

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Charleston County

Deidre L. Jefferson, Circuit Court Judge

2019-001193

THE STATE,

RESPONDENT

V.

TERRELL L. MCCOY,

PETITIONER

APPENDIX

III

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S.C. SUPREME COURT

1 MR. PETER McCOY: Your Honor, I'll object.
2 He's testifying.

3 THE COURT: Yes. You can't testify. That
4 has not been identified.

5 BY MR. TERRELL McCOY:

6 Q. Could you please tell me what is on this
7 residence.

8 A. No, sir, I cannot.

9 Q. But you took that picture, right?

10 A. I don't recall.

11 Q. You just stated you took this picture. You said
12 those were the pictures you took?

13 A. All our photographs are placed on CD, and if this
14 came from that CD, yes, I took it; if not --

15 Q. Before you placed it into evidence, I asked you if
16 these are the pictures you took, and you said yes, and
17 this is another picture where the detective has a ruler
18 or something in his hand and he's, like, measuring it?

19 A. That photograph I took, sir.

20 MR. TERRELL McCOY: Your Honor, can I show
21 the jury --

22 THE COURT: Sure.

23 MR. TERRELL McCOY: -- these exhibits?

24 BY MR. TERRELL McCOY:

25 Q. You stated victim had a graze to her right hand,

1 Correct?

2 MR. PETER McCOY: Again, this is testimony.

3 THE COURT: That hasn't been stated. I don't
4 know whether there has been testimony on that.

5 BY MR. TERRELL McCOY:

6 Q. Did you collect any clothing from 5055 Delta
7 Street?

8 A. Yes, sir.

9 Q. And what was this clothing you collected?

10 A. Officer Wilson collected Ms. Williams' blood
11 stained towel and blood stained shirt dress from her, and
12 via chain of custody, I collected it from him.

13 Q. Now, in your report, you stated that you collected
14 these items from Brenda Williams in your report.

15 A. I collected them from the residence, yes, sir, but
16 the initial collection, according to the chain of
17 custody, was by Officer Wilson.

18 THE COURT: I'll tell you what: This is a
19 good time to take a break. That way you can sort through
20 and find out what you want. It's time for our midmorning
21 break, so let's go ahead and take a 10, 15 minute break.

22 Don't begin deliberations or discussions
23 about the case. Any of those photographs or anything,
24 you need to leave in here, and go out with the bailiff.
25 Anybody needs to take a smoke break, they can take you

1 downstairs. All right? We'll see you back in a few
2 minutes.

3 (Recess taken.)

4 THE COURT: All right. Be seated.

5 Mr. McCoy, you may resume.

6 BY MR. TERRELL McCOY:

7 Q. Detective Bunker, you said you found five shell
8 casings in the residence, correct?

9 A. Yes, sir.

10 Q. And you found two on the floor and one inside the
11 wall, correct?

12 A. No, sir.

13 Q. I mean, you found -- there was one in the wall
14 that you couldn't retrieve, correct?

15 A. No, sir.

16 Q. You don't remember seeing that?

17 A. There were two projectiles. One was in the
18 floor --

19 Q. Two of them --

20 A. Two of them were on the floor, and was one in the
21 wall that was not recovered. There was five shell
22 casings that were located.

23 Q. And can you please again explain to the jury what
24 is the difference between shell casings and projectile.

25 A. A shell casing is what confines the bullet itself

1 with the gunpowder and the actual live projectile, and
2 the projectile is the lead part that would actually do
3 the impact damage.

4 Q. So if you found three shell casings inside that
5 residence, what does that mean?

6 A. Three projectiles?

7 Q. Well, three projectiles inside that residence.
8 What does that mean?

9 A. That three projectiles were located from a gun.

10 Q. And that means it didn't hit nothing? It didn't
11 hit no victim, no --

12 MR. PETER McCOY: Your Honor, she can't
13 testify to that. There has been no foundation laid as to
14 what a projectile can do and if it hit anything --

15 THE COURT: She's not qualified as an expert.
16 She is just here to tell you what she found. Later on
17 you can make an argument about the significance of that,
18 based on the evidence, but before you can ask her if -- I
19 guess what you're saying is the significance of that is.

20 She hasn't been offered as an expert to give
21 you any kind of opinion as to what those things mean.
22 She's just here to tell the jury what she found. She's a
23 fact witness at this point.

24 BY TERRELL McCOY:

25 Q. So you found five shell casings and three

1 projectiles, correct?

2 A. Two projectiles were physically located.

3 Q. And one was in the wall that you couldn't
4 retrieve?

5 A. Correct, sir.

6 Q. So altogether, it was a total of three
7 projectiles, correct?

8 A. There's three projectiles accounted for.

9 Q. Thank you. Now, you said when you went to 5055
10 Delta Street, you collected some evidence from Officer
11 Wilson?

12 A. Yes, sir.

13 Q. Could you please tell the jury what was that
14 evidence.

15 A. A female shirt dress was collected from Officer
16 Wilson, and the shirt that was on Mrs. Williams during
17 the time of the incident.

18 Q. Let me show you what has been marked as
19 Defendant's Exhibit 31. Is this your packaging?

20 A. Yes, sir.

21 Q. What does this say the evidence is?

22 A. A blood stained dress shirt.

23 Q. Did you photograph this shirt?

24 A. I'm not positive, sir.

25 Q. Do you have your photographs with you? Do you

1 have any pictures of that you took of the crime scene
2 today? Do you bring any of your pictures?

3 A. No, sir.

4 Q. So you don't know if you photographed this stained
5 shirt?

6 A. I'm not sure.

7 MR. TERRELL McCOY: At this time I move
8 Defendant's Exhibit 31 into evidence.

9 THE COURT: Any objection?

10 MR. PETER McCOY: No objection.

11 THE COURT: It's admitted.

12 (Evidence bag marked for identification and
13 admitted into evidence as Defendant's Exhibit No. 31.)

14 BY MR. TERRELL McCOY:

15 Q. Now, was there any type of blood on this shirt
16 dress when you found it?

17 A. Yes, sir.

18 Q. Was there any type of gray matter on this shirt?

19 A. I didn't examine it that closely, sir.

20 Q. And you stated you are a blood -- you have
21 experience on bloodstain matters, correct?

22 A. I have had some training in bloodstain matters.

23 Q. Does this shirt contain any brain matter or any
24 gray matter on it?

25 A. It doesn't appear to, sir.

1 Q. Those are only stains, correct?

2 A. Yes, sir.

3 Q. Who was that shirt taken from?

4 A. Ms. Williams, Carinda Williams.

5 Q. Ms. Williams stated that she had on some blue
6 jeans. Did you ever receive any blue jeans?

7 A. I did not, no, sir.

8 Q. So you never received blue jeans from
9 Ms. Williams? So you're saying her testimony, what she
10 is saying, is not true?

11 MR. PETER McCOY: Your Honor, again, how
12 could she say whose testimony is true and whose is not
13 true?

14 MR. TERRELL McCOY: We heard from the witness
15 earlier in the proceeding.

16 THE COURT: She was sequestered. She didn't
17 hear what the other witnesses said. She wasn't here.

18 MR. TERRELL McCOY: Correct. But I'm trying
19 to find out what happened to the blue jeans, and the
20 witness said she had on a red and white striped shirt and
21 some blue jeans on. I'm asking her what happened to the
22 blue jeans.

23 THE COURT: If she knows, she can tell you,
24 but if she doesn't know, then you can't just go off on a
25 tangent about it.

1 THE WITNESS: The blue jeans were not
2 collected, no, sir.

3 BY MR. TERRELL McCOY:

4 Q. Can you tell me what happened to the blue jeans?

5 A. As far as we're concerned, Ms. Williams has the
6 blue jeans. I don't know.

7 Q. So if she still has them, that means there is not
8 blood on them, correct?

9 A. I am not sure, sir. I did not meet with
10 Ms. Williams.

11 Q. But it had blood on it when you collected it,
12 correct? You were the crime scene investigator?

13 A. I did not meet with Ms. Williams. I did not
14 physically see her. I did not see what she had on. The
15 items that were collected were collected from Officer
16 Mitch Wilson.

17 Q. But you did go over to 5055 Delta Street where she
18 was, right?

19 A. Yes. I went to that residence.

20 Q. Now, your report, if I may read it again -- in
21 your report, it stated that bloodstained shirt dress was
22 collected from the female that was in the residence on
23 the incident, Carinda Williams. You never stated you
24 collected this shirt dress from Officer Wilson?

25 A. The chain of custody states --

1 Q. That's the chain of custody, but I'm asking, you
2 went to 5055 Delta Street. You never said you collected
3 this shirt dress from Officer Wilson. You collected, you
4 stated, this shirt dress from Ms. Williams. Do you
5 remember that?

6 A. Actually, it says a blood stained shirt dress was
7 collected from the female that was in the residence
8 during the incident, Ms. Carinda Williams. It does not
9 said I collected it. It says it was collected. The
10 chain of custody indicates Officer Wilson collected it,
11 and I have received it from him via chain of custody.

12 Q. Why would you put it in your report that you said
13 you collected it from Carinda Williams?

14 MR.. PETER McCOY: Your Honor, I believe we
15 already visited this.

16 THE COURT: I'll let you go into that, but
17 she just read that it was collected.

18 MR. TERRELL McCOY: She said she collected it
19 from a female.

20 THE COURT: Yeah, but there is a difference
21 between --

22 MR. TERRELL McCOY: She says she collected it
23 from a female. In her report, she says bloodstained
24 dress was collected from a female that was in the
25 residence during the incident.

1 THE COURT: I understand that, but it's got
2 to do with English and the tense of the verb to be. She
3 didn't say she collected it, which would be the active
4 voice, she said it was collected, which is the passive
5 voice, which suggests somebody else collected it. So you
6 can examine her on that, but she does not state what you
7 read, that she collected it. She said it was collected
8 from. That does not necessarily state that she collected
9 it, but you can examine her on that.

10 BY MR. TERRELL McCOY:

11 Q. You also indicated you found a towel collected at
12 5055 Delta Street?

13 A. Yes, sir.

14 Q. And you collected this evidence too; is that
15 correct?

16 A. Yes, sir.

17 Q. And did you take a picture of this evidence?

18 A. I was unable to. I'm not sure, sir.

19 Q. Let me show you what has been marked as
20 Defendant's Exhibit 32. Did you take that picture?

21 A. Yes, sir.

22 Q. And what is that picture?

23 A. It is the picture of a bloodstained towel.

24 Q. And where was this towel located at?

25 A. That was located near the couch at 5055 Delta

1 Street.

2 MR. TERRELL McCOY: Your Honor, I move
3 Defendant's Exhibit 32 into evidence.

4 THE COURT: No objection?

5 MR. PETER McCOY: No objection, Your Honor.

6 THE COURT: Admitted.

7 (Photograph marked for identification and
8 admitted into evidence as Defendant's Exhibit 32.)

9 BY MR. TERRELL McCOY:

10 Q. Now, you stated you found that at 5055 Delta
11 Street, correct?

12 A. It was located at 5055 Delta Street, yes, sir.

13 Q. And this looks like it was being hidden or
14 something, correct?

15 A. I'm not sure if it was being hidden.

16 Q. But that is between the couch and the wall,
17 correct?

18 A. I can't testify to that.

19 Q. You took that picture, correct?

20 A. Yes.

21 Q. But you don't remember analyzing that? The couch
22 is right there and the wall is right there. Does it look
23 like they were trying to hide that evidence?

24 MR. PETER McCOY: Your Honor, she's already
25 testified that is where she found this item. She can't

1 testify as to the intent of somebody else as to what is
2 going on the placement of this towel. She testified that
3 is where she found it, and that is where the photograph
4 was taken.

5 THE COURT: Again, she's not been qualified
6 as an expert. She's here simply to tell the jury what
7 she found. If anybody else did analysis or didn't do
8 analysis, well, then that would be --

9 MR. TERRELL McCOY: I don't know nothing
10 about analysis --

11 THE COURT: Right now she can't give you --
12 she's not been offered. She has not been offered or
13 qualified as an expert to tell you the significance of
14 anything.

15 BY MR. TERRELL McCOY:

16 Q. Was there any gray matter on this towel?

17 A. Not as far as I know, sir.

18 Q. Now, you stated you collected some Ice House beer
19 bottles inside the house, correct? Inside the residence
20 of 5055 Delta Street, correct?

21 A. 5061?

22 Q. Yes, ma'am, 5061 Delta Street.

23 A. Yes, sir.

24 Q. And did you dust those Ice House beer bottles for
25 fingerprints?

1 A. They were fumed.

2 Q. What were the results?

3 A. Negative results for anything.

4 Q. So the defendant's fingerprints weren't on those
5 bottles?

6 A. I don't do identification, sir.

7 Q. Ma'am?

8 A. I don't do the identification.

9 Q. And you did do the dust --

10 A. They were processed for latent prints.

11 Q. Did you test the Ice House beer bottles for
12 saliva, DNA?

13 A. No, sir.

14 Q. Why didn't you?

15 A. Sir, this was a few years ago, and DNA was not as
16 popular or as accurate as it is today.

17 Q. Can you tell the jury, what is DNA again?

18 A. DNA is the physical makeup of each person. Each
19 person has a different DNA.

20 Q. And blood, saliva, sweat, semen, hair, and skin,
21 correct?

22 A. Yes, sir.

23 Q. Can DNA exonerate a suspect?

24 MR. PETER MCCOY: Your Honor, again, how can
25 she answer this question?

1 MR. TERRELL McCOY: She's a crime scene
2 investigator.

3 MR. PETER McCOY: But she isn't qualified as
4 an expert.

5 THE COURT: She can only tell you what it is
6 she found, not the significance of it. She wasn't
7 offered for that purpose.

8 BY MR. TERRELL McCOY:

9 Q. So when you first arrived on the scene, who was
10 there?

11 A. Officer Jason Roy, Officer Doug Armstead, and
12 Officer Mitchell Wilson.

13 Q. And when you walked in, what did you observe?

14 A. I observed the victim, a black male wearing a red
15 long-sleeved shirt, black with red detailed jeans, white
16 Nike sneakers. He was laying in the living room floor on
17 top of a floral curtain.

18 Q. And we heard from Officer Armstead. He stated he
19 was the first on scene officer that arrived on the scene,
20 the first officer to report on the scene, and we heard
21 from him yesterday, and he stated that that floral
22 curtain was not under the victim's body when he first
23 arrived on the scene.

24 MR. PETER McCOY: Again, that is not what
25 Officer Armstead said when he first arrived on the scene.

1 MR. TERRELL McCOY: We can pull it up on the
2 court reporter -- he said that the curtain was not under
3 the victim's body when he first arrived on scene. We can
4 have the court reporter bring that up. What I'm trying
5 to figure out is how this curtain got under the victim's
6 body when it was not there when the first arriving
7 officer arrived on the scene. It wasn't there, so if it
8 wasn't there when he first arrived on the scene, then
9 either the crime scene investigator or some detective put
10 it there. They put yellow tape around --

11 THE COURT: Let me stop you. Let me stop
12 you. That is an argument, and you can make that at the
13 appropriate time for the jury. She's only here to
14 testify about what she saw. The other officer testified
15 about what he saw.

16 If they didn't see the same thing, then that
17 is something you can argue about later, but we don't pit
18 one witness against the other.

19 BY MR. TERRELL McCOY:

20 Q. Is your testimony when you first arrived on the
21 scene -- when you arrived on the scene, those curtains
22 were there?

23 A. Upon my arrival, the victim was laying on some
24 floral curtains.

25 Q. And what time did you arrive?

1 A. I was there within a few minutes of the first
2 responding officer.

3 Q. Don't y'all do a crime scene log?

4 A. Yes, sir.

5 Q. And that tells when you arrived and when you
6 leave?

7 A. Yes, sir.

8 Q. And you don't remember what time you arrived at
9 the crime scene?

10 A. I'm sorry, sir. I don't have that in front of me.

11 Q. You said it was minutes after the first officer,
12 correct?

13 A. Yes, sir.

14 Q. Now, do you remember -- now, in your report, you
15 stated exhibit numbers start with the number 14
16 through -- 1 through 13 being contaminated by an earlier
17 scene. Do you remember that?

18 A. Yes, sir.

19 Q. Can you tell me how this scene got contaminated?

20 A. The earlier scene?

21 Q. Can you tell me how this scene got contaminated?
22 By you saying earlier scene, you was talking about this
23 scene, correct?

24 A. No, sir. Throughout the night -- I answered more
25 than one call a night, and, unfortunately, my numbers 1

1 through 13, I had not had a chance to bleach them, to
2 sterilize them once again, so I was unable to use 1
3 through 13, starting with 14, technically being our
4 number 1.

5 Q. Do you remember testifying in a previous
6 proceeding, page 118, 10, 13, you answer items 1 through
7 13 were numbered placards that were used within the house
8 that had the victim's biohazard on it?

9 Why would you state that if you was talking about
10 another crime scene? Why would somebody else crime scene
11 be in my case?

12 A. Sir, I don't know what you're speaking of, because
13 according to my report, and it hasn't changed, exhibit
14 numbers starting with the number 14, due to 1 through 13
15 being contaminated by an earlier scene.

16 Q. So what do you mean you saying -- okay. What were
17 you -- where were you at before you arrived on the scene?

18 A. Sir, I don't recall --

19 Q. Where were you at before you responded to this?

20 MR. PETER McCOY: Your Honor, she testified
21 she was at a prior crime scene.

22 MR. TERRELL McCOY: I want to hear it from
23 her.

24 THE COURT: This is cross-examination. He
25 can ask that question. Go ahead.

1 THE WITNESS: Prior to going to the scene, I
2 was heading home.

3 BY MR. TERRELL McCOY:

4 Q. You was heading home. Do you remember testifying
5 in a previous proceeding, 83, 18, that you was at -- do
6 you remember stating in a previous proceeding, 83, answer
7 18, you was asked where were you at the time, and you
8 stated 3975, which is 49th behind Lacrosse?

9 A. 4900 Lacrosse Road is the City Hall, which my
10 office is located within City Hall.

11 Q. You stated you was in 3975, correct?

12 A. I don't even know where that is, sir.

13 Q. Now, you stated -- items 1 through 13 were
14 numbered placards that were used within the house that
15 had the victim's biohazard. Now, are you saying this was
16 from an earlier scene, but then you're testifying that
17 you were at 4900 Lacrosse, which is the police station --
18 the police department, correct?

19 A. Yes, sir.

20 Q. Now, you stated you was -- you said you was at
21 3975, which is 49th behind Lacrosse. Now, isn't it true
22 that the neighborhood that this victim was found dead at
23 is behind Lacrosse?

24 A. I'm sorry.

25 Q. Isn't it true that this house that the victim was

1 found, the Russelldale community, is behind the North
2 Charleston police department, 4900 Lacrosse?

3 A. Not -- I'm sorry, sir. It's located within a few
4 miles of it, yes, sir.

5 Q. Let me show you what has been marked as Defendant
6 Exhibit 33. It's a map. Does this map accurately show
7 the city of North Charleston?

8 A. Yes, sir.

9 MR. TERRELL McCOY: I admit Defendant's
10 Exhibit 33 into evidence.

11 THE COURT: Any objection?

12 MR. PETER McCOY: I don't believe a proper
13 foundation has been laid.

14 THE COURT: What is it?

15 MR. TERRELL McCOY: It's a map of North
16 Charleston.

17 THE COURT: Where did you get the map?

18 MR. TERRELL McCOY: I got it off the
19 Internet.

20 MR. PETER McCOY: Sir, may I approach?

21 THE COURT: Sure.

22 (Discussion at sidebar.)

23 BY MR. TERRELL McCOY:

24 Q. Can you see that?

25 THE COURT: Can you focus that a little

1 better? Okay.

2 BY MR. TERRELL McCOY:

3 Q. Now, North Charleston police department is located
4 where?

5 A. 4900 Lacrosse Drive.

6 Q. And this is Lacrosse Road right here, correct, in
7 this area right here, correct?

8 A. Yes, sir.

9 Q. And what is this neighborhood -- can you tell me
10 what neighborhood the defendant -- the victim got killed
11 in?

12 A. I believe it's Russelldale, at 5061 Delta Street.

13 Q. And what is this neighborhood right behind 4900
14 Lacrosse?

15 A. I don't know, sir.

16 Q. Do you see right there it says Delta Street? You
17 want me to show you up close?

18 A. No. I don't know what the neighborhood is.

19 MR. TERRELL McCOY: May I approach the
20 witness, Your Honor?

21 THE COURT: Yes.

22 BY MR. TERRELL McCOY:

23 Q. What does that say right there?

24 A. Delta Street.

25 Q. So that is Delta Street, correct?

1 A. Yes, sir.

2 Q. And where was the victim from?

3 A. The victim was located at 5061 Delta Street.

4 Q. And this is behind the North Charleston police
5 department, correct?

6 A. It's within a few miles, yes, sir.

7 Q. Now, you stated 1 through 13 were numbered
8 placards that were used in the house that had the victim
9 biohazard on it, correct?

10 A. No, sir.

11 Q. You didn't state that? Do you remember stating in
12 a previous proceeding, page 118, 10, items 1 through 13
13 were numbered placards that were used within the house
14 that had the victim's biohazard on it?

15 A. No, sir. I don't recall that.

16 MR. TERRELL McCOY: May I approach the
17 witness?

18 THE COURT: Uh-huh.

19 BY MR. TERRELL McCOY:

20 Q. Can you read that, please.

21 A. Now, in your report, before you get to when you
22 tested the car, you say that -- sir, you're using --

23 Q. I'm talking about -- can you please read that
24 right there, what you said? You was asked -- now, your
25 reports, before we get to when you tested the car, you

1 said that item 1 through 13 were contaminated. What is
2 that from? And you state item 1 through 13 were numbered
3 placards that were used within the house that had the
4 victim's biohazard on it, correct?

5 A. Yes, sir.

6 Q. Now, why would you say the victim's biohazard in
7 this case? Why didn't you just say from another scene?
8 Why you say from an earlier case? Why didn't you say
9 from another case? Why you say from an earlier scene and
10 you said the victim's biohazard? Why would you say that?

11 A. Sir, I don't recall.

12 Q. Now, you stated that you was at 3975, which is
13 49th behind Lacrosse. The only thing behind Lacrosse is
14 the neighborhood that the victim was found shot dead,
15 correct?

16 A. There are several businesses and other things
17 located on Lacrosse prior to getting to the area that he
18 is speaking of on Delta Street.

19 Q. So can you tell me what other buildings is on
20 either -- the police department, you got the social
21 security office, you got the milk company, and you got
22 all these companies. What is behind Lacrosse? What is
23 behind the police department?

24 A. I guess a subdivision, sir.

25 Q. Is there a neighborhood behind 4900 Lacrosse?

1 A. Yes, sir.

2 Q. And that is the neighborhood -- so -- and this
3 neighborhood is the Russelldale community, Delta Street,
4 where this guy got shot, killed at?

5 A. Yes, sir.

6 Q. So can you tell me how this scene got
7 contaminated?

8 A. As far as I know, sir, this scene did not get
9 contaminated.

10 Q. But you stated in your reports that from an
11 earlier scene --

12 A. From an earlier scene.

13 Q. So why did you start the defendant's exhibits off
14 at 14?

15 A. The scene was started at number 14 because earlier
16 in the evening, 1 through 13 were contaminated on another
17 scene.

18 Q. Earlier that evening, but you responded to this
19 scene Saturday, March 25th, at 5:55 in the morning. Now
20 you're stating from that evening.

21 A. Sir, I was on the midnight shift during that time,
22 which consists of starting at 10:00.

23 Q. So why didn't you say that morning, or early
24 morning?

25 A. I'm sorry, sir. I apologize. I did not 'at

1 midnight go to the AM hours.

2 Q. Now, your fellow officer stated this curtain was
3 not under the victim when he arrived.

4 A. The only thing I can testify to, sir, is that
5 curtain was under the victim upon my arrival.

6 Q. Upon your arrival. Now, when you are
7 investigating the crime scene, do you do a walk through
8 the whole house?

9 A. I walk through the scene area, sir.

10 Q. And can you describe the layout of this house.

11 A. I can tell you that once you enter into the
12 residence, you come into the living area. Directly
13 parallel to the front door is a hallway entrance, to the
14 right is a room, and I don't recall exactly what was to
15 the left.

16 Q. In your reports you stated smeared blood was found
17 on the doorway leading to the bedroom, and you didn't
18 test that evidence, correct?

19 A. No, sir.

20 Q. Why didn't you test that evidence?

21 A. As I was saying before, DNA has recently just
22 started to have new testings, and they have now become
23 more accessible and easier to use, and it wasn't as
24 common to use during this incident.

25 Q. So you're telling me that you didn't test bloody

1 fingerprints at a murder scene?

2 A. There was no bloody fingerprints, but the smears
3 on that wall were not tested, no.

4 Q. So when you took this picture, you didn't think to
5 test those smears to see if any fingerprint was located?

6 A. The smears were examined on the scene, and there
7 was no identifiable ridge detail there, and the DNA was
8 not tested.

9 Q. But if I can see fingerprints, that means -- you
10 took this picture. You took this picture for a reason,
11 so that means you did some type of testing where you took
12 these pictures, so you had to do some type of testing
13 so -- because the fingerprint sticks out.

14 A. As you look at the smears, you can tell if there
15 is going to be enough detail or not enough detail to
16 examine the prints, which on this case there wasn't any
17 detail to examine the print with to be able to identify
18 it.

19 Q. But you stated that you took fingerprints off a
20 glass screen door, correct?

21 A. At that point on the glass door, there was enough
22 detail to lift and to be identified.

23 Q. So you couldn't identify -- you could identify
24 something on the -- you could identify glass screen door,
25 but you couldn't identify blood smears that was left from

1 fingerprints -- fingers on a wall? That's what you're
2 telling me?

3 A. The blood smears were unable to be identified.
4 The latents on the door were able to be identified.

5 Q. Now, you also state in your report blood was noted
6 in the curtains in one of the bedrooms, correct?

7 A. Yes, sir.

8 Q. And did you collect that evidence?

9 A. No, sir.

10 Q. Why didn't you collect that evidence?

11 A. I continued on to the primary scene.

12 Q. As a crime scene investigator, you are
13 investigating a murder scene, correct?

14 A. Yes, sir.

15 Q. When you arrive on a crime scene, you don't know
16 what is going on, so is your job to take pictures of
17 everything, collect all the evidence you possibly can?

18 A. Yes, sir.

19 Q. So why didn't you collect this blood -- this
20 curtain with blood on it?

21 A. I was directed back to the primary scene.

22 Q. Ma'am, we're talking about a homicide scene. So
23 what happened to the curtain?

24 A. The curtain was left where it was upon my arrival.

25 Q. So you left a curtain with blood on it at the

1 crime scene?

2 A. Yes, sir.

3 Q. Why did you do that?

4 A. Because that is what happened.

5 Q. Now, aren't you taught as a crime scene
6 investigator to do a walk through to make sure you don't
7 leave nothing behind?

8 A. We work as a team. We process the cases, and,
9 unfortunately, sometimes things get left behind, and in
10 this case, the curtain was left behind.

11 Q. This is a two-bedroom house, correct?

12 A. Yes, sir.

13 Q. Did the coroner also advise you that blood was
14 noted on an open window?

15 A. I don't recall that, sir.

16 Q. Let me show you what has already been marked as
17 Defendant Exhibit No. 4 for identification. Do you
18 recognize that?

19 A. I recognize them from an earlier proceeding.

20 Q. And these are the crime -- this is the crime
21 scene, correct?

22 A. That is the crime scene location, yes, sir. I did
23 not take those photographs, sir.

24 MR. TERRELL McCOY: Your Honor, may I move
25 Defendant's Exhibit 4 into evidence? She did identify

1 them.

2 MR. PETER McCOY: Your Honor, that is a group
3 of photos. She didn't take this photograph. She didn't
4 lay the foundation.

5 THE COURT: She doesn't necessarily have to
6 take them, but she has to be able to identify what it is
7 and if it's a fair and accurate representation. If she
8 can do that, they can come in. Don't show them until we
9 get them in.

10 MR. TERRELL McCOY: Your Honor, may I
11 publish?

12 THE COURT: You may approach her. They have
13 not been admitted into evidence yet. You have to ask her
14 if she can identify what those are.

15 BY MR. TERRELL McCOY:

16 Q. Can you identify what those are --

17 THE COURT: And if they are a fair and
18 accurate representation, if she has seen whatever it is,
19 before.

20 THE WITNESS: The only time I have seen these
21 photos is in the earlier proceedings.

22 BY MR. TERRELL McCOY:

23 Q. And is this the crime scene?

24 A. This is the crime scene location, yes, sir.

25 MR. TERRELL McCOY: May I move Defendant's

1 Exhibit 4 into evidence?

2 THE COURT: Is what you see there a fair and
3 accurate representation of what you saw at the crime
4 scene, in each of those photographs?

5 THE WITNESS: Not in all of them, no, sir.

6 THE COURT: No, they aren't?

7 THE WITNESS: No, sir.

8 THE COURT: Then what we'll have to do is
9 identify the ones that aren't, and those cannot come in,
10 but the ones that she can identify as fair and accurate
11 representations of what she saw at the crime scene, those
12 can come in. So -- you just have -- which ones can you
13 identify on there? Put a mark on the ones that you can
14 identify as fair and accurate, and the ones that you
15 can't -- well, what we need to do is cut those up and do
16 them one by one since they're a group of them.

17 BY MR. TERRELL McCOY:

18 Q. Which ones can you identify?

19 A. I can identify all except for the last one on the
20 second row.

21 Q. And what is that?

22 A. It appears to be a window.

23 Q. With blood on it, correct?

24 A. Appears to be, yes.

25 THE COURT: But if she can't identify it, it

1 can't come in through her.

2 MR. TERRELL McCOY: She just identified it.

3 THE COURT: She said what it appeared to be,
4 but she couldn't say that it was a fair and accurate
5 representation of what she saw at the scene.

6 THE WITNESS: I never saw that on the scene,
7 sir.

8 THE COURT: So if we can get a pair of
9 scissors or something, we can cut that up.

10 BY MR. TERRELL McCOY:

11 Q. Did the coroner advise the crime scene blood was
12 noted on a curtain?

13 A. Excuse me, sir?

14 Q. Did the coroner ever advise you that blood was
15 found on a curtain in front of an open window, a raised
16 window?

17 A. No, sir.

18 Q. So you was never notified that blood was noted on
19 a curtain in front of an open window?

20 A. I don't recall, no, sir.

21 Q. So how long have you been working with crime scene
22 investigators?

23 A. Since '05.

24 Q. Since '05? And they're taught to go through the
25 whole crime scene, correct?

1 A. Yes, sir.

2 Q. And this is not a big house, correct?

3 A. No, sir.

4 Q. Two bedrooms, correct?

5 A. Yes, sir.

6 Q. So you're telling me that you didn't go -- you
7 went in one room, bedroom, but you didn't go in another
8 bedroom?

9 A. Guess not, sir.

10 Q. As a crime scene investigator, seeing blood on a
11 doorway leading into both bedrooms, you only went in one
12 bedroom, not check to see if blood was noted in another
13 bedroom, or any type of evidence valuable to your case
14 was in this room?

