

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County
Carmen T. Mullen, Circuit Court Judge

ORIGINAL

THE STATE,

RESPONDENT,

V.

TYRONE ANTHONY WALLACE, JR.

APPELLANT

APPELLATE CASE NO. 2018-001242

RECORD ON APPEAL

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SC Court of Appeals

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE'S EXHIBIT #20; STATE'S EXHIBIT #43 (VIDEO); STATE'S EXHIBIT #22-A &
22B (VIDEO); STATE'S EXHIBIT #30-A &30-B (VIDEO); STATE'S EXHIBIT #40-A &
40-B (VIDEO); and COURT'S EXHIBIT #6 (MAP)**

STATE OF SOUTH CAROLINA
FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT
COURT OF GENERAL SESSIONS
CASE NUMBERS 2015-GS-07-01907 & 2016-GS-07-00044

STATE OF SOUTH CAROLINA

PLAINTIFF

VERSUS

TYRONE ANTHONY WALLACE, JR.

DEFENDANT

JUNE 11, 2018
TRANSCRIPT OF PREHEARING
BEAUFORT COUNTY, SOUTH CAROLINA
BEFORE
HON. CARMEN T. MULLEN, JUDGE

WANDA H. ROWE, CVR-M
OFFICIAL COURT REPORTER

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RE HIGHTOWER CELL PHONE TESTIMONY

1 THE COURT: And hopefully, they'll just speak for
2 themselves, if they're let in, so. Okay.

3 REGARDING DYLAN HIGHTOWER CELL

4 PHONE TOWER TESTIMONY:

5 THE COURT: Okay. Are there any other motions
6 that we need to take up, other than this motion right
7 now?

8 MS. CAMPBELL: We have the cell phone tower
9 testimony to take up.

10 THE COURT: Correct.

11 MS. CAMPBELL: And I think that, that is it.

12 THE COURT: Okay. Well, let's go ahead. I see
13 Mr. Hightower is here. And Ms. Jones, correct me if
14 I'm wrong, I think Mr. Hightower testified in a
15 previous case, correct?

16 SOLICITOR JONES: He has testified four times.

17 THE COURT: Okay.

18 SOLICITOR JONES: Never qualified as an expert.

19 THE COURT: Okay. And I just need to be clear on
20 this.

21 MS. CAMPBELL: I actually believe he -- that your
22 Honor did qualify him.

23 THE COURT: And I just need to be clear on this.

24 MS. CAMPBELL: I actually believe that your Honor
25 did qualify him. I spoke with Mr. Fleming this

1 morning.

2 THE COURT: As an expert?

3 MS. CAMPBELL: In Jasper County.

4 THE COURT: Okay.

5 MS. CAMPBELL: And maybe, I don't know, State v.
6 Jenkins, Jasper County murder case. So, Mr. Fleming
7 must be --

8 THE COURT: I have a hard time believing I
9 qualified him.

10 MS. CAMPBELL: He must be -- he must be
11 misinformed, then.

12 THE COURT: As an expert.

13 MS. CAMPBELL: Okay.

14 THE COURT: And no disrespect.

15 MS. CAMPBELL: Yeah, no. Okay. That's fine.

16 THE COURT: And are we talking about -- so are we
17 talking about is it a single; we don't need to go into
18 triangulation in this case; what do we have?

19 MR. HIGHTOWER: May I speak a second?

20 THE COURT: Actually, let's just come have you
21 take the stand, because we're going to need to put you
22 under oath, anyway. And I just need, first, Ms. Jones,
23 to hear. I certainly know what the science is. I know
24 what he's testified to before. I just want to know
25 what you're trying to get out of him at trial, and how

1 close of a location or where you put --

2 SOLICITOR JONES: Absolutely.

3 THE COURT: -- any of these people at any specific
4 time, how close to a site.

5 MADAM CLERK: Do you solemnly swear or affirm the
6 testimony you're about to give this court shall be the
7 truth, so help you God?

8 DYLAN HIGHTOWER: Yes, ma'am.

9 SOLICITOR JONES: Prior to me questioning Mr.
10 Hightower's on his qualifications, what I anticipate,
11 or what I would ask the Court to allow me to do, is
12 have him qualified as an expert in historical cell
13 phone data. And what he did for this case is what he
14 does for a lot of our cases now.

15 The defendant's cell phone number was obtained by
16 a court order. Actually, a PEN register and track-and-
17 trace device order allowing police to get his phone
18 number.

19 THE COURT: Mr. Wallace's?

20 SOLICITOR JONES: Yes.

21 THE COURT: Okay.

22 SOLICITOR JONES: They got his phone number, and
23 they the records from Verizon. It had call detail
24 logs, as well as location services. Mr. Hightower got
25 that information and created a clearer format to read

1 the call logs, because your Honor is familiar with how
2 the records come in.

3 THE COURT: Right.

4 SOLICITOR JONES: You can't read them. Nobody --
5 I can't read -- I don't know what this means. He dumps
6 it into his program and creates a list that is
7 readable.

8 THE COURT: Okay.

9 SOLICITOR JONES: He also took the location of
10 towers, and I would like to admit a map, and I can pass
11 this to you. I have a large exhibit for court that
12 just shows the sectors, the towers and the sectors that
13 the phone was pinging off of. And the call log would
14 correlate with it for the times that it was pinging off
15 of these towers. The reason that is important is
16 because incident location is right here, and then the
17 remains were found over here. And he is pinging off of
18 the tower on the way there and on the way back. Well,
19 I can say his cell phone is. He, obviously, is not.
20 And that would be why I would be having Mr. Hightower
21 testify.

22 THE COURT: Okay. And Mr. Hightower, have you
23 ever been qualified before as an expert in historical
24 cell phone data?

25 DYLAN HIGHTOWER: No, ma'am, I have not.

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RE HIGHTOWER CELL PHONE TESTIMONY

1 SOLICITOR JONES: Okay. And one of the reasons
2 that we're doing this pretrial, your Honor, is that he
3 has never been qualified before. I do know that,
4 recently, I believe in State v. Aneisha Young, over in
5 Jasper County, there was a SLED analyst qualified. And
6 I got his resume, and I compared it to Mr. Hightower's,
7 and I have both. And I would like to go through Mr.
8 Hightower's qualifications to see if the Court would
9 allow him to be qualified as an expert.

10 THE COURT: Okay. Do you have a copy of Mr.
11 Hightower's C.V.?

12 SOLICITOR JONES: I do, your Honor.

13 THE COURT: And Trasi, you have got a copy of it?

14 MS. CAMPBELL: I have not gotten a copy of it yet.

15 THE COURT: In talking to Mr. Fleming -- who was
16 the prosecutor on the case that was with Mr. Fleming?

17 SOLICITOR JONES: It was an Attorney General case.

18 SOLICITOR SMITH: Judge, I can add some on that.

19 THE COURT: Yes.

20 SOLICITOR SMITH: I was there. It was Bernard
21 Jenkins. You tried it. It was one that was started in
22 Jasper. Had to mis-try it because of the jury issues.
23 Had to change venue and move it to Hampton. And I
24 believe when Mr. Hightower was going to testify in
25 Jasper, right? I don't even know if he remembers if he

1 testified in Hampton, because we ended up pleading a
2 third of the way through the trial. I don't remember
3 him being qualified as an expert, but it would've been
4 you, because you were the trial judge on that first
5 case. This was the sheriff's son who was charged, and
6 we had bad jury issues.

7 THE COURT: Right. Okay.

8 SOLICITOR JONES: Your Honor, I had just asked
9 that his resume be printed. I have a copy I can hand
10 you. Of course, this is my only copy. I did not have
11 printed --

12 THE COURT: Of course, Ms. Campbell needs one.

13 SOLICITOR JONES: Yes. And I had just asked Mary
14 Jordan to print me a couple copies. And I do have the
15 resume of the other man who was qualified as well, for
16 comparison, and there are my highlighted notes on
17 there.

18 THE COURT: Mr. Hightower, have you ever worked
19 for a law enforcement agency?

20 MR. HIGHTOWER: None, other than the Solicitor's
21 Office, yes, ma'am.

22 THE COURT: Okay.

23 MR. HIGHTOWER: I interned at SLED for a period of
24 exactly two years, yes, ma'am.

25 THE COURT: I saw that, that you were interning.

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1 MR. HIGHTOWER: Yes, ma'am.

2 THE COURT: Okay. But you've never worked,
3 actually, other than the Solicitor's Office, in law
4 enforcement.

5 MR. HIGHTOWER: Yes, ma'am, that's correct.

6 THE COURT: Okay. Thank you. Okay.

7 SOLICITOR JONES: And your Honor, I did just email
8 Crystal, as well as Ms. Campbell, a copy of the resume,
9 but we are getting hard copies printed right now.
10 Would you like me to go into his questioning?

11 THE COURT: Go ahead.

12 SOLICITOR JONES: Okay.

13 DYLAN HIGHTOWER, DIRECT

14 EXAMINATION BY SOLICITOR JONES:

15 Q. Mr. Hightower, where do you work?

16 A. I'm currently employed at the Fourteenth Circuit
17 Solicitor's Office.

18 Q. And what are some of your duties at the
19 Solicitor's Office?

20 A. I serve as the director of the Intelligence Unit.
21 I supervise two analysts, as well as -- not necessarily
22 supervise, but work with another investigator in
23 intelligence, as well as a digital forensics examiner.

24 Q. And what does that mean, digital forensics
25 examiner?

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1 A. So a digital forensics examiner is someone who is
2 capable of extracting a mobile device off of multiple
3 different systems, Cellebrite, Mobilize, all different
4 types of forensic acquisition software.

5 Q. And did you have to receive some sort of
6 specialized training in order to do this?

7 A. Yes. I don't serve as a digital forensic
8 examiner. That would be Mr. Nelson. However, he does
9 that, and I do the historical cell phone analysis for
10 the actual records that were provided from the
11 providers.

12 Q. What does that mean?

13 A. So you, basically, you send a search warrant in to
14 a provider requesting call detail records, RTT, which
15 is a realtime tool, as well as any other incoming and
16 outgoing calls through an Excel spreadsheet, and they
17 send it to you. And then, once I received it, I would
18 analyze it, as well as do a geo spacial mapping with
19 the information provided from the provider.

20 Q. Are you providing any information yourself?

21 A. No, ma'am, everything is provided to me in digital
22 format.

23 Q. Okay. Okay. And did you go to special classes in
24 order to gain this knowledge and skill?

25 A. I have.

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1 Q. And can you go into a little detail on that.

2 A. Yes, ma'am. First, I graduated from the
3 University of South Carolina in 2010 with a bachelor of
4 arts in sociology. Upon graduating there, I served an
5 internship with the South Carolina Law Enforcement
6 Division, and ultimately obtained a position at the
7 Fourteenth Circuit Solicitor's Office. I was in
8 Columbia at the time, and the Solicitor, Duffie Stone,
9 had worked it out with the South Carolina Law
10 Enforcement Division to where I could do a four-week,
11 on-the-job training in the Fusion Center in Columbia;
12 and basically developed a knowledge for basic criminal
13 intelligence analysis.

14 And it encompasses everything. You know, any
15 locating people, locating witnesses, using different
16 types of software and/or databases to obtain
17 information, reports, things of that nature; as well as
18 a basic knowledge of cell phone forensics, as well as
19 cellular analyses.

20 Q. Okay. So you got your basic information there.
21 Did you go on to get more in-depth information,
22 training?

23 A. Yes, ma'am. In December of 2011, I took a one-
24 week course -- course, again, at South Carolina Law
25 Enforcement Division. It was called PenLink. It's a

1 call analysis training school. Basically, in that
2 course, you go into how to read the records, how do you
3 map the records; as well as they teach you how to use
4 their software, where you can import the records in
5 electronically, and it does analyses for you.

6 Q. Okay.

7 A. On top of that, in 2014, I took a two-day course,
8 Fundamentals of Call Detail Records Analysis, and that
9 was Pinehurst, North Carolina. Again, that was a class
10 where it as primarily dealing with manual searching,
11 manual analyses, not using any separate software to
12 dump these records in. It really teaches you how to
13 read the records in its cell format, how to map them,
14 as well as an understanding of how sectors work, which
15 would be the face of the tower that the phone number --
16 the phone was actually utilizing.

17 Q. So at this --

18 EXAMINATION BY THE COURT:

19 THE COURT: Mr. Hightower, let me ask you
20 something. So does anyone test you or certify you? I
21 understand that being able to get -- taking analyses
22 from Verizon and be able to put it in an Excel
23 spreadsheet form, so that's just information they gave
24 you. You just dump it into, you know, a program; it
25 spits it out. That, I'm okay with. My problem is --

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EXAMINATION BY THE COURT

1 not a problem -- but are you, at that point, certified
2 by someone? And again, like when we had Grabinski
3 testify, I mean, he works for SLED. And so, I know I
4 can't recall exactly what he said his background was,
5 but does someone then go in and check and test you and
6 certify you for this tower information?

7 MR. HIGHTOWER: Yes, ma'am.

8 THE COURT: And who is that?

9 MR. HIGHTOWER: The instructors.

10 THE COURT: The instructor in the class you take?

11 MR. HIGHTOWER: Correct.

12 THE COURT: And how long was that class?

13 MR. HIGHTOWER: Well, the third -- the one I'm
14 referring to now, is a two-day course. The first one,
15 PenLink Call Analysis Training School, was one week.

16 THE COURT: So a one-week course, a two-week
17 course, and then, at the end of the day, they test you
18 to see if you do it correctly. And then, do you get an
19 actual certificate or?

20 MR. HIGHTOWER: Yes, ma'am.

21 THE COURT: Okay.

22 MR. HIGHTOWER: You do student practicals, and
23 then there's tests involved in that entire class.

24 THE COURT: You're talking about a one-week class
25 and a two-day class.

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CONT. HIGHTOWER DX BY JONES

1 MR. HIGHTOWER: Yes, ma'am.

2 THE COURT: So how many practicals can you do in
3 that amount of time?

4 MR. HIGHTOWER: I have further training. That was
5 just two days.

6 THE COURT: Okay.

7 SOLICITOR JONES: May I continue?

8 THE COURT: Go ahead and ask your questions.

9 DYLAN HIGHTOWER, CONTINUE DIRECT

10 EXAMINATION BY SOLICITOR JONES:

11 Q. After that 2014 class, what training did you take?

12 A. I took a one-day course in Myrtle Beach, South
13 Carolina, on mobilized -- mobile forensics. It's a
14 cellular -- as a cellular forensic operator. And
15 again, with that, you obtain a certification, and then
16 your work is peer reviewed by someone who has more
17 knowledge in the system or has been utilizing the
18 system longer than I have; as well as the FBI CAST
19 class, which is the historical cell site analysis,
20 which was a two-day class. And I took that last month
21 in Charleston, South Carolina.

22 Q. And after all these classes, do you become
23 certified in something?

24 A. Yes, ma'am.

25 Q. And what are your certifi -- what certifications

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CONT. HIGHTOWER DX BY JONES

1 do you hold?

2 A. It's an understanding of how to read records, as
3 well as an understanding of how cell site towers work,
4 as well as sectors. All entities of call detail
5 records is what you learn as a result of taking these
6 classes.

7 THE COURT: So where is that on your
8 certifications and training? Is that what this is?

9 A. Yes, ma'am.

10 THE COURT: So it just says FBI CAST, Cell Site
11 Analysis Course.

12 A. Um-hmm.

13 BY SOLICITOR JONES:

14 Q. All the courses you have listed under
15 certifications and training are those that you receive
16 certifications from?

17 A. Yes, ma'am.

18 Q. Okay. And do you continue education and training
19 in the world of cell phone data?

20 A. Yes, ma'am. The network, or the cell phone
21 technology, is ever-changing. So therefore, you have
22 to take, you know, online training, any type of updates
23 that the providers may offer. I'm also a member of the
24 National Domestic Communications Assistance Center,
25 which offer those types of training online.

1 Q. Okay.

2 A. Basically, an example of that would be, say,
3 Verizon in Jasper County is now evolving from 3G to 4G
4 technology. So therefore, it's the same type of format
5 that you would obtain the records in, but they read a
6 little bit differently, so you have to basically stay
7 up to par as far as the chain in technologies.

8 Q. And how frequently do you take a course or a class
9 relating to this sort of information?

10 A. Generally, about once a year for the last seven
11 years.

12 Q. Okay. And part of those classes you had mentioned
13 you had learned about sector analysis?

14 A. That's correct.

15 Q. And the towers?

16 A. That's correct.

17 Q. What does that mean?

18 A. So, a sector, generally speaking, looking at a
19 cell tower in this general area, it's a three-phase
20 sectors, so you have three sides. And with that
21 technology, the call detail records will tell you which
22 sector or which side the tower that phone was utilizing
23 at the time of the transaction. The transaction could
24 be anything from a phone call, a text message, or any
25 type of data transmission where that phone can utilize.

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CONT. HIGHTOWER DX BY JONES

1 Q. And you're getting this information from whatever
2 provider has responded to the search warrant?

3 A. That is correct.

4 DISCUSSION REGARDING DYLAN HIGHTOWER
5 CELL TOWER TESTIMONY:

6 SOLICITOR JONES: I believe that's all the
7 questions that I have regarding his qualifications. I
8 could get into questions asking what I would ask him at
9 trial.

10 THE COURT: Yes. I want to know what he's going
11 to testify to.

12 SOLICITOR JONES: Okay. Okay. For this --

13 THE COURT: And my question is this. Ms.
14 Campbell, I can tell you, last time when we did this,
15 we did a complete proffer, if I'm correct, on
16 Grabinski, to know exactly what he was going to say; to
17 make sure it was -- is that what we're going to need to
18 do again? I'm trying to figure out whether or not it's
19 even worthwhile for him to say what he's going to do
20 here, because I don't even know that I can make a
21 ruling. I think it's possible that I may have to do a
22 whole proffer at trial just for appellate reasons.
23 What do you think?

24 MS. CAMPBELL: Well, I don't know anything about,
25 is it Eric, the person you are trying to make this

1 analogy to?

2 THE COURT: Grabinski.

3 MS. CAMPBELL: Yeah. I don't have this curriculum
4 vitae, this person that we're trying to analogize with.

5 SOLICITOR JONES: I can email it.

6 MS. CAMPBELL: So I really -- I couldn't even say.
7 And I'm assuming, was it your Honor that qualified this
8 other person as an expert?

9 THE COURT: It was for -- it was on a limited
10 basis, though, too. And I guess my next question would
11 be, Ms. Smith, did anyone get his testimony? Did
12 anyone have his -- if the case was mistried, did anyone
13 have his testimony transcribed before the next trial,
14 because it pled out halfway through the second trial,
15 right?

16 SOLICITOR SMITH: Yes, ma'am.

17 THE COURT: So do you know if anyone requested the
18 transcript? And if -- I don't know who would've. It
19 would either have been, obviously, the Defense or the
20 State, and I don't know if either one of them did it,
21 but.

22 SOLICITOR SMITH: I don't remember.

23 THE COURT: I think it was Mona that was there at
24 trial. I don't know why I think that's the court
25 reporter.

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CONT. HIGHTOWER DX BY JONES

1 SOLICITOR SMITH: Probably -- in Jasper, that
2 probably would have been.

3 THE COURT: I think it was her. I know it wasn't
4 Wanda.

5 SOLICITOR SMITH: But now, that was Bernard
6 Jenkins, not the other.

7 THE COURT: Yes.

8 SOLICITOR SMITH: And I can't remember how long we
9 went between, because then, change of venue. So I
10 don't know. Maybe we did --

11 THE COURT: Ms. Jones, I think I'm going to have
12 to have a full proffer, because part of this -- and
13 he's going to tell me the science of it, but it's going
14 to depend on how close he can get, based on it being
15 one, two, and a third side, and I just don't know. In
16 my case, the question was the ultimate issue, he said
17 he could put, in that case, the defendant within four
18 to five miles, is what he said in that case of -- and
19 it wasn't even the side. It was an act or something.
20 So, again, I guess, what's the ultimate issue that
21 you're going to testify to. Is what I hear you saying
22 is that it puts Mr. Wallace's cell phone from where,
23 allegedly, the murder occurred, to where the body was
24 taken, is that correct, and back?

25 SOLICITOR JONES: He is -- essentially, his cell

1 phone is pinging off of the towers on the way to and
2 from the murder location.

3 THE COURT: Which was on?

4 SOLICITOR JONES: Which is right here.

5 THE COURT: Okay. On Boundary Street.

6 SOLICITOR JONES: Yes.

7 THE COURT: Okay.

8 SOLICITOR JONES: And then, he's murdered about
9 8:34 p.m. And the body is at Saint Helena later on
10 that night, about midnight/1:00 o'clock, based on the
11 cell phone record.

12 THE COURT: Based on the cell phone records, you
13 have him coming back right after?

14 SOLICITOR JONES: He comes back. He comes back.

15 THE COURT: And then, how long after that was the
16 body found?

17 SOLICITOR JONES: Twenty-three days.

18 THE COURT: Okay.

19 SOLICITOR JONES: And that would be all I would be
20 asking him to testify to.

21 THE COURT: And just so I understand, Mr.
22 Hightower, how close can you put his driving to each of
23 the towers that it's pinging off of as it's moving?

24 MR. HIGHTOWER: The [REDACTED] Greene Street is
25 approximately 327 yards from the tower.

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CONT. HIGHTOWER DX BY JONES

1 THE COURT: Okay.

2 MR. HIGHTOWER: Which would also -- it's indicated
3 in yellow on the map.

4 THE COURT: Okay. Okay.

5 MR. HIGHTOWER: And the location of the remains
6 was 2.67 miles from that tower on that same sector. So
7 it would be in that direction the phone was utilized.

8 THE COURT: How can you get that specific? How
9 can you get to 2.67?

10 MR. HIGHTOWER: I just measure the difference
11 between the location of the remains and the distance
12 between the tower, where the tower is located. So,
13 essentially, I --

14 SOLICITOR JONES: With latitude and longitude?

15 MR. HIGHTOWER: Yes, ma'am. So the latitude,
16 longitude, the tower locations would be provided to you
17 in electronic format.

18 THE COURT: Okay.

19 MR. HIGHTOWER: And map all the towers
20 individually.

21 THE COURT: Okay.

22 MR. HIGHTOWER: And then, do you analyses based
23 off the time frames that the case officer, in this
24 case, the prosecutor requested.

25 SOLICITOR JONES: We actually have the latitude

1 and longitude specifically for where the body was
2 found, because the co-defendant was on GPS monitoring,
3 so we have very specific coordinates of that.

4 THE COURT: Okay. So he was on GPS?

5 SOLICITOR JONES: Not this defendant. Another --
6 a co-defendant that pled.

7 THE COURT: Well, I mean, that obviously makes it
8 much better if he was on GPS, so, because that's more
9 accurate than -- my understanding, at least that's what
10 they testified in the last case. Okay.

11 So, Ms. Campbell, what do you want to do as to
12 this? Because this is certainly is going to be a lot
13 more specific. Are you going to want an actual proffer
14 at the time of trial as to exact testimony? I mean, I
15 guess we can go ahead and do it right now, if you want
16 to. I mean, we're all here, so.

17 MS. CAMPBELL: I think we're going to have to have
18 that, and then we can do it now.

19 SOLICITOR JONES: I would like to do it now, your
20 Honor.

21 THE COURT: Okay. All right. Well, let's do
22 this, then. If we can -- we're going to take a five-
23 minute break. What else do we have to do besides this
24 part?

25 SOLICITOR JONES: The last outstanding motion

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CONT. HIGHTOWER DX BY JONES

1 would be the admissibility of the photographs I handed
2 over to her.

3 THE COURT: Okay. And she's going to have a
4 chance over break to look at those.

5 MS. CAMPBELL: Um-hmm.

6 THE COURT: And you've already looked at them.
7 And I want, also, Ms. Campbell, did you get a copy of
8 the other officer's --

9 MS. CAMPBELL: I did not.

10 THE COURT: Okay. So.

11 SOLICITOR JONES: We have the part of the
12 interview cued up as well.

13 MS. CAMPBELL: Okay. Well, I'll watch it with
14 you.

15 THE COURT: Okay. You watch it. And then, I'll
16 come back. We'll give it about five minutes or so, but
17 I think Trasi needs to look at this. And -- thank you.

18 SOLICITOR JONES: Your Honor, I do have a motion
19 to exclude third-party guilt, which we can get into as
20 well.

21 THE COURT: Okay. Okay. Did you file a motion,
22 or is it sight unseen?

23 SOLICITOR JONES: I did not file a motion, no.

24 THE COURT: Okay. Okay. Well, let her take a
25 look at that, and then we'll come back. Okay. Let's

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1 just take ten minutes, like I said. Let's all just
2 take ten minutes, and we'll come back, and sounds like
3 we'll take up those three matters.

4 SOLICITOR JONES: Thank you.

5 OFF THE RECORD 3:05 P.M.

6 BACK ON THE RECORD 3:38 P.M.

7 BY THE COURT:

8 THE COURT: I think we're back with Mr. Hightower.
9 Is that correct?

10 SOLICITOR JONES: Yes, your Honor.

11 THE COURT: Since we did just go through all his
12 qualifications, I'm going to -- let me just make it so
13 I completely understand. So, Mr. Hightower, how many
14 hours of training do you have in cellular telephone
15 technology?

16 MR. HIGHTOWER: As far as training courses?

17 THE COURT: Yeah. And I mean, I know you said --
18 you're telling me courses, but just give me hours. If
19 you're course is a week long, if it's five hours, if
20 it's eight hours. I just need hours. I kind of need
21 an idea in my head, I need to know if it's, you know,
22 50, 60, or 100. How many hours?

23 MR. HIGHTOWER: Actual training courses, it would
24 be 72 hours.

25 THE COURT: Okay. Thank you. Okay. Let me ask

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1 you at this point, do you want me to ask him anything
2 as far as his qualifications are concerned?

3 MS. CAMPBELL: I can do that.

4 THE COURT: Sure.

5 DYLAN HIGHTOWER, CROSS-

6 EXAMINATION BY MS. CAMPBELL:

7 Q. Mr. Hightower, these certifications that you've
8 testified you've received, the company that puts on
9 these training seminars, they give you that
10 certification? Okay. Which one of these gave you
11 certifications?

12 A. FBI CAST, Cell Site Analysis Course.

13 Q. And is that one by the FBI?

14 A. Yes, ma'am. Cellular Analysis Survey Team is what
15 CAST stands for. It's a team of instructors that teach
16 local law enforcement agencies the historical analyses,
17 how to read them and how to interpret them, and also
18 how to map them.

19 Q. Okay. So do you have your certification with you
20 from that?

21 A. I do have it at the office. I'd be happy to
22 provide all the certificates for all these.

23 Q. I'd actually like to see those, because I'd like
24 to see exactly what it is they say you're certified in
25 and to do. Because, you know, this CAST Site Analysis

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1 Course, you know, I need to know more about that.

2 MS. CAMPBELL: So, if we could have those
3 provided, your Honor, that would be great. I really
4 would appreciate that.

5 THE COURT: I would agree. And my question in all
6 this is, obviously, you know, just looking back and
7 looking at some of the case law, all the states are a
8 little bit different on this. It's what we're
9 qualifying him in, and it's important because it's the
10 first time he's being qualified. So the State is
11 asking that he be qualified as an expert in historical
12 cell phone data, okay? That would allow him to just
13 interpret what the cell phone records say. That
14 doesn't allow him to testify to the location services.
15 So what I'm seeing out of courts is, they will have him
16 testify, or someone testify as a cell phone, forensic
17 technology expert or a cellular tracking technology
18 expert. And I think these are really important exactly
19 what it is, because whatever he's qualified in, it only
20 allows him to the extent he can testify. And again,
21 the simple fact of just extracting the data from the
22 cell phones. We will have him testify as to people,
23 but if what you're talking about, if he's going to
24 testify as to ultimate conclusions that this shows he's
25 pinging -- or this phone is pinging from Point A to

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1 Point B, that's tracking. And so, he has to be able to
2 be qualified as an expert in that. Does that make
3 sense?

4 SOLICITOR JONES: That does make sense.

5 THE COURT: We have to be really careful about how
6 we do it. And again, I don't know in South Carolina
7 how many times someone has been qualified, but again,
8 the states are all looking what everyone's saying. It
9 can't come in through a lay person anymore. They're
10 just not letting that happen. Other than if someone's
11 just, you know, basically saying on the cell phone
12 records this Column A, A means, you know, something.
13 The A means this thing. It's just like a little
14 legend.

15 SOLICITOR JONES: And I do have a South Carolina
16 case, your Honor. I do have a federal case, also, from
17 Charleston. They both let it in. The federal case,
18 actually it's a motion in limine, what we're doing
19 right now, and so, I have the cite.

20 THE COURT: Have you given those to Trasi?

21 SOLICITOR JONES: I have them right here for her.
22 And I'm kind of just looking at the leading federal
23 cases on this, and I have one for both you and Crystal.
24 And I did search the United States case, the *Edy* case.
25 The actual case itself doesn't really get into this.

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1 They let it in, and then they don't address it again at
2 the trial itself.

3 MS. CAMPBELL: I would need a moment to review,
4 so.

5 THE COURT: So we'll both look. So let's just go
6 ahead and just ask him as far as for the -- I mean,
7 what I'm hearing, I heard the 72 hours as far as -- and
8 it's not just -- it's cell phone information data; it's
9 the actual tracking of the pinging, correct?

10 SOLICITOR JONES: Yes. Just basic historical cell
11 site analyses when it comes to locations services, as
12 well as call detail records. So actually what's
13 happening, incoming/outgoing calls, takes messages, all
14 that of that nature.

15 THE COURT: But the portion of it -- we talked
16 about historical cell phone services -- I was hoping
17 not to do this, this time. We did this after the fact,
18 so it's not this trying to track down someone. It is
19 after the fact from the phone extracting information.

20 BY MS. CAMPBELL:

21 Q. So, Mr. Hightower, have you ever conducted an
22 experiment, as in making a phone call personally, kind
23 of gone to see whether or not that call compared to
24 report data so that you could issue a conclusion about
25 that? Do you have any personal knowledge about how

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1 that would happen? Have you ever done that?

2 A. No, ma'am, I have not. Not with my own personal
3 phone number, if that's what you're referring to.

4 Q. Have you done it with any phone?

5 A. Though practicals, yes, ma'am, we have through our
6 training and certifications and our courses.

7 Q. No, that's not -- in the field conducting, you
8 know, an experiment in this scientific area. Have you
9 done anything like that?

10 A. No, ma'am.

11 Q. And so, what you have, the knowledge you have, is
12 based on what these instructors are telling you and
13 other law enforcement officers are telling you, how
14 this science works.

15 A. They give you the basic knowledge and
16 understanding of how to read the records. And then
17 that way, you can analyze them and interpret based off
18 what you're seeing, to develop location services and
19 things like that.

20 Q. Right. But as far as the science itself, you have
21 done nothing in terms of conducting your own analysis
22 of evidence, independent of what these individuals have
23 told you, correct?

24 A. Yes and no. I mean, there is -- through my
25 training and experience, I have actually reviewed

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1 probably between 100 and 120 different sets of records.
2 And through that process, especially in the beginning,
3 I did reach out to my instructors during each of the
4 courses and had them peer review my work to make sure
5 what I was doing was correct and going along with what
6 we learned in the class.

7 Q. Well, that's not what I asked you, but thank you.
8 Okay. So peer review, let's talk about that. So have
9 you then published any articles in the scientific
10 journals related to cell phone call data?

11 A. No, ma'am.

12 Q. Okay. And as far as peer review of your work,
13 these would be the people that you are paying a fee to
14 certify you, those are the ones, too?

15 A. For all the courses I've taken, I've not paid for
16 any. It's all been through grants.

17 Q. I'm sorry? What?

18 A. It's all through grants. The ones that actually
19 do charge would be -- have all been through grants,
20 federal grants.

21 Q. I understand. Someone's getting paid through the
22 grant money, correct?

23 A. One of the five classes that I took, yes, was a
24 private company.

25 Q. And so, they're not doing it for free, in other

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1 words. So these entities are making money, and their
2 certifying you in this area, correct?

3 A. In one instance, yes, that's correct.

4 Q. Okay. What instance was that?

5 A. The Emerging Technology Solutions class that I
6 took in Pinehurst, North Carolina, was the only class
7 that was paid for as part of a conference.

8 Q. I'm sorry. Where is that on your certification?

9 A. It's a two-day course I took in August of 2014.

10 Q. I don't see that on here.

11 A. It'll say ETS, Fundamentals of Call Detail
12 Records.

13 Q. Do you have a copy of this, what I was provided?
14 Here. Do you have a copy of your C.V.? Let him have
15 it.

16 A. I think it's on the very far left. Yes, ma'am,
17 ETS, bottom left.

18 Q. So this bullet here at the bottom, Fundamentals of
19 Call Detail Records, ETS?

20 A. Yes, ma'am.

21 Q. That was in 2014?

22 A. Yes, ma'am.

23 Q. Did you say that there's five you've attended?

24 A. The Intelligence Analysis four-week course I did
25 at SLED, that was encompassing that; the Call Analysis

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1 Training School, the one-week course I took in 2011;
2 ETS, Fundamentals of Call Detail Records and Analysis.
3 Q. That's three. Okay.
4 A. Mobilized Cellular Forensic Operator.
5 Q. Okay. That's four.
6 A. And then, FBI CAST, Cellular Analysis Survey Team.
7 Q. Okay. So number two was in 2011; number three was
8 in 2014. Number four was when?
9 A. The Mobilize Cellular Forensic Operator?
10 Q. Um-hmm.
11 A. That would have been in February of 2017.
12 Q. And number five was when?
13 A. May of 2018.
14 Q. And I'm sorry, number one, again, was what?
15 A. The four-week, on-the-job training I conducted at
16 the Fusion Center at SLED.
17 Q. That's just all this SCCJA stuff up here?
18 A. No, ma'am. That's the South Carolina Criminal
19 Justice Academy. That's just my law enforcement
20 criminal cases, being certified as a Class I officer.
21 Q. Are you considering, then, this number 1 for your
22 training itself, cell data?
23 A. No, ma'am, I'm not.
24 Q. So what's the --
25 A. The SLED Certified Intelligence Criminal Analyst.

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1 Q. Okay, that's number one. So one, two, three,
2 four, five, those equal 72 hours?

3 A. Yes.

4 Q. Is that what you're testifying to the Court?

5 A. Yes, ma'am.

6 Q. Well, other than the four-week course that didn't
7 encompass --

8 A. Excuse me. I did encompass the hours within the
9 four-week course, and then comprised the PenLink Call
10 Analysis course. Excuse me. I only encompassed the
11 PenLink Call Analysis; ETS, Fundamentals of CDR
12 Analysis; Mobilize; and CAST are the only ones I
13 actually include in the hours of training that I
14 conducted with the criminal intelligence analyst
15 position. The certification I obtained from SLED, the
16 four-week course, it wasn't specifically involving
17 cellular forensics, but a portion of that, I did learn
18 about cellular forensics.

19 Q. So is there any independent group or organization
20 that has certified you, other than someone who has been
21 paid to teach you this information?

22 A. The Federal Bureau of Investigation.

23 Q. The FBI CAST, Cell Site Analysis Course that was
24 taken in 2018?

25 A. Yes, ma'am.

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1 Q. And so, you have some sort of certification for
2 that?

3 A. I do.

4 Q. And we can be provided that?

5 A. Yes, ma'am.

6 Q. And how long is the course?

7 A. That was a two-day course.

8 Q. Two-day course. And where did you take that?

9 A. Charleston, South Carolina.

10 Q. In Charleston, South Carolina. And so, what?
11 Eight hours a day?

12 A. Yes, ma'am.

13 Q. Would the certification have the instructors'
14 names on it and things of that nature?

15 A. Yes, ma'am.

16 Q. And what sort of individuals were involved in this
17 training? Other law enforcement officers?

18 A. Yes, sir. Yes, ma'am. It's conducted by the FBI
19 CAST Team, which are a group of experienced
20 investigators that work directly for the FBI, along
21 with task force officers who have taken the same
22 training to become an instructor. All the instructors
23 -- we had one instructor from Washington, one
24 instructor from Texas, and then two local resident
25 agents of the FBI out of Charleston.

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1 Q. So, when you finish this two days, the 16-hour,
2 what exactly are they certifying you to do or be?

3 A. Having the ability to analyze and interpret data
4 that's provided to you from the different cellular
5 providers.

6 Q. They're not saying that you have obtained any
7 level of expertise in the field; just that you are
8 qualified to make some sort of interpretation, maybe?

9 A. Yes, ma'am. The FBI CAST Team also offers a
10 system called FBI CASTViz, which is a software that
11 allows you to import your data electronically, and it
12 basically sorts it for you. But also, part of that
13 class is still doing manual searches and manual
14 searches interpretations, and analyzing the records.

15 Q. What software and hardware do you use?

16 A. I use CASTViz. I use Microsoft MapPoint for my
17 mapping software, as well as Google Earth.

18 Q. I'm sorry. The software that you use, the CAST
19 that you were just talking about, where do you obtain
20 that from?

21 A. You get the download link through the class, so --

22 Q. Though the FBI class?

23 A. Yes, ma'am.

24 Q. So it's their -- it's their software.

25 A. Correct. It's developed in-house.

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PRETRIAL - BY THE COURT

1 Q. And you didn't have anything to do with creating
2 the software, correct?

3 A. No, ma'am. That's why they teach you manual
4 aspect of it, so they can thereby clarify that you
5 record is -- your interpretation of analyzation of the
6 data is similar to what the system is telling you.

7 Q. What is this wireless communications theory?

8 A. I'm actually unclear as to what that is. That's
9 Grabinski's. He attended that class. I'm not sure
10 what that is.

11 Q. Have you ever been offered that class?

12 A. No, ma'am, I have not.

13 Q. And this Cellular Analysis Training School, ever
14 heard of that?

15 A. No, ma'am, but I think it's still encompassed in
16 FBI CAST. I'm not sure exactly what all training he
17 had been to, but I did read his resume.

18 Q. You don't have either one of those.

19 A. No, ma'am.

20 Q. You don't know what they are?

21 A. Pretty self-explanatory, but I don't know what the
22 class entailed.

23 BY THE COURT:

24 THE COURT: Unless you have anymore questions --

25 MS. CAMPBELL: I'm done. Thank you.

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1 THE COURT: -- on this portion of it, I want him
2 to testify now exactly what he's going to tell this
3 jury. And I guess the whole heart of it is that board
4 and what's he going to say that he takes the extracted
5 data. And I saw there was five, six locations that he
6 puts on towers. That would be great.

7 SOLICITOR JONES: And your Honor, I do have a
8 copy.

9 THE COURT: Certainly. I'll play the one at
10 Number 5. Thank you. And do you have a printed copy?
11 I want Wanda to have a copy of it, too, so she can see
12 it.

13 SOLICITOR JONES: Yes, of the map.

14 MS. CAMPBELL: I believe, Dylan, also, you all
15 with this information.

16 THE COURT: Right.

17 SOLICITOR JONES: I'm not seeking to admit it.

18 THE COURT: Right.

19 SOLICITOR JONES: It's just work product he used
20 to formulate this map.

21 THE COURT: Okay.

22 DYLAN HIGHTOWER, CONTINUE DIRECT

23 EXAMINATION BY SOLICITOR JONES:

24 Q. Okay. So, Mr. Hightower, did you receive records
25 in this case?

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1 A. I did.

2 Q. And what phone numbers did those records belong
3 to?

4 A. It's a Verizon account. It's for 304-859-1096.

5 Q. And who did that phone number belong to?

6 A. I was told that it belongs to Mr. Tyrone Wallace.

7 SOLICITOR JONES: And permission to approach.

8 BY SOLICITOR JONES:

9 Q. Hightower, I'm showing you what's been marked for
10 purposes of this hearing as Court's 4. Are those the
11 records you received?

12 A. Yes, ma'am.

13 Q. And what sort of information is included in those
14 records?

15 A. So the contents of the data that I was provided
16 from Verizon, it would show the network element name,
17 which is the switch, which the switch is the -- the
18 device that tells the phone which tower to utilize.
19 The mobile directory number. The dial digit number,
20 which would be the phone that person called; the number
21 that person called. The call number direction, which
22 is the incoming/outcoming -- going or going voice mail.
23 The seizure date time, which was when the call was
24 initiated. The seizure duration, which is how long the
25 call lasted. The first serving cell site would be the

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1 tower that was utilized when the phone call -- the
2 phone call took -- the actual transaction took place it
3 began. The first serving cell face would be the
4 sector, or the side of the tower that was utilized.
5 The last serving cell site would be the tower that was
6 utilized when the phone call was terminated. And the
7 last serving cell face would be the side or sector of the
8 tower that was utilized when the phone ended the call.

9 Q. Okay. So those records, they give you the tower,
10 sector, and the side of the sector?

11 A. Correct.

12 Q. That was utilized.

13 A. Right. So the tower location, which is your tower
14 number or cell site, as well as the first serving cell
15 face, would be the sector.

16 Q. Okay.

17 A. So what they do here is, they tell you it's one,
18 two, three, alpha, beta, gamma. And each of those
19 would represent a specific degree, which, if you refer
20 to the sector orientation display that I provided, it
21 gives you a specific degree where you go 60 degrees one
22 way and 60 degrees an opposite way.

23 Q. Okay.

24 A. That's going to encompass, obviously, 120
25 degrees. And that tells you what sector or side of the

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1 tower -- where it originates.

2 Q. Okay. So none of the -- none of this information
3 is your assumptions or predictions.

4 A. No, ma'am.

5 Q. Or estimations.

6 A. No, ma'am.

7 Q. And when you get these records in this particular
8 case, what did you do with them?

9 A. So first, what I like to do is, I like to speak to
10 the investigating officer, or, in this case, to you,
11 and request -- or get an idea as to what time frame you
12 would like your analysis done. In this case, I did an
13 analysis -- excuse me -- a cell site analysis on this
14 304-859-1096, and I conducted the analysis on October
15 25, 2015, from 7:00 o'clock p.m. to October 26, 2015,
16 at 5:00 o'clock a.m.

17 Q. Okay. And in your analysis, did you provide a --
18 did you create a report?

19 A. I did.

20 Q. Okay. I believe you have it in front of you.

21 A. I do.

22 Q. And why did you do that?

23 A. So, essentially, like we referred to earlier, the
24 way the records are provided in electronic format from
25 provider is very tough to understand and comprehend.

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1 So what I generally do is, I'll go in, pull the
2 information that's -- that -- what we need to show the
3 location of the actual -- the phone itself and what
4 towers it was using during incoming and outgoing --
5 outgoing calls. And this specific report, that's all I
6 did. I did not do any text message detail or text
7 message content, or I did not do any RTT, or realtime
8 tool analyses.

9 SOLICITOR JONES: Your Honor, I am going to admit
10 his report as a Court's exhibit, also for the purpose
11 of this hearing, just for clarification.

12 THE COURT: Okay.

13 SOLICITOR JONES: And I believe it is 7.

14 ITEM IDENTIFIED AS INVESTIGATIVE/
15 STATUS REPORT, DATED MAY 22, 2018
16 MARKED COURT'S EXHIBIT NUMBER 7.

17 BY SOLICITOR JONES:

18 Q. And after generating this report, did you create
19 some sort of visual representation?

20 A. I did.

21 Q. And I believe we all have a copy, but is this what
22 you created?

23 A. Yes, it is.

24 Q. And what is this?

25 A. So this is an overview of all the towers that were

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1 utilized by that phone during a specifically time
2 frame, along with the location of the residence at [REDACTED]
3 Greene Street, and the location of the burned remains
4 off of Pea Patch Road on Saint Helena.

5 Q. And how did you generate this map?

6 A. So this map was generated to this, the CASTViz
7 system. I also did a manual search, a manual analyses
8 through Microsoft MapPoint. But visually, this gives
9 you a lot easier interpretation of what actually the
10 data, what it looks like.

11 Q. So, I guess now, can you tell me what this map
12 actually shows?

13 A. Yeah. So each -- the blue areas, the blue shade
14 areas, represent a sector, so this side of the tower
15 that was utilized where the phone call was actually in
16 progress. It started -- and we refer to the report
17 October 25th at 2015, I began the analysis. At 7:11:15
18 p.m. And at 7:11:15 p.m. to 8:37 p.m., the phone
19 number 304-859-1096 was utilizing Tower 209. So that
20 would be 1401 Boundary Street in Beaufort.

21 Q. And you have that indicated by this darker blue.

22 A. Correct. And the residence at [REDACTED] Green Street
23 was 327 yards from the tower location, actual tower
24 itself.

25 Q. And how did you get that distance?

6-11-18 STATE V WALLACE DYLAN HIGHTOWER - CONT. DX - JONES

1 A. I ran the distance and the mapping somewhere from
2 the actual tower to Tower 209 at 1301 Boundary Street,
3 to [REDACTED] Greene Street, because [REDACTED] Greene Street had
4 been provided as the incident location.

5 Q. Correct. Okay. So that distance, again, was
6 calculated by the program.

7 A. Right.

8 Q. So after -- after Tower 209, where does this cell
9 phone begin to hit?

10 A. At 2109, or 9:09 p.m., the phone number 304-859-
11 1096 was utilizing Tower 213, Sector 1. It was from
12 9:09 p.m. to 10:40 p.m. And the sector's directly zero
13 degrees north. So use zero, and it's 60 degrees each
14 way that sector's found.

15 Q. Okay. Of that tower?

16 A. And that tower is 213 at 522, Parris Island
17 Gateway, Burton, South Carolina.

18 Q. And after it stops pinging off of that tower,
19 where does it go next?

20 A. At 10:55 to 11:05, the phone number is utilizing
21 Tower 209, Sector 3.

22 Q. Okay. So we're back here.

23 A. Yes, ma'am.

24 Q. Okay. And where does it -- what's the next ping?

25 A. The next activity is 12:34 a.m. So, on October

6-11-18 STATE V WALLACE DYLAN HIGHTOWER - CONT. DX - JONES

1 26th of 2016, from 12:34 a.m. to 2:29 a.m., the phone
2 is utilizing Tower 298, Sector 3. That's going to be
3 off of Coffin Point Road, off of Saint Helena.

4 Q. The sector that was utilized in and the direction
5 where the remains were found, and that's indicated by
6 this black circle.

7 A. Correct.

8 Q. Were you able to determine a distance?

9 A. Yes, I was. It's 2.67 miles, as a crow flies.

10 Q. And when it is pinging off of Tower 298, were you
11 able -- I see on your notes you were able to determine
12 who some of the calls were made to and from.

13 A. Yes, ma'am.

14 Q. At 2:29 a.m., who was the outgoing call to?

15 A. It's an outgoing call to 843-681-8698, and it was
16 a 130-second phone call. And if you read my disclaimer
17 in the bottom of the second paragraph, the information
18 has been provided as far as the subscribers for the
19 phone numbers have been identified through the CLEAR
20 database, which is an electronic software, which I
21 utilize the basic criminal intelligence analyses ever
22 with this specific number. I do it to be Palmetto
23 Towing, because my friend is the owner of Palmetto
24 Towing.

25 Q. So you had personal knowledge of that information?

6-11-18 STATE V WALLACE DYLAN HIGHTOWER - CONT. DX - JONES

1 A. Yes.

2 Q. After 2:29 a.m., where does the phone ping next?

3 A. Tower 266, Sector 2, which would be on the
4 southeast side of the tower. At 3:44 a.m., the phone
5 is using Tower 288, Sector 3. Okay. At 3:52 a.m., the
6 phone was using Tower 266, Sector 3. Then, at 4:55,
7 which is the last analyses that I conducted, was Tower
8 213, Sector 1.

9 Q. Back in Burton.

10 A. Yes.

11 Q. And are you able to determine a the distance range
12 on these towers?

13 A. So those are basically for demonstrative purposes,
14 to show you the location of the tower. The shaded area
15 doesn't necessary mean that that is the overall
16 coverage of that sector. It could generally, depending
17 on the strength of the tower. With a rural area like
18 that, there are limited towers. There's actually only
19 one other tower on Saint Helena that serves the entire
20 island, and it's just south of Tower -- I believe it's
21 Tower 266, kind of down towards Lands End area. It
22 would be on that map. I didn't show it, because the
23 phone did not utilize any of those towers. And with it
24 being 2.67 miles away from that specific tower, 298,
25 that would be well within that tower's range.

6-11-18 STATE V WALLACE DYLAN HIGHTOWER - CONT. DX - JONES

1 Q. Okay. And are you able to say why a phone would
2 ping off of, say, the location that remains relatively
3 close to 298 and 266?

4 A. Correct.

5 Q. Why would it ping off of one, as opposed to the
6 other?

7 A. It all depends on the strength of the actual
8 tower. In most cases, if the tower does get
9 overloaded, it would bounce to the next closest tower.
10 However, in this case, with the time frame where the
11 phone was using Tower 298, it was over a two-and-a-half
12 period, which would necessary be in my interpretation,
13 which not overloading it the next closest tower.

14 Q. Because it was consistently using the same tower?

15 A. Correct.

16 Q. We're you able to determine other -- other people
17 that were being communicated to and from on this cell
18 phone?

19 A. Yes, ma'am. Throughout the investigation, I was
20 provided with some of the other co-defendant's phone
21 numbers that I also analyzed and show in the report.

22 Q. And when the phone is initially pinging off
23 beginning earlier that night at 8:00 o'clock to 8:40,
24 are any other co-defendant's being contacted?

25 A. Yes, ma'am. There was a period from 8:08 p.m.

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DYLAN HIGHTOWER CX CAMPBELL

1 8:37 p.m. On October 25th, there were five calls to
2 Mr. Varsheen Smith.

3 Q. Any other co-defendants?

4 A. Tayquan Lampkin also received ten calls from this
5 phone number between 8:11 p.m. and 10:22 p.m. on
6 October 25, 2015, as well as seven additional calls
7 from 1:00 a.m. to 3:52 a.m. on October 26, 2015.

8 SOLICITOR JONES: Your Honor, that would be the
9 extend of Mr. Hightower's testimony.

10 THE COURT: Ms. Campbell?

11 DYLAN HIGHTOWER, CONTINUE CROSS-

12 EXAMINATION BY MS. CAMPBELL:

13 Q. So did you also do an analysis for Varsheen
14 Smith's phone like this?

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

16 Q. And that's because the Solicitor didn't ask you to
17 do that?

18 A. That's correct.

19 Q. So you don't know anything about where his phone
20 was?

21 A. No, ma'am.

22 Q. I heard you tell the Solicitor that tower strength
23 impacts your report, correct?

24 A. In some cases, yes, it can.

25 Q. Okay. So do I understand correctly, if this cell

1 tower is at capacity, then it would move, the
2 connection would move to the next available tower?

3 A. Yes, ma'am.

4 Q. Which can be some distance away, but still within
5 the cell phone's capabilities, right?

6 A. Yes, in certain cases, yes, but in a more rural
7 area. So, like in a city's jurisdiction, you would
8 have probably five to six towers within, you know, a
9 ten-mile radius. With here, I'm not sure what the
10 overall range of Saint Helena is -- or mileage, I
11 should say. And Saint Helena only has four total cell
12 towers that are utilized.

13 Q. Right. So how about this area right here?

14 A. I'm not sure offhand.

15 Q. How many cell towers in the downtown Beaufort
16 area over to 170 and 21, by the air station? Do you
17 have your numbers on that? I mean, this can't be the
18 only --

19 A. Right. It is not. That's correct. Actually, for
20 downtown Beaufort, that is the only Verizon tower that
21 is offered.

22 Q. Do the towers share -- do they bump to another
23 provider?

24 A. No, ma'am.

25 Q. Okay. So we've got one tower in downtown

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DYLAN HIGHTOWER CX CAMPBELL

1 Beaufort.

2 A. That this particular phone utilized, but yes, in
3 the city limits.

4 Q. That's what I'm trying to get to. So I've got one
5 tower for everybody in downtown Beaufort? That's it?

6 A. For Verizon, that's correct.

7 Q. Right.

8 A. There could be five to six other towers available
9 for AT&T, many larger providers that are also offered
10 in that area.

11 Q. Okay. So where's the next tower? Do we know?

12 A. Well, I can go through -- I didn't really conduct
13 that part of the analyses, but I'd be more than happy
14 to. I mean, I'd have to see the tower listing as
15 provided from Verizon.

16 Q. So the software that you used to come up with this
17 chart, are there any safeguards or factors in that
18 software for errors?

19 A. Well, that's why you learn the manual -- the
20 manual ability to actually go in and interpret and
21 analyze the records. So basically, what you would do
22 is you would dump your records in CASTViz, and also do
23 a manual analysis of the data and make sure everything
24 matches correctly.

25 Q. Okay. Well, I hear what you're saying, but as far

1 as the software itself is concerned, what's the
2 mechanism that prevents, you know -- cause you're just
3 inputting data. What's the mechanism that prevents
4 errors?

5 A. Having the knowledge of how to read the records
6 and analyze them.

7 Q. So you're the measure of errors, the human being.
8 There's nothing in the software that can prevent
9 errors. Is that what you're telling me?

10 A. I mean, I didn't develop the software, so I can't
11 really answer that question.

12 Q. That's my point. You didn't develop the software,
13 right? You don't know how the software works, right?

14 A. I mean, your basic manual analysis, yes.

15 Q. Manual analysis, but you didn't develop it; you
16 don't know how the interworkings of the software
17 operate, correct?

18 A. That's correct.

19 Q. So mistakes could be made, and you may not be
20 aware of it, correct?

21 A. That's way you do the manual analysis to go along
22 with it to compare your data to what the systems
23 generate.

24 Q. So, if I hear what you're saying, you're saying,
25 yes, mistakes can be made; that's why you do this. Is

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DYLAN HIGHTOWER RDX JONES

1 that your answer?

2 A. Yes.

3 Q. Okay. Thank you. So it could have a mistake
4 made, right?

5 A. It's possible, yes.

6 Q. It's fallible software, correct?

7 A. Yes.

8 Q. And you use this. Human error is possible,
9 correct?

10 A. Yes.

11 Q. Okay.

12 MS. CAMPBELL: That's all I have. Thank you.

13 SOLICITOR JONES: One follow-up question, your
14 Honor.

15 THE COURT: Sure.

16 DYLAN HIGHTOWER, RE-DIRECT

17 EXAMINATION BY SOLICITOR JONES:

18 Q. So, Mr. Hightower, in this particular case, your
19 manual interpretation that you did matched the software
20 interpretation.

21 A. That is correct.

22 SOLICITOR JONES: I have no further questions.

23 ITEM IDENTIFIED AS CALL LOG/CELL

24 PHONE CALL DIRECTORY

25 MARKED COURT'S EXHIBIT NUMBER 4.

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OTHER MOTIONS AND RULINGS

1 ITEM IDENTIFIED AS RESUME OF
2 DYLAN HIGHTOWER
3 MARKED COURT'S EXHIBIT NUMBER 5.
4 ITEM IDENTIFIED AS CELL TOWER
5 SECTOR ANALYSIS 304-859-1096
6 MARKED COURT'S EXHIBIT NUMBER 6.

7 OTHER MOTIONS AND RULINGS:

8 THE COURT: Anything further, Ms. Campbell?

9 MS. CAMPBELL: No, ma'am.

10 THE COURT: You may step down, sir.

11 Do you want to go ahead and argue this now, or?

12 MS. CAMPBELL: I would like to be provided with
13 the full -- you know, if we were talking about a nurse
14 or a doctor, I might be provided some proof of their
15 certification. I know he says he as some
16 certifications. I don't really know what they are, but
17 he says he has them and they can be provided to us.
18 I'd like to have that and have an opportunity to review
19 these groups that have put on these programs.

20 THE COURT: Okay. I think it's probably as simple
21 as -- do you have actually real certificates that are
22 maybe hanging in your office? Can you can take
23 pictures of them that you can read them, and send them
24 to Ms. Jones and Ms. Campbell. That would be good.

25 Anything else, Ms. Campbell, that you're looking

1 defendant himself said.

2 THE COURT: Okay. Ms. Campbell?

3 MS. CAMPBELL: I hadn't intended to go into
4 anything with Jordan Burgess. I don't -- if the State
5 -- is the State calling him to testify?

6 SOLICITOR JONES: He is under subpoena.

7 MS. CAMPBELL: So, if he were to take the stand,
8 then maybe that would be proper to address at that
9 time. I'm not going to get into anything about Jordan
10 Burgess with any other witnesses.

11 THE COURT: Okay.

12 MS. CAMPBELL: But if he takes the stand, I think
13 it might be allowed, so.

14 THE COURT: And I would agree with that,
15 absolutely.

16 SOLICITOR JONES: I think that's it, your Honor.

17 THE COURT: Okay. Well, let me do this, then. So
18 I have the times that I'm going to cue up in the first
19 and the third interview that I need to look at. And
20 Ms. Campbell, you want to see the certifications that
21 Mr. Hightower has.

22 MS. CAMPBELL: I do.

23 THE COURT: And then tell me whether or not what
24 your thoughts are.

25 MS. CAMPBELL: Well, I mean --

1 THE COURT: After the certifications, just to see
2 what they in fact are.

3 MS. CAMPBELL: Yes.

4 THE COURT: You two are going to settle as far as
5 the witnesses' criminal records over the weekend. Did
6 you give those to her yet?

7 SOLICITOR JONES: I have them today. I can give
8 them to her.

9 THE COURT: Give them to her today. Ms. Campbell,
10 you're going to take up on Monday the motion to
11 sequester witnesses, correct?

12 MS. CAMPBELL: Yes, ma'am.

13 THE COURT: And then, we'll talk again about
14 reminding the jury about social media and phones and
15 smart watches.

16 MS. CAMPBELL: I think the last thing I had on
17 there was about the victim impact testimony.

18 SOLICITOR JONES: I don't have any.

19 MS. CAMPBELL: I don't think the State is going to
20 try to do that.

21 THE COURT: She says they don't have any.

22 MS. CAMPBELL: And so, I just -- really being
23 cautious, want to make sure we address that and have a
24 firm no from the State.

25 SOLICITOR JONES: I am not going to intentionally

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OTHER MOTIONS AND RULINGS

1 help as well, because, part of it is, is that, you
2 know, if I agree to let certain things in, and she
3 wants everything in, and you know, we'll have to adjust
4 for that, if that's what you have to play.

5 SOLICITOR JONES: I do have a concern. I have
6 watched those videos numerous times. They're hours of
7 interviews. If I am -- if it is the Court's ruling
8 that I have to play in its entirety, if there's any
9 reference that Ms. Campbell has noted that is
10 inadmissible, I, of course, will try to hear anything
11 myself.

12 MS. CAMPBELL: No. I listened to it all as well.
13 I mean, if there's a part of it coming in, then the
14 whole thing certainly needs to come in.

15 SOLICITOR JONES: I mean prior bad act evidence,
16 anything that's in there. I didn't hear anything.

17 MS. CAMPBELL: No. No, I didn't -- there's
18 nothing there.

19 SOLICITOR JONES: Okay.

20 THE COURT: Okay.

21 MS. CAMPBELL: It's all good.

22 THE COURT: So, hopefully, at least I can let you
23 know something on that. I would, as soon as possible,
24 like Mr. Hightower, you know, go over to Ms. Campbell,
25 and if you have any other objections. I mean, I think

1 it was pretty clean what he testified to today, so.
2 And the rest of it, we should be able to take up pretty
3 quickly. Okay?

4 SOLICITOR JONES: Okay. Just for clarification --
5 THE COURT: Yes.

6 SOLICITOR JONES: -- the only things outstanding
7 are the *Jackson v. Denno* admissibility. And we'll get,
8 hopefully, an answer on that.

9 THE COURT: Right. And the motion to sequester.
10 No, there's a lot. There's the motion to sequester.
11 There's the *Jackson v. Denno*. We'll have to take up
12 the criminal matters once Trasi's looked at them to see
13 what can be used and what cannot be.

14 The cell phone tower evidence, I think it's going
15 to be based on after Mr. Hightower's provides the
16 certifications to her; see if she still has an
17 objection.

18 And I need to know whether or not it's, Ms.
19 Campbell, you're objection to his qualifications or if
20 it's the objection to the actual testimony itself, or
21 both. Okay?

22 MS. CAMPBELL: I think in my written motion that I
23 filed, it's to both.

24 THE COURT: Okay. And I'll take a look at that.
25 That's the other part that I haven't had a chance to

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CERTIFICATE OF REPORTER

1 look at it since it was filed today, so. And like I
2 said, anything that was just filed today that you feel
3 compelled to respond to, you're welcome to. Same
4 thing. Either one of you. Okay? Will you also, when
5 you file it, will you email Crystal? So.

6 SOLICITOR JONES: Absolutely.

7 THE COURT: All right. I appreciate it.

8 SOLICITOR JONES: Thank you, your Honor, for
9 allowing us to do this today.

10 THE COURT: Absolutely.

END PROCEEDING 4:30 P.M.

CERTIFICATE OF REPORTER

JUNE 11, 2018 TRANSCRIPT OF HEARING

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

I, Wanda H. Rowe, Official Court Reporter for the
State of South Carolina, do hereby certify that the
foregoing June 11, 2018 Transcript of Hearing is a true
and accurate record of the proceedings had and exhibits
admitted on said dates, in the case of State v Tyrone
Anthony Wallace, Jr., Beaufort County, Court of General
Sessions, Case Numbers 2015-GS-07-01907 and 2016-GS-07-
00044; that I am of neither kin, counsel, nor interest
to any party hereto.

STATE OF SOUTH CAROLINA
FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT
COURT OF GENERAL SESSIONS
CASE NUMBERS 2015-GS-07-01907 & 2016-GS-07-00044

STATE OF SOUTH CAROLINA

PLAINTIFF

VERSUS

TYRONE ANTHONY WALLACE, JR

DEFENDANT

JUNE 18, 19, 20, 21, 22, 2018
TRANSCRIPT OF PRETRIAL HEARING AND TRIAL
BEAUFORT COUNTY, SOUTH CAROLINA

BEFORE
HON. CARMEN T. MULLEN, JUDGE

WANDA H. ROWE, CVR-M
OFFICIAL COURT REPORTER

ORIGINAL

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843-225-5805

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6-18-18 STATE V WALLACE - CONTINUE PRETRIAL - BY THE COURT

1 BEGINNING 9:48 A.M.

2 CONTINUE PRETRIAL HEARING FROM

3 JUNE 11, 2018:

4 BAILIFF: Court is now in session. The Honorable
5 Carmen Mullen presiding.

6 THE COURT: All right. I think we need to take up
7 the remainder of pretrial motions in the case of State
8 versus Tyrone Wallace. Good morning. Good morning.

9 SOLICITOR JONES: Good morning.

10 THE COURT: Well, I know we need to talk a little
11 bit further about the motions. The motion to sequester
12 witnesses. What's everyone's position?

13 MS. CAMPBELL: May it please the Court, your
14 Honor.

15 THE COURT: Yes, ma'am.

16 MS. CAMPBELL: I would make a motion to sequester
17 the witnesses, but as far as the witness list is
18 concerned with the defendant, I would be releasing
19 Number 18.

20 THE COURT: Give me one moment to grab your
21 witness list, if I can. This is on your list, Number
22 18?

23 MS. CAMPBELL: Yes, Number 18, which is Angelique
24 Tucker, which is my client's mother. And I would be
25 releasing her and not intending to call her. And

6-18-18 STATE V WALLACE - CONTINUE PRETRIAL - BY THE COURT

1 therefore, would just ask that she be allowed to remain
2 in the courtroom, as she's not under subpoena and would
3 not be subjected to the sequestration.

4 SOLICITOR JONES: No, objection, your Honor.

5 THE COURT: Without objection.

6 SOLICITOR JONES: In regard to the sequestration
7 of the witnesses, I would just ask that Investigator
8 Erdel be allowed to remain, as well as Andre Frazier,
9 if he so chooses. He's the victim in the kidnaping.
10 Additionally, I do have one addition to my witness
11 list, Bill Carter, for the purposes of impeachment
12 only. I don't know if I'm going to need him. Just out
13 of an abundance of caution, I would like him placed on
14 the witness list.

15 THE COURT: Okay.

16 SOLICITOR JONES: I would ask that he be able to
17 remain. He's an impeachment list only, and he assists
18 with the technology and the getting witnesses in and
19 out of the courtroom.

20 MS. CAMPBELL: If I could inquire, to what witness
21 would he be impeaching?

22 SOLICITOR JONES: Charles Brown.

23 MS. CAMPBELL: That's fine.

24 THE COURT: Well, I'll go ahead and grant your
25 motion for sequestration of all the witnesses,

6-18-18 STATE V WALLACE - CONTINUE PRETRIAL - BY THE COURT

1 State?

2 SOLICITOR JONES: As of right now, there are none.

3 THE COURT: Okay. All right. So I think that
4 leads us to the *Jackson v. Denno* motion as to the three
5 separate interviews, as well as the cell phone tower
6 evidence. Let's just go ahead first and take up the
7 cell phone tower evidence. I think Crystal emailed you
8 all. In looking at it, you know, in doing the research
9 last week, after we all talked, in response, you all
10 forwarded to me -- Trasi, do you want to go ahead and
11 put on the record what your objection is, just to
12 preserve it.

13 MS. CAMPBELL: Yeah, I mean, I can put that on the
14 record, yeah.

15 THE COURT: Okay.

16 MS. CAMPBELL: So my understanding is, through the
17 email that I received from your law clerk, that the
18 Court found that *Miranda* was given properly, and that
19 the statements were --

20 THE COURT: Oh, no. I thought we were talking
21 about the cell phone evidence.

22 MS. CAMPBELL: Oh, I'm sorry.

23 THE COURT: We were talking about the cell phone.

24 MS. CAMPBELL: Oh, I'm sorry.

25 THE COURT: That's okay.

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1 MS. CAMPBELL: I understand the State has marked
2 the exhibits relative to Mr. Hightower, which we did
3 request the certificates from the program, which he had
4 attended. And so, we noted in our email exchange with
5 the Court that we felt that the statement at the bottom
6 of the FBI course, which made it very clear that in no
7 way was the submission to and completion of this course
8 any basis to find that this individual was qualified as
9 an expert. And so, we further, you know, content our
10 position that he is not an expert and should not be
11 allowed to testify as a historical call detail analysis
12 expert. Thank you, your Honor.

13 THE COURT: Ms. Jones.

14 SOLICITOR JONES: Thank you. I do have the
15 printed-out copies of Mr. Hightower's certifications.
16 I've marked it as Court's 8, for purposes of this
17 hearing.

18 DOCUMENTS IDENTIFIED AS CERTIFICATIONS

19 OF DYLAN HIGHTOWER

20 MARKED COURT'S EXHIBIT NUMBER 8.

21 SOLICITOR JONES: I would just argue, your Honor,
22 as I did for this email, that it's a combination of
23 everything, his training, his experience. He has all
24 these classes, his certifications, that make him an
25 expert, not just the one training by itself. It's a

6-18-18 STATE V WALLACE - CONTINUE PRETRIAL - BY THE COURT

1 combination of everything that would make him able to
2 qualify as an expert in cell phone -- historical cell
3 phone analysis and tracking.

4 THE COURT: All right. As I told you all before,
5 just in looking at the case law across the country, and
6 obviously, it's somewhat divided as far as whether or
7 not these persons are qualified either as experts or
8 lay witnesses. Oftentimes, it's police officers that
9 are testifying. I think the State pointed out that I
10 recently qualified some Grabinski, I think, from SLED,
11 in Jasper.

12 I do think the cell tower historical data and
13 information does require an expert witness. I don't
14 think a typical lay person can necessarily understand
15 (a) what the calls show, and (b) as far as
16 triangulation is concerned, where these towers are. So
17 I do think it requires expert witness testimony. I do
18 think, in this case, Mr. Hightower has shown enough
19 education, certainly, and experience and training in
20 this triangulation technology.

