant?

10 A Not to my knowledge.

11 Q If you thought that they had a relationship, what
12 would you have done?

13 A I probably wouldn't have did nothing to him, I'm not
14 a violent person. But at the time that went on I might
15 have probably broke his leg or something if I would have
16 seen him.

17 Q I'm sorry. You would have broke the defendant's leg?

18 A Yeah.

19 Q Okay. Would you have hurt your wife?

20 A No.

21 Q Have you ever physically harmed your wife?

22 A No.

23 Q Did y'all argue?

24 A Yeah, that was an everyday thing.

25 Q And y'all have been together for 35 years.

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1 A Yeah, that was an everyday thing.

2 Q Now, on the day that she went missing and you talked
3 to the police, what did you end up doing that entire day?
4 Were you just waiting around and --

5 A Yeah.

6 Q When did you learn that they had found Judy?

7 A I can't remember, it was some time that evening after
8 the dogs came.

9 Q So dogs came and then they located her. Did you know
10 where they located her?

11 A Yes.

12 Q How close is it to your actual home?

13 A It wasn't far.

14 Q The place where they found her, did someone live in
15 that residence?

16 A No.

17 Q Was it common knowledge to you and to your family
18 members that no one was living there?

19 A Yeah. We all knew that no one lived in the first
20 house, someone stayed in the second house.

21 Q And who is that that stays in that second house that
22 you're talking about?

23 A I don't know her last name, I think her first name a
24 Vicki.

25 Q So you're [REDACTED] Fifth Street, and then Vicki --

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1 A Yeah.

2 Q -- and the next house is what?

3 A Abandoned house.

4 Q The abandoned house. Is that where Ms. Judy was
5 found?

6 A Yeah, back behind -- they had a tin shed in their
7 yard.

8 Q And that's where she was found?

9 A Yes.

10 Q After they found her and the crime scene people left,
11 what did you do?

12 A After they left I asked my sister, she used to work
13 for the police department, I asked her can I go over there
14 and look and she said, "I imagine you can, come on, I will
15 go with you." So me and her went and looked to see if we
16 could see where she was laying out, and before we could
17 get there we found some more of her stuff laying there.

18 Q All right. Was there crime scene tape still up?

19 A No.

20 Q So whenever you walked over there and you said you
21 found some more of her stuff, whose stuff?

22 A Judy's.

23 Q What did you find?

24 A It was a bag of her underclothes and an ashtray we
25 had been looking for.

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1 Q And when you say underclothes, specifically what are
2 you talking about?

3 A Her panties.

4 Q So you found her panties and an ashtray that had been
5 missing.

6 A Yes.

7 Q So what did you do when you found those items?

8 A I called the police back.

9 Q And did they come back?

10 A Yes.

11 Q Were you there when those items were seen by the
12 police?

13 A Yes.

14 Q Do you know whether or not they took those items?

15 A Yes.

16 Q Now, Mr. Mayfield, at the time whenever all of this
17 was taking place, was it pretty crazy around your house and
18 in the streets around your house?

19 A There was a bunch of folks there.

20 Q A bunch of folks there. All right. Whenever you
21 actually got the opportunity to talk to the police, do you
22 remember who at the police department you spoke with?

23 A Well, the first police got there, I don't remember
24 his name but I know him when I see him, but I also talked
25 to Burley McDaniel, Wade and Sheriff Underwood.

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1 Q And whenever you talked to them, did you agree to --
2 you had already said you agreed to cooperate with them.

3 A Yes.

4 Q And you provided a statement, correct?

5 A Yes.

6 Q What else did they do to you in order to get you to
7 cooperate, do you remember?

8 A No.

9 Q Do you know whether or not they were going to try and
10 test to see if your DNA was anywhere on Ms. Judy?

11 A No.

12 Q Do you know whether or not they stuck a Q-tip in your
13 mouth?

14 A No.

15 Q You don't remember that?

16 A No.

17 Q If they asked you to would you have done so?

18 A Yes.

19 Q Now, Mr. Mayfield, do you drink alcohol?

20 A No, ma'am.

21 Q So that night whenever you went to bed before Ms. Judy
22 went missing you would have been sober but just sleeping?

23 A Yes, ma'am.

24 Q Did you ever see the defendant, Jermaine Bell, on the
25 night before your wife went missing?

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1 A No.

2 Q You mentioned that your grandson was sleeping in the
3 bed with you, that is Teonia Evette's son, right?

4 A Yes.

5 Q Where was she that weekend?

6 A I don't know where they went, they travel so much I
7 don't know where they went.

8 Q But she wasn't in town.

9 A Yeah.

10 Q Mr. Mayfield, did you have a reason to hurt Judy?

11 A No.

12 Q Did you hurt her that night?

13 A No, ma'am.

14 Q Have you ever put your hands around her neck to
15 strangle her?

16 A No, ma'am.

17 Q Even for rough sex?

18 A No, ma'am.

19 Q Has anyone ever threatened her in any way that you're
20 aware of?

21 A Not that I know of.

22 Q And you said she had a church event to go to on
23 that -- well, she went to one on Saturday and she had
24 something to go to on that Sunday. Do you have any --

25 well, I'm going to show you what's been marked as State's

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1 92 and 93 and ask if you recognize these?

2 MR. FRICK: Your Honor, defense objects to those two
3 pictures.

4 MS. LIVELY: I'm going to pass them up, Your Honor.
5 Your Honor, 92 --

6 MR. FRICK: I think it would be better taken up
7 outside the presence of the jury quite frankly.

8 THE COURT: Ladies and gentlemen of the jury, if you
9 would step back to your room, please.

10 (The jury left the courtroom.)

11 MS. LIVELY: Yes, Your Honor. What the State is
12 wanting to introduce in 92 is a recent picture of the
13 victim before she found dead, I think it's very important
14 for the jury to actually see what the victim looked like.
15 Part of what we're showing is that after she was actually
16 found, the difference in -- from her being strangled and
17 the level of brutality that had to have been used, I don't
18 want them to have only seen the victim in that state. So
19 we want to show that to the jury as well as to identify who
20 she is, that is the only thing that we have. I don't see
21 how it's prejudicial. It's not her standing in front of
22 her church, it's just a picture of the victim dressed to go
23 to church. And then the second photo is a photo of the
24 victim that is actually wearing the orange shirt that was
25 located at the corner of the house that Mr. Mayfield

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1 actually recognized as being her shirt, so that's the
2 reason why we wanted to show those two photos to the jury.

3 THE COURT: Anything for the record?

4 MR. FRICK: Your Honor, I think they are irrelevant
5 under 401, and then, of course, under 403, I think they're
6 unfairly prejudicial. Judge, I mean, a picture of the
7 victim -- we don't really know the date and time of it. I
8 understand they were fairly recent, but this is not that
9 day, this is not that evening, this is just simply a
10 picture of the victim before she was deceased that the
11 State seeks to introduce and I don't see what the relevance
12 of them are in this particular situation and I think that
13 they should be excluded.

14 THE COURT: Sustain the objection on 92. I will allow
15 93 in because it also -- it would cover both aspects of
16 what you mentioned to the Court about the orange blouse and
17 also her basic features and size. Okay. The jury will
18 probably be in the restroom so we just as well take maybe
19 10 minutes.

20 MR. NEWMAN: Okay. Your Honor, I hate to even mention
21 anything about the jury after what we've been through, but
22 if you could just remind them, we've had one that's been
23 sleeping about half the time, the juror with the bun.

24 MS. LIVELY: The man bun.

25 THE COURT: I've been trying to glance at him every

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1 once in a while.

2 MR. FRICK: And Your Honor, he was sleeping yesterday
3 during the initial instruction as well. I think if I
4 recall he works at Ross, I don't know what shift he works
5 but --

6 MS. LIVELY: They don't stay open that late.

7 MR. NEWMAN: It's a warehouse.

8 MS. LIVELY: Oh, the warehouse? Okay.

9 THE COURT: Well, I will inquire -- at the appropriate
10 time I'll inquire. Sometimes jurors will sit there with
11 their eyes closed and are listening but sometimes they're
12 asleep, we'll try to sort it out...

13 (A recess was taken.)

14 (The jury returned to the courtroom.)

15 THE COURT: All right, back in session.

16 BY MS. LIVELY:

17 Q Mr. Mayfield, we've been talking about Fifth Street in
18 Chester County since you've been on the stand. If you
19 wouldn't mind, I'm going to ask you to step off the witness
20 stand at this point, we want to -- allow you to show the
21 jury what we're talking about, okay? Now, if you would
22 just look at this, I know you haven't had a chance to
23 really see it, and show the jury which one of these homes
24 was the home [REDACTED] Fifth Street. I know it's kind of hard to
25 tell, but this is --

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1 A This is it.

2 Q Right here? The one with the red roof is the one --

3 A Yeah.

4 MS. LIVELY: Let the record reflect it's the red roof
5 third down Fifth Street.

6 Q Is that right, the third one?

7 A Third one.

8 Q Okay. And you'll just need to speak up so the court
9 reporter can hear you. Now, the house that is right
10 between this red house and the one that's outlined in blue,
11 who lived there?

12 A That is the lady Vicki lived there.

13 Q The lady Vicki that you were talking about.

14 A Yes, ma'am.

15 Q All right. Now, when you look at the one that's
16 outlined in blue here, who was living there?

17 A No one.

18 Q Where was it that your wife was found?

19 A She was found behind that shed on that side of the
20 house.

21 Q And where approximately -- well, let me ask you this,
22 when you left your house -- and I am just going to put a
23 sticky marker on this, okay, right here. Whenever you
24 walked out that morning, on which side of the house did you
25 see her shoes, socks and scarf?

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1 A It was on the left-hand side.

2 Q Point it out.

3 A On this side over there.

4 Q So you walk out and it's on this side.

5 A Yeah.

6 Q And where did you see the drag marks?

7 A I seen the drag marks between when I entered the
8 corner of this house and between the back of the house.

9 Q And at what point did you see the orange shirt
10 belonging to your wife?

11 A It was after you come on around the brown house. My
12 house come to the end of this corner of Vicki's house, it
13 was going between Vicki's house and the empty house.

14 Q All right, thank you, you can have a seat.

15 MS. LIVELY: And Your Honor, just for the record
16 State's Exhibit Number 90 actually is in evidence without
17 objection.

18 MR. FRICK: That's correct, Your Honor.

19 THE COURT: All right. In without objection.

20 (The enlarged photo was received as State's 90.)

21 Q Now, just to give a little closer-up view, Mr.
22 Mayfield, I'll show you State's 1, 2, 3, 4 and 5, okay?
23 And ask you if you can identify what's in those five
24 pictures.

25 A Yes.

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1 Q Is that a fair and accurate representation, or was
2 that the way that your home and area looked during the time
3 when y'all were living there in September of 2015?

4 A Yes.

5 MS. LIVELY: The would move to enter 1 through 5 at
6 this time, Your Honor.

7 MR. FRICK: I have reviewed those, Judge, I don't
8 believe there's any objection. No objection.

9 THE COURT: In without objection.

10 (The photographs were received as State's 1-5.)

11 Q So Mr. Mayfield, whenever you looked at State's
12 Exhibit 1 and State's Exhibit Number 2, is this the front
13 porch where your family would hang out often?

14 A Yes.

15 Q Is there a name for that particular area of town where
16 y'all lived? You know, there's some places here called
17 Roundtree then you've got other areas.

18 A It was Fifth Street.

19 Q Fifth Street, but is it called anything?

20 A No, not that I know of.

21 Q A certain area of town.

22 A No, not that I know of.

23 Q Not that you know of?

24 A No.

25 Q How far away is it from the courthouse? Is it pretty

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1 close?

2 A Yeah.

3 MS. LIVELY: Your Honor, that's all of the questions I
4 have for the defendant (sic), may I publish these to the
5 jury at this time?

6 THE COURT: Yeah.

7 MS. LIVELY: Answer any questions the defense has for
8 you.

9 CROSS EXAMINATION

10 BY MR. FRICK:

11 Q Mr. Mayfield, I'm not trying to embarrass you or imply
12 anything, how old are you?

13 A Fifty-two.

14 Q And you said you had been with Ms. Judy how long?

15 A About 30 or 40 years.

16 Q So y'all have been together for a good long time.

17 A Long time.

18 Q How long had y'all lived together?

19 A Well, 30 I know.

20 Q Okay. And I think you said you had been over there on
21 Fifth Street for about three years, something like that?

22 A Three or four years.

23 Q The neighbors that were beside you, had they been
24 there most of that time too, or do you know?

25 A I don't know.

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1 Q Ms. Vicki --

2 A She had been there before I got there.

3 Q Okay. All right. So Ms. Vicki was living there
4 before y'all got there?

5 A Yes.

6 Q Solicitor asked you a little bit about this, I want
7 you to kind of give me on a typical day, okay, what is your
8 daily routine?

9 A Get up in the morning, get ready for work.

10 Q Okay. I think you said you get a cup of coffee.

11 A Yes, sir.

12 Q Did you fix breakfast?

13 A I don't eat breakfast in the morning.

14 Q You said you'd clean up and go out to the burn barrel?

15 A No. I get my trash up and go out to my burn barrel.

16 Q Okay. When you said picking up the trash, where do
17 you --

18 A Well, that comes from the trash the kids done left
19 out that night and I clean up the yard before I go to
20 work.

21 Q Okay. Do you do that everyday or --

22 A Yes, sir.

23 Q And do you have one or two barrels in your backyard?

24 A I got one.

25 Q One barrel?

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- 1 A Yes, sir.
- 2 Q Okay. And that's the one you use to burn things in?
- 3 A That's what I burn things in.
- 4 Q Just daily trash.
- 5 A Daily trash.
- 6 Q Do it everyday.
- 7 A Everyday.
- 8 Q About what time would you get up everyday?
- 9 A Between 5:00 and 6:00.
- 10 Q Early, okay.
- 11 A Yes, sir.
- 12 Q And go to work all day and come back?
- 13 A Yes, sir.
- 14 Q About what time would you get home?
- 15 A I get home different time different days.
- 16 Q How about a typical Saturday?
- 17 A Same way.
- 18 Q I mean, did you work any different hours on Saturday?
- 19 A No. Sometimes I works three hours on Saturday, then
- 20 I go do something for somebody else.
- 21 Q I've got you. So it just kind of varied.
- 22 A Yes.
- 23 Q On the particular day we're talking about, September
- 24 12th, what time did you get home?
- 25 A I reckon 6:00 or 7:00 that evening.

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1 Q Okay. When you got home was anybody else home?

2 A No, sir.

3 Q Okay. So you're all by yourself, none of your kids,
4 anybody like that?

5 A It was like about 20 minutes and they'd come there,
6 the kids did.

7 Q Okay. Mr. Mayfield, I'll show you a picture and see
8 if you recognize that first.

9 A Yeah.

10 Q You recognize that?

11 A Yes.

12 Q Can you tell us what that is?

13 A It's a barrel, it was burned down, I didn't count
14 that as no barrel. I don't burn nothing, it was all
15 mashed down. I didn't count -- that's no barrel, I just
16 counted the one I was using.

17 Q But you had used it.

18 A No, it was there when I got there.

19 Q Okay. All right.

20 MR. FRICK: Your Honor, at this time I would like to
21 move this in as Defense 1.

22 MS. LIVELY: Without objection.

23 THE COURT: In without objection.

24 (The photograph was received as Defense 1.)

25 Q All right. So one you would light up, the other one

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1 just kind of sat there? I don't know, I'm asking.

2 A Say that again, sir.

3 Q The burn barrels, the one just kind of sat there and
4 one that you burned?

5 A Yeah. The one that I burned, it was already there
6 when I got there, it wasn't able to burn nothing in it.

7 Q Okay.

8 A That's why I didn't call it no barrel, I said one.

9 Q All right. Now, solicitor asked you about your wife
10 going to something on Saturday, do you have any idea what
11 that was?

12 A All I know it was a church event or something to do
13 with the church.

14 Q Some kind of choir anniversary, does that sound right?

15 A Yeah, something like that.

16 Q Over at, was it Brown Chapel?

17 A Brown Chapel.

18 Q Do you have any idea when she left to go to that?

19 A No, sir.

20 Q Any idea when she came back?

21 A No, sir.

22 Q You said you didn't see her anymore on Saturday.

23 A No, sir.

24 Q Okay. You told the solicitor you remember giving a
25 statement to law enforcement. You remember giving a

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1 statement to law enforcement, right?

2 A Yes, sir.

3 Q I'm going to show you -- I'm going to show you this,
4 see if you -- I know it's not your handwriting, but do you
5 recognize that?

6 A Yeah.

7 Q Okay. Is that your statement?

8 A Yes.

9 Q On September 14th, I believe.

10 A Yes, sir.

11 Q What did you tell law enforcement then about seeing
12 Ms. Judy on Saturday night? I'll show you the statement.

13 A That we was on the porch around 11:00 or 11:30.

14 Q Uh-huh.

15 A Me, Jessica and Judy was on the porch.

16 Q So you did see her on Saturday night.

17 A Yes, sir.

18 Q After she'd come back you were home from work, right?

19 A Yes, sir.

20 Q Okay. You got tired and went to bed at some point,
21 right?

22 A Yes, sir.

23 Q Do you remember about what time you went to bed?

24 A No, sir.

25 Q I think you told law enforcement about 11:00 or 11:30;

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1 is that correct?

2 A Yes, sir.

3 Q Is that what happened?

4 A Yes, sir.

5 Q And then was there an event on Saturday that you was
6 supposed to go to -- I mean Sunday, excuse me.

7 A I don't know whether that was Saturday or Sunday, but
8 one of them I was supposed to go to.

9 Q Was there a church thing over at the state park?

10 A I think so, I'm not for sure.

11 Q Well, take a look and see if that reminds you.

12 A Yeah.

13 Q Was there a thing you were supposed to go to Sunday
14 with your wife?

15 A Yes, sir.

16 Q She picked out some clothes for you, didn't she?

17 A Yes, sir.

18 Q Okay. Were you already asleep or did she wake you up
19 to tell you about what she'd picked out for you?

20 A I was going to sleep and she woke me up.

21 Q And she, in fact, told you "This is what you're going
22 to wear tomorrow," right?

23 A Yes, sir.

24 Q An outfit she would like to see you in.

25 A Yes, sir.

MITCHELL MAYFIELD - CROSS

- 1 Q And so you said what?
- 2 A "No, I'm not going to wear that."
- 3 Q You said that?
- 4 A You know, I don't remember what all I said to her on
- 5 that night, but yeah.
- 6 Q That's fine. But then you went back to sleep.
- 7 A Yes, sir.
- 8 Q Do you have any idea about what time that was?
- 9 A No, sir.
- 10 Q You weren't looking at the watch.
- 11 A No, sir.
- 12 Q At that point in time did you have any idea who was at
- 13 your house?
- 14 A No, sir.
- 15 Q Could you hear anybody talking from your bedroom?
- 16 A I mean, if I would have been awake I could have, but
- 17 no, sir.
- 18 Q I've got you. All right. We've showed the pictures
- 19 about the front porch, I believe, that's on obviously the
- 20 very front of your house, right?
- 21 A Yes, sir.
- 22 Q Now, we don't have it in here but I'm going to show
- 23 you what's State's Number 1. All right. This is the front
- 24 porch we're talking about, right?
- 25 A Yes.

MITCHELL MAYFIELD - CROSS

1 Q Kind of give us some idea, where is the bedroom you
2 was staying in?

3 A It's on the right, it's just before you go in the
4 porch.

5 Q Just behind the porch or --

6 A Just before you go in the porch.

7 Q Is it that room?

8 A That room right there.

9 Q Okay. So this room right here, that is your bedroom
10 over here right beside the porch.

11 A Right beside the porch.

12 Q Okay. And your testimony is that you didn't hear
13 anybody sitting on the front porch talking.

14 A No, sir.

15 Q Okay. Did you know Jermaine was at your house?

16 A No, sir.

17 Q Had no idea.

18 A No, sir.

19 Q He wasn't there when you went in.

20 A No, sir.

21 Q When Judy came in did you know anybody else was on
22 your front porch?

23 A No, sir.

24 Q Would you have been surprised if you would have found
25 out Jermaine was on your front porch?

MITCHELL MAYFIELD - CROSS

- 1 A No, sir.
- 2 Q He came over pretty regularly, didn't he?
- 3 A Yes, sir.
- 4 Q He was over there Friday night.
- 5 A Yes, sir.
- 6 Q The night before obviously.
- 7 A Yes, sir.
- 8 Q And had been there many, many nights before.
- 9 A Yes, sir.
- 10 Q In fact, he spent Friday night at your house, didn't
- 11 he?
- 12 A Now that I couldn't answer. I probably had went to
- 13 bed and he probably did, I don't know.
- 14 Q Did you like him coming over to your house?
- 15 A Not really.
- 16 Q Did you ever tell him, "Jermaine, I'm tired of seeing
- 17 you over here?"
- 18 A No, but my son had told him.
- 19 Q And occasionally Ms. Judy would tell him too, right?
- 20 A Yeah.
- 21 Q But she still let him come over.
- 22 A Yes, sir.
- 23 Q And Jet let him come over.
- 24 A Yes, sir.
- 25 Q And you didn't object to him coming over.

MITCHELL MAYFIELD - CROSS

1 A No, sir.

2 Q Other than these few things you mentioned trouble with
3 him that you told the solicitor about, was there any other
4 trouble?

5 A No, sir.

6 Q You said you were not aware of any relationship
7 between Jermaine and Ms. Lindsay, right?

8 A No, sir.

9 Q Did you ever hear any rumors about it?

10 A No, sir.

11 Q No talk on the street.

12 A No, sir.

13 Q No one ever asked you, hey --

14 A No, sir.

15 Q No?

16 A No, sir. Now, they had asked him about him and my
17 daughter, Jessica, but I didn't believe that, but not her.

18 Q The Saturday the 12th, okay, that day that you got up,
19 you're doing your routine, there was some question from the
20 solicitor about you having an argument with Judy. Did you
21 have an argument on Saturday day?

22 A Probably so. Me and Judy argued everyday just about
23 it.

24 Q Well, y'all had been together a long time.

25 A Yeah.

MITCHELL MAYFIELD - CROSS

- 1 Q But your testimony is y'all argued everyday.
- 2 A Yeah.
- 3 Q Do you recall, was there anything particular that
- 4 y'all had fussed about on this day on that Saturday?
- 5 A Probably about going to that thing.
- 6 Q You didn't want to go? You were tired.
- 7 A I just didn't like to go anywhere.
- 8 Q When you got up on the Sunday morning you start your
- 9 typical routine?
- 10 A Yes, sir.
- 11 Q You got up at 5:00?
- 12 A Yes, sir.
- 13 Q Did you look around the house?
- 14 A Yes, sir.
- 15 Q Did you see your wife?
- 16 A No, sir.
- 17 Q Was that unusual?
- 18 A Yes, sir.
- 19 Q Okay. You went outside?
- 20 A Yes, sir.
- 21 Q Did you collect up your trash?
- 22 A Yes, sir.
- 23 Q Had your cup of coffee?
- 24 A Yes, sir.
- 25 Q You saw the shoes.

MITCHELL MAYFIELD - CROSS

- 1 A And the scarf and the socks.
- 2 Q You knew they were Judy's.
- 3 A Yes, sir.
- 4 Q And that was odd?
- 5 A That was very odd.
- 6 Q Then what did you do?
- 7 A I went on and put my trash in my barrel, and then I
- 8 come back around the same way I went still trying to
- 9 figure it out.
- 10 Q Which way did you go? Let me see if I can show you
- 11 that picture.
- 12 A I went to my left.
- 13 Q Now, I'm showing you State's 1 that shows the front
- 14 porch, that's the door off the front porch, right?
- 15 A Yeah, go to your left.
- 16 Q So you would come --
- 17 A I come out the front door and go this way.
- 18 Q And then it comes around this way?
- 19 A It goes to the back.
- 20 Q And then there's the side yard. State's Number 5, is
- 21 that coming out the front door going the way you're talking
- 22 about going.
- 23 A Yeah. Coming out of the front door going to the side
- 24 I'm talking about going, then you've got to make another
- 25 turn and you go to the back to the barrels.

MITCHELL MAYFIELD - CROSS

1 Q All right. So when you did that you walked past a
2 pair of shoes, socks and scarf, right?

3 A Yes, sir.

4 Q And went onto your barrel; right?

5 A Yes, sir.

6 Q And after you light up the barrel and you see drag
7 marks?

8 A Yes, sir.

9 Q Okay. Did you follow the drag marks?

10 A Tried to.

11 Q Okay. How far did you get?

12 A Wasn't far, it was the grass.

13 Q Give me some idea. I mean, your neighbor ain't very
14 far away.

15 A About from here to that wall right there.

16 Q Okay. And when you would see that what are you doing?

17 A That's when I goes in there and wake up Jet.

18 Q Okay. Do you know what time it is right then?

19 A No, sir.

20 Q If you got up at 5:00, how long does it take you to
21 clean up and then start the burn barrel?

22 A Well, I imagine when I was outside it might have been
23 15 after 7:00 or 7:00.

24 Q Okay. All right. So then you come back in and you
25 tell Jet about the stuff you see outside?

MITCHELL MAYFIELD - CROSS

- 1 A Yeah.
- 2 Q You said she went to go call somebody?
- 3 A Who, Jet?
- 4 Q Yes. I'm sorry, yes.
- 5 A After she told me she wasn't in there with her and I
- 6 said, "Well, you need to get up and do something," and
- 7 that's what she called somebody, I don't know who she
- 8 called.
- 9 Q You don't know where she went or who she called?
- 10 A No, sir.
- 11 Q And it was unusual you said, unusual for Judy Lindsay
- 12 to leave and not tell anybody.
- 13 A Yes, sir.
- 14 Q Okay. Did you call anybody?
- 15 A No, sir.
- 16 Q Mr. Mayfield, you listened to the 911 calls here.
- 17 A Yes, sir.
- 18 Q I think one you called 911 and then they called you
- 19 back, correct?
- 20 A Yes, sir.
- 21 Q The one where they called you back, you were saying
- 22 something about, "Some of the family wanted to go in there
- 23 but I wouldn't let them go in there," do you remember that?
- 24 A Yes, sir.
- 25 Q In where?

MITCHELL MAYFIELD - CROSS

1 A In where I seen the keys laying at. Because see,
2 that's -- after we -- after I went back in there and
3 talked to Jet and she wasn't in there with Jet, after I
4 come back outside and she had called her brothers and
5 sisters and then they get there, I already had went back
6 there that's what I seen the drag marks. I didn't want
7 nobody in there for where I seen the keys at and a shirt
8 laying.

9 Q Did you go walking around any further?

10 A No, sir.

11 Q That was it.

12 A That was it.

13 Q You stoped right there.

14 A I stopped right there.

15 Q And called 911.

16 A 911.

17 Q Do you know what time you called?

18 A No, sir.

19 Q Was it about 9:30?

20 A I don't know.

21 Q If I said it was 9:30 would you say that was wrong?

22 A Yeah, because I don't know.

23 Q How long did you walk around in the yard before you
24 found the keys and the shirt?

25 A It might have been 30 minutes.

MITCHELL MAYFIELD - CROSS

1 Q Okay. So according to your math we're now at about
2 8:00?

3 A Like I said, I don't know what time it was.

4 Q I understand, you weren't keeping up with it. Okay.

5 Then obviously law enforcement shows up, they have secured
6 the scene, they're there for a long time, right?

7 A Yes, sir.

8 Q Several hours.

9 A Yes, sir.

10 Q Everything that happens there happens, they have left
11 the scene, all right?

12 A Yes, sir.

13 Q You went wondering around and found some more stuff?

14 A Yes, sir.

15 Q Where did you find it?

16 A From where she was laying.

17 Q In the bushes over there.

18 A Yes, sir.

19 Q After law enforcement clears up you go wondering over
20 there and find this stuff.

21 A Yes, sir.

22 Q And, of course, you called law enforcement right after
23 you found it.

24 A Yes, sir.

25 Q And they came back.

MITCHELL MAYFIELD - CROSS

1 A Yes, sir.

2 MR. FRICK: Beg the Court's indulgence one moment.

3 (Break in proceedings.)

4 Q Mr. Mayfield, you may remember this, you may not
5 remember this, what time would Judy typically go to bed?

6 A If no one was there? Well, we had different times,
7 but now usually me, I'm always in the bed before 11:30.

8 Q But she didn't go to bed necessarily then?

9 A No. She probably come sometime 30 minutes to an hour
10 later depending on who they were.

11 Q If people are hanging out, not unusual for her to be
12 out on the porch until 1:00 or so?

13 A Well, someone else with her.

14 Q I mean midnight, 1:00, something like that if people
15 are there.

16 A Yes.

17 Q Okay. Do you remember on this particular night, was
18 it warm? It's the middle of September, sometimes it's warm
19 and sometimes it's not.

20 A It wasn't cold.

21 Q Did you cut the air conditioner on?

22 A Me?

23 Q Yes, sir.

24 A I never get up after I got back in the bed.

25 Q So you got in the bed and didn't get back up.

MITCHELL MAYFIELD - CROSS

1 A That's it.

2 Q Ms. Judy didn't come ask you to cut the air

3 conditioner on.

4 A No.

5 Q On your porch -- I know we can't see it here. All

6 right. Looking at State's Number 2, and obviously this is

7 a porch that's attached to your house.

8 A Yeah.

9 Q Is there a window that comes out of the house onto the

10 porch?

11 A Yes, sir.

12 Q Okay. All right. And you didn't get up and open that

13 window at any point during the night of the 12th?

14 A No, sir. I never get back out once I go to bed.

15 Q All right. So you cleared out, went to bed, that was

16 it.

17 A That was it.

18 Q The next thing you wake up on the 13th and go through

19 your routine.

20 A Go through my routine.

21 Q Okay. Give me one more second, that may be it, Mr.

22 Mayfield.

23 (Break in proceedings.)

24 MR. FRICK: Thank you, Mr. Mayfield, that's all of the

25 questions I have.

MITCHELL MAYFIELD - REDIRECT

1 REDIRECT EXAMINATION

2 BY MS. LIVELY:

3 Q Mr. Mayfield, looking at the statement that I've shown
4 you which you gave to SLED, as well as the one that -- it's
5 the same one that Mr. Frick has been showing you, right?

6 A Yes, ma'am.

7 Q It's to refresh your memory?

8 A Yes, ma'am.

9 Q All right. The statement that you gave to them at
10 that time, it appears from looking at this was September
11 14th, 2015. I'm going to show this to you and if you'll
12 look at date and time of interview. What was the date and
13 time of the interview that you gave where you gave the
14 statement? The date that you were actually interviewed by
15 law enforcement is actually on this statement, isn't it?

16 A Yes.

17 Q All I'm asking you is what was the date that you
18 actually -- that is listed as the date and time of the
19 interview?

20 A Twelve.

21 Q 12:00, but what is the date?

22 A Oh, the date?

23 Q Yes.

24 A Oh, the date was 9/14.

25 Q 9/14?

MITCHELL MAYFIELD - REDIRECT

1 A '15.

2 Q Of 2015.

3 A Yes.

4 Q So that would have been 24 hours or maybe a little bit
5 more, maybe 36, I'm trying to think, since the time that
6 Judy went missing, right?

7 A Yes, ma'am.

8 Q So would your memory have been better at this time
9 than it is now today?

10 A Yes.

11 Q It's been over a year and a half, right?

12 A Yes.

13 MS. LIVELY: Thank you.

14 MR. FRICK: Nothing further.

15 THE COURT: You may step down, thank you, sir.

16 MS. LIVELY: State calls Jessica "Jet" Lindsay.

17 The witness, JESSICA LINDSAY, was first duly sworn and
18 testified as follows:

19 DIRECT EXAMINATION

20 BY MS. LIVELY:

21 Q Jessica, please state your full name for the record
22 and any nicknames that you go by.

23 A Jessica Lindsay, and my nickname is Jet.

24 Q Jet, like an airplane jet?

25 A Yes.

JESSICA LINDSAY - DIRECT

- 1 Q And what is your relationship to Mr. Mayfield?
- 2 A My dad.
- 3 Q And what is your relationship to Judy Lindsay?
- 4 A My mother.
- 5 Q Do you have any children?
- 6 A Yes.
- 7 Q How many children do you have?
- 8 A Three.
- 9 Q And what are their ages?
- 10 A Seven, eight and two.
- 11 Q In September of 2015 where were you living?
- 12 A With my mom and dad.
- 13 Q And what was the address?
- 14 A [REDACTED].
- 15 Q Do you live there anymore?
- 16 A No.
- 17 Q When you were living at [REDACTED], who all was
- 18 living there with the family?
- 19 A Me, my dad and my kids.
- 20 Q And your mom?
- 21 A And my mama.
- 22 Q And how long had y'all lived there?
- 23 A Roughly two, three, maybe four years, I'm not sure.
- 24 Q Two, three, or four years. Okay. How long have you
- 25 known the defendant, Jermaine Bell?

JESSICA LINDSAY - DIRECT

- 1 A For quite awhile.
- 2 Q Quite awhile? Do you see him sitting here in the
- 3 courtroom today?
- 4 A Yes.
- 5 Q Would you please point him out to the jury?
- 6 A Over there.
- 7 MS. LIVELY: Let the record reflect that she has
- 8 actually pointed to the defendant, Jermaine Bell.
- 9 Q Now, you said you had known him for quite some time?
- 10 A Yes, ma'am.
- 11 Q What kind of relationship did you have with Mr. Bell?
- 12 A We were friends.
- 13 Q Have you ever been romantic with the defendant?
- 14 A No.
- 15 Q Was anyone in your family romantic with the defendant?
- 16 A No.
- 17 Q Jessica, were there any problems between you and the
- 18 defendant or your family and the defendant?
- 19 A Yes.
- 20 Q Well tell the jury about that.
- 21 A My mom didn't want him around.
- 22 Q So what would happen whenever he came around?
- 23 A He'll come around, and if he'd been at work he will
- 24 come and bring like soda or something to try to win my
- 25 mama over to let him sit over and drank and stuff.

JESSICA LINDSAY - DIRECT

1 Q Was there ever a time whenever your mom would let him
2 come over?

3 A Sometimes.

4 Q Well, have you ever personally observed her asking him
5 to leave?

6 A Yes.

7 Q Was that one time or more than one?

8 A Several times.

9 Q Well Jessica, why would you invite -- well, have you
10 invited the defendant over yourself?

11 A A few times.

12 Q Why would you invite him over if you knew your mama
13 didn't want him there?

14 A Because the majority of the time when she say he
15 couldn't come he would eventually be back the next day.

16 Q Would he just show up uninvited?

17 A Yes.

18 Q Were there any other problems with him coming around
19 other than just showing up unannounced or uninvited?

20 A No.

21 Q Jessica, whenever the weekend of September 11th, 12th
22 and 13th came around, did y'all have any additional guests
23 at your home at that time?

24 A Yes.

25 Q Who was staying there?

JESSICA LINDSAY - DIRECT

- 1 A Jermaine.
- 2 Q And did you have any -- was your nephew staying there
- 3 that weekend as well?
- 4 A Yes, ma'am.
- 5 Q Where was your sister, Teonia Evette?
- 6 A At the beach.
- 7 Q So how many kids were in the home then?
- 8 A Three.
- 9 Q How many kids do you have?
- 10 A Three.
- 11 Q Well, what about your nephew?
- 12 A He was there.
- 13 Q Okay. So a total of four kids?
- 14 A No, three.
- 15 Q So where was the nephew?
- 16 A My baby was gone.
- 17 Q Oh, I'm sorry. And how old is your baby, the
- 18 smallest?
- 19 A Two.
- 20 Q All right. So there were three kids there and one of
- 21 them was your nephew.
- 22 A Yes.
- 23 Q So where did your nephew sleep that weekend?
- 24 A In the room with my mama and daddy.
- 25 Q And where did Jermaine sleep -- well, what night did

JESSICA LINDSAY - DIRECT

1 he actually sleep over?

2 A I want to say Friday night.

3 Q So that Friday night he actually slept over at your
4 house?

5 A Yes.

6 Q And where was your brother?

7 A My brother was in jail.

8 Q He was in jail? Okay. And was it a family court
9 matter?

10 A Yes, ma'am.

11 Q So your brother wasn't there, your sister, Teonia
12 Evette, was out of town, and it was you, your mom, your dad
13 and three kids, correct?

14 A Yes, ma'am.

15 Q Then Jermaine slept over on Friday night. Where did
16 he sleep when he slept over?

17 A In the living room.

18 Q So that next day on, that Saturday, what was the plan
19 for that day?

20 A Me and my mom got up and we went to a funeral with my
21 aunt, and then my mama had to go to the singing at the
22 church with the choir.

23 Q So she went to a singing at the church with the choir
24 later on that day. Did you see Jermaine that morning when
25 you got up that Saturday morning, do you remember?

JESSICA LINDSAY - DIRECT

- 1 A I don't, I can't remember.
- 2 Q Whenever your mom got back that night, do you recall
- 3 about what time it was whenever she got home?
- 4 A From choir rehearsal?
- 5 Q Yes.
- 6 A I don't.
- 7 Q You don't remember? What did she do whenever she got
- 8 home?
- 9 A She came home, she fussed at me about small stuff and
- 10 she went in the house and she changed clothes.
- 11 Q And she went in the house and changed clothes. Do you
- 12 remember what she put on?
- 13 A Yes.
- 14 Q What did she put on?
- 15 A A pair of pants and a T-shirt.
- 16 Q All right. And what did she do after she changed
- 17 clothes?
- 18 A Came and sat on the porch where I was and smoked a
- 19 cigarette.
- 20 Q Do you remember about what time that was? Was it any
- 21 point that night, that Saturday night, whenever your dad
- 22 was out there with y'all, do you remember?
- 23 A I don't remember.
- 24 Q Had you been drinking at that point?
- 25 A Yes.

JESSICA LINDSAY - DIRECT

1 Q And what had you been drinking?

2 A Liquor and beer.

3 Q Whenever -- how long were you and your mom out there
4 before the defendant showed up?

5 A For awhile.

6 Q Okay. Do you remember about what time it was when he
7 got there?

8 A No, ma'am.

9 Q So what -- do you know why he came? Had you invited
10 him?

11 A Yes.

12 Q Tell the jury about that.

13 A I had called him over, because usually on the weekend
14 we all sit out on my mama's porch and we drink, have fun,
15 laugh, talking stuff like, it was just something usually
16 that we would do on the weekend.

17 Q And so this was not something unusual that you would
18 be out there for the weekend.

19 A No.

20 Q And was your mom drinking any alcohol?

21 A No.

22 Q Why is that?

23 A Because she didn't drink, she didn't even like for me
24 to drink.

25 Q You don't remember whether your dad was out there, is

JESSICA LINDSAY - DIRECT

1 that what you're saying?

2 A I don't remember.

3 Q Whenever you were drinking and hanging out with your
4 mom, at some point did the defendant show up?

5 A Yes.

6 Q And whenever he showed up was he alone?

7 A Yes.

8 Q And what did he do whenever he got there?

9 A He came. Every time he would walk up, he would say,
10 "Hey baby, what's up baby," or something like he does, and
11 when he came on the porch I give him a shot of liquor.

12 Q And when he came onto the porch, you know, how long
13 were y'all out there, do you remember?

14 A For awhile until I left.

15 Q Now, while you're out on the porch with the defendant
16 and your mom, was there ever a point in time whenever you
17 left?

18 A Yes.

19 Q Okay. Tell the jury about that.

20 A I actually left to go get me something to eat.

21 Q And did you drive yourself or not?

22 A No, ma'am, I didn't have a car at the time.

23 Q So who drove you?

24 A My cousin, Cooter.

25 Q Your cousin, Cooter. Okay. So Cooter comes over.

JESSICA LINDSAY - DIRECT

1 Did you call Cooter or text --

2 A Yes. I called him and asked him could come give me a
3 ride to get something to eat.

4 Q And where did y'all go?

5 A I want to say Wendy's.

6 Q And whenever you went to Wendy's, did the defendant go
7 with you?

8 A No, ma'am.

9 Q Where did he stay?

10 A On the porch with my mom.

11 Q And while -- how long were you gone probably?

12 A Probably 15 or 20 minutes at the most.

13 Q Okay, 15 or 20 minutes. So then did you come back
14 home?

15 A I did.

16 Q Whenever you got back home, did Cooter stay there with
17 you?

18 A No, ma'am.

19 Q So when you got there then who's back on the porch
20 together?

21 A My mom and Jermaine was still sitting on the porch
22 together.

23 Q And was Jermaine still drinking at that time?

24 A Yes.

25 Q So when you get back on the porch, tell the jury what

JESSICA LINDSAY - DIRECT

1 happens next.

2 A When I get back on the porch my mom looked in my bag
3 and she say, "What you got in your bag?" And I told her
4 some food, and she said, "Give me some of that food, I'm
5 hungry too." So I gave her some food, and me and her had
6 a conversation, she was like, "I want you to go to church
7 in the morning," I was like, "Okay, mama, I will go." And
8 I was like "Well, after I eat this and smoke my cigarette
9 I'm going to go to bed so I can get up in the morning to
10 go to church." And she was like, "Okay. I'm not too far
11 behind, after I smoke my last cigarette I'm coming right
12 on to bed behind you."

13 Q How was Jermaine acting that night?

14 A He was acting like his normal self to me.

15 Q And once again you said he'd been drinking.

16 A Yes.

17 Q With you actually.

18 A Yes.

19 Q Do you know whether or not he'd been drinking before
20 he got to your house?

21 A I'm not for sure.

22 Q So whenever -- after you finish eating what do you do?

23 A Smoked my cigarette and tell my mama I was going to
24 go to bed so I can get up in the morning and go to the
25 event we was having at church.

JESSICA LINDSAY - DIRECT

1 Q What time was it that you went to bed?

2 A I couldn't tell you.

3 Q I'm going to show you part of a statement that you
4 gave to South Carolina Law Enforcement Division, and ask
5 you whether or not this refreshes your recollection as to
6 what time you said back then as to when you went to bed.
7 That refreshes your recollection?

8 A Yes, ma'am.

9 Q Please tell the jury about what time it was that you
10 actually went to bed that Saturday night into Sunday
11 morning.

12 A Around 12:30 or 12:45.

13 Q So when you went to bed around 12:30 or 12:45, who was
14 still on the porch with your mother?

15 A Jermaine.

16 Q Jermaine Bell?

17 A Yes, ma'am.

18 Q The defendant?

19 A Yes, ma'am.

20 Q Did anyone else come onto that porch with you and your
21 mom that night while you were out there?

22 A No, ma'am.

23 Q Did Jermaine ever leave the porch and then come back
24 that you're aware of?

25 A Well, he left out of the porch to go get a beer from

JESSICA LINDSAY - DIRECT

1 the guy across the street.

2 Q And what's the guy across the streets name?

3 A Jimmy.

4 Q Did Jimmy ever come onto your porch?

5 A No, ma'am.

6 Q So then Jermaine, the defendant, comes back and gets
7 on the porch, right?

8 A Yes, ma'am.

9 Q So he's back on the porch and you decide to go to bed,
10 it's about 12:30 or 12:45. How long does your mom say
11 she's going to stay out there?

--- 12 A Until she finished smoking her cigarette.

13 Q And does she smoke in the house?

14 A No. We wasn't allowed to smoke in the house because
15 I had a little baby.

16 Q So when she was smoking -- was she smoking a cigarette
17 then whenever you went to bed or was she getting ready to?

18 A She was getting ready to.

19 Q And the defendant was still there with her.

20 A Yes, ma'am.

21 Q Now Jessica, after you went to bed that night at any
22 point in time did you ever get back up and talk to the
23 defendant or talk to your mom before that next morning?

24 A No, ma'am.

25 Q When the next morning came tell the jury what

JESSICA LINDSAY - DIRECT

1 happened.

2 A I woke up and I was looking for my mama but she
3 wasn't there.

4 Q Who woke you up?

5 A My dad.

6 Q And when he woke you up what did he tell you?

7 A That when you get up you need to whip them kids' butt
8 because they've got Judy's shoes, scarf and clothes out
9 there in the mud.

10 Q Did you know what he was talking about?

11 A No.

12 Q Did you get up?

13 A Yes.

14 Q Tell the jury what you did next.

15 A I got up and went out there where he was and I just
16 started freaking out because my mama was nowhere in the
17 house, and I started making phone calls around to my
18 family members to ask if anybody had seen my mama or heard
19 from her.

20 Q And whenever you did that what kind of -- what were
21 you finding out, if anything? Had anybody seen her?

22 A No, ma'am.

23 Q At any point in time did you call the defendant?

24 A Yes, I did.

25 Q And why?

JESSICA LINDSAY - DIRECT

1 A Because he was the last person I seen with my mama
2 and I thought maybe he probably knew if she went somewhere
3 or if something had happened to her.

4 Q Jessica, does your mom ever just leave without telling
5 anyone?

6 A No, ma'am.

7 Q Has that ever happened before?

8 A No, ma'am.

9 Q So you're calling around to try to call your mom. Did
10 you actually leave the house and go look for her at some
11 point?

12 A I did.

13 Q All right. And you said you didn't have a car, so who
14 did you go with?

15 A I went with Samuel.

16 Q And who is Samuel?

17 A He was a friend of the family's.

18 Q So where did y'all go?

19 A We actually went to Bo's house where Jermaine is
20 supposed to be saying.

21 Q I'm gonna stop you there for just a minute, okay? You
22 said you went to Bo's house which is where Jermaine was
23 supposed to be staying. Do you know Bo's real name?

24 A I don't.

25 Q Do you know where that house is, what street it's on?

JESSICA LINDSAY - DIRECT

- 1 A Yes.
- 2 Q What street?
- 3 A On Saluda Street.
- 4 Q And what type of a house is it?
- 5 A It's an apartment.
- 6 Q So you went by there. Was anybody there?
- 7 A Didn't no one come to the door.
- 8 Q No one came to the door. Do you know about what time
- 9 that was?
- 10 A I don't.
- 11 Q So you went by Bo's house on Saluda Street. What did
- 12 you see?
- 13 A The shoes that Jermaine had on the night before.
- 14 Q Why did you notice those shoes?
- 15 A Because I seen him with them on that night.
- 16 Q What else did you notice about those shoes when you
- 17 saw them that morning?
- 18 A They were dirty, like mud on them.
- 19 Q And you told that to the police, didn't you?
- 20 A I did.
- 21 Q Did Jermaine ever respond to your phone calls?
- 22 A No. He responded to one and he was just saying, "Ask
- 23 Mango, ask Mango."
- 24 Q Mango, tell the jury --
- 25 A That's actually my dad.

JESSICA LINDSAY - DIRECT

1 Q That's your dad's nickname?

2 A Yes.

3 Q Mango?

4 A Mango.

5 Q Okay. So you get back home. And when was the next

6 time that you actually saw the defendant?

7 A Once the police and stuff got there.

8 Q Were you there whenever your dad called 911?

9 A Yes.

10 Q Were you there when your dad walked to the back of the

11 house and found your mom's shirt and keys?

12 A Yes.

13 Q Do you know who else may have walked back there other

14 than your dad?

15 A No.

16 Q Did you walk with him when he found those items?

17 A I don't remember.

18 Q Did you see anybody touch or move anything?

19 A No.

20 Q Whenever you saw the defendant that day, which is that

21 Sunday when your mom had been missing, when did he come

22 over there, or did he come over there to where your house

23 is?

24 A He never came like to my house that day, he just came

25 on the road like walking up while the police and stuff was

JESSICA LINDSAY - DIRECT

1 out there.

2 Q Did you ever talk to him that day?

3 A No.

4 Q Have you talked to him since then?

5 A No.

6 Q Now Jessica, did your mom have a problem -- you've
7 mentioned -- I asked about him coming over to the house,
8 did she have a problem with him just in general?

9 A I don't know.

10 Q Had she ever explained to you about anything that he
11 had done?

12 A Yeah, stealing stuff from her.

13 MR. FRICK: Objection, Your Honor, same as before,
14 403.

15 MS. LIVELY: Goes to the state of mind, Your Honor.

16 THE COURT: Overruled.

17 Q What kind of items had she said -- and I understand --
18 did she ever call the police on him for stealing stuff in
19 her house?

20 A No, ma'am.

21 Q But she -- did she tell you that he'd taken stuff or
22 she believed him to have?

23 A Yes, ma'am.

24 Q What were those items, do you remember?

25 A Her glasses, underclothes, by underclothes I mean

JESSICA LINDSAY - DIRECT

1 underwear.

2 Q All right. Did you ever confront him about that?

3 A No, ma'am.

4 Q Do you know if your mom had?

5 A I'm not for sure.

6 Q Jessica, do you know anyone who would want to hurt
7 your mom?

8 A No.

9 Q I'm going to show you what's in as State's Exhibit
10 Number 93. I'm going to show you this and ask you, do you
11 recognize that photo?

12 A Yes.

13 Q And please tell the jury who the woman is wearing the
14 orange shirt.

15 A My mama.

16 Q Now, do you recognize that orange shirt that she has
17 on?

18 A Yes.

19 Q Tell the jury what shirt that is.

20 A That's the shirt --

21 Q Take a deep breath.

22 MR. FRICK: Your Honor, defense renews its objection
23 on Number 93 on the grounds previously stated.

24 THE COURT: So noted.

25 (The shirt was received as State's 93.)

JESSICA LINDSAY - DIRECT

1 MS. LIVELY: But it was -- okay, I understand.

2 Q Do you need some water?

3 A I'm fine. It actually is the shirt that my mama was
4 wearing when she came home from church to change clothes.

5 Q Do you know what happened to this shirt?

6 A No, ma'am.

7 Q Is that your mom wearing an orange shirt?

8 A Yes, ma'am.

9 Q Jessica, was there ever a time whenever your mom
10 actually slept in the bed with you at night?

11 A No.

12 Q Has she ever stayed in your room with you whenever the
13 grandkids were there?

14 A No, ma'am.

15 Q And whenever y'all had maybe a house full of people
16 and she wasn't necessarily sleeping in the bed with Mr.
17 Mayfield, where would she sleep?

18 A In the living room.

19 Q In the living room? All right. Now, you mentioned
20 Samuel took you over there to Bo Weldon's house that
21 morning. Where is Samuel?

22 A He's deceased.

23 Q He's deceased? Okay. And you said you have known the
24 defendant for quite a few years; is that right?

25 A Yes, ma'am.

JESSICA LINDSAY - DIRECT

1 Q And you have been -- have you been around him whenever
2 he's been drinking as well as whenever he's sober?

3 A Yes, ma'am.

4 Q Is he any different other than just drinking --

5 MR. FRICK: Your Honor, objection to this line of
6 questioning. I think this is going to get into 404B and if
7 we're going to go further I think we need to proffer
8 testimony.

9 THE COURT: Sustained.

10 Q Now Jessica, that night you said that you had been
11 drinking as well.

12 A Yes, ma'am.

13 Q How much had you had to drink?

14 A I couldn't even tell you.

15 Q Are you sure -- do you know how much the defendant had
16 to drink?

17 A I don't.

18 Q Do you know what type of alcohol he would drink?

19 A What I gave him, I gave him some brown liquor.

20 Q You mentioned earlier that he got a beer from Jimmy.

21 A Yes, ma'am.

22 Q Did he drink any beer while he was on your porch as
23 well?

24 A Nothing but the beer that Jimmy had gave him.

25 MS. LIVELY: Answer questions that the defense may have

JESSICA LINDSAY - CROSS

1 for you, okay?

2 CROSS EXAMINATION

3 BY MR. FRICK:

4 Q Ms. Lindsay, did you go to the -- you said you went to
5 the funeral with your mom?

6 A Yes.

7 Q And then did you go to the church choir --

8 A I didn't.

9 Q So you were back home?

10 A Yes.

11 Q And you said Jermaine came over some time later in the
12 evening.

13 A Yes, sir.

14 Q Any idea -- I know you weren't looking at your watch,
15 but how late are we talking about?

16 A I couldn't recall.

17 Q That's fine. When you're first out there is your dad
18 on the front porch with y'all?

19 A I don't remember.

20 Q When Jermaine comes over there, is your dad on the
21 front porch?

22 A No.

23 Q So everybody on the front porch at first is just you,
24 your mom and Jermaine.

25 A Yes, sir.

JESSICA LINDSAY - CROSS

1 Q And y'all sit out there for -- have you got any idea
2 how long y'all were sitting there?

3 A It was for awhile.

4 Q Just hanging out, right?

5 A Yes, sir.

6 Q I mean, just having a good time, hanging out, little
7 bit of drinking but, I mean, nobody is getting drunk, were
8 they?

9 A I was.

10 Q Okay. So about 12:30 you decided to go to bed?

11 A Yes, sir.

12 Q Were you getting up to go to the thing at the park?

13 A I was.

14 Q Do you recall your mom getting up at any point and
15 going inside the house that particular night while y'all
16 were sitting there, did at some point your mom get up --
17 before you went to bed did she go inside the house?

18 A Not that I can recall.

19 Q Okay. Do you remember -- middle of September, was it
20 hot, cold, any idea, normal, do you have any idea?

21 A I was a little warm, not cold.

22 Q Did anybody cut the air conditioner on?

23 A Not that I can recall.

24 Q And y'all have got a central unit.

25 A Yes, sir.

JESSICA LINDSAY - CROSS

1 Q Not a window unit, y'all have got a house unit, right?

2 A Yes, sir.

3 Q When you went in the house to lay down you went into
4 your typical bedroom, right?

5 A Yes, sir.

6 Q Your children were in there?

7 A Yes.

8 Q Were there sheets on the bed?

9 A No, because my daughter had peed in my bed the night
10 before so I had to wash my sheets.

11 Q Okay. And they were still in the dryer when you were
12 ready to go to bed, right?

13 A Yes.

14 Q Did you go get them out of the dryer?

15 A No, sir.

16 Q When you woke up the next morning, did you have a
17 sheet on you?

18 A I did.

19 Q Do you have any idea how that sheet got there?

20 A No, sir.

21 Q Did anybody wake you up at any point during the night?

22 A No, sir.

23 Q Once you laid your head down about 12:30 you didn't
24 wake up until the next morning.

25 A Yes, sir.

JESSICA LINDSAY - CROSS

1 Q Do you have any idea what time you woke up?

2 A I don't.

3 Q And you testified to the solicitor that your dad woke
4 you up.

5 A Yeah.

6 Q That's what you're saying?

7 A Yeah. He came in my room and told me about the stuff
8 that was outside that he thought the kids had left out
9 there.

10 Q Okay. I'm going to show you part of the same
11 statement I believe the solicitor has already shown to you.
12 I'm looking at point number 42. Do you recall talking to
13 law enforcement about what they got on point number 42
14 there?

15 A Yes.

16 Q Okay. Now, is it fair to say that in that statement
17 that you said that you woke up at 7:00 by yourself?

18 A Uh-huh.

19 Q Your dad didn't wake you up according to this
20 statement?

21 A Right.

22 Q And I believe you gave the statement on September 21st
23 of 2015, does that appear to be correct? Is that your
24 signature?

25 A Yes.

JESSICA LINDSAY - CROSS

1 Q With that date?

2 A Yes.

3 Q Okay. So which would be a better recollection, what
4 you told law enforcement in September almost two years ago
5 or what you've testified to today?

6 A I guess what I told law enforcement.

7 Q Okay. In fact, according to that statement it says
8 you went and woke up your dad, does it not? You don't have
9 to read it out loud, just read through it.

10 A (Witness complies.)

11 Q So what you told law enforcement September two years
12 ago when this is fresher in your mind says you wake up at
13 7:00 and wake up your dad whose under the covers according
14 to this statement; is that right?

15 A Uh-huh.

16 Q Now, when you wake up did you go outside?

17 A No.

18 Q Okay. When you find out that the shoes that are
19 outside were your mom's, did that seem strange?

20 A Yes.

21 Q Very strange?

22 A Yes.

23 Q She didn't step foot outside without shoes on, did
24 she?

25 A No.

JESSICA LINDSAY - CROSS

1 Q You knew in your heart at that point something was
2 wrong, didn't you?

3 A Yes.

4 Q And as a result of that what did you do?

5 A I was shook up.

6 Q And then you started calling folks, didn't you?

7 A Yes.

8 Q You called Jermaine.

9 A I did.

10 Q You called Sammy Lightener.

11 A Yes.

12 Q You called O'Brien Williams.

13 A Yes.

14 Q And you called Chrissy Caldwell.

15 A Uh-huh.

16 Q And you, in fact, got in the car with Sammy Lightener
17 and started driving around the neighborhood to try to find
18 your mom.

19 A I did.

20 Q Did you see -- I think at one point you said you did
21 kind of walk around with your dad through the yard; is that
22 correct? I don't want to put words in your mouth, but is
23 that correct?

24 A Yes.

25 Q At some point. Okay. And you did see the shoes and

JESSICA LINDSAY - CROSS

1 you did see the socks and you did see drag marks.

2 A Yes.

3 Q And you did see that orange shirt.

4 A Yes.

5 Q Y'all had some basic problems with Jermaine but in
6 general you would invite him back, right?

7 A Uh-huh.

8 Q And although your mom fussed with him she let him
9 stay, right?

10 A Yes.

11 Q In fact, he would spend the night occasionally, right?

12 A Yes.

13 Q Had even moved in with you really for awhile, right?

14 A I don't recall that, but --

15 Q Okay. But although he was a little annoying y'all
16 didn't tell him "don't ever come back" and made sure he
17 would always come back, right?

18 A We always told him not to come back, but, you know --

19 Q But he always did.

20 A Yes.

21 Q And, in fact, on this night you shared your liquor
22 with him.

23 A I did.

24 MR. FRICK: Thank you, ma'am, that's all of the
25 questions I have.

JESSICA LINDSAY - REDIRECT

1 REDIRECT EXAMINATION

2 BY MS. LIVELY:

3 Q That night, Jessica, right before your mom went
4 missing, did you tell the defendant to leave?

5 A I don't recall.

6 Q You were the one that had invited him over there,
7 right, though?

8 A Yes, ma'am.

9 Q You've already testified to that.

10 A Yes, ma'am.

11 Q Had your mom invited him over there?

12 A No.

13 Q At that point, the last time that he'd been over there
14 had your mom told him to leave?

15 A I can't remember.

16 Q You can't remember? Okay. It's been a year and a
17 half, I understand.

18 MS. LIVELY: Thank you, no further questions.

19 MR. FRICK: Nothing further, thank you.

20 THE COURT: You may step down. It's almost 1:00 and
21 we're going to break for lunch. Madam Clerk graciously had
22 lunch brought in for the jury so we will take 50 minutes
23 for lunch. Now, if someone on the jury needs to leave, if
24 you need to go home and check on something that will be
25 perfectly fine but we are trying to abbreviate the lunch

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1 schedule so we can stay on track with our testimony. So we
2 are in recess for lunch for 50 minutes.

3 (A lunch break was taken.)

4 THE COURT: Hope everyone enjoyed your lunch, thank
5 Ms. Carpenter for taking care of that for us. All right,
6 Solicitor, I think we are ready.

7 MS. LIVELY: Thank you, Your Honor. State calls
8 Captain John Kelly.

9 The witness, JOHN KELLY, was first duly sworn and
10 testified as follows:

11 DIRECT EXAMINATION

12 BY MR. NEWMAN:

13 Q Good afternoon.

14 A Good afternoon.

15 Q Wold you state your name for the record?

16 A John Thomas Kelly.

17 Q And Officer Kelly, where are you employed?

18 A Chester County Sheriff's Office.

19 Q And how old have you been employed there?

20 A Twenty years.

21 Q What is your title?

22 A Captain over training right now.

23 Q As to September of 2015 what was your title then?

24 A I was a patrol lieutenant in charge of the day shift.

25 Q Okay. As patrol lieutenant, what would be your

JOHN KELLY - DIRECT

1 duties?

2 A To make sure my guys were answering the calls which I
3 did also.

4 Q Kind of like a shift leader?

5 A Supervising, yes, sir. Make sure others are doing
6 their job.

7 Q Now, were you working on Sunday, September 13 of 2015?

8 A Yes, sir, I was.

9 Q You were on duty?

10 A Yes, sir.

11 Q Did you get called out to [REDACTED] Fifth Street?

12 A I did, sir.

13 Q And [REDACTED] Fifth Street, is that in Chester County?

14 A Yes, it is, on Eureka.

15 Q What was the nature of that call?

16 A I was dispatched to someone had reported a missing
17 person.

18 Q And you were the first officer on scene?

19 A Yes, sir, I was.

20 Q And how does that work? Were you called -- when
21 you're dispatched somewhere are you personally dispatched
22 or do they just say "we need an officer" and the closest
23 one go?

24 A They personally dispatched me to that scene, myself
25 and another officer up in this area, I'm the one -- it was

JOHN KELLY - DIRECT

1 my turn for the call.

2 Q Okay. So you're the first one on the scene?

3 A Yes, sir.

4 Q Tell the jury what you observed when you first
5 arrived.

6 A When I first pulled up to the scene I was met outside
7 by Mitchell -- the husband of the victim, he was outside
8 and he was a little frantic, he was out there with his
9 daughter Jessica. They began to tell me that they woke up
10 and his wife was not there, didn't know where she was,
11 that Jessica had last seen him (sic) on the porch with the
12 suspect, Jermaine Bell. I started to get some information
13 from them, they were real frantic, it was not the normal
14 missing person call you normally get. At that time
15 Mitchell took me to the side of the house where he showed
16 me what he had found that morning, he said that he was
17 burning some trash and saw his wife's shoes, socks and
18 what appeared to be a scarf on the side of the building.
19 He brought me over to it and I could tell it looked like
20 in the dirt there had been some kind of scuffle or drag
21 marks or skid marks in the dirt along with the shoes and
22 socks. You could tell where there was a drag mark through
23 the dirt around the back side of the house that went
24 through a pile of feces. I walked around the side of the
25 house and you could see where the drag mark had went

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1 behind their house into the nextdoor neighbor's yard.
2 Mitchell told me that he had went further past that and
3 found there was some keys and a shirt of his wife's, he
4 asked me did I want to go down and see that and I told him
5 no, what we're going to do is we're going to hold off and
6 call the detectives and we'll see if we can get a dog out
7 there.

8 Q Now, as first responding officer is it your call
9 whether you call another investigator or not?

10 A Yes, sir.

11 Q Okay. And in this particular case you did call an
12 investigator?

13 A Yes, I did.

14 Q Why?

15 A Because the scene appeared to be there had been
16 something bad had taken place out there, something out of
17 the normal. It looked like we had a crime scene and
18 something had happened to this woman.

19 Q So did you secure that crime scene?

20 A Yes, sir, I did. I had the whole family leave the
21 house and I put up tape outside the front of the house
22 going all of the way around the corner to a house that was
23 abandoned on the corner and past that.

24 Q When you say tape, is that that yellow crime scene --

25 A Yes, sir. Sheriff's office crime scene tape, yes,

JOHN KELLY - DIRECT

1 sir.

2 Q Now, did you a start crime scene log while you were
3 there?

4 A Yes, sir, I did.

5 Q What's the purpose of a crime scene log?

6 A To log anyone that goes into or out of the crime
7 scene because I want to maintain the integrity of that
8 crime seen, to know who has been in there and what they
9 did when they were there basically.

10 Q But once you set out and all of the family is out, who
11 is allowed in?

12 A Law enforcement that has a job to do in that crime
13 scene.

14 Q So law enforcement coroner, EMS, things like that.

15 A Yes, sir.

16 Q Did you come in contact with Mr. Bell that day?

17 A I did, sir. I was standing outside with Jessica, her
18 father, two other people, I believe one was Mr. Lightener
19 and another female by the name of Ms. Grant, I think the
20 name was Shauna Grant I believe, I'm not sure if -- it was
21 a female out there, and we were talking. They were
22 telling me that she was last seen outside sometime after
23 12:30 with Mr. Bell, at which time they were pretty
24 agitated, about the time Mitchell pointed out that Mr.
25 Bell was walking down Fifth Street towards the crime

JOHN KELLY - DIRECT

1 scene. I walked out, met Mr. Bell on the side of the road
2 out there, stopped him before he got to the house, told
3 him, you know, "You were the last one to see Ms. Lindsay,
4 would you mind talking to detectives?" He said, "No
5 problem," and I put him in my patrol car.

6 Q You put him in the front or the back?

7 A In the back seat, sir.

8 Q He wasn't under arrest.

9 A No, sir.

10 Q Was he handcuffed?

11 A No, sir.

12 Q He willfully went -- you asked him, he willfully went.

13 A Yes, sir.

14 Q Did you ask him any questions -- did you attempt to
15 interview him?

16 A No, sir, I didn't, I had too much other stuff going
17 on. My detective was notified so I was going to turn it
18 all over to them when he got there.

19 Q Now, did Mr. Bell eventually leave from that scene?

20 A Yes, sir. He was transported from the scene by one
21 of our detectives while I maintained, stayed on the scene
22 taking my car to the sheriff's office?

23 Q You maintained the scene because you had to stay with
24 the crime scene; is that correct?

25 A Yes, sir. I had the log and to supervise other

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1 things that went on.

2 Q And you stayed there from the time you first went on
3 the scene, were you the last one to leave?

4 A One of the last ones, yes, sir.

5 Q So you stayed there the entire time.

6 A The entire time.

7 Q To maintain that crime scene log.

8 A Yes, sir.

9 Q About what time -- do you remember what time you were
10 called out?

11 A I was dispatched I believe at like 09:35 and I
12 arrived at 09:41, which is a.m.

13 MR. NEWMAN: Beg the Court's indulgence.

14 (Break in proceedings.)

15 Q On this crime scene log do you keep track of that, who
16 comes in and who comes out, is that what that's for?

17 A Yes, sir. Basically what I do is I take down the
18 name of any person that enters the crime scene and log
19 down that they have been inside the crime scene.

20 Q And again, nobody is logged in unless they --

21 A If they have a job to do, yes, sir.

22 Q And what time -- you said you got there around 9:30,
23 what time did you leave?

24 A I didn't leave there I would say until 7:00, after,
25 7:00 at night. I think 19:20 was the depart time for

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1 everyone and I was right there with them when they
2 departed, so --

3 Q Did you have anymore involvement after that?

4 A No, sir, just maintaining the scene.

5 MR. NEWMAN: Okay. That's all of the questions I
6 have, please answer anything Mr. Frick has.

7 CROSS EXAMINATION

8 BY MR. FRICK:

9 Q Captain Kelly, you've got your report up there, right?

10 A Yes. I have part of the report, yes, sir, I have the
11 front page of it.

12 Q You've got the front page?

13 A Yes, sir.

14 Q That's what I need right now. Your dispatch time I
15 believe you said 9:35 in the morning?

16 A Yes, sir.

17 Q Okay. And that would have been when you got the call
18 that said you need to go to Fifth Street.

19 A Yes, sir, exactly. Or that would have been when the
20 call came into the dispatch center.

21 Q Okay. So --

22 A And so in a minute or two they dispatch me to the
23 location.

24 Q Okay. So typically the way it worked, call comes into
25 dispatch, they say whether they need somebody to go out

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1 there and that's what happened in this situation.