15 A. I was directed back to the primary scene, sir.

16 Q. What is the primary scene, the living room,
17 correct?

18 A. Yes, sir.

19 Q. And this is not a big house, correct?

20 A. No, sir.

21 Q. And how long did you stay at this residence?

22 A. I could not tell you, sir.

23 Q. Do you have a crime scene log with you?

24 A. No, sir.

25 Q. Who handles the crime scene log?

1 A. Crime scene.

2 Q. Crime scene investigator. So you do a crime scene
3 log, correct?

4 A. Patrol filled out the crime scene log, and it's
5 supposed to be turned into the crime scene office.

6 Q. So you don't have an estimate, time, so five
7 minutes, ten minutes, twenty minutes, an hour?

8 A. I was there for hours.

9 Q. For hours. Thank you. So you been out there for
10 hours, I know you was not just standing in this living
11 room, just looking down at this dead body. Did you go
12 into the other rooms? Did you observe this house? Did
13 you observe this residence?

14 A. Sir, I went into the other room that the curtains
15 were hanging with blood on them.

16 Q. What made you not go into the second bedroom?

17 A. I wasn't --

18 Q. Why were you scared of going into the second
19 bedroom?

20 A. I was not notified of it --

21 Q. But as a crime scene investigator, you -- we're
22 not talking about some candy that was stolen from out the
23 store. We're talking about a murder. You got a dead
24 body lying in the center of a living room. You got two
25 bedrooms. You got blood noted on the doorway, leading

1 into both of these bedrooms, and you're telling me you
2 only went into one bedroom and there is blood noted on a
3 curtain in front of an open window. Are you telling me
4 that the coroner observed these but didn't observe these?

5 A. Nothing in the crime scene can be altered or
6 touched in any way until the coroner is present. During
7 the time of the coroner coming present, there is also a
8 canine track that was taking place. I also responded to
9 2215 Margaret Street during this time to take photographs
10 of items there.

11 Q. Correct. And how long did you stay at 2215
12 Margaret Street?

13 A. I'm not positive, sir.

14 Q. Not that long, maybe five, ten minutes?

15 A. Sir, I'm not positive.

16 Q. But you stated you was at this residence for
17 hours, correct?

18 A. I returned back to it after the pictures.

19 Q. You took pictures of this crime scene, correct?

20 A. Yes, sir.

21 Q. And you took pictures of the bedroom, the living
22 room. Did you take pictures of a side door?

23 A. I don't recall, sir.

24 Q. Was there a side door?

25 A. I don't recall, sir.

1 Q. So there wasn't a side door.

2 MR. PETER MCCOY: Your Honor, she didn't say
3 there wasn't a side door.

4 THE COURT: You cannot put that
5 characterization on the end. You asked the question; she
6 answered the question. So the jury will disregard the
7 last statement by Mr. McCoy.

8 BY MR. TERRELL MCCOY:

9 Q. Now, you stated -- now, reports state you found
10 some drugs under the victim, correct?

11 A. Yes, sir.

12 Q. And you collected that evidence?

13 A. Yes, sir.

14 Q. Did you photograph that evidence?

15 A. Yes, sir.

16 Q. Let me show you what has been marked as
17 Defendant's Exhibit 34 for ID. Did you take that
18 picture?

19 A. Yes, sir.

20 MR. TERRELL MCCOY: Your Honor, at this time
21 I move Defendant's Exhibit 34 into evidence.

22 THE COURT: Any objection?

23 MR. PETER MCCOY: No objection, Your Honor.

24 MR. TERRELL MCCOY: May I publish this
25 picture?

1 THE COURT: It's admitted. You may publish.

2 (Photograph marked for identification and
3 admitted into evidence as Defendant's Exhibit No. 34.)

4 BY MR. TERRELL MccOY:

5 Q. And what is this right here?

6 A. A baggy of white rock substance.

7 Q. And what it? What is surrounding it? What is all
8 that right there?

9 A. Blood.

10 Q. Blood. What else? Just blood? Do you need me to
11 show you the picture?

12 A. No.

13 Q. In your report you stated brain matter and blood
14 was protruding from the victim's head, correct, face,
15 head, correct?

16 THE COURT: What are you looking at, ma'am?

17 THE WITNESS: This is my police report.

18 THE COURT: Okay. He's asking you to
19 identify something on the picture.

20 THE WITNESS: Yes, sir, but you can't
21 identify it from a picture.

22 THE COURT: Okay.

23 BY MR. TERRELL MccOY:

24 Q. What is that?

25 A. It's blood.

1 Q. And what else?

2 A. Either coagulated blood or brain matter.

3 Q. Brain matter. Thank you. Can you tell me, how
4 did it get there, the drugs?

5 A. No, sir.

6 Q. In your report, you stated a brown colored
7 cigarette was located on the floor. Did you test that?

8 A. No, sir.

9 Q. Why didn't you test that?

10 A. There was nobody being charged with that.

11 Q. I'm asking, did you test the brown colored
12 cigarette for any kind of saliva, DNA?

13 A. No, sir.

14 Q. And why didn't you test that?

15 A. For the same reason that the smears on the door
16 frame was not tested. DNA was not as popular or as
17 easily obtained as what it is today.

18 Q. Do you remember stating in a previous proceeding
19 that -- page 113, 1 through 6, that you also found the
20 cigarette on the floor in the living room? Did you test
21 that cigarette? You said that, in your report, that
22 there was a rolled cigarette with green plant material on
23 it. Did you test that cigarette for any saliva or any
24 DNA?

25 And on six you said -- answer six, you said, No,

1 ma'am. The cigarette had been covered with the victim's
2 blood.

3 Do you remember stating that?

4 A. No, sir.

5 MR. TERRELL McCOY: Your Honor, may I
6 approach the witness?

7 THE COURT: Uh-huh.

8 THE WITNESS: Okay.

9 BY MR. TERRELL McCOY:

10 Q. Do you remember seeing that?

11 A. Yes, sir.

12 Q. So you stated it was covered in blood, correct?
13 That's why you didn't test it, correct?

14 A. In the past proceeding, yes, sir.

15 Q. And you said -- well, how do you know if it was
16 green plant material and it was covered in blood?

17 A. You can see it from -- it's a common cigarette
18 that is made with green plant material and possibly able
19 to see it from where it was on the floor. I'm not sure,
20 sir.

21 Q. Let me show you what has been marked as
22 Defendant's Exhibit 35 for ID. Did you take this
23 picture?

24 A. Yes, sir.

25 Q. And that is marked as placard 21?

1 A. Yes, sir.

2 Q. The same as the shell -- I mean, the projectile
3 that was found, correct?

4 A. Yes, sir.

5 Q. So why did you label this placard 21 and the brown
6 cigarette and exhibit -- the placard 21 as the projectile
7 that was found beside the house?

8 A. I don't recall the reasoning behind having to
9 reuse it, but it does state in my report that it was
10 relabelled as that item.

11 Q. So you have 21 as the projectile and the brown
12 cigarette?

13 A. Yes, sir, but it has a different --

14 MR. TERRELL McCOY: Your Honor, may I
15 publish -- may I move Defendant's Exhibit 35 into
16 evidence?

17 MR. PETER McCOY: May I see which one it is,
18 Your Honor?

19 THE COURT: It's admitted.

20 (Photograph marked for identification and
21 admitted into evidence as Defendant's Exhibit 35.)

22 BY MR. TERRELL McCOY:

23 Q. Now, that is the brown cigarette, correct?

24 A. That is a brown cigarette.

25 Q. You just stated it was covered in blood, correct?

1 A. In the proceedings prior, yes, sir.

2 Q. Is there any blood around that?

3 A. No, sir.

4 Q. You testified falsely under oath. Is that what
5 you're telling me?

6 A. No, sir. Maybe I was misdirected. Maybe I didn't
7 see the picture.

8 Q. You was asked if you tested the brown cigarette
9 for any saliva, and you said no because it was covered in
10 blood.

11 Now, I just showed you a picture, and the brown
12 cigarette is not covered in blood. It's brown. That's
13 the cigarette you was talking about, correct?

14 A. I'm not sure, sir.

15 Q. Is there any other cigarettes in your -- Your
16 Honor, may I show this to the jury?

17 THE COURT: Yes.

18 BY MR. TERRELL McCOY:

19 Q. Now, you stated you found two scales in the house
20 too, correct?

21 A. Yes, sir.

22 Q. Were these drug scales or -- what type of scales
23 were these?

24 A. I can't testify to anything other than they were
25 digital.

1 Q. Did you dust these scales for fingerprints?

2 A. They were fumed, yes.

3 Q. And what were the results?

4 A. Negative on any -- there are latent detail, but
5 they were unidentifiable.

6 Q. In your report, you stated canine Varoke --

7 A. Varoke, yes, sir.

8 Q. -- and Hille --

9 A. Yes, sir.

10 Q. -- found a pair of shoes at 2215 Market Street,
11 correct?

12 A. Yes, sir.

13 Q. And what size are these shoes?

14 A. Size 11, and it was one pair -- it was one right
15 shoe.

16 Q. How far is 2215 Margaret from the crime scene?

17 A. I don't recall, sir.

18 Q. You don't recall? Now, do you remember testifying
19 in a previous proceeding, 1 through 13 -- 113, question
20 17 that was asked that you have to go through a cut that
21 is over the other side of 526, and you stated, I didn't
22 go through the cut, I took my car, correct?

23 A. Yes, sir.

24 Q. And you don't know how far is this from the crime
25 scene?

1 A. I didn't hit the speedometer, no, sir.

2 Q. I mean, we're intelligent to know. You can just
3 give us a theory of --

4 A. It's in the area.

5 Q. It's in the area? Like, how many streets --

6 A. I'm not sure, sir.

7 Q. You're not sure? Did you take pictures of these
8 shoes?

9 A. I'm not sure. I'm imagining, yes, sir.

10 Q. So you know you was coming to trial today,
11 correct?

12 A. Yes, sir.

13 Q. You know that you are a crime scene investigator,
14 correct?

15 A. Yes, sir.

16 Q. And you didn't bring none of your photos or none
17 of that to the crime scene, correct?

18 A. I'm not supposed to do that, sir.

19 Q. You're not? Okay. Let me show you what is marked
20 as Defendant's Exhibit 30 for identification. Is this
21 your packaging?

22 A. Yes, sir.

23 MR. TERRELL McCOY: Your Honor, I move
24 Defendant's Exhibit 30 into evidence.

25 MR. PETER McCOY: Could I see what that is?

1 THE COURT: Any objections to its admission?

2 MR. PETER McCOY: No objections.

3 THE COURT: It's admitted.

4 (Shoe marked for identification and admitted
5 into evidence as Defendant's Exhibit 30.)

6 BY MR. TERRELL McCOY:

7 Q. And these are the shoes, correct?

8 A. Shoe, yes, sir.

9 Q. Or shoe. Now, on March 22, 2006, two days later,
10 you met with Detective Deckard to photograph an
11 automobile, correct?

12 A. Yes, sir.

13 Q. Whose automobile?

14 A. I was directed that it was yours, sir.

15 Q. And when you went, did you have a search warrant?

16 A. I don't have that document, sir. I'm not sure.

17 Q. And did you do any -- did you dust the car for
18 fingerprints?

19 A. Yes, sir.

20 Q. Why did you -- what made you go to this car and
21 search this car?

22 A. Upon request of Sergeant Deckard.

23 Q. And what were you looking for when you were
24 searching the vehicle?

25 A. Whatever Sergeant Deckard needed at the time, most

1 likely the gun or --

2 Q. Any type of fingerprints or blood splatters or
3 blood, correct?

4 A. Yes, sir.

5 Q. Did you collect anything from the defendant's car?

6 A. Miscellaneous paperwork, your identification card,
7 and a piece of paper with phone numbers and a piece of
8 paper with lyrics.

9 Q. And did you collect a pair of eight and a half
10 white shoes?

11 A. A pair of white Reeboks.

12 Q. How many did you collect, both pairs or just black
13 and white?

14 A. I just have documented that a pair.

15 Q. Now, was there any type of blood splatters or
16 anything on these shoes?

17 A. I don't recall, sir.

18 Q. Why did you collect these shoes?

19 A. Under the direction of Sergeant Deckard.

20 Q. Let me show you what has been marked as
21 Defendant's Exhibit 29 for identification. Is this your
22 packaging?

23 A. Yes, sir.

24 Q. And what does the evidence say this is?

25 A. White Reebok sneakers.

1 Q. And what was the size of these sneakers?

2 A. I don't know, sir.

3 Q. You don't recall?

4 MR. TERRELL McCOY: Your Honor, I move
5 Defendant's Exhibit 29 into evidence.

6 THE COURT: Any objection?

7 MR. PETER McCOY: I don't have an objection,
8 Your Honor.

9 THE COURT: Admitted.

10 (Evidence marked for identification and
11 admitted into evidence as Defendant's Exhibit No. 29.)

12 BY TERRELL McCOY:

13 Q. Now, you collected this evidence, correct, and you
14 collected this for a reason, right?

15 A. Yes, sir.

16 Q. You really collected it to compare it to the size
17 11 shoes that was found at 2215 Margaret Street, correct?

18 A. No, sir.

19 Q. Why did you collect these shoes?

20 A. At the direction of Sergeant Deckard.

21 Q. Before you collected these shoes, you collected a
22 pair of -- a pair of size 11 Nike shoes at 2215 Margaret
23 Street, correct?

24 A. Yes, sir.

25 Q. And why did you collect that evidence?

1 A. Because it was --

2 Q. Attracted by a canine Varoke and Hille, right,
3 from the crime scene, correct? Correct?

4 A. Yes.

5 Q. Ma'am? Can you please state -- what did you say?

6 A. Yes, sir.

7 Q. And these are the shoes that you collected from
8 the defendant's car?

9 A. From your car, yes, sir.

10 Q. And what are the size of these shoes are?

11 A. I can't see it, sir.

12 Q. Do I do you see it?

13 A. Eight and a half.

14 Q. These are eight and a half.

15 MR. TERRELL McCOY: Your Honor, if you may --
16 if it please you, can I demonstrate that these shoes are
17 a perfect fit?

18 THE COURT: You can testify later, but not
19 through this witness.

20 MR. TERRELL McCOY: Not through this witness?

21 THE COURT: You are questioning now. Later
22 on, if you want to demonstrate, then you can do it later.
23 That would be you testifying. Right now you're not
24 testifying.

25 BY MR. TERRELL McCOY:

1 Q. Now, you took pictures of the neighbor's house,
2 correct, at 5055 Delta Street where the white stained
3 towel was found and shirt, white and -- the red and white
4 jersey shirt was from?

5 A. I took pictures of the front of the residence
6 where the address was and also the side.

7 Q. Was there any blood on this residence?

8 A. I don't recall, sir.

9 Q. Let me show you what has been marked as
10 Defendant's Exhibit 11 for ID. What is this picture?

11 A. A picture of a front of a house.

12 Q. And where is that located?

13 A. I'm not positive, sir. It doesn't have the
14 address on the front of it.

15 Q. But you took this picture, correct?

16 A. I don't know, sir.

17 Q. These are your pictures that --

18 A. If it was on the CD, yes, sir, I did.

19 MR. TERRELL MccOY: Your Honor, may I move
20 Defendant's Exhibit 11 into evidence?

21 MR. PETER MccOY: Your Honor, if I'm not
22 mistaken, Officer Bunker has testified she didn't take
23 the picture. She's not sure what the picture is of, so
24 the proper foundation of this house hasn't been laid. We
25 don't even know where this is. There is no signs or

1 identification --

2 MR. TERRELL McCOY: There is placard --

3 THE COURT: Let the other Mr. McCoy state
4 what his objection is first.

5 MR. PETER McCOY: Well, Your Honor, I just
6 don't believe the proper foundation has been laid for
7 this.

8 THE COURT: Has the witness been able to
9 identify what it is?

10 MR. PETER McCOY: She said it's a picture of
11 a house. She didn't say she is familiar with the crime
12 scene. She didn't say that she took this picture.

13 THE COURT: If you can lay the foundation --
14 again, I told you it's not critical that she take the
15 photograph, but that she be able to identify what it is
16 and if it a fair and accurate representation of what it
17 purports to be. If so, it is admissible, so you can ask
18 her those questions.

19 BY MR. TERRELL McCOY:

20 Q. Now, you stated that it came off the disk that you
21 took it, correct?

22 A. Yes, sir.

23 Q. And this came off the disk, correct?

24 A. I don't know, sir.

25 Q. These are the pictures that I received from off

1 this disk.

2 THE COURT: It's not critical. Ask her if
3 she can identify what this is.

4 BY MR. TERRELL McCOY:

5 Q. Can you identify this?

6 A. No, sir.

7 Q. You can't?

8 A. No, sir.

9 THE COURT: Then you can try to get it
10 through somebody else, but she can't identify what it is.

11 BY MR. TERRELL McCOY:

12 Q. Can you identify Defendant's Exhibit 9 for ID?

13 A. I recall the residence, yes, sir, but I don't --

14 Q. And where is that residence?

15 A. I don't know which one it is for sure.

16 Q. Which one -- how do you mean, like, which one?

17 A. Which one of the residences on Delta Street.

18 Q. How many residence did you report to on that day?

19 I have a picture of 2215 Margaret Street; I have a
20 picture of 5051 Delta Street. What is that picture?

21 A. I believe that is 5055 Delta Street.

22 Q. And that is the next door neighbor's house,
23 correct?

24 A. I'm not sure, sir.

25 Q. You stated in your report that a bloodstained

1 shirt dress was collected from the female in the
2 residence during the incident, Carinda Williams, the
3 bloodstained towel was located in neighbor's house, 5055
4 Delta Street, correct?

5 A. Yes, sir.

6 Q. And that is 5055 Delta Street, correct?

7 A. I assume, sir.

8 MR. TERRELL McCOY: Your Honor, may I move
9 Defendant's Exhibit 9 into evidence?

10 MR. PETER McCOY: I don't have an objection.

11 THE COURT: It's admitted.

12 (Photograph admitted into evidence as
13 Defendant's Exhibit No. 9.)

14 BY MR. TERRELL McCOY:

15 Q. Was there any blood located on this residence?

16 A. I don't recall, sir.

17 Q. On the door --

18 A. I don't recall.

19 Q. Now, you stated the front door was kicked in,
20 correct?

21 A. Of 5055? No, sir.

22 Q. No, of 5061 Delta Street. Was the front door
23 kicked in?

24 A. The door -- the front door had been broken near
25 the door lock and the latch area, is what I stated.

1 Q. And you found five shell casings in there,
2 correct?

3 A. Yes, sir.

4 Q. Now, you stated you found five shell casings on
5 the floor, correct? Well, four shell casings on the
6 floor and one in the couch, correct?

7 A. Yes, sir.

8 Q. And can you identify these.

9 A. Yes, sir.

10 MR. TERRELL McCOY: Your Honor, I move
11 Defendant's Exhibits 35 through 39 into evidence.

12 MR. PETER McCOY: Your Honor, they're already
13 into evidence, but I don't have an objection.

14 THE COURT: All right. Admitted.

15 (Photographs marked for identification and
16 admitted into evidence as Defendant Exhibit Nos. 35
17 through 39.)

18 BY MR. TERRELL McCOY:

19 Q. I would like to publish Defendant's Exhibit 38. I
20 showed you this one time. And that is a shell casing
21 inside the threshold of the door, correct?

22 A. Yes, sir.

23 Q. Now, could that shell casing fall over there when
24 the door is closed?

25 A. Most likely not, no, sir.

1 Q. Now, was there any bullet holes located where the
2 tan chair was?

3 A. No, sir.

4 Q. So no blood -- let me show you what has been
5 marked as Defendant's Exhibit 40 for identification. Did
6 you take this picture?

7 A. Yes, sir.

8 Q. Your Honor, may I publish the picture? I move
9 Defendant's Exhibit 40 into evidence.

10 THE COURT: Any objection to its admission?

11 MR. PETER McCOY: No, sir.

12 THE COURT: All right. It's admitted. You
13 can publish.

14 (Photograph marked for identification and
15 admitted into evidence as Defendant's Exhibit No. 40.)

16 BY MR. TERRELL McCOY:

17 Q. Now, was there any projectiles located in this
18 wall?

19 A. No, sir.

20 Q. Thank you. Now, did you happen to see any flip
21 flops on that floor when you examined the crime scene?

22 A. I don't recall, sir.

23 (Photograph marked for identification as
24 Defendant's Exhibit No. 41.)

25 BY MR. TERRELL McCOY:

1 Q. Let me show you what is marked as Defendant's
2 Exhibit 41 for identification. Can you identify this
3 picture?

4 A. Yes, sir -- no, no.

5 Q. Is it the crime scene?

6 A. I don't know, sir.

7 Q. That is not the crime scene?

8 A. I don't know.

9 Q. You don't know?

10 A. I don't know. I didn't take this picture.

11 Q. Didn't take this picture?

12 A. No, sir.

13 Q. But that is the same brain matter and blood that
14 is on the floor there, on other picture, correct?

15 A. I can't tell by a picture, sir.

16 Q. You can't? Now, you stated you collected a
17 curtain that was under the victim's body, correct?

18 A. Yes, sir.

19 Q. Let me show you what has been marked as
20 Defendant's Exhibit 42. Is this your packaging?

21 A. No, sir.

22 Q. Huh?

23 A. No, sir.

24 Q. It's not your packaging?

25 A. No. It's SLED's packaging.

1 Q. So how did SLED get this evidence?

2 A. We send things -- I send items up to SLED to be
3 processed and analyzed for items that we don't have, such
4 as DNA.

5 Q. So did you send this item off to SLED?

6 A. Someone from the crime scene unit did, yes, sir.

7 Q. Did you collect this?

8 A. Yes, sir.

9 Q. So this would be your packaging, right?

10 A. That packaging that you're showing me right now is
11 the packaging from SLED. It's SLED packaging.

12 Q. But you send it off to SLED?

13 A. Yes, sir.

14 Q. According to the chain of custody, you send it off
15 to SLED?

16 A. Yes, sir.

17 Q. So can you identify this item? It says --

18 A. That is my packaging, yes, sir.

19 Q. Is this your packaging?

20 A. Yes, sir.

21 MR. TERRELL McCOY: At this time I move
22 Defendant's Exhibit 42 into evidence.

23 MR. PETER McCOY: I would just like to see
24 what it is, Your Honor.

25 I don't have a problem with that.

1 THE COURT: It's admitted.

2 (Evidence packaging marked for identification
3 and admitted into evidence as Defendant's Exhibit No.
4 42.)

5 BY MR. TERRELL McCOY:

6 Q. Now, this was found under the victim?

7 A. Yes, sir.

8 Q. And there was also a curtain in the room, correct?

9 A. Yes, sir.

10 Q. And what is this?

11 A. It is known as a curtain topper, or a valance.

12 Q. So you collected this evidence, right?

13 A. Yes, sir.

14 Q. So why didn't you collect the curtain that was in
15 the room?

16 MR. PETER McCOY: Your Honor, this has been
17 asked and answered numerous, numerous times. I would ask
18 you to move on.

19 THE COURT: Sustained. It has been asked a
20 number of times.

21 MR. TERRELL McCOY: But this is very
22 critical.

23 THE COURT: I'll tell you what: I'll let you
24 ask it one more time.

25 BY MR. TERRELL McCOY:

1 Q. Why didn't you collect the curtain that was in the
2 room that had blood on it?

3 A. The curtains inside of the bedroom were not
4 collected.

5 Q. Why?

6 A. There was no particular reason why other than --

7 Q. Why did you collect this evidence?

8 A. Because it was directly under the body, sir.

9 Q. You also observed blood on the curtains in the
10 room too?

11 A. Yes, sir.

12 Q. Why didn't you collect that evidence?

13 A. As I said, sir, they just were not collected.

14 MR. TERRELL McCOY: I have no further
15 questions of this witness.

16 THE COURT: Okay. Any redirect?

17 REDIRECT EXAMINATION

18 BY MR. PETER McCOY:

19 Q. Officer Bunker, we heard a little bit of testimony
20 about projectiles earlier before we got -- right when we
21 got started. If projectile hits something, is it
22 possible for a projectile to fragment and to be
23 separated?

24 A. Yes, sir.

25 Q. And we heard testimony that there was a

1 projectile, or there was a piece of a projectile or
2 fragment, that was found stuck in one of the walls.

3 A. Yes, sir.

4 Q. Do you know whether that is a full projectile or
5 that is a partial piece, a fragment of a projectile?

6 A. We are unable to tell.

7 Q. Okay. And, also, again, you observed this scene
8 as you came to it. You didn't alter or move anything; is
9 that correct?

10 A. Yes, sir.

11 Q. Now, is your testimony that you didn't take the
12 curtains in the bedroom because you were concerned with
13 the primary crime scene, which was the living room?

14 A. Yes, sir.

15 Q. But that doesn't negate the fact that there was
16 blood on the curtains in this bedroom?

17 A. Yes, there was.

18 Q. Do have you any idea how that blood got there?

19 A. No, sir.

20 Q. Do you have any idea if that blood is related to
21 this case?

22 A. No, sir.

23 Q. In looking -- and we heard a little bit of
24 testimony about the blood smear going into the bedroom.
25 Is it your testimony today that you were unable to get

1 any kind of identifiable lift or print off of the
2 bloodstain?

3 A. Yes, sir.

4 Q. I want to take you very quickly to the placards at
5 issue. There was some issue of a prior testimony where
6 you say 1 through 13 was contaminated by another scene,
7 or had the victim's biohazard on it, but is it also true
8 that once we are reading the entirety of what was said,
9 the entirety of what was going on when you were
10 questioned about this, did you also say that it was
11 contaminated by an earlier scene so you wouldn't have the
12 blood off of another case brought into this current case?

13 A. Yes, sir.

14 Q. And is it also true that the placards were -- 1
15 through 13 had nothing to do, at all, with the homicide
16 at 5061?

17 A. Correct, sir. 1 through 13 never came out of my
18 vehicle.

19 Q. And those were from an entirely different scene?

20 A. Yes, sir.

21 Q. We heard a little bit of testimony as well as you
22 didn't bring your photos to the courtroom today. Is it
23 typical practice for you to turn your photos over to the
24 solicitor's office?

25 A. Yes, sir.

1 Q. And do we have all these photos?

2 A. Yes, sir.

3 Q. And do we usually present these photos to you?

4 A. Yes, sir.

5 Q. There is also a little bit of testimony about some
6 shoes that were taken from Margaret Street, or a shoe
7 that was taken from Margaret Street. Do you know how
8 that shoe got there?

9 A. No, sir.

10 Q. Did you collect the shoe anyway?

11 A. Yes, sir.

12 Q. Is the only print of a dirt smear on a house taken
13 from only Margaret Street?

14 A. Yes, sir.

15 Q. You also testified there was a search warrant that
16 was served on the defendant's car, once it was collected
17 and found. And you collected numerous items from that
18 car. You took more items than just the shoes, correct?

19 A. Yes, sir.

20 Q. And could you tell the jury again what you took
21 from that car.

22 A. Miscellaneous paperwork was collected from the
23 interior of the vehicle. Mr. McCoy's identification
24 card, a white piece of paper with a phone number, and a
25 piece of paper with music lyrics.

1 Q. So you weren't just after shoes, or you weren't
2 looking for shoes?

3 A. No, sir.

4 MR. PETER McCOY: No further questions.

5 THE COURT: Recross?

6 RECROSS-EXAMINATION

7 BY MR. TERRELL McCOY:

8 Q. You stated that -- you stated that canine Varoke
9 and Handler Hille tracked from the crime scene 5061 Delta
10 Street to 2215 Margaret Street, correct?

11 A. I met them at 2215 Margaret Street in reference to
12 the track.

13 Q. They tracked it from 5061 Delta Street to 2215
14 Margaret, correct?

15 MR. PETER McCOY: Your Honor, she didn't do
16 the tracking.

17 MR. TERRELL McCOY: She stated in her report,
18 sir.

19 THE COURT: Go ahead. See if you can lay a
20 foundation for your question.

21 MR. PETER McCOY: I would also ask he only be
22 limited to what is said on redirect.

23 THE WITNESS: With my report, sir, it does
24 say from the incident location.

25 BY MR. TERRELL McCOY:

1 Q. So you tracked it from 5061 Delta Street to 2015
2 Margaret?

3 MR. PETER McCOY: Same objection, Your Honor.

4 THE COURT: Noted.

5 BY MR. TERRELL McCOY:

6 Q. And you collected this evidence because it had
7 some type of significance to your case, correct?

8 A. It was unknown at that time.

9 Q. But it had some type of value to your case because
10 you wouldn't collect evidence if it don't have no value
11 to your case?

12 A. It was unknown if that location had anything to do
13 with the incident at hand, on Delta Street.

14 Q. So why would you collect shoes from another street
15 if it didn't have no type of significance in your case?

16 A. Because that's where the canine led us, and as the
17 case unfolds, we are not sure how it will unfold, so we
18 took it as a precautionary.

19 Q. And you didn't collect those curtains?

20 A. The curtains are still hanging there, sir.

21 Q. But you collected those shoes.

22 A. Yes, sir.

23 MR. TERRELL McCOY: No further questions.

24 THE COURT: All right. Thank you. You can
25 step down. Do you need -- could this witness be

1 released? Think you might need her any more, Mr. McCoy?

2 MR. TERRELL McCOY: Yes, sir.

3 THE COURT: All right. I'll leave her under
4 subpoena. You can leave, but you need to be available by
5 subpoena if we need to call you back.

6 So all right, folks. We're going to break
7 for lunch right now. It's about 12:30, so let's get back
8 in the jury room by 2:00. Again, don't begin
9 deliberations or discussions about the case, and don't go
10 and look at the newspaper or anything today. See you
11 back at 2:00. Just report back to the jury room.

12 Thank you for your patience, folks. We'll
13 see you all at 2:00.

14 (Recess taken.)

15 A F T E R N O O N S E S S I O N

16 THE COURT: All right. Be seated. Okay,
17 folks. Welcome back.

18 We're going to resume with the state calling
19 the next witness, so, Mr. McCoy, call the next witness.

20 MR. PETER McCOY: Yes, sir. Thank you, Your
21 Honor. State would call Tracy Thrower with the South
22 Carolina Law Enforcement Division.

23 TRACY THROWER,

24 having been first duly sworn,

25 was examined and testified as follows:

1 DIRECT EXAMINATION

2 BY MR. PETER MCCOY:

3 Q. Good afternoon, Mr. Thrower. Can you tell the
4 jury how long you've been with SLED?5 A. It will be ten years March, or this coming March,
6 next month.

7 Q. And where is your office located?

8 A. Columbia, South Carolina, in the forensic services
9 building at SLED.10 Q. And did you drive down here under subpoena to
11 testify today?

12 A. Yes, sir, I did.

13 Q. Mr. Thrower, can you tell the jury what your
14 responsibilities are at SLED.15 A. I examine firearms and firearm related evidence,
16 tool marks and tool mark related evidence; I perform
17 muzzle to target distance determination for shot pellets;
18 serial number restorations; physical and fracture match
19 comparisons. I work on the integrated ballistic
20 identification system, also known as IBIS; perform the
21 entry and also reviewing the results of comparisons on
22 that computerized database.23 I am the regional coordinator on the IBIS system
24 in North Carolina and South Carolina for the Bureau of
25 Alcohol, Tobacco, and Firearms; I am the technical leader

1 the firearms department; I'm also a training officer
2 currently with three trainees in firearms. I perform
3 limited crime scene analysis and other physical
4 examinations as necessary.