21 Again, I think it goes to the weight, and not
22 admissibility. I think that's for the jury to decide.
23 They can accept it or reject it, certainly, but I think
24 it's appropriate for him to be able to testify. And
25 certainly, I'm going to let Ms. Campbell attack his

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1 resume as to this technology, and I'm going to allow it
2 to be in.

3 Now, let's go on to the *Jackson v. Denno*. I'm
4 sorry.

5 MS. CAMPBELL: Thank you, your Honor. So, as to
6 the emails we received, it's my understanding that the
7 Court made a finding that my client was properly
8 *Mirandized* during the course of the three
9 interrogations, and that he gave voluntary statements,
10 and therefore, they would be admissible. And the State
11 had requested to play only a very small portion of the
12 three interrogations. So, in response to that, the
13 Court inquired into asking the defendant to pick and
14 choose the portions that the defendant would like to
15 introduce as well. So, in response to that request
16 from the Court, we emailed back and we're placing on
17 the record this morning that we understand your ruling.
18 However, we contend that central to the defendant's
19 case is that this jury must understand all of the
20 circumstances surrounding the manner in which my client
21 was questioned and the interrogation and how they
22 proceeded from beginning to end. And any attempt by
23 anyone to shorten or edit or minimize the length of
24 those interviews, certainly fundamentally prevents and
25 retards Mr. Wallace's ability to make it absolutely

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1 years. So, with the exception of my lady down here,
2 Number 150, which she sat with my -- ma'am, we're going
3 to go ahead and excuse you, and thank you for being
4 here.

5 Ladies and gentlemen, is there anyone that's
6 served up here in circuit court during the last two
7 calendar years who does not wish to serve with me this
8 week. If so, please stand.

9 Yes.

10 JUROR NUMBER 381: It may not have been within the
11 last two. I can't remember.

12 THE COURT: Give me your number, and we're going
13 to look you up, okay?

14 JUROR NUMBER 381: 381.

15 THE COURT: Number 381, okay.

16 And sir, give me your number.

17 JUROR NUMBER 88: 88.

18 THE COURT: And do you have any idea when it was,
19 sir?

20 JUROR NUMBER 88: About two-and-a-half years ago.

21 THE COURT: All right. We've just got to find out
22 when the cutoff point is. And if I can excuse you
23 both, of course, I will. And if I can't, I'll have you
24 stay with us. Okay? So just sit tight. You've got
25 both those numbers, right?

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1 MADAM CLERK: Yes, ma'am.

2 THE COURT: Thank you so much.

3 Ladies and gentlemen, those of you who have sat as
4 members of the Beaufort County Grand Jury during the
5 last five years may also be exempt from jury service.
6 Do I have any of my prior grand jurors here. No, I
7 don't see anyone.

8 Ladies and gentlemen, the next exemption deals
9 with those of you that have small children. And I
10 respectfully ask that you listen carefully to this
11 exemption. It has four parts, all of which must apply
12 for you to be able to claim this jury exemption.

13 You may be exempted from jury service if you have
14 a small child or small children under the age of seven,
15 for which you have the legal custody of that child or
16 children, and you have the principal care, custody, and
17 control of that child or children; and lastly, you are
18 unable to make adequate arrangements for the adequate
19 care of that child or children while you're performing
20 jury duty.

21 Ladies and gentlemen, my first question is going
22 to be, who's taking care of your babies right now. All
23 right? It is presumed that if you take your children
24 to a daycare and go to work during the regular week
25 Monday through Friday, that you can do the same thing

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1 here at jury duty. All right? This is for parents who
2 are stay-at-home parents, or maybe a husband and wife
3 who work opposite shifts to someone can cover these
4 kids. All right? So, ladies and gentlemen, do I have
5 anyone who falls into this exemption who would like to
6 be exempted from jury service?

7 THE COURT: Ma'am, your number, please.

8 JUROR NUMBER 97: Number 97.

9 THE COURT: How old are your children?

10 JUROR NUMBER 97: Six months.

11 THE COURT: And who has your baby right now?

12 JUROR NUMBER 97: My husband. He was able to work
13 from home today.

14 THE COURT: Okay. But he can't the rest of the
15 week. Is that correct?

16 JUROR NUMBER 97: Yes.

17 THE COURT: All right. Ma'am, I am going to go
18 ahead and excuse you. Number 97 is excused.

19 All right. Sir, your number.

20 JUROR NUMBER 136: 136.

21 THE COURT: Sir, how old are your children?

22 JUROR NUMBER 136: I have three, three and under.

23 THE COURT: You have three that are three and
24 under.

25 JUROR NUMBER 136: Yes, ma'am.

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1 THE COURT: All right. And who's taking care of
2 those children now?

3 JUROR NUMBER 136: We have a babysitter. She
4 leaves at 3:00 o'clock.

5 THE COURT: She leaves at 3:00 o'clock every day?

6 JUROR NUMBER 136: Yeah. And then, so my wife's
7 going to come home today and watch them.

8 THE COURT: Can she come and watch them at 3:00
9 for the rest of the week, your wife afterwards, or not?

10 JUROR NUMBER 136: No. So she works as an
11 accountant. So she's getting off today to do that.
12 And then, my wife leaves on Thursday to go to
13 Massachusetts.

14 THE COURT: Okay. All right. Sounds like a big
15 week for you. You probably would have a more relaxing
16 time being here with me, but I'm going to send you back
17 home to three children, all under the age of three.
18 You're excused, sir. Thank you. Juror Number 136 is
19 excused.

20 Ladies and gentlemen, the next exemption involves
21 those of you who may be attending school at this time,
22 or you're working in some capacity with the school.
23 Now, I know it's summer break, but I know some of you
24 are probably working summer school and summer camps.
25 If you cannot serve this week, because of your school

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1 involvement, what I can do is transfer your jury
2 service to a term of court that doesn't conflict with
3 your school responsibilities. In other words, you tell
4 me roughly a month that you don't have to work, maybe
5 towards the end of the summer, maybe spring break, or
6 maybe towards the end of summer. I'm not sure what
7 your schedule is.

8 Additionally, if you're a student, I don't want
9 anyone missing any classes if you're in summer school.
10 And particularly, if you're in summer school, you
11 probably have intensive course loads, because you're
12 trying to get it all in within a summer semester.

13 So do I have anyone here who is a full-time
14 student, school teacher, school bus driver, or who
15 works in any kind of capacity with the school, who, as
16 a result of your school duties, cannot serve this week
17 here on jury duty and would like to be transferred? If
18 so, please stand. Very good. You probably are all
19 school teachers and probably got transferred to this
20 term of court, so.

21 Ladies and gentlemen, is there any member of the
22 jury panel who is employed by the Department of
23 Corrections at a penitentiary? If so, please stand.

24 Ladies and gentlemen, is there any juror who
25 performs services for a business, commercial, or

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1 on Hilton Head of anywhere in Beaufort County, you
2 probably have people come visit you all the time
3 because of our beaches. And I want to make sure that
4 if you were called for jury duty, and maybe you have
5 grandchildren coming in, that you spend time with your
6 family. Do I have anyone, again, who this week is just
7 a horrible week for you based on family, vacations,
8 anything along those lines. Again, I can entertain a
9 transfer as well, if anyone falls into that category,
10 and I can move you around. So do I have anyone that
11 would like to respond.

12 Yes, ma'am.

13 JUROR NUMBER 209: 209.

14 THE COURT: Yes. Tell me what is going on this
15 week for you.

16 JUROR NUMBER 209: I have a flight out Thursday to
17 Indianapolis for a baby shower.

18 THE COURT: Very good. Is it your baby shower or?

19 JUROR NUMBER 209: No.

20 THE COURT: Okay. Have a wonderful time. I want
21 you to come talk to these ladies and give them a better
22 month when -- okay? Come talk to them.

23 THE COURT: Sir, your number?

24 JUROR NUMBER 89: 89. 89.

25 THE COURT: 89? What do you have going on this

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1 week, sir?

2 JUROR NUMBER 89: Yes, I have to go for my
3 mother's funeral in New York.

4 THE COURT: You have to go see your mother in New
5 York?

6 JUROR NUMBER 89: Funeral. She had passed last
7 Wednesday, so I have to the funeral on Saturday.

8 THE COURT: Oh. All right. On Saturday. Okay.
9 Well, sir, do you wish to stay? because we'll be done
10 before then. When do you plan on living?

11 JUROR NUMBER 89: Cause I'm driving, so I have to
12 leave on Wednesday.

13 THE COURT: I understand. I'm going to go ahead
14 and excuse you. I want you to come talk to these
15 ladies as well, and tell them what a better time is for
16 you. Okay?

17 JUROR NUMBER 89: Yes, ma'am.

18 THE COURT: Ma'am, your number?

19 JUROR NUMBER 392: 392.

20 THE COURT: 392?

21 JUROR NUMBER 392: Yes, ma'am.

22 THE COURT: Yes, ma'am.

23 JUROR NUMBER 392: I have mediation regarding a
24 civil suit tomorrow.

25 THE COURT: They're telling you, you need to be

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1 there, right?

2 JUROR NUMBER 392: Yes, ma'am.

3 THE COURT: Come on up. We're going to transfer
4 you as well. That's Number 392.

5 And yes, ma'am, your name?

6 JUROR NUMBER 227: 227

7 THE COURT: Yes, ma'am. What do you have going on
8 this week?

9 JUROR NUMBER 227: I have a doctor's appointment
10 in Charleston on Wednesday.

11 THE COURT: Okay. And I assume it's one that you
12 cannot reschedule, correct?

13 JUROR NUMBER 227: No.

14 THE COURT: All right, ma'am. Come on around.
15 That was Number 227 excused as well.

16 Okay. Ladies and gentlemen, if anyone can't hear
17 me, just flag me down.

18 That concludes the statutory list of
19 qualifications and exemptions for jury service. Now,
20 it may be that you're qualified to serve and no
21 exemption applies to you, but you have extreme hardship
22 this week. Ladies and gentlemen, general inconvenience
23 is not enough. But ladies and gentlemen, if there is
24 something you that really have to attend to this week
25 and you didn't fit under any of the exemptions, now is

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INDIVIDUAL VOIR DIRE

1 the time to talk to me. Because after this, I'm going
2 to ask you questions specifically about the trial.

3 And if you get sat on this jury, ladies and
4 gentlemen, you can expect to be with me through the
5 rest of today, 'til 5:00 o'clock, roughly; we'll take a
6 lunch break; and then the rest of the week through
7 Friday. Okay? I just don't want anyone to get caught
8 unaware. Again, you can't all of a sudden be sat, and
9 then decide you really have something you need to talk
10 to me about. Okay?

11 So, if you need to speak with me, come form a line
12 over here, ladies and gentlemen. I will do my best for
13 you, again, but we'll take that up. Okay?

14 Come on around, sir.

15 INDIVIDUAL VOIR DIRE:

16 BAILIFF: Juror 252, your Honor.

17 THE COURT: How are you? Good to see you.

18 JUROR NUMBER 252: Good to see you, too.

19 THE COURT: Come a little closer to me so we can
20 put it on the record.

21 JUROR NUMBER 252: Okay. I am a sole proprietor,
22 and I have just client deadlines today -- or this week.

23 THE COURT: Okay.

24 JUROR NUMBER 252: But I'm just really nervous
25 that we're not going to get those done.

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1 THE COURT: What do you do?

2 JUROR NUMBER 252: I'm a trainer sales coach.

3 THE COURT: Okay.

4 JUROR NUMBER 252: I started my business eight
5 months ago, so I've got some things pending.

6 THE COURT: Okay. Okay. What I can do is I can
7 transfer you.

8 JUROR NUMBER 252: Okay. Good deal.

9 THE COURT: So, if you'll go talk to these ladies
10 over here. Yes, Number 252 is going to be transferred.
11 And just give them a time you hopefully won't be as
12 busy or -- as far away as you can.

13 JUROR NUMBER 252: Yeah. Yeah.

14 THE COURT: Thank you. Good luck to you.

15 JUROR NUMBER 252: Thank you.

16 THE COURT: Thank you.

17 BAILIFF: Juror 24, your Honor.

18 JUROR NUMBER 24: How are you, your Honor.

19 THE COURT: Great. Nice to meet you, sir.

20 JUROR NUMBER 24: I work for a construction
21 company, and we --

22 THE COURT: Who do you work for?

23 JUROR NUMBER 24: S-Three Building Solutions out
24 of Hardeeville.

25 THE COURT: Um-hmm. Yes.

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1 JUROR NUMBER 24: We're right near Savannah
2 bridge, almost.

3 THE COURT: Okay.

4 JUROR NUMBER 24: I'm in charge of unlocking and
5 locking up every day. We open 7:00 'til 4:00. And I
6 have ten in-house guys I have to get out every day and
7 make sure they're gone to lock up.

8 THE COURT: Okay.

9 JUROR NUMBER 24: And then, after that, I have
10 four kids I take care of.

11 THE COURT: Do they have anyone else that can
12 unlock and lock up?

13 JUROR NUMBER 24: No, they do not.

14 THE COURT: Because I can transfer you, but we're
15 going to have the same problem again.

16 JUROR NUMBER 24: Right. Right. And that's why I
17 didn't say anything that time.

18 THE COURT: And you're going to be back here.

19 JUROR NUMBER 24: There's just -- there's nobody
20 to. I mean, I can get my business to let you -- I
21 mean, tell you everything you need to know.

22 THE COURT: It doesn't matter. It doesn't matter
23 what they say. They needed to hire someone else. So
24 you've already been transferred to this term of court?

25 JUROR NUMBER 24: No, I've never been tran -- I

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INDIVIDUAL VOIR DIRE

1 don't want to get transferred. I'd rather just, if I
2 have to, get it done, you know.

3 THE COURT: I really need you. I really need you
4 to stay. I mean that your boss needs to find someone
5 else that can go do it for you.

6 JUROR NUMBER 24: Okay.

7 THE COURT: And I hate to put you in a bad spot.
8 I'll transfer you this term of court, if you want me,
9 so he or she can arrange that. But if you're willing
10 to stay, I'd love to have you stay.

11 JUROR NUMBER 24: Yeah, I rather stay, cause it's
12 a short week now, so. Okay.

13 THE COURT: I appreciate it, Mr. Barley.

14 Okay. Number 24 is going to stay with us. Thank
15 you.

16 BAILIFF: Juror 153, your Honor.

17 THE COURT: Pleasure to meet you.

18 JUROR NUMBER 153: Nice to meet you. I actually
19 don't live in Beaufort anymore. I just moved to
20 Columbia about a week and a half ago for school.

21 THE COURT: And you haven't changed your driver's
22 license yet, or have you at this point?

23 JUROR NUMBER 153: Not yet.

24 THE COURT: Okay. What I can do is this. Are you
25 permanently going to live in Columbia?

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INDIVIDUAL VOIR DIRE

1 JUROR NUMBER 153: Yes.

2 THE COURT: I'm going to excuse you, but you need
3 to go change your driver's license by Friday of this
4 week. Okay?

5 JUROR NUMBER 153: Yeah.

6 THE COURT: All right. I appreciate it.

7 JUROR NUMBER 153: Thank you.

8 THE COURT: Number 153 is excused.

9 BAILIFF: Juror 317, your Honor.

10 THE COURT: Come on close. Come on a little
11 closer.

12 JUROR NUMBER 317: Yes, your Honor. I have a golf
13 tournament I'm supposed to play in. And if it was over
14 on Thursday, I'm fine. I got to go drive to Georgia,
15 so.

16 THE COURT: Okay.

17 JUROR NUMBER 317: So, you know, it's no problem -
18 -

19 THE COURT: Does it start on Friday?

20 JUROR NUMBER 317: Starts on Friday morning.

21 THE COURT: Okay. Yes. Okay.

22 JUROR NUMBER 317: And I'm being a golf course
23 superintendent. This summer's really bad, but
24 September or December or whatever.

25 THE COURT: I'm just going to go ahead and just

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1 switch you to another term. Go talk to these ladies
2 over here. Okay?

3 JUROR NUMBER 317: 317.

4 THE COURT: 317, all right, 317 is going to be
5 transferred. Just tell them a good month for you,
6 okay?

7 JUROR NUMBER 317: Thank you.

8 THE COURT: Absolutely. Good luck.

9 BAILIFF: Juror 100, your Honor.

10 THE COURT: Come on through. Sir, how are you?

11 JUROR NUMBER 100: I'm doing fine.

12 THE COURT: Pleasure. Pleasure. Thank you.

13 JUROR NUMBER 100: Do I look that old?

14 THE COURT: No. Well, you don't look 65, so don't
15 even claim that.

16 JUROR NUMBER 100: Your Honor, I'm 86, but I've
17 never been on a jury. Thought it would be nice to be
18 on a jury and so forth, but I have tickets to a play
19 tomorrow. If I could get out of here at 4:00 tomorrow,
20 the rest of the week is fine.

21 THE COURT: Where are your tickets to? Where's
22 the play?

23 JUROR NUMBER 100: Grease, over on Hilton Head
24 Island.

25 THE COURT: Oh, Grease, the play Grease.

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1 JUROR NUMBER 233: But I don't know how I --

2 THE COURT: So it would start Friday morning?

3 JUROR NUMBER 233: It does.

4 THE COURT: What kind of tournament?

5 JUROR NUMBER 233: It's a tennis tournament, at
6 Splash, at Dataw.

7 THE COURT: Oh, okay. Okay. I just don't know if
8 we're going to be finished or not, and you could be
9 stuck here. And I, you know, you understand that. So
10 do you want me to -- there's no one else that can cover
11 you for that day?

12 JUROR NUMBER 233: I was trying to think. I'm
13 like --

14 THE COURT: Is there anyone you can call that can
15 keep it for you?

16 JUROR NUMBER 233: There's only two of us in
17 marketing in the department, so.

18 THE COURT: Okay. Okay. Okay. Well, I mean,
19 I'll transfer you, if you want me to, but I've got --
20 that's all I can do.

21 JUROR NUMBER 233: Yeah.

22 THE COURT: You're just going to have to come back
23 another time.

24 JUROR NUMBER 233: I mean, I -- yeah, I would love
25 to.

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INDIVIDUAL VOIR DIRE

1 THE COURT: Okay. All right. We're going to do
2 this. Number 233 is going to be transferred. Go talk
3 to these ladies over here. Give them a better month
4 where there are less tournament.

5 JUROR NUMBER 233: Thank you.

6 THE COURT: Come on down.

7 BAILIFF: Juror 307, your Honor.

8 THE COURT: How are you? So nice to meet you,
9 sir.

10 JUROR NUMBER 307: I'm know the members on the
11 trial.

12 THE COURT: Sorry?

13 JUROR NUMBER 307: I know the members on the
14 trial.

15 THE COURT: On the trial that's here, do you know
16 some people? Who do you know?

17 JUROR NUMBER 307: The guy in the chair over
18 there.

19 THE COURT: In the chair?

20 JUROR NUMBER 307: Yeah. Sitting over there.

21 THE COURT: You have to come a little closer.
22 Okay. Do you know his name? What's his name?

23 JUROR NUMBER 307: Tyrone Wallace.

24 THE COURT: Okay. How do you know him?

25 JUROR NUMBER 307: We went to school together.

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1 that would cover him. You're excused. Thank you. All
2 right. Let's go.

3 END INDIVIDUAL VOIR DIRE.

4 THE COURT: All right, ladies and gentlemen, as
5 long as no one needs a quick break, I would love to go
6 ahead and just pull this first jury and be able to send
7 the rest of you out of here, if I can. We ready to go?
8 Everyone fine? Anyone need anything? Very good.

9 I find this panel qualified, ladies and gentlemen.

10 VOIR DIRE:

11 THE COURT: At this time, I'm going to ask the
12 Solicitor to call her case, ladies and gentlemen. And
13 at that point, I'll have the attorneys introduce
14 themselves to you.

15 I remind you, ladies and gentlemen, under the oath
16 that you have taken, you are required to respond to the
17 questions that I'm going to ask you in response to this
18 specific case.

19 So, Ms. Jones, if you'd like to begin.

20 SOLICITOR JONES: Thank you, your Honor. State
21 calls Tyrone Wallace, Indictment 2015-GS-07-01907, as
22 well as 2016-GS-07-00044, for the charges of kidnaping
23 and murder.

24 THE COURT: All right.

25 BAILIFF: Stand up, please.

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INDIVIDUAL VOIR DIRE

1 THE COURT: Just a moment, ma'am. Just a moment,
2 okay? Hold on. All right, ma'am, can you just give me
3 your number.

4 JUROR NUMBER 375: 375.

5 THE COURT: And I'm going to ask you to come
6 approach and speak with me, okay? Up here.

7 INDIVIDUAL VOIR DIRE:

8 THE COURT: Do you have her number, Trasi?

9 MS. CAMPBELL: 371 [sic].

10 THE COURT: Thank you. It's nice to me you.

11 JUROR NUMBER 375: Nice to meet you, too.

12 THE COURT: How are you?

13 JUROR NUMBER 375: I'm good.

14 THE COURT: All right, who do you know?

15 JUROR NUMBER 375: Just Tyrone.

16 THE COURT: Okay. What I need to know from -- the
17 last name. I need to know from you, have you talked to
18 any of the other jurors in the pool about this case?

19 JUROR NUMBER 375: Have you said anything like
20 that like that is my cousin?

21 JUROR NUMBER 375: No.

22 THE COURT: Nothing like that, correct?

23 JUROR NUMBER 375: Didn't even know what was going
24 on.

25 THE COURT: Didn't even know. All right. What

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CONTINUE VOIR DIRE

1 I'm going to do is this, I'm going to go ahead and
2 excuse you. And I don't want you talking to anyone at
3 this point. I'm going to go ahead and excuse you for
4 the week, too. Okay?

5 JUROR NUMBER 375: Okay.

6 THE COURT: So don't worry about it. Okay? So,
7 if you want to just give me your badge. Thank you.
8 And we'll go ahead and excuse you.

9 JUROR NUMBER 375: Thank you.

10 THE COURT: Thank you.

11 All right. Number 375 is excused.

12 END INDIVIDUAL VOIR DIRE.

13 CONTINUE VOIR DIRE:

14 THE COURT: Ladies and gentlemen, the State has
15 called their case that we're going to try, the State of
16 South Carolina versus Tyrone Wallace, who is charged
17 with the offense of murder and kidnaping. Ladies and
18 gentlemen, it is alleged that this incident occurred on
19 or about October 25, 2015, here in Beaufort County,
20 downtown, at [REDACTED] Greene Street, again, in the city of
21 Beaufort, anything.

22 And then there also, ladies and gentlemen, there
23 is an incident involved out of Pea Patch Road out on
24 Saint Helena in regard to this incident.

25 Ladies and gentlemen, I'm going to ask you a

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CONTINUE VOIR DIRE

1 number of questions, but most importantly, to begin
2 with, ladies and gentlemen, I need to know if anyone
3 has any independent information about this case. If
4 so, please stand.

5 Ladies and gentlemen, also, I will tell you that
6 the alleged victim in this case is a Vermone Steve.
7 And again, I need to make sure that no one knows
8 anything individually about this case. I will tell
9 you, and I am going to ask you a more detailed
10 question, but there were some things in the newspaper
11 in this case back when it occurred, back in 2015,
12 ladies and gentlemen. But I need to know if you have
13 any independent information. In other words, maybe you
14 live close to [REDACTED] Greene Street and have heard people
15 talking about it. Or, if you have friends or live out
16 on or near Pea Patch Road out on Saint Helena. So
17 let's begin with that. Okay.

18 Ladies and gentlemen, also -- yes, ma'am.

19 SOLICITOR JONES: Your Honor, there's an
20 additional victim, Andre Frazier.

21 THE COURT: I apologize. There's also an
22 additional victim in this case by the name of Andre
23 Frazier. Ladies and gentlemen, again, does anyone have
24 any independent knowledge about that person? And I
25 assume he's on the witness, list, correct?

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CONTINUE VOIR DIRE

1 SOLICITOR JONES: Yes.

2 THE COURT: Okay. Ladies and gentlemen, to begin
3 with, then, I am also going to ask the State to
4 introduce themselves, who they work for, and who is
5 sitting at counsel table with them. And then, Ms.
6 Campbell, I am going to ask you to do the same, as well
7 as introduce your client.

8 SOLICITOR JONES: Good afternoon, my name is Mary
9 Jones, and I'm an assistant solicitor here in Beaufort
10 County. Assistant solicitor is a fancy name for
11 prosecutor. And seated with me throughout this trial
12 is Kimberly Smith. She's also an assistant solicitor.
13 As well as Investigator George Erdel with the Beaufort
14 Police Department.

15 THE COURT: Thank you. Ms. Campbell.

16 MS. CAMPBELL: May it please the Court, your
17 Honor.

18 THE COURT: Yes, ma'am.

19 MS. CAMPBELL: Good morning. My name is Trasi
20 Campbell. I am the Fourteenth Judicial Circuit Chief
21 Public Defender for the Violent Crimes Division. I've
22 been serving in that capacity.

23 Seated with me at counsel table is Eric Staggs,
24 who is an attorney in Beaufort County, in the county
25 where we are right now and where he serves.

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CONTINUE VOIR DIRE

1 Carolina.

2 THE COURT: Okay. Ma'am, what I need to know is
3 this from you, whether or not you can be fair and
4 impartial in the trial of this case, understanding that
5 the prosecutor in this case is Ms. Jones?

6 JUROR NUMBER 215: Yes, ma'am, I can be.

7 THE COURT: And do you have any concerns about
8 that whatever?

9 JUROR NUMBER 215: No, ma'am, I do not.

10 THE COURT: All right. You may be seated. Thank
11 you.

12 Sir?

13 JUROR NUMBER 80: Yeah, Carl Davis, Number 80.
14 I'm fortunate enough to know Ms. Kimberly Smith.

15 THE COURT: Okay. And sir, the nature of you're
16 relationship, what is your relationship with Ms. Smith?

17 JUROR NUMBER 80: We're friends.

18 THE COURT: You're friends. All right. Sir, can
19 you be fair and impartial in the trial of this case?

20 JUROR NUMBER 80: Yes.

21 THE COURT: Okay. And I apologize. I'm going to
22 have to delve a little further into it, just so I
23 understand. When you say you are a friend --

24 JUROR NUMBER 80: Yes.

25 THE COURT: -- would you socialize with her? You

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CONTINUE VOIR DIRE

1 know, maybe go to her home for dinner or go out to
2 dinner or anything along those lines?

3 JUROR NUMBER 80: Just the two of us? We --

4 THE COURT: And it could be other people and your
5 spouses.

6 JUROR NUMBER 80: Right. I know Ms. Smith.

7 THE COURT: Okay.

8 JUROR NUMBER 80: We have been out to dinner with
9 a group.

10 THE COURT: Okay.

11 JUROR NUMBER 80: We do not have any -- how do you
12 want to describe it? We're not in a relationship.

13 THE COURT: All right. All right. Sir, again,
14 based on the nature of your relationship, I need to
15 know whether or not you can be fair and impartial to
16 both sides?

17 JUROR NUMBER 80: Yes.

18 THE COURT: Are you confident about that?

19 JUROR NUMBER 80: I'm confident.

20 THE COURT: Okay. Thank you, sir. You may be
21 seated. And give me your number one more time.

22 JUROR NUMBER 80: 80.

23 THE COURT: 80. And you haven't spoken with Ms.
24 Smith about this case in any way, have you?

25 JUROR NUMBER 80: No.

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1 JUROR NUMBER 279: Yes, ma'am.

2 THE COURT: Because Bluffton is not involved in
3 any way, are they, Ms. Campbell?

4 MS. CAMPBELL: They're not involved.

5 THE COURT: Okay. Thank you. Thank you, ma'am.

6 Additionally, ladies and gentlemen, if any of you
7 are in law enforcement and that wasn't previously
8 disclosed, I need to know that.

9 All right. Ma'am, your name and juror number,
10 please.

11 JUROR NUMBER 272: 272. Both a close aunt and
12 uncle are in law enforcement. They're in the state of
13 Florida.

14 THE COURT: Down in Florida?

15 JUROR NUMBER 272: Yes, ma'am.

16 THE COURT: And I'm sorry, what's your
17 relationship with them?

18 JUROR NUMBER 272: Aunt and uncle.

19 THE COURT: Aunt and uncle. All right. Ma'am,
20 can you be fair and impartial in the trial of this
21 case?

22 JUROR NUMBER 272: Yes.

23 THE COURT: Thank you. You may be seated.
24 Yes, ma'am, your turn.

25 JUROR NUMBER 103: 103.

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CONTINUE VOIR DIRE

1 THE COURT: Yes, ma'am.

2 JUROR NUMBER 103: I'm married to military law
3 enforcement.

4 THE COURT: All right. Can you be fair and
5 impartial in the trial of this case?

6 JUROR NUMBER 103: Yes, ma'am.

7 THE COURT: Thank you. Have you ever been in law
8 enforcement yourself?

9 JUROR NUMBER 103: Not -- I was a court
10 stenographer in the Marine Corps.

11 THE COURT: All right. Thank you. All right.
12 You may be seated.

13 Ma'am behind her, yes, ma'am.

14 JUROR NUMBER 368: 368.

15 THE COURT: Yes, ma'am.

16 JUROR NUMBER 368: My husband's a deputy.

17 THE COURT: With whom?

18 JUROR NUMBER 368: Beaufort County.

19 THE COURT: I'm sorry. Give me your last name,
20 again.

21 JUROR NUMBER 368: Vaughn.

22 THE COURT: Okay. Okay. Ma'am, can you be fair
23 and impartial in the trial of this case?

24 JUROR NUMBER 368: Yes.

25 THE COURT: It is just Beaufort City, correct? in

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CONTINUE VOIR DIRE

1 entire list, I want to make sure that you're not a
2 close personal friend of any of the persons who could
3 potentially be witnesses. But what I want to know is
4 whether or not you can be fair and impartial in this
5 case to both sides?

6 JUROR NUMBER 177: At this point, I'm comfortable
7 I can be fair.

8 THE COURT: All right. And if, at any point, you
9 are not, you need to tell me. All right? Thank you.
10 I appreciate it. You may be seated.

11 Okay. Ladies and gentlemen, is there any member
12 of the jury panel who has ever been employed by,
13 related by blood or marriage to anyone who has worked
14 in an attorney general's office, a solicitor or
15 prosecutor's office? If so, please stand.

16 Ladies and gentlemen, other than those people I
17 disclosed earlier, has any member of the jury panel
18 ever been employed by any civilian or military law
19 enforcement agency? If so, please stand.

20 Is any member of the jury panel a member of or
21 contributed to any group which has as its primary
22 concern the promotion of law enforcement or victim's
23 rights? And this would include such groups as CAPA, or
24 CAVE, or CADRE, or MADD, or SADD, or any victim
25 advocacy center? If so, please stand.

1 Ma'am, give me your number again.

2 JUROR NUMBER 177: 177:

3 THE COURT: Which do you belong to or what do you
4 support?

5 JUROR NUMBER 177: I served on the CODA board for
6 eleven years, and I was chair of that board for three
7 of those. Oh, but that's been a while ago. It's been
8 fourteen years since I was off the board. I'm a
9 frequent -- I do those sales and stuff like that for
10 CAPA, so I am, at least, involved in that, and
11 connections.

12 THE COURT: Okay. I appreciate that. Thank you.
13 You may be seated.

14 Ladies and gentlemen, the following is a list of
15 potential witnesses in this case, ladies and gentlemen.
16 And I have to say potential. They will not all
17 necessarily be called. But my question to you is going
18 to be, are you related blood, connected by marriage,
19 have a close personal friendship or special friends
20 with these people? And the emphasis, ladies and
21 gentlemen, needs to be on if you do have some type of
22 relationship or knowledge of someone, I want to make
23 sure you can be fair and impartial in the trial of this
24 case, and not give that witness undue credence because
25 you know them or know of them. All right? And I'm

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1 just going to ask that if any of these people are here
2 when I call their name, if you would, stand for me. I
3 don't know that any of them are here. I think very few
4 of them would actually be called in the trial today, so
5 they probably are not coming until tomorrow. But
6 there's a potential that they could be here. So, if
7 they are, I'd ask them to stand.

8 Allison Moreira. Janice Steve. Heidi Light.
9 George Erdel. Andre Frazier. Charles Raley. Paul
10 Patel. Pete Singleton. Owen Goethie. Bill Wadman.
11 Dr. Nick Batalis from the Medical University of South
12 Carolina. Jordan Burgess. Dominique Cook. Tayquan
13 Lampkin. Markelle Baskerville.

14 Ma'am, who do you know?

15 JUROR NUMBER 269: Tayquan Lampkin and Niko Cook,
16 or Dominique Cook.

17 THE COURT: How do you know them?

18 JUROR NUMBER 269: We used to go to school
19 together, and I lived downtown by them.

20 THE COURT: Okay. Do I need to bring her up, Ms.
21 Campbell, and talk to her separately? I'm sorry, Ms.
22 Jones may be better. Ms. Jones, do I need to bring her
23 up?

24 SOLICITOR JONES: One of those is absolutely a
25 witness. The other one is --

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CONTINUE VOIR DIRE

1 THE COURT: Questionable.

2 SOLICITOR JONES: -- questionable. If I could
3 have her number.

4 THE COURT: Ma'am, what is number, again?

5 JUROR NUMBER 269: 269.

6 THE COURT: And where did you go to high school?

7 JUROR NUMBER 269: Battery Creek.

8 THE COURT: And do these two people, do you speak
9 to them on a regular basis?

10 JUROR NUMBER 269: I mean, before Tayquan -- when
11 we went to schoo, I did, I guess.

12 THE COURT: All right, ma'am. Can you be fair and
13 impartial in the trial of this case?

14 JUROR NUMBER 269: Yes.

15 THE COURT: Do you know anything about it?

16 JUROR NUMBER 269: No.

17 THE COURT: Have you heard about it in any way,
18 shape, or form?

19 JUROR NUMBER 269: No.

20 THE COURT: Okay. And again, give me your number.

21 JUROR NUMBER 269: 269.

22 THE COURT: 269? All right. Sit tight, okay?
23 Sir, your number?

24 JUROR NUMBER 171: 171.

25 THE COURT: Okay.

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CONTINUE VOIR DIRE

1 JUROR NUMBER 171: I went to school with Dominique
2 Cook.

3 THE COURT: Okay. And where did you go to school?

4 JUROR NUMBER 171: Battery Creek?

5 THE COURT: Sir, understanding he may be a witness
6 in this case, can you be fair and impartial?

7 JUROR NUMBER 171: Yes.

8 THE COURT: All right. You may be seated. You
9 went to high school with him. Do you see him on a
10 frequent basis now or speak to him on a frequent basis?

11 JUROR NUMBER 171: He's my friend on Facebook.

12 THE COURT: You're friends on Facebook, and that
13 is it?

14 JUROR NUMBER 171: Yeah.

15 THE COURT: Okay. Thank you, sir. You may be
16 seated.

17 Yes, ma'am?

18 JUROR NUMBER 364: My number is 364.

19 THE COURT: Yes.

20 JUROR NUMBER 364: And I'm -- I was a teacher at
21 Battery Creek, so.

22 THE COURT: So you know all these students.
23 Ma'am, which one of the witness did you possibly go and
24 teach?

25 JUROR NUMBER 364: Some of the sound familiar, but

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1 I just retired, so. So I see them every now and then
2 when they come to a game or something like that.

3 THE COURT: Okay. But do you have any specific
4 names of these that you know you taught?

5 JUROR NUMBER 364: No. I can't remember at all.

6 THE COURT: Okay. Ma'am, I need to know is, if
7 you do see them and you do recognize them, can you be
8 fair and impartial in the trial of this case?

9 JUROR NUMBER 364: I believe so.

10 THE COURT: Okay, you're going to have to be
11 certain.

12 JUROR NUMBER 364: I am.

13 THE COURT: All right. You may be seated, ma'am.
14 Thank you.

15 Yes, ma'am.

16 JUROR NUMBER 102: 102.

17 THE COURT: Yes, ma'am.

18 JUROR NUMBER 102: I taught Mr. Wadman's son in
19 sixth grade.

20 THE COURT: Okay.

21 JUROR NUMBER 102: I don't know if that makes any
22 difference.

23 THE COURT: Can you be fair and impartial in the
24 trial of this case?

25 JUROR NUMBER 102: Yes, ma'am.

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CONTINUE VOIR DIRE

1 THE COURT: Other than teaching his son, do you
2 have a personal relationship with him in any way?

3 JUROR NUMBER 102: No, ma'am.

4 THE COURT: All right. And do you know anything
5 about this case?

6 JUROR NUMBER 102: No.

7 THE COURT: Thank you. Okay. I apologize. I
8 don't know how far I got. Did I ask Markel
9 Baskerville? Yes. Dylan Hightower. Charles Brown of
10 Beaufort, South Carolina. Mike Whelan. Brandon
11 Disbrow. Angie Crumpton. Jennifer Mills. Tanner
12 Flinch. Larry Schepher. Andrew Rice. Jeffrey
13 Maxwell. I'm sorry. Castran Aiken. Officer Collon.
14 Corporal Riccobene. Jeff Purdy. Phil Carter.

15 I will get to you, I promise. Go ahead. And
16 again, remind me, sir, you are Number 171. Am I
17 correct?

18 JUROR NUMBER 171: Yes.

19 THE COURT: Who do you know?

20 JUROR NUMBER 171: Officer Collon.

21 THE COURT: You know Officer -- oh, Collon.

22 JUROR NUMBER 171: Collon.

23 THE COURT: All right, how do you know Collon?
24 How do you know him?

25 JUROR NUMBER 171: He deals with my -- my stepson

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CONTINUE VOIR DIRE

1 at school.

2 THE COURT: He what?

3 JUROR NUMBER 171: He deals with my stepson a lot.
4 Shows how to help him.

5 THE COURT: He deals with your stepson at school.

6 JUROR NUMBER 171: Yeah.

7 THE COURT: Is he in RSO?

8 JUROR NUMBER 171: Yeah.

9 THE COURT: Okay. And what school is that?

10 JUROR NUMBER 171: Beaufort Middle.

11 THE COURT: Okay. Sir, can you be fair and
12 impartial in the trial of this case, understanding that
13 Officer Collon may testify in this case?

14 JUROR NUMBER 171: Yeah.

15 THE COURT: Thank you. You may be seated.

16 All right, anyone else. All right, I'm going to
17 continue, if I may, with the continued witness list.
18 Again, the question is, are you related by blood,
19 connected by marriage, have a close personal
20 relationship, special friends with any of these people
21 or that you would give their testimony more weight
22 simply because you know them.

23 Joshua Dowling. Derry -- excuse me -- Darryl
24 Gruel. Carol Smalls, who was formerly with the
25 Beaufort Police Department. Andrew Deer. Hillary

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CONTINUE VOIR DIRE

1 Cottingham. Tasha Haupt. Patrick Schmucker. Jesse
2 Olsen. Andre Ladson. Ralph Wayne Ramsey, Jr.
3 Suezanne Foot. Trista Hodge. Varsheen Smith. Tyler
4 Burroughs.

5 All right. I'm going to start with you, ma'am.
6 Give me your number, please.

7 JUROR NUMBER 240: 240.

8 THE COURT: Okay. Who do you know?

9 JUROR NUMBER 240: Suezanne Foot.

10 THE COURT: How do you know Ms. Foot?

11 JUROR NUMBER 240: She used to babysit me when I
12 was real little.

13 THE COURT: Okay. All right. Ma'am, I understand
14 she may or may not be a witness in the trial of this
15 case. Can you be fair and impartial?

16 JUROR NUMBER 240: Yes.

17 THE COURT: Thank you. You may be seated.

18 All right, sir, your name -- I'm sorry -- your
19 number.

20 JUROR NUMBER 54: Juror 54.

21 THE COURT: Who do you know, sir.

22 JUROR NUMBER 54: Darryl Gruel.

23 THE COURT: How do you know him?

24 JUROR NUMBER 54: We grew up together. His wife
25 and my wife work out together all the time, and

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1 sometimes we hang out a little bit.

2 THE COURT: Okay. Can you be fair and impartial
3 in the trial of this case?

4 JUROR NUMBER 54: I can.

5 THE COURT: All right. Have you heard or has your
6 wife talked about the case in any way, or do you know
7 anything about this case?

8 JUROR NUMBER 54: No, not at all.

9 THE COURT: Okay. All right. And you understand,
10 if you do know any of these people, that I'm going to
11 order you, if you've been chosen on this jury, that you
12 are not to see them, talk to them, your wife can't work
13 out with them, whatever it is, during the trial of this
14 case? You understand that, sir?

15 JUROR NUMBER 54: Yes.

16 THE COURT: Okay. All right. You may be seated,
17 sir. And you were Number 54, again? Am I correct on
18 that?

19 JUROR NUMBER 54: Yes.

20 THE COURT: Thank you, sir.

21 All right. Yes, ma'am, again. And your number
22 again. I apologize.

23 JUROR DID NOT GIVE NUMBER.

24 JUROR NUMBER UNKNOWN: Carol Smalls.

25 THE COURT: Pardon?

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1 JUROR NUMBER UNKNOWN: Carol Smalls.

2 THE COURT: You know Ms. Smalls. How do you know
3 her?

4 JUROR NUMBER UNKNOWN: She's a neighbor.

5 THE COURT: She's a neighbor of yours. Have you
6 talked to her about anything regarding her possibly
7 testifying in this case?

8 JUROR NUMBER UNKNOWN: No.

9 THE COURT: And when you say she's a neighbor, do
10 you go have dinner together or break bread or you just
11 waive, or what is the nature of your relationship?

12 JUROR NUMBER UNKNOWN: Just waive.

13 THE COURT: Can you be fair and impartial in the
14 trial of this case?

15 JUROR NUMBER UNKNOWN: Yes.

16 THE COURT: Thank you, ma'am. You may be seated.

17 JUROR NUMBER 186: I am Number 186.

18 THE COURT: Yes.

19 JUROR NUMBER 186: I'm close personal friend of
20 Jennifer Mills, who works for Beaufort County.

21 THE COURT: Okay. Ma'am, I need to know whether
22 or not you can be fair and impartial in the trial.

23 JUROR NUMBER 186: Absolutely.

24 THE COURT: And have you heard anything about this
25 case from her?

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CONTINUE VOIR DIRE

1 JUROR NUMBER 186: No.

2 THE COURT: Okay. All right. You may be seated,
3 ma'am. Thank you.

4 I'm going to continue asking some questions, and
5 then I need to see the lawyers on a few of these.
6 Okay?

7 Has any member of the jury panel ever been a
8 witness in a criminal trial? If so, please stand.
9 Where you've actually testified.

10 All right, sir, give me your number again.

11 JUROR NUMBER 152: 152.

12 THE COURT: All right. Sir, tell me, do you know
13 if you were a witness for the State or the Defense?

14 JUROR NUMBER 152: I was a witness for the State.

15 THE COURT: And what type of trial was it, sir?

16 JUROR NUMBER 152: Murder.

17 THE COURT: How long ago was it?

18 JUROR NUMBER 152: Probably nine, ten years ago.

19 THE COURT: Okay. Was it here in Beaufort County?

20 JUROR NUMBER 152: Georgia.

21 THE COURT: In Georgia. Sir, anything about that
22 experience that would affect your ability to be fair
23 and impartial in the trial of this case?

24 JUROR NUMBER 152: No.

25 THE COURT: Thank you, sir. You may be seated.

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CONTINUE VOIR DIRE

1 Yes, ma'am, your number?

2 JUROR NUMBER 103: It's 103.

3 THE COURT: Yes, ma'am.

4 JUROR NUMBER 103: They were military trials.

5 Does that count?

6 THE COURT: Say that again?

7 JUROR NUMBER 103: They were military trials.

8 THE COURT: Okay. Did you testify for the State
9 or the defendant?

10 JUROR NUMBER 103: State. Prosecution.

11 THE COURT: And military trials. Do you remember
12 what the offense was?

13 JUROR NUMBER 103: One was rape. One was murder.

14 THE COURT: Okay. Ma'am, anything about that
15 experience that would affect your ability to be fair
16 and impartial in the trial of this case?

17 JUROR NUMBER 103: No, ma'am.

18 THE COURT: Thank you, ma'am. You may be seated.

19 Ladies and gentlemen, as I told you earlier, there
20 was some press coverage about this case. I don't know
21 if there was anything on the news, but I know there was
22 something in the newspaper locally in the Island Packet
23 and the Beaufort Gazette. I need to know whether or
24 not someone has read anything about the case. And even
25 if you have and it was a long time ago, I still need to

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1 know that you read something about the case. And the
2 question -- this does not disqualify you. I just need
3 to make sure you understand and appreciate that
4 anything that's written in the newspaper is not factual
5 in this case. I have to tell you, it's rarely correct.
6 And so, I want to make sure that you can put anything
7 you may have said outside of your mind and decide this
8 case fairly, based on the evidence that you get in the
9 courtroom, and not anything you may have heard, read,
10 seen. So do I have anyone who read about this in the
11 newspaper? Saw anything about it in the paper or on
12 the news?

13 Yes. Your number again?

14 JUROR NUMBER 215: 215.

15 THE COURT: Do you remember when it was, roughly?

16 JUROR NUMBER 215: No. When I first moved here,
17 couple years ago.

18 THE COURT: Okay. And was it in the newspaper,
19 the local newspaper? Or where did you see or hear
20 about it?

21 JUROR NUMBER 215: It was online on the Island
22 Packet.

23 THE COURT: Okay. On the Island Packet?

24 JUROR NUMBER 215: Yes, ma'am.

25 THE COURT: Okay. Ma'am, can you be fair and

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CONTINUE VOIR DIRE

1 impartial in the trial of this case and be able to put
2 it out of your mind you may have read?

3 JUROR NUMBER 215: Yes, ma'am. The newspaper
4 can't even spell the words correctly.

5 THE COURT: Thank you. All right. I just want to
6 make sure. Anyone else?

7 Ladies and gentlemen, also, just to open up the
8 question a little bit broader, I want to make sure no
9 one has heard anything about this, either through their
10 employment or a friend or anything like word on the
11 street or anyone that has any kind of just throws it
12 out there for you. Also, ladies and gentlemen, I want
13 to know if anyone has talked to you at all since you've
14 been in this courtroom about this specific case. Has
15 anyone said anything to you about it? If so, please
16 stand.

17 Ladies and gentlemen, has any member of the jury
18 panel ever read stories from the Fourteenth Circuit
19 Solicitor's either website or Facebook page or media
20 platforms? If so, please stand. And it wouldn't have
21 to be about this case. It would just be in general, if
22 that's something you look at.

23 I get it. Give me your number, and I should know
24 it by now. I apologize.

25 JUROR NUMBER 215: 215.

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CONTINUE VOIR DIRE

1 THE COURT: All right. So what have you -- do you

2 --

3 JUROR NUMBER 215: I can't even remember what I
4 read on there, but, yes, I do follow it on Facebook.

5 THE COURT: You do follow it on Facebook.

6 JUROR NUMBER 215: Yeah.

7 THE COURT: Okay. So they're a Facebook page. Is
8 that correct?

9 JUROR NUMBER 215: I think so. Or the Beaufort
10 County Police Department page.

11 THE COURT: One of the two of them.

12 JUROR NUMBER 215: Okay. All right. And do you
13 remember seeing anything specific about this case?

14 JUROR NUMBER 215: No, ma'am.

15 THE COURT: Okay. Thank you. You may be seated.

16 Ladies and gentlemen, has any member of the jury
17 panel ever liked or commented on any of the social
18 media posts or web sites that are affiliated with the
19 Fourteenth Circuit Solicitor's Office, the Beaufort
20 County Sheriff's Office, the Bluffton Police
21 Department, or the Beaufort City Police Department? If
22 so, please stand.

23 Okay.

24 Ladies and gentlemen, has any member of the jury
25 panel ever been a volunteer for the Beaufort County

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CONTINUE VOIR DIRE

1 Sheriff's Office, the Bluffton Police Department, the
2 Beaufort City Police Department, or any other law
3 enforcement agency? If so, please stand.

4 Ma'am, give me your number again.

5 JUROR NUMBER 272: 272.

6 THE COURT: Who have you volunteered for?

7 JUROR NUMBER 272: I work for the University of
8 South Carolina, Beaufort, so we do a lot of volunteer
9 and assigned. I work with the Department of Public
10 Safety, and all of them are state-funded offices.

11 THE COURT: Okay. And tell me, what do you do for
12 USC specifically.

13 JUROR NUMBER 272: I work in the Housing Office,
14 but I'm -- I'm our associate director, so I process all
15 of our conducts for judicial hearings.

16 THE COURT: Okay.

17 JUROR NUMBER 272: So any of our students, both
18 who are arrested by officers, and then, also, who
19 violate campus policy as well.

20 THE COURT: Thank you, ma'am. You may be seated.

21 Yes, ma'am.

22 JUROR NUMBER 177: I'm not sure -- I'm Number 177.
23 I'm not sure. I have helped with some fund raising
24 that involved law enforcement for Special Olympics.

25 THE COURT: Okay.

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CONTINUE VOIR DIRE

1 JUROR NUMBER 177: So that's it. I haven't
2 actually done specifically anything for a department.

3 THE COURT: Okay. I appreciate that. Thank you.

4 Ladies and gentlemen, has any member of the jury
5 panel ever participated in or their immediate family
6 member, which would be your husband or any of your
7 children, what they call the Citizens Police Academy,
8 or other such programs? I know in Beaufort County,
9 they do have a Citizens Police Academy that's run by
10 the Sheriff's Office. If you've ever participated in
11 that. Sir, give me your name again.

12 JUROR NUMBER 100: 100.

13 THE COURT: Yes, sir. So which one have you
14 participated in?

15 JUROR NUMBER 100: Both the Bluffton and the
16 Sheriff's for Beaufort County.

17 THE COURT: How long ago was that?

18 JUROR NUMBER 100: Year, year-and-a-half ago.

19 THE COURT: Okay, sir. Thank you. You may be
20 seated.

21 Ma'am.

22 JUROR NUMBER 186: I graduated from the Citizens
23 Police Academy here in -- for the Beaufort County
24 Sheriff's Department.

25 THE COURT: How long ago was that?

6-18-18 STATE V WALLACE

OPENING STATEMENT - STATE - JONES

1 MS. CAMPBELL: No, your Honor.

2 THE COURT: Ladies and gentlemen, at this time,
3 we're going to go ahead and begin the trial of this
4 case. Please give your attention to Ms. Jones.

5 SOLICITOR JONES: Thank you, your Honor. May it
6 please the Court.

7 THE COURT: Yes, ma'am.

8 SOLICITOR JONES: Ms. Campbell, Mr. Staggs.

9 OPENING STATEMENT ON BEHALF OF

10 THE STATE BY SOLICITOR JONES:

11 SOLICITOR JONES: Choices. We make choices a
12 thousand times every single day. Are we going to get
13 up today? Are we going to work today? Are we going to
14 be kind today? These choices map out our lives. And
15 our statements, people, our surroundings or things,
16 they influence these choices. But at the end of the
17 day, these choices are our own, and they're our
18 responsibility. The only reason Tyrone Wallace, the
19 defendant right there, is there today, is because of
20 the choices he made on October 25th of 2015.

21 October 25th of 2015, Andre Frazier, Vermone
22 Steve, and their friend, Pete Singleton, are watching
23 the Cowboy's and Giant's game at Buffalo Wild Wings,
24 not too far from here. They're just having a fun time.
25 They're just there watching football. But Vermone, who

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OPENING STATEMENT - STATE - JONES

1 you may hear referred to as Mony, is not really a
2 football type of guy. So he decided to leave early.
3 He says his goodbyes. But before that, he arranges
4 with his friend Andre, or Dre, that Dre's going to come
5 over after the game, because Mony just got a new car,
6 and Dre wanted to see it. Well, they say their
7 goodbyes, but little do Pete and Dre know that these
8 are the last goodbyes they're ever going to hear from
9 Mony.

10 As planned, Andre begins his way to Mony's house.
11 He lived right around the corner at [REDACTED] Greene Street,
12 right here in Beaufort. As he's getting closer to his
13 house, he sees a couple of people he recognizes. One
14 man's name is Varsheen Smith, who you may also hear --
15 be referred as Twiz; and that man, Tyrone Wallace. But
16 see, Dre knows Tyrone. Dre used to date his cousin.
17 They dated for years, for a long time. The defendant
18 even stayed with Andre at times. He had met him. Dre
19 was kind to him. But on October 25th of 2015, the
20 defendant would not be returning that kindness.

21 As Andre gets closer to the house, he gets out.
22 Gets a little uneasy, but he still goes up. He sees
23 Mony's car in the front yard, so he really just thinks
24 nothing of it; thinks his friend's inside. He says his
25 hellos, and quickly, the mood changes. And before Dre

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OPENING STATEMENT - STATE - JONES

1 knows it, he's being knocked and dragged by forced
2 inside the home by Varsheen Smith and that man, Tyrone
3 Wallace.

4 He's forced inside. His belt is ripped off of his
5 waist, his hands are tied behind his back, and a rag is
6 forced in his mouth. And before he knows it, he's
7 staring down the barrel of a gun. And then, the
8 questions start. Where is Mony? Where is Mony? Where
9 is Mony? All these men care about with Dre is where
10 Mony is.

11 Now, call it Devine intervention or just an
12 unexplained coincidence, but at the same time Dre is on
13 his knees in the back of the house with a gun in his
14 face, Beaufort City Police Officers are outside.
15 They're in the area on a non-related call. And quite
16 possibly this spooks the defendant and Varsheen Smith,
17 or maybe they were just done with Dre, but they let him
18 go.

19 And the thing about Dre is, he was raised here in
20 Beaufort. He was raised on the streets of Beaufort.
21 And there's this street mentality that, unfortunately,
22 some people, they don't call the police. They can
23 handle it themselves. And the street mentality that
24 Dre's known his whole life takes over any logic he has.
25 And so, for that night, he does stay silent; he doesn't

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OPENING STATEMENT - STATE - JONES

1 call the police. But he's still wondering, why are
2 they looking for Mony, and why wasn't Mony home. So
3 all that night on October 25th, he tries to find
4 answers to those questions.

5 And on the morning of October 26, when he still
6 can't find his friend, he makes a phone call to Janice
7 Steve, who's Mony's mother. The phone call no mother
8 ever wants to receive. He tells her what happened, and
9 he tells her I can't find Mony; I think something bad
10 has happened. And then, the waiting starts. And the
11 waiting continues for 23 days. Twenty-three days of
12 not knowing where Mony is and what happened to Mony.
13 And on the 23rd day, some answers come. Beaufort
14 County Sheriff's Office discovers Mony's grave on Saint
15 Helena Island, about 30 minutes from here. He had been
16 dumped on the side of a rural dirt road and set on
17 fire. He was discarded like a piece of garbage.

18 Now the questions start to come to Andre. Could
19 possibility my kidnaping have something to do with
20 this? Could possibly the reason I was tied up help us
21 find who killed Mony? Absolutely, because the only
22 reason Dre was kidnaped in the first place, is because
23 he got in the way of Varsheen Smith and Tyrone Wallace
24 finding Mony.

25 You're going to hear from a lot of witnesses this

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OPENING STATEMENT - STATE - JONES

1 week in this trial, and you're going to hear about what
2 exactly happened on October 25th of 2015. And more
3 importantly, what led up to October 25th of 2015.
4 You're going to hear that Varsheen Smith had nowhere to
5 go, and Mony took him in. Mony took him in as a
6 roommate.

7 But Varsheen Smith was not a good guy. And Mony
8 quickly discovered that. And instead of telling Mony -
9 - instead of telling Varsheen, I don't want you to be
10 with me anymore, he makes up a story about an eviction.
11 But unfortunately, for Mony, crossing Varsheen Smith
12 cost him his life.

13 So you may be wondering, but that's not Varsheen
14 Smith at that table; why are we hearing about Tyrone
15 Wallace if all this boils down to Varsheen Smith?
16 Because Tyrone Wallace, that man, he is the one who
17 killed Mony, on October 25th, at Mony's own home.

18 On October 25th of 2015, Tyrone Wallace chose to
19 go to Mony's house; he chose to rip Andre's belt off of
20 his waist and tie his hands up. He chose to stuff a
21 rag in Andre's mouth. He chose to wait, alone, at
22 Mony's house, after he let Dre go. He chooses to turn
23 off all the lights. He chose to wait for the sound of
24 the door opening to raise his gun. And he chose to
25 fire when he saw Mony running away.

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OPENING STATEMENT - STATE - JONES

1 The only person in -- the only people in Mony's
2 house that night were Mony and his killer, Tyrone
3 Wallace. Wallace's choices didn't end there. He chose
4 to enlist the help of some friends, some local guys
5 from Beaufort, a Tayquan Lampkin and a Dominique Cook.
6 He chose to drive to Saint Helena Island in Beaufort,
7 with Mony's body in the trunk of the car. He chose the
8 spot that would be Mony's grave for 23 days. He chose
9 to dump Mony on the side of this dirt road. But he
10 still isn't done. He chose to take gasoline, pour it
11 on Mony, and set him ablaze.

12 It was then that man's choice to run. Because you
13 see, he did all of those bad things, but Tyrone Wallace
14 is a coward. He chose to murder Mony, dump him like a
15 piece of trash, and run and hide. Not only is Tyrone
16 Wallace a coward, he's a liar. Because when he does
17 finally come back to Beaufort, it takes multiple
18 interviews, over a month's span, to finally get some
19 semblance of the truth. But even then, he's still not
20 ready to say what exactly happened. His story changes
21 over and over, and he blames everybody else. He gives
22 all of these excuses. That's just what they are.
23 They're excuses. And you're going to hear his words
24 from off of that monitor. You're going to hear from
25 multiple witnesses throughout this case, and I just ask

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1 that you listen to the testimony they give from that
2 witness stand, and look at the physical evidence, and
3 listen to Tyrone Wallace's own words when he says, *I*
4 *just started firing; it was Mony.*

5 Now, everything Tyrone Wallace did the night of
6 October 25, 2015, is because he chose to do so. Nobody
7 else. Nobody got in his mind and made those choices
8 for him. He made those chooses.

9 Now, I'm going to ask you at the end of this
10 trial, I'm going to come back before you and I'm going
11 to ask you, after you've heard all the evidence and
12 seen all the evidence, that you find him guilty of the
13 kidnaping of Andre Frazier and the murder of Vermone
14 Steve, Mony, because of the choices he made on October
15 25th of 2015.

16 OPENING STATEMENT ON BEHALF OF

17 DEFENDANT BY MS. CAMPBELL:

18 MS. CAMPBELL: Just give us one second. I'm going
19 to set something up.

20 While my investigator is working on that, I'll say
21 good afternoon. Again, my name is Trasi Campbell, and
22 I am the Fourteenth Judicial Circuit Chief Defender for
23 Violent Crimes. So naturally, this is my case.

24 I'm going to direct your attention to the board.
25 Let me get turned. And we're going to talk about what

6-18-18 STATE V WALLACE - OPENING STATEMENT - DEFENSE - CAMPBELL

1 I believe the evidence is going to show in this case.

2 The players in this case and the business that was
3 being run in downtown Beaufort in October 2015
4 surrounds the distribution and sale of illegal drugs in
5 downtown Beaufort. Crack, cocaine, and marijuana.
6 Now, you'll hear testimony that the primary individuals
7 in this who were distributing these drugs, as is often
8 the case, had more than one cell phone. There were
9 dedicated cell phones for marijuana. There were
10 dedicated cell phones for crack and cocaine sales. And
11 then, they would always have a cell phone for their
12 personal use.

13 The business. Twiz is the boss. He's living at
14 [REDACTED] Greene Street. Tay is the muscle. He lives at
15 [REDACTED]. Niko is a dealer. He lives at [REDACTED]
16 [REDACTED]. Tyrone was dealing. Dre, dealing.
17 Jordan, dealing. He lives at [REDACTED].
18 Mony was the guard. He was sitting on [REDACTED] Greene
19 Street, which I think you'll see from the evidence in
20 this case, was stash house number 1. Alfred, Alfred
21 Thompson, was sitting on stash house number 2, as the
22 guard there at [REDACTED].

23 In October 25th, Twiz comes back to Beaufort.
24 You'll hear testimony, Twiz could kill you; he might
25 kill you; everybody knew it. He had served about a

6-18-18 STATE V WALLACE - OPENING STATEMENT - DEFENSE - CAMPBELL

1 fifteen-year sentence in federal prison, guns, drugs,
2 money, already. Came back home. It didn't take him a
3 skinny minute to set his operation up again. \$8,000.00
4 came up missing, and Twiz's drug phone came up missing.
5 Twiz suspected Mony, and Mony went missing.

6 Twiz has been cleaning up his killing, and he kept
7 on cleaning it up, I think you'll hear from the
8 testimony, for months and months and months after
9 October 25, 2015. He's about the business of enlisting
10 other inmates at the Beaufort County Detention Center
11 to frame Tyrone Wallace. He is -- in some manner, I
12 think you'll hear about the death of Alfred Thompson,
13 [REDACTED], stash house number 2, during the
14 evacuation for Hurricane Irma. This is an unsolved
15 murder in downtown Beaufort. Shot dead in front of his
16 house.

17 Twiz was an angry man. His money was missing.
18 His drug cell phone was missing. Mony, Mony, Mony is
19 his target. He set it up so every single soldier he
20 had in his employment would give up Tyrone for this.
21 Tyrone's the new man for this system. Tyrone's not the
22 shooter of Mony, I believe the testimony you will hear.
23 He's not the kidnaper of Dre. Varsheen Smith is Twiz.
24 Again, [REDACTED] Greene Street. Tayquan Lampkin is Tay,
25 [REDACTED]. Dominique Cook, Niko, [REDACTED]

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1 and we'll work with this during the trial. Number 1
2 is, again, [REDACTED] Greene Street. 2 is [REDACTED]
3 [REDACTED]. 3 is Monson Street. 4, Harrington. And then,
4 5 is Congress Street. 6 is Betty Maldonado, and 7 is
5 Wayne Ramsey at the tennis court.

6 On 10/25/2015, I think the evidence will show that
7 it was Sunday night football games. These three
8 fellows, Mony, Dre, Pete Singleton, are at Buffalo Wild
9 Wings. Dre leaves Buffalo Wild Wings. Mony stays at
10 Buffalo Wild Wings. Dre goes to [REDACTED] Greene Street.

11 Now, during his time there -- and he's going to
12 testify and we're going to hear from him what exactly
13 he was doing there. Twiz hits him in the back of the
14 head with a silver .9 millimeter, orders him to get in
15 the house, and orders Tyrone to go through his pockets.
16 Twiz -- Twiz puts a sock in his mouth, prepared to kill
17 him, and tells him to face the wall. And Tyrone is not
18 in the house at this time. Tyrone comes back in and
19 lets him know the police are here; the police are
20 around. At that point, Twiz, I suppose thinking better
21 of it, releases Dre, and Dre leaves.

22 You'll hear testimony about the 911 call at 7:55
23 for the Greene Street area. Goethie and Wadman respond
24 to that call. They find absolutely nothing, and they
25 leave.

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1 So approximately, the testimony will show, between
2 8:00 and 8:10, Dre leaves [REDACTED], and Tyrone leaves [REDACTED].

3 Now, the State's going to give you evidence about
4 this sequence of phone calls that were made between
5 Twiz, Tay, and Tyrone. As you will see through the
6 State's case, 8:08, Twiz is calling Tyrone. So they're
7 not together, I think you'll find, at 8:08. At 8:11,
8 Tyrone is calling Tay. 8:32, and this will be
9 critical, Tyrone calls Tay and he is on the phone with
10 him for 129 seconds, two minutes or more. 8:34, Twiz
11 is trying to reach Tyrone. And 8:35 Tyrone calls his
12 boss back.

13 Again, 911 call comes in at 8:34, shots fired,
14 Wayne Ramsey, at the tennis courts. And listen,
15 there's some people standing down the road, and I think
16 you'll see, when you look at the map, you can't see
17 Greene Street people, but you can see Congress Street
18 people, standing from the tennis courts. He also says,
19 I see a silver Yukon, and that'll be important.

20 Again, Betty Maldonado, I see those boys; shine
21 your light in that field; look in the field; look in
22 the field. Nobody ever looks in the field.

23 So what does the Beaufort Police Department do in
24 this investigation? I think what you'll hear is this.
25 Janice Steve does report her son Mony missing. And she

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1 does that on 10/26, and she does that about twenty-four
2 hours after he's been missing, the last time another's
3 had any contact with him. And so, she waits the
4 twenty-four hours, and then she reports him missing.
5 And we'll hear testimony on the last known contact time
6 with Mony.

7 So they go to Greene Street; they peek in the
8 windows; they don't find anything of concern; all the
9 windows and doors are locked; and they basically file a
10 missing person's report; and then, you know, move on
11 from there. Although, I think you'll hear they can't
12 see into Mony's bedroom.

13 Now, the very next day through whatever is going
14 on, they say, oh, well, there's exigent circumstances,
15 so they go back. They actually go in the house. Then,
16 they crawl through a window. And they say, no sign --
17 but you'll hear testimony, no signs of a struggle.
18 There is a couch, and that's pretty much it, in what we
19 believe you'll find is stash house number 1.

20 They get a search warrant a couple days later. Go
21 in, take photographs. There's a full forensic, I think
22 you'll hear, that's done on [REDACTED] Greene Street looking
23 for signs of a murder. And Officer Erdel makes the
24 conclusion he should testify that there was -- there's
25 no sign a murder was committed at this location, in or

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1 out. Again, Alfred Thompson, [REDACTED], That's stash house
2 number 2.

3 Beaufort Police Department receives information
4 during the course of this investigation that Dre
5 actually spoke to Mony a little before 10:00 p.m. on
6 the night of 10/15/2015, and that Mony was still at
7 Buffalo Wild Wings, waiting on the football game to
8 finish.

9 Dre should testify, as he told the police, he was
10 terrified of Twiz. Everybody was. Dre didn't report
11 anything to the police about Twiz hitting him in the
12 back of the head with the .9 millimeter, or nearly
13 killing him.

14 Jordan Burgess, his testimony, you will hear.
15 Jordan was ordered by Twiz to kill my client, and
16 Jordan agreed to kill Tyrone. Twiz ordered Jordan to
17 go out to Pea Patch Road, what the State just talked
18 about where Mony's body remains were found, and remove
19 evidence out there. Jordan did it. He removed
20 evidence from Pea Patch Road.

21 Tyrone Wallace was subjected to over nine hours of
22 interrogation by the Beaufort Police Department. And
23 you know, you'll hear it all. And we started out with
24 you're going to be our star witness; you're going to be
25 our hero; we're going to help you with the prosecutors;

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1 Twiz is a monster; you're not a monster. And then, you
2 know, these phone calls don't make sense to us, so you
3 must be the shooter; you can't see Twiz shooting Mony
4 if you're calling these people or you're on the phone.
5 But by the end, by about eight-and-a-half, nine hours
6 in, you know what, if it was an accident, it's going to
7 be okay; it's going to be just find; we can work with
8 accident.

9 And they talk about this Wayne Ramsey seeing Twiz
10 in the street, and you'll see the interrogation. So we
11 know Twiz is in the street, but that's a lie; he never
12 said that. Never saw a description of anyone. Never
13 said to anybody that he could recognize who was in the
14 street. And I think it's important that he says to
15 Dispatch -- the shots, by the way, are coming south of
16 Congress Street. Everybody, including, I think you
17 will figure it out, lied during this investigation.
18 But now, this is a little -- it should be a little bit
19 different, because when they get here and they put
20 their hand on this *Bible*, and they swear to tell the
21 truth, I'm going to hope they do.

22 So, when they are testifying, and when you're
23 judging the credibility of the witness, how do you do
24 that? Well, some of the question I'm going to suggest
25 to you, you might want to ask yourself are these.

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1 Are they making sure that their family is safe from
2 Twiz? Are they making sure they don't go to prison.
3 Are they following orders, and are they protecting
4 Twiz?

