Volume II of III

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Richland County

Honorable DeAndrea G. Benjamin, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANDRE TYRONE HEATLEY, JR.,

APPELLANT.

APPELLATE CASE NO. 2019-000165

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MR. O'NEIL: I don't think so, Your Honor.

MR. GOLDBERG: Judge, there is one witness that we may have to do a few minutes in camera in the morning regarding the issue that we addressed about what statements were made, to the effect of what this witness said to the victim. I don't anticipate it being a lengthy situation, it's not a lengthy commentary. It's pretty much just a very short exchange.

THE COURT: Is that your first witness?

MR. GOLDBERG: It can be.

THE COURT: Well --

MR. GOLDBERG: I just didn't want to show up tomorrow, get started, and then that witness come up and, Why didn't you tell me about it?

THE COURT: You don't have to call them first. I've already told them 9:30. Maybe we can do it during the break or at lunchtime? Around lunchtime?

MR. GOLDBERG: I truly -- even if it was the first one, I really don't anticipate it lasting long at all. It's a very short exchange that they have between each other.

THE COURT: All right. We'll start at 9:30. If that's your first witness, we'll do the in

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camera testimony and then we'll bring them in. I don't want the jurors to have to sit back there too long.

MR. GOLDBERG: I understand. I'll let you know.

THE COURT: They told me yesterday it was two hours, we were here until 7:00 o'clock.

Anything else?

MR. O'NEIL: No, Your Honor.

MR. GOLDBERG: No, Your Honor.

THE COURT: Thank you. Have a good evening.

MR. O'NEIL: Your Honor, are we leaving in shifts again?

THE COURT: Yes, I'm sorry. We are leaving in shifts.

(Pause.)

THE COURT: You all can go ahead and leave. Have a good evening.

(WHEREUPON, court adjourned for the evening at 5:15 p.m.)

JANUARY 24, 2019

(WHEREUPON, the proceedings began at 9:43 a.m.)

THE COURT: Are you ready to bring them in?

MR. GOLDBERG: Yes, Your Honor.

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(WHEREUPON, the jury came into open court at 9:44 a.m.)

THE BAILIFF: The jury is seated, Your Honor.

THE COURT: Good morning, ladies and gentlemen of the jury. I hope you had a restful evening. At this time, we're ready to continue with the case.

I'll ask the State to call their next witness.

MR. GOLDBERG: Thank you, Your Honor. The State calls Dr. Amy Durso.

(Witness approaches.)

THE BAILIFF: Place your left hand on the Bible and raise your right.

(Witness complies.)

THE CLERK: Do you swear or affirm the testimony you're about to give in this case will be the truth, the whole truth and nothing but the truth, so help you God?

THE DEFENDANT: I do.

THE CLERK: Thank you. Have a seat in the witness stand, please.

(Witness seated.)

THE CLERK: State your name for the record.

THE WITNESS: I'm Amy Durso, D-U-R-S-O.

AMY DURSO, M.D.,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GOLDBERG:

Q Dr. Durso, good morning.

A Good morning.

Q Can you tell this jury a little bit about who you are, where you're employed and what you do?

A Sure. So, I'm Dr. Durso. I'm a forensic pathologist employed with Professional Pathology Services. So, basically my job -- so I'm a medical doctor, but I specialize in a field of actually examining bodies after death. So my main job is to not only determine the cause of death, but to also document any injuries, natural disease, anything else I can find to do what's called an autopsy. And I usually do that for the Richland County Coroner's Office.

Q What sort of education and training and experience do you have in this area?

A Sure. So I got a 4-year Bachelor's Degree in Psychology at Emery University. Then I went to University of North Carolina in Chapel Hill where I got my 4-year medical degree, my M.D. I then did four years at Wake Forest Medical Center in residency training. So after medical school, all physicians have to go and specialize in something,

and I did pathology. And I spent an additional year at Wake Forest doing a fellowship, a specialty year, specifically in the field of forensic pathology, which, again, is examining the bodies after death.

MR. GOLDBERG: Your Honor, at this time we'd offer Dr. Durso as an expert in forensic pathology.

THE COURT: Any voir dire?

MR. O'NEIL: No voir dire and no objection, Your Honor.

THE COURT: All right. Ladies and gentlemen of the jury, I explained to you yesterday that expert witnesses are allowed to give opinion testimony and you can use it in any way you feel necessary. It is for you to consider. And I'll give you a jury charge at the end regarding expert witnesses. But she will be qualified as an expert in the area of forensic pathology.

Thank you.

MR. GOLDBERG: Thank you very much, Your Honor.

BY MR. GOLDBERG:

Q Dr. Durso, I want to turn your attention to the case at hand. Did you have an opportunity to examine Deanndra Roach on January 30th of 2016?

A Yes, I did.
Q And would you happen to note her age at the time?
A She was 19 years old.
Q Thank you. And what information was presented to you upon having this case come in?
A Basically that she was found in her car with multiple gunshot wounds.
Q Did you have an opportunity to examine her?
A Yes.
Q Can you give the jury kind of a broad overview of how that process works?
A Right. So we pretty much do the process, no matter if it's a heart attack victim or gunshot wound victim, the same way. We start with what's called an external examination of the body. So we weigh the body, we measure the body. We look for identifying marks and scars, tattoos, eye color, hair color. And then we just look at the outside of the body looking for any injuries, such as gunshot wounds, scrapes, abrasions, bruises, that sort of thing.

After we complete that part, we start making incisions into the body. So how we do that is we make what's called a Y-shaped incision --

THE COURT REPORTER: I'm sorry, can you speak

in the microphone?
A Sure, sorry. So we make an incision that starts here at the shoulders and it comes down to the sternum and then goes down. At that point we're able to open up the body and remove the front of the rib cage. And we can see all of the organs at that point. And then we remove each organ, weighing it, examining it individually. And for the brain, we're actually able to make an incision in the back of the head, reflect the scalp back and remove a portion of the skull and able to remove the brain at that point and examine it as well.
Q And upon beginning your examination of Ms. Roach, what did you observe about her body?
A There were numerous gunshot wounds in this case. So I documented each and every one of them. And then, you know, we can look at the characteristics, you know, entrance/exit wounds. It's not till we can really open the body and actually follow the wound tract that we know which entrance goes with which exit wound. So we did that with her to determine how each of these gunshot wounds, which direction they're going, which organs they hit.
Q And in doing so, do you regularly create a chart, if you will, documenting where those gunshots are

located on the body?
A Right. So all of my external exams, I have basically an empty diagram of either a male or a female, kind of a generic diagram. And I write all of my findings on that and I document where the gunshot wounds are.
Q I show you State's 126. Is that the diagram you did in this case?
A Yes, it's a much enlarged version of the document in this case.
Q Does it accurately represent the diagram you made for Ms. Roach?
A Yes, it does.
MR. GOLDBERG: Your Honor, at this time we'd offer State's 126 into the evidence.
THE COURT: Any objection?
MR. O'NEIL: No, Your Honor.
THE COURT: It will be entered without objection.
(WHEREUPON, State's Exhibit No. 126 was marked for identification and received into evidence.)
MR. GOLDBERG: May the witness step down?
THE COURT: Yes, sir.
(Witness steps down.)

BY MR. GOLDBERG:
Q If you would tell the jury --
A So this is my diagram just showing the gunshot wounds along with her body weight, body length. So she weighed 180 pounds, she was 70 inches tall. And so this is just showing the gunshot wounds. So each hole, each entrance or exit, graze wound, whatever I found, when I do the external examination, I just mark arbitrarily with a letter. And then after I match them up, I kind of make them Gunshot Number 1, 2, 3, 4. And these have nothing to do with order they were --
Q Delivered?
A -- delivered. I have no way of knowing that. When they're all coming in succession, there's no change that I can find at autopsy to know which one came first. So I'll just start with the order that I have them in my report.
Q Sure.
A The first one I'm going to talk about enters the forehead here near the hairline at what is called Entrance Wound A. So kind of around here on her head. This actually goes into her skull through both sides of her brain. And I actually found the projectile. You can actually see it even on the

external examination. Even though it is in the body, it's actually protruding through the skin here just behind the left ear. So, again, it goes in here, I find the projectile here, so it goes through both sides of her brain, which is pretty much known as a universally fatal gunshot wound. This would render her immediately unconscious and it would be fatal in a somewhat short amount of time.

The next gunshot wound I'm going to talk about is the entrance I have labeled as J, which is up here kind of in her torso here. Actually, it's this little wound right here. So this doesn't do much. It goes through her breast tissue. And I actually found a projectile over here underneath the skin. So it did not perforate any vital organs. So it didn't perforate anything that would have immediately killed her. You know, it would have been painful, but other than that, it wouldn't have killed her with that gunshot wound alone.

The next one I'm going to talk about enters at what I labeled Gunshot Wound K, which is here on the outside of the right breast. This one actually goes into the right lung tissue, so that would have caused stress, difficulty breathing. And then I

was actually able to get part of the projectile out of the muscle here on the right part of the chest, so underneath the skin and within the muscle. So that's the third one.

Number 4 that I'm going to describe, the entrance wound is labeled G on the diagram, which is here, kind of on the lower side of the chest there. Can you all see? And this one goes through the diaphragm, which is kind of the muscle that separates your lungs from your abdomen. And it helps with breathing. Also, again, between the last one hitting her lung and this one hitting the diaphragm --

THE COURT REPORTER: I'm sorry, I didn't hear that.

A I said, the last one hitting her lung and this one hitting the diaphragm, it's going to cause difficulty for her to breathe at that point. And I was able to get part of the projectile. It was kind of sitting around the area of the diaphragm in the abdomen.

The next one, Number 5, entered at what I label H, which is here on the right lower back, so it enters in the back. This one hits the liver and the stomach, causing all the stomach contents to

spill out into the abdominal cavity, and also the liver bleeds a lot, so, again, that could be a life-threatening injury without medical intervention very quickly.

This one, I was able to find a projectile. It actually comes up and it's in the abdomen just under the skin here. So, again, it goes kind of from the back forward and, again, underneath the skin. Let's see, that's Number 5.

Number 6, the entrance wound, I have labeled as I, which, again, is here on the right lower back this time. This one goes through the small bowel, so it goes into the stomach cavity. And then I was able to obtain the projectile from the lower pelvic soft tissue. So it kind of goes in from back to front, this one, and was able to -- it was kind of underneath the skin in this area.

Number 7, this one enters the thigh here, so the left thigh. This actually goes through the femur, so this very large bone in your leg, it actually breaks the femur. And then I was able to get the projectile. It stays within the leg, left upper leg, near the femur. It kind of slowed down the projectile, kind of stopped it in its tract.

Number 8 is going to enter at C, which is the

wrist here. So it enters the front of the left wrist here and goes right and exits the back part of the wrist. So likely had her hand up to try to defend herself from the incoming wounds, incoming projectiles.

And let's see. Then Number 9 enters through what I label as S here on kind of the back of the right arm. That just goes through the soft tissue there and exits through what I have labeled N here on the front of the arm, so kind of from here to the front. And it's possible, I can't know for sure, that this could have been -- this entrance wound I described earlier where it goes back in at G -- where's G? Right here. Could be the same projectile. So it could have gone in the back of the arm, out, and then back in, but I have no way of knowing where her arm was to know if that truly lines up. So that could be all one wound. I don't -- I can't say with 100 percent accuracy on that one.

Next, Number 10, it enters through what I have labeled O here on the back part of the right arm, again similar to the last one. This one actually hits the humerus, which is the big bone here in the right upper arm, fractures that bone. So that has

been fractured. And I found part of a lead core part of the projectile there and the rest exited through M here on the front of the arm. And, again, that one could have re-entered as Gunshot Wound K here. So, again, that one could be possibly all one together, but I wouldn't know for sure from the autopsy.

Let's see. That was Number 9. No, that was Number 11. Sorry, so Number 11 enters at what I have labeled P here near the right elbow. This one hits the radius and ulna, so it hits the bones of the lower arm fracturing them. And then this exits -- I find part of the projectile and part of it exits through what's labeled R here on the front of the right arm. Again, it goes through her right arm.

And then the last one I'm going to describe, Number 12, is a graze wound to the right breast, so the characteristics of a graze wound up here on right breast, so there's no projectile, but it was cutting the skin, didn't really enter the body.

Also, I found on the right lower arm was a little abrasion here. It was so superficial, I can't tell for sure if that was an abrasion from something else or if that was another projectile,

another bullet going across her arm.

And so the other thing I want to point out, so most of all these are going either right to left. Everything seems to be coming from the right side of the body, some from the front, some from the back, but all going mostly from right to left.

Q The trajectory --

A Right, the trajectory of the bullets coming into her body.

Q Is from right to left?

A Right. So there's also some findings too of what I called pseudo-stippling. So there's things we look at to know how far away the gun is from the victim at the time they're shot. So contact wounds have a very characteristic finding. There's usually soot within the wound because the gun is, you know, against the skin. I did not find any of that. So it's definitely not a contact wound. As you get further away, up to six inches, you can still see a little bit of soot on the skin. Again, did not see any of that on her.

As you get further away, around two feet, you can see stippling, which is actually from the grains of gun powder on the skin, it actually causes tiny little pinpoint abrasions. I did not

see that on her either. However, if the projectile goes through something, like a car window, car door, it would stop the stippling, it would stop the soot. So on these, I can say it's not contact, but I can't really say exactly how far the projectile was -- or the gun was, sorry, from her when she was shot.

There was something I found on her called pseudo stippling, which is not the nice fine abrasions you see. It's very irregular looking, which I often see when it goes through what we call an intermediary target, meaning it went through a window, a door, something else that kind of broke apart. So you can imagine a projectile going -- a bullet going through a car window and it's going to break a window, little grains of glass could come and abrade as well, but it's a much different look. So she had some of that as well, which makes me believe that at least some of these projectiles went through part of the car before it hit her.

Q So overall you noted 12 gunshot wounds, is that correct?

A Yes. And I think possibly two to three of them could be re-entrances, so at least ten shots.

Q At least ten shots, okay. And I'd like to show you

while you're up what has previously been marked as State's 127 through 134. If you can just kind of generally describe what these show and what they are.

A Do you want me to show them as well?

Q Not yet.

A So Number 127 is showing where I found the projectile behind her left ear.

Exhibit 128, as well as 129, are showing different views of the projectile recovered from behind the left ear.

Exhibit 130 is a photograph of one of the X-rays I did at autopsy. X-rays to show -- to look for all of the projectiles, so they're going to show up on X-ray, so that way I can make sure I recover all of the bullets from the body. Number 130 is an X-ray of the head.

131 shows an X-ray of the right upper and lower arm showing the fractures and the projectiles there.

Number 132 shows the left upper leg, again, with the fracture of the femur and the projectile there.

133 shows the chest and upper abdomen showing the main projectiles I recovered from there.

And 134 shows the pelvis showing the projectile I was able to recover from that area.

MR. GOLDBERG: Your Honor, at this time, we'd offer State's 127 through 134 into evidence.

THE COURT: Any objection?

MR. O'NEIL: One moment, Your Honor.

(Pause.)

MR. O'NEIL: No objection, Your Honor.

THE COURT: Entered without objection.

(WHEREUPON, State's Exhibit Nos. 127 - 134 was marked for identification and received into evidence.)

BY MR. GOLDBERG:

Q Now, if you could show and describe to the jury what you're talking about.

A Sure. So this is Exhibit 127. This is showing kind of the back of the head. So this is her ear right here. This is her head, so you can see right behind her right ear is where I recovered the projectile that went through her brain. So this would be, of all the gunshot wounds, the most immediately fatal gunshot wound that she sustained, and it would render immediately unconscious and it would definitely kill her.

Q And that would have shown the projectile --

A Right.
Q -- on the way out, I guess?
A Right. So it's trying to exit, but, you know, didn't have quite enough energy, so it had to go through the skull. The skull can be fairly thick, so it has to have enough energy to get beyond the skull on the way in, go to the brain, but also the skull on the way out. So it kind of had enough energy to make it through the skull, but not enough energy to make it through the skin there, so that's where it kind of got lodged.

This is 128. This is just showing one view of the projectile from behind her right ear that I recovered at autopsy. This is kind of the left core part. And this is showing the opposite side, so you can see the copper-colored jacket covering the projectile. This is the same projectile, just a different view of it.

Number 130 is showing one of the X-rays, a photograph of from inside the head. So, again, you can see the projectile that recovered from behind her right ear, just showing that on X-ray. You can see some of the skull fractures from that.

This is 131. So to kind of orient you, this would be her shoulder here. This right here.

Q The right shoulder?
A The right shoulder. This is the right upper arm. This is the right lower arm. So you can see there's a fracture here with some fragments of the bullets. And this is a fracture of the radius here and the ulna here, the two lower bones in the arm. Again, showing how fractured they are and there's a little projectile piece there.

Number 132, this is of the left upper leg, so this is the hip joint right here, hip. This is the bone. You can see it's a big thick bone. And this is where the two pieces should have been connected. It looked like it had been shortened from this. But these are all the pieces of the projectile that kind of got lodged from those fractures. So it had enough energy to hit the femur and it kind of broke up, kind of like the femur, but the projectile as well.

This is 133. It's showing several gunshot wounds. And it's just showing where I recovered all of those projectiles I discussed earlier. There's one here in the right upper chest. That was one kind of found in the breast tissue there. And there's one here in the midline --

THE COURT REPORTER: I'm sorry?

A I'm sorry. In the breast tissue there. And there is one here in the midline, and some other smaller fragments from some of the other gunshot wounds as well.

And this is 134. And this shows the one projectile we found in the left lower pelvis, the one that kind of goes from the lower back and goes through the small bowel. And we recovered that projectile there.

That's all of them.

MR. GOLDBERG: Your Honor, may I publish them to the jury?

THE COURT: Yes, sir.

(Witness returns to witness stand.)

(Exhibits published to jury.)

BY MR. GOLDBERG:

Q And you indicated earlier that in addition to the examination and the findings that you just discovered, that it's regular practice to then also examine the remainder of the body, the organs, that sort of thing --

A Right.

Q -- to look for any deformities, and things of that nature. Did you do that in this case?

A I did.

Q What, if anything, did you find?
A I didn't find any natural disease. She was otherwise a healthy 19-year-old woman.
Q And you said, again, based upon your expert opinion, these wounds in totality are consistent with being shot from the right side, is that correct?
A Yes.
Q Okay. Just briefly. So you indicated, again, that there were 12 wounds, 12 gunshot wounds, correct?
A Yes.
Q And then there were a number of projectiles that were recovered?
A Yes.
Q Of course, once those are removed from the body, you don't maintain them, is that right?
A No. So the law enforcement officer that's in charge with investigating, either the County Sheriff's Department or the Columbia Police Department attends -- they have a representative from Crime Scene attend the autopsy. So they not only take the photographs of the body, such as the one from behind the ear that you saw, but they also take any evidence, including clothing, projectiles, anything else that they would need for their

investigation. And so there's a chain of custody started and it's all signed over to them.

Q And you can only address the number of wounds that were -- gunshot wounds that were sustained. There's no way for you to know, obviously, how many shots were actually fired in some sort of exchange, correct?

A No, I have no way of knowing that.

MR. GOLDBERG: All right. That's all I have. Thank you very much.

THE COURT: Yes, sir?

MR. O'NEIL: Thank you. May it please the Court?

CROSS-EXAMINATION

BY MR. O'NEIL:

Q Good morning.

A Good morning.

Q Doctor, who do you talk to from law enforcement before you begin your examination?

A I don't talk to anyone from law enforcement. Typically, it's the Richland County Coroner's Office.

Q I apologize. I group the Coroner's Office with law enforcement. But you talk to the deputy coroner before you get started?

A Yes. Typically, they send us a brief report and either they call or message us to let us know that we need to investigate.
Q Who was the deputy coroner in the case, do you remember?
A Yes, it was Ann Neeley.
Q Okay. Do you remember her report?
A I don't have it on me, but she would have sent a report, yes.
MR. O'NEIL: Permission to approach, Your Honor?
THE COURT: Yes, sir.
BY MR. O'NEIL:
Q Doctor, is that the report you get from the deputy coroner before you get started?
A Yes, it is.
Q You kind of allow that kind of as a basis of your -- a starting point for your examination?
A Yes. I mean, I look it over and then I do my own separate evaluation of the body, yes.
Q Okay. According to that, your review of that, when was the approximate time of death?
A That is determined by the Coroner's Office.
Q Yes, ma'am.
A Because the changes after death, once the body is

placed in a cooler, it kind of slows it down. The changes we look for after death is rigor, which is stiffening of the body lividity, the settling of the blood to the body dependent surfaces, and that would be altered by being placed in the morgue cooler. So I defer that completely to the Coroner's Office.

Q And what did they determine based --

A They have written down, let me see, January 29th, 2016, between 4:00 a.m. and 1700, which would be 5:00 p.m.

Q So the Coroner's Office determined on January 29th, somewhere between 4:00 a.m. and 5:00 p.m., correct?

A That's what is written down.

Q And you did the autopsy on what day?

A I did the autopsy on January 30th.

Q So the following day?

A Yes.

Q Okay. So I want to make sure I'm absolutely clear. The Coroner's Office determined that she died on Friday, January 29th? You may not remember.

A Yes. Actually, it has a day of the week notified, so Friday, January 29th, yes.

Q So we have Friday, January 29th, between 4:00 a.m. in the morning?

A That's what it says, yes.
Q And 5:00 p.m. that afternoon?
A Yes.
Q And that was the estimated time of death?
A Yes.
Q January 30th, 4:00 a.m. to 5:00 p.m.?
A No, January 29th.
Q I apologize. January 29th, make sure I'm correct, January 29th, 4:00 a.m. to 5:00 p.m.?
A Yes.
Q Did you find anything in your investigation that contradicted that?
A No.
Q All right. So you found nothing to contradict the fact that she died on January 29th, between 4:00 a.m. and 5:00 p.m.?
A Right.
Q Okay. And I think you were able to -- well, not you personally, but I think there were nine projectiles recovered during the autopsy?
A I believe that's right. I don't have the evidence sheet in front of me either, so.
Q That sounds correct?
A It sounds correct.
Q And I think from your characterization of the

report here, the projectile that entered her brain was severely deformed? Is that a fair characterization of it?

A What did I put? I believe I just put deformed projectile. I didn't say severely, no.

Q It is deformed, I apologize.

A Just meaning it is not looking like the perfect little round projectile that comes out of a gun. So, yes, it is smashed in at the front end.

Q So the projectile was smashed in on the front end, correct?

A Right.

Q And that's because, in your opinion, it traveling through the skull essentially almost twice?

A Right.

Q And the projectile traveling through the skull twice basically deformed the projectile, is that correct?

A Right. Yes, typical, the front, the nose of the projectile going through.

Q And I'm not asking you to get into any high tech ballistic analysis here --

A That's good.

Q -- but coming through the skull, it changed the nature of the -- changed the appearance of the

projectile, correct?
A I mean, the basic overall, yeah. I mean, just the front of it, so.
Q And I think you noted on almost all of the projectiles that you recovered were deformed in some form or fashion?
A Right.
Q And I think you said earlier, I just want to make sure I close on this, that your investigation only kind of goes to the manner of death, correct?
A The cause and manner, uh-huh.
Q You can't testify in any form or fashion about who caused the death?
A No, not at all, no. No, I just examine the body and do my part, yes.
Q Now, in this case, there is forensic evidence of the cause of death?
A Yes, she clearly died from multiple gunshot wounds.
Q Okay. And I just want to make sure I'm clear on that. That projected time of death was January 29th, 2016, between 4:00 a.m. and 5:00 p.m.?
A Yes. Just reading from the coroner's report, yes.
MR. O'NEIL: Permission to approach, Your Honor?

Q Let me get that back from you.
A Oh, yes, sorry.
MR. O'NEIL: Thank you, Your Honor. That's all I have.
THE COURT: All right.
Yes, sir?
MR. GOLDBERG: Just briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. GOLDBERG:
Q He asked you about time of death. How familiar are you through your training and experience on issues related to time of death?
A So obviously that is a part of our training to look at how long it takes for different changes to occur after death. Okay, so typically here, you know, it's much more accurately determined at the scene because things haven't been altered by being placed in a cold morgue cooler, so it kind of -- if it's warmer outside, you go through the changes more rapidly or in the environment. If it's colder, it gets slowed down. So we typically defer to the Coroner's Office who respond to the actual scene and examine the body there before it's placed in the cooler. So I really usually don't have that much of a role in it here.

Q And the time that was noted on the information given to you was -- have you seen that?
A Yes.
Q Can you actually tell me exactly what it says there under that line?
A Estimated between 4:00 a.m. and 1700 hours.
Q Okay. And so if I understand you correctly, it would be more accurate to get the information related to why that was estimated from the Coroner's Office?
A Right, whoever made that determination. I'm just reading off a piece of paper that I didn't write.
Q I understand. Thank you.
A You're welcome.

THE COURT: Anything else?

MR. O'NEIL: No, Your Honor.

THE COURT: All right, you may step down. Any objection to this witness being excused?

MR. O'NEIL: No, Your Honor.

THE COURT: All right, you're free to leave, Doctor.

(Witness steps down and is excused.)

THE COURT: Call your next witness.

MR. FYALL: The State calls Investigator Trevor Holt.

(Witness approaches.)

THE BAILIFF: Place your left hand on the Bible, and raise your right hand, please.

(Witness complies.)

THE CLERK: Do you swear or affirm the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

THE CLERK: Have a seat in witness stand, please.

(Witness seated.)

THE CLERK: State your name for the record.

THE WITNESS: Trevor Holt.

TREVOR HOLT,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. FYALL:

Q Good morning, Investigator Holt.

A Good morning.

Q Can you tell us where you're employed?

A Richland County Sheriff's Department.

Q How long have you been there?

A I've been with Richland County 23 years, the last 11 of which in forensic science.

Q All right. In forensic science, what are your current duties?
A My main duties are to respond to crime scenes as directed, process evidence that may have evidentiary value, process vehicles that may have been involved in some type of crime, attend autopsies, and testify in state, local, and federal courts.
Q All right. Did you attend the autopsy of Deanndra Roach?
A I did.
Q What day was that?
A January 30th of 2016.
Q All right. What did you do at that autopsy?
A I received multiple items of clothing via chain of custody from Dr. Durso. I received several fragment, bullet fragments from Dr. Durso. And I received several projectiles via chain of custody from Dr. Durso. I also photographed multiple, what appeared to be impact points on the victim. I collected a gunshot residue kit from the victim's hands, and I collected inked fingerprints, inked palm prints, a sexual assault kit from Dr. Durso, nail scrapings, hair standards, and a DNA standard.
Q Gotcha. I'm going to show you State's 127, 128,

and just 134. Are those some of the photos you took?

A Yes.

Q All right. I want to show you what has been marked 137 and 138. Do you recognize those?

A I do.

Q What are they?

A 138 contains projectiles and bullet fragments.

137 contains a GSR kit collected from Ms. Roach.

MR. FYALL: Your Honor, at this time I'd like to introduce 137 and 138 into evidence.

THE COURT: Any objection?

MR. O'NEIL: Can I see it, Your Honor? No objection.

THE COURT: Entered without objection.

(WHEREUPON, State's Exhibit No. 137 was marked for identification and received into evidence.)

(WHEREUPON, State's Exhibit No. 138 was marked for identification and received into evidence.)

BY MR. FYALL:

Q All right. Once you left the autopsy, what was your next involvement in this case?

A I secured a search warrant on February 2nd, 2016, on a Ford Fusion, 2011 model.
Q What's the tag on that Ford Fusion?
A South Carolina Juliet Juliet X-ray 884.
Q All right. What did you do during -- when you were with that vehicle, I'm sorry?
A Photographed it, interior, exterior, processed exterior doors, windows and handles. I processed interior doors, windows and handles. I processed the driver's side and passenger side mirrors, gear shifter, rearview mirror, collected multiple swabs, collected a GSR kit. I collected a sample of fabric from the front passenger's seat, a swab from the sun visor, jewelry, black headband, hair brush, and a firearm's disposition report.
Q I want to show you State's 140 and 142. You recognize those?
A I do.
Q What are they?
A 142 contains a GSR kit from a 2011 Ford Fusion with the same South Carolina tag.

140 contains swabs collected from the interior, exterior of the vehicle, the same vehicle with the same South Carolina tag.

MR. FYALL: At this time, the State offers 140

and 142 in evidence, Your Honor.

THE COURT: Any objection?

MR. O'NEIL: Your Honor, I would renew my previous objection that 140 and 142 were all obtained in violation of Mr. Heatley's Fourth Amendment rights.

THE COURT REPORTER: I'm sorry, I didn't hear you, Mr. O'Neil.

MR. O'NEIL: I said I would renew my previous objection that Items 140 and 142 were all obtained in violation of Mr. Heatley's Fourth Amendment rights.

THE COURT: It will be entered over the objection of the Defense based on the Court's previous ruling.

(WHEREUPON, State's Exhibit No. 140 was marked for identification and received into evidence.)

(WHEREUPON, State's Exhibit No. 142 was marked for identification and received into evidence.)

BY MR. FYALL:

Q I'm showing you Exhibits 139 and 141. Tell me if you recognize those.

A I do.

Q What are they?
A 139 is a sample of fabric marked as Number 8 containing brown-red stain from the front passenger seat, and a swab marked as Number 9, brown-red stain, passenger side sun visor.
141 is marked as firearms disposition report, yellow folder.
MR. FYALL: Your Honor, at this time we offer State's 139 and 141 into evidence.
THE COURT: Any objection?
MR. O'NEIL: Same objection, Your Honor.
THE COURT: All right. Overruled.
MR. FYALL: Thank you, Your Honor.
(WHEREUPON, State's Exhibit No. 139 was marked for identification and received into evidence.)
(WHEREUPON, State's Exhibit No. 141 was marked for identification and received into evidence.)
BY MR. FYALL:
Q After you processed the 2011 Ford Fusion, did you have any further involvement in this case?
A I did not.
MR. FYALL: No further questions, Your Honor.
THE COURT: Yes, sir?

MR. O'NEIL: Thank you, Your Honor. May it please the Court?

CROSS-EXAMINATION

BY MR. O'NEIL:

Q You didn't run any fingerprints tests or any processing or anything, did you?

A I'm sorry?

Q You didn't do any fingerprint testing or any processing of fingerprints or anything, did you?

A No, sir.

Q You just collected evidence and took pictures, correct?

A Correct.

MR. O'NEIL: No questions, Your Honor. That's all.

THE COURT: Yes, sir?

MR. FYALL: Nothing further, Your Honor.

THE COURT: All right, you may step down.

(Witness steps down.)

MR. GOLDBERG: Your Honor, may we approach the bench?

THE COURT: Yes, sir.

(WHEREUPON, a bench conference was held in the presence of the jury but out of the hearing of the jury.)

THE COURT: All right, ladies and gentlemen of the jury, there's a matter of law that I need to take up outside of your presence. I am going to go ahead and send you all out. You can go ahead and take a break to refresh yourself.

Remember, do not discuss the case. And we will receive you back in shortly.

Thank you.

(WHEREUPON, the jury retires to the jury room at 10:31 a.m.)

MR. FYALL: Thank you, Your Honor. The State calls Ashley Gadson.

(Witness approaches.)

THE BAILIFF: Place your left hand on the Bible, and raise your right hand, please.

(Witness complies.)

THE CLERK: Do you swear or affirm the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes, ma'am.

THE CLERK: Thank you. Have a seat in the witness stand, please.

(Witness seated.)

THE CLERK: State your name for the record.

THE WITNESS: Ashley Gadson.

ASHLEY GADSON,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. FYALL:

Q All right. Ms. Gadson, I'm just going to ask you a few questions for right now, okay? Do you remember the last time you spoke to Deanndra Roach?

A Yes, it was on the 28th of the first.

Q The 28th of January?

A Yes, 2016.

Q About how long did y'all talk?

A About for two hours.

Q When was the last time you talked to her?

A That Thursday.

Q All right. That Thursday night?

A Yes.

Q And when you talked to her that Thursday night, I don't want you to tell me what she told you, but what did you tell her before she hung up?

A I told her to not go and be safe.

Q When you told her not to go, what were you referring to?

A She told me she was going to a shooting spot, and I told her not to go.

Q And this was after she had got off work that night?
A Yes.
MR. FYALL: That's all, Your Honor.
THE COURT: Any questions?
MR. O'NEIL: I do have one question, a couple of questions. I know we are doing a proffer right now, I just want to make sure exactly what the witness's statement is.

CROSS-EXAMINATION

BY MR. O'NEIL:
Q Ms. Gadson, what precisely did Deanndra tell you that night when y'all talked right before she was about to get off?
A Excuse me, say that again?
Q When you -- when Deanndra called you back that Thursday night -- you missed a call initially, right?
A Yes.
Q Then she called you back or you called her back?
A I called her back.
Q When you called her back, what precisely did she tell you about where she was going?
A She said she was going to a shooting spot.
Q And do you remember giving a statement, at that time it was Investigator Taylor, this young lady

right here, now Investigator Torres, but at that time Investigator Taylor?
A Uh-huh.
Q Do you remember giving her a statement as to what happened?
A Yes.
Q Do remember what you told her?
A I told her not to go and be safe.
Q I apologize. I didn't ask a good question.
A Uh-huh.
Q Do you remember what you told the investigator about what Deanndra told you?
A Yes, she was saying she was going to a shooting spot.
Q Do you remember signing a statement back then?
A Yes.
MR. O'NEIL: Permission to approach, Your Honor?
THE COURT: Yes, sir.
BY MR. O'NEIL:
Q Ms. Gadson, look at the first paragraph of your statement after the question, Tell me about that.
A You said the first one?
Q Yeah, the first paragraph after the question that says, Tell me about that. What was your answer?

A That I had missed a call, so I called her back. We spoke, then she got off the phone and off work. She told me that A.J. wanted her to go back to his house, but she wasn't going. She said that he was currently at the shooting spot. Then she said he had -- she had to call her boyfriend. She didn't talk to him all day. So we hung up the phone and that's the last time I talked to her.

Q Okay. I want to make sure, you told Investigator Taylor that -- at the time, Investigator Torres now -- that Deanndra told you that A.J. wanted her to go to his house, correct?

A Yes.

Q Not the shooting spot, correct?

A Yes.

Q So which one? What did she tell you? Did she tell you she was going to go to A.J.'s house or did she tell you A.J. wanted her to meet him at the shooting spot.

A Go to A.J.'s house.

Q I just want to make sure we're clear on that.

A Okay.

Q That's what she told you?

A Yes.

MR. O'NEIL: Permission to approach, Your

Honor?

THE COURT: Yes.

MR. O'NEIL: That's all I have.

THE COURT: Any redirect?

REDIRECT EXAMINATION

BY MR. FYALL:

Q Just to restate it, she told you she wasn't going to his house, but he was currently at the shooting spot?

A Yes.

MR. FYALL: That's all, Your Honor.

MR. O'NEIL: I apologize, Your Honor.

RECROSS-EXAMINATION

BY MR. O'NEIL:

Q Let's go over this one more time slowly so everybody is clear. Were you told -- what you told the investigator was that, and I quote from your statement, She told me, meaning Deanndra, she told me that A.J. wanted her to go back to his house, but that she wasn't going, correct? Those were your words?

A Yes.

Q Your words, nobody else's words, but your words?

A Yes.

Q What you signed and what you wrote, correct?

A Yes.

MR. O'NEIL: That's all I have.

THE COURT: All right, ma'am, you may step down.

(Witness steps down.)

THE COURT: All right. I'll be glad to hear from you regarding -- I mean, I think there's a motion. We proffered the testimony. Your motion was to exclude any testimony as to what --

MR. O'NEIL: I think we've already considered that we're going to exclude any testimony that the victim said. That's already been ruled on by the Court.

MR. FYALL: We're not planning on getting into the victim's statements.

MR. O'NEIL: So I guess the only thing we're arguing about at this point is whether or not what's not in the original statement as what she just proffered was the fact that she told the victim not to go. That's my understanding for this hearing.

MR. FYALL: And to be safe.

MR. O'NEIL: And to be safe. So my understanding is that what the State wants to introduce is something that's not in her original

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statement, but she would testify to at this hearing that in addition to what the victim told her, that she told the victim not to go and be safe.

THE COURT: I guess what I'm confused is you asked questions on response -- you asked specifically asked the question what did the victim -- where did the victim tell you she was going?

MR. O'NEIL: Yes, because she stated -- the last question on the proffer was what the victim said, and she stated that incorrectly from what her previous statement was. I just wanted to clear that up.

THE COURT: So you're not getting into what the victim --

MR. FYALL: Your Honor, I think that's moot for this hearing.

MR. O'NEIL: No, Your Honor. I just wanted to make sure that was clear, that that's not what the victim told her, but I don't think the State is trying to get that part in. I think what we're discussing in this hearing is whether or not to get in what Ms. Gadson said in response to what the victim said.

THE COURT: But you can impeach her on what

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she said.

MR. O'NEIL: I was asking her what the victim said just mainly for background. We're not --

THE COURT: I understand, but I'm talking about you saying she told investigator one thing and it's different than what she's saying today?

MR. O'NEIL: Yes. I say that because that puts -- the question today is what Ms. Gadson said. I just wanted to clear up what Ms. Roach said to Ms. Gadson. That's the background of whether or not what Ms. Gadson said is actually admissible.

THE COURT: All right. So your objection is -- I guess I'm trying to figure out what your objection is. Your objection is that it's hearsay?

MR. O'NEIL: Well, my precise objection to what Ms. Gadson said, not only that it's hearsay, it's also improper opinion testimony, because that's why I wanted to clear up what the victim said to her. Basically her response is, Don't go and be safe. That's basically her opinion about what Ms. Roach should do. Her testimony is basically her opinion as to what Ms. Roach should do. First, it's improper opinion testimony. Second, it's hearsay. Third, it's not relevant. And, fourth, even if it is relevant --

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THE COURT: How is it opinion testimony?

MR. O'NEIL: Because it states an opinion about what Ms. Roach should do.

THE COURT: If she's saying that's what she said. I mean, he's asking her -- opinion testimony would be like in terms of an expert saying it's more likely true that she went. If she got up there and said, It's my opinion that she went and met him, then that would be opinion testimony. She's just saying what she said to him. That's not opinion testimony.

MR. O'NEIL: But what she said to her is her opinion as to what Ms. Roach should do.

THE COURT: But that's what she said. People say all the time what they said or what they did.

MR. O'NEIL: But if it's in the form of opinion, it's not admissible.

THE COURT: Okay, you have to give me some case law for that because that's not a correct statement of the law. She's just saying what she told her to do.

MR. O'NEIL: Yes, and that's her opinion.

THE COURT: She had a conversation with the victim and she is testifying as to what she said to the victim in response to the conversation.

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MR. O'NEIL: Yeah, she's testifying to her opinion to the victim. The victim said --

THE COURT: How is that not admissible?

MR. O'NEIL: Because it's opinion, one. And thee victim said, A.J. wants me to go to his house. And the witness's response then, Don't go and be safe. That's her opinion about what the victim should do, first of all.

THE COURT: No, that's what she told the victim.

MR. O'NEIL: Those two things, they're not mutually exclusive here, what she told her, but it's also her opinion.

THE COURT: I think you are confusing what opinion testimony is. That's not opinion testimony. Opinion testimony would be if she got up here and said, Based on everything that I knew regarding his relationship or her relationship, I think that he's the one that murdered her.

MR. O'NEIL: Well, both of those --

THE COURT: Then that would be opinion testimony. But she's just saying what -- at this time, she's testifying to what -- a fact as to what she did on that evening.

MR. O'NEIL: Well, she's testifying on what

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her opinion as to what the victim should do. Both of those are opinions.

THE COURT: What she said to the victim.

MR. O'NEIL: In the form of an opinion.

THE COURT: Okay. Well, unless you can show me something in the law that supports that being opinion testimony, her statement as to what she said to the victim, I'm not -- I'm not going to exclude it on that ground. Let's go to hearsay.

MR. O'NEIL: It's hearsay because it's an out-of-court statement by somebody other than the Declarant by testifying at trial. It's the textbook definition of hearsay. Third --

THE COURT: Isn't she the Declarant?

MR. O'NEIL: She's testifying about something she said prior to trial.

THE COURT: Out-of-court statement.

MR. O'NEIL: Yes.

THE COURT: Offered in court.

MR. O'NEIL: Yes.

THE COURT: Say what you said again.

MR. O'NEIL: It's an out-of-court statement offered in court for the truth of the matter asserted. It's the textbook definition of hearsay.

MR. FYALL: By someone other than --

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THE COURT: Other than the Declarant.

MR. O'NEIL: While testifying at court.

THE COURT: She's the Declarant. If she says it.

MR. O'NEIL: She's testifying to something she said -- she's repeating something she said out of court, which makes it hearsay.

THE COURT: All right. That is overruled.

Now, but I guess my concern is -- I'm assuming you are going to lay some background to her -- other than just putting her up there and saying, I told her --

MR. FYALL: Yes.

THE COURT: So that's my concern, what background -- what are you going to lay? Because the concern is -- the hearsay is what the victim said to her.

MR. FYALL: Yes.

THE COURT: Declarant, that would be the hearsay. And then they need to provide an exception as to what that hearsay is.

MR. FYALL: It would not --

THE COURT: If there is an exception. If not, it's hearsay. The hearsay would be what the victim said to her.

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MR. O'NEIL: Your Honor, I think both of them would be hearsay. But I definitely think what the victim said is hearsay. And what the witness said in response at that point is not -- it's -- what we would have, basically -- the testimony would basically go is, You had a conversation with the victim, you can't tell us what she said, but what did you say? And the victim -- and the witness's response would be, I told her not to go and be safe. And the jury is left to think where did she tell her not to go to and why to be safe.

THE COURT: And that's on them, they have the burden of proof.

MR. O'NEIL: What it is, it's prejudicial to Mr. Heatley why is she saying this. It's more prejudicial than it is probative. It's probative of nothing. It leaves the jury with the impression that somehow the victim was going to meet Mr. Heatley and she's telling her to be safe. We don't have any of that. There is no admissible background to put this in context.

MR. FYALL: Your Honor, it's not hearsay. She's allowed to say what she said to the victim. And if inferences can be drawn from that based on relevant testimony, it can be drawn.

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MR. O'NEIL: But they can't. I mean, that's the definition of more prejudicial than probative. You can't just throw a statement out there and say let the jury kind of figure out what it means.

MR. FYALL: The jury has to do that with every statement that everyone says while testifying in court all the time.

THE COURT: Let me see y'all one second.

(WHEREUPON, a bench conference was held.)

THE COURT: We'll go back on the record. Based on -- we had a bench conference. My ruling is that her stating what she said to the victim is not hearsay. I am going to allow her to testify to it, only to what she said to the victim, because the State has conceded that what the victim said to her would be hearsay and that they did not -- I guess whether y'all conceded -- y'all are just not going to get into what the victim said?

MR. FYALL: Yes.

THE COURT: All right. Mr. O'Neil will have an opportunity to question her regarding the original statement she gave and any inconsistencies between that statement and what she testified to today.

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But your objection is noted for the record as to her testifying as to what she said being hearsay.

MR. O'NEIL: Also, so the record is clear, that in addition to those two grounds, it is also not relevant, and, secondly, based on that, I think it is also more prejudicial than it is probative.

THE COURT: And the Court found -- yes, that was the other thing, you brought up relevance. The relevance is that -- I think everyone was asked questions about which way the victim went and where did she go. And so for those reasons, under 402 -- supported by 401, it does find that the testimony was relevant and that the probative value outweighs any prejudicial effect regarding where she was going after she left the Walmart, considering that has been the topic of discussion for the last day and a half, did she turn right, did she turn left, did she go the way she normally goes.

So for those reasons, I am going to deny the motion. But it is noted for the record. Your objections are noted for the record.

All right. Did you get the jurors some hot coffee? Are they ready? Somebody wanted some hot coffee.

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THE BAILIFF: I'll check.

THE COURT: Do y'all need to take a break now? We'll take about a 5-minute bathroom break while they get the jury some hot coffee.

(WHEREUPON, a break was taken.)

THE COURT: Bring them on in.

(WHEREUPON, the jury came into open court at 11:16 a.m.)

THE BAILIFF: The jury is seated, Your Honor.

THE COURT: All right. Thank you. Call your next witness.

MR. FYALL: The State calls Ashley Gadson.

(Witness approaches.)

THE BAILIFF: Place your left hand on the Bible, and raise your right hand, please.

(Witness complies.)

THE CLERK: Do you swear or affirm the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I swear.

THE CLERK: Thank you. Have a seat in the witness stand, please.

(Witness seated.)

THE CLERK: State your name for the record.

THE WITNESS: Ashley Gadson.

ASHLEY GADSON,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. FYALL:

Q All right, Ms. Gadson, can you tell us where you're from and where you work?

A I'm from Columbia, South Carolina. I used to work at Zaxby's.

Q Do you know Deanndra Roach?

A Yes.

Q How do you know her?

A I know her from high school, Blythewood High School.

Q What was y'all's relationship like?

A Friendship.

Q Do you also know Andre Heatley?

A Yes.

Q How do you know him?

A I met him once before from a dinner party.

Q What was his relationship with Deanndra?

A On-again/off-again relationship.

Q All right. January 28th, 2016, did you speak with Deanndra that afternoon?

A Yes.

Q All right. And did you speak with her again later that night?
A Yes.
Q When y'all spoke later that night, about how long did y'all's conversation last?
A It was like two hours.
Q All right. So I just want to slow down. The conversation y'all had the night after she got off from work?
A Oh --
Q How long was that conversation?
A She had sent -- we talked about how she --
MR. O'NEIL: Objection, Your Honor. Hearsay.,
MR. FYALL: I don't want to talk about what she --
THE COURT: Sustained.
BY MR. FYALL:
Q Don't talk about what she told you, just y'all talked after she got off from work?
A Yes.
Q All right. And what did you say to her before y'all got off the phone?
A I said, Be careful -- be safe and don't go.
Q Don't go?
A Yes.

Q Are you aware of some of the ways Deanndra and Andre would communicate with each other?
A Yes.
Q Tell us some of those ways.
A Via Snapchat.
Q Anything else?
A Facetime, texting.
Q All right. As far as Snapchat is concerned, if you're familiar, once you check a Snapchat message, what happens to it?
A It disappears.
MR. O'NEIL: Objection, Your Honor. There's no foundation laid the witness has that knowledge.
THE COURT: Sustained. Rephrase the question.
BY MR. FYALL:
Q Do you have Snapchat on your phone?
A Yes.
Q Do you use it?
A Yes.
Q When you receive a Snapchat on your phone and you check it, what happened to it?
A It disappears.
MR. FYALL: No further questions -- hold on one second.
BY MR. FYALL:

Q I just want to clarify something, when you say you talk to Deanndra for two hours, that was earlier that afternoon?
A Yes.
MR. FYALL: Nothing further.
THE COURT: Yes, sir.
MR. O'NEIL: Thank you, Your Honor. May it please the Court?

CROSS-EXAMINATION

BY MR. O'NEIL:
Q I'm a little confused, because at first you said you talked to Ms. Roach two hours after she got off work, correct?
A Yes.
Q That's what you first said, correct?
A Yes.
Q Then Mr. Fyall asked a different question and you gave him -- he asked you the same question in a different way and you gave him a different answer, right? Correct?
A Yes.
Q Why was that? Why did you give him a different answer when he asked you the same question a different way? Do you need me to repeat the question?

A You said -- can you say that again?
Q Why did you give him a different answer when he asked you the same question a different way?
A Because it came to my mind when we had last talked.
Q So it came back to your memory in the 45 seconds in between the first question and the second question?
A Yes.
Q Okay. Your testimony today is that you told Ms. Roach on the night of the 28th to, I think -- I want to make sure I got your words correct -- Be safe and don't go, correct?
A Yes.
Q All right. And you gave a written statement to, at that time Investigator Taylor, now Investigator Torres, back on February 2nd, 2016, at 9:00 o'clock, I think, at headquarters there on Two Notch, correct?
A Yes.
Q All right. And you knew giving that statement was going to be important, correct?
A Yes.
Q And you knew you had to be accurate and honest and detailed as possible in that statement, correct?
A Yes.
Q And I'm going to hand you the statement. Show me

anywhere in this statement when you were talking to the investigator about this case where you told the investigator that you told Ms. Roach to, Be safe and don't go? Can you show me where that's at in this statement?

A Show you?

Q Yes, ma'am.

(Pause.)

Q That statement is three pages, Ms. Gadson?

A Yes.

Q That's nowhere on any one of three pages, correct?

A Yes.

Q When was the first time you told anybody that that's what you told Ms. Roach?

A You said the first time?

Q Yes, when was first time you told anybody that you told Ms. Roach on the night of the 28th to, Be safe and don't go? When was the first time you ever said that to anybody?

A Nobody.

Q I'm sorry?

A I said nobody.

Q Okay. You also indicate today that you said that Ms. Roach and Mr. Heatley communicated on Snapchat and Facetime. Is that what your testimony was to

Mr. Fyall was just now?
A Yes.
Q Where in that statement did you tell law enforcement that back in 2016?
A Nowhere.
Q Nowhere. Nowhere in that 3-page statement do you say anything about that. When was the first time you ever told anybody that, that Mr. Heatley and Ms. Roach allegedly communicated on Snapchat and Facetime?
A When investigators asked me.
Q And when was that, do you remember? And I apologize, I don't want a specific date, but was it this year or was it three years ago?
A This year.
Q In preparation of this trial, some investigators came and talked to you?
A Yes.
Q All right. And that's the first time you ever said that?
A Yes.
Q And you say you talked with Ms. Roach about two hours during the day of 2000 and -- on January 28th, 2018?
A No, '16.