5 Q. Could you give the jury a little bit of
6 information about your educational background.

7 A. I have a bachelor of science degree with a degree
8 in biology from Winthrop University. I have completed
9 the South Carolina Criminal Justice Academy. I have also
10 completed the SLED firearm and tool mark examiner course
11 of instruction. This was approximately a three-year
12 course of instruction that was supervised by qualified
13 firing examiners during this training. I was required to
14 perform extensive reading and study. I was given oral
15 examinations, written examinations, practical problems.
16 I had to perform extensive microscopic comparison, assist
17 examiners in preparing their cases; I have also had the
18 opportunity to attend various schools, armor school for
19 the identification of firearm malfunctions, how to work
20 on them; various seminars and conferences in the field of
21 identification and firearms identification.

22 I have completed the course of specialized
23 techniques in firearms identification, which was taught
24 by the Federal Bureau of Investigations; I have completed
25 the course on serial number restoration, which is taught

1 by the Bureau of Alcohol, Tobacco, and Firearms; I have
2 completed the course on scientifically defensible
3 criteria for the identification of tool marks, which is
4 taught by Murdock and Moran.

5 Q. And, Mr. Thrower, do you ever attend or go to
6 periodic seminars to keep your status on firearms, or
7 your knowledge of firearms, updated?

8 A. Yes, I do. As budget permits, I attend the
9 meetings of the South Carolina chapter of the
10 international association for identification. I also
11 attend meetings of the Association of Firearm and Tool
12 Mark Examiners; I perform research on line seeing what
13 new guns are on the market, what sorts of -- any updates
14 or knowledge published by the association of firearm and
15 tool mark examiners. I read the journal they produce,
16 that sort of thing.

17 Q. So it's your testimony today that you are up to
18 date on the current technology?

19 A. Yes, I am.

20 Q. Do you ever have to become recertified in your
21 position in SLED?

22 A. I do not become recertified, but we do have a
23 yearly competency test, per se, where an outside agency,
24 known as the lab of testing services, sends -- they send
25 us an examination, one for firearm and one for tool mark,

1 and we perform the analysis and then send them the
2 results, and then they publish whether or not we get the
3 answers correct.

4 Q. So it's kind of like follow-up, or check-up tests?

5 A. Correct.

6 Q. And in your ten years at SLED, what has been your
7 ratio? What is your success rate at your follow-up
8 tests?

9 A. I have passed them all.

10 Q. And by passing them all, have there been any kind
11 of errors indicated in your findings?

12 A. None that I'm aware of.

13 Q. Mr. Thrower, in your tenure at SLED, can you give
14 us a rough estimate of how many bullets, or how many
15 shell casings you have examined since you've been there?

16 A. Probably tens of thousands.

17 MR. PETER MCCOY: At this point, we would
18 offer Mr. Thrower as an expert in firearms and tool
19 marks.

20 THE COURT: Firearms and tool marks
21 identification?

22 MR. PETER MCCOY: Yes, sir, Your Honor.

23 THE COURT: All right.

24 Mr. McCoy, do you want to ask him any
25 questions about his qualification, or do you have any

1 objection to him being offered as an expert in firearm
2 and tool mark identification?

3 MR. TERRELL McCOY: No, Your Honor.

4 THE COURT: Okay. Folks, normally when
5 somebody testifies, they are fact witnesses, and like the
6 witnesses you've seen so far, they're allowed to testify
7 about what they saw, they heard, they felt, they touched,
8 they smelt, their observations, that sort of thing.

9 We don't let them give their opinions about
10 things. We only allow them to testify about their
11 observations that they themselves saw. Sometimes,
12 though, the law says that when somebody, because of their
13 experience or their education or their training in a
14 specialized field, we allow them to testify as experts,
15 and when they testify as experts, they're not only
16 allowed to testify about their observations, but they're
17 also allowed to then give you their opinions that are
18 based on their observations and give you the basis of
19 what their opinions are.

20 This witness has now been qualified as an
21 expert in the field of firearm and tool mark
22 identification, so he'll be able to testify not only
23 about what he saw and what he observed, but he can give
24 you his opinions based on those observations and give you
25 the basis for those observations and those opinions.

1 Now, the fact that he has been qualified as
2 an expert does not require you to give his opinion or his
3 testimony any more weight or, for that matter, any less
4 weight than you will hear of any other witness. You and
5 you alone decide how much weight to give this witness's
6 testimony, based on all of the evidence that you'll hear,
7 and you alone decide whether or not to give it any weight
8 or to discount it, but you give it the weight that you
9 feel like it deserves after you have heard all of the
10 evidence in this case.

11 All right? Mr. McCoy, you can resume.

12 BY MR. PETER MCCOY:

13 Q. Thank you, Your Honor. Obviously, you are well
14 equipped and well knowledgeable about firearms, guns,
15 shell casings, projectiles, bullets, anything involving a
16 handgun or a gun. Mr. Thrower, can you tell the jury,
17 actually, what is a shell casing, and what is a
18 projectile?

19 A. A shell casing, or a cartridge case, is simply the
20 container that holds all the other components of a piece
21 of ammunition, the other components being the projectile
22 or the bullet, the gunpowder, or the pellet, and also the
23 primer, or the ignition component. The bullet or
24 projectile is that portion of a piece of ammunition that
25 when fired travels down the barrel and towards the

1 target.

2 Q. Mr. Thrower, so what happens to a shell casing
3 once a projectile has been fired out of a gun?

4 A. Depending on the type of firearm and how the
5 firearm operates, the cartridge case will either be left
6 in the firearm or it will be extracted and ejected or
7 expelled from the firearm.

8 Q. Now, Mr. Thrower, I know every situation is
9 different, and I know that every bullet that leaves a gun
10 is different. Once a projectile leaves the barrel of a
11 gun, is it possible for it to split or fragment if it
12 comes in contact with anything else?

13 A. Absolutely. In many cases I work, bullets will
14 come in, in fragments, or where they have struck some
15 hard object and at that time a bullet simply comes apart
16 or splits into numerous pieces, sometimes two pieces,
17 sometimes many pieces.

18 Q. So it's possible for a projectile that leaves
19 behind a single shell casing to therefore be, in the long
20 run, multiple projectiles?

21 A. Yes.

22 Q. Mr. Thrower, I'm going to show you what is already
23 into evidence as State's 30, 31, 32, 33, 34, 35, 36, and
24 37.

25 MR. PETER MCCOY: May I approach the witness?

1 THE COURT: You may.

2 MR. PETER McCOY: Thank you.

3 BY MR. PETER McCOY:

4 Q. If you could take a look at those and tell me what
5 those are.

6 A. State's Exhibit 30 through 37 are eight fired
7 cartridge cases bearing the head stamp CCI 9 mm Lugar,
8 L-u-g-a-r.

9 Q. Mr. Thrower, I saw you using some sort of tool up
10 there to examine these shell casings. Could you tell the
11 jury what you were doing.

12 A. This is simply a hand held magnifier. I was
13 looking for the markings that I placed on these cartridge
14 cases with an electric pencil or scriber when I examined
15 them. Part of my process is I scribe on each item the
16 laboratory case number, the item number, and my initials.

17 Q. Mr. Thrower, did you have an opportunity to
18 receive these shell casings and then perform tests on
19 them?

20 A. Yes, I did.

21 Q. How do you know that these were the same exact
22 shell casings that you received in Columbia?

23 A. One, they are in the heat sealed pouch that bears
24 the date and my initials of when I sealed it; and, also,
25 each of these cartridge cases has scratched into it or

1 engraved into it my case number, my item number, and my
2 initials.

3 Q. Mr. Thrower, once you receive evidence from any
4 solicitor's office, or any other agency, police
5 department or agency, do you have any idea of where these
6 shell casings came from or the scenario behind where they
7 came from?

8 A. Sometimes, you know, there may be some information
9 in the incident report, but typically no.

10 Q. And when you receive evidence of shell casings
11 like this, do you have any bias as to what the outcome of
12 your test results would be?

13 A. No, sir, no bias whatsoever.

14 Q. And can you explain to the jury the process, how
15 you received evidence, such as shell casings like this,
16 and what you do and how you begin your tests?

17 A. I get notification that I have evidence downstairs
18 in the evidence control department. I go down to that
19 department where I receive the evidence, sign for it,
20 bring the evidence up to my office.

21 At that point in time, I will get the electronic
22 paperwork or documents where the evidence was submitted
23 from my computer. I will then compare the evidence
24 received with the documents, making sure that what is
25 claimed to have been submitted is what I actually

1 received.

2 I will then examine the evidence, looking for any
3 sort of trace material. If I find any trace material, I
4 will either collect it or I will send that -- I may
5 reroute the evidence to the appropriate department to
6 collect the trace material. I then will document the
7 evidence, or, in this case, the cartridge cases on
8 departmental work sheets, which are basically just work
9 sheets that have various questions that are asked so that
10 we make sure that we document all the various aspects
11 every time.

12 I can then visually compare the specimens with
13 each other using a comparison microscope to formulate my
14 conclusions, have my work verified, and write a report.

15 Q. Now, the eight shell cases you have in front of
16 you, are those all the same caliber?

17 A. Yes. They are all nine millimeter Lugar caliber.

18 Q. Could you explain to the jury how it is that you
19 tested these shell casings.

20 A. Basically, what I did, since there was not a
21 firearm submitted in this case, I have eight cartridge
22 cases that I need to determine if -- how many guns were
23 involved? Were they all fired by one gun? Were they
24 fired by more guns? So what I'll do is I use my
25 comparison microscope, which is -- essentially there are

1 two microscopes that sit side by side and they're
2 connected by an ocular bridge, and in this ocular
3 bridge is a head piece that has a set of eyepieces so
4 that when I look in my eyepieces, I can literally see two
5 objects, side by side, that are literally just divided by
6 a small hairline, so I can visually compare under the
7 same magnification and same lighting two items, side by
8 side, and I can overlap them so that I can -- for
9 instance, look at the markings in the middle of this one
10 and see directly the markings that are in the middle of
11 this cartridge case.

12 With this comparison microscope, I'm able to
13 adjust the middle plate and move the items so I can get
14 different lighting, different shadowy techniques so that
15 I can see these microscopic markings that are on the
16 surface of these items. What I will do is once I find --
17 I put under underneath the left microscope, and I will
18 look for some sort of markings or scratches or
19 impressions that really stand out, something that looks
20 very obvious to me, easy to find.

21 Once I identify those markings, then I will put an
22 item on the right side of the microscope, and I will try
23 and move the right side around until I can find those
24 same markings. Once I find those markings in the same
25 place, I consider that to be my face point or my starting

1 point, and then I will systematically cover the entire
2 surface of those two items together, rotating them,
3 moving them, changing the light sources, until I have
4 visually compared the entire outer surface of the two
5 items.

6 Q. Did you run this specific type of test on all
7 eight of these shell casings?

8 A. Yes, I did.

9 Q. And did you prepare a report of your findings?

10 A. Yes, I did.

11 Q. And can you tell the jury the conclusion of your
12 report, of your findings, in this case.

13 A. My conclusions were that all eight of these
14 cartridge cases were fired by a single firearm. They
15 were all fired from the same gun.

16 Q. Now, how are you sure that these cases were fired
17 from a single firearm, from one firearm?

18 A. Like I said, I visually compared them using a
19 comparison microscope, and I also had -- as part of our
20 quality assurance process, a second, more qualified final
21 examiner came behind me and did independent analysis of
22 the cartridge cases with each other. He came up with his
23 own conclusions, and in order for a conclusion to be made
24 and a report rendered, we must agree that, for in this
25 case, all eight cartridge cases were fired by one gun.

1 Q. So you had a follow-up person come behind you and
2 found the same results?

3 A. That is correct.

4 Q. Mr. Thrower, your testimony today that a gun is so
5 unique, each individual gun that is out there, so unique
6 that it will leave certain lines or indentions in a shell
7 casing that would lead you to believe it was only fired
8 from that particular handgun?

9 A. Yes. The amount of -- or the amount of agreement
10 that I was able to see on this was so significant that in
11 my opinion the possibility another firearm could have
12 made those exact same markings is considered practically
13 impossible.

14 Q. Now, Mr. Thrower, can you tell the jury, is this a
15 recognized practice of firearm identification? Is this
16 something that is used all over the nation?

17 A. In fact, it's used all over the world.

18 Q. How long has this type of identification been
19 around?

20 A. In its current form, since the 1920s, roughly.

21 Q. Is there a documentation of this type of research?
22 Is it in publications? Is it in magazines?

23 A. Yes, it is. It has been published in various
24 scientific journals. For instance, the association of
25 firearm and tool mark examiners, we have a professional

1 journal that various experiments, findings, and new ideas
2 is published therefore and allowed to be peer reviewed by
3 other firearm tool mark examiners throughout the world.
4 We've been published in the Journal of Forensic Science.
5 There are numerous books out there that have been
6 published and peer reviewed.

7 Q. Mr. Thrower, is your testimony today that all
8 eight of these shell casings were fired from the same
9 weapon?

10 A. Yes, sir. That is my testimony.

11 Q. And, again, in your research and your testing in
12 ten years and for tens of thousands of shell casings,
13 projectiles, what has been your rate of error?

14 A. To my knowledge, I have not had any errors brought
15 to my attention.

16 MR. PETER McCOY: Please answer any questions
17 defense may have of you. Thank you.

18 THE COURT: Okay. Mr. McCoy?

19 CROSS-EXAMINATION

20 BY MR. TERRELL McCOY:

21 Q. I just have one question for you, sir. Were you
22 given a gun in this case?

23 A. No, sir. I was not given a gun in this case.

24 MR. TERRELL McCOY: Your Honor, I don't have
25 any further questions.

1 THE COURT: All right. You can step down.
2 All right. Next witness.

3 MR. PETER McCOY: Thank you, Your Honor.
4 State would call Al Hallman of the North
5 Charleston police department.

6 AL HALLMAN,
7 having been first duly sworn,
8 was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY MR. PETER McCOY:

11 Q. Good afternoon, Sergeant Hallman.

12 A. Good afternoon.

13 Q. How long have you been with North Charleston
14 police department?

15 A. Just over 21 years.

16 Q. And in your 21 years, what have been your duties
17 while you've been there?

18 A. I was in uniform patrol for approximately five
19 years, then I transferred to the forensic investigations
20 unit, which I am now currently the supervisor.

21 Q. And how long have you been with the forensic
22 division?

23 A. Approximately 16 years.

24 Q. And, Officer Hallman, in your 16 years, how many
25 crime scenes have you had the opportunity to handle?

1 A. Thousands. I could not give you a definitive
2 number.

3 Q. Can you get a little bit deeper? How about
4 homicide cases?

5 A. Homicides, hundreds to probably 1,000.

6 Q. Can you tell the jury a little bit about seminars
7 or trainings that you received to help you as your job of
8 chief of the forensics division?

9 A. Yes, sir. I've been through numerous events,
10 training courses, that deal in forensic science. I am a
11 certified latent fingerprint examiner. I've had training
12 in advanced ridgology techniques, complex latent
13 identification, latent print examiner, the evidence
14 processing, crime scene investigations, shooting incident
15 reconstruction, and several other different trainings.
16 I've also got a diploma from the American Institute of
17 Applied Sciences that deals with forensic science and law
18 enforcement.

19 MR. PETER McCOY: At this point I would offer
20 Al Hallman as an expert in forensic crime scene
21 investigation and fingerprint identification.

22 THE COURT: Any questions you want to ask
23 him?

24 MR. TERRELL McCOY: I just want to ask him if
25 he's certified.

1 THE WITNESS: Yes, sir, I am certified.

2 THE COURT: All right. So no objection?

3 MR. TERRELL McCOY: No objection.

4 THE COURT: All right. Folks, this witness
5 has now been offered and qualified as an expert in
6 forensic crime scene investigation and fingerprints. The
7 same instructions that I gave you about the last witness
8 and expert testimony applies to this witness as well.
9 You determine how much weight you give this witness's
10 testimony, based on all of the witnesses that you will
11 hear and all of the testimony that you will see
12 throughout the trial.

13 Go ahead.

14 BY MR. PETER McCOY:

15 Q. Thank you, Your Honor.

16 Officer Hallman, did you have the opportunity to
17 respond to 5061 Delta Street in reference to a homicide
18 on 3/25/2006?

19 A. Yes, sir, I do.

20 Q. What were your duties once you arrived on the
21 scene?

22 A. I responded at the request of Investigator Bunker,
23 and once I got to the scene I met with her and assisted
24 her in the processing of the homicide crime scene.

25 Q. Once you arrived on the scene, did you become

1 aware that this incident involved a handgun and it was a
2 shooting?

3 A. Yes, sir. Investigator Bunker made me aware of
4 that immediately upon my arrival.

5 Q. Could you explain to the jury what happens when a
6 projectile leaves a handgun?

7 A. There is no way to tell what happens to a
8 projectile. It travels in a direction in which it was
9 fired. If it strikes an object or surface, it can bust
10 apart or fragment or bend, but there is no way to tell
11 what a particular projectile is going to do unless you
12 are the person firing it and you're firing it at a
13 particular source.

14 Q. So it's your testimony today that once a
15 projectile hits an object, it can splinter and actually
16 fragment in several pieces?

17 A. Absolutely.

18 Q. Does it matter what kind of object? Does it have
19 to be a hard, sturdy object, or can it hit anything and
20 fragment?

21 A. No, sir. It depends on the surface or the object
22 that it hits. Anything, even as remotely as an item
23 covered in a rubberish material, will cause fraying or a
24 dent or something, altering that projectile's original
25 shape. Naturally, the harder surface that it strikes,

1 the more fragmenting or breaking apart it's going to do.

2 The copper jackets around a projectile when
3 they're fired is intended just for that purpose, to cause
4 it to fragment or split up or fray, which, in turn,
5 causes more damage to the object that it strikes.

6 Q. Officer Hallman, when you arrived 5061 Delta
7 Street, did you enter the house?

8 A. Yes, sir, I did.

9 Q. Did you observe any sort of blood trail or any
10 sort of blood outside the house?

11 A. No, sir. There was nothing outside the house that
12 we noticed.

13 Q. In your investigation, did you learn there was
14 more than one gun involved in this case?

15 A. I was not aware of that information.

16 Q. During your investigation, was there another gun
17 found inside the house?

18 A. I do not recall of any gun found inside the house
19 at all.

20 Q. Now, obviously, you are an expert in fingerprint
21 identification and latent lifts and latent print
22 identification. Can you tell the jury a little bit about
23 that? What does that mean?

24 A. It simply means that I have had training in the
25 comparison and identification of latent prints or known

1 prints or ink prints collected from a person. Basically,
2 it's taking a latent print, and latent means invisible to
3 the naked eye, which means we required some sort of
4 enhancement process to make it visible.

5 Most times we use a black phosphorous powder
6 applied to an area that we believe might be a latent
7 print, and it's turned into a blackish, visible print.
8 Then that print is lifted off the surface. It's
9 developed on and it's secured on to a white background
10 card so it can be either entered into our printer or done
11 on a side by side comparison, meaning I'll have the
12 latent print itself on one side, and inked, known prints
13 from individuals on the right side, and go back and
14 forth, comparing points of identification within each
15 print.

16 Q. How many prints have you examined in your 16 years
17 as head of forensics?

18 A. Hundreds of thousands.

19 Q. Officer Hallman --

20 MR. PETER McCOY: May I approach the witness,
21 Your Honor?

22 THE COURT: Yes.

23 BY MR. PETER McCOY:

24 Q. How likely is it -- does it happen at every crime
25 scene that a fingerprint is left?

1 A. Absolutely not. There are four primary reasons
2 why an investigator may not find a person's fingerprint
3 at a crime scene? One, that person could be wearing
4 gloves or socks on their hands or some surface could come
5 between the palms or fingers of the hand and the surface
6 being touched. Another, naturally, would be that the
7 person just simply was not there; the third reason would
8 be that the surface that is touched is just not conducive
9 to retaining a fingerprint, such as porous wood or
10 unfinished wood surface, a cinder block, things like
11 that. They're just not real conducive to retaining a
12 latent fingerprint.

13 The fourth example would be simply that the person
14 in question did not touch a given surface while at that
15 scene, and an example of that would be if you were to
16 bring a forensic crime scene investigator in here right
17 now and they were to process this witness box, they would
18 not find my fingerprints, because since I've sat down I
19 haven't touched anything, but it doesn't mean I'm not
20 sitting here.

21 Q. So it's your testimony that it's possible for
22 somebody to be at a scene or to be somewhere and to not
23 leave a fingerprint?

24 A. Absolutely.

25 Q. And is your testimony today that -- is it normal

1 to find prints on a scene?

2 A. You really can't determine it to be normal or
3 abnormal. It depends on the surfaces that are in
4 question that were being processed, the frequency of
5 people in that area. If you're dealing with a residence
6 where one person lives there by themselves and they have
7 very little to no company coming over, then chances are,
8 you know, you're going to find their prints on some
9 items, but not on all items. If you're dealing with a
10 residence where traffic is frequented in and out of this
11 residence, then you're going to find fingerprints all
12 over the place. It just depends on how many times a
13 particular surface is touched by an individual.

14 Q. Now, Sergeant Hallman, you heard testimony earlier
15 today from crime scene Investigator Bunker who was here.
16 We also talked about a blood smear mark, if I could
17 publish this to the jury, that was found on the way into
18 one of the bedrooms.

19 A. Yes, sir.

20 Q. Now, Sergeant Hallman, she testified that she
21 could not find anything identifiable to lift from this.
22 What does that mean? Why could she not find something on
23 this?

24 A. Basically, because it wasn't there. She brought
25 that smear to my attention when I arrived on the scene

1 and I examined it. The smear was indicative of having
2 been made by a person's hand that had blood on his hand;
3 however, when that person's hand touched that surface, it
4 was drug across it in a moving motion without stopping.

5 Had that hand stopped at any given time, it would
6 have left a latent impression or ridge detail that may be
7 identifiable, but the hand continued to move across that
8 doorjamb, and when I examined it, I saw absolutely no
9 ridge detail whatsoever.

10 Q. So it's your expert opinion there is no way to get
11 an actual, identifiable lift off this blood smear?

12 A. No, sir.

13 Q. Sergeant Hallman, you also had the opportunity to
14 examine some evidence that was taken to you by
15 Investigator Bunker.

16 A. She provided me with some latent fingerprint
17 lifts, yes, sir.

18 Q. Do you know where she lifted these latent
19 fingerprints?

20 A. Yes, sir, I did.

21 Q. Could you tell the jury where that was.

22 A. She had one lift that was obtained from the
23 exterior doorknob on the front door of the residence.
24 She had several lifts from the interior side of the glass
25 storm door. I believe there were two lifts obtained from

1 an Ice House beer bottle, and there was also two lifts
2 that were lifted from a scale, I believe, that was found
3 on the couch inside the residence.

4 Q. Now, Sergeant Hallman, you testified she gave you
5 some lifts that were from an interior of a storm glass
6 door?

7 A. Correct.

8 Q. Officer Hallman, did you have the opportunity to
9 examine these prints and perform tests on these, and what
10 were the conclusions of your tests?

11 A. Two of the latent fingerprints lifted from the
12 inside of the storm door were positively identified to
13 one Travis Holcombe, and two additional latent prints,
14 also from the inside of the storm door, were positively
15 identified to Terrell McCoy.

16 Q. So there were two positive prints that you
17 identified to Terrell McCoy found on the inside of the
18 storm door.

19 A. That is correct.

20 MR. PETER MCCOY: Your Honor, may the witness
21 step down?

22 THE COURT: Sure.

23 BY MR. PETER MCCOY:

24 Q. Now, Officer Hallman, I want to show you what has
25 been marked for identification purposes as State's 28 for

1 ID only. Sergeant Hallman, explain to the jury what this
2 chart is and what it means.

3 A. This is a chart prepared by myself that indicates
4 a latent lift that was lifted by Investigator Bunker from
5 the crime scene, given to me, and was positively
6 identified, and this side of the print, which was secured
7 a while back, was the inked impression, or the known
8 impression, that I positively identified this print to.
9 These are one-to-one photograph enlargements of each
10 print. They were enlarged to the exact size in reference
11 to each one.

12 Q. Now, Sergeant Hallman, what do these numbers mean?
13 What is 1 through 12, and what does that mean on each
14 side?

15 A. Those numbers represent identification points
16 within the fingerprints, or we commonly refer to them as
17 points of identification. They are -- within a
18 fingerprint, in order to identify a fingerprint, we look
19 at two different factors. We look at what is called an
20 ending ridge, and that is where a ridge, a fingerprint
21 ridge, comes to an abrupt ending. We call that an ending
22 ridge.

23 The other point of identification of a fingerprint
24 is called bifurcation. That is simply where one ridge
25 bifurcates, or splits into two different ridges. Again,

1 you might see that this ridge comes down. Then it
2 bifurcates right here and turns into two ridges. That is
3 a bifurcation.

4 Bifurcation in any ridges are any two points of
5 identification, with the exception of dots which is just
6 basically a pore that has raised itself within a ridge.
7 Those are the only points of identification we do in
8 latent prints.

9 Q. Now, Sergeant Hallman, is there any way to put a
10 time stamp on when a fingerprint is left?

11 A. No, sir.

12 Q. Is there any way to tell whether a fingerprint is
13 fresher than other fingerprints?

14 A. In ideal conditions and controlled environments,
15 you can tell, roughly, the newness or oldness of a latent
16 print. New latent prints or real frequent latent prints
17 tend to develop a darker print than an old fingerprint.
18 Old prints are very light, and they're just very hard to
19 develop and read because they have been exposed to the
20 elements, or any other numbers of factors could have made
21 them deteriorate. A fresh print tends to be real dark,
22 real black, and real prominent when it's developed.

23 Q. Sergeant Hallman, what does a simultaneous print
24 mean?

25 A. A simultaneous impression means simply more than

1 one latent impression on a surface within a single lift,
2 fingerprint lift, made by the same hand at the same time,
3 meaning if we lift a fingerprint lift from a door and
4 it's got three fingers on it in this position and all
5 three fingers are identified to the same hand of the same
6 individual, that is classified as a simultaneous
7 impression, meaning they were put there simultaneously by
8 the owner of that.

9 Q. Meaning it was put there at the same time?

10 A. At the same time.

11 Q. Is there any way for you to tell by the latent
12 prints you examined if these were simultaneous prints or
13 these were individual prints?

14 A. They appear to be individual prints because the
15 other print that I identified to Mr. McCoy was slightly
16 turned in a different location, so it was really hard to
17 tell if they were simultaneous or not. It would have
18 taken twisting of a hand of some sort.

19 Q. And, Sergeant Hallman, how sure are you -- is this
20 a practiced method of identifying latent prints? How
21 sure are you that this is the defendant, Terrell McCoy?

22 A. A current study was done, and I have received some
23 paperwork on it. It used to be well known in the field
24 of forensic fingerprint identification that the
25 possibility of a latent print positively identified

1 belonging to someone other than the person who it was
2 identified to was 10 and 27 zeros. I don't know what
3 that number is, but 10 and 27 zeros. A recent study
4 raises that even further to 10 and 48 zeros, so
5 apparently whatever number that comes out to, I don't
6 think there is that many people on the planet.

7 Q. That is a large number?

8 A. Very large number.

9 Q. You can sit down for me.

10 MR. PETER MCCOY: Thank you, Sergeant
11 Hallman. Please answer any questions Mr. McCoy may have
12 for you.

13 THE COURT: Certainly.

14 MR. PETER MCCOY: Thank you.

15 CROSS-EXAMINATION

16 BY MR. TERRELL MCCOY:

17 Q. Officer Hallman, you said you were the supervisor
18 of Detective Bunker, correct?

19 A. That is correct.

20 Q. And when you arrived at the scene, she was already
21 there, correct?

22 A. Because she had already pretty much photographed
23 the entire scene and was at the point of starting to
24 collect evidence.

25 Q. And what time did you arrive at the scene?

1 A. I was dispatched at about 6 a.m., and I arrived
2 there approximately 30 minutes later, give or take. I'm
3 not exactly sure what my arrival time was.

4 Q. In your report, you stated upon arrival,
5 Investigator Bunker had completed with the scene
6 photographs and awaiting arrival of the coroner, correct?

7 A. That is correct.

8 Q. What all did you do when you arrived at this
9 house?

10 A. Prior to the arrival of the coroner?

11 Q. When you arrived -- when you first arrived at this
12 house, what did you do?

13 A. I met with Investigator Bunker who briefed me as
14 to the events that had transpired within the scene. She
15 then took me through a walk through of the scene. We
16 then exited the scene. It was a short time later the
17 coroner arrived, and that is when I assisted the coroner
18 in preparing the victim's body for transport to MUSC.

19 Q. So when you did a walk through, did you walk
20 through all the bedrooms?

21 A. No, sir. I went into the living room. The
22 furthest as I went was she showed me the smear on the
23 doorjamb going into one of the bedrooms.

24 Q. You stated you've been a crime scene investigator
25 15 years, correct?

1 A. Sixteen.

2 Q. Sixteen years, and seeing that blood smear on the
3 doorway, wouldn't that give you some type of clue to let
4 you know that evidence is in one of these bedrooms?

5 A. Like I said, I was briefed by Investigator Bunker
6 who had already looked into that bedroom, and no evidence
7 was mentioned to me about being inside the bedroom --
8 so -- sorry. And she took me to the point where the
9 blood smear was on the doorjamb, and then we went back
10 into the living room and that living room scene itself.

11 Q. So how long were you at this residence?

12 A. I can't recall that. I don't know what time we
13 finished.

14 Q. An hour, two hours?

15 A. I don't recall. I don't remember.

16 Q. Don't y'all do a crime scene log?

17 A. The crime scene log is initiated by the uniformed
18 patrol officer on the scene. They maintain the crime
19 scene log, not us.

20 Q. So what is the proper procedures for investigating
21 a homicide?

22 A. I don't understand. What do you mean?

23 Q. When y'all are investigating a homicide, what are
24 y'all training to do when you are investigating a
25 homicide?

1 A. We are there to identify potential items of
2 evidence. We are there document the scene with
3 photographs, to document the location of evidence that is
4 located through photographs, to collect that evidence,
5 and to process that evidence as needed.

6 Q. And so you -- and it's your testimony that you was
7 just in the living room?

8 A. No, sir. I said we went back to the living room
9 after she showed me that blood smear on the doorjamb.

10 Q. Go ahead.

11 A. After she showed me the blood smear on the
12 doorjamb, we went back into the living room and dealt
13 with that scene at that time.

14 Q. And how many bedrooms is in this house?

15 A. I don't recall, two, I think.

16 Q. And how big is this house?

17 A. I don't recall. It's not a big house, no.

18 Q. As soon as you walk in the front door --

19 A. You're right in the living room as soon as you
20 enter the front door, yes.

21 Q. Now, so you're telling the Court that you didn't
22 go -- did you go in the other room?

23 A. I did not go in any other bedroom or kitchen or
24 anything. I went into the living room and I went into
25 the hallway.