5 Did they get a reduced sentence? You're going to
6 hear from two people that were charged -- you should
7 hear from them -- accessory after the fact for taking
8 his body, Mony's body, to Saint Helena. What did they
9 get out of this? What are the benefits that they're
10 getting? Who's giving orders on the street? Who is
11 giving orders even when they're locked up at the
12 Beaufort County Detention Center? Who's passing notes
13 and plotting and planning?

14 Tyrone Wallace was beaten up at the Detention
15 Center, and you, eventually, are going to have to make
16 some decisions of your own about why he was beaten up.
17 Who ordered him to be beaten up?

18 So I will conclude by saying this, that, as I
19 stand here today, as I have many times before, I stand
20 firmly and always convinced that the rule of law that
21 we all share as one group of the presumption of
22 innocence, for every man and every woman who stands
23 accused in any courtroom in this country, is real.

24 I also stand confident that the rule of law that
25 the State must prove an individual has committed a

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1 crime. They must prove that guilt beyond a reasonable
2 doubt. And at the close of this case, when I have an
3 opportunity to talk to you again, and not just tell you
4 what I think we'll find, what I think the testimony
5 will be, but I'll actually, hopefully, be able to argue
6 that to you.

7 I will say that her Honor will give you an
8 instruction on the rule of law about reasonable doubt,
9 and that would be because it's really not a term we use
10 every day in our lives, right? But it's kind of like a
11 hesitation to act. If, let's say, Dre or Niko or Tay
12 or Twiz were to build you a bridge, could you step onto
13 that bridge and feel confident that your life is safe.
14 And so, at the end of this case, we'll get into that a
15 little bit more. But that's the concept of hesitating
16 to act upon the testimony that you heard in this case.

17 I'm going to thank you now for your attention, and
18 look forward to working with you over the course of the
19 next several days. Thank you.

20 THE COURT: Thank you, Ms. Campbell.

21 The State will call their first witness.

22 SOLICITOR JONES: Thank you, your Honor. State
23 calls Allison Moreira.

24 MADAM CLERK: If you would, place your left hand
25 on the *Bible*; raise your right hand for me. Do you

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ALLISON MOREIRA DX JONES

1 solemnly swear to affirm to truthfully answer all
2 questions asked of you by this court, so help you god?

3 ALLISON MOREIRA: I do.

4 ALLISON MOREIRA, DIRECT

5 EXAMINATION BY SOLICITOR JONES:

6 Q. Good afternoon.

7 A. Good afternoon.

8 Q. Where do you work?

9 A. At the Beaufort County Sheriff's Office.

10 Q. And in what capacity do you work at the Sheriff's
11 Office.

12 A. I'm the 911 tape recording clerk.

13 Q. And pursuant to that, do you -- could you speak
14 into the microphone a little.

15 THE COURT: If you could speak up. Can you all
16 hear her?

17 A. Can you hear me?

18 THE COURT: We're having a little bit of a rough
19 time, so, yeah, if you'll just -- thank you.

20 A. You're welcome.

21 BY SOLICITOR JONES:

22 Q. I'm sorry. Could you repeat what you do at the
23 Sheriff's Office.

24 A. I'm the 911 tape recording clerk.

25 Q. Okay. And what does that mean?

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ALLISON MOREIRA DX JONES

1 A. I download all the 911 tape recordings onto a
2 disk.

3 Q. And are these 911 calls kept in the ordinary
4 course of business?

5 A. They are.

6 Q. And were you asked to provide a disc of calls for
7 the case we're here for today?

8 A. No.

9 Q. Was one prepared and did you review a disc?

10 A. I did.

11 Q. Okay.

12 SOLICITOR JONES: Permission to approach?

13 THE COURT: You may.

14 BY SOLICITOR JONES:

15 Q. I'm showing you what has been marked as State's
16 Exhibit 1. Do you recognize that?

17 A. I do.

18 Q. And what is that?

19 A. That's a 911 tape recording in the trial. It's
20 put onto a disc.

21 Q. Okay. And are these 911 calls from October 25th
22 of 2015?

23 A. They are.

24 Q. And are they fair and accurate recordings from
25 Dispatch?

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ALLISON MOREIRA DX JONES

1 A. They are.

2 Q. Have they been altered in any way?

3 A. No.

4 Q. Okay.

5 SOLICITOR JONES: Your Honor, at this time, the
6 State moves State's 1 into evidence.

7 MS. CAMPBELL: No objection.

8 THE COURT: Without objection, it's in evidence.

9 SOLICITOR JONES: And permission to publish it.

10 THE COURT: You may publish it.

11 ITEM IDENTIFIED AS C.D. OF 911 CALL

12 MARKED STATE'S EXHIBIT NUMBER 1

13 ADMITTED AS EVIDENCE.

14 STATE'S EXHIBIT NUMBER 1 PLAYING.

15 END PLAYING STATE'S EXHIBIT NUMBER 1.

16 SOLICITOR JONES: I have no further questions.

17 Thank you.

18 MS. CAMPBELL: No questions.

19 THE COURT: You may step down. Any objection to
20 Ms. Moreria being excused from anyone?

21 SOLICITOR JONES: No, your Honor.

22 MS. CAMPBELL: No objection.

23 THE COURT: You are excused. Thank you.

24 SOLICITOR JONES: The State calls Janice Steve.

25 MADAM CLERK: Good afternoon. If you would, raise

6-18-18 STATE V WALLACE

JANICE STEVE - DX - JONES

1 your right hand, place your left hand on the *Bible*. Do
2 you solemnly swear or affirm to truthfully answer all
3 questions asked of you by this court, so help you God?

4 JANICE STEVE: I do.

5 MADAM CLERK: Thank you.

6 JANICE STEVE, DIRECT

7 EXAMINATION BY SOLICITOR JONES:

8 Q. How are you doing?

9 A. I'm okay.

10 Q. Good. You're kind of soft spoken, so I'm going to
11 ask you to speak as loudly as you can in that
12 microphone. Okay.

13 Ms. Steve, who was Mony?

14 A. Mony, as his friends knew him. As we know him,
15 Vermone was my -- my second child. The most
16 compassionate --

17 Q. Okay.

18 A. -- friendly, care-giving, carefree.

19 Q. And Ms. Steve, when was the last time you saw your
20 son?

21 A. On the Sunday prior to his disappearance.

22 Q. So that would have been around the 18th of
23 October?

24 A. Yes.

25 Q. And where -- where did you see him?

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JANICE STEVE - DX - JONES

- 1 A. At his house on Greene Street in Beaufort.
- 2 Q. Do you know the address of that house?
- 3 A. I don't remember it.
- 4 Q. And that's okay. But this is where he was living,
- 5 on Greene Street?
- 6 A. Yes.
- 7 Q. How long had he lived there?
- 8 A. He'd been there for a few months. Not quite a
- 9 year.
- 10 Q. Did he have a roommate?
- 11 A. Yes, he --
- 12 Q. Who was his roommate?
- 13 A. I knew him as -- met him as Twiz. Right now, I
- 14 can't even say his name.
- 15 Q. That's okay. But you knew him as Twiz.
- 16 A. Yes.
- 17 Q. Okay. And how long had Twiz been living with
- 18 Mony?
- 19 A. Maybe -- maybe a month or so, couple of weeks,
- 20 maybe three weeks, something like that.
- 21 Q. When you see your son on October 18th, what's his
- 22 demeanor? How's he acting?
- 23 A. Because of who he was in the house, you know,
- 24 carefree and happy, I noticed that he was a little
- 25 uneasy. Just uncomfortable. He seems different than -

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JANICE STEVE - DX - JONES

1 - than normal.

2 Q. Was there anything in the front yard that stuck
3 out to you?

4 A. Yes. There was a sign in the front yard. If I'm
5 not mistaken -- I can't even remember right now if it
6 said for sale or for rent, but there was a sign in the
7 front yard.

8 Q. And as far as you know, was the house actually for
9 sale or for rent?

10 A. No.

11 Q. Do you know who put that sign out there?

12 A. Vermone did.

13 Q. Do you remember getting a phone call -- do you
14 know who Dre is, Andre Frazier?

15 A. Yes.

16 Q. And how do you know Dre?

17 A. Andre, we met Andre when he moved back to South
18 Carolina in '92. We lived next door to his
19 grandmother, and he and Vermone became very good
20 friends from then.

21 Q. And do you remember getting a phone call from him
22 on October 26th of 2015?

23 A. Yes.

24 Q. And how was he acting, or how was he acting on
25 that phone call?

1 A. Just listening to his voice, he was upset,
2 distressed, definitely different.

3 Q. And as a result of that phone call from Dre, what
4 did you do?

5 A. My daughter and I came to Beaufort, went to the
6 police department, and filed a missing person's report.

7 Q. And you met with some police officers throughout
8 the investigation.

9 A. Yes.

10 Q. Okay. After you had reported your son missing,
11 did you ever go back over to his home?

12 A. Yes, almost every day.

13 Q. Did you notice something about the floors or about
14 the furniture in the home?

15 A. Yes. The one thing that actually stuck out in my
16 mind simply because the Sunday I was there, he and I
17 joked about his floors looking better than mine. He
18 had hardwood floors in his house, and we had this thing
19 about shiny waxed floors. And you know, you talking
20 about, laughing about, he heard what --

21 MS. CAMPBELL: Objection. Hearsay.

22 THE COURT: Sustained.

23 BY SOLICITOR JONES:

24 Q. And Ms. Steve, without saying what he had told
25 you, what did you notice about the floors that day or

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JANICE STEVE - CX - CAMPBELL

1 about the furniture that day?

2 A. Actually, they was a scuff mark on the floor from
3 -- looked like from the maybe foot of -- of the couch
4 that was there. In my opinion, it looked like the
5 couch had been moved and scratched the floor.

6 SOLICITOR JONES: Okay. Ms. Steve, I don't have
7 anymore questions for you. Thank you.

8 MS. CAMPBELL: May it please the Court.

9 THE COURT: Of course.

10 JANICE STEVE, CROSS-

11 EXAMINATION BY MS. CAMPBELL:

12 Q. Ms. Steve, do you remember talking to the Beaufort
13 Police Department officers when you reported your son
14 missing?

15 A. Pretty much, yes.

16 Q. And when you talked to those police officers, it
17 was important, I would assume, in your mind, to make
18 sure you gave those officers the best, accurate
19 information you had, right?

20 A. What I had to go by, yes.

21 Q. Because you wanted to find your son.

22 A. Correct.

23 Q. And so, when you're telling them the last time
24 that you spoke with your son, you're going to make sure
25 that's right?

1 A. My son's missing, and you don't know where he is.
2 To the best of your knowledge, yes.

3 Q. And do you then recall that the information you
4 gave to these officers was the last time someone spoke
5 to your son was at 9:56 in the evening on 10/25/2015?

6 A. I don't remember giving anybody a specific time,
7 but if you said I did, yes.

8 Q. And I'm just looking at the police report. It's
9 fine.

10 A. Um-hmm.

11 Q. So do you recall when you went to the police
12 department on 10:26? Do you know if it was during the
13 day or during the evening? Do you recall that at all?

14 A. I remember it being night.

15 Q. It was night. Okay. And I know the Solicitor
16 asked you about going over to this address on Greene
17 Street. You didn't have a key to that house, right?

18 A. No, I did not.

19 Q. Okay. I'm just going to try to clarify something
20 that you told the prosecutor when she asked you about
21 the floors. You didn't go into [REDACTED] Greene Street or
22 your son's house or location there after he was
23 missing, did you?

24 A. With the officers, yes.

25 Q. Okay. So you went in with the officers on one of

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1 the days after your son went missing.

2 A. Um-hmm.

3 COURT REPORTER: Is that yes or no?

4 A. Yes.

5 Q. Okay. But do you recall which day that was?

6 A. I really don't, but if you needed a date, I would
7 say that the day afterwards, after I made the report.

8 Q. Okay. Thank you for clarifying that for me.

9 MS. CAMPBELL: That's all I have. Thank you,
10 Judge.

11 SOLICITOR JONES: Briefly, your Honor?

12 THE COURT: Yes.

13 SOLICITOR JONES: Permission to approach, your
14 Honor.

15 THE COURT: You may.

16 JANICE STEVE, RE-DIRECT

17 EXAMINATION BY SOLICITOR JONES:

18 Q. Ms. Steve, when you met with the police, did you
19 give a written statement?

20 A. I signed a written statement, yes.

21 Q. And is that the statement you gave when you
22 reported Mony missing?

23 A. It looks like it. Actually, that particular
24 night, I had my daughter to write the statement for me.
25 I read over, what I remembered. It looked correct, and

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JANICE STEVE - RDX - JONES

1 I signed it.

2 Q. Okay. And I'm going to direct you -- Ms. Campbell
3 asked you about the last time someone had spoken to
4 Mony, and she mentioned 9:56.

5 A. Um-hmm.

6 Q. On the third line of this statement, what time
7 does it say someone last spoke with your son?

8 A. It looks like 7:56 to me.

9 Q. Okay. Thank you.

10 SOLICITOR JONES: I have no further questions.

11 THE COURT: Anything further? All right, any
12 objection to Ms. Steve being excused from anyone?

13 SOLICITOR JONES: No, your Honor.

14 THE COURT: She's welcome to stay, if she'd like.

15 SOLICITOR JONES: Thank you.

16 JANICE STEVE: Thank you.

17 THE COURT: You may step down now.

18 MS. CAMPBELL: Thank you, Judge.

19 SOLICITOR JONES: The State calls Andre Frazier.

20 MADAM CLERK: If you would, put your left hand on
21 the *Bible*; raise your right hand. Do you solemnly
22 swear or affirm to truthfully answer all questions
23 asked of you by this court, so help you God?

24 ANDRE (DRE) FRAZIER: Yes, ma'am.

25 ANDRE (DRE) FRAZIER, DIRECT

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ANDRE (DRE) FRAZIER - DX - JONES

1 EXAMINATION BY SOLICITOR JONES:

2 Q. Good afternoon, Mr. Frazier. How are you?

3 A. How are you?

4 Q. Can I call you Andre or Dre?

5 A. Either one.

6 Q. Okay. You go by both names.

7 A. Yes, ma'am.

8 Q. Mr. Frazier, are you from Beaufort?

9 A. Yes, ma'am.

10 Q. And have you been here your whole life?

11 A. Yes, ma'am.

12 Q. And during your time here in Beaufort, did you
13 have an opportunity to know a Vermone Steve?

14 A. Yes, ma'am.

15 Q. What did you know him as?

16 A. Vermone, Mony.

17 Q. Okay. And how long had you known Mony?

18 A. Probably -- I say probably over -- it was over 20
19 years. Probably 25 years. Since we been in fifth
20 grade. Put it like that.

21 Q. Okay. And in 2015, October of 2015, where were
22 you living?

23 A. In Independent Trailer Park, Burton, South
24 Carolina.

25 Q. And where was Mony living?

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ANDRE (DRE) FRAZIER - DX - JONES

1 A. Beaufort, South Carolina, in the city, on Greene
2 Street.

3 Q. On Greene Street?

4 A. Yes, ma'am.

5 Q. And who was he living with?

6 A. He end up getting, well, a roommate, Twiz.

7 Q. Okay.

8 A. Varsheen Smith.

9 Q. Okay. Do you remember October 25th of 2015?

10 A. Yes, ma'am.

11 Q. In fact, what are you doing -- or what were you
12 doing that evening?

13 A. Well, me, Vermone, and P.D. decided to go to
14 Buffalo Wild Wings. Me and P.D. got there first, and
15 waited for Vermone to come. We was sitting in our car.
16 And then, Vermone pulled up in his car. We already had
17 our own car, but P.D. jumped in the car with me until
18 Vermone came.

19 Q. Okay.

20 A. And then, we --

21 Q. I'm sorry. I'm sorry, Mr. Frazier, but I'm going
22 to ask that you slow down.

23 A. Okay.

24 Q. This lady right here's having to take down
25 everything you say.

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ANDRE (DRE) FRAZIER - DX - JONES

1 A. All right.

2 Q. Okay. So, if you could slow down. You all are in
3 the parking lot, okay, at Buffalo Wild Wings?

4 A. Yes, ma'am.

5 Q. And then what happens?

6 A. We went in to watch the game. The Giants was
7 playing the Cowboys. P.D. liked the Cowboys. I liked
8 the Giants. Vermone didn't too much care about the
9 football game. But he came in there with us, and we
10 all walked in there. He was like, well, I hope you all
11 boys know, if they ain't no girls in here, I ain't
12 staying that long. So he came in there, and they
13 really wasn't no girls in there, but he came up and
14 talked to one female, you know, just talking, like
15 that. And then, he left. And we all went outside on
16 the porch to watch the game, because we couldn't smoke,
17 because no smoking inside. So we walked out there and
18 started watching the game from the T.V. And then he
19 decided to leave about five minutes later.

20 Q. Okay. Was the football game still going on?

21 A. Yes, ma'am.

22 Q. What time did this game start that day?

23 A. It was the afternoon game, American game, about
24 4:15, 4:30, something like that.

25 Q. Okay. Do you remember when in the game he left?

1 A. The beginning of the game.

2 Q. Okay. Okay. And did you and him make an
3 arrangement that you were going to go to his house
4 after the game?

5 A. When he left, I told him I'd get up with you
6 later; I'll try to swing through before I go home.

7 Q. Okay. And why were you going to go over there?

8 A. Actually, I was going because he do a lot of art
9 work, and I went to the junkyard to get a piece in my
10 car. And I wanted to see how the paint looked that he
11 was going to get. And we just like that. You know. I
12 was going to go anyway, you know. Just to waste a
13 little time before I go home.

14 Q. Okay. Now, after the football game, what happens
15 after the football game?

16 A. After the football game -- well, during the
17 football game, he called me twice. Asked me if we was
18 still watching the game and stuff like that. The last
19 time he called me, the game was about -- almost over.
20 He was like, you all still at the game. And I was
21 like, yeah.

22 And he was like, I thought you was coming over.
23 And I was like, yeah, I'll call you before I come.

24 Q. Okay. Did you go to Mony's house that night?

25 A. Yes. After I left Buffalo Wild Wings, I called

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ANDRE (DRE) FRAZIER - DX - JONES

1 him to make sure he still was home before I go toward
2 Beaufort, when I lived the other way.

3 Q. Okay. So you eventually make it onto Greene
4 Street.

5 A. After the stop that I made before I go there.

6 Q. Okay. Where did you stop?

7 A. To the Shell Gas Station.

8 Q. Okay. And after the Shell Gas Station, what
9 happens?

10 A. I went in the Shell Gas Station; got a White Owl
11 pack and a single pack of Black and Mild; and paid for
12 gas. When I left the Shell Gas Station, I forgot to
13 pump my gas, but I didn't knew -- I didn't realize that
14 I forgot to pump my gas until I got to Vermone's house.

15 And then I took a right to go get the gas, because I
16 knew the store was about to close on Sunday.

17 Q. Okay. So you go and you do get your gas.

18 A. Yeah, I went back to go get the gas.

19 Q. Okay. And then do you come back to Mony's house?

20 A. Yes, after I went back to the Shell, I got gas on
21 Pump 5, actually, and you know, I rushed back, because
22 I didn't want anybody to get my gas. And I got the gas
23 on Pump 5. I went back, and I got to the stop sign,
24 and I took the left.

25 Q. Okay.

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ANDRE (DRE) FRAZIER - DX - JONES

1 A. Yes, I was on my way back to his house.

2 Q. Okay. And when you get to his house, what do you
3 see?

4 A. I saw two individual in the yard.

5 Q. Okay. And are you able to later learn who those
6 two people are?

7 A. Yeah, by the time I parked -- well, I couldn't
8 actually park in Vermone's yard, because there was a
9 brown truck up to the gate, and then his car was right
10 there, and then you got the sidewalk. So I parked in
11 the abandoned building that was next door.

12 Q. Okay.

13 SOLICITOR JONES: Permission to approach, your
14 Honor.

15 THE COURT: That may.

16 BY SOLICITOR JONES:

17 Q. Andre, I'm going to show you what have been marked
18 as State's Exhibits 2, 3, and 4. And do you recognize
19 those photographs?

20 A. Yes, ma'am.

21 Q. And what's in those picture?

22 A. It's a house with a car, a yellow house with a car
23 in the front yard, and something on the side.

24 Q. Okay. And whose house is that?

25 A. Vermone Steve.

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ANDRE (DRE) FRAZIER - DX - JONES

1 Q. And absent that car that's in the front, is that
2 what Vermone's house looked like back in 2015?

3 A. Yes, ma'am.

4 Q. Okay. And is that the home that you responded --
5 that you went to after watching the football game that
6 night?

7 A. Yes, ma'am.

8 Q. Okay.

9 SOLICITOR JONES: Your Honor, at this time, the
10 State moves 2, 3, and 4 into evidence.

11 MS. CAMPBELL: No objection.

12 THE COURT: Without objection, it's in evidence.

13 SOLICITOR JONES: And permission to publish.

14 THE COURT: You may.

15 ITEM IDENTIFIED AS PHOTOGRAPH

16 MARKED STATE'S EXHIBIT NUMBER 2

17 ADMITTED AS EVIDENCE.

18 ITEM IDENTIFIED AS PHOTOGRAPH

19 MARKED STATE'S EXHIBIT NUMBER 3

20 ADMITTED AS EVIDENCE.

21 ITEM IDENTIFIED AS PHOTOGRAPH

22 MARKED STATE'S EXHIBIT NUMBER 4

23 ADMITTED AS EVIDENCE.

24 BY SOLICITOR JONES:

25 Q. And Dre, if you would just look at the photograph.

1 And what is that picture showing us?

2 A. Vermone Steve house.

3 Q. Okay. Is that from the street view?

4 A. Yes, ma'am.

5 Q. And where would you have parked in relation to
6 that?

7 A. How you mean? It's behind me, because I couldn't
8 get in the yard.

9 Q. Where --

10 A. I couldn't get in the yard.

11 Q. Okay. So would you agree you were on the street?

12 A. No, it's a house like right next to it, you know,
13 and I parked in front of it, right by the sidewalk.
14 The sidewalk is right by the street.

15 Q. Okay. Okay. Which would be right where that
16 picture kind of ends; we just can't see it?

17 A. On that side over there.

18 Q. Yes. Okay. State's 3? Okay. Is that just a
19 closer-up view? Is that just a closer --

20 A. Yeah.

21 Q. Okay. And State's 4.

22 A. That's the same thing.

23 Q. Okay. And when you get there -- when you get
24 there, you said that you -- you eventually see two
25 people.

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ANDRE (DRE) FRAZIER - DX - JONES

1 A. Yes, ma'am.

2 Q. Okay. And who were those two people?

3 A. Well, when I got out of the car -- before I got
4 out the car and I parked, I thought it was Vermone and
5 another one of our friends, because the people had
6 hoodies on, so you couldn't really didn't find who they
7 was until you get close up. So, when I got close up, I
8 saw Tyrone and I saw Twiz. And to myself, when I got
9 out the car, knowing that me and Twiz really don't get
10 along -- I didn't have -- have no problem with him.
11 When I saw him, I dap him up. He dapped me back. Then
12 I dapped Twiz, and he gave me some little dap like
13 that. And then, after that, I asked them where Mony
14 was at. You know, that's where he live. And he act --
15 and Twiz asked me, well, did I talk to him. And I told
16 him, yeah, but I wasn't thinking then. I just thought
17 he was trying to play me like, you should have talked
18 to him before you come up here, because, you know, me
19 and him didn't get along or whatever.

20 Q. I want to ask you a question. You pointed over in
21 this direction toward the defendant. Can you identify
22 just for the record who you're referencing when you say
23 Tyrone Wallace?

24 A. Tyrone Wallace, the dude with the gray and the
25 blue shirt.

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ANDRE (DRE) FRAZIER - DX - JONES

1 Q. Okay.

2 SOLICITOR JONES: May the record reflect, the
3 witness did identify the defendant.

4 BY SOLICITOR JONES:

5 Q. And you mentioned you knew him.

6 A. Yes, ma'am.

7 Q. How did you know him?

8 A. Well, the first time I ever saw him, because I was
9 dating his cousin, and she asked him if -- she asked me
10 if her cousin could spend the night, because him and
11 his mother had difficult, and I told her yeah. That
12 was my first time seeing him.

13 Q. So he stayed at your home?

14 A. Yes, ma'am.

15 Q. Okay. And then you see him again on this night.

16 A. Yes, but he stayed at my home only for one night.

17 Q. Okay. Okay. When you get out of your car, and
18 you get up to Mony's house, after you did -- and I'm
19 sorry -- dap?

20 A. Um-hmm.

21 Q. Okay. What happens next?

22 A. After I dap him and Twiz, that's when Twiz asked
23 me about if I talked to Mony, and I said, yeah. And
24 then I asked him where he was, and the question I got
25 something different like he kind of avoid my question

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ANDRE (DRE) FRAZIER - DX - JONES

1 that I asked him. So I kind of like started looking at
2 Vermone's car, because I know he said he was going home
3 to paint the front of his grill of the car. And I
4 wanted to see how the paint looked, cause I want him to
5 do it for me on my car.

6 Anyway, when I went to look at the car, and looked
7 at the paint, Tyrone and Twiz was just standing there
8 looking at me. And then, Twiz asked me, he was like --
9 I know I asked him again where Mony was at. And then,
10 he was like, come here, let me holler at you real
11 quick. And I was like, where Mony at. He was like,
12 come here, man; let me holler at you right quick. And
13 I ask him again. He said, man, Mony in the house. So
14 the lights was on; the door was open, and didn't
15 thought nothing different. So I started walking toward
16 the house, but I felt something was wrong. And the
17 strength of him being my friend, and he didn't came out
18 yet, because when I normally come, he'll just walk up,
19 what's up, homey, and stuff like that. None of that
20 happened at the time we was out there talking. So I
21 kind of figured something was wrong, and I know what
22 type of guy Twiz is. So, on the strength of him being
23 my best friend, I took a chance not believing him, but
24 wanted to go see what was going on, because he told me
25 Mony was in the house.

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ANDRE (DRE) FRAZIER - DX - JONES

1 Q. And during this interaction with Twiz, where is
2 Tyrone Wallace?

3 A. Right beside him.

4 Q. Okay. Out front of the house?

5 A. Yes, ma'am.

6 Q. Does he appear nervous or scared?

7 A. No, ma'am.

8 Q. Okay. So, after you're told Mony's inside, what
9 do you do then?

10 A. I approach the house, started walking up the
11 steps. When I approached the house, Twiz came by me.
12 Like I said, he was like, come here; let me holler at
13 you for a minute. And when I started approaching the
14 house, Twiz walked behind me, and then Tyrone walked
15 behind Twiz.

16 Q. Okay. Andre --

17 SOLICITOR JONES: Permission to ask the witness to
18 step off the stand for a demonstrative aid.

19 THE COURT: You may.

20 BY SOLICITOR JONES:

21 Q. Andre, I'm going to ask that you come off the
22 stand. And these are some of the photos that were
23 previously admitted, right?

24 A. Yes, ma'am.

25 Q. Okay. I'm going to put this up for you.

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ANDRE (DRE) FRAZIER - DX - JONES

1 THE COURT: I'm going to ask that all of you all
2 speak up.

3 SOLICITOR JONES: Okay.

4 THE COURT: Because your backs are to the court
5 reporter.

6 BY SOLICITOR JONES:

7 Q. Okay. So, and Tyrone [sic], you'll have to
8 project. You're soft-spoken. Okay?

9 A. Okay.

10 Q. Tyrone, when you are walking up -- I'm sorry,
11 Tyrone. I'm not calling you Tyrone. Dre. My
12 apologies, Dre. When you are walking up, where do you
13 enter? Because it looks like there are two doors to
14 this home.

15 A. It was like, the front door, I believe, because
16 that's the couch that's in the living room.

17 Q. Okay. So do you walk up the front steps?

18 A. Yes, ma'am.

19 Q. And where is the defendant and Twiz, Varsheen
20 Smith?

21 A. Right behind me.

22 Q. Okay. Twiz first, and then the defendant?

23 A. Yes, ma'am.

24 Q. Okay. When you get to the door, what happens?

25 A. When I got to the about -- got to the front door,

1 I didn't see anything. And the floor was just clean.
2 So I just knew something was wrong. So, when I stepped
3 -- put one foot in before I was like to enter the whole
4 house, something told me don't go in there. So I
5 turned around. And then, when I turned around is when
6 I got hit in my back with that -- with the elbow.

7 Q. Who hit you in the back?

8 A. Twiz hit me in the back with the elbow. And then,
9 after he hit me in the back with the elbow, we tussled
10 at the door for a minute, and was he was trying to --

11 COURT REPORTER: I'm sorry. *After he hit me in*
12 *the back with the elbow?*

13 Q. Dre, why don't you come on this side, so the court
14 reporter can hear you.

15 A. After he hit me in the back with the elbow, I
16 turned around, and we had a scuffle. He was trying to
17 push me in the house. And while he was trying to push
18 me in the house, I already had grabbed his -- his leg,
19 because he tried to hit me with the phone. And I guess
20 his finger must have hit the phone like or something
21 and caught it on the side of my eye, and that's when I
22 turned around. When I turned around, and he swung the
23 phone, his body weight came on my shoulders, and I
24 grabbed him by the bottom of his pants, and we tussled.
25 And I was trying to come out the house, and Tyrone then

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ANDRE (DRE) FRAZIER - DX - JONES

1 jumped on his back, and I was picking him up, trying to
2 get back out the house when he came and jumped on his
3 back. And then, right after that, in the midst of the
4 tussle, I had the gun to my stomach.

5 Q. Okay. Who was holding the gun?

6 A. Twiz.

7 Q. And Twiz started the pushing of you into the home.

8 A. Yes, ma'am.

9 Q. And what is the defendant doing? What is Tyrone
10 doing?

11 A. Well, at the time, me and him was tussling, he was
12 pushing him, helping Twiz push me in the house.

13 Q. Okay. Okay. So Tyrone is helping Twiz push you
14 into the home?

15 A. Yeah.

16 Q. Okay. At any point, does Tyrone have a gun to his
17 face?

18 A. To whose face?

19 Q. Is Twiz pointing a gun at Tyrone?

20 A. No.

21 Q. Okay. After he pushes you -- and does all of this
22 happen right here?

23 A. Right at the front door, like soon as you put one
24 foot in --

25 THE COURT: You need to speak up, sir. I can't

1 hear you.

2 A. Oh. Soon as I attempt to put my first foot in the
3 door on the floor, something told me just not to go in
4 there. I didn't see anybody. It was just open. And
5 when I attempt to turn around, that's when I caught the
6 elbow to my back.

7 Q. Okay. And this is the living room area?

8 A. Yes, ma'am.

9 Q. Okay. So, after you're inside here, what happens
10 then?

11 A. After that, after the gun came to my stomach, I
12 just did like this, and then, that's when Twiz shut the
13 door, and then he started saying all kind of things.
14 And then, he told Tyrone to run my pockets; to empty my
15 pockets out, rob me.

16 Q. Who ran in your pockets?

17 A. Tyrone. Twiz told Tyrone to run my pockets.

18 Q. And now you say *run your pockets*, what does that
19 mean?

20 A. Take everything out and see what you got.

21 Q. And Tyrone, the defendant, put his hands in your
22 pocket?

23 A. Yes, ma'am.

24 Q. Okay. And then, what happened?

25 A. Well, after he done took everything, I had \$15.00,

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ANDRE (DRE) FRAZIER - DX - JONES

1 I had a I.D. card, and my phone. I had \$15.00 because
2 I would take before I was to watch the game, and my
3 I.D. card and my phone.

4 Q. Okay. Do you stay in this front room the whole
5 time?

6 A. No, ma'am.

7 Q. Okay. What happens?

8 A. At -- at the time, I'm still in the living room
9 after he ran my pockets, Twiz let the -- Tyrone just
10 look in. And then, he's kind of like telling him what
11 to do, telling Tyrone what to do or whatever. And
12 that's when Twiz came behind me, and he put the gun to
13 the back of my head. He's like that, you know, not me
14 turning my head. He wanted to me lay down on the
15 floor, and I wouldn't lay down on the floor. So the
16 farthest I got -- he came behind me and put the gun to
17 the back of my head, and I just kept going like that,
18 and he just kept saying can you still -- and I just
19 kept doing like that, and he shot me in the back of the
20 head with the gun, and my hat flew off on the floor,
21 and I got, you know, mad. So I was about to spaz out,
22 but I been thinking where's Mony.

23 Q. And where is -- where's the defendant? Where's
24 Tyrone when the gun's to the back of your head?

25 A. Right there.

1 Q. Okay. What are they saying to you?

2 A. They was saying all kinds of stuff. Twiz -- Twiz
3 was the main one like really doing the most talking.
4 And he over there, you know, Tyrone was just over there
5 --

6 COURT REPORTER: I'm sorry. *Tyrone was just doing*
7 *whatever Tyrone would do?*

8 A. Tyrone was doing whatever Twiz told him to do.

9 Q. Okay. And at any point do you go into any of
10 these other rooms in the home?

11 A. Yes, ma'am. After he hit me in the head with the
12 gun or whatever, he came -- told Tyrone to go get
13 something. It was a rag or sock or something, but I
14 believe it was a rag, because I remember that it had
15 chemical spray on it. And I had it in my mouth, and I
16 tasted chemical like Windex or something. And he --
17 no, let me rewind and start it. It was a while ago,
18 after that, that's when Twiz told him to take -- tie me
19 up. So he took my belt off. Actually, it was these
20 belts like here. And these belts, you know, just tied
21 it real tight. And when he did that, took my belt off,
22 my pants kind of fell a little bit. And he tied me up
23 with the belt.

24 Q. Who took your belt off?

25 A. Tyrone.

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ANDRE (DRE) FRAZIER - DX - JONES

1 Q. And who tied you up?

2 A. Tyrone.

3 Q. Okay. And after you were tied up, what happened?

4 A. Then he went in the back room, and he got the
5 socks and put -- I mean, the rag and put it in my
6 mouth.

7 Q. Who did that?

8 A. Tyrone.

9 Q. Okay. And are they asking you anything about
10 Mony?

11 A. No.

12 Q. Had they already?

13 A. How do you mean?

14 Q. Did they -- outside, what were they asking you
15 about Mony?

16 A. Oh, when I first got there, Twiz ask did I talk to
17 him. Like I said, when I was up there, he ask me if I
18 talked to Mony. I told him, yes, I talked to him. And
19 I told him he was trying to --

20 COURT REPORTER: He was trying to what?

21 A. I thought he was trying to frame me, like, I
22 should have, you know, called him or something before I
23 come to my friend house.

24 Q. Is anything else said about Mony while you're in
25 there?

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ANDRE (DRE) FRAZIER - DX - JONES

1 A. No.

2 Q. Okay. How about, about you being there?

3 A. Well, I guess I came at the wrong time. He -- I
4 didn't -- Twiz went outside. Well, him and Twiz walked
5 me to the back room. And I think it's the first room.
6 Then I went through this. This is the hallway. And I
7 went to the back room. And then, me and -- well,
8 Tyrone grabbed me and he walked while Twiz was behind
9 him to this room right here.

10 Q. So Tyrone, holding you, led you to that back room.

11 A. Walked -- walked me to the room, and Twiz was
12 behind me with a gun.

13 Q. Okay.

14 A. And I went to that room, the first room. And
15 then, Twiz went outside.

16 Q. And who's in the back room with you?

17 A. Just me and Tyrone.

18 Q. Okay.

19 A. And when Twiz went outside, I tried to kind of
20 like talk to him. I spit the -- the rag out of my
21 mouth. And I talked -- tried to talk. He was like,
22 hey. And then, he was like just like that. And said,
23 I don't need you, and all like that. And it's like
24 that. And he was like just like that. And then, I
25 said, *man, what you all trying to do.*

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ANDRE (DRE) FRAZIER - DX - JONES

1 Q. Speak up.

2 A. I say, *you all planning on killing me or*
3 *something.* Just like that. And he was like, *nah, we*
4 *ain't planning on killing you, like that, so.*

5 Q. And this was all Tyrone telling you, *it's like*
6 *that.*

7 A. Um-hmm.

8 Q. Okay.

9 COURT REPORTER: Is that yes? No?

10 A. Yes, ma'am.

11 Q. Okay. And Andre, I'm going to ask you to take
12 your seat back in the witness stand.

13 A. Okay.

14 Q. And I still have a couple more questions for you.
15 Andre, at some point during this, they let you go?

16 A. Yes, ma'am.

17 Q. How does that come about?

18 A. Well, as I was in that first room that I showed
19 you all on the map, eventually, Twiz came back in the
20 house, and he grabbed me. And then, there was a three-
21 bedroom thing. He took me to the room right across
22 from --

23 Q. He? I'm sorry. We're talking about?

24 A. Twiz.

25 Q. Okay. Thank you.

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ANDRE (DRE) FRAZIER - DX - JONES

1 A. Twiz took me to the room right across, and he told
2 Tyrone to go outside. And Tyrone went outside. Now,
3 me and Twiz are in the second room. And while I'm in
4 the second room, he stick the rag back in my mouth, and
5 tried to get me to lay down again, and I won't. And
6 like far as I got to my knees again, and I was on one
7 side of the wall, and he was on the other side of the
8 wall and pointing the gun in my face, and just saying a
9 bunch of threatening words.

10 Q. What was he saying, he, as in Twiz, about Mony and
11 the living situation?

12 A. Well, eventually, when I was in the room, I tried
13 to -- well, when I was in the room, and Tyrone went
14 outside, and I was in the room with Twiz, eventually,
15 Tyrone came back in. And when Tyrone came back in the
16 room, I mean, -- yeah, when Tyrone knocked on the door
17 and opened the door, and Twiz opened the door, Tyrone
18 told Twiz, come here; let me holler at you right quick.
19 So, whenever he told him, let me holler at you right
20 quick, Twiz cut the light off; he told me don't move.
21 I still was tied up in the room. And he left out. And
22 when he left out, I was tied up, but I managed to reach
23 my phone in my back pocket. And my mind was going a
24 thousand different ways. So I, you know, I tried to
25 call the police, or one of my friends that I just

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1 talked trash to cause the Giants had just beat the
2 Cowboys, you know, I was just trying to hurry up and do
3 something. And at that time, when I was in the room,
4 trying to do anything, that's when Twiz came back. And
5 when Twiz came back, he had a different mentality,
6 like, you know, you straight; I'm going to let you go.
7 And I didn't know, you know, what that was all about.
8 But by the way, they did give me my phone back and my
9 money and my card before I went back in those rooms.
10 So that's how I was able to make the phone call.

11 Q. Did you complete a phone call while you were tied
12 up?

13 A. No, I didn't complete the phone call, because I
14 was trying to get the phone, actually being tied up
15 with my hand behind my back. And eventually, I did
16 grab my phone. But at the time, when he cut the light
17 off and I had my phone on, that phone light lit up the
18 whole room. So I was like, I hope they don't see that,
19 you know. And when you open the front door, you can
20 just hear through the whole house that somebody coming
21 in. So I had a decision to either hit the send button
22 to either let somebody know what was going on, or just
23 throw the phone back in my pocket. So my decision was,
24 I threw the phone back in my pocket. And the reason
25 why I didn't hit the send button, because it was quiet

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ANDRE (DRE) FRAZIER - DX - JONES

1 in the room, and if I did -- if I hit the send button
2 and he came back in the room, and he heard somebody
3 saying hello, hello, hello, or anything like that, then
4 that might been a bad decision. So I had to really
5 make a quick decision on what I was going to do. So,
6 by me just handing the phone up and dropping it back in
7 my pocket, I just left it at that.

8 Q. And when they come back in and you say Twiz, his
9 mood had changed?

10 A. Yes, ma'am.

11 Q. Do they untie you?

12 A. Yes, ma'am, he told Tyrone to untie me.

13 Q. Okay. So Tyrone does untie --

14 A. Yes, ma'am

15 Q. -- the belt that he had already tied on your
16 wrist.

17 A. Yes, ma'am.

18 Q. And why did they let you go?

19 A. Well, only thing I can tell you --

20 MS. CAMPBELL: Objection. Calls for speculation.

21 THE COURT: Sustained. Thank you. Ask another
22 question.

23 BY SOLICITOR JONES:

24 Q. Did you see anybody -- do you eventually walk out
25 the front door?

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ANDRE (DRE) FRAZIER - DX - JONES

1 A. Yes, ma'am.

2 Q. And what do you see on the street that you
3 remember?

4 A. When I first walked out, you know, the first thing
5 I saw was the police on the left-hand side, walking to
6 the car.

7 Q. Okay. And why don't you flag that police officer
8 down?

9 A. Because, when I came outside, the first thing Twiz
10 was like, you see Twelve. Twelve is like a name for
11 cops or whatever. I played the down-low. I had to
12 play the down-low to get out of the house. So I was
13 like, what is that. And I looked to the right if I
14 seeing anything. And then, he was like, yeah, Twelve
15 right there; it's the police. And that's the reason
16 why I really think I got out, the police in the area.

17 Q. Where is the gun at this point?

18 A. The gun is in Twiz hoodie. And he told me don't
19 say anything unless he was going to shoot me. So I
20 didn't say nothing when the police passed by.

21 Q. In his hoodie. Was it a hoodie with a pocket
22 right here?

23 A. Yes, ma'am.

24 Q. Okay. And that's where he had the gun?

25 A. Yes, ma'am.

1 Q. Okay. And so, after that, you leave.

2 A. Yes, ma'am.

3 Q. And what do you do the rest of the night?

4 A. Well, after that, I went home, got my baby mother
5 car. Came back. I was around looking for Mony the
6 whole night. Not thinking the worst that's happened to
7 him, my best friend, that's the last thing I'm
8 thinking. And I'm riding around looking for him. And
9 I called one of my other close friend, and he was the
10 only person I told that night what happened to me. I
11 didn't know what happened to him. And for me not to
12 call the police, me asking Twiz and them before I left,
13 like, where's Mony. And he said, *Mony thought I was*
14 *going to shoot him, and he ran.* So he did throw me off
15 with that. And he pulling the guns out on people and
16 doing stuff like that. So by me calling Vermone's
17 phone all night, and it's not just -- it's ringing.
18 It's not going straight to voice mail or anything. I'm
19 -- I'm assuming that when he ran, he dropped his phone
20 and didn't pick it up. So I just didn't want to, you
21 know, just call to his mother about something that I
22 don't know what happened to him. But when I realized
23 too much time going by and no Mony didn't show up, I
24 went to work that next morning. And I was really
25 tired. I started calling his girlfriend, his friends,

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1 and everybody like that, that I know he deal with. And
2 then, I started calling the job. And then, I started
3 going around the hood where we from and asking home
4 boys if they saw him. And nobody saw him, so I
5 eventually called his mama just to let her know what
6 happened to me, and, you know, what I was going to see
7 him.

8 Q. Calling the job. Whose job did you call?

9 A. Vermone's.

10 Q. All right. Where did he work?

11 A. He worked at Hardeeville, a welding company. And
12 he worked at Bricks in Beaufort, South Carolina.

13 Q. Okay.

14 A. A restaurant.

15 Q. That's a restaurant?

16 A. Yes, ma'am.

17 Q. Okay. A couple more questions, Andre. After you
18 are safe and away from Vermone's house, you don't call
19 the police, do you?

20 A. No, ma'am.

21 Q. Why not?

22 A. I didn't call the police because I didn't figure
23 that happened to him, like, until I realized that he's
24 not coming back right now.

25 Q. But you had just been tied up and had a gun put at

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ANDRE (DRE) FRAZIER - DX - JONES

1 you. Why didn't you call to report that?

2 A. Because I was too busy looking for Vermone.

3 Q. Okay. This whole time you're in this home, does
4 that man, Tyrone Wallace, ever appear to be afraid of
5 Varsheen Smith, or Twiz?

6 A. Nah, he wasn't afraid of him.

7 Q. Does he ever appear to be scared?

8 A. Nah.

9 Q. Does he ever seem to be forced to be there?

10 A. No.

11 Q. Okay. Is he ever threatened in your presence?

12 A. He threatened me.

13 Q. No, not you. Does Twiz ever threaten Tyrone
14 Wallace?

15 A. That night, no.

16 Q. You didn't see him threaten him.

17 A. Actually, when I was outside, after the police
18 left, actually, he say, *I should shoot that nigger car*
19 *up eighteen times.*

20 Q. Who told you --

21 A. No, he said, *I should steal -- I should take the*
22 *car.* Twiz asked to shoot the car eighteen times. He
23 said, *I should shoot that nigger car.* And Twiz told
24 him to shut the fuck up.

25 Q. Tyrone Wallace told you to take whose car?

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ANDRE (DRE) FRAZIER - DX - JONES

1 A. No, he just made a smart comment while he was in
2 front of me. He said, in front of me and Twiz, I
3 should take that nigger car.

4 Q. He should take it?

5 A. Yeah. Yeah.

6 Q. Oh.

7 A. And Twiz told him shut the fuck up.

8 Q. So he's joking?

9 A. Yeah.

10 Q. And smoking my Black and Mild that he took.
11 That's the only thing I didn't got back, but I got my
12 license, my phone, and the \$15.00, because Twiz told me
13 he wasn't robbing me.

14 Q. Okay. So he is joking and smoking your cigar on
15 the back -- on the front porch?

16 A. No. We by the road then.

17 Q. Okay.

18 A. I was getting ready to leave. The police had just
19 left, so they know the police in the area.

20 Q. Okay. But after he had tied you up and he had a
21 gun at you, he's joking and smoking your cigar.

22 A. Yeah, he said that statement and he was smoking my
23 Black and Mild.

24 Q. Okay. And you never saw Twiz's gun pointed
25 towards that man?

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ANDRE (DRE) FRAZIER - CX - CAMPBELL

1 A. No.

2 Q. So he seemed to be there on his own accord.

3 A. Yes.

4 Q. Okay. He wasn't forced to be there.

5 A. No.

6 SOLICITOR JONES: Begging the Court's indulgence.

7 I have no further questions at this time. Thank
8 you.

9 MS. CAMPBELL: May it please the Court.

10 THE COURT: Yes, ma'am.

11 ANDRE (DRE) FRAZIER, CROSS-

12 EXAMINATION BY MS. CAMPBELL:

13 Q. Dre.

14 A. Yes, ma'am.

15 Q. You ever smoke crack cocaine?

16 A. No, ma'am.

17 Q. You ever smoke marijuana?

18 A. Yes, ma'am.

19 Q. You ever used cocaine?

20 A. No, ma'am.

21 Q. Never sold crack cocaine?

22 A. No, ma'am.

23 Q. Never used, never sold.

24 A. No, ma'am.

25 Q. No. So you go over to [REDACTED] Greene Street. You

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ANDRE (DRE) FRAZIER - CX - CAMPBELL

1 know Twiz is staying there, right?

2 A. Yes, ma'am.

3 Q. You know Twiz is a drug dealer.

4 A. I don't pay him no attention. I had a job.

5 Q. Come on, now. You don't know that Twiz is dealing
6 drugs out of [REDACTED] Greene Street?

7 A. No.

8 Q. That's what you're saying?

9 A. No.

10 Q. Twiz accused you of being a snitch for the police,
11 didn't he?

12 A. For what? For discharge?

13 Q. Did Twiz accuse you of being a snitch and talking
14 to the police about the business?

15 A. About the business? No. I don't know what you
16 talking about.

17 Q. Ummm. You never bought drugs from Twiz?

18 A. No, ma'am, I haven't.

19 Q. You never sold drugs for Twiz?

20 A. No, ma'am.

21 Q. Twiz threatened to kill you before October 25th,
22 didn't he?

23 A. He -- yes, he did. He pulled a gun out on me
24 before.

25 Q. Right. Twiz is pulling a gun on you before the

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ANDRE (DRE) FRAZIER - CX - CAMPBELL

1 night of 10/25/2015, right?

2 A. Before what?

3 Q. Before 10/25.

4 A. Yeah, he --

5 Q. Before the night we're talking about.

6 A. It was like months before that, yeah.

7 Q. Yeah, pulled a gun on you and threatened to kill
8 you before this night, right?

9 A. Yes, ma'am.

10 Q. Okay. What in the world -- now, you hadn't bought
11 drugs from him, you don't sell drugs for him, he hadn't
12 accused you of being a snitch, but yet, you're in his
13 company and he's pulling a gun on you and telling you
14 I'm going to kill you, right?

15 A. You want to know why?

16 Q. I'm asking the questions, Dre.

17 A. Yes, ma'am.

18 Q. Okay. You've told us that you went there that
19 night just to hang out, right?

20 A. Yes, ma'am.

21 Q. That's what you said. That you stopped at the
22 Shell Gas Station. Is that right?

23 A. Yes, ma'am.

24 Q. That they were just about to close, right?

25 A. Yes, ma'am.

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ANDRE (DRE) FRAZIER - CX - CAMPBELL

1 Q. So you had to go back and get your gas.

2 A. Yes, ma'am.

3 Q. Okay. Just about to close. Tyrone, who you say
4 you know, never, on 10/25, had a gun, right?

5 A. I didn't see him with one.

6 Q. Okay. If you had seen him with a gun, you
7 certainly would have told us, right?

8 A. Yes, ma'am.

9 Q. Okay. Because, when you talked to the police
10 officers eventually --

11 A. Yes, ma'am.

12 Q. -- you told them everything that was important at
13 the time, right?

14 A. Yes, ma'am.

15 Q. You wanted them to know what had happened to you.

16 A. Yes, ma'am.

17 Q. Right?

18 A. Yes, ma'am.

19 Q. And who had done this to you, right?

20 A. Yes, ma'am.

21 Q. Do you recall in your statements to law
22 enforcement and during your testimony when Twiz was
23 convicted of kidnaping you, do you recall saying that
24 Tyrone was an unwilling participant?

25 A. How you mean by that?

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ANDRE (DRE) FRAZIER - CX - CAMPBELL

1 Q. I mean, do you have any memory of telling law
2 enforcement or testifying previously that it seemed to
3 you like Tyrone was an unwilling participant, not
4 wanting to go along with what he was being told to do?

5 A. No. I just said that he was given orders that
6 whatever the dude told him to do, he was doing.

7 Q. Now, stick with me. If, in this back room, do you
8 remember Tyrone whispering in your ear --

9 A. I'm listening.

10 Q. I hope so. This is important. Do exactly what
11 this man tell us; do exactly what he tell us to do
12 before this man kill both of us.

13 A. Never heard that before.

14 Q. Okay. Do you recall Twiz coming up the stairs
15 after you at [REDACTED] Greene Street?

16 A. Coming up the stairs?

17 Q. Um-hmm, after you, right behind, you as you're
18 going into the house.

19 A. Oh. Yes, ma'am.

20 Q. Okay. And just to be clear, when you're walking
21 through the door that night, because, you know, you
22 remember a lot of things very clearly, when you stepped
23 foot through the door, were the lights on or off?

24 A. They was on.

25 Q. All the lights were on in the house.

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ANDRE (DRE) FRAZIER - CX - CAMPBELL

1 COURT REPORTER: Did you answer that? I heard you
2 say something.

3 A. Yes, ma'am.

4 Q. Twiz is the one who put something in your mouth.
5 Is he not?

6 A. Tyrone.

7 Q. Okay. Do you recall telling law enforcement that
8 Twiz is the one who put something in your mouth?

9 A. I don't recall that. I believe that I said that
10 Tyrone -- Twiz was telling Tyrone what to do.

11 Q. Do you remember that law enforcement audio- and
12 video-taped your statement that you gave?

13 A. Yes.

14 Q. Do you remember that they were recording it?

15 A. Yes, ma'am.

16 Q. So, ultimately, we could get it straight that Twiz
17 is the one who put the thing in your mouth?

18 A. I don't remember saying Twiz did.

19 Q. Okay. You and Mony have been running the streets
20 together for a long time, haven't you?

21 A. Yes, ma'am.

22 Q. Okay. And I know Mony was on Facebook. Were you
23 on Facebook?

24 A. Yes, ma'am.

25 Q. Okay. And were you friends on Facebook with Mony?

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ANDRE (DRE) FRAZIER - CX - CAMPBELL

1 A. Yes, ma'am.

2 Q. Okay. So, if I asked you, having gone on Mony's
3 Facebook, if you ever saw things on there with Mony
4 with him having stacks of hundred-dollar bills, did you
5 ever see that?

6 A. I mean, that's what he do. He work for it.

7 Q. Okay. Stacks of hundred-dollar bills.

8 A. He had a job. He had two jobs.

9 Q. Okay.

10 A. And he went to school for his job. And that's
11 what he just like to do.

12 Q. And how about the twenty-five-hundred-dollar gold
13 ring? Did you see that one?

14 A. He got a settlement.

15 Q. I'm sorry. He got a -- he got a settlement?

16 A. Yes, ma'am.

17 Q. Okay. You're awfully familiar with the street
18 terms. What's that called again?

19 A. The pound?

20 Q. The dab? Is it dab or dap?

21 A. Dap, pound.

22 Q. Okay. And you knew exactly what it meant when
23 somebody said run the pockets, right?

24 A. Yes, ma'am.

25 Q. Yeah. And Twiz -- it was a .9 millimeter?

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ANDRE (DRE) FRAZIER - CX - CAMPBELL

- 1 A. What, the gun?
- 2 Q. Um-hmm.
- 3 A. I know it was chrome.
- 4 Q. Good. Okay.
- 5 A. Gray chrome.
- 6 Q. Do you know if it was a .9 millimeter, or just a -
- 7 -
- 8 A. I can't tell you exactly what kind of gun.
- 9 Q. You don't know?
- 10 A. When I saw a -- when I saw a gun, I give up.
- 11 Q. Okay. If I -- again, let me make sure I
- 12 understood what you said. So there's no buying, using
- 13 crack, right?
- 14 A. No, ma'am.
- 15 Q. No buying, using crack, right?
- 16 A. No, ma'am. We was -- we was workers. We worked.
- 17 Q. Um-hmm. There's no buying, using cocaine?
- 18 A. No, ma'am.
- 19 Q. There's no -- I'm sorry -- there is buying and
- 20 using marijuana, right?
- 21 A. At that time?
- 22 Q. Yeah, at that time.
- 23 A. Yeah, at that time, we smoked.
- 24 Q. Okay. And Twiz sold marijuana.
- 25 A. I don't know what he did. We didn't get along. I

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BY THE COURT

1 didn't hang out with him.

2 Q. Okay. And so, when's the last time you smoked
3 marijuana?

4 A. The last time I smoked?

5 Q. Yes, sir.

6 A. Probably a couple years ago.

7 Q. A couple years ago. So, if you're tested today,
8 you'd be clean.

9 A. Yes. I have a job where you can't smoke.

10 THE COURT: Ms. Campbell?

11 MS. CAMPBELL: I think I'm finished, your Honor.
12 I appreciate it. That's all.

13 A. Thank you.

14 THE COURT: Anything further?

15 SOLICITOR JONES: That's all of it, your Honor.

16 THE COURT: You may step down, sir.

17 How long is your next witness, Solicitor?

18 SOLICITOR JONES: Not very long, but if your
19 Honor's inclined to take a quick break.

20 BY THE COURT:

21 THE COURT: Now would be a good time, I think.
22 Ladies and gentlemen, do not discuss this case; you
23 haven't heard all the evidence. We're going to take a
24 quick break. I also need you to do one thing for me,
25 ladies and gentlemen. I need you to elect a

6-18-18 STATE V WALLACE CAPTAIN JEFF PURDY - DX - JONES

1 SOLICITOR JONES: Thank you, your Honor. State
2 calls Captain Jeff Purdy.

3 MADAM CLERK: Good afternoon. If you would, place
4 your left hand on the *Bible*; raise your right hand. Do
5 you solemnly swear or affirm to truthfully answer all
6 questions asked of you by this court, so help you God?

7 CAPTAIN JEFF PURDY: Yes, ma'am, I do.

8 MADAM CLERK: Thank you.

9 CAPTAIN JEFF PURDY, DIRECT

10 EXAMINATION BY SOLICITOR JONES:

11 Q. Captain Purdy, where do you work?

12 A. Beaufort County Sheriff's Office.

13 Q. And in what capacity do you work with the
14 Sheriff's Office?

15 A. Currently, I'm a captain over the Northern
16 Enforcement Range, which includes Criminal
17 Investigations, patrol functions, Crime Scene Unit,
18 Victims Advocate, and Sex Offender Registry.

19 Q. How long have you been employed with the Sheriff's
20 Office?

21 A. Just shy of 25 years.

22 Q. And back in 2015, October of 2015, were you
23 working with the Beaufort County Sheriff's Office?

24 A. Yes, ma'am. In October of 2015, I was the
25 lieutenant over Criminal Investigations in northern

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CAPTAIN JEFF PURDY - DX - JONES

1 Beaufort County. And I was also responsible for the
2 Crime Scene Unit, and the Victims Advocate, and Sex
3 Offender Registry.

4 Q. Okay. And in that capacity, were you working on
5 November 18th of 2015?

6 A. Yes, I was.

7 Q. And did you respond to an area known as Pea Patch
8 Road?

9 A. Yes, I did.

10 Q. And why did you respond?

11 A. We had a call out there that there was supposedly
12 a body out there, remnants of a body. And the patrol
13 units, uniform patrol units, got a call early on in the
14 morning. They started searching for it and they we're
15 unsuccessful. They called several investigators in,
16 and the team I was responsible for. And as a result of
17 that, we started a search out off of Pea Patch Road,
18 which is on the Saint Helena Island, behind Bradley's
19 Seafood. If you're familiar with it, it's right off of
20 21, behind Bradley's Seafood, in that area.

21 Q. Okay. When you respond, who do you respond with
22 to that area?

23 A. That day, I respond by myself, but there were
24 several other people out there, more for -- we had some
25 folks with four-wheelers out there to help conduct a

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1 search. Some folks with the K-9 Unit, cadaver dog,
2 uniform patrol, and criminal investigators at the time.

3 Q. Okay. And when you're out there, do you all
4 actually find remains?

5 A. Yes, ma'am, we do.

6 Q. Okay. And that was off of Pea Patch Road?

7 A. That's correct.

8 Q. I'm going to show you --

9 SOLICITOR JONES: Permission to approach, your
10 Honor?

11 THE COURT: You may.

12 BY SOLICITOR JONES:

13 Q. I'm going to show you a map, and do you recognize
14 that?

15 A. Yes, I do.

16 Q. Okay. And over here, what is marked?

17 A. Pea Patch Road.

18 A. Okay. And is this a fair and accurate map of the
19 Pea Patch Road area?

20 A. Yes, it is.

21 Q. And is this in Beaufort County?

22 A. Yes, it is.

23 Q. Okay.

24 SOLICITOR JONES: Your Honor, at this time, the
25 State would move State's 35 into evidence.

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1 THE COURT: Any objection?

2 MS. CAMPBELL: No objection.

3 THE COURT: Without objection, it's in as
4 evidence.

5 ITEM IDENTIFIED AS MAP

6 MARKED STATE'S EXHIBIT NUMBER 35

7 ADMITTED AS EVIDENCE.

8 BY SOLICITOR JONES:

9 Q. And I'm going to ask you a little bit more about
10 that map here in a minute. What is that area of land
11 like?

12 A. Pea Patch is very rural. Like I said earlier,
13 it's behind Bradley Seafood, which is off of 21.
14 That's the way the bird flies, but it's actually -- you
15 get there. You can get there that way as well, but Pea
16 Patch Road is off of Seaside Road, and it goes on the
17 back side of the farm. There's a lot of -- of land out
18 there. Not really a lot of homes, but mostly land. So
19 the residents -- and residents that are out there are
20 spread apart.

21 Q. Okay. This particular area where the remains were
22 found, were there homes around there?

23 A. No, ma'am.

24 Q. How about lighting? Are there street lights?

25 A. No, ma'am.

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1 Q. When you responded, it was day time?

2 A. That's correct.

3 Q. But at night time, there's no lights overhead or
4 street lights or --

5 A. No.

6 Q. Okay.

7 SOLICITOR JONES: Your Honor, permission to
8 approach the witness?

9 THE COURT: You may.

10 BY SOLICITOR JONES:

11 Q. Captain Purdy, I'm going to show you State's 5, 6,
12 and 7. And can you identify those photographs, please.

13 A. State's Exhibit 5 is a picture in the -- where the
14 remains were found, and it's a picture with a power
15 line right next to where the remains were found.

16 Number 6 is picture of the remains from a fair
17 distance.

18 And Number 7 is a -- is a picture of the remains
19 from close-up shot.

20 Q. Okay. And that 5, 6, and 7, do those fairly and
21 accurately depict where you responded on Pea Patch Road
22 on November 18th?

23 A. Yes, they do.

24 Q. Do they -- I'm sorry. Do they appear to be
25 altered in any way?

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CAPTAIN JEFF PURDY - DX - JONES

1 A. No, ma'am.

2 SOLICITOR JONES: Your Honor, at this time, the
3 State moves State's 5, 6, and 7 into evidence.

4 MS. CAMPBELL: No objection.

5 THE COURT: Without objection.

6 ITEMS IDENTIFIED AS PHOTOGRAPHS

7 MARKED STATE'S EXHIBIT NUMBERS

8 5, 6, AND 7

9 ADMITTED AS EVIDENCE.

10 SOLICITOR JONES: And your Honor, if I could ask
11 Captain Purdy to come off the stand?

12 THE COURT: You may step down, sir.

13 BY SOLICITOR JONES:

14 Q. And Captain Purdy, this is State's 35, the map of
15 the Pea Patch Road area. If you could, just walk us
16 through a little bit. What is -- what is this? This
17 clearing right here.

18 A. That's the power line. May I use these?

19 Q. We're actually going to put them up there.

20 A. Oh, super. That's the power line right here.

21 That's a picture from this area aiming that way. See
22 where this picture is? It's the same you have up there
23 on the monitor.

24 Q. And where were the remains found in reference to
25 this photograph?

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1 A. It would have been here to your left.

2 Q. Okay. So down --

3 A. I'm not a hundred percent where this picture was
4 taken, if it was here or here. But if it was here, it
5 would have been right directly to your left. If it was
6 here, it would have been a little behind to your left.

7 Q. Okay. So that picture was taken viewing the
8 remains, the direction of the remains.

9 A. I would say it's from the remains, by the remains.

10 Q. My apologies. Yes, from the remains, down, this
11 appears to be power lines?

12 A. Yes, ma'am.

13 Q. Okay. And it appears there's a clearing?

14 A. It's part of a dirt road that cuts through here.

15 Q. Okay. And when you get there, you did find some
16 remains.

17 A. Yes.

18 Q. In State's 6, Captain Purdy, what is this picture
19 showing?

20 A. That is the second picture I looked at. That's a
21 little -- little bit away from the remains that we
22 found. It would be taken from probably right in the
23 area of Pea Patch Road, looking into the wooded area.
24 But it's -- it's off the roadway. You get off the road
25 and walk to find it.

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1 Q. Roughly how far off the road would that be?

2 A. I'd have to look at the sketch to look at it. But
3 it wasn't -- it wasn't very far. I would say less than
4 ten yards.

5 Q. Okay. And State's 7, what is that?

6 A. That would be a closer shot of the remains that we
7 found.

8 Q. And is that how you found them that day?

9 A. Yes, it is.

10 Q. Okay. They haven't been moved or anything prior
11 to this photograph being taken.

12 A. No, ma'am.

13 Q. But afterwards, did you or somebody at the crime
14 scene collect this?

15 A. Yes, we did.

16 Q. Okay.

17 A. Andrew Rice collected those and turned them over
18 to the coroner.

19 Q. Okay. And at this point, do you know who this is?

20 A. No.

21 Q. But later, were the remains identified?

22 A. They were.

23 Q. And who were those remains of?

24 A. Vermone Steve.

25 Q. Okay. And I have one more question about this.

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1 These power lines, when you're looking at these power
2 lines, if you continue straight down that road, what's
3 at the end of that road?

4 A. You talking about this road?

5 Q. Down the power line clearing, yes.

6 A. Well, that would be Mr. Wallace's house. It's --
7 you go down the power line about three -- little over
8 three-tenths of a mile, and then you cut up about a
9 small area that was five-tenths of a mile from here,
10 measure it on Google Map to here. Now, typically,
11 you'd get there taking Pea Patch Road, and it cuts
12 through, but you can walk that. It's less than a half
13 a mile.

14 Q. Okay. You can't drive there, but you can walk or
15 run it?

16 A. Oh, yeah.

17 Q. Okay.

18 A. And this road, that time of year, the weather we
19 had, it was very muddy, very difficult to navigate. We
20 had to take the Crime Scene Unit here, because we
21 couldn't get through this. This'll take you back up to
22 21. This'll take you to Seaside. But either way, it
23 was extremely muddy and a difficult task to get to.

24 Q. But where Mr. Steve was ultimately found was
25 within walking distance to Mr. Wallace's home.

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SERGEANT ANDREW RICE - DX - JONES

1 A. I would say, yes.

2 Q. Okay. Thank you.

3 SOLICITOR JONES: I have no further questions at
4 this time.

5 MS. CAMPBELL: May it please the Court.

6 THE COURT: Yes, ma'am.

7 MS. CAMPBELL: No questions.

8 THE COURT: Thank you. I appreciate it. You may
9 step down, sir. Solicitor, call your next witness.

10 SOLICITOR JONES: State calls Andrew Rice.

11 MADAM CLERK: Come right here. Place your left
12 hand on the *Bible*. Raise your right hand. Do you
13 solemnly swear or affirm to truthfully answer all
14 questions asked of you by this court, so help you God?

15 SERGEANT ANDREW RICE: I do.

16 MADAM CLERK: Thank you.

17 SERGEANT ANDREW RICE, DIRECT

18 EXAMINATION BY SOLICITOR JONES:

19 Q. Good afternoon, Sergeant Rice.

20 A. Good afternoon.

21 Q. Where do you currently work?

22 A. For the Beaufort County Sheriff's Office.

23 Q. Okay. And in what capacity do you work with the
24 Sheriff's Office?

25 A. I'm an investigator, the northern side of Beaufort

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1 County. I'm also assigned to the Crime Scene Unit.

2 Q. What does that mean, you've been assigned to the
3 Crime Scene Unit?

4 A. Essentially, you have your primary responsibility
5 to the Sheriff's Office, whether it be patrol,
6 investigations, administrative position, but there's
7 also several collateral duties that you might perform,
8 and several people join together from different
9 divisions and sections to make up that collateral duty,
10 which one of them is known as the Crime Scene Unit.

11 Q. Okay. And how long have you been with the
12 sheriff's office?

13 A. For twelve years.

14 Q. And how long, specifically, with the Crime Scene
15 Unit?

16 A. For about four years.

17 Q. Okay. So, in November 18th of 2015, you were with
18 Crime Scene.

19 A. Yes, ma'am.

20 Q. Okay. And did you respond to Pea Patch Road area?

21 A. I did.

22 Q. And why did you respond to that area?

23 A. I responded to the Pea Patch Road area that
24 afternoon. We were contacted as part of the Crime
25 Scene Unit and asked to respond to process what was

1 believed to be a death scene.

2 Q. Okay. And when you get there, did you come across
3 human remains?

4 A. I did.

5 Q. Okay. And this is what you discovered that
6 morning, that afternoon?

7 A. Yes, ma'am.

8 Q. Okay. And what did you do as part of the Crime
9 Scene for this scene?

10 A. As part of the Crime Scene Unit, when we respond
11 to the scene, there was a few of us that work together
12 as a team, but hopefully, what we did is we
13 photographed the scene, documenting things as we found
14 them. We took measurements at the scene. Some of
15 those included GPS coordinates. It was kind of a rural
16 area. It was near a street sign or a telephone pole
17 right there for easy measuring. We took samples from
18 the soil, as you see around the bones. We also
19 assisted in collecting those bones for the Coroner's
20 Office.