Q I'm sorry, you're right. 2016, correct?
A Yes.
MR. O'NEIL: That's all I have, Your Honor.
THE COURT: All right. Redirect?
MR. FYALL: No, ma'am.
THE COURT: All right, ma'am, you may step down.
Any objection to this witness being excused?
MR. O'NEIL: No, ma'am.
THE COURT: All right, ma'am, you're free to leaf.
(Witness steps down and is excused.)
THE COURT: Call your next witness.
MR. GOLDBERG: The State calls Brittany Carroway.
(Witness approaches.)
THE BAILIFF: Place your left hand on the Bible, and raise your right hand, please.
(Witness complies.)
THE CLERK: Do you swear or affirm the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?
THE WITNESS: I do.
THE CLERK: Thank you. Have a seat in the

witness stand, please.

(Witness seated.)

THE CLERK: State your name for the record.

THE WITNESS: My name is Brittany Carroway.

BRITTANY CARROWAY,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GOLDBERG:

Q Ms. Carroway, good morning. How are you?

A I'm good. How are you?

Q Good, thanks. If you can just make sure you keep your voice up as we talk to you because the court reporter has to take down what you say and the jury has got to hear you, okay?

A Okay.

Q All right, thank you. Where are you from?

A I'm from Hartsville, South Carolina.

Q From where?

A Hartsville, South Carolina.

Q Hartsville, I'm sorry. Okay. Do you live in Columbia now?

A Yes. I've been here for 12 years now.

Q Okay. And where did you go to high school?

A I went to Blythewood my ninth grade year, and then I transferred to Westwood and graduated from there.

THE COURT REPORTER: Transferred to where?
A Westwood. Westwood High School.
Q Let me move this a little closer for you. You said you went to Ridgeview and then Westwood?
A I went to Blythewood.
Q Blythewood.
A And then Westwood High School.
Q Okay, great. Tell the jury how you know Deanndra Roach.
A We met in ninth grade at Longleaf Middle School. We became best friends over the course of the years.
Q And did you guys spend a lot of time with each other over the years?
A Yes.
Q Did you spend time together at school?
A Yes.
Q Did you spend time together outside of school?
A Yes.
Q And when you say best friends, what does that mean?
A Like, we literally did everything together. My grandma was her grandma. My mom was her mom. My sisters and brothers was her sisters and brothers.
Q Over that time, did she get to learn a lot of information about you and your life?

A Yes.
Q Did you talk to her about boyfriends that you had?
A Yes.
Q And did you learn things about her life?
A Yes.
Q Did you talk to her about boyfriends that she had?
A Yes.
Q And other friends as well?
A Yes.
Q All right. And who were some of the boyfriends that she had that you knew about?
A I knew about Shanard was her boyfriend.
Q Shanard Stokes?
A Yes.
Q When you say that was her boyfriend, was that her boyfriend at the time that she went missing?
A Yes.
Q Back in January of 2016?
A Yes.
Q Okay. Who else?
A She also dated Andre. She also dated --
Q Andre Heatley?
A Yes.
Q Did he go by any other name as well?
A A.J.

Q All right.
A She also dated a guy named Lamarcus Capers. And that was about it. She wasn't really serious with anyone else.
THE COURT REPORTER: I'm sorry, who?
A Lamarcus Capers.
Q You say she wasn't really serious with anyone else?
A With anyone else other than those.
Q Okay. When did you first meet Andre Heatley?
A I met him sometime in high school. I can't remember exactly when, but it was in high school.
Q Did you have an opportunity to be around him on regular occurrences?
A Yes.
Q All right. Can you -- was that while Deanndra was in a relationship with him?
A Yes.
Q Okay. And so at some point, Deanndra started dating A.J., is that right?
A Yes.
Q Did they date straight through high school?
A No.
Q Okay. Did they break up at some point?
A Yes.
Q Did they get back together?

A Yes.
Q Did they break up again?
A Yes.
Q Was this a pattern that you observed over time, that they would -- how would you describe that relationship?
A They were on and off.
Q On and off. Okay. And that's over a period of what weeks, months, years?
A Years.
Q Years. Okay. And you said you were around him from time to time while they were dating, is that right?
A Yes.
Q Okay. What, if anything, did you ever observe about the types of clothes that he used to wear?
A He dressed like everybody, like nice. She would buy him things to wear.
Q What kind of things would she buy him?
A Well, I remember she bought him a red pullover jersey to match these red sneakers. They was red Nike Air Force Ones.
Q Red Nike Air Force Ones?
A Yes.
Q Now, at the time that Ms. Roach -- that this all

happened, did law enforcement come and talk to you to get some information?
A Yes.
Q Okay. And when they did so, did they show you some images from various ATM machines around town?
A Yes.
Q And I believe it was three different ATMs, but this is just one of them, State's 115 and 116. Are those pictures that they showed you?
A Yes.
Q And then some other photos from two other ATMs, is that right?
A Yes, sir.
Q And when they asked you if you recognized who the person in those pictures were, did you recognize who it was?
A Yes.
Q Who did you recognize it to be?
A Andre Heatley.
Q And how did you know it was him?
A The red sneakers.
Q Okay. And were there also some shots of like his overall body and his face as well?
A Yes. They showed me up-close pictures of his face at the ATM.

Q And the person that -- how sure were you when you saw those photos that it was him?
A A hundred percent.
Q And the person that you recognized in those photos as Andre Heatley, do you see him in the courtroom here today?
A Yes.
Q Can you point him out, please?
A Right here.
Q Can you describe what he looks like?
A Yes.
Q Can you describe him?
A He's wearing the black glasses and the plaid pink and blue shirt.
Q Thank you.
A Button-up shirt.

MR. GOLDBERG: Let the record reflect that Ms. Carroway has identified Mr. Heatley sitting at the table next to Mr. O'Neil.

BY MR. GOLDBERG:
Q Do you have any siblings?
A Yes, I have two sisters and two brothers.
Q Two sisters, two brothers. What are their names?
A My oldest sister is Jazmine, little sister is Dee Dee, older brother is Deshawn Carroway, little

brother is Tyrek Carroway.
Q Tyrek Carroway, okay. Are you familiar with the kind of car that Deanndra had?
A Yes, a Honda Civic.
Q All right. Did you ride in it from time to time?
A Of course.
Q Okay. Did your brother Tyrek ever have an opportunity to ride in that car?
A Yes.
Q Were you with him at that time?
A Yes.
Q Can you describe what that was?
A We had all went to the Riverbanks Zoo together. It was me, my little sister, Jordan, which is my little brother's friend, and then my little brother and Deanndra.
Q And that was in Deanndra's car?
A Uh-huh.
Q And do you recall where you or your brother Tyrek were seated?
A I was in the front passenger seat and he was in the back seat.
Q Tyrek was in the back seat?
A Uh-huh.
MR. GOLDBERG: I believe that's all I have.

Thank you very much. Please answer any questions of Mr. O'Neil.

THE COURT: Yes, sir?

CROSS-EXAMINATION

BY MR. O'NEIL:

Q Ms. Carroway, I just have a few questions for you, okay? In the circle of friends that you and Ms. Roach had back then, there was a little bit of overlapping when it comes to relationships, is that fair enough to say?

A Yes.

Q Okay. Because back in January of 2016, Ms. Roach was dating Shanard Stokes, correct?

A Say it again?

Q Back in January of 2016, Ms. Roach was dating Shanard Stokes?

A Yes.

Q Yes. Shanard went to school up in Charlotte?

A Yes.

Q So you have Ms. Roach dating Shanard. Shanard's ex-girlfriend was Desha Anderson, correct?

A Yes.

Q So Ms. Roach dating Shanard, Shanard's ex-girlfriend was Desha Anderson. Who was Desha Anderson dating at that time?

A She was currently talking to A.J.
Q So you got -- basically, you got Ms. Roach, Deanndra Roach's current boyfriend used to date, at that time Mr. Heatley's current girlfriend. Am I saying that correctly? Have I got that right?
A Right.
Q So Mr. Heatley's current girlfriend at that time is the ex-girlfriend of Ms. Roach's boyfriend?
A Yes.
Q And you also had, I think at that time -- well, sometime previous to that, Deanndra Roach used to date, I think -- well, she used to talk to Kelvin Davis, is that right?
A They were friends, yes.
Q Friends. I think -- I think in your words, they were talking together, that's a term used for almost dating, but they were talking?
A Yes, they were friends.
Q Okay. And Kelvin -- what do you mean by the fact they were talking? Let me make sure I'm clear on that.
A We were just all friends.
Q But Kelvin Davis at that time was the father of Ivory Fleming's child?
A Yes.

Q And to your knowledge, did Ms. Fleming and Ms. Roach get along?
A I never seen them interact with each other.
Q You don't know one way or the other?
A Yes -- no.
Q And the pictures that the investigator showed you, were they color photos?
A I'm not sure. I can't remember.
Q Did they show you more than one picture or did they show you one or you don't remember?
A Multiple pictures.

MR. O'NEIL: Beg the Court's indulgence, Your Honor.

(Pause.)

BY MR. O'NEIL:
Q One thing, Ms. Carroway, before I leave here. Your testimony is that Ms. Roach would normally buy Mr. Heatley clothes?
A Yes.
Q How often would she do that, do you remember?
A Like birthdays, things of that nature.
Q Special occasions?
A He would ask sometimes.

MR. O'NEIL: That's all I have, Your Honor.

THE COURT: Redirect?

REDIRECT EXAMINATION

BY MR. GOLDBERG:

Q All right. It is a little confusing about the relationships, so let's make sure we got it straight.

A Uh-huh.

Q Okay. So Deanndra, you said, was dating A.J. off and on, correct?

A Yes.

Q Okay. And then you said at the time she was killed, she was dating?

A Shanard.

Q Shanard. Okay. And Shanard lived where?

A North Carolina. He was going to school there.

Q Okay. And A.J. was dating?

A Desha Anderson.

Q Desha Anderson. And you said that Desha and Shanard used to date --

A Yes.

Q -- previously? Okay. So is that about what we got there?

A Yes.

Q All right. And then Mr. O'Neil asked you about Kelvin Davis?

A Yes.

Q But Deanndra never dated Kelvin?
A No.
Q They knew each other?
A Yes.
Q They were friends?
A Yes.
Q All right. Had you ever met Shanard before?
A Yes. I went to school with him at Westwood.
Q Okay.

MR. GOLDBERG: That's all I have. Thank you.

THE COURT: All right. You may step down.

(Witness steps down.)

THE COURT: Any objection to this witness being excused?

MR. GOLDBERG: No, ma'am.

MR. O'NEIL: No, Your Honor.

THE COURT: You're free to leave, ma'am.

(Witness excused.)

THE COURT: All right, call your next witness.

MR. GOLDBERG: The State calls Ann Neeley.

(Witness approaches.)

THE BAILIFF: Place your left hand on the Bible and raise your right.

(Witness complies.)

THE CLERK: Do you swear or affirm the

testimony you are about to give in this case will be the truth, the whole truth and nothing but the truth, so help you God?

THE WITNESS: I do.

THE CLERK: Thank you. Have a seat in the witness stand, please.

(Witness seated.)

THE CLERK: State your name for the record.

THE WITNESS: My name is Ann Neeley, N-E-E-L-E-Y.

ANN NEELEY,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GOLDBERG:

Q Good morning.

A Hi.

Q Where are you currently employed?

A Richland County Coroner's Office.

Q How long have you been employed there?

A About 17 years.

Q Okay. Can you tell the jury what the Coroner's Office is and what you do there?

A We investigate death. We are there to find out the incidences that occur to a person and report them back to a pathologist, who does an autopsy in some

cases and an exam in some cases. And the coroner himself does the actual manner of death. So the pathologist does the cause of death and the Coroner's Office does the manner of death.

Q Tell the jury a little about what your duties are at the Coroner's Office.

A I respond to the calls that come to our office through either the EMS dispatch or to a hospital, sometimes they're hospice nurses. And my responsibilities are to go to where the person is and make observations, take pictures, help preserve evidence, communicate with the other law enforcement officers, and schedule autopsies, interview family, friends, witnesses, that sort of thing.

Q When you show up to a scene where a body is located, do you walk in blindly or are you given any information from other people?

A It depends on case to case. I believe on this situation, I was informed that there was a female that had been found and she had been shot, so.

Q Okay. And I want to turn your attention to this case, actually. And you actually went out to the crime scene, is that correct?

A I did, yes, sir.

Q All right. And you generated a report, is that right?
A I did.
Q Okay. So looking at your report, can you tell the jury what it says at the top of the page in terms of the basic information?
A Yes. We -- that paragraph, historically speaking, is what time I received the call, who I received the call from, the information that was given to me over the telephone, the time that I arrived on scene, that sort of thing.
Q Okay. In this case, it was in regards to Deanndra Roach?
A That is correct, yes, sir.
Q And the date was January 29th of 2016?
A That is correct.
Q All right. Now, as part of your job -- I notice on here it talks about, and Mr. O'Neil already asked the question of the pathologist, about time of death.
A Okay.
Q Can you explain to the jury a little bit about what time of death is and how you make determinations about that?
A First of all, it's not an exact science. It is, at

best, a guesstimate. Sometimes the body can give you information as far as the lividity or the pooling of blood, the rigor or the stiffness of the muscles and joints, and so forth, can speak to us, but a lot of times we are more interested in when someone was last seen, when the body was found, the conditions of the -- like, in this situation, the body was outside, the conditions that were outside where she was at the time.

Q How do outdoor conditions impact this issue of time of death?

A Well, the hotter it is outside, the faster the body with start experiencing skin slippage. We saw none of that. Skin slippage is just where the skin becomes very loose. And the colder it is, the better the body is preserved. And I believe, if I'm not mistaken, it was like 57 degrees outside when I got there at the scene, so.

Q Now, have you had an opportunity to look at your report or do you have it in front of you?

A I have a little bit, yes.

Q Now, what did you notate on here as the time of death?

A I have it estimated between 4:00 a.m. and 5:00 p.m.

Q Okay. Now, what information did you have upon

which you based that statement of estimating 4:00 a.m.?

A The family had noted at some point in time -- and I could have heard this on scene by one of the investigators that she was last heard from at 4:00 a.m. and then the discovery of her body was at 5:00 p.m. and --

Q Now, if you look at Page 11 -- if you don't have it, I'll show it to you. Can you tell the jury about the information you were given about that 4:00 a.m. in terms of being heard from?

A By what I have written, I can --

Q Is that your report?

A It is.

MR. O'NEIL: Objection, Your Honor. May we approach?

THE WITNESS: I'm sorry?

MR. GOLDBERG: Hold on one second.

(WHEREUPON, a bench conference was held in the presence of the jury but out of the hearing of the jury.)

THE COURT: Go ahead. Objection overruled.

MR. GOLDBERG: Thank you, Your Honor.

BY MR. GOLDBERG:

Q All right. So you were given some information

about where or how we knew that there was some contact from the victim at 0400 hours?
A Right.
Q What was that?
A It was from her mother, Cynthia Roach. And she informed us that she left work at 10:00 o'clock that night and made her last post on Facebook at 4:00 a.m.
Q Post on Facebook?
A Last known contact information.
Q All right. And so is it fair to say that based on that information, is that where you got this 0400 --
A It is.
Q -- number?
A It is.
Q Because, obviously, even if you assume for a minute that there was a post at 4:00 a.m., there's no way to know that --
A Right.
Q -- the death occurred at 4:00 a.m.?
A That's why it's estimated.
Q That's why it's estimated. Now, speaking of estimations, estimates are -- can be a wide range, correct?

A Yes, exactly.
Q So upon your review of what you saw at the scene of Ms. Roach and the conditions, the temperature and everything else, and your experience in this area, is it possible that the time of death was earlier than 4:00 a.m.?
A I would have to say that it is possible. When we have a scene like that, we try to preserve as much evidence as we possibly can. So being able to look at her body for lividity and rigor at the scene or in the area was difficult, so I had to go on the information that I was provided verbally.
Q Such as Facebook?
A Such as Facebook.
Q So it's possible that it could have been 10:30 at night, say the night before, some five hours prior?
A It is possible, yes, sir.
Q And possible it's not?
A And possible it's not.
Q So that's why you put the estimated time based on the information that you have?
A That is correct, yes.
Q In fact, there's no way to know exactly what time it was?
A Right.

MR. GOLDBERG: All right. Thank you. That's all I have.

THE COURT: Yes, sir?

MR. O'NEIL: Thank you, Your Honor, may it please the Court?

CROSS-EXAMINATION

BY MR. O'NEIL:

Q Ms. Neeley, how many potential homicide scenes have you gone to in your career?

A Couple hundred maybe.

Q Two or 300?

A I would saw at least a hundred, maybe 200.

Q And you know how serious these cases are?

A Yes, I do.

Q We're talking about serious stuff here?

A Yes, I do.

Q And one of the reasons why you have this investigation form you fill out, you want to make sure that you detail what you do down to the last detail?

A As best we can, yes.

Q You have like date, time of day, temperature, every little detail that you can think of, there's a spot on this form for that?

A Right.

Q And you know it's important to be accurate on this form?
A Yes, sir.
Q You want us to believe that the only reason why you estimated her time of death for 4:00 o'clock in the morning is because of a Facebook post?
A That was the last time the Decedent had been heard from. That was the last known time that she was alive.
Q And that's not actually true according to your report, is it, Ms. Neeley? Because later on in your report, you indicate that there was an online purchase that was done at 1:00 o'clock that morning, correct?
A I have no idea who made that purchase, sir.
Q You have no idea who made the Facebook post either, do you?
A That's exactly right.
Q Still, according to you, indicated the time of death to be 4:00 o'clock that morning, correct?
A It is an estimated time and I went based on the information that was given to me.
Q Why didn't you use the 1:00 o'clock time for time of death?
A I don't have anything to base the 1:00 o'clock time

off of.
Q I'm sorry?
A I said I did not have anything to base a 1:00 o'clock time off of.
Q You did, you put it in your report. You want me to read it to you?
A Sure.
Q Your report says, and I quote: Ms. Roach stated that the last post her daughter made on Facebook was done at 0400 hours on January 29th, 2016, correct?
A Yes, sir.
Q What's the next sentence after that?
A It states that --
Q I'll read it to you. There was also a mention of an online purchase that was made on Deanndra's credit card at approximately 1:00 a.m. on January 29th, 2016, correct?
A Correct.
Q So there was information that there was an online purchase on her credit card at 1:00 a.m. on the 29th, correct?
A The last time that she was heard from as far as we know was at 4:00 a.m.
Q But you don't know who posted on the Facebook page?

A Nor do we know the person who made the purchase, sir.
Q And that's my point exactly, so why did you pick the 4:00 a.m. as opposed to 1:00 a.m.?
A Because it's the last time we thought that she was alive.
Q So you thought?
A Right.
Q So your opinion in this report that we all have to rely on --
A Yes.
Q -- that you thought her time of death was between 4:00 a.m. and 5:00 p.m. that night?
A That is the information that I had verbally, yes, sir.
Q And I love the report here because it also -- your report, when it comes to time of death, it just says -- it has three options. You have the actual time, correct?
A Right.
Q Which you didn't have?
A Right.
Q You could have the estimated time?
A Correct.
Q It also has a box that says what else?

A Unknown.
Q Unknown?
A Right.
Q So you didn't know?
A Right.
Q You could have picked, I don't know, fair enough?
A Fair enough.
Q But you didn't put that, did you?
A No, I didn't.
Q You put estimated time 4:00 a.m. on the 29th until 5:00 p.m. that day?
A That's correct.
Q You put that on there knowing people are going to rely on that after you put it there?
A Sure.
Q And you had an opportunity to change it at any time through an amended report saying, I don't think it happened at 4:00 a.m., I think it happened at a different time here, I want to amend it and make sure everybody knows what's going on?
A I didn't have any reason to do that, sir.
Q Exactly. You had no reason to believe that the estimated time of death was not 4:00 a.m. on the 29th -- between 4:00 a.m. on the 29th until 5:00 p.m. on 29th, correct?

A Correct.
Q Let's talk about what else you knew here. On Page 11 of your report here, you indicated that Deanndra had been talking to a young man named Kelvin Davis, correct?
A Correct.
Q And you said several people thought Mr. Davis and Deanndra were dating, but that Deanndra told her mother that they were just friends, correct?
A If that's what's in my report, yes, sir.
Q You indicated that Ms. Roach stated that Mr. Davis had a child with a woman named Ivory?
MR. GOLDBERG: Objection, Your Honor. This is way beyond the scope of this witness's testimony.
MR. O'NEIL: It's right out of her report, Your Honor. I don't know how more --
MR. GOLDBERG: It's hearsay.
THE COURT: It's cross-examination.
MR. GOLDBERG: May we approach?
THE COURT: Yes, sir.
(WHEREUPON, a bench conference was held in the presence of the jury but out of the hearing of the jury.)
THE COURT: All right. Objection is sustained. It is outside the scope of

cross-examination.

MR. O'NEIL: Your Honor, I would ask to be able to proffer that testimony.

THE COURT: We'll mark that as a Court Exhibit. I'm assuming that's what you want.

MR. O'NEIL: No, I want to be able to proffer why I want to ask this witness that question.

THE COURT: All right. Ladies and gentlemen of the jury, let me send you all out for a moment.

All right, thank you.

(WHEREUPON, the jury retires to the jury room at 12:00 p.m.)

THE COURT: All right. Let's go ahead and put the objection on the record. I know the objection was hearsay.

MR. GOLDBERG: It's hearsay, and it is also outside the scope, and it's not relevant in that the whole reason that this witness is here is because there's been an issue created about the time of death. The point of the testimony about the Facebook post, the information given by the mother regarding the Facebook point goes directly towards the time of death issue that has been created here.

Mr. O'Neil was about to question this witness

about the next paragraph that deals with information that the mother provided about the fact that the victim had dated A.J. and that she had also been talking with a guy named Kelvin Davis and that some people thought Mr. Davis and her were dating, and all these things about the relationship, which has absolutely nothing to do with time of death issue. It's just background information that was given to the witness and it's completely irrelevant to this line of questioning about the time of death.

THE COURT: So his objection is outside scope, I guess, of cross-examination, and also that it's hearsay. And so I need an exception as to why it's not hearsay. And we can go ahead and put on the record, earlier there was an objection to discussing the date -- the time of death as determined by this witness and the Court allowed it in under 803(6) and (9) and (4).

And so now we're talking about the same report for purposes of getting into other information not related to the coroner and the death of the victim in the case.

And so under what exception do you get that in under the hearsay rule?

MR. O'NEIL: Two things, Your Honor. As relation to the relevance objection, I think my cross-examination is not limited to the precise scope of the direct examination. I think recross and redirect are limited to those previous examinations, but cross-examination is only limited by what information I can get in that is relevant information. It's not limited to what they did on direct on my cross-examination. Mr. Heatley has a due process right to cross-examine this witness on anything that is relevant.

Secondly, it is not hearsay. I'm not asking it for the truth of the matter asserted. I want -- I ask for this Court to allow me to lay the foundation of this witness as to why this information is in her report. It's in her report for a reason. It was relevant to her because she put it in her report. I'm able to ask her to lay the foundation why it's in her report and then the Court will have a better determination about whether or not it's relevant or not.

THE COURT: All right. Well, I am going to let you proffer the testimony and you can ask her, but I still need an exception as to why it's not hearsay.

MR. O'NEIL: Your Honor, I said it's not hearsay --

THE COURT: Oh, you're saying it's not hearsay because it's not offered for the truth of the matter asserted.

MR. O'NEIL: It's not offered for the truth of the matter asserted. It is offered to the thoroughness of her investigation, she put it in for a reason, so why it's in here is relevant to how thoroughly she investigated the case. She was part of the case here.

THE COURT: All right. Go ahead and proffer the testimony.

EXAMINATION IN CAMERA

BY MR. O'NEIL:

Q Ms. Neeley?

A Yes, sir.

Q Apart from doing the initial form of the death scene investigation, you also do case notes?

A That's correct, yes, sir.

Q And your case notes have a couple of different sections. It has actualization, property, witness?

A Correct.

Q Depositions, all different sections?

A Right.

Q What point -- kind of go through them one by one. What is the point or the reason for the very first couple of paragraphs of your case notes here?
A It's my observations of what I have heard, what I have seen with my own eyes.
Q Okay. Then you have another section that says actualization. What is the point of that section?
A That is a description of the body. And, again, we were unable to unclothe the body on scene because we're trying to preserve evidence.
Q You have another section called property. What's the point of that section?
A If there's any personal property on the Decedent, we collect that property and put it into safekeeping in our office until it can be returned to the next of kin.
Q You have another part of your report that's entitled witness. What's the point of that section?
A That is a place that I record any of the conversations that I have had with anyone I've spoken with in regards to the case. And that is -- the rule of thumb that I use is if I know it, I'm going to put it in my report.
Q And why is that important to put that section in

your report?
A Because it helps me remember the case two years, three years later.
Q Any other reason?
A At the time, I don't know what is relevant and don't know what to include or exclude, so if I know it, I include it.
Q Okay. So you put this information in your report here because you don't know at the time you are doing it that it may be relevant and may not be relevant?
A Exactly.
Q Are there times when you take stuff out of your report?
A I don't take things out of my report.
Q You never take it out of your report?
A No, sir.
Q So if it's relevant and it's in your report, what would you do with that information? Let's say, for instance, this testimony about the mother of the victim stating that Deanndra had an ex-boyfriend, A.J. Heatley, why is that in your report?
A Because that is what was said to me.
Q And did you find that important one way or the other in your role in the case?

A If I know it, I'm going to put it in my report.
Q That's not exactly what I asked you. Did you find it important one way or the other in your role in the case?
A Yes, I did, because it was said to me and I put it in my report.
Q All right. And that -- what you put in your report -- why do you put everything that's said to you in your report?
A Because it may be needed at some point in time and I have to fill out a complete report. I don't know at the time if it's going to be needed or not, but I have to report on what I know.
Q Okay.
A If I don't write it in my report, it never happened.

MR. O'NEIL: Okay. That's all, Your Honor. And my argument would be that this witness --

THE COURT: Hold on, you're proffering.

EXAMINATION IN CAMERA

BY MR. GOLDBERG:

Q Was the mother actually out at the scene?
A No, she was not. I went to her home.
Q You didn't talk to her directly, correct?
A I went to her home after we left the scene.

Q After the scene?
A Right.
Q Is that when this information was gathered?
A That is correct.
Q And the information provided to you in this paragraph that was referenced here about boyfriends and the like, did that play any role in your determination regarding the time of death?
A It did not.

MR. GOLDBERG: Thank you.

MR. O'NEIL: My turn, Your Honor?

THE COURT: Yes, sir.

MR. O'NEIL: This is why I want it now, Your Honor. This witness says she put this information in her report because it may be relied upon later by other people. I want to lay the foundation that this witness put this in the report because she didn't know whether or not it was important or not, and then how was that information followed up on by other investigators whose job is to follow up on everything in the case here as relates to those points.

MR. GOLDBERG: Those are questions that can be asked of the case officers who actually did investigate the case. This is -- it's hearsay. We

have a hearsay exception regarding the previous paragraph, 803(4) but there is no hearsay exception relating to this paragraph regarding all this extraneous information about the boyfriends.

MR. O'NEIL: Your Honor, once again, I don't want it for the truth of the matter asserted, so it's not hearsay. All I want it for is that this deputy coroner thought it was important to put in the report, I want to know -- I want to establish to the jury that she thought it was important enough to put it in the report, and I'm going to seek from the other investigators what they did to follow up on it. I'm allowed to do both. It's not either/or. I'm not restricted to only cross-examine one witness about it, I'm allowed to examine both witnesses about it. The source of information and then who followed up on it.

THE COURT: All right, the objection is sustained. The Court finds that the information is hearsay. It's double hearsay. She's saying what the mom told her that somebody else told her, that somebody else said, it might be triple hearsay for those. And I've not been given any exception. So for those reasons, I am going to sustain the objection.

Bring the jury back in, please.

You can mark that as a Court Exhibit, a copy of it.

(WHEREUPON, Court's Exhibit No. 5 was marked for identification only.)

(WHEREUPON, the jury came into open court at 12:11 p.m.)

THE BAILIFF: The jury is seated, Your Honor.

THE COURT: The objection is sustained.

Yes, sir?

MR. O'NEIL: Thank you, Your Honor.

CROSS-EXAMINATION CONTINUES

BY MR. O'NEIL:

Q Ms. Neeley, how many times have you reviewed your file in preparation for today's trial?

A Two.

Q How many times in the last almost three years did you tell anybody that you thought maybe the time of death was not 4:00 a.m. to 5:00 p.m. on the 29th?

A I don't know that I ever have.

Q You never told anybody that you --

A Not that I know of. I don't recall doing it.

Q When, if any time, did the issue of this estimated time of 4:00 a.m. come up?

A Today.

Q Today when?
A During this court session.
Q Just a few seconds ago?
A Right.
Q But until then you were still solid on the fact that it was January 29th, 2016, between 4:00 a.m. --
A Yes, sir.
Q -- and 5:00 p.m.?
A Correct.
Q Nothing in your examination led you to think that was any different?
A Right.
Q In fact, you signed your name to a report saying that?
A That's correct.
Q And you wouldn't have signed your name to a report if you didn't think that was true and accurate?
A Right. It is estimated. It is not an estimated science, but it is an estimated time.
Q And you know -- you had an opportunity to say you didn't know, but you took the option saying this is an estimated time?
A That's correct.
MR. O'NEIL: That's all we have, Your Honor.

THE COURT: All right. Yes, sir?

REDIRECT EXAMINATION

BY MR. GOLDBERG:

Q And, again, you testified earlier I believe that regarding time of death -- and tell me if it's not what you said, but I wrote down that you said that it is, at best, a guesstimate?

A That is true, yes, sir.

Q And in this case, the 4:00 a.m. was based upon the information given you by the mother, correct?

A The last time the Decedent's was known or thought to be alive and the time that she was found.

Q Or thought to be alive?

A Right.

Q In this instance, based on this Facebook post?

A Exactly.

Q And, briefly, he asked you about this part of your report that talks about actual, estimated, and unknown times of death?

A Correct.

Q So the actual time of death might be, what, like in a hospital, somebody -- what would that be?

A Yes, if we have a witness to the death who was there to say that that person died at that time, we use an actual time of death. Hospice cases,

hospital cases sometimes. The estimated time is when we don't have an actual witness there to say this is when it actually happened. The unknown time, we use that a lot of times when a person is in a decomposed state, maybe found in their home, and they have not been heard from for weeks.

Q And that, obviously, wasn't the case in this case?

A That's not the case in this case, right.

Q And your estimate was based on the Facebook information?

A That's correct, yes, sir.

Q But you don't know for sure when?

A We were not able to examine the body on the scene, so that is what I had to go with.

Q Right. And there's no way to know exactly when it was?

A Correct.

MR. GOLDBERG: Thank you very much.

THE COURT: All right. You may step down.

Any objection to this witness being excused?

MR. O'NEIL: No, Your Honor.

THE COURT: All right, ma'am, you're free to leave.

(Witness steps down and is excused.)

THE COURT: Let me see you all.

(WHEREUPON, a bench conferenced was held in the presence of the jury, but outside the hearing of the jury.)

THE COURT: All right, ladies and gentlemen of the jury, we are up here having a conversation trying to figure out the schedule in terms of lunch. So the next witness is probably going to take quite some time, or the next witness that they have available at this time will probably take some time -- I'm not sure if they're going to call them after lunch or not, but it would put us here well after the lunch period. I'm sure you all are probably ready for a lunch break. So we're going to go ahead and take a lunch break.

It's going to be a little bit longer because I have something else to do. So we'll come back around 2:15. I usually try to give you an hour, hour and a half to get out of the building, go where you're going and take care of whatever matters you need to take. So that's a little bit longer, but we'll see you all back at 2:15.

Before you go, though, I need to inquire, remember on Tuesday, I went down that whole potential list of witnesses. There was one name that was left off, and that name is Investigator

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Amos Jones.

Is there any member of the jury panel that knows Investigator Jones, who is related by blood or marriage, has a close personal relationship with Investigator Amos Jones? There's a possibility he may testify.

(WHEREUPON, there was no response.)

THE COURT: No one? All right.

Remember, if you're going to eat around here, keep those badges on, and we will see you back at 2:15.

Thank you.

(WHEREUPON, the jury is excused for lunch at 12:20 p.m.)

THE COURT: All right. So we'll start back at -- now, the witness that you have, is that the one we need to proffer testimony?

MR. GOLDBERG: No, ma'am, not yet.

THE COURT: Okay.

MR. GOLDBERG: The one that we would have had to proffer is the one that we're still waiting on to arrive.

THE COURT: So we'll start back at 2:15. As I told you all, I am probably going to have to break to go -- I'm going to try to see if Judge Newman

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can do it, but I have to go over to the State Grand Jury and accept returns before 5:00 o'clock. You know what? I may try to go do it now if they are ready, and then that way we can work a little later. And then tomorrow I'm going to order lunch so y'all can make preparations so we can go straight through. I'll order lunch for the jurors. So we'll take about a 30-minute break and keep on going. I don't intend on keeping them here late tomorrow night. But we'll try to do that and get all the evidence in.

All right. Everybody have a good lunch. Thank you.

(WHEREUPON, a lunch break was taken.)

THE COURT: All right. Are we ready?

Bring them in.

(WHEREUPON, the jury came into open court at 2:41 p.m.)

THE BAILIFF: The jury is seated, Your Honor.

THE COURT: All right. Ladies and gentlemen, we will continue with our next witness.

Call your next witness.

MR. FYALL: The State calls Harold Bouknight.

(Witness approaches.)

THE BAILIFF: Place your left hand on the

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Bible, and raise your right hand, please.

(Witness complies.)

THE CLERK: Do you swear or affirm the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I swear.

THE CLERK: Thank you. Have a seat in the witness stand.

(Witness seated.)

THE CLERK: State your name for the record.

THE WITNESS: Lieutenant Harold Bouknight.

HAROLD BOUKNIGHT,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. FYALL:

Q Lieutenant Bouknight, where are you employed?

A Richland County Sheriff's Department Crime Scene Unit.

Q How long have you been employed there?

A In the Crime Scene Unit, since August of 2005.

Q How long have you been employed there overall?

A Since 2002.

Q In the Crime Scene Unit, what are some of your duties?

A To process crime scenes, to observe, collect, photograph, document, and process evidence, also supervise. I'm called out to assist on scenes. And I also do latent print processing and comparison, footwear processing and comparisons, blood stain examination, shooting reconstruction, and crime scene reconstruction.

Q Specifically, you said shooting reconstruction?

A Yes, sir.

Q And crime scene reconstruction?

A Yes, sir.

Q Regarding footwear impressions, shooting reconstruction, crime scene reconstruction, what type of training and education have you had in that regard?

A I have a 2-year degree in criminal justice from Midlands Tech. And then I've gone through our internal training program whenever I first started, which took about two years to get through, which consisted of reading and taking written tests and then practical exercises to show competency in different areas. And during that time, I've also been through blood stain pattern examination courses, advanced blood stain, shooting incident reconstruction courses, officer-involved shooting

reconstruction courses, and crime scene reconstruction, and advanced crime scene reconstruction courses. I'm also certified through the International Association for Identification as a crime scene investigator and blood stain pattern examiner.

Q Have you been qualified as an expert in crime scene reconstruction before?

A Yes, sir.

Q Do you know approximately how many times?

A Give me one moment and I can tell you. Approximately seven times in blood stain and crime scene reconstruction.

MR. FYALL: Your Honor, at this point I tender Lieutenant Bouknight as an expert in crime scene reconstruction.

THE COURT: Any voir dire?

MR. O'NEIL: No voir dire and no objection.

THE COURT: All right. Ladies and gentlemen of the jury, this officer will be qualified as an expert in crime -- is it crime scene investigation?

MR. FYALL: Reconstruction.

THE COURT: Reconstruction. To offer opinion testimony in that area. You can give it whatever weight you choose.

Thank you.

BY MR. FYALL:

Q Investigator Bouknight, in regards to this case, did you go to the actual crime scene?

A No, sir, I didn't.

Q What -- I guess, what items of evidence did you process in regards to this case?

A The involvement I had with this case was a footwear examination where I compared known shoes to footwear impressions from the scene. And I assisted Captain or Lieutenant Cavanaugh in processing the vehicle and doing some slight trajectory analysis on the projectiles --

THE COURT REPORTER: The what, I'm sorry?

A The projectiles and impact points from the vehicle.

Q All right. I'm going to start with the footwear impressions. I'm going to show you State's 111 and State's 109. Tell me if you recognize those.

A Yes, sir. They are the two pair of Nike shoes that I did an examination on.

Q What did that examination consist of?

A When doing an examination, we'll document the shoes, the wear on them, if there's anything specific on the out sole, which is the tread portion of the shoe. And then there's other ways

you can -- there's several ways to make a known comparison, and the easiest of which is using an overlay. And we use photo transport film, which is used in the photo industry. You wet it with water, squeegee it off, and it softens the emulsion that's on it. And we dust the bottom of the shoe with black powder and then just lay it on there and it makes a known impression on a clear piece of acetate that we can then lay over our questioned impressions to see if they match up for size, tread pattern, anything like that.

Q I'm going to show you what is marked as State's 208. Do you recognize that?

A Yes, sir. It's the overlays from the two right shoes from those two pair of Nike Air Force Ones.

MR. FYALL: Your Honor, at this time, the State offers 208 into evidence.

THE COURT: Any objection?

MR. O'NEIL: No, Your Honor.

THE COURT: It will be entered without objection.

(WHEREUPON, State's Exhibit No. 108 was marked for identification and received into evidence.)

BY MR. FYALL:

Q All right. I'm going to show you State's 143 and 144. Can you tell us what that is?
A These are photographs of the overlays that we took.
Q I'm also going to show you State's 145, 146, and 147. Can you tell us what those are pictures of?
A These are photographs of the questioned impressions, or the casts of the questioned impression.

MR. FYALL: Your Honor, at this time the State offers 143 through 147 into evidence.

THE COURT: What number is that?

MR. FYALL: 143 through 147.

THE COURT: Any objection?

MR. O'NEIL: No, Your Honor.

(WHEREUPON, State's Exhibit Nos. 143 - 147 were marked for identification and received into evidence.)

BY MR. FYALL:
Q Exhibit 143 and 145, just tell the jury again what you do with these two items?
A The cast from the scene as --
Q I'm sorry, can you step down?

MR. FYALL: Can he step down, Your Honor?

THE COURT: Yes.

(Witness steps down.)

A If you can see here, it's very small, but if you can see, the cast is going to show the impression that was left at the scene in a 3-dimensional view. And whenever we have this overlay, we can just lay it right on top and see if everything lines up. If it's the wrong size, then you can tell immediately it's too big, too small whatever.

THE COURT REPORTER: I'm sorry, you need to face this way.

A But if they do match in size, then we start looking at the tread pattern, and that's to see if all of this, you know, the circles line up and the lines line up.

And then if that matches, then we start looking for wear pattern because everybody whenever -- we all walk differently. And we can try to -- you know, my heels wear on the outside faster than on the inside and some people, it's opposite. And we'll see if the wear pattern is there. And if it's the same, then we'll start looking at more detail. Like if there's a nick in the shoe, then we'll leave it in the unknown question impression, things like that. And if you have enough of those nicks, cuts from rocks in a shoe, then you can say that's it's a match.

Q Sit back down.
(Witness returns to witness stand.)
Q And in this case, what conclusions, if any, were you able to draw?
A The only conclusion that we were able to make was that the shoe was consistent in size, shape, and tread pattern and general condition as the known impression. That's what we call class characteristics.
Q Say those things again, those characteristics one more time.
A Size, shape, tread pattern and general condition.
Q And just to be clear, you're not able to say that those shoes, the shoes that were made from the casting, were the same shoes that you tested?
A No, sir. Those shoes, the right shoe from both pairs could have made that impression, along with any other shoe with that same size, a Nike Air Force One, that size with that general condition.
Q Thank you. And you said you also processed -- you also did some analysis on the victim's car?
A Yes, sir.
Q Can tell us a little bit about that?
A I assisted Lieutenant Cavanaugh doing a trajectory analysis. There were four impact points in the

vehicle where a projectile of some type struck the vehicle. One was in the passenger door frame that went through the door and impacted the post behind the door. And then there were three in the driver's door from the inside. One of those went through, what we call perforated, meaning it went all the way through, and the other two just penetrated the door. It went in, didn't come out.

Q All right. I'm going to show you State's 157 all the way through 178. I'll give you some time to look at those.

A Yes.

Q Can you tell us generally what those are?

A It's pictures of the vehicle and the impact points and what appears to be a blood stain.

Q All right. And do those pictures fairly and accurate represent the vehicle when you did that analysis?

A Yes, sir.

MR. FYALL: Your Honor, at this point the State offers 157 through 178 into evidence.

THE COURT: Any objection?

MR. O'NEIL: No, Your Honor.

(WHEREUPON, State's Exhibit Nos. 157 - 178 were marked for identification and

received into evidence.)

BY MR. FYALL:

Q Just 157 and 158, can you just tell us what those are?

A It's an overall photo of the vehicle from the rear passenger side and a photo of the license plate.

Q And 159, 160, 161?

A More overall photos, and then an overall photo of the interior.

Q All right. I'm going to start by showing you State's 170 and 171. Can you tell us what that is?

A An overall photo of the driver's door and a close-up photo showing impact points B, C, and D.

Q And just for clarification, what are impact points?

A Where a projectile or something impacted a surface.

Q All right. 172 is another close-up of D?

A Yes, sir.

Q I'm going to show you 173, 174.

A That's an overall and a close-up of the exterior of the vehicle showing where C exited the vehicle -- or exited the door, and where B impacted the interior of that panel.

Q Were you able to match up impact points C and D from the inside to impacts on the outside?

A B and C, yes, sir.

Q B and C, sorry. I want to show you 177 and 178. Can you describe those?
A Yes, sir. It's an interior photo of the driver's door with trajectory rods inserted into B and C, and then the exterior of the driver's door with a trajectory rod going out of C.
Q What are trajectory rods used for?
A It's used to show a projectile path, either where the projectile went to or came from, whichever way you're trying to figure it out. And they can be used as long distances with lasers or strings tied to them, and things like that, but it gives you a general directionality of where the gun was whenever it was fired.
Q What's the directionality you could conclude from these?
A It went from the inside out on the driver's door. They both had a slight downward angle, 14 degrees and -- approximately 14 degrees and 17 degrees. And then B was a little left to right. And C was a little right to left by just a couple of degrees.
Q So what does that tell you about the position of the firearm?
A Whenever it was fired, it was above that area. It was being shot down at approximately, we will

average it out, at 15 and-a-half degrees.
Q And with respect to -- I'm sorry. I'm going to show you 162, 163. Can you tell us what that is?
A That's the impact point in the passenger door.
Q Passenger's door?
A Yes, sir, the passenger door frame.
Q I want to show you 165 and 166.
A Yes, sir. That's the same impact, but it's in the post behind that piece of the door frame.
Q So you had to open the door to see it?
A Yes.
Q Did you ever label that impact point?
A We labeled it A.
Q That's 167?
A Yes, sir.
Q And 168?
A Yes, sir.
Q And based on your analysis, you concluded that 167 and 168 were made by the same projectile?
A Yes, sir.
Q All right. I'm going to show you 176 and 175.
A That's the trajectory rod at impact point A.
Q What can you tell us about impact point A?
A It was also around the same downward angle, that was approximately 16 degrees. And then it was

right to left also.
Q Downward angle right to left?
A Yes, sir.
Q All right. Can you tell us the positioning of the right passenger door when the bullet was fired?
A It was closed.
Q All right. After you processed the victim vehicle this day, did you then process it again or attempt to process it again?
A I was asked to go back out and search the vehicle for any other evidence in our compound. And I went out and searched it, but didn't find anything.
MR. FYALL: Beg the Court's indulgence.
(Pause.)
BY MR. FYALL:
Q And I just want to ask you again with regards to impact point A. Based on your expertise, can you tell us which side of the vehicle that would have been shot from?
A From the passenger side. And we also, the next day after the trajectory was done, we -- I helped cut open the door to look for any projectiles and --
Q Which side?
A The driver's door and the passenger side post to try and find any projectiles. And we found jacket

fragments.
Q Jacket fragments?
A Pieces of a projectile.
Q And who did you give those to?
A Those were collected by Lieutenant Cavanaugh.
Q Lieutenant Cavanaugh.
MR. FYALL: Thank you.
THE COURT: Yes, sir?

CROSS-EXAMINATION

BY MR. O'NEIL:
Q Investigator Bouknight, just so I'm clear, did you actually do the footwear analysis or did Sergeant Stan Richards do it?
A Sergeant Richards did it, but I verified his findings.
Q You verified what he did?
A Yes, sir.
Q I want to make sure we're on the same page. And according to Sergeant Richards' report here, of the four casts that were made, three of them were of no value?
A Yes, sir.
Q So you are talking about you only had one of those casts we have in evidence here that was actually of any value at all?

A Yes, sir.
Q And the two shoes that you were able to compare that came from Mr. Heatley's residence here, both right shoes were of the same class of shoes that made the impression, is that fair enough to say?
A Yes, sir. Class characteristics.
Q It was two right shoes. Both right shoes made -- correspond to that same class?
A Yes, sir.
Q And that class would be pretty much the entire universe of similar size Nike Air Force Ones in the world?
A Same size Air Force Ones in that condition, yes, sir.
Q And did you also supervise the forensic analysis of the shoes, meaning the DNA and blood testing of the shoes?
A No, sir.
Q Somebody else did that?
A Yes, sir.

MR. O'NEIL: Beg the Court's indulgence, Your Honor.

(Pause.)

MR. O'NEIL: That's I have, Your Honor.

THE COURT: Anything else?

MR. FYALL: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. FYALL:

Q In regards to the shoes, same brand, size, class, condition, what do you mean by condition?

A That would be a wear pattern, but there was minimal wear pattern on this, so.

Q So they weren't worn very much apparently?

A Right.

MR. FYALL: No further questions, Your Honor. Beg the Court's indulgence.

(WHEREUPON, a bench conference was held in the presence of the jury but out of the hearing of the jury.)

MR. O'NEIL: Your Honor, I do have one question for Mr. Bouknight.

THE COURT: Yes, sir.

RECROSS-EXAMINATION

BY MR. O'NEIL:

Q Investigator Bouknight, I'm showing you what's marked --

MR. O'NEIL: Permission to approach, Your Honor?

THE COURT: Yes.

BY MR. O'NEIL:
Q I'm showing you what's marked State's Exhibit 149.
A Yes.
Q One of the shoes in 149 has a black substance on the bottom of it. Is that the way it was brought to you or is that something added in the evaluation process?
A Whatever -- I was talking about how we made the impression, the overlays earlier, that's from the black powder we added to it.
Q I want to make sure, the black powder that's added on the bottom of 149 was added to forensically evaluate the shoe?
A To make the overlay, yes, sir.
Q That was not the condition that it was seized from Mr. Heatley in?
A Correct.

MR. O'NEIL: That's all I have, Your Honor.

THE COURT: Thank you.

All right, sir, you can step down.

(Witness steps down.)

THE COURT: Any objection to this witness being excused?

MR. FYALL: No, Your Honor.

MR. O'NEIL: No, Your Honor.

(Witness excused.)

THE COURT: Did you enter 162 and 163?

THE COURT REPORTER: He entered 157 to 178.

THE COURT: All right. Call your next witness.

MR. GOLDBERG: The State calls Captain Anna Cavanaugh.

(Witness approaches.)

THE BAILIFF: Place your left hand on the Bible, and raise your right hand, please.

(Witness complies.)

THE CLERK: Do you swear or affirm the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

THE CLERK: Have a seat in the witness stand.

(Witness seated.)

THE CLERK: State your name for the record.

THE WITNESS: Anna Cavanagh, C-A-V-A-N-A-G-H.

ANNA CAVANAGH,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GOLDBERG:

Q Captain Cavanagh, where are you employed?

A The Richland County Sheriff's Department.
Q Tell the jury a little bit about what you do there and how long you have been there and what you do in your job?
A I've been there since July of 1996. I worked on the road for a couple of years. And then I was promoted to the laboratory in '98, and I've been in the lab since that time.
Q And you're currently the captain over the lab, is that right?
A I am.
Q And what do your duties as captain over the lab entail?
A So I am primarily administrative at this point, I have been for the last few years. So at this point I do budgeting, ordering supplies, scheduling, protocols. I also oversee our accreditation status, so we are accredited throughout ASCLD lab. And part of that is making sure that everyone is competency tested prior to doing case work, and then they have to do proficiency testing every year to ensure they're maintaining their skills. We also have to adhere to certain regulations and standards to maintain our accreditation for doing policies and procedures and implementation of

things to maintain our accreditation.
Q And prior to your administrative role, were you an actual crime scene investigator?
A Yes. And I still can respond -- I still respond to assist on major scenes.
Q What sort of things do you have experience in doing as a crime scene investigator?
A So prior to working for the Sheriff's Department, I got a degree in biology and psychology and then a Master's Degree in forensic DNA and serology in 2006. Then once I was promoted, we go through training there to be able to work and process scenes. So blood stain pattern analysis, several classes, advanced blood stain pattern analysis, crime scene reconstruction, crime scene investigation, shooting reconstruction. I graduated from the FBI Academy in 2011, and then I've have been a certified crime scene investigation through IAI since 2008.
Q Have you ever testified as an expert in court before?
A I have.
Q What were you qualified as an expert in?
A I've been qualified in blood stain pattern analysis, crime scene reconstruction, shooting

reconstruction, digital photography, crime scene investigation, and latent prints.

MR. GOLDBERG: Your Honor, at this time, I'd offer Captain Cavanagh as an expert in crime scene investigation and reconstruction.

THE COURT: Any voir dire?

MR. O'NEIL: No, Your Honor. No objection.

THE COURT: All right, ladies and gentlemen of the jury, Captain Cavanagh will be qualified as an expert in crime scene investigation and crime scene reconstruction to give opinion testimony in that area. You can give it whatever weight you see fit.