1 Q. Was you informed that blood was on the curtains?

2 A. No, sir, not at that time, it wasn't.

3 Q. Not informed that blood was on the curtains?

4 A. Not at that time. It was sometime later that I
5 was made aware of any blood on a curtain.

6 Q. Now, the coroner stated she observed blood on a
7 curtain in front of an open window.

8 MR. PETER McCOY: Objection, Your Honor.
9 He's testifying to something somebody else said.

10 MR. TERRELL McCOY: You just testified --

11 THE COURT: The coroner hasn't testified yet.
12 You can say what an earlier witness might have said, if
13 you said we heard testimony, but the coroner hasn't
14 testified yet.

15 BY MR. TERRELL McCOY:

16 Q. There was a curtain under the victim's body. Did
17 you see this curtain when you first arrived?

18 A. Yes.

19 Q. Now, there was testimony from Officer Armstead
20 earlier. He stated that the curtain -- when he first
21 arrived, those curtains was not there.

22 MR. PETER McCOY: Objection, Your Honor.
23 Officer Armstead did not say that.

24 MR. TERRELL McCOY: Yes, he did. We can have
25 the court reporter pull it up. He stated when he first

1 arrived on the scene, the curtain was not under the
2 victim.

3 THE COURT: Well, we can take a break for a
4 minute and see if she can find it.

5 MR. PETER MCCOY: I can go on the record --
6 when he said he came in there, from his recollection, his
7 knowledge of it --

8 THE COURT: I'll tell you what we'll do:
9 While she's looking that up, we'll take a little break.
10 We'll see you back. Don't begin deliberations or
11 discussions.

12 (Recess taken.)

13 (Record read back.)

14 THE COURT: All right. We're back on the
15 record now.

16 The court reporter found the section that
17 pertained to the question. Mr. McCoy, the defendant, was
18 asking about a witness who testified yesterday about not
19 seeing the curtain underneath the body. The court
20 reporter read that part of the transcript back, in which
21 the witness stated that he did not see the curtain
22 underneath the body.

23 Because of the computer setup that she has,
24 she had to close out the active session in order to be
25 able to read that transcript back. She then had to close

1 that section back out, and now we are back live on the
2 record.

3 So, Mr. McCoy, when you are ready, you can
4 resume your questioning.

5 MR. PETER MCCOY: Your Honor, if I may,
6 briefly, for the record as well, my objection is the fact
7 that I think Mr. McCoy is putting his own spin on it by
8 saying it was never there.

9 I thought that Mr. Armstead said that he
10 believed it wasn't there, but, obviously, we just heard
11 from the record that he didn't see it. That doesn't mean
12 it was not there, and I believe Mr. McCoy is trying to
13 put his on spin on it --

14 THE COURT: I don't know what his question is
15 going to be, but he asked him about a previous witness's
16 testimony.

17 MR. TERRELL MCCOY: My question was, did
18 Armstead, did he see anything under the victim body, and
19 his answer was no.

20 THE COURT: That is correct. Go ahead.

21 BY MR. TERRELL MCCOY:

22 Q. So you heard the court reporter just say that?

23 A. Yes, sir.

24 Q. Now, you said when you arrived, the curtain was
25 under the victim?

1 A. Correct. That's correct.

2 Q. Now, can you tell me how that curtain got under
3 the victim's body?

4 A. I have absolutely no idea. It was there when I
5 arrived.

6 Q. So when you arrived on the scene, who were all the
7 officers at the scene?

8 A. I don't recall. There were several uniformed
9 officers. EMS personnel had been on the scene;
10 Investigator Bunker was there. I arrived, and, as I
11 said, I do not remember all the officers without looking
12 back at the crime scene log.

13 Q. Did you ever -- were there any -- now, you stated
14 you found fingerprints on the glass door, correct?

15 A. That's incorrect. Investigator Bunker found
16 latent fingerprints on the door.

17 Q. On the glass screen?

18 A. On the glass, interior side, she lifted those
19 prints.

20 Q. Were any blood on these fingerprints?

21 A. I don't recall. Investigator Bunker lifted them.
22 I did not see them.

23 Q. How about gunpowder residue?

24 A. Again, I did not see them. I did not lift them.
25 Investigator Bunker did.

1 Q. Now, do you have a picture of this glass screen
2 door that these fingerprints came from?

3 A. I did not take any photographs at the scene, sir.

4 Q. But you was at the crime scene, correct?

5 A. I was at the crime scene.

6 Q. Did you see any blood on this glass screen door
7 that you observed?

8 A. I did not see any blood on the door, no, sir.

9 Q. And did you take the glass screen door for any
10 gunpowder residue?

11 A. I did not. I was simply assisting Investigator
12 Bunker. As a general rule, gunshot residue is usually
13 collected and tested from a person's hand.

14 Q. You are a supervisor, correct?

15 A. I am.

16 Q. That means you have a lot of training, correct?

17 A. It does.

18 Q. And you just standing around and all this blood is
19 all over the floor, all over the house, and you never
20 attempted to walk around and investigate this crime, help
21 her investigate this crime?

22 A. As I testified earlier, I waked through the crime
23 scene. She pointed out the elements of the crime scene.
24 I assisted her then in documenting and collecting the
25 items of evidence.

1 As far as gunshot residue on the glass door,
2 gunshot residue is invisible to the naked eye. I could
3 not tell you whether it was there or not. We definitely
4 did not see it.

5 Q. Did you go in any rooms?

6 A. I previously testified that I went to the living
7 room. I went as far as the hallway to the entrance to
8 one of the bedrooms --

9 Q. You stayed in that living room all that time?

10 A. Can I finish?

11 Q. Yes, sir.

12 A. I went into the hallway where the blood smear was
13 on the doorjamb, and then we immediately turned around
14 and went back into the living room and concentrated on
15 that scene because we knew the coroner was en route and
16 we needed to do what we had to do before she got there so
17 we could assist her when she got there in removing the
18 victim's body.

19 Q. While I'm looking for a picture, could you tell me
20 why the carpet was stripped from the floor in the living
21 room?

22 A. No, sir. I couldn't tell you that.

23 Q. But you stated you walked inside the hallway where
24 the bloody smears was in the hallway, correct?

25 A. That's correct.

1 Q. And those -- that carpet was not -- when this
2 incident took place, can you tell me why y'all stripped
3 that carpet from off the floor?

4 A. No, sir. I cannot tell you that. I do not
5 remember any --

6 Q. Was there any blood on this carpet?

7 A. Yes.

8 Q. On the carpet on the hallway?

9 A. No, in the carpet in the living room.

10 Q. Let me show you what has been marked as
11 Defendant's Exhibit 10. Is this the crime scene?

12 A. Yes, sir, that is part of it, one angle of it,
13 yes.

14 Q. And that is right there where the blood smears
15 is --

16 A. Yes. The blood smears, and the blood splatter on
17 the living room carpet floor.

18 MR. TERRELL McCOY: I move Defendant's
19 Exhibit 10 into evidence.

20 THE COURT: Is it already in? Any objection?

21 MR. PETER McCOY: No objection, Your Honor.

22 THE COURT: It's admitted.

23 (Photograph admitted into evidence as
24 Defendant's Exhibit No. 10.)

25 BY MR. TERRELL McCOY:

1 Q. You say you were in the hallway, correct?

2 A. Yes, sir.

3 Q. Can you testimony me why this carpet is removed
4 here off the floor?

5 A. No, sir, I cannot. We did not do that.
6 Investigator Bunker and myself, neither one of us did
7 that. I don't know who did this.

8 Q. So this happened after y'all left?

9 A. I do not know when it happened. We did not do
10 that. That's all I can tell you.

11 Q. And can you tell me what is that right there? Is
12 this blood?

13 A. I can't tell from this photograph, no, sir.

14 Q. You was in this hallway?

15 A. I was.

16 Q. So is that blood?

17 A. I cannot tell from this photograph, sir.

18 Q. That's blood on that door, leading to that other
19 bedroom?

20 A. I cannot distinguish that from the photograph.
21 There is a reddish substance on the door, or the
22 doorjamb, but I can't tell from this photograph if it's
23 blood.

24 Q. Well, if it was red at a murder scene, possible
25 blood?

1 A. It could be anything red, yes.

2 MR. TERRELL McCOY: Could I show it to the
3 jury?

4 THE COURT: Sure.

5 BY MR. TERRELL McCOY:

6 Q. You stated you don't know if this carpet -- so the
7 carpet was down when you was there, correct?

8 A. I'm sorry?

9 Q. You stated the carpet was not stripped from the
10 floor when were you there?

11 A. No, sir. I did not state that.

12 Q. So how did that carpet -- why did the crime scene
13 investigators pull that carpet from off the floor?

14 A. Crime scene investigators did not pull that carpet
15 off the floor.

16 Q. So it was like that when you arrived?

17 A. Yes, sir.

18 Q. When you dust objects with black powder, don't the
19 prints appear on the object?

20 A. Yes.

21 Q. Now, I can see the bloody prints on that door
22 frame in the room, and now -- and I'm not -- and now -- I
23 can see the bloody fingerprints on that door going into
24 that room, but you're saying that is a smear?

25 A. That is a smear. There was no identifiable ridge

1 detail within the elements of that blood smear.

2 Q. So you couldn't see nobody's fingerprints in that
3 blood smear?

4 A. No, sir. There was no ridge detail present in
5 that smear.

6 Q. So those are not fingerprints, bloody
7 fingerprints?

8 A. That is a bloody smear.

9 Q. But you can see the fingerprint?

10 A. No, I cannot, sir.

11 Q. It's visible?

12 A. There is no identifiable --

13 Q. I'm not a crime scene investigator, I'm just a
14 defendant, but I can see the blood smear, the
15 fingerprint, but you can't see it?

16 A. I cannot see it in that photograph, nor could I
17 see it at the scene.

18 Q. Now, you just told the solicitor that the prints
19 on the door looked fresh, but isn't it true that you
20 can't 100 percent tell the age of any prints?

21 A. First of all, I did not say the prints on the door
22 looked fresh. I said it is not possible to distinguish
23 the exact timeline of the latent print.

24 Q. So a print could be on an object for months,
25 correct?

1 A. A print can be on an object for years, given the
2 circumstances.

3 Q. And you cannot probably say how long -- so why did
4 you state that these prints looked fresh -- you stated
5 that these prints looked fresh when the solicitor was
6 questioning you, Mr. McCoy was questioning. You said
7 these prints looked fresh.

8 A. I don't believe I said that. I stated that prints
9 that develop darker, or real dark, tend to be a fresher
10 print. Prints that have been there for a certain amount
11 of time, a long period of time, tend to develop lighter,
12 indicating that they're older prints.

13 Q. There was a lot of evidence that wasn't tested,
14 and as Angela Bunker's supervisor, you were supposed to
15 make sure all this evidence was collected and tested,
16 right?

17 A. I would need to know what kind of evidence you're
18 talking about, sir.

19 Q. Saliva, DNA, two Ice House beer bottles; the front
20 doorknob was not tested; off the front main door --

21 A. As far as DNA goes, our department as a whole --

22 Q. But you're supposed to send it out, right?

23 A. Can I finish my answer? Our department, as a
24 whole, did not really start collecting predominant
25 DNA evidence until 2007. We collected -- the

1 DNA evidence that we collected prior to 2007 usually
2 consisted of rape evidence at a crime scene or rape
3 scene, or blood swabs at a homicide scene or an assault
4 scene. That was pretty much the extent of DNA collecting
5 that we did as a department prior to 2007.

6 Since the inception of the TV show CSI and the
7 predominance of DNA evidence in courtroom trials and in
8 investigations, starting in 2007, we really started
9 concentrating on DNA evidence. We received training on
10 how to collect DNA evidence, and since then we have been
11 collecting DNA evidence of all types.

12 Q. Now, you testified earlier that these fingerprints
13 that was on the screen door, they didn't contain no
14 blood, correct?

15 A. I did not see any blood, no. I did not recall
16 seeing blood on the screen door.

17 MR. TERRELL McCOY: Your Honor, I have no
18 further questions.

19 THE COURT: All right. Redirect?

20 MR. PETER McCOY: No, thank you, Your Honor.

21 THE COURT: All right. You can step down.

22 Thank you.

23 THE WITNESS: Thank you, Your Honor.

24 THE COURT: Okay. Call your next witness.

25 MR. PETER McCOY: Thank you. The state would

1 call Scott Wyant of the North Charleston police
2 department.

3 SCOTT WYANT,
4 having been first duly sworn,
5 was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. PETER MCCOY:

8 Q. Good afternoon, Officer Wyant. How long have you
9 been with the North Charleston police department?

10 A. About 14 and a half years.

11 Q. In your 14 and a half years, what sort of duties
12 did you have?

13 A. I was on patrol for three and a half years. The
14 remaining time I've been in the crime scene unit as an
15 investigator with the North Charleston crime scene unit.

16 Q. Is it the same thing as a forensics unit?

17 A. That's correct.

18 Q. In your duties in the forensic unit, have you
19 received or gone to classes, seminars, that have helped
20 you with your duties as a crime scene investigator?

21 A. Yes, I have.

22 Q. Can you tell the jury a little bit about those
23 classes or seminars.

24 A. I've been to classes on photography, fingerprint
25 processing, collection of evidence, bloodstain pattern

1 analysis. I went to an autopsy school at MUSC; been to
2 an IDIS school, which is ballistics, for entering
3 ballistics into a computer. All kinds of schools.

4 Q. Lots of schools?

5 A. Yeah, lots of schools.

6 Q. Officer Wyant, did you happen to become involved
7 in a murder that occurred on 3/25 of 2006 at 5061 Delta
8 Street?

9 A. Yes, I did.

10 Q. Tell the jury a little bit about how you got
11 involved in this case.

12 A. On the morning of March 25, from what I have in my
13 report, Sergeant Hallman advised me that I needed to go
14 to MUSC and attend the autopsy of the victim, Mr. Bryant.

15 So I responded to the autopsy room around,
16 approximately, 9:00 in the morning, which is when they
17 usually begin them, depending on what they have, and I
18 attended the autopsy of the deceased.

19 Q. Officer Wyant, tell the jury, why is it important
20 that a crime scene officer attend an autopsy, be present
21 for an autopsy?

22 A. Normally, they want us to attend the autopsy to
23 take our own photographs to again help them in the
24 detective's investigation. They also want us to collect
25 any evidence that is recovered by the doctors during the

1 autopsy, and -- you know, like a tube of blood,
2 fingernail clippings. In this case, I also -- it's our
3 policy I had to do gunshot residue test kit on the
4 victim's hands to prove whether or not he had a gun or
5 fired a weapon in the incident and also take his
6 fingerprints to positively identify him.

7 Q. So it was your testimony today that a crime scene
8 officer being present at an autopsy is there to help
9 preserve evidence, is there to help preserve the evidence
10 that will lead further down for a case when it comes to
11 court or goes to trial?

12 A. That's correct.

13 Q. And it's important for you to be there to begin
14 the chain of custody and to observe this evidence; is
15 that correct?

16 A. That's correct.

17 Q. Officer Wyant, can you tell the jury what you saw
18 when you went to this autopsy, when you attended.

19 A. When I arrived, the victim was on the table. He
20 was fully clothed, covered with blood, and as they go
21 through the -- as I did my gunshot residue test kit on
22 his hands, usually the first thing that -- I fingerprint
23 him to get a positive ID. I believe I had to -- I needed
24 to run those prints to Sergeant Garrison, who was a
25 fingerprint examiner with our unit, and so I ran those

1 prints to him because they really -- it's really
2 important to make sure we have positively identified and
3 then I came back to the autopsy.

4 By this time he was unclothed. I took some more
5 additional photographs and as a -- I take photographs
6 throughout the entire process, usually, and as they
7 collect evidence, towards the end, you know, they collect
8 evidence throughout the process, and then at the end they
9 sign it over to me with their own chain of custody.

10 I take that evidence, and I bring it back to the
11 police department and start my paperwork, start another
12 chain of custody, logging that evidence into our property
13 room, and things like the blood have to be put in a
14 refrigerator pretty readily so it won't go bad and I do a
15 chain of custody.

16 Q. You take photographs of the entire autopsy
17 process?

18 A. Yes, sir, I did.

19 Q. And you collect evidence throughout the entire
20 autopsy process?

21 A. That's correct. Well -- that's correct. They
22 actually collect it, and I -- you know, other than doing
23 the GSR and collecting the fingerprints, they actually
24 physically collect it and then towards the end they go
25 ahead. I'm there during the time, and towards the end

1 they go ahead and sign it all over to me.

2 Q. Do you report and do you document what you see and
3 what you take from an autopsy?

4 A. Yes, I do.

5 Q. And everything is documented in your report?

6 A. As far as I know, everything.

7 MR. PETER McCOY: Your Honor, may I approach
8 the witness?

9 THE COURT: You may.

10 MR. PETER McCOY: Thank you.

11 BY MR. PETER McCOY:

12 Q. I'm going to show you what has been marked for
13 identification purposes only as State's Exhibit 39
14 through 42. I'd ask that you open these bags, examine
15 what is in each one of these, and once you finished, tell
16 me what you found.

17 You've taken a look at these items I've just shown
18 you. Can you tell the jury what those are.

19 A. These are projectiles and projectile fragments
20 recovered from the autopsy of the victim.

21 Q. How do you know these are the same projectiles or
22 fragments that were recovered from the victim at autopsy?

23 A. Well, in this case, Dr. Kaplan, who had written on
24 the envelopes, it's hard to discern what he wrote, but he
25 wrote on the envelopes, and when I received them, I

1 sealed them in this bag and indicated on the bag pretty
2 much the same information that Dr. Kaplan had given me,
3 or that he put on the envelopes and put on his chain. I
4 put on my envelope and sealed it and signed it.

5 Q. These are the same projectiles that you yourself
6 took from the autopsy table, secured into evidence, and
7 then took to North Charleston?

8 A. That's correct.

9 MR. PETER McCOY: Your Honor, at this point I
10 would move 39 through 43 into evidence.

11 THE COURT: Any objection?

12 MR. TERRELL McCOY: No, Your Honor.

13 THE COURT: Admitted.

14 (Projectile and projectile fragments marked
15 for identification and admitted into evidence as State's
16 Exhibit Nos. 39 through 43.)

17 BY MR. PETER McCOY:

18 Q. Are they full projectiles or are they partial
19 projectiles? How do they appear to you?

20 A. Well, some were partial projectiles. Like number
21 one is mostly full. It's got a good section missing out
22 of it, you know. It's got what I would call the butt of
23 the projectile, but a good portion of the projectile had
24 been fragmented away, so there were parts missing.

25 The one labelled number two is actually just a

1 fragment of a projectile, just a little piece. Kind of a
2 little copper and lead piece. Number three is, for the
3 most part, a pretty full projectile, although a good
4 portion of it is also missing, and the last one, number
5 four, has retained, I would say, the majority of its
6 shape. I don't really see much, if any, of the
7 projectile on this.

8 Q. So it's your testimony today in observing these
9 projectiles that you yourself took from the autopsy, one
10 of the projectiles seemed to be completely intact, as the
11 other three are either partially intact or just fragments
12 of a projectile?

13 A. That's correct.

14 Q. Officer Wyant, again, once you secured this
15 evidence you've taken from the autopsy, is it then in
16 your custody?

17 A. That's correct.

18 Q. And what do you do with it once you have taken it
19 from the autopsy?

20 A. Once I take it from the autopsy, I go to the
21 station, to our office, and I start doing these bags up,
22 and putting the evidence in the bags with our information
23 on them, our case number, the type of offense. I put
24 projectile one removed from the victim's body, which
25 corresponds with what Dr. Kaplan had written, put the

1 victim's name, the date and the time, and the autopsy
2 room.

3 I put my name on here and received as evidence. I
4 fill out all the bags and put them in there and seal
5 them. I do a chain of custody of my own that our
6 department recognizes and requires, and I fill that out
7 and I keep two portions of that and then I drop it all in
8 the evidence room, in the sealed boxes.

9 Q. Did you take blood from the victim?

10 A. That's correct.

11 Q. Did you take any other samples from the victim at
12 all?

13 A. No, other than the gunshot residue test kit and
14 the fingerprint samples I got from them.

15 Q. Did you take the victim's clothing into evidence?

16 A. Yes. I can read off the list --

17 Q. You don't have to read off the list.

18 A. Yeah. I recovered his clothing, pulled head hair,
19 fingernail clippings, a bracelet that he was wearing. I
20 actually pulled pubic hair from him. I collected that.

21 Q. And with the clothes that you say you collected
22 from the victim, Officer Wyant, is there a separate
23 process you do to handle clothes that have blood on them?
24 How do you handle clothes that have blood on them? Where
25 do you take them?

1 A. We actually have a lockup room that only the
2 forensic investigators have a key to. In that room is
3 what we call forensic dryer. It's almost like a big
4 plastic, heavy duty plastic dryer. It circulates air
5 across the clothing and has a clothing bar in there and
6 it actually locks.

7 So we hang the clothes in there. We have to put
8 them on actual hangers, and we hang the clothes in there
9 and turn it on and it allows the air to circulate over
10 it. So if we put those clothes in the evidence room and
11 seal them up and put them in the evidence room when
12 they're still bloody, they will rot and decompose.

13 Q. So what is the point of the forensic dryer?

14 A. To dry clothes for packaging so they can be logged
15 into evidence and used on the court date.

16 Q. And, Officer Wyant, is it standard practice or
17 typical practice at a crime scene to take all articles of
18 clothing to the forensic dryer that may be bloody?

19 A. That's correct, we do.

20 MR. PETER McCOY: Please answer any questions
21 Mr. McCoy may have for you. Thank you.

22 CROSS-EXAMINATION

23 BY MR. TERRELL McCOY:

24 Q. How are you doing, Mr. Wyant?

25 A. Good, sir. How are you?

1 Q. I'm doing okay. Were you at the crime scene on
2 5061 Delta Street on March 25, 2006?

3 A. No, I was not.

4 Q. Who did the testing on the evidence collected at
5 the crime scene?

6 A. SLED does.

7 Q. Officer Wyant, in your report you stated you did a
8 gunshot residue test kit on the victim, Antwan Bryant's,
9 hand, correct?

10 A. That's correct.

11 Q. And what was the results?

12 A. That, I don't know.

13 Q. Don't know?

14 A. No, sir.

15 Q. But you sent it off --

16 A. To SLED for testing.

17 Q. You sent it off to SLED for testing.

18 A. Yes, sir.

19 Q. So you stated four projectiles were removed from
20 the victim's body, correct?

21 A. That's correct.

22 Q. And why didn't you send those to SLED for testing?

23 A. Well, actually, in this case, the main
24 investigator -- I'm not trying to pass the buck, but the
25 main crime scene investigator in this case is Angela

1 Bunker, and so I attend the autopsy. I collect the
2 evidence, I provide her with copies of the chain of
3 custody. If you remember, I said I removed two of the
4 copies, one of them attached to my report and one
5 forwarded to the detective.

6 The other copy would go to Angela Bunker so she
7 would know what I collected from the autopsy, and then
8 she would type up the SLED form, being that she knows
9 what she collected from the scene, what I collected from
10 the autopsy, and she puts it all together and sends it
11 off to SLED.

12 Q. I have the chain of custody sheet, and it states
13 that Ms. Bunker released eight nine millimeter shell
14 Lugar shell casing and two projectiles to you, correct?

15 A. That, I don't know.

16 Q. Let me show you --

17 A. I don't have it. Yes, that is correct. Uh-huh.

18 Q. So when you received these eight shell cases and
19 two projectiles, what did you do with them?

20 A. Well, she had released them to me. They needed to
21 go to IBIS, so I had to take them to the property room
22 first. They had to sign for them, receive them, log them
23 into the computer, and then sign it back to me because
24 that is their policy, and I took it Charleston County
25 sheriff's office, where they have the IBIS computer.

1 IBIS stands for integrated ballistics identification
2 system, which is a computer that is almost like a
3 fingerprint computer. You can actually enter the shell
4 casings and bullets into the computer and it sends off
5 and tries to make matches.

6 Q. So did you send this out to SLED too?

7 A. I didn't, no, sir.

8 Q. How did these projectiles get back to -- how did
9 these eight shell casings and two projectiles get to
10 SLED?

11 A. Normally, once they've been entered into IBIS, I
12 sign for them back from Brian Somerfeldt, who is the main
13 IBIS guy with the county. He signs under me, and then I
14 sign them back in the property room, and if Detective
15 Bunker wants to send them to SLED for whatever reason,
16 she would normally type them up and send them to SLED.

17 Q. So why didn't you do that with -- you did that
18 same thing with the four -- why didn't you send the four
19 projectiles to IBIS?

20 A. The four projectiles to IBIS?

21 Q. Yes, sir.

22 A. Originally, IBIS was entering the shell casings
23 and projectiles. They discovered that the projectiles,
24 the actual bullet, especially if it fragments and stuff,
25 they had a very, very low success rate in entering this.

1 It's very time consuming, and they had a very slow
2 success rate in getting any hits, if you want to call it
3 that.

4 So I don't know what date, what year, what date,
5 but they had -- actually, the sheriff's office, actually,
6 they weren't going to actually enter the projectiles,
7 they would only enter the shell casings. So at some
8 point in time that is all we started sending over there,
9 was the shell casings.

10 Q. Now, you stated you didn't send this off to SLED,
11 correct?

12 A. Yeah, I don't normally send it off to SLED.

13 Q. But who was Somerfeldt?

14 A. Brian Somerfeldt is the firearms examiner at the
15 sheriff's office, Charleston County sheriff's office.

16 Q. That is SLED, correct, in Columbia, South
17 Carolina?

18 A. No, sir, that's not correct.

19 Q. According to this sheet, it said you released two
20 shell casings, projectiles, to B.J. Somerfeldt to SLED
21 for evidence, correct?

22 A. Yeah. Brandy Paulson has signed it over to me, I
23 released to Brian Somerfeldt, who, once again, is with
24 the Charleston County sheriff's office, integrated
25 ballistics identification systems, person. I guess it

1 actually hit, and it says to SLED for IBIS hit
2 confirmation.

3 So what that means is Brian Somerfeldt entered
4 projectiles, shell casings, into the computer, the IBIS
5 computer, which he has. If there is a hit, he's not a
6 firearms examiner, so if it hits, he has to then confirm
7 that hit by sending this stuff to SLED. They examine it.
8 They tell him if it's a hit or not, and then they send it
9 back to us.

10 So in this case, I signed it over to Brian because
11 he evidently got a hit in IBIS, because it says two hit
12 for IBIS confirmation, so I signed it over to Brian.
13 Once it came back, Alex Teachey, who is the evidence
14 custodian, received it from SLED and put it back in the
15 property room.

16 Q. Did you ever receive anything back from what you
17 sent -- when you sent off of Antwan's hand to get tested
18 for gunpowder residue, did you ever receive anything on
19 that?

20 A. I didn't receive anything.

21 Q. So you never sent four projectiles off for
22 evidence, correct?

23 A. I'm sorry?

24 Q. You never sent the four projectiles that were
25 found -- that were recovered from the victim's body off

1 to evidence?

2 A. To evidence, I took it to evidence, yes, sir.

3 Q. But did you send it to IBIS?

4 A. To IBIS?

5 Q. To evidence?

6 A. To IBIS?

7 Q. IBIS?

8 A. No, I don't think we took it to IBIS.

9 Q. Why didn't you do that?

10 A. Because, like I explained before, they quit
11 entering the actual projectiles. They only enter shell
12 casings now because of the low success rate of entering
13 the projectiles.

14 Q. So all of a sudden, they stopped entering
15 projectiles?

16 A. Yeah. I don't know what the date was. A while
17 back.

18 Q. Can you tell me how many wounds did the victim
19 have?

20 A. I got here actually four and an exit wound to the
21 chest.

22 Q. Can you please tell me what was the four.

23 A. I got in my report, I observed the victim's
24 projectile hole to the right of his cheek, right side of
25 his penis, left buttock, middle of his back, and a wound

1 to the center of his chest, which was an exit wound from
2 the one in his back.

3 Q. So one of the shells was an exit wound?

4 A. That's correct.

5 Q. So you stated he had right cheek, right penis,
6 left buttock, middle back, and the wound to the chest
7 with the exit wound?

8 A. That's correct.

9 Q. And you said there was a small abrasion on his
10 left hand, correct, graze?

11 A. Graze to the back of his right hand.

12 Q. Let me show what has been marked as Defendant's
13 Exhibit 43. Is this the graze that you saw on the
14 victim?

15 A. Yes. It would be back of his right hand.

16 MR. TERRELL McCOY: I move Defendant's 43
17 into evidence.

18 MR. PETER McCOY: No objection to that, Your
19 Honor.

20 THE COURT: Admitted.

21 (Photograph marked for identification and
22 admitted into evidence Defendant's Exhibit No. 43.)

23 BY MR. TERRELL McCOY:

24 Q. You stated this is a graze, correct?

25 A. The victim had severe grazed type wound to his

1 right hand, the back side, and swollen abrasion to the
2 left side of his forehead.

3 Q. Is that what a graze looks like?

4 A. Yes, sir.

5 Q. Four projectiles were found in the body, correct?

6 A. Well, projectiles and projectile fragments. Not
7 all of them were complete.

8 Q. And five shell casings were found inside the
9 residence?

10 A. I don't know. I wasn't at the scene.

11 Q. And three were found outside?

12 A. I don't know. I wasn't at the scene.

13 MR. TERRELL McCOY: Your Honor, I have no
14 more questions.

15 THE COURT: All right. Any redirect?

16 MR. PETER McCOY: Briefly, Your Honor.

17 REDIRECT EXAMINATION

18 BY MR. PETER McCOY:

19 Q. Officer Wyant, again, for the record, four
20 projectiles you had taken from the autopsy table, where
21 did these projectiles come from?

22 A. From the victim's body.

23 Q. And, again, is it typical that projectiles are not
24 sent to IBIS for testing because they can be damaged so
25 easily?

1 A. That is correct. Once they strike things, they
2 change form and shape, and it just becomes, for the most
3 part, impossible to get a hit because once they hit
4 something, then they change shape and form.

5 Q. And also, again, for the record, Officer Wyant,
6 are the projectiles that you took out of the victim's
7 body and away from the autopsy, how many of those were
8 full, intact projectiles?

9 A. One.

10 MR. PETER McCOY: Thank you. No further
11 questions.

12 THE COURT: Any recross?

13 MR. TERRELL McCOY: No, Your Honor.

14 THE COURT: Okay. You can step down. Call
15 your next witness.

16 MR. PETER McCOY: State would call Amy Sheil
17 with the Medical University of South Carolina.

18 AMY SHEIL,

19 having been first duly sworn,
20 was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. PETER McCOY:

23 Q. Dr. Sheil, how are you today?

24 A. Fine, thank you.

25 Q. Can you tell the jury where you're currently

1 employed.

2 A. Medical University of South Carolina.

3 Q. And how long have you been with Medical University
4 of South Carolina?

5 A. Well, I've been employed there as an attending
6 physician since August of this year, and I also did my
7 residency there, which started in 2003 and ended in 2007.

8 Q. What is your job at the medical university?

9 A. I am a forensic pathologist.

10 Q. Can you give the jury a little bit of insight, or
11 explain to them what it means to be a forensic
12 pathologist.