2 A Yes, sir. What you heard earlier today was basically
3 that, it comes in, they take a minute to talk to the
4 person and dispatch them.

5 Q Okay. So you get called at 9:35, you get out there
6 and start surveying the situation. You said you saw drag
7 marks.

8 A Yes, sir, what appeared to me to be drag marks.

9 Q And you've been a cop pretty long time, right?

10 A Yes, sir.

11 Q Looked pretty obvious?

12 A Yes, sir.

13 Q And I think you said it looked like a crime scene.

14 A To me, yes, sir.

15 Q You called the on-call detective, right?

16 A Yes, sir.

17 Q Did you see the burn barrels we've been talking about?

18 A I saw the barrels. He'd told me he would show me
19 where he'd been burning trash, yes, sir.

20 Q Did you observe whether they were burning at that time
21 or were you paying attention?

22 A I didn't really pay attention to it, no, sir.

23 Q You were the absolute first law enforcement official
24 on scene, correct?

25 A That's correct.

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1 Q And then, of course, you call other folks to come in
2 because that's what you deemed very quickly to be
3 necessary, right?

4 A Yes, sir.

5 Q And about how long did it take before other folks were
6 on the scene, other law enforcement?

7 A My first officer arrived on scene a couple of minutes
8 later.

9 Q Did you remain on scene as long as law enforcement was
10 on the scene?

11 A The whole time.

12 Q The whole time?

13 A The whole day.

14 Q All right. I think on your incident report it says
15 depart time 19:20.

16 A Yes, sir.

17 Q For those of you not familiar with the 24 hour clock,
18 what time did you leave?

19 A 7:20 at night.

20 Q 7:20 at night. So you are there from 9:30 in the
21 morning until 7:20 at night.

22 A That's correct, sir.

23 Q You were there until the last law enforcement official
24 left.

25 A Yes, sir.

JOHN KELLY - CROSS

- 1 Q Were you, in fact, the last one to leave?
- 2 A No, sir. I probably -- we left as a group as we
- 3 close it down.
- 4 Q Did y'all go to another location or were you done for
- 5 the day?
- 6 A No, I was not done for the day. We went to some
- 7 other locations, yes, sir.
- 8 Q Okay. All right. And the log that I think the
- 9 solicitor asked you about, do you have a copy of that?
- 10 A Yes, sir, I do, I believe.
- 11 Q Okay.
- 12 A This one, sir. Let's make sure I have the right one
- 13 you're talking about.
- 14 Q That's the one I'm talking at too.
- 15 A Yes, sir.
- 16 Q Looks like the same one to me. And these are all of
- 17 the officials that came in and out of the scene from 9:30
- 18 in the morning until 7:20 in the evening?
- 19 A That's correct, sir.
- 20 Q And I believe you said you had the family get out of
- 21 the scene.
- 22 A Yes, sir.
- 23 Q They were not allowed back into the scene.
- 24 A No, sir, not -- no, sir.
- 25 Q Okay. And I'm going to call it 13 law enforcement

JOHN KELLY - CROSS

1 people. What I'm looking at is Chester County Sheriff's
2 Department, York County Sheriff's Department and SLED
3 agents, would you agree with my math on that, that there
4 were 13?

5 A Yes, sir.

6 Q Now, other folks are folks from the solicitor's office
7 and rescue squad and the coroner's office.

8 A Yes, sir.

9 Q But as far as cops, 13 cops were out there.

10 A Yes, sir.

11 Q You were there when Mr. Bell came up, he was
12 identified as a person of interest, correct?

13 A He was the last one to be seen with her, yes.

14 Q Right. And that was information that you got from
15 whom?

16 A From Jessica Lindsay and from Mitchell --

17 Q Mr. Mayfield.

18 A Mr. Mayfield, yes, sir.

19 Q Okay. And, of course, he got in your car.

20 A Yes, sir.

21 Q You didn't interview him.

22 A No, sir.

23 Q Did you, laymen's terms, read him his rights,
24 Mirandize him?

25 A Did not.

JOHN KELLY - REDIRECT

1 Q And then, of course, he was taken away by law
2 enforcement in your car but somebody else drove your car
3 off, right?

4 A Some time later, yes, sir.

5 Q And at the time when all this stuff happened, were
6 y'all -- did road deputies have body cams?

7 A No, sir.

8 Q In-car camera in your car?

9 A Some cars did, mine was not operational, no, sir.

10 MR. FRICK: One quick second, make sure I've covered
11 everything.

12 (Break in proceedings.)

13 MR. FRICK: Thank you, Captain, that's all I have.

14 MR. NEWMAN: Briefly.

15 REDIRECT EXAMINATION

16 BY MR. NEWMAN:

17 Q Those 13 officers on that list, they're not there the
18 entire time from 9:00 to 7:00.

19 A No, sir, they are not. They showed up to do their
20 job and then normally what happens is they'll leave the
21 crime scene once they get their job accomplished.

22 MR. NEWMAN: No further questions. Your Honor, I
23 would ask that he be --

24 MR. FRICK: Nothing further, thank you, Judge.

25 MR. NEWMAN: Ask that he be excused from his subpoena.

JOHN KELLY - REDIRECT

1 MR. FRICK: No objection.

2 MR. NEWMAN: State calls Randy Clinton. Your Honor,
3 this is State's 91, ask that be stipulated to be entered
4 without objection.

5 MR. FRICK: That's correct, Your Honor, defense has no
6 objection.

7 THE COURT: In without objection.

8 (The photograph was received as State's 91.)

9 MR. NEWMAN: Your Honor, yesterday we had stipulated
10 75 and 76 be entered without objection, just want to make
11 sure they're entered into evidence.

12 MR. FRICK: Judge, those are some of the pictures we
13 talked about in another hearing and those were two I did
14 not object to.

15 THE COURT: In without objection.

16 MR. NEWMAN: Also, Your Honor, at this time State's 22
17 through 76, those are all photos, we're stipulating that
18 those be entered with no objection.

19 MR. FRICK: I've reviewed all of those, Your Honor, no
20 objection.

21 MR. NEWMAN: In without objection.

22 (The photographs were received as State's 22-76.)

23 The witness, RANDY CLINTON, was first duly sworn and
24 testified as follows:

25 DIRECT EXAMINATION

RANDY CLINTON - DIRECT

1 BY MR. NEWMAN:

2 Q Please state your name for the record.

3 A Randy O'Neal Clinton.

4 Q Mr. Clinton, where are you employed?

5 A York County Sheriff's Office.

6 Q And how long have you been employed there?

7 A Going on 34 years.

8 Q And what is your title there?

9 A Supervisor over K-9 division.

10 Q Okay. So you've been there -- you were employed there
11 September of '15?

12 A Yes, sir, I was.

13 Q And were you called out to assist on Sunday, September
14 13, 2015?

15 A Yes, sir, I was.

16 Q And how does that work? Is that a normal thing, y'all
17 assist other agencies?

18 A I received a call from Chief Deputy Robert Sprouse in
19 reference to a missing person in reference to using our
20 K-9, which a bloodhound tracking dog to locate the missing
21 person.

22 Q Okay. Do you remember about what time you got called?

23 A Yes, sir. I received a call at 10:55, that's when
24 the chief deputy called me.

25 Q Now, did you take a dog with you when you went?

RANDY CLINTON - DIRECT

1 A Yes, sir. When I received a call that what he had
2 was a missing person and everything, at that point I had
3 to get ready because I was on-call, and I got ready and
4 got one other officer to come with me to come down here
5 from our department. And normally when we come down like
6 that we have one of the Chester County units go with us.

7 Q How many dogs do y'all have in the K-9 division?

8 A It's nine dogs, three handlers and a 13 man team.

9 Q And you've got different type of dogs?

10 A Yes, sir.

11 Q You've got tracking dogs, you've got drug dogs, what
12 type dogs have you got?

13 A We've got tracking docks, which is blood hounds.
14 We've got labs, it's drug dogs and also we've got a
15 Belgian Malawa and Dutch Shepherd cross that is trained on
16 drugs and gunpowder.

17 Q Which dog did you bring with you?

18 A I brought the tracking dog.

19 Q And how long has that particular dog been in service?

20 A She will be four years old September the 16th, she
21 has been in service about three years.

22 Q What is her name?

23 A Gabby.

24 Q Is Gabby still in service today?

25 A Yes, sir, she is.

RANDY CLINTON - DIRECT

1 Q Can you tell the jury what you observed when you
2 arrived at the scene?

3 A Once I arrived at the scene I talked to Captain Kelly
4 and Detective Young, they advised me of what they had, and
5 as I walked around the corner I seen the socks and a pair
6 of shoes. At that point I scent the dog off the pair of
7 socks, told her to find it. If I give the dog a specific
8 item and it has got the human scent on it, all I do is
9 tell her to find it, she knows to find that odor that I
10 put her on.

11 Q I'm going to show you State's 22, there's some
12 evidence markers there. Is that the sock you're talking
13 about?

14 A Yes, sir, it is.

15 Q And there's some evidence markers there. Did you put
16 those evidence markers there?

17 A Yes, sir, I did.

18 MR. NEWMAN: Your Honor, permission to publish.

19 A The reason I put the evidence marker there, it was
20 afterwards where it ran with the dog the first time is
21 because if someone else was coming in I didn't want to
22 step on the evidence that was pertinent to the case -- I
23 did not want them to step on any evidence that was
24 pertinent to the case so that's why I marked them. So?

25 A When SLED came in and forensic units I could point

RANDY CLINTON - DIRECT

1 them out to them what I was seeing as I was going on the
2 track with the dog.

3 Q Okay. Now, when the dog picked up the sniff from the
4 socks, is that evidence marker one?

5 A Yes, sir, it is.

6 Q And does the dog -- now, you put down several markers.

7 A Yes, sir.

8 Q I believe you said you put one through 15 down.

9 A Yes, sir. That's the stuff I observed was pertinent
10 to the case, the different things I was seeing that
11 related to what we was there for. Once I seen the socks
12 and the shoes and the scuff marks and stuff, it turned
13 from a missing person to something else at that point, so
14 I was paying a lot more attention to what was going on
15 besides a missing person.

16 Q Now, does the dog start here at number one and kind of,
17 connect the dots sniffing, or does it go straight around --

18 A It goes to track that led out as -- let me kind of
19 give you a little history on the odor and the scent and
20 how the dogs picks up. As you move around you're probably
21 losing thousands and thousands of skin cells which cause
22 skin drafts each day. If you get in the sunlight and you
23 take your hand and do like this you see all the little
24 particles fall down, which once they hit the ground they
25 turn into a bacteria, and then the bacteria turn into gas,

RANDY CLINTON - DIRECT

1 that is what the locks in on is the gasses from the
2 person.

3 Q Okay. So what time did you say you arrived?

4 A I arrived at 11:50, I'm coming from the other side of
5 York.

6 Q So at 11:50 you get out with your dog, you start on
7 the scent with the socks.

8 A Yes, sir.

9 Q How long does it take when the dog first smells the
10 sock until the dog finds the body?

11 A Two or three minutes.

12 Q Okay.

13 A It's not long, because it's not a long distance in
14 between where we started and where she was located at.

15 Q Now, you've got markers five through eight were
16 suspected drag marks; is that correct?

17 A Yes, sir.

18 Q So five here, six, seven, eight.

19 A Yes, sir.

20 Q And these are roses bushes.

21 A May I step down and point out to you, sir?

22 Q Absolutely.

23 A Here is where the trail starts right here where I
24 scented the dog off the socks, proceeded around through
25 here, come around the back side of the house, come around

RANDY CLINTON - DIRECT

1 through here, come around the other side of the house,
2 come up, come up the side of the other house, come up and
3 made -- around a fence and a rose bush -- the reason I
4 knew about the rose bush because it pricked me when I come
5 around through the rose bushes. Come here and we're going
6 through here and we get to the corner of the house, that's
7 where we find the keys and the orange shirt, as we come
8 past it she made a left, kind of little angle left, went
9 toward --

10 Q Now, was the dog over here on this side of the
11 building?

12 A It was between the fence and a house, so she was in
13 that little alley right here. She come up to the corner
14 of the building, you can see stuff mashed down where
15 something had been mashed down in the weeds because the
16 weeds are probably this high. As she goes in she has
17 changed her body language to me, she's starts to get like
18 a cat crawl like curiosity is killing the cat here because
19 she's getting nervous, so she's coming around the back
20 side of it, when she come around the back side, that's
21 where I seen the lady laying face down behind the storage
22 building. At that point I backed out.

23 Q When you say you backed out, you back out and let
24 Chester County take over?

25 A I let Chester County take over. And pertinent of all

RANDY CLINTON - DIRECT

1 of this stuff that I marked was it was pertinent to the
2 case, I was seeing stuff that was happening. So I went
3 back when nobody else would go in and step on it, they
4 would see the markers and knew that that was legit to what
5 was taking place. So what I done, I started marking them,
6 had Detective Young with me as I was marking them, he was
7 also in the area, was behind me taking pictures and I was
8 advising them. So when South Carolina Law Enforcement
9 Division got there, I got with the girl with the forensics
10 and I walked her back through everything telling her and
11 showing her what I was seeing as we was going along that
12 was pertinent to the case.

13 Q Okay. I'll show you -- you can step back up there. I
14 show you State's 75 and 76. Do you recognize those two
15 photos?

16 A Yes, sir, I do.

17 Q And what is that?

18 A That's the victim laying behind the building in the
19 tall grass.

20 Q And is that exactly the way you found it?

21 A Yes, sir. Because once I stepped in and seen the
22 victim was there I backed out.

23 Q So you didn't touch the body at all, you just --

24 A No, sir, I let the dog get in there.

25 Q Did the dog touch the body?

RANDY CLINTON - DIRECT

1 A No, sir. Once I seen that the body was there I
2 backed out.

3 MR. NEWMAN: Permission to publish, Your Honor.

4 Q In addition to drag marks, did you find some feces?

5 A Yes, sir, I did.

6 Q Now, as you come around through here, is there grass
7 there?

8 A Yes, sir, it is.

9 Q Okay. Now, I understand -- and I got the pics, some
10 of the pictures, the drag marks in the dirt we can see
11 those great in these pictures.

12 A Yes, sir.

13 Q But the ones in the grass --

14 A You can see the grass is a little higher and you can
15 see the grass a little laying down where you can see the
16 force of the weight pulled over it so the grass flattened
17 out, you could see it. And places that were not grass and
18 it was dirt, then you could see the pull marks in there.

19 MR. NEWMAN: Your Honor, permission to publish the
20 rest of the photos. Thank you, Officer, that's all I have,
21 please answer anything Mr. Frick has.

22 CROSS EXAMINATION

23 BY MR. FRICK:

24 Q Did anybody else come from York County with you?

25 A Yes, sir. Chris Lorenceno (phonetically), he's a guy

RANDY CLINTON - CROSS

1 on the response team, he's behind me.

2 Q Just kind of mark as you're going with the dog and
3 maybe keep up with some points of interest or what was it?

4 A No, sir. He is -- usually if we're on a criminal
5 case where we are chasing the suspect, it's usually two
6 response team members meet. They're my eyes when I'm
7 looking down paying attention to what the dog is telling
8 me, they are looking scanning looking for the suspect.

9 Q I've got you. You said that when you started out
10 obviously it was a missing person case and it turned from a
11 missing person case to something else.

12 A Yes, sir. By the signs that we've seen with the
13 scuffle marks and everything we knew something else had
14 happened there, it went from a missing person to possible
15 something else happening and just besides a normal person
16 walked off. It was too many signs showing some other
17 activity occurred.

18 Q Now, was that from your personal observation or was
19 that as you're running the dog you observed this, how do
20 you --

21 A I observed it before I started the dog on the track.
22 We started her off the scent off the sock, I could see the
23 shoes and different things and when I started with the dog
24 I don't let the dog run it, I'll let her make her
25 slowdown, and as I was observing it with my own eyes.

RANDY CLINTON - CROSS

1 Q So before you even really started with the dog it
2 looked like more than a missing person.

3 A Yes, sir, it did.

4 Q And I think you said it wasn't a big area that y'all
5 ran. Can you guestimate how far you went? And if you
6 can't that's fine too, I understand.

7 A An estimate probably would not be no farther from the
8 back wall of the courthouse to the front of the
9 courthouse. It was a house, went around a house to
10 another house, up a fence, down the other side of the
11 house right behind the storage building, the storage
12 building kind of set awkward of the house. If you looked
13 through the second yard you can probably ball this paper
14 up and throw it in the yard right behind the storage
15 building.

16 Q There's a fence there, right?

17 A Yes, sir. And high grass, yes, sir.

18 Q And it took, I think you said, about two minutes to
19 run this trail?

20 A Yes, sir.

21 Q I'm going -- I'm not going to put it up and make you
22 come down here, but right along in here, this is the
23 storage shed we're talking about, right?

24 A Yes, sir.

25 Q And make sure I'm pointing at State's Number 91, the

RANDY CLINTON - CROSS

1 storage shed is here, this is the house where the keys are
2 found about right here?

3 A Yes, sir.

4 Q You said there was some significant rose bushes right
5 here?

6 A No. It was one long rose bush, because when I came
7 through it hit me and pricked me right there and --

8 Q Okay. You said it was one, but it was big or what?

9 A No, sir, it was just a long vine of rose bush. It
10 wasn't -- you know what I'm saying? It's the runner of
11 the rose and that's all it was was just sticking out there
12 and it caught me when I went between the house and the
13 fence.

14 Q But it caught you and scratched you up as you were
15 going by.

16 A Yes, sir. And if you'll look I got plenty of them.

17 Q I understand. Probably not the first time a rose bush
18 caught you either doing this stuff.

19 A No, sir.

20 Q The drag marks that you saw, were they observable to
21 the human eye in your estimation?

22 A Yes, sir.

23 Q And after you had found what was behind the shed, was
24 that the end of your dealings in this case?

25 A No, sir. When I found the victim behind the building

RANDY CLINTON - CROSS

1 I backed out, I put the dog up, I didn't need her no more,
2 I put her up. I got with Detective Young, we went around
3 I started marking stuff that I was seeing when I was going
4 around there, the stuff was pertinent to the case.

5 Because of the simple reason I did not want someone else
6 to walk in there and step in something, or saying well --
7 once I left the scene they says, "Well, Sergeant Clinton
8 said this was it." I had it happen to me one time before
9 and they said, "Sergeant Clinton said this." Next time I
10 knew I am leaving the sheriff's office without no boots
11 because they took them into court for three years. So I
12 want to make sure what I was telling everybody and showing
13 everybody in that aspect of what was taking place right
14 there, there would be no doubt.

15 Q From my own clarification, every one of those marks
16 that's put down, was that a mark that was put down by you?

17 A Yes, sir.

18 Q During this track.

19 A Yes, sir. No, not during the track, after the track.

20 Q So even after the track you're going around making
21 sure, marking things that you believed were pertinent to
22 this case.

23 A Stuff I seen, yes, sir.

24 Q Did you go look in the bushes or look around the
25 bushes any?

RANDY CLINTON - CROSS

1 A No, sir. Once the dog led me around I seen where the
2 bushes were mashed down, she went around, as she went
3 around I pulled them back, I observed the victim laying
4 there, I backed out at that point.

5 Q Give me one second, I may be done.

6 (Break in proceedings.)

7 Q All right. Just so I can clarify, once you find the
8 victim did the dog hit on anything else around in the
9 bushes?

10 A No, sir.

11 Q If there potentially would have been something else
12 from the victim out there, would you have expected the dog
13 to hit on it?

14 A No, sir. Because she is -- I hate to say it this
15 way, but she has found what she was looking for, her
16 reward was the victim and everything.

17 Q So her job was done once --

18 A Her job was done. Besides having anything else with
19 the dog in the crime scene I pulled her out.

20 Q And then go back and mark the pertinent things.

21 A Yes, sir.

22 MR. FRICK: Thank you, sir, that's all of the
23 questions I have.

24 REDIRECT EXAMINATION

25 BY MR. NEWMAN:

RANDY CLINTON - REDIRECT

1 Q Officer, once you put the dog back in the vehicle and
2 walked through the scene with Officer Wade, how long did
3 you stay after that?

4 A I stayed until South Carolina Law Enforcement
5 Division got there, the people at the forensics, I showed
6 them what I seen and the stuff I observed on the track and
7 when I went back I observed -- I showed them. I could not
8 tell you, it could have been 30 minutes, it could have
9 been a hour, I do not know the timeframe, sir.

10 Q No problem.

11 MR. NEWMAN: That's all of the questions I have. Your
12 Honor, I would ask that he be excused.

13 MR. FRICK: Nothing further, Your Honor.

14 THE COURT: Thank you, sir, you're excused.

15 The witness, WILLIAM BRAKEFIELD, was first duly sworn
16 and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. NEWMAN:

19 Q State your name for the record.

20 A William Marion Brakefield?

21 Q Mr. Brakefield, where are you employed?

22 A I'm employed with the Chester City Fire Department
23 and also volunteer with the Chester County Rescue Squad.

24 Q How long have you been with the rescue squad?

25 A Since 1980.

WILLIAM BRAKEFIELD - DIRECT

1 Q And what are your duties with the rescue squad?

2 A My duties are I am the second lieutenant of the
3 training, and our duties are we work for the coroner's
4 office transporting bodies.

5 Q And are y'all on call for the corner?

6 A Yes, sir.

7 Q Were you working in that capacity in September of
8 2015?

9 A Yes, sir.

10 Q Do you remember specifically Sunday, September 13th of
11 2015 being called out?

--- 12 A Yes, sir.

13 Q Did you get called out to [REDACTED] Fifth Street?

14 A Yes, sir.

15 Q About what time?

16 A Probably -- I'm not really sure but it was in the
17 afternoon.

18 Q You had to wait there a long time?

19 A Probably no longer than 15 or 20 minutes.

20 Q Okay. When you arrived was the coroner on scene?

21 A Yes, sir.

22 Q And did you assist in removing the body of Ms. Judy
23 Lindsay from the scene?

24 A Yes, sir.

25 Q And how is that done?

WILLIAM BRAKEFIELD - DIRECT

1 A Once the coroner does all of his picture taking and
2 filling out his paperwork and all, we get a body bag and
3 place the victim in the body bag and seal the body bag up,
4 and the coroner has a tag that we tag the bag with. Once
5 the bag is zipped all of the way up we put tags on both
6 ends of the zipper.

7 Q So tag both ends of the zipper, so if somebody opened
8 that zipper it would break the tag; is that correct?

9 A Yes, sir.

10 Q So it's sealed up and it is basically tamper
11 resistant.

12 A Yes, sir.

13 Q Now, when you left the scene where did you take the
14 body?

15 A To take the body back to the coroner's office over
16 there off of Wilson Street and placed the body -- turned
17 the body over to the coroner's office, the coroner was
18 there at the time.

19 Q Were you involved in taking the body anywhere else
20 after that?

21 A No, sir.

22 Q You didn't take it for autopsy?

23 A No, sir.

24 MR. NEWMAN: I've got no further questions, please
25 answer anything Mr. Frick has.

WILLIAM BRAKEFIELD - DIRECT

1 MR. FRICK: No questions for this witness, Judge.

2 THE COURT: Thank you, sir, you may step down.

3 MR. NEWMAN: Your Honor, I would ask that he be
4 excused from his subpoena.

5 MR. FRICK: No objection.

6 THE COURT: The witness is excused.

7 MR. NEWMAN: State cause Gene Hudson.

8 The witness, GENE HUDSON, was first duly sworn and
9 testified as follows:

10 DIRECT EXAMINATION

11 BY MR. NEWMAN:

12 Q Please state your name for the record.

13 A Lauren Eugene Hudson, Jr.

14 Q Mr. Hudson, where are you employed?

15 A I'm employed with the City of Chester Fire Department
16 but I volunteer with the Chester Rescue Squad.

17 Q How long have you been with the rescue squad?

18 A Since 1984.

19 Q What are your duties with the rescue squad?

20 A Mainly we run emergency calls but we assist the
21 coroner's office for transports and assist EMS also.

22 Q Now, were you working in that capacity in September of
23 2015?

24 A Yes, sir.

25 Q Did you have to report on Monday morning, September

GENE HUDSON - DIRECT

1 14th --

2 A Yes, sir.

3 Q -- 2015?

4 A Yes, sir.

5 Q Were you called by the coroner? How did that happen?
6 How did you get there?

7 A Well, I think it was the deputy coroner who called
8 and asked us to make a transport for them from the office
9 over to Newberry.

10 Q So when you go to pick up a body, is the coroner there
11 at the office?

12 A He was at this time, well, the deputy coroner.

13 Q So when you take possession of the body, is it still
14 sealed in the bag?

15 A Still sealed in the bag, the zippers are tied
16 together, we put them in the truck and they're still the
17 same way the whole trip.

18 Q Okay. And when you picked it up, did it appear to be
19 tampered with in any way?

20 A No, just like it normally would be?

21 Q The coroner's office, is it secure at night when
22 nobody is there?

23 A Yeah. It's got secured locks, the cooler has
24 actually got a separate lock system on it.

25 Q And who did you turn over the custody of the body from

GENE HUDSON - DIRECT

1 you?

2 A I don't remember their name, we took it into the
3 morgue there at the hospital in Newberry.

4 Q Is it Newberry Memorial Hospital?

5 A Yeah.

6 Q And for purposes of autopsy?

7 A Yeah, it was to autopsy. The pathologist was in
8 there and it was one of his assistants, we logged it in
9 with them and that was it.

10 MR. NEWMAN: I have no further questions, please
11 answer anything Mr. Frick has.

12 MR. FRICK: No questions for Mr. Hudson, thank you.

13 MR. NEWMAN: Your Honor, I would ask that he be
14 excused from his subpoena.

15 MR. FRICK: No objection, Your Honor.

16 The witness, RANDY ST. CLAIR, was first duly sworn and
17 testified as follows:

18 DIRECT EXAMINATION

19 BY MR. NEWMAN:

20 Q State your name for the record.

21 A Randy Dean St. Clair.

22 Q Mr. St. Clair, were are you employed?

23 A Chester County Sheriff's Office.

24 Q How long have you been there?

25 A Almost nine years.

RANDY ST. CLAIR - DIRECT

1 Q What is your title and your duties there at the
2 Chester County Sheriff's Office?

3 A I currently work in the criminal investigation
4 division.

5 Q You're a detective?

6 A Yes, sir.

7 Q And were you a detective in September of 2015?

8 A Yes, sir.

9 Q Did you work on the homicide case involving Judy
10 Lindsay on September 13th of 2015?

11 A Yes, sir.

12 Q Did you go out to the scene at [REDACTED] Fifth Street?

13 A No, sir.

14 Q Okay. You spoke with Mr. Bell about this case on that
15 day?

16 A Yes, sir.

17 Q Did you ask Mr. Bell to give you a DNA sample?

18 A Yes, sir.

19 Q Did he agree to that?

20 A He did.

21 Q Was he under arrest at the time?

22 A He was not.

23 Q How do you take a DNA sample from a person?

24 A It's kit collected. You get what's called a buccal
25 swab, it's basically a long - it is actually two wooden

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1 handles with tips on the end together. You ask the person
2 that you're collecting the DNA sample from to open their
3 mouth and the Q-tips are rubbed on the inner lining of the
4 mouth collecting saliva which collects DNA from that
5 person. It is then packaged, sealed and delivered to SLED
6 for analysis.

7 Q And you did that, you took a swab and you sealed it?

8 A Yes, sir.

9 Q Do you remember who you gave it to?

10 A My recollection it was placed into evidence.

11 Q It was ultimately sent to SLED?

12 A Yes, sir.

13 Q You ever take a DNA sample before?

14 A I have.

15 Q How many times?

16 A Multiple, I don't have any --

17 Q It's not very hard to do, is it?

18 A No, sir.

19 Q It's not very intrusive.

20 A No.

21 Q Was Mr. Bell in custody at the time when you did that?

22 A He was not.

23 Q He was just there willfully talking to y'all.

24 A Yes, sir.

25 MR. NEWMAN: Mr. St. Clair, that's all of the

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1 questions I have, please answer anything Mr. Frick has.

2 MR. FRICK: Your Honor, can we have a quick side bar?

3 (A bench conference was held.)

4 CROSS EXAMINATION

5 BY MR. FRICK:

6 Q Detective St. Clair, how long have you been with the
7 Chester Sheriff's Department?

8 A Almost nine years.

9 Q How long have you been a detective?

10 A Almost four years.

11 Q And in this particular case, what exactly was your
12 role?

13 A I was contacted by telephone by Captain Perry that
14 what appeared to be an unnatural death was located in the
15 county. In instances like that all investigators are
16 called in, and I arrived at the sheriff's office and
17 assisted with interviewing Mr. Bell.

18 Q Was that on the -- what date was that, or do you
19 recall?

20 A September 13th, I believe.

21 Q I was hoping you had your report because I didn't
22 bring mine up here, but the 13th sounds right to me.

23 A Yes, sir.

24 Q Do you recall about what time you started talking to
25 Mr. Bell?

RANDY ST. CLAIR - CROSS

1 A No, sir, it was before noon.

2 Q And he was brought -- do you know how he got to the
3 sheriff's department?

4 A I believe he was escorted to the sheriff's office in
5 a patrol vehicle by Investigator Sanders.

6 Q Had anybody already talked to Mr. Bell before you sat
7 down and started talking with him, or do you know?

8 A I don't know, no, sir.

9 Q When he's taken in, is he taken to any particular
10 place?

11 A They just brought him to the sheriff's office. We
12 have a hallway in the investigative division that has two
13 interview rooms, he was escorted to interview room number
14 two, I believe, which is the one farthest away closest to
15 the door that he would have been brought into.

16 Q Is there audio/video recording in those?

17 A Yes, sir.

18 Q Was the interview with Mr. Bell audio and video
19 recorded?

20 A Yes, sir.

21 Q Is there a window in that room?

22 A There is.

23 Q Is that a two-way glass? Can you sit on the other
24 side and see what's going on in there?

25 A Yes, sir.

RANDY ST. CLAIR - CROSS

1 Q Do detectives or whomever is interested in the case,
2 do they sit there and observe the interview?

3 A Yes, sir.

4 Q When you were not in the interview room, were you over
5 there watching?

6 A Not full-time, I was in and out. It was --

7 Q It was a hectic day.

8 A It was a long day.

9 Q Overall do you know how long Mr. Bell was interviewed
10 that particular day?

11 A It was estimated about nine hours.

12 Q He was not arrested that day, correct?

13 A Correct, yes, sir.

14 Q He was, in fact, brought back to the sheriff's
15 department another day; is that correct?

16 A Yes, sir.

17 Q 15th, does that sound correct?

18 A Yes, sir.

19 Q Did you interview him on that day?

20 A Yes, sir.

21 Q Do you have any idea how long y'all talked to him on
22 that day, or you in particular?

23 A I would estimate it was several hours, maybe three
24 hours, around that time.

25 Q And in fact he was not arrested at that time, correct?

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1 A No, sir.

2 Q Was there a third interview that you had with Mr.

3 Bell?

4 A I can't recall if I did or not.

5 Q Do you recall anything happening on October the 2nd?

6 A He was placed under arrest, yes, sir.

7 Q He was brought to the sheriff's department in the

8 interview room, same interview room.

9 A Yes, sir.

10 Q I'm assuming it was the same one, it looked like the

11 same one to me. And in fact you were the one that placed

12 him under arrest.

13 A I was present.

14 Q That's fine. Was there any -- to your knowledge, if

15 you recall, was there any interview that day?

16 A I believe he was interviewed after being brought in

17 in custody, I don't recall participating in the actual

18 interview.

19 Q Okay. Do you recall in these interviews, was Mr.

20 Bell, so to speak, read his rights or Mirandized?

21 A Yes, sir.

22 Q In fact, you gave him his Miranda on some of these.

23 A Yes, sir.

24 Q When he came in on the 13th and the 15th, was it will

25 willingly?

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- 1 A Yes, sir.
- 2 Q When he gave this swab, buccal swab, is that what it's
- 3 called?
- 4 A Yes, sir.
- 5 Q Did he willingly give that?
- 6 A Yes, sir.
- 7 Q And was he given an option?
- 8 A He was given an option to --
- 9 Q To give it or not give it.
- 10 A To give it or not give it, yes, sir.
- 11 Q He was free to not give it, right?
- 12 A Yes, sir.
- 13 Q In fact, he was free to leave these interviews, right?
- 14 A Yes, sir.
- 15 Q Now, I believe you said -- you did basically all of
- 16 your work at the sheriff's department, right?
- 17 A Yes, sir.
- 18 Q You didn't go to the scene that day.
- 19 A No, sir.
- 20 Q You didn't collect evidence from that scene.
- 21 A No, sir.
- 22 Q You didn't do any testing or analysis of the evidence
- 23 from that scene?
- 24 A No, sir.
- 25 Q Your role is mainly just the interviewing in this

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1 case.

2 A Yes, sir.

3 Q Give me one second.

4 (Break in proceedings.)

5 MR. FRICK: Thank you, sir, that's all of the
6 questions I have.

7 MR. NEWMAN: Nothing further from the State.

8 THE COURT: Do we need to take a brief recess? Step
9 back hold it to ten or 12 minutes.

10 (The jury left the courtroom and the recess was
11 taken.)

12 MS. LIVELY: Your Honor, the State at this point in
13 time are at the point of testimony with Dr. Kim Collins
14 where we will be actually offering the autopsy photos in
15 along with her testimony in order to show to the jury the
16 level of brutality in regards to how the victim was
17 actually strangled, manually strangled and murdered. And
18 so what we wanted to do was -- this is what we wanted to
19 talk to you yesterday, we didn't proffer any of her
20 testimony because we wanted to wait until she could get
21 here and we now have the photos also that she was telling
22 me that she would want to use in order to explain her
23 evidence of injury to the jury. So at this point in time I
24 thought it would be better to go ahead and proffer that,
25 let the Court see the photos than to have the jury come out

MOTION HEARING

1 first and have them go back and forth.

2 THE COURT: That's fine.

3 MS. LIVELY: Is that okay? The State calls Dr. Kim
4 Collins to the stand.

5 The witness, KIM COLLINS, M.D. was first duly sworn
6 and testified as follows:

7 DIRECT EXAMINATION

8 BY MS. LIVELY:

9 Q Dr. Collins, please tell Court where you are currently
10 employed?

11 A I currently practice forensic pathology at Newberry
12 Pathology Associates at Newberry Memorial Hospital.

13 Q And how long have you been employed in that capacity?

14 A At Newberry for about two years, but I've been
15 practicing forensics since 1994.

16 Q And did you have to go through special educational
17 training in order to get into the field of pathology?

18 A Yes.

19 Q And what educational background do you have?

20 A Went to college at the University of Georgia,
21 received my microbiology degree. I went to medical school
22 at the Medical College of Georgia and received my M.D.
23 After medical school I completed a five year combined
24 anatomic and clinical pathology residency at Wake Forrest
25 Bowman Gray School of Medicine.

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1 MR. FRICK: Your Honor, at this time I would stipulate
2 she's qualified to be an expert in pathology. I mean, I'm
3 sure you want to go through it in front of the jury.

4 THE COURT: Yeah, I would appreciate you doing it in
5 front of the jury.

6 MS. LIVELY: In front of jury I do want to do that,
7 Your Honor, I just wanted to be sure in order for her with
8 the proffer that there wasn't going to be any question as
9 to her expertise and why she would need these photos.

10 Q We're going to jump right to this particular case then
11 and address the photos that were taken. You actually have
12 photos in your autopsy file that you brought with you; is
13 that correct?

14 A Yes.

15 Q And you have also provided a copy to the solicitor's
16 office which has also been given to the defense, correct?

17 A Yes.

18 Q Now, Dr. Collins, there was certain evidence of injury
19 that you documented in your autopsy report and I am going
20 to go through each one of them with you, just for the
21 purposes of this hearing it will be kind of quick, okay?
22 You actually stated in number one in your diagnosis that
23 she was manually strangled, correct?

24 A Yes.

25 Q So as a result of that strangulation, what type of

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1 injuries did you actually document in your autopsy?

2 A She had contusions to the neck, she had contusions
3 underlying and to the -- we call them strap muscles on
4 left and right sides of the neck, the neck muscles. She
5 had also hemorrhage in the soft tissues in the very back
6 of the throat which is in front of the back bone, so the
7 very deep structures. She had bleeding under the skin of
8 the mouth, little pinpoint hemorrhages that are consistent
9 or go with strangulation. She also had bilateral petechia
10 or pinpoint hemorrhages of her eyelids as well as very
11 large areas of confluent bruising or hemorrhage on the
12 whites of both eyes.

13 Q And all of those particular evidences of the injury
14 that you're just now telling to the Court, are those the
15 type of injuries that you would find in a manual
16 strangulation type of murder?

17 A Yes.

18 Q In order for you to be able to explain something like
19 that to a jury, what these types of injuries are and what
20 you're looking for, would it be helpful to you to be able
21 to use the actual photos that were taken during the
22 autopsy?

23 A Yes, it would.

24 Q And I've actually got a couple of more photos that are
25 coming in just a second, but I want to show you just a few

MOTION HEARING

1 right now and ask you if these particular photos are
2 helpful to explain to the jury what the injuries are and
3 why, okay?

4 A Okay.

5 Q All right. I'll show you what has been marked as
6 State's 95 and ask you in that photo, what's the
7 significance of showing that photo to the jury in order to
8 explain the injuries to this victim?

9 A This is a picture of -- a close-up picture of the
10 anterior of the neck, and even though she's a dark
11 pigmented individual you can still see the bruises that
12 are to the neck area.

13 Q And in seeing that photo, does it assist with the
14 discoloration that you're just now mentioning with
15 explaining the fact that you were able to determine that
16 this was a manual strangulation?

17 A Yes, it does.

18 Q I'm going to show you what is marked as State's 96.
19 Please explain to Your Honor the purpose of showing what's
20 in State's 96.

21 A These are contusions to the upper and inner aspect of
22 the left arm getting near to the arm pit area. And so
23 there are contusions, a force that would be consistent
24 with someone squeezing, grabbing an individual, or this
25 individual.

MOTION HEARING

1 Q All right.

2 MS. LIVELY: I will hand those up as she's --

3 Q I'll show you State's Number 97. And please explain
4 to Your Honor the purpose of that particular photo.

5 A This is a photograph of the decedent's back and
6 buttock area, and there's an area of irregular abrasion on
7 the left buttock.

8 Q And there is a part of that that has already been
9 redacted; is that correct?

10 A Yes.

11 Q So that big blue square is not a part of what you saw
12 at your autopsy.

13 A The black square, no.

14 Q Black square, thank you. I'm going to show you
15 State's 98 and 99. First 98. Please tell Your Honor what
16 it is that we're seeing in that photo and why that one is
17 important for your testimony.

18 A Okay. This depicts the -- we've opened the
19 decedent's right eye and there's some confluent areas of
20 hemorrhage on the whites of the eye, and there's really no
21 other entity that causes this other than blocking off the
22 return circulation with a strangulation.

23 Q And then the next one, which I think was 99.

24 A Yes.

25 Q Okay, yes, 99. What is that?

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1 A Okay. This is decedent's eyes and forehead. The
2 eyes have a dark discoloration, actually the whole head
3 and neck, a purplish discoloration due to the
4 strangulation and market congestion of blood as is also
5 depicted in 98, and we see there's an abrasion on her
6 forehead.

7 Q When the body is brought to you, is that what the body
8 comes in and that's how it's tagged?

9 A Yes. It comes in with her name and the county and
10 where it originated, which the coroner's office with a
11 mortician's phone number, which would be the person that
12 we would call when the autopsy is completed.

13 Q Now, Dr. Collins, whenever I saw some of the autopsy
14 photos I'll be honest with you, I didn't really know what I
15 was looking at. And I'm going to show you these, I'm not
16 going to mark them at this point, but I want you to tell me
17 if there's any reason that you can articulate as to why
18 these would come in. Because just from a lay person
19 looking at something like this I wouldn't know what I was
20 looking at and it looks pretty graphic. So graphic
21 however, is it probative for you to be able to explain to
22 the jury -- and I would want you to be able to tell me
23 that -- and you just did in there, but I want you to
24 explain to the Judge if any of those photos would be
25 helpful to explain the injuries to this particular victim

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1 in regards to the strangulation.

2 A These are the strap muscles that go along in that
3 left and right, and there's also a section where I have
4 taken out the neck block and it shows the back of the
5 throat that would be along the back bone just showing how
6 deep the force was, which is not common. Some of these
7 are duplicates and really I could do these two, one would
8 show the strap muscles along the neck showing the
9 hemorrhages that are in the muscle. And then this section
10 is the neck block voice box depicting this hemorrhage in
11 the back of the tissue, which both of these are indicative
12 of a great deal of force, you can strangle someone without
13 having any of these. And so I wouldn't really need all of
14 these, these two would help.

15 MS. LIVELY: And I'm going to mark those, Your Honor,
16 then, I wanted her to clarify to me. I'm going to mark 101
17 as being the cross section, and then 102 will be the
18 neck -- so this will be 102. And I'll remove these other
19 four photos.

20 THE COURT: How many are you removing?

21 MS. LIVELY: I apologize, Your Honor, let me count. I
22 think it's four. It is four.

23 THE COURT: She needs two, she says she doesn't need
24 the other four.

25 MR. FRICK: I understand what she's saying, yes, sir.

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1 Q I'll show you State's 103 and 104 and ask you are
2 these items documented as evidence of injury for this
3 particular victim as well?

4 A Yes, they were.

5 Q So we'll be putting that into evidence as well to show
6 the jury how she had injuries that you documented -- were
7 these acute injuries?

8 A Yes. There's an abrasion to the knee, there's a long
9 linear abrasion like a scratch going up the left thigh and
10 continuing up the left side of her torso.

11 Q I'm going to show you State's 105 and 106. Let's talk
12 about 105. What's the reason you would need that
13 photograph in order to explain the injury to the jury?

14 A This is her mouth and I'm holding her lips open.
15 We've got -- she bit her tongue, we saw that, deep into
16 the muscle. She's got some bruising to the upper lip from
17 a force against her lip onto the teeth. She's also got if
18 you can see the pinpoint petechia, pinpoint hemorrhages on
19 the inside of the mouth which is indicative of compression
20 on the neck or strangulation.

21 Q And then in the other one, which is -- I think it's
22 106 -- yeah, 106. What value does that have for you in
23 regards to showing or explaining how the body is brought to
24 you to the jury?

25 A 106 is a full body shot. We have the hands bagged so

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1 we can examine the nails or clip the nails if they're long
2 enough, if they want to take fingerprints for trace
3 evidence. So this is how the body was received, naked, no
4 clothes on. It also shows multiple areas of trauma with
5 abrasions to the knee, to the elbow along the belly.
6 There's also close-up views, there's insect activity or
7 ant activity.

8 Q Now, Dr. Collins, I'm showing you what is State's
9 Exhibit Number 107 and 108. Actually you've already
10 mentioned, 107 is a duplicate from an earlier item.
11 Whenever that one was printed out it actually had both of
12 them on it, so the earlier item is 109 just so that you're
13 clear as to which -- we have both arms now, okay?

14 A Right.

15 Q So the purpose of you being able to show the arms once
16 again, please tell the Judge why those injuries to the arms
17 to this victim were significant.

18 A Okay. Previously we showed the left arm near the
19 armpit area, the inner arm and there were contusions,
20 areas of contusions which was force to the arm consistent
21 with a hit, a squeeze or a pull. And then on -- that's
22 the left side. On the right side we've got similar
23 findings to the inner aspect of the right arm in the
24 armpit area, there's similar bruising consistent again
25 with blunt force trauma, pushing, pulling, squeezing,

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1 hitting.

2 MS. LIVELY: Thank you. Your Honor, that's going to
3 be all of the State's requested items for the autopsy.
4 I'll step down and let him actually -- are you going to
5 question the doctor at this time?

6 MR. FRICK: Just quickly, I don't have a whole lot.

7 MS. LIVELY: Then I'll cut these like I told the Court
8 I would so that we can make sure the evidence is clear in
9 regards to how it's entered.

10 CROSS EXAMINATION

11 BY MR. FRICK:

12 Q Dr. Collins, the photographs are what you take
13 contemporaneously while -- you might not be the one
14 snapping the picture but they are taken contemporaneously
15 while you're conducting the autopsy?

16 A Right. The ones that are exterior shots, external
17 shots, and then there were the internal shots of the neck
18 block, yes, at the same time as the autopsy.

19 Q And they are done to support the conclusions that you
20 come up with, right?

21 A Yes, to document what we had seen at autopsy.

22 Q And, of course, you write a report that comes up to
23 your conclusions, right?

24 A That's correct, yes.

25 Q And in that report you talk about many of these

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1 injuries, correct?

2 A Yes.

3 Q Including the petechia to the eyes and I think perhaps
4 even the mouth, correct?

5 A That's correct, yes.

6 Q And you mentioned the bruising?

7 A Yes.

8 Q So everything that's reflected in the pictures is
9 something that is documented in your report, right?

10 A That's correct, yes.

11 Q And what you're prepared to testify about today,
12 right?

13 A That's right, yes.

14 MR. FRICK: Thank you, that's all the questions I
15 have. Judge, the defense is concerned under 403A analysis
16 that these are highly prejudicial. These are some extreme
17 pictures, I understand not all of them are, but
18 particularly I think -- I can't remember which one is the
19 mouth, it was either 105 or 106, the eye, 98, and most
20 definitely the strap muscles of 100 and 101 I think are a
21 little over the top for the purposes of a trial. I would
22 object to all of the pictures, but most strenuously to
23 those pictures being admitted. While I understand they may
24 be helpful for the doctor to demonstrate her testimony, I
25 know she can ably do it, she did so in the report. Having

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1 tried many, many murder cases and one prior strangulation,
2 I understand strangulation is a little bit different, but
3 previous trials -- and admittedly it was Dr. Ross, not Dr.
4 Collins who was at that trial, but I know that they both
5 are trained to be able to articulate to the jury the
6 injuries without the photographs. I have not had those
7 photographs entered before, the State has been able to
8 present their case, I think they're able to do that today.
9 I'm just concerned about the overwhelming prejudice
10 particularly given the gravity of the case. And I can give
11 you a case on that but I know the Court has dealt with this
12 issue before so I will let you in your good judgment make
13 your determination.

14 THE COURT: All right. Based on the testimony of Dr.
15 Collins, her testimony that she had reviewed -- or
16 obviously she had reviewed these photographs, she testified
17 as to the two she needed and the four that she did not
18 need, in effect that all of them will reinforce her
19 scientific opinion about the cause of death and possible
20 nature of death. Also based on State v. Collins, since
21 that explanation has come forth, the need for these
22 photographs, I'm going to have to overrule your objections
23 and allow them in. Now, something in Collins that I did
24 not mention during the trial was concerning the argument
25 about prejudicial value. The state of our world today in

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1 jurors constantly observing the CSI programs on TV, the
2 nature of the pictures, which many are even worse than a
3 lot I have seen in court, even these, I didn't agree with
4 some of the statements made by some of the appellate
5 justices that it would shock a juror in today's climate,
6 things that in my opinion have changed considerably in the
7 last ten years concerning photographs like these. But
8 bottom line is Dr. Collins needs them to carry forth her
9 testimony so I overrule any objections on these. We can
10 proceed from there.

11 (The photos were received as State's 95-109.)

12 MS. LIVELY: Do you want me to go ahead and separate
13 out the ones that are marked together so we can be very
14 clear when we're holding up the photographs? Because
15 whenever I tried to just now print some of that stuff out
16 it was after getting to meet with her in person and it
17 printed out the way that it did, that's why we had it
18 marked two exhibits on one piece of paper.

19 (Break in proceedings.)

20 MR. FRICK: Judge, just to protect myself on the
21 record but not slow it down, every time she introduces a
22 picture, when she starts talking about the pictures, just
23 to renew my objection to all of the pictures understanding
24 it has been ruled upon, would that be fine?

25 THE COURT: Yes.

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1 (The jury returned to the courtroom.)

2 MS. LIVELY: State calls Dr. Kim Collins to the stand,
3 she's already seated for Your Honor and has already been
4 sworn.

5 THE COURT: We need to put her back under oath.

6 The witness, KIM COLLINS, M.D. was first duly sworn
7 and testified as follows:

8 DIRECT EXAMINATION

9 BY MS. LIVELY:

10 Q Dr. Collins, please tell the jury where you are
11 currently employed.

12 A I'm currently a forensic pathologist on staff at
13 Newberry Memorial Hospital.

14 Q And how long have you worked there?

15 A At that particular hospital I have worked there for
16 two years but I have been practicing as a forensic
17 pathologist since 1994.

18 Q Do you have to have a special educational background
19 in order to get into this field?

20 A You have to have special training and educational
21 background as well as stand for board certifications.

22 Q And what is your educational background?

23 A I went to college and received my Bachelors at the
24 University of Georgia, I'm from Atlanta, and I then went
25 to medical college in Georgia, also at the Medical College

KIM COLLINS, M.D. - DIRECT

1 of Georgia and received my M.D. Following medical school
2 I chose to go into pathology and so I completed a five
3 years combined anatomic pathology and clinical pathology
4 residency at Wake Forrest University Bowman Gray School of
5 Medicine. After my residency I wanted to subspecialize in
6 forensic pathology so I went to the Medical University of
7 South Carolina, it's one of the few places that trains
8 forensic pathologists, and I completed my fellowship
9 there.

10 Q And tell the jury what the difference is between
11 pathology and forensic pathology.

12 A Well, pathologists are medical doctors, and you
13 probably all have been treated by one. If you had ever
14 had your blood taken, gave a urine sample, had a pap
15 smear, had anything removed, that all went to pathology,
16 if you had a rapid strep test. Now, forensic pathology
17 takes all of those laboratories; hematology, chemistry,
18 everything and uses the autopsy to investigate unnatural
19 death and trauma and to determine cause and manner of
20 death.

21 Q So when you say forensic pathologist, that means you
22 take everything into consideration in coming up with your
23 final conclusions?

24 A Yes, that's correct.

25 Q All right. So -- and how long have you actually been

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1 a forensic pathologist?

2 A Since 1994.

3 Q How many autopsies have you performed since then?

4 A Somewhere over 3,000.

5 Q And how many times have you actually been qualified as
6 an expert witness in a criminal trial in forensic
7 pathology?

8 A It's been in state and federal court and military
9 court, probably 250 times.

10 MS. LIVELY: Your Honor, at this time the State would
11 offer Dr. Kim Collins as an expert in forensic pathology.

12 MR. FRICK: No objection, Your Honor.

13 THE COURT: So qualified without objection.

14 MS. LIVELY: Thank you, Your Honor.

15 Q Dr. Collins, were you requested through the coroner of
16 Chester County or the deputy coroner of Chester County to
17 conduct an autopsy on a victim by the name of Judy Lindsay
18 on September 14th of 2015?

19 A Yes, I was.

20 Q Whenever you receive a request like that, how much
21 information is provided to you ahead of time for you to
22 know kind of what to expect whenever you actually receive
23 the body?

24 A In South Carolina we have a coroner system, as most
25 of you probably know, and so the investigation and all of

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1 the information is by and through the coroner and so we
2 receive as much as we can. Sometimes you have a great
3 deal of information about the decedent and sometimes you
4 have very little information, so what we receive is as
5 much as the coroner knows at that time.

6 Q And whenever you received the information on this
7 particular victim, Ms. Judy Lindsay, what information did
8 you have for your -- just to kind of wrap your mind around
9 what you were about to get yourself into?

10 A Okay. We knew that we were dealing with an
11 individual that was last seen by the daughter around
12 midnight, and then they said they could not find the
13 individual in the morning, so they contacted law
14 enforcement and found her behind a shed with no clothes
15 on, and then we had a past medical history that she had
16 some high blood pressure and that was it. The body was
17 brought to the autopsy room for an autopsy at the request
18 the Chester County Sheriff's Office and the coroner's
19 office.

20 Q So whenever the body actually arrives in Newberry to
21 your office, what type of -- how is the body actually
22 brought to you to preserve any type of potential evidence
23 on that body?

24 A The body comes in a body bag, it's locked with a seal
25 and the seal cannot be opened unless it's cut open and the

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1 seal has a number on it. And so we cut the seal after
2 we've received the body and paperwork, documentation, the
3 body is signed in by whichever transport team is requested
4 by the coroner. And so when we see the body -- I mean the
5 bag, we open the bag and then we photograph the body
6 as-is, and we also again look for identification such as
7 an ID band from the hospital on the wrist or a toe tag or
8 hand tag by the coroner's office.

9 Q Is all of this in order to preserve any type of
10 forensic evidence that may be contained within the bag as
11 well as the body?

12 A Oh, definitely. The body is examined as well as for
13 photography when we get the body, but also for any types
14 of trauma, evidence, hairs, fiber, blood, et cetera, and
15 this is on every single case. Even though we get a
16 history you can't just go in with tunnel vision thinking,
17 "Oh, I have an idea what this cause of death is." You
18 take your history but you know you've got to start with
19 square one and do every case exactly the same way.

20 Q I'm going to show you what's State's Exhibit Number
21 100, it's already in evidence, and ask you, is that how you
22 know and identify that who is sending you the body as well
23 as who has the victim?

24 A Yes. This is a tag that's on the bag, it's also
25 considered what we call a toe tag, sometimes they're on

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1 the feet. It has the decedent's name, Judy Lindsay, has
2 the county that it's from, Chester County. It originated
3 from the coroner's office, and then there's a telephone
4 number for the mortician whom we should call once we've
5 completed our examination. And the photograph is taken
6 with our autopsy number, which is FA for forensic autopsy,
7 15, 2015, and then 742. So everything is identified with
8 the label and the photograph.

9 Q And the photographs that are taken during the autopsy,
10 are they done by your office?

11 A Yes. I will take them or if I have to hold something
12 or a particular -- make a certain angle on the decedent
13 then I will have the assistant take the photograph, but
14 I'm there the entire time.

15 Q Okay. After you open the bag and you begin to
16 actually observe the body and the items within the bag,
17 that's whenever you start documenting what you're seeing,
18 correct?

19 A Right, that's correct.

20 Q Who else was present during the autopsy for this
21 particular case?

22 A I know we have our technician that assists us, as
23 well as we have a computer individual that helps enter
24 information into the computer, and I believe we had law
25 enforcement that was present.

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1 Q Do you recall a SLED agent being present as well to
2 assist with the collection of evidence?

3 A Yes, I know SLED was involved in this case. I can't
4 recall the agent's name but SLED was definitely involved
5 and present.

6 Q And whenever law enforcement is present during an
7 autopsy, what benefit does that give you in regards to
8 collection of evidence and then possibly turning it over?

9 A It helps in that we can explain what we're seeing on
10 the body, whether we think it's a fiber or a hair or what
11 we think we're possibly looking at. It also helps us to
12 show the individual, the agent, what we have, where we're
13 putting it in the envelope, and it also preserves chain of
14 custody so that I can sign that the evidence, whatever it
15 is, and I sign and date it and then I turn it over to that
16 individual who will sign to receive it, and then the agent
17 will take it to SLED in Columbia.

18 Q What was the age, height and weight of this particular
19 victim?

20 A The age was given to us as 51 years, and the body was
21 approximately 150 pounds, and the length was 61.5 inches.

22 Q So a little over five feet tall?

23 A Right, 5-1 and a half.

24 Q Now, when the body arrived, was she clothed or did she
25 have other items on her body?

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1 A She was unclothed, she had no clothes on. She had a
2 gray metal band with stones on the left fourth finger, and
3 she also had bags on her hands, and the bags are put there
4 by law enforcement, they are paper bags. You don't want
5 to put plastic, you don't want condensation and so the
6 bags are on the hands and they're taped usually at the
7 wrist to keep them there and preserve any evidence that
8 might be on the hands.

9 Q I'm going to show you what's in as State's Exhibit
10 Number 106. Does that picture --

11 MR. FRICK: Your Honor, at this time defense would
12 renew its motion to object to the autopsy photos that we
13 had in the proffer hearing, renew my objections that you
14 previously ruled on.

15 THE COURT: So noted.

16 MR. FRICK: Thank you.

17 Q Does that picture accurately reflect what you're just
18 now explaining to the jury about how you observed the body
19 once you opened the bag for your autopsy?

20 A Yes, she's still in the bag. We also look at the bag
21 and in the bag. And then on her hands are brown paper
22 bags that were taped with evidence tape to secure them
23 onto the hands.

24 Q Once again, to preserve any potential evidence that
25 could be on the victim.

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1 A Yes, that's correct.

2 Q So once you've actually started that process, are you
3 not only taking pictures, but are you documenting in your
4 autopsy report the actual injuries that you're observing to
5 the victim?

6 A Yes, we are.

7 Q So as you're looking over the body, tell the jury on
8 the exterior of the body what you're noticing and
9 documenting as her external injuries.

10 A Over the body we noticed that she had multiple areas
11 of abrasion. The abrasions are like scratches or if you
12 skid on something or some people when they're kids growing
13 up they call them strawberries or raspberries if they're
14 playing out on the playground and they slide and you get
15 that red, it scrapes off the outer surface of your skin,
16 so that's an abrasion. So we saw multiple areas of
17 abrasions, we saw bruises to different parts of the body,
18 and we also saw ant activity, insect activity. When a
19 body has been left outside you can see little markings
20 where the insects have been.

21 Q And once again, you documented all of these within
22 your report as well as in the actual photos.

23 A Yes.

24 Q I'm going to show you a couple more of those. I'm
25 going to show you State's 104 and 103, and ask you please

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1 to describe the injuries that you are noting in 103 and
2 104.

3 A Okay. In 103 we're looking at the side of her body
4 from her waistline up to about her armpit area on the
5 left, and there is a long linear abrasion or scratch
6 extending up the side of her body.

7 Q All right. And then in the next one, 104, what are we
8 seeing there?

9 A And in -- do you want me to show the picture?

10 Q That's fine, absolutely.

11 A This is 104. We're looking at her legs and you can
12 see her abdomen here, and we have a continuation of that
13 long linear abrasion which was in the previous photograph
14 that you see here going down her left side. It continues
15 going down her thigh and then you have a large area of
16 abrasion where the skin has been rubbed off on her left
17 knee.

18 MS. LIVELY: Your Honor, I'm going to publish these
19 few photos as the doctor is speaking while we're
20 discussing.

21 THE COURT: Okay.

22 Q I'm going to show you State's Exhibit Number 97. What
23 does that picture document?

24 A This is a back view where we've turned the body on
25 its side and we notice that there's an area of abrasion or

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1 irregular scratches on her left buttock area.

2 Q And once again, each one of these items that you
3 document in your autopsy report --

4 MS. LIVELY: May I publish, Your Honor?

5 THE COURT: Yes.

6 Q -- that you document in your autopsy report, you're
7 also documenting with photography in order to show the
8 totality of injuries to this particular person, correct?

9 A That's correct. And in the report, for instance,
10 I've measured it two by 1.5 inches on the left buttock,
11 and so we've given the detail in the autopsy report and
12 then we document that with the photographs.

13 Q And that was one of the things I was going to ask you.
14 I see you have the ruler, very clearly, you know, whenever
15 you start along with the number to identify the actual case
16 that you're working, but the documentation of the size of
17 the injuries helped you to also make determinations if not
18 exactly what caused it, but the level of injury, like how
19 maybe deep or long or how maybe -- it worsens the injury
20 possibly if it's a bigger injury that you can document with
21 the ruler; is that right?

22 A Yes. And it helps -- that's a ruler that we have a
23 label on it, we've got a different ruler that's very -- to
24 the 100th of an inch that's very detailed. And it helps
25 to not only tell you the size, maybe if an implement was

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1 involved, and it's not only the size but it's also the
2 location of these injuries that help you know how much
3 force was required to get an injury in a particular place.

4 Q Thank you. That's what I was trying to get at was the
5 force, I apologize. So the force of the injury would show
6 the level of a possible struggle between a victim and her
7 attacker, is that fair to say?

8 A Yes, that's correct.

9 Q That's correct, okay. So you're documenting that as
10 well.

11 A Yes.

12 Q All right. I'm going to show you now what's State's
13 Exhibit 107, and actually 109 is the same thing but it's
14 just kind of a larger more blown-up picture of it, and then
15 108. Please tell the jury what those pictures show and the
16 purpose of you documenting those particular injuries.

17 A Okay. Just so you can get oriented because it's kind
18 of difficult, 107 is a smaller view of 109 which you will
19 see here. This is -- her breast area would be off of the
20 photo here, this is her shoulder, this is her elbow so
21 this is her inner arm, okay, right in this area. And what
22 the photograph is showing you is a large area of bruising,
23 which we call contusion, on the inner aspect of her arm,
24 her left arm also around near the elbow. So bruising, as
25 you probably know, is bleeding underneath the skin, and to

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1 cause a bruise you've got to have some amount of force,
2 either a hitting, a pulling, a squeezing, something has to
3 rupture the blood vessels underneath the skin to show up.
4 And they even show up -- even though she's darkly
5 pigmented you still see these contusions.

6 Q Okay. Dr. Collins, I gave you as well, number 108 and
7 ask you, what is that a picture of? And are those
8 contusions similar in nature to the ones we just saw to the
9 other arm?

10 A Yes. Now you're looking -- here is her chin so
11 you're looking at her right arm, her elbow is just to the
12 left at the side of the photograph. This is her right
13 upper arm and her armpit area, and you've got similar
14 bruises or contusions to the skin and underlying tissues
15 in this region. So again, that's a blunt trauma, it's a
16 force hitting, squeezing, pulling, that type of a force to
17 cause the contusion, the bruise.

18 Q And as an expert in forensic pathology in trying to
19 determine the cause of certain injuries to a victim, would
20 those injuries be consistent with someone who has their
21 hands under a person's arms and are pulling and dragging
22 them against the friction of the earth or ground?

23 A Yes, that's correct. And these areas, the armpit and
24 the enter upper arm, those are very unusual places to get
25 an accidental injury. You don't fall on your armpit, you

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1 don't fall on the upper inner aspect of your arm, so these
2 are seen more as being inflicted by another person.

3 Q And once again, you're gathering this evidence and
4 putting everything together before your final
5 determination, correct?

6 A That's correct.

7 Q I'm going to show you State's Exhibit Number 99.
8 Please explain to the jury what this picture depicts.

9 A This is showing her eyes and her forehead. And in
10 the autopsy report we documented that from the neck or
11 collar bone area up she had a red/purple discoloration to
12 that part of the body. And you can see a little bit of
13 the purpleness of the eyes and you've got an abrasion to
14 the forehead as well as a little bit of ant or insect
15 activity on the forehead.

16 Q Whenever you have in your report that the head and
17 neck seems cyanotic; is that right?

18 A Yes.

19 Q Is that what you're referring to?

20 A Yes, congested cyanotic, a lot of blood located in
21 the head and neck. And then we'll determine why there's a
22 lot of congestion in the head and neck.

23 Q Now, the scrapes and contusions that you've talked
24 about that we've actually shown to the jury, whenever you
25 got the victim and you are reviewing and you're collecting

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1 everything, did all of those injuries appear to be acute,
2 meaning recent or happening around the same time?

3 A Yes. There were no changes noted such as a scab
4 forming on the abrasion. The bruises, or contusions, were
5 red/purple color, they didn't seem -- and they're all the
6 same color and so it wasn't like she had some older
7 bruises and then some newer bruises.

8 Q So would you be willing to give an expert opinion as
9 to whether or not those injuries would have been caused
10 within hours of her -- of you actually seeing her, like how
11 many hours it could have been that these injuries took
12 place?

13 A Well, you can say that these injuries occurred at or
14 about the time of death.

15 Q Okay. All right. And if you received, which you did
16 receive information that the last time that her daughter
17 documented seeing her was around a little after midnight
18 that night and her body was found that next morning around
19 10:00 or so, would that be consistent with the injuries and
20 the time of death?

21 A Yes.

22 Q Now, one of the other things that you do whenever
23 you're looking at the body, sometimes you have to be a
24 little more intrusive in looking at some of the potential
25 injuries, would that be a fair statement?

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1 A Yes. We cut into the injuries if we have to or
2 dissect the injuries, we want to see what's underneath
3 what we see on the surface. We also do radiographs, which
4 we did in this case. But yes, we do a complete -- it's
5 like a postmortem surgical procedure on the body.

6 Q And you also conduct a sexual assault examination; is
7 that correct?

8 A Yes, I did.

9 Q And is that something that's even standard when it's
10 an unknown death or is that something that was particularly
11 requested in this case?

12 A It's not standard on every death. I do it on all of
13 the cases in which a body is found with clothes on. If
14 there's any injury, as in this case, to her bottom area,
15 to the outside of her labia near her vagina I would do the
16 case -- I would do a sexual assault examination then.

17 Q Let me back up just a minute. In regards to the -- a
18 couple of more injuries that you were documenting in this
19 particular case, I'm going to show you State 105 -- let's
20 do this, State's 95, 105 and then 98. First in 95. What
21 is it that we're seeing in State's 95?

22 A Okay. What you're seeing here is close-up of her
23 neck area, her chin would be upwards. And what you see is
24 an area of contusion or bruising on her left neck and a
25 little bit on her right neck also.

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1 Q Did you touch that area with your hands before
2 evidence was collected?

3 A No.

4 Q And why is that?

5 A Because we don't want to leave any evidence behind.
6 Furthermore we also use gloves whenever we're touching the
7 body so we don't put our DNA, our hairs, our fingerprints
8 on anything.

9 Q Was there a request made by law enforcement as to
10 evidence to be collected off of the neck of Ms. Judy
11 Lindsay?

12 A When law enforcement and SLED -- they were there,
13 they asked what I was noticing and I said that this area
14 of contusion around the neck is consistent with what we
15 see with a manual strangulation, meaning by the hand as
16 opposed by a rope or another type of implement, and so we
17 were communicating with them at the time. It was another
18 reason it's great to have them in the room. And so they
19 were able to take special swabs from the neck area where
20 we thought that there had been possibly a hand.