21 Q. Why did you take soil samples?

22 A. While we were processing the scene, there were
23 some things that gave us an indication that maybe the
24 area had been on fire, maybe there was some type of
25 accelerant that had been used. Based off our training,

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SERGEANT ANDREW RICE - DX - JONES

1 experience, looking at the smell, smelled like some
2 kind of accelerant, such as gasoline. Then, also, as
3 you see in the picture, there's some fluid on the
4 ground, on the -- on the fluid, water. It had recently
5 rained very heavily in this area. There was like a oil
6 -- oily residue on top, or like a oil slick, as you
7 could see it in the water, which led us to believe that
8 there was some kind of petroleum that was in it. Then,
9 also, as you look at it, that area is very thick
10 underbrush, bushes, trees. And that specific area was
11 essentially free of that. It was dirt, which was
12 unusual to us.

13 Q. Okay.

14 SOLICITOR JONES: Permission to approach, your
15 Honor.

16 THE COURT: You may.

17 BY SOLICITOR JONES:

18 Q. Sergeant Rice, I'm going to show you what has been
19 marked as State's 8. Do you recognize that?

20 A. I do. This is one of the cans that was collected
21 of soil from near the bones. This one specifically
22 near the jaw bone.

23 Q. Okay. And aside from collecting it, did you
24 manipulate it, alter it, or change it in even way?

25 A. I did not. I collected it, and I sealed it within

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SERGEANT ANDREW RICE - DX - JONES

1 this container with the evidence tape, which I've
2 initialed and date, and also signed the evidence bag.

3 Q. And that's what that tape is we see on that can?

4 A. Yes, ma'am. And the seal does not appear to be
5 tampered with in any way.

6 Q. I'm going to show you what's been marked as
7 State's 9.

8 A. This is the same thing. It's a soil sample that
9 was collected, it says near a phone, which is in the
10 same area as the bones. Which I sealed and signed and
11 sealed as well.

12 Q. Okay. And again, you didn't -- aside from
13 collecting it, you never altered it, manipulated it,
14 or changed it in any way.

15 A. No, ma'am.

16 Q. You didn't add anything to it.

17 A. No, ma'am.

18 Q. Okay. And finally, State's Exhibit 10.

19 A. This is the same thing as what's called a control
20 sample that was taken in the same area for the purposes
21 of the lab and processing the evidence. I collected it
22 and sealed this container.

23 Q. Why would you take a control sample?

24 A. That's part of the best practices that's been
25 advised to us by lab technicians, that they look for a

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SERGEANT ANDREW RICE - DX - JONES

1 control sample, essentially, to test while they're
2 processing the soil that potentially contains some type
3 of accelerant or evidence.

4 Q. I'm going to show you, also -- I'm going to show
5 you what has been marked as State's Exhibit 11. And I
6 notice that the seal has been cut.

7 A. Yes, ma'am.

8 Q. When you collected it, what did you do with the
9 seal?

10 A. I sealed the bag, initialed, dated, put my badge
11 number on it.

12 Q. Okay.

13 A. It also has the date and time that I submitted it
14 into evidence.

15 Q. And what is State's 11? What is in there?

16 A. It's several pieces of metal that were collected
17 from the scene that you saw the photograph. It was
18 several pieces of what believe -- what believed to be
19 coins that melted. A butaine lighter top, and the
20 remnants of a cell phone, what was believed to be a
21 cell phone.

22 Q. Okay. And those, in fact, are the items collected
23 from right around where the bones were?

24 A. Yes, ma'am.

25 Q. Okay. And you collected those items?

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SERGEANT ANDREW RICE - DX - JONES

1 A. Yes, ma'am.

2 SOLICITOR JONES: Your Honor, at this time, the
3 State moves State's 11 into evidence.

4 THE COURT: Without objection?

5 MS. CAMPBELL: No objection to State's 11.

6 THE COURT: Okay.

7 ITEM IDENTIFIED AS PIECES

8 OF METAL COLLECTED AT THE SCENE

9 MARKED STATE'S EXHIBIT NUMBER 11

10 ADMITTED AS EVIDENCE.

11 BY SOLICITOR JONES:

12 Q. And I'm going to ask you, I did provide you a
13 glove in case you wish. You mentioned earlier you went
14 through these items. And if you could pull these out
15 and show them to the jury.

16 A. This is what's believed to be the remains of the
17 cell phone.

18 Q. Okay.

19 A. This is more of the same cell phone. And there
20 are several pieces of the lighter top. Whatever was at
21 the bottom is gone. And then, several coins that have
22 been charred, melted, and their shape has been warped.
23 That's all that's in the bag.

24 Q. Okay. Thank you. And all these items were
25 collected from where Mr. Steve's remains were found?

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JENNIFER MILLS - DX - JONES

1 A. Yes, ma'am.

2 Q. Okay. I have no further questions for you at this
3 time.

4 A. You want me to put this back?

5 Q. I think -- yes. Unless Ms. Campbell needs them
6 out.

7 MS. CAMPBELL: No questions.

8 THE COURT: Okay. You may sit down, sir. Thank
9 you.

10 A. Thank you, Judge.

11 THE COURT: call your next witness, please.

12 SOLICITOR JONES: State calls Jennifer Mills.

13 MADAM CLERK: Good afternoon. If you would, place
14 your left hand on the *Bible*. Raise your right hand.
15 Do you solemnly swear or affirm to truthfully answer
16 all questions asked of you by this court, so help you
17 God?

18 JENNIFER MILLS: I do.

19 MADAM CLERK: Thank you.

20 JENNIFER MILLS, DIRECT

21 EXAMINATION BY SOLICITOR JONES:

22 Q. Good afternoon. Where do you work?

23 A. I work at the Beaufort County Sheriff's Office
24 Forensic Services Laboratory.

25 Q. And what do you do with the Forensic Services

1 Laboratory?

2 A. My responsibilities are as a forensic analyst. I
3 analyze materials and see if a drug is present. I also
4 analyze materials to see if there's anything like
5 liquid there in fire cases. And I'm also the quality
6 manager for the laboratory.

7 Q. And in order to achieve this position, did you
8 have to have specialized training and end?

9 A. I did.

10 Q. Okay. And could you tell us a little bit about
11 that.

12 A. I earned by bachelor of science degree and
13 biochemistry from Queens University in Charlotte, North
14 Carolina. And in 1978, I was hired by the Charlotte-
15 Mechlenburg Police Department Crime Laboratory, and
16 worked there as a forensic chemist, with
17 responsibilities in drug analysis, fire debris, and
18 blood alcohol. I did a year of in-service training,
19 and I've done continual training ever since then. That
20 being the FBI Academy for forensic chromatography; the
21 ATF Laboratory for ignitable liquid identification.
22 And then, in 2008, I was employed at the Beaufort
23 County Sheriff's Office, and have continued that
24 education. And most recently finished the National
25 Center of Forensic Science, Advanced Analysis of Fire

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JENNIFER MILLS - DX - JONES

1 Debris.

2 Q. And have you testified in circuit court before?

3 A. I have.

4 Q. And roughly how many times?

5 A. It's been over a hundred times now.

6 Q. Okay.

7 SOLICITOR JONES: Your Honor, at this time, the
8 State moves Jennifer Mills in as an expert in forensic
9 chemistry.

10 MS. CAMPBELL: May it please the Court.

11 THE COURT: Ms. Campbell.

12 MS. CAMPBELL: Your Honor, for the record, I am
13 familiar with Jennifer Mills, her work, having reviewed
14 it many times; familiar with her qualifications as an
15 expert in this field; and would have no objection.

16 THE COURT: Thank you. Ladies and gentlemen, in
17 this case, Ms. Mills is being qualified as an expert
18 witness in the area of area of forensic chemistry.
19 That allows her to give her opinion and the reasons for
20 her opinion. And that's for you to see as compared to
21 other evidence in this case. Thank you.

22 SOLICITOR JONES: Thank you, your Honor.

23 BY SOLICITOR JONES:

24 Q. You had mentioned ignitable liquid. What does
25 that mean?

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JENNIFER MILLS - DX - JONES

1 A. It means -- it basically just means an accelerant.
2 It's a liquid that is able to burn at very low
3 temperature.

4 Q. Okay. And were you asked to analyze a few
5 different items in the case we're here for today?

6 A. I was.

7 Q. And what were you asked to analyze?

8 A. I was asked to analyze three different containers,
9 three different cans to see if there was an ignitable
10 liquid of accelerant present.

11 SOLICITOR JONES: Permission to approach.

12 THE COURT: You may.

13 BY SOLICITOR JONES:

14 Q. I'm going to show you what has been identified as
15 State's 8 and State's 9 and State's 10. Do you
16 recognize any of those?

17 A. Yes, I do.

18 Q. Okay. And what are those?

19 A. This is State's Exhibit --

20 Q. They're on the top.

21 A. State's Exhibit Number 8 happens to be Item Number
22 1 in the case that I analyzed. And my laboratory
23 number is 16-L-00001.

24 Q. And that is the soil sample that you tested for
25 this case, one of them?

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JENNIFER MILLS - DX - JONES

1 A. Yes, it is.

2 SOLICITOR JONES: Okay, your Honor, at this time,
3 the State moves State's 8 into evidence.

4 MS. CAMPBELL: No objection.

5 THE COURT: Without objection.

6 ITEM IDENTIFIED AS CAN

7 CONTAINING SOIL SAMPLE

8 LABELED 16-L-00001

9 MARKED STATE'S EXHIBIT NUMBER 8

10 ADMITTED AS EVIDENCE.

11 BY SOLICITOR JONES:

12 Q. And do you recognize State's 9?

13 A. I do.

14 Q. And what is that?

15 A. State's Exhibit Number 9 is my Item Number 2 that
16 I analyzed in this particular case.

17 Q. Okay. And what was Item Number 2 in your case?

18 A. Item Number 2 is a sealed gallon can containing
19 dirt or soil that I analyzed for ignitable liquids.

20 Q. Okay. And while we're at it, State's Exhibit 10;
21 do you recognize State's Exhibit 10?

22 A. Yes, I do.

23 Q. And what is that?

24 A. State's Exhibit Number 10, again, has my initials,
25 date and time on it. It is my Item Number 3 that I

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JENNIFER MILLS - DX - JONES

1 analyzed in this particular case.

2 Q. Okay. And aside from doing the actual testing,
3 you didn't manipulate or alter or add or take anything
4 away from these samples.

5 A. I did not.

6 Q. Okay.

7 SOLICITOR JONES: Your Honor, this time, the State
8 moves State's 9 and 10 into evidence.

9 THE COURT: Okay. It's in evidence.

10 ITEM IDENTIFIED AS CAN

11 CONTAINING SOIL SAMPLE

12 MARKED STATE'S EXHIBIT NUMBER 9

13 ADMITTED AS EVIDENCE.

14 ITEM IDENTIFIED AS CAN CONTAINING

15 SOIL SAMPLE

16 MARKED STATE'S EXHIBIT NUMBER 10

17 ADMITTED AS EVIDENCE.

18 BY SOLICITOR JONES:

19 Q. Regarding these three soil samples, what were your
20 findings?

21 A. Item Number 1, which is State's Exhibit Number 8,
22 my findings, I found that there was gasoline present in
23 the debris of this can.

24 Item Number 2, which is State's Exhibit Number 9,
25 my analysis showed that there was gasoline present in

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BY THE COURT

1 the contents of this can.

2 And in State's Exhibit Number 10, which is my
3 Number 3, I was not able to determine that there were
4 any accelerants inside that can.

5 Q. And State's 10 is what we refer to as a control
6 sample?

7 A. It is.

8 Q. Okay.

9 SOLICITOR JONES: Your Honor, at this time, I have
10 no further questions.

11 THE COURT: Anything?

12 MS. CAMPBELL: No questions.

13 THE COURT: All right. You may step down. Thank
14 you, Ms. Mills.

15 A. Thank you.

16 BY THE COURT:

17 THE COURT: Do we have one more quick witness, or
18 is this a good break for the day?

19 SOLICITOR JONES: I think this is a good break.

20 THE COURT: This is a good break for today.

21 All right, ladies and gentlemen, we're going to
22 break for the day. Mr. Foreperson, are you all
23 agreeing that we start at 10:00 a.m. tomorrow morning?
24 Does that work? Is that okay, everyone?

25 RESPONSES FROM JURORS.

6-19-18 STATE V WALLACE

DOMINIQUE COOK - DX - JONES

1 DOMINIQUE COOK, DIRECT

2 EXAMINATION BY SOLICITOR JONES:

3 Q. Good morning, Mr. Cook.

4 A. How you doing?

5 Q. Your name is Dominique Cook. Do you have a
6 nickname that you go by?

7 A. Niko.

8 Q. Niko? Okay. Mr. Cook, I see you -- you just came
9 out of the back. Where are you, currently?

10 A. At Evans Correctional Facility.

11 Q. Okay. And is that part of the Department of
12 Corrections, a prison?

13 NO RESPONSE.

14 Q. And why are you here?

15 COURT REPORTER: I'm sorry. Is that yes or no?

16 A. Yes.

17 Q. And why are you there?

18 A. For accessory after the fact for murder.

19 Q. Okay. And who was the victim in that, in the
20 accessory after the fact for murder case?

21 A. Vermone Stevens.

22 Q. Okay. Steve? Could it possibly be Steve?

23 A. Steve.

24 Q. Okay. And in fact, you pled guilty, didn't you?

25 A. I did.

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DOMINIQUE COOK - DX - JONES

1 Q. And what sentence did you get?

2 A. Ten years, suspended to seven years.

3 Q. Okay. And that's the sentence you're serving
4 right now?

5 A. Yes, ma'am.

6 Q. And I've met with you, we've talked. And when we
7 -- when we've talked, have I ever promised you
8 anything?

9 A. No, ma'am.

10 Q. Did I ever tell you I that would help you out with
11 your sentence?

12 A. No, ma'am.

13 Q. No? And in fact, you pled guilty prior to all of
14 that, correct?

15 A. Yes, ma'am.

16 Q. Prior to our discussions.

17 A. Yes, ma'am.

18 Q. And you pled straight-up, without me recommending
19 anything, correct?

20 A. Yes, ma'am.

21 Q. Okay. So why are you here today?

22 A. To testify in the case.

23 Q. Okay. But you're here under subpoena?

24 A. Yes.

25 Q. Okay. Do you know a man named Tyrone Wallace?

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DOMINIQUE COOK - DX - JONES

1 A. Yes.

2 Q. And how do you know him?

3 A. Through -- we're acquaintances. He -- he wasn't
4 -- he wasn't a friend of mine, but I knew him through
5 acquaintances.

6 Q. Okay. And you had an opportunity to meet him?

7 A. Yes.

8 Q. Okay. When was that?

9 A. It'd be probably the end of 2015, I believe.

10 Q. Okay. The reason you're in prison right now is
11 for something that happened in October 25th of 2015,
12 correct?

13 NO RESPONSE.

14 Q. Had you met --

15 THE COURT: Is that a yes, for the record, sir?

16 A. Yes.

17 SOLICITOR JONES: Sorry.

18 THE COURT: Mr. Cook, I appreciate it.

19 BY SOLICITOR JONES:

20 Q. And you have to speak, and you have to speak up,
21 because this lady right here is taking down every word
22 you say. Okay?

23 Prior to October 25, 2015, had you met Tyrone
24 Wallace?

25 A. No, ma'am.

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1 Q. Okay. So that day, that night, was the first time
2 you met him?

3 A. Yes.

4 Q. Okay. I want you to take us back to that night.
5 When was the first time -- tell us how you got involved
6 with the charge you're currently serving.

7 A. A friend of mine, Tayquan Lampkin, who was a
8 friend of mine at the time, he -- he asked me for help
9 the night -- the night the incident occurred.

10 Q. He asked you to help in what way?

11 A. To originally -- originally, the first thing he
12 told me was we just had -- we just had to handle some
13 dirt. It's just getting to something. I wasn't
14 exactly sure what was going on, but that's -- that's
15 how it all started.

16 Q. Okay. What time of day was this? Do you
17 remember?

18 A. Late night.

19 Q. Late night?

20 A. I don't know. I'm not exactly sure of the time.

21 Q. Okay.

22 A. It was late night.

23 Q. Okay. How did you come in contact with Tayquan
24 Lampkin that night?

25 A. He came to me.

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DOMINIQUE COOK - DX - JONES

1 Q. And where were you?

2 A. In my yard.

3 Q. And where was that?

4 A. Beaufort.

5 Q. Is that near Greene Street?

6 A. Yes. On Monson Street.

7 Q. Okay. So a couple blocks from Greene Street?

8 Okay.

9 NO RESPONSE.

10 COURT REPORTER: Yes? No?

11 A. Yes.

12 Q. Yeah, thank you. And does Tayquan ask you
13 specifically to borrow something?

14 A. He -- he told me he needed me for my car. He
15 needed me -- he needed my help, and he needed my car as
16 well.

17 Q. Okay. Did you know why he needed your car at this
18 point?

19 A. No.

20 Q. Okay.

21 SOLICITOR JONES: Permission to approach.

22 THE COURT: You may.

23 BY SOLICITOR JONES:

24 Q. Mr. Cook, I'm going to show you what has been
25 marked as State's 12. Do you recognize that?

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DOMINIQUE COOK - DX - JONES

1 A. Yes.

2 Q. And what is that?

3 A. That's my -- my car.

4 Q. And is that the car that you lent to Mr. Lampkin
5 that night?

6 A. Yes.

7 Q. Okay.

8 SOLICITOR JONES: Your Honor, at this time, the
9 State moves State's 12 into evidence.

10 MS. CAMPBELL: No objection.

11 THE COURT: Without objection.

12 SOLICITOR JONES: Okay. Permission to publish.

13 THE COURT: You may.

14 ITEM IDENTIFIED AS PHOTOGRAPH

15 MARKED STATE'S EXHIBIT NUMBER 12

16 ADMITTED AS EVIDENCE.

17 BY SOLICITOR JONES:

18 Q. And Mr. Cook, this was the car. It's a black
19 Suzuki? You have to say --

20 A. Yes, ma'am. Yes.

21 Q. Thank you. Okay. Is anybody with Mr. Lampkin
22 when he's asking you for your car?

23 A. No, ma'am.

24 Q. Okay. Eventually, do other people get involved?

25 A. Yes.

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DOMINIQUE COOK - DX - JONES

1 Q. Okay. Tell me about that.

2 A. Later -- later that night, when -- after -- after
3 asking me to use my car, we drove over to his house, to
4 the house where Mr. Lampkin, Tayquan, and that's when
5 -- that's the first time that I actually saw Tyrone
6 Wallace.

7 Q. Okay. And where was Tyrone Wallace?

8 A. At Lampkin's house.

9 Q. Okay. Outside or inside?

10 A. Outside.

11 Q. Okay. Was anybody with him?

12 A. No.

13 Q. Okay. And what happens after that?

14 A. After that, we went to -- I ain't for sure. I
15 apologize. I'm trying to think exactly the sequence of
16 events.

17 Q. After Mr. Lampkin's house, did you all go to a
18 Greene Street --

19 MS. CAMPBELL: Objection. Leading.

20 THE COURT: All right.

21 BY SOLICITOR JONES:

22 Q. Do you remember where you went after Mr. Lampkin's
23 house?

24 A. No, ma'am, I don't.

25 Q. Okay. Do you remember being interviewed by

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DOMINIQUE COOK - DX - JONES

1 Investigator Raley and Investigator Erdel, this man
2 right here?

3 A. Yes, ma'am.

4 Q. At the police department, back on December 2nd of
5 2015?

6 A. Yes, ma'am, I do.

7 Q. And you told them that, after that, you all went
8 to Mony's house. Do you remember saying that?

9 A. No, ma'am, I do not.

10 Q. Okay. Do you remember what happened -- where you
11 eventually end up that night?

12 A. Yes, on Saint Helena Island.

13 Q. Okay. Do you know the name of the road?

14 A. I'm not exactly sure.

15 Q. Okay. That's okay. Do you remember who was in
16 the car?

17 A. In my car?

18 Q. Yes.

19 A. It was myself and Tayquan and me.

20 Q. And anybody else?

21 A. No.

22 Q. Okay. Let me get back to that interview with
23 Investigator Raley and Investigator Erdel.

24 SOLICITOR JONES: And your Honor, pursuant to the
25 stipulation from the Defense, at this time, I would

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1 like to admit portions of that interview.

2 THE COURT: Without objection, yes.

3 BY SOLICITOR JONES:

4 Q. Okay. Mr. Cook, do you remember telling the
5 police that, when we got back, Twiz was saying all this
6 blasé, blasé; went and got my car; I guess they went to
7 get the body. The body was still in the house. They
8 told me to get the car. I wasn't around when they put
9 the body in. They told me to come with them because it
10 was my car. Do you remember saying that?

11 A. No.

12 Q. Okay.

13 PLAYING STATE'S EXHIBIT NUMBER 41,
14 DVD INTERVIEW OF DOMINIQUE COOK,
15 CLIPS FOR TRIAL.

16 THE COURT: Can you hear that? No. Some of them
17 can't hear it. I need you to stop it, and turn it up,
18 and start back again.

19 PAUSE PLAYING STATE'S EXHIBIT NUMBER 41.

20 Ladies and gentlemen, at any time, if you cannot
21 hear something, I need you to wave me down.

22 CONTINUE PLAYING STATE'S EXHIBIT
23 NUMBER 41.

24 PROBLEM WITH EQUIPMENT.

25 A. Is the volume on the T.V.?

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1 THE COURT: Pardon?

2 A. Is the volume on the T.V.?

3 THE COURT: Yes, sir. Thank you. I appreciate
4 it.

5 CONTINUE PLAYING STATE'S EXHIBIT

6 NUMBER 41:

7 PAUSE PLAYING STATE'S EXHIBIT 41.

8 BY SOLICITOR JONES:

9 Q. Okay. And after that, you said, they didn't tell
10 me they needed the car specifically what for, but that
11 they had just done some dirt; and that you gave the
12 keys to Tyrone; and Twiz got in the car. And after
13 that, you said you went towards Tayquan's house, then
14 took a left down Washington Street. They came back
15 with the car, picked you up, and you got in the back
16 seat. Do you remember saying that?

17 A. I do.

18 Q. Okay. And so, Tyrone was in the car.

19 A. No. At that -- at the time that I made the
20 statement on December 2nd, I was actually trying -- I
21 was trying to cover for my friend, or the person that I
22 considered my friend, Tayquan.

23 Q. Okay. I'm going to go on a little bit. Do you
24 remember telling -- telling the investigators in the
25 same interview that Tyrone was actually the one driving

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1 the car?

2 NO VERBAL RESPONSE.

3 Q. You do remember that?

4 A. Yes.

5 Q. Okay. And you told them that he drives to the
6 island, because he's the only one that knew where to
7 go?

8 A. Yes.

9 Q. Okay. And that you all kept going around cuts,
10 and came to an open field, and stopped.

11 A. Yes.

12 Q. And that they popped the trunk, and both the boys
13 got out.

14 A. Yes, I do.

15 Q. Okay. And then you say, they got the man and put
16 him in the woods, and Tyrone brought out a gas can and
17 gassed it up.

18 A. I remember.

19 Q. You said that.

20 A. I remember that.

21 Q. And you said all Twiz helped was pick him up and
22 bring him out there.

23 A. Yes.

24 Q. Okay. And you went on to say that Twiz and Tyrone
25 got him out of the trunk of the car and dragged him

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1 over.

2 A. Yes.

3 Q. And then you saw it go up in flames. Okay. And
4 then you said that Tyrone got the car stuck in the mud,
5 and that Tyrone called the tow truck company. Do you
6 remember saying that?

7 A. Yes, I do.

8 Q. Okay. And after that, you say that Tyrone was
9 saying, in the car ride to Pea Patch Road, that he went
10 in there to rob Mony. Do you remember saying that?

11 A. Yes.

12 Q. But that Mony started yelling, so he shot him. Do
13 you remember saying that?

14 A. I do.

15 Q. Okay. That the whole time, the whole time, that
16 man right there was talking about what he had just
17 done.

18 A. Yes.

19 Q. That Tyrone said that he was on a mission to rob
20 Mony; that he held the gun at Mony and told him to
21 chill the F out and sit down. Do you remember saying
22 that?

23 A. I don't remember those exact words.

24 Q. Okay. That Mony started screaming and yelling,
25 and asking him not to do it. And so, Tyrone shot him.

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1 That's what Tyrone said. That's what you told Erdel
2 and Raley that's what you heard Tyrone Wallace say.

3 A. That's -- that's what I told them.

4 Q. That's what you said.

5 A. Yes.

6 Q. Okay. That Tyrone was in the house, but Mony was
7 almost out of the house when he was shot. Do you
8 remember saying that?

9 A. No, I don't remember.

10 Q. That he was by the side door, and fell outside as
11 they brought him back in the house.

12 A. Yes, I remember.

13 Q. You remember that? Okay. That you didn't see any
14 blood in the trunk of your car. You remember saying
15 that?

16 A. Yes.

17 Q. But that Tyrone had told you he had picked up the
18 -- the shell casings after he shot him. Do you
19 remember saying that?

20 A. That he took -- that he told me that he picked up
21 the shell casings?

22 Q. He would -- he had said it in the car ride to Pea
23 Patch Road.

24 A. I can't say I remember that.

25 Q. Okay. That Tyrone did not say Twiz told him to do

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1 this. Do you remember saying that?

2 A. That Tyrone said that Twiz didn't tell him to do
3 this?

4 Q. Correct.

5 A. That he did this on his -- his own accord?

6 Q. Correct.

7 A. No, I do not.

8 Q. Okay. But then, he says that Twiz did tell him to
9 do it, so he was waffling. Do you remember saying
10 that?

11 A. Yes.

12 Q. Okay. Okay. So now, you remember.

13 A. I -- I do remember, yeah, saying that.

14 Q. Okay. But he goes on, that you hear him say the
15 reason he shot Mony was because Mony was screaming. Do
16 you remember saying that?

17 A. Yes, I do remember saying that.

18 Q. Okay. Do you remember saying that Tyrone is Twiz'
19 right-hand man?

20 A. Yes, I do.

21 Q. Okay. And you actually, this whole first portion
22 of the interview, you lie about an hour and a half into
23 the interview, don't you?

24 A. Yes, ma'am.

25 Q. And even -- I just asked you a whole bunch of

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1 questions, even then, you still weren't telling the
2 whole truth, were you?

3 A. When?

4 Q. To the questions I just asked you, because you
5 left out Tayquan Lampkin, correct?

6 A. Just now?

7 Q. No, during the interview with the police.

8 A. Oh, yes, I did.

9 Q. Okay. But then, at the end of the interview,
10 don't you -- you remember saying that -- that Tayquan
11 was actually there?

12 A. Yes, I do.

13 Q. Okay. And that he was the one that actually
14 called for the ride to get out of the Pea Patch Road
15 area?

16 A. Yes, I do.

17 Q. Okay. So, when you're talking to the police, you
18 do say that -- that it's Tyrone and Twiz, Tayquan, and
19 you all there.

20 A. I did. I did.

21 Q. Okay. But now, you're saying no, Tyrone wasn't
22 there?

23 A. No, he -- he wasn't -- he wasn't there when we
24 first made the run to Pea Patch. He -- he came in
25 while we were at Pea Patch.

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1 Q. Okay. Who told him to come?

2 A. I don't know. I didn't know --

3 Q. How did he know to come out there?

4 A. -- I didn't know --

5 Q. How did he get there?

6 A. By truck.

7 Q. By whose truck?

8 A. I'm not sure whose truck it was.

9 Q. Who was he with?

10 A. Himself.

11 Q. In the middle of the night he just appeared at Pea
12 Patch Road by himself?

13 A. I assume that my -- that co-defendant called him.
14 That my co-defendant had called him. My co-defendant,
15 Tayquan Lampkin. I have no proof to support that,
16 though.

17 Q. Okay. But you told the police he was there,
18 Tyrone Wallace was there?

19 A. Um-hmm.

20 Q. Tyrone Wallace was bragging about shooting Mony.

21 A. Yes.

22 Q. And Tyrone Wallace was the one with the gasoline
23 can.

24 A. Yes.

25 Q. Okay. That's what you said, fresh in your mind,

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1 when this happened back in 2015.

2 A. I understand.

3 Q. Okay. Now, a couple months ago, you actually were
4 back in the Beaufort County Detention Center, correct?

5 A. Yes, I was.

6 Q. And you actually had an opportunity to do a little
7 writing while you were over there, didn't you?

8 A. Yes, I did.

9 SOLICITOR JONES: Your Honor, permission to
10 approach.

11 THE COURT: You may.

12 BY SOLICITOR JONES:

13 Q. I'm going to show you, Mr. Cook, what's been
14 marked as State's 39. What is that?

15 A. A note.

16 Q. Okay. And that's your handwriting, isn't it?

17 NO RESPONSE.

18 Q. You can touch it, you can read it.

19 A. Yeah.

20 Q. You remember that?

21 A. Yeah.

22 Q. Okay. So this is a note you wrote.

23 SOLICITOR JONES: Your Honor, at this time --

24 THE COURT: Is that a yes, for the record?

25 A. Yes.

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DOMINIQUE COOK - DX - JONES

1 SOLICITOR JONES: Your Honor, at this time, the
2 State moves State's 39 into evidence.

3 MS. CAMPBELL: No objection.

4 THE COURT: Without objection.

5 SOLICITOR JONES: And permission to publish.

6 THE COURT: You may.

7 BY SOLICITOR JONES:

8 ITEM IDENTIFIED AS DOMINIQUE

9 COOK HANDWRITTEN NOTE

10 MARKED STATE'S EXHIBIT NUMBER 39

11 ADMITTED AS EVIDENCE.

12 Q. Okay. I'm going to try to use this so we can all
13 see it. Well, here we go. This is a copy of it.
14 Okay. So it says:

15 *Front.*

16 because you clarified, front and back.

17 *Hey, bro, they served me a subpoena to*
18 *come to court this week. They sent me another*
19 *one saying it was on June the 18th. I came*
20 *here on Monday, and they did that DNA shit*
21 *with me, too. I was surprised that they even*
22 *served me, but we spoke about this, and --*
23 *and shit changed. I could care less if you*
24 *believe me or not, but I have no reason to*
25 *lie to you.*

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1 Now, on the back:

2 You'll see in June. I swear to you that
3 if the verdict depends on me, you can consider
4 yourself a free man, lol. They said that
5 they looking for Tay, but can't find him. Just
6 hold ya head up, be patient. I'll holla at
7 you when I touch down.

8 I --

9 and underlined:

10 -- will not betray you. We both been
11 through enough of that already.

12 So, if the verdict depends on you, you're not
13 going to point the finger at that man, are you?

14 A. I can't.

15 Q. Okay. Okay. Because you're protecting him.

16 A. No, because I have no proof that he committed a
17 murder.

18 Q. Okay. Except for what you told the police.

19 SOLICITOR JONES: I have no further questions.

20 THE COURT: Ms. Campbell.

21 MS. CAMPBELL: Just one second.

22 ITEM IDENTIFIED AS DVD OF INTERVIEW OF
23 DOMINIQUE COOK CLIPS FOR TRIAL
24 MARKED STATE'S EXHIBIT NUMBER 41
25 ADMITTED AS EVIDENCE.

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1 DOMINIQUE COOK, CROSS-

2 EXAMINATION BY MS. CAMPBELL:

3 Q. Good morning.

4 A. How you doing?

5 Q. Just fine. Is it okay if I call you Niko?

6 A. That'll be fine.

7 Q. All right. Niko, on October 25, 2015, you had a
8 leg monitor on your leg, right?

9 A. I did, indeed.

10 Q. Okay. And that leg monitor sent a signal to a
11 company called Offender Management, right?

12 A. Yes, ma'am.

13 Q. Okay. And they, Offender Management, would know
14 every place you were, every minute of the day, right?

15 A. Yes, ma'am.

16 Q. Okay. So on October 25, 2015, from around 6:00
17 o'clock to 9:00, 9:30, you would have been at Monson
18 and Greene Street, correct? Do you remember being --

19 A. On October 25th?

20 Q. Um-hmm. That Sunday night, you would've been in
21 the area of Greene Street from about 6:00 o'clock at
22 night to about 9:30 at night. Does that sound right to
23 you?

24 A. This was the night that all of this occurred? I'm
25 not sure -- I'm not sure --

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1 Q. You don't remember?

2 A. -- if it was October the 24th or the 25th.

3 Q. Okay. So, when you said that Tay --

4 A. Yes.

5 Q. -- who is Tayquan Lampkin.

6 A. Yes, ma'am.

7 Q. He's a friend of yours, right?

8 A. He was.

9 Q. He was. Okay. He's been a friend of yours for a
10 long time, hasn't he?

11 A. Yes, ma'am, he was.

12 Q. Yeah. And you know, you've been knowing Tay,
13 well, since juvie kind of stuff, right? It's been a --
14 it's been a good while.

15 A. It hasn't been that long. I actually -- I
16 actually met -- I had the opportunity to meet Tayquan
17 while I was incarcerated at Beaufort County Detention
18 Center, probably 2013 or '14.

19 Q. Okay. And that would be about five years ago?

20 A. Yes. But prior to me becoming incarcerated, it
21 was about two, maybe three years.

22 Q. And how old are you today?

23 A. I'm twenty-four years old.

24 Q. So, when you were around nineteen years old, you
25 become friends with Tay?

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1 A. Around nineteen, twenty.

2 Q. And Tay's been around the city of Beaufort a lot
3 longer than you, right?

4 A. Yes.

5 Q. He's older than you are, right?

6 A. No, he's not.

7 Q. Okay. Twiz, Varsheen Smith, who you came to know
8 through Tay, he's much older --

9 A. Yes, ma'am.

10 Q. -- than you boys.

11 A. Yes, ma'am.

12 Q. Okay. And Twiz, you know who I'm talking about,
13 right?

14 A. Yes, ma'am.

15 Q. Okay. Twiz had just gotten out of federal prison,
16 didn't he?

17 A. Yes, ma'am.

18 Q. In 2015. And Twiz was taking over the city,
19 basically.

20 A. Basically.

21 Q. Yeah. I mean, I know you gonna tell us the truth.
22 And so, Twiz was taking over the city, and he was
23 setting up shop on Greene Street, selling drugs.

24 A. I can't prove that.

25 Q. Not what you can prove; I'm just asking you, were

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1 you aware that Twiz was setting up shop, selling drugs,
2 on Greene Street?

3 A. Yes.

4 Q. Okay. And selling drugs on Greene Street, Twiz is
5 the man, right?

6 A. Yes, ma'am.

7 Q. Okay. Now, you've made phone calls from your
8 phones to Twiz' phone, haven't you?

9 A. My cell phone?

10 Q. Um-hmm.

11 A. I'm sure I have. Yes.

12 Q. It's okay. So, yes.

13 A. Yes.

14 Q. So you have a cell phone and Twiz has a cell
15 phone, and you use the cell phones to talk to each
16 other, right?

17 A. Yes.

18 Q. Okay. Perfect. Same thing with Tay. He's got a
19 cell phone, and you got a cell phone. You all used
20 your cell phones to talk to each other, right?

21 A. Yes.

22 Q. Okay. You don't have -- well, let me back up.
23 That leg monitor that was on your leg, what was that
24 for?

25 A. The -- it was -- it was told to me that it was for

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1 -- because I was -- I was accused of a strong-armed
2 robbery. That's why I actually got it, but in court,
3 it was brought up that -- that they were interested in
4 me, because I was a suspect in a string of robberies.
5 So I guess that's -- that's really why they put me on
6 there. It was my first felony, so I'm not really
7 positive.

8 Q. I understand. So there's some information that
9 you're accused of this robbery and others; and so, in
10 order for you to be out of the detention center, you
11 need to have that leg monitor on your leg.

12 A. Yes, ma'am.

13 Q. Right. Okay. And those robberies, the
14 accusations that were against you, was that 2015? You
15 had the leg monitor on in October 2015. When were the
16 accusations of the robberies?

17 A. They didn't -- they didn't specify. They just
18 said that's why they're putting me on it when I went to
19 court.

20 Q. Okay. I heard you say to this jury that you were
21 trying to cover for my friend Tay.

22 A. Yes, ma'am.

23 Q. And that's why you lied over and over and over
24 again to the police.

25 A. Yes.

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1 Q. Is that fair?

2 A. Yes. Yes.

3 Q. Okay. I heard you say that you know Tyrone
4 Wallace, right?

5 A. Yes, I do.

6 Q. Okay. But not very well.

7 A. No.

8 Q. Okay. And you know Jordan Burgess, don't you?

9 A. Yes, ma'am.

10 Q. He's another Beaufort boy, right?

11 A. He is.

12 Q. Okay. And Jordan Burgess was on Greene Street
13 with you boys on that night, wasn't he?

14 A. You say Jordan Burgess was with us on that night?

15 Q. Was with you on Greene Street, on that Sunday
16 night. I'm not talking about going out to Saint
17 Helena. I'm talking about the boys on the street, on
18 Greene Street, that night, the night Mony went missing,
19 Jordan was there, wasn't he?

20 A. No.

21 Q. You don't remember Jordan being on Greene Street
22 that night?

23 A. I don't recall.

24 Q. Excellent. Now, Twiz, he's the kind of fellow
25 that could cause you to fear for your life, right?

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1 SOLICITOR JONES: Your Honor, objection.

2 Speculation.

3 BY MS. CAMPBELL:

4 Q. Were you afraid of Twiz?

5 A. I wasn't afraid of him, but I respected him and
6 his power. What -- what he had potential for.

7 Q. You respected his power, what he had the potential
8 for.

9 A. Yes.

10 Q. The potential for killing people, right?

11 A. Possibly.

12 Q. Yes. And so, you --

13 MS. CAMPBELL: I'm going to mark this as
14 Defendant's 1.

15 BY MS. CAMPBELL:

16 Q. Do you remember --

17 A. Yes, ma'am.

18 Q. -- writing --

19 A. Yes, ma'am.

20 Q. -- Niko, a letter to Officer Erdel? Do you
21 remember writing him a letter and telling him that you
22 lied about everything you told him on December 2, 2015?

23 A. I do.

24 Q. I'm going to show you what's been marked as
25 Defendant's Number 1, and ask you if that was a copy of

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1 the letter that you wrote --

2 A. Yes, it is.

3 Q. -- to Officer Erdel? All right.

4 MS. CAMPBELL: I'd like to ask that Defendant's
5 Number 1 be admitted.

6 SOLICITOR JONES: No objection.

7 THE COURT: It's in evidence.

8 ITEM IDENTIFIED AS LETTER FROM
9 DOMINIQUE (NIKO) COOK TO OFFICER
10 GEORGE ERDEL
11 MARKED DEFENDANT'S EXHIBIT NUMBER 1
12 ADMITTED AS EVIDENCE.

13 BY MS. CAMPBELL:

14 Q. And I'd like for you to read that to this jury,
15 please.

16 A. *I, Dominique Cook, would like to -- would*
17 *like to recant my previous statement made*
18 *to investigators on December 2, 2015.*
19 *Varsheen Smith was not in the car with*
20 *Tayquan and Tyrone Wallace and myself.*

21 Q. Slow down. Slow down.

22 COURT REPORTER: Not in the car with?

23 Q. She's got to take it down.

24 A. *-- was not in the car with Tayquan Lampkin,*
25 *Tyrone Wallace, and myself on the night of*

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1 October 25, 2015, when we went to Pea Patch
2 Lane on Ladies Island, to dispose of the body
3 of Vermone (Mony) Steve.

4 I would also like to make it known that
5 on the same night that Tayquan Lampkin was
6 intoxicated and was asleep in the car for
7 the duration of the crime. He was supposed
8 to be getting dropped off at a friend's house,
9 but ended up having to help out when my car
10 became stuck in the mud. I apologize for
11 deceiving the investigators, and take full
12 responsibility for my actions.

13 Q. So what I hear you saying today is that you lied
14 to the officers in December; you lied to them in this
15 -- in this note that you wrote to them, right?

16 A. Yes, ma'am.

17 Q. And that today, you've said that you're telling
18 the truth about all of this. Is that right?

19 A. Yes.

20 Q. Okay. Why should we believe that you're telling
21 the truth today?

22 A. I don't know if I can answer that question.

23 Q. I'm sorry, what?

24 A. I said, I don't know if I can answer that question
25 why you should believe me.

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1 Q. Right. If you've lied so many times, Niko, how do
2 we know that anything you're saying today or then is
3 the truth?

4 A. You don't.

5 Q. We don't.

6 MS. CAMPBELL: That's all. Thank you, Judge.

7 THE COURT: Thank you.

8 SOLICITOR JONES: Briefly, your Honor.

9 THE COURT: Yes, ma'am.

10 DOMINIQUE (NIKO) COOK, RE-DIRECT

11 EXAMINATION BY SOLICITOR JONES:

12 Q. On December 2nd of 2015, who did you tell
13 Investigator Erdel and Raley you heard bragging about
14 killing Mony?

15 A. I didn't tell them that I heard anybody bragging
16 about it. I said that Tyrone was speaking about it.

17 Q. Okay.

18 A. And saying he did it.

19 Q. Okay. Tyrone had said he did it?

20 A. Yes.

21 Q. And who, on December 2, 2015, did you say was in
22 the car on the way to Pea Patch Road.

23 A. I said Tayquan Lampkin, Tyrone Wallace, and
24 Varsheen Smith and myself.

25 Q. Okay. And who, on December 2, 2015, did you tell

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1 the police took the gasoline out and set Mony's remains
2 on fire?

3 A. Tyrone Wallace.

4 Q. Okay. And in this letter right here that you --
5 that you wrote, and it doesn't seem to be dated, so I
6 don't know when you wrote this, who do you say is in
7 the car going to Pea Patch Road?

8 A. The four of us, without Varsheen Smith.

9 Q. Okay. So you take out Varsheen Smith?

10 A. Yes.

11 Q. Because he's big and bad, and you're protecting
12 him?

13 A. I mean, if that's what you want to believe.

14 Q. But Tyrone Wallace was always in the equation,
15 from your statements, until today. And that's --

16 COURT REPORTER: I'm sorry, was that --

17 A. Yes. Yes.

18 Q. Okay. And it's because you're protecting him?

19 A. Once again, if that's what you'd like to believe.

20 SOLICITOR JONES: I have no further questions,
21 your Honor.

22 THE COURT: Okay. Take him back. Thank you.
23 Call your next witness.

24 SOLICITOR JONES: State calls Sergeant Brandon
25 Disbrow.

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1 MADAM CLERK: If you would, place your left hand
2 on the *Bible*, and raise your right hand. Do you
3 solemnly swear or affirm to truthfully answer all
4 questions asked of you by this court, so help you God?

5 SERGEANT BRANDON DISBROW: Yes, ma'am.

6 MADAM CLERK: Thank you.

7 SERGEANT BRANDON DISBROW, DIRECT

8 EXAMINATION BY SOLICITOR JONES:

9 Q. Sergeant Disbrow, how are you doing today?

10 A. I'm good. How are you?

11 Q. Where do you work?

12 A. Beaufort County Sheriff's Office.

13 Q. And in what capacity do you work with the
14 Sheriff's Office?

15 A. I am with the Northern Investigations branch.

16 Q. And what are some of your duties with the
17 Sheriff's Office?

18 A. As an investigator, we typically receive reports
19 from patrol deputies, investigate crimes, try to find a
20 resolution to cases.

21 Q. And how long have you been with the Sheriff's
22 Office?

23 A. This month will be eleven years.

24 Q. And were you involved in any way in the case we're
25 here for today?

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1 A. Yes, ma'am.

2 Q. Okay. Did you have an opportunity on December 3,
3 2015 to process a black Suzuki?

4 A. Yes, I did.

5 Q. I'll show you what's been previously admitted as
6 State's 12. Is that the car you processed?

7 A. Yes, ma'am.

8 Q. Okay. And when we say *processed*, what does that
9 mean?

10 A. Well, we're looking for any type of -- any
11 evidence at all. Physical, or what we call latent
12 evidence, basically invisible to our eye, that can be
13 processed later in the lab.

14 Q. Okay. Is there any sort of special techniques you
15 use in processing a car?

16 A. Yes. It depends on what we're looking for. Yes,
17 special techniques could be anywhere from fingerprint
18 powder, looking for fingerprints, to using DNA swabs to
19 look for any types of DNA.

20 Q. Okay. And did you do that with this car?

21 A. Yes, ma'am.

22 Q. Did you look for any other sort of fluids in this
23 car?

24 A. I did.

25 Q. And how did you go about doing that?

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1 A. So the first thing I did was, when I arrived to
2 the Beaufort Police Department -- this is in their --
3 their back bay. When I arrived there, I took an
4 examination outside of the vehicle, and I was briefly
5 told that there was possibly, at one point, a body
6 inside the trunk of that vehicle. I was asked to
7 process it and look for any types of evidence that may
8 support that or refute that idea. I noted that the
9 trunk was closed, but the trunk was not completely
10 locked. And so, I was able to go through the back
11 seat, and found that the trunk itself was zip-tied, and
12 I went to the lap, the pass. So I was able to cut that
13 open, and that's what gained me access to that trunk.

14 Q. Okay.

15 A. So.

16 SOLICITOR JONES: Permission to approach.

17 THE COURT: You may.

18 BY SOLICITOR JONES:

19 Q. Sergeant Disbrow, I'm going to show you State's
20 13, 14, and 15. What are those photos of?

21 A. So the first two photos are the photos I took of
22 the vehicle as I found it, and as of the trunk, in
23 which I located it. The last picture is a -- after the
24 -- a processing technique was completed, and some of
25 the photo -- and the photograph that showed a little

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1 bit of the reaction.

2 Q. Okay. Are those fair and accurate photos that you
3 took that afternoon?

4 A. Yes, ma'am.

5 SOLICITOR JONES: Your Honor, at this time, the
6 State moves State's 13, 14, and 15 into evidence.

7 MS. CAMPBELL: No objection.

8 THE COURT: Without objection.

9 SOLICITOR JONES: Permission to publish.

10 THE COURT: You may.

11 ITEMS IDENTIFIED AS PHOTOGRAPHS

12 MARKED STATE'S EXHIBIT NUMBERS

13 13, 14, AND 15

14 ADMITTED AS EVIDENCE.

15 BY SOLICITOR JONES:

16 Q. Okay. This is just a more closeup of that black
17 Suzuki?

18 A. Yes.

19 Q. Okay. Were you able to learn who that car
20 belonged to?

21 A. I didn't, no.

22 Q. Okay. And 14. And is that after you had to pry
23 the trunk open?

24 A. It wasn't prying. There was a zip tie that
25 connected the lock to the hasp, and I just cut that zip

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1 tie --

2 Q. Okay.

3 A. -- and opened it up. Yes. That's how I saw it
4 after it was opened.

5 Q. Okay. And 15? Okay. And what is this picture
6 showing us?

7 A. So, after doing a -- just a visual examination of
8 the trunk, I didn't notice, as you can see from the
9 last photograph, there didn't seem to be anything
10 apparent, just with the visual eye. So what I did is,
11 I used a -- a chemical which I use, is the brand name
12 of Blue Star, which it's probably best-known as a -- as
13 -- as luminol, which is another brand name for the same
14 similar type of reagent. And so, Blue Star, it reacts
15 to -- it reacts to blood. That's what it's used for in
16 the forensic techniques. And one of the byproducts of
17 the reaction is a blue glow. And so, right there at
18 the bottom of that weather stripping there's a very
19 faint blue glow that you can see from that photo. Yes,
20 there it is. And so, the chemical is reacting to
21 something in there. And so, it's presumed that it
22 could possibly be blood or some sort of other bodily
23 fluid that would react to that, having type -- of the
24 actual blood in it. And so, I did cut that weather
25 stripping out and collected that.

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1 Q. Okay. I'm going to show you now what has been
2 marked as State's 16. And what is State's 16?

3 A. This is the rubber weather stripping from the
4 trunk of the Suzuki, and several paper towels. So once
5 I collected it, I did put -- take paper towels because
6 it was soaking with the chemical.

7 Q. Okay. So this is the weather stripping that you
8 collected that's in this picture right here?

9 A. Yes, ma'am.

10 Q. And when you collected it, what did you do with
11 it?

12 A. I wrapped it in these paper towels and placed it
13 in this bag and sealed the bag.

14 Q. Okay. And it was submitted into evidence?

15 A. Yes, ma'am.

16 Q. Okay.

17 SOLICITOR JONES: I have no further questions for
18 you.

19 MS. CAMPBELL: May it please the Court?

20 THE COURT: Of course.

21 SERGEANT BRANDON DISBROW, CROSS-

22 EXAMINATION BY MS. CAMPBELL:

23 Q. Just a couple of quick questions. How are you?

24 A. Good. How are you?

25 Q. Good to see you. This luminol that you talked

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1 about, okay, so that is a chemical that should get a
2 reaction if there's a substance like blood showing up
3 in an area, right?

4 A. Yes, ma'am.

5 Q. Okay. And luminol, as you use it, you find it to
6 be a reliable indicator whether or not there's been
7 blood in an area. Is that fair?

8 A. That's fair. Yes, ma'am.

9 Q. Okay. And so, as a law enforcement officer, this
10 is a product that you would go to if you were
11 investigating a crime scene to determine the presence
12 of blood, correct?

13 A. Correct.

14 Q. Perfect. Thank you.

15 THE COURT: Anything?

16 SOLICITOR JONES: Nothing further, your Honor.

17 THE COURT: You may be excused, sir.

18 SERGEANT BRANDON DISBROW: Thank you, ma'am.

19 THE COURT: Call your next witness.

20 SOLICITOR JONES: State calls Tim French.

21 MADAM CLERK: Good afternoon. If you would, place
22 your left hand on the *Bible*, and raise your right hand.
23 Do you solemnly swear or affirm to truthfully answer
24 all questions asked of you by this court, so help you
25 God?

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1 INVESTIGATOR TIM FRENCH: I do.

2 MADAM CLERK: Thank you.

3 INVESTIGATOR TIM FRENCH, DIRECT

4 EXAMINATION BY SOLICITOR JONES:

5 Q. Good morning.

6 A. Good morning.

7 Q. Where do you work?

8 A. I work for the Beaufort County Sheriff's Office,
9 in the forensics laboratory.

10 Q. Okay. And what do you do in the forensics
11 laboratory?

12 A. I test DNA evidence. Anything that comes in from
13 a crime scene. Tests looking for the presence of any
14 DNA.

15 Q. And to obtain this position, did you have to have
16 some specialized training and education?

17 A. I did.

18 Q. Could you tell us a little bit about that please.

19 A. I have a bachelor of science degree from the State
20 University of New York at Portland. I majored in
21 biology and minors in chemistry -- or chemistry and
22 math. And prior to working here, I worked for ten
23 years at the Charlotte-Mecklenburg Police Department
24 Laboratory, in North Carolina. Prior to that, nine
25 years at the Syracuse Police Department, primarily

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1 in New York.

2 Q. And how long have you been with the Beaufort
3 County lab?

4 A. Ten years.

5 Q. Okay. Have you ever testified in court before?

6 A. Yes, I have.

7 Q. Roughly how many times?

8 A. In DNA, seven.

9 Q. Okay.

10 SOLICITOR JONES: Your Honor, at this time, the
11 State moves Tim French in as an expert in DNA.

12 MS. CAMPBELL: No objections.

13 THE COURT: Thank you. Ladies and gentlemen, in
14 this case, Mr. French is being called as an expert in
15 DNA analysis. That allows him to give his opinion and
16 the reasons for his opinion. And of course, that's for
17 you to use as you see appropriate, and as compared to
18 other evidence in the case.

19 BY SOLICITOR JONES:

20 Q. Were you asked to analyze various items for the
21 case we're here for today?

22 A. Yes, I was.

23 Q. Okay. And I'm going to -- I believe that is
24 State's 16 in that bag that's in front of you. The
25 sticker's on the other side.

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1 A. 16, yes.

2 Q. And you were asked to analyze that item, correct?

3 A. Yes, I was.

4 Q. And that was some weather stripping?

5 A. Yes.

6 Q. And in fact, you did test that piece of evidence?

7 A. Yes, I did.

8 Q. Okay.

9 SOLICITOR JONES: And your Honor, at this time,
10 the State moves State's 16 into evidence.

11 THE COURT: Without objection. Thank you.

12 ITEM IDENTIFIED AS RUBBER

13 WEATHER STRIPPING

14 MARKED STATE'S EXHIBIT NUMBER 16

15 ADMITTED AS EVIDENCE.

16 BY SOLICITOR JONES:

17 Q. And what were you asked to test it for or against?

18 A. I was asked to test it, looking for the presence
19 of any blood or DNA.

20 Q. Okay. And did you do that?

21 A. I did.

22 Q. And did you receive some samples of some known
23 blood or DNA, some known DNA, to test it against?

24 A. Yes, I did.

25 Q. And who were those belonging to?

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1 A. I had received standards from Dominique Cook,
2 Tyrone Wallace, and Varsheen Smith.

3 Q. Okay. At this time, I'm going to show you State's
4 36, 37, and 38. And are those the swabs that you
5 analyzed with this weather stripping?

6 A. Yes.

7 Q. Belonging to Varsheen Smith, Dominique Cook, and
8 Tyrone Wallace?

9 A. Yes.

10 SOLICITOR JONES: Your Honor, at this time, the
11 State moves 36, 37, and 38 into evidence.

12 MS. CAMPBELL: No objection.

13 SOLICITOR JONES: Okay.

14 ITEM IDENTIFIED AS DNA STANDARD
15 FROM VARSHEEN SMITH
16 MARKED STATE'S EXHIBIT NUMBER 36
17 ADMITTED AS EVIDENCE.

18 ITEM IDENTIFIED AS DNA STANDARD
19 FROM TYRONE WALLACE
20 MARKED STATE'S EXHIBIT NUMBER 37
21 ADMITTED AS EVIDENCE.

22 ITEM IDENTIFIED AS DNA STANDARD
23 FROM DOMINIQUE COOK
24 MARKED STATE'S EXHIBIT NUMBER 38
25 ADMITTED AS EVIDENCE.

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1 BY SOLICITOR JONES:

2 Q. Were you also asked to determine if there was any
3 DNA of Vermone Steve on that weather stripping?

4 A. Yes.

5 Q. Okay. And based on all of that, were you able to
6 draw conclusions on whose DNA was present on that
7 weather stripping?

8 A. I swabbed the -- since I didn't see anything that
9 looked like blood on this weather strip, I swabbed it,
10 looking for any DNA. I did come up with a mixture of
11 DNA. We run that through a program to see if it can
12 de-convolute the mixture, and then compare that to
13 knowns, such as what that I've just identified.

14 Q. Okay. And when it comes to the swab of Vermone
15 Steve, what were your findings with his DNA?

16 A. Well, I didn't get a swab from him. I used a
17 toothbrush from his residence --

18 Q. Okay.

19 A. -- as a -- an alternate to a buccal standard.

20 Q. Okay. And I want to show you what's been marked
21 as State's 18. And is that the toothbrush you used?

22 A. Yes.

23 Q. Okay.

24 SOLICITOR JONES: Your Honor, at this time, the
25 State moves State's 18 into evidence.

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1 MS. CAMPBELL: No objection.

2 THE COURT: Without objection.

3 ITEM IDENTIFIED AS TOOTHBRUSH

4 MARKED STATE'S EXHIBIT NUMBER 18

5 ADMITTED AS EVIDENCE.

6 BY SOLICITOR JONES:

7 Q. Using the DNA that was collected off of that
8 toothbrush, what were you able to determine?

9 A. I found that there was DNA there; that the DNA
10 from the toothbrush, assuming that it comes from
11 Vermone Steve, the likelihood that it comes from him,
12 rather than from a random person from the population,
13 was one in 69 trillion.

14 Q. Okay. So his DNA was on that weather stripping?

15 A. Yes.

16 Q. Okay. When it comes to Dominique Cook, what were
17 your findings?

18 A. He was excluded from that mixture of DNA.

19 Q. And how about Varsheen Smith?

20 A. He was also excluded.

21 Q. Okay. And excluded means not there at all.

22 A. That means that there is strong evidence against
23 his DNA being there.

24 Q. Okay. How about Tyrone Wallace?

25 A. His, what we -- the result was in an uninformative

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1 likelihood ratio. The likelihood ratio is that number
2 that we look for, and when I compared it to his DNA, it
3 was in the gray area between exclusion and inclusion.
4 So it's basically an inconclusive result.

5 Q. Okay. Why would that happen?

6 A. It sees some things that are similar to his DNA,
7 but not enough to -- to say that he's there.

8 Q. Okay. Could it be a weak sample?

9 A. A weak sample, yeah. Or -- or common alleles.

10 Q. Had he been excluded, would your report have said
11 excluded?

12 A. Yes.

13 Q. Okay. Were you also asked to identify some
14 remains?

15 A. Yes.

16 Q. Okay. And I'm going to show you what has been
17 marked as State's 17. Can you identify that?

18 A. This is bone fragments from the scene, from the
19 autopsy.

20 Q. Okay. And is that what you were provided?

21 A. I had this and two samples.

22 Q. Okay. And when you analyzed those items, were you
23 able to draw a conclusion --

24 SOLICITOR JONES: Your Honor, at this time, State
25 moves 17 into evidence.

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1 MS. CAMPBELL: No objection.

2 THE COURT: Without objection.

3 ITEM IDENTIFIED AS BONE FRAGMENTS
4 FROM SCENE

5 MARKED STATE'S EXHIBIT NUMBER 17

6 ADMITTED AS EVIDENCE.

7 BY SOLICITOR JONES:

8 Q. Were you able to, with the two samples and those,
9 were you able to draw a conclusion?

10 A. The two samples and the bone samples?

11 Q. Yes.

12 A. The only thing I compared to the toothbrush was
13 the tooth.

14 Q. Okay. And what were your findings?

15 A. I found that there was the odds -- well, again,
16 assuming that the toothbrush comes from Vermone Steve,
17 a match to -- from the tooth to him is 25 billion times
18 more likely than a random individual.

19 Q. Okay. So it was your finding that the tooth was
20 that of Vermone Steve's?

21 A. That's correct.

22 SOLICITOR JONES: I have no further questions.

23 MS. CAMPBELL: No questions.

24 THE COURT: Thank you. You may step down, sir.

25 Thank you. Is now a good time to take a break?

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1 BY THE COURT:

2 THE COURT: All right. We ready to go? All
3 right. Let's bring the jury in.

4 You can bring the jury in.

5 BAILIFF: Jury is entering the courtroom.

6 JURORS ENTER COURTROOM 11:22 A.M.

7 THE COURT: Please be seated. State will call
8 their next witness.

9 SOLICITOR JONES: Thank you. State calls Dylan
10 Hightower.

11 MADAM CLERK: Good morning.

12 DYLAN HIGHTOWER: Good morning.

13 MADAM CLERK: If you would, place your left hand
14 on the *Bible*, and raise your right hand. Do you
15 solemnly swear or affirm to truthfully answer all
16 questions asked of you by this court, so help you God?

17 DYLAN HIGHTOWER: I do.

18 MADAM CLERK: Thank you.

19 DYLAN HIGHTOWER, DIRECT

20 EXAMINATION BY SOLICITOR JONES:

21 Q. Good morning, Mr. Hightower.

22 A. Good morning.

23 Q. Where do you work?

24 A. I currently work at the Fourteenth Circuit
25 Solicitor's Office, and where I supervise the Criminal

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1 Intelligence Unit.

2 Q. And what are some of your duties and
3 responsibilities?

4 A. Day-to-day operations kind of require daily
5 intelligence gathering for the entire circuit, which
6 encompasses Allendale, Beaufort, Colleton, Hampton, and
7 Jasper Counties. Within that, we, you know, look at
8 daily crime reports, daily arrest reports, kind of look
9 at what's going on in the area, and how to combat that,
10 and how to be proactive.

11 Outside of that, I serve as a task force officer
12 with the Bureau of Alcohol, Tobacco, and Firearms out
13 of Charleston; as well as a Region 5 coordinator for
14 the South Carolina Gang Investigators Association.
15 Again, I also assist local agencies, state/federal
16 agencies, with private crime investigations, primarily
17 in the field of cell phone technology and cell phone
18 forensics.

19 Q. To become educated in the field of cell phone
20 technology and forensics, did you have to have
21 specialized training and education?

22 A. I did.

23 Q. And can you tell us a little bit about that.

24 A. After graduating from the University of South
25 Carolina in 2010, with a bachelor of arts and

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1 sociology, I attended the South Carolina Law
2 Enforcement Division Criminal Intelligence Analysis
3 School, which is a four-week course which encompassed
4 everything involving criminal intelligence. And
5 criminal intelligence is basically information and data
6 that's compiled or analyzed, and disseminated in a way
7 to be proactive or reactive in the field of, you know,
8 crime.

9 Q. And did you -- have you gone to multiple classes
10 and received certifications?

11 A. I have.

12 Q. And what are those?

13 A. In December of 2011, I attended a three-day
14 course, PenLink Call Analysis Training School. In
15 2014, I attended the Fundamentals of Call Detail
16 Analysis, held in Pinehurst, North Carolina, by Merging
17 Technology Solutions. In 2017, I took a one-day course
18 for Mobilize, which is a cellular forensics extraction
19 device or software; as well as FBI CAST, which is the
20 Cellular Analysis Survey Team. It's based out of Mount
21 Pleasant, and that was a two-day course where you learn
22 how to read call detail records, how to interpret them,
23 and how to map the -- the data that you see from the
24 cellular providers.

25 Q. And do you actually receive records from phone

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1 companies, from providers?

2 A. I do. It's primarily through the law enforcement
3 agency which I'm assisting, where they send me the
4 electronic copy of what they received from the cellular
5 provider.

6 Q. And do you actually sometimes receive hard,
7 physical cell phones?

8 A. I do.

9 Q. And what do you do with those?

10 A. In some cases, I do what's called a digital
11 extraction, which, basically, you -- you attach it to a
12 computer, the software does its work, and it extracts
13 all the data. And then, that way, you have the ability
14 to interpret what's in that phone, encompassing text
15 messages, photos, phone calls, all entities of that
16 particular phone.

17 Q. How many sets of phone records do you believe
18 you've analyzed?

19 A. Over the seven-year period that I've been employed
20 by the Fourteenth Circuit Solicitor's Office, I would
21 say approximately 100 to 110 sets of records. So one
22 100 -- 100 to 110 phone numbers that I've analyzed.

23 Q. Okay.

24 SOLICITOR JONES: Your Honor, at this time, the
25 State moves Dylan Hightower in as an expert in

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1 historical cell site analysis and tracking.

2 MS. CAMPBELL: Just a brief voir dire?

3 THE COURT: Of course.

4 MS. CAMPBELL: Thank you.

5 DYLAN HIGHTOWER, VOIR DIRE

6 BY MS. CAMPBELL:

7 Q. Mr. Hightower, you've never been qualified as an
8 expert before, correct?

9 A. I have not.

10 Q. And the Fourteenth Circuit Solicitor's Office,
11 they pay your salary, don't they?

12 A. That is correct.

13 Q. And you only analyze what the prosecutors ask you
14 to analyze, correct?

15 A. Not necessarily. I also assist -- like I said
16 before, I assist in other crime investigations for
17 local agencies throughout the Fourteenth Circuit, as
18 well as federal agencies.

19 Q. In a particular case, the prosecutor would come to
20 you with particular pieces of evidence that they want
21 analyzed, correct?

22 A. Not necessarily. Generally, it begins -- once a
23 crime is committed, I'm contacted by law enforcement
24 agencies to analyze records that they received. In
25 some cases, during the trial prep process for cases

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1 such as this, I am contacted by the prosecutor to
2 analyze records that they may have received.

3 Q. The courses that you've taken, the two-day course
4 in Charleston.

5 A. Yes, ma'am.

6 Q. That was conducted by the, I think, is it the FBI?

7 A. Yes. It's a specific team specially trained, and
8 basically give you the ability to read and comprehend
9 and interpret call detail records. It's the FBI CAST
10 Team, which stands for Cellular Analysis Survey Team,
11 and it's comprised of multiple trained instructors from
12 throughout the United States that offer these types of
13 classes.

14 Q. Now, I had to ask you to provide that certificate
15 to me, right?

16 A. Yes, ma'am.

17 Q. And you did?

18 A. I did.

19 Q. And when you provided it to me, there is a bright
20 red notation at the bottom of that, that says taking
21 this course in no way qualifies you as an expert in
22 this area, correct?

23 A. I don't believe it says in no way qualifies you as
24 an expert. But among my other trainings throughout the
25 past seven years and, I guess, dealings with other law

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1 enforcement agencies, other experts in that field, I've
2 developed the -- the ability to read and interpret
3 these records.

4 Q. We're going to locate the Court's exhibit, and --
5 and I'll refresh your recollection with exactly what it
6 says.

7 COURT REPORTER: Which one do you need? Here's
8 his resume. Here's this.

9 MS. CAMPBELL: Um-hmm. This is it.

10 BY MS. CAMPBELL:

11 Q. Okay. If you could, for the purposes of your
12 determining whether or not you're qualified as an
13 expert, if you could read the red highlighted portion
14 of that certificate that you received, Mr. Hightower.

15 A. *The Basic Historical Cell Cite Analysis*
16 *course does not provide the requisite*
17 *knowledge or experience to qualify students*
18 *as experts in historical call detail record*
19 *analysis. It is designed to provide a*
20 *foundation of understanding of the records.*

21 MS. CAMPBELL: That's all I have. And your Honor,
22 we would object to Mr. Hightower being qualified by
23 this court as an expert in this area.

24 THE COURT: Okay. Respectfully, ladies and
25 gentlemen, in this case, I am qualifying Mr. Hightower

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1 as an expert in historical cell phone analysis. That
2 allows him to give his opinion and the reasons for his
3 opinion. And again, that's for you to use as you see
4 appropriate and as compared to other evidence in this
5 case. Ladies and gentlemen, it's up to you. You can
6 accept or reject his opinion, but I am going to permit
7 him to give it to you.

8 SOLICITOR JONES: Thank you, your Honor.

9 THE COURT: Thank you.

10 DYLAN HIGHTOWER, CONTINUE DIRECT

11 EXAMINATION BY SOLICITOR JONES:

12 Q. Mr. Hightower, were you asked to analyze some
13 records for the case we're here for today?

14 A. I was.

15 Q. And --

16 SOLICITOR JONES: Permission to approach.

17 THE COURT: You may.

18 BY SOLICITOR JONES:

19 Q. I'm going to show you what's been marked as
20 State's Exhibit 19. What are those?

21 A. This is a copy of the call detail records for the
22 target number 304-859-1096.

23 Q. Who does that number belong to?

24 A. Mr. Tyrone Wallace.

25 Q. Okay. And those are the records that you received

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1 from whom?

2 A. I received that from you, Ms. Mary Jones,
3 regarding the trial prep portion of this case. And I
4 was asked by you to analyze them.

5 Q. Okay. And when I ask you to analyze them, and you
6 are analyzing them, do you in any way manipulate what
7 is in the records?

8 A. I do not.

9 Q. Do you change any of the numbers?

10 A. I do not.

11 Q. Do you change any of the locations of the numbers
12 may show?

13 A. I do not.

14 Q. Do you in any way influence what the records show?

15 A. I do not.

16 Q. Okay.

17 SOLICITOR JONES: Your Honor, at this time, the
18 State moves State's 19 into evidence.

19 THE COURT: Subject to your objection. Is that
20 correct?

21 MS. CAMPBELL: Subject to.

22 THE COURT: And that is the call analysis, that
23 after it's put into the program? Is that correct? Or
24 is that --

25 SOLICITOR JONES: This is the raw data.

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1 THE COURT: That's just the raw data from?

2 SOLICITOR JONES: Verizon.

3 THE COURT: Okay. That can come into evidence.

4 SOLICITOR JONES: Um-hmm. Okay.

5 ITEM IDENTIFIED AS CALL DETAIL

6 RECORDS FOR TARGET NUMBER 304-859-1096

7 MARKED STATE'S EXHIBIT NUMBER 19

8 ADMITTED AS EVIDENCE.

9 BY SOLICITOR JONES:

10 Q. And when you get those records, what do you do
11 with them?

12 A. So initially, upon receiving the records, I -- I
13 review them to make sure it's -- it's there entirely,
14 as well as verify and make sure the cell tower listing
15 is available as well. With this, I was requested to do
16 an analysis on the date October 25, 2015. Excuse me.
17 That's correct. 7:00 o'clock, on October 25th of 2015;
18 through 5:00 o'clock a.m., October 26, 2015.