13 A. Forensic pathology is the medical/legal study of
14 death. Basically we perform autopsies in situations in
15 which the cause and the manner of death need to be
16 determined. We also do medical autopsies for the
17 hospital.

18 Q. So, Doctor, your job is do to autopsies?

19 A. Yes, sir.

20 Q. At the medical university?

21 A. Yes.

22 Q. And since you've been there, rough estimate, how
23 many autopsies do you think you've performed or been a
24 part of or assisted with?

25 A. Through residency, fellowship, and my attending

1 experience, I've done about 450 autopsies.

2 Q. Can you give the jury a little bit of your
3 educational background that has led you up to your path
4 here as a forensic pathologist.

5 A. I did medical school at Creighton University in
6 Omaha, Nebraska. I then came to the medical university
7 for residency in pathology, which was a four-year
8 residency. I briefly went to Tampa, Florida for a
9 fellowship in forensic pathology and I did six months
10 there, and I finished my fellowship here at the medical
11 university, which was an additional six months.

12 Q. So how many total years have you spent studying
13 forensic pathology?

14 A. Forensic pathology specifically, I would include
15 my residency because I did forensic cases during
16 residency. That would be five.

17 Q. Now, do you ever attend classes or seminars that
18 help you perform your job as a forensic pathologist?

19 A. I do.

20 Q. Explain to the jury those kind of classes that you
21 take.

22 A. They are continuing education classes, and they
23 are also national meetings where the National Association
24 of Medical Examiner, which is our professional group,
25 gets together and gives talks or presentations to educate

1 all of us about what is new in the field.

2 Q. So is it your testimony today, Dr. Sheil, that the
3 autopsies you perform follow a standard practice, an
4 up-to-date practice, that are practiced throughout this
5 nation?

6 A. Yes.

7 MR. PETER McCOY: At this point, I'll offer
8 Dr. Sheil as an expert in forensic pathology.

9 THE COURT: Any questions you want to ask her
10 about her qualifications?

11 MR. TERRELL McCOY: No, Your Honor.

12 THE COURT: Do you object to her being
13 qualified as an expert?

14 MR. TERRELL McCOY: No, Your Honor.

15 THE COURT: All right, folks. This witness
16 has been qualified as an expert in the field of forensic
17 pathologist, and the same instructions that I gave you
18 about the earlier witnesses who were qualified as
19 witnesses would also apply to this witness as well.
20 She'll be allowed to give you testimony in the form of
21 her observations, as well as an opinion that is based on
22 those objections. You determine how much weight to give
23 her testimony based on all of the testimony and all of
24 the evidence that you will hear throughout the trial.

25 All right. You may resume.

1 BY MR. PETER MCCOY:

2 Q. Thank you, Your Honor.

3 Dr. Sheil when you perform an autopsy, how do you
4 keep track of everything you do? How do you keep track
5 of your evidence?

6 A. From start to finish, the way we handle autopsies
7 here at the medical university, because this is a coroner
8 based system, we generally receive a call from the
9 coroner initially informing us there has been a death and
10 that they need an autopsy performed. We take a record of
11 that, which is we write down the information the coroner
12 gives us. If they know the name of the decedent,
13 birthday, address, and then the circumstances surrounding
14 the death, that is our initial case sheet.

15 We schedule the autopsy, which is generally for
16 the next day, and when we come in to perform the autopsy,
17 we start by taking photographs. We take photographs with
18 a close seal on the body. We take photographs of any
19 evidence that is visible on the body before removal of
20 any of the clothing. Then we document the clothing. We
21 make a list of what the decedent is wearing. We collect
22 any jewelry, and then we take all the jewelry and all the
23 clothing off.

24 If need be, we examine the clothing more
25 thoroughly, seeing if there are gunshot wounds through

1 the clothing or stab wounds through the clothing, and
2 then we take pictures of the evidence.

3 One we have the clothing and the jewelry off the
4 body, we observe the external surfaces of the body. We
5 describe hair color, hair length, eye color, and then we
6 make note of any tattoos or identifying scars that that
7 person had, and then we generally catalogue the injuries.
8 We make diagrams of the injuries. We measure the
9 injuries, and we photograph the injuries.

10 Once we have all of that complete, we move to the
11 internal exam, which is where we open the body, examine
12 all the organs, trace pathways, seeing if there are
13 projectile or stabs in situ and then remove the organs,
14 examine the organs one at a time.

15 Sometimes we'll take tissue samples from those
16 organs to look at under the microscope. We also collect
17 blood and other body fluids, like urine, for pathological
18 examination, and by the end of the autopsy, we have
19 pretty much examined every part of the person, and once
20 we're finished in the autopsy room, we generate an
21 autopsy report describing everything we've seen and done.

22 Q. Dr. Sheil, do you document your work and your
23 findings in a report and make sure this report is as
24 detailed as possible?

25 A. Yes, sir.

1 Q. Dr. Sheil, did you happen to perform an autopsy on
2 a homicide that occurred on 3/25 of 2006?

3 A. I did.

4 Q. And how did you come about to perform this
5 autopsy?

6 A. Well, I was in residency at the time, so I
7 performed the autopsy under the supervision of my
8 attending doctor, whose name is Mike Kaplan.

9 Q. Dr. Sheil, do you know the name of the person you
10 performed the autopsy on?

11 A. Antwan Bryant.

12 Q. From looking at him when he first came in, what
13 appeared to be his injuries?

14 A. He appeared to have several gunshot wounds, one to
15 the head, several to the torso, and one to the right
16 hand.

17 Q. Dr. Sheil, I want to take you to a place in your
18 report that is labelled evidence of injury. The first
19 topic here is head and neck. Can you describe for the
20 jury the injuries that Mr. Bryant suffered to his head
21 and neck area.

22 A. Okay. When we generate the report, we separate
23 the injuries into a particular block. We divide it up
24 into head and neck, torso, upper extremities and lower
25 extremities, just for sake of organization. Mr. Bryant

1 had two small abrasions on his forehead, and then he had
2 an entrance gunshot wound to the right side of his jaw,
3 approximately right here.

4 We know that was an entrance gunshot wound because
5 of its shape, its configuration, and the fact that it had
6 a little dark area which may have been soot adjacent to
7 the periphery of the wound. That gunshot wound, when
8 traced, when we traced its pathway, which is where it
9 went through the body, appeared to pass through the neck
10 after it went through the jawbone, went into the neck,
11 then entered the chest cavity. It struck the heart,
12 which was the main bullet fragment, and ended in the left
13 diaphragm.

14 A portion of the bullet, which was the copper
15 colored metal round bullet, a portion of that broke off,
16 probably because it hit the mandible, and entered the
17 right side of the chest and lodged in the right lung.

18 Q. So, Dr. Sheil, is your testimony for this head and
19 neck injury, the first wound we're talking about was a
20 bullet that entered the right jaw and traveled in a path
21 where it took it all the way down to the heart area?

22 A. Right.

23 Q. And once it reached the heart, is it your
24 testimony today that it split apart, the projectile split
25 apart, in some form or fashion?

1 A. The projectile likely split apart after it struck
2 the mandible, which is the jawbone, because it's a very
3 hard surface. Once a bullet strikes the bone, or a hard
4 object, it tends to deform, or change its shape, and
5 sometimes fragments will fly off in a different
6 direction, and that is what happened to this bullet.

7 The bullet, the major bullet, the major bulk of
8 the bullet, passed through the heart and landed in the
9 left side of the chest and the fragment landed in the
10 right lung, but it was all part of the same bullet.

11 Q. Dr. Sheil, I'm going to take you to the next part
12 of your report that is labelled thorax and abdomen. Can
13 you explain to the jury the injuries Mr. Bryant suffered
14 to his thorax?

15 A. Well, Mr. Bryant had three gunshot wounds to his
16 torso and abdomen, which is basically from below your
17 neck to your pelvis, so to start, he had a gunshot wound
18 to his right groin, which was just above the top of his
19 right thigh in the inguinal region. The bullet, that was
20 an entrance gunshot wound, and that pathway of the bullet
21 went from the groin area to the pelvis and lodged in the
22 left buttock, which is where we recovered the bullet.

23 Another gunshot wound he had to the torso is to
24 the right side of the lower back. That gunshot wound
25 passed through the lower back, entered the abdomen,

1 striking the kidney and the intestines and the liver, and
2 exited the chest through the left chest wall, which was
3 the lower side of the rib cage. No bullet was recovered
4 because there was an exit gunshot wound, so the bullet
5 was not left in the body, and the third gunshot wound
6 Mr. Bryant had on his torso was to the left side of the
7 left buttock, which passed through the pelvis and lodged
8 in the outside of the right thigh, where the bullet was
9 recovered.

10 Q. And, Dr. Sheil, you just testified that he
11 received a gunshot wound to his back that exited his body
12 through the front.

13 A. Correct.

14 Q. Explain to the jury how you know that it went into
15 the back and exited the front and not the opposite way
16 around.

17 A. Well, in talking about the characteristics of
18 gunshot wounds, when you talk about an entrance gunshot
19 wound, those wounds in general tend to be very regular.
20 They tend to be round. If they have what we call
21 abrasion borders, which is a red discoloration or scrape
22 around the wound, that tends to also be regular. Exit
23 gunshot wounds tend to be larger than entrance gunshot
24 wounds. They're more irregular. They don't have
25 abrasion collars, and sometimes they have skin splitting.

1 So from the qualities of each of these wounds and
2 from tracking the pathway through the body, we could tell
3 the bullet entered the back and exited the chest.

4 Q. Dr. Sheil, is there a way for you to determine
5 what wound was the actual wound that caused Mr. Bryant to
6 pass away?

7 A. The bullets that caused the most lethal injury in
8 Mr. Bryant was the bullet that hit the heart, so that was
9 the bullet that struck the right side of the jaw and
10 passed into the chest cavity and lacerated the back of
11 the heart.

12 Q. But a combination of these bullets can also cause
13 a death and not just the one?

14 A. Correct. Usually in a case where there are
15 multiple gunshot wounds, if there are more than one wound
16 that causes what we could consider very serious injury,
17 we will say that the cause of death is due to the gunshot
18 wound that causes the most lethal injury and then
19 distribute the injuries from those other gunshot wounds.

20 Q. Dr. Sheil, you also testified a little bit earlier
21 part of your duties you perform toxicology exams as well
22 on the victim.

23 A. Correct.

24 Q. Could you tell the jury a little bit about what
25 was found in the victim's system.

1 A. Mr. Bryant had some methamphetamine -- and this is
2 from a blood analysis -- methamphetamine, which is a
3 street drug. He had some MDMA, which has a very long
4 name, which is also considered a street drug. We know it
5 as Ecstasy.

6 He had cocaethylene, which is a product formed
7 with the metabolism of alcohol and cocaine. He had
8 cocaine in his blood; he had Benzoechnine, which is a
9 cocaine byproduct from the degradation of cocaine, or the
10 breakdown of it; and he also had THC, or marijuana, and
11 he had a low level of ethenol, which is alcohol.

12 Q. Dr. Sheil, when you receive a victim at MUSC and
13 you perform an autopsy, do you know anything about their
14 background in the case before you perform?

15 A. That varies according to the coroner. Most often,
16 we get a sketch of the case. We know that our victim had
17 multiple gunshot wounds. Occasionally, we get the name
18 of the person who called 911. We get the time of the
19 occurrence, or the estimated time of the occurrence or
20 the estimated time death, but we generally are not privy
21 to too many other details at that point before the police
22 investigation is finished.

23 Q. And, Dr. Sheil, in your professional opinion, did
24 Mr. Bryant pass away from his gunshot wounded that he
25 suffered?

1 A. He did.

2 Q. And what was the manner of his death?

3 A. It was a homicide.

4 MR. PETER MCCOY: Please answer any questions
5 Mr. McCoy may have.

6 THE COURT: Mr. McCoy?

7 MR. TERRELL MCCOY: I don't have any
8 questions, Your Honor.

9 THE COURT: You may step down. Thank you.

10 MR. PETER MCCOY: Thank you, Dr. Sheil.

11 MR. WETMORE: Could we have five minutes to
12 look at the evidence?

13 THE COURT: All right. Go on back to the
14 jury room before we finish, and we'll plan out the rest
15 of today and tomorrow. Don't begin deliberations or
16 discussions about the case.

17 (Jury recessed.)

18 THE COURT: Okay. Mr. Wetmore, what is the
19 deal?

20 MR. WETMORE: We had two things we wanted to
21 mention to you, the admissibility of the statement of
22 Brandon Cuttino. We believe you ruled correctly on that.

23 THE COURT: I'm going to look at that. I
24 haven't had a chance to show it to me, but I'll take that
25 under advisement and let you know, the motion to

1 reconsider that.

2 MR. WETMORE: The only other thing we had
3 were the two photographs that I believe were admitted en
4 masse with others that Mr. McCoy put in today, but for
5 some reason, they're not showing up on the court
6 reporter's list.

7 MS. PROCTOR: What are those numbers?

8 MR. PETER McCOY: Number 3 and 14, Your
9 Honor, and we have published these photos to the jury,
10 and I believe that they were into evidence.

11 THE COURT: Okay. Did you have an objection
12 to them coming in?

13 MR. TERRELL McCOY: Yes, sir.

14 THE COURT: You did?

15 MR. TERRELL McCOY: No, no, sir.

16 THE COURT: Okay. All right. Well, then,
17 they're admitted.

18 (State's Exhibit No. 3 was admitted into
19 evidence.)

20 Other than that, you're not going to have any
21 more witnesses?

22 MR. WETMORE: No, sir.

23 THE COURT: So what we're going to do, so we
24 don't run into any more procedural snafus, I'll have you
25 just rest tomorrow morning in front of the jury. Okay?

1 Now, you need to be prepared in the morning
2 then to start calling your witnesses. I'll have them --
3 I'll rule first thing in the morning on your motion to
4 reconsider that statement coming in, let you know what
5 I'll do there. We'll bring the jury in. They will then
6 rest in front of the jury.

7 At that point I'll send the jury back out
8 because procedurally you want to make a motion for
9 directed verdict, but at that point you will need to be
10 ready after that to call your first witnesses, so you can
11 get with Ms. Proctor and make sure you get them all lined
12 up and in here, be ready to go with your witnesses first
13 thing in the morning. Okay?

14 Now, you don't have to tell me at this point
15 if you want to or you don't want to, but have you made a
16 decision yet on whether or not you want to testify?

17 MR. TERRELL McCOY: Not yet, Your Honor.

18 THE COURT: That's fine. How many witnesses
19 do you anticipate calling, outside -- regardless of
20 whether or not you testify?

21 MR. TERRELL McCOY: Ten, Your Honor.

22 THE COURT: Ten?

23 MR. TERRELL McCOY: Yes. No, 11.

24 THE COURT: Eleven? All right.

25 MS. PROCTOR: Your Honor, if I may, I

1 explained to him that as it was -- last, I think, Tuesday
2 that our office was relieved from this case, but I
3 explained to him, and I just told him some of the
4 subpoenas we had already served in anticipation of trial
5 because it was last week. Some of the witnesses we were
6 still looking for, but I told him, I said, the ones that
7 we could find, we would go ahead, and we would do our
8 best to find them.

9 I know that one of the first witnesses he
10 wants, we found out, is now in Greenville, so my
11 investigator FAXed a subpoena to Greenville to EMS and
12 said, You're under subpoena for this case. Please call
13 us.

14 This was on Monday, I think. We have not
15 heard from them, and I explained to him, he said, well, I
16 have to get him here. First of all, our office is not
17 obligated to do anything anymore. We were just helping
18 him, but we have issued a subpoena. My investigator now
19 is trying to make some phone calls. He will be coming
20 from Greenville, and we're doing our best to find some of
21 these witnesses.

22 Some we cannot, and I've explained to him
23 that we now -- you know, we'll do what we can, but our
24 office technically -- he's on his own.

25 THE COURT: I understand.

1 MS. PROCTOR: And so I wanted you to explain
2 to him we'll do what we can to get the witnesses. We
3 have done our best to contact Coroner Wooten. She is
4 still in Columbia. We told her we needed her in the
5 morning.

6 She said, I don't know if I can be there by
7 9:15, but I'll do my best. I told him he might need to
8 take his witnesses out of order. She'll do what she can
9 to be here tomorrow. She will be here tomorrow but it
10 might not be right at 9:15, but we're doing what we can
11 for some of these witnesses we are unable to locate.

12 THE COURT: Okay. Well, if you can locate
13 them, you can't get them here, she'll do her best to help
14 you out. Okay. Anything else before we bring the jury
15 in?

16 MR. TERRELL McCOY: No, Your Honor.

17 MR. WETMORE: Not from the state, Your Honor.

18 THE COURT: Okay. Bring the jury in.

19 (In open court, jury present.)

20 THE COURT: Okay. All right, folks. You can
21 be seated. That's where we're going to break for today.
22 I would like to ask you to come back and be ready to go
23 by 9:30 tomorrow morning. Same instructions I've left
24 you with the previous two days I'm going to leave you
25 with again today, and that is don't discuss or deliberate

1 in any way. Don't talk with anybody about the case,
2 including any family members or any strangers, or if
3 anybody approaches you about the case, you just contact
4 the Court immediately.

5 Again, don't read any newspaper articles or
6 watch anything on the TV about the case, and tomorrow
7 morning, same thing. Don't read any newspaper articles
8 that might be in the paper or -- I haven't seen any TV
9 cameras, so I don't expect there to be, but sometimes
10 they might mention something. So, again, thank you for
11 your patience today and, we will see you at 9:30 tomorrow
12 morning. All right?

13 (Jury recessed.)

14 (February 5, 2009.)

15 (In open court, jury not present.)

16 THE COURT: We have Mr. McCoy's motion to
17 allow State's Exhibit 29 in. That was Mr. Cuttino's
18 statement to North Charleston police, and I've reviewed
19 the transcript of the testimony, read through the
20 statement again, and I believe I made the right decision
21 the first time.

22 He admitted that he made -- he gave a
23 statement, which was taken down by the police officer,
24 the context of 613 is the actual statements that are
25 contained within the quote, unquote, statement. So he

1 denied, at several points, making various statements that
2 were in here, and he was given the opportunity to -- the
3 state laid the proper foundation as to identifying the
4 statement.

5 He was given the opportunity to explain. He
6 denied that he made several statements that were in here,
7 and so under 613(b), extrinsic evidence to impeach his
8 testimony is allowable. So I'm denying your motion to
9 reconsider.

10 Now, at this point, does the state have any
11 further witnesses they intend to call?

12 MR. WETMORE: No, Your Honor, not in the case
13 in chief.

14 THE COURT: I would have the state rest in
15 front of the jury, but normally the defense would make
16 some motions at that time. Rather than to bring them in
17 just for that and send them back out, I'll go ahead and
18 have you just make your motions for the record, if you
19 have any at this time.

20 Do you have any motions you want to make,
21 Mr. McCoy?

22 MR. TERRELL MCCOY: I just want to say
23 something about the motion -- about the statement.

24 THE COURT: Okay.

25 MR. TERRELL MCCOY: According to 613(b), it

1 says additional language was added to statement to set
2 forth the rule that if the witness admits making a prior
3 statement, the witness has been impeached, and no further
4 extrinsic evidence of the statement, including the
5 statement itself, was admissible.

6 He was impeached by Mr. Wetmore, so that
7 statement is not admissible in evidence.

8 THE COURT: All right. Well, again, I've
9 reconsidered that, and I don't think that that sentence
10 that you're taking about, if he would have admitted that
11 he made a particular statement in there -- but I went
12 back and read the transcript. Mr. Wetmore asked him, Did
13 you make this statement, and he said, No, I didn't make
14 that statement, I don't remember which one it is in
15 particular, but there were two instances where he denied
16 making particular statements. That triggers the
17 introduction of the extrinsic evidence, and so,
18 therefore, they get to put that in.

19 He did admit that he gave a statement, but he
20 denies making particular statements within the statement
21 that he gave. And it's a little confusing because we
22 call it a statement, but we're also talking about
23 particular sentences within the statement, and that is
24 what I believe triggers the introduction of the extrinsic
25 evidence.

1 MR. TERRELL McCOY: Well, during the previous
2 proceeding those statements were not allowed into
3 evidence, and he tried to get those statements into
4 evidence, and Judge Deadre Jefferson, she denied that
5 those statements come into evidence because my attorney
6 objected to them.

7 MR. WETMORE: Judge, that's --

8 THE COURT: It doesn't matter to me what got
9 done in the first trial, regardless. Whether another
10 judge let it in or not, this is a different day, so --
11 that's the decision I made.

12 MR. TERRELL McCOY: He admitted to making
13 those statements.

14 THE COURT: Again, I went back and read the
15 transcript. He denied making particular statements
16 within the statement.

17 MR. TERRELL McCOY: Yes, sir.

18 THE COURT: All right.

19 MS. PROCTOR: I did ask him if he wanted to
20 make a directed motion, and he denied.

21 THE COURT: Are you prepared to call your
22 first witness when the jury comes back?

23 MR. TERRELL McCOY: Yes.

24 THE COURT: All right.

25 MR. WETMORE: May I just address one thing

1 with you? Before he begins his case, obviously, I have
2 the right to object during certain witnesses, but a
3 couple things I wanted to just ask you, I guess, by way
4 of a motion in limine.

5 The defendant cannot call another witness to
6 put in his own statements. That is obviously
7 self-serving hearsay, not the kind of situation as we
8 have in 801(d)2, admission by a party opponent, and it
9 doesn't fall under any exception to the hearsay rule.

10 So I would ask he not be allowed to call any
11 other witness to introduce his own statements. I don't
12 know --

13 THE COURT: Give me an example.

14 MR. TERRELL McCOY: I don't have nobody --

15 MR. WETMORE: Well, he talked to several
16 people and led them to believe that he was somewhere else
17 when this happened, and he certainly cannot call those
18 people and say, What did I tell you? Or, Where do you
19 think I was, based on what I told you? .

20 Obviously, he cannot call someone for the
21 purpose of introducing self-serving hearsay. Rather than
22 jumping up and objecting during the process, I thought I
23 would address that with you.

24 THE COURT: You're talking about evidence of
25 alibi, for instance?

1 MR. WETMORE: Yes, sir.

2 MR. TERRELL McCOY: Your Honor, he's
3 assuming, but they can get on the stand and he can
4 impeach them and try to figure out if I told them
5 anything and they'll let you know that this is what
6 happened, this is the truth, and they're now coming here
7 to -- what did he say about my statement? Not to coach
8 my statements or nothing, I stated what they're coming in
9 is to tell the truth, and if you already looked at the
10 evidence already, you see a lot of evidence been
11 contaminated. I just want my witnesses to come in here
12 and tell the truth about what they -- you know what I'm
13 saying, what they observed.

14 THE COURT: I understand that, and --

15 MR. TERRELL McCOY: That is my right.

16 THE COURT: You have the right to call
17 people, and we require them to give truthful testimony.
18 That is not what he's objecting to. What he is stating,
19 and I will tell you, you can't put somebody on the stand
20 to say, This is what somebody else said.

21 MR. TERRELL McCOY: That's hearsay.

22 THE COURT: Now, there are some exceptions to
23 hearsay. For instance, you could put somebody on the
24 stand -- they could put somebody on the stand to say what
25 you said, all right? Because there is an exception to

1 the hearsay rule that says that can be used against a
2 party opponent. You can't put somebody on the stand to
3 say what you said, unless it's against you, not to
4 support you.

5 So in this instance, for instance, if he's
6 saying -- he used this example about alibi. If you had
7 somebody that you want to put up and they can say, Oh, I
8 know Terrell, and he wasn't there that night that murder
9 happened, because I saw him at some other place, you
10 could put somebody on the stand for that, because that is
11 what they saw and that is what they observed, so they can
12 testify what they observed.

13 You can't put somebody on the stand to say,
14 Oh, I know Terrell, and he told me he was at some other
15 place that night. Okay? That's hearsay.

16 MR. TERRELL MCCOY: So what he's talking
17 about is the person that I was staying with, my
18 girlfriend at the time, and the only thing she is going
19 to testify to is that she observed me pack up my clothes
20 and left to go to Atlanta, Georgia, the day before this
21 crime had happened.

22 THE COURT: If you can get somebody on the
23 stand to say this is what they saw --

24 MR. TERRELL MCCOY: That's what they saw.
25 They're coming in here to tell the truth.

1 THE COURT: Okay. But you just can't elicit
2 out of them, out of the witness, what it is that you were
3 saying.

4 MR. TERRELL McCOY: Yes, sir.

5 THE COURT: For instance, you can't have them
6 say, Terrell told me he was at some other place at the
7 time the crime occurred.

8 MR. TERRELL McCOY: Right.

9 THE COURT: He could say, I saw Terrell at
10 some other place. Okay? That is a fine distinction, and
11 we may have to revisit it, but that is kind of what he's
12 asking me to make sure you try not to do.

13 MR. TERRELL McCOY: And my other witness, he
14 gave a statement to the police department. He
15 voluntarily went to the police department. It was never
16 me telling him that he went there on his own. That is my
17 brother who they're trying to say that I tried to attack.
18 He's coming here to let them know that never happened.

19 THE COURT: All right. Well, if you call
20 your brother -- are you calling your brother as a
21 witness?

22 MR. TERRELL McCOY: I'm calling my brother as
23 my alibi witness.

24 THE COURT: Well, if you call your brother
25 up, he can testify. If he gave some other statement,

1 then he can be impeached.

2 MR. TERRELL MccOY: He's only going to
3 testify about what he wrote in the statements.

4 THE COURT: He can testify, first of all, as
5 to what he saw and said and did. You only bring in other
6 statements if he says something different to impeach him.

7 MR. TERRELL MccOY: That's what I'm saying.
8 Yes, sir. Thank you.

9 THE COURT: All right. Let's bring the jury
10 in then.

11 (In open court, jury present.)

12 THE COURT: Be seated. Okay.

13 Welcome back, folks. I want to apologize for
14 the delay in getting started this morning. It had
15 nothing to do with this case. I had agreed last week I
16 would hear a plea this morning on another case, which I
17 was under the impression it would take about 15 minutes
18 and it took about 45 minutes, so I apologize for y'all
19 sitting back there.

20 We're ready to get started back on this case
21 now. Before I do that, I need to ask, did anybody read
22 the newspaper article about this case in today's paper or
23 any other day? Let the record reflect no one indicated
24 that they did.

25 Does the state have any further witnesses

1 they want to call?

2 MR. WETMORE: No. The state rests.

3 THE COURT: Mr. McCoy, are you ready to call
4 any witnesses?

5 MR. TERRELL MccOY: Yes, Your Honor.

6 THE COURT: Call your first witness.

7 MR. TERRELL MccOY: I would like to call
8 Officer Jason Roy.

9 JASON ROY,

10 having been first duly sworn,
11 was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. TERRELL MccOY:

14 Q. How are you doing today, Mr. Roy?

15 A. Good.

16 Q. And where do you work?

17 A. North Charleston police department.

18 Q. How long have you been working with the North
19 Charleston police department?

20 A. Approximately eight years.

21 Q. And can you please tell the jury a little -- tell
22 the jury about your training, experience that you
23 received when you was working at the North Charleston
24 police department.

25 A. During my eight years as a police officer, I've

1 been assigned to the patrol division on midnights. I've
2 been part of the speed team of North Charleston, and this
3 is my second time currently in narcotics.

4 During training, I've had numerous trainings,
5 graduated from the police academy, been through Taser
6 certification, baton, currently FTO with the department,
7 numerous classes on line and classes at the academy.

8 Q. On March 25 of 2006, you received a dispatch to
9 report to a homicide scene off of Delta Street in the
10 Russelldale community, correct?

11 A. I was dispatched in reference to a unknown
12 situation where shots were fired.

13 Q. Shots were fired? And who were -- were you riding
14 by yourself or were you with Mr. Armstead?

15 A. I was riding with myself, but Officer Armstead and
16 Officer Wilson both had their patrol vehicles also, and
17 all three of us arrived on the scene at the same time.

18 Q. What time did you arrive on the scene?

19 A. At approximately 5:48 a.m.

20 Q. But the dispatch call wasn't until 5:49, so how
21 could you get there before the dispatch call?

22 THE COURT: Officer, would you pull that
23 microphone down in front of you, please. Thank you.

24 THE WITNESS: It shows on our report that the
25 dispatch call was at 5:48 a.m.

1 BY MR. TERRELL McCOY:

2 Q. I have reports too that says 5:49. You received a
3 dispatch at -- well, the dispatch call was at 5:49. How
4 did you respond to there at 5:48? What I'm saying is, a
5 woman called the North Charleston 911 at 5:49, but the en
6 route sheet, it says you responded at 5:48.

7 A. According to our incident report, which we fill
8 out, ours is showing that the incident time was at 5:46
9 when dispatch received the call and officers arrived at
10 approximately 5:48, and we remained on the scene until --
11 we leave approximately 7:20 a.m., possibility that clocks
12 were a minute or two off.

13 MR. TERRELL McCOY: May I approach?

14 THE WITNESS: It's showing right here
15 approximately 5:48. The minutes go up.

16 BY MR. TERRELL McCOY:

17 Q. I don't see nothing on 5:48. It's blank. 5:49 is
18 when someone is calling and telling the dispatcher
19 something happened, correct?

20 A. No. Right here, at approximately 5:48.

21 MR. PETER McCOY: Your Honor, I ask that the
22 witness be allowed finish.

23 THE COURT: Let him finish his statement when
24 you ask him a question.

25 THE WITNESS: This is our dispatch catalog,

1 and that is gone. Each entry goes on top of the previous
2 one, so as you go, it's shown right here on approximately
3 March 25, 2006, at 5:48 and four seconds, dispatcher J.
4 Fowler --

5 Q. That's 5:49?

6 A. It's 5:48 and four seconds, and it shows
7 Russelldale female is at scene, at a neighbor's, advising
8 shots fired or possibly someone is code two, which is
9 shot, at her residence, and approximately March 25, 2006,
10 at 5:49 a.m. Dispatcher Whisenet advised 58 copy, which
11 is our sergeant.

12 And then at March 25, 2006, approximately 5:49 and
13 14 seconds, dispatcher J. Fowler again advised female
14 called, advising she heard someone banging on the door
15 and the door flew open, and a BM, which stands for black
16 male, was, once again, code two, which means shot. She
17 does not know who he is.

18 Q. That is at 5:49?

19 A. Yes.

20 Q. You received the call about somebody -- about the
21 door being kicked open at 5:49, correct? That's what you
22 just read?

23 A. The second transmission, right. The first
24 transmission was the shooting.

25 Q. Officer Armstead stated in an earlier proceeding

1 that you and him -- he stated when he arrived on the
2 scene, when he walked in the scene, you noticed the
3 victim laying on the floor, and I asked him, was there
4 anything up under him, and he stated he didn't move the
5 body.

6 Then he stated the curtains was not under him, so
7 what I'm trying to -- what I want to ask you, being that
8 you arrived on the scene with him, did you notice a
9 curtain under the victim, Antwan Bryant?

10 A. Do you have a picture that could refresh my
11 memory? This is three years ago. Yes, it appears there
12 is a curtain underneath the victim.