21 Q So swabs were taken from the neck area. Were those
22 swabs, in your presence, were they preserved and actually
23 sealed and put aside?

24 A Yes.

25 Q Now, the next picture that you have in front of you,

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1 what does that picture depict?

2 A Okay. This is a photograph of her mouth, and you see
3 her chin is under the label that we have. And we've
4 opened her mouth to show that she's got blood in her
5 mouth, she had actually bit down on her tongue deep into
6 the muscle. She's also got some tears or scratches to her
7 lips which correspond with pressure from her lips onto her
8 teeth, frontal teeth. And what you can see in a close-up,
9 if you look closely on the inner aspect of her lips where
10 we folded it back, she's got these pinpoint hemorrhages
11 and those are called petechia and those are produced when
12 you have compression on the neck and the little blood
13 vessels rupture in the mouth.

14 Q Is that indicative of the level of pressure and/or
15 force used in order to actually manually strangle someone
16 or does it show something else?

17 A It shows that it's strangulation, it shows the victim
18 was alive when the pressure was put on the neck. You
19 don't need too much pressure to produce this, but it's
20 more indicative of the pressure that we saw later when we
21 looked in the neck area.

22 Q Now, the next picture you had to explain to me the
23 value of this picture in regards to explaining evidence of
24 injury once again. Please tell the jury what the purpose
25 of that picture that you're going to hold up, tell me what

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1 is State's Exhibit -- I think it's 98 but I'm not sure.

2 A Ninety-eight.

3 Q State's Exhibit Number 98, what does that picture
4 show?

5 A When we have a victim we also look at the eyes, we
6 look at the eyelid, we flip it and look at the inside of
7 the eyelid and particularly the white of the eye in every
8 single autopsy, and what we're looking for are any
9 pinpoint hemorrhages as we found in the mouth. And when
10 there's been a lot of compression over extended meaning
11 several minutes period of time these pinpoint hemorrhages
12 will merge together into a large collection of blood
13 that's on the white of the eye and on the eyelids. And so
14 we use an implement to hold the eye open so we can better
15 visualize the white of the eye and photograph it, and what
16 you have here is what we would call this very marked.
17 Sometimes you don't even see this in a strangulation case,
18 but this is marked hemorrhage in the tissue that's over
19 the white of the eye. When you got the photograph you
20 will see the little blood vessels that are congested, but
21 in this area they've already ruptured over the white of
22 the eye due to the pressure in the neck. The neck is
23 squeezed, blood is still able to pump to the head and the
24 skin and the face, but it's not able to return to the
25 heart, that is why we have the purple look to the face and

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1 why we have these ruptured blood vessels. Blood is still
2 circulating to the head but the pressure on the neck like
3 you can feel your own vessels is causing it to remain in
4 the head, and so much pressure is generated that these
5 blood vessels are ruptured.

6 MR. FRICK: Your Honor, may we approach briefly?

7 THE COURT: Sure.

8 (A bench conference was held.)

9 Q Dr. Collins, just a couple of more pictures and have
10 your explanation and then I'll wrap up. I'm going to show
11 you State's 101 and 102. And please be sure to describe
12 exactly what it is we're looking at and what the meaning of
13 those photos are.

14 A Okay. And also back to the previous exhibit, when I
15 was describing the eye, we don't have a photograph of the
16 other eye, but the other eye looked just like this
17 particular photograph that you're holding.

18 Q So both eyes have the same level -- had hemorrhaging
19 which you documented from the strangulation.

20 A Yes. When we have a case every autopsy we start the
21 same way. We have a Y incision on the chest and going
22 down the body and then we're able to surgically dissect
23 the skin and reflect it so you see the neck muscles, and
24 what we do then is examine these neck muscles. If you
25 kind of tighten up your neck you can see your own strap

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1 muscles, and we call them straps for obvious reasons.
2 What we're looking for is any hemorrhage in these various
3 strap muscles. So this photograph that I'm going to show
4 you, what you're looking at is the muscles that are in the
5 neck area. To strangle someone you do not need to produce
6 hemorrhages, you don't need that much pressure, but here
7 we've got hemorrhages in these structures, and what that
8 signifies is there's a great deal of pressure. And so as
9 you look at the neck here you've got hemorrhages on the
10 left and right side of different muscle layers, so some
11 are on the top, the muscle you can grab right here on your
12 own self, and some are deeper down into the neck muscles,
13 still the hemorrhages are produced.

14 Q And you might -- I don't know if you can even answer
15 this, how long does it take when you're manually strangling
16 someone and you're not just doing it from one of those
17 choke holds but you're actually applying that kind of
18 pressure, about how long does it take for a person to
19 become unconscious and then potentially die?

20 A It can take a long time if the person is combative
21 because you'll have pressure and then release, pressure,
22 release if there's an altercation involved. So with these
23 different hemorrhages that we see here, the large amount
24 of hemorrhage in the eye, that was more than just several
25 seconds, you can't really time it anymore than that, but

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1 it was several seconds to several minutes.

2 Q And did it appear from what you saw that there was a
3 struggle between the assailant and this victim?

4 A Well, there's signs of force such as on the inner
5 arms and the armpit areas, the sign of force within the
6 inside of the mouth, the biting of the tongue, the
7 abrasions over the body.

8 Q All right. And then in the other picture that you
9 have there, what does that show to the jury?

10 A What we've done is we've taken out what we called the
11 neck block, it's just as if in surgery you're going to
12 take the voice box out and the esophagus that you eat with
13 and your trachea and we take the neck block out. And to
14 me this is one of the most important photographs you'll
15 see, because what we're looking at here is the tissue in
16 the back of the throat along your back bone, so this is
17 deep tissue. And we've even got a massive amount of
18 hemorrhage on this deep tissue, this is like the deepest
19 you can get. So that's a lot of squeezing through the
20 skin through the underlying fat, through all those strap
21 muscles and then to cause hemorrhage in the back of all of
22 these structures around the esophagus, that's very deep in
23 the back of the neck. So this is -- we're talking about
24 force, this is what we look for to show how much force was
25 applied.

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1 Q In your opinion as an expert in forensic pathology,
2 would the force that's used and that you see in the jury in
3 this picture be consistent with rough sex?

4 A No, not at all.

5 Q You already mentioned that you did a rape kit or
6 sexual assault examination on this particular victim,
7 correct?

8 A Yes.

9 Q Did you document also in that sexual assault kit any
10 particular injuries to her genital area?

11 A Yes. She had an injury to the top of -- if you look
12 at a woman's external private area where the pubic area
13 bone underneath the hair, she had an abrasion to that
14 area, and then as you're starting to -- if you're
15 examining the vagina on the left side on the outside she
16 had a tear and scraping of the tissues there, so there was
17 some blood there. Inside the vagina we did not find any
18 injuries. But we did find some injuries to -- we took the
19 vagina and the rectum out, and these tissues inside the
20 body that are around the rectum in your body, they were
21 hemorrhagic, so there was some deep pressure or force in
22 that region.

23 Q And was there anything that came back that indicated
24 the presence of any type of bodily fluids?

25 A Not that I received. I looked for sperm at the time,

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1 it's not unusual not to find any in cases. Maybe there
2 wasn't any, maybe there was no intercourse, but we looked
3 for that and we always time when we look at it because you
4 have different changes that take place if you're looking
5 for body fluids. So I did not find any under the
6 microscope at that time. We still went ahead and took
7 slides and swabs for SLED to look at for DNA. We found
8 hair and fibers from her neck and face, we clipped her
9 fingernails because you want to see if there's anything
10 under fingernails. We combed her pubic hair for any loose
11 hairs and then we also plucked some of hers so you know
12 which once are hers. We swabbed the neck as mentioned
13 before for -- the front of the neck for touch DNA. And
14 there was also some fibers that were removed from her
15 pubic region and we recovered those.

16 Q Whenever a person is being strangled, does their body
17 undergo certain changes and certain involuntary functions
18 that could occur?

19 A When you're strangled, meaning you're not getting
20 oxygenated blood to your head, to your brain and your
21 whole body has a decrease in oxygen, some decedents will
22 have vomit and some will lose control of their bladder,
23 there will be urine on them or on their clothes, and some
24 will lose control of their bowels, so you might have fecal
25 material at the scene and fecal material on the body.

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1 Q Were you aware of whether or not any of that was
2 present in this particular case?

3 A I don't know if I documented it, but I know we
4 discussed with SLED agents there was some fecal material
5 at the scene.

6 Q Now, Dr. Collins, in your expert opinion as a forensic
7 pathologist with a reasonable degree of medical certainty
8 were you able to come up with the actual cause of death?

9 A Yes. We certified this as asphyxia, which is a lack
10 of oxygen due to strangulation.

11 Q And you believe that to be manual strangulation,
12 correct?

13 A Yes.

14 Q And the cause of death would then be deemed a
15 homicide?

16 A The manner of death, yes.

17 Q I'm sorry, the manner of death would be homicide,
18 cause of death manual strangulation.

19 A Yes.

20 Q Was there any indication that she had a heart attack?

21 A No.

22 Q So no natural causes that you were able to see at all
23 in regards to what happened to her.

24 A Even after I looked at the eyes and look at the strap
25 muscles and I thought this individual has been strangled,

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1 we still performed a complete autopsy; looked at the
2 brain, looked at the ovaries, the uterus, the spleen, the
3 kidneys, adrenals, everything. So there was nothing else
4 that could have caused or even contributed to her death.

5 Q Give me just a second.

6 (Break in proceedings.)

7 Q Dr. Collins, just because with television and some of
8 things that we see, just so that the jury can understand,
9 is there a way that you can actually have a choke hold on
10 someone to cut off their air supply to where they could be
11 unconscious and die within seconds?

12 A A choke hold does not cutoff the air supply, a choke
13 hold cuts off your arteries, and if you have that on both
14 sides you can cause a person to not die but go
15 unconscious.

16 Q So unconscious but not necessarily die.

17 A Correct. They can die, that's why we're encouraged,
18 or law enforcement is encouraged not to perform choke
19 holds anymore.

20 Q Thank you, that's one thing. The other thing, with
21 the manual strangulation with the information that you
22 retrieved from this particular autopsy, you continuously
23 used the term level of force and the force used. Was the
24 level of force great in what happened to this victim, Ms.
25 Judy Lindsay?

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1 A Yes. Because you can strangle someone and leave
2 nothing behind but maybe a few petechia in the eyes or in
3 the lips, you don't even have to have a bruise on the
4 neck. What we have here, we have the bruise on the neck,
5 we've got so much evidence with the strap muscle
6 hemorrhages bilaterally, nothing else causes that, and the
7 back of the throat area, all of the soft tissues around
8 the esophagus, even those are hemorrhagic and that's not
9 even common in strangulations. So this is a great deal of
10 force.

11 MS. LIVELY: Thank you, answer any questions the
12 defense may have.

13 CROSS EXAMINATION

14 BY MR. FRICK:

15 Q Dr. Collins, you've got a copy of your report up there
16 with you?

17 A Yes, sir.

18 Q Do you document on the front of it when exactly you
19 did the autopsy?

20 A We have it documented as 10:00 a.m. on September
21 14th.

22 Q On September 14th?

23 A Yes. That was documented in the computer and
24 actually we began looking at her and undoing the body bag,
25 et cetera, in the case summary at approximately 9:30 a.m.

KIM COLLINS, M.D. - CROSS

1 so yes.

2 Q But you didn't have the body and didn't begin
3 examining the body, probably wasn't even aware there was a
4 body until the 14th?

5 A That's correct.

6 Q Okay. And, of course, you conduct all of this at the
7 Newberry Hospital, you don't come to the scene.

8 A That's correct.

9 Q And you didn't in this case, right?

10 A Right. I have gone to scenes but not in this case,
11 that's correct.

12 Q That's why I wanted to clarify that. You didn't come
13 to Chester, you didn't go to Fifth Street.

14 A That's correct.

15 Q Probably have no clue where Fifth Street in Chester
16 is. Maybe you do, I have no idea.

17 A I don't know where that location is, I do not.

18 Q So the information that is relayed to you is what you
19 use to start the autopsy, right?

20 A Yes. You get the different histories and so you
21 think, "Well, that's what they had at the time." And so
22 it helps you kind of get an idea, but really you don't
23 know until you begin.

24 Q Sure. And then, of course, your job is to start doing
25 the examination really independent of all of that and then

KIM COLLINS, M.D. - CROSS

1 reach your own conclusions as you go through and collect
2 your own evidence, right?

3 A That's correct.

4 Q And, of course, your conclusion in this case is it was
5 a strangulation.

6 A Yes.

7 Q And that was absolutely what killed Ms. Lindsay.

8 A Yes.

9 Q And, in fact, it was a fairly forceful one as you have
10 said.

11 A Yes.

12 Q And you've seen this many times -- I don't know how
13 many times you've seen strangulations, but I imagine this
14 was not the first time you've seen one.

15 A No, it was not, no.

16 Q In your expert opinion this was a forceful one.

17 A Yes. I've seen dozens of them, and yes, this was
18 extremely forceful.

19 Q Okay. As far as what you've testified when the
20 solicitor asked about people evacuating their bowels and
21 perhaps even their bladder, I know you had information that
22 some fecal matter was found at the scene, did you find any
23 on the body?

24 A Let me look real quick.

25 Q Sure.

KIM COLLINS, M.D. - CROSS

1 A No. There was -- no fecal matter was on the body.

2 Q Okay. Now, when the body comes to you the hands are
3 already bagged up, correct?

4 A Yes.

5 Q And that's so you can collect potential evidence,
6 correct?

7 A Yes.

8 Q What specifically are you collecting in that
9 situation?

10 A We cut the bags off and then we look at the hands for
11 any trauma, we look for any hairs, fibers and then we clip
12 instead of scraping the fingernails.

13 Q So y'all just clip them straight off and then do what?

14 A We clip them into either a paper towel or into the
15 envelope, we have right hand and left hand, and then we
16 would seal it and then we would hand it over to SLED.
17 They would be the ones that would look for any trace
18 evidence.

19 Q Okay. And going on that, you did some touch DNA
20 swabs, correct?

21 A Yes.

22 Q And, of course, with the fingernail clippings and the
23 other hairs and fibers you collected, you collect those and
24 send them to SLED, you don't test them in Newberry, right?

25 A No. That's a whole other specialty of forensic

KIM COLLINS, M.D. - CROSS

1 science.

2 Q Okay, very good. And, of course, you did all of that,
3 you collected this evidence and sent it on to SLED.

4 A Yes. We transferred it to the agent of whoever is
5 going to take control of it.

6 Q Okay. All right. Give me one quick second.

7 (Break in proceedings.)

8 MR. FRICK: Thank you, ma'am, that's all of the
9 questions I have.

10 MS. LIVELY: That's all with this witness, Your Honor,
11 may she be excused?

12 MR. FRICK: No objection.

13 THE COURT: The jury can step back, Mr. Roseboro, you
14 can keep your seat, please, you may be seated.

15 (The jury left the courtroom except for Juror
16 Roseboro.)

17 THE COURT: Mr. Roseboro, do you work third shift?

18 THE JUROR: I work second shift.

19 THE COURT: What time do you get off?

20 THE JUROR: 11:30, but most nights we got off at
21 12:05.

22 THE COURT: I'm going to go ahead and excuse you and
23 let you go back. I have been noticing that you dosed off
24 and then during this testimony several times your fellow
25 jurors had to wake you up and --

1 THE JUROR: I don't get much sleep, I'm sorry.

2 THE COURT: I understand. I'm not criticizing you
3 because we do run into that problem with second and third
4 shifts and people have to report to jury service and their
5 employers don't have any sympathy for them and they have to
6 come into work and make a living, so you know, please don't
7 have any embarrassment or discomfort on your part over that
8 because it happens, okay? But you're free to go home.

9 (The juror left the courtroom.)

10 THE COURT: For the record since he has stepped out of
11 the room, it was called to my attention by both the State
12 and the defense about the juror dosing off, it became
13 apparent that he was not hearing a considerable amount of
14 the testimony and therefore I felt compelled to excuse him.
15 We tried, we gave him coffee, gave him water, we took
16 breaks, we did everything we could do. Let's take five.

17 (A break was taken and the jury returned to the
18 Courtroom.)

19 THE COURT: Okay.

20 MS. LIVELY: State calls Major Burley McDaniel to the
21 stand.

22 The witness, BURLEY MCDANIEL, was first duly sworn and
23 testified as follows:

24 DIRECT EXAMINATION

25

1 BY MS. LIVELY:

2 Q Major McDaniel, where are you currently employed?

3 A I'm currently employed with the Chester County
4 Sheriff's Office.

5 Q How long have you worked with the Chester County
6 Sheriff's Office?

7 A Twenty-two years.

8 Q Can you pull that microphone to you? Thank you, sir.
9 Now, Major McDaniel, did you actually respond to a missing
10 person scene on September 13th, 2015?

11 A I did.

12 Q And whenever you arrived on that scene, what was your
13 particular duty at that time?

14 A I actually -- I was the supervisor.

15 Q All right. So you basically just supervised
16 everything that was going on, is that an accurate
17 statement?

18 A Pretty much, yes.

19 Q Did you actively participate in walking through the
20 crime scene or anything of that nature?

21 A Yes.

22 Q Did you gather any of the evidence or speak with any
23 of the witnesses while you were there that day?

24 A Not that day, no.

25 Q Not that day, all right. So as the case unfolded,

BURLEY MCDANIEL - DIRECT

1 what did the Chester County Sheriff's Office along with
2 SLED do to look into all possibilities to the cause -- not
3 the cause but the person who could have caused the death of
4 Judy Lindsay?

5 A Well, at that time we had no idea who was the one
6 that committed the crime, so therefore we received tips.
7 We worked the crime scene, we -- every tip we received we
8 worked it to the end, so therefore we did find the
9 suspect.

10 Q All right. So would it be fair to say that Jermaine
11 Bell wasn't the only person that the sheriff's office and
12 SLED was looking at as a possible suspect?

13 A No.

14 Q All right. Now, I am going to bring your attention to
15 an item dated September 23rd, 2015, and it's actually two
16 pages and I am going to use this to just refresh your
17 recollection. If you could please tell the jury what these
18 two items are and what the purpose of those items were.

19 A Well, the first one is a Chester County Sheriff's
20 Office evidence form, and the second one is a receipt of
21 property from SLED and I gave it -- okay, yes. This
22 receipt is from Kristen Grant of a buccal swab that I took
23 from Mr. Robert Pearson that was taken down to SLED, was
24 collected as evidence.

25 Q Thank you. Let me just ask you, if I can maybe

BURLEY MCDANIEL - DIRECT

1 retrieve those items. And just to refresh your memory in
2 regards to taking the buccal swab, who was Robert Pearson?
3 A Robert Pearson's name came up as a potential suspect.
4 Well, at that time we no idea as I said earlier who was
5 the suspect, so we didn't just stop at one suspect, that's
6 the defendant here, we had no idea who it was. So
7 therefore as I said earlier, we got every bit of evidence
8 that we could get and Robert Pearson's name came up. We
9 asked Robert Pearson to come in for an interview, sit down
10 and speak with us, he did. We asked him would he give
11 a -- submit to a DNA swab, a buccal swab, he said yes, I
12 actually swabbed him myself, I collected it, I did the
13 paperwork and actually entered in evidence.

14 MS. LIVELY: Those were my questions. Thank you so
15 much, Major, answer any questions that the defense may
16 have.

17 MR. FRICK: No questions for Mr. McDaniel.

18 THE COURT: You may step down.

19 MS. LIVELY: Herman Weldon.

20 The witness, HERMAN WELDON, was first duly sworn and
21 testified as follows:

22 DIRECT EXAMINATION

23 BY MS. LIVELY:

24 Q Good afternoon, Mr. Weldon.

25 A Good afternoon, y'all.

HERMAN WELDON - DIRECT

1 Q Mr. Weldon, where do you live?

2 A [REDACTED] Chester.

3 Q [REDACTED]?

4 A Yes, ma'am.

5 Q I'm going to show you what has been marked as State's
6 Exhibit 5, all right?

7 A Yes, ma'am.

8 Q And I'm just going to ask you if you recognize this as
9 being where you live.

10 A Yes, ma'am.

11 Q All right.

12 MS. LIVELY: Your Honor, this one is not entered as
13 evidence yet, it's State's Exhibit Number 85 without
14 objection.

15 THE COURT: In without objection.

16 MR. JONES: Without objection, Your Honor.

17 MS. LIVELY: So Your Honor without objection that's
18 going to be State's 85, 86, and 87.

19 THE COURT: All in without objection.

20 MS. LIVELY: Yes, sir.

21 (The photographs were received as State's 85-87.)

22 Q Mr. Weldon, do you remember giving a statement to
23 Detective Young who is seated right there about a year and
24 a half ago regarding the defendant, Jermaine Bell?

25 A Yes, ma'am.

HERMAN WELDON - DIRECT

1 Q You do? Okay. I'm going to hand you this statement
2 just in case you need to refresh your memory, okay?

3 A Yes, ma'am.

4 Q I'll just let you hold that for just a minute. Now,
5 Mr. Weldon, do you know the victim, Judy Lindsay?

6 A Yes, ma'am.

7 Q How long have you known her?

8 A We went to school together.

9 Q You went to school with her. Okay. Did you know the
10 defendant, Jermaine Bell?

11 A Not at the time.

12 Q All right. Now, Mr. Weldon, you said that you didn't
13 know Jermaine Bell at the time, what do you mean, when you
14 were in school or are you talking about in 2015?

15 A I didn't know Jermaine until the Mayfields.

16 Q I want to make sure, do you know who the defendant,
17 Jermaine Bell, is?

18 A Well, not really, I just met -- I really done met
19 him.

20 Q Don't know him that well?

21 A No, ma'am.

22 Q Can you point him out to the jury in the courtroom,
23 who Jermaine --

24 A (Witness complies.)

25 Q So that's him there in the blue shirt?

HERMAN WELDON - DIRECT

1 A Yes, ma'am.

2 Q Now, has that -- has Mr. Bell ever slept over at your
3 house at [REDACTED]?

4 A Yes, ma'am.

5 Q Okay. So even though you didn't know him that well,
6 he has actually stayed over at your house.

7 A Yes, ma'am.

8 Q One time, more than once?

9 A More than once.

10 Q More than once, all right. Has he ever left any
11 clothes in your home?

12 A Yes, ma'am.

13 Q And on the morning of September 13th, 2015, I know
14 that was over a year and a half ago but there's your
15 statement, whenever you woke up who did you see on your
16 front porch?

17 A Jermaine Bell.

18 Q Do you remember about what time that was?

19 A Not really I don't.

20 Q I'll let you look at your statement. Now, did
21 Detective Young help you write that statement?

22 A Yes, ma'am.

23 Q I don't want to embarrass you in any way or anything,
24 but can you look at that and actually tell with Detective
25 Wade's handwriting -- Detective Young's handwriting what

HERMAN WELDON - DIRECT

1 time you told him that you woke up and saw the defendant on
2 your front porch?

3 A When I woke up?

4 Q When you woke up, right.

5 A I woke up around 7:00 that morning.

6 Q About 7:00.

7 A Yes, ma'am.

8 Q Now, when you woke up and you went -- what did you do?

9 A I went out the door and I saw -- opened up the door
10 and I saw Jermaine on the couch and I asked him for a
11 cigarette and he didn't have none.

12 Q Hold on just a second, okay? That's fine, thank you.
13 So you walk out your door, is that the door to your home?

14 A Yes, ma'am.

15 Q And then you said you saw the defendant, Jermaine, on
16 a couch. Is that the couch?

17 A Yes, ma'am.

18 Q That's State's Exhibit 87.

19 A Yes, ma'am.

20 MS. LIVELY: Your Honor, I'm going to publish these to
21 the jury at this time.

22 Q I'm sorry, I didn't mean to cut you off, I just want
23 to be clear, so you said you walked outside and Jermaine
24 wanted a cigarette?

25 A I did.

HERMAN WELDON - DIRECT

1 Q You did. All right. And what did the defendant tell
2 you?

3 A He didn't have any.

4 Q He didn't have any. So what did you do?

5 A I told him I was going to the store, I would be back,
6 "I'll give you one when I get back." I walked to the
7 store.

8 Q You walked to the store. Which store did you walk to?

9 A Clack's Store.

10 Q How far is that from your apartment on Saluda Street?

11 A Probably about a half mile, it's a shortcut.

12 Q Okay. You use shortcuts but it's about a half mile?

13 A Yes, ma'am.

14 Q And whenever you got back where was Mr. Bell?

15 A Still in the couch at the door.

16 Q He was on the couch.

17 A Yes, ma'am, at the door.

18 Q And did he stick around with you for awhile or did he
19 leave?

20 A No, ma'am, we smoked a cigarette together.

21 Q While y'all were smoking the cigarette, did y'all talk
22 about anything?

23 A No. He kept going back and forth to the road, I
24 didn't know what was going on.

25 Q You didn't know what was going on?

HERMAN WELDON - DIRECT

1 A No, ma'am.

2 Q But he kept going back and forth to the road?

3 A Yes, ma'am.

4 Q Did he tell you why?

5 A No, ma'am.

6 Q Was he expecting a ride that you know of?

7 A I can't say.

8 Q You just don't know.

9 A No.

10 Q Now, later that day, did the police, Detective Young,
11 come to you and ask if they could search your home?

12 A Yes, ma'am.

13 Q And you signed a consent and said "Okay."

14 A Yes, ma'am.

15 Q And you allowed them to actually search in your home;
16 is that right?

17 A Yes, ma'am.

18 Q Let me grab your statement from you, Mr. Weldon, hold
19 on just a second, okay?

20 (Break in proceedings.)

21 MS. LIVELY: Thank you so much, Mr. Weldon, answer any
22 questions that the defense may have for you.

23 CROSS EXAMINATION

24 BY MR. JONES:

25 Q Mr. Weldon, I'm not going to have a whole lot of

HERMAN WELDON - CROSS

1 questions for you. Just to go back over something you
2 said, Mr. Bell had stayed at your house before?

3 A Yes, sir.

4 Q And it wasn't that unusual for him to be there?

5 A No, sir.

6 Q And so that morning when y'all smoked a cigarette
7 y'all are more or less fine, he seemed fine while y'all
8 were hanging out?

9 A Yes, sir.

10 Q And y'all just hung out and smoked a cigarette like
11 normal?

12 A Yes, sir.

13 MR. JONES: Thank you, no further questions.

14 MS. LIVELY: That's all of this witness, Your Honor,
15 may he be excused?

16 MR. JONES: Yes, sir, Your Honor.

17 THE COURT: Thank you sir, you may be excused.

18 The witness, DARKARIOUS WOODS, was first duly sworn
19 and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. NEWMAN:

22 Q Please state your name for the record.

23 A Darkarious Woods.

24 Q Darkarious. Where are you employed, Darkarious?

25 A I'm currently a QA Technician Supervisor at Auto

DARKARIOUS WOODS - DIRECT

1 Solutions.

2 Q Are you related to Mr. Mayfield?

3 A Yes, sir.

4 Q What is your relation?

5 A Uncle.

6 Q Okay. Judy was your aunt?

7 A Well, actually they was boyfriend and girlfriend,

8 so --

9 Q Common law marriage?

10 A Yeah.

11 Q All right.

12 A But she was considered my aunt.

13 Q But you knew her as well.

14 A Yes, sir.

15 Q Do you know Mr. Bell as well?

16 A I didn't know him before until he started coming

17 around the house and I knew him.

18 Q When he started coming around your uncle's house?

19 A Yeah.

20 Q Now, thinking back to September 13th of 2015, do you
21 remember seeing Jermaine Bell that early morning?

22 A No, sir.

23 Q Do you remember going to your uncle's house in the
24 early morning hours of September 13th?

25 A You mean early morning as in after 12:00 a.m.?

DARKARIOUS WOODS - DIRECT

1 Q Right.

2 A Yes, sir.

3 Q Dark outside but after midnight?

4 A I thought you meant early in the morning.

5 Q So you remember seeing Mr. Bell that night?

6 A Yes, sir.

7 Q Tell the jury what happened as you approached and why
8 you approached the home.

9 A Well, actually I was over in the area --

10 MR. NEWMAN: Your Honor, permission to step down?

11 THE COURT: Sure.

12 Q You can show us on the map where you were going and
13 where you pulled in your car.

14 A I was actually driving my vehicle coming around the
15 curve on Fifth Street and I was going to a friend, Jimmy
16 Kirkpatrick's house.

17 Q And what time was this?

18 A It was about 1:00 or 1:30ish, somewhere in that time
19 frame. Usually when I come over here in this area Jimmy
20 stays right in front of Mango, that's what I call him, and
21 when I come around there usually I --

22 Q Which house is Mango's?

23 A This red one, carport.

24 Q All right.

25 A And Jimmy's is this one right here with the little

DARKARIOUS WOODS - DIRECT

- 1 shed right here. Usually when I come around there it's
2 not -- it's common for me to look on the porch to see if
3 they're on the porch, stop by and talk, Mango also do some
4 work with my car. When I come around there that morning
5 there was no one on the porch, so then I just proceeded
6 on, stopped -- I don't know if you guys can see, right
7 here where this tree was. And when I stopped at this tree
8 in this area with the fire department knowing there's a
9 lot of activity going over there a lot, you kind of be on
10 your P's and Q's and aware of your surroundings. When I
11 parked right here I saw Mr. Bell come from the side of
12 this home, which I don't know who stayed there.
- 13 Q Was he coming beside Mango's home or coming beside the
14 second home?
- 15 A The second home.
- 16 Q Okay.
- 17 A He came around the second home, he came to my vehicle
18 to my driver's side and was speaking to me. He asked me,
19 "Is this your new car," or whatnot, and I was like "Yeah,
20 this is my car," which was kind of weird but I didn't
21 really pay it no attention.
- 22 Q Why was it weird?
- 23 A Well, he washed my car as well too.
- 24 Q So he knew that was your car.
- 25 A With me being knowing him he also washed my cars as

DARKARIOUS WOODS - DIRECT

1 well too at my previous address that I don't stay there no
2 more. After we talked he went back up towards this way
3 and I went back down this way and circled out and left out
4 of there.

5 Q So he left out this way.

6 A Yes, sir.

7 Q And you're sure he came through these two houses --

8 A Yes, sir.

9 Q -- to the back of your car --

10 A Yes, sir.

11 Q -- and came around to the driver's side?

12 A I wouldn't necessarily say the back because --

13 Q But you saw him coming from the back of these houses.

14 A Yes, sir. The way my car was positioned, you could
15 see here, there, here and back there and back in this
16 area. I was right there to where you could be at Mango's
17 porch and you can be at Jimmy's house. It's about the
18 best of both worlds to where if Mango were to come outside
19 I can see him, if Jimmy come outside I can see him.

20 Q So when you left you go up through here, and does this
21 circle back around, or how do you get out of there?

22 A I come down, I think it's -- come down on Sixth
23 Street, and I come back down off Third Street. And what I
24 do is I come down Saluda, at the time I was also on the
25 Lewis Fire Department.

DARKARIOUS WOODS - DIRECT

1 Q So you can't see Saluda real good but it's right here,
2 isn't it?

3 A Yes, sir.

4 Q And it comes back to here, these two streets meet at
5 some point.

6 A Yes, sir.

7 Q So you came back down Third, and you said when he left
8 he left out this way, correct?

9 A Yes, sir, up through this way.

10 Q When you came back down Third, did you see him
11 anymore?

12 A No, sir.

13 Q You can step back up.

14 MR. NEWMAN: Your Honor, we will enter State's 19 and
15 20.

16 MR. FRICK: I reviewed it, Your Honor, no objection.

17 THE COURT: Entered without objection.

18 (The photographs were received as State's 19 and 20.)

19 Q Mr. Woods, I'll show you these photos. Do you
20 recognize this photo?

21 A Yes, sir.

22 Q Tell me what you see here.

23 A What I see is the carport where if I need my oil
24 changed or anything done that's where I park my car at for
25 Mango to look at it and do whatever he need to do. This

DARKARIOUS WOODS - DIRECT

1 fence, if I'm not mistaken this fence is fenced in their
2 house and runs to the back of the house beside there.

3 Q Now, so you said you saw Mr. Bell coming in between
4 these houses. Do you know if he was on this side of the
5 tree or this side of the tree?

6 A He was on this side.

7 Q This side?

8 A Yes, sir, towards that house.

9 Q He's coming down there and comes to your car.

10 A Yes, sir.

11 Q Okay. This is State's 1. Is that their front porch?

12 A Yes, sir.

13 Q So you can see -- when you come around the curve you
14 can see if they're hanging out on the porch?

15 A Yes, sir. And if it's not anything you can see some
16 cigarettes burning.

17 Q And this is State's 20. Do you recognize State's 20?

18 A Yes, sir.

19 Q Okay. What is that?

20 A That's like the edge of the carport where I parked my
21 car.

22 Q Is that where he would change your oil at?

23 A Yes, sir.

24 Q You're pretty familiar with the area.

25 A Yes, sir.

DARKARIOUS WOODS - DIRECT

1 MR. NEWMAN: Permission to publish, Your Honor.

2 THE COURT: Yes, sir.

3 Q Did you notice anything about the way Mr. Bell was
4 acting when he came up to your car?

5 A Well, on that night it was weird because what really
6 caught my attention is asking about my vehicle, asking is
7 it new when you washed my car so you should know if my car
8 is new or not. He was jittery but during the time you
9 don't think something just happened so I really didn't pay
10 it no attention or really, "Oh my God, something just
11 happened," or whatnot, you just go on about your business.

12 Q You say he was jittery, was he shaking as he was
13 talking to you?

14 A To me it seemed as with my experience and with the
15 job that I used to do, when someone feel as -- they just
16 come to question, you know, come to you and figure out,
17 you know, try to have a conversation, you know, maybe -- I
18 don't want to say the wrong thing up here, but maybe as in
19 if he did something it was like, "Let me just make sure
20 this guy hadn't seen something. If there's any
21 information that he have maybe he may say something to me
22 or maybe if I go talk to him and I can hear in his voice
23 if I see anything that's wrong then --" trying to come up
24 with a conversation. But what really threw me off is
25 asking me about my vehicle and he washed my car.

DARKARIOUS WOODS - DIRECT

1 Q Did you notice if he was sweating or not?

2 A Not for sure, I really didn't pay it too much
3 attention. He was jittery, he was just real jittery and I
4 didn't pay it too much attention how much sweat and all of
5 that stuff that was -- that just -- like I say at the time
6 you really don't pay attention to stuff like that, how
7 much somebody sweating or whatnot.

8 Q And, of course, you didn't know anything was going on
9 with Ms. Judy.

10 A Correct.

11 Q When did you find out about Ms. Judy?

12 A I actually found out that next morning. I got up for
13 work and my grandfather called me and told me what had
14 happened. I looked at my cellphone and I saw my active
15 911 had went off and they alerted the fire department.

16 Q You worked for the fire department as well?

17 A Yes, sir, I was part-time then, well, a volunteer.

18 Q Are you still volunteering?

19 A Well, yes, sir, part-time with the city. And, you
20 know, us as a family, they was already over there and I
21 went over there at the last minute once everything was
22 trying to get situated.

23 Q Did you approach law enforcement and tell them what
24 you knew or did they find you?

25 A I cannot recall how that ended up taking place. I

DARKARIOUS WOODS - CROSS

1 don't know if -- I really can't recall how that contact
2 was actually made.

3 MR. NEWMAN: Beg the Court's indulgence.

4 (Break in proceedings.)

5 MR. NEWMAN: All right, Mr. Woods, I have no further
6 questions, please answer anything Mr. Frick has.

7 CROSS EXAMINATION

8 BY MR. FRICK:

9 Q Mr. Woods, you said you were driving by to see if your
10 friend, Jimmy, was gone?

11 A I was going to his house, sir.

12 Q Is that on Fifth Street?

13 A Yes, sir.

14 Q Further down?

15 A It's actually right in front of his house, Mango's
16 house.

17 Q So right across the street?

18 A Yes, sir, that house with the little dog thing back
19 there.

20 Q Okay. Is this one you? Might not can see the one I'm
21 pointing at here.

22 A Yes, sir.

23 Q Now, Jimmy's house, where was it?

24 A The house that you just pointed at.

25 Q That one?

DARKARIOUS WOODS - CROSS

1 A Yes, sir.

2 Q Okay.. But that's who you were going over there to
3 see, right?

4 A Yes, sir.

5 Q And you just kind of happened to glance over to see
6 if --

7 A Well, usually -- that's not the first time --

8 Q Let me finish my question. You kind of looked over to
9 see if Mango and them were on the front porch?

10 A I looked over there, yes, sir.

11 Q Was it unusual for them to be sitting on the front
12 porch at 1:00 in the morning..

13 A They sit on the porch whenever they want to go on the
14 porch, I know they go on the porch and smoke a lot. I
15 don't know their timeframe when they be on the porches and
16 stuff over there, that's their personal life.

17 Q But you've seen them over there before, right?

18 A Yes, sir.

19 Q So if you would have seen them it wouldn't have been
20 unusual.

21 A I mean, if Mango is on the porch I stop by there and
22 talk to them, yes, sir.

23 Q Would Mango be out there at 1:00 in the morning?

24 A Mango actually worked, I'm not sure what the job was
25 but Mango stayed on the move. He got up early so -- like

DARKARIOUS WOODS - CROSS

1 I said, he did a lot of work on cars. If I needed some
2 help going to the junk field or whatnot he would go with
3 me.

4 Q Okay. And you did give a statement to law
5 enforcement, correct?

6 A Yes, sir.

7 Q You gave a written statement to them, correct?

8 A Yes, sir.

9 Q I'm going to -- I think you're familiar with it but
10 I'll just hand it to you. And make sure -- don't read it,
11 just take a look at it and verify that that is your
12 signature.

13 A Yes, that is my handwriting as well.

14 Q When did you give that statement?

15 A 9/17.

16 Q Now, you got the alerts on your phone because you were
17 the fire department about a missing person and you find out
18 it was your Aunt Judy?

19 A Well -- let me correct you on that. They don't send
20 us alerts on a missing person, just like the coroner got
21 notified, they'll notify fire personnel, but don't send us
22 alerts on missing persons. In some cases in the county
23 way out there in West Chester if someone get missing then
24 they call out the fire department for that area.

25 Q Right. Okay. But you were aware on the 14th.

DARKARIOUS WOODS - CROSS

1 A Yes, sir.

2 Q And you went over to Fifth Street on the 14th.

3 A Yes, sir.

4 Q And you saw law enforcement standing there on the
5 14th.

6 A Saw a whole lot of them.

7 Q Okay. And you talked to law enforcement on the 17th.

8 A Yes, sir.

9 MR. FRICK: Thank you, sir, that's all the questions I
10 have.

11 MR. NEWMAN: Your Honor, that's all of the questions
12 we have, I ask that he be excused from his subpoena.

13 THE COURT: Can he be excused?

14 MR. FRICK: Yes, sir.

15 MR. NEWMAN: State cause Brian Sanders to the stand.

16 The witness, BRIAN SANDERS, was first duly sworn and
17 testified as follows:

18 DIRECT EXAMINATION

19 BY MS. LIVELY:

20 Q Good afternoon, Detective Sanders. Please tell the
21 jury who you work for.

22 A Chester County Sheriff's Office.

23 Q And how long have you worked for Chester County?

24 A A little over eight years.

25 Q And how long have you been an investigator for the

BRIAN SANDERS - DIRECT

1 county?

2 A Close to three.

3 Q Detective Sanders, did you have an opportunity on
4 September 13th of 2015 to become involved in the
5 investigation of a missing person that turned out to be a
6 murder investigation?

7 A Yes, ma'am.

8 Q And were you the lead detective on that or were you
9 assisting?

10 A I was assisting.

11 Q Now, Detective Sanders, whenever you got involved with
12 this particular case, was it through a phone call or did
13 you hear a notice over the radio that there was a missing
14 person? Tell the jury how you actually ended up becoming
15 involved.

16 A I was contacted by my chief deputy, Chief Deputy
17 Sprouse, by phone.

18 Q By phone?

19 A Yes, ma'am.

20 Q So whenever you received that call by phone what did
21 you do?

22 A I left church and went and picked up my patrol
23 vehicle and met them on Fifth Street.

24 Q Do you remember about what time that would have been?

25 A It was after 11:00 a.m. It was between 11:00 and

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1 11:30 a.m. when he called me.

2 Q And whenever you got there, Detective Sanders, tell
3 the jury what the scene was like.

4 A Crime scene tape was up, I never stepped foot into
5 the scene. At the time I met with my captain, my
6 supervisor captain, Captain Perry.

7 Q All right. So you met with Captain Perry, you
8 received a call from Sprouse. And whenever you got there
9 what was your role in the process at that point?

10 A Captain Perry advised me he wanted me to transport
11 Jermaine Bell from Fifth Street to the sheriff's office
12 and interview them.

13 Q Now, what information did you have at that point
14 regarding who the defendant was and what was going on?

15 A I was advised there was a missing person and that he
16 was the last known person that was with her the night
17 before.

18 Q All right. So just the same general information that
19 had been provided pretty much to everyone at that point.

20 A Yes, ma'am.

21 Q So he was in the patrol car, and was he restrained in
22 any way?

23 A No, ma'am.

24 Q Did he seem to be in any type of discomfort, pain or
25 like he'd been forced to sit there?

BRIAN SANDERS - DIRECT

1 A No, ma'am.

2 Q Whenever you got into the vehicle or whenever you
3 actually transported the defendant, did he make any
4 statements to you in the vehicle on the way to the station?

5 A No, ma'am.

6 Q Now, whenever you got to the station, where is the
7 station?

8 A It's the law enforcement center.

9 Q The law enforcement center. Okay. So how long did it
10 take you to get there?

11 A Maybe five minutes.

12 Q So during that five minute drive there were no
13 conversations between you and the defendant, correct?

14 A No, ma'am.

15 Q So whenever you got to the law enforcement station
16 what did you do then?

17 A I escorted him into the building, escorted him into
18 the interview room, I advised him just to go ahead and
19 have a seat at which time I had to set up the audio and
20 video recordings.

21 Q Now, Detective Sanders, at any point in time did you
22 tell him that he was a suspect or that he was under arrest?

23 A No, ma'am. He did ask me was he being charged at the
24 time and I told him no.

25 Q So he asked you whether or not he was being charged.

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- 1 A Yes, ma'am.
- 2 Q But at that point in time he was never placed in
- 3 handcuffs, no warrants were issued, nothing at that point.
- 4 A No, ma'am.
- 5 Q All right. After you made sure that the audio and
- 6 video was working what did you do next?
- 7 A I advised him of the Miranda rights.
- 8 Q And on the Miranda form that you use, do you go
- 9 through each one of the defendant's right individually?
- 10 A Yes, ma'am. I advise him as long as he understands
- 11 it just to initial beside each one, the initial was just
- 12 to show that he understands what I read to him.
- 13 Q And in that Miranda form did the defendant actually
- 14 initial on each one of the lines on the Miranda form?
- 15 A Yes, ma'am, he did.
- 16 Q And at any point in time did he say, "I do not talk to
- 17 you about this," or, "I want a lawyer," or anything like
- 18 that?
- 19 A No, ma'am. At the end of our rights form we have a
- 20 statement form him to read out loud, he read the statement
- 21 out loud, and after that he signed and dated it.
- 22 Q Did he talk to you that day?
- 23 A Yes, ma'am, he did.
- 24 Q That was on September 13th of 2015?
- 25 A Yes, ma'am.

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1 Q I'm going to show you several discs here, they're
2 numbered from disc one, two, three, four, five and six,
3 okay? And I'm going to ask you if you recognize these and
4 I'm going to have them marked, okay? Are those discs the
5 audio and video recordings of yours and subsequent
6 interviews from Chester County Sheriff's Office for the day
7 of September the 13th, 2015?

8 A Yes, ma'am.

9 Q All right. And those audio and video recordings, have
10 they been altered or changed in any way?

11 A No, ma'am.

12 MS. LIVELY: Your Honor, at this time the State would
13 move to enter 113, 114 and 115 into evidence.

14 MR. FRICK: No objection, Your Honor.

15 THE COURT: In without objection.

16 (The discs were received as State's 113-115.)

17 Q Detective Sanders, whenever you -- after you did the
18 Miranda did you take a brief statement from the defendant?

19 A Yes, ma'am.

20 Q And after that brief statement from the defendant,
21 were you given any additional information to do a follow-up
22 investigation at that point?

23 A I was contacted by my captain.

24 Q All right. Well, let's clarify for the jury because
25 that's a little confusing. So were you in the room

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1 interviewing the defendant the entire day on September 13th
2 of 2013?

3 A No, ma'am.

4 Q So you were coming and going while this investigation
5 was taking place, correct?

6 A Yes, ma'am.

7 Q While you were there with the defendant, did you
8 receive the information that this had turned from a missing
9 persons case into something else?

10 A Yes, ma'am.

11 Q Tell the jury what that was.

12 A They advised me they had located the body, at which
13 time I was asked to do a gunshot residue kit because we
14 were unaware of how she became deceased.

15 Q So a gunshot residue kit, you actually performed that
16 yourself.

17 A Yes, ma'am.

18 Q So at the time during this investigation was
19 everything being looked into and checked into regarding
20 possible cause of death as well as possible suspects?

21 A Yes, ma'am.

22 Q Now, during that day, that was a pretty long day,
23 would you agree?

24 A Yes, ma'am.

25 Q So during that day there were several law enforcement

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1 working, SLED and Chester county, is that a fair statement?

2 A Yes, ma'am.

3 Q So when you were not in the interview room with the
4 defendant, Mr. Bell, what other things were you doing out
5 in the community to further the investigation?

6 A I went back to Fifth Street. I was advised that
7 somebody up the street possibly could have had a camera
8 that was facing towards the residence. I went up to the
9 residence and spoke to the homeowner, which he did show it
10 to me, it was on a very small screen, I ended up getting a
11 recording and taking it back to the office to look at it.

12 Q And what did that recording show, if anything?

13 A It showed his driveway, you couldn't see much of
14 anything else. You could see a car drive up and down the
15 road with the lights come up but it was too dark to see
16 anything any further down the road.

17 Q Could you even tell what kind of car it was that was
18 coming and going?

19 A You might -- not really. I think it was black and
20 white, you couldn't tell what color it was, if it was a
21 light or dark color, that was about it.

22 Q And so after you didn't -- you weren't able to
23 determine anything from the video, what other follow-ups
24 did you actually do in regards to interviewing potential
25 witnesses?

BRIAN SANDERS - DIRECT

1 A I did speak and collect a couple of statements from
2 several witnesses.

3 Q And after collecting those witness statements, were
4 you able to -- was that able to assist you any further in
5 your investigation as to timelines and who may have come by
6 the house and that kind of thing?

7 A Yes, ma'am.

8 Q And tell the jury what, if anything, you were able to
9 learn through those witness statements.

10 A One witness statement we spoke to, she gave us a
11 timeline of what Ms. Lindsay had did the day prior, that
12 evening about what time -- about the timeframe that she
13 had gotten home from church as well as what they were
14 supposed to do the following day. And I spoke to -- give
15 me a second, please.

16 Q That's fine.

17 A I had spoken to I believe it's pronounced Brianna
18 Lowery. She had told me she had come over to [REDACTED] Fifth
19 Street around 12:30 that night to pick up Jessica to go
20 out. She stated she had blew the horn, nobody came to the
21 door, lights were off, TV was on, the front door was open.
22 She stated that Jermaine Bell came from the house right
23 across from the street and she asked Jermaine where Jet
24 was and he said that he didn't know. She asked where Judy
25 was, he said that he didn't know, and then he asked where

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1 the kids were, he said he didn't know and she left.

2 Q And you actually talked to several people, isn't that
3 correct, in your investigation?

4 A I did speak to a few other people, yes, ma'am.

5 Q There was a mention by your Major Burley McDaniel of a
6 possible suspect in this case by the name of Robert
7 Pearson. After the buccal swab was -- well, a buccal swab
8 was eventually taken for Mr. Pearson for comparison, did
9 you speak to any witnesses regarding this possible suspect,
10 do you recall?

11 A No, ma'am, I do not.

12 Q Tell me if these are the people that you actually were
13 involved in talking to, the son, Elton Lindsay, do you
14 recall talking to him?

15 A Yes, ma'am.

16 Q A Jacqueline Wilkes?

17 A Yes, ma'am.

18 Q Tracy Loftin?

19 A Yes, ma'am.

20 Q And Vicki Feaster.

21 A Yes, ma'am.

22 Q And there is also an Altonia Simpson.

23 A I don't recall.

24 Q And that's fine. My question to you is, Detective
25 Sanders, did you talk to anyone and everyone that you were

BRIAN SANDERS - CROSS

1 given information on that could help with this case?

2 A Yes, ma'am.

3 Q And that would be documented in your file along with
4 statements taken and provided to us as well as the defense,
5 correct?

6 A Yes, ma'am.

7 Q Okay.

8 MS. LIVELY: Thank you so much, Detective Sanders,
9 please answer any questions the defense has.

10 CROSS EXAMINATION

11 BY MR. FRICK:

12 Q Detective Sanders, you got called over to drive Mr.
13 Bell back to the sheriff's department, essentially that's
14 how you started in the case?

15 A Yes, sir. Once I got there my captain advised me to
16 give him -- to transport him back to the sheriff's office.

17 Q All right. You didn't ask him any questions and he
18 didn't talk to you.

19 A No, sir, not on the way there.

20 Q When you got to the sheriff's department, though, what
21 did you do with him?

22 A I escorted him into the building, I walked him over
23 to the interview front door, I advised him he could have a
24 seat right there, he sat down. I told him it would be a
25 few minutes, at which time I went and set up the audio and

BRIAN SANDERS - CROSS

1 video camera for recording.

2 Q Were you the only investigator or officer observing
3 that at that time?

4 A Yes, sir, I was the only one there.

5 Q Okay. All right. And I think solicitor asked you
6 about reading Mr. Bell his rights or Mirandizing him, you
7 did that, correct?

8 A Yes, sir, I did.

9 Q And in fact, you did it on a form, correct?

10 A Yes, sir.

11 Q I'm going to show you that. Does that look familiar
12 to you?

13 A Yes, sir, it is.

14 Q Is that the Miranda form?

15 A Yes, sir, it is.

16 Q Okay. And did you note on here the date and time of
17 the interview?

18 A Yes, sir, I did.

19 Q Can you tell us what the date and time of the
20 interview is?

21 A It's September 13th, 2015 at 12:35 p.m.

22 MR. FRICK: Your Honor, at this time I move Defense
23 Number 2.

24 MS. LIVELY: Without objection.

25 THE COURT: In without objection.

BRIAN SANDERS - CROSS

1 (The statement was received as Defense 2.)

2 Q Detective Sanders, at that time did you interview Mr.
3 Bell?

4 A I asked him what he did the night prior.

5 Q Okay. And he gave you a statement.

6 A I would stop him and tell him to back up every once
7 in a while, but yes, sir.

8 Q Is that the only interview you conducted with him?

9 A Yes, sir. I went in a few times throughout the day
10 and asked him did he need anything, if he wanted anything
11 to eat or drink or something like that. But yes, sir, I
12 believe that's the only interview I did with him.

13 Q Were you at the sheriff's department the whole day?

14 A No, sir.

15 Q About what time did you leave?

16 A We got there a little after 12:00, I believe I might
17 have headed back to Fifth Street a little after 2:00. I
18 can't give you an exact time limit.

19 Q That's fine, I know you weren't looking at the clock
20 at that point in time, I'm just trying to get an estimate.
21 Did you go back -- after going to Fifth Street, did you go
22 to Saluda Street or any other scenes that they went to?

23 A Yes, sir, I did go to a few other ones. I did go
24 back to the sheriff's office eventually, though.

25 Q Eventually on the 13th?

BRIAN SANDERS - CROSS

1 A Yes, sir, I did.

2 Q Okay. Do you recall when you were there?

3 A No, sir. I believe I had gotten there, it was later
4 that evening, I believe I went and asked him did he want
5 something to eat, I'm not sure.

6 Q And Mr. Bell was still there?

7 A Yes, sir.

8 Q But you weren't doing the interviews at that time.

9 A No, sir, I was not.

10 Q Going back, when you did talk to him and everybody is
11 trying to figure out what's going on and, you know, trying
12 to figure out who the suspects are, y'all asked him to do a
13 gunshot residue kit, GSR kit.

14 A Yes, sir.

15 Q And you took that kit from him.

16 A Yes, sir.

17 Q And did he voluntarily give you that?

18 A Yes, sir, he did.

19 Q Did you take any other swabs or samples or anything
20 from Mr. Bell?

21 A No, sir. I took a picture of his shoes, asked him
22 could we take a picture of his shoes and he did, that was
23 it.

24 Q Do you recall -- and you may not -- do you recall what
25 he was wearing when he came in? Was he wearing shorts and

BRIAN SANDERS - REDIRECT

1 a T-shirt or jeans and a T-shirt?

2 A I know he had a short sleeved shirt on, I cannot
3 remember if he had pants or shorts.

4 Q Looking at him, do you remember any scratches or
5 scrapes or anything that looked odd?

6 A I can't recall.

7 Q If you have would you have documented it most likely?

8 A Yes, sir.

9 MR. FRICK: Thank you, that's all of the questions I
10 have.

11 MS. LIVELY: Just one follow-up.

12 REDIRECT EXAMINATION

13 BY MS. LIVELY:

14 Q Defense was just asking you about you going back to
15 the scene and kind of going back and forth in regards to
16 your involvement. Whenever you received additional
17 information for I think like search warrants and things
18 like that, would those be times whenever you would go to a
19 certain location to follow-up on a search warrant?

20 A Yes, ma'am.

21 Q And it appears that that happened several times in
22 this case, are you aware of that?

23 A Yes, ma'am.

24 Q And one of the times that it happened with you, was
25 that based on information y'all received from the defendant

BRIAN SANDERS - REDIRECT

1 as to where he possibly stayed the night before?

2 A Yes, ma'am.

3 Q And did you go with -- I think Detective Young was the
4 one that asked for a search warrant, but did you actually
5 go to that location to execute the search warrant?

6 A Yes, ma'am. On Saluda street? Yes, ma'am, I did.

7 Q Was there any other ones where you actually went on
8 that day that you can recall?

9 A No, ma'am.

10 Q Just want to double check?

11 A I'm not sure on that one.

12 Q What about ■ Foote Street? Do you recall going to ■
13 Foote Street in response to a search warrant?

14 A Yes, ma'am, but it wasn't on the 13th.

15 Q Was this a follow-up based on information that you
16 received from the interview of the defendant, though, on
17 the 13th as to where he'd stayed that night?

18 A At one time I knew that was his family residence.

19 Q And you actually yourself and it looked like Detective
20 Perry were involved in the return of items from that home,
21 do you recall that?

22 A Yes, ma'am.

23 Q And I know it's been a long time and it's a lot of
24 stuff but that's the reason why I'm trying to hone you in
25 on this particular thing. So you did actually do some

BRIAN SANDERS - REDIRECT

1 follow-up investigation a couple of days later by going to
2 the defendant's mother's home.

3 A Yes, ma'am.

4 Q And do you recall the items that you retrieved from
5 that home?

6 A If I'm correct it was I believe some clothing but I'm
7 not for sure exactly what it was.

8 Q If I showed you the return, would that refresh your
9 recollection?

10 A Yes, ma'am.

11 Q If you would please review that and then tell the jury
12 the items that you actually yourself and Captain Perry
13 retrieved from ■ Foote Street.

14 A We recovered several pair of pants, a striped shirt,
15 I believe it was like a black, red and white T-shirt, and
16 several pair of shoes.

17 Q Okay. And whenever you retrieve items like that from
18 a search warrant, where are those items placed?

19 A Into evidence.

20 Q And would you or Captain Perry have been the ones to
21 actually submit that to evidence?

22 A It would have been the three people involved with it;
23 myself, Captain Perry or Detective St. Clair.

24 MS. LIVELY: Thank you so much, Detective Sanders, for
25 clearing that up for us.

BRIAN SANDERS - RECROSS

1 MR. FRICK: Briefly.

2 RECROSS EXAMINATION

3 BY MR. FRICK:

4 Q She asked you about a search warrant on Saluda Street.

5 What did you say on that? I'm sorry, I was flipping --

6 A I was there, yes, sir.

7 Q You were there? I've got a [REDACTED] Saluda Street, is that

8 the one you're talking about or was it Herman Weldon's

9 house?

10 A I was at both of them actually, at Herman Weldon's

11 and the house -- both houses.

12 Q Do you recall -- and here, I'll show this to you.

13 Does that look like the search warrant that I was talking

14 about from Saluda Street?

15 A Yes, sir, this is [REDACTED] Saluda Street.

16 Q All right. Can you flip the return and tell me what

17 you got?

18 A We collected nothing.

19 Q Of course, she had you read the return on Foote

20 Street.

21 A Foote Street.

22 Q And y'all determined -- what was the relevance of

23 Foote Street?

24 A That's where his mother and -- that's where his

25 residence was.

BRIAN SANDERS - RECROSS

1 Q Where his residence was. Okay. And y'all collected
2 several items of clothing including, I think you said,
3 several pairs of shoes?

4 A Yes, sir.

5 MR. FRICK: Thank you sir, that's all of the questions
6 I have.

7 MS. LIVELY: That's all I have for Detective Sanders,
8 Your Honor.

9 THE COURT: Thank you, sir. All right, we're going to
10 stop for the evening, we went a little longer than normal
11 because of the little late start this morning pushed it a
12 little further. I need you back at 9:30 in the morning.
13 Remember my instructions, don't let anybody contact you and
14 discuss the case with you, avoid any press coverage, avoid
15 any independent research. Everyone else remain seated
16 while the jury departs from the afternoon.

17 (The jury left the courtroom.)

18 (Court adjourned for the evening and resumed at 10:00
19 A.m., on Wednesday, June 28, 2017.)

20 MS. LIVELY: Your Honor, all of the crime scene photos
21 are going to be -- the remaining ones that have not
22 actually been put into evidence are stipulated to as going
23 in except for numbers 78 and 81 which have been marked for
24 ID purposes, they have not been actually proffered for
25 evidence at this point in time with the witness. You've

1 already ruled that 92, 79 and 77 are not admissible and
2 they have been placed aside by Mike. We've also stipulated
3 to the two interviews, or the two discs of the interview
4 from September 15th, 2015 coming in, and then we've also
5 agreed to -- and I'm sorry, the numbers on those are 129
6 and 130 -- and also State's Number 111 which is another
7 disc -- 110 through 115 is already in, we're adding in 111.

8 THE COURT: Any corrections or additions, Mr. Frick?

9 MR. FRICK: That is correct, Your Honor.

10 (The disc was received as State's 111.)

11 (The discs were received as State's 129 and 130.)

12 THE COURT: Thank y'all.

13 MS. LIVELY: Yes, sir. Instead of taking a witness
14 out of order because we're trying to get some SLED people
15 here, he's agreed to stipulate as to the chain of custody
16 involving the buccal swabs that were taken from both the
17 defendant and Mitchell Mayfield, that way I don't have to
18 call our SLED Agent Nelson out of order. It is my
19 understanding also that would include the shirt where
20 scrapings were done from the shirt as well. We still --

21 MR. FRICK: The evidence collected from the shirt or
22 the shirt itself?

23 MS. LIVELY: The shirt itself and the chain of custody
24 for the shirt.

25 MR. FRICK: It's going to come in anyway, Judge, no

1 need to slow that down.

2 MS. LIVELY: What I'm going to do, too, Your Honor, is
3 I will still question those witnesses about the chain of
4 custody, but in order to actually have the testimony done
5 by the serologist I need to have that, they're not going to
6 contest that chain, I still need to put that in as each
7 witness gets up there just for the purposes of the jury
8 hearing how they work to keep the integrity of the
9 evidence.

10 MR. FRICK: And let me clarify for the record, I do
11 not object to the swabs, I don't object to the shirt coming
12 in as well, but as the Court is aware I made a pretrial
13 motion objecting to the YSTR evidence. So it's clear on
14 the record that I'm not waiving that particular objection I
15 want to clarify my position, I don't object to the swabs
16 because that deals with the DNA entirely. My objection is
17 and remains to this -- basically the scientific basis of
18 the YSTR DNA and its interpretation itself. Of course, I
19 believe we will renew that as it comes up but I just want
20 to clarify my position right now.

21 THE COURT: I understand.

22 MS. LIVELY: And that's going to be all from the State
23 at this time, Your Honor. We're ready to proceed when the
24 Court is ready to bring in the jury.

25 (The jury returned to the courtroom.)

ERVIN CHALK - DIRECT

1 THE COURT: Good morning, thank y'all for bearing with
2 us this morning. They've come on in early this morning,
3 they've been working to get all of this evidence that will
4 be presented in order, also and they've agreed to various
5 stipulations, and even though we had to take a few minutes
6 this morning it saved us several hours possibly so I really
7 thank them for coming in early and working on that. And we
8 are ready to resume the trial.

9 MS. LIVELY: Thank you, Your Honor. The State would
10 call Ervin Chalk to the stand.

11 The witness, ERVIN CHALK, was first duly sworn and
12 testified as follows:

13 DIRECT EXAMINATION

14 BY MS. LIVELY:

15 Q Good morning, Mr. Chalk.

16 A Good morning.

17 Q Do you mind pulling the microphone a little closer to
18 you so we can hear you? Thank you, sir. Where do you
19 work?

20 A At Jay's Landscaping and Maintenance.

21 Q Jay's Landscaping and maintenance?

22 A Yes, ma'am.

23 Q All right. And are you a resident of Chester County?

24 A Yes, ma'am.

25 Q How long have you lived here?

ERVIN CHALK - DIRECT

1 A Probably like 27 years.

2 (Break in proceedings.)

3 Q Let's start over, okay? State your name for the
4 record.

5 A Ervin Chalk.

6 Q Much better, thank you. You can pull the microphone
7 down a little bit so you don't have to lean up each time.

8 Thank you, Mr. Chalk. Are you a resident of Chester
9 County?

10 A Yes, ma'am.

11 Q And how long have you lived in Chester County?

12 A Twenty-seven years.

13 Q How old are you?

14 A Twenty-seven.

15 Q All right. So you've been here your whole life.

16 A Yes, ma'am.

17 Q Where do you work?

18 A At Jay's Landscaping and Maintenance.

19 Q How long have you worked at Jay's Landscaping and
20 Maintenance?

21 A It will be a year next month.

22 Q A year next month, okay. Now, Mr. Chalk, do you know
23 the defendant, Jermaine Bell?

24 A Yes, ma'am.

25 Q How long have you known him?

ERVIN CHALK - DIRECT

1 A Probably like a year or two.

2 Q All right. And can you pick him out for the jury here
3 in the courtroom?

4 A Yes, ma'am.

5 Q If you don't mind will you point out the defendant,
6 Jermaine Bell?

7 A He's over there.

8 Q Okay.

9 MS. LIVELY: Let the record reflect that he has
10 identified the defendant, Jermaine Bell.

11 Q All right. So you've known him for about maybe close
12 to two years. Have you ever hung out with him?

13 A Yes, ma'am.

14 Q All right. So are y'all friends or just kind of
15 acquaintances, or how close are you?

16 A We're cool.

17 Q Now, Mr. Chalk, since you have known him for quite
18 some time, did you know where he was living back in 2015?

19 A I think he was staying at the abandoned house across
20 from my house.

21 Q Say that again, I just want to be clear.

22 A He was staying in the abandoned house across from my
23 house on Saluda Street.

24 Q The abandoned house?

25 A Yes, ma'am.

ERVIN CHALK - DIRECT

1 Q And is that abandoned house next to a person by the
2 name of Herman Bo Weldon?

3 A Yes, ma'am.

4 Q And where do you live?

5 A Well, now I live on [REDACTED], I was staying
6 on [REDACTED].

7 Q So in 2015 you were staying on Saluda Street in
8 Chester?

9 A Yes, ma'am.

10 Q All right. Your house, just to clarify for the jury,
11 was across the street from Mr. Herman Bo Weldon's house?

12 A Yes, ma'am.

13 Q And then next to Mr. Weldon's house, what kind of
14 house was it that the defendant lived in?

15 A Abandoned house.

16 Q An abandoned house.

17 A Yes, ma'am.

18 Q Well, you just said that y'all were friends. Do you
19 know why he wasn't living with his family?

20 A No, ma'am.

21 Q Did he ever stay with you?

22 A No, ma'am.

23 Q Do you know whether or not he ever stayed with Mr.
24 Weldon, Bo?

25 A I mean, he didn't stay with him but he probably slept

ERVIN CHALK - DIRECT

1 on his porch.

2 Q Slept on his porch?

3 A Yes, ma'am.

4 Q Do you know where the defendant was working at that
5 time?

6 A He might have been working at the car wash.

7 Q Where is the car wash?

8 A Right across the street from the library.

9 Q In Chester, right?

10 A Yes, ma'am.

11 Q So is that pretty close to the courthouse, what you're
12 talking about?

13 A Uh-huh.

14 Q Do you know the name of that street that the library
15 is on?

16 A No, ma'am.

17 Q Do you know the street that the courthouse is on?

18 A Saluda, ain't it?

19 Q Maybe Main Street?

20 A Oh, oh, no.

21 Q It's okay, I'm won't bother you with that. So Mr.

22 Chalk, whenever you said that he was staying in an

23 abandoned house, do you know whether or not he had ever

24 stayed at the home of Ms. Judy Lindsay, Jessica Lindsay and

25 Mitchell Mayfield?

ERVIN CHALK - DIRECT

1 A No, ma'am.

2 Q Do you know the victim in this case, Judy Lindsay?

3 A Yes.

4 Q You do? How do you know her?

5 A She used to come to my grandmother's house and chill
6 with my grandmother's, sit on the porch and have a
7 conversation, that's how I knew, that's how I knew she was
8 good people.

9 Q Okay. And do you know whether or not Jermaine, the
10 defendant, was friends with that family?

11 A I mean, yeah, because I know he hung with Judy's son.

12 Q Judy's son. That would be Elton Mayfield?

13 A Yes, ma'am.

14 Q All right. Now, do you know whether or not he ever
15 would stay at their home overnight?

16 A Not that I know of.

17 Q All right. I'm going to get you to help me with
18 something for the jury, okay? This is marked as Exhibit
19 Number 88, it's kind of big, all right? So I'm going to
20 show you what we have here. Have you ever heard of Google
21 Maps?

22 A Yes, ma'am.

23 Q It's a pretty cool feature where you can pull up and
24 see different streets and different areas, I'm going to
25 draw your attention -- do you have pretty good eyes?