Yes, sir, you may continue.

MR. GOLDBERG: Thank you, Your Honor.

BY MR. GOLDBERG:

Q I want to turn your attention to January of 2016 in the case at hand. Did you have an opportunity to respond out to the incident location on Farrow Road?

A I did.

Q And that was on what date?

A July 29th.

Q January 29th?

A I'm sorry, January 29th, yes.

Q And when you arrived at the scene, what was your

goal, what were your responsibilities, what was happening at the crime scene at that point?

A So upon arrival, I made contact with Investigator Schroder and Rainsford, who were already on the scene, started processing, photographing, marking items of evidence, and we completed a walk-through of the initial scene.

Q Okay. And the initial marking and collection of any evidence at the scene, like shell casings and the like, were you tasked with handling that, or were one of the other investigators handling that?

A I assisted with the documentation. Investigator Rainsford, I believe, collected the items.

Q While you were out there, did you actually collect a couple of things?

A Yes, I did. Some items that were marked and documented necessarily on the scene, but some items that were collected from the victim.

Q Did you have an opportunity to observe a bullet fragment in the vicinity of the victim?

A We did. The victim's pockets and her being searched and they pulled several items off of her, one of them was a fragment from under her right arm.

Q I show you what has been marked as State's 209.

A That's it. It's labeled a fragment collected from the victim right side under arm.

MR. GOLDBERG: I offer State's 209 in evidence.

MR. O'NEIL: No objection, Your Honor.

THE COURT: Entered without objection.

(WHEREUPON, State's Exhibit No. 209 was marked for identification and received into evidence.)

BY MR. GOLDBERG:

Q When you say under her right arm, like, can you describe how it looked to you?

A Yes. Once they rolled her over and they started searching the clothing, there was -- it was just embedded in the clothing.

Q Kind of sitting up on top?

A Yes.

Q And then there were two other items, I believe, that you also gathered from her, is that right?

A Yes. They were actually -- I believe it was Ann Neeley from the Coroner's Office and Investigator Schroder pulled from her pockets, the left pocket of her Walmart vest, a Walmart ID tag, and the right front pants pocket, Carmex lip balm.

Q State's 211?

A That's the Walmart ID tag from the left front pocket of the Walmart vest, and the Carmex right front pants pocket.
Q Upon collecting those, you submitted them into evidence?
A I did, after photographing them and swabbing them.
Q Did you have an opportunity to return to the incident location, crime scene?
A I returned July 30th.
Q January?
A January 30th.
Q What was the purpose of going back out on the 30th?
A To conduct a daytime search and take some initial -- some photographs of the daytime of the scene itself to get an overall perspective during the daytime.
Q All right. Take a look at State's 179 through 182. Generally, what are those photos of?
A The scene during the daytime with the markers still in place from the previous nights.
Q On the 30th?
A On the 30th, January 30th.
Q Do those photos fairly and accurately depict the scene as it appeared on the 30th?
A It does.

MR. GOLDBERG: Your Honor, I offer State's 179 through 182 into evidence.

THE COURT: Any objection?

MR. O'NEIL: No, Your Honor.

(WHEREUPON, State's Exhibit Nos. 179 - 182 were marked for identification and received into evidence.)

BY MR. GOLDBERG:

Q Let's talk about State's 179. We saw a good number of pictures from Investigator Rainsford previously about the scene, but if you could kind of describe what we're looking at here in 179.

A So this is just showing the overall scene. This is where we would make entry generally into the scene. These are the markers that were there marking the items of evidence the night prior that were collected.

Q Were those actually the markers that were placed by the shell casings that were located out at the scene, generally speaking?

A And other items of evidence collected, yes.

Q The majority of them were the shell casings?

A They were.

Q That's going to be over here, you said?

A Correct.

Q And 180 and 181?
A That's a little bit closer view showing the tree and the markers that were in front of the marked items of evidence. And this is from the opposite view. Right here where you see the divots, that's where the vehicle was removed from the night before. That's where it was originally. And then the markers on the far side of that.
Q The vehicle was actually towed from the location, is that right?
A It was.
Q And so those divots that we see in the photo here are from when it was towed out of there?
A Correct.
Q Same thing in a different angle here in State's 182, is that right?
A That's correct.
Q Is there anything else you notice there in 182?
A So if you look here at 182, this Marker C, that would have been on the passenger side, and there is glass fragments on the side there.
Q By Marker C?
A On that, yes.
Q Passenger side?
A That's where the passenger side of the vehicle was

located.
Q All right. What was your next step in this investigation?
A On February 1st, Investigator Bouknight and I processed the Honda Civic in our forensic garage.
Q When you say processed, what is your objective at that point?
A To locate, identify, document any items of evidence from the vehicle.
Q And what did you locate and identify during the processing of the vehicle at that time?
A So on February 1st, photographs were taken of the vehicle. We identified several impact points to the vehicle and then marked several items of -- they're marked as reddish-brown stains. Items that we believed to be blood were marked 1 through 14. And then a couple of other swabs were collected from the vehicle.
Q And, generally speaking, I'll have you look at State's 183 to 200. If you can just generally describe what we're looking at.
A So these are photographs of the interior of the vehicle marking Items 1 through 14, which were stains that were, again, identified, marked, photographed, and then a swab was collected from

each area.
Q Do those photos fairly and accurately depict that as you saw it on the day?
A It is.
MR. GOLDBERG: I offer State's 183 through 200 into evidence.
THE COURT: Any objection?
MR. O'NEIL: No, Your Honor.
THE COURT: What was that?
MR. GOLDBERG: 183 through 200.
(WHEREUPON, State's Exhibit Nos. 183 - 200 were marked for identification and received into evidence.)
MR. GOLDBERG: Your Honor, may the witness step down?
THE COURT: Yes.
(Witness steps down.)
BY MR. GOLDBERG:
Q Now. I'm going to hand you State's 183 and 184 and have you explain about that.
A So these are -- again, this is a general photograph of several markers showing the front interior of the vehicle. You can see the different areas marked here, 3, 4, 8, and 5. And then you can see 6 in this photo. Just overall photos that were

marked.
Q And how do you determine where to place markers in this type of situation?
A It depends on the actual scene. Here, I wanted to try to identify all of the major areas that I saw and identified stains in the vehicle.
Q All right. And if you can just go through and tell us in State's 185?
A May I refer to my notes?
Q Sure.
A This is the front passenger side door frame and the seat and the door.
Q Passenger side?
A Passenger side.
Q State's 186?
A This is the front passenger side door, portion of the window.
Q And 187?
A This is showing Number 3, the front passenger seat.
Q If you could just point out the areas where you see those -- marked those stains?
A Here?
Q Yes.
A On the seat itself.
Q 188?

A So this is the top portion of the center console.
Q 189, Marker 5?
A This is the driver's seat.
Q 190?
A The lower portion of the driver's door.
Q 191 and 192?
A This is marker is just showing a little bit closer view. And then this actually shows the area that was marked to be swabbed.
Q 193?
A On the steering wheel, Marker 7.
Q 194?
A Number 8 is the gear shift panel.
Q 195?
A That's Marker 9, and it's the driver's side of the center console area.
Q 196?
A That's Number 10, the driver's side door frame, the metal portion.
Q 195?
A That's Number 11, and that's the hinge of the driver's door.
Q 198?
A Number 12, that's the driver's side door frame panel at the foot portion.

Q 199?
A 13, that's the brake pedal.
Q 200?
A That's Marker Number 14, and that's the plastic portion just to the left of the steering wheel.
Q And the purpose in marking each of these areas is to denote that you observed some sort of reddish-brown stain in these areas, is that correct?
A Correct, and then to swab it.
Q Then to swab it. Why would you swab those areas?
A For any later testing to confirm the potential source of the blood.
Q Thank you. It's not being tested at that moment for blood?
A No, it's not.
(Witness returns to witness stand.)
Q And did you, in fact, swab each one of those areas?
A I did.
Q And upon taking the swabs, what do you do with them?
A They were packaged and sealed and submitted to our evidence and property.
Q And that would include each of those locations that you denoted, correct?

A Correct.
Q And you indicated that Lieutenant Bouknight was present during this processing of the vehicle, correct?
A Correct.
Q All right. And what, if anything, did you all collect from the vehicle?
A That day, I just collected swabs.
Q Okay. Have you had an opportunity to examine the vehicle again on another occasion?
A We did. We continued on February 2nd processing the vehicle.
Q Any reason for splitting those up?
A Well, Day One, we worked on the vehicle from 10:25 to about 5:25 in the afternoon. So we just broke. It stay secured in a secure environment, so we stopped for the day and continued the following day.
Q Okay. So that was on the 2nd when you started back?
A Yes.
Q Okay. And, again, as you were doing so, you found some more reddish-brown stains, is that right?
A That I located and marked and swabbed three additional areas, 15, 16, and 17.

Q State's 201 through 203?
A Showing 15, 16, and 17 markers.
MR. GOLDBERG: Your Honor, I would offer 201 through 203.
THE COURT: Any objection?
MR. O'NEIL: No, Your Honor.
(WHEREUPON, State's Exhibit No. 201 - 203 were marked for identification and received into evidence.)
BY MR. GOLDBERG:
Q And, again, without you coming down, 15?
A So 15 is the front passenger side door frame bottom at the floorboard.
Q Okay.
A Number 16 is the driver's side front corner at the door. And Number 17 is the center console area in front of the brake.
Q And same thing where documenting, swabbing, correct?
A Yes.
Q And then swabs would have been submitted for later testing?
A Correct.
Q And what other items did you discover while processing the car on this day?

A Well, I collected trace tape from inside the vehicle, from the driver's seat, the front passenger seat, and then the rear passenger area.
Q What does that mean?
A Again, it's just taking a piece of tape and collecting from those particular areas for any particular trace evidence that might be located on the seats, hairs or fibers.
Q And?
A And then they were submitted to evidence and property for potential later analysis.
Q All right. And then did you continue to examine the internal compartment of the vehicle?
A So then I -- Investigator Bouknight continued and I retrieved the projectiles from the impacts that we located. So I collected fragments Marker E through L from the driver's door and the passenger area.
Q State's 204 through 207?
A These are photographs of the fragments retrieved from the vehicle.
Q And State's 210?
A This is Fragment E from inside the driver door, Fragment F inside driver's door, Fragment G inside driver's door, Fragment H inside driver's door, Fragment I inside driver's door, Fragment J from

the weather stripping on the passenger door that was marked A, Fragment K from front passenger door frame where A was marked, and then fragment L, front passenger door frame.

MR. GOLDBERG: Your Honor, I'd offer State's 204 through 207 and 210 in evidence.

THE COURT: Any objection?

MR. O'NEIL: No, Your Honor.

THE COURT: 204 through 207, and 210?

MR. GOLDBERG: Yes, ma'am.

(WHEREUPON, State's Exhibit Nos. 204 - 207 were marked for identification and received into evidence.)

(WHEREUPON, State's Exhibit No. 210 was marked for identification and received into evidence.)

BY MR. GOLDBERG:

Q So State's 210, inside here are the actual fragments that were pulled out of the vehicle?

A Yes, sir. That's what I submitted in, yes.

Q And describe for the jury what we're looking at here in 204 through 207.

A This shows a picture of Fragment E from inside the driver's door. And then this is showing fragments labeled F, G, H, and I from inside the driver's

door. This is a fragment marked J from the impact point marked A, the weather stripping of the front passenger door. And then this is fragments marked K and L from impact point marked A from the front passenger door frame.

Q And maybe I glossed over this a little bit. We're talking about fragments. What is a fragment?

A It's other firearms evidence that we've located from impact points.

Q And you've described where they have been pulled out of the car, all those places you just mentioned. How do you retrieve those bullet fragments from the vehicle?

A It depends. We ended up having to pull parts of the vehicle apart, pulling the door apart to try to locate some of the fragments themselves that were still in the vehicle.

Q All right. What did you do next?

A I photographed the fragment that was collected from under the victim's right arm. I photographed the Walmart tag and the lip balm and a piece of plastic that was recovered from the scene. And then I swabbed all of the fragments that were collected from the vehicle and the one from the victim.

Q Did you also have an opportunity to process the ID

tag and the lip balm?
A I did.
Q And, again, when we're talking about processing. What are you looking for?
A So those were processed for potential latent prints. I processed it with magnetic powder and then with what's called LCD. LCD is a chemical that reacts with the hemoglobin in the blood, so when you mix LCD with the hydrogen peroxide and it is applied to an object, if there's blood, it will turn a purple color. So we use it to bring out detail and potential impression evidence that may be present, latent prints.
Q Did you locate any on those items?
A I did not.
Q It was negative?
A It was negative.
Q That actually reminds me. Just jumping back real quick, when you were processing the vehicle on the 2nd of February, did you actually use the LCD process on the outside of the vehicle as well?
A Outside and inside the vehicle.
Q And no results?
A No, it was negative. Nothing developed.
Q Is that uncommon?

A Impression-wise. No, it's not.

MR. GOLDBERG: I believe that's all I have. Thank you.

THE COURT: Yes, sir?

CROSS-EXAMINATION

BY MR. O'NEIL:

Q Investigator Cavanagh, you assisted Investigator Rainsford in documenting the shell casings on the first night?

A I did help in doing some of the documentation.

Q According to your report, I think you -- specifically, you dealt with shell casings that were marked 1 through 21, does that sound right?

A Markers 1 through 21, and then A through H.

Q Markers 1 through 21, what brand of shell casings were those?

A Can I refer to my notes?

Q Yes, ma'am.

A Marker -- according to my notes, Marker 1 through 17 were Hornady 9-millimeter Luger fired cartridge casings, as well as 19, 20, and 21.

Q Those are all Hornady -- am I saying it correctly?

A Hornady, uh-huh.

Q That was brand of 1 through --

A One through 17. Eighteen was actually marked as a

cigarette butt, and then 19 through 21.
Q All Hornady brand?
A And also Marker A and B were Hornady.
Q Okay.
A And it looks like C was a Winchester.
Q Okay.
A And then I have G as a Hornady and H as a Blazer.
Q You indicated that also Investigator Lee took some foot impressions the first day?
A I have got Lee, he photographed and collected casts of footwear impressions.
Q And I think you said on the second day, some additional footprints were located, correct?
A Yes. Investigator Rainsford and Schroder. Additional footwear impressions were located and photographed and casts by Investigator Rainsford and Schroder.
Q So we have footwear impressions on the passenger side of the car, correct?
A That's correct.
Q Where was the foot impressions that were located on the second day?
A I did not notate that, but I see that would have been, like I said, Investigator Rainsford and Schroder collected those.

Q From your recollection, they were different than the ones on the first day, am I correct on that?
A Different areas?
Q You said additional, so I'm assuming you mean different --
A Additional --
Q In some form or fashion, they're different in the same area or different in a different area?
A So the impressions for the first day, I believe were marked AA and AB. And for the second day, they were marked AC and AD.
Q You don't know what area of the crime scene the second day footprints were located in?
A I do not. I do not see that in my notes.
Q Lastly, Investigator Cavanagh, you also swabbed I think the inside of the car and the glove box and the console?
A I did the handle of the glove box and the release latch of the center console.
Q Was that just for DNA or was that processed for fingerprints as well?
A The vehicle had been processed the day before for fingerprints by Investigator Schroder, so I was collecting for potential DNA.
Q And you just passed that on to the DNA lab for them

to do the analysis on the swabs?
A Correct, they would have been submitted into evidence for additional processing.
Q Do you know if anybody tried to get any tire tracks out there that night or the day after?
A I don't believe any were identified to have been collected.

MR. O'NEIL: That's all I have, Your Honor.

THE COURT: Anything else?

MR. GOLDBERG: No, ma'am.

THE COURT: Any objection to this witness being excused?

MR. O'NEIL: No, ma'am.

(Witness steps down and is excused.)

THE COURT: Call your next witness.

MR. FYALL: The State calls Investigator Trish Odom.

(Witness approaches.)

THE BAILIFF: Place your left hand on the Bible, and raise your right hand, please.

(Witness complies.)

THE CLERK: Do you swear or affirm the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

THE CLERK: Thank you. Have a seat in the witness stand, please.

(Witness seated.)

THE CLERK: State your name for the record.

THE WITNESS: Trisha Collins Odom. The spelling of my last name is O-D-O-M.

TRISHA ODOM,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. FYALL:

Q Investigator Odom, can tell us where you work?

A I work for the Richland County Sheriff's Department in the crime scene latent print section.

Q Latent print section?

A Yes.

Q What are your duties there in the section?

A I'm the senior latent print analyst, and so it's my job to look at all of the latent prints that have been brought in from crime scenes and try to find out who left those prints behind.

Q How long have you been a latent print analyst?

A For approximately 19 years.

Q Before that and during those 19 years, have you had any training, education?

A I have.
Q Tell us about that.
A I've been to an advanced palm print class. I've been to a basic fingerprint training class that was put on here in Columbia at our Criminal Justice Academy. I've been to a forensic ridgeology course, a complex latent print examination course, a course on reducing erroneous exclusions and latent print comparisons. Then to classes to help me run the computer system that helps us with our job. I have been to class on the distortion in latent fingerprints and how to analyze those. And I most recently went to a logical latent analysis class.

MR. FYALL: Your Honor, at this point, I would tender Investigator Odom as an expert in latent print analysis.

THE COURT: Any voir dire?

MR. O'NEIL: No voir dire, Your Honor. No objection.

THE COURT: All right, ladies and gentlemen of the jury, this witness will be classified as an expert in latent print analysis to give expert testimony in that area.

Thank you.

BY MR. FYALL:

Q Were you requested to do some analysis on the case involving Mr. Heatley?

A I was.

Q All right. And before we get into it, can you tell us the -- well, tell us a little bit about fingerprints, how they're made and how you can analyze it.

A So if you look at the surface of your hand, the palmar surface of your hand, you'll notice that it's not smooth. It's got ridges all over it. Those little lines, we call those ridges. They're friction ridges. And what we believe they're for is to help you grip things. So what we're mostly concerned with -- usually, what we're concerned with is the fingertip, but we can also do analysis on the palms as well.

So you can think of these ridges on your fingers, they're kind of like an ink stamp that you would get at a craft store. They make the same impression over and over and over again. And they also happen to be unique and persistent, meaning that they don't change throughout your lifetime and no one else has the same fingerprints as you do. And so when someone leaves a fingerprint behind,

we're able to -- if we have the proper person to compare them to, we're able to say that a fingerprint came from the same source.

So typically the way a fingerprint is left behind is if someone touches something. If you go back to the example I gave you of the ink stamp, the ink on the ink stamp that leaves your fingerprint is going to be the oils and the sweat and maybe some other things, some dirt and other residue that you pick up along during the day. But that's actually going to be what leaves the impression that's left behind on whatever object you touch.

Q All right. And if you leave a fingerprint somewhere initially, does that mean it's going to always be there?

A No.

Q What are some of the factors in that?

A Well, a couple of things that could affect whether or not you leave a fingerprint behind to begin with is the condition of your fingers. If you have super dry skin, you have to have that ink on the ridges to leave the impression behind. The other thing would be maybe you have some sort of disease or scars on your fingertips and so you might not

leave something that's legible, we call legible, behind as well as the surface that you leave it on. If it's very bumpy, like, say, the dashboard of your car, it's got the little dotty, dash kind of -- not ridge, but kind of bubbled-up surface and it's made not to show fingerprints. That's exactly what it's made not to show. It's much harder to get a fingerprint off a surface like that. If you're cold, you tend not to sweat, so you're less likely to leave a fingerprint behind. And then also, I mean, if the surface is cleaned, clearly they'll be wiped away. They don't stay forever, only as long as the residue is left behind.

Q Can you tell us about the fingerprint analysis you did in this case?

A In this case, I was given some information from another analyst who was running our computer database. And she told me that she had received what we call a hit on some fingerprints that she had submitted to our computer database. She then gave me the known fingerprint card that she printed off from the database as well as the latent fingerprint cards and then I looked at them and tried to determine whether or not they came from the same source.

Q So when you say known fingerprint card, just basically what does that mean?
A That just means you know the source of where it came from. You know the name and the identity of the person who is leaving those behind. It's that typical rolled fingerprint. Lot of times, we get them for jobs or -- for like my job, I had to be fingerprinted for my job -- and for licensing and then also during an arrest.
Q Did you have a known in this case?
A I was given one, yes.
Q And who was that from?
A It was Andre Tyrone Heatley, Jr.
Q All right. And so you compared that to the latent prints you -- you compared that to latent prints?
A Yes, sir.
Q And latent prints, again, are prints that are left behind?
A Right. So latent is just kind of an umbrella term that we use for any kind of crime scene fingerprints. Latent means unseen. So typically we have to put some powder on it like you've probably heard some other people testify to today. But you have other prints that you might be able to see that could be left behind in blood or oil or,

you know, I jokingly say something like Dorito dust. And then you have another kind of print that is called a plastic print, which is a 3D print of your ridges. And that's something like you would see in like Play-Doh.

Q Just begin and tell us about the -- starting with the first latent print you analyzed.

A Sure. So we have -- I was given 11 latent print cards to look at. And on those latent print cards, we identified some, I believe it was 15 individual latent prints that we came to a conclusion on. The way we number our cards is just L for latent and 1, first one is 1. And then we subnumber the latent prints on that cards .1 and .2. So if I have a latent print card that has two individual latent prints on it, those latent prints will be L-1.1 and L-1.2, just to give you an idea of what I'm about to say.

So in this case, of the 15 prints that I came to a conclusion on, L-1.1 was inconclusive. I couldn't come to a conclusion. There was insufficient ridge detail on it for me to make a conclusion of whether or not Mr. Heatley had left that print.

Q So basically you can't tell if Mr. Heatley or

anyone else left that print, you wouldn't be able to tell?

A I can't tell that Mr. Heatley left it. It could be that if I have another print, I might be able to look at it and come to a conclusion about it.

Q All right. Tell us about L-2.1.

A L-2.1 was not made by Mr. Heatley.

Q All right. On L-2.1, can you tell us what you have listed as the origin of that latent print?

A Sure. So what I use in my report is what's written on the back side of the latent print card. And this one was -- it read, SC tag KDK202, rear passenger side window -- excuse me, door window interior top middle .and that was lifted by Investigator Schroder.

Q Thank you. Tell us about L-3.

A L-3 had three individual latent prints on it, so it'll be L-3.1, L-3.2, L-3.3. And it came from the SC tag KDK202, rear driver's side exterior door above the door handle, also lifted by Investigator Schroder. And in that case, L-3.1 was of no value. I'll never be able to come to any kind of conclusion on that one. L-3.2 and L-3.3 were both inconclusive.

Q And L-4?

A So L-4 had two individual latents on it. And it was listed as having come from SC tag KDK202, rear driver's side door window interior small glass, also lifted by Investigator Schroder. And I determined that both L-4.1 and L-4.2 were of no value.

Q So, again, you wouldn't be able to analyze those?

A No, sir.

Q L-5?

A L-5 had just a single latent that we looked at and it came from the rearview mirror, Ford Fusion WHI, which is the abbreviation we use for white, SC JJX884, Marker E. It was lifted by Investigator Holt. And I determined that that print was made by Mr. Heatley's left thumb.

Q All right. Continue.

A L-6.1 was listed as having come from the rearview mirror of the Ford Fusion, white, SC JJX884, Marker E, also lifted by Investigator Holt. And L-6.1 was of no value.

L-7.1 -- I'm sorry, L-7 had a single latent on it. And that latent came from the gear shifter, Marker D, Ford Fusion, white, SC JJX884, Marker F, lifted by Investigator Holt. And I determined that that was made by Mr. Heatley's right palm.

L-8.1 came from the exterior rear passenger door area, Ford Fusion, white, SC JJX884, Marker A, lifted by Investigator Holt. And it was inconclusive.

L-9.1 came from the interior front passenger door of a Ford Fusion, white, SC JJX884, Marker A, Investigator Holt, and it's of no value.

L-10 had two individuals latents that we looked at on it. It came from the interior, the interior rear passenger side door in the Ford Fusion, white, SC JJX884, Marker B, lifted by Investigator Holt. And both L-10.1 and L-10.2 were inconclusive.

And then the final one we have is L-11.1 from the interior door frame driver's side rear door Ford Fusion, white, SC JJX884, Marker C, lifted by Investigator Holt. And it was, likewise, inconclusive.

Q And so basically the three determinations you make in this report is they were of no value, they were inconclusive, or you know for a fact that they were not made by Mr. Heatley?

A Right. The three conclusions we can come to are an identification, an exclusion, or inclusive.

Q So tell us the things that result when you examine

the fingerprint that's an inconclusive finding.

A I'm sorry, I'm not sure I understand what you're asking.

Q So if you're looking at -- if you're analyzing a print and your result is inconclusive, what are some of the factors that lead to that?

A Okay. So it could be that what we see is one of the basic pattern types. We see a fingerprint and we can see a pattern type. There are three basic pattern types: A looping formation, a whirl formation, and an arch. And if we can -- if we can look at a fingerprint card and say they have none of those same pattern types, we know that person couldn't have left that fingerprint behind.

Likewise, if we see the pattern type, but we can't see any of the small -- the minute details, what we call the minutia points, if we can't see those, we can't come to a determination. But because the pattern is similar, we can't say that that individual didn't leave it behind, so we have to come up with inclusive.

Sometimes you might have enough of these minute points, these minutia points in common, but maybe not enough that rise to the level to meet what I -- make me believe without any doubt that it

was made by the same source, then I would call it inconclusive.

And, again, sometimes, it's just the basic pattern type. Sometimes they'll have the same pattern type and you just won't be able to tell.

Q Tell us those three pattern types again.

A They are a loop, which is a formation that starts on one side of the finger, rises up, it kind of arches around and comes back and ends -- it exits out the same side of the finger.

You have the whirl formation, which is just what it sounds like. It is almost like -- most of them are concentric circles.

And then you have an arch formation, which has the ridges starting on one side of the print, kind of rising in the middle, and then going back down and exiting out the other side of the finger.

Q All right. So just hypothetically, if Mr. Heatley had a loop and when you looked at some of these prints and saw a whirl pattern, then you would be able to exclude him as?

A If Mr. Heatley had nothing but whirls on his fingers and we had a looping formation, then, yes, he would be excluded.

Q All right.

MR. FYALL: Beg the Court's indulgence.

(Pause.)

BY MR. FYALL:

Q I think I just skipped something. You talked about L-1. Can you tell us the origin of that latent print?

A Yes. That is listed as having come from a 9-millimeter -- excuse me, 9-millimeter magazine, and was lifted by Investigator Lee.

Q And that was inconclusive?

A Yes, sir.

MR. FYALL: No further questions.

THE COURT: Yes, sir. Cross-examination.

CROSS-EXAMINATION

BY MR. O'NEIL:

Q Investigator, just so we're clear, just clear up the fact that Item 1.1 was the 9-millimeter magazine, correct?

A Yes, sir.

Q And Item 2.1 essentially through 4.2 all refer back to the Honda Civic 2012 tag KDK202?

A It is L-2 through L-4, yes.

Q L-2 through L-4 all from the vehicle -- you may not have it on your documentation, but it all come from the vehicle that was owned by the victim, correct?

A That, I don't know. I know that it is -- it came from a vehicle that had vehicle license KDK202.
Q And that's a Honda Civic? So we all on the same page, correct?
A I don't know that.
Q You don't get the make of the car, you just get the license tag?
A That's right. I don't even get that. I just get the latent.
Q So we know it's license tag KDK202. We'll put that together later on. But let's go back to one here. On 1.1, this 9-millimeter magazine, you said that's inconclusive?
A Yes, sir.
Q And you said there are a couple of different reasons for inconclusive?
A Sure.
Q What's the reason for being inconclusive on Item 1.1?
A What we call this was insufficient ridge detail, which just means that we didn't have enough of those minutia points to come to a conclusion.
Q So you had Mr. Heatley's fingerprint here, you had a known sample from Mr. Heatley?
A Yes, sir.

Q And you compared it against the sample you had from the 9-millimeter magazine?
A Yes, sir.
Q You didn't have -- not enough known facts to make a determination, is that fair enough to say?
A Yes.
Q Okay. Item 2.1, what was that item?
A 2.1 was from that vehicle license KDK202, the rear passenger's side door window interior top middle.
Q Okay. Inside of the back passenger side?
A I'm sorry, all I have is what's written on the card, so I really don't have any frame of reference for it.
Q You said that was comparable, but it just didn't match Mr. Heatley?
A That's correct.
Q Did you further -- did you do any further investigation to see who that fingerprint did match?
A So -- I did not, no.
Q So we know we have a fingerprint on the inside rear of the vehicle here at some point, but we don't -- you did not do any further investigation to see who it matched?
A I did not.

Q But we know it didn't match Mr. Heatley?
A That's correct.
Q And then 3.1 was no value?
A Yes.
Q 3.2 and 3, why were those two inconclusive?
A Again --
Q Same?
A -- insufficient ridge detail.
Q And then Items 4.1 and 4.2, didn't have any value at all?
A That's correct.
Q And then the items that did match Mr. Heatley were Items 5 and 7.1, all came from the Ford Fusion car?
A Yes, sir.
Q And you probably don't have -- that's all the details you had about that car?
A Everything -- what I read about the description is everything I have on it.
Q And we'll put that together later on, but it came from a different vehicle than Items 2.1 through 4.2?
A It appears so, yes.
Q And there is -- there was a fingerprint on Item 9.1 that came from the rear door -- or was that no value? 9.1 was no value?

A It was no value.
Q But 10.1 and 10.2 and 11.1 were all inconclusive?
A Yes, sir.
MR. O'NEIL: Beg the Court's indulgence, Your Honor.
THE COURT: Yes, sir.
(Pause.)
BY MR. O'NEIL:
Q Just to be absolutely clear, there were no fingerprints that matched Mr. Heatley that were associated with anything lifted from the car tag number KDK202, correct?
A That's correct.
MR. O'NEIL: That's all I have.
THE COURT: Anything else?
MR. FYALL: No, ma'am.
THE COURT: All right, ma'am, you may step down.
(Witness steps down.)
THE COURT: Any objection to this witness being excused?
MR. O'NEIL: No, Your Honor.
(Witness excused.)
THE COURT: I think we are ready for our afternoon break. The afternoon break sometimes is

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one that's needed the most and maybe they have some chocolate or something back there for you. We'll take about ten minutes and then we'll come back in shortly.

All right. Thank you. Please do not discuss the case.

(WHEREUPON, the jury retires to the jury room at 4:03 p.m.)

THE COURT: Just as a reminder, I know some of you may not have been yesterday or the day before, but we wait until the jury leaves before we all stand up and get ready to leave out, for those of you who were not there.

I'll try to remind or make a statement regarding that in the morning, but for those of you who have been here, if you can help me out and let them know that we cannot leave until after the jury leaves.

All right. Thank you. We'll take about ten minutes.

MR. GOLDBERG: Judge, I'm sorry, before we go, I've been advised -- I haven't laid eyes on him myself, but I've been advised the witness who would be the subject of an in camera exchange regarding conversations with the victim is actually here. So

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if you want to take that up during the break while they're out.

THE COURT: Yes.

MR. GOLDBERG: I've got to make sure that he is here, but I've been told that he is.

THE COURT: All right. We'll take five minutes since they're taking ten.

(WHEREUPON, a break was taken.)

THE COURT: All right.

MR. GOLDBERG: Your Honor, per our previous engagements, if you will, regarding prior contact with the victim, the State's next witness would intend to be Reno Jordan, and we are prepared to proffer his testimony at this time.

MR. O'NEIL: Your Honor, before we start, can the State let us know which part of the witness statement they intend to introduce so we can focus on it precisely here.

MR. GOLDBERG: I can tell you that based on my conversations with him, what was relayed to me was that while Mr. Jordan was at work in Walmart -- he was the loss prevention officer -- he came in contact with Ms. Roach and other employees of the store. They were all standing around talking on the night in question. And as they were doing so,

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people were just talking about what was going on.

And according to him, Ms. Roach said that she was going to meet up with her boyfriend. And Mr. Jordan's response to her was, Don't go.

And when I asked him what her reaction to that was, he said that she kind of laughed it off. He said that other people standing there made comments and certainly we would not try to elicit from him. And that's about it, really.

MR. O'NEIL: Mr. Goldberg might have misquoted. He said boyfriend.

MR. GOLDBERG: That is what he told me. I spoke accurately based on what he told me.

THE COURT: So are you objecting to that?

MR. O'NEIL: Not if that's what he said.

THE COURT: Let's hear it. Let's hear it. Because earlier I think what you said and maybe when we were at the bench is that -- when we were talking about the cases -- when we were talking about the cases, I thought -- and even the cases he handed up to me said they can testify as to where the victim went, but they just couldn't get into why.

MR. O'NEIL: Can the witness step out for a second?

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THE COURT: Well, let's just hear him, then we can talk about it.

(Witness approaches.)

THE BAILIFF: Place your left hand on the Bible, and raise your right hand, please.

(Witness complies.)

THE CLERK: Do you swear or affirm the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes.

THE CLERK: Thank you. Have a seat in the witness stand, please.

(Witness seated.)

THE COURT: State your name for the record.

THE WITNESS: Reno Jordan.

RENO JORDAN,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GOLDBERG:

Q Mr. Jordan, on January the 28th of 2016, where were you employed?

A I'm sorry?

Q On January 28th, 2016, where were you employed?

A Walmart Two Notch Road.

Q Walmart Two Notch Road. What was your job there?
A Loss prevention.
Q And at some point that evening -- did you know Deanndra Roach?
A Yes, I knew her.
Q She worked in the store also?
A Yes.
Q At some point that evening, did you come in contact with her?
A Yes, at the end of the night.
Q End of the night. And who all was standing around when you talked to her?
A Just a bunch of us employees. Some of us was getting off and some of us was just hanging around to talk.
Q Okay. And what, if anything, did Ms. Roach say to you about what she was doing when she got off work?
A She just told me she was going to meet her boyfriend.
Q She said she was going to meet her boyfriend.
A (Nods affirmatively.)
Q Do you know who that is?
A I don't know him.
Q Don't know any names?
A No.

Q Or anything. In response to her saying she was going to meet up with her boyfriend, what did you say to her?
A I told her don't go.
Q And what was her reaction to that?
A She kind of laughed it off, brushed it off, and, you know, that was that.
Q And did you have any other conversation with her after that point in the night?
A No, that was the last time I talked to her.

MR. GOLDBERG: Your Honor, for purposes of this hearing, that's all.

THE COURT: Cross-examination?

MR. O'NEIL: Just briefly.

CROSS-EXAMINATION

BY MR. O'NEIL:

Q And, Mr. Jordan, I want to be absolutely clear because this is important. You heard Ms. Roach say she was going to meet her boyfriend?
A (Nods affirmatively.)
Q You have to say yes or no?
A Yes.
Q Not her ex-boyfriend?
A No.
Q Boyfriend?

A Boyfriend.

MR. O'NEIL: Okay. That's all I have.

THE COURT: All right. Anything else?

MR. GOLDBERG: No, ma'am.

THE COURT: You can step down, sir.

(Witness steps down.)

THE COURT: I'll be glad to hear any motions or anything.

MR. O'NEIL: The original information Mr. Goldberg stated, he said ex-boyfriend. I just want to make -- because what Mr. Goldberg sent me was different than what he just said. I just wanted to make sure we're on the same page. That's why I thought you misspoke.

I just wanted to make sure. When me and Mr. Goldberg spoke about it earlier, the impression I got was that Mr. Goldberg was saying that the victim was going to meet with her ex-boyfriend, but -- I mean, he's cleared that up, that's not what he told me and Mr. Jordan has cleared up that's not what she said. So if that's what he's going to say, I don't object to that.

THE COURT: All right. Bring the jury in.

Well, before we bring them in. It's 4:33. He's obviously not going to be up very long. Do

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you have somebody after that?

MR. GOLDBERG: Yes, ma'am. We can call -- there's two more witnesses other than him that are here ready to go that would not be that extensive, depending on cross. One is Mr. Stokes, Shanard Stokes.

MR. O'NEIL: Short.

MR. GOLDBERG: Short. And then the pawn shop owner.

MR. O'NEIL: Shorter.

MR. GOLDBERG: So I think we should be able to do it.

THE COURT: All right. Of course, we don't want to put the investigator up today.

MR. GOLDBERG: No, ma'am. No, I wouldn't do that to anybody.

MR. O'NEIL: One more thing, Your Honor.

THE COURT: Yes, sir?

MR. O'NEIL: I want to -- need to completely proffer exactly what he's going to say if he said something additional to that as well. I just wanted to make sure.

THE COURT: What did he say?

MR. O'NEIL: Can we approach, Your Honor? I just want to make sure we're on the same page.

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(WHEREUPON, a bench conference was held.)

THE COURT: Do we need to call him back?

MR. GOLDBERG: That's fine.

(Witness returns to witness stand.)

EXAMINATION IN CAMERA

BY MR. GOLDBERG:

Q All right, Mr. Jordan, just to go back through it briefly. Deanndra told you that she was going to meet up with her boyfriend?

A Uh-huh.

Q And you told her what?

A Not to go.

Q Why did you tell her that?

A Well, Deanndra had told us in the past that she had been having problems with him, that he had been beating on her and he had shot at her a couple of times, and stuff like that. And, you know, that's why I told her wasn't no need in going if you was already having problems with him like that. If he was beating on you or shooting at you, why would you want to fool with somebody like that.

Q Now, you tell me, when I -- when we met with you before and I asked you about this and you were telling me about this exchange, did you tell me

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that -- when I asked you, Well, you know, why did you tell her not to go, you said because she was always so negative about him?

A Uh-huh.

Q I mean, is that what you were describing?

A Yes.

Q Is that kind of what you were talking about?

A (Nods affirmatively.)

MR. GOLDBERG: That's all I have.

THE COURT: Any --

MR. GOLDBERG: I mean, obviously we're not going to have him say all of that about shooting and beating.

THE COURT: Well, that's not going to be admissible.

MR. GOLDBERG: No, of course not. But it would be offered in the limited capacity of, What did you tell her? I told her not to go. Why did you tell her that? And it wouldn't be about those other things, it would be limited -- I suppose it would be limited to him saying that she always talked negative about him.

MR. O'NEIL: Your Honor, based off my discussion with my client and the bench conference, I think at this point I would object to his

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testimony coming in as it being hearsay and not being a proper statement as it relates to Declarant's state of mind here. I think I cited State v. Hughes here, it's a 2017 case here. It's 419 S.C. 149.

And I think the requisite language in Hughes talks about this idea -- on Page 4 of the decision, it talks about this idea that our Supreme Court has held that while the present state of Declarant's mind is admissible as an exception of hearsay, the reason for the Declarant's state of mind is not, and it cites State v. Garcia. The opinion goes on to say that the Court cautions that if the reservation in the text of the rule is to have any effect, it must be understood to merely limit those admissible statements to declarations of condition, i.e., I'm scared, and not belief, i.e., I'm scared because of someone threatening me.

So based off that interpretation, when I look at Griffin -- I look at Garcia, the decision in Griffin appears that could actually might be dicta because I think in Griffin, the Court talks about the fact that those statements were admissible on other grounds and that other witnesses had already testified to the information and the Defendant in

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Griffin objected to that testimony that it was basically that evidence had already came in. I think the decision in Griffin, the case the Court referenced earlier, is actually based on other grounds other than 803 ground, that decision was based on other grounds that the statement of the victim in that case was cumulative, the evidence had already came in, and that Mr. Griffin would be so prejudiced.

So based off that, I would object to that testimony coming in and that it constitutes impermissible hearsay.

THE COURT: Your response?

MR. GOLDBERG: My response would be just based on the previous arguments citing the Griffin case, we believe it qualifies as an exception.

THE COURT: All right. So in reading Hughes -- let me put the cites on there. 796 S.E.2d 174, Garcia, 334 S.C. 71, and Griffin 339 S.C. 74. Actually, Griffin was -- Garcia was in '99, Griffin was in 2000, and Hughes in 2007.

And they all three say that the state of mind is admissible under hearsay exception 803(3). And they all say but the reason is not.

For that reason, I will allow him to testify

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that she was negative about him, but he cannot get into any testimony regarding anybody beating anybody or shooting anybody. That would fall along the same lines as fear and why we were fearful.

MR. O'NEIL: I just want to point out for the court record here, if the statement that she was always so negative about him, that is past tense, that is not the then state of mind, that is a previous state of mind. I think the testimony is that she was, past tense, always negative about him. That's not her then state of mind.

THE COURT: Let me look at the rule.

MR. O'NEIL: I think if you look at the rule, it actually says not including a statement of memory or belief to prove the fact remembered or believed.

THE COURT: It does say then existing state of mind. I will be glad to hear from the State regarding that. It says existing state of mind.

MR. FYALL: It was her existing state of mind when he told her, Your Honor. When he told her -- when she told him that the Defendant shot at her, her state of mind at that point was negative. We're not going into the instance when she told him that, we're just going -- we're accumulating all of

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those individual statements up, he shot at her, he threatened her, all that up into, she was always so negative about him. Each of those individual statements that she said to him was her state of mind at that time.

MR. O'NEIL: Your Honor, I was not an English major in college, but I think that the word *was*, in my opinion, is past tense.

THE COURT: The word *was*?

MR. O'NEIL: What I have is, he said they were all standing around talking at work and she said she was going to meet with her, now said boyfriend. He told her not to go because she *was* always so negative about him. Not that she was negative about him now, that she *was* always so negative about him, which in my limited knowledge of the English language indicates a past tense belief on the victim's part.

MR. FYALL: I think, Your Honor, the fact that she was going to see him is one thing. That's past. That is her intent at that time. Her being negative about him was her intent at the time she gave him those statements. It's hearsay. It's always something that someone said in the past. The analysis is when they said that in the past,

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what was their state of mind when they said it. When she said, He shot at me, at that time that was negative. At the time that she told him that he threatened her, at that time it was negative. It's about the state of mind at the time she made those statements to him.

Those are two separate issues. Her state of mind going to see him, that's one issue. That's her state of mind when she's leaving Walmart.

THE COURT: And that's where 803(3) falls in. But the question -- what he's saying is it is the then existing -- and the reason I'm allowing that in is because the case law says the then existing, and it's referring to her plan -- I mean, it specifically says it would be the Declarant -- it would be her intent, her plan.

What he is saying is that -- which I'm not even sure if it's hearsay, but what you've asked him is, Why are you saying this?

MR. FYALL: His motive behind telling her not to go.

MR. O'NEIL: Your Honor, this witness says -- the plain reading of what the witness said was that he told her not to go because she, meaning the victim, was always so negative about him, meaning

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that in the past, the victim had told him things that were negative about the boyfriend. So he said don't go because she was always so negative about him. Not that she was saying negative things about him at that moment. His statement was that don't go because she was always so negative about him, meaning she had made prior statements about him that was negative. Those prior statements -- there's no evidence that those prior statements was a then existing state of mind. By definition --

THE COURT: But I think now the question is you've got to go back and look at his -- 803(3) allows him to say what her existing state of mind, what she was doing. She was going to see her boyfriend. That's the exception to that hearsay.

Then, now, the second part of the question is, he says the reason she -- the reason he said what he said was because she's always so negative about him. So I'm trying -- is that hearsay or is that --

MR. FYALL: I would think it is hearsay, Your Honor. That's his motive for saying what he said. In the sense that you would even agree that it's hearsay, it is based -- you have to bifurcate these issues. He said she told him at one point that he

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shot at her. The question is, when she told him, He shot at me, was she being negative towards him at that point in time? And the answer is yes. He can't testify, He shot at me, that he told her that, but he can testify to her feelings towards him at the time he told her he shot at her.

MR. O'NEIL: Well, that's not what he's testifying to. He's testifying to --

MR. FYALL: Because he can't.

MR. O'NEIL: -- that he told her not to go because she was always so negative about him. Not that she was negative about him at that moment, the past tense, she was always so negative about him.

THE COURT: All right. I'm going to allow him to testify to what he said, where she told him she was going. I'm not going to ask him why -- allow him to answer the question as to why he felt that way, because I think it gets into past conversation. Even though she wasn't saying what she was negative about or what the problems were, I think he testified today he said they had always had problems, it gets into previous behaviors and I think you're on a fine line right there. So I'm going to allow, I guess, the first part of the testimony that you proffered, and then he can

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testify as to what he told her.

All right? All right.

Are you clear, sir, or have I confused you?

THE WITNESS: I'm good.

THE COURT: All right. You can bring the jury back in.

(Witness steps down.)

(WHEREUPON, the jury came into open court at 4:55 p.m.)

THE BAILIFF: The jury is seated.

THE COURT: All right. Call your next witness.

MR. GOLDBERG: Thank you, Your Honor. The State calls Reno Jordan.

(Witness approaches.)

THE BAILIFF: Place your left hand on the Bible, and raise your right hand, please.

(Witness complies.)

THE CLERK: Do you swear or affirm the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes.

THE CLERK: Thank you. Have a seat in the witness stand, please.

(Witness seated.)

THE CLERK: State your name for the record.

THE WITNESS: Reno Jordan.

RENO JORDAN,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GOLDBERG:

Q Mr. Jordan, where are you from?

A Sumter.

Q And how long did you live in Sumter? Did you grow up there?

A (Nods affirmatively.)

Q Yes?

A Yes.

Q Did you move from Sumter anywhere else?

A To Columbia.

Q And when did you do that?

A 2001.

Q Okay. And where did you go to high school?

A Lower Richland.

Q All right. And back in January of 2016, where were you working?

A Walmart Two Notch Road.

Q Walmart Two Notch Road. And what was your job there at Walmart?

A Loss prevention.
Q What does loss prevention mean?
A You go around the store and make sure people are not stealing, and stuff like that.
Q Okay. And while you were employed at the Walmart, did you come to know a Deanndra Roach?
A Yes.
Q How did you know her?
A Just walking around the store joking, laughing, stuff like that.
Q Okay. On the night of January 28th, 2016, did you see Deanndra at work that night?
A Yes, in the lobby of Walmart.
Q Okay. And without going into what was said at this point, did you speak to her?
A Uh-huh, always.
Q And was it just the two of you?
A No, it was a crowd of us.
Q A crowd of you?
A (Nods affirmatively.)
Q Were they customers or co-workers?
A Co-workers.
Q All right. And was this towards the beginning of the day or the end of the day?
A End of the day.

Q And how do you remember that?
A I just remember the night she clocked out. I was up front.
Q Okay. And where did Ms. Roach, if anywhere, tell you that she was going that night when she left work?
A To see her boyfriend.
Q To see her boyfriend?
A (Nods affirmatively.)
Q What was your response to her?
A I told her not to go.
Q You told her not to go. And did she ultimately leave work that night?
A She left.
Q Did you ever see her at work again after that?
A No.

MR. GOLDBERG: All right. Thank you. That's all I have.

CROSS-EXAMINATION

BY MR. O'NEIL:

Q Mr. Jordan, I want to be absolutely clear about one thing. Ms. Roach told you she was going to see her boyfriend?
A Yes.
Q Current boyfriend?

A Current boyfriend.
Q Not ex-boyfriend?
A No.
Q How sure are you that she said she was going to see her current boyfriend?
A That's what she told me.
Q If you had to put a percentage on that, how sure would you be?
A I mean, I don't know anything about her and her relationship, I'm just telling you what she told me, that she was going to see her boyfriend.
Q How certain are you that that's what you heard her say?
A I'M very certain.
Q A hundred percent certain?
A (Nods affirmatively.)
Q You have got to say yes or no for the court reporter.
A Yes.
Q A hundred percent certain that she said her current boyfriend?
A Uh-huh, yes.
Q Yes?
A (Nods affirmatively.)

MR. GOLDBERG: That's all I have.

REDIRECT EXAMINATION

BY MR. GOLDBERG:

Q Did you hear her say the word current, the actual word current?

A No.

Q No. What was the actual word that she used?

A She just said she was going to see her boyfriend.

Q Okay. So when Mr. O'Neil says current boyfriend, those are his words, not yours, correct?

A Yes.

Q You didn't hear her say the word current?

A No.

Q Do you know what her boyfriend's name was at the time?

A I don't know his name.

MR. GOLDBERG: Thank you.

THE COURT: All right, sir, you may step down. Any objection to this witness being excused?

MR. O'NEIL: No, Your Honor.

(Witness steps down and is excused.)

THE COURT: Call your next witness.

MR. FYALL: The State calls Eddie Rogers.

(Witness approaches.)

MR. FYALL: Your Honor, may I approach?

(WHEREUPON, a bench conference was held

in the presence of the jury, but outside the hearing of the jury.)

THE BAILIFF: Place your left hand on the Bible, and raise your right hand, please.

(Witness complies.)

THE CLERK: Do you swear or affirm the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

THE CLERK: Thank you. Have a seat in the witness stand, please.

(Witness seated.)

THE CLERK: State your name for the record.

THE WITNESS: Edward Rogers. I'm manager at Best Deal Pawn & Gun.

EDWARD ROGERS,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. FYALL:

Q Mr. Rogers, you said you're the manager at Best Deal & Pawn?

A That's correct.

Q All right. How long you been a manager there?

A Fifteen years.

Q Are you in charge of maintaining the records at Best Deal & Pawn?
A Yes.
Q Do you also have control over the surveillance video over there?
A I do.
Q Let me show you State's 213 and 212. Do you recognize those?
A I do.
Q What are they?
A It's thumb drive and video of the shops.
Q All right. These are from your shop?
A That's Best Deal, right.
Q Can you tell us what's on this thumb drive?
A On that one is copies of the 4473, the federal form for background check, sales receipts, copies.
Q All right. And 213 is the video?
A Video, sales receipts, ID.
Q Thank you.

MR. FYALL: Your Honor, at this time the State's offers 212 and 213 into evidence.

THE COURT: Any objection?

MR. O'NEIL: No objection, Your Honor.