19 Q. And what do these records actually -- what does
20 the information in these records provide you with?

21 A. So, essentially, the columns of rows -- rows of
22 data that they provide to you is what's called a
23 network element name, which is a switch, which is
24 primarily the hub that decides where that -- what tower
25 that phone utilizes during the transaction of a phone

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1 call. The mobile directory number is the target number
2 we're here for today. The dial digit number was the
3 number that particular device dialed. The call
4 direction is just a sequence of numbers that tells you
5 if it's an incoming or outgoing call. Seizure date and
6 time, which would be the time that the phone call was
7 initiated. The seizure of duration would be the
8 duration of the phone call. The first serving cell
9 site would be the tower that was utilized when the
10 phone call first began. So, when you hit send, it's
11 going to automatically transmit a tower location once
12 that's taken place.

13 The first serving cell face would be the side of
14 the tower or sector of the tower that that phone was
15 utilizing. The last serving cell site would be the --
16 the cell tower that was utilized when the phone call
17 was terminated. The last serving cell face would be
18 the sector or side of the tower that was utilized
19 during the -- the ending of the call. And then, the
20 calling party number would just be another -- another
21 column that shows incoming or outgoing phone number.

22 Q. And would a visual aid help you testify about cell
23 towers and these sectors you're talking about?

24 A. It would.

25 Q. Okay. What is -- what is this?

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1 A. So this is a sample of a three-sector tower. If
2 you look at the -- it's more of like a triangle. If
3 you look at the three antennae, the white caps. Do you
4 see on each side? Those are called sectors. Those are
5 the antennae. So that would be the direction or area
6 of that tower that's utilized when the phone call is
7 taking place.

8 Now, you see different tiers. And so, you see
9 there you have three separate tiers. Say, where your
10 best cellular coverage in a general area, say, is
11 Verizon's. Verizon would be the top tier. And as you
12 go further down, it would be more like prepaid phones,
13 like Metro or Sprint, you know, type phones that are
14 pre-paid, so, therefore, the cellular signal is not as
15 strong.

16 Q. Do providers -- would a Verizon phone ping off of,
17 say, AT&T tower?

18 A. It would not.

19 Q. Okay. So Verizon sticks to Verizon.

20 A. Well, the -- the cell towers alone are not owned
21 by specific cellular providers. They're actually
22 private entities that are rented out by the cell phone
23 providers.

24 Q. Okay. And you're talking about sectors.

25 A. So this is what the -- an example of a sector

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1 orientation. So again, thinking of the three antennas,
2 the three rows of antennas you previously saw in the
3 image before, each of those sectors or areas beside of
4 that tower encompasses a 120 degrees of coverage. So
5 typically, once you get your -- your cell tower records
6 and your call detail records, you're provided with a
7 cell phone number, as well as a sector. And within
8 that sector, on the call detail records, it provides
9 you what's called an azimuth. The azimuth is the
10 center point of that sector. So ideally, what you
11 would do is, you would draw -- say, if it was a 180
12 degrees, that Sector 2 or 3, you would go six degrees
13 one way and six degrees the other way to encompass --
14 one 120 degrees total. And that would -- is what would
15 give you Sector 1, which is referred to as alpha;
16 Sector 2, which is referred to as Beta; and Sector 3,
17 which is referred to as gamma.

18 Q. So these records allow you to -- these records
19 show you not only what tower is being utilized, but
20 what side of the tower or sector?

21 A. That is correct. It takes some interpretation,
22 and -- and some analyses to conduct these type and --
23 and -- and create a map. But yes, this provides you
24 with all that information.

25 Q. Okay. And you mentioned create a map. Were you

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1 asked to create a map in this case?

2 A. I was.

3 Q. Okay. I'm going to show you what's been marked as
4 State's 20. Is that the map you created?

5 A. That is.

6 Q. Okay. Has it been altered in any way?

7 A. It has not.

8 Q. Okay.

9 SOLICITOR JONES: Your Honor, at this time, the
10 State moves State's 20 into evidence.

11 MS. CAMPBELL: Subject.

12 THE COURT: Subject to prior objection, it is in
13 evidence.

14 SOLICITOR JONES: And may I have -- I'm sorry.

15 THE COURT: So actually, I think you can use that
16 as a demonstrative exhibit. We're not going to let
17 that go into evidence because it's not actually
18 evidence. So you can use it.

19 SOLICITOR JONES: Okay.

20 THE COURT: You can stop here and show it, and you
21 can publish it, but we're not going to -- it's not
22 going to go back to the jury as an exhibit. Okay?

23 SOLICITOR JONES: Okay. If I might ask Mr.
24 Hightower to step down.

25 THE COURT: Certainly.

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1 ITEM IDENTIFIED AS MAP CREATED
2 BY DYLAN HIGHTOWER
3 MARKED STATE'S EXHIBIT NUMBER 20
4 DEMONSTRATIVE EXHIBIT ONLY.
5 BY SOLICITOR JONES:

6 Q. Okay. So this is the map you created.

7 A. That's correct.

8 Q. And if you could, just walk me through it first,
9 before we get into the content, what this map shows.

10 A. So this map shows the -- the towers that were
11 utilized by the specific target phone number I referred
12 to you before, the number 304-859-1096. And this is
13 what the tower was -- what the towers -- excuse me --
14 what phone -- what towers the phone was using during
15 the time of the analysis that -- that was requested.
16 So this would be all the towers that were utilized from
17 October 25th at 7:00 o'clock p.m., to 5:00 o'clock a.m.
18 on October 26th, 2015.

19 Q. Okay. And you also -- and you also have a couple
20 different locations noted as well. What is this?

21 A. So this is the residence that's located here at
22 █████ Greene Street. It would be the residence of the
23 victim, as well as an area out Pea Patch Road, which is
24 where the location of the victim's remains were found.

25 Q. Okay. Now, I want to get into specifics. Between

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1 8:08 p.m. and 8:37 p.m., on October 25th, what tower is
2 Tyrone Wallace's cell phone utilizing?

3 A. So, from 8:08 p.m. to 8:37 p.m., the phone was
4 utilizing Tower 209, Sector 3, which would be here.

5 Q. And are you familiar with the co-defendants in
6 this case?

7 A. I am.

8 Q. And at any time during those communications, is
9 Mr. Wallace in communication with any of the co-
10 defendants?

11 A. Yes, ma'am. During this time frame, from 8:08 to
12 8:37, the phone was -- was in contact with Mr. Varsheen
13 Smith six times. Excuse me, five times.

14 Q. And how about Tayquan Lampkin?

15 A. From 8:11 p.m. to 10:22 p.m., there were a total
16 of ten phone calls between 304-859-1096 and Tayquan
17 Lampkin.

18 Q. Okay. And that first number was Tyrone Wallace's
19 number, that you gave?

20 A. Correct, yes, the 304 number.

21 Q. After 8:37 and beginning at 9:14, does the phone
22 start to ping off of another tower?

23 A. Yes. During this time frame, it's from 9:09 p.m.
24 to 10:40 p.m., the tower -- the phone is utilizing
25 Tower 213, Sector 1, which would be here.

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1 Q. Okay. And that's in the Burton area?

2 A. Correct.

3 Q. And during that time, is he in communication with
4 any of the co-defendants?

5 A. Again, during that time frame, there are eight
6 total phone calls between this phone number and Tayquan
7 Lampkin, and none with Mr. Varsheen Smith.

8 Q. Okay. And now, Tower 298. What time does the
9 cell phone start utilizing Tower 298?

10 A. So at 12:34 a.m., on October 26th of 2015, there's
11 an incoming call to this phone number here that
12 utilized Tower 298, off of Copper Point Road, Sector 3,
13 which would be that southeast tower -- or southwest
14 tower of southeast -- excuse me, southwest of that
15 tower.

16 Q. And while utilizing Tower 298, is Mr. Wallace's
17 cell phone in communication with Tayquan Lampkin?

18 A. Yes, it is. At 1:00 o'clock a.m. and 1:04 a.m.,
19 1:11 a.m., 1:55 a.m., and 2:10 a.m.

20 Q. I'm going to come back to Tower 298, but after he
21 was utilizing Tower 298, where does the phone start to
22 go?

23 A. So at 3:13 a.m., the phone was utilizing Tower
24 266, Sector 2. At 3:44 a.m., it's back -- the phone is
25 utilizing Tower 298, Sector 3, which would be back

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1 here. At 3:52 a.m., the phone was utilizing Tower 266,
2 Sector 3. And at 4:55 a.m., the phone was utilizing
3 Tower 213, Sector 1, which would be back here in
4 Burton.

5 Q. Okay. So while it's -- while it's going between
6 298 and 266, it's Sector 2, Sector 3, and then Sector
7 3?

8 A. Correct.

9 Q. Okay. Is there a reason that, if the phone is in
10 this area, why it would ping off of 266 as opposed to
11 298, or vice-versa?

12 A. It can all vary. But based off of the number of
13 times Tower 298 was utilized, and the only single time
14 that Tower 266, Sector 2, was utilized, it would put
15 him in this general area, based off of this tower here,
16 and based off of that sector.

17 Q. Okay. I want to go back to when he is utilizing
18 Tower 298. What -- who has called at 2:29 a.m.?

19 A. At 2:29 a.m., there is an outgoing call, utilizing
20 Tower 298, Sector 3.

21 Q. Outgoing means he dialed that number?

22 A. Correct.

23 Q. Okay.

24 A. The phone was called -- the phone that was -- was
25 called, phone number 843-681-8698. It comes back to

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1 Palmetto Towing.

2 SOLICITOR JONES: Okay. Mr. Hightower, I have no
3 further questions for you. Thank you.

4 DYLAN HIGHTOWER, CROSS-

5 EXAMINATION BY MS. CAMPBELL:

6 Q. Mr. Hightower, you got some phone numbers from law
7 enforcement and from the prosecutors in this case,
8 correct?

9 A. Yes, ma'am, I did.

10 Q. Okay. And the phone numbers that you got in this
11 case, would it be fair to say, were associated with
12 Tayquan Lampkin?

13 A. That's correct. I was provided two phone numbers
14 that came back to Tayquan Lampkin.

15 Q. That's my next question. Two phones for Tayquan
16 Lampkin, correct?

17 A. Yes, ma'am.

18 Q. Okay. So let's move on to Varsheen Smith, Twiz.
19 How many phone numbers were you provided for Twiz, for
20 Varsheen?

21 A. I only have one phone number for Varsheen Smith.

22 Q. The exact number of phones, you have no idea
23 about; you just know the number you're given, correct?

24 A. That is correct.

25 Q. Okay. And just the one phone number for Mr.

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1 Wallace, correct?

2 A. The one phone number that -- that I actually did
3 an analysis on the records was Mr. Wallace, yes.

4 Q. I'm a little bit confused. Did you get more than
5 one phone number for Mr. Wallace?

6 A. I got phone numbers, but I didn't necessarily get
7 records for all the phone numbers that I was provided.

8 Q. Okay. So to be clear, law enforcement and
9 prosecutors gave you more than one phone number for Mr.
10 Wallace, but you didn't conduct an analysis on any of
11 the other phones, correct?

12 A. I was only provided one phone number for Mr.
13 Wallace, the one that I did the analysis on.

14 Q. Okay. Thank you. That's what I'm trying to
15 understand. So for Mr. Wallace, the only number that
16 was provided to you is this number, correct?

17 A. That is correct.

18 Q. Okay. But yet, for Twiz, you say they provided
19 you one number?

20 A. I believe there's some confusion on providing me
21 phone numbers versus providing me records. The phone
22 numbers that I was provided were for -- two for Mr.
23 Tayquan Lampkin --

24 Q. Um-hmm.

25 A. -- one for Mr. Varsheen Smith, and one for Mr.

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1 Wallace. The only set of records that I received to do
2 an analysis on were for Mr. Wallace.

3 Q. Right. So my next question is, in analysis, any
4 analysis of the communications strictly between Tay and
5 Twiz on 10/25, you've not done that?

6 A. I have not.

7 Q. An analysis of the communications between Jordan
8 Burgess and Twiz on 10/25, you have not done that?

9 A. I have not.

10 Q. An analysis on the communications between Niko and
11 Twiz on 10/25, you have not done that, correct?

12 A. I'm not who you're re -- I'm not sure who you're
13 referring to.

14 Q. Dominique Cook?

15 A. Okay. No, I did not.

16 Q. So, no?

17 A. Um-hmm.

18 Q. So the only analysis you've performed is this one,
19 correct?

20 A. That is correct.

21 Q. So how about the exact street location of this
22 Tower 209.

23 A. Um-hmm.

24 Q. Where is that?

25 A. It's in the city limits of Beaufort. It's -- the

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1 tower location is 1301 Boundary Street, in downtown
2 Beaufort.

3 MS. CAMPBELL: I'm going to grab your demonst --
4 is it over here?

5 SOLICITOR JONES: No.

6 MS. CAMPBELL: I think I'm all right

7 BY MS. CAMPBELL:

8 Q. So I'm just trying to understand here. It's a
9 little bit hard to see, but where is 1301 Boundary
10 Street?

11 A. Well, that's just -- basically, I mean, it's right
12 down 1301 Boundary Street, but it's approximately 326
13 yards away from the residence here, at [REDACTED] Greene
14 Street.

15 Q. Okay.

16 A. But in downtown Beaufort, at this -- right around
17 the cemetery, I believe. I mean, I was -- I was given
18 the latitude and longitude at that specific tower where
19 it is.

20 Q. Right. So it's important that we understand that
21 Tower 209 is north of this residence, correct?

22 A. Yes, by 326 yards.

23 Q. Okay. So everything below 1301 Boundary at this
24 tower is going to fall into the shaded areas, correct?

25 A. Based off the time frame that I conducted the

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1 analysis, yes.

2 Q. Okay. So the shaded areas for Tower 209 appear to
3 cover from Boundary Street, clean down to the marina,
4 right?

5 A. Yes, ma'am.

6 Q. Okay. So, if I'm in Beaufort, and I'm standing on
7 Bay Street, down by the water, Tower 209 -- and I'm
8 using Verizon, right?

9 A. That's correct.

10 Q. Yeah. Tower 209 is going to pick that call up,
11 right?

12 A. It's -- it's possible. I'm not sure exactly where
13 Bay Street falls within this map. I didn't notate
14 that.

15 Q. Well, on the map it's right -- if I tell you it's
16 right there by -- in your shaded area, then it would
17 fall to 209, correct?

18 A. I believe that would fall under Sector 2, under
19 Tower 209, yes.

20 Q. Okay. So a lot of streets in that shaded area
21 south of that tower, correct?

22 A. Yes, that would be fair.

23 Q. All right. So you are familiar with the program
24 Offender Management, correct?

25 A. I am.

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1 Q. So, in your being familiar with that program,
2 that's where someone wears a leg monitor, correct?

3 A. Yes, an ankle monitor.

4 Q. And in fact, for some time, that operation was
5 housed in the Solicitor's Office, correct?

6 A. I'd say at one point, yes.

7 Q. And so, from your general knowledge of that, that
8 service is sort of a pinpoint location, exactly where
9 that person is at that time, correct?

10 A. Depending on the strength of signal where that
11 ankle monitor is utilized, yes, it could be pinpoint,
12 you know, within ten or fifteen yards. In some cases
13 it could vary, as far as distances.

14 Q. Okay. So, if Offender Management and the leg
15 monitor is ten -- ten yards -- well, let's put it in
16 terms of a football field, so we all know what that
17 looks like. So the ten yards of a football field,
18 that's what would get the leg monitor. But the cell
19 phone here, this tower, how many yards is, or maybe
20 miles, is that shaded area covering?

21 A. Well, the shaded area doesn't necessarily mean
22 that it covers all aspects of that specific sector. It
23 could actually go out maybe eight to ten miles, based
24 off of my training and experience. Now, when towers
25 are more -- in more urban areas, or for this matter,

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1 rural areas, it's going to encompass a lot broader
2 scale, a lot -- a lot longer distance from that
3 specific tower. Whereas, a tower in downtown Beaufort
4 will be -- the sector would actually utilize -- or have
5 a lot less coverage for that specific area, just
6 because the -- the population size. So the strength of
7 the tower in Beaufort would be, in most cases, stronger
8 than the ones on Saint Helena, but they'd also
9 encompass a much smaller area than downtown Beaufort.
10 And then, Saint Helena would encompass a much larger
11 area because of the rural aspect of it.

12 Q. And you're the one who prepared this demonstrative
13 piece of evidence for this case, right?

14 A. Yes.

15 Q. And put your seal up here on it, right? The
16 Office of the Solicitor?

17 A. I did.

18 Q. You did that, didn't you?

19 A. Yes.

20 Q. And again, so that I can understand, and we can
21 all understand, this shaded area extends from 1301
22 Boundary Street -- it looks like maybe even all the way
23 even down here to the Woods Memorial Bridge, over here,
24 right?

25 A. Right. It's like I -- as I stated before. So

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1 just because it's shaded here --

2 Q. Um-hmm.

3 A. -- that's just to show you the direction of that
4 tower that was utilized, the sector.

5 Q. Um-hmm.

6 A. But it doesn't necessarily mean that's the full
7 coverage. It could cover out here. And the same thing
8 here as well.

9 Q. So, just because you make it this small, that's
10 just a choice you make.

11 A. That's correct, yes.

12 Q. So, if someone else were doing this, they could
13 choose to make this blue this big, right?

14 A. Sure.

15 Q. Because that's how far it can cover, eight to ten
16 miles, right?

17 A. It all depends on the -- on the type of tower.

18 Q. Okay.

19 A. But yes.

20 Q. I think that's all. No, one more thing. Sorry.
21 On your notes, getting away from how far the coverage
22 is, let's get to the specifics here. 8:32, Tower 209,
23 Tyrone Wallace places a phone call to Tayquan Lampkin,
24 correct?

25 A. That is correct.

6-19-18 STATE V WALLACE - DYLAN HIGHTOWER - CX - CAMPBELL

1 Q. That phone call is a 129 seconds, correct?

2 A. That is correct.

3 Q. That's over two minutes, correct?

4 A. Yes, ma'am.

5 Q. At 8:34, Varsheen Smith, who we have come to know
6 as Twiz, places a call to Tyrone Wallace, correct?

7 A. That is correct.

8 Q. And that phone call is fifty seconds, correct?

9 A. Correct.

10 Q. Now, Varsheen, at 8:35, gets a call back from
11 Tyrone, correct?

12 A. That is correct.

13 Q. And then, Varsheen calls Tyrone again at 8:36, and
14 again at 8:37, correct?

15 A. According to the records, yes, that is what it
16 shows.

17 Q. Well, they're your records. Is that correct?

18 A. Well, it's -- it's actually the records that I was
19 provided by Verizon, just in a report form that's more
20 easily readable.

21 Q. Well, are saying there could be some mistake in
22 this?

23 A. I'm not saying that at all.

24 Q. Okay. So, if you put in your analysis that these
25 calls lasted this long, as the expert here, you're

6-19-18 STATE V WALLACE - DYLAN HIGHTOWER - RDX - JONES

1 saying that that's how long this call lasted, correct?

2 A. That is correct.

3 Q. Okay.

4 A. That doesn't necessarily mean that the phone was
5 actually picked up on either side.

6 Q. Okay. You don't know any of that.

7 A. Well, there's no way of knowing that without being
8 there.

9 Q. Right. And you don't know who actually is holding
10 the phone and making the call, do you?

11 A. I do not.

12 Q. Okay.

13 MS. CAMPBELL: That's all I have.

14 SOLICITOR JONES: Thank you, your Honor.

15 THE COURT: Yes.

16 DYLAN HIGHTOWER, RE-DIRECT

17 EXAMINATION BY SOLICITOR JONES:

18 Q. Mr. Hightower, if the Verizon cell phone is at
19 [REDACTED] Greene Street, what tower is it going to use?

20 A. Tower 209, Sector 3.

21 Q. Thank you.

22 SOLICITOR JONES: I have no questions.

23 THE COURT: Anything further, Ms. Campbell?

24 MS. CAMPBELL: No, ma'am.

25 THE COURT: All right. You may step down, sir.

6-19-18 STATE V WALLACE - L.C. JEFFREY MAXWELL - DX - JONES

1 Thank you. State will call their next witness.

2 SOLICITOR JONES: State calls Deputy Maxwell.

3 MADAM CLERK: Left hand on the *Bible*, raise your
4 right. Do you solemnly swear or affirm to truthfully
5 answer all questions asked of you by this court, so
6 help you God?

7 LANCE CORPORAL JEFFREY MAXWELL: I do.

8 THE COURT: Whenever you're ready.

9 LANCE CORPORAL JEFFREY MAXWELL, DIRECT

10 EXAMINATION BY SOLICITOR JONES:

11 Q. Good afternoon. Where do you work?

12 A. I work next door at the Beaufort County Detention
13 Center.

14 Q. Okay. And what do you do at the Detention Center?

15 A. I'm currently the Intel officer. I do background
16 checks, inmate phone system, and also comply with
17 subpoenas for the court.

18 Q. Okay. Subpoenas for records requests?

19 A. Yes, ma'am.

20 Q. And did you receive one of those subpoenas in this
21 case?

22 A. Yes, ma'am Yes, ma'am.

23 Q. Okay. And did you actually provide some records?

24 A. Yes, ma'am.

25 Q. Okay. What were you asked to provide?

6-19-18 STATE V WALLACE - L.C. JEFFREY MAXWELL - DX - JONES

1 A. For housing records of Mr. Wallace and Mr. Brown.

2 Q. Okay. And what is Mr. Brown's first name?

3 A. Charles.

4 Q. Okay.

5 SOLICITOR JONES: Permission to approach.

6 THE COURT: You may.

7 BY SOLICITOR JONES:

8 Q. I'm going to show you what has been marked as
9 State's Exhibit 21.

10 A. Yes, ma'am.

11 Q. And what is that?

12 A. This is the housing records I gave you.

13 Q. Okay. And those are actual copies of the records
14 that you -- the jail keeps?

15 A. Yes, ma'am.

16 SOLICITOR JONES: Your Honor, at this time, the
17 State moves State's 21 into evidence.

18 THE COURT: Any objection?

19 MS. CAMPBELL: No objection.

20 THE COURT: Without objection.

21 ITEM IDENTIFIED AS DETENTION CENTER
22 HOUSING RECORDS FOR TYRONE WALLACE
23 AND CHARLES BROWN
24 MARKED STATE'S EXHIBIT NUMBER 21
25 ADMITTED AS EVIDENCE.

6-19-18 STATE V WALLACE - L.C. JEFFREY MAXWELL - DX - JONES

1 BY SOLICITOR JONES:

2 Q. And what do those records show?

3 A. Those records show the housing history of Mr.
4 Brown and Mr. Wallace, as they were roommates.

5 Q. They were roommates?

6 A. Yes, ma'am.

7 Q. From what -- what dates were they roommates?

8 A. Mr. Brown was housed in a certain cell from
9 February 27th to May 5th of 2016. And Mr. Wallace from
10 February 6th to the 27th of 2016.

11 Q. Okay.

12 A. And the third month, fourth day, up to June of
13 2016.

14 Q. Okay. So there was a period of about four months
15 they were housed together?

16 A. Around that, ma'am, yes.

17 Q. And when inmates are housed together, are they
18 being watched at all times?

19 A. Yes, ma'am.

20 Q. But do they have opportunities where they can
21 engage in private conversations?

22 A. Yes, ma'am. They were housed in the same cell
23 together.

24 Q. Okay. So not only -- they were actually roommates
25 in one cell?

6-19-18 STATE V WALLACE - L.C. JEFFREY MAXWELL - CX - CAMPBELL

1 A. Yes, ma'am.

2 Q. Okay.

3 SOLICITOR JONES: I have no further questions.

4 MS. CAMPBELL: Briefly.

5 THE COURT: Yes, ma'am.

6 LANCE CORPORAL JEFFREY MAXWELL, CROSS-

7 EXAMINATION BY MS. CAMPBELL:

8 Q. So being -- your testimony, the State did not ask
9 you to show Charles Brown's location when he was housed
10 with Varsheen Smith, prior to being housed with Mr.
11 Wallace, did they?

12 A. No, ma'am.

13 Q. Okay. And it's customary for -- or some of the
14 individuals housed at your detention center, have a lot
15 of paperwork from their cases, don't they?

16 A. Yes, ma'am.

17 Q. And in the paperwork from their cases, they keep
18 those in their rooms, correct?

19 A. Yes, ma'am.

20 Q. And you have two people in a room, correct?

21 A. Yes, ma'am.

22 Q. And not always are the two people in the room
23 together at the same time, correct?

24 A. No, they're free to come in and out of their rooms
25 at certain times of the day.

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BY THE COURT

1 Q. Thank you.

2 MS. CAMPBELL: That's all.

3 SOLICITOR JONES: Nothing further.

4 THE COURT: You may step down, sir. You are
5 excused. Thank you. Call your next witness.

6 SOLICITOR JONES: State calls Charles Brown.

7 OFF-THE-RECORD DISCUSSION.

8 BY THE COURT:

9 THE COURT: Ladies and gentlemen, of the jury, we
10 are going to take a brief recess. Again, do not
11 discuss this case. It wouldn't be appropriate to do
12 so. We'll be right back with you. And I'll figure out
13 from here, we may just go ahead and take a break for
14 lunch. I'm not sure yet. I'd like to run -- I try to
15 run until 1:00. Is everyone okay? You all okay? All
16 right, my foreperson, he said, uh. Okay.

17 Ladies and gentlemen, again, do not discuss this
18 case. It wouldn't be appropriate to do so. And we're
19 going to be right back with you, and I'll let you know
20 where we're going from here. Okay? Thank you.

21 COURT REPORTER: Quiet, please.

22 JURORS LEAVE COURTROOM 12:02 P.M.

23 BAILIFF: Jury's clear, your Honor.

24 THE COURT: Thank you. Okay. It's my
25 understanding the next witness is refusing to come out.

6-19-18 STATE V WALLACE - INV. GEORGE ERDEL - DX - JONES

1 truthfully answer all questions asked of you by this
2 court, so help you God?

3 INVESTIGATOR GEORGE ERDEL: I do.

4 SOLICITOR JONES: Thank you, your Honor.

5 INVESTIGATOR GEORGE ERDEL, DIRECT

6 EXAMINATION BY SOLICITOR JONES:

7 Q. Investigator Erdel, where do you work?

8 A. For the Beaufort Police Department.

9 Q. And what capacity do you work with the Police
10 Department?

11 A. I'm an investigator with the Beaufort Police
12 Department. I have been since 2009.

13 Q. And what are some of your duties?

14 A. We investigate everything from the mundane to the
15 murders. We go from -- we don't specialize. It's
16 shoplifting, all the way up to violent crimes,
17 whatever, cases that happened inside the city limits of
18 Beaufort that require additional investigation beyond
19 what the patrol division may be able to do time-wise or
20 skill-wise would take.

21 Q. And how long have you been with the Police
22 Department?

23 A. I started with Beaufort Police Department in 2003,
24 and then, say, October of 2003. Prior to that, I was a
25 Marine Corps Military Policeman, from 1996 until 2003.

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1 Q. Okay. So October of 2015, you were working as an
2 investigator with the Police Department?

3 A. Yes, ma'am.

4 Q. And how did you get involved in the missing case
5 of Vermone Steve and the kidnaping of Andre Frazier?

6 A. I got involved -- it was assigned to me by my
7 supervisor at the time, then-Lieutenant Gruel. So the
8 incident had occurred over the -- the weekend on that
9 incident date. And then, the following Monday morning,
10 I was assigned to the case by him.

11 Q. And where were -- where was Mr. Vermone Steve
12 reported missing from?

13 A. [REDACTED] Greene Street, in the city limits of
14 Beaufort, South Carolina.

15 Q. And is that the same location where the kidnaping
16 happened?

17 A. It is.

18 Q. And that's here in Beaufort County?

19 A. Yes.

20 Q. Okay. Did you have an opportunity -- how did the
21 case get reported to the police department?

22 A. From my recollection, Janice Steve had filed a
23 report regarding her son being missing, and gave us
24 information third-party that we had to verify, that she
25 had obtained from Mr. Frazier about what transpired at

6-19-18 STATE V WALLACE - INV. GEORGE ERDEL - DX - JONES

1 the house.

2 Q. Okay. And did you have an opportunity to speak
3 with Mr. Frazier?

4 A. I -- I did.

5 Q. And when was that?

6 A. That was October 28th of 2015.

7 Q. And this is Andre Frazier we're talking about?

8 A. Andre Frazier, yes.

9 Q. Okay.

10 A. They also call him Dre. After we learned who he
11 was and talked to him, during the interview, we refer
12 to him that way as well.

13 Q. Where does this interview happen?

14 A. At the Beaufort Police Department.

15 Q. And who is in that interview with you and Dre?

16 A. It would be myself, Lieutenant Gruel, and Carol
17 Smalls, who is a -- apparently a family friend.

18 Q. The interview --

19 A. Oh, no, I'm sorry. Mr. Frazier. I apologize.
20 That was myself and Lieutenant Gruel at that time.

21 Q. And what is -- what is Dre, Andre's demeanor, when
22 he's in this interview with you?

23 A. He was very upset. During the course of the
24 interview, specifically, when recounting the portion
25 about the gun being pointed at his stomach, he cried

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1 profusely. And of all the interviews I've done, he was
2 definitely -- he was in the top -- top few of, as far
3 as scared, as I've ever seen anyone recounting the
4 incident.

5 Q. Okay. And you actually didn't talk to him until a
6 couple of days after the kidnaping?

7 A. Correct.

8 Q. And the police had to reach out to him, correct?

9 A. Yes.

10 Q. So he didn't come forward initially.

11 A. He did not, no.

12 Q. Have you experienced that in the past?

13 A. Several times.

14 Q. Tell me a little bit about that, people not
15 wanting to cooperate.

16 A. People don't want to cooperate for a multitude of
17 reasons. They're scared. They don't think that the
18 police can or will help them. There's a street code.
19 There's any number of reasons why people -- I've had
20 people in the hospital with gunshot wounds tell me they
21 don't want to talk about it; they'll handle it
22 themselves. So there's a multitude of reasons why
23 people don't cooperate or come in or report things
24 right away.

25 Q. Have you ever heard of the term snitch?

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1 A. Of course, yes.

2 Q. And what does that mean?

3 A. It's basically looked down upon to cooperate with
4 the police or tell the police anything. And so, a lot
5 of people are hesitant to talk to us because of that
6 perception. They don't want that perception.

7 Q. Okay. Now, eventually, the name Tyrone Wallace
8 comes across your desk, correct?

9 A. Yes.

10 Q. Okay. And actually, you initially got that from
11 Andre?

12 A. Yes.

13 Q. Okay.

14 A. He -- he explained who Mr. Wallace was.

15 Q. And at some point, are you able to get in touch
16 with Mr. Wallace?

17 A. Tyrone Wallace?

18 Q. Yes.

19 A. Yes. I was able to get in touch with him when he
20 actually -- he came in to the police department on --
21 initially, on November 16th of 2015.

22 Q. And did you speak with him on that day?

23 A. I did.

24 Q. And who did he come in with?

25 A. That would be Carol Smalls, who is apparently a

6-19-18 STATE V WALLACE - INV. GEORGE ERDEL - DX - JONES

1 family friend. I guess a friend of Mr. Wallace's
2 mother. She is also a retired Beaufort Police officer
3 as well.

4 Q. Okay. He came in on his own accord. You didn't
5 force him to come in and talk to you.

6 A. I did not.

7 SOLICITOR JONES: Permission to approach?

8 THE COURT: You may.

9 BY SOLICITOR JONES:

10 Q. Investigator Erdel, I'm showing you what has been
11 marked as State's 23. What is that?

12 A. That is the *Miranda* form supplied to Mr. Wallace
13 during the interview, in which he initialed that he
14 understood his rights, and signed the bottom.

15 Q. And is that the actual *Miranda* form he signed?

16 A. This looks like the original.

17 Q. Okay. It hadn't been altered in any way?

18 A. No, it hasn't.

19 SOLICITOR JONES: Your Honor, at this time, the
20 State moves State's 23 into evidence.

21 THE COURT: It's in evidence.

22 ITEM IDENTIFIED AS BEAUFORT POLICE

23 DEPARTMENT *MIRANDA* FORM SIGNED BY

24 TYRONE WALLACE, DATED NOVEMBER 16, 2015

25 MARKED STATE'S EXHIBIT NUMBER 23

6-19-18 STATE V WALLACE - INV. GEORGE ERDEL - DX - JONES

1 ADMITTED AS EVIDENCE.

2 BY SOLICITOR JONES:

3 Q. And what does that say?

4 A. As far as what does the form say? Oh, it's just
5 basically an advisement of the rights that we all see
6 on T.V., or people are familiar with. Right to remain
7 silent. And it enumerates each of these rights. And
8 we ask people that we interview to also look at it and
9 read it, and then initial it, if they understand what
10 the rights are, and he did that. And there is a --
11 there are some kind of a -- more waiver-type language
12 at the bottom that we ask them to look at, and they
13 initial as well.

14 Q. Okay.

15 A. And we read it to them.

16 Q. I'm sorry.

17 A. Sometimes we'll -- I'll say, for -- particularly
18 for the bottom part, you know, read this. If you
19 understand and agree, then go ahead and initial. And
20 sometimes they do, sometimes they don't.

21 Q. Did Mr. Wallace initial that form?

22 A. He did.

23 Q. And did he agree to speak with you?

24 A. He did.

25 Q. And did he agree to speak with you, without an

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1 attorney present?

2 A. He did.

3 Q. Okay. And in fact, you all did have a long,
4 lengthy conversation that day.

5 A. We did.

6 Q. And at any time during that interview, did you
7 promise him anything?

8 A. I did not.

9 Q. Did you force him to speak with you?

10 A. Of course not.

11 Q. Did you coerce him?

12 A. No.

13 Q. Did you threaten him?

14 A. No.

15 Q. Was he denied food or water or breaks?

16 A. No.

17 Q. Everything he said was of his own volition and own
18 free will?

19 A. Yes.

20 Q. Okay. And that interview lasts about, close to
21 three hours?

22 A. Yes, ma'am.

23 Q. Okay. And are you aware if he was interviewed
24 after this as well?

25 A. There were subsequent interviews, but not that

6-19-18 STATE V WALLACE - INV. GEORGE ERDEL - DX - JONES

1 day.

2 Q. Okay.

3 A. They took place on different days.

4 Q. And these interviews, this one on the 16th of
5 November, was it audio- and video-recorded?

6 A. It was.

7 Q. And that was submitted into evidence?

8 A. Yes, ma'am.

9 Q. And prior to court, did I ask you to review this
10 interview?

11 A. Yes, ma'am.

12 Q. And I'm going to show you what's marked as State's
13 22-A and 22-B. And do you recognize those?

14 A. Yes. Those is the discs you had me review.

15 Q. Okay. And what are on those discs?

16 A. The interviews with Mr. Wallace. Well, the first
17 interview with Mr. Wallace.

18 Q. Okay.

19 A. It spanned two discs.

20 Q. And that is a fair and accurate copy of the first
21 interview?

22 A. Yes.

23 SOLICITOR JONES: Your Honor, at this time, the
24 State moves State's 22-A and B into evidence.

25 THE COURT: Subject to our prior hearing. All

6-19-18 STATE V WALLACE - INV. GEORGE ERDEL - DX - JONES

1 right? Okay. Put it in?

2 SOLICITOR JONES: Yes, your Honor. Pursuant to
3 earlier ruling, we will now publish the entire
4 interview.

5 THE COURT: All right. Ladies and gentlemen, let
6 me tell you. This is, for the most part, the entire
7 interview, but there are times in interviews where
8 there's what we call down time. You'll see an officer
9 leave the room, they'll just leave the person there,
10 those types of things, and we have shortened that
11 because these are very long. So we have not taken out
12 anything substantive that you would need to hear.
13 Okay? So bear with us, ladies and gentlemen. We're
14 going to go ahead and start this one. We'll see how
15 far we get, but it is roughly two hours and 45 minutes.
16 Okay?

17 And at any time, if anyone needs a break.

18 ITEM IDENTIFIED AS DVD OF FIRST
19 INTERVIEW OF TYRONE WALLACE
20 DATED NOVEMBER 16, 2015
21 MARKED STATE'S EXHIBIT NUMBERS 22-A AND 22-B
22 ADMITTED AS EVIDENCE.
23 PLAYING STATE'S EXHIBIT NUMBERS 22-A
24 AND 22-B, FIRST INTERVIEW OF TYRONE
25 WALLACE, DATED NOVEMBER 16, 2015.

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1 PAUSE PLAYING STATE EXHIBIT NUMBERS

2 22-A AND 22-B.

3 THE COURT: Can you pause if for a quick second?

4 Stand up, everybody. Just stand. All right. And
5 I've decided after we stood, that I think it might be a
6 good time for a break as well, because some of you look
7 like you're tired. And so, ladies and gentlemen, do
8 not discuss this case. It wouldn't be appropriate to
9 do so. Grab a Coke, whatever you need. You are,
10 again, welcome to bring it back into the courtroom.
11 We're going to keep going, ladies and gentlemen. At
12 any point, if anyone just says I am too tired, we are
13 done for the day, let me know.

14 So, Mr. Foreperson, when you all go back there, I
15 want you all to talk among yourselves about timing.
16 Okay?

17 FOREPERSON: Sure.

18 THE COURT: All right. I appreciate it, you all.

19 JURORS LEAVE COURTROOM 1:19 P.M.

20 BAILIFF: Jury is clear, your Honor.

21 THE COURT: All right. We're at ease. We're
22 going to take a ten-minute break. You are welcome to
23 step down, Investigator. Just don't discuss your
24 testimony with anybody. All right?

25 INVESTIGATOR GEORGE ERDEL: Yes, ma'am.

6-19-18 STATE V WALLACE - INV. GEORGE ERDEL - DX - JONES

1 THE COURT: Thank you. Thank you, you all.

2 OFF THE RECORD.

3 BACK ON THE RECORD.

4 BAILIFF: All rise. This court is now in session.

5 THE COURT: Please be seated. This jury said they
6 are up for roughly an hour or more, and I know it was
7 an hour and 45 minutes more. I worry. We had one
8 juror that was sitting in the front that was starting
9 to doze off, so. Okay. Let's bring them in.

10 BAILIFF: Ready, your Honor?

11 THE COURT: Yes, sir.

12 BAILIFF: Jury is entering the courtroom, your
13 Honor.

14 JURORS ENTER COURTROOM 3:59 P.M.

15 THE COURT: Okay. You may be seated, ladies and
16 gentlemen. All right. Let's continue.

17 CONTINUE PLAYING STATE'S EXHIBIT

18 NUMBERS 22-A AND 22-B.

19 PAUSE PLAYING STATE'S EXHIBIT

20 NUMBERS 22-A AND 22-B.

21 INVESTIGATOR GEORGE ERDEL, CONTINUE DIRECT
22 EXAMINATION BY SOLICITOR JONES:

23 Q. Just a couple questions, Investigator Erdel. Up
24 until this point, we hear reference to police officers
25 being on the street?

6-19-18 STATE V WALLACE - INV. GEORGE ERDEL - DX - JONES

1 A. Yes, ma'am.

2 Q. Were you able to confirm that?

3 A. I confirmed that there were police officers on the
4 street during the incident by CAD report.

5 Q. And what time?

6 A. I want to say it was 7:31, or around there. And
7 then, later on they were out for a shots-fired call.

8 Q. Okay. Do you remember what time the shots-fired
9 call was?

10 A. I want to say 8:24 p.m.

11 Q. Okay.

12 A. To the best of my recollection. I don't have the
13 CAD report in front of me.

14 Q. Okay. If I get you a CAD report and it says 8:34,
15 would that have been --

16 A. That -- that sounds right.

17 Q. I also want to ask you, during this interview with
18 the defendant, you're telling him, I agree with you,
19 you didn't want to get involved, et cetera, but you got
20 caught up; and you acknowledge his fear. Why are you
21 saying this to him?

22 A. It's a give and take. I'm trying to -- obviously,
23 when he's directly confronted, and it's a tactic that
24 we use; that we're trained to use. You have to give
25 them an out psychologically. You have to give them an

6-19-18 STATE V WALLACE - INV. GEORGE ERDEL - DX - JONES

1 incentive to keep talking. If you confront somebody
2 and say I know you're not telling the truth, as you
3 saw, he's going to continue to not tell the truth. So
4 you have to give him a reason to start telling you
5 things that are true. So I am trying to establish a
6 rapport with him, to let him trust me so that he will
7 give me details about what happened that night.

8 Q. And does he eventually give you a little more
9 detail?

10 A. He does.

11 CONTINUE PLAYING STATE'S EXHIBIT

12 NUMBERS 22-A AND 22-B.

13 PAUSE PLAYING STATE'S EXHIBIT

14 NUMBERS 22-A AND 22-B.

15 BY SOLICITOR JONES:

16 Q. I have a brief question, Investigator Erdel. How
17 long have you been with the police department?

18 A. Since 2003, so almost fifteen years.

19 Q. How many times have you investigated Andre Frazier
20 for selling crack cocaine?

21 A. None.

22 Q. Thank you.

23 CONTINUE PLAYING STATE'S EXHIBIT

24 NUMBERS 22-A AND 22-B.

25 PAUSE PLAYING STATE'S EXHIBIT

6-19-18 STATE V WALLACE - INV. GEORGE ERDEL - DX - JONES

1 NUMBERS 22-A AND 22-B.

2 BY SOLICITOR JONES:

3 Q. Investigator Erdel, there's a lot of he's being
4 said. When Mr. Tyrone Wallace says that man ain't
5 never pulled a gun on me, who is he talking about?

6 A. Twiz.

7 Q. Thank you.

8 THE COURT: All right. Well, I think now is a
9 good time to break for the evening. You okay? I'd
10 like to start back up at 10:00 a.m. tomorrow morning,
11 if that's fine. You all were all here and wonderful
12 and on time, and I appreciate it. I anticipate being
13 the same. We have four interviews to hear over time.
14 So, ladies and gentlemen, don't discuss this case.
15 Don't do any independent research. Get a good night's
16 sleep, ladies and gentlemen, and I'll see you all
17 tomorrow morning at 10:00 a.m.

18 JURORS LEAVE COURTROOM 4:56 P.M.

19 BAILIFF: Jury is clear, your Honor.

20 THE COURT: Okay. All right, you all. Anything
21 further from the State tonight?

22 SOLICITOR JONES: No, your Honor.

23 THE COURT: From the Defense?

24 MS. CAMPBELL: No, thank you.

25 THE COURT: All right. Thank you. We'll see you

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BY THE COURT

1 all tomorrow morning. All right. Just be here a
2 little bit before 10:00. Okay?

3 SOLICITOR JONES: Thank you.

4 THE COURT: Thank you.

5 END DAY TWO, TUESDAY, JUNE 19,

6 2016, 4:56 P.M.

7 BEGIN DAY THREE, WEDNESDAY,

8 JUNE 20, 2019, 10:05 A.M.

9 BY THE COURT:

10 THE COURT: Please be seated. Good morning. I
11 see there are less people in the gallery today, to
12 listen to interviews, apparently. All right. Anything
13 we need to put on the record before we bring the jury
14 in? They're all here and ready to go.

15 SOLICITOR JONES: No, ma'am.

16 MS. CAMPBELL: No, ma'am.

17 THE COURT: All right. Let's bring them in.
18 Rick, will you bring my coffee, too.

19 BAILIFF: I will.

20 THE COURT: Thank you. They only allow me so much
21 at certain times. Very sad. Very sad. Anyway.

22 OFF-THE-RECORD DISCUSSION.

23 SOLICITOR JONES: Your Honor, may Investigator
24 Erdel go ahead and go to the stand?

25 THE COURT: Of course. Come on up. And what I

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BY THE COURT

1 will do, is I'll tell the jury I'm going to re-swear
2 you in, just because it's a new day.

3 INVESTIGATOR GEORGE ERDEL: Yes, ma'am.

4 THE COURT: Thank you.

5 BAILIFF: You ready for the jury, your Honor?

6 THE COURT: Yes, sir.

7 BAILIFF: Jury is entering the courtroom, your
8 Honor.

9 JURORS ENTER COURTROOM 10:07 A.M.

10 THE COURT: Thank you. Good morning, ladies and
11 gentlemen.

12 RESPONSES FROM JURORS.

13 THE COURT: I trust you all had a good evening.
14 At this time, we're going to go ahead and continue with
15 the testimony of Investigator Erdel. Obviously, the
16 videotapes as well. And out of an abundance of
17 caution, I'm just going to have him sworn in again
18 because it is a new day. So just -- that's what we're
19 doing. So, if you will go ahead and swear him in,
20 please.

21 MADAM CLERK: Do you solemnly swear or affirm to
22 truthfully answer all questions asked of you by this
23 court, so help you God?

24 INVESTIGATOR GEORGE ERDEL: I do.

25 THE COURT: Thank you, sir. All right. So we are

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1 starting again where we left off. Do you have any
2 questions to begin with, or are we just going to go
3 ahead and begin.

4 SOLICITOR JONES: We're just going to continue
5 with the interview.

6 THE COURT: With the interview. Okay. And remind
7 me again, just to help orient the jury, this is the
8 first interview, and we are about an how far in,
9 roughly?

10 SOLICITOR JONES: We have about 40 minutes left.

11 THE COURT: Okay. So --

12 SOLICITOR JONES: Of the first one.

13 THE COURT: So we're close to two hours in, then,
14 correct? Am I --

15 SOLICITOR JONES: We're over two hours now.

16 THE COURT: We're over two hours in. Okay. All
17 right.

18 SOLICITOR JONES: Thank you.

19 THE COURT: I just wanted to make sure we all
20 knew. Okay.

21 INVESTIGATOR GEORGE ERDEL, CONTINUE DIRECT
22 EXAMINATION BY SOLICITOR JONES:
23 CONTINUE PLAYING FIRST INTERVIEW OF
24 TYRONE WALLACE MARKED STATE'S EXHIBIT
25 NUMBERS 22-A AND 22-B.

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BY THE COURT

1 END OF INTERVIEW.

2 BY THE COURT:

3 THE COURT: All right. Do you have a couple of
4 quick questions? We need to take a little break right
5 now, if that's okay.

6 SOLICITOR JONES: We can take a break now.

7 THE COURT: Is that okay with you? Okay. Fine,
8 Ms. Campbell?

9 Ladies and gentlemen of the jury, we're going to
10 go ahead and take a very short recess. Again, do not
11 discuss this case. I also want to let you know that I
12 do have some young students who will be coming back
13 into the courtroom, and who will be here when you come
14 back. They're here with Pastor Goodwine from the First
15 Baptist Church of Burton, and I just wanted to let you
16 know that so you understand that that's why they are
17 here. And they asked to come, just observe some
18 proceedings here in the courtroom. And certainly with
19 the permission of their parents, we allowed it.

20 Of course, this is a public courtroom. So just
21 wanted to let you know that's what it was when you come
22 back, so you weren't surprised in any way. Okay?

23 Grab a cup of coffee. Do not discuss this case.
24 We'll bring you right back here shortly. Okay?

25 JURORS LEAVE COURTROOM.

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BY THE COURT

1 BAILIFF: Jury is clear, your Honor.

2 THE COURT: Thank you. You all may be seated.

3 Anything we need to take up? From the State?

4 SOLICITOR JONES: No, your Honor.

5 THE COURT: Ms. Campbell?

6 MS. CAMPBELL: No, your Honor.

7 THE COURT: All right. Let's go. We'll take at
8 least ten minutes, however long you need.

9 MS. CAMPBELL: Thank you.

10 THE COURT: Whenever you're back is fine with me.
11 Okay?

12 SOLICITOR JONES: Thank you.

13 THE COURT: Thank you. So, if we could just have
14 some order in the Court. If you all want to talk, just
15 go out, if you would. I'm just going to speak with
16 these boys very quickly, if that's all right with you
17 all.

18 OFF THE RECORD 10:59 A.M.

19 BACK ON THE RECORD 11:18 A.M.

20 BY THE COURT:

21 BAILIFF: All rise. Court is back in session.

22 THE COURT: Please be seated. Thank you. State
23 ready?

24 SOLICITOR JONES: Yes, your Honor.

25 THE COURT: Is Defense ready? With Mr. Wallace.

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1 Come on out, sir. All right. Let's bring the jury in.

2 BAILIFF: Yes, your Honor.

3 THE COURT: Thank you, sir.

4 BAILIFF: Ready for the jury, your Honor?

5 THE COURT: Yes, sir.

6 BAILIFF: Jury is entering the courtroom, your
7 Honor.

8 THE COURT: Thank you.

9 JURORS ENTER COURTROOM 11:20 A.M.

10 THE COURT: You all may be seated.

11 SOLICITOR JONES:

12 THE COURT: Yes, ma'am.

13 INVESTIGATOR GEORGE ERDEL, CONTINUE DIRECT
14 EXAMINATION BY SOLICITOR JONES:

15 Q. Investigator Erdel, on the day of this interview,
16 had Mr. Vermone Steve been located?

17 A. No.

18 Q. Okay. And was this the only interview Mr. Wallace
19 gave?

20 A. No, there were two subsequent interviews. One --
21 the next one in sequence after this one would have been
22 conducted by Investigator Raley. I was not present at
23 that one. And there was a third one where I was
24 present for part of it, but it was finished by
25 Investigator Raley.

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1 Q. Okay.

2 SOLICITOR JONES: Permission to approach the
3 witness.

4 THE COURT: You may.

5 BY SOLICITOR JONES:

6 Q. Investigator Erdel, I'm going to show you what's
7 been marked as State's 24. Do you recognize that?

8 A. It's a *Miranda* advisement form for December 3,
9 2015, with my signature at the bottom as witness, and
10 Tyrone Wallace's signature and initials in the
11 pertinent spots.

12 Q. Okay. And that's the same form that you -- that
13 you read to him at the beginning of this interview?

14 A. Yes.

15 Q. And does he, on December 3rd, acknowledge his
16 rights?

17 A. Yes.

18 Q. And he waives them?

19 A. Yes.

20 Q. Okay. And again, he actually gives another
21 statement on this date?

22 A. Yes.

23 Q. Okay. And that's the actual copy of the form that
24 was filled out and he signed?

25 A. Yes.

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1 SOLICITOR JONES: And your Honor, at this time,
2 the State moves State's 24 into evidence.

3 THE COURT: Yes.

4 ITEM IDENTIFIED AS MIRANDA FORM

5 SIGNED BY TYRONE WALLACE

6 DATED DECEMBER 3, 2015

7 MARKED STATE'S EXHIBIT NUMBER 24

8 ADMITTED AS EVIDENCE.

9 BY SOLICITOR JONES:

10 Q. I have a few more questions. You've been at the
11 police department for how long?

12 A. Be fifteen years in October of this year.

13 Q. Had you ever investigated [REDACTED] Greene Street for
14 illicit drug use, drug sales?

15 A. No.

16 Q. Okay. How about Vermone Steve?

17 A. No. I was completely unfamiliar with Vermone
18 Steve at all, until this case.

19 Q. And are you familiar with the murder of Alfred
20 Thompson?

21 A. Yes.

22 Q. And what connection does that have to this case?

23 A. None that I know of.

24 Q. There's been reference to some co-defendants in
25 this case.

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1 A. Yes, ma'am.

2 Q. Who all was arrested in this case?

3 A. Tayquan Lampkin, Dominique Cook, Varsheen Smith,
4 and Mr. Wallace.

5 Q. And what was Tayquan Lampkin arrested for?

6 A. Accessory after the fact to murder.

7 Q. What happened with that case?

8 A. He pled guilty.

9 Q. And how about Dominique Cook?

10 A. Same charge, same outcome.

11 Q. He pled guilty as well?

12 A. Yes, ma'am.

13 Q. And how about Varsheen Smith?

14 A. He was convicted at trial.

15 Q. For what?

16 A. For kidnaping.

17 Q. Okay. Was he charged with anything related to the
18 death of Vermone Steve?

19 A. He was not. As far as -- he was charged with
20 accessory after the fact, but as far as -- that was the
21 other charge he was charged with.

22 Q. Okay. And do you know what's happening with that
23 charge?

24 A. I think it's still pending.

25 Q. Okay. And where is he right now?

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1 A. He's -- Mr. Smith?

2 Q. After trial, where did he go?

3 A. Oh. He went to -- he went to prison.

4 Q. Okay. And so, that's where he is, is the South
5 Carolina Department of Corrections?

6 A. Yeah. I believe they transported him.

7 Q. Okay. During this interview -- let me just recap
8 the whole thing with you. You tell Mr. Wallace he's a
9 pure soul; he was put in a bad spot; I believe you; the
10 only liar is Twiz; and you don't want Mr. Wallace to be
11 in trouble; and that Twiz is the one, not you?

12 A. Well, and at the time that we had this interview,
13 we didn't -- obviously, sometimes you don't know what
14 you don't know. So we didn't know what was going to
15 develop later. So part of that is, yes, we know he
16 told us some measure of truth insofar as his
17 involvement in the kidnaping. The idea is, again, to
18 not leave things on bad terms. You know, well, if we
19 say, well, you admitted to kidnaping him, and you
20 admitted to doing all these things, you know, and we
21 berate him about that or treat him in a -- not even
22 berate him, but if we treat him in a manner that leaves
23 him with a bad taste in his mouth, we know we're
24 eventually going to have to talk to him again anyway,
25 because it's an ongoing investigation.

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1 Mr. Steve has not been found. We presume he's
2 probably dead, but we don't know. You know, we're
3 holding out hope, maybe we can find him alive. We need
4 somebody who has shown a willingness to talk to us, to
5 continue to talk to us. So that's what's behind a lot
6 of those statements.

7 Q. Okay. Did you actually believe those words as you
8 were saying them?

9 A. It -- I mean, which ones? As far as -- I think he
10 said something to me about the pure soul.

11 Q. Okay.

12 A. I didn't say that to him.

13 Q. How about that the only liar was Twiz?

14 A. Well, we obviously learned that was not true. And
15 again, you can -- when there's more than one defendant,
16 it's the same thing. If you talk to the other person,
17 you're going to make the co-defendant the bad guy.
18 That's just what you do. You give them a psychological
19 reason to say, okay, I want to talk to you; yeah, let's
20 agree together that the other guy is the bad guy, so
21 that you feel comfortable talking about -- and I say
22 you as the defendant, about what your involvement was.
23 It's a minimizing technique, so that they feel
24 comfortable talking to you about things they've done
25 that they probably would not shout from the rooftops

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1 under other circumstances.

2 Q. So it's rapport-building.

3 A. Rapport-building, exactly.

4 SOLICITOR JONES: I have no further questions for
5 you, Investigator Erdel.

6 THE COURT: Ms. Campbell.

7 INVESTIGATOR GEORGE ERDEL, CROSS-

8 EXAMINATION BY MS. CAMPBELL:

9 Q. Good morning.

10 A. Good morning.

11 Q. Officer Erdel, you, in your role as a law
12 enforcement officer, you have access to the program
13 that's called Spillman, right?

14 A. Yes.

15 Q. And -- well, I'll let you tell the jury, what is
16 Spillman?

17 A. Spillman is basically a computerized report system
18 that every agency, with the exception, I think, of Port
19 Royal Police Department, in the county adopted, like
20 shortly before this incident. So it's a univ -- it's
21 like a report system that the Sheriff's Office has, we
22 have. I believe Bluffton uses it.

23 Q. And so, if I may, Spillman, you can access
24 Spillman and see connectivity between individuals.
25 Would that be fair?

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1 A. It depends on -- it depends. It -- there's only
2 connection between individuals if they've been -- most
3 of the time you have to put the data in there, but
4 there's some kind of connection, like as far as a web
5 of associates, so to speak.

6 Q. So, if two people are subject to a traffic stop
7 together, their names are going to be put in as
8 connected in Spillman, correct?

9 A. Not necessarily, no.

10 Q. In Spillman, it also has information about people
11 who are known to associate together as a particular
12 group or gang, if you will.

13 A. You can put that information in there, yes.

14 Q. And so, if that information were input and you
15 accessed Spillman, you would be able to see that
16 information, correct?

17 A. If you knew -- yes. If you were looking for a
18 particular thing, you could -- you could search
19 Spillman for that information.

20 Q. So let's say you're investigating Twiz, and you're
21 investigating Tay, and you're investigating Jordan
22 Burgess, which you are, correct, in this case?

23 A. Yeah. Yeah, so far in the case.

24 Q. Yeah. And you were to go into Spillman.

25 A. Um-hmm.

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1 Q. And put that information in, not only things like
2 their address or the tattoos they have, all of the
3 connectivity between them could come up if that
4 information has been inputted by law enforcement,
5 correct?

6 A. Yeah. I don't want to say that it comes up in,
7 like -- like, a pop-up way or just some --

8 Q. No, you have to work at it. You have to -- yeah.

9 A. Yeah, you -- well, you'd have to -- you have to --
10 you know, you have to look at that information.

11 Q. Um-hmm.

12 A. So it may not be laid out there. It may be a
13 piece here, a piece there.

14 Q. So, in investigating this case, when did you
15 access Spillman, working on this case?

16 A. Lots of times.

17 Q. Many times?

18 A. Yes.

19 Q. And so, information in Spillman should be
20 reflected in your knowledge of this case and in your
21 reports for this case, correct?

22 A. If I'm aware of it, it should be, yes.

23 Q. Right. So some of the information we may talk
24 about is information you have from Spillman, correct?

25 A. I'm trying to think if there was something

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1 Spillman-specific. I can't think of anything that
2 would be Spillman-specific. There may be, but I --
3 it's just nothing's leaping to mind at this point.

4 Q. We'll get to that in a minute.

5 A. Okay.

6 Q. On October 26, you indicate that Janice Steve
7 comes and reports that her son, Mony, is missing,
8 correct?

9 A. That report was not completed by me. That's in
10 the case file, but I didn't write that.

11 Q. So information in the case file -- you're the lead
12 case officer?

13 A. Yes.

14 Q. You're in charge of everything that is going into
15 this case file; are you not?

16 A. I'm ultimately responsible for it, yes.

17 Q. You reviewed the entire case file for this case,
18 correct?

19 A. I reviewed several -- several elements of it, yes.

20 Q. Okay. So. if there's something you haven't
21 reviewed, let's refresh your recollection. Okay?

22 A. Okay.

23 Q. So can you indicate when the time for the
24 kidnaping occurred in your reports here?

25 A. This is the initial officer's report, and they put

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1 2156, on 10/25/15; and 0800 on 10/26/15.

2 Q. And for ultimately what is determined to be Mony
3 missing, when is that slated to have occurred?

4 A. It said 2127, on 10/26/15.

5 Q. Okay. And you received the information from Ms.
6 Steve and made a note in your report that the last time
7 anyone spoke to Mony was 2156, correct?

8 A. I'm -- I'm looking at the 2156 hours, and I
9 believe there's a disparity between what the officer
10 put here and what she had said in her written
11 statement. This is -- I see what you're talking about,
12 the 2156 hours.

13 Q. Um-hmm.

14 A. I did not put that in there. That was the
15 original -- I believe the original case officer who
16 took the initial report put that in there.

17 Q. Right. And you -- did you then read this, but
18 just not correct it, and --

19 A. We don't -- we don't -- we're not authorized to
20 change, we just -- I don't change anything that anybody
21 does in there.

22 Q. So --

23 A. I just move forward. I -- obviously, I'm aware
24 that it's in there, but I don't go back and edit other
25 people's reports.

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1 Q. And so, as far as correcting the discrepancy,
2 we're not doing that until today. Is that what you're
3 saying?

4 A. Right. I don't -- I mean, I would account for it,
5 obviously, on the stand. I'm aware that there's things
6 in here, but I don't go back and edit other people's
7 reports. I've never done that.

8 Q. Are you the officer that went to [REDACTED] Greene
9 Street, then, and peeped in the windows?

10 A. I am not.

11 Q. Okay. So you received a report from your other
12 officers that they, in fact, did that, correct?

13 A. That's correct.

14 Q. And you reviewed that report, and you're working
15 off of that report as you start this case; are you not?

16 A. Of course.

17 Q. Okay. And so, the information you're taking from
18 that initial visit to [REDACTED] Greene Street is that
19 there's no signs of a struggle, and no information can
20 be obtained from peeping in the windows, and it appears
21 all is fine at [REDACTED] Greene Street, correct?

22 A. Yes.

23 Q. Okay. You do know that the third bedroom, you
24 have information at that point that the third back
25 bedroom was Mony's bedroom, correct?

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1 A. Yes.

2 Q. And that the officers could not see in that window
3 when they went and peeped in, correct?

4 A. That's the -- that's what the report says, yes.

5 Q. Okay. And that nobody went in that day.

6 A. That's correct.

7 Q. All right. But they note that all the windows and
8 doors are secure, correct?

9 A. Yeah.

10 Q. Okay. And are you the officer that then goes on
11 10/27, under exigent circumstances, and makes an entry
12 into [REDACTED] Greene Street?

13 A. Yes, I was -- I was one of the officers who went
14 into that, yes. I was thinking.

15 Q. And in doing so, you found an unlocked window,
16 correct?

17 A. To my best of my recollection, I think it may have
18 been broken, as far as the locking mechanism. But it
19 was unlocked, yes.

20 Q. Okay. And then, you crawled in through the
21 window?

22 A. Yes.

23 Q. Okay. Understand the term unsecured simply means
24 you could get in, right?

25 A. Yes.

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1 Q. Whatever manner?

2 A. Right.

3 Q. Okay.

4 A. Correct.

5 Q. And crawled into the house. And you yourself, at
6 that point note no signs of a struggle, correct?

7 A. Nothing that I could see.

8 Q. The house is mostly barren?

9 A. Yes.

10 Q. And the only piece of furniture that you could
11 locate in the house is a living room sofa, kind of in
12 the front room, right?

13 A. Yes.

14 Q. Okay. On 10/28 is when you actually speak to Dre,
15 correct? Andre Frazier?

16 A. Yes, that's correct.

17 Q. Okay. In your investigation of this case, were
18 you not able to obtain the records that showed a long
19 history between Andre and Mony and their activities
20 together in the city of Beaufort? Did you access that
21 information?

22 A. I don't recall doing that, no.

23 Q. And you obtain information, then, from Dre that
24 he's watching his football game at Buffalo Wild Wings?

25 A. Um-hmm.

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1 Q. And he is there with Mony?

2 A. Um-hmm. Yes.

3 Q. And -- yes. And a fellow by the name of Pete
4 Singleton.

5 A. Um-hmm. Yes.

6 Q. Now, Pete Singleton, when did you talk to him?

7 A. I don't remember. I don't remember if I talked to
8 Pete Singleton.

9 Q. Yeah, because I can't find it in the reports. So,
10 if it's not there, you didn't talk to him?

11 A. Most likely.

12 Q. Okay. Now, this is a man who was with Mony the
13 night that Mony disappeared, correct?

14 A. Who is?

15 Q. Pete. According to Dre.

16 A. Yeah. I think at Buffalo Wild Wings, yes.

17 Q. Um-hmm. That video you watched from the gas
18 station asked --

19 A. Um-hmm.

20 Q. What gas station -- which -- which one is that
21 again?

22 A. It's the Shell Mart.

23 Q. Right. And you said that there was a time stamp
24 on it? Was there a time stamp on it?

25 A. I believe there was, yes.

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1 Q. Okay. Dre tell you that Varsheen is standing out
2 front of [REDACTED] Greene Street, doesn't he?

3 A. Yes.

4 Q. Um-hmm. And then, he identifies Tyrone Wallace
5 as another individual at [REDACTED] Greene Street in the
6 yard, correct?

7 A. Yes.

8 Q. And you had information from Dre that Twiz had
9 threatened him --

10 SOLICITOR JONES: Objection.

11 BY MS. CAMPBELL:

12 Q. -- and accused him of being --

13 SOLICITOR JONES: Objection. Objection.

14 THE COURT: Basis?

15 SOLICITOR JONES: Hearsay.

16 MS. CAMPBELL: This is information he gained from
17 his investigation in this case. It's included in his
18 report.

19 THE COURT: Is it in a report?

20 MS. CAMPBELL: Yes, it is.

21 SOLICITOR JONES: It's hearsay from what Andre has
22 said. That Andre has said that Twiz --

23 MS. CAMPBELL: He testified.

24 SOLICITOR JONES: -- has told Andre, and Andre has
25 said this.

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1 THE COURT: Okay.

2 SOLICITOR JONES: This is double hearsay.

3 THE COURT: Okay. I'm going to go ahead and allow
4 it. Overruled. You can ask it.

5 MS. CAMPBELL: Thank you, your Honor.

6 BY MS. CAMPBELL:

7 Q. Okay. So again, you're working off this
8 information?

9 A. Yes.

10 Q. Andre has been threatened by Twiz, correct?

11 A. According to him.

12 Q. Right. And been accused of working with the
13 police or being a snitch, right?

14 A. I don't know if I can say what I heard he said,
15 but something to that effect, yes.

16 THE COURT: Okay.

17 MS. CAMPBELL: You can't.

18 THE COURT: You can't say what he said.

19 MS. CAMPBELL: You can't.

20 THE COURT: We're not saying what he said. It's
21 what you learned in your investigations.

22 MS. CAMPBELL: Yes.

23 BY MS. CAMPBELL:

24 A. Right. So I wouldn't -- I don't want to --

25 THE COURT: You can get around the hearsay if you

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1 ask the right questions. Ms. Campbell.

2 A. So it wouldn't be exactly that, necessarily, per
3 se and whatnot.

4 THE COURT: What did you learn? I mean, the
5 question is, what did you learn?

6 BY MS. CAMPBELL:

7 A. I learned that he had accused Mr. Frazier of
8 supposedly snitching on somebody in prison, so.

9 Q. Okay.

10 A. But I don't know the specifics of that.

11 Q. I understand. And the reason this is important is
12 because the information that you gather is information
13 that you use during your investigation, correct?

14 A. Of course.

15 Q. Right. And if you deem information reliable or
16 something that you would follow up on, you try to do
17 that, right?

18 A. You try.

19 Q. Exactly. All right. So I think it's fairly well-
20 established at this point, Twiz, this is a man with
21 some kind of long criminal record, right?

22 A. Yes.

23 Q. Okay. And I don't know, I heard fifteen and
24 seventeen tossed around. At least fifteen years before
25 October 2015, he's been in federal prison, right?

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1 A. Correct.

2 Q. You learned that he came back to Beaufort around
3 March of 2015; did you not?

4 A. Yes.

5 Q. Okay. And because you were in touch with his
6 parole officer, right?

7 A. Yes.

8 Q. Okay. And this is a man, again, drugs and guns.
9 That's how he lives, right?

10 A. According to what Dre told me, yes.

11 Q. According to the information you have.

12 A. Yes, correct.

13 Q. And you learned that Twiz was living at or staying
14 at, some association with [REDACTED] Greene Street, right?

15 A. That he was living there, yes.

16 Q. And it came across to you in your reports that
17 Tyrone Wallace seemed to be an unwilling participant in
18 what happened to Dre.

19 A. I'm sorry. Can you say that -- repeat again.

20 Q. Yes. Your reports reflect your opinion and your
21 thoughts about this, and it says he was an unwilling
22 participant.

23 A. It says that verbatim, unwilling participant?

24 Q. Um-hmm.

25 A. Okay. I don't recall that. I'd have to look at

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1 the report.

2 Q. Can you find, in your -- what you have up there --

3 A. Sure, I will.

4 Q. -- the interview notes that you have from Andre
5 Frazier?

6 A. Frazier. Okay. I'm on that page, if you could
7 help me as far as where, specifically. It's -- it's
8 rather lengthy.