ERVIN CHALK - DIRECT

1 A Yes, ma'am.

2 Q All right, you're young. I'm going to point this out
3 to you here. Can you tell me what street that is?

4 A Saluda.

5 Q Saluda Street. Can you kind of tell where you are?

6 MS. LIVELY: And I know I'm blocking out the jury but
7 I want to make sure he can identify this first.

8 Q Can you tell where the house was that you lived in at
9 the time whenever back in 2015? This is -- what is this
10 street right here?

11 A Saluda Street, so this is my house right here.

12 Q So this is your house right here?

13 A Yes, ma'am.

14 Q I'm going to get a little sticky and I'm going to get
15 you to pout it there, okay?

16 MS. LIVELY: And, Your Honor, at this time the State
17 would move 88 into evidence.

18 MR. JONES: Without objection, Your Honor.

19 THE COURT: In without objection.

20 (The map was received as State's 88.)

21 Q And if you don't mind I'm going to have you step down
22 and you can put the sticky on there, if you'll come down
23 here for me so we can let the jury see it now, okay? All
24 right. Now, this is the microphone so I will need you to
25 talk into that. Now, again, this is Dew (phonetically)

ERVIN CHALK - DIRECT

1 Street. If you would put the sticky over the house that
2 you were living in at that time.

3 A (Witness complies.)

4 Q Now, if you'll back up so some of the jury can see.
5 I'm just going to point to stuff. You said that this is
6 your house on Dew Street. Where is Mr. Herman Weldon's
7 house in comparison to yours? Okay. You need to speak
8 into that microphone.

9 A It has got to be either one of these two.

10 Q One of these two that you've got here. Now, is one of
11 those the abandoned house as well?

12 A Yes, ma'am.

13 Q The abandoned house. And your testimony was that's
14 where the defendant was living.

15 A Yes, ma'am.

16 Q Okay. Step back just a minute, I want to make sure.
17 You have -- you're pointing to this whitish house that's
18 diagonal from you, there's also like a small building here
19 and then this looks like it might be a mobile home trailer
20 type.

21 A True.

22 Q Is that fair?

23 A Yes, ma'am.

24 Q So which one of these do you think that would be that
25 abandoned -- okay. That? All right. Thank you so much.

ERVIN CHALK - DIRECT

1 Do you happen to know where Ms. Judy's house on this? Do
2 you know where Fifth Street is, have you ever been there?

3 A I haven't been to her house but I've been down the
4 street.

5 Q You have been down the street.

6 A Yes, ma'am.

7 Q See if you can just kind of look, we've got First
8 Street here, Second, Third, Forth, Fifth is right there.

9 Do you happen to know which one would be her house? If you
10 don't, don't worry about it.

11 A Not really.

12 Q That's fine. And this is a pretty good blow-up, how
13 far is that? Can you walk this?

14 A Oh, yeah.

15 Q Is all of this in pretty much a very tight area here?

16 A Yes, ma'am.

17 Q All right. And does the defendant have a car?

18 A No, ma'am.

19 Q So when he goes anywhere how does he get there?

20 A Walk.

21 Q He walks. All right. Or maybe catches a ride. Have
22 you ever given him a ride?

23 A No, ma'am.

24 Q All right. So we've got you here and then across the
25 street Mr. Weldon's house and the abandoned house you're

ERVIN CHALK - DIRECT

1 saying the defendant would stay in, right?

2 A Yes, ma'am.

3 Q Okay. Thank you so much, you can have a seat. Now,
4 before I ask you about your statement you gave to police,
5 Mr. Chalk, I want to make sure we let the jury know, you've
6 actually recently had some issues with law enforcement; is
7 that right?

8 A Yes, ma'am.

9 Q Okay. And you pled guilty to a charge; is that right?

10 A Yes, ma'am.

11 Q It is an assault charge?

12 A Yes, ma'am.

13 Q And you're on probation; is that correct?

14 A No, not no more.

15 Q Not anymore, okay. So you're not on probation
16 anymore.

17 A No.

18 Q So you're working full-time now?

19 A Yes, ma'am.

20 Q Now, Mr. Chalk, do you recall giving a written
21 statement to Chester County Sheriff's Office back in
22 September of 2015?

23 A Yes, ma'am.

24 Q And in that statement that you gave, do you recall
25 actually writing it out?

ERVIN CHALK - DIRECT

1 A Yes, ma'am.

2 Q I'm going to show you a copy of your statement. Have
3 you had a chance to read it since you wrote it over a year
4 and a half ago?

5 A I mean, no, because I still remember it.

6 Q You still remember it? Okay. Well, I'm going to show
7 it to you again and ask you if that's the statement, it's
8 pretty short. Is that the statement you gave?

9 A Yes, ma'am.

10 Q Now, Mr. Chalk, on the weekend of September 11th, 12th
11 and 13th, did you have an opportunity to go to a family
12 event on that Saturday?

13 A Yes, ma'am.

14 Q Tell the jury where you went.

15 A I went to my aunt's house on -- I think she was
16 staying on West Lacy Street -- to a birthday party, my
17 little niece's birthday party. And Jermaine Bell, he was
18 there with us, we was chilling, drinking, you know, having
19 a good time, but at the time it wasn't nothing wrong with
20 him or whatnot. So that's the party at my aunt's house.

21 Q So I just want to be clear, so on Saturday there was a
22 birthday party for your niece.

23 A My little cousin.

24 Q Your cousin, okay. And at this birthday party was
25 there food?

ERVIN CHALK - DIRECT

- 1 A Yes, ma'am.
- 2 Q Were there adults and children?
- 3 A Yes, ma'am.
- 4 Q Okay. About what time was the party?
- 5 A The party might have started around about 6:00.
- 6 Q 6:00 in the afternoon?
- 7 A Yes, ma'am.
- 8 Q All right. And while you were there you said that the
- 9 defendant was there as well, correct?
- 10 A Yes, ma'am.
- 11 Q You said you were eating and drinking and having fun.
- 12 A Yes, ma'am.
- 13 Q All right. When you say eating and drinking, what
- 14 were y'all eating?
- 15 A You know, they might have had a grill food of hot
- 16 dogs, chicken and stuff like that.
- 17 Q And what were you drinking?
- 18 A I probably drunk like two beers, Budweisers.
- 19 Q Budweisers?
- 20 A Yes, ma'am.
- 21 Q And was the defendant doing the same?
- 22 A He might have drunk about a beer or two.
- 23 Q Okay. Were you with him the whole time?
- 24 A The whole time at the party.
- 25 Q The whole time at the party?

ERVIN CHALK - DIRECT

- 1 A Yes, ma'am.
- 2 Q Do you know anyone else other than your family, any of
- 3 his friends that came with him?
- 4 A No, ma'am.
- 5 Q So Mr. Chalk, do you recall about who left first from
- 6 the party? Was it you or the defendant?
- 7 A The defendant.
- 8 Q All right. And how did he leave? Did he walk?
- 9 A Walked.
- 10 Q And do you know where he was going?
- 11 A No, ma'am.
- 12 Q Do you know about what time he left?
- 13 A It had to be close to like 10:00 or 11:00, something
- 14 like that.
- 15 Q About 10:00 or 11:00?
- 16 A Yes, ma'am.
- 17 Q So it was getting late at that point?
- 18 A Uh-huh.
- 19 Q And whenever he was there at the party, do you
- 20 recall -- and I know that was a long time ago so if you
- 21 need to use your statement that's fine, what was he wearing
- 22 while he was at the birthday party?
- 23 A A blue and white striped shirt.
- 24 Q Blue and white striped shirt?
- 25 A Yes, ma'am.

ERVIN CHALK - DIRECT

1 Q And do you remember anything else that he had on or is
2 that the thing that stood out to you the most?

3 A The shirt stood out the most.

4 Q All right. So he left, and what did you do?

5 A He left, I stayed until it was time for me to go to a
6 club.

7 Q What club did you go to?

8 A PC.

9 Q PC? That's Peoples Choice?

10 A Yes, ma'am.

11 Q And where is that club?

12 A It's on Saluda Street, too.

13 Q It's on Saluda Street, too. So just -- if I'm at your
14 house and this road here, which way on Saluda Street would
15 I need to go to get to the club?

16 A You would have to go down there by the fire building.

17 Q So go this way?

18 A No, the other way.

19 Q Go back the other way?

20 A Yes, ma'am.

21 Q So you went to the Peoples Choice Club, and how long
22 did you stay there?

23 A I stayed until they closed.

24 Q What time did they close, Mr. Chalk?

25 A I mean, it normally closes at 3:00 but people are in

ERVIN CHALK - DIRECT

1 the parking lot so I probably left around 3:15 or 3:20.

2 Q How long did it take you to get from the parking lot
3 of Peoples Choice Club back to your home which is also on
4 Saluda Street?

5 A Not even five minutes.

6 Q So you leave the club. Were you with anybody or were
7 you driving by yourself?

8 A No, I was with my homeboy.

9 Q You were with your homeboy.

10 A Yes, ma'am.

11 Q And as you're driving down the road tell the jury
12 based on your statement who you saw.

13 A I saw Jermaine Bell walking around the same time we
14 was leaving the club, I don't know where he was heading to
15 but I figured he was heading over there to Bo's house. I
16 think it was around 3:25 or 3:30 or something like that.

17 Q So around 3:25 or 3:30 that morning, which would be
18 really late Saturday or really early Sunday morning,
19 whichever way you want to look at it, is that fair?

20 A Yes, ma'am.

21 Q So about 3:25 you see Jermaine. You said you've known
22 him for quite some time; is that right?

23 A Yes, ma'am.

24 Q Now, what else did you notice that made you realize it
25 was Jermaine Bell, the defendant, that was walking?

ERVIN CHALK - CROSS

1 A The same shirt, the blue and white shirt.

2 Q So you noticed that it was him and that he was still
3 wearing the same blue and white shirt.

4 A Yes, ma'am.

5 Q Are you sure it was him?

6 A Positive.

7 MS. LIVELY: Thank you. Answer any questions that the
8 defense might have for you, thank you, Mr. Chalk.

9 CROSS EXAMINATION

10 BY MR. JONES:

11 Q Mr. Chalk, you said you first saw Mr. Bell that
12 Saturday at a birthday party?

13 A Yes, sir.

14 Q And whose party was it?

15 A It was my little cousin's party.

16 Q Now, you said everybody was kind of hanging out and
17 drinking and that kind of deal?

18 A Yes, sir.

19 Q What time did the party start? I know you said
20 Jermaine left around 10:00, right?

21 A Yeah.

22 Q What time did it start though?

23 A It might have started early part of the day, 5:00 or
24 6:00, something like that.

25 Q And what time did you get there?

ERVIN CHALK - CROSS

1 A I got there pretty early. I got there before him
2 because it was my people's party and I helped them set it
3 up.

4 Q And I know you said y'all are kind of hanging out and
5 having drinks, what is your favorite kind of drink, Mr.
6 Chalk?

7 A My favorite drink is beer, Budweiser.

8 Q Have you got a liquor you like too?

9 A No, drink beer.

10 Q You like beer?

11 A Yes, sir.

12 Q So you got there and started drinking. What time did
13 you start drinking?

14 A I probably started drinking around 7:00. I'm not a
15 drinker so I probably drank about two beers if I do drink.

16 Q You drank about two beers and stayed there until --
17 you said Jermaine left around 11:00, and you stayed after
18 that?

19 A About 10:00, 10:30 or 11:00, something like that.

20 Q And you stayed after that?

21 A Yeah.

22 Q And you only had two beers that whole time.

23 A Yes.

24 Q And then you left that place and went to a bar.

25 A I went to PC, yeah.

ERVIN CHALK - CROSS

1 Q And do they serve alcohol there?

2 A Yeah.

3 Q And you stayed there until about 3:00 in the morning?

4 A Yeah, they closed at 3:00.

5 Q How much beer did you drink there?

6 A Probably one.

7 Q So that whole day you were at a party and had two
8 beers.

9 A Yes, sir.

10 Q And then you went to the club for a number of hours.

11 A Uh-huh.

12 Q And only had one beer at that club?

13 A Yes.

14 Q And that's it?

15 A Yes.

16 Q Okay. And now you gave the statement to the police if
17 you would look at it, wasn't it on the 16th of September?

18 A I don't remember what day it was.

19 MR. JONES: May I approach, Your Honor?

20 Q Does this look like your statement that you gave the
21 police right here?

22 A Yes, sir.

23 Q And just to refresh your memory, what date does it say
24 you gave the police that statement?

25 A 9/16.

ERVIN CHALK - CROSS

1 Q But you said you saw Mr. Bell the morning of the 13th?

2 A Say what now?

3 Q But now you said you saw Mr. Bell the morning of the
4 13th, correct?

5 A No. I saw him the morning -- we was leaving PC so
6 that was on a Sunday.

7 Q Yes, sir, I believe that Sunday was the 13th.

8 A Okay. Well, yes, sir.

9 Q So you saw him that Sunday morning and it took you
10 three days to say something to the police?

11 A Because the police never came over to my house to us.
12 The dude, I think the black dude, Wade, I came to him and
13 told him like I seen Jermaine Bell walking and they never
14 came to me. I offered to come myself.

15 Q So it took you three days before you offered to go
16 yourself?

17 A Yes, it took me three days. The reason why it took
18 me three days --

19 Q It is just a yes or no, it took you three days.

20 A Yes.

21 MS. LIVELY: Your Honor, the witness is allowed to
22 explain his answer. You can explain your answer.

23 A The reason why it took me three days to come to the
24 police is because I talked to my mama and asked it like
25 this, was it okay for myself -- for me to come up here and

ERVIN CHALK - REDIRECT

1 do this, was it okay for me to do this and they said yes.

2 So that's why it took me three days to come to the police

3 and say something about it.

4 Q Yes, sir. And I won't go into too much of details of

5 whatever the charge was that you guys mentioned earlier,

6 but at the time you gave this statement that charge was

7 still pending, wasn't it?

8 A Yeah.

9 MR. JONES: Thank you, no further questions.

10 REDIRECT EXAMINATION

11 BY MS. LIVELY:

12 Q You weren't offered any kind of special treatment in

13 order to -- based on your charge with this case, were you?

14 A No, ma'am.

15 Q As a matter of fact you didn't want to be here today,

16 did you?

17 A No, ma'am.

18 Q Are you here because of a subpoena?

19 A Yes, ma'am.

20 Q And you and I talked about this about two days ago,

21 you did not want to walk in this courtroom, did you?

22 A Yes, ma'am.

23 MS. LIVELY: All right. Thank you, that's all I have.

24 THE WITNESS: Nothing further, Your Honor.

25 THE COURT: You may step down.

ROGER "CHUCK" STARNES - DIRECT

1 MS. LIVELY: He's excused from his subpoena, Your
2 Honor? Is that okay?

3 THE WITNESS: Yes.

4 THE COURT: The witness is excused.

5 MS. LIVELY: Chuck Starnes.

6 The witness, ROGER "CHUCK" STARNES, was first duly
7 sworn and testified as follows:

8 DIRECT EXAMINATION

9 BY MS. LIVELY:

10 Q Good morning. Please state your full name for the
11 record.

12 A My name is Roger D. Starnes, everybody calls me
13 Chuck, that's my nickname.

14 Q Okay, Chuck. Where are you currently employed?

15 A With the Chester County Sheriff's Department as the
16 evidence technician.

17 Q And how long have you been working there in that
18 capacity?

19 A I started the first of May, 2015.

20 Q And are you the one that actually handles the input of
21 evidence whenever there is a crime that is being
22 investigated in Chester County?

23 A That's correct.

24 Q And as a part of your job are you required to maintain
25 an evidence log of everything that's placed in and who

ROGER "CHUCK" STARNES - DIRECT

1 places it?

2 A That's correct also.

3 Q And whenever you actually handle the information going
4 in and out regarding certain evidence, does that include
5 whenever evidence is returned from testing from some place
6 like SLED in Columbia?

7 A That's correct.

8 Q All right. And is it one of those situations where
9 you're basically just looking to see the integrity of the
10 evidence coming in and out and to make sure it's not
11 tampered with before it's actually used in court?

12 A That's correct.

13 Q All right. Now, in this particular case that's
14 actually Chester County's ID number 21501874, but SLED
15 number L1512467, were you the evidence custodian involved
16 in the retention of evidence and the return of evidence
17 that had been tested?

18 A I was.

19 Q And did you bring that evidence with you here today?

20 A I did.

21 Q And was all of that evidence as it was taken to SLED
22 for testing and then returned, were you logging it in each
23 time that it was removed from your evidence locker and then
24 taken to another location?

25 A That's correct.

ROGER "CHUCK" STARNES - DIRECT

1 Q And once those items were returned what did you do?

2 A I would bring it back into my custody and document it
3 in the system that I now have control to get.

4 Q And at any point in time, did you actually go into
5 those boxes that we're seeing here or packaging with and
6 tamper with or alter this evidence at anytime?

7 A I went into some of the packages at your direction
8 just to make sure that stuff was there. As far as
9 tampering with it, I did have to cut some of the seals in
10 order to be able to go into the actual bag because
11 sometimes they put more than one item in a sealed bag, and
12 the only way I can attest to the fact it was there is I
13 would have to open it. Normally we don't open those bags
14 unless we're directed to because we don't want to any way,
15 shape, form or fashion mess with the evidence if we can
16 help it. So yes, I did go in there with your direction
17 and everything was there as it was supposed to be.

18 Q So before we came to court, is it normal that you
19 would meet with myself or the solicitor and defense counsel
20 in order to review the evidence just to determine what it
21 looks like, that it is there so we're ready for court?

22 A Yes. And that also requires that we sometimes open
23 up the evidence, break the SLED seals and then seal it
24 back with ours, we did that twice as I remember.

25 Q So if there's any seals like that that were actually

ROGER "CHUCK" STARNES - DIRECT

1 gone in to, it would have been under the supervision of
2 myself, Solicitor Newman and along with the defense counsel
3 who was present.

4 A That is correct, otherwise I don't go in to it.

5 Q Okay, fair enough. Now, do you recall from your
6 report the total number of items that were actually placed
7 into evidence in this particular case into your custody?

8 A Well, I have got my records back there on the bench.

9 MS. LIVELY: May I approach?

10 THE COURT: Yes.

11 A I would have to count them because I don't really
12 count them by 600 or whatever the case may be but I can
13 tell you the answer.

14 Q There's not 600, are there?

15 A No, I just use that as an example.

16 Q You don't have to count the exact number. Was it over
17 ten?

18 A Well, yes, ma'am.

19 Q All right. Closer to about 20 or 30?

20 A Well, the stuff that I got back from SLED I know that
21 because that's not something that I actually brought in
22 initially, I got this from SLED. The report I got -- the
23 evidence sheet that I got back from SLED, one of those had
24 I believe it was 30 or 31 on it.

25 Q And that's kind of what I was going to ask you about

ROGER "CHUCK" STARNES - DIRECT

1 was some of the items were taken directly from the -- from
2 Chester County by the SLED agent to SLED, correct?

3 A They were actually removed from the scene of the
4 crime by the SLED agents and carried directly to SLED for
5 testing, that's correct. I had nothing to do with
6 bringing that in initially.

7 Q And that's what I wanted to clarify. Because
8 typically whenever evidence is actually collected by the
9 sheriff's office it would come to you and then be taken to
10 SLED, is that fair?

11 A That's correct. Normally it comes to me and then I
12 carry it to SLED, but in this case it went straight to
13 SLED.

14 Q And that would not be an unusual situation when you
15 call in SLED as an additional investigative agency to
16 assist with a case, is that fair?

17 A That's correct, that's not unusual.

18 Q It actually kind of skips a part of the process to
19 make is easier, correct?

20 A Well, not only that, it also maintains the integrity
21 of the evidence. You want to try to keep as few people as
22 possible from touching evidence when you want to get it
23 tested, so that's one reason why they do that.

24 Q So tell me how many of those items then that came back
25 from SLED that you have a record of if you don't mind.

ROGER "CHUCK" STARNES - DIRECT

1 A I can look and see that I have pages. I can tell you
2 how many pages and on each page I can tell you how many
3 items came back from SLED if you want me to do it that
4 way?

5 Q Whatever makes it easier for you that will be fine.

6 A We're talking specifically from SLED, correct?

7 Q Yes, sir.

8 A I have a SLED laboratory forensic service request
9 form where the items were taken to SLED, and that was
10 dated on the 15th of September, that had 33 items listed
11 on it. So they're saying that they took 33 items from the
12 investigation site down to SLED.

13 Q Do you have the box or the sealed -- the actual
14 evidence here in the courtroom right now?

15 A Yes, ma'am.

16 Q And could you please -- I need to have that marked so
17 we can go ahead and identify those, which box it would be.
18 And I'm going to help you out because there's no way I know
19 to do it so we're going to wheel this over here, okay?

20 A Do you want me to come down there?

21 Q Actually it might be a little easier so we can move
22 through it quicker. All right. And make sure that --
23 here.

24 A I think I talk loud enough where you can probably
25 hear.

ROGER "CHUCK" STARNES - DIRECT

1 Q So the items that are on that list from the three page
2 document from September 15th of 2015, which were taken by
3 SLED to SLED --

4 A Right.

5 Q -- if you could please identify those items so we
6 could have those marked?

7 A Okay. This is my sheet here that shows the evidence.

8 Q Yes, sir, I have the same thing.

9 A So what I've gone and put next to each one of these
10 is where these items came back to me what number I
11 assigned to them. Because the Chester County Sheriff's
12 Department when I bring evidence in wherever it comes from
13 I have to put it in the system called Law Track. Law
14 Track generates a one up Chester County Sheriff's
15 Department evidence bar code number. So for items one,
16 two and three that's the refrigerated stuff that I have
17 down at the sheriff's department still because we had no
18 place to store that up here.

19 Q And let's just be clear about that. Would you please
20 let the jury know when you say refrigerated items, those
21 are actually things like blood and fluids that were removed
22 from the victim; is that correct?

23 A Correct. You have to keep those refrigerated so if
24 they have to be tested at a later date they're still good
25 to be tested.

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1 Q So one through three are not items that we are going
2 to be placing into evidence.

3 A Right, and four is the same way.

4 Q Four is the same way, correct? Okay. Then we have
5 five through 12 on that page.

6 A Right. Five through 12 came in to me and I've got
7 that labeled under 62098 -- I just have to find the box.
8 62098 is here.

9 Q 62098. And if you --

10 A There's more than that in this box, though. I could
11 pull that out if you would like me to pull out that
12 specific one.

13 Q We're going to need to do that so we can be very clear
14 as to what it is that we're putting into evidence. So
15 you're opening box 60298.

16 A Because this was not a box that came back from SLED.
17 These items that I'm fixin' to show you, I actually picked
18 these up individually. Once we take it out you'll see
19 what I'm talking about, it's easier to see it than it is
20 to describe it. So this is item 62098, which was SLED
21 item number five that they picked up.

22 Q I'm going to have this marked if you'll give me just a
23 second. Or how many of them are you going to pull out of
24 there? We might do it all at once.

25 A I think there is five -- six, because we've also got

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1 62099. Because all of those --

2 Q So if you would, these are the ones that came from
3 SLED but I need to know what each one of these would be --

4 A On here.

5 Q Yes.

6 A So I'm going to -- let's just do this in order so you
7 try to keep it as clean as we can. So I'm looking at --
8 I'm going to use your case number, correct, item 62098.
9 And when you look inside this bag there are a bunch of
10 items in here and so we would have to actually break that
11 open now to take each individual item out to explain what
12 they are on here.

13 Q Okay. We don't need to do that, I need you just to
14 tell me what those items are.

15 A It says CSC kit, Judy Lindsay, item five. It says it
16 is -- item six is fingernail clippings, left hand
17 fingernail clippings collected at autopsy. It says
18 there's item seven which is fingernail clippings, right
19 hand fingernail clippings collected at autopsy, Lindsay.
20 This says there is item eight miscellaneous loose hairs,
21 fibers from neck and face collected at autopsy. It says
22 there's number nine, miscellaneous, one envelope
23 containing fibers from pubic area ALS, positive, collected
24 at autopsy, Lindsay. It says there's item ten,
25 miscellaneous, one envelope containing fibers from pubic

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1 area ALS, positive, collected at autopsy, Lindsay. It
2 says there's item 11, swabs, swabs collected from chin and
3 mouth area, ALS positive, collected at autopsy, Lindsay.
4 And it says there's -- the last item is item number 12,
5 swabs, swabs collected from neck area collected at
6 autopsy, Lindsay.

7 Q All right. So in this particular item 62098, it would
8 have all of those items.

9 A Yes, ma'am.

10 MS. LIVELY: Your Honor, the State would move to enter
11 this as State's Exhibit 131.

12 MR. FRICK: No objection.

13 THE COURT: In without objection.

14 (Box of evidence was received as State's 131.)

15 Q Now, the next group of items that we have I've got
16 item number 62099, what would that be from?

17 A What number?

18 Q 62099.

19 A It may have also come in under a different SLED --

20 Q It says DNA touch but it doesn't tell me --

21 A It's because what they bring to me doesn't match --
22 62098?

23 Q 99. And while you're looking I'm assuming 62100, 101,
24 102, and 103 would all be --

25 A Would all be right together.. And I think on there it

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1 also has container F. Does it have container F right
2 there?

3 Q It does.

4 A Right. So container F, which is 62099, which is my
5 number, it says it contains item 25.1, described as one
6 sealed swab containing two swabs collected from keys and
7 key ring from item 25, department item 25.

8 Q And what about 62100?

9 A It doesn't really have a container number, but it
10 said it was item 19 described as one sealed buccal swab
11 containing Jermaine Bell, department item 19.

12 Q Okay. And then 62101?

13 A It says it's item 20, described as one sealed buccal
14 swab containing Mitchell Mayfield, department item 20.

15 Q All right. And then 102?

16 A It says it's item 21 described as one sealed swab
17 containing two swabs collected from the fence between [REDACTED]
18 Fifth Street and [REDACTED] Fourth Street, department item 21.

19 Q And the last one is 103?

20 A And it says it is item 25.2, described as one sealed
21 swab containing swab from scraping exterior underarms and
22 adjacent areas, department item 25.

23 MS. LIVELY: We're going to move these into
24 evidence -- well, I need to have them marked first. Your
25 Honor, the State moves to introduce 132 through 136 into

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1 evidence at this time.

2 MR. FRICK: No objection, Your Honor.

3 THE COURT: In without objection.

4 (The items were received as State's 132-136.)

5 Q Now, it looks like we kind of jumped into the list of
6 what SLED has actually in their numbers, and I understand
7 yours are a little bit different.

8 A Right.

9 Q So on page two of three for the SLED forensic services
10 request --

11 A Right.

12 Q We've already talked about the buccal swab from the
13 defendant and Mr. Mayfield.

14 A Right.

15 Q What other items -- how did you package the other
16 items -- because I know they were coming and going, is that
17 a fair statement?

18 A Yes, ma'am, it's fair. In this particular case I got
19 back what you just submitted on the swabs from Mr.
20 Mayfield. I guess I need to ask you a question here, on
21 page two of three it shows this as having gone out, this
22 shows what -- this page does, this doesn't show what I
23 pick up. This shows what the SLED agents carried down if
24 you can see on here.

25 Q Well, let's use yours then that actually identifies

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1 what was actually brought back to you, is that okay, Mr.
2 Starnes?

3 A Yeah.

4 Q Let's do it that way.

5 A Let me go through what I picked up when I picked it
6 up.

7 Q That's perfect, we'll try to keep it simple.

8 A 62336, which is my number, is on here which I will --
9 I have cross references between several of my pieces of
10 paper to make sure I can show you what boxes.

11 Q Okay.

12 A 62336. The 62336 is bodily fluid specimen that's
13 also in my refrigerator down there because we weren't
14 going to bring those to court.

15 Q Got you. What's in 61408?

16 A 61408. 61408 contains SLED item C, sealed large
17 brown box said to contain two items numbered 13, bag
18 collected from victim's right hand at autopsy, and 14,
19 same from left hand.

20 Q So in here are the bags that were collected from Ms.
21 Judy's hands from autopsy.

22 A Right, that's correct, that's what's in the box
23 there.

24 Q It's those two items?

25 A Yes, ma'am.

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1 Q And that's it.

2 A Right. And I can go back here and their little slip
3 they gave me if you need that.

4 MS. LIVELY: Your Honor, the State would move 137 into
5 evidence.

6 MR. FRICK: No objection, Your Honor.

7 (The box was received as State's 137.)

8 Q Item 61583.

9 A 61583 is container D from SLED, sealed medium brown
10 box said to contain two items, number 17 and 18. Now, I
11 don't have room on my stuff to put down exactly what they
12 are so I will have to dig in here to find out what it
13 actually is so I can tell you what item 17 and 18. I know
14 it is their items, I just don't have on this thing exactly
15 what it is.

16 Q I've got it as the white plastic bag collected from
17 garden area as 17, and the black ashtray collected from
18 garden area, which is number 18.

19 A Which I opened that up and I saw those, you can see
20 it has got my seal on there.

21 Q Okay. Let's mark this.

22 MS. LIVELY: Any objection?

23 MR. FRICK: What's the SLED number?

24 A 17 and 18.

25 MS. LIVELY: 17 and 18.

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1 MR. FRICK: No objection.

2 THE COURT: Last two boxes without objection.

3 (The box was received as State's 138.)

4 Q Okay. 62903.

5 A That says that it's item number 31, which are the
6 Coogee shoes.

7 Q And that's all that's in this box.

8 A That's all that's in that box.

9 Q All right.

10 A There may be some socks in there in the shoes since
11 they were down in the bag that the shoes were in, when we
12 looked at that I think there were some socks in there.

13 Q But it is SLED item 31.

14 A Yes, ma'am, that's correct.

15 MR. FRICK: No objection.

16 THE COURT: In without objection.

17 (The box was received as State's 139.)

18 Q 62923.

19 A 62923 is SLED item 27, a large brown bag described as
20 one sealed shoe containing one black right shoe, brand
21 size unknown. Now, are there more than one bar code on
22 that box?

23 Q There's four.

24 A Right. So inside this box is going to be what I just
25 described plus some other stuff that we're going to talk

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1 about.

2 Q Okay. All right. So on the box this actually has the
3 items listed as SLED number 24, which is a multicolored
4 sock; SLED number 25, which is an orange shirt; SLED 22,
5 which is a black sash.

6 A That's correct.

7 Q SLED 27, a black shoe?

8 A That's correct.

9 Q Twenty-eight, a cord, a lanyard cord?

10 A That's correct.

11 Q Twenty-six, a black shoe.

12 A Correct.

13 Q Twenty-nine, a doorag or a hair rag?

14 A Correct.

15 Q And number 30, underwear.

16 A Correct, that's was in that box.

17 Q So we've got SLED's 22, 26, 27, 28, 30 and 29.

18 A That's correct.

19 MR. FRICK: No objection.

20 THE COURT: In without objection.

21 (The box was received as State's 140.)

22 Q All right. This one is 62902, SLED --

23 A That right there is item G.

24 Q Okay.

25 A And it's large sealed manila envelope said to contain

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1 items 3.1, test compressions of item 31 left and right
2 shoes, item 32.1, 32.2, 32.3, all unknown impressions of
3 unknown footwear presented or represented in photos, and
4 it has got the photo numbers in here, that's what's in
5 there.

6 Q That's what's in here? Okay.

7 MR. FRICK: No objection.

8 THE COURT: In without objection.

9 (The envelope was received as State's 141.)

10 A This one is not going to be labeled exactly like the
11 last of them were because I was using the old evidence bar
12 codes and there was no room to type in what they were, so
13 these you're probably going to have to call out the
14 numbers and let me look it up and tell you what it is.
15 These are my numbers right here.

16 Q Well, the good thing is it looks like they're in
17 order.

18 A Most of them, there's some that probably jump around.

19 MR. FRICK: No objection.

20 THE COURT: In without objection.

21 (The box was received as State's 142.)

22 MS. LIVELY: Answer any questions that the defense has
23 for you.

24 MR. FRICK: No questions for Mr. Starnes, he doesn't
25 even need to sit down.

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1 THE COURT: Thank you, sir.

2 MS. LIVELY: Can he be excused, Your Honor? I don't
3 know if I asked.

4 MR. FRICK: I think it's fine, no problem.

5 THE COURT: The witness is excused.

6 MS. LIVELY: Your Honor, can we take like a ten minute
7 break?

8 THE COURT: Sure. Ladies and gentlemen, take about
9 ten minutes.

10 (The jury left the courtroom and a break was taken.

11 (The jury returned to the courtroom.)

12 MS. LIVELY: The State would call Jessica Stowe to the
13 stand.

14 The witness, JESSICA STOWE, was first duly sworn and
15 testified as follows:

16 DIRECT EXAMINATION

17 BY MS. LIVELY:

18 Q Ms. Stowe, please tell the jury where you are
19 currently employed.

20 A I am employed with the South Carolina Law Enforcement
21 Division often referred to as SLED.

22 Q And what is your title there?

23 A I am a forensic serologist.

24 Q Forensic serologist. Please explain to the jury what
25 a forensic serologist is.

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1 A I'll start with what is serology. Serology is the
2 identification of body fluid such as blood, semen and
3 saliva. So as a serologist we screen items of evidence
4 that come through the door. This can be anything from bed
5 linens, all types of clothing, guns, knives, car parts, if
6 you think of it we've probably seen it or will see it. We
7 also can screen items to see who wore something, who
8 touched something. We use tests to determine these and we
9 forward these samples that we collect off the evidence for
10 DNA analysis and we generate a report based off of our
11 findings.

12 Q And how long have you been in the field of serology?

13 A Five years.

14 Q And what type of actual educational background do you
15 have in order to be in this field?

16 A I have a Bachelors of Science in Biology with a minor
17 in Chemistry from the University of South Carolina, and
18 upon getting hired at SLED I participated in their
19 training program that helped me learn about forensic
20 serology.

21 Q How many times have you been qualified as a forensic
22 serologist in court as an expert in that field?

23 A I believe nine. Testified 11 times, qualified nine.

24 MS. LIVELY: At this time, Your Honor, the State would
25 offer Jessica Stowe as an expert in the forensic serology.

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1 MR. FRICK: No objection from the defendant.

2 THE COURT: So qualified without objection.

3 MS. LIVELY: Thank you, Your Honor.

4 Q Now, Ms. Stowe, I'm going to refer you to lab number
5 L1512467 involving the defendant, Jermaine Bell, and victim
6 Judy Lindsay. Were you the serologist who handled the
7 items in that case?

8 A I was.

9 Q And whenever you received those items, if you would
10 just let the jury know how you received those, what you do
11 with them, and we'll go through each one, but just in
12 general about how many items you received and what you went
13 through.

14 A Okay. Just through the whole report?

15 Q About how many total did you actually have to look at?

16 A I'm sorry, I misunderstood.

17 Q I'm sorry, that's fine.

18 A Approximately 30.

19 Q The reason why I was asking you the total is because
20 we're not going to go -- you didn't get any type of
21 positive -- if I say it wrong I want you to clarify it for
22 me, too -- positive readings or something off of the item
23 that would mean there was evidence to be further tested; is
24 that right?

25 A I'm sorry, I don't understand your question.

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1 Q Okay. How about this, how do you determine whether or
2 not an item that has come to you is going to then be sent
3 over to the DNA lab for further testing?

4 A Okay. So whenever we get items of evidence in we
5 review the information. Sometimes there are discussions
6 between people in our department and the agency that says,
7 "Hey, we need this item tested for this body fluid or
8 touch DNA or ownership," whichever, and it's my job to use
9 the tests that are available to me if it's positive to
10 forward that DNA. So I have to review the information
11 first.

12 Q Okay. Now, you said you got about 30 items. I'm
13 going to refer you to item 5.2 --

14 A Okay.

15 Q -- and ask you to tell the jury what your analysis
16 showed on that item and what it is.

17 A 5.2 are the vaginal swabs from the sexual assault
18 evidence collection kit from Judy Lindsay, and the results
19 are examination for component of semen P30 was positive.
20 No spermatozoa identified. Item forwarded to the section.

21 Q Explain what that means if you can. If you can't I
22 can get the DNA person to, but if you can --

23 A Uh-huh.

24 Q Well, please explain that to the jury, what it means
25 that semen was there but no spermatozoa.

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1 A Well, it doesn't necessarily mean that semen was
2 there, it means that a component of semen was detected.
3 P30 is a protein found in high concentrations in male
4 seminal fluid, so the test we used detected the presence
5 of P30. We also take our examination a step further. So
6 we are going to take that sample, the one that I looked
7 for that P30 on, and I am going to look at it under a
8 microscope, and I didn't visualize any spermatozoa, it's
9 referred to as the sperm cell, it's the male reproductive
10 cell, I did not visualize that. But since a component of
11 semen, the P30, was detected I forwarded that to the DNA
12 section.

13 Q And is that a procedure that followed any time that
14 there may be some possibility of semen present in a rape
15 kit or sexual assault kit?

16 A Yes.

17 Q All right. But it doesn't necessarily mean that
18 there's going to be a finding.

19 A Right. It just means that we detected the protein
20 and it needs further analysis by DNA.

21 Q Okay. Thank you. And I'm going to refer you to 5.3
22 and 5.4 as well. And were those items also from the sexual
23 assault kit?

24 A Yes, they were.

25 Q And 5.3 was what?

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1 A 5.3 are the oral swabs from the sexual assault kit.

2 Q And then 5.4?

3 A 5.4 are the rectal swab from the sexual assault kit.

4 Q Now, from what I'm looking at, and you can tell the
5 jury yourself, was your finding on that identical to what
6 you found on the vaginal swabs 5.2?

7 A Yes. Both the oral swabs and the rectal swab were
8 positive for that component of semen P30 that I just
9 mentioned, both of them. I did not identify spermatozoa
10 and I forwarded those for DNA analysis.

11 Q Now, on page two of four from your report I see there
12 was -- you've got listed 5.5 through 11, and out of all of
13 those other than 6.1 -- and I'll ask you about that one --
14 out of all of those other ones -- I don't want to do that,
15 hold on. Let me ask you about 6.1, what's that?

16 A 6.1 are the left hand fingernail clippings from Judy
17 Lindsay.

18 Q What's 7.1?

19 A 7.1 are the right hand fingernail clippings from Judy
20 Lindsay.

21 Q And all it says on there regarding your results of
22 your examination is what?

23 A Item forwarded to the DNA section. We don't screen
24 the fingernail clippings or scrapings for anything. As a
25 serologist it's also our job to prep samples for DNA, so

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1 like the other, the vaginal, oral or rectal where I
2 forwarded those, I just put the clippings in a tube and
3 forwarded those to DNA.

4 Q And thank you for explaining that because I was
5 wondering why an examination -- it didn't say an
6 examination had been done.. So those are just -- you go
7 ahead and forward those on.

8 A Yes, that just helps the DNA analyst out. They
9 already have the samples in the tube and when they get it
10 they can start right away.

11 Q All right. On 5.5 you've got that listed as pubic
12 hair combings. What did you find from that?

13 A No analysis was performed on those.

14 Q And then you've already talked about the clippings of
15 that -- of the fingernails. How about 6.2?

16 A 6.2 was hair that I noticed that was submitted along
17 side the left hand fingernail clippings from Judy Lindsay.

18 Q And was that suitable for analysis?

19 A It was not, no hair was suitable for DNA analysis.

20 Q Would that include hair from 7.2 and eight?

21 A That is correct.

22 Q Now, I'm going to refer you to the final three items
23 on your page two; nine, ten and 11. What was the results
24 of your analysis of those?

25 A Items nine and ten are fibers from the pubic area, no

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1 analysis was performed. Item 11 was a swab from the
2 chin/mouth area. Examinations for components of semen P30
3 and spermatozoa were negative, no semen was identified.
4 However we had a request in that even if it was negative
5 to forward that for DNA analysis.

6 Q Okay. So that was done?

7 A That was.

8 Q Now, I'm going to refer to page three which is your
9 final page with items submitted. Please tell the jury what
10 item number 12 was.

11 A Item number 12 is swabs from the neck area.

12 Q Okay. That would be from the neck area of the victim,
13 Judy Lindsay.

14 A Yes. That was within the sexual assault kit, it was
15 all packaged together.

16 Q And what did you do with those items?

17 A Like the fingernail clippings we're not going to
18 screen that, they came in as a touch request and I just
19 forwarded that to the DNA section.

20 Q And how about 19 and 20?

21 A 19 and 20, 19 is buccal swabs from Jermaine Bell, and
22 20 is buccal swabs from Mitchell Mayfield. And like those
23 I just forwarded that to the DNA section, those are the
24 known standards so the known DNA profile from those
25 individuals.

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1 Q Okay. And let me show you as we're going through
2 items -- State's Exhibit 131. There are several items in
3 here.

4 A Uh-huh.

5 Q And I've shown that to you before and if you need to
6 open it that's fine. Are those the items that actually
7 came to you for testing?

8 A Yes. State's Exhibit I think 131, this is our
9 L1512467 container B. This contained the sexual assault
10 kit evidence that was located.

11 Q Which is what we were just now talking about.

12 A Yes, that's correct.

13 Q How about State's Exhibit Number 133?

14 A 133 is SLED's item number 19, and that is the buccal
15 swabs from Jermaine Bell.

16 Q The defendant?

17 A Uh-huh.

18 Q 134?

19 A 134 is SLED's lab number 20, and that was the buccal
20 swab from Mitchell Mayfield.

21 Q And then 136?

22 A 136 is SLED's number 25.2, this would be the item
23 that I collected off of item 25, the shirt.

24 Q All right. Now I'll ask you about that.

25 A Okay.

JESSICA STOWE - DIRECT

1 Q Item 25 is what?

2 A Item 25 is a T-shirt and keys from marker nine.

3 Q And when it says marker nine, what does that mean?

4 A I'm not sure, that's how it was logged in. I'm
5 assuming it was from an area marked at the scene.

6 Q Okay. That's fair. So when you get it you're just
7 focused on doing your role in the investigation, correct?

8 A Right. I was asked to look for semen and touch DNA
9 on that shirt.

10 Q What do you actually use in order to determine whether
11 or not semen or those type of bodily fluids may be present?

12 A So when we get a large item in, so a shirt I'll use
13 as a large item, we have to screen it, we need to screen
14 it fast because we don't have a lot of time to focus on
15 those P30 tests which take a lot longer than the tests I
16 mentioned earlier. So we need to screen that item with a
17 quicker test, it's called the acid phosphatase test. The
18 acid phosphatase is an enzyme found in high concentrations
19 in most seminal fluid and the test we have detects that,
20 and in this case it was not detected.

21 Q And do you actually identify that on the item that
22 you're actually testing?

23 A Uh-huh, that is true.

24 Q And I'm going to at this point open what was returned
25 to our evidence lab from SLED, it looks like it's lab --

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1 your number is C and then it's got E, Box E.

2 A Uh-huh.

3 Q I'll show you what has been marked as State's Exhibit
4 143, if you can identify the items.

5 A I can identify this through the SLED lab number
6 L1512467 item 25, my initials JHS, and the date.

7 Q Okay, great. Would it help you -- do you want to
8 stand up? I can give you a place that you can actually
9 stand. All right. So I'm going to let you open this and
10 tell the jury what this is and what you did with those
11 items. Why would there be dirt in there?

12 A I guess if this was collected outdoors somewhere,
13 there's a lot of outdoor debris so it looks like grass,
14 dirt, what you would expect to find outside. So this is
15 item 25, there are keys present and a shirt. So like I
16 explained earlier, I looked for -- I performed semen
17 screening for the acid phosphatase, that's why you see
18 negative APS marked all over it. That's my initials.

19 Q I'm going to ask you about that, okay?

20 A Okay.

21 Q Where it says APS here and there's a circle and two
22 lines, what does that mean?

23 A So these are the areas that fluoresced. The first
24 thing we're going to do is throw a special light on it
25 that helps us look for biological for fluoresces, but it's

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1 our job to determine if it's biological. So that's where
2 you see all of those small circles with the negative APS.

3 Q Negative, so that means there's nothing there. We'll
4 flip it around.

5 A Okay.

6 Q Now, tell the jury what we're seeing here.

7 A Okay. What you're seeing here is this item was also
8 submitted for touch processing. The premise behind touch
9 processing is if I was to touch this I can potentially
10 leave my skin cells behind, that will have my DNA profile.
11 So after meeting with a crime scene agent it was
12 determined that I needed to focus on these areas right
13 here.

14 Q Were you told why?

15 A I believe that it was her opinion and the pathologist
16 that the victim may have been dragged, and that if I could
17 focus on this maybe we could find foreign DNA to the
18 victim here.

19 Q Would you expect to find the victim's DNA here as
20 well?

21 A You would, absolutely. If the victim is wearing it
22 you were constantly shedding your skin cells and your DNA.

23 Q And were you able to actually do the scraping of
24 this -- of the underarm areas?

25 A Yes. So this right here just to let you see, this is

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1 a scraper. When we get it it's completely wrapped and it
2 is disposable and it is sterile. So what I do is the
3 areas that I have been asked to focus on, I scrape it
4 really well like this, and I take a swab, I'm going to
5 swab the areas that I scraped, I am going to swab the
6 scraper and then I'm going to swab the area on the paper
7 and then that will get forwarded for DNA analysis.

8 Q Okay. And that's what did you in this case?

9 A That's exactly what I did.

10 Q And it was from these underarm areas here?

11 A Yes, ma'am. Where you see 25.2, those are the areas
12 I focused on.

13 Q And 25.2 is documented in your report as swab from
14 scraping exterior underarms and adjacent areas.

15 A That's correct.

16 Q There was a key ring in here as well and I should have
17 asked you about that, but that was a part of your item 25?

18 A Uh-huh.

19 Q Was there anything that you were able to determine was
20 on that?

21 A No. I wasn't asked to focus on the keys, I believe
22 that had been previously done before processing.

23 Q Now, to finish up in regards to the items that you
24 actually look through --

25 A Uh-huh.

JESSICA STOWE - DIRECT

- 1 Q -- on your page three, you have 26, 27, 28 and 29.
- 2 A That is correct.
- 3 Q And 26 and 27 were a black shoe and right shoe,
- 4 correct?
- 5 A Yes.
- 6 Q And there was no exam performed on those.
- 7 A There was not.
- 8 Q And then 28 is a black lanyard cord which had been
- 9 collected from marker 18 that also no examination?
- 10 A No examination.
- 11 Q And then 29, the doorag hair rag, no examination?
- 12 A No examination.
- 13 Q And the same thing for 30, the three pair of underwear
- 14 unknown size found in a white plastic bag?
- 15 A No examination.
- 16 Q So when there's no examination performed of those
- 17 particular items, is it because it's already been looked at
- 18 for possibility of anything being present or other reasons?
- 19 A No. There was -- as you can see there was quite a
- 20 bit that was submitted in this case, and it was packaged
- 21 together in a box container that I mentioned earlier. I
- 22 was asked to only look at the shirt at the time. It's
- 23 common for SLED through the agency -- talking with agency,
- 24 talking with other investigators to prioritize certain
- 25 pieces of evidence and then we'll move on to other

JESSICA STOWE - DIRECT

1 evidence if that link isn't established.

2 Q Okay. Now, Ms. Stowe, in regards to touch DNA, what,
3 if anything, can effect the actual presence of touch DNA
4 such as on someone's body on skin if they're left out in
5 the open for a period of time?

6 A If it's left out in the open for a period of time, of
7 course, wind, rain, water, humidity, all of those elements
8 can potentially wipe away or degrade the DNA.

9 Q Okay. And if DNA is found on a person's body, a touch
10 DNA, let's just say it's found on the person's body, is
11 that an indication to you as to it being close in time to
12 them touching? Could it be like two or three weeks from
13 then that their touch DNA could be on the person's skin?

14 A It completely varies, we have no way to tell a
15 timeframe other than if something is or is not there.

16 Q What kind of things will wash away touch DNA?

17 A Of course bathing, coming in contact with anything
18 that -- so if I touch this and then it gets wiped away by
19 a cleaner or a rag or something sits down on top of it,
20 that could move it. It can be easily transferred to and
21 from.

22 Q What about in comparison to -- I was asking you about
23 skin on skin, what about someone's skin on fabric or
24 clothing?

25 A It's going to completely depend on that individual's

JESSICA STOWE - DIRECT

1 cells. It's my knowledge that some shed more than others,
2 so if you're sweating you may leave a little bit more
3 behind than you typically would if you're not sweating.

4 It completely depends on the persons, the factors.

5 Q But once again as a serologist and what you're doing,
6 you're looking for the presence of DNA, possibility of DNA.

7 A Right. We can't determine if the DNA is there,
8 that's the DNA analyst's job. It's our job to collect the
9 skin cells that potentially could have been left behind by
10 someone or something, and the analyst will see what's
11 there.

12 Q And as an expert serologist in regards to the items
13 that you tested and did forward to DNA, each one of those
14 items did require further testing.

15 A To my knowledge.

16 Q That would be 5.2, 12, 19, 20 and 25.2, which are the
17 items I had you look at here today in court; buccal swabs,
18 vaginal swabs?

19 A Yes. I forwarded those to DNA, after I forward them
20 I have no idea what the analyst tests.

21 Q Got you. You just did your role.

22 A I just did my job.

23 MS. LIVELY: Thank you, answer any questions that the
24 defense may have for you, Ms. Stowe.

25 CROSS EXAMINATION

JESSICA STOWE - CROSS

1 BY MR. FRICK:

2 Q Ms. Stowe, just to be clear, you don't go out to the
3 scene, right?

4 A I do not.

5 Q Or at least you did not in this particular case.

6 A I did not.

7 Q You take the items as they come to you, correct?

8 A That's correct.

9 Q In fact, the number 25 that you just looked at here,
10 that's exactly how it came to you, right?

11 A That's not exactly how it came to me. All of the
12 paper that you see, that's what I wrapped it in.

13 Q Okay. How did it come to you?

14 A It would have come within a container, that container
15 contained multiple items and I was asked to only focus on
16 that shirt within that container.

17 Q When it came to you, did it have those leaves and dirt
18 and the twigs and branches and stuff in there?

19 A Yes, sir, it did.

20 Q And you did didn't add that stuff in when it got to
21 SLED.

22 A No, I did not.

23 Q And of course, you kept whatever came with that shirt
24 with that shirt.

25 A I did.

JESSICA STOWE - CROSS

1 Q Okay. While we're on that item number, in your report
2 you've got whole numbers and then there's a point with a
3 number behind it, the little numbers that came behind it,
4 does that mean that that's a subitem that came from that
5 big number?

6 A That's exactly correct.

7 Q So in looking at 25, when you do the scraping and we
8 come up with 25.2, that just means that that is what came
9 from that shirt, right?

10 A That's correct. 25.1 had already been used so I
11 created 25.2.

12 Q So in your report and subsequent reports, on 25.2 when
13 we're talking about scraping exterior underarms, that's
14 actually scrapings from the shirt?

15 A Yes, I scraped those areas of that shirt.

16 Q Not actually from the underarms of a person.

17 A No, that would be the exterior, so the outside.

18 Q Got you. But specifically -- did you receive
19 scrapings from a person's underarms in this case or did it
20 just come from this shirt?

21 A I created the scrapings from the shirt.

22 Q Trying to clarify in my own mind, when the stuff comes
23 to you, how do you decide if it needs further testing or
24 not?

25 A So whenever we get items in, whether it's from blood,

JESSICA STOWE - CROSS

1 semen, saliva, we have tests that we use. If it's
2 positive if it pertains to that then what that says is
3 there's a bloody fluid present, it may contain a DNA
4 profile and we're going to forward that for analysis.

5 Q Okay. Do you do a visual inspection first and go that
6 might be something there or do you test everything and
7 then -- how do you do it?

8 A It depends. If we're looking for blood, if it's a
9 light colored shirt I can use my visual examination
10 because blood is reddish brown, so the same color, I'll
11 focus on those areas. If it's semen or saliva those are
12 harder to see with your naked eye so we have a fancy light
13 that we use that causes those areas to fluoresce and then
14 we focus on those areas. So it does begin with a visual
15 examination of sorts.

16 Q Do you put the fancy light over everything?

17 A Not everything, it depends on what it needs.

18 Q Where do you get your cue so you know where to test
19 and what to test I guess is what I'm trying to figure out?

20 A Well, when the evidence is submitted to SLED there's
21 paperwork that goes along with it, and whether it's the
22 agency -- whoever is submitting it, it can be the
23 solicitor's office wants something tested for this, the
24 defense attorney wants something tested for this, we have
25 documentation. And I review all of that documentation and

JESSICA STOWE - CROSS

1 look to see what they want tested and that's how I'll test
2 based off of that.

3 Q Let's go back to some of the other items. When you're
4 looking at the sex assault kit, specifically what I'm
5 talking about I think is 5.2, 5.3, 5.4 where you said you
6 found P30, which is protein that is found in semen but it
7 doesn't necessarily mean that it is semen?

8 A Right, it can indicate the presence of semen.

9 Q Where else is this protein found then?

10 A It can be found in the blood with men with prostate
11 cancer, it can be found in breast milk, it can be found in
12 really low levels in vaginal fluid.

13 Q So many different places.

14 A I wouldn't say many, but pertaining to the body, yes.

15 Q So in this case you find the P30 but you don't find
16 anything else that leads you to conclude that it is, in
17 fact, semen?

18 A Well, on the smears from the kit, the vaginal smears
19 I did identify a sperm cell.

20 Q Okay. That's 5.1?

21 A Uh-huh.

22 Q And that was submitted on to DNA then?

23 A That would not have been, that comes on a glass
24 slide. It is our understanding in the typical practice
25 that when swabs are taken to collect from the vaginal

JESSICA STOWE - CROSS

1 area, the sample that's collected from the vaginal area is
2 placed on a glass slide and so it's the same sample, the
3 sample that goes on the glass slide and what gets
4 submitted for us.

5 Q So once you look at 5.1 and make that determination,
6 there's no further testing on it?

7 A Right, that's just the visual examination. And then
8 I saw something that was there, the sperm cell and
9 forwarded it as well.

10 Q Okay. And, of course, if there was no analysis
11 performed either -- that was just something that you didn't
12 even look at or didn't feel needed to be looked at?

13 A Right. Like I mentioned earlier, it's SLED's
14 practice to forward in tier, so we're going to focus on
15 certain evidence, maybe get more intimate. A vaginal swab
16 is going to be more intimate than a hair so we're just
17 going to focus on those first and then we can always move
18 on to those. Just because no analysis is performed
19 doesn't mean it is never going to be, it is just at that
20 time we decided to focus on others first.

21 Q All right. And nothing was collected at all from
22 there, it was just kind of documented and sent off?

23 A That's correct, yes.

24 Q And then, of course, you had the fingernail clippings
25 that came to you. Do you know where they came from?

JESSICA STOWE - CROSS

1 A I just know that they are from Judy Lindsay.

2 Q They came to you packaged from wherever they came
3 from, correct?

4 A Yes, sir.

5 Q I'm slightly confused. It looks like six breaks down
6 into fingernails and hair, both of them, six and seven
7 break down into 6.2 and 7.2. It's some hair?

8 A Right. So hair is easily transferred. If I was to
9 get up right now there's a good chance I might leave one
10 of my hair behind.

11 Q Some of us more than others.

12 A Yeah. So whenever we see a hair there we just look
13 at it, that's it, we note it, it happens a lot.

14 Q But there was nothing that you could do an analysis
15 on?

16 A No. I visualized it and it was not suitable for DNA
17 analysis.

18 Q Okay. And I think we have well covered 25, but just
19 to be certain, it's another test that you use to determine
20 whether there's semen on that?

21 A That is correct, yes. Those -- the P30 test that we
22 used on the swab, those swabs are really small items so
23 it's really easy for us to take cuttings and test for P30,
24 which is a more specific test than the acid phosphatase.
25 The acid phosphatase allows us to quickly identify areas

JESSICA STOWE - CROSS

1 that we want to focus on even more, so that test would
2 come before the P30 test.

3 Q Okay. There is an item 21 but I don't have it on your
4 list. Is that because it didn't come through you? Did it
5 go straight to DNA or do you know?

6 A I'm not aware of what 21 is.

7 Q That's fine. And then on item number 30, can you tell
8 me where that came from, or at least what you were told
9 where it came from?

10 A The item's description is three pairs of underwear
11 brand unknown, size unknown, collected from white plastic
12 bag found in garden area of [REDACTED] Fifth Street.

13 Q Is that all of the description you're given as to
14 where it came from and what it was?

15 A Yes.

16 Q And you didn't perform any analysis on there?

17 A I did not.

18 Q You just didn't see anything or --

19 A I was -- like I mentioned earlier, that box that all
20 of those items came in, all of the items around T-shirt
21 and keys where you see no examination performed, those
22 were packaged together in the same box. I was only asked
23 to focus on item 25 so that's why you see no examination
24 performed on those other items.

25 Q Very good. Almost done. You said that obviously DNA

JESSICA STOWE - CROSS

1 can degrade but there's no real -- there's no real
2 timeframe. Unless you know what the environment was and
3 all of that stuff you can't say?

4 A I can't say.

5 Q So I can put my touch DNA there and if nobody ever
6 washed it off it could be there for how long?

7 A That is correct.

8 Q Just to whenever?

9 A Yeah, there's no way to know. It would depend on a
10 variety of factors; environment, whether it rained.

11 Q And the same on someone's skin, if I walk up and
12 grabbed the court reporter, would my DNA stay on Mr.
13 Watkins for awhile unless he washed his face off?

14 A It's potential, you may not even leave it behind at
15 all.

16 Q And if it's left out in the environment, is there any
17 way to tell how long it had been there?

18 A No, there's not.

19 Q Even if you had some environmental factors given to
20 you like weather and humidity, could you make a
21 determination or a guess?

22 A I could not.

23 Q Okay. And I believe you said that you would expect if
24 someone was sweating they possibly could be leaving more
25 DNA.

JESSICA STOWE - REDIRECT

1 A That's just a theory. If you're sweating and you're
2 just dripping sweat that's going to collect those skin
3 cells and possibly leave it behind even more, your hand is
4 sticky.

5 Q All right. Give me one second, I may be done.

6 (Break in proceedings.)

7 MR. FRICK: Thank you, ma'am, that's all of the
8 questions I have.

9 REDIRECT EXAMINATION

10 BY MS. LIVELY:

11 Q Just want to clear up just a couple of things. In 5.1
12 that's the smears from the vaginal, oral and rectal of the
13 decedent, Judy Lindsay, correct?

14 A That's correct.

15 Q And I'm confused, you will have to just explain it to
16 me. It says that nothing was found in the oral and rectal
17 smears, so those two slides are a non-issue, is that fair
18 to say?

19 A Those are just separate. I did not visualize any
20 sperm cells.

21 Q But in the vaginal you did. So then we have in 5.2
22 you're saying vaginal swabs, examination for component of
23 semen was positive but no spermatozoa was identified.

24 A Uh-huh.

25 Q Item forwarded to DNA section. So my question is, was

JESSICA STOWE - REDIRECT

1 the follow-up test to determine whether or not there was
2 DNA or sperm present done in the subject section 5.2 of the
3 vaginal swab?

4 A You're asking if that micro search for the sperm was
5 done for 5.2?

6 Q Yes.

7 A Yeah, it was.

8 Q All right. And what about the vaginal smear? I think
9 that's where I'm confused, is that you're saying that you
10 have spermatozoa identified in the vaginal smear, but it
11 didn't say that you forwarded that to DNA. I'm more
12 confused because I don't know the process and I want to
13 make sure the jury understands it -- I don't understand it,
14 they may know, but please explain it to me.

15 A Okay. So when we get the sexual assault kit it has
16 the vaginal oral rectal swabs, that's pretty standard. So
17 when the nurses, autopsy, wherever it's collected they're
18 going to swab those areas of interest; the vagina, your
19 mouth, your rectal cavities, they're going to swab those
20 areas, then they take a glass slide and then they swab
21 that slide and that creates the smears, that's what we
22 call them, slides or smears. And we only do a microscopic
23 examination for those, we don't forward that for DNA, it's
24 on a piece of glass. And so the vaginal swabs, those are
25 swabs, so we take cuttings of those and forward that for

JESSICA STOWE - REDIRECT

1 DNA.

2 Q And why don't you send the smears?

3 A Because it's on a piece of glass. The analyst can
4 decide to swab it maybe, but at that time we only would
5 focus on the swabs, we wouldn't forward that necessarily
6 for DNA analysis.

7 Q So your -- I guess the standard procedure then, what
8 you typically do is you send the vaginal swabs off for
9 testing.

10 A Uh-huh. The vaginal smears -- because the smears and
11 the swabs are from the same sample, the same area, those
12 reflect one another.

13 Q Okay. That helps me understand better, I appreciate
14 that, thank you. And then defense counsel was asking you
15 about the possibility of touch DNA degrading and different
16 things that could cause it. Could urination cause the
17 washing away of touch DNA, or do you know?

18 A Sure.

19 Q How about defecation?

20 A Anybody that comes in contact with those cells could
21 potentially remove it.

22 MS. LIVELY: Thank you, that's all I have.

23 MR. FRICK: Very, very briefly on that, Your Honor.

24 RECROSS EXAMINATION

25 BY MR. FRICK:

JESSICA STOWE - RECROSS

1 Q If you found some fecal matter, is it possible to find
2 DNA in it?

3 A Yes.

4 MR. FRICK: Thank you, ma'am.

5 MS. LIVELY: Your Honor, may this witness be excused?

6 MR. FRICK: No objection.

7 THE COURT: Witness is excused, thank you.

8 MS. LIVELY: State calls Melinda Worley.

9 The witness, MELINDA WORLEY, was first duly sworn and
10 testified as follows:

11 DIRECT EXAMINATION

12 BY MR. NEWMAN:

13 Q State your name for the record.

14 A Melinda Worley.

15 Q And Ms. Worley, where are you employed?

16 A South Carolina Law Enforcement Division.

17 Q And what is your title?

18 A I'm a special agent in the crime scene unit.

19 Q And what are your duties at the crime scene unit?

20 A I respond to crime scenes when requested anywhere in
21 the State of South Carolina, process the crime scene. In
22 addition to the crime scene part of my job I'm also
23 footwear and tire tread examiner, so I look at footwear
24 and tire evidence that we receive or that we collect at a
25 crime scene.

MELINDA WORLEY - DIRECT

1 Q And how long have you been in this field?

2 A Since 2011.

3 Q What type of education and training do you have?

4 A I received a Bachelor of Science Degree in
5 Anthropology from the University of Tennessee at
6 Chattanooga, a Bachelor of Science Degree in Forensic
7 Science from Mercyhurst College in Pennsylvania, and a
8 Master of Science in Forensic Science from the University
9 of Florida.

10 Q And in addition to your crime scene training and
11 education, do you have to get specific training for
12 footwear and tire wear?

13 A Yes, I do.

14 Q What is that?

15 A We have an in-house internal training program at SLED
16 that trains us for the footwear and tire discipline, and
17 we also took external training classes that are a week
18 long. I have been to up to three external training
19 classes for footwear and tires.

20 Q So you guys had several agents with the crime scene
21 unit on the scene that night, is everybody trained in
22 footwear and tire wear?

23 A No, sir.

24 Q So it's a specialty.

25 A Yes, sir.

MELINDA WORLEY - DIRECT

1 Q Now, did you respond to the scene at [REDACTED] Fifth Street
2 back in September of 2015 --

3 A I did.

4 Q -- in regards to this murder of Judy Lindsay?

5 A I did.

6 Q Did you go anywhere else other than that particular
7 crime scene?

8 A Yes. I responded to, I believe, two other locations.

9 Q And those locations were on Saluda Street?

10 A Yes, sir.

11 Q And those were pertaining to this particular murder as
12 well?

13 A Yes, they were.

14 Q Specifically did y'all go to [REDACTED] Saluda Street?

15 A Yes. Myself and Special Agent Terrance Matthews,
16 also in the crime unit, responded to [REDACTED] Saluda Street.

17 Q And that was after y'all had cleared up at Fifth
18 Street?

19 A Yes, sir.

20 Q Did you find anything at [REDACTED] Saluda Street?

21 A No, we did not.

22 Q Specifically [REDACTED] Saluda Street, was that the abandoned
23 white house?

24 A It was.

25 Q And you didn't find anything of consequence there.

MELINDA WORLEY - DIRECT

1 A No.

2 Q Back to Fifth Street. Did you take some shoe
3 impressions there?

4 A We took photographs of footwear impressions at the
5 crime scene.

6 Q Tell me how that works, if I step in the mud and leave
7 my footprint how you start.

8 A We document everything with photographs and we'll
9 photograph it as we find it in the crime scene. And then
10 we will also photograph it with a scale next to it to show
11 what size it is, and also for later purposes for my
12 examination in order to print the photographs to scale so
13 that I can look at photographs for my exam during the
14 actual shoe size.

15 Q I'm going to show you what is marked as State's 141.
16 Do you recognize this? And we just opened the packet,
17 that's what was in the packet.

18 A Yes, sir.

19 Q Can you step down and use those photos and explain to
20 the jury what you're looking for?

21 MR. NEWMAN: Your Honor, at this time based on Ms.
22 Worley's experience I will offer her as an expert in shoe
23 wear impression.

24 MR. FRICK: No objection, Your Honor.

25 THE COURT: So qualified without objection.

MELINDA WORLEY - DIRECT

1 Q Can you explain to the jury what these photos -- what
2 are you looking for when you find a shoe print?

3 A Well, from the beginning we're looking first of all
4 to determine is it a footwear impression, sometimes it's
5 so partial we can't determine if it's a shoe or not. So
6 we take this -- we place the scale and we mark each one
7 with a separate letter, so we have A, B and C of the crime
8 scene. And we take what's called examination quality
9 photographs of each impression, and we use lighting on
10 each impression to highlight more of the impression and
11 the parts that are within shadows, that kind of thing, to
12 get a better view of what the impression pieces show.

13 Q Now, those have been sealed ever since you finished
14 with them. We have photos here and these are State's 126,
15 127 and 128, are those the same photos that you have there?

16 A Yes, sir.

17 Q We're going to use yours. I'm going to show you, this
18 is State's Number 139. Do you recognize what that is?

19 A It's the pair of shoes that I used for my
20 examination.

21 Q How many pair of shoes did you compare to those
22 prints?

23 A Just one.

24 Q Now, you used both shoes or just one?

25 A Both shoes.

MELINDA WORLEY - DIRECT

1 Q Are these the shoes you used to compare to those
2 photos?

3 A Yes, sir.

4 Q Now, what points do you look at when you do your
5 comparison?

6 A We start within the impression basic characteristics;
7 shape, size and the out sole design, or the bottom of the
8 shoe, the pattern of the bottom of the shoe. We look to
9 see is it a footwear impression, the size, is it
10 consistent with the same size of what the shoe is as far
11 as characteristics in the shoe, and also if it's possible
12 that we could determine if it's a left or a right shoe
13 that made the impression.