(WHEREUPON, State's Exhibit No. 212 was marked for identification and received

into evidence.)
(WHEREUPON, State's Exhibit No. 213 was marked for identification and received into evidence.)
BY MR. FYALL:
Q Item 212, I show you this real quick. What is this?
A That is a -- one of the presales slips. I believe that is the first one, when he put it on layaway.
Q When you say he put it on layaway, who are you talking about?
A Mr. Heatley.
Q Mr. Heatley? I'm going to show you the second document. What is that?
A That is the final layaway payment receipt.
Q What does that mean?
A He came in and paid $255 and finished paying it off of layaway.
Q What type of weapon was purchased?
A It is a High Point 9-millimeter Carbine. It's a rifle, semi-automatic.
Q All right. And you say this is the --
A That's the first part of the federal background check. You fill out the form, answer the questions. That's the first page.

Q Again, whose name is on that form?
A Mr. Heatley.
Q All right. And, finally, can you tell us what this document is?
A When we do a gun sale, we get an ID of whoever is purchasing it and we scan it, keep a copy of it. And then the top part there is the paperwork received from the NICS Department saying proceed.
Q And that's just an enlarged copy?
A Right.
Q All right. And this last page here shows the date he made the final payment?
A Right. The first payment was the 20th, the final payment would be the 26th.
Q Thank you, sir. Can you tell us what this is?
A That is when he had picked it up, it was on the 27th. It's a video of the counter he had went to.
Q All right. And on the counter there, what is that?
A That's the Carbine, the High Point Carbine.

MR. FYALL: Thank you very much.
Nothing further, Your Honor.
MR. O'NEIL: No questions, Your Honor.
THE COURT: All right, sir, you may step down. Any objection to this witness being excused?
MR. FYALL: No, ma'am.

(Witness steps down and is excused.)

THE COURT: Call your next witness.

MR. GOLDBERG: The State calls Shanard Stokes.

(Witness approaches.)

THE BAILIFF: Place your left hand on the Bible, and raise your right hand, please.

(Witness complies.)

THE CLERK: Do you swear or affirm the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes.

THE CLERK: Have a seat in the witness stand, please.

(Witness seated.)

THE CLERK: State your name for the record.

THE WITNESS: Shanard Stokes.

SHANARD STOKES,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GOLDBERG:

Q Mr. Stokes, good afternoon.

A How you doing?

Q Mr. Stokes, where are you from?

A Columbia, South Carolina.

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Q And were you born in Columbia?
A Yes, sir.
Q And what part of town did you grow up in?
A Irmo side, then moved to northeast side.
Q Northeast side? Make sure you talk loud enough that everybody can hear you.
A Okay.
Q And where did you go to school?
A Westwood and Blythewood High School.
Q Where did you graduate from?
A I graduated from Westwood in 2015.
Q 2015?
A (Nods affirmatively.)
Q And after high school, what did you do?
A I went to college in North Carolina, played football.
Q What school?
A Lenoir-Rhyne in Hickory, North Carolina.
Q What position did you play?
A Linebacker.
Q Okay. And when did you start at Lenoir-Rhyne?
A I went in August of the 2015 year.
Q And were you attending Lenoir-Rhyne in January of 2016?
A Yes.

Q I guess that would have been still part of your freshman year, is that right?
A Correct.
Q Okay. And how do you know Deanndra Roach?
A By friend association at first, and then we developed a relationship.
Q Okay. And, in fact, there had been -- it's come up a little bit previously, who is Desha Anderson?
A Is an ex-girlfriend of mine, during the senior year of high school, probably August through December-ish.
Q Okay. Did you know Deanndra at that time?
A No.
Q When did you meet Deanndra?
A Met her the summer between college -- I mean, high school and college.
Q Okay. So that would have been the summer of 2015?
A Yes.
Q Okay. And describe your relationship with her.
A She was my girlfriend at the time of probably from August -- from the whole time I was at Lenoir-Rhyne from the fall to January.
Q Okay. When you say girlfriend, you were dating?
A Yes, we were. Yes.
Q And did that begin before you went to Lenoir-Rhyne?

A Yes. It was a slower type thing, you know.
Q So what kind of things were y'all doing? I mean, were you --
A Just talking on the phone. You know, just being there for each other.
Q Okay. And did you stay in contact with her during that fall semester at Lenoir-Rhyne?
A Yes.
Q Would you call her your girlfriend at the time?
A Yeah, I would.
Q And then I want to take you to January 28th, 2016. Were you at Lenoir-Rhyne then?
A Yes.
Q Was school in session?
A School was in session.
Q Okay. Did you live by yourself?
A I had a roommate.
Q What was your roommate's name?
A Diablo was my roommate -- I mean, I'm sorry, Saheem.
Q Saheem. Okay. And on January 28th of 2016, did you talk to -- well, at that time, were you and Deanndra still boyfriend/girlfriend?
A Yes.
Q Okay. And did you have occasion to speak to her on

that day?
A Yes, I spoke to her.
Q How did you speak to her? What manner of communication?
A Normally how we always were like, Hey, how you doing? Oh, are you at work, you know.
Q I'm sorry, I don't mean what was said. I mean, was it like text, phone call, Snapchat or?
A Oh, texts and calls.
Q Okay. And on the night of the 28th, were you -- what were you doing that night?
A That night, I don't remember exactly what I was doing. I know was on campus in my dorm, though.
Q Okay. Oh, you were in your dorm?
A Yeah, I was.
Q Were you by yourself?
A I was with Saheem.
Q And did you receive a phone call from Deanndra that night?
A Yes, I did.
Q Okay. And, actually, when spoken to by law enforcement later, did you actually take a screenshot denoting when that phone call was?
A Right, yes.
Q I want to show you what's marked as State's 214,

and if you can kind of describe what that is, just generally.

A It's a screenshot of the phone call on January 28th.

Q Okay. And does this photocopy adequately represent the actual screenshot as you took it on your phone?

A Yes, that is.

Q Okay.

MR. GOLDBERG: Your Honor, I offer 214 into evidence.

THE COURT: Any objection?

MR. O'NEIL: I just want to see it first. No objection.

(WHEREUPON, State's Exhibit No. 214 was marked for identification and received into evidence.)

BY MR. GOLDBERG:

Q From the screenshot you took, can you describe who the call is from, the date and the time?

A It is from Deanndra to me on January 28th at 10:16 p.m., approximately three minutes long.

Q Three minutes long. Okay. So you actually talked to her on the phone -- well, I'm sorry, let me ask you. It says three minutes. Did you actually speak to her?

A Yes, I did.
Q Okay. And this says it was about a 3-minute call?
A Right.
Q Once that call concluded, did you ever have occasion to speak to her again?
A I never spoke to her after that.
Q In fact, I believe it was just a few days later the investigators actually came and talked to you, correct?
A Right.
Q No more texts after that?
A No texts and no more type of communication after that, no phone call.
Q Thank you.
A Thank you.

THE COURT: Yes, sir?

CROSS-EXAMINATION

BY MR. O'NEIL:

Q Mr. Stokes, you and Ms. Roach's relationship, it was not secret, was it?
A What was that?
Q It was not a secret relationship?
A No, I wouldn't call it secret.
Q It was public knowledge that y'all were boyfriend and girlfriend?

A Yes.

MR. O'NEIL: That's all I have, Your Honor.

THE COURT: Anything else from the State?

MR. GOLDBERG: No, ma'am.

THE COURT: All right, sir, you may step down. Any objection to this witness being excused?

MR. O'NEIL: No, Your Honor.

MR. FYALL: No, ma'am.

(Witness steps down and is excused.)

THE COURT: All right. It is 5:17, and I think we are ready for our evening break. We will start back at 9:30 in the morning. I ask that you not talk to anyone regarding the case, anything that was discussed in the courtroom. Please do not do any independent research about any issue in this case. And we'll see you back at 9:30.

You all -- someone inquired earlier and I had already decided that I was going -- we're going to order lunch tomorrow.

Was it you?

THE JUROR: It wasn't me. I'm just laughing.

THE COURT: We will order lunch tomorrow for you, so when you get here at 9:30, she'll have the menus in the back. And so what we'll do is order lunch, lunch will get here, and we'll take about 30

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minutes to eat and keep on going. I am not planning on staying -- the bailiffs -- the deputies already asked me if I was staying late tomorrow night, I told them no, we're not going to stay late tomorrow night. So we'll try to work and get as much testimony in tomorrow, but I do not anticipate staying here all night on tomorrow. So if you have plans, you can keep those plans.

All right, so we'll see you all in the morning at 9:30. We'll see you a little bit later since you've got to order your food, so we'll see you after that.

Have a good evening. Thank you.

(WHEREUPON, the jury is excused for the day at 5:19 p.m.)

THE COURT: We're going to wait on the jurors to leave. I'll let you all leave first tonight since I've been doing it the opposite way, and you all can leave last. All right? So we will wait a minute for the jurors to leave, to exit.

9:30 in the morning. Nothing we need to put on the record ahead of time?

MR. FYALL: No, ma'am.

(WHEREUPON, court adjourned for the evening at 5:20 p.m.)

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(WHEREUPON, the proceedings began at 9:48 a.m.)

THE COURT: Are you ready?

MR. GOLDBERG: Yes, ma'am.

THE COURT: Let's bring them on in.

(WHEREUPON, the jury came into open court at 9:48 a.m.)

THE BAILIFF: The jury is all present, Judge.

THE COURT: Good morning, ladies and gentlemen of the jury, I hope that you had a restful evening. At this time, we are ready to begin -- continue with the State's case.

The State can call their next witness.

MR. GOLDBERG: Thank you, Your Honor. The State calls J.P. Smith.

(Witness approaches.)

THE BAILIFF: Place your left hand on the Bible and raise your right.

(Witness complies.)

THE CLERK: Do you swear or affirm the testimony you are about to give in this case will be the truth, the whole truth and nothing but the truth, so help you God?

THE DEFENDANT: I do.

THE CLERK: Thank you. Have a seat in the witness stand, please.

(Witness seated.)

THE CLERK: State your name for the record.

THE WITNESS: Joe Smith.

JOE SMITH,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GOLDBERG:

Q Sir, where are you employed?

A Richland County Sheriff's Department.

Q How long you been employed there?

A Approximately six years.

Q And how long have you been in law enforcement all together?

A About 34 years.

Q Okay. And tell the jury a little bit about what your duties are with Richland County.

A I'm currently assigned to the Victim Advocate Unit where I assist victim of crimes. Prior to that, when I was hired, I came straight into investigations. I got assigned to the Major Crime Unit, which I began to start doing assault cases and homicides. I then left that unit and went to the Special Victim Unit, which dealt with criminal

sexual conduct cases. And then I came to the victim advocate side.

Q All right. And back in January of 2016, did you become involved in the investigation regarding Deanndra Roach and Andre Heatley?

A I did.

Q And how did you first get involved in the investigation?

A At that point, I was notified by my captain, who was Captain Senn, that it was an ongoing missing person homicide investigation. And he requested me to go pick up video concerning that case.

Q Okay. Where did you go to?

A I went to the Walmart.

Q And did you retrieve video from the Walmart?

A I did.

Q All right. And what day was that?

A That was on January 29th of 2016.

Q Okay. Later that same night, into the next morning, on January 30th, what part of the investigation were you involved in?

A I assisted in -- we had a search warrant concerning the same case. They were getting investigators and other units together to go conduct that search warrant.

Q Okay. What part of town was that in?
A This was in the Irmo part of town.
Q Okay. Whose residence were you going to serve the search warrant on?
A That of the Defendant, Mr. Heatley.
Q Okay. So tell us what your role in that was at that point.
A My role initially was to assist with the conduction of the search warrant of the residence. Once we staged the, what we call the target, Mr. Heatley's vehicle began to move. And that point, where I was staged at, I pulled out and got back onto the main thorough-way because I didn't know what his car would do, whether he was going to run or whether it was going to be what we call a without-incident take-down. So I positioned my car at that point in anticipation of what he may do.
Q And where were you located?
A At that point, when I pulled out the gas station, it was like a Kangaroo gas station, when I pulled out, I pulled back into the median of what would have been Broad River Road anticipating what he may do. At that point, his vehicle came up to Broad River and turned into the Burger King restaurant.
Q And once he pulled into the Burger King, other

officers made contact with him?
A Correct. There was approximately two other cars in front of mine when I turned in. I pulled in, positioned myself off to the right. At that point, he was taken out the car and I moved up to his car where he got out of it to secure that vehicle to make sure nobody else was in it.
Q Okay. And what were you then tasked with doing once Mr. Heatley was removed from the vehicle?
A I secured the vehicle. I stayed with the vehicle until the tow truck got there, until we took to car to the impound lot. Once I arrived at the impound lot, I stayed with the car until Sergeant Faust with the search warrant arrived back at the impound lot with the search warrant.
Q So there was no search conducted of the car at the gas station, anything like that?
A No.
Q You stayed with it to make sure nobody tampered with it?
A Correct. Stayed with it and followed the tow truck from the Burger King back to our impound lot.
Q And then once the search warrant was presented back at the impound lot, you were --
A I left.

Q You were released?
A Yes, sir.
Q And the vehicle again, the type, make, model?
A It was a white Ford Fusion. It was a 4-door with a South Carolina tag of JXX884. And the last four on the VIN was 3160.
Q All right. After that, did you have any additional involvement with the investigation?
A I did not.

MR. GOLDBERG: Thank you, sir.

CROSS-EXAMINATION

BY MR. O'NEIL:

Q Investigator Smith, what distance was the gas station from where Mr. Heatley resided, approximately? You don't have to be super exact.
A I don't know exactly because I never made it to the residence. I staged at the gas station. I would say less than a mile. It wasn't that far away.
Q Is it fair to say less than a mile away?
A Correct.
Q What time of day -- I guess, what time of night was this?
A I got 0130, which is 1:30 in the morning, which that would be my staging time, so it was right around that time.

Q And you say the gas station is next to the Burger King, fair enough?
A Correct.
Q And basically Mr. Heatley passed you when you were staged at the gas station and he turned into the Burger King lot?
A From where I was staged at, he wouldn't have passed me. We staged at the Kangaroo. Once I heard that the car was moving, I pulled out of the Kangaroo and pulled onto Broad River, so now I'm facing where he's coming from.
Q You don't have any blue lights or anything on at that point?
A No, not at that point.
Q In fact, you never had to turn your blue lights on in order to stop Mr. Heatley?
A I turned my blue lights on once the car behind him initiated blue lights and he turned into the Burger King. Those blue lights were initiated and then I initiated my blue lights to get across those two lanes of traffic to get in behind the other units.
Q And, in fact, Mr. Heatley turned into the drive-through of the Burger King there?
A Right.
Q He didn't try to park in a parking space, he was --

his vehicle was detained in the drive-through of the Burger King parking lot?
A Correct.
Q And that Burger King was still open at that time?
A It was.
MR. O'NEIL: All right. That's all I have.
THE COURT: Anything, Mr. Goldberg?
MR. GOLDBERG: No, ma'am.
THE COURT: All right. You may step down. Any objection to this witness being excused?
MR. O'NEIL: No, Your Honor.
THE COURT: Sir, you're free to leave.
(Witness steps down and is excused.)
THE COURT: Call your next witness.
MR. GOLDBERG: The State calls Kristen Polis.
(Witness approaches.)
THE BAILIFF: Place your left hand on the Bible, and raise your right hand, please.
(Witness complies.)
THE COURT: Do you swear or affirm the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?
THE WITNESS: Yes, ma'am.

KRISTIN POLIS,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GOLDBERG:

Q Investigator Polis, where are you employed?

A With the Richland County Sheriff's Department.

Q Tell the jury a little bit about how long you've been there and what you do.

A Okay. I've been with the Sheriff's Department for 16 years, I was hired in 2002. I've got a Bachelor's Degree in criminal justice from Charleston Southern University. I've got a Master's Degree in social work from University of South Carolina. I was hired, as I said, in 2002, and I got promoted to the crime scene section in 2008 -- I'm sorry, in 2006.

At that time, I started our in-house training program, which is an extensive amount of forensic literature that we have to read. We have to take written tests and practical examinations to show that we're proficient in all the areas of processing that we're responsible for. And that program took me 20 months from beginning to end to complete. In addition to that in-house training, at this point I've had about 550 hours of external training in a variety of forensic topics.

In 2010, I was certified as a crime scene investigator through the International Association for identification. In 2013, I was promoted to the senior analyst in the crime scene section. And that's -- I worked in that position up until 2017. So during the time that this case occurred, that is the position that I was working in.

In 2017, I moved over to the latent print section, so primarily doing work with fingerprints starting at that time. And of that training that I had, I would estimate at this point that I've done about 800 to 1,000 comparisons for criminal cases.

MR. GOLDBERG: Your Honor, at this time we would offer Investigator Polis as an expert in crime scene investigation and latent print analysis.

THE COURT: Any voir dire?

MR. O'NEIL: No voir dire. No objection, Judge.

THE COURT: Crime scene analysis.

Ladies and gentlemen of the jury, Investigator Polis will be qualified in the area of crime scene analysis to give opinion testimony in that area. That does not mean that you must accept the opinion, but it is evidence for you to use in any

way you see fit and give it the weight and credibility you believe it deserves.

MR. GOLDBERG: Also, Your Honor, latent print analysis as well.

THE COURT: Any objection to that?

MR. O'NEIL: No, Your Honor.

THE COURT: And also latent print analysis.

MR. GOLDBERG: Thank you, Your Honor.

BY MR. GOLDBERG:

Q Investigator Polis, can you tell the jury how you got involved in the case at hand?

A I can. So on January 26th of -- I'm sorry, January 29th of 2016, this incident occurred. And an item was submitted to our evidence section and it required follow-up processing. So at that time, one of my duties was to go down and collect anything that was marked for some kind of processing.

So on February the 10th, 2016, I received a bag from our evidence technician, Melody Galinski, and that bag contained $110 in cash. And there was a request for it to be processed for latent prints and DNA. And I completed that processing.

Q All right. And how do you go about processing currency like that for latent prints?

A The best thing for porous items, which paper is a porous item, is to use a chemical called ninhydrin. And it comes in an aerosol spray container, and we spray it on both sides of the paper item, and then we allow that to dry. So it has to dry usually 24 to 48 hours. And that particular process, it will react with any of the amino acids that are left behind when we touch something, and so it takes a period of time for the reaction to be visible. If we have positive results, we'll see those in a purple color. The print itself will come up in a purple. And in this case, I processed the money. It was five $20 bills, ten $1 bills. And I did not get any usable fingerprints.

Q How uncommon is that to not come up with anything when testing money like that?

A It's not. Particularly something usable. We may come up with some ridges. There may be ridges that develop on that item, but it just might not be enough for us to use to try to identify those. And if you think about money being in circulation and how many people handle that, that's not going to be uncommon at all.

Q Okay. And after that, what was your next involvement in this investigation?

A I also collected a swab from that money and submitted that to our evidence section.
Q Okay. And then did you have an opportunity to make some comparisons between some latent prints later in the case?
A I did. May 8th, 2017, I was notified by Investigator Polis that we had received a reverse hit on a fingerprint. So at the time when the -- when prints are initially entered -- Investigator Odom did this work -- we can store those in the system. If they don't immediately hit, we are able to store those. And then any type new fingerprints get added to the database, there's a constant search that happens. And so occasionally we will get notified that there potentially could be a hit on prints. So we have to go through and look at those and determine if, in fact, this is potentially a match or is this, you know, two fingerprints that have characteristics in common, but they're not the same. So in this case, we received -- she received the reverse hit and gave it to me. Then I retrieved those latent print cards and did a comparison on those prints.
Q Okay. And the prints that you were comparing them to was a latent print card that had been collected

by Investigator Schroder, is that right?
A That's correct.
Q And can you describe what that print card is and where it came from?
A We did. We labeled it L-2, which is just our numbering system to track each latent. And this print card was developed and lifted by Investigator Schroder from South Carolina tag KDK202, rear passenger's side door window, interior top middle.
Q Okay. And so describe the process of how you would take that print that was lifted from what I believe we now know is the victim's car and in comparison to the sample you were talking about just a moment ago.
A Okay. So we pulled the actual latent print card, so we're working from that original latent. We're not working from what's provided in the database. And we capture that image -- I typically do mine on a computer. They don't have to be done on a computer screen, but we can capture the image and put it side-by-side on the computer screen with our known print, which would be the print that was returned as a reverse hit. So those two images are side-by-side on the screen. And through our process of comparison, we're going through and

picking out the features, marking those that are in common. We're going to evaluate and determine if we have enough there for this to be considered a match or are they not made by the same source.

Q And in this instance, the print that you were working with from the database, what was the name attached to those fingerprints?

A Mr. Tyrek J. Carroway.

Q Okay. And what were your conclusions in comparing Mr. Tyrek Carroway's latent to the latent print lifted from the vehicle?

A We were able to determine that it was his right thumb, the right thumb of Tyrek Carroway.

Q And, of course, you can't time stamp latent prints, is that right?

A Not at all. No.

Q Was there any other examination that you did in this regard?

A No, that's it.

MR. GOLDBERG: Okay. Thank you. That's all I have.

CROSS-EXAMINATION

BY MR. O'NEIL:

Q Investigator Polis, what was the incident date that you have on your report?

A For the processing of the money or for the latents?
Q For the processing of the money.
A The incident date I have as January 29th. The date that I did the work on the money, February 10th, 2016.
Q Okay. And January 29th, 2016, I'm assuming?
A I'm sorry.
Q Assuming January 29th, 2016?
A Sixteen, yes, sir, I'm sorry.
Q Where did that date come from?
A The case number.
Q And who -- we don't know -- who generated the case number?
A They're automatically generated through dispatch. When a call comes in, those are generated with the case information and then it's just attached to everything. We can look at it quickly. The first two digits are the year, the next two are the month, then there's a 4-digit case number, the last two digits are the day of the week. So I can quickly look at it and say January 29th, 2016.
Q So the incident date generated by the Sheriff's Department was January 29th, 2016?
A Yes, sir, to my knowledge.

MR. O'NEIL: That's all I have, Your Honor.

THE COURT: Yes, sir?

MR. GOLDBERG: Just briefly.

REDIRECT EXAMINATION

BY MR. GOLDBERG:

Q Just so we're clear, you said that that is automatically generated once the Sheriff's Department is notified about an incident, correct?

A That's my understanding. This is work I've not ever done with dispatch, but it's my understanding that that's automatically generated when a call is placed.

Q So, for example, if an incident happened, say, on January 28th, actually occurred on the 28th, but nobody called in to report it until the 29th, you're saying this would show up as the 29th?

A I believe so. It would be the first contact.

MR. GOLDBERG: Thank you.

THE COURT: All right, ma'am, you may step down.

(Witness steps down.)

THE COURT: Any objection to this witness being excused?

MR. O'NEIL: No, Your Honor.

(Witness excused.)

THE COURT: Call your next witness.

MR. FYALL: The State calls Ivory Fleming.

(Witness approaches.)

THE BAILIFF: Place your left hand on the Bible, and raise your right hand, please.

(Witness complies.)

THE CLERK: Do you swear or affirm the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

THE CLERK: Have a seat in witness stand, please.

(Witness seated.)

THE CLERK: State your name for the record.

THE WITNESS: Ivory Fleming.

IVORY FLEMING,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. FYALL:

Q Ms. Fleming, can you spell your last name?

A F-L-E-M-I-N-G.

Q All right. Can you just tell the jury a little bit about yourself, where you're from, where you work?

A I work at a car dealership.

THE COURT REPORTER: You are going to have to

speak up, please.
A I work at a car dealership. And I'm from here.
Q From Columbia?
A Uh-huh.
Q Do you know Andre Heatley?
A I do.
Q How do you know him?
A I worked at Taco Bell and I guess he was a --
THE COURT REPORTER: I'm sorry, you need to speak in that microphone.
THE COURT: We can't hear you, I'm sorry.
THE WITNESS: He was a previous employee from Taco Bell.
BY MR. FYALL:
Q Did y'all ever work at Taco Bell at the same time?
A No.
Q When you worked there, would he just come and visit?
A Yes.
Q Did he know other people there?
A Yes.
Q Did he ever show any sort of interest in you romantically?
A At a point.
Q How did that happen?

A Just from conversation.
Q In that conversation, did you -- what did you ask him about as far as his relationships?
A I asked him who he was dealing with at the time. That was really it.
Q Anybody specific?
A Deanndra. And I asked him about his baby's mother.
THE COURT REPORTER: About what, I'm sorry?
THE WITNESS: His daughter's mother.
BY MR. FYALL:
Q What did he tell you about Deanndra?
A I knew mostly about bad times they had.
MR. O'NEIL: Objection, Your Honor. May we approach?
(WHEREUPON, a bench conference was held in the presence of the jury, but outside the hearing of the jury.)
THE COURT: Please rephrase the question.
BY MR. FYALL:
Q What did A.J. tell you about him and Deanndra's relationship?
A He didn't tell me too much about the relationship.
Q What did he say?
A I knew of the incident they had, or the incidents that occurred while they were in the relationship.

Q Do you remember any specific incident he told you about?
A One time she keyed his car.
Q How did he feel about that?
A He was upset.
Q Are you familiar with the time when Deanndra went missing?
A A little.
Q Did you receive a call from A.J. or Andre around that time?
A I did.
Q What did he tell you?
A He didn't really tell me anything. He was just speaking. Nothing was going on, just a regular conversation.
Q Did he ask you about Kelvin?
MR. O'NEIL: Objection, Your Honor. Leading.
THE WITNESS: He did.
THE COURT: Hold on.
Sustained. Please rephrase your question.
BY MR. FYALL:
Q Who is Kelvin?
A My child's father.
Q Around the time that Deanndra went missing, did A.J. ask you about him?

A He did.
Q Tell me how the conversation went?
A He asked me where did he stay and that her last transaction occurred in Irmo.
Q He told you that Deanndra's last transaction occurred in Irmo?
A Yes.
Q What was -- based on your conversation, what was sort of his demeanor on the phone about her last transaction?
A He was quiet. Like, he was talking, but it was a little in and out.
MR. O'NEIL: Objection, Your Honor.
THE COURT: Hold on.
Ma'am -- I can't even hear what she said. Can we get you to speak up a little bit more. You can pull the microphone closer if that helps. Thank you.
One more time.
What's your objection?
MR. O'NEIL: My objection was going to be leading. Did he seem like. I think that's a leading question.
THE COURT: I didn't hear. What was the question?

MR. FYALL: I was going to ask --
THE COURT: Rephrase the question. Don't lead, please.
BY MR. FYALL:
Q From your perspective, could you tell whether or not he knew what was going on?
A I couldn't tell if he knew or not.
Q Who was Kelvin in a relationship with, Deanndra?
A I guess they dated, on and off, talked.
MR. FYALL: Beg the Court's indulgence.
(Pause.)
BY MR. FYALL:
Q At some point after that, did you text Kelvin regarding A.J.?
A I did. I texted him and I asked him --
MR. O'NEIL: Objection, Your Honor. That's hearsay, what she told Kelvin.
MR. FYALL: She's the Declarant.
THE COURT: What she said?
MR. O'NEIL: Yes, sir, Your Honor. It's an out-of-court statement entered for the truth of the matter asserted. It's hearsay.
THE COURT: Overruled. It's not hearsay. She's saying what she said. She can say what she said. She can't say what Kelvin said. She can say

what she said.

THE WITNESS: I told him, you know, he -- well, he asked where he lived, A.J. asked where he lived. That was all.

BY MR. FYALL:

Q Back in 2016, January, what was your phone number?

A I don't remember.

Q I'm going to show you what's marked as State's 215. All right. I show you State's 215. Does that refresh your memory as to what your phone number was at that time?

A Uh-huh.

Q And during that time, did you send any text messages to Kelvin?

A Can you say that again?

Q During that time, did you send any text messages to Kelvin recording A.J.?

A Yes, about the situation.

THE COURT REPORTER: I'm sorry, about what?

A Yes, about the situation.

Q Based on that, can you tell us what you said in that first text message at the top? Can you read it?

MR. O'NEIL: Objection, Your Honor, if she's going to read it. She can testify, but she can't

read from a piece of evidence that's not in evidence yet. She can testify from her memory, she can't read it if it's not in evidence.

BY MR. FYALL:

Q I'll give you a chance to review it.

(Pause.)

Q All right. Can you tell us what you said? I'll take that back.

A Basically, I was telling Kelvin about the situation, things I've heard and things that I had pieced together in my mind.

Q Can you tell them anything that he said to you?

A Who?

Q A.J.

A Uh-huh, yes.

Q What were those things?

A I don't remember.

Q I'm going to show you 215 again. Would you look at the bottom left?

(Pause.)

Q All right. I know you're nervous. I just want you to tell me what you said.

A I told him that A.J. used to say bad things about Deanndra. That's about it. And he really didn't mess with her, or things like that nature.

Q Is that all he said?
A No.
Q What else did he say?
A I recall -- I don't recall those messages, but he was talking about what he would do to her, and stuff like that.
MR. FYALL: Beg the Court's indulgence.
BY MR. FYALL:
Q All right. Lastly, did you give a statement to law enforcement in this case?
A Say that again?
Q Did you provide a statement, a signed statement to law enforcement?
A I did.
Q Is that your statement?
A Yes.
Q And that's February 8th, 2016?
A Yes.
Q All right. I'm going to direct your attention to Page 2 of your statement.
MR. O'NEIL: I object to this, Your Honor. He has to have a reason to show her the statement. Either it has to be refreshing her memory or there's no other valid reason for her to look at the statement because it's not in evidence at this

point.

THE COURT: The objection is sustained. Ask a question and give it to her and lay the foundation if she does not remember. Refresh her memory.

BY MR. FYALL:

Q All right. You said there were times when Andre would come by the Taco Bell, correct?

A Yes.

Q When you left Taco Bell, did he start working there?

A Yes.

Q Can you tell us who Latoya is?

A My manager.

Q When Latoya was managing Taco Bell, was Andre working there?

A Yes.

Q Was there a time you were talking to Latoya and Andre got on the phone?

A I don't remember.

Q You don't remember? And you don't remember what -- obviously, what you would have said on the phone?

A No.

Q I'm going to show you a statement you gave to law enforcement February 8th, 2016.

A Yes.

Q Does that refresh your memory about that conversation?
A Yes.
Q Can you tell us what was said?
A What was said. I was on the phone with Latoya, then A.J. got on the phone asking about me and him.
Q What did you tell him?
A I asked him basically who he was already dealing with.
Q Did you ask him about Deanndra?
A I did.
Q What did he say?
A He said he wasn't really messing with her like that, and he was just using her.
Q Using her for what?
A I guess her money.
Q Did he say anything else?
A He knew her pin number to her debit card.

MR. FYALL: No further questions. I'm sorry, beg the Court's indulgence.

(Pause.)

MR. FYALL: I'm sorry, Your Honor.

BY MR. FYALL:

Q You also said you spoke to Andre on the 29th, correct?

A Uh-huh.
Q Tell us again what he told you.
A I don't remember.
Q I'm going to show you Page 3 of the statement you gave to law enforcement. Does that refresh your memory as to what you told them?
A A little.
Q What is that?
A That he got her debit card and gave someone some money.
Q Did you ever hear him make any specific threats about what he was going to do to Deanndra?
A No.
Q You said no?
A No.
Q In your statement to law enforcement --

MR. O'NEIL: Objection, Your Honor. He's about to read what statement she said to law enforcement.

THE COURT: What?

MR. O'NEIL: If he's going to read the statement from law enforcement --

MR. FYALL: Can we approach?

(WHEREUPON, a bench conference was held in the presence of the jury but out of

the hearing of the jury.)

THE COURT: All right. Please rephrase the question.

MR. FYALL: No problem.

BY MR. FYALL:

Q Again, you gave a statement to law enforcement on February 8th, 2016?

A Yes.

Q Do you remember in that statement when asked, What did you hear A.J. say, you responded -- in regards to Deanndra, you responded, He said Denise wants to beat her ass and I want that girl dead?

A Yes.

Q Do you remember what you told them was the reason for him making that statement?

A No.

Q Do you know of any area referred to as the shooting spot?

A No.

MR. FYALL: Beg the Court's indulgence.

(Pause.)

BY MR. FYALL:

Q And, again, when they asked you about the threats, you heard him say, I want that girl dead?

A Say that again?

Q When they asked you about the threats in your statement to law enforcement, he told you, I want that girl dead?
A Yes.
MR. FYALL: No further questions, Your Honor.
MR. O'NEIL: May it please the Court, Your Honor?
THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. O'NEIL:
Q Ms. Fleming, let's talk a little bit about the statement. This Taco Bell conversation, do you know when this was?
A I don't remember.
Q Do you know whether or not it -- do you know approximately how long before it was before January of 2016?
A I don't remember.
Q What about this keying the car incident, do you know when that conversation -- when you had that conversation?
A I know it was before -- probably before his baby.
Q We don't have a point of reference of that. Do you know when -- before he had the baby or before --
A I think it was before he had a baby.

Q And at that point, how old -- how old was his baby at that point?
A I don't know.
Q Let me ask you this. Was this car keying incident a year before this conversation or was it months before this conversation?
A I don't remember, probably a year before.
Q Okay. So probably this whole incident that Andre told you that he was upset about the car keying was -- and you don't remember, so this was probably a year prior to the conversation you had about it?
A Could have been.
Q It wasn't like the car was keyed like a day before you talked to him about it?
A No.
Q It was at least a year?
A It was some time before.
Q And the Solicitor talked to you about giving a statement to law enforcement. Let's talk a little bit about how practically that works. When you give a statement to law enforcement, it's not like a handwritten statement, is it?
A It is.
Q And did you write down the statement that you gave law enforcement?

A Yes.
Q And then did you sign that statement?
A Yes.
Q What the Solicitor showed you just now, was that a handwritten statement he showed you just now?
A It was typed.
Q So what he showed you just now, you gave two different statements or two different versions of the same statement? Help me understand that a little bit here.
A It was just the question and answers that I gave.
Q So what he showed you just now is a typed version of the conversation that you had?
A Yes.
Q Who did the typing of it?
A I'm not sure.
Q Let me ask you this way, did you type it?
A No, I wrote.
Q You wrote something down, they typed it up? Somebody, when I saw somebody, somebody from law enforcement typed it up?
A Yes.
Q Did you read it before you signed it?
A Yes.
Q Did you make sure everything that was in the

written version of what you said was also in the typed version of what you said?
A I didn't see the typed version until now.
Q So this is the first time you've seen the typed version of it?
A I only remember the written statement I gave. That's all I remember.
Q So if this is the first time you have seen this typed version of what you said, you don't know whether or not the typed version you said matches the written version of what you said?
A I guess so.
Q You've never seen the two -- you've never seen the two of them at the same time?
A No.
Q Do you know whether or not -- that conversation was back on February 8th, 2016?
A Uh-huh.
Q About three years ago almost now, close to three years ago now?
A Yes.
Q That's why it's kind of hard to remember some of the stuff you said, it's been over two years?
A Uh-huh.
Q And you don't know whether anybody audio recorded

or video recorded your conversations with law enforcement?
A There were two people sitting in the room.
Q Two people -- when you say two people, two people from law enforcement?
A Yes.
Q Did they anybody from law enforcement ever indicate to you that you could be charged with anything?
A No.
Q And your baby's father is Kelvin Davis, correct?
A It is.
Q And you use the word talked. Him and Deanndra, in your explanation, talked at one point in time?
A Uh-huh.
Q Did you and Deanndra -- did y'all get along? Did y'all ever have any words?
A We didn't have any, like, negative words. It was more so about Kelvin, about that situation.
Q Okay. I think one time you may have saw a text message between Kelvin and Deanndra?
A Uh-huh.
Q I'm not going to ask you what it said, but that text message didn't make you too happy?
A No.
Q Do you know when that was?

A No.
Q And some of the things -- you talked about I think a little bit on direct here that some of the things in your statement here was stuff you were trying to piece together?
A Uh-huh.
Q And I think it was you and another lady, a Julia, trying to piece some stuff together?
A Uh-huh.
Q So everything you thought about -- everything you knew about the incident didn't come just from A.J.?
A No.
Q It came from kind of you trying to put some stuff together, you and other people trying to put some stuff together?
A Yes.

MR. O'NEIL: Beg the Court's indulgence, Your Honor.

(Pause.)

MR. O'NEIL: That's all I have, Your Honor.

THE COURT: Yes, sir.

MR. FYALL: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. FYALL:
Q The statement that Mr. O'Neil referred -- was

talking about you gave to law enforcement, did you sign it?
A Yes.
Q And you had an opportunity to review and read each page?
A Yes.
Q And your signature is actually on every single page of that statement?
A Yes.
Q And when you were done with that statement, they also asked you if you wanted to add anything or take anything away?
A I don't remember.
Q He was talking to you about the last conversation you had with A.J., and he was asking you about Kelvin. Do you remember exactly how the conversation went?
A I don't remember exactly how it went, no.
Q All right. I'm going to show you again the statement that you signed February 8th. Does that refresh your memory?
A Yes.
Q Can you tell us about that conversation?
A Me -- A.J. asked where Kelvin stayed, because the last transaction from Deanndra was in Irmo. And

then he told me some things had been purchased by, I guess her last transactions, what was purchased.
Q What did he say was purchased?
A It was a Michael Kors purse.
Q Based on that, did he seem like he knew anything about it?
MR. O'NEIL: Objection, Your Honor. It calls for speculation.
THE COURT: Hold on one second. Sustained, please rephrase the question.
BY MR. FYALL:
Q When he was talking to you about these transactions, was it your impression that he knew about them or didn't know about them?
MR. O'NEIL: Objection, Your Honor, calls for speculation. What her impression was.
MR. FYALL: I'm not asking about his state of mind, I'm asking about how she perceived it.
THE COURT: Hold on. Rephrase the question again.
BY MR. FYALL:
Q When he was talking to you about these transactions, was it your impression that he was --
MR. O'NEIL: Objection, Your Honor. Calls for speculation. What her impression is is speculative

at best.

MR. FYALL: About her own impression?

THE COURT: Overruled.

BY MR. FYALL:

Q Was it your impression that he was implying that he knew or didn't know about the transaction?

A He was talking to me like everything was normal.

Q Did he talk to you about anything regarding Deanndra in that conversation?

A I don't remember.

Q All right. I'm going to show you your statement one more time.

MR. O'NEIL: Your Honor, may we approach?

(WHEREUPON, a bench conference was held in the presence of the jury but out of the hearing of the jury.)

THE COURT: Ladies and gentlemen, I'm going to send you all out. There's a matter of law I need to take up outside your presence.

Thank you.

(WHEREUPON, the jury retires to the jury room at 10:48 a.m.)

THE COURT: Just ask the question. Go ahead and proffer the question.

PROFFER BY MR. FYALL

BY MR. FYALL:
Q What did he tell you about anything that Deanndra was going to do?
A As far as -- you said what she was going to do? I don't know.
Q What he told -- I'm sorry, I'm just going to refresh your memory again since we took that break. All right. What did he tell you about Deanndra's actions in that conversation?
A He didn't tell me anything about her actions.
Q Regarding where she was going?
A She was going somewhere after work.
Q Did he say who she was going to be with?
A Not that I remember.
Q I'm going to show it to you again.
MR. O'NEIL: I don't think he can show it -- I think she said she didn't remember. She's giving him an answer. He can show it to her if she needed her memory refreshed, but she's given him an answer. He can't show it to her because he's not happy with the answer given.
MR. FYALL: I thought she said, Not that I remember.
THE COURT: I thought she said, Not that I remember.

MR. O'NEIL: I didn't think --

THE COURT: But, regardless, he can show it to her. If the statement says something different than what she says in here today, he can show it to her and question her about the statement. Whether he's going to do it under refreshing her memory or impeachment or for what she said. If she said she didn't say it, then he can impeach her. Regardless, he can show her the statement. He's just got to lay the foundation.

BY MR. FYALL:

Q And, again, you gave law enforcement this statement February 8th, 2016?

A Yes.

Q You signed it?

A Yes.

Q What did he tell you about where Deanndra was going?

A Going to be with him after work.

Q Just to be clear, did he say that he knew that or that she had told people that?

A That's what she told people.

MR. FYALL: I think that's it for this, Your Honor.

THE COURT: And his objection as hearsay.

MR. O'NEIL: I do have a few questions.

THE COURT: Oh, I'm sorry. Go ahead.

PROFFER BY MR. O'NEIL

BY MR. O'NEIL:

Q Ms. Fleming, did Mr. Heatley tell you how he knew Deanndra had told people that she was going to meet with him after work?

A I don't know.

MR. O'NEIL: No further questions.

THE COURT: All right. And your objection?

MR. O'NEIL: My objection is that it's hearsay within hearsay. It's not an admission on his part. The statement is he said Deanndra told people that she was going to be with him after she got off work because he had some -- this witness doesn't -- there's not a foundation as to -- there is not a non-hearsay foundation as to how Mr. Heatley would have known that. It's not a statement he overheard the victim say. The statement is that he said Deanndra told people. If he didn't overhear her say that, the only basis of him knowing that would be some hearsay source if he didn't hear it himself. So he would have got it from another person. If he didn't overhear it himself, he would have gotten information from another person who

told him that Deanndra said this to other people. It's almost like three layers of hearsay, but it's definitely two layers of hearsay that he's saying that Deanndra told other people this. So I think it's two layers of hearsay. Therefore, Your Honor, I would ask that it be -- I object to it on the grounds that it's hearsay, one. I think it's also more prejudicial than it is probative. And I would ask that particular statement be suppressed.

THE COURT: Yes, sir?

MR. GOLDBERG: If the objection is that it's hearsay within hearsay, my response would be is that it's not, because it's not hearsay within hearsay because what she is testifying to is what he said. What he said is, by rule, not hearsay. I mean, 801(d), a statement is not hearsay if Section 2, admission by a party opponent, the statement that he has made that she's testifying to, that is by rule here, by letter of the rule, not hearsay. So it cannot be hearsay within hearsay if it isn't coming from hearsay. It is what he said to her. His words.

MR. O'NEIL: But, Your Honor, it is based on what he said she said. He doesn't have a non-hearsay way of knowing.

MR. GOLDBERG: What if -- and we counter that. Hypothetically, what if the testimony was, I was talking to A.J. and A.J. told me that he heard Deanndra was mad at me. Would she be allowed to say that? I would argue yes, because it was his words. He said that. But, again, using Mr. O'Neil's argument, that wouldn't be something that he had witnessed a conversation and was reporting it back, but it would still be admissible because it would be his words. This is the same thing.

THE COURT: Ask the question one more time.

MR. FYALL: The question, What did he tell you about where Deanndra was going?

THE COURT: And her response? And her response, if any? Your question and her response?

BY MR. FYALL:

Q What did he tell you about where Deanndra was going?

A Going to meet with him after work.

MR. O'NEIL: I think we keep getting a slightly different version of what the response is. I think that's a slightly different version than the Court's ruling.

BY MR. FYALL:

Q Did he tell you --

MR. O'NEIL: I'm not saying the State is doing anything, but he keeps getting a different kind of response.

THE COURT: Let him finish.

MR. FYALL: Thank you, Your Honor.

BY MR. FYALL:

Q Did he tell you that she said that or that people were saying that?

A That people were saying that.

THE COURT: All right. The objection --

Go ahead.

MR. O'NEIL: I think we're still getting a different version of what the State -- even that time, that was worded differently. And it makes a legal difference because that's worded differently.

THE COURT: That he told her that people were saying that they were going to meet him after work.

MR. O'NEIL: Yes, but that's different than -- that's a totally different -- that's a different legally significant version of what the conversation was. The answer we got just now was that Mr. Heatley told her that people were saying that she was going to meet with him.

THE COURT: I thought that was the answer she

gave earlier.

MR. O'NEIL: No, that's not. That's not the answer. The answer that she gave earlier was the other way around. The answer we got just now was that Mr. Heatley told her that people were saying that she said she was going to meet with him at work.

THE COURT: And I think under --

MR. O'NEIL: Because that's three different layers.

THE COURT: -- 801(d), that would be allowed.

MR. O'NEIL: The answer just now is, Mr. Heatley said that people were saying that Deanndra said.

THE COURT: That she was -- that she was coming to meet him?

MR. O'NEIL: Yes. That's three different layers.

THE COURT: All right. Ask the question one more time.

BY MR. FYALL:

Q What did he tell you about where Deanndra was going?

A Say that again?

Q What did he tell you about where Deanndra was

going?
A To meet with him after work.
Q How did he tell you he got that information?
A I don't know.
Q You remember telling law enforcement that he said Deanndra told people that she was going to meet with him?
A Yes.

MR. O'NEIL: Your Honor, I guess my legal problem with that is that the State is allowed to impeach her, but that impeachment statement is not -- it doesn't have any evidential value. So they can't use the impeachment statement for the truth of matter asserted, it's just impeachment value. We keep getting a different response. It's impossible to make do an in limine motion on what the response is if we keep getting different versions of it.

THE COURT: All right. Well, of course, he can't tell her what to say, neither can I or you. But let's do this. If you're going to impeach her, you can ask her, Do you remember telling law enforcement -- do you remember telling law enforcement, whatever she told law enforcement, and she said yes. That might be a better way to do it

instead of --

MR. O'NEIL: The impeachment value -- the impeachment statement does not come into evidence for the truth of the matter asserted. If they're using that -- if they're using this statement for impeachment value, it does not -- that statement does not come into evidence. It's only admissible for impeachment purposes, not for the truth of what is said. They can't use it for the truth of what is says. They can only use it to impeach her if she says something different, and she hasn't said anything different yet.

THE COURT: All right. Let's bring the jury back in and ask the question. If you need to object, you can object, and then I'll deal with it at that point. All right? But at this point, the objection is overruled as to it being hearsay. But you have got to ask the question the right way.

(WHEREUPON, the jury came into open court at 11:02 a.m.)

THE BAILIFF: The jury is all present, Judge.

THE COURT: All right. Yes, sir.

MR. FYALL: Thank you, Your Honor.

DIRECT EXAMINATION CONTINUES

BY MR. FYALL:

Q Just briefly, the 29th when you had that call with A.J., did he tell you anything about where Deanndra was going?
A No. I don't remember.
Q Do you remember in your statement to law enforcement telling them, He said Deanndra told people that she was going to be with him after she got off work because he had some drama going on?
A That's what I said.

MR. O'NEIL: Objection, Your Honor. Hearsay, and I think it violates the confrontation clause of the state constitution.

THE COURT: All right. The objection is overruled.

MR. FYALL: Nothing further.

THE COURT: You may cross-examine.

MR. O'NEIL: No questions.

THE COURT: Okay. All right. Anything else? You may step down.

(Witness steps down.)

THE COURT: Call your next witness.

MR. FYALL: The State calls Desha Anderson.

(Witness approaches.)

THE BAILIFF: Place your left hand on the Bible, and raise your right hand, please.

(Witness complies.)

THE CLERK: Do you swear or affirm the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes.

THE CLERK: Thank you. Have a seat in the witness stand.

(Witness seated.)

THE COURT: State your name for the record.

THE WITNESS: Desha Anderson.

DESHA ANDERSON,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. FYALL:

Q Make sure you speak up, okay?

A Okay.

Q All right, Desha, where are you from?

A I'm from here, Columbia.

Q Let me be straightforward. Do you know Andre Heatley?

A Yes. I dated him for two years.

Q Do you call him Andre or A.J.?

A I call him A.J.

Q How long did y'all date?

A Two years.
Q While y'all were dating, did he ever purchase any firearms?
A He bought a rifle.
Q At some point did law enforcement come and talk to you about this case?
A Yes, for the past three days after the incident.
Q After the incident? And did you give them some written statements?
A I think I did. We were mostly talking. They probably wrote down what I said.
Q Did they also -- did you also provide them with some text messages?
A I did.
Q I'm going to show you State's 216 through 219. I'm going to give you a chance to look at those. Look through them. Do you remember those?
A Yes, I do.
Q Whose phone did those text messages come from?
A Mine.
Q Do these text messages fairly and accurately represent the text messages you had with A.J.?
A Yes, sir.

MR. FYALL: Your Honor, at this point the State offers 216 through 219 into evidence.

MR. O'NEIL: I would object, Your Honor. May we approach?

(WHEREUPON, a bench conference was held in the presence of the jury but out of the hearing of the jury.)

THE COURT: The objection is overruled.

MR. FYALL: Thank you, Your Honor.

(WHEREUPON, State's Exhibit Nos. 216 - 219 were marked for identification and received into evidence.)

BY MR. FYALL:

Q Desha, can you tell us -- I'm going to show you State's 216. Can you read those first two text messages you sent?

MR. O'NEIL: Objection. She cannot read from something -- do we have it in evidence at this point?

THE COURT: Yes, it's entered over --

MR. O'NEIL: Over my objection.

THE COURT: Over your objection, so, yes. 216 through 219 are in evidence over objection of the Defense. When we take a break, we'll put the objection on the record.

MR. O'NEIL: Yes, Your Honor.

BY MR. FYALL:

Q Can you tell us the first two text messages you sent to A.J.?
A It says, Why won't you answer? And then it just says, Babe.
Q What is the times listed next to those two?
A 10:58 a.m. for the first one, and then 11:13 a.m. for the second.
Q Why did you text him that?
A Because he wasn't answering my phone call.
Q Wasn't answering your phone call. All right. I remember you saying while y'all were together, he bought a rifle. Did he have any other guns that you knew about?
A The handheld one that he carried around.
Q He had a handheld gun?
A I don't know, Smith & Wesson, I think that's what it is.
Q And where did he keep that gun?
A In his car most of the time.
Q I'm going to show you State's 217 from later on that Thursday. Can you tell us the conversation y'all had within that 6:16 p.m.?
A I asked him what he was doing. And he said, About to get ready to try you know what.
Q What did you take that to mean?

MR. O'NEIL: Objection, Your Honor. Calls for speculation.