13 Q. Was that there when you first arrived at the
14 scene?

15 A. Yes.

16 Q. So you arrived at the scene -- you arrived right
17 when the -- at the same time Officer Armstead arrived on
18 the scene, correct?

19 A. Correct.

20 Q. So how did he not see the curtain and you see the
21 curtain?

22 A. Possibly he did not remember the curtain. This
23 was three years ago.

24 Q. That was the first thing I asked him. I said, Did
25 you see a curtain up under the victim?

1 He said, I did not touch the body. Why did he
2 say -- why, when I first asked him that, he said he did
3 not touch the body? Why would he even say -- why would
4 that even come out of his mouth, saying I did not touch
5 the body?

6 THE COURT: That requires a speculative
7 answer on his part so you just need to ask him what he
8 would know.

9 BY MR. TERRELL McCOY:

10 Q. So are you stating that you saw this curtain under
11 the victim's body when you arrived?

12 A. Yes. I was the highest ranking officer on the
13 scene until relieved by my corporal, and, besides,
14 Officer Armstead, Wilson, and I were the only ones there.

15 Q. So y'all walked in the door at the same time?

16 A. Yes.

17 Q. And he did not see the curtain, but you're stating
18 to me today that you saw the curtain, but he stated he
19 didn't see the curtain. How is that, when y'all walked
20 in the door at the same time?

21 A. Because once we made entry, we cleared the
22 residence to make sure there is nobody else inside the
23 residence, and then we crime scene taped the area, and I
24 can tell you no one touched the body.

25 Q. But I'm asking you, I'm saying, if he saw the

1 body, he did not see a curtain under that victim when he
2 came in that house and y'all walked in that door exactly
3 the same time, how is it that he didn't see the curtain,
4 but you see the curtain?

5 MR. PETER McCOY: Again, Your Honor, that's
6 speculative.

7 THE WITNESS: I didn't remember the curtains
8 until you showed me the pictures.

9 MR. TERRELL McCOY: I have no further
10 questions.

11 THE COURT: Cross?

12 CROSS-EXAMINATION

13 BY MR. PETER McCOY:

14 Q. Officer Roy, you said you've been with North
15 Charleston for eight years?

16 A. Correct.

17 Q. And you responded to this scene at 5061 with
18 Officer Armstead; is that correct?

19 A. Yes, sir.

20 Q. And, obviously, you were dispatched to the scene;
21 is that correct?

22 A. Yes.

23 Q. Is that how you knew to go to the scene?

24 A. Yes, sir.

25 Q. And, obviously, you can't be dispatched somewhere

1 and arrive before the dispatch time. That wouldn't make
2 sense, would it?

3 A. No, it wouldn't.

4 Q. And, Officer Roy, there has been a little bit of
5 testimony about seeing a curtain or not seeing a curtain
6 underneath the body. You testified today that you do
7 remember seeing the curtain under the body?

8 A. Yes.

9 Q. Officer Roy, did you move or touch the body at
10 all?

11 A. No, I did not.

12 Q. Did you add or take anything away from the scene
13 or the body at all?

14 A. No, I did not.

15 Q. Did you touch or move any piece of evidence in
16 that room?

17 A. No, I did not.

18 MR. PETER McCOY: I have no further
19 questions.

20 THE COURT: Any redirect?

21 MR. TERRELL McCOY: No, Your Honor.

22 THE COURT: All right. You can step down.
23 Thank you. Do you need this witness any further?

24 MR. TERRELL McCOY: No. He can be excused.

25 THE COURT: Any objection from the state to

1 him being released?

2 MR. WETMORE: No, Your Honor.

3 THE COURT: You're free to go. You may call
4 your next witness.

5 MR. TERRELL McCOY: At this time I call Rae
6 Wooten with the coroner's office.

7 RAE WOOTEN,
8 having been first duly sworn,
9 was examined and testified as follows:

10 DIRECT EXAMINATION

11 BY MR. TERRELL McCOY:

12 Q. How are you doing today, Ms. Wooten?

13 A. I'm fine.

14 Q. Could you please tell the jury where you're
15 currently employed.

16 A. I'm the Charleston County coroner.

17 Q. And on March 25, 2006, you were the chief coroner
18 at North Charleston police department, correct?

19 A. At the time that you stated I was chief deputy
20 coroner for Charleston County.

21 Q. And you were called out to the crime scene early
22 Saturday morning, March 25, 2006, correct?

23 A. That's correct.

24 Q. Why did you respond?

25 A. I responded because there had been a fatal

1 shooting.

2 Q. And what did you observe when you responded to
3 5061 Delta Street?

4 A. When I responded at 5061 Delta Street, I observed
5 a black male lying dead on the living room floor, shot
6 multiple times.

7 Q. And was you informed when you arrived of what took
8 place?

9 A. At the time I arrived, the investigation was very
10 early, and there was not very much information available,
11 except that there had been a shooting incident. It was
12 being investigated, and the body at that time still
13 remained at the residence.

14 Q. And when you walked into the living room, what did
15 you do to help in this investigation?

16 A. The coroner is responsible for conducting the
17 coroner's office's own investigation, so I proceeded with
18 my investigation, which involved taking photographs,
19 examining the body, et cetera, and then eventually having
20 the body removed for autopsy.

21 Q. Could you please tell the jury what the coroner's
22 job is.

23 A. The coroner's job, by law, is to investigate
24 deaths that are violent, unexpected, unexplained,
25 suspicious, and to determine, primarily, the cause and

1 manner of death.

2 Q. And how long have you been a coroner?

3 A. I've been the coroner for a little over two years.

4 Q. And did you photograph the whole crime scene?

5 A. I photographed the crime scene from the
6 perspective it was valuable to my investigation.

7 Q. Did you see the front door of this residence?

8 A. I don't recall.

9 Q. In your report, you stated in the bedroom
10 residence, there was blood on the curtains by an open
11 window leading to the back yard. Could you explain that?

12 A. There isn't a lot to specify, other than I did
13 make that observation, and I did photograph those
14 curtains with blood on them.

15 Q. Do you have the pictures with you?

16 A. I do.

17 Q. Okay. Let me show you what is marked as
18 Defendant's Exhibit 44 for ID. Do you recognize that
19 picture?

20 A. I would have to take a look through my pictures.

21 Q. Go ahead. Take your time.

22 A. I do recognize it.

23 MR. TERRELL McCOY: Your Honor, at this time
24 I move Defendant's Exhibit 44 into evidence.

25 MR. PETER McCOY: I just have to see them,

1 Your Honor.

2 THE COURT: No objection?

3 MR. PETER McCOY: No objection.

4 THE COURT: They're admitted.

5 (Photograph marked for identification and
6 admitted into evidence as Defendant's Exhibit No. 44.)

7 BY MR. TERRELL McCOY:

8 Q. Can you tell me what this is a picture of.

9 A. It's a picture of a window, some of the wood work,
10 and a window with blood on it.

11 Q. Which room is this in, do you remember?

12 A. The bedroom, as I recall.

13 Q. Now, in your reports, you stated that in the
14 bedroom of the residence, there was blood noted on the
15 curtain in front of an open window leading to the back
16 yard, correct?

17 A. That's what it reads, yes.

18 Q. Now, there is no curtain on that window, correct?

19 A. Where the picture is taken, that part does not
20 show curtains; however, there are curtains there.

21 Q. So did you take a picture of the curtain?

22 A. I do have pictures of curtains with blood on them.

23 Q. That is from the other room, correct?

24 A. I'm sorry?

25 Q. That is from the other room, correct? There is

1 two bedrooms.

2 A. I can only reference what is in my report. It's
3 almost three years ago. In the bedroom of the residence,
4 there was blood noted on the curtains in front of an open
5 window.

6 Q. Let me show you what has been marked as
7 Defendant's Exhibit 45 for identification. Is that the
8 picture you took?

9 A. That is one of pictures I took.

10 Q. And is you talking about this curtain?

11 A. Those are the curtains I referenced in my report.

12 MR. TERRELL McCOY: Your Honor, I move
13 Defendant's Exhibit 45 into evidence.

14 MR. PETER McCOY: No objection, Your Honor.

15 THE COURT: Admitted.

16 (Photograph marked for identification and
17 admitted into evidence as Defendant's Exhibit No. 45.)

18 BY MR. TERRELL McCOY:

19 Q. You say that is the curtain you observed?

20 A. That's correct.

21 Q. Now, I have a picture that was taken (sic) by a
22 crime scene investigator, Ms. Bunker, and -- may I
23 approach the witness?

24 Let me show you what has been marked as
25 Defendant's Exhibit 5 for identification.

1 A. I cannot speak to her pictures.

2 Q. This is the same curtain, that curtain that -- she
3 said she found this curtain in the other bedroom of a
4 closed window. Now, that is not the same curtain that
5 was in front of that window, correct?

6 A. I can't testify to that.

7 Q. But in your testimony, you said -- in your reports
8 you stated that you observed blood on the curtain in
9 front of an open window. Now, there is no curtain in
10 front of this open window, so can you tell me what
11 happened to that curtain? Do you know what happened to
12 the curtain?

13 A. I can only testify to what is in my report.

14 Q. And in your report, you testified you saw blood
15 noted on a curtain in front of an open window.

16 A. That's what it says.

17 Q. But there is no curtain in front of that window.

18 A. Sir, I can't address your question.

19 Q. Now, that is blood on this window, correct?

20 A. Are you asking me if that is blood -- certainly,
21 yes.

22 Q. Now, when you saw this -- when you was in this
23 room and you saw this blood on this window, did you
24 notify crime scene investigators that blood was on the
25 window?

1 A. I don't recall.

2 Q. But you don't recall? But you just told us you
3 are a deputy coroner and you investigate deaths, correct?

4 A. Correct.

5 Q. And you investigated to find out the cause of
6 death, correct?

7 A. That's correct.

8 Q. So when you saw this blood on this window, did you
9 ask the coroner -- did you tell the crime scene
10 investigators that blood was noted on the window?

11 A. I don't recall whether I did or not.

12 Q. And to me that look like a bloody fingerprint,
13 correct, that somebody opened the window, jumping out,
14 correct?

15 A. That is not my role at the crime scene.

16 Q. So why did you take the picture?

17 A. I take any pictures at any scene that I feel may
18 have relevance.

19 Q. Relevance to what?

20 A. To understanding my work as we go forward in the
21 investigation about how the death occurred.

22 Q. Were you the only one in this room?

23 A. No.

24 Q. Who were in the room with you?

25 A. I would expect that there were --

1 Q. Crime scene --

2 A. -- crime scene --

3 Q. -- Ms. Bunker --

4 A. Again, it's been almost three years.

5 Q. But the crime scene investigator, Ms. Bunker --

6 A. Typically, you would expect crime scene
7 investigators, perhaps detectives.

8 Q. So they had to see this blood on this window,
9 correct?

10 A. I can't speak for them.

11 Q. If you took the picture -- you're only the
12 coroner. You're only supposed to come in there and
13 investigate cause of death and package the body up and
14 ship him to the morgue, correct?

15 A. I think that is an oversimplification, however --

16 Q. That is what --

17 A. However, my job remains to be what I have
18 testified to, and I can't speak to what they did or did
19 not observe.

20 Q. In your reports, you stated crack was noted under
21 the victim's head, correct?

22 A. What I testified, what I wrote in my report, is
23 what appeared to be crack cocaine.

24 Q. Appeared to be crack cocaine was noted under the
25 victim's head. Your writing details about everything you

1 saw, correct?

2 A. I'm sorry?

3 Q. You was pretty detailed about everything you saw
4 in that room that morning when you arrived, correct?

5 A. No. This certainly -- this report you're reading
6 from is a summary of the events.

7 Q. But as the summary of the event, correct, and then
8 when you wrote this report, you said, I observed the body
9 of a black male lying on his right side on the living
10 room floor with blood spatters widely distributed in the
11 room. He was dressed in red and white athletic shoes,
12 white socks, black and red nylon pants and a jacket, and
13 white T shirt underneath. He wore a gold colored
14 bracelet on his left wrist and had a gold colored earring
15 in his left ear. There was a large amount of clotting
16 blood under his head, and it was obvious he had a gunshot
17 wound to the right groin, left buttock, the chest, the
18 right lower back, and the right jaw area.

19 He also had a large wound to the back of the right
20 hand. When the body was removed, a piece of plastic was
21 noted under the head, which was found to contain what
22 appeared to be crack cocaine. There was a jacket noted
23 on a nearby sofa, which reportedly belonged to the
24 decedent, that is what you got, decedent, and I was told,
25 prior to my arrival, there had been a scale sitting on

1 top of it. In the bedroom of the residence, there was
2 blood noted on a curtain in front of an open window.
3 There is no curtain in front of that window, so that
4 curtain was removed, in addition to some blood smears on
5 the doorway.

6 Now, when you described everything you saw in that
7 living room, you practically described everything that
8 was in that living room. You never said nothing about
9 seeing a curtain under the victim, Antwan's, body. Why
10 is that?

11 A. I probably did not feel it was relevant, and I
12 tend to report the things that I find relevant.

13 Q. Now, all I want to know is that is your testimony
14 that you observed blood on the curtain in front of an
15 open window leading into the back yard?

16 A. That's what the report says.

17 Q. And that is the open window, correct?

18 A. That is a window that I photographed.

19 Q. It's open, correct?

20 A. I can't really tell there.

21 Q. You can't tell? Can't see it?

22 A. I'm sitting very close to it. It's very
23 difficult --

24 Q. You want me --

25 MR. TERRELL MCCOY: Your Honor, may I

1 approach the witness?

2 THE COURT: Uh-huh.

3 THE WITNESS: I can see in the picture here,
4 and I cannot tell you for certain that it is open, but
5 based on my report, I --

6 MR. TERRELL McCOY: Your Honor, may I show it
7 to the jury?

8 THE COURT: Sure.

9 BY MR. TERRELL McCOY:

10 Q. So if somebody had blood on their hand and they
11 raised the window, they left behind a fingerprint,
12 correct?

13 A. That is your testimony.

14 Q. Now, I have some more -- while I'm checking
15 through this, can you please tell the jury how many
16 wounds or where the wounds were that Antwan had?

17 A. I would have to refer to the autopsy report. He
18 had multiple gunshot wounds, and it will take some time
19 to sort through the entire autopsy report, if you bear
20 with me, and we'll do that.

21 Q. Yes, ma'am. Take your time.

22 A. There is an entrance wound to the right angle of
23 the jaw; there is a secondary path due to a fragment
24 through the skin and subcutaneous tissue of the lateral
25 right jaw, the body of the mandible, and the soft tissue

1 of the jaw and cheek.

2 There is an unusual injury resulting from an
3 alternate pathway of jacket fragment perforating the
4 right upper pulmonary lobe; there is an irregular
5 entrance gunshot wound to the right groin; there is an
6 exit wound to the posterior right peroneum, to the left
7 buttocks, and the bullet reenters the body, at the left
8 ischio-rectal fossa; an open entrance gunshot wound to
9 the right lower back; exits the interior right paramedian
10 chest wall.

11 Q. So one of them is an exit wound, so the shot from
12 the back is an exit wound out the chest, correct?

13 A. Based on the autopsy report, the bullet exited at
14 gunshot wound B of the inferior right paramedian chest
15 wall, and that is 18 and a half inches from top of the
16 head, 1.3 inches to the right of the midline, and 3.25
17 inches below the right nipple. There is an entrance
18 gunshot wound to the lateral left buttocks.

19 Q. Is that an exit wound?

20 A. Entrance wound.

21 Q. Does it have an exit wound?

22 A. I haven't read that part yet. There is no exit
23 mentioned here. As we go further, we may find it was
24 recovered elsewhere.

25 Q. Let me show you what has been marked as

1 Defendant's Exhibit 41 and 46 for ID. Did you take those
2 pictures?

3 A. Yes.

4 MR. TERRELL McCOY: Your Honor, at this time
5 I move Defendant's Exhibit 46 and 41 into evidence.

6 MR. PETER McCOY: No objection, Your Honor.

7 THE COURT: Admitted.

8 (Photograph marked for identification and
9 admitted into evidence as Defendant's Exhibit No. 46.)
10 BY MR. TERRELL McCOY:

11 Q. Now, this is a picture of the victim lying on the
12 floor, correct, and blood?

13 A. That's correct.

14 Q. And this is the picture after he was removed,
15 correct?

16 A. I don't recall when it was taken.

17 Q. But his body is not there no more, correct?

18 A. The body is not visualized in that photograph.

19 Q. Now, can you please tell me -- can you please tell
20 me what this right here is.

21 A. It's a shoe.

22 Q. That is blood, correct? That is a blood puddle,
23 correct?

24 A. That's correct.

25 Q. Now, you say he had a shot to the back, the

1 buttock, the left groin, chest, and the right jaw,
2 correct?

3 A. Correct.

4 Q. Now --

5 A. And some others.

6 Q. Now, but can you please take a look at -- see how
7 I'm matching this up right here? Now, do you see under
8 his right arm, there is no blood -- there is no blood
9 trail leading to this blood that was right in this area.

10 Now, you see he had a wound to the back -- his
11 back, his buttock, his groin, and his chest, and he's
12 lying on his back, but there is no sign of blood trailing
13 from his chest to get to that blood. If you look, there
14 is no sign -- he's lying in his back in this area. There
15 is no sign from his back leading to that area.

16 Now, you tell me, in order for this thick blood to
17 get right here, that means the victim had to have been
18 laying there first, correct?

19 A. I can't speculate as to that.

20 Q. Can you tell me how that thick blood got right
21 there.

22 A. No, I cannot.

23 Q. But that is thick blood, right?

24 A. It appears to be.

25 Q. Now, is there any blood on his shoe?

1 A. From this photograph, it would be impossible to
2 say that.

3 Q. So the shoe had to -- there is no type of blood on
4 his shoe, correct?

5 A. I can't testify to that.

6 Q. Do you have the picture?

7 A. I have a picture, but the picture would not
8 show --

9 Q. Can you examine that picture for me, please,
10 ma'am? The picture does not show --

11 A. The only way I could testify to that would be to
12 have the evidence here before me.

13 Q. I have a picture of all Mr. Bryant's wounds, and
14 you say -- let me show you what has been marked as
15 Defendant's Exhibit 48. Do you recognize those
16 photographs? While you're taking a look at that, let me
17 show the jury --

18 A. These are my photographs.

19 MR. TERRELL McCOY: Your Honor, at this time
20 I move Defendant's Exhibit 48 into evidence.

21 MR. PETER McCOY: No objection, Your Honor.

22 THE COURT: Admitted.

23 (Photograph marked for identification and
24 admitted into evidence as Defendant's Exhibit No. 48.)

25 BY MR. TERRELL McCOY:

1 Q. Do you see this curtain here?

2 A. I see a piece of fabric.

3 Q. That curtain has blood on it, correct?

4 A. I don't know. The fabric appears to have blood on
5 it.

6 Q. You see these shoes right here? They're lined up
7 right in the same area, correct?

8 A. I can't address that from these pictures.

9 Q. Let me show you Defendant's Exhibit 48. Now, you
10 stated he had a wound, an exit wound, to the right
11 nipple, correct, and that is the right nipple?

12 A. I think it was actually stated to be just below.
13 I'll have to look back, 3.25 inches below the right
14 nipple.

15 Q. And that is that area right here, correct, in that
16 picture? That is the stomach. You can tell by the area
17 around the navel, I think that is a tattoo, appears to be
18 a tattoo in that picture, the chest, the nipple, and the
19 chest area.

20 A. Which one are you asking about?

21 Q. Right here, first one and the last one.

22 A. That likely is the same one referenced.

23 Q. That is the only one, in the front chest and
24 stomach area, correct? Because there is no other wound
25 coming from the area.

1 THE COURT: Could you speak up a little bit,
2 Mr. McCoy?

3 MR. TERRELL MccOY: I said that is the only
4 wound in the front chest area.

5 THE WITNESS: From that picture, I find that
6 I can't speak that it absolutely is the accurate one. I
7 could perhaps review the autopsy report somewhat further
8 and answer that.

9 BY MR. TERRELL MccOY:

10 Q. Now, I'm showing you this picture one more time.
11 That is the wound that should be up in this area right
12 here, correct?

13 A. That is where you would anticipate it to be.

14 Q. And we know that his back is up in this area right
15 here, correct, up in this area right here where he was
16 laying on the floor?

17 A. I can't speak to that with authority.

18 Q. Where was the wound at in his back?

19 A. The right lower back.

20 Q. The right lower back. So that should be behind
21 this area right here, correct, the stomach, correct?

22 A. You're indicating the --

23 Q. This is my right lower back, correct?

24 A. I consider that just your central lower back.

25 Q. But that is my lower back, up in that area?

1 A. Lower back.

2 Q. Let's just say his back was up here. Now, there
3 is no blood from his back leading to this blood puddle.
4 I could see if it was a smear, but this is a puddle of
5 blood, correct?

6 A. It appears in this photograph to be.

7 Q. So for that to be a puddle of blood, his face --
8 his face had to have been laying there first, correct?

9 A. I cannot testify to that.

10 Q. You can't testify to that. Let me show you what
11 we'll mark as Defendant's -- I think this is already in
12 evidence, Exhibit 47. Can you ID that?

13 A. Yes, that's one of the photos.

14 MR. TERRELL McCOY: Your Honor, I move
15 Defendant's Exhibit 47 into evidence.

16 MR. PETER McCOY: No objection, Your Honor.

17 THE COURT: Admitted.

18 (Photograph marked for identification and
19 admitted into evidence as Defendant's Exhibit No. 47.)

20 BY MR. TERRELL McCOY: .

21 Q. Now, you see the blood up in this area here,
22 correct?

23 A. Correct.

24 Q. Now, there is no trail of blood on this side,
25 correct, from this picture right here, correct?

1 A. I do not see one there.

2 Q. Can you tell me how all the blood -- you took this
3 picture. Now, there is blood all over this right here,
4 and he wasn't -- he's all the way over here, so how did
5 all the blood get on the side? Blood had to either be
6 planted there somehow -- can you tell me?

7 A. I can't testify to how the blood got there.

8 Q. Thank you. Now, you stated you observed blood on
9 the curtain, in front of the open window, correct?

10 A. That's correct.

11 Q. And you stated that the CSI, Ms. Bunker, was aware
12 of this?

13 A. No. I just --

14 Q. You stated that she was in the room.

15 MR. PETER McCOY: Objection, Your Honor.

16 MR. TERRELL McCOY: We could have the court
17 reporter --

18 MR. PETER McCOY: Again, he's testifying and
19 putting his own spin on things. Ms. Wooten said there
20 was a crime scene investigator probably in the room.
21 He's saying Investigator Bunker was in the room, and that
22 was never said, Your Honor.

23 THE COURT: Rephrase your question.

24 BY MR. TERRELL McCOY:

25 Q. Was there a crime scene investigator in the room

1 when you observed this?

2 A. There probably was, but I cannot testify to that
3 for sure.

4 Q. So you don't know -- and you are a deputy, so that
5 means you're like, an officer, coroner, correct?

6 A. Is that a question?

7 Q. Yes.

8 A. Would you state your question again.

9 Q. The terminology of deputy, what does deputy mean?

10 A. You're an assistant to the coroner, in this case.

11 Q. So when you said you was investigating this cause
12 of death and you took this picture, didn't you say, well,
13 CSI, y'all, we have blood on this window, bloody
14 fingerprints? Did that --

15 A. The law requires me --

16 Q. You just took your picture and walked off?

17 A. The law requires me to do an independent
18 investigation. The crime scene personnel, forensic
19 personnel, will do their own investigation. Is it
20 probable that someone from crime scene or forensic
21 services was there? Probably. Can I testify to exactly
22 who that was, whether they were in the room at any
23 certain time? No, I can't.

24 Q. So it's your testimony today that you found blood
25 in front of a curtain -- excuse me, rephrase that -- you

1 found blood on the curtain in front of an open window,
2 correct?

3 A. That's correct.

4 Q. And that picture that I just showed you was just
5 the window itself, correct?

6 A. It would make sense that it would be.

7 MR. TERRELL McCOY: Thank you. Your Honor, I
8 have no further questions.

9 THE COURT: Okay. Cross?

10 MR. PETER McCOY: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. PETER McCOY:

13 Q. Good morning, Ms. Wooten.

14 A. Good morning.

15 Q. My name is Peter McCoy, and I work in the
16 solicitor's office. We've never spoken about this case,
17 have we?

18 A. No.

19 Q. Ms. Wooten, can you tell the jury, is there a
20 difference -- are you separate entities from North
21 Charleston police department, or are you own entity with
22 the coroner's office?

23 A. I am separate from them. I am my own entity.

24 Q. Yes, ma'am. And you did testify you just happened
25 to respond to a homicide at 5061 Delta Street.

1 A. That's correct.

2 Q. Now, Ms. Wooten, are you dispatched when the
3 police are dispatched?

4 A. Typically. At approximately the same time I would
5 be dispatched.

6 Q. Is it fair to say that you arrived shortly
7 thereafter maybe the responding officers or the crime
8 scene officers arrived?

9 A. As quickly as possible we respond.

10 Q. Ms. Wooten, when you arrived at the scene, were
11 there other officers present?

12 A. As I recall, there were.

13 Q. Do you recall if the scene was secure at this
14 time?

15 A. As I recall it was.

16 Q. Ms. Wooten, in walking up to the house, did you
17 note or did you observe any blood outside of the house?

18 A. I do not recall any, nor does my report reflect
19 that I observed such.

20 Q. Okay. And, Ms. Wooten, you've already testified
21 that your job is to come in, and you prepare, help
22 prepare, the body to be transported and to leave, and you
23 conduct your own investigation. Can you tell the jury a
24 little bit about how a body is prepared to leave a scene
25 and how that process works.

1 A. After I have obtained the photographs that I want,
2 examined these things I want, I typically do a
3 preliminary examination of the body, which would just be
4 what I can visually observe without making a lot of
5 disturbance of clothing, et cetera. After I am certain
6 that whichever law enforcement agency is the
7 investigating agency is in agreement that they collected
8 information that they need prior to having the body
9 removed, once after I've discussed that with them and
10 we've all obtained the information we need prior to the
11 body's being removed, several things may happen,
12 depending on the circumstances.

13 I believe in this case that the victim was
14 fingerprinted at the scene, so I may go on and
15 fingerprint an individual. We may do some other tests
16 there. I will subsequently have the -- I will put an
17 identifying bracelet on the body. I will arrange for my
18 transport to respond and transport the body to the
19 medical university for autopsy. I will contact the
20 forensic pathologist who will do the autopsy and provide
21 them with the initial information and schedule an
22 autopsy.

23 Q. Ms. Wooten, when the body is actually moved, are
24 you present for that?

25 A. Yes.

1 Q. Who assists you with that?

2 A. Whoever is necessary, and by that, I mean I use a
3 transport service, one of two, and their personnel will
4 respond. In this case I know that Carolina Funeral
5 Services was the responding transport agency. They have
6 various employees. I don't recall exactly which employee
7 or employees responded that day, but I typically assist
8 in that and direct that movement of that body with
9 instructions to them.

10 Q. So the body is moved, but you're present for that.
11 You're there for that?

12 A. Correct.

13 Q. And you watched the entire process, and, Ms.
14 Wooten, you don't come in and alter any sort of evidence,
15 do you?

16 A. That's correct.

17 Q. And you don't touch any sort of evidence?

18 A. That's correct.

19 Q. You don't move anything around or you don't remove
20 anything else but the body from the scene?

21 A. Typically. There are occasions where I may remove
22 medications and other kinds of things, so there are
23 instances, but in a murder investigation, typically I do
24 not take any evidence.

25 MR. PETER MCCOY: Court's indulgence, Your

1 Honor.

2 Thank you, Ms. Wooten.

3 THE COURT: Any redirect?

4 MR. TERRELL McCOY: No, Your Honor.

5 THE COURT: You may step down. Thank you.

6 Okay, folks. I think we'll take about a 10,
7 15 minute break at this point, and don't begin
8 deliberations or discussions about the case. If anybody
9 needs to take a smoke break, the bailiffs can escort you
10 downstairs. We'll see you back in about 10 or 15
11 minutes.

12 (Recess taken.)

13 (In open court, jury not present.)

14 THE COURT: Okay. What was your question
15 that you wanted to ask?

16 MR. TERRELL McCOY: Yes, Your Honor. I have
17 a witness, Sierra Williams, who I was trying to get here
18 in the court, and we subpoenaed her and she has refused
19 to respond and refused to come to court.

20 THE COURT: Has she gotten the subpoena?

21 MS. PROCTOR: No, sir. We have been unable
22 to locate Ms. Williams.

23 MR. TERRELL McCOY: I've talked to her over
24 the phone and she has refused to testify, and I want to
25 know about -- being Detective Hill took her statement, I

1 want to use 806 an impeaching her on -- I mean, her
2 statements, to get the witness to hear what she did --
3 how she was involved in this crime.

4 THE COURT: Was she at the prior --

5 MS. PROCTOR: We have not been able to locate
6 her. She's moved.

7 Your Honor, she lived next door to the scene,
8 and she was -- Ms. Carinda Williams said that she ran
9 next door and somebody gave her some clothes. That is
10 who Ms. Williams was talking about yesterday when she
11 testified. She went next door. When we got the case,
12 this girl had moved from there, and we have never been
13 able to locate her.

14 THE COURT: What rule is he referring to that
15 he would be able to get that in under?

16 MS. PROCTOR: I assume unavailable witness.

17 THE COURT: Unavailable witness, I believe
18 you would have to have them -- their testimony would have
19 had to have been in court.

20 Let's see. If she was unavailable, that is,
21 she refuses to testify despite an order of the Court, we
22 don't have an order of the Court, but assuming she had
23 that first part of 804, I don't know how it would come in
24 under 804(b). If she hadn't testified before, then you
25 could use it. Statement of impending death, I don't see

1 that, statement against interest or personal family
2 history. How would you be able to use this, under what
3 exception?

4 MR. TERRELL McCOY: I'm trying to show you.
5 I have a -- something on that, if I could find it right
6 now. I know it's under extrinsic evidence.

7 THE COURT: I'll tell you what: I'm not
8 aware of one that you can put on, but at the lunch break
9 you can do maybe a little research and see what you can
10 come up with, but let's go ahead and call the next
11 witness now.

12 MR. TERRELL McCOY: We can use 8045 -- Rule
13 804 --

14 THE COURT: Okay. If she fits that exception
15 because you haven't been able to get her to come, despite
16 trying to serve her with a subpoena, all that does is
17 makes her, by definition, unavailable. She doesn't have
18 to fit within one of the 804(b) subsections as the type
19 of testimony that can come in, assuming she meets the
20 definition of an unavailable witness in 804(a).

21 MR. TERRELL McCOY: I would say (b)3,
22 statement against interest.

23 THE COURT: A statement which at the time of
24 its making is so far contrary to the declarant's
25 pecuniary or proprietary interest or so far tending to

1 subject the declarant to civil or criminal liability or
2 to render invalid a claim by the declarant against
3 another that a reasonable person in the declarant's
4 position would not have made the statement, unless
5 believing it to be true. A statement tending to expose
6 the declarant to criminal liability and offered to
7 exculpate the accused is not admissible unless
8 corroborating circumstances clearly indicate the
9 trustworthiness of the state.

10 So the statement that you would want to have
11 introduced that she made would have to be against her
12 interest to have made it. What is the statement that she
13 makes?