9 Q. It is. Take a moment. Refresh your recollection.
10 I have on mine it's Page 18 and 77.

11 A. All right.

12 Q. Describing Mr. Wallace as being extremely nervous,
13 very nervous, hesitant, during this kidnaping, correct?

14 A. And that's in -- and that is for the interview
15 with Mr. Frazier.

16 Q. Frazier, correct. You describe Mr. Frazier as
17 being almost incoherent, extremely jumpy, couldn't seem
18 to hold a train of thought.

19 A. Oh, Mr. Frazier, yes.

20 Q. Yes. You on the same page, Officer Erdel?

21 A. On Page 14 of 79. And I'm -- I'm not doubting
22 you; I'm just looking for it, because I don't remember
23 specific verbiage.

24 Q. All right. We'll come back to that.

25 A. Sorry. Oh, there it is. I see it. I see it.

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1 Very nervous and hesitant.

2 Q. And the information that you got from that is that
3 you're looking for a chrome gun. Twiz had a chrome
4 gun. Is that right?

5 A. That's what Mr. Frazier said during the interview,
6 yes.

7 Q. Right. Twiz ordering Dre to face the wall.

8 A. Yes.

9 Q. Dre felt like he was going to be killed.

10 A. That's what he said.

11 Q. Um-hmm. Tyrone Wallace was not in the room with
12 them when he was ordered to face the wall.

13 A. I can't recall if he was in or out. I know he
14 said he had -- he had gone out, and then had come back
15 and said the police are out here.

16 Q. And after he's ordered to face the wall and feels
17 like he's going to be killed, Tyrone Wallace comes back
18 into the room and says the police are outside. That's
19 what -- the information you're working off of?

20 A. Yes.

21 Q. Correct?

22 A. Correct.

23 Q. It was also said at that point at that night that
24 he crawled out a window?

25 A. He didn't say that to us.

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1 SOLICITOR JONES: Objection. Hearsay, your Honor.

2 THE COURT: Okay. And again, we can't say what he
3 told him, but what did you learn in your investigation.

4 BY MS. CAMPBELL:

5 Q. So, during your investigation, you learned that
6 Mr. Frazier gave you different stories, correct?

7 A. As it relates to?

8 Q. As it relates to how he got out of the house that
9 night. One, he's crawling out a window; the other
10 one's walking out the front door.

11 A. He didn't say -- he didn't say crawling out the
12 window.

13 Q. Well, what information did you have? What
14 information did you gain about how he exited the house?

15 A. He said he went out the door.

16 Q. Okay. Never talked to you about crawling out a
17 window?

18 A. No, he did not.

19 Q. Okay. How about information you received from
20 other sources that he crawled out a window?

21 A. There was a third-party account of some, probably,
22 mis-communicated information that I received. I can't
23 say -- I can't say what someone else heard, so I had no
24 information. I talked to Mr. Frazier. He said he did
25 not crawl out a window; that he went out the front

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1 door. That's --

2 Q. Okay. And again, I know the analysis of the law,
3 I respect the Court's instructing us what to do. So,
4 in my question, you learned that there's a version of
5 him crawling out the window. And did you question him
6 about that?

7 A. I believe I did.

8 Q. Okay. So you're trying to figure out what's the
9 truth with Dre. Did you crawl out the window or did
10 you go out the front door, right?

11 A. And he clarified that he went out the front door.

12 Q. Okay. When, exactly, did you listen to the 911
13 calls from that night?

14 A. 911 calls from the person at the tennis courts?

15 Q. Right. Well, we heard, all of us, the three 911
16 calls that came in on 10/25/2015. The first one being
17 from the tennis court, Wayne Ramsey; the second two
18 from Betty Maldonato. When did you listen to those?

19 A. I don't recall.

20 Q. Okay. When did you receive the CAD report on
21 those?

22 A. I know I received it, but I don't recall when I
23 received it.

24 Q. So, for explanation purposes, the CAD report is a
25 detail of information from the 911 dispatcher talking

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1 to the police in the street, correct?

2 A. That -- yes, it's both a record of a call, and
3 sometimes the dispatchers will put notes in there as to
4 what they are saying. So it's not the same as a
5 recording of the dispatch or a recording. It's not the
6 same thing as a recording. It's basically a computer-
7 aided log. A computer-generated log of times and so
8 forth.

9 Q. Okay. So you read the CAD in this case, right?

10 A. At some point.

11 Q. Yes. And you put it in evidence, yes?

12 A. Yes.

13 Q. Okay. And to -- again, to be clear, this is what
14 your officers in the street, it's a record of what
15 they're being told, correct?

16 A. Yes.

17 Q. Okay. That information is critical, wouldn't you
18 agree, to officers in the street?

19 A. Yes.

20 Q. Okay. And you would expect officers in the street
21 getting information that the boy's in the field, go
22 look in the field, would look in the field, right?

23 A. Presumably.

24 Q. Yes. Do you have any information that anyone from
25 the Beaufort Police Department went to the field that

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1 Betty Maldonato told them to go to?

2 A. I don't know.

3 Q. Did you go to that field?

4 A. On Betty Maldonato's call?

5 Q. No, sir.

6 A. I went -- we went to -- we searched the entire
7 area, to include, I'm sure, that field. Of course,
8 we're behind the curve by that point because of the
9 late notification. So obviously, that night, I didn't
10 do anything, because I wasn't out there. So, you know,
11 we go -- we go back later, and we looked around; all --
12 several -- probably several blocks away from the house,
13 working outward, but we're behind the curve at that
14 point.

15 Q. So the officers that were on foot with you,
16 looking through the streets in that area, who were
17 those officers?

18 A. It would've been Lieutenant Gruel, Investigator
19 Ray. I think Investigator Dowling. There may have
20 been some more, but I can't recall everybody.

21 Q. So you're -- you're telling this jury that you
22 guys got out on foot, and you combed the area, looking
23 based on the 911 call and other information?

24 A. Based on everything.

25 Q. Right.

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1 A. Because we didn't know -- again, you don't know
2 what you don't know. We didn't know -- we knew there
3 were shots fired. We knew where it was reported from.
4 We get shots-fired calls all the time, so we know a
5 general area, but the sounds can travel. So we're just
6 looking for anything at that point. We're desperate to
7 find any indication, again, the overriding concern,
8 where Vermone Steve is, and that's what we were looking
9 for. We had no idea. Was he killed, was he not
10 killed, was he beaten, was he stabbed, was he shot? We
11 didn't know. So we're look -- we're just looking.

12 Q. So you know what the field looks like across from
13 [REDACTED] Greene Street -- I mean [REDACTED], because
14 you've been in that field looking for information in
15 this case. Is that right?

16 A. I'm fairly certain I've been to that field, yes.

17 MS. CAMPBELL: Permission to approach.

18 THE COURT: You may.

19 BY MS. CAMPBELL:

20 Q. Officer Erdel, if you'll take a look at what will
21 be marked Defendant's 2, 3, 4, and 5. Do you recognize
22 what's depicted in those photographs?

23 A. That's the field in question.

24 Q. Okay.

25 MS. CAMPBELL: At this time, Defense would move

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1 Defendant's 2, 3, 4, and 5 into evidence.

2 THE COURT: Without objection, they're in
3 evidence.

4 MS. CAMPBELL: And I will take an opportunity to
5 mark those in a moment, your Honor. Thank you.

6 ITEMS IDENTIFIED AS PHOTOGRAPHS
7 MARKED DEFENDANT'S EXHIBIT NUMBERS
8 2, 3, 4, AND 5
9 ADMITTED AS EVIDENCE.

10 BY MS. CAMPBELL:

11 Q. Wayne Ramsey's 911 call, the extent of that call
12 is shots fired, south of Congress Street, some boys
13 standing in the street -- some people standing in the
14 street, right?

15 A. Yes.

16 Q. Okay. At no point in the call or in any
17 investigation did Wayne Ramsey, or did you, have any
18 information that Twiz is the man, or one of the people
19 standing in the street, right?

20 A. We had information, I believe from Lieutenant
21 Gruel, pursuing the Wayne Ramsey angle. Excuse me.
22 Not that he could -- Mr. Ramsey could say Twiz
23 specifically, but that information that Twiz, Mr.
24 Smith, gave to us was matched with what we learned
25 through Mr. Ramsey.

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1 Q. Okay. So Lieutenant Gruel, the information you're
2 referencing, I can't find that in the reports.

3 A. Okay.

4 Q. So, if I can't find it --

5 A. Well --

6 Q. -- is it not documented?

7 A. It's documented reference to the video of the
8 interview with Varsheen Smith. I believe that
9 information comes up in that interview.

10 Q. You are telling, in this case, the man at the
11 tennis courts sees Varsheen Smith standing in the
12 street.

13 A. Okay.

14 Q. That's not true, correct?

15 A. I believe it's true. He can't -- the gentleman
16 doesn't know Mr. Smith, so he doesn't say Varsheen
17 Smith.

18 Q. Um-hmm.

19 A. He relays information. That information matches
20 with what we learned during the investigation.

21 Q. And the information that he relays, are you
22 telling us that he's giving Gruel information about a
23 physical description of the people standing in that
24 street? Is that what you're telling us?

25 A. He gives a vague, basic description of the people,

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- 1 not -- not so much about the people in the street;
2 about the vehicle movements after hearing the shot --
3 immediately after hearing the shots fired.
- 4 Q. Right. We're going to get to the gold Yukon in a
5 minute. I'm talking about the fact that Wayne Ramsey
6 never says even as much as black or white.
- 7 A. All right.
- 8 Q. True, right?
- 9 A. Sure.
- 10 Q. Okay. So, if you say, well, Twiz is the one
11 standing in the street, that's not true.
- 12 A. I didn't say Twiz was standing in the street.
- 13 Q. Okay. Alfred Thompson, you know Alfred, don't
14 you?
- 15 A. I knew him.
- 16 Q. Yeah. You know he lived in downtown, right by
17 Greene Street.
- 18 A. Yes.
- 19 Q. Okay. When everybody left for -- or were ordered
20 to evacuate during Hurricane Irma, did you investigate
21 that case, where Alfred was gunned down in the street?
- 22 A. I was present for it, yes. We all were there.
- 23 Q. Yes. Has anybody been arrested for that?
- 24 A. No, ma'am.
- 25 Q. No. Did you look at Spillman on Alfred Thompson?

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1 A. We knew that Alfred Thompson had been shot at by
2 people unrelated to Varsheen Smith. And the people in
3 this investigation, about three weeks prior, that's --
4 we operated on the assumption, obviously, we could
5 never prove it, but they were probably somewhat behind
6 it. But there was no known nexus that we discovered
7 between them and Varsheen Smith.

8 Q. Are you aware in Spillman that Alfred Thompson,
9 Varsheen Smith --

10 SOLICITOR JONES: Your Honor, objection. This is
11 hearsay.

12 MS. CAMPBELL: We've already been through this
13 with him; that he utilized Spillman in this
14 investigation and gained information from it. I'm --

15 THE COURT: Okay. You all need to come and talk
16 to me for a moment.

17 OFF-THE-RECORD BENCH CONFERENCE, OUT
18 OF HEARING OF JURORS. PRESENT: THE
19 COURT, SOLICITOR JONES, MS. SMITH,
20 MS. CAMPBELL, MR. STAGGS.

21 PAUSE BENCH CONFERENCE.

22 THE COURT: Do you all need a break, or are you
23 okay?

24 JUROR NUMBER: I just need --

25 THE COURT: Pardon? Break? Or just stand? Oh,

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1 absolutely. Absolutely. Please, don't be shy. We are
2 going to go ahead and take a break. Do not discuss
3 this case. It wouldn't be appropriate to do so. Go on
4 back, we'll be right back with you. Thank you.

5 JURORS LEAVE COURTROOM.

6 CONTINUE BENCH CONFERENCE.

7 END BENCH CONFERENCE.

8 THE COURT: Ms. Campbell, Mr. Staggs, you all want
9 to just going to go ahead and take a quick ten-minutes
10 or so.

11 MS. CAMPBELL: Yes, sir. I mean, yes, ma'am.

12 THE COURT: Okay? Okay.

13 INVESTIGATOR GEORGE ERDEL: Does that apply to me,
14 your Honor.

15 THE COURT: You may step down. Of course.

16 INVESTIGATOR GEORGE ERDEL: Okay.

17 OFF THE RECORD 12:00 P.M.

18 BACK ON THE RECORD 12:08 P.M.

19 THE COURT: All right. Ms. Campbell, are we ready
20 to go?

21 MS. CAMPBELL: Yes, ma'am.

22 THE COURT: All right. Let's bring the jury in.

23 BAILIFF: Ready for the jury, your Honor?

24 THE COURT: Yes, sir.

25 BAILIFF: Jury is entering the courtroom.

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1 JURORS ENTER COURTROOM 12:09 P.M.

2 THE COURT: You all may be seated.

3 MS. CAMPBELL: May it please the Court?

4 THE COURT: You may.

5 INVESTIGATOR GEORGE ERDEL, CONTINUE CROSS-

6 EXAMINATION BY MS. CAMPBELL:

7 Q. Officer Erdel. Can you step down, please.

8 Somebody will have to set this up.

9 If you could help us understand a little bit about
10 the city of Beaufort and where you work, because your
11 responsibilities are in this area, as well as the rest
12 of the city, correct?

13 A. Correct.

14 Q. Okay. So the top street here.

15 A. Boundary Street.

16 Q. Boundary Street. And as you're driving down
17 Boundary Street, heading towards, let's say, going
18 around Bellamy Curve, across the Memorial Bridge,
19 National Cemetery is over here, correct?

20 A. That's correct.

21 Q. All right. So, if you take a right here, you're
22 going down Bladen.

23 A. Yes.

24 Q. If you follow Bladen all the way down, you're
25 going to kind of come out down towards the water,

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1 correct?

2 A. Bay Street.

3 Q. Yeah. Here's the tennis courts, correct?

4 A. Yes.

5 Q. And in your investigation, this is where you
6 determine Wayne Ramsey to be located, correct?

7 A. That's where he said he called from, yes.

8 Q. Okay. And coming over, this would be Bricks, the
9 restaurant?

10 A. Yes.

11 Q. Okay. And then, if we turn down here, we are on
12 Wilmington Street, correct?

13 A. Yes.

14 Q. Keep on going down, we hit Harrington, correct?

15 A. Yes.

16 Q. Okay. Now, crossing, this is Congress.

17 A. Yes.

18 Q. And this is Greene.

19 A. Yes.

20 Q. Correct?

21 A. Yeah.

22 Q. And this is Washington Street.

23 A. Yes.

24 Q. All right. And so, the location of where Twiz and
25 Mony were staying was [REDACTED] Greene Street, right here,

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1 correct?

2 A. Yes.

3 Q. All right. And did you obtain information in the
4 course of your investigation that Tayquan Lampkin
5 resided here at [REDACTED]?

6 A. No.

7 Q. Okay. And did you obtain information that Niko,
8 or Dominique Cook, lived at [REDACTED]?

9 A. Yes.

10 Q. Okay. And did you obtain or know through your
11 investigation of this case or the murder of Alfred
12 Thompson that he resided at eleven 0 -- excuse me --
13 that he resided at [REDACTED]?

14 A. I believe his mother stays there. I don't know
15 that he was necessarily residing there at that time.
16 But again, we weren't looking at Alfred Thompson
17 related to this case, so.

18 Q. I understand.

19 A. All right.

20 Q. So his mother lived there.

21 A. I believe so, yes.

22 Q. So you might expect him to frequent [REDACTED] ss
23 [REDACTED].

24 A. Sure. Yes.

25 Q. Okay. And the [REDACTED], where Betty

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1 Maldonato lives, is right here, correct?

2 A. Yes.

3 Q. And the field across from Betty Maldonato's that
4 you already identified --

5 A. Yes.

6 Q. -- is right here, at the corner of Washington and
7 Bladen, correct?

8 A. Yes.

9 Q. Okay. Through the course of your investigation,
10 you determined that Tayquan Lampkin, Tay, drove a
11 silver-in-color, large Suburban-like vehicle, correct?

12 A. Yes. It was his mother's vehicle.

13 Q. And in looking, as you say, that you and these
14 other officers did, in looking in the field across from
15 Betty Maldonato's, you discovered, then, no evidence?

16 A. We never did discover anything in -- as far as
17 evidence, physical evidence, in any of the areas we
18 went all around that entire place.

19 Q. That would be to include [REDACTED] Greene Street,
20 right?

21 A. With one exception, I'm sure we'll get into later,
22 with as far as the recovered cartridge from the wall
23 inside [REDACTED] Greene Street. But short of that, besides
24 that, I think that would be a correct statement.

25 Q. And I know that you, through your law enforcement

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1 training, and through courses you have taken, you're
2 familiar with forensics, correct?

3 A. Correct.

4 Q. Okay. And you were here, and you heard the
5 testimony about the use of luminol to detect blood,
6 correct?

7 A. Yes.

8 Q. Okay. And so, forensically speaking, the
9 investigation conducted in and about [REDACTED] Greene
10 Street, as noted, has no indicators to you that this
11 was a crime scene or where someone was killed, correct?

12 A. We did a reagent test for blood using Leuco
13 Crystal Violet. We received no indications in the
14 areas that we processed, and we processed a fair good
15 amount of the house. So we did not find any blood in
16 the house. That's correct.

17 Q. Thank you. During the course of this
18 investigation, you go about getting a search warrant
19 for phone records, correct?

20 A. Yes.

21 Q. And you get the phone records for Twiz?

22 A. Yes.

23 Q. For the phone numbers you know of, correct?

24 A. Yes.

25 Q. Okay. And in the course of your investigation,

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1 you discovered that Twiz actually had more than one
2 phone, correct?

3 A. Yes. I don't know if he had two at the same time.
4 My impression, when trying to recall, is, I believe he
5 dropped the one and got the new number when he went on
6 the run. So we were pursuing that angle, as far as new
7 number, because he was on the run.

8 Q. And you had multiple numbers, through your
9 investigation, for Tayquan Lampkin; did you not?

10 A. I don't -- I can't recall how many numbers we had
11 for him.

12 Q. And when you are working with these phone numbers,
13 you are getting spreadsheets of numbers that are
14 calling this phone, correct?

15 A. Yes, call records.

16 Q. And numbers coming in and calls going out, right?

17 A. Correct.

18 Q. Okay. And you submitted all of those to state
19 prosecutors, and to -- for forensic evaluation,
20 correct?

21 A. I gave all the -- everything in the report all
22 goes to the Solicitor's Office, yes.

23 Q. They got it all.

24 A. Yes.

25 Q. Okay. And at some point, you obtain -- well,

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1 excuse me, let me back up. You called the U.S.

2 Marshals, and you're seeking Twiz.

3 A. Correct.

4 Q. And you ask the marshals, can you help me find
5 him, right?

6 A. Yes.

7 Q. And they do find him.

8 A. Yes.

9 Q. And they bring him in, right?

10 A. Yes.

11 Q. When they bring him in, I think it was Officer
12 Graves, he turns over to you clothing for Varsheen
13 Smith, for Twiz, right?

14 A. Yes.

15 Q. And he turns over Twiz' phone, right?

16 A. Yes.

17 Q. Okay. It was an -- was it an iPhone?

18 A. I don't remember.

19 Q. Okay. So let's talk about that phone for a
20 minute. So you try to get into that phone, don't you?

21 A. Pursuant to a legal process, yes.

22 Q. Right. I'm not challenging that.

23 A. Right.

24 Q. And so, in trying to get into that phone, you
25 discover that the phone is locked, right?

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1 A. Correct.

2 Q. And so, you get on the phone with people from
3 Google, right?

4 A. Correct.

5 Q. Okay. And you try, with the Google techs, to
6 reset the phone so you can get into it, right?

7 A. Correct.

8 Q. Okay. And when you're doing that over the phone
9 with Google, the phone crashes, right? Goes black.

10 A. I don't think it went black. I think it -- it
11 wasn't that it went black; it was that there was some
12 kind of third-party program, if I remember correctly.
13 There was some kind of third-party thing that I
14 couldn't get through, like a security program or
15 something like that, so. That's what I recall. I
16 don't recall it going black.

17 Q. And then, you take that phone, and you put it in
18 evidence, correct?

19 A. Yes.

20 Q. And to your knowledge, that phone is still in
21 evidence, right?

22 A. Yes.

23 Q. Because you never sent it to have a forensic
24 evaluation done, right?

25 A. I'm sorry. Say that again.

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1 Q. You never sent Twiz' phone for a forensic
2 evaluation?

3 A. No. We -- we sent the -- we sent the -- we try to
4 get the Sheriff's Office to do it, and they couldn't do
5 it. That's when I -- they notified me. I didn't know
6 about the Google online procedure prior to that.

7 Q. Right. And so, they're saying we can't get into
8 this phone?

9 A. Correct.

10 Q. Right. And then, you move forward with Google,
11 correct?

12 A. Yes.

13 Q. And then, after that, it's still sitting there.

14 A. Right. Because I hadn't -- couldn't do anything
15 with it.

16 Q. Okay. Now, in your experience, there are other
17 agencies like SLED that you could submit items to, to
18 determine whether their forensics experts could get
19 into the phone correct, download it without opening it.
20 Isn't that your experience?

21 A. I mean, I know they have labs and so forth, but my
22 understanding at the time was that we were basically at
23 a dead end, so; that there would not be any way to get
24 into it.

25 Q. Now, at some point, you go and knock on Tyrone

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1 Wallace's mom's door, or make a phone call or something

2 --

3 A. Made a phone call.

4 Q. -- and say hey, we want to -- we want to talk to
5 him, right?

6 A. I -- I called, and I believe I spoke to his --
7 somebody who said he was stepdad.

8 Q. And then, he comes in to talk to you, right?

9 A. He does.

10 Q. Now, this is a young man who's about 21 years old,
11 right?

12 A. Yes. At the time.

13 Q. He clearly, to you, has no criminal record, right?

14 A. True.

15 Q. And never been in a situation before where he's
16 being interrogated by police officers, right?

17 A. That's what he said.

18 Q. Okay. And you had no reason not to believe that
19 at that moment, correct?

20 A. I had no information to the contrary.

21 Q. Right. And you tell him he's not going to jail,
22 and he's free to leave.

23 A. Um-hmm.

24 Q. And it's just a formality.

25 A. No.

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1 Q. At the beginning of the interview -- excuse me.
2 At the beginning of the interrogation, you know, this
3 is -- this is just a formality, we want to go over
4 these rights with you, you're not under arrest, you're
5 here of your own free will. I mean, that is what you
6 do, isn't it?

7 A. No. Lieutenant Gruel said that, but.

8 Q. I'm sorry.

9 A. But yes, that was the gist of what was said, yes.

10 Q. Okay. So Officer Gruel, and you're there --

11 A. Correct.

12 Q. -- is saying all those things to this young man,
13 correct?

14 A. Correct.

15 Q. All right. And he signs -- signs away everything
16 based upon that, and you begin -- or Gruel begins his
17 interrogation. And it became apparent to you really
18 quickly that something wasn't clicking with Gruel and
19 Tyrone, right?

20 A. I don't know that it was that something wasn't
21 clicking. He had anything to do with him personally as
22 he just was being evasive.

23 Q. Well, I -- you do tell Tyrone that you -- you
24 would've wanted him to leave, too.

25 A. I'm ingratiating myself with Tyrone so that he'll

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1 talk to me. So, no -- you know, and it's a contrast,
2 so it's the good-cop, bad-cop thing. I took advantage
3 of the situation to make myself the good guy.

4 Q. You weren't there, downstairs, when Lieutenant
5 Gruel first interacted with Tyrone and his mother, and
6 retired detective Carol Smalls, were you?

7 A. I was not.

8 Q. Okay. Now, during the course of your
9 investigation, you discovered that someone went to Pea
10 Patch Road and removed evidence, correct?

11 A. Yes.

12 Q. Okay. And that person was not Tyrone Wallace,
13 correct?

14 A. Correct.

15 Q. And you discovered that that person also lived in
16 downtown Beaufort, correct?

17 A. Yes.

18 Q. Tayquan Lampkin, Tay. During the course of your
19 investigation, you access and do a search warrant for
20 Tayquan Lampkin's Facebook, correct?

21 A. Yes. I believe I did.

22 Q. Okay.

23 MS. CAMPBELL: May I approach?

24 THE COURT: You may.

25 BY MS. CAMPBELL:

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1 Q. I'm going to show you what will be marked
2 Defendant's 6, 7, 8, and 9. I'm going to ask you if
3 you recognize, in the first Facebook, that individual?

4 A. That is not -- that's not Tayquan, but that is.

5 Q. Correct. The profile?

6 A. The profile picture is Tayquan.

7 Q. Is Tayquan Lampkin?

8 A. Yes.

9 Q. And the Defendant's -- do you recognize Tayquan
10 Lampkin in that one? Yes?

11 A. Yes.

12 Q. And having access to his Facebook -- do you
13 recognize --

14 A. That is Tayquan.

15 Q. That's Tayquan Lampkin? Okay. And again, in
16 coming off your search warrant, Tayquan Lampkin's posts
17 from the search warrant, correct?

18 A. I don't -- I mean, I don't remember, but I presume
19 it's from that, search warrant.

20 MS. CAMPBELL: At this time, I would like to
21 publish -- admit these, your Honor, and then publish.

22 SOLICITOR JONES: No objection.

23 THE COURT: Without objection, they are in
24 evidence and being published.

25 MS. CAMPBELL: I'm going to mark them. While you

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1 get that ready I'm going to mark them, if I may.

2 Please the Court?

3 ITEMS IDENTIFIED AS PAGES FROM
4 TAYQUAN LAMPKIN'S FACEBOOK PAGE
5 MARKED DEFENDANT'S EXHIBIT NUMBERS
6 6, 7, 8, 9
7 ADMITTED AS EVIDENCE.

8 BY MS. CAMPBELL:

9 Q. So Defendant's 6 that you've identified is Tay
10 Lampkin, and can you tell us how he captions himself,
11 Officer Erdel, on his Facebook? What does he say about
12 himself?

13 A. The language that's below the name?

14 Q. Yes.

15 A. *From a real nigga to a real man, King Tay.*

16 Q. And Defendant's 7. Who do you see in Defendant's
17 7? Can you tell the jury.

18 A. I don't recognize -- I can't really tell on the
19 right. But on that left, that's -- that's Mr. Lampkin.

20 Q. That's Tay?

21 A. Yes.

22 Q. And in Defendant's 8, who is that?

23 A. That is Mr. Lampkin.

24 Q. And coming from his Facebook, Tay, with his shoes
25 and the money, what does he say there?

6-20-18 STATE V WALLACE - INV. GEORGE ERDEL - CX - CAMPBELL

1 A. Didn't have time to wipe my shoes off, the money
2 kept calling, trap.

3 Q. Hashtag Trap?

4 A. Yes.

5 Q. Okay. And in your law enforcement experience, the
6 term trap is street for what?

7 A. The drug trade.

8 Q. Thank you. Now, did there come a point when you
9 feared for Mr. Wallace's life in this investigation?
10 That he might be in danger?

11 A. I know I told him that, but I don't know that ever
12 actually -- I mean, I figured Twiz might be a bad dude.
13 And at the point of the first interview, I thought
14 anything was possible.

15 Q. And during the course of your investigation, did
16 you obtain information that a hit, or someone had been
17 told to kill Tyrone?

18 A. Yes.

19 Q. Okay. And that person was Jordan Burgess?

20 A. That's -- yes. That's correct.

21 Q. And that, in fact, he agreed to kill Tyrone?

22 A. Correct.

23 Q. Okay. The clothes that you got from Investigator
24 Graves, they're still in evidence, from -- that
25 belonged to Twiz?

6-20-18 STATE V WALLACE - INV. GEORGE ERDEL - CX - CAMPBELL

1 A. Yes.

2 Q. Any forensic search on those clothes, like gunshot
3 residue, blood?

4 A. I believe they were -- they were sent for testing,
5 and there was none, is my recollection.

6 Q. Okay. And if they -- if, in fact, they were not
7 sent for testing, we'll determine that. But you think
8 they were sent for testing?

9 A. I believe. I --

10 Q. Okay.

11 A. To the best of my recollection, I think -- I
12 thought that they were.

13 Q. You thought they were.

14 A. Yes.

15 Q. Okay. During the course of your investigation,
16 did you become aware that Mr. Wallace had been beaten
17 up at the Detention Center?

18 A. I think I heard about it at some point, but I
19 don't know the specifics.

20 Q. Okay. Did you ask for him to be put in protective
21 custody?

22 A. No. I think when we -- we arrest them, we -- it's
23 not protective custody, per se, in the strictest
24 definition. It's basically so that they're separated.
25 I'm trying to think of the word, but I can't think of

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1 the word right now. Segregation, basically, away from
2 each other. So not -- not that they're protected from
3 everybody, but that they stay away from each other,
4 they don't talk to each other, they don't interact with
5 each other.

6 Q. Did you -- so you've never received any
7 information that Tayquan Lampkin participated in
8 beating up Mr. Wallace?

9 A. I remember there was some information about him --
10 Tayquan being -- I want to say Tayquan was transferred,
11 but I can't remember if it was related to that or not.
12 I really don't.

13 Q. Okay. Did you not put into evidence, through the
14 course of your investigation, a handwritten note
15 between Twiz and Tay while they were locked up awaiting
16 trial on these charges?

17 A. I did.

18 Q. And that was a note that, during your
19 investigation, you deemed -- must have been somehow
20 passed back and forth, because it's appearing they're
21 having a conversation back and forth, correct?

22 A. Yes.

23 Q. Okay. About these charges, right?

24 A. I think so, yes.

25 Q. And how this case is going to come out, right?

6-20-18 STATE V WALLACE - INV. GEORGE ERDEL - CX - CAMPBELL

1 A. I believe so.

2 Q. Now, you, in the course of this investigation,
3 also issued a subpoena for Vermone Steve, Mony's
4 Facebook; did you not?

5 A. I think it was a search warrant, but I can't
6 remember.

7 Q. I'm sorry. Search warrant, yes.

8 A. Yes. I do believe -- I believe I did.

9 Q. Yes, you did. And you logged all that information
10 into evidence in the case, correct?

11 A. Yes.

12 Q. Just as you did with Tayquan's.

13 A. Correct.

14 Q. Correct. All right.

15 SOLICITOR JONES: Your Honor, may we approach?

16 THE COURT: You may.

17 OFF-THE-RECORD BENCH CONFERENCE, OUT
18 OF HEARING OF JURORS. PRESENT: THE
19 COURT, SOLICITOR JONES, MS. SMITH,
20 MS. CAMPBELL, MR. STAGGS.

21 END BENCH CONFERENCE.

22 MS. CAMPBELL: Thank you.

23 BY MS. CAMPBELL:

24 Q. Officer Erdel, pursuant to a search warrant, you
25 obtained Mony's Facebook, correct?

6-20-18 STATE V WALLACE - INV. GEORGE ERDEL - CX - CAMPBELL

1 A. That's correct.

2 Q. And so, Defendant's 10, the date on that from
3 Vermone Steve?

4 A. September 13, 2015.

5 Q. Defendant's 11?

6 A. June 26, 2015.

7 Q. And the date on the Defendant's 12?

8 A. May 23, 2015.

9 Q. And the date on Defendant's 13?

10 A. May 2, 2015.

11 Q. Thank you. All right.

12 MS. CAMPBELL: Defendant seeks to admit
13 Defendant's 10 through 13, no objection from the State.
14 Excuse me, and 14.

15 BY MS. CAMPBELL:

16 Q. The date on that?

17 A. October 4, 2012.

18 Q. Thank you.

19 MS. CAMPBELL: May I publish?

20 THE COURT: You may.

21 MS. CAMPBELL: Thank you.

22 ITEMS IDENTIFIED AS PHOTOGRAPHS
23 MARKED DEFENDANT'S EXHIBIT NUMBERS
24 10, 11, 12, 13, AND 14
25 ADMITTED AS EVIDENCE.

6-20-18 STATE V WALLACE - INV. GEORGE ERDEL - CX - CAMPBELL

1 BY MS. CAMPBELL:

2 Q. All right. And if you'll help us out, Officer
3 Erdel, the caption on the Facebook post says?

4 A. *And I put that on everything.*

5 Q. And Defendant's 11. Now, what -- it appears --
6 now, you tell me what you think, in the bottom right-
7 hand corner, what appears to be in Mr. Steve's palm of
8 his hand to you?

9 A. The --

10 SOLICITOR JONES: Your Honor, I would object to
11 speculation.

12 THE COURT: Okay. If it calls for speculation, he
13 can't do that.

14 MS. CAMPBELL: Thank you.

15 BY MS. CAMPBELL:

16 Q. And Defendant's 12.

17 A. What am I looking for?

18 Q. It looks like a paper -- stack of hundred-dollar
19 bills, correct?

20 A. I can see what looks like a bill. I can't tell
21 what it -- what it is as far as the denomination, no.

22 Q. And Defendant's 13. The caption on this Facebook
23 post says *family*. And then, what does it say at the
24 bottom?

25 A. *RIP, another soldier gone too soon. Rest easy,*

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1 five.

2 Q. RIP, that would be rest in peace?

3 A. What would? Oh, yes, yes.

4 Q. Okay. Now, do you know who that is in that
5 picture?

6 A. I believe that's Matthew Horn.

7 Q. Matthew Horn was -- was murdered in the city of
8 Beaufort, correct?

9 A. He was.

10 Q. Okay. And Defendant's 14. That would be -- what
11 is the caption on that?

12 A. *I told you I'd be back, didn't I?*

13 Q. Thank you. Were you aware at any time during your
14 investigation that Mony had family living at C.J.'s
15 house, at the corner of Washington and Bladen?

16 A. No.

17 Q. Okay. Do you recall during the course of your
18 investigation -- or let me back up. During the fall of
19 2016, do you recall speaking to an attorney in town by
20 the name of Jeff Stevens?

21 A. I mean, I've spoken to Jeff Stevens, but I don't
22 recall --

23 Q. Do you recall speaking to him at all in reference
24 to the death of Alfred Thompson?

25 A. I don't recall it. I may have, but I don't -- I

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1 don't recall it.

2 Q. You have no memory of the content of the
3 conversations; is that your testimony?

4 A. Of course. I don't -- I don't remember it.

5 MS. CAMPBELL: That may be all I have, your Honor.
6 If you could just give me one moment.

7 BY MS. CAMPBELL:

8 Q. Just very briefly, Officer Erdel. So, when -- I
9 just want to make sure I understand your testimony.
10 So, during the fall of 2016, no recollection at all of
11 the concern and fear Mr. Stevens had that Alfred's life
12 was in danger? None?

13 A. I'm not saying it didn't happen. I -- I just
14 don't remember it. I mean, yeah, I don't remember that
15 conversation.

16 Q. And ultimately, you wound up shortly thereafter in
17 -- during the evacuation, investigating Alfred's
18 murder, correct?

19 A. Right. We knew he was in danger because somebody
20 had shot at him three weeks prior to him being killed,
21 but I -- and again, I'm not saying it didn't happen. I
22 don't remember having a conversation with Jeff Stevens.
23 Maybe I did, but I don't recall the content of the
24 conversation.

25 MS. CAMPBELL: That's all I have. Thank you.

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1 THE COURT: Ms. Jones.

2 SOLICITOR JONES: Thank you, your Honor.

3 OFFICER GEORGE ERDEL, RE-DIRECT

4 EXAMINATION BY SOLICITOR JONES:

5 Q. Ms. Campbell asked you about searching [REDACTED] Greene
6 Street?

7 A. Yes.

8 Q. Okay. And you -- you said you -- you mention
9 something about a bullet?

10 A. Yes.

11 Q. Tell me a little bit about that.

12 A. So there was a bullet, a damaged bullet, lodged in
13 the wall, on what would have been the west side of the
14 interior wall of the kitchen, that we were directed to
15 by Mr. Wallace during interviews.

16 Q. Okay. So Mr. Wallace said that while he was
17 there. How did that bullet get there?

18 A. He said that while he was there, before Mr.
19 Frazier showed up, that he observed Varsheen shoot at
20 Vermone Steve, and that Vermone Steve was -- had fled
21 the house as a result.

22 Q. Okay.

23 A. And then, Mr. Frazier subsequently showed up.

24 Q. So you all collected that bullet?

25 A. We did.

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1 SOLICITOR JONES: Permission to approach.

2 THE COURT: You may.

3 BY SOLICITOR JONES:

4 Q. Let me show you what's been marked as State's 28.
5 What is that?

6 A. That is the envelope containing the -- a good
7 weight of it -- the recovered bullet from the wall.

8 Q. Okay.

9 SOLICITOR JONES: Your Honor, at this time, the
10 State moves State's 28 into evidence.

11 MS. CAMPBELL: No objection.

12 THE COURT: Without objection.

13 ITEM IDENTIFIED AS BULLET RECOVERED
14 FROM WALL OF [REDACTED] GREEN STREET
15 MARKED STATE'S EXHIBIT NUMBER 28
16 ADMITTED AS EVIDENCE.

17 BY SOLICITOR JONES:

18 Q. So would you say that this was the only signs of a
19 struggle you were able to locate?

20 A. That would be the only thing that we could locate,
21 yes.

22 Q. And where did you later learn from Mr. Wallace
23 that -- where he shot Vermone Steve?

24 A. That he said that he shot him, and that Mr. Steve
25 fell out of the doorway that's basically immediately to

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1 the right of where that bullet was recovered, out into
2 the side yard.

3 Q. So outside?

4 A. He said he fell outside.

5 Q. If someone's shot outside, are you going to find
6 signs of a murder inside?

7 A. We didn't in this case.

8 Q. Okay. And I do want to clarify. Ms. Campbell
9 asked you about your interview with Andre Frazier. And
10 there was some confusion over different people's
11 demeanors. Who was upset and incoherent and visibly
12 shaken?

13 A. That would be Mr. Frazier. Mr. Frazier cried
14 profusely. I was -- myself and Lieutenant Gruel were a
15 little taken aback by it, because of the force of it.
16 It was like it came out of nowhere. When he was
17 describing how the gun was held to his stomach, he just
18 kind of broke down.

19 Q. I want to talk to you a little bit about Tayquan
20 Lampkin. How many statements did he give to you?

21 A. He didn't give us any.

22 Q. Okay. And how many did Tyrone Wallace give?

23 A. Three.

24 Q. Okay. And you were in here when Mr. Hightower
25 testified to the phone records?

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BY THE COURT

1 A. Yes.

2 Q. Who is Tyrone Wallace in communication with the
3 entire night of October 25th, into the morning of
4 October 26th?

5 A. I want to say Tayquan and Varsheen, but it was
6 Tayquan Lampkin.

7 Q. Tayquan Lampkin. Okay. Let's see. If I could
8 see these pictures, please, of Tayquan Lampkin.

9 Q. So this man is who Tyrone Wallace is talking to
10 all night long?

11 A. Correct.

12 Q. Okay. And actually, what happened with Mr.
13 Lampkin's case?

14 A. Related to this incident, he pled guilty.

15 Q. Okay. So he admitted he was there and he admitted
16 his guilt?

17 A. By pleading guilty, yes.

18 Q. Okay. That's all the questions I have for you.

19 SOLICITOR JONES: That's it. Thank you.

20 BY THE COURT:

21 THE COURT: You may step down, sir. Ladies and
22 gentlemen, it's now a good time for a lunch break. I
23 am going to ask that you be back in your jury room at
24 -- you all okay with only an hour lunch break? Yes,
25 you're shaking your head okay. I'm going to ask that

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1 BY THE COURT:

2 THE COURT: All right. We ready to go ahead?

3 BAILIFF: Yes, ma'am.

4 THE COURT: Okay. Ms. Campbell, you ready to go?

5 MS. CAMPBELL: Yes, ma'am.

6 THE COURT: Okay. Let's bring them in.

7 BAILIFF: Ready for the jury, your Honor?

8 THE COURT: Yes, sir.

9 BAILIFF: Jury is entering the courtroom.

10 JURORS ENTER COURTROOM 2:04 P.M.

11 THE COURT: You all may be seated. All right.

12 State will call their next witness.

13 SOLICITOR JONES: The State calls Investigator
14 Charles Raley.

15 MADAM CLERK: Good afternoon. Please place your
16 left hand on the *Bible* and raise your right. Do you
17 solemnly swear or affirm to truthfully answer all
18 questions asked of you by this court, so help you God?

19 INVESTIGATOR CHARLES RALEY: Yes, ma'am, I do.

20 MADAM CLERK: Thank you. You can adjust this

21 SOLICITOR JONES: Thank you, your Honor.

22 INVESTIGATOR CHARLES RALEY, DIRECT

23 EXAMINATION BY SOLICITOR JONES:

24 Q. Investigator Raley, where do you work?

25 A. The City of Beaufort Police Department.

6-20-18 STATE V WALLACE - INV. CHARLES RALEY - DX - JONES

1 Q. And I've been calling you Investigator Raley. In
2 what capacity do you work with the --

3 A. As a criminal investigator.

4 Q. Okay. And did you assist on the investigation
5 that we're here for today?

6 A. Yes, ma'am.

7 Q. And you assisted Investigator Erdel?

8 A. That's correct.

9 Q. And as part of that, did you have an opportunity
10 to speak with Tyrone Wallace, the defendant?

11 A. Yes, ma'am.

12 Q. Okay. How many times did you speak with him?

13 A. Twice.

14 SOLICITOR JONES: Permission to approach.

15 THE COURT: You may.

16 BY SOLICITOR JONES:

17 Q. Investigator Raley, I'm going to show you what's
18 been marked as State's Exhibit 29. Do you recognize
19 that?

20 A. Yes, ma'am.

21 Q. And what is that?

22 A. It's a *Miranda* form we use at the police
23 department.

24 Q. Okay. And is that the *Miranda* form that you used
25 on -- what is the date on the top of that *Miranda* form?

6-20-18 STATE V WALLACE - INV. CHARLES RALEY - DX - JONES

1 A. November 25, 2015.

2 Q. And would that have been the first time you
3 interviewed Mr. Wallace?

4 A. Yes, ma'am.

5 Q. And did you go through that form with him?

6 A. I did, yes, ma'am.

7 Q. And did he indicate he understood what was on that
8 form?

9 A. He did.

10 Q. And at any time during this, did he appear
11 confused or not sure what he was doing?

12 A. No, ma'am.

13 Q. And did he make any markings on that form
14 acknowledging he understood it?

15 A. He did. He initialed it in two places, and signed
16 his signature.

17 Q. And he initialed, indicating what?

18 A. That he had read this statement of his rights and
19 understood each of those rights, and that he was
20 willing to make a statement and answer questions.

21 Q. Okay. Without his attorney present?

22 A. Correct.

23 Q. Okay.

24 SOLICITOR JONES: Your Honor, at this time, the
25 State moves State's 29 into evidence.

6-20-18 STATE V WALLACE - INV. CHARLES RALEY - DX - JONES

1 THE COURT: Okay. You may.

2 SOLICITOR JONES: Okay.

3 ITEM IDENTIFIED AS *MIRANDA* FORM

4 SIGNED BY TYRONE WALLACE

5 DATED NOVEMBER 25, 2015

6 MARKED STATE'S EXHIBIT NUMBER 29

7 ADMITTED AS EVIDENCE.

8 BY SOLICITOR JONES:

9 Q. And as a result of him waiving these rights, did
10 you, in fact, interview him?

11 A. I did.

12 Q. Okay. I am going to show you now State's 30-A and
13 State's 30-B. Do you recognize those?

14 A. Yes, ma'am.

15 Q. And what are those?

16 A. These are copies of the interviews that I
17 conducted on that date.

18 Q. Okay. Because the interview on the 25th was
19 audio- and video-recorded?

20 A. That is correct.

21 Q. Okay. And who is present for this interview?

22 A. Myself and Mr. Wallace.

23 Q. Okay. Why wasn't there another investigator
24 there?

25 A. It was the holidays. I believe this was a

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1 weekend, and I was the only one available.

2 Q. Okay. And did you review those discs prior to
3 court?

4 A. Yes, ma'am.

5 Q. And is that indicated by your initials on there?

6 A. Yes, ma'am.

7 Q. And are those fair and accurate copies of the
8 interview that happened on November 25th of 2015?

9 A. Yes, ma'am.

10 Q. Hadn't been altered in any way?

11 A. No, ma'am.

12 SOLICITOR JONES: Your Honor, at this time, the
13 State moves State's 30-A and B into evidence.

14 THE COURT: Okay.

15 SOLICITOR JONES: And --

16 THE COURT: Subject to prior objection. Got it.

17 MS. CAMPBELL: Thank you.

18 THE COURT: Thank you.

19 SOLICITOR JONES: And permission to publish.

20 THE COURT: You may.

21 ITEMS IDENTIFIED AS NOVEMBER 25,
22 2015 INTERVIEW OF TYRONE WALLACE
23 COMPOSED OF TWO C.D.s
24 MARKED STATE'S EXHIBIT NUMBERS 30-A AND 30-B
25 ADMITTED AS EVIDENCE.

6-20-18 STATE V WALLACE - INV. CHARLES RALEY - DX - JONES

1 THE COURT: Ladies and gentlemen of the jury, any
2 time anyone needs a break, just wave me down, or wave
3 Tom down. Okay?

4 STATE'S EXHIBIT NUMBERS 30-A AND
5 30-B PLAYING.

6 PAUSE PLAYING STATE'S EXHIBIT
7 NUMBERS 30-A AND 30-B.

8 BY SOLICITOR JONES:

9 Q. My apologies. I have one question, Investigator
10 Raley. How did it come to your attention that Mr.
11 Wallace wanted to speak with you?

12 A. I was notified by then Lieutenant Gruel that Mr.
13 Wallace's mother had approached him, and asked to speak
14 with -- with Lieutenant Gruel; that he wanted to talk
15 to an investigator, so.

16 Q. Okay. So you all didn't go seeking him, he came
17 seeking you?

18 A. Correct.

19 Q. Okay.

20 A. He and his mother, yes, ma'am.

21 Q. Thank you.

22 CONTINUE PLAYING STATE'S EXHIBIT
23 NUMBERS 30-A AND 30-B.

24 PAUSE INTERVIEW.

25 BY SOLICITOR JONES:

6-20-18 STATE V WALLACE - INV. CHARLES RALEY - DX - JONES

1 Q. Investigator Raley, I'm going to show you a couple
2 photographs.

3 SOLICITOR JONES: Permission to approach.

4 THE COURT: Yes.

5 BY SOLICITOR JONES:

6 Q. I'm showing you State's 25, 26, and 27. Do you
7 recognize those?

8 A. Yes, ma'am.

9 Q. And what are those?

10 A. They're photographs that were taken inside the
11 residence, where Mr. Wallace was directing us.

12 Q. Okay. So that's what he's explaining in this clip
13 right here?

14 A. Yes, ma'am.

15 Q. Okay.

16 SOLICITOR JONES: Your Honor, at this time, the
17 State moves 25, 26, and 27 into evidence.

18 MS. CAMPBELL: No objection.

19 THE COURT: Okay.

20 ITEMS IDENTIFIED AS PHOTOGRAPHS

21 MARKED STATE'S EXHIBIT NUMBERS

22 25, 26, 27

23 ADMITTED AS EVIDENCE.

24 BY SOLICITOR JONES:

25 Q. So that's the bullet that he's talking about?

6-20-18 STATE V WALLACE - INV. CHARLES RALEY - DX - JONES

1 A. That's the hole, and that's the side door that he
2 was referencing.

3 Q. Okay. Next.

4 A. And that's where we cut out the -- the drywall.

5 Q. Okay. And 27.

6 A. And that's the actual projectile.

7 Q. Okay. So you --

8 A. That we recovered.

9 Q. So you could corroborate that one thing he told
10 you.

11 A. Yes, ma'am.

12 Q. Okay.

13 CONTINUE PLAYING STATE'S EXHIBIT

14 NUMBERS 30-A AND 30-B.

15 PAUSE PLAYING STATE'S EXHIBIT

16 NUMBERS 30-A AND 30-B.

17 BY SOLICITOR JONES:

18 Q. I have a question, Investigator Raley, just to
19 clear something up here. Tyrone Wallace, did he ask
20 you something about Varsheen going to prison on murder?

21 A. He did. He made a statement that he went for
22 murder.

23 Q. What did he really go for?

24 A. He went for a federal firearms violation.

25 Q. Okay. Thank you. But not murder?

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BY THE COURT

1 A. No, ma'am, not murder.

2 Q. Okay. Thank you.

3 CONTINUE PLAYING STATE'S EXHIBIT

4 NUMBERS 30-A AND 30-B.

5 PAUSE PLAYING STATE'S EXHIBIT

6 NUMBERS 30-A AND 30-B.

7 BY THE COURT:

8 SOLICITOR JONES: Your Honor, we're about halfway
9 done.

10 THE COURT: Right now is a good time for a break.
11 All right. Ladies and gentlemen, do not discuss this
12 case. It wouldn't be appropriate to do so.

13 JURORS LEAVE COURTROOM 3:43 P.M.

14 BAILIFF: Jury is clear, your Honor.

15 THE COURT: All right. Let's go ahead and take a
16 quick break, you all. Okay?

17 SOLICITOR JONES: Thank you.

18 THE COURT: Sure.

19 INVESTIGATOR CHARLES RALEY: May I step down.

20 THE COURT: Of course, sir. Just don't discuss
21 your testimony.

22 INVESTIGATOR CHARLES RALEY: Yes, ma'am.

23 OFF THE RECORD 3:44 P.M.

24 BACK ON THE RECORD 4:05 P.M.

25 BY THE COURT:

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BY THE COURT

1 SOLICITOR JONES: We have about an hour and a half
2 left of this video. I would like to maybe ask the
3 jury, if it would be okay with them and your Honor and
4 the rest of everybody involved if we could finish this
5 one today.

6 BAILIFF: We've already done that.

7 THE COURT: What did they say?

8 BAILIFF: They said they would prefer to get it
9 over with.

10 THE COURT: Really? Very good. that's perfect.
11 Let's go. Let's bring them out here.

12 SOLICITOR JONES: Thank you.

13 BAILIFF: Ready for the jury, your Honor?

14 THE COURT: Yes, sir.

15 BAILIFF: Jury is entering the courtroom, your
16 Honor.

17 JURORS ENTER COURTROOM 4:06 P.M.

18 THE COURT: Thank you. You all may be seated.
19 All right. Mr. Foreperson, I heard you are willing to
20 forge on and finish this interview, which should
21 roughly run, we think, until about 5:30. Is that okay?

22 FOREPERSON: 5:30 would be the cutoff for every
23 person.

24 THE COURT: That's the cutoff. Got it. All
25 right. Let's go. Thank you, sir.

6-20-18 STATE V WALLACE INV. CHARLES RALEY - CONT. DX - JONES

1 FOREPERSON: Yes, ma'am.

2 INVESTIGATOR CHARLES RALEY, CONTINUE DIRECT
3 EXAMINATION BY SOLICITOR JONES:
4 CONTINUE PLAYING STATE'S EXHIBIT
5 NUMBERS 30-A AND 30-B.

6 THE COURT: Could the volume go up? Yeah, we need
7 the volume up on it.

8 PAUSE PLAYING STATE'S EXHIBIT
9 NUMBERS 30-A AND 30-B.
10 CONTINUE PLAYING STATE'S EXHIBIT
11 NUMBERS 30-A AND 30-B.
12 PAUSE PLAYING STATE'S EXHIBIT
13 NUMBERS 30-A AND 30-B.

14 BY SOLICITOR JONES:

15 Q. A couple questions. You're talking about more
16 charges for Varsheen Smith?

17 A. Correct.

18 Q. After this interview, was Varsheen Smith charged
19 with more charges?

20 A. I do not recall.

21 Q. Okay. Were you able to corroborate what was being
22 said in this interview?

23 A. To an extent.

24 Q. But in fact, another interview happens after this?

25 A. That is correct.

6-20-18 STATE V WALLACE INV. CHARLES RALEY - CONT. DX - JONES

1 Q. Okay. And is it the same story he's been telling
2 you?

3 A. It's similar. It's a similar version.

4 Q. But a main part changes?

5 A. Correct.

6 Q. Okay. And we'll get there. Thank you.

7 CONTINUE PLAYING STATE'S EXHIBIT

8 NUMBERS 30-A AND 30-B.

9 PAUSE PLAYING STATE'S EXHIBIT

10 NUMBERS 30-A AND 30-B.

11 BY SOLICITOR JONES:

12 Q. Do you know where the murder weapon was found?

13 A. It was never found.

14 Q. Okay. Thank you.

15 CONTINUE PLAYING STATE'S EXHIBIT

16 NUMBERS 30-A AND 30-B.

17 PAUSE PLAYING STATE'S EXHIBIT

18 NUMBERS 30-A AND 30-B.

19 BY SOLICITOR JONES:

20 Q. He's asking you questions about -- or he's
21 bringing you information about Matthew Horn?

22 A. Yes, ma'am.

23 Q. What happened with that case?

24 A. The suspect in that case, Malik Stanfield, was
25 sentenced.

6-20-18 STATE V WALLACE INV. CHARLES RALEY - CONT. DX - JONES

1 Q. Okay. He was convicted?

2 A. He was.

3 Q. Okay. And what connection does that case have to
4 do with -- anything to do with this case?

5 A. Nothing at all.

6 Q. Okay. How about Alfred G.?

7 A. Nothing at all.

8 Q. Who is Alfred G.?

9 A. Alfred Thompson. He was murdered during the
10 hurricane a few years ago.

11 Q. And what connection does that have to do with any
12 reason we're here for today?

13 A. Nothing.

14 Q. Okay. And you were the lead investigator on that
15 case?

16 A. Correct.

17 Q. Okay.

18 CONTINUE PLAYING STATE'S EXHIBIT

19 NUMBERS 30-A AND 30-B.

20 THE COURT: Could you just pause it for one
21 second.

22 PAUSE PLAYING STATE'S EXHIBIT

23 NUMBERS 30-A AND 30-B.

24 THE COURT: Ladies and gentlemen, it's got eleven
25 minutes left. I know someone had to be out of here at

6-20-18 STATE V WALLACE

BY THE COURT

1 5:30. Do you want to push the eleven minutes? We can
2 start it back up in the morning. It's up to you. If
3 someone had to be out of here, I just want to make sure
4 that you're okay. You okay? Thank you. Let's just
5 finish the eleven minutes.

6 BY SOLICITOR JONES:

7 CONTINUE PLAYING STATE'S EXHIBIT

8 NUMBERS 30-A AND 30-B.

9 END PLAYING STATE'S EXHIBIT

10 NUMBERS 30-A AND 30-B.

11 BY THE COURT:

12 THE COURT: Is there anything more? Okay. All
13 right. Ladies and gentlemen, it's time to go. 10:00
14 o'clock tomorrow morning? Yes? Is that fine with
15 everybody? Do not discuss this case. Don't do any
16 independent research. Get a good night's sleep, ladies
17 and gentlemen. I will see you all tomorrow morning at
18 10:00 a.m. Okay? Thank you.

19 JURORS LEAVE COURTROOM 5:48 P.M.

20 BAILIFF: Jury is clear, your Honor.

21 THE COURT: All right. You all may be seated.
22 Anything else need to be put on the record for this
23 evening? From the State?

24 SOLICITOR JONES: No, your Honor.

25 THE COURT: Ms. Campbell?

6-21-18 STATE V WALLACE - CONT. INV. CHARLES RALEY - DX - JONES

1 THE COURT: Welcome back, you all. At this time,
2 we're going to continue Investigator Raley's testimony.
3 Ms. Jones.

4 SOLICITOR JONES: Thank you, your Honor.

5 INVESTIGATOR CHARLES RALEY, CONTINUE DIRECT
6 EXAMINATION BY SOLICITOR JONES:

7 Q. Investigator Raley, we watched Interview Number 2
8 yesterday, correct?

9 A. Yes, ma'am.

10 Q. And in that interview, you say things like --
11 you're telling Mr. Wallace, it sounds like the truth to
12 me, I believe what you're telling me, you are the fall
13 guy, you're caught in a bad situation. Why are you
14 telling him these things?

15 A. Just rapport-building. Any time the defendant was
16 confronted with -- with something he may have lied
17 about, he began to shut down in interviews. So I kept
18 talking to him, telling him I believed him, to keep him
19 talking.

20 Q. Okay. Is there any truth to anything you're
21 saying in those particular comments?

22 A. No, ma'am.

23 Q. Is it a technique?

24 A. It is. It's just a tactic that we use in
25 interrogations.

6-21-18 STATE V WALLACE - CONT. INV. CHARLES RALEY - DX - JONES

1 Q. After your interview with him on the 25th of
2 November, was he interviewed again?

3 A. He was.

4 Q. Okay. And was this interview video and audio
5 recorded?

6 A. Yes, ma'am, it was.

7 SOLICITOR JONES: Permission to approach.

8 THE COURT: You may.

9 BY SOLICITOR JONES:

10 Q. Investigator Raley, I'm going to show you what's
11 been marked as State's 40-A and 40-B. Do you recognize
12 those?

13 A. Yes, ma'am.

14 Q. And what are those?

15 A. These are copies of the interview, the third
16 interview of Mr. Wallace, on December 3, 2015.

17 Q. And did you review those copies prior to court?

18 A. Yes, ma'am.

19 Q. And is that indicated on those discs?

20 A. It is. Yes, ma'am, my signature.

21 Q. Sorry. Go on.

22 A. With my -- my initials and date. Yes, ma'am.

23 Q. Perfect. And are those fair and accurate copies
24 of the interview on December 3rd of 2015?

25 A. Yes, ma'am, they are.

6-21-18 STATE V WALLACE - CONT. INV. CHARLES RALEY - DX - JONES

1 Q. Okay.

2 SOLICITOR JONES: Your Honor, at this time, the
3 State moves State's 40-A and B into evidence.

4 THE COURT: Okay. Subject to prior objection,
5 they're in evidence.

6 SOLICITOR JONES: Thank you, your Honor.

7 ITEMS IDENTIFIED AS THIRD INTERVIEW
8 OF TYRONE WALLACE, DATED DECEMBER 3, 2015
9 MARKED STATE'S EXHIBIT NUMBERS 40-A AND 40-B
10 ADMITTED AS EVIDENCE.

11 BY SOLICITOR JONES:

12 Q. And one question, Investigator Raley. From this
13 interview -- from the second interview to what is said
14 on this interview, what changes?

15 A. The defendant confesses to -- to shooting the
16 victim.

17 Q. Mr. Steve?

18 A. Correct.

19 Q. Thank you.

20 SOLICITOR JONES: Permission to publish.

21 THE COURT: You may.

22 PLAYING INTERVIEW MARKED STATE'S
23 EXHIBIT 40A AND 40B.
24 PAUSE PLAYING STATE'S EXHIBIT
25 NUMBERS 40-A AND 40-B.

6-21-18 STATE V WALLACE - CONT. INV. CHARLES RALEY - DX - JONES

1 BY SOLICITOR JONES:

2 Q. Couple questions, Investigator Raley. You all
3 seem to be talking about some people at the tennis
4 courts.

5 A. Yes, ma'am.

6 Q. Where are these tennis courts?

7 A. They're located about a block and a half away.

8 Q. Okay. And are these anybody involved with the
9 players we've heard about this week?

10 A. No, ma'am.

11 Q. How did you know to speak to these people?

12 A. I believe one of them called 911.

13 Q. Okay. And throughout this investigation, Twiz, or
14 Varsheen Smith, he was interviewed as well, correct?

15 A. That is correct. Yes, ma'am.

16 Q. Does he reference any of these people?

17 A. He does -- not the two individuals at the tennis
18 court, no, ma'am.

19 Q. Okay. But does he give some sort of rendition
20 that is corroborated by these people?

21 A. Yes, ma'am. He does say that he was out in the
22 middle of the street when shots were fired, and he
23 spoke to two people.

24 Q. And that's corroborated by these individuals?

25 A. Yes, ma'am.

6-21-18 STATE V WALLACE - CONT. INV. CHARLES RALEY - DX - JONES

1 Q. Thank you.

2 CONTINUE PLAYING STATE'S EXHIBIT

3 NUMBERS 40-A AND 40-B.

4 PAUSE PLAYING STATE'S EXHIBIT

5 NUMBERS 40-A AND 40-B.

6 BY SOLICITOR JONES:

7 Q. Investigator Raley, at this point, you've been
8 interviewing him for about an hour, hour and a half,
9 almost?

10 A. Yes, ma'am.

11 Q. He seemed -- he appears to be getting frustrated.

12 A. Yes, ma'am.

13 Q. What sort of interrogation technique -- or why do
14 you and Erdel keep telling him about Twiz being on the
15 street?

16 A. Just so that he understands that we know that's
17 what he said.

18 Q. Okay.

19 THE COURT: Need a break? Are you okay? You're
20 good? Okay. Anyone wave if you need a break. Okay?

21 CONTINUE PLAYING STATE'S EXHIBIT

22 NUMBERS 40-A AND 40-B.

23 PAUSE PLAYING STATE'S EXHIBIT

24 NUMBERS 40-A AND 40-B.

25 SOLICITOR JONES: Your Honor, this might be a good

6-21-18 STATE V WALLACE - CONT. INV. CHARLES RALEY - DX - JONES

1 time to take maybe five to ten minutes.

2 THE COURT: Okay.

3 THE COURT: Ladies and gentlemen of the jury, do
4 not discuss the case. It wouldn't be appropriate to do
5 so. We'll be right back.

6 Mr. Foreperson, knock on the door when everyone
7 has refreshed themselves and ready to come back in.
8 Okay? Thank you.

9 JURORS LEAVE COURTROOM 11:49 A.M.

10 BAILIFF: Jury is clear, your Honor.

11 THE COURT: Investigator, you may step down, sir.

12 INVESTIGATOR CHARLES RALEY: Thank you, ma'am.

13 THE COURT: Ten-minute break. Anything we need to
14 put on the record?

15 SOLICITOR JONES: No, your Honor. I just felt
16 like we -- we might -- we might be losing some people.

17 THE COURT: I think so as well. I will tell you
18 that we do have to break at 5:00 today. One of the
19 jurors have to leave at 5:00. So they made that known
20 two days ago, so. Giving everyone heads' up. Okay?

21 SOLICITOR JONES: Thank you.

22 THE COURT: So let's just take ten minutes. Okay?

23 OFF THE RECORD 11:50 A.M.

24 BACK ON THE RECORD 12:14 P.M.

25 BY THE COURT:

6-21-18 STATE V WALLACE - CONT. INV. CHARLES RALEY - DX - JONES

1 THE COURT: State ready?

2 SOLICITOR JONES: Yes, your Honor.

3 THE COURT: Defense ready?

4 MS. CAMPBELL: Yes, ma'am.

5 THE COURT: Okay. Let's go. You okay?

6 INVESTIGATOR CHARLES RALEY: Yes, ma'am.

7 THE COURT: All right. You also tell me, too. If
8 you need a break, just flag me down as well.

9 INVESTIGATOR CHARLES RALEY: Yes, ma'am.

10 THE COURT: All right.

11 BAILIFF: Jury is entering the courtroom, your
12 Honor.

13 JURORS ENTER COURTROOM 12:16 P.M.

14 THE COURT: Please be seated. All right.

15 INVESTIGATOR CHARLES RALEY, CONTINUE DIRECT

16 EXAMINATION BY SOLICITOR JONES:

17 Q. Briefly, Investigator Raley, we just saw in this
18 interview, Investigator Erdel leave the interview room.
19 Does he come back in?

20 A. No, ma'am, he does not.

21 Q. And why is that?

22 A. I seemed to have a better rapport with Mr.
23 Wallace. He began to get frustrated with Investigator
24 Erdel, so he removed himself from the situation.

25 Q. Okay. Thank you.

6-21-18 STATE V WALLACE - CONT. INV. CHARLES RALEY - DX - JONES

1 CONTINUE PLAYING STATE'S EXHIBIT

2 NUMBERS 40-A AND 40-B.

3 PAUSE PLAYING STATE'S EXHIBIT

4 NUMBERS 40-A AND 40-B.

5 BY SOLICITOR JONES:

6 Q. Investigator Raley, he just said, *because he got*
7 *too hot when it came to the drugs.*

8 A. Yes, ma'am.

9 Q. What does that mean?

10 A. I'm assuming that --

11 MS. CAMPBELL: Objection. Speculation.

12 THE COURT: Okay. He can't speculate.

13 BY SOLICITOR JONES:

14 Q. Do you know what the term *too hot for drugs*, based
15 on your experience and training as a law enforcement
16 officer, means?

17 A. Yes, ma'am. It means that drug trade in the area
18 is going on.

19 Q. Okay. Thank you.

20 CONTINUE PLAYING STATE'S EXHIBIT

21 NUMBERS 40-A AND 40-B.

22 PAUSE PLAYING STATE'S EXHIBIT

23 NUMBERS 40-A AND 40-B.

24 BY SOLICITOR JONES:

25 Q. Investigator Raley, at this point, do you know how

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BY THE COURT

1 many -- how many different renditions of events Mr.
2 Wallace had told you?

3 A. No, ma'am. I've lost count.

4 Q. Okay. Thank you.

5 CONTINUE PLAYING STATE'S EXHIBIT
6 NUMBERS 40-A AND 40-B.

7 PAUSE PLAYING STATE'S EXHIBIT
8 NUMBERS 40-A AND 40-B.

9 BY SOLICITOR JONES:

10 Q. Investigator Raley, according to Mr. Wallace's
11 statement to you, in how many different places was he
12 standing when he heard the shots?

13 A. Too many different places than I can count.

14 CONTINUE PLAYING STATE'S EXHIBIT
15 NUMBERS 40-A AND 40-B.

16 PAUSE PLAYING INTERVIEW.

17 BY THE COURT:

18 THE COURT: All right. Ladies and gentlemen, do
19 you want to go ahead and take a break for lunch right
20 now? Is that okay? It's right about 1:00 o'clock. If
21 you split the day in half, it's three hours and three
22 hours if we're leaving at 5:00. I just usually do it
23 according to you all, but I think now might be a good
24 time.

25 Again, I need to tell you, don't discuss the case

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BY THE COURT

1 with each other or anyone else. Don't do any
2 independent research. I would like to take a quick
3 lunch and be back at 2:00, but what I want you all to
4 know is this. If you are running five minutes behind
5 or ten minutes behind, don't worry. Okay? I know
6 you're coming back, but if you do run into trouble,
7 call us. Okay? But go grab a bite to eat. If you all
8 could just be back -- if you come in right at, you
9 know, the 2:00 o'clock, couple minutes afterwards is
10 fine, we'll go ahead and start back up again, and we're
11 going to run 'til 5:00 today. Okay? Thank you.

12 JURORS LEAVE COURTROOM 1:07 P.M.

13 BAILIFF: Jury's clear, your Honor.

14 THE COURT: Thank you, Rick. All right, you all.
15 2:00 o'clock? Okay?

16 SOLICITOR JONES: Yes.

17 THE COURT: We'll see you all then. Thank you.

18 SOLICITOR JONES: Judge Mullen?

19 THE COURT: Yes.

20 SOLICITOR JONES: Actually, we just received,
21 during our first break earlier today, a jail phone call
22 that Mr. Wallace made last night. I have told Ms.
23 Campbell what is says. I am now providing her a copy.

24 MS. CAMPBELL: And just for clarification
25 purposes, has the State pinpointed that section, or how

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BY THE COURT

1 long of a --

2 SOLICITOR JONES: I can pinpoint for you and not
3 the entire call, but I can tell you where the call on
4 this section is.

5 MS. CAMPBELL: Right. Because I understand the
6 State would want to play that portion. So, if we have
7 a portion and know exactly where to look for.

8 THE COURT: Okay.

9 MS. CAMPBELL: Because these jail phone calls can
10 last, you know, 15, 20, 30, 45 minutes.

11 THE COURT: Okay.

12 MS. SMITH: And it's actually -- I've listened to
13 it. It's a ten-minute call, but it's only eight
14 minutes long, because the first two minutes is where
15 they're verifying. And it's about four minutes in.