THE COURT: Sustained.

BY MR. FYALL:

Q When he said he was getting ready to do you know what, did that remind you of anything that he had said in the past?

A Yes, it did.

Q What kind of things?

A About harming Deanndra.

Q Did he ever say --

MR. O'NEIL: Objection, Your Honor. Leading.

BY MR. FYALL:

Q -- about harming Deanndra?

THE COURT: Objection sustained.

BY MR. FYALL:

Q What kind of things did he say about harming Deanndra?

A What do you mean?

Q Are you aware of -- what kind of things would he say to you about harming Deanndra?

A He did say he wanted to kill her.

Q I'm going to show you State's 218. Can you tell me about the text you sent at 7:18 p.m.?

A It says to, Update me.

Q Read it exactly as you wrote it.
A Okay. At 7:14, it says, You got three hours. He said, For what? And I said, To update me.
Q Why did you send him that?
A Because I wanted to know what he was doing.
Q Why did you want to know?
A Because I didn't trust him.
Q All right. Did he also text you that day about where he was?
A Later that night, he Face-timed me.
Q And when he Face-timed you, what did he say?
A He said him and Deanndra got into an argument and she tried to pepper spray him.
Q Do you know about what time that was?
A Between 10:00 and 10:30, I think.
Q Between 10:00 and 10:30. Are you familiar with the shooting spot?
A I've been there once or twice.
Q Who took you there?
A A.J. did.
Q What would he do out there?
A He would just shoot his gun.
Q Now, you spoke earlier that A.J. was making threats about Deanndra. How long before she died did he make those threats?

A A few weeks maybe.
Q A few weeks maybe. Did he say why he wanted to kill her?
A It was something about her keying his car.
Q And what did you say to him about that?
A About what?
Q When he made those threats?
A I didn't take him seriously because he had a baby, so I didn't think he was going to jeopardize that.
Q Did he tell you whether or not he was serious?
A No.
Q And you also gave a statement to law enforcement, right?
A I did.
Q And one of those statements, it said February 4th, 2016. I'm going to approach. Do you recognize that statement?
A All of it?
Q No, do you just recognize that?
A Uh-huh.
Q Is that your signature on the bottom right there?
A It is.
Q Do you remember telling law enforcement that after you told him he wasn't because he had a baby that he said, I'm serious, and then he stated, You and

Denise think I'm playing?
A Yes, that's correct.
Q Did he ever tell you how he was going to kill her?
A He said by gunfire or a knife.
MR. FYALL: Beg the Court's indulgence.
(Pause.)
BY MR. FYALL:
Q During this time right before Deanndra was killed, was A.J. employed?
A I think he was still at McDonald's.
Q Did he ever talk to you about Deanndra and her finances?
A He did say she had money in the bank.
Q Are you familiar with Snapchat?
A I am.
Q Did you and A.J. ever use Snapchat to communicate?
A Not really, no.
Q You said not really. That means never or just --
A No. We'd either text or FaceTime.
Q In that same statement that I talked to you about earlier, you remember them asking have you ever used Snapchat to communicate with A.J. and you said yes, but I commonly use FaceTime?
A I didn't remember saying yes.
MR. FYALL: Beg the Court's indulgence.

(Pause.)

BY MR. FYALL:

Q All right. Andre Heatley, or as you know him as A.J., you see him in the courtroom here today?

A Yes.

Q Can you point him out and tell us what he has on?

A Purple button-up shirt.

MR. FYALL: Let the record reflect the witness has identified the Defendant.

No further questions.

THE COURT: Yes, sir. Cross-examination.

CROSS-EXAMINATION

BY MR. O'NEIL:

Q Ms. Anderson, you and Mr. Heatley were dating for about two years?

A Yes, sir.

Q And it's your testimony this morning that he told you that he wanted to kill Ms. Roach?

A Yes.

Q Why should we believe that's the truth?

A Because that's what he told me.

Q And if he told you that, what did you do about that in the two years y'all were dating?

A Nothing, because we were at the end.

Q Well, at any point, did you ever call law

enforcement and say hey, my boyfriend just said he wants to kill a young lady?
A No, because I didn't take him seriously.
Q Did you ever contact the young lady and say my boy just said he wants to kill you?
A No, because I didn't know her.
Q Did you ever tell your friends that your boyfriend just said he wanted to kill somebody?
A No, I did not.
Q Did you ever tell any of your family that your boyfriend said he wanted to kill somebody?
A No, I did not.
Q Tell your pastor?
A I didn't tell anyone.
Q Therapist?
A Nobody.
Q Nobody?
A No.
Q In fact, you gave two statements to law enforcement, correct?
A Yes, sir.
Q On February 2nd, 2016, and then again on February 4th, 2016, correct?
A Yes, sir.
Q And when you talked to law enforcement on February

2nd, 2016, where in that statement did you tell them that your boyfriend said he wanted to kill somebody?

A Just along the questions they was asking.

Q And as a matter of fact, these last questions they asked you is: What do you know about the murder of Deanndra Roach? You remember them asking you that question?

A I don't.

Q Let me show you the statement and see if it refreshes your memory. (Hands witness statement.) Take a look at it.

A I remember saying that.

Q Okay. I'll get it back from you. You were talking to law enforcement, I think Investigator Gonzales, correct?

A Yes, sir.

Q He let you know he was investigating the murder of Deanndra Roach, didn't he?

A Yes.

Q And you understood that could be a serious matter?

A I did.

Q And, in fact, according to this statement here, you swore under oath here to tell the truth, the whole truth, nothing but the truth, correct?

A Yes.
Q Same oath you took here today?
A Yes.
Q And what did you say when they asked you what do you know about the murder of Deanndra Roach?
A That I didn't know her, I just knew of her and I had seen her a few times.
Q So none of this what you just said today did you tell law enforcement on February 2nd, 2016?
A None of what?
Q What testimony you just said about A.J. threatening to kill her and telling you all this stuff?
A I told them all that.
Q In this statement on February 2nd, 2016?
A No.
Q I didn't hear you, I'm sorry?
A No.
Q No. You swore under oath that you were going to tell the truth and you didn't say anything in this statement about that, correct?
A Yes.
Q And you knew that's what they were asking you about, correct?
A Yes.
Q Who else did you talk to about the case -- you came

back to talk to law enforcement I think on the 4th of February, correct?
A Yes.
Q Now, at that time, did law enforcement tell you they suspected you to have any sort of involvement with this?
A They did.
Q They did?
A (Nods affirmatively.)
Q What did they tell you they thought your involvement was?
A I don't remember. They just said they thought I was involved.
Q They told you they thought you were involved in the murder?
A Yes.
Q Did they tell you the penalty for murder that you could face?
A Yes.
Q What did they tell you?
MR. FYALL: Objection, Your Honor.
MR. O'NEIL: It goes to bias, clearly goes to bias.
MR. FYALL: May we approach, Your Honor?
(WHEREUPON, a bench conference was held

in the presence of the jury but outside the presence of the jury.)

THE COURT: Objection is sustained.

MR. O'NEIL: Your Honor, can I proffer the testimony?

THE COURT: Ladies and gentlemen of the jury, let me send you all out for a second.

(WHEREUPON, the jury retires to the jury room at 11:34 a.m.)

THE COURT: Go ahead.

PROFFER

BY MR. O'NEIL:

Q Ms. Anderson, February 2nd, you gave a statement to law enforcement, correct?

A Yes.

Q In that statement, you didn't mention anything about knowing any details about the murder of Deanndra Roach, correct?

A Yes.

Q Okay. And you came back to talk to law enforcement on February 4th of 2016, correct?

A Yes.

Q Okay. And at that time, they told you they thought you had some involvement in the murder of Deanndra Roach, correct?

A Yes.
Q They told you at some point you could be facing murder charges, correct?
A Yes.
Q They told you the punishment, the penalties you could face if you were charged with murder, correct?
A Yes.
Q What did they tell you you could be facing if you were charged with murder?
A Prison time.
Q Did they tell you what precise prison time you could face?
A I don't remember.

MR. O'NEIL: That's the testimony I want, Your Honor.

THE COURT: Same objection?

MR. FYALL: Same objection, Your Honor.

THE COURT: I think if she's going to answer prison time, my concern is her getting into any penalty.

MR. FYALL: It's still a penalty, Your Honor. The jury is not to have knowledge of potential penalty for any one on trial for anything.

MR. O'NEIL: I'll provide case law at the

break. This is black letter case law, I'm allowed to ask her --

THE COURT: It's easy to say it black letter, but I need to see it. I'm up here looking on Westlaw, too. So go take a moment and go find the black letter case law.

MR. O'NEIL: Yes, Your Honor.

THE COURT: Let's actually go on and take a break. Let's take about 10 minutes.

Ma'am, you may step down, I'm sorry. You can't talk to anyone regarding your testimony during the break, okay.

THE WITNESS: (Nods affirmatively.)

(WHEREUPON, a short break was taken.)

(Witness returns to stand.)

THE COURT: Yes, sir.

MR. O'NEIL: I think we're done with the proffer, just arguing the case law, Your Honor.

THE COURT: Yes.

MR. O'NEIL: I think I e-mailed to both the Court and the Solicitor's office case law that I --

THE COURT: Yes, I got some, too. State v. Gilliam, State v. Curry all say that the defense can cross-examine Co-Defendants on possible sentence. And I under Mr. Goldberg's position --

MR. GOLDBERG: Co-Defendant. Co-Defendant. Every one of these cases talks about a charged Co-Defendant, which is not what we have here. And even the case that Mr. O'Neil referenced cites Mizell, which is, I guess, the underlying case here on this 349 S.C. 826, was also a Co-Defendant situation. And in that case, the Court said the jury is generally not entitled to learn the possible sentence of a Defendant because the sentence is irrelevant to finding guilt or innocence. However, other constitutional concerns, such as confrontation case limit the applicability of this rule when the Defendants right to cross-examine a co-conspirator witness. She's not a co-conspirator witness. She was never charged. Every line of cases that allows you to question a witness about a sentence and exposing dealings with somebody who has been charged because it goes towards their bias about what they're facing in exchange for their testimony. That is not what we have here.

State v. Wiles, 407 S.C. 432, also talks about how generally a judge cites Mizell. It cites Mizell and it also talks about co-conspirator witnesses and whether there's a substantial

possibility that the witness would give bias testimony in an effort to have the Solicitor highlight in future court how the witness cooperate. Again, we don't have that here. All these cases deal with charged Co-Defendants that show they can be shown some bias based on what they're looking at. She's not looking at any of that.

He's established through his questioning and answering of her that they told her that she could have been charged with murder. That is sufficient for this jury to understand. Okay, if you want to make the inference that what -- she made it all up because they said she might be charged with murder, great, you got that out there. There is no reason for this jury to know what the potential charge and -- penalty, excuse me, of murder carries in this case as it relates to this witness without her being charged.

MR. O'NEIL: Your Honor, again, with all due respect to Mr. Goldberg, he doesn't get to decide what's sufficient when it comes to my cross-examination. The South Carolina Constitution gets to decide what's sufficient when it comes to my cross-examination. Mr. Goldberg stopped short

in Mizell when he quoted Mizell. If you continue to read what Mizell said, it also says that a defendant has a right to cross-examine a witness concerning bias under the confrontation clause. On cross-examination, any fact may be elicited which tends to show interest, bias or partiality of the witness. Just because this witness --

I let you speak, Mr. Goldberg, let me speak.

Just because this witness was not officially charged with murder is of no relevance. They told her the possibility of that and they told her what would happen if she would be. The fact that she was told that information goes to show -- goes to whether or not she has any bias in saying a different story than what she initially said. I'm allowed to delve into that.

MR. GOLDBERG: Now, the difference is all of these cases that we cited, we threw out these points of law as relates to them, but we still have to look at the underlying facts in these cases. When you look at Mizell, the issue that it dealt with was a witness -- the witness admitted -- I'm looking at Page -- I guess, it's after headnote seven. The witness admitted on direct examination that she testified in exchange for being charged

with only one count of conspiracy.

The case law that has been created by Mizell deals with a fact specific situation where you have a witness that was actually charged. The questioning of that witness that the Court did the analysis on dealt with that precise issue, that she had only been charged with one count of conspiracy and she could face a maximum sentence of seven and-a-half years and the issue came up when the judge precluded the defense from asking about the penalty.

That was the situation in Mizell where they were allowed to do it. What we're saying here is this is not that situation. None of this case law deals with any factual situation where you're talking about someone who was not charged, only cases where people were charged. Every one of them.

MR. O'NEIL: Your Honor, that fact is a factor, it's not determinative of the Court's decision. What's determinative of the Court's decision is whether or not the witness has bias or potentially has bias. The fact that she's charged or not charged doesn't negate the fact that she may have bias. She had the same amount of bias by the

fact that they didn't charge her with it, but they told her they could have.

MR. GOLDBERG: At the risk of belaboring the point, and I'm not going to go back through it because I think you're very clear on my position, I will also add for the record, however, that we further object under 403 that any probative value that comes from bringing this out, about what murder carries as a penalty is substantially outweighed by the danger of unfair prejudice that comes from it.

MR. O'NEIL: Your Honor, I think the case law has clearly decided that the Defendant's confrontation class rights outweigh any sort of bias to the State. Throughout the whole line of those casing, they state that fact.

THE COURT: Y'all done?

MR. GOLDBERG: Yes, ma'am.

MR. O'NEIL: Yes, ma'am.

THE COURT: All right. They do state that, but they also, Mr. O'Neil, say that you have to do a 403 analysis, which I have done.

Based on the testimony that's been proffered, the Court finds that the Defendant does have the right to cross-examine a witness concerning

potential bias under the confrontation clause. Any fact may be elicited which tends to show interest, bias or partiality of a witness. That doesn't state that it has to be a Co-Defendant.

But in terms of 403 and weighing the prejudicial effect and probative value, she's going to testify -- I'm not going to allow her to testify -- well, she's already said she doesn't know. She just said jail time. I don't find under 403 that the prejudicial effect of that outweigh the probative value.

Now, if you got into the actual amount of time, then I have to -- then I may reconsider that. But if she's going to testify that murder -- she could have potentially been charged with murder and that she's going to be facing jail time, I will allow her to testify to it. So the objection is overruled.

MR. GOLDBERG: Thank you, Your Honor.

THE COURT: All right. Let's bring them in.

(WHEREUPON, the jury came into open court at 12:05 p.m.)

THE BAILIFF: The jury is present, Judge.

THE COURT: All right. Thank you.

Yes, sir. Objection overruled.

MR. O'NEIL: Just for clarity, the previous objection --

THE COURT: I said it was overruled.

CROSS-EXAMINATION

MR. O'NEIL:

Q Ms. Anderson, let's back up for a minute. You gave a statement on February 2nd, correct?

A Correct.

Q Didn't mention anything about knowing any of these facts you told this jury this morning, correct?

A I told them when I went in to talk to them the last time.

Q We're going to get to that, but I'm talking about February 2nd first. February 2nd, you didn't mention anything about these facts you told this jury at that time, correct?

A Correct.

Q And then you went back on February 4th -- like you just said, you went back to headquarters on February 4th, correct?

A Yes, sir.

Q And at that time, law enforcement told you that you could be charged with murder, correct?

A Yes.

Q And did they tell you what you could be facing if

you were charged with murder?
A Just jail time.
Q I'm sorry, couldn't hear you?
A Just jail time.
Q And I'm assuming, you didn't want to face any jail time, did you?
A No.
Q You told them something different when you came back on February 4th than you told them on February 2nd, correct?
A I added to it.
Q You added a lot to it, fair enough?
A Yes.
Q That's when you first talked all this stuff about what you told the jury today, correct?
A Yes.
Q I asked you before during this whole two-year period, you never told anybody that A.J. had threatened Ms. Roach, correct?
A That is true.
Q Only after -- time-wise, only after they told you you would be facing prison time for murder did you tell them this stuff that you told the jury this morning, correct? You have to answer yes or no.
A Correct.

Q This keying the car incident, how long ago -- how long prior to January 2016 did this occur?
A I don't know. I didn't know him then.
Q So you knew him -- y'all dated for two years, correct?
A (Nods affirmatively.) That's correct.
Q And to your understanding, this keying the car incident would happen before you knew him?
A Yes.
Q So from your perspective, it had to be, at least, two years ago -- two years ago prior to January 2016?
A Yes.
Q Do you know whether or not Mr. Heatley's father stayed over on the Killian Road side of Columbia?
A Did I know?
Q Did you know that?
A Yes, I knew that.
Q Where did he stay at?
A Where did A.J. stay?
Q No, where did A.J.'s father stay?
A Somewhere on the Killian side.
Q That's the northeast side of Columbia?
A Yes.
Q And I think on direct you said when Mr. Heatley

text you at 6:17, that reminded you of what you claim he made threats about the victim before, correct?

A Yes.

Q So I'm assuming based off -- if you talking about that reminded you of him making threats to kill somebody in the past, I'm assuming when you got that text message, you ceased any sort of further communication with Mr. Heatley, correct?

A Yes.

Q You stopped text him after you got that?

A After I got what?

Q After he texted you -- you said he gave you a text at 6:17 that reminded you that -- about some threats that he made against Ms. Roach in the past, correct?

A Yes.

Q If that was true, I would assume you would react in some way that would not be indicative of you continuing to communicate with him. How did you react? What did you say?

A I don't remember what I said.

Q Did you not say, Oh, Lord, baby, please be careful, please?

A Yes, I said that.

Q And the next thing you texted him was, On second thought, you can just come get me from the house, I'm not going in tomorrow?
A Yes.
Q So you want this jury to believe that you thought -- well, take that back. You want the jury to believe that he made a statement that reminded you of him making a threats against a victim in the past, correct?
A Yes.
Q And you responded by saying, On second thought, just come get me from the house, I'm not going in tomorrow?
A I had already planned to go to his house.
Q So I want to make sure I'm clear on this. You want us to believe that he made a comment that reminded you of threatening to kill somebody a while back and you were still planning to go to his house the next day?
A I didn't take him seriously.
Q In fact, you did go to his house the next day, correct?
A I did.
Q He came and picked you up around 2:30 the next day, correct?

A I don't remember the time.
Q And you -- because you didn't go into work the next day?
A No.
Q So, obviously, you didn't think anything had happened either that morning or the night before, did you?
A No.
Q Because you were at his house the whole entire day, correct?
A Pretty much.
Q In fact, you were there at the house at 1 o'clock in the morning when the police showed up, correct?
A I was.
Q In fact, I think did you not tell Mr. Heatley to go to Burger King that morning?
A I mean, he said he wanted to get something to eat, so went to Burger King.
Q In fact, the morning law enforcement got in touch -- came in contact with Mr. Heatley, he was going to Burger King to get something to eat, correct?
A Yes.
Q He wasn't fleeing the state, was he?
A No.

Q He didn't have any bags packed fleeing the country?
A No.
Q He was going half a mile up the road to Burger King?
A Yes.
Q Now, I'm not going to go through every single one of these text messages, but between 6 o'clock on that Thursday here, you and Mr. Heatley texted several times back and forth, correct?
A Yes.
Q You saying I love you, he saying I love you, correct?
A Yes.
Q And this whole update me in three hours text, you said that was, basically, because you thought maybe he was with somebody else, is that fair enough?
A Yes.
Q You didn't think he was doing anything harmful to anybody else, you thought he was with some other girl, is that fair to say?
A Yes.
Q This quote, unquote shooting spot, who all called that location that name?
A Just him.
Q And you had been there before?

A Yes.
Q And, in fact, I think you said Mr. Heatley had been there before, the same week, the Wednesday of this incident, correct?
A Yes.
Q Law enforcement came and did the search warrant at the house late Friday night, early Saturday morning?
A Yes.
Q And Mr. Heatley had been there Wednesday of that same week?
A Yes.
Q And according to you, he had been shooting a rifle that same week at this location, correct?
A Yes.
Q Was this location, was it like a secret location or did other people know about it?
A I don't know.
Q You knew about it, you had been there?
A Yes.
Q What other sort of activities occurred at this location?
A Nothing.
Q People just hang out there? I mean --
A I don't know.

Q Now, you indicated on direct that you and Mr. Heatley had Facetimed between 10:00 and 11:00 o'clock on Thursday, January 28th, 2016, correct?
A Yes.
Q How long did that FaceTime last?
A Not very long.
Q I think on direct, he asked you specifically, said probably sometime between 10:00 and 10:30 that night, correct?
A Yes.
Q How did Mr. Heatley -- what was his demeanor during that FaceTime? Was it anything out of the ordinary?
A I couldn't really see him.
MR. FYALL: Objection.
THE COURT: What's the objection?
MR. FYALL: Speculation.
THE COURT: Objection overruled.
BY MR. O'NEIL:
Q How was Mr. Heatley's demeanor during that FaceTime?
A I couldn't really see him. It was dark.
Q I guess, demeanor, did anything appear out of the ordinary to you?
A He seemed a little jittery.

Q This was what time?
A During the FaceTime call.
Q And when you have FaceTime calls on your phone, does those FaceTime records, in your experience, are they still recoverable off your phone?
A I'm not sure.
Q Do they show up in your call logs?
A I think they show up in like the FaceTime log.
Q When you open up the FaceTime app, it shows a log of all your Facetimes, correct?
A Uh-huh.
Q Is that a yes?
A Yes.
Q All right. So if anybody wanted -- if anybody got your phone, anybody's phone using FaceTime, they could see the times you Facetimed and how long those Facetimes lasted, correct?
A Yes.
Q And sometimes we assume everybody knows what we're talking about here, FaceTime is, basically, just a video phone call conversation, correct?
A Yes.
Q Where both sides of the conversation get to see the other side?
A Yes.

Q And you said that's how you and Mr. Heatley would communicate a lot?
A Yes.
Q But there's a record of those stills saved in your applications -- FaceTime application on your phone, correct?
A I think so. I don't know.
Q And you use FaceTime a lot, I would assume, correct?
A Yes.
Q And, Ms. Anderson, we had a little chart over your shoulder to the left here. But you, at one point, was in a relationship with Mr. Shanard Stokes, is that fair?
A Yes.
Q And time-wise here, how long before you dated Mr. Heatley did you date Mr. Stokes?
A Maybe dated for a little over a year.
Q You dated for over a year. But how much time was between you dating Mr. Stokes when you started dating Mr. Heatley here?
A A few months.
Q So a few months' separation between dating Mr. Stokes and dating Mr. Heatley, correct?
A Yes.

Q At the time of January 28th, 2016, to your knowledge, Mr. Stokes was dating Ms. Roach, correct?
A I didn't know they were dating.
Q You didn't know they were dating. But at that particular time in January 2016, Mr. Heatley was your current boyfriend, correct?
A Yes.
Q He was not still dating Ms. Roach at that time?
A I guess not.
Q He was dating you?
A Yes.

MR. O'NEIL: Beg the Court's indulgence, Your Honor?

(Pause.)

MR. O'NEIL: That's all I have, Your Honor.

THE COURT: Redirect.

MR. FYALL: Yes, Your Honor.

REDIRECT EXAMINATION

BY MR. FYALL:

Q Desha, you doing okay?
A I'm good.
Q Are you nervous?
A Uh-huh.
Q Mr. O'Neil said to you that when you gave your

statement on February 2nd, 2016, when they asked you, What do you know about the murder of Deanndra Roach, your response was, I know her, but we never met or spoke to each other. He then asked you, Is that the only thing you put about the murder in that first statement? And you said, Yes. Right?

A Yes.

Q That February 2nd statement, isn't that also when you told them about three days before her death A.J. made a comment that he was going to kill that girl?

A Yes.

Q Because he was still bitter about his car being keyed?

A Yes.

Q And you said he would use gunfire or knife?

A Yes.

Q All right. Now, when you gave the February 2nd statement -- let me ask you this. Were you there when Ms. Roach got killed?

A No.

Q When you gave these statements, were you aware of whether or not A.J. had anything to do with it?

A No.

Q When you responded to them that y'all called

between 10:00 and 11:00 that night, were you aware whether or not that would be relevant to the murder?
A No.
Q They just asked you a question and you answered it?
A Yes.
Q And that's on February 2nd, the statement that Mr. O'Neil says didn't contain anything else about the murder, right?
A Correct.
Q Thank you. Then you came back on February the 4th. Who brought you to headquarters that second time?
A My grandmother took me the second time.
Q Your grandmother took you in the car and brought you to headquarters?
A Yes.
Q Did law enforcement come knocking at your door?
A No.
Q Anyone -- did law enforcement call you and say, Come to headquarters right now?
A No.
Q Your grandmother brought you to headquarters?
A Yes.
Q Now, in that second statement, you gave them some text messages, correct?

A Yes.
Q Did you create those text messages right there in the RCSD headquarters?
A No.
Q Do you even know how to do that?
A No.
Q And those text messages, they were taken from your phone, correct?
A Yes.
Q Okay. When -- so when Mr. O'Neil talked about the stuff that you added the second time that you came to headquarters, did you add anything or just showed them text messages that were already there?
A Just showed them messages.
Q And this was your boyfriend, correct?
A Yes.
Q Did you want to believe that he had anything to do with the murder of Deanndra Roach?
A No.

MR. FYALL: No further questions.

THE COURT: All right, ma'am, you may step down.

(Witness steps down.)

THE COURT: Any objection to this witness being excused?

MR. FYALL: None from the State.

MR. O'NEIL: No, Your Honor.

(Witness excused.)

THE COURT: Let me see you all.

(WHEREUPON, a bench conference was held in the presence of the jury but out of the hearing of the jury.)

THE COURT: All right, ladies and gentlemen, we are just trying to plan the rest of the day. But your food is here, and so we're going to go ahead and take our break. It is about 25 after. We will take about 30 minutes, 30 or 40 minutes for you all to have lunch and refresh yourselves. Then we'll come back for additional testimony. And then we'll -- as I told you yesterday, I don't plan on staying late tonight. So we'll get out of here at a reasonable time. All right. Thank you all. Don't discuss the case over lunch.

(WHEREUPON, the jury retires to the jury room at 12:27 p.m.)

THE COURT: We'll go ahead and take a break until about 10 after.

(WHEREUPON, a lunch break was taken.)

THE COURT: Bring the jury in.

Anything we need to take up before the jury

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comes in?

MR. GOLDBERG: (Nods negatively.)

MR. O'NEIL: No, Your Honor.

THE COURT: Are you ready to bring them in? Bring them on in.

(WHEREUPON, the jury came into open court at 1:35 p.m.)

THE BAILIFF: The jury is all present, Judge.

THE COURT: We are ready to continue with the State's case.

I'll ask the State to call their next witness.

MR. GOLDBERG: The State calls Investigator Gonzalez.

(Witness approaches.)

THE BAILIFF: Place your left hand on the Bible and raise your right.

(Witness complies.)

THE CLERK: Do you swear or affirm the testimony you are about to give in this case will be the truth, the whole truth and nothing but the truth, so help you God?

THE WITNESS: I do.

THE CLERK: Have a seat in the witness stand, please.

(Witness seated.)

THE CLERK: State your name for the record.

THE WITNESS: William Gonzalez.

WILLIAM GONZALEZ,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GOLDBERG:

Q Investigator Gonzalez, where are you employed?

A Richland County Sheriff's Department.

Q How long have you worked there?

A Eighteen plus years.

Q Can you tell the jury a little bit about what you've done with the department over your 18 plus years?

A I've served in different capacities during those 18 years. Currently, I'm serving as a school resource officer. In 2017, I retired from the department and came back. And back when this incident happened, I was working the Major Crimes Unit.

Q All right. And what were your duties as an investigator in Major Crimes?

A I would investigate armed robberies, assault and battery high and aggravated nature, all the Hispanic cases that happened in the county, and homicide.

Q How did you come to be involved with the

investigation recording Deanndra Roach and Andre Heatley?

A I was working the night shift on Friday, January the 29th of 2016, when Captain Senn called me up and he stated that Investigator Nations and Investigator Boland were working a missing person case in reference to Deanndra Roach.

Since I was working the night shift, he stated that he wanted me to go to the Walmart on Two Notch Road, 10060 block of Two Notch Road, because that's where Deanndra was working and that was the last place that she was seen. He wanted me to go over there and look at the video surveillance for the Walmart to ensure that there was no foul play or any other incident that might have happened at the parking lot as she was getting in the car.

Q And were you able to do that?

A No.

Q Okay. Why not?

A Approximately about, maybe half hour after that conversation with Captain Senn, I was called by Investigator J.P. Smith, and he told me that he heard on the radio that they just discovered a female body at an open field on Farrow Road. So I figured at that time, let me head down there just

to see what was going on, which I did.
Q And so you responded out to the incident location?
A That's correct.
Q And I believe this is already in evidence as State's 53. I'll hold it up for you. And that would be up here in the Farrow Road area, is that right?
A That's correct.
Q And so you actually went out there. And what did you do when you arrived on scene?
A I arrived on scene and I was able to see that there were several Richland County vehicles at the location. EMS was there. Richland County Sheriff's Department CSI was there. And there was yellow tape around an area where there was a vehicle and what had looked like an unresponsive body laying on the ground.
Q And that vehicle was a Honda Civic, correct?
A That's correct. It was a Honda Civic, South Carolina tag Kilo Delta Kilo 202.
Q Okay. And you said that the body was laying on the ground next to the vehicle?
A The body was laying on the ground facing down by the driver's side.
Q Okay. And you said there was a crime scene

investigator out there at that time?
A That's correct.
Q So would it be your job at this time to get involved with the collection of any evidence or anything like that?
A No.
Q Okay. That's what the crime scene guys are for?
A That's what crime scene is there for.
Q All right. So what are you doing at this time?
A Well, at that time, I knew that the case was going to come to me because I was on night shift and I was homicide on call, so at that moment I started looking more to where the body was at. I was able to see that it was a young black female wearing black clothing, reddish hair. And I was able to see that that person had several impact bullet wounds on her. Keep in mind, I never went in the yellow crime scene. All this was done outside from the yellow crime scene to maintain chain of custody and our procedure.

And then I decided I'd call Investigator Torres. I called her up and I explained where we were at. I gave a quick synopsis of what was going on and then further, later on, maybe about a half hour later, she showed up.

Q She would have been the other investigator on this case?
A That's correct.
Q Okay. What else did you notice about Ms. -- what we later found out to be Ms. Roach, the body laying on the ground in terms of what she was wearing?
A I could see that -- and everybody knows the vest from Walmart, and stuff like that, the uniform. I could see she was wearing a uniform from Walmart. I could see that there was kind of like a tag on the uniform. So based on what Captain Senn had told me earlier that evening, I came to the conclusion -- and I believe I had one of the deputies that responded there to run the tag -- and I came to the conclusion that that was the missing person that we were looking for.
Q All right. And what information did you have at that time about any financial activities that had been done in regards to Ms. Roach's credit card, debit card?
A At that time, what we had was what Investigator Nations and Investigator Boland had investigated earlier the day before and what they obtained from the bank. That was passed onto us.
Q And that was actually some still shots and some

video, correct?
A That's correct. That was some still shots of an individual that was at several banks, I think there were three banks, Palmetto Citizen, Bank of America, and Wells Fargo, that was supposedly using Deanndra's credit card.
Q At the ATM?
A At the ATM.
Q Okay. All right. And did you then come in contact with Ms. Roach's family?
A Yes.
Q Okay. Can you describe what the nature of that contact was?
A Once I was pretty sure that the young lady that was deceased was Deanndra Roach, myself, Investigator Torres, and the coroner, a representative from the coroner, I believe it was Ms. Neeley, I believe it was, we decided to go and do a family notification. She did most of the talking, the Coroner's Office. And we made contact with the Roach family at the residence, and we spoke with Cynthia's husband, and her son was there.
Q And at this time throughout the investigation, the information you had been given by Investigator Nations, who was doing the missing persons

investigation, Captain Senn, all these folks that had provided this information, at this point, what names had you been given about people who Deanndra Roach may have been known to associate with?

A Based on the information that we were relayed down from Investigator Nations and Boland and what the family had told us, the main name that came out was Andre Heatley.

Q Okay. Did they mention another male name as well?

A The family did, the mother. She also mentioned a Kelvin Davis.

Q Okay. And so based on this information, where do you go from here with your investigation?

A We spoke to the family, and I believe that the mother informed Investigator Torres of some names, some friends of hers, of her daughter, Deanndra, gave us some names, and stuff like that. And we started following up on that immediately.

Q You went to go talk to some of these people who may have known Deanndra?

A Correct. The first name that we went to was Ashley Gadson.

Q You talked to her?

A We went to her house. It was approximately about 2152 hours.

Q So you meet with her and get some information from her. And then who do you meet with after that?
A After that, we met with Brittany Carroway.
Q Uh-huh.
A Yes, at her residence.
Q And when you met with Brittany, did you show her the images that you had from the ATM?
A Yes, I did. I showed her some images from the ATM that we had. And I asked her if she could look at these images and tell me if that resembles somebody. And she looked at it and immediately stated, That's A.J. I asked her, Well, how do you know that's A.J.? She mentioned about the red Air Force Ones that he had. She said Deanndra bought those for him.
Q Okay. And so once you've done that, what's your next step? And what day is this now at this point that you're conducting this?
A At this point, we're still at that Friday, January the 29th.
Q Okay.
A Late at night.
Q Okay. And just for orientation for the jury, that's -- you were notified about the body around 5:00 or 6:00 o'clock that night, is that right?

A That's correct, close.
Q So it's getting a little bit later in the evening, and your next step is what?
A Well, we went back to the headquarters. We informed Captain McDonald of what these two young ladies had told us. We went back to headquarters and we decided that we had enough probable cause to get a search warrant. After we did some background on Mr. Heatley's locations, and all that, we decided that we had enough probable cause to get a search warrant for Mr. Heatley's residence, which at that time we determined to be the 212 Kirkstone Road in Irmo.
Q In Irmo, okay. And, again, I show you State's 220. Is that an overall map of the Columbia area?
A Yes, sir.

MR. GOLDBERG: Your Honor, I would offer State's 220 in evidence.

MR. O'NEIL: No objection.

THE COURT: It will be entered without objection.

(WHEREUPON, State's Exhibit No. 220 was marked for identification and received into evidence.)

BY MR. GOLDBERG:

Q All right. Can you point out on this map, generally speaking, where the incident location was, the crime scene off Farrow Road? Let's see, we've got 20 and 77.

A 20, 77.

Q Up there?

A 555, right before the railroad tracks.

Q 555 is another designation for Farrow Road?

A For Farrow Road, correct.

Q So that's where the incident location was in terms of the body being located?

A Right in this area, correct.

Q And the area that you're talking about where the search warrant would have been executed generally would have been what part of town?

A In this part, Irmo area, this part.

Q What's the most common way to get from Farrow Road out to the Irmo area there?

A The most common way is to hit further down Clemson and Killian and hit 77, go down 77, hit I-20, come down I-20, then hit 26 straight up to Irmo.

Q Okay. All right. So you guys were out in the Irmo area headed towards what you know as the Defendant's residence on Kirkstone, correct, 212

Kirkstone?
A That's correct.
Q And that was to execute a search warrant. Where are you physically located in preparation of executing this search warrant?
A Once we obtained the search warrant, we had -- Sergeant Faust went ahead of us, kind of like the eyes on the house just to check it out and see what's there, and all that. And we were -- it was myself, Investigator Torres, Investigator Roe, and Investigator Rebolj, we all went and started staging at the Kangaroo, which is right next to the Burger King, which is like maybe a quarter of a mile from the actual search warrant location. We staged there because we were waiting for a K-9 unit and we were also waiting for Irmo PD.
Q All right. And while you were getting organized, if you will, did you receive contact from Sergeant Faust?
A Yes, I received a phone call from Sergeant Faust and he told me that there was an individual that got into a white vehicle and was leaving the house. We knew at that moment that the Defendant's vehicle was white and it was a strong possibility that that was him.

Q And so --
A Sergeant Faust kind of like followed him and he was kind of giving us play by play of where he was going, where he's at. So we all got in our cars and we were standing by. If he hit the major road, we were able to see him, and then execute from there.
Q And he ended up going to the Burger King, is that right?
A He ended up -- he stated he's making a left turn, I believe it was, into the drive-through of Burger King. We were like right next-door, so --
Q He just so happened to pull into the business next-door to where you guys were set up waiting to go?
A That's correct.
Q Okay. Once he pulls in, law enforcement makes contact with him?
A Yes. Myself -- I know myself and Sergeant Faust, we approached through the driver door.
Q Okay. And as you were approaching the vehicle, what exchanges did you have with the driver?
A Sergeant Faust was kind of like ahead of me a few steps, and he asked him to put hands up, if there was any weapons in the car.

MR. O'NEIL: Objection, Your Honor, based on my previous objection.

THE COURT: All right. Objection is overruled. Thank you.

BY MR. GOLDBERG:

Q Go ahead. Faust got to him first?

A He got to him first, and then I was behind him, kind of like, I retouched the same thing, I said, Is there any weapons in the car? And he answered the same thing, Yes, it's in the glove compartment.

So I opened the door and I got him out of the car. I pat him down and I put handcuffs on him. And I told him at this time, you are detained for our safety.

Q Because of the fact that he had indicated there was a weapon, correct?

A There was a weapon in the car and it was at easy fast reach.

Q But at that point, you don't go looking for the weapon, you're just focused on having him detained, correct?

A Correct.

Q All right. And who did you recognize the driver of the vehicle to be?

A I recognized him as being Andre Heatley.

Q Okay. And was there anybody else in the car?
A He was the only person in the car in the driver's side.
Q Once you had him detained and handcuffed, where did you take him?
A Myself and Investigator Torres walked him over to my car.
Q What kind of car were you driving?
A I was driving a Ford Explorer unmarked. I placed him in the front passenger seat of my vehicle. Investigator Torres sat in the back rear seat on the passenger side directly behind him. And then, of course, I sat in the front driver's seat.
Q What did you tell Mr. Heatley at that point once he was in your vehicle?
A I informed Mr. Heatley at that moment that we were investigating the disappearance of Deanndra Roach, and that I wanted to know why was he using her credit card.
Q What was his response?
A His response was -- he stated that he wanted to speak with his parents because, and I quote: They told him he should always have an attorney.
Q Okay. At that point, did he actually ask you to contact an attorney?

A At no -- at no time did Mr. Heatley say, Hold up Gonzalez, stop, I don't want to talk to you without my attorney present, I don't want to talk to you unless I speak to an attorney, or I don't want to talk to you unless I get some advice from an attorney.

Q All he said at this point is he wanted to talk to his parents?

A That's correct.

Q Okay. And so in response to that, what did you do?

A In response to that, I immediately reached into my pocket -- I always carry a business card, little wallet with Miranda Rights -- so I pulled out my Miranda Rights as I have this card, and I read Mr. Heatley his rights as follows:

Before we ask you any questions, you must understand your rights. You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer for advice before we ask you any questions and to have a lawyer with you during questioning. If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish. If you decide to answer questions now without a lawyer present, you still have the right

to stop answering questions at any time. You also have the right to stop answering at any time -- stop answering questions at any time until you talk to a lawyer. Do you understand your rights?

And at that moment, he understood his rights. He acknowledged that he understood his rights.

Q All right. So once he has indicated he understood his rights, what did you tell him about that, or what did he say? Did he indicate he wanted to talk to you?

A Well, my next question to him was that I wanted to speak to him about Deanndra. And he said okay.

Q He said okay?

A (Nods affirmatively.)

Q Did you use any threats of violence in order to get him to talk to you?

A No.

Q Any promises of leniency in any way?

A Absolutely not.

Q He says he wants to talk to you, says okay. What else did he say besides okay?

A Well, after he said okay, he then stated that he would like to use my cell phone. I asked him, Why you want to use my cell phone? He said, Because I want to call my mother. I told him, You are a

grown adult and at this moment you are not calling your mother.

Q And at that point, did you then begin to ask him questions about Deanndra?

A Yes.

Q Did he, again, at any of this point in time say he didn't want to talk to you?

A That's correct.

Q And he didn't ask for a lawyer at that time either?

A That's correct.

Q Okay. And so then you begin to talk about what you know, correct?

A That's correct. I asked him -- I asked him, When was the last time you saw or you spoke with Deanndra? And he told me it was over two months ago.

Q All right. What else -- describe for the jury the next part of the conversation between the two of you.

A Okay.

Q Did you ask him about her credit cards?

A I asked him when was the last time he had used her credit card, and he stated, Over two months ago, the same time that I saw her, the last time I saw her.

Q All right. And did he indicate something about her giving him her credit cards?
A I'm sorry?
Q Did he say anything to you about Deanndra giving him her card in the past?
A Yes, he did mention that he had used her credit card in the past and had her pin number.
Q Okay. And when you asked him the last time that she gave him the card, I believe you said a minute ago it was about two months ago?
A That's correct, that's what he stated.
Q And he said that was the last time he saw her?
A That's correct.
Q Okay. What did you talk about next?
A I then asked him -- well, I then showed him the same picture I showed Ashley and Brittany of the individual that was at the ATM machine using her debit card. I showed him that picture. He looked at it, he stared at it, and he looked up at me and said, That's me.
Q He said, That's me?
A That's correct.
Q And that would be -- I know there were different versions of the photos, but that would be like in State's 114 through 116?

A That's correct.
Q The ATM photos, he admitted that was him, correct?
A Yes, sir.
Q All right.
A Because I believe I told him -- when he said, That's me, I said, Okay, these were taken Thursday at about 2309 at the, I want to say that was the Palmetto Citizen Bank, since he already told me that he hadn't spoke to her or seen her over two months ago.
Q Now, jumping back a second, did you ask him where he was on the night of Thursday, the 28th?
A Yes, he stated he was at his house.
Q Okay. All right. And so he admits that's him in the ATM photos and you tell him, you know, when it's from. What does he say to you after that?
A So he admitted that that was him using her credit card. And then --
Q Did he actually admit to using the cards?
A Yes. I believe, if I'm not mistaken. That's correct. I told him -- I told him that, That was on Thursday at 2309 at the Palmetto Bank ATM machine right across from the entrance of your neighborhood. He then looked at me and paused again for a few seconds and admitted he used

Deanndra's credit card at that bank.

And then I asked him, Where is the credit card now? He initially stated that he threw it away at the last ATM, at the last bank he used the ATM, which was the Wells Fargo, that once he tried that transaction, he threw it away.

Q What else does he say about the use of the card?

A So, at that moment, we have prior information that that was not the only transaction, so I confronted him. I said, Well, did you do any other transaction? So he thought about it and he said, Yes, I bought -- I bought a Michael Kors watch. As a matter of fact, and I quote --

MR. O'NEIL: I apologize. The witness can always refresh his memory. He can't read from his report. I object to him reading his report.

THE COURT: I don't think he was reading directly from it.

MR. O'NEIL: He is.

THE WITNESS: I'm quoting what he told me.

THE COURT: All right. Objection is overruled. He's going to say what the Defendant says.

MR. O'NEIL: I'm not objecting to what he said, I'm objecting to him actually reading from

it. He can testify from his personal knowledge. He can't read from his report.

MR. GOLDBERG: He can refer to his notes.

THE COURT: Objection is overruled. He can refer --

A So when I asked him if he bought anything else, he told me, and I quote -- I just had it -- that he bought -- that he bought on the internet with the credit card a Michael Kors watch.

Q Did he say how he -- what mechanism he used to make that purchase?

A Yes, he said he used his cell phone to order -- to go online and order the credit card -- order the watch using her credit card.

Q Did he say what time that was?

A I asked him what time, and he stated it was roughly about 1:00 o'clock in the morning. So that's when I confronted him and I said, Well, hold up for a minute. Explain this to me. How is it possible that you tell me that at 12:30 you threw the credit card away at the Wells Fargo and then at 1:00 o'clock, roughly about 1:00 o'clock in the morning, you're making a transaction on the internet making an order of a Michael Kors watch with Deanndra's credit card?

Q What was his response to that?
A He gave me this kind of deep stare, and then he looked at me and he stated that -- that's when he came out with a name of a guy that was supposedly sitting in the car that gave him the credit card by the name of Von.
Q All right. Did he have any identifying information that he could provide at that time about Von?
A The more I asked him about Von, phone number, roughly where he lives at, or anybody that knows Von, or any third or fourth person that might know this person that might know Von, anything that would relate to Von, he said, No, I just met him.
Q He said he actually met him sometime on Friday night, correct?
A That's correct, by his house by the stop sign.
Q What did he say Von son gave him?
A He said Von gave him Deanndra's credit card. And then when he looked at it, he knew it was Deanndra's credit card. That's what he said.
Q And, again, he couldn't provide you with any specific information about Von?
A That's correct.
Q Did he indicate to you how many times he had met Von?

A I think he just mentioned that he just met Von.
Q Did he say something to you about one time before meeting Von to buy a chain?
A Oh, yes, that's correct. Because Andre stated that he sells gold chains, kind of like fantasy chains, that he sells gold chains.
Q That was the only time he met Von before?
A That's correct.
Q All right. And when -- did you then ask him some questions about the timeline of Deanndra leaving work to the time the credit card was used?
A Well, I made a comment to him, and I said that, You know, it's kind of odd that the timeline from the last time that Deanndra was seen and that possibly she had her credit card to the time that that credit card was initially used, the window was so close that it would have been impossible for him to go through all these other steps, and meeting this Von guy, talking to him, getting all this information back and forth, and then going to the bank.
Q And his response was?
A He just starred at me. He just stared, and I don't think he said anything. Well, correction, I think his response was, he goes back to the name Von.

Von gave it to me.
Q Did he say anything else about Deanndra at that point?
A I believe at that point he stated -- I believe he stated that he didn't kill Deanndra, that he got the credit card from Von.
Q All right. And Investigator Torres was in the car with you while you're talking to him, correct?
A Yes. Yes.
Q And during the time that you're talking to him, you're still in the front seat of the car, right?
A That's correct.
Q Did you have occasion to go in and out of the vehicle, or were you in there non-stop the whole time while he was in the car with you?
A No, I was getting phone calls from Sergeant Faust, from Investigator Roe in reference to they were at the house. So I was trying to ignore the phone calls, but they kept coming in, so I figured, well, it's got to be something important.

So at one point, I get out of the car. I take the phone call, and it was Sergeant Faust. Sergeant Faust advised me that they found the clothes that was used -- that Mr. Heatley used that night at the ATM machine at different banks.

Q The clothes that he was seen wearing on the surveillance were located during the search of the house through the search warrant?
A That's correct.
Q And while you were taking that phone call, Investigator Torres was still in the vehicle with Mr. Heatley, correct?
A That's correct.
Q All right. Do you guys remain in the vehicle and continue talking at this point, or do you travel to another location?
A At that moment, based on the totality of the circumstances that we knew, the facts and the evidence that we knew at that moment, that we knew that he was the one that was using Deanndra's credit card within that short window, by his own admission that he stated that, That's me, at that surveillance video print, the fact that we have recovered the clothes that he used that night --
Q You had also just found or been told there was a gun in his car?
A And the fact that we knew that there was a gun in the car, that was a strong possibility that that gun could have been involved with Deanndra's death. So at that moment, with all that -- taking all that

totality and circumstance in consideration, I strongly believed at that moment that we had the individual that executed Deanndra Roach. So at that moment I told him, You are under arrest.

Q All right. And by placing him under arrest, where did you take him to?

A At that moment I told him that we needed to go to headquarters and we needed to clear up some things.

Q Okay. And as you did that, officers remained behind to secure his vehicle, correct?

A Investigator J.P. Smith, he stayed with the vehicle, securing it at all times. And I believe CSI, Tim Lee, was taking pictures -- or was processing -- taking pictures, processing the vehicle and they were waiting for the tow truck to tow the vehicle.

Q Okay. So you're now going back to headquarters. And are you in your car?

A Yes.

Q And the Defendant is still in the car with you?

A That's correct.

Q And is Investigator Torres in the car?

A That's correct.

Q And headquarters is located where?

A Headquarters is at 5623 Two Notch Road.

Q Okay.
A Close to Columbia Mall.
Q Okay, Columbia Mall. During the car ride, did you guys continue to question Mr. Heatley at that point?
A Not me. I was pretty much concentrating on the road, and I wasn't saying too much at that moment. I believe Investigator Torres had some small talk with him until we got to headquarters.
Q Okay. Once you get to headquarters, what do you do? Was he allowed -- offered any food, drink, bathroom, anything like that?
A Yes. We offered him something to drink, something to eat. He stated he just wanted something to drink, so we got him some water. We allowed him to use the bathroom.
Q And where did you take him to physically at Richland County Sheriff's Department?
A I took him to my office, kind of like a cubicle. It's an open bay, something like this, but it has a lot of cubicles, quadrants inside the open bay. So I took him to my little cubicle.
Q All right. And at that point you continue questioning him, is that right?
A Pretty much recapping what we already had spoke to

in the car.
Q Okay. And I meant to ask you this previously. When you asked Mr. Heatley if he understood his rights and he said he did, and then he indicated that, Okay, I want to talk to you, waiving his rights, correct?
A That's correct.
Q You were in the car, right?
A That's correct.
Q Did you have him fill out any kind of form, written form denoting that he was wanting to talk to you at that time?
A No.
Q Why not?
A He was advised of rights, which he already understood, and I didn't have the form with me. So we just continued to go on with the advisement of rights that he understood and he waived.
Q Okay. And, again, during that conversation in the car, he didn't ever tell you that he wanted to stop talking?
A Not even once.
Q Okay. So now that you're back at headquarters and you begin to talk to him again by your cubicle, at this point does he tell you that he no longer

wishes to talk to you? Does he ask you for --
A I'm sorry, no.
Q Does he ask you for an attorney?
A No.
Q Okay. He got some water, he used the bathroom, and then you resume questioning of him. What did you ask him at that point?
A Well, basically, at that point I started to use the Q & A, which is a question and answer statement in writing. I recapped some of the information that we already did in the car. And I could have written down, jotted down maybe a word or two, like credit card, or whatever other thing, just to remind me to ask that question when we go into the Q & A type on the computer for the statement.
Q And did Mr. Heatley give you consent to search his person at headquarters?
A Yes, he gave us consent to -- for DNA, he gave us consent to search his phone. And since he was under arrest, we pat him down at headquarters real good, and that's when we noted he had two or three layers of pants on.
Q What did you find in his pants?
A Well, we kind of like peeled the first layer down, and then he had some basketball shorts underneath.