14 Q Were you able to determine any of that on that
15 particular print?

16 A The impression on of all three of them at the crime
17 scene were very partials and very, very limited. We
18 weren't able to determine for sure whether this shoe made
19 it or not. There were consistencies with some parts of it
20 but inconsistencies with other parts of it, and they're so
21 partial I wasn't able to confirm.

22 Q So you couldn't say this is the shoe that made that
23 print.

24 A Right.

25 Q But you can't say this is not the shoe that made that

MELINDA WORLEY - CROSS

1 print either, right?

2 A Right.

3 Q Now, if you took that print and looked at your own
4 shoe, could you say your own shoe did not make that print?

5 A I can rule mine out.

6 Q Okay.

7 MR. NEWMAN: That's all of the questions I have, you
8 can step back up and answer anything Mr. Frick has.

9 CROSS EXAMINATION

10 BY MR. FRICK:

11 Q Agent Worley, you responded to the scene with the rest
12 of the SLED crime scene unit?

13 A Yes, sir.

14 Q And remained there hours and hours?

15 A Yes, sir.

16 Q And I think y'all cleared up, what, about 7:20 or
17 something like that from Fifth Street?

18 A I would have to refer to my notes.

19 Q If you want to that's fine.

20 A We cleared the initial scene at 7:24 p.m.

21 Q Okay. And then went over to the Saluda Street place
22 the solicitor asked you about --

23 A Yes, sir.

24 Q -- y'all were there for around an hour, I think, maybe
25 20 minutes, I don't know.

MELINDA WORLEY - CROSS

1 A That's correct, sir, I'm sorry.

2 Q And then y'all got called back to Fifth Street?

3 A Yes, we did.

4 Q Do you know how you got called back to Fifth Street?

5 A I believe additional evidence was found in the area
6 of the scene.

7 Q When you got back to Fifth Street, was it still taped
8 off and secure?

9 A As far as I remember, yes.

10 Q Okay. That's fine. Your role out there that day, did
11 you photograph stuff, collect evidence? What did you do
12 out there?

13 A I assisted with photographing evidence and collecting
14 also.

15 Q Okay. Were all of y'all taking photographs or were
16 you the one taking photographs?

17 A Special Agent Matthews did a lot of the photographs
18 but I assisted him with the photos.

19 Q Okay. Did you take photos of a burn barrel?

20 A Yes, I believe so.

21 Q If I show you -- I'm going to show you these four, you
22 tell me if you recognize them or not. If it is only one or
23 two, that's fine too.

24 A Yes, I do.

25 Q Did you take those, or do you know?

MELINDA WORLEY - CROSS

- 1 A I don't know for sure that I took them.
- 2 Q But does that accurately reflect what the scene looked
3 like when you were there?
- 4 A Yes, sir.
- 5 Q And can you tell me what this one in particular looks
6 like?
- 7 A It's the inside of a barrel and the contents have
8 been burned.
- 9 Q Was that one of the barrels on Fifth Street?
- 10 A Yes, sir.
- 11 Q And the same with that one?
- 12 A Yes, sir.
- 13 Q How about this photograph, can you recognize that one?
- 14 A Yes. That's where the barrels were located in the
15 backyard of the residence next door.
- 16 Q And this one as well?
- 17 A In the same place.
- 18 Q In the same place. Okay. That's all the questions
19 I've got about those.
- 20 MR. FRICK: At this time I move defense 3, 4, 5 and 6
21 in.
- 22 MR. NEWMAN: No objection.
- 23 THE COURT: In without objection.
- 24 (The photos were received as Defense 3-6.)
- 25 Q Agent Worley, did you interview anybody in this case?

MELINDA WORLEY - REDIRECT

1 A No, sir.

2 Q Okay. So your role was being there that day,
3 collecting evidence and looking at the scene and then
4 subsequently doing this footwear analysis?

5 A That's right.

6 Q And essentially your conclusion is there is no
7 conclusion.

8 A Basically.

9 MR. FRICK: Thank you, ma'am, that's all of the
10 questions I have.

11 REDIRECT EXAMINATION

12 BY MR. NEWMAN:

13 Q Agent Worley, there's no final conclusion as to -- you
14 can't say it's these shoes but you can't say it is not this
15 shoe. This kind of a cheveron pattern here, does that
16 match the pattern on the print basically?

17 A Kind of. In the impressions it's kind of a zigzag
18 pattern in the impressions and it's similar to the one in
19 the shoe. Some areas of the impression the zigzags are
20 further apart and are closer together than they are on the
21 shoe, and then there's some areas where they're the same
22 as on the shoes. But it's so partial that I can't rule it
23 in and I can't rule it out either.

24 MR. NEWMAN: Thank you.

25 MR. FRICK: Just very quickly, Your Honor.

MELINDA WORLEY - RECROSS

1 RECROSS EXAMINATION

2 BY MR. FRICK:

3 Q But again, in your expert opinion you're unable to
4 render a conclusion whether or not that is the shoe,
5 correct?

6 A That's right.

7 Q And you wrote a report to that affect, correct?

8 A Yes.

9 Q Is that your report?

10 A Yes, it is.

11 MR. FRICK: Your Honor, at this time move Defense 7
12 into evidence.

13 MR. NEWMAN: No objection.

14 THE COURT: Entered without objection.

15 (The report was received as Defense 7.)

16 MR. FRICK: Thank you, that's all the questions I
17 have.

18 MR. NEWMAN: May she be excused from her subpoena?

19 THE COURT: You are excused.

20 MS. LIVELY: Your Honor, may we approach?

21 (A bench conference was held.)

22 The witness, LILLY GALLMAN, was first duly sworn and
23 testified as follows:

24 DIRECT EXAMINATION

25 BY MS. LIVELY:

LILY GALLMAN - DIRECT

1 Q Ms. Gallman, please state your full name as well as
2 your occupation for the jury.

3 A My name is Lilly Smalls Gallman, and I'm employed
4 with the South Carolina Law Enforcement Division as a
5 forensic DNA analyst.

6 Q And how long have you worked in that particular
7 capacity?

8 A Twenty-seven years.

9 Q And whenever you become trained in that particular
10 field, do you have to have a special background?

11 A Yes.

12 Q Please tell the jury about your educational
13 background.

14 A I have degree in Biology from the University of South
15 Carolina. Once I have received my degree I continued
16 working in the area of molecular genetics, and as I said I
17 have been with SLED for 27 years. I started in January of
18 1990. Since that time I've been trained by the FBI in
19 their DNA typing school. I've also taken advanced
20 genetics courses. I have certified in the South Carolina
21 Law Enforcement Division in the area of a police officer.
22 And since that time I have been taking extra courses in
23 whatever is necessary to be able to do my job.

24 Q All right. And how many times have you been qualified
25 as a DNA expert at trial?

LILY GALLMAN - DIRECT

1 A Approximately 60.

2 MS. LIVELY: Your Honor, at this time the State would
3 move to have her qualified as an expert in DNA analysis.

4 MR. JONES: Without objection, Your Honor.

5 THE COURT: So qualified without objection.

6 Q Now, Ms. Gallman, you actually worked a case involving
7 SLED lab number L1512467; is that correct?

8 A That's correct.

9 Q Will you please tell the jury what your involvement
10 was in that case from the very beginning whenever you
11 received items under that label?

12 A I received evidence, evidence was brought to SLED
13 from that particular crime scene and entered into --
14 logged in and the case was given to me, it was my time up
15 on the rotation. I received the case and the evidence,
16 and I proceeded to check for bodily fluids and also to do
17 the DNA analysis on it.

18 Q And whenever you receive these items, are some of them
19 already -- have they already gone through a process at
20 serology?

21 A Yes. The serologist would be assigned to the same
22 case as I am, would check for -- whether it be a sexual
23 assault or what type case it is, they would check the
24 evidence and see what can be probative and what we can use
25 to do our testing.

LILY GALLMAN - DIRECT

1 Q And does anyone also guide you in reference to what it
2 is that needs to be tested in a particular case, or do you
3 just test everything that comes to you?

4 A What we normally do is read the scenario and see
5 exactly what happened in the case, and then we go from
6 there and do the testing.

7 Q And did you do that in this particular case?

8 A Yes.

9 Q And what information did you have regarding the events
10 that occurred that led up to the victim's death?

11 A I received a dried blood standard from the victim,
12 also a buccal swab from Jermaine Bell and one from
13 Mitchell Mayfield. These are the known standards that we
14 would use to compare to the evidence to see if we have a
15 match or if we do not have a match. Then I also received
16 swabs from the sexual assault kit along with swabs from
17 fingernail scrapings, also from around the neck area of
18 the victim and then swabs from a chain linked fence. All
19 of these items were given to me to see if I could develop
20 a DNA profile from them, and also to see if the known
21 standards that I have match any of these items.

22 Q Okay. And when you say known standard, just to be
23 clear, the known standards are what?

24 A The known standards are you know exactly where it
25 came from. So the known standard that came from the

LILY GALLMAN - DIRECT

1 victim doing the -- that was collected during the sexual
2 assault kit, also known buccal swabs inside the cheek of
3 Mr. Bell and one from Mr. Mayfield.

4 Q All right. So when you actually get the swabs where
5 you look to have a known standard, are you able to get a
6 complete DNA profile on that person, or did you get one in
7 this particular case?

8 A Well, for the standards it was easier to get one from
9 this because you have more sample. But then with the
10 evidence you're just relying on what was left at the
11 scene.

12 Q And that's what I wanted you to separate out for the
13 jury so they understand. So the standards that you use to
14 actually see what you're going to be doing comparisons to,
15 that's easier for you; is that right?

16 A Yes. It's taken in a controlled environment, unlike
17 the one -- the samples from the crime scene, whatever was
18 left is what we get.

19 Q So whatever is left at the crime scene you're not
20 really sure what you're going to get or what you're finding
21 at that point and that's what your purpose is then is to
22 actually use your known standards and then see what you can
23 find off crime scene evidence.

24 A That's correct.

25 Q And explain to the jury with -- we've heard so much

LILY GALLMAN - DIRECT

1 about DNA and just see so much of it for entertainment
2 purposes on television, at this point in time please
3 explain to the jury, you know, in laymen's terms what DNA
4 is, and then what you actually look for whenever you start
5 to do those comparisons to evidence?

6 A DNA stand for deoxyribonucleic acid. You get part of
7 your DNA from your mother and part from your father. In
8 our tests we look at just repeat areas of the DNA, so I
9 can't tell you what part came from your mother, what part
10 came from your father, but that's what makes up an
11 individual. We receive the evidence and I develop a DNA
12 profile from the evidence, whether there's a lot or a
13 little I don't know until that has happened. Once I'm
14 able to develop a DNA profile from the evidence I compare
15 it to the known standards to see whether we have a match
16 or we do not have a match between the evidence and the
17 known standards.

18 Q Okay. And are there different -- what kind of quality
19 control do y'all use in doing your testing? Is it
20 something that's required nationally that y'all follow
21 certain standards whenever you do this testing?

22 A Yes, we do have standards we have to go by. Each DNA
23 extraction or say test that we do, you always have a blank
24 that you carry along with that to make sure that it's not
25 any contamination in your solutions. And we also do the

LILY GALLMAN - DIRECT

1 evidence separate from the standard so we won't have any
2 cross contamination between the evidence and the
3 standards.

4 Q Well, you've talked about the sexual assault kit.
5 What about items that come to you from serology that have
6 been scraped for touch DNA, what's the difference?

7 A Basically all of it is the same whether you're doing
8 a sexual assault kit or you're just looking at, for
9 instance, a swab from around the neck of the victim, the
10 purpose is to be able to develop a DNA profile from
11 whatever piece of evidence you have. The procedure in
12 getting it might be a little different, but the final
13 product is the same.

14 Q And the analysis process, is that the same as well?

15 A Yes.

16 Q Now, whenever you received these items for testing,
17 I'm going to have you focus on first item number 12.

18 A That's SLED item number 12 which is the swab, swabs
19 collected from the neck area of the victim.

20 Q Of the victim. Do you know whether that was done on
21 scene or at autopsy?

22 A I don't know.

23 Q That's fine, okay. So you get it, you just know what
24 part of the body that it came from.

25 A That's correct.

LILY GALLMAN - DIRECT

1 Q Now, whenever you got that particular item, tell the
2 jury what you did and what you compared it to.

3 A Well, we're talking about item number 12, the swabs
4 around the victim's neck. I would take the swab, extract
5 the DNA from it and develop a DNA profile. It's the same
6 way I would do all evidence, if there's anything there I'm
7 able to develop a DNA profile from there. And then I
8 would go back and do the extraction or develop a DNA
9 profile from the known standards to do the comparison.

10 Q All right. So you're looking to see whether or not
11 there's a DNA profile that you can actually get from item
12 number 12, that's the first thing that you said that you
13 do; is that right?

14 A Yes.

15 Q Now, a DNA profile I've already kind of mentioned
16 before, that's kind of what we hear on TV, "Oh, there's a
17 DNA match meaning that it matches this person to some
18 quadrillionth of a percentage.

19 A Right.

20 Q Now, if there's not enough DNA there, are there other
21 options for you in regards to trying to hone in or look for
22 some other types of evidence that might be probative in
23 court?

24 MR. JONES: Your Honor, we would renew or previous
25 objection at pretrial.

LILY GALLMAN - DIRECT

1 THE COURT: So noted.

2 Q You can go.

3 A With item number 12, which was a swab from around the
4 victim's neck, we're looking -- we are sure, there's a
5 possibility much greater that you're going to get the
6 victim because it's coming off of her, whatever DNA that
7 was left by someone else would be in less quantity than
8 her DNA. So the first step I would do would be do the
9 STR, which is short repeat DNA analysis, and see what kind
10 of results I would get from there. If that does not yield
11 enough sample, enough sample to say develop a DNA profile
12 to let's say the minor contributor, which more than likely
13 would be from whoever touched her neck, I would go to the
14 next step. If the DNA that I received in the mixture from
15 her and who else the other person is is a male contributor
16 then I would do what is called YDNA analysis to see if I
17 could develop a Y profile from whoever is around her neck
18 with her.

19 Q All right. So I'm going to just break that down for
20 just a second, okay? So you said that you go in and you
21 see whenever you test these swabs from the neck area to
22 determine whether or not there's enough there for a
23 complete DNA profile of the person who had touched the neck
24 of the victim.

25 A Yes.

LILY GALLMAN - DIRECT

1 Q Okay. I'm repeating that correctly? Okay. All
2 right. So you did that here. What were the results of
3 that initial DNA test where you're looking across the board
4 for a full DNA profile?

5 A We're talking about item number 12.

6 Q Yes, ma'am.

7 A The swabs from around the victim's neck. The DNA
8 that came from item number 12 is a mixture of at least two
9 individuals -- I'm reading from my report.

10 Q Yes, ma'am, that's fine.

11 A Judy Lindsey and Jermaine Bell cannot be excluded as
12 contributors to this mixture.

13 Q And explain what that statements means -- you've
14 already explained that you would find the victim or the
15 decedent's DNA because it's her neck, right?

16 A That's correct.

17 Q So what does that mean when it says and Jermaine Bell
18 cannot be excluded as contributors to this mixture?

19 A Okay. I had a known standard from Mr. Bell, which I
20 develop a DNA profile from, and then I compare it to the
21 results that I have from the evidence. And I could not
22 exclude him as a contributor to that mixture.

23 Q And then it goes on to state a particular statistic.
24 Explain what that means in your report regarding the
25 statistic.

LILY GALLMAN - DIRECT

- 1 A With this being a mixture whether they are pretty
2 much even or less, Mr. Bell's DNA in the sample, the
3 probability of selecting an unrelated individual who could
4 have contributed to this mixture is one in ten, which
5 means that once I look at the total profile developed from
6 that evidence there's also standards we have to go by as
7 to what from that profile we can use to do a frequency
8 estimation on that sample. And so with this particular
9 sample I could not use all of the areas on the chromosome,
10 I could only use -- I believe it was only two out of 16 to
11 develop a frequency of that event and it was one in ten.
- 12 Q So there is 16 chromosomes that you are looking at to
13 see --
- 14 A Sixteen different areas on the chromosome.
- 15 Q Sixteen different areas on the chromosome. And there
16 were two that you said were there.
- 17 A That I could use.
- 18 Q That you could use from the standard from Jermaine
19 Bell.
- 20 A To compare to his standard, and also to the victim's
21 standard.
- 22 Q And to the victim's standard. And that's what gave
23 you that statistical number, because you didn't have enough
24 there to where you could get through all 16 of the
25 chromosome.

LILY GALLMAN - DIRECT

1 A Yes. There are different guidelines we follow where
2 if there does not see -- if you don't see full
3 representation of an individual you can't use that for
4 example. So as I go through looking at all 16 loci, there
5 were only two out of those that I could use to give you a
6 frequency of that event.

7 Q Okay. All right. So you -- so that gives you just
8 the -- I guess the layman's term the easiest way to look at
9 it, you couldn't exclude him at that point as being a
10 contributor to the mixture.

11 A That's correct.

12 Q Who, if anyone, did you exclude as being a contributor
13 to the mixer on item 12, which is the swabs from the
14 victim's neck?

15 A Mitchell Mayfield was another known standard I was
16 given and he was excluded.

17 Q He was excluded as a contributor.

18 A That's correct.

19 Q So there wasn't even two little spots in there that
20 would have given you a next step with comparing anything
21 further on Mr. Mayfield.

22 A That's correct. I looked at all 16 areas on the
23 chromosome to see whether Mr. Mayfield's DNA profile was
24 in the mix and he was not.

25 Q He was not, completely excluded.

LILY GALLMAN.- DIRECT

1 A Yes.

2 Q Now, the next step that you did that we're going to
3 talk about is what you refer to as YSTR DNA. Please tell
4 the jury what that is and why it was done in item 12.

5 A Like I said, you get part of your DNA from your
6 mother and part from your father. We look at what's
7 called the allosome, or the sex chromosome. If you know
8 that there's a possible male contributor to the sample
9 where we talk about the Y -- you've got a X and Y and when
10 we're talking about the Y we're talking about only the Y
11 chromosome itself, and the information we're getting from
12 the Y chromosome helps us determine whether someone
13 still -- whether someone is in that mix or not. If you
14 have the female DNA, a lot of it, it would mask the male
15 portion of the DNA and you'll get more -- would see more
16 of her than you would see of the male, and that's why the
17 Y comes in handy because I'm only looking at the Y, not
18 any other part of the DNA. And that's how I was able to
19 develop a DNA profile from the Y, and the Y matched Mr.
20 Bell.

21 Q And whenever -- and you're talking about how the
22 female DNA will basically a lot of times overcome any or
23 mask the Y DNA from the male. Is that why in a situation
24 like this when you have such a mixture the Y becomes so
25 valuable?

LILY GALLMAN - DIRECT

1 A Yes.

2 Q And please tell the jury -- you said it was a match to
3 the defendant, Jermaine Bell. Please tell the jury -- you
4 also have a statistical item here regarding that item 12
5 which were the beck swabs from the victim. Please explain
6 to the jury what that statistical -- that statistic means.

7 A Okay. As I said, we're looking at the Y chromosome.
8 So my report reads that item 12 matches -- the YSTR from
9 item 12 matches the DNA profile of Jermaine Bell. And
10 then we are required to put a statistical value to that,
11 and it states that the probability of randomly selecting
12 an unrelated male individual having a YSTR DNA profile
13 matching this item is approximately one and 8600.

14 Q And you go on to mention -- well, let me just ask you
15 this, was Mr. Mayfield excluded as a contributor to this
16 item?

17 A That's correct, he was.

18 Q Including the Y strand, or the YSTR?

19 A Yes.

20 Q Now, what is unique about the Y strand DNA, whenever
21 you actually have a match, what does that mean? Who else
22 could possibly be a match?

23 A When you're looking at -- as you know the father is
24 the one who determines the sex of the baby, of the child
25 so he's -- his sperm could be the carrier of the Y or X,

LILY GALLMAN - DIRECT

1 right? So if you end up with a boy then the Y is the one
2 that permeated, I guess you would say, the egg so you end
3 up with a Y there and you will end up with a male
4 offspring. What's different about the Y is that you're
5 paternal, meaning that a subject's brother, father,
6 grandfather, they are his -- on the lineage on his
7 father's side, all males will have the same Y.

8 Q So when you're looking just at the Y DNA and you're
9 not looking at all 16 loci that you were talking about
10 earlier that gives you a complete DNA profile, if you're
11 just looking at the Y you cannot exclude all the males that
12 are within the same paternal line.

13 A Biological, yes.

14 Q So is that the reason why also that the statistics are
15 different when you look at a Y match to someone as
16 comparison to a DNA full 16 loci match?

17 A Yes. When I'm looking at the 16 areas on the
18 chromosome I'm just looking at that person. Because each
19 one of the 16 are pretty polymathic, which means they're
20 different and we're able to multiply them together and you
21 end up with the really big numbers so you're able to use
22 every area on that chromosome from the 16 loci. But with
23 the Y since you're only looking at that one arm of the sex
24 chromosome they are next to each other. So how we end up
25 with our stats is how many people in this particular Y

LILY GALLMAN - DIRECT

1 database, that's the number, so as whatever you see is
2 what you get. It's done based on a counting method. You
3 have to count individuals by themselves, but unlike the
4 STR's you can match them against each other because they
5 are on different chromosomes.

6 Q But excluding the statistical part that you have on
7 here, within a reasonable degree of scientific certainty
8 based on your testing, was the YSTR DNA a match to the
9 defendant, Jermaine Bell?

10 A Yes. The very first thing we do once we have a DNA
11 profile from evidence and a known standard, we compare
12 them, and if there is a match then we put weight to that
13 match through statistics, if there's not a match then it
14 stops there.

15 Q And also within a reasonable degree of scientific
16 certainty, can you state that Mitchell Mayfield was
17 excluded not only in the full 16 loci DNA part of your
18 test, but also in the YSTR DNA test?

19 A Yes.

20 Q And that was in relation to item number 12, which was
21 the swabs taken from the neck of the victim, Judy Lindsay.

22 A Yes.

23 MS. LIVELY: Hang on just one moment. May we
24 approach?

25 (A bench conference was held.)

LILY GALLMAN - DIRECT

1 Q Ms. Gallman, I'm going to now refer you to another
2 item that was actually brought -- well, you had several
3 items and I understand that, but I'm going to have you
4 focus in on item number 25.2, if you would, and tell the
5 jury what it was that you tested from item 25.2.

6 A Item number 25.2 is swabs from the scraping area
7 under arms and adjacent area on the victim's top.

8 Q And we've already had the serologist in here, Ms.
9 Stowe, explain that to us how she actually did that. Once
10 those items get to you, do you run the same exact type of
11 testing that you did on the swabs from the neck of the
12 victim?

13 A Yes, I did.

14 Q And will you please tell our jury here what the
15 results of testing 25.2 first for the total DNA and then
16 for YSTR DNA?

17 A The DNA obtained from item 25.2 is a mixture of at
18 least two individuals, Judy Lindsay and Jermaine Bell
19 cannot be excluded as contributors to this mixture. Then
20 I go on to give you the stats which they -- having someone
21 contribute to this mixture as one in 960.

22 Q Was anyone excluded to the contributor to the underarm
23 scrapings of the shirt from Judy Lindsay?

24 A Yes. I also, as I stated, received a known standard
25 from Mitchell Mayfield and he is excluded as a contributor

LILY GALLMAN - DIRECT

1 this to item.

2 Q Thank you. How many of the loci were you able to
3 actually look at on the -- DNA 16 loci that you were
4 looking for for a DNA match?

5 A On item 25.2?

6 Q Yes, ma'am. You mentioned two on the next swab, I was
7 just curious as to what it was on the armpits of the shirt.

8 A I believe it was four, only four.

9 Q And would that be why the statistical numbers would be
10 higher in that particular one?

11 A Yes. I had more information to work with to
12 generate.

13 Q It was one in 960. Now, moving on then to the next
14 step, which you testified about. I won't get you to
15 explain it again so that we can get to what your results
16 were, but in 25.2 you did a YSTR DNA on that as well which
17 you've already discussed that. Please tell the jury what
18 results of YSTR DNA were from the scrapings of the underarm
19 area of the shirt from the deceased?

20 A Yes. The YSTR profile, which was a partial profile
21 from item 25.2, the YSTR DNA profile of Jermaine Bell
22 matched that item also.

23 Q And was the probability in that particular -- the
24 statistical possibility of picking someone other than that
25 DNA profile the same as it was in the actual neck swabs?

LILY GALLMAN - DIRECT

1 A Yes.

2 Q And once again on the YSTR DNA, was any of the
3 standards provided to you excluded as a contributor?

4 A Yes. Mr. Mayfield was excluded there also.

5 Q Mitchell Mayfield was once again excluded. Now, in
6 dealing with 25.2, that was what the serologist referred to
7 as touch DNA which is the same as in item 12, which was in
8 the neck area.

9 A Yes.

10 Q And explain to the jury on touch DNA, is it fragile?

11 A Not really, it's not really fragile. It's just based
12 on the amount that was left where you're trying to get
13 results from. So for instance if you touch your pen, you
14 might get more from that because you touched it or if
15 another person touched your pen it might be more of them.
16 It just depends on what was left on that particular item.

17 Q And do some people leave more touch DNA behind than
18 others?

19 A Yes. It depends on how many cells come off from your
20 hand or whatever part of your body is touching the item,
21 it depends on how much you shed, skin cells you shed at
22 that time.

23 Q Can certain things going on with your body actually
24 affect how much of your touch DNA is left behind? Like if
25 you're sweating or if you've touched something sticky, do

LILY GALLMAN - DIRECT

1 those type things have anything to do with how much is left
2 behind?

3 A Yes, they do.

4 Q And how does that affect it?

5 A Well, some people shed more skin than others from the
6 beginning, and then if you don't shed many skin cells we
7 won't find that much of you. And also depends on how long
8 you were touching this item, with what force you were
9 touching this item, all of those things come into play
10 when you're trying to develop a DNA profile from touch
11 DNA.

12 Q Okay. So the level of force used between one item to
13 the next can affect whether or not anything would be left
14 as well.

15 A Yes.

16 Q Now, if a person were to say they hugged someone a
17 couple of months before, would you expect to find touch DNA
18 from the person doing the hugging of the other individual?

19 A If some time has passed that would mean that that
20 person who was being touched and taken a shower or a bath
21 and that would have taken off whatever was left around
22 this person's neck or on their body, it would go away.

23 Q What about washing their clothes?

24 A Definitely washing clothes. Just like you were
25 trying to get stains out, the DNA is going to wash away.

LILY GALLMAN - DIRECT

1 Q So washing of clothes, length of time, things -- the
2 environment, if a body is left out in the humidity or rain,
3 any of those things can affect whether or not touch DNA
4 would still be present, is that a fair statement?

5 A That's correct.

6 Q But in these particular items that you have, you were
7 clearly able to make a match on the YSTR DNA to the
8 defendant despite whatever the elements may have been in
9 this particular case.

10 A That's correct.

11 MS. LIVELY: One moment, Your Honor.

12 (Break in proceedings.)

13 MS. LIVELY: Thank you. Answer any questions that the
14 defense may have unless the Court wants to address
15 anything.

16 (A bench conference was held.)

17 THE COURT: All right. Ladies and gentlemen of the
18 jury, once again Madam Clerk has graciously sent out for
19 your lunch, it is awaiting you back in your jury room. Try
20 to hold it to about 45 minutes and then we will resume the
21 testimony, okay? Y'all step back.

22 (The jury left the courtroom and a lunch break was
23 Taken.)

24 (The jury returned to the courtroom.)

25 CROSS EXAMINATION

LILY GALLMAN - DIRECT

1 BY MR. JONES:

2 Q Ms. Gallman, how long did you say you've been working
3 with SLED now?

4 A Twenty-seven years.

5 Q Twenty-seven years. And you said you got a degree in
6 Molecular Genetics?

7 A No, in Biology from the University of South Carolina.
8 I did research in molecular genetics.

9 Q You did research in molecular genetics. Now, there
10 are two different types of genetics, right? There's
11 molecular genetics and then the population genetics? Well,
12 let me ask this question a different way, so what you do is
13 mostly you process evidence and you kind of do some work in
14 the lab?

15 A What I do is receive evidence and develop a DNA
16 profile from that evidence to determine whether I have a
17 match item.

18 Q Yes, ma'am. So in the process that you do that, is it
19 called PCR?

20 A Yes.

21 Q And can you tell the jury what is PCR?

22 A Polymerase chain reaction.

23 Q So that gives you the molecular make-up of the profile
24 that you're looking at, but then there's a second component
25 when you try to make a match or not a match, the

LILY GALLMAN - CROSS

1 statistical part of it, right?

2 A Once we establish that we have a match between a
3 known sample and evidence, then we are required to apply a
4 statistics to the weight of that evidence.

5 Q And that is to determine whether or not it will be
6 likely that someone else may have that same genetic
7 profile, is that more or less correct?

8 A Yes.

9 Q And the reason you have to do that, and I know that
10 you and the solicitor mentioned examining 16 loci in a
11 forensic analysis, but that's not 100 percent of our DNA,
12 is it?

13 A No.

14 Q In fact, it's less than one percent of our DNA, isn't
15 it?

16 A That's true. We don't look at the genes that's code
17 for hair color, height, sight, size and all of that, we
18 don't look at that. We're looking at short tandem
19 repeats, repeat of the same DNA.

20 Q And so out of what you test, there is still millions
21 of other blocks of molecular building material that doesn't
22 get tested, right?

23 A That's correct.

24 Q Okay. So in this case you were given a number of
25 different items to test. Now, when you tested these items

LILY GALLMAN - CROSS

1 you wore gloves the whole time?

2 A Of course.

3 Q And that's because the test that you're running is
4 very sensitive, correct?

5 A Yes. You don't want me in the mix.

6 Q Yes, ma'am. And so now the items that you were given,
7 you were given -- item 21, what was item 21?

8 A It was swabs collected from the fence between [REDACTED]
9 Fifth Street and [REDACTED] Fourth Street.

10 Q And when you determine what you want to examine, does
11 someone -- are you just trying to figure out what you think
12 there may be some evidence on so you run tests on most of
13 these things?

14 A What I do is I -- the evidence that is collected, I
15 start what we consider to be the most probative working
16 from the inside out, and then add on as we go.

17 Q Yes, ma'am. So some of the other things that you
18 looked at, you had item 19, that was a buccal swab from Mr.
19 Bell, correct?

20 A Yes.

21 Q And you examined -- and that's -- obviously you wanted
22 to develop a known profile for him, correct? That's why
23 you ran that test on that?

24 A Repeat it?

25 Q You tested that material because you needed to develop

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1 a known profile for him; isn't that correct?

2 A That's correct.

3 Q Item 20 was the same thing for Mr. Mayfield, correct?

4 A That's correct.

5 Q Now, if you go down a little bit, we have item 25.1
6 from the keys in the key ring. Why did you think it was
7 relevant or important to test that?

8 A Well, the item was submitted for testing and was part
9 of item number 25, which was -- swabs were taken so I
10 analyzed them.

11 Q Yes, ma'am. And I mean --

12 A Because you don't know what you're going to get so
13 you analyze as much evidence as possible.

14 Q And then you also took some samples from item 11, a
15 swab from the chin and mouth area?

16 A Yes.

17 Q And another place that you took some samples from some
18 fingernail clippings, correct?

19 A Yes.

20 Q And now item 7.1 is that fingernail clipping from the
21 right hand of Ms. Judy Lindsay; is that right?

22 A That's correct.

23 Q And now if you look at the results that you got back
24 from that -- well, first off why is it important to test
25 that? Why do you want to test fingernail clippings?

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1 A Because it is samples that are submitted for one
2 thing, and next you don't know whether the victim grabbed
3 the perpetrator or what happened during the commission of
4 the crime.

5 Q Yes, ma'am. So if you were to have a crime where
6 there was a significant struggle or some kind of fighting
7 with scratching you might expect to find some of the
8 persons DNA, assailant's DNA under the fingernail
9 clippings?

10 A That's not necessarily so, it depends on how the
11 action took place. You wouldn't know until after you did
12 the analysis.

13 Q Yes, ma'am. So you wouldn't necessary find it, but
14 the reason you do test it if so there was like a scratch or
15 some defensive wounds, that you could get the clippings
16 from underneath that.

17 A Yes, there's also that possibility.

18 Q Okay. So let's go back to some of the specific items
19 that you tested. Going back to item 5.3, item 5.4 and item
20 6.1, those samples that you got, you found no DNA foreign
21 to Ms. Lindsay; is that correct?

22 A That's correct.

23 Q Okay. Now, when you say there's no DNA that's foreign
24 to her, you didn't do a population genetics or statistics
25 on that, but had you done statistics, about what would you

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1 expect to see there in your expert opinion? In other
2 words, the chances would be one in about what that that was
3 a profile contributed by someone else? So the odds of that
4 being someone else's DNA would have been what, about one in
5 what quadrillion?

6 MS. LIVELY: Objection, as that's being just a little
7 bit more speculative, I don't see how that is probative.

8 MR. JONES: Well, it's establishing what you would
9 expect to find if you had a standard DNA match, it's like a
10 known standard.

11 THE COURT: Pose the question a little differently.

12 MR. JONES: I'll word it differently.

13 Q Okay. So you've been doing this a long time, correct?

14 A Correct.

15 Q So if you have a sample that you know came from the
16 person and you were to run population genetics on that
17 sample, about what kind of results would you expect to see
18 if for example you would have run the population genetics
19 and came up with that one in whatever number that this
20 profile belonged to something else?

21 A I can't say, because everyone's DNA profile would be
22 different except for identical twins. So the possibility
23 of their DNA profile being there, it depends on what the
24 frequency of that event is. I can't say. I don't know
25 how rare that particular person's DNA profile is without

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1 actually calculating stats on them.

2 Q Let me ask this a different way then. You have a
3 known standard for Ms. Judy Lindsay, correct? You
4 collected a blood sample and that gave you the known
5 standard?

6 A That's correct.

7 Q And then you tested these other items where you say
8 there's nothing foreign to Ms. Lindsay, correct?

9 A That's correct.

10 Q So that means that that evidence that you tested
11 matched up pretty much directly with that known sample.

12 A Yes.

13 Q Now, were you to run the population genetics on the
14 known sample, can you give us some kind of idea in your
15 expert opinion in the many years that you've done this what
16 kind of results you would expect to see? Otherwise one in
17 what number would you expect to see there? Rough estimate.
18 You've been doing this for many years, I'm sure you've seen
19 many of these things.

20 A I don't know, I don't want to speculate, I like it to
21 be factual. So if I have a full profile from this person
22 the numbers should be good, but I can't tell you whether
23 it would be one in a billion or one in a trillion or what
24 it would be. It all comes down on how rare that
25 particular DNA profile is.

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1 Q Yes, ma'am. But the point I'm trying to make, the
2 numbers you just threw out, you said one in a billion, one
3 in a trillion, those are the types of numbers that we're
4 talking about as opposed to say one in ten?

5 A Yes, if it's a single profile.

6 Q It is a single profile, yes, ma'am. Now, let's just
7 look at the standard DNA test that you ran on some of this
8 stuff here. Item 7.1, the fingernails that we talked
9 about, you tested that for Mr. Mitchell Mayfield and you
10 ran it against Mr. Jermaine Bell's profile, correct?

11 A I ran it against Ms. Lindsay, right, and also the
12 subject, Mr. Bell, and also Mr. Mayfield.

13 Q As far as Mr. Bell is concerned with that right there,
14 what was the result?

15 A He was excluded to that mixture as part of the minor
16 contributor to that mixture.

17 Q Yes, ma'am. And as concerning Mr. Mitchell Mayfield
18 what was the result?

19 A I'll read from my report.

20 Q Sure.

21 A It says, "Due to the limited information no
22 conclusive statement can be made regarding Mitchell
23 Mayfield as the minor contributor to this mixture."

24 Q So in other words you cannot exclude Mr. Mitchell
25 Mayfield?

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1 A Exactly what I said is I didn't have enough
2 information to say inclusion or exclusion.

3 Q And so now exclusion --

4 A And this is dealing with the minor contributor to
5 that mixture. Ms. Lindsay was the major contributor to
6 that mixture.

7 Q Yes, ma'am, I understand that. So now let's go to
8 item 12. We're going to just talk first just about the
9 standard DNA sample that you ran. So you ran two different
10 DNA kits, correct? You had the Y filer and the identifier
11 kit?

12 A Yes.

13 Q Yes, ma'am. And so the identifier kit is kind of the
14 classic standard DNA, if you will, that you ran on this
15 profile against both chromosomes, both X and Y chromosomes,
16 correct?

17 A Identifiable plus is the STR showing tandem repeat
18 kit that we use is the basic kit, I guess that's what
19 you're saying.

20 Q Yes, ma'am.

21 A Okay.

22 Q And so now item 12. You ran that test and you
23 compared it to the known standard for Mr. Bell, and the
24 results were that one in ten people could have fit that
25 profile from what you had? He couldn't be excluded and

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1 about one in ten people could have fit that profile from
2 what you had, correct?

3 A That's based on the frequency of that -- what
4 information I could use to generate a statistics, he was
5 not excluded from the whole mixture.

6 Q Right, yes, ma'am. But based on that frequency that
7 means one in ten people would have produced that same
8 frequency that he produced, correct? Or that same profile
9 that he produced.

10 A It could be outside of the ten. But the first thing
11 you do is establish whether this person is included or
12 excluded in a mixture and then you apply the statistics to
13 it, and based on our guidelines there was information I
14 could not use to generate the statistics. So the fact
15 that it was one in ten does not exclude him or include
16 anyone else into that particular mixture. I'm just
17 telling you the probability of those two areas that I
18 could use in the stat, what you would get if you multiply
19 them against each other.

20 Q Yes, ma'am. And I understand you're saying that he
21 can't be excluded, but what I'm saying is out of every ten
22 you would come across another person that couldn't be
23 excluded, correct? That's how those statistics work? One
24 in tens mean one in ten?

25 A No. It doesn't mean exactly one in ten, it could be

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1 outside of the one in ten also. But the statistics here
2 is based on two areas of the chromosome instead of the 16
3 that we have. Each area on the chromosome has a certain
4 statistic applied to it and I could only use two and
5 that's why the number is one in ten.

6 Q Okay. And so now for item 25.2 you look at a shirt
7 and you said there was a one out of a 960 chance that that
8 DNA -- well, let me read exactly what you said. So the
9 chances of randomly selecting an unrelated individual would
10 have been approximately one in 960 on that case?

11 A Yes. I was able to use more information from that
12 sample.

13 Q So in just looking at the language that you have here,
14 that's if the individual is unrelated. If they were a
15 related individual that number would fluctuate, it would be
16 a greater likelihood then?

17 A It changes because of the fact that they were bodily
18 related and you can also have a number that would be
19 attributed to the other person who was your relative.

20 Q Yes, ma'am. And so now you're saying one out of
21 960 -- the chances of randomly selecting someone unrelated
22 that contributed to this mixture was a one in 960. So out
23 of about three million people in the State of South
24 Carolina that leaves you with what, about 3,000 possible
25 matches?

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1 A The first thing I did was determine whether I could
2 include and exclude him, and then the information I was
3 able to use I generated a statistic from that, it's not
4 saying it could be one in however people are in the State
5 of South Carolina. Also you have to give time and space,
6 those people have to have the opportunity to be there.

7 Q Let me ask you this question this way then, just using
8 classical DNA analysis for these two items, would you feel
9 comfortable calling either one of these numbers a match?

10 A It's based on a mixture. Like I said, I like giving
11 facts and I said he could not be excluded from the
12 mixture. It was not based on -- I'm not saying that I'm
13 pulling him out of the mixture as a single source, I was
14 not able to do that.

15 Q Yes, ma'am. So just to make sure I'm understanding
16 correctly, though, you didn't exclude him but you could not
17 comfortably say in your expert opinion that that was a
18 match, correct?

19 A If I could have I would have. If I could have pulled
20 him out as a separate individual I would have said a
21 match, but it is a mixture and they're pretty even in the
22 distribution within the sample. I would have to use a
23 mixture stat, and that stat is based on a mixture, the one
24 in 960.

25 Q And just to be sure, that stat within the mixture is

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1 not a match, is it?

2 A He could not be excluded.

3 Q So that's not a match.

4 A It's not a match of a single source. Because there's
5 different terminology used for when you have a single
6 source and calling it a match.

7 Q Now, let's go to the YSTR DNA that you ran. First
8 off, this is a relatively new way of testing, isn't it?
9 Y'all have been doing it since about 2011?

10 A We have. It's been around awhile but for it to come
11 into the forensic scene.

12 Q Yes, ma'am. So for it to be used forensically it's a
13 relatively new way of doing this testing.

14 A It's newer than the STR.

15 Q Yes, ma'am. And so now I know that you were kind of
16 mentioning the way that you guys compile your database, but
17 to come up -- and I'm not going to try to get you to
18 explain the formula that you use, but to come up with the
19 probability of someone being the person that you're calling
20 a match, that's kind of depending on how many people's
21 samples you have in your database, correct?

22 A With the Y it is. It's different with the STR.
23 Since they're independent of each other you're able to
24 multiply them against each other, but since we're only
25 looking at the Y, the arm of the sex chromosome, we use

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1 what is called a counting method and how many people are
2 in the database, that's what we're looking at. So it was
3 35,000 in the database when I did this, and I used 36,000.
4 But it keeps coming down because of the rarity of the
5 particular profile.

6 Q Yes, ma'am. Just to make sure I'm understanding
7 correctly then, I'm trying to make sure I understand it,
8 correctly, the number of people that are in that database
9 will change the statistical analysis that's performed as
10 that number grows?

11 A Yes.

12 Q Okay. So when this was performed -- it has gotten
13 even better since then, but when this was performed you had
14 a lower number of people in the database at the time?

15 A That's correct.

16 Q Now, you said that this type of DNA profiling, the
17 probability of randomly selecting an unrelated male having
18 the YSTR DNA profile is approximately one in 8600?

19 A That's correct.

20 Q And so just to make sure I'm understanding it, that's
21 a lot less than what you would typically consider a match
22 if you were doing the standard STR DNA testing, right, the
23 short tandem testing?

24 A No, not really. It all depends on the profile.

25 STR's and Y DNA, they're totally different in the fact

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1 that I am only looking at one arm of the chromosome for
2 the Y and I'm looking through all of the chromosomes for
3 the STR's. So it depends on what the sample gives you as
4 to what the numbers would be.

5 Q And so -- but the numbers here we're dealing with are
6 one in 8600?

7 A Yes, that's what the final came out to.

8 Q And that's on both item 12 and item 25.2, correct?

9 A That's correct.

10 Q Okay. So one out of 8600 -- and this is only for the
11 male population, correct? This only occurs in the male
12 population.

13 A Yes.

14 Q So even with those numbers that still leaves about 300
15 people that would fit that profile, correct?

16 A I don't know if it's 300. You're looking at how rare
17 that particular profile is and it's one in 8600.

18 Q And that's not even considering relatives on his
19 paternal side, or any other relatives that he may have.

20 A Only relatives on his biological paternal side.

21 Q So any other relative on that side would have a very
22 similar if not the same profile?

23 A The male relatives on his side, paternal side, yes,
24 it states that in the report.

25 Q Yes, ma'am. And when you run these reports, it

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1 doesn't tell you how long the DNA has been present, does
2 it?

3 A No.

4 Q It doesn't tell you how it got there, does it?

5 A It does not.

6 MR. JONES: Nothing further, thank you.

7 REDIRECT EXAMINATION

8 BY MS. LIVELY:

9 Q Ms. Gallman, when we talked before lunch I focused in
10 on the item 12, which of the swabs collected from the neck
11 area of the victim, and 25.2, which was the swabs from
--- 12 scraping the underarms of the shirt. And I did fail to ask
13 you about 7.1, which is the fingernail clippings from Ms.
14 Judy Lindsay and defense questioned you about that. So my
15 understanding is that you did exclude the defendant from
16 7.1, which is from the right hand fingernail clippings of
17 the victim, and you said that you can't make a conclusive
18 statement regarding Mitchell Mayfield as a minor
19 contributor to this mixture, right?

20 A Yes, ma'am.

21 Q I just wanted to make sure the jury knew what I was
22 going to be asking you. So in dealing with DNA and with
23 how DNA can be deposited and how people come into contact
24 with other people's DNA, is that surprising that you would
25 have the -- in her fingernail clippings a possible area of

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1 DNA that would match or -- you didn't even say match, you
2 said it couldn't be excluded of her husband?

3 A No.

4 Q I mean, they lived together.

5 A Quite often we ask for elimination standards from
6 children, from spouses because it's possible that you
7 could have their DNA under your fingernails.

8 Q So that was not surprising to you, is that a fair
9 statement?

10 A That's correct.

11 Q And we didn't have anything from any children in the
12 home or anything like that to use for comparison, correct?

13 A That's correct.

14 Q So you only can give your statement regarding the
15 standards that you have actual access to for profile,
16 right?

17 A That's correct.

18 Q Okay. Now, but clearly what you can say is that in
19 12, which is the swabs from the neck area and 25.2, which
20 is the swabs from under the arms, Mr. Mayfield, the
21 husband, is excluded as a contributor both on the entire
22 DNA profile as well as on the YSTR DNA profile.

23 A That's correct.

24 MS. LIVELY: That's all I have, Your Honor.

25 MR. JONES: Nothing further, Your Honor.

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1 MS. LIVELY: May she be excused, Your Honor?

2 MR. JONES: Yes, sir, Your Honor.

3 THE COURT: Thank you, the witness is excused.

4 The witness, HALEY QUAM NELSON, was first sworn and
5 testified as follows:

6 DIRECT EXAMINATION

7 BY MS. LIVELY:

8 Q Agent Nelson, please tell the jury who you're
9 currently employed with?

10 A I'm currently employed with the South Carolina Law
11 Enforcement Division commonly known as SLED.

12 Q And how long have you worked for the South Carolina
13 Law Enforcement Division?

14 A Approximately five years.

15 Q What are your duties there -- well, let me ask you
16 this, what were your duties there at the time of this
17 particular case in 2015?

18 A I started my career at SLED in the crime scene unit
19 in October of 2012, so in September of 2015 I was still
20 with the crime scene unit. And my duties as a crime scene
21 agent was to respond at the request of local agencies,
22 either city, county or federal, so we would respond to the
23 scene. We process the scene, document it, collect
24 evidence and then we would transport the evidence back to
25 the lab which is located in Columbia, and send that lab to

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1 the respective departments for further analysis.

2 Q And what are your duties now? Are you in a different
3 division?

4 A I am now assigned to the behavioral science unit. I
5 am currently undergoing my understudy program to become
6 certified as a criminal profiler. So my duties there are
7 to study criminal investigative analysis, otherwise known
8 as criminal profiling, to assist local law enforcement
9 agencies in apprehending an unknown offender, and also to
10 do threat assessment with communications of behaviors and
11 to give management techniques to minimize the
12 dangerousness.

13 Q So I'm going to take you back to your actual
14 participation in this case then, Agent Nelson. And just to
15 be clear to the jury, you were -- you have gotten married
16 since then.

17 A Yes, three months. My maiden name is Quam, which in
18 2015 I was not married.

19 Q Okay. So if we accidentally call you Agent Quam --

20 A That's fine.

21 Q You're the same person. Now, tell the jury how you
22 became involved, or how SLED and then yourself became
23 involved in the case in September of 2015.

24 A So we would have received the request from the
25 Chester County Sheriff's Office. So typically they call

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1 and request to our dispatch system and then our dispatch
2 will call the crime scene agents who are on-call to
3 respond to the location. So I received the call on
4 September 13th -- if I may refer to my notes. I believe I
5 received a call at 12:31 -- 12:17 p.m.

6 Q Were you responding at that time to a missing person
7 or to a murder?

8 A They had located a deceased female, there was foul
9 play suspected.

10 Q So whenever you were heading here to Chester you knew
11 that you were coming on to an investigation of a possible
12 homicide?

13 A Yes, that is correct.

14 Q Who all was on your team that day involved in the
15 crime scene investigation?

16 A When we responded at scenes we usually respond in
17 pairs, we have a partner. This day we have Special Agent
18 Melinda Worley and also Special Agent Terrance Matthews,
19 and Terrance Matthews was in training.

20 Q About what time did you actually get to Chester to
21 begin your crime scene investigation?

22 A We arrived on scene at 13:31, or 1:31 p.m.

23 Q Whenever you arrived, Agent Nelson, who all was
24 already there, or what did the scene look like to you?

25 A Well, the scene was secured, there was yellow crime

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1 scene tape put up. We were initially told that it was at
2 one residence, usually the information changes it's
3 dynamic, and so when we arrived I noticed that the crime
4 scene tape was a longer section than just one residence.
5 And I met with the Chester County personnel on scene, I
6 met with the sheriff, Alex Underwood, Major Burley
7 McDaniel, Chief Deputy Sprouse, Deputy Phillip Perry and
8 Detective Young. And then also two investigators from
9 SLED from the midlands region responded, Special Agent?
10 A Kristen Grant and Special Agent Lee Boan. And then
11 there was also -- the York County Sheriff's Office
12 tracking team was called to assist prior to us, and that
13 was Randy Clinton and Deputy Chris Lorenceno
14 (phonetically.)

15 Q Now, Officer Clinton has already testified in this
16 case regarding the bloodhound and location of the victim,
17 Ms. Judy Lindsay. Whenever you arrived, were there already
18 some evidence markers actually placed throughout the crime
19 scene?

20 A Yes. They told us they that had placed markers one
21 through 15 down already.

22 Q And were you taken by someone through each one of
23 those markers and given a reason why that was done?

24 A Yes. We went through a walk through of the scene
25 with Randy Clinton. He told us the path that they started

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1 with the bloodhound and where he had placed the markers
2 and next to what areas, and then took us along the path
3 that the bloodhound had taken to where the victim was
4 located.

5 Q Did you adopt the marker numbers that were placed by
6 Officer Clinton into your report as your own markers for
7 what evidence would be eventually seized?

8 A Yes. When we arrive on a scene we document how we
9 found it. Since those markers were placed prior to our
10 arrival we're not going to take away those markers, they
11 would stay in place. So we did adopt them as our own and
12 they were refused to reference certain pieces of evidence.

13 Q I'm going to refer you to State's Exhibit 91, and
14 reference your actual report, Agent Nelson, regarding
15 markers and crime scene evidence that was identified.

16 A Okay.

17 Q And if I could ask you to please step down so we can
18 go through this -- by the way, who prepared this diagram
19 that's item number 91?

20 A Part of our crime scene report we also create a
21 diagram, so it would have been me and Ryan Matthews, or
22 Terrance Matthews, he was my trainee.

23 Q Now, Agent Nelson, we have marker number one here.
24 First of all, tell us which house is the house belonging to
25 the victim, Judy Lindsay?

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1 A The victim was located -- or the victim resided at
2 ■ Fifth Street.

3 Q And then just so the jury will know, where did y'all
4 document that the victim was actually found by the
5 bloodhound?

6 A ■ Fifth Street, there was a shed right here and she
7 was located behind the shed.

8 Q All right. Thank you. Now, marker number one, once
9 again just to be clear for the record, one through 15 had
10 already been placed by Officer Clinton from the bloodhound
11 team at York, correct?

12 A Correct.

13 Q So tell us how you identified them in your key as to
14 what evidence is being documented at this point?

15 A So marker one right over here, which is in the ■
16 Fifth Street is a multicolored sock. Just go through --

17 Q Yep, go through.

18 A Marker two is a black left shoe, brand unknown, it
19 was size eight. Marker three next to it was a black red
20 shoe, also brand unknown, size eight. Marker four is a
21 multicolored doorag. And initially when we arrived on
22 scene we believed that it was underwear, but upon
23 collection we realized it was not. Marker five was
24 suspected drag mark. Marker six, which comes over here in
25 to ■ Fifth Street, in between the rose bushes and the

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1 residence was a suspected drag mark, as well as marker
2 seven and eight are suspected drag marks. Marker nine was
3 one orange T-shirt, it had a red hair binder and key ring
4 with two keys on it. Marker ten, 11, 12 and 13 were all
5 suspected drag marks. And then marker 14 was a Sharpie.
6 Marker 15 -- and again, marker 14 and 15 are in the
7 backyard of [REDACTED] Fifth Street. Marker 15 is a black sash.
8 Marker 16 is on the side of [REDACTED] Fifth Street is a
9 multicolored sock. Marker 17 in the backyard is a shovel.
10 Coming back over here to [REDACTED] Marker 18 is a black
11 lanyard. And then marker A, B and C are footwear
12 impressions.

13 Q Thank you, you can have a seat. Now Agent Nelson, as
14 you are collecting this evidence -- or not collecting at
15 this time but you're actually identifying it and placing
16 out markers as to what is actually going to be either
17 further tested or analyzed by SLED, are you also
18 photographing these items?

19 A Yes.

20 Q And we had Agent Worley earlier talking about how she
21 was there and also taking photographs. Were all of those
22 photographs actually compiled into one disc and provided to
23 law enforcement?

24 A Yes, they were.

25 Q And have you actually reviewed those pictures to see

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1 whether or not they correlate with these items that you
2 have just now testified to regarding placement and what
3 they are?

4 A I have.

5 Q I'm going to allow you to see several photographs.
6 And if you would, you can actually sit there and go through
7 them, it would probably be easier. But I want you to --

8 A Okay. So this is --

9 Q Can you see?

10 A Yeah.

11 Q All right. Go ahead. What's the -- tell me what the
12 State's exhibit number is on the back, I was about to call
13 you Quam, I'm sorry, Agent Nelson.

14 A This is State Exhibit 1.

15 Q State's Exhibit 1, is that -- that's what we're
16 looking at here, right?

17 A Yes. This is the front of the residence of [REDACTED] Fifth
18 Street.

19 Q Okay. And what's the next one?

20 A Again, that is another -- this is State's Exhibit 2,
21 this is another front picture of [REDACTED] Fifth Street, that's
22 the screened-in porch.

23 Q And the information that you had at that point in
24 time, what's the importance of the screened in porch?

25 A The victim was last seen on the screened-in porch

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1 with Jermaine Bell I believe by -- the information I had
2 was the victim was last seen on the porch with Bell at
3 approximately 12:30 a.m. to 12:45 a.m.

4 Q And the next one, what is that view?

5 A This is looking down Fifth Street, it's kind of near
6 [REDACTED] Because that Ford Ranger right there, that red truck
7 in the right-hand corner of screen, that was parked next
8 to [REDACTED] Fifth Street, so that's looking down the street.

9 Q Okay. So you're looking -- it's from that looking
10 down this way.

11 A Correct.

12 Q All right. Next picture.

13 A This is another front picture of [REDACTED] Fifth Street.
14 There was a blue Chevrolet Cavalier parked in front and we
15 were told that belonged to a victim's family member. And
16 you can see the residence is in close with the chain
17 linked fence and that side yard is where those markers
18 will be located at.

19 Q Okay. So as we go -- and the picture will show in
20 just a minute but just to be clear, which side of the porch
21 has the door on it?

22 A On the right-hand -- my right-hand side.

23 Q So where it says [REDACTED] that's where the door is.

24 A That's correct.

25 Q So in order to get to the side yard the person would

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1 have to step out and then walk around that way.

2 A That's correct.

3 Q And to the left is going to be where we're going to
4 start seeing markers placed, is that what you're saying?

5 A That's correct.

6 Q And once again, this is a visual of what we're talking
7 about from the porch door and starting to walk to the side
8 yard; is that fair?

9 A Yes.

10 Q Next one.

11 A Again, this is just another photo of the side yard
12 and how far it extends out of [REDACTED] Fifth Street.

13 Q Okay. And then next picture.

14 A And this is going down the side yard, and that's the
15 next yard over, so you can see the chain link fence, you
16 can see that separated. I'm not sure if that's a carport
17 on the next residence.

18 Q But some type of covering. Now, you can see where
19 the -- it's a one and a three, it's kind of hard to see at
20 the bottom of the photograph, is that where you're starting
21 to see some items that were actually marked as possible
22 evidence?

23 A That's correct.

24 Q And so that would be right in this area.

25 A Correct.

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1 Q Now, this -- can you tell us what the significance of
2 that picture was?

3 A I'm not sure, I would have to orient to see if this
4 is in order. When we start photographing a scene we kind
5 of do it by four corners, so we'll start going -- if we're
6 on the exterior of a residence we'll start photographing
7 looking down and then the side of the residence, and then
8 going over. And when we move to the next side, the next
9 corner of the residence if we are outside, you would
10 continue to do that because you want to get the full
11 picture of the scene.

12 Q Okay.

13 A So I believe it's the corner of the chain linked
14 fence.

15 Q Okay. All right. Because we're still going in that
16 order around the house, if that's the way that it was
17 provided to us in the evidence.

18 A Yeah.

19 Q Okay. All right. Next picture. Now, we're back over
20 here. And what is -- this is another angle as to what I
21 was asking you about before regarding the door?

22 A Yeah, the entry into the screened-in porch on [REDACTED]
23 Fifth Street.

24 Q And you've already testified as to the importance of
25 that porch with that being the last place that she was

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1 identified as being at about 12:30 or 12:45.

2 A Correct.

3 Q Is that right? All right. Next picture. And what
4 are your crime scene people doing at this point in regards
5 to the porch?

6 A Just going -- well -- so it looks like we're about to
7 go start moving into the residence. And again, it's just
8 another way of documenting the kind of walk through the
9 scene. When we come back what we have is the photographs
10 to reference so we want to make sure that we have plenty
11 of photographs so when you're going through your photos
12 back at the lab you're walking through the scene.

13 Q Just so the jury knows, how many photographs did y'all
14 actually take?

15 A Almost 800.

16 Q There's not 800 there, is there?

17 A No, there is not.

18 Q Next picture. Now, what are we looking at here?

19 A That is the inside of the porch. You can see two
20 folding chairs -- well, two folding chairs and then a
21 plastic chair on the right-hand corner, it looks like a
22 small table with a pole on it.

23 Q And the next picture, is this just further
24 documentation of the inside of the porch?

25 A Correct. Just like I was discussing with the outside

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1 and how we do the four coroners, you'll do that in every
2 single room as well just to make sure they have different
3 angles of the rooms.

4 Q All right. And then next pictures, this is another
5 corner of the porch?

6 A Yes.

7 Q And then the next picture is the same thing?

8 A Yes. This is the glass door to go into the
9 residence.

10 Q And what item number are we on now, State's Exhibit --

11 A State's Exhibit 14.

12 Q All right. So all of those were from about the front
13 of the house into the porch area where Ms. Judy was last
14 seen, or at least documented as being seen that evening.

15 A Correct, that's the information that I had.

16 Q And I'm sorry, we have one more, I apologize. This is
17 also from the porch, and it is looking out to the what?

18 A Out to Fifth Street. That was on that table by that
19 pole, so this looks like an ashtray with cigarette butts
20 on it.

21 Q And did y'all have information that people were
22 smoking on the porch that night?

23 A Yes.

24 Q And then what's this?

25 A This is a can of Bud Light in a plastic bag. And if

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1 I can refer to my notes, I believe it was unopened. Yeah,
2 it was unopened.

3 Q All right. Once again still on the porch. Now, here
4 is another angle of [REDACTED] Fifth Street.

5 A This is at the back corner of the residence, you can
6 see the back door into residence and you can see the
7 carport on the side, so this would just be another angle.

8 Q All right. And one thing that I failed to ask you and
9 I was actually going to get into a little bit more with
10 some of the other items. But I'm also seeing RP5, RP6, on
11 here, I was about to ask you, you know, the back door,
12 would it be this area right here that you're referring to?

13 A Yes.

14 Q All right. And you've got RP6. What are the RP's
15 standing for?

16 A RP stands for reference points. When we are
17 documenting items of evidence at a crime scene we use
18 things called reference points, and that's to triangulate
19 if we have to come back and do a reconstruction later on.
20 So you have two reference points, in this case I believe
21 we had six or seven, we had quite a few. Just because the
22 evidence was all throughout so many different areas that
23 we use -- it's called a Helpy, it's a laser measuring
24 device and it couldn't reach some of those areas because
25 trees are in the way, other residences were in the way so

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1 we had to create reference points to be able to reach each
2 item of evidence. So you have one item of evidence and
3 you'll measure to each of those reference points, the two
4 reference points. If you have to go back to recreate the
5 scene you have those reference points and you can measure
6 from those so you're crossing that path so you know where
7 that evidence was located approximately.

8 Q Okay. So just to further give us documentation of the
9 pinpoint location of a particular piece of evidence.

10 A Correct.

11 Q So we talked about this, this is the back of the house
12 that we're seeing here. What's the next picture, what is
13 this?

14 A So this is from the front of the residence of [REDACTED]
15 Fifth Street, that's a carport on the side of the
16 driveway.

17 Q Okay. The next picture?

18 A That's a closer image of the carport.

19 Q All right. And next?

20 A That's from the backyard looking towards Fifth Street
21 of the carport.

22 Q And you actually even have the trees that are in the
23 picture documented on here.

24 A Yes.

25 Q And then this picture. Here we have back on which

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1 side of the house at this point? Because I'm seeing
2 evidence markers.

3 A So we're back on I think that's the east side of [REDACTED]
4 Yeah, that's the east side of the yard of [REDACTED] Fifth
5 Street. So you can see markers one, two, three, four,
6 five were placed, and again those were placed prior to our
7 arrival. There's a bucket -- a pail turned over by the of
8 the residence, and there's also a shed in the background,
9 a couple of burn barrels.

10 Q So let's focus in on four and five. Now, on number
11 four what was that again?

12 A That was a multicolored doorag. Again, at the time
13 when we had initially looked at it we thought it was
14 underwear but we hadn't moved it or anything at that point
15 and when we went to collect it we realized it wasn't
16 underwear and it was a hair piece.

17 Q And was it identified as belonging to the victim?

18 A I believe so.

19 Q And then we have number five. What was five
20 reflecting?

21 A Suspected drag mark.

22 Q Now, we've backed up again. That's pretty much the
23 same thing that we saw but just a different angle from the
24 side of [REDACTED] is that correct?

25 A Correct.

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1 Q Now, on this particular picture here you can see the
2 different markers that were left once again, and we're
3 looking for the -- from the back to the front; is that
4 right?

5 A That's correct.

6 Q Okay. So one of the -- in looking at that picture I
7 don't see a marker 16 yet.

8 A The reason why marker 16 is placed, this was our
9 initial photographs, again we document the scene as we
10 found it so these were placed prior to our arrival. So
11 you'll see those markers and then when we go back and
12 we'll rephotograph the markers again with the markers that
13 we placed. We located additional evidence which we placed
14 down marker 16 through 18 and markers A through C.

15 Q Okay. Thank you. Next picture. Now we have a
16 closeup, and we're seeing in two and three a pair of shoes.

17 A Yes.

18 Q Were you able to determine who those shoes belonged
19 to?

20 A We were told those belonged to Judy Lindsay.

21 Q Next picture. And another angle, now we're seeing the
22 marker 16. So this picture is what you're telling me would
23 have been taken after you went back and started marking
24 other areas?

25 A Correct.

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1 Q I just wanted to make sure that I'm understanding. So
2 when you went back and you marked 16, what was that to
3 show?

4 A Marker 16 was a multicolored sock.

5 Q So an additional sock that hadn't been marked.

6 A Yes, there was two socks that we had collected.

7 Q And that's a closeup of where you added; is that
8 right?

9 A Marker 16 is not -- marker four is the multicolored
10 doorag and then 16 was the multicolored sock.

11 Q Right, which we saw in a prior photo.

12 A Yes.

13 Q Now, here we're seeing once again -- some of these are
14 mixed in so just kind of bear with me on that. On one,
15 what are we seeing in one?

16 A Marker one was the multicolored sock.

17 Q Okay. And that once again would have been what
18 Officer Clinton identified.

19 A Yes, correct.

20 Q All right. And this is a closeup of those shoes which
21 he marked as well, correct?

22 A Correct.

23 Q Now, why was the bottom of the shoe photographed at
24 this point?

25 A When we go to collect evidence we'll take photographs

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1 of what we're collecting and we can move it just to see
2 what it looks like and see if we see anything additional,
3 anything of evidentiary value that we would need to
4 document.

5 Q And once again, the sock. Next picture. All right,
6 here it is. This is what I was referring to a minute ago
7 which is 16. Is that the marker that you added, Agent
8 Nelson?

9 A Yes, that's correct. The sock is behind marker 16.

10 Q All right. And four. Now, this is a close-up of what
11 you were talking about about a minute ago regarding the
12 head rag or doorag.

13 A Yes correct.

14 Q And --

15 A And then this is us after we moved it and stretched
16 it out, you know, stretched it out and realized that it
17 was not underwear.

18 Q And what is the purpose of this particular photo?

19 A There was -- this is the corner of [REDACTED] on the east
20 side so near marker four, and near the cement there was
21 fecal matter that we observed and it had been dragged
22 through.

23 Q Next picture.

24 A This is a close-up of that.

25 Q And why would you take a picture of something like

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1 that, Agent Nelson?

2 A Well, we had already seen other drag marks and it
3 appeared that this had been dragged through so it was
4 important to document.

5 Q Now, this is -- what are we looking at here?

6 A So this would be from the backyard on the east side
7 of [REDACTED] Fifth Street. There's two burn barrels, a table
8 with miscellaneous items, there was a shovel laid up. But
9 this is looking -- again, when we arrived on scene Officer
10 Clinton did a walk through, so this is to show the path
11 that the bloodhound was taking as well.

12 Q So what we're looking at here is the back of the house
13 going towards the neighbor's house and this way?

14 A Correct.

15 Q And is this another angle of that?

16 A This is an angle looking at the east corner of the
17 backyard of [REDACTED] Fifth Street.

18 Q Now, this seems to be a little bit closer to the
19 ground. Tell me what it is that you're trying to capture
20 in this photo.

21 A We were trying to capture the marks that we could see
22 within the dirt, it was kind of difficult due to the light
23 and whatnot and how deep they are so we're trying to get
24 closer to the ground to show that disturbance on the
25 ground.

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1 Q Was it visible and obvious to your eyes?