16 MS. CAMPBELL: Four minutes in.

17 MS. SMITH: It's with his mother.

18 MS. CAMPBELL: Okay.

19 MS. SMITH: So it's eight minutes.

20 MS. CAMPBELL: Thank you for the clarification.

21 THE COURT: Okay.

22 MS. CAMPBELL: Thank you.

23 THE COURT: All right. Thank you, you all.

24 OFF THE RECORD 1:09 P.M.

25 BACK ON THE RECORD 2:23 P.M.

6-21-18 STATE V WALLACE - INV. CHARLES RALEY - CONT. DX - JONES

1 BY THE COURT:

2 THE COURT: All right. Bring them in, Norman.

3 BAILIFF: Yes, your Honor.

4 BAILIFF: Jury is entering the courtroom, your
5 Honor.

6 JURORS ENTER COURTROOM 2:25 P.M.

7 THE COURT: Please be seated. All right. Ms.
8 Jones.

9 SOLICITOR JONES: Thank you. Your Honor, if we
10 could continue with Interview Number 3.

11 THE COURT: Yes.

12 INVESTIGATOR CHARLES RALEY, CONTINUE DIRECT

13 EXAMINATION BY SOLICITOR JONES:

14 CONTINUE PLAYING STATE'S EXHIBIT

15 NUMBERS 40-A AND 40-B.

16 PAUSE PLAYING STATE'S EXHIBIT

17 NUMBERS 40-A AND 40-B.

18 BY SOLICITOR JONES:

19 Q. So, Investigator Raley, up until this point, where
20 is he standing during the shooting?

21 A. He's -- in this clip, he's saying he's standing
22 out front, but he's varied his story so many times that
23 --

24 Q. Does it eventually change to where he was
25 standing?

6-21-18 STATE V WALLACE - INV. CHARLES RALEY - CONT. DX - JONES

1 A. It does, yes.

2 CONTINUE PLAYING STATE'S EXHIBIT

3 NUMBERS 40-A AND 40-B.

4 PAUSE PLAYING STATE'S EXHIBIT

5 NUMBERS 40-A AND 40-B.

6 BY SOLICITOR JONES:

7 Q. Who are you all talking about that wasn't there,
8 that heard the shots?

9 A. Varsheen Smith, Twiz.

10 Q. Thank you.

11 CONTINUE PLAYING STATE'S EXHIBIT

12 NUMBERS 40-A AND 40-B.

13 PAUSE PLAYING STATE'S EXHIBIT

14 NUMBERS 40-A AND 40-B. S

15 BY SOLICITOR JONES:

16 Q. Investigator Raley, up until this point, you had
17 been interviewing him for over three hours.

18 A. Yes, ma'am.

19 Q. Why do you continue interviewing him?

20 A. Well, (a) he kept changing his story. The more I
21 talked, the more he -- he wanted to talk. So just by
22 giving him a ear to listen, he just wanted to talk, so.

23 Q. Okay. And do you continue because he's not
24 telling you what you want to hear?

25 A. No. Because I continue because he's changing his

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1 story, and I know that that's not the truth.

2 Q. Okay. And you're looking for the truth. No
3 matter what it is, that's what you're looking for.

4 A. Correct. As I said in the interview. Yes, ma'am.

5 Q. Thank you.

6 CONTINUE PLAYING STATE'S EXHIBIT
7 NUMBERS 40-A AND 40-B.

8 PAUSE PLAYING STATE'S EXHIBIT
9 NUMBERS 40-A AND 40-B.

10 BY SOLICITOR JONES:

11 Q. Tyrone -- Mr. Wallace just said, just hold him
12 until I come back.

13 A. Um-hmm.

14 Q. Who says that to him?

15 A. He says that to Varsheen Smith, Twiz.

16 Q. And who was Twiz asking him to hold until he --
17 until Twiz came back?

18 A. Mony, the victim. Mr. Steve.

19 CONTINUE PLAYING STATE'S EXHIBIT
20 NUMBERS 40-A AND 40-B.

21 PAUSE PLAYING STATE'S EXHIBIT
22 NUMBERS 40-A AND 40-B.

23 BY SOLICITOR JONES:

24 Q. And earlier, who did he say he thought was coming
25 through the door?

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BY THE COURT

1 A. He claims that he thought Varsheen Smith, Twiz,
2 was coming through the door.

3 Q. But we just heard then, he said he didn't know who
4 was coming through the door.

5 A. Correct. He says he does not know who's coming
6 through the door.

7 Q. Thank you.

8 CONTINUE PLAYING STATE'S EXHIBIT
9 NUMBERS 40-A AND 40-B.

10 PAUSE PLAYING STATE'S EXHIBIT
11 NUMBERS 40-A AND 40-B.

12 BY SOLICITOR JONES:

13 SOLICITOR JONES: And that concludes the interview
14 portion. And actually, Investigator Raley, I don't
15 have any questions for you.

16 BY THE COURT:

17 THE COURT: Let's go ahead and take a very quick
18 break, ladies and gentlemen. I want to talk to you all
19 about scheduling so you can discuss it back there.
20 Obviously, we have cross-examination of Investigator
21 Raley. My understanding is the State has one, possibly
22 two more witnesses in this case. And then, of course,
23 the Defense may or may not have anything. So I'm just
24 trying to figure out scheduling, ladies and gentlemen.
25 I can tell you, as it stands right now that there's a

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BY THE COURT

1 possibility that we will go late tomorrow, which is
2 Friday. I will also tell you there's a possibility
3 that we may have to work Saturday.

4 So what I need you all to do is talk to your
5 foreperson, and figure out if that is going to create a
6 hardship, or, if it's an impossibility for any of you.
7 And then, I need you to report that back to the bailiff
8 and let me know. Okay? Again, I never know in trials,
9 you know, we just have potential people that will
10 testify, we just don't know how long it's going to go.

11 But what there still is left to do is, there are
12 matters of law I need to take up. The lawyers have to
13 do their closing arguments. I have to charge you on
14 the law. So, in addition to finishing the trial, we
15 have all that to do as well. So there's a lot still
16 that is in front of us, and over the lunch hour the
17 lawyers came to me and wanted to discuss scheduling.
18 So I wanted to put that out there for you all. I can
19 work as late or as hard as you want tonight or tomorrow
20 night as well. That's not the issue. But I understand
21 we have some people with other schedules. So why don't
22 you go back and talk about it. Again, I can't give you
23 a firm definite if we'll be here Saturday or not. I
24 can just tell you, as it stands right now, if we are
25 able to argue and charge tomorrow, we will be here

6-21-18 STATE V WALLACE

BY THE COURT

1 definitely into the evening. Okay? So, go back and
2 talk, figure out everyone's schedules, and then let me
3 know. Okay? Again, do not discuss this case. It
4 wouldn't be appropriate to do so.

5 JURORS LEAVE COURTROOM 3:43 P.M.

6 BAILIFF: Jury is clear, your Honor.

7 THE COURT: Thank you. We're going to be at ease
8 for ten minutes. I'm going to listen to the tape
9 that's cued up for me back in chambers. And then we
10 can come back, we'll discuss that, put that on the
11 record, and figure out what we're doing. Okay?

12 SOLICITOR JONES: Thank you.

13 THE COURT: Thank you.

14 OFF THE RECORD 3:44 P.M.

15 BACK ON THE RECORD 3:54 P.M.

16 BY THE COURT:

17 BAILIFF: All rise. This court is back in
18 session.

19 THE COURT: Be seated. All right. All right. I
20 listened to the phone call. Ms. Campbell, what is your
21 objection?

22 MS. CAMPBELL: Your Honor, prior to trial
23 beginning, at the pretrial motion hearing, I was told
24 by the State they had no jail phone calls that intended
25 to introduce.

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BY THE COURT

1 THE COURT: Correct me if I'm wrong, this was from
2 last night.

3 MS. CAMPBELL: No, that's correct.

4 THE COURT: Okay.

5 MS. CAMPBELL: Covering jail phone calls -- if
6 you'd hand that to the Court, I did -- and I gave the
7 State a copy of my motion -- I did have a motion
8 relative to the case law as I see it, as far as jail
9 phone calls are concerned, and we object. The burden
10 of proof rests with the State of South Carolina to
11 establish the manner in which the call was recorded.
12 They also have to establish that the Defendant was
13 given proper legal adequate notice by the Detention
14 Center for the protocols for recording of the jail
15 phone calls; a legally adequate waiver of the recording
16 of the jail phone calls.

17 I cite a case from 2008 in the brief that I've
18 prepared for the Court from the First Circuit, that we
19 feel is directly on point with other cases. And we
20 object to the admission cited in the motion that I
21 filed, to the admission of this jail phone call on the
22 basis of the arguments contained within our brief.

23 Now, as to the specificity of this call itself and
24 the content of the call itself, the defendant takes the
25 position that the State is asking the jury, in essence,

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1 to misinterpret what the defendant is saying. So
2 they're asking the jury to listen to this, and
3 substitute *I was the shooter*, where the defendant, in
4 the recording, appears to be saying *I wasn't the*
5 *shooter*. And so, we would object to the admission of
6 the phone call.

7 THE COURT: All right. Well, to that part I think
8 the jury can hear that for themselves. But I'll go
9 ahead, Ms. Jones.

10 SOLICITOR JONES: Thank you, your Honor. I
11 actually don't have a copy of your motion, but I would
12 just go that we did hand it over as soon as we had it.
13 Your Honor noted that it did happen last night. We
14 gave it to Ms. Campbell today. We have Jeffrey Maxwell
15 from the Detention Center to talk about the protocol,
16 how phone calls are kept, and how they are assigned to
17 an inmate's CSN Number, I believe it is. It's inmate-
18 specific. And as far as him being advised whether the
19 phone calls are recorded, it says this phone call is
20 being recorded, and he acknowledges on his interviews
21 that his phone calls are recorded. And it's an
22 admission by a party opponent and it's admissible.

23 MS. CAMPBELL: And may I respond to that. As I
24 said in my brief, the Fourth Circuit, in California, in
25 the *Bunnell versus Superior Court*, said investigators,

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BY THE COURT

1 in the ordinary course of handling these calls and
2 recording them, that is the purpose of the jail phone
3 calls, not that the defendant is being singled out, and
4 in conjunction with criminal investigation. And that
5 is exactly what occurred in this case. During his
6 murder trial, he's singled out. They're listening to
7 his calls, not for jail security, but for the purposes
8 of conducting further criminal investigation of the
9 defendant. Thank you.

10 THE COURT: I'm assuming, Ms. Jones, you can
11 establish that this is done in the ordinary course --
12 even if it's the ordinary course of every trial,
13 because the Solicitor's Office has done this many times
14 in cases, I would agree with Ms. Jones; it is an
15 admission by a party opponent. He more than well knew
16 that the phone calls are recorded. He did acknowledge
17 it in his second interview that they've all seen. I
18 think the statement speaks for itself. It's for the
19 jury to determine what, in fact, he said, provided that
20 we can establish that it was him, and that it -- where
21 it came from, and all the normal things so you can lay
22 the foundation, I'm going to allow it to come in.

23 SOLICITOR JONES: Thank you, your Honor.

24 THE COURT: Okay.

25 MS. CAMPBELL: And lastly, your Honor. Again, I

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BY THE COURT

1 would ask that the entirety of the call, which is eight
2 to ten minutes, be played, not just a snippet.

3 THE COURT: We'll play the entire phone call.

4 MS. CAMPBELL: Thank you.

5 THE COURT: Okay. All right. So now, we're going
6 to do cross on Raley. Is your pathologist here?

7 SOLICITOR JONES: He is.

8 THE COURT: Perfect. We're going to keep going.

9 SOLICITOR JONES: And Maxwell is here as well, for
10 the phone call.

11 THE COURT: And Maxwell is here, too. So let's
12 get going. Okay?

13 MS. CAMPBELL: I just wanted to mark the motion --
14 the next motion.

15 THE COURT: Yes. This is the -- this is the one
16 from June 11, right?

17 ITEM IDENTIFIED AS NOTICE OF MOTION
18 AND MEMORANDUM IN SUPPORT OF MOTION
19 TO SUPPRESS ANY AND ALL JAIL PHONE
20 CALLS ALLEGED TO BE MADE BY
21 DEFENDANT

22 MARKED COURT'S EXHIBIT NUMBER 10.

23 BAILIFF: Jury is entering the courtroom, your
24 Honor.

25 THE COURT: Thank you.

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1 JURORS ENTER COURTROOM 4:00 P.M.

2 THE COURT: Please be seated. Thank you.

3 INVESTIGATOR CHARLES RALEY, CROSS-

4 EXAMINATION BY MS. CAMPBELL:

5 Q. Officer Raley, you would consider yourself to be a
6 well-trained law enforcement officer, correct?

7 A. I would like to think so. Yes, ma'am.

8 Q. Thank you. You've attended the SLED program for
9 certification as a law enforcement officer; have you
10 not?

11 A. Yes, ma'am.

12 Q. And that's a twelve-week program?

13 A. I believe it is now. Yes, ma'am.

14 Q. And through the course of your training, you have
15 received education and classes on interrogation of
16 suspects in criminal cases, correct?

17 A. Yes, ma'am.

18 Q. Okay. And one of the techniques, and this is the
19 term that the Solicitor used with you, one of the
20 techniques that you are taught is something called the
21 Reid Technique, correct?

22 A. That is correct.

23 Q. Okay. And the Reid Technique is a tool that law
24 enforcement has begun to use instead of, let's say, you
25 know, back in the day, you know, slamming the fist on

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1 the table, or anything that might seem physically
2 intimidating to a suspect, correct?

3 A. Correct.

4 Q. Okay. And so, this Reid Technique is something
5 that you know about, and something that you use,
6 correct?

7 A. I have never been trained in the Reid Technique,
8 ma'am.

9 Q. Okay. And so, on-the-job training, you have never
10 learned from another officer, or participated in any
11 interrogations where those techniques are being
12 utilized?

13 A. I have, yes, ma'am.

14 Q. Okay. Thank you. And the thing that you kept
15 answering for the prosecutor when she asked you was,
16 now why did you say that? And you used the phrase,
17 that's rapport-building, correct?

18 A. Um-hmm.

19 Q. Okay. Well, are you aware that rapport-building
20 is the pinnacle of -- touchstone beginning of the Reid
21 Technique, the rapport-building?

22 A. I was not aware of that, ma'am.

23 Q. Okay. Are you aware, then, that the Reid
24 Technique absolutely sets forth that -- or have you
25 been taught -- that extended interrogations lead to

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1 false confessions?

2 A. No, ma'am.

3 Q. You've never been taught that you should not
4 interrogate someone over two to three hours, correct?

5 A. When they're free to take a break?

6 Q. No.

7 A. At their leisure?

8 Q. Just any education in the fact that lengthy,
9 extended interrogations can lead to false
10 confessions. Any education in that?

11 A. No, ma'am.

12 Q. Okay. Now, how about any education in when you
13 are interrogating a suspect, that you should not
14 manufacture evidence against the suspect?

15 A. No, ma'am.

16 Q. Never taught that. Okay. So the story about the
17 two white men that you tell Tyrone see Twiz in the
18 street, now, that's a lie, right?

19 A. No, ma'am.

20 Q. Okay. And so, tell me the names of the two white
21 men at the tennis court.

22 A. I can't tell you.

23 Q. Okay. And tell me again what the two white men
24 from the tennis court told you, or one of the other
25 investigators that they saw.

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1 A. I didn't speak to them, so you'd have to ask that
2 investigator.

3 Q. I'm sorry, what?

4 A. I personally didn't speak to those individuals.

5 Q. Okay.

6 A. You would have to ask that -- that individual who
7 spoke with them, which was Captain -- Lieutenant Gruel
8 at the time, I believe.

9 Q. Okay. And so, when you're interrogating Tyrone,
10 and you're telling him about these two white men at the
11 tennis courts that saw Twiz in the street, that's not
12 information that you personally have. Is that correct?

13 A. It was passed from Lieutenant Gruel.

14 Q. To you?

15 A. Correct.

16 Q. Okay. And so, Lieutenant Gruel is telling you,
17 oh, there's these two white guys, and they're -- they
18 absolutely saw Twiz standing in the street when the
19 shots were fired. Is that your testimony?

20 A. I believe one of them called 911, and they were
21 subsequently interviewed by Lieutenant Gruel.

22 Q. Okay. I just want to make clear and understand
23 for all of us, did Lieutenant Gruel tell you that these
24 two white men saw Twiz standing in the street? Yes or
25 no?

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1 A. They saw someone who resembled him, yes.

2 Q. Is that what Lieutenant Gruel told you?

3 A. Yes.

4 Q. Okay. That the two white men saw someone who
5 resembled Twiz standing in the street?

6 A. Correct.

7 Q. Okay. And what would that resemblance be? How
8 did this person standing in the street resemble Twiz?

9 A. They were stocky with long -- long, braided
10 dreads.

11 Q. Stocky, with long, braided dreads. And this is
12 coming to -- from Lieutenant Gruel to you, and he's
13 telling you he got this information from the two men --
14 two white men at the tennis courts. That's your
15 testimony?

16 A. I know that he spoke to one of them, for sure. I
17 can't say he spoke to both of them.

18 Q. Okay. How about training or understanding when
19 you're questioning a subject, a suspect, that your idea
20 is to get him to view his situation ultimately as
21 hopeless?

22 A. No, ma'am.

23 Q. No? How about the cautionary situation where the
24 suspect should not be given any promises of leniency.

25 A. He wasn't.

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1 Q. That's not what I asked you. Have you been taught
2 that you should not promise leniency to a suspect you
3 are interrogating?

4 A. I was taught I don't promise anything to anyone.

5 Q. Okay. So a suspect that you're interrogating,
6 you're not supposed to promise them leniency, correct?

7 A. I suppose.

8 Q. Okay. Now, you are told during the investigation,
9 and you talked to Tyrone during these nine hours of
10 interrogation, that you've got these four witnesses.
11 And these four witnesses, you believe them, right?

12 A. Yes, ma'am.

13 Q. Okay. Who are those four witnesses?

14 A. Two individuals at the tennis court.

15 Q. Okay.

16 A. Athena Washington and Larry Schepher.

17 Q. Okay. Larry Schepher?

18 A. Um-hmm.

19 Q. And Athena Washington?

20 A. Yes, ma'am.

21 Q. Okay. And you talked to Athena?

22 A. Correct.

23 Q. And you talked to Larry Schepher.

24 A. I did not, no.

25 Q. Okay. All right. And Athena and Larry are not

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1 associated with the zone gang, correct?

2 A. Correct.

3 Q. Okay. Now, you know -- are you aware, through
4 your work in this case, because you talk about it in
5 the interrogations, about the gold Yukon?

6 A. Yes, ma'am.

7 Q. Okay. And that the information -- well, did you
8 receive information in this investigation that the gold
9 Yukon circled the block two times?

10 A. Other than when the defendant said it?

11 Q. Exactly.

12 A. I don't recall.

13 Q. Okay. So he's telling you, Tyrone is telling you,
14 that that gold Yukon, that Tay's mama's car --

15 A. Um-hmm.

16 Q. -- circled the block two times, right? And to
17 your knowledge, he didn't get that information from
18 you, right?

19 A. I don't believe so, no.

20 Q. And he didn't get that information from Erdel,
21 right?

22 A. I don't believe so.

23 Q. Okay. Now, I'm curious, because we hear a lot
24 about it in this third interrogation, when you're left
25 alone with Tyrone, whose idea was it to tell Tyrone

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1 that everything is going to be okay, and the only way
2 to save himself is to say that it was an accident.

3 Whose idea was that?

4 A. I don't believe it was anybody's specific idea. I
5 mean, I said that.

6 Q. So did you come up with accident on your own, or
7 did you and Erdel talk about it?

8 A. It's just something I said.

9 Q. Okay. So you're testifying you did not talk to
10 Erdel about it?

11 A. About that specific sentence?

12 Q. About calling this an accident, yes.

13 A. I don't believe so.

14 Q. Okay.

15 A. Not to my recollection, no.

16 Q. So you don't recall whether or not you and Erdel
17 talked about this being an accident?

18 A. No, ma'am.

19 Q. Okay. And you've watched it today, and you've
20 heard Tyrone say to you, well -- in reply to your
21 suggestion that it's okay for it to be an accident, he
22 says to you, well, how can that save me, correct?

23 A. Correct.

24 Q. Okay. And he says to you -- after a little bit
25 more he says to you, well, tell me again what you

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1 wanted me to say. You heard him say that, right?

2 A. I did.

3 Q. Tell me again what you wanted me to say. And you
4 tell him, a sentence or two later, say it was an
5 accident; you will get forgiveness, if you say it was
6 an accident; maybe it was a mistake. Correct?

7 A. No, ma'am. I told him to tell the truth.

8 Q. I understand that you repeatedly say tell the
9 truth.

10 A. Yes, ma'am, I do.

11 Q. So tell me the truth; it's okay if it was an
12 accident; tell me the truth; it's okay if it was an
13 accident. You say tell me it was an accident several
14 times; do you not?

15 A. I don't tell him to tell me it was an accident. I
16 tell him to tell me the truth.

17 Q. I hear you --

18 A. Whether it be an accident or intentional.

19 Q. Right. But you suggest to him that if it's an
20 accident, it's okay. Is that not what we just watched?

21 A. I don't believe so.

22 Q. Okay. Now, you tell him it'll work for you at
23 court. And then, he says, *well, not sure I understand*
24 *the difference between.* And you jump in and you say
25 something about, well, you know, I'll tell -- we'll --

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1 we'll talk to the solicitor. Do you remember saying
2 that?

3 A. Yes, ma'am.

4 Q. Okay. And then, he says, well, if I say that to
5 you right now. Do you remember him saying that?

6 A. Yes.

7 Q. After talking about say it's an accident, and I'm
8 going to talk to the solicitor, and tell me the truth,
9 now, is it possible that by the time we get to this
10 point, about ten hours in, and the last 30, 45 minutes
11 you've been saying, you know what, tell me it was an
12 accident and everything's going to be okay, I'm going
13 to talk to the solicitor, is it possible that he thinks
14 it's okay to tell you it's an accident?

15 SOLICITOR JONES: Your Honor, objection.
16 Speculation.

17 THE COURT: Sustained. If you can answer the
18 question, you can answer. But if it calls for
19 speculation, then you can't.

20 BY MS. CAMPBELL:

21 A. I think it would be speculation, ma'am.

22 Q. So you don't know. Because you'd have to
23 speculate. Is that right?

24 A. Correct.

25 Q. Okay. You recall Tyrone saying to you, so the

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1 only thing that's going to save me? You remember that?

2 So the only thing that's going to save me. Right?

3 A. Um-hmm.

4 Q. Okay.

5 COURT REPORTER: Yes or no?

6 A. No.

7 Q. And because you tell him, you say, well, I'm never
8 going to put words in your mouth.

9 A. Correct.

10 Q. Right. But the first person to use the word
11 *accident* is you, isn't it?

12 A. Perhaps, earlier in the interview.

13 MS. CAMPBELL: That might be all I have, your
14 Honor.

15 INVESTIGATOR CHARLES RALEY, RE-DIRECT

16 EXAMINATION BY SOLICITOR JONES:

17 Q. Ms. Campbell asked you about ten hours' worth of
18 interviewing.

19 A. Yes, ma'am.

20 Q. Over how many days was that?

21 A. It was at least three.

22 Q. Okay. But not -- was it three days in a row?

23 A. No, ma'am.

24 Q. Okay.

25 A. The one was the day before Thanksgiving, on the

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1 25th of November, that I was in. The second one was in
2 December, so two or three weeks later.

3 Q. And when does he tell you he's tired and doesn't
4 want to talk anymore?

5 A. Never.

6 Q. When does he ask you for food and you deny it?

7 A. Never.

8 Q. When does he ask you --

9 A. In fact, I offered him drinks and bathroom breaks.

10 Q. Okay. When does he ever ask you to stop the
11 questioning?

12 A. Never.

13 Q. Okay. And who does he ultimately tell you shot
14 Mony?

15 A. He says he did.

16 Q. Thank you.

17 THE COURT: All right. You may step down, sir.

18 INVESTIGATOR CHARLES RALEY: Thank you, ma'am.

19 THE COURT: All right. State will call their next
20 witness.

21 SOLICITOR JONES: The State calls Dr. Batalis.

22 Your Honor, may Investigator Raley be excused?

23 THE COURT: Any objection, Ms. Campbell?

24 MS. CAMPBELL: I'm sorry?

25 SOLICITOR JONES: Raley. Can he be excused?

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1 MS. CAMPBELL: Oh, yes.

2 THE COURT: You are excused, sir. Thank you.

3 INVESTIGATOR CHARLES RALEY: Thank you.

4 MADAM CLERK: Left hand on the *Bible*, and raise
5 your right. Do you solemnly swear or affirm to
6 truthfully answer all questions asked of you by this
7 court, so help you God?

8 NICK BATALIS, M.D.: I do.

9 NICK BATALIS, M.D., DIRECT

10 EXAMINATION BY SOLICITOR JONES:

11 Q. Good afternoon, Dr. Batalis.

12 A. Good afternoon.

13 Q. I'm calling you a doctor. Where do you work?

14 A. I work at the Medical University of South
15 Carolina, up in Charleston.

16 Q. And what do you do at MUSC?

17 A. I'm employed there as a professor in the
18 Department of Pathology and Laboratory Medicine as a
19 forensic pathologist.

20 Q. And what is a forensic pathologist?

21 A. So forensic pathology is a sub-specialty of
22 medicine that deals with the legal aspects of medicine,
23 predominantly involving performing autopsies to
24 determine a cause and manner of death.

25 Q. And did you happen to have specialized education

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1 and training to become a forensic pathologist?

2 A. Yes. After graduating medical school, I performed
3 a four-year training program in general pathology, down
4 at the Medical University of South Carolina. After
5 completing the four-year training in general pathology,
6 and general pathology would involve overseeing a
7 laboratory. So, if you get blood drawn, a pathologist
8 would be the one who runs the laboratory. A general
9 pathologist would also be the one, if you had a biopsy
10 taken out or a tumor cut out, a pathologist would be
11 the one to determine if it's cancer or not.

12 After finishing those four years of general
13 pathology training, I passed a board certification exam
14 to become board certified. Then went on to Dallas,
15 Texas, where I did a one-year fellowship training in
16 forensic pathology. That, again, focused on the,
17 really, the performance of autopsies and that sort of
18 thing. Again, after that year, took another
19 examination to become board-certified. At that point,
20 I then took my current job in Charleston.

21 Q. And have you ever testified in court before?

22 A. I have. I've testified over fifty times in South
23 Carolina, twice in Texas, and twice in North Carolina.

24 SOLICITOR JONES: Your Honor, at this time, I
25 would move Dr. Batalis in as an expert in forensic

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1 pathology.

2 MS. CAMPBELL: No objection.

3 THE COURT: Ladies and gentlemen, in this case Dr.
4 Batalis is being qualified as an expert in the area of
5 forensic pathology. Again, that allows him to give his
6 opinion and the reasons for his opinion. And that's,
7 of course, for you to use as you see appropriate, and
8 as compared to other evidence in the case.

9 SOLICITOR JONES: Thank you, your Honor.

10 BY SOLICITOR JONES:

11 Q. Dr. Batalis, were you asked to perform an autopsy
12 on some remains provided to you by the -- from Beaufort
13 County on November 19th of 2015?

14 A. Yes, I did.

15 Q. And at the time, did you know who those remains
16 belonged to?

17 A. At the time, we were provided with a presumptive
18 identification by the Coroner's Office. That is, they
19 had an idea who they thought the individual was, but it
20 had not been confirmed before the time of the autopsy.

21 Q. And who is the presumptive identification?

22 A. The presumptive identification that it was Vermone
23 Steve.

24 Q. And during a part of this autopsy, you actually
25 collect different pieces to submit for DNA testing?

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1 A. Yes, we did.

2 Q. Okay. And what was that?

3 A. We collected a couple different items. The ones
4 we transferred, just not knowing, when you're dealing
5 with decomposed remains and bones and teeth, the DNA
6 can get fragmented, you're not sure which is the best.
7 So we sent a portion of the femur, it's the long bone
8 of the leg; one of the vertebrae, one of the bones from
9 the spine; along with two teeth from the mouth.

10 Q. Okay. And those were submitted for analysis.

11 Does the tooth, in fact, confirm that it was Vermone
12 Steve?

13 A. Correct. Those were submitted to a member of the
14 Coroner's Office, that then transferred it for DNA
15 testing to confirm identity.

16 Q. What, exactly, do you get in this case?

17 A. So, when we opened the body bag in this case, we
18 had nearly a complete skeleton. So the bones kind of
19 came somewhat scattered, and we kind of had to put it
20 back together. But we had the -- the vast majority of
21 a complete skeleton, minus some of the hand -- some of
22 the bones in the wrist and hands, and the toes. But
23 the majority of a complete skeleton. In addition,
24 there was a shirt, a couple small pieces of frag -- of
25 fabric, a belt buckle, and a kind of melted black

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1 plastic object.

2 Q. And when you get these, what's the first thing you
3 do? Aside from making the complete skeleton, as you
4 just explained, what do you do next?

5 A. So, if I'm receiving this, open up the bag; we
6 take photographs of exactly what we recovered, again,
7 separating out -- and I can't remember if I mentioned
8 there were also two portions of skin. Separated out
9 the portions of skin, the clothing; photographed that
10 separately; and then, kind of removed those objects.
11 And then, basically, we take that skeleton and, again,
12 kind of takes us awhile, but we kind of lay it out and
13 try to basically put it back together. Once we do
14 that, we kind of examine each bone from head to toe.
15 Some of that is looking to help confirm identity, so we
16 bring some of the long bones, so the bones in your arms
17 and legs. We get measurements on those, because we can
18 get a rough height estimate, based on those. Looking
19 at the skull, you can determine pretty well by looking
20 at it if it's a male or female, and get some
21 indications as far as race as well.

22 Also, all the bones, we're not great with age, but
23 we can tell, is it pediatric, is it adult, or is it an
24 elderly person. So we're examining the bones for
25 evidence of identification, but then also for any

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1 evidence of any trauma, or any injury to the bones.

2 Q. When you are examining these, did you come across
3 any evidence of trauma?

4 A. So there were two irregularities when we were
5 going through the bones. The first was on the -- one
6 of the left-sided ribs. It was the left, seventh rib.
7 So kind of about halfway up on the rib cage. The left,
8 seventh rib had a somewhat irregular, kind of circular
9 defect that had some fractures extending out from it.
10 So there was a defect in one of the left-sided ribs.
11 And additionally, at the corner of the lower left eye,
12 there was a black kind of charred or singe mark on the
13 skull.

14 Q. And Dr. Batalis, would some pictures help you
15 better describe those injuries?

16 A. I think it'd be better illustrated for the jury.

17 SOLICITOR JONES: Permission to approach, your
18 Honor.

19 THE COURT: You may.

20 BY SOLICITOR JONES:

21 Q. I'm going to show you, Dr. Batalis, what has been
22 marked as State's 31 and 32. Do you recognize those
23 photographs?

24 A. Yes, I do.

25 Q. And what do those photographs show?

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1 A. These are photographs showing the bony injuries
2 that I just described.

3 Q. Okay. And those are -- those fairly and
4 accurately depict the injuries you -- you saw that day?

5 A. Yes. These are the photographs that we took.

6 SOLICITOR JONES: Your Honor, at this time, the
7 State moves 31 and 32 into evidence?

8 THE COURT: Without objection?

9 MS. CAMPBELL: Correct.

10 THE COURT: They're in evidence. Thank you, Ms.
11 Campbell.

12 ITEM IDENTIFIED AS PHOTOGRAPH
13 MARKED STATE'S EXHIBIT NUMBER 31
14 ADMITTED AS EVIDENCE.

15 ITEM IDENTIFIED AS PHOTOGRAPH
16 MARKED STATE'S EXHIBIT NUMBER 32
17 ADMITTED AS EVIDENCE.

18 SOLICITOR JONES: And I'm going to show you 31
19 first. Okay. And Dr. Batalis, what is this picture
20 showing us?

21 A. So we have reconstructed the rib cage of the left
22 side. At the very kind of top-left of the picture, you
23 can almost see -- you can see a smaller bone that has
24 little pieces sticking off of it. That would be the
25 sternum, so that'd be the front. It would be kind of

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1 to the left. And then the bones kind of curve towards
2 us, and then extend towards the right side of the
3 screen, so that would be towards the back.

4 That tag there that has a ruler on it, so that
5 number is a unique identifier assigned to this case.
6 And just to the right of that tag, again, you can see
7 kind of a semi-circular defect on the bottom side of
8 that -- of that left -- of that left rib. So it's
9 showing the -- the bony defect in the left rib that I
10 had mentioned.

11 Q. Okay. And you gave a good description of how
12 these ribs form around. Where would that be?

13 A. Approximately, kind of, the left flank, kind of
14 below where the armpit is.

15 Q. Okay. And you can't tell us what caused that
16 injury, can you?

17 A. Not definitively.

18 Q. Okay. But is that consistent with a gunshot
19 wound?

20 A. It would be consistent with a gunshot wound
21 injury.

22 Q. But you can't tell if it's an entrance wound or an
23 exit wound, can you?

24 A. Not based on that single wound, no.

25 Q. Okay. Moving on to State's 32.

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1 A. So this is looking at the decedent's skull, you
2 know, kind of face-on. And again, the notable feature
3 here on the lower left side, the right side of the
4 screen, but it would be the decedent's left eye, at the
5 lower outer aspect, there's a circular black area that
6 is consistent with burning or charring of the skull.

7 Q. We're attempting to zoom in, but that would be --
8 there we go. Is that the spot that you're referencing?

9 A. Yes. Right in the middle there.

10 Q. And would that be consistent with -- with the
11 remains having been set on fire, charring?

12 A. Certainly.

13 Q. Okay. Those are the only two injuries that you
14 could detect from the remains?

15 A. Yes, they were.

16 Q. Okay. You mentioned some clothing.

17 A. Yes. There was a shirt that was -- most of a
18 shirt of a whole shirt, along with four smaller pieces
19 of fragmented, you know, fabric.

20 Q. Okay.

21 SOLICITOR JONES: Permission to approach.
22 Permission to approach.

23 THE COURT: You may.

24 BY SOLICITOR JONES:

25 Q. Dr. Batalis, I'm going to show you State's 33 and

6-21-18 STATE V WALLACE - NICK BATALIS, M.D. - DX - JONES

1 34. If you could identify those.

2 A. Yes. These are the photographs of the front and
3 back of the shirt that we received with the body.

4 Q. And are those fair and accurate depictions of the
5 shirt in the state you found it that day?

6 A. Yes.

7 Q. Have they been altered in any way?

8 A. No.

9 SOLICITOR JONES: Your Honor, at this time, the
10 State moves -- my apologies -- 33 and 34 into evidence.

11 THE COURT: They're in evidence, without
12 objection.

13 SOLICITOR JONES: Okay. Permission to publish.

14 THE COURT: You may.

15 SOLICITOR JONES: With the -- okay.

16 ITEM IDENTIFIED AS PHOTOGRAPH
17 MARKED STATE'S EXHIBIT NUMBER 33
18 ADMITTED AS EVIDENCE.

19 ITEM IDENTIFIED AS PHOTOGRAPH
20 MARKED STATE'S EXHIBIT NUMBER 34
21 ADMITTED AS EVIDENCE.

22 BY SOLICITOR JONES:

23 Q. Dr. Batalis, is this the tee-shirt you found with
24 the remains?

25 A. It is.

6-21-18 STATE V WALLACE - NICK BATALIS, M.D. - DX - JONES

1 Q. And the front of the shirt, which side would be
2 the front of the shirt?

3 A. The front of the shirt is on the right side, and
4 has that sort of tiger or leopard on the right-hand
5 side there.

6 Q. Okay. And are there any noticeable defects on the
7 front portion of the shirt, aside from the top?

8 A. No, there were not.

9 Q. Okay. And so, that would be -- the other portion
10 would be the back of the shirt?

11 A. Correct.

12 Q. And what is shown on the back of the shirt?

13 A. On the back of the shirt, there's several
14 irregular defects varying in size. There is a -- you
15 can see a large, on there in the middle, three just
16 above it, and then one further off to the side. So
17 there were several irregular defects in the back of the
18 shirt that we did not see on the front of the shirt.

19 Q. Okay. And now, I understand you can't say exactly
20 how those defects got there. Those would be consistent
21 with gunshots?

22 A. A gunshot could certainly make the hole through
23 the shirt such as those.

24 Q. And again, those are on the back?

25 A. Yes.

6-21-18 STATE V WALLACE - NICK BATALIS, M.D. - DX - JONES

1 Q. Thank you. Dr. Batalis, a couple follow-up
2 questions. Were you able to determine cause and manner
3 of death in this case?

4 A. We were not able to do so.

5 Q. And why not?

6 A. Due to the condition of the body. Again, in this
7 case, we essentially just received skeletonized remains
8 with a little bit of residual tissue. We did have some
9 suspicious areas on the -- that we -- that we saw, with
10 the defect on the -- in the rib and the burn mark in
11 the skull, but nothing that we could definitively
12 determine was a cause of death. So, at that point, we
13 ruled it undetermined.

14 Q. Okay. Suspicious areas that could be consistent
15 with a homicide?

16 A. They could be, yes.

17 Q. Okay.

18 SOLICITOR JONES: I have no further questions.

19 THE COURT: Ms. Campbell?

20 MS. CAMPBELL: I have no questions.

21 THE COURT: Any objection to Dr. Batalis being
22 excused from anyone?

23 SOLICITOR JONES: No, your Honor.

24 THE COURT: Thank you. You're excused, sir.

25 Thank you.

6-21-18 STATE V WALLACE - L.C. JEFFREY MAXWELL - DX - JONES

1 NICK BATALIS, M.D.: Thank you, your Honor.

2 THE COURT: All right.

3 SOLICITOR JONES: State calls -- State re-calls
4 Jeffrey Maxwell.

5 THE COURT: Okay.

6 MADAM CLERK: Do you solemnly swear or affirm to
7 truthfully answer all questions asked of you by this
8 court, so help you God?

9 LANCE CORPORAL JEFFREY MAXWELL: I do.

10 LANCE CORPORAL JEFFREY MAXWELL, DIRECT

11 EXAMINATION BY SOLICITOR JONES:

12 Q. Welcome back, Officer Maxwell.

13 A. Thank you.

14 Q. We heard yesterday you work for the Detention
15 Center?

16 A. Yes, ma'am.

17 Q. And what are some of your duties and the Detention
18 Center?

19 A. Some of the duties, I oversee the inmate phone
20 system, and also the video.

21 Q. Tell me a little bit about the phone system.

22 A. When a inmate is booked into our facility, they
23 are given a number that they'll keep each time they
24 come in. They are also registered into the I.C.
25 Solutions phone system, where they have a four-digit

6-21-18 STATE V WALLACE - L.C. JEFFREY MAXWELL - DX - JONES

1 pin number. That way, they do a voice verification,
2 and then that's what they use throughout their time
3 there.

4 Q. And is each inmate given their own pin number and
5 own identification number?

6 A. Yes, ma'am.

7 Q. Is the identification number called something? Do
8 you all call it --

9 A. It's just called -- when they make a call, each
10 time they put that in, there is a CSN, which is a call
11 sequence number.

12 Q. Okay.

13 A. And each -- each time they make a call, it shows
14 up on their account.

15 Q. So Tyrone Wallace would have his own call sequence
16 number?

17 A. Yes, ma'am.

18 Q. And if asked, would that be how you get phone
19 calls that he has made?

20 A. Yeah. I can go under his account.

21 Q. And are these phone calls kept in the ordinary
22 course of business?

23 A. Um-hmm.

24 Q. And --

25 THE COURT: Is that a yes, for the record, sir?

6-21-18 STATE V WALLACE - L.C. JEFFREY MAXWELL - DX - JONES

1 A. Yes, yes. Yes, ma'am. Sorry.

2 THE COURT: Thank you.

3 BY SOLICITOR JONES:

4 Q. And when an inmate makes a phone call, are they
5 recorded?

6 A. Yes, ma'am.

7 Q. And you have access to these recorded phone calls?

8 A. Yes, ma'am.

9 Q. And is it common to get a subpoena or a request
10 from my office, the Solicitor's Office, for a copy of
11 these phone calls?

12 A. Yes, ma'am.

13 Q. And in fact, did you get one today?

14 A. Yes, ma'am. About 10:00 o'clock this morning, I
15 believe.

16 Q. Okay. And what was that subpoena for?

17 A. It was for a phone call that Mr. Wallace made last
18 night at about 6:13 p.m.

19 Q. Okay. And did you provide a copy of that phone
20 call to myself?

21 A. Yes.

22 Q. And did you listen to it before court?

23 A. Yes, ma'am.

24 Q. Okay.

25 SOLICITOR JONES: Permission to approach.

6-21-18 STATE V WALLACE - L.C. JEFFREY MAXWELL - DX - JONES

1 THE COURT: You may.

2 BY SOLICITOR JONES:

3 Q. I'm going to show you what has been marked as
4 State's Exhibit 43. Do you recognize that?

5 A. Yes, ma'am.

6 Q. And what is that?

7 A. That's my initials and today's date.

8 Q. And is this a copy of the actual phone call you
9 recorded?

10 A. Yes, ma'am.

11 SOLICITOR JONES: Your Honor, at this time, the
12 State moves State's 43 into evidence.

13 THE COURT: Subject to the prior objection, it's
14 in evidence.

15 ITEM IDENTIFIED AS DVD OF PHONE

16 CALL FROM BEAUFORT COUNTY

17 DETENTION CENTER

18 MARKED STATE'S EXHIBIT NUMBER 43

19 ADMITTED AS EVIDENCE.

20 SOLICITOR JONES: And permission to publish.

21 THE COURT: You may publish it. Solicitor,
22 roughly, how long is it again?

23 SOLICITOR JONES: About ten minutes, with the
24 first two minutes solely being identification.

25 THE COURT: Okay. Thank you.

6-22-18 STATE V WALLACE - RALPH WAYNE RAMSEY - DX - CAMPBELL

1 RALPH WAYNE RAMSEY: I do.

2 RALPH WAYNE RAMSEY, DIRECT

3 EXAMINATION BY MS. CAMPBELL:

4 Q. Good morning, Mr. Ramsey.

5 A. Good morning.

6 Q. Are you a resident of this community? Do you live
7 in Beaufort County?

8 A. Yes, ma'am, all my life.

9 Q. Perfect. If you recall, can you recall the
10 evening of October 25, 2015?

11 A. A little bit, yes, ma'am.

12 Q. Perfect. Where were you, and what were you doing?

13 A. I was with a friend, playing tennis, right by
14 Brick's, downtown.

15 Q. And while you were there playing tennis, did you
16 hear or see anything that caused you to dial 911?

17 A. Yes, ma'am. While we were playing, I don't know
18 what time it was, but it was -- it was dark out. We
19 heard a few gunshots, and they were pretty close, so we
20 kind of started paying attention, looking around, and I
21 dialed 911 a little later.

22 Q. And so, approximately, I guess, from the time you
23 heard the gunshots, do you have any recollection of
24 your seeing anyone in the street, or anywhere in the
25 vicinity that you could lay your eyes on? if you can

6-22-18 STATE V WALLACE - RALPH WAYNE RAMSEY - DX - CAMPBELL

1 remember.

2 A. You know, it was a long time ago, and I hadn't
3 even thought about it since then, until about two weeks
4 ago. But I don't recall seeing down the street and
5 seeing anyone in particular. I -- I do remember that
6 right after the gunshots, a vehicle kind of came
7 approaching us on the tennis courts, and it was pretty
8 slow, and it kind of went by really slow. And you
9 know, we -- we got a eerie feeling about us, so we
10 called 911, and decided to pack up and get out of
11 there.

12 Q. So there are the gunshots, the vehicle come by,
13 and the phone call to 911?

14 A. Yes, ma'am.

15 Q. Okay. And that night, as you were leaving, did
16 you see any Beaufort City Police patrol officers in the
17 area?

18 A. We -- we did. When -- when we packed up and left,
19 on the way out, I saw an officer when I was heading
20 down Collegiate [sic] Street, and I saw an officer off
21 to the left in a patrol car, and we decided to swing in
22 and tell him what had happened, so that we could --

23 Q. And did you do that?

24 A. We did do that, yeah. We -- we pulled over, and I
25 don't know who I talked to, I just kind of walked up

6-22-18 STATE V WALLACE - RALPH WAYNE RAMSEY - DX - CAMPBELL

1 and told them what happened.

2 Q. And after that night, to the best of your
3 recollection, have you been interviewed by any officers
4 from the Beaufort Police Department?

5 A. I don't recall talking to anybody after that.

6 Q. And do you know, again, living here for your
7 entire life, Lieutenant Gruel?

8 A. Yes, I do.

9 Q. Okay. And do you have any recollection of
10 Lieutenant Gruel talking to you and interviewing you
11 about this case?

12 A. I don't recall. No. Unless he was the guy that I
13 happened to see that night.

14 Q. So, unless he was the officer in the uniform, you
15 have no recollection of being interviewed by him?

16 Thank you, Mr. Ramsey.

17 COURT REPORTER: I'm sorry?

18 A. Oh, I'm sorry. I said no.

19 MS. CAMPBELL: That's all I have.

20 THE COURT: Okay. Ms. Jones?

21 SOLICITOR JONES: No questions.

22 THE COURT: All right. Sir, you may be excused.
23 Thank you for being here.

24 RALPH WAYNE RAMSEY: Thank you.

25 THE COURT: Call your next witness, Ms. Campbell.

6-22-18 STATE V WALLACE - OFFICER WILLIAM WADMAN - DX - CAMPBELL

1 MS. CAMPBELL: The Defense would call the Beaufort
2 County Detention Center records custodian.

3 MADAM CLERK: Apparently, he's running a bit late,
4 your Honor.

5 THE COURT: Okay.

6 MS. CAMPBELL: So we'll move on the Officer
7 Wadman.

8 MADAM CLERK: Good morning.

9 OFFICER WILLIAM WADMAN: Good morning.

10 MADAM CLERK: If you would, place your left hand,
11 raise your right. Do you solemnly swear or affirm to
12 truthfully answer all questions asked of you by this
13 court, so help you God?

14 OFFICER WILLIAM WADMAN: I do, ma'am.

15 MADAM CLERK: Thank you.

16 OFFICER WILLIAM WADMAN, DIRECT

17 EXAMINATION BY MS. CAMPBELL:

18 Q. Good morning.

19 A. Good morning, ma'am.

20 Q. I'm going to ask you some questions about October
21 25, 2015. Do you have any notes or any information
22 that you've brought with you?

23 A. Yes, I do, ma'am.

24 Q. Excellent. And this -- is this the first time
25 that you've testified about the events of that evening?

6-22-18 STATE V WALLACE - OFFICER WILLIAM WADMAN - DX - CAMPBELL

1 A. No. It's the second time.

2 Q. And the first time that you testified about the
3 events of that evening, was that during the trial of
4 Varsheen Smith, for kidnaping?

5 A. Yes, ma'am.

6 Q. Perfect. Now, if you would, tell the jury, on
7 that evening, when you first went out to the Greene
8 Street area, and why.

9 A. All right, ma'am. Initially, the first call that
10 came out was a disturbance call. I was in another
11 district.

12 Q. Um-hmm.

13 A. But at that time, we've had a lot of problems in
14 the area, so there were responding officers that were
15 there, too. I showed up. I didn't go over the radio,
16 but I did -- just in case anything went wrong.

17 Q. Right.

18 A. The two officers that responded that evening, they
19 cleared and everything was fine. I went back to my --
20 my assigned district. Then, I don't know, roughly --

21 Q. If I could stop you right there.

22 A. Yes.

23 Q. Do you remember the approximate time, if you will,
24 that you first went out there and the call came to go
25 to that area that evening?

6-22-18 STATE V WALLACE - OFFICER WILLIAM WADMAN - DX - CAMPBELL

1 A. The way I recall this is that I believe the shots-
2 fired call, which was the second call --

3 Q. Yes.

4 A. -- was, I believe, around 8:30.

5 Q. Yes. Okay.

6 A. And I think it was around -- if I recall
7 correctly, probably about 30 minutes prior to that.

8 Q. So 8:00 o'clock or a little before 8:00 o'clock?

9 A. Yes.

10 Q. Perfect. And so, when you got there, again, what
11 did you do?

12 A. When I responded, like I said, I was just in the
13 area, just to make sure that there was nothing else --
14 that nothing else came about disturbance call. There
15 were two officers there. I do want to make sure, for
16 their safety, that I was in the area, in case anything
17 was wrong. Once they cleared, I just went back to my
18 district.

19 Q. And that first call, do you recall testifying or
20 making any notes about seeing a darker-colored, or
21 green-colored Suburban in the area?

22 A. No. That would've been on the second call, ma'am.

23 Q. I'm sorry. Excuse me. So tell us about that.

24 A. Okay. The second call was a shot -- a shots-fired
25 call. Once again, it was on that same evening. This

6-22-18 STATE V WALLACE - OFFICER WILLIAM WADMAN - DX - CAMPBELL

1 time, it was roughly around 8:30. Now, it kind of
2 heightened things up a little bit more. A shots fired
3 call, we're definitely not going to play games. I
4 responded, let Dispatch know I was even route. At that
5 time, there was another officer that was assigned that
6 district. The shots -- the shots call came out, I
7 think it was at Congress and Monson, close to the
8 vicinity of the tennis courts. That's where the other
9 officer made contact with the complainant.

10 Q. Um-hmm.

11 A. Who was in the -- I believe it was a green-in-
12 color Suburban, two males. He made contact with them.
13 He gathered some information in reference to them
14 hearing three distinct gunshots in the area. He
15 relayed that information, along with the complainant
16 had stated it was a -- I believe it was a silver-in-
17 color Yukon, GMC Yukon, that was -- that they seen
18 leave the area, and in a pretty quick fashion. A few
19 moments later they saw the Yukon come back, circle
20 around, and that's when they -- they get -- they better
21 get out of there, because they just didn't feel safe.
22 All that information was relayed to the responding
23 officers that were coming to check the area.

24 Q. And on that particular evening, you and the other
25 officers were -- were you able to locate any suspects

6-22-18 STATE V WALLACE - OFFICER WILLIAM WADMAN - DX - CAMPBELL

1 or anything of that nature on that particular night?

2 A. No. I couldn't -- I can speak for myself. The --
3 the area that I went to was basically a small quadrant
4 that was from Greene Street -- well, Monson, Greene
5 Street. There was Wilmington and Washington Street.
6 At that time, we checked the area. My sergeant and I,
7 Sergeant Goethie, I think we -- we parked over by
8 Monson and Washington. And there is a open, abandoned
9 field that is actually behind [REDACTED]. We've had problems
10 over there of people running in the past, so we got out
11 on foot and just checked that area. At that point in
12 time, Dispatch relayed some additional information that
13 there was two black males that were left fleeing the
14 area in the direction of Bladen Street --

15 Q. Um-hmm.

16 A. -- heading toward 1606 Washington Street. It was
17 at that time that my sergeant and another officer went
18 to that area, to try to locate anyone matching that
19 description, but no one was found.

20 MS. CAMPBELL: Thank you so much.

21 SOLICITOR JONES: Thank you, Officer Wadman. I
22 have no questions.

23 OFFICE WILLIAM WADMAN: All right. Thank you.

24 THE COURT: You may step down, sir. Thank you for
25 being here.

6-22-18 STATE V WALLACE - TYLER BURROUGHS - DX - CAMPBELL

1 OFFICER WILLIAM WADMAN: Thank you, ma'am.

2 THE COURT: Call your next witness, Ms. Campbell.

3 MS. CAMPBELL: Thank you. At this time, the
4 Defense calls Tyler Burroughs.

5 THE COURT: Okay. Come on forward, Mr. Burroughs.

6 MADAM CLERK: Good morning. If you would, place
7 your left hand on the *Bible*, and raise your right hand.
8 Do you solemnly swear or affirm to truthfully answer
9 all questions asked of you by this court, so help you
10 God?

11 TYLER BURROUGHS: I do.

12 MADAM CLERK: Thank you.

13 TYLER BURROUGHS, DIRECT

14 EXAMINATION BY MS. CAMPBELL:

15 Q. Good morning.

16 A. Good morning.

17 Q. Mr. Burroughs, to what business are you employed?

18 A. I'm employed with Offender Management Services.
19 We provide the electronic monitoring services for the
20 courts in the Fourteenth Circuit.

21 Q. Thank you. Do you recall having an offender that
22 you were monitoring back in October 2015 by the name of
23 Dominique Cook?

24 A. I do.

25 Q. And tell us a little bit about how that Offender

6-22-18 STATE V WALLACE - TYLER BURROUGHS - DX - CAMPBELL

1 Management System works, in terms of the bracelet that
2 you place on their ankle.

3 A. Well, the bracelet uses the civilian GPS network,
4 global positioning satellites, to pinpoint every minute
5 a track point of where that GPS is, and our system
6 bases it off Google Maps. So it will put the track
7 point every single minute onto the Google Maps
8 platform, and show us their whereabouts.

9 Q. And is the collecting of that data, is that
10 something you do in the regular course of your business
11 and in your employment with Offender Management
12 Services?

13 A. That's correct.

14 Q. Okay. And these records, I mean, they're
15 happening at that time, sort of in real time the
16 information's coming in and being recorded? Is that
17 true?

18 A. That's correct.

19 Q. Okay. And so, did you provide information to the
20 State of South Carolina in this case on Dominique Cook
21 and his tracking device?

22 A. That's correct.

23 Q. Okay. And were you served a subpoena by me in
24 this matter, relative to the same information?

25 A. That's correct.

6-22-18 STATE V WALLACE - TYLER BURROUGHS - DX - CAMPBELL

1 Q. Okay. And did you prepare, reviewing your data,
2 any information about the locations of Dominique Cook
3 on October 25, 2015?

4 A. That's correct.

5 Q. Okay. And did you place that information in any
6 form that you provided to me?

7 A. Yes. It was an affidavit.

8 Q. Okay. And do you have a copy of your affidavit
9 with you?

10 A. I do.

11 Q. Okay. And if you could check on your affidavit
12 Item Number 20. Could you let the jury know the GPS
13 location for offender Dominique Cook on the evening of
14 October 25, 2015, from 6:38 p.m. to 9:27 p.m.

15 A. During that time, the GPS device assigned to Mr.
16 Dominique Cook was showing at or near the residence of
17 [REDACTED] Greene Street in Beaufort.

18 Q. Thank you.

19 MS. CAMPBELL: That's all I have.

20 SOLICITOR JONES: I have no questions for you, Mr.
21 Burroughs. Thank you.

22 THE COURT: All right. You may step down, Mr.
23 Burroughs, you may be excused, sir. Thank you.

24 TYLER BURROUGHS: Thank you.

25 THE COURT: All right.

6-22-18 STATE V WALLACE - L.C. JEFFREY MAXWELL - DX -CAMPBELL

1 MS. CAMPBELL: Your Honor, at this time, we would
2 call the records custodian for the Beaufort County
3 Detention Center.

4 THE COURT: Okay. Thank you.

5 MS. CAMPBELL: Your Honor, may we approach
6 briefly?

7 THE COURT: You may.

8 OFF-THE-RECORD BENCH CONFERENCE, OUT OF
9 HEARING OF JURORS. PRESENT: THE COURT,
10 SOLICITOR JONES, MS. SMITH, MS. CAMPBELL,
11 MR. STAGGS.

12 END BENCH CONFERENCE.

13 THE COURT: Let's go ahead and swear him in.

14 MADAM CLERK: Do you solemnly swear or affirm to
15 truthfully answer all questions asked of you by this
16 court, so help you God?

17 LANCE CORPORAL MAXWELL: I do.

18 MADAM CLERK: Thank you.

19 LANCE CORPORAL JEFFREY MAXWELL, DIRECT

20 EXAMINATION BY MS. CAMPBELL:

21 Q. Good morning.

22 A. Good morning.

23 Q. Help us, and tell us your name again.

24 A. Jeffrey Maxwell. I'm a lance corporal at the
25 Beaufort County Detention Center.

6-22-18 STATE V WALLACE - L.C. JEFFREY MAXWELL - DX -CAMPBELL

1 Q. Thank you, Officer Maxwell. Part of your
2 responsibilities at the Detention Center include record
3 keeping for the Detention Center. Is that correct?

4 A. Yes, ma'am.

5 Q. Okay. You were served a subpoena to provide
6 Beaufort County Detention Center records to me,
7 correct?

8 A. Um-hmm. Yes, ma'am.

9 Q. And the subject of those records was Varsheen
10 Smith?

11 A. Yes, ma'am.

12 Q. Tayquan Lampkin?

13 A. Yes, ma'am.

14 Q. Dominique Cook?

15 A. Yes, ma'am.

16 Q. And Alfred Thompson?

17 A. Yes, ma'am.

18 Q. And those records that we subpoenaed, they're kept
19 in the regular course of your business at the Detention
20 Center?

21 A. Yes, ma'am.

22 Q. And that's on a routine basis, as it's happening,
23 as the events are unfolding, right?

24 A. Yes, ma'am.

25 Q. Some of the records are videotaped. Is that true?

6-22-18 STATE V WALLACE - L.C. JEFFREY MAXWELL - DX - CAMPBELL

1 A. Yes.

2 Q. And you provided a videotape in this case, not
3 just to me under subpoena, but to the State of South
4 Carolina, right?

5 A. I believe so, yes.

6 MS. CAMPBELL: And at this time, the Defendant
7 would seek to introduce the records from the Beaufort
8 County Detention Center, relative to the video, and the
9 video itself.

10 THE COURT: Go ahead.

11 MS. CAMPBELL: And we'd like to publish the video.

12 THE COURT: Go ahead, please.

13 MS. CAMPBELL: At this time.

14 BY MS. CAMPBELL:

15 Q. Now, your videos don't have any sound, right?

16 A. No, ma'am.

17 Q. Okay.

18 PLAYING DEFENDANT'S EXHIBIT NUMBER 16.

19 Q. Do you recognize the individual coming down the
20 stairs?

21 A. Possibly Mr. Smith. I couldn't really tell.

22 Q. Mr. Varsheen Smith?

23 A. Yes.

24 Q. Okay. I'm sorry, Corporal Maxwell. The two
25 individuals that just came out of the two cells, do you

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1 recognize those individuals?

2 A. One is Mr. Brown.

3 Q. And isn't that Mr. Smith?

4 A. Is walking back in. Yeah. That was before he got
5 his hair cut.

6 Q. Okay. So Mr. Smith has come out, and so has Mr.
7 Brown?

8 A. Yes.

9 Q. And I note that, while we're watching this, I note
10 that it says in the top-left corner, Bravo 2, Bravo 3,
11 Bravo 4, correct?

12 A. Yes, ma'am.

13 Q. And those are different pods in the Beaufort
14 County Detention Center?

15 A. Yes, ma'am. They're all connected in the viewing.

16 Q. And at this particular time, the housing of
17 Tayquan Lampkin was not in Bravo 2 with Mr. Smith. Is
18 that right?

19 A. That's correct.

20 Q. Do you remember who's in that room?

21 A. Which one? Which room?

22 Q. The room he's knocking on --

23 A. The one he stopped at. That is a fire exit door
24 that connects to units.

25 Q. Um-hmm. Right. This is Bravo 3?

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1 A. Yes, ma'am.

2 Q. Um-hmm.

3 END PLAYING DEFENDANT'S EXHIBIT

4 NUMBER 16.

5 MS. CAMPBELL: And your Honor, we'll stop it
6 there.

7 THE COURT: Okay.

8 MS. CAMPBELL: And we'll mark the -- we'll remove
9 it from the computer and mark it, and admit it.

10 THE COURT: Certainly. As evidence, yes. Thank
11 you.

12 ITEM IDENTIFIED AS DVD FROM BEAUFORT
13 COUNTY DETENTION CENTER
14 MARKED DEFENDANT'S EXHIBIT NUMBER 16
15 DEMONSTRATIVE ONLY.

16 BY MS. CAMPBELL:

17 Q. Officer Maxwell. So the item that Mr. Smith is
18 seen picking up from through the fire door, you turned
19 that over to the State of South Carolina; did you not?

20 A. Yes, ma'am.

21 Q. And -- I'm going to show you what's marked
22 Defendant's 17. Do you recognize that document?

23 A. Yes.

24 Q. The photocopy of that document?

25 A. Yes, ma'am.

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1 Q. Okay. And in your investigation of the passing of
2 this note, do you recall who the first individual is
3 writing on the note? If you recall.

4 A. I don't. I don't recall.

5 Q. That's fine. That's fine.

6 MS. CAMPBELL: Your Honor, at this time, Defense
7 would enter Defendant's 17 into evidence.

8 THE COURT: Subject to prior objection, it's in
9 evidence.

10 ITEM IDENTIFIED AS HANDWRITTEN NOTE
11 MARKED DEFENDANT'S EXHIBIT NUMBER 17
12 ADMITTED AS EVIDENCE.

13 MS. CAMPBELL: And would seek to publish.

14 THE COURT: Go ahead.

15 MS. CAMPBELL: For the Court, in publishing the
16 document, if may I read the document, rather than
17 having Officer Maxwell read it?

18 THE COURT: Okay.

19 MS. CAMPBELL: The first two lines:

20 *Man, I hate this jail shit. I'm ready*
21 *to get the fuck on through.*

22 The third line:

23 *I know, Lil Bro, but this is part of*
24 *the game. But just know we'll see daylight*
25 *real soon, because black Anika might not*

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1 *make it out of here. So keep on doing what*
2 *you've been doing, and I'll see what I can*
3 *come up with.*

4 And the next line:

5 *Word up, we gonna see daylight for real,*
6 *and I'm just trying to get this lawyer shit*
7 *popping so I can see what's up.*

8 Next line:

9 *You, I done kick out 15K for this bitch,*
10 *and she hardly bring her ass down here. Now,*
11 *you see, they don't have anything on us, so*
12 *we just have to sit back. We'll be in court*
13 *by November or December this year. Oh, yeah,*
14 *what did they say about me in your P.H.? Oh,*
15 *I can't believe you thought I was telling.*

16 Next:

17 *They never said nothing about you. The*
18 *only time your name came up is when they said*
19 *what Niko said.*

20 Part of the record that you provided in this case
21 I'm going to hand you copies of, and ask you to
22 identify the first set.

23 A. Okay.

24 Q. Which would be Defendant's 18.

25 SOLICITOR JONES: Your Honor, may I actually see

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1 those?

2 THE COURT: Can you show it to her, please.

3 SOLICITOR JONES: Your Honor, may we approach?

4 THE COURT: You may. Why don't you bring it with
5 you.

6 OFF-THE-RECORD BENCH CONFERENCE, OUT OF
7 HEARING OF JURORS. PRESENT: THE COURT,
8 SOLICITOR JONES, MS. CAMPBELL.
9 END BENCH CONFERENCE.

10 MS. CAMPBELL: Your Honor, at this time, Defense
11 would seek to introduce Defendant's 18. And publish.

12 THE COURT: Please.

13 ITEM IDENTIFIED AS BEAUFORT COUNTY
14 DETENTION CENTER RECORDS RE
15 VARSHEEN SMITH
16 MARKED DEFENDANT'S EXHIBIT NUMBER 18
17 ADMITTED AS EVIDENCE.

18 MS. CAMPBELL: Thank you.

19 BY MS. CAMPBELL:

20 Q. And Officer Maxwell, this is a record that you
21 keep about an inmate request from Varsheen Smith. Is
22 that right?

23 A. Yes, ma'am.

24 Q. And he's asking to release \$1,600.00 to Veronica
25 Watson?

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1 A. Yes, ma'am.

2 Q. Okay. And the next document would be the actual
3 receipt of the release of the \$1,600.00. Is that
4 correct?

5 A. Yes, ma'am.

6 Q. And to the -- to Veronica Watson. And her
7 driver's license information is at the bottom, correct?

8 A. Yes, ma'am.

9 Q. And the check amount was for \$1,600.00, and the
10 commissary balance is \$2,023.70. Is that correct?

11 A. Yes, ma'am.

12 Q. And you use the Spillman data, or the Spillman
13 program, at the Detention Center; do you not?

14 A. Yes, we do.

15 Q. Okay. And independent of the records that you
16 keep, do you know who Veronica Watson is?

17 A. No, I don't.

18 Q. So you would need to look at the records that you
19 keep to determine who Veronica Watson is?

20 A. Yes.

21 Q. Okay. Perfect. I'm going to show you what's been
22 marked as Defendant's 19. Do you have incident reports
23 that you file at the Detention Center?

24 A. Yes, ma'am.

25 Q. And is that one of those incident reports?

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1 A. Yes, ma'am.

2 Q. Okay.

3 MS. CAMPBELL: At this time, Defendant seeks to
4 introduce Defendant's Exhibit 19.

5 THE COURT: Subject to prior objection, we'll let
6 it in.

7 MS. CAMPBELL: And publish.

8 THE COURT: Please.

9 ITEM IDENTIFIED AS BEAUFORT COUNTY
10 DETENTION CENTER INCIDENT REPORT
11 MARKED DEFENDANT'S EXHIBIT NUMBER 19
12 ADMITTED AS EVIDENCE.

13 BY MS. CAMPBELL:

14 Q. Inmate in an unauthorized area, that's in
15 infraction, correct?

16 A. Yes, ma'am.

17 Q. Okay. And part of the inmates being in the B wing
18 is for security purposes, and to keep them separated,
19 correct?

20 A. Yes, ma'am.

21 Q. Okay. And when this happens, you write a report,
22 and they are sent for a referral, and may have
23 sanctions against them?

24 A. Yes. They go in front of a disciplinary board.

25 Q. And he was written up for that?

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1 A. Yes, ma'am.

2 Q. Being out of his cell in an unauthorized area with
3 another inmate. A Mr. Brown?

4 A. Yes, ma'am.

5 Q. Okay. I'm going to show you what's been marked as
6 Defendant's 20. And ask you if that is a written,
7 detailed report --

8 THE COURT: Let her see it, please.

9 SOLICITOR JONES: Please.

10 MS. CAMPBELL: Oh, I'm sorry.

11 THE COURT: Can you show it to the Solicitor.

12 BY MS. CAMPBELL:

13 Q. Is this the written report of what the video
14 showed that we just watched, that you would keep in the
15 regular course of your business activities there?

16 A. Yes, ma'am.

17 Q. Thank you.

18 MS. CAMPBELL: Defendant would seek to introduce
19 Defendant's 20, and publish.

20 THE COURT: You may.

21 ITEM IDENTIFIED AS WRITTEN REPORT RE
22 DVD FROM BEAUFORT COUNTY DETENTION CENTER
23 MARKED DEFENDANT'S EXHIBIT NUMBER 20
24 ADMITTED AS EVIDENCE.

25 BY MS. CAMPBELL:

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1 Q. So, on August 13, 2016, Corporal Anderson
2 communicated with me via radio notes were
3 being passed between B-2 and B-3. I exited
4 B-5, observed that Inmate Sanders, Jonathon,
5 walking from the fire door between B-3 and
6 B-4, pass one Honey Bun to Inmate Dacosta,
7 Glenn. Upon entering the unit, confiscated
8 the Honey Bun, went back to check the area
9 around the B-3/B-4 fire door. I saw a piece
10 of folded paper partially pushed under the
11 fire door. I retrieved the paper, opened
12 it, and saw what appeared to be a conversation
13 between at least two inmates. The note was
14 then turned over to the shift commander,
15 Corporal Bush, who then reviewed the security
16 camera footage; found between 1,300 and 1,315,
17 Inmate Smith, Varsheen in Bravo, had passed
18 what appeared to be a note and a Honey Bun to
19 Bravo 3. Inmate Sanders, Jonathon R., then
20 passed the Honey Bun to Inmate Dacosta, Glenn,
21 and the note to Bravo 4, Inmate Lampkin,
22 Tayquan, in Bravo 4. Then took the note and
23 appeared to be responding to it, and attempted
24 to pass it back. All four inmates remain in
25 their assigned units, pending D.R.