We patted him down real good to make sure he didn't have no weapon hidden in there. And we were able to find some money that he had in his pocket. I think they were $20s or $1s -- $20s, $5s, and maybe some $1s. It totaled $110 that he had.

Q Was there anything unusual to your eyes upon physically looking at the money that was taken out of his pocket?

A Yes, we counted the money -- we had to count it to put it into evidence to make sure we had the right amount. We counted it with him present there so nobody would say that we took any money. And then while we were looking at the money and counting it, we observed that it had a red stain, one or two bills had some red stain on it. So I looked at it and I kind of like touched it. You know, it looked like it was blood, but when I touched it, it just didn't seem like it. So my opinion at that moment, it looked like it wasn't blood. So I figured, I ain't got nothing to lose, so I'm going to tell him that it looks like this money that you have here has a red stain, and I showed it to him, and it looks like that's blood.

Q What did he say?

A That's when he kind of like give you that -- gave

me that look, that deer-in-the-headlight look and he was thinking for a while and then he came out and said, Well, it must have been from when Von gave me Deanndra's credit card it had blood on it and when I put it in my pocket, it transferred that blood to my money.

Q And through the course of the investigation, we've since learned, and I believe there was testimony to this effect already, that that money ultimately did not have blood on it, is that right?

A Correct.

Q All right. What, if anything, did you then ask A.J. about the area where Ms. Roach was located?

A I asked him if he knew what they call the dirt road on Farrow Road across from the electrical plant. And that's when he told me that -- he said, Yes, that they call it several names, the shooting spot, the smoking spot, the sex spot.

Q And did he indicate he had been there before?

A Yes.

Q What did he say he's been there before?

A He'd been there before I believe -- he had stated that he had been there before to shoot some guns and have sex.

Q Okay. And so at this point, we're still in

conversational format, is that right?
A That's correct.
Q Nothing has been put into official writing, correct?
A I believe -- I believe at that moment right there, I started to do the formal writing.
Q And can you tell the jury a little about how that process works and how you go from this conversation that you had with him both in the car and in your cubicle where you gather all this information, and the process of how you get from that to reducing to a typed statement, generally how that process works?
A Well, we normally want to ask the individual questions that we want to clarify that we have developed within our investigation. And once those questions are clarified, for whatever reason, it could be a truth, it could be a lie, whatever it is, that's his statement. So we're going to put down in that statement whatever he says, whether it's the truth or whether it's a lie.

So when we get back to headquarters, I start doing the Q & A statement on the computer. I asked him basically the same questions I asked him previously, and then his response, I will annotate

it down as the answer. And then we will go to the next question, and I will annotate it down, his answer. And it's pretty much kind of like in chronological order from, you know, When was the last time you seen Deanndra? Have you used her credit card? When is the last time you used her credit card? You identify yourself on the picture as the person using her credit card? Did you order a Michael Kors watch from your phone, and all that? In chronological order. And then we'll -- I'll type it into the statement.

Q And once you type it into the statement, do you then go through the typed version with him and review it with him?

A Yes. I like to call it kind of like a rough draft, you know, once we're done and I look at it and I've got everything I pretty much need. So while it's still on the screen, I'll go over all the questions. For example, The question I asked you is, When was the last time you seen Deanndra? Answer, your answer, you stated two months ago, is that correct? And he'll either say yes or no. And then I'll go to the next question. So if there's any typos that need to be done or anything that needs to be changed or he don't feel comfortable

with it, I'll change it right there. Again, that's his statement.

Q And once that's completed, you print it out, right?

A Once that's completed and he feels comfortable with it, I'll print it out. It's kind of like a rough first print. And once I print it out, I'll bring it to him and I'll take the paper. Normally, in my cubicle, here's my computer and I have a chair here and he's sitting there. And I'll take the paper and I turn it around upside down and we go through everything in that statement.

Q All right. I'm going to show you State's Exhibit Number 1 for identification. Do you recognize that?

A Yes, that's the statement that I took on Deanndra from Andre Heatley.

MR. GOLDBERG: Your Honor, at this time, I would offer State's Number 1 in evidence.

THE COURT: Any objection?

MR. O'NEIL: Your Honor, I renew my previous objection to the statement.

THE COURT: All right. The objection is overruled pursuant to the Court's ruling in the pretrial hearing.

MR. GOLDBERG: Thank you, Your Honor.

(WHEREUPON, State's Exhibit No. 1 was marked for identification and received into evidence.)

BY MR. GOLDBERG:

Q Then do you actually read the whole thing back to Mr. Heatley?

A That's correct.

Q And if you would, read the statement for the jury from what you read to him starting at the very top.

A Again, by this time, the statement will be upside down when we're reading it to him. And I will start from the very top and I will say:

Andre, this is your statement. I have your name up here, which is Andre Tyrone Heatley, your date of birth, your address where you live at, Irmo, South Carolina, and his phone number.

And then I will read: This statement is made in Columbia, South Carolina, this 30th day of January of 2016, at 0352 in the presence of Investigator Gonzalez, William Gonzalez, Richland County Sheriff's Department.

And, again, I would recap his Miranda Rights, which are written in here of what I read to him earlier in the car. And it would state that:

I, Andre Heatley, understand that I have the

right to remain silent. Anything I say can be used against me in a court of law. I have the right to talk to a lawyer for advice before we ask any question -- excuse me, before you ask me any questions, and to have a lawyer with me during any questioning. If I can not afford a lawyer, one will be appointed for me before any questioning if I wish. If I decide to answer questions now without a lawyer present, I still have the right to stop answering at any time. I also have the right to stop answering at any time until I talk to a lawyer.

And then it states -- and then I read this little portion here which says: I do make the following statement. And I explain that the Q means I'm, Investigator Gonzalez, is asking the question and that the A means Andre Heatley, his answer, and at the location of headquarters.

And on my first question, which is a normal -- it is kind of like a normal procedure question on statement. If I went out and arrested somebody in their house or arrested somebody on the crime scene or for whatever reason that was not at headquarters, that I would advise them of their rights. My first question kind of is always going

to be as follows, as this one here.

My first question to him was: Do you understand your Miranda Rights as I read them to you in my vehicle? And he stated, Yes.

My second question would be: Were you willing to talk to me in reference to Deanndra Roach? And he stated, Yes.

So then I would ask the other question and I would relay that to him, would say: Okay, I asked where were you on Thursday, January 28th, on 2016? His answer was: I was in my mother's house all day, all night.

So once I finish that answer, I say, Are you comfortable with that? Yes.

Now, we go to the next one. What about Friday? Question: What about Friday? Answer: I was at home. I also texted my baby mother -- my baby mother, Denise Winston, just to say hi, and we would exchange pictures. I also went to pick up my girlfriend Desha around 1:30 in the afternoon at her grandmother's house. Then we went back to my mother's house and I stayed at the house the rest of the night.

Do you feel comfortable with that answer? And he would say, Yes. And then we'll go to the next

one.

So at any moment, if he says, I don't feel comfortable with that, no, that's not true, I have it on my screen, so I say, Okay, so how do you want this to read? And he'll tell me, and then I'll make the changes on the screen.

So I'll go to the next page. And on the next page, Question: Did you use Deanndra Roach's credit card at several ATMs? Answer: Yes. That's my photo -- that's me in the photo. I used her credit card after this guy I only know as Von, I only know this guy by face. I don't know anything about him.

I said, Do feel comfortable with that? And he stated, Yes.

So we go to the next question. How did you meet this guy, Von? Answer: I see him all the time around the North Clemson Road area. He called me up on Thursday and gave me a credit card. When I looked at it, it was Deanndra's credit card. Von told me that he knew I had her pin number and he wanted me to find out how much money she had in her account.

And, again, Do you feel comfortable with that answer? And they would say, Yes. If they say no,

I will say, Well, what you don't feel comfortable with? What do we need to change? They'll tell me what it is, and we'll make the changes.

Next question: Why does the money in your pocket left side have red stains? That's probably -- that probably happened when Von gave me the credit card and when I put the credit card in my pocket with the rest of the money, it got stained with blood. That was his answer.

Do you feel comfortable with that? Yes.

Next question: What do people call the dirt road on Farrow Road where we found Deanndra? It's call the shooting spot or the smoking place. That's the spot people hang out. That's where people go to smoke weed, sex, shoot guns. I have shot weapons in the past at that spot.

Do you feel comfortable with that? Yes. Okay, we will go to the next question.

Have you been there before? Question. Answer: Yes. I've been back there and had some head by some girls.

Do you feel comfortable with that? Yes. Then we go to next question. Question: Did you use Deanndra's credit card to order something over the internet? Answer: Yes, I ordered a Michael Kors

watch for me. I believe it was around 1:00 a.m. on Friday morning and did it from my phone. I was in the living room of my house when I did the order. I had the watch sent to [redacted] Stanford Street, which is my grandmother's house.

Question: Do you feel comfortable with that answer? Yes.

Next question: Are you currently working? Answer: No. I was working at the Taco Bell on Clemson Road, but I quit last week.

Do you feel comfortable with that? Yes.

Okay, next question: What's your current girlfriend's name? Answer: Desha Anderson. He gave me her cell phone, but I don't want to state her cell phone at this moment. She lives at Brookhaven subdivision.

Do you feel comfortable with that? Yes.

Next question: Did you kill Deanndra Roach? Answer: No. I have not seen her for over two months. I had a relationship at one point with her and her older sister, but that was over several months ago.

Do you feel good with that? Yes.

We go to the next question. Again, at this point, if there's any change that he feels

uncomfortable with, you know, I let him know, you feel uncomfortable with something, let me know and we'll change it, and I'll make that change at the moment right there on my screen.

Question: Tell me again where you met this guy Von that gave you Deanndra's credit card? Answer: By the stop sign on top of the hill by my house. He had told me he wanted to buy some gold chains from me because that's what I sell. I went to the top of the hill and I met him by the stop sign, and then he gave me the credit card.

Do you feel comfortable with that? Yes.

Next question. Question: Where is the credit card at this moment? Answer: I told you I left it -- I left the card on the ground at the Wells Fargo Bank. But that was a lie. I gave it back to Von when I did that -- the last -- when I did -- I'm sorry. I gave it back to Von when I did the last transaction at Wells Fargo Bank. He was sitting in my car. I told him the card is already canceled, and he told me, You better not be lying to me. I had first used the card at the Palmetto Bank, then at Bank of America, and then at Wells Fargo, which was the last one. I walked back to my car and gave it back to Von that was sitting in the

back passenger seat behind me.

Do you feel comfortable with that? Yes.

Next question. Question: Why did you have Deanndra's credit card pin number? Answer: Because in the past, she has trusted me with the pin number so I could be -- so I could buy food and other stuff.

Do you feel comfortable with that? Yes.

Next question. Question: On Thursday, January 28th, were you anywhere around or close to the northeast side area of Columbia? Answer: No, I was at home.

Do you feel comfortable with that? Yes.

Okay, next question. Question: Did you go to each ATM back to back and retrieve money? Answer: No, because at the Palmetto Bank I slipped as I was walking back to my car. I then went to the Bank of America, and that's when I noticed I had mud on my shoes and jacket. After using the ATM at the Bank of America, I drove back home and changed. Then I went to the other ATM at Wells Fargo. That was the last one.

You feel comfortable with that? Yes.

Next question. Question: Were you together with Von on Thursday and Friday? Answer: Just

with the credit card incident, that's it.

Question: Do you have another gun? Answer: No, just the one in the glove compartment of my car.

Do you feel comfortable with that? Yes.

Question: When was last time you shot that gun? Answer: When the Panthers won their last game. I believe it was last week.

Are you comfortable with that answer? Yes.

Next question: Do you have the Deanndra's cell phone? Answer: No.

Next question: Is this statement the truth and of your own free will and accord? Answer: Yes.

And this last question is kind of like a general question that we ask everybody. I mean, that's like a mandatory question because we're giving them the opportunity before they sign this statement if there's anything else -- and the question is, Is there anything else that you want to add or change from this statement? So we're giving them that opportunity that during our conversation, if they remember something, maybe this is the time to say it, or if something that was said in the statement that he don't agree with,

maybe this is the time to say it. His answer was, No.

And then we finish off typing it, end of statement. And the reason I do that almost real close to the last answer is because I don't want nobody else to think that you can come later on and start adding to that.

Q So you've got four pages, correct?

A That's correct.

Q And the bottom of each page is laid out the exact same, is that right? It gives a place for you to sign, for any witnesses to sign, and for Mr. Heatley to sign, correct?

A That's correct.

Q And does Mr. Heatley sign the statement on each of the four pages?

A That's correct.

Q And could you read for the jury the language there at the bottom of the statement just above his first signature on each page?

A Yes. The language is pretty much standard procedure on each page. And it says:

I have made the foregoing statement freely and voluntarily, without fear, threat, promise, or reward or hope of reward of any kind.

Q And he then signs there, correct?
A Excuse me?
Q And Mr. Heatley then signs underneath that, correct?
A That's correct.
Q And then there's another section that -- underneath that?
A The other section underneath that, it says: This is certified that I have read and have -- I'm sorry: This is to certify that I have read or have read to me the foregoing statement consisting of, so many pages -- and in this case it would be four of four pages -- and a true copy has been given to me on this date, and whatever date it was.
Q And he then signs it?
A Then signs at the bottom.
Q That's a total of eight times he signed the statement, correct?
A That's correct. If you notice, if you notice on his signature, once we are done with the statement, if there's no changes or there's any other changes, then I'll go ahead and reprint the new one and I'll rip off the old one, bring the new one in and I have him look at it. He feel free to read it, or whatever. If they feel good with it -- once they

feel good with it, I tell them -- and I always either mark an X or a check mark where they need to sign in each one of the pages. So on each one of these pages, you will notice that there is an X mark where he needs to sign, and that's just to make sure that the signature is placed on the proper place that he needs to sign.

Q All right. And you indicated also just prior to this that Mr. Heatley agreed to consent to search of his cell phone, is that correct?

A That's correct. I believe he gave Investigator Torres a written consent.

Q All right. Let me show you State's 236 and 237. I believe these are photocopies, but if you can describe what they are.

A Yes, the first one, 236, is a Richland County Sheriff's Department consent to search form, which has the date 30 January 2016, at headquarters.

I, Andre Heatley, give consent to the premises automobile search, whatever, to Investigator Gonzalez and Investigator Torres in reference to his cell phone.

Q All right.

A And he signed it. And he also gave the investigator the password to the phone, and we

annotated it here.
Q How to access the phone?
A Correct.
Q Okay. That's State's 236. What about 237?
A 237 is a Richland County Sheriff's Department consent to search DNA, which has the date, the location, and his name, and giving us, Investigator Gonzalez and Investigator Taylor, consent to obtain a buccal swab from him. And he signed it, and myself and Investigators Torres signed it as well.
Q 236 and 237 are copies. Do they fairly and accurately depict the originals as Mr. Heatley signed on that date?
A That's correct.

MR. GOLDBERG: Your Honor, I offer State's 236 and 237 into evidence.

THE COURT: Any objection?

MR. O'NEIL: No, Your Honor.

(WHEREUPON, State's Exhibit No. 236 was marked for identification and received into evidence.)

(WHEREUPON, State's Exhibit No. 237 was marked for identification and received into evidence.)

BY MR. GOLDBERG:

Q So he signed consent to search DNA and he signed consent to search his phone. You actually took his phone, is that right?
A Investigator Torres grabbed his phone and went through it.
Q Okay. That would have been put into evidence?
A That's correct.
Q For further examination as well?
A That's correct.
Q All right. At that point, he's under arrest, correct?
A Correct. At that point, I advised him that he was being charged with murder and armed robbery.
Q What was his reaction to that?
A No reaction.
Q No reaction?
A No reaction.
Q All right. And then from that point, I think on the statement -- what time is it noted on the statement there that it was taken?
A It started at 0352.
Q That's almost 4:00 o'clock in the morning?
A Correct.
Q So is that it for the investigation for the night once you complete talking to him?

A No. We placed him in the D Cell so the paddy wagon could come and pick him up.,
Q Okay.
A And we still had paperwork that we had to process and continue on our investigation.
Q Okay. And did you actually continue investigating right that minute or did you guys take a break or what?
A No, we didn't. We had been going on it for a while, so I believe we took a few hours to rest and then came back that afternoon.
Q Okay. So the next day, you resumed the investigation and actually returned out to the Farrow Road area, is that right?
A That's correct.
Q And what were you looking for in the Farrow Road area when you went back out?
A We went out there and we started looking around those businesses to see if we could see any video cameras that are pointing towards the road.
Q Were you successful?
A There were some businesses that had video surveillance camera that were pointing to the road, but when we went and speak to the manager of those businesses, it was either poor quality or the

actual camera was pointing -- it looked like it was pointing towards the road, but it was actually pointed down to their parking lot. Because most of businesses are a pretty far distance from the road.

Q And then there were actually some that just didn't have video at all?

A And there was actually ones that just didn't have none.

Q All right. And then you and Investigator Torres come back to the crime scene, correct?

A I'm sorry?

Q You and Investigator Torres actually go back out to the crime scene as well?

A That's correct.

Q And was CSI out there still working?

A Yes. Yes.

Q All right. Ms. Roach's belongings, was her -- were any of her personal items, like her purse, her car keys, or her cell phone ever located in her vehicle?

A No.

Q Were they located on the ground where she was found?

A No. As of this date, her car keys that also had the pepper spray attached to the key, her purse nor

her phone have ever been recovered.
Q Nor her credit card?
A Nor her credit card.
Q All right. So at this point, safe to say, you guys now have some witnesses you need to go talk to, correct?
A Correct.
Q And so you talk to some of her co-workers at Walmart, is that right?
A That's correct. The group -- specifically, the group that they all left together when Deanndra Roach was clocking out with everybody.
Q Okay. You talk to each one of them. And did you have some information also at that point, courtesy of the missing persons investigation, about the last phone numbers that Ms. Roach appeared to dial on her phone on the 28th?
A Yes. They have forward us -- also with the still pictures, they have checked the phone records, and we saw some numbers that kept repeating themselves on her phone records within that day or within the last few minutes or hours. So, yes, we kind of like highlighted three numbers.
Q And one of those belonged to Jordan Harding, is that right?

A That's correct.
Q Who was that?
A She's a friend of Deanndra.
Q Okay. And then there's also Ashley Gadson?
A Ashley Gadson. That's also a friend of Deanndra.
Q And then the final call in her call log was from -- was with Shanard Stokes, correct?
A That's correct. He was -- that was the final phone call on her phone record.
Q And that was at 10:16 p.m., correct?
A That was at 2216, and it lasted for approximately three minutes.
Q Okay. And you actually had him send you a screenshot of that, correct?
A That's correct. That's correct. That's correct. I also had -- I also had an investigator that lived up by the Rock Hill area, and I gave him the task to go -- since he lived close to where he was at school, to go down there and talk to him, get his statement, and just look at his phone and check his alibi to see where he was at.
Q And they did, in fact, talk to him and take a statement, is that correct?
A That's correct.
Q At this point, you guys kind of regroup at

headquarters, talk about the case, is that right?
A That's correct.
Q And what general information did you have about any firearms evidence in the case at this point?
A I believe it was February 1st at 9:00 o'clock in the morning we had a meeting at headquarters. And normally those meetings consists of forensics, the investigators, chief of CID, and other supervisors, and stuff like that. And during that meeting is when I learned some things.
Q And did you, in fact, learn that there was a connection between the projectiles taken from Ms. Roach's body to the weapon pulled from Mr. Heatley's car, is that right?
A That's correct. That's when we were aware that the projectile that was recovered from Deanndra's ear was a match to the weapon that was recovered from Mr. Heatley's vehicle.
Q And, additionally, there were other shell casings located at the scene of -- I believe it was a High Point 9-millimeter?
A There was a High Point 9-millimeter shell casing. There were several of those shell casings recovered.
Q In fact, did you have information about Mr. Heatley

going to the pawn shop and purchasing a weapon?
A Yes. While we were looking -- I think it was Investigators Torres, while she was looking through his cell phone, and we had dumped his cell phone, there was a picture of a Carbine rifle that was in his phone, so we took a picture of that. We started showing it around. We figured if anybody might recognize where that location might be. And one of our investigators, one of our sergeants, Sergeant Isenhoward, looked at it and said, That looks like Best Pawn -- Best Deal and Pawn Shop, because of the background. So we figured, Well, let's go to Best Deal and Pawn Shop. And that's when we realized that, yes, he was the person that purchased that gun. They had the video, they had all the information, they had his information, and all that.
Q And that was a High Point 9-millimeter that was purchased?
A That was a High Point 9-millimeter Carbine.
Q And, additionally, you also were looking at Deanndra's bank records, correct?
A Yes. I had gone up to the Bank of America headquarters and I obtained a copy of Deanndra's bank records, at least for those last two to three

days.
Q Did any of the purchases that she made other than the -- we know about the ATM transactions and the Michael Kors watch, of course, but other than those, were there any other purchases that stood out in your mind in your review of those records?
A Yes. When I was reviewing her statement, especially we started kind of like in the reverse search from the time she went missing and we work our way backwards. On the day that she was reported missing, there was two other transactions that were made. One at the Chick-Fil-A and one at the Sonic.
Q What time of the day was the Chick-Fil-A purchase made?
A The Chick-Fil-A purchase was made at approximately, I want to say, 8:45 in the morning. And that was at Chick-Fil-A that's right down the road from Walmart. She also had a 9:00 o'clock meeting that morning at Walmart with a whole bunch of other employees. So we figured she went through Chick-Fil-A, bought some breakfast, and then went in and clocked in at 9:00 o'clock.
Q And what was the next purchase that struck you about her bank activity?

A The next purchase was that same day at 1645, which is like 4:45, at the Sonic. And that's the Sonic that's in the shopping center directly in front of Walmart. And we figured she went in there and grabbed something to eat before she clocked in at 5:00 o'clock. And that's the time she clocked in.
Q State's 221, what is that?
A Yes, that's around the area of the Walmart, some other businesses that around there, and the Sonic that's right in front.

MR. GOLDBERG: Your Honor, we'd offer State's 221.

THE COURT: Any objection?

MR. O'NEIL: No, Your Honor.

THE COURT: Entered without objection.

(WHEREUPON, State's Exhibit No. 221 was marked for identification and received into evidence.)

BY MR. GOLDBERG:
Q And, actually, I think your notes reference, correct me if I'm wrong, that that purchase was at 1649, is that correct?
A That's correct. I stand corrected, it was 1649.
Q So 4:49 p.m.?
A That's correct.

Q Before her 5:00 o'clock shift?
A That's correct.
Q And the Sonic where she made that purchase is where?
A Here's the Walmart, and that's the Sonic.
Q You can step down.
A (Witness steps down.) Here's the Walmart right here, and the Sonic is right here, which is in that group of shopping center right here. That's the Sonic right there that she went to.
Q That's when her card made a purchase at 4:49 on Thursday, the 28th?
A That's correct.
Q Thank you.
(Witness returns to witness stand.)
A And the reason I know that -- I think this is important to say -- the reason I know that is that on her credit statement next to Sonic, it had a number, which I believe was the store number. So I started calling all the Sonics, started from ground zero, which was Walmart, and the first Sonic that I called was actually that one. And when I spoke to the manager and asked the manager what was the store number for that Sonic, she gave me the same number that was on that transaction.

Q Sonic Number 4407?
A That's correct. And that's the same thing with the Chick-Fil-A. I did the same thing with the Chick-Fil-A.
Q Okay. All right. So we've heard a lot about this Michael Kors watch. What efforts did you make to try and find out if that watch was actually being delivered somewhere?
A We got information from the transaction, and it had an address. Under the buyer, it had Deanndra Roach, her address. And then where to be shipped, it had a name and another address.
Q And was that [redacted] Stanford Drive as the place to ship the item?
A That's correct.
Q So did you go out there?
A Yes, we did.
Q The first time you went out there, was there a package there?
A No, we spoke to -- we spoke to a gentleman and a lady inside the house, and we asked them what was their relationship to Andre Heatley. And that was the grandmother and uncle's residence.
Q And they hadn't gotten any packages at that point?
A At that moment, no.

Q Did they contact you later about receiving a package?
A Yes, sir. I left them my business card, and I asked them that once that package get here, very important that they call us because we needed to retrieve that package.
Q And on February 3rd, 2016, they did exactly that, is that correct, they contacted you?
A That's correct. They contacted me and told me the package was there. And we went over to retrieve the package.
Q And you did, in fact, get the package?
A That's correct.
Q State's 222. What do you recognize that to be?
A Can I pull it out?
Q Sure.
A Yes, that's the Michael Kors watch that we retrieved.

MR. GOLDBERG: Your Honor, we would offer State's 222 into evidence.

THE COURT: Any objection?

MR. O'NEIL: No, Your Honor.

(WHEREUPON, State's Exhibit No. 222 was marked for identification and received into evidence.)

BY MR. GOLDBERG:

Q So Ms. Roach's card was used on the night of the 28th into the 29th to purchase this watch, is that right?

A That's correct.

Q And this watch was shipped to a family member's house of Andre Heatley where you recovered it?

A That's correct.

Q Did you make any attempt to speak to a witness named Denise Winston?

A Yes.

Q Who is Denise Winston?

A Denise Winston was the mother of Andre Heatley's child.

Q Okay. Were you able to speak to her?

A Well, we went to the house. I want to say it was like 8:00 o'clock, 9:00 o'clock at night. We went to house and we wanted to speak to her, but at that moment, had -- several family members started coming out and they were preventing us from speaking to Denise, even though she was a grown-up. So we tried to explain to them that we needed to talk to her in reference to what we were investigating. And the next thing we know, more family members started coming in and it was getting

a little bit too hostile, so we decided it was to the best interest for everybody for us to leave. Never actually spoke to her.

Q Okay. Never got a chance to speak to her. You did get an opportunity to speak to Desha Anderson, correct?

A Yes.

Q And was she cooperative with you when you spoke to her?

A Yes, she was.

Q She provided a written statement on February 2nd, correct?

A That's correct.

Q And one on February 4th?

A That's correct.

Q At any point, was Ms. Anderson ever charged with a crime?

A No.

Q Did you ever make any threats or promises or use any coercion at all in speaking with Ms. Anderson about the information she relayed to you?

A Absolutely not.

Q In fact, she was pretty helpful to you, correct?

A Yes, she was.

Q And cooperative?

A Yes.
Q All right. I want to turn your attention to February the 4th of 2016. Did you have an opportunity to return to the 212 Kirkstone residence?
A Yes.
Q And was that for purposes of executing another search warrant at Mr. Heatley's house?
A Yes. At that time we assisted other investigators that had a search warrant for the house.
Q Okay. And was anybody home when you were there?
A No.
Q All right. And did you execute the search warrant and begin your search?
A We did.
Q All right. And while you were there, what items -- well, let me back up. Well, go ahead. What items of significance did you locate while you were there?
A Some shell casings and an ammo box -- and weapons ammo container box that was located in the room that he was sleeping in.
Q All right. First, I'm going to show you State's 224 through 235. And just kind of generically describe what those are photos of. Well, let me

ask you this, are 224 through 235 photos depicting what you observed at Kirkstone during the execution of the search warrant?

A That's correct.

Q Okay. Do those photos fairly and accurately depict how those items appeared on that day?

A Yes.

MR. GOLDBERG: Your Honor, we'd offer 224 through 235 into evidence, please.

THE COURT: Any objection?

MR. O'NEIL: No objection, Your Honor.

(WHEREUPON, State's Exhibit Nos. 224 - 235 were marked for identification and received into evidence.)

BY MR. GOLDBERG:

Q And you also referenced you collected some items to include shell casings, gun box, and ammo. I show you State's 223. Are those the items that you collected on that day?

A Yes.

MR. GOLDBERG: Your Honor, we would offer State's 223.

THE COURT: Any objection?

MR. O'NEIL: No.

(WHEREUPON, State's Exhibit No. 223 was marked for identification and received into evidence.)

BY MR. GOLDBERG:

Q Actually, would you mind stepping down?

A (Witness steps down.)

Q If you can just kind of explain to the jury what we're looking at here in those photos. Just when describe them, make sure you note which exhibit number it is?

A This is kind of like a small baby crib or area to change a diaper for a baby. This was actually located in -- it could have been the living room. As you first come into the left, this is where the Defendant's bed was at. And in between the crib, we found the ammo box tucked right in there between -- on the side, which this is the ammo box that we found in there. And when we opened the ammo box, there was a whole bunch of rounds and magazines in there.

This was in the garage. And this is where we found a whole bunch of spent shell casings.

Q Let me stop you right there real quick before we get to the garage. Let's go back to the house. The photos that have just been described were

State's 224 through 229. The gun box, this is the gun box that was by the baby items, is that right?
A That's correct.
Q And that's what it looked like inside?
A That's correct. And then all these are live rounds.
Q They have not been fired?
A They have not been fired.
Q And then what are these two things in the middle there?
A Those are magazines for the weapon.
Q For those that don't know, is that where you put the bullets into to load the weapon?
A That's where you take the bullets and you load them into the magazine, then take the magazine and load it into the weapon.
Q Okay. And these are all 9-millimeter Luger rounds?
A Yes.
Q All right. And so as you progress into the garage, talk about what you found in State's 230.
A Yes. So, like I stated, previously stated, this is the garage. And there's this box right here --
Q What is that box? What does it say on it?
A It's an infant car seat box that was in the garage. And inside that box, there's a whole bunch of spent

shells inside there.
Q This is State's 231, and this is the inside of the infant car seat box, and you found spent or fired shell casings?
A Fired shell casings.
Q Okay. And what did you do with them?
A I collected them.
Q Okay. And submitted them into evidence?
A Yes.
Q As part of --
A Part of the evidence.
Q As part of 223? Okay. Go ahead. Did you find any other shell casings?
A Yes, we found some fired shell casings outside of the house by the -- I believe this is the side kitchen entrance door right here of the house. And right next to the steps --
Q It's kind of hard to see. There's a close-up in State's 234.
A You see a little bit more clearly here, because we have a close-up, some of the fired shell casings right there next to the door. And there was another fired shell casing in the same general area.
Q And that was in State's 235. Thank you. You can

have a seat.
A (Witness returns to witness stand.)
Q The shell casings were collected and submitted into evidence for analysis and examination, is that right?
A That's correct.
Q In fact, these are shell casings, right?
A That's correct.
Q Now, at this point, February the 4th, what did you have going on personally at this point in your life?
A I made annotation on my follow-up that February the 4th was pretty much the last day I was working on the case because the next day, I had an operation on my rotator cuff that I was going to be out for a month or two. So Investigator Torres, from that point on, along with other investigators, picked up the lead on it.
Q Okay. A couple more quick things I want to kind of clear up with you, then we'll wrap it up.
MR. GOLDBERG: One moment, please.
(Pause.)
BY MR. GOLDBERG:
Q State's 216 through 219, already in evidence, are some screenshots of text messages between Desha

Anderson and Mr. Heatley. As I'm looking at them, there are some -- they're photographs of screenshots, right?

A Correct.

Q And I happen to notice that there's some actual literal writing on the paper, copies of writing. Can you just kind of tell us what that is and what that writing is? Whose handwriting is that?

A Yes, that's my handwriting. I put the name Desha Anderson, since we had a lot of screenshots from different phones, to ensure that, you know, when we need to look at it, we know this is Desha Anderson's cell phone. And that's why her name is written there. And also if you look down at the bottom, I named or numbered each sheet, put a number and then circled it. That's one. And this being as two right here. And then on this one, I underline and had a question mark on, You got three hours.

Q Is it safe to say that these notations were just notes that you made on the copies of these screenshots in an effort to --

A Yes, just a reference, mark, note, yeah.

Q They don't have any impact on the actual content of the screenshots in any way?

A No. No. And then this one was labeled three. That's all.

Q Thank you. I just wanted to clear that up. Now, there's been some question about witnesses and their process -- not of Mr. Heatley, we've gone through that in depth, but witnesses and statements being given to law enforcement. There's been some discussion about handwritten versus typed, things of that nature.

In this case, for all the witnesses that you met with and took statements from them in person, how many of those witnesses that you met with in person, how many of those actually wrote out by their own hands their own statement?

A Not even one. Zero.

Q Is that a regular practice?

A To --

Q I mean, would it be a regular practice for you guys to type it as opposed to them -- a witness write it themself?

A Right. That's pretty much our standard, regular practice, is that we're the ones that would be doing the question and they would be doing the answer. We don't have -- give them a piece of paper and say, Okay, write down what happened, like

you see on TV. No.
Q And in this case, as far as William Gonzalez is concerned, no witnesses that you met with in person wrote out their own statements by hand, correct?
A That's correct.
Q There has also been some discussion or reference to traffic routes, if you will. I want to show you what has been marked as -- actually, if you can step on down, please.
A (Witness steps down.)
Q I know you've been up there for a while. I promise we're getting to the end here. Go on this side. It is easier for her to hear.
All right. Looking at State's 53 that's already in evidence, can you point out where the Walmart that Ms. Roach worked at was?
A This is Highway 1, which is also known as Two Notch Road. And Walmart would be right here.
Q Okay. And the general location, I think we've already noted on here, of the incident location where her body was found?
A Correct.
Q Is?
A It's 55, right before the railroad track right there.

Q Okay. You're familiar with Richland County, yes?
A Yes, sir.
Q What are some of the main roads that a person can travel to get from Walmart to the shooting spot?
A Killian and Clemson Road will pretty much take you to all those places right there and Two Notch Road. You can take -- from Walmart, you could go down Two Notch, take North Brickyard, all the way from North Brickyard down to Farrow Road, and into the shooting spot.
Q Now, if you turned right out of the Walmart, how could you get there?
A If you turned right out of the Walmart, you go to what I call the Clemson Road route. You take the Clemson Road route, you get back on the overpass, and then you take 55 going all the way -- I'm sorry, you take Clemson, go all the way down till it meets 55, hang a right, and it will take you right there to the spot.
Q And those are just only two of the ways you can go. I mean, in theory, there's lots of different ways you could go, correct?
A Yes. You can go back ways, and stuff like that.
Q All right. Thank you. You can have a seat?
A (Witness returns to witness stand.)

Q The location of where Ms. Roach was found, is that in Richland County?
A Yes, it is.
MR. GOLDBERG: Thank you, sir. That's all I have.
THE COURT: All right, ladies and gentlemen of the jury, at this time I think we are going to go ahead and take our afternoon break. We'll take about 10 minutes, and then we'll receive you all back in.
Thank you. Please do that discuss the case.
(WHEREUPON, the jury retires to the jury room at 3:10 p.m.)
THE COURT: You can step down.
(Witness steps down.)
THE COURT: All right. We'll take about 10 minutes.
(WHEREUPON, a break was taken.)
THE COURT: Bring them in.
(WHEREUPON, the jury came into open court at 3:40 p.m.)
THE BAILIFF: All jurors are present, Judge.
THE COURT: Yes, sir. We're ready for cross-examination.

CROSS-EXAMINATION

BY MR. O'NEIL:
Q Investigator Gonzalez, for lack of a better term, you were lead investigator on this case, correct?
A Yes, sir.
Q And as the lead investigator, you're kind of like the overseer of the whole entire investigation?
A To a certain degree, yes.
Q There are other investigators -- we've seen a lot of people on the witness stand. There are other investigators also involved in the case?
A Yes, kind of delegate some things for others to do.
Q You're, for lack of a better word, you're the man in charge?
A You can say that, yes.
Q The buck stops with you. You have to review all the information that comes in involved in the case, correct?
A Well, we do it as a team.
Q And you're part of that team?
A I'm part of that team, correct.
Q You want to review the report that Investigator Stan Smith might have done or Investigator Cavanaugh or all the other investigators that we've heard from, you have to review their reports, and things of that nature, correct?

A I don't have to review their report. I mean, their follow-up is there for everybody to read it.
Q You want to make sure you have a thorough investigation, correct?
A To some degree yes, sir.
Q I would hope that you want to make sure you have the most thorough and detailed investigation you could possibly have?
A I agree.
Q For everybody involved?
A I agree.
Q And to do that, you want to make sure you have knowledge of all the information that comes in about the case?
A Yes.
Q You don't want some investigator doing some work that's important in the case that you don't know of, would that be fair to say?
A Correct.
Q All right. And part of the reason why you're trying to -- that you are kind of invested in making sure you have all the information, you want to be able to follow-up on any necessary leads that become involved in the case, especially early on?
A Yes.

Q I think one of the first things you talked about doing, you met with the family, correct?
A Correct.
Q Not to ask you what they did, but after there was a feeling that there may have been a connection between the body found and the missing person, Ms. Roach, we're going to meet with the family?
A Once we determined that, yes, that was a missing person, then, yes, we went and met with the family.
Q Because one of things you want to do -- I think we talked about this idea -- you want to speak with the family to see and learn about any people that the victim may have been involved with? I think you said that during direct?
A Correct. Most of the time family has information that can be useful.
Q And why is knowing who the victim could be involved with, why is that important to you as the lead Investigator?
A Can you say that again?
Q I said why would knowing who the victim was involved with be important to you as the lead investigator?
A Well, it's what we call victimization. We try to find everything that's involved with the victim.

People that are involved directly or indirectly with the victim, last contact with the victim, and so on.

Q And why is that -- I guess, my question is why is that important to you as the lead investigator?

A It could lead us to people that might be a person of interest.

Q Yes. Especially if somebody had animosity towards the victim, would that be fair enough?

A That would be fair enough to say.

Q And when you talked with the victim's mother, she indicated two names that you need to -- well, she at least initially indicated to you two people -- two ex-boyfriends you need to be -- that you need to look into, correct?

A Right, she gave us two names.

Q She told you -- I think you even said earlier, you said Andre Heatley, but she also gave you the name Kelvin Davis, correct?

A That's correct.

Q Both of these -- her words, her daughter's ex-boyfriends?

A Yes.

Q And she also talked about Kelvin Davis's baby mother, correct?

A Yes.
Q And Kelvin Davis's baby mother was Ivory Fleming, correct?
A Correct.
Q All right. And specifically what the victim's mother told you about Ivory Fleming was that Ivory Fleming hated the victim, correct?
A I think she made a comment in reference to that.
Q Uh-huh. She said Ivory hated the victim and wanted her head?

MR. GOLDBERG: Objection to the hearsay, Your Honor.

MR. O'NEIL: Not for the truth of the matter asserted, Your Honor. It can --

THE COURT: Hold on. Hold on. Let me see you all one second.

(WHEREUPON, a bench conference was held in the presence of the jury but out of the hearing of the jury.)

THE COURT: The objection is sustained.

Ladies and gentlemen of the jury, disregard -- I'm going to strike that last question and answer, so please disregard the question and answer.

I ask Mr. O'Neil to rephrase the question.

BY MR. O'NEIL:

Q Investigator Gonzalez, don't say what Ms. Roach said. Did Ms. Roach, the mother of the victim here, give you information about the feelings Ivory Fleming had towards her daughter?
A She did not speak to me anything about Ivory, just the two names that initially she gave.
Q Did she speak to, at that time Investigator Taylor, now Investigator Torres, about that?
A That's a possibility. You are going to have to ask her.
Q Like I said earlier, you would have reviewed the other investigators' reports in this case, correct?
A Well, everybody works in the case. I delegate things around, you know. Some things are more important than others to make sure that they happen.
Q And definitely you would agree with me that if Ms. Roach told you -- or told Investigator Taylor at that time about the animosity an individual had towards her daughter, that would be important?
A You would have to ask Investigator Taylor because that was not related to me.
Q I'm not asking what was said, but I'm asking -- I'm going to say it again. What I'm asking you is that if the victim's mother told you about -- told

Investigator Taylor about animosity an individual had towards the victim, would that be important for you to know as the lead investigator?

A It could have been mentioned in our meetings, and stuff like that.

Q That's not what I'm asking you. I'm going to say this one more time, Investigator Gonzalez. If Ms. Roach, the victim's mother, told Investigator Taylor that an individual had animosity towards her daughter, would that fact be important to you as the lead investigator?

A Yes.

Q Okay. And you would want to follow up on that?

A Right. We'll follow up on it and eliminate what I call the what if factor.

Q Okay. That's all I wanted to know. That's all I wanted to know.

Did you ascertain through your investigation here who the victim's current boyfriend was back on January 28th, 2016?

A During our investigation, it came out that it was Mr. -- one second -- Shanard Stokes.

Q Did any conversation you had with any individuals involved with the case here give you contrary information to that fact?

A To that fact?
Q Yes. That Mr. Stokes was the victim's current boyfriend at that time?
A Everybody we pretty much spoke to mentioned Mr. Stokes as her current boyfriend.
Q So that's a no? Nobody said anything?
A That I know of, no.
Q All right. So I would imagine, Investigator Gonzalez, one of the first things you would try to do was build a timeline in this case, fair enough?
A It always good to know, yes.
Q And I think some of the basis of that timeline was developed from the surveillance video there at Walmart, correct?
A Correct.
Q And I think Investigator -- well, at that point, Major Smith here helped along with you to kind of build that timeline, correct?
A Did he help?
Q Yes, sir.
A Not that I know of. I was the one that created a timeline.
Q Okay. So we know that -- based on the timeline created, that the victim clocked out at Walmart at 10:09, correct?

A That's correct.
Q That's 10:09 on January 28th, 2016?
A Right.
Q And by looking at the surveillance video here, we know that she gets in her car in the Walmart parking lot at 10:12, correct?
A That's correct.
Q All right. And per the video, we also know that she pulls out of the parking lot in Walmart at 10:13, correct?
A That's correct.
Q And you know through your investigation -- you said this earlier here that the Walmart we're referring to is right here, correct?
A Correct.
Q And we know that the victim actually resides in a subdivision near the crime scene, correct?
A Correct.
Q Off of Farrow Road over here. All right. And in your investigation, we know that the victim turned left on this little side road right here, correct?
A Turned what?
Q To the left, when she left the Walmart parking lot on this little side road?
A Turned left, correct.

Q Came to the Two Notch intersection right there?
A Correct.
Q And we know -- you know from your investigation here that normally when the victim was going home, she takes a left onto Two Notch?
A That's what was portrayed to us initially by co-workers that normally, yes, she would take a left.
Q Did anybody tell you anything different?
A Yes. One of the witnesses, co-workers stated that at that moment, he was behind her and she took a right.
Q I didn't phrase the question correctly. Did anybody ever tell you that she didn't normally go left right there when she was going home? Did anybody ever tell you that she didn't normally go left?
A No, they said she would normally go left.
Q So everybody agreed that she normally turned left here on Two Notch and she'd take some combination of roads over here to Farrow Road?
A That's correct.
Q Nobody testified -- nobody told you specifically what road she took, whether it was North Brickyard, whether it was any road, they told you she normally

turned left to go to her house?
A Yes.
Q But on this night, we know that, according to your investigation, she turned right, correct?
A Correct.
Q Nobody contradicts that?
A Correct.
Q I think you said -- I think the investigation revealed she turned right towards Sandhills, correct?
A Correct.
Q Nobody knows exactly where she went, fair enough?
A That's fair.
Q But we know she's going right away from her residence and away from the shooting spot, is that fair enough to say?
A You can say that, but that's another way probably to go down to that area.
Q Yeah, but you would agree, Investigator, the most direct way is to turn left and go through these roads to get there, correct?
A I don't know if that's the most direct route. It is a route. It's a route.
Q You know that's the route that she normally took to go to -- her house is right over here as well?

A Right. We were told initially, yes.
Q And we know --
A Well, we were told initially that at that point right there, she turns left. Now, whether -- nothing was mentioned whether she normally goes down Brickyard, normally turns here or turns there, but goes left, yes.
Q We know she normally goes left to go to her residence over here? We know that?
A Correct.
Q And we know on this night, she went right?
A Yes.
Q And we know that -- and for lack of a better word, the incident location is left of Walmart, but she went right from Walmart?
A Correct.
Q And she went -- right is opposite from left -- she went in the opposite direction of where she was later found --
A Correct.
Q -- deceased at, fair enough?
A Fair enough.
Q All right. And we don't know where she stopped at, where she went after she turned right?
A Correct.

Q All right. And that was -- she left the parking lot at 10:13? Make sure I'm correct on that.
A That's correct. You're right.
Q And I think you drove a potential route, Investigator Gonzalez, during your investigation from the Walmart to the incident location?
A I think the route I took was from the incident location to Irmo, just to have a roughly time period how much that would have taken.
Q What was that time period?
A Somewhere between 25, 28 minutes maybe. That's going the speed limit.
Q And, Investigator, I want to make sure we're clear. It's noted in Major Smith's report -- do you need to see Major Smith's report to refresh your memory on which route you took?

MR. GOLDBERG: Objection, Your Honor. I don't see how he can ask him about what Major Smith put in Major Smith's report.

MR. O'NEIL: I'm not asking him about what Major Smith put in his report, I simply asked did he need to see Major Smith's report to refresh his memory about whether or not he measured the --

THE COURT: You can't refresh his memory with Major Smith's report. You have to ask Major Smith.

MR. O'NEIL: I can -- if Major Smith's report refreshes his memory, it does. If it doesn't, it doesn't.

THE COURT: But it's not his report.

MR. O'NEIL: It doesn't have to be his report to refresh his memory on it.

THE COURT: All right. The objection is sustained.

MR. GOLDBERG: Thank you, Your Honor.

BY MR. O'NEIL:

Q Let me put it this way, Investigator Gonzalez, didn't you, in fact, measure the route from Walmart to the incident location on Farrow Road and note that at 18 minutes?

A I don't recall that.

Q Okay. I'll ask Major Smith about that. But in any event, do you know if anybody ever determined how long it would take to get to the Walmart to the incident location on Farrow Road?

A You know, that's very subjective because it could depend on the person. Somebody that drives the speed limit, other person that drives fast, other person that just runs through the stop sign or run through the light, a light traffic, maybe one day at that time there might be heavy traffic, another

day at that same time might be light traffic. So it's very difficult to determine exactly time.

Q I understand that, but you do realize that is of vital importance in this case, fair enough?

A It just gives you an estimated time of maybe the time that it took her to go from the Walmart to the spot location traveling on the right -- going right. Again, you know, I don't know if she was going 60, 70 miles an hour. All the lights could have been all green at the moment she went through, but when I probably drove by there or somebody else drive by there, they might catch all the lights red. It's give or take.

Q But this is what we do know, Investigator Gonzalez, we do know that -- and you said 11:09 here, but the individual from Palmetto said something different. We know that Mr. Heatley is on video over in Irmo at 11:01 at the Palmetto Citizens Federal Credit Union. I know your notes say 11:09, but the testimony from the individual from Palmetto Citizens said he's there at 11:01.

A Give or take a few minutes.

Q We know she left here at 10:13. You didn't determine how long it takes to get from here to here, but you did say how long it took to get from

here to -- when I say here, get from the incident location to Palmetto Citizens Federal Credit Union, what did you determine that to be?

A Between 25 and 28 minutes, and I was driving the speed limit.

Q Okay. So that would be -- if we reverse that backwards here, if you -- if an individual got here the same way you drove at 11:01 driving the same speed you drove here, then they would have to have left this location here at around 10:33, 10:34, correct?

A Give or take several minutes.

Q If my math is correct.

A Yeah.

Q You're the investigator, you are the one that drove the route here?

A Yes.

Q You knew driving the route was important because you wanted to figure out how long it would have took?

A I wanted to have an idea, yes.

Q Okay. So --

A But it's not a perfect science thing.

Q I understand that.

A You've got to take all the other elements in

consideration.
Q I understand that, Investigator Gonzalez. But you did it because you knew it was important. So it's vital to know how long it took to get from here to here because if it takes more than 20, 25 minutes to get from here to here, then if an individual got here at 11:01 and it took them 25, 28 minutes to get to here, they may not -- that person may not be there at the same time as somebody that leaves from here to get to the incident location, correct?
A Again, I don't know exactly. That's a lot of elements -- you know, it's a lot of elements in there. It's just -- the time period is just a guesstimation just to see if that was possible that it could have happened, you know.
Q Yes, and that's important --
A So --
Q We know some definite time points in the case. Some things aren't guesstimations, some things are definite, correct? We know definitely what time she left here and we know definitely, according to the Palmetto Citizens, what time Mr. Heatley is on video here, correct?
A Correct.
Q So we know what time he's on video here, 11:01, and

we know what time precisely she's on video here, 10:13, leaving the parking lot?

A That we know for a fact.

Q Yes.

A Yes.

Q So how long it took for the victim to get to the incident location would be of extreme importance, correct? I know you may not be able to figure out how long it was, but it would be extremely important?

A It will be important, but the best you could get out of it is generalization of the time. That's the best you can get out of it.

Q And that's okay. But my question is, it's extremely important to know, correct?

A It's good to know.

Q Not only it's good to know, Mr. Gonzalez, it would be extremely important to know?

A If I have other factors in there that, let's say, for example, her vehicle was caught in one of the cameras out there or in a business camera, you know, and then we caught her in another camera that we could narrow that window down, then I would say that would be totally extremely important, but at the moment, that information that we had, it would

be good to know, but it wasn't something that we could actually scientifically say we know for a fact that she passed through this intersection at 2220. So, I mean, it's just a generalization.

Q Investigator Gonzalez, I know you wasn't involved with the investigation too much after your shoulder surgery here.

A Yes, sir.

Q But there were cell phone records of the victim, correct?

A Yes, sir.

Q And attached to those cell phone records are cell tower information from the victim?

A That information, we have never gone over that.

Q We actually have that information, don't we?

A Excuse me?