2 A Yes.

3 Q That's a little bit further up. And at this point was
4 that your belief as to the path that the body had been
5 dragged?

6 A Yes.

7 Q This is a little bit closer in here.

8 A Yes.

9 Q So what we're seeing here between the cinder block and
10 that pallet looking item.

11 A That's correct, that's what we observed as what we
12 thought were suspected drag marks.

13 Q Okay. And once again you get a little closer.

14 A Yes.

15 Q And then the next one I believe is even closer.

16 A Yes. This one is a little bit more significant and
17 you could see a little bit more.

18 Q And in looking at this item where you're seeing the
19 drag marks at this point, what was the weather like on that
20 day?

21 A It was sunny.

22 Q It was sunny?

23 A Yeah. And it was -- when we arrived on scene it was
24 75 degrees Fahrenheit, so at 1:30 it was 75 degrees.

25 Q So just a nice sunny day. And these -- what we're

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1 looking at here through this particular area, it's a
2 combination of what, like dirt, mud, grass? What were you
3 seeing? I see what's on here but what were you seeing?

4 A In that area there was dirt and kind of gravel, loose
5 gravel, then it turned into grass going towards [REDACTED] Fifth
6 Street.

7 Q All right. So you were just saying then it turns to
8 grass. Is this what you're referring to?

9 A Correct.

10 Q So now what we're seeing is the back of what house?

11 A [REDACTED] Fifth Street.

12 Q Now, I'm just going to ask you real quick just to try
13 and help the jury understand what you're seeing, but what
14 is this orangy/peach building that we're seeing here?

15 A That is the shed where the victim was located behind.

16 Q Okay. So from what we're looking at here on this
17 picture which is right here, we're seeing you said the
18 peach colored shed where the victim was found?

19 A Yes.

20 Q Do you remember -- and if you need to refer to your
21 notes, you talked about reference points, but what was the
22 distance from this area here to where Ms. Lindsay's body
23 was actually found? How far?

24 A We measured the distance between location of the
25 victim and marker one using a measuring wheel. So you

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1 roll it along the ground because we wouldn't have been
2 able to see the victim from marker one, and we took the
3 path that we thought she would have gone. So we went from
4 marker one into the backyard of [REDACTED] Fifth Street, then
5 into the backyard of [REDACTED] Fifth Street into the west yard
6 and then around the rose bushes, then continuing down,
7 then around, and we stopped at her feet.

8 Q Okay. And you didn't cut through here which is behind
9 [REDACTED] straight to the shed why?

10 A Because we didn't think that was the path that she
11 would have gone. And I'm not sure if I said it, but it
12 was approximately 243 feet and one inch, the distance.

13 Q And that -- what is this item right here that would be
14 blocking someone from being able to walk straight through
15 to the shed?

16 A There was a chain link fence.

17 Q And this is -- what is this documenting?

18 A This is marker 15 which is the black sash.

19 Q Once again, you're documenting anything and
20 everything, or -- this is one of the ones that you would
21 have assumed from Officer Clinton; is that right?

22 A Correct. He had placed this marker in the grass.
23 You could tell it had been disturbed, but again, extremely
24 difficult to document a disturbance when it's kind of that
25 faint as well to show that grass is laying down.

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1 Q And this is a closeup of the same item.

2 A Correct.

3 Q Now, here is another marker that I see here. Tell the
4 jury what that was and the significance of that or the
5 insignificance of this?

6 A Marker 14 was a Sharpie, and this was again placed by
7 Sergeant Clinton. When we went to collect it we didn't
8 think it really had any significance, it wasn't known that
9 she carried a Sharpie so we thought it was just probably
10 just in the backyard.

11 Q Now, what is the angle that we're seeing here? What
12 are we looking at?

13 A This is looking from the backyard of [REDACTED] Fifth Street
14 towards Fifth Street. So again, that Ford Ranger was
15 parked in their driveway.

16 Q And this item, this rectangular item here, is that
17 supposed to represent the Ford Ranger?

18 A It is.

19 Q Now, what's that a picture of? What are we looking at
20 at this point?

21 A This is the front of [REDACTED] Fifth Street.

22 Q So now we're looking at the front, and the red vehicle
23 to the right is that Ford Ranger?

24 A Yes.

25 Q Now, where are we in this picture?

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1 A We're on Fifth Street photographing the side yards
2 between [REDACTED] Fifth Street and then [REDACTED] Fifth Street
3 showing, again, the path that we believe was traveled and
4 showing the shrubbery right there. And then down in the
5 corner you can see the markers starting along the side
6 yard of [REDACTED] Fifth Street.

7 Q And just to be clear to the jury, when you say the
8 path we believe, the path -- you believe that this was a
9 path of the person who murdered and then drug Judy Lindsay
10 to the place where her body was deposited, is that what
11 you're saying? And that's what I'm asking. You've talked
12 about drag marks and the path, are you talking about that
13 path or are you talking about the path that the dog took?
14 I'm just curious.

15 A Both. After we moved the victim and saw the injuries
16 that she had sustained as well as collecting the evidence,
17 that's where we kind of had come to that conclusion as
18 well.

19 Q I just wanted -- when you say path there's been a
20 couple of different paths mentioned and that is where she
21 was taken as well as the path the dog was on.

22 A Right.

23 Q Thank you. Now, we were just now talking about this
24 area here and you mentioned a couple of the markers, it's a
25 little bit hard to see, but in the very back what is that

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1 peach item again?

2 A That is the shed where the victim was located behind.

3 Q So now we're coming up to the side of -- this side of

4 [REDACTED] is that right?

5 A That's correct.

6 Q And once again this is another angle of that; is that

7 right?

8 A That's correct.

9 Q And just to be clear you actually put rose bushes --

10 rose bushes right there close to the markers. Why did you

11 do that?

12 A There was thorns sticking out, whatnot. And then

13 again, after we had moved the victim it was a very long

14 scratch or laceration on her side, we thought it was

15 significant to document what type of bushes were over

16 there.

17 Q Now we're coming closer to the markers, and I'm going

18 to be asking you in a minute to identify what those markers

19 are meant to show.

20 A Okay.

21 Q We've got seven and eight here. What are the purpose

22 of those markers?

23 A Seven and eight are suspected drag marks.

24 Q Okay. And this area here that we're looking at, was

25 the condition of the dirt and the ground any different than

HALEY QUAM NELSON - DIRECT

1 it was in the back of [REDACTED]? Do you recall?

2 A I would say it's more dirt rather than gravel.

3 Q Okay. Now we're seeing item six. What was item six?

4 A Suspected drag mark as well.

5 Q Now, as we're going -- at this point you're walking

6 closer to the peach shed where the victim was found,

7 correct?

8 A Correct.

9 Q What can we see -- and then we're looking at this and

10 then the very next picture, which you can go ahead and go

11 to, what are we seeing in number nine?

12 A Marker nine was an orange shirt, and then marker ten

13 was a suspected drag mark. Again, the grass was laying

14 down.

15 Q And as you photographed this, is this the exact

16 condition that you found that orange shirt in on that day?

17 A Yes.

18 Q Did you have any information that anyone had touched

19 it or disturbed it in any way?

20 A No.

21 Q As a matter of fact, if there was a number nine then

22 that means that Officer Clinton was the one that actually

23 placed that marker there before you even got there,

24 correct?

25 A That's correct.

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1 Q And this is a closeup, correct?

2 A Correct.

3 Q Now, as you're getting closer to the item to document
4 what it is, at what point do you actually touch it to look
5 into the item to see if there's more evidence that needs to
6 be taken?

7 A We will move the item when we're going to collect it.

8 Q Okay. So this is just documenting how it was again.
9 And underneath it, what are we seeing there in the red?

10 A It's that red -- I'm not sure how to pronounce this
11 correct, carabiner, one of those clips.

12 Q And the same thing again. What is the next picture?
13 Now we're seeing it in a different way. Was this right
14 before you actually collected it?

15 A Correct.

16 Q All right.

17 A So this is a closeup. This is the front of the
18 T-shirt, and the T-shirt was inside-out, and we observed
19 the holes on the T-shirt as well as dirt and debris, and
20 the key ring was caught in one of those holes.

21 Q But the shirt was inside-out whenever you opened it
22 up.

23 A It was. And then this is the back of the T-shirt,
24 it's still inside-out, and when we collected it we left it
25 inside-out at that point.

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1 Q All right. Now, what is this that we're seeing? It
2 says marker 18, so that would be a new marker for us.

3 A Yes, this is one that we placed. And marker 18 was a
4 black lanyard or a cord. We had been told that she would
5 have a black lanyard, I think, for her keys.

6 Q All right.

7 A And that's a closeup of the lanyard.

8 Q All right.

9 A And then this is prior to us collecting it after we
10 moved it from its location.

11 Q Okay. Now, you said the information you had through
12 your investigation was that she actually had her keys on
13 the lanyard?

14 A Yes.

15 Q But the keys that you found were actually found along
16 with item number nine, your marker nine.

17 A Yes, it was hooked on the shirt.

18 Q So it was hooked on the shirt, stuck to the shirt?

19 A Like stuck in one of the holes.

20 Q And that was found just a few feet away from there.

21 A Yes.

22 Q Now, this is different angle. What are we seeing here
23 in regards to -- where are we looking from and to at this
24 point?

25 A We are now in the backyard of [REDACTED] Fourth Street.

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- 1 Q So right in here, [REDACTED] Fourth Street?
- 2 A And we're looking into the backyard of [REDACTED] Fifth
- 3 Street. See the shed?
- 4 Q Yes?
- 5 A And again, when we had arrived sergeant -- or Officer
- 6 Clinton had pointed out that one of the plant stands was
- 7 knocked over and appeared to be fresh, so we collected
- 8 swabs from the top of the fence, touch DNA swabs.
- 9 Q And those DNA swabs -- we've already heard from Ms.
- 10 Gallman, there was nothing there on those DNA swabs,
- 11 correct?
- 12 A Correct.
- 13 Q Now, where are we in regards to this picture?
- 14 A This would be on the west side of [REDACTED] Fifth Street.
- 15 Q So coming around this way.
- 16 A Yeah, correct.
- 17 Q What are we seeing here?
- 18 A This is kind of going into the backyard of [REDACTED] Fifth
- 19 Street. This is a photograph taken from the street and
- 20 showing the [REDACTED] Fifth Street and to the shed in relation
- 21 to that.
- 22 Q Was anybody living in that home, [REDACTED]?
- 23 A No.
- 24 Q It was empty?
- 25 A Yes.

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1 Q And do you know, and you may not and I could ask
2 Detective Young later, but do you know how long that
3 residence had been empty?

4 A I'm not sure.

5 Q Fair enough. Now, what we're seeing here is -- this
6 is the shed that we've been talking about, right?

7 A Right.

8 Q Okay. Tell us what 12 and 13 are showing us.

9 A Twelve and 13 were suspected drag marks. There is a
10 little pathway that looked like just a little opening to
11 the back.

12 Q And what about all of this shrubbery and items that
13 you have here, is that what it looked like whenever you
14 approached the area?

15 A Yes. It was very heavily concentrated with some
16 shrubbery and growth.

17 Q Okay. All right. Next picture. What are we seeing
18 in this picture?

19 A This is looking at the back of the shed. This would
20 have been walking kind of into that little pathway where
21 markers 12 and 13 were, and the victim was located again
22 behind, you can see her left leg and right leg, but you
23 can tell how overgrown it was, it was difficult to see
24 her.

25 Q So at first glance if you don't necessarily know what

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1 you're looking for it may be difficult to even see her back
2 there.

3 A Yes.

4 Q I mean, you might, but --

5 A Yeah.

6 Q Then the next photo. Once again, is this a closer
7 photo of that same area?

8 A Correct.

9 Q Once again, who is the decedent in this picture?

10 A Judy Lindsay.

11 Q And was she at this point in time -- was there any
12 question as to the fact that she was deceased?

13 A Yeah, there was no question.

14 Q And the next picture. Now, what is this item?

15 A An ashtray.

16 Q And what's the significance of you actually
17 documenting an ashtray?

18 A We cleared from the scene to respond to a separate
19 location, [REDACTED] Saluda Street. We had gotten information
20 that the suspect was staying at that residence, or had
21 possibly stayed at that residence. While we were there we
22 received a call that the husband, Mitchell Mayfield, had
23 located a couple of additional items after we had cleared
24 from the scene. So we went back to collect those, and one
25 of the items was this ashtray that was located and then

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1 there was a plastic bag.

2 Q What's the next one?

3 A This is a plastic bag, and inside the plastic bag was
4 three pairs of underwear.

5 Q Whose hands are those?

6 A Those are mine.

7 Q Now, is that your next picture?

8 A Yes.

9 Q Who are we seeing in this picture? Do you remember
10 who this man was?

11 A I can't remember his name.

12 Q Herman Weldon?

13 A Yes.

14 Q And why was that particular photograph taken?

15 A Just to show the location that we're at, and it has
16 the address, [REDACTED].

17 Q And did you have any information at that time as to
18 the significance of that particular area?

19 A We were just told that this was a known residence
20 that he had occasionally stayed at.

21 Q So how many different places were you told or were you
22 given information that he could have stayed at?

23 A Initially there was this one and then there was
24 another one that popped up, which was [REDACTED] Saluda Street.

25 Q Next picture. And it's a picture of this couch?

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1 A Yes. While we were searching the inside of the
2 residence we received information, I'm not sure who was
3 talking to him, that the suspect had stayed on the couch
4 the night before, he never came into the residence, so at
5 that point we stopped looking inside the residence for
6 anything.

7 Q And the next picture is the close-up?

8 A Yes.

9 Q Now we're back out at the shed. And what was the
10 significance of that particular picture?

11 A Again, just to show markers 11 and 12 were the
12 suspected drag marks, it's the corner, show the vegetation
13 or whatnot around the area.

14 Q Okay. Next picture. Once again, was that the --

15 A This is on the side of the shed walking back to where
16 she was located.

17 Q Okay. So by this time her body had been removed; is
18 that correct?

19 A I'm not sure by this point if she had been removed,
20 this was on the side.

21 Q Same thing, just closer up?

22 A Yes. This is the closer-up side of the shed.

23 Q All right.

24 A At this point her body had been removed.

25 Q So at this point in time the vegetation where she had

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1 been is mashed down?

2 A Yes, and also us attempting to, you know, remove her.

3 Q And you showed us the ashtray just a minute ago, what
4 is this a picture of?

5 A This is the first photo that we took when we
6 responded back to [REDACTED] Fifth Street for the ashtray and
7 that plastic bag. So again, we're just showing -- we had
8 been told the items were located and it hadn't been moved
9 so we were showing again an overall photo prior to where
10 the items were located at.

11 Q But had you been given information it was close or
12 near to where her body had been found?

13 A Yes.

14 Q So you're looking -- at this point in time do you see
15 the items that they're referring to?

16 A No.

17 Q All right. Next picture. Okay. At this point are
18 you able to see what you're looking for?

19 A No.

20 Q All right. What about now?

21 A In this one I can see the black ashtray.

22 Q And the fence that we're seeing in the very back, what
23 fence is that -- is it from this or here?

24 A It looks like the one that you pointed to.

25 Q This one?

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1 A Yes.

2 Q Okay. Next picture. And once again, that's a little
3 bit closer. And then the next picture?

4 A This was a close-up, there's a little water in it and
5 leaves on it.

6 Q What would that indicate to you?

7 A Well, it hadn't rained that day so I'm not sure how
8 long it had been out there.

9 Q And the next one. That's it, thank you. Thank you
10 for going through that, I know that's quite a bit. But
11 once again, you said y'all had took close to 800 pictures;
12 is that correct?

13 A That's correct.

14 Q Now, who was the person who took a buccal swab from
15 Mitchell Mayfield?

16 A I did.

17 Q When was that done?

18 A It was when we were at the scene the first time,
19 Special Agent Lee Boan approached me and advised that he
20 had given consent to give a buccal swab.

21 Q So you did take a buccal swab from the husband of the
22 victim.

23 A I did.

24 Q And who was it that took the buccal swab from the
25 defendant? Was it Chester County?

HALEY QUAM NELSON - DIRECT

1 A Yeah, it was Chester County. It was transferred to
2 me.

3 Q It was transferred to you. So you had both of those
4 buccal swabs to take back to SLED; is that right?

5 A That's correct.

6 Q Okay. Now, before the body was removed, did you use
7 anything on the body to try and see whether or not there
8 was potential bodily fluids or evidence there?

9 A Yes. Since she was nude we used an alternate light
10 source to look for any areas of fluorescence in terms of
11 looking for biological fluids that would have been
12 collected prior to moving her, and then after she was
13 moved we ALS's underneath where the victim had been
14 located on the ground.

15 Q And what if any results came back from that swiping of
16 the body with the ALS?

17 A We didn't locate any areas of fluorescence.

18 Q What did you do with the body before she was actually
19 taken by the rescue in a bag?

20 A So we photographed her how she was, and then after we
21 moved her we photographed the front of her to see if we
22 could notice any injuries, because at that point we
23 weren't sure how she was killed. And we bagged her hands
24 to preserve any possible evidence on her hands to be
25 collected at autopsy by the pathologist.

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1 Q Were you present at the autopsy?

2 A I was.

3 Q What assistance did you provide to the pathologist,
4 Dr. Kim Collins, regarding items that you believed would be
5 of evidentiary value that needed to be taken?

6 A After she completed her external examination, which
7 would have been an examination of the body, she advised us
8 that she -- the victim had been manually strangled. So I
9 requested that she collect touch DNA swabs from the neck,
10 and then also again used an alternate light source on her
11 at autopsy to see if we noticed anything that we hadn't
12 the day before. There was areas of fluorescence noted on
13 her mouth and there was debris that was noticed that was
14 fluorescing in the vaginal area, pubic area and Dr.
15 Collins collected that.

16 Q And that was on the day of autopsy, September 14th of
17 2015.

18 A That's correct.

19 Q Were there any other items after the autopsy was done
20 that you had -- that were provided to you for follow-up
21 testing by SLED?

22 A Well, usually we discuss with the lead investigator
23 prior to leaving the scene what types of analysis they
24 would like done to the items that are collected. Due to
25 us not knowing how she was killed, we decided after

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1 autopsy we would decide on where those items would go and
2 what analysis would be done, so that's when we determined
3 tests such as DNA semen and what was the most probative
4 for the orange T-shirt was touch DNA. And then also I
5 processed the plastic bag and the ashtray that was
6 collected the second time that we were back at the scene
7 for latent prints.

8 Q And were there any latent prints or anything of value
9 to the plastic bag or the ashtray?

10 A No.

11 Q Were you involved at all with the collection of the
12 black Coogee shoes that Agent Worley was talking about
13 earlier today?

14 A They were transferred into my custody from Chester
15 County.

16 Q Okay. But that was all is that you took those items?

17 A Yes. And then I brought them back to SLED and logged
18 them in and would have submitted them to the footwear for
19 analysis.

20 Q The last thing that I'm going to get you to do if you
21 don't mind, based on all of the information and the tons of
22 photographs that we saw and your investigation in this
23 particular case, can you show the jury where you believed
24 the possible struggle took place and where the victim was
25 drug based on your crime scene investigation? You can step

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1 down for that.

2 A We thought that the initial struggle occurred over
3 here and then that she was dragged along again this route
4 that we have seen through here and her body located here.
5 One of the reasons why -- after talking to the
6 pathologist, again why we notated that the rose bushes
7 were of significance, she had a very long abrasion on the
8 side, on the left side, and also there was abrasions on
9 the front of her knees, her toes and feet had dirt and
10 there was dirt kind of in her toenails. So we believed
11 that she was drug face down to get that long scratch on
12 her left side, as well as the shirt having -- being dirty
13 and all the holes on the front of the shirt and the
14 abrasions on the knees, so we thought that she was drug
15 face down along that path.

16 Q Thank you.

17 MS. LIVELY: Answer any questions that the defense may
18 have for you, Agent Nelson.

19 CROSS EXAMINATION

20 BY MR. FRICK:

21 Q Agent Nelson, did you prepare a report of this
22 investigation?

23 A I did.

24 Q And that's what you have been referring to through the
25 your testimony, correct?

HALEY QUAM NELSON - DIRECT

- 1 A Yes, sir.
- 2 Q About 25 pages?
- 3 A Yes, sir.
- 4 Q And it is a pretty extensive documentation of your
5 involvement on this and SLED's involvement on this scene,
6 correct?
- 7 A Yes.
- 8 Q You said y'all arrived in Chester about what time?
- 9 A 1:31 p.m.
- 10 Q And that was -- y'all went straight to Fifth Street,
11 right?
- 12 A Correct.
- 13 Q When you got there of course it's already -- it's got
14 some of the markers on there that Mr. Clinton had already
15 put down, correct?
- 16 A That's correct.
- 17 Q But y'all do your own investigation as well, right?
18 You use that information but don't just go, "Okay. Well,
19 he's laid it all out, that's it, let's take pictures and go
20 home." Y'all look at the stuff too, right?
- 21 A That's correct.
- 22 Q And added new markers, correct?
- 23 A That's correct.
- 24 Q About how long were you at Fifth Street?
- 25 A About six hours the first time before we responded to

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1 [REDACTED].

2 Q Okay. Y'all were there a really long time.

3 A Yes.

4 Q And this isn't necessarily a huge area, right?

5 A I would say it's a pretty large area.

6 Q Okay. All right. But y'all combed over it pretty
7 well, would you say?

8 A I would say so.

9 Q Okay. And the spot where Ms. Lindsay was found, y'all
10 investigated while she was still on the scene, correct?

11 A Correct.

12 Q After she is taken out of the scene, was that it? Did
13 y'all not look there anymore?

14 A No. We searched that area with ALS and we didn't
15 find any areas of fluorescence.

16 Q Okay. Is that the magic light somebody talked about
17 earlier today?

18 A I wouldn't call it magic, but yes, it's a light.

19 Q So y'all pulled her out of that area and then
20 continued to look around, right?

21 A Yes.

22 Q I think I saw in some picture, I don't know exactly
23 what it was, do you recall, was there a stack of bricks now
24 where she was located?

25 A Yes, on her left-hand side.

HALEY QUAM NELSON - CROSS

1 Q On her left-hand side?

2 A Yes, against the shed.

3 Q I will show you this, I think it's probably pictures
4 that the State already has but I want to make sure I get
5 mine. Do you recognize that?

6 A I do.

7 Q What is that?

8 A This is the plastic bag that I had referred that we
9 went back to collect on the second time, you can see the
10 shed in the background.

11 Q Are those bricks visible in there?

12 A They are.

13 MR. FRICK: Move to -- I'm sorry.

14 MS. LIVELY: That's fine.

15 MR. FRICK: Move Defense Number 8 into evidence.

16 MS. LIVELY: No objection.

17 THE COURT: In without objection.

18 (The photo was received as Defense 8.)

19 Q So when y'all were out there investigating initially
20 before you cleared the scene y'all didn't see this bag.

21 A We did not.

22 Q Nor the ashtray?

23 A No, we did not.

24 Q Do you recall exactly in location to where the shed is
25 where the ashtray was?

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1 A It was near the fence. You can kind of see two -- in
2 the one photo you can see there's like a different height
3 of the chain link fence, it was near that area.

4 Q Okay. And, of course, you've got three SLED agents
5 out there, right?

6 A Yes.

7 Q Several deputies from Chester County out there.

8 A Yes.

9 Q You've got York County has been out there?

10 A Yes.

11 Q And the coroner's people, were they out there when you
12 were out there or had they cleared?

13 A They cleared out when they removed the body.

14 Q That's fine. But several law enforcement people are
15 looking over this area on the scene. Were y'all trying to
16 figure out what in the heck is going on?

17 A Well, when we come to the scene and we're starting
18 our own investigation, typically we try to keep as many
19 people out of the location when we're conducting our crime
20 scene investigation. We're looking for items of evidence
21 just and we don't want evidence to possibly be trampled.

22 Q And the family is kept out of the scene, right?

23 A Yes, that is correct.

24 Q When y'all cleared 7:20 or whenever it was and went
25 onto Saluda Street, I think it says in the report y'all

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1 turned the scene over to Chester County.

2 A Yes, sir.

3 Q Was it still secured or do you know, or --

4 A So at that point when we released the scene, that's
5 turning the scene back over to Chester and then they make
6 that determination to start pulling down the tape if
7 they're done with their investigation as well.

8 Q As far as SLED was concerned, as far as you as a crime
9 scene investigator was concerned, when y'all cleared were
10 you done with that scene?

11 A Yes.

12 Q And would not have come back if you had not been told
13 that the husband had found something.

14 A That's correct.

15 Q Now, I'm going to show you -- I'll show you two more
16 pictures.

17 A Yes, sir.

18 Q One of them I think you're already aware, the other I
19 don't know, it is in. Do you recognize --

20 A Yes, I do.

21 Q What is it?

22 A This is one of the photos that has already been
23 shown, it's an overview of the inside of that plastic bag.
24 There was three pairs of underwear, the second picture
25 that you have is that close-up of the underwear.

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1 Q And that's you opening up the bag.

2 A That's correct.

3 Q I know you collected it because it was on the scene
4 and you documented it.

5 A Yes.

6 Q Did you see anything odd about it other than being
7 there?

8 A Yes, that was odd. I took it back and submitted it
9 to the lab and the analysis I submitted it for was with
10 DNA ownership. Again, as Jessica and Lilly explained,
11 they start with their tiers for a DNA analysis, so that's
12 above my paygrade when they start making those decisions,
13 whether or not and how I logged it in on that analysis.

14 Q Okay. All right. But again, when you first go out
15 there collecting evidence you just don't see this bag.

16 A We did not.

17 Q Okay.

18 MR. FRICK: Defense 9 and 10.

19 THE COURT: No objection?

20 MS. LIVELY: There was no objection, I apologize.

21 THE COURT: In without objection.

22 (The photos were received as Defense 9-10.)

23 Q Now, again I'm showing you pictures that the State has
24 already put into evidence, I understand that, I don't like
25 shuffling through their stuff when we get to closing so I'm

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1 going to make you look through all of those pictures too.
2 I forgot to show the solicitor again, I'm sorry, let me
3 hold those.

4 MS. LIVELY: No objection.

5 Q Do you recognize all of these photos?

6 A I do.

7 Q And essentially what are they?

8 A They are the backyard of [REDACTED] Fifth Street, and they
9 are showing markers 15 kind of an overall photograph of it
10 and then going into a close-up of marker 15 which was the
11 black sash.

12 Q And that's what is right here on State's Number 91,
13 correct, number 15?

14 A That's correct.

15 Q The back of [REDACTED]

16 A That's correct.

17 MR. FRICK: Move these in as my next five.

18 MS. LIVELY: Without objection.

19 THE COURT: In without objection.

20 (The photos were received as Defense 11-15.)

21 Q Okay. Agent Nelson, I need your help on something.
22 On Defense 11 it looks like that, and on Defense 12 it
23 looks like that.

24 A That's correct.

25 Q What did it look like when y'all got there?

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1 A I would have to look at the photos in order. But
2 again, when we go to collect the evidence we start to move
3 it to see if we notice anything of evidentiary value or
4 just further documentation of the item of evidence.

5 Q So one of them -- I guess -- would it help you any if
6 I showed you the rest of the photos, 13, 14 and 15,
7 Defense?

8 A This would have been prior to moving it, this is
9 after moving.

10 Q Okay. So when y'all see it it's kind of stretched
11 out?

12 A Yes.

13 Q And in that other photo there that's where y'all are
14 examining it and just before you collect it, maybe it's
15 this bag I don't know, you tell me. What is that?

16 A It is one black sash collected from marker 15.

17 Q Okay. I think it's already in evidence. Did you
18 collect that?

19 A Yes.

20 Q Okay.

21 A Myself and Mindy Worley.

22 Q Have you seen it since you collected it?

23 A I have not.

24 Q Did it go through its whole process, whatever it is at
25 SLED?

HALEY QUAM NELSON - CROSS

1 A Yeah. It would have been logged in and then sent to
2 the respective department, and this was sent to evidence
3 processing, which was Jessica.

4 Q Can I get you to open that up and take the sash out?
5 I'm sure you want these. Do you need an implement to open
6 that bag?

7 A Yeah, please.

8 Q So that is the sash that you found --

9 A Yes.

10 Q -- or was found and you collected, correct?

11 A Correct.

12 Q Does it look clean to you?

13 A No, it does not.

14 Q What in your -- we didn't qualify you as an expert,
15 but in your SLED opinion, if that is such a thing, what
16 does it look like?

17 A It looks like --

18 Q A guestimate, I guess.

19 A Dirt, I mean, there's grass. It would have had to
20 have been wet.

21 Q Okay. All right.

22 MR. FRICK: Judge, I'll publish this to the jury real
23 quick. I'm not going to hand it to them, I'm just going to
24 show it to them.

25 Q And this is the condition -- I mean, you can look at

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1 the bag and see chain of custody on it -- this is the
2 condition it was when it was collected, right?

3 A That's correct.

4 Q Thank you, ma'am, that's all the questions I have on
5 the sash, I'm almost done. All right. Two more pictures
6 that you have already seen. Do you recognize those?

7 A I do.

8 Q What are those?

9 A One is marker seven and eight, which is on the side
10 yard of [REDACTED] Fifth Street, they were suspected drag marks.
11 And then marker nine is a close-up of the orange T-shirt
12 at the corner of [REDACTED] Fifth Street.

13 MR. FRICK: Your Honor, I move those in as Defense
14 Exhibits 16 and 17.

15 MS. LIVELY: Without objection.

16 THE COURT: In without objection.

17 (The photos were received as Defense 16 and 17.)

18 Q So in Defense Number 17, is this the rose bush we're
19 talking about --

20 A Yes.

21 Q -- or the area?

22 A Yes, it was on the left-hand side.

23 Q And that's the part that I believe is noted on
24 this State's 91 right here?

25 A That's correct.

HALEY QUAM NELSON - CROSS

1 Q Okay. And then in number 16, the orange shirt,
2 correct?

3 A Correct.

4 Q Can you -- is there anything stuck in that shirt --
5 other than that key ring, is there anything stuck in that
6 shirt? Can you tell from that picture?

7 A I don't know if it's stuck in the shirt, but there's
8 a stick that looks -- underneath it.

9 Q Okay. Were you here earlier today when the shirt bag
10 was opened up?

11 A Yes.

12 Q You saw this exhibit, I'm not going to make you open
13 it up, but there is a stick apparently sticking out of this
14 bag.

15 A Yes.

16 Q Is that the same stick?

17 A I can't say.

18 Q But would it be collected -- whatever was collected
19 would be with it, correct?

20 A Yes.

21 Q So conceivably that's the same stick or nearby the
22 same stick?

23 A It's a possibility.

24 Q If there were two sticks it might not be the same
25 stick?

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1 A That's correct.

2 Q But whatever attached to the shirt in that picture is
3 collected in this bag.

4 A Yes. You want to try to preserve the evidence as
5 much during your collection.

6 Q Okay. All right. Going all of the way back until you
7 got on scene --

8 A Okay.

9 Q -- you noticed a couple of burn barrels?

10 A Yes, sir.

11 Q Or I guess y'all noticed -- I don't know specifically
12 who is the first one to see it. Is that what we see in
13 Defense Number 1 here?

14 A That is correct.

15 Q Defense 3 and 4, is that an inside view of those
16 barrels?

17 A It is.

18 Q Did they appear to have been used recently?

19 A Yes.

20 Q In fact --

21 A They were still smoldering.

22 Q Were both of them smoldering or one of them
23 smoldering?

24 A I can't recall, but I know that at least one was
25 smoldering.

HALEY QUAM NELSON - CROSS

- 1 Q At least one was smoldering when y'all got there.
- 2 A Yes.
- 3 Q Now, y'all searched in there?
- 4 A We did.
- 5 Q You said it had negative results. What does that
- 6 mean?
- 7 A We didn't find anything of evidentiary value.
- 8 Q So if it would have got burned up in there you
- 9 wouldn't have known?
- 10 A No, we would have not.
- 11 Q And in Defense Number 5 here, what is that a picture
- 12 of?
- 13 A This is the backyard of [REDACTED] Fifth Street. You can
- 14 see a burn barrel, the table, a shovel leaning up against
- 15 the table, an entrance --
- 16 Q Okay. Sorry, I didn't mean to cut you off.
- 17 A The back entrance of [REDACTED] Fifth street.
- 18 Q Okay. There's a lot of stuff in that backyard.
- 19 A There is.
- 20 Q Thank you, that's all I've got on that picture. You
- 21 found some socks, you found some shoes, you find what is
- 22 initially believed to be some panties but on further
- 23 investigation is a doorag, correct?
- 24 A Correct.
- 25 Q Those are all documented, that's what you've got in

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1 here all on the side of the house, right?

2 A That's correct.

3 Q Where we believe the struggle began, right?

4 A That's correct.

5 Q And then around the side a little bit fairly near the
6 burn barrels, do you have any idea how close to the burn
7 barrel the fecal matter was? I don't think you measured
8 that part but --

9 A We did not. It's near the HVAC, it's close to the
10 HVAC.

11 Q The air conditioner unit?

12 A Yes.

13 Q All right. And, of course, that's reflected on there
14 where it says HVAC on State's Number 91?

15 A Correct.

16 Q And I know it's not to scale but it's in pretty close
17 proximity to those burn barrels, right?

18 A Yes.

19 Q Was there any -- other than a visual examination of
20 it, was there anything collected, any testing done on that,
21 the fecal matter?

22 A On the fecal matter, no.

23 Q Okay. That's fine. As y'all went through -- of
24 course, we've got the sash from marker 15. Did you ever
25 find a bath robe that went with that thing?

HALEY QUAM NELSON - CROSS

1 A No, we did not.

2 Q In fact, y'all even looked in the laundry in the
3 house, didn't you?

4 A We did.

5 Q And what did you find in the laundry?

6 A There was linens, there was a bunch of different
7 things. There was stuff in both the washer and the dryer.

8 Q And y'all documented that with photographs, correct?

9 A Correct.

10 Q No bathrobe.

11 A No.

12 Q Other than the bag of panties that shows up after
13 y'all have left, did you find any panties?

14 A No, we did not.

15 Q How about a pair of pants?

16 A No, we did not.

17 Q A skirt?

18 A No, we did not.

19 Q No ladies lower garments as I would phrase it.

20 A No, we did not find anything.

21 Q Y'all collected swabs from the fence of [REDACTED] and the
22 house on Fourth Street, why did y'all do that?

23 A Because there was a plant stand that was knocked
24 over, and if that was the path that a suspect possibly
25 took to hop over the fence it would touched the fence.

HALEY QUAM NELSON - CROSS

- 1 The plant stand could have just been knocked over.
- 2 Q Did y'all take the swab near to where that plant stand
- 3 had been or was laying?
- 4 A Yeah. We took a swab of a pretty significant area.
- 5 Q So it's not like one little spot, y'all --
- 6 A Yeah.
- 7 Q Is that -- how close was that area to where all of
- 8 that brush was in [REDACTED] if you recall?
- 9 A Maybe ten to 12, 13 feet.
- 10 Q Okay. I'm going to look at page number 17 of your
- 11 report. There's something called presumptive testing on
- 12 there.
- 13 A Yes, sir.
- 14 Q Y'all collected a swab from Mr. Mayfield?
- 15 A We collected a buccal swab -- the presumptive
- 16 testing?
- 17 Q That's what I'm talking about.
- 18 A That swab --
- 19 Q Why did y'all do that?
- 20 A Special Agent Lee Boan noticed a red stain on
- 21 Mitchell Mayfield's pants and requested us to do a
- 22 presumptive test to see if it was blood and that's what
- 23 fenethylline is for. If it turns a pink color that mean
- 24 it's presumptive positive for blood, if it doesn't then it
- 25 is negative.

HALEY QUAM NELSON - CROSS

1 Q All right. And the results here were negative?

2 A Negative.

3 Q When y'all -- of course, y'all go over to Saluda
4 Street and essentially collect shoes; is that correct?

5 A Well, we didn't collect them. They were collected
6 prior to our arrival so they were transferred over into my
7 custody.

8 Q And then where did y'all go next?

9 A Then we went back in the residence, to -- well, not
10 to the residence, to [REDACTED] Fifth Street.

11 Q And y'all were there for how long? Wasn't a very long
12 time this time, right?

13 A No, it was not. We arrived there at 8:27 p.m. and
14 then we cleared that area at 8:45 p.m., so 17 minutes.

15 Q Did y'all look around a little bit more?

16 A Yeah, we did.

17 Q Nothing else was found other than these two items that
18 you were told were discovered.

19 A Correct.

20 Q All right. On page seven of your report there's a
21 diagram.

22 A Yes, sir.

23 Q Are you familiar with that? I know it's in your
24 report, but are you familiar with that?

25 A Yeah. It's the interior of [REDACTED] Fifth Street.

HALEY QUAM NELSON - CROSS

1 Q Were you able to determine -- well, did you draw this
2 diagram?

3 A Myself and Special Agent Matthews did.

4 Q You were involved with it?

5 A Yes.

6 Q So how did you determine where to put what where?

7 A Well, just like we do with the outside diagram, we
8 try to make an interior diagram of the residence as
9 accurate to what's within the residence, including beds
10 and showing them where the bathrooms are, showing chairs.

11 Q Okay. So basically y'all are just documenting what
12 the inside of the house looks like in a diagram form.

13 A Correct.

14 Q And y'all photograph the inside of the house.

15 A We did.

16 Q Did you ask folks who was staying where or --

17 A Yeah.

18 Q Were you able to determine which bedroom was which
19 bedroom and who slept on what couch or whatever?

20 A Well, I'm not sure exactly where people were
21 sleeping, but I believe the bedroom close to the porch was
22 where the victim and her husband stayed, and then the
23 bedroom in the back is where the daughter and I think
24 three children, that was their room.

25 Q Okay that's fine, thank you.

HALEY QUAM NELSON - CROSS

1 MR. FRICK: Your Honor, I would move this into
2 evidence.

3 MS. LIVELY: No objection.

4 THE COURT: In without objection.

5 (The diagram was received as Defense 18.)

6 MR. FRICK: Thank you ma'am, I think that's all I
7 have.

8 MS. LIVELY: I have no questions, Your Honor. May
9 this witness be excused?

10 MR. FRICK: No objection.

11 THE COURT: All right. We need to take a recess for
12 about ten or 12 minutes.

13 (The jury left the courtroom and a break was taken.)

14 (The jury returned to the courtroom.)

15 MS. LIVELY: The State would call Detective Wade Young
16 to the stand.

17 The witness, WADE YOUNG, was first duly sworn and
18 testified as follows:

19 DIRECT EXAMINATION

20 BY MS. LIVELY:

21 Q Detective Young, where are you currently employed?

22 A Chester County Sheriff's Office.

23 Q And how long have you been employed for the Chester
24 County Sheriff?

25 A Since 2009.

HALEY QUAM NELSON - CROSS

1 Q And what is your title there?

2 A I'm in criminal investigations, a detective.

3 Q You are a detective?

4 A Yes, ma'am.

5 Q And Detective Young, were you the actual investigating
6 officer that was called to respond on September 13th of
7 2015 regarding a missing person?

8 A Yes, ma'am, I was.

9 Q And who was it that initially contacted you for a
10 detective to appear at that location?

11 A Emergency 911 gave me a call.

12 Q And that's pretty standard. There's a response made,
13 and actually we heard from Officer Kelly earlier, I think
14 he's captain now?

15 A Yes, ma'am.

16 Q And he was the initial responding officer; is that
17 right?

18 A Yes, ma'am.

19 Q So once he realizes that this is something more than
20 just a normal duty response type call then they call in an
21 investigator?

22 A Yes, ma'am.

23 Q So tell the jury what you did whenever you got there.

24 A Yes, ma'am. I proceeded to the location when I got
25 the call, I got there around 10:25. When I got the call I

WADE YOUNG - DIRECT

1 met with Lieutenant Kelly, he was lieutenant back then,
2 he's a captain now, he advised me that Ms. Judy Lindsay
3 was missing. There was drag marks on the side of the
4 house, he had spoken to the husband and also her daughter,
5 Jessica, and they hadn't seen her since late that night.
6 When I got there I saw shoes and socks, and we proceeded
7 around the house. We saw the drag marks where you could
8 tell something had happened there, we could see around the
9 corner of the house, we saw some human feces, or what
10 appeared to be human feces, so we actually stopped. We
11 didn't want to contaminate the area so we actually stopped
12 and the K-9 was called out.

13 Q Who actually put up the crime scene tape that we've
14 seen in the photos?

15 A I think Lieutenant Kelly and another officer, they
16 marked the crime scene with tape.

17 Q And actually Lieutenant Kelly, lieutenant at that time
18 Kelly, was he the one that was in charge of everyone who
19 came on to the scene and left?

20 A Yes, ma'am. He did all of the logging and
21 everything.

22 Q And the importance of that is to just preserve?

23 A Just to know who comes and goes.

24 Q Okay. And so even if there may be 13 or 23 people on
25 the list, does it mean that they're all on the scene in

WADE YOUNG - DIRECT

1 that area at one time?

2 A Everybody who is inside that tape he logs them there.

3 Q Anyone who has gone inside the tape?

4 A Inside the tape.

5 Q So that's the purpose of the log.

6 A Yes, ma'am.

7 Q Okay. Now, you said that the tape was up --

8 A Yes, ma'am.

9 Q -- and you start talking to people. You mentioned
10 Jessica Lindsay?

11 A Yes, ma'am. I actually -- she basically was just
12 trying to tell me when they thought the mom went missing,
13 they didn't really know exactly, they were just telling me
14 what time they went to bed and everything. Basically we
15 was basically just trying to gather some information just
16 to find what happened and what was taking place at this
17 time.

18 Q And at what point in time did you actually come into
19 contact with the defendant, Jermaine Bell?

20 A Actually Lieutenant Kelly advised me that Jermaine
21 was coming down Fifth Street, and he said he -- actually
22 he stopped him because he couldn't come through the crime
23 scene. And then he basically had been stated that Mr.
24 Kelly was -- they advised Mr. Kelly that Jermaine Bell was
25 last seen with Ms. Judy on the porch, so he stopped and

WADE YOUNG - DIRECT

1 asked him if he wanted to talk to the detective and he
2 said yes.

3 Q At that time were you just trying -- you said you were
4 trying to figure out what had happened.

5 A Yes, ma'am, at the time.

6 Q So the information you had at that time was Jessica,
7 the daughter, last saw her that night on the porch.

8 A Yes, ma'am.

9 Q Her husband had last seen her the night before before
10 he went to bed.

11 A Yes, ma'am.

12 Q And then Jermaine Bell was the last person out on the
13 porch with her according to Jessica.

14 A Yes, ma'am.

15 Q So would it be unheard of that you would then talk to
16 someone who was willing to talk to you about their contact
17 with a missing person from the night before?

18 A If he is willing to talk I'm willing to listen.

19 Q All right. Now, when you talked to him, did you take
20 a precaution before talking to him just in case?

21 A Yes, ma'am.

22 Q What did you do?

23 A I Mirandized him.

24 Q So you did it with a Miranda form; is that right?

25 A Yes, ma'am.

WADE YOUNG - DIRECT

1 Q And when you read him his Miranda rights, did he agree
2 to talk to you?

3 A Yes, ma'am. There's a portion at the bottom that who
4 has been read their Miranda, given their form to, they can
5 read it out loud, they can ask them, "Do you want to talk
6 to me?" And that's what he did and he agreed, plus he
7 initialed everywhere and signed.

8 Q What did the defendant tell you at that time -- well,
9 let me ask you this, was it audio or video recorded?

10 A Well, we thought the car was still hot, what we mean
11 by hot, some of our cars do have recording devices but we
12 found out later on this car it wasn't working. Some work,
13 some don't.

14 Q So we don't have an audio or video of the initial
15 statement that you call it.

16 A No, ma'am.

17 Q Do you recall what the statement he told you
18 initially?

19 A Yes, ma'am.

20 Q All right. Please tell the jury the initial
21 information you got from the defendant.

22 A Mr. Jermaine Bell advised me that himself, Judy
23 Lindsay and Jessica was on the porch that Saturday night
24 and Jessica decided she was going to go to bed I think he
25 said around 11:00. So Jermaine advised me that himself

WADE YOUNG - DIRECT

1 and Judy stayed on the porch around 12:30 or 1:00, he said
2 Judy said she was getting sleepy so decided to go into the
3 house, Jermaine Bell was still on the porch at that time.
4 He stated that Judy come back out of the house, said it
5 was too hot. He advised me that Mr. Mayfield cuts on the
6 air condition, puts the window up, then he said he decided
7 to leave and he said it was still 12:30 or 1:00. He said
8 Ms. Judy went in the house and he proceeded to go to his
9 mom's house, which is [REDACTED] Foote Street. So he walks up
10 Saluda going to his mom's house, when he gets to his mom's
11 house he can't get in, so he turns around and comes back
12 down Saluda Street to [REDACTED], to Mr. Herman Weldon's and
13 says he sleeps on the porch. He said he is there until
14 about 8:00 in the morning when Mr. Herman Weldon comes out
15 of the house, he wakes up and asks Mr. Weldon for a
16 cigarette. And that's the basis of what he told me.

17 Q So that is your initial information you get from Mr.
18 Bell.

19 A Yes, ma'am.

20 Q So after you get that information, what happens to Mr.
21 Bell at that point?

22 A Actually I go back to performing my other duties and
23 the dogs get there, so I leave and go back to Mr. Randy
24 Clinton and I am told that Mr. Bell was transported to the
25 Chester County Sheriff's Office to the interview room.

WADE YOUNG - DIRECT

1 Q Did you remain at the crime scene on Fifth Street for
2 the remainder of the day?

3 A Pretty much so.

4 Q And while you were there for that day, were you
5 getting information from the law enforcement station as to
6 some statements that were being made by the defendant?

7 A Yes, ma'am.

8 Q Based on those statements that you were receiving, did
9 you use that information in order to get search warrants or
10 consent to search certain homes in the area?

11 A Yes, ma'am.

12 Q And do you recall about how many different places you
13 ended up going to?

14 A I know we went to [REDACTED] Saluda Street, got a consent to
15 search Mr. Herman Weldon's house. There was also another
16 abandoned house, I want to say it was [REDACTED] Saluda Street
17 right beside Mr. Herman Weldon's house, and also his
18 mother's house at [REDACTED] Foote Street.

19 Q So each one of these places that you went to, was it
20 based on information you were receiving that the defendant
21 had lived in one of those places, stayed in one of those
22 places or lived or stayed in one of them?

23 A Yes, ma'am. Mr. Bell was very transit so he stayed
24 in many different places.

25 Q Okay. Now, the items that were taken, were there any

WADE YOUNG - DIRECT

1 items of significance that were taken from Mr. Weldon's
2 house that you recall?

3 A We took tennis shoes.

4 Q And why did you take those -- what color were they?

5 A They were black in color.

6 Q And why did you take those black and color Coogee
7 tennis shoes.

8 A We had gotten word those shoes is what he was wearing
9 that night through Ms. Jessica, Ms. Jet.

10 Q And did you get any information from the defendant
11 himself confirming that he was wearing those shoes that
12 night?

13 A Not that I remember.

14 Q Not that you remember. But that information would be
15 in his interviews.

16 A Yes, ma'am.

17 Q All right. But from Jessica you received that
18 information that he'd worn those black Coogee shoes?

19 A Yes, ma'am.

20 Q Now, did you have any other information -- well, let
21 me back up for a second. We heard from a Mr. Chalk earlier
22 today.

23 A Yes, ma'am.

24 Q I looked at the interview sheet, and were you the one
25 who actually interviewed him for that statement?

WADE YOUNG - DIRECT

1 A Yes, ma'am.

2 Q Based on his statement as to the abandoned house that
3 Jermaine stayed in, was that the one that you're referring
4 to?

5 A Yes, ma'am. Actually that house is almost across
6 from Mr. Chalk's house.

7 Q And was there any items of significance found in that
8 home?

9 A No, ma'am, I don't think there was.

10 Q Were you ever able to locate any items of clothing
11 that the defendant wore on that Saturday night into Sunday?

12 A I'm not 100 percent sure. We did collect some
13 clothes but was it what he was wearing, I'm not sure.

14 Q All right. And were you receiving any information
15 that would clarify that issue through the interviews from
16 what you were hearing from other law enforcement agents?

17 A I'm not sure.

18 Q Okay, that's fine. How long was the defendant
19 interviewed on that first day, the 13th?

20 A By me?

21 Q By law enforcement in general.

22 A I'm not sure. I think it was a significant amount of
23 time but I'm not 100 percent sure.

24 Q And how long were y'all on the scene?

25 A Pretty much most of the day.

WADE YOUNG - DIRECT

1 Q So a significant amount of time as well.

2 A Yes, ma'am.

3 Q Now, while y'all were out there it turned from a
4 missing person to a possible homicide; is that correct?

5 A That's correct.

6 Q And who was doing the majority if not all of the heavy
7 lifting regarding the crime scene investigation at that
8 point?

9 A Once we found the body it was the highers up turned
10 it over to SLED, they said, "Don't do anything or touch
11 anything, we've got SLED on the way."

12 Q Now, there was some testimony earlier from Mr.
13 Mayfield as well as from Jessica that there were children
14 in the home at the time whenever Ms. Judy went missing, do
15 you recall that?

16 A Yes, ma'am.

17 Q What did you do regarding those children just to be
18 sure you've covered all of your bases?

19 A Actually we had got word that the children didn't see
20 or hear anything, but to cover the basis I wanted to be
21 sure so I did a forensic interview. I sent them to Safe
22 Passage to do a forensic interview just to make sure we
23 didn't miss anything, they didn't get up that time of the
24 night, wake up and hear something or maybe saw something.
25 We just wanted to clarify anything, we didn't want to

WADE YOUNG - DIRECT

1 leave anything unturned.

2 Q And one of the things with the forensic interview, one
3 of the reasons for a referral from law enforcement is the
4 possibility that the child witnessed a crime; is that
5 right?

6 A Yes, ma'am.

7 Q And so you did do that.

8 A Yes, ma'am.

9 Q And once again, was anything -- did you learn anything
10 from those children?

11 A No, ma'am.

12 Q Now, on the 14th were you one of the investigators
13 that went to observe the autopsy of decedent Judy Lindsay?

14 A I did.

15 Q Who else went with you?

16 A I think Captain Perry went.

17 Q And while you were there, did you actually collect any
18 of the items of evidence or were you just there to observe?

19 A No, just to observe.

20 Q And based on the information that you were receiving
21 from the autopsy, what were you able to conclude that your
22 focus of your investigation was at that point?

23 A Ms. Jessica (sic) Lindsay had been strangled.

24 Q That Judy Lindsay had been strangled.

25 A Ms. Judy.

WADE YOUNG - DIRECT

1 Q Was it a strangulation from some type of a ligature or
2 manual?

3 A No, ma'am, manual.

4 Q Also did you observe the bruising under her armpits
5 that were documented by Dr. Collins?

6 A Some, yes, ma'am.

7 Q And what are the -- what did that mean to you in
8 regards to your investigation and what you had seen
9 whenever you were walking through the yard?

10 A I observed the marks and I felt like she had been
11 drug.

12 Q Now, I'm going to just ask you in regards to this
13 particular overview of the Google map, I know there's quite
14 a few houses on here but I was curious, in regards to the
15 victim's home -- if you don't mind stepping down for me,
16 Detective Young, I would appreciate it. I just want the
17 jury to be able to hear you. Okay. Now, would you please
18 on this map identify where Judy Lindsay's home is?

19 A Right here.

20 Q All right. Okay. Would you please mark it for me?
21 Okay. So we've got the victim's home here. And where was
22 her body found?

23 A In this location right here.

24 Q Right there?

25 A Yes, ma'am.

WADE YOUNG - DIRECT

- 1 Q Now, you stated that based on the defendant's
2 statement he stayed at Mr. Herman Weldon's apartment house
3 off Saluda Street. Can you please show us what that is?
4 A Right here in this area here.
5 Q All right. [REDACTED]?
6 A Saluda.
7 Q So that's Mr. Weldon's home. And Ervin Chalk actually
8 already identified earlier this place right here?
9 A Yes, ma'am.
10 Q Where is the abandoned house?
11 A Right here.
12 Q So we've got the abandoned house.
13 A Yes, ma'am.
14 Q Now, from the victim's home here down this street down
15 Saluda, how far is that to Mr. Weldon's home?
16 A .35.
17 Q .35 miles?
18 A Yes, ma'am.
19 Q And so even though this looks like quite a large area,
20 everything is pretty compact.
21 A Close, yes, ma'am.
22 Q Thank you, you can have a seat. Now, I've got on my
23 list that you interviewed several witnesses, you've already
24 mentioned Mr. Ervin Chalk. Did you also interview Herman
25 Weldon?

WADE YOUNG - DIRECT

1 A Yes, ma'am, I did.

2 Q And we've already mentioned the black Coogee shoes
3 which you actually took. Did you take those to SLED to be
4 analyzed?

5 A I turn them over to Ms. Haley Quam.

6 Q So Agent Nelson would have taken those. Okay. And
7 you also spoke to the defendant's brother, is that correct,
8 Tyjuan Bell?

9 A Yes, ma'am.

10 Q Talked to Tyjuan Bell. And I think that may have been
11 the ones that you talked to. So who was it that
12 actually -- after all of this information and all of this
13 evidence was gathered who actually submits it to SLED for
14 request for analysis? Was that you as a lead detective?

15 A Yes, ma'am, we do.

16 Q So you asked for that. Who was in control of the
17 priority and how much is actually tested?

18 A SLED.

19 Q SLED makes that decision?

20 A Yes, ma'am.

21 Q All right. Because we heard Agent Nelson talking
22 about that's above her pay grade in regards to what gets
23 tested. Whenever something is sent from you guys, do you
24 let them know what you believe based on your investigation
25 what would have the most evidentiary value?

WADE YOUNG - DIRECT

1 A Yes, ma'am.

2 Q All right. And when you do this do they typically
3 follow your request?

4 A Yes, ma'am.

5 Q And did they do that in this case?

6 A Yes, ma'am.

7 Q So the things that we've heard from both Agent Nelson
8 and Lilly Gallman and Jessica Stowe, would those be items
9 that you requested as a priority on this case?

10 A Yes, ma'am.

11 Q And I see where y'all had requested some telephone
12 records to -- or what we call a phone dump of items from
13 the phone. Was anything of evidentiary value from that?

14 A No, ma'am.

15 Q Whenever the K-9 unit was there, and we've already
16 heard from Officer Clinton, the body was found and you were
17 already on the location, correct?

18 A Yes, ma'am.

19 Q Was there any sign of life at all in regards to Ms.
20 Lindsay when she was found?

21 A No, ma'am.

22 Q So immediately did you know that this was going to be
23 a situation that the coroner had to be called?

24 A Yes, ma'am.

25 Q Now, when you submit items to SLED -- just to make

WADE YOUNG - DIRECT

1 sure we're really clear, when you submit items to SLED, are
2 you limited as to how many you can send?

3 A Yes, ma'am.

4 Q And what happens if you tried to send too much?

5 A I'm not sure of the process, I'm not exactly sure.

6 Q They might send it back?

7 A They told us -- we had sent quite a few items.

8 Q And so they said pick what was the most --

9 A Most evidential value.

10 Q And that's what you did.

11 A Yes.

12 MS. LIVELY: Thank you, answer any questions that the
13 defense may have for you.

14 CROSS EXAMINATION

15 BY MR. FRICK:

16 Q Detective Young, you were the what we call on-call
17 investigator?

18 A Yes, sir.

19 Q So you're the one that gets to spend the weekend
20 waiting for a phone call that you hope doesn't happen.

21 A Yes, sir.

22 Q But it happened this time.

23 A Yes, sir.

24 Q And you responded to the scene. When you got over
25 there Mr. Bell was already in the patrol car, correct?

WADE YOUNG - DIRECT

- 1 A Not when I got there.
- 2 Q Okay. Where was he when you got there?
- 3 A I guess he was at home somewhere, I don't know.
- 4 Q Mr. Jermaine Bell?
- 5 A Yes, sir. When I got there he wasn't there.
- 6 Q All right. He walked up while you were there then?
- 7 A Yes, sir.
- 8 Q Okay, good deal. And then, of course, he talks to the
- 9 responding officer?
- 10 A Lieutenant Kelly at that time.
- 11 Q All right. And then he gets into a patrol car at some
- 12 point?
- 13 A Yes, sir.
- 14 Q Solicitor talked to you about getting a statement from
- 15 him, you told us about that statement. You mentioned that
- 16 you had read him his rights and Mirandized him.
- 17 A Yes, sir.
- 18 Q You did that by a form?
- 19 A Yes, sir.
- 20 Q I want to show you -- I'll show you this. Does that
- 21 look familiar to you?
- 22 A Yes, sir.
- 23 Q Is that the Miranda form?
- 24 A Yes, sir.
- 25 Q Do you know the date and time when you talked to him?

WADE YOUNG - CROSS

1 A Yes, sir.

2 Q What was the date and time that you --

3 A September 13, 2015 at 11:07.

4 Q So that's when you really began talking to Jermaine
5 Bell.

6 A Yes, sir.

7 Q Y'all were still on Fifth Street?

8 A Yes, sir.

9 MR. FRICK: Your Honor, I would move this as the next
10 defense exhibit.

11 MS. LIVELY: No objection.

12 THE COURT: In without objection.

13 (The Miranda form was received as Defense 19.)

14 Q And of course, there are lines on here, everybody has
15 watched TV, everybody has got a basic understanding what
16 the rights are, you go through them -- you go through these
17 line by line?

18 A Yes, sir. When I read he initials it.

19 Q And that's what he did here. You asked him, "You
20 understand your rights?" And he puts his initials,
21 correct?

22 A Yes, sir.

23 Q You ask him, you have got the right to remain silent,
24 he puts his initials and so on and so on. And so he
25 understood each one of these.

WADE YOUNG - CROSS

- 1 A Yes, sir.
- 2 Q You had no problem communicating with him.
- 3 A No, sir.
- 4 Q How long did you talk with him approximately?
- 5 A Maybe five or ten minutes, if that long.
- 6 Q Now, later you come in and talk to him in an
- 7 investigation room, right?
- 8 A Yes, sir, on October 2nd.
- 9 Q In your conversation with Mr. Bell did you notice,
- 10 does he have a speech impediment or some difficulty in
- 11 speaking sometimes?
- 12 A Sometimes he stutters.
- 13 Q A stutter?
- 14 A Sometimes.
- 15 Q But it didn't hinder any communication.
- 16 A No, sir.
- 17 Q Just kind of slows him down when he talks?
- 18 A He communicated well to me.
- 19 Q Okay. Very good. All right. Your chief job in this
- 20 situation is to just kind of accumulate all of this
- 21 information and make sure it gets to where it's supposed to
- 22 go and just kind of keep up with it, right?
- 23 A Yes, sir.
- 24 Q I'm going to ask you quickly, I'm not going to make
- 25 you step down but I'm going to make sure I heard you right,

WADE YOUNG - CROSS

1 did you say -- what was the distance between the house on
2 Fifth Street, Ms. Lindsay's house on Fifth Street and the
3 house on Saluda Street?

4 A Which house?

5 Q The house that -- I think it was Mr. Weldon's house.

6 A .35.

7 Q .35?

8 A Yes, sir.

9 Q Do you have any idea how much it is from there on down
10 to ■ Foote Street?

11 A No, sir. I didn't measure it, no.

12 Q Ain't real far though, is it?

13 A It ain't too far, no.

14 Q It's just basically on the other side of the railroad
15 tracks, isn't it?

16 A Yes, sir.

17 Q So the total distance from ■ Foote Street back to Ms.
18 Lindsay's house on Fifth street, it's a walkable distance,
19 right?

20 A Yes, sir, walkable.

21 MR. FRICK: Thank you, sir, that's all of the
22 questions I have.

23 MS. LIVELY: No further questions for this witness,
24 please, sir.

25 THE COURT: You can step down.

WADE YOUNG - CROSS

1 MS. LIVELY: State would call Lee Boan to the stand.
2 The witness, LEE BOAN, was first duly sworn and
3 testified as follows:

4 DIRECT EXAMINATION

5 BY MS. LIVELY:

6 Q Officer Boan, please tell the jury where you're
7 currently employed.

8 A I'm currently employed with the Camden Police
9 Department.

10 Q And how long have you been with the Camden Police
11 Department?

12 A Since -- well, the second time since January of last
13 year.

14 Q And at what point in time did you work for SLED?

15 A Prior to that. I worked with Camden before I went to
16 SLED, then I worked with SLED and then left and went back
17 to Camden for a promotion.

18 Q And so how long were you actually at SLED, do you
19 recall?

20 A It was just a little over a year.

21 Q Now, while you were there, did you have an opportunity
22 to be involved in the investigations of the murder of Judy
23 Lindsay in Chester County?

24 A Yes, ma'am.

25 Q And who did you assist on the crime scene that day?

LEE BOAN - DIRECT

1 A It was Special Agent Kristen Grant.

2 Q Okay. All right. So the two of y'all were also
3 called in to assist on this particular case?

4 A Yes, ma'am.

5 Q And we've already heard from Agent Nelson, Agent
6 Worley who were there as well, do you recall that, that
7 they were there?

8 A Yes, ma'am.

9 Q All right. I just wanted to be sure that we know
10 everybody that was involved. Now, had you ever been to
11 this particular area, [REDACTED] Fifth Street in Chester?

12 A No, ma'am, that was the only time in my life.

13 Q So you wouldn't have been familiar with where you were
14 going and places that were potential search warrant areas;
15 is that right?

16 A That's correct.

17 Q Did you, though, as information was being determined
18 that day, did you actually go to certain places for search
19 warrants?

20 A Yes, ma'am.

21 Q Do you recall how many different places you went to?

22 A I did not.

23 Q That's okay. And so as a result of going to these
24 different locations -- I mean, what was the purpose of each
25 one of y'all every time you got some new information going

LEE BOAN - DIRECT

1 somewhere and looking?

2 A It was just following up leads as we get them, we
3 don't know what's coming at you. We didn't know what took
4 place prior to us getting there and as we come across
5 something we follow-up on it.

6 Q Now, I just want to be sure there wasn't a special
7 role that you had different from just assisting at that
8 point in time; is that correct? You were just there and
9 where you were needed you were placed?

10 A Yes, ma'am.

11 Q Because Agent Worley actually ended up dealing with
12 the shoe imprints, and I know that Agent Nelson actually
13 was taken photos and that kind of thing, so you were there
14 with Agent Grant kind of as-needed; is that fair?

15 A Yes, ma'am.

16 Q All right. So did you have a chance though to walk
17 through the crime scene and see the evidence and the
18 markers that had already been placed?

19 A I did.

20 Q You did? And whenever you walked through that
21 particular area, did you ever actually walk up to where the
22 body was found?

23 A Yes, ma'am.

24 Q Did you actually see the body where it was located?

25 A Yes, ma'am.

LEE BOAN - DIRECT

1 Q At that time did you have any information as to the
2 cause of death for that -- for Ms. Lindsay?

3 A No, ma'am.

4 Q Now, did you end up going to the law enforcement
5 center later that day claiming to have information for the
6 interviewers of the defendant, Mr. Bell?

7 A Yes, ma'am.

8 Q You did? Okay. And would you -- and I know this is
9 documented in the actual disc of the interview, but would
10 you tell the jury what it was that you presented at the
11 time of you going to the station and why you did what you
12 did?

13 A When I went to talk to Mr. Bell I think one of the
14 first things I told them was that -- he had already been
15 interviewed and was denying any involvement in the death.
16 I gave him the opportunity to -- we call it giving them an
17 out, giving them a way to admit to doing something and
18 breaking it down to where something they can tell you. I
19 told him that it was a heart attack was the rule of death
20 to see if he would run with that and he did not. He said
21 he didn't know anything about it.

22 Q When you walked through the crime scene we've had
23 testimony regarding drag marks. Did you actually see drag
24 marks on the scene?

25 A Yes, ma'am.

LEE BOAN - DIRECT

1 Q When you brought up the fact it was ruled a heart
2 attack, was one of the things that you talked to him about
3 someone who got scared possibly dragged the body from the
4 area?

5 A Yes. One of the things is we -- when you know the
6 cause of death, the person who committed the crime, he
7 also knows the cause of death and he knows what he
8 believes was the cause. At this time I offered him the
9 heart attack, which that could have been a possibility
10 which would be something that the subject would have known
11 and that's giving him a chance to say, "Well, okay, then
12 I've got a chance." But as far as dragging the body away,
13 what I offered to him then is if somebody had a heart
14 attack in front of you, you're the only person there,
15 you're scared you will get accused to it, you get scared
16 and you make a move like that, you just drag the body
17 somewhere else. I offered that to him also. Again, this
18 is what we call giving them an out, giving them a way to
19 make the crime a little smaller than what it is.

20 Q And then the last thing that you did in regards to
21 interview that particular day that I want to ask you about,
22 did you come in and say that there was a match to some
23 evidence from the scene?

24 A Yes, I did. There was another person that was doing
25 some interviews, he was from Chester, he was interviewing.

LEE BOAN - DIRECT

1 At that time I walked into the room during the interview
2 and told them that we had just got DNA back and it was a
3 match, which we didn't, we didn't have any information at
4 that time. I done that in and effort to see his reaction
5 to it, to see whether he was going to be surprised or if
6 it was going to be one of those "I kind of knew the answer
7 to that."

8 Q And what did you observe?

9 A He wasn't surprised.

10 Q Now, let me ask you, did you have an opportunity to
11 actually be in an interview with him later on that week, or
12 was that the only time that you actually talked to him?

13 A I think that was the only time I talked to him.

14 Q You talked about giving a person an out. Was there
15 ever a time whenever you actually brought up the fact would
16 his DNA be anywhere on the victim?

17 A Yeah. I asked him if there would be any way that DNA
18 would transfer from him to the victim. And I give him an
19 example of when I walked in the room I shook his hand and
20 introduced myself and I told him that just that touch from
21 skin to skin DNA could be transferred from one to the
22 other, so I explained it to him. And then I asked him if
23 there would be any reason why his DNA would be on the
24 victim, you know, did he hug her, kiss her on the cheek or
25 touch her clothes or anything in any way. He was pretty

LEE BOAN - DIRECT

1 adamant that he didn't touch her and there would be none
2 of his DNA on her.

3 Q And did you clarify if he had touched her the evening
4 she went missing?

5 A Yes, I asked him that. And I believe he'd told me
6 that he hadn't touched her since -- it had been days since
7 the last time he's touched her in any way.