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1 A. Yes, ma'am.

2 Q. And again, I'm going to show you what's been
3 marked Defendant's Exhibit 21. This is a general
4 incident report about an attack upon Tyrone Wallace.

5 A. Yes, ma'am.

6 Q. Okay.

7 MS. CAMPBELL: Seek to introduce Defendant's 21,
8 and publish, your Honor.

9 THE COURT: You may.

10 ITEM IDENTIFIED AS BEAUFORT COUNTY
11 DETENTION CENTER INCIDENT REPORT
12 MARKED DEFENDANT'S EXHIBIT NUMBER 21
13 ADMITTED AS EVIDENCE.

14 BY MS. CAMPBELL:

15 Q. August 10, 2016, 1452. Narrative:

16 *On or about the above-listed date and*
17 *time, inmates were involved in altercation*
18 *during cleaning. The inmate in Cell 243,*
19 *Wallace, asking for toilet paper. After*
20 *C.O. Beil opened the door and gave him*
21 *some, as the door opened, Inmate Wallace*
22 *observed Inmate Stanfield, and he ran towards*
23 *the stairs as Stanfield started up the stairs.*
24 *They met outside Cell 244 and began fighting.*
25 *Inmate Lampkin was behind Stanfield and joined*

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1 *in the fight. Lampkin and Stanfield against*
2 *Wallace.*

3 And of course, in that circumstance, a Code Red
4 was called; everyone got the O.C. spray?

5 A. Yes, ma'am.

6 Q. And locked it down.

7 A. Yes, ma'am.

8 Q. Okay. Did you receive a subpoena from my office
9 for your Spillman records. Is that correct?

10 A. Yes, ma'am.

11 Q. Okay. And in the regular course of keeping your
12 Spillman records, some of the information you retain in
13 those records involves whether or not individuals are
14 associated with a particular gang. Is that correct?

15 A. Yes, ma'am. There is a spot for that, although we
16 are not the ones that enter that information into the
17 system.

18 Q. And when you access film, and you have that
19 information in your records --

20 A. Yes.

21 Q. -- at the Detention Center?

22 A. Yeah. There's multiple agencies that use
23 Spillman, so.

24 Q. Part of the information that you enter into
25 Spillman involves the photographing and actual detail

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1 information about the tattoos that these individuals
2 have upon their body. Is that correct?

3 A. Yes, ma'am.

4 Q. I'm going to show you what's been marked
5 Defendant's --

6 COURT REPORTER: 22.

7 MS. CAMPBELL: Um-hmm.

8 SOLICITOR JONES: Your Honor, I would object again
9 to relevance. I don't see how this is anything.

10 THE COURT: Do you all want to come up?

11 OFF-THE-RECORD BENCH CONFERENCE, OUT OF
12 HEARING OF JURORS. PRESENT: THE COURT,
13 SOLICITOR JONES, MS. CAMPBELL.

14 END BENCH CONFERENCE.

15 SOLICITOR JONES: And your Honor, whatever records
16 Ms. Campbell may have, relevance aside, I would
17 stipulate that they're authentic records.

18 THE COURT: Okay.

19 MS. CAMPBELL: Thank you.

20 BY MS. CAMPBELL:

21 Q. So I'm going to hand you Defendant's 23,
22 Defendant's 24, and 25. Are those records from the
23 Beaufort County Detention Center?

24 A. Yes, ma'am.

25 Q. And I'm going to hand you Defendant's 2 as well.

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1 Same thing for that record?

2 A. Yes, ma'am.

3 Q. And those are the records of what individuals?

4 A. We have Varsheen Smith; we have Dominique Cook;
5 Alfred Thompson, Jr.; and Tayquan Lampkin.

6 Q. Okay. Four -- Defendant's 23, 24, and 25, do you
7 have a notation of gang member status for those
8 individuals?

9 A. For Mr. Smith, there is a gang alert, but comment
10 says none. For Mr. Cook, there is a gang alert in the
11 system, and it is, comments is, *the Zone association*.

12 Q. Carry on.

13 A. For Alfred Thompson, Jr., there is a gang alert
14 with the Zone association. And for Mr. Lampkin, there
15 is another for a gang, and it is the Zone association.

16 Q. Thank you.

17 MS. CAMPBELL: Just to be sure, your Honor,
18 Defense would move those items into evidence.

19 THE COURT: Okay.

20 MS. CAMPBELL: 22, 23, 24, 25.

21 THE COURT: They're in evidence.

22 MS. CAMPBELL: Thank you.

23 THE COURT: Subject to the relevance objection.

24 ITEMS IDENTIFIED AS FOUR SEPARATE
25 BEAUFORT COUNTY DETENTION CENTER

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1 MAIN NAMES TABLE DOCUMENTS

2 MARKED DEFENDANT'S EXHIBIT NUMBERS

3 22, 23, 24, AND 25 RESPECTIVELY

4 ADMITTED AS EVIDENCE.

5 MS. CAMPBELL: If I might just have one second.

6 THE COURT: You may.

7 MS. CAMPBELL: Your Honor, I think it might be, at
8 this time, appropriate if we just take a brief recess.

9 THE COURT: Certainly. Are you done with this
10 witness?

11 MS. CAMPBELL: I am. And we can release him.

12 THE COURT: Okay. Do you have some questions for
13 him?

14 SOLICITOR JONES: I do have some questions for
15 him.

16 THE COURT: Okay. Let's have her ask the
17 questions. Thank you, Ms. Jones.

18 SOLICITOR JONES: Permission to approach the
19 witness, your Honor.

20 THE COURT: You may.

21 LANCE CORPORAL JEFFREY MAXWELL, CROSS-
22 EXAMINATION BY SOLICITOR JONES:

23 Q. Officer Maxwell, I'm going to show you what's been
24 identified as State's 44. Is that a screen shot of
25 these Spillman records?

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1 A. Yes, ma'am, it is.

2 Q. Okay. And that's a fair and accurate copy of a
3 screen shot of Spillman records?

4 A. Yes, ma'am.

5 SOLICITOR JONES: And your Honor, at this time,
6 State moves State's 44 into evidence.

7 THE COURT: Okay.

8 MS. CAMPBELL: No objection.

9 THE COURT: Without objection.

10 ITEM IDENTIFIED AS COPY OF SCREEN SHOT
11 OF SPILLMAN RECORDS RE TYRONE WALLACE
12 MARKED STATE'S EXHIBIT NUMBER 44
13 ADMITTED AS EVIDENCE.

14 BY SOLICITOR JONES:

15 Q. And what is that record for?

16 A. This is for Mr. Wallace.

17 Q. Okay.

18 SOLICITOR JONES: Permission to publish.

19 THE COURT: You may.

20 BY SOLICITOR JONES:

21 Q. Okay. So this is for Mr. Tyrone Wallace. And
22 down at the bottom, when it says, *narrative or other*,
23 what does it say under -- next to alert codes?

24 A. Could you scoot that up a little bit.

25 Q. Oh, my apologies. There you go.

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BY THE COURT

1 A. It has a -- it has a gang alert.

2 Q. And what gang is Mr. Wallace in?

3 A. It is associated with the -- the Zone association.

4 Q. Thank you.

5 BY THE COURT:

6 SOLICITOR JONES: I have no further questions.

7 MS. CAMPBELL: I'm done, and this officer could be
8 released.

9 THE COURT: Okay. Any objection?

10 SOLICITOR JONES: No, your Honor.

11 THE COURT: All right. He is released. Thank
12 you, sir, again.

13 LANCE CORPORAL JEFFREY MAXWELL: Thank you.

14 THE COURT: Take a break now, Ms. Campbell, is a
15 good time?

16 MS. CAMPBELL: Yes, your Honor.

17 THE COURT: Ladies and gentlemen, do not discuss
18 this case. It wouldn't be appropriate to do so. Go
19 back, get a cup of coffee, we'll bring you back in.
20 Okay? Thank you.

21 JURORS LEAVE COURTROOM 10:11 A.M.

22 BAILIFF: Jury is clear, your Honor.

23 THE COURT: Go ahead and give it to Wanda, if you
24 would. Thank you.

25 MS. CAMPBELL: Wanda --

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CLOSING - DEFENDANT - CAMPBELL

1 MS. CAMPBELL: May it please the Court?

2 THE COURT: Thank you.

3 CLOSING ARGUMENT ON BEHALF OF THE

4 DEFENSE BY MS. CAMPBELL:

5 MS. CAMPBELL: Good morning.

6 RESPONSES FROM JURORS.

7 MS. CAMPBELL: Twiz, fifteen years in prison,
8 guns, comes home. He's taken over this city. He's
9 setting his business back up, and he's back with Tay's
10 mama. He's putting together his soldiers. He's
11 putting together his gang. He's scouting out new,
12 young talent, Tyrone Wallace. He looks at him, he
13 says, smart; he's new blood; I can train him up; I can
14 run him. He saw potential; he brought him in. He
15 showed him the money. The money was good. Yeah, but
16 that's a bad choice for Tyrone Wallace. It was the
17 first of many bad choices. But none of those choices
18 was to kidnap Andre Frazier, Dre; or to murder Vermone
19 Steve, Mony.

20 The Judge is going to instruct you on the law of
21 duress. And what that means when a person does
22 something under certain conditions that allow them to
23 act and not be responsible for those actions.

24 In the weeks leading up to October 25th, Twiz was
25 working Tyrone. He was -- Tyrone was getting in that

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CLOSING - DEFENDANT - CAMPBELL

1 gang, and he started playing with the big boys. He
2 started playing gangster. There's no other way to say
3 that. That's what it was, playing gangster. And Twiz,
4 the real gangster, he had Tyrone swimming around in the
5 shallow end of that pool, right where you can get your
6 little chin wet. Moving a few packages, making a
7 little money, feeling like he was getting him in the
8 fold with the boys on Greene Street.

9 Them boys been running together for generations.
10 They know one another. They've been together a long
11 time. And Tyrone is not one of those boys from Greene
12 and Congress and Washington.

13 Oh. Then, on October 25th, Twiz took that young
14 man to the high-dive of that pool, he put a gun to his
15 head, and he kicked him off. And Tyrone fell and sank
16 to the deep end of that pool, to the rock-hard bottom.

17 Simultaneously, as this is happening, what we're
18 seeing is, before Tyrone knew what was going on, Twiz
19 is shooting at Mony. Mony is running. Dre is showing
20 up, and Twiz is -- gets even more upset, and he's like,
21 where's Mony; where's Mony. He's looking for Mony.

22 He probably thought Mony had called Dre and said,
23 you -- what -- get over here. Now, in that street at
24 that time, after shooting at Mony, and Dre showed up
25 right then, he's probably thinking to himself, is -- is

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CLOSING - DEFENDANT - CAMPBELL

1 he packing, is -- is he strapped? I'm not waiting to
2 find out, get in the house. Bam. Get on the ground,
3 get on the floor, take off your belt. Get over here,
4 tie that -- tie him up. Ordering Tyrone to tie Dre up.

5 And Twiz, the big man boss, pushed him right off.
6 Hit the bottom, no idea how to swim. You ever see
7 somebody, or, God forbid, somebody is drowning, the
8 panic, and the terrifying scene that is as they're
9 struggling to stay alive? Well, twelve hours of
10 interrogation, we watched. Tyrone Wallace was drowning
11 that night, and in the weeks after that night, because
12 Twiz was coming for him. He knew it. There was a
13 bounty on his head, people ordered to kill him. He
14 knew this. He left Beaufort, trying to keep alive.

15 And then, the police come knocking at his door.
16 This boy, his home life, his mother, he did what his
17 mama told him to do. Come home; let me take you down
18 to the police. Terrified for his life, but I'm coming
19 home, mama. His mother marched him in to the Beaufort
20 Police Department. Young man, 21 years old, never so
21 much as a speeding ticket. No record. Never been
22 questioned, talked to law enforcement, police officer,
23 ever in his life. She brought her friend, her sister,
24 if you will, I think it was, with her, retired
25 detective Carol Smalls, and you saw Carol.

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CLOSING - DEFENDANT - CAMPBELL

1 Now, Tyrone probably thought, likely thought, this
2 is -- this is -- I'm drowning. Here's a rope, a
3 lifeline that's been thrown to me from Carol. Whew.
4 Twiz marched him, Tyrone, into that interrogation by
5 what Twiz did on October 25th. Tyrone's own
6 personality, I mean, we saw, marched him in there.
7 Playing like he was a gangster. And the combination of
8 those elements created an implosion that we all
9 witnessed, that ultimately pushed him under those
10 waves, struggling to save his life.

11 Even more, in that first interrogation, the police
12 explained to him, and we all know it's true, there are
13 things we don't share with our parents when we're
14 young. They talk about it being the difference between
15 home life and school life, but you can substitute home
16 life and street life, absolutely.

17 Mony, I don't understand his mother when she said,
18 and I didn't ask her, you know, any questions, he's
19 gentle, he's kind, he's compassionate. Absolutely.
20 That -- that's a home life. That's -- that's a boy and
21 his mother. I get that. You need to look at the
22 evidence. The State tries to paint a picture. And the
23 life in the street, different picture. Where do you
24 get the different picture from? You know, the State
25 subpoenaed the records for the Facebook, but this is

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CLOSING - DEFENDANT - CAMPBELL

1 what we had to bring to you. We had to peel back the
2 envelope and provide to you.

3 Approaching the jury, your Honor.

4 THE COURT: You may.

5 MS. CAMPBELL: To publish.

6 THE COURT: Thank you.

7 BY MS. CAMPBELL:

8 MS. CAMPBELL: We had to peel back for you the
9 street life for this person, and you'll have that in
10 the jury room, just like you'll have every other piece
11 of evidence.

12 Yesterday, the State played for you a tape, a jail
13 phone call tape, at the end of their case, between a
14 mother and her son. A child who was apologizing to his
15 mother, that she had to hear about his life in that
16 street. And you heard her say, honey, I knew; I knew;
17 I love you; don't worry about that; I'll love you no
18 matter what.

19 And they played that call because, you know,
20 they're going to tell you, Ms. Jones is going to get up
21 here and argue to you that, if you listen to that tape,
22 you can hear Tyrone Wallace saying, I wanted to talk to
23 his mother to tell her I was the one who shot him,
24 personally, when he says I wasn't the one who shot her
25 son. And how do you know that? How does your good

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CLOSING - DEFENDANT - CAMPBELL

1 common sense tell you that? Well, you listened to him
2 say repeatedly in his interrogations, I know you all
3 taping my jail phone calls; I know you're taping what
4 I'm saying. And there's just no way that three days
5 into a murder trial he is going to call his mother and
6 say I'm the one who shot him. It didn't happen.
7 That's not what the tape says. And for them to try and
8 tell you that, well, that just feels like being handled
9 or manipulated, and that's just not right.

10 That's one call they chose to play for you, but
11 there are records of the analysis that the State did
12 subsequent to their search warrant on many phones and
13 calls. People communicating with each other that
14 night, not just people, but we've all come to know
15 these folks. Mony and Dre. Jordan and Twiz. Alfred
16 and Twiz. Tay and Twiz. Niko and Twiz. When are
17 these people calling one another?

18 You know, her Honor will tell you, even though we
19 tried our best to give you the evidence, there's no
20 burden on the defendant to produce evidence. There can
21 never be. That's not the rule of law.

22 They got their search warrants and chose not to
23 give you that evidence. Now, you can factor that in
24 however you choose to do, whether that may have been
25 beneficial for Mr. Wallace. They should bring you

1 everything. They've not done that.

2 On October 25th, Tyrone Wallace was following
3 orders. He was doing what the boss told him to do.
4 You remember the boss with the big chrome gun out,
5 ready to shoot? Now, Dre's testimony, he had the gang
6 lingo: do the dap, run the pockets, calling the police
7 Twelve. And okay, I get it. Of course, you're not
8 going to admit that you sold cocaine and crack. Okay.
9 That's expected. But I'm going to ask you. I'm going
10 to make those connections between you and Greene
11 Street. You can use your good judgment. You can look
12 at the Facebook photos.

13 Now, let's talk about Mr. Hightower and his cell
14 phone analysis. He works for the prosecution. He's
15 qualified as an expert. Her Honor's going to tell you
16 that you can make your own determinations about that
17 status as well. His FBI certificate says he's not
18 qualified as an expert, but -- and he, when he
19 testified, he drew that little tiny blue-shaded areas
20 where he wanted to, and he admitted that when he was
21 pressed on cross-examination, well, actually, yes, that
22 actually can be eight to ten miles out. So it's not a
23 pinpoint. It's not even the kind of evidence that I'd
24 say you could rely on for distance, because it can be
25 misleading to you, and that's wrong.

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CLOSING - DEFENDANT - CAMPBELL

1 However, I'm going to use -- we're going to use --
2 we're going to talk about the date and the time stamps,
3 because that's the kind of evidence you can't amend or
4 change or manipulate. So what are the date and the
5 time stamps? Well, at 8:32, Tyrone Wallace is on the
6 phone with Tayquan Lampkin for 129 seconds. Two
7 minutes and nine seconds. And at 8:34, the shots call
8 comes in. And right then, after that, Twiz is calling
9 Tyrone.

10 Again, I'd like to have you have all those other
11 records. And I will say that that date, the time
12 stamp, what does that tell you? That should tell you
13 that, in good sense and common judgment for all of us,
14 you can't -- who's talking on the phone, and shooting
15 and killing someone at the same time? It doesn't
16 happen. It didn't happen in that way.

17 Let's talk about these interrogations. It was
18 very, very difficult to watch. But from everything we
19 know about this young man, and everything we know about
20 Twiz, we heard it over and over again from law
21 enforcement, about the threats to kill Tyrone from
22 Twiz. I mean, they even said, you know, man, if we
23 weren't locking you up, you'd be the next one that's
24 dead. You better be thankful we're putting you in
25 jail, because they're going to kill you.

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CLOSING - DEFENDANT - CAMPBELL

1 October 25th, that painful, agonizing experience
2 we all went through, it was a real struggle in this
3 young man's mind. You saw it. Okay. Because here's
4 my -- here's my dilemma. My life is being threatened.
5 You're telling me I could be next. I know I could be
6 next. The man called me and wanted to meet with me. I
7 know what's up. And then -- and then, on the other
8 side, there's Officer Erdel saying we are looking
9 through the golden key. We want to give somebody a
10 brass ring. We want you to be that man. I'm young,
11 I'm playing at this, I've never been in this situation
12 before, and you're telling me I'm going to be your star
13 witness. Okay. From what I can piece together from
14 the street and from what I'm hearing, I'm going to put
15 it together for you. And he does. I'm going to give
16 you -- he said, I'm going to give you Twiz. I'm going
17 to trust you to keep my family safe; I'm going to trust
18 you're going to keep me safe; I'll give you the man who
19 shot Mony. But in reality, we all know he didn't see
20 Twiz shoot Mony. They told him we need you to tell us
21 that. He did, but that's not what happened. He was
22 offered the brass ring and he took it. He took it by
23 telling a lie. He knew enough, he thought, to get by
24 and give them what they wanted.

25 The police lock him up. He sits in jail for a

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CLOSING - DEFENDANT - CAMPBELL

1 week. They promised him his bond; they don't come.
2 He's thinking to himself, well, maybe -- maybe I need
3 to tell them some more. Maybe I didn't get it right.
4 Maybe I need to go back and talk to them again. So
5 that's what he does. And he's trying -- and by this
6 time, the police have dropped off a statement at his
7 mama's house, and she's feeding him that information.
8 And he's got more information he's going to give them.
9 Please, give me that brass ring, and he's reaching for
10 it. And he's desperate.

11 And somewhere, I think the police got confused. I
12 think, somehow, they must've gotten confused about
13 these phone calls, and the dates and the stamps. And
14 this whole thing that we're going to get into in a
15 minute about the witnesses who don't exist, and these
16 cell phone calls, and they turn it around in their
17 mind, and they pull him back in for this third
18 interrogation. And they say to him, you know what, to,
19 I'm sure, his shock, everyone's shock, you know what,
20 you're the shooter. What? I'm the shooter? How did
21 we get here? And then we go back and forth. Well, how
22 do we get here? Well, we're in a situation where Erdel
23 says to him, you've got -- you've got these people,
24 these white people, at the tennis courts, and they've
25 said that they saw Twiz standing in the street. And

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CLOSING - DEFENDANT - CAMPBELL

1 so, it's impossible, it's physically impossible for him
2 to be shooting Mony at that time. I'm going to talk a
3 little bit more about that in a moment.

4 So it's not an option where Tyrone goes from there
5 in the third interview. And it wasn't an option on
6 October 25th, inside [REDACTED] Greene Street, what he did
7 when Twiz says get in the house, get on the floor, take
8 off your belt. You, you run his pockets. You run his
9 pockets. And he did. But this, this situation, what
10 happened next with Twiz shooting at Mony, well, that's
11 a whole different situation. And Mony running from
12 Twiz?

13 You know, when the agent from the United States
14 Marshal Service went and took Twiz down, collected
15 everything he had, he gave it to this officer. And
16 those items, I mean, again, if those items were tested,
17 if those items had been used in any meaningful way, you
18 should have that. They're still sitting in evidence.
19 The phone. I mean, we all know about our phones. The
20 phone is a critical piece of evidence. So you have
21 this man's iPhone, and you take it to the Sheriff's
22 Department. Can you all open this? No. How about
23 send it to the professionals? How about send it to the
24 South Carolina Law Enforcement Division, to the
25 Forensics Division, and say this is critical evidence;

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CLOSING - DEFENDANT - CAMPBELL

1 could you help me open this. No. I think what I'll do
2 is, I'll get on the phone with Google, somebody in
3 California or wherever, over the phone and say, let's
4 see if we can re-set this phone, and it crashed.
5 That's mishandling of evidence. You should have that
6 phone, we should have that phone. We don't.

7 And whether Twiz was angry on October 25th about
8 some eviction or missing money, or whatever it was, the
9 bottom line is that this man, Twiz, this is a man --
10 and the police officers confirmed this -- this is the
11 man that, when he gets angry, he threatens to kill you,
12 or he kills you. And Twiz, he did that, that night.

13 Let's talk about what this is about, and how it
14 happened in line with those 911 calls from Ralph Wayne
15 Ramsey, who we had to bring to you. And Betty
16 Maldonato. So the three 911 calls on that night.
17 Ralph is the first call, Betty's the second two calls.
18 The first call -- of course, officers -- the officer
19 from the Beaufort Police Department told you they did
20 get a call about a noise complaint that came in a
21 little before 8:00 o'clock; and that the other call, to
22 his recollection, came in a little around 8:30. So
23 about 30 minutes between the two. So some time a
24 little before 8:00 o'clock, Twiz is getting into it
25 with Mony at the house. And whatever's happening

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1 between the two of them, he shoots at him; he misses
2 him; he hits the door frame. Tyrone is standing in the
3 yard; he sees this going on. He tells those officers,
4 look, man, you go get that bullet out of that door
5 frame; you see if you can match that up to the man
6 there.

7 Then, if I'm -- if I'm Mony, I am running. And he
8 does. And he leaves, and he runs, and he hides. This
9 is a man you don't stay around and see if he's going to
10 miss a second time. And I believe in the next 30
11 minutes what happened is, Twiz is looking for Mony and
12 rounded up his boys, and getting people on the phone.
13 You know, I need you all to come over here right now.
14 And somewhere in all of that is when Dre pulls up.
15 You've heard that testimony. And all that went down
16 with him in those ten minutes or so before we know that
17 he left, because he told you he left. But he says very
18 clearly, in his testimony Dre tells you, Mony -- Twiz
19 is all like, where's Mony, where's Mony. He's looking
20 for him. He's just shot at him. And he says to
21 Tyrone, Dre, it's not about that. It's not about
22 taking that man's money, taking his cell phone. He's
23 trying to make sure he don't have a gun on him, and
24 he's trying to find Mony because he just shot at him.
25 And then, you heard the officer. I'm down there; I'm

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CLOSING - DEFENDANT - CAMPBELL

1 responding; I'm driving up and down that street; I
2 don't see anything; I leave. But I believe -- and
3 you'll have these back in your jury room -- right
4 there, close, a couple blocks away, it's mostly houses,
5 as you saw from the -- from the maps. There is a very
6 dense field. And we've heard reference to this field a
7 couple -- in a couple of different ways. The first way
8 you heard reference to this field right across from
9 [REDACTED] was from Betty Maldonato, at
10 8:41, or right at 8:41. Hey, I see your police; I can
11 see they got their lights; tell them to shine their
12 lights on the field across from [REDACTED] Greene Street --
13 Washington Street, because them boys are in that field.
14 And she calls back and she -- look, I -- look, you're
15 in the wrong place; them boys be running; now they in
16 the field. And there's been absolutely no credible
17 testimony -- certainly not that night, there's been no
18 testimony -- that the officers from the Beaufort Police
19 Department ever went where Betty told them the boys
20 were, at the moments after Ralph tells them, hey, I
21 just heard three shots a couple streets south of
22 Congress. Well, look at the map. A couple of streets
23 south of Congress is the field.

24 Now, again, in your deliberations, look at your
25 time line, look at the phone calls. Tyrone is on the

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CLOSING - DEFENDANT - CAMPBELL

1 phone with Tayquan. And I'll guarantee you what he's
2 saying to him in those 129 seconds is, oh, well -- in
3 his language -- oh, my God, do you know what just
4 happened? You know what Twiz is doing at the house?
5 He done shot at Mony, and they're going back and forth.

6 And let's use, again, our common sense here.
7 Wayne Ramsey came in here and he said to you, you
8 heard, pop, pop, pop, a couple of shots. He's playing
9 tennis. He calls 911, and he even saw the police
10 officer, and he stopped and he tried to talk to him.
11 But again, I understand, he's not waiting around. I
12 wouldn't wait around. People are shooting. He does
13 tell you that that's the last police officer he ever
14 talked to. He's been here a long time. He knows
15 Lieutenant Gruel. And I've heard -- and I believe him.
16 If Lieutenant Gruel came him to talk to him, he would
17 tell you. And he can't tell you that that's what
18 happened.

19 So I feel like at this point, if the Beaufort
20 Police Department had gotten out of their cars and gone
21 into that field, where they were told to go, you know,
22 we might not even be here for a murder. We don't even
23 know, the man might have been alive and waiting on some
24 help after he'd been shot by Twiz.

25 I'm confident in a murder investigation that you

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CLOSING - DEFENDANT - CAMPBELL

1 should document everything you do. And if Lieutenant
2 Gruel had talked and interviewed Wayne Ramsey, there'd
3 be some testimony about that. There is none. They
4 didn't bring it to you. You can ask yourself why. And
5 when I asked about why -- when did you go, you know,
6 that's where the men were shot. Well, did you go in
7 that field? Well, I -- yeah, you know, I think me and
8 some other off -- we walked those streets. No. I have
9 -- there's no evidence. I don't think they ever looked
10 there for evidence. And why do I think this? Because
11 of where we were yesterday afternoon. Where we were
12 with Raley. You know, he says people saw you -- saw
13 them in the street. And Tyrone says, I can't see
14 anything in the street. A lie and a manipulation of
15 Tyrone, a lie and a manipulation of the evidence.

16 Beaufort Police Department testified that Malik
17 Stanfield, I believe, I think this is what I remember,
18 killed Matthew Horn, and it's not connected to any of
19 this. And in Mony's Facebook, the post that he shares,
20 and you have it, you can read it, he says rest in
21 peace, another soldier gone too soon, or something like
22 that. It's all connected.

23 And you heard -- or you'll see the testi -- it's
24 in the evidence -- the records from the Detention
25 Center. This same person, Malik Stanfield, is working

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CLOSING - DEFENDANT - CAMPBELL

1 in conjunction with Tayquan Lampkin to beat Tyrone up
2 at the same time, if you look at the records, in the
3 same sort of time frame that the notes are being passed
4 back and forth between Twiz and Tay, and talking about
5 see what I can do to help you out, and kicking out
6 money for this, and sending out, you know, \$1,600.00
7 from the jail. That man is communicating with other
8 people in the jail, and communicating with people on
9 the street to get things done. Read his note. He
10 tells you.

11 Now, when I start making the connections for the
12 Beaufort Police Department, they want to say, oh, no;
13 no, no, no, no, no; there's just no way; when we
14 research, we investigated Alfred Thompson, Al T's
15 murder; it's not connected; no, it's an unsolved
16 murder, but it's not connected to the -- to Greene
17 Street and Congress Street.

18 The list of those boys in that area, the names
19 called out on that street, on those corners, in the
20 city of Beaufort in 2015, Twiz, Tay, Dre, you can
21 probably recite them better than I can at this point.
22 Niko, Jordan, Alfred, Malik, Matthew, it's all
23 connected, and the killings are connected, and they
24 come back for one man who is admittedly labeled a
25 killer by the Beaufort Police Department, a monster,

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CLOSING - DEFENDANT - CAMPBELL

1 and that's Twiz. That's Varsheen Smith, and you have
2 his records, and you'll see them. Fifteen years in
3 federal prison for guns and whatever else. And you
4 know, how do you kill people? You kill people with
5 guns.

6 Twiz had thousands of dollars in his account at
7 the Detention Center. What's he doing with all that
8 money? Where did he get all that money? Ask
9 yourselves that. Passing notes about paying \$15,000.00
10 for a lawyer. The men running the show, they got the
11 money. They got the money to move around to pay people
12 off, to pay for their lawyers, to get things done, to
13 set things right. So why? So they're not the ones
14 going down. And if you're new to this game, and you've
15 been on Saint Helena your whole life, and all of a
16 sudden you come down to the city, and you're
17 inexperienced, and you're playing at being a gangster,
18 you are the most vulnerable. You're the easiest target
19 to lay it on, put it at your feet. And I'll say what I
20 said -- I think I said before, even the dumbest, most
21 ignorant, most inexperienced playing at being a
22 gangster cannot be on the phone shooting and killing
23 someone at the same time. That's not how it happened.

24 Yesterday we saw what happened to Tyrone in the
25 over three hours of interrogation the last time. And

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CLOSING - DEFENDANT - CAMPBELL

1 they say, Erdel and them, we know it's not physically
2 possible for Varsheen to shoot Mony. People saying
3 Twiz, in the car with Tay. Who are these people?
4 Where are they? It's a lie. It was a lie then; a lie
5 now. If it's true, then bring them in here. Give them
6 to this jury. The testimony -- like I said, whatever
7 information Erdel was working off of is wrong. His
8 source of information was wrong, or was lying. Or you
9 could say, maybe you could say at this point, there was
10 no source of information.

11 Remember, I asked Raley about manipulation of
12 facts and how that produces false confessions? He
13 doesn't remember any story about Twiz standing in the
14 street. There was a breakdown.

15 You heard us talk about the Reid technique. False
16 confessions. Especially if you subject the suspect to
17 extended, prolonged, protracted interrogation, and give
18 the suspect promises of help. Well, tell the suspect,
19 you know what, it's going to be okay. We're going to
20 -- we're going to talk to the prosecution. Say it was
21 an accident. Tell the truth. Say it was an accident.
22 Tell the truth. And you heard Tyrone say, now, what am
23 I supposed to say again? Well, you need to tell me the
24 truth, but say it was an accident.

25 Remember Erdel sets him up and he says you know,

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CLOSING - DEFENDANT - CAMPBELL

1 man, you're in a hole. I'm going to help you dig out;
2 I think this thing went sideways; we're going to get
3 you out. And I'm going to show you the way out; I'm
4 going to show you the way to get out. And you go back
5 and you pull back to that early golden key, brass ring,
6 and you're the star witness. And he says, yeah, I
7 know; I lied; I told -- you told me -- I lied to you
8 about it. I wanted to give you what you -- what you
9 told me you wanted. You said you wanted the monster, I
10 tried -- I was trying to give you the monster. I mean,
11 the man -- I wanted to put him away; he's trying to
12 kill me. Just -- okay, man, just tell us it went
13 sideways. You panicked. Twiz was about to take you
14 down. You better help yourself. And the only way to
15 help yourself is, you know, say it was an accident.
16 And Tyrone talked to them repeatedly. Look, man, all I
17 know is at this point was we picked Twiz up from that
18 field.

19 You had to listen in to those 911 calls. No, not
20 at all. The time frame, the shots fired, it absolutely
21 makes a perfect line. Say it went sideways. And you
22 know what, in the end, today, it's not about winning or
23 losing. When you think about it, this is -- this is
24 where we were with Raley. And what you get in the end?
25 It was an accident. I saw somebody coming through the

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CLOSING - DEFENDANT - CAMPBELL

1 door. I thought it was Twiz, I shot. He had a gun to
2 my head. Told me wait in the house. He tied up Mony.
3 He was thinking. He was putting together -- he's
4 putting together another story about how you can make
5 it an accident. You'll get forgiveness, man. We're
6 going to help you in court. You're going to get help
7 from the Solicitor's Office. Don't you be the monster,
8 now. We know you're not a monster. Say it was an
9 accident. And he's thinking and he's thinking, how can
10 I save myself? And this is the result. The false
11 confession. And here we are.

12 And the Judge will tell you that mere suspicion is
13 never enough. It cannot -- not in this courtroom, not
14 for any woman, not for any man accused of murder or any
15 crime. Mere suspicion is never enough. Her Honor is
16 going to charge you the law in this case, and I know
17 you'll follow the law. Reasonable doubt is the kind of
18 doubt that causes a reasonable person to hesitate to
19 act. But you know, I will say to you, if you find
20 yourself, each individual one of you, as you're
21 thinking about these matters, and as you're
22 deliberating and speaking with your fellow jurors, if
23 you, in your mind, find yourself, at some point, where
24 you want to believe; or you say, well, I think maybe
25 Twiz did order Tyrone to stay in that house at Greene

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CLOSING - DEFENDANT - CAMPBELL

1 Street. Maybe he -- and ordered him to wait for Mony.
2 He told him he'd be right outside. And after
3 everything, you know, Tyrone had been through that
4 night with Dre, shoot -- shooting at Mony and all of
5 that, and Twiz and the big men and the boss and the gun
6 to his head, if you find yourself saying to yourself,
7 well, he said he shot at the door when someone came
8 through the door. He thought it was Twiz. Remember,
9 just remember how he got there. Remember the
10 techniques that they use to get an incorrect, to
11 improperly apply, to get to this false confession.

12 But again, look at what the Judge is going to tell
13 you on the law. And if you're at that point, and
14 you're applying the law to this scenario that they did
15 for you, then give Tyrone what Raley and Erdel told him
16 he would get. Say it was an accident, it's okay. You
17 panicked, it's okay. You'll get salvation. Say it was
18 an accident. If that's where you were, if that's where
19 you are, if that's where you find yourself, apply the
20 law to that scenario, as the Judge is going to charge
21 you on the law, and give him what they said he would
22 get.

23 But if you feel hesitation, if you feel, you know,
24 that feeling that you get in your stomach, like maybe
25 if you're watching your child, you know, get ready to

1 do something new at the playground or something, and
2 it's a palpable feeling that you get when you hesitate
3 and you're like, oh, my gosh, if that feeling comes
4 across you -- remember the bridge that I talked to you
5 about when we first met back Monday, and I said, okay,
6 so this is the bridge? So we've got two mountaintops,
7 like the Blue Ridge Parkway. So I got -- you're
8 starting over here, and the State wants you to get over
9 here to guilty. This is presumed innocent. He remains
10 presumed innocent during your deliberations. The Judge
11 will tell you that. So they want to built a bridge to
12 guilty. So the first plank they put in front of you
13 is, okay, Vermone Steve is dead. And they build that
14 plank, that evidence. The medical examiner comes in
15 and says these remains are Vermone Steve, he's dead.
16 Plank number one. You can step on that plank. You can
17 get on that plank. But every single plank after that,
18 you cannot step on. It is so faulty; it is so flawed.
19 The planks are so unable to bear the weight of
20 reasonable doubt, to bear the weight of judging the
21 credibility of the witnesses and the evidence, and the
22 manner how you got there, that that sense of hesitation
23 that you would have to step on another plank, that's
24 reasonable doubt. That's a verdict of not guilty.

25 And again, not because someone is winning; because

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CLOSING - DEFENDANT - CAMPBELL

1 it's following the law. And you, the jury, for this
2 young man, you know no passion, you know no prejudice
3 or sense of reward; because there's an oath that you
4 took. And rightly and fairly, your decision, each
5 individual one of you, your decision is your decision.
6 And if the group of you reach a decision, a final
7 decision, then that decision can never be questioned.
8 It's final. By anyone, anywhere, ever. And applying
9 what you know, your common sense, your view of the
10 witnesses, and all of the evidence and saying, you want
11 me to convict a man of murder and of kidnaping with
12 this; this is the bridge you have built for me. I'm
13 hopeful that, when you get to that point, when your
14 foreman begins to take a vote, and you have your
15 notepads that you're working with, that you will tear
16 off your notepad, and you will write down your thought
17 and your individual decision on these matters, and you
18 will fold that note, and you will pass it down the line
19 to your foreman. And when he opens them and reads
20 them, that they will all read not guilty. Thank you.

21 THE COURT: Ladies and gentlemen of the jury,
22 we're going to take just a quick five-minute break.

23 JURORS LEAVE COURTROOM 11:55 A.M.

24 OFF THE RECORD 11:58 A.M.

25 BACK ON THE RECORD 12:04 P.M.

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CLOSING - STATE - JONES

1 THE COURT: All right. Ms. Jones, you ready to
2 go?

3 SOLICITOR JONES: Yes, your Honor.

4 THE COURT: Ms. Campbell, are you ready to go?

5 MS. CAMPBELL: Yes, your Honor.

6 THE COURT: All right. Let's go. Bring the jury
7 in.

8 BAILIFF: Jury is entering the courtroom, your
9 Honor.

10 JURORS ENTER COURTROOM 12:07 P.M.

11 THE COURT: You may be seated. Ms. Jones,
12 whenever you're ready.

13 SOLICITOR JONES: Thank you, your Honor. May it
14 please the Court.

15 THE COURT: Yes, ma'am.

16 CLOSING ARGUMENT ON BEHALF OF

17 THE STATE BY SOLICITOR JONES:

18 SOLICITOR JONES: What happened to Andre Frazier
19 and Vermone Steve on October 25, 2015 is not part of
20 any game. This is real life. And nor is today
21 Varsheen Smith or Twiz's day in court. It's that man's
22 day, Tyrone Wallace, and he's here because of every
23 single choice he made on October 25, 2015. And I gave
24 you those choices. I gave you hours of those choices.
25 And what did he give you? Hours of lies. And hours of

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CLOSING - STATE - JONES

1 excuses for everything he did that day.

2 He tells Investigator Erdel that he would have
3 done -- he will do anything to get out of the
4 situation, and that's what he tried to do for almost
5 ten hours. He tried to get out of the situation he
6 created.

7 Ladies and gentlemen, today, after listening to
8 all of his words and seeing all of the evidence,
9 nothing excuses the fact that on October 25th of 2015,
10 that man, Tyrone Wallace, chose to tie up and kidnap
11 Andre Frazier, and chose to shoot and kill Vermone
12 Steve.

13 So what does he say? From the get-go, from the
14 very first words to leave his mouth to the police on
15 November 16th, they're lies. He's lying about where
16 he's been; he's lying about where he's gone. Did he go
17 to Chicago? Well, I did; I got there; a friend got me
18 there; or my mom took me there. He can't even keep it
19 straight from the first words out of his mouth. Then,
20 it comes out he was actually in West Virginia.
21 Regardless of wherever he was, he ran. He fled, and he
22 hid.

23 He says that he saw on Facebook that a person was
24 missing from the home he had just been to. But the
25 only thing that was posted was that, yeah, there is a

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CLOSING - STATE - JONES

1 missing person. It's Vermone Steve. Nothing about
2 Tyrone Wallace was posted. And ironically, this was
3 posted after he ran, because if you remember, he told
4 you he ran on either the 26th or the 27th. That
5 missing persons report did not go up until after that.
6 So how did he know to run? He knew to run because he
7 had just killed somebody.

8 Varsheen Smith. Doesn't know him. He learned
9 about his name from some -- someone in the parking lot
10 of some bar, or some convenient store, because he had
11 loads. Marijuana. He was the dealer in town to get
12 his marijuana from. Finally, he says, okay. I've
13 known him for three to four weeks, but just as my
14 dealer. He's just my marijuana dealer; that's it.
15 Well, he sure knows a lot about that man to just be his
16 marijuana dealer. He knows who he used to date; he
17 knows where he lives; he knows where his mama lives.
18 That's not information that your drug dealer is going
19 to share with you.

20 And the phone records show you that they are
21 talking to each other. Between 8:08 and 8:37, they are
22 talking five times. They are not just dealer and
23 seller; they are friends.

24 There are the phone calls. 7:51, Erdel told you
25 at 7:51 the noise complaint comes in. And that's when

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CLOSING - STATE - JONES

1 Officer Wadman, you heard him testify, he's on Greene
2 Street. Officer Wadman is the police officer that
3 Andre Frazier sees. Officer Wadman is the reason that
4 Andre was released.

5 8:08 p.m., Varsheen Smith calls Wallace. 8:34,
6 the shots are fired. 8:34 p.m., Tyrone Wallace isn't
7 calling anybody. Varsheen Smith is calling him. And
8 then the calls continue to Wallace, to and from
9 Varsheen Smith. It shows that they're more than just a
10 seller and a dealer. And it also shows us that in no
11 way, shape, or form did Tyrone Wallace think that that
12 was Twiz, or that was Varsheen Smith, walking through
13 that side door. He wants you to think that Varsheen
14 Smith had just walked out of the house. He's calling
15 him twenty-six minutes before the murder. They're not
16 together. If you're together, you're not calling each
17 other. Varsheen Smith is calling him because they're
18 not together. Tyrone Wallace is waiting by himself in
19 that house for Mony to come home.

20 Is this a marijuana deal? First, he says well,
21 the only reason I was over there is because it was a
22 marijuana deal. I handed him \$50.00; I left, with
23 everyone inside. Well, when he's asked, are your
24 prints going to be inside? Oh, yeah, well, I went into
25 the kitchen, but that's it, that's it. He's lying,

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CLOSING - STATE - JONES

1 he's lying, he's lying.

2 He wants you to think he doesn't know who Andre
3 Frazier is. He calls him Frazier Boy. Nobody calls
4 him that. He does know Andre Frazier. Andre Frazier
5 took him in; let him stay in his house; fed him. Andre
6 Frazier dated his cousin. And then, finally, calls him
7 Dre. He knows who he is.

8 He's inconsistent on when and how Andre Frazier
9 gets to Twiz's house. Is he already outside when
10 Tyrone gets there, or does Tyrone get there first?
11 He's lying about it. And is he ready to tell the truth
12 just yet? Now, he says, okay, I was there. I heard
13 some tussle and some thumping. I turned around and I
14 see Twiz punch Dre, and Dre falls. And then, I saw him
15 get up and just let him go. But then, I saw him on the
16 ground asking if he's going to be hurt. He's acting
17 like a scared child. Well, and then Twiz tied him up.
18 He is going all over the place. He cannot even keep up
19 with his own lies.

20 He also says that the situation with Andre never
21 escalated. He's lying. He's lying, because, then, in
22 the same breath, he says that Andre was acting like a
23 scared child on the floor. That was the situation
24 escalating.

25 Then, just all of a sudden, Twiz let Dre go.

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CLOSING - STATE - JONES

1 Tyrone says it's because he stood up for him. But
2 then, he says, I think he was just done with Dre. They
3 were done with Dre.

4 He says, Twiz had a gun; I did not have a gun. I
5 agree with him there, because Andre tells us that. Dre
6 says, no, Tyrone Wallace, he didn't have a gun. Twiz
7 had the gun the whole time. One gun. Not two guns.
8 But like later on, Tyrone also said one gun. Then he
9 says it was black; it was grayish; it was a certain
10 kind of color. What does that even mean? What does
11 that even mean? And then, he calls it a pretty gun.
12 If you are so terrified of this gun that's in this
13 man's hand, are you going to call it a pretty gun?

14 Finally, he starts to give bits and pieces of the
15 truth. He says he tied up Dre. Of course, he gives no
16 excuse as to why he did it. He says that he raided his
17 pockets. Then he says that he stayed out front, and
18 when he saw the police, he yelled and said, you might
19 need a -- you might need to do something, the police
20 are outside. Then he leaves. Well, we know that's a
21 lie.

22 PLAYING PORTION OF INTERVIEW OF
23 TYRONE WALLACE.
24 END PLAYING PORTION OF INTERVIEW
25 OF TYRONE WALLACE.

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CLOSING - STATE - JONES

1 BY SOLICITOR JONES:

2 SOLICITOR JONES: He's finally starting to give
3 bit and pieces of what happened that night, but he is
4 minimizing and he is giving excuses. He's saying that
5 Twiz made him do it. That is a lie. That is a lie.
6 Because Andre got on that witness stand and told you,
7 in no way, shape, or form was that man right there an
8 unwilling participant. He could've left, and he didn't
9 leave. Varsheen Smith did not take a gun and point it
10 at Tyrone Wallace's head and say tie up Andre Frazier.
11 That did not happen, because they were doing it
12 together. They both kidnaped Dre that day.

13 And remember what Investigator Erdel told you
14 about Andre, and when Andre came in to talk to the
15 police? No, Andre did not call the police immediately.
16 He was too busy looking for his friend who was missing.
17 He told you he spent that whole night looking for Mony.
18 He didn't call the police. But when he does finally
19 re-live it for Investigator Erdel, he's crying, he's
20 scared. Erdel even takes it and says, this is the most
21 scared I've probably ever seen somebody. He had just
22 had a gun in his stomach, his life was threatened, and
23 now his friend is missing.

24 So what do we know that's the truth about the
25 kidnaping of Andre? Wallace chose to help force Andre

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CLOSING - STATE - JONES

1 inside the home. Wallace chose to rip of Frazier's
2 belt. Wallace chose to tie up Andre Frazier. Wallace
3 chose to raised his pockets. Wallace chose to walk up
4 and down the house, in and out of those rooms, with
5 Varsheen Smith. And Wallace knew it was never about
6 Andre; it was always about Mony. And finally, at the
7 end of his interview, he says, of course, in that other
8 situation, yeah, I did that. So nonchalant, as if
9 having a gun at somebody and tying them up and having
10 them fear and beg for their life is nothing.

11 And I want you to remember everything that's being
12 said to Andre. Where is Mony; where is Mony; you know
13 where he is; this isn't about you. Because it wasn't.
14 It wasn't about Dre. It was always about Mony.

15 Interview Number 2, more lies. November 18th of
16 2015, the Beaufort County Sheriff's Office find the
17 remains of Vermone Steve on Pea Patch Road in Saint
18 Helena. At this point, Tyrone Wallace has to start
19 thinking of what he's going to say. He has now had one
20 month since he killed Vermone Steve, nine days since
21 his last interview, and seven days since Vermone's body
22 was found, to come up with his story, because that's
23 what he calls it. He says I'm going to tell you all
24 the same story I just told you. I'm going to tell you
25 the story again.

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CLOSING - STATE - JONES

1 The truth is not a story. The truth is what
2 happened. And if you're telling the truth, you don't
3 get so theatrical and dramatic and amped up, because
4 nothing about the truth of what happened on October
5 25th is exciting. Excited, that's the word Tyrone
6 Wallace used.

7 He starts to tell you a little bit about the
8 truth. Mony put it in Twiz's head they were being
9 evicted, but they weren't really being evicted. In
10 fact, Mony still had some of his things at the house.
11 Twiz found out that he was lied to, and he got mad.
12 That's the truth. That is what happened. And we know
13 that from everybody else that took this witness stand.
14 But here comes the story. He says he's outside when
15 Twiz snatches up Mony. Well, he knows all about that
16 bullet on the inside. So, if he's outside when all
17 this happens, how does he know about that bullet in the
18 inside wall? He then says, well, I didn't see Twiz
19 shoot Mony. Well, I did see Twiz shoot Mony; I was
20 outside; I was over here. But from where he said he
21 was standing, by the Cadillac in the front of the
22 house, you can't see anything on that side of the
23 house. He says he's way over here. He can't see
24 somebody inside, coming out this side door right here.
25 It just doesn't make sense.

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CLOSING - STATE - JONES

1 Then he says, out of the blue, Tayquan and Twiz
2 pick him up, and for some reason Wallace tells them to
3 go to Pea Patch Road. Why on earth would that man over
4 there want Twiz's, his problem, the dead body he
5 created, in his mother's back yard?

6 We know Tyrone Wallace was the one that drove to
7 Pea Patch Road, because Dominique Cook told us that.
8 We know the car gets stuck. That's true. He said he
9 had to use the jack from his mom to get it out. That's
10 true. But then, now he's differing on how he got to
11 Pea Patch Road, because he's backtracking, and he
12 cannot keep up with the lies he's telling. If it was
13 the truth, it would've been one consistent story. You
14 don't have to recall it; you don't have to remember it.
15 But he's lying.

16 Now, he's trying to give specifics on how Mony was
17 shot. So he's coming through the door; he fell
18 outside; and Tay, Niko, Twiz, and him got him; they
19 backed up the car; put him in the trunk; wrapped in
20 trash bags. He drove to Pea Patch Road. Finally, he's
21 going to take -- he's going to take that, and then, oh,
22 there was a gas can. He's remembering what happened,
23 because he's re-living it in his mind. But the problem
24 is, he's still not telling the truth, because, in his
25 shoes, the shooter, he's putting Twiz in his shoes.

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CLOSING - STATE - JONES

1 And then, at the end of it all, because this is
2 just some big joke to him, he's taunting the police
3 with information about other pending murder cases, on
4 the murder of Matthew Horn, who was killed by Malik
5 Stanfield, who has been convicted and sent to prison on
6 that murder. A murder that has nothing to do with why
7 we're here.

8 And he knows where all these dirty guns are.
9 Well, if he's this innocent bystander and unwilling
10 participant, how does he know about dirty guns?

11 Remember what he said. He said, you all are
12 waiting on me to come to you all. Why would he think
13 that? Unless he knew that he was the one that they
14 were looking for. And he's talking about the murder;
15 he's talking about loading Vermone's dead body in the
16 back of a car to the high he feels when he's smoking a
17 joint. Because maybe, to that man, it is a game.

18 We get to the third interview. He wants to know,
19 to the police, have you all talked to the Solicitor's
20 Office for me? Have you all talked to the prosecutor?
21 Can I talk to them? You know, I have information on
22 some other cases, I can help you -- I can help you out.
23 Tyrone Wallace is looking out for Tyrone Wallace, and
24 that's the only person. And now, he's going back to
25 blaming Twiz. He says more specifics; that actually,

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CLOSING - STATE - JONES

1 Twiz waited in the house; he turned off the lights;
2 then he moved the couch so it was right in front of the
3 side door. Well, that couch was moved. Ms. Steve told
4 you that. The floor had been messed up. It was
5 scratched up. That couch had been moved. Varsheen
6 Smith did not move that couch. Tyrone Wallace moved
7 that couch. And then, he says I know Twiz used his
8 nine; that's his pretty nine; he carries it all the
9 time; I know that's the one he used. Well, in
10 Interview Number 2, he was pretty sure it was a .40
11 that he used. And unfortunately, we'll never know,
12 because any evidence of those bullets were burned when
13 they burned Vermone Steve.

14 He says that he asked -- that Twiz and Tayquan
15 picked him up at his house between 1:00 and 2:00
16 o'clock. Well, we know that's a lie because of the
17 phone records. He's at home between 9:09 and 11:34
18 p.m. Between 1:00 and 2:00, where is he? He's on Pea
19 Patch road burning Vermone's body. He's pinging off of
20 Tower 298. He's not at home. Again, he's placing the
21 blame on Twiz. And now he's coming up with all these
22 reasons Twiz wanted Vermone dead. Well, there was an
23 eight-thousand-dollar debt. Maybe it was actually
24 about the rent. You know what, actually, Twiz's drug
25 phone came up missing, and that's money, and that's why

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CLOSING - STATE - JONES

1 he was mad. I'll tell you the real reason. Mony
2 wanted to take Varsheen out because he was getting too
3 hot on the drugs. Mony didn't want Twiz's lifestyle in
4 his home, and it cost him his life.

5 So how do we know that Varsheen Smith is not the
6 shooter? Well, he's blocks away when the 911 call is
7 made at 8:34. And the Defense wants you to think that
8 that's fake evidence; that didn't really happen. Well,
9 Wayne Ramsey got on that stand, and he said, I don't
10 really remember; it was a long time ago; I don't really
11 recall; but I do remember seeing -- seeing a truck; and
12 there was two men in it; and it almost hit a trash can.
13 Well, that was Twiz and Tayquan Lampkin. And you heard
14 over and over, that's what Twiz said, because that's
15 what happened, because Twiz is not the shooter.

16 We also know because Dominique Cook. Dominique
17 Cook got on that stand. I had to force him to come to
18 court under subpoena. He had already pled guilty. He
19 had already admitted his guilt and his part, and he
20 told -- he said -- he didn't want to, but he has said
21 from day one that Tyrone Wallace was the shooter that
22 day, not Varsheen Smith.

23 Finally, finally, finally, he says it: I lied; I
24 left stuff out; I know more than I'm saying. It took
25 three interviews and hours and hours of questioning.

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CLOSING - STATE - JONES

1 Not questioning where he's being promised anything; not
2 questioning where he's being coerced; not questioning
3 where he's being threatened. Questioning because he
4 couldn't stop himself. He could not help himself.
5 Questioning to get to this.

6 PLAYING PORTION OF INTERVIEW OF
7 TYRONE WALLACE.

8 PAUSE PLAYING PORTION OF INTERVIEW
9 OF TYRONE WALLACE.

10 BY SOLICITOR JONES:

11 SOLICITOR JONES: Final interview he says that I
12 heard someone coming in the house; Twiz had left.
13 Well, we know that Twiz had been gone for at least
14 twenty-six minutes because of the phone calls. So Twiz
15 did not just leave. I just started firing; it was
16 Mony. I just left him there. We got to the Pea Patch,
17 and I was the only one who knew where we were at.
18 These Beaufort city boys don't know about Pea Patch
19 Road, but Tyrone Wallace does.

20 CONTINUE PLAYING PORTION OF
21 INTERVIEW OF TYRONE WALLACE.
22 END PLAYING PORTION OF INTERVIEW
23 OF TYRONE WALLACE.

24 BY SOLICITOR JONES:

25 SOLICITOR JONES: Varsheen Smith is not the one

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CLOSING - STATE - JONES

1 that poured the gasoline on Vermone Steve's body. He's
2 not the one that threw the lighter on him and set him
3 on fire. And how do we know that? Because Tyrone
4 Wallace was the only one that had anything to lose by
5 something being found on Pea Patch Road, near his
6 mother's house. That was his idea. And because it was
7 his idea, he did it. And how do we know he did it?
8 Because when Dominique Cook, Niko Cook, is interviewed
9 by the police, he has everything to lose. He was just
10 caught. His GPS is going off. He knows the police
11 have got him. He tells them Tyrone Wallace was the
12 shooter and Tyrone Wallace was the one that had the
13 gasoline.

14 And what about those tears we see? Those are not
15 real tears. Those are not tears for Vermone Steve.
16 Those are tears for Tyrone Wallace. And they quickly
17 go away when he's talking about the body and the
18 burning of it.

19 Now, is there any way that he really thought that
20 it was Varsheen Smith, Twiz, walking through that door?
21 No. Because we know Varsheen Smith had been gone for
22 at least twenty-six minutes before the shots were fired
23 that killed Mony. Varsheen Smith was not coming back
24 to [REDACTED] Greene Street until he got the okay from Tyrone
25 Wallace, and that's what these phone calls show you.

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CLOSING - STATE - JONES

1 The phone calls show you that at 8:08 p.m., Varsheen
2 Smith and Tyrone Wallace are not together at [REDACTED]
3 Greene Street. Varsheen hears these shots and he calls
4 Tyrone, and then they continue to talk until 8:37, all
5 while pinging off of the tower right here in Beaufort.

6 Wallace says that Twiz told him, hold him until I
7 come back; then call me after this shit is done. That
8 was the plan, was for Wallace to murder Vermone Steve.
9 In no way, shape, or form did Tyrone Wallace ever think
10 that that was Twiz walking through that door, because
11 Twiz was not coming back until Vermone was dead.

12 He wants you to think that he saw the black hoodie
13 that Twiz was wearing. He saw his black hoodie. And
14 remember him talking about Twiz and his dreads. You
15 saw a picture of Vermone Steve. He didn't have any
16 dreads. He had short hair. But he saw this black
17 hoodie, and that's what Twiz was wearing, and that's
18 why he shot. He didn't see a black hoodie. He saw
19 this. And he didn't shoot Vermone Steve as he's
20 walking through the door. He shot him as he was
21 running away, because those are holes in the back of
22 that tee-shirt.

23 Did Twiz force this murder on him? No. And he
24 wants to tell the police, I'm the only one who can help
25 you put him away. Sure, okay. Because you're the only

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CLOSING - STATE - JONES

1 one saying this is the way it happened. And this was
2 not the way it happened. He's always trying to blame
3 or make up excuses.

4 Now, is he scared of Twiz? No. Again, that's a
5 lie. He says Twiz threatened him before. He said that
6 he threatened him on a phone call that his mother
7 heard. He said he threatened him over a weed debt, but
8 then he couldn't remember if it was a sixty-dollar weed
9 debt or a ninety-dollar weed debt. And then he goes
10 back to maybe it was a sixty-dollar debt. He can't
11 keep it straight.

12 He said it was me or it was him. If you're so
13 scared of this man, if you're so terrified of him, why
14 are you going to call him three times right after you
15 kill somebody?

16 And then, again, I guess just to show you how
17 scared he is of Twiz, he goes and meets up with him.
18 And according to Tyrone Wallace, Twiz has a gun. If he
19 is so petrified and terrified of Varsheen Smith, is he
20 going to call him up and say, hey, man, I'm ready to
21 come see ya, and I know you have that gun on you? No.

22 And remember what Niko told you, there's no fear;
23 that man is Twiz's right-hand man.

24 So what do we know, solely based on what Wallace
25 says? He chose to kidnap Andre Frazier; he chose to

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CLOSING - STATE - JONES

1 push him inside [REDACTED] Greene Street; he chose to tie him
2 up, he chose to raised his pockets. And he chose to
3 act with Varsheen Smith and kidnap him.

4 We know that Wallace waited for Mony to get home.
5 He knew that Mony would be the only person coming
6 through that door. We know that he turned the lights
7 off; he moved the couch; he waited for Mony; and the
8 door opened; and Mony turned to run; he just started
9 firing.

10 Wallace had the only gun that day. It was the gun
11 he got from Varsheen Smith. Varsheen Smith was never
12 coming back. The only person who was coming through
13 that door was Vermone Steve. So Dominique Cook, he was
14 there. He pled guilty. He told you he had a seven-
15 year sentence in the Department of Corrections for his
16 involvement. He has nothing to gain from taking that
17 witness stand, everything to lose. He is coming from
18 prison, got on the stand, and was supposed to testify
19 against a co-defendant. Well, he conveniently forgot
20 exactly what he said and exactly what happened on, most
21 likely, the most memorable night of his life. But from
22 day one, it was always Tyrone Wallace who killed Mony;
23 it was always Tyrone Wallace who drove to Pea Patch
24 Road; and it was always Tyrone Wallace who sat him on
25 fire.

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CLOSING - STATE - JONES

1 He says that Wallace told him when to rob Mony,
2 but Mony started screaming. And when Mony tries to
3 leave, he shot him three times. That's exactly what
4 happened. Mony tried to run, and he got shot in the
5 back, at his own home.

6 He said it was -- yeah, it was my mom -- my
7 girlfriend's mother's Suzuki we used. And we know
8 that's true, because the forensics tell us that. The
9 forensics tell us that, yes, unfortunately, that was
10 the car that Vermone Steve was put in before he was
11 taken to Pea Patch Road.

12 What we also know is that Varsheen Smith's DNA is
13 excluded. Dominique Cook's DNA was excluded. But
14 Tyrone Wallace, we don't know. Couldn't be excluded.
15 Not included. But the scientist, the forensic chemist
16 up there, told you, if I had been able to exclude his
17 sample or exclude his DNA, I'd have said excluded. It
18 wasn't.

19 He talks about the car getting stuck, and we know
20 that's true, because we have the phone records that
21 show that Tyrone Wallace did, in fact, have to call a
22 tow truck company that night.

23 And he talks about how Wallace was the only one
24 that knew where Pea Patch Road was. Look at this map.
25 Tyrone Wallace's residence. There is a clearing

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CLOSING - STATE - JONES

1 straight to where the remains were. Captain Purdy told
2 you that it is less than four-tenths of a mile. You
3 could easily walk there. This is the path, and at one
4 end of that road is Tyrone Wallace's mama's house, and
5 at the other end is where they dumped Vermone Steve.

6 He's trying to protect Tyrone Wallace. And he got
7 on that stand and he forgot to change his story. He
8 was trying to protect Tyrone Wallace. He said, if the
9 verdict depends on me, you can consider yourself a free
10 man; I will not betray you. And that's what he did.
11 He did not betray his friend.

12 But when faced with his GPS monitoring tracks,
13 showing him on Pea Patch Road, he sung like a bird, and
14 that was the truth. And that was the truth that he
15 said that Tyrone Wallace was the one who murdered
16 Vermone Steve.

17 Again, all of the phone calls to all of the co-
18 defendants, that is Tyrone Wallace calling Varsheen
19 Smith. That is Tyrone Wallace calling Tayquan Lampkin.
20 Tayquan Lampkin, this man. Tayquan Lampkin, a member
21 of the same gang as Tyrone Wallace. The Defense wants
22 you to remember the Zone gang. This is all part of the
23 Zone gang. Well, I showed you in the jail records, you
24 know who else is in the Zone gang? Tyrone Wallace.

25 Some defenses that they want you to believe, he

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CLOSING - STATE - JONES

1 made -- he had to do it; he made me do it. Well, the
2 Judge is going to instruct you in the law on duress is
3 no defense to murder. It's just isn't.

4 And when it comes to the kidnaping, go back to
5 what Andre told you. In no way was that man forced to
6 do anything that night. Everything he did was because
7 he chose to do so.

8 Is this a drug house; is this a stash house where
9 all of these gang members are hanging out? No.
10 Because remember what Erdel and Raley told you, they've
11 never investigated that house for drugs. They have
12 never investigated Vermone Steve for drugs. They've
13 never investigated Andre Frazier for drugs. Jobs,
14 multiple jobs. They're just living their lives.

15 And Wallace even tells you, that's where they were
16 actually living. That's where Vermone and Twiz were
17 actually living. And that's where the problem started.

18 Alfred Thompson. This is just used to confuse
19 you. Alfred Thompson was murdered during the
20 hurricane. Everybody was supposed to be evacuated, and
21 he was shot in his car. They have suspects. The same
22 people who shot at him three weeks before he was
23 killed, none of which are any of the names that have
24 anything to do with the fact that Tyrone Wallace
25 murdered Vermone Steve and kidnaped Andre Frazier.

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CLOSING - STATE - JONES

1 Is Tyrone Wallace an unwilling participant? No.
2 Could an unwilling participant come and go as they
3 pleased? Would an unwilling participant see the police
4 on the street, have an opportunity to leave, and warn
5 their captor? Would an unwilling participant stay when
6 time after time after time they could have run? Would
7 an unwilling participant run to the man they're
8 supposedly terrified of, knowing he has a gun? And
9 would an unwilling participant direct them where to
10 dump this body? Would an unwilling participant refer
11 to themselves as the original gangster? Would an
12 unwilling participant compare talking about this
13 grisly, horrific kidnaping and murder to the high he
14 feels smoking a joint? Would an unwilling participant
15 lie to the police?

16 The only person Tyrone Wallace is protecting is
17 Tyrone Wallace. He didn't come to the police and
18 confess to a kidnaping and a murder because he was
19 coerced or because he's showing his loyalty to Varsheen
20 Smith. He's not trying to cover for Varsheen Smith.
21 Because, if he is trying to cover for Varsheen Smith,
22 why does -- why take the blame for the kidnaping and
23 leave him in, in the kidnaping? That doesn't make
24 sense.

25 Tyrone Wallace chose to go to Mony's house.

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CLOSING - STATE - JONES

1 Tyrone Wallace chose to wait for Mony. He chose to tie
2 up Andre Frazier and demand answers. He chose to turn
3 out the lights at Mony's house, and he chose to wait
4 alone for Mony to come home. He chose to wait with a
5 gun in his hand. He chose to move the sofa in front of
6 the door, and he chose to shoot and murder Vermone
7 Steve, not as he was coming inside, but as he was
8 running away.

9 His choice goes, then, from there. He chose
10 Mony's grave site, a place he knew. Nobody else knew.
11 He chose to throw Mony away like a piece of garbage.
12 He chose to pour gasoline on this human being and watch
13 as he's engulfed by the flames. And then, he chose to
14 run and hide, like the coward he is.

15 Tyrone Wallace is not a pawn in Varsheen's
16 murderous army. Tyrone Wallace is the reason we're
17 here today, and no one else, because Tyrone Wallace is
18 a coward, he's a liar, and he is a murderer.

19 And it was inadvertently, on a phone call, to his
20 own mother, without any semblance of remorse or sorrow
21 or regret that he gives Ms. Steve the answer she had
22 been looking for, for three years almost. And he gives
23 you the bridge to guilty.

24 PLAYING PORTION OF STATE'S EXHIBIT
25 NUMBER 43.

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JURY CHARGE

1 PAUSE PLAYING PORTION OF STATE'S

2 EXHIBIT NUMBER 43.

3 BY SOLICITOR JONES:

4 SOLICITOR JONES: Let her know I was the man who
5 did this to her son. Tyrone Wallace is guilty.

6 JURY CHARGE:

7 THE COURT: All right. Ladies and gentlemen, if
8 you would, just stand up really quick. My charge is
9 going to take roughly about twenty minutes or so. I
10 just want everyone to get a stretch.

11 THE COURT: You all right? Does anyone need a
12 break? You okay? All right. Take a seat, if you
13 would, everyone.

14 Mr. Foreperson, members of the jury, you've
15 followed very patiently and listened very attentively
16 to the presentation of the evidence of this case, and I
17 want to thank you for that. It now becomes the duty of
18 the trial judge to instruct you on the law that's
19 applicable to this case, and it's your duty as jurors
20 to accept and apply the law as the Court will now give
21 it to you.

22 As jurors, it is your exclusive duty to decide all
23 the issues of fact in this case. You must determine
24 the effect, the value, and the weight of the evidence,
25 and both the State and the defendant, Mr. Wallace, have

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1 the right to expect that you will carefully consider
2 and evaluate the evidence, and apply the law of the
3 case to the evidence. And by doing that, both the
4 State and the defendant, Mr. Wallace, will receive and
5 attain a fair and impartial trial.

6 Now, in the State of South Carolina, by the bills
7 of indictment in this case, charge the defendant,
8 Tyrone Wallace, with the offenses of murder and
9 kidnaping. I remind you that the fact that the
10 defendant was arrested, charged, and indicted in this
11 case is not evidence in this case, and cannot be
12 considered by you as evidence of guilt in this case,
13 nor does it create any presumption or innocence of
14 guilt. An indictment is simply the formal written
15 instruction which contains the charge that's made
16 against the defendant. It's the formal document by
17 which a case is brought into this courtroom.

18 Now, in this case the defendant, Mr. Wallace, has
19 pled not guilty to these indictments, and that plea
20 puts the burden on the State to prove the defendant
21 guilty beyond a reasonable doubt. Now, a person
22 charged with committing a criminal offense in South
23 Carolina is never required to prove himself innocent.
24 I charge you that it's an important rule of law that a
25 defendant in a criminal trial, no matter what the