Q We actually have that information about the victim's cell phone tower?

A That's correct.

Q Okay. And we might not know where she was, but we know exactly where her cell phone was, correct?

A That's correct.

Q We know where her cell phone -- what towers her cell phone bounced off of?

A That's correct.

Q Can you tell the jury which towers those were?
A I don't -- I am not familiar with that part.
Q Okay, but you --
A We have the information, but I am not familiar with that part.
Q And you would agree with me as being the lead investigator, it probably would be important for you to be familiar with that part of the case too?
A I mean, I got some familiarization with it. Whether I'm an expert on what tower is what and how it pings and how it goes, we got somebody else that does that.
Q Not exactly, Investigator Gonzalez. What if her cell phone was -- and I'm not saying it was, but what if her cell phone was pinging way over here somewhere, would that not be important to know, for you to know?
A Oh, yeah, we would have known that.
Q Okay. But do you know where her cell phone pinged between 10:12 and just say 10:35, have any idea, any idea on this map anywhere where her cell phone was between those times?
A We know the cell phone was pinging the same route that we were talking about down Clemson Road straight down Farrow Road. We know that.

Q Show us what sites her cell phone was pinging off of.
A I don't have the exact site where the tower is at, but I can tell you that -- and that will probably come on later on in Captain McDonald's declaration that where her cell phone was pinging throughout that route.
Q Okay. So I guess for lack of a better word, Investigator Gonzalez, you just don't know? And that's fine if you don't know. You can say you don't know.
A Yes, sir.
Q Okay. All through the timeline, you said something on direct, you said that, We know she has -- we know that there were credit card purchases at the Chick-Fil-A that morning?
A Correct.
Q And we know that there was a credit card purchase at the Sonic at 4:49 that afternoon, correct?
A That's correct.
Q Okay. And I paid close attention and I actually wrote it down here. You said you figured she made those purchases, correct?
A That's correct.
Q And I paid close attention because you used the

word figured, because we don't know whether or not she made those purchases, correct?

A I don't know 100 percent, okay, but the reason why I say figured is that she made a transaction at 8:45, correct?

Q Okay.

A Let me --

Q Let me ask the question.

A I'd like to answer that question.

Q You don't know that she made the transaction at 8:00 --

A A transaction was made --

Q With her card?

A -- with her card at 8:45.

Q Correct.

A Okay. She clocked in at 8:58. We know that because we have the paperwork. So from 8:58 to 1645, there's no activity on her credit card, none whatsoever. And if somebody would have had her credit card, trust me, working on financial crime, they would have used that credit card several times and maxed it out.

Q Let me stop you right there. You're just assuming that, Investigator Gonzalez, correct?

A Right, I mean, that is --

Q You don't have any evidence of that, that's just your assumption?
A I mean, that's my common sense theory behind that. And then from 1645, there's another transaction made at the Chick-Fil-A, and she clocks in at 1700. So from 1700 all the way up to 2301, 2309, give or take a few minutes, there is no activity on her credit card. None. And she got off work at 10:00 o'clock. As a matter of fact, she clocked out at --
Q 10:09.
A -- 10:09. There's no activity. So if somebody that would have stolen her credit card, taken her credit card, there would have been some activity, trust me, in a gas station buying beer, some other stuff.
Q But you're just assuming that, Investigator Gonzalez, fair enough?
A Fair enough.
Q It's based off your history, but you're assuming?
A In my experience and knowledge, fair enough, yes.
Q Okay. And we also know from documentation from professionals involved with the case that the deputy coroner's office estimated her time of death as 4:00 a.m. the next morning, between 4:00 a.m.

the next morning and 5:00 p.m. the next day, correct?
A Correct.
Q And that's all the information that you had when you were trying to investigate this case?
A Yes. And as we were going -- and as we were moving, you know, more information kept coming in, so we rolled with the punches, yes, sir.
Q Yes. And you didn't -- we have videos of Mr. Heatley at this pawn shop, we have videos of Mr. Heatley at ATMs, we have videos of the victim at Walmart here. Do we have videos -- did you get any videos from the victim at the Sonic or at the Chick-Fil-A?
A No.
Q And you would agree with me that if you had videos of the victim at the Sonic or the Chick-Fil-A here, that that would be conclusive proof that she was the one using the credit card at that particular time, correct?
A Absolutely. And when I spoke -- when I spoke to the manager to find out what was the store number to see if it matched her transaction, I asked her, the manager, do they have video surveillance, and they said yes. I said, Well, how long are those

video surveillance are kept? In some businesses, they're kept for 48 hours, others purge at 72 hours, so --

Q What was the purge time in these two cases, Chick-Fil-A and Sonic?

A Well, the Sonic didn't have -- because normally the Sonic is either drive-through or outside stuff. I believe the Chick-Fil-A was 48 hours.

Q And how quickly did you contact the Chick-Fil-A?

A The Chick-Fil-A, that was -- I mean, I contacted the Chick-Fil-A once I got the actual printout of her account, and I believe that was either February 1st or the 2nd that that happened. So when he said that, I knew that whatever video was there already got purged, it's over.

Q And you also said one of the things that you did the next -- the Friday after the Thursday that you were helping in staging of this search warrant of the residence that Mr. Heatley stayed at, correct?

A I'm sorry, say that again, sir?

Q You were helping to stage for the search warrant at the residence where Mr. Heatley resided at, correct?

A That's correct. That was that Friday, right?

Q Yes, sir.

A Okay, yes.
Q And Mr. Heatley leaves his home about 1:00 o'clock in the morning and goes to the Burger King, correct?
A Roughly, yes, sir.
Q Yes. Did he go anywhere else?
A Not that I know of, because the person that had eyes on the house was Sergeant Faust.
Q So he pulls into the Burger King next to the gas station where all the other law enforcement officers were staging, correct?
A That's correct.
Q Pulls in the drive-through and voluntarily -- after coming in contact with Investigator Faust, voluntarily gives himself up, fair enough?
A Fair enough.
Q Without incident, no struggle, no chase, nothing like that?
A That's correct.
Q And it's your testimony here today, probably one of the first questions that you asked him is did he have any -- were there any firearms either on him or in the car, correct?
A Yes. Trust me, that's a standard operation procedure for law enforcement.

Q The very first thing you want to know about is whether or not there's a firearm anywhere around there?
A That's correct.
Q And your testimony is that he voluntarily told you that there's a firearm in the glove box?
A That's correct.
Q And I think your testimony here is that through your investigation you believe that this firearm was linked back to one of the projectiles involved in the homicide of Ms. Roach, correct?
A Yes. I didn't find that out until we had our meeting that our forensics was able to confirm that, that's correct.
Q And there was actually a fingerprint on the magazine of the 9-millimeter in this case, correct?
A There was a fingerprint, latent.
Q One of the latent fingerprints on the magazine of the 9-millimeter, correct?
A Correct.
Q All right. And that fingerprint did not match Mr. Heatley, correct?

MR. GOLDBERG: Objection, Your Honor. That's a mischaracterization of the evidence and the testimony that's already in the record.

MR. O'NEIL: I'm not sure that's a --
MR. GOLDBERG: May we approach?
(WHEREUPON, a bench conference was held in the presence of the jury but out of the hearing of the jury.)
THE COURT: The objection is sustained. Please rephrase the question.
BY MR. O'NEIL:
Q Investigator Gonzalez, the fingerprint that was on the magazine of the 9-millimeter that was linked to the murder of Deanndra Roach was inconclusive as it relates to identifying Mr. Heatley, correct?
A To the best of my knowledge, it was inconclusive, that's correct.
Q And that would be a point that you would want to be extremely aware about, correct?
A I mean, we can't -- we can't fabricate stuff. If it's inconclusive, it's inconclusive.
Q I guess what I'm asking you, you want to be -- if there's a fingerprint on the murder weapon, you want to be sure who that matches or doesn't match, correct?
A That's a concern, absolutely.
Q Yes. And when Mr. Heatley was -- you said Mr. Heatley voluntarily talked with you, correct?

A That's correct.
Q You say you didn't twist his arm, didn't threaten him, didn't force him to come talk to you, right?
A Absolutely not.
Q But you didn't videotape the conversation you had with him, correct?
A My vehicle -- we were not capable of that technology right then.
Q You talked to him in the video and back at headquarters -- it is a cubicle, correct?
A That's correct.
Q And you didn't have that technology in your cubicle there at headquarters?
A That's correct.
Q You did not?
A We don't, yes, that's correct.
Q You currently do, though?
A We currently within -- I want to say within the last six months maybe, yes, we have rooms set up now for audio and video recording.
Q And why is that?
A I don't know. That's something you are going to have to ask the sheriff. That's beyond my scope.
Q That's above your pay grade?
A Yes, sir.

Q Somebody in Richland County thought it necessary to start videotaping interrogations?
A I'm with you on that, thank you.
Q It would make it a lot easier for everybody involved?
A That's correct.
Q We would know exactly what was said and what wasn't said?
A That's correct.
Q Right now, we just have your recollection three years later based off your notes what was said?
A That's correct.
Q And, I apologize, I don't want to misconstrue anything. We also have a statement that bears Mr. Heatley's signature, fair enough?
A That's correct.
Q Now, in that statement, did he use the word -- the name Von or Vonnie for the individual who he told gave him the victim's credit card?
A Well, if I'm not mistaken, in my notes, he gave both. He said Von first, and then he referred to him as Vonnie. It was both.
Q Okay. He indicated that this Vonnie individual was sitting in a car while he was at -- when I say he, Mr. Heatley -- was at the ATM?

A He mentioned -- that's correct, but he referred to the last transaction, which was the Wells Fargo, on the last one, because that's when he said that he threw the credit card away. So when I confronted him to how it's possible that he threw the credit card away and then at 1:00 o'clock make a transaction, that's when he brought this Von guy was sitting in the back seat of his car.

Q Okay. And I notice you don't have it in your notes, Investigator Gonzalez, I'm asking if you remember it or not. Do you remember Mr. Heatley, before you got to headquarters, while y'all were sitting in the car in the drive-through -- not in the drive-through, but in the parking lot of Burger King here, do you remember Mr. Heatley at that point saying that this Vonnie individual pulled a handgun on him? And it's not in your notes, it's in Investigator Taylor's notes, but do you remember?

A Okay. I don't remember that. He could have said that at one of the moments when I stepped out, or something like that, but I don't remember that because I don't think it's in my follow-up.

Q You were in and out of the car?

A Yes, sir.

Q All right. But in any event, Mr. Heatley emphatically told you that -- well, let me make I'm clear. Mr. Heatley told you that he did not kill the victim, Ms. Roach?
A He did mention that, correct.
Q And I think one thing, you told him at one point that the money that was found in his pocket you believe had blood on it? That's what you told him?
A That's correct.
Q I think on direct you indicated that you didn't actually believe that when you told him that?
A That's correct.
Q But you figured, I'll just lie to him about this detail and then see what he says, fair enough?
A That's fair enough.
Q And he still -- still based off that untruth that you told him here, he still denied killing Ms. Roach, correct?
A Correct.
Q All right. In fact, he gave consent for the Sheriff's Department here to have a sample of his DNA and consent for the Sheriff's Department to search his phone?
A That's correct.
Q And you executed both of those consents in a

written form, correct?
A No, that was not me. That was Investigator Torres.
Q And those written forms or consent that Investigator Torres executed, those are in evidence today?
A That's correct.
Q All right. Do you know why you use a written form for the DNA consent, a written form for the cell phone consent here, but no written form for his waiver of his Miranda Warnings?
A Well, for the phone, yes. When we go through the process of downloading his phone, they require to have -- the person that downloads the phone is required to have either the search warrant or a written consent. And then within that written consent, if we can get the code to open the phone, it makes it a lot easier.
Q And what about DNA? The DNA --
A DNA is the same thing. When we process DNA through the lab, their requirement is to either have a search warrant or a consent form for DNA attached to the request form for the lab.
Q And when we say the lab, this is Richland County lab?
A Yes, sir.

Q And when you say they, you're referring to the people at the Richland County Sheriff's Department lab?
A That's correct.
Q Do you know why they require a written form? Why don't they just take your word?
A I speculate if I say something.
Q Do you know why they won't take your word for it, that Mr. Heatley consented to this?
A Well, you know, having documents that will follow up on the request form, it's a lot better.
Q Yes, and I agree with you, Investigator Gonzalez, just like it would be a lot better if we had documentation that Mr. Heatley waived his Miranda Warnings to speak with you on those two occasions, correct?
A Yes, that would help.
Q Okay.
A But is it a requirement? No.
Q Now, I think on direct you indicated that the reason why you didn't use any form for the waiver of Miranda Warnings while you were at Burger King is you were out in the field and you didn't have the form with you, correct?
A Well, I mean, one, I didn't have the form. Two,

it's not a requirement because I already advised him of his rights, which he understood and waived. So that was it.

Q But you definitely, when you got back to headquarters, you had access to the form at headquarters, correct?

A Yes.

Q Okay. And still didn't use it at headquarters either?

A That was not my priority at that moment.

Q I understand. Your priority wasn't documenting whether or not Mr. Heatley's constitutional rights were adhered to, okay. Let's look at some stuff you didn't find in the case here. So your overview of the case here, there were never any fingerprints that matched Mr. Heatley found on the victim's car, correct?

A As far as I understand, no.

Q And you would want to know that if that was true, correct?

A Correct.

Q You would have told us that on direct if that was the case here?

A Correct.

Q All right. There was no -- none of Mr. Heatley's

DNA on the victim's body, correct?
A As far as I understand right now, that's correct.
Q There was none of Mr. Heatley's DNA on the victim's clothing, correct?
A Correct.
Q Mr. Heatley's shoes were taken into evidence, correct?
A Correct.
Q We have them sitting on the table there?
A Correct.
Q None of the victim's DNA was on Mr. Heatley's shoes, correct?
A Correct.
Q They were tested for blood and there was no blood on Mr. Heatley's shoes belonging to the victim, correct?
A That's correct.
Q We took -- the Richland County Sheriff's Department took soil samples from the incident location, correct?
A That's what I was -- understood, yes.
Q And none of that soil or dirt was found on the shoes taken from Mr. Heatley, correct?
A I don't know, I don't know the outcome of that, of the soil sample, but if something would have come

up, I would have definitely known about it.
Q You would have mentioned that if that was true, correct?
A Yes.
Q And you didn't mention that before, correct?
A Yes.
Q There were, of course, no eyewitnesses to the actual murder in this case, correct?
A Correct.
Q You would have led with that if that was the case?
A Excuse me?
Q You would have led with that information if that was the case? If you had an eyewitness that said they saw somebody there, you would have stated that before, correct?
A Correct.
Q None of the victim's belongings were ever found on Mr. Heatley, correct?
A That's correct.
Q I think you testified in direct that to this day, her cell phone, credit card, and purse have not been located, or keys?
A That's correct. But the last ping on her phone was across the street from the entrance of the Defendant's residence.

Q Now, are you sure about that?
A Neighborhood.
Q Are you sure about that, Mr. Gonzalez?
A Neighborhood.
Q Are you sure about that?
A Either the bank or the entrance of the neighborhood, the last ping of the phone.
Q We can't just say something like that if we aren't sure about. I want to make sure you're absolutely sure about that?
A Yes, I am.
Q Okay. But you're not the cell phone guy?
A Correct.
Q Sergeant McDonald is the cell phone guy?
A Absolutely.
Q And he's going to come in and testify where those pinging of the cell phone towers happened at?
A That's correct.
Q So we take his word for it?
A That's correct.
Q None of the victim's belongings, her purse, wallet, cell phone, keys were found in Mr. Heatley's house or his car, correct?
A That's correct.
Q And, in fact, you pulled both Mr. Heatley's and the

victim's cell phone records, correct?
A Correct.
Q Do you have Mr. Heatley's phone today in evidence?
A It should be in evidence.
Q It is not in evidence right now to your knowledge?
A To my knowledge, it should be in there.
Q It should be, but it's not, correct?
A I don't know.
Q Have you seen the cell phone at any time in this trial in court?
A No.
Q We have pictures of screenshots, correct?
A Correct.
Q But you've got both -- I say you, not you directly, but the Sheriff's Department has got both Mr. Heatley's cell phone records and the victim's cell phone records, correct?
A Correct.
Q In fact, Mr. Heatley, of course, gave you consent to search his cell phone?
A Consent.
Q There are absolutely no phone calls between Mr. Heatley and the victim, are there?
A As far as I understand, that's correct.
Q You would have mentioned that if that was true?

You would have mentioned, Hey, Mr. Heatley called the victim at this time and the victim answered the phone and the victim called Heatley at this time and he answered the phone. You have none of that evidence?

A That's correct.

Q And as relates to the shell casings found at the crime scene, it's fair enough to say that there were at least two, maybe four different brands of shell casings found at the crime scene that day when the Sheriff's Department got there to investigate the crime?

A Yes, there was.

Q The majority of them were Hornaday brand?

A That's correct.

Q And that's a different brand than the brand you found at Mr. Heatley's house, correct?

A Correct.

Q Investigator Gonzalez, does Richland County Sheriff's Department, do they have a database you kind of run like names and nicknames through?

A Normally when we arrest somebody -- and it's not a standard procedure, some investigators do it, others don't, but we ask the person if he's known on the street by a certain nickname.

Q Yes.
A And if they say yes, on the arrest report, there's a portion in there that you can put it in.
Q Yes.
A And then that gets into the data. Or the gang unit might be -- might have some people they know by a street name, and it's placed in there.
Q So if you want to -- if you as an investigator want to look up a Vonnie in your database to see if it came back to anybody, could you have done that?
A I believe we did.
Q Okay. Did it come back to anybody?
A No.
Q There's no Von -- there's nobody all in Richland County or the surrounding area with the nickname Vonnie or Von in your database?
A Correct.

MR. O'NEIL: Beg the Court's indulgence, Your Honor.

(Pause.)

BY MR. O'NEIL:
Q One thing, I apologize, Investigator Gonzalez. You did some handwritten notes in this case as well?
A I'm sorry?
Q You had some handwritten notes as well?

A Yes.
Q You did handwritten notes and then you kind of transferred those handwritten notes to actually typed notes, correct?
A I don't understand the question.
Q You have handwritten notes when you are investigating a case contemporaneously, and then after that, you type those handwritten notes up into an investigative report?
A Sometimes, yes. Yes.
Q In some form or fashion, you transfer the handwritten notes to a typed version of those notes?
A On the follow-up, yes.
Q All right. You spoke -- you interviewed at some point Ms. Anderson, correct?
A Yes, we spoke to her.
Q Yes, Desha Anderson?
A Yes.
Q The young lady that was in here a few minutes ago?
A Yes, sir.
Q She indicated that she was told by law enforcement that she could have been charged with a crime. Do you remember her saying that?
A Uh-huh.

Q Did you, as an investigator, feel as though she had some involvement with the case?
A At one point, I did.
Q Did you, in fact, tell her that?
A After I saw her text message, yes, I did.
Q In fact, in your notes here, you indicated Bonnie and Clyde and put a question mark?
A I did.
Q What did you mean by Bonnie and Clyde?
A What I meant by Bonnie and Clyde, that Bonnie and Clyde were committing crimes together.
Q And did you tell that to Ms. Anderson, that you thought she committed this crime with Mr. Heatley?
A I told her that we suspected that she might be involved and that this is the moment for her to tell the truth. And that if she had any involvement in this, that this is the moment for us to know, because her involvement could have been minimum, her involvement could have been none, but I was basing myself -- I was basing myself on the text message where she said, You have got three hours to respond back to me or get back to me.
Q You probably let her know under no uncertain terms that she could be charged in this case, correct?
A I didn't come out like that and told her like that.

I said that, You don't want to be caught up, you don't want to be -- and this is normally what we tell people -- you don't want to be caught up in this situation, you know, because this is a homicide that we're investigating. And if you have something to say or something to clarify, this is the moment to do it. And I think that's what caused her to two or three days later come back on her own free will and say, Okay, you know, this is also what I got.

Q Now, you heard her say in her testimony that law enforcement talked to her about the possibility of prison time for her?

A It wasn't me.

Q It wasn't you?

A No, sir.

Q Do you know who else talked to Ms. Anderson other than you?

A Well, at the time that myself and Investigator Taylor talked to her, that was -- we didn't mention -- that I know of, that was not mentioned to her.

Q Okay. So it wasn't you, it's either nobody or Investigator Taylor?

A You're going to have to ask her that.

Q Ask who that?
A Investigator Taylor.
Q And I want to make sure we're absolutely clear. We keep referring to Investigator Taylor, but she's no longer Investigator Taylor right now, correct?
A Investigator Torres.
Q Investigator Torres?
A For the record.
MR. O'NEIL: Beg the Court's indulgence, Your Honor.
(Pause.)
BY MR. O'NEIL:
Q A few more things, Investigator Gonzalez. I forgot to ask you, you did find -- the money that was recovered from Mr. Heatley's pocket was how much money? Do you remember? $120 sound about right?
A I want to say it was like $110.
Q $110. Thank you. There was never any money that was obtained using Ms. -- the victim's debit card at any of these ATMs, correct?
A Correct.
Q All right. But on the day -- the next day when you actually came in contact with Mr. Heatley, he had at least $110 in his pocket?
A Correct.

Q And that money didn't have any of the victim's blood on it, correct?
A That's correct.
Q Negative for any type of blood?
A That's correct.
Q Through your investigation, you understood that Mr. Heatley knew the victim's pin number, correct?
A Correct.
Q But even by knowing her pin number here, there was still not any of her funds successfully activated, correct?
A Correct.

MR. O'NEIL: That's all I have.

THE COURT: Yes, sir.

MR. GOLDBERG: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. GOLDBERG:

Q Mr. O'Neil asked you about Ms. Roach's, his words, current boyfriend, and you testified that was Shanard Stokes, correct?
A Correct.
Q How would you also, based on the information that's been presented through your investigation that you've learned, how would you classify the nature of Ms. Roach's relationship with Mr. Heatley? What

was the common phrase we kept hearing of what type of relationship it was?

A They had a good -- a good relationship.

Q Okay. And in terms of them being together at periods of time, Ms. Roach and Mr. --

A I'm sorry, I confused that.

Q Okay. You thought I was talking about Roach and Stokes?

A Yes. Yes, yes, yes.

Q No. What kind of relationship in terms of consistency did Roach and the Defendant have?

A Toxic. That was the word that was used, toxic relationship.

Q It was also an on-again/off-again relationship?

MR. O'NEIL: Objection, Your Honor, leading.

THE WITNESS: That's correct.

THE COURT: No leading. Redirect.

MR. GOLDBERG: Yes, ma'am.

THE COURT: Continue.

BY MR. GOLDBERG:

Q He asked you about the advice of rights in the car?

A Yes, sir.

Q And he told you -- in Mr. O'Neil's questioning of you, he indicated that -- or he actually asked you about how it wasn't a priority -- I wrote it down.

he said, It wasn't a priority for you to document the Defendant's constitutional rights were protected once he got back to headquarters because you didn't get an advice of rights form at headquarters, right? He asked you that?

A That's correct.

Q All right. Well, let's look at the statement that you took from him. Can you remind me again of what the first two questions are in that statement?

A Question: Do you understand your Miranda Rights as I read them to you in my vehicle? He stated, Yes.

Question: Were you willing to talk to me in reference to Deanndra Roach? He stated, Yes.

Q Thank you. The last thing I want to ask you about, a lot of questions about -- and I'm not going to go all the way through it at this point -- about this route, that route, who drove where, when, all that. You talked about other factors and whether there's -- you know, there could be traffic cameras, I think is what you testified on cross, about if traffic cameras picked up somebody's car during route, that might be important, right?

A Correct.

Q Well, what do we have in this case that does track movements?

A Cell phone.
Q Cell phone records. And, again, the person who is the most knowledgeable in that area in the Richland County Sheriff's Department is who?
A Captain McDonald.
Q And to your knowledge, he did an extensive analysis of the phone records of Ms. Roach and the Defendant, is that right?
A That's correct.

MR. GOLDBERG: All right. Thank you.

THE COURT: All right. You may step down.

THE WITNESS: Thank you.

(Witness steps down.)

THE COURT: Let me see you all a second.

(WHEREUPON, a bench conference was held in the presence of the jury, but outside the hearing of the jury.)

THE COURT: Call your next witness.

MR. GOLDBERG: The State calls Devonta Shuttles.

(Witness approaches.)

THE BAILIFF: Place your left hand on the Bible, and raise your right hand, please.

(Witness complies.)

THE CLERK: Do you swear or affirm the

testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes, ma'am.

THE CLERK: Thank you. Have a seat in the witness stand, please.

(Witness seated.)

THE CLERK: State your name for the record.

THE WITNESS: Devonta Shuttles.

DEVONTA SHUTTLES,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GOLDBERG:

Q Mr. Shuttles, good afternoon. Please just make sure you speak loud enough so we can hear you, okay? How do you know Deanndra Roach?

A We grew up together and we worked together.

Q You grew up together and you worked together? Where did you work together?

A Taco Bell.

Q Is that the Taco Bell out in northeast?

A I guess, on Clemson.

Q Clemson Road, okay. And when you say you grew up together, I mean, like did you go to school together?

A We didn't go to school, we just knew each other from working.
Q Okay. And did you also know Andre Heatley?
A We grew up together.
Q Okay. And what did he go by, what did you call him?
A A.J.
Q A.J. Would you say that at the time this all happened back in January of 2016 that you were friends with both of them?
A Yes, sir.
Q Okay. How often did you see Ms. Roach back around that time?
A After I stopped working at Taco Bell, she took me home before she passed. That was it.
Q She gave you a ride?
A Yes, sir.
Q All right. And would that have been back around January the 18th of 2016?
A I don't really remember dates. It was years ago.
Q And she -- where did she give you a ride from?
A School. I went to Ridgeview.
Q Ridgeview. Okay. You said she took you home. Did you ever physically see her again after that?
A I went to Tennessee, and that's when I heard about

everything.
Q Why did you go to Tennessee?
A My grandma.
Q Your grandma lives there?
A Yes, that's where I'm from.
Q Okay, whereabouts?
A In Chattanooga.
Q Okay. So you went to go visit your grandma?
A Yes, sir.
Q Did you go by yourself?
A My whole family went.
Q All right. And do you remember coming back from Tennessee in the early morning hours of January 29th?
A Yes, sir.
Q And why would you guys travel at such a late hour?
A To avoid traffic.
Q Okay. Is that a regular way that you did it when went to go visit your family?
A That's the only way we do it.
Q And during that same week on January 27th of 2016, did you actually have an opportunity to talk to A.J.?
A You saying when I was going to Tennessee?
Q It would have been while you were in Tennessee, I

believe. On January 27th, did you talk to him on the phone?
A Yes, we talked when I was on my way down.
Q Okay. And what did you talk about?
A I mean, we had words.
Q You had words?
A Yes, sir.
Q What was the general nature of the words that you had with each other? What was it about?
A My sister.
Q Your sister?
A Yes, sir.
Q What about your sister?
A They used to date.
Q A.J. and your sister used to date?
A Yes, sir.
Q So did you call him to talk about your sister?
A No, I just called him to ask if the stuff that was being said was true, like if it came out his mouth.
Q Okay. So there was some rumors going around, is that what you're saying?
A Yes, sir.
Q And you wanted to ask him about them?
A Yes, sir.
Q All right. When you asked him about it, what was

his reaction?
A I mean, we had words.
Q Okay. And at the end of that telephone conversation with him or some time thereafter, did you also exchange some text messages with him?
A Yes, sir.
Q About the same topic?
A Yes, sir.
Q About the rumors involving him and your sister?
A Going back and forth.
Q Okay. All right. And in the time that you knew A.J., did you ever see him with a gun?
A Yes.
Q What did it look like?
A I would say --
Q Big gun, little gun?
A I mean, I guess a little gun.
Q Okay. Do you know what kind of relationship -- or what observations did you have about the relationship that he had with Deanndra? What was their relationship --
MR. O'NEIL: Objection. Calls for speculation.
MR. GOLDBERG: I'm asking for his observations about their relationship.

MR. O'NEIL: It's still speculation.

THE COURT: Overruled.

BY MR. GOLDBERG:

Q What were your observations about A.J.'s relationship -- the type of relationship that A.J. and Deanndra had?

A It was on and off, like love/hate.

Q Do you know if she ever bought him anything?

A They bought each other stuff.

Q Okay. Did she buy him some shoes?

A I mean, they bought each other clothes and different stuff.

Q Okay. What do you know about A.J. ever using Deanndra's debit card?

A I mean, Deanndra used to let a lot of people use her credit card when we worked at Taco Bell.

Q She let people use the card when you worked at Taco Bell?

A Yes, sir.

Q Can you describe like where she was or what she was doing when that would go on?

A I mean, she would usually go with you, like on break to get food.

Q Okay.

A She was a giving-type person. You know, she was

going to make sure everybody good.
Q So when she was -- when you say other people were using the card, like, are you saying that she was using the card to buy things for them?
MR. O'NEIL: Objection, Your Honor. Leading.
THE WITNESS: Yes.
MR. GOLDBERG: He's already testified, Your Honor, I'm just trying to clarify.
THE COURT: Sustained. Rephrase.
BY MR. GOLDBERG:
Q Okay. You said she's a giving person, right?
A Yes, sir.
Q And did you see her buy things like food for other people?
A Yes, sir.
Q Okay. So other people got the benefit of the use of her card, correct?
A Yes, sir.
Q Was she always present when her card was being used?
A Yes, sir.
Q Okay. And did you ever get a chance to -- did she ever buy you anything?
A Yes, sir.
Q What did she buy you?

A Food.
Q With her debit card?
A Yes, sir.
Q Did she ever -- well, let me ask you this. How many times did she ever -- how many times did she give you her debit card for you to physically use?
A I ain't never touched her card.
Q She never gave you her card at any point?
A I mean, I wasn't going to take it.
Q Okay. And so this sounds like a stupid question on those heels, but was there ever a time when you gave her card to A.J.?
A No, sir.
Q Because you never had her card, correct?
A Yes, sir.

MR. GOLDBERG: Beg the Court's indulgence.

(Pause.)

MR. GOLDBERG: That's all I have. Thank you.

THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. O'NEIL:

Q I want to make sure I'm absolutely clear on this point. You physically saw Ms. Roach give her debit card to other people?
A Sir?

Q You saw Ms. Roach in the past give her debit card to other people?
A Yes, sir, at times.
Q I'm sorry?
A At times, yes, sir.
Q How many times did you see that? Estimate, not exactly, but how many times, was it 5, 10, 100?
A She always made sure, you know, people was good.
Q Do you know about how many times that was?
A More than ten.
Q More than ten? So on more than ten occasions, you saw Ms. Roach give her debit card to other people to use?
A Yes, sir.
Q And that was used like to buy you said food?
A Yes, sir.
Q Like places like maybe like Sonic or Chick-Fil-A?
A Uh-huh, places, yes, sir, like Sonic, Zaxby's, stuff like that.

MR. O'NEIL: That's all I have.

THE COURT: Yes, sir?

REDIRECT EXAMINATION

BY MR. GOLDBERG:

Q You saw her give her card to other people to use. Was she present with them when they used it?

A The majority of the time, yes, sir.

MR. GOLDBERG: Thank you.

THE COURT: All right, sir, you can step down.

Any objection to this witness being excused?

MR. O'NEIL: No objection.

MR. GOLDBERG: No objection.

THE COURT: All right, sir, you are free to leave.

(Witness steps down and is excused.)

THE COURT: All right, ladies and gentlemen of the jury, that concludes our testimony for today, for the week. We'll start back at 9:30 on Monday morning.

Remember, you have a long break this weekend. I am sure you are -- you have received a good bit of evidence, lots of exhibits and everything that has been entered. I will ask you to forget about all of that, think about something else, enjoy your weekend, and we'll start all over again at 9:30 on Monday morning.

Remember, do not do any independent research, do not do any -- do not go on social media regarding anything in this case, do not drive by any scenes or anything related to this case. When you walk out the door, I want you to think about

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something else and not worry about anything here until you return on Monday morning at 9:30.

And we will -- the deputies are going to escort you all out through the -- the way you went out yesterday. And I think we're going to have a different meeting place for you all when you come in on Monday morning. Okay. I'll step back there in a second to let you know.

Also, Juror 249, Mr. Singleton, I'm going to ask that you be our foreman. I will give you your -- I will explain that to you a little bit later as far as what your responsibilities are. But you'll sit right here where this young lady is sitting in the brown sweater. That is the only permanent seat. Everyone else can sit where they choose to sit. You will serve as the spokesperson for the jury in the courtroom. So when you all send any notes, Juror Number 249 will need to sign off on those and put your juror number on any notes that you send out. All right. Going forward. And look like you had a question.

MR. FOREMAN: The parking?

THE COURT: I'll talk to you all in the back about that.

THE CLERK: I have everything they need right

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here.

THE COURT: She has everything you need right there.

All right, see you on Monday morning. Have a wonderful weekend.

(WHEREUPON, court adjourned for the weekend at 4:47 p.m.)

JANUARY 28, 2019

(WHEREUPON, the proceedings began at 9:42 a.m.)

THE COURT: Good morning. The jurors are still filling out their lunch orders, and so as soon as they finish, we'll be ready.

Anything we need to put on the record before we get started?

MR. O'NEIL: No, Your Honor.

MR. GOLDBERG: No.

THE COURT: All right. So the plan is you have witnesses lined up through lunch?

MR. GOLDBERG: (Nods affirmatively.)

THE COURT: I think their lunch is going to come about 12:30 or 12:45. We'll take about an hour and, then we'll keep moving after that and see where we land in terms of schedule for the rest of the week.

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All right. Are they done?

THE CLERK: Yes, ma'am.

THE COURT: Just as a reminder to everyone that is in the audience, I remind you to put your cell phones up, make sure your ringers are off. Please limit the number of times you are going in and out of the door. We do not want to distract the jurors. They should be focused on the attorneys and the witnesses on the stand, not on the people in the audience.

So, with that being said, if it's too much traffic coming in and out, I am probably going to start locking the doors at 9:30 and opening them back up when we take break to limit the amount of foot traffic. So try to use the restroom before, during the breaks like everyone else, and limit the amount of time you go in and out of the courtroom.

All right. Thank you.

Yes, sir, bring them on in.

(WHEREUPON, the jury came into open court at 9:46 a.m.)

THE BAILIFF: The jury is seated, Your Honor.

THE COURT: All right. Good morning, ladies and gentlemen of the jury, I hope that you had a great weekend. We are ready to continue with the

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State's case.

I'm going to ask the State to call their next witness.

MR. GOLDBERG: Thank you, Your Honor. The State calls Amanda Metz.

(Witness approaches.)

THE BAILIFF: Place your left hand on the Bible, and raise your right hand, please.

(Witness complies.)

THE CLERK: Do you swear or affirm the testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

THE CLERK: Thank you. Have a seat in the witness stand.

(Witness seated.)

THE CLERK: Please state your name for the record.

THE WITNESS: Amanda Metz, M-E-T-Z.

AMANDA METZ,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GOLDBERG:

Q Amanda, good morning.

A Good morning.
Q Tell the jury where you're employed.
A I am employed at the Richland County Sheriff's Department forensic sciences laboratory.
Q What do you do there?
A I'm a firearm and tool mark examiner.
Q What is a firearm and tool mark examiner?
A So my primary duties are to examine firearms and ammunition components as well as other tools and their tool marks for forensic evidence and then present my findings to the court.
Q And tell the jury a little bit about your background, education, and training in this field.
A I have a Bachelor's of Arts in both anthropology and art history. I then got my Master's in forensic archeology and international crime scene investigation at Bournemouth University.

In 2011, I got moved up to the laboratory and then began an extensive 3-year training program, during which I completed the ATF National Firearm Examiners Academy.

And after that completion, I then continued on under the direct supervision of qualified firearm and tool mark examiners and completed approximately 415 cases.

At that time, I also got my competency in firearm and tool mark identification, serial number restoration, and muzzle and target distance determination.

In 2014, I was qualified as an expert witness in the courts of South Carolina, and since then have completed approximately 600 cases.

MR. GOLDBERG: Your Honor, at this time we'd offer Ms. Metz as an expert in firearms identification.

THE COURT: Any voir dire?

MR. O'NEIL: No, Your Honor.

THE COURT: Any objection?

MR. O'NEIL: No, Your Honor.

THE COURT: All right. Ladies and gentlemen of the jury, Investigator Metz will be qualified as an expert in firearm investigation?

MS. GOLDBERG: Identification.

THE COURT: Identification, to give opinion testimony in that area. That does not mean that you have to accept the opinion, but it is evidence for you to consider in any way you see fit. Thank you.

BY MR. GOLDBERG:

Q Investigator Metz, can you give the jury a little

bit of a background about how firearms work?

A Well, I'll tell you a little about firearms identification and then how a firearm works. So what I do with firearms identification and what we primarily focus on is determining if a bullet, cartridge case, or another ammunition component is fired by a particular firearm. And so a firearm can mean a score of things, be it a handgun, which consists of a revolver or a pistol. You also have your long guns, riles, shotguns. And those are fired from the shoulder.

Firearms work by a means of, essentially, combustion. It's kind of a broad spectrum question, but, essentially, to make everything work, you have to have ammunition, which is a cartridge, so an unfired piece of ammunition is a cartridge, and a cartridge consists of a cartridge case, which we have on this case. And then that cartridge case holds the gun powder, as well as in the bottom of the cartridge case is a primer. And that primer, when struck with a firing pin, ignites the gun powder which causes the explosion that sends the bullet down the firearm and out towards its target. And that whole combustion is what makes a firearm work.

Q All right. And so when you are presented with evidence and asked to investigate and reach conclusions, what's the overall process for how you do that?

A It just depends on what evidence I receive. In this case, I received both firearms, fired -- well, one firearm. Fired evidence in the form of bullets and fragments as well as fired cartridge cases and I believe some unfired cartridges.

And one of the first things I do is an inventory in which I document everything I've received. And then proceed from there with my examinations of test firing the firearm and make sure it functions properly, collect known standards, so fired cartridge cases and bullets from that firearm that I know are from that firearm.

And then I also look at our unknown, which is our fired cartridge cases. I determine how many firearms are present, whether they were fired by the same firearm, separate firearms. And I do the same thing with projectiles as well as whatever metal fragments I maybe get in, whether they're suitable or not suitable for examination.

Q And in this case, you received a number of items?

A Yes.
Q To include what has already been admitted into evidence as State's Number 10, correct, the firearm?
A Yes. I recognize State's Exhibit 10.
Q That's the Smith & Wesson firearm, correct?
A Correct, it is the Smith & Wesson Model SD9VE firearm, as well as the laser or the flashlight that had been attached, the magazine assembly and some unfired ammunition.
Q And you also received State's 138?
A Do you have scissors?
Q Yes.

THE COURT: What did you say was the Exhibit Number?

MR. GOLDBERG: It's Exhibit 10 -- excuse me, 110.

THE COURT: State's 110 has already been entered?

MR. GOLDBERG: Yes, ma'am.

THE COURT: And this is 138?

MR. GOLDBERG: 138.

THE WITNESS: Yes. My Items 12 through 21 and Item 120 are State's Exhibit 138.

BY MR. GOLDBERG:

Q Those were collected from autopsy, correct?
A Correct.
Q Additionally, you received what has already been marked as 209 that's already in evidence as well?
A Yes, correct. My Item 125 is State's Exhibit 209.
Q And that is what? What is the description?
A This is a fragment. I have it described as one fired bullet jacket. The package describes it as fragment collected from victim right side under arm.
Q Okay. And then also previously admitted in evidence, State's 210, did you receive those as well?
A Yes, correct. My Items 126 through 133 are State's Exhibit 210.
Q And those were also fragments collected from the Honda Civic vehicle, is that correct?
A Yes, that's what the packaging says.
Q All right. And State's 223 that is already in evidence. A little heavier.
A All of this is --
Q Yes, that is all already admitted.
A Yes. My Items 196, 213 through 233 are all State's Exhibit 223.
Q All right. Thank you. Those are fired shell

casings and the gun box with ammo, correct?
A Correct.
Q Finally, State's 51 and 52, which are just marked for identification at this time, if you could tell me what those are?
A So State's Exhibit 51, the packaging reads, fired cartridge case Marker J. It is one fired 9-millimeter Luger caliber cartridge case, and is my Item 43.

And State's Exhibit 52, the package reads, fired cartridge cases Markers 1 through 17 and Markers 19, 20, 21, Marker A, Marker B, Marker C, Marker G, and Marker H. And they are my Items 95 through 119.

Q And you were provided with those items and you have been doing your examination and analysis, correct?
A Correct, yes.

MR. GOLDBERG: Your Honor, we'd offer State's 51 and 52 into evidence at this time.

THE COURT: Any objection?

MR. O'NEIL: Can I see it?

MR. GOLDBERG: Yes.

THE COURT: Let him see it.

MR. O'NEIL: No objection, Your Honor.

THE COURT: All right. It will be entered

without objection.

(WHEREUPON, State's Exhibit Nos. 51 - 52 were marked for identification and received into evidence.)

BY MR. GOLDBERG:

Q Now, upon receipt of all of these items that we just mentioned, the Smith & Wesson pistol, all of the fired cartridge cases, unfired casings, what is your plan? How do you go about attacking all this to analyze this evidence?

A So the first thing I like to do is look at my unknowns, the fired cartridge cases, the fired bullets, fragments, et cetera. I like to look at them with one another and try to determine how many firearms I'm looking for. I also like to determine the suitability of some of those fragments. Some of them are very tiny and not suitable for examination purposes. And then also look at my bullets to one another to determine if there are multiple firearms involved with the bullets as I cannot put a cartridge case and a bullet together. I cannot ID one particular cartridge case to a particular bullet. So that's why I'm talking about them separately. I'm trying to determine how many firearms are present cartridge-case-wise and how

many firearms are present bullet-wise.

And then when I get a firearm, I take it out of the box, I examine it for any trace. And then I also make sure that it's functioning properly, look for any defects. And from there, I will take it to our water tank, which is where we test fire firearms. And what that does is, it allows me to fire projectiles and stop them without imparting any marks on them. So that water slows it and stops it without marking the projectile in any way. So that's a very good representation of how that firearm marks. And that's what I look at are the marks that that firearm makes.

Q So did you actually go through that process with your Item 57, State's 110, the Smith & Wesson firearm?

A Yes, correct.

Q Okay. And what observations did you have about that item and its functionality?

A This particular firearm functions normally, functioned as designed. I test fired it three times with our laboratory supplied ammunition. I also saw some possible trace on the firearm. It looked to be some possible biological material, and I swabbed and submitted that swab as a separate

item.
Q So you saw, actually physically saw on the weapon a stain of some kind, I guess you might call it?
A Correct.
Q And you took a swab of that and submitted it into evidence?
A Correct.
Q Which part of the weapon was that located on?
A This is a clear firearm and safe. It's actually still on here. It is right here on this part of the gun right here. It's right there.
Q All right. And the analysis of whatever that stain is, if you will, that would not be something you would conduct? That's something --
A No.
Q -- the DNA department would handle?
A Correct, yes.
Q But once you saw it, you swabbed it and passed it on?
A Correct, yes.
Q Okay. So you're saying that the firearm functioned properly, correct?
A Yes.
Q And you were speaking earlier, I just want to make sure we're clear, about cartridge casings and

projectiles. You said that you could compare the actual -- a fired cartridge casing to a firearm, correct?

A Correct.

Q And you could -- if you had a projectile or bullet, you could compare that to a firearm, correct?

A Correct.

Q But you could not match up, say, this particular bullet, projectile to this particular cartridge case?

A That's correct.

Q And why is that?

A They just don't mark. And I say that they don't. Sometimes you can, it just depends on how the manufacturer makes the ammunition. Generally speaking, the bullet is just seated in the cartridge case and sometimes they crimp, sometimes it's just seated in there, sometimes it has a lubricant on it. And the cartridge case is generally made of a softer metal or is a thinner metal and so won't leave its markings on the projectile. So it's just not really -- you can, it has happened before, but it's just not --

Q Uncommon?

A Yes, it's uncommon.

Q Okay. So then how do you go about comparing the actual bullet/projectile to a firearm and/or comparing a fired cartridge casing to a firearm?

A So as I spoke about earlier, I took this particular firearm and test fired it into our water tank. I did that three times. That gives me three cartridge cases and three projectiles or bullets. I then take those known standards, meaning I know that it is from this firearm. I put it on our comparison microscope, which is essentially just two microscopes combined by an occular bridge. It's just fancy and allows me to look at two separate items under the same lighting and magnification.

And what I am looking at on both projectiles and cartridge cases, the whole idea of our science is that a harder object will mark a softer object with its imperfections, its microscopic imperfections, meaning your fingernail in a bar of soap. Your fingernail will leave microscopic imperfections on that bar of soap and, essentially, you could ID that to your fingernail.

And so what I do is I look at those markings that I know have been made by that firearm. So I look at my known standards in the form and those

microscopic imperfections happen in the form of nicks, furrows, and cuts and create what we call striae. And then as well as for the cartridge cases, you have the impressed mark. So, for instance, if you took a hammer and hit something very hard, you would leave an impression. And that is sort of what happens inside our firearm with your cartridge case. When those -- that combustion happens that I talked about earlier, those gases -- it turns from a powder into a gas very quickly. And a fancy term obturation happens and your metal expands as well as the gas has to go somewhere, so it slams your cartridge case against -- can I?

Q Sure.

A Slams your cartridge case against this part of the firearm right here, it's called the breech face, and that's how we get breech face marks. And so that allows me to look at our cartridge cases. And I look at those marks, the breech face marks, the extractor mark, the firing pin, which strikes the primer which starts the whole thing. It leaves an impression that I look at, extractor, ejector, kind of everything on the cartridge case. And then your bullet, while it travels down the barrel and out the muzzle, it's being imparted with the marks

inside the barrel. And I look at those striae. There's kind of lines, we're looking at pattern matching, essentially. And I look for the striae that agree with one another.

And then after I do that and make sure this firearm reproduces, I then look at my unknowns that I've already looked it and compare and come to my conclusion.

Q When you say striae, is that another way of kind of saying like lines that are left?

A Correct, just lines. It's more than lines, that's why it's called striae. It's 3D. And because it's metal, so it looks like lines, but essentially it's peaks and valleys and furrows. So you have thickness and depth, and it's more than just a 2D bar code, for example. It's -- you're looking at a 3D topography sort of, but under the comparison microscope.

Q All right. And let's talk a little bit about some of the comparisons that you made. Did you have an opportunity to compare the Smith & Wesson to a magazine that was also collected?

A So the magazine that was submitted with it is what I used for test firing.

Q Okay.

A And that is a correct magazine for use in that firearm.
Q All right. And what was your -- what were your next examinations regarding Item 110/57?
A So I compared it to the unknown cartridge cases and projectiles. By this time, I had already compared my unknowns and knew that both projectiles and cartridge cases indicated I was looking for two firearms.
Q Two firearms. How were you able to determine that there were two different firearms you were looking for?
A So, like I said, I'm looking at the microscopic imperfections, as well as what is known as class characteristics. So when a manufacturer makes a firearm, they have an idea in mind as to how they're going to manufacture that gun. And those specific things are essentially separated into its own class.

So all shoes are shoes, but some are boots and some are flats and some are heels. Same thing with how certain firearm manufacturers design their guns. There are some manufacturers who have an elliptical-shaped firing pin, which is, I guess, oval, I guess, and there are some manufacturers who

have hemisphericals. There are some that have circular, which means it's just flat on the top of the firing pin. There's a number of other class characteristics that I look at that help me to determine, at least starting out, if there are any different firearms involved.

And in this case, those class characteristics help me to separate the two. One batch of unknown displayed extremely heavy or gross breech face marks, which is indicative of and can be consistent with the manufacturer High Point. And then these cartridge cases displayed -- I believe they displayed shear. Let me refresh myself. So they displayed aperture shear, which is the hole that the firing pin comes out of when the gases heat that metal. The metal gets really hot, flows back into that hole that the firing pin came out of, and it kind of leaves like a doughnut shape. And as the cartridge case is being ejected out of the firearm, it kind of scrapes it. And not all firearms do that, just based on their design.

And then as well as that, this particular model of Smith & Wesson has what we call a D-shaped firing pin. It's hemispherical, but flat on one side, so it looks like a D. And so that's how I

had already kind of grouped those two groups of cartridge cases into different possible firearms. And then obviously did the microscopic comparison and looked at the striae, the microscopic imperfections, and did the examination and came to the conclusion that I only had two firearms present.

Q Okay. So you got what you think are two different groupings of items for two different kinds of firearms. One you say is consistent with the High Point type firearm?

A Correct.

Q And then another that would be consistent with the Smith & Wesson here --

A Correct.

Q -- today? So tell us about the analysis that you did on the group relating to the Smith & Wesson?

A So same thing, I just took my known standards and my unknown. I looked at them under the comparison microscope and came to the conclusion that that is the firearm that fired those cartridge cases.

Q So in regards to what was listed as your Item 12, which I believe is a --

A Is that a projectile?

Q That is a projectile, I'm sorry. We'll come back

to that. We're on casings. Your Item 101, which I believe is from State's 52, is that right?
A Yes.
Q And that was fired cartridge casing Marker --
A No, I'm sorry, 101 is State's Exhibit 51.
Q Thank you. And that is fired cartridge casing Marker 7, according to the testimony previously. What were your findings as a result of that?
A From my Item 101?
Q Yes.
A Is that it was fired by this firearm.
Q So the casing found at Marker 7 at the scene was fired by this weapon, State's 110?
A Correct.
Q Okay. And what about for Item -- your Item 117, which is cartridge casing Marker C?
A Yes. Same thing, fired by this firearm.
Q And your Item 119, which is Marker H?
A Again, it was fired by this firearm.
Q I'm sorry. For the record, State's 17 shows Marker 7 at the crime scene, State's 25 shows Marker H at the crime scene, and State's 19 shows Marker C at the crime scene. All of those fired cartridge casings were fired by Item 57, Smith & Wesson, correct?