8 Q And after your involvement in going in and talking to
9 the defendant and actually proposing those matters to him,
10 did you have anything else to do with the investigation?

11 A None other than just assisting.

12 MS. LIVELY: Thank you so much, I appreciate it.

13 Answer any questions the defense may have.

14 CROSS EXAMINATION

15 BY MR. FRICK:

16 Q I was going to call you Agent Boan but I didn't know
17 you were at Camden now. What's your title?

18 A Captain.

19 Q Captain Boan. Now, obviously this is not the first
20 interview you had ever conducted, correct?

21 A That's correct.

22 Q So these are techniques that you use trying to get
23 information that you're looking for from a suspect, a
24 witness or whatever, correct?

25 A Yes, sir.

LEE BOAN - DIRECT

1 Q And you call it giving him an out.

2 A Yes, sir.

3 Q It's just a lie, isn't it? I mean, you just give him
4 a lie and see if he bites on it, right?

5 A Yes, sir.

6 Q And essentially y'all talk for about an hour or so, is
7 that fair to say, may have been longer.

8 A Somewhere around there.

9 Q And you come in the room with your out so to speak
10 telling Jermaine Bell, "Just want to let you know it was a
11 heart attack;" is that correct?

12 A Yes, sir.

13 Q And he didn't bite, correct?

14 A That's correct.

15 Q And you continued with that for quite awhile, right?

16 A Yes, sir.

17 Q I mean, you didn't come in and say at one time, "Okay,
18 well that didn't work," and go out of the room. You were
19 in that room with him for quite awhile making sure he knew,
20 "Look, it's a heart attack, just tell us and it will be
21 okay," right?

22 A Yes, sir.

23 Q And he maintained he didn't do anything, right?

24 A That's correct.

25 Q Okay. And it wasn't quite the same but you said he

LEE BOAN - CROSS

1 was being interviewed by another detective, I think it was
2 Chris Reynolds; is that correct?

3 A Yes, sir.

4 Q And I believe you knocked on the door and came in and
5 said "Got a match;" is that correct?

6 A It was something like that, yes, sir.

7 Q And basically said, "I don't know why you want to talk
8 to him any longer, we know what we need to know;" is that
9 fair?

10 A Yes, sir.

11 Q And Mr. Bell didn't fess up to it at that point, did
12 he?

13 A No, sir, he didn't.

14 Q Okay. Do you recall about when that part occurred,
15 the final part of the interview occurred?

16 A The part when I told him that we had the DNA part?

17 Q Yes, sir.

18 A I don't.

19 Q But it was near the end of the day getting kind of
20 late in the evening, right?

21 A I couldn't even -- I'm not sure about that.

22 Q That's fine. And if -- what I recall is those are the
23 only times that you interviewed him, that's what you recall
24 as well?

25 A That's all I can remember.

LEE BOAN - CROSS

1 Q Okay. Of course, you were on the scene helping
2 document items, correct?

3 A Yes, sir.

4 Q In fact, I think the report indicates you're the one
5 that says, "Go see what's in the laundry." Do you recall
6 that? You may not recall that.

7 A I could have.

8 MR. FRICK: Thank you, sir, that's all of the
9 questions I have.

10 MS. LIVELY: Nothing further from the State for this
11 witness, Your Honor. May he be excused?

12 MR. FRICK: No objection.

13 THE COURT: Thank you, Captain.

14 MS. LIVELY: Your Honor, based on the next witness and
15 the State's remaining evidence I believe this might be a
16 good time to break for the day?

17 MR. FRICK: Fine with me.

18 THE COURT: All right. 9:30?

19 MS. LIVELY: Yes, sir.

20 MR. FRICK: Yes, sir.

21 THE COURT: Ladies and gentlemen, remember everything
22 that I have discussed with you, avoid all press, don't let
23 anybody contact you, don't do any independent research,
24 y'all have a good evening and we'll see you in the morning.
25 Everybody else remain in the courtroom.

LEE BOAN - CROSS

1 (The jury left the courtroom.)

2 (Court recessed for the evening and resumed at 9:30

3 A.m. on Thursday, June 29, 2017.)

4 THE COURT: State ready?

5 MS. LIVELY: Just one thing I need to tell you, Your
6 Honor, if you don't mind if counsel will approach.

7 (A bench conference was held.)

8 (The jury returned to the courtroom.)

9 THE COURT: Good morning, we're ready to resume the
10 testimony, Solicitor.

11 MS. LIVELY: Yes, thank you, Your Honor. The State
12 calls Agent Kristen Grant to the stand.

13 The witness, KRISTEN GRANT, was first duly sworn and
14 testified as follows:

15 DIRECT EXAMINATION

16 BY MS. LIVELY:

17 Q Good morning, Agent Grant.

18 A Good morning.

19 Q Where do you work?

20 A I work for the South Carolina Law Enforcement
21 Division.

22 Q How long have you worked there?

23 A I have been at SLED for approximately five years.

24 Q What are your duties at SLED?

25 A I'm a regional investigator assigned to the Midlands

KRISTEN GRANT - DIRECT

1 Region.

2 Q Okay. What does that mean that you are assigned to
3 the Midlands Region?

4 A We work Lancaster County around to Akin County, we
5 have ten counties within our region that we have to
6 respond to.

7 Q And did you have an opportunity to be called in with a
8 crime which was committed or believed to be committed in
9 September of 2015?

10 A I did.

11 Q Here in Chester County, correct?

12 A Correct.

13 Q Please tell the jury why you were called out and what
14 you believed at that point in time you were responding to?

15 A SLED is an assisting agency, we respond at the
16 request of agencies whether it's a PD or sheriff's office.
17 On this date I was called by my captain who stated we had
18 had a murder and they had requested that SLED assist with
19 Chester County.

20 Q Do you remember about what time SLED actually arrived
21 on scene?

22 A I want to say around noon.

23 Q Okay. By the time you got there was the area that you
24 went to already blocked off with crime scene tape?

25 A It was.

KRISTEN GRANT - DIRECT

1 Q And about how many people were you dealing with law
2 enforcement wise by the time you got there?

3 A Most of the Chester County investigators, the patrol
4 shift working that day, myself and then Agent Lee Boan was
5 there as well.

6 Q And have you worked murder scenes outside in the
7 elements before?

8 A I have.

9 Q And is it unusual for you to have that many
10 investigators from both the home agency as well as SLED to
11 be on the scene?

12 A No. I came from a local agency before I came to SLED
13 and it was the same way there.

14 Q It was the same way there? Okay. And whenever
15 there's an evidence log that's kept by one of the officers
16 regarding whose coming and going, does that evidence log --
17 what's the purpose of that evidence log?

18 A Just to show who was in the scene and who was there
19 and who wasn't.

20 Q All right. By the time you got there, were there
21 already markers identifying items that were believed to be
22 of evidentiary value?

23 A There were.

24 Q Did you actually walk through the crime scene
25 yourself?

KRISTEN GRANT - DIRECT

1 A Not at that point.

2 Q All right. At anytime did you actually -- when you
3 got there, did you walk through and see the decedent, Judy
4 Lindsay?

5 A I did eventually but not at that point.

6 Q Not at that point. So you get there. Where did you
7 go next then if you didn't walk through the crime scene?

8 A Sheriff Underwood asked that I respond to the
9 sheriff's office and assist his investigators.

10 Q Assist with what?

11 A Interviewing an individual.

12 Q All right. At that point in time were there persons
13 of interest?

14 A There was.

15 Q Who was the person of interest that you were notified
16 that you were going to assist with?

17 A Jermaine Bell.

18 Q Did you know anything about Mr. Bell at that point?

19 A No.

20 Q Had you talked to Detective Young about any statement
21 that you had received from the defendant at that point?

22 A I did not.

23 Q So when you went to the station what information did
24 you have about him?

25 A Just that they had an individual that they wanted to

' KRISTEN GRANT - DIRECT

1 speak with and that was Mr. Bell.

2 Q All right. So when you got to the station, where was
3 Mr. Bell?

4 A He was in the interview room at Chester County
5 Sheriff's Office.

6 Q When you respond to something like that and actually
7 go to speak to an individual, do you inquire as to whether
8 or not their Miranda rights have already been read to them?

9 A I do.

10 Q And had that been done in this particular case?

11 A They had.

12 Q So when you got there, who was speaking with the
13 defendant?

14 A When I got there initially no one was speaking with
15 him at the time.

16 Q All right. And at some point in time did you actually
17 enter the interview room with that defendant?

18 A I did.

19 Q Tell the jury just basically how long you spent there
20 that day with the defendant through the interview process.

21 A It was several hours that day. I know my workday, I
22 know -- I was in Chester for ten hours and the majority of
23 my time was spent at the Chester County Sheriff's Office.

24 Q How many times did you come and go in that interview
25 room if you had to take a general guess?

KRISTEN GRANT - DIRECT

1 A I know it was several times, because as I was getting
2 information I was stepping out and forwarding the
3 information to the officers on the scene.

4 Q All right. And that's what I was going to follow-up
5 and ask you, Agent Grant, was when you would leave the room
6 was it because you -- was it for a specific purpose?

7 A Yes.

8 Q All right. So you were actually relaying information
9 you were receiving from the defendant during the interview?

10 A Correct.

11 Q And while that was going on, were you aware of search
12 warrants being requested by law enforcement in different
13 areas that your fellow law enforcement were going to look
14 for evidence?

15 A I was.

16 Q All right. Did you actually go on any of these search
17 warrants?

18 A On that day? No.

19 Q Okay. All right. So your role that day then was to
20 focus on the interview of the defendant.

21 A Correct.

22 Q Did you take notes during the interview?

23 A I don't believe I did. I think I wrote some things
24 down just as far as times and things like that, or if he
25 gave me an address that way I could pass that information

KRISTEN GRANT - DIRECT

1 on.

2 Q Now, you're aware that the next day after that ten
3 hours that you spent in Chester, the autopsy was actually
4 completed on the decedent, Ms. Lindsay, correct?

5 A Correct.

6 Q Now, while -- as an investigator with SLED and as this
7 investigation continues on, are you gathering all of this
8 information and keeping it for any potential follow-up you
9 may have to do?

10 A We are.

11 Q So were you aware as to the cause of death?

12 A I was.

13 Q Now, at that point in time who else were -- who else
14 were your fellow investigators looking in to and trying to
15 determine whether they should be persons of interest or
16 excluded as a person of interest?

17 A We had two other folks that we were looking at.

18 Q So is it fair to say you didn't immediately hone in on
19 only one person?

20 A Correct.

21 Q So when was the next time you saw the defendant after
22 you left on September 13th?

23 A Two days later, September 15th.

24 Q All right. And what was the purpose of seeing the
25 defendant on that day?

KRISTEN GRANT - DIRECT

- 1 A To conduct a follow-up interview.
- 2 Q So by the time you get to see him at the followup --
- 3 I'm sorry, where was that?
- 4 A It was at the Chester County Sheriff's Office.
- 5 Q So you were basically back in the same place from two
- 6 days before.
- 7 A Yes.
- 8 Q All right. Was he under arrest?
- 9 A No.
- 10 Q And before you went to speak to him had he been read
- 11 his Miranda rights again?
- 12 A Yes.
- 13 Q Now, were there times, Agent Grant, even during the
- 14 interview on Sunday as well as the follow-up interview
- 15 where you tell him he is not under arrest, we're not
- 16 keeping you here, y'all get him food, all of this type of
- 17 stuff is going on?
- 18 A Correct.
- 19 Q At any point in time did you force him to stay there?
- 20 A No.
- 21 Q All right. Was he willingly from what you could tell
- 22 from your experience, was he willingly talking to you?
- 23 A He was.
- 24 Q Was he belligerent?
- 25 A No.

KRISTEN GRANT - DIRECT

1 Q So you're talking to Mr. Bell again. This time when
2 you go in there how much more information did you have that
3 you could use at that point in time to question him on?

4 A We had the cause of death which was extremely
5 important.

6 Q Okay. So at this point in time are you kind of
7 narrowing in on specifics that you want to try to get from
8 the defendant as well as anyone who may have been the last
9 person to see her alive?

10 A Yes.

11 Q So you go in there on the 15th and who was with you?

12 A Investigator St. Clair.

13 Q And St. Clair is with the Chester County Sheriff's
14 Office.

15 A Correct.

16 Q So during this particular interview what was your
17 goal?

18 A To try to get as many details as we could to -- we
19 had several inconsistencies from the original interview
20 that we were trying to get some clarification on.

21 Q And that interview on the 15th was audio and video
22 recorded, correct?

23 A Correct.

24 Q And it's actually in evidence at this point in time,
25 correct?

KRISTEN GRANT - DIRECT

1 A Correct.

2 Q Now, tell the jury -- and I'm going to let the video
3 speak for itself, but specifically so when they see it they
4 understand, tell the jury what inconsistencies that you
5 were looking that you wanted to clear up at that time.
6 What was your focus?

7 A The focus was when we first talked with him he told
8 us that he had gone home that night and he told us one
9 address of home being Center Street. Again, one of the
10 times I step out I contact the investigators on the scene
11 and tell them hey, this is where he says he was all night.
12 The next time he says, "No, I didn't go there, I went to
13 Foote Street which is my mom's address," and he said
14 nobody was there all night, he stayed there all night by
15 himself. And then he said no, he was there, then his
16 brother was there, and then he said, no, he spent the
17 night at Herman Weldon's house. So we had several stories
18 about where he went the night after he left Ms. Judy's
19 house.

20 Q And when you're asking him about this are you giving
21 him an opportunity to explain?

22 A Absolutely, yes.

23 Q Okay. And what was the other inconsistencies that you
24 were trying to clear up?

25 A He told us that when he left the home that night,

KRISTEN GRANT - DIRECT

1 that he left the house, walked straight out in the front
2 yard, walked onto Fifth Street, walked around the curve
3 and that was it. He said he never went anywhere other
4 than from the road to the porch, the porch to the road.
5 And then at one point he tells, "No, actually I was on the
6 side of the house," which is where the drag marks were
7 eventually found. He said he went over there to urinate,
8 and when we questioned him about that he said he just
9 forgot. We asked him what clothing he had on the night of
10 the incident, he told us initially he had on a black
11 shirt, jeans and Coogee shoes, but the morning when we
12 interviewed him he said he -- the last story was he'd been
13 at Mr. Weldon's house that night and slept. He said that
14 when he got up that morning, that when Jessica called him
15 that he got straight up, he didn't shower, he didn't
16 change clothes or anything, he had slept in the clothes,
17 he walked straight back up to [REDACTED] Fifth Street and had on
18 the same thing he had on the night before. Well, when we
19 interviewed him that day that is not what he had on. And
20 then he eventually said, "No, I changed clothes and this
21 is what I had on," that I had on a solid black shirt, that
22 I did shower and I changed shoes.

23 Q And when you're asking these questions once again on
24 Sunday you were still in Chester and y'all were gathering
25 evidence, was what you were trying to do at that point in

KRISTEN GRANT - DIRECT

1 time, use information you were getting in order to obtain
2 search warrants to find the items he is saying he either
3 wore, shoes that he wore or things that he had with him?

4 A It was.

5 Q So when you didn't find those items or something
6 didn't seem right, is that what the follow-up was on the
7 15th that you're telling us?

8 A It was.

9 Q Is there another specific inconsistency that you were
10 focusing on during that interview?

11 A Those were the primary things. Just like I said, his
12 whereabouts immediately after he left the home and the
13 clothing he had on and the fact that he said he was never
14 in the yard or anywhere like that.

15 Q There was something I did mean to ask you, Agent
16 Grant. You mentioned that in the inconsistencies you asked
17 him about his clothing and the shoes he was wearing, the
18 black Coogee shoes. Was there anything else about the
19 black Coogee shoes that you questioned him about that was
20 of concern for you and your investigation?

21 A There was. When the investigators on the scene
22 located them they were wet and appeared to have been
23 washed, and I asked him about that and he said that wasn't
24 true but they were, and crime scene ended up taking the
25 shoes and they were wet.

KRISTEN GRANT - CROSS

1 MS. LIVELY: Thank you. Answer any questions the
2 defense may have for you.

3 CROSS EXAMINATION

4 BY MR. FRICK:

5 Q Agent Grant, you said you've been at SLED for about
6 five years, correct?

7 A Yes, sir.

8 Q But you've been in law enforcement a lot longer than
9 that, right?

10 A Yes, sir, 20 years.

11 Q You were City of Lancaster for a long time, right?

12 A Yes, sir.

13 Q And you were an investigator there as well, right?

14 A I was.

15 Q So obviously this was not your first interview,
16 correct?

17 A Correct.

18 Q You've interviewed many suspects, many witnesses,
19 right?

20 A Yes, sir.

21 Q Is there any -- you don't just come in off the street
22 and start chatting with people. Is there a certain
23 technique that you use? Is there training you were given
24 so you learn how to interview folks?

25 A Yes.

KRISTEN GRANT - CROSS

1 Q And is it special training that you receive through
2 that? Where do you get it?

3 A SLED does some, I had some in Lancaster and then they
4 send us to some outside training as well.

5 Q And part of the process is to kind of build up a
6 repour with whoever you're talking to so they get
7 comfortable talking to you, right?

8 A That's correct.

9 Q And you employ those techniques in your interview,
10 right?

11 A I do.

12 Q And the other officers that were involved employ these
13 that techniques too, right?

14 A Yes.

15 Q Including techniques such as Captain Boan talked about
16 yesterday is -- I called it lying, he called it giving an
17 out. That's a technique, right?

18 A Yes.

19 Q Now, I don't think you used those techniques with Mr.
20 Bell but you did do the -- I believe it's called the Reed
21 Technique; is that correct?

22 A Correct.

23 Q And you're in there talking to him, I believe St.
24 Clair is in there with you?

25 A He was, yes, sir.

KRISTEN GRANT - CROSS

1 Q Was he with you in all of the interviews?

2 A I believe so.

3 Q I think so too. Okay. And when you're not in the.
4 interview room there's a way that you can sit on the other
5 side and view into that interview room, isn't there?

6 A There is.

7 Q Did you observe any of the other interviews?

8 A Some, not all of them.

9 Q You said you spent most of the day at the sheriff's
10 department, correct?

11 A I did.

12 Q So your role at this point at least on the 13th was
13 interviewing Jermaine Bell.

14 A Correct.

15 Q Did you interview anybody else on the 13th?

16 A I don't believe I did on the 13th.

17 Q Okay. Did you interview anybody else on the 15th?

18 A I'm not sure, I would have to look at my file if
19 that's okay.

20 Q Sure, if you've got it up there.

21 A I do, yes, sir. I did, yes, sir.

22 Q You did what?

23 A I'm sorry, I did interview somebody else on that day.

24 Q And who did you interview?

25 A Jessica Lindsay.

KRISTEN GRANT - CROSS

1 Q All right. And that's who testified already in this
2 trial, correct?

3 A Correct.

4 Q Jet, she was on the front porch?

5 A Yes, sir.

6 Q But on the 13th and 15th you didn't interview any
7 other persons of interest so to speak as far as possible
8 suspect?

9 A That's correct.

10 Q Obviously Ms. Lindsay was of interest because she's a
11 witness.

12 A Correct.

13 Q So it's fair to say your interviews focused solely on
14 Mr. Bell?

15 A Mine, yes.

16 Q And you go through the processes, he gives you some
17 inconsistencies, right?

18 A Yes.

19 Q But he never tells you ultimately that he did
20 anything, right?

21 A Correct.

22 Q And you weren't apart of the third interview on the
23 October 2nd, were you?

24 A No, sir.

25 Q Give me one second, Agent Grant.

KRISTEN GRANT - CROSS

1 (Break in proceedings.)

2 MR. FRICK: Thank you, ma'am, that's all of the
3 questions I have. Oh wait, I'm sorry, I did have one
4 thing, I apologize.

5 Q I've done this with everybody else, I'm not going to
6 leave you out.

7 A Okay.

8 Q I'm going to have you review that. Do you recognize
9 that?

10 A I do.

11 Q Is that a standard Miranda form?

12 A It is.

13 Q Is that the Miranda form that y'all used with Jermaine
14 Bell on September 15th?

15 A It is.

16 Q And what time did y'all interview him?

17 A 11:11 a.m.

18 Q Do you have any idea how long y'all interviewed him on
19 the 15th?

20 A I don't. I know I was in there for approximately two
21 hours but to tell you the length of it I could not.

22 Q Do you recall after you and St. Clair interviewed him,
23 did anybody else interview him that day?

24 A I believe so.

25 Q And it was another SLED agent?

KRISTEN GRANT - CROSS

1 A Yes.

2 Q Was it Agent Pough?

3 A Yes.

4 Q Thank you, ma'am, I believe that's all I have. And
5 that is your signature as a witness to this.

6 A Yes.

7 MR. FRICK: Your Honor, at this time I would move this
8 into evidence as the next defense exhibit.

9 MS. LIVELY: No objection.

10 THE COURT: In without objection.

11 (The Miranda form was received as Defense 20.)

12 MR. FRICK: No more questions.

13 REDIRECT EXAMINATION

14 BY MS. LIVELY:

15 Q Mr. Bell didn't tell you he did it, correct?

16 A Correct.

17 Q But he did tell you he was the last one to see her
18 alive, didn't he?

19 A He did.

20 Q What did he say about his DNA?

21 A He said that we would not find it on Ms. Judy.

22 MS. LIVELY: Thank you.

23 RECROSS EXAMINATION

24 BY MR. FRICK:

25 Q Clarify a point for me. Does he tell you he's the

KRISTEN GRANT - RECROSS

1 last person to see her alive or does he tell you he's the
2 last person on the porch with her, or can you recall that
3 section?

4 A I know he said he was the last person to be with her
5 and the last person to see her because he felt like that's
6 why we were there talking with him.

7 Q And he was, wasn't he?

8 A Yes, sir.

9 MR. FRICK: Thank you.

10 MS. LIVELY: Nothing else of this witness, Your Honor.

11 THE COURT: Thank you.

12 MS. LIVELY: Your Honor, the State was prepared paired
13 to call another witness at this time, Tyjuan Bell, who is
14 the brother of defendant. However, after speaking with
15 counsel before we started this morning it's my
16 understanding that the defense is willing to put a
17 stipulation on the record or allow us to put a stipulation
18 on the record regarding what his testimony would be, and
19 we're still in agreement that that's going to be the case?

20 MR. FRICK: Yes. We do have a stipulation, yes.

21 MS. LIVELY: The stipulation is that Mr. Tyjuan Bell,
22 who is the biological brother of the defendant, was working
23 on the night of September the 12th of 2015, and that he was
24 not at the home of the victim, Judy Lindsay.

25 THE COURT: Is that your understanding?

1 MR. FRICK: That is a correct statement of the
2 stipulation, yes, sir.

3 THE COURT: Thank you, Counsel.

4 MS. LIVELY: Thank you. Your Honor, at this time the
5 State would be prepared to publish some of the interviews
6 to the jury. It's my understanding that Your Honor is
7 going to instruct them in regards to how those interviews
8 are going to actually be published.

9 THE COURT: Ladies and gentlemen of the jury, I
10 briefly met with counsel in this matter before we convened
11 court this morning, and as you have heard in the evidence
12 that's been presented, testimony that's been presented
13 total -- and counsel, y'all correct me if I misstate
14 something, it was about nine hours of interviews here. I
15 asked counsel I think yesterday or maybe the day before if
16 they would try to condense these DVD's as much as they
17 could, because I was informed by the attorneys that there
18 was numerous pauses where nothing was being said. And with
19 that in mind counsel has agreed that in playing these DVD's
20 we will fast forward during those pause periods, okay? So
21 that's what's going to be going on. Both counsel of the
22 State and the defense will explain that to you. Does that
23 cover what we talked about?

24 MR. FRICK: Your Honor, additionally there are going
25 to be some parts that the solicitor and I had discussed we

1 believe are not relevant to this, and pursuant to the rules
2 of evidence would not be admissible so she is going to
3 pause them at those appropriate spots. So there will be
4 pauses where the jury sees stuff going on but they're not
5 going to hear any sound, but that is the reason why that is
6 occurring.

7 MS. LIVELY: I agree, Your Honor, that's a good
8 clarification. You will still be able to see them, that
9 they're actually having a conversation but you cannot hear
10 it, I'm going to mute it at that time just to protect what
11 we've already discussed regarding what is relevant for this
12 case.

13 THE COURT: And I really appreciate y'all agreeing to
14 handle it this way.

15 MS. LIVELY: As I put a disc in I'll just qualify it
16 as being which State's exhibit it is, what date it was, and
17 so that the Court will just be aware as well as the jury
18 will be aware of which day the interview was being done.

19 THE COURT: Okay. Very good.

20 MS. LIVELY: This is going to be a short snippet from
21 September 13th, 2015, disc number two, State's Exhibit 111,
22 as agreed to by the parties.

23 (At this time the video was played.)

24 MS. LIVELY: That's it from State's Exhibit 111, Your
25 Honor. State's Exhibit 113, September 13th, 2015.

1 (At this time the video was played.)

2 MS. LIVELY: Your Honor, that's all for this
3 particular disc, the next section is about 45 minutes so I
4 believe we can take a break.

5 THE COURT: Yes. Y'all can go to the jury room, let's
6 take a few minutes.

7 (The jury left the courtroom and a break was taken.)

8 THE COURT: We've got a couple of jurors taking a
9 smoke break and I thought we could put a couple things on
10 the record for possible appellate issues.

11 MR. FRICK: Your Honor, it's my understanding we are
12 going to take a bit more of the video, of course, it's been
13 introduced into evidence, this is stuff that the State is
14 playing as well as I am too, although they're the ones
15 still up. My understanding is after they play this portion
16 the State will rest, it's going to be about 12 minutes or
17 so. I have two fairly quick witnesses. I have no problem
18 delaying my directed verdict motion until after the State
19 has rested and just for expedient purposes doing my
20 directed verdict motion just before we do the lunch break.
21 I don't see a whole lot of need of sending the jury out
22 after they hear about 15 minutes of a video so I can make
23 my motion, which I feel certain I know what the answer is
24 going to be but as we know I need to put it on the record,
25 and then bringing them back in so I can have two witnesses.

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1 So if that's all right with the Court and the State that
2 would be what I would ask to be able to do.

3 MS. LIVELY: We are in agreement, Your Honor.

4 THE COURT: I am certainly in agreement since you all
5 are in agreement.

6 (The jury returned to the courtroom.)

7 THE COURT: All right, Solicitor.

8 MS. LIVELY: Yes, sir, Your Honor. Before the jury
9 was released we mentioned that the next portion was 45
10 minutes but we've actually paired it down to about 12
11 minutes.

12 (The video interview was played.)

13 MS. LIVELY: Your Honor, that's going to be all from
14 the State, we now rest our case.

15 THE COURT: All right. Counsel?

16 MR. FRICK: Thank you, Your Honor. At this time
17 defense would call Robert Pearson.

18 The defendant, ROBERT PEARSON, was first duly sworn
19 and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. FRICK:

22 Q Can you tell us your name for the record?

23 A My name is Robert L. Pearson.

24 Q All right, Mr. Pearson. And where do you live?

25 A I live on [REDACTED].

ROBERT PEARSON - DIRECT

1 Q So you live on the street over from Fifth Street?

2 A Yes.

3 Q How long have you lived over there?

4 A About a year now.

5 Q Okay. Were you staying at another place back in
6 September of 2015?

7 A Yeah.

8 Q Okay. Are you familiar with Ms. Lindsay who is the
9 victim in this case, Judy Lindsay?

10 A I know her but I don't know her that well.

11 Q How about Jermaine Bell sitting over there at defense
12 table, do you know him?

13 A Yeah, I know Jermaine too.

14 Q How about Mr. Mitchell Mayfield, goes by Mango, do you
15 know him?

16 A Yeah.

17 Q Back in September of last year did you go over to
18 their house at any time?

19 A I think I went over on a Thursday afternoon when I
20 got off from work.

21 Q Did you find out that something had happened to Ms.
22 Lindsay at any point?

23 A Not that Thursday, but on that Sunday morning when I
24 was at my sister's house I seen a bunch of people out
25 moving around and out of curiosity I just walked over and

ROBERT PEARSON - DIRECT

1 asked them what was going on and that's when I found out
2 she was missing.

3 Q All right. Did you talk to anybody at that particular
4 point?

5 A Well, there was one female and she walked up to me,
6 which I knew her, I didn't know her name that well, but
7 she was telling me something about that she was missing
8 and hadn't nobody seen her since last night. And I said,
9 "I don't know, I haven't seen her."

10 Q Now, you were over there -- I'm sorry, I didn't mean
11 to cut you off, go ahead.

12 A I said she was around the neighborhood most likely, I
13 know she ain't gone too far.

14 Q Where were you when you talked to folks?

15 A Huh?

16 Q Where were you specifically when you talked to folks?
17 Were you on Fifth Street?

18 A Yeah. I came around the side when I first met the
19 female.

20 Q Okay. I am going to show you what is State's Number
21 91, it has got a whole lot of stuff on it, what I'm
22 interested in is, can you tell what this is?

23 A Yes, that's a diagram of the neighborhood.

24 Q Whereabouts were you standing if you can point to it
25 when you were talking to folks that morning?

ROBERT PEARSON - DIRECT

1 A See the train tracks, where I came around by the
2 train track and I turned the corner, because normally I go
3 down Fourth Street, but that was in the morning. Sunday
4 morning I see a bunch of people walking around there and I
5 seen the tape, I was curious what was going on so I went
6 to ask them questions. I walked there and people was
7 saying this and saying that, I just looked and started
8 walking there myself, you know.

9 Q Did you notice anything?

10 A Yeah. I noticed some garments and stuff scattered
11 through the grass going between the building and stuff.

12 Q Okay.

13 A I knew it was like they was looking some other place
14 and I said, "Man, this is crazy."

15 Q Why did you say that?

16 A Because it's early in the morning, you've got grass
17 wet, you can tell by looking at the grass that it been
18 went through, the grass, you can tell, you can see it.

19 Q So you saw marks?

20 A Yeah, of course. Wet dew grass, you're going to see
21 marks early in the morning.

22 Q Okay. But that wasn't where they was looking?

23 A No. That's what I seen debris when I walked through
24 there by the fence.

25 Q Did you tell anybody about that?

ROBERT PEARSON - DIRECT

1 A I was talking and I said, "Man, these people, they
2 ain't seen nothing," so I went home.

3 Q Did you tell anybody specifically, "Hey, I see, maybe
4 you should look over there?"

5 A No. I was talking to a friend of mine and he told me
6 "It ain't your business," and I said, "I know."

7 Q Who were you talking to?

8 A My friend, Mango.

9 Q Mr. Mayfield?

10 A Yeah.

11 Q You call him Mango?

12 A Yeah.

13 Q You know him by Mango?

14 A Yeah.

15 Q And you told him that and he said, "Let them do their
16 business?"

17 A He said, "Let them do their job," so I didn't have
18 nothing to say.

19 MR. FRICK: That's all of the questions I have, please
20 answer any that the solicitor has.

21 CROSS EXAMINATION

22 BY MS. LIVELY:

23 Q Now Mr. Pearson, whenever you walked up you said there
24 was already tape around the area?

25 A Yeah. I seen tape, yeah.

ROBERT PEARSON - DIRECT

1 Q Okay. Did you ever walk into where you saw --

2 A No, ma'am, I can see far but not close too well.

3 Q So you know what crime scene tape means, it means
4 don't go in.

5 A Don't cross it, yeah, I know what it means.

6 Q Was Mr. Mayfield and his daughter, were they inside
7 the crime scene tape?

8 A No, they was not.

9 Q All right. So what you were seeing you were seeing
10 from outside.

11 A Yeah.

12 Q And you said you could actually see the drag marks
13 through the grass.

14 A Yeah, based on the garments and down toward the
15 fence, yeah.

16 Q When you say garments down towards the fence --

17 A Well, I seen a top, a bra, junk like that.

18 Q You saw a bra?

19 A Yeah.

20 Q Really?

21 A Of course I did, I said it.

22 Q And did you tell the police you saw a bra?

23 A They were out there, they could see. They saw it as
24 well as I seen it.

25 Q Was the bra close to the shirt that you saw?

ROBERT PEARSON - CROSS

1 A It was scattered apart, I would say 10-foot apart,
2 something like that.

3 Q Was it scattered up behind Mango's, Mr. Mayfield, or
4 was it at the abandoned house on the corner?

5 A No. I think there was some fence that goes behind
6 there, it was another fence connecting, that's what I seen
7 going through there.

8 Q What color was the shirt?

9 A I don't recall, that's been too long, I don't
10 remember.

11 Q Do you remember what color the bra was?

12 A It has been a minute, I don't recall. Whatever it
13 was -- I seen one thing about it, I don't remember.

14 Q But if you thought something was important -- you were
15 interviewed on September 23rd, which would have only been,
16 what, ten days after Ms. Judy's body was found?

17 A I'm giving the same statement I'm giving now, ain't
18 nothing changed, the same thing.

19 Q Same thing.

20 A Yes, ma'am.

21 Q I'm going to let you hold this and tell me where you
22 see that you told them that you saw a shirt -- you can grab
23 that, that's fine -- where you saw a shirt and you saw a
24 bra.

25 A Well, I told them --

ROBERT PEARSON - CROSS

1 Q Just take a minute to look at your statement, that's
2 fine.

3 A What's this here like where y'all are saying starting
4 on a Saturday the 12th, question, I was not over there.

5 Q Let me hold this for a second. I know it's confusing,
6 I'll help you out a little bit.

7 A I said I was there on Thursday, I don't know where
8 y'all got this information.

9 Q Is this your signature here on the bottom of the page,
10 Mr. Pearson?

11 A Yeah, but I was there no Saturday.

12 Q So you're saying --

13 A I might have said --

14 Q Please let me ask the question and you can answer all
15 you want, okay?

16 A No problem.

17 Q All right, thank you very much. Is that your name at
18 the bottom of this page?

19 A Yes, it is.

20 Q And is this your name at the bottom of this page? All
21 right. Okay. So you gave a statement to law enforcement
22 on September 23rd which was about ten days from when Ms.
23 Judy's body was found.

24 A Ten days before?

25 Q Ten days after her body was found. If this says

ROBERT PEARSON - CROSS

1 September 23rd and you signed it, is that what it was?

2 A I don't remember.

3 Q You don't remember?

4 A I don't remember. It has been that long, I don't
5 remember.

6 Q But you remember you see a bra?

7 A Yeah, and a top, yes, I seen it.

8 Q And a top. But nowhere in this statement, Mr.

9 Pearson, does it say anything about you seeing a bra.

10 A I mean, it was laying in the grass, good God Almighty
11 half the neighborhood seen it. I'm the only one that saw
12 it?

13 Q The only thing in this statement that you're talking
14 about is you said Mango said you could see her clothes.
15 Now you're saying -- and you -- this is your signature so
16 you would have reviewed your statement that day when you
17 gave it to law enforcement.

18 A That day. They came and got me, it was like I was
19 being accused of something, okay? I don't have anything
20 to do with anything. If I said that I don't doubt it, if
21 I signed it I probably did. But as far as being over
22 there on Saturday, no. I rode through there on a Saturday
23 looking for his sister, okay, and I kept moving. Now, but
24 the incident that you're relating the statement to
25 occurred on Sunday morning as I was going back my other

ROBERT PEARSON - CROSS

1 home and that's when I noticed people was talking and I
2 saw all the people gathering around. I'm not perfect,
3 surely you're not perfect either.

4 Q Absolutely not. But all I'm asking you to do is just
5 to tell me -- and here it looks like -- I'm going to
6 pinpoint you to exactly what you said you saw on that
7 Sunday, it's only one paragraph, you don't have to go
8 through everything else, here in number eight where it says
9 "Mango said you can see her clothes." Where in this
10 paragraph do you say, yeah, and I saw her shirt and bra
11 too, or anything that says you saw those clothes?

12 A Well, I seen it but I ain't, you know.

13 Q Is it in that statement you gave a year and a half
14 ago?

15 A No, it's not in there, okay?

16 Q Thank you.

17 MS. LIVELY: No further questions.

18 MR. FRICK: Nothing further, thank you. Your Honor,
19 can Mr. Pearson be excused?

20 THE COURT: Any objection?

21 MS. LIVELY: No objection.

22 THE COURT: Thank you, sir, you may step down.

23 MR. FRICK: Your Honor, defense would call Vicki
24 Feaster.

25 The witness, VICKIE FEASTER, was first duly sworn and

ROBERT PEARSON - CROSS

1 testified as follows:

2 DIRECT EXAMINATION

3 BY MR. FRICK:

4 Q Can you please give us your name for the record?

5 A Vickie Cheryl Feaster.

6 Q Thank you, Ms. Feaster. And where do you live?

7 A [REDACTED].

8 Q And how long have you lived there?

9 A I've been there 17 years.

10 Q Okay. So you were living on [REDACTED] obviously in
11 September of 2015, correct?

12 A Yes, sir. I was living there when Ms. Judy and Mr.
13 Mango moved in.

14 Q In fact, how close did they live to you?

15 A Right next door.

16 Q Right next door. And on the other side of you, is
17 there another house?

18 A It is an abandoned house, yes, sir.

19 Q Is it on the corner?

20 A Yes, sir.

21 Q That curve that comes around?

22 A Yes, sir.

23 Q You've been there 17 years, when it goes around the
24 curve where does Fifth -- is that the end of Fifth Street
25 or is that still Fifth Street at the curve?

VICKIE FEASTER - DIRECT

- 1 A That's still Fifth Street until you get to the stop
2 sign.
- 3 Q And the stop sign is where?
- 4 A At the railroad crossing.
- 5 Q So all of the way back to what road am I running back
6 into there?
- 7 A When you get to the stop sign right there you're
8 going to the railroad crossing and there's Third, Fourth,
9 Second all across.
- 10 Q And is that Saluda that's right there on the other
11 side of the railroad tracks?
- 12 A Yes, sir.
- 13 Q Just so we're all clear I'm going to show you State's
14 Number 91, now there's a whole lot of stuff marked there
15 I'm not necessarily interested in you talking about. Can
16 you -- can you tell what this is?
- 17 A Oh yeah.
- 18 Q What does that look like to you?
- 19 A That's the neighborhood.
- 20 Q Okay. Can you point to your house?
- 21 A [REDACTED] is right there.
- 22 Q Can you point to where Ms. Judy lived?
- 23 A Should be here or either here. No, it's here, yeah.
- 24 Q And then the other house you were talking about?
- 25 A Is right here.

VICKIE FEASTER - DIRECT

1 Q And the curve?

2 A Curve should be here.

3 Q All right. Very good. And how long have you known
4 Mitchell Mayfield and Ms. Judy Lindsay?

5 A I met them when they moved in the neighborhood.

6 Q And how long ago was that?

7 A Oh my God, it's what, two years since she's been
8 gone, a year since she's been gone or something like that?

9 Q All right. So how long have they been to the
10 neighborhood before this incident?

11 A Just maybe a month, maybe two.

12 Q Okay. All right. But they've been there for a little
13 while.

14 A Uh-huh.

15 Q Right beside you.

16 A Yeah.

17 Q Were you home -- well, first of all do you remember
18 talking to a detective about this case some time after the
19 event obviously?

20 A They come and talk to me I guess Sunday after they
21 found Ms. Judy's body.

22 Q Okay. I'm going to show you this, I don't believe
23 it's your handwritten statement, I think it's a summary,
24 but what does that look like?

25 A Yeah, that's what I said.

VICKIE FEASTER - DIRECT

1 Q That's what you said?

2 A Uh-huh.

3 Q Okay. Did you see Judy Lindsay and Mitchell Mayfield
4 on Saturday, September 12th?

5 A I can't say that I did.

6 Q Okay.

7 A Oh, wait a minute, I take that back, I'm sorry.

8 Saturday night around 10:00 or 10:30 I had my dog out to
9 the bathroom and Ms. Judy and Mr. Mango come in, me and
10 her were talking because she was telling me about her
11 tomato plants that she had at the corner of her fence and
12 she was going to get tomatoes off her plants in the next
13 couple of days and I told her, "That would be good." Her
14 and my dog always argued because he would bark at her and
15 she would also say "Hush, Max, you know who I am."

16 Q What kind of dog have you got?

17 A Miniature Schnauzer.

18 Q And does this dog stay inside the house or --

19 A It's an inside dog.

20 Q All right. You had that dog back in September --

21 A I've had that dog for seven years.

22 Q All right. And you had a little conversation with Ms.
23 Judy? Don't tell us everything you said but y'all talked?

24 A Yeah. We always talked to one another when one of us
25 or the other was in the yard, we would always talk.

VICKIE FEASTER - DIRECT

1 Q Now, according to the statement you said you had seen
2 a conversation between Mr. Mayfield and Ms. Lindsay.

3 A Yes, sir. She was just kind of upset with him that
4 day, but she told me later that day they were arguing
5 because he didn't like the clothes that she had picked him
6 out to wear with her, I guess, the next day or that night
7 or wherever they were going. That was what they were
8 arguing about.

9 Q You didn't see the conversation, or did you?

10 A No. I just -- my husband had been gone like two
11 years, he'd passed away about two years, I was in my
12 little depressed mood, I didn't leave my house, I just
13 basically sat because I hadn't got myself back to
14 functioning yet, so like I said, I just witnessed it. I
15 don't go outside my house unless I go to work or to the
16 doctors or whatever. I just witnessed it. I don't keep
17 my windows up, I don't hear nothing that goes on outside.

18 Q So did you have your windows up or down?

19 A They were down.

20 Q Did you have any radio, TV on in the house or do you
21 recall?

22 A My TV stays on 24/7.

23 Q All right. And you overhear this discussion.

24 A I didn't overhear it, I just seen them in the yard.

25 Q Okay. And had you seen them have a discussion before?

VICKIE FEASTER - DIRECT

1 A No.

2 Q That's the only time.

3 A No. They got along just great, they really did. Mr.
4 Mango was real good to her.

5 Q All right. But that's the only time you had seen her
6 have any kind of discussion with him on that particular
7 day, the 12th?

8 A Yes, sir.

9 MR. FRICK: Give me one second.

10 (Break in proceedings.)

11 Q Were you home on Sunday morning?

12 A Yes, sir, I was.

13 Q And you noticed that there was some commotion?

14 A Mr. Mango come to my door and asked me if I'd seen
15 Ms. Judy.

16 Q Do you have any idea about what time that was?

17 A I get up early. I get up 4:00 in the morning so it
18 could be anywhere from -- I know it was daylight probably
19 6:00 or 6:30, could have been that early because him and
20 Ms. Judy's daughter were looking for her.

21 Q Okay. All right. Did you have any information at
22 that time?

23 A No, sir, I didn't.

24 Q Did you come out of your house?

25 A No, sir, I didn't.

VICKIE FEASTER - DIRECT

1 Q Did you learn about some shoes being out in the yard?

2 A I knew that her shoes were on the front porch. Ms.

3 Judy never went anywhere without shoes on her feet, never.

4 Q So if I were to tell you that her shoes were in the
5 side yard, would you find that to be strange?

6 A Yes, sir. Because like I said, she never went
7 nowhere without her shoes.

8 Q Would that make you think something was wrong?

9 A Yeah.

10 MR. FRICK: Thank you, ma'am. That's all of the
11 questions I have, answer any the solicitor has.

12 MS. LIVELY: I have no questions for this witness,
13 thank you.

14 THE COURT: You may step down, thank you.

15 MR. FRICK: Ask that she be excused, and I think they
16 said she could go out that side door.

17 THE COURT: The witness is excused.

18 MR. FRICK: Your Honor, other than playing the
19 remaining of the tape that would probably be the remainder
20 of the case, that's all of the witnesses I have present in
21 the courtroom.

22 THE COURT: Okay. Y'all approach a minute.

23 (A bench conference was held.)

24 THE COURT: Ladies and gentlemen of the jury, if you
25 will step back to your room, Madam Clerk has ordered lunch

1 for you back there, we'll try to hold it to about 35
2 minutes and get you right back to work.

3 (The jury left the courtroom.)

4 THE COURT: All right. Counsel?

5 MR. FRICK: Your Honor, at this time defense would --
6 having rested and having done what he did previously, but
7 at this time the defense would make its motion for a
8 directed verdict. Taking the evidence in the light most
9 favorable to the State I believe there's not enough
10 evidence for the case to be sent to the jury, it can be
11 decided as a matter of law. I think you have heard a lot
12 of testimony, and there is some evidence, but I do believe
13 that it's circumstantial evidence and I would suggest it is
14 merely, merely circumstantial and not substantial
15 circumstantial evidence as required by our laws and I would
16 ask you to direct a verdict at this time of not guilty.

17 THE COURT: Anything from the State?

18 MR. NEWMAN: Your Honor, I believe there is ample
19 evidence, more than enough evidence, DNA on her neck, Your
20 Honor, that we've heard several witnesses, I believe
21 there's more than enough evidence for this to go to the
22 jury.

23 THE COURT: Based on the evidence before the Court I'm
24 going to have to deny your motion. Anything else?

25 MR. FRICK: Your Honor, if you want to talk to Mr.

1 Bell about whether or not he wishes to testify, I think
2 this will be the appropriate time to do that.

3 THE COURT: Mr. Bell, if I could have your undivided
4 attention please. What I need to speak to you about is
5 your 5th Amendment under the United States Constitution,
6 your rights under that, there is also a similar counterpart
7 provision in our state constitution. What I need to
8 discuss with you is your rights as far as self
9 incrimination. Under the 5th Amendment you have a right to
10 remain silent. If you elect to not testify it cannot be
11 used against you, it cannot be used to mitigate against you
12 in any way, it is your constitutional right and I will even
13 instruct the jury on that. In saying that now you also
14 need to understand that you certainly have a right to
15 testify if you so desire, but if you testify then you will
16 subject yourself to cross examination and possible
17 impeachment just as any other witness could be put through
18 cross examination by the State. So you have a right to
19 testify, but you have a clear cut constitutional right to
20 remain silent and elect not to testify. As to this
21 decision it has to be on your own freely, voluntarily and
22 intelligently entered in to. Now, with that said, do you
23 wish to discuss with your attorney concerning what I just
24 discussed with you?

25 THE DEFENDANT: No.

1 THE COURT: Have you already discussed that with him?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: With either one or both?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you have any questions for them or for
6 me?

7 THE DEFENDANT: No, sir.

8 THE COURT: And do you wish to testify or do you wish
9 to elect not to testify?

10 THE DEFENDANT: I refuse.

11 THE COURT: Couldn't hear you.

12 MR. FRICK: I believe he said he refused to testify.

13 THE COURT: And that is your decision and yours alone?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Okay. Anything?

16 THE DEFENDANT: No, sir.

17 THE COURT: Anything from the State?

18 THE DEFENDANT: Not from the State, Your Honor.

19 THE COURT: All right. Let's take about 30 minutes.

20 (A lunch recess was taken.)

21 THE COURT: Everything set up and ready to go?

22 MR. FRICK: I believe so, yes, sir.

23 (The jury returned to the courtroom.)

24 THE COURT: Mr. Frick?

25 MR. FRICK: Your Honor, I would just ask that we

1 continue with the videotapes.

2 (The video was played.)

3 MS. LIVELY: Your Honor, that was the last bit of
4 interview from September 13th of 2015. The next interview
5 will be September 15th, 2015.

6 THE COURT: How long is this one?

7 MS. LIVELY: Fifty-six minutes.

8 (The video was played.)

9 MR. FRICK: Your Honor, that's all from September, the
10 final disc, and my understanding from talking to defense
11 counsel it is about 46 minutes long if you wanted to ask
12 the jury if they want a break or --

13 THE COURT: Let's take ten minutes.

14 (The jury left the courtroom and a break was taken.)

15 (The jury returned to the courtroom.)

16 MS. LIVELY: Your Honor, this is the second video from
17 September 15th, 2015, and the agent in this video has not
18 testified so I'm just going to give the name for the
19 record, it was Special Agent Freddie Pough, last name
20 spelled P-u-g-h, from SLED. I apologize, I've been
21 corrected, it's P-o-u-g-h.

22 (The video was played.)

23 MS. LIVELY: Your Honor, that was the final tape that
24 counsel was wanting to show, I believe.

25 MR. FRICK: That's correct, Your Honor, defense rests.

1 THE COURT: Any rebuttal?

2 MS. LIVELY: None from the State, Your Honor.

3 THE COURT: Okay. Mr. Foreman, ladies and gentlemen,
4 y'all will report back between 10:00 and 10:15 in the
5 morning, we will have closing argument and give you the
6 charge and hopefully put you to work sometime tomorrow
7 around, just guestimating, hopefully 12 or so. Y'all have
8 a good evening, remember my instructions, don't let anybody
9 contact you in any way or attempt to discuss this case with
10 you, no independent research. Should anybody make an
11 attempt to contact you you need to immediately notify law
12 enforcement. Y'all have a good evening, then we will see
13 you in the morning. Oh, also avoid any local press
14 coverage until we get this case completed. Everybody else
15 remain seated while the jury departs.

16 (The jury left the courtroom.)

17 THE COURT: All right. Sheriff, we'll allow my left
18 side, they'll depart first, then we'll let the right side
19 of the courtroom depart.

20 (Court recessed for the evening and resumed at 10:15
21 Friday, June 30, 2017.)

22 THE COURT: Good morning everyone. Are you ready to
23 go?

24 MS. LIVELY: Yes, sir.

25 MR. FRICK: Yes, sir.

1 (The jury returned to the courtroom.)

2 THE COURT: Good morning. We're ready to move on to
3 the next phase, closing arguments. Mr. Frick?

4 MR. FRICK: Thank you, Your Honor. Solicitor, deputy
5 solicitor, Mr. Foreman, ladies and gentlemen of the jury,
6 if you remember the other day when I came up here I told
7 you we had hired you for a job, and it's a job you didn't
8 necessarily want to be here for and that's probably very
9 true, but you're coming to the conclusion of that and we
10 are now reaching the end and it is time for you to start
11 weighing the evidence in this case. And I remind you that,
12 of course, Mr. Jermaine Bell is charged with murdering the
13 victim in this case. And, of course, the Judge is going to
14 tell you in a little while what the law on murder is but
15 I'm going to give you the definition that I know of, and it
16 is the unlawful killing of someone with malice
17 aforethought, that's all I'm going to give y'all and let
18 you figure the rest out for yourself at the conclusion and
19 the Judge's instructions on that. I also remind you of
20 something that I said and remind you of a story I told
21 about Sheriff Hood and Deputy Boulware in Winnsboro, coming
22 up those steps even though they knew they were going to be
23 facing a hail of gunfire and they held fast to their sworn
24 duty to make sure that we are a system of law and not a
25 system of individuals. I'm asking you to remember your

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1 oath, too, and I know you will. I've been watching y'all
2 through this trial and there have been some fairly tedious
3 parts and y'all have diligently done your job and I know
4 you will continue to do that, I'm just asking you to as you
5 go back there continue to set emotion aside, continue to
6 set personal feeling aside. Your job is not retribution,
7 your job is not simply to find somebody responsible for
8 this, your job is to look at the evidence and weigh it and
9 make a determination as to whether the State has proven
10 their case. Now, I have this picture up here, it's a nice
11 brick wall of a picture, okay? And what the State will
12 attempt to do is they've got to build their case and it's a
13 lot like building a brick wall like this. And what they do
14 is show you that they have strong solid bricks of the right
15 shape and size, they're powerful, intimidating looking
16 bricks, but if you look closely at them you'll realize
17 they're as flimsy as a piece of paper, and that's what your
18 job is from now on is to start weighing the evidence. You
19 and you alone get to determine what you want to believe
20 from whom you heard it from on this stand. You and you
21 get -- alone get to decide what you want to believe of
22 reports and the evidence that's presented to you. Now,
23 what I want to do is kind of go through this, and I'm
24 essentially just going to use the State's chart here that
25 they provided and it shows the scene. And let's start with

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1 Sunday morning about 7:00 because we don't know exactly
2 when everybody started waking up. You hear from Mr.
3 Mayfield that he gets up about 5:00 in the morning, that's
4 his usual routine and that he woke his daughter up. You
5 hear from Ms. Lindsay, Jet, that she woke up first and she
6 woke Mr. Mayfield up. In any event about 7:00 in the
7 morning they've all realized that they can't find Judy
8 Lindsay and they see shoes and socks in the yard. And you
9 heard from them and you heard from their neighbor, Ms.
10 Feaster, yesterday that said that if these shoes were in
11 the yard then something is wrong. We knew a couple of
12 things about Judy Lindsay, she wasn't going to leave the
13 house without telling folks, she didn't take the car on
14 this particular situation, and she always wore her shoes
15 when she went outside. So you heard that as soon as it
16 seemed that these shoes are out here something is amiss.
17 Now, Mr. Mayfield says that he goes outside and does his
18 normal routine and takes the trash, goes to his burn
19 barrels and sees this stuff, and when he sees it he thinks
20 maybe the children have thrown it out there and he comes in
21 and tells his daughter, "You need to tell them chaps they
22 need to clean up." Now, this is where you get to weigh
23 evidence, ladies and gentlemen, because I ask you, how
24 would the children have done that? Because he himself said
25 he went to bed, no one else said the children were outside,

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1 people were on the porch until 1:00 in the morning, he says
2 he's up at 5:00 in the morning, so already you're starting
3 to see cracks in the story, already there are cracks
4 because he says it's unusual for those shoes to be there
5 "But I just went around about my daily routine." I suggest
6 to you that what Ms. Jessica told you has probably got more
7 credibility to it because of her actions. She wakes up,
8 she can't find her mama, the first thing she does is she
9 starts calling people, she calls about five people, she
10 gets someone to pick her up and drive her around the
11 neighborhood. Mr. Mayfield stays in the yard burning his
12 trash. He's walking around a little bit and he says he
13 sees drag marks, and he gets to about over here where
14 number nine is next to the abandoned house that you've
15 heard about by now, and he sees the keys and he sees the
16 shirt that are in number 25 over there. He decides at this
17 point, "Wow. Well, maybe I should do something," and he
18 calls 911. It's now 9:30. By his story he's been up since
19 5:00 in the morning, seen all of these things amiss, says
20 he sees drag mark, says he sees all of these things amiss,
21 even on the 911 call he says, "I'm trying to keep the
22 family out of there." Out of where? What are you trying
23 to keep them out of? That don't make any sense. But law
24 enforcement arrives on the scene, they have been unable to
25 find Ms. Lindsay anywhere. Law enforcement shows up, I

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1 believe it was now Captain Kelly, the first Chester County
2 Deputy on the scene, and I believe he says it was pretty
3 apparent that we were going from a missing person to
4 something else pretty quickly. Everybody who came out to
5 the scene looked at it and said this ain't a missing person
6 thing, this is something else because there's evidence
7 around the yard. We have visible drag marks around the
8 yard, and so they get the other deputies and they do a
9 perimeter. And you can imagine, they're setting up a
10 perimeter so they're doing a walk-around trying to see
11 points of interest and they can decide the perimeter starts
12 from here and goes to here. No one has located anything
13 else yet so they decide they need to get K-9 units from
14 York. They come down, they're there in about an hour.
15 Dogs is specially trained to track people. They have a
16 starting point, and Mr. Clinton told you one other thing,
17 said he'd been doing this 30 something years. He tells you
18 really he could tell where the track was before the dog
19 could because he looks at it and he sees all the marks and
20 stuff. He puts the dog on the track and the dog tracks
21 through here, through here, around this fence, through this
22 rose bush, which attacked him, and quickly into this
23 shrubbery where they eventually find Judy Lindsay. So he
24 backs out, but what does he do? He goes and he puts
25 markers 1 through 15, points of interest 1 through 15.

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1 Next SLED comes out and they've got about three crime scene
2 investigators that go out on the scene, and they don't just
3 take Mr. Clinton's word for it, they kind of search back
4 through and they come up with additional markers too. So
5 you now have three agencies, not to mention the coroner's
6 office, rescue squad all in this area, each one of them
7 doing sort of their own evaluation particularly the
8 sheriff's department, York K-9, SLED, and we find Ms.
9 Lindsay in this area. They spent a great deal of time
10 there and then eventually close this scene after they've
11 gotten there around -- I think SLED got there around noon,
12 1:00, something like that, but they leave the scene about
13 7:00 p.m. So they've spent a long day out there collecting
14 evidence, collecting things of relevance they believe in
15 this case, stuff that they took back and analyzed. After
16 they clear this scene and they've gone to another location
17 because they had information about something else, they get
18 a phone call about a bag and an ashtray in this area. Now,
19 as you will see because you have a picture as well, there
20 are some bricks right here, and I use that as a landmark
21 because there are pictures that show Ms. Lindsay on this
22 scene and you see those bricks there, so this is about
23 where she was. Now, one or two things, ladies and
24 gentlemen, either three law enforcement agencies, the
25 coroner's office and the rescue squad missed this plastic

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1 bag sitting right here whereby I don't know how you can
2 believe anything they told you, or this showed up later.
3 Because remember who called and said, "Hey, this is over
4 here?" It's after SLED has released the scene, it's not
5 entirely clear whether or not it's secure or not, but Mr.
6 Mayfield tells you he had a relative that used to be police
7 and said, "Can I go over there and look?" Now, all of the
8 sudden he's all right looking over here, but when he's
9 looking for his wife during the morning he can't go over
10 there, and all of the sudden we find this bag and this
11 ashtray that magically appear after three law enforcement
12 agencies have searched this area. A little while later
13 Jermaine Bell comes walking up, he's somewhere around here
14 by all accounts, and deputies have been told by whom? By
15 Mr. Mayfield that Jermaine Bell was on that porch last
16 night. "He and my wife and my daughter were hanging out,"
17 like they kind of do. It wasn't an unusual thing. It
18 sounds like a typical at least Saturday night if not
19 weekend if maybe not a more frequently thing. Jermaine
20 would come by, they would fuss, Jermaine would cause a
21 little bit of trouble every now and then, they would tell
22 him "Leave, don't come back, and he would come back and
23 they always let him stay and they would let him sleep there
24 sometimes. It's completely normal for him to be there.
25 This was kind of like his family. As you heard he kind of

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1 moved from place to place. Some nights he sleeps on that
2 couch, sometimes he sleeps on a couch on Saluda Street,
3 sometimes he goes to his mama's house. You heard him tell
4 you about the carwash, I would suggest to you that maybe
5 every now and then he sleeps at the carwash. But this
6 particular day Jermaine comes walking up and law
7 enforcement is told, "That's the guy who is on the porch."
8 They've got a very difficult scene they're dealing with,
9 they don't have a whole lot to work with. There's a lot of
10 stuff up here but it's not adding up and they need to put
11 stuff together. Now, ladies and gentlemen, am I suggesting
12 to you that SLED and the Chester County Sheriff's
13 Department got together on this morning and said, "Great.
14 Let's set up Jermaine Bell, finally we've got him?" No.
15 But it becomes a whole lot like that Algebra problem from
16 high school that you look at and you couldn't figure out
17 and you flip to the back of the book and you got the answer
18 and then you started working backwards and low and behold
19 the math worked out, that's what happened here. They had
20 an answer. There were few other answers, but he became the
21 answer and as they worked backwards stuff seemed to point
22 to him. But does it? Does it really? Or is it just that
23 convenient thing that happens when you start with the
24 answer and all of the sudden the work just kinds of adds
25 up? Well, first thing that happens is we have a deputy who

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1 said, "We need to talk to Jermaine." And so they put him
2 in the patrol car, Deputy Kelly says, "They need to talk to
3 you." Jermaine says, "Okay, that's fine." They put him in
4 the patrol car. He's sitting here waiting, waiting for
5 Wade Young to come talk to him. Wade Young talks to him,
6 he says he Mirandizes him, reads him his rights so to
7 speak, tells him, "You know, you ain't got to talk to us,
8 you can leave," and Jermaine says, "No, I'll stay." They
9 say, "You're the last one there, we need to talk to you a
10 little bit further, come on down to the sheriff's
11 department. Okay." When he gets there he talks to Brian
12 Sanders who again tells him in this form at 12:35, "Hey,
13 you ain't got to talk to me." Jermaine acknowledges, "I
14 understand, I'll stay and talk to you." They talk for a
15 little while. He tells them about the night before, he
16 tells them, "I leave, I got a phone call this morning, I
17 started heading back over there." Okay. Now,
18 understandably we're still trying to put a story together
19 trying to figure out what happened so they keep talking to
20 him. We have more law enforcement that talks to him, and
21 remember Wade Young started with him at 11:07 a.m. They
22 talk to him basically that whole day, and I'll get to that
23 in a bit. And they bring him back another day, again, "You
24 don't have to talk to us." He asked, "Am I being charged?"
25 No, I'm not being charged. Okay. I'll stay and talk to

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1 you." So he talks to them for several more hours. We've
2 got about nine hours or so on the 13th, another two or
3 three hours or so on the 15th. Every time he's free to go,
4 he stays. You watched the video. He's in the room on the
5 cellphone talking to his mama. Mama says, "Son, you know,
6 they found her, she's dead." And Jermaine realizes, "Huh,
7 I'm now the suspect in this case." Mom says Probably what
8 any lawyer would say, "Don't tell them nothing and tell
9 them you want a lawyer and get out of there." Jermaine
10 says, "Okay." But he stays and talks and continues to tell
11 them, "This is what happened. I was on the porch, we were
12 smoking, joking and having a good time, they told me I
13 couldn't stay, I left, all right?" But we don't like this
14 story, it's still not adding up. We start at 11:05, "Hey
15 Jermaine, let's talk to you. You were the last one there."
16 We go to 12:00, "Hey Jermaine, you know, just tell us, just
17 tell us y'all were doing something in the backyard and she
18 had a heart attack. It's okay, it's okay," and we do this
19 all day. We give him the outs, we give him every out
20 possible. "Tell us, tell us she had a heart attack, it's
21 okay, just tell us, it's fine. It's not illegal, it's
22 fine, we're not going to judge you for that. That's not
23 what happened. Okay. Okay. Great. We've got a DNA match
24 now. Okay. Well, I didn't do it." Eventually when he's
25 not biting on any of these stories this day we let him go

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1 home. But guess what? We bring him back and start all
2 over again on the 15th. Same thing, except this time we
3 get to "We've got the facts, we have got the badges, we're
4 the ones that matter and you did it." And in the face of
5 all of this Jermaine says, "No, I didn't do it." Now,
6 y'all saw a portion of it. That was a portion of the
7 interrogation of Jermaine Bell, and yeah, there was some
8 inconsistencies about where he spent that night. I suggest
9 to you if you're sitting at the sheriff's department being
10 questioned about a dead person and you realizes you're the
11 person they think might have done it maybe you're a little
12 nervous? Maybe you do miss a few details. I mean, they
13 don't seem to have a problem with the odd details they're
14 getting out here, but we've got problems with all the
15 minute details that Jermaine is tripping over. But he's
16 not lying about it. His life revolves around a few square
17 miles. I mean, the house where he was is here, the house
18 that he said he spent the night at is here, his mama's
19 house is down here across the railroad tracks which is not
20 far down the road from here, and the carwash is on the side
21 of the Summit here, it's a few square miles maybe. In
22 fact, you heard Detective Young tell you from the Lindsay's
23 house to here is three-tenths of a mile, so his life takes
24 place in this whole area, maybe he's a little confused. We
25 talk about clothes and shoes and all of these small details

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1 that don't add up into anything, because they get the shoes
2 that everybody says he's wearing and, okay, well, they're
3 wet, they're not wet, that's what they're saying in the
4 interview, folks. You heard the techniques. I don't know
5 what you can believe and can't believe when they're telling
6 him this is the evidence that we've got. But they say the
7 shoes were wet. Okay, fine. Well, but then we take the
8 shoes and compare them to the prints. Can't match it.
9 Can't match it. Expert testimony is "I can't match it."
10 Okay. Well, they collected three other pair of shoes from
11 his mama's house. "We didn't check those." Okay. Well,
12 we don't have a match on shoes. What we do get to is you
13 come up with a couple of witnesses a day or two later seem
14 to come out and say, "Oh, I saw Jermaine." You hear Mr.
15 Chalk who says, "I was hanging out at a party, my people's
16 party," basically, it was his folks, they were having some
17 kind of party, "I'm hanging out with them. And man, I like
18 Budweiser but I only had two. And then I went to the
19 People Choice Club and I hung out until 3:00 and I only had
20 one." And so three something in the morning he's driving
21 down Saluda and says, "Oh, I saw Jermaine." Well, first of
22 all I submit I don't think he only drank three beers that
23 night. I'm not exactly sure what he saw. I'm not exactly
24 sure he knows exactly what time it was other than that's
25 when the club closes and they told him to leave. So take

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1 that into consideration. But even if we see Jermaine
2 walking here, as I've said, this is where his life revolves
3 around so would it be odd to see him walking around during
4 that time? Maybe not. Walking around at 3:00 in the
5 morning, does that make you guilty of something? Most of
6 us are probably not out wandering around at 3:00 in the
7 morning, but I suggest if you were it doesn't mean that you
8 committed a murder. So what do we have? Oh yes, that's
9 right, we've got our friend, the volunteer firefighter, who
10 is driving by at 1:00 in the morning to his friend Jimmy
11 who is over here across the street. And then under cross
12 examination he tells you, "Well, it wasn't really Jimmy I
13 was going to see, I was going to talk to Toya." And I
14 suggest to you a young man driving over to a house to go
15 see Toya ain't necessarily keeping his eyes on what's going
16 on across the street. But he tells you, "Oh yeah, yeah, I
17 saw him, he was coming around here, he come through this
18 way and he was really weird." Ladies and gentlemen, you
19 can make your own conclusions to whether you want to
20 believe that testimony or not. I suggest to you he
21 probably was over there at 1:00 in the morning but his mind
22 was not on whatever Jermaine was up to or not up to.
23 Jermaine told you he would have been over here about 1:00
24 in the morning because he was leaving this porch, so yeah,
25 he probably saw him, but where he saw him is probably not

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1 clear. One other thing, and this -- you know, this -- the
2 rose bushes. You've got the pictures of Ms. Lindsay, I
3 mean, it's clear it was a horrific thing. She's strangled
4 at some point. She's drug through all of this and she's
5 drug through these rose bushes and there's scratches on her
6 indicative of that, there are thorns from that bush in the
7 shirt that's right there in State's Number 25. You also
8 heard from Randy Clinton who said when he walked by, it's
9 the middle of the morning, it's broad daylight, when he
10 walked by that rose bush attacked him. I suggest to you if
11 it's 1:00 or 2:00 or 3:00 in the morning and you've
12 committed this horrible act and you're dragging somebody,
13 dragging somebody, you're not pulling them, you're dragging
14 them and you run through this rose bush it's going to
15 attack you too. Did you hear anybody in nine hours of
16 interviewing on one day, at least two to three hours of
17 interviewing on the other day, did you hear anybody say to
18 Jermaine, "Hey, where you get that scratch from?" As much
19 as they were observant, as much as they were picking on
20 minor details, do you really think they would have missed
21 that? Jermaine didn't have any scratches on him. How
22 would he have done this and not have any scratches when
23 everybody who goes through here gets scratched by this rose
24 bush? It's small but powerful. And again, you have it
25 right there on Ms. Lindsay's shirt as well. At this point

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1 I will be honest, I don't know what this tells you, the
2 suspected fecal matter. Now, first of all, we keep saying
3 suspected human fecal matter because nobody bothered to
4 check it to see what it was. Now, is that really
5 determinative of anything? Probably not. But here is the
6 issue I have, if the State's theory is Judy Lindsay is
7 choked, her bowels evacuate as she is dying, you heard Dr.
8 Collins say she didn't have any feces on her, if that's
9 what happened why is she clean? Did someone clean her?
10 Was that not what happened? We don't know, but it's an
11 interesting point. Because what don't we see out here?
12 Judy Lindsay is found here naked, completely naked, not one
13 scrap of clothing on her. Shoes and socks over here,
14 there's a bandanna that we suspected was panties but on
15 further inspection we realize it's a doorag, it ain't
16 underwear. There's no panties. There's no pants. There's
17 no bathrobe. Yet, yet, at marker number 15 we have this
18 sash and I suggest you look at this. I also suggest you
19 use the rubber gloves they'll probably provide to you, not
20 necessarily do what I'm doing, but look at it. The SLED
21 agent testified, "That doesn't look clean, it kind of looks
22 like it's dirty," and it is. That's mud, ladies and
23 gentlemen, that's mud. So while the State is going to come
24 up here in a minute and tell you, oh, that's irrelevant, it
25 doesn't matter. It's just like that Sharpie over there

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1 they collected, it doesn't mean anything, don't worry about
2 it, you look at that. Their theory is that this woman was
3 drug through this mud, and that's got mud on it, it didn't
4 rain that night and it hadn't rained a couple of days
5 according to their testimony. Where did that come from
6 then? Just laying in the yard right here at point 15.
7 Well, it came from a bathrobe. Where is the bathrobe? We
8 didn't find one. SLED even goes into the house and takes
9 pictures of the laundry, they go through and look in the
10 laundry, there's no bathrobe, there are no panties. The
11 only panties that you find are in this odd bag that
12 mysteriously appears later. What happened to them? Well,
13 here is one thing I do know, when SLED got to the scene
14 that barrel was smoldering. Now, the key thing that
15 they're going to tell you about is DNA, and let's talk a
16 little bit about DNA. DNA is unique to every individual in
17 this room unless you have a twin. This stick I've been
18 holding all morning will have my DNA on it. If they were
19 to take a swab of it most likely they would run it and it
20 would match 16 points that they test of my DNA, that would
21 conclusively be William Frick's DNA. So that leads to the
22 question, well then, we have this DNA test that says the
23 DNA is on Judy Lindsay's neck and on her shirt, more
24 specifically the underarms of the shirt. Now, I propose to
25 show you how that could have happened if I can have the

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1 assistance of my cocounsel, Mr. Jones. Perhaps Jermaine
2 hugged Judy at some point, and as you see even though I was
3 not terribly receptive to that hug, that arm wraps around
4 me and would go under the underarms, there's even contact
5 with the neck. Now, I don't know how it got there, the
6 State can't tell you how it got there, they're asking you
7 to speculate how it got there, but there's one of two
8 things that probably happened. You heard the stuff was on
9 the shirt and the match on the shirt is a lot higher,
10 although not very high at all so it's a higher
11 concentration of whatever this is on the shirt than it is
12 on the neck. The other thing is we don't know where it was
13 swabbed on the neck. You heard talk about them swabbing
14 this fence and they said they took about a four foot area,
15 so it's not like it was a specific spot we swabbed the neck
16 looking for any possible DNA. It could be anywhere. It
17 could be here, here, we don't know where, we don't know how
18 long something has been there. But we also know that that
19 shirt came over Judy Lindsay's head so maybe it rubbed off
20 on her neck, or maybe it's not Jermaine Bell's DNA because
21 that's not the kind of DNA we're talking about here. It's
22 not the 16 points I got enough points to say that that is
23 that person over there. No, this is YSTR DNA. I'll give
24 you a brief example of that. All right. This is me, my
25 mom, my dad. My mom, being mom, has X and X, my dad, being

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1 male, has XY because that's what we have, we have one X and
2 one Y chromosome. And ladies and gentlemen, let's be
3 clear, that's all we're dealing with when we're dealing
4 with this so called DNA match. So my mom -- mom always
5 gives you the X, whether you're going to be a boy or girl
6 comes from dad, okay? In my particular situation it's a Y.
7 Let's say I have a brother, he's got XY. I've got a
8 daughter so there's only X's there. My brother has got a
9 son and he's got an XY. My dad has got a brother, my
10 uncle, he has got XY. Let's say he's got two children, my
11 two male cousins. Now, the Y passes down. You got the
12 same Y from your dad that he got from his dad and he's got
13 from his dad, it very rarely changes and that's why they
14 use this. All right. So granddad gave his Y to my dad who
15 gave it to me who gave it to my brother, he passed it onto
16 his son. Granddad's DNA is also in my uncle and he passed
17 his Y onto his two sons. So in this very, very simple
18 example you have one, two, three, four, five, six, seven,
19 eight, that's eight people with the same Y DNA which is
20 what this so called match is. Y DNA. Not Jermaine Bell's
21 entire chain of DNA, it can go back to his Y. Y DNA. Now,
22 another interesting part of this story, of course, I told
23 you earlier I came from Fairfield, it's a small place,
24 hasn't been a whole lot of moving in and out of the
25 community in the last several maybe century or two, we're

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1 all kin probably to some degree or another. Not to be
2 funny, but it ain't a whole lot different than Chester.
3 Chester is a bit bigger than Fairfield but it's kind of the
4 same genetic demographics that way. Here's a dirty family
5 secret, granddad is what they affectionately called a
6 rounder. He got married several times, had children, and
7 God knows how many other half children there are out there.
8 I don't even know how many other Y's are out there that got
9 the same Y DNA as I do because they all got it from
10 granddad just like me. That's what this match is, ladies
11 and gentlemen. It ain't a match. It is a suggestion but
12 it's not a match. So I ask you not to hang your hat on
13 this so called match. You've got to have something else
14 and there ain't anything else. All they've got is a so
15 called match and being there. And ladies and gentlemen,
16 they've got to prove to you beyond a reasonable doubt that
17 there's no other explanation, no other reasonable
18 explanation, I'll clarify, but it's their burden and their
19 burden alone. Jermaine doesn't have to prove that he did
20 or didn't do anything, and furthermore, he doesn't have to
21 prove who actually did it. They're the ones who accuse him
22 so they have got the burden to show that he is the one who
23 did what they say he did, and I'm telling you, they can't,
24 not with this. There's too much speculation as to what
25 went on here. We don't even know when it happened, we

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1 can't figure that timeframe out. We're talking between
2 1:00 in the morning and 5:00 at best if you want to take
3 Mr. Mayfield's first estimated time. That doesn't satisfy
4 the burden of reasonable doubt, ladies and gentlemen, it's
5 got to be more than a Y match and being there. When you
6 take that all into consideration, when you take the lack of
7 evidence as well, when you look at these burn barrels and
8 see that, "Yeah, they were used" and SLED telling you,
9 "Yeah, they were smoldering when we got there," when you
10 look at this bag that mysteriously appears after three
11 agencies have investigated that very spot, when you look at
12 the evidence that they say pay no attention to, it's
13 irrelevant and what was not with it, a bathrobe, when you
14 look that we have a likely answer and we just stay with
15 that answer, and we harp on him and harp on him and harp on
16 him and we keep changing our theories; "Heart attack, okay,
17 not a heart attack. Okay, fine, it was this. Okay, wait,
18 well it was this. Well, what about this? Okay, fine, now
19 we've got a match," and he withstands all of that and he
20 says, "I didn't do it." But every opportunity to walk out
21 the door and leave, he stands firm, comes back and
22 continues the interrogation and says, "It wasn't me." When
23 you add all of that together, ladies and gentlemen, your
24 duty is clear, putting the emotion, putting personal
25 feelings aside, which I -- it's difficult to do, ladies and

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1 gentlemen, we're talking about the death of a good person.
2 And one other thing I do want to point out and I'm about
3 done, they have the Y match on Jermaine, this so called
4 match that could be anybody. You heard about Ms. Lindsay
5 who by all accounts was a good lady who did not deserve
6 this, but you also heard she was no shrinking violet. You
7 heard her daughter say, "She would fuss with me." You
8 heard Jermaine say, "Yeah, she used to fuss at me too."
9 Could you imagine if she was violently strangled as the
10 State tells you she was, could you imagine her not fighting
11 back? And yet when they check her fingernails there was
12 nothing really to determine on her left hand or under her
13 right hand? Jermaine Bell was excluded not with Y DNA,
14 DNA, 16 points, it ain't him under her fingernails. Ladies
15 and gentlemen, he's telling the truth for nine hours on the
16 13th and for another two or three hours on the 15th, he
17 didn't do it, he left that porch. I would ask you to weigh
18 the evidence, continue the diligent job you've done thus
19 far and I know that you will. Weigh all of the evidence,
20 look at it. Don't take my word it, which I know you will
21 not, just simply do that, but consider it. Look at the
22 evidence, weigh it, figure out what you want to believe,
23 and when you do that you'll determine Jermaine Bell is not
24 guilty and you'll find him so. Thank you for your time,
25 your attention and your service.

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1 THE COURT: Thank you, Counsel. Solicitor?

2 MS. LIVELY: Good morning. It has been a real honor
3 to present this case in front of all of you on Judy -- Ms.
4 Judy Lindsay who was taken from her family on September
5 13th, 2015. And it was a brutal murder. Whoever did this
6 to her knew her and watched the life drain out of her eyes.
7 There's nothing more personal than when you put your hands
8 around someone's throat and you squeeze until they're
9 unconscious, but you don't stop there. You squeeze until
10 she bites her tongue and it bleeds. You squeeze until you
11 bend and the muscles of her neck are bruised. You squeeze
12 until the blood was coming back up into your head, goes
13 into your eyes and hemorrhages. That is nothing less than
14 murder. Don't forget that as I talk to you about this
15 case. Because you heard from law enforcement, you heard
16 from a lot of witnesses in this case and I think I can tell
17 you -- and I talked to the solicitor about this, I really
18 am honored to be here and about it, about what happened to
19 Judy to all of you, because it's tough when you're dealing
20 with these hard facts and you're dealing with some very
21 gruesome things. But each one of you deserves to know
22 exactly what you need to make an important decision not
23 only for the family but for the defendant. I love my job,
24 the solicitor loves his job, Mr. Frick, Mr. Jones, they
25 love their jobs and that's what all of us have been doing

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1 this week, but I will tell you that when you weigh all this
2 evidence, none of them have shown you this is anything less
3 than murder, so I think we can all say we know the
4 brutality of this. Now, what I want to just mention real
5 quick, one of the things that I kind of get caught up in is
6 I want to just say a couple of things about what defense
7 said, then I'm going to get into what I've presented for
8 all of you. Because we've been here for a lot of days, for
9 a lot of hours, we all worked really hard so there's a lot
10 of information that you're going to have to go back
11 through, because I don't want to just say, "Yep, DNA
12 match," and sit down. And you know what? These days
13 sometimes that is good enough, but law enforcement didn't
14 stop there, and I'm going to bring you through each piece
15 of that so you can remember. The one thing I do want to
16 mention that was brought up by Mr. Frick because I think it
17 really will bring the whole theory of the case to each of
18 you, remember when he said this is the defendant's life
19 right here? Okay. And you even heard the defendant
20 whenever he was being interviewed he said stuff like,
21 "Well, this is Chester," and he was worried about what the
22 people in the community thought about him. He was worried
23 about, "Well, what would my mama say? What are they saying
24 about me? What are the streets saying?" Here is the
25 thing, ladies and gentlemen, he never confessed, this is

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1 true. But there are some people because they live in such
2 a small community like this and because he knew how well
3 liked Ms. Judy was, he will never confess to what he did
4 because that will make him the monster that he is to
5 everybody in Chester City and Chester County including,
6 too, his mama. That's why he would get right to it, but to
7 say those words would mean he would have to admit to the
8 monster that he was when he took the life out of her that
9 night, and that means losing everything he has ever known
10 in this small little more than quarter mile area that he's
11 lived his entire life. And to him he doesn't even live
12 with his mom, who is transient, who sleeps on people's
13 porches, who depend on the community for him to have a
14 place to lay his head, he could not bring himself to
15 actually say it because then he is lost to this community
16 forever and that's all he's ever known. So think about
17 that. And he knows this area better than a lot of people.
18 He knows about the rose bushes because he's probably cut
19 through here hundreds of times. He knows about this area
20 back here, where to hide Ms. Lindsay. Why? Because he's
21 cutting through here all the time going to Herman Weldon's
22 house but the one time they find the body of Judy Lindsay,
23 so let's talk reasonable here. Then he hides her back here
24 because he knows no one lives here. So what I'm telling
25 you is the only thing that makes sense is that Jermaine

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1 Bell is a murderer. We're not here wasting our time
2 spending hours and hours talking to someone just because we
3 want to pin something on someone, that is absolutely
4 ridiculous. We want to find someone who is out in the
5 community who will brutally strangle a woman who has no
6 enemies. We want to catch the person who did it, and we
7 did. Here is Judy. Look at her. She's wearing the same
8 shirt that was found close to her nude, scraped, strangled
9 body on September 13th, all right? Look how little she is.
10 I think that Dr. Collins who did -- she was the
11 pathologist, she said that she was a little over five feet
12 tall and about 150 pounds. She's a small lady. Very easy
13 to overcome her, which is what the defendant did. And also
14 you've heard these descriptions of her; wife, mother,
15 grandmother, friend, church member, volunteer, good
16 neighbor, good people. This didn't just come from my
17 witnesses or the State's witnesses, it came from the
18 defense witnesses. Physical evidence, ladies and
19 gentlemen, does not lie, people do. And I'm sorry, but we
20 all know that people, whether they forget, whether they get
21 confused, whether they're stressed, whatever the case may
22 be, the truth never changes, but lies will get you in
23 trouble every time because you can't keep it straight and
24 that's what happened with the defendant. So who lies?
25 People who are afraid, guilty people, people who know

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1 they're going to get caught and they'll be punished.
2 People are desperate. Someone, and I contend this fits the
3 defendant to a tee, who was worried about what people think
4 of his actions rather than the act itself. Did you notice
5 when you guys -- I'm going to tell you, I was so amazed,
6 because sometimes I felt like I was going to go to sleep,
7 but I have listened to every single piece of that and so
8 did defense counsel, but we went through every bit of it,
9 and I was amazed every single one of you watched those
10 interviews and listened to those words. That's why when I
11 bring this up to you today I know you're going to know what
12 I'm talking about and that's what's so important. Remember
13 seeing him during the interviews and he's eating food,
14 which is fine, he was hungry, that's fine, the police were
15 nice to get him some food, and they were talking about,
16 "Yep, we just found her body. It's no longer a missing
17 person, she's gone, she's no longer with us. Yep, yep,
18 they found the body." This is a woman he says he calls mom
19 but he's going to eat that bologna sandwich, he's going to
20 eat those chips and he's going to sit there while they talk
21 about it. Now, this is the thing, too, yeah, he was there
22 for nine hours, but he could have left anytime, okay?
23 Maybe he's scared and he's thinking, "Well, this is law
24 enforcement, I better not leave or I'm going to look
25 guilty." But here is the problem, when you're sitting

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1 there like that and you keep giving information, law
2 enforcement, as long as you're going to talk to them
3 they're going to let you talk, and what were they doing
4 outside of where he was? They were following up on what he
5 said. If they could find something that would back up his
6 lies at the time they were thinking he's probably right,
7 and I'll give them that because they're experienced, this
8 is their job, that's what they're supposed to do, but
9 everything he was telling them, what were they doing? You
10 heard from Detective Young, "We went and got search
11 warrants at all of these houses. We went and looked for
12 clothing. We listened to what he was saying, we didn't
13 assume he was lying, we went to see what he was talking
14 about," and guess what? Lie after lie after lie. His own
15 words came back to bite him because they relied on it in
16 order to try and find the truth, that's all they were
17 looking for is the truth. Now, here are some things to
18 remember, and here is where the theory of -- which is hard
19 to come out with sometimes when you have someone that you
20 think loves the victim and they have that kind of
21 relationship. Tiana McCrory, you did not hear from her but
22 you did hear her name and they called her Evette, she was
23 out of town that day, that weekend, her son was the one
24 that was sleeping in the bed with Mr. Mayfield, okay,
25 whenever Judy went missing. Elton was in jail on a family

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1 court bench warrant. That Elton is the good friend of the
2 defendant who he hangs out with, so he knows Elton is not
3 at the house. Tiana Evette is not at the house. Mitchell
4 Mayfield is asleep in the bed with the grandbaby. Jessica,
5 Jet, you've heard her nickname confirmed asleep by
6 defendant because he puts the sheet over here. Now, here
7 is the interesting thing, so we have only person who is
8 still awake is Judy, or the victim, and it says D, that's
9 defendant, on September 13th at about 1:00 in the morning.
10 Why do you think the defendant walked in the house,
11 followed Judy in there for her to get the sheet out of the
12 wash -- the dryer to put it over Jet? Trying to be
13 helpful? He's never said, "I helped do the laundry,"
14 before. He already knows that Mitchell Mayfield is in the
15 bed asleep, he knows Elton is out of town, he knows Evette
16 is out of town, the kids are asleep. "Oh, Ms. Judy, let me
17 help you." He walks in, he's been drinking, he's following
18 her, "I'll take the sheet, I'll put it over Jet." I submit
19 to you he walked in there, he looked at Jet, "Jet, Jet, are
20 you up?" What does she tell you on the stand? "I was
21 drunk." She was passing out on the porch. Her mama --
22 when she heard Ms. Judy, when she heard gunshots out in the
23 distance she told Jermaine, "Hey, tell her to get up and
24 get to bed, we've got to go to church in the morning,
25 okay?" She was passed out. He went in there to make sure

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1 she was asleep. He lays the sheet over her, walks out and
2 the only two people left are Judy and the defendant. Now,
3 here is the timeline, and we'll go through that with you
4 too because, you know, it's a tight timeline, it really is.
5 And the thing that we know from the timeline is that we
6 constantly come back to the defendant and Judy. So
7 September the 11th the defendant, he goes over to their
8 house, he sleeps over that night, very -- nobody disagrees
9 with that and he's done that before. Remember, he's
10 transient, he has nowhere to go, he doesn't live at his
11 mother's house, all right, he sleeps on people's porches.
12 Okay. So when he sleeps at their home he's got a nice warm
13 place to sleep, he's got a good meal that he might be able
14 to get from Ms. Judy, and that person that he probably
15 wanted all of us to believe he thinks of her as a mama, he
16 was in love with that woman. Whether it's a natural thing,
17 an unnatural thing or whatever, that connection to her and
18 the idea of losing it is why he lost it that night, but
19 we'll talk about that in a minute. So September 12th, the
20 morning, defendant leaves, he says he goes to work at the
21 carwash, then later that day he goes to a cookout at the
22 Chalk's home, which you heard Ervin talk about on the
23 stand, so we confirmed. See, we're bringing in these
24 witnesses, I want you to be able to follow this. We're not
25 making all this up. We're not saying we found the DNA and

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1 then going back, the DNA -- he wasn't arrested until we got
2 the final report on the DNA, he wasn't arrested until
3 October 2nd, 2015. So understand, there was none of this,
4 "Oh, we've got the DNA and now we're going backwards," we
5 kept going forward all the way until the DNA gave us what
6 we knew, and that was it was him. So we know the defendant
7 is drinking alcohol. Jet is texting him to come over and
8 drink, so he's going over there with the intention of
9 continuing to drink. He gets there, it's between 11:30 and
10 he says he stays there until 1:00. So that really is --
11 about 11:00 to 1:00 is our timeline when we know the
12 defendant was there before we kind of lose what happens
13 after that. We know what happens but we just don't have it
14 because the only person that can tell us now is the
15 murderer, the defendant. Now, Jessica on the porch,
16 Mayfield and the kids are asleep, and here is the thing,
17 too, that's really interesting that they didn't bring up
18 is, you know, children are pretty observant and they do
19 hear things and they'll wake up in the middle of the night,
20 especially a child whose mama is not there. You know, this
21 kid is sleeping with his grandfather, Mr. Mayfield, he
22 doesn't hear anything. They do forensic interviews of the
23 children, which means they interviewed them, they could
24 possibly be witnesses to a crime, no one said, "Yeah,
25 grandpa got up." Once again, putting those pieces

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1 together, making sure they have the right person. Jessica
2 goes to bed, basically passes out 12:30 a.m. to 12:45 a.m.
3 he's saying -- the defendant says he walked in with Judy to
4 get the laundry. Here is where I'm telling you he's
5 already got the idea in his mind he is going to have his
6 time with Ms. Judy. This is where he thinks it. It may be
7 hard for you to wrap your mind around that, but the thing
8 is is that none of why has to be proven by the State, but
9 I'm going to submit to you that we don't have to understand
10 the mind of a murderer all the time, but when we can do are
11 look at what those possibilities are. What are some of the
12 signs? What is going on? He goes with her to smoke a
13 cigarette outside and she's never seen alive again. All
14 right. Here is somebody who comes, Darkarious Woods, his
15 name is D-man. At 1:00 in the morning he drives up to
16 Judy's home, no one is on the porch. He sees the defendant
17 run from the back of the yard he says about here and comes
18 up to the back of his car, is talking to him and he said,
19 "That's just weird. He asked me about, 'Hey, man, you need
20 to let me wash your new car,'" knowing he'd already washed
21 the car before, it's not a new car and he knows it. He
22 said it was just odd. "You know, when something like that
23 happens it just kind of stood out to me. I didn't know
24 what was going on, I didn't know anybody was being hurt or
25 if anybody had been hurt but to me that is weird." Then he

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1 said he's known him for a long time. He said, "You know, I
2 felt that he was using this as an excuse almost to see
3 maybe if I had seen something. I just thought it was very
4 strange." This is 1:00 in the morning. At this point what
5 we have is now another lie by the defendant because he said
6 he never went back here. But this is the thing, Darkarious
7 is related to Mr. Mayfield, he goes over here and he told
8 you, "Yeah, he would let me park my car here and he would
9 change the oil for me." So he knows him, he knows the
10 area. He says, "I'm a volunteer fireman. When I'm coming
11 through this area I'm always watching kind of what's around
12 me when you're slowing down into a neighborhood." He said,
13 "I don't want somebody kind of sneaking up on me, that's
14 why I noticed him running up from the backyard." What if
15 at that point, which fits the timeline, he sees car
16 headlights coming, he's got Judy, he's dragging her, he
17 panics and he runs out there to see who it is, okay?
18 Because if somebody walks back there at that point in time
19 he has not hidden her body yet and he's busted. And
20 remember, this is his area, this is his town, he knows
21 people. He thinks he is smarter than everybody else. He's
22 going to run out there and see if he can play it off, but
23 D-man sees through it. Ervin Chalk then, 3:25 a.m. he sits
24 up here -- you know what? Whether he was drunk or not, the
25 one thing he was very clear about was, "Yeah, I know it was

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1 Jermaine because I had just hung out with him a few hours
2 earlier. He was wearing the same thing, I saw him walking
3 down the streets, I know he sleeps in the abandon house
4 across from me," when he lived on Saluda Street, "I know he
5 stays at Herman Weldon's house sometimes." All of that
6 fits, every bit of that, none of that is inconsistent. So
7 we have again now 1:00, we have a sighting of the defendant
8 running from the back of the house where these drag marks
9 were of the victim, then we have a sighting of him having
10 come down Saluda Street, here is Ervin Chalk's house and
11 he's walking this way at 3:25. So from 1:00 a.m. to 3:25
12 he's in this area clearly which gives him plenty of time to
13 strangle, disrobe, drag, and hide the body of Judy Lindsay.
14 That next morning Herman Weldon wakes up, he sees the
15 defendant sleeping on his couch and porch. If I saw
16 somebody sleeping on the couch on the porch it would
17 probably freak me out a little bit but Herman says, "That's
18 normal, he comes here, some of his clothes are in my house.
19 Are y'all friends? No." Which is funny because I don't
20 know, maybe at that point in time he was like, "I don't
21 want to say I'm friends with a potential murderer so I'm
22 going to say no," but he's definitely someone where the
23 defendant has slept at his house. Mitchell Mayfield says
24 he got up around 5:00 or 6:00 a.m., he calls at 9:32 to say
25 wife was missing. Now, the thing that was brought up by

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1 the defense was that breach of time there. Remember what
2 Mr. Mayfield said, he said, "I got up and I thought the
3 kids had done all that," had made a mess in the side yard.
4 He didn't say how long he waited to actually go inside and
5 tell Jessica, "Hey, get your bratty kids up and have them
6 to go clean up. We've got to go to this darn thing later
7 on today that I don't even want to wear what Judy is
8 telling me to wear," I don't know how long he was out there
9 at the burn cans. That's his normal routine, he said he
10 had a cup of coffee. At that point in time he doesn't know
11 his wife is missing, nobody does, nobody is looking for
12 her, that's where they are. And then when he does get Jet
13 up and they start to look for her, Jet first goes and gets
14 in the car and drives around with a friend, Sammy, to see
15 if they can find her mom. They didn't call 911 just yet,
16 they wanted to see if they could find their mom. A lot of
17 times people don't want to get the police involved until
18 they know there's a reason to get the police involved. So
19 they go looking, and what does Jessica tell you? She went
20 to Herman Weldon's house, didn't go to his mama's house
21 looking for him because he doesn't live there, he just
22 lives and sleep wherever he can. They go there, what does
23 she see? His dirty black Coogee shoes on the porch but
24 nobody else. So they leave. 911 is called. They have
25 all -- and you can see everything and how it unfolds, all

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1 right? Now here is the thing, at 11:07 when you see that
2 the defendant is being interviewed by Detective Young, at
3 that point in time we don't know she's dead yet, okay? We
4 don't know that until Randy Clinton, who shows up around
5 11:50, that quickly that bloodhound was able to locate the
6 body. But you saw the picture, it wasn't easy to see her
7 in that brush it was so thick, another reason why he chose
8 that as a hiding place. All right. Then we have --
9 defendant is being interviewed at the law enforcement
10 office, SLED arrives on scene, the victim's body is removed
11 at 5:05. They cleared the scene at 7:24. They go to
12 Herman Weldon's house because at this point in time we are
13 now -- we've confirmed, after he lied about going to Center
14 Street, or he lied and said that Center Street was his
15 residence, then they go and check and say, "Well, we're
16 going to go check that out. No, that's a carwash. Well,
17 where did you stay last night? ■ Foote Street, my mama's
18 house. Were you by yourself? Yes. Did you stay there all
19 night? Yes." All right, then they move on. Then he says,
20 "Oh no, no, no, when I was there my brother was there, he
21 lives there. Okay. Well, did your brother see you? No."
22 Then they found out from talking to Ervin and from talking
23 to Herman Weldon he actually stayed at Herman's on the
24 couch. So they keep talking to him about it and he's like
25 "Oh, yeah, yeah, yeah, I actually stayed at Herman's

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1 house." Look, if you get details wrong I can understand
2 that, but if you don't remember where you slept the night
3 before or even hours before you are lying for a reason. So
4 you see, when the other interviews are done and then it's
5 very important, on October 2nd the defendant was arrested
6 for murder. Now I'm going to talk about that bag and the
7 ashtray that was found. Remember, they were saying that
8 Mitchell Mayfield and Jessica, that some of their mother's
9 items had been missing and she believed that Jermaine was
10 stealing from them, Judy did, and so did Jessica. This
11 area here that you see this dark thick area, you can look
12 at the pictures when you go back in the jury room, that
13 area was so grown up you couldn't even barely see the body
14 in there. So when they released the scene, that being
15 SLED, and you can go back and can look at the pictures,
16 because they take a picture when they went back in the
17 darkness and you'll see which ones I'm talking about,
18 they're the dark at night, you will see how thick of that
19 vegetation that was there, and you will see why it was so
20 difficult to find anything or think something was of
21 significance. Because everything, even the Sharpie they
22 marked, even that black sash or the black robe tie, they
23 marked, they took it, because if there's anything of
24 evidentiary value, we have a murdered woman here, we're
25 going to document it and we're going to take it and they

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1 did. And the only thing that we've seen Mr. Mayfield do
2 was call the police and do the right thing whenever he had
3 learned his wife of 30 something years was brutally
4 murdered. That's it. That's all he did. Now, who puts
5 the defendant at the scene? The defendant does. Jessica,
6 Mitchell Mayfield, Brianna Lowery and Darkarious Woods.
7 Now, Brianna Lowrey didn't testify, but Detective Sanders
8 read out her statement, said she had come by while Jessica
9 had gone to the Wendy's with Cooter Wilkes to get something
10 to eat. So she came by and saw Jermaine there too. So all
11 of these people confirmed that Jermaine Bell was there that
12 night. Now, who was the last person to confirm to see Judy
13 alive? Jermaine Bell. See, the bricks we're putting
14 together now? We're not making this up. We are learning
15 from the facts because the facts don't change, people's
16 stories do. Who lied during the murder investigation? All
17 right. I throw them up there, Jermaine Bell, Chester
18 County Sheriff's Office and SLED. So here's the thing,
19 they weren't under oath at that time. They were using
20 normal police tactics, okay? And he chose to talk to them
21 and listen to what they were saying, believe it or not
22 believe it, that is not the issue, but if you are the
23 suspect in a murder case and you're lying to the police and
24 they're able to confirm it over and over again then you're
25 going to be the main suspect. Now, did law enforcement

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1 believe this was an accident? Never. Did they think it
2 was a heart attack? Never. But at that point in time what
3 they want to be able to do is to go to this family and say,
4 "We know who stole your mother, your wife, your grandmom
5 from you." Justice for the victim is what they would want.
6 How many statements by the defendant? Several, many hours
7 now, every single one of them with Miranda, which is what
8 the defense showed you. Well, legally they didn't even
9 have to give him a Miranda reading on that first day
10 because anybody can go and talk to the police, it doesn't
11 mean you're going to be arrested. So that's the thing, he
12 could have walked out. You heard Kristen Bell (sic) --
13 Kristen Bell, sorry, Kristen Grant, Agent Grant said,
14 "You're not under arrest, you can leave. Hey, let's go
15 smoke a cigarette outside." Yeah, you know what? They
16 were being really nice to him. Why? Because they thought
17 he might have murdered somebody and they wanted
18 information. If you want to fault them for that then fault
19 them for that, don't fault Ms. Judy who they were trying to
20 fight for. Now, here's the thing that I think that if --
21 I've been emersed in this case as well as the Solicitor,
22 the defense has, and this is what I want you to think
23 about: Why did he continue to speak with the police?
24 Remember what I told you about his world right here? He
25 had nowhere to go. If the community believes and people

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1 talk in this small community that he did this, he had
2 nowhere to go. So he kept talking to the police to find
3 out more about what they knew, and also because he
4 literally felt his world being taken away from him, just
5 like he watched the life being taken out of the eyes of
6 Judy Lindsay when he strangled her. Here. He wanted to
7 know what they had against him because he believed that he
8 left no DNA. This is so important, because if you go back
9 and listen, which I don't know if y'all even want to go
10 there, but if you went back and listened to the statements,
11 everywhere they talk about DNA, law enforcement will say,
12 "If I touch this I'm going to have my DNA here," or, "If I
13 touch this you'll have DNA here," and then they talk about
14 sex. Remember, we talked about CSI before all of this
15 started and about how people have this idea of what things
16 are when they deal with forensics. A lot of times when you
17 see his DNA is on her, they're going to think he had sex
18 with her, and in his mind that's what's going on. Because
19 every time they asked about DNA, then they would follow-up
20 with some type of question about, "Did you sleep with her?
21 Did y'all have sex?" I'm not going to tell you all of the
22 crude words that they were using but they were trying to
23 bond with him, and the reason why they were doing that is
24 because we didn't know at the time if she had been sexually
25 assaulted. We did not charge him for something we couldn't

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1 prove. That may have been his motive or his intent. There
2 was trauma to her vaginal area which meant that it was
3 acute, which means it was recent. There was trauma. We
4 could have said "I think we can go there, we are going to
5 try and do this," but the DNA didn't come back. We charged
6 him with what the DNA came back with and that is his hands
7 around her throat choking the life out of her, his DNA
8 under her arms dragging her to a place where he could hide
9 the body, that's why he's charged with murder. To him when
10 he kept saying, "No, no, my DNA ain't on her, my DNA ain't
11 on her," because he knew he choked her. Whether he
12 intended he was going to have sex with her at some point,
13 he might have fondled her, we don't know what he did.
14 Obviously he disrobed her, she was nude, which is -- that's
15 a major red flag. But when we didn't have the evidence --
16 remember, the evidence doesn't lie -- when you don't have
17 the evidence we are not going to pile it on and say "And he
18 raped her." Okay? Understand, we are bringing you what we
19 needed to prove. People lie. Follow the facts, follow the
20 evidence, that's all we did. Now, autopsy findings. You
21 know, those pictures were gruesome, I get it and, you know,
22 even whenever I was talking to Dr. Collins before we had
23 court I asked her, I said, "What are these" -- I didn't
24 know what that picture was, you know, the organ. And when
25 I looked at it it was just -- I didn't understand the

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1 relevance. You know, we're talking to a pathologist, they
2 know exactly what they're looking at, they know the
3 importance of it and I'm going, "That's not something I
4 think the jury needs to see." When she was on that stand
5 she said, "This picture is critical because what we're
6 doing is we're showing a force that was so excessive there
7 was hemorrhaging in the strap muscles of her neck," then I
8 got it. When she told me the force and how someone would
9 have to hold you and hold it for that long, because at
10 first you go unconscious, in order for your brain to die
11 you have to continue to hold it. I'm holding this. Twelve
12 seconds. It has only been 12 seconds. I haven't even held
13 it a minute, not even a minute. He squeezed her so long
14 and so hard he bruised the inside of her neck muscles.
15 That is malice. That is a horrible, sad, tragic, senseless
16 murder. The bruising under her arms, which was on her
17 shirt, every bit of it. The trauma found in her genital
18 area, but because we didn't have the physical DNA evidence
19 we didn't charge him. There are fact witnesses and you
20 look at law enforcement. I mean, y'all sat here for all of
21 that, that's a lot of information. Mitchell Mayfield:
22 I've already talked about this but I wanted to make sure I
23 wouldn't forget to go through it with you. Vickie Feaster,
24 the defense witness, "Mitchell was good to her. Mitchell
25 was good to her." Jessica. She's known the defendant for

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1 years. He would come over uninvited, Judy would always
2 tell him to leave. She said Judy believed the defendant
3 was stealing some of her personal items; glasses, underwear
4 ashtray. I'm going to tell you something, after I got this
5 case it was already too late, but I even went back over
6 here to see this area for myself. I wish someone had gone
7 back and looked even a little harder, you might have found
8 a pair of glasses in there. I submit to you this defendant
9 had his own little spots to hang out to put stuff, to hide
10 stuff. Her clothing could be anywhere in this area. He
11 knows the woods, he knows the back trail, he knows the
12 abandoned houses, he knows every single corner of that.
13 She remembers the defendant being there sharing liquor and
14 beer. Calls her cousin Cooter -- and I love all of these
15 nicknames, I don't mean to digress but it's hard because I
16 know y'all were hearing Jessica, Jet, Cooter, D-man,
17 Darkarious, so I've tried to put it on there so you can
18 know what we're talking about. She gets back, she eats,
19 she left the defendant and Judy alone around 12:30 or 12:45
20 a.m. She said -- and I love it, she was just so honest on
21 cross examination, "You'd been drinking, he'd been drinking
22 too but you weren't drunk." And she was like, "No, I was
23 drunk." So it is what it is. She was drunk, she went to
24 bed, he made sure of it because he put the sheet over her,
25 no one else up, he had a plan in his mind. Now, here is

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1 the thing that I thought was really important, too, and
2 it's a small thing but I want to mention it to you.
3 Remember whenever I asked Mr. Mayfield if he cooperated
4 with law enforcement, he gave a statement and I said, "You
5 even let you swab your mouth," and he was like "Nope." The
6 feeling that you have whenever you have your own witness
7 say no on something that you know for a fact, you know for
8 a fact he was swabbed by law enforcement because that's how
9 we know it's not his DNA on his wife. He forgot. Well,
10 guess what? They took his statement within a couple of
11 days, or maybe even a day of finding out his wife was found
12 nude and brutally murdered. He forgot. He forgot someone
13 stuck a cotton swab in his mouth, and you know what? It's
14 a good thing they did, because they looked at everybody at
15 that time, they stuck that cotton swab in his mouth, they
16 tested his DNA and they eliminated him. They didn't say
17 he's not just -- there's no possibility with the Y strand
18 DNA that it's him, none. Okay. All right. So now, Ervin
19 Chalk. He's known for three years. Remember when he came
20 in here, had on the orange vest? And he said he's the one
21 that told law enforcement, "He stays in that abandoned
22 house sometimes, y'all need to check it out." He knows
23 Judy Lindsay, she's good people. He's the one that
24 confirmed the timeline as to when the defendant gets there
25 and he is drinking alcohol. He's the one who saw the

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1 defendant walking down Saluda Street about 3:25 a.m.
2 probably after he had just hidden her nude body, and also
3 that he was wearing the same striped shirt as earlier that
4 day, that's important. Here's where we find the defendant
5 sleeping, on that couch. That's where he lay his head that
6 night. Now, if your brother and mother had a house on
7 Foote Street, which is just a few doors down, why are you
8 going to sleep on the porch like that? No offense to Mr.
9 Weldon but he doesn't sleep there, he sleeps inside. But
10 that's where he slept and his dirty shoes were found there.
11 He slept there because no one wanted him at their home,
12 including Ms. Judy, and when she told him that and she
13 refused him that night it cost her her life. Darkarious
14 Woods. He's the one that said, "I pulled up slowly, didn't
15 see anybody, normally everybody is hanging out on the house
16 at the porch." He sees him running from behind here. He
17 notices it, weird questions, knows him well, it was just
18 strange. He has nothing to gain by telling you this. And
19 that was 1:00 a.m. Law enforcement interviews, clear
20 inconsistencies. By the time he gets to Agent Pough, which
21 is the African-American SLED agent who was extremely
22 boisterous, extremely entertaining to watch and listen to,
23 but the bottom line is what he was doing was saying this is
24 your last chance. And understand, that was on the 15th.
25 And remember when was he arrested? October 2nd. They

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1 still didn't -- I'm thinking at that point honestly, I was
2 like, "He's getting ready to whip the handcuffs out, here
3 it comes," but he didn't because they did their jobs and
4 they continued to work the case. Agent Boan. I love the
5 fact he did the simple part of what he had to do but it was
6 so critical, "Did you touch Judy that night anywhere, under
7 her clothes, over her clothes, anything? Nope." And he's
8 like, "Have you ever touched her? Maybe weeks or months
9 ago, maybe a hug or a kiss on the cheek." That doesn't get
10 us to here and it doesn't get us under here, ladies and
11 gentlemen. The physical evidence doesn't lie. They all
12 believed he murdered her but they wanted to minimize it to
13 try to get him to confess because that's what law
14 enforcement does. Black Coogee shoes. When Jessica saw
15 them they were muddy. When law enforcement gets there
16 they're wet, no mud. Okay. Has he washed them? Is it
17 mildewed? I know one thing, one minute they had mud on
18 them, the next minute they don't. We did the next thing
19 that the State is supposed to do and that is check it out.
20 In order for it to actually be a match like the DNA was we
21 have to be able to say it was some scientific reliability.
22 Agent Worley. Because she cannot go under oath and say
23 it's a match tells us the truth. "I can't rule it out, I
24 can't exclude it but I can't include it either because it
25 was not enough of a pattern," and she showed you that. I

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1 could have not called her and said, you know what, it's not
2 a match so I don't even want them to hear from her. But
3 you need to see the steps of everything that law
4 enforcement did before they made that arrest. It wasn't
5 about closing the case, it was about getting justice for
6 the victim's family. Then here are the inconsistencies
7 that Agent Kristen Grant gave us, and I've already talked
8 about some of them, but here is something that was really
9 interesting to me too and I didn't realize it until I heard
10 it again and I talked to her again. If you will look at
11 number three it says, "Did you ever go into the side yard
12 at Judy's?" If you listen to it every single time he gave
13 his statement, "I left. I walked off that porch and I
14 turned around the corner and I went around the corner.
15 Where were you? In the road. Were you ever in the yard?
16 No, I was never in the yard. Never in the yard. Never in
17 the yard." Two days later, on and on and on again, you saw
18 how thorough she was, she would go back minute by minute
19 almost. And then all the sudden, this is what happens with
20 a guilty person, they keep saying, "We know what happened,
21 Jermaine, we want to give you the opportunity to explain
22 how we know you were in that side yard." So what is he
23 doing to do? "I better come up with something because they
24 already know I was there. Oh yeah, yeah, yeah, I went over
25 there to pee." Lie after lie. His Coogie shoes are found,

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1 his clothes -- this was another thing she really tripped
2 him up with. Remember, by this time it's two days later,
3 so what do we have? He's either forgotten, he's talked to
4 other people, talk of the streets, so he has forgotten the
5 lies he's told to Agent Grant. So she says -- he's been
6 saying black shirt, jeans, Coogee shoes, you woke up that
7 morning at Herman's, you slept in your clothes, right?
8 Yep. As soon as I got up I smoked a cigarette with Herman,
9 I did not change my clothes or shower, walked to Fifth
10 Street," and that was whenever he was seen. And she says,
11 "That's a lie, because when you were at law enforcement" --
12 and you can see on the video, he has on a striped shirt and
13 different shoes. So when she nails him down on that and he
14 says, "I never changed my clothes, I never -- oh wait a
15 minute, but I did change my shirt and my shoes." Okay. So
16 then you lied. Then he comes back, he gets defensive, "You
17 mean I can't change my shirt and my shoes? That doesn't
18 mean I changed my clothes." What part of any of that makes
19 sense? The truth never changes. So you've heard this
20 enough, I'm going to flip through this one already, I've
21 gone through the defendant's words. Here is what I want
22 you to focus on, the defendant's lies and the physical
23 evidence. All right? I know, just be patient with me, I'm
24 going to get through that because this is so important and
25 y'all have listened and I know it's a lot but I'm trying to

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1 bring it all back to you because I want you to see that the
2 only reasonable explanation for every bit of this is that
3 he murdered her. Whoever killed Judy knew where to hide
4 her body. Abandoned home, overgrown. He couldn't leave
5 her behind Ms. Feaster's house, because y'all remember?
6 You could get a picture from here all the way over to here
7 when looked at the backyard, it was wide open. He had
8 to -- because trust me, I'm sure he didn't want to have to
9 take her all through here, come through here, go around
10 that fence, the rose bush back through here, but there was
11 no other way to do it because there was nowhere he could
12 have left her. If somebody could have just came by and
13 decided to kill her, they would have never known that.
14 This was his hiding place, that's where the underwear was,
15 that's where the ashtray was. And you know what? Maybe if
16 I would have been there a couple of years ago I would say,
17 "Let's find her glasses too, let's keep looking, let's cut
18 this stuff down." Here is where the DNA match came from.
19 The armpits of the shirt that was found within feet of her
20 dead body. That's not a coincidence. That's not a strange
21 possibility, that is DNA fact. DNA match to the Defendant
22 Bell, excluding -- and that's the other thing, specifically
23 excludes Mitchell Mayfield. Excluding Mitchell Mayfield on
24 her neck, on her neck. He never hugged her, touched her,
25 kissed her that night, but the murderer did, the defendant

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1 did whether he wants to admit it or not. There is all of
2 the DNA. Look at that. And the Y strand DNA, is
3 actually -- it is newer, but the thing that's really
4 interesting about it, this is why I love CSI too, my
5 parents watch it all the time, it's almost embarrassing
6 because my parents will call me up and they'll say, "Did
7 you watch that CSI show? Did you see that? You better not
8 be one of those prosecutors where they find out later on
9 that the DNA exonerates somebody and you say, 'well, we're
10 going to still go with the jury's verdict.'" My mom gives
11 me a hard time about that. And I say that jokingly because
12 here is the reason why, ladies and gentlemen, we don't have
13 a situation where we can't depend on DNA in this case. We
14 have DNA. And this Y strand DNA, do you remember the
15 defense stipulated that Tyjuan Bell, the brother who lives
16 in the area who would also have, like Mr. Frick told you,
17 would have -- when he was talking about his family, the
18 paternal line, people who have the same DNA that would be a
19 match? He stipulated that Tyjuan Bell worked that night
20 whenever Ms. Judy went missing and that he'd not been to
21 her home. Who had been there? Jermaine Bell. Whose Y DNA
22 was on her neck under her arms? Jermaine Bell. That's it.
23 So here we have a desperate man rejected by his own family.
24 He's hanging out wherever he can, but the best place he had
25 was Judy's home and she told him to leave that night. She

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1 probably confronted him about her stolen items, maybe she
2 was just sick of it, unfortunately we will never know
3 because he killed her. Maybe it was a sexual rejection,
4 remember, we don't have to prove that. But there's so many
5 elements of this. Why did she have trauma to her vaginal
6 area? Why was she nude? There was something definitely
7 going on. But what we do know is that we can put him there
8 as being the one who strangled her and drug her. That's
9 why we didn't charge him with rape, we charged him with
10 what we knew he did. He is guilty of murder. Now, there's
11 a lot on there but I want you to look at me and listen to
12 what I tell you on this, okay? Because the Judge is going
13 to charge you as to what the law is, and what I want you to
14 understand is that murder is one of those crimes that's
15 been around for thousands of years and it is the worst of
16 the worst. When you snuff the life out of a human being
17 it's never the right thing. Sometimes you might have an
18 excuse, we have laws for that. But when you intentionally
19 take the life of someone for no reason but your own selfish
20 either desires, desperation and you watch the life go out
21 of that person, that is murder. So I want you to think
22 about that. Think about how the evidence -- physical
23 evidence never lies. The truth never changes. The
24 defendant has done all of those, he's lied, he's changed
25 his story and he wants you to fall for it. Don't let him

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1 get away with the murder. Find him guilty. Thank you.

2 THE COURT: Thank you, Solicitor. Okay. We're going
3 to take a brief recess, we'll come back and I'll give you
4 the charge on the law, then about the time I finish with
5 that your lunch should be here. Please do not begin any
6 deliberations. Step back just a few minutes and we'll have
7 you right back in here and we'll get this charge to you.

8 (The jury left the courtroom and a recess was taken.)

9 (The jury returned to the courtroom.)

10 THE COURT: Mr. Foreman, ladies and gentlemen of the
11 jury, if I could have your undivided attention. I have
12 observed you during the progress of this trial and I
13 appreciate you patiently listening to the presentation of
14 the evidence and I thank you for your undivided attention.
15 Thank you for listening to the arguments made by counsel in
16 this case. It is now your duty to listen to my
17 instructions, apply the law of this case to the evidence
18 that you find and thus reach a verdict. It is my duty as a
19 trial judge under the constitution of this state to charge
20 you and instruct you the law applicable to this case, and
21 it is your duty as jurors to accept and apply the law as I
22 state it to you. As jurors it is your exclusive duty to
23 decide all the issues of fact in this case, and for that
24 purpose to determine the affect, the value and the weight
25 of the evidence. Both the State and the defendant have a

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1 right to expect that you will conscientiously consider and
2 evaluate the evidence and apply the law of the case thereto
3 to the end that both the State of South Carolina and the
4 defendant will receive and obtain a fair and impartial
5 trial in this case. When I use the word defendant I refer
6 to Mr. Jermaine Bell. The State of South Carolina by the
7 bill of indictment in this case charges the defendant,
8 Jermaine Bell, with the offense known in the law as murder.
9 The indictment reads in part, Jermaine Marquel Bell did in
10 Chester County on or about September 13, 2015, feloniously,
11 willfully and with malice aforethought kill and murder Judy
12 Lindsay by means of strangling her, and that the said
13 victim did die as a proximate result thereof. To this
14 charge and to the indictment the defendant has entered a
15 plea of not guilty, and a plea of not guilty by the
16 defendant places the burden of proof on the State to prove
17 by the evidence the guilt of the defendant beyond a
18 reasonable doubt before you, the jury, can find the
19 defendant guilty. A defendant is presumed in law innocent
20 of the charges contained in an indictment. It is a
21 cardinal and fundamental rule of the law of evidence that a
22 defendant, irrespective of the enormity of the charge
23 against him, will always be presumed innocent of the crime
24 for which he's been indicted unless and until the guilt of
25 the defendant has been proved by evidence that satisfies

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1 you, the jury, of his guilt beyond a reasonable doubt. The
2 presumption of innocence is not a mere legal theory and
3 it's not just a legal phrase, the presumption of innocence
4 is a substantial right to which every accused is entitled.
5 Our Supreme Court has declared that the presumption of
6 innocence is like a robe of righteousness placed around the
7 shoulders of the defendant, and it remains with him and
8 assigns him to that class, the innocent, until that
9 presumptive robe of righteousness has been stripped from
10 his person by evidence satisfying you, the jury, of the
11 guilt of the defendant beyond a reasonable doubt. The
12 presumption of innocence accompanies a defendant from the
13 time of his arraignment and appearance in court and
14 continues with the defendant throughout every stage of a
15 trial. It continues with the defendant after you retire to
16 the jury room to deliberate your verdict. The presumption
17 of innocence continues in existence to the benefit of the
18 defendant until you, the jury, reach the conclusion that
19 the State has proved the guilt of the defendant beyond a
20 reasonable doubt. The State is not required to prove the
21 guilt of a defendant beyond all doubt or beyond every
22 doubt, but beyond a reasonable doubt. Proof beyond a
23 reasonable doubt is proof that leaves you firmly convinced
24 of the defendant's guilt. There are very few things in
25 this world that we know with absolute certainty and in

JURY CHARGE

1 criminal cases the law does not require proof that
2 overcomes every possible doubt. If based on your
3 consideration of the evidence you are firmly convinced that
4 the defendant is guilty of the crime charged you must find
5 him guilty. If, on the other hand, you think there is a
6 possibility that he is not guilty you must give him the
7 benefit of the doubt and find him not guilty. Ladies and
8 gentlemen, the defendant is entitled to every reasonable
9 doubt arising in the case. If upon any issue of fact
10 essential to conviction and a verdict of guilty you have a
11 reasonable doubt as to how that issue should be resolved,
12 it would be your duty to resolve that reasonable doubt in
13 favor of the defendant. A defendant is not required to
14 prove his innocence but the State is required in law to
15 prove every essential element of the offense charged
16 against the defendant by evidence which satisfies you, the
17 jury, of the guilt of the defendant beyond a reasonable
18 doubt before you can convict the defendant and find him
19 guilty. If then upon the whole case you have a reasonable
20 doubt as to the guilt or the innocence of the defendant he
21 is entitled to that reasonable doubt and would be entitled
22 to an acquittal verdict of not guilty. But on the other
23 hand if upon the whole case you find that the State has
24 proved by evidence which satisfies you, the jury, of the
25 guilt of the defendant beyond a reasonable doubt, then in

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1 such circumstances it would equally be your duty to convict
2 the defendant and find him guilty. I tell you and instruct
3 you at this time that the indictment in this case, which
4 you will have a little later, is not evidence and cannot be
5 considered by the jury as evidence in the case. An
6 indictment is simply the formal written instrument which
7 contains the charge against the defendant and it serves as
8 a formal document by which the case is processed into the
9 court. During the trial each of us, you and I, have
10 certain duties to perform. As the trial judge it is my
11 responsibility to preside over the trial of the case and
12 also have the duty to rule upon and pass upon the
13 admissibility of the evidence offered during the progress
14 of this trial. You are to consider only the competent
15 evidence before you and you are to disregard and disabuse
16 from your mind any testimony ordered stricken from the
17 record in the case during the progress of the trial if
18 there be any. You are to consider only the testimony which
19 has been presented from the witness stand together with any
20 exhibits admitted into the record of this case and any
21 stipulations of counsel made into the record. I have the
22 additional duty to charge you the applicable law of the
23 case. As the presiding judge I am the sole judge of the
24 law of the case and it is your duty to accept and apply the
25 law as I state it to you. If you have a preconceived idea

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1 as to what the law is or what the law ought to be in this
2 case and it should not agree with what I tell you the law
3 is, you are obligated under your oath to abandon this
4 preconception on your part because you are sworn to accept
5 the law precisely as I state it to you. In every case
6 tried in this court before a jury the jury becomes the sole
7 and exclusive judge of the facts of the case. You, the
8 jury, are the judge of the facts in the case, the Court is
9 the judge of the law in the case. The constitution of this
10 state has declared that the trial judge shall not intimate,
11 state, comment upon or make any statement to a trial jury
12 about the facts of the case. Since you are the sole judge
13 of the facts you are not to infer from anything that I have
14 said during the progress of this trial in ruling upon the
15 admissibility of evidence or otherwise, or anything that I
16 now say during the course of this charge to you that I have
17 an opinion about the facts in the case. The law does not
18 permit me to have an opinion, that is a matter solely for
19 you, the jury, to determine. As jurors then it's your
20 exclusive duty to determine as I have stated to you the
21 affect, the value and the weight of the evidence presented
22 during the course of the trial. Now, let me speak with you
23 about evidence. There are two types of evidence which are
24 generally presented during a trial; direct evidence and
25 circumstantial evidence. Direct evidence directly proves

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1 the existence of a fact and does not require deduction.
2 Circumstantial evidence is proof of a chain of facts and
3 circumstances indicating the existence of a fact. Crimes
4 may be proven by circumstantial evidence. The law makes no
5 distinction between the weight or value to be given to
6 either direct or circumstantial evidence. However, to the
7 extent the State relies on circumstantial evidence, all of
8 the circumstances must be consistent with each other and
9 when taken together point conclusively to the guilt of the
10 accused beyond a reasonable doubt. If these circumstances
11 merely portray the defendant's behavior as suspicious the
12 proof has failed. The State has the burden of proving the
13 defendant guilty beyond a reasonable doubt. This burden
14 rests with the State regardless of whether the State relies
15 on direct evidence, circumstantial evidence or some
16 combination of the two. Necessarily then you must assess
17 the credibility of the witnesses who have testified in the
18 case. Credibility is simply a legalistic terms which means
19 believability. I charge you that in determining the
20 question of credibility or believability of the witnesses
21 you may believe one witness as against several witnesses,
22 or several witnesses as against one witness. You may
23 believe a part of the testimony of a witness and reject the
24 remaining part of the testimony of that same witness. You
25 may believe the testimony of a witness in its entirety or

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1 reject the testimony of a witness in its entirety. You may
2 consider whether any witness has exhibited any interest,
3 any bias or any prejudice in the case. You may consider
4 the demeanor of a witness, the appearance of a witness from
5 the witness stand, and you may consider the opportunity for
6 knowledge concerning those things about which a witness
7 testified, and in doing so in exercising your mental
8 processes the law simply requires that you exercise your
9 good judgment, your common sense, your sense of logic and
10 reason and your experiences in life. You then apply these
11 attributes of ability to the evidence and determine the
12 weight of the evidence, and to these state of facts as you
13 determine by the jury, you take and apply the law as I
14 state it to you and thus arrive at a verdict in the case.
15 I instruct you and emphasize to you that the election of a
16 defendant in the trial of a criminal case not to testify on
17 his own behalf is not a factor to be considered by you in
18 any way in your deliberations and in your consideration on
19 the question of the guilt or innocence of the accused. It
20 must not be considered by you in any manner whatsoever
21 against the defendant or mitigate against him in any
22 respect whatsoever. Under your oath you are to reach no
23 inference and draw no conclusions whatsoever from the fact
24 that the defendant in the case did not himself testify.
25 This should not even be discussed in the jury room. Once

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1 again, I remind you that the burden of proof is upon the
2 State. Now, ladies and gentlemen, I want to discuss with
3 you the charge upon the offense indicted, that is the
4 offense of murder. Bear with me just a second, I'm going
5 to read it to you. Section 16-3-10 of the Code of Laws of
6 South Carolina which states murder is the killing of any
7 person with malice aforethought either expressed or
8 inferred. I point out to you the word inferred also means
9 the same thing as implied. Hence, in order to convict one
10 of murder the State must not only prove the killing of the
11 deceased by the defendant but that it was done with malice
12 aforethought, and such proof must be beyond a reasonable
13 doubt. Malice aforethought is an essential element in the
14 crime of murder. What is malice? Malice is defined in the
15 law of homicide as a term of art. Malice does not
16 necessarily mean an actual intent to kill. This is a
17 technical term importing wickedness and excluding just
18 cause or legal excuse. It is something which springs from
19 wickedness, from depravity, from a depraved spirit, from a
20 heart devoid of social duty and fatally bent on mischief.
21 The words expressed or inferred malice do not mean
22 different kinds of malice, but merely a manner in which the
23 only kind of malice known to the law may be shown to exist,
24 that is to say either by direct evidence or by inference.
25 Malice may be expressed as where previous threats of

JURY CHARGE

1 vengeance or lying in wait, or other circumstances show
2 directly that an intent to kill was entertained. Malice
3 may be inferred. Where no express intent to kill is proved
4 by direct evidence, it may be inferred from the facts and
5 circumstances which are proved. Malice may be inferred
6 from the willful, deliberate and an intentional doing of an
7 unlawful act without just cause or legal excuse. In other
8 words in its general signification malice means the doing
9 of a wrongful act intentionally without justification or
10 legal excuse. But even if facts proved are sufficient to
11 raise an inference of malice, this inference would simply
12 be an evidentiary fact to be taken into consideration by
13 you, the jury, along with all of the other evidence in the
14 case, and you may give it such weight as you determine it
15 should receive as to whether or not malice has been proved
16 beyond a reasonable doubt. Ladies and gentlemen of the
17 jury, you are not partisans or advocates for the State of
18 South Carolina or for the defendant. You do not serve as
19 jurors to reward friends or punish enemies, obviously such
20 a perverted system of justice would be intolerable. You
21 have been selected by both the State and the defendant as
22 fair and impartial jurors, it is your duty then by your
23 joint deliberations to determine the facts in this case
24 giving to the defendant the benefit of every reasonable
25 doubt on each and every issue, then to the facts which you

JURY CHARGE

1 determine to be you then take and apply the law which has
2 been given to you by this Court and thus arrive at a
3 verdict. When you have accomplished these responsibilities
4 you will have satisfied your oath as jurors and you will
5 have discharged your duties to the Court. I will now
6 instruct you of the forms of verdict in the case. If the
7 State has failed to prove the guilt of the defendant beyond
8 a reasonable doubt, your verdict would be two words, not
9 guilty. If the State has proved the guilt of this
10 defendant beyond a reasonable doubt, your verdict will be
11 one word, guilty. The verdict that you render in this case
12 must be the verdict of each and every juror, it must be
13 your unanimous verdict, all 12 jurors must agree on the
14 verdict which you authorize the foreman to write for the
15 jury. Mr. Foreman, I hold the indictment. In a few
16 minutes you will have the indictment to take back for
17 deliberations. On the back of indictment in the bottom
18 left corner there's an area there entitled verdict. Once
19 the jury reaches a verdict it will be your responsibility
20 to write in the appropriate verdict, sign and date at the
21 bottom line. If you have any needs please knock on the
22 door, the bailiff staff will be close by and they can
23 assist you. Lunch should be there, if not in just a few
24 minutes. Please do not begin your deliberations until I
25 send this verdict form back to you along with the exhibits.

JURY CHARGE

1 I've got to meet with counsel, it will take just few
2 minutes to check off on the exhibits and make sure
3 everything is present. Once I send all of that back to you
4 you may begin the deliberations. All right, ladies and
5 gentlemen, if y'all will step back to your room, we'll try
6 to get this to you as soon as possible.

7 (The jury left the courtroom.)

8 THE COURT: Any exceptions or additions to the charge
9 from the State or the defense?

10 MS. LIVELY: Nothing from the State, Your Honor.

11 MR. FRICK: Nothing from the defense.

12 THE COURT: Thank y'all for getting this case
13 presented, I appreciate you working diligently for your
14 respective sides and getting this case to the jury. It's
15 always so much more of an easier task on me when I have
16 excellent lawyers doing their presentation and I do
17 appreciate y'all.

18 (The jury began deliberations.)

19 THE COURT: All right. The jury has informed us that
20 they have reached a verdict. No matter what their decision
21 is this is a tragic situation that happened here in
22 Chester. I know emotions are flowing, we don't want any
23 further harm or injury to come from this, so if anyone in
24 the courtroom feels that they cannot handle whatever the
25 jury has done with this verdict you need to step outside.

JURY VERDICT

1 We don't want anybody to get hurt, okay? With that said if
2 anybody needs to step outside now is the time. Bring the
3 jury in.

4 (The jury returned with a verdict.)

5 THE COURT: Madam Clerk? Okay. Signed and dated.
6 You may publish the verdict, Madam Clerk.

7 THE CLERK: Your Honor, this is case number
8 2016-GS-12-173, the State versus Jermaine Marquel Bell, we,
9 the jury, find the defendant guilty. Signed by foreperson
10 Michael Austin, dated 6/30/17. If this is your verdict
11 please say so by the raising of your right hands. Thank
12 you.

13 MR. FRICK: Defense requests polling, Your Honor.

14 THE COURT: All right. Madam Clerk?

15 THE CLERK: Foreperson Michael Austin, is this your
16 verdict and do you still assent?

17 THE JUROR: Yes, ma'am.

18 THE CLERK: George G. Floyd, Jr., is this your verdict
19 and do you still assent?

20 THE JUROR: Yes, ma'am.

21 THE CLERK: Claire G. Hardin, is this your verdict and
22 do you still assent?

23 THE JUROR: Yes, ma'am.

24 THE CLERK: Hannah B. Shepherd, is this your verdict
25 and do you still assent?

SENTENCING HEARING

1. that?

2. THE DEFENDANT: Yes, sir.

3. MR. FRICK: And, Your Honor, I have advised him of
4. that and I have advised him that my standard practice in
5. this is to go ahead and file it, and whoever handles it
6. after me can discuss with Mr. Bell his situation at that
7. time.

8. THE COURT: I've been at this job a long time and I've
9. watched, learned and listened from every case that I have
10. presided over. I've watched and learned a lot of change in
11. our society, hear from both sides of the criminal justice
12. system as far as the prosecution and defense. We went
13. through these philosophical arguments about proof, eye
14. witness testimony, strength and weaknesses of that, and
15. then a lot of the attorneys and folks within the criminal
16. justice system says, "Well, one day we will advance to
17. where DNA will prove everything we need to prove," and that
18. day has come and now. There's a lot of philosophical
19. argument from the defense side, "Well, that's still not
20. enough," but the DNA was there. I certainly don't have any
21. problem whatsoever with the jury's decision based on the
22. evidence that's before the Court. It was senseless, this
23. crime, absolutely no excuse for the victim to have been
24. murdered under these circumstances. The Court cannot
25. afford to have you back out on the streets, therefore the

SENTENCING HEARING

1 sentence of the Court is you shall be confined to the state
2 department of corrections for a period of your life. Good
3 luck to you.

4 MR. FRICK: Your Honor, if I can make a couple of
5 post-trial motions so I do not forget to do them at a later
6 time if that would be all right.

7 THE COURT: Yes, sir.

8 MR. FRICK: Your Honor, at this time the defense would
9 move for a new trial based on our objections, particularly
10 regarding some of the evidence that was admitted. And,
11 Your Honor, I would renew all of those objections and
12 motions that we had excluding and including evidence in
13 this trial.

14 THE COURT: Based upon the evidence this was about as
15 clean a trial as I think I've presided over, I'll have to
16 deny that motion.

17 MR. FRICK: And, Your Honor, I'm going to make the
18 standard motion I do make, however in your sentencing I
19 believe I understand how your ruling may be, however I
20 would ask you to set the verdict aside notwithstanding the
21 verdict, the 13th Juror Doctrine as you're aware of. I'm
22 still not clear on its applicability in criminal court but
23 I do think it probably does apply and I ask you to consider
24 that and set the verdict aside.

25 THE COURT: I'll have to deny that motion.

P. 3

TO: +18037341397

FROM: Chester County

8/3/2017 12:16 PM

528

WITNESSES

B.P. Perry (CSD)

✓ *A St Clair*

ARREST WARRANT NUMBER/DOA

2015A1210100193 (DOA- 10-2-15)

TRUEBILL

Sanna R. Wilson
Foreperson of Grand Jury
Date: *2-16-16*

VERDICT

Guilty

Foreperson of Petit Jury
Date:

Michel Carter
6-30-11

DOCKET NO. 2016-GS-12- 173

The State of South Carolina
County of Chester

COURT OF GENERAL SESSIONS
FEBRUARY TERM 2016

THE STATE
vs.

Jermaine Marquel Bell

Indictment for
Murder

SC Code: §16-3-10
CDR Code: 0116
Class: Felony, EXM

STATE OF SOUTH CAROLINA)
COUNTY OF CHESTER)

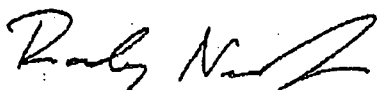
INDICTMENT

At a Court of General Sessions, convened on February 16, 2016, the Grand Jurors of Chester County present upon their oath:

MURDER

That Jermaine Marquel Bell did in Chester County on or about September 13, 2015, feloniously, willfully and with malice aforethought kill and murder Judy Lindsay by means of strangling her, and that the said victim did die as a proximate result thereof, in violation of the common law of South Carolina and §16-3-10, *Code of Laws of South Carolina, (1976), as amended*.

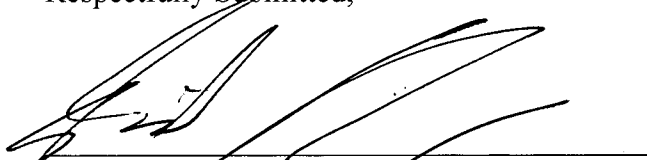
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Randy E. Newman, Jr., SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 14th day of January, 2019.

RECEIVED
JAN 14 2019
SC Court of Appeals