14 MR. TERRELL McCOY: She states that Carinda
15 did admit it under oath that she ran over to the
16 witness's house and gave the witness her clothes, so what
17 I was trying to do was get -- I was trying to get her in
18 to testify that Carinda gave her her clothes and that she
19 gave her a red and white jersey striped shirt, some blue
20 jeans, and some flip flops.

21 Now, we only have the red and white shirt, so
22 what I want to use -- I want the jury -- I know it's the
23 law saying that the only way you can get your evidence in
24 in front of a witness -- if a witness is not present, you
25 can do extrinsic evidence to get -- to have -- some kind

1 of way I can put it.

2 You can use extrinsic evidence if the witness
3 has not been cross-examined, or I think -- it's either
4 cross-examine, but you can use extrinsic evidence if the
5 witness has not been cross-examined for the jury, in
6 order for the jury to hear that evidence.

7 THE COURT: I'm not aware of the rule --

8 MR. TERRELL MCCOY: I had it with me.

9 THE COURT: I'll give you a chance to look at
10 it over lunch, because I want to move on so we can keep
11 calling witnesses, but the statement that you have stated
12 to me that the witness would have made doesn't appear to
13 have been against the witness's interest to have made.

14 It doesn't expose her to any kind of
15 liability. It doesn't put her in trouble. All it does
16 is say that somebody else brought her some clothing, and
17 it's not against her interest to have said that.

18 So that is -- the exception to the rule is
19 that a person wouldn't have -- the reason behind it is a
20 normal person would not have said that sort of thing
21 because it causes them to be in a worse position, or it
22 causes them to be exposed to criminal liability. For
23 some reason, it wouldn't have been in their interest to
24 have said it, and it would have put them in a worse
25 position, so that is the reason why we have that

1 exception.

2 What you've told me that she would say if she
3 were brought here is not against her interest to have
4 said it. It might favor you, but it doesn't cause her
5 any problems, but you talk with Ms. Proctor about that at
6 lunchtime, and see if you can come up with some other
7 reason.

8 MR. TERRELL McCOY: I'm trying to find it.

9 THE COURT: All right. You got your next
10 witness ready, though?

11 MR. TERRELL McCOY: Yes.

12 (Recess taken.)

13 (In open court, jury present.)

14 THE COURT: Call your next witness.

15 MR. TERRELL McCOY: At this time I call EMT
16 Clary Mole with the Charleston EMS.

17 CLARY MOLE,

18 having been first duly sworn,
19 was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. TERRELL McCOY:

22 Q. Where are you currently employed?

23 A. Currently employed with Greenville County EMS.

24 Q. How long have you been working with Greenville
25 County EMS?

1 A. Two years.

2 Q. What are your duties and responsibilities with the
3 Greenville County EMS?

4 A. Respond to calls for emergent medical treatment,
5 provide that treatment, transport, provide care en route.

6 Q. Have you received any type of training that
7 accepts you in your field of work?

8 A. Yes, I have.

9 Q. Could you please tell the jury.

10 A. I am nationally registered and state certified. I
11 have education that is not necessarily from a technical
12 school; however, we are educated. I was state supported
13 in education. My education prior to that is a bachelor
14 of science in biology.

15 Q. Now, on March 25 of 2006, you were working for
16 Charleston County EMS; is that correct?

17 A. Yes, I was.

18 Q. Do you recall responding out to a homicide scene
19 that happened on 5050 Delta Street on March 25, 2006?

20 A. The nature of the call was a stab or gunshot,
21 unknown status. That is what it was dispatched as.

22 Q. And can you please tell me what time you received
23 this dispatch.

24 A. The call was received at 0550.

25 Q. And you arrived on the scene around 5:58? What

1 time did you arrive?

2 A. We arrived on scene at 0556, according to the
3 sheet.

4 Q. Now, you treated the victim, correct?

5 A. No. The patient was not alive when I arrived.

6 Q. He was not alive when you arrived?

7 A. No.

8 Q. So how long did you stay at this residence?

9 A. We were put back in service at 0616, is what time
10 we were placed back in service.

11 Q. So you got there around 5:56, so you stayed out
12 there for about 20 minutes?

13 A. Approximately.

14 Q. And you did vital signs on him, right?

15 A. I put a cardiac monitor on him. I'm required to
16 do so, and it was asystolic, flat line.

17 Q. In your report, you pronounce the victim dead at
18 6:03.

19 A. Right.

20 Q. But you said you arrived at 5:56, correct?

21 A. Correct.

22 Q. And you said he was already dead when you arrived?

23 A. Well, we had to confirm death.

24 Q. You had --

25 A. You don't just walk in and say you're dead. You

1 have to actually confirm it.

2 Q. Can you please tell the jury how you do this.

3 A. You put the patient on the monitor, with
4 electrodes, asystolic, with two leads, and present other
5 injuries compatible with life, they're pronounced dead.

6 Q. Now, in your report you kind of like described
7 your walk-through of the residence, correct?

8 A. Yes, I did.

9 Q. And what did you observe when you walked in the
10 residence?

11 A. When I walked in the residence, according to my
12 report, I found the patient supine on the floor, flat on
13 his back. His back was flat on the floor. I described
14 his lower extremities. I did note four casings on the
15 floor, ammunition casings on the floor, and at the
16 threshold of the door.

17 Q. All four of the shell casings was in the threshold
18 of the door?

19 A. At or near the victim.

20 Q. Sir?

21 A. Standby. It's on the floor proximal, meaning near
22 the threshold of the door.

23 Q. Correct.

24 A. And this threshold was approximately four to five
25 feet away from the patients. I noted spatters on the

1 wall, across from the entrance -- correction, on the wall
2 across from the entrance, also noted that there was a
3 chair underneath the blood spatters and also noted there
4 was a moped to the left of the spatters, my left, not
5 patient's left.

6 Q. Did you notice anything else when you arrived?

7 A. I also noticed there was a black coat with a scale
8 on it by the doorway.

9 Q. You mentioned something about some beer bottles.

10 A. I also noted two beer bottles.

11 Q. Where were those beer bottles located at?

12 A. The patient was in the center of the room with the
13 two empty beer bottles in the room, one either side of
14 his body.

15 Q. So that was your review of the crime scene when
16 you arrived, correct?

17 A. That's what I assessed.

18 Q. Did you notice anything that stands out when you
19 walked in there, anything that stands out to you? That
20 was the only thing that stands out to you?

21 A. The blood spatters, the scale, the moped, they are
22 all potential mechanisms of injury. We are supposed to,
23 as paramedics, supposed to describe digital mechanisms of
24 injury and causes of death.

25 Q. So when you responded, you actually went up to the

1 victim, correct?

2 A. Yes.

3 Q. And you checked the vitals?

4 A. I did not have to check vital signs.

5 Q. When you walked up to the victim, you put him on
6 the monitor, correct?

7 A. Yes.

8 Q. Did you see anything like drugs or anything around
9 him?

10 A. I didn't notice anything around him. I didn't
11 note it in my report. I don't recall seeing anything --

12 Q. Was he just laying on the carpet?

13 A. I don't recall. I do not note in my report;
14 however, best of my recollection, he was on the floor.

15 Q. Was anything under him?

16 A. I don't recall. Again, it's been said three
17 times.

18 Q. Let me show you what I have -- what is already in
19 evidence marked as Defendant's Exhibit 19. So when you
20 gave this report, you pretty much described everything
21 that you saw, correct?

22 A. Correct.

23 Q. You said there was a bottle, a beer bottle, on
24 both sides of the -- two beer bottles; you noticed a
25 scale; you noted the moped; you noticed the splatters on

1 the wall, and you noticed the chair, so you pretty much
2 described everything you saw, correct?

3 A. That's what is in my report.

4 Q. Let me show you, was he lying on that when you
5 arrived?

6 A. I remember that being the position of the body;
7 however, I don't remember seeing it underneath him. I
8 was concerned with the patient, whether -- what his life
9 status was.

10 Q. So you didn't see that curtain under him?

11 A. I don't remember.

12 MR. TERRELL MCCOY: Your Honor, I don't have
13 any further questions.

14 THE COURT: Cross?

15 CROSS-EXAMINATION

16 BY MR. WETMORE:

17 Q. Thank you, Judge.

18 Mr. Mole, you work to Greenville EMS now, correct?

19 A. Yes, sir.

20 Q. And you had to travel down to Charleston from a
21 subpoena from the defendant, correct?

22 A. Correct.

23 Q. If you would tell us what EMS's role, or an EMT's
24 role is, when you come to a scene like this.

25 A. To assess the patient and determine if there is

1 anything that can be done for the patient, if their life
2 status is greater than that of death, providing, I guess,
3 transport to an accepted facility and do other lifesaving
4 interventions that we can't provide on the scene or en
5 route.

6 Q. So do you work to investigate the case at all?

7 A. No, I do not.

8 Q. Do you work to collect evidence at all?

9 A. No, I do not.

10 Q. Your primary focus is to assess the patient's
11 status and do what you can to help?

12 A. Correct. We are trained, however, to note what is
13 on scene with crime scenes, if there is DOAs, dead on
14 arrivals, to look for potential mechanisms of injury,
15 causes of death.

16 Q. Now, in your report, you note that blood spatter
17 was observed on the wall opposite the door and to the
18 right of the supine body.

19 A. Correct.

20 Q. Supine, meaning laying down?

21 A. Flat.

22 Q. You noted that blood spattered on the wall.

23 A. Correct.

24 Q. And in the room.

25 A. In the room where the patient was.

1 Q. Did you notice any blood outside that you noted in
2 your report?

3 A. Outside of the home?

4 Q. Outside of the home.

5 A. No, I did not.

6 Q. Did you note in your report any blood you saw on
7 the doorway coming into the home?

8 A. I did not note that in my report.

9 Q. So all the blood that you noted was inside the den
10 area.

11 A. Inside the den, associated with the patient's
12 person and the wall.

13 Q. Now, you mentioned that part of your job, beyond
14 giving whatever medical care you can, is to identify and
15 note any mechanisms of injury.

16 A. That's right.

17 Q. Now, did you do that in your report? You noted
18 the mechanisms of injury that you saw.

19 A. I didn't.

20 Q. Now, are there other items in the den besides
21 possible mechanisms of injury?

22 A. Absolutely.

23 Q. I mean, this is obviously -- many things in the
24 den, correct?

25 A. Yes, too numerous to count.

1 Q. What you're focussed on are the items that could
2 be mechanisms of an injury.

3 A. Correct.

4 Q. So this curtain, or this piece of fabric
5 underneath the victim's body, you don't have any memory,
6 any note of that, because it's not a mechanism of injury,
7 correct?

8 A. Right.

9 Q. He asked you about any kind of drugs in the room.
10 You didn't go looking for drugs in the room, did you?

11 A. No, I did not.

12 Q. You clearly noted what you saw to be the
13 mechanisms of injury.

14 A. Or potential causes of death.

15 Q. Or potential causes of death. Now, I know you
16 obviously had to have touched the body in some fashion
17 to -- with put a heart monitor on it?

18 A. Correct.

19 Q. Did you move the body?

20 A. No, I did not.

21 Q. Did you tamper with the crime scene in any way?

22 A. I placed electrodes on the patient's four limbs to
23 assist him. I did lift his shirt to confirm that the
24 GSWs were in placement where they were.

25 Q. Gunshot wounds?

1 A. Yes, so I could confirm where they were in my
2 report, what I saw. I did minimal movement. The only
3 item of clothing I did remove was the shirt.

4 Q. The only contact you had with the crime scene was
5 the most minimal that you could, just to perform your
6 job?

7 A. Correct.

8 MR. WETMORE: Okay. No further questions.

9 THE COURT: Redirect?

10 MR. TERRELL McCOY: Yes, Your Honor.

11 REDIRECT EXAMINATION

12 BY MR. TERRELL McCOY:

13 Q. When you arrived on the scene, you wasn't coming
14 out here to investigate no crime scene. You wasn't
15 coming out looking for no blood spatters outside,
16 correct?

17 A. Correct.

18 Q. Your main job was to come in -- your main job was
19 to come in and find out what happened -- you responded
20 because you heard -- you was dispatched because of a stab
21 and a gunshot wound, correct?

22 A. A stab or a gunshot wound.

23 Q. And your job was to come to this crime scene and
24 see if this guy is still living or if he's hurt, if he's
25 grazed or he's been -- if he's still alive or if he's

1 dead, correct?

2 A. Correct.

3 Q. So when you did that, you walked up to the body
4 with this monitor, correct?

5 A. Yes.

6 Q. So when you walked up to his body, you would have
7 to notice -- with our eyes, our vision, you would have to
8 see if something was lying under this guy, correct, this
9 victim, correct?

10 A. Right.

11 Q. And there wasn't nothing under him --

12 A. I don't recall. Sometimes you can observe those
13 things.

14 Q. You noticed a beer bottle at the top of his head,
15 and you notice a beer bottle at the bottom of his foot so
16 you would have to notice if a body -- the curtain lying
17 under his body, correct?

18 A. I also noted a moped in the room, so there is
19 potential mechanism injury.

20 Q. So you could see that because you actually went up
21 to him and put him on that type of monitor?

22 A. Correct.

23 Q. But you don't remember seeing that curtain under
24 his body?

25 A. I don't remember seeing it.

1 Q. Does EMS transport?

2 A. We transport viable patients.

3 Q. Viable?

4 A. Meaning live.

5 Q. Not dead?

6 A. Not quite dead yet.

7 Q. So y'all wait on the coroner and then leave?

8 A. The coroner in this county takes care of patients
9 who have passed.

10 MR. TERRELL McCOY: Your Honor, I have no
11 further questions.

12 THE COURT: Anything else?

13 MR. WETMORE: Nothing.

14 THE COURT: You can step down. Thank you.
15 Call your next witness.

16 MR. TERRELL McCOY: At this time I call Agent
17 John G.D. Roberts.

18 JOHN GRAY DODDS ROBERTS,
19 having been first duly sworn,
20 was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. TERRELL McCOY:

23 Q. Where are you currently employed?

24 A. I work for the South Carolina Law Enforcement
25 Division, also known as SLED.

1 Q. Are you also a forensic scientist?

2 A. Yes, I am.

3 Q. How long have you been with SLED?

4 A. It will be four years on the 17th of this month.

5 Q. And where is this office located?

6 A. We're located in Columbia.

7 Q. And what do you do in the SLED department?

8 A. I work in the trace evidence department.

9 Q. Can you tell the jury a little bit about your
10 educational background.

11 A. I have a bachelor's of science degree in chemistry
12 from Texas A&M Corpus Christi. After I got that, I went
13 to work for SLED in the trace evidence department, and
14 I've been through our in-house training program in
15 gunshot residue analysis, bullet hole analysis, fire
16 debris or arson analysis, and most of the way through our
17 fiber training program as well.

18 Q. Can you tell the jury, what are round lead
19 particles?

20 A. Round lead particles is a particle of round lead.

21 Q. Where can round lead particles be found?

22 A. They are found anywhere lead is subjected to a
23 high heat and a high pressure action.

24 Q. Could you please tell me, how many gunshot residue
25 tests have you performed?

1 A. It's in the thousands. I can't give you an exact
2 amount, but it's well over 3,000.

3 MR. TERRELL McCOY: Your Honor, at this time,
4 I would like to move Mr. Roberts to be an expert in
5 forensic science who performed gunshot residue.

6 MR. WETMORE: I don't have any objection.

7 THE COURT: Okay, folks. Yesterday we talked
8 about expert witnesses, and, you know, the type of
9 testimony that they are allowed to give.

10 This witness has now been qualified as an
11 expert in forensics with gunshot residue, and the same
12 instructions that I gave you yesterday about you deciding
13 how much credibility to give this witness's testimony
14 applies to this witness as well, and you decide how much
15 weight it deserves, how much weight his testimony
16 deserves, based on all of the evidence that you'll hear
17 throughout the trial.

18 You can continue.

19 BY MR. TERRELL McCOY:

20 Q. Did you have an opportunity to perform a gunshot
21 residue kit on Antwan Bryant on a murder that occurred on
22 March 25, 2006?

23 A. I performed an analysis on a gunshot residue kit
24 from Antwan Lamarr Bryant.

25 Q. How did you come in contact with this case?

1 A. It was submitted to our lab, brought up into the
2 trace evidence department, and was prepared and run.

3 Q. And what were you doing on that day?

4 A. I can't recall what I was doing on that day.

5 Q. And when you performed the test on the victim,
6 what did you find?

7 A. Gunshot residue kits come with two different types
8 of sampling media. We test the palms of both hands, and
9 we test the backs of both hands, so in one gunshot
10 residue kit, I'll have eight samples, basically, plus a
11 controlled sample that allows us to account for any
12 environmental contamination or any environmental problems
13 that may come up, so what we have are particle lifts,
14 which are double sided, carbon sticky tape on an aluminum
15 stub for the right palm, right back of the hand, left
16 palm, left back of the hand. We also have swabs that
17 correspond to the same areas.

18 The particle lifts are taken first. You dab the
19 hands with the sticky tabs, and then swabs are done
20 second, and they're used in a mopping fashion. You run
21 the swabs over the hands like this (indicating). What I
22 found was on the right palm and the right back, the
23 quantities of metals detected did not indicate the
24 presence of gunshot residue. On the left palm, I found
25 round lead particles.

1 The results are different, and the wording is
2 different, because in the case of the left palm, I had to
3 use the particle lift, and on the particle lift, I look
4 for gunshot residue particles themselves rather than just
5 the presence of any metals that are consistent with
6 gunshot residue. So on the left palm I found round lead
7 particles. On the left back, I found gunshot residue.

8 Q. Can you tell me how round lead particles can stay
9 on a person's hand?

10 A. On a living person, our protocol is six hours.

11 Q. On the living?

12 A. Yes.

13 Q. How about on the dead?

14 A. The material will stay on the hands until removed
15 physically.

16 Q. And you -- when you tested, you said you found
17 some lead -- I mean, gunshot residue on his back.

18 A. On the back of his left hand. I found round lead
19 particles on the palm of his left hand and gunshot
20 residue on the back of his left hand.

21 Q. Now, you know a lot about shell casing analysis,
22 correct?

23 A. I know a little bit.

24 Q. You know they contain round lead particles,
25 correct?

1 A.. Unfired, they do not. Fired, they do.

2 Q. So if someone fires five shell casings, you're
3 going to have five projectiles and round lead particles
4 on them, correct?

5 A. You should, yes.

6 Q. Now, suppose someone shot five shell casings at
7 someone and four projectiles are recovered from the body.
8 Would there be three projectiles left, nine around that
9 area?

10 MR. WETMORE: Objection, Your Honor.

11 THE COURT: On what rounds?

12 MR. WETMORE: He's qualified as an expert in
13 trace. He can't speculate or testify about anything
14 else, what he observed.

15 THE COURT: Let's see if he can answer it.

16 THE WITNESS: If you fire five shots at
17 somebody?

18 BY MR. TERRELL McCOY:

19 Q. If you fire five shell casings at someone and four
20 projectiles are recovered from the body, will there be
21 three projectiles left laying around that body?

22 A. No, there should be five. You fire five rounds.
23 Five shell casings come out of the weapon --

24 Q. Four was recovered from a body.

25 A. Okay.

1 Q. And three is laying around; is that possible?

2 THE COURT: Are you asking about projectiles
3 or casings?

4 BY MR. TERRELL McCOY:

5 Q. Every shell casing has a projectile, correct?

6 A. Yeah.

7 Q. So if someone was to fire five shell casings --

8 A. You fire a cartridge. You have cartridge casings
9 left over from a fired round.

10 Q. Right.

11 A. Wholly separate from cartridge cases. When you
12 fire five bullets, you get five cartridge cases.

13 Q. All right. So if I fired five bullets, I would
14 have five cartridge cases, right?

15 A. Yes, you should.

16 Q. Suppose I fired five bullets at someone and four
17 cartridges are removed from the body, would there be
18 three cartridges laying around?

19 A. No.

20 Q. That means --

21 A. For every round you fire, there is a cartridge
22 case.

23 Q. So that means there would have been two more
24 bullets, or shell casings, correct?

25 A. There should be five.

1 Q. That's what I'm saying. You got five bullets.

2 A. How many bullets did you pull out of the body?

3 Q. Four.

4 A. So there should be one.

5 Q. There should be one, correct? So there wouldn't
6 have been three lying around, correct?

7 A. There should be five shell casings and there
8 should be five bullets. If you only pull three bullets
9 out of the body, there is two someplace.

10 Q. Pulled out of the body?

11 A. There is one somewhere.

12 Q. It wouldn't have been three.

13 A. No.

14 MR. TERRELL McCOY: Your Honor, I have no
15 further questions.

16 THE COURT: Okay. Any cross?

17 MR. WETMORE: Yes, Judge.

18 CROSS-EXAMINATION

19 BY MR. WETMORE:

20 Q. Agent Roberts, you indicated you tested a gunshot
21 residue kit in this case?

22 A. Yes.

23 Q. Did you prepare a report?

24 A. I did, yes, sir.

25 Q. Now, who is the victim in this report?

1 A. My listing says Antwan Bryant.

2 Q. And who was listed as the suspect?

3 A. Terrell McCoy.

4 Q. In your experience and your training, describe for
5 the jury how an object or a person might get either lead
6 particles or gunshot residue on to that object.

7 A. You get gunshot residue on your hands, basically,
8 in three ways: You shoot a weapon; you are around it
9 when it goes off; or you handle a weapon. You can get it
10 from transfer, but that is the same as handling.

11 If I pick up a gun, I'm going to have gunshot
12 residue on my hands. In fact, I've probably got it on my
13 hands now. My clothing probably has gunshot residue on
14 it. I wear a gun. If it rubs on the clothing, I'll have
15 gunshot residue on my clothing. If I go to the range and
16 shoot, if I shoot one round, if I shoot 20 rounds, I'll
17 have gunshot residue on my hands, or any area that is
18 exposed within a reasonable distance to that firearm when
19 it goes off.

20 Q. So the gun has to be fired.

21 A. Yes..

22 Q. You have to be in the immediate area.

23 A. Yes, sir.

24 Q. And if those two factors are there, you would
25 expect some lead particles, or some gunshot residue?

1 A. Yes, sir. If you're within a fairly close
2 distance of that weapon, I would expect to see gunshot
3 residue on the person who is shooting's hands, and
4 depending on where people -- if you have people around a
5 person who is shooting, depending on where their hands
6 are, I could see gunshot residue on their hands.

7 Q. So if someone fired a weapon, you would expect to
8 find something on their hands?

9 A. Yes, sir.

10 Q. If someone was standing very closely to the weapon
11 when it was fired, would you expect to find gunshot
12 residue on them?

13 A. Yes, sir.

14 Q. If a person was shot at very close range, is it
15 possible to have gunshot residue on them?

16 A. Yes..

17 Q. Now, in your report, you tested the gunshot
18 residue kit from the victim, Antwan Bryant. What were
19 the results for the right palm?

20 A. The results for the right palm are quantities of
21 metals detected did not indicate the presence of gunshot
22 residue.

23 Q. So nothing on the right palm?

24 A. That is correct.

25 Q. The back of the right hand, what are your results?

1 A. The quantities of metals detected did not indicate
2 the presence of gunshot residue.

3 Q. Moving over to the left hand, the left palm, what
4 were your findings?

5 A. Found round lead particles. My report reads round
6 lead particles were found. That is one of the components
7 of gunshot residue.

8 Q. And on the left back?

9 A. Gunshot residue was found.

10 Q. So on the victim's left hand, front and back,
11 there were certain particles and certain pieces of
12 evidence that you found that were consistent with being
13 close to a fired weapon?

14 A. Yes, sir.

15 Q. Don't know whether he shot a gun with his left
16 hand; don't know whether he was shot with his left hand
17 close to a gun. Obviously, you can't testify to what
18 happened, can you?

19 A. With what I have here, I can't give an opinion on
20 that.

21 Q. All you can say, and correct me if I'm wrong, is
22 that his left hand was in close proximity to a fired
23 weapon.

24 A. It was exposed to a weapon that was fired, or had
25 been fired, yes, sir.

1 Q. Now, I know that you're here today to testify as a
2 trace expert.

3 A. Yes, sir.

4 Q. But you also were asked questions by Mr. McCoy
5 about ammunition.

6 A. Yes, sir.

7 Q. And we've heard a lot about this. When a piece of
8 ammunition is fired, the casing is ejected, or stays with
9 the weapon, and the projectile heads down the barrel
10 toward the target?

11 A. Yes, sir, that's correct.

12 Q. Now, when the weapon is fired once, you would
13 expect there to be one casing, correct?

14 A. Yes, sir, that's correct.

15 Q. And as it travels down the barrel of the weapon,
16 there will be one projectile, correct?

17 A. On a rifle or a pistol, yes. Shotguns are
18 different, obviously, but out of a pistol, yes, sir.

19 Q. Once that projectile leaves the barrel of that
20 weapon and comes out into the world, if it hits something
21 or somebody, does it stay intact or does it fragment into
22 multiple projectile pieces?

23 A. Depending on what it hits, it can fragment. If it
24 hits something soft, it's going to stay in one piece. If
25 it hits something that is harder than it, it will

1 fragment.

2 Q. So it's possible, if it hits something hard, for
3 one projectile to come out of that barrel intact, hit
4 that hard object, and to splinter into multiple
5 projectile pieces?

6 A. Yes, sir. For example, if I went out and I shot
7 at something in a parking garage and I hit the floor of
8 the parking garage, that bullet can break up into however
9 many bullets physics dictates that it can break up into,
10 and it will go from being one to many.

11 Q. So one shot fired equals one cartridge case, no
12 question?

13 A. Yes, sir.

14 Q. When that projectile leaves, it hits something
15 hard, it can splinter into many projectile pieces?

16 A. Yes, sir, it can.

17 MR. WETMORE: No further questions.

18 THE COURT: Redirect?

19 REDIRECT EXAMINATION

20 BY MR. TERRELL McCOY:

21 Q. Now, you indicated that when a gun -- when a
22 pistol is fired, it leaves gunshot residue, correct, on
23 the palm of your hand and the back of your hand, correct?

24 A. Yes, sir, it can.

25 Q. If you was to touch an object with that after you

1 shot that pistol, you was to touch an object, would that
2 object contain gunshot powder residue?

3 A. Yes, sir. You can transfer it from your hands to
4 another object.

5 MR. TERRELL McCOY: I have no further
6 questions.

7 THE COURT: You can step down. Thank you.

8 We'll break for lunch right now. Let's have
9 you back in the jury room about 1:45, and we'll get
10 started back for the afternoon session. Again, you can
11 go to lunch with each other, if you want, but don't talk
12 about the case or discuss the case with anyone, and we'll
13 see you back at 1:45.

14 Enjoy your lunch. Thank you for your
15 patience this morning.

16 A F T E R N O O N S E S S I O N

17 THE COURT: All right. Let the record
18 reflect Mr. McCoy is in the courtroom. You have your
19 next witness ready?

20 MR. TERRELL McCOY: Yes.

21 THE COURT: Let me just get the jury in.

22 Okay. Bring the jury in.

23 (In open court, jury present.)

24 THE COURT: Be seated. All right, folks.

25 Welcome back. We're going to resume now with the defense

1 calling the next witness. Mr. McCoy, if you're ready.

2 MR. TERRELL McCOY: Yes, Your Honor. I call
3 Ms. Angela Bunker with the North Charleston police
4 department.

5 ANGELA BUNKER,
6 having been first duly sworn,
7 was examined and testified as follows:

8 DIRECT EXAMINATION

9 THE COURT: Ma'am, I'll remind you you're
10 still under oath. Be seated. Mr. McCoy, whenever you're
11 ready.

12 BY MR. TERRELL McCOY:

13 Q. Ms. Bunker, I spoke with the coroner, and she
14 stated that crime scene investigators were aware of this
15 open window with the curtains in it.

16 A. No, sir. I was not aware of it.

17 Q. She said crime scene investigators were aware.

18 A. I'm sorry. No, sir, I was not aware of this.

19 Q. Can you tell me how many crime scene investigators
20 were on the scene that day?

21 A. Sergeant Hallman and myself.

22 Q. Just you two?

23 A. Yes, sir.

24 Q. No others?

25 A. No, sir.

1 Q. So when she said crime scene investigators, she
2 was referring to you or Mr. Hallman?

3 A. I suppose so, sir.

4 Q. Let me show you what's been marked -- what is
5 already in evidence as Defendant's Exhibit 44. She
6 stated that was a window in one of the bedrooms. Were
7 you aware of this?

8 A. No, sir.

9 Q. And is that blood?

10 A. Sir, I do not know. I cannot test anything from a
11 picture.

12 Q. Can you tell me if that is blood?

13 A. I cannot test anything from a picture. I cannot
14 tell you that is blood in the picture.

15 Q. What color is it?

16 A. It appears to be red, sir.

17 Q. So you didn't go inside this room?

18 A. No, sir.

19 Q. So when she stated that crime scene investigators
20 went in this room, she was either referring to you or
21 Officer Hallman, correct?

22 A. You'll have to ask her what she was referring to,
23 sir. I can't tell you.

24 Q. She stated your name, and now you're testifying,
25 saying that she wasn't in there.

1 A. I do not recall her telling me anything about the
2 window, sir.

3 Q. But that is a blood --

4 A. I cannot test a picture, sir. I cannot tell you
5 for sure if that is blood or not.

6 Q. Do you know what blood looks like?

7 A. Yes, sir, but I cannot tell you for sure if that
8 is blood. I cannot test it.

9 Q. And how big is this house?

10 A. I do not know square footage, sir. I apologize.

11 MR. TERRELL McCOY: I have no further
12 questions.

13 THE COURT: All right. Any cross?

14 CROSS-EXAMINATION

15 BY MR. PETER McCOY:

16 Q. Thank you, Your Honor.

17 Officer Bunker, you testified earlier yesterday
18 for quite some time. You were the crime scene officer
19 who was on the scene at 5061?

20 A. Yes, sir.

21 Q. And you investigated the crime scene?

22 A. Yes.

23 Q. You did notice blood on curtains in a bedroom?

24 A. Yes, sir.

25 Q. You did not see blood on any windows?

1 A. Now, sir.

2 Q. Did you in any way alter or move any type of
3 evidence inside that house?

4 A. Not until after the photographs and the coroner
5 had arrived.

6 Q. Again, was your job to go to the scene, observe
7 the scene, mark evidence, and collect evidence?

8 A. Yes, sir.

9 Q. And have we already gone over all the evidence we
10 collected at this scene?

11 A. Yes, sir.

12 MR. PETER McCOY: No other questions, Your
13 Honor.

14 THE COURT: Redirect?

15 REDIRECT EXAMINATION

16 BY MR. TERRELL McCOY:

17 Q. We heard testimony from the EMS guy --

18 THE COURT: You got to limit it to what he
19 just brought up. You can't introduce new evidence on
20 redirect.

21 BY MR. TERRELL McCOY:

22 Q. Let me show you Exhibit -- let me show you
23 Defendant's Exhibit 46, or 41, for ID. It was already in
24 evidence. Do you see those shoes right there?