A Correct.
Q And what, if anything, did you observe about the make or brand of those casings on those particular items? I believe you notated that Item 101 was a Hornaday, whereas Item 117 was a Winchester and Item 119 was a Blazer. What do those all mean?
A Sorry, let me get there.
Q Sure.
A Yes, correct. 101 is a Hornaday and 117 is a Winchester and 119 is a Blazer. All that means is that they are made by different manufacturers. They're all the same caliber, it's just a different manufacturer.
Q What caliber were those items?
A They are 9-millimeter Luger.
Q Could you explain to the jury a little bit about what caliber means and what those are?
A Caliber designation, in this sense, 9-millimeter is just a caliber designation, the same caliber can also be called 9 x 19-millimeter. It's just the caliber name that's given. It can be based off someone's last name, the year it was made, the measurements. But caliber is determined by the bore of the firearm, as well as the size of the cartridge case.

And 9-millimeter Luger is just a name that was given to a specific set of specifications for a cartridge, an unfired cartridge. It doesn't mean -- I know it's confusing, because sometimes I'm sure maybe some of you have heard of the Luger firearm, which is not -- that's kind of where it got its name from, but it can be used in other firearms other than a Luger. 9-millimeter Luger is just a caliber and can be fired in a wide range of other firearms.

Q Now, let's talk about that. When you say that a 9-millimeter Luger can be fired by a wide range of firearms, can you elaborate on that?

A I mean, a wide range of manufacturers. 9-millimeter Luger is a caliber and you can really only shoot 9-millimeter Luger and the caliber ammunition in a 9-millimeter Luger caliber firearm or a 9 x 19-millimeter means the same thing, they just chose different names to confuse everybody, I think. But you can also -- there is some caliber interchangeability, so you could possibly, if a gun kind of is out of spec, you could function at a .380 auto. But, for instance, you could not fire a 9-millimeter Luger in a .40 -- or, I'm sorry, you can't fire a .40 into a 9-millimeter Luger. It's

all about sizing, the size of the chamber, the size of the bore. And, essentially, this is the area that your cartridge goes in. And so this all has to do with sizing. The muzzle, the bore is a certain size, and a 9-millimeter Luger is what was designed, you know, to come out of this firearm.

Q All right. So the Smith & Wesson is capable of firing the broad 9-millimeter Luger type or caliber projectiles?

A So this Smith & Wesson is a SD9VE, so this make and model can fire 9-millimeter Luger. It's designed to fire a 9-millimeter Luger. Smith & Wesson makes other firearms of other calibers, but this particular make and model is designed to fire a 9-millimeter Luger.

Q And, in this instance, the specific manufacturer of those projectiles for these that we've referenced in 101, 117, and 119 happen to be three different manufacturers of 9-millimeter Luger caliber bullets, is that correct?

A Correct. So I'll go back to my shoes. A 9-millimeter Luger is a stiletto. Whoever made those 9-millimeter -- or those stilettos could be anybody. So Winchester, Blazer, Hornaday, they're just shoe manufacturers who are making a stiletto.

It doesn't really mean anything other than they're just who made it.

Q And each one of those by virtue of physical the size and analysis are capable of being fired by a Smith & Wesson?

A Correct. So a 9-millimeter Luger in itself, there is specifications that ammunition manufacturers have to meet to claim that that is the caliber, so they go through their own kind of quality control. And they have to meet certain specifications to sell that ammunition as 9-millimeter Luger.

Q And, again, just to go back, these three items that we've referenced that were found at the crime scene are three different kinds -- three different manufactured brands of 9-millimeter Luger, but it's your opinion that each one of those was fired by this exact firearm?

A Correct.

Q Okay. All right. Now, what other items did you discover that were fired by this particular firearm?

A So I believe that's Item 12, which is a bullet -- or do you want me to talk about the other cartridge cases first?

Q However you want to do it.

A We'll stick with cartridge cases. Items -- my Items 214 through 233, fired cartridge cases, were also fired by this firearm.
Q And those would be the ones collected by and testified to by Investigator Gonzalez from the Kirkstone residence, is that correct? Items 214 through 233?
A I believe so, yes. I don't actually have the address in my notes.
Q All right. But it's part of this that was collected --
A Yes.
Q -- in State's 223, the gun box?
A Yes.
Q And those were fired cartridge casings?
A Correct, yes, fired cartridge cases.
Q That were fired by this weapon?
A Correct.
Q Okay. Okay, what else?
A So then we have Item 12, bullet.
Q That is an actual bullet projectile?
A Correct.
Q And that's from State's 138?
A Yes.
Q And that would be the bullet from behind the left

ear?
A Correct, yes.
Q And the bullet collected behind the left ear, as demonstrated here in State's 127, was collected at autopsy, correct?
A That's correct.
Q This bullet, it's your opinion that it was fired by this exact firearm?
A Yes, correct.
Q All right. And we saw some photos earlier of this projectile. This particular item, your Item 12, the one shown in State's 127 --
A Yes.
Q -- that you have there in front of you on State's, what is it?
A State's Exhibit 138.
Q Okay. Can you talk to the jury a little bit about the condition of that projectile and how you're able to make the comparison with the firearm?
A Sure.
Q Thank you.
A This has been cleaned. This projectile is what is known as a jacketed hollow point. Again, it's just another design. So it doesn't mean that it can't be fired by only a particular firearm. All it is

is a projectile with a hole in the top so that when it hits its target, it expands and doesn't continue on to hit another target.

And upon receipt, I cleaned it. And then I believe I had to move some of the jacket. Let me refer to my notes. So, yes. So I had to bend some of the jacket material away. So what happens is when it strikes its target, the copper jacket will fold back to help expand. And that covers what we call the bearing surface because it bears the marks of the barrel. And so I had to peel that back to be able to fully examine it. And once I do that, I weigh it, I measure the diameter, and that's what helps me lead to the caliber of 9-millimeter Luger. The weight, the diameter of it, all lead me to a specific caliber of 9-millimeter Luger or 9 x 19, it's interchangeable.

And then upon further examination of it, I determined that it could be marketed as a Hornaday Critical Defense, which Hornaday, as you've heard, is an ammunition marketer, and then Critical Defense is a model. It's a model of ammunition. So like the Smith & Wesson is a marketer, SD9VE is the model -- I'm sorry, Smith & Wesson is the marketer and SD9VE is the model. Sort of the same

thing with ammunition, Hornaday is the marketer, Critical Defense is the model.

And upon examination of that, then I compared it to my known standards and I reached the conclusion that this firearm fired this projectile.

Q All right. Anything else related to the Smith & Wesson that you had in your possession? I think those were the only ones.

A I believe that's all, yes.

Q Okay. So then you said that there was a second grouping of cartridge cases that you performed analysis on?

A Correct, yes.

Q And I think initially you said that those were -- your initial thoughts were related to a High Point type firearm?

A Yes, correct. So High Point, again, is just a manufacturer of firearms. And they make a pretty distinct breech face. Again, that part of the firearm that I showed you with heavy gross striae that gets impressed during the firing process.

Q Okay. And so were you presented with some fired cartridge casings to look at in that regard?

A That's correct, yes.

Q All right. And I believe your Item 43?

A Correct, yes.
Q Which is?
A I believe State's Exhibit 52.
Q Yes. Here it is. And that is listed as Marker J from the crime scene, is that correct?
A I believe so, yes.
Q Okay. So that item -- what were your findings in regards to Marker J from the crime scene?
A For my Item 43, I discovered that Item 43, Items 95 through 100, Items 102 through 116, and Item 118, fired cartridge cases, were all fired by the same firearm. And a second firearm, that is not the Smith & Wesson SD9VE.
Q Okay -- go ahead.
A I'm sorry. And that the class characteristics that I discussed earlier are consistent with a High Point firearm.
Q And those were here -- the majority of those were here in State's 52 denoted from the crime scene Investigator Rainsford by markers, I believe you said 1 through 17, 19 through 21, and A, B, C, G, and H?
A I believe so, yes.
Q So here in State's 17 -- those markers are in State's 17?

A I believe so. I think item 117 is in that group of cartridge cases too. I just want to make sure we're not including a marker that's not --
Q Markers 1 through 6?
A Yes.
Q 8 through 21?
A Yes.
Q And A, B, and G?
A Yes.
Q All denoted here in State's 17?
A Correct, yes, sir.
Q Those were all fired cartridge cases, correct?
A Yes, correct.
Q And again, your conclusion regarding the origin of each of these cartridge casings that I just referenced?
A Yes. So all of those cartridge cases are from another firearm consistent with a High Point.
Q Consistent with a High Point?
A Yes.
Q And yet you also said that they were all fired by the same weapon, is that correct?
A Correct. So one firearm fired these. That is not this firearm. And it's consistent with a High Point.

Q Okay. And another grouping that you received regarding the High Point would be State's 138. And those are items that were collected at autopsy, correct?
A Correct, yes.
Q Okay. And they are your Items 15 through 20 and those are described as what?
A Let's see. On the packaging, it's projectile lower right arm for my Item 15.

Item 16 is projectile upper left leg.

Item 17 is projectile right breast.

18 is projectile upper abdomen.

19 is projectile below sternum.

And 20 is projectile left lower pelvis.

Q Okay. And, again, those were in the, for lack of a better phrase, the High Point group, correct?
A So, yes.
Q Tell us about that.
A Speaking separately, cartridge cases have gross class characteristics that led me to believe High Point. Projectiles, on the other hand, I have to look at kind of a different set of class characteristics because one is coming from the breech face and the extractor and ejector. And the projectile, those markings are coming from the

barrel.

So the class characteristics in that sense are what we call lands and grooves, or rifling. Rifling is a set number of grooves that are either cut or formed into the barrel by the manufacturer. So the manufacturer decides how many they want, what direction it's going to twist, and essentially how wide do they want to make them, what size do they want to make them.

The point of rifling is sort of like a well-thrown football. It just imparts spin on the projectile so it is more accurate. And in the sense of these projectiles that led me to High Point is because the FBI has what's known as the GRC, or the general rifling characteristics, database. And what I did was one of my non-deformed, kind of one of the better projectiles, I measured those lands and grooves. So the grooves are the low points that were cut out or formed by the process of making the barrel, and the lands are the high points. And those essentially impress themselves on the projectile. And by measuring those, I can put the measurements into the FBI database and it pops out a list. And that's where I got High Point from.

The only 9-millimeter Luger firearms that came up on that list with the measurements that these projectiles had were the High Point Model 995 and the High Point Model C, both of which are 9-millimeter Luger caliber firearms.

Q The projectiles removed from autopsy you said were consistent with being fired by a High Point 995C?

A No. The High Point Model 995 or the High Point Model C.

Q Okay.

A Both of which are 9-millimeter Luger caliber firearms.

Q Now, State's Exhibit 213 already in evidence, it's a jump drive, this is a printout of that. It's a receipt for a weapon that was purchased from the Best Deal Pawn Shop by Mr. Heatley. What type of weapon was that that he purchased?

A The description reads, Rifle, High Point 995, 9-millimeter semi-auto.

Q High Point 995. Now, you never actually were given a High Point 995 rifle to actually examine, correct?

A No, correct.

Q But your testimony, as I understand it, is that the projectiles that we mentioned here in Items 15

through 20 are consistent with being fired by a High Point 995, correct?

A As well as a Model C, yes.

Q As well as a Model C, okay. And, additionally, there were a couple of other items, I believe, that were in also in that same category. Your Item 125?

A Yes.

Q Which I believe is State's 209?

A Yes.

Q Okay. And what's that listed as?

A It's listed as, Fragment collected from victim right side under arm.

Q And, again, that's consistent with being fired by?

A Correct, the same firearm that fired Items 15 through 20. And the database indicates a High Point 995 or Model C.

Q Okay. And if you could explain also, I notice you said that that particular item instead of just a projectile is a fragment. What significance does that have in your comparisons?

A It makes it a little tougher, but it's a fired bullet jacket. So the jacket is generally copper or brass and covers a lead core, generally speaking. There is some now lead free ammo. But essentially what happened is somehow a piece of

jacketing broke away from the full projectile, and that's what I examined. And there was enough of those microscopic marks for me to compare it to my known standards and reach the conclusion that it was -- or, I'm sorry, wrong batch -- to my other batch of projectiles that are a little more whole and reached a conclusion that they were fired by one firearm.

Q Which is one firearm that's consistent with the High Point?

A Correct.

Q Same thing for, I believe, two other items, your Items 127 and 128, which are Fragments F and G here in State's 210, collected from the driver's door of the Honda Civic, correct?

A Correct, yes.

Q Same situation regarding the High Point?

A Yes. So same situation, Items 127 and 128 I described as a fired bullet jacket. And, again, it just means that either the whole jacket or a piece of the jacket came away from the core of the bullet, and that's what I examined.

Q Okay. Thank you. And was there also a number of items that you received that you were unable to reach conclusions on?

A Yes, correct. There were a number of items that were fragments that just weren't able to be looked at in the sense that everything else was with microscopic comparison.
Q And those included fragments collected at autopsy, correct?
A Yes, correct.
Q Items 13 and 14 of yours?
A And 16.
Q And 16?
A Yes. And 21 and 120.
Q So in other words, there were some items that were collected from autopsy, some of these projectiles and fragments that you were able to reach a conclusion on?
A Right.
Q That you testified to a moment ago, that these were consistent with being fired by High Point. But then some of others, you just couldn't tell?
A Correct. So I have these listed as no fragments. And then I did what's called a scratch test on it. All you do is scratch it. If it marks easily and reveals a shiny undersurface, it leans towards being consistent with lead. So, as I discussed, most projectiles have a lead core. And so all of

these fragments are consistent with being lead.

And then to go further, some of these items are actually consistent with being cores, meaning I see an outline of the base of a projectile.

Q And then is that unusual to have a situation like that where there were projectiles taken from a body that you were able to draw conclusions on and then other projectiles from the same body that you were not able to reach conclusions?

A That's common, very common.

Q Why is that?

A Projectiles hit hard objects and fragment apart. Sometimes they even hit soft objects. The body can cause projectiles to fragment. So it's just common that the projectiles don't remain whole. They generally end up in a kind of mangled state.

Q And then, same situation, you had -- I believe items, your Items 126 through 133 are all fragments taken from the Honda Civic that you found to be unsuitable for comparison, is that right?

A Not 126 through 133. 126, and 129 through 133.

Q Those were unsuitable, but 127 and 128 were consistent with High Point?

A Yes, correct.

Q And we talked about it earlier, I just want to

circle back. I want to show you what's been marked as State's 238. Do you recognize that?

A Yes. This is --

(WHEREUPON, State's Exhibit No. 238 was marked for identification and received into evidence.)

Q What is that?

A This is the swab that I took of the trace I found on State's Exhibit 110.

Q Yes. And you submitted that into evidence?

A Yes.

MR. GOLDBERG: Your Honor, we'd offer State's 238 in evidence.

THE COURT: Any objection?

MR. O'NEIL: No objection.

THE COURT: Entered without objection.

(WHEREUPON, State's Exhibit No. 238 was marked for identification and received into evidence.)

BY MR. GOLDBERG:

Q All right. We've covered a lot of ground here, so it's probably time to wrap it up. But I want to make sure we're clear on your findings. So two different weapons, right?

A Correct, yes.

Q Based on the cartridge casings and projectiles you were provided with. There's a Smith & Wesson, correct?
A Correct.
Q And the Smith & Wesson, it's your opinion that this particular weapon, this exact gun fired multiple items that are provided to you?
A Correct. This firearm fired Items 112 -- or, I'm sorry, 12, which is a bullet, Items 101, 117, 119 and Items 214 through 233, fired cartridge cases.
Q You said the bullet, Item 12, correct?
A Yes, correct.
Q You said Marker -- or Item 101 --
A Item 101.
Q -- is Marker 7 in State's 117, right?
A Yes, correct.
Q And then Items 117 and 119?
A I believe are Markers C and H.
Q All of those were fired by this exact weapon?
A Yes.
Q And then also the casings you were provided here in State's 223?
A Yes, correct -- well, yes, I believe.
Q Item 214 through 233?
A Yes, correct.

Q Okay. And then the second firearm, those casings are consistent with being fired by a High Point?
A Yes, correct.
Q Okay. And those are going to be the casings that you talked about Item -- Markers 1 through 6, Items 95 through 100, and 102 through 116?
A Yes.
Q Denoted with these markers here in State's --
A And Item 118.
Q And item 118. All fired by the High Point, right?
A Correct.
Q A High Point?
A A High Point.
Q And then the projectiles taken from autopsy here in State's 138?
A Yes, Items 15 through 20.
Q 15 through 20. And your findings again regarding those?
A So, separately, those are fired by a High Point Model 995 or Model C.
Q And the same for -- same conclusion for the fragments in State's 209, correct?
A Yes, 115.
Q That's Item 125?
A Oh, 125, yes.

Q And that was the fragment collected from the victim's right side?
A I believe so, yes.
Q Okay. And State's 210, Fragments F and G collected from inside the driver's door of the Honda, also consistent with --
A Yes, correct, being fired by the same firearm that fired all the rest, which could be either be a High Point Model 995 or Model C.

MR. GOLDBERG: All right. Thank you. That's all I have.

CROSS-EXAMINATION

BY MR. O'NEIL:

Q Ms. Metz, I want to make sure I've got your testimony correct. The Solicitor kept using the term in your opinion Item 57 fired the projectile that's Item Number 12, is that correct?
A That's correct.
Q I note you didn't use the term that you could say that with any sort of scientific certainty, is that correct?
A That's correct.
Q Why is it that you can't say that with any sort of scientific certainty?
A Well, the reason I can't say that is because

scientific certainty actually has no definition. Actually, the National Commission on Forensic Science recently published a paper trying to get away from using in the courtroom scientific certainty because there is no standard definition for that, and it's a little confusing and tries to add a little bit of weight to things that already have an expert testimony. So I can say that I am certain of my conclusions that I just described.

Q That's because it's basically your opinion, correct?

A It is my opinion, yes, correct.

Q A different firearms expert could have a different opinion?

A Actually, we 100 percent verify everything. So on top of myself looking at all the fired evidence, the firearm, we have a second qualified firearm and tool mark examiner come and look at it on their own and reach their conclusions. And if we have any disagreements, we bring in a third. And in this case, we didn't. So the second -- the gentleman that signed this report was my verifier, agreed with my conclusions.

Q And that's not quite what I asked you. It's possible that a different firearms examiner could

come up with a different conclusion, is that correct?

A I suppose it could be possible, but in this case, a second qualified examiner came to the same conclusions as I did.

Q Now, how many -- did you compare Projectile Number 12 to any other firearm?

A No. As I had a firearm to compare it to, and that is the firearm that fired that projectile.

Q So that's a no, you didn't compare it to any other firearm?

A No, correct.

Q Now -- and correct me if I'm wrong here -- projectiles have the striae marks you talked about earlier, correct?

A Correct.

Q And the jackets have more of the impression marks, is that correct?

A No. Jackets are -- the bullet jacket actually goes on the projectile, so it's bullet jacket surrounding the core. And that's what we're talking about when we talk about a bullet. I believe you're trying to refer --

Q Casing?

A -- to cartridge case.

Q I used the wrong term.
A And, also, it's more of an impressed mark, but also that shear that I was telling you about, the aperture, that's striated.
Q So when you're comparing projectiles here, you're comparing striae marks, correct?
A That's correct, yes.
Q How many marks or how many points of comparison are there, typically?
A So that's kind of an interesting question. This particular firearm has, I believe, five lands and grooves. So there's five lands, five grooves. Each of those lands and grooves within it have an unknown amount of microscopic imperfection. So each of those lands will itself are unique. Each of those grooves within itself are unique. So within each land and each groove, there are microscopic imperfections that I look at, and it's not a set number. It's however many microscopic imperfections are in that barrel that are transferring onto that projectile.
Q And there are kind of like -- there are class characteristics, correct?
A Yes.
Q And then there are individual characteristics?

A Correct, yes.
Q In your examination of your fired projectile, your test fired projectile in Item Number 12 here, how many points of similarity did you notice? Is that -- do you understand what I'm asking there?
A I think I understand what you're asking. That's not -- I think you're maybe referring to counting striae, and I don't count. It's a little bit like a Highlights book with the find the differences. Or in this case, it's find the similarities and the differences.

So essentially these are striae. I'm putting them in line, and they should be the same width, same depth, same height, and that's what I'm looking for in making that identification. We are trying to make -- you look at your pattern and see if it matches or if they are similar. And like I said, we do that for the whole surface of the bullet. It's not just one land or one groove. And in each land or groove, there are several microscopic imperfections that we look at. So each land has to agree or it's not going to be the correct firearm.

Q Okay. So that's what I'm asking. That's what I'm specifically asking in this case, were there any

lands in your examination of your test fired projectile from Item 57 and then Item Number 12 that did not match?

A No. Otherwise, this would not be the firearm. So in our science, we do consecutively manufactured barrel examinations. So what that means is they made a huge barrel with the same tool, cut it into segments, and then test fired those barrels. And even that huge barrel that was once one barrel cut into segments, we can identify a projectile to each segment of the barrel. So it just speaks to how individual a firearm barrel is. When you can take one long barrel, cut it into segments, you can ID a bullet to that particular segment. And that's by looking at the class characteristics, which is the number of lands and grooves, and within those class characteristics, your microscopic imperfections.

Q I want to make sure I'm clear here. There were, essentially, six -- oh, I'm sorry, a total of seven projectiles that were suitable for comparison from the autopsy, Items 15, 16, 17, 18, 19, 20, and 12?

A The whole bullet, yes, correct. Not fragments, yes.

Q And of those six, in your opinion, only one matched Item Number 57?

A Correct. Only Item 12 matched Item 57.
Q As it relates to the casings here, only Items, according to your numbering, 101, 117, and 119 actually came from the crime scene itself, correct?
A Yes. 101, 117, 119 were fired by those and came from the crime scene.
Q And 214 and -- Items 214 through 233, those cartridge cases were recovered from a different location?
A Yes, that's correct.
Q You don't know what location that was, but you know it was different from --
A Correct.
Q One hundred percent. And I guess the whole foundation of your scientific field is that two firearms would not leave the same lands and grooves on a projectile, correct?
A So it's not just firearms. It's tools. A firearm is essentially a tool. And so the whole broader spectrum of a harder object will impart its marks on a softer one. Whether we're talking screwdriver and a door, firearm and a projectile in a cartridge case, bolt cutters and chain link. Again, your nail and a bar of soap. That everything has its own microscopic individual characteristics. And if

they reproduce marks, those marks can be identified to the tool or projectile or cartridge case.

Q Because, I mean, that's basically an assumption that the science has to be, because nobody has ever tested, for instance, every single Smith & Wesson model tool?

A Well, the problem is that you can make a firearm out of anything. People make firearms out of super soakers. So for us to be able to test every firearm ever made is a practical impossibility. I mean, we just -- we can't do that because you can go home and make yourself a firearm if you have the right tools.

And so it's an assumption, but it's one that, you know, is based on hypothesis and research and peer review journals and thousands upon thousands of cases and examiners and a hundred plus years of essentially us trying to disprove our own science, we want to make sure our science is sound, so every research we do, every journal article we write is essentially, Can we disprove our science. And so far, we found that, no, we cannot disprove it.

A prime example is that consecutively manufactured barrel. That's about as close as you will ever get as to two firearms that could

possibly have the same individual markings is by taking one long barrel, cutting it in half. And we have not had a problem where we've we run into anything markings shown as something else.

Q And when you swabbed the firearm, that was an attempt to try to get some DNA evidence off of it?

A It's just protocol for me. When I receive a firearm, I look for anything that could be on the firearm. Especially biological material for me, mostly for a safety prospective, as I handle the gun without gloves, after I examine it, obviously, and so generally if I see a biological stain, I would clean it, swab it and then clean it. So that's just standard procedure is to look for any biological material, or anything else really, fibers, anything rusting. I make note of rusting.

Q That biological material would be sent off to the DNA lab for possessing?

A Correct, yes.

Q And lastly, Ms. Metz, nothing in your examination can determine who actually fired the weapon, correct?

A That's correct.

Q And they can't determine when those particular projectiles and/or casings were left in the

position that they were left in?
A No, I can't determine time. However, in the case of autopsy bullets, it kind of gives you a time.
Q And in your opinion here, in your evaluation here, there were at least two different firearms present in the testings that you did?
A Yes, there are two firearms present.
MR. O'NEIL: Beg the Court's indulgence, Your Honor.
(Pause.)
MR. O'NEIL: That's all I have, Your Honor.
THE COURT: Yes, sir?
MR. GOLDBERG: Nothing further, Your Honor.
THE COURT: All right, you may step down.
Any objection to this witness being excused?
MR. O'NEIL: No, Your Honor.
THE COURT: All right, you're free to leave.
(Witness steps down and is excused.)
THE COURT: Call your next witness.
MR. GOLDBERG: The State calls Megan Fletcher.
(Witness approaches.)
THE BAILIFF: Place your left hand on the Bible, and raise your right hand, please.
(Witness complies.)
THE CLERK: Do you swear or affirm the

testimony you are about to give in this case will be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

THE CLERK: Thank you. Have a seat in the witness stand, please.

(Witness seated.)

THE CLERK: State your name for the record.

THE WITNESS: It's Megan Fletcher, F-L-E-T-C-H-E-R.

MEGAN FLETCHER,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. GOLDBERG:

Q Good morning.

A Good morning.

Q Please you tell the jury where you're employed.

A I'm employed by the South Carolina Law Enforcement Division in the forensic services laboratory in the Trace Evidence Department.

Q What are your duties there?

A In the Trace Evidence Department, I perform analyses in fire debris, paint, glass, fibers, explosives, pressure sensitive tapes, general chemical and physical unknowns, and gunshot primer

residue.

Q Can you tell the jury a little bit about your background and training and experience?

A I have a Bachelor's Degree from Chatham College in biochemistry and English. I also have my Master's Degree from Marshal University, emphasizing in forensic chemistry and computer forensics.

MR. GOLDBERG: And, Your Honor, at this time we would offer Ms. Fletcher as an expert in gunshot residue -- well, trace evidence.

THE COURT: Any voir dire or objection?

MR. O'NEIL: No, Your Honor.

THE COURT: All right, ladies and gentlemen, this witness will be offered in the area of trace evidence.

Thank you.

BY MR. GOLDBERG:

Q What is trace evidence?

A So trace evidence includes a whole lot of different types of evidence. In the SLED trace evidence laboratory, it includes fire debris evidence or paint, fibers, glass, explosive, tapes like duct tape, and also gunshot primer residue.

Q And if you could explain a little bit more about what gunshot primer residue is?

A So gunshot residue, in general, is everything that comes out of a gun. It includes fragments of a bullet, smoke, fire as well as gunshot primer residue. And that is the residue that comes from the primer of the cartridge.

The characteristic particles of gunshot primer residue are molten so they look like they've been subjected to high heat or pressure, and they contain the elements lead, barium, and antimony.

There's also a couple of other particles that are associated with gunshot primer residue, and those would just contain one of the elements. So they would contain lead, barium, or antimony.

Q And what is your process when you receive items of evidence to conduct an analysis to see if there's any of these items on evidence that you receive?

A Gunshot residue kits are submitted to the laboratory by a submitting agency into the Evidence Control Department. And somebody would pick the evidence up from the Evidence Control Department and bring it to the Trace department.

Once it's in the trace department, it would be inventoried and a number of different things would be categoried from that inventory. So we would be looking for the subject's name or the item's

description, as well as the time of the incident, time of the collection, among some other things.

Q All right. And turning your attention to this particular case, back in May of 2016, there were a number of items submitted from the Richland County Sheriff's Department for analysis on your Lab Number L1601574, is that correct?

A Yes.

Q And the initial analysis done on those items, was that conducted by you?

A No, sir, it was not.

Q Who was that conducted by?

A It was conducted by Whitney Berry.

Q And who is that?

A She was a trace evidence analyst.

Q Okay. So how did you come to be -- how did you get to be involved in the analysis or examination of the trace evidence in this case?

A During Whitney Berry's tenure, we conducted a gunshot residue audit of her cases and determined that there were a couple of problems with the way that she was conducting her analyses. Those problems were under-reporting. So she might report something as negative, but in actuality it should have been positive, or some sporadic negligence.

Q So when you say she may have reported something as negative and it would have been positive, what does that mean in terms of trace analysis and general findings?
A So when she gives her analysis, she might have reported something, a hand kit or an item of clothing as having not contained gunshot primer residue, when in actuality it did contain gunshot primer residue.
Q Okay. Were there any reverse findings? Were any situations that you're aware of that she made a finding that there was gunshot residue when, in fact, there was not?
A Every case that Ms. Berry analyzed while she was at SLED on a particular platform where the issue was audited, and that was not found in any case.
Q It was only under-reporting?
A Correct.
Q So, in this case, she actually made reports that there was gunshot residue on several items, correct?
A In this particular case, I was able confirm all of her original results.
Q Okay. So when you're talking about confirming results, how do you go about doing that? What is

your process?
A I perform a complete technical review of her entire case file, which is all the paper documents. I also went back into the data that she collected. And so I looked at the particles that she was looking at. I determined that they indeed were the correct shape, they indeed contained the correct elements of lead, barium, and antimony, and that her original results should have been reported as she reported them.
Q Okay. So let's talk about the particular items. I believe the first item is Item 7, and that's listed as what?
A May I refer to my notes?
Q Yes. And the item numbers are actually your internal item number, is that correct?
A Yes. SLED Item Number is one GSR kit from Deanndra Roach.
Q That was Item 7?
A Yes, sir.
Q Okay. And what were the findings in regards to the gunshot residue kit for Deanndra Roach?
A Round particles associated with gunshot primer residue were confirmed. Particles associated with gunshot primer residue are known to come from a

variety of environmental, occupational, and recreational sources. However, these particles may also be associated with the primary residue produced by a firearm when it is discharged.

Q Okay. And that's the part I'd like to ask you a little further about. It's undisputed in the case that the victim in this case is Deanndra Roach. And so what you're saying is there was gunshot residue primer confirmed on Ms. Roach, on the victim. Can you explain the role of gunshot residue and people that have been shot, how those interact?

A So on Ms. Roach, there were three particles that are associated with gunshot primer residue. All three of those particles only contain the element lead.

Gunshot primer residue can get on you from a variety of different reasons. You can discharge a firearm, you can be in the vicinity of the discharge of a firearm, or you can handle something that has gunshot primer residue on it.

Being in the vicinity of the discharge of a firearm includes being the victim of a gunshot wound. The majority of gunshot primer residue is going to come out of the muzzle of a firearm and

therefore be targeted -- or directed towards a target, in that case a bullet wound.

Q So, in other words, is it fair to say that it's not uncommon for someone who has been shot to display characteristics of gunshot residue on them?

A No, sir. At SLED, we see gunshot primer residue positive results in about 75 percent of our kits that were collected off of victims.

Q All right. Thank you. Let's move on to your Item A?

A It is one GSR kit from 2011 Ford Fusion.

Q And were there several subcategories of Item A related to that that were examined?

A Yes. There were a number of different areas in which the original submitting agency would have collected from this Ford Fusion. There was the interior driver's door, interior rear driver's door, interior front passenger door, interior rear passenger door, the steering wheel, the gear shift, and the center console.

Q And what were the findings as it pertains to those particular locations of the 2011 Ford Fusion?

A For the interior driver's door, the interior rear driver's side door, the interior front passenger door, the interior rear passenger door, and the

steering wheel, particles of gunshot primer residue were confirmed. Particles characteristic of gunshot primer residue are microscopic molten particles that contain the elements lead, barium, and antimony. Gunshot primer residue can come from being in the vicinity of the discharge of a firearm or coming into contact with a surface that has gunshot primer residue on it. However, no information can be provided as to the timeframe in which these particles were deposited.

Q So if I understand that correctly then, the gunshot primer residue can occur from being, you said, in the vicinity of a firearm. In other words, if a gun was fired from inside a car, correct?

A Correct.

Q Or it could also be if someone came in contact with gunshot primer residue and then it was on them, it could be transferred to the, say, inside of a vehicle as well?

A Secondary transfer is possible with gunshot primer residue.

Q Okay. Can you talk a little bit about secondary transfer with them?

A So secondary transfer would be if I shot a weapon and then I shook one of your hands, then you could

else be positive for the presence of gunshot residue. And that would be called secondary transfer. I could also shoot a weapon, then get in a vehicle and transfer it to a door handle or a steering wheel, and that would be secondary transfer.

Q And, again, those were possibilities as indicated on the items you just listed from the 2011 Ford Fusion, correct?

A Yes, sir.

Q Okay. And then I believe you also said that there was analysis done of the gear shift and center console of that vehicle as well?

A Yes, sir. The results for those were that no particles characteristic of gunshot primer residue were detected. The absence of primer residue on this item is consistent with, but not limited to the following reasons: The item not being in the vicinity to the discharge of a firearm, cleaning of the item, excessive blood or debris on the item, environmental factors including wind and rain, the ammunition discharged, it could be lead-free, nontoxic, or some .22 caliber rim firing ammunition, does not produce particles characteristic of the conventional gunshot primer

residue, or the firearm does not produce gunshot primer residue on the item when it's discharged.

Q So we have some items -- or some areas of the Ford Fusion in which there is gunshot primer residue confirmed and gearshift and center console where there is not. It that unusual to have some parts where there is and some parts where there is not.

A It would just depend on the scenario. If it was a shooting from versus secondary transfer, it would depend on where that gunshot primer residue landed in both scenarios.

Q Okay. All right. And then you also received Item 9, correct?

A Yes, sir.

Q What was that?

A It was one GSR kit from gray jacket placed over black sweatshirt.

Q And what were your findings in that regard?

A Particles characteristic of gunshot primer residue were confirmed. Particles characteristic of gunshot primer residue on microscopic molten particles that contain the elements lead, barium, and antimony.

Gunshot primer residue can come from being in the vicinity to the discharge of a firearm or

coming into contact with a surface that has gunshot primer residue on it. However, no information can be provided as to the timeframe in which these particles were deposited.

Q And did you reach the same conclusions regarding Item 10?

A Yes, sir. One GSR kit from black sweatshirt also contained particles characteristic of gunshot primer residue.

Q So Items 9 and 10, a GSR kit from a gray jacket over a black sweatshirt, and then Item 10 was the GSR kit from the black sweatshirt?

A Yes, sir.

Q Both of which had gunshot primer residue present?

A Yes.

Q And as I understand it, you referenced several times about the timeframe. Can you elaborate on that?

A On a living individual, gunshot primer residue starts to dissipate between the hours -- between four and six hours after the shooting. So between four and six hours, we don't expect gunshot primer residue to last on an individual. And that's mostly because of how easily that it is wiped away and removed. On an inanimate object, it has to be

actively removed, so you have to clean the item, pick it up off of it, or you could have wind and rain, like environmental factors, or things like that. So on an inanimate object, it's going to stay there until it's actively removed.

Q Such as clothing items, for example?

A Correct. So washing of the item would actively remove gunshot primer residue.

Q But when you're talking about physically part of a person, for instance, their hands, you're saying if it's been more than six hours, there's no point in even looking for it?

A We will not test gunshot residue kits from living individuals past six hours.

Q And, again, your involvement was from a confirmatory standpoint?

A Yes, sir.

Q The analysis previously done by Ms. Berry, correct?

A Correct.

Q And, again, in doing so and performing this confirmatory analysis, did you see anything unusual or irregular about the analysis done in this case?

A No. There was nothing irregular or incorrect about the technical aspects of this case.

Q And, in fact, did you all -- what did you all do

for all of these cases? Did you look at every case? Like, how did you go about dealing with this situation?

A So the problem was on one particular platform of instrument that we were using for the analysis of gunshot primer residue. And for every case of Ms. Berry's that was analyzed on this platform, it was audited from her entire career. So cases from the Summer of 2014 forward were audited and they were either amended because I was able to confirm her original results or they were asked to be resubmitted so that we could redo an analysis.

Q And how would you determine whether something should just be amended or retested?

A If everything was correct technically in her original report and you're unable to confirm that the gunshot primer residue was the correct call or even that the negative was the correct call for the digital data, then we would issue an amended report. However, if we found particles that may look like gunshot primer residue, but we can't confirm them, then we would ask for it to be resubmitted.

Q And, again, in this case, you issued an amended report confirming her findings, correct?

A Correct.

MR. GOLDBERG: Thank you. That's all I have.

THE COURT: All right. Yes, sir?

CROSS-EXAMINATION

BY MR. O'NEIL:

Q So, Ms. Fletcher, basically Ms. Berry, who initially did the report here, was kind of fired for not doing her job right, for lack of a better term?

A She was not fired, sir.

Q She still works for SLED even though --

A No. She no longer works with us, but she was not fired.

Q She no longer works for SLED for not doing her job right, correct?

A There were a number of reasons. I am not privy to the exact reason why she is no longer with us.

Q So in addition to not doing her job right, there were other reasons why she was fired?

A I don't -- I'm not privy to why she is no longer with us.

Q You know for sure she was not doing some things correctly?

A Correct, in her analyses.

Q In fact, I think you said you audited only the test

that was done on one platform?
A Correct.
Q So you didn't audit every test that she ran?
A There were -- there's two different types of instruments that we used at that time for gunshot primer residue, and they had a different platform. And the platform that she had an issue with was a newer platform, and it seemed to be a training problem with that and lack of experience with that.
Q So when she did this particular analysis, how much experience did she have?
A I would not know offhand how much experience she had.
Q But she definitely -- one of the issues was lack of experience, that probably would be important to know how much experience she had when she ran this test, correct?
A She was qualified to perform the analysis, but I don't know how many months she had been working on this particular instrument.
Q And I understand your testimony she was qualified to do it, but obviously she wasn't doing it correctly?
A At that time she was not doing some cases incorrectly.

Q And, in fact, you didn't reanalyze any of the material in this case, correct?
A No, sir.
Q So we're left by her -- you basically doublechecked her initial analyzing of the material, correct?
A I checked the data associated with the initial analysis, so I was able to actually look at the particles or images of the particles going to the data, look and make sure that the elements are present, et cetera.
Q How do we know that the -- you are talking about the data that she collected?
A Yes.
Q How do we know that the data she collected was done correctly?
A Through the software, you can determine. Originally, when you start to analyze gunshot primer residue, you set it up on the scanning electron microscope and it does an automated analysis. So it's looking for any particle that's on a particle lift from a GSR kit. And it's categorizing them. So it can send it into a category characteristic, which would contain all three elements, lead, barium, and antimony. It could also categorize it as having only two of

those elements or only one of those elements.

So we have a map of every particle that was analyzed on that particular particle list. When we went back and did a digital review of the data, we were able to look at her individual particles that she reacquired data from and match it back to the map that the automated analysis did on the instrument.

Q And you would agree with me, you had -- in addition to reanalyzing her analysis here, you had to kind of amend her actual report in this case, correct?

A In this case, it was amended to the state that I confirmed it. Typically, it says they are found and because I did not find them myself, I confirmed them. It is more accurate to say that they were confirmed. There was also a little bit of change in the way that we reported between the time of the amended report and the original report, so the report reflects those changes as well.

Q Those kind of disclaimers that you put out there, they weren't in the original report?

A Which disclaimers?

Q The disclaimers about time and other reasons why the GSR may or may not be found in her initial report, those were not in her original report?

A The timing was in the original report of about the no timeframe which it could be found, and there were a number of reasons as well in the negative for why it would not be there. So those were all in there. The parts on the report that are highlighted, those would be the amendments.
Q For instance, Item 8.6 there, there's a whole section of about the disclaimers here that was not included in the original report?
A They were included in a different format.
Q Yes.
A They were part of a single paragraph as opposed to bulleted, but they were included.
Q Okay. One thing you were real precise about, the gunshot residue on an inanimate object like a car door or a steering wheel or even a sweater here could be there for basically as long as it hasn't been removed by some other about type of factor?
A That's correct.
Q So if GSR is on a sweater or a door, it can be there for days or weeks or months as long as it hasn't been disturbed in any way?
A Correct. It cannot be tied to a particular incident.
Q So the GSR that's on the interior of the Ford

Fusion that was found on both -- I guess, pretty much on every inside door, would that be fair enough to say?

A It appears to be, yes.

Q I believe it was found on the driver's inside door, the rear driver's inside door, the front passenger inside door and the back passenger inside door?

A Yes, sir.

Q That GSR could have been there for days, months, weeks?

A I cannot determine when it was deposited.

Q And even the GSR that's on the clothing items could be there for days and months or weeks?

A Correct, I have no idea when it was deposited.

Q Okay. Or how it got there either?

A Correct.

MR. O'NEIL: Beg the Court's indulgence, Your Honor.

(Pause.)

MR. O'NEIL: That's all I have.

THE COURT: All right. Redirect?

MR. GOLDBERG: Briefly.

REDIRECT EXAMINATION

BY MR. GOLDBERG:

Q Regarding Ms. Berry's cases, there were cases of

hers that you looked at in which you saw problems, correct?

A Correct.

Q But this was not one of them?

A No, it was not.

MR. GOLDBERG: Thank you.

THE COURT: All right, ma'am. You may step down.

THE WITNESS: Thank you.

(Witness steps down.)

THE COURT: All right. I think this is a good time for us to take our morning break. It's about 11:23. So we will go ahead and take about 10 or 15 minutes for you to refresh yourselves. There are some snacks back there for you. And then we will have you received back in the courtroom shortly.

Remember, please do not discuss the case. Thank you.

(WHEREUPON, the jury retires to the jury room at 11:23 a.m.)

THE COURT: All right. We'll go ahead and take about 15 minutes.

(WHEREUPON, a break was taken.)

THE COURT: Are we ready to bring them in?

MR. FYALL: Yes, ma'am. Can we approach

briefly?

THE COURT: Yes.

(WHEREUPON, a bench conference was held.)

THE COURT: Bring them on in.

(WHEREUPON, the jury came into open court at 11:52 a.m..)

THE BAILIFF: The jury is seated, Your Honor.

THE COURT: Call your next witness.

MR. FYALL: The State calls Hue Tang.

(Witness approaches.)

THE CLERK: Do you swear or affirm the testimony you are about to give in this case will be the truth, the whole truth and nothing but the truth, so help you God?

THE WITNESS: I do.

THE CLERK: Thank you. Have a seat in the witness stand, please.

(Witness seated.)

THE CLERK: State your name for the record.

THE WITNESS: Hue Tang.

HUE C. TANG,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. FYALL:

Q Mr. Tang, can you spell your first name?
A H-U-E.
Q Can you tell us where you're employed?
A I'm employed by South Carolina Law Enforcement Division.
Q Which, I guess, area?
A Assigned to the Trace Evidence Section.
Q All right. And do you have any training and experience in regards to trace evidence?
A I completed my training in trace discipline. I completed my -- I received my Bachelor of Science with a major in chemistry from the University of South Carolina. I completed an additional graduate course from the University of South Carolina related to instrumental analysis.
Q How long have you worked for trace evidence at SLED?
A At SLED, since 2000.
Q 2000?
A Yes.
Q Have you consistently received more training since you've been there?
A Yes, sir.
Q Can you talk about some of that?
A I received -- in trace evidence we have seven

self-disciplines, so I received training in those other disciplines related to instrumental analysis, different analytical instruments, and I attended various professional meetings, like American Academy for Forensic Science.

Q All right.

MR. FYALL: Your Honor, at this time the State would tender Mr. Tang as an expert in trace evidence.

THE COURT: Any voir dire or objection?

MR. O'NEIL: No, ma'am.

THE COURT: All right, ladies and gentlemen of the jury, Mr. Tang will be entered as an expert in the area of trace evidence to give opinion testimony in that area. It is evidence for you to use in any way that you see fit.

Thank you.

MR. FYALL: Thank you.

BY MR. FYALL:

Q Mr. Tang, can you tell us basically what your assignment was in this case?

A My assignment is to examine submitted black hooded sweatshirt for the presence of OC, which is commonly known as pepper spray, around the collar of the black sweatshirt.

Q Did you have a known standard to compare it to?
A Yes, sir. The agency also submitted a standard, which is one open Cheetah pepper spray maximum strength with a pink carrying case, and one ziplock bag with one empty container and one clear bag with dark brown liquid.
Q I'm going to show you what has been marked as State's 239. And tell me if you recognize that.
A Yes, I do.
Q What is it?
A This is a package containing all the items that I just mentioned.

MR. FYALL: Your Honor, at this time the State offers 239 into evidence.

THE COURT: Any objection?

MR. O'NEIL: No, Your Honor.

THE COURT: Entered without objection.

(WHEREUPON, State's Exhibit No. 239 was marked for identification and received into evidence.)

BY MR. FYALL:
Q Okay. Can you tell us the method you used to examine the sweatshirt?
A First, I perform a visual observation.
Q Hold on just a second. Let me slide this up here.

Go ahead.
A First, I do a visual examination to see any stain from the OC spray, which is pepper spray, on the shirt. Since it's a black shirt, I didn't see any -- and I didn't see any stain, reddish-brown stain. So I performed a test with a cotton swab with methanol and I swabbed around the left and right and the center region of the shirt.
Q Let me stop you. Why did you swab that area?
A Both agencies request that I examine around the collar. And when you pepper spray somebody, you aim for the face, so that's why you expect to see some pepper spray residue on the shirt.
Q Continue.
A Yes, sir.
Q And once you did those swabs, what did you do?
A I performed a Sonicaid with methanol, and I let it sit there for 30 minutes, and I extract it into a mask bag valve, and then I inject it into the gas chromatograph. That was the mass spectrometry detector.
Q All right. And in this case, what were your findings?
A The result is no capsaicinoids, which --
THE COURT REPORTER: I'm sorry, what?

A Capsaicinoids.
Q Spell that for her.
A Okay, sure. C-A-P-S-A-I-C-I-N-O-I-D-S.
Q All right. An what is a capsaicinoid?
A Capsaicinoids, which is a major component of the pepper spray that may cause pungency, which is a burning sensation when it is activated.
Q And you didn't find any in this case?
A No, sir.
Q I just want to be clear, you had a standard to compare it to. Are you saying that it didn't match the standard or there was none period?
A There's none detected.
Q How long does pepper spray last in clothing?
A If it is properly packaged, it lasts -- some studies indicate if it is properly packaged it lasts six months with like 20 percent of the capsaicinoids disappear from the clothing.
Q What if you wash it?
A Washing -- the best method to remove capsaicinoids is to bleach the garment. By washing it, we are still able to detect it.
Q You can wash it and after washing it you will still be able to detect it?
A Yes. Yes, sir.

Q All right. You said the best method is to bleach it. Did you note any bleaching on this black sweatshirt?
A No, sir.
MR. FYALL: Beg the Court's indulgence.
(Pause.)
BY MR. FYALL:
Q All right. And so just to be perfectly clear, in this case there was no pepper spray noted anywhere on the sweatshirt?
A That's correct. To the area that I tested.
Q To the tested areas.
MR. FYALL: Thank you. No further questions.
THE COURT: Yes, sir?
MR. O'NEIL: No questions.
THE COURT: All right, you may step down.
(Witness steps down.)
THE COURT: Call your next witness.
MR. FYALL: State calls John Barron.
(Witness approaches.)
THE BAILIFF: Place your left hand on the Bible, and raise your right hand, please.
(Witness complies.)
THE CLERK: Do you swear or affirm the testimony you are about to give in this case will

be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes, I do.

THE CLERK: Have a seat in the witness stand, please.

(Witness seated.)

THE CLERK: State your name for the record.

THE WITNESS: John Barron, B-A-R-R-O-N.

JOHN BARRON,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. FYALL:

Q Mr. Barron, where are you employed?

A Richland County Sheriff's Department.

Q How long have you worked there?

A Almost 15 years.

Q All right. What are your current duties there?

A I'm a DNA analyst.

Q How long have you been a DNA analyst?

A Since the year 2000. I began at State Law Enforcement Division, at SLED, and came over to Richland County in 2004 in March, so it will be 15 years next month, or in a couple of months.

Q You said you began as a DNA analyst at SLED?

A That's correct.

Q Can you tell us about your training and experience in regards to DNA analysis?

A Yes, sir. I have a Bachelor of Science Degree in microbiology from Clemson University, also attended graduate school at University of South Carolina in molecular biology and statistics, which I received the necessary educational background to do DNA analysis. I received on-the-job training, as well as FBI training, in DNA analysis initially at SLED. I became qualified as a DNA analyst there. I testified several times. And in 2004, Richland County Sheriff's Department wanted to start their own DNA laboratory. Myself and another DNA analyst from SLED came over and set up the DNA laboratory at Richland County.

Since that time, we have been accredited as a certified DNA laboratory in the United States. We meet all the national accreditation standards. We are audited yearly either internally or externally to make sure that we abide by all the national standards for a DNA lab. We, of course, passed all those.

I do two proficiency tests every year in which we receive a blind test for DNA analysis. I've successfully completed those twice a year for the

last -- since 2000, so 18 years.

Presently, I have testified on DNA analysis as an expert over 70 times now since that period of time in the past, and testified here, of course, numerous times since I've worked at Richland County, and a couple of times at SLED.

Q Thank you.

MR. FYALL: Your Honor, at this time the State would tender Mr. Barron as an expert in DNA analysis.

THE COURT: Any voir dire or objection?

MR. O'NEIL: No, Your Honor.

THE COURT: All right, ladies and gentlemen of the jury, Mr. Barron will be qualified as an expert in the area of DNA analysis to give opinion testimony in that area. You may use it in any way that you see fit.

Yes, sir?

MR. FYALL: All right. Thank you, Your Honor.

BY MR. FYALL:

Q Can you just start by telling us how you go about analyzing items for DNA evidence?

A Most of the time, DNA evidence is submitted to the laboratory by our crime scene people or road deputies or somebody involved in the investigation