25 A. Yes, sir.

1 Q. Did you collect that evidence?

2 A. I don't know, sir. I don't have the chain of
3 custody with me.

4 MR. TERRELL McCOY: May I approach the
5 witness?

6 THE COURT: You may.

7 BY MR. TERRELL McCOY:

8 Q. These are your chain of custody sheets? There are
9 three of them.

10 A. According to these, no, sir. I have not.

11 Q. Why didn't you collect those shoes?

12 A. I can't tell you. I don't know.

13 Q. So you just left it there? So after this -- after
14 y'all left the scene, wouldn't y'all send somebody out to
15 clean up the blood on the carpet, or what type of stuff
16 do you --

17 A. Whoever the property belongs to, it's their
18 responsibility.

19 Q. It's their responsibility to clean up the blood
20 off the ground?

21 A. Yes, sir.

22 Q. So you just left those shoes right there? Was
23 there any blood on the shoes?

24 A. I don't recall the shoes, sir.

1 the coroner or after the coroner?

2 A. I don't remember.

3 Q. You don't recall what time you left the crime
4 scene?

5 A. No, sir. This was three years ago. I don't
6 remember.

7 Q. So it is your job to stay there until all the
8 evidence is collected, until the body is transported? In
9 your incident report, you stated that Rae Wooten from the
10 coroner's office arrived and assisted in preparing the
11 body for transport, correct?

12 A. Yes, sir.

13 Q. If she took that picture, you were aware of that,
14 correct?

15 A. Sir, I don't know what she takes pictures of.

16 Q. I'm asking you, if she took that picture, that
17 means she was down there when she took that picture;
18 correct? This was in the picture?

19 A. No, sir. That does not mean I was there when she
20 took it.

21 Q. That doesn't mean --

22 A. I don't have to stand with the coroner while she
23 does her job.

24 Q. But you said Rae Wooten from the coroner's office
25 arrived, and I assisted in preparing the victim's body

1 for transportation. So you assisted her in transporting
2 this body to the morgue, correct?

3 A. I assisted her in preparing the scene.

4 Q. So how did assist her in preparing the scene?

5 A. By doing my job.

6 Q. And what was your job?

7 A. By marking the evidence, by identifying the
8 evidence.

9 Q. When you say for transport, what does that mean?

10 A. It means to be able to help the coroner by either
11 putting the victim in the body bag or doing whatever she
12 needs help doing, holding the bag open.

13 Q. I'm going to ask you one more question. This is
14 the victim (indicating), correct?

15 A. Yes, sir.

16 Q. Do you know what that is right there?

17 A. Appears to be blood, sir.

18 Q. And can you tell me how that big blood stain got
19 right there, that puddle of blood got right there?

20 A. No, sir.

21 Q. So you don't know where that came from?

22 A. No, sir.

23 Q. Do you know how many wounds the guy had?

24 A. I don't recall, sir.

25 Q. Would you say he had several wounds, correct?

1 A. Yes, sir.

2 Q. And he had a wound in his back, his upper chest,
3 his right jaw, buttock, and groin. Can you please tell
4 me how that body -- well, can you please tell me how all
5 the puddle of blood got right here when he's not bleeding
6 from the back area right here, and you could tell he's
7 not bleeding and there is no trace of blood from the back
8 leading to that blood puddle, nor is there a trace of
9 blood leading from his chest to that area, and there is
10 no trace of blood from the mouth area that is going to
11 that area. Could you please tell me how that puddle of
12 blood got soaked up in that one area like that?

13 MR. PETER McCOY: I would object to
14 speculation. This witness has no idea what happened to
15 the body.

16 THE COURT: I don't know if she can or not,
17 but I'll let her answer the question.

18 THE WITNESS: No, sir, I cannot.

19 BY MR. TERRELL McCOY:

20 Q. Now, you arrived on the scene after Armstead,
21 correct?

22 A. Yes, sir.

23 Q. And when I questioned Armstead, he stated -- the
24 first thing I asked him, was that curtain under the
25 victim's body? He said, I didn't touch the body. He was

1 so scared. He said, I didn't touch the body, I didn't
2 touch the body. I didn't ask him if he touched the body.
3 I asked him if a curtain was up under the victim.

4 Now, in your reports, you stated that the scene
5 was contaminated. When you say something is
6 contaminated, that means it's been tampered with,
7 correct?

8 A. I don't recall saying the scene was contaminated.

9 Q. In your reports you said earlier scene, Exhibit --

10 MR. PETER McCOY: Your Honor, I'm going to
11 object. We didn't go over this direct or in
12 cross-examination.

13 THE COURT: This is beyond the scope of
14 cross.

15 BY MR. TERRELL McCOY:

16 Q. In your report, you state exhibit numbers starting
17 with number 14, due to 1 to 13 being contaminated by an
18 earlier scene.

19 A. Items 1 through 13 were utilized on an earlier
20 scene that had blood on it.

21 Q. When you say earlier, that means we had an earlier
22 proceeding?

23 A. Earlier that evening, sir, a child got shot.
24 Those 1 through 13 was used on that scene.

25 Q. You said earlier a child got shot. If it's 2:00,

1 or you said earlier a child got shot, you're talking
2 about -- when you're saying earlier items -- Exhibit
3 14 -- 1 through 13 being contaminated by an earlier
4 scene, you were talking about this scene right here. Let
5 me tell you how I know this scene was contaminated --

6 MR. PETER McCOY: I'm going to object. Now
7 he's testifying.

8 THE COURT: You need to ask a question.

9 BY MR. TERRELL McCOY:

10 Q. Then collected curtains, didn't collect the blood,
11 didn't test that shoe, didn't collect the other curtain
12 that was in the other bedroom, didn't collect the blood
13 smears that was in the doorway of the wall, the carpet of
14 the floor is rolled up. That is contaminated?

15 A. The scene is photographed as it was upon my
16 arrival.

17 Q. You're a crime scene investigator, correct?

18 A. Yes, sir.

19 Q. Now, the first thing you're trying to do is
20 collect evidence, because you know you're trying to be
21 promoted to your job. You're trying to collect as much
22 evidence and trying to link a suspect to this crime,
23 correct?

24 A. My job is to identify the evidence and collect the
25 evidence.

1 Q. Right. So if is blood noted on the curtain in one
2 room and blood noted on this window sill, you're telling
3 me you never went in this room, and you're a crime scene
4 investigator. You was the head supervisor. You were the
5 head supervisor when you were over that crime scene,
6 correct? You was in charge, correct?

7 A. I was lead investigator on the crime scene --

8 THE COURT: Let her finish answering the
9 question now.

10 BY MR. TERRELL MCCOY:

11 Q. You was the lead investigator, correct?

12 A. At the crime scene, yes.

13 Q. And you did a walk-through of this house?

14 A. I obviously did not, sir.

15 Q. And what is your position in North Charleston
16 police department right now? Do you still work for the
17 crime scene?

18 A. Yes. I'm still in forensics.

19 Q. You're still in forensics?

20 A. Yes, sir.

21 Q. And when you go out to another crime scene, what
22 do you do? You walk through the whole -- the whole -- if
23 it's a house or outside or wherever it's at, you walk
24 through the whole crime scene, correct?

25 A. Yes, sir.

1 Q. So why didn't you did it in this crime scene?

2 A. I do not have a reason, sir.

3 Q. I believe in my heart that you took pictures --

4 MR. PETER McCOY: Your Honor, this is --

5 THE COURT: What is your objection?

6 MR. PETER McCOY: Your Honor, he's starting
7 to testify again.

8 THE COURT: All right. Mr. McCoy, I'm giving
9 you some leeway on asking your questions because it is
10 cross-examination, but you can't just go on and make a
11 statement. Ask her a question, let her answer it, and
12 then go on with the next one.

13 When you are finished with the questions, you
14 have a seat. You'll get to make an argument to the jury
15 after the presentation of all the evidence, but you can't
16 make an argument now.

17 BY MR. TERRELL McCOY:

18 Q. Say if I'm standing right here, how far is both
19 bedrooms from this position right here?

20 A. I don't know, sir.

21 Q. Not too far, correct?

22 A. No, sir.

23 Q. Probably about five, six, steps?

24 A. It was not far, sir. I don't know.

25 Q. You got blood on this doorway, correct? You're a

1 crime scene investigator, right?

2 A. Yes, sir.

3 Q. You got blood on this doorway, and you got blood
4 on the bathroom -- I guess that is the bathroom door, on
5 that door, so somebody probably ran to that room and they
6 ran to that room, correct?

7 A. I don't know, sir. I wasn't there.

8 Q. I'm asking you, as a crime scene investigator,
9 seeing blood in that area is clues that somebody either
10 ran into that room or into another room, but as a crime
11 scene investigator, you were supposed to go in that room
12 and go in that room and check those rooms for evidence,
13 correct?

14 A. Yes, sir.

15 Q. So why didn't you?

16 A. Sir, I just didn't.

17 MR. TERRELL McCOY: Your Honor, I have no
18 questions.

19 THE COURT: Any recross?

20 MR. PETER McCOY: No, sir.

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

22 Thank you.

23 Are you finished with her now?

24 MR. TERRELL McCOY: Before she leaves, I got
25 a motion to take up outside the presence of the jury.

1 (In open court, jury not present.)

2 THE COURT: What would you like to say?

3 MR. TERRELL McCOY: I would like to know how
4 I bring up the charge to the prosecutor, because she's
5 lying under oath, and yesterday I caught her under oath,
6 because I asked her if she took saliva, if she took
7 DNA off a brown cigarette that was located on -- she had
8 a number. I forget. She had a number there and she
9 stated no, and when we went back to the previous
10 proceeding -- because she stated in a previous proceeding
11 that she didn't take it because it was covered in blood,
12 and I asked her, once again, yesterday, I asked her why
13 she didn't take the cigarette because it was covered in
14 blood?

15 So when I showed the picture during this
16 trial, during this proceeding, it shows that this brown
17 cigarette was not covered in blood, but she testified --
18 she lied under oath.

19 THE COURT: What you can do is when the trial
20 is over, get a copy of the transcript and ask the
21 solicitor to bring charges. Ultimately, they are the
22 ones to do that. You can take it up after trial. All
23 right? Do you have another witness ready?

24 MR. TERRELL McCOY: Yes, sir.

25 THE COURT: Okay. Anything else before you

1 bring the jury back? All right. Let's bring the jury
2 back then.

3 (In open court, jury present.)

4 THE COURT: All right. Be seated.

5 All right. Mr. McCoy, call your next
6 witness.

7 MR. TERRELL McCOY: Your Honor, I call the
8 K-9 handler Hille from North Charleston police
9 department.

10 SCOTT HILLE,
11 having been first duly sworn,
12 was examined and testified as follows:

13 DIRECT EXAMINATION

14 THE WITNESS: Scott Hille, H-i-l-l-e.

15 BY MR. TERRELL McCOY:

16 Q. Officer Hille, how long have you been working with
17 the North Charleston police department?

18 A. Since 2001.

19 Q. What are your duties and responsibilities with the
20 police department?

21 A. Currently I'm a K-9 handler. I handle patrol and
22 narcotics, K-9.

23 Q. Do you have any kind of training or experience to
24 do your job?

25 A. Yes, I do.

1 Q. Could you briefly tell the jury your training and
2 experience.

3 A. From January of 2002 through the current time, I
4 have fairly extensive training in K-9.

5 Q. And you happened to respond to a crime scene in
6 the morning, Saturday morning, March 25, 2006, correct?

7 A. Yes.

8 Q. Why did you respond?

9 A. I was called out from an off duty status to
10 respond to assist with the investigation.

11 Q. Did you receive the dispatch saying two black
12 males with black hoodies were running through the
13 neighborhood in the Russelldale community?

14 A. No, I did not.

15 Q. I received reports that you and K-9 Varoke found a
16 right Nike shoe at 2215 Margaret Street, correct?

17 A. I believe so.

18 Q. Did you do a report on it?

19 A. I believe so.

20 Q. Can you explain to the jury what a K-9 dog is
21 trained to do.

22 A. They're trained to do several things. What aspect
23 would you like me to do?

24 Q. Their tracking.

25 A. Their tracking? I can do that. We train our dogs

1 to do several different types of tracking, and we kind of
2 roll it all into one, and to briefly sum it up, as
3 somebody walks through an area, the dog's nose is much
4 more sensitive than ours, and they can smell several
5 different things. They can smell traces of, like, a body
6 odor that would remain in the area.

7 They would also smell any type of maybe sweat or
8 blood or some rubber from the sole of a shoe when
9 somebody passes through an area, and, also, from the
10 disturbance that somebody would leave passing through an
11 area.

12 For example, if your neighbors cut the grass, you
13 could walk outside your house and you smell freshly cut
14 grass. The same applies to somebody walking through the
15 grass, where the dog can actually smell that small amount
16 of odor that's disturbed when somebody walks through. So
17 that is what we train the dogs and use their natural
18 instincts to follow.

19 Q. Thank you. When you collected these shoes, did
20 you photograph these shoes?

21 A. I did not, and I did not collect them.

22 Q. You did not collect them. You recalled earlier --

23 A. I'm sorry?

24 Q. Let me show you what has already been marked as
25 Defendant's Exhibit 26. Is this the shoe that you found?

1 A. It's been three years. I would have to refer back
2 to some photographs of the area.

3 Q. You just said -- you didn't took no photograph?

4 A. I did not take photographs, but I believe crime
5 scene did, and I would have to refer back --

6 Q. So crime scene took a photograph of this?

7 A. I believe so. We notified them of where our track
8 terminated, so the investigators took things from there.

9 Q. I asked Ms. Bunker under oath if she photographed
10 this shoe. She told me she didn't photograph it.

11 A. I'm not sure what you're asking from me.

12 Q. What size shoe did you collect?

13 A. Due to the evidentiary value of something that the
14 dog would find, I don't touch it.

15 Q. I said, what was the size shoe that you collected?

16 A. Due to the evidentiary value of something that I
17 find, I won't touch it.

18 Q. But your chain of custody went to Ms. Bunker,
19 correct?

20 A. If you can show me a chain of custody.

21 Q. It's right there.

22 A. That is my handwriting. Then I picked it up and
23 put it in the bag.

24 Q. So is this the shoe that you collected at 2215
25 Margaret Street?

1 A. If it is a black Nike size 11 right shoe.

2 Q. That is Nike, correct? Is this the shoe you
3 collected at 2215 Margaret?

4 A. If it's a black Nike --

5 Q. I'm asking you, yes or no.

6 A. I'm saying yes, if it's a size 11 black Nike right
7 shoe.

8 Q. There happened to be some interesting evidence
9 because you called Detective Bunker to the scene and she
10 collected it, correct?

11 A. Well, I collected it.

12 Q. Well, it had to have been some interesting
13 evidence for you to collect it, correct?

14 A. Potentially.

15 Q. And how far is 2215 Margaret from the crime scene?

16 A. I would have to look at a map and measure. I
17 couldn't tell you exactly.

18 Q. Let me show you what is marked as Defendant's
19 Exhibit 33. It's already in evidence. Is this the city
20 of North Charleston?

21 A. It looks to be.

22 MR. TERRELL McCOY: Your Honor, did we have a
23 laser pointer --

24 THE COURT: Is there one around up there?
25 There is one --

1 MR. WETMORE: There is one here, Judge. The
2 last movement knocked it out of focus there.

3 BY MR. TERRELL McCOY:

4 Q. Here you go, sir. If you can see -- can you point
5 to where the crime scene is?

6 A. Bear with me while I get my bearings. Okay. The
7 Russelldale community would be this community right here.

8 Q. And what street was this where the victim -- what
9 street was the victim located at, on?

10 A. It would be 5061 Delta Street.

11 Q. And where is that on the map? Would you please
12 point --

13 A. Roughly, Delta Street would be right here, so in
14 this area right here.

15 Q. And where is 2215 Margaret?

16 A. Margaret Street is in this area right here.

17 Q. So your K-9 tracked this from Delta -- from the
18 crime scene to Margaret?

19 A. Yes.

20 Q. And led you to -- he led you to the shoe?

21 A. Yes.

22 Q. And why did you think -- why do you think he led
23 you to the shoe?

24 A. Why do I think?

25 Q. Why would he lead you to the shoe?

1 A. Well, there is numerous possibilities.

2 Q. What is the possibilities?

3 A. The track, when we left the rear yard of 5061
4 Delta Street, began in a well traveled area, if you will,
5 and so this well traveled area potentially had several
6 different tracks running through it. If people travel
7 over the same area, the dog can follow the general path
8 of several people, or maybe the path of one person, but
9 at that time, we were not the initial responding officers
10 to the crime scene.

11 We didn't have a whole lot of information to
12 really begin. I won't say it was a grasp at a straw,
13 but, you know, it's kind of a stretch without being given
14 a specific spot to start the track. So we began in this
15 area that had several tracks through it, obvious from the
16 way that the track began and the amount of vegetation
17 damage to fences and everything else, and so we picked up
18 a track and followed it to the area of Margaret Street
19 where we located this.

20 Q. Did this shoe contain any type of blood on it?

21 A. Not that I saw.

22 Q. You collected it because the K-9 tracked it from
23 5061 Delta to Margaret?

24 A. Correct.

25 MR. TERRELL McCOY: I don't have any other

1 questions. Thank you.

2 THE COURT: Cross?

3 CROSS-EXAMINATION

4 BY MR. PETER McCOY:

5 Q. Officer Hille, can you tell the jury a little bit
6 about your K-9?

7 A. My K-9, my former K-9 is K-9 Varoke. He was a
8 German Shepherd. He was dual purpose in explosives and
9 patrol. Patrol would include tracking, criminal
10 apprehension, article search for maybe some evidence
11 discarded, among other things.

12 Q. And do you know where Varoke came from?

13 A. Originally, he was imported from Russia through
14 Czechoslovakia to Holland, where he was trained, and then
15 purchased by the North Charleston police department.

16 Q. When did he become your dog?

17 A. In January of 2002, January 11, 2002.

18 Q. And, Officer Hille, I know this might sound a
19 little bit silly. What type of schooling or training
20 does Varoke attend?

21 A. They are trained from the time they are a small
22 puppy, pretty much weeks old, and they're trained
23 overseas extensively before we get them. We go through
24 four weeks of training with the dog, and then every week
25 we do a minimum of 15 minutes of training each day with

1 the dog, each day that we work, and then eight hours a
2 week we do one whole shift -- nine hours, excuse me, with
3 the dog. So for several years, it was quite extensive
4 training.

5 Q. It's continuous training?

6 A. Continuous.

7 Q. Now, Officer Hille, you had the opportunity to
8 respond to 5061 Delta Street.

9 A. Yes, sir.

10 Q. And you were to respond with your K-9, Varoke?

11 A. Yes, sir.

12 Q. Once you arrived at the scene, did you have
13 anything to start a trail?

14 A. Not really. Information in the initial
15 investigation was limited, and due to the nature of the
16 crime and having, you know, an obvious murder, they
17 wanted to utilize every resource possible to try and
18 locate any evidence or any suspects there on the scene.

19 Q. And, Officer Hille, does it help you, does it help
20 Varoke, to have an item or to have a certain direction
21 that will initiate the track?

22 A. Oh, of course. Our success rate grows
23 exponentially when we have somebody, a witness, a police
24 officer, saying, The person we're looking for left out of
25 this vehicle and ran in this direction. That is, you

1 know, very valuable to us. Without that, we can still
2 try, but it's more difficult for us to say where we
3 locate that particular track.

4 Like I say, we could have several tracks
5 traversing over the same area, branching off into
6 different directions, and picking the one the dog is on
7 and saying which one it is, that is where it becomes
8 difficult.

9 Q. So you didn't have a direction, or you didn't have
10 an item to initiate your track in this case?

11 A. No, sir, we didn't.

12 Q. And you testified a little bit earlier that the
13 path you were led down by Varoke was a well traveled path
14 of Russelldale?

15 A. Yes.

16 Q. With a well traveled path, is there any way to
17 tell whether this is a fresh path or whether it's an old
18 path?

19 A. There is no way to tell initially. It would help
20 if we had something to start with. The dogs' noses are
21 actually so sensitive that they can actually discriminate
22 between odors that people would leave behind and tracks,
23 but we didn't have that to start, so --

24 Q. And are you familiar with the Russelldale
25 community?

1 A. Yes.

2 Q. Are you familiar with the path that you kind of
3 went down that you were led down by Varoke?

4 A. Yes.

5 Q. Is it common to see shoes laying about?

6 A. Yes.

7 Q. They could be along the path or they could be at
8 different houses, or behind houses?

9 A. Yeah.

10 Q. And is it safe to say -- you used the term earlier
11 grasping at straws. It safe to say that since you did
12 not have a lead, you did not have a direction, you did
13 not have an item to help Varoke track, that more or less
14 when you got to the scene with Varoke, because this was a
15 murder, you were more or less grasping at straws as to
16 what direction to go?

17 A. Yes. We were going to exhaust every opportunity
18 to begin the investigation and aid the investigation that
19 we could.

20 MR. PETER McCOY: Thank you. I have no
21 further questions.

22 THE COURT: Redirect?

23 REDIRECT EXAMINATION

24 BY MR. TERRELL McCOY:

25 Q. You wouldn't have collected this evidence if it

1 didn't have no type of interest, correct?

2 A. It was early in the investigation, and I can't see
3 the future. I can only see what is on the scene and
4 interpret what the dog does, and the potential is there
5 that it could possibly evidence, so that is why we
6 collected it.

7 Q. So you collected it because it was valuable --

8 A. Potentially, yes.

9 MR. TERRELL McCOY: No other questions.

10 THE COURT: Anything further from the state?

11 MR. PETER McCOY: No, sir. Thank you.

12 THE COURT: You can step down. Thank you.

13 Any objection to this witness being excused?

14 MR. TERRELL McCOY: No, sir.

15 THE COURT: You're free to go. Thank you.

16 Call your next witness.

17 MR. TERRELL McCOY: Your Honor, I call Travis
18 Holcombe.

19 TRAVIS HOLCOMBE,

20 having been first duly sworn,

21 was examined and testified as follows:

22 DIRECT EXAMINATION

23 BY MR. TERRELL McCOY:

24 Q. Can you please tell the jury what you're
25 incarcerated for?

- 1 A. For misprison of a felony.
- 2 Q. And how long have you been incarcerated?
- 3 A. Almost 20 months, sir.
- 4 Q. Do you know the defendant in this case?
- 5 A. Yes, sir.
- 6 Q. Do y'all have -- how do you know the defendant?
- 7 A. He's my brother, sir.
- 8 Q. Do y'all have the same mother and father?
- 9 A. Same mother, different daddies.
- 10 Q. So y'all grew up together and practically shared a
- 11 bed together, correct?
- 12 A. Yes, sir.
- 13 Q. Do you and your brother get along?
- 14 A. Yes, sir.
- 15 Q. How would you say y'all relationship is?
- 16 A. The best ever.
- 17 Q. On March 27, 2006, your brother got arrested for a
- 18 murder that occurred on March 25, 2006. Do you remember
- 19 that?
- 20 A. Yes, sir, I remember the incident.
- 21 Q. You were also arrested that previous evening,
- 22 correct?
- 23 A. Yes, sir.
- 24 Q. Why did you get arrested?
- 25 A. Because the officer, investigator, came and talked

1 to me and said they wanted to discuss the case about my
2 brother being arrested for murder. Then he told me that
3 the only thing he had wanted me to talk to him about is
4 explaining where my brother was at at that time, and then
5 when I got down there, he told me that the statement that
6 I gave him wasn't what he wanted to hear and he arrested
7 me.

8 Q. You gave a statement on March 27, correct?

9 A. Yes, sir.

10 Q. Let me show you --

11 MR. TERRELL McCOY: Let me show you what has
12 been marked as --

13 MR. WETMORE: Objection.

14 THE COURT: What is your objection?

15 MR. WETMORE: I don't know what that is.

16 THE COURT: Come take a look at it, please.

17 MR. WETMORE: My only objection is he needs
18 to ask questions, and if he needs it to refresh his
19 memory, perhaps --

20 THE COURT: Ask him any question that you
21 want to ask him. You use that document to impeach him if
22 he doesn't give you the answer that you think that he's
23 going to give you.

24 BY MR. TERRELL McCOY:

25 Q. Do you remember giving a statement?

1 A. Yes.

2 Q. And in your statement, do you remember saying, On
3 Friday, me and my girlfriend were hanging out at the
4 Motel Six, West Ashley, and you scratched it out. I
5 can't really tell.

6 Your Honor, may I approach the witness?

7 THE COURT: Let me take the jury out for just
8 a second. I need to go over a legal matter with
9 Mr. McCoy. Don't begin deliberations or discussions.

10 (In open court, jury not present.)

11 THE COURT: Let me go over a little something
12 with you so we don't have the state jumping up and down
13 with a bunch of objections, and I also don't want to
14 again, as I said earlier, appear to be hurting you or
15 helping you by helping you a lot in front of the jury.

16 What you need to do is ask him questions that
17 you want to ask him without referring to the statement.
18 You can say, On this date, were you doing this, or what
19 were you doing. Preferably don't lead because he's your
20 witness.

21 On cross-examination, you could kind of make
22 a little statement and say, Well, isn't that true? You
23 can do that with a witness that you don't call, but a
24 witness that you call, you really can't lead too much.
25 I've been letting you do that a little bit because you're

1 not trained in that, but what you need to do is ask him
2 these questions, Where were you, do you remember? Were
3 you with your girlfriend? You can ask him those
4 questions.

5 Then if he gives you a different answer than
6 he gave you in the statement, then you can say, Now, do
7 you remember on such and such a date giving a statement
8 to officer whoever, and you gave it, where was it at and
9 the date, and if he says, Yeah, I remember giving that
10 statement to him, then you can say, well, isn't it true
11 you said this? Remember, this is kind of going back to
12 the thing we went back to yesterday, with your other
13 witness, Mr. Cuttino.

14 So if he gives you the same answer, then you
15 don't need to impeach him, but if he gives you a
16 different answer, then you can say, well, did you give
17 this statement under these circumstances, and do you
18 remember giving this statement? If he says yes, I
19 remember giving that statement, isn't it true that you
20 said this? If he says, Yes, I did say that, then he's
21 basically impeached himself, if he said something
22 different. If he disagrees that he said that, then you
23 can show him the document, and then we can talk about
24 getting that into evidence under 613. Okay? But you
25 have to first give him the chance to say whatever it is

1 that he was going to say.

2 MR. TERRELL McCOY: Yes, sir.

3 THE COURT: And if he doesn't say anything
4 different than what is in that statement, there is no
5 need to bring in that statement, because that statement
6 is only used to impeach him, not to bolster what he's
7 saying or support what he's saying. Okay?

8 Why don't you take a minute and plan your
9 questions. I want to take a bathroom break, so take a
10 minute to plan your statement out a little bit, talk to
11 Ms. Proctor about your questions, and we'll come back in
12 ten minutes after we give the jury a chance and anybody
13 that needs to use the rest room, okay?

14 (Recess taken.)

15 THE COURT: Let the record reflect Mr. McCoy
16 is back in the courtroom. Before we begin, sometimes
17 I've noticed throughout the course of the trial you refer
18 to yourself as defendant, in the third person. It's okay
19 if you want to do that as a matter of strategy, but there
20 is no real --

21 MR. TERRELL McCOY: I'm an attorney
22 representing myself.

23 THE COURT: It's totally a matter of your
24 style. Whatever you want to do in that regard, you're
25 welcome to do.

1 Okay. Bring the jury back in.

2 (In open court, jury present.)

3 THE COURT: All right. Be seated. We'll
4 resume now with Mr. McCoy and his direct examination. Go
5 ahead.

6 BY MR. TERRELL MccOY:

7 Q. Now, is it true you gave a statement on March 27,
8 2006?

9 A. Yes, sir.

10 Q. And when you gave that statement, did you write
11 that statement or did Detective Hill write the statement
12 for you?

13 A. The detective.

14 Q. So you, like, told him what you wanted him to
15 write, correct?

16 A. Yes, sir.

17 Q. And your first -- in your statement, you stated on
18 Friday me and my girl --

19 MR. WETMORE: Objection, Your Honor.

20 THE COURT: Again, ask him something first
21 and then you can -- qualify the statement, if you tell
22 him something different than what you said.

23 BY MR. TERRELL MccOY:

24 Q. What did you do on Friday, March the 25, 2006?

25 A. Me and my girl went out.

1 Q. And who is your girl?

2 A. Her name was Shelly at the time.

3 Q. And you stated y'all went out. Where did y'all
4 go?

5 A. To the motel.

6 Q. And how long did y'all hang out at the motel?

7 A. All night.

8 Q. And so y'all hung out all night, and then what did
9 you do after that?

10 A. I think went back to my neighborhood after that.

11 Q. And this was Friday or the next day?

12 A. The next day.

13 Q. Do you remember stating in your statement that you
14 went to --

15 MR. WETMORE: Objection, Your Honor.

16 THE COURT: Are you asking that he said
17 something different in the statement --

18 MR. TERRELL McCOY: Yes, sir.

19 THE COURT: -- other than what he just said?

20 MR. TERRELL McCOY: Yes, sir.

21 THE COURT: Okay. Go ahead.

22 BY MR. TERRELL McCOY:

23 Q. Do you remember stating that you went to the bar
24 Good Time around 7:00 or 8:00?

25 A. What you say -- 27th, right?

1 Q. No, March 25th.

2 A. I thought you was asking me the 27th.

3 Q. March --

4 THE COURT: What does he say in the statement
5 there?

6 MR. TERRELL McCOY: He says on Friday, me and
7 my girlfriend were chilling at the Motel Six. --

8 THE COURT: What is the date?

9 MR. TERRELL McCOY: March -- it just says on
10 Friday.

11 THE COURT: Which was -- was it the 25th?

12 MR. WETMORE: Friday would be the 24th.

13 BY MR. TERRELL McCOY:

14 Q. So you stated you and your girlfriend went to the
15 Motel Six and hung out all night?

16 A. What are you referring to?

17 Q. You don't have -- this date, me and my girlfriend
18 were chilling, hanging out at the Motel Six, West Ashley.
19 You haven't said a date. I guess it's the 24th?

20 A. Okay. I believe after that we went to the club,
21 sir.

22 Q. But you just said you were chilling with your
23 girlfriend all night.

24 A. See, you throwing me off. I don't understand what
25 you're saying.

1 Q. Let me show --

2 THE COURT: What night did you spend with
3 your girlfriend?

4 BY MR. TERRELL McCOY:

5 Q. Let me show you what has been marked as
6 Defendant's Exhibit --

7 MR. WETMORE: Objection, Your Honor.

8 MR. TERRELL McCOY: He said something
9 different, so I need to show him something different to
10 show him what he said. This was three years ago.

11 THE COURT: Yes, I understand. Point to me
12 what you're talking about.

13 (Travis Holcombe's statement marked for
14 identification as Defendant's Exhibit No. 49.)

15 MR. TERRELL McCOY: Let me show you what is
16 marked as Defendant's Exhibit 49.

17 BY MR. TERRELL McCOY:

18 Q. Do you remember giving that statement?

19 A. Yes, sir.

20 Q. Is that your signature at the bottom of that
21 statement?

22 A. Yes, sir.

23 Q. And on Friday, you stated, Me and my girlfriend
24 were hanging out at the Motel Six West Ashley during the
25 day. Don't you have -- you have it scratched